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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113<sup>th</sup> CONGRESS, SECOND SESSION

## SENATE—Thursday, May 8, 2014

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. WALSH, a Senator from the State of Montana.

### PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Trevor Barton, Pastor of Hawk Creek Baptist Church in London, KY.

The guest Chaplain offered the following prayer:

Let us pray:

Gracious Lord, as the most high God who alone is sovereign over the Kingdoms of this world, we stand in awe of You. We stand in awe of Your faithfulness to this great Nation, whose history itself gives witness to Your gracious providence.

We are grateful to know that You are the author of our storied past, and we are confidently optimistic to know that You are the architect of our blessed future. So as we move toward that which You have prepared for us, we pray for all of those who will lead us toward that better tomorrow.

We pray that this Senate and our national leaders would have unparalleled wisdom as they navigate the complexities ever before them. Enable them to know what is best and to do what is best.

May they serve always with the most noble of intentions and be forever found to be the epitome and essence of heroic statesmen as they exchange and debate the most important ideas of their day.

Give our leaders a compelling vision for America's future—a future that is full of what could be and, more importantly, a future of what should be. May the authority entrusted to them always be leveraged for the good of others.

May all of our leaders and every individual who calls this Republic their home live their lives by the most profound but simplistic of ethics: To love our neighbors as ourselves. Continue to preserve and protect this great democracy. And may the motives and methods of this United States Senate and the United States of America always be to please thee.

In Your holy, loving Name, Jesus, I pray. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 8, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. WALSH, a Senator from the State of Montana, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. WALSH thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### HIRE MORE HEROES ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 332, H.R. 3474.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 332, H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes

of the employer mandate under the Patient Protection and Affordable Care Act.

### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate time until 11:15 a.m. will be equally divided and controlled.

There will be a series of votes beginning at 11:15 today and another series of votes at 1:45. This is to confirm a number of nominations. There could be as many as nine votes. We will see what happens as the day goes on.

Yesterday I filed cloture on S. 2262, the energy efficiency bill. As a result, the filing deadline for all first degree amendments is today at 1 p.m.

### OBSTRUCTIONISM

Mr. REID. Mr. President, anyone who watches the Senate on C-SPAN knows that the desks in the Senate Chamber are split between Democrats and Republicans. But when I come to the Senate Chamber anymore, we shouldn't have just Democrats and Republicans; we should have obstructionists.

With the Democrats, there are 55 of us. With the Republicans, anymore, there are six or seven on a good day. There are obstructionists of about 40, for sure, on any day.

The legislators—Republicans who, like Senate Democrats, are tired of all the useless obstruction, who want to get things done for Americans, and the obstructionists—the guardians of gridlock, as the Republican leader has proudly called himself—are playing politics and constantly grinding the wheels of the Senate to a standstill, a stop.

Over the last few months, I have spoken with Republicans who are fed up with obstructionism in this body. I have spoken with them in my office when they come to see me, on the Senate floor, and in various places. So these Republicans always have the same message from me: We came to the Senate to get things done, so let's work together. I am happy to work with them, as we did a few months ago with the Child Care and Development Block Grant. That is who I have always been in this Chamber. When I was the whip,

my Republican colleagues knew I was someone they could talk to and work with to get things done.

It is a shame the Republican leader has decided that being the “proud guardian of gridlock”—his words, not mine—is more important than working with us to get things done for the American people.

The Shaheen-Portman energy efficiency bill before the Senate is a perfect example. They brought their bipartisan legislation to the floor last September. Regrettably, a Republican Senator on a one-man crusade against health benefits for Senate staffers filibustered the bill. But Senators SHAHEEN and PORTMAN didn’t give up. Instead, they worked with Democrats and Republicans for seven months to strengthen the bill, gaining more bipartisan support along the way.

This legislation will give our country more energy independence, protect our environment, and save American families money on their energy bills. It also creates 200,000 jobs that can’t be exported.

When the legislation was finalized, Senators SHAHEEN and PORTMAN were ready to bring the bill to the Senate floor. In anticipation of the bill’s consideration, Republicans who worked on this bill came to speak with me prior to the Easter recess. They told me the bill, which now includes 10 Republican-supported amendments, was ready for passage. They requested that I fill the legislative tree to ensure the bill would pass.

I repeat: Republican Senators wanting to pass this bipartisan bill asked me to bring the bill to a vote as soon as possible—as is.

And that is what I did.

For those Republicans acting in good faith, passage of the energy efficiency legislation was most important. Unfortunately, the obstructionist wing of the Republican caucus has decided once again to block this bill. But this time it is not the junior Senator from Louisiana bringing a bipartisan bill to a screeching halt; it is the guardian of gridlock himself, my friend, the Republican leader.

Senators PORTMAN, AYOTTE, COLLINS, HOEVEN, ISAKSON, MURKOWSKI, and WICKER have done good work on this legislation. What a shame they will see their efforts scrapped by my friend the Republican leader.

This isn’t the first time he has steamrolled members of his own caucus. For example, the Senate considered a bipartisan transportation bill. Subcommittee Chairwoman PATTY MURRAY and Ranking Member SUSAN COLLINS worked for months on that legislation. Notwithstanding the bipartisan support for the bill or Senator COLLINS’ hard work, the Republican leader single-handedly dismantled the bill.

There are many other examples.

After the legislation was blocked, the senior Senator from Maine was quoted as saying that she had never seen the Republican leader work so hard to defeat a member of his own caucus.

If my Republican counterpart wants to keep blocking his own Senators’ bipartisan efforts, go ahead. But it is not good for the country.

Eventually, members of his caucus will break from the gridlock to get their constituents the help they need, just as a handful of Republicans did with the extension of unemployment benefits.

Let me just say this. I am pleading to Republicans to help us work. Let’s get things done. This is a good bill that deserves to pass. I invite my friend the Republican leader to listen to Members of his own caucus who worked so hard on this legislation.

I know back home in Kentucky the Republican leader said it wasn’t his job to create jobs, but most of us around here disagree with him and want to work to create jobs. In this bill 200,000 jobs will be created.

So I say to my friend from Kentucky, honor your Members’ efforts and the bipartisan compromise that created this legislation and allow us to vote on Shaheen-Portman. Bring this unnecessary obstruction to an end today and pass this energy efficiency legislation. It is what Democrats want. It is what Republicans want. More importantly, it is what the American people want and need.

MEASURES PLACED ON THE CALENDAR—H.R. 2824  
AND H.R. 3826

Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for a second time.

The assistant legislative clerk read as follows:

A bill (H.R. 2824) to amend the Surface Mining Control and Reclamation Act of 1977 to stop the ongoing waste by the Department of the Interior of taxpayer resources and implement the final rule on excess spoil, mining waste, and buffers for perennial and intermittent streams, and for other purposes.

A bill (H.R. 3826) to provide direction to the Administrator of the Environmental Protection Agency regarding the establishment of standards for emissions of any greenhouse gas from fossil fuel-fired electric utility generating units, and for other purposes.

Mr. REID. I object to further proceedings with respect to these bills.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WELCOMING THE GUEST CHAPLAIN

Mr. MCCONNELL. Mr. President, we are all pleased today to welcome Pas-

tor Trevor Barton to the Senate as he delivered the opening prayer.

Pastor Trevor, as everyone calls him, serves as lead pastor at Hawk Creek Church in London, KY. He is a laid-back guy, not big on fancy titles—the kind of pastor who would rather be preaching in blue jeans than a suit.

But under his leadership, Hawk Creek has exploded from a tiny fellowship to a congregation of well over 1,000 souls. I hear some parishioners drive all the way from Tennessee and Virginia just to listen to his sermons. Apparently, Pastor Trevor’s parishioners aren’t the only ones who have had a long commute to Hawk Creek. I hear the pastor sometimes drove in from almost an hour and a half away in Lexington. He did it so he could be close to his two young sons Shepherd and Greyson and to his wife Allison as she worked on a residency at UK Hospital.

Still, Pastor Trevor has developed important ties with the community in and around London. Hawk Creek does a lot of work with the Appalachian Children’s Home. His church also has an important partnership with the local jail. Pastor Trevor’s sermons are piped in live and loud every Sunday for the inmates to hear. One of my staffers told me she heard of Hawk Creek performing a baptism for about 70 inmates in a parking lot of that jail.

I think that says a lot about Hawk Creek Church, and it underscores something today’s guest Chaplain once said: Whether “you’ve messed up in the past, present, future, you are welcome” in his church.

So I am proud to introduce Pastor Trevor today. We have been pleased to have him here as he dignified our proceedings with a prayer.

Earlier this week, the Supreme Court did the right thing by affirming his right to do so. I am delighted to welcome this fellow Kentuckian as he carries out this proud American tradition

SENATE DEBATE

Mr. President, the American people sent us to Washington to debate serious issues. They expect us to take our jobs seriously, to develop effective solutions to the issues that matter to them. That is our charge. Throughout our Nation’s history, the Senate has been the place where the weightiest issues have been discussed and debated and, in many cases, resolved.

It is where we wrestle with whether to go to war. It is where we pass landmark bipartisan legislation such as the Civil Rights Act, the GI bill, and the Welfare Reform Act. But over the past several years, and very vividly in the past several months, that proud history has started to erode.

Instead of a forum for debate and resolution of the most pressing domestic and international issues facing our Nation, it has become fodder for late-night TV. When the American people turn on C-SPAN these days they do not



often see a majority party driving serious debate on the issues of the day. They hear bizarre monologues about greased pigs and a couple of Kansans the majority leader seems to be thinking about all the time. They see a daily display of absurd political theater that has almost no relevance at all to their daily lives.

It is quite disgraceful. But it is no surprise either since the Democratic majority clearly ran out of ideas a long time ago. Their refusal to engage in serious debate is just another symptom of that. Senate Democrats are afraid to expose their party's empty playbook, so they play games instead. They fill the time with aimless diatribes against private citizens and legislative theatrics that are more about satisfying their liberal patrons than addressing the real concerns and anxieties of the American middle class.

It is all about revving up the far left for them, so they will show up in November and save the President's Senate majority. That is the hope, at least.

But the larger point is this: As Washington Democrats seek to preserve their hold on power, they are becoming increasingly untethered from the daily concerns of average Americans.

That is why you are seeing the Senate lose its sense of purpose. That is why you are not seeing any real debates. Instead of listening to the needs of the middle class, they dance to the tune of the left. That is why you see Senate Democrats pushing legislation that would cost up to 1 million jobs—at a time when the middle class is practically begging us to create jobs. That is why you see Senate Democrats basically boasting that their legislative agenda was drafted by campaign staffers—with no shame at all. And that is why you see Senate Democrats killing job creation bills the House sends us, without even so much as a vote.

No wonder the American people are so disgusted with Washington. Wouldn't you be? The majority's antics this week were particularly shameful. They shook their fists and declared that global warming was the most important issue of our age—that to stand in the way of their preferred solutions would be, at best, immoral. They shouted it from the rooftops and, presumably, sent emails to leftwing supporters to let them know just how serious they were and how Republicans were somehow holding things up.

What they did not tell their supporters was that the Democrats' own majority leader, who also spoke forcefully on the issue yesterday, has been blocking the Senate from voting on global warming for years. Why? Because he does not want his fellow Senate Democrats to have to take a tough vote and because he knows it would never pass a Chamber Democrats control anyway.

As I said, almost everything has become a show in the Senate now. The

needs of the middle class are simply lost in the shuffle, and the institution itself is trivialized, it is diminished. The Senate used to be a place where we would discuss the pressing issues of the day. We would be able to do so again if the Senate floor were not being used as a campaign studio.

On Iran, Republicans have tried for months to debate and vote on additional sanctions to put an end to its nuclear program. We know a huge bipartisan majority would vote for increased sanctions if the majority leader would only allow the bill to come to the floor. But he will not. Just as he stopped us from voting to approve the Keystone XL Pipeline yesterday, resulting in headlines such as this one from the AP: "Democratic leader blocks Senate vote on Keystone."

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In fact, at a time when we should have been debating energy, the majority leader refused to allow a single Republican amendment on energy this week—not a one. As I have noted in recent days, the Republican-led House has offered Democrats 125 rollcall votes on their amendments since last July. Here in the Senate, the majority leader has allowed us nine—nine—rollcall votes on Republican amendments since July.

But let me put a finer point on that. Democrats in the House have received more than twice as many rollcall votes on energy-related amendments alone as we have received on all amendments since July. That is not the way this body was meant to function. It is disrespectful to the millions of American citizens represented on the Republican side of the aisle. They deserve a chance to be heard.

The way the Senate operates these days is a travesty—no real debate, no amendments, no respect for the millions of Americans represented by the minority party. It has become an arm of the Democratic Senatorial Campaign Committee. We owe the American people so much more than that.

It is time to focus on the middle class again—to let go of the obsession with the far left and the next election. It is time for the Senate to be the Senate again.

#### HONORING OUR ARMED FORCES SERGEANT JEREMY R. SUMMERS

Mr. President, I want to speak today about a brave young U.S. Army soldier from my home State of Kentucky who was lost in battle. SGT Jeremy R. Summers, of Brooksville, KY, perished on July 14, 2011, from wounds suffered when the enemy attacked his unit with small-arms fire in the Paktika Province of Afghanistan. He was 27 years old.

For his service in uniform, Sergeant Summers received many awards, medals, and decorations, including the Bronze Star Medal, the Purple Heart

Medal, two Army Commendation Medals, the Army Achievement Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal with Bronze Service Star, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Korean Defense Service Medal, the Army Service Ribbon, three Overseas Service Ribbons, the NATO Medal, and the Combat Action Badge.

Kenneth Michael Summers, Jeremy's father, says this about his son:

He never hesitated to make a new soldier feel welcome into the unit. There was one soldier who said he was so scared because he was a newbie, but Jeremy stepped up and helped him. [The other soldier] said for that, he was so thankful and would never forget Jeremy. That was a common story when soldiers told us about their experiences with Jeremy.

Jeremy was not only thoughtful and willing to help others, he was also a dedicated and committed servicemember, and I am sure it was due in part to his following the example that was set for him. Both Jeremy's father and mother, Laura Jo Summers, served in the Army. Jeremy, who graduated from Bracken County High School in Brooksville in 2002, enlisted in the Army in March of 2005 and served for 6 years.

At the time of his deployment to Afghanistan, he was serving as a U.S. Army forward scout observer and was assigned to Headquarters and Headquarters Company, 2nd Battalion, 506th Infantry Regiment, 101st Airborne Division, based out of Fort Campbell, KY. Previously Jeremy had deployed to both Iraq and Korea.

Jeremy was a voracious reader and loved to watch scary movies. He was known to indulge in a practical joke or two to scare his friends. Jeremy was also a bright student in school, who earned a degree in computer engineering after his first tour of duty. Jeremy asked his parents for advice about reenlisting and decided to continue serving his country in uniform.

Sergeant Summers has followed not only the tradition of his parents but also the tradition of service of so many brave Kentucky men and women who have worn our country's uniform.

"He felt more comfortable in the military lifestyle than he did as a civilian," Jeremy's father recalls. "I reckon it was only fitting . . . since he started life as a military brat and ended as an honorable soldier."

Speaking for his family, Jeremy's father continues on to say this:

Jeremy was a good listener, a great friend, an awesome brother and a terrific son. I wish all of you could have known him like we did. He is still one of our hearts' greatest treasures.

Mr. President, we are thinking of Sergeant Summers' family today after the loss of one of their hearts' greatest treasures. These include his parents,

Kenneth Michael and Laura Jo Summers; his grandparents Joyce Wagoner and Mary Fowler, his siblings Austin Hunter and Jessica Elizabeth Summers, and many other beloved family members and friends.

My colleagues and I here in the Senate extend our greatest sympathies and condolences to the Summers family for the loss of their son, brother, grandson, and friend Jeremy. We are proud of him for following the example set by his parents and volunteering to wear an American patriot's uniform.

We are deeply humbled and honored to be the beneficiaries of his life of service and his ultimate sacrifice. Without the bravery of men such as SGT Jeremy R. Summers, our Nation would not be free.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Under the previous order, the time until 11:15 a.m. will be equally divided between the two leaders or their designees.

The Senator from Iowa.

#### BARRON NOMINATION

Mr. GRASSLEY. Mr. President, I come to the Senate floor to discuss a pending nomination, that of Harvard Law School Professor David Barron to a seat on the First Circuit Court of Appeals.

This nomination is exceptionally controversial and was voted out of our committee, the Judiciary Committee, on a 10-to-8 vote. Even a cursory look at Professor Barron's record reveals views on the Constitution and on federalism that are well outside the mainstream. But I want to put all those views aside and speak about this nomination from another point of view.

So today I discuss Professor Barron's service as Acting Assistant Attorney General for the Office of Legal Counsel in 2009 and 2010.

According to multiple media sources, while heading up the Office of Legal Counsel, Professor Barron was instrumental in formulating the legal arguments that this administration used to justify the targeted killing of American citizens by drone strikes.

According to press reports, Professor Barron wrote at least two legal opinions laying out those arguments. We also know the Department of Justice relied on the legal arguments Professor Barron formulated to justify the targeted killing of an American citizen in a tribal region of Yemen in September 2011.

In a May 2013 letter to the chairman of our Judiciary Committee, the Attorney General wrote that "since 2009, the United States, in the conduct of U.S. counterterrorism operations against Al-Qaeda and its associated forces outside of areas of active hostilities, has specifically targeted and killed one U.S. citizen."

According to press reports, that individual was the first American citizen placed on the CIA's disposition matrix, better known as the kill list. However, the Attorney General conceded that three additional Americans located outside the United States have been killed by drone strikes since 2011.

According to the Attorney General's letter, these Americans were killed even though they "were not specifically targeted by the United States" as part of a counterterrorism operation.

But today I am not debating Professor Barron's legal arguments related to the drone strikes. The fact is that Senators aren't in a position to make an informed judgment about the nominee because of the way this administration has handled the issue, so I wish to address our constitutional duty with respect to the nomination.

Article II, Section 2, instructs us to give advice and consent on the President's judicial nominees. That is not a procedural technicality, it is a constitutional imperative. These happen to be lifetime appointments, and the men and women we confirm to the Federal bench play a vital role in the life of our Republic.

It is my view this body cannot, as things stand today, fully and appropriately discharge its constitutional duty to advise and consent with respect to this nominee. I will briefly address some recent developments in the courts that lead me to that conclusion.

On April 21 of this year, the Second Circuit issued an opinion in a Freedom of Information Act lawsuit brought by two New York Times reporters and the American Civil Liberties Union against the Department of Justice, the Department of Defense, and the CIA. That lawsuit began in December 2011 after the administration denied a Freedom of Information Act request from the New York Times for documents on the administration's targeted killing of American citizens outside this country. Specifically, the Times requested "a copy of all Office of Legal Counsel memorandums analyzing the circumstances under which it would be lawful for United States armed forces or intelligence community assets to target for killing a United States citizen who is deemed to be a terrorist."

The administration refused to provide anything in response to that request by the New York Times. In fact, initially the administration wouldn't even acknowledge that any responsive documents even existed, but as the litigation developed, the Department of Justice identified a single document but claimed it was exempt from disclosure under FOIA. That document is the so-called OLC-DOD memorandum.

Essentially, according to the Second Circuit, that is Professor Barron's memo providing the legal justification for targeted killing of American citizens abroad with drones. Basically, the

court reasoned that because the administration had leaked and then officially released the so-called Department of Justice White Paper on the drone program, the administration then waived any basis for withholding the Barron drone memo under the Freedom of Information Act. Therefore, the Second Circuit ordered the administration to produce a redacted copy of this Barron drone memo to the New York Times.

The Second Circuit's opinion confirms that Professor Barron wrote this drone memo. However, according to press reports going as far back as September 2010, Professor Barron had written at least one other drone memo on the targeted killing of Americans while he was at the Office of Legal Counsel. That second memo wasn't addressed by the Second Circuit's opinion and hasn't been disclosed publicly.

We also don't know whether Professor Barron wrote or was involved in producing other materials related to the drone program that have yet to be provided to the full Senate. For example, the Second Circuit has identified two additional memos from the Office of Legal Counsel that it ruled were not subject to disclosure under the Freedom of Information Act. Moreover, according to some media reports, there are quite a few additional memos on the drone program. In fact, the Second Circuit opinion repeats the ACLU's contention that there may be as many as 11 total memos related to this drone program.

This fact didn't escape the Second Circuit. In sending the case back to the district court for further litigation, the circuit left open the possibility that there might be other documents subject to disclosure down the road. The court said, after giving the government another chance to submit additional reasons for withholding the documents: "The district court may, as appropriate, order the release of any documents that are not properly withheld."

Let me be very clear. My colleagues should be on notice that more of these documents very well may be made public down the road. In my view, that is all the more reason for the full Senate to receive all materials on the drone program, written by and related to Professor Barron, from the Office of Legal Counsel and do it now before Members decide and are held accountable for their vote on this nominee.

It is impossible to overstate the importance of these materials to our consideration of Professor Barron's nomination. The memos and whatever other materials Professor Barron drafted as the acting head of the Office of Legal Counsel provides the legal framework for the administration's policies related to killing American citizens abroad. We know this because the administration itself has said so. In testimony before the Senate Select Committee on Intelligence, CIA Director

Brennan testified that advice from the Office of Legal Counsel on the drone program “establishes the legal boundaries in which we can operate.”

Once again, let me be clear. The Senate cannot properly discharge its duty to advise and consent on this nomination without having a full picture of this nominee’s legal philosophy. A very legitimate question is, How can the Senate predict what kind of a judge he will be if we don’t know what kind of a lawyer he has been?

The Senate simply cannot evaluate whether this nominee is fit for a lifetime appointment to one of the Nation’s most important courts without complete access to his writings. It is even more important now that we know some of those writings concern perhaps some of the most controversial issues the Office of Legal Counsel has addressed in recent years; that is, the use of drones to kill American citizens abroad.

Time and again this President and even this Attorney General have promised transparency. They have made these promises to us. They have made promises to the American people. We all know in our oversight capacity of trying to get information out of this administration that they haven’t delivered on these promises.

In that letter from the Department of Justice to Chairman LEAHY that I mentioned just a few minutes ago, the Attorney General claimed this administration “has provided an unprecedented level of transparency as to how sensitive counterterrorism operations are conducted.” The Attorney General also wrote that the administration was taking all steps to ensure that congressional committees “are fully informed of the legal basis” for targeted killings of American citizens.

Again, those assertions aren’t accurate when it comes to this nominee’s track record at the Department of Justice. If press reports are accurate, this administration hasn’t made all the relevant materials available to all Members of this body yet. I am not the first Member of this body to point this out.

I give several of my Democrat colleagues credit for publicly drawing attention to this administration’s shortcomings in respect to this administration sufficiently giving us information. I agree with them that this nomination cannot go forward until this body, every Member of this body, is given access to any and all secret legal opinions this nominee wrote on this critical issue of the constitutional basis for the President subjecting an American to killing by drone without trial. Every legal opinion this nominee wrote related to this issue ought to be made available. I wholeheartedly concur in the sentiment of my colleagues, some of them Democrats, on this issue.

Again, I think all Senators should bear in mind that these documents

may very well become public in the future. Are Senators who are up for reelection in a few short months ready to vote on this nominee without knowing the full extent of his writings on a topic as serious as the killing of an American citizen by a drone? Are those Senators ready to go home to face their constituents and explain that they cast a vote on that nominee without knowing all of the facts?

On Tuesday the administration announced it will provide the full Senate access to the Barron drone memo that it was ordered to make public by the Second Circuit.

Is this what the most transparent administration in American history looks like, disclosing a memo that a court has already ordered it to disclose?

Keep in mind this administration agreed to the disclosure only after the Second Circuit order and a threat from the American Civil Liberties Union. Is that transparency?

In fact, I am having a bit of a flashback to a statement I made before this body just last week about another judicial nominee. That nominee led the administration’s effort to stonewall congressional oversight into the murder of four Americans at our diplomatic mission in Benghazi. That nominee refused to comply with congressional subpoenas and assisted the administration’s unlawful withholding of documents from Congress. The Benghazi documents that should have been turned over years ago weren’t released until a judge forced the administration to turn over those documents by issuing a court order in a Freedom of Information Act lawsuit.

Just like the memos I have been talking about today, I am starting to see a pattern, and I am starting to understand what this administration means by the word “transparency.” It means “show me a court order first.”

Incidentally, I have been for more transparency at the Office of Legal Counsel for years, and even more so since January, when President Obama threatened to aggressively use Executive orders to circumvent Congress. It is the job of the Office of Legal Counsel to ensure that Executive orders are constitutional.

On January 31 I wrote the Attorney General to ask him to disclose the Office of Legal Counsel’s work related to Executive orders issued by the President. I still haven’t received a response.

I will also note that Professor Barron himself has gone on record publicly and urged increased transparency at his former workplace, the Office of Legal Counsel, and for that we ought to give him due credit.

In fact, the nominee said this about the OLC—the Office of Legal Counsel:

OLC should follow a presumption in favor of timely publication of its written legal opinions. Such disclosure helps to ensure ex-

ecutive branch adherence to the rule of law and guard against excessive claims of executive authority.

It couldn’t be said any better by me in regard to the letter I wrote on January 31. He went on to say:

... transparency also promotes confidence in the lawfulness of government action.

That is a very admirable standard. I would like to call it the Barron standard, and I hope the administration follows the Barron standard with respect to informing the full Senate about this nominee’s work in the Office of Legal Counsel. The administration’s offer to disclose the memo it was already ordered to make public by a court isn’t good enough, and it shouldn’t be good enough for the other 99 Senators, because this is already their legal obligation.

The administration must turn over not only the memo addressed by the Second Circuit, but every legal opinion from the Office of Legal Counsel written by and related to Professor Barron on this issue. Given the lack of clarity thus far, I call on the White House to provide every Senator with access to all Barron materials related to the administration’s drone program.

I am also calling on the White House to comply with the Second Circuit’s order and release to the public—not just to Senators—a redacted copy of the Barron drone memo that it addressed in its opinion. This is the administration’s legal obligation.

Our obligation, as Senators, is to ensure our constituents have full access to information a Federal Court has ordered to be made public before we vote on the nomination. Without full disclosure to the full Senate of all materials on this nominee’s involvement in the legal case for the administration’s drone program, this nomination should not proceed.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ENERGY SAVINGS

Mr. REED. Mr. President, I rise today to express my support for the Energy Savings and Industrial Competitiveness Act.

While there is much more to be done on energy issues, we have an opportunity with this bill to make strides in increasing energy efficiency across many sectors of our economy—from schools and homes to commercial buildings, industry, and manufacturing.

I commend my colleagues, Senators SHAHEEN and PORTMAN, for their tireless efforts to craft a bipartisan energy

efficiency bill that has the support of a diverse range of businesses and environmental and labor groups. This demonstrates the broad consensus that being smarter about how we use energy will help strengthen our economy, create jobs, improve our energy security, and protect our environment. Investing in a cleaner, more efficient energy system is one of the fastest, most cost-effective ways to increase our global competitiveness, support job growth, and save families and businesses money through improved efficiency and reduced energy consumption.

I have been particularly focused on addressing the burden of high energy costs on families and businesses in my home State of Rhode Island. One of the most pressing, far-reaching, and complex challenges we face in Rhode Island is the high cost of energy to power and heat homes and businesses. Rhode Island and the New England region face significant energy transmission and distribution challenges, which results in consumers and businesses in the region experiencing some of the highest, most volatile energy costs in the country. These high energy costs are hurting Rhode Island families and businesses, threatening the growth of our economy, and reducing our competitiveness.

After paying their monthly home energy bills, Rhode Island families, who have been hit particularly hard during this period of high unemployment, are left with few resources to meet other basic needs. High energy costs also place Rhode Island businesses, manufacturers, and industrial users at a competitive disadvantage. To revitalize Rhode Island's rich manufacturing history, we must find ways to lower energy costs.

These were among the issues explored when I welcomed Secretary Moniz to Providence last month as part of the Administration's outreach on the Quadrennial Energy Review. Secretary Moniz had the opportunity to hear directly from Rhode Islanders impacted by high energy costs and engage in a dialogue of potential solutions.

While I continue working with my New England colleagues to find long-term solutions to ensure an affordable, cleaner, and more reliable energy system for the region, one of the things we can do to help families and businesses in our States right now is to pass the Shaheen-Portman energy efficiency bill.

Addressing the existing energy infrastructure constraints in New England is just one piece of the puzzle. Energy efficiency will also be an important tool in reducing demand, lowering energy costs, and addressing and maintaining the reliability of our energy system.

Improved efficiency not only saves families and businesses directly on their energy bills, but by also reducing

demand, it helps to alleviate stress on the power system and can help mitigate volatile price spikes in the New England region, as we witnessed over the last several months.

I would also like to take a moment to speak about an amendment I have joined Senators COONS and COLLINS in filing to this bill to reauthorize the Weatherization Assistance Program. I, along with Senator COLLINS, yearly lead the fight in the Senate for funding for the Weatherization and State Energy Programs. This amendment would reauthorize and enhance these two well-established, cost-effective energy programs that support jobs, contribute to the Nation's economic recovery, and help meet important goals, such as improving energy efficiency and lowering energy costs.

I know that we have many supporters of the Weatherization and State Energy Programs here in the Senate, and I look forward to continuing to work with each of you to ensure that these important programs remain successful in improving energy efficiency, creating jobs, and reducing the overall cost of heating and powering our homes and businesses.

While we should certainly do much more to advance our national energy policy—and I hope that we can take greater steps very soon—I urge my colleagues to join me now in supporting the Shaheen-Portman energy efficiency bill.

I once again commend those two Senators for their extraordinarily thoughtful, conscientious, and determined leadership. Now we must follow their example and pass this legislation.

#### BARRON NOMINATION

Mr. LEAHY. Mr. President, earlier today, the ranking member requested that the administration provide materials relating to Anwar Al-Awlaki so that all Senators would be able to properly evaluate Mr. Barron's nomination. The administration has now made available unredacted copies of any memo issued by Mr. Barron regarding the potential use of lethal force against Anwar Al-Awlaki. I hope and expect that all Senators will review these materials today.

Mr. President, I yield the floor, and I would note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. (Mr. BOOKER). The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

Mr. LEAHY. Mr. President, today, we are again voting to overcome Republican filibusters of four highly qualified judicial nominees. The nominees are Judge Robin Rosenbaum to fill an emergency vacancy on the U.S. Court of Appeals for the Eleventh Circuit; Indira Talwani to fill a vacancy on the U.S. District Court for the District of Massachusetts; James Peterson to fill an emergency vacancy on the U.S. District Court for the Western District of Wisconsin; and Nancy Rosenstengel to fill an emergency vacancy on the U.S. District Court for the Southern District of Illinois.

Before proceeding with the qualifications of these four judicial nominees, I would like to address some questions regarding the nomination of David Barron. Mr. Barron has been nominated to fill a vacancy on the U.S. Court of Appeals for the First Circuit. There have been press accounts that Senate Republicans are placing a hold on Mr. Barron's nomination because they are seeking access to a Justice Department memorandum regarding Anwar Al-Awlaki, an Al Qaeda leader who was killed by a U.S. drone strike in Yemen.

Since Senate Republicans have blocked every single judicial nominee this year from receiving an up-or-down vote, it comes as no surprise that they would attempt to block Mr. Barron as well. This is nothing new. As for the Justice Department memo, the majority leader and I have urged the administration to make the memo available to all Senators, and the administration has agreed. All Senators can review it for themselves. All members of the Judiciary Committee were previously able to review this memo, and now that his nomination is before the full Senate, it makes sense that all Senators will have that opportunity.

I am confident that once we proceed with Mr. Barron's nomination, Senators will vote to confirm him. He is brilliant nominee who is currently a professor at Harvard Law School. He is a nationally recognized expert on constitutional law, the separation of powers, administrative law, and federalism. He clerked on the U.S. Supreme Court for Justice John Paul Stevens. Justice Stevens has such high regard for Mr. Barron that the Justice attended his nomination hearing.

Mr. Barron has been an outstanding law professor and public servant. He has the credentials, expertise, and temperament to make an outstanding judge. As the acting head of the Department of Justice's Office of Legal Counsel in the beginning of the Obama administration, one of Mr. Barron's first actions was to withdraw several of the torture memos that OLC issued during the Bush administration that found "enhanced interrogation techniques" lawful, including sleep deprivation, stress positions, and waterboarding.

Mr. Barron has stood up for the rights of gay and lesbian students. In 2005, he coauthored amici briefs in the case *Rumsfeld v. FAIR*, which challenged the Solomon Amendment. The Solomon Amendment provided that if an institution of higher education denies military recruiters or ROTC programs access to campus, the entire institution would lose certain Federal funds. Until 2011, the Department of Defense discriminated based on sexual orientation, and many universities did not permit discrimination on campus. In response to a question for the record from Senator GRASSLEY on the issue, Mr. Barron said: "With respect to my participation along with other faculty members and my dean as amici in *Rumsfeld v. FAIR*, I believed it was important as a faculty member at Harvard Law School to help in the effort to ensure that gay and lesbian students at my institution continued to have equal opportunities to seek legal employment."

Mr. Barron is truly an outstanding nominee, and I hope all Senators will support his nomination when it comes up.

Today, we will vote to end the filibusters of four other very highly qualified nominees.

Judge Robin Rosenbaum has been nominated to fill an emergency vacancy on the U.S. Court of Appeals for the Eleventh Circuit. She has served since 2012 as a U.S. district judge in the Southern District of Florida, where she was previously a U.S. magistrate judge. Prior to her judicial service, she served as an assistant U.S. attorney in the Southern District of Florida from 1998 to 2007. Judge Rosenbaum has previously practiced at Holland & Knight, LLP, and as a trial attorney in the U.S. Department of Justice, Civil Division. In 1998, she served as a law clerk to Judge Stanley Marcus of the U.S. Eleventh Circuit Court of Appeals. She has the bipartisan support of her home state senators, Senator NELSON and Senator RUBIO. The Judiciary Committee reported her nomination by voice vote to the full Senate on March 6, 2014.

Indira Talwani has been nominated to fill a vacancy on the U.S. District Court for the District of Massachusetts. She has worked in private practice at Segal Roitman, LLP, since 1999 and has been a partner at the firm since 2003. She has previously practiced at the law firm of Altshuler Berzon LLP, where she was also a partner. After graduating from law school, Ms. Talwani served as law clerk to Judge Stanley Weigel of the U.S. District Court for the Northern District of California. She has the support of her home State senators, Senator WARREN and Senator MARKEY. The Judiciary Committee reported her favorably to the full Senate by voice vote on February 6, 2014.

James Peterson has been nominated to fill an emergency vacancy on the U.S. District Court for the Western District of Wisconsin. He has worked in private practice at Godfrey & Kahn, S.C., since 1999, where he has been a shareholder since 2007. Mr. Peterson has served as lead counsel on at least 15 civil cases that have been litigated to judgment. He has also actively participated in nine jury trials, three of which he was lead counsel. Mr. Peterson has briefed and argued civil appeals at the U.S. Court of Appeals for the Seventh Circuit, the Federal Circuit, and the Wisconsin Supreme Court. He has also authored two amicus briefs at the U.S. Supreme Court. In addition to his legal practice, Mr. Peterson has served as an adjunct instructor at the University of Wisconsin Law School. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Peterson "well qualified" to serve on the Western District of Wisconsin Court, its highest rating. He has the bipartisan support of his home State senators, Senator JOHNSON and Senator BALDWIN. The Judiciary Committee reported him favorably to the full Senate by voice vote on February 6, 2014.

Nancy Rosenstengel has been nominated to fill an emergency vacancy on the U.S. District Court for the Southern District of Illinois. She has served since 2009 as the clerk of court to the U.S. District Court for the Southern District of Illinois. She previously served for 11 years as a career law clerk to Judge G. Patrick Murphy of the U.S. District Court of the Southern District of Illinois. As a career law clerk, she assisted Judge Murphy in hundreds of civil and criminal cases. She also worked in private practice at Sandberg, Phoenix, & von Gontard as an associate from 1993 to 1998. She earned her B.A. cum laude from the University of Illinois in 1990. She earned her J.D. with honors from the Southern Illinois University Law School in 1993, where she was as an editor on the Southern Illinois University Law Journal. She has the bipartisan support of her home State senators, Senator DURBIN and Senator KIRK. The Judiciary Committee reported her nomination by voice vote to the full Senate on March 6, 2014.

Each of these nominees has the experience, judgment, and legal acumen to be good judges in our Federal courts. I thank the majority leader for filing cloture petitions, and I hope my fellow Senators will join me today to end these filibusters so that these nominees can get working on behalf of the American people.

Mrs. SHAHEEN. I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Indira Talwani, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Harry Reid, Patrick J. Leahy, Mazie Hirono, Dianne Feinstein, Al Franken, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Sheldon Whitehouse, Benjamin L. Cardin, Tom Harkin, Barbara Boxer, Richard Blumenthal, Edward J. Markey, Richard J. Durbin, Charles E. Schumer, Elizabeth Warren.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, is it the sense of the Senate that debate on the nomination of Indira Talwani, of Massachusetts, to be United States District Judge for the District of Massachusetts, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 41, as follows:

[Rollcall Vote No. 134 Ex.]

### YEAS—55

Ayotte	Harkin	Nelson
Baldwin	Heinrich	Reed
Begich	Heitkamp	Reid
Bennet	Hirono	Rockefeller
Blumenthal	Johnson (SD)	Sanders
Booker	Kaine	Schatz
Boxer	King	Schumer
Brown	Landrieu	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Manchin	Udall (CO)
Casey	Markey	Udall (NM)
Collins	McCaskill	Walsh
Coons	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Gillibrand	Murphy	
Hagan	Murray	

### NAYS—41

Alexander	Coats	Crapo
Barrasso	Coburn	Cruz
Blunt	Cochran	Enzi
Burr	Corker	Fischer
Chambliss	Cornyn	Flake

Graham	Kirk	Rubio
Grassley	Lee	Scott
Hatch	McCain	Sessions
Heller	McConnell	Shelby
Hoeven	Moran	Thune
Inhofe	Paul	Toomey
Isakson	Portman	Vitter
Johanns	Risch	Wicker
Johnson (WI)	Roberts	

## NOT VOTING—4

Boozman	Klobuchar
Franken	Pryor

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 41.

The motion is agreed to.

The majority leader.

Mr. REID. Mr. President, the last vote was about 10 minutes over time. We waited patiently for everyone. For the next two votes, at the end of the time we are going to cut it off. We have a lot of things going on during lunchtime.

If you are not here, you are not going to be counted. We can't be waiting because it is impolite and unfair to everybody else. We have two more votes.

I yield back the time on the two judges.

We are going to have a third vote that will be by voice vote.

Ms. LANDRIEU. Mr. President, could this be a 10-minute vote?

Mr. REID. It is.

The PRESIDING OFFICER. Without objection, all time is yielded back.

#### NOMINATION OF INDIRA TALWANI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Indira Talwani, of Massachusetts, to be United States District Judge for the District of Massachusetts.

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of James D. Peterson, of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

Harry Reid, Patrick J. Leahy, Mazie Hirono, Dianne Feinstein, Al Franken, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Sheldon Whitehouse, Benjamin L. Cardin, Tom Harkin, Barbara Boxer, Richard Blumenthal, Edward J. Markey, Richard J. Durbin, Charles E. Schumer, Elizabeth Warren.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the nomina-

tion of James D. Peterson, of Wisconsin, to the United States District Judge for the Western District of Wisconsin, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

The PRESIDING OFFICER. (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 40, as follows:

[Rollcall Vote No. 135 Ex.]

## YEAS—56

Ayotte	Harkin	Murray
Baldwin	Heinrich	Nelson
Begich	Heitkamp	Reed
Bennet	Hirono	Reid
Blumenthal	Johnson (SD)	Rockefeller
Booker	Johnson (WI)	Sanders
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Manchin	Udall (CO)
Collins	Markey	Udall (NM)
Coons	McCaskill	Walsh
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden
Hagan	Murphy	

## NAYS—40

Alexander	Flake	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Heller	Rubio
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter
Cruz	McCain	Wicker
Enzi	McConnell	
Fischer	Moran	

## NOT VOTING—4

Boozman	Klobuchar
Franken	Pryor

The PRESIDING OFFICER. On this vote the yeas are 56, the nays are 40. The motion is agreed to.

#### NOMINATION OF JAMES D. PETERSON TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of James D. Peterson, of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule

XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Nancy J. Rosenstengel, of Illinois, to be United States District Judge for the Southern District of Illinois.

Harry Reid, Patrick J. Leahy, Mazie K. Hirono, Dianne Feinstein, Al Franken, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Sheldon Whitehouse, Benjamin L. Cardin, Tom Harkin, Barbara Boxer, Richard Blumenthal, Edward J. Markey, Richard J. Durbin, Charles E. Schumer, Elizabeth Warren.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Nancy J. Rosenstengel, of Illinois, to be United States District Judge for the Southern District of Illinois, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 42, as follows:

[Rollcall Vote No. 136 Ex.]

## YEAS—54

Baldwin	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Landrieu	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Casey	Manchin	Tester
Collins	Markey	Udall (CO)
Coons	McCaskill	Udall (NM)
Donnelly	Menendez	Walsh
Durbin	Merkley	Warner
Feinstein	Mikulski	Warren
Gillibrand	Murkowski	Whitehouse
Hagan	Murphy	Wyden

## NAYS—42

Alexander	Enzi	Lee
Ayotte	Fischer	McCain
Barrasso	Flake	McConnell
Blunt	Graham	Moran
Burr	Grassley	Paul
Chambliss	Hatch	Portman
Coats	Heller	Risch
Coburn	Hoeven	Roberts
Cochran	Inhofe	Rubio
Corker	Isakson	Scott
Cornyn	Johanns	
Crapo	Johnson (WI)	
Cruz	Kirk	

Sessions	Thune	Vitter
Shelby	Toomey	Wicker

## NOT VOTING—4

Boozman	Klobuchar
Franken	Pryor

The PRESIDING OFFICER. On this vote the yeas are 54, the nays are 42. The motion is agreed to.

NOMINATION OF NANCY J. ROSENSTENGEL TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Nancy J. Rosenstengel, of Illinois, to be United States District Judge for the Southern District of Illinois.

NOMINATION OF PAMELA K. HAMAMOTO TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA, WITH THE RANK OF AMBASSADOR

The PRESIDING OFFICER. Under the previous order, the clerk will report the Hamamoto nomination.

The bill clerk read the nomination of Pamela K. Hamamoto, of Hawaii, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Pamela K. Hamamoto, of Hawaii, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador?

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent that the time until 1:45 p.m. be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. Mr. CASEY. Madam President, the Senator from Kansas will speak and then I will follow.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. MORAN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO CHARLOTTE LINSNER

Mr. MORAN. Madam President, I am here this afternoon to pay tribute to an exceptional woman in my hometown. She is retiring from a career of aiding victims of domestic violence across Northwest Kansas. Charlotte Linsner in Hays, KS, is concluding more than 25 years of service to Options Domestic and Sexual Violence Services with half of her time in the role as its executive director.

Back home, especially in the rural parts of our State where doors are left unlocked and most people know everyone else, we often think that domestic violence doesn't occur on our streets or in our homes or to people in families that we know. Unfortunately, that is not the reality, and the evidence clearly indicates that is not the case.

Since Options opened its doors 30 years ago under the name of Northwest Kansas Sexual and Domestic Violence Services, 18,000 Kansans in 18 northwest counties have been assisted in seeking a safe environment. There are locations in Hays and Colby, and in addition to providing direct assistance, Options has been instrumental in raising awareness of domestic and sexual violence in our corner of the State.

Almost from the very beginning Charlotte was there working to help those in need. She has offered compassion and strength and hope to those who walked through Options' doors or called the hotline. Her coworkers use words to describe her such as "passion" and "spunkiness" and "one of the nicest people." From my time living in Hays and visiting Options, I can attest to those attributes. These characteristics are what make Charlotte so very effective in her job. Those who come to Options are bruised physically and emotionally, and they find among the staff at Options understanding and expertise. Effective leadership has made this an effective organization.

Last year our State's attorney general presented Options with the Outstanding Victims Service Organization for 2013, an award at its 16th Annual Crimes Victims' Rights Conference. Mindful that domestic and sexual violence is a scourge not just throughout Northwest Kansas but throughout our State and society, Charlotte told the audience:

Options accepts this award in honor of all advocates and domestic/sexual programs across the State. Advocates go to work each day to find safety for victims.

Charlotte would be the first to say that great things cannot happen through one person's work alone. So I also wish to commend all who staff Options, who sit on its board of directors, who raise money, and the outside groups and individuals who tirelessly work to protect the vulnerable in our communities. I also want to acknowledge her husband Larry and her four children, who have supported her as

she has devoted so much of her life and so much of her time to helping other families.

Charlotte is retiring but not until July 1, and for as long as she is on the job she is hard at work to solidify her agency's mission. She will lead a capital campaign with the goal of \$250,000, and once the day comes, she will mentor the new executive director. Not only that but she plans to still work once a month at the shelter house as an advocate, which is how she started her career.

Charlotte leaves huge shoes to fill for the next executive director, but with the foundation that Charlotte and others have laid throughout the community in community partnerships and generous benefactors, Options will be helping those in need—our neighbors, our friends, sometimes even our relatives—for years to come.

Thank you, Charlotte. Best wishes. I am glad you live your life in a way that is committed to helping others.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, with regard to the Hamamoto nomination, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The PRESIDING OFFICER. The Senator from Pennsylvania.

## SYRIAN ATROCITIES

Mr. CASEY. Thank you, Madam President.

Madam President, I rise this afternoon to discuss the recent events in Syria and the United States' response to the crisis.

Yesterday I had the opportunity to meet with President Ahmad Jarba of the Syrian National Coalition to hear firsthand about the Assad regime's intolerable violations of international law and human rights norms. I will begin by reviewing the situation as it stands today.

More than 3 years since the fighting first began, the conflict in Syria rages on. The fighting has driven more than 2.4 million refugees out of the country and displaced 6.5 million more Syrians inside of Syria itself. The violence is so terrible that the United Nations has stopped estimating the death toll. According to the Syrian Observatory for Human Rights, at least 150,000 Syrians have been killed. This conflict has had a disproportionate effect on children in Syria. A Save the Children report indicates that at least 1.2 million children have fled to neighboring countries while about 10,000 have died in the violence.

The Assad regime has used every available tactic to terrorize the Syrian people. Some civilians have resorted to eating grass as desperately needed humanitarian and food aid has been withheld from besieged communities. The whirl of helicopter blades above portends barrel bomb strikes that we have



heard so much about that could easily land on a school, a hospital or an apartment block. For example, on April 30, Assad's air force dropped a barrel bomb on an elementary school in Aleppo. This attack killed 25 children. This kind of activity by the Assad regime is, in a word, intolerable.

Yesterday the remaining opposition fighters in Homs, once an opposition stronghold, were evacuated under U.N. supervision. If my colleagues here in the Senate have not yet seen the images of Homs, I would urge each of them to take a look at them. The ancient city of Homs is absolutely destroyed. In the midst of this, Mr. Assad declared his candidacy for reelection. Although presidential elections in Syria have never been free and fair, this one that he has declared his candidacy for is a farce, and we can add other words to that as well. This is an attempt by Mr. Assad to legitimize the extension of his brutal rule.

Bashar al-Assad lost his legitimacy a long time ago. What concerns me and so many others is this: Assad believes he is winning. He believes he can starve, bomb, and terrorize the Syrian people into submission. In light of all this it is incumbent upon the United States to take action to change or at least to help to change the momentum on the battlefield. Our national security interests are clear and have become even more clear in recent days. First, the Iranian regime's status as the world's leading state sponsor of terrorism is well established, and its proxies have perpetrated attacks against the United States, Israel, and our allies. Emboldened by the Iranian regime's support, Hezbollah has conducted attacks against U.S. targets and western interests. The Assad regime has been an important conduit between Iran and Hezbollah. As such, they are fighting side-by-side with the regime forces in Syria and providing the regime much needed supplies and financial assistance.

It is also abundantly clear that Russia simply does not share our interests in the region. I guess that is an understatement. Russia has continued to back the regime. It has consistently blocked U.S. actions in the U.N. Security Council, including efforts to invoke chapter VII authorization to enforce existing Security Council resolutions 2118 and 2139. Russia continues to provide the regime materiel assistance, including ammunition, weapons, airplanes, and spare parts that are keeping the regime afloat. From Syria to Ukraine, it is clear that President Putin's approach to foreign policy is rooted in old Cold War regrets.

The administration has taken steps to respond to the protracted conflict in Syria. Let me outline a few. First, on chemical weapons: The agreement negotiated last fall has led to the vast majority of the Syrian regime's de-

clared chemical weapons stockpiles being removed from Syria. Taking most of these dangerous weapons off the table was a great step forward. However, I remain concerned about reports that the regime could keep the remaining 8 percent of those chemical weapons as an insurance policy.

Equally, if not more, concerning are indications that the Assad regime retains secret stockpiles of chemical weapons that we cannot account for. Further, the regime's use of chlorine gas attacks to terrorize Syrian civilians demonstrates categorically that Assad will never abide by the spirit of that agreement—even an agreement that has led to that 92-percent removal. Here is what he won't fully agree to: to stop using chemical weapons against his own people in clear violation of international law.

Second, on humanitarian assistance, the administration has supported increasing efforts to reduce the suffering. The State Department and USAID must be commended for mobilizing a tremendous aid effort. American taxpayers have contributed over \$1.7 billion in humanitarian assistance both inside of Syria and in its neighborhood. This important assistance has fed, clothed, vaccinated, and sheltered Syrians displaced by the fighting. However, the humanitarian crisis remains, as David Milliband put it, "a defining humanitarian emergency of this century." So much more remains to be done just on the humanitarian challenge in and of itself.

Since the beginning of this conflict I have been calling for a more robust response by the United States. Yesterday I met with Mr. Jarba, the president of the Syrian National Coalition. While we discussed the situation in Syria and while we know this situation is terribly complicated, his bottom line message to me—and I am sure he will be addressing this with other American officials as well—and his message was very clear: Without significant support from the United States of America, the fighting will continue and a political solution will not be reached."

We must act to change the battle's momentum and to fundamentally shift Mr. Assad's calculus. As long as he believes that there are no real consequences for his actions, he will continue to defy the U.N. Security Council. Consequently, I have sent a letter to President Obama today which asks him to consider some next steps.

Madam President, I ask unanimous consent that my letter to the President dated today be printed in the RECORD.

UNITED STATES SENATE,  
Washington, DC, May 8, 2014.

HON. BARACK OBAMA,  
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT, In recent weeks, Bashar al-Assad's reign of terror has intensified. His forces have used starvation as a war tactic by refusing to deliver desperately-

needed food assistance to opposition-controlled areas, bombed an elementary school in Northern Aleppo killing 17 children, rained barrel bombs on residential areas in violation of UN Security Resolution 2139, and regained the former opposition-stronghold of Homs. Meanwhile, he has declared his intention to run for President. The United States has clear national security interests in Syria, in stabilizing the region, ending Assad's slaughter of civilians, and confronting the Iranian regime and Hezbollah. [However, Assad clearly believes he has the upper hand on the battlefield.]

First, I commend the work you and your administration have already done to help the people of Syria, a country that journalist Nicholas Kristof called the "world capital of human suffering." The State Department and USAID have mobilized a remarkable humanitarian aid effort thus far. American taxpayers have provided substantial assistance to help those suffering in Syria and the refugee communities in the region. Your administration's agreement with Russia to destroy Syria's chemical weapons has since resulted in the removal of 92.5 percent of Syria's declared stockpile. However, the humanitarian crisis is only expanding as the conflict rages on, and Assad has been deploying chlorine gas to terrorize Syrian civilians and circumvent the chemical weapons agreement.

The U.S. State Department recently highlighted Syria's critical importance to the United States' strategic, long-term interests in its 2013 Country Reports on Terrorism. The State Department's findings that civilians in Syria were primarily the target of terrorist violence are deeply troubling. The report found that Iran and Hezbollah provided critical support to Assad's regime by radically boosting Assad's capabilities and exacerbating the conflict. The report also noted that the Syrian conflict "empowered ISIL [the Islamic State of Iraq and the Levant] to expand its cross-border operations in Syria, and dramatically increase attacks against Iraqi civilians and government targets in 2013."

I remain firmly convinced that a more robust U.S. strategy is needed to change the balance of power on the ground and prevent either of two scenarios from occurring. First, that Bashar al-Assad could bomb and starve out any opposition and thus retain his grip on power in Syria.

Second, as members of your administration have warned, that terrorist organizations could take advantage of the chaos in Syria to establish a new safe haven, like a new Pakistani FATA, from which to launch attacks against U.S. interests.

Yesterday, I met with President Ahmad Jarba, to hear firsthand about the situation on the ground. I urge your administration to continue efforts to help the Syrian opposition bring Assad's tyrannical rule to an end and to stave off extremist influence. The State Department's commitment of \$27 million in non-lethal assistance should be expanded to include additional assistance for the opposition Assistance Coordination Unit and local councils, which are the face of the opposition for Syrian civilians. With U.S. assistance, the opposition can ramp up its efforts to deliver humanitarian assistance and basic services to communities inside Syria.

I am aware of reports that American-made anti-tank rocket systems have made their way to a group of moderate Syrian rebels. Whatever the origin of these systems, I believe their provision can help change the momentum on the ground. However, to take

down Assad's helicopters and bombers, the opposition forces need anti-aircraft weapons. If your Administration judges that there are sufficient safeguards available to track and disable such weapons remotely, I would support their deployment to trusted, vetted Free Syria Army commanders. I fully understand the risks of introducing more of these weapons to the region. However, as long as the regime enjoys control of the skies over Syria, its aircraft will continue regularly and indiscriminately raining bombs and killing Syrian civilians en masse. Little else would have such a profound impact on the balance of power on the battlefield.

The international community has clear interests in stabilizing the region and preventing future atrocities. UN Security Council Resolution 2139 requires that "all parties immediately cease all attacks against civilians, as well as the indiscriminate employment of weapons in populated areas, including shelling and aerial bombardment, such as the use of barrel bombs. . . ." Since the resolution's adoption on February 22, Human Rights Watch has documented at least 85 barrel bomb strikes in Aleppo alone. This is intolerable.

I ask that your Administration resume its advocacy for an invocation of Chapter 7 of the UN Charter. Assad continues to violate Security Council Resolution 2139 by deploying barrel bombs against civilians. A tailored and conditional Chapter 7 resolution to respond to the regime's willful disregard of the UN Security Council and the laws of war would not only hold Assad accountable but would also force Russia to take a stand on Assad's continued attacks on civilians.

The Senate has repeatedly voiced its concern regarding the deepening conflict in Syria. In July 2013, the Senate Foreign Relations Committee reported out S. 960, the Syria Transition Support Act, which authorized lethal assistance to vetted elements of the Syrian opposition. In the bill's findings, the Committee noted that it was vital to the United States' national security interests to limit the threat posed by extremist groups in Syria. Last month the full Senate agreed to S. Res. 384, which expressed the Senate's condemnation of the Syrian humanitarian crisis.

The sheer scale of war crimes, human rights abuses, and regional destabilization in the Syrian crisis is, as David Miliband of the International Rescue Committee put it, "a defining humanitarian emergency of this century." As such, it deserves the United States' attention and carefully-considered action. I thank you for your leadership on this important issue and stand ready to help bring this conflict to an end.

Sincerely,

ROBERT P. CASEY, JR.,  
*United States Senator.*

Mr. CASEY. I thank the Chair.

Let me outline some of what I set forth in the letter. First, I asked that the President seriously consider allowing the deployment of lethal assistance to the moderate military opposition. A serious effort to help narrow the gulf between the moderate opposition and the better-trained and better-equipped extremist fighters would not only boost morale in the Free Syrian Army but could actually change the momentum of the battle. Yesterday President Jarba expressed his commitment to continuing to fight extremist forces. He made that commitment to me, and

I am sure he would reiterate it to others. There is no question that there are risks here, but the greater risk is allowing Syria to fall into the hands of extremists and to allow the regime to murder thousands more Syrians and prevail in this conflict. If the administration judges that it has the confidence in Mr. Jarba's pledges and that we have conducted sufficient vetting of key opposition commanders, it should either consider allowing our partners in the region to supply lethal aid or consider providing such weapons ourselves.

I have not and will not advocate for American boots on the ground in this conflict, but giving moderate opposition forces the assistance they need to stem Assad's reign of terror and drive back foreign extremist fighters is in our national interest.

Second, my letter urges President Obama to resume the push for a chapter 7 authorization in the United Nations. Getting Russia to agree to U.N. Security Council resolutions 2118 and 2139 was a difficult task, far more difficult than it should have been considering international law is clear about the deployment of chemical weapons and the use of humanitarian assistance as a tool of war. Enforcement of these resolutions is critical. If Assad does not make good on his commitment to turn over 100 percent—not 92 percent—100 percent of his chemical weapons caches, there should be consequences. If he continues to starve and barrel bomb Syrian children, there must be consequences.

Pressing for a chapter 7 authorization would help us hold both Mr. Putin and Mr. Assad to their commitments. It would also pave the way for the United Nations to ramp up its cross-border humanitarian assistance, which is desperately needed inside of Syria.

When we met yesterday, President Jarba was clear: There will be no momentum behind a political solution until the momentum on the battlefield changes. I have believed that for a long time. The United States has an opportunity not only to help end the suffering in Syria but to send a strong message to those who support the Assad regime, including Russia, Iran, and Hezbollah.

I strongly urge the administration to consider the high stakes of allowing this conflict to continue unabated, and I ask that the administration strongly consider supporting a more substantial effort to properly train and equip the moderate Syrian opposition so they can reject extremist forces, defeat the regime, and begin to rebuild Syria.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Ms. COLLINS on the Introduction of S. 2307 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

#### PETERSON NOMINATION

Mr. JOHNSON of Wisconsin. Madam President, I am pleased to recommend to the Senate James D. Peterson to be the U.S. district judge for the Western District of Wisconsin.

Jim has deep roots in Wisconsin, having earned a bachelor's, master's, and Ph.D. from the University of Wisconsin-Madison before his first career as an associate professor of film studies at Notre Dame University. After a number of productive and successful years of academic life, his restlessness for intellectual challenge was energized when his wife Sue Collins interested him in the law as she was teaching legal writing at Valparaiso University Law School. They both returned to Wisconsin, where they each obtained their law degrees from the university.

Jim is currently the leader of the law firm Godfrey & Kahn's Intellectual Property Litigation Working Group and has handled a wide variety of commercial and constitutional disputes. He has served as a local counsel in two dozen patent disputes in the Western District of Wisconsin. In addition, he has appeared before the Wisconsin Supreme Court, the Seventh Circuit Court of Appeals, and the Court of Appeals for the Federal Circuit, which hears appeals of patent cases from district courts across the country.

This experience is important for the Western District of Wisconsin, which oversees many complex intellectual property cases. Since 2007 the Western District of Wisconsin has ranked among the top 25 most popular for patent litigation, largely due to the court's speed—commonly referred to as the "rocket docket."

Jim is also the author of numerous academic publications, many of which I had an opportunity to review during his application process. Right after law school he saw firsthand the challenges and requirements associated with being a judge when he served as a law clerk to Hon. David G. Deininger of the Wisconsin Court of Appeals. He has had a challenging and successful career as a legal practitioner. I have no doubt that he will, as a Federal district court judge, excel in yet another career for which he is well suited.

Jim has my full support, and I am happy to recommend him to the Senate for swift confirmation.

I would like to conclude by thanking my colleague Senator BALDWIN for the bipartisan process that resulted in the selection of this well-qualified jurist who will serve Wisconsin's Western District well.

The Western District is currently facing a judicial emergency. U.S. district judge Barbara Crabb has continued to serve on the bench despite retiring 4 years ago, and I sincerely appreciate her dedication in the State of Wisconsin during this vacancy.

I have full confidence that with Jim's expertise and experience, he will now be able to fill this void.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER (Ms. HIRONO). The Senator from Wisconsin.

#### PETERSON NOMINATION

Ms. BALDWIN. Madam President, I rise this afternoon to urge my colleagues to confirm James Peterson for the United States District Court of the Western District of Wisconsin.

I will start where my colleague left off, which is to state that I am proud to have worked with Senator JOHNSON to put in place a nonpartisan Federal Nominating Commission and a process for moving judicial nominations forward, because the people of Wisconsin deserve to have experienced and highly qualified judges working for them, and they deserve to have judicial vacancies filled on a timely basis.

Addressing vacant Federal judgeships in Wisconsin has been a top priority of mine since I was sworn into the Senate last year. I thank Senator JOHNSON for working to find common ground with me on this very important issue for Wisconsin.

Together, we believe James Peterson will be an outstanding Federal district judge, and his experience, qualifications, and expertise will serve the Western District of Wisconsin and our Nation very well.

James Peterson was among those recommended by our nominating commission, and together Senator JOHNSON and I submitted his name to the White House for consideration. I am so pleased President Obama nominated him to serve and that his nomination was reported out of the Senate Judiciary Committee.

For the last 14 years Jim's professional life has been devoted to the practice for the firm Godfrey & Kahn in Madison, WI, where he is the leader of the firm's intellectual property litigation working group. His work on behalf of his firm's national clients has been substantially before the U.S. District Court for the Western District of Wisconsin.

Outside of his practice Jim is a leader in the Western District Bar Association, the mission of which is to work with attorneys, the court, and the public to facilitate the just, speedy, respectful, and efficient resolution of all matters before the court—qualities that have been the hallmarks of the Western District of Wisconsin. In an effort to foster the next generation of great lawyers, Jim is a member of the adjunct faculty of the University of

Wisconsin Law School where he has taught copyright law and public speaking workshops.

I am proud to join Senator JOHNSON in supporting this nomination, and I am proud to come before my colleagues and ask my colleagues to confirm this judgeship. Mr. PETERSON's confirmation today will end a vacancy that has lasted for more than 5 years and has been declared a judicial emergency. We are most grateful for the tireless commitment of soon-to-be really retired Judge Barbara Crabb who has filled in during this vacancy, and we are very grateful for her commitment.

Senator JOHNSON and I agree on this nomination to the U.S. District Court for the Western District of Wisconsin, and our joint support should send a strong message to the entire Senate that he is the right choice for this judgeship. I urge my colleagues to confirm James D. Peterson so he can serve the people of Wisconsin and our Nation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY EFFICIENCY AMENDMENT

Mr. ENZI. Madam President, I rise to offer an amendment to S. 2262 that would prevent the Environmental Protection Agency from a massive regulatory outreach. I understand under current procedure we are not allowed to do that, but I will explain it so when I can bring this amendment up, people will already know about it and join me in voting for it. It is similar to an amendment I offered last September to the energy efficiency bill. Unfortunately, the Senate majority leader blocked amendments from being considered. I am hoping that doesn't happen this time.

My amendment is simple and straightforward. It promotes the right of each State to deal with its own problems. It returns the regulation of regional haze to where it properly belongs: in the hands of State officials who are more familiar with the problem and know the best way to address it. I hope my colleagues will support my effort.

The Environmental Protection Agency's move to partially disapprove of the State of Wyoming's regional haze will create an economic and bureaucratic nightmare that will have a devastating impact on western economies. The decision by the EPA ignores more than a decade's worth of work on this subject by officials in my home State and seems to be more designed to regulate coal out of existence than to regu-

late haze. The haze we most need to regulate, in fact, seems to be the one that is clouding the vision of the EPA as it promotes a plan that would impose onerous regulations on powerplants that will, in turn, pass those increased costs in the form of higher energy prices on to consumers. These are the middle-class folks we keep talking about. It will also increase the cost for manufacturers, and that will drive them overseas, so that will eliminate jobs. So we are talking about a lot of impact.

That tells me the EPA's purpose is to ensure that no opportunity to impose its chosen agenda on the Nation is wasted. It doesn't seem to matter to them that their proposed rule flies directly in the face of the State's traditional and legal role in addressing air quality issues.

When Congress passed the 1977 amendments to the Clean Air Act to regulate regional haze, it very clearly gave the States the lead authority. Now the EPA has tossed them in the backseat and grabbed the steering wheel to head this effort in its own previously determined direction. That isn't the kind of teamwork and cooperation Congress intended.

The goal of regulating regional haze is to improve visibility in our national parks and wilderness areas. The stated legislative purpose for that authority is purely for aesthetic value and not to regulate public health. Most importantly, the EPA shouldn't be using regulations to pick winners and losers in our national energy market. The cost for this rule is in the billions, and the bureaucratic evaluation says it will still have little or no actual effect. Why would we force the spending of billions for little or no actual effect?

This is a State issue, and Congress recognized that States would know how to determine what the best regulatory approach would be to find and implement a solution to the problem. The courts then reaffirmed this position by ruling in favor of the States' primacy on regional haze several times. The EPA ignored all of that clear precedent and, instead, handed a top-down approach that ignored the will and expertise of the State of Wyoming and other States.

This inexplicable position flies in the face of Wyoming's strong and common-sense approach to addressing regional haze in a reasonable and cost-effective manner.

I invite everybody to come to Wyoming. We have the clear skies. People can see more miles there than people can see here. Of course, a lot of it out here is humidity, I think. But we do not have the regional haze they are talking about. The EPA's approach will be much more costly and have a tremendous impact on the economy and the quality of life not only in Wyoming but in neighboring States as well.

Clearly, we cannot allow this to happen.

Every family knows when the price of energy goes up, it is their economic security—costing more—as well as their hopes and dreams for the future that are threatened and all too often destroyed.

The EPA's determination to take such an approach would be understandable if it would create better results than the State plan. It does not. That is another reason why it makes no sense for the EPA to overstep its authority under the Clean Air Act to force Wyoming to comply with an all-too-costly plan that in the end will provide the people of Wyoming and America with no real benefits.

The plan does not even take into account other sources of haze in Wyoming such as wildfires. Wildfires are a problem on Wyoming's plains and mountains every year. It is a major cause of haze in the West. It makes no sense for the EPA to draft a plan that fails to take into consideration the biggest natural cause of the very problem they are supposed to be solving.

The Forest Service could do a lot of prevention if forest plans did not get delayed.

The State of Wyoming has spent over a decade producing an air quality plan that is reasonable, productive, cost-effective, and focused on the problem at hand. The EPA has taken an unnecessary and unreasonable approach that violates the legislatively granted job of State regulators to address this issue. We cannot afford to increase the cost of energy to families, schools, and vital public services by implementing an EPA plan that will not adequately address the issue of regional haze.

I know my colleagues will see the importance of this matter and support my amendment that will stop the EPA in its tracks and end its interference with Wyoming's efforts to address this issue. It only makes sense to me that Wyoming's plan be given a chance to work. It is more than a 10-year effort, and it will make a difference, and not at the cost that will be imposed.

It is only fair, and it is the right thing to do. I ask for the support of my colleagues.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ELECTION SPENDING

Mr. SANDERS. Madam President, as I think most Americans know, about 4 years ago the Supreme Court rendered a decision, which I happen to believe is one of the worst in the history of the

Supreme Court, and that is their decision regarding Citizens United. As a result of that decision, what they said is corporations are people and individuals could spend an unlimited—unlimited—sum of money in elections. By “unlimited,” I mean hundreds and hundreds of millions of dollars, if not billions of dollars—quite as much as they want through independent expenditures.

I think many Americans observed the repercussions of that decision just last month. A gentleman named Sheldon Adelson, one of the wealthiest people in this country, worth many billions, held what was called the Adelson primary in Nevada. What he did was invite prospective Republican candidates for President to come to Nevada to chat with him, to tell him their views; and if he decides to support one of those candidates, they will end up receiving, in all likelihood, hundreds of millions of dollars.

But it is not just Sheldon Adelson. Probably even more significantly, when we talk about the impact of Citizens United and we talk about the flood of money coming in from the billionaire class to the political process, it is important to talk about the Koch brothers.

I understand there has been a lot of criticism of Majority Leader REID because he has talked about the Koch brothers, but I think the majority leader is exactly right. The issue is not personal. I don't know if the Koch brothers are nice guys or not nice guys; that is not the issue.

The issue is the impact this billionaire family, the second wealthiest family in America, is having on the political process; and, second of all, and even more importantly, what do they stand for? Who are they? Why are they pouring hundreds of millions of dollars into the political process?

I have a problem, to tell you the truth—whether somebody is a right-winger or leftwinger—I have a real problem with these rich guys spending huge sums of money.

But at the end of the day what is important to understand is what do they want? Why are they spending so much money in politics? Why are they supporting candidates throughout this country, running for the Senate, running for the House? Clearly they will be heavily involved in the next Presidential election. What do they stand for? That is the issue.

It disturbs me very much, by the way, that the media hasn't been talking about that. What do these guys stand for? What do they want?

Many Americans know the Koch brothers provided the main source of funding for the creation of the tea party—that is fine—and many Americans know the Koch brothers want to repeal the Affordable Care Act. They have run a lot of ads supporting candidates who want to repeal the Afford-

able Care Act. That is their view, and that is fine as well.

But what I think most Americans don't know is the Koch brothers want to repeal virtually every major piece of legislation that has been passed in the past 80 years to help the middle class, to help working families, to help the elderly, to help the children, to help low-income people. Their view, their ideological view, is that we should eliminate or substantially cut back on all of those programs.

In 1980, David Koch, one of the Koch brothers, was the vice presidential candidate of the Libertarian Party. In fact, he helped fund the Libertarian Party in that year. I want to read to you and discuss with you a few of the excerpts from the 1980 Libertarian Party platform that David Koch ran on. People may think: Well, that was back in 1980. But do you know what. It is my impression their views haven't changed one iota; that they are funding many organizations all over this country that essentially espouse those very views David Koch ran on in 1980.

This is the first quote that was in the 1980 Libertarian Party platform David Koch ran on as a vice presidential candidate and helped fund. He said: “We favor the repeal of the fraudulent, virtually bankrupt, and increasingly oppressive Social Security system.”

That is their view. That shouldn't surprise anybody. These guys do not believe government should be involved in health care, in retirement security. It is totally consistent with what they believe.

But when Americans see ads on television paid for by David Koch, I hope they understand these guys eventually want to see—probably not tomorrow—the repeal of Social Security. They want to privatize it, they don't want it to exist.

What is the reality? The reality is the overwhelming majority of the American people disagree with the Koch brothers. The reality is Social Security is probably the most successful Federal program in the history of our country. For more than 78 years, in good times and in bad, Social Security has provided every single benefit owed to every eligible American without delay. That is in good times, bad times, recession, boom, whatever it was. Before Social Security was created, nearly half of seniors lived in poverty. Today, while still too high, that number is 9.1 percent. We have gone from 50 percent down to 9.1 percent largely because of Social Security.

The main point is according to virtually every poll I have seen, including the latest National Journal poll on the subject, 76 percent of the American people do not want to cut Social Security at all, an issue you and I were involved in. They do not want to cut Social Security. They sure as heck do not want to repeal Social Security.

So when you see the ads on television being paid for by the Koch brothers, understand where they are coming from in terms of Social Security.

Let me give another quote, and this is an exact quote from the 1980 platform of the Libertarian Party, David Koch, vice presidential candidate: "We favor the abolition of Medicare and Medicaid programs."

Abolition, what does that mean? It means if you are a senior citizen, 70 years of age, you are not feeling well, you go to the doctor, the doctor diagnoses you with cancer, you are not going to have Medicare there for you. If you don't have a lot of money, how are you going to get the health care you need? Well, you know what. You may not, because according to the Koch brothers, the Federal Government should not be involved in public health insurance programs such as Medicare and Medicaid.

What happens if you are a low-income person? What happens if your kid is on the Children's Health Insurance Program, called Dr. Dynasaur in Vermont—I don't know what it is called in Hawaii—but it covers all of the States in this country. Millions of kids are getting their health insurance through the Children's Health Insurance Program. What is the Koch brothers' view? We should eliminate it. The Federal Government should not be involved in health insurance.

According to the latest polls I have seen on this subject, 81 percent of the American people do not want to cut Medicare benefits at all and 60 percent of the American people don't want to cut Medicaid benefits at all, because they understand that in these tough times it is terribly important that we have guaranteed health care programs for our people. Yet the view of the Koch brothers is we should end Medicare and Medicaid.

So, again, when you see ads on television, understand who is paying for them.

We have been discussing the minimum wage bill. The Presiding Officer and I agree it is absolutely imperative that we raise the minimum wage. I think \$10.10, the bill we had on the floor last week, is a start. I would go farther, but I think most Americans understand a family breadwinner and a family who is making all of \$7.25 an hour or \$14,000 or \$15,000 a year is not a wage upon which anyone can live.

Yet when you read the platform David Koch ran on—and again, their success has been that where their ideas were thought to be pretty crazy and kooky in 1980—he got 1 percent of the vote and ran because they thought Ronald Reagan was much too liberal in 1980—today these ideas are increasingly becoming mainstream. They are in the Ryan budget passed by the Republican House. They are reflected by actions in the Senate by my Republican Senate colleagues.

One example is when we talk about the minimum wage, some of us think we have to raise it. Their view, what the Koch brothers said in 1980, and I believe it is their view today:

We support repeal of all laws which impede the ability of any person to find employment, such as minimum wage laws.

So this is not a debate about whether you raise the minimum wage to \$10.10. You do what they are doing in Seattle, WA, over a period of time raising it to \$15 an hour, whether you raise it to \$9 an hour, that is not their debate. Their debate is we should repeal the concept of the minimum wage.

What does that mean in real terms? It means that in high-unemployment areas of this country where workers are desperate for jobs, if an employer says: I am going to give you 3 bucks an hour, and you say: I can't live on 3 bucks, and the employer says: Well, I have 20 other people who are prepared to take the job, that is their goal. They do not believe the Federal Government should be involved in providing at least a minimum wage for the workers of this country.

They believe, among other things, that we should abolish the U.S. Postal Service, and I want to get into that. Their view is, again, the Postal Service, a Federal Government program—not a question of having a debate, how do you strengthen the Postal Service, what do you do, and what do you not do—they want to abolish the U.S. Postal Service.

Let me go to another quote from David Koch, which I think maybe is the most interesting of all. This is where they are coming from. This is their philosophy:

We oppose all government welfare, relief projects, and "aid to the poor" programs. All these government programs are privacy-invasive, paternalistic, demeaning, and inefficient. The proper source of help for such persons is the voluntary efforts of private groups and individuals.

I want to put into English what they say. What they are saying is they want to get rid of food stamps, they want to get rid of all nutrition programs, all affordable housing programs, Meals On Wheels Programs, which help vulnerable seniors, congregate meal programs, Head Start—which obviously are important to millions of working families and their children.

So you ask: Well, what happens if I am hungry and there is no food stamp program because they want to get rid of all of these programs, because they think the Federal Government should not be involved in these issues? What do we do when people are hungry when they can't find jobs?

Well, they can go to their local church, they can go to their local charity. Maybe they will get some help, maybe they won't. In other words, we are back to the days of Charles Dickens. We are back to the days of Charles

Dickens where ordinary people and lower income people have no rights and no benefits. The only way they get help is if some charity is there to dole out some money.

I don't believe that is where the American people are, and I don't believe that is what the American people want.

Back in 1980, the Libertarian Party had a rather bold proposal, and they said: "We support the eventual repeal of all taxation."

Essentially what they are saying is no more government. That is it. No more government.

There is going to be a vote in a few minutes, and I am going to seesaw, and I will be back on this issue. But I wanted to point out to what degree these folks, who are worth at least \$80 billion, whose wealth increased last year by \$12 billion, who have indicated they are prepared to spend as much as it takes to elect people who to some degree or another—I am not sure all of the candidates they support agree with everything they say, but they know what they are doing. They are smart.

They are spending huge sums of money to create an America in which the wealthiest people will get huge tax breaks while working families, the middle class, the elderly, the children, and the sick will be left out on the street all by themselves. That is not the vision of America the American people believe in. I doubt there are 5 or 10 percent of the American people who believe in that vision, maybe less than that.

But when you have \$80 billion, and you are worth that much and can spend unlimited sums of money, you will have a huge impact on the political process, and you will have candidates who talk about this perspective, who defend this point of view, because that is where their money or campaigns comes from, rather than talking about the needs of working families or ordinary Americans.

Let me make this last point, and that is this: It was 34 years ago the Koch brothers said:

We urge the repeal of Federal campaign finance laws, and the immediate abolition of the despotic Federal Election Commission.

They have come so far in 34 years that that is now the position of a number of Republicans, including, as I understand it, the chairman of the National Republican Party.

What does that mean? It means if you repeal all campaign finance laws, the Koch brothers and other billionaires will not just be able to spend as much as they want on independent campaign expenditures, they will be able to give money directly to the candidates of their choice.

THE PRESIDING OFFICER. All time for debate has expired.

Mr. SANDERS. Let me conclude by saying: I hope everybody pays attention to what the Koch brothers stand for.

With that, I yield the floor.

# NOMINATION OF INDIRA TALWANI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS—Continued

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Talwani nomination.

Mr. SANDERS. Madam President, I ask unanimous consent to yield back all remaining time on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Indira Talwani, of Massachusetts, to be United States District Judge for the District of Massachusetts?

Mr. SANDERS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 137 Ex.]

## YEAS—94

Alexander	Grassley	Murray
Ayotte	Hagan	Nelson
Baldwin	Harkin	Paul
Barrasso	Hatch	Portman
Bennet	Heinrich	Reed
Blunt	Heitkamp	Reid
Booker	Heller	Risch
Boxer	Hirono	Roberts
Brown	Hoeven	Rockefeller
Burr	Inhofe	Rubio
Cantwell	Isakson	Sanders
Cardin	Johanns	Schatz
Carper	Johnson (SD)	Schumer
Casey	Johnson (WI)	Scott
Chambliss	Kaine	Sessions
Coats	King	Shaheen
Cochran	Kirk	Shelby
Collins	Klobuchar	Stabenow
Coons	Leahy	Tester
Corker	Lee	Thune
Cornyn	Levin	Toomey
Crapo	Manchin	Udall (CO)
Cruz	Markey	Udall (NM)
Donnelly	McCain	Vitter
Durbin	McCaskill	Walsh
Enzi	McConnell	Warner
Feinstein	Menendez	Warren
Fischer	Merkley	Whitehouse
Flake	Mikulski	Wicker
Franken	Moran	Wyden
Gillibrand	Murkowski	
Graham	Murphy	

## NOT VOTING—6

Begich	Boozman	Landrieu
Blumenthal	Coburn	Pryor

The nomination was confirmed.

## VOTE EXPLANATION

Mr. BLUMENTHAL. Madam President, I was unavoidably detained and unable to participate in the vote to confirm Indira Talwani to be U.S. district judge for the District of Massachusetts. Had I been present, I would have voted aye.

# NOMINATION OF JAMES D. PETERSON TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN—Continued

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, what is the next matter before the Senate?

The PRESIDING OFFICER. The next vote is to occur on the Peterson nomination.

Mr. REID. I yield back the time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of James D. Peterson, of Wisconsin, to be United States District Judge for the Western District of Wisconsin?

Mr. GRAHAM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Delaware (Mr. COONS), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 24, as follows:

[Rollcall Vote No. 138 Ex.]

## YEAS—70

Alexander	Corker	Johnson (SD)
Ayotte	Cornyn	Johnson (WI)
Baldwin	Donnelly	Kaine
Bennet	Durbin	King
Blumenthal	Feinstein	Kirk
Blunt	Flake	Klobuchar
Booker	Franken	Leahy
Boxer	Gillibrand	Levin
Brown	Graham	Manchin
Burr	Grassley	Markey
Cantwell	Hagan	McCain
Cardin	Harkin	McCaskill
Carper	Hatch	Menendez
Casey	Heinrich	Merkley
Chambliss	Heitkamp	Mikulski
Coats	Hirono	Murkowski
Collins	Isakson	Murphy

Murray	Schumer	Walsh
Nelson	Shaheen	Warner
Reed	Stabenow	Warren
Reid	Tester	Whitehouse
Rockefeller	Udall (CO)	Wyden
Sanders	Udall (NM)	
Schatz	Vitter	

## NAYS—24

Barrasso	Inhofe	Roberts
Cochran	Johanns	Rubio
Crapo	Lee	Scott
Cruz	McConnell	Sessions
Enzi	Moran	Shelby
Fischer	Paul	Thune
Heller	Portman	Toomey
Hoeven	Risch	Wicker

## NOT VOTING—6

Begich	Coburn	Landrieu
Boozman	Coons	Pryor

The nomination was confirmed.

# NOMINATION OF NANCY J. ROSENSTENGEL TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS—Continued

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to the vote on the Rosenstengel nomination.

Mr. DURBIN. Madam President, I rise to speak in support of Nancy Rosenstengel's nomination to serve as a District Court judge in the Southern District of Illinois.

Ms. Rosenstengel has the experience, integrity and judgment to be an outstanding member of the Federal bench. She has been nominated to fill the judgeship in the East St. Louis courthouse that was left vacant by the retirement of Judge G. Patrick Murphy last December. This vacancy has been designated as a judicial emergency, and I am glad that the Senate is moving forward to fill it.

Ms. Rosenstengel knows the East St. Louis Federal courthouse well. She currently serves as the Clerk of Court for the Southern District, a position she has held for the last 5 years. In this capacity, she serves as the chief administrative officer for the court and handles the day-to-day management of its functions. She has received widespread praise for her skillful handling of the court's operations and policies.

Previously, Ms. Rosenstengel worked in private practice at the law firm Sandberg, Phoenix and von Gontard, and she served for 11 years as a judicial law clerk to Judge Murphy, the judge she has been nominated to replace. As Judge Murphy's career law clerk, Ms. Rosenstengel assisted him in hundreds of civil and criminal proceedings. It is hard to imagine better training for a judgeship than the work Ms. Rosenstengel performed for over a decade at Judge Murphy's side.

Ms. Rosenstengel was born in Alton and currently lives in Belleville. She received her B.A. from the University of Illinois in Urbana-Champaign and her J.D. from Southern Illinois University School of Law.



Ms. Rosenstengel's nomination is historic. No woman has ever before served as an Article III Federal judge in the Southern District of Illinois. Upon confirmation, Nancy Rosenstengel will be the first. And she will do an outstanding job serving the people of the Southern District. She was recommended to me by a bipartisan screening committee that I established to review judicial candidates for the Southern District. I was proud to recommend her name to the President, and I appreciate the support of my colleague Senator KIRK for her nomination.

Ms. Rosenstengel had her hearing before the Judiciary Committee in January. In February, she was reported out of committee by a unanimous voice vote. In short, she is an outstanding nominee and I urge my colleagues to support her confirmation.

Mr. LEVIN. Madam President, I ask unanimous consent to yield back all time.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time is yielded back.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Nancy J. Rosenstengel, of Illinois, to be United States District Judge for the Southern District of Illinois?

Mr. MCCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 139 Ex.]

#### YEAS—95

Alexander	Collins	Hatch
Ayotte	Coons	Heinrich
Baldwin	Corker	Heitkamp
Barrasso	Cornyn	Heller
Bennet	Crapo	Hirono
Blumenthal	Cruz	Hoeven
Blunt	Donnelly	Inhofe
Boxer	Durbin	Isakson
Brown	Enzi	Johanns
Burr	Feinstein	Johnson (SD)
Cantwell	Fischer	Johnson (WI)
Cardin	Flake	Kaine
Carper	Franken	King
Casey	Gillibrand	Kirk
Chambliss	Graham	Klobuchar
Coats	Grassley	Leahy
Cochran	Hagan	Lee
	Harkin	Levin

Manchin	Portman	Stabenow
Markey	Reed	Tester
McCain	Reid	Thune
McCaskill	Risch	Toomey
McConnell	Roberts	Udall (CO)
Menendez	Rockefeller	Udall (NM)
Merkley	Rubio	Vitter
Mikulski	Sanders	Walsh
Moran	Schatz	Warner
Murkowski	Schumer	Warren
Murphy	Scott	Whitehouse
Murray	Sessions	Wicker
Nelson	Shaheen	Wyden
Paul	Shelby	

#### NOT VOTING—5

Begich	Coburn	Pryor
Boozman	Landrieu	

The nomination was confirmed.

Mr. REID. Madam President, on the next nomination, I ask unanimous consent to yield back that time, and this will be the last vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, the remaining votes, if any, will be by voice. On Monday we will have at least three votes starting at 5:30 p.m.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

Harry Reid, Patrick J. Leahy, Mazie Hirono, Dianne Feinstein, Al Franken, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Sheldon Whitehouse, Benjamin L. Cardin, Tom Harkin, Barbara Boxer, Richard Blumenthal, Edward J. Markey, Richard J. Durbin, Charles E. Schumer, Elizabeth Warren.

The PRESIDING OFFICER. All time has been yielded back. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh District, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 37, as follows:

[Rollcall Vote No. 140 Ex.]

#### YEAS—57

Ayotte	Harkin	Murray
Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Rubio
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Landrieu	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Collins	Manchin	Tester
Coons	Markey	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	Menendez	Walsh
Feinstein	Merkley	Warner
Franken	Mikulski	Warren
Gillibrand	Murkowski	Whitehouse
Hagan	Murphy	Wyden

#### NAYS—37

Alexander	Graham	Paul
Barrasso	Grassley	Portman
Blunt	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Corker	Isakson	Shelby
Cornyn	Johanns	Thune
Crapo	Johnson (WI)	Toomey
Cruz	Kirk	Vitter
Enzi	Lee	Wicker
Fischer	McCain	
Flake	McConnell	

#### NOT VOTING—6

Begich	Burr	Moran
Boozman	Coburn	Pryor

The PRESIDING OFFICER. On this vote the yeas are 57 and the nays are 37. The motion is agreed to.

Under the previous order, with respect to the Talwani, Peterson, and Rosenstengel nominations, the motions to reconsider are considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

The PRESIDING OFFICER. The Senator from Alabama.

#### CHANGE OF VOTE

Mr. SESSIONS. Mr. President, on rollcall vote 140, I voted aye and it was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote, since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. SESSIONS. I thank the Chair.

I would note that the issues revolving around judicial confirmations in which we are routinely voting on cloture after the execution of the nuclear option, we are having more of these votes than we used to have.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.



## EXECUTIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume executive session.

**NOMINATION OF ROBIN S. ROSENBAUM TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT**

The ACTING PRESIDENT pro tempore. The clerk will report the Rosenbaum nomination.

The assistant bill clerk read the nomination of Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

**NOMINATION OF THEODORE REED MITCHELL TO BE UNDER SECRETARY OF EDUCATION**

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the Mitchell nomination.

The bill clerk read the nomination of Theodore Reed Mitchell, of California, to be Under Secretary of Education.

Mr. FRANKEN. Mr. President, I yield back all time on the nomination.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Theodore Reed Mitchell, of California, to be Under Secretary of Education?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. The President will be immediately notified of the Senate's action.

Ms. WARREN. Mr. President, earlier today the Senate confirmed Indira Talwani to fill a judicial vacancy on the District Court for the District of Massachusetts.

Ms. Talwani's nomination came after she was recommended to me for this position by the Advisory Committee on Massachusetts Judicial Nominations. The Advisory Committee is comprised of distinguished members of the Massachusetts legal community, including prominent academics and litigators, and is chaired by former Massachusetts district court judge Nancy Gertner. The Advisory Committee's recommendation reflects the strength of Ms. Talwani's resume, the exceptionally warm reviews she received from those who have worked with her, and the firm conviction of the Massachusetts legal community that she will make an excellent district court judge.

Indira Talwani is the daughter of immigrants from India and Germany. She graduated with honors from Harvard University, and was later named Order of the Coif at Boalt Hall School of Law at the University of California, Berkeley. Immediately after law school, Ms. Talwani spent 1 year serving as a law clerk to Judge Stanley A. Weigel on the U.S. District Court for the North-

ern District of California, building practical experience that will serve her well as a district court judge. She subsequently worked for several years as an associate and later as a partner at the firm Altschuler, Berzon, Nussbaum, Berzon & Rubin in San Francisco, before moving in 1999 to join Segal Roitman, LLP in Boston, where she is currently a partner.

Ms. Talwani has an impressive track record as a litigator, having represented clients in matters before the Massachusetts State trial courts and appeals courts, as well as the district court to which she has been nominated, the Federal Courts of Appeals, and the U.S. Supreme Court.

In addition to her broad credentials and wide litigation experience, Ms. Talwani has developed particular expertise in legal issues that relate to employment. She is the associate editor of a treatise on the Family and Medical Leave Act compiled by the American Bar Association. Her work representing an investment advisor whistleblower who was allegedly retaliated against for reporting accounting irregularities to her supervisor earned her the distinction of being named one of Massachusetts Lawyers Weekly's Top 10 Lawyers for 2010, and she recently won a victory in that case on appeal before the U.S. Supreme Court.

Ms. Talwani is also committed to public service, providing pro bono representation to indigent clients. She has worked with Greater Boston Legal Services to ensure that low income clients have access to counsel.

Ms. Talwani's nomination is strongly supported by the Asian American Lawyers Association of Massachusetts. Asian Americans are a fast-growing segment of our State's population, and that growth is reflected in our State bench—which currently has 10 Asian American judges. Remarkably, when confirmed, Ms. Talwani will be the first individual of Asian descent to serve on the Federal bench in Massachusetts.

Indira Talwani is a first-rate litigator with impressive credentials. Her unique professional and personal background will bring important perspective to the Federal bench in Massachusetts. I am proud to have recommended her to President Obama, and I have no doubt that she will have a long and distinguished career on as a member of the judiciary.

## LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

**HIRE MORE HEROES ACT OF 2014—MOTION TO PROCEED—Continued**

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

## ENERGY POLICY

Mr. HELLER. Mr. President, as has been discussed much this week, I believe our Nation needs a comprehensive energy policy that allows us to develop our own domestic resources and use existing resources more efficiently. The United States is blessed with an abundance of natural resources and we have to act to ensure an affordable, stable supply of energy needed to power our economy by developing them responsibly. Democrats and Republicans must work together to develop concrete policies that will lower prices, expand domestic production, and reduce our dependence on foreign sources of energy and minerals.

That is why the debate we are having in the Senate this week is so important. As a member of the Senate Energy and Natural Resources Committee, I have seen how much work has gone into the Energy Savings and Industrial Competitiveness Act so far and have enjoyed being part of that process. This committee also has oversight over many of the other important, responsible energy policies we have been debating this week. That is why I was disappointed to see a procedural step taken by the majority yesterday blocking consideration of any amendments—even amendments related to the very legislation we are considering today. I sincerely hope that prior to the cloture vote on this bill we can find a bipartisan path forward to vote on related amendments such as the Keystone XL Pipeline.

Earlier this week I filed two commonsense amendments that I hoped could be and would be included in the debate this week. These initiatives would expand renewable energy development across the West and put the brakes on job-killing regulations that threaten to drastically increase our constituents' electric bills at a time when middle-class families across this country have already been forced to tighten their belts. Both of these amendments are consistent with the goals of the legislation before us today and are worthy of consideration, I believe, by this body.

My first amendment, No. 2987, mirrors legislation I introduced in the Senate last December, the Energy Consumers Relief Act. This initiative would help protect Americans from new billion-dollar EPA regulations that may increase energy prices and, of course, destroy jobs.

The United States, and especially my home State of Nevada, continues to grapple with high unemployment, with record numbers of Americans underemployed, and with families struggling to make ends meet. Instead of advocating for policies that would put people back to work, the Obama administration continues to develop rules that will increase Americans' utility costs, causing companies to lay off employees and stifle economic growth.

Just last month the EPA and the Army Corps of Engineers put forth a new rule that will significantly expand Federal regulatory authority under the Clean Water Act. This rule would have a chilling effect, particularly out West where our water resources are scant and hydropower plays a significant role in our energy portfolio. Just this week I visited with local irrigation managers and our rural electric cooperatives in my office, and they expressed strong concerns that the substantial regulatory costs associated with changes in jurisdiction and increased permitting requirements will result in bureaucratic barriers to economic growth, infrastructure development, and energy production.

These are the types of administrative actions Congress must rein in. My amendment would specifically require the EPA to be transparent when proposing and issuing energy-related regulations with an economic impact of \$1 billion or more. Additionally, it would prohibit the EPA from finalizing a rule if the Secretary of Energy, in consultation with other relevant agencies, determines the rule would cause significant adverse effects to the economy.

All we are talking about here is transparency and accountability. American taxpayers deserve nothing less from their government. It is important to note that this initiative passed the House with overwhelming bipartisan support last year. The Senate should do the same.

My second amendment, No. 2992, on which I teamed up with my friend from Montana, Senator JON TESTER, to craft, is an initiative we have been working on for many years. The Public Lands Renewable Energy Development Act is a strong bipartisan proposal that will help create jobs, progress towards energy independence, and preserve our Nation's natural wonders by spurring renewable energy development on public lands.

In Nevada we need jobs, not policies that make job creation more difficult. Energy is one of our State's greatest assets, and I believe continuing to develop renewable and alternative sources are important for Nevada's economic future.

Geothermal and solar production in my State is an integral part of the United States's "all of the above" energy strategy. In fact, my home State of Nevada is often called the Saudi Arabia of geothermal. Our Nation's public lands can play a critical role in that mission, but uncertainty in the permitting process impedes or delays our ability to harness their renewable energy potential.

Under current law permits for wind and solar development are completed under the same process for other surface uses, such as pipelines, roads, or power lines. The public land management agencies need a permitting proc-

ess tailored to the unique characteristics and impacts of renewable energy projects. This initiative develops a straightforward process that will drive investment towards the highest quality renewable sources.

In addition, the legislation establishes a revenue sharing mechanism that ensures a fair return for all. Since Federal lands are not taxable, State and local governments deserve a share of the revenues from the sales of energy production on public lands within their borders. These resources will help local governments deliver critical services and develop much-needed capital improvement projects, such as road maintenance, public safety, and law enforcement. Additionally, revenues will be utilized to support fish and wildlife conservation projects and to increase outdoor recreation, such as hunting, fishing, and hiking activities that serve as a critical economic engine in the rural parts of my State.

There is no doubt alternative sources of energy are a critical component of our "all of the above" energy future. While we work to develop and perfect alternative technologies, we need to secure our economy now by having an energy policy that respects the cause of the problem—supply and demand.

I hope the Senate can put partisan politics aside and have the opportunity to vote on related amendments to this bill—like those I have just discussed today. These strong bipartisan proposals will rein in harmful regulations and spur domestic energy production. Congress should take this opportunity to take a major step forward in implementing 21st century energy policies that will create jobs and keep consumer energy prices low.

I thank the Presiding Officer and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

REMEMBERING JIM OBERSTAR

Ms. KLOBUCHAR. Mr. President, I come to the Senate floor today to honor the life of a truly remarkable man—a devoted husband, a loving father and grandfather, a dedicated friend, and a true public servant. Jim Oberstar was a man of purpose and grit who never stopped fighting for the people of his district, the people of northeastern Minnesota.

His resilience was the resilience of the people he represented. He was one of those rare people who was just as comfortable in the Aurora, MN, parade in khakis and tennis shoes as he was at the French Embassy. One unique thing about Jim Oberstar was that he always broke into French at a moment's notice, and he would literally speak French at the French Embassy and in Paris, but he might also speak French at the Aurora parade, even though no one else there spoke French.

Whether he was biking the Mesabi Trail or fishing on Sturgeon Lake or

hanging out with some of his constituents at Tom & Jerry's Bar in Chisholm—which is where he grew up—he always loved northern Minnesota and the people he represented.

Jim never lost sight of where he came from or the values he grew up with. He knew that, among other things, his job in Washington was to be an advocate, and he approached every day with a fierce but disciplined urgency of purpose. What I loved most about him was that, in a day of sound bites and quick fixes, he was never afraid to give that long, long explanation of why he voted for something or why he thought it was important to his constituents.

As the Star Tribune noted this week, Jim was always a popular editorial guest and meetings with him were the "equivalent of a graduate school seminar."

When I think about Jim, I first think—as someone whose roots are also in northern Minnesota, whose grandpa worked in the mines—about how he fought hard to keep the mines open when times were tough, back when things were bleak and people were hurting.

Like my own grandpa, Jim's dad was Slovenian, and he was proud of that. And Jim's dad, like my own grandpa, was also an underground miner. They were part of a generation of immigrants who toiled hundreds of feet underground day after day to mine the iron ore that built this Nation and kept the world free in World War II.

It was a hard, hard life—long days and treacherous conditions, their families living in fear of that dread whistle that meant another miner had been injured or killed. Jim knew that sound well because he lived through it.

So when Jim got to Congress, he fought tirelessly to not only keep the mines open but to protect the rights of the workers and to improve safety.

During his first years in the House, Jim pushed for legislation that created the Mine Safety and Health Administration. Today, thanks to the hard work of Congressman Jim Oberstar, mining conditions have greatly improved.

That was bread-and-butter legislation for Jim—straightforward, commonsense policies that made people's lives better. It sounds simple, but we know in Washington today there are too many people who would rather score political points than get down to the hard work of governing. Not Jim Oberstar. He was a man of conviction.

In a business known for rewarding the expedient over the noble, he lived a life of principle. He played the long game, and he did it on behalf of the American people. That is a great American, and that is a legacy worth celebrating.

We lost Jim suddenly this week in the middle of the night in his sleep.

The day before he had spent the day with his grandkids. He had gone to one of his grandchildren's plays. He had been going on long bike rides.

Even after he lost his election in 2010, he never let it get him down. He took all that energy and zest for life and put it into his family, put it into the continuing work he did on transportation, put it into his friends and everything he loved to do.

We mourned him today, but we also celebrated the incredible gifts Jim gave to our country. It is awe-inspiring to think about how much time he spent mastering Federal transportation policy: 47 years—nearly five decades—11 as a staff member on the House Transportation and Infrastructure Committee and 36 as an elected representative. During that time he literally changed the landscape of Minnesota and the country. His fingerprints can be found on just about every major federally funded transportation project during the last five decades—roads, bridges, tunnels, rails, locks and dams, and bike paths.

Jim loved bike paths. He was a visionary. He was in front of everyone on that. He would try to get money for bike paths, and people would laugh at him: Bike paths? Who cares about bike paths?

Now everyone wants bike paths. Everyone wants bike paths in their communities.

Every American who flies in an airplane or drives on our Federal highways can thank Jim Oberstar. Every American who bikes their bike trails and hikes places such as the beautiful Lake Superior Trail in northern Minnesota or drives on our national highways and bridges should remember him.

He was a treasure trove of facts, figures, and advice for every Member of Congress. He always used to kind of poke fun at the Senate because he claimed things came here and didn't get done. He would always say: All that ever happens in the Senate is you ratify treaties and confirm judges.

One day, close to my own election, I was looking at the newspaper clips and I saw my name next to Jim saying that and I thought: Oh no, what has he said.

It was in the International Falls paper, and I got it out and he had said: Well, all the Senate ever does is confirm judges and ratify treaties, but AMY is going to try to rescue this bill. She will try to get it done.

I was quite relieved.

One of the most memorable stories for me came on his last day in the House when Members came and told stories about him. There was a Congressman from Pennsylvania who talked about the time Jim visited his district to celebrate the opening of a new bridge. He said that Jim stood up with no notes and recited in incredible detail almost every infrastructure

project that had ever been built in that district, along with the name of every Congressman who had ever served in the district, with all the right pronunciations, and he even included their middle initials. He did it with no notes. The Congressman was in awe. He walked back to his office, started looking back through the records and Googling things, and it was no surprise to anyone that Jim was exactly right. That was Jim.

He loved politics. He thought of government as an honorable profession, and he was so proud of the people who followed in his footsteps, whether what he taught Senator FRANKEN and me as we started representing Minnesota or one of his favorites, the mayor of Duluth, Don Ness, who started working with him when he was 23 years old as a young aide or whether it was all the staff members who worked for him all those years. He was so proud of the people he taught, the people he mentored. He was so proud of the Members in Congress—Democrats and Republicans—with whom he worked. He would so often work to get amendments and get little projects for their districts, and then he would let them take the credit when they went home.

I wish to end today with something Jim said in his farewell speech to Congress. He was reflecting on why he had originally run for office, and this is what he said:

[The reason] why I came is to serve the people, to meet the needs of their respective families, and to leave this district, leave this House, leave this nation a better place than I found it.

There is no question that Jim Oberstar left this world better than he found it. Through his incredible legacy of public service, he found immortality in the beautiful children and grandchildren who were and are his family. He has left the world a better place. The youngest one, a little baby we met today at the funeral, was recently adopted, and Jim's daughter named him "Jim."

He left the world so much. He not only taught us how to win elections because he knew how to do that, he also taught us how to act and what to do when you lose an election.

He has found immortality in the hearts of those who knew him and the lives of countless more who never will, in the majestic grandeur of stately bridges and in the cool shadows of quiet bike paths, in the hardhats hanging in the lockers of hard-working miners who go home safely at the end of the day. That is where you will find Jim Oberstar. That is where his legacy lives on.

I yield the floor.

THE ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. I thank Senator KLOBUCHAR for her moving tribute to Jim Oberstar. We both had the honor of

speaking today at his funeral. We were both honored by his wife Jean and by his family.

Jim served the Eighth District for 36 years as their Representative. He served it for 11 years before that as a staffer on the Hill, as Senator KLOBUCHAR said. As she said, he died last weekend in his sleep. I think Senator KLOBUCHAR told me that the family said he wasn't 99 percent, he was 100 percent. So this came as a shock to all of us who knew Jim, and it obviously deeply saddened us all.

I announced for the Senate in February of 2007, and a few days later I had my first public event where I took questions from folks. This was at a coffee shop in St. James, MN, in the southwest corner of our State, in the First District.

The first question I got was from a woman asking if I believed there should be term limits. From the way she asked it, I knew she thought there should be term limits, and I thought: Great. My very first question and I don't agree with the person who is asking it.

So I said: No, I don't believe in term limits, and let me tell you why—Jim Oberstar. Jim has been Congressman for the Eighth District for 33 years now, and he is chairman of the House Transportation and Infrastructure Committee, and he knows more about transportation than anybody else in the country.

Everybody in the coffee shop, including the woman, kind of went, yes—they nodded—yes, that makes sense.

Jim was a walking advertisement against term limits. He was the consummate public servant, and it was all because he was a man who sought knowledge. He had a fierce curiosity about the world and an intense need to understand how it worked. All that enabled him to accomplish so much.

If Jim were here today, if he had one more chance to speak to all of us, first he would say how much he loved his family and his friends and the people who worked for him. Then he would tell us the history of American infrastructure, starting with the Erie Canal and how it opened Midwestern agriculture to Europe because, he would explain, it was 97 percent more efficient to ship those goods over water, down the Hudson and over to Europe, than before. He would tell us how the Erie Canal made New York Harbor, New York City, made it what it is today. Then he would take us through the transcontinental railroad, rural electrification, the Interstate Highway System, and all the way to rural broadband. Then he would go back to the Roman aqueducts, which were built by slave labor, and make an impassioned speech about the history of the labor movement. Jim sometimes had a tendency to go too long, but it was because he believed that everyone was as

curious about the world as he was, and he was almost always wrong about that.

I once had the opportunity to speak before Jim at the naming ceremony for the James Oberstar Riverfront Complex, the headquarters for the Voyageurs National Park in northern Minnesota. Since I was speaking before him, I took the opportunity to predict what Jim would talk about. I said that he would tell us the legislative history of Voyageurs National Park; he would tell us about all the different streams of funding for the park; he would tell us the history of the French voyageurs, the first White men in Minnesota; and that during part of the speech, Jim would speak in startlingly fluent French. Everyone laughed, including Jim, but that didn't stop Jim from telling us the legislative history of the park, all the different funding streams, and all about the voyageurs—and that part in French—and delighting in every word of it.

The first time I ever saw him chair, I went over to the House to see him chair a committee on high-speed rail. He had witnesses from China, Japan, France, and some other European country. When it was time for him to do his questioning, I learned that Jim had piloted every one of those high-speed rail systems. Of course, when he questioned the French witness he did it in French, and it was a tour de force—which I believe is French.

Jim understood the importance of infrastructure to our economy, to economic development, and, as Amy was saying, for recreation. His legacy will be in the ports, locks, dams, highways, bridges, and water systems throughout our country, but it will also be in the bike paths in Minnesota and around the country.

Jim was an avid bike rider. He used to say he wanted to turn our transportation system—the fuel—from hydrocarbons to carbohydrates.

Jim will leave a legacy, and, as I said, it all came from Jim's thirst for knowledge. The pages are here, and I would urge them to thirst for knowledge, not just information. Some people in this town—and in other places too—just look for enough information to achieve some short-term goal. Jim sought knowledge, an understanding of how things work. Because of that, he was able to get things done and was respected by all of his colleagues on both sides of the aisle. Amy and I were both there the day that colleagues in the House paid tribute to him, and it was both sides of the aisle equally.

We had a retirement tribute for Jim in Duluth in 2011, and Don Ness, the mayor of Duluth—about whom Amy spoke briefly and who was at the service today—told a story at that tribute that says everything about Jim as a guy.

Don was 23 years old, and he had just been hired to be Jim's campaign man-

ager. Don's first thing to do with him was the Fourth of July parades. The Fourth of July parades on the Iron Range are a big deal, and there are a lot of them. There were six of them in 24 hours. This was his big chance to impress his new boss, and he screwed up every bit of it.

The first thing he did was he was so obsessed with making arrangements that he forgot to make his own hotel reservation on the Range. Don lived in Duluth. So he drove around the Range to get a room until 1:30 in the morning. He found one in Virginia, MN. He overslept and had to drive to Chisholm, and he was late. So he picked up Jim, and to make up the time, he drove fast and, of course, he got pulled over and got a ticket, which made them really late for this parade, and they got put at the end, behind the horses, on a very hot, sweltering day.

All during the day, Donnie made one screw-up after another. He offended a local DFL activist. He lost Jim for about a half hour. Jim knew where he was, but he didn't know where Jim was. He left this black car parked directly in the sun during the parade, and it became—well, you know what that means.

Thankfully, after the fifth parade, there was going to be a 3-hour break and they were going to drive to somebody's house where they would be able to eat and get in the air-conditioning and relax. Donnie decided to put the signs in the trunk, and as he was doing it, as he was closing it, he saw the keys in the car, locked in the car, and it took them 90 minutes to find someone who could open the car, so they lost their break.

Donnie was a 23-year-old kid, and he was certain he was going to be fired. He felt he deserved to be fired. Jim had been calm with him all day, been nice to him all day, but he figured Jim was stuck with him until the end of the day and at the end of the day he would be fired. He drives Jim home to Chisholm. It is 9 at night now. They get out of the car, and he starts to apologize and says: I blew it today. I know this was my chance, and I have blown it, and I will never be in public service.

This guy is now—what term is he in now, Amy? His third? Yes, his third term as mayor of Duluth. What did he get, 87 percent, or something like that?

But Jim stopped him and wouldn't let him finish. He stopped him and he said: I am really proud of you. You had a tough day. We had a tough day. You had a lot of adversity. You had a lot of things to overcome and you never lost your head, which was really not true; Donnie was panicking the entire time, which is probably why Donnie made those mistakes.

But then he gave Don a big hug—that big Jim bear hug that so many people talked about today. Then Don carried a bag for Jim, and Jim one, too, up to

the front porch, and Jim said, before Don went back to the car: I am proud of you. Don't worry about today. I am proud of you.

Don went back to the car, got in, with his head swimming, and he couldn't believe the kindness, the warmth. As he started to back out, he looked back and Jim was still on the porch, and he gave him this big wave and said: Happy Independence Day.

Minnesota lost a giant, the United States lost a giant this week, but we also lost a good guy. He was a great guy—a great man and a good guy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAINE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MOVING FORWARD

Mr. REID. Mr. President, I hope my Republican colleagues will think long and hard the next few days. We have made some progress this year—it has been limited but some progress—in passing a few bipartisan bills. We started with the Murray-Ryan budget, which was significant, and we were able to get that done. We were able to get the debt ceiling raised without the struggle we have had the last 5 years. We were able to pass an Omnibus spending bill, which is significantly important. We worked together to pass a childcare development block grant bill. And after four or five attempts to end a filibuster, which we were unable to do, but finally we were able to do that, we got five stalwart Republicans to join with us and we passed the unemployment extension benefits.

Today, we have before us the Shaheen-Portman energy efficiency bill, creating 200,000 jobs. It is a fine piece of legislation. It started out good, but it got better as the bill's sponsors worked together to incorporate 10 Republican amendments, joined by some Democrats, and it is a better bill now than it has ever been.

My Republican colleagues, for more than a year, have been asking: Please let us vote again on Keystone. I personally oppose Keystone. I think it is really bad to make oil out of the most dirty carbon stuff there is, to ship it clear across the United States, and then to ship it overseas, which is what they would like to do. I oppose that. But if Republicans think it would help get energy efficiency passed, let's vote on it, and that is what I have told everybody.

If they want a vote on Keystone, that was the agreement they made, let us have a vote on Keystone, and then let the bill that was sponsored by 14 Democrats and Republicans—7 of each—to

move forward. I want to be very clear with my Republican colleagues. The Keystone vote is on the table if they will simply stand by the agreement they had a week ago with me. All it would do is to allow the Senate to move forward with a bipartisan energy efficiency bill.

The Republicans have stated and stated and stated they want a vote on Keystone. Good, let's take a vote on Keystone. Can't they take yes for an answer? The answer is: No.

We are involved in this shell game. If seven of my Democrats made an agreement with the Republican leader, I think it would be untoward of me to go to those Democratic Senators and say—for base politics—drop the approval of what you believe in.

We have been through this before. There is no better example of that than the Transportation appropriations bill led by Chairman MURRAY and Ranking Member COLLINS. They worked so hard on that—lots of work they did on it. Amendments were offered. But do you know what happened? The Republican leader said: We are not going to pass that, and we didn't. That is when Ranking Member COLLINS said: I have never known—I am paraphrasing, but this isn't far from an exact quote—I have never known a leader to work so hard against one of their own.

All we are asking is for Republicans to drop their filibuster of this bipartisan bill sponsored by 14 Democrats and Republicans. The bill is supported by the Chamber of Commerce, the Business Roundtable, the National Association of Manufacturers, and many others.

Sadly, the Republican leader has said, in effect, if he can't get everything he wants—and right now that is a moving target—the Republicans who worked on this bill are out of luck. This is not the spirit of compromise in which this body is supposed to operate, but unfortunately it is what we hear all too often from my friend the Republican leader—nothing but endless obstruction and gridlock.

I know many Republicans are unhappy with the way things have been going. They talk to me. I am sure part of it is just to get this off their chest, but they want to change things around here. My message to them is: The only thing standing in the way of our moving forward on energy efficiency or other bipartisan legislation is to move forward on it. And if Keystone is the object of what they want done, let's get it done.

I hope my Republican colleagues will think hard in the coming days about the right thing to do. Do they want to continue waging obstruction, as we have seen on minimum wage and on pay equity? We know the right answer is that we should move forward, and I hope in the days ahead we will come together. It is really for the American people.

Mr. President, it is my understanding the motion to proceed to H.R. 3474 is now pending.

The PRESIDING OFFICER. That is correct.

#### CLOTURE MOTION

Mr. REID. There is a cloture motion I have brought to the desk and I ask the Presiding Officer of the Senate to report that.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 332, H.R. 3474, an act to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

Harry Reid, Ron Wyden, Robert Menendez, Patty Murray, Barbara Boxer, Jon Tester, Debbie Stabenow, Maria Cantwell, Bill Nelson, Thomas R. Carper, Patrick J. Leahy, Brian Schatz, Mark R. Warner, Charles E. Schumer, John D. Rockefeller IV, Benjamin L. Cardin, Martin Heinrich.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AFFORDABLE CARE ACT

Mr. MURPHY. Mr. President, there was a fairly remarkable hearing in the House of Representatives yesterday in the Energy and Commerce Committee, upon which I used to sit when I was there. It called together some of the Nation's biggest insurers to talk about the failures of the Affordable Care Act as seen through the lens of the insurance companies.

First up on the docket for Republicans was the claim that no one had paid their premiums, that people had signed up for plans, but a report which had been released by the Energy and Commerce Committee in the House suggested in fact only maybe about 60 percent of them actually paid their premiums.

So they asked representatives from WellPoint, Aetna, and other insurance companies to confirm that fact, and of course they did not. WellPoint said, in fact, 90 percent of the people who signed up for WellPoint plans—the biggest insurer through the Affordable Care Act—have paid their premiums.

Aetna said the number for them is somewhere in the low to mid-80s. Both numbers are actually representative of what people in the non-Affordable Care Act market pay with respect to their premiums.

When we dig deeper into the Energy and Commerce report, we found out the reason they suggested that only about 60 percent of the people had paid their premiums is because most people's premiums hadn't been due yet. They didn't have to pay them when they had signed up for the plans in February and March.

So they tried another tactic. They said: We have heard all these reports and news media representations that you are going to be increasing premiums next year by double digits.

The insurers said: No, we have no idea what our premiums are going to be next year. We don't have the data yet. In fact, we are starting to get the subsidies coming into our plans that help keep these premiums affordable for low- and middle-class individuals across the country.

It turned out to be an absolute disaster for Republicans on the Energy and Commerce Committee because, as the insurers also pointed out, their profits have done pretty well, their stock prices have done pretty well over the past several years, because the Affordable Care Act is working for patients and, as it turns out, for the insurance companies that have offered plans on the exchanges.

It is representative of a whole litany of complaints Republicans have registered with respect to the Affordable Care Act's horror stories and worst-case scenarios which have simply not come true. I will take a few minutes to run through each of these arguments because I think it is important to have some context to understand that each one of their representations has not come true. Thus, as they turn to their next series of representations or challenges to the act, I think we can look back on history as a pretty good predictor of the future when it comes to Republicans' ability to prognosticate about an Affordable Care Act which is working now for millions of Americans.

The first thing they said is nobody is going to enroll. They said the Web site was unfixable. Of course we know that is the easiest to debunk now that we have 8 million people who have enrolled through the private exchanges and another 4 million to 6 million people who have enrolled via Medicaid expansion, and 3 million young adults who are now on their parents' plan. In fact, enrollment far outpaced what initial expectations were and beat the CBO estimates by 2 million people.

So clearly Republicans were wrong when they said nobody would sign up for the Affordable Care Act. They were also wrong when they said the Web site couldn't be fixed. There is no excuse for

what happened in the fall of last year on the Web site, but it got up and running. Once it did, people were able to get on in record numbers.

They said the Affordable Care Act was going to kill jobs. We have done nothing but add jobs by the millions since the Affordable Care Act was passed. There is a chart, which I don't have on the floor, that shows what has happened since the Affordable Care Act went into law: Job growth has continued unabated.

Specifically, Republicans said: It is going to result in people who were working full time to move to part-time work. The Congressional Budget Office in a report which came out about 2 months ago said there is absolutely no economic evidence to suggest full-time work is shifting to part-time work. That is not a trend actually happening in the economy. I understand there are anecdotes and stories which are true where employers have made that choice, but there is no broader economic evidence that there is a shift from full-time work to part-time work.

Republicans said it is going to cost too much. Sylvia Burwell was before the HELP Committee today, and she was very articulate in explaining the simple fact that the Congressional Budget Office has revised downward Federal health care expenditures by \$900 billion over the 10-year period from the passage of the Affordable Care Act to a decade later. We are going to be spending \$900 billion less than the CBO initially thought we would, in large part because of all the wellness, prevention, and pay-for-performance measures built into the Affordable Care Act.

Premiums are lower than expected on these exchanges, which saves \$5 billion in and of itself. The overall cost of the bill is 17 percent lower than what CBO initially estimated—huge savings for the Federal budget and for the specific line items within the Federal health care act.

OK. Fine, they said, but young people aren't going to sign up. It is ultimately going to be older, sicker people, and you will not have the right mix.

I think I said WellPoint was the biggest insurer. It is in fact the second biggest insurer. They said the average age of enrollment has come down every single day in a meaningful fashion. The risk pool and the product selection seem to be coming in the manner we had hoped. It is very encouraging right now.

Big companies such as United are going to be offering new plans on exchanges similar to those in Connecticut because they as well see the risk pools are exactly as they had hoped.

But the uninsured will not sign up. This is just people who were insured shifting to other plans which are perhaps better or cheaper for them—bunk

as well. The new Gallup survey, which is the best data we have on the number of people who have or don't have insurance in this country, shows remarkable decreases over the last two quarters in the number of uninsured people in this country—frankly, numbers which almost seem too good to be true—a 25-percent reduction in 6 months' time with respect to the number of people without insurance in this country. One-quarter of the Nation's uninsured are now insured in the first 6 months of the full implementation of the Affordable Care Act.

Lastly, one of the biggest red herrings in this debate has been the issue of cancellations. No doubt there have been hundreds of thousands of plans all across the country that have been canceled since the Affordable Care Act was put into place, but Health Affairs, one of the most respected, nonpartisan health journals in the country, did an article, I believe a couple weeks ago, which said there is absolutely nothing different about the number of cancellations which happened in the wake of the implementation of the act as compared to what had happened in that same period before the implementation of the act; that there is high turnover in the individual market.

While there are certainly some plans which were canceled by insurers because they didn't meet the requirements of the Affordable Care Act, there wasn't a surge in cancellations compared with the number of cancellations which happened prior to the act.

So if we just go through—whether it is the claim that no one is paying their premiums or that rates are going to go up or that nobody will enroll, that it will kill jobs, that it will cost too much or that young people will not sign up or that the uninsured will not sign up or that cancellations are higher than normal—every single one of these claims turns out to be wrong.

That is not to say this act and its implementation hasn't been without its significant warts. There are flaws in the bill. There have been big bumps in implementation, but the fact is that polls are starting to show a growing acceptance and approval of the law amongst the American public because they have listened to these claims that the sky is going to fall from Republicans, and not only has the sky not fallen, but 15 million or so people across this country have more affordable health care because of the Affordable Care Act. The uninsurance rate in this Nation has dropped by 25 percent. Taxpayers are saving \$900 billion over the course of the 10-year period following the passage of the bill.

I haven't even gotten into the quality metrics. Rates of hospital-acquired infections are down. The number of people who are readmitted to the hospital after a complicated surgery is dramatically down.

This is why we passed the Affordable Care Act. It hasn't lived up to everyone's expectation, but to the extent that the goal of the act was to reduce the number of people who are uninsured in this country, lower the rate of growth of health care expenditures, and increase quality, the data coming in on a day-by-day basis is overwhelming and impossible to ignore. More people have insurance, cost is coming down, and quality is getting better.

At some point the facts have to matter. As former Senator Moynihan said: Everybody is entitled to their own opinion, but you don't get to have your own set of facts.

Taxpayers, the uninsured, consumers of all stripes understand what the true story is; that all of the Republican prognostications about the failure of the Affordable Care Act have not come true in the past and they are not likely to come true in the future.

There is a lot of work to do to continue to make the Affordable Care Act better, and I hope every Senator is ready to do that work, but the data and the numbers tell us that increasingly, on a day-by-day basis, the Affordable Care Act works.

I yield the floor and I suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. MARKEY). The clerk will call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE

Mr. BARRASSO. Mr. President, I come to the floor this afternoon to talk about the health care law. I have visited with people in my home State of Wyoming and people from around the country who come to Washington, and many of them want to talk about the health care law and the side effects of the health care law. They want to talk about the health care law that the Democrats voted for unanimously in this body and Democrats on the other side of this building voted for overwhelmingly.

A little earlier today, one of my colleagues who is a supporter of the law came to the floor to say it is working and everything is great.

I am here to say it is not and to dispute some of the comments made by my colleague because I am hearing from people whose care has been affected. Their lives have been affected, the ability to keep their doctor has been affected, and the cost of their care and the cost of their insurance has gone up. Many have had their insurance canceled all because of the health care law.

One of the things the President promised the American people with the health care law—he said it would lower the cost of care, and people's premiums

would go down \$2,500 per family. He said he wanted to go after this because health care spending was too high in the country, and the spending was going up. Yet we had a colleague say that the health care law is a success.

On May 5, just a few days ago, USA Today had a headline that said "Health Spending Up Most Since '80." Health spending is up. The President said it was going to go down because of his law, but it is up the most since 1980.

The article says:

Health care spending rose at the fastest pace since 1980 during the first three months of the year . . .

They say that "Health care spending climbed at a 9.9% annual rate last quarter"—almost 10 percent. That is not what President Obama told the American people would happen.

I would point out that this is a drastic increase in spending when the health care law was supposed to do just the opposite.

The Bureau of Economic Analysis reports higher spending in hospitals—the largest rise since the 1980's third-quarter. It is astonishing when the President promises the American people one thing and delivers another.

In this same Monday USA Today there is a Pew Research Center poll which is interesting. When you read about this, it says:

The poll of 1,501 adults, including 1,162 registered voters, was taken April 23-27 . . . Other findings help explain the Democrats' woes. By more than 2-1, Americans are dissatisfied with the direction of the country. They remain downbeat about the economy. They aren't persuaded that the Affordable Care Act is going to help them and their families. Even the president's supporters worry he is a political liability for fellow Democrats.

I come to the floor today as a doctor who has taken care of patients for 25 years in Wyoming, and my concern with health care is actually "care." The President became fixated, as did the Democrats, on the word "coverage." Coverage doesn't actually make sure that people get the care they need from a doctor they choose at a lower cost. That is what people wanted with the health care law. They don't want what was pushed down their throats by the Democrats in the House and the Senate who said they knew better than the American people.

I find it fascinating to see that in States run by Democrats around the country—Maryland, Oregon, and Massachusetts—which have had the exchanges and have given up. They have said, no, our State exchanges don't work and can't work. Massachusetts has been in play for a number of years, and they had to shut it down and turn it over to the Federal Government because of the mandates and complexities of the health care law—hundreds of millions of dollars that should have gone to care for people. It should have gone to help people. Instead it has gone

to consultants and computer companies. It is not helping people. It is wasted.

Massachusetts, Oregon, and Maryland have given up. They said: We can't even live under this health care law's mandates. Our computer systems don't work. So let's turn it over to Washington. The American people are fed up with turning things over to Washington.

It was interesting to hear my colleague from Connecticut talk about some of the concerns and stories that we are sharing with the American people about folks losing their jobs, part of their pay, and bringing home smaller paychecks as a result of fewer hours at work.

I would like to share a situation that is now happening in Iowa. It was reported a couple of weeks ago in the Ottumwa Courier. Iowa is a State where we have a Democratic Senator from Iowa who is a very active supporter of the health care law. He was on the floor day after day about how wonderful this health care law was during the debate.

Let's talk about what is happening in one community in that Senator's home State in Eddyville. It says:

Faced with a nearly \$138,000 increase in insurance costs the Eddyville-Blakesburg-Fremont School Board—

We are not talking about a business here; we are talking about a community school board—

this week approved reducing the hours of all para-educators from about 37 to just 29 hours per week to avoid the requirements of the National Health Care Act.

That is a side effect of the Obama health care law that every Democrat in this Chamber voted for when that came up for a vote.

So they had some meetings.

The article goes on and says:

In February, Superintendent Dean Cook recommended cutting 12 special education para-educators and three more working as librarians.

My colleague from Connecticut said none of this is happening and that these are just incidental stories; don't pay attention to them.

The article goes on to say:

However, this week his recommendation instead was a choice of either cutting eight para-educators or to reduce the hours of all of para-educators (around 25 to 28 employees), for the 2013-14 school year.

One of the board members "opted to reduce hours instead of cutting jobs." This is a tough situation to put a school board in—reducing hours and cutting jobs.

The board member noted:

It just gets pretty tight when we have cut paras in the past. Those people play key roles in running the schools.

The article goes on:

In fact, several teachers spoke to or wrote letters to the board, providing a detailed account of the jobs that para-educators per-

form, urging the board not to cut these positions.

The article quotes one of the members of the board, Gay Murphy, who said: "I feel very frustrated that our hands are tied with the health care act." Fascinating. The board member has the same last name as the Senator who was down here on the floor saying: Oh, no; pay no attention to these important stories.

The article goes on to say that Gay Murphy "asked that employees' hours be cut by working less days instead of less hours per day"—but still cut the hours under the President's health care law—"so it would be easier for employees to get a second job if needed."

The President's health care law is cutting people's hours, and they are trying to find ways to make it easier for them to get a second job because their paychecks are being cut. Their take-home pay is being cut because of this health care law.

One other board member "noted that quality employees may not stick around for a 29-hour per week job and that special education students have a need for more consistency that comes with full-time employees."

This is a sad story, and it is happening in communities all across the country. I think it is not a surprise that Republicans continue to come to the floor to say there are huge side effects of the health care law, and for some people who may have been helped by the law, many people are being hurt, and it is happening all across the country.

That is why when I heard my colleague mention on the floor that people are getting used to it or there is an acceptance of the health care law, I would just point out an article in the Washington Post:

Poll: Obamacare hits new low.

A new poll shows the public's opposition to Obamacare has never been higher.

The Pew Research Center poll shows disapproval of the law hitting a new high of 55 percent. It comes on the heels of several polls last week that showed the law had very little, if any, bump after signups on the health care exchanges exceeded the goals.

So here we are, an all-time low for approval of a health care law, and the reason is because people's lives have been impacted. They have been hurt by this health care law. There are side effects of the law. People who were promised they would be able to keep the coverage they had—millions lost that coverage. They were told they could keep their doctor if they wanted to keep their doctor, and many Americans lost their doctor. They were told the cost of their insurance would go down and it has instead gone up. They are paying higher premiums, higher deductibles, and now people's paychecks are shrinking and their take-home pay is less because of a health care law that remains very unpopular.



That is why I felt compelled to come to the floor to point out to the American people, and to this body, that comments made previously by a colleague were not, at least in my opinion, based on what I have seen, heard, and read, consistent with the real impacts of this health care law and the impacts on patients, on providers, and on taxpayers.

Thank you, Mr. President. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY EFFICIENCY

Mr. TOOMEY. Mr. President, we are considering the Shaheen-Portman energy efficiency bill. That is what I believe this legislation is called. I think we went on the bill on Monday. Here it is late Thursday afternoon, and it is amazing that we haven't had a debate or a vote on a single amendment in 3 days. Now we are finished for the week so we are not going to have any debate on any amendments or any votes tomorrow either. We are going to go the whole week without having been able to seriously consider the merits or problems with this bill, without being able to offer any ideas to improve or to change the underlying text. It is unbelievable. But this is what has become routine in the Senate.

I have offered four amendments. I filed four amendments I wish to debate, I would like to have a vote on. I have cosponsored four other amendments my colleagues have filed. I think, altogether, Republicans have drafted and filed dozens of amendments; I don't know exactly how many—there are dozens—in part because we haven't considered an Energy bill in this Chamber in 7 years. Things change in 7 years. Lots of things change. After 7 years of not having a debate over energy policy in America—something that is so basic to our economy, so important to every single family, every single business, everyone—it might be a good idea to have a debate and to offer some amendments, to have a discussion and have some votes. But that is not the way the Senate functions. We can't do it. The majority party, the majority leader, will not allow us to have amendments.

This isn't terribly recent. Over the last 10 months, since July of last summer, the majority leader has permitted Republicans to have a grand total of 8 amendment votes—8 votes in 10 months. The Senate is virtually shut down. That is what has happened. It

just so happens that during that same period of time, the House Republicans, who are in control of the House, permitted the minority party to have 136 votes. Of course, the irony is it is the House that has historically always operated under a kind of martial law approach where the majority party dictates all terms—always has. But during that 10-month period, they have had 136 votes permitted to the minority party and we have had 8, and none on this Energy bill. None. Not one.

I truly don't understand why the majority party is so afraid of votes. What is so horrifying about casting a vote on an amendment? But, apparently, that is the case.

I will speak briefly about two of the amendments I have filed that I would like to have a vote on. I am not asking for an outcome, by the way. I accept that. I don't have any right to expect any particular outcome, but I don't understand why we can't have a discussion, why we can't have the debate, why we can't have the vote. By the way, Thursday afternoon, by now, we could have processed dozens of amendments. Actually, Republicans, in the end, all we wanted was a handful.

I filed amendment No. 3037. It would prohibit the Department of Energy from issuing new energy efficiency mandates on residential boilers. It is not very complicated. It is not the end of the world one way or the other, but on the margins, I think this matters a little bit to families.

I will tell my colleagues why. We all have residential boilers. These are our hot water heaters. We have them in our basements. We use them to heat water, to heat our house, in some cases, and to heat our water so we can take a hot shower. This is pretty common. We all have them.

The Department of Energy is in their periodic process of reviewing the mandates they impose on the energy efficiency standards for the boilers. The only consideration in this review process is whether they will make the mandates more stringent than they are today, make them adhere to a tougher standard than the standard they are forced to adhere to today.

Well, I think it would be better not to change the standard. That is my opinion. The reason I hold that view is because the problem with a more stringent energy efficiency requirement on these hot water heaters is it makes them more expensive. It doesn't matter much for really wealthy people, but for a middle-income family or a low-income family, it raises the cost of their home. It raises the cost of replacing a hot water heater. There are a lot of folks who can't afford to have an unnecessary additional cost added to them.

By the way, I don't think we need to force consumers to conserve energy. Everybody has an incentive to conserve

energy, because energy is not free. So people are perfectly happy to pay a little more for more energy efficiency for a product if they can recoup that added cost in the form of a lower energy bill over time. People get that. They will make that decision. They will do it voluntarily. In fact, the only reason we need to mandate standards is if we want to force consumers to pay bigger premiums than they can recoup. If we only want them to pay for what they can save in the future, they do it voluntarily.

So, to me, this is one of those annoying little government mandates that is not necessary, and it reduces consumers' choices and raises their costs, and I don't think it is a good idea, especially now during difficult economic times when median wages have been declining, not rising. I don't think it is a good idea for the government to impose a new cost such as this. So I have an amendment that would forbid the Department of Energy from ratcheting up the cost of an appliance we all have in our homes.

I get the fact that not everybody agrees with me. That is fine. Some people do want to impose this added cost for their own reasons, and that is fine. What I don't understand is why we can't have the debate. Why can't we have the discussion and then have a vote? Then I either win or I lose, and we are done. But we don't do that. Apparently, the majority party is not willing to allow Republican amendments.

I have another amendment. This one has bipartisan cosponsorship. I have cosponsors who include Senator COBURN, Senator FLAKE—actually, it is Senator COBURN who introduced it initially. I am a cosponsor. This amendment would eliminate the corn ethanol mandate from the renewable fuel standard.

What is that about? Well, existing law mandates that we take corn, convert it into ethanol, and then the law requires that the ethanol be mixed with gasoline, and we all have to buy it when we fill up our tanks. The Presiding Officer may be aware that we now burn over 40 percent of all the corn we grow in America. Over 40 percent of it, we end up burning in our cars, by turning it into ethanol and mixing it with our gasoline.

There were good intentions when this mandate was initially created. Some people thought it would be good for the environment. It turns out it is not; it is bad for the environment. It is not just me saying this. The National Academy of Sciences, the Environmental Working Group—everybody acknowledges it increases carbon emissions.

Members on the other side of the aisle thought the issue of carbon in the atmosphere—CO<sub>2</sub> releases—was so important they were here around the clock in a dramatic display of political

theater to make this case. Well, here is an amendment that would reduce CO<sub>2</sub> emissions because the ethanol requirement increases CO<sub>2</sub> relative to where we would be if it didn't exist.

That is not the only problem with the ethanol mandate. It raises the price of filling our tanks. This is expensive stuff. Having to mix it with ordinary gasoline raises the cost of driving. Everybody has to drive. So not only is it bad for the environment, but it is more expensive for every single family who operates a vehicle.

That is not all it does. Because we are diverting 40 percent of all the corn we grow to our gas tanks, it is not available in our cereals or in the food we feed to livestock, and so food prices are higher than they need to be; they are higher than they would otherwise be because of this mandate.

That is not all. Everybody acknowledges that ethanol has a corrosive effect on engines, so it is doing damage to our engines, which shortens the life of the engines; again, not that big a deal if a person is extremely wealthy and can kind of burn through cars. But for the vast majority of people I represent, cars are a very expensive cost they incur, and having a policy that systematically damages that very valuable asset doesn't make a lot of sense to me.

There is yet another reason. These ethanol mandates can have very dire consequences on some of our oil refineries, and that can cost us jobs, and it threatens refineries in Pennsylvania. As a matter of fact, I got a letter from a Philadelphia AFL-CIO business manager, a fellow named Pat Gillespie, who wrote to me asking me to try to do something about this, because it is threatening the jobs of the people he represents at the refineries where they work. I will quote briefly from a portion of his letter:

The impact of the dramatic spike in cost of the RIN credits—

That is the system by which the EPA enforces the ethanol mandate—

from four cents to 1 dollar per gallon will cause a tremendous depression in . . . [our refinery's] bottom line in 2013. Of course at the Building Trades, we need [the refineries] to maintain and expand jobs.

He closed by saying: "We need your help in this matter."

I am trying to help. I am offering an amendment which would repeal the corn ethanol mandate, together with my colleagues on both sides of the aisle.

Again, I understand not everybody agrees with this. There are some people who like the ethanol mandate. They think it is a good idea to grow corn to end up burning it in our cars.

Why can't we have this debate? Why can't we have a vote? Why can't we resolve these issues on the Senate floor? But we do not. We spend the whole week waiting and wondering whether

we might be allowed to have one or two amendments, only to find out, of course, as usual, we get none.

So another week goes by with nothing productive being done on the Senate floor and legislation that could be a vehicle for a meaningful, robust debate about energy policy in America—I have just given two examples. We have dozens of subjects we could be debating. We did not insist on having all of them. But a handful of ideas? It is shocking to me—shocking that we cannot allow the Senate to function, that Senator REID insists we cannot have an open amendment process.

It is disturbing because, of course, historically this was the body that did exactly that, had the open amendment process, had the open debate. This was the—I am chuckling because it seems so odd now, but historically the Senate was considered the world's greatest deliberative body because we would deliberate. The Senate used to do this. The way it used to operate is the majority party would control the agenda, would decide what was on the floor and that is fair enough—but then, once the majority leader would decide what bill was on the floor, then it would be open for debate, until essentially the body exhausted itself and Members were finished offering amendments, and then we would have a final passage vote. Nothing even remotely similar to that is happening today.

I know a number of my colleagues, including the distinguished Presiding Officer, have served in the House. It is unbelievable to me that now, for an extended period of time, the House is having much more robust debate and far more amendment votes, by both the majority and the minority party, than we are permitted to even consider in the Senate. This is a sorry state of affairs.

It has been 7 years since the last debate on energy policy. An energy efficiency bill has come to the floor, and energy efficiency amendments are not permitted to have a discussion or a vote. That is what the Senate has come to.

I urge my colleagues and urge the majority party, in particular, which controls this body, and urge the majority leader: Allow the Senate to function. Allow us to actually have a debate. Allow us to have some amendments. It is actually not that excruciating to have a vote, and in a matter of a very short period of time, we could mow down lots of amendments and move on to the next important piece of legislation.

Energy is a very important issue for our country, for our economy, for every consumer, and it deserves to have a more serious consideration than it is getting.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request.

Mr. TOOMEY. I withhold my request.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the comments of my colleague and friend from Pennsylvania and the discussion of why we are here on a late Thursday afternoon.

We started off the week with an air of optimism that with the energy efficiency bill before us, we could get to that place where we could be debating substantive issues of the day. As my colleague has noted, we have not seen a real energy bill on this floor now for 7 years. When we think about the energy landscape in this country and what has happened in 7 years' time—7 years ago, we were looking to build import terminals to receive LNG. Now we are debating—or hoping to debate—the export of our LNG.

I have kind of put a target on my back, if you will, and said: Let's talk about what is happening with our oil potential in this country and our opportunity as a nation to export our oil, given that next year we will actually be producing more oil in this country than the county of Russia, than Saudi Arabia, but that is going to require some debate, some discussion, some policy considerations.

If we cannot even get to the point where we can move forward on an energy efficiency bill, how are we ever going to advance some of these policy initiatives when it comes to our natural gas, when it comes to our oil or how we might be able to deal with issues such as nuclear waste, where, quite honestly, until we can resolve these issues, they are going to be holding back our opportunity to advance in these areas. How are we going to build out the potential in this country for our renewables and how we integrate them into an outdated system? There are so many policy issues we have to talk about.

So when people suggest all we want to do is talk about energy, I am one Senator who would love to do a lot of talking about energy. I would also like us to be able to legislate on energy initiatives. I would like us to update some of our energy policies, because as times have changed, unfortunately some of our laws have not.

My colleague from Pennsylvania has mentioned there was a time when we would have substantive debate. Take that back to the Energy bills that were before us when I first came to the Senate back in 2003. We took up an energy bill at that time that was on the floor, I know, for multiple weeks; it may have been multiple months.

On July 25, 2003, we resumed consideration of the Energy bill. We had a unanimous consent agreement at that time that more than 370—370—remaining amendments would be in order.

Now, 2003 may seem like a long time ago for some, but for me it seems like

just yesterday. Thinking about that, it is like: Wow. We were able to come to a UC on 370 amendments.

If we go back to the Energy Policy Act, if we look at the amendment log, it shows that more than 130 amendments from Senators of both sides of the aisle were considered.

I think it speaks to the issues that were at play at the time. We are still basing most of our energy policy, of course, on those 2005 and 2007 energy acts.

I think it is important to recognize that when it comes to something as significant as our energy policy in this country, the debate is worthy, the debate is important, and legislating on these issues is critically important.

I know there are conversations yet underway as to whether an amendment opportunity will be made available, whether the four or five amendments the Republicans have offered that are being considered by the majority leader and the bill's sponsors of ShaheenPortman, whether we will be able to reach a fair consideration for the processing of those amendments. I would certainly hope we are able to do just that.

The energy efficiency bill, as I noted in my comments the day before yesterday, is good, sound policy. It is an important leg in the energy stool. When we talk about our energy resources and what we have available domestically, what we are able to be producing—whether it is our fossil fuels, whether it is our renewable fuels, whether it is other alternatives—the recognition is that our most readily available energy source is the one we do not waste. If we can be more efficient, if we can do more when it comes to conservation, this benefits all of us.

So let's figure out how we can move an energy efficiency bill. This is round No. 2 for us. Let us not allow the process to bog down a good bill and a bill that deserves to not only pass this body but to be worked through the body on the other side and to ultimately be signed into law by the President.

I want to start work. I want to be legislating. I also recognize this has been a difficult time for us all right now. We are not seeing a lot of legislation moving through this Senate, but I have been trying to use the time I have, as the ranking member on the energy committee, wisely, trying to focus on those areas where we can critically examine the energy policies we have in place and how we might refresh, how we might reimagine the energy architecture we have.

Last year I released a pretty major report. We called it "Energy 20/20." It is a blueprint that kind of lays out my view of a sound, robust energy policy. I did not want a report that had taken a lot of time and energy and effort and love and passion to just sit on some-

body's desk, so we have been working in this past year to flesh out some of the details we outlined in the blueprint.

I have released now four separate white papers stemming from "Energy 20/20." The first one was on LNG exports. The second was on energy exports generally but also focusing on the specific issue of the prospect for oil exports. We released a very well-received white paper on electric reliability, and then earlier this week I had an opportunity to release a white paper on the nexus between energy and water. All of these are available on the energy committee's Web site.

I have given speeches on the floor. I have addressed small groups, large groups, basically anybody who will listen, not only in my State of Alaska but around the country. My colleagues and those who have been listening have heard me say multiple times that what I am looking for, what I am hoping for, what I am trying to build are laws and policies that will help us access our energy resources to be able to have a policy that says our energy should be abundant, affordable, clean, diverse, and secure.

I joke about it and say there is no acronym for that, but I have arranged it alphabetically so you can remember it.

But when you think about these five components, when you incorporate these all together—abundant, affordable, clean, diverse, secure—it makes pretty good sense.

I think the effort we have engaged in, in the energy committee, has been a worthwhile effort, and I hope this broader conversation will forge consensus on what I think we recognize can be some tough issues.

I have been working hard, even though we are not moving a lot of bills through the floor right now, to try to advance the conversation on so many of these issues I think are a priority.

#### THE NEXUS BETWEEN ENERGY AND WATER

I would like to take a few minutes this afternoon to speak about the most recent white paper I have released, and this is on the connection or the nexus between energy and water. I mentioned I had an opportunity to present this on Tuesday at the Atlantic Council here in Washington. It is entitled, "The EnergyWater Nexus: Interlinked Resources That Are Vital for Economic Growth and Sustainability." It is a very timely subject, very relevant to the current discussion of measures we can take to support energy efficiency.

I think it is apparent, but it certainly bears repeating, that there are clear links between energy and water and water and energy. These fall into two categories. It sounds kind of simple, but it is water for energy and energy for water. Without water much of our energy—electricity included—cannot be produced. Our economy literally comes to a halt. Without energy—and

particularly electricity—the treatment, the transport, the distribution of water does not function either. That all seizes up as well.

So we have water and energy just inextricably linked, and I think it is important to acknowledge that the continued availability and reliability should not be taken for granted. I think sometimes this is the part we fail to keep in perspective.

We are talking a lot about energy right now, but as we talk about energy, let's talk about how that energy source intersects with water. In an effort to produce this energy, how much water are we consuming? In an effort to use that water, how much energy is being consumed to move or treat? So, again, the nexus is tight.

When it comes to water-for-energy, an interesting statistic is that about 41 percent of our freshwater withdrawals in the United States are attributed to cooling the vast majority of our powerplants. This also consumes about 6 percent of our freshwater. Water is also routinely needed to produce the various energy resources we rely on, whether it is oil, coal, gas, or uranium. According to the Congressional Research Service, the production of biofuels has the highest water-intensity value, requiring 1,000 times more water than conventional natural gas. So, again, understanding the intensity is important as we talk about our energy resources. Altogether, more than 12 billion gallons of freshwater are consumed daily for the combined production of fuels and electricity across the country.

Turning to energy-for-water, one study on a national scale found that direct water-related energy consumption amounted to more than 12 percent of domestic primary energy consumption in 2010. That is equivalent to the annual energy consumption of about 40 million Americans.

We are seeing new technology, and we are seeing that really with the potential to provide a paradigm shift. But from today's vantage point, a steady population increase and the resource needs of a modern economy could make freshwater a limited resource in many parts of the country. We are certainly seeing that out in the West. Severe droughts in California and for that matter across most of the Western United States only serve to underscore the risks. Out West, of course, hydroelectric power is a major contributor to clean and cost-effective electricity generation, particularly in Washington State, Idaho, and Montana. So if rivers and reservoirs are running low, this power-generation capacity is at risk.

I believe the recent and rapid expansion of our domestic energy production is very good for our Nation, particularly the growth in unconventional oil and gas production. What we have seen is that it has created jobs, it has generated revenues, it has revived local

economies, and it really does wonders for our energy security. As I mentioned, the United States is now producing and exporting more energy than ever before. Our net energy imports are at a 20-year low. They are projected to fall below 5 percent of total consumption by 2025.

With many new wells located in regions that have already experienced some water shortages, we are seeing producers who are moving in a direction to help ensure that there is going to be sufficient water available for both the work they are doing and other regional needs. New technological advancements and new methods to maintain a balanced use of freshwater resources have been continuously emerging.

I think it is important to recognize that folks are appreciating that you can't count on an unlimited supply of this water resource. Utilizing our technology to be smart, to be efficient, is going to put everyone in better stead.

Even in the case of conventional power generation stations, technological innovation and advances can assist in reducing—if not eliminating—the overall amount of water that is required for cooling purposes. But, again, the key is technology. Continued research and development is at the heart of innovation and advancement.

The questions that are appropriate to ask are what can we do to ensure an adequate supply of water and how can we responsibly minimize the amount of water that is used for energy and then also energy for water? Conservation, of course, can help reduce demand for both water-for-energy and energy-for-water activities, but we have to recognize that it can only go so far. As I just mentioned, innovative energy and water use strategies, coupled with advanced technologies, are equally important when trying to optimize our limited supplies.

I have called on all stakeholders in the private sector as well as in government to support R&D and demonstration of new technologies that can really work to reduce our energy and water consumption.

Again, talking about the bill that is on the floor—energy efficiency—everything we can do to reduce our energy consumption as well as our water consumption is all good. It is all good.

The genesis and sustainability of such efforts are highly reliant on open and continuous information exchange between the parties. I have suggested that the Federal Government not only can but should facilitate this exchange of information on a national and international scale. It can do that by forming genuine partnerships with the stakeholders—including industry, utilities, and academia—and teaming up to advance a better understanding of the energy-water nexus, adopt better practices through technological innova-

tions, and really learn from one another about the procedures and implementation strategies.

This dialogue should also include international perspectives on the energy-water nexus, utilizing the experience and expertise from around the world. We have seen technological advancements and great work going on in Australia, the Gulf countries, Israel, and Singapore. The development of new and improved technologies can answer the needs of both the domestic and international energy-water markets. This could mean opportunities for job creation—good jobs—in high-tech, R&D, and manufacturing.

What I am advocating with this white paper and the proposals out there is really better planning and better collaboration. I am not looking for a top-down approach. I am not looking for more binding rules or mandates. I am certainly not advocating for the forceful implementation of any new policies or directives to use certain technologies. The adoption of best practices should always be on a voluntary basis.

But having said that, I do believe that if we can demonstrate savings and demonstrate efficiencies from new technologies and better resource management approaches, the stakeholders are going to figure this out, and they are going to say this is a win-win for their own bottom line. This makes sense for their customers. It is good to advance.

Along these lines, I have introduced energy-water legislation with Senator WYDEN. We introduced it in January. Our bill is the Nexus of Energy and Water for Sustainability Act—we call it the NEWS Act—and it features some plain old commonsense policy improvements. What a concept.

Just think, in more ordinary times perhaps I would have even introduced the proposed NEWS Act as an amendment to the bill we have before us. But what we have—S. 971—is a short bill, a simple bill that directs the Office of Science and Technology Policy to establish a committee or a subcommittee under the National Science and Technology Council to coordinate and streamline the energy and water nexus activities of our Federal departments and agencies. We are asking this panel—which would be chaired by the Secretaries of Energy and Interior, and representatives would be brought in from these and other agencies—to identify all relevant energy-water nexus activities across the Federal Government—because we know it is just a huge spaghetti mess here—and work together and disseminate the data to enable better practices and explore the relevant public-private collaboration. We also call for OMB to submit a cross-cut budget that details these Federal expenditures related to energy-water activities. What we are looking to do is

to streamline these efforts not just to save water, not just to save energy, but to save taxpayer dollars.

It is good. It is sensible. I think it is a rationed approach. I would like to be able to legislate on this, and I hope we will get to that point where we are beyond the energy efficiency bill, the Shaheen-Portman bill we have been trying so hard to work to advance not only this week but for years now; where we are beyond arguing over whether we are going to be able to move on some amendments; where we will take up with great energy and enthusiasm—pun intended—these initiatives that will help our Nation to be more productive, to be more energy secure, to have a stronger national security, and to have energy policies that are current and sound.

I am one who tries to get up every morning optimistic, glass half full, and I want to believe we will work out an arrangement so that we can have a fair amendment process that allows Republicans to offer a small handful of amendments to be debated and voted on, that will allow us to move an energy efficiency measure that is important to our energy policy and to demonstrate that perhaps we can do a little bit of legislating, a little bit of governing, and advance the cause.

I yield the floor.

The PRESIDING OFFICER (Ms. HETTKAMP). The Senator from Utah.

Mr. HATCH. I ask unanimous consent that my remarks be placed in an appropriate place in the RECORD and that I be able to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Before I begin, I would like to take a moment to address some proposals we have been hearing about in the tax space.

#### CORPORATE TAXATION

Some of us—myself included—were very concerned to hear the other day that a very big American corporation announced plans to merge with a somewhat smaller but still large UK corporation and then have the combined entity domiciled in the United Kingdom. Apparently, a desire to escape the high U.S. corporate tax was part of the motivation for the merger. This type of transaction where a U.S. corporation escapes the U.S. tax net is sometimes referred to as an inversion.

Broadly speaking, there are two different ways to address the problem of inversions. The first way is to make it more difficult for a U.S. corporation to invert. Just today we have read accounts of Members of Congress who propose doing just that. The second way is to make the United States a more desirable location to headquarter one's business. I believe the latter is by far the better way. That would mean lowering the corporate tax rate and having a more internationally competitive tax code.

Under current law, U.S. corporations are taxed on their worldwide income, but foreign corporations are subject to tax only on income arising from the United States itself. In other words, we subject our own corporations to a worldwide tax system, while subjecting foreign corporations to a territorial tax system. It is strange that the U.S. Government treats foreign corporations more favorably than American corporations, but that is, nonetheless, what we do.

There is a danger, if the relatively unfavorable treatment of American companies is ratcheted up—which seems to be the effect of some of these anti-inversion proposals—that American companies will become even more attractive targets for takeover by foreign corporations.

I don't know when my liberal friends will catch on and realize that some of their approaches are just downright idiotic.

As important as it is to get the corporate tax rate down, no matter how low we get the rate, we still need to replace our antiquated worldwide tax system. Instead of imposing arbitrary inversion restrictions on companies retroactively and thereby further complicating the goal of comprehensive tax reform, we should first keep our focus on where we can agree. By uniting around the goal to create an internationally competitive tax code, we can keep American job creators from looking to leave in the first place.

Successful tax reform can help reverse the trend and cause more businesses to locate in the United States, bringing more jobs to Americans. Make no mistake. The trend is alarming. Just look at the number of U.S.-based firms, ranked by revenue, in the global Fortune 500 over the past decade, and you will see a significant decline in the number. That, of course, means a lower tax base for the United States.

When are these people going to catch on?

As I just said, tax reform can be used to reverse that trend, make the United States an attractive place to locate businesses and global headquarters, and provide a base for more jobs in America.

As the ranking member of the Senate's tax-writing committee, that is where my focus is, and I will work with anyone, Republican or Democrat, to achieve that goal.

It is ridiculous the ways some of our people in this government believe we can solve this problem by making it even more intrusive on businesses, even more onerous and burdensome, and by thinking they can force businesses to live in accordance with antiquated rules.

#### EXECUTIVE OVERREACH

Madam President, I rise to defend, on a separate matter, the separation of government powers enshrined in our

Constitution and the lawful prerogatives of the Senate, in which I have had the privilege and honor of serving now for nearly 38 years.

Just last week I spoke from this podium about the Obama administration's blatant disregard of its constitutional obligations and in particular about how ideological devotion and political expediency have again and again trumped the President's sworn duty to uphold the law. In the short time since then, the White House has provided yet another egregious example of its willingness to disregard clear legal obligations in favor of playing partisan politics.

Just days ago we learned the Obama administration withheld particularly significant information from disclosure to Congress, despite a lawfully issued subpoena, during a House committee's investigation of the September 11, 2012, terrorist attack on the U.S. mission in Benghazi, Libya. One of these documents, an email from a senior White House official, casts serious doubt about a number of the administration's key assertions about the explanations it offered Congress and the American people regarding the cause and nature of those attacks.

There are many important questions about Benghazi to which the American people deserve answers; questions about how and why brave Americans died in this terrorist attack, four brave Americans; questions about the circumstances under which our Nation lost its first Ambassador in the line of duty in more than a generation; questions about how the Obama administration advanced an admittedly false but politically advantageous narrative about the attack during the home stretch of a heated election campaign.

I appreciate the efforts of my colleagues both in this body and in the House of Representatives in seeking a fair and thorough investigation of this matter. What compels me to speak out goes beyond the substance of this particular investigation, as critically important as that is. I am deeply troubled by the Obama administration's utter disregard for essential legal and constitutional obligations. This lawlessness is made manifest in many different forms.

I wish to discuss this administration's long pattern of obstinacy in responding to congressional investigations and how this abuse has become the latest front in a vital struggle against sweeping executive branch overreach that has characterized President Obama's term in office.

Congress's investigation into the Benghazi terrorist attack should have been and could have been a collaborative endeavor aimed at discovering the truth. Indeed, President Obama publicly proclaimed he was "happy to cooperate in ways that Congress wants" and promised that his adminis-

tration would share with congressional investigators all information connected to the administration's own internal review. Secretary Kerry likewise pronounced and promised "an accountable and open State Department" that would provide truthful answers about all circumstances relating to the Benghazi attack.

Unfortunately, the Obama administration has been anything but open and accountable, nor has the White House and/or the State Department shown much willingness to cooperate in a constructive fashion with congressional investigations into the matter. Instead, this administration has repeatedly rejected document requests from several congressional committees, broadly asserting its unwillingness to turn over whole swaths of relevant material.

When congressional investigators responded with subpoenas, creating clearly defined and legally binding obligations for the administration to comply, Obama officials have continued to resist and in some cases have refused to disclose entire categories of critical documents.

Throughout the investigation this administration has consistently employed a strategy of minimal compliance. In many instances, executive officials have heavily redacted the limited range of documents the administration has in fact disclosed or forced congressional investigators through the cumbersome and perhaps unnecessary process of examining documents they insist must remain in the administration's possession. Such methods, when reasonably employed, have historically allowed the executive and legislative branches to make mutually acceptable compromises, establishing arrangements that allow Congress access to the information it needs but enable the administration to protect legitimate interests and confidentiality.

Instead, President Obama and his subordinates have taken these tactics to the extreme, creating an unmistakable impression the administration has something to hide. How could anybody look at what they are doing and not realize that is what they are doing. At the very least, it is clear that executive officials have deliberately slow-walked this important congressional inquiry.

Indeed, the administration has managed to drag its feet and frustrate congressional investigators for more than 1½ years since the Benghazi attack, limiting and delaying compliance for over 1 year since the first subpoena was issued.

The Obama administration's most recent abuse—a particularly egregious act—has been its long delay in releasing emails that were clearly responsive to an earlier congressional subpoena. The administration only provided Congress these emails in mid-April after

disclosing them as part of compliance with an outside group's Freedom of Information Act request, even though the emails were undeniably relevant and responsive to a lawful congressional subpoena, a subpoena issued in the summer of 2013, 7 months earlier.

This is the second time the Obama administration has simply passed on to Congress documents it has previously released to media and watchdog groups, a weak attempt at complying with a congressional subpoena. Now, that is an administration out of control, an administration not living up to the laws, an administration that is ignoring legitimate inquiries of the Congress, and an administration that seems to think it can get away with anything. More important, this episode demonstrates the careless and intentionally evasive approach the administration has taken in responding to congressional subpoenas. A simple FOIA request turned up multiple documents the administration admits are covered by a prior congressional subpoena and therefore should have been disclosed months earlier.

While the executive branch is obviously obliged to take all lawful requests seriously, it is outrageous this administration would treat a routine FOIA request from a private party with more care and serious attention than a lawfully issued subpoena from a coordinate branch of the Federal Government. I might add a coequal branch of the Federal Government, the Congress of the United States.

I wish I could say the Obama administration's conduct and the investigations into the Benghazi attack represented an anomaly, a unique instance in an otherwise respectful record of good-faith efforts to cooperate with congressional investigations and to respect Congress's legitimate authorities. Unfortunately, that simply isn't the case. Instead, we have experienced a pattern of obstruction, repeated instances of bad faith in responding to lawful information requests and subpoenas, and a fundamental disrespect of the laws and norms underlying the Constitution's separation of government powers.

We have all witnessed such abuse in this administration's handling of other high-profile investigations, such as the botched gun-walking exercise in Operation Fast and Furious. We routinely observe such hostility in more ordinary matters, as this administration regularly delays and often refuses to provide answers or produce information to Members of Congress.

As the ranking member of the Senate Finance Committee, I see this all the time, whether it is the refusal of the Treasury Department to explain how it deals with its statutory debt limit or the failure of the Department of Health and Human Services to respond to even the simplest questions about

ObamaCare implementation. We see this hostility most transparently when the administration openly challenges the legitimacy of congressional investigations and when administration officials display outright contempt for proper lines of congressional inquiry.

None of this is to say that some assertions of executive privilege are not reasonable or even valid. Past administrations have often asserted privilege claims before Congress, and sometimes—sometimes—they have done so aggressively. This area of law has relatively few judicial precedents. It is largely defined by past practice in which the distinction between legal requirements and prudential interests is often quite blurry. As such, we can expect some legitimate disagreement as to whether particular claims of executive privilege are within the bounds of reasonableness.

But fundamentally the text and structure of the Constitution enshrines a congressional right—and establishes a congressional duty—to investigate executive branch activities. That is how through the years we have kept administrations straight. It is a very important part of our job on Capitol Hill.

Judicial precedents—as well as established practice between the legislative and executive branches stretching all the way back to the investigation of the St. Clair expedition under President George Washington in 1792—also affirm the rightful authority of Congress to require Presidential administrations to produce information in response to congressional requests.

Since the great constitutional clashes of the Watergate period, specific and binding precedents have detailed the requirement that administrations must seek to accommodate congressional information requests made in good faith, subject to adjudication by Federal courts. The Obama administration's actions clearly fall short of these basic obligations. Its abysmal record—highlighted most recently in the Benghazi email controversy—has demonstrated that executive officials are not acting in good faith to comply with legitimate congressional inquiries.

The administration's public efforts to delegitimize congressional investigations endangers not only the relationship between the current White House and this Congress but more fundamentally undermines the separation of government powers by attacking one of the most important checks on executive overreach.

The administration's expansive justifications squarely contradict the Supreme Court's command in *United States v. Nixon* that "exceptions to the demand for . . . evidence are not lightly created nor expansively construed, for they are in derogation of the search for truth."

Even more troubling, the Obama White House has even attempted to un-

dermine our congressional investigatory power at its core. This isn't hyperbole. The current administration actually had the audacity to argue in Federal court that a committee of Congress was categorically barred from asking the judiciary to enforce a subpoena that the executive branch had defied, a course of action implicit in the structure of our Constitution, demanded by the Supreme Court's jurisprudence, and recognized by courts for decades.

Thankfully, one of President Obama's own judicial appointees roundly rejected this astonishing claim, but that should give Members of this body very little comfort. By challenging the very authority of Congress to investigate executive abuses, by challenging the obligation of a Presidential administration to accommodate congressional inquiries in good faith, and by challenging the power of Federal courts to resolve such disputes, the Obama administration's actions represent a serious threat to our constitutional structure.

Indeed, this particular effort to undermine essential institutional checks and balances is part of a broader pattern of executive abuse—one that includes the Obama administration's disregard for its obligations to enforce the law, its actions to exceed legitimate statutory authority, its attempts to defy specific requirements of duly enacted law, and its efforts to usurp legislative power from Congress.

I spoke at length last week about many such abuses of executive power by the Obama administration. I will continue to do so because I believe keeping the exercise of executive authority within lawful bounds is essential to the legitimacy of our government and to the liberties of our citizens. I recognize that doing so will require continual vigilance—by the courts, by the American people, and by those of us who serve in Congress.

This latest episode with the Benghazi emails—as well as the President's new pen-and-phone strategy—demonstrates quite clearly that the Obama administration has not shown any signs of relenting in its executive overreach.

This unprecedented pattern of executive abuse comes from a President who promised unprecedented transparency and who regularly criticized his predecessor's use of executive power, including in the context of executive privilege.

The administration's actions demand a redoubling of Congress' investigative efforts. I urge the majority leader to join the House to form a joint select committee on the Benghazi terrorist attack and its aftermath.

I know many of my friends on the other side of the aisle—not to mention the Obama administration itself—have convinced themselves that this investigation is simply a partisan exercise,

apparently prompting them to ignore the institutional struggle between Congress and the Executive.

I just wonder: What would have happened had Robert C. Byrd been our majority leader, as he was for so long? He would not have put up with this for 1 minute. He would have asserted this institution's authority and this institution's responsibility—Congress' responsibility, if you will—to get to the bottom of this.

I served on the Iran-Contra special committee. It is not a bad thing for us to investigate an administration that appears to be out of whack, appears to be ignoring the basic tenets of the law, and appears to be hiding information from the public. Forget the public right now. How about the Congress? It is hard to respect an administration that acts like this.

We should be eager to get to the bottom of the circumstances surrounding the Benghazi attack, and my friends on the other side ought to quit trying to protect the administration when they know these are serious charges. These are serious matters. We have an obligation to get to the bottom of it, and let the chips fall where they may. There were four deaths here of heroes.

All the Members of this esteemed body—whether Democrat or Republican—should demand that Congress' institutional prerogatives are preserved and defended.

As members of the legislative branch, we have the fundamental right—and the accompanying duty—to exercise a lawful oversight function. When any Presidential administration engages in extreme resistance and demonstrates an unwillingness to cooperate with legitimate congressional investigations, we all—not just people on this side—have an institutional obligation to defend our rightful constitutional prerogatives.

These executive abuses matter. The Obama administration has clearly and consistently overstepped its authorities and ignored its obligations under our Constitution and Federal law. This overreach threatens the rule of law, and it undermines the governmental checks and balances necessary to secure our liberties as Americans.

President Obama promised unprecedented transparency that would restore trust and confidence in government. But his administration's lawless actions have heightened the need for more robust and effective congressional oversight.

As even a liberal Washington Post columnist opined earlier this week, "The Obama White House can blame its own secrecy and obsessive control over information" for the heightened scrutiny of its questionable activities.

Oversight investigations are a critical tool that Congress must use effectively to promote government accountability. The Obama administration's

escalating strategy of stonewalling, even to the point of ignoring legal obligations and longstanding norms, now threatens our rightful role in calling the executive branch to account.

Indeed, the basic assumption that underlies the Constitution's plan of government, as James Madison explained in *Federalist* 47 and 51, is that:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. . . . But the great security against a gradual concentration of the several powers in the same department, consist in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others.

The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition.

As Madison explained, it is incumbent upon each of us to insist on Congress' right and duty to investigate the executive branch, and to ensure that the administration abides by the most basic—the most fundamental—requirements of our constitutional system.

We owe the American people—not to mention the families of those who perished—a meaningful investigation of the Benghazi attack, not just to find answers to remaining questions but to affirm that this is still a Nation of laws and that the people's elected representatives are still capable of pursuing the truth and holding the executive branch accountable for its actions.

This is a matter of great concern to me, and I am sure it is to a lot of people who are starting to realize that there is a stonewalling like we haven't seen since Richard Nixon.

I don't know that the President has done this personally. I hope not. But he has to look into it.

If he doesn't, then I think it is up to the majority in this body to hold the administration to account, with the help of the minority, and to not have them ignore, disregard, and treat with contempt the rightful oversight that we have an honor and an obligation to do up here. This is really a very serious set of problems as far as I am concerned. I hope the President will get after his people down there.

I think one of the problems is we have a lot of young people in the White House right now who haven't had the experience. On the other hand, some of these things are so deliberate that we can't blame it on lack of experience. These folks know and the people in the Justice Department know. To have withheld these emails the way they did, knowing they were crucial to any investigation, is something we should not tolerate here in the Senate.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO PAT BELL

Mr. McCONNELL. Madam President, I rise today to honor an upstanding citizen from my home State, the Commonwealth of Kentucky. Pat Bell grew up in the heart of Appalachia and has spent his life working to better the region and the lives of those who call it home. The Lake Cumberland Area Development District will honor him on May 22 when they name their office building The Pat Bell Building.

Patrick R. Bell was born and raised in McCreary County, Kentucky. Pat was always passionate about helping others, and once he finished his own education he began teaching in the McCreary County school system, rising to the position of school superintendent in the 1960s.

Following his tenure as superintendent, Pat was selected to be the Lake Cumberland Area Development District's first executive director. In this capacity Pat was able to increase the quality of life in the region by organizing infrastructure projects and developing initiatives to increase economic activity.

Pat left the LCADD after 12 years at the helm, but he never lost his desire to serve. In fact, his success at the LCADD led to his next post as the Director of the Lake Cumberland District Health Department. Pat served as director from 1982 until his retirement in 1994, during which the Lake Cumberland District Health Department expanded from five member counties to 10.

His retirement was short lived, however. Never one to turn down an opportunity to serve his community, Pat accepted an appointment to become mayor of Columbia, KY. He then ran for, and won, a second term, which expired in 2010. Although he is once again in retirement, his friends and family know him too well to rule out the possibility of future public service.

Pat Bell's seemingly unlimited capacity to serve others is an inspiration for us all. He truly has a servant's heart, and I ask that my Senate colleagues join me in honoring him today.



## TRIBUTE TO JIM SHARPE

Mr. McCONNELL. Madam President, I rise today to honor the long and distinguished career of Jim Sharpe. Now retired, Mr. Sharpe opened his first business in Somerset, KY, in 1947. Since that time he's opened several more, pioneered the houseboat business, and has become an irreplaceable fixture in his community.

Lake Cumberland is known by many as the "houseboat capital of the world"—a designation that is owed in no small part to Jim Sharpe. Jim was one of the first to pioneer the industry—building his first houseboat in 1953. Much has changed since he sold that first 10- by 24-foot steel boat, and Jim has been there for it all, often leading the way. Houseboats are now much bigger—up to 20 by 100 feet—and are made of aluminum and have on-board heating and cooling systems. One thing that never changed, though, is Jim's passion for building his customer's "dream boat."

Despite being one of the founding fathers of the industry, houseboats do not constitute the totality of his life's work. Jim has owned and operated several other businesses in Somerset in addition to Somerset Marine. In 1966, he developed Food Fair groceries, which he grew into a chain of 13 stores. Two years later, he opened Somerset's first fried chicken restaurant, Kettle Fried Chicken, and in 1974 he bought a car dealership, Pulaski Motor Company.

Although he is now retired, Jim still has plenty to keep him busy. Jim and his wife of nearly 65 years Mary Jo have four children and nine grandchildren, and he has also found time to pick up golf and travel the country.

Jim Sharpe's drive and determination in his business, his commitment to his community, and his love of his family can serve as an example to us all. I ask that my U.S. Senate colleagues join me in honoring this upstanding Kentucky citizen.

## CLINICAL LABORATORY FEE SCHEDULE

Mr. BURR. Madam President, I would like to engage my colleague, the distinguished ranking member of the Finance Committee, in a short colloquy regarding Clinical Laboratory Fee Schedule payment reform provisions included in the SGR patch bill, Protecting Access to Medicare Act.

Mr. HATCH. I thank the Senator. I would be happy to engage my distinguished colleague in a colloquy. Further, many thanks to him for his leadership over the years on this issue.

Mr. BURR. I thank my colleague and commend his work and the work of his staff in the development of this proposal. Reform of the Clinical Laboratory Fee Schedule is an important priority. The current system does not

allow for changes in reimbursement for specific tests and instead, cuts to lab reimbursement have been broad reductions to the fee schedule overall. This imprecise approach has hampered the ability of labs across the country to continue to innovate and improve the diagnosis and treatment of disease. The Protecting Access to Medicare Act reforms this outdated approach and establishes a system requiring laboratories to report market rates to establish Medicare reimbursement. It is my understanding that the intent of this provision is to ensure that Medicare rates reflect true market rates for laboratory services, and as such, that all sectors of the laboratory market should be represented in the reporting system, including independent laboratories and hospital outreach laboratories that receive payment on a fee-for-service basis under the fee schedule. I ask my distinguished colleague if this is his understanding of the intent of this provision as well.

Mr. HATCH. The Senator is correct. And I thank my good friend from North Carolina for raising this issue. I concur; the intent of the provisions of the bill reforming the Medicare Clinical Laboratory Fee Schedule is to ensure that Medicare rates reflect true market rates, and that commercial payment rates to all sectors of the lab market should be represented, including independent laboratories and hospital outreach laboratories.

Mr. BURR. I thank the Senator for his insights and his work on reform of the Clinical Laboratory Fee Schedule.

## WORLD WAR II VETERANS VISIT

Mr. MANCHIN. Madam President, I am filled with so much pride every time our military veterans visit our Nation's Capital and have the opportunity to stand before the memorials built to honor them.

This weekend, 93 veterans from North Central West Virginia, escorted by 55 guardians, will be traveling to Washington, DC, to see the memorials that commemorate their sacrifice and valor. This will mark the very first Honor Flight from North Central West Virginia—which is my hometown region of the "Mountain State."

Fifty World War II veterans, 42 Korean war veterans and one terminally ill Vietnam war veteran will fly from the small town of Clarksburg, WV, to Reagan National Airport, and before they lift off on a truly memorable and moving day, I look forward to greeting our vets bright and early at the local airport to wish them a safe trip to our Nation's Capital. I also will express my deepest gratitude to these special men who helped keep America free and made the world a safer place for liberty-loving people across our country and beyond our borders.

Upon their arrival, 30 Active-Duty sailors from the National Naval Med-

ical Center and 8 marines from the USS *West Virginia* submarine will accompany the Honor Flight entourage during their daylong adventure.

These heroic West Virginians will travel to Washington to visit the World War II, Vietnam, Korean, FDR, Air Force, and Iwo Jima Memorials as well attend a ceremony at Arlington Cemetery.

While their step has slowed, their spirit is keen, their pride is undiminished, and their patriotism is immeasurable.

No matter the war, no matter the rank, no matter the duty, every one of these 93 veterans answered America's call and served our great country with the utmost valor. In our time of need, they stepped forward and said: I will do it—I will protect this country.

This trip to our Nation's Capital is just one way to say thank you.

But the West Virginia's North Central community has much more planned to show their gratitude for these devoted and courageous veterans. Upon the Honor Flight's return Saturday evening, hundreds of West Virginians will welcome home our returning vets, including National Guardsmen, Civil Air Patrol volunteers, Cub Scouts, Boy Scouts and our famous West Virginia University Mountaineer, Mike Garcia.

In addition, more than 155 band members from the Busy Bee Band and Honeybees of East Fairmont High School will perform a medley of patriotic songs, led by their band director and former marine, T.J. Bean.

I want to express my gratitude to my hometown community for their tireless efforts to make this Honor Flight a reality. I especially thank Butch Phillips and all the people who have been instrumental in planning and fulfilling this truly special experience for our 93 West Virginia veterans.

This generation of Americans was united by a common purpose and by common values—duty, honor, courage, service, integrity, love of family and country, and their triumph over oppression will be forever remembered.

Let us remember that these Honor Flights show tribute to all who have served this great country, so may God bless the United States of America and all the men and women who keep us free.

## LOUISIANA GRAY DAY

Ms. LANDRIEU. Madam President, I wish to honor Louisiana Gray Day, this Friday, May 9, and the thousands of Louisianians and Americans with brain cancer and their families. Brain cancer is one of the most incurable forms of cancer and has an average survival period of only 1 to 2 years. It does not discriminate—striking men, women, and children of any race and at any age. Over 688,000 Americans are living with

a primary brain tumor and each year over 69,700 people are diagnosed with primary malignant and nonmalignant tumors. Brain tumors are the second leading cause of cancer-related deaths in children under age 20, the second leading cause of cancer-related deaths in males ages 20 to 39, and the fifth leading cause of cancer-related deaths in females ages 20 to 39.

More so than any other cancer, brain tumors can have life-altering psychological, cognitive, behavioral, and physical effects. To help increase awareness and advance medical research for the various forms of brain cancer, the month of May is recognized nationally as brain cancer awareness month. My State has adopted May 9 in particular as the day when the citizens of the State are encouraged to wear the color gray to raise brain cancer awareness.

Brain cancer has unfortunately affected many in my State. Today I share just one of these stories to increase awareness around this devastating disease. Gary Leingang was diagnosed with glioblastoma, an aggressive form of brain cancer, in June 2008. At the same time Gary was fighting his cancer, his wife Mona was battling breast cancer. Gary stood by her side and took care of Mona when she was on chemo and recovered. Unfortunately, Gary's fight with brain cancer ended on March 9, 2010. Before he passed, he said he wanted to make sure something good came out of his cancer. So, in his honor, his wife and children have shared his story to advance scientific research and increase awareness within the medical community in supporting patients, their families and caregivers afflicted with brain cancer. Last year, Mona worked with Louisiana lawmakers to establish Louisiana Gray Day on May 9—Gary's birthday.

It is my hope that in recognizing May 9 we will honor Gary's legacy and all help to bring greater awareness for all those affected by brain cancer, and perhaps even prevent some brain cancer-related deaths in the future.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING MYSTIC AQUARIUM

• Mr. BLUMENTHAL. Madam President, I am proud to recognize that today, First Lady Michelle Obama presents Connecticut's Mystic Aquarium with the Institute of Museum and Library Services' National Medal for Museum and Library Services for 2014. This medal is the Nation's highest honor conferred on museums and libraries for service to their communities, and I wish to convey my deepest congratulations and admiration for Mystic Aquarium on this auspicious occasion.

Since 1973, Mystic Aquarium has showcased the wonders of the world's oceans through exhibitions, tours, classroom programs, and partnerships with scientific organizations. In addition to worldclass offerings like its diverse collection of more than 4,000 animals ranging from sea lions to penguins, the aquarium boasts New England's only beluga whale habitat, as well as an innovative exhibit that showcases underwater exploration through a partnership with famed explorer Dr. Robert Ballard.

The aquarium maintains a laudable commitment to making a difference for marine environments around the globe through research and direct involvement. The Marine Animal Rescue Program rehabilitates dozens of injured seals every year, and a penguin task force has provided similar help to African penguins in South Africa. The aquarium's extensive research includes field observations on wild belugas in the Arctic and closer to home, the aquarium enlists visitors in beach cleanup and marine animal stranding and rehabilitation programs.

What I find most meaningful about Mystic Aquarium's work, however, is its consistent focus on inspiring and serving the people of Connecticut and visitors from around the world. Of the Aquarium's 700,000 yearly visitors, one in seven is a Connecticut K-12 student, and because school budget constraints too often limit learning opportunities outside the classroom, the aquarium regularly offers complimentary admission to students and teachers from economically disadvantaged communities. The aquarium's deep investment in promoting scientific and environmental understanding among students of all ages and backgrounds is similarly reflected in its innovative programming for Native American high school students and for young people with intellectual disabilities.

Having attended numerous events at Mystic Aquarium, I can personally attest to the dedication of everyone there in serving Connecticut and improving animal habitat across the world. I know how hard Dr. Stephen M. Coan, Dr. Ballard, and all of the aquarium's staff members and volunteers work to support these goals. For its legacy of community-focused education and environmental stewardship, I am proud to congratulate Mystic Aquarium on its receipt of the great honor.●

##### SAMUEL J. HEYMAN SERVICE TO AMERICA MEDALS FINALISTS

• Mr. CARDIN. Madam President, people often wonder why they pay taxes. Well, the short answer, former Associate Justice Oliver Wendell Holmes, Jr. famously wrote in a 1927 Supreme Court decision, is that "taxes are what we pay for civilized society," (Compañía General de Tabacos de

Filipinas v. Collector of Internal Revenue. The longer answer is that people pay taxes for government goods and services that make their families, businesses, communities, and the United States of America stronger, safer, and more prosperous. The people who provide government goods and services are public servants.

This week is Public Service Recognition Week, an opportunity to acknowledge and thank the 21.9 million men and women who work in local, county, State, and Federal Government. Each day, these people teach our children; patrol our borders and ports; protect our food, land, air, and water; care for our veterans and senior citizens; develop treatments and cures for illness and disease; fight fires and respond to natural disasters; make our communities safer; help domestic manufacturers compete abroad; enforce our laws and administer justice; advance human understanding of the smallest particles, the vastness of the universe, and the origin of life; and promote and defend American values and ideals abroad.

The knowledge, expertise, skill, and commitment of our public sector workforce is one of America's greatest assets. No other nation can match our public workforce's professionalism and level of accomplishment. Yet, too often public servants are disparaged and denigrated. Too often public servants bear the brunt of deficit reduction. Too often, public servants are asked to do more and more with less and less. We need to strengthen and encourage our public workforce. We should always strive to make government better, more responsive, more efficient.

On May 6 I had the honor of delivering brief remarks at a breakfast organized by the Partnership for Public Service to announce the finalists for the 2014 Samuel J. Heyman Service to America Medals. These individuals and teams have been chosen for their commitment to public service and because they have made "a significant contribution in their field of government that is innovative, high-impact and critical for the nation," according to the partnership.

I would like to take a few moments to talk about the finalists. If Americans want to see their tax dollars at work, what follows are a few examples.

Call to Service Medal finalists are Federal employees whose professional achievements reflect the important contributions that a new generation brings to public service.

Jonathan Baker, Delta IV launch systems deputy chief engineer, U.S. Air Force Space & Missile Systems Center Launch Systems Directorate, El Segundo, CA saved taxpayers more than \$4 billion on the purchase of 40 new rockets and led the engineering team responsible for launching 13 Air Force satellites into orbit.

Anthony Cotton, Amanda Femal, Jason Fleming, J.P. Gibbons and the Development Credit Authority Transaction Teams, Africa team leader, Cotton; Asia and Middle East team leader, Femal; Latin America/Caribbean and Eastern Europe team leader, Fleming; and Strategic Transactions team leader, Gibbons, U.S. Agency for International Development, Development Credit Authority, Washington, D.C. generated nearly \$1 billion in aid for 60 projects in 42 developing countries during the past 2 years through an innovative, public-private loan guarantee program.

Sofia Hussain, senior forensic accountant, Division of Enforcement, Securities and Exchange Commission, Boston, MA, helped Federal investigators crack intricate securities fraud cases and return hundreds of millions of dollars to investors by introducing cutting-edge technology and data analysis.

Sara Meyers, director, Sandy Program Management Office, Department of Housing & Urban Development, Washington, DC, created sophisticated data analysis systems to evaluate the performance of Federal housing programs and set up processes to track \$13.6 billion in economic stimulus and \$50 billion for Hurricane Sandy disaster recovery;

Miguel O. Román, research physical scientist, Terrestrial Information Systems Laboratory, National Aeronautics and Space Administration, Goddard Space Flight Center, Greenbelt, MD—provided timely and reliable information on wildfires, storm damage and global energy consumption to help scientists and policymakers better understand and respond to natural disasters and climate change.

This is your tax dollars at work.

Career Achievement Medal finalists are Federal employees with significant accomplishments throughout a lifetime of achievement in public service.

Scott Gerald Borg, head, Antarctic Sciences Section, Division of Polar Programs, National Science Foundation, Arlington, VA, directed a world-class research program in Antarctica that led to important scientific discoveries about climate change, the origins of the universe, previously unknown sea life, and two new dinosaur species;

Thomas Browne, Deputy Director, Office of Anticrime Programs, Department of State, Bureau of International Narcotics and Law Enforcement Affairs, Washington, DC, transformed drug prevention and addiction treatment programs in 70 countries around the world, providing special care and assistance to women and children;

Robert A. Canino, regional attorney, Dallas District Office Equal Employment Opportunity Commission, Dallas, TX, pioneered the use of civil rights laws to try human trafficking cases when criminal enforcement and labor

laws proved ineffective in defending foreign-born and intellectually disabled workers who were abused and exploited;

Edwin Kneedler, Deputy Solicitor General, Department of Justice, Washington, DC, argued 125 cases and helped shape the Federal Government's legal position on hundreds more before the Supreme Court, while setting a high standard for integrity and protecting the long term interests of the United States;

E. Ramona Trovato, Associate Assistant Administrator, Office of Research and Development, Environmental Protection Agency, Washington, DC, helped transform national environmental health policy by focusing attention on the impact of pollutants on children, and by devising strategies to respond to biological, chemical and radiological contamination from a terrorist attack;

This is your tax dollars at work.

Citizen Services Medal finalists are Federal employees who have made a significant contribution to the Nation in activities related to citizen services, including economic development, education, health care, housing, labor and transportation.

Michael Byrne, former geographic information officer, Federal Communications Commission, Washington, DC, put detailed data about our Nation's broadband availability and communications systems in the hands of citizens and policymakers through the use of interactive online maps and other visualizations.

Marcia Crosse, Director, Health Care, Government Accountability Office, Washington, DC, directed congressional attention and prompted reforms to the Food and Drug Administration's global role in the regulation of drugs and medical devices to help the agency better protect public health.

James D. Green, project officer, Division of Safety Research, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, Morgantown, WV, collaborated with the ambulance manufacturing industry and multiple Federal agencies to create ambulance crash standards to help reduce injuries and fatalities among EMS workers and patients;

Douglas James Norton, senior environmental scientist, Watershed Branch, Environmental Protection Agency, Washington, DC, engaged citizens, scientists, and State agencies in protecting their local streams, lakes, and rivers by providing access to water quality data and assessment tools via the Web;

Günter Waibel, Adam Metallo, and Vincent Rossi, Director, Digitization Program Office, Waibel, and 3D program officers, Metallo and Rossi, Smithsonian Institution, Washington, DC, made iconic treasures from the

Smithsonian's vast collection accessible to students, teachers, historians, and curious visitors everywhere through the use of computerized 3D imaging and printing technologies.

This is your tax dollars at work.

Homeland Security and Law Enforcement Medal finalists are Federal employees who have made a significant contribution to the Nation in activities related to homeland security and law enforcement, including border and transportation security, civil rights, counterterrorism, emergency response, fraud prevention, and intelligence.

Omar Pérez Aybar, Reginald J. France, and the Miami HEAT teams, assistant special agents in charge, Miami Regional Office, Department of Health and Human Services, Office of Inspector General, Miami Lakes, FL, led hundreds of Medicare fraud investigations that have resulted in more than 600 convictions in South Florida, recovering hundreds of millions of dollars and providing an investigative "roadmap" for other jurisdictions to follow.

Susan M. Hanson, senior resident agent, Federal Bureau of Investigation, Dothan, AL, brought to justice four prison guards who brutally beat and murdered an inmate, and exposed a culture of abuse in Alabama prisons.

Anthony Regalbuto, Chief, Office of International and Domestic Port Security, U.S. Coast Guard, Washington, DC, assessed the vulnerabilities of hundreds of marine facilities and created comprehensive security plans for domestic and international shipping ports to guard against terrorist attacks.

Gilbert Bindewald, Alice A. Lippert, and Patrick Willging, program manager, Advanced Grid Modeling Research, Bindewald; senior technical advisor, Energy Infrastructure Modeling and Analysis, Lippert; senior logistics specialist, Willging, Department of Energy, Office of Electricity Delivery and Energy Reliability, Bindewald and Lippert; Office of Petroleum Reserve, Willging, Washington, DC, helped government authorities and power companies deliver emergency services and restore electricity following widespread natural disasters by creating critical information sharing and assessment tools.

This is your tax dollars at work.

Management Excellence Medal finalists are Federal employees demonstrating superior leadership and management excellence through a significant contribution to the Nation that exemplifies efficient, effective, and results-oriented government.

Sonny Hashmi, Acting Chief Information Officer, General Services Administration, Washington, DC, led the General Services Administration's "Cloud Initiative," improving employee effectiveness, reducing agency costs, and creating a model for other Federal agencies to follow.

Alan J. Lindenmoyer, program manager, Commercial Crew and Cargo Program, National Aeronautics and Space Administration, Johnson Space Center, Houston, TX, transformed NASA's space travel programs, helping the United States continue important space research while reducing taxpayer costs and stimulating the commercial space industry.

Marion Mollegen McFadden and the Hurricane Sandy Rebuilding Task Force staff, senior attorney for disaster recovery, Department of Housing and Urban Development Washington, DC, in the months following Hurricane Sandy, coordinated efforts of numerous Federal agencies to help rebuild stronger and safer communities.

Ronald E. Walters, Acting Principal Deputy Undersecretary for Memorial Affairs; Department of Veterans Affairs Washington, DC, honored our Nation's veterans by delivering the pinnacle of care and service at their final resting place, while increasing availability and access to burial sites throughout the country.

This is your tax dollars at work.

National Security and International Affairs Medal finalists are Federal employees who have made significant contributions to the Nation in activities related to national security and international affairs, including defense, military affairs, diplomacy, foreign assistance and trade.

Jill Boezwinkle, senior program manager, Development Innovation Ventures, U.S. Agency for International Development, Washington, DC, guided a U.S. initiative to provide safe drinking water to 5 million people in Kenya and Uganda, saving lives and preventing illnesses for thousands of individuals.

R. Patrick DeGroodt, deputy product manager, Department of the Army, Aberdeen Proving Ground, Aberdeen, MD, helped America's war fighters achieve mission success and stay out of harm's way by developing and deploying a new mobile communications network that gives Army units continuous connectivity on the battlefield.

Jonathan Gandomi, former field representative for the counter-Lord's Resistance Army mission, Department of State, Bureau of Conflict and Stabilization Operations Washington, DC, coordinated U.S. efforts to end the atrocities of the Lord's Resistance Army, one of Africa's oldest and most brutal extremist groups, and help victims overcome decades of violence.

Dr. Rana A. Hajjeh and the Hib Initiative Team, Director, Division of Bacterial Diseases, Centers for Disease Control and Prevention, Atlanta, GA, led a global campaign to convince some of the world's poorest countries to use a vaccine to fight bacterial meningitis and pneumonia, an initiative that is estimated to save the lives of 7 million children by 2020.

Sean C. Young and Benjamin J. Tran, electronics engineers, Air Force Research Laboratory, Wright-Patterson Air Force Base, Dayton, OH saved U.S. soldiers' lives in Afghanistan by creating and deploying a new aerial sensor system to help Army and Special Forces units detect and destroy deadly improvised explosive devices.

This is your tax dollars at work.

Science and Environment Medal finalists are Federal employees who have made significant contributions to the Nation in activities related to science and environment, including biomedicine, economics, energy, information technology, meteorology, resource conservation, and space.

William A. Bauman, M.D. and Ann M. Spungen, Ph.D., Director, Bauman, and Associate Director, Spungen, National Center of Excellence for the Medical Consequences of Spinal Cord Injury, Department of Veterans Affairs, James J. Peters VA Medical Center Bronx, NY, greatly improved the health care and the quality of life of paralyzed veterans by developing new ways to treat long-overlooked medical problems.

William Charmley and James Tamm, Division Director, Assessment and Standards Division, Charmley, and Chief, Fuel Economy Division, Tamm, Environmental Protection Agency, Charmley; National Highway Traffic Safety Administration, Tamm, Ann Arbor, MI, Charmley; Washington, DC, Tamm, led an interagency team that developed standards for cars and light trucks that will double fuel economy by 2025 and reduce carbon dioxide emissions by 6 billion metric tons;

John Cymbalsky, program manager, Appliance and Equipment Standards, Department of Energy, Office of Energy Efficiency and Renewable Energy, Washington, D.C., brought together industry and environmental groups to adopt new efficiency standards for appliances and commercial equipment that will save consumers money and reduce energy consumption and air pollution.

Richard Rast, senior engineer, Air Force Research Laboratory, Kirtland Air Force Base, Albuquerque, NM, developed a new, low-cost method of locating and tracking space debris that could severely damage or destroy spacecraft and vital communications, navigation, and weather satellites.

Jeffrey Rogers, program manager, Ret., Defense Advanced Research Projects Agency, Arlington, VA, created a wearable sensor that provides real-time information on the risk of traumatic brain injuries to soldiers exposed to bomb blasts, resulting in quicker medical treatment and uncovering previously undiagnosed injuries.

This is your tax dollars at work.

The individuals I have just named are the best of the best. But they would be the first to acknowledge that they stand on the shoulders of many col-

leagues. Yet these men and women who have done so much in service to the American people have endured pay freezes, furloughs, benefit cuts, a government shutdown, and shrinking budgets. The Service to America Medals finalists—and countless other dedicated public servants across our country—strive to serve their fellow citizens every day. They remind us why we pay taxes. It is important that we pause to reflect on their contributions, celebrate their successes, and give thanks for their service and their devotion to helping create and sustain a civilized society.●

#### SMITH-LEVER ACT CENTENNIAL

● Mr. CASEY. Madam President, I wish to mark the centennial of the enactment of the Smith-Lever Act.

The Smith-Lever Act established the Cooperative Extension Service, a vital nationwide system of educational partnerships that brings together Federal, State and local governments and land-grant universities.

This network is administered by The Pennsylvania State University in all 67 counties of Pennsylvania.

Access to the Cooperative Extension Program provides valuable information, resources and educational programs to communities on a broad range of issues.

As agriculture is Pennsylvania's No. 1 industry, this program continues to serve as a valuable resource for agricultural producers, small business owners, students, consumers, and communities of all sizes.

The Cooperative Extension Program helps to maintain and support the agricultural industry, while utilizing innovative research and technologies to advance the future of the industry.

I ask the Senate to join me in honoring the 100th anniversary of the Smith-Lever Act.●

#### CONGRATULATING STEVE AND CAROLYN COBURN

● Mr. HELLER. Madam President, I wish to recognize Nevada's own Steve and Carolyn Coburn for their recent victory at the 139th Kentucky Derby with their co-owned horse, California Chrome. California Chrome was the victor by 1¼ lengths, and as a fellow horse owner, it gave me great pride to watch a Nevadan-owned horse win this coveted title.

Steve Coburn, an Army veteran, and Carolyn Coburn are both Douglas County residents who took a chance 5 years ago when they became part-owners in California Chrome's mother, Love the Chase, as an investment opportunity. Although Love the Chase failed as a thoroughbred in the eyes of the industry, the Coburns and other co-owners decided to breed her, resulting in California Chrome, the humble-beginnings horse who turned out to be a champion.

California Chrome does not only win races, but he has become an integral member of the Coburn family. Every few weeks, the Coburn's made the drive from their rural Nevada home to watch their foal grow into a champion and never had a doubt that he was special. His track record of 10 career starts and 6 first-place finishes proves their predictions right.

As a fellow horse enthusiast, I appreciate the unique roles horses play as companion animals, as well as an important part of the commercial horse racing industry. I know the citizens of the "Silver State" are proud to see humble Nevadans succeed in making their dream of having a winning horse come true. Today, I ask my colleagues to join me in congratulating Steve and Carolyn for this unparalleled victory and wish California Chrome the best in his future racing endeavors.●

#### EMMETT COUNTY, IOWA

● Mr. HARKIN. Madam President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Emmet County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Emmet County worth over \$4.5 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$15.5 million to the local economy.

Of course my favorite memory of working together has to be the community's commitment work to secure Harkin wellness grants. From increasing physical activity to promoting

workplace wellness and educating students about the dangers of tobacco, this funding has provided the key to reducing health care costs and helping Iowans live a longer, happier life. Through the five programs included in the Lifestyle Challenge, participants lost a collective 3,467 pounds and clocked 23,911 hours of activity. Emmet County has been at the forefront of this effort, so I look forward to learning how they have implemented healthier living in their community.

Among the highlights:

Investing in Iowa's economic development through targeted community projects: In Northwest Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Emmet County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole ripple effect of positive, creative changes. For example, working with mayors, city council members, and local economic development officials in Emmet County, I have fought for over \$1.3 million for the Iowa Great Lakes Community College for work on renewable energy programs, helping to create jobs and expand economic opportunities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That's why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Emmet County has received \$3.3 million in Harkin grants. Similarly, schools in Emmet County have received funds that I designated for Iowa Star Schools for technology totaling \$175,000.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income pro-

tection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Emmet County has received more than \$1.4 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as—for instance, the methamphetamine epidemic. Since 2001, Emmet County's fire departments have received over \$660,000 for firefighter safety and operations equipment.

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Emmet County has recognized this important issue by securing \$120,000 in wellness grants.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Emmet County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Emmet County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### DICKINSON COUNTY, IOWA

● Mr. HARKIN. Madam President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and

revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Dickinson County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Dickinson County worth over \$3.4 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$11.4 million to the local economy.

Of course my favorite memory of working together has to be our shared commitment to school construction, renovation, and fire safety through the Harkin school grants and Star Schools programs. Working together with state and local communities, this funding has ensured Iowa students are learning in schools that are safe, and modern. I look forward to learning about the renovations made possible in Dickinson County.

Among the highlights:

**Investing in Iowa's economic development through targeted community projects:** In Northwest Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Dickinson County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole ripple effect of positive, creative changes. For example, working with mayors, city council members, and local economic development officials in Dickinson County, I have fought for more than \$9.2 million for Polaris through the Department of Defense to provide All Terrain Ultra Tactical Vehicles to the National Guard, helping to create jobs and expand economic opportunities.

**School grants:** Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern.

That's why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Dickinson County has received \$1,124,075 in Harkin grants. Similarly, schools in Dickinson County have received funds that I designated for Iowa Star Schools for technology totaling \$223,047.

**Agricultural and rural development:** Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Dickinson County has received more than \$3.1 million from a variety of farm bill programs.

**Keeping Iowa communities safe:** I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as—for instance, the methamphetamine epidemic. Since 2001, Dickinson County's fire departments have received over \$500,000 for firefighter safety and operations equipment.

**Disability Rights:** Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That's why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the

full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Dickinson County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Dickinson County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Dickinson County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### REMEMBERING ERNIE SCHOCH

● Mr. HELLER. Madam President, today we honor the life and service of Ernie Schoch, whose passing signifies a great loss to Nevada. I send my condolences and prayers to Joann and all of Ernie's family in this time of mourning.

Ernie came to the United States to become a member of the U.S. Air Force. During his tenure in the Air Force, Ernie was a recipient of the prestigious Good Conduct Medal. Airmen awarded this medal must earn character and efficiency ratings of excellent or higher throughout a 3-year period of Active military service or for a 1-year period of service during a time of war. As one of our Nation's servicemembers, he made exceptional sacrifices for our country and deserves our deepest gratitude. I am both humbled and honored by not only his but his family's service to our great Nation.

Ernie and his wife Joann were exemplary volunteers throughout the community. Their selflessness extends far beyond our Nation's military. He was dedicated to supporting homeless veterans and worked with the U.S. Veterans Initiative and other organizations in his spare time. As a member of the Senate Veterans' Affairs Committee, I am proud to have continued his work through my own legislative proposals to help in assisting homeless veterans. His volunteerism brought so much to his community, and rest assured his contributions will remain a lasting legacy in the "Silver State."

I extend my deepest sympathies to Joann and all of Ernie's family. We will always remember Ernie for his courageous contributions to the United



States of America and to freedom-loving nations around the world. His service to his country and his bravery and dedication to his family and community earn him a place among the outstanding men and women who have valiantly defended our Nation.

Ernie's wife Joann is a woman whom I am proud to call a friend. Together, the two were an inseparable couple whose love for each other was obvious to anyone who spent time with them. They enjoyed traveling together and sharing their stories with all who eagerly listened. When not traveling or volunteering, Joann and Ernie opened their home generously to the many people who loved their company.

Throughout his life, Ernie maintained a dedication to the preservation of justice and integrity, which I am honored to commend. Today, I join the Clark County community and citizens of the "Silver State" to celebrate the life of an upstanding Nevadan.●

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CONGRATULATING RABBI DR.  
GERSHON C. GEWIRTZ AND DR.  
MINDY GEWIRTZ

● Mr. MARKEY. Madam President, I wish to express my warmest congratulations to both Rabbi Dr. Gershon C. Gewirtz and Dr. Mindy Gewirtz of Brookline, MA upon their departure. Rabbi Gewirtz has served as Young Israel of Brookline's dedicated Mara d'Asra for three decades, alongside his wife Mindy, and their children Yossi, Henech, Sorah Leah, Adina and Doniel arrived in 1984. His wife, Dr. Mindy Gewirtz has also been a longtime passionate and dedicated community leader in her own right, contributing tireless decades of service.

Rabbi Gewirtz leaves Young Israel of Brookline with an indelible legacy as one of the prime architects of Young Israel and as a local and national Jewish leader, in Brookline, the Greater Boston Jewish community, and the national Orthodox movement.

Rabbi Gewirtz has led in times of great joy, incredible challenge, deep tragedy and monumental growth. Through it all, Rabbi Gewirtz has kept the Young Israel community together. He represented the Orthodox Jewish community locally and nationally with wisdom and integrity. Most importantly, he established personal relationships with his congregants, always serving their religious, spiritual, intellectual and halachic needs.

I wish to express my boundless gratitude to Rabbi Gewirtz for his many years of devoted service to Young Israel of Brookline and to the Commonwealth of Massachusetts. He has had a storied career, and I know the best is yet to come for him and his family.●

TRIBUTE TO DR. KAY  
SCHALLENKAMP

● Mr. THUNE. Madam President, today I honor Dr. Kay Schallenkamp on her many accomplishments and upcoming retirement.

Dr. Kay Schallenkamp was born in Salem, SD. Her background includes three degrees in communication disorders; a bachelor's degree from Northern State University, a master's degree from the University of South Dakota, and a doctorate from the University of Colorado. Her career has spanned for over 40 years, and her dedication to education and the well-being of her students is unmatched.

Dr. Schallenkamp's career in higher education originated as a professor of communication disorders at Northern State University in Aberdeen, SD, in 1973. She served as department chair from 1982 to 1984, followed by an appointment as dean of graduate studies and research in 1984. Dr. Schallenkamp was named provost of Chadron State College in 1988, and in 1992 she was named provost of the University of Wisconsin-Whitewater. Before making her way back to South Dakota, Dr. Schallenkamp served as the president of Emporia State University in Kansas from 1997 to 2006.

Since her arrival at Black Hills State University, BHSU, in 2006, Dr. Schallenkamp has placed the needs of BHSU ahead of her own. Due to her diligent work, BHSU is the State of South Dakota's third-largest university. She has been vital in physical renovations across campus, including a key transformation and addition to the Student Union, the construction of the Life Sciences Laboratory, and updates to the campus residence halls. Preparations are also being made for the addition of a new residence hall and a remodel of Jonas Science Hall in partnership with the Sanford Underground Research Facility in Lead, SD. Dr. Schallenkamp has served as the president for the last 8 years and in that time BHSU has significantly grown.

Dr. Schallenkamp is retiring after a long and successful career to spend more time with her family. She and her husband Ken have two daughters: Heather (Shad) in Kansas have two children, Alyssa and Tyler. Jenni (Danny) Simon in North Carolina have two sons, Keenan and Reece.

I am honored to recognize Dr. Schallenkamp for her accomplishments and wish her a happy retirement.●

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RECOGNIZING SALVE REGINA  
UNIVERSITY

● Mr. WHITEHOUSE. Madam President, in 1874, a financier named William Watts Sherman and his wife Annie Wetmore decided to build a house on a plot of land Wetmore had inherited from her father in Newport, RI, just a few blocks from Sheep Point

Cove. The couple hired the respected architects H.H. Richardson and Stanford White, and chose the popular Queen Anne's style, which employed steeply sloping rooflines, gables, broad porches, and deep entranceways. But, as is the case with many in Rhode Island, they also wanted to put their own mark on the property—something that would set it apart from their neighbors. So they added new materials, like stucco, shingles, stained glass windows, and an asymmetrical layout to draw the eye in unexpected directions.

The house was both fashionable and altogether different, and a new style was born. So it is that "Shingle Style," as it came to be known, is traced back to Rhode Island and the William Watts Sherman House.

Today the home is one of more than 21 historic buildings on the campus of Salve Regina University, which has sought to maintain the structures and commission new buildings that complement Newport's distinct architectural tradition. That is why Salve Regina University has been selected for the Institute of Classical Architecture & Art's prestigious Arthur Ross Award for Stewardship. It joins previous recipients that include the New York Botanical Garden in New York, Monticello, the Thomas Jefferson Foundation in Virginia, and the U.S. Commission of Fine Arts in Washington, D.C. The award recognizes the university's "astute and indefatigable effort" to preserve its legacy for future generations and expand upon the defining aesthetics of its campus and surrounding neighborhood. I could not imagine a more worthy recipient.

The story of William Watts Sherman House is one of many examples of architectural innovation in the Ocean State, from "stone-ender" farmhouses in Lincoln, to vast industrial spaces like Slater Mill in Pawtucket, and to Gilded Age mansions like The Breakers in Newport. We see our own history reflected back to us through these structures, and by preserving them we see more clearly how much has changed and why.

I am proud to see an institution that cares deeply about preserving Newport's architectural heritage receive worthy recognition. I applaud Salve Regina's dedication to Rhode Island's rich cultural history and congratulate them on this prestigious honor.●

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MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

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EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United



States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

**PROPOSED AGREEMENT FOR CO-OPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—PM 42**

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of a proposed Agreement for Cooperation between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy (the "Agreement"). I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105-277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretaries of State and Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed. An addendum to the NPAS containing a comprehensive analysis of Vietnam's export control system with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries, pursuant to section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), as amended, is being submitted separately by the Director of National Intelligence.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Vietnam based on a mutual commitment to nuclear nonproliferation. Vietnam has affirmed that it does not intend to seek to acquire sensitive fuel cycle capabilities, but instead will rely upon the international market in order to ensure a reliable nuclear fuel supply for Vietnam. This political commitment by Vietnam has been reaffirmed in the preamble of the proposed Agreement. The Agreement also contains a legally binding provision that prohibits Vietnam from enriching or reprocessing U.S.-origin material without U.S. consent.

The proposed Agreement will have an initial term of 30 years from the date of its entry into force, and will continue in force thereafter for additional periods of 5 years each. Either party may terminate the Agreement on 6 months' advance written notice at the end of the initial 30 year term or at the end of any subsequent 5-year period. Additionally, either party may terminate the Agreement on 1 year's written notice. I recognize the importance of executive branch consultations with the Congress regarding the status of the Agreement prior to the end of the 30-year period after entry into force and prior to the end of each 5-year period thereafter. To that end, it is my strong recommendation that future administrations conduct such consultations with the appropriate congressional committees at the appropriate times.

The proposed Agreement permits the transfer of information, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, sensitive nuclear technology, sensitive nuclear facilities, or major critical components of such facilities. In the event of termination of the Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the Agreement.

Vietnam is a non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons. Vietnam has in force a comprehensive safeguards agreement and an Additional Protocol with the International Atomic Energy Agency. Vietnam is a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material, and has ratified the 2005 Amendment to the Convention. A more detailed discussion of Vietnam's intended civil nuclear program and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and in a classified annex to the NPAS submitted to you separately. As noted

above, the Director of National Intelligence will provide an addendum to the NPAS containing a comprehensive analysis of Vietnam's export control system with respect to nuclear-related matters.

I have considered the views and recommendations of the interested departments and agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided for in section 123 b. Upon completion of the 30 days of continuous session review provided for in section 123 b., the 60 days of continuous session review provided for in section 123 d. shall commence.

BARACK OBAMA.

THE WHITE HOUSE, May 8, 2014.

**AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM CONCERNING PEACEFUL USES OF NUCLEAR ENERGY**

The Government of the United States of America and the Government of the Socialist Republic of Vietnam,

MINDFUL of their respective rights and obligations under the 1968 Treaty on the Nonproliferation of Nuclear Weapons ("NPT") to which both the United States of America and the Socialist Republic of Vietnam are parties;

REAFFIRMING their commitment to ensuring that the international development and use of nuclear energy for peaceful purposes are carried out under arrangements that will to the maximum possible extent further the objectives of the NPT;

AFFIRMING their desire to promote universal adherence to the NPT;

AFFIRMING their support for the International Atomic Energy Agency ("IAEA") and its safeguards system, including the Additional Protocol (INFCIRC/540);

DESIRING to cooperate in the development of peaceful uses of nuclear energy;

MINDFUL that peaceful nuclear activities must be undertaken with a view to protecting the international environment from radioactive, chemical, and thermal contamination;

RECALLING the Memorandum of Understanding between them concerning Cooperation in the Nuclear Energy Fields, signed at Hanoi, the Socialist Republic of Vietnam on March 30, 2010;

AFFIRMING in particular the goal of pursuing the safe, secure, and environmentally sustainable development of civil nuclear energy for peaceful purposes and in a manner that supports nuclear nonproliferation and international safeguards;

AFFIRMING the intent of the Socialist Republic of Vietnam to rely on existing international markets for nuclear fuel services, rather than acquiring sensitive nuclear

technologies, as a solution for peaceful, safe, and secure uses of civilian nuclear energy, and the intent of the United States to support these international markets in order to ensure reliable nuclear fuel supply for Vietnam;

#### HAVE AGREED AS FOLLOWS:

##### ARTICLE 1—DEFINITIONS

For the purposes of this Agreement, including the Agreed Minute:

(A) "Agreed Minute" means the minute annexed to this Agreement, which is an integral part of this Agreement;

(B) "Byproduct material" means any radioactive material (except special fissionable material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special fissionable material;

(C) "Component" means a component part of equipment or other item, so designated by agreement of the Parties;

(D) "Conversion" means any of the normal operations in the nuclear fuel cycle, preceding fuel fabrication and excluding enrichment, by which uranium is transformed from one chemical form to another—for example, from UF<sub>6</sub> to UO<sub>2</sub> or from uranium oxide to metal;

(E) "Decommissioning" means the actions taken at the end of a facility's useful life to retire the facility from service in a manner that provides adequate protection for the health and safety of the decommissioning workers and the general public, and for the environment. These actions can range from closing down the facility and a minimal removal of nuclear material coupled with continuing maintenance and surveillance, to a complete removal of residual radioactivity in excess of levels acceptable for unrestricted use of the facility and its site;

(F) "Equipment" means any reactor, other than one designed or used primarily for the formation of plutonium or uranium 233, reactor pressure vessels (including closure heads), reactor calandrias, complete reactor control rod drive systems, reactor primary coolant pumps, online reactor fuel charging and discharging machines, or any other item so designated by agreement of the Parties;

(G) "High enriched uranium" means uranium enriched to twenty percent or greater in the isotope 235;

(H) "Information" means scientific, commercial or technical data or information in any form that is appropriately designated by agreement of the Parties or their competent authorities to be provided or exchanged under this Agreement;

(I) "Low enriched uranium" means uranium enriched to less than twenty percent in the isotope 235;

(J) "Major critical component" means any part or group of parts essential to the operation of a sensitive nuclear facility;

(K) "Material" means nuclear material, byproduct material, radioisotopes other than byproduct material, moderator material, or any other such substance so designated by agreement of the Parties;

(L) "Moderator material" means heavy water or graphite or beryllium of a purity suitable for use in a reactor to slow down high velocity neutrons and increase the likelihood of further fission, or any other such material so designated by agreement of the Parties;

(M) "Nuclear material" means source material or special fissionable material.

(N) "Parties" means the Government of the United States of America and the Government of the Socialist Republic of Vietnam;

(O) "Peaceful purposes" include the use of information, material, equipment and components in such fields as research, power generation, medicine, agriculture and industry but do not include use in, research on, or development of any nuclear explosive device, or any military purpose;

(P) "Person" means any individual or any entity subject to the jurisdiction of either Party but does not include the Parties to this Agreement;

(Q) "Reactor" means any apparatus, other than a nuclear weapon or other nuclear explosive device, in which a self-sustaining fission chain reaction is maintained by utilizing uranium, plutonium or thorium or any combination thereof;

(R) "Restricted Data" means all data concerning (1) design, manufacture or utilization of nuclear weapons, (2) the production of special fissionable material, or (3) the use of special fissionable material in the production of energy, but shall not include data of a Party that it has declassified or removed from the category of Restricted Data;

(S) "Sensitive nuclear facility" means any facility designed or used primarily for uranium enrichment, reprocessing of nuclear fuel, heavy water production, or fabrication of nuclear fuel containing plutonium;

(T) "Sensitive nuclear technology" means any information (including information incorporated in equipment or an important component) that is not in the public domain and that is important to the design, construction, fabrication, operation or maintenance of any sensitive nuclear facility, or any other such information that may be so designated by agreement of the Parties;

(U) "Source material" means (1) uranium, thorium, or any other material so designated by agreement of the Parties, or (2) ores containing one or more of the foregoing materials in such concentration as the Parties may agree from time to time;

(V) "Special fissionable material" means (1) plutonium, uranium 233, or uranium enriched in the isotope 235, or (2) any other material so designated by agreement of the Parties.

##### ARTICLE 2—SCOPE OF COOPERATION

1. The Parties shall cooperate in the use of nuclear energy for peaceful purposes in accordance with the provisions of this Agreement and their applicable treaties, national laws, regulations and license requirements.

2. The Parties intend to cooperate in the following areas:

(A) Development of requirements for power reactors and fuel service arrangements for the Socialist Republic of Vietnam;

(B) Development of the Socialist Republic of Vietnam's civilian nuclear energy use in a manner that contributes to global efforts to prevent nuclear proliferation;

(C) Research, development and application of civilian nuclear power reactor technologies and spent fuel management technologies;

(D) Promotion of the establishment of a reliable source of nuclear fuel for future civilian light water nuclear reactors deployed in the Socialist Republic of Vietnam;

(E) Civilian nuclear energy training, human resource and infrastructure development, and appropriate application of civilian nuclear energy and related energy technology, in accordance with evolving IAEA guidance and standards on milestones for infrastructure development;

(F) Research and application of radioisotopes and radiation in industry, agriculture, medicine and the environment;

(G) Radiation protection and management of radioactive waste and spent fuel;

(H) Nuclear safety, security, safeguards and nonproliferation, including physical protection, export control and border security; and

(I) Other areas of cooperation as may be mutually determined by the Parties.

3. Cooperation under paragraph 2 may be undertaken in the following forms:

(A) Exchange of scientific and technical information and documentation;

(B) Exchange of training and personnel;

(C) Organization of symposia and seminars;

(D) Provision of relevant technical assistance and services;

(E) Joint research; and

(F) Other forms of cooperation as may be mutually determined by the Parties.

4. Transfer of information, material, equipment and components under this Agreement may be undertaken directly between the Parties or through authorized Persons. Such transfers shall be subject to this Agreement and to such additional terms and conditions as may be agreed by the Parties.

##### ARTICLE 3—TRANSFER OF INFORMATION

1. Information concerning the use of nuclear energy for peaceful purposes may be transferred under this Agreement. Transfers of information may be accomplished through various means, including reports, data banks, computer programs, conferences, visits, and assignments of staff to facilities. Fields that may be covered may include, but shall not be limited to, the following:

(A) Research, development, design, construction, operation, maintenance and use of reactors, reactor experiments, and decommissioning;

(B) The use of material in physical and biological research, medicine, agriculture and industry;

(C) Fuel cycle studies of ways to meet future world-wide civil nuclear needs, including multilateral approaches to guaranteeing nuclear fuel supply and appropriate techniques for management of nuclear wastes;

(D) Safeguards and physical protection of material, equipment and components;

(E) Health, safety and environmental considerations related to the foregoing; and

(F) Assessing the role nuclear power may play in national energy plans.

2. This Agreement does not require the transfer of any information that the Parties are not permitted under their respective treaties, national laws and regulations to transfer.

3. Restricted Data and Sensitive Nuclear Technology shall not be transferred under this Agreement.

##### ARTICLE 4—TRANSFER OF MATERIAL, EQUIPMENT AND COMPONENTS

1. Material, equipment and components may be transferred for applications consistent with this Agreement. Any special fissionable material transferred to the Socialist Republic of Vietnam under this Agreement shall be low enriched uranium except as provided in paragraph 4. Sensitive nuclear facilities and major critical components thereof shall not be transferred under this Agreement.

2. Low enriched uranium may be transferred, including inter alia by sale or lease, for use as fuel in reactors and reactor experiments, for conversion or fabrication, or for such other purposes as may be agreed by the Parties.

3. The quantity of special fissionable material transferred under this Agreement shall not at any time be in excess of that quantity the Parties agree is necessary for any of the following purposes: use in the loading of reactors or in reactor experiments; the reliable, efficient and continuous operation of

reactors or conduct of reactor experiments; the storage of special fissionable material necessary for the efficient and continuous operation of reactors or conduct of reactor experiments; the transfer of irradiated nuclear material for storage or disposition; and the accomplishment of such other purposes as may be agreed by the Parties.

4. Small quantities of special fissionable material may be transferred for use as samples, standards, detectors, targets or for such other purposes as the Parties may agree. Transfers pursuant to this paragraph shall not be subject to the quantity limitations in paragraph 3.

5. The Government of the United States of America shall endeavor to take such actions as are necessary and feasible to ensure a reliable supply of nuclear fuel to the Socialist Republic of Vietnam, including the export of nuclear fuel on a timely basis during the period of this Agreement. The Government of the United States of America shall also give serious consideration to taking such actions as are feasible to assist the Government of the Socialist Republic of Vietnam in safe and secure management, storage, transport, and disposition of irradiated special fissionable material produced through the use of material or equipment transferred pursuant to this Agreement.

#### ARTICLE 5—STORAGE AND RETRANSFERS

1. Plutonium and uranium 233 (except as contained in irradiated fuel elements), and high enriched uranium, transferred pursuant to this Agreement or used in or produced through the use of material or equipment so transferred shall only be stored in a facility to which the Parties agree.

2. Material, equipment and components transferred pursuant to this Agreement and any special fissionable material, other transuranic elements and tritium produced through the use of any such material or equipment shall not be transferred to unauthorized Persons or, unless the Parties agree, beyond the recipient Party's territorial jurisdiction.

3. In order to facilitate management of spent fuel, irradiated nuclear materials, or nuclear-related waste, material transferred or produced through the use of material, equipment and components transferred pursuant to this Agreement may be transferred to the United States of America if the Government of the United States of America designates a storage or disposition option. In this event, the Parties shall make appropriate implementing arrangements.

#### ARTICLE 6—REPROCESSING, OTHER ALTERATION IN FORM OR CONTENT, AND ENRICHMENT

1. Material transferred pursuant to this Agreement and material used in or produced through the use of material or equipment so transferred shall not be reprocessed unless the Parties agree.

2. Plutonium, uranium 233, high enriched uranium and irradiated source or special fissionable material transferred pursuant to this Agreement or used in or produced through the use of material or equipment so transferred shall not be otherwise altered in form or content, except by irradiation or further irradiation, unless the Parties agree.

3. Uranium transferred pursuant to this Agreement or used in or produced through the use of any material or equipment so transferred shall not be enriched after transfer unless the Parties agree.

#### ARTICLE 7—PHYSICAL PROTECTION

1. Adequate physical protection shall be maintained with respect to any material and equipment transferred pursuant to this

Agreement and any special fissionable material used in or produced through the use of material or equipment so transferred.

2. To comply with the requirement in paragraph 1, each Party shall apply at a minimum measures in accordance with (i) levels of physical protection at least equivalent to the recommendations published in IAEA document INFCIRC/225/Rev.5 entitled "The Physical Protection of Nuclear Material and Nuclear Facilities" and in any subsequent revisions of that document accepted by the Parties, and (ii) the provisions of the 1980 Convention on the Physical Protection of Nuclear Material, as well as any amendments to the Convention that enter into force for both Parties.

3. The adequacy of physical protection measures maintained pursuant to this Article shall be subject to review and consultations by the Parties from time to time and whenever either Party is of the view that revised measures may be required to maintain adequate physical protection.

4. The Parties shall keep each other informed through diplomatic channels of those agencies or authorities having responsibility for ensuring that levels of physical protection for nuclear material in their territory or under their jurisdiction or control are adequately met and having responsibility for coordinating response and recovery operations in the event of unauthorized use or handling of material subject to this Article. The Parties shall inform each other through diplomatic channels, as well, of the designated points of contact within their national authorities to cooperate on matters of out-of-country transportation and other matters of mutual concern.

#### ARTICLE 8—NO EXPLOSIVE OR MILITARY APPLICATION

Material, equipment and components transferred pursuant to this Agreement and material used in or produced through the use of any material, equipment or components so transferred shall not be used for any nuclear explosive device, for research on or development of any nuclear explosive device, or for any military purpose.

#### ARTICLE 9—SAFEGUARDS

1. Cooperation under this Agreement shall require the application of IAEA safeguards with respect to all nuclear material in all nuclear activities within the territory of the Socialist Republic of Vietnam, under its jurisdiction or carried out under its control anywhere. Implementation of a Safeguards Agreement concluded pursuant to Article III (4) of the NPT shall be considered to fulfill this requirement.

2. Source material or special fissionable material transferred to the Socialist Republic of Vietnam pursuant to this Agreement and any source material or special fissionable material used in or produced through the use of material, equipment or components so transferred shall be subject to safeguards in accordance with the agreement between the Socialist Republic of Vietnam and the IAEA for the application of safeguards in connection with the NPT, signed on October 2, 1989, which entered into force on February 23, 1990, and the Additional Protocol thereto signed on August 10, 2007, which entered into force on September 17, 2012.

3. Source material or special fissionable material transferred to the United States of America pursuant to this Agreement and any source or special fissionable material used in or produced through the use of any material, equipment or components so transferred shall be subject to the agreement be-

tween the United States of America and the IAEA for the application of safeguards in the United States of America, signed on November 18, 1977, which entered into force on December 9, 1980, and the Additional Protocol thereto, which entered into force on January 6, 2009.

4. If either Party becomes aware of circumstances that demonstrate that the IAEA for any reason is not or will not be applying safeguards in accordance with the agreements with the IAEA referred to in paragraph 2 or paragraph 3, to ensure effective continuity of safeguards the Parties shall consult and immediately enter into arrangements with the IAEA or between themselves that conform with IAEA safeguards principles and procedures, that provide assurance equivalent to that intended to be secured by the system they replace, and that conform with the coverage required by paragraph 2 or paragraph 3.

5. Each Party shall take such measures as are necessary to maintain and facilitate the application of safeguards applicable to it provided for under this Article.

6. Each Party shall establish and maintain a system of accounting for and control of source material and special fissionable material transferred pursuant to this Agreement and source material and special fissionable material used in or produced through the use of any material, equipment or components so transferred. The procedures for this system shall be comparable to those set forth in IAEA document INFCIRC/153 (Corrected), or in any revision of that document agreed to by the Parties.

7. Upon the request of either Party, the other Party shall report or permit the IAEA to report to the requesting Party on the status of all inventories of material subject to this Agreement.

#### ARTICLE 10—MULTIPLE SUPPLIER CONTROLS

If any agreement between either Party and another nation or group of nations provides such other nation or group of nations rights equivalent to any or all of those set forth under Article 5 or Article 6 with respect to material, equipment or components subject to this Agreement, the Parties may, upon request of either of them, agree that the implementation of any such rights will be accomplished by such other nation or group of nations.

#### ARTICLE 11—CESSATION OF COOPERATION AND RIGHT OF RETURN

1. If either Party at any time following entry into force of this Agreement:

(A) does not comply with the provisions of Article 5, 6, 7, 8, or 9; or

(B) terminates, abrogates or materially violates a safeguards agreement with the IAEA;

the other Party shall have the rights to cease further cooperation under this Agreement and to require the return of any material, equipment and components transferred under this Agreement and any special fissionable material produced through their use.

2. If the Socialist Republic of Vietnam following entry into force of this Agreement detonates a nuclear explosive device, the United States of America shall have the same rights as specified in paragraph 1.

3. If the United States of America detonates a nuclear explosive device using material, equipment or components transferred pursuant to this Agreement or nuclear material used in or produced through the use of such items, the Government of the Socialist Republic of Vietnam shall have the same rights as specified in paragraph 1.

4. In determining whether to exercise its rights under paragraph 1 of this Article based on a "material violation," a Party shall consider whether the facts giving rise to the right to take such action in accordance with paragraph 1 were caused deliberately. In the event that it finds such material violation not to be deliberate, and to the extent which it judges that such material violation can be rectified, the non-breaching Party shall endeavor, subject to its national legislation and regulations, to afford the breaching Party an opportunity to cure the material violation within a reasonable period.

5. If either Party exercises its rights under this Article to require the return of any material, equipment or components, it shall promptly, after removal from the territory of the other Party, reimburse the other Party for the fair market value of such material, equipment or components.

#### ARTICLE 12—CONSULTATIONS, REVIEW AND ENVIRONMENTAL PROTECTION

1. The Parties undertake to consult at the request of either Party regarding the implementation of this Agreement and the development of further cooperation in the field of peaceful uses of nuclear energy.

2. The Parties shall consult, with regard to activities under this Agreement, to identify the international environmental implications arising from such activities and shall cooperate in protecting the international environment from radioactive, chemical or thermal contamination arising from peaceful nuclear activities under this Agreement and in related matters of health and safety.

#### ARTICLE 13—IMPLEMENTATION

1. The terms of this Agreement shall be implemented in good faith and with due regard to the legitimate commercial interests, whether international or domestic, of either Party. This Agreement shall be implemented in a manner designed:

(A) to avoid hampering or delaying the nuclear activities in the territory of either Party;

(B) to avoid interference in such activities;

(C) to be consistent with prudent management practices required for the economic and safe conduct of such activities; and

(D) to take full account of the long-term requirements of the Parties' nuclear energy programs.

2. The provisions of this Agreement shall not be used for the purpose of securing unfair commercial or industrial advantages, or of restricting trade to the disadvantage of persons and undertakings of either Party or hampering their commercial or industrial interests, whether international or domestic.

#### ARTICLE 14—SETTLEMENT OF DISPUTES

The Parties shall address any dispute concerning the interpretation or application of this Agreement through negotiation or any other mutually agreed upon peaceful means of dispute settlement.

#### ARTICLE 15—ADMINISTRATIVE ARRANGEMENT

1. Upon request by either Party, the appropriate authorities of the Parties shall, by mutual consent, establish an Administrative Arrangement in order to provide for the effective implementation of the provisions of this Agreement.

2. The principles of fungibility and equivalence shall apply to nuclear material and moderator material subject to this Agreement. Detailed provisions for applying these principles shall be set forth in such an Administrative Arrangement.

3. The Administrative Arrangement established pursuant to this Article may be modified

by mutual consent of the appropriate authorities of the Parties.

#### ARTICLE 16—ENTRY INTO FORCE, AMENDMENT, AND DURATION

1. This Agreement shall enter into force on the date of the later note of an exchange of diplomatic notes between the Parties informing each other that they have completed all applicable requirements for entry into force.

2. This Agreement may be amended by written agreement of the Parties. Amendments to this Agreement shall enter into force on the date of the later note of an exchange of diplomatic notes between the Parties informing each other that they have completed all applicable requirements for entry into force.

3. This Agreement shall remain in force for a period of 30 years and shall continue in force thereafter for additional periods of five years each. Either Party may, by giving six months written notice to the other Party, terminate this Agreement at the end of the initial 30-year period or at the end of any subsequent five-year period. Additionally, this Agreement may be terminated at any time by either Party on one year's written notice to the other Party.

4. Notwithstanding the termination or expiration of this Agreement or any cessation of cooperation hereunder for any reason, Articles 5, 6, 7, 8, 9, and 11 and the Agreed Minute shall continue in effect so long as any material, equipment or components subject to these articles remains in the territory of the Party concerned or under its jurisdiction or control anywhere, or until such time as the Parties agree that such material, equipment or components are no longer usable for any nuclear activity relevant from the point of view of safeguards.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Agreement.

DONE at Hanoi, this 6th day of May 2014, in duplicate, in the English and Vietnamese languages, both texts being equally authentic.

FOR THE GOVERNMENT  
OF THE UNITED  
STATES OF AMERICA:

FOR THE GOVERNMENT  
OF THE SOCIALIST  
REPUBLIC OF  
VIETNAM:

#### AGREED MINUTE

During the negotiation of the Agreement for Cooperation between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy ("the Agreement") signed today, the following understandings, which shall be an integral part of the Agreement, were reached.

#### 1. COVERAGE OF AGREEMENT

a. Material, equipment and components transferred from the territory of one Party to the territory of the other Party, whether directly or through a third country, shall be regarded as having been transferred pursuant to the Agreement only upon confirmation, by the appropriate government authority of the recipient Party to the appropriate government authority of the supplier Party, that such material, equipment or components shall be subject to the Agreement.

b. With respect to the definition of "Restricted Data" in subparagraph (R) of Article 1 of the Agreement, it is the understanding

of the Parties that all information on the use of special fissionable material in the production of energy from standard civilian reactors has been declassified or removed from the category of "Restricted Data."

c. For the purposes of implementing the rights specified in Article 5 and Article 6 of the Agreement with respect to special fissionable material produced through the use of nuclear material transferred pursuant to the Agreement and not used in or produced through the use of equipment transferred pursuant to the Agreement, such rights shall in practice be applied to that proportion of special fissionable material produced that represents the ratio of transferred material used in the production of the special fissionable material to the total amount of material so used, and similarly for subsequent generations.

d. Material, nuclear material, equipment and components subject to this Agreement shall no longer be subject to this Agreement if:

(1) Such items have been transferred beyond the territory of the receiving Party in accordance with the relevant provisions of this Agreement and are no longer under its jurisdiction or control anywhere;

(2) In the case of nuclear material, if the Parties agree, taking into account among other factors an IAEA determination, if any, in accordance with the provisions for the termination of safeguards in the relevant agreement referred to in paragraphs 2 or 3 of Article 9, whichever is applicable, that the nuclear material is no longer usable for any nuclear activity relevant from the point of view of safeguards; or

(3) In the case of material (other than nuclear material), equipment and components, it is agreed by the Parties.

#### 2. SAFEGUARDS

a. If either Party becomes aware of circumstances referred to in paragraph 4 of Article 9 of the Agreement, either Party (hereinafter "the safeguarding Party") shall have the rights listed below, which rights shall be suspended if both Parties agree that the need to exercise such rights is being satisfied by the application of IAEA safeguards under arrangements pursuant to paragraph 4 of Article 9 of the Agreement:

(1) To review in a timely fashion the design of any equipment transferred pursuant to the Agreement, or of any facility that is to use, fabricate, process, or store any material so transferred or any special fissionable material used in or produced through the use of such material or equipment;

(2) To require the maintenance and production of records and of relevant reports for the purpose of assisting in ensuring accountability for material transferred pursuant to the Agreement and any source material or special fissionable material used in or produced through the use of any material, equipment or components so transferred; and

(3) To designate personnel acceptable to the other Party (hereinafter "the safeguarded Party"), who shall have access to all places and data necessary to account for the material referred to in paragraph 2, to inspect any equipment or facility referred to in paragraph 1, and to install any devices and make such independent measurements as may be deemed necessary to account for such material. The safeguarded Party shall not unreasonably withhold its acceptance of personnel designated by the safeguarding Party under this paragraph. Such personnel shall, if either Party so requests, be accompanied by personnel designated by the safeguarded Party.

b. The simultaneous application of safeguards with respect to one Party by the IAEA and by the other Party is not intended.

c. Upon the request of either Party, the other Party will authorize the IAEA to make available to the Government of the requesting Party information on the implementation of the applicable safeguards agreement with the IAEA within the scope of cooperation under this Agreement.

d. To the extent consistent with its applicable national legislation and regulations, each Party shall ensure that all information provided under this Section 2 of the Agreed Minute by the other Party or the IAEA will not be publicly disclosed, and will be accorded appropriate protections with a view to providing the same level of protection accorded to such information by the other Party or the IAEA. The Parties shall consult regarding the appropriate protections for such information.

FOR THE GOVERNMENT  
OF THE UNITED  
STATES OF AMERICA:

FOR THE GOVERNMENT  
OF THE SOCIALIST  
REPUBLIC OF  
VIETNAM:

[Presidential Determination No. 2014-08]

THE WHITE HOUSE,

Washington, February 24, 2014.

Memorandum for the Secretary of State, the  
Secretary of Energy.

Subject: Proposed Agreement for Cooperation  
Between the Government of the  
United States of America and the Gov-  
ernment of the Socialist Republic of  
Vietnam Concerning Peaceful Uses of  
Nuclear Energy.

I have considered the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy, along with the views, recommendations, and statements of the interested agencies.

I have determined that the performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b)), I hereby approve the proposed Agreement and authorize the Secretary of State to arrange for its execution.

The Secretary of State is authorized to publish this determination in the *Federal Register*.

BARACK OBAMA.

#### NUCLEAR PROLIFERATION ASSESSMENT STATEMENT

Pursuant to Section 123a. of the Atomic Energy Act of 1954, as Amended, with Respect to the Proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy

#### INTRODUCTION

This Nuclear Proliferation Assessment Statement ("NPAS") relates to the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy (the "Agreement"). The Agreement is being submitted to the Presi-

dent jointly by the Secretary of State and Secretary of Energy for his approval and authorization for signature.

Section 123a. of the Atomic Energy Act, as amended (the "Atomic Energy Act" or "Act"), provides that an NPAS be submitted by the Secretary of State to the President on each new or amended agreement for cooperation concluded pursuant to that section. Pursuant to Section 123a., the NPAS must analyze the consistency of the text of the proposed agreement with all the requirements of the Act, with specific attention to whether the proposed agreement is consistent with each of the criteria set forth in Section 123.a. The NPAS must also address the adequacy of the safeguards and other control mechanisms and the peaceful use assurances contained in the agreement for cooperation to ensure that any assistance furnished thereunder will not be used to further any military or nuclear explosive purpose.

With this statutory mandate in mind, this NPAS: (a) provides background information on Vietnam's nonproliferation policies and its civil nuclear program and aspirations (Part I); (b) describes the nature and scope of the cooperation contemplated in the proposed Agreement (Part II); (c) reviews the applicable substantive requirements of the Act and the Nuclear Non-Proliferation Act of 1978 (NNPA) and details how they are met by the proposed Agreement (Part III); and (d) sets forth the net assessment, conclusions, views, and recommendations of the Department of State as contemplated by section 123a. of the Act (Part IV).

#### I. NUCLEAR PROGRAM AND NONPROLIFERATION POLICIES OF THE SOCIALIST REPUBLIC OF VIETNAM

##### OVERVIEW

Vietnam has been carefully building the infrastructure necessary to operate a safe and secure civil nuclear power program. In January 2006, the Vietnamese government approved the Strategy for Peaceful Utilization of Atomic Energy up to the year 2020. This strategy included three main objectives:

To enhance applications of radiation and radioisotopes in industry, agriculture, health care, environmental protection, etc.

To construct and put the first nuclear power plant into safe operation in 2020.

To build up national infrastructure for safe management of radioactive materials and nuclear power plants.

This was followed by approval of a master plan for implementation of the strategy in July 2007, completion of the pre-feasibility study for the first nuclear power plant, and approval of the first nuclear power plant project plan by the National Assembly in 2009. An updated Master Plan for Peaceful Utilization of Atomic Energy up to 2020 was approved June 2010; the Direction for Nuclear Power Plant (NPP) Development Plan up to 2030 was approved June 2010; and the National Master Plan for Power Development for 2011–2020 with the Vision to 2030 was approved July 2011.

In May 2013, Prime Minister Nguyen Tan Dung announced that the government would set up a National Council for Atomic Energy Development, tasked with identifying strategies and priorities for the development of nuclear energy in the country.

Vietnam has plans to have six reactors (6,000 MW) in operation by 2025 and to develop a total of ten reactors (10,700 MW) by 2030. Vietnam has entered into agreements for cooperation on peaceful uses of nuclear energy with Argentina, Canada, China, France, India, Japan, Russia, and South

Korea. Vietnam's Ministry of Industry and Trade (MOIT) signed an agreement October 2010 with the Russian State Atomic Energy Corporation "Rosatom" for the provision of two pressurized water reactors (total of 2,000 MW) at Phuoc Dinh in Ninh Thuan province. Vietnam PM Nguyen Tan Dung and Japanese PM Naoto Kan released a Joint Statement October 2010, announcing that Vietnam had chosen Japan to supply two additional reactors (total 2,000 MW) at Vinh Hai in Ninh Thuan province. Feasibility studies are currently being undertaken for both contracts in advance of selecting specific reactor designs for these first four power reactors. (The planned construction start date for the Russian reactors has been pushed back three years to 2017.) In 2012, Vietnam also signed an agreement with the Republic of South Korea to initiate a joint preliminary feasibility study, which commenced in June 2013.

#### NONPROLIFERATION CREDENTIALS

Under the Atomic Energy Law (No. 18/2008/QH12) ("Atomic Energy Law"), Vietnam has prohibited researching, developing, manufacturing, trading in, transporting, transferring, storing, using, or threatening to use nuclear or radiological weapons.

Vietnam has signed and ratified or acceded to and/or brought into force the following key nonproliferation treaties and instruments:

Treaty on the Non-Proliferation of Nuclear Weapons: Acceded June 14, 1982

IAEA Safeguards Agreement (published as INFCIRC/376, March 1990): Signed October 2, 1989; in force February 23, 1990

The Additional Protocol to its Safeguards Agreement (published as INFCIRC/376 Add.1, September 26, 2012; Signed August 10, 2007; in force September 17, 2012

Convention on the Physical Protection of Nuclear Material: instrument of accession deposited October 4, 2012; in force November 3, 2012

Amendment to the Convention on the Physical Protection of Nuclear Material: instrument of ratification deposited November 3, 2012

Comprehensive Nuclear Test Ban Treaty: Signed September 24, 1996; ratified March 10, 2006

Treaty of Bangkok (Southeast Asian Nuclear-Weapon-Free Zone Treaty): Signed December 15, 1995; ratified November 26, 1996

In addition, Vietnam has committed itself to conclude the International Convention for the Suppression of Acts of Nuclear Terrorism.

Vietnam additionally has demonstrated its commitment to prevent nuclear terrorism by its participation in the Global Initiative to Combat Nuclear Terrorism (GICNT) and in the Nuclear Security Summit (NSS) process. Prime Minister Nguyen Tan Dung participated in the first NSS in Washington, DC, in 2010, and the second NSS in Seoul, South Korea, in 2012. As pledged at the April 2010 Nuclear Security Summit, Vietnam completed conversion of the Dalat research reactor from utilizing highly-enriched uranium (HEU) as fuel to utilizing low-enriched uranium (LEU) in 2011. Its remaining HEU fresh fuel (4.3 kg) was returned to Russia in 2007 and all the HEU spent fuel (11 kg) was returned to Russia in 2013, rendering Vietnam essentially free of any weapon-usable nuclear materials.

In addition to the Dalat commitment, Vietnam fulfilled its 2010 NSS commitments to endorse the GICNT and to ratify the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment. Vietnam has not yet ratified the International

Convention for the Suppression of Acts of Nuclear Terrorism, but has informed the U.S. Embassy of its intention to do so at the earliest opportunity. Vietnam and South Korea announced at the 2012 NSS that the two countries are working on a pilot project to establish within Vietnam a system to track radiological materials using GPS technology in cooperation with the IAEA. The project will contribute to securing and preventing the theft of radiological materials.

Following signature of a Memorandum of Understanding between the Department of Energy of the United States of America and the Ministry of Finance of the Socialist Republic of Vietnam Concerning the Cooperation to Prevent the Illicit Trafficking in Nuclear and Other Radioactive Material on July 2, 2010, Vietnam and the United States have begun cooperative projects under the Department of Energy's Second Line of Defense program to deter, detect, and interdict illicit smuggling of nuclear and other radioactive material.

The Department of Energy's International Nuclear Safeguards and Engagement Program has partnered with Vietnam since 2004. Vietnam is an active partner on nuclear infrastructure development collaboration, including activities such as radiation protection and health physics, research reactor operations, environmental radiological surveillance, radioactive waste management, implementation of the Additional Protocol, and development of State Systems of Accounting for and Control (SSAC) of nuclear material.

Vietnam has been a strong advocate for nonproliferation through the United Nations. During Vietnam's tenure on the United Nations Security Council in 2008–2009, Vietnam supported measures to increase sanctions on Iran (UNSCR 1803) and North Korea (UNSCR 1874), extend the mandate of the UNSCR 1540 Committee (UNSCR 1810), and support nuclear nonproliferation and disarmament (UNSCR 1887). In September 2010, Vietnam, in partnership with the United Nations Office for Disarmament Affairs, hosted a workshop on implementing UNSCR 1540 for countries in Southeast Asia.

Vietnam has established under its Atomic Energy Law a legal regime for radioactive materials and nuclear equipment that are subject to import and export control procedures.

Vietnam has been working with the U.S. Export Control and Related Border Security Program (EXBS) since 2003. The bulk of EXBS assistance to Vietnam to date has focused on Commodity Identification Training, industry/enterprise outreach, and maritime security activities. As Vietnam currently lacks a comprehensive strategic trade management law, the primary focus of near-term EXBS work will be assisting Vietnam in developing the legal and regulatory framework for managing strategic trade, including drafting a strategic trade law, while continuing to develop capacity for enforcement at seaports and borders.

The National Nuclear Security Administration (NNSA) conducted an International Consequence Management training course in Hanoi November 2013 as part of Vietnam's preparation for building a nuclear power plant. In addition, NNSA is assisting Vietnam to set up an emergency operations center and graphic information system to assist with sharing information during an emergency.

#### NUCLEAR SCIENCE AND TECHNOLOGY BASE

Vietnam has been working closely with the IAEA and international partners to develop the technical expertise needed to operate a

safe and secure nuclear power program. Recognizing the need for a technically trained domestic workforce, Vietnam in 2010 approved the Master Plan on Training and Developing of Human Resources in the Field of Atomic Energy up to 2020 (Prime Minister Decision No. 1558/QĐ-TTg) (the "Plan"). Under the plan, Vietnam is upgrading nuclear programs at six universities and developing a Nuclear Science and Technology Center. The government is also providing funds to send Vietnamese students, researchers, and managers abroad for training. The plan aims to produce a total of 2,400 engineers and 350 MA and PhD specialists in nuclear power by 2020. In 2011, Vietnam set up a State Steering Committee to direct the implementation of the plan. Vietnamese university graduates are currently training in Russia and Japan to become nuclear technicians.

In 2008, the Vietnam Agency for Radiation and Nuclear Safety (VARANS) signed a cooperation agreement with the U.S. Nuclear Regulatory Commission to share technical information on nuclear energy as well as exchange information on regulations, environmental impacts, and safety of nuclear sites. This agreement was extended for another five years in May 2013. Over the past ten years, VARANS has rapidly expanded its staff to over ninety people, including scientists and technical specialists.

Vietnam operates one research reactor (500 kW; VVR-M, IVV-9) at the Institute of Nuclear Research in Dalat. The original reactor, a TRIGA Mark II design (250 kW) provided by General Atomics, became operational in 1963. From 1968 to 1975, the reactor was in extended shutdown. In 1974–1975, the U.S.-origin HEU nuclear fuel (approximately 13 kg) was removed and returned to the United States and the reactor was decommissioned. Vietnam reconstructed the reactor in the 1980s with the assistance of the Union of Soviet Socialist Republics (USSR) and the reactor became operational in 1983. According to the Vietnam Atomic Energy Commission, the reactor has been operating for the purposes of radioisotope production, neutron activation analysis, fundamental and applied research, and manpower training.

Vietnam is negotiating a contract with Russian Atomstroyexport for the provision of an additional research reactor for the Vietnamese Nuclear Science and Technology Center. (No final decision has been made for the location of this center.)

#### NUCLEAR FUEL CYCLE

Vietnam has affirmed that it does not intend to seek to acquire sensitive fuel cycle capabilities but instead will rely upon the international market. This political commitment not to pursue enrichment and reprocessing was first included in the Memorandum of Understanding between the Socialist Republic of Vietnam and the United States of America Concerning Cooperation in the Nuclear Energy Field, signed in Hanoi on March 30, 2010 (the "MOU"). In the MOU, Vietnam affirmed its intent "to rely on existing international markets for nuclear fuel services, rather than acquiring sensitive nuclear technologies, as a solution for peaceful, safe and secure uses of civilian nuclear energy. . . ." This commitment has been reaffirmed in the preamble of the proposed Agreement.

#### NUCLEAR REGULATIONS AND STATUTES

Vietnam passed an Atomic Energy Law in June 2008, which took effect January 1, 2009. Key provisions address:

Establishment of the national nuclear regulatory authority

Licensing and permitting regime  
Enforcement, assessment, and inspection  
Security and safeguards  
Physical protection and safety  
Control over orphan sources  
Emergency preparedness and response  
Safe transport of radioactive material  
Import and export controls  
Waste management and spent fuel management  
Decommissioning  
Civil liability for nuclear damage  
Criminal and civil offences and penalties  
Insurance

In June 2010, Prime Minister Nguyen Tan Dung signed Decision No. 45/2010/QĐ-TTg, which provides regulations on nuclear control in support of the Atomic Energy Law. Vietnam is in the process of further updating its Atomic Energy Law.

Vietnam acceded to both the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency on October 30, 1987. Vietnam acceded to the Convention on Nuclear Safety on July 15, 2010, and Vietnam deposited its instrument of ratification for the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management with the IAEA on October 9, 2013. It came into force for Vietnam on January 7, 2014.

Vietnam is currently considering whether to accede to the Vienna Convention on Civil Liability for Nuclear Damage and whether to ratify the Convention on Supplementary Compensation for Nuclear Damage.

#### II. NATURE AND SCOPE OF THE COOPERATION CONTEMPLATED BY THE PROPOSED AGREEMENT

Article 2.2 of the proposed Agreement describes in general terms the kinds of cooperative activities envisaged. These include:

Development of requirements for power reactors and fuel service arrangements for the Socialist Republic of Vietnam.

Development of the Socialist Republic of Vietnam's civilian nuclear energy use in a manner that contributes to global efforts to prevent nuclear proliferation.

Research, development, and application of civilian nuclear power reactor technologies and spent fuel management technologies.

Promotion of the establishment of a reliable source of nuclear fuel for future civilian light water nuclear reactors deployed in the Socialist Republic of Vietnam.

Civilian nuclear energy training, human resource and infrastructure development, and appropriate application of civilian nuclear energy and related energy technology, in accordance with evolving IAEA guidance and standards on milestones for infrastructure development.

Research and application of radioisotopes and radiation in industry, agriculture, medicine, and the environment.

Radiation protection and management of radioactive waste and spent fuel.

Nuclear safety, security, safeguards, and nonproliferation, including physical protection, export control, and border security.

Other areas of cooperation as may be mutually determined by the Parties.

Article 3.1 of the proposed Agreement further specifies the types of information concerning the peaceful uses of nuclear energy that may be transferred. Fields that may be covered include the following:

Research, development, design, construction, operation, maintenance, and use of reactors, reactor experiments, and decommissioning.

The use of material in physical and biological research, medicine, agriculture, and industry.

Fuel cycle studies of ways to meet future world-wide civil nuclear needs, including multilateral approaches to guaranteeing nuclear fuel supply and appropriate techniques for management of nuclear wastes.

Safeguards and physical protection of material, equipment, and components.

Health, safety, and environmental considerations related to the foregoing.

Assessing the role nuclear power may play in national energy plans.

The Agreement states that restricted data, sensitive nuclear technology, sensitive nuclear facilities, or major critical components of such facilities shall not be transferred under the Agreement (Articles 3.3 and 4.1).

Transfers of special fissionable material to Vietnam under the Agreement shall be low-enriched uranium, except small quantities for use as samples, standards, detectors, targets, or for other agreed purposes (Articles 4.1 and 4.4). Any such transfers of low-enriched uranium may not be in excess of the quantity that the Parties agree is necessary for the activities envisaged (Article 4.3).

The Agreed Minute, under "Coverage of Agreement," provides that material, equipment, and components transferred from the territory of one Party to the territory of the other Party, either directly or through a third country, shall be regarded as having been transferred pursuant to the Agreement only upon confirmation by the recipient Party that such items will be subject to the Agreement.

The proposed Agreement will have a term of 30 years from the date of its entry into force and shall continue thereafter for additional periods of five years. Either Party may, by giving six months written notice to the other Party, terminate this Agreement at the end of the initial 30 year period or at the end of any subsequent five-year period. Additionally, the proposed Agreement may be terminated at any time by either Party on one year's written notice to the other Party (Article 16.3). In the event of termination of the Agreement, key nonproliferation conditions and controls provided for in the Agreement will continue in effect as long as any material, equipment, or components subject to the Agreement remains in the territory of the Party concerned or under its jurisdiction or control anywhere, or until such time as the Parties agree that such material, equipment, or components are no longer usable for any nuclear activity relevant from the point of view of safeguards (Article 16.4).

### III. SUBSTANTIVE CONDITIONS

The proposed Agreement meets the applicable requirements of the Atomic Energy Act and the NNPA. Section 123 of the Act, as amended by the NNPA, sets forth certain substantive requirements that must be met in agreements for cooperation. Sections 402 and 407 of the NNPA set forth supplementary requirements. The provisions contained in the proposed Agreement satisfy these legal requirements as follows:

(1) **Application of Safeguards:** Section 123(a)(1) of the Act requires a guaranty from the cooperating party that safeguards in perpetuity will be maintained with respect to all nuclear materials and equipment transferred pursuant to an agreement for cooperation and with respect to all special nuclear material used in or produced through the use of such transferred nuclear materials and equipment, so long as the material or equipment remains under the jurisdiction or control of the cooperating party, irrespective of the duration of the other provisions of the agreement or whether the agreement is terminated or suspended for any reason.

This requirement is satisfied by Articles 9 and 16 of the proposed Agreement. Article 9.2 stipulates that source or special nuclear material (referred to in this Agreement as "special fissionable material") transferred to Vietnam pursuant to this Agreement and any other nuclear material used in or produced through the use of any material (which under the Agreement includes source material, special nuclear material, byproduct material, radioisotopes other than byproduct material, moderator material, or any other such substance so designated by agreement of the Parties), equipment, or components transferred shall be subject, to the extent applicable, to the Agreement between Vietnam and the IAEA for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons ("NPT"), signed on October 2, 1989, which entered into force on February 23, 1990, and an Additional Protocol thereto signed on August 10, 2007, which entered into force on September 17, 2012. Article 9.4 provides for "back-up" safeguards in the event the IAEA safeguards agreement with Vietnam is not being implemented. Article 9 is one of the articles of the Agreement that, pursuant to Article 16.4, continues in effect so long as any material, equipment, or components subject thereto remains in the territory of the United States of America or Vietnam or under the jurisdiction or control of either Party to the Agreement anywhere, unless that item is no longer usable for any nuclear activity relevant from the point of view of safeguards.

(2) **Full-Scope Safeguards:** The requirement for full-scope safeguards as a condition of cooperation mandated by section 123 a.(2) is met by Article 9.1 of the proposed Agreement.

(3) **Peaceful Use:** The requirement of section 123 a.(3) of the Act for a guaranty against explosive or military uses of nuclear materials and equipment transferred and special nuclear material produced through the use of such items is met by Article 8 of the proposed Agreement. It is not necessary to include a peaceful uses guarantee with respect to sensitive nuclear technology transferred under the Agreement or special nuclear materials (referred to in the proposed Agreement as "special fissionable materials") produced through the use of sensitive nuclear technology transferred, as would otherwise be required by section 123 a.(3), because Article 3.3 of the proposed Agreement provides that sensitive nuclear technology shall not be transferred under the Agreement.

(4) **Right of Return:** The requirement in section 123 a.(4) of the Act that, in the event of a nuclear detonation by a non-nuclear weapon state cooperating party, the United States has a right to the return of any nuclear materials and equipment transferred pursuant to an agreement for cooperation and any special nuclear material produced through the use of such transferred items is met by Articles 11.1 and 11.2 of the proposed Agreement. This right would be triggered if Vietnam should detonate a nuclear explosive device, does not comply with the provisions of Articles 5, 6, 7, 8 or 9 of the Agreement, or terminates, abrogates, or materially violates its IAEA safeguards agreement.

Article 11.4 of the proposed Agreement requires that a Party, in determining whether to exercise its rights under Article 11.1 based on a "material violation," shall consider whether the facts giving rise to the right to take such action in accordance with Article 11.1 were caused deliberately. In the event

that Party finds such material violation not to be deliberate, and to the extent that it judges that such material violation can be rectified, the non-breaching Party is obligated to endeavor, subject to its national legislation and regulations, to afford the breaching Party an opportunity to cure the material violation within a reasonable period.

(5) **Retransfer Consent:** The requirement of Section 123 a.(5) of the Act for a guaranty by the cooperating party that "any material or any Restricted Data and any production or utilization facility transferred pursuant to the agreement or any special nuclear material produced through the use of any such facility or material" will not be transferred to unauthorized persons or beyond the jurisdiction or control of the cooperating party without prior U.S. consent is met by Article 5.2 of the proposed Agreement. A retransfer consent right over Restricted Data ("RD") is not provided because RD transfers are prohibited under Article 3.3 of the Agreement.

(6) **Physical Security:** The requirement of Section 123 a.(6) of the Act for a guaranty that adequate physical security will be maintained with respect to any nuclear material transferred pursuant to an agreement of cooperation and any special nuclear material used in or produced through the use of nuclear material, production facility, or utilization facility transferred pursuant to such agreement is met by Article 7 of the proposed Agreement.

(7) **Enrichment/Reprocessing/Alteration Consent Right:** The requirement of section 123 a.(7) of the Act for a guaranty that "no material transferred pursuant to the agreement for cooperation and no material used in or produced through the use of any material, production facility, or utilization facility transferred pursuant to the agreement will be reprocessed, enriched or (in the case of plutonium, uranium 233, or uranium enriched to greater than 20 per cent in the isotope 235, or other nuclear materials which have been irradiated) otherwise altered in form or content without the prior approval of the United States," is met by Article 6 of the proposed Agreement. Article 6.1 provides that "(m)aterial transferred pursuant to the Agreement and material used in or produced through the use of material or equipment so transferred shall not be reprocessed unless the Parties agree." Article 6.2 further specifies that plutonium, uranium 233, high enriched uranium, and irradiated source material or special fissionable material transferred pursuant to the Agreement or used in or produced through the use of material or equipment so transferred shall not be altered in form or content, except by irradiation or further irradiation, unless the Parties agree. Article 6.3 specifies that uranium transferred pursuant to the Agreement or used in or produced through the use of any material or equipment so transferred shall not be enriched after transfer unless the Parties agree.

Article 6 also satisfies Section 402(a) of the NNPA, which states that, except as specifically provided in any agreement for cooperation, no source or special nuclear material exported from the United States after the date of the NNPA may be enriched after export without the prior approval of the United States for such enrichment.

(8) **Storage Consent Right:** The requirement of Section 123 a.(8) of the Act for a guaranty of a right of prior U.S. approval over facilities for the storage of specified nuclear materials is met by Article 5.1 of the proposed Agreement.



(9) Sensitive Nuclear Technology: The requirement of section 123 a.(9) of the Act pertains to situations that may result when sensitive nuclear technology is transferred pursuant to a Section 123 agreement for co-operation. Article 3.3 of the proposed Agreement provides that sensitive nuclear technology shall not be transferred under the Agreement, and Article 4.1 provides that sensitive nuclear facilities and major critical components thereof shall not be transferred under the proposed Agreement. Accordingly, the requirement in Section 123 a. (9) is not relevant to the proposed Agreement, and the requirement in Section 402 (b) of the NNPA precluding the transfer of major critical components of facilities for uranium enrichment, nuclear fuel reprocessing, or heavy water production unless an agreement for co-operation "specifically designates such components as items to be exported pursuant to [such] agreement" is also satisfied.

Environmental: Article 12.2 of the proposed Agreement requires the Parties to consult, with regard to activities under the Agreement, to identify the international environmental implications arising from such activities and to cooperate in protecting the international environment from radioactive, chemical, or thermal contamination arising from peaceful nuclear activities under the proposed Agreement and in related matters of health and safety, thereby satisfying the requirements of section 407 of the NNPA.

Article 10 of the proposed Agreement is not required by the Act or the NNPA, but it is consistent with these laws. It provides that the parties may, by mutual agreement, arrange for a third party to exercise U.S. consent rights with respect to particular items subject to the agreement if the third party already enjoys the same consent rights over those items. All applicable provisions of U.S. law, including Section 131 of the Act governing subsequent arrangements, would have to be satisfied. Similar provisions have been included in all post-NNPA agreements for co-operation, although they have never been applied.

Proportionality: For the purpose of implementing rights specified in Articles 5 and 6 of the proposed Agreement, "produced" special nuclear material is defined in terms of proportionality in the Agreed Minute to the Agreement. Thus, if U.S. nuclear material is used in a non-U.S. reactor, the special nuclear material produced will be attributed to the U.S. in the proportion of the U.S. nuclear material to the total amount of nuclear material used, and similarly for subsequent generations. It has been our consistent view that Sections 123 and 127 of the Act allow this concept of proportionality to be used in determining the reasonable application of U.S. consent rights. We are aware of no course of practice or legislative history to the contrary. Agreements negotiated since the enactment of the NNPA in 1978 generally contain a similar proportionality provision.

In sum, the proposed Agreement satisfies all the substantive requirements specified for agreements for cooperation by the Act and the NNPA.

#### IV. CONCLUSION

Entry into force of the proposed Agreement will put in place a framework for mutually beneficial civil nuclear cooperation between the United States and Vietnam, and provide a foundation for continued collaboration on nuclear nonproliferation goals.

On the basis of the analysis in this NPAS and all pertinent information of which it is aware, the Department of State has arrived at the following assessment, conclusions, views, and recommendations:

1. The safeguards and other control mechanisms and the peaceful use assurances in the proposed Agreement are adequate to ensure that any assistance furnished thereunder will not be used to further any military or nuclear explosive purpose.

2. The Agreement meets all the legal requirements of the Act and the NNPA.

3. Execution of the proposed Agreement would be compatible with the nonproliferation program, policy, and objectives of the United States.

4. Therefore, it is recommended that the President approve and authorize the execution of the proposed Agreement; and that the President determine that the performance of the proposed Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security.

THE SECRETARY OF STATE,  
Washington, DC, February 18, 2014.

Memorandum for the President

From: John F. Kerry, Secretary of State, Ernest Moniz, Secretary of Energy.

Subject: Proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy.

The United States and Vietnam have completed negotiations of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy (the "Agreement"). If you authorize execution of the Agreement, it will be signed by representatives of the United States and Vietnam. After signature, in accordance with Sections 123 b. and d. of the Atomic Energy Act of 1954, as amended (the "Act"), the Agreement must be submitted to both houses of Congress for a review period of 90 days of continuous session. Unless a joint resolution of disapproval is enacted, the Agreement may be brought into force upon completion of the review period.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Vietnam based on a mutual commitment to nuclear nonproliferation. The United States and Vietnam would enter into it in the context of a stated intention by Vietnam to rely on existing international markets for nuclear fuel services rather than acquiring sensitive fuel services, and a stated intention by the United States to support those international markets in order to ensure reliable nuclear fuel supply for Vietnam. These intentions are explicitly stated in the preamble to the Agreement.

The Agreement will have an initial term of 30 years from the date of its entry into force, and will continue in force thereafter for additional periods of five years each. Either Party may terminate the proposed Agreement on six months advance written notice at the end of the initial 30 year term or at the end of any subsequent five year period. Additionally, either Party may terminate the proposed Agreement on one year's written notice.

The Agreement permits the transfer of information, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of restricted data, sensitive nuclear technology, sensitive nuclear facilities, or major critical components of such facilities. In the event of termination of the Agreement, key nonproliferation conditions and controls continue with respect to

material, equipment, and components subject to the Agreement.

Vietnam is a non-nuclear-weapon State party to the Treaty on the Nonproliferation of Nuclear Weapons. Vietnam has in force a comprehensive safeguards agreement and an Additional Protocol with the International Atomic Energy Agency. Vietnam is a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material, and has ratified the 2005 Amendment to the Convention. A more detailed discussion of Vietnam's intended civil nuclear program and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the Nuclear Proliferation Assessment Statement ("NPAS"), and in a classified annex to the NPAS submitted to you separately. An addendum to the NPAS containing a comprehensive analysis of the export control system of Vietnam with respect to nuclear-related matters, including interactions with countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries, pursuant to section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), as amended, is being submitted to you separately by the Director of National Intelligence.

In accordance with the provisions of section 123 of the Act, the proposed Agreement was negotiated by the Department of State, with the technical assistance and concurrence of the Department of Energy. The proposed Agreement has also been reviewed by the members of the Nuclear Regulatory Commission. The Commission's views are being submitted to you separately.

In our judgment, the proposed Agreement satisfies all requirements of U.S. law for agreements of this type. We believe, as well, that U.S. cooperation with Vietnam in the peaceful uses of nuclear energy under the proposed Agreement will be supportive of U.S. nonproliferation, foreign policy, and commercial interests. We recommend, therefore, that you determine, pursuant to section 123 b. of the Act, that performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security; and that you approve the Agreement and authorize its execution.

#### RECOMMENDATION

That you sign the determination, approval, and authorization at Attachment 1 and the transmittal letter to Congress at Attachment 2. (The transmittal will be held until the Agreement is signed.)

#### ATTACHMENTS:

Tab 1—Draft Presidential determination, approval, and authorization.

Tab 2—Draft transmittal letter to the Congress (To be held until after the Agreement is signed).

Tab 3—Text of Proposed Agreement for Cooperation Between the United States of America and the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy.

Tab 4—Unclassified Nuclear Proliferation Assessment Statement.

UNITED STATES  
NUCLEAR REGULATORY COMMISSION,  
Washington, DC, December 3, 2013.

THE PRESIDENT,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: In accordance with the provisions of Section 123 of the Atomic

Energy Act of 1954, as amended, the Nuclear Regulatory Commission reviewed the proposed Agreement for Cooperation between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy. It is the view of the Commission that the proposed Agreement includes all of the provisions required by law and provides a sufficient framework for civilian nuclear cooperation between the United States and Vietnam. The Commission therefore recommends that you make the requisite positive statutory determination, approve the proposed Agreement, and authorize its execution.

Respectfully,

ALLISON M. MACFARLANE.

#### MESSAGES FROM THE HOUSE

At 11:23 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 863. An act to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 83. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha I.

#### ENROLLED BILL SIGNED

At 5:36 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3627. An act to require the Attorney General to report on State law penalties for certain child abusers, and for other purposes.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 2824. An act to amend the Surface Mining Control and Reclamation Act of 1977 to stop the ongoing waste by the Department of the Interior of taxpayer resources and implement the final rule on excess spoil, mining waste, and buffers for perennial and intermittent streams, and for other purposes.

H.R. 3826. An act to provide direction to the Administrator of the Environmental Protection Agency regarding the establishment of standards for emissions of any greenhouse gas from fossil fuel-fired electric utility generating units, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5665. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XD215) received in the Office of the President of the Senate on May 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5666. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Reopening of Commercial Penaeid Shrimp Trawling Off South Carolina" (RIN0648-XD232) received in the Office of the President of the Senate on May 1, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5667. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XD236) received in the Office of the President of the Senate on April 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5668. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fisheries Inseason Actions No. 1, 2 and 3" (RIN0648-XD198) received in the Office of the President of the Senate on April 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5669. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries" (RIN0648-XD222) received in the Office of the President of the Senate on April 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5670. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2014 Commercial Accountability Measure and Closure for South Atlantic Vermilion Snapper" (RIN0648-XD173) received in the Office of the President of the Senate on April 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5671. A communication from the Deputy Assistant Chief Counsel for Safety, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Critical Incident Stress Plans" (RIN2130-AC00) received in the Office of the President of the Senate on May 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5672. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Demurrage Liability" (RIN2140-AB07) received in the Office of the President of the Senate on May 1, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5673. A communication from the Attorney, General Affairs Division, Consumer

Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Hazardous Substances and Articles; Administration and Enforcement Regulations: Revisions to Animal Testing Regulations" (Docket No. CPSC-2012-0036) received in the Office of the President of the Senate on May 1, 2014; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Darrin P. Gayles, of Florida, to be United States District Judge for the Southern District of Florida.

Paul G. Byron, of Florida, to be United States District Judge for the Middle District of Florida.

Carlos Eduardo Mendoza, of Florida, to be United States District Judge for the Middle District of Florida.

Beth Bloom, of Florida, to be United States District Judge for the Southern District of Florida.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself, Mr. UDALL of Colorado, Mr. MERKLEY, and Ms. BALDWIN):

S. 2305. A bill to amend the method by which the Social Security Administration determines the validity of marriages under title II of the Social Security Act; to the Committee on Finance.

By Mr. CARPER (for himself, Mr. COONS, Mr. BOOKER, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. CASEY):

S. 2306. A bill to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for restoration and protection efforts of the 4-State Delaware River Basin region, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself, Mr. MENENDEZ, Ms. COLLINS, Mr. KIRK, and Mrs. SHAHEEN):

S. 2307. A bill to prevent international violence against women, and for other purposes; to the Committee on Foreign Relations.

By Mrs. MCCASKILL (for herself, Mr. BLUNT, Mr. LEVIN, and Mr. ROCKEFELLER):

S. 2308. A bill to designate Union Station in Washington, DC, as "Harry S. Truman Union Station"; to the Committee on Environment and Public Works.

By Mr. TOOMEY (for himself, Mr. CASEY, and Mr. MANCHIN):

S. 2309. A bill to amend title 18, United States Code, to authorize the Director of the Bureau of Prisons to issue oleoresin capicum spray to officers and employees of the Bureau of Prisons; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself and Mr. MANCHIN):

S. 2310. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TESTER (for himself, Mr. UDALL of New Mexico, Mr. BEGICH, and Mr. WALSH):

S. 2311. A bill to amend title 38, United States Code, to include licensed hearing aid specialists as eligible for appointment in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REED:

S. 2312. A bill to amend titles 5, 10, and 32, United States Code, to eliminate inequities in the treatment of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. WALSH:

S. 2313. A bill to prohibit Congressional recesses until Congress adopts a concurrent resolution on the budget that results in a balanced federal budget by fiscal year 2024 and to control Congressional travel budgets; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WALSH:

S. 2314. A bill to delegate to the Secretary of State the authority to approve or deny certain permits; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHATZ (for himself, Mr. SCOTT, and Mr. BEGICH):

S. 2315. A bill to expand the Global Entry Program and strengthen the Model Ports of Entry Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BEGICH (for himself, Mr. PRYOR, Mr. JOHNSON of South Dakota, Ms. STABENOW, Mr. WARNER, Mrs. MURRAY, Mr. COONS, Ms. LANDRIEU, Mr. BROWN, and Mr. CARDIN):

S. Res. 440. A resolution recognizing the contributions of teachers to the civic, cultural, and economic well-being of the United States; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mr. THUNE, and Mr. FRANKEN):

S. Res. 441. A resolution designating the week of May 1 through May 7, 2014, as "National Physical Education and Sport Week"; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 375

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 375, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 462

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 501

At the request of Mr. SCHUMER, the name of the Senator from New Hamp-

shire (Mrs. SHAHEEN) was added as a cosponsor of S. 501, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 576

At the request of Mr. JOHANNES, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 576, a bill to reform laws relating to small public housing agencies, and for other purposes.

S. 654

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 917

At the request of Mr. CARDIN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

At the request of Mr. JOHANNES, his name was added as a cosponsor of S. 917, *supra*.

S. 1056

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1056, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable adoption tax credit.

S. 1387

At the request of Mr. JOHANNES, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1387, a bill to establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans.

S. 1431

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1622

At the request of Ms. HEITKAMP, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1622, a bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 1649

At the request of Mr. BLUNT, his name was added as a cosponsor of S. 1649, a bill to promote freedom and democracy in Vietnam.

S. 1738

At the request of Mr. CORNYN, the names of the Senator from Delaware

(Mr. COONS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1738, a bill to provide justice for the victims of trafficking.

S. 1799

At the request of Mr. COONS, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 1799, a bill to reauthorize subtitle A of the Victims of Child Abuse Act of 1990.

S. 1837

At the request of Ms. WARREN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1837, a bill to amend the Fair Credit Reporting Act to prohibit the use of consumer credit checks against prospective and current employees for the purposes of making adverse employment decisions.

S. 1862

At the request of Mr. BLUNT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1862, a bill to grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

S. 1905

At the request of Mr. MANCHIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1905, a bill to provide direction to the Administrator of the Environmental Protection Agency regarding the establishment of standards for emissions of any greenhouse gas from fossil fuel-fired electric utility generating units, and for other purposes.

S. 2035

At the request of Mr. BEGICH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2035, a bill to provide funding to the National Institute of Mental Health to support suicide prevention and brain research, including funding for the Brain Research Through Advancing Innovative Neurotechnologies (BRAIN) Initiative.

S. 2043

At the request of Mrs. FISCHER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2043, a bill to prohibit the Internal Revenue Service from asking taxpayers questions regarding religious, political, or social beliefs.

S. 2141

At the request of Mr. REED, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 2141, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide an alternative process for review

of safety and effectiveness of non-prescription sunscreen active ingredients and for other purposes.

S. 2276

At the request of Mr. BLUNT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2276, a bill to amend title 10, United States Code, to improve access to mental health services under the TRICARE program.

S. 2292

At the request of Ms. WARREN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2292, a bill to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans, and for other purposes.

S. 2295

At the request of Mr. LEAHY, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 2295, a bill to establish the National Commission on the Future of the Army, and for other purposes.

S. 2302

At the request of Mrs. SHAHEEN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2302, a bill to provide for a 1-year extension of the Afghan Special Immigrant Visa Program, and for other purposes.

S. 2304

At the request of Mr. KIRK, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2304, a bill to amend the charter school program under the Elementary and Secondary Education Act of 1965.

S.J. RES. 19

At the request of Mr. UDALL of New Mexico, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 421

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. Res. 421, a resolution expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and commending them for leadership and valor in an operation that helped bring an end to World War II.

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. Res. 421, *supra*.

AMENDMENT NO. 3008

At the request of Mr. BARRASSO, the name of the Senator from South Caro-

lina (Mr. SCOTT) was added as a cosponsor of amendment No. 3008 intended to be proposed to S. 2262, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 3014

At the request of Mr. COBURN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3014 intended to be proposed to S. 2262, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 3041

At the request of Ms. KLOBUCHAR, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 3041 intended to be proposed to S. 2262, a bill to promote energy savings in residential buildings and industry, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself, Mr. MENENDEZ, Ms. COLLINS, Mr. KIRK, and Mrs. SHAHEEN):

S. 2307. A bill to prevent international violence against women, and for other purposes; to the Committee on Foreign Relations.

Ms. COLLINS. Mr. President, I rise to join with my colleagues, Senators BOXER, KIRK, MENENDEZ, and SHAHEEN, in introducing the International Violence Against Women Act of 2014. This bill makes ending violence against women and girls a top diplomatic priority. It would permanently authorize the State Department's Office of Global Women's Issues and the position of the Ambassador-at-Large for Global Women's Issues.

It requires the administration to develop and implement an annual strategy to prevent and respond to violence against women and girls for each of the next 5 years. This legislation will ensure that the efforts begun under President George W. Bush and continued by President Barack Obama to combat gender-based violence will be a priority for future administrations as well.

We have witnessed great strides in women's equality in our own country and in much of the developed world over the past century. Across vast swaths of the globe, however, violence against women and forced marriages are everyday occurrences. One out of three women worldwide will be physically, sexually or otherwise abused during her lifetime, with rates reaching 70 percent in some countries.

This violence ranges from domestic violence to rape and acid burnings, to dowry deaths and so-called honor killings. Such violence is often exacerbated in humanitarian emergencies

and conflict settings. Violence against women and girls is a human rights issue, a public health epidemic, and a barrier to solving global challenges such as extreme poverty, HIV/AIDS, and conflict.

The world has just seen an appalling example of women and girls being treated as property and bargaining chips in Nigeria, where the terrorist group Boko Haram kidnapped nearly 300 school girls and is threatening to sell them into sexual slavery and into forced marriages. Tragically, there are reports that some have already been sold into child marriages. Boko Haram's leaders said the girls should get married and never be educated. He has said:

I will marry off a woman at the age of 12. I will marry off a girl at the age of 9.

In fact, the very name of this terrorist group roughly translates to the phrase "Western education is sinful." Sadly, this is a viewpoint that is not just limited to terrorist leaders, though it is difficult to think of a more egregious example of abuse against girls than what we have just witnessed in Nigeria. The International Center for Research on Women says that one in nine girls around the world is married before the age of 15, a harmful practice that deprives girls of their dignity and often their education, increases their health risks, and perpetuates poverty. The practice of preventing women from attaining their full potential by targeting them for violence and early marriage is still far too common in far too many countries around the world.

The International Violence Against Women Act ensures that our country will take a leadership role in combating these problems. It establishes that it is the policy of the United States to take action to prevent and respond to violence against women and girls around the globe and to integrate and coordinate efforts to address gender-based violence into U.S. foreign policy and foreign assistance programs.

Specifically, our bill will foster efforts in four areas. First, it will increase legal and judicial protections by supporting laws and legal structures that prevent and appropriately respond to all forms of violence against women and girls, including honor killings and forced marriages. For example, our bill will support our State Department's work with other countries to help those nations reform their legal systems by providing technical expertise and model laws and building the capacity of their police and judges.

Second, our bill will increase efforts to build health sector capacity, integrating programs to address violence against women and girls into existing health care programs focused on children's survival, women's health, and HIV/AIDS prevention.

Third, our legislation will focus on preventing violence by changing community norms and attitudes against the acceptability of violence against women and girls.

Fourth, our bill will focus on reducing females' vulnerability to violence by improving their economic status and educational opportunities. Efforts would include ensuring that women have access to job training and employment opportunities and increasing their right to own land and property, allowing them potentially to support themselves and their children.

Our bill will require the U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally to identify 5 to 20 eligible low- and middle-income countries for which comprehensive individual country plans would be developed. The bill requires that at least 10 percent of U.S. assistance to prevent and respond to violence against females be provided to nongovernmental organizations, with priority given to those headed by women.

As the Presiding Officer well knows, violence has a profoundly negative impact on the lives of women and girls. In addition to being a pressing human rights issue, such violence contributes to inequality and political instability, making it a security issue as well as a moral issue for all of us.

I am committed to working with my colleagues to end violence against women and girls and to provide the assistance and resources necessary to achieve this goal, and I am pleased to be the principal cosponsor of Senator BOXER's bill.

By Mrs. MCCASKILL (for herself,  
Mr. BLUNT, Mr. LEVIN, and Mr.  
ROCKEFELLER):

S. 2308. A bill to designate Union Station in Washington, DC, as "Harry S. Truman Union Station"; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, I am truly delighted that my colleagues from Missouri, Senators MCCASKILL and BLUNT, have today introduced legislation to name Washington, DC's Union Station after our 33rd President Harry Truman, legislation of which I am proud to be an original cosponsor.

It is long overdue that we honor President Truman in this way. While much, in life and in politics, loses its luster as time passes, the Truman Presidency has only grown in stature and historical significance over the decades. There are many reasons for this, but let me focus on just a few.

First, history has shown the significance and wisdom of Truman's leadership in forging America's post-war foreign policy consensus. Truman and America understood the hard lesson of World War II: that a failure to engage in the world could have tragic consequences for our Nation, for our

friends and allies, and for humanity. He understood the importance to the free world of helping to rebuild our chief enemies in that war, Germany and Japan. He understood the importance of working across party lines to build and maintain a consensus for these policies so that they did not depend on any one President or party to continue.

We in Michigan are especially proud of the role that our Senator Vandenberg, a Republican, played in helping to build this consensus along with a Democratic President. Their hard work resulted in one of our Nation's most lasting and important achievements, ensuring America's enduring role in leading a rising tide of freedom around the world.

A second aspect of the Truman legacy is his commitment to open, ethical and responsive government. He achieved public notice in the Senate as chairman of a committee tasked with fighting fraud and waste in defense contracting during World War II. He was among the earliest Washington politicians to call for lobbying reform. Ever since Truman's time, any government official who has sought to deflect responsibility or accountability in that time-honored political tradition of buck-passing has suffered in comparison to the Truman policy that "The Buck Stops Here."

Lastly, I will mention this: Harry Truman was a simple man. He was regularly described as "plain"—and to his detractors, this was no compliment—but he wore it as a badge of honor. He understood that this Nation was built on the hard work, dedication and commitment of ordinary working people—because he came from ordinary working people. He talked straight, often bluntly. He demonstrated that one could rise to the highest office in the land based not on clever rhetoric or by currying favor, but by charting the best course for our Nation and clearly explaining that course to the people we all serve. He proved that wisdom is in the power of our ideas—nothing more and nothing less.

It was a train that carried Harry Truman on his "Give 'em Hell, Harry!" whistle-stop tour during the 1948 campaign. It was from a train that he held up that famous headline—"Dewey Defeats Truman"—that serves to this day as a rallying cry for the underdog. He rode the train from Union Station a lot, going home to be with his beloved wife Bess. So naming the train station of our Nation's capital, within sight of the Capitol where he served so well, is a fitting tribute.

I join my Missouri colleagues in urging the Senate to adopt this legislation and pay due honor to President Harry Truman.

By Mr. ROCKEFELLER (for himself and Mr. MANCHIN):

S. 2310. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Mother's Day Commemorative Coin Act. I am proud to be joined by Senator MANCHIN in this important effort.

Mother's Day is a special event for all West Virginians because this annual tribute to mothers began in our state. In 1908, a West Virginia woman by the name of Anna Jarvis petitioned her local church to declare May 9th as Mother's Day. She hoped that this holiday would serve as a day to remember and honor our mothers, and to promote peace and understanding. Within a year, all 46 States celebrated Mother's Day in some fashion, and in 1914, Congress and the President declared the second Sunday of May "Mother's Day." This May 9 will mark the centennial for the national recognition of Mother's Day, and this bill provides an opportunity to commemorate this important holiday and further recognize the millions of American mothers whose essential role in all of our lives cannot be overstated.

The legislation I am introducing today would recognize Mother's Day by authorizing the Treasury to mint a commemorative Mother's Day coin. Profits generated from the sale of these coins would be donated to the St. Jude Children's Research Hospital and the National Osteoporosis Foundation. St. Jude Children's Research Hospital has advanced cures for catastrophic pediatric diseases through research and treatment; and the National Osteoporosis Foundation is considered our Nation's leading voluntary health organization.

In the U.S. alone, 10 million people have osteoporosis, and 80 percent of those who suffer from this disease are women. This legislation not only honors our nation's mothers, but also helps to raise funds to fight a serious disease that disproportionately impacts women. Thousands of mothers and their children have benefited from the efforts of St. Jude Children's Research Hospital and the National Osteoporosis Foundation, and they are well-deserving of our support. Therefore, I encourage my colleagues to support this legislation to honor every mother in our country.

I can think of no better way to celebrate Mother's Day than by helping to promote the health of American mothers and their children.

By Mr. REED:

S. 2312. A bill to amend titles 5, 10, and 32, United States Code, to eliminate inequities in the treatment of National Guard technicians, and for other purposes; to the Committee on Armed Services.

Mr. REED. Mr. President, today I introduce the National Guard Technician Equity Act to address inconsistencies in the dual-status technician program.

Over 48,000 National Guard dual-status technicians serve our nation. They are a distinct group of workers—as civilians, they work for the reserve components, performing administrative duties, providing training, and maintaining and repairing equipment. However, as a condition of their civilian position, they are also required to maintain military status—attending weekend drills and annual training, deploying overseas, and responding to domestic disasters and emergencies—thereby creating their “dual-status.”

As a result, dual-status technicians are caught between the provisions that govern the Federal civilian workforce and the military in numerous ways. First, under existing law, a dual-status technician who is no longer fit for military duty must be fired from their technician position, even if they are still fully capable of performing their civilian duties. This bill would give technicians the option of remaining in their civilian position if they have 20 years of service as a dual-status technician, so that the experience and skills of these dedicated employees will not be lost.

Second, dual-status technicians do not have the same appeal rights as most other Federal employees, including those civilians in other Department of Defense positions. Federal employees who are covered by a collective bargaining agreement have the right to file a grievance and proceed to arbitration, or file a case with the Merit Systems Protection Board, MSPB. Currently, dual-status technicians may appeal to the Adjutant General in their state, but not to any neutral third party. This bill would allow them to also appeal to the MSPB for grievances unrelated to their military service.

Third, most reserve component members are able to obtain health care coverage through the TRICARE Reserve Select program. However, dual-status technicians are ineligible, despite their mandatory military status and reserve service, because they can participate in the Federal Employees Health Benefit Program, FEHBP. FEHBP plans can be more expensive than TRICARE Reserve Select, thereby adding costs and limiting health care options for these Guard technicians. My legislation simply calls for the Government Accountability Office to study the feasibility of converting the coverage for National Guard dual-status technicians from FEHBP to TRICARE Reserve Select.

The National Guard Technician Equity Act also allows technicians to receive overtime pay and requires the Secretary of Defense to report to Congress on the adequacy of leave time provided to Federal employees who are members of the National Guard for required military training.

I urge my colleagues to support and cosponsor the National Guard Technician Equity Act, and join me in pressing for inclusion of provisions of this bill in the National Defense Authorization Act.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 440—RECOGNIZING THE CONTRIBUTIONS OF TEACHERS TO THE CIVIC, CULTURAL, AND ECONOMIC WELL-BEING OF THE UNITED STATES

Mr. BEGICH (for himself, Mr. PRYOR, Mr. JOHNSON of South Dakota, Ms. STABENOW, Mr. WARNER, Mrs. MURRAY, Mr. COONS, Ms. LANDRIEU, Mr. BROWN, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 440

Whereas education and knowledge are the foundation of the current and future strength of the United States;

Whereas teachers and other educators deserve the respect of their students and communities for their selfless dedication to community service and the future of the children of the United States;

Whereas the purpose of “National Teacher Day”, which will be observed on May 6, 2014, is to raise public awareness of the unquantifiable contributions teachers make to society and to promote greater respect and understanding for the teaching profession; and

Whereas students, schools, communities, and a number of organizations representing educators are hosting teacher appreciation events in recognition of National Teacher Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the contributions of teachers and other educators to the civic, cultural, and economic well-being of the United States; and

(2) expresses gratitude for the work done by teachers and educators and encourages students, parents, school administrators, and public officials to participate in teacher appreciation events on National Teacher Day.

##### SENATE RESOLUTION 441—DESIGNATING THE WEEK OF MAY 1 THROUGH MAY 7, 2014, AS “NATIONAL PHYSICAL EDUCATION AND SPORT WEEK”

Ms. KLOBUCHAR (for herself, Mr. THUNE, and Mr. FRANKEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 441

Whereas according to the 2012 Shape of the Nation Report, there has been a dramatic increase in obesity in the United States over the last 20 years, and obesity rates are high; Whereas over 30 percent of children in the United States are overweight or obese;

Whereas according to the Centers for Disease Control and Prevention, over 48 percent of high school students do not attend physical education classes in an average week;

Whereas according to Department of Health and Human Services Physical Activ-

ity Guidelines for Americans, children and adolescents between the ages of 6 and 17 should engage in 60 minutes or more of physical activity daily, including aerobic, muscle strengthening, and bone strengthening exercises;

Whereas regular physical activity is necessary to support normal and healthy growth in children and is essential to the continued health and well-being of children; and

Whereas Congress strongly supports efforts to increase physical activity and participation of children and youth in sports: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of May 1 through May 7, 2014, as “National Physical Education and Sport Week”;:

(2) recognizes National Physical Education and Sport Week and the central role of physical education and sports in creating a healthy lifestyle for all children and youth;

(3) supports the implementation of local school wellness policies (as that term is described in section 9A of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758b)) that include ambitious goals for physical education, physical activity, and other activities that address the childhood obesity epidemic and promote child wellness; and

(4) encourages schools to offer physical education classes to students and work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer months for all children and youth.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3045. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table.

SA 3046. Mr. ENZI (for himself, Mr. THUNE, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3047. Mr. UDALL of Colorado (for himself, Mr. BEGICH, and Ms. HEITKAMP) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3048. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3049. Mrs. BOXER (for herself and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3050. Mr. COATS (for himself, Mr. HOEVEN, Mr. TOOMEY, Mr. VITTER, Mr. RISCH, Mr. CRAPO, Mr. HATCH, Mr. ENZI, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3051. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3052. Mr. SANDERS (for himself, Mr. WYDEN, Mr. KING, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3053. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3054. Mr. FRANKEN submitted an amendment intended to be proposed by him



to the bill S. 2262, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3045.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, between lines 8 and 9, insert the following:

**SEC. 30. RELEASE OF REPORT ON ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.**

Not later than 15 days after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly publish on a public website and otherwise make available to the public the report on the results of the study of energy and cost savings in nonbuilding applications required under section 518(b) of the Energy Independence and Security Act of 2007 (Public Law 110-140; 121 Stat. 1660).

**SA 3046.** Mr. ENZI (for himself, Mr. THUNE, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title V, add the following:

**SEC. 5. REGIONAL HAZE PROGRAM.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the disapproval, in whole or in part, by the Administrator of the Environmental Protection Agency of a State regional haze implementation plan addressing any regional haze regulation of the Environmental Protection Agency (including the regulations described in sections 51.308 and 51.309 of title 40, Code of Federal Regulations (or successor regulations)) shall not be valid if—

(1) the Administrator fails to demonstrate using the best available science that a Federal implementation plan governing a specific unit, when compared to the State plan, results in at least a 1.0 deciview improvement over the State plan in any single class I area (as classified under section 162 of the Clean Air Act (42 U.S.C. 7472)); or

(2) implementation of the Federal implementation plan, when compared to the State plan, will result in an economic cost of greater than \$100,000,000 in any fiscal year or \$300,000,000 in the aggregate over the cost of the State plan.

(b) **RETROACTIVE APPLICATION.**—This section applies to any disapproval by the Administrator of the Environmental Protection Agency of a State regional haze implementation plan that occurs after January 1, 2010.

**SA 3047.** Mr. UDALL (for himself, Mr. BEGICH, and Ms. HEITKAMP) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title V, insert the following:

**SEC. 5. AUTHORIZATION TO EXPORT NATURAL GAS.**

(a) **DECISION DEADLINE.**—The Secretary of Energy shall issue a decision on any application for authorization to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) not later than 90 days after the later of—

(1) the end of the comment period for the decision as set forth in the applicable notice published in the Federal Register; or

(2) the date of enactment of this Act.

(b) **JUDICIAL ACTION.**—

(1) **IN GENERAL.**—The United States Court of Appeals for the circuit in which the export facility will be located pursuant to an application described in subsection (a) shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order issued by the Secretary of Energy with respect to the application; or

(B) the failure of the Secretary of Energy to issue a decision on the application.

(2) **ORDER.**—If the Court in a civil action described in paragraph (1) finds that the Secretary of Energy has failed to issue a decision on the application as required under subsection (a), the Court shall order the Secretary of Energy to issue the decision not later than 30 days after the order of the Court.

(3) **EXPEDITED CONSIDERATION.**—The Court shall—

(A) set any civil action brought under this subsection for expedited consideration; and

(B) set the matter on the docket as soon as practicable after the filing date of the initial pleading.

**SA 3048.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 501 and insert the following:

**SEC. 5. COMMUNITY ENERGY PROGRAM.**

Part D of title III of the Energy Policy and Conservation Act is amended by inserting after section 364 (42 U.S.C. 6324) the following:

**“SEC. 364A. COMMUNITY ENERGY PROGRAM.**

“(a) **IN GENERAL.**—The Secretary, acting in conjunction with State energy offices, shall establish and carry out a community energy program under which the Secretary shall make grants to eligible entities to support community energy systems improvement projects, including projects involving energy assessments, development of energy system improvement strategies, and implementation of those strategies so as to reduce energy usage and increase energy supplied from renewable resources.

“(b) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant under this section, an entity shall be—

“(1) a municipality (including a town or city or other local unit of government); or

“(2) a nonprofit institutional entity (including an institution of higher education, hospital, or school system).

“(c) **APPLICATION REQUIREMENTS.**—To be eligible to receive a grant under this section, an eligible entity shall—

“(1) provide to the Secretary evidence that the entity has a commitment to improving the energy systems of the entity;

“(2) encourage broad citizen participation in the project carried out with the grant;

“(3) submit to the Secretary an application at such time, in such manner, and con-

taining such information as the Secretary may require; and

“(4) meet such other eligibility criteria as are established by the Secretary.

“(d) **TYPES OF GRANTS.**—The Secretary shall provide to eligible entities under this section—

“(1) planning and assessment grants to support—

“(A) the assessment of current energy types and uses of the eligible entity;

“(B) the identification of potential alternative energy resources to serve the energy needs of the eligible entity, including energy efficiency measures and renewable energy systems; and

“(C) the development of energy improvement project plans that specify energy efficiency measures to be adopted and renewable energy systems to be installed; and

“(2) implementation project grants to support the implementation of energy system improvements, regardless of whether the eligible entities received planning and assessment grants for the improvements under paragraph (1).

“(e) **USE OF GRANTS.**—

“(1) **PLANNING AND ASSESSMENT GRANTS.**—An eligible entity may use a planning and assessment grant provided under subsection (d)(1)—

“(A) to assess energy usage across the eligible entity, including energy used in—

“(i) public and private buildings and facilities;

“(ii) commercial and industrial applications; and

“(iii) transportation; and

“(B) to formulate energy improvement plans that describe specific energy efficiency measures to be adopted and specific renewable energy systems to be installed, including identification of funding sources and implementation processes.

“(2) **IMPLEMENTATION PROJECT GRANTS.**—An eligible entity may use an implementation grant provided under subsection (d)(2) to implement energy efficiency measures, or install renewable energy systems, in support of energy improvement plans.

“(f) **FEDERAL SHARE.**—The Federal cost of carrying out a project under this section shall not exceed 50 percent of total project costs.

“(g) **ADMINISTRATION.**—The Secretary shall establish criteria for program participation and evaluation of proposals for projects to be carried out under this section, including criteria based on—

“(1) energy savings; and

“(2) reductions in oil consumption.

“(h) **TECHNICAL ASSISTANCE.**—

“(1) **IN GENERAL.**—To assist eligible entities in carrying out projects under this section, the Secretary may—

“(A) provide training and technical assistance and support to entities that receive grants under this section; and

“(B) support regional conferences to enable entities to share information on energy assessment, planning, and implementation activities.

“(2) **EVALUATION PROGRAM.**—In carrying out this section, the Secretary shall develop and support use of an evaluation program that measures and evaluates the energy and economic impacts of projects carried out under this section.

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

“(1) \$10,000,000 for fiscal year 2014; and

“(2) \$20,000,000 for each of fiscal years 2015 through 2018.”.



**SEC. 5. . OFFSET.**

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking “and” after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

“(4) \$200,000,000 for fiscal year 2013;

“(5) \$190,000,000 for fiscal year 2014;

“(6) \$130,000,000 for fiscal year 2015; and

“(7) \$80,000,000 for each of fiscal years 2016 through 2018.”.

**SA 3049.** Mrs. BOXER (for herself and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VI—PACE ASSESSMENT  
PROTECTION ACT**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “PACE Assessment Protection Act”.

**SEC. 602. PURPOSE.**

It is the purpose of this title to ensure that those PACE programs which incorporate prudent programmatic safeguards to protect the interest of mortgage holders and property owners remain viable as a potential avenue for States and local governments to achieve the many public benefits associated with energy efficiency, water efficiency, and renewable energy retrofits. In addition, it is essential that the power and authority of State and local governments to exercise their longstanding and traditional powers to levy taxes for public purposes not be impeded.

**SEC. 603. DEFINITIONS.**

For purposes of this title the following definitions apply:

(1) **CLEAN ENERGY IMPROVEMENTS.**—The term “clean energy improvements” means any system on privately owned property for producing electricity for, or meeting heating, cooling, or water heating needs of the property, using renewable energy sources, combined heat and power systems, or energy systems using wood biomass (but not construction and demolition waste) or natural gas. Such improvements include solar photovoltaic, solar thermal, wood biomass, wind, and geothermal systems. Such term includes the reasonable costs of a study undertaken by a property owner to analyze the feasibility of installing any of the improvements described in this paragraph and the cost of a warranty or insurance policy for such improvements.

(2) **ENERGY CONSERVATION AND EFFICIENCY IMPROVEMENTS.**—The term “energy conservation and efficiency improvements” means measures to reduce consumption, through conservation or more efficient use, of electricity, fuel oil, natural gas, propane, or other forms of energy by the property, including air sealing, installation of insulation, installation of heating, cooling, or ventilation systems, building modification to increase the use of daylighting, replacement of windows, installation of energy controls or energy recovery systems, installation of building management systems, and installation of efficient lighting equipment, provided that such improvements are permanently affixed to the property. Such term includes the reasonable costs of an audit undertaken by a property owner to identify potential energy

savings that could be achieved through installation of any of the improvements described in this paragraph.

(3) **ENTERPRISE.**—The term “enterprise” means—

(A) the Federal National Mortgage Association and any affiliate thereof; and

(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof.

(4) **LOCAL GOVERNMENT.**—The term “local government” includes counties, cities, boroughs, towns, parishes, villages, districts, and other political subdivisions authorized under State laws to establish PACE programs.

(5) **NON-RESIDENTIAL PROPERTY.**—The term “non-residential property” means private property that is—

(A) not used for residential purposes; or

(B) residential property with 5 or more residences.

(6) **PACE AGREEMENT.**—The term “PACE agreement” means an agreement between a local government and a property owner detailing the terms of financing for a PACE improvement.

(7) **PACE ASSESSMENT.**—The term “PACE assessment” means a tax or assessment levied by a local government to provide financing for PACE improvements.

(8) **PACE IMPROVEMENTS.**—The term “PACE improvements” means qualified clean energy improvements, qualified energy conservation and efficiency improvements, and qualified water conservation and efficiency improvements.

(9) **PACE LIEN.**—The term “PACE lien” means a lien securing a PACE assessment, which may be senior to the lien of pre-existing purchase money mortgages on the same property subject to the PACE lien.

(10) **PACE PROGRAM.**—The term “PACE program” means a program implemented by a local government under State law to provide financing for PACE improvements by levying PACE assessments.

(11) **PROPERTY OWNER.**—The term “property owner” means the owner of record of real property that is subject to a PACE assessment, whether such property is zoned or used for residential, commercial, industrial, or other uses.

(12) **QUALIFIED.**—The term “qualified” means, with respect to PACE improvements, that the improvements meet the criteria specified in section 605.

(13) **RESIDENTIAL PROPERTY.**—The term “residential property” means a property with up to 4 private residences.

(14) **WATER CONSERVATION AND EFFICIENCY IMPROVEMENTS.**—The term “water conservation and efficiency improvements” means measures to reduce consumption, through conservation or more efficient use of water by the property, including installation of low-flow toilets and showerheads, installation of timer or timing system for hot water heaters, and installation of rain catchment systems.

**SEC. 604. TREATMENT OF PACE PROGRAMS BY FNMA AND FHLMC.**

(a) **LENDER GUIDANCE.**—The Director of the Federal Housing Finance Agency, acting in the Director’s general supervisory capacity, shall direct the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to—

(1) issue guidance, within 30 days after the date of enactment of this title, providing that the levy of a PACE assessment and the creation of a PACE lien do not constitute a default on any loan secured by a uniform instrument of Federal National Mortgage Association or Federal Home Loan Mortgage

Corporation and do not trigger the exercise of remedies with respect to any provision of such uniform security instrument if the PACE assessment and the PACE lien meet the requirements of section 605;

(2) rescind any prior issued guidance or Selling and Servicing Guides that are inconsistent with the provisions of paragraph (1); and

(3) take all such other actions necessary to effect the purposes of this title.

(b) **PROHIBITION OF DISCRIMINATION.**—The Director of the Federal Housing Finance Agency, the Comptroller of the Currency, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Board of Governors of the Federal Reserve System, and all Federal agencies and entities chartered or otherwise established under Federal law shall not discriminate in any manner against States or local governments implementing or participating in a PACE program, or against any property that is obligated to pay a PACE assessment or is subject to a PACE lien, including, without limitation, by—

(1) prohibiting lending within such jurisdiction or requiring more restrictive underwriting criteria for properties within such jurisdiction;

(2) except for the escrowing of funds as permitted by section 605(h)(2), requiring payment of PACE assessment amounts that are not due or that are not delinquent; or

(3) applying more restrictive underwriting criteria to any property that is obligated to pay a PACE assessment and is subject to a PACE lien than any such entity would apply to such property in the event that such property were subject to a State or municipal tax or assessment that was not a PACE assessment.

**SEC. 605. PACE PROGRAMS ELIGIBLE FOR PROTECTION.**

(a) **IN GENERAL.**—A PACE program, and any PACE assessment and PACE lien related to such program, are entitled to the protections of this title only if the program meets all of the requirements under this section at the time of its establishment, or, in the case of any PACE program in effect upon the date of the enactment of this title, not later than 60 days after such date of enactment.

(b) **RESERVE FUNDS.**—

(1) **ESTABLISHMENT.**—A PACE program shall enroll or otherwise contribute to a reserve fund maintained by a State or local government authority, a purpose of which shall be to make payments to reimburse PACE programs for any amounts a program is required to pay, and has demonstrated has been paid, pursuant to paragraph (3).

(2) **CAPITAL SUFFICIENCY.**—A reserve fund in which a PACE program is enrolled or otherwise contributing to shall maintain a minimum capital level in such amount as shall be sufficient to ensure that an enterprise will not be adversely impacted by the PACE liens securing the PACE assessments held by the PACE program.

(3) **REQUIRED PAYMENTS TO ENTERPRISES.**—A PACE program shall pay to an enterprise such amounts as are necessary to cover—

(A) in any foreclosure in connection with a residential property, any loss incurred by such enterprise resulting from the payment of any PACE assessment paid while the enterprise is in possession of the property; and

(B) in any forced sale for unpaid taxes or special assessments in connection with a residential property, any loss incurred by such enterprise resulting from PACE assessments

being paid before the payment of any outstanding balance on the mortgage owed to the enterprise.

(4) **APPLICABILITY ONLY TO RESIDENTIAL PACE PROGRAMS.**—This subsection, and the requirements of this subsection, shall only apply with respect to residential PACE programs.

(c) **CONSUMER PROTECTIONS APPLICABLE TO RESIDENTIAL PROPERTY.**—A PACE program shall provide, with respect to residential property, for the following:

(1) **PROPERTY OWNER AGREEMENTS.**—

(A) **PACE ASSESSMENT.**—The property owner shall agree in writing to a PACE assessment, either pursuant to a PACE agreement or by voting in the manner specified by State law. In the case of any property with multiple owners, each owner or the owner's authorized representative shall execute a PACE agreement or vote in the manner specified by State law, as applicable.

(B) **PAYMENT SCHEDULE.**—The property owner shall agree to a payment schedule that identifies the term over which PACE assessment installments will be due, the frequency with which PACE assessment installments will be billed and amount of each installment, and the annual amount due on the PACE assessment. Upon full payment of the amount of the PACE assessment, including all outstanding interest and charges and any penalties that may become due, the local government shall provide the participating property owner with a written statement certifying that the PACE assessment has been paid in full and the local government shall also satisfy all requirements of State law to extinguish the PACE lien.

(2) **DISCLOSURES BY LOCAL GOVERNMENT.**—The local government shall disclose to the participating property owner the costs and risks associated with participating in the PACE program, including risks related to their failure to pay PACE assessments and the risk of enforcement of PACE liens. The local government shall disclose to the property owner the effective interest rate of the PACE assessment, including all program fees. The local government shall clearly and conspicuously provide the property owner the right to rescind his or her decision to enter into a PACE assessment, within 3 days of the original transaction.

(3) **NOTICE TO LIENHOLDERS.**—Before entering into a PACE agreement or voting in favor of a PACE assessment, the property owner or the local government shall provide to the holders of any existing mortgages on the property written notice of the terms of the PACE assessment.

(4) **CONFIDENTIALITY.**—Any personal financial information provided by a property owner to a local government or an entity administering a PACE program on behalf of a local government shall comply with applicable local, State, and Federal laws governing the privacy of the information.

(d) **REQUIREMENTS APPLICABLE ONLY TO NON-RESIDENTIAL PROPERTY.**—A PACE program shall provide, with respect to non-residential property, for the following:

(1) **AUTHORIZATION BY LIENHOLDERS.**—Before entering into a PACE agreement with a local government or voting in favor of PACE assessments in the manner specified by State law, the property owner shall obtain written authorization from the holders of the first mortgage on the property.

(2) **PACE AGREEMENT.**—

(A) **TERMS.**—The local government and the owner of the property to which the PACE assessment applies at the time of commencement of assessment shall enter into a writ-

ten PACE agreement addressing the terms of the PACE improvement. In the case of any property with multiple owners, the PACE agreement shall be signed by all owners or their legally authorized representative or representatives.

(B) **PACE IMPROVEMENTS.**—The property owner shall contract for PACE improvements, purchase materials to be used in making such improvements, or both, and upon submission of documentation required by the local government, the local government shall disburse funds to the property owner in payment for the PACE improvements or materials used in making such improvements.

(C) **PAYMENT SCHEDULE.**—The PACE agreement shall include a payment schedule showing the term over which payments will be due on the assessment, the frequency with which payments will be billed and amount of each payment, and the annual amount due on the assessment. Upon full payment of the amount of the assessment, including all outstanding interest and charges and any penalties that may become due, the local government shall provide the participating property owner with a written statement certifying that the assessment has been paid in full and the local government shall also satisfy all requirements of State law to extinguish the PACE lien.

(3) **DISCLOSURES BY LOCAL GOVERNMENT.**—The local government shall disclose to the participating property owners the costs and risks associated with participating in the program, including risks related to their failure to make payments and the risk of enforcement of PACE liens.

(4) **CONFIDENTIALITY.**—Any personal financial information provided by a property owner to a local government or an entity administering a PACE program on behalf of a local government shall comply with applicable local, State, and Federal laws governing the privacy of the information.

(e) **PUBLIC NOTICE OF PACE ASSESSMENT.**—The local government shall file a public notice of the PACE assessment in a manner sufficient to provide notice of the PACE assessment to potential lenders and potential purchasers of the property. The notice shall consist of the following statement or its substantial equivalent: "This property is subject to a tax or assessment that is levied to finance the installation of qualifying energy and water conservation and efficiency improvements or clean energy improvements. The tax or assessment is secured by a lien that is senior to all private liens."

(f) **ELIGIBILITY OF RESIDENTIAL PROPERTY OWNERS.**—Before levying a PACE assessment on a residential property, the local government shall ensure that all of the following are true with respect to the property:

(1) All property taxes and any other public assessments are current and have been current for 3 years or the property owner's period of ownership, whichever period is shorter.

(2) There are no involuntary liens, such as mechanics liens, on the property in excess of \$1,000.

(3) No notices of default and not more than one instance of property-based debt delinquency have been recorded during the past 3 years or the property owner's period of ownership, whichever period is shorter.

(4) The property owner has not filed for or declared bankruptcy in the previous 7 years.

(5) The property owner is current on all mortgage debt on the property.

(6) The property owner or owners are the holders of record of the property.

(7) The property title is not subject to power of attorney, easements, or subordination agreements restricting the authority of the property owner to subject the property to a PACE lien.

(8) The property meets any geographic eligibility requirements established by the PACE program.

The local government may adopt additional criteria, appropriate to PACE programs, for determining whether to provide PACE financing to a property.

(g) **QUALIFYING IMPROVEMENTS AND QUALIFYING CONTRACTORS FOR RESIDENTIAL PROPERTIES.**—PACE improvements for residential properties shall be qualified if they meet the following criteria:

(1) **AUDIT.**—For clean energy improvements and energy conservation and efficiency improvements, an audit or feasibility study performed by a person who has been certified as a building analyst by the Building Performance Institute or as a Home Energy Rating System (HERS) Rater by a Rating Provider accredited by the Residential Energy Services Network (RESNET); or who has obtained other similar independent certification shall have been commissioned by the local government or the property owner and the audit or feasibility study shall—

(A) identify recommended energy conservation, efficiency, and/or clean energy improvements and such recommended improvements must include the improvements proposed to be financed with the PACE assessment to the extent permitted by law;

(B) estimate the potential cost savings, useful life, benefit-cost ratio, and simple payback or return on investment for each improvement; and

(C) provide the estimated overall difference in annual energy costs with and without the recommended improvements.

State law may provide that the cost of the audit and the cost of a warranty covering the financed improvements may be included in the total amount financed.

(2) **AFFIXED FOR USEFUL LIFE.**—The local government shall have determined the improvements are intended to be affixed to the property for the entire useful life of the improvements based on the expected useful lives of energy conservation, efficiency, and clean energy measures approved by the Department of Energy.

(3) **QUALIFIED CONTRACTORS.**—The improvements must be made by a contractor or contractors, determined by the local government to be qualified to make the PACE improvements. A local government may accept a designation of contractors as qualified made by an electric or gas utility or another appropriate entity. Any work requiring a license under applicable law shall be performed by an individual holding such license. A local government may elect to provide financing for improvements made by the owner of the property, but shall not permit the value of the owner's labor to be included in the amount financed.

(4) **DISBURSEMENT OF PAYMENTS.**—A local government must require, prior to disbursement of final payments for the financed improvements, submission by the property owner in a form acceptable to the local government of—

(A) a document signed by the property-owner requesting disbursement of funds;

(B) a certificate of completion, certifying that improvements have been installed satisfactorily; and

(C) documentation of all costs to be financed and copies of any required permits.

(h) **FINANCING TERMS APPLICABLE ONLY TO RESIDENTIAL PROPERTY.**—A PACE program

shall provide, with respect to residential property, for the following:

(1) **AMOUNT FINANCED.**—PACE improvements shall be financed on terms such that the total energy and water cost savings realized by the property owner and the property owner's successors during the useful lives of the improvements, as determined by the audit or feasibility study pursuant to subsection (g)(1), are expected to exceed the total cost to the property owner and the property owner's successors of the PACE assessment. In determining the amount that may be financed by a PACE assessment, the total amount of all rebates, grants, and other direct financial assistance received by the owner on account of the PACE improvements shall be deducted from the cost of the PACE improvements.

(2) **PACE ASSESSMENTS.**—The total amount of PACE assessments for a property shall not exceed 10 percent of the estimated value of the property. A property owner who escrows property taxes with the holder of a mortgage on a property subject to PACE assessment may be required by the holder to escrow amounts due on the PACE assessment, and the mortgage holder shall remit such amounts to the local government in the manner that property taxes are escrowed and remitted.

(3) **OWNER EQUITY.**—As of the effective date of the PACE agreement or the vote required by State law, the property owner shall have equity in the property of not less than 15 percent of the estimated value of the property calculated without consideration of the amount of the PACE assessment or the value of the PACE improvements.

(4) **TERM OF FINANCING.**—The maximum term of financing provided for a PACE improvement may be 20 years. The term shall in no case exceed the weighted average expected useful life of the PACE improvement or improvements. Expected useful lives used for all calculations under this paragraph shall be consistent with the expected useful lives of energy conservation and efficiency and clean energy measures approved by the Department of Energy.

(i) **COLLECTION AND ENFORCEMENT.**—A PACE program shall provide that—

(1) PACE assessments shall be collected in the manner specified by State law;

(2) notwithstanding any other provision of law, in the event of a transfer of property ownership through foreclosure, the transferring property owner may be obligated to pay only PACE assessment installments that are due (including delinquent amounts), along with any applicable penalties and interest, except that before imposition of any penalties or fees, the PACE program shall provide an opportunity to any holder of a senior lien on the property to assume payment of the PACE assessment;

(3) PACE assessment installments that are not due may not be accelerated by foreclosure except as provided by State law; and

(4) payment of a PACE assessment installment from the loss reserve established for a PACE program shall not relieve a participating property owner from the obligation to pay that amount.

**SA 3050.** Mr. COATS (for himself, Mr. HOEVEN, Mr. TOOMEY, Mr. VITTER, Mr. RISCH, Mr. CRAPO, Mr. HATCH, Mr. ENZI, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes;

which was ordered to lie on the table; as follows:

At the beginning of title V, insert the following:

**SEC. 5. LIMITATION ON AUTHORITY TO ISSUE REGULATIONS UNDER THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977.**

The Secretary of the Interior may not, before December 31, 2017, issue or approve any proposed or final regulation under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) that would—

(1) adversely impact employment in coal mines in the United States;

(2) cause a reduction in revenue received by the Federal Government or any State, tribal, or local government, by reducing through regulation the quantity of coal in the United States that is available for mining;

(3) reduce the quantity of coal available for domestic consumption or for export;

(4) designate any area as unsuitable for surface coal mining and reclamation operations;

(5) expose the United States to liability for taking the value of privately owned coal through regulation; or

(6) cause further time delays to permitting or increase costs.

**SA 3051.** Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 3. REPORT ON FEDERAL AGENCY FACILITIES.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on energy use and energy efficiency projects at the facilities occupied by each Federal agency.

(b) **CONTENTS.**—The report required under subsection (a) shall include—

(1) an analysis of energy use at each facility occupied by a Federal agency;

(2) a list of energy audits that have been conducted at the facilities described in paragraph (1);

(3) a list of energy efficiency projects that have been conducted at the facilities described in paragraph (1); and

(4) a list of energy efficiency projects that could be achieved through the use of a consistent and timely mechanical insulation maintenance program and through the upgrading of mechanical insulation at the facilities described in paragraph (1).

**SA 3052.** Mr. SANDERS (for himself, Mr. WYDEN, Mr. KING, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 501 and insert the following:

**SEC. 501. STATE RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES LOAN PILOT PROGRAM.**

(a) **LOANS FOR RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES.**—Part D of title

III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended by adding at the end the following:

**“SEC. 367. LOANS FOR RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES.**

“(a) **DEFINITIONS.**—In this section:

“(1) **CONSUMER-FRIENDLY.**—The term ‘consumer-friendly’, with respect to a loan repayment approach, means a loan repayment approach that—

“(A) emphasizes convenience for customers;

“(B) is of low cost to consumers; and

“(C) emphasizes simplicity and ease of use for consumers in the billing process.

“(2) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means—

“(A) a State or territory of the United States; and

“(B) a tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

“(3) **ENERGY ADVISOR PROGRAM.**—

“(A) **IN GENERAL.**—The term ‘energy advisor program’ means any program to provide to owners or residents of residential buildings advice, information, and support in the identification, prioritization, and implementation of energy efficiency and energy savings measures.

“(B) **INCLUSIONS.**—The term ‘energy advisor program’ includes a program that provides—

“(i) interpretation of energy audit reports;

“(ii) assistance in the prioritization of improvements;

“(iii) assistance in finding qualified contractors;

“(iv) assistance in contractor bid reviews;

“(v) education on energy conservation and energy efficiency;

“(vi) explanations of available incentives and tax credits;

“(vii) assistance in completion of rebate and incentive paperwork; and

“(viii) any other similar type of support.

“(4) **ENERGY EFFICIENCY.**—The term ‘energy efficiency’ means a decrease in homeowner or residential tenant consumption of energy (including electricity and thermal energy) that is achieved without reducing the quality of energy services through—

“(A) a measure or program that targets customer behavior;

“(B) equipment;

“(C) a device; or

“(D) other material.

“(5) **ENERGY EFFICIENCY UPGRADE.**—

“(A) **IN GENERAL.**—The term ‘energy efficiency upgrade’ means any project or activity—

“(i) the primary purpose of which is increasing energy efficiency; and

“(ii) that is carried out on a residential building.

“(B) **INCLUSIONS.**—The term ‘energy efficiency upgrade’ includes the installation or improvement of a renewable energy facility for heating or electricity generation serving a residential building carried out in conjunction with an energy efficiency project or activity.

“(6) **PROGRAM ENTITY.**—The term ‘program entity’ means a local government, utility, or other entity that carries out a financing program under subsection (e)(2)(A) pursuant to a contract or other agreement with an eligible entity.

“(7) **RECIPIENT HOUSEHOLD.**—The term ‘recipient household’ means the owner or tenant of a residential building who receives financing under this section for an energy efficiency upgrade of the residential building.

“(8) RESIDENTIAL BUILDING.—

“(A) IN GENERAL.—The term ‘residential building’ means a building used for residential purposes.

“(B) INCLUSIONS.—The term ‘residential building’ includes—

“(i) a single-family residence;

“(ii) a multifamily residence composed not more than 4 units; and

“(iii) a mixed-use building that includes not more than 4 residential units.

“(b) ESTABLISHMENT OF PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a program under this part under which the Secretary shall make available to eligible entities loans for the purpose of establishing or expanding programs that provide to recipient households financing for energy efficiency upgrades of residential buildings.

“(2) CONSULTATION.—In establishing the program under paragraph (1), the Secretary shall consult, as the Secretary determines to be appropriate, with stakeholders and the public.

“(3) NO REQUIREMENT TO PARTICIPATE.—No eligible entity shall be required to participate in any manner in the program established under paragraph (1).

“(4) DEADLINES.—The Secretary shall—

“(A) not later than 1 year after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2014, implement the program established under paragraph (1) (including soliciting applications from eligible entities in accordance with subsection (c)); and

“(B) not later than 2 years after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2014, disburse the initial loans provided under this section.

“(c) APPLICATIONS.—

“(1) IN GENERAL.—To be eligible to receive a loan under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(2) SELECTION DATE.—Not later than 21 months after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2014, the Secretary shall select eligible entities to receive the initial loans provided under this section, in accordance with the requirements described in paragraph (3).

“(3) REQUIREMENTS.—In selecting eligible entities to receive loans under this section, the Secretary shall—

“(A) to the maximum extent practicable, ensure—

“(i) that both innovative and established approaches to the challenges of financing energy efficiency upgrades are supported;

“(ii) that energy efficiency upgrades are conducted and validated to comply with best practices for work quality, as determined by the Secretary;

“(iii) regional diversity among eligible entities that receive the loans, including participation by rural States and small States;

“(iv) significant participation by families with income levels at or below the median income level for the applicable geographical region, as determined by the Secretary; and

“(v) the incorporation of an energy advisor program by, as applicable—

“(I) eligible entities; or

“(II) program entities;

“(B) evaluate applications based primarily on—

“(i) the projected reduction in energy use, as determined in accordance with such specific and commonly available methodology

as the Secretary shall establish, by regulation;

“(ii) the creditworthiness of the eligible entity; and

“(iii) the incorporation of measures for making the loan repayment system for recipient households as consumer-friendly as practicable;

“(C) evaluate applications based secondarily on—

“(i) the extent to which the proposed financing program of the eligible entity incorporates best practices for such a program, as determined by the Secretary;

“(ii)(I) whether the eligible entity has created a plan for evaluating the effectiveness of the proposed financing program; and

“(II) whether that plan includes—

“(aa) a robust strategy for collecting, managing, and analyzing data, as well as making the data available to the public; and

“(bb) experimental studies, which may include investigations of how human behavior impacts the effectiveness of efficiency improvements;

“(iii) the extent to which Federal funds are matched by funding from State, local, philanthropic, private sector, and other sources;

“(iv) the extent to which the proposed financing program will be coordinated and marketed with other existing or planned energy efficiency or energy conservation programs administered by—

“(I) utilities and rural cooperatives;

“(II) State, tribal, territorial, or local governments; or

“(III) community development financial institutions; and

“(v) such other factors as the Secretary determines to be appropriate; and

“(D) not provide an advantage or disadvantage to applications that include renewable energy in the program.

“(d) ADMINISTRATIVE PROVISIONS.—

“(1) TERM.—The Secretary shall establish terms for loans provided to eligible entities under this section—

“(A) in a manner that—

“(i) provides for a high degree of cost recovery; and

“(ii) ensures that, with respect to all loans provided to or by eligible entities under this section, the loans are competitive with, or superior to, other forms of financing for similar purposes; and

“(B) subject to the condition that the term of a loan provided to an eligible entity under this section shall not exceed 35 years.

“(2) INTEREST RATES.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary, at the discretion of the Secretary, shall charge interest on a loan provided to an eligible entity under this section at a fixed rate equal, or approximately equal, to the interest rate charged on Treasury securities of comparable maturity.

“(B) LEVERAGED LOANS.—The interest rate and other terms of the loans provided to eligible entities under this section shall be established in a manner that ensures that the total amount of the loans is equal to not less than 20 times, and not more than 50 times, an amount equivalent to 80 percent of the amount appropriated for administrative and general financial support costs pursuant to subsection (g)(2).

“(3) NO PENALTY ON EARLY REPAYMENT.—The Secretary shall not assess any penalty for early repayment by an eligible entity of a loan provided under this section.

“(4) RETURN OF UNUSED PORTION.—As a condition of receipt of a loan under this section, an eligible entity shall agree to return to the general fund of the Treasury any portion of

the loan amount that is unused by the eligible entity within a reasonable period after the date of receipt of the loan, as determined by the Secretary.

“(e) USE OF FUNDS.—

“(1) IN GENERAL.—An eligible entity shall use a loan provided under this section to establish or expand 1 or more financing programs—

“(A) the purpose of which is to enable recipient households to conduct energy efficiency upgrades of residential buildings;

“(B) that may, at the sole discretion of the eligible entity, require an outlay of capital by recipient households in accordance with the goals of the program under this section; and

“(C) that incorporate a consumer-friendly loan repayment approach.

“(2) STRUCTURE OF FINANCING PROGRAM.—A financing program of an eligible entity may—

“(A) consist—

“(i) primarily or entirely of a financing program administered by—

“(I) the applicable State; or

“(II) a program entity; or

“(ii) of a combination of programs described in clause (i);

“(B) rely on financing provided by—

“(i) the eligible entity; or

“(ii) a third party, acting through the eligible entity; and

“(C) include a provision pursuant to which a recipient household shall agree to return to the eligible entity any portion of the assistance that is unused by the recipient household within a reasonable period after the date of receipt of the assistance, as determined by the eligible entity.

“(3) FORM OF ASSISTANCE.—Assistance from an eligible entity under this subsection may be provided in any form, or in accordance with any program, authorized by Federal law (including regulations), including in the form of—

“(A) a revolving loan fund;

“(B) a credit enhancement structure designed to mitigate the effects of default; or

“(C) a program that—

“(i) adopts any other approach for providing financing for energy efficiency upgrades producing significant energy efficiency gains; and

“(ii) incorporates measures for making the loan repayment system for recipient households as consumer-friendly as practicable.

“(4) SCOPE OF ASSISTANCE.—Assistance provided by an eligible entity under this subsection may be used to pay for costs associated with carrying out an energy efficiency upgrade, including materials and labor.

“(5) ADDITIONAL ASSISTANCE.—In addition to the amount of the loan provided to an eligible entity by the Secretary under subsection (b), the eligible entity or program entity, as applicable, may provide to recipient households such assistance under this subsection as the eligible entity or program entity considers to be appropriate from any other funds of the eligible entity or program entity, including funds provided to the eligible entity by the Secretary for administrative costs pursuant to this section.

“(6) LIMITATIONS.—

“(A) INTEREST RATES.—

“(i) INTEREST CHARGED BY ELIGIBLE ENTITIES.—The interest rate charged by an eligible entity on assistance provided under this subsection—

“(I) shall be fixed; and

“(II) shall not exceed the interest rate paid by the eligible entity to the Secretary under subsection (d)(2).

“(ii) INTEREST CHARGED BY PROGRAM ENTITIES.—A program entity that receives funding from an eligible entity under this subsection for the purpose of capitalizing a residential energy efficiency financing program may charge interest on any loan provided by the program entity at a fixed rate that is as low as practicable, but not more than 5 percent more than the applicable interest rate paid by the eligible entity to the Secretary under subsection (d)(2).

“(B) NO PENALTY ON EARLY REPAYMENT.—An eligible entity or program entity, as applicable, shall not assess any penalty for early repayment by any recipient household to the eligible entity or program entity, as applicable.

“(f) REPORTS.—

“(1) ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—Not later than 2 years after the date of receipt of the loan, and annually thereafter for the term of the loan, an eligible entity that receives a loan under this section shall submit to the Secretary a report describing the performance of each program and activity carried out using the loan, including anonymized loan performance data.

“(B) REQUIREMENTS.—The Secretary, in consultation with eligible entities and other stakeholders (such as lending institutions and the real estate industry), shall establish such requirements for the reports under this paragraph as the Secretary determines to be appropriate—

“(i) to ensure that the reports are clear, consistent, and straightforward; and

“(ii) taking into account the reporting requirements for similar programs in which the eligible entities are participating, if any.

“(2) SECRETARY.—The Secretary shall submit to Congress and make available to the public—

“(A) not less frequently than once each year, a report describing the performance of the program under this section, including a synthesis and analysis of the information provided in the reports submitted to the Secretary under paragraph (1)(A); and

“(B) on termination of the program under this section, an assessment of the success of, and education provided by, the measures carried out by eligible entities during the term of the program.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

“(1) \$37,500,000 for energy advisor programs;

“(2) \$25,000,000 for administrative and general financial support costs to the Secretary of carrying out this section; and

“(3) \$37,500,000 for administrative costs to States in carrying out this section.”

(b) REORGANIZATION.—

(1) IN GENERAL.—Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended—

(A) by redesignating sections 362, 363, 364, 365, and 366 as sections 364, 365, 366, 363, and 362, respectively, and moving the sections so as to appear in numerical order;

(B) in section 362 (as so redesignated)—

(i) in paragraph (3)(B)(i), by striking “section 367, and” and inserting “section 367 (as in effect on the day before the date of enactment of the State Energy Efficiency Programs Improvement Act of 1990 (42 U.S.C. 6201 note; Public Law 101-440)); and”; and

(ii) in each of paragraphs (4) and (6), by striking “section 365(e)(1)” each place it appears and inserting “section 363(e)(1)”;

(C) in section 363 (as so redesignated)—

(i) in subsection (b), by striking “the provisions of sections 362 and 364 and subsection

(a) of section 363” and inserting “sections 364, 365(a), and 366”; and

(ii) in subsection (g)(1)(A), in the second sentence, by striking “section 362” and inserting “section 364”; and

(D) in section 365 (as so redesignated)—

(i) in subsection (a)—

(I) in paragraph (1), by striking “section 362,” and inserting “section 364”; and

(II) in paragraph (2), by striking “section 362(b) or (e)” and inserting “subsection (b) or (e) of section 364”; and

(ii) in subsection (b)(2), in the matter preceding subparagraph (A), by striking “section 362(b) or (e)” and inserting “subsection (b) or (e) of section 364”.

(2) CONFORMING AMENDMENTS.—Section 391 of the Energy Policy and Conservation Act (42 U.S.C. 6371) is amended—

(A) in paragraph (2)(M), by striking “section 365(e)(2)” and inserting “section 363(e)(2)”; and

(B) in paragraph (10), by striking “section 362 of this Act” and inserting “section 364”.

(3) CLERICAL AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. 6201 note; Public Law 94-163) is amended by striking the items relating to part D of title III and inserting the following:

“PART D—STATE ENERGY CONSERVATION PROGRAMS

“Sec. 361. Findings and purpose.

“Sec. 362. Definitions.

“Sec. 363. General provisions.

“Sec. 364. State energy conservation plans.

“Sec. 365. Federal assistance to States.

“Sec. 366. State energy efficiency goals.

“Sec. 367. Loans for residential building energy efficiency upgrades.”

SEC. 502. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking “and” after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

“(4) \$200,000,000 for fiscal year 2013; and

“(5) \$124,000,000 for each of fiscal years 2014 through 2018.”

**SA 3053.** Mr. KING submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

SEC. 152. CREDITS RELATING TO BIOMASS PROPERTY.

(a) RESIDENTIAL ENERGY-EFFICIENT PROPERTY CREDIT FOR BIOMASS FUEL PROPERTY EXPENDITURES.—

(1) ALLOWANCE OF CREDIT.—Subsection (a) of section 25D is amended—

(A) by striking “and” at the end of paragraph (4),

(B) by striking the period at the end of paragraph (5) and inserting “, and”, and

(C) by adding at the end the following new paragraph:

“(6) 30 percent of the qualified biomass fuel property expenditures made by the taxpayer during such year.”

(2) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES.—Subsection (d) of section 25D is amended by adding at the end the following new paragraph:

“(6) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURE.—

“(A) IN GENERAL.—The term ‘qualified biomass fuel property expenditure’ means an expenditure for property—

“(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

“(ii) which has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).

“(B) BIOMASS FUEL.—For purposes of this section, the term ‘biomass fuel’ means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues, plants (including aquatic plants), grasses, residues, and fibers. Such term includes densified biomass fuels such as wood pellets.”

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2013.

(b) INVESTMENT TAX CREDIT FOR BIOMASS HEATING PROPERTY.—

(1) IN GENERAL.—Subparagraph (A) of section 48(a)(3) is amended by striking “or” at the end of clause (vi), by inserting “or” at the end of clause (vii), and by inserting after clause (vii) the following new clause:

“(viii) open-loop biomass (within the meaning of section 45(c)(3)) heating property, including boilers or furnaces which operate at thermal output efficiencies of not less than 65 percent (measured by the higher heating value of the fuel) and which provide thermal energy in the form of heat, hot water, or steam for space heating, air conditioning, domestic hot water, or industrial process heat, but only with respect to periods ending before January 1, 2017.”

(2) 30 PERCENT AND 15 PERCENT CREDITS.—

(A) IN GENERAL.—Subparagraph (A) of section 48(a)(2) is amended—

(i) by redesignating clause (ii) as clause (iii),

(ii) by inserting after clause (i) the following new clause:

“(ii) except as provided in clause (i)(V), 15 percent in the case of energy property described in paragraph (3)(A)(viii), and”, and

(iii) by inserting “or (ii)” after “clause (i)” in clause (iii), as so redesignated.

(B) INCREASED CREDIT FOR GREATER EFFICIENCY.—Clause (i) of section 48(a)(2)(A) is amended by striking “and” at the end of subclause (III) and by inserting after subclause (IV) the following new subclause:

“(V) energy property described in paragraph (3)(A)(viii) which operates at a thermal output efficiency of not less than 80 percent (measured by the higher heating value of the fuel).”

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SA 3054.** Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**Subtitle E—Technical Assistance Program****SEC. 241. SHORT TITLE.**

This title may be cited as the “Local Energy Supply and Resiliency Act of 2014”.

**SEC. 242. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) a quantity of energy that is more than—

(A) 27 percent of the total energy consumption in the United States is released from power plants in the form of waste heat; and

(B) 36 percent of the total energy consumption in the United States is released from power plants, industrial facilities, and other buildings in the form of waste heat;

(2) waste heat can be—

(A) recovered and distributed to meet building heating or industrial process heating requirements;

(B) converted to chilled water for air conditioning or industrial process cooling; or

(C) converted to electricity;

(3) renewable energy resources in communities in the United States can be used to meet local thermal and electric energy requirements;

(4) use of local energy resources and implementation of local energy infrastructure can strengthen the reliability and resiliency of energy supplies in the United States in response to extreme weather events, power grid failures, or interruptions in the supply of fossil fuels;

(5) use of local waste heat and renewable energy resources—

(A) strengthens United States industrial competitiveness;

(B) helps reduce reliance on fossil fuels and the associated emissions of air pollution and carbon dioxide;

(C) increases energy supply resiliency and security; and

(D) keeps more energy dollars in local economies, thereby creating jobs;

(6) district energy systems represent a key opportunity to tap waste heat and renewable energy resources;

(7) district energy systems are important for expanding implementation of combined heat and power systems because district energy systems provide infrastructure for delivering thermal energy from a CHP system to a substantial base of end users;

(8) district energy systems serve institutions of higher education, hospitals, airports, military bases, and downtown areas;

(9) district energy systems help cut peak power demand and reduce power transmission and distribution system constraints by—

(A) shifting power demand through thermal storage;

(B) generating power near load centers with a CHP system; and

(C) meeting air conditioning demand through the delivery of chilled water produced with heat generated by a CHP system or other energy sources;

(10) evaluation and implementation of district energy systems—

(A) is a complex undertaking involving a variety of technical, economic, legal, and institutional issues and barriers; and

(B) often requires technical assistance to successfully navigate those barriers; and

(11) a major constraint to the use of local waste heat and renewable energy resources is a lack of low-interest, long-term capital funding for implementation.

(b) PURPOSES.—The purposes of this title are—

(1) to encourage the use and distribution of waste heat and renewable thermal energy—

(A) to reduce fossil fuel consumption;

(B) to enhance energy supply resiliency, reliability, and security;

(C) to reduce air pollution and greenhouse gas emissions;

(D) to strengthen industrial competitiveness; and

(E) to retain more energy dollars in local economies; and

(2) to facilitate the implementation of a local energy infrastructure that accomplishes the goals described in paragraph (1) by—

(A) providing technical assistance to evaluate, design, and develop projects to build local energy infrastructure; and

(B) facilitating low-cost financing for the construction of local energy infrastructure through the issuance of loan guarantees.

**SEC. 243. DEFINITIONS.**

In this title:

(1) COMBINED HEAT AND POWER SYSTEM.—The term “combined heat and power system” or “CHP system” means generation of electric energy and heat in a single, integrated system that meets the efficiency criteria in clauses (ii) and (iii) of section 48(c)(3)(A) of the Internal Revenue Code of 1986, under which heat that is conventionally rejected is recovered and used to meet thermal energy requirements.

(2) DEMAND RESPONSE.—The term “demand response” means a change in electricity use by an electric utility customer, as measured against the usual consumption pattern of the consumer, in response to—

(A) a change in the price of electricity during a given period of time; or

(B) an incentive payment designed to induce lower electricity use when—

(i) wholesale market prices are high; or

(ii) system reliability is jeopardized.

(3) DISTRICT ENERGY SYSTEM.—The term “district energy system” means a system that provides thermal energy to buildings and other energy consumers from 1 or more plants to individual buildings to provide space heating, air conditioning, domestic hot water, industrial process energy, and other end uses.

(4) LOCAL ENERGY INFRASTRUCTURE.—The term “local energy infrastructure” means a system that—

(A) recovers or produces useful thermal or electric energy from waste energy or renewable energy resources;

(B) generates electricity using a combined heat and power system;

(C) distributes electricity in microgrids;

(D) stores thermal energy; or

(E) distributes thermal energy or transfers thermal energy to building heating and cooling systems via a district energy system.

(5) MICROGRID.—The term “microgrid” means a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that—

(A) acts as a single controllable entity with respect to the grid; and

(B) can connect and disconnect from the grid to enable the microgrid to operate in both grid-connected or island-mode.

(6) RENEWABLE ENERGY RESOURCE.—The term “renewable energy resource” means—

(A) closed-loop and open-loop biomass (as defined in paragraphs (2) and (3), respectively, of section 45(c) of the Internal Revenue Code of 1986);

(B) gaseous or liquid fuels produced from the materials described in subparagraph (A);

(C) geothermal energy (as defined in section 45(c)(4) of such Code);

(D) municipal solid waste (as defined in section 45(c)(6) of such Code); or

(E) solar energy (which is used, undefined, in section 45 of such Code).

(7) RENEWABLE THERMAL ENERGY.—The term “renewable thermal energy” means—

(A) heating or cooling energy derived from a renewable energy resource;

(B) natural sources of cooling such as cold lake or ocean water; or

(C) other renewable thermal energy sources, as determined by the Secretary.

(8) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(9) THERMAL ENERGY.—The term “thermal energy” means—

(A) heating energy in the form of hot water or steam that is used to provide space heating, domestic hot water, or process heat; or

(B) cooling energy in the form of chilled water, ice or other media that is used to provide air conditioning, or process cooling.

(10) WASTE ENERGY.—The term “waste energy” means energy that—

(A) is contained in—

(i) exhaust gas, exhaust steam, condenser water, jacket cooling heat, or lubricating oil in power generation systems;

(ii) exhaust heat, hot liquids, or flared gas from any industrial process;

(iii) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

(iv) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat;

(v) condenser water from chilled water or refrigeration plants; or

(vi) any other form of waste energy, as determined by the Secretary; and

(B)(i) in the case of an existing facility, is not being used; or

(ii) in the case of a new facility, is not conventionally used in comparable systems.

**SEC. 244. TECHNICAL ASSISTANCE PROGRAM.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program to disseminate information and provide technical assistance, directly through the establishment of 1 or more clean energy application centers or through grants so that recipients may contract to obtain technical assistance, to assist eligible entities in identifying, evaluating, planning, and designing local energy infrastructure.

(2) TECHNICAL ASSISTANCE.—The technical assistance under paragraph (1) shall include assistance with 1 or more of the following:

(A) Identification of opportunities to use waste energy or renewable energy resources.

(B) Assessment of technical and economic characteristics.

(C) Utility interconnection.

(D) Negotiation of power and fuel contracts, including assessment of the value of demand response capabilities.

(E) Permitting and siting issues.

(F) Marketing and contract negotiations.

(G) Business planning and financial analysis.

(H) Engineering design.

(3) INFORMATION DISSEMINATION.—The information disseminated under paragraph (1) shall include—

(A) information relating to the topics identified in paragraph (2), including case studies of successful examples; and

(B) computer software for assessment, design, and operation and maintenance of local energy infrastructure.

(b) ELIGIBLE ENTITY.—Any nonprofit or for-profit entity shall be eligible to receive assistance under the program established under subsection (a).

(c) ELIGIBLE COSTS.—On application by an eligible entity, the Secretary may award a

grant to the eligible entity to provide amounts to cover not more than—

(1) 100 percent of the cost of initial assessment to identify local energy opportunities;

(2) 75 percent of the cost of feasibility studies to assess the potential for the implementation of local energy infrastructure;

(3) 60 percent of the cost of guidance on overcoming barriers to the implementation of local energy infrastructure, including financial, contracting, siting, and permitting issues; and

(4) 45 percent of the cost of detailed engineering of local energy infrastructure.

(d) APPLICATIONS.—

(1) IN GENERAL.—An eligible entity desiring technical assistance under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require under the rules and procedures adopted under subsection (f).

(2) APPLICATION PROCESS.—The Secretary shall solicit applications for technical assistance under this section—

(A) on a competitive basis; and

(B) on a periodic basis, but not less frequently than once every 12 months.

(e) PRIORITIES.—In evaluating projects, the Secretary shall give priority to projects that have the greatest potential for—

(1) maximizing elimination of fossil fuel use;

(2) strengthening the reliability of local energy supplies and boosting the resiliency of energy infrastructure to the impact of extreme weather events, power grid failures, and interruptions in supply of fossil fuels;

(3) minimizing environmental impact, including regulated air pollutants, greenhouse gas emissions, and use of ozone-depleting refrigerants;

(4) facilitating use of renewable energy resources;

(5) increasing industrial competitiveness; and

(6) maximizing local job creation.

(f) RULES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall adopt rules and procedures for the administration of the program established under this section, consistent with the provisions of this title.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$100,000,000 for the period of fiscal years 2014 through 2018, to remain available until expended.

**SEC. 245. LOAN GUARANTEES FOR LOCAL ENERGY INFRASTRUCTURE.**

(a) ASSURANCE OF REPAYMENT.—Section 1702(d) of the Energy Policy Act of 2005 (42 U.S.C. 16512(d)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following:

“(2) LOCAL ENERGY INFRASTRUCTURE DOCUMENTATION.—No guarantee shall be made for local energy infrastructure unless the borrower submits to the Secretary—

“(A) an independent engineering report, prepared by an engineer with experience in the industry and familiarity with similar projects, that includes detailed information on—

“(i) how the technology to be employed in the project is a proven, commercial technology;

“(ii) project siting;

“(iii) engineering and design;

“(iv) permitting and environmental compliance;

“(v) testing and commissioning; and

“(vi) operations and maintenance;

“(B) a detailed description of the overall financial plan for the proposed project, including all sources and uses of funding, equity and debt, and the liability of parties associated with the project over the term of the guarantee agreement;

“(C) all applicable financial statements of the borrower and any non-Federal parties providing financial assistance to the borrower, which shall have been audited by an independent certified public accountant;

“(D) the business plan on which the project is based and a financial model presenting project pro forma statements for the proposed term of the guarantee, including income statements, balance sheets, and cash flows;

“(E) a copy of any power purchase agreement, thermal energy purchase agreement, and other long-term offtake or revenue-generating agreement that will be the primary source of revenue for the project, including repayment of the debt obligations for which a guarantee is sought; and

“(F) a list of each engineering and design contractor, construction contractor, and equipment supplier for the project, as well as any performance guarantee, performance bond, liquidated damages provision, and equipment warranty to be provided.”

(b) ELIGIBLE PROJECTS.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended—

(1) in subsection (b), by adding at the end the following:

“(11) Local energy infrastructure, as defined in section 243 of the Local Energy Supply and Resiliency Act of 2014.”; and

(2) by adding at the end the following:

“(f) SPECIAL RULES FOR LOCAL ENERGY INFRASTRUCTURE.—

“(1) IN GENERAL.—Subsection (a)(2) shall not apply to a project described in subsection (b)(11).

“(2) REQUIREMENTS FOR LOAN GUARANTEE.—A loan guarantee shall only be made available for a project described in subsection (b)(11) to the extent specifically provided for in advance by an appropriations Act enacted after the date of enactment of the Local Energy Supply and Resiliency Act of 2014.”

**SEC. 246. DEFINITION OF INVESTMENT AREA.**

Section 103(16) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(16)) is amended—

(1) in subparagraph (A)(ii), by striking “or” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(C) has the potential for implementation of local energy infrastructure (as defined in section 243 of the Local Energy Supply and Resiliency Act of 2014).”

**SEC. 247. STATE ENERGY CONSERVATION PLANS.**

Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended—

(1) in paragraph (16), by striking “and” at the end;

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following:

“(17) programs to support the evaluation and implementation of local energy infrastructure (as defined in section 243 of the Local Energy Supply and Resiliency Act of 2014).”

Strike section 501 and insert the following:

**SEC. 501. OFFSET.**

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking “and” after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

“(4) \$200,000,000 for fiscal year 2013;

“(5) \$180,000,000 for fiscal year 2014;

“(6) \$130,000,000 for fiscal year 2015; and

“(7) \$80,000,000 for each of fiscal years 2016 through 2018.”

**NOTICES OF HEARINGS**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Ms. LANDRIEU. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources on Tuesday, May 13, 2014, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to consider the nominations of Dr. Suzette M. Kimball, to be Director of the United States Geological Survey; Mr. Estevan R. Lopez, to be Commissioner of Reclamation; and Dr. Monica C. Regalbuto, to be an Assistant Secretary of Energy, Environmental Management.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Sallie Derr@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Sallie Derr at (202) 224-6836.

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, May 14, 2014, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building to mark-up S. \_\_\_, The Strong Start for America's Children Act; the nomination of R. Jane Chu, of Missouri, to serve as Chairperson of the National Endowment for the Arts; as well as any additional nominations cleared for action.

For further information regarding this meeting, please contact the Committee at (202) 224-5375.

**PERMANENT SUBCOMMITTEE ON INVESTIGATIONS**

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, “Online Advertising and Hidden Hazards to Consumer Security and Data Privacy.”



The Subcommittee will be examining consumer security and data privacy in the online advertising industry, an investigation led by Senator MCCAIN. Specifically, the Subcommittee is investigating data collection processes and security vulnerabilities that have inflicted significant costs on Internet users and American businesses. Witnesses will include representatives of the online advertising industry and an online self-regulatory organization, an online advertising expert, as well as a representative from the Federal Trade Commission. A witness list will be available Monday, May 12, 2014.

The Subcommittee hearing has been scheduled for Thursday, May 15, 2014, at 9:30 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224-9505.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet on May 15, 2014, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building, to conduct a hearing entitled "Progress and Challenges: The State of Tobacco Use and Regulation in the U.S."

For further information regarding this meeting, please contact Emily Schlichting of the committee staff on (202) 224-6840.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Ms. LANDRIEU. Mr. President, I would like to announce for the information of the Senate and the public that a Field Hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Saturday, May 17, 2014, at 10:30 a.m., at the Cypress Bend Conference Center in Many, LA.

The purpose of the hearing is to examine steps the federal government can take to increase the economic benefits of the Toledo Bend Project to the Northwest Louisiana region.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Afton\_Zaunbrecher@energy.senate.gov.

For further information, please contact Dan Adamson at (202) 224-2871 or Afton Zaunbrecher at (202) 224-5479.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Ms. LANDRIEU. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources on Tuesday, May 20,

2014, at 10:15 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to consider the nominations of Ms. Cheryl A. LaFleur and Mr. Norman C. Bay, to be Members of the Federal Energy Regulatory Commission.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Sallie\_Derr@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Sallie Derr at (202) 224-6836

AUTHORITY FOR COMMITTEES TO  
MEET

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 8, 2014, at 10 a.m. in room SR-253 of the Russell Senate Office Building to conduct a hearing entitled, "The State of U.S. Travel and Tourism: Industry Efforts to Attract 100 Million Visitors Annually."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 8, 2014, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 8, 2014, at 10 a.m. to conduct a hearing entitled "Assessing Venezuela's Political Crisis: Human Rights Violations and Beyond."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, on May 8, 2014, at 10 a.m. in room SD-106 of the Dirksen Senate Office Building to conduct a hearing entitled "Hearing on the nomination of the Secretary of Health and Human Services-Designate, Sylvia Mathews Burwell."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 8, 2014, at 10 a.m. to conduct a hearing entitled "Identifying Critical Factors for Success in Information Technology Acquisitions."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 8, 2014, at 11:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 8, 2014, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL AND  
CONTRACTING OVERSIGHT

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Subcommittee on Financial and Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 8, 2014, at 3 p.m. to conduct a hearing entitled, "Waste and Abuse in Sponsorship and Marketing Contracts."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that Sarah Groen, a State Department fellow in my office, be granted floor privileges for the remainder of this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Mr. President, I ask unanimous consent that an intern in my office, Kathryn Martucci, be granted floor privileges for the remainder of the calendar year.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that privileges of the floor be granted to Ron Faibish of my staff during pendency of discussion on S. 2262.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPEALING CERTAIN REQUIREMENTS REGARDING NEWSPAPER ADVERTISING OF SENATE STATIONERY CONTRACTS

Mr. REID. Madam President, I ask unanimous consent that the Senate

proceed to the consideration of Calendar No. 358, S. 2197.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2197) to repeal certain requirements regarding newspaper advertising of Senate stationery contracts.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2197) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2197

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SENATE STATIONERY PROCEDURES.

(a) IN GENERAL.—Sections 65, 66, 67, and 68 of the Revised Statutes (2 U.S.C. 6569, 6570, 6571) are repealed.

(b) CONFORMING AMENDMENT.—The fifth paragraph after the paragraph under the side heading “FOR CONTINGENT EXPENSES, NAMELY:” under the subheading “SENATE,” under the heading “LEGISLATIVE,” of the Act of March 3, 1887 (24 Stat. 596, chapter 392; 2 U.S.C. 6572), is amended by striking “sections, sixty-five, sixty six, sixty-seven, sixty-eight, and sixty-nine,” and inserting “section 69”.

#### AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 83, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A bill (H. Con. Res. 83) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha I.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the current resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 83) was agreed to.

#### RECOGNIZING THE CONTRIBUTIONS OF TEACHERS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 440.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 440) recognizing the contributions of teachers to the civic, cultural, and economic well-being of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 440) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

#### ORDERS FOR MONDAY, MAY 12, 2014

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, May 12, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 5:30 p.m. with Senators permitted to speak for up to 10 minutes each; that at 5:30 p.m., the Senate proceed to executive session under the previous order; and, finally, that the filing deadline for all second-degree amendments to S. 2262 be 4:30 p.m. Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Madam President, I hope everyone has a good few days off. We are hopeful about next week. We have a lot to do. We had a couple of breakthroughs today, and maybe next week we can do a little more than this week.

On Monday there will be up to three rollcall votes at 5:30 p.m.

#### ADJOURNMENT UNTIL MONDAY, MAY 12, 2014, AT 2 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:58 p.m., adjourned until Monday, May 12, 2014, at 2 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

PAMELA HARRIS, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE ANDRE M. DAVIS, RETIRED.

BRENDA K. SANNES, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE NORMAN A. MORDUE, RETIRED.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. JAMES M. HOLMES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be major general*

BRIG. GEN. MARK A. BROWN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be major general*

BRIG. GEN. ROGER W. TEAGUE

#### CONFIRMATIONS

Executive nominations confirmed by the Senate May 8, 2014:

##### DEPARTMENT OF STATE

PAMELA K. HAMAMOTO, OF HAWAII, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA, WITH THE RANK OF AMBASSADOR.

##### DEPARTMENT OF EDUCATION

THEODORE REED MITCHELL, OF CALIFORNIA, TO BE UNDER SECRETARY OF EDUCATION.

##### THE JUDICIARY

INDIRA TALWANI, OF MASSACHUSETTS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS.

JAMES D. PETERSON, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN.

NANCY J. ROSENSTENGEL, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS.

## HOUSE OF REPRESENTATIVES—Thursday, May 8, 2014

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BENTIVOLIO).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 8, 2014.

I hereby appoint the Honorable KERRY L. BENTIVOLIO to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2014, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

### RESEARCH TAX CREDIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I supported the research tax credit legislation in the Ways and Means Committee, as I have done repeatedly in the past. I intend to do so on the floor as a first step in getting some certainty into a program that has been plagued with uncertainty for as long as I have been in Congress.

The tax credit has been extended 15 times without concern about whether or not it is "paid for." Anyone who has been in Congress for awhile, in essence, has already voted to make it permanent and not pay for it.

Regardless of the budget rules, this is one area of investment that I think probably does pay for itself. It pays for itself in economic activity, scientific breakthroughs, and product development. It advances the interests of not just American companies, but of commerce and our overall economy.

As a country, we are consistently underinvesting in research. There is no substitute for the Federal Government

playing the vital role that it has in the past with the development of the semiconductor, the Internet, and the basic role that it has played in dealing with health and medical research.

I don't like how this legislation has been handled. This is an issue that should have been characterized by bipartisanship, by working together to make the research tax credit more effective. We could consider making it refundable to help smaller emerging businesses. We could take a hard look at constructive criticisms that have raised questions about how we could make it work better. That should be our job.

Luckily, this is the start, not the end, of the process. There will be more work that will be done with our friends in the Senate under the leadership of Senator WYDEN and Senator HATCH on the Senate Finance Committee, who have already started down this path.

What is very likely to emerge in the short term will not be a permanent but rather a 1- or 2-year extension. It is progress to get it reenacted and to signal broad support for its permanence and refinement.

All of the controversy surrounding tax reform underscores the fundamental challenge.

The inability of the Republican leadership to embrace the work product of Chairman CAMP is illustrative. He worked diligently and produced a somewhat simplified code with a lowered tax rate and without adding to the deficit, which is essentially what Republican leadership Presidential ticket claimed they wanted.

Yet my Republican friends are unable to accept the necessary reductions in other tax benefits that come with the package. But there is bipartisan reluctance in this regard.

It illustrates that we are, I think, never going to get out of this box until we have another source of revenue. The most promising would be a carbon tax, which would be broadly distributed throughout the economy. It should be revenue-neutral, using the revenue raised to modify the impacts on lower-income citizens and businesses, and using the rest of the proceeds to keep it revenue-neutral could help us simplify the Tax Code. It might be the only way to reform the Tax Code.

Simplification costs money, which an aging and growing country needs to replace. The carbon tax will do that and will have the added benefit of providing greater simplification for energy-sensitive provisions and, by the way, will help us save the planet.

The report released this week by the administration on climate underscores the impact that climate change and global warming is having now. A carbon tax is the best way to exercise our leadership to change that process. I have long supported a revenue-neutral carbon tax, and will continue to do so, as the key to long-term tax reform and environmental protection.

In the meantime, I will continue to support individual tax provisions that are important to my community, that help our economy and protect and enhance the infrastructure. I only hope that we are able to make the transition so that we can do this in a more thoughtful and constructive fashion.

### PUTTING FISH BEFORE PEOPLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, California is suffering one of the worst droughts in its history. More than a half-million acres of the most fertile farmland in the Nation have been devastated. Some Central Valley farmers have been notified that they will receive zero water allocations from the Federal system. The owners of long-held water rights are being cut off.

In some communities "water police" go from door to door to enforce water restrictions. Homeowners are forbidden to water their lawns, except under the most rigid constraints. Sacramento offers an app so they can turn in their neighbors to the water authorities.

And yet, knowing full well that we are facing a devastating drought and that our dwindling water supply will be desperately needed by our people this summer, over the past several weeks the Bureau of Reclamation has released 70,000 acre-feet of water from dams on the American and Stanislaus Rivers to meet environmental demands that place fish above people.

This is enough water to meet the annual needs of a city of half a million people, all sacrificed in order to flush salmon smolts to the ocean, where they tend to swim anyway, and keep the river at the right temperature for the comfort of the fish.

The releases of this water are so enormous they are called "pulse flows." Citizens are warned to exercise extreme caution on rivers undergoing pulse flows, so swift is the water current they produce as the water rushes toward the ocean.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Four months ago, Folsom Lake on the American River was almost empty. Yet on April 21, the Bureau of Reclamation more than tripled the water releases from Folsom and Nimbus Dams from 500 cubic feet per second to more than 1,500 cubic feet per second for 3 days. That is about 7,000 acre-feet of water.

On April 14, a 16-day pulse flow drained nearly 63,000 acre-feet of water from New Melones and Goodwin Dams on the Stanislaus. The irony is that if we hadn't built these dams, these rivers would be nearly dry in this drought and there wouldn't be any fish.

We cannot demand that our people discriminate and save and stretch and ration every drop of water in their parched homes while at the same time this government treats our remaining water supply so recklessly, so irresponsibly, and so wastefully.

This conduct utterly destroys the credibility of government demands for stringent conservation and sacrifice by our people, and it thoroughly undermines its moral authority to make these demands.

Inflexible laws administered by ideologically driven officials have taken this wastage of water to ridiculous extremes, and it cries out for fundamental reform. The House twice has passed such a reform bill, most recently as H.R. 3964, but the Senate refuses to act on it or to pass its own alternative.

Nevertheless, the administration has the authority to stop these releases through provisions in the Endangered Species Act but has failed to do so.

Mr. Speaker, we use the word "outrage" too often on this floor, but in this case it is an understatement. If a homeowner is caught with a 1-gallon puddle on his lawn on the wrong day, he can be fined. But the government thinks nothing of flushing 23 billion gallons of desperately needed water for the comfort and convenience of the fish.

How much longer will the people tolerate this kind of mismanagement from their government? How much longer will we allow these policies to threaten the health, safety, and prosperity of the human population throughout these drought-afflicted lands?

California's chronic water shortages won't be addressed without additional storage. There are plenty of suitable sites, but current laws have delayed them indefinitely and made them cost-prohibitive.

Until those laws are changed and new dam construction can begin, our State and Federal Government have a responsibility to manage our dwindling water supply as carefully as we ask our citizens to do.

The wildly frivolous and extravagant water releases from our dams last month make a mockery of the extraor-

dinary sacrifices that our citizens are making to stretch supplies in this crisis.

Perhaps, at least, these releases will serve to educate the public on just how unreasonable these environmental laws are—and the policymakers responsible for them.

#### HONORING NORMAN LUMPKIN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Alabama (Ms. SEWELL) for 5 minutes.

Ms. SEWELL of Alabama. Mr. Speaker, I rise today to pay tribute to the life and legacy of veteran newscaster Norman Lumpkin, who passed away on Tuesday, May 6. While we mourn the passing of this pioneer, I am comforted in knowing that his legacy will live on through the barriers he broke for Black journalists in the State of Alabama.

I join with his family, friends, and former colleagues in remembering Norman Lumpkin for his numerous contributions to the industry.

Norman launched his longstanding media career by working for radio stations in Montgomery, Alabama, and Indianapolis, Indiana. However, Norman would rise to prominence when he was hired in 1969 by WSFA in Montgomery, Alabama. He was the station's first Black reporter and also the first Black reporter hired in the Montgomery media market.

Historian Richard Bailey defined Norman's prolific career in 3 words: "forceful, thorough, and believable." Bailey further noted that Norman personified Black broadcasting. He coined the phrase, "If you don't want to hear it on this station, don't let it happen." The phrase represented not only his thirst for truth but his commitment to accurate reporting.

Norman was guided by these principles when he was assigned to cover the reelection bid of then-segregationist Governor George Wallace in 1970. During the race, Norman admitted that fellow reporters would give him misinformation to embarrass him in efforts to discredit his journalistic integrity.

But this passionate advocate for truth was not deterred. In fact, Governor Wallace personally made sure that Norman was kept abreast of new developments and campaign events. Through his extraordinary coverage of Governor Wallace, Norman not only earned credibility but a lasting respect from those in the industry.

His perseverance proved that he was poised to become one of the best investigative journalists in the State of Alabama.

Norman Lumpkin also made history off-camera. He was the first Black president of the Alabama AP Broadcasters Association and was inducted into the National Academy of Television and Arts' prestigious Silver Circle in 2007.

He eventually left WSFA in 1999 and became news director at Montgomery's ABC affiliate before serving as public relations director for the Alabama Highway Department, where he eventually retired.

Today, I honor Norman Lumpkin for serving as an impeccable role model and source of inspiration for generations of Black journalists who now follow in his footsteps. Those that had the pleasure of watching him were indeed inspired by his mere presence. He was to many a perfect illustration of what was possible in his field. As he courageously broke barriers, he gave African Americans a voice in a State that was still struggling for racial equality.

□ 1015

On behalf of a grateful Nation and State, we salute this American hero and Alabama treasure. Saying thanks to Norman Lumpkin somehow seems woefully inadequate, but on behalf of the countless journalists and media professionals that you have inspired, we honor your legacy and your place in Alabama history.

I ask my colleagues to join me in mourning the passing of a great veteran journalist, Norman Lumpkin.

#### NATIONAL NURSES WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. RODNEY DAVIS) for 5 minutes.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, many of you may not be aware, but this week is National Nurses Week.

I am honored to be able to stand on the floor of this great institution to talk about the nursing profession, what nurses mean to our health care industry and what nurses mean to each and every one of us when a family member is being treated at a time when we need the most compassion, we need the best care, and a nurse is the one who steps into that room and offers that compassion and offers that care on a daily basis.

I have a special place in my heart for nurses because my wife, Shannon, is a nurse, somebody who not only has served patients in their home, on the hospital floor, at the beginning of life and at the end of life, she has also helped teach the next generation of nurses.

We, in Washington, hear constantly about a nursing shortage in this country; and we, in Washington, need to remember that it is up to us to enact policies and programs that are going to encourage more young people to go into the nursing profession.

I want to honor all nurses this week during National Nurses Week because I want to recognize the hard work that they do and the impact they have, not only to the nursing profession, but to America as a whole.

Whether it is the support nurses provide at major hospitals throughout my congressional district in central and southwestern Illinois or in smaller, critical access hospitals that provide some of the most localized care in places like Staunton, Illinois; Clinton, Illinois; Litchfield; Hillsboro; and even my hometown of Taylorville, they are vital to the success of not only the health care industry they serve, but to the health of the patients that they are trained to care for.

As baby boomers continue to retire, ensuring that we have enough educated nurses should be one of the priorities of this institution that I mentioned earlier. We should continue to support funding for nurse education programs at all of our universities, colleges, and hospitals, so that patients can continue to receive the quality care that they are used to in our health care delivery system.

So happy National Nurses Week, and thank you to my wife Shannon and to the nearly 3 million other registered nurses for all that you do for the health and wellness of our country.

A special thanks to my wife, Shannon. I love you.

#### FIND THE KIDNAPPED GIRLS AND STOP THE KILLING IN NIGERIA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE. Mr. Speaker, among other challenges in this world and in this Congress, Nigeria faces a killing machine. In the last 48 hours, again, Boko Haram struck and killed 300 people. This killing has been going on for a minimum of 5 to 10 years.

Yesterday, five Members—five women of the United States Congress held this sign to indicate that we, as mothers, grandmothers, aunts, and those who care about children, all of our colleagues stand united to find the kidnapped girls and to stop the killing in Nigeria.

We stand united to find the vile and evil Abubakar Shekau, the head of the Boko Haram killing contingent. We saw him most recently grabbing attention by standing in front of a tank, holding a gun, and citing the most ludicrous and insulting prospect that one could hear. He held up \$12 and indicated that he would sell the kidnapped girls.

Mr. Speaker, that is not all that he is doing. He has been killing and pillaging. He has caused parents to have to, in essence, go after him with sticks and stones.

Yesterday, we spoke not only with the leadership at the Nigerian Embassy, a relationship that the United States prides in terms of the contribution Nigeria has made, but it is no doubt that, in this instance, we want Nigeria to do more and more and more.

We asked, by speaking to the leadership in Nigeria by phone, that President Goodluck Jonathan stand up and indicate Nigeria's commitment to finding these girls and, in essence, bringing this horror terrorist to justice.

At the World Economic Forum, his opening remarks did just that. He spoke about the help that was coming from the United States, the leadership of President Obama and Secretary Kerry, and the other nations that are coming together to be able to find these girls.

Outside of Syria and Afghanistan, in terms of mass killings over the recent years, this stands, clearly, in the eye of the storm.

We ask to have created a victims' fund. We want to be able to ensure that these parents who are, literally, broken and the children that may be found—or the wounded ones—have the opportunity to be made whole.

We believe that it is important to create an elite police or military force, one that is focused to utilize the resources of intelligence and the law enforcement resources that are being sent to Nigeria by the United States. That deployed elite military and/or police force—special ops, if you would—would have the sole purpose of getting those kidnapped girls.

The reason why this is so very important is because Nigeria has porous borders. There is speculation that these girls may be in Cameroon, may be in Chad, may be in Niger, Benin, all places that will make it even more difficult to find these innocent children who simply came to school to be able to take an exam, so that they could do better in life.

How dare we allow this brutal killer to last much longer without being brought to justice?

So that elite force would bring this vile and evil person, who has no intent to do anything more than to continue to ramp up his publicity and the world's attention to his violence, bring him now to justice, move quickly utilizing the resources and focusing.

It is also important that all of the world's institutions declare Boko Haram—the ridiculous group that says: we don't want any western education, and all girls should be married—declared a terrorist organization.

It must be done swiftly, so that all the world's focus will be on this dastardly, devastating, vile leader of this organization and the organization.

We can collaborate with the African Union and the U.N. peacekeepers. Then we want to provide armed protection for all of the schools as they finish out or continue their educational training.

Mr. Speaker, let me say to you these are like the boys and girls that are in the schools of America right now. These are primary education children. These are secondary.

I ask my colleagues to join in the outrage of this ridiculous and horrible

situation. I ask that we are finding our girls and capturing this terrorist leader.

#### PUTTING AMERICA BACK TO WORK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFazio) for 5 minutes.

Mr. DEFazio. Mr. Speaker, later today, the Republicans, in violation of their own rules, are going to push through a permanent extension of research and development tax credits, at a cost of \$16 billion a year. That is another \$16 billion a year of deficit to be added to the national debt—over the next 10 years, \$160 billion.

Now, that is not to say that research and development tax credits don't have tremendous merit. They can do a great deal to encourage American innovation and research, new design, development. They can boost our economy. They can help our international competitiveness.

Sure, they, among many other programs and many other investments, are and can be good for the economy; but they are going to violate, waive their own rules, and say: we are not going to pay for it, we are just going to magically fund it, and don't worry about the new debt and deficit.

Now, the Senate has passed a different version. They have 62 provisions in their bill, which include energy efficiency, saving consumers money, new R&D for solar and wind, alternate fuels, among many, many other things that they put in there, that they think also have merit to help consumers, help boost the American economy.

The Republicans over here say: no, those other 61 are off the table, unless you kill or cut some other program. We can't afford them.

Then there is another issue that also comes to the floor. We had, this week, testimony from the Congressional Budget Office. The highway trust fund goes flat this summer. That means the Federal Government, beginning this summer, will make no new commitments to the States for repairing the 140,000 bridges on the national system that need repair or replacement, repairing or replacing the 40 percent of the national highway system that is in very sad repair, the \$60 billion backlog in our transit.

Nope, we can't afford a penny of that. In fact, the Ryan budget says we are going to abandon—abandon—Federal investment in the national transportation system, and we are going to devolve it to the States. The States will fund, pay for, and somehow coordinate a national transportation system because we simply can't afford it.

Well, oddly enough, the shortfall in the trust fund is \$16 billion a year. That is the exact cost of the R&D tax credits.

Why can't they wave their magic wand and say, well, hey, a million direct jobs and a couple million more indirect jobs in transportation, not only in construction, but in design, engineering, in manufacturing and research, we don't want to lose those?

We are not talking about maybe keeping or getting a few jobs. We are talking about losing well over a million direct jobs and a couple more million indirect jobs in the area of transportation, but their magic wand doesn't work for transportation.

Now, there could be a lot of cynical reasons for why they are just pushing this one R&D proposal. It probably doesn't have anything to do with campaign contributions or powerful interests that are out there. I am sure it doesn't.

One has got to wonder: Why is transportation—national transportation—old hat and unaffordable, but R&D, somehow wave the magic wand, and we can afford it?

Now, I was conflicted at coming here this morning because, at the same time, one of the greatest advocates that this body has ever had for national transportation, James L. Oberstar, died suddenly the other night.

I thought Jim would—rather than having me go up to his memorial service today, he would rather have me come to the floor and advocate for something he believed in and knew was essential for the future of this country, which is adequate investment in our system, a coordinated national system of transportation and infrastructure, an energy-efficient, 21st century system, and a repair to our 20th century system.

That is what we need. No more of these political shenanigans on the Republican side. Let's get serious about real investments and putting America back to work.

□ 1030

#### NATIONAL CHARTER SCHOOLS WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 5 minutes.

Mr. WOODALL. Mr. Speaker, so often folks will use this time in the morning to draw attention to failures or to divisions, but I want to use this time to draw attention to successes.

This is National Charter Schools Week, among other things, Mr. Speaker, and I happen to have two charter schools in my district. I represent only two counties, Mr. Speaker, Gwinnett County and Forsyth County, in the great State of Georgia. Both have outstanding public school systems.

And so often when we start talking about charter schools, Mr. Speaker, we talk about an either/or, as if somehow charter schools and public schools are

in competition with one another, but that is not the story that I tell from the great State of Georgia. In fact, Gwinnett County, one of my two counties, won the Broad Prize in 2010 for the absolute finest urban education school district in the Nation. Interestingly, they are now reeligible to win that prize again this year after a 3-year waiting period. They are in the final two. Just amazing stories of young people and their successes. And they come through, among other things, two charter schools in my district.

We have the Gwinnett School of Mathematics, Science, and Technology, GSMST, Mr. Speaker. They don't have a football team. They have a robotics team, and an outstanding robotics team at that. If you want a future in the STEM fields, you can find no better education in the United States of America than the Gwinnett School of Mathematics, Science, and Technology, and it is free if you just happen to live in Gwinnett County. A wonderful story of success through the charter school program. Absolutely any student in the county is eligible. In fact, it takes a lottery to get in, Mr. Speaker, because so many young people, so many families want their children to be able to avail themselves of this charter school program.

The Washington Post called it the 17th most challenging high school in the land. U.S. News & World Report called it the third best high school in the land. I, of course, believe it is the number one best high school in the land, but an amazing testimony of what you can do when you free an institution, when you free the teachers, when you free the students to be the very best they can be.

Now, right next door, Mr. Speaker, to GSMST, the Gwinnett School of Mathematics, Science, and Technology, we have the Maxwell High School of Technology. Now, the Maxwell School aims to take folks, these young people who are trying to find their way in life, and prepare them for a job tomorrow—program after program, Mr. Speaker, whether it is Web design, whether it is welding, architecture, technology field after technology field, not thought of theoretically, Mr. Speaker, but thought of from how can you graduate from high school and begin to provide for yourself and your family. That is not available in the normal public schools, but it is available at the Maxwell High School of Technology. And again, any student in Gwinnett County is welcome to come and be there.

Mr. Speaker, we still live in a land where there is more that unites us than divides us. We still live in a land that brings people together rather than tears people apart, and the charter school debate should be that debate. It should be the debate not that pits public schools against private schools; it should be the debate that brings us to-

gether around making sure that every young person in this land, every family in this land who has a dream of what they want to do with their life, that we have the public schools in this land that can help them fulfill that dream.

Mr. Speaker, we are doing that successfully in the Seventh District of Georgia, and I look forward to joining my colleagues in this Chamber to make sure we can do that successfully in every single congressional district in this land.

#### CELEBRATING THE ACHIEVEMENTS OF JOHN HOUBOLT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. FOSTER) for 5 minutes.

Mr. FOSTER. Mr. Speaker, I rise today to honor John Houbolt, a native of Joliet, Illinois. He was one of the great unsung heroes of the Apollo program.

Politicians are fond of citing President Kennedy's famous speech made in this room at a joint session of Congress more than 50 years ago to "commit this Nation, before this decade is out, to landing a man on the Moon and returning him safely to the Earth." Politicians like to imagine that anything is possible if the right politician and speechwriter can muster just the right words to stir a country to action, but engineers know differently. If you do not have a workable engineering concept and a set of design parameters that respect both available resource limitations and engineering reality, then no amount of fine words from politicians is going to make any difference. Dr. John Houbolt provided that crucial engineering concept that made the 10-year success of the Apollo program possible.

John Houbolt came from humble beginnings, working 16 hours a day on his family's dairy farm near Joliet, Illinois, where he developed an early interest in aviation, building model airports in his free time. He graduated from Joliet Township High School and Joliet Junior College. He obtained a bachelor's and master's degree from the University of Illinois in civil engineering. He then went on to obtain a Ph.D. and serve as an engineer at NASA's Langley Research Center. His contributions to the U.S. space race in the 1960s were vital to NASA's successful Moon landing.

He is best known for his advocacy of lunar orbit rendezvous, the crucial mission design decision that proved essential to carry the Apollo crew safely to the Moon and back in 1969. Dr. Houbolt, along with several of his colleagues at Langley, became convinced that this relatively obscure technique was the only feasible way to land on the Moon by the end of the decade.

Initially, NASA rejected Dr. Houbolt's plan for being too complicated and risky, but like the world's

greatest innovators, Dr. Houbolt didn't let initial failure stop him. Despite opposition from NASA and from leading rocket scientists at the time, Dr. Houbolt tenaciously advocated for lunar orbit rendezvous.

To convince the decisionmakers at NASA to consider his plan, Dr. Houbolt took the bold step of writing a letter directly to the associate administrator of NASA—at the time a clear breach of protocol. “Do we want to go to the Moon or not?” asked Dr. Houbolt. Because of his tenacity, NASA gave his idea another chance and eventually approved it.

Now, John Houbolt won that argument, despite having had all the political winds blowing against him, because he had fundamental engineering reality on his side. It was simply not possible, with the engines and boosters that could plausibly be developed in the 1960s, to launch a payload that would allow a manned rocket to land in its entirety on the Moon, including all of the fuel necessary to return to the Earth. But, as John Houbolt pointed out, if you left the fuel for the return trip in lunar orbit and rendezvoused with the command module after making the lunar landing, then a single Saturn booster, already under design at the Marshall Space Flight Center, could do the job.

NASA Administrator George Low later said of this pivotal moment:

It is my strongly held opinion that without the lunar rendezvous mode, Apollo would not have succeeded; and without John Houbolt's letter, we might not have chosen the lunar orbit rendezvous mode.

The lunar rendezvous mode has been described by space historians as “Langley's most important contribution to the Apollo program” and is widely credited for allowing the United States to accomplish the goal President John F. Kennedy set out in 1961, to land a man on the Moon by the end of the decade.

Dr. Houbolt received numerous awards for his work, including NASA's Medal for Exceptional Scientific Achievement. He was elected to the National Academy of Engineering and was the first recipient of Joliet Junior College's Distinguished Alumni Award.

Additionally, the Joliet Historical Museum is home to a permanent exhibit dedicated to Dr. Houbolt and to his family, titled, “The Soaring Achievements of John C. Houbolt.” They have now declared July 20, 2014, the 45th anniversary of the Moon landing, as Houbolt Family Day at the museum. The museum will be open free to the public each July 20 to encourage families to learn about Joliet's local contribution to one of humankind's greatest scientific achievements.

Dr. Houbolt retired after a distinguished career in 1985. He and his family remained noted philanthropists and supporters of the community of Joliet,

touching countless individuals with their generosity.

Dr. Houbolt passed away on April 15, 2014, at the age of 95. His life is an example of the impact that a determined, intelligent, and passionate individual can have. I rise today to remember Dr. Houbolt for his outstanding contributions to American science and engineering.

In a society where we seem to celebrate mainly the accomplishments of our heroes in sports and entertainment, as well as those who ride our rockets off into space, it is important also to celebrate the heroes of science and engineering who make the modern world possible.

#### CHICAGO'S GUN VIOLENCE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Illinois (Ms. KELLY) for 5 minutes.

Ms. KELLY of Illinois. Mr. Speaker, April was a particularly violent month in the city of Chicago. Thirty-two people were shot and killed in the city, 19 of them under the age of 25.

You have heard me talk before about the epidemic of gun violence, about how urban violence in cities like Chicago is robbing us of a generation. But nothing illustrates how our gun violence permeates everyday life in Chicago more than the stories of the deaths of those 19 young people.

They, like scores of teens and young adults across the city, were stalked by gun violence. It followed them home from school, creeping up on their porches or tapping on their car windows; and, in an instant, an everyday activity became an unspeakable tragedy.

Jordan Harris, 24, was shot during a house party.

Michael Flournoy, 17, was shot in front of a neighborhood church.

Adrian Soto, 17, shot on a sidewalk.

Gakirah Barnes, 17, shot in the street.

Andres Cervantes, 22, shot while sitting in a car.

Joshua Martinez, 20, shot on a front porch.

Keno Glass, 16, shot in a drive-by shooting while on spring break.

Trevolus Pickett, 20, shot in a gangway.

Nicholas Ramirez, 19, chased and shot while he was driving.

Anthony Bankhead, 18, and Jordan Means, 16, shot in an apartment during an argument.

Timmy Bermudez, 19, shot while driving in an ambush on Easter Sunday.

Quinton Jackson, 22, shot in a building hallway.

Darius Kelly, 22, shot in a drive-by.

Demario Collins, 19, shot while sitting in a car.

Martavarian Emery, 21, shot from outside while standing in a kitchen.

Jaquez Williams, 17, shot on a sidewalk.

Cindy Bahena, 21, shot while riding in the backseat of a car.

And then there is Endia Martin, a 14-year-old girl who was shot and killed last week by another 14-year-old girl in a dispute over a boy.

Endia, a high school freshman and an honor student, and the 14-year-old suspect, an honor student, friends since elementary school, had been feuding on Facebook. After school last week, the teen suspect confronted Endia with a gun. That gun, a .38 caliber revolver, went from a local gun shop popular with straw purchasers to a man who resold the gun illegally and falsely reported it as stolen. From there, it made its way to a 25-year-old man who gave the gun to his niece, the 14-year-old suspect.

The girl, standing in a crowd of onlookers and instigators, drew the gun from her waistband and pulled the trigger. The gun actually malfunctioned. She handed it to someone in the crowd who fixed it and handed it back to her before she fired again, hitting Endia in the back and another teen in the arm.

This shooting painfully underscores the need for commonsense gun reforms, like cracking down on straw purchasers and better tracking gun sales to curtail illegal trafficking. There were many opportunities along the journey of that .38 caliber revolver to save Endia's life.

The shooting also spotlights the need for better social supports, greater accountability within our families and communities, and increased responsibility for the welfare of our children.

Losing a bright light like Endia is a tragedy, but so is the baby-faced accused killer sitting in juvenile lockup right now, the product of a community of accomplices who encouraged one child to kill another. As a society, we failed both girls. We have failed to provide Endia with a safe community she deserved, and we failed to teach her killer to value her own life, much less anyone else's.

Preventing senseless killings like this requires a combination of legislative initiatives and community action. We in Congress must do our part to stop the bloodshed by passing commonsense gun legislation. We must also do more to support programs on the ground that provide our young people with alternatives to violence. It is a moral imperative we can no longer ignore.

Before I go, I would like to pay tribute to Leonore Draper, a beloved and dedicated gun violence prevention advocate in Chicago who herself was killed last week in a possible drive-by shooting. Leonore was headed home from an antiviolenence charity fundraiser she helped organize when she was shot and killed. What a horrible irony.

Leonore devoted her life to ending the violence on Chicago's streets. Her



killing rattled the city and her fellow antiviolenace advocates who are determined to continue to work to stop the shootings that claimed her and young Endia. Both Leonore and Endia were buried on Monday. Please do not let their deaths be in vain.

To my colleagues, it is past time that we took action.

#### COMMEMORATING GROUNDBREAKING FOR APSAALOOKE WARRIORS APARTMENT COMPLEX

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montana (Mr. DAINES) for 5 minutes.

Mr. DAINES. Mr. Speaker, today the Crow tribe will break ground on the Apsaalooke Warriors Apartment Complex, a 15-room complex that will serve the homeless veterans of the Crow Reservation.

The Crow Reservation is home to more than 400 veterans, and far too many are without a home to call their own. Unfortunately, this struggle goes largely unseen. As Crow Vice Chairman Dana Wilson has said:

Homelessness is invisible because the Crow always take care of each other. It is not uncommon to see 10 to 20 people living in a home.

I am grateful to see the Crow Tribe's commitment to addressing this problem and giving our warriors a home of their own.

I also want to thank Vice Secretary Shawn Backbone, Vice Chairman Dana Wilson, Secretary AJ Not Afraid, and the director of Crow Veterans Affairs, Paul Little Light, for their efforts to make this project a reality and to serve Crow veterans. Your work is deeply appreciated.

□ 1045

#### STUDENT LOAN REFINANCING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. TIERNEY) for 5 minutes.

Mr. TIERNEY. Mr. Speaker, I rise in support of legislation that I filed in the House this week and Senator ELIZABETH WARREN filed in the Senate. It would enable tens of millions of students, parents, and families to responsibly refinance their student loans.

More and more, constituents are calling, they are emailing, and even approaching me on the street to share their stories of how they are buried in student loan debt. This debt is not only causing them to put on hold life decisions, such as moving out of their parents' house or buying a car or purchasing a home and getting married, but it is also leading some to question whether or not they should even enroll in college or to consider dropping out because of the pure shock factor of these looming college loans.

A young woman from Boxford, Massachusetts, wrote recently. She said to me:

I pay more than the minimum balance every month. I sacrifice daily for my loans. I live at home and have a 50-minute commute to work every day because I cannot afford to live on my own or even with roommates. I cannot have the dreams that I have dreamed all my life. I am 23, and I am already telling myself that I can't own a house, that I will probably never have children because I can't afford to bring them into the world and take care of them when I can't even afford to live myself. That is what I live with every day, the anger, the depression, and the disbelief that I am forever stuck.

Parents are calling and writing me about the anxiety and concern they have about the debt their sons and daughters have accumulated. Some parents have even delayed their retirement or made early withdrawals from their 401(k) just to help their children's student debt problem.

A mother from Middleton, Massachusetts, wrote to me and said:

I have two children with multiple student loans. It is difficult enough to graduate, find a job in the field they desire and to pay loans, rent, and bills, et cetera. Please do all that you can to make sure rates are not increased. My children may never afford to buy a house and live the American Dream because of college student loan debt.

Mr. Speaker, these are just two examples in my district. There are millions of others just like them throughout this country.

Outstanding student loans now total more than \$1.2 trillion, surpassing total credit card debt. An estimated 71 percent of college seniors had debt in 2012, with an average outstanding debt of \$29,400 for those who borrowed to get a bachelor's degree.

Last year, Congress sought to address the issue of student loan rates, but I and several others believed that final bill didn't go far enough. One of the deficiencies was that it only applied to new student debt. It did nothing for the nearly 40 million Americans with existing student debts.

Our bill simply rights this wrong and simply gives students the opportunity to refinance their loan debt at the same low rate being offered to new borrowers in the student loan program. Homeowners and businesses are often able to refinance their debts. Shouldn't student borrowers be able to do the same? We certainly think so.

Our legislation is also deficit-neutral and paid for by implementing the so-called Buffett rule, which holds millionaires and billionaires accountable to pay their fair share in taxes.

Student loan debt is a crisis all throughout our country. It is making a generation of Americans feel like they are "forever stuck," in the words of my constituent.

But if the moral imperative isn't enough to act, we should be mindful of the benefits to the economy as a whole

for allowing students to refinance their loans. The nonpartisan Congressional Research Service produced an analysis of our bill indicating that certain borrowers could save thousands of dollars. This is a savings that no doubt would be invested back into the economy.

Last year, the Center for American Progress estimated that the refinancing of just Federal student loans would have pumped \$21 billion into the economy.

Mr. Speaker, our bill will benefit millions of students and their families, and it will boost our economy. It deserves the immediate action of this House.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3627. An act to require the Attorney General to report on State law penalties for certain child abusers, and for other purposes.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 48 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Lieutenant Commander Stephen Coates, Chaplain, United States Navy, Office of the Chaplain of the Marine Corps, Greenville, Illinois, offered the following prayer:

Sovereign Lord, the sound of this corporate prayer is as nothing compared to the clarion call of Your divine voice—rolling thunders of justice, resounding echoes of mercy, redemptive whispers of grace, calm assurances of comfort, promising songs of hope.

Like Your clear voice, may all words spoken in this Chamber today accurately reflect the fidelity of honest conversations between Members, the brutal wonder of free exchange amid volitional minds, the compassion of sincere interactions with constituents known by name and place, the hallowedness of solitary, bended-knee utterances known only to You, and the sacred thoughtfulness incumbent upon persons of privilege vested with the responsibility to weigh the consequences of matters temporal in light of the gravity of matters eternal.

May the same purity of passion that stirred these willing servants to seek positions of public protection and provision empower them this day to honor You in serving all.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. CARTWRIGHT) come forward and lead the House in the Pledge of Allegiance.

Mr. CARTWRIGHT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

#### HONORING THE LIFE OF MARTIN COBB

(Mr. CANTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANTOR. Mr. Speaker, today, I rise to honor the life of Martin Cobb, an 8-year-old boy from Richmond, Virginia, who was taken from us way too soon. He was killed in a heinous act while trying to protect his 12-year-old sister from a violent attacker.

From the very beginning, Martin was a fighter against all odds, surviving open heart surgery at 3 months old, when the doctors did not believe he was going to make it.

Martin was a student at Elizabeth Redd Elementary School and he enjoyed the kind of things that most kids grow fond of: playing with toy cars and riding his bike around the neighborhood.

Martin didn't have a father at home, and so his mother referred to him as the "man of the house." As a loving son and brother, relatives say he had the "heart of a lion."

We will always remember him as a true family man, someone who loved his sister so much that he gave his life to protect her. In the face of grave danger, his only thought, his only instinct, was to help his sister.

At 8 years old, he may have been small in stature—some say he looked no older than 4 or 5—but in his last mo-

ments, Martin showed he was a bigger man than most men ever dream to be.

We honor Martin by remembering his incredible bravery. But let us also commit to honoring him by redoubling our efforts to foster safer neighborhoods and communities that produce more Martins and less assailants. Our children should be able to grow up enjoying childhood, not fearing for their lives.

In Martin's front yard there now reads a sign, "A Real Hero Lived, Fought, and Died Here."

Martin may no longer be with us, but I hope and pray his strength, his courage, and his spirit endure in each and every one of us.

#### STUDENT ACHIEVEMENT IN BUFFALO

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, I rise to congratulate three highly impressive students from City Honors High School in Buffalo, New York. Seamus Degan, Rex Herzberg, and Hakeem Salem made western New York proud by being selected to participate in the Congressional Science Student Forum, which was hosted yesterday on Capitol Hill.

In recent months, these students have worked hand-in-hand with local researchers at esteemed medical institutions in western New York, including Roswell Park Cancer Institute, to research cutting-edge medical issues, form hypotheses, and conduct hands-on experiments.

Mr. Speaker, when students start learning and experimenting with science, technology, engineering, and math as young adults, they are creating a lifelong commitment to learning and dedication to making a difference in the future. It is why it is so critical that Congress provide adequate funding to STEM education programs in our schools nationwide.

I commend these students for their achievement and look forward to hearing more from these promising innovators in the years to come.

#### SELECT COMMITTEE ON BENGHAZI

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, for nearly 2 years, House committees have been investigating the terrorist attack in Benghazi that killed four brave Americans. These committees have done good work. However, many questions remain unanswered as the White House continues to stone-wall our efforts by withholding information.

National Review editors recently summed it up best:

The White House misled the American public about a critical matter of national interest, and it continues to practice deceit as the facts of the case are sorted out.

That, to answer Hillary Clinton's callous question:

What difference does it make?

The administration's obstruction and dishonesty are unacceptable and warrant a new level of investigation. Creating a select committee to investigate this tragedy is long overdue, and with a former Federal prosecutor such as TREY GOWDY at the helm, it gives me great hope that Americans and the families of the victims will hear the truth and see accountability. They want, need, and deserve no less.

#### EXTEND UNEMPLOYMENT INSURANCE

(Mr. CARTWRIGHT asked and was given permission to address the House for 1 minute.)

Mr. CARTWRIGHT. Mr. Speaker, I rise because today in the House we will bring up a vote on approximately \$310 billion of permanent tax credit extenders, including the very popular research and experimentation credit, a bipartisan-supported tax extender, but this is something that is being brought up without a pay-for at a time when the United States of America now has 2.6 million citizens who have lost their long-term unemployment benefits.

In my State of Pennsylvania alone, we have 125,000 families who lost that lifeline because, Mr. Speaker, you refuse to bring this up for a vote because it doesn't have a pay-for.

Fair is fair, Mr. Speaker. We support many of these extenders, but we can't leave these American families out in the cold like this.

#### RECOGNIZING NATIONAL FOSTER CARE MONTH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, as we continue to celebrate National Foster Care Month, I would like to recognize the dedicated foster families, social workers, and service providers for their work to support the nearly 400,000 youth who are part of our country's foster care system.

Our Kids of Miami-Dade/Monroe, Foster Care Review, and CHARLEE of Dade County are just a few of the many organizations that work each and every day in our south Florida community to find a stable home with a devoted and loving family for our youth.

While May has been designated as National Foster Care Month, the work to ensure that every child has a safe and permanent family does not stop when the calendar turns. In fact, before the end of this year, Mr. Speaker, at

least 23,000 of these vulnerable members of our society will age out of the foster care system. Research has shown that these young individuals are at a heightened risk of poverty, homelessness, incarceration, and early parenthood.

I encourage my congressional colleagues and every person across our Nation to work together so that we can change these tragic facts and figures for the betterment of our youth and the improvement of our society.

#### FREE THE NIGERIAN GIRLS

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, I think we all understand and believe that our children are our most precious resource.

Over the last couple of weeks, hearts and minds of many around the world have been captured by a heinous thug by the name of Abubakar Shekau, the leader of the Boko Haram, who has been a vile, disgraceful, violent, and uncaring terrorist thug.

Yet we do not know where these girls are.

As women of the United States Congress, yesterday, myself, BARBARA LEE, MARCIA FUDGE, KAREN BASS, and JANICE HAHN went to the Nigerian Embassy to stand and reject the \$12 that Shekau wants to sell these girls for.

We ask that we have a concerted effort on this. We should also establish a victims' fund.

In the meeting, as we spoke to those from Nigeria, we asked President Jonathan to stand up to say they will find these girls and they will bring this terrorist to justice. We ask that today because no one knows where these girls might be.

I close by calling two names: Aisha Ezekial and Nguba Buba. I will be calling these girls' names throughout this week to remind us they must be found now.

#### LERNER IN CONTEMPT OF CONGRESS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the American people have known since April 23, 2012, over 2 years ago, by a letter of 63 Members of Congress to the IRS Commissioner, that the IRS has targeted political organizations which question the President.

Congress has the responsibility to the American people to determine the facts and prevent future threats to American families. Sadly, the administration has refused to cooperate with House Republicans to facilitate over-

sight investigation. Instead of helping to restore the American people's faith in impartial government, key IRS officials remain silent.

Last night, the House voted to hold former IRS employee Lois Lerner in contempt because she refused to tell the truth before Congress. Congress also asked Attorney General Eric Holder to appoint a special counsel to further investigate this scandal.

The administration should take this opportunity to restore accountability, put politics aside, and help Congress provide citizens and the groups who are unfairly targeted with the answers they deserve.

In conclusion, God bless our troops and we will never forget September the 11th in the global war on terrorism.

□ 1215

#### RESPONDING TO THE KIDNAPPINGS IN NIGERIA

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, the whole world is watching Nigeria, and the whole world is outraged at the recent kidnappings of over 200 girls from a Nigerian school.

Make no mistake, this is human trafficking. They say they are selling them into marriage. They are selling them into sex slavery, rape, and human bondage.

As cochair of the Congressional Caucus on Human Trafficking, I hope the world will respond to this horrendous human tragedy with the same sense of urgency and compassion and the same level of assistance that was offered in the search for the missing Malaysian aircraft.

The U.S. Africa Command, Departments of Justice and State, and the FBI are offering assistance to the Nigerian Government; and we, as a Congress, should support sanctions against Boko Haram.

Decisive and swift action is needed to bring these young girls home and to prevent future mass kidnappings.

#### THE CFPB RURAL DESIGNATION PETITION AND CORRECTION ACT

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, I rise today to voice my support for H.R. 2672, the CFPB Rural Designation Petition and Correction Act.

One of the most troubling aspects of the Dodd-Frank Act was its creation of the Consumer Financial Protection Bureau, which is a new bureaucracy with broad powers that is unaccountable to Congress or the American people.

When I talk to financial institutions in Kansas, one of their main concerns

with this agency is that the CFPB will fail to correctly classify rural banks and, possibly, leave them open to overzealous regulation as a result.

I am a proud cosponsor and supporter of this bill, which will allow these financial institutions a way to appeal the CFPB's decisionmaking process and ensure that rural lenders and their communities are not unintentional victims of poor decisionmaking by the CFPB.

#### TEACHER APPRECIATION WEEK

(Mrs. BUSTOS asked and was given permission to address the House for 1 minute.)

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate Stew Adams, who has been recognized by the Illinois Education Association as its 2014 Retired Teacher of the Year.

I am proud to say that Stew is a constituent of mine and has spent years teaching special education in the Rock Island/Milan School District.

In addition to his teaching duties, Stew was a tutor and a mentor to many young students in the Rock Island School District. He also contributed to the Rock Island Safe Schools program and has been an adviser to the Illinois State Board of Higher Education and Special Education and founder of the Western Illinois Retired Educators.

In addition to thanking Stew for his service to our community, I also want to take this opportunity to thank the teachers that I have had and have taught so many of our youngsters across our country during Teacher Appreciation Week. Their hard work and dedication to our children is both awe-inspiring and invaluable.

Our communities simply could not function without our educators, and I want to thank them.

#### COMMEMORATING MAY AS LET FREEDOM RACE MONTH

(Mr. HUDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUDSON. Mr. Speaker, I rise today to commemorate May as Let Freedom Race month at Charlotte Motor Speedway, and thank the folks who have worked hard to honor our brave men and women in uniform with this outstanding celebration.

Speedway Motorsports and Charlotte Motor Speedway are both in my hometown of Concord, North Carolina. While I am incredibly grateful for the impact both have on our local economy, I am also appreciative of their continued support for our Nation's military, veterans, and their families.

This Memorial Day weekend marks the 55th Let Freedom Race celebration, and more than 100,000 fans will gather

at the speedway to celebrate and honor our military heroes.

This tradition will, once again, showcase America's military strength, while displaying our pride and appreciation for those we have lost, our veterans, those who continue to serve, and our military families.

We are so fortunate to have heroes who stand committed to serving in our Armed Forces.

Mr. Speaker, I commend the work done by the racing community to honor our veterans, and I join them and other North Carolinians to salute our warfighters who paid the ultimate price to protect our freedom.

#### NATIONAL TEACHERS WEEK

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, today, I stand in support of our National Teachers Week.

As the husband of a teacher, the brother of a teacher, and the lucky student of great teachers in the Jefferson County Public School system and the University of Colorado, I hold this profession in very hard regard.

Our Nation's teachers work tirelessly to provide education, resources, and a bright future for all of American students.

Colorado is blessed with a dedicated community of teachers in both K-12 and higher education. Teachers provide an invaluable service to our country, while earning salaries that do not reflect the importance of their jobs.

Every day, I hear about teachers striving to improve their schools and outcomes for their students. America's students now face one of the most competitive economies in our history.

Strong teachers are the key to the successful education of our children, and those same children are key to a prosperous, healthy, and successful future for our country and for the planet.

Thank you to all the teachers in my life, the Seventh Congressional District, and the State of Colorado.

#### TEACHER APPRECIATION WEEK

(Mr. MESSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MESSER. Mr. Speaker, teachers are remarkable people. These dedicated professionals work hard to ensure that our children have the skills necessary to succeed and achieve the American Dream.

They get up early and stay up late, often sacrificing their own time and money, so our children have a fair shot at future success.

They don't do it for fame; though glory, they should receive. They don't do it for fortune; though riches, they

do deserve. They do it because they love their jobs and care about their students. It would be difficult to overestimate the importance of our Nation's teachers to our country's strength and prosperity.

One of those teachers is my sister-in-law, Mandy Messer, who teaches elementary school at North Decatur Elementary.

A day should not pass that we don't thank teachers for their service on behalf of our children and our country.

Today, during Teacher Appreciation Week, I say thank you to my former teachers who played such an important role in my own life, and I express my gratitude to all the teachers throughout my congressional district who are doing such wonderful work.

#### SEEKING MAXIMUM PARTISANSHIP

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, last night, Republicans and Democrats on our House Armed Services Committee came together to pass a defense bill that all of us—I mean all of us—all of us on the committee could support. That is something remarkable, considering what is on the House floor this week.

Instead of debating the minimum wage, we are getting maximum partisanship. Instead of creating a select committee on job creation, we are voting to create a select committee on Benghazi, shamefully playing politics with a terrible tragedy.

The only person whose job the majority seems to care about is the former Secretary of State's. The national climate assessment released this week laid bare the consequences of climate change, but sadly, instead of reducing our carbon footprint, we get a climate of dysfunction and hot air.

Enough is enough. House leadership should follow the example of the House Armed Services Committee. Put the partisanship aside and get to work on the things that really matter to the American people.

#### WARREN COUNTY CAREER CENTER

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, career and technical education is critical to our economy.

I have a great program in my district, the Warren County Career Center, in Lebanon, Ohio. I have had the opportunity to tour the program a number of times. They do a great job.

Two success stories—Karie Lacy and Nick Cornett—both completed programs at the Warren County Career Center. Karie now owns her own salon

and employs others; and Nick is working at a local robotics company, while working towards a degree in electrical engineering.

There are others like Karie and Nick across America who deserve access to programs that will prepare them for the workforce and lay the foundation for a successful career.

As we work together to strengthen our economy, we should support institutions like the Warren County Career Center. Programs like this, we should support all across America.

#### THE KIDNAPPINGS IN NIGERIA

(Mr. VEASEY asked and was given permission to address the House for 1 minute.)

Mr. VEASEY. Mr. Speaker, I rise today to speak about the tragic and shocking turn of events in Nigeria, where as many as 300 young girls have been abducted by a terrorist organization known as Boko Haram.

As a father, I can't imagine the anguish that these parents must be feeling as they wonder about what happened to their young girls.

I stand in solidarity with the people of Nigeria in this difficult time and condemn the violence against innocent people committed by Boko Haram and urge that all possible actions be taken and that President Jonathan finally do something about the terrorists and the thugs that seem to be ruling the country.

Too often, women and young girls are tragically persecuted, victimized, or denied education opportunities and a voice, particularly in these countries, based only on their gender. The violence and discrimination has no place in our world today.

Today, I will be joining my fellow colleagues and urging them to sign on to House Resolution 573, to condemn this heinous abduction, and supporting all efforts to find these girls and bring them home.

#### HONORING THE 250TH ANNIVERSARY OF EAST BERLIN, PENNSYLVANIA

(Mr. PERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERRY. Mr. Speaker, I rise today to honor East Berlin, Pennsylvania, on its 250th anniversary. The borough was founded on May 8, 1764, by John Frankenberger, a Prussian, who purchased 200 acres of land from Thomas and Richard Penn.

John laid out a town with 85 lots, one main street, four cross streets, and five alleys. He named the town "Berlin" after his native town in Prussia. East was added to the name in 1827, when the town post office was established.

Today, East Berlin is a thriving community of over 1,400 residents in Adams

County. I am proud to congratulate East Berlin on this momentous day and wish the borough another successful 250 years.

#### SOLVENCY OF THE HIGHWAY TRUST FUND

(Ms. KUSTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KUSTER. Mr. Speaker, I rise today to express my continued concerns about the highway trust fund, which is projected to reach a critically low level in July, right in the middle of the busy summer construction season.

This funding is essential to projects in New Hampshire, and we simply cannot let the highway trust fund run out of money. It would cost us jobs, jeopardize public safety, and hurt our economy.

That is why I am introducing a bill to ensure that the highway trust fund remains solvent for the remainder of this fiscal year. This will provide certainty to our States and businesses and allow Congress time to pass a full 6-year reauthorization of surface transportation programs.

My bill, the DRIVE Now Act, will do this, while increasing efficiencies in the government and reducing the deficit. Congress must invest in infrastructure and pass a long-term reauthorization of transportation programs.

To ensure that the highway trust fund doesn't run dry this summer, I urge the House to pass my common-sense legislation.

□ 1230

#### LIFE IS NOT ABOUT DISTANCE

(Mr. LANKFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANKFORD. Mr. Speaker, 1 year ago, our justice system gave us a new definition for life. Convicted murderer Kermit Gosnell, the abortionist who for decades worked in Philadelphia, who personally killed hundreds of children in the womb, who personally kept body parts in bags and bottles that were scattered all around his clinic, he was not tried for that. Those things were all permitted.

One year ago this week that court clarified their definition of "life." It wasn't about conception. It wasn't about age. It wasn't about ability to survive. It was about distance. "Life" was defined by distance for them.

Kermit Gosnell had the audacity to induce the labor of pregnant women and then take the child outside the womb, move them about 3 feet away, whether on his hands or set them on a table, and cut their spinal cord, sitting

on the table, where they would die either on his hands or on the table. He moved them 3 feet. What tortured logic is that to say it is not a child in the womb, but it is a child if you move them 3 feet?

This is the United States of America. Life is not about distance. Life is about children. Let's choose life.

#### LONG ISLAND'S TOP TEACHER

(Mr. ISRAEL asked and was given permission to address the House for 1 minute.)

Mr. ISRAEL. Mr. Speaker, I rise today during Teacher Appreciation Week to honor a top teacher in the Third Congressional District of New York, John Motchkavitz, or "Motch" as he is called by his students.

John is the head of the business technology department at Great Neck South High School. He was named as a top five finalist on Live! with Kelly and Michael's top teachers search contest, and he will appear on the morning show next week when the winner will be announced.

In the 12 years that he has taught in Great Neck, he has helped lead the school's robotics team to the national competition. He coaches lacrosse; he builds sets for school plays; and four times a year, Mr. Speaker, he brings students to New York City to distribute food and supplies to the homeless. He also lives the lessons he teaches inside the classroom in his life outside the school. As a volunteer with the Great Neck Alert Fire Company, he was one of the first to respond to the September 11 terrorist attacks.

I am so proud of the contributions that John has made to Great Neck, to my congressional district, to Long Island, and to the Nation. I congratulate him. He is an example for teachers everywhere.

#### THE BOSS LIFT PROGRAM

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today I rise to recognize a unique program organized through the National Committee for Employer Support of the Guard and Reserve, or ESGR, called "Boss Lift," which is designed to help businesses gain a better understanding of the responsibilities of our National Guard and Army Reserve.

In my home State, the Pennsylvania National Guard is doing a tremendous job with the Boss Lift program by providing local employers with a new perspective on the sacrifices and the challenges these soldiers and airmen face and a firsthand look at the work being performed by these citizen soldiers.

This past weekend, I had the opportunity to visit Fort Indiantown Gap

and the Pennsylvania National Guard and met with the incredible citizen soldiers who help make this program possible, all while remaining ready to defend our country.

Mr. Speaker, I want to thank ESGR, the Army Reserve, and the Pennsylvania National Guard for their outreach efforts through the Boss Lift program and helping to remind us all of the vital role our Reserve and Guard components play in our national security and local communities.

#### UNEMPLOYMENT

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, the failure of the majority to bring the extension of unemployment insurance benefits up for a vote by December 28 of last year has left many without a lifeline. Let's review these figures. On December 28, 1.3 million were immediately cut with no benefits; 1.9 million will be added by the end of the first 6 months of 2014.

Let's look at it another way. It means 72,000 every week. It also means one person every eight seconds in this country, the greatest country in this world. 200,000 of them are veterans. The loss of this benefit also means that our economy lost \$5 billion in the first 3 months of 2014.

Mr. Speaker, two-thirds of America's people support the extension of unemployment benefits. The Democrats have signed a discharge petition. Please bring the extension to the floor. Remember, they are unemployed through no fault of their own. That is why they are entitled to these benefits.

#### HONORING WORLD WAR II VETERAN AND FORMER POW, SERGEANT GEORGE THURSBY

(Mr. ROTHFUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHFUS. Mr. Speaker, I rise to honor Sergeant George Thursby.

Sergeant Thursby, who I met last week, is a resident of New Florence, Pennsylvania. He was a B-24 gunner in the Army Air Forces during World War II.

Sergeant Thursby was forced to land and was taken prisoner of war after his aircraft was hit while bombing Munich. He attempted to escape but was arrested and returned to the POW camp. Conditions were abysmal, and Sergeant Thursby was skinny as a rail. He attempted to escape again and reached American lines in France.

When Sergeant Thursby returned home, he had a long and productive career working at U.S. Steel's Homestead Works and retired in 1983.

Last week, almost 70 years after his successful escape, Sergeant Thursby finally received his long overdue and

well-deserved recognition in a ceremony at the Pentagon. He was awarded the Prisoner of War Medal.

Sergeant Thursby's bravery, strength, and spirit serves as an inspiration to all Americans. It is fitting that we honor him on Victory in Europe Day. Let us all take time to thank World War II veterans like Sergeant Thursby today for their service and sacrifice.

#### FOSTER YOUTH MONTH

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I rise today in honor of Foster Youth Month.

Every child deserves a healthy, safe, and stable home, yet too many continue to go without these basic needs that so many of us take for granted. This May, we recognize more than 400,000 American children in foster care who are waiting for their forever family.

The theme of this year's Foster Month is "Building Blocks Toward Permanent Families," an issue that is near to my heart. My parents took in several foster children when I was growing up, and I was able to see firsthand the difference that this made. And some of them are still in touch with my family today.

To all those people across the country who are taking in a foster child today, I say thank you. I know you are making a positive difference in that child's life, and I encourage others to consider doing the same.

Foster children belong to all of us, and we have a moral obligation to treat them with the same love and care that we would our own children. And I encourage all of my colleagues to join me in recognizing May as Foster Youth Month.

#### BOURBON WHISKEY

(Mr. BARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR. Mr. Speaker, I rise today to mark the 50th anniversary of the passage of S. Con. Res. 19, which officially recognized bourbon as a distinctive product of the United States of America.

Specifically, the resolution provided that bourbon whiskey is a distinctive product of the U.S. and is unlike other types of alcoholic beverages, whether foreign or domestic; that bourbon whiskey has achieved recognition and acceptance throughout the world as a distinctive product of the United States; and the resolution further prohibited the importation of whiskey designated as "bourbon" to protect bourbon as a product distilled and aged in the United States alone.

Many great nations have a national spirit. Bourbon certainly belongs in the same class. As the report that accompanied the resolution notes, the name "bourbon" refers to the particular part of the world this distinctive distilled spirit first arrived from, Bourbon County, Kentucky. The name is now universally accepted as meaning American whiskey, and over 90 percent of all bourbon is distilled in my home State, the Commonwealth of Kentucky.

Today, Kentucky's bourbon industry is enjoying an explosive growth due to demand both here and abroad. I think this renaissance is the result not only of bourbon's timeless production process and depth of flavor, but is also thanks to its status as a uniquely American spirit.

This week we celebrate the 50th anniversary of Congress putting that concept into law, and we thank all of the hardworking men and women in my home State who make this uniquely American spirit such a great product.

#### UNEMPLOYMENT INSURANCE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I ask the Republican leadership to bring up the bill that would extend critical unemployment insurance. So far, the gentleman from Ohio, Speaker BOEHNER, is telling struggling Americans that they are out of luck and out of money.

This bill was passed in the Senate on a bipartisan basis, 65-34, to move forward to help people who are unemployed, and yet the Republican leadership here still refuses to bring it up. It is also completely paid for. Still, the Republicans insist that there is no longer an emergency and that unemployment numbers are dropping, but the reality is just the opposite.

Long-term unemployment, defined as being out of work for 27 weeks or more, has not been this high since World War II. And we know that anyone receiving unemployment benefits, when they get their check, the money goes right back into the economy. In fact, unemployment insurance generates \$1.52 in economic activity for every \$1 spent.

So why does the Republican leadership simply not bring this up? Instead, they focus on issues like Benghazi or setting up a select committee on Benghazi. They should be focusing on job creation—creating jobs—and helping the unemployed.

#### PROVIDING FOR CONSIDERATION OF H. RES. 567, ESTABLISHING SELECT COMMITTEE ON THE EVENTS SURROUNDING THE 2012 TERRORIST ATTACK IN BENGHAZI

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 575 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 575

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 567) providing for the Establishment of the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules.

The SPEAKER pro tempore (Mr. MESSER). The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), my friend, the ranking member of the Rules Committee, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I also ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Resolution 575, which provides for a closed rule for consideration of H. Res. 567.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, it has been nearly 20 months since terrorists attacked the American diplomatic mission in Benghazi, Libya, killing four Americans, including then-U.S. Ambassador to Libya J. Christopher Stevens.

Since that time, the House Armed Services Committee, the Foreign Affairs Committee, the Permanent Select Committee on Intelligence, and the Committee on Oversight and Government Reform have all conducted investigations related to the events surrounding the attack and the administration's response. And I want to commend each of these committees and their chairmen and their members for work that has been done that is exemplary, that has aimed exactly on the questions that needed to be asked, and for those who have dedicated time and effort to make sure that these important issues are not only discussed but understood and resolved so that each of these committees, as they work with their particular agencies in the Federal Government, come to a clear and a clean understanding about what happened, what our responses might and should have been, and what they would be in the future.

We are here today because this administration has chosen not to fully participate, to block our efforts to know the truth, and to provide the necessary people in a forthright manner who could be a part of answering these questions. This blockage has included a timed delivery that has not been timely but the time interval for requesting information, for the redacting of information that has not been properly done, and, perhaps most importantly, for the remarks that have been made by the administration, including the President of the United States, the former Secretary of State, the Secretary of State, and other highly public officials who serve at the pleasure of the American people who have tried to thwart, who have tried to misdirect, and who have tried to—what I believe is—badger Republicans into believing that what they did was aboveboard and correct when, in fact, an evaluation and a proper lessons learned lesson being available not only for them, for the United States Congress, but also accountability to the American Government.

□ 1245

We are here specifically today because in the last few weeks an outside group, Judicial Watch, through the Freedom of Information Act, obtained information and received that information through the judicial system of the United States whereby they received emails that were not redacted, that were not doctored or altered, and that came to them and did not match up with the information that had been provided to official committees of the United States House of Representatives for official business.

At a time when an administration decides that they are going to take advantage of the structure of the United States House of Representatives under official business, then that means that it is time for the United States House of Representatives to then learn that they are being duped, that they are being taken advantage of, and that our open system was being used, I believe, in a political way.

That is why we are here today, Mr. Speaker. We are here today not for political reasons but because the official business of the United States House of Representatives, article I, is to make sure that we understand and have oversight over those that are in article II and work with people who are in article III.

We work together in a careful balance to make sure that what we do is in the best interest of the people—the American people, who need to have faith and confidence in the work that is done on their behalf—but also be accountable to the American people when great things happen and when mistakes happen also.

To sweep something under the rug, to try and move people in another direc-

tion and try and fool them, to not be forthright about the actions that were taken or understood, I believe is a dereliction of duty. Most importantly, I think that what the investigation up to now has revealed is a lack of desire by this administration to fess up to what I believe might be failures or weaknesses in a system that we need to work on together.

Four Americans' lives were not only at stake, but the reputation of the United States of America was on the line. Terrible things happened. Worse things could have happened, also. And for the United States Congress to have oversight to work on these issues is, I believe, an important national security objective.

We are here today because President Barack Obama and his administration are not forthright or interested in working with official Members of the United States House of Representatives to clear the issue, and to understand what happened so that we may move forward with great confidence; that as our men and women who are in the State Department are engaged in the sensitive work, the work that is done on behalf of this great Nation, that we can understand that relationship with the United States military, with intelligence, with the money that we spend and the mission that the President of the United States decides that these men and women will be engaged in.

We are here today to gain answers, to gain knowledge, and to gain corrective action. And that is why I believe last night in the Rules Committee, the Rules Committee moved forward on an original jurisdiction hearing whereby the Rules Committee would make and take the responsibility, Mr. Speaker, to make sure that we understood that we would be taking the time of the House of Representatives, that we would be taking, in essence, jurisdiction and putting that to a select committee, a select committee which would have the authority and the responsibility to ensure that the things which I have spoken of this morning were achieved.

This is not political. This is public policy at its most important level. It is national security that is being discussed not only today but discussed in private among Members of Congress with this administration to ensure that the events that occurred on that day were well understood and reflective to the Members of Congress who provide money, resources, and oversight relating to those events.

Unfortunately, it became apparent to me and others, including the Speaker of the House of Representatives, the Honorable JOHN BOEHNER, that these committees are struggling with an unwanted partner: the administration. And this administration, by refusing to completely comply with congressional subpoenas, by delaying the delivery of

important documents, by heavily redacting critical information—not sensitive or information that might be considered national security—and by retroactively classifying previously unclassified files, the Obama administration has thrown roadblocks at every turn of the road.

The most recent example of this was the deliberate subversion of the investigation which occurred on April 17, less than a month ago. This is why the Speaker of the House of Representatives, JOHN BOEHNER, who has been very deliberative and most involved but careful to let each committee operate to the level of its jurisdiction, to make sure that each committee had not just the resources but the ability to make sure that they were on a process for the delivery of the things which I have talked about, up to and including the truth, Mr. Speaker, the truth behind the events, the truth behind how we would describe this event so that lessons would be learned, and evince how we would effectively and capably understand the new and current threats against the United States and what occurred on that day and on a moving-forward basis. If you refuse to participate with the United States Congress, if you subvert the process and take advantage of our structure, the Honorable JOHN BOEHNER will then respond with that which is given to him and to the United States House of Representatives, and that is to honorably pivot based upon something that happened less than a month ago, April 17.

This administration chose to deliberately mislead the United States Congress, and we responded therein. On that day, the administration delivered 276 documents consisting of 779 pages. They gave these to the Committee on Oversight and Government Reform, many of which continued to be heavily redacted. The same day, the State Department complied under a Freedom of Information Act requested by Judicial Watch. I believe that the timing of these two productions is not a coincidence as to whether or not Congress would have received these documents absent Judicial Watch's FOIA request. The two sets of documents are incredibly similar, and, shockingly, some of the documents received by the committee are more redacted than those received by Judicial Watch.

Well, I get that. That is because under FOIA, the Freedom of Information Act, there is a criminal statute attached to that which those lawyers preparing these documents knew they could be criminally held liable.

Mr. Speaker, the bottom line of this is this administration has not respected the United States Congress, did not respect the committees that were asking for this information, and there, too, made sure that they made their



job even more difficult. These roadblocks, I believe, serve as two important points for us to remember: that the Speaker of the House of Representatives did not choose to be where we are today but, rather, it was this administration through its deliberate attempt to place us exactly where we are.

So, first, the committee will have questions that it has to ask, and they are going to this administration to make sure that we have complete documentation. Every Member of this select committee will have the opportunity—and should have on a bipartisan basis—to see the documents. The select committee will consolidate itself into a centralized location in order to make sure that they work together. We are going to streamline congressional efforts when we find out the things which we could have and should have known but know now to avoid in the future.

And lastly, we are going to come with an answer to the American people that we believe is what they are due, and that is: what happened; how could we have avoided it; and what do we look for in the future.

Our representative government is founded on the assumption of a transparent government. Our President, Barack Obama, stated when he was elected that this would be the most open and transparent government. Mr. Speaker, we are here today to take the President at his word. The question is: Will the President live up to his word and expect this administration to join with the House of Representatives in this new era, this new way of trying to go about getting an answer for the American public?

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes and yield myself such time as I may consume.

Mr. Speaker, the 2012 attack on Benghazi was a tragedy that took the lives of brave American public servants representing and serving our country. And Congress has an obligation here—both to the families of the victims and to the country—to try to prevent this from ever happening again. But that is not at all what we are doing here today.

The Senate has produced two bipartisan reports on the issue, and the State Department's Accountability Review Board has produced a constructive, unbiased report. There is a vast body of evidence already collected, and none of it demonstrates any sort of coverup or conspiracy.

The majority here has had 13 congressional hearings over four committees, 50 briefings, produced five reports and 25,000 pages of documentation, wasted countless millions of dollars, and has gotten absolutely nowhere. One more committee weighted in favor

of the majority is not going to do any better. We have bottomed out on Benghazi.

Nonetheless, the majority has repeatedly demonstrated that rather than engaging in a serious, objective examination of the circumstances, they want to use the tragedy as an excuse to generate partisan talking points, and then has descended into the crass and the unbelievable.

Several press reports this week, including one from Politico, indicate that the National Republican Congressional Committee sent out a fundraising email entitled "You Can Become a Benghazi Watchdog Right Now," and that leads to a donation page where you have to pay to be a Benghazi watchdog. And even after their fundraising effort was exposed, Republicans are continuing to use this effort to raise money off of this tragedy. This morning's Politico says: "Republicans stick with Benghazi cash grab."

Mr. Speaker, I would like to submit into the RECORD these two articles from Politico, May 8 and May 9. The first one, "NRCC"—which stands for the National Republican Congressional Committee—"fundraising off Benghazi," and the second one this morning, "Republicans stick with Benghazi cash grab."

[From POLITICO, May 7, 2014]

NRCC FUNDRAISING OFF OF BENGHAZI

(By Jake Sherman)

The House Republican campaign arm is buffing the chairman of the Benghazi select committee and is raising money off the GOP's investigation into the 2012 attack.

A post on the National Republican Congressional Committee website dated May 6 is titled "You Can Become a Benghazi Watchdog Right Now."

"House Republicans will make sure that no one will get away from [Trey] Gowdy and the Select Committee," the blog post says. "This is going to be a national effort for a national investigation."

Once a visitor to the site enters their name, email and ZIP code, it asks for a donation to "stop Democrats from controlling all of Washington."

But Rep. Trey Gowdy (R-S.C.), whom Speaker John Boehner (R-Ohio) tapped to chair the panel, said Wednesday morning on MSNBC's "Morning Joe" he would ask Republicans to forgo fundraising off the attacks.

"Yes, and I will cite myself as an example," Gowdy said. "I have never sought to raise a single penny on the backs of four murdered Americans."

For right now, the NRCC doesn't appear to be backing down.

"The Obama administration has not been honest with the American people with regards to the security failures in Benghazi, which left four Americans dead," said NRCC spokeswoman Andrea Bozek. "Our goal is to hold Democrats in Congress accountable who vote against creating the select committee on Benghazi and who continue to try to sweep this controversy under the rug."

[From POLITICO, May 7, 2014]

REPUBLICANS STICK WITH BENGHAZI CASH GRAB

(By Byron Tau and Katie Glueck)

Republicans have no intention of listening to Trey Gowdy.

A number of Republican candidates and conservative groups have openly used the Sept. 11, 2012, attacks in Benghazi, Libya, as a cash grab. And that's likely to continue despite a strongly worded rebuke from the new chairman of the Republican select committee assigned to investigate the response to the attacks.

Gowdy, a South Carolina Republican, commented on MSNBC Wednesday that he and fellow Republicans should not fundraise off "the backs of four murdered Americans"—creating a new standard by which the party can be judged and opening the GOP up to charges of past, present and future hypocrisy.

That's put the party in an awkward spot. Republicans on Capitol Hill are eager to lend the looming committee investigation into the murder of four Americans an air of sobriety, dignity and seriousness. But political strategists are eager to mobilize the GOP base and amp up grassroots fundraising by capitalizing on the base's outrage over how the Obama administration handled the attacks.

The 2012 consulate attack and accusations of a White House cover-up are catnip for grassroots donors and activists. And Benghazi—and the select committee assigned to investigate it—is a key part of the GOP fundraising and mobilization strategy. This week, the National Republican Congressional Committee rolled out a new fundraising campaign called "Benghazi Watchdogs"—an effort by the aiming to raise money off Gowdy's new position. Publicly available domain registration data shows that the site was registered Tuesday.

Other fundraising solicitations about Benghazi include:

A fundraising page from the NRCC with a photo of Obama and former Secretary of State Hillary Clinton, accompanied by big bold text proclaiming: "Benghazi was a coverup. Demand answers."—and asking for donations of up to \$500.

A May 2 blog post from the National Republican Senatorial Committee titled "Dude. You're Being Lied To About Benghazi." The post was in response to former White House spokesman Tommy Vietor's appearance on Fox News last week where he used the line "Dude, that was like two years ago." It concludes: "Americans deserve the truth about Benghazi and it's clear Democrats will not give it to them. Donate today and elect a Republican Senate majority."

A May email blast from the conservative nonprofit Special Ops OPSEC Education Fund that asks for an "immediate contribution" of \$25, \$50, \$100 or more to "hold Obama and Hillary's feet to the fire until justice is done."

A January email from Sen. Ted Cruz (R-Texas) in the aftermath of the State of the Union noting that Obama "failed to mention Benghazi, the IRS, or the NSA" and asking for donations.

A John Bolton PAC email from April accused Obama, Clinton and former Defense Secretary Leon Panetta of refusing to take responsibility for "leaving Americans to die at the hands of terrorists."

An email from Senate candidate Joe Miller saying that there is "strong evidence that senior administration officials crafted a false narrative for purely political purposes."

An email this week from Rep. Scott Rigell's (R-Va.) campaign asking for "\$5, \$10, \$20, or \$50 to help keep him in Congress and hold the Administration accountable" that also asks "Why didn't the military respond to the events in Benghazi? Were there even military assets in the region available? If not, why not? Who made the decision not to send support? House Republicans are committed to finding out the truth about Benghazi."

An email from House candidate Andy Tobin accusing Obama of "covering up vital information about what happened that night" and asking for donations.

Conservative pundits and former politicians like Mike Huckabee, Allen West and others have sent emails to their lists, according to the liberal watchdog group Media Matters.

Brad Dayspring, a spokesman for the NRSC, said that there hasn't been a coordinated effort from the committee to fundraise off of the issue, even though his committee wrote a blog post with a fundraising solicitation about the hearings.

"Part of politics is fundraising. I think fundraising is a separate activity than calling attention to important issues," he said in an interview. "Benghazi is going to be a topic of discussion because it deserves answers, and I think it's important for both candidates and elected officials to discuss it."

GOP strategist Rick Wilson said that while fundraising off of such a sensitive topic needs to be done within the "bounds of propriety," candidates on both sides of aisle aren't hesitant to try to turn the "story du jour" into donation pitches, especially when seeking to round up small-dollar contributions.

"It's a tragedy, a serious national security question that has to be resolved, and the administration owes answers," Wilson said of Benghazi. "On the other hand, you're going to see people on both sides use it to build mailing lists, build name ID, fundraising lists, etc. There's a base level of inevitability."

Democrats pointed to both the committee itself and the fact that it was being used as a fundraising ploy as evidence that the entire investigation was a political farce.

Chris Lehane, a veteran Democratic strategist, said that Republicans fundraising off of Benghazi could easily overplay their hand.

"At the end of the day you're dealing with an issue that was a tragedy," he said. "From a political perspective, that's raising money from a situation where people representing our government were killed. It's a politically perilous, treacherous thing to do."

In a general election, he said, a Democrat could easily dismiss such a Republican as "playing politics with people's lives."

White House Deputy Press Secretary Josh Earnest on Wednesday jabbed the NRCC for its fundraising efforts.

"I think that the fact that the National Republican Congressional Committee is raising money off the creation of this committee is a pretty good indication of the political motivation that's at work here," he said aboard Air Force One.

And Republicans aren't the only ones to use national tragedies for fundraising or list-building.

The nonprofit Organizing for Action has come under fire several times for using gun-related events to build their email list—sending emails on the anniversary of the Newtown shooting and the day of the Navy Yard shooting.

Republican officials defended their tactics as giving voters answers to pressing questions.

"The Obama administration has not been honest with the American people with regards to Benghazi, and if Nancy Pelosi becomes speaker the American people will never know the truth. Our goal is to hold Democrats in Congress accountable who vote against creating the select committee on Benghazi and who continue to try to sweep this controversy under the rug," said NRCC spokeswoman Andrea Bozek.

Ms. SLAUGHTER. Additionally, reports today from a prominent journalist say that Mr. BOEHNER himself says that he will not try to stop the fundraising.

The majority is demonstrating without a shadow of a doubt that like the many, many votes we have taken trying to kill health care, this is a political move. That is the most crass and awful thing to do to the families of these four people who died. We keep over and over rubbing salt into that awful wound by bringing this up over and over. And how do you think they feel now knowing what this game is about in the House of Representatives?

I am appalled the majority would use these deaths for political gain and political money when what the families of the victims and Americans want to do is to ensure it never happens again. But we are doing nothing in the world to ensure that.

Not only is the majority disregarding the bipartisan findings, but their own process is so wrought with error, partisanship, and deception that leaders in their own party are calling foul.

The Oversight Committee has produced several witnesses of dubious quality, but the most recent one is a brigadier general, to testify about the minority, and the minority was only give his name and had no way—we didn't have any address or anything else—to even verify his credentials.

□ 1300

We are indebted to Congressman BUCK MCKEON, Armed Services Committee chairman, who discredited this witness by calling Brigadier General Robert Lovell an unreliable witness and criticized Lovell's assertion that the State Department was not quick to deploy troops to respond to the 2012 terrorist attack in Libya. Lovell testified Thursday before Issa's oversight panel.

Congressman MCKEON stated:

Brigadier General Lovell did not serve in a capacity that gave him reliable insight into operational options available to commanders during the attack, nor did he offer specific courses of action not taken.

MCKEON added:

The Armed Services Committee has interviewed more than a dozen witnesses in the operational chain of command that night, yielding thousands of pages of transcripts, emails, and other documents. We have no evidence that State Department officials delayed the decision to deploy what few resources DOD had available to respond.

How tragic is that? How tacky is that? How beneath the dignity of the House of Representatives is that?

I have an amendment to this resolution based on a simple premise that, if this thing is going to be put together and funded, that it really does some kind of work bipartisanship, which would be really strange in this House, but the idea of having another committee to try to get different results from all of other committees and all of the other hearings with the results they have had really is a foolish waste of time.

Our amendment makes membership on the committee equally divided between Republicans and Democrats. We know already that is not going to happen.

It guarantees the minority signoff on subpoenas and depositions—no such luck.

It guarantees equal distribution of money, staffing, and other resources of the committee.

It requires the committee to establish written rules—that would be a good one—specifically including rules concerning how documents and other information may be obtained, used, or released.

It guarantees equal access to evidence and materials of the committee and perhaps can identify witnesses who are going to be coming before the committee.

It provides for transparency of the committee's expenditures and budgeting.

It ensures that a quorum for taking testimony or receiving evidence includes at least one minority member.

Finally, it ensures that the majority has a say in decisions about extended questioning and staff questioning of witnesses.

Mr. Speaker, it is shameful what is happening here today. People, not just persons right now, but I believe that future historians looking at the setup of this committee will be appalled, as all of the rest of us are on our side, that to make use politically and financially of the tragedy of the loss of four brave Americans is beneath contempt.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, the Rules Committee is the committee that meets upstairs. We decide what legislation will come to the floor. In this case, the House Rules Committee has original jurisdiction over this bill, but the Rules Committee is made up of specialists, of experts across this Congress, not only on the Republican and Democrat side, but people who represent people back home who hear from and want to know about the effects that Congress does and about the daily impact.

One of those Members comes with vast experience and comes to us as former chairman of the Foreign Affairs Committee. She is a person who is well respected and thoughtful.

More importantly, she was on duty as the chairwoman at the time Benghazi occurred, and we are delighted she is on the Rules Committee. She has brought incredible integrity and insight into this matter.

At this time, I yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank Chairman SESSIONS for his inspiring leadership on the Rules Committee on every issue, but most especially as he spearheaded the creation of this select committee on Benghazi to examine what happened, what led to this attack, and what has happened since. Thank you for your leadership, Chairman SESSIONS.

Mr. Speaker, I stand here to fully support this measure, but it really is unfortunate, it is sad, it is tragic that it has come to this. We shouldn't have to be here today debating the rule and, later, the underlying resolution on having to form a select committee to be able to get to the truth about what happened on that tragic day and night of September 11, 2012; but, unfortunately, our patience has been sorely tried, so here we are.

The administration has, for nearly 2 years now, been stonewalling and obfuscating, anything it can do, to avoid letting the truth out about that tragic terrorist attack in our consulate in Benghazi, Libya.

As chairman of the Foreign Affairs Committee at the time of the attack, as Chairman SESSIONS has pointed out, I know, perhaps as well as any of our colleagues, just how much the administration has been trying to protect this false narrative and President Obama, the narrative that Libya was a political success. Repeated requests for more protection were ignored.

When the Accountability Review Board report was released, I planned on convening a hearing to examine the assessment and the recommendations; but in true stalling fashion, the State Department did not release the report to us until about 8:30 p.m., just a few hours before our hearing was set to begin.

Then, of course, there was a new song and dance every time we tried to secure a date for Secretary Clinton to come before our House Foreign Affairs Committee to testify.

We would even have taken any administration official, for that matter. It took 3 months for the administration to provide us with witnesses, and it did not provide Secretary Clinton to our committee until the following year.

This is not the moves, Mr. Speaker, of an administration that had planned on being the most transparent in history. In fact, this administration has been anything but transparent, as we have seen with the emails, having been the latest revelation in the never-end-

ing attempt to avoid telling the American public the full truth about what happened, what was the lead up to the terrorist attack, what happened during the many hours of that firefight, and what happened to all of those documents afterwards.

That is why, Mr. Speaker, we need this select committee, to get the truth out there for the American public, so that we can have an open and honest debate about what happened on that fateful day and to ensure that we can do everything in our power to prevent another terrorist attack like this from happening in the future.

Let's remember these names, Mr. Speaker: Ambassador Chris Stevens, Information Officer Sean Smith, and former Navy SEALs Tyrone Woods and Glen Doherty. These are names that the American people need to remember each and every day.

Mr. Speaker, some folks have mentioned the fundraising aspect of this Benghazi investigation, and that is rather sad and pathetic to bring that up, but it is interesting because I was reading a newspaper article.

The SPEAKER pro tempore (Mr. MEADOWS). The time of the gentlewoman has expired.

Mr. SESSIONS. I yield 2 minutes to the gentlewoman.

Ms. ROS-LEHTINEN. It is interesting that this says that the Democrats are fundraising off GOP fundraising off Benghazi. It is a very interesting article, and I hope that all of our colleagues will look at it.

It is an article, and it says:

Contribute now, Democrats 2014.

I am not pointing fingers and calling names; but if we are going to get blamed for something, I think that there is enough blame to go around. To sensationalize this and to fundraise off it, this is something some groups are trying to do, but I believe that the pot is calling the kettle black.

Mr. Chairman, thank you for your respected leadership on this issue. The American people deserve to know the truth. We must not keep promoting a false narrative. Libya was not a political success. Libya continues, to this day, to be a tinderbox waiting to explode.

Terrorist groups are all over the place. Let's not ignore the facts on the ground. Let's get to the truth about what happened to Benghazi, and having this select committee is a way to get to the truth—pure and simple—no politics.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY), the ranking member of the Oversight and Government Reform Committee on Government Operations.

Mr. CONNOLLY. Mr. Speaker, I thank my dear friend, the former chairman of the Rules Committee, LOUISE SLAUGHTER from New York.

I rise in strong opposition to the rule and the underlying resolution, H. Res. 567. The majority's obsession with keeping Benghazi conspiracy theories front and center through the midterm elections, despite the fact that Republicans have held 10 Congressional hearings already, nine classified Member briefings, and 16 Intelligence Committee oversight events on the Benghazi attack, despite those 35 congressional proceedings here in the House alone on Benghazi, the most astonishing information to emerge has been the striking level of disinterest exhibited by certain Members of the majority with respect to posing substantive questions that actually might inform efforts to enhance the security of American personnel abroad.

In fact, the independent Accountability Review Board of Admiral Mullen and Ambassador Pickering, two of the most respected civil servants in our lifetimes, as well as the report of the Republican majority-controlled House Armed Services Committee, have thoroughly vetted and debunked the outrageous and irresponsible Benghazi conspiracy theories that may make for good Republican fundraising, but disgracefully slander the service and dedication of public servants in the military and diplomatic corps.

In a USA Today op-ed published yesterday, my friend, Mr. GOWDY, from South Carolina asked:

Was our military response during the pendency of the siege sufficient?

To save us all the time and resources that the Speaker now apparently plans to spend on his proposed partisan show panel, respectfully, I would recommend that my colleagues pose that very question to the esteemed Republican chairman of the House Armed Services Committee who stated last week:

The Armed Services Committee has interviewed more than a dozen witnesses in the operational chain of command, yielding thousands of pages of transcripts, emails, and other documents. We have no evidence that the Department of State officials delayed the decision to deploy those resources available to the DOD to respond.

With their one-sided partisan select committee, we will not further an investigation or get at the truth the gentlewoman from Florida (Ms. ROS-LEHTINEN) talked about.

We will reveal nothing new; rather, we will do our great Nation a grave disservice in continuing to perpetuate myths and conspiracies that cloud a simple, painful truth: the attack on Benghazi was a tragedy perpetrated by jihadist terrorists—not by foreign diplomats, not by U.S. diplomats.

There was no coverup. There was no soft-pedaling of this act of terror, not by the President, not by the Secretary of State, not by the Secretary of Defense, nor our Intelligence Committee; and to suggest otherwise is a great slander.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield an additional 1 minute to the gentleman.

Mr. CONNOLLY. Instead, Republicans on the Oversight Committee remain obsessed with recycling tired and worn talking points in a cynical attempt to fire up the GOP base before the midterm elections this November.

Unfortunately, the regression into crass demagoguery has real world consequences, Mr. Speaker. Our country's diplomatic corps cannot operate effectively if we lock them in fortresses and prevent them from engaging in foreign nations because there might be a risk.

The reality is that striking the right balance between necessary security and effective diplomacy is an inherently complex and daunting challenge for our foreign service every day, everywhere.

As Ambassador Pickering and Admiral Mullen accurately stated in their review report:

No diplomatic presence is without risk, and the total elimination of risk is a non-starter for U.S. diplomacy.

In closing, I would ask my colleagues on the other side of the aisle: Why do they not trust the judgment of this Chamber's foremost military expert, the chairman of the Armed Services Committee, who pronounced himself "satisfied that where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did"?

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield an additional 1 minute to the gentleman.

□ 1315

Mr. CONNOLLY. We probably couldn't have done more than we did.

Those are the words of our colleague from California, the chairman of the Committee on Armed Services.

I urge all Members to oppose this cynical, exploitative, partisan ploy that is not worthy of this House.

Mr. SESSIONS. I yield 5 minutes to the gentleman from Lewisville, Texas (Mr. BURGESS), a member of the Rules Committee.

Mr. BURGESS. Mr. Speaker, I thank you for the recognition. I thank the chairman of the committee, the distinguished Texan, for yielding me the time. I certainly thank him for his confidence in me in allowing me to be on the Rules Committee this past year and a half.

Mr. Speaker, it is now nearly 2 years, an administration that ran on the concept of transparency but now only functions in opacity. We heard from the administration on September 12 of 2012:

We will not waiver in our commitment to see that justice is done for this terrible act. And make no mistake, justice will be done.

It seems strange now, almost 2 years later, to think on those words. That seemed like a sincere promise. The American people believed that promise that was made just days after the attack. If then we could have known that 19 months later the President's press secretary would stand before the White House press corps and laugh about the event and call it a conspiracy theory. I don't think we would have believed it if someone had told us what the future held, but sadly, that is the state of affairs today.

Here we have a tragic event against our Ambassador, against American citizens, and the darned thing has nearly become a cold case because of the refusal of the White House to prioritize anything related to the investigation except for their own bizarre political spin about what happened.

Mr. Speaker, we have been forced to look into the anguished faces of the victims' families and tell them that we have not been able to find answers for them about the attack, the attack that killed their sons. We have an entire Caucus that has threatened to boycott an investigation that they have simply dismissed as political excess. It is not political excess to those families, Mr. Speaker.

In turn, we as a Congress must do everything in our power to do what the President said, what the President stated back in 2012: to ensure that justice is done for this terrible act. The only way to deliver that justice is to establish the select committee.

This is another step in what has become a very long process. I urge my colleagues to support the rule and support the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the distinguished gentlewoman, the ranking member on the Rules Committee, and my friend, the distinguished gentleman from Texas, for the hard work that the Rules Committee engages in.

I think the first comment that I would like to make is what we have been making, Ms. SLAUGHTER, throughout this process, is our deep and abiding sympathy for the Americans who lost their lives in the name and in the duty to this country. I don't think there is a divide on that issue.

I would take a different perspective from a cold case. This is a hot and ongoing case that has been investigated and has evidenced individuals whom I would believe that, in any other instance, my friends on the side of the aisle would hold to the integrity of their representation.

One hundred years of military experience testified on the question of Benghazi, I believe, in the Committee on Armed Services. We have heard over and over from those in the State De-

partment. We have had conclusions on the question of coverup, and we have seen nothing pointed to the administration to do so.

I think the issue today is a question of fairness. That is what Democrats have always stood for. I have watched my leaders through the endless investigations, starting from Waco and the impeachment process, and I can almost say—maybe I should even say that I come from a district where the Honorable Barbara Jordan served. She was on the Watergate Committee and the impeachment process as a member of the Judiciary Committee. I remember her posture on that committee and holding up the Constitution. As a Texan, as a Democrat, we admired that. That is the premise upon which I believe we should be looking at this process.

As I read this resolution, I am troubled, Mr. Speaker, because if we are going to do fairness and if we are going to reach a level of ethical respect, then there is a concern. We need an amendment, because this follows the rules of the House, which means that the chairman is solely given and ceded the authority—that means he or she could—of subpoena power. That does not rise to the level of fairness.

Now, someone refuted our leadership's request for a bipartisan, even-numbered committee and cited that the only committee that is even-numbered is the Committee on Ethics, and they are right, Mr. Speaker. We want this to be an ethical, fair, responsibly, constitutionally grounded committee investigation report, because the committee is unending. It will end only 30 days after the completion of its work; therefore, it can go on and on and on. The question is will the American people see fairness.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield the gentlewoman another minute.

Ms. JACKSON LEE. Mr. Speaker, what we want them to see, if we truly honor those dead Americans that died in the line of battle and duty, then we need the kind of face to the American people that balances the subpoena power so that we all—meaning Republicans and Democrats who are on that committee, if that committee is finalized—can responsibly question witnesses, and that the issue will not be the committee in its process, but it will be the fairness, it will be the Constitution, it will be the dignity and honor we give to those who have fallen.

I ask my friends on the other side of the aisle, we can waive the point of order, amend this on the floor of the House to give a balance to this committee, to add the balance that our leadership has asked for, the fairness that our leadership is asking for, give the subpoena powers in a balanced manner, pay tribute to those who have honored this Nation by being willing to stand in the line, in the eye of fire.

I conclude simply by indicating we are the people of this Nation. Respond to our concerns. And I ask my colleagues to reject this rule and the underlying bill.

Mr. Speaker, I rise in opposition to the rule for H. Res. 567, which establishes a Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi.

I oppose this resolution because it is a distraction, intended by the House Republicans to divert public attention from their failure to address the problems Americans care about like creating jobs, raising the minimum wage, passing immigration reform, and extending unemployment insurance benefits to the long-term unemployed.

Mr. Speaker, instead of working with Democrats to address the priorities of the American people, Republican leaders are gearing up to exploit the tragic attacks in Benghazi with another deeply partisan review.

There have already been seven reviews of that terrible attack: one by the State Department Accountability Review Board, two bipartisan reviews in the Senate, and four reviews in the House—producing more than 25,000 documents and dozens of interviews with high-level officials throughout the government.

Mr. Speaker, responding to endless, repetitive and partisan congressional requests has cost the Department of Defense and other agencies thousands of man-hours and expenses running “into the millions of dollars,” according to Assistant Secretary of Defense for Legislative Affairs Elizabeth King.

Throughout these reviews, Republican Members have made numerous accusations in public that have turned out to be untrue after further investigation, undermining the credibility of their investigations and the House.

Mr. Speaker, our colleagues across the aisle have shown no interest in making the Select Committee on Benghazi any different from the extreme and counter-productive partisanship that has defined their previous investigations into the Fast and Furious and the IRS, and their dogged efforts to hold the Attorney General in contempt of Congress.

For example, in the resolution establishing the committee, Republicans stack the committee with seven Republicans to Democrats’ five, and explicitly exempt the new committee from adopting written rules.

From the pointless vote to hold former IRS official, Lois Lerner, in contempt, to the latest committee on Benghazi, it is clear that Republicans will do anything to divert attention away from their do-nothing record.

Mr. Speaker, the American people deserve better. They want and deserve for us to work together to solve the real problems facing our country.

I urge my colleagues to reject this rule and vote against the underlying resolution.

Mr. SESSIONS. Mr. Speaker, I yield myself 15 seconds.

Members of Congress who attend hearings and heard the testimony yesterday should not mislead the American people by their statements on the floor as the gentlewoman from Texas did.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from

Colorado (Mr. POLIS), a member of the Committee on Rules.

Mr. POLIS. Mr. Speaker, my good friend from Texas (Ms. JACKSON LEE) just talked about how we have proposed that this be a balanced committee like the Ethics Committee. That was done with regard to another special committee, in fact, the bill that was sponsored by current Speaker, then-minority leader, JOHN BOEHNER in the 110th Congress.

They set up a special committee with regard to voting irregularities. They had an equal balance between Democrats and Republicans to remove any taint of partisanship from the proceedings. That would be a welcomed change, but again, that was not even allowed to be discussed under this rule.

Another language of concern in the underlying bill which we tried to address in the Rules Committee but unfortunately were voted down is that this bill allows for such funds that are needed to be appropriated for this purpose. We were not even presented with any cost estimates for this committee.

On the committee, it was noted that Kenneth Starr’s investigation of then-President Clinton cost in excess of \$80 million. We simply don’t know if this is a \$1 million, a \$10 million, a \$50 million, or a \$200 million endeavor; nor were we allowed to even allow for a vote our very simple bipartisan proposal to pay for this bill, which would have been to allow a vote on H.R. 15.

H.R. 15, which is a bill that has bipartisan support, has already passed the Senate by more than two-thirds, would pass as a pay-for if brought to the floor of the House, actually generates over \$200 billion. Even if this select committee were to spend hundreds of millions of dollars, if we were able to include immigration reform as a way of paying for it, it would still reduce the deficit by \$199 billion or more.

We weren’t even allowed an up-or-down vote on that topic. In the spirit of bipartisanship, I offered to support the establishment of the select committee if we could establish immigration reform as the way of paying for this. Unfortunately, despite support from both sides of the aisle in committee, we were, nevertheless, voted down.

I want to be clear that the issue of immigration reform will not go away. We will continue to offer it as a way of paying for various bills. I hope that a discussion is allowed about how to pay for this committee, and that is why I oppose the rule.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. ENGEL), the distinguished ranking member of the Committee on Foreign Affairs.

Mr. ENGEL. Mr. Speaker, I thank my friend from New York for yielding me this time.

I rise in strong opposition to both the rule and the bill. It is really a political charade and a pointless attempt to find a scandal that simply doesn’t exist.

What happened in Benghazi in September 2012 was a tragedy. The loss of those four Americans broke our hearts, and it reminded us that diplomacy can be dangerous work and that we need to do all we can to protect those who represent our country around the world.

What have we seen from certain members of the majority since that day? Partisan games. And this select committee would be nothing more than the next chapter in this political farce, just in time for the midterm elections and with 2016 peeking over the horizon.

What is it exactly that my colleagues are after? After the attack in Benghazi, we all wanted answers: What happened that night that led to the death of Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty? Where did we fall short in protecting our people, and who was responsible? What could we do to make sure something like this wouldn’t happen again?

Well, an Accountability Review Board led by Ambassador Thomas Pickering and Admiral Michael Mullen, two men with seriousness of purpose and no partisan agenda, helped answer those questions. They found serious management and leadership failures at the State Department. Bipartisan reports from the Senate Homeland and Intelligence Committees supported those findings.

Former Secretary of State Hillary Rodham Clinton sat before committees in both Houses and took full responsibility. She and her successor, John Kerry, have said over and over again that the State Department is implementing all of the recommendations of the Review Board.

That didn’t satisfy some of my friends on the other side. They started moving the goalpost, and so began this long, costly exercise. They tried to tie Secretary Clinton directly to the security failures that led to this tragedy, but that didn’t turn up anything. Then they floated the idea that our military was told to stand down in the moment of greatest need in Benghazi. Even the Republican chairman of the Committee on Armed Services said that claim had no merit.

Since there is no wrongdoing to be found with respect to the actual attack, now we are focused on the talking points and the so-called coverup. I ask again: What is it my colleagues are after? What is allegedly being covered up?

At the time the attacks took place, American Embassies from Southeast Asia to the Middle East, to North Africa, to England were surrounded by protestors angered over an anti-Islamic video. In Egypt, our Embassy was stormed.

So as the fires in Benghazi were still burning and the air was thick with

smoke, the CIA's assessment was that the attack was the result of a spontaneous protest. They were wrong. In the days that followed, they corrected that mistake, confirming that the attack was a deliberate and organized terrorist attack carried out by extremists.

In the days after the attack, these protests in the region were still raging. Some of them were violent. In Yemen, additional marines were deployed to protect our personnel. The latest conspiracy theory centers on an email sent at the time. In context, it is clear that Ben Rhodes, the Deputy National Security Adviser, was concerned about protecting Americans amid a volatile climate around our diplomatic facilities all over the world.

Those who want to create a scandal where none exists call this a smoking gun. That is not much to go on. Nevertheless, after more than a year of turning up nothing new, my colleagues want to create a new committee with sweeping powers, a broad mandate, and no fixed timeline for producing any sort of report.

When I heard of the terrible idea to create this special committee, I could not help but think of Iraq where, not four, but 4,000 Americans died. My Republican colleagues conducted virtually no investigations into that tragedy based on a lie. They set up no committees to uncover the truth behind the phony intelligence, the torture, the secret prisons, or the spin about how Iraqis would greet us with flowers. Nothing.

So I have to ask a final time: What is it my colleagues on the other side are after? I think the answer is pretty clear. They are after a political win. They want to tear down leaders in the Democratic Party and raise money for their campaign committees, and they are willing to politicize the deaths of four Americans to do it.

□ 1330

Our constituents aren't interested in this. They want us to do our jobs, not waste millions of taxpayer dollars on a fabricated scandal.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield an additional 30 seconds to the gentleman from New York.

Mr. ENGEL. Let's do what they sent us here to do. Let's protect our diplomats and development experts. Let's work to create jobs and shore up our crumbling infrastructure. Let's fix our immigration system and promote energy security. Let's vote "no" on this resolution and get back to governing.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Colorado will control the time.

There was no objection.

Mr. POLIS. I would like to inquire if the gentleman has any remaining speakers on his side.

Mr. SESSIONS. In fact, I do not.

Mr. POLIS. Then I am prepared to close.

Mr. Speaker, I would like to inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Colorado has 8 minutes remaining.

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

As we have seen time and time again, sadly the Republicans are taking an unspeakable tragedy—the death of four brave American citizens—and turning it into a partisan talking to the point of selling membership to become Benghazi investigators on a partisan Web site rather than engaging in a bipartisan process to get to the root of the matter.

The families of those who died deserve more than that. They deserve that Democrats and Republicans work together rather than use their pain for political or financial gain for either party.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to make in order our amendment to ensure that the select committee has a chance to succeed where four previous House investigations have not to ensure that we have a full, accurate, and objective accounting for the American people of the events in Benghazi. By ensuring equal representation, equal resources, and equal say over the use of subpoenas and depositions, we can fulfill our obligations to our Nation and to our institution to ensure that we get to the bottom of this matter for the American people.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, we and my colleagues on the Rules Committee have tried to make this process work. We tried to propose a bipartisan way of paying for these efforts, we tried to propose a balanced way for this committee to go about its business. But at every turn we were shot down. That is why I ask my colleagues on both sides of the aisle who care about honoring those who lost their lives, who care about getting to the bottom of the events, join me in opposing this rule and defeating the previous question so that we may begin a process that has the confidence of the American people rather than just speaks to one partisan base or the other.

The American people deserve this institution acting at its best with regard to this matter, Democrats and Republicans acting in concert, both enjoying the power of subpoena, the ability to

schedule witnesses, equal resources on the committee, so we can have a full, objective, and hopefully unanimous account of the events.

That should be the goal of the legislation. Under this rule, we are not even allowed to discuss our proposals to ensure equal representation on this committee. We are not allowed to discuss our proposal to pay for the proceedings under this bill with a bipartisan bill that passed the Senate with more than two-thirds.

This is a closed process that, frankly, Mr. Speaker, risks losing the faith of the American people in the outcome of this process. I fear, Mr. Speaker, that whatever the outcome of this process, if it moves forward, will fall on deaf ears of the American people because they will know that there was not an institutional commitment to being objective, there was not an effort to reach out in a bipartisan manner to find the truth, there was not a bipartisan effort to even pay for the costs of this investigation or this bill or contain or estimate those costs in any way.

Mr. Speaker, I strongly urge my colleagues to defeat the previous question so we can get this process right. I urge my colleagues to vote "no" on the previous question, "no" on the rule, and "no" on the underlying resolution.

I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

There is an old saying that the closer to the target you get, the more flak comes up. While that is probably a naval or an Air Force term whereby pilots who are on their duty know when they are getting close to the real target, Mr. Speaker, we are getting closer to the real target.

The facts of the case are really pretty simple. There is no gag order involved here. We spoke last night and yesterday in a very open, probably several-hour meeting on original jurisdiction at the Rules Committee. I was very open with the members of the committee. I told them, which has not been expressed today, that the last day of the 113th Congress this investigation, if it is still going on, would have to be reauthorized by the next Congress. It is not like there is a never-ending date. As a matter of fact, we say in the original jurisdiction that 30 days after the completion of their report this select committee would go away.

Secondly, we spoke very openly about not having new money available, but rather the money that was originally given to the House of Representatives for the purposes of running the House. The Speaker of the House would have to make sure that this committee operates within what we had originally asked for. There are not unlimited amounts of money. And to suggest as has been done on the floor, up to \$200



million to run this investigation, that simply would not be truthful.

Mr. Speaker, the closer to the target we have gotten, we have found that the Obama administration is trying to do everything they can to keep the United States House of Representatives and the committees from doing their job to try and misdirect us, to try and trick us, to try and fool us, to try and redact information that did not fall under a national security title but rather was to politically save them from what might be an embarrassment.

What are some of those embarrassments? Well, some of the embarrassments would be: Why didn't the State Department understand on September 11 of any year why you probably do not conduct official operations, especially in a dangerous area? That might be one question.

Another question might be: Who is it that said no? We have heard that there are serious flaws in the State Department. We already knew that. The former Secretary of State has numerous investigations that have revealed inadequacy all the way to the top of the State Department when Hillary Clinton was Secretary of State.

But what we are about here is to get to the bottom of it, to effectively get this done, to report to the American people, and they, Mr. Speaker, will see exactly why this was done, because the oversight responsibilities of the House of Representatives were done at the highest levels of this House. And by the way, we will read the bills before we pass them, we will understand the facts of the case and be able to explain them, and, more importantly, the Speaker of the House of Representatives will be in support of the American people knowing the truth.

Mr. Speaker, thank you for allowing the Rules Committee to bring forth its rule today to talk about this important, not just intelligence operation and national security and State Department and military operations, but to be able to say that the confidence that the American people have in the brave men and women who represent America—that we will never leave them on the battlefield alone in hours of firefights without a backup position of knowing that the next sound you hear will be the United States Navy or the United States Air Force coming to aid the men and women who are in harm's way. That is the bottom line to this: an apology, not just stating a mismanagement, based upon the facts of the case.

Mr. Speaker, I urge my colleagues to vote "yes" on the resolution and "yes" on the underlying legislation. I believe what we are doing today is an honorable day for the American people, and I am proud to be here as an American, as a Member of Congress, saying we will get to the bottom of this, it will be done quickly, and it will be done effi-

ciently, and the American people can then make their decisions and us move on, knowing that we will support the men and women who wear the uniform.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 575 OFFERED BY  
MS. SLAUGHTER OF NEW YORK

Strike "except" and all that follows and insert the following:

"except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; and (2) the amendment specified in section 2 of this resolution if offered by Representative SLAUGHTER of New York or a designee, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question."

At the end of the resolution, add the following new section:

SEC. 2. The amendment referred to in the first section is as follow:

Page 1, lines 9 and 10, strike "after consultation with" and insert "on the recommendation of".

Page 4, strike lines 15 and 16 and redesignate accordingly.

Page 4, line 22, after "Select Committee", insert ", including one of the members who was appointed to the Select Committee after consultation with the minority leader under section 2(a)."

Page 5, line 3, strike "chair of the".

Page 5, line 7, before the period, insert ", only upon an affirmative vote of the majority of its members or with the concurrence of the ranking minority member".

Page 5, lines 8 and 9, strike "upon consultation with" and insert "with the concurrence of".

Page 5, line 16, before the period, insert ", and shall be taken only upon concurrence of the ranking minority member".

Page 5, line 18, strike "after consultation with" and insert "with the concurrence of".

Page 6, after line 3, add the following new subsections:

(d) All Members of the Select Committee shall have equitable and timely access to all evidence and other material received by the Select Committee.

(e) The Select Committee shall adopt written procedures governing how documents and other information may be obtained, used, or released by the committee or any members or staff of the committee.

Page 7, after line 11, add the following new subsections:

(d) The chair and ranking minority member of the Select Committee shall receive equal allotments of resources for the expenses and staff necessary to carry out this resolution.

(e) A complete report of the expenditures of the Select Committee shall be made available to the public on a monthly basis.

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.



The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would inform the House that, pursuant to House Resolution 574, the Speaker has certified to the United States Attorney for the District of Columbia the refusal of Lois G. Lerner to provide testimony before the Committee on Oversight and Government Reform.

#### PROVIDING FOR CONSIDERATION OF H.R. 10, SUCCESS AND OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS ACT; RELATING TO CONSIDERATION OF H.R. 4438, AMERICAN RESEARCH AND COMPETITIVENESS ACT OF 2014; AND FOR OTHER PURPOSES

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 576 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 576

*Resolved*, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 10) to amend the charter school program under the Elementary and Secondary Education Act of 1965. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for

amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. On any legislative day during the period from May 12, 2014, through May 16, 2014—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 3. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 2 of this resolution as though under clause 8(a) of rule I.

SEC. 4. It shall be in order at any time on the legislative day of May 8, 2014, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule XV, relating to the bill (H.R. 4366) to strengthen the Federal education research system to make research and evaluations more timely and relevant to State and local needs in order to increase student achievement.

SEC. 5. The Committee on Appropriations may, at any time before 5 p.m. on Thursday, May 15, 2014, file privileged reports to accompany measures making appropriations for the fiscal year ending September 30, 2015.

SEC. 6. During consideration of the bill (H.R. 4438) to amend the Internal Revenue Code of 1986 to simplify and make permanent the research credit, pursuant to House Resolution 569, the further amendment printed in part B of the report of the Committee on Rules accompanying this resolution shall be considered as adopted.

SEC. 7. House Resolution 569 is amended by striking “90 minutes” and inserting “one hour”.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 1 hour.

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

□ 1345

#### GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, House Resolution 576 provides for a structured rule providing for the consideration of H.R. 10, the Success and Opportunity through Quality Charter Schools Act.

My colleagues on the House Education and the Workforce Committee and I have been working to reauthorize the Elementary and Secondary Education Act; and to that end, the House passed H.R. 5, the Student Success Act, last July.

Our efforts in reauthorization have centered on four principles: reducing the Federal footprint in education, empowering parents, supporting effective teachers, and restoring local control. H.R. 10, the Success and Opportunity through Quality Charter Schools Act, takes a small bipartisan step in the reauthorization process and ensures that local communities have the flexibility needed to meet the needs of their students.

While H.R. 5 is languishing in the Senate, the House remains committed to continuing its work and has broken out the charter school programs as an area of agreement between House Republicans and Democrats.

Despite good intentions, there is widespread agreement that the current law is no longer effectively serving students. My hope is that, after the House passes H.R. 10 this week, our Senate colleagues will follow our lead and will provide the same opportunity to their Members to work together in a bipartisan, bicameral fashion and pass this legislation.

Mr. Speaker, a few weeks ago, I had the opportunity to visit a remarkable public school in Kernersville, North Carolina. In addition to preparing students academically for college, the North Carolina Leadership Academy, a charter school, is publicly committed to giving students “the opportunity to develop true leadership qualities and become creative thinkers and problem-solvers while retaining a sense of responsibility for their families, their community, and their country.”

It was a privilege to spend time with the remarkable students and faculty of this public charter school. I was truly impressed by their commitment to scholarship, by the leadership skills of the students and by the remarkable academic progress that was on display.

All NCLA students in grades 7–12 participate in Civil Air Patrol, a program established by Congress in 1946 that uses military-style uniforms, customs, courtesies, ceremonies, and drill in order to improve students’ leadership skills, fitness, and character.

This program is working. NCLA places a strong emphasis on family involvement, and the level of commitment demonstrated by parents, families, and the Piedmont community at large was impressive.

H.R. 10 will empower States and local communities to replicate the success of high-quality charter schools like NCLA and encourage choice, innovation, and excellence in education. I urge my colleagues to support this rule and the underlying bill.

I reserve the balance of my time.

Mr. POLIS. I thank the gentlelady from North Carolina for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, we had the opportunity to have a clean rule around a bill that I had the opportunity to work on, along with the gentlelady from North Carolina and with our ranking member and chair, with regards to taking what we can agree on in education, which is reauthorizing the Federal Charter School Program.

We had similar language in both the Republican ESEA reauthorization, as well as in the Democratic substitute. Most Republicans voted for the version that they had, and almost every Democrat, except for two, voted for the Democratic version.

We were able to then work out the very small differences between the two pieces of language with regard to charter schools, present it before the entire House under a reasonable rule that allows for a broad variety of amendments—12 amendments—from both sides of the aisle, many of which improve the bill and some of which I oppose, but which are, by no means, fatal to the bill. The process fundamentally works.

Unfortunately, in this rule, we have now had to alter the way that we are dealing with another unrelated, unpaid-for effort, namely, a bill that could add \$155.5 billion to our deficit because of the extension of the R&D tax credit.

Essentially, under the initial effort, the Republicans failed to waive their statutory PAYGO rules. What that means is that they failed to say: we don't have to pay for this bill. They failed to say: this bill will add to the deficit. In a few moments, my colleague, Mr. VAN HOLLEN, will explain what that means.

What the American people need to know is that this rule prevents Congress from doing fake math, and it essentially acknowledges that the Republican proposal to extend the R&D tax credit would be a deficit buster and increase our deficit by \$155.5 billion.

It takes away any pretension that somehow this bill would be paid for by some other mechanism; so while the amendments allowed in the content of the bill with regard to charter schools, which I will talk about in a moment, are largely noncontroversial and enjoy support from both sides of the aisle, the budgetary pretense that is removed from this bill, which reveals that the Republican proposal on the R&D tax credit increases our deficit by \$150 billion, is a controversial element that now occurs in this same rule.

I now want to talk about the Success and Opportunity through Quality Charter Schools Act. This important bipartisan bill improves and modernizes the Federal Charter Schools Program.

We essentially established a 2.0 version 14 years later, in having learned a lot about what works and doesn't work in the field with regard to public charter schools. We promote equity in opportunity for our students across our country.

I am very pleased and honored that many of the important aspects of the bipartisan bill that I have had the honor to lead, the All-STAR Act, have been included in this underlying bill, as well as almost all of the priorities for the Democrats and Republicans.

When Congress first authorized the Charter Schools Program in 1994, charter schools were very early in their existence. They were an emerging effort to encourage innovation in our public schools.

Public charter schools with the ability to make site-based decisions—and that is essentially what charter schools are, they are public schools with site-based management—now serve more than 2 million students in 42 States and in the District of Columbia.

Sadly, there are over 600,000 students who remain on public charter school waiting lists, unable to attend the schools of their choice.

The promise of public charter schools is that they are free to be innovative when it comes to instruction, scheduling, time-on-task, policies, mission, and hours. Because they have site-based management, rather than being run by a larger entity like a district or a State, they have the flexibility to do what it takes to meet the needs of parents in their communities.

Public charter schools don't charge tuition, nor do they have any entrance requirements, nor are they allowed to discriminate against students on any basis. This bill goes a step further in ensuring transparency and accountability for charter schools to allay the concerns of some on my side of the aisle that they are not fully compliant with many of these areas.

The Charter Schools Program is a crucial lifeline for growing and replicating successful models. Charter school programs are critical to ensuring that every child in this country, regardless of ZIP code or economic background, has access to a free, quality education, which is more important than ever in order for one to succeed in the 21st century.

I am proud to say that H.R. 10, which will be considered under this rule, passed the Committee on Education and the Workforce with a very strong, bipartisan vote of 36-3. This is an example of a bill that has gotten better every step of the way.

A similar bill in the 112th Congress passed overwhelmingly with over 350 votes. Better language with regard to charter schools was included in both the Republican version of the ESEA reauthorization, as well as in the Democratic substitute.

Now, we have a stand-alone bill before us which takes the very best of both, the bill that was in the Republican version and in the Democratic version. It builds on it, and it creates a Federal charter school program that, truly, Democrats and Republicans can be proud of as a legacy for the next decade.

Having founded two innovative public charter schools before I was elected to Congress, I understand firsthand how the freedom to innovate and having the flexibility to pursue a unique mission can truly help serve all kids.

Without the Federal charter school program, many charter schools across our country wouldn't even be able to get off the ground. We owe it to kids who are being underserved or who are unserved today to be able to upgrade this program and ensure it can meet the challenges of the 21st century.

I reserve the balance of my time.  
Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I want to take the opportunity to thank my colleague from Colorado for the work that he has done on charter schools, for understanding the very important nature of charter schools and for bringing his expertise to this issue.

I also want to thank him for acknowledging the bipartisan effort that has gone into bringing this legislation to the floor and for the very good way that we have gone through regular order to bring this bill to the floor. I appreciate that little history that he has given us.

I now would like to yield 2 minutes to the gentleman from Washington (Mr. REICHERT), my classmate and colleague.

Mr. REICHERT. I thank the gentlelady for yielding.

Mr. Speaker, I support charter schools—I want to be clear about that—and I support this bill. However, I also believe that families should be able to choose schools within the public system that best meet their needs.

When it comes to students' education, we definitely know that one size does not fit all. The same is true for charter schools. Different systems work better for different communities.

We agree that it is wrong when the administration forces its vision for education reform on the States through grant programs, like Race to the Top, but that means it is equally wrong when Congress uses grant programs to do exactly the same thing.

This bill seeks to force States to remove existing caps on charter schools by giving priority to grant applications from States that do not have caps.

By doing this, Congress is punishing 20 States and Washington, D.C., whose charter laws have caps, including my home State of Washington.

There may be legitimate reasons these States have caps, but this bill doesn't recognize that. Charter schools

for the sake of having charter schools definitely is not the answer. It won't help students.

That is why I am extremely disappointed that my bipartisan amendment was not made in order. It would have simply removed the provision that punishes certain State-designed charter systems, allowing States to compete equally for grants.

As the voice of the people, Congress should do better than the unelected bureaucrats down the street at the Education Department. Let's start saying "no" to top-down education reform and "yes" to states' rights.

Mr. POLIS. Mr. Speaker, I am proud to yield 4 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), the distinguished ranking member of the Committee on the Budget.

□ 1400

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague.

I want to start by congratulating the bipartisan effort on the charter school bills. I thank Mr. POLIS for his leadership on that. And I wish that was all there was to say about this rule. Unfortunately, it is not.

You might think this rule was only about charter schools. The title is, Success and Opportunity Through Quality Charter Schools Act. But then if you turn a couple pages in, you will find in paragraph 13 a reference to H.R. 4438. That is not the charter school bill. That is what we call the research and development tax credit bill.

So why is it here in this rule on charter schools, and why does it reference part B of the rule in front of us now, which says that the budgetary effects of this act shall not be entered on either the PAYGO scorecard—and it goes on to say some other things?

Well, the PAYGO scorecard has nothing to do with charter schools. It does have something to do with the R&D tax credit. And I want to explain to people what has happened here because it is important that the public know.

Last night, we were scheduled to have the debate on a bill to extend the R&D tax credit law. We were all ready to go, and all of a sudden the debate stopped and the plug was pulled.

And so I have got to say something for a second about this research and tax development credit.

I think the idea of extending the R&D tax credit bill is broadly supported. That is not the issue on the tax credit bill. The issue is a permanent extension that is not paid for.

There are a number of other bills coming out of the Ways and Means Committee. When you add them all up, they add \$310 billion to our deficit. Unpaid for. Put it on our credit card.

It is kind of interesting, Mr. Speaker, because it was only about 3 or 4 weeks ago that here on the floor of this House we had a debate on the Republican

budget and they told us the number one priority was to reduce that deficit. Yet now we have a bunch of bills that say let's put it on the credit card.

And, Mr. Speaker, you know that at the end of the day, we all have to pay when we put it on our credit card.

We pointed out that if you don't pay for it by closing some other special interest tax breaks, like tax breaks for big oil companies, someone else is going to have to pay.

Now what we didn't realize is that the Republican plan as of last night was to pay for the R&D tax credit extension by cutting Medicare, Mr. Speaker. Because their failure to come up with offsets in the bill meant that current law would continue in effect.

In the past, we have turned off the trigger that says it is paid for by a sequester to a number of programs, the biggest being Medicare. But our Republican colleagues didn't turn it off.

So when they decided not to pay for the R&D tax credit in the bill and decided not to turn off the sequester, what they were aiming for was to have Medicare pay for that tax extender and to ask the people who depend on that program to foot the bill for the R&D tax credit.

Well, Mr. Speaker, we blew the whistle on that issue last night. We saw our colleagues go scampering back to the Rules Committee to change it.

We will talk a little later today, but the bottom line is the same. When you put stuff on the credit card, someone pays the piper at the end of the day.

We have proposed paying for it, in part, by closing some of the wasteful special interest tax loopholes in the Code. We think the R&D tax credit is a pro-growth policy, but subsidies to big oil companies; no.

And so, because our Republican colleagues don't want to pay for it in the bill, they are going to increase the deficit. In fact, the rule yesterday waived the rules of the House. Because the R&D tax credit bill was inconsistent with the Republicans' own budget.

The budget that was passed 3 or 4 weeks ago, it is inconsistent with it. Even under the Enron accounting in that budget, it throws it out of balance. Our Republican colleagues need to know that. You are putting it on the credit card. At the end of the day, that means if you are not going to ask Medicare to pay for it, which apparently had been the original plan, you are going to be cutting our kids' education, you are going to be cutting research at places like the National Institutes of Health that try to find cures and treatments for diseases. You are going to be letting the infrastructure of this country come to a halt. In fact, the budget calls for allowing the transportation trust fund to go insolvent.

That is what happens when you refuse to take fiscal responsibility and pay for things.

It was interesting to discover that the plan last night was to allow the Medicare cut to go into effect to pay for it. We are glad we are not doing that anymore.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. VAN HOLLEN. We are glad that after we called attention to that issue, our Republican colleagues realized that it was not a good idea to have an across-the-board cut in Medicare to pay for business tax incentives. We are glad they woke up to that fact.

But the underlying report here is going to remain the same. Putting \$310 billion on the credit card, someone has got to pay. We should take the responsibility in this House to figure out how we are going to do it.

We put forward proposals as to how to do it. Unfortunately, despite having passed a budget a couple of weeks ago, they are now waiving their rules on their own budget for these purposes.

I look forward to the conversation later today.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Yesterday, our Democratic colleagues in the Rules Committee properly notice that had the R&D bill would have inadvertently triggered automatic cuts to other programs to offset the bill. We appreciate the spirit of comity that existed and that brought that to our attention.

H. Res. 576 ensures that the bill operates the way it was intended to operate. It was an inadvertent error. Excluding this bill from the PAYGO scorecard will ensure that other programs are not affected, which is consistent with the treatment of other tax bills.

I would like to point out to our colleagues on the other side of the aisle that the PAYGO amendment made by H. Res. 576 is substantially identical to section 401 of Senator WYDEN's extenders bill, S. 2260, the EXPIRE Act. However, they have failed to point that out.

Statutory PAYGO was created by the Democrats when they controlled Congress. Statutory PAYGO maintains a running tally of the cumulative deficit impact for bills signed into law. If the threshold is exceeded, a sequester is triggered to offset the excess.

When Republicans took control of the House, we adopted a new rule known as CUTGO, which requires that any new direct spending be offset by cuts to other direct spending programs.

We should reduce spending and reform our entitlement programs, Mr. Speaker. House Republicans have shown we are willing to do so, and we earnestly desire a partner in the Senate and the White House to do just that. But we should also grow our economy. This bill will help us do just that,

and we hope we will find partners on the other side of the aisle.

Again, I want to say that the PAYGO amendment made by H. Res. 576 is substantially identical to section 401 of Senator WYDEN's extenders bill, S. 2260, the EXPIRE Act. My guess is my colleagues will be supporting that.

I now would like to turn our attention back to the subject at hand, charter schools, and I yield 2 minutes to my distinguished colleague from North Carolina (Mr. HOLDING).

Mr. HOLDING. I thank the distinguished gentlelady from my home State for yielding me time.

Mr. Speaker, I rise to join my colleagues in supporting this rule to bring H.R. 10, the Success and Opportunity Through Quality Charter Schools Act, to the floor.

Education is a key that can open the door to opportunity, which is important to families across America, and especially those in my district in North Carolina.

Mr. Speaker, we know that a one-size-fits-all approach to education simply never works for students, as students vary greatly in how they learn. Because of this, I believe we should offer students and their parents every possible opportunity to select a school that best fits their individual needs, their goals, and their aspirations. And, Mr. Speaker, neither a student's ZIP Code nor circumstances should determine the educational opportunities available to them.

In my district, North Carolina's 13th District, we have six charter schools that are serving the local communities, in addition to our quality public schools in North Carolina. While developing and expanding the use of charter schools is certainly not the only answer to the education crisis facing our Nation, it is without a doubt a step in the right direction. The rule before us today to bring H.R. 10 up for debate and a vote does just that by offering more choice to parents and students through the expanded use of charter schools.

The Success and Opportunity Through Charter Schools Act will facilitate the establishment of quality charter schools and support innovation and excellence in education. It also makes necessary improvements to charter school programs to encourage States, and those efforts already underway, to expand the use of charter schools.

I want to thank Chairman KLINE and the committee for their hard work, and I urge support for the rule and H.R. 10.

Mr. POLIS. Mr. Speaker, I am proud to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I am very pleased to come and join in an aspect of our bipartisan work that is working for children, and I thank the Education Committee and Mr. POLIS

for their leadership in focusing on the idea that our children need the best education.

I also know the hearts of the Education Committee members and Mr. POLIS in recognizing that public schools are a valuable asset, having been educated throughout my primary and secondary education in public schools. We want to have the opportunity to match excellence with excellence and to ensure that the oversight allows for excellence.

So H.R. 10, the Success and Opportunity Through Quality Charter Schools Act, brings all of this together: respecting teachers, holding children to a higher standard, and giving them the necessary tools.

I am glad that I had an amendment that will be in the manager's amendment that deals with requiring the Secretary to report issues regarding the age, race, and gender at charter schools, and also, the attrition and college acceptance. It has that same requirement for the teachers, as far as teacher attrition. That is important. That is already in the manager's amendment.

I also think more transparency and information to the parents on the Web sites concerning orientation materials, enrollment curriculum, student discipline, and behavior codes adds to this legislation. In that, we can ensure that there will be policies to prevent any bullying or even to have bullying intervention so that our children can have a better quality of life.

This is a holistic approach to educating our children. I believe the underlying bill speaks volumes that our children are our most precious resource. I hope that, as we continue, we will be able to work on other items, such as unemployment insurance and comprehensive immigration reform, because these are ways that we show America that we are working for them.

The SPEAKER pro tempore (Mr. MARCHANT). The time of the gentlewoman has expired.

Mr. POLIS. I yield the gentlelady an additional 30 seconds.

Ms. JACKSON LEE. When we put forward legislation that focuses on the education of our children and the choices that our children can make, balanced alongside of ensuring the lifting of the boats of public education, we are in the right direction.

I am delighted to support this legislation.

Mr. Speaker, I rise to speak during the House's consideration of the Rule for H.R. 10, the "Success and Opportunity through Quality Charter Schools Act."

The Success and Opportunity through Quality Charter Schools Act would revise the Charter School Program and the Public Charter Schools of the Elementary and Secondary Education Act of 1965.

The rule before the House will pave the way for the consideration of a legislative proposal

that consolidates two existing federal charter school programs into one:

The Charter School Program, which supports grants for charter school developers to open new charter schools. The program also provides funds to disseminate best practices and provide state facilities aid to charter schools.

The Charter School Credit Enhancement Program assists charter schools in accessing better credit terms to acquire and renovate facilities to operate a charter school.

The rule will allow the consideration of the bill that will create a new federal charter schools program to promote high-quality charter schools at the state and local level; and allows states to use federal funds to start new charter schools as well as expand and replicate existing high-quality charter schools.

The bill adds a new component—a Charter Management Organization grant program to support the opening of additional charter schools nationwide.

H.R. 10 establishes a new Charter School Program that would consist of three parts:

Grants to support high-quality charter schools will be awarded to a State Educational Agency, the State Charter School Board, the Governor, or a Charter School Support Organization.

Facilities Aid will be awarded to continue credit enhancement activities and support state facilities aid for charter schools.

National Activities will allow the secretary of education to operate a grant competition for charter schools in states that did not win or compete for a state grant and a competition for high quality CMOs.

The legislation adds five new definitions: a "charter management organization, a charter support organization", a "high-quality charter school"; the "expansion of a high-quality charter school"; and a "replicable, high-quality charter school model."

H.R. 10 authorizes \$300,000,000 for fiscal years 2015 through 2020. The bill permits state-determined weighted lotteries and allows students to continue in the school program of their choice by clarifying students in affiliated charter schools can attend the next immediate grade in that network's school.

JACKSON LEE AMENDMENTS TO H.R. 10

I have long supported the need for better data on the experiences of children that Congress could use when deliberating on legislative measures intended to benefit our youngest citizens.

The Education and Workforce Committee included language in the amendment in the form of a substitute for the bill that reflected an amendment I had intended to offer as a separate amendment. The language reflects the intent of my amendment by adding rates of student attrition as a measure to be considered by charter school authorizers in monitoring the successes of schools.

Attrition data would help us better understand the impact of charter schools on student retention. It would also bring additional transparency regarding the drivers of attrition issues such as discipline, counseling, drop-outs, bullying, as well as the impact of learning disabilities like dyslexia on student retention.

Although the data reporting is not mandatory, it is my hope that charter school districts

and charter schools will take up the challenge of providing hard data to make the case for their approaches to education.

I offered two amendments for consideration by the House Rules Committee that would strengthen the legislative goals of H.R. 10.

The amendments were simple and were an important addition to this strong bipartisan effort from the Education and Workforce Committee to bring clarity and improve transparency of charter schools in communities around the Nation.

#### JACKSON LEE AMENDMENT NO. 1

The Jackson Lee amendment made in order by the Rules Committee for debate of this bill directs State Education Agencies that award Federally funded grants to charter schools to work with those schools so that they provide information on their websites regarding student recruitment, orientation materials, enrollment criteria, student discipline policies, behavior codes, and parent contract requirements, which should include any financial obligations such as fees for tutoring, and extra-curricular activities.

This amendment will make it possible for parents to learn more about how schools deal with important education issues such as academic performance, enrichment programs, and quality of education life issues like reasonable accommodations for students with learning disabilities like dyslexia or physical disabilities.

Many charter schools already provide this information, and the amendment would support this good transparency practice. This Jackson Lee amendment is good for parents and for charter schools because parents would have access to information that helps them make education decisions for their children; and charter schools would speak to a larger audience regarding their education programs.

#### JACKSON LEE AMENDMENT NO. 2

The second Jackson Lee amendment was a "Sense of the Congress" on the promotion of, and support for anti-bullying programs in charter schools, including those serving rural communities.

I regret that this amendment was not made in order by the Rules Committee because the prevention of bullying is one of the most challenging problems focusing school officials.

I am disappointed that the Rules Committee did not make this amendment in order for consideration under this bill.

I introduced H.R. 2585, the Juvenile Accountability Block Grant Reauthorization and the Bullying Prevention and Intervention Act of 2013 because of the unresolved national epidemic of school bullying. This anti-bullying bill amends the Omnibus Crime Control and Safe Streets Act of 1968 by expanding the juvenile accountability block grant program with respect to programs for the prevention of bullying to include intervention programs. The bill's objective is to reduce and prevent bullying and establish best practices for all activities that are likely to help reduce bullying among young people.

This year a million children will be teased, taunted, and physically assaulted by their peers. Bullying is the most common form of violence faced by our Nation's youth.

The frequency and intensity of bullying that young people face are astounding: 1 in 7 stu-

dents in grades K–12 is either a bully or a victim of bullying; 90% of 4th to 8th grade students report being victims of bullying of some type, 56% of students have personally witnessed some type of bullying at school; 71% of students report incidents of bullying as a problem at their school; 15% of all students who don't show up for school report it to being out of fear of being bullied while at school; 1 out of 20 students has seen a student with a gun at school; 282,000 students are physically attacked in secondary schools each month.

Consequences of bullying: 15% of all school absenteeism is directly related to fears of being bullied at school; according to bullying statistics, 1 out of every 10 students who drops out of school does so because of repeated bullying; suicides linked to bullying are the saddest statistic.

Statistics on Gun Violence: Homicide is the 2nd leading cause of death for young people ages 15 to 24 years old; homicide is the leading cause of death for African Americans between ages 10 and 24; 13 young people from ages 10–24 become victims of homicide every day; 82.8% of those youths were killed with a firearm; every 30 minutes, a child or teenager in America is injured by a gun; every 3 hours and 15 minutes, a child or teenager loses their life to a firearm; in 2010, 82 children under 5 years of age lost their lives due to guns; one of four high school males reportedly carry a weapon to school, with 8.6% of reportedly carry a gun; 87% of youth said shootings are motivated by a desire to "get back at those who have hurt them," and 86% said, "other kids picking on them, making fun of them or bullying them" causes teenagers to turn to lethal violence in the schools; in 2011, over 707,000 young people, aged 10 to 24 years, had to be rushed to the emergency room as a result of physical assault injuries.

I strongly believe that where our children are concerned, Congress is in a unique position to advocate on their behalf in an effective and forceful way. Letting children know by our actions that members of Congress consider the lives of children and their experience to be of the utmost importance would help them in countless ways.

We cannot gamble with our children's future, and ultimately the future of our nation. I am committed to finding ways to make sure that education is as valued as national defense—because education is crucial to our nation's global success in all areas.

Mr. Speaker, I yield back the balance of my time. Thank you.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

As my colleague from North Carolina points out, support for school choice is growing. A 2013 public opinion survey found that 73 percent of Americans supported school choice, whereas 67 percent of Americans supported school choice in 2010.

Forty-two States and the District of Columbia have passed legislation to support the funding of public charter schools. They are becoming more popular. In the 2012–2013 academic year, more than 500 new charter schools opened across the country, which means there are now 6,200 charter

schools in America and 2 million charter school students.

If recent growth continues, they will double in number by 2025 and will educate 4.6 million children. That amounts to 10 percent of all public school students.

□ 1415

Another sign of their popularity is that charter schools have over 1 million students on their wait lists.

H.R. 10 modernizes and streamlines the current Charter Schools Program authorized under the Elementary and Secondary Education Act to ensure that States can support the replication and expansion of high-quality charter schools.

These schools empower parents to play a more active role in their child's education, open doors for teachers to pioneer fresh teaching methods, encourage State and local innovation, and help students escape underperforming schools.

H.R. 10 is a commonsense approach to updating the Charter Schools Program by streamlining multiple charter school programs, improving quality, and promoting the growth of the charter school sector at the State level.

This bill benefits children, their parents, and—ultimately—our economy. By increasing the number of high-quality charter schools, more children will acquire the skills they need to succeed in a competitive global economy.

We owe it to our children to provide them with the best education possible, and that is what this bill was designed to do.

For these reasons, I urge my colleagues to support this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

How exciting that in a week here of partisan division with regard to Benghazi, with regard to Lois Lerner, with regard to a deficit-busting \$155 billion tax expenditure, how exciting that Democrats and Republicans can come together around something that is so important for the next generation of American children—that is, making sure that our limited investment in public charter schools has the maximum positive impact on student achievement across our country.

A 2013 study conducted by Stanford University's Center for Research on Educational Outcomes found that public charter schools often outperform their peers in traditional public schools, and many have demonstrated substantial progress in closing the achievement gap.

The study's findings were particularly impressive for low-income students. The study found that low-income students gained 14 additional days of learning in reading and 22 in

math—compared to traditional school peers—and English language learners gained 36 days of learning in reading and in math.

What is clear, however, is just how public charter schools with site-based management have the ability to innovate and succeed. They also have the ability to fail and do poorly.

Not all charter schools are serving students well. Not all charter schools meet their goal of serving at-risk students. That is why this bill improves transparency and accountability for the public charter school sector as a whole, as well as for authorizers—that is, the entity, usually a school district, sometimes a State or special entity—that grants the charter, which is another word for contract, to the provider of educational services at the site-based level.

Mr. Speaker, all public schools, regardless of their governance structure, whether they are public magnet schools, whether they are neighborhood schools, whether they are public charter schools, whether they are schools of choice operated by a school district, every public school should live up to our promise of providing a quality education; and every child should have access to a quality education that allows them to succeed in the workforce, in college, and in life.

In this era of constrained public resources, we need to maximize the impact of every dollar spent by making sure that what we invest in works, and that is exactly what this bill does.

It allows for investment in proven models to expand and replicate success, to serve more kids, many of whom were already on waiting lists and forced to attend a school that is worse than the one that they seek to attend. This bill will help alleviate those waiting lists.

It is important to focus our resources and double down on public charter schools that get great results and ensure that we don't squander our limited resources on public charter schools that fail to meet the needs of their students.

We want to make sure that charter school operators with a strong evidence of student achievement and strong management capacity are able to replicate and expand. That is why, under this bill, we create incentives for schools to achieve and replicate excellence by awarding grants directly to some of the highest performing public charter schools in our country that are helping to allow more and more kids from at-risk backgrounds to achieve the American Dream.

This particular program, which was an important part of the bipartisan All-STAR Act, helps to seed the growth of high-performing public charter schools in States that might otherwise not meet the criteria.

The gentleman from Washington State mentioned that his State and

some others have a cap. Well, very importantly, even where a district or State policy environment is not ideal and, therefore, they might not be a priority for receiving grants that they administer, nevertheless, charter schools serving kids in those areas can receive grants because of the networks of charter schools that are high performing in States that might not have policies that are as open to charters as they should be.

Mr. Speaker, what Democrats and Republicans coming together shows the country, shows the public charter school movement, shows the school districts, is that a multistakeholder approach can work for our country.

I want to thank the many individuals who provided input on this important bill, ranging from school districts to States to teachers' unions, to charter school board members, to families who are in charter schools, and families who languish on waiting lists, wanting their child to attend a better school.

The result of this multiyear process is a bill that reflects the very best policies to upgrade the existing charter school authorization program, improve transparency and accountability for public charter schools, ensure that our limited Federal resources are invested in schools that work and ensure that more kids, regardless of their geography and economic background, can attend a school that prepares them to succeed in life.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Unfortunately, over the last 4 decades, the Federal Government's role in elementary and secondary education has increased dramatically. The Department of Education currently runs more than 80 K–12 education programs, many of which overlap.

As a school board member, I saw how the vast reporting requirements for these Federal programs tie the hands of State and local school leaders and prevent them from making the best education available to their students.

Since 1965, Federal education funding has tripled, yet student achievement remains flat. More money is clearly not going to solve the challenges we face in education.

Unfortunately, the Obama administration has refused to work with Congress to address these challenges and has, instead, taken unprecedented action to further expand its authority over America's schools.

Through the President's waiver scheme and pet programs such as Race to the Top, the Secretary of Education has granted himself complete discretion to use taxpayer dollars to coerce States into enacting the President's preferred education reforms.

Adding insult to injury, President Obama continues to push for more Fed-

eral education spending, requesting a staggering \$82.3 billion in mandatory and discretionary funds for the Department of Education in his fiscal year 2015 budget.

Our children deserve better, Mr. Speaker. It is past time to acknowledge more taxpayer dollars and more Federal intrusion cannot address the challenges facing schools.

H.R. 10 recognizes that local communities know their needs better than any bureaucrat in Washington and supports the sharing of best practices among charter schools and traditional public schools. Our students do better when educators work together to put in place the best strategies to help students learn.

Additionally, H.R. 10 specifically encourages charter schools to reach out to at-risk students in their communities, as well as those who have disabilities or are English learners.

Again, the local officials know best how to serve their communities, and the Federal Government should not tie their hands as they work to make the best decisions for their students.

I urge my colleagues, therefore, Mr. Speaker, to support this rule and the underlying bill.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to inquire if the gentlelady has any remaining speakers.

Ms. FOXX. We do not have further speakers, Mr. Speaker, but I do intend to share some additional information on this bill and the rule.

Mr. POLIS. Mr. Speaker, I am prepared to close. I yield myself the balance of my time.

Mr. Speaker, I want to talk a little bit about some of my experiences in the charter school movement before joining this body. I had the opportunity to found a public charter school, New America School, now which has five campuses in Colorado and New Mexico. I also had the opportunity to cofound Academy of Urban Learning in Denver, Colorado.

New America School seeks to meet the needs of English language learning students who are a little bit older—15, 16, 18, 19—and far too often didn't have a place in the traditional public school system.

Many of these students work jobs—might work a day job, might work a night job. That means, if they work a day job, the only school that would be a viable option for them would be an evening school. That is why New America school has flexible scheduling, allowing students to attend day or night, depending on their real-world life circumstances.

In addition, many of the young women attending the school have young children of their own, and that is a real-life need that, absent some kind of daycare reimbursement or daycare, many of them would not be able to attend.



So New America School offered daycare reimbursement—in some cases, daycare—so that these young women could continue to attend school and get a high school diploma.

First and foremost, the focus of New America School is to ensure that students can learn to be fluent and literate in the English language, which is so important to be able to succeed in today's economy.

As a result of this innovative approach and the focus on meeting student needs, thousands of students have enrolled in the various campuses of the New America School. I was proud to not only found them, but to have served as superintendent for 2 years.

I can honestly say that, absent this Federal program, the title V grant, we would probably not have been able to get New America School off the ground. Like so many charter schools across the country, until the doors open—and in that first year or two, when you are just beginning to add students, it is absolutely critical to be able to have this investment to open the doors.

Over the medium and long term, the schools need to stand or fall on their own. They need to succeed on their own and meet a market niche. We need to make sure that they are sound from a budgetary perspective, and this bill includes language that ups the bar on authorizers to do just that.

This bill passed the Education and the Work Force Committee with a 36-3 vote. I honestly can't remember another bill that had such strong bipartisan support recently on that committee. It is similar to and actually represents an improvement from H.R. 2218, which passed last Congress, 365-54.

This bill will improve charter school access and services for students; ensures that our limited Federal investment supports the expansion and replication of the very best high-quality charter schools; requires more transparency and accountability for charter schools; gives charter schools additional tools to continue to serve at-risk kids pursuant to their mission, including free and reduced lunch; as well as ensuring that they have the tools they need to serve a pro rata number of special education kids.

Almost every Democrat and Republican in this entire body has already voted for this bill. A very similar, almost identical bill was in both the Republican ESEA reauthorization and the Democratic alternative.

This takes very few differences between those versions, irons them out, and has language that both Chairman KLINE and Ranking Member MILLER agree builds upon the consensus that was reached in each of those bills.

That is why I hope that this bill passes with strong bipartisan support. There is a reason that we need strong bipartisan support. Unlike far too

many bills that we call single chamber bills that are considered in this body and languish in the Senate—I understand much of the frustration of the majority party—this bill, with a resounding bipartisan vote, can be sent to the Senate, where a very nearly identical bill has a growing number of bipartisan cosponsors with the message that this body overwhelmingly supports improving our public charter school program; and we encourage the Senate to take it up.

That is why every Member of this body's vote, Mr. Speaker, is so important on this bill. This bill will pass. This bill will have bipartisan support.

For any of my friends on the fence, this is our last great opportunity to leave a positive legacy of improving quality of and accountable for public charter schools.

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AFT and NEA have acknowledged that the stronger accountability in this bill will improve the quality and accountability and transparency of charter schools, supported by charter school advocates as well as authorizers, like school districts.

The multistakeholder approach that Chairman KLINE and Ranking Member MILLER have presided over is a model of how this body can come together around legislation that improves our country. I hope that not only this bill is taken up by the Senate after a strong bipartisan vote in this body, but I hope it serves as a model not only for what we can do in education, but what we can do on a number of pressing issues that address this country, whether it is balancing our Federal budget, whether it is reauthorizing Federal transportation programs or establishing an infrastructure bank. There is, in fact, a bipartisan way forward. That is the opportunity that my friends and colleagues on both sides of the aisle have before us now.

Public charter schools are making a difference for kids across our country every day. With a limited Federal role, we can ensure that they make an even bigger difference. The families that are languishing on waiting lists have the opportunity to send their kids to expansion of an existing successful charter school or the replication or a second campus of a charter school that we know works, that we know can transform lives, that we know can help that young kid attend college, get a good job and, guess what, maybe even serve in this august body someday.

The most exciting thing about public education in this country is that there are examples of what works. You could take any at-risk demographic group, whether they are English language learners, whether they are low-income earners, whether they are in the most remote rural part of our country or in the poorest inner city area, and find an

educational model that works. Some of them are run by school districts, as in neighborhood schools; some are run by school districts as schools of choice or magnet schools; and some are run as public charter schools under a contract in the school district or other authorizer.

What we need to do to help make sure that more kids have access to opportunity is expand and replicate what is already working in public education. That glimmer of hope, those shining islands of success and excellence with the passage of this bill, can serve more children in our country to ensure that more kids have access and more families have access to choose the public schools that work for them.

I want to thank Ranking Member MILLER, Chairman KLINE, and the majority and minority staff of the committee for working hard to craft a bipartisan bill without poison pills, without gotchas, without partisanship, that recognizes the vital role that strong, accountable, high-performing public charter schools can play in educational success. I was honored to work with them and with the staff on this legislation to improve, upgrade, and modernize this critical program.

I encourage my colleagues to understand that this vote matters. We want to ensure that this bill is not a single Chamber bill. We want to make sure that this bill does not languish in the Senate. And the best way to do that is to send a resounding vote, even stronger than the vote in the last Congress, that in these times of partisan discord, Democrats and Republicans can come together around commonsense legislation that helps kids succeed and helps America's neediest families send their kids to a quality public school. This bill will help maximize the impact of every dollar invested by focusing on the highest quality educational providers.

I strongly urge my Democratic and Republican colleagues to vote "yes" on H.R. 10 and ensure that our limited Federal dollars go only to quality programs.

As we mentioned earlier, unfortunately, I cannot support this rule. The rule contains a budgetary fix on an unrelated item. I am confident this rule will pass and allow for consideration of the charter school bill and a reasonable set of amendments, and I wish that I could support a rule that did just that. But this bill does include \$150 billion in deficit spending which Democrats have not agreed to.

Public school choice is effective and empowering. Families know what is right for their children better than politicians do and better than school district officials do; therefore, parents should have the opportunity to choose the public school of their choice that meets the parents' and the family's need.



H.R. 10 represents the very best promise of bipartisanship in education. For those that embrace school choice, H.R. 10 rewards State policies that contribute to public charter school success. For those who are skeptical of public charter schools, H.R. 10 builds in stronger protections for charter school oversight, transparency, and accountability. There is something for everybody in this bill.

I urge my colleagues to vote “no” on this rule but “yes,” “yes,” “yes” on the underlying bill. And I look forward to continuing this tradition of bipartisanship, hopefully extending beyond education to the other pressing national challenges we face. Through this bill, we can improve access to great schools for our Nation’s children.

Mr. Speaker, I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I want to truly thank my colleague from Colorado for his eloquent words of support for charter schools and for his past efforts in this area. I particularly want to thank him for urging the Senate to take up this legislation. As he well knows, we have a lot of good legislation over in the Senate that has not been acted upon, and I hope this bill will have a better fate in the Senate than other bills have had.

Mr. Speaker, it would be imprudent to have a conversation about education and the use of taxpayer money without discussing the need for accountability. Hardworking taxpayers want to see their tax dollars being used in the best way possible and expect the Federal Government to be a wise steward of their dollars.

H.R. 10 builds on the principle of local accountability by modernizing the Charter Schools Program to authorize States to use the funding to replicate and expand high-quality charter schools. The schools with proven student success will have the opportunity to offer those advantages to more students.

States and local educators know their students best, and I urge my colleagues to modernize Federal school programs and respond to these needs by supporting both this rule and the underlying bill.

Mr. Speaker, many of my Republican colleagues and I would prefer we abide by the Constitution and take the Federal Government out of education altogether, but that is not what we are recommending here today because we know we can’t achieve that goal. My assumption, though, is that all Members of Congress—all Members of Congress—agree that as long as taxpayer money is being used by the Federal Government to fund education, that Congress has a responsibility to make a strong effort to ensure that those who receive hardworking taxpayer money are being held accountable for

how they use it. Washington should live within its means, just as families all across this country do, and limited resources require wise stewardship.

This bill consolidates multiple funding streams and grant programs that support charter schools into the existing State grant program, eliminating a separate authorization for charter school facilities funding. It reduces the overall authorization for charter school programs from \$450 million to \$300 million. By consolidating the funding streams into the existing State charter school program, the bill removes authority from the Secretary of Education to pick winners and losers and control the growth of the charter school sector. This authority is placed largely in the hands of States, where it belongs.

H.R. 10 promotes high-quality charter schools by updating the Charter Schools Program to reflect the success and growth of the charter school movement. States are authorized to use funds under the program to support the replication and expansion of high-quality charter schools in addition to supporting new innovative charter school models.

Mr. Speaker, my background as an educator, school board member, mother, and grandmother reinforces my belief that students are best served when people at the local level are in control of education decisions. I also believe that education is the most important tool that Americans at any age can have.

I was the first person in my family to graduate from high school and went to college, where I worked full-time and attended school part-time. It took me 7 years to earn my bachelor’s degree, and I continued to work my way through my master’s and doctoral degrees. From my own experience, I am convinced this is the greatest country in the world for many reasons, not the least of which is that a person like me, who grew up extremely poor in a house with no electricity and no running water, with parents with very little formal education and no prestige at all, could work hard and be elected to the United States House of Representatives.

No legislation is perfect, and that is why I look forward to working with my colleagues to address their concerns and improve this legislation through the amendment process. However, I have never been one to let the perfect be the enemy of the good. And while H.R. 10 isn’t perfect, it is a step in the right direction of empowering parents, teachers, and local school districts, and increasing school choice and giving other young people the same opportunities that I and others have had to improve our lot in life. That is why I am a supporter of this legislation, and I urge my colleagues to vote in favor of this rule and the underlying bill.

#### AMENDMENT OFFERED BY MS. FOXX

Ms. FOXX. Mr. Speaker, with that, I offer an amendment to the resolution. The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

I, section 6, add “at the end of the bill” before the period.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o’clock and 42 minutes p.m.), the House stood in recess.

□ 1520

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MARCHANT) at 3 o’clock and 20 minutes p.m.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Pate, one of his secretaries.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adoption of House Resolution 576, as amended;

The previous question on House Resolution 575;

Adoption of House Resolution 575, if ordered; and

The motion to suspend the rules on H.R. 2548.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

**PROVIDING FOR CONSIDERATION OF H.R. 10, SUCCESS AND OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS ACT; RELATING TO CONSIDERATION OF H.R. 4438, AMERICAN RESEARCH AND COMPETITIVENESS ACT OF 2014; AND FOR OTHER PURPOSES**

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 576) providing for consideration of the bill (H.R. 10) to amend the Charter School Program under the Elementary and Secondary Education Act of 1965; relating to consideration of the bill (H.R. 4438) to amend the Internal Revenue Code of 1986 to simplify and make permanent the research credit; and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The vote was taken by electronic device, and there were—yeas 232, nays 178, not voting 21, as follows:

[Roll No. 205]

YEAS—232

Aderholt	Cramer	Harper
Amash	Crenshaw	Harris
Amodei	Daines	Hartzler
Bachus	Davis, Rodney	Hastings (WA)
Barber	Denham	Heck (NV)
Barletta	Dent	Hensarling
Barr	DeSantis	Herrera Beutler
Barton	DesJarlais	Holding
Benishke	Diaz-Balart	Hudson
Bentivolio	Duncan (SC)	Huelskamp
Bilirakis	Duncan (TN)	Huizenga (MI)
Bishop (UT)	Ellmers	Hultgren
Black	Farenthold	Hunter
Blackburn	Fincher	Hurt
Boustany	Fitzpatrick	Issa
Brady (TX)	Fleischmann	Jenkins
Bridenstine	Fleming	Johnson (OH)
Brooks (AL)	Flores	Johnson, Sam
Brooks (IN)	Forbes	Jolly
Broun (GA)	Fortenberry	Jones
Buchanan	Fox	Jordan
Bucshon	Franks (AZ)	Joyce
Burgess	Frelinghuysen	Kelly (PA)
Byrne	Gardner	King (IA)
Calvert	Garrett	King (NY)
Camp	Gerlach	Kinzinger (IL)
Campbell	Gibbs	Kline
Cantor	Gibson	Labrador
Capito	Gingrey (GA)	LaMalfa
Carter	Gohmert	Lamborn
Cassidy	Goodlatte	Lance
Chabot	Gosar	Lankford
Chaffetz	Gowdy	Latham
Coffman	Granger	Latta
Cole	Graves (GA)	LoBiondo
Collins (GA)	Graves (MO)	Long
Collins (NY)	Griffin (AR)	Lucas
Conaway	Griffith (VA)	Luetkemeyer
Cook	Grimm	Lummis
Cooper	Guthrie	Maffei
Costa	Hall	Marchant
Cotton	Hanna	Marino

Massie	Pompeo	Smith (NE)
McCarthy (CA)	Posey	Smith (NJ)
McCaul	Price (GA)	Smith (TX)
McClintock	Reichert	Southerland
McHenry	Renacci	Stewart
McIntyre	Ribble	Stivers
McKeon	Rice (SC)	Stockman
McKinley	Rigell	Stutzman
McMorris	Roby	Terry
Rodgers	Roe (TN)	Thompson (PA)
Meadows	Rogers (AL)	Thornberry
Meehan	Rogers (KY)	Tiberi
Messer	Rogers (MI)	Tipton
Mica	Rohrabacher	Turner
Miller (FL)	Rokita	Upton
Miller (MI)	Rooney	Valadao
Miller, Gary	Ros-Lehtinen	Wagner
Moran	Roskam	Walberg
Mullin	Ross	Walden
Mulvaney	Rothfus	Walorski
Murphy (PA)	Royce	Weber (TX)
Neugebauer	Runyan	Webster (FL)
Noem	Ryan (WI)	Wenstrup
Nugent	Salmon	Westmoreland
Nunes	Sanford	Whitfield
Olson	Scalise	Williams
Palazzo	Schock	Wilson (SC)
Paulsen	Schweikert	Wittman
Pearce	Scott, Austin	Wolf
Perry	Sensenbrenner	Womack
Peters (CA)	Sessions	Woodall
Peters (MI)	Shimkus	Yoder
Petri	Shuster	Yoho
Pittenger	Simpson	Young (AK)
Pitts	Sinema	Young (IN)
Poe (TX)	Smith (MO)	

NAYS—178

Barrow (GA)	Gallego	McNerney
Beatty	Garamendi	Meng
Becerra	Garcia	Michaud
Bera (CA)	Grayson	Miller, George
Bishop (NY)	Green, Al	Moore
Blumenauer	Green, Gene	Murphy (FL)
Bonamici	Grijalva	Nadler
Brady (PA)	Gutiérrez	Napolitano
Braley (IA)	Hahn	Neal
Brown (FL)	Hanabusa	Negrete McLeod
Brownley (CA)	Hastings (FL)	Nolan
Bustos	Heck (WA)	O'Rourke
Butterfield	Higgins	Owens
Capps	Himes	Pallone
Capuano	Hinojosa	Pascarell
Cárdenas	Holt	Pastor (AZ)
Carney	Honda	Payne
Carson (IN)	Horsford	Perlmutter
Cartwright	Hoyer	Peterson
Castro (FL)	Huffman	Pingree (ME)
Castro (TX)	Israel	Pocan
Chu	Jackson Lee	Polis
Cielline	Jeffries	Price (NC)
Clark (MA)	Johnson (GA)	Quigley
Clarke (NY)	Johnson, E. B.	Rahall
Clay	Kaptur	Richmond
Cleaver	Keating	Roybal-Allard
Clyburn	Kennedy	Ruiz
Cohen	Kildee	Ruppersberger
Connolly	Kilmer	Ryan (OH)
Conyers	Kind	Sánchez, Linda
Courtney	Kirkpatrick	T.
Crowley	Kuster	Sanchez, Loretta
Cuellar	Langevin	Sarbanes
Cummings	Larsen (WA)	Schakowsky
Davis (CA)	Larson (CT)	Schiff
Davis, Danny	Levin	Schneider
DeFazio	Lewis	Schrader
Delaney	Lipinski	Scott (VA)
DeBene	Loebach	Serrano
Deutch	Lofgren	Sewell (AL)
Dingell	Lowenthal	Shea-Porter
Doggett	Lowe	Sherman
Doyle	Lujan Grisham	Sires
Duckworth	(NM)	Slaughter
Edwards	Lujan, Ben Ray	Smith (WA)
Ellison	(NM)	Speier
Engel	Lynch	Swalwell (CA)
Enyart	Maloney	Takano
Eshoo	Carolyn	Thompson (CA)
Esty	Maloney, Sean	Thompson (MS)
Farr	Matheson	Tierney
Fattah	Matsui	Titus
Foster	McCarthy (NY)	Tonko
Frankel (FL)	McCollum	Tsongas
Fudge	McDermott	Van Hollen
Gabbard	McGovern	Vargas

Veasey	Walz	Waxman
Vela	Wasserman	Welch
Velázquez	Schultz	Wilson (FL)
Visclosky	Waters	Yarmuth

NOT VOTING—21

Bachmann	DeLauro	Nunnelee
Bass	Duffy	Pelosi
Bishop (GA)	Kelly (IL)	Rangel
Coble	Kingston	Reed
Crawford	Lee (CA)	Rush
Culberson	McAllister	Schwartz
DeGette	Meeks	Scott, David

□ 1547

Mr. TAKANO, Mrs. DAVIS of California, and Mr. MURPHY of Florida changed their vote from "yea" to "nay."

Mr. COSTA changed his vote from "nay" to "yea."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**PROVIDING FOR CONSIDERATION OF H. RES. 567, ESTABLISHING SELECT COMMITTEE ON THE EVENTS SURROUNDING THE 2012 TERRORIST ATTACK IN BENGHAZI**

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 575) providing for consideration of the resolution (H. Res. 567) providing for the Establishment of the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 192, not voting 16, as follows:

[Roll No. 206]

YEAS—223

Aderholt	Cantor	Fincher
Amash	Capito	Fitzpatrick
Amodei	Carter	Fleischmann
Bachus	Cassidy	Fleming
Barletta	Chabot	Flores
Barr	Chaffetz	Forbes
Barton	Coffman	Fortenberry
Benishke	Cole	Fox
Bentivolio	Collins (GA)	Franks (AZ)
Bilirakis	Collins (NY)	Frelinghuysen
Bishop (UT)	Conaway	Gardner
Black	Cook	Garrett
Blackburn	Cotton	Gerlach
Boustany	Cramer	Gibbs
Brady (TX)	Crenshaw	Gibson
Bridenstine	Daines	Gingrey (GA)
Brooks (AL)	Davis, Rodney	Gohmert
Brooks (IN)	Denham	Goodlatte
Broun (GA)	Dent	Gosar
Buchanan	DeSantis	Gowdy
Bucshon	DesJarlais	Granger
Burgess	Diaz-Balart	Graves (GA)
Byrne	Duncan (SC)	Graves (MO)
Calvert	Duncan (TN)	Griffin (AR)
Camp	Ellmers	Griffith (VA)
Campbell	Farenthold	Grimm

Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jolly  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McHenry

McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan

Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NAYS—192

Barber  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Cleave  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
Delaney  
DeLauro

DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Hoyt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating

Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook

Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard

Ruiz  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Scott (VA)  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)

## NOT VOTING—16

Bachmann  
Bishop (GA)  
Coble  
Crawford  
Culberson  
DeGette  
Duffy  
Fattah  
Kingston  
McAllister  
Nunnelee  
Pelosi

□ 1554

So the previous question was ordered.  
The result of the vote was announced  
as above recorded.

The SPEAKER pro tempore. The  
question is on the resolution.

The question was taken; and the  
Speaker pro tempore announced that  
the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on  
that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a  
5-minute vote.

The vote was taken by electronic de-  
vice, and there were—yeas 224, nays  
192, not voting 15, as follows:

[Roll No. 207]

YEAS—224

Aderholt  
Amash  
Amodei  
Bachus  
Barber  
Barietta  
Barr  
Barton  
Benishak  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Byrne  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook

Cotton  
Cramer  
Crenshaw  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)

Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jolly  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kline  
Labrador  
Ladlatte  
Lamalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo

Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger

Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson

Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NAYS—192

Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Cleave  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah

Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn

Maloney, Sean  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Scott (VA)  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema

Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney

Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky

Walz  
Wasserman  
Schultz  
Waters  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

Gallego  
Garamendi  
Garcia  
Gardner  
Gerlach  
Gibson  
Granger  
Grayson  
Green, Al  
Green, Gene  
Griffin (AR)

Lowey  
Lucas  
Luetkemeyer  
Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Lummis  
Lynch  
Maffei  
Maloney,  
Carolyn

Ros-Lehtinen  
Roskam  
Ross  
Roybal-Allard  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.

Mica  
Miller (FL)  
Miller (MI)  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Olson  
Palazzo  
Pearce  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)

Rahall  
Rice (SC)  
Rigell  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rothfus  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schweikert  
Scott, Austin  
Sessions  
Shinkus  
Shuster

Smith (MO)  
Smith (NE)  
Smith (TX)  
Stewart  
Stivers  
Stutzman  
Tipton  
Turner  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Wittman  
Womack  
Woodall

## NOT VOTING—15

Bachmann  
Bishop (GA)  
Coble  
Crawford  
Culberson

DeGette  
Duffy  
Kingston  
McAllister  
Nunnelee

Pelosi  
Reed  
Rush  
Schwartz  
Scott, David

Grijalva  
Grimm  
Gutiérrez  
Hahn  
Hall  
Hanabusa  
Harper  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Herrera Beutler  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Huizenga (MI)  
Hultgren  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson, E. B.  
Johnson, Sam  
Jolly  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (NY)  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Kuster  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
Lee (CA)  
Levin  
Lewis  
Lipinski  
LoBiondo  
Loebach  
Lofgren  
Long  
Lowenthal

Maloney, Sean  
Marino  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McCollum  
McDermott  
McGovern  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meadows  
Meeks  
Meng  
Messer  
Michaud  
Miller, Gary  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
Nugent  
Nunes  
O'Rourke  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Paulsen  
Payne  
Perlmuter  
Perry  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rangel  
Reichert  
Renacci  
Ribble  
Richmond  
Roby  
Rogers (MI)  
Rokita  
Rooney

Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schock  
Schrader  
Scott (VA)  
Sensenbrenner  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Simpson  
Sinema  
Sires  
Slaughter  
Smith (NJ)  
Smith (WA)  
Southernland  
Speier  
Stockman  
Swalwell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Titus  
Tonko  
Tsongas  
Upton  
Valadao  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wagner  
Walberg  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Waxman  
Welch  
Williams  
Wilson (FL)  
Wilson (SC)  
Wolf  
Yarmuth  
Yoder  
Yoho  
Young (AK)  
Young (IN)

□ 1602

Ms. DUCKWORTH and Mr. GARCIA changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ELECTRIFY AFRICA ACT OF 2014

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2548) to establish a comprehensive United States Government policy to assist countries in sub-Saharan Africa to develop an appropriate mix of power solutions for more broadly distributed electricity access in order to support poverty alleviation and drive economic growth, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 297, nays 117, not voting 17, as follows:

[Roll No. 208]

## YEAS—297

Amodei  
Bachus  
Barber  
Barletta  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bilirakis  
Bishop (NY)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brooks (IN)  
Brown (FL)  
Brownley (CA)  
Buchanan  
Bucshon  
Bustos  
Butterfield  
Calvert  
Camp  
Cantor  
Capps

Capuano  
Cárdenas  
Carney  
Carson (IN)  
Carter  
Cartwright  
Cassidy  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Coffman  
Cohen  
Cole  
Collins (NY)  
Connolly  
Conyers  
Cook  
Cooper  
Costa  
Courtney  
Cramer  
Crenshaw  
Crowley  
Cuellar

Cummings  
Davis (CA)  
DeFazio  
Delaney  
DeLauro  
DelBene  
Denham  
Dent  
Deutch  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Ellmers  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Fitzpatrick  
Fortenberry  
Foster  
Frankel (FL)  
Frelinghuysen  
Fudge  
Gabbard

Aderholt  
Amash  
Barr  
Barton  
Benishek  
Bentivolio  
Bishop (UT)  
Bridenstine  
Brooks (AL)  
Broun (GA)  
Burgess  
Byrne  
Campbell  
Capito  
Chabot  
Chaffetz  
Collins (GA)  
Conaway  
Cotton  
Daines  
Davis, Rodney  
DeSantis

DesJarlais  
Duncan (SC)  
Duncan (TN)  
Farenthold  
Fincher  
Fleischmann  
Fleming  
Flores  
Forbes  
Fox  
Franks (AZ)  
Garrett  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Graves (MO)  
Griffith (VA)  
Guthrie

## NAYS—117

Hanna  
Harris  
Hensarling  
Holding  
Hudson  
Huelskamp  
Hunter  
Hurt  
Johnson (OH)  
Jones  
Jordan  
King (IA)  
Labrador  
LaMalfa  
Lamborn  
Lankford  
Latta  
Marchant  
Massie  
McClintock  
McHenry  
McKinley

## NOT VOTING—17

Bachmann  
Bishop (GA)  
Coble  
Crawford  
Culberson  
Davis, Danny

DeGette  
Duffy  
Kingston  
McAllister  
Meehan  
Nunnelee

Pelosi  
Reed  
Rush  
Schwartz  
Scott, David

□ 1611

Mr. FINCHER changed his vote from “yea” to “nay.”

Mr. COFFMAN and Ms. KAPTUR changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to establish a comprehensive United States Government policy to encourage the efforts of countries in sub-Saharan Africa to develop an appropriate mix of power solutions, including renewable energy, for more broadly distributed electricity access in order to support poverty reduction, promote development outcomes, and drive economic growth, and for other purposes.”

A motion to reconsider was laid on the table.

□ 1615

## ESTABLISHING SELECT COMMITTEE ON THE EVENTS SURROUNDING THE 2012 TERRORIST ATTACK IN BENGHAZI

Mr. SESSIONS. Mr. Speaker, pursuant to House Resolution 575, I call up the resolution (H. Res. 567) providing for the Establishment of the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. WOMACK). Pursuant to House Resolution 575, the resolution is considered read.

The text of the resolution is as follows:

H. RES. 567

*Resolved,*

## SECTION 1. ESTABLISHMENT.

There is hereby established the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi (hereinafter referred to as the “Select Committee”).

**SEC. 2. COMPOSITION.**

(a) The Speaker shall appoint 12 Members to the Select Committee, five of whom shall be appointed after consultation with the minority leader.

(b) The Speaker shall designate one Member to serve as chair of the Select Committee.

(c) Any vacancy in the Select Committee shall be filled in the same manner as the original appointment.

**SEC. 3. INVESTIGATION AND REPORT ON THE EVENTS SURROUNDING THE 2012 TERRORIST ATTACK IN BENGHAZI.**

(a) The Select Committee is authorized and directed to conduct a full and complete investigation and study and issue a final report of its findings to the House regarding—

(1) all policies, decisions, and activities that contributed to the attacks on United States facilities in Benghazi, Libya, on September 11, 2012, as well as those that affected the ability of the United States to prepare for the attacks;

(2) all policies, decisions, and activities to respond to and repel the attacks on United States facilities in Benghazi, Libya, on September 11, 2012, including efforts to rescue United States personnel;

(3) internal and public executive branch communications about the attacks on United States facilities in Benghazi, Libya, on September 11, 2012;

(4) accountability for policies and decisions related to the security of facilities in Benghazi, Libya, and the response to the attacks, including individuals and entities responsible for those policies and decisions;

(5) executive branch authorities' efforts to identify and bring to justice the perpetrators of the attacks on U.S. facilities in Benghazi, Libya, on September 11, 2012;

(6) executive branch activities and efforts to comply with Congressional inquiries into the attacks on United States facilities in Benghazi, Libya, on September 11, 2012;

(7) recommendations for improving executive branch cooperation and compliance with congressional oversight and investigations;

(8) information related to lessons learned from the attacks and executive branch activities and efforts to protect United States facilities and personnel abroad; and

(9) any other relevant issues relating to the attacks, the response to the attacks, or the investigation by the House of Representatives into the attacks.

(b) In addition to any final report addressing the matters in subsection (a), the Select Committee may issue such interim reports as it deems necessary.

(c) Any report issued by the Select Committee may contain a classified annex.

**SEC. 4. PROCEDURE.**

(a) Notwithstanding clause 3(m) of rule X of the Rules of the House of Representatives, the Select Committee is authorized to study the sources and methods of entities described in clause 11(b)(1)(A) of rule X insofar as such study is related to the matters described in section 3.

(b) Clause 11(b)(4), clause 11(e), and the first sentence of clause 11(f) of rule X of the Rules of the House of Representatives shall apply to the Select Committee.

(c) Rule XI of the Rules of the House of Representatives shall apply to the Select Committee except as follows:

(1) Clause 2(a) of rule XI shall not apply to the Select Committee.

(2) Clause 2(g)(2)(D) of rule XI shall apply to the Select Committee in the same manner as it applies to the Permanent Select Committee on Intelligence.

(3) Pursuant to clause 2(h) of rule XI, two Members of the Select Committee shall constitute a quorum for taking testimony or receiving evidence and one-third of the Members of the Select Committee shall constitute a quorum for taking any action other than one for which the presence of a majority of the Select Committee is required.

(4) The chair of the Select Committee may authorize and issue subpoenas pursuant to clause 2(m) of rule XI in the investigation and study conducted pursuant to section 3 of this resolution, including for the purpose of taking depositions.

(5)(A) The chair of the Select Committee, upon consultation with the ranking minority member, may order the taking of depositions, under oath and pursuant to notice or subpoena, by a Member of the Select Committee or a counsel of the Select Committee.

(B) Depositions taken under the authority prescribed in this paragraph shall be governed by the procedures submitted by the chair of the Committee on Rules for printing in the Congressional Record.

(6) The chair of the Select Committee may, after consultation with the ranking minority member, recognize—

(A) Members of the Select Committee to question a witness for periods longer than five minutes as though pursuant to clause (2)(j)(2)(B) of rule XI; and

(B) staff of the Select Committee to question a witness as though pursuant to clause (2)(j)(2)(C) of rule XI.

**SEC. 5. RECORDS; STAFF; FUNDING.**

(a) Any committee of the House of Representatives having custody of records in any form relating to the matters described in section 3 shall transfer such records to the Select Committee within 14 days of the adoption of this resolution. Such records shall become the records of the Select Committee.

(b)(1)(A) To the greatest extent practicable, the Select Committee shall utilize the services of staff of employing entities of the House. At the request of the chair of the Select Committee in consultation with the ranking minority member, staff of employing entities of the House or a joint committee may be detailed to the Select Committee without reimbursement to carry out this resolution and shall be deemed to be staff of the Select Committee.

(B) Section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i)) shall apply with respect to the Select Committee in the same manner as such section applies with respect to a standing committee of the House of Representatives.

(2) The chair of the Select Committee, upon consultation with the ranking minority member, may employ and fix the compensation of such staff as the chair considers necessary to carry out this resolution.

(c) There shall be paid out of the applicable accounts of the House of Representatives such sums as may be necessary for the expenses of the Select Committee. Such payments shall be made on vouchers signed by the chair of the Select Committee and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

**SEC. 6. DISSOLUTION AND DISPOSITION OF RECORDS.**

(a) The Select Committee shall cease to exist 30 days after filing the final report required under section 3.

(b) Upon dissolution of the Select Committee, the records of the Select Committee

shall become the records of such committee or committees designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

**GENERAL LEAVE**

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on consideration of H. Res. 567.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, at this time, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the Speaker of the House.

Mr. BOEHNER. Mr. Speaker and my colleagues, I believe the whole House and the American people deserve to know how I came to the decision that brings us here today.

On September 11, 2012, a terrorist attack on our consulate in Libya left four of our countrymen dead, including our Ambassador.

Since that time, four committees of the House have been investigating these events, and those committees have done exemplary work. Chairman ISSA, Chairman McKEON, Chairman ROGERS, Chairman ROYCE, and all the members of their respective committees deserve our gratitude; but last week, a line was crossed in two places.

First, it came to light that the White House did more to obscure what happened and why than what we were led to believe.

Second, we now know that the administration defied a formal congressional subpoena.

Our committees sought the full truth, and the administration tried to make sure that they wouldn't find it, which means they tried to prevent the American people from finding the truth as well.

In my view, these discoveries compel the House to respond as one institution and establish one select committee, a committee with robust authority, a committee that will do its work while the House continues to focus on the people's priorities.

I have asked the gentleman from South Carolina (Mr. GOWDY) to chair this panel. He is a well-respected Member of this body, and he has my complete confidence. I will convey to you what I conveyed to him. This doesn't need to be, shouldn't be, and will not be a partisan process.

Four Americans died at the hands of terrorists in a well-coordinated assault, and we will not take any shortcuts to the truth, accountability, or justice; and we will not allow any

sideshows that distract us from those goals.

Our system of government depends on transparency and accountability, and either we do this well, or we face the terrifying prospect of our people having less knowledge and less power over their own government. We owe it to future generations to make the right choice.

I ask all the Members of this body to reflect on this matter, and I ask you to support this resolution.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we all agree—I think all Americans agree, and we certainly understand from the Speaker that he agrees that the attack on Benghazi was a tragedy; but here we are, once again, riling up the community and the country and causing, again, grief to the families of the four people who died, in a pursuit of some kind of truth that they were unable to find in 2 years of hearings, over four committees, 13 congressional hearings, 50 briefings, five reports, 25,000 pages of documentation, and wasted millions of dollars, going nowhere, and that is just in the House.

The Senate has held hearings. The State Department did a thorough report; and yet, now, after all that, we want the truth.

What does it say about the House of Representatives that whatever that was going on over there did not get to the truth?

This is so reminiscent of what we have done in the House of Representatives by doing over and over and over again, like trying to repeal the health care, that we are just going to keep doing it until you reach whatever it is you want.

Well, we know what it is you want with this special committee. We understand that thoroughly. Earlier today—I want to make a comment, that one of my friends on the other side of the aisle—I deeply regret this—cited a report claiming that the Democrats were fundraising off the crass Republican fundraising off Benghazi.

Certainly, we looked into that because I was very concerned because I was the one making the charge about the fundraising. It is absolutely false that Democrats are doing that.

That report was from The Daily Caller, a conservative Web site, and all they found was that the chairman of the Democratic Congressional Campaign Committee posted a statement on his Web site condemning the Republican campaign committee for their attempt to capitalize and fundraise off the tragedy in Benghazi.

Let's stick to the facts here. You are going to continue. As I understand it, several reporters have asked the leadership do they intend to stop fundraising off these people's deaths; and the answer is, no, they don't.

So what we are doing here, again, is an awful waste of time, is looking for another answer to something that—unless you get some answer that you want, I guess we will go on even yet another year or so.

Now, one more committee that will be weighted in favor of the majority, as this one is expected to do, will do absolutely nothing to yield different results.

I had an amendment to this bill that was based on a simple premise, that the investigations and reports on the tragic attack in Benghazi produced by the House committees so far have been nothing but partisan and political.

My amendment would have made membership on the committee equally divided between the minority and the majority and would have guaranteed minority signoff on subpoenas and depositions and guaranteed equal distribution and money and staffing and other resources of the committee and certainly have ensured that the witnesses who come before that committee, unlike the other witnesses that the Oversight and Government Reform Committee has had, who were totally ineligible to even speak on the subject—one of them, I gather, was giving all the details of what happened that night, but he happened to be in Germany at the time.

Had our amendment passed, we could have added some decorum to this process, and we could have worked to ensure the tragedy never happens again, but it is clear that this majority will not allow that.

So we have seen all the reports. We know what everybody thinks; and we know that, once again, we will be going into this because you are the majority, and you have the votes to do it.

I am appalled by this posturing. To use the tragedy of those four deaths for political and financial gain is shameful and contemptible.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time, I yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the Majority Leader of the House of Representatives.

Mr. CANTOR. I thank the chairman.

Mr. Speaker, I rise today in strong support of this resolution, to proceed with a select committee to find out what happened at the American consulate in Benghazi, Libya, on the night of September 11, 2012.

Mr. Speaker, it has been almost 2 years since a terror attack claimed the lives of four brave Americans in Benghazi: Ambassador J. Christopher Stevens; U.S. Foreign Service Information Management Officer Sean Smith; former Navy SEAL Glen Doherty; and former Navy SEAL and Bronze Star recipient, Tyrone Woods.

Over the past 2 years, our committees in the House have aggressively in-

vestigated what happened that night in Benghazi and the Obama administration's preparedness and response to those terror attacks.

Unfortunately, the White House has engaged in a pattern of obstruction, consistently ignoring subpoenas, redacting relevant information, and stonewalling investigators. This obstruction gives cause to the grave concerns expressed by countless Americans across the country.

Mr. Speaker, what is worse, as the White House refuses to turn over documents, they go in front of the American people and claim to be transparent. Those in the administration claim to be cooperating. They claim to be focused on bringing the perpetrators of that attack to justice.

Mr. Speaker, the attacks in Benghazi brought the first time an American Ambassador was killed in the line of duty since the 1970s and, to this day, not a single perpetrator of the attacks has been arrested or brought to justice. We should be using every tool necessary to find those responsible and bring them to justice.

After ignoring for nearly a year a lawful congressional subpoena, the White House, under court order, finally released emails showing that administration officials deliberately and deceptively misled Americans, claiming that the attack in Benghazi was the result of an offensive Internet video, rather than the product of a failed foreign policy that allowed radical Islamic terrorists to flourish in post-Qadhafi Libya.

This obfuscation and refusal to come clean to Congress has left us, as well as the people of this country, wondering: What else is the White House hiding?

My colleagues on the other side of the aisle want Americans to believe that this investigation is motivated by politics. No. This investigation would not be necessary had the Obama administration come clean. This investigation would not be necessary had the Obama administration complied with congressional subpoenas.

This investigation would not be necessary had the Obama administration not misled the Congress, the American people, and the media about what happened in Benghazi.

The American people deserve the truth and, most importantly, the families of those four brave men deserve the truth.

This committee will build upon the excellent oversight work conducted to this date and ask questions and demand answers. Constitutional checks and balances were intended to ensure that each branch of government conduct itself with the utmost integrity and do so within the law. That is our duty, and we will solemnly and judiciously carry this out.

Today, we have an opportunity to stand together and take another step closer to accomplishing that goal, to

finding the truth; and I urge my colleagues in the House to support this resolution.

The SPEAKER pro tempore. Without objection, the gentleman from Florida (Mr. HASTINGS) will control the time.

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 5 minutes to the distinguished gentleman from Maryland (Mr. CUMMINGS), my good friend and member of the Oversight and Government Reform Committee, as its ranking member.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding, and I rise in strong opposition to this resolution.

Benghazi was a tragedy. We lost four brave Americans that night, and I extend my deepest sympathies to their families. In my opinion, we honor their memories best by bringing their killers to justice and by working in a bipartisan way to strengthen security for all U.S. personnel overseas.

As family members of Ambassador Stevens have stated, "What Chris never would have accepted was the idea that his death would have been used for political purposes."

□ 1630

Unfortunately, that is what House Republicans have been doing for the last year and a half.

On April 23, 2013, the Republican chairmen of five different House committees issued a highly partisan staff report with absolutely no consultation or input from a single Democratic Member of the Congress of the United States of America. Their report included a reckless accusation that Secretary Clinton personally authorized security reductions in Benghazi. Chairman ISSA then went on national television and said, Secretary Clinton "outright denied security, in her signature, in a cable."

When we located the cable, however, we discovered that the Republican report distorted the facts. The cable had only a printed stamp of Secretary Clinton's name, the same stamp that appears on hundreds of thousands of cables sent from the State Department every year.

This report was issued under the direction of the Speaker. It was posted on his Web site, and it was prepared only for Members of the House Republican Conference. How is this a bipartisan search for the truth?

House Republicans have also excluded Democratic Members from fact-finding delegations to Libya, in violation of the rules issued by the Speaker. How is that bipartisan?

Democratic Members have been denied equal access to witnesses, and Republicans have selectively leaked documents and cherry-picked transcript excerpts without any official committee consideration. How is that bipartisan?

Republicans have also been doing something worse. They have been using the deaths of these four Americans for political campaign fundraising. I call on the Speaker of the House to end that process right now.

For example, on February 17, Chairman ISSA traveled to New Hampshire to attend a political fundraiser, where he spoke about Benghazi. He suggested during his speech that our military's response on the night of the attacks was deficient because Secretary Clinton ordered Defense Secretary Panetta to "stand down." That was a shocking accusation, and he had absolutely no evidence—none—to support it. In my opinion, his statements were reprehensible not only to the Secretary of State but to our brave men and women in uniform.

And so today, we are here to consider a resolution to create another partisan committee to investigate what the Speaker and his five chairmen have already been investigating.

With all due respect, if the Republicans want to fix the problems with their partisan investigation, they need more than just a new chairman. They need a new approach. I have tremendous respect for the gentleman from South Carolina (Mr. GOWDY), and I am glad that he said that fundraising should not be done on the deaths of these four people, and I hope that the Republican Conference will finally agree with that. We are better than that.

They need a new approach, one that is truly bipartisan, and one that seeks the facts before drawing conclusions, rather than the other way around.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today is a historic day for this institution. As a result of the Obama administration's unwillingness to openly work with House Republicans in our ongoing effort to uncover the facts surrounding the events of the 2012 terrorist attack on the American diplomatic mission in Benghazi, Libya, the United States House of Representatives is left with no option except to establish a select committee on Benghazi.

As the author of this resolution, I would like to take the opportunity to provide the American people with a sequence of events that have led us to this point and explain how the newly formed select committee will operate on their behalf.

Immediately following the attacks on Benghazi on September 11, 2012, which took the lives of four brave Americans, including then-U.S. Ambassador to Libya J. Christopher Stevens, four House committees began investigations into the events prior to the attacks, those that occurred during the attacks, and the administration's response afterwards.

And I want to thank our House chairmen and the committees who did what

I believe was an outstanding job in supporting this effort—Chairman DARRELL ISSA of the Oversight and Government Reform Committee, Chairman BUCK MCKEON of the Armed Services Committee, Chairman ED ROYCE of the Foreign Affairs Committee, and Chairman MIKE ROGERS of the Intelligence Committee—and for their exemplary work that has advanced this issue and brought up new facts. Without their diligent work, we would not be where we are today.

But, Mr. Speaker, that work was thwarted; and by this administration not proactively addressing the issue equally themselves in an open and, I believe, transparent way, they have placed us where we are today. It comes as a result of their being an unwilling partner. It comes as a result of many, many turns. The administration has chosen to build roadblocks to the congressional inquiry. Whether failing to comply completely with opportunities to come speak to Congress, objecting to and not complying with subpoenas, delaying the delivery of important documents, heavily redacting critical information, and retroactively classifying previously unclassified files, this administration earned exactly the title that has been placed on it today, "uncooperative."

Mr. Speaker, this will not be tolerated, and this is what has brought us to where we are today. I will tell you that many of the things which you have heard on the floor today are accusations pitched our way; and I will tell you that the American people, through this process, will find out exactly who is after the truth and who is exactly for hiding the truth, because I believe that it is not just mismanagement at the top, but bad decisions that they should and will be embarrassed to have uncovered by the select committee on Benghazi.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I will yield myself 1 minute before yielding to the gentleman from Missouri.

Mr. Speaker, last night in the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER) offered an amendment that was supported by all the Democrats on the committee. That amendment would have allowed for membership on the committee to be equally divided between Republicans and Democrats. It would guarantee minority signoff on subpoenas and depositions. It would guarantee equal distribution of money, staffing, and other resources of the committee. It would require the committee to establish written rules, specifically including rules concerning how documents and other information may be obtained, used, or released.

I will offer a caveat there about the intelligence that you are about to get into with the select committee. It



would guarantee equal access to evidence and materials of the committee. It provides for transparency of the committee's expenditures and budgeting, and it would ensure that a quorum for taking testimony or receiving evidence includes at least one minority Member.

Finally, it would ensure that the minority has a say in decisions about extended questioning and staff questioning of witnesses. That would produce a bipartisan result that would be credible.

I am very pleased at this time to yield 2 minutes to the distinguished gentleman from Missouri (Mr. CLAY), my good friend and a member of the Committee on Oversight and Government Reform.

Mr. CLAY. I thank my friend from Florida for yielding.

Mr. Speaker, I rise today to oppose this misguided, highly partisan select committee that seeks to exploit the tragedy of the attack on our consulate in Benghazi for purely political purposes.

There have already been eight—eight—reviews of that terrible incident. There were legitimate oversight questions about Benghazi, and we explored them in exhaustive detail. More than 25,000 documents have been produced, and dozens of witnesses have been interviewed. Millions of tax dollars have already been spent responding to repetitive and partisan congressional requests. The majority has alleged multiple conspiracy theories, each of which has been dispelled by the facts.

Ambassador Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty are American heroes who gave their lives in brave service to our Nation. But instead of honoring their memory, even before it convenes, this sham select committee is already blatantly being used for political purposes. Evidence of that comes directly from the National Republican Congressional Committee, which created an online fundraising solicitation yesterday. And it reads, in part:

You're now a Benghazi watchdog. Let's go after Obama & Hillary Clinton. Help us fight them now.

So this is not about discovering new facts about Benghazi. This is about creating a partisan vehicle to exploit this tragedy to raise money and to provide the majority's echo chamber on cable TV and talk radio with red meat rhetoric to influence the 2014 midterms and the 2016 Presidential election.

Mr. Speaker, I urge my colleagues to oppose this resolution.

Mr. SESSIONS. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Texas, Judge POE.

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Speaker, on September 11, 2012, terrorists stormed the American con-

sulate in Benghazi. Four Americans were murdered. Nineteen months later, the killers are still running loose. One killer was even interviewed on CNN, but this country cannot capture him and his fellow outlaws.

Why? What has been the problem?

Today there are more questions than answers. Americans are still not really sure what happened that night and the days following the attack.

Several House committees launched investigations but were stonewalled. Subpoenas were issued but ignored. And last week, a White House email was disclosed that indicated there may have been coordination to purposely deceive Congress about what really happened.

Did the administration deceive America? If so, why? Let's find out.

We have no choice but to establish this select committee to ensure that the full story is told, even if the evidence reveals an inconvenient truth, to shine light on what happened when Americans overseas were murdered in the darkness of the night.

And to those who oppose this bill, I ask the question, Mr. Speaker: Why don't they want to know all of the facts?

Let's find the truth—the good, the bad, and the ugly truth. Justice demands it, and justice is what we do in this country.

And that's just the way it is.

The SPEAKER pro tempore. Without objection, the gentlewoman from New York will control the remaining time for the minority.

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH), a member of the Committee on Oversight and Government Reform.

Mr. WELCH. Mr. Speaker, 30 years ago, America suffered an incredible tragedy; 241 Marines in Beirut lost their lives when terrorists bombed the barracks in which they were living. At that time, we had a President whose name was Ronald Reagan, and we had a Speaker of the House whose name was Tip O'Neill. Different parties.

That was an enormous tragedy. An investigation needed to be done, and it was done. It was done on a bipartisan basis. One investigation was done. And there was a presumption that no matter how tragic this was and no matter how important it was to hold people accountable—and that was done—that everybody involved had the best intentions for America's future strength.

And there seems to be a premise, at least to me, that this President of the United States has any less commitment to protecting the lives and safety of the American people than any other President.

□ 1645

I will tell you, I was an opponent of the war in Iraq, and I was critical of

the policies and the decisions of our then-President George Bush. But never once did I question that his motivations were anything less than what he thought was best for America.

We are going off the rails here. This is a tragedy. But there is a real question, at least on the part of many of us, and I think many Americans, as to whether we are doing this right. How is it that there is such glee that the decision is made to go forward after seven other committees, 25,000 documents—more work could be done—but how is it that there was such glee on one side that they turned it into a fundraising opportunity? Who would do that?

Mr. GOWDY won't do it, and he is a good man. But do you know what? If we are going to proceed, it has got to be on the level. We have a seven-to-five committee that is being organized. It is not even-handed. You can't have these tough decisions that not only have to be made right but have to be made so that there is credibility with the American people that they are on the level and not political where you don't have a bipartisan approach, you don't have everybody weighing in on subpoenas.

Mr. SESSIONS. Mr. Speaker, there are lots of questions. The first one is, Why didn't the military come help these men when they were in need over this firefight for several hours? We will just start there.

Mr. Speaker, at this time, I would like to yield 2 minutes to the gentleman from Dardanelle, Arkansas (Mr. COTTON), who is a member of the Foreign Affairs Committee.

Mr. COTTON. Mr. Speaker, a couple of lessons I learned in the Army were you move to the sound of gunfire, and the most important step in the troop-leading procedures is to supervise the execution of your orders.

When Americans were fighting for their lives in Benghazi, Barack Obama did neither. He sent no Quick Reaction Force, and he didn't even stay in the Situation Room to supervise the execution of his orders. We expect more from lieutenants in the Army than our President gave us that night. For 2 years, he has covered up this failure of leadership by stonewalling. Not anymore. We will now get to the truth.

But what do our colleagues on the other side of the aisle say to this? They express great outrage at politicizing this matter. When I was leading troops in Iraq in 2006, men and women who were being shot at and blown up by al Qaeda, where was the outrage as they fund-raised endlessly off the Iraq war? Where was the outrage as they viciously attacked our commanders? Where was the outrage when they said that soldiers were war criminals? Where was the outrage when they said the war was lost? Where was the outrage when they said that only high school dropouts join the Army?

Forgive me if I don't join my Democratic colleagues in sharing their fake

outrage. Four Americans lost their lives that night in Benghazi. They deserve justice, and the American people deserve the truth.

One other lesson I learned in the Army is we leave no man behind, and we will not leave these four men behind.

Ms. SLAUGHTER. Mr. Speaker, let me yield myself 20 seconds to just respond to that.

Mr. Speaker, I would be outraged, too, if anybody did the things that he accused us of doing, and I don't believe a word of it.

I am now pleased to yield 2½ minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I come to the floor today to urge my colleagues to vote against the creation of this select committee. Because this is not a select committee to investigate what happened in Benghazi, which has been done many times already, it is not a select committee to investigate what we can do to better protect our embassies, consulates, and diplomatic corps, which appears to have generated little interest in the majority, it is not even a select committee to probe where we were in the hunt for those responsible, which involves classified information and is something done best in closed session.

No. This is a proposal to create a select committee on talking points.

I have been involved with the investigation into Benghazi from day one as a member of the Intelligence Committee because, like every other American, I wanted to know what happened, why it happened, and how we can keep it from happening again. And I want to bring to justice those who perpetrated this horrible attack.

But almost 18 months later, and after eight reports from House and Senate committees and the Accountability Review Board, the questions that this select committee purports to investigate have been asked and answered time and time and time again. There is no question that this select committee on talking points will waste potentially millions of taxpayer dollars in a purely partisan exercise and serve as little more than a fundraising vehicle for Republicans.

Up until last Friday, the Speaker of the House resisted the siren call from his base for yet another wasteful committee. Here is what he said just a month ago:

There are four committees that are investigating Benghazi. I see no reason to break up all the work that has been done and to take months and months and months to create some select committee.

I agree with the Speaker's previous assessment.

Democrats made a proposal to structure the committee so that it had equal numbers of members of each party, so that it required cooperation

on subpoenas and depositions, and so that it guaranteed equal access to evidence and material collected by the committee. Yet, in each case, we were rejected.

If this isn't a fair investigation and select committee, there is no reason for Democrats to vote for it or to participate in it. Let's end the political circus and focus our efforts on preventing another Benghazi and accelerating the hunt for the murderers of four Americans, including Ambassador Stevens.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 3 minutes to the gentleman from Nebraska (Mr. FORTENBERRY), a member of the Foreign Affairs Committee.

Mr. FORTENBERRY. Mr. Speaker, when pressed last week by a reporter about the tragic events on September 11, 2012, in Benghazi, Libya, the former spokesperson for the National Security Council said this: "Dude, this was like 2 years ago."

Now, this juvenile and unprofessional response has only added to the concern that we do not—still do not—have a full understanding of what occurred that night. What we do know is that our Ambassador, Chris Stevens, and three other Americans are dead.

Now, several congressional committees have looked into this question and have concluded different things, and there are many lingering questions still unanswered. They have reached different conclusions. But these lingering questions are made worse by the fact that we now know that emails from the administration may have been withheld from Congress.

This is the reason that we need a select committee, to probe deeply and get clear answers with a singular goal in mind: to restore the public trust.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Virginia (Mr. CONNOLLY), the ranking member of the Oversight and Government Reform Committee's Subcommittee on Government Operations.

Mr. CONNOLLY. Mr. Speaker, I thank my dear friend.

By the way, Mr. Speaker, we don't need a select committee because a particular chairman who is subpoena-happy can't quite draft a subpoena to capture the emails in question.

I rise in strong opposition to H. Res. 567, which represents yet another unfortunate chapter in the majority's relentless commitment to wasting taxpayer dollars on round after round of Benghazi political theater.

There is a reason that State's slogan is "diplomacy in action." To effectively represent our Nation, American personnel overseas and their families make significant sacrifices. Ambassador Stevens' own family knows that. They issued this eloquent statement after his death:

Chris was not willing to be the kind of diplomat who would strut around in fortified compounds. He amazed and impressed the Libyans by walking the streets with the lightest of escorts, sitting in sidewalk cafes, chatting with passersby. There was a risk to being accessible. He knew it, and he accepted it.

What he would never have accepted was the idea that his death would be used for political purposes. There were security shortcomings, no doubt. Both internal and outside investigations have identified and publicly disclosed them. Steps are being taken to repair them. Chris would not have wanted to be remembered as a victim. He knew and accepted that he was working under dangerous circumstances.

He did so—just as so many of our diplomatic and development professionals do every day—because he believed the work was vitally important.

That is the statement of Chris Stevens, the deceased, murdered Ambassador to Libya, his family.

I deeply understand the demands we place on our Foreign Service, and I know the stakes are high. As a member of the Senate Foreign Relations Committee staff from 1979 to 1989, I vividly recall shortly after I returned home from a visit to the U.S. barracks in Beirut, a horrific truck bomb was detonated there, killing 241 U.S. members of the Marine Corps. Our Embassy was blown up twice in Beirut in that same timeframe.

The Democrats didn't pile on. The Democrats didn't call for a select committee to investigate Ronald Reagan and his administration for malfeasance and incompetence. We didn't darkly hint there was a conspiracy by the Reagan administration to hide the facts and to deny terrorism had occurred. We were patriots. We came together. We mourned our losses. We worked with a Republican President to make it better. That is the spirit in which we should approach this issue.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 3 minutes to the gentleman from Nebraska (Mr. TERRY), a member of the Energy and Commerce Committee.

Mr. TERRY. Mr. Speaker, this bill is absolutely necessary when we look at the facts as we know them currently and we look at the information that we are uncertain about. Number one is we have lost four people in an attack that we now know is a terrorist attack. We now know that some things could have been done to save these people, but for some reason they weren't done.

Now, Beirut has been raised a couple of times, showing the cooperation between Speaker Tip O'Neill then and Ronald Reagan when we lost 241 soldiers in that attack. I remember it vividly. But the difference is how the leadership between then and now reacted.

The leadership at the White House responded to this attack by developing a false narrative to—probably, we don't know why they came up with this fake story about an impromptu protest gone

bad, therefore causing these deaths, so if they are making up a story, what are they trying to hide? Their own incompetence? We don't know that.

We talked about then in Beirut, as my friends from the other side of the aisle had mentioned, about all of the documents that were received in the Beirut investigation. Well, that is because they were cooperative. The documents that we received, despite what the gentleman from Virginia just said, that they were subpoenaed incorrectly, the documents we received were heavily redacted. They were purposely not providing that information. It was redacted.

Now, why was that redacted? Why was it that we had to find out some of the truth about the coverup that occurred on that narrative about a protest gone bad from an outside group that provided the unredacted? So, now, what we have before us is an email that was redacted from the White House and another one that was obtained through an outside source that provided us the same but unredacted that says now that the White House was telling us something different.

When you have a White House that has gone out of their way to cover up the truth, it is incumbent upon all of us on both sides of the aisle to fight for the truth so that the four people that lost their lives—one of which an Ambassador, for God's sake—they are the ones that deserve justice by this select committee.

Ms. SLAUGHTER. Mr. Speaker, for rebuttal, I am going to yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Mr. Speaker, I say to my friend, it is amazing that he claims the White House is covering up when the same White House gave an unredacted version to the Judicial Watch. The easier conclusion—

Mr. TERRY. Will the gentleman yield?

Mr. CONNOLLY. I am rebutting what I just heard.

Mr. Speaker, the gentleman says this is about getting at the truth. Really? Because there have been so many falsehoods propounded on this subject by the other side of the aisle. There was a stand-down order proved conclusively by our own Republican-controlled House Armed Services Committee. There was no such thing.

We could have and should have mobilized the military to intervene and save lives. The military did what it could, but there was not enough timeframe for the military efficaciously to intervene in the tragedy unfolding in Benghazi.

The Secretary of State knew and deliberately covered up. There were talking points that deliberately avoided the word "terrorism," even though the President of the United States a few days later most certainly did use the

word "terrorist" to describe what happened in Benghazi.

The Islamic video had nothing whatsoever to do with Benghazi. The Islamic video was erupting—

Mr. TERRY. Will the gentleman yield now? Because that is absolutely wrong, and you know it.

Mr. CONNOLLY. Mr. Speaker—

The SPEAKER pro tempore. The gentleman will suspend.

Let me remind the other side that the gentleman from Virginia has the floor. He has been unwilling to yield. Let the gentleman have the floor.

The gentleman may proceed.

Mr. CONNOLLY. I thank the Speaker for returning us to regular order.

Mr. Speaker, these are all falsehoods used to justify a needless expense of taxpayer dollars to beat to death for political purposes the tragedy that occurred in Benghazi. And the invocation of the name of the deceased Ambassador, Chris Stevens, even though his own family has pleaded that he not be used as a political pawn in a political partisan game, is something that is beneath contempt.

□ 1700

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the reason why Judicial Watch received the information they did in an unredacted basis was because there are criminal penalties associated with that act. Those criminal penalties do not exist in a congressional inquiry. The administration is simply taking advantage of that, and they know that and so do all Members of Congress.

This administration was playing games. They are taking advantage of the structure which has been established in the relationship of trying to have the three branches of government coexist, and that is exactly what this administration did, and that was the trigger point to where the Speaker then said enough is enough.

When we recognized that the documents that we were getting, which are heavily redacted, did not coincide or agree with what outside groups would get because they, Mr. Speaker, asked for it under FOIA, which has criminal penalties associated with it, which meant that those lawyers knew exactly what they were doing and could be held to that criminal penalty point, but in providing them to Congress, they would just redact it and then claim national security, and we might not ever know the difference.

We are not stupid. We have been deliberate. We have been cautious. We have stayed after it. But redaction after redaction after redaction and wrong, wrong direction and trying to lead us down a path that was not correct is exactly where this administration has been, and they deserve what they are getting.

They are the ones that brought this to Congress. We are simply properly and carefully responding.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), a member of the Foreign Affairs Committee.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the distinguished chairman for bringing this important resolution forward and also Congressman FRANK WOLF, who has been tenacious in insisting that there be a select committee.

There are serious gaps. We all know it. The people who lost their lives who died unnecessarily their loved ones and the American people deserve to know the truth about Benghazi.

When Secretary Clinton came before the Foreign Affairs Committee, I asked her point blank:

You have said, Madam Secretary, that you take full responsibility. How do you define "full responsibility"?

She defined it from the day of, and all that preceded Benghazi is precluded from that definition.

Despite the fact that there was one cable after another, suggesting that there were serious gaps in security, all of that seemed to have not made its way to either her or her senior staff. That is very much of a lack of attention to detail, and a light needs to be brought to that.

I asked two of the people who headed up the ARB, the Accountability Review Board, why they did not interview Secretary Clinton. They had no good answer. I asked them twice—no good answer.

Back in 1998, when we got hit in Dar es Salaam and in Nairobi, I chaired the hearings of the Accountability Review Board. We looked painstakingly at all of the gaps that existed and I wrote the Secure Embassy Construction and Counterterrorism Act of 1999.

There were lessons learned. Those lessons were not applied the way they should have been to Benghazi. Requests were made for help. We still don't know the truth. The new select committee will leave no stone unturned. It will get answers.

Again, those who died, their loved ones, and the American people deserve to know the truth.

Ms. SLAUGHTER. Mr. Speaker, may I inquire if my colleague has more requests for time?

Mr. SESSIONS. In fact, I do.

Ms. SLAUGHTER. I reserve the balance of my time to close.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Tampa, Florida (Mr. JOLLY).

Mr. JOLLY. Mr. Speaker, I rise in support of this resolution, a resolution necessitated today by a crisis in trust, a crisis in trust between this Congress and this administration.

This body has the article I constitutional authority to provide oversight over the administration, an authority that has been repeatedly ignored by this administration, and ignored with

an audacity rarely seen in modern politics. Today, with this resolution, we confront that audacity.

Here are the facts. We have a President that rules by pen and a phone. We have an Attorney General that selectively enforces laws when he wishes to and in which States he wishes to. We have a Veterans Affairs administration that is withholding documents about the death of veterans.

We have agencies that legislate by regulation, and we have an Internal Revenue Service that has targeted organizations and refuses to testify about it. So is it any surprise that, last week, additional information comes to light about Benghazi? No, it is not.

This administration has kept information from this Congress, and they have refused to recognize the gravity of this obstructionism. They have done so in the context of a loss of American lives and a loss of life that is personal for a family in my district. That family deserves answers.

Yes, we have a crisis in trust between this Congress and this administration, but this is not political theater. This has not been brought upon this House by this side of the aisle. It has been brought upon this house by the stonewalling of the administration.

It is a rightful execution and a proper execution of the article I oversight authority of this Congress. I urge my colleagues to support this resolution.

Mr. SESSIONS. Mr. Speaker, at this time, I yield 3 minutes to the gentleman from Florida (Mr. MICA), a member of the Committee on Oversight and Government Reform.

Mr. MICA. Mr. Speaker and my colleagues, I am going to ask a couple of questions. First of all, I have to give a disclaimer that I was one of the Members on this side of the aisle that did not favor a select committee. I actually took my name off of a request by Mr. WOLF. I thought we could handle this matter in regular order. Four committees proceeded to investigate the matter.

I am the senior member of the chief investigative panel of Congress. I have been through many investigations. I have never in my life seen the stonewalling. I have never seen the contempt for Congress displayed by this administration.

Then last week, to make a mockery of the entire system, we saw from an outside party getting information that four committees of Congress had never received and requested. I have never seen anything like this. Why are we doing this? The other side has brought this, the administration has brought this upon themselves.

Let me ask a fundamental question: What difference does it make? What difference does it make?

I want you to tell that to the State Department employees who every day go to work, sometimes put their life at

risk. Four American officials were killed—murdered—and no one has been held accountable. No one has been brought to justice, and to have an official come before a committee of Congress and say: What difference does it make? Ask that to the families of the State Department people who work for the American people.

What difference does it make? Ask the military.

Oh, there is no evidence of an order to stand down, but we know our military had the ability to save those Americans. We know that the State Department had the ability to keep those Americans safe, and no one acted.

What difference does it make? What difference does it make to those four families?

What difference does it make? We don't have to investigate anything. We don't have to hold anyone accountable.

No one died in Watergate. Four American officials lost their lives. Under our system, individuals—whether it is the Secretary of State or the President of the United States or any official at any level—need to be and must be held accountable and responsible under our system.

Otherwise, we make a mockery of this whole business of a government of and for and by the people.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I yield an additional 1 minute to the gentleman.

Mr. MICA. What difference does it make?

People were asleep at the switch. They need to be held accountable again, regardless of rank. This is the United States of America. This is the Congress. People sent us here. They are out there trying to make a living, provide for their families, pay their taxes. They sent us here to keep this government responsible, accountable.

What difference does it make? It makes a great deal of difference, not only to the men and women of the State Department, our United States military, the families of those slain, but it makes a big difference to the people of the United States who sent us here to keep this a responsible government and accountable, no matter who must be held responsible or accountable.

Ms. SLAUGHTER. I reserve the balance of my time as long as my colleague has speakers.

Mr. SESSIONS. We are now through with our speakers, and I am prepared to close.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time to close.

I think probably the best way that I can close would be with another quote from the man who is fast becoming my favorite Member of the House of Representatives, Congressman BUCK

McKEON, Republican chair of the Armed Services Committee.

He said to the Associated Press on April 10:

I think I pretty well have been satisfied that given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably could not have done more than we did. At some point, we think we will have as much of this story as we are going to get and move on.

Mr. McKEON, it is long past time for us to move on.

I really appreciate so much hearing from Mr. CONNOLLY, the statement from Ambassador Stevens' family—I had not heard it before—and the eloquence with which they talked about him. Remember, he had only been there in Benghazi—was basically there for the day, and everybody said—and all of the things that I have read, he was that kind of man.

He spoke the language, and he wanted to be out with the people. He would not have wanted to be behind the walls of a compound, and he knew what he was doing, and he made his choices.

The thing that rang so strong with me was the one thing that they said that he would not have wanted was to become a political pawn, and that is exactly what we are making of Ambassador Stevens and the other three Americans who died in that tragic event.

Without any question, we are also causing, once again, to those four families of people who loved them most grievous hardship to deal with all this again, and it is being done for politics. It is being done to raise money.

So I want to close by paraphrasing another great American at another time and ask the majority: Have you no shame? At long last, have you no shame?

I yield back the balance of my time. Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time to close.

I do want to thank the gentlewoman from New York, the ranking member of the Rules Committee, my dear friend, who presided over a very long hearing yesterday, where we went through, in a meticulous fashion, the understanding of why this committee, who this committee might comprise itself of, and what their mission would be.

We intervened into this process as a result of a real problem, Mr. Speaker. We have intervened in this process because the administration and the standing committees here in the House of Representatives were unable to quickly and thoroughly accomplish their goal of providing not only proper oversight, but getting a fair and transparent answer back.

Hiding the ball is one thing; deception is another.

□ 1715

This administration has gone out of their way. They have lawyered up to make sure that they could, I think,

mislead Congress. Well, they would make sure that we really could never get involved in anything but a goo ball, and then they would try and explain themselves in such a way that they would blame our insistence upon getting the truth as a political witch-hunt.

Mr. Speaker, that must mean there is a witch somewhere. And I don't have any clue what that answer is. What I will tell you is this: we must get to the bottom of this without it being a political witch-hunt.

So yesterday, I meticulously went through with the committee an understanding, and I stated three important parts of what this resolution is about: a select committee is authorized and directed to conduct a full and complete investigation and study; and to issue a final report and its findings to the House regarding all policies, decisions, and activities that contributed to the attack on the United States facilities in Benghazi, Libya, on September 11, 2012, as well as those that affected the ability of the United States to prepare for these attacks; and number three, in particular, that information related to lessons learned from the attack and executive branch activities and efforts to protect the United States facilities and personnel must be understood.

Mr. Speaker, JOHN BOEHNER, the Speaker of the House, has announced that the gentleman from South Carolina, a distinguished Federal prosecutor, a reliable person who serves in this body, is not the least bit interested in the political outcome. In fact, he is interested, because I know him and know him well, in doing the things which are under the charge that we at the Rules Committee and that this House today, I believe, will give him, that he will well and faithfully discharge those duties that have been given to him as the chairman of this select committee.

And I believe that the Speaker of the House has met with former Speaker PELOSI, now the minority leader, to ask the minority leader to please offer him the names of those five personnel, Members of Congress, who might represent the Democrats, or the minority in this case, an opportunity to be a full and forthwith member of this committee.

It is our intent that these 12 people will work together, not apart, that they will work with a mandate that is clear and that provides them the necessary information and the discretion to the full extent of the law.

It is also understood by this that these members of this select committee need to be met forthwith by the administration of the United States of America, and that is the office and the executive branch of the Presidency.

It is a full request that I would make at this time for the American people to understand that we are asking this ad-

ministration to lay down their sword, to lay down those things which have been impediments to properly providing transparency and things that are information that would allow us to get to the bottom of this.

We have heard over and over how people accepted that the buck stopped there and they took full responsibility. In accepting full responsibility, we have not learned enough about what those mistakes were if they are willing to accept the responsibility.

This is not going to be wished away, Mr. Speaker. Our young chairman, TREY GOWDY, will not whitewash this investigation. Our committee is not empowered just to go off and fritter away the time. They will be serious members of this body.

I look forward to finding out who former Speaker PELOSI, minority leader, appoints to the committee. I will be intensely interested to see who Speaker BOEHNER appoints. And I would bet that they will represent the very best from this body, that they will be young men and young women who have been in and a part of understanding how to carefully look for the facts of the case and not an inch beyond, how to ask questions that are fair and those that represent the very best of only learning the truth and not an inch more.

I have confidence that this House of Representatives, through the leadership of Mr. GOWDY, will bring not only excellence, but will stand as a model of how the House of Representatives should conduct itself when they have a problem with an administration, whether it be Republican or Democrat. I will predict today that those people that former Speaker PELOSI brings to the table and that we bring to the table will be prepared to do exactly that.

Mr. Speaker, with that, I know I am ending my time. I yield back the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, this week the House will debate and vote on a resolution authorizing a new Select Committee on Benghazi. Indeed, the attack in Libya was a tragedy, as is losing an Ambassador doing official work for the United States abroad, but using these deaths to score political points is politics at its worst. After 9/11, our nation came together to do what is best for all Americans. There were no gotcha politics, no hearings to blame the victims; instead, we worked together as a unified body on Capitol Hill to protect the American people.

There have already been seven reviews of that terrible attack: one by the State Department's Accountability Review Board, two bipartisan reviews in the Senate, and four partisan reviews in the House. It certainly seems as though the Republicans' proposed special committee is nothing more than an attempt to exploit the deaths of four brave Americans to divert attention away from their own doing-nothing record here in Washington.

Moreover, this new select committee is in reality, nothing more than a monumental waste of time and taxpayer dollars to help Re-

publicans mobilize their extreme base ahead of the election. According to the Department of Defense in fact, they have already spent millions of dollars and thousands of hours responding to congressional inquiries. Nor will the new select committee have any additional powers that Chairman ISSA doesn't have already—including the ability to issue unilateral subpoenas for any document or any witness, authority he just used to subpoena the Secretary of State.

To be sure, Benghazi was not the first time Americans have been killed in an embassy while in the service to their country. In the last 100 years, there have been 39 attacks on U.S. embassies with at least 44 American deaths. In one Embassy bombing in fact, a constituent of mine, Mr. Julian Bartley, Sr. one of the most senior African Americans in the U.S. Foreign Service, was the highest-ranking U.S. official killed in the August 7th, 1998 explosions at the American Embassies in Nairobi and Dar es Salaam, Tanzania. Jay, his son, a sophomore at the U.S. International University in Nairobi, also died in that explosion.

On that day in August, Osama bin Laden and his terrorist group, al-Qaeda, simultaneously set off bombs at the American embassies in Nairobi and Dar es Salaam, Tanzania. More than 250 people were killed, including 12 Americans, and 5,000 wounded in the twin bombing attacks: we were all outraged at these coordinated attacks on Americans.

However, as Dana Milbank of the Washington Post put it: 'Benghazi doesn't qualify as a scandal because the Republican allegations, even if true, don't amount to much. It is indeed scandalous that weak security allowed the killings to occur, and that the perpetrators still haven't been brought to justice. But Republicans are focusing on (United Nations Ambassador Susan) Rice's TV talking points, under the theory that she emphasized the role of a provocative video and street protests so the violence wouldn't disprove President Obama's contention before the 2012 election that terrorists were being defeated.'

Mr. DUFFY. Mr. Speaker, I rise in support of H. Res. 567 and urge the House to approve the measure as soon as possible.

On September 11, 2012, a group of terrorists ruthlessly attacked our consulate in Benghazi and killed four Americans: U.S. Ambassador to Libya Christopher Stevens, Foreign Service Information Management Officer Sean Smith, and two private security contractors and former Navy SEALs, Glen Doherty and Tyrone Woods. The terrorists who perpetrated the attack have still not been brought to justice and the State Department officials, whose failure of leadership contributed to grossly inadequate security in Benghazi, have not been held accountable.

Despite numerous House oversight hearings on this issue, it is clear that there are too many questions that remain unanswered. Additionally, the Administration's unwillingness to present full and accurate information to these Congressional committees show officials are more interested in maintaining their public image than providing real answers.

That is why I am proud the House of Representatives is considering H. Res. 567 that establishes a Select Committee on the events surrounding the 2012 terrorist attacks in

Benghazi. In fact, I was a proud cosponsor of a similar measure. I also want to thank you Mr. Speaker for appointing Rep. TREY GOWDY to head the Select Committee. A former federal prosecutor who never lost a case, I know my friend and colleague from South Carolina Rep. GOWDY will help these grieving American families finally get the answers they deserve.

I am hopeful that this Select Committee will finish the much needed work of holding the Administration accountable for its failures surrounding this attack, deliver justice to those terrorists who murdered these four Americans, and bring peace to the families of the victims.

I urge Members to support this resolution.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 575, the previous question is ordered on the resolution.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

AGREEMENT FOR COOPERATION  
BETWEEN THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA  
AND THE GOVERNMENT OF  
THE SOCIALIST REPUBLIC OF  
VIETNAM CONCERNING PEACEFUL  
USES OF NUCLEAR ENERGY—MESSAGE FROM THE  
PRESIDENT OF THE UNITED  
STATES (H. DOC. NO. 113-109)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of a proposed Agreement for Cooperation between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy (the "Agreement"). I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105-277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing rel-

evant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretaries of State and Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed. An addendum to the NPAS containing a comprehensive analysis of Vietnam's export control system with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries, pursuant to section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), as amended, is being submitted separately by the Director of National Intelligence.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Vietnam based on a mutual commitment to nuclear nonproliferation. Vietnam has affirmed that it does not intend to seek to acquire sensitive fuel cycle capabilities, but instead will rely upon the international market in order to ensure a reliable nuclear fuel supply for Vietnam. This political commitment by Vietnam has been reaffirmed in the preamble of the proposed Agreement. The Agreement also contains a legally binding provision that prohibits Vietnam from enriching or reprocessing U.S.-origin material without U.S. consent.

The proposed Agreement will have an initial term of 30 years from the date of its entry into force, and will continue in force thereafter for additional periods of 5 years each. Either party may terminate the Agreement on 6 months' advance written notice at the end of the initial 30 year term or at the end of any subsequent 5-year period. Additionally, either party may terminate the Agreement on 1 year's written notice. I recognize the importance of executive branch consultations with the Congress regarding the status of the Agreement prior to the end of the 30-year period after entry into force and prior to the end of each 5-year period thereafter. To that end, it is my strong recommendation that future administrations conduct such consultations with the appropriate congressional committees at the appropriate times.

The proposed Agreement permits the transfer of information, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, sensitive nuclear technology, sensitive

nuclear facilities, or major critical components of such facilities. In the event of termination of the Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the Agreement.

Vietnam is a non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons. Vietnam has in force a comprehensive safeguards agreement and an Additional Protocol with the International Atomic Energy Agency. Vietnam is a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material, and has ratified the 2005 Amendment to the Convention. A more detailed discussion of Vietnam's intended civil nuclear program and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and in a classified annex to the NPAS submitted to you separately. As noted above, the Director of National Intelligence will provide an addendum to the NPAS containing a comprehensive analysis of Vietnam's export control system with respect to nuclear-related matters.

I have considered the views and recommendations of the interested departments and agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123b. and 123d. of the Act.

My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided for in section 123b. Upon completion of the 30 days of continuous session review provided for in section 123b., the 60 days of continuous session review provided for in section 123d. shall commence.

BARACK OBAMA.  
THE WHITE HOUSE, May 8, 2014.

AMERICAN RESEARCH AND  
COMPETITIVENESS ACT OF 2014

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 569, I call up the bill (H.R. 4438) to amend the Internal Revenue Code of 1986 to simplify and make permanent the research credit, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 569 and House Resolution 576, the amendment in the nature of a substitute recommended by



the Committee on Ways and Means, printed in the bill, and the further amendment printed in part B of House Report 113-444, are adopted. The bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 4438

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “American Research and Competitiveness Act of 2014”.

#### SEC. 2. RESEARCH CREDIT SIMPLIFIED AND MADE PERMANENT.

(a) IN GENERAL.—Subsection (a) of section 41 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) IN GENERAL.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to the sum of—

“(1) 20 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined,

“(2) 20 percent of so much of the basic research payments for the taxable year as exceeds 50 percent of the average basic research payments for the 3 taxable years preceding the taxable year for which the credit is being determined, plus

“(3) 20 percent of the amounts paid or incurred by the taxpayer in carrying on any trade or business of the taxpayer during the taxable year (including as contributions) to an energy research consortium for energy research.”.

(b) REPEAL OF TERMINATION.—Section 41 of such Code is amended by striking subsection (h).

(c) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 41 of such Code is amended to read as follows:

“(c) DETERMINATION OF AVERAGE RESEARCH EXPENSES FOR PRIOR YEARS.—

“(1) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENDITURES IN ANY OF 3 PRECEDING TAXABLE YEARS.—In any case in which the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined, the amount determined under subsection (a)(1) for such taxable year shall be equal to 10 percent of the qualified research expenses for the taxable year.

“(2) CONSISTENT TREATMENT OF EXPENSES.—

“(A) IN GENERAL.—Notwithstanding whether the period for filing a claim for credit or refund has expired for any taxable year taken into account in determining the average qualified research expenses, or average basic research payments, taken into account under subsection (a), the qualified research expenses and basic research payments taken into account in determining such averages shall be determined on a basis consistent with the determination of qualified research expenses and basic research payments, respectively, for the credit year.

“(B) PREVENTION OF DISTORTIONS.—The Secretary may prescribe regulations to prevent distortions in calculating a taxpayer's qualified research expenses or basic research payments caused by a change in accounting methods used by such taxpayer between the current year and a year taken into account in determining the average qualified research expenses or average basic research

payments taken into account under subsection (a).”.

(2) Section 41(e) of such Code is amended—

(A) by striking all that precedes paragraph (6) and inserting the following:

“(e) BASIC RESEARCH PAYMENTS.—For purposes of this section—

“(1) IN GENERAL.—The term ‘basic research payment’ means, with respect to any taxable year, any amount paid in cash during such taxable year by a corporation to any qualified organization for basic research but only if—

“(A) such payment is pursuant to a written agreement between such corporation and such qualified organization, and

“(B) such basic research is to be performed by such qualified organization.

“(2) EXCEPTION TO REQUIREMENT THAT RESEARCH BE PERFORMED BY THE ORGANIZATION.—In the case of a qualified organization described in subparagraph (C) or (D) of paragraph (3), subparagraph (B) of paragraph (1) shall not apply.”.

(B) by redesignating paragraphs (6) and (7) as paragraphs (3) and (4), respectively, and

(C) in paragraph (4) as so redesignated, by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively.

(3) Section 41(f)(3) of such Code is amended—

(A)(i) by striking “, and the gross receipts” in subparagraph (A)(i) and all that follows through “determined under clause (iii)”,

(ii) by striking clause (iii) of subparagraph (A) and redesignating clauses (iv), (v), and (vi), thereof, as clauses (iii), (iv), and (v), respectively,

(iii) by striking “and (iv)” each place it appears in subparagraph (A)(iv) (as so redesignated) and inserting “and (iii)”,

(iv) by striking subclause (IV) of subparagraph (A)(iv) (as so redesignated), by striking “, and” at the end of subparagraph (A)(iv)(III) (as so redesignated) and inserting a period, and by adding “and” at the end of subparagraph (A)(iv)(II) (as so redesignated),

(v) by striking “(A)(vi)” in subparagraph (B) and inserting “(A)(v)”, and

(vi) by striking “(A)(iv)(II)” in subparagraph (B)(i)(II) and inserting “(A)(iii)(II)”,

(B) by striking “, and the gross receipts of the predecessor,” in subparagraph (A)(iv)(II) (as so redesignated),

(C) by striking “, and the gross receipts of,” in subparagraph (B),

(D) by striking “, or gross receipts of,” in subparagraph (B)(i)(I), and

(E) by striking subparagraph (C).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2013.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to amounts paid or incurred after December 31, 2013.

#### SEC. 3. PAYGO SCORECARD

(a) PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

#### GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 4438.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our current Tax Code is broken. It is hurting families and hurting our ability to create good-paying jobs in this country.

Last week we learned that the economy grew 0.1 percent in the first quarter of 2014. One-tenth of a percent of growth is unacceptable. Hardworking families and small businesses are struggling in this economy, wages are flat, and businesses are not growing.

Beyond having the dubious distinction of the highest corporate rate in the world, the United States is the only country that also allows important pieces of its Tax Code, like the research and development tax credit, to expire on a regular basis.

Businesses can't grow and invest when the Tax Code is riddled with instability and uncertainty. The research and development credit, the permanent extension we have before us today, has been part of the U.S. Tax Code since 1981. Renewed year after year, the credit has long been bipartisan and an effective way to incentivize U.S. companies to innovate, create new products, and invest in the United States.

The bill we have before us is a result of years of work that the Ways and Means Committee members have put into tax reform. By simplifying the credit, we eliminate the burden on businesses to do substantial amounts of recordkeeping, maintain countless receipts, and perform complex calculations.

Notably, the R&D credit has been historically bipartisan. In fact, just a few years ago, Congressman LEVIN, now ranking Democrat on Ways and Means, and I cosponsored the House bill to extend the research and development tax credit. Today the bill is led by Mr. BRADY and Mr. LARSON and has many other Republican and Democrat cosponsors.

Many on the other side of the aisle have commented about the fact that this job-creating provision is unpaid for. I would note that this provision, among other extenders, has historically not been paid for. All together, Ways and Means Democrats have cast 71 votes on this floor in favor of unpaid extensions of this policy. That amounts to 15 years' worth of extensions.

While the change of tune may be for political reasons, I think we can all



agree that this is the right policy. Making the R&D tax credit permanent is an important first step to achieving growth and putting us on a path toward comprehensive reform that lowers rates and makes the Code simpler and fairer. It also supports good-paying jobs. According to the National Association of Manufacturers, 70 percent of R&D credit dollars are used to pay salaries of R&D workers.

The United States was once the world leader in providing research incentives to U.S. companies so that U.S. companies could innovate and create new technologies and products, but we have fallen far behind. Other countries are moving past the United States, putting American companies at risk of falling further behind. Countries like Japan, the United Kingdom, Canada, Russia, and Slovenia have all invested more in research and development support than the United States.

□ 1730

This is unacceptable and we can do better. A strong permanent credit not only provides the certainty employers need, but the Joint Committee on Taxation estimates that making the R&D credit permanent will increase the amount of research and development American companies undertake by up to 10 percent. That translates into more workers, higher wages, and increased innovation here in the United States.

Mr. Speaker, I yield 1 minute to the gentleman from Virginia, Leader CANTOR.

Mr. CANTOR. Mr. Speaker, I thank the chairman, the gentleman from Michigan.

Mr. Speaker, I rise today in strong support of the American Research and Competitiveness Act.

Mr. Speaker, right now, America isn't working for too many people. Last month alone, 800,000 people left the workforce, and many more continue to search for a job. Working people are having a tough time too. They are having a tough time climbing the economic ladder of success, partly because America is struggling to remain competitive in the global marketplace.

However, we have an opportunity to change that today by passing this legislation and improving the R&D tax credit and making it permanent.

This action will grant the U.S. a chance to compete for more research and development investment dollars while manufacturers are being courted by other countries that have more stable R&D tax incentives and lower corporate tax rates. But the positive economic impact will not be constrained to manufacturing alone. It will also bring new investments to the energy industry, medical research, STEM advancements, and information technology, among others.

A 2011 study by Ernst & Young found that strengthening the R&D tax credit

would raise wages by up to \$3 billion in the short term and \$8 billion in the long term. It would also increase employment related to research by 130,000 in the short term and over 300,000 jobs in the long term. With the American economy sputtering along, this bill creates an opportunity that we simply cannot afford to pass up.

Mr. Speaker, to put it simply, this legislation is about jobs. This legislation is about giving American workers and middle class families a chance at new opportunities. This legislation is about creating an America that works again, an America that works again for everybody.

Let's stand together in a bipartisan fashion and pass this bill so that we can help turn this economy around and begin to move in the right direction once again.

I want to thank Chairman CAMP for his leadership in bringing this bill forward, for Congressman BRADY in the Chamber from Texas, and the rest of the Ways and Means Committee for their hard work on this issue.

I urge my colleagues in the House to support this bill.

Mr. LEVIN. Mr. Speaker, I yield as much time as he may consume to the gentleman from Maryland (Mr. VAN HOLLEN), the ranking member on the Budget Committee.

Mr. VAN HOLLEN. Mr. Speaker, I want to thank my friend and colleague, the ranking member of the Ways and Means Committee, for all the work he has done on tax policy to make sure we have a tax policy that is both pro-growth and works for the country. And I want to commend the chairman of the Ways and Means Committee for his efforts on tax reform.

I wish what we were doing today was talking about real tax reform. Many of us agree that we need to reform our corporate Tax Code, that we do need to deal with the rates and we need to deal with the base.

But that is not what this is about. The Speaker decided not to bring before this full House the tax reform bill that the chairman of the Ways and Means Committee has worked on, and that is not what we are dealing with today. Nor is what we are dealing with today whether we are for or against the research and development tax credit.

The chairman of the committee said there is bipartisan support for the R&D tax credit. I agree, it is a pro-growth tax policy.

The issue is whether we extend it on a permanent basis and unpaid for, not one penny of it paid for. The chairman mentioned that we had raised this on an annual basis in the past. That is true. One of the reasons we didn't take it up on a permanent basis was because everybody realized what impact it would have on our long-term deficit and said, you know, that is not good fiscal policy, that is not good fiscal dis-

cipline, let's try and work together to get it done in a fiscally responsible way.

But instead of doing that, we now have our colleagues coming forth and doing it in a way that puts it on a credit card, puts it on a credit card. Not one penny is paid for. We have this R&D tax credit bill before us today. There are four other business tax incentive bills that are coming out of the Ways and Means Committee. Together they add \$310 billion to the deficit. That means \$310 billion on our national credit card.

Now, what is interesting is it was probably less than a month ago that on the floor of this very House we had a debate on the Republican budget. We were told then that the most important thing we could do for long-term economic growth was to reduce long-term deficits. That was the be-all and end-all. It is important. And do you know what? We agree it is important to reduce the long-term deficits. The question is not whether, it is how.

So we proposed, in addition to some of the cuts we have already made in this House, that we also close some of the unproductive wasteful special interest tax breaks that happen to go to different interests around the country, not because it is important to our economy, not because it helps the economy grow, but because they happen to have a lot of influence here in Washington. So we should get rid of some of those to help pay for pro-growth tax policy like the R&D tax credit. But our Republican colleagues said no. They wouldn't close one, not one special interest tax break to help reduce the deficit, not one.

So here we are today after all that talk just a few weeks ago about reducing the deficit doing a permanent and unpaid-for extension of the R&D tax credit—the first installment of, as I said, five bills that will add \$310 billion to the deficit, all on a credit card.

In fact, Mr. Chairman, I don't know if all the Members know, they had to waive their own rules because this bill is inconsistent with the budget that was passed in this House a few weeks ago—inconsistent. In fact, if you look at the five bills coming forward, they put the Republican budget at a balance even on its own terms. They used funny math to claim that their budget was balanced. They actually used the revenue from the Affordable Care Act—ObamaCare—even when they said they are getting rid of it. But let's give them that for a moment.

By their own terms, these five bills now mean that their own budget, Republican budget, is not in balance anymore. We are in favor of the R&D tax credit. We would like to find a way to permanently extend it, but let's do it in a fiscally responsible manner.

Here is the thing, Mr. Chairman—all of us know this. When you don't pay

for it, when you put it on a credit card, at the end of the day somebody is paying for it. Now, last night we pointed out that the Republican proposal was actually going to pay for it by hitting Medicare. They left in place a Medicare sequester under statutory PAYGO. They were going to ask Medicare to pay for these tax credits. I am glad they reconsidered that. But at the end of the day someone has got to pay. Who pays?

Let's go back and look at the Republican budget from a few weeks ago. I will tell you who pays. Because that budget refuses to close any of those wasteful tax breaks, whether it is for corporate jets—whether it is for big oil companies, whether it is for hedge fund owners—because they refuse to do any of those to reduce the deficit they come after our kids' education: deep cuts in Head Start, deep cuts in K through 12, deep cuts in helping more students afford college, deep cuts in medical research, scientific research. We are talking about the importance of giving the private sector incentives to invest in R&D—that is right.

But when you cut the nondefense discretionary budget by 25 percent compared to now over the next 10 years, you are also cutting our capacity as a country to invest in cutting-edge R&D. After all, there were Federal Government investments that helped launch the Internet, which has had huge economic benefits. Investments in scientific research at NIH, huge benefits.

That's why it is so important to do this in a fiscally responsible manner. Because when you add \$310 billion to the deficit somebody pays at the end of the day.

What we have said is, let's pay for it in a way that makes sense, a combination of cuts, many of which have been made, but also getting rid of the unproductive wasteful tax breaks that are in the Tax Code, which are there not because of the economic benefit, but because of the power of a lobby here in Washington.

I would hope we would go back to what the chairman of the committee actually wanted to do when he started the effort of tax reform a couple of years ago and beyond, which was, yes, let's do real tax reform, let's do it in a way that makes sense, let's do it in a way that doesn't bust the deficit wide open and leave our kids having to pick up the tab either through higher interest rates or cuts to their education. That is not right.

I urge my colleagues to vote against this legislation.

Mr. CAMP. Mr. Speaker, I would just note for the record that the previous speaker, the gentleman from Maryland, has voted four times to extend the research and development tax credit, none of them paid for, for a total of 7½ years.

With that, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a

distinguished member of the Ways and Means Committee and chairman of the Joint Economic Committee.

Mr. BRADY of Texas. Mr. Speaker, I thank the chairman for bringing this important bill, the American Research and Competitiveness Act, to the House floor.

This is a bipartisan bill. I am glad not only to be the lead sponsor, but to be working with my friend, a Democrat, JOHN LARSON from Connecticut, on this important bill. We follow in the footsteps of two other bipartisan leaders, Chairman DAVE CAMP and Ranking Member SANDY LEVIN, who carried this bill together in a bipartisan way with strong support from Republicans and Democrats.

In the day and age where we look at our smart phone or our tablet and we see sort of the impact of technology on our lives, many of us have family members and parents for whom medical breakthroughs have saved lives, lengthened lives, given back quality of life. We see people who are disabled through technology now able to live full lives and work full lives because America is innovative. This is about jobs, but it is about people as well.

America used to lead the world in research incentives, but today we have fallen to 27th. China, Russia, and other global competitors are quickly surpassing us in their share of the economy devoted to research. If we don't permanently commit to encouraging new innovation in technology, in manufacturing, in energy, in medical breakthroughs, over time we will lose our place as the largest economy in the world.

We need to make permanent this key tax incentive that encourages American companies to increase their investments in America in research and development of new product breakthroughs. When we do that, when we make this temporary provision—temporary for 34 years by the way—when we make it permanent we will create over 300,000 new American jobs and raise workers' wages by almost \$10 billion.

What this bill does is it simplifies this provision so that small- and medium-size businesses can also take advantage of this credit.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield an additional 30 seconds to the gentleman from Texas.

Mr. BRADY of Texas. According to the Joint Committee on Taxation, making it permanent will lead to a 10 percent increase in new research here in America. The fact is American companies are going to invest in research. The question is, are they going to do it in America or are they going to do it overseas? We can't allow foreign countries to take this research, the jobs that go with technology. It is time to come together—Republicans and Democrats—to make this law permanent.

Mr. LEVIN. Mr. Speaker, I now yield 3 minutes to the gentleman from Illinois (Mr. DANNY K. DAVIS), another distinguished member of the Ways and Means Committee.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise in opposition to this legislation.

H.R. 4438 would add \$156 billion to the deficit to provide permanent tax breaks for businesses while doing nothing for the 2.6 million Americans living the constant nightmare of long-term unemployment.

H.R. 4438 does nothing to help low-income working families by permanently extending the earned income tax credit or the child tax credit used by over 100,000 of my constituents and credits that keep millions of Americans out of poverty.

□ 1745

Further, H.R. 4438 does nothing to incentivize businesses to hire hard-to-employ workers via the work opportunity tax credit, to help revitalize distressed communities via the new markets tax credit, to help the elderly donate to charities via the IRA charitable rollover, to create affordable housing via the low-income housing tax credit, to reimburse the 3.7 million teachers the hundreds of dollars a year that they pay out of their own pockets.

In the name of fiscal responsibility, the Republican leadership has justified refusing to help the unemployed and slashing food stamps for poor families, cutting health care and services for seniors and limiting services for foster care.

Even worse, the Republican leadership understands that, as a law, H.R. 4438's failure to pay for its \$156 billion price tag will cause automatic cuts to Medicare, to student loans, and to other mandatory safety net programs because the bill violates PAYGO.

I strongly urge my colleagues to vote "no" on this business giveaway.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Washington State (Mr. REICHERT), a distinguished member of the Ways and Means Committee.

Mr. REICHERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the American Research and Competitiveness Act. This bill takes a couple of important steps in improving a tax credit that supports tens of thousands of jobs in my home State of Washington State.

First of all, it makes the credit permanent. This credit has been extended 15 times since it was first enacted in 1981, making it impossible for businesses to plan their research and development activities in the future.

When businesses have certainty, they can plan for the future, and when they can plan for the future, they have the confidence to hire workers and to create jobs.

Second, Mr. Speaker, there was a time when it was understood that businesses would perform their research and development activities right here in the United States of America. Today, that is not the case.

In my home State of Washington, we don't have to look too far to see exactly what other countries are doing to attract research and development. Let's just take Canada, for example, which is just right north of Washington State.

In Canada, not only have they reduced their federal corporate tax rate to 15 percent, but they have made it permanent. On top of this, the various provinces and territories have added their own research tax incentives.

For example, in British Columbia, there is an additional 10 percent research and development tax credit. We can't compete with that in the United States of America. We can't compete with that in Washington State.

Mr. BRADY's bill helps get us back in the game of competing for research and development dollars. It provides a permanent tax credit of 20 percent and allows expenditures on supplies and software to be a part of the credit's base.

This bill represents a step in the right direction of fixing our Tax Code, making our economy competitive. Most importantly, Mr. Speaker, this bill is about creating jobs for Americans, so I urge my colleagues to support its passage.

Mr. LEVIN. Mr. Speaker, I now yield such time as he may consume to the distinguished gentleman from Wisconsin (Mr. KIND), a member of our committee.

Mr. KIND. I thank my friend for yielding me this time.

Mr. Speaker, I rise in strong support of the goal to permanently extend the research and development tax credit. Our businesses, large and small, need that certainty. They can't be trying to make budgetary decisions in order to help grow the economy and create jobs on these short-term measures that have been coming through Congress.

What I have an objection to this evening and where the problem lies with this legislation before us today is that none of it is paid for. We have been to this dance before. We know what works and what doesn't work when it comes to the fiscal management of our Nation.

What works is pay-as-you-go budgeting rules. If there is going to be a revenue reduction or a spending increase, you have to find an offset in the budget to pay for it to maintain balance.

We had that system in place during the 1990s, thanks to the budget agreement of 1990 that President George H.W. Bush signed into law and then followed by the budget agreement of 1993, when President Clinton was in office.

Subsequently, with the strength of a vibrant, growing economy in which 24

million private sector jobs were created, along with pay-as-you-go budgeting rules that were in place, President Clinton saw 4 years of budget surpluses at the end of his term, when we were paying down the national debt, rather than adding to it.

Thank God we were at that time because, when September 11 hit—that unexpected disaster against our Nation—we had financial resources with which to respond.

After my Republican colleagues took complete control of the Federal Government during the 2000s, with President Bush's election, they reverted back to bad habits—with two large tax cuts that weren't paid for; with two major wars that weren't paid for; with the passage of a new prescription drug bill, which was the largest expansion of entitlement spending since Medicare was created in '65—and not a nickel of it paid for; the largest increase in discretionary spending since the Great Society—none of it paid for.

When President Obama took office, he inherited a \$1.5 trillion budget deficit in his first year. They have not been shy in laying the blame of fiscal mismanagement in the structural annual budget deficits at the current President's doorstep, and yet this is exactly what gets us into this spot.

Now, with regard to the policy behind the permanent extension, you are not going to hear much dispute or much debate about that. This is all about who is going to be fiscally responsible and do the hard work of trying to find offsets in the budget to do it the right way, so we are not leaving a legacy of debt to our children, so we are not continuing to borrow from China.

We can go back over the last 4 years and repeat the same statements that we have heard from my Republican friends about the need for fiscal management and tough decisions in budgeting.

What is perhaps the height of cynicism this evening is that, in a few short weeks after having passed the Republican Ryan budget resolution, they are violating it here tonight. It called for offsets for any permanent extension in the Tax Code, and that is not what we are doing here.

What is really disheartening is there is a plan B. To Chairman CAMP's credit, a few weeks ago, he released a comprehensive tax reform draft discussion in order to simplify the Code, to make us more competitive, to broaden the base, and to lower the rates; but he paid for it through some tough decisions with expenditures that don't make sense to help us be competitive in the 21st century.

We can go back to that proposal and look for some of the items that Chairman CAMP, himself, was proposing as a way to pay for this permanent extension tonight. Earlier this year, Presi-

dent Obama, in the budget he submitted, had items of pay-fors within the Tax Code that we can scrub because there is overlap between the two.

Really, what this comes down to is who is serious about doing the tough stuff, which is finding offsets in order to do the good policy that we are missing here this evening. Yes, we should be finding a way to permanently extend the R&D credit. Our businesses, large and small, need that certainty.

My name is on this bill, but it was always under the proviso that we would be fiscally responsible in moving forward and not leave this legacy for future generations. I also think we ought to be doing a permanent 179 expensing for our small businesses and family farmers.

It is another expensive item, but there are areas in the Tax Code we can look to in order to find offsets to pay for it, which I also think is important for the job creation and economic growth we need in this Nation.

We are \$17 trillion in debt, and people are wondering who is to blame. You can look this evening at a bill before us today that calls for \$156 billion over the next 10 years—not a nickel of it paid for.

We can do better. We have to do better for our children and for future generations. The clock is ticking on all of this. We don't have this luxury of delaying the tough decisions anymore.

There are other avenues that we can take, and I am confident, if we were to sit down and talk to each other, we could find some common ground and bipartisan agreement of what would be acceptable offsets in the Revenue Code in order to do this permanent extension here tonight.

That requires a little more effort, and that requires—God forbid—having to say no to some constituents and powerful special interest groups in this town from time to time.

The easiest thing in the world is to offer a tax cut without paying for it. Who doesn't want tax relief? That is not difficult, but it is also not the tough budget decisions that they were talking about just a few weeks ago on the floor, when they were passing the Ryan Republican budget resolution.

If you would go back and look at it again, to its credit, it called for offsets for permanent extensions.

So what is true here? Are they truly committed to the fiscal responsibility that is called for in that budget resolution? Or is that all just a numbers game, in order to make the numbers add up?

With the first opportunity they have to violate that resolution, they are going to do so tonight with an unpaid-for permanent extension, and that is just \$156 billion in the first 10 years. This will be a gift that keeps on giving, if we don't find offsets in the future.

I would encourage my colleagues to think hard and long about this because

this is just the first of six tax extenders that will inevitably be coming up. I hope this isn't the pattern we are going to be seeing with the five additional ones, in that they are going to come forward without any pay-fors and say: let's load up the debt, and let's claim that the economy is going to grow and that everything is going to be fine afterwards.

We know that hasn't worked in the past. It is not going to work tonight. I encourage my colleagues to vote "no."

We have got time. We can work with the Senate, and we can work with what Chairman CAMP was proposing and with what the administration was proposing in its budget. We can find the appropriate offsets and do the responsible thing.

Let's end this legacy of deficit financing, and let's give our children the hope and opportunity that they deserve.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I would just say that the previous speaker, the gentleman from Wisconsin, has voted five times to extend the research and development tax credit—for 12½ years—with not a nickel of it paid for, to use his words.

Let me just say that our friends in the Senate are advancing an "unpaid-for" extension of all of the extenders to the tune of \$85 billion. I just think, to follow their line of logic, they would say we need to raise taxes to keep taxes the same. That makes no sense. We haven't done it for almost 30 years, and we shouldn't do it now.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, with all due respect to the chairman of the committee—and I do respect him, and he is a friend of mine—he knows as well as anyone that there is a big difference between permanency in the Tax Code and short-term measures to give us some time in order to find out what the appropriate permanent solution will be.

That is, really, what we ought to be doing right now, is trying to find that permanent solution once and for all, but in a fiscally responsible manner. That is how we should be approaching this.

Again, to the chairman's credit, the discussion draft he just released a few weeks ago calls for offsets to the Revenue Code in order to do comprehensive reform, so he belies his own argument from just a minute ago that tax cuts shouldn't be met with corresponding offsets.

I mean, if that is true, then what have we been doing for the last 3 years in trying to do comprehensive reform while still paying for it, so we are not blowing a hole in future budget deficits?

Mr. CAMP. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I regrettably rise in opposition to H.R. 4438, a bill that would simplify and make the research and development tax credit permanent.

As ranking member of the Science, Space, and Technology Committee, I have been a longtime supporter and advocate for making the R&D tax credit permanent. The R&D tax credit promotes innovation and encourages the creation and retention of jobs in the United States.

Unfortunately, since being created in the early 1980s, the R&D tax credit has been allowed to lapse and has needed to be extended year after year. The business community needs certainty when planning long-term research and development investments, and many have called for this important tax credit to be made permanent.

In the famous National Academies' "Rising Above the Gathering Storm" report, making the R&D tax credit stronger and permanent was one of their 10 recommendations on congressional actions to improve our Nation's competitiveness.

Private sector leaders also agree that there is a clear and necessary role for government in all aspects of our innovation ecosystem, from the direct funding of fundamental research, to incentives for the private sector to increase their R&D investments.

Often, private sector R&D investments are built upon years of direct government research funding. For example, the Internet and the GPS were developed with DARPA and National Science Foundation funding, but private sector innovation carried these technologies to their full commercial potential, with immeasurable benefit for our Nation.

However, the conversation about how best to modify the R&D tax credit and make it permanent should be part of a larger conversation about tax reform and tax extenders, and that conversation should include other tax provisions that are important for millions of working families and students, including the earned income tax credit, the child tax credit, and education tax credits.

Further, we should be debating how to offset this tax credit, instead of ignoring how it would add \$156 billion to the deficit over the next 10 years.

□ 1800

Mr. CAMP. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), the chairman of our Caucus.

Mr. BECERRA. I thank the gentleman for yielding.

Today's vote on H.R. 4438 and on five other Republican bills to come that would permanently extend other tax breaks without paying for them will increase the deficit by \$310 billion and lead to Republican cuts to services like Medicare, health research, and school funding.

How much is \$310 billion?

That is five times what we spend on services to our veterans. We have over 21 million Americans who have served in uniform who are veterans of this country.

That \$310 billion is three times what the Federal Government invests in education, job training, and social services for an entire year. It is over 10 times what we spend annually on medical research to come up with the innovations and the lifesaving treatments that Americans rely upon.

We hear from our colleagues on the Republican side that they are fiscally responsible, that they are fiscal hawks, but they pass these severe budgets that would cut schools, that would cut medical research, that would cut Medicare funding for our seniors, that would cut Social Security, but they have to do it because we have to get rid of that deficit.

Here we have the fiscal pretenders.

In this bill, H.R. 4438, our Republican colleagues propose to blow the deficit wide open by adding \$310 billion to that deficit by passing these unpaid-for tax breaks. Yet when it is time to make the tough choices, when it comes to providing the services that our middle class families want for their children to go to college, they can't do it. But there is a free pass for these corporate tax breaks.

What American citizen and taxpayer would trust this Republican math from our colleagues?

I urge colleagues to vote against this budget-busting legislation and turn our focus to building an economy that works for all Americans, not just a select few.

Mr. CAMP. Mr. Speaker, I would just say the gentleman from California voted three times to extend the R&D tax credit unoffset for a length of time of 8 years.

I continue to reserve the balance of my time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 4438 is postponed.

#### ESTABLISHING SELECT COMMITTEE ON BENGHAZI

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 567) providing for the Establishment of the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 232, nays 186, not voting 14, as follows:

[Roll No. 209]

YEAS—232

Aderholt	Graves (MO)	Peterson
Amash	Griffin (AR)	Petri
Amodei	Griffith (VA)	Pittenger
Bachus	Grimm	Pitts
Barber	Guthrie	Poe (TX)
Barletta	Hall	Pompeo
Barr	Hanna	Posey
Barrow (GA)	Harper	Price (GA)
Barton	Harris	Rahall
Benishek	Hartzler	Reichert
Bentivolio	Hastings (WA)	Renacci
Bilirakis	Heck (NV)	Ribble
Bishop (UT)	Hensarling	Rice (SC)
Black	Herrera Beutler	Rigell
Blackburn	Holding	Roby
Boehner	Hudson	Roe (TN)
Boustany	Huelskamp	Rogers (AL)
Brady (TX)	Huizenga (MI)	Rogers (KY)
Bridenstine	Hultgren	Rogers (MI)
Brooks (AL)	Hunter	Rohrabacher
Brooks (IN)	Hurt	Rokita
Broun (GA)	Issa	Rooney
Buchanan	Jenkins	Ros-Lehtinen
Bucshon	Johnson (OH)	Roskam
Burgess	Johnson, Sam	Ross
Byrne	Jolly	Rothfus
Calvert	Jones	Royce
Camp	Jordan	Runyan
Campbell	Joyce	Ryan (WI)
Cantor	Kelly (PA)	Salmon
Capito	King (IA)	Sanford
Carter	King (NY)	Scalise
Cassidy	Kinzinger (IL)	Schock
Chabot	Kline	Schweikert
Chaffetz	Labrador	Scott, Austin
Coffman	LaMalfa	Sensenbrenner
Cole	Lamborn	Sessions
Collins (GA)	Lance	Shimkus
Collins (NY)	Lankford	Shuster
Conaway	Latham	Simpson
Cook	Latta	Sinema
Cotton	LoBiondo	Smith (MO)
Cramer	Long	Smith (NE)
Crenshaw	Lucas	Smith (NJ)
Culberson	Luetkemeyer	Smith (TX)
Daines	Lummis	Southerland
Davis, Rodney	Marchant	Stewart
Denham	Marino	Stivers
Dent	Massie	Stockman
DeSantis	McCarthy (CA)	Stutzman
DesJarlais	McCaul	Terry
Diaz-Balart	McClintock	Thompson (PA)
Duncan (SC)	McHenry	Thornberry
Duncan (TN)	McIntyre	Tiberi
Ellmers	McKeon	Tipton
Farenthold	McKinley	Turner
Fincher	McMorris	Upton
Fitzpatrick	Rodgers	Valadao
Fleischmann	Meadows	Wagner
Fleming	Meehan	Walberg
Flores	Messer	Walden
Forbes	Mica	Walorski
Fortenberry	Miller (FL)	Weber (TX)
Fox	Miller (MI)	Webster (FL)
Franks (AZ)	Miller, Gary	Wenstrup
Frelinghuysen	Mullin	Westmoreland
Gardner	Mulvaney	Whitfield
Garrett	Murphy (FL)	Williams
Gerlach	Murphy (PA)	Wilson (SC)
Gibbs	Neugebauer	Wittman
Gibson	Noem	Wolf
Gingrey (GA)	Nugent	Womack
Gohmert	Nunes	Woodall
Goodlatte	Olson	Yoder
Gosar	Palazzo	Yoho
Gowdy	Paulsen	Young (AK)
Granger	Pearce	Young (IN)
Graves (GA)	Perry	

NAYS—186

Bass	Bera (CA)	Bonamici
Beatty	Bishop (NY)	Brady (PA)
Becerra	Blumenauer	Braley (IA)

Brown (FL)	Hastings (FL)	Nolan
Brownley (CA)	Heck (WA)	O'Rourke
Bustos	Higgins	Owens
Butterfield	Himes	Pallone
Capps	Hinojosa	Pascarell
Capuano	Holt	Pastor (AZ)
Cardenas	Honda	Payne
Carney	Horsford	Perlmutter
Carson (IN)	Hoyer	Peters (CA)
Cartwright	Huffman	Peters (MI)
Castor (FL)	Israel	Pingree (ME)
Castro (TX)	Jackson Lee	Pocan
Chu	Jeffries	Polis
Ciilline	Johnson (GA)	Price (NC)
Clark (MA)	Johnson, E. B.	Quigley
Clarke (NY)	Kaptur	Rangel
Clay	Keating	Richmond
Cleaver	Kelly (IL)	Roybal-Allard
Clyburn	Kennedy	Ruiz
Cohen	Kildee	Ruppersberger
Connolly	Kilmer	Ryan (OH)
Conyers	Kind	Sánchez, Linda
Cooper	Kirkpatrick	T.
Costa	Kuster	Sanchez, Loretta
Courtney	Langevin	Sarbanes
Crowley	Larsen (WA)	Schakowsky
Cuellar	Larson (CT)	Schiff
Cummings	Lee (CA)	Schneider
Davis (CA)	Levin	Schrader
Davis, Danny	Lewis	Scott (VA)
DeFazio	Lipinski	Serrano
Delaney	Loeb sack	Sewell (AL)
DeLauro	Lofgren	Shea-Porter
DelBene	Lowenthal	Sherman
Deutch	Lowe y	Sires
Dingell	Lujan Grisham	Slaughter
Doggett	(NM)	Smith (WA)
Doyle	Lujan, Ben Ray	Speier
Duckworth	(NM)	Swalwell (CA)
Edwards	Lynch	Takano
Ellison	Maffei	Thompson (CA)
Engel	Maloney,	Thompson (MS)
Enyart	Carolyn	Tierney
Eshoo	Maloney, Sean	Titus
Esty	Matheson	Tonko
Farr	Matsui	Tsongas
Fattah	McCarthy (NY)	Van Hollen
Foster	McCollum	Vargas
Frankel (FL)	McDermott	Veasey
Fudge	McGovern	Vela
Gabbard	McNerney	Velázquez
Galleo	Meeks	Visclosky
Garamendi	Meng	Walz
Garcia	Michaud	Wasserman
Grayson	Miller, George	Schultz
Green, Al	Moore	Waters
Green, Gene	Moran	Waxman
Grijalva	Nadler	Welch
Gutiérrez	Napolitano	Wilson (FL)
Hahn	Neal	Yarmuth
Hanabusa	Negrete McLeod	

NOT VOTING—14

Bachmann	Duffy	Reed
Bishop (GA)	Kingston	Rush
Coble	McAllister	Schwartz
Crawford	Nunnelee	Scott, David
DeGette	Pelosi	

□ 1829

Mr. BLUMENAUER changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MODIFICATION OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that H. Res. 567 be modified in the manner I have placed at the desk.

The SPEAKER pro tempore (Mr. CULBERSON). The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. SESSIONS of Texas:

Page 6, line 3, strike “clause (2)” and insert “clause 2”.

Page 6, line 6, strike “clause (2)” and insert “clause 2”.

The SPEAKER pro tempore. Without objection, the modification is agreed to.

There was no objection.

#### AMERICAN RESEARCH AND COMPETITIVENESS ACT OF 2014

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 4438 will now resume.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed earlier today, 28¼ minutes of debate remained on the bill.

The gentleman from Michigan (Mr. CAMP) has 19¼ minutes remaining, and the gentleman from Michigan (Mr. LEVIN) has 9 minutes remaining.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I now yield 2 minutes to the gentleman from Maryland (Mr. HOYER), our distinguished whip.

Mr. HOYER. Mr. Speaker, I rise with a great deal of sadness. We are punting. USA Today said, “House action on tax extenders forfeits credibility on deficits and national debt.” They are right.

The distinguished chairman of the Ways and Means Committee, who is my friend, offered a real bill on tax reform. The problem with that real bill was it had tough choices to make. Congratulations to the gentleman from Michigan (Mr. CAMP) for having the courage to suggest those tough choices.

This vote today requires absolutely no courage at all. It gives the ice cream and says forget about the spinach. It is the reason that we have trillions of dollars in debt today on our national debt, because we didn't pay for the '01 or '03 tax cuts.

Now, Mr. CAMP will tell me that I voted for R&D tax cuts six times that were temporary, that were annual, that were not a permanent change in the base. That is what the Republicans want to do. That is what they did in '01 and '03, and that is all inside jargon. And yes, they didn't waive statutory PAYGO, which we passed, which USA Today says was one of the reasons we got to balance 4 years in a row. That is why.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman from Maryland an additional 1 minute.

Mr. HOYER. Mr. Speaker, I have 3 minutes to discuss with the American public why their country is going to be put deeper into debt by passing this legislation.

It would be good legislation if it were paid for. It was good legislation when it was included in Mr. CAMP's overall

tax reform bill. But it is very bad policy and very bad legislation in this unpaid-for, discreet form. And, by the way, there is about another \$160 billion of debt to follow.

What a sad day for America. What a sad day for this House. What a sad day for the Ways and Means Committee. What a sad day for fiscal responsibility.

Mr. Speaker, I urge my colleagues not to vote for the temporary political benefit of saying you gave somebody a tax cut, but vote for fiscal responsibility. Vote to keep on a path of a big deal to solve the fiscal challenges that confront our country. I urge my colleagues to vote "no."

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Well, I would just say that the gentleman from Maryland is correct. He has voted six times to extend the research and development tax credit without paying for it, for a total of 14 years.

Look, I think it is time we are honest with the American people. If we are going to extend these policies again and again and again—in this case, 30 years—and not pay for it, look, we shouldn't have to raise taxes to keep taxes the same.

So, again, I would urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. LEVIN. I now yield 2 minutes to the gentleman from New York (Mr. RANGEL), a distinguished member of our committee, to put it mildly.

Mr. RANGEL. Mr. Speaker, I am opposed to this bill because I didn't think it was honest with the American people, and the chairman says he wants to be honest. I am just surprised that he is responding to this, because I don't think too many people believe this is on the level.

The Senate has spoken on this issue. This is not going to become law. It is not Benghazi. It is not affordable care. So I would think that this has to be something else that we are preparing for in 2014. And I really don't think that the American people are going to go to sleep tonight wondering whether or not we take this billion-dollar bill—even though all of us love the concept of research and development. But so many people are going to be going to sleep hungry. They haven't got extended unemployment insurance. They need a variety of affordable housing. And now we are doing this for 2014. It doesn't fly. It doesn't get off the ground.

Well, what I am saying to the chairman is that he has such a great start with the tax reform, something that we could have worked on together, to pick out one good thing that we have, even though we don't have money to pay for it, is an ideal thing for Democrats and Republicans to sit down and wonder, "How can we make certain that Amer-

ica stays ahead in research and development?" but to do this because we are running out of things to try to embarrass Democrats on is really not fair to our Nation. I really think our national security is being impacted because of our inability to work and get something done.

So I oppose this, as any other thing that is just trying to find something to embarrass us, but I do hope for 2014 that we find something, anything—immigration, unemployment compensation—so that when we do get there there will be a Republican Party.

I really love Democrats. But this used to be the party of Dixiecrats. Now they left us, and I want to make certain that they don't come back.

Mr. CAMP. I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), a most distinguished member of our committee.

Mr. DOGGETT. Mr. Speaker, this bill represents only the first of many installments of hundreds of billions of dollars that the Republicans plan to finance with more debt, borrowing from the Chinese or whoever will lend it to us. Surely we don't need any more research this afternoon to know that such an irresponsible approach is the wrong way to go.

In January of last year, Republicans came to this floor and they told us that they had reserved H.R. 1 for a bill that would do it all. It was going to simplify the Tax Code, it was going to lower the rates, and it would not add a penny to the debt because it would all be financed by closing loopholes.

Where is that bill? It is still reserved, and it will be reserved until the end of this term because the truth of the matter is Republicans could not stand up to the special interests that like those loopholes, that like the complexity of the Tax Code, that benefit from that complexity. They would not stand up to pass a bill that was fiscally responsible.

Both parties, as the chairman has indicated, have repeatedly supported temporary extensions, but neither has had the audacity to come to this floor and say we are going to borrow enough to make it permanent without closing a single loophole. They are doing exactly the opposite of what they have repeatedly promised us and the American people that they would do.

I support a permanent research and development credit to incentivize research for new products. It has never been a question of whether to support research, but how to do it and how to pay for it. And if the only goal is to encourage more job growth, there are ways we can redesign this credit to get even more growth than it does now.

The Government Accountability Office said the credit in its current form is a windfall for some corporations, and

some multinationals have used it as a way to get the taxpayer to subsidize research here and then shift the benefits overseas.

I believe a better research credit on a permanent basis is the best way to encourage growth, not an irresponsible unpaid tax credit.

Mr. CAMP. Mr. Speaker, at this time, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY), a distinguished member of the Ways and Means Committee and the chairman of the Joint Economic Committee.

Mr. BRADY of Texas. I thank the chairman for yielding.

Mr. Speaker, I was touring a hospital in the Rio Grande Valley the other day, and we were going through the critical care unit, with young babies 25, 26 weeks old who in past years would, frankly, have never survived. But today, because of medical breakthroughs, they will not only not have a lifetime of chronic diseases and disabilities, but they will live a full life because the medical breakthroughs and innovations developed here in America are giving them a life, frankly, their parents never hoped for.

I see our veterans coming back from war, some of them with such terrible injuries, who not only are having their lives restored but, through these remarkable prosthetics, are living full lives that, again, wouldn't have been possible in recent years, even, because we are doing innovation here in America.

Each day, we read of another U.S. company being courted to move those medical breakthroughs and that research overseas to other countries, to China, to Europe, to others. We are seeing America lose our edge in innovation, even though everyone knows—Republicans and Democrats—that the country that innovates the most will lead the world in economic growth, period. We know it.

And I look at statements such as this. And I will read this. It is a direct quote:

I believe it is critical that our tax system provide strong incentives to help our manufacturing base. One of the most important tax incentives for the manufacturing sector is the research and development tax credit. Manufacturers do about 70 percent of the private sector R&D conducted in the United States. I have long been a strong and persistent voice for making the R&D credit a permanent part of our Tax Code and strengthening it so that all companies have a strong incentive to do R&D here in the United States.

□ 1845

That wasn't me; that wasn't Chairman CAMP. That was our distinguished ranking member, SANDY LEVIN.

He is not alone. Democrats and Republicans together long have sought a permanent R&D tax credit to make America competitive again. Make no mistake. Today, you have heard people

say this really isn't about supporting innovation, technology, biosciences and medical breakthroughs; today, it is about fiscal responsibility and pay-fors; yesterday, it was some other bills we wanted. The truth is that we can't afford these excuses, and that is what they are.

Today, it is a clear choice between those who will stand for medical innovation in America, technology innovation in America, and energy innovation and manufacturing innovation that will create good-paying jobs and good-paying wages for Americans.

I ask our Democrat colleagues to set aside the politics. We know it is an election year. Set that aside. Stay consistent with the values that you have said over and over again that the research and development tax credit needs to be made permanent, and let's send a bill to the Senate so that they, too—we can discover and learn whether they are willing to stand with their past, longtime statements that the R&D tax credit should be permanent.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I support R&D. Mr. Speaker, I support it now. I have never voted to make it permanent without paying for it. So this bill is a dangerous dodge.

Mr. CAMP, you paid for what you suggested was permanent, and I salute your being forthright. That isn't what is happening, is not happening today. So this isn't only fiscally irresponsible. What it does is to threaten programs that we care about. What was not done with one hand yesterday, automatic cuts, will be done by the Republicans with the other. They will use this deficit to cut programs we care about mentioned earlier: medical research, Head Start, Pell Grants, and other extenders that we deeply care about.

This bill today is, as I said, a dangerous dodge. We should not be party to it. We should not be party to it. It is irresponsible, it is hypocritical, and it is harmful to what we really care about and what the American people care about.

I urge a "no" vote on this bill, and I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the research and development tax credit has been extended repeatedly by members of the other side and members of this side for nearly 30 years, and it has not been paid for in those extensions.

But what does that really mean? Well, what we have done in America, which no other country has done, is we have taken a valuable tax policy like that, something that should be certain and dependable, and made it temporary. Not only do we make it temporary, we allow it to expire for a year at a time. So over this 30-year period, employers, innovators, businesses, and

companies have not known whether they can count on this policy in order to do something really important.

I heard Mr. BRADY talk about the medical innovation and how critical that is to making peoples' lives better. I think of Big Rapids, Michigan, and Wolverine Worldwide, which makes military footwear and boots. They are constantly innovating that so that our military servicemen and -women have the best possible equipment on their feet. You can imagine the kinds of climates that we find our military in and how important this is.

But if companies like that don't know whether this tax policy is dependable, yet we extend it 30 years backwards retroactively and forward for a year, then we allow it to expire for a year, it absolutely makes no sense. By allowing it to expire repeatedly, we have called into question whether this R&D credit is available at all.

I would just say by supporting permanent policies—the reason it is so important to make this permanent, we can actually promote certainty for American businesses, and we need to generate certainly greater economic growth. The reason we are seeing the worst recovery since the Depression, 0.1 percent economic growth, none of us should be satisfied with that, and I don't think any of us are. We can generate more growth by making these things permanent. So we need to wake up to the reality and start offering some concrete solutions that really strengthen the economy and help hard-working taxpayers.

Let me just say the nonpartisan Joint Committee on Taxation, which is our referee on these matters, says that if we make the credit permanent that actually more research and development will take place, the kind of innovation that really puts America at the forefront of job creation and an economy that is strong and vibrant, that up to 10 percent more research and development will occur. We certainly need more of that, because that is more jobs, more innovation, and higher wages.

Let me just say that the President of the United States voted to extend the research and development tax credit unpaid for when he was a Senator. He signed legislation twice to extend the research and development tax credit unpaid for. I think 30 years of uncertainty has actually been a detriment—a detriment to U.S. business employers and certainly their employees because the jobs they provide are so dependent on our being at the cutting edge.

Look, this is the 21st century. We can't live in the past as if these policies don't matter. This is a very competitive world, and most of our constituents understand the kind of competition that we face. We need to make this permanent. We need to do it now.

Let's do something positive and good for America, something that we have repeatedly done. Let's be honest about it.

Since we are going to extend it at some point temporarily another 2 years, let's make this permanent. Let's make this certain. Let's make this something that our employers can depend on so they can create the kind of jobs that we haven't seen.

With that, I yield back the balance of my time. Vote "yes" on this legislation.

Ms. ESHOO. Mr. Speaker, I rise today in support of the American Research and Competitiveness Act of 2014, a bill to simplify and permanently extend the U.S. research and development (R&D) tax credit. Over the past thirty years, the R&D tax credit has been a key economic tool for businesses in my Silicon Valley district and across our country by directly rewarding business investment in R&D.

At a time of great partisanship in Congress, I think the R&D we speak of today can be said to be 'Republicans and Democrats' because of the bipartisan support this legislation enjoys. For years the R&D tax credit has been essential for out-innovating and out-competing the rest of the world, but now other countries are catching up or already have. While the U.S. was the first nation to offer a tax incentive for research and development in 1981, according to a study by the Information Technology & Innovation Foundation (ITIF), we now rank 27th out of 42 countries in terms of the generosity of the R&D incentives we offer.

Congress needs to do so much more to improve our national economy, and updating the R&D tax credit is an important policy that will encourage businesses to invest in new technologies which in turn will create jobs and shape a better economy in our future.

Nearly six months have passed since the R&D tax credit expired. To maintain our nation's competitiveness, let's not wait another day to give businesses the certainty they need to continue innovating and investing in America's future.

I thank Representatives KEVIN BRADY and JOHN LARSON for their leadership in bringing this bill to the floor today and I urge my colleagues to support H.R. 4438.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition to H.R. 4438. This bill is the exact opposite of the fiscal conservatism which has been preached by the G.O.P.

H.R. 4438, the American Research and Competitiveness Act, permanently extends the research and development tax credit that expired at the end of 2013, but modifies the credit to make it simpler to calculate.

I think we can all agree that on the merits, the R&D Tax Credit is one of the most practical, useful, and well-subscribed tax credits. Not only do large multinationals and many small research facilities use it; but numerous universities, including the University of Houston, the University of Texas, Texas Southern University, Texas A&M, and Texas Tech, among others, also take advantage of this job-producing credit.

Yet, the Republicans hypocritically failed to do something which they usually love to take credit for—and that is—to PAY for the bill by including an offset.



It provides no offset for the cost, which the nonpartisan Congressional Budget Office estimates would reduce revenues by \$156 billion over 10 years. This bill is the first in a series of individual tax “extenders” that I understand the Republican House leadership intends to consider. And make no mistake, this bill, and the others likely to follow, blow a hole in the deficit. Though at some point in the near future, President Obama will somehow be blamed for this.

This is a textbook example of Congress picking winners and losers.

Many of us support the R&D tax credit but there is no excuse for not offsetting the cost of the bill, noting that permanently extending the R&D credit and five other tax provisions that GOP leaders want to act on would add \$310 billion to the deficit.

Two years ago my Republican colleagues managed to hijack the legislative process and increase the federal budget deficit by insisting on an extension of the Bush Tax Cuts, originally enacted in 2001 and 2003.

These tax cuts cost \$1 trillion a year to extend and while many are critical to individuals and businesses, the fact remains that if we are going to have a serious discussion about tax reform and balancing the budget, Congress cannot simply ignore the other side of the ledger: revenues. In addition, Congress cannot and should not be in the business of picking winners and losers.

Again, it is “hypocritical” that our Republican friends won’t offset the R&D credit but let emergency unemployment insurance for the long-term unemployed expire because they claim that we could not find an offset that they would support.

I ask my colleagues to reject this bill and end this partisan lawmaking.

Mr. HOLT. Mr. Speaker, I rise in support of this legislation, which is especially important to New Jersey, one of America’s most research-intensive states. Yet I must ask how my Republican colleagues can support this tax expenditure while opposing all other forms of government spending.

Republicans say America can’t afford to pass unemployment insurance for 2.5 million Americans struggling to find work. NIH is at the lowest funding in three years, distributing fewer and fewer grants, but we can’t afford to fund scientific and health research. There is a \$2 trillion transportation backlog, but we can’t afford to repair and upgrade our roads, bridges, tunnels, and dams. Yet somehow, they say we can afford special tax cuts?

That’s nonsense. To quote Martin Feldstein, the former chief economic advisor to Ronald Reagan, “These tax rules . . . are equivalent to direct government expenditures.”

The distinction between tax expenditures and direct spending is one that only Grover Norquist could love. If America can afford this tax cut—and indeed we can—then we can afford to do so much more.

So I thank Republican leaders for correctly acknowledging the role of government investment in our economy. And I call on them to use this same logic to find more ways to invest in America. Let us pass a transportation bill that funds our roads and bridges. Let’s meet the funding goals for scientific research that we set in the 2007 and 2010 COMPETES

Act. Let’s help the millions of Americans looking for work with the support they need. We can do better. The American people deserve better.

Ms. BONAMICI. Mr. Speaker, I rise in reluctant opposition to H.R. 4438, a bill to extend permanently the research and development tax credit. This is not an issue that I take lightly because this tax provision enjoys broad support in my district. But once again, a policy that has long enjoyed bipartisan support and has real economic impact in districts across the country has fallen victim to politics. Rather than advancing a package of tax extenders that places the priorities of working families and underwater homeowners alongside those of our business community, we are considering legislation that singles out the interests of one group over another.

Following the expiration of numerous important tax provisions at the end of last year, many constituents have contacted me to express their concerns about our inaction. From families who rely on the Earned Income Tax Credit to make ends meet, to renewable energy companies that will drastically scale back operations without the Production Tax Credit, to municipalities who use the New Markets Tax Credit to revitalize low-income areas, the scope of people and businesses that will suffer the consequences of inaction on a tax extenders package are too numerous to list here. To those who are looking to Congress for some indication that we are moving past political maneuvering, past the dysfunction that has characterized this body for too long, this bill is a step in the wrong direction.

Beyond the frustration that is felt at elevating this tax provision over the others I have previously mentioned, my constituents will wonder why we can pass this legislation and add about \$150 billion to the deficit, but we can’t add a dime to extend emergency unemployment insurance benefits to millions of Americans. To advance this bill is an affront to the long-term unemployed who have been falling deeper into debt as Congress debates how it should pay for an extension of the vital benefits that could help keep them afloat while they continue to search for work.

I support extending the tax credit for research and development. It is vital to promoting American manufacturing and supporting our country’s innovative technology sector, which is exemplified by the work done by companies like Intel in my district. But I support extending this credit alongside a package of others that also benefit my State, and every State in the country. Congress should consider a comprehensive tax extenders package, and should do so without delay.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 569 and House Resolution 576, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 4438 is postponed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

## STRENGTHENING EDUCATION THROUGH RESEARCH ACT

Mr. ROKITA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4366) to strengthen the Federal education research system to make research and evaluations more timely and relevant to State and local needs in order to increase student achievement, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4366

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening Education through Research Act”.

### SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.

Sec. 2. Table of contents.

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TITLE I—EDUCATION SCIENCES REFORM

SEC. 101. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.).

SEC. 102. DEFINITIONS.

Section 102 (20 U.S.C. 9501) is amended—

- (1) in paragraph (5), by striking “Affairs” and inserting “Education”;  
(2) in paragraph (10)—  
(A) by inserting “or other information, in a timely manner and” after “evaluations,” and  
(B) by inserting “school leaders,” after “teachers,”;  
(3) in paragraph (12), by inserting “, school leaders,” after “teachers,”;  
(4) by striking paragraph (13);  
(5) by redesignating paragraphs (14) and (15) as paragraphs (13) and (14), respectively;  
(6) by inserting after paragraph (14), as so redesignated, the following:

“(15) MINORITY-SERVING INSTITUTION.—The term ‘minority-serving institution’ means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).”;

(7) by amending paragraph (18) to read as follows:

“(18) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term ‘principles of scientific research’ means principles of research that—

“(A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

“(B) present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and

“(C) include, appropriate to the research being conducted—

“(i) use of systematic, empirical methods that draw on observation or experiment;

“(ii) use of data analyses that are adequate to support the general findings;

“(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

“(iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;

“(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

“(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

“(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.”;

(8) in paragraph (20), by striking “scientifically based research standards” and inserting “the principles of scientific research”; and

(9) by adding at the end the following:

“(24) SCHOOL LEADER.—The term ‘school leader’ means a principal, assistant principal, or other individual who is—

“(A) an employee or officer of—  
“(i) an elementary school or secondary school;

“(ii) a local educational agency serving an elementary school or secondary school; or

“(iii) another entity operating the elementary school or secondary school; and

“(B) responsible for the daily instructional leadership and managerial operations of the elementary school or secondary school.”.

PART A—THE INSTITUTE OF EDUCATION  
SCIENCES

SEC. 111. ESTABLISHMENT.

Section 111 (20 U.S.C. 9511) is amended—

(1) in subsection (b)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “and wide dissemination activities” and inserting “and, consistent with section 114(j), wide dissemination and utilization activities” and

(ii) by striking “(including in technology areas)”;

(B) in subparagraph (B), by inserting “disability,” after “gender,”.

SEC. 112. FUNCTIONS.

Section 112 (20 U.S.C. 9512) is amended—

(1) in paragraph (1)—

(A) by inserting “(including evaluations of impact and implementation)” after “education evaluation”; and

(B) by inserting before the semicolon the following “and utilization”; and

(2) in paragraph (2)—

(A) by inserting “, consistent with section 114(j),” after “disseminate”; and

(B) by adding before the semicolon the following: “and scientifically valid education evaluations carried out under this title”.

SEC. 113. DELEGATION.

Section 113 (20 U.S.C. 9513) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) in paragraph (2), as so redesignated, by striking “of the National Assessment of Educational Progress Authorization Act”;

(2) in subsection (b), by striking “Secretary may assign the Institute responsibility for administering” and inserting “Director may accept requests from the Secretary for the Institute to administer”; and  
(3) by adding at the end the following:

“(c) CONTRACT ACQUISITION.—With respect to any contract entered into under this title, the Director shall be consulted—

“(1) during the procurement process; and

“(2) in the management of such contract’s performance, which shall be consistent with the requirements of the performance management system described in section 185.”.

SEC. 114. OFFICE OF THE DIRECTOR.

Section 114 (20 U.S.C. 9514) is amended—

(1) in subsection (a), by striking “Except as provided in subsection (b)(2), the” and inserting “The”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period the following: “, except that if a successor to the Director has not been appointed as of the date of expiration of the Director’s term, the Director may serve for an additional 1-year period, beginning on the day after the date of expiration of the Director’s term, or until a successor has been appointed under subsection (a), whichever occurs first”;

(B) by amending paragraph (2) to read as follows:

“(2) REAPPOINTMENT.—A Director may be reappointed under subsection (a) for one additional term.”; and

(C) in paragraph (3)—

(i) in the heading, by striking “SUBSEQUENT DIRECTORS” and inserting “RECOMMENDATIONS”; and

(ii) by striking “, other than a Director appointed under paragraph (2)”;

(3) in subsection (f)—

(A) in paragraph (3), by inserting before the period the following: “, and, as appropriate, with such research and activities carried out by public and private entities, to avoid duplicative or overlapping efforts”;

(B) in paragraph (4), by inserting “, and the use of evidence” after “statistics activities”;

(C) in paragraph (5)—

(i) by inserting “and maintain” after “establish”; and

(ii) by inserting “and subsection (h)” after “section 116(b)(3)”;

(D) in paragraph (7), by inserting “disability,” after “gender,”;

(E) in paragraph (8), by striking “historically Black colleges or universities” and inserting “minority-serving institutions”;

(F) by amending paragraph (9) to read as follows:

“(9) To coordinate with the Secretary to ensure that the results of the Institute’s work are coordinated with, and utilized by, the Department’s technical assistance providers and dissemination networks.”;

(G) by striking paragraphs (10) and (11);

(H) by redesignating paragraph (12) as paragraph (10);

(4) by redesignating subsection (h) as subsection (i);

(5) by inserting after subsection (g), the following:

“(h) PEER-REVIEW SYSTEM.—The Director shall establish and maintain a peer-review system involving highly-qualified individuals, including practitioners, as appropriate, with an in-depth knowledge of the subject to be investigated, for—

“(1) reviewing and evaluating each application for a grant or cooperative agreement under this title that exceeds \$100,000; and

“(2) evaluating and assessing all reports and other products that exceed \$100,000 to be

published and publicly released by the Institute.”;

(6) in subsection (i), as so redesignated—  
(A) by striking “the products and”; and  
(B) by striking “certify that evidence-based claims about those products and” and inserting “determine whether evidence-based claims in those”; and

(7) by adding at the end the following:  
“(j) RELEVANCE, DISSEMINATION, AND UTILIZATION.—To ensure all activities authorized under this title are rigorous, relevant, and useful for researchers, policymakers, practitioners, and the public, the Director shall—

“(1) ensure such activities address significant challenges faced by practitioners, and increase knowledge in the field of education;  
“(2) ensure that the information, products, and publications of the Institute are—

“(A) prepared and widely disseminated—  
“(i) in a timely fashion; and

“(ii) in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice; and

“(B) widely disseminated through electronic transfer, and other means, such as posting to the Institute’s website or other relevant place;

“(3) promote the utilization of the information, products, and publications of the Institute, including through the use of dissemination networks and technical assistance providers, within the Institute and the Department; and

“(4) monitor and manage the performance of all activities authorized under this title in accordance with section 185.”.

#### SEC. 115. PRIORITIES.

Section 115 (20 U.S.C. 9515) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—  
(i) by striking “(taking into consideration long-term research and development on core issues conducted through the national research and development centers)” and inserting “at least once every 6 years”; and

(ii) by striking “such as” and inserting “including”;

(B) in paragraph (1)—

(i) by inserting “ensuring that all children have the ability to obtain a high-quality education, particularly” before “closing”;

(ii) by striking “especially achievement gaps between”;

(iii) by striking “nonminority children” and inserting “nonminority children, disabled and nondisabled children,”;

(iv) by striking “and between disadvantaged” and inserting “and disadvantaged”;

(v) by striking “and” at the end;

(C) by striking paragraph (2); and

(D) by adding at the end the following:  
“(2) improving the quality of early childhood education;

“(3) improving education in elementary and secondary schools, particularly among low-performing students and schools; and

“(4) improving access to, opportunities for, and completion of postsecondary education.”; and

(2) in subsection (d), by striking “by means of the Internet” and inserting “by electronic means such as posting in an easily accessible manner on the Institute’s website”.

#### SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.

Section 116 (20 U.S.C. 9516) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking “to guide the work of the Institute” and inserting “, and to advise, and provide input to, the Director on the activities of the Institute on an ongoing basis”;

(B) in paragraph (3), by inserting “under section 114(h)” after “procedures”;

(C) in paragraph (8), by inserting “disability,” after “gender,”

(D) in paragraph (9)—

(i) by striking “To solicit” and inserting “To ensure all activities of the Institute are relevant to education policy and practice by soliciting, on an ongoing basis,”; and

(ii) by striking “consistent with” and inserting “consistent with section 114(j) and”;

(E) in paragraph (11)—

(i) by inserting “the Institute’s” after “enhance”;

(ii) by striking “among other Federal and State research agencies” and inserting “with public and private entities to improve the work of the Institute”; and

(F) by adding at the end the following:

“(13) To conduct the evaluations required under subsection (d).”;

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by inserting “Board,” before “National Academy”;

(ii) by striking “and the National Science Advisor” and inserting “the National Science Advisor, and other entities and organizations that have knowledge of individuals who are highly-qualified to appraise education research, statistics, evaluations, or development”;

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i), by striking “, which may include those researchers recommended by the National Academy of Sciences”;

(II) by redesignating clause (ii) as clause (iii);

(III) by inserting after clause (i), the following:

“(ii) Not fewer than 2 practitioners who are knowledgeable about the education needs of the United States, who may include school based professional educators, teachers, school leaders, local educational agency superintendents, and members of local boards of education or Bureau-funded school boards.”; and

(IV) in clause (iii), as so redesignated—

(aa) by striking “school-based professional educators,”;

(bb) by striking “local educational agency superintendents,”;

(cc) by striking “principals,”;

(dd) by striking “or local”;

(ee) by striking “or Bureau-funded school boards”;

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting “beginning on the date of appointment of the member,” after “4 years,”;

(II) by striking clause (i);

(III) by redesignating clause (ii) as clause (i);

(IV) in clause (i), as so redesignated, by striking the period and inserting “; and”;

(V) by adding at the end the following:

“(ii) in a case in which a successor to a member has not been appointed as of the date of expiration of the member’s term, the member may serve for an additional 1-year period, beginning on the day after the date of expiration of the member’s term, or until a successor has been appointed under paragraph (1), whichever occurs first.”;

(iii) by striking subparagraph (C); and

(iv) by redesignating subparagraph (D) as subparagraph (C);

(C) in paragraph (8)—

(i) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively;

(ii) by inserting before subparagraph (B), as so redesignated, the following:

“(A) IN GENERAL.—In the exercise of its duties under section 116(b) and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Board shall be independent of the Director and the other offices and officers of the Institute.”;

(iii) in subparagraph (B), as so redesignated, by inserting before the period at the end the following: “for a term of not more than 6 years, and who may be reappointed by the Board for 1 additional term of not more than 6 years”; and

(iv) by adding at the end the following:

“(G) SUBCOMMITTEES.—The Board may establish standing or temporary subcommittees to make recommendations to the Board for carrying out activities authorized under this title.”;

(3) by striking subsection (d);

(4) by redesignating subsection (e) as subsection (d);

(5) in subsection (d), as so redesignated—

(A) in the subsection heading, by striking “ANNUAL” and inserting “EVALUATION”;

(B) by striking “The Board” and inserting the following:

“(1) IN GENERAL.—The Board”;

(C) by striking “Not later than July 1 of each year, a” and inserting “and make widely available to the public (including by electronic means such as posting in an easily accessible manner on the Institute’s website), a triennial”; and

(D) by adding at the end the following:

“(2) REQUIREMENTS.—An evaluation report described in paragraph (1) shall include—

“(A) subject to paragraph (3), an evaluation of the activities authorized for each of the National Education Centers, which—

“(i) uses the performance management system described in section 185; and

“(ii) is conducted by an independent entity;

“(B) a review of the Institute to ensure its work, consistent with the requirements of section 114(j), is timely, rigorous, and relevant;

“(C) any recommendations regarding actions that may be taken to enhance the ability of the Institute and the National Education Centers to carry out their priorities and missions; and

“(D) a summary of the major research findings of the Institute and the activities carried out under section 113(b) during the 3 preceding fiscal years.

“(3) NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE.—With respect to the National Center for Education Evaluation and Regional Assistance, an evaluation report described in paragraph (1) shall contain—

“(A) an evaluation described in paragraph (2)(A) of the activities authorized for such Center, except for the regional educational laboratories established under section 174; and

“(B) a summative or interim evaluation, whichever is most recent, for each such laboratory conducted under section 174(i) on or after the date of enactment of the Strengthening Education through Research Act or, in a case in which such an evaluation is not available for a laboratory, the most recent evaluation for the laboratory conducted prior to the date of enactment of the Strengthening Education through Research Act.”; and

(6) by striking subsection (f).

#### SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION CENTERS.

Section 117 (20 U.S.C. 9517) is amended—

(1) in subsection (a)—  
(A) in paragraph (1), by striking “Except as provided in subsection (b), each” and inserting “Each”;

(B) in paragraph (2)—  
(i) by striking “Except as provided in subsection (b), each” and inserting “Each”; and  
(ii) by inserting “, statistics,” after “research”;

(C) in paragraph (3), by striking “Except as provided in subsection (b), each” and inserting “Each”;

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(4) in subsection (c), as so redesignated, by striking “, except the Commissioner for Education Statistics.”

#### SEC. 118. TRANSPARENCY.

(a) IN GENERAL.—Section 119 (20 U.S.C. 9519) is amended to read as follows:

##### “SEC. 119. TRANSPARENCY.

“Not later than 120 days after awarding a grant, contract, or cooperative agreement under this title in excess of \$100,000, the Director shall make publicly available (including through electronic means such as posting in an easily accessible manner on the Institute’s website) a description of the grant, contract, or cooperative agreement, including, at a minimum, the amount, duration, recipient, and the purpose of the grant, contract, or cooperative agreement.”

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of the Act of November 5, 2002 (Public Law 107-279; 116 Stat. 1940) is amended by striking the item relating to section 119 and inserting the following:

“Sec. 119. Transparency.”

#### SEC. 119. COMPETITIVE AWARDS.

Section 120 (20 U.S.C. 9520) is amended by striking “when practicable” and inserting “consistent with section 114(h)”.

### PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

#### SEC. 131. ESTABLISHMENT.

Section 131(b) (20 U.S.C. 9531(b)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) to sponsor sustained research that will lead to the accumulation of knowledge and understanding of education, consistent with the priorities described in section 115;”;

(2) by striking “and” at the end of paragraph (3);

(3) in paragraph (4), by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(5) consistent with section 114(j), to widely disseminate and promote utilization of the work of the Research Center.”

#### SEC. 132. DUTIES.

Section 133 (20 U.S.C. 9533) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “peer-review standards and”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2);

(D) by striking paragraph (4);

(E) by redesignating paragraphs (5) through (9) as paragraphs (3) through (7), respectively;

(F) in paragraph (3), as so redesignated, by inserting “in the implementation of programs carried out by the Department and other agencies” before “within the Federal Government”;

(G) in paragraph (5), as so redesignated, by striking “disseminate, through the National Center for Education Evaluation and Regional Assistance,” and inserting “widely disseminate, consistent with section 114(j),”;

(H) in paragraph (6), as so redesignated—

(i) by striking “Director” and inserting “Board”; and

(ii) by striking “of a biennial report, as described in section 119” and inserting “and dissemination of each evaluation report under section 116(d)”;

(I) in paragraph (7), as so redesignated, by inserting “and which may include research on social and emotional learning,” after “gap”;

(J) by inserting after paragraph (7), as so redesignated, the following:

“(8) to the extent time and resources allow, when findings from previous research under this part provoke relevant follow up questions, carry out research initiatives on such follow up questions;”

(K) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively;

(L) by amending paragraph (9), as so redesignated, to read as follows:

“(9) carry out research initiatives, including rigorous, peer-reviewed, large-scale, long-term, and broadly applicable empirical research, regarding the impact of technology on education, including online education and hybrid learning;”

(M) in paragraph (10), as so redesignated, by striking the period and inserting “; and”; and

(N) by adding at the end the following:

“(11) to the extent feasible, carry out research on the quality of implementation of practices and strategies determined to be effective through scientifically valid research.”

(2) by amending subsection (b) to read as follows:

“(b) PLAN.—The Research Commissioner shall propose to the Director and, subject to the approval of the Director, implement a research plan for the activities of the Research Center that—

“(1) is consistent with the priorities and mission of the Institute and the mission of the Research Center described in section 131(b), and includes the activities described in subsection (a);

“(2) is carried out and, as appropriate, updated and modified, including through the use of the results of the Research Center’s most recent evaluation report under section 116(d);

“(3) describes how the Research Center will use the performance management system described in section 185 to assess and improve the activities of the Center;

“(4) meets the procedures for peer review established and maintained by the Director under section 114(f)(5) and the standards of research described in section 134; and

“(5) includes both basic research and applied research, which shall include research conducted through field-initiated research and ongoing research initiatives.”

(3) by redesignating subsection (c) as subsection (d);

(4) by inserting after subsection (b), as so amended, the following:

“(c) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—The Research Commissioner may award grants to, or enter into contracts or cooperative agreements, with eligible applicants to carry out research under subsection (a).

“(2) ELIGIBILITY.—For purposes of this subsection, the term ‘eligible applicant’ means an applicant that has the ability and capacity to conduct scientifically valid research.

“(3) APPLICATIONS.—

“(A) IN GENERAL.—An eligible applicant that wishes to receive a grant, or enter into

a contract or cooperative agreement, under this section shall submit an application to the Research Commissioner at such time, in such manner, and containing such information as the Research Commissioner may require.

“(B) CONTENT.—An application submitted under subparagraph (A) shall describe how the eligible applicant will address and demonstrate progress on the requirements of the performance management system described in section 185, with respect to the activities that will be carried out under the grant, contract, or cooperative agreement.”; and

(5) in subsection (d), as redesignated by paragraph (3)—

(A) by amending paragraph (1) to read as follows:

“(1) SUPPORT.—In carrying out activities under subsection (a)(2), the Research Commissioner shall support national research and development centers that address topics of importance and relevance in the field of education across the country and are consistent with the Institute’s priorities under section 115.”;

(B) by striking paragraphs (2), (3), and (5);

(C) by redesignating paragraphs (4), (6), and (7) as paragraph (2), (3), and (4), respectively;

(D) by amending paragraph (2), as so redesignated—

(i) in the matter preceding subparagraph (A), by striking “5 additional” and inserting “2 additional”;

(ii) in subparagraph (B), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(C) demonstrates progress on the requirements of the performance management system described in section 185.”;

(E) in paragraph (3), as so redesignated, by striking “paragraphs (4) and (5)” and inserting “paragraph (2)”;

(F) by amending paragraph (4), as so redesignated, to read as follows:

“(4) DISAGGREGATION.—To the extent feasible and when relevant to the research being conducted, research conducted under this subsection shall be disaggregated and cross-tabulated by age, race, gender, disability status, English learner status, and socioeconomic background.”

#### SEC. 133. STANDARDS FOR CONDUCT AND EVALUATION OF RESEARCH.

Section 134 (20 U.S.C. 9534) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “based” and inserting “valid”; and

(B) in paragraph (2), by striking “and wide dissemination activities” and inserting “and, consistent with section 114(j), wide dissemination and utilization activities”;

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

### PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

#### SEC. 151. ESTABLISHMENT.

Section 151(b) (20 U.S.C. 9541(b)) is amended—

(1) in paragraph (2), by inserting “and consistent with the privacy protections under section 183” after “manner”; and

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting “disability,” after “cultural,”; and

(B) by amending subparagraph (B) to read as follows:

“(B) consistent with section 114(j), is relevant, timely, and widely disseminated.”

#### SEC. 152. DUTIES.

Section 153 (20 U.S.C. 9543) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “, consistent with the privacy protections under section 183,” after “Center shall”;

(B) in paragraph (1)—

(i) by amending subparagraph (D) to read as follows:

“(D) secondary school graduation and completion rates, including the four-year adjusted cohort graduation rate (as defined in section 200.19(b)(1)(i)(A) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008) and the extended-year adjusted cohort graduation rate (as defined in section 200.19(b)(1)(v)(A) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008), and school dropout rates, and adult literacy;”;

(ii) in subparagraph (E), by striking “and opportunity for,” and inserting “opportunity for, and completion of”;

(iii) by amending subparagraph (F) to read as follows:

“(F) teaching, including information on pre-service preparation, professional development, teacher distribution, and teacher and school leader evaluation;”;

(iv) in subparagraph (G), by inserting “and school leaders” before the semicolon;

(v) in subparagraph (H), by inserting “, climate, and in- and out-of-school suspensions and expulsions” before “, including information regarding”;

(vi) by amending subparagraph (K) to read as follows:

“(K) the access to, and use of, technology to improve elementary schools and secondary schools;”;

(vii) in subparagraph (L), by striking “and opportunity for,” and inserting “opportunity for, and quality of”;

(viii) in subparagraph (M), by striking “such programs during school recesses” and inserting “summer school”;

(ix) in subparagraph (N), by striking “vocational” and inserting “career”;

(C) in paragraph (3), by striking “when such disaggregated information will facilitate educational and policy decisionmaking” and inserting “so long as any reported information does not reveal individually identifiable information”;

(D) in paragraph (4), by inserting before the semicolon the following: “, and the implementation (with the assistance of the Department and other Federal officials who have statutory authority to provide assistance on applicable privacy laws, regulations, and policies) of appropriate privacy protections”;

(E) in paragraph (5), by striking “promote linkages across States.”;

(F) in paragraph (6)—

(i) by striking “Third” and inserting “Trends in”; and

(ii) by inserting “and the Program for International Student Assessment” after “Science Study”;

(G) in paragraph (7), by inserting before the semicolon the following: “, ensuring such collections protect student privacy consistent with section 183”;

(H) by amending paragraph (8) to read as follows:

“(8) assisting the Board in the preparation and dissemination of each evaluation report under section 116(d); and”;

(I) by striking paragraph (9);

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) PLAN.—The Statistics Commissioner shall propose to the Director and, subject to

the approval of the Director, implement a plan for activities of the Statistics Center that—

“(1) is consistent with the priorities and mission of the Institute and the mission of the Statistics Center described in section 151(b);

“(2) is carried out and, as appropriate, updated and modified, including through the use of the results of the Statistics Center’s most recent evaluation report under section 116(d); and

“(3) describes how the Statistics Center will use the performance management system described in section 185 to assess and improve the activities of the Center.”.

#### SEC. 153. PERFORMANCE OF DUTIES.

Section 154 (20 U.S.C. 9544) is amended—

(1) in subsection (a)—

(A) by striking “In carrying” and inserting the following:

“(1) IN GENERAL.—In carrying”; and

(B) by adding at the end the following:

“(2) ELIGIBILITY.—For purposes of this section, the term ‘eligible applicant’ means an applicant that has the ability and capacity to carry out activities under this part.

“(3) APPLICATIONS.—

“(A) IN GENERAL.—An eligible applicant that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Statistics Commissioner at such time, in such manner, and containing such information as the Statistics Commissioner may require.

“(B) CONTENTS.—An application submitted under subparagraph (A) shall describe how the eligible applicant will address and demonstrate progress on the requirements of the performance management system described in section 185, with respect to the activities that will be carried out under the grant, contract, or cooperative agreement.”;

(2) in subsection (b)(2)(A), by striking “vocational and” and inserting “career and technical education programs.”;

(3) in subsection (c), by striking “5 years” the second place it appears and inserting “2 years if the recipient demonstrates progress on the requirements of the performance management system described in section 185, with respect to the activities carried out under the grant, contract, or cooperative agreement received under this section”.

#### SEC. 154. REPORTS.

Section 155 (20 U.S.C. 9545) is amended—

(1) in subsection (a), by inserting “(consistent with section 114(h))” after “review”; and

(2) in subsection (b), by striking “2003” and inserting “2015”.

#### SEC. 155. DISSEMINATION.

Section 156 (20 U.S.C. 9546) is amended—

(1) in subsection (c), by adding at the end the following: “Such projects shall adhere to student privacy requirements under section 183.”; and

(2) in subsection (e)—

(A) in paragraph (1), by adding at the end the following: “Before receiving access to educational data under this paragraph, a Federal agency shall describe to the Statistics Center the specific research intent for use of the data, how access to the data may meet such research intent, and how the Federal agency will protect the confidentiality of the data consistent with the requirements of section 183.”;

(B) in paragraph (2)—

(i) by inserting “and consistent with section 183” after “may prescribe”; and

(ii) by adding at the end the following: “Before receiving access to data under this

paragraph, an interested party shall describe to the Statistics Center the specific research intent for use of the data, how access to the data may meet such research intent, and how the party will protect the confidentiality of the data consistent with the requirements of section 183.”; and

(C) by adding at the end the following:

“(3) DENIAL AUTHORITY.—The Statistics Center shall have the authority to deny any requests for access to data under paragraph (1) or (2) for any scientific deficiencies in the proposed research design or research intent for use of the data, or if the request would introduce risk of a privacy violation or misuse of data.”.

#### SEC. 156. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

(a) IN GENERAL.—Section 157 (20 U.S.C. 9547) is amended—

(1) in the heading, by striking “SYSTEMS” and inserting “PARTNERSHIPS”;

(2) by striking “national cooperative education statistics systems” and inserting “cooperative education statistics partnerships”;

(3) by striking “producing and maintaining, with the cooperation” and inserting “reviewing and improving, with the voluntary participation”;

(4) by striking “comparable and uniform” and inserting “data quality standards, which may include establishing voluntary guidelines to standardize”;

(5) by striking “adult education, and libraries,” and inserting “and adult education”; and

(6) by adding at the end the following: “No student data shall be collected by the partnerships established under this section, nor shall such partnerships establish a national student data system.”.

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of the Act of November 5, 2002 (Public Law 107-279; 116 Stat. 1940) is amended by striking the item relating to section 157 and inserting the following:

“Sec. 157. Cooperative education statistics partnerships.”.

#### PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE

##### SEC. 171. ESTABLISHMENT.

Section 171 (20 U.S.C. 9561) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(C) in paragraph (1), as so redesignated, by striking “of such programs” and all that follows through “(science)” and inserting “and to evaluate the implementation of such programs”;

(D) in paragraph (2), as so redesignated, by striking “and wide dissemination of results of” and inserting “and, consistent with section 114(j), the wide dissemination and utilization of results of all”; and

(2) by striking subsection (c).

##### SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE.

Section 172 (20 U.S.C. 9562) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

“(2) widely disseminate, consistent with section 114(j), all information on scientifically valid research and statistics supported by the Institute and all scientifically valid education evaluations supported by the Institute, particularly to State educational agencies and local educational agencies, to

institutions of higher education, to the public, the media, voluntary organizations, professional associations, and other constituencies, especially with respect to the priorities described in section 115;";

(B) in paragraph (3), by inserting ", consistent with section 114(j)" after "timely, and efficient manner";

(C) in paragraph (4)—  
(i) by striking "development and dissemination" and inserting "development, dissemination, and utilization"; and

(ii) by striking "the provision of technical assistance,";

(D) in paragraph (5), by inserting "and" after the semicolon;

(E) in paragraph (6)—  
(i) by striking "Director" and inserting "Board";

(ii) by striking "preparation of a biennial report" and inserting "preparation and dissemination of each evaluation report"; and

(iii) by striking "119; and" and inserting "116(d).";

(F) by striking paragraph (7);

(2) in subsection (b)(1)—

(A) by inserting "all" before "information disseminated"; and

(B) by striking ", which may include" and all that follows through "of this Act)";

(3) by striking subsection (c) and redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (b) the following:

"(c) **PLAN.**—The Evaluation and Regional Assistance Commissioner shall propose to the Director and, subject to the approval of the Director, implement a plan for the activities of the National Center for Education Evaluation and Regional Assistance that—

"(1) is consistent with the priorities and mission of the Institute and the mission of the Center described in section 171(b);

"(2) is carried out and, as appropriate, updated and modified, including through the use of the results of the Center's most recent evaluation report under section 116(d); and

"(3) describes how the Center will use the performance management system described in section 185 to assess and improve the activities of the Center.

"(d) **GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.**—

"(1) **IN GENERAL.**—In carrying out the duties under this part, the Evaluation and Regional Assistance Commissioner may—

"(A) award grants, contracts, or cooperative agreements to eligible applicants to carry out the activities under this part; and

"(B) provide technical assistance.

"(2) **ELIGIBILITY.**—For purposes of this section, the term 'eligible applicant' means an applicant that has the ability and capacity to carry out activities under this part.

"(3) **ENTITIES TO CONDUCT EVALUATIONS.**—In awarding grants, contracts, or cooperative agreements under paragraph (1) to carry out activities under section 173, the Evaluation and Regional Assistance Commissioner shall make such awards to eligible applicants with the ability and capacity to conduct scientifically valid education evaluations.

"(4) **APPLICATIONS.**—

"(A) **IN GENERAL.**—An eligible applicant that wishes to receive a grant, contract, or cooperative agreement under paragraph (1) shall submit an application to the Evaluation and Regional Assistance Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(B) **CONTENTS.**—An application submitted under subparagraph (A) shall describe how the eligible applicant will address and dem-

onstrate progress on the requirements of the performance management system described in section 185, with respect to the activities carried out under such grant, contract, or cooperative agreement.

"(5) **DURATION.**—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under paragraph (1) may be awarded, on a competitive basis, for a period of not more than 5 years, and may be renewed at the discretion of the Evaluation and Regional Assistance Commissioner for an additional period of not more than 2 years if the recipient demonstrates progress on the requirements of the performance management system described in section 185, with respect to the activities carried out under the grant, contract, or cooperative agreement.";

(5) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking "There is established" and all that follows through "Regional Assistance" and inserting "The Evaluation and Regional Assistance Commissioner may establish";

(B) in paragraph (2)(A), by inserting "all" before "products"; and

(C) in paragraph (2)(B)(ii), by striking "2002" and all that follows through the period and inserting "2002.".

#### SEC. 173. EVALUATIONS.

Section 173 (20 U.S.C. 9563) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "may" and inserting "shall";

(ii) in subparagraph (A), by striking "evaluations" and inserting "high-quality evaluations, including impact evaluations that use rigorous methodologies that permit the strongest possible causal inferences,";

(iii) in subparagraph (B), by inserting before the semicolon at the end the following: ", including programs under part A of such title (20 U.S.C. 6311 et seq.)";

(iv) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(v) by striking subparagraphs (E) and (G), and redesignating subparagraph (F) as subparagraph (D);

(vi) in subparagraph (D), as so redesignated, by striking "and" at the end; and

(vii) by inserting after subparagraph (D), as so redesignated, the following:

"(E) provide evaluation findings in an understandable, easily accessible, and usable format to support program improvement;

"(F) support the evaluation activities described in section 401 of the Strengthening Education through Research Act that are carried about by the Director; and

"(G) to the extent feasible—

"(i) examine evaluations conducted or supported by others to determine the quality and relevance of the evidence of effectiveness generated by those evaluations, with the approval of the Director;

"(ii) review and supplement Federal education program evaluations, particularly such evaluations by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations;

"(iii) conduct implementation evaluations that promote continuous improvement and inform policymaking;

"(iv) evaluate the short- and long-term effects and cost efficiencies across programs assisted or authorized under Federal law and administrated by the Department; and

"(v) synthesize the results of evaluation studies for and across Federal education programs, policies, and practices.";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period and inserting "under section 114(h); and"; and

(iii) by adding at the end the following:

"(C) be widely disseminated, consistent with section 114(j)."; and

(2) in subsection (b), by striking "contracts" and inserting "grants, contracts, or cooperative agreements".

#### SEC. 174. REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DEVELOPMENT, DISSEMINATION, AND EVALUATION.

(a) **IN GENERAL.**—Section 174 (20 U.S.C. 9564) is amended—

(1) in the section heading by striking "TECHNICAL ASSISTANCE" and inserting "EVALUATION";

(2) in subsection (a)—

(A) by striking "Director" and inserting "Evaluation and Regional Assistance Commissioner";

(B) by striking "contracts" and inserting "grants, contracts, or cooperative agreements"; and

(C) by inserting "not more than" before "10 regional";

(3) in subsection (c)—

(A) by striking "The Director" and inserting the following:

"(1) **IN GENERAL.**—The Evaluation and Regional Assistance Commissioner";

(B) by striking "contracts under this section with research organizations, institutions, agencies, institutions of higher education," and inserting "grants, contracts, or cooperative agreements under this section with public or private, nonprofit or for-profit research organizations, other organizations, or institutions of higher education,";

(C) by striking "or individuals,";

(D) by striking ", including regional entities" and all that follows through "107-110));" and

(E) by adding at the end the following:

"(2) **DEFINITION.**—For purposes of this section, the term 'eligible applicant' means an entity described in paragraph (1).";

(4) by striking subsections (d) through (j) and inserting the following:

"(d) **APPLICATIONS.**—

"(1) **SUBMISSION.**—

"(A) **IN GENERAL.**—Each eligible applicant desiring a contract grant, contract, or cooperative agreement under this section shall submit an application at such time, in such manner, and containing such information as the Evaluation and Regional Assistance Commissioner may reasonably require.

"(B) **INPUT.**—To ensure that applications submitted under this paragraph are reflective of the needs of the regions to be served, each eligible applicant submitting such an application shall seek input from State educational agencies and local educational agencies in the region that the award will serve, and other individuals with knowledge of the region's needs. Such individuals may include members of the regional advisory committee for the region under section 206(a).

"(2) **PLAN.**—

"(A) **IN GENERAL.**—Each application submitted under paragraph (1) shall contain a plan for the activities of the regional educational laboratory to be established under this section, which shall be updated, modified, and improved, as appropriate, on an ongoing basis, including by using the results of

the laboratory's interim evaluation under subsection (i)(3).

“(B) CONTENTS.—A plan described in subparagraph (A) shall address—

“(i) the priorities for applied research, development, evaluations, and wide dissemination established under section 207;

“(ii) the needs of State educational agencies and local educational agencies, on an ongoing basis, using available State and local data, including the relevant results of the region's assessment under section 206(e); and

“(iii) if available, demonstrated support from State educational agencies and local educational agencies in the region, such as letters of support or signed memoranda of understanding.

“(3) NON-FEDERAL SUPPORT.—In conducting a competition for grants, contracts, or cooperative agreements under subsection (a), the Evaluation and Regional Assistance Commissioner shall give priority to eligible applicants that will provide a portion of non-Federal funds to maximize support for activities of the regional educational laboratories to be established under this section.

“(e) AWARDING GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—

“(1) ASSURANCES.—In awarding grants, contracts, or cooperative agreements under this section, the Evaluation and Regional Assistance Commissioner shall—

“(A) make such an award for not more than a 5-year period;

“(B) ensure that regional educational laboratories established under this section have strong and effective governance, organization, management, and administration, and employ qualified staff; and

“(C) ensure that each such laboratory has the flexibility to respond in a timely fashion to the needs of the laboratory's region, including—

“(i) through using the results of the laboratory's interim evaluation under subsection (i)(3) to improve and modify the activities of the laboratory before the end of the award period; and

“(ii) through sharing preliminary results of the laboratory's research, as appropriate, to increase the relevance and usefulness of the research.

“(2) COORDINATION.—To ensure coordination and prevent unnecessary duplication of activities among the regions, the Evaluation and Regional Assistance Commissioner shall—

“(A) share information about the activities of each regional educational laboratory with each other regional educational laboratory, the Department, the Director, and the National Board for Education Sciences;

“(B) ensure, where appropriate, that the activities of each regional educational laboratory established under this section also serve national interests;

“(C) ensure each such regional educational laboratory establishes strong partnerships among practitioners, policymakers, researchers, and others, so that such partnerships are continued in the absence of Federal support; and

“(D) enable, where appropriate, for such a laboratory to work in a region being served by another laboratory or to carry out a project that extends beyond the region served by the laboratory.

“(3) COLLABORATION WITH TECHNICAL ASSISTANCE PROVIDERS.—Each regional educational laboratory established under this section shall, on an ongoing basis, coordinate its activities, collaborate, and regularly exchange information with the comprehen-

sive centers (established in section 203) in the region in which the center is located, and with comprehensive centers located outside of its region, as appropriate.

“(4) OUTREACH.—

“(A) IN GENERAL.—In conducting competitions for grants, contracts, or cooperative agreements under this section, the Evaluation and Regional Assistance Commissioner shall—

“(i) by making information and technical assistance relating to the competition widely available, actively encourage eligible applicants to compete for such an award; and

“(ii) seek input from the chief executive officers of States, chief State school officers, educators, parents, superintendents, and other individuals with knowledge of the needs of the regions to be served by the awards, regarding—

“(I) the needs in the regions for applied research, evaluation, development, and wide-dissemination activities authorized by this title; and

“(II) how such needs may be addressed most effectively.

“(B) REGIONAL ADVISORY COMMITTEES.—The individuals described in subparagraph (A)(ii) may include members of the regional advisory committees established under section 206(a).

“(5) PERFORMANCE MANAGEMENT.—Before the Evaluation and Regional Assistance Commissioner awards a grant, contract, or cooperative agreement under this section, the Director shall establish measurable performance indicators for assessing the ongoing progress and performance of the regional educational laboratories established with such awards that address—

“(A) the requirements of the performance management system described in section 185; and

“(B) the relevant results of the regional assessments under section 206(e).

“(6) STANDARDS.—The Evaluation and Regional Assistance Commissioner shall adhere to the Institute's system for technical and peer review under section 114(h) in reviewing the applied research activities and research-based reports of the regional educational laboratories.

“(7) REQUIRED CONSIDERATION.—In determining whether to award a grant, contract, or cooperative agreement under this section to an eligible applicant that previously established a regional educational laboratory under this section, the Evaluation and Regional Assistance Commissioner shall consider the results of such laboratory's summative evaluation under subsection (i)(2).

“(f) MISSION.—Each regional educational laboratory established under this section shall—

“(1) conduct applied research, development, and evaluation activities with State educational agencies, local educational agencies, and, as appropriate, schools funded by the Bureau;

“(2) widely disseminate such work, consistent with section 114(j); and

“(3) develop the capacity of State educational agencies, local educational agencies, and, as appropriate, schools funded by the Bureau to carry out the activities described in paragraphs (1) and (2).

“(g) ACTIVITIES.—To carry out the mission described in subsection (f), each regional educational laboratory established under this section shall carry out the following activities:

“(1) Conduct, widely disseminate, and promote utilization of applied research, develop-

ment activities, evaluations, and other scientifically valid research.

“(2) Develop and improve the plan for the laboratory under subsection (d)(2) for serving the region of the laboratory, and as appropriate, national needs, on an ongoing basis, which shall include seeking input and incorporating feedback from the representatives of State educational agencies and local educational agencies in the region, and other individuals with knowledge of the region's needs. Such representatives and other individuals may include members of the regional advisory committee for the region established under section 206(a).

“(3) Ensure research and related products are relevant and responsive to the needs of the region, including by using the relevant results of the region's assessment under section 206(e).

“(h) GOVERNING BOARD.—

“(1) IN GENERAL.—Each regional educational laboratory established under this section may establish a governing board to improve the management of activities that the laboratory carries out under this section.

“(2) BOARD DUTIES.—A Board established under paragraph (1) shall coordinate and align its work with the work of the regional advisory committee for the region established under section 206.

“(i) EVALUATIONS.—

“(1) IN GENERAL.—The Evaluation and Regional Assistance Commissioner shall—

“(A) provide for ongoing summative and interim evaluations described in paragraphs (2) and (3), respectively, of each of the regional educational laboratories established under this section in carrying out the full range of duties described in this section; and

“(B) transmit the results of such evaluations, through appropriate means, to the appropriate congressional committees, the Director, and the public.

“(2) SUMMATIVE EVALUATIONS.—The Evaluation and Regional Assistance Commissioner shall ensure each regional educational laboratory established under this section is evaluated by an independent entity at the end of the period of the grant, contract, or cooperative agreement that established such laboratory, which shall—

“(A) be completed in a timely fashion;

“(B) assess how well the laboratory is meeting the measurable performance indicators established under subsection (e)(5); and

“(C) consider the extent to which the laboratory ensures that the activities of such laboratory are relevant and useful to the work of State and local practitioners and policymakers.

“(3) INTERIM EVALUATIONS.—The Evaluation and Regional Assistance Commissioner shall ensure each regional educational laboratory established under this section is evaluated at the midpoint of the period of the grant, contract, or cooperative agreement that established such laboratory, which shall—

“(A) assess how well such laboratory is meeting the performance indicators described in subsection (e)(5); and

“(B) be used to improve the effectiveness of such laboratory in carrying out its plan under subsection (d)(2).

“(j) CONTINUATION OF AWARDS; RECOMPETITION.—

“(1) CONTINUATION OF AWARDS.—The Evaluation and Regional Assistance Commissioner shall continue awards made to each eligible applicant for the support of regional educational laboratories established under this section prior to the date of enactment of the Strengthening Education through Research Act, as such awards were in effect on



the day before the date of enactment of the Strengthening Education through Research Act, for the duration of those awards, in accordance with the terms and agreements of such awards.

“(2) RECOMPETITION.—Not later than the end of the period of the awards described in paragraph (1), the Evaluation and Regional Assistance Commissioner shall—

“(A) hold a competition to make grants, contracts, or cooperative agreements under this section to eligible applicants, which may include eligible applicants that held awards described in paragraph (1); and

“(B) in determining whether to select an eligible applicant that held an award described in paragraph (1) for an award under subparagraph (A) of this paragraph, consider the results of the summative evaluation under subsection (i)(2) of the laboratory established with the eligible applicant’s award described in paragraph (1).”;

(5) by striking subsection (l);

(6) by redesignating subsections (m), (n), and (o) as subsections (l), (m), and (n), respectively;

(7) in subsection (l), as so redesignated, by inserting “and local” after “achieve State”;

(8) by amending subsection (m), as so redesignated, to read as follows:

“(m) ANNUAL REPORT.—Each regional educational laboratory established under this section shall submit to the Evaluation and Regional Assistance Commissioner an annual report containing such information as the Commissioner may require, but which shall include, at a minimum, the following:

“(1) A summary of the laboratory’s activities and products developed during the previous year.

“(2) A listing of the State educational agencies, local educational agencies, and schools the laboratory assisted during the previous year.

“(3) Using the measurable performance indicators established under subsection (e)(5), a description of how well the laboratory is meeting educational needs of the region served by the laboratory.

“(4) Any changes to the laboratory’s plan under subsection (d)(2) to improve its activities in the remaining years of the grant, contract, or cooperative agreement.”; and

(9) by adding at the end the following new subsection:

“(o) APPROPRIATIONS RESERVATION.—Of the amounts appropriated under section 194(a), the Evaluation and Regional Assistance Commissioner shall reserve 16.13 percent of such funds to carry out this section, of which the Commissioner shall use not less than 25 percent to serve rural areas (including schools funded by the Bureau which are located in rural areas).”.

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of the Act of November 5, 2002 (Public Law 107-279; 116 Stat. 1940) is amended by striking the item relating to section 174 and inserting the following:

“Sec. 174. Regional educational laboratories for research, development, dissemination, and evaluation.”.

## **PART E—NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH**

### **SEC. 175. ESTABLISHMENT.**

Section 175(b) (20 U.S.C. 9567(b)) is amended—

(1) in paragraph (1), by striking “and children” and inserting “children, and youth”;

(2) in paragraph (2), by striking “and” at the end;

(3) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(4) to promote quality and integrity through the use of accepted practices of scientific inquiry to obtain knowledge and understanding of the validity of education theories, practices, or conditions with respect to special education research and evaluation described in paragraphs (1) through (3); and

“(5) to promote scientifically valid research findings in special education that may provide the basis for improving academic instruction and lifelong learning.”.

### **SEC. 176. COMMISSIONER FOR SPECIAL EDUCATION RESEARCH.**

Section 176 (20 U.S.C. 9567a) is amended by inserting “and youth” after “children”.

### **SEC. 177. DUTIES.**

Section 177 (20 U.S.C. 9567b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by inserting “and youth” after “children”;

(B) in paragraph (2), by striking “scientifically based educational practices” and inserting “educational practices, including the use of technology based on scientifically valid research.”;

(C) in paragraph (4), by striking “based” and inserting “valid”;

(D) in paragraph (10), by inserting before the semicolon the following: “, including how secondary school credentials are related to postsecondary and employment outcomes”;

(E) by redesignating paragraphs (11) through (15) and paragraphs (16) and (17) as paragraphs (12) through (16), respectively, and paragraphs (18) and (19), respectively;

(F) by inserting after paragraph (10), the following:

“(11) examine the participation and outcomes of students with disabilities in secondary and postsecondary career and technical education programs.”;

(G) in paragraph (14), as so redesignated, by inserting “and professional development” after “preparation”;

(H) in paragraph (16), as so redesignated, by striking “help parents” and inserting “examine the methods by which parents may”;

(I) by inserting after paragraph (16), as so redesignated, the following:

“(17) assist the Board in the preparation and dissemination of each evaluation report under section 116(d);”;

(J) in paragraph (18), as so redesignated, by striking “and” at the end;

(K) by amending paragraph (19), as so redesignated, to read as follows:

“(19) examine the needs of children with disabilities who are English learners, gifted and talented, or who have other unique learning needs; and”;

(L) by adding at the end the following:

“(20) examine innovations in the field of special education, such as multi-tiered systems of support.”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting “for the activities of the Special Education Research Center” after “research plan”; and

(ii) by inserting “and, subject to the approval of the Director, implement such plan” after “Services”;

(B) in paragraph (1), by inserting “described in section 175(b)” after “Center”;

(C) by amending paragraph (2) to read as follows:

“(2) is carried out, and, as appropriate, updated and modified, including by using the results of the Special Education Research Center’s most recent evaluation report under section 116(d);”;

(D) by striking paragraph (5);

(E) by redesignating paragraphs (3), (4), and (6) as paragraphs (4), (5), and (7), respectively;

(F) by inserting after paragraph (2), as so amended, the following:

“(3) provides for research that addresses significant questions of practice where such research is lacking.”;

(G) in paragraph (5), as so redesignated, by striking “and types of children with” and inserting “, student subgroups, and types of”; and

(H) by inserting after paragraph (5), as so redesignated and amended, the following:

“(6) describes how the Special Education Research Center will use the performance management system described in section 185 to assess and improve the activities of the Center; and”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “Director” and inserting “Special Education Research Commissioner”;

(B) by amending paragraph (3) to read as follows:

“(3) APPLICATIONS.—

“(A) IN GENERAL.—An eligible applicant that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Special Education Research Commissioner at such time, in such manner, and containing such information as the Special Education Research Commissioner may require.

“(B) CONTENTS.—An application submitted under subparagraph (A) shall describe how the eligible applicant will address and demonstrate progress on the requirements of the performance management system described in section 185, with respect to the activities that will be carried out under such grant, contract, or cooperative agreement.”; and

(C) by adding at the end the following:

“(4) DURATION.—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded, on a competitive basis, for a period of not more than 5 years, and may be renewed at the discretion of the Special Education Research Commissioner for an additional period of not more than 2 years if the recipient demonstrates progress on the requirements of the performance management system described in section 185, with respect to the activities carried out under the grant, contract, or cooperative agreement received under this section.”;

(4) by amending subsection (e) to read as follows:

“(e) DISSEMINATION.—The Special Education Research Center shall synthesize and, consistent with section 114(j), widely disseminate and promote utilization of the findings and results of special education research conducted or supported by the Special Education Research Center.”; and

(5) in subsection (f), by striking “part such sums as may be necessary for each of fiscal years 2005 through 2010.” and inserting “part—

“(1) for fiscal year 2015, \$54,000,000;

“(2) for fiscal year 2016, \$54,108,000;

“(3) for fiscal year 2017, \$55,298,376;

“(4) for fiscal year 2018, \$56,625,537;

“(5) for fiscal year 2019, \$58,154,426; and

“(6) for fiscal year 2020, \$65,645,169.”.

## **PART F—GENERAL PROVISIONS**

### **SEC. 182. PROHIBITIONS.**

Section 182 (20 U.S.C. 9572) is amended—

(1) in subsection (b)—

(A) by striking “or control” and inserting “control, or coercion”; and

(B) by inserting “specific academic standards or assessments,” after “the curriculum.”

(3) in subsection (c)—

(A) by inserting “coerce,” after “approve,” and

(B) by striking “an elementary school or secondary school” and inserting “early education, or in an elementary school, secondary school, or institution of higher education”.

#### SEC. 183. CONFIDENTIALITY.

Section 183 (20 U.S.C. 9573) is amended—

(1) in subsection (b)—

(A) by striking “their families, and information with respect to individual schools,” and inserting “and their families”; and

(B) by inserting before the period at the end the following: “, and that any disclosed information with respect to individual schools not reveal such individually identifiable information”;

(2) in subsection (d)(2), by inserting “, including voluntary and uncompensated services under section 190” after “providing services”; and

(3) in subsection (e)(1), in the matter preceding subparagraph (A), by inserting “and Director” after “Secretary”.

#### SEC. 184. AVAILABILITY OF DATA.

Section 184 (20 U.S.C. 9574) is amended by striking “use of the Internet” and inserting “electronic means, such as posting to the Institute’s website in an easily accessible manner”.

#### SEC. 185. PERFORMANCE MANAGEMENT.

Section 185 (20 U.S.C. 9575) is amended to read as follows:

##### “SEC. 185. PERFORMANCE MANAGEMENT.

“The Director shall establish a system for managing the performance of all activities authorized under this title to promote continuous improvement of the activities and to ensure the effective use of Federal funds by—

“(1) developing and using measurable performance indicators, including timelines, to evaluate and improve the effectiveness of the activities;

“(2) using the performance indicators described in paragraph (1) to inform funding decisions, including the awarding and continuation of all grants, contracts, and cooperative agreements under this title;

“(3) establishing and improving formal feedback mechanisms to—

“(A) anticipate and meet stakeholder needs; and

“(B) incorporate, on an ongoing basis, the feedback of such stakeholders into the activities authorized under this title; and

“(4) promoting the wide dissemination and utilization, consistent with section 114(j), of all information, products, and publications of the Institute.”.

#### SEC. 186. AUTHORITY TO PUBLISH.

Section 186(b) (20 U.S.C. 9576) is amended by striking “any information to be published under this section before publication” and inserting “publications under this section before the public release of such publications”.

#### SEC. 187. REPEALS.

(a) REPEALS.—Sections 187 (20 U.S.C. 9577) and 193 (20 U.S.C. 9583) are repealed.

(b) CONFORMING AMENDMENTS.—The table of contents in section 1 of the Act of November 5, 2002 (Public Law 107-279; 116 Stat. 1940) is amended by striking the items relating to sections 187 and 193.

#### SEC. 188. FELLOWSHIPS.

Section 189 (20 U.S.C. 9579) is amended—

(1) by inserting “and the mission of each National Education Center authorized under this title” after “related to education”; and

(2) by striking “historically Black colleges and universities” and inserting “minority-serving institutions”.

#### SEC. 189. AUTHORIZATION OF APPROPRIATIONS.

Section 194 (20 U.S.C. 9584) is amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated to administer and carry out this title (except part E)—

“(1) for fiscal year 2015, \$337,343,000;

“(2) for fiscal year 2016, \$338,017,686;

“(3) for fiscal year 2017, \$345,454,075;

“(4) for fiscal year 2018, \$353,744,974;

“(5) for fiscal year 2019, \$363,296,087; and

“(6) for fiscal year 2020, \$368,745,528.”.

(2) by striking subsection (b) and inserting the following:

“(b) RESERVATIONS.—Of the amounts appropriated under subsection (a) for each fiscal year—

“(1) not less than the amount provided to the National Center for Education Statistics (as such Center was in existence on the day before the date of enactment of the Strengthening Education through Research Act) for fiscal year 2014 shall be provided to the National Center for Education Statistics, as authorized under part C; and

“(2) not more than the lesser of 2 percent of such funds or \$2,000,000 shall be made available to carry out section 116 (relating to the National Board for Education Sciences).”.

### TITLE II—EDUCATIONAL TECHNICAL ASSISTANCE

#### SEC. 201. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9601 et seq.).

#### SEC. 202. DEFINITIONS.

Section 202 (20 U.S.C. 9601) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1), the following:

“(2) SCHOOL LEADER.—The term ‘school leader’ has the meaning given the term in section 102.”.

#### SEC. 203. COMPREHENSIVE CENTERS.

Section 203 (20 U.S.C. 9602)—

(1) by amending subsection (a) to read as follows:

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—Subject to paragraph (3), the Secretary is authorized to award not more than 17 grants, contracts, or cooperative agreements to eligible applicants to establish comprehensive centers.

“(2) MISSION.—The mission of the comprehensive centers is to provide State educational agencies and local educational agencies technical assistance, analysis, and training to build their capacity in implementing the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and other Federal education laws, and research-based practices.

“(3) REGIONS.—In awarding grants, contracts, or cooperative agreements under paragraph (1), the Secretary—

“(A) shall establish at least one comprehensive center for each of the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the

day before the date of enactment of this Act); and

“(B) may establish additional comprehensive centers—

“(i) for one or more of the regions described in subparagraph (A); or

“(ii) to serve the Nation as a whole by providing technical assistance on a particular content area of importance to the Nation, as determined by the Secretary with the advice of the regional advisory committees established under section 206(a).

“(4) NATION.—In the case of a comprehensive center established to serve the Nation as described in paragraph (3)(B)(ii), the Nation shall be considered to be a region served by such Center.

“(5) AWARD PERIOD.—A grant, contract, or cooperative agreement under this section may be awarded, on a competitive basis, for a period of not more than 5 years.

“(6) RESPONSIVENESS.—The Secretary shall ensure that each comprehensive center established under this section has the ability to respond in a timely fashion to the needs of State educational agencies and local educational agencies, including through using the results of the center’s interim evaluation under section 204(c), to improve and modify the activities of the center before the end of the award period.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting “, contracts, or cooperative agreements” after “Grants”; and

(ii) by striking “research organizations, institutions, agencies, institutions of higher education,” and inserting “public or private, nonprofit or for-profit research organizations, other organizations, or institutions of higher education.”;

(iii) by striking “, or individuals.”;

(iv) by striking “subsection (f)” and inserting “subsection (e)”; and

(v) by striking “, including regional” and all that follows through “107-110)”; and

(B) by striking paragraphs (2) and (3) and inserting the following:

“(2) OUTREACH.—

“(A) IN GENERAL.—In conducting competitions for grants, contracts, or cooperative agreements under this section, the Secretary shall—

“(i) by making widely available information and technical assistance relating to the competition, actively encourage eligible applicants to compete for such awards; and

“(ii) seek input from chief executive officers of States, chief State school officers, educators, parents, superintendents, and other individuals with knowledge of the needs of the regions to be served by the awards, regarding—

“(I) the needs in the regions for technical assistance authorized under this title; and

“(II) how such needs may be addressed most effectively.

“(B) REGIONAL ADVISORY COMMITTEES.—The individuals described in subparagraph (A)(ii) may include members of the regional advisory committees established under section 206(a).

“(3) PERFORMANCE MANAGEMENT.—Before awarding a grant, contract, or cooperative agreement under this section, the Secretary shall establish measurable performance indicators to be used to assess the ongoing progress and performance of the comprehensive centers to be established under this title that address—

“(A) paragraphs (1) through (3) of the performance management system described in section 185; and

“(B) the relevant results of the regional assessments under section 206(e).

“(4) REQUIRED CONSIDERATION.—In determining whether to award a grant, contract, or cooperative agreement under this section to an eligible applicant that previously established a comprehensive center under this section, the Secretary shall consider the results of such center’s summative evaluation under section 204(b).”

“(5) CONTINUATION OF AWARDS.—

“(A) CONTINUATION OF AWARDS.—The Secretary shall continue awards made to each eligible applicant for the support of comprehensive centers established under this section prior to the date of enactment of the Strengthening Education through Research Act, as such awards were in effect on the day before the date of enactment of the Strengthening Education through Research Act, for the duration of those awards, in accordance with the terms and agreements of such awards.

“(B) RECOMPETITION.—Not later than the end of the period of the awards described in subparagraph (A), the Secretary shall—

“(i) hold a competition to make grants, contracts, or cooperative agreements under this section to eligible applicants, which may include eligible applicants that held awards described in subparagraph (A); and

“(ii) in determining whether to select an eligible applicant that held an award described in subparagraph (A) for an award under clause (i) of this subparagraph, consider the results of the summative evaluation under section 204(b) of the center established with the eligible applicant’s award described in subparagraph (A).

“(6) ELIGIBLE APPLICANT DEFINED.—For purposes of this section, the term ‘eligible applicant’ means an entity described in paragraph (1).”

(3) by amending subsection (c) to read as follows:

“(c) APPLICATIONS.—

“(1) SUBMISSION.—

“(A) IN GENERAL.—Each eligible applicant seeking a grant, contract, or cooperative agreement under this section shall submit an application at such time, in such manner, and containing such additional information as the Secretary may reasonably require.

“(B) INPUT.—To ensure that applications submitted under this paragraph are reflective of the needs of the regions to be served, each eligible applicant submitting such an application shall seek input from State educational agencies and local educational agencies in the region that the award will serve, and other individuals with knowledge of the region’s needs. Such individuals may include members of the regional advisory committee for the region under section 206(a).

“(2) PLAN.—

“(A) IN GENERAL.—Each application submitted under paragraph (1) shall contain a plan for the comprehensive center to be established under this section, which shall be updated, modified, and improved, as appropriate, on an ongoing basis, including by using the results of the center’s interim evaluation under section 204(c).

“(B) CONTENTS.—A plan described in subparagraph (A) shall address—

“(i) the priorities for technical assistance established under section 207;

“(ii) the needs of State educational agencies and local educational agencies, on an ongoing basis, using available State and local data, including the relevant results of the regional assessments under section 206(e); and

“(iii) if available, demonstrated support from State educational agencies and local

educational agencies, such as letters of support or signed memoranda of understanding.

“(3) NON-FEDERAL SUPPORT.—In conducting a competition for grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to eligible applicants that will provide a portion of non-Federal funds to maximize support for activities of the comprehensive centers to be established under this section.”

(4) in subsection (d), by inserting “the number of low-performing schools in the region,” after “economically disadvantaged students.”

(5) by striking subsection (e) and redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively;

(6) in subsection (e), as so redesignated—

(A) in paragraph (1)—

(i) by striking “support dissemination and technical assistance activities by” and inserting “support State educational agencies and local educational agencies, including by”;

(ii) in subparagraph (A)(i), by inserting “and other Federal education laws” before the semicolon;

(iii) in subparagraph (A)(ii)—

(I) in the matter preceding subclause (I), by striking “and assessment tools” and inserting “, assessment tools, and other educational strategies”;

(II) in subclause (I), by striking “mathematics, science,” and inserting “mathematics and science, which may include computer science or engineering.”; and

(III) in subclause (III), by inserting “, including innovative tools and methods” before the semicolon;

(iv) by striking subparagraph (A)(iii) and inserting the following:

“(iii) the replication and adaptation of exemplary practices and innovative methods that have an evidence base of effectiveness; and”

(v) in subparagraph (B)—

(I) by inserting “, consistent with section 114(j),” after “disseminating”; and

(II) by striking “(as described)” and all that follows through “is located”; and

(vi) by amending subparagraph (C) to read as follows:

“(C) ensuring activities carried out under this section are relevant and responsive to the needs of the region being served, including by using the relevant results of the regional assessments under section 206(e).”; and

(B) in paragraph (2)—

(i) by inserting “, on an ongoing basis,” after “this section shall”; and

(ii) by inserting “or other regional educational laboratories or comprehensive centers, as appropriate,” after “center is located.”; and

(7) by amending subsections (f) and (g), as each so redesignated, to read as follows:

“(f) COMPREHENSIVE CENTER ADVISORY BOARD.—A comprehensive center established under this section may establish an advisory board to support and monitor the priorities and activities of such center. An advisory board established under this subsection shall coordinate and align its work with the work of the regional advisory committee of the region served by such center established under section 206.

“(g) REPORT TO THE SECRETARY.—Each comprehensive center established under this section shall submit to the Secretary an annual report, at such time, in such manner, and containing such information as the Secretary may require, which shall include the following:

“(1) A summary of the center’s activities and products developed during the previous year.

“(2) A listing of the State educational agencies, local educational agencies, and schools the center assisted during the previous year.

“(3) Using the measurable performance indicators established under subsection (b)(3), a description of how well the center is meeting educational needs of the region served by the center.

“(4) Any changes to the center’s plan under subsection (c)(2) to improve its activities in the remaining years of the grant, contract, or cooperative agreement.”

#### SEC. 204. EVALUATIONS.

Section 204 (20 U.S.C. 9603) is amended to read as follows:

#### “SEC. 204. EVALUATIONS.

“(a) IN GENERAL.—The Secretary shall—

“(1) provide for ongoing summative and interim evaluations described in subsections (b) and (c), respectively, of each of the comprehensive centers established under this title in carrying out the full range of duties of the center under this title; and

“(2) transmit the results of such evaluations, through appropriate means, to the appropriate congressional committees, the Director of the Institute of Education Sciences, and the public.

“(b) SUMMATIVE EVALUATION.—The Secretary shall ensure each comprehensive center established under this title is evaluated by an independent entity at the end of the period of the grant, contract, or cooperative agreement that established such center, which shall—

“(1) be completed in a timely fashion;

“(2) assess how well the center is meeting the measurable performance indicators established under section 203(b)(3); and

“(3) consider the extent to which the center ensures that the technical assistance of such center is relevant and useful to the work of State and local practitioners and policymakers.

“(c) INTERIM EVALUATION.—The Secretary shall ensure that each comprehensive center established under this title is evaluated at the midpoint of the period of the grant, contract, or cooperative agreement that established such center, which shall—

“(1) assess how well such center is meeting the measurable performance indicators established under section 203(b)(3); and

“(2) be used to improve the effectiveness of such center in carrying out its plan under section 203(c)(2).”

#### SEC. 205. EXISTING TECHNICAL ASSISTANCE PROVIDERS.

(a) REPEAL.—Section 205 (20 U.S.C. 9604) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of the Act of November 5, 2002 (Public Law 107-279; 116 Stat. 1940) is amended by striking the item relating to section 205.

#### SEC. 206. REGIONAL ADVISORY COMMITTEES.

Section 206 (20 U.S.C. 9605) is amended—

(1) in subsection (a)—

(A) by striking “Beginning in 2004, the” and inserting “The”; and

(B) by striking “of the Education Sciences Reform Act of 2002”;

(2) by striking subsection (c) and redesignating subsections (b) and (d) as subsections (d) and (e), respectively;

(3) by inserting the following after subsection (a):

“(b) MISSION.—The mission of each regional advisory committee established under subsection (a) shall be to—

“(1) support, strengthen, and, as appropriate, align the work of the regional educational laboratories established under section 174 and the comprehensive centers established under this title; and

“(2) ensure that the regional educational laboratories and comprehensive centers are meeting the needs of their regions.

“(c) DUTIES.—Each advisory committee established under subsection (a) shall—

“(1) conduct, on at least a biennial basis, a needs assessments of the region served by the committee, as described in subsection (e);

“(2) to ensure the activities of the regional educational laboratory and comprehensive centers serving the region of the committee are responsive to the needs of such region, provide ongoing input to the laboratory and centers on planning and carrying out their activities under section 174 and this title, respectively;

“(3) maintain a high standard of quality in the performance of the activities of the laboratory and centers, respectively; and

“(4) support the continuous improvement of the laboratory and centers in the region served by the committee, especially in meeting the measurable performance indicators established under sections 174(e)(4) and 203(b)(3), respectively.”;

(4) by amending subsection (d), as so redesignated, to read as follows:

“(d) MEMBERSHIP.—

“(1) COMPOSITION.—The membership of each regional advisory committee shall—

“(A) not exceed 25 members;

“(B) include the chief State school officer, or such officer's designee, or other State official, of States within the region of the committee who have primary responsibility under State law for elementary and secondary education in the State;

“(C) include representatives of local educational agencies, including rural and urban local educational agencies, that represent the geographic diversity of the region; and

“(D) include researchers.

“(2) ELIGIBILITY.—The membership of each regional advisory committee may include the following:

“(A) Representatives of institutions of higher education.

“(B) Parents.

“(C) Practicing educators, including classroom teachers, school leaders, administrators, school board members, and other local school officials.

“(D) Representatives of business.

“(E) Policymakers.

“(F) Representatives from the regional educational laboratory and comprehensive centers in the region.

“(3) RECOMMENDATIONS.—In choosing individuals for membership on a regional advisory committee, the Secretary shall consult with, and solicit recommendations from, the chief executive officers of States, chief State school officers, local educational agencies, and other education stakeholders within the applicable region.

“(4) SPECIAL RULE.—The total number of members on each committee who are selected under subparagraphs (B) and (C) of paragraph (1), in the aggregate, shall exceed the total number of members who are selected under paragraph (2), collectively.”;

(5) in subsection (e), as so redesignated—

(A) in paragraph (1)—

(i) by inserting “, at least on a biennial basis,” after “assess”; and

(ii) by inserting “, strengths, and weaknesses” after “educational needs”;

(B) in paragraph (2)—

(i) by striking “State school officers,” and all that follows through “(within the region)” and inserting “State school officers, local educational agencies, representatives of public charter schools, educators, parents, and others within the region”;

(ii) by striking “of the Education Sciences Reform Act of 2002 and section 203 of this title” and inserting “and section 203”; and

(iii) by striking “and” at the end;

(C) by redesignating paragraph (3) as paragraph (4);

(D) by inserting after paragraph (2) the following new paragraph:

“(3) use available State and local data, consistent with privacy protections under section 183, to determine regional educational needs; and”.

#### SEC. 207. PRIORITIES.

Section 207 (20 U.S.C. 9606) is amended—

(1) by inserting “Director and” before “Secretary shall establish”;

(2) by striking “of the Education Sciences Reform Act of 2002”;

(3) by striking “of this title”;

(4) by striking “to address, taking into account” and inserting “, respectively, using the results of”; and

(5) by striking “relevant regional” and all that follows through “Secretary deems appropriate” and inserting “relevant regional and national surveys of educational needs”.

#### SEC. 208. GRANT PROGRAM FOR STATEWIDE LONGITUDINAL DATA SYSTEMS.

Section 208 (20 U.S.C. 9607) is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end the following: “, the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)”; and

(B) by adding at the end the following: “State educational agencies receiving a grant under this section may provide subgrants to local educational agencies to improve the capacity of local educational agencies to carry out the activities authorized under this section.”;

(2) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (g), respectively;

(3) by inserting after subsection (b), the following:

“(c) PERFORMANCE MANAGEMENT.—Before awarding a grant under this section, the Secretary shall establish measurable performance indicators—

“(1) to be used to assess the ongoing progress and performance of State educational agencies receiving a grant under this section; and

“(2) that address paragraphs (1) through (3) of the performance management system described in section 185.”;

(4) in subsection (d), as so redesignated—

(A) in paragraph (1), by striking “, promotes linkages across States,”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “supports school improvement and” after “data that”;

(ii) in subparagraph (A), by striking “and other reporting requirements and close achievement gaps; and” and inserting “, other reporting requirements, close achievement gaps, and improve teaching”;

(iii) in subparagraph (B), by striking “and close achievement gaps” and by inserting “, close achievement gaps, and improve teaching”;

(iv) by inserting after subparagraph (B) the following:

“(C) to align statewide longitudinal data systems from early education through post-

secondary education (including pre-service preparation programs), and the workforce, consistent with privacy protections under section 183;”;

(C) by striking paragraph (3) and inserting the following:

“(3) ensures the protection of student privacy, and includes a review of how State educational agencies, local educational agencies, and others that will have access to the statewide data systems under this section will adhere to Federal privacy laws and protections, consistent with section 183, in the building, maintenance, and use of such data systems;

“(4) ensures State educational agencies receiving a grant under this section support professional development that builds the capacity of teachers and school leaders to use data effectively; and

“(5) gives priority to State educational agencies that leverage the use of longitudinal data systems to improve student achievement and growth, including such State educational agencies that—

“(A) meet the voluntary standards and guidelines described in section 153(a)(5);

“(B) define the roles of State educational agencies, local educational agencies, and others in providing timely access to data under the statewide data systems, consistent with privacy protections in section 183; and

“(C) demonstrate the capacity to share teacher and school leader performance data, including student achievement and growth data, with local educational agencies and teacher and school leader preparation programs.”;

(5) by inserting after subsection (e), as so redesignated, the following:

“(f) RENEWAL OF AWARDS.—The Secretary may renew a grant awarded to a State educational agency under this section for a period not to exceed 3 years, if the State educational agency has demonstrated progress on the measurable performance indicators established under subsection (c).”; and

(6) by amending subsection (g), as so redesignated, to read as follows:

“(g) REPORTS.—

“(1) FIRST REPORT.—Not later than 1 year after the date of enactment of the Strengthening Education through Research Act, the Secretary shall prepare and make publicly available a report on the implementation and effectiveness of the activities carried out by State educational agencies receiving a grant under this section, including—

“(A) information on progress in the development and use of statewide longitudinal data systems described in this section;

“(B) information on best practices and areas for improvement in such development and use; and

“(C) how the State educational agencies are adhering to Federal privacy laws and protections in the building, maintenance, and use of such data systems.

“(2) SUCCEEDING REPORTS.—Every succeeding 3 years after the report is made publicly available under paragraph (1), the Secretary shall prepare and make publicly available a report on the implementation and effectiveness of the activities carried out by State educational agencies receiving a grant under this section, including—

“(A) information on the requirements of subparagraphs (A) through (C) of paragraph (1); and

“(B) the progress, in the aggregate, State educational agencies are making on the measurable performance indicators established under subsection (c).”.

**SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

Section 209 (20 U.S.C. 9608) is amended to read as follows:

**“SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this title—

- “(1) for fiscal year 2015, \$82,984,000;
- “(2) for fiscal year 2016, \$83,149,968;
- “(3) for fiscal year 2017, \$84,979,268;
- “(4) for fiscal year 2018, \$87,018,769;
- “(5) for fiscal year 2019, \$89,368,277; and
- “(6) for fiscal year 2020, \$90,708,801.”

**TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS****SEC. 301. REFERENCES.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.).

**SEC. 302. NATIONAL ASSESSMENT GOVERNING BOARD.**

Section 302 (20 U.S.C. 9621) is amended—

(1) in subsection (a), by striking “shall formulate policy guidelines” and inserting “shall oversee and set policies, in a manner consistent with subsection (e) and accepted professional standards.”;

(2) in subsection (b)(1)(L)—

(A) by striking “principals” and inserting “leaders”; and

(B) by striking “principal” both places it appears and inserting “leader”;

(3) in subsection (c), by striking paragraph (4);

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “the Assessment Board after consultation with” before “organizations”; and

(ii) in subparagraph (B)—

(I) by striking “Each organization submitting nominations to the Secretary with” and inserting “With”; and

(II) by inserting “, the Assessment Board” after “particular vacancy”; and

(B) in paragraph (2)—

(i) by striking “that each organization described in paragraph (1)(A) submit additional nominations” and inserting “additional nominations from the Assessment Board or each organization described in paragraph (1)(A)”; and

(ii) by striking “such organization” and inserting “the Assessment Board”; and

(5) in subsection (e)(1)—

(A) in subparagraph (A)—

(i) by inserting “in consultation with the Commissioner for Education Statistics,” before “select”; and

(ii) by inserting “and grades or ages” before “to be”; and

(iii) by inserting “, and determine the year in which such assessments will be conducted” after “assessed”;

(B) in subparagraph (D), by inserting “school leaders,” after “teachers.”;

(C) in subparagraph (E), by striking “design” and inserting “provide input on”;

(D) by striking “and” at the end of subparagraph (I);

(E) by redesignating subparagraph (J) as subparagraph (K);

(F) by inserting after subparagraph (I), the following:

“(J) provide input to the Director on annual budget requests for the National Assessment of Educational Progress; and”;

(G) in subparagraph (K), as so redesignated—

(i) by striking “plan and execute the initial public release of”; and

(ii) by inserting “release the initial” before “National”; and

(H) in the matter following subparagraph (K), as so amended and redesignated, by striking “subparagraph (J)” and inserting “subparagraph (K)”.

**SEC. 303. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.**

Section 303 (20 U.S.C. 9622) is amended—

(1) in subsection (a), by striking “with the advice of the Assessment Board established under section 302” and inserting “in a manner consistent with accepted professional standards and the policies set forth by the Assessment Board under section 302(a)”;

(2) in subsection (b)(2)—

(A) in subparagraph (D), by inserting “and consistent with section 302(e)(1)(A)” after “resources allow”;

(B) by striking “and” at the end of subparagraph (G);

(C) by striking the period and inserting “; and” at the end of subparagraph (H); and

(D) by adding at the end the following new subparagraph:

“(I) determine, after taking into account section 302(e)(1)(I), the content of initial and subsequent reports of all assessments authorized under this section and ensure that such reports are valid and reliable.”;

(3) in subsection (c)(2)—

(A) in subparagraph (B), by striking “of Education” after “Secretary”; and

(B) in subparagraph (D)—

(i) by striking “Chairman of the House” before “Committee on Education”; and

(ii) by inserting “of the House of Representatives” after “Workforce”;

(iii) by striking “Chairman of the Senate” before “Committee on Health”; and

(iv) by inserting “of the Senate” after “Pensions”;

(4) in subsection (d)(1), by inserting before the period, the following: “, except as required under section 1112(b)(1)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)(F))”;

(5) in subsection (e)—

(A) in paragraph (1), by striking “or age”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “shall” and all that follows through “be” and insert “shall be”;

(II) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively (and by moving the margins 2 ems to the left); and

(III) in clause (ii) (as so redesignated), by striking “, or the age of the students, as the case may be”;

(ii) in subparagraph (B)—

(I) by striking “After the determinations described in subparagraph (A), devising” and inserting “The Assessment Board shall, in making the determination described in subparagraph (A), use”; and

(II) by inserting after “approach” the following: “, providing for the active participation of teachers, school leaders, curriculum specialists, local school administrators, parents, and concerned members of the general public”; and

(iii) in subparagraph (D), by inserting “Assessment” before “Board”; and

(6) in subsection (g)(2)—

(A) in the heading, by striking “AFFAIRS” and inserting “EDUCATION”; and

(B) by striking “Affairs” and inserting “Education”.

**SEC. 304. DEFINITIONS.**

Section 304 (20 U.S.C. 9623) is amended—

(1) in paragraph (1), by striking “(1)” and inserting “(1) DIRECTOR.”;

(2) in paragraph (2), by striking “(2)” and inserting “(2) STATE.”;

(3) by redesignating paragraphs (1) and (2) (as so amended) as paragraphs (2) and (5), respectively;

(4) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

“(1) IN GENERAL.—The terms ‘elementary school’, ‘local educational agency’, and ‘secondary school’ have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).”; and

(5) by inserting after paragraph (2) (as so redesignated), the following new paragraphs:

“(3) SCHOOL LEADER.—The term ‘school leader’ has the meaning given the term in section 102.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.”.

**SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

Section 305(a) (20 U.S.C. 9624(a)) is amended to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated—

“(1) for fiscal year 2015—

“(A) \$8,235,000 to carry out section 302 (relating to the National Assessment Governing Board); and

“(B) \$132,000,000 to carry out section 303 (relating to the National Assessment of Educational Progress);

“(2) for fiscal year 2016—

“(A) \$8,251,470 to carry out section 302 (relating to the National Assessment Governing Board); and

“(B) \$132,264,000 to carry out section 303 (relating to the National Assessment of Educational Progress);

“(3) for fiscal year 2017—

“(A) \$8,433,002 to carry out section 302 (relating to the National Assessment Governing Board); and

“(B) \$135,173,808 to carry out section 303 (relating to the National Assessment of Educational Progress);

“(4) for fiscal year 2018—

“(A) \$8,635,395 to carry out section 302 (relating to the National Assessment Governing Board); and

“(B) \$138,417,979 to carry out section 303 (relating to the National Assessment of Educational Progress);

“(5) for fiscal year 2019—

“(A) \$8,868,550 to carry out section 302 (relating to the National Assessment Governing Board); and

“(B) \$142,155,266 to carry out section 303 (relating to the National Assessment of Educational Progress); and

“(6) for fiscal year 2020—

“(A) \$9,001,578 to carry out section 302 (relating to the National Assessment Governing Board); and

“(B) \$144,287,595 to carry out section 303 (relating to the National Assessment of Educational Progress).”.

**TITLE IV—EVALUATION PLAN****SEC. 401. RESEARCH AND EVALUATION.**

(a) IN GENERAL.—The Institute of Education Sciences shall be the primary entity for conducting research on and evaluations of Federal education programs within the Department of Education to ensure the rigor and independence of such research and evaluation.

(b) FLEXIBLE AUTHORITY.—

(1) RESERVATION.—Notwithstanding any other provision of law in the Elementary and Secondary Education Act of 1965 (20 U.S.C. et seq. 6301 et seq.) related to evaluation, the Secretary of Education, in consultation with the Director of the Institute of Education Sciences—

(A) may, for purposes of carrying out the activities described in paragraph (2)(B)—

(i) reserve not more than 0.5 percent of the total amount of funds appropriated for each program authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), other than part A of title I of such Act (20 U.S.C. 6311 et seq.) and section 1501 of such Act (20 U.S.C. 6491); and

(ii) reserve, in the manner described in subparagraph (B), an amount equal to not more than 0.1 percent of the total amount of funds appropriated for—

(I) part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.); and

(II) section 1501 of such Act (20 U.S.C. 6491); and

(B) in reserving the amount described in subparagraph (A)(ii)—

(i) shall reserve up to the total amount of funds appropriated for section 1501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491); and

(ii) may, in a case in which the total amount of funds appropriated for such section 1501 (20 U.S.C. 6491) is less than the amount described in subparagraph (A)(ii), reserve the amount of funds appropriated for part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) that is needed for the sum of the total amount of funds appropriated for such section 1501 (20 U.S.C. 6491) and such amount of funds appropriated for such part A of title I (20 U.S.C. 6311 et seq.) to equal the amount described in subparagraph (A)(ii).

(2) AUTHORIZED ACTIVITIES.—If funds are reserved under paragraph (1)—

(A) neither the Secretary of Education nor the Director of the Institute of Education Sciences shall—

(i) carry out evaluations under section 1501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491); or

(ii) reserve funds for evaluation activities under section 3111(c)(1)(C) of such Act (20 U.S.C. 6821); and

(B) the Secretary of Education, in consultation with the Director of the Institute of Education Sciences—

(i) shall use the funds reserved under paragraph (1) to carry out high-quality evaluations (consistent with the requirements of section 173(a) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9563(a)), as amended by this Act, and the evaluation plan described in subsection (c) of this section) of programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); and

(ii) may use the funds reserved under paragraph (1) to—

(I) increase the usefulness of the evaluations conducted under clause (i) to promote continuous improvement of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); or

(II) assist grantees of such programs in collecting and analyzing data and other activities related to conducting high-quality evaluations under clause (i).

(3) DISSEMINATION.—The Secretary of Education or the Director of the Institute of Education Sciences shall disseminate evaluation findings, consistent with section 114(j) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9514(j)), as amended by this Act, of evaluations carried out under paragraph (2)(B)(i).

(4) CONSOLIDATION.—The Secretary of Education, in consultation with the Director of the Institute of Education Sciences—

(A) may consolidate the funds reserved under paragraph (1) for purposes of carrying out the activities under paragraph (2)(B); and

(B) shall not be required to evaluate under paragraph (2)(B)(i) each program authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) each year.

(c) EVALUATION PLAN.—The Director of the Institute of Education Sciences, in consultation with the Secretary of Education, shall, on a biennial basis, develop, submit to Congress, and make publicly available an evaluation plan, that—

(1) describes the specific activities that will be carried out under subsection (b)(2)(B) for the 2-year period applicable to the plan, and the timelines of such activities;

(2) contains the results of the activities carried out under subsection (b)(2)(B) for the most recent 2-year period; and

(3) describes how programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) will be regularly evaluated.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect section 173(b) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9563(b)), as amended by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. ROKITA) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

#### GENERAL LEAVE

Mr. ROKITA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4366.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROKITA. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of the Strengthening Education Through Research Act, legislation to improve the quality and usefulness of education research.

Mr. Speaker, more than a decade ago, Congress approved the Education Sciences Reform Act, legislation that established the Institute of Education Sciences to gather information on education progress, conduct research on education practices in schools, and evaluate the effectiveness of Federal education programs and initiatives.

Like many of my colleagues, I believe the Federal Government's role in education needs to be significantly reduced. And that is why we passed the Student Success Act last summer, comprehensive education reform legislation that will actually shrink the Federal footprint in the classroom and return control to the parents, the teachers, and community leaders who, in fact, know our children best. In fact, I would challenge anyone here on the floor to say that any person or bureaucrat in the Department of Education knows our kids better than their own

teachers, parents, and the local taxpayer.

So while we continue to await Senate action on the Student Success Act, we have additional opportunities now to act on commonsense proposals that will make the Federal role in education more effective and efficient. The research produced by the Institute sheds critical light on how taxpayer dollars are being used in our education system and can provide important information on what is and is not working in our schools.

Mr. Speaker, the Strengthening Education Through Research Act will improve education research, protect taxpayers by enhancing program accountability, and help ensure more schools and students can benefit from effective education practices.

This law provides information that helps States and school districts identify successful education practices and allows taxpayers and congressional leaders to monitor the Federal investment in education. However, the Education Sciences Reform Act is overdue for reform, with several weaknesses in the law that must be addressed now.

For example, according to a report by the Government Accountability Office, the Institute does not always properly evaluate the effectiveness of its programs and research arms. So we run into an issue where we could be throwing good money after bad, and that needs to stop. It could lead to unnecessary costs and redundancies, something we must be particularly wary of in these times of fiscal restraint. Additionally, although the Institute has dramatically improved the quality of education research in recent years, there is often a significant delay in disseminating key data and findings to education leaders nationwide. What good does it do for us to pay to conduct this research, to collect the data, but fail to disseminate it so it can be used?

The Supporting Education Through Research Act will address these weaknesses and help school leaders access more timely, more relevant, and useful information on the most effective educational practices. It is called transparency, Mr. Speaker, and that is good for the students, it is good for the teachers, it is good for the parents, and it is good for the taxpayers. It is good for all of us.

First, H.R. 4366 will enhance the relevancy of education research, ensuring teachers, students, parents, and policymakers can access and actually use more useful information about what is successful, what is working and what isn't.

Second, the legislation will take steps to streamline the education research system and reduce overlap and duplicative research efforts. Now, this bill will also require the Institute to regularly evaluate its research and review the efficacy of Federal education

programs, ensuring taxpayer resources are being put to good use.

Finally, H.R. 4366 will ensure that the Institute and the National Assessment Governing Board, which administers the Nation's Report Card, remain autonomous entities that are free from political influence and bias. Unfortunately, that political influence and bias exists in our education system and could exist in our research arms if we don't, as Congress, make clear what is expected of them.

Not only does this legislation help teachers, school leaders, and State and local governments, it also helps families. Families, particularly military families, can change school districts several times during their child's education. Our experience with the free market tells us that informed consumers are, in fact, the best consumers and the best-protected consumers.

□ 1900

As consumers of education, families deserve the best information possible in making decisions regarding their child's education.

So, Mr. Speaker, the Strengthening Education Through Research Act will improve education research, protect taxpayers by enhancing program accountability, and help ensure more schools and students can benefit from effective education practices.

I urge my colleagues to support the Strengthening Education Through Research Act.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. MCCARTHY), who is the lead author on the Democratic side on this legislation.

Mrs. MCCARTHY of New York. Mr. Speaker, I want to thank Ranking Member MILLER for allowing me to speak in support of this important bipartisan legislation.

First, I want to take a moment and also thank my good friend, Mr. ROKITA, for his great work and leadership on behalf of our students and the educational system. It has been a pleasure working with you, sir.

I rise today in strong support of H.R. 4366, the Strengthening Education Through Research Act. Now, I firmly believe that, in order to successfully prepare our students for the workforce, our Nation's educators must be able to identify and have access to successful and proven techniques.

In 2002, I proudly supported the passage of the Education Sciences Reform Act which, among other things, ensured that education research be conducted free of political bias and focus on improving student achievement.

Last year, the Government Accountability Office released a report highlighting the successes of the law, but also detailed several areas that could be improved to better impact outcomes for our students.

Today, along with Mr. ROKITA, we have built upon the success of that bill through H.R. 4366. The Strengthening Education Through Research Act is a perfect example of what bipartisanship and a commitment to good government can yield, and I am proud to support this legislation today.

The bill improves, among other things, the quality of education research by enhancing the timelessness and relevancy of research, limiting duplication and overlap, improving accountability, and refocusing our commitment to equity in education for our most vulnerable student populations.

The bill also provides critical funding to strengthen special education research, which has been unfairly cut in recent years.

Moreover, the bill meets one of my top priorities by reaffirming a Federal commitment to States and localities to provide teachers, principals, and educational leaders with the latest research products to improve educational equity and effectiveness for students without bias.

Especially under difficult budgetary circumstances, this Congress has an obligation to explore opportunities that will most effectively deliver results for our students and our taxpayers, and this bill does just that.

I strongly urge my colleagues to support H.R. 4366, as it represents another strong step toward improving our Nation's educational landscape and preparing our students with the necessary skills to compete in the global economy.

Mr. ROKITA. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I want to thank my colleague from Indiana for his leadership on this bill. I also want to thank my colleague from New York, Representative MCCARTHY, for her leadership on this bill.

One of the most important assets that we have in education is our teachers, but our teachers need proven tools. That is why we are here today. This bill is about making sure that we are providing best practices, data-based tools, in terms of teaching methods.

The Strengthening Education Through Research Act seeks to bolster one of our most fundamental education priorities—improving outcomes and raising student achievement.

In 2002, Congress passed the Education Sciences Reform Act, establishing the Institute of Education Sciences, which is responsible for gathering data on educational best practices in the Nation's schools. The intent of the law was to enable States and school districts to identify and improve upon successful education practices.

Although IES has meaningfully improved the quality of education re-

search over the last decade, it also faces shortcomings, one being the significant delay in disseminating key data and findings to local education stakeholders, especially in more rural areas of the country.

Despite the law's successes, improvements can and must be made, and that is the business we are about here this evening. The Strengthening Education Through Research Act reforms our Federal research structure so that States, local school districts, parents, and policymakers have greater access to data—data that is better organized, more reliable, and more useful for our local schools and communities.

As a member of the House Education Subcommittee on Early Childhood, Elementary, and Secondary Education, I am proud to be a cosponsor of this bipartisan reauthorization.

I urge my colleagues to support passage of this bill, so that we can fulfill the Federal Government's commitment to provide States and localities with the latest and best available evidence-based research in a timely fashion.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the subcommittee chairman, Mr. ROKITA, for bringing this bill to the floor, and to Congresswoman MCCARTHY, the ranking member on the subcommittee, for all of their effort to make sure that this legislation was considered in this session of Congress.

The Strengthening Education Through Research Act, SETRA, bolsters education research in a way that benefits both students and teachers. Congress passed the Education Sciences Reform Act, commonly known as ESRA, in 2002 to strengthen the quality and rigor of education research.

Twelve years later, we have a wealth of information that can be used to determine what is working for students, make corrections, and drive long-lasting improvements; but research is not effective if it stays locked in computer files or is only published in abstract trade journals. Research must be relevant, timely, and useful. It must be used to solve real problems faced by students and teachers.

I am pleased that this legislation will address this challenge, making education research more valuable. At the same time, it will ensure that research remains accurate, rigorous, and scientific.

I am also pleased SETRA increases the Federal investment in education research. In particular, our teachers need better actionable research on educating students with disabilities.

To address that need, SETRA includes a large increase in the funding of special education research, helping to make up for the devastating cuts in 2011.



The historic Federal role in education is protecting and promoting equity. SETRA maintains that commitment in three key ways. This bill keeps a laserlike focus on closing the achievement gap and ensuring that all students obtain a high-quality education.

The bill ensures that we collect data such as graduation rates and student achievement, but also vital information on school climate, student safety and discipline, and student access to great teachers. This bill helps States and school districts use data systems to improve teaching and learning.

Mr. Speaker, I have often said that we, in the Federal Government, must get back to partnering with schools to improve students' lives. I am proud to say that this legislation takes a solid step in that direction, providing research that helps teachers and schools improve the student learning environment.

I urge my colleagues on both sides of the aisle to support this legislation. Again, I want to thank Mr. ROKITA for bringing this legislation to the floor.

Before I yield the floor, Mr. Speaker, I would like to take a moment of this debate time that has been allocated to pay tribute and say thank you to Jeremy Ayers of our staff, who will be leaving the committee at the end of this month.

This is Jeremy sitting right here, in case anybody didn't know who he was. Bring the cameras in a little closer.

Jeremy skillfully managed the negotiations on the bill before us today and led the committee work on education technology, accountability in elementary, and secondary education and oversight in the administration's waiver policy, among other issues.

Jeremy is a strong advocate of what is best in the interest of students and has always maintained a focus on equity and civil rights. His humor and quick wit were always a welcomed addition to what sometimes can be hard and tedious policy work.

Jeremy has been a valued policy adviser and member of our education team, and he will be missed by the committee members on both sides of the aisle and all of his colleagues.

Thank you, Jeremy, for all of your service to our committee and to our education establishment in this country.

I urge my colleagues to support this legislation.

I yield back the balance of my time.

Mr. ROKITA. Mr. Speaker, I yield myself the balance of my time.

I would also like to recognize Jeremy and thank him for his service and hope that I wasn't the subject of any of that quick wit during the time I was chairman.

I also thank Congressman MILLER for the work he has done on this bill and the bill yet to come tonight, as well as

his general leadership on the committee. It is appreciated. From a newer guy on the other side of the aisle, he is someone who I respect and I am going to miss a lot.

I also want to thank Mrs. MCCARTHY for her work and leadership on elementary and secondary education issues generally and for her service on the committee. I know she cares about these issues, particularly improving education options for women.

She has been a joy to work with as ranking member on the subcommittee through the easy issues and, frankly, through some of the harder ones. As a newer member and, frankly, a green chairman, I would often rely on the honest comment and the kind smile of CAROLYN MCCARTHY and would simply say that if more of us did that, perhaps, Mr. Speaker, more work like the bill we are discussing right now would get done in Congress.

One of the top priorities of this Congress—certainly one of my top priorities is helping people to build better lives for themselves and their families, whether that is through more flexible work schedules, stronger job training programs, or smarter student loan terms, advancing commonsense policies that will make life work for more Americans is our primary goal.

The Strengthening Education through Research Act is part of this effort. In classrooms nationwide, teachers and school leaders need quality research to identify the best ways to raise student achievement and progress.

By passing the Strengthening Education through Research Act today, we can help these educators gain access to the timely and useful information necessary to raise student achievement levels across the board.

In closing, Mr. Speaker, I would simply say that I urge my colleagues to vote "yes" on H.R. 4366.

I yield back the balance of my time.

Mr. HOLT. Mr. Speaker, Education policy suffers because policy maker were all once students themselves. As a result, they think they know what works and how students learn. The best antidote for self-serving, self-centered policy makers is evidence. Evidence has a way of puncturing the statements and paradigms of misguided, but well-meaning policy makers. The Strengthening Education through Research Act (SETRA) would produce rigorous, relevant, and useful evidence. Rigorous in that it mandates education research uses good methodology and a peer review process. Relevant in that it speaks to today's education issues that teachers and students face in urban, suburban, and rural schools. Useful in that teachers, principals, schools, and states can use the research to improve instruction and student achievement.

Additionally, SETRA increases the emphasis school districts and states should place on longitudinal data systems as a way to improve instruction. Efforts to create P-20 data systems that link early learning with professional

outcomes will help gather the data necessary to help teachers improve student learning and help states prioritize investments in impactful initiatives.

I strongly support SETRA and urge my colleagues to voice their support as well.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The question is on the motion offered by the gentleman from Indiana (Mr. ROKITA) that the House suspend the rules and pass the bill, H.R. 4366, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## SUCCESS AND OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS ACT

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 10.

The SPEAKER pro tempore (Mr. ROKITA). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 576 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 10.

The Chair appoints the gentleman from Utah (Mr. BISHOP) to preside over the Committee of the Whole.

□ 1913

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 10) to amend the Charter School Program under the Elementary and Secondary Education Act of 1965, with Mr. BISHOP of Utah in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. KLINE) and the gentleman from California (Mr. GEORGE MILLER) each will control 45 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I yield myself such time as I may consume, and rise today in strong support of the Success and Opportunity through Quality Charter Schools Act, legislation that will support the growth and expansion of successful charter schools.

Mr. Chairman, for many children and their parents, charter schools are a beacon of hope for a better education and a better life. The schools are extraordinarily in demand.

Wait lists for charter schools have grown steadily in recent years, with more than 1 million students' names on wait lists for the 2013–2014 school year.

□ 1915

Charter schools have a proven track record of success, encouraging higher academic achievement in even the most troubled school districts.

I recently had the opportunity to visit two impressive charter schools in my home State of Minnesota. At both of the schools, without exception, students were engaged, excited, and eager to learn. I know firsthand this is not a trend unique to charter schools in Minnesota. In fact, each time I visit quality charter schools, whether here in Washington, D.C., or in Prairie Lake, Minnesota, or even Harlem, New York, I have been amazed by the creative curriculum, the outstanding educators, and the students' incredible progress. Clearly, these institutions are a valuable part of a successful education system.

However, the Federal Charter Schools Program is in need of key reforms to enhance access and ensure continued educational quality. That is why I partnered with my colleague, the senior Democrat on the House Education and the Workforce Committee, Mr. MILLER, to advance the success and opportunity through the Quality Charter Schools Act. This bipartisan legislation will encourage more States and families to embrace charter schools, while also including several provisions to urge these schools to reach out to special populations, including at-risk students, children with disabilities, and English learners.

The bill will streamline the Federal Charter Schools Program, while ensuring these institutions remain accountable to families and taxpayers. The bill also expands the allowable use of Federal resources to support not just new charter schools, as under current law, but also replication and expansion of successful charter schools.

Additionally, H.R. 10 will direct charter schools to share best practices with traditional public schools, helping to ensure school leaders are working together to implement successful education practices throughout the community.

Mr. Chairman, as we work to help more students access a quality education, we must support charter schools as a valuable alternative to failing public schools and work together to encourage their growth. This act is a commonsense proposal that will improve educational opportunities for students across the board and provide families with additional school choice options.

I am very pleased that members of the Education and the Workforce Committee have put their differences aside and worked through a very bipartisan

process to develop an exceptional piece of legislation. I would like to thank members and staff for these efforts.

I urge my colleagues on both sides of the aisle to join with us in supporting legislation that can have a hugely positive effect on children nationwide.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield myself 5 minutes.

Mr. Chairman, I rise in strong support of H.R. 10.

I want to thank the chairman of the committee for all of his cooperation so we could arrive at this legislation to bring to the floor. I want to thank the staff on both sides of the aisle for all of the time that they spent negotiating this legislation. I am delighted that we are here tonight to consider it.

The Success and Opportunity Through Quality Charter Schools Act, I urge my colleagues to support this legislation. I guess we will be voting tomorrow on it, to vote in support of the legislation.

My support of H.R. 10 is grounded in my commitment to our Nation's public schools and my firm belief that every child in every neighborhood deserves access to a high-quality public education.

This bipartisan legislation would take us one step closer to making the promise of quality public schools for every child a reality.

In many ways, the innovations coming out of the charter school sector are helping to disprove some of the false assumptions about kids who happen to be from the wrong ZIP Code. Charter schools continue to prove that all children, from any background, can succeed. H.R. 10 seeks to build on that success. It will expand opportunities for all children to benefit from charter school innovations.

Along with Chairman KLINE, I authored similar legislation last Congress. That legislation served as the basis for this bill which we are considering today and passed out of this Chamber with more than 360 votes.

I am pleased once again to collaborate with Chairman KLINE on this reauthorization of the Charter Schools Program. By working together, we have been able to produce a truly bipartisan bill that will bring much-needed improvements to the only Federal program that supports the startup of public charter schools.

This existing Federal program provides startup funding for public charter schools from States where the public charter schools are permitted that win a competitive grant.

While the Charter Schools Program is in a small, competitive funding stream that reaches a limited number of schools, the program can and should be used as a lever to ensure the quality within the charter school sector, drive collaboration between charter and non-charter public schools, improve State

oversight of charter schools to make sure that every public school is equitably serving the most disadvantaged students.

H.R. 10 would refocus the Charter Schools Program to achieve these goals while recognizing and supporting the success of public charter schools. Much of that success comes from the autonomy and flexibility that charter schools have in implementing innovative curricula and instruction. The research is clear: Access to great schools, fantastic instruction, and a safe learning environment matters.

Thousands of public schools across the country, both charter and non-charter, are great schools supported by millions of wonderful educators. Unfortunately, some of our Nation's public schools, both charter and noncharter, fall short.

I have been working on this issue for a long time. For me, it isn't about the quantity of charter schools; it is about the quality of all public schools. Over the years, I have requested numerous GAO reports that examine activities of public charter schools to look at the quality of the services for students who are traditionally underserved, including those with disabilities and English language learners. The results have pointed to the flaws in the charter implementation that shortchanged disadvantaged students.

Our Federal investment in charters must help support and drive improvements in the charter sector. For example, in Denver, when the data showed a discrepancy in the charter school services for students with complex disabilities as compared to noncharters, the district leaders said, "We can do better." Instead of pointing fingers and placing blame, the district leaders and charter leaders collaborated on bringing needed programs and support to students with complex disabilities to all Denver public schools, including the charter schools.

Federal dollars that support charter schools must incentivize this type of collaboration on behalf of our most vulnerable students. The improvements in the Charter Schools Program that are embodied in H.R. 10 would do just that. That is why groups such as National Council of Learning Disabilities and the Consortium of Citizens with Disabilities enthusiastically support this bill. No public school, charter or otherwise, gets a pass when it comes to serving all kids.

H.R. 10 would also ensure that our Federal investment in public charter schools supports only high-quality charters that are serving all students and have demonstrated that they are accountable to parents and communities.

H.R. 10 includes unprecedented quality controls and mechanisms to improve charter authorizing activity and oversight. It challenges States to support and transfer the best practices

among all public schools in order to ensure that the benefits of charter schools are reaching all students, not just a few.

This isn't a debate about charter schools. Charter schools are here and they aren't going anywhere. This is about increasing the quality, the equity, and the transparency in the charter sector. The sector is vibrant, and it is now serving more than 2 million students in 42 States and the District of Columbia.

A "yes" vote on H.R. 10 is a vote for much-needed program improvements that will help ensure that the Federal dollars supporting public charter schools only flow to quality schools and that those schools live up to the promise of the equitable education of all students.

I urge you to join me, Mr. Chairman, in supporting this bill.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ROKITA), the chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education, who has been doing yeoman's work not only today in the furtherance of a better education for our Nation's children, but every day.

Mr. ROKITA. Mr. Chairman, I thank the chairman and the ranking member as well. Both the chairman and the ranking member have a great bill here, and it deserves the support of this entire body, in my humble opinion.

As chairman of the colloquially called K-12 Subcommittee on Education, it has been my high honor to travel throughout Indiana, and really across the country, to see our public school system, our public charter school system, and the entire framework of how our great American children are educated.

I have come to the conclusion early on, and it is the same one that the chairman and the ranking member have come to, that is, charter schools empower parents to play a more active role in their child's education. It opens doors for teachers to pioneer fresh teaching methods. Charter schools encourage State and local innovation. It helps students escape underperforming schools. The charter school program facilitates the establishment of high quality charter schools and it encourages choice, innovation, and excellence in education.

The current Charter Schools Program, however, does not support the funding for the replication and expansion of high-quality charter schools. The ranking member said it himself that charter schools are here to stay. And we are not about to have a debate over whether or not they should exist. They do. It is about the replication and expansion of them because they work.

This bill is a commonsense approach to updating the Charter Schools Pro-

gram by streamlining multiple charter school programs, improving their quality, and promoting the growth of the charter schools sector at the State level. The bill also consolidates multiple funding streams and grant programs that support charter schools into the existing State grant program, eliminating a separate authorization for charter school facilities funding.

By consolidating the funding streams into the existing State charter school program, the bill removes authority from the Secretary of Education to pick winners and losers and control the growth of the charter school sector. This authority is placed largely in the hands of States, frankly, where it belongs in the first place.

The bill updates the Charter Schools Program to reflect the success and growth of the charter school movement. States are authorized to use funds under the program to support the replication and expansion of high-quality charter schools in addition to supporting new innovative charter school models.

Finally, Mr. Chair, I would say that this is not a new issue, in fact, this is not a new bill for us. This bill is very similar to charter school provisions included in H.R. 5, the Students Success Act, and to H.R. 2218, the Empowering Parents Through Quality Charter Schools Act, the latter of which passed the House by an overwhelmingly bipartisan vote 365-44.

So for all these reasons, I simply urge my colleagues to support H.R. 10.

Mr. GEORGE MILLER of California. Mr. Chair, I yield 5 minutes to the gentleman from Colorado (Mr. POLIS).

There is no more enthusiastic and informed advocate of public charter schools in this Congress than the gentleman from Colorado. I thank him for all of the work that he put in on both sides of the aisle, working with us to make the improvements in this legislation, and for his support of it.

Mr. POLIS. Mr. Chairman and Mr. Ranking Member, thank you for the kind words.

I want to thank Chairman KLINE and Ranking Member MILLER for their hard work. Particularly in a week where this body has been divided over issues like Benghazi and Lois Lerner, how wonderful that we can come together around our most underserved kids and families to help extend the hope and opportunity of a quality charter school to more families.

Most Members of this House have already voted for the provisions of this bill. Substantially, a nearly identical bill was included in the Republican ESEA reauthorization, H.R. 5. All but 12 Republicans voted for that bill. Almost identical language was included in the Democratic substitute for ESEA reauthorization as well. Only two Democrats voted against that bill. The vast majority, everybody in this body,

except for 14 people in this session, this 113th Congress, have voted for the provisions of this bill.

Those bills, the Democrat substitute and ESEA reauthorization, have an enormous gap between where they were. Democrats and Republicans had a different vision for accountability, the role of the Federal Government, so many issues within that. So why not take language that is nearly identical in both of those bills with regard to reauthorization of the Federal Charter Schools Program and combine it into a standalone bill that can actually pass this body and pass the Senate.

We have done enough of these one-party bills. I know when we were in the majority we did them as well, where the House acts, and we yell at the Senate for not acting; they act, and they yell at us for not acting. Here is a bill, Mr. Chairman, that, with a strong vote on the floor of the House, can send a message to the Senate that while perhaps we cannot agree on the entirety of ESEA reauthorization, yes, we can agree on upgrading the Federal Charter Schools Program first conceived in 1994 to the 2.0 version.

What does that mean, Mr. Chairman? What do these improvements in this bill mean? They are commonsense improvements. They are neither Republican nor Democratic. They simply make the bill better to make sure that our very limited Federal investment that we have, the limited resources we have, is spent and invested in a way to have the maximum possible outcome in ensuring that kids across the country have access to a quality public charter school.

For instance, rather than just supporting the formation of entirely new charter schools that are innovative, under this bill we now allow the funds to be used for expansion and replication of successful models, models that we know work, schools that we know work, schools that are transforming lives and restoring hope to families across our country if only they can expand, if only we can have more to serve kids.

We have also heard from our constituents across the country complaints that some charter schools perhaps don't serve enough special ed students or enough English language learners or enough free and reduced lunch students.

□ 1930

Under the old language of this authorization that we still have, charter schools that receive these funds are actually prevented from remedying that. They are not allowed to have anything other than a pure lottery with regard to determining their student composition.

What we now allow with this bill is a weighted lottery to give charter schools, in concert with their authorizing entity, the ability to make sure

that they can serve the most at-risk kids, pursuant to their mission; they can serve special-needs kids, commensurate with the district averages; they can serve English language learners, and make sure that they can fulfill their mission, rather than have some of those students squeezed out by those who are in a better position to exercise their school choice because they are better informed and better connected.

The underlying bill improves charter school access and services for all students. It truly will help ensure that the limited Federal investment we have makes the biggest single difference for families across our country.

Mr. Chairman, public charter schools are simply public schools with site-based governance. Public charter schools are free to innovate when it comes to scheduling the learning day, uniforms, staffing, curriculum, and yet they are accountable for student outcomes, and this bill adds additional layers of accountability and transparency to ensure that this Federal investment has the maximum possible effect.

I am proud that before I served in this body, Mr. Chairman, I founded two public charter schools—New America School in Colorado, and now New Mexico, and the Academy of Urban Learning in Denver. New American School works with 16- to 21-year-old new immigrants to help them learn the English language and even how to access a college education.

Mr. Chairman, absent a Federal charter school program I don't think I even could have started that charter school. Hundreds and thousands of charter schools that have benefited from this program across the country will tell you the same story.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Colorado.

Mr. POLIS. Before the State or district money for a public charter school begins, before the doors open, there are expenses. Principals and teachers have to be hired, classrooms have to be configured and outfitted. That is what this money allows. Coupled with strong support from the nonprofit sector and from foundations, we have helped give with this program life to the ideas that have existed in the minds of social entrepreneurs and that have been transformative in the lives of kids and families.

However, Mr. Chairman, not all public charter schools are high quality, just as all district schools are not high quality. That is why H.R. 10 adds strong protections to ensure that public charter schools are accountable that they serve low-income kids and English language learners and at-risk kids.

We invest in quality authorizing practices. What does that mean? Well,

there are two possible thoughts in authorizing. An authorizing entity like a district can hand out charters. Too easy? Hand out them out like candy to every Tom, Dick, and Harry that comes in, including low quality providers who have no sense of how to put together a school budget. Or they can lack quality by never handing one out to anybody because they view them as competition with the district.

But a quality authorizing practice is if you have a great idea and evidence that it will work, sound budgetary policy, and a team that will make a public school work for kids, you should be able to receive that charter and operate that school. We raised the bar on authorizing practices, something on which the original authorization for this program was silent.

For those on my side of the aisle who are skeptical of public charter schools, this bill brings stronger protections for oversight, transparency, and accountability. This program, the Federal charter school program, will exist under the old authorization or the new authorization.

I implore my colleagues on my side of the aisle to support the new and better 2.0 version for all of the Democratic priorities. Whether you like charter schools or not, this program is simply better under this bill. This bill has gotten better through every phase of the process—better than the bill in last Congress, better than the bill as part of the ESEA reauthorization of the Republican bill, better than the Democratic substitute. And now as a stand-alone bill, we have the ability to send a message to the Senate and a bill to President Obama's desk.

Mr. KLINE. Mr. Chairman, I must say I so appreciate the depth of knowledge and the enthusiasm and the passion of the gentleman from Colorado. Always a pleasure.

Another great pleasure for me is to yield 4 minutes to the gentleman from Indiana (Mr. MESSER), another gentleman from Indiana who was traveling with me in my home State visiting charter schools only a few weeks ago.

Mr. MESSER. Mr. Chairman, I rise in support of H.R. 10, the Success and Opportunity Through Quality Charter Schools Act.

I want to commend Chairman KLINE and Ranking Member MILLER for coming together on this important bipartisan legislation.

I also want to thank my good friend from Indiana, TODD ROKITA, who chairs the Subcommittee on Elementary and Secondary Education, for his work on this bill, and thank the good Member POLIS for his comments as well, and appreciate the opportunity to work with him.

Every child deserves the opportunity to learn. But too many families in America today live in neighborhoods with struggling schools where their

children don't have access to a high-quality education. That is why education choice matters.

Lots of kids live in communities with great schools, but too many don't. Parental choice is the ultimate local control. It allows parents to choose the best educational environment for their child, regardless of income, geographic location, or lot in life. The freedom provided by school choice levels the playing field and helps ensure all children have a chance to achieve success in life. As the founder and chairman of the Congressional School Choice Caucus, I am a proponent of all forms of educational choice, including magnet schools, online schools, private schools, home schooling, and traditional public schools.

Charter schools certainly play an integral role in expanding educational freedom. I am very encouraged by this bipartisan legislation which will update the charter school program to reflect the success and growth of successful charter models by supporting the replication, expansion, and opening of new, innovative, high-quality charter schools.

Encouraging the expansion of charter schools is important because they empower parents with another free public school option and are a driving force in creating classroom innovation.

Over the past couple of months, I have had the opportunity to visit several charter schools that are preparing students for success. Just this last month, as the chairman mentioned, I was fortunate enough to join Chairman KLINE on his trip to visit the Aspen Academy and the Global Academy charter schools in Minnesota. More recently, I toured the Inspire Academy of Muncie in my district, one of 74 charter schools in Indiana serving more than 28,000 Hoosier students. I was impressed with what I saw: a diverse group of students actively engaged in learning, teachers pioneering fresh teaching methods, and parents heavily involved in their child's education.

In the Declaration of Independence, our Founding Fathers wrote that all men are endowed by their creator with certain unalienable rights. Chief among those rights is the right to pursue happiness. In modern America, that pursuit begins with a high-quality education. We cannot rest until every child in America has that chance.

I urge my colleagues to support this bipartisan legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today in support of H.R. 10, the Success and Opportunity Through Quality Charter Schools Act, demonstrating that Congress can actually work together to get something done.

I want to thank Chairman KLINE and my good friend from California, Ranking Member GEORGE MILLER, for bringing this forward. I am still waiting for you guys to bring the ESEA to the floor, but I am really thrilled that we are making some critical improvements to the public charter school system.

Charter schools were never meant to replace our traditional public school system, but I have to tell you that they have grown over the last 20 years and I see several of them in my area, just down the street really, making a difference in my community—the Orange County High School of the Arts, for example, and an elementary school called El Sol—all doing great work just under a mile away from me.

It is really great for us to take a look at the Federal law and say: How can we make this even better? Because even though we have great schools, like the ones I just mentioned, there are also some charter schools that have failed or some charter schools that are actually failing our kids, they are not really getting the work done that we thought they would do or that the people who envisioned them thought would be done.

While charter schools work towards encouraging innovation in our public schools, we really need to take a look and see what these schools are doing. H.R. 10 is the first step in highlighting the need for charter schools that improve student outcomes while expanding those schools that are currently utilizing our best practices.

I am also pleased to see that the legislation requires greater charter authorizer accountability and even more pleased that we are finally addressing the under-enrollment of some of our most vulnerable students through the weighted lotteries provision. This is incredibly important in the area where I live, as I have a very urban area.

We hold our traditional public schools accountable for the education of our future leaders, and we expect charter schools to involve the community in their efforts to improve the charter school system. That is why I am happy to have worked with both the majority and the minority on an amendment that I will have tomorrow which will hold public charter schools accountable in fostering and promoting community involvement. We all know that when people are involved, when they are involved in their school, when parents are involved, we see a mass difference in the students who come out of those schools.

Charter schools must be engaged with a local community to understand the students they teach, and my amendment will strengthen that role.

THE CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield an additional minute to the gentleman from California.

Ms. LORETTA SANCHEZ of California. While it is not the final solution, H.R. 10 positively contributes to the promise of a quality education for every child in every neighborhood.

Mr. KLINE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Chairman, I thank the chairman for the time.

Mr. Chairman, as we celebrate National Teachers Week, I do rise in support of charter schools and the remarkable job they do in advancing high-quality education through innovative approaches in our classrooms across the country. With an increasingly competitive workforce, quality education is more important than ever, and charter schools play a valuable role in the education field.

Charter schools provide parents and students a choice for what best meets the child's needs, classrooms that offer more personalized education, and accountability if the school's achievement goals and metrics are not met.

When I was home over Easter, I had the opportunity to visit the Phoenix Charter School located in Greenville, Texas. Built in 1986, Phoenix Charter School serves over 600 students by providing a creative educational experience, one that integrates fine arts into a strong traditional curriculum.

During my visit, I talked with students who were excited to share their experiences at the school. They told me they were happy to receive a hands-on education in a place that makes them feel at home. More importantly, they are thankful to attend a school that meets their individual living needs. I walked around the campus and was able to see teachers interact with students, and you could see the students were fully engaged in the classroom.

Phoenix Charter School has been recognized by the National Alliance for Public Charter Schools for providing exceptional education to its students, and this recognition is well-deserved.

Parents and educators know best what their students need. If a student can benefit most from a charter school, that student should be able to have that access to that education. I encourage my colleagues to join me in efforts to provide students full access to charter schools and the innovative way they prepare our students for successful futures.

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Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, I want to discuss today some of the priorities that Democrats have, which are important to Members of my party, which are included in this bill.

I hope that those on my side of the aisle who are listening tonight—or the capable Education LAs who are listen-

ing tonight, who will hopefully advise their bosses to vote "yes" tomorrow—will listen to how so many of our Democratic priorities are in the bill.

First of all, this bill makes sure that charter schools do not have entrance requirements, that they don't charge tuition, are not religious, and don't discriminate against students on any basis.

We also make sure that low-performing or financially irresponsible charter schools are closed and that the authorizer intercedes. We also have language in here that gives public charter schools additional tools to make sure that they recruit and serve students with disabilities.

We also improve performance oversight and the management for public charter schools, new provisions about transparency, and evaluation practices. We make sure that each public charter school considers input from parents and community members with regard to the operation of the school.

The public charter schools abide by civil rights laws, in that they can't charge tuition. We make sure that public charter schools have the same audit requirements as traditional public schools, in order to prevent fiscal mismanagement and fraud.

These are some of the reasons, Mr. Chairman, that I encourage my colleagues on my side of the aisle to upgrade this authorization—to upgrade from the version passed in 1994—to a new and better version that incorporates almost two decades of learning about what works and doesn't work within the public charter school movement.

Those on my side of the aisle support good public schools, whether they are district schools, whether they are neighborhood schools, whether they are public magnet schools, whether they are public charter schools, whether they are schools of choice operated by the district. We want to make sure that every family has access to a good, high-quality public education.

Public charter schools are not the silver bullet alone. They are not going to fix everything that is wrong and that needs to be improved about public education in the country.

What they do offer are examples of hope and opportunity for the kids they serve. Too many families, Mr. Chairman—almost a million families across the country—are languishing on the waiting lists for public charter schools; and they are forced to attend worse schools because the capacity doesn't exist to serve them.

This bill will allow quality public charter schools to expand, to replicate, and to serve more children, in order to help reduce that number. It will make sure that other generations of Americans—particularly Americans in poverty—are not consigned to lives of reliance on government programs or on an

inability to attend college, but to, instead, have every opportunity that this country can provide because they have had a good education.

In the 21st century, Mr. Chairman, a good education is more important than ever for one to be in the American middle class and to live the American Dream. At the very time that it is becoming more important than ever, we need to redouble our efforts to ensure that every family has access to a high-quality school. That is why I encourage my colleagues to vote "yes" on this bill.

Mr. KLINE. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. SCALISE), a man who comes from a State that has learned a great deal about the value of charter schools in these few years.

Mr. SCALISE. I want to thank Chairman KLINE and Ranking Member MILLER for bringing this legislation to the floor, as it is so important when you talk about the things that we need to do to help give our children better opportunities.

Mr. Chairman, the charter school movement has literally transformed the public education system in New Orleans. If you look at what was happening in the city of New Orleans before Hurricane Katrina, it was the most failed and corrupt public school system in the country.

After Hurricane Katrina—I was in the legislature at the time—many of my colleagues came together, and we passed a charter system that empowered communities to get involved in the education of their children.

What we saw was revolutionary. What we saw were parents finally having options and choices to send their kids to schools that were competing for those children, schools that were actually providing better opportunities.

Before Hurricane Katrina, 75 percent of the students in New Orleans' public schools were attending failing schools, schools that were giving them no opportunity and no hope for their future.

What has happened since with this revolution of the charter school movement in New Orleans? What we have seen is that, now, over 91 percent of the public school students in New Orleans attend charter schools.

What does that really mean for quality? That is ultimately what really matters. What kind of education are these children now being able to get?

As I said before, before Katrina, 75 percent of the students in the public schools in New Orleans were attending failing schools. Today, fewer than 15 percent of those students are attending schools with either a D or an F rating because, now, there is competition.

Parents have multiple options of where to send their kids, and those schools are competing for the students. I visited Hynes Elementary School last week in my district, in the Lakeview

part of New Orleans. It is a charter school that is incredibly successful.

You see such enthusiasm from these young kids. They have an over 450-person waiting list to go to this charter school. It really is working, the fact that you have invoked this competition.

I want to applaud Majority Leader CANTOR. Majority Leader CANTOR actually came down and toured a number of the charter schools in New Orleans.

Of course, New Orleans is not the only place, but it is probably the place in which you have such a dramatic change—again, a revolution—that has literally served as the model for how you can transform failed public education systems that were denying students the opportunity to have a future, to achieve that American Dream.

When we talk about opportunities for children, this is not a Republican idea or a Democrat idea. This is our ability to pass on the franchise of the American Dream to our children.

Charter schools have helped expand that opportunity, and that is why it is so important that we pass H.R. 10, so as to help replicate those successful programs and to help highlight what is working with the charter school movement.

You can look to New Orleans and see just how it has transformed people's lives for the better. This is something we need to do. It is great that this is a bipartisan effort.

Again, I applaud Chairman KLINE for bringing this bill to the floor.

Mr. GEORGE MILLER of California. Mr. Chairman, I continue to reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I am now very pleased to yield 3 minutes to the gentleman from Minnesota (Mr. PAULSEN), my colleague from the State of Minnesota, which is where charter schools originated.

Mr. PAULSEN. I would like to thank both Chairman KLINE for his leadership, along with Ranking Member MILLER, and for their working together to bring this very important legislation to the floor today.

I also need to thank my colleague, Congressman POLIS, with whom I co-chair the Charter Schools Caucus, for his leadership and passion on education issues.

Mr. Chairman, we need to pass this legislation. This is an opportunity to work together because H.R. 10 will ensure that students' ZIP codes do not determine the quality of their education.

There are too many students across the country who are trapped in failing schools, with little hope of ever escaping. Parents want the best for their children, but many parents are often left with only two options: either an expensive private school or a failing public school. Thankfully, many more families now have this third option of a high-quality charter school.

Recently, I had the chance to visit Beacon Preparatory School in Bloomington, Minnesota, which is in my district. While there, I saw students who were thriving in their classes. I saw dedicated teachers. I saw challenging academics.

Charter schools are not tied down by a lot of bureaucratic red tape or by outdated traditions. In fact, charter schools are creating very new and innovative ways of learning that can help grab students' attention and make them more excited to learn.

Mr. Chairman, in too many States, that debate has sometimes been public schools versus charter schools, but it does not have to be that way. Public schools and charter schools can coexist to make the system better.

As Chairman KLINE noted, in our home State of Minnesota, we were the pioneers for the charter school movement 22 years ago. It is an example of how this system can absolutely work, and we have a rich tradition of providing a world-class education to our students in both public schools and charter schools.

Charter schools are continuing to grow. In 2007, there were nearly 1.3 million students enrolled in charter schools around the country. As we debate this legislation today, there are 6,500 charter schools that are now enrolling 2.5 million students across the country, but here is the thing: there are 1 million students on waiting lists to enter into these charter schools.

The legislation before us today focuses on the expansion and replication of high-quality charter schools. It concentrates on charter school models that have had a proven record of success in order to raise the bar for everyone and to ensure that those who attend charter schools will receive the best education possible.

Mr. Chairman, this is an opportunity that we have today to show the American people we are committed at the Federal level in helping to produce the best educational opportunities for all students, so let's vote to make sure that a child's ZIP code does not determine the quality of his education.

Mr. GEORGE MILLER of California. Mr. Chairman, I continue to reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I am now pleased to yield 3 minutes to the gentleman from Tennessee, Dr. ROE, the chairman of the Subcommittee on Health, Employment, Labor, and Pensions.

Mr. ROE of Tennessee. I thank the chairman.

Mr. Chairman, I rise in strong support of H.R. 10, the Success and Opportunity through Quality Charter Schools Act, and I am going to sound like a recording because you are going to hear a lot of the same themes in this.

Today, there are an estimated 1 million students on waiting lists to attend

public charter schools. These students and their families believe that their educational needs are not being met by their current schools.

While many of our public schools are doing a great job, too many others are failing our children. These kids deserve the opportunity to receive a top-notch education, and they cannot wait as we work to improve these underperforming schools. They don't have the time.

Public charter schools provide students with the opportunity to escape underperforming schools, while also giving parents more control over their children's education. To ensure more access to these innovative institutions, the Success and Opportunity through Quality Charter Schools Act supports the replication or expansion of existing high-quality charter schools.

H.R. 10 streamlines and modernizes our charter schools program, providing our Nation's public charter schools with the flexibility needed to encourage innovation at the State and local levels.

H.R. 10 supports the sharing of best practices between charter and traditional public schools. In this way, all public school students, not just charter school students, benefit from the innovation at these institutions.

I am proud of the educators and students in my home State of Tennessee and of their accomplishments in improving education in our State. Since 2003, Tennessee has increased its high school graduation rate by 17 points to 87 percent. This is commendable, but it is not enough. We can and should do more, and charter schools must be part of the discussion.

Since 2002, Tennessee has opened more than 45 charter schools, giving nearly 12,000 students the opportunity to attend these innovative institutions.

Tennessee's public charter schools serve 87 percent low-income and 96 percent minority students from economically disadvantaged areas, providing school choice to the students who need it the most.

Just like Tennessee, we, as a Nation, must fully embrace all of the tools available, including charter schools, to ensure our students' success.

Mr. Chairman, I spent 24 years in the public school system. I never attended a private school. The opportunity for students like me who are first generation students—college students—to be able to get a great, basic public education is really the future of our country. I think our very future depends on that.

Also, while I am here, I want to thank both the chairman, Ranking Member MILLER, Mr. POLIS, and the rest of the committee for circling around this extremely important piece of legislation because students in the first or second or third grade cannot afford a failing school. They have to be

allowed to go into a school where they can be successful.

With that, Mr. Chairman, I strongly urge my colleagues to support H.R. 10.

Mr. GEORGE MILLER of California. Mr. Chairman, I continue to reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I would now like to yield 3 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. I thank the chairman.

Mr. Chairman, I rise in support of this bill.

I would just like to thank, indeed, the chairman and the members of the committee for their great work on it. At the end of the day, it represents expanded choice in education, and that whole notion of increasing and expanding the marketplace in education, I think, is vital for a couple of different reasons.

I think it is vital, one, because it is better for students. I think it is vital because the local control of education matters. Ultimately, I think it is vital from the standpoint of improving and increasing the level of innovation that we see in the educational marketplace. Let me expand on those thoughts just over a couple of minutes.

One is that it is vital for students because God makes every child different. When I was working in politics in South Carolina, we passed a rather major charter school bill.

We now have over 60 charter schools in South Carolina—right at 60 charter schools in South Carolina. What it did was it tailor-made for students applications that fit who they were.

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So, in some cases, if they wanted to work on leadership, they could do so. In some cases, if they wanted to work on mathematics or English or technology or the arts, they had venues by which to specialize in that which God wired them to do.

So, one, this idea of increased choices for the students that are out there, I think it is vital.

Two, I think it is absolutely vital to the larger notion of local control.

People invest in things that they have a say in, that they have a voice in. What we saw in choice in South Carolina and expanded choices on the charter school front was that parents indeed got more deeply involved.

I have not just seen that in South Carolina. I have seen it in different spots across the country, whether that is KIPP Academy or whether that is the old Marva Collins School up toward Milwaukee. It is interesting to see the way in which parents would invest in their child's education when they had a little bit more control and a little bit more voice. That is true, again, at Bridges Academy in Beaufort, South Carolina, or KIPP Academy out toward Houston.

Finally, I would make this point. It is absolutely vital to innovation in education, because the old saying is, the definition of insanity is keep on doing the same thing and expect a different result.

This idea of changing the educational paradigm so that there are more choices for kids and parents out there is absolutely critical to competitiveness in this country.

Look at the numbers. I pulled some of them. We are behind Liechtenstein, Vietnam, and Iceland with regard to mathematics in global scores. We are behind Poland, Luxembourg, and Estonia with regard to reading scores in global scores.

We are behind Canada, we are behind the United Kingdom, we are behind Slovenia, we are behind France. We are behind a whole host of different places in scores on the science front.

And so if we are going to change that, if we are going to be competitive in this global competition for jobs, capital, and the way of life, it is vital that we have bills like this.

For that reason, I applaud the work of the committee.

Mr. GEORGE MILLER of California. Mr. Chair, I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I just want to say that it has been a pleasure to work on this legislation. We have heard compelling stories here today from around the country—compelling stories of transformation of entire cities and school systems, and lives being changed through the charter school system. And we have legislation here today and tomorrow which will make that Federal charter school law better and make the opportunities more available and give more kids a chance for success and opportunity.

This should be an easy vote for Republicans and Democrats. I urge my colleagues to lend their support to H.R. 10, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Chair, I rise to speak during House consideration of H.R. 10, the "Success and Opportunity through Quality Charter Schools Act."

JACKSON LEE AMENDMENTS TO H.R. 10

I have long supported the need for better data on the experiences of children that Congress could use when deliberating on legislative measures intended to benefit our youngest citizens.

Charter Schools are a new addition to education options available to parents and their children. It is important that Congress ensures that the benefit of a good free pre-K–12 education is available to all parents and children of this nation.

The Education and the Workforce Committee included language in the amendment in the form of a substitute for the bill that reflected an amendment I intended to offer. The language in the bill that adds rates of student attrition as a measure to be considered by charter school authorizers in monitoring the



successes of schools is appreciated and will help gain additional insight into children's education.

Attrition data would help us better understand the impact of charter schools on student retention. It would also bring additional transparency regarding the drivers of attrition issues such as discipline, counseling, drop-outs, bullying, as well as the impact of learning disabilities like dyslexia on student retention.

Although the data reporting is not mandatory, it is my hope that charter school districts and charter schools will take up the challenge of providing hard data to make the case for their approaches to education.

I offered two amendments for consideration by the House Rules Committee that would strengthen the legislative goals of H.R. 10.

The amendments were simple and were an important addition to this strong bipartisan effort from the Education and Workforce Committee to bring clarity and improve transparency of charter schools in communities around the nation.

#### JACKSON LEE AMENDMENT NO. 1

The Jackson Lee amendment made in order by the Rules Committee for debate of this bill directs State Education Agencies that award federally funded grants to charter schools under this bill to work with those schools so that they provide information on their websites regarding student recruitment, orientation materials, enrollment criteria, student discipline policies, behavior codes, and parent contract requirements, which should include any financial obligations such as fees for tutoring, and extra-circular activities.

This amendment will make it possible for parents to learn more about how schools deal with important education issues such as academic performance, enrichment programs, and quality of education life issues programs for children with learning disabilities like dyslexia are taught.

Many charter schools already provide this information, and the amendment would support this good transparency practice. This Jackson Lee amendment is good for parents and for charter schools because parents would have access to information that helps them make education decisions for their children; and charter schools would speak to a larger audience regarding their education programs.

#### JACKSON LEE AMENDMENT NO. 2

The second Jackson Lee amendment was a "Sense of the Congress" on the promotion of, and support for anti-bullying programs in charter schools, including those serving rural communities. I regret that this amendment was not made in order by the Rules Committee because the prevention of bullying is one of the most challenging problems facing school officials.

Bullying is not a new behavior. Kids have been exposed to bullying in school for generations. Now, however, bullying has taken on new heights and sometimes victims of bullies suffer severe and lasting consequences.

For victims of bullying, they go to school every day facing harassment, taunting, and humiliation. Studies show that 25–35% of teens encountered some type of bullying in their lifetime. Bullying is a form of violent be-

havior that happens not only in the schools but everywhere.

The National Center for Educational Studies reports show that 14 percent of 12- to 18-year-olds surveyed report being victims of direct or indirect bullying. 1 out of 4 kids is bullied. The Department of Justice reports that 1 out of every 4 kids will be abused by another youth.

I introduced H.R. 2585, the Juvenile Accountability Block Grant Reauthorization and the Bullying Prevention and Intervention Act of 2013. This bill amends the Omnibus Crime Control and Safe Streets Act of 1968 by expanding the juvenile accountability block grant program with respect to programs for the prevention of bullying to include intervention programs. The bill's objective is to reduce and prevent bullying and establish best practices for all activities that are likely to help reduce bullying among young people.

This year a million children will be teased, taunted, and physically assaulted by their peers. Bullying the most common form of violence faced by our nation's youth.

The frequency and intensity of bullying that young people face are astounding: 1 in 7 Students in Grades K–12 is either a bully or a victim of bullying; 90% of 4th to 8th Grade Students report being victims of bullying of some type; 56% of students have personally witnessed some type of bullying at school; 71% of students report incidents of bullying as a problem at their school; 15% of all students who don't show up for school report it to being out of fear of being bullied while at school; 1 out of 20 students has seen a student with a gun at school; 282,000 students are physically attacked in secondary schools each month.

Consequences of bullying: 15% of all school absenteeism is directly related to fears of being bullied at school; according to bullying statistics, 1 out of every 10 students who drops out of school does so because of repeated bullying; suicides linked to bullying are the saddest statistic.

Statistics on Gun Violence: homicide is the 2nd leading cause of death for young people ages 15 to 24 years old; homicide is the leading cause of death for African Americans between ages 10 and 24; thirteen young people from ages 10–24 become victims of homicide every day; 82.8% of those youths were killed with a firearm; every 30 minutes, a child or teenager in America is injured by a gun; every 3 hours and 15 minutes, a child or teenager loses their life to a firearm; in 2010, 82 children under 5 years of age lost their lives due to guns; one of four high school males reportedly carry a weapon to school, with 8.6% of reportedly carry a gun; 87% of youth said shootings are motivated by a desire to "get back at those who have hurt them, and 86% said, "other kids picking on them, making fun of them or bullying them" causes teenagers to turn to lethal violence in the schools; in 2011, over 707,000 young people, aged 10 to 24 years, had to be rushed to the emergency room as a result of physical assault injuries.

Victims of bullying often suffer in silence and parents are the last ones to know that their child is being bullied or may be a bully. What once was thought to be a childhood ritual has been proven by school psychologists, law enforcement officials, parents, and students to be much more serious.

Anti-bullying programs can help children understand the seriousness of bullying; and assist parents in learning the signs of bullying as well as learning how to speak to their children about the issue of bullying.

H.R. 10 will consolidate two existing federal charter school programs into one:

The Charter School Program, which supports grants for charter school developers to open new charter schools. The program also provides funds to disseminate best practices and provide state facilities aid to charter schools.

The Charter School Credit Enhancement Program assists charter schools in accessing better credit terms to acquire and renovate facilities to operate a charter school.

The rule will allow the consideration of the bill that will create a new federal charter schools program to promote high-quality charter schools at the state and local level; and allows states to use federal funds to start new charter schools as well as expand and replicate existing high-quality charter schools.

The bill adds a new component—a Charter Management Organization grant program to support the opening of additional charter schools nationwide.

H.R. 10 establishes a new Charter School Program that would consist of three parts:

Grants to support high-quality charter schools will be awarded to a State Educational Agency, the State Charter School Board, the Governor, or a Charter School Support Organization.

Facilities Aid will be awarded to continue credit enhancement activities and support state facilities aid for charter schools.

National Activities will allow the secretary of education to operate a grant competition for charter schools in states that did not win or compete for a state grant and a competition for high quality CMOs.

The legislation adds five new definitions: a "charter management organization, a charter support organization", a "high-quality charter school"; the "expansion of a high-quality charter school"; and a "replicable, high-quality charter school model."

H.R. 10 authorizes \$300,000,000 for fiscal years 2015 through 2020. The bill permits state-determined weighted lotteries and allows students to continue in the school program of their choice by clarifying students in affiliated charter schools can attend the next immediate grade in that network's school.

I strongly believe that where our children are concerned, Congress is in a unique position to advocate on their behalf in an effective and forceful way. Letting children know by our actions that members of Congress consider the lives of children and their experience to be of the utmost importance would help them in countless ways.

We cannot gamble with our children's future, and ultimately the future of our nation. I am committed to finding ways to make sure that education is as valued as national defense—because education is crucial to our nation's global success in all areas.

Mr. McCARTHY of California. Mr. Chair, education remains one of the greatest keys to success in our society, yet there are children across the nation without access to a good school.

There is no single cure. No child or community is the same. And often the educational solutions in one community won't fit those in another.

But there are local solutions already working across the nation.

Recently, I spoke with my friend, Barbara Grimm-Marshall, a successful businesswoman with their family company Grimmway Farms.

For years her family funded college scholarships for the children of her employees, but every year applications for that scholarship were low.

She found that when kids in Arvin, CA were old enough to go to college, most were not ready. Committed to the belief that every child should have a bright future, she took action.

That is why, in 2011, Barbara took it upon herself to offer children in the community the opportunity to achieve a successful. She opened a charter school.

She had never run a school herself, so she did what we are trying to promote today; she replicated a successful school, Rocketship Charter School in San Jose.

After only 3 years, Grimmway Academy was a California Distinguished School whose students had the highest test scores in the district. Grimmway Academy is proof that new ideas and innovation works to help our children.

Sadly, the lack of educational opportunity exists in too many towns. We have an obligation to expand educational opportunities and school choice so that every child has the chance to attend a successful school.

I applaud my colleagues JOHN KLINE and GEORGE MILLER for coming together and sponsoring this legislation.

Education transcends political boundaries, and this House will continue to work toward solutions to ensure the next generation, no matter their circumstance, is afforded every opportunity for a better life.

Mr. HINOJOSA. Mr. Chair, I rise today in strong support of H.R. 10, the "Success and Opportunity Through Quality Charter Schools Act."

Mr. Speaker, I support this bill because it strengthens the Federal Charter School Program (CSP) and promotes quality, accountability and equity for public charter schools participating in the Federal Charter School Program.

H.R. 10 requires public charter schools to be of "high quality" in order to receive Charter School Program funds to open, replicate or expand. Under this bill, "high quality" charter schools must show evidence of strong academic results for all students.

H.R. 10 promotes quality in charter school authorizing. This bill requires state entities to have in place or be working toward a charter school authorizing system that utilizes a process for approval, monitoring, re-approval or revocation of authority of public charter school authorizers in the state, based on performance of the schools authorized by the agency.

Mr. Speaker, the underlying bill prioritizes equity of access and services for disadvantaged students, including english learners and students with disabilities.

H.R. 10, for example, allows grantees to utilize weighted lotteries, when permitted by state law, to preference admissions for educationally disadvantaged students.

Along the same lines, this legislation requires that state entities receiving a CSP grant provide technical assistance to any charter schools receiving funds to ensure they fully understand federal requirements for serving underserved student populations.

Finally, I am pleased that the underlying bill requires that state entities receiving a Charter School Program grant describe how they will ensure that all charter schools receiving CSP funds through its grant will meet the educational needs of students with disabilities and english language learners.

In my view, these improvements to the Federal Charter School Program enhance quality, accountability, and equity for charter schools participating in the federal CSP program and ensure that only states with strong oversight will receive CSP federal dollars.

In my congressional district, public charter schools like IDEA public schools are transforming lives. Under the extraordinary leadership of Tom Torkelson and JoAnn Gama, IDEA public schools are closing achievement gaps, increasing high school graduation rates, and preparing students for college and careers. At this time, I personally want to thank them for their outstanding work in the Rio Grande Valley of South Texas.

In closing, I commend Chairman KLINE and ranking member MILLER for their tremendous leadership on this bipartisan bill and urge my colleagues on both sides of the aisle to support the passage of H.R. 10.

Mrs. McMORRIS RODGERS. Mr. Chair, I rise in strong support for H.R. 10, the Student Success and Opportunity through Quality Charter Schools Act, and the promise that charter schools hold to ensure that all students are able to reach their full potential.

Let me also take this opportunity to congratulate Washington State and the eight charter schools that have been certified to open in the state within the next two years, including PRIDE Prep Charter School in Spokane. Washington State has made significant reforms to its educational system and should be recognized for its efforts.

Charter schools are about empowerment and opportunity. Giving parents the ability to meet the needs of their children, particularly those students who are disadvantaged, have special needs, or are English Language Learners.

I know firsthand the benefits of a charter school education. My own son, Cole, was enrolled in Apple Tree charter school here in DC and he flourished. Apple Tree was able to provide him with an innovative education that was targeted to meet his needs. All parents should have this choice and opportunity for their children.

H.R. 10 moves us in that direction by encouraging states to expand and replicate high performing charter schools. It gives security to states and school boards that space will be available to build schools or rehabilitate them. Finally, H.R. 10 encourages the distribution of best of practices to ensure all schools have access to critical information.

No one in this Chamber would argue that a strong education system is foundational to keeping our nation competitive and a leader in the 21st century and beyond. And, no one will argue that a strong, quality education for our

children is integral for their growth, their development and their success for whatever path they choose. H.R. 10 takes us toward that goal.

I encourage my colleagues to support H.R. 10.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the Success and Opportunity Through Quality Charter Schools Act, a bill that strengthens the existing charter schools program while including important reforms for accountability and access.

Public charter schools are an important testing ground for new ideas and innovative practices that can benefit our entire school system. Today's bill supports the expansion of high quality charter schools while making vital improvements to the program to increase oversight and access. While current law requires charter schools to be open to all students, this bill would encourage enrollment and retention of underserved populations like students with disabilities and English language learners. It also enhances charter authorizing practices to include quality controls for student achievement and management.

I applaud the Education and Workforce Committee for working in a bipartisan fashion to bring this legislation to the Floor. I hope that we can apply that same spirit of cooperation to fully reauthorize the Elementary and Secondary Education Act and improve education for all students in every public school.

Mr. DUFFY. Mr. Chair, on Tuesday, my amazing wife Rachel gave birth to our seventh child, a fifth daughter to add to our brood. And whether it is our seventh or seventeenth baby, the first few days always feel the same. The curiosity of who this little girl will become is just as high with her as it was when our oldest was born.

We wonder, will she have an affinity for math or be drawn to the classics? Will she excel in music or languages? Will she have an interest in history or world affairs? With all of our children, we know only time can answer these questions, but her schooling will certainly play a part.

It is a sentiment shared by millions of parents. That is why I rise in strong support of H.R. 10, the Success and Opportunity through Quality Charter Schools Act. I am a proud cosponsor of this legislation, and am happy to see it on the floor, especially today.

My congressional district has the 25th highest number of charter schools in the country. All parents want choices and opportunities for our children and charter schools provide those options. Schools no longer have to be dictated by where families buy their house, and a zip code should no longer dictate the quality of education our children receive. These things should be chosen based on the education parents want their children to receive.

Demand for charter schools has never been higher. Currently, over 1 million student names are on waiting lists for a public charter school. From New York City to rural Wisconsin, these schools play an integral role in educating our children. As our new baby girl grows up, we will value the choices she is given because of the Success and Opportunity through Quality Charter Schools Act.

I'm thankful for the committee's work on this important bill.

Ms. CLARKE of New York. Mr. Chair, today, I rise to oppose H.R. 10 the Success and Opportunity through Quality Charter Schools Act, which reauthorizes the charter school program in the Elementary and Secondary Education Act.

While I recognize that there are public charter schools that are providing students quality public education, I reject the notion that we have to accept inequity between public charter schools and the rest of the public school system. While H.R. 10 does begin to address some of the inequities, it does not go far enough in leveling the playing field between public charter schools and the public non-charter schools—where the overwhelming majority of our children are educated.

Charter accountability, transparency and financial oversight are not sufficiently addressed in H.R. 10, yet they are the cornerstones of inequity between public charter and public non-charter schools. However, through the amendments process, I tried to strengthen the bill.

One of my amendments would have increased financial oversight by limiting the compensation of charter school administrators. Under this amendment, charter school administrators' could not be compensated at a rate higher than the highest paid education official in the state. For New York, that would mean that public charter school administrators could be paid no more than John King, the New York State Commissioner of Education, whose salary is \$212,500 per year. This amendment was inspired by a 2013 New York Daily News article which noted that many of the city's charter schools' administrators earned significantly more than the Chancellor of New York City schools. I believe that public charter school resources should be focused on classroom instruction, not exuberant salaries. Unfortunately, this amendment was rejected by the Republicans.

I also tried to increase charter accountability by submitting an amendment requiring charter schools to disclose their student retention rates. In Brooklyn, where families have many charter school choices, it can sometimes be difficult to differentiate between the schools. Parents who are trying to decide where their children should attend school need to have comprehensive information on the performance of public charter schools in their area. Knowing the student retention rate for public charter schools would enable parents and government officials to reach informed decisions about the performance of public charter schools.

Ironically, even the fact that we are reauthorizing charter schools today is yet another example of the inequity between public charter and public non-charter schools. This bill will likely move forward in the Senate, whereas the Elementary and Secondary School Act, which reauthorizes public non-charter schools, languishes in the Senate.

Though my student retention rate amendment was incorporated into the bill, I remain in strong opposition to this bill because it does not go far enough in achieving parity between public charter schools and public non-charter schools.

There are over 49.5 million public school students in America. Public non-charter

schools continue to educate the vast majority of students in America. Therefore, we must improve and strengthen public education, so that our children will be able to successfully compete and thrive in a 21st century global economy. To accomplish this both public non-charter and public charter schools must peacefully, co-exist on equitable grounds. No equity will exist until public charter and public non-charter schools have the same accountability, transparency and financial oversight requirements. Otherwise, our children and ultimately our society will continue to suffer the cost of doing nothing.

As the debate regarding the challenges between public charter and public non-charter schools rages on, I hope that policy makers will devote significant time, energy and resources to address issues of inequity.

Ms. DEGETTE. Mr. Chair, today I rise in support of the Success and Opportunity through Quality Charter Schools Act, H.R. 10. I believe it is imperative that America provide high-quality public education so that our students can succeed and compete in the global economy. I am a strong supporter of public education, from early education programs such as Head Start and Pre-K to higher education and career and technical education. As we look to improve educational outcomes, we cannot overlook the promise of innovative teaching practices and charter schools.

This new authorization of the Charter School Program makes important improvements to the existing charter school framework. In particular, I support provisions to aid in the dissemination of best practices from charter schools to other public schools, and the updated language that helps extend the reach of charter schools into communities that are currently underserved, including minorities and those with special needs.

However, the underlying bill is not perfect. While one of the founding ideas behind charter schools is to reduce red tape and let educators take the reins, there have been worrying reports of gross mismanagement and embezzlement of public funds by some charter school staff, which requires some attention. I think the amendment offered by Representative CASTOR goes some way to addressing this issue, which would require the Department of Education to develop and publish regulations addressing conflicts of interest surrounding charter schools.

In addition, I support the amendments offered by Representative JACKSON LEE and Representative BONAMICI respectively, which would increase the information available to parents and the public related to attendance of charter schools, and the efforts in disseminating and implementing best practices across the public school spectrum.

There is more work to be done improving our education system, but we must be mindful not to create a two-tiered public school system. I hope H.R. 10 provides the intended improvements to charter schools, and the public education system as a whole.

The Acting CHAIR. All time for general debate has expired.

Mr. KLINE. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

MASSIE) having assumed the chair, Mr. BISHOP of Utah, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 10) to amend the charter school program under the Elementary and Secondary Education Act of 1965, had come to no resolution thereon.

#### CANCER RESEARCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from New Jersey (Mr. LANCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. LANCE. Mr. Speaker, tonight, my colleagues and I rise to discuss a matter that has touched virtually every family America and is one of the great public health challenges of our time—or indeed, of any time—and that is the challenge of cancer, the diagnosis no person wants to hear and the battle no one should face alone.

From those in treatment to those working toward prevention to friends and family dealing with the terrible illness of a loved one, everyone knows someone who has been afflicted with cancer. Cancer has been the great health menace of the last century.

But now, here in the 21st century, medical advancement, innovative treatments, and the genius of many scientists and medical doctors are everyday bringing us closer to a cure.

We await the advent of new technologies and of work here in Congress to deliver the tools and resources both to public and to private industry to spur the research and collaborations that will change the health of the world.

It is my judgment that the United States is really the medical center of the entire world and that its brilliant medical doctors and scientists here in this country will lead the charge in the new century.

Clinical oncologists are on the cutting edge of that research and are responsible for many of the advances in cancer care that are improving the lives and prognoses for many cancer patients.

This year marks the 50th anniversary of the American Society of Clinical Oncology, a group which represents nearly 35,000 oncology professionals across the world.

When ASCO was founded in 1964, it dedicated itself to a challenging mission: a commitment to conquer cancer through research, education, prevention, and the delivery of high-quality patient care.

When ASCO was founded, cancer was widely regarded as an untreatable disease, with fewer than one-half of patients alive 5 years after diagnosis. There was an undeniable stigma associated with a cancer diagnosis that left

many patients to suffer in silence, with minimal support, and worse, few effective therapies.

But because of the work of passionate advocates and tireless champions, the expertise of talented medical professionals, including those at the American Society of Clinical Oncology, today the survival rate is higher than two-thirds.

Better cancer prevention and detection, improved care coordination, and the use of palliative care have proven to improve patients' quality of life dramatically and to increase survival rates dramatically.

ASCO has put forward new technologies such as nanotechnology, medical imaging, and health information technology that are leading to entirely new ways to develop therapies. If these advances are fully realized, people with cancer will be able to receive more personalized and more effective treatment.

In my work on the Energy and Commerce Committee, and particularly on its Health Subcommittee, I am sure that the wave of the future is personalized medical care. In a coordinated capacity, the members of the committee, and particularly of the subcommittee, are working together to create that new wave of the future regarding personalized medicine.

Federal investments in cancer research have also resulted in a massive increase in the number and the quality of treatments available to cancer patients.

I have the highest confidence in Dr. Francis Collins and his team at the National Institutes of Health. I have toured NIH's magnificent facility in Bethesda, the best of its kind on the face of the Earth. I can report that some of the best doctors, the greatest intellects, and dedicated professionals are working every day to course the future of medicine and tackle this terrible disease.

We must continue our Nation's commitment to NIH to keep the United States as the global center of medical innovation.

Yesterday, Mr. Speaker, the chairman of the Energy and Commerce Committee, Mr. UPTON of Michigan, convened a roundtable with many of the most brilliant doctors regarding issues affecting the NIH. We were privileged that Dr. Collins joined us.

But the work will not be done alone by public entities such as the Federal Government and NIH. In fact, great minds from across this Nation and around the world have brought their desire to rid the world of cancer to some of the finest companies on the forefront of this research.

I am honored to say that many of these life science leaders in the medical and biopharmaceutical research and development field call the district I serve and the State I serve, New Jer-

sey, home. There is work on cancer solutions every day in labs I have the honor of representing.

The district I serve, Mr. Speaker, has more pharmaceutical and medical device employees than any other district in the United States. But that is not to say we are alone. There are magnificent facilities across this country. They will be described, I believe, by colleagues of mine this evening.

I know there is great interest and commitment in the House of Representatives, as demonstrated by the participation this evening of distinguished Members, including Mr. HIGGINS of western New York. And certainly, without a doubt, Buffalo is one of the leading centers not only in this Nation but across the globe in medical technology and medical research, and extremely high-quality institutions of medical care.

Of course, there is the work of the House Energy and Commerce Committee. Our committee has broad jurisdiction over Federal agencies and policies important to health care, to medical research, and to the life sciences sectors.

I also have the honor of serving as the Republican chair of the Rare Disease Caucus, another mantle by which we discuss needs and ideas in the cancer support community. I am joined in that caucus with the Democratic chair, Congressman CROWLEY of the great city of New York.

One of the major endeavors of the Energy and Commerce Committee will be to pursue an initiative of Chairman UPTON's that he has titled, "The 21st Century Cures," an effort that aims to accelerate the pace of cures and medical breakthroughs here in the United States.

For the first time, Congress will take a comprehensive look at the full arc of accelerating cures, from the discovery of clues in basic science to streamlining the drug and device development process to unleashing the power of medicine in the treatment delivery phase.

□ 2015

In one of the inaugural hearings this week, the incredible advancements in cancer research were discussed, and the great opportunities presented to advance new cures and treatments for other diseases were discussed.

The committee will focus on the cycle of discovery, development, and delivery that saves lives. We, in Congress, want to work effectively and efficiently and ensure that there is no gap between 20th century science and the Washington regulatory process.

ASCO is well-positioned for the type of 21st century science the committee is working to facilitate: accelerating the pace of clinical cancer research, establishing a new approach to therapeutic development and new tech-

nologies to obtain a greater understanding of cancer biology, and the needs that Congress and the administration are willing to work together for solutions to the market.

Let me say, Mr. Speaker, that we are anxious to work with the administration, and we want to be a partner with the executive branch, making sure that we work as effectively as possible in fighting cancer.

This is, by no means, a partisan matter; and, indeed, it goes beyond being a bipartisan matter. It is really non-partisan in nature.

Besides providing better outcomes for patients, benefits of more rigorous trial designs include the ability to design smaller and smarter clinical trials that can be conducted faster than larger trials that aim for smaller benefits for patients.

These steps represent significant new momentum toward a 21st century research system that realizes the potential of precision medicine. As we personalize medicine in this country, it is based, in no small measure, on precision medicine; and this, again, is the wave of the future.

On these critical public health issues, the public and private sector have worked together to make a difference in improving the highest quality of health care, the highest quality that the American people deserve.

Congress is contributing by giving public research the 21st century tools to compete on the global stage and empowering private innovators to solve these great complexities in American laboratories. This is how Congress should work, together, on issues that make a lasting difference.

Too often, Mr. Speaker, we are viewed as divisive, as overly partisan, as not coming together on the great issues confronting the American Nation. Let me make as clear as possible, on the fight against cancer, we are working closely together; and we are working with our partners in the non-profit sector and our partners in the private sector.

This is a three-legged stool. One of those legs—indispensable—is the involvement of the Federal Government, particularly through NIH, but through other agencies as well and through our oversight capacity here in Congress, making sure that drugs are brought to market as quickly as possible with, of course, recognizing that paramount is the safety of those drugs brought to market.

ASCO and those of us in the Congress and leaders in the life science industries renew our commitment to the millions of patients and their families who will benefit from more timely access to innovative medical technologies.

More than 40 years ago, President Nixon declared a war on cancer, and tremendous advances have been made

from that initial declaration of war; but the war has not yet been fully won, and it is our responsibility, in our generation, to make sure we do as much as possible so that that war will be won.

While we do not know the cure for all cancers, we do know that awareness is the best protection, and well-rounded care during and after treatment is the best therapy.

These burdens often fall on loved ones. I am thankful for the families and the advocates whose challenges we may never understand fully, but whose commitment to loved ones is unyielding and inspiring.

To ASCO and the other heroes of cancer care, I thank you for all that you have done and all that you will continue to do. We are here, in Congress, in a bipartisan capacity, to help give you the tools you need to succeed in the fight against cancer.

Mr. Speaker, I yield to the distinguished gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS. Mr. Speaker, I want to thank my colleague from New Jersey for his leadership on this issue, for his eloquent opening, and I want to echo his sentiments in congratulating the American Society of Clinical Oncology.

As my colleague has said, we have made major advancements in cancer research in this country. Thirty years ago, less than 50 percent of those who were diagnosed with cancer lived beyond 5 years of their diagnosis. Today, it is over 65 percent for adults and over 80 percent for children.

Historically, you had, really, three options with cancer. You could burn it out through radiation, you could cut it out through surgery, or you could poison the fast-growing cancer cells; but the problem is you were also killing healthy cells, as well, through chemotherapy.

Today, because of medical research, we now have smart drugs, drugs that will attack fast-growing cancer cells, without attacking fast-growing healthy cells.

We also have a number of clinical trials going on, including right in Buffalo, New York, at Roswell Park Cancer Institute, clinical trials for vaccines that treat the body's dendritic cells toward the goal of helping the body naturally fight cancer.

We have made major progress, but as my friend from New Jersey has said, we still have much further to go.

People realize that early detection is very, very important in effectively treating cancer. Less than 10 percent of cancer deaths occur from the original tumor.

It is when cancer metastasizes, when it grows, when it advances to a vital organ that we need, is when cancer becomes lethal. That is why it is important for early detection, which will dramatically increase the survival rate of cancer patients.

As the gentleman from New Jersey also indicated, Buffalo and western New York is home to Roswell Park Cancer Institute, the first comprehensive cancer center in the entire Nation.

Roswell Park gave the Nation and the world chemotherapy in 1904. It gave the Nation and the world the prostate-specific antigen test, the PSA test, to detect prostate cancer; and it also did groundbreaking work in the link between tobacco use and smoking and cancer.

One of every three women in this Nation will develop invasive cancer in their lifetime. One of every two men, during their lifetime, will develop invasive cancer. The incidence is higher for men because they smoke more.

We have a long way to go. We have made major progress. The gentleman had said Richard Nixon had declared a war on cancer in 1971, and that was a major, major initiative on the part of the Federal Government.

What we know also, from cancer research, is the only failure in that research is when you quit or you are forced to quit because of lack of funding.

A lot of these new drugs that are coming to market today have been in various phases of discovery for the past 20 years, so to sustain cancer research is to produce promising new therapies, but to also encourage young researchers to stay in the field.

That is our obligation, as Democrats and Republicans of this body, in recognizing that we must fully fund the National Institutes of Health and the National Cancer Institute.

Mr. LANCE. I thank the gentleman.

Mr. Speaker, I now yield to the gentleman from Tennessee (Mr. FLEISCHMANN).

Mr. FLEISCHMANN. Mr. Speaker, to my distinguished colleagues from New Jersey and from New York, I thank both of you all for addressing this issue, which is of national importance.

What both of my colleagues have said, Mr. Speaker, is correct. Cancer is a hideous disease, and we need a national commitment to beat this horrific disease.

I want to talk tonight to the American people about a personal experience that I had with cancer. At the same time, I want to also, as my distinguished colleagues did, honor the American Society of Clinical Oncology for their efforts to fight cancer.

When I was 9 years old, my mother developed breast cancer. I was more worried about playing baseball, being a kid; and I can remember vividly the doctor saying: your mother has cancer.

My parents were from the World War II generation. My mother was born in 1922, my dad in 1925, and they did not have a formal education; but I knew something was very wrong that night, and I knew my mother was going to have breast cancer surgery, but I didn't know what cancer was.

We had hoped and prayed that she would get better. Well, about 2 years later, unfortunately, that cancer did metastasize. At the time, my father was working away several hundred miles to keep a job, and I was an only child, and I can remember my mother waking up screaming in pain.

Actually, I didn't realize the cancer had come back, and actually, I called my dad, at that time, who was working in Pittsburgh; and basically, he called the surgeon, and the surgeon said: bring her on in, but I think the cancer is back.

Unfortunately, despite some chemotherapy and treatment, she lost that battle to cancer when I was 13 years old. I was a freshman in high school. That so impacted my life, my father's life, our entire outlook about cancer.

My father came from a generation where a cancer diagnosis was a death sentence, sadly. I can remember him crying when my mother was first diagnosed. He was crying uncontrollably, and I didn't understand why.

He said: no, no, no, this is going to be awful.

Sadly, it was. Interestingly enough, my father did live to the ripe old age of 87½, but I was before my subcommittee—and for the people watching tonight, I serve on the House Appropriations Committee, and one of my subcommittees is the Labor, Education, and Health and Human Services Committee, which actually funds the National Institutes of Health and the National Cancer Institute.

So for those watching—and I applaud my colleague from New Jersey when he was talking about all the other committees, but this committee actually funds research, and it is so, so critically important.

I was actually talking to the head of the NIH at that day and went outside and got a call from my father's doctor. He indicated that my father had an esophageal cancer.

Again, despite the fact that I was almost 50 years old and had a law degree, I didn't understand the gravity of that.

Fortunately, in this great body, in the House of Representatives, I serve with some very fine doctors, men and women who are outstanding doctors. I sat down with some of them, and they told me the gravity of the situation.

Sadly, my father lost that battle to esophageal cancer in 3 months. I went with him to the doctor, and I saw him through that process, and it was a sad process.

□ 2030

What we all know, this story that I have shared and that I have experienced has been experienced by millions of Americans. And sadly, the statistics show that cancer is on the rise, the incidence of cancer is on the rise.

Again, my colleagues alluded to the fact that President Nixon declared war

on cancer many years ago. Well, this is a war that is ongoing, and this is a fight that we cannot lose. America ought to lead the way.

In this body, we control spending. We should control the spending. But I think sometimes about all of the waste, fraud, and abuse, duplicative programs and the like where we could actually show a great resolve—not as Republicans, not as Democrats, but as Americans—to beat this hideous disease. And I do want to commend the men and women who are oncologists who fight this fight every day.

In my district, the Third District of Tennessee, I have some very fine cities. One of those cities is Oak Ridge. And in Oak Ridge is the Oak Ridge National Laboratory, and that laboratory is doing groundbreaking cancer research. So there is a Federal component to this. Our great universities are fighting this great fight.

And when I have young men and women come to me and say, “What should I do when I grow up?” I suggest medicine. It is a noble profession. It still is.

I feel sorry for a lot of the folks who are doctors today because they are facing a lot of challenges, and I think this body ought to resolve to help that profession so that profession, including the oncologists, can continue to provide the health care necessary to fight cancer and other diseases.

But as we move forward as a nation, I would just hope that we would stop and think about the magnitude of the effect of this horrific disease. Cancer one is not cancer two. There is no question about that. We have made tremendous strides toward several cancers, and that is great. We need to defeat breast cancer, but we need to defeat all cancers.

I was so sad to learn that the fight against so many cancers has still been futile. There are so many cancers out there that the success or survival rate is still so low. And I have learned that, actually, as a Congressman.

For those watching, I know our popularity and our numbers in this body sometimes are not that high, but I want to assure the American people that one of the things I do best and I think my colleagues do best is we get educated. People come from around the world, from around the country, constituents, oncologists, doctors, scientists, and they educate us, Mr. Speaker. They educate us about the progress being made on cancer or, sadly, in some cases, the lack of progress being made.

So it is my commitment not only to my constituents, but to all Americans. And I am proud to serve in this body. This is the people's House. This is a wonderful, wonderful body. Our Founding Fathers gave us this body, and our men and women who are fighting to preserve our freedoms in uniform every

day allow us to have the great debates that go on in this Chamber.

But there must be a resolve, Mr. Speaker, to defeat cancer. We can do it. The cure for cancer is out there. The strides are being made. And as we work together as Americans, I sincerely hope that we can beat this hideous disease and help the men and women who are going through this and their families. The toll on families is horrific. I saw that as a young boy. I saw it as an adult man.

So, again, I want to thank the oncologists for fighting the good fight. I want to thank my colleagues for allowing me to address this issue tonight. And it is my fervent hope and prayer that we address this, as Americans, and defeat this hideous disease.

Mr. LANCE. Mr. Speaker, I yield to the distinguished gentlelady from Texas.

Ms. JACKSON LEE. I thank the distinguished Congressman from New Jersey, Congressman LANCE, for having this very special Special Order this evening and my friends, Congressmen BRIAN HIGGINS, CHUCK FLEISCHMANN, and JOHN CARNEY, for sponsoring this evening's Special Order to recognize the 50th anniversary of the American Society of Clinical Oncology.

One would wonder what seven physicians were doing some 50 years ago. And I am glad that they came together to recognize the vibrance and the vitality of their specialty and the importance of gathering together. They had their first real meeting with 51 physicians in November of 1964. And I am glad that they organized because, as we watch the progression of research and care in the treatment of cancer, we owe a great deal to them. Let me tell you why: because when they founded this organization in 1964, cancer was perceived as largely untreatable. In fact, even today, we still have the remnants of that fear when you get that diagnosis.

Many people call it the big C. There is trepidation and fear. And I would say to you that when those physicians organized in 1964, they understood the awesome and ominous task that they had. Only a handful of hard-to-tolerate and mostly ineffective therapies were even available. And they organized to provide for physicians with proper professional educational background material and the opportunity to come together to facilitate their own improved management of patients with neoplastic diseases, supporting collaborations in medical and research organizations, and initiating and coordinating and cooperating on projects of investigation.

So I am glad to celebrate them today because, in the cancer hospitals across America—and I have the privilege of having in my community MD Anderson. And among the work that MD Anderson does, it collaborates with our

local clinics and other hospitals because everyone knows that everyone cannot get into a specific cancer hospital, but they may be in a general hospital in which there is a cancer unit. Those oncologists collaborate with the oncologists in the major cancer centers of America.

And I simply want to thank my colleagues here because MD Anderson has benefited from your understanding of the need for cancer research dollars.

The NIH is an entity that we should fully fund, and I am on record to have that funding. \$32 billion is what will put that entity in a position to do its work.

I was interested to listen to the gentleman who spoke of both his mother and his father. And I believe when Members come to the floor and speak of their personal and human experiences, it draws us closer to our constituents and to our colleagues who have walked some of the similar territories.

So as I have listened to his story, mine is different, for I heard that diagnosis—cancer, breast cancer. And I didn't hear it quickly, because when I suspected that my physician was calling to say that, all of a sudden, my phone didn't work, and it was quite difficult to reach me. I was on an airplane. I was in a meeting.

And even in this era of new research, to hear that is a startling and overwhelming experience. But the good news is that oncologists have grown in their research, working with the NIH over these 50 years, and they have been able to give families and children not 100 percent, maybe not even 90 percent, but they have been able to cut the mortality rate of pediatric cancer. All of us know how heart-wrenching that is, how difficult it is to see a child suffer with cancer.

There was a story in my local newspaper. I talked with one of my neighbors a distance away from my community who, sadly, lost their 3-year-old. The community gave that 3-year-old a princess parade some months ago; and, sadly, she lost her life. It is heart-wrenching to see a family member suffer without relief.

But yet, through the oncologists and their research and the work that we are doing here in the United States Congress to support that research, we have been able to impact pediatric cancer. We have been able to work to impact breast cancer. And I have continued to work to highlight the idea that cancer, in all of its forms, can ultimately be cured.

I would like to cite the physicians at MD Anderson. I visited with one today who talked about the new attitude that they have and wanting to get woven into care a large sector of preventative care because they realize that we are living longer. And by living longer, that is a plus, but they are recognizing

that more elderly are now susceptible to cancer in their older years and, therefore, we need research, preventative care to be able to get in front of that so that the cost of saving their life can be the amount needed to do so, but that we can put a stop to them losing their life because we have engaged in preventative care.

So I have offered amendments on something called the triple-negative breast cancer. It is one of the most deadly aspects of breast cancer. It impacts minority women, African American and Hispanics, white women and Asians, all women.

I remember being in a breast cancer walk, and a young woman came up to me who, I guess, had been reading everything about it. She hugged me and said, "I am here to walk for my mother. I saw what you are doing for triple-negative"—a Hispanic young woman. "She did not make it, but thank you."

That is how families are. They are so grateful for any recognition of the pain that they went through, that even if they lost their loved one, they are so happy that maybe you are doing something to help others. So I am glad that we are here tonight to be able to acknowledge oncologists who are the very ones who would come and bring forward these new ideas.

Might I just briefly say these few points: one, with respect to triple-negative breast cancer, between 10 and 17 percent of female breast cancer patients have triple-negative. It is three times more likely to cause death than the most common form of breast cancer. Seventy percent of women with metastatic triple-negative breast cancer do not live more than 5 years after being diagnosed. There is no targeted treatment available. The American Cancer Society calls this particular strain of breast cancer "an aggressive subtype associated with lower survival rates."

But the good news is that in my conversations with MD Anderson, among the many finite research areas that they are doing, they have included triple-negative breast cancer. I know that those oncologists are going to give us a new day.

So Congressman LANCE, I thank you for honoring now 50 years of oncologists working to ensure that there is a cure. And I want to acknowledge Dr. DePinho, who is the new CEO of MD Anderson, his wife and the amazing research that she is doing, and all of the oncologists there.

But as I close, I would like to recognize a dear friend, MD Anderson oncologist Dr. John Mendelsohn, who served as the CEO for any number of years. Many of my colleagues here in the United States Congress know him well. I call John a friend. He will be honored by the American Society of Clinical Oncology for its 50th anniversary through the organization's Oncol-

ogy Luminary series. He is an oncologist, as we know. He served as president of MD Anderson through an incredibly productive period of nearly 15 years. The institution doubled in size during his tenure and aimed at higher excellence. He has an international reputation. And he and his collaborators in California produced monoclonal antibody 225, which inhibits human cancer cell proliferation by blocking the signal and pathways that are activated by the receptors for epidermal growth factor.

There are many whom we can cite tonight, but I simply want to celebrate that there is a specialty called oncology that could cause more of us to answer that phone call when we are called and to receive that diagnosis in a way that we know there is hope and that family members will know there is hope and other family members who are now facing a diagnosis of cancer of their loved one will have hope.

Oncologists have given us that hope as they continue to research, and I stand ready with my colleagues to provide the right kind of research and funding for them to continue to look to save lives.

I thank the gentleman for yielding.

Mr. Speaker, I want to thank my colleagues Congressmen LEONARD LANCE, BRIAN HIGGINS, CHUCK FLEISHMANN, and JOHN CARNEY for sponsoring this evening's special order to recognize the 50th anniversary of the American Society of Clinical Oncology.

On April 9, 1964, the American Society of Clinical Oncology held its first organizational meeting when 7 physicians who are known as the founders of the organization.

Fifty-one physicians attended the first meeting of the American Society of Clinical Oncology in Chicago in November of 1964.

The ASOC supports oncologists by: providing physicians with proper professional educational background material and the opportunity to facilitate their own improved management of patients with neoplastic diseases; supporting collaborations with other medical and research organizations, national and otherwise, with a view of enhancing professional education in the area of diagnosis and treatment of patients with neoplastic diseases; and initiating, coordinating and cooperating in projects of investigation of human neoplastic disease.

At the time ASCO was established in 1964, cancer was largely untreatable. Only a handful of hard-to-tolerate and mostly ineffective therapies were available.

I want to thank and recognize the Oncologists who serve the residents of the City of Houston for their work and dedication in providing treatment and care to cancer patients.

CONGRESSWOMAN JACKSON LEE'S WORK ON WOMEN'S HEALTH AND SAFETY

I introduced H.R. 80, the Triple-Negative Breast Cancer Research and Education Act.

The bill requires the Director of the National Institutes of Health (NIH) to expand, intensify, and coordinate programs for the conduct and support of research on triple-negative breast

cancer (breast cancers whose cells are negative for estrogen receptors, progesterone receptors, and the HER2 protein on their sources).

Directs the Secretary of Health and Human Services (HHS), acting through the Director of the Centers for Disease Control and Prevention (CDC), to develop and disseminate to the public information regarding triple-negative breast cancer, including information on: (1) the incidence and prevalence of such breast cancer among women, (2) the elevated risk for minority women, and (3) the availability of a range of treatment options.

Requires the Secretary, acting through the Administrator of the Health Resources and Services Administration (HRSA), to develop and disseminate information on triple-negative breast cancer to health care providers.

Last year, I offered an amendment that was added to the House of Representatives' Department of Defense Authorization bill that directs the Department of Defense Office of Health to collaborate with the National Institutes of Health to provide resources to identify specific genetic and molecular targets and biomarkers for TNBC.

#### TRIPLE NEGATIVE BREAST CANCER (TNBC)

Triple-negative breast cancer (TNBC) is a term used to describe breast cancers whose cells do not have estrogen receptors and progesterone receptors, and do not have an excess of the "HER2" protein on their cell membrane of tumor cells.

Between 10–17% of female breast cancer patients have the triple negative subtype.

Three times more likely to cause death than the most common form of breast cancer, 70% of women with metastatic triple negative breast cancer do not live more than five years after being diagnosed.

There is no targeted treatment available for TNBC. The American Cancer Society calls this particular strain of breast cancer "an aggressive subtype associated with lower survival rates."

Triple Negative Breast Cancer (TNBC) cells are usually of a higher grade and size; Onset at a younger age; More aggressive; and more likely to metastasize

TNBC is in fact a heterogeneous group of cancers with varying differences in prognosis and survival rate between various subtypes. This has led to a lot of confusion amongst both physicians and patients.

Apart from surgery, cytotoxic chemotherapy is the only available treatment; targeted molecular treatments while being investigated are not accepted treatment.

#### POPULATIONS AFFECTED BY TNBC

TNBC disproportionately impacts younger women, African American women, Hispanic/Latina women, and women with a "BRCA1" genetic mutation, which is prevalent in Jewish women.

TNBC usually affects women under 50 years of age.

More than 30% of all breast cancer diagnoses in African American women are of the triple negative variety. Black women are far more susceptible to this dangerous subtype than white or Hispanic women.

Women with TNBC are more likely to have distant metastases in the brain and lung and more common subtypes of breast cancer.



Breast cancers with specific, targeted treatment methods, such as hormone and gene based strains, have higher survival rates than the triple negative subtype, highlighting the need for a targeted treatment.

HOUSTON IS HOME TO MD ANDERSON

I would like to recognize MD Anderson Oncologist, Dr. John Mendelsohn who will be honored by the American Society of Clinical Oncology for its 50th anniversary through the organization's "Oncology Luminaries" series.

Dr. Mendelsohn is an Oncologist at MD Anderson, which is located in the city of Houston Texas.

Dr. Mendelsohn served as president of MD Anderson through an incredibly productive period of nearly 15 years. The institution more than doubled in size during his tenure, while aiming for even higher excellence in patient care and research.

Dr. Mendelsohn brought to MD Anderson an international reputation for his research on how the binding of growth factors to receptors on the surface of cells regulates cell functions.

He and his collaborators in California produced monoclonal antibody 225, which inhibits human cancer cell proliferation by blocking the signaling pathways that are activated by the receptors for epidermal growth factor.

His subsequent research in the laboratory and the clinic pioneered the universally adopted concept of anti-receptor therapy that targets key cell signaling pathways as a new form of cancer treatment.

I join my colleagues in honoring and recognizing the important contribution to advances in cancer treatment made possible by the American Society of Clinical Oncology.

Mr. LANCE. Mr. Speaker, I think the impassioned remarks of my distinguished colleague from Texas are an indication of her tremendous advocacy on behalf of this issue, not only for her constituents, not only for all of the residents of the great State of Texas, but, indeed, for the entire American people.

□ 2045

Mr. Speaker, my distinguished colleague from Texas spoke movingly about breast cancer. Yesterday, I spoke to a group of advocates dedicated to the treatment of breast cancer and working to ensure that women are educated about breast reconstruction surgery and care options following cancer treatments.

These advocates, working out of love for their mothers, daughters, sisters, and wives, have championed the Breast Cancer Patient Education Act, which will take an educational approach to breast cancer treatment and allow women to have full access to their options.

Since 1998, health care plans that offer breast cancer coverage have been required to provide breast reconstruction surgery and prostheses. Surprisingly, however, Mr. Speaker, recent studies report that up to 70 percent of women eligible for breast reconstruction following cancer treatment are not fully informed of their reconstruction

and care options by their general surgeon, and this is particularly true in minority communities.

Many of these advocates have been through great challenges personally, and I have heard both here in Washington and in my offices in New Jersey the stories of fear and insecurity that come with the diagnosis, as the distinguished gentlelady from Texas has indicated, and the despair of having so many questions and too few answers. I hope that at an early date the Congress will pass the Breast Cancer Patient Education Act to work to change that.

In another area of cancer that we have not mentioned this evening, I have worked with colleagues on both sides of the aisle regarding pancreatic cancer, and I know oncologists are fighting hard against this very virulent form of cancer. The survival rate for pancreatic cancer, Mr. Speaker, unfortunately, has not increased in 40 years, and the 5-year survival rate, as I understand it, is 7 percent.

It is incumbent upon those of us here in Congress to ensure that NIH and those involved in cancer research at the Federal level do as good a job as possible regarding pancreatic cancer. I acknowledge this evening all of those who are working in that area, as well. The ASCO founded 50 years ago has a great, great history over these last five decades, but much more needs to be done, and we will do it together.

I conclude this evening, Mr. Speaker, on a personal note. I have a twin brother, and we lost our mother to breast cancer when we were 12 years old. Now, this was almost 50 years ago. Just think of the tremendous progress that has been made in the last 50 years, certainly with the leadership of the ASCO. But more progress needs to be made. And to all of us who have been affected, either personally or familially, based upon our family, regarding the issue of cancer, we stand here on the floor of the House to work together in this bipartisan capacity—and might I suggest nonpartisan capacity—to make sure that as we move forward we move forward together in what I know will be a successful fight.

We will win the war against cancer. We will win it working together in the best traditions of the American Nation. Mr. Speaker, I yield back the balance of my time.

#### RECOGNIZING CHALLENGE ENTERPRISES AND THE ABILITYONE PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Florida (Mr. YOHO) for 17 minutes as the designee of the majority leader.

Mr. YOHO. Mr. Speaker, I rise today to recognize Challenge Enterprises of north Florida and the AbilityOne program.

Challenge Enterprises employs more than 300 citizens in my district alone, 179 of whom are disabled persons employed on projects acquired directly as a result of the AbilityOne program. This program has been of great assistance in helping our disabled citizens achieve meaningful employment.

Challenge Enterprises' motto is "The power of people and possibilities." I have visited their facilities to meet their staff, workers, and the wounded warriors to learn what they do and saw firsthand how the AbilityOne program enhances the quality of their lives.

Therefore, Mr. Speaker, it is with pleasure that I thank the staff, the workers, and the volunteers of Challenge Enterprises and the AbilityOne program for helping disabled citizens of my district and of north central Florida become productive, self-reliant citizens of their community and of the Third Congressional District.

With that, Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COTTON (at the request of Mr. CANTOR) for today and the balance of the week on account of the funeral of a friend.

Mr. MCALLISTER (at the request of Mr. CANTOR) for today and the balance of the week on account of a death in the family.

Mr. PALAZZO (at the request of Mr. CANTOR) for the balance of the week on account of the death of a close friend.

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today and May 9.

Mr. RUSH (at the request of Ms. PELOSI) for today.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title which was thereupon signed by the Speaker:

H.R. 3627. An act to require the Attorney General to report on State law penalties for certain child abusers and for other purposes.

#### ADJOURNMENT

Mr. YOHO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Friday, May 9, 2014, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5594. A letter from the Director, Issuances Staff, Department of Agriculture, transmitting the Department's final rule — Eligibility of the Republic of Korea To Export

Poultry Products to the United States [Docket No.: FSIS-2012-0019] (RIN: 0583-AD49) received April 28, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5595. A letter from the Associate Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule — Hispanic-Serving Agricultural Colleges and Universities (RIN: 0524-AA39) received April 23, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5596. A letter from the Under Secretary, Department of Defense, transmitting the 2014 Major Automated Information System (MAIS) Annual Reports (MARs); to the Committee on Armed Services.

5597. A letter from the Under Secretary, Department of Defense, transmitting the annual report on operations of the National Defense Stockpile (NDS) in accordance with section 11(a) of the Strategic and Critical Materials Stock Piling Act as amended (50 U.S.C. 98 et seq.) detailing NDS operations during FY 2013; to the Committee on Armed Services.

5598. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John F. Mulholland, Jr., United States Army, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

5599. A letter from the Under Secretary, Department of Defense, transmitting Report to Congress on Corrosion Policy and Oversight Budget Materials for FY 2015; to the Committee on Armed Services.

5600. A letter from the Secretary, Department of Health and Human Services, transmitting the 2013 Actuarial Report on the Financial Outlook for Medicaid; to the Committee on Energy and Commerce.

5601. A letter from the Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

5602. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report entitled, "Advancing Freedom and Democracy"; to the Committee on Foreign Affairs.

5603. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report entitled "Report to Congress on Iran-Related Multilateral Sanctions Regime Efforts" covering the period from August 7, 2013 to February 6, 2014; to the Committee on Foreign Affairs.

5604. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report for the period ending January 15, 2014 on the activities of the Multinational Force and Observers (MFO) and U.S. participation in that organization; to the Committee on Foreign Affairs.

5605. A letter from the Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

5606. A letter from the Acting Director, Office of National Drug Control Policy, transmitting Report to Congress on High Intensity Drug Trafficking Areas (HIDTA) Program Funds to Address Methamphetamine Trafficking; to the Committee on the Judiciary.

5607. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2013-0331; Directorate Identifier 2011-NM-170-AD; Amendment 39-17792; AD 2014-05-19] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5608. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2013-0089; Directorate Identifier 2012-NM-166-AD; Amendment 39-17806; AD 2014-06-02] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5609. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of VOR Federal Airway V-625, Arizona [Docket No.: FAA-2014-0093; Airspace Docket No. 14-AWP-1] (RIN: 2120-AA66) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5610. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Airplanes [Docket No.: FAA-2013-1012; Directorate Identifier 2013-CE-037-AD; Amendment 39-17807; AD 2014-06-03] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5611. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rockwell Collins, Inc. Transponders [Docket No.: FAA-2013-0966; Directorate Identifier 2013-CE-040-AD; Amendment 39-17799; AD 2014-05-27] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5612. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Airplanes [Docket No.: FAA-2013-1019; Directorate Identifier 2013-CE-038-AD; Amendment 39-17810; AD 2014-06-06] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5613. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-1253; Directorate Identifier 2011-NM-079-AD; Amendment 39-17723; AD 2013-26-14] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5614. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Prohibition Against Certain Flights Within the Tripoli Flight Information Region (FIR); Extension of Expiration Date [Docket No.: FAA-2011-0246; Amendment No. 91-321A; SFAR No. 112] (RIN: 2120-AJ93) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5615. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Requirements for Chemical Oxygen Genera-

tions Installed on Transport Category Airplanes [Docket No.: FAA-2012-0812; Amendment No. 25-138] (RIN: 2120-AK36) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5616. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30945; Amdt. No. 3579] received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5617. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30946; Amdt. No. 3580] received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5618. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30947; Amdt. No. 3581] received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5619. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30948; Amdt. No. 3582] received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5620. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting the 2013 report on Security Clearance Determinations; to the Committee on Intelligence (Permanent Select).

5621. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Medicare National Coverage Determinations for Fiscal Year 2013"; jointly to the Committees on Energy and Commerce and Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. ELLMERS (for herself and Mr. MORAN):

H.R. 4605. A bill to amend title XIX of the Social Security Act to provide States an option to cover a children's program of all-inclusive coordinated care (ChIPACC) under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. MCKINLEY (for himself, Mr. RAHALL, and Mrs. CAPTTO):

H.R. 4606. A bill to provide an additional authorization of appropriations for the Brookwood-Sago Mine Safety Grants to be used specifically to fund programs that provide hands-on mine safety skills training and certification in mine rescue and mine emergency response; to the Committee on Education and the Workforce.

By Mr. MCKINLEY (for himself, Mr. CARTWRIGHT, and Mr. NUGENT):

H.R. 4607. A bill to amend title 18, United States Code, to authorize the Director of the Bureau of Prisons to issue oleoresin capicum spray to officers and employees of the Bureau of Prisons; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Mr. BROWN of Georgia, Ms. SLAUGHTER, Mr. MASSIE, Mr. HASTINGS of Florida, Mr. GARAMENDI, Mr. STOCKMAN, Mr. YOHIO, Mr. JONES, Mr. AMASH, Mr. POSEY, Mr. CONYERS, and Mr. ELLISON):

H.R. 4608. A bill to repeal the Authorization for Use of Military Force, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN:

H.R. 4609. A bill to amend SAFETEA-LU to ensure that projects that assist the establishment of aerotropolis transportation systems are eligible for certain grants, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COHEN:

H.R. 4610. A bill to direct the Secretary of Transportation to establish a grant program to assist the development of aerotropolis transportation systems, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COURTNEY (for himself, Mr. PAYNE, Mr. GEORGE MILLER of California, Mr. TIERNEY, and Mr. BISHOP of New York):

H.R. 4611. A bill to amend the Fair Labor Standards Act of 1938 to ensure that employees are not misclassified as non-employees, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DESANTIS (for himself, Mr. SALMON, Mr. POSEY, and Mr. BENTIVOLIO):

H.R. 4612. A bill to amend the eligibility requirements for funding under title IV of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. GARCIA (for himself and Mr. RODNEY DAVIS of Illinois):

H.R. 4613. A bill to authorize the Small Business Administrator to establish a grant program to empower encore entrepreneurs; to the Committee on Small Business.

By Mr. HUFFMAN (for himself and Mrs. LUMMIS):

H.R. 4614. A bill to enhance and clarify the ability of the National Park Service to work cooperatively with Park Partners to better use philanthropic and other non-Federal investments to achieve common objectives, public purposes and benefits, and for other purposes; to the Committee on Natural Resources.

By Mr. KING of New York (for himself, Mr. PERLMUTTER, Mr. MCKINLEY, Mr. WELCH, and Mr. PETERS of California):

H.R. 4615. A bill to improve the accuracy of mortgage underwriting used by Federal mortgage agencies by ensuring that energy costs are included in the underwriting process, to reduce the amount of energy consumed by homes, to facilitate the creation of

energy efficiency retrofit and construction jobs, and for other purposes; to the Committee on Financial Services.

By Mr. O'ROURKE (for himself and Mr. COOK):

H.R. 4616. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide veterans the option of using an alternative appeals process to more quickly determine claims for disability compensation; to the Committee on Veterans' Affairs.

By Mr. REED (for himself, Mr. NUNES, Mr. KELLY of Pennsylvania, Mrs. BLACK, Mr. REICHERT, Mr. GRIFFIN of Arkansas, and Mr. YOUNG of Indiana):

H.R. 4617. A bill to condition the eligibility of disabled children aged 16 or 17 for supplemental security income benefits on school attendance; to the Committee on Ways and Means.

By Mr. RICHMOND (for himself, Mr. CONYERS, Mr. RANGEL, Mr. DANNY K. DAVIS of Illinois, Mr. GRIJALVA, Mr. CÁRDENAS, Mr. ELLISON, Ms. KAPTUR, Ms. BASS, Ms. KELLY of Illinois, Mr. POLIS, Mr. HASTINGS of Florida, Ms. MOORE, Ms. WILSON of Florida, Ms. JACKSON LEE, Ms. NORTON, Mr. HONDA, and Mr. THOMPSON of Mississippi):

H.R. 4618. A bill to develop and implement national standards for the use of solitary confinement in the Nation's prisons, jails, and juvenile detention facilities; to the Committee on the Judiciary.

By Mr. SCHOCK (for himself and Mr. BLUMENAUER):

H.R. 4619. A bill to amend the Internal Revenue Code of 1986 to make permanent the rule allowing certain tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Ms. DELBENE, Mr. DEUTCH, Mr. FOSTER, Mr. LARSEN of Washington, Mr. POLIS, Mr. QUIGLEY, and Mr. VELA):

H.R. 4620. A bill to ensure the humane treatment of persons detained pursuant to the Immigration and Nationality Act; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WITTMAN (for himself, Mr. CONNOLLY, and Mr. WOLF):

H.R. 4621. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain combat zone compensation of civilian employees of the United States; to the Committee on Ways and Means.

By Ms. BASS (for herself, Mrs. BACHMANN, Mr. CRAMER, Mr. BARLETTA, Mr. CUMMINGS, Mr. BENTIVOLIO, Mr. DANNY K. DAVIS of Illinois, Mr. BISHOP of Georgia, Mrs. DAVIS of California, Ms. BONAMICI, Mr. DEFAZIO, Mr. BRALEY of Iowa, Ms. DEGETTE, Ms. BROWN of Florida, Ms. DELAURO, Ms. BROWNLEY of California, Mr. DEUTCH, Mrs. BUSTOS, Mr. DOGGETT, Mrs. CAPPS, Ms. EDWARDS, Mr. CÁRDENAS, Mr. ELLISON, Mr. CARSON of Indiana, Ms. FRANKEL of Florida, Mrs. CHRISTENSEN, Mr. FRANKS of Arizona, Ms. CHU, Ms. FUDGE, Mr. CICILLINE, Mr. AL GREEN of Texas, Ms. CLARKE of New York, Mr. GRIJALVA, Mr. CLAY, Ms. HAHN, Mr. CLEAVER, Mrs. HARTZLER, Mr. CON-

YERS, Mr. HASTINGS of Florida, Mr. COOK, Mr. HECK of Washington, Mr. COOPER, Mr. HIMES, Ms. JACKSON LEE, Mr. HONDA, Mr. JEFFRIES, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KEATING, Ms. KELLY of Illinois, Mr. KILDEE, Mr. KILMER, Ms. KUSTER, Mr. LANGEVIN, Mr. LATHAM, Ms. LEE of California, Mr. LEWIS, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. SEAN PATRICK MALONEY of New York, Mr. MARINO, Mr. MATHESON, Ms. MATSUI, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MESSER, Mr. MURPHY of Florida, Ms. NORTON, Mr. NUNNELEE, Mr. O'ROURKE, Mr. PALONE, Mr. PAYNE, Mr. PETERS of California, Mr. PETERSON, Mr. PIERLUISI, Mr. POCAN, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. REICHERT, Mr. RICHMOND, Ms. ROYBAL-ALLARD, Mr. SCHIFF, Mr. DAVID SCOTT of Georgia, Mr. SCOTT of Virginia, Ms. SEWELL of Alabama, Ms. SHEA-PORTER, Mr. SIRE, Ms. SPEIER, Mr. STOCKMAN, Mr. TAKANO, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Ms. TITUS, Ms. TSONGAS, Mr. VARGAS, Mr. WAXMAN, Mr. WELCH, Ms. WILSON of Florida, Mr. YARMUTH, Mr. HOLT, and Mr. VEASEY):

H. Res. 577. A resolution recognizing National Foster Care Month as an opportunity to raise awareness about the challenges of children in the foster care system, and encouraging Congress to implement policy to improve the lives of children in the foster care system; to the Committee on Ways and Means.

By Mr. SABLAN:

H. Res. 578. A resolution expressing support for designation of the week of May 11, 2014, through May 17, 2014, as "National Police Week"; to the Committee on the Judiciary.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

199. The SPEAKER presented a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution 440 urging the Congress to reauthorize federally provided terrorism reinsurance for insurers in order to maintain stability in the insurance and reinsurance markets; to the Committee on Financial Services.

200. Also, a memorial of the House of Representatives of the State of Arizona, relative to House Memorial 2001 urging the Congress to restore the presumption of a service connection between Agent Orange exposure and subsequent illnesses to United States Vietnam War veterans; to the Committee on Veterans' Affairs.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. ELLMERS:

H.R. 4605.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. MCKINLEY:

H.R. 4606.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 1 of the Constitution: the Congress shall have the power to provide for the general welfare of the United States.

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. MCKINLEY:

H.R. 4607.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 9 and Section 1 of Article 3 of the Constitution to create and regulate Federal Courts.

By Ms. LEE of California:

H.R. 4608.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. COHEN:

H.R. 4609.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. COHEN:

H.R. 4610.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. COURTNEY:

H.R. 4611.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced under the powers granted to Congress under Article 1 of the Constitution.

By Mr. DESANTIS:

H.R. 4612.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. GARCIA:

H.R. 4613.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to clause 3 of section 8 of article 1 of the U.S. Constitution and clause 18 of section 8 of article 1 of the U.S. constitution.

By Mr. HUFFMAN:

H.R. 4614.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state."

By Mr. KING of New York:

H.R. 4615.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 6

The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. O'ROURKE:

H.R. 4616.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution, "To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

By Mr. REED:

H.R. 4617.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. RICHMOND:

H.R. 4618.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority for this bill stems from Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. SCHOCK:

H.R. 4619.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8 of the United States Constitution.

By Mr. SMITH of Washington:

H.R. 4620.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. WITTMAN:

H.R. 4621.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 24: Ms. LOFGREN.

H.R. 274: Ms. SHEA-PORTER, Mr. DOYLE, Mr. PETERSON, Mr. DAVID SCOTT of Georgia, and Mr. JOHNSON of Georgia.

H.R. 455: Mrs. LOWEY.

H.R. 494: Ms. KELLY of Illinois, Mr. BROOKS of Alabama, and Ms. ESTY.

H.R. 523: Ms. BROWNLEY of California.

H.R. 543: Mr. BISHOP of Utah and Ms. WASSERMAN SCHULTZ.

H.R. 647: Mr. RENACCI.

H.R. 721: Mr. NUNNELEE.

H.R. 831: Mr. McDERMOTT, Mr. WELCH, and Ms. KAPTUR.

H.R. 958: Mr. VAN HOLLEN.

H.R. 962: Mr. POCAN.

H.R. 1008: Ms. KELLY of Illinois and Mr. KILMER.

H.R. 1020: Mr. PETERS of Michigan.

H.R. 1129: Mr. CICILLINE.

H.R. 1146: Mr. KILMER.

H.R. 1148: Mr. KILMER.

H.R. 1250: Mr. RICE of South Carolina and Mr. ELLISON.

H.R. 1354: Mr. RUNYAN.

H.R. 1373: Mr. POCAN.

H.R. 1427: Mr. COBLE.

H.R. 1449: Mrs. BACHMANN.

H.R. 1461: Mr. MILLER of Florida.

H.R. 1462: Mr. MILLER of Florida, Mr. DIAZ-BALART, and Mr. DEFazio.

H.R. 1518: Mr. SALMON.

H.R. 1528: Ms. CLARK of Massachusetts and Mr. SIMPSON.

H.R. 1573: Mr. POE of Texas.

H.R. 1601: Mr. SCHIFF.

H.R. 1717: Ms. BROWN of Florida.

H.R. 1761: Ms. DUCKWORTH.

H.R. 1801: Mrs. DAVIS of California and Ms. NORTON.

H.R. 1840: Mr. MCGOVERN.

H.R. 1843: Ms. CLARK of Massachusetts.

H.R. 1878: Mr. LOBIONDO.

H.R. 2146: Mr. LIPINSKI and Mr. CARTWRIGHT.

H.R. 2315: Mr. MURPHY of Pennsylvania.

H.R. 2415: Mr. BILIRAKIS and Ms. NORTON.

H.R. 2429: Ms. FOX and Mrs. MCMORRIS RODGERS.

H.R. 2484: Mr. VEASEY.

H.R. 2495: Mr. KILMER.

H.R. 2500: Mr. ROSS, Mr. PETERSON, Mr. BERA of California, and Mr. FARR.

H.R. 2520: Mr. CONNOLLY, Mr. HORSFORD, Mr. LARSON of Connecticut, and Mr. THOMPSON of California.

H.R. 2536: Mr. FARENTHOLD.

H.R. 2607: Mr. BISHOP of Georgia.

H.R. 2647: Mr. LOBIONDO.

H.R. 2692: Ms. MATSUI.

H.R. 2744: Mrs. BACHMANN and Ms. BROWNLEY of California.

H.R. 2807: Mr. GIBBS and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2827: Mr. KING of New York and Mr. HASTINGS of Florida.

H.R. 2870: Mr. FOSTER.

H.R. 2969: Mr. KING of Iowa.

H.R. 3077: Mr. PETERSON.

H.R. 3118: Ms. PINGREE of Maine.

H.R. 3184: Mr. STIVERS.

H.R. 3279: Mr. BYRNE.

H.R. 3320: Mr. GRIFFIN of Arkansas.

H.R. 3339: Mrs. BACHMANN.

H.R. 3344: Mr. HUIZENGA of Michigan.

H.R. 3395: Mrs. BUSTOS.

H.R. 3398: Mr. DELANEY, Ms. SPEIER, Ms. ROS-LEHTINEN, Mr. SCHOCK, Mr. SIRE, and Mr. HASTINGS of Florida.

H.R. 3407: Mr. MCGOVERN.

H.R. 3510: Ms. LOFGREN, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mr. DEFazio, and Mr. COHEN.

H.R. 3530: Mr. PETERS of California, Mrs. BACHMANN, Mr. FRELINGHUYSEN, Mr. PEARCE, and Mr. HUDSON.

H.R. 3543: Mr. POCAN.

H.R. 3548: Mr. MORAN, Mr. PETERSON, Ms. JENKINS, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3610: Mr. PETERS of California, Mr. FRELINGHUYSEN, Mrs. BACHMANN, and Ms. WILSON of Florida.

H.R. 3649: Ms. KELLY of Illinois.

H.R. 3698: Mr. RICE of South Carolina.

H.R. 3708: Ms. ESTY and Mr. YOHO.

H.R. 3723: Mr. BILIRAKIS, Mr. JOHNSON of Ohio, and Mr. BUCHSON.

H.R. 3742: Mr. BILIRAKIS.

H.R. 3747: Mr. NOLAN and Mr. KELLY of Pennsylvania.

H.R. 3749: Mr. DOYLE.

H.R. 3782: Mr. GRIJALVA.

H.R. 3852: Ms. DELAURO.

H.R. 3877: Mr. YOHO.

- H.R. 3905: Ms. BROWNLEY of California.  
H.R. 3930: Mr. YODER and Mr. DAINES.  
H.R. 3969: Mr. OLSON.  
H.R. 3988: Mr. BERA of California, Ms. LOFGREN, and Mr. CARTWRIGHT.  
H.R. 4008: Mrs. BACHMANN.  
H.R. 4067: Mr. LOEBSACK.  
H.R. 4068: Mr. GARAMENDI and Mr. BACHUS.  
H.R. 4119: Mr. HASTINGS of Florida.  
H.R. 4143: Mr. WILLIAMS.  
H.R. 4158: Mr. CONAWAY.  
H.R. 4190: Mr. COURTNEY.  
H.R. 4216: Mr. HONDA.  
H.R. 4221: Ms. LOFGREN.  
H.R. 4225: Mr. PETERS of California.  
H.R. 4232: Mr. MCGOVERN and Ms. BORDALLO.  
H.R. 4234: Mr. VISCLOSKEY and Ms. TITUS.  
H.R. 4237: Mr. KING of New York.  
H.R. 4261: Ms. CLARK of Massachusetts.  
H.R. 4265: Mr. HUFFMAN and Mr. FALEOMAVAEGA.  
H.R. 4351: Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 4370: Mrs. ELLMERS.  
H.R. 4374: Mrs. ELLMERS.  
H.R. 4382: Mr. SCALISE.  
H.R. 4383: Mr. STIVERS, Mr. KILMER, Mr. PERLMUTTER, and Mr. HULTGREN.  
H.R. 4395: Mrs. CHRISTENSEN, and Mr. RAHALL.  
H.R. 4411: Mr. BERA of California, Mr. CICILLINE, Mr. CRAMER, Mr. DUNCAN of South Carolina, Mr. FRANKS of Arizona, Mr. GENE GREEN of Texas, Mr. KILMER, Mr. MESSER, Mr. MULVANEY, Mr. RIBBLE, Mr. SCHIFF, Mr. VALADAO, Mr. NOLAN, Mr. YOUNG of Indiana, Mr. STOCKMAN, Mr. JOYCE, and Mr. GARCIA.  
H.R. 4426: Ms. ESHOO.  
H.R. 4430: Mr. DUNCAN of South Carolina, Mr. LONG, Mr. MATHESON, Mrs. McMORRIS RODGERS, and Mr. KINZINGER of Illinois.  
H.R. 4436: Mr. BUCSHON.  
H.R. 4440: Mr. SIRES, Mrs. LOWEY, and Mr. MCNERNEY.  
H.R. 4443: Mr. TONKO, Mr. HIGGINS, Ms. VELÁZQUEZ, Ms. MENG, and Mr. KING of New York.  
H.R. 4447: Mr. AUSTIN SCOTT of Georgia, Mr. MEADOWS, Mr. WEBER of Texas, and Mr. FINCHER.  
H.R. 4450: Ms. MCCOLLUM, Mr. BARBER, and Ms. DUCKWORTH.  
H.R. 4459: Mr. DEUTCH.  
H.R. 4460: Mr. VEASEY and Mr. MCNERNEY.  
H.R. 4461: Ms. LEE of California, Mr. HOLT, Mr. GRIJALVA, Ms. NORTON, Mrs. CHRISTENSEN, Mr. LOWENTHAL, Mr. HUFFMAN, Mr. NADLER, Mr. CARTWRIGHT, Mr. MCNERNEY, Ms. WILSON of Florida, and Mr. MCGOVERN.  
H.R. 4489: Ms. JACKSON LEE, Mr. PRICE of North Carolina, Mr. DANNY K. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Mr. LUETKEMEYER, Mrs. WAGNER, Ms. FUDGE, Ms. KELLY of Illinois, and Ms. CLARKE of New York.  
H.R. 4491: Mr. SCHOCK, Mr. ROONEY, Mr. TERRY, Mr. MILLER of Florida, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. BOUSTANY, Mr. CHABOT, Mrs. BLACK, and Mr. BILIRAKIS.  
H.R. 4509: Mr. CÁRDENAS.  
H.R. 4510: Mr. WESTMORELAND, Mr. LUETKEMEYER, and Mrs. CAROLYN B. MALONEY of New York.  
H.R. 4515: Mr. LANGEVIN, Mr. HONDA, Mr. HASTINGS of Florida, Mr. HOLT, and Mrs. NEGRETE MCLEOD.  
H.R. 4522: Mr. MORAN, Mr. CARTWRIGHT, and Mr. COURTNEY.  
H.R. 4523: Mr. VELA and Mr. HINOJOSA.  
H.R. 4531: Mrs. HARTZLER.  
H.R. 4544: Mr. COSTA, Ms. BASS, Mr. LOWENTHAL, Mr. ELLISON, and Mr. HUFFMAN.  
H.R. 4547: Mr. BROUN of Georgia.  
H.R. 4552: Mrs. LOWEY.  
H.R. 4557: Mr. SHERMAN.  
H.R. 4567: Mr. KILMER.  
H.R. 4578: Mr. HASTINGS of Florida and Ms. MCCOLLUM.  
H.R. 4587: Mr. DESANTIS, Mr. MCCAUL, Ms. WASSERMAN SCHULTZ, Mr. GRIMM, Mr. GRAYSON, and Mr. BILIRAKIS.  
H.R. 4604: Mr. ROKITA, Mr. DUNCAN of South Carolina, Mr. GOSAR, and Mr. PRICE of Georgia.  
H.J. Res. 20: Ms. SPEIER.  
H. Con. Res. 87: Mr. JONES and Ms. MCCOLLUM.  
H. Res. 98: Mr. GENE GREEN of Texas.  
H. Res. 221: Mr. ELLISON.  
H. Res. 231: Mr. ROHRBACHER, Mr. YOUNG of Alaska, Mr. JORDAN, and Ms. SHEA-PORTER.  
H. Res. 329: Mr. GOWDY.  
H. Res. 440: Mr. GRAYSON, Mr. DAVID SCOTT of Georgia, Mr. BOUSTANY, and Mr. RENACCI.  
H. Res. 540: Ms. LINDA T. SÁNCHEZ of California.  
H. Res. 562: Mr. DIAZ-BALART.  
H. Res. 571: Mr. LOBIONDO, Mr. FITZPATRICK, and Mr. MURPHY of Pennsylvania.  
H. Res. 573: Ms. MCCOLLUM, Ms. DELAURO, Mr. HINOJOSA, Mr. CONYERS, Ms. KUSTER, Ms. KAPTUR, Mr. SCHIFF, Ms. ESTY, Mr. RUSH, Ms. WASSERMAN SCHULTZ, Mr. PETERS of Michigan, Mr. LARSON of Connecticut, Ms. TITUS, Mr. HIGGINS, Mr. SARBANES, Mr. DINGELL, Mr. PAULSEN, Mrs. LUMMIS, Mr. HOYER, Mrs. CAROLYN B. MALONEY of New York, Mr. WAXMAN, Mr. VEASEY, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. DANNY K. DAVIS of Illinois, Mrs. ELLMERS, Mr. SHERMAN, Mr. PRICE of North Carolina, Ms. CASTOR of Florida, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. MCGOVERN, Mr. McDERMOTT, Ms. TSONGAS, Mr. GARAMENDI, Ms. MATSUI, Mr. CONNOLLY, Mr. MCCAUL, Mr. COOK, Mr. KEATING, Mr. GRAYSON, Mr. COLLINS of Georgia, Mr. STOCKMAN, Mr. KENNEDY, Ms. MENG, and Mr. ISRAEL.

## EXTENSIONS OF REMARKS

RECOGNIZING COLLEGE OF ST.  
BENEDICT CENTENNIAL**HON. MICHELE BACHMANN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mrs. BACHMANN. Mr. Speaker, I rise today to recognize the College of St. Benedict (CSB) of St. Joseph, Minnesota as it finishes up its centennial school year.

Founded in 1913, CSB became the thirteenth all-female Catholic liberal arts residential college in the United States. Later partnering with the all-male St. John's University, students today enjoy an academic environment committed to sciences, literature and the arts, which the school notes is "to prepare students not only to make a living, but to appreciate the richness and beauty of living as well."

CSB prepares their students well. Alumni have gone on to be successful in a number of different fields, with notable graduates including teachers, doctors, activists, judges, entrepreneurs, and even a college president.

For 100 years, parents have sent their daughters to this historic campus knowing that they will find a learning environment that promotes the Benedictine values—such as stewardship, truthful living, respect, and community—that continue to enrich central Minnesota. And no matter how far their graduates go, whether it be geographically or in their careers, they know that once a Bennie, always a Bennie.

The Class of 2017 led the charge this year as the second century of Bennies. May these students continue to grow in their faith and pursue their dreams under their instructors' guidance, and join the generations of alumni that have done such tremendous work for their community, for their state, and for their country.

Mr. Speaker, I ask this body join with me in honoring the students, alumni, staff, and faculty of the College of St. Benedict for reaching the noteworthy centennial milestone. Here's to another century of quality education.

IN RECOGNITION OF THE 25TH AN-  
NIVERSARY OF LOOK GOOD  
FEEL BETTER**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise today to recognize the 25th anniversary of the Look Good Feel Better program. This free non-medical public service program of the Personal Care Products Council Foundation helps people with cancer look

good, improve their self-esteem, and manage their treatment and recovery with greater confidence.

In the United States alone, nearly 900,000 women have participated in the program which now offers 15,400 group workshops in more than 2,500 locations nationwide. These programs are supported locally by more than 6,000 volunteers.

Look Good Feel Better was founded and developed in 1989 by the Personal Care Products Council Foundation, a charitable foundation established by the leading national trade association representing the global cosmetic and personal care products industry. The program is available across the country and around the world in 25 countries.

Look Good Feel Better is a collaboration of the Personal Care Products Council Foundation; the American Cancer Society, Inc., the nation's largest voluntary health organization dedicated to ending cancer and saving lives; and the Professional Beauty Association, the largest organization of salon professionals with members representing salons/spas, distributors, manufacturers and beauty professionals. These organizations work together to provide free group workshops, makeup kits, individual consultations, support resources, and more to help cancer patients thrive during treatment and recovery.

I ask my colleagues to join me in congratulating the Look Good Feel Better program and all of its sponsors and volunteers for 25 years of success in offering this unique and vital program for people living with cancer.

IN RECOGNITION OF JANICE  
BYRGE ON CELEBRATING 50  
YEARS AT CORNING INC. IN  
HARRODSBURG, KY**HON. BRETT GUTHRIE**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. GUTHRIE. Mr. Speaker, I rise today in recognition of Janice Byrge. On Thursday, May 15, Janice will celebrate 50 years with Corning Inc. Corning, known for its glass products, has grown in Harrodsburg. Some of the most cutting-edge projects are being worked on in Harrodsburg, including Corning Gorilla Glass.

This growth and the great successes of Corning, is due in large part to the employees. One of those employees is Janice.

A Harrodsburg native, Janice has spent half a century exemplifying the hard and quality work being done at Corning Inc. From her early days in ophthalmic, to sheet glass operations, to today's role of being a store room attendant, Janice has been a fixture of the Harrodsburg plant.

Janice still resides in Harrodsburg with her husband David. She is the proud mother of

Tammy, the beaming grandmother of Jeremy and a loving great-grandmother.

I applaud Janice on this milestone anniversary, and for her dedication to the job. Please accept my best wishes for today and the years to come.

THE VETERANS OF  
PENNSYLVANIA'S 11TH DISTRICT**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. BARLETTA. Mr. Speaker, I rise to honor the brave men and women from Pennsylvania's 11th district who served our country during World War II and the Korean War.

Today, many of Central Pennsylvania's veterans have travelled to Washington, DC to view the monuments erected in their honor and pay respects to the soldiers who gave the ultimate sacrifice and are laid to rest in Arlington National Cemetery. In WWII and the Korean War, these individuals fought courageously and valiantly against enemy forces to protect the freedoms of not only Americans, but also people throughout the world. It is important that we continue to ensure that these American heroes receive the honor and respect that they deserve. This trip demonstrates that we as a state and as a country will never forget the debt we owe those who have worn our nation's uniform.

Mr. Speaker, the men and women who served in our nation's armed forces provided an invaluable service to sustain our country's freedom. Therefore, I thank these individuals and their families for their sacrifice and commend them for their dedication to preserving our American way of life.

TRIBUTE TO MICHAEL  
DOUGHERTY**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mrs. MCCARTHY of New York. Mr. Speaker, it is always an honor to take note of a public servant who goes above and beyond the official description of their job. One such person is a constituent of mine, Michael Dougherty. Officer Dougherty and a colleague came to the aid of a man suffering a seizure and they acted to save his life.

Michael Dougherty and his colleague Paul Markowski are Behavior Detection Officers at La Guardia Airport in Queens, NY. They were headed across the parking lot on April 13th after their shifts when they saw a man signaling for help. The two Officers took charge

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the situation, got the man in a stable position and made sure he did not fall and injure himself. After stabilizing the man, the two officers, now assisted by others, quickly called for an ambulance and the man was taken to a hospital for treatment. These prompt and heroic actions likely saved a life.

As a former nurse, I know that all public service workers pledge to do their best to serve and protect the public, but it is altogether fitting that from time to time we stop to honor those who personify service. I commend Michael Dougherty and Paul Markowski for their actions and wish them many more years of service.

CELEBRATING THE 100TH ANNIVERSARY OF THE 1914 SMITH-LEVER ACT

**HON. BRAD R. WENSTRUP**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. WENSTRUP. Mr. Speaker, I join with Ohioans in the Second District in celebrating the 100th anniversary of the 1914 Smith-Lever Act.

As we entered the 20th Century, America's scientists and researchers were at the forefront of scientific and technological developments that helped pave the way for unprecedented economic growth and prosperity.

Many of these innovations were developed at our nation's great land-grant universities, and Smith-Lever was able to connect these collegiate discoveries to hard working farmers and families across rural America through extension programs.

As the law sets forth, extension programs would be established to diffuse and distribute the "useful and practical" information for agriculture, home economics, and rural energy, and have adopted an expanded mission over the last century to include 4-H, farmers, Master Gardeners, and Consumer Sciences.

In Ohio, our extension offices and staff continue this one hundred year-tradition. Our counties and families continue to benefit from educators bringing the latest best practices to local communities in a practical and meaningful manner.

And as America remains at the forefront of discovery, the extension program will continue to diffuse new knowledge throughout our communities.

CONGRATULATIONS TO THE LAKE HAVASU MARINE ASSOCIATION

**HON. PAUL A. GOSAR**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. GOSAR. Mr. Speaker, I rise today to congratulate the Lake Havasu Marine Association on being awarded the 2013 Hollister Award for Outstanding Service in the Field of Boating Safety. The Lake Havasu Marine Association (LHMA) has made impressive progress since it was founded over 30 years

ago. I would like to specifically recognize their "Pack it In, Pack it Out," "Designated Operator," and Lake Havasu River Channel projects.

The "Pack it In, Pack it Out" campaign was created in 2008 by the members of the LHMA and paid for by funding from private donors. Through this program, 150,000 trash bags have been provided to boaters each year. Over the span of four years, 450,000 bags have been distributed and over one million pounds of trash have been removed from the shorelines of Lake Havasu.

The LHMA also assisted in the development of the "Designated Operator" campaign spearheaded by Carl Flusche, Vice Chairman of the Association. The aim of this campaign is to reduce the incidence of accidents and fatalities related to alcohol use on the Colorado River and Lake Havasu. One of the unique and innovative elements of the program is the creation of latex wristbands that are designed and purchased by sponsors and distributed to "designated boat operators" who have made a commitment to remain sober while operating a watercraft. Local businesses have sponsored the program and provide non-alcoholic beverages at no cost to those who have made this commitment. As the program continues to gain support among the boaters of Lake Havasu, it has also garnered national attention for its efficacy. Thanks to the leadership of Mr. Flusche and the innovative work of the Association, boating safety has improved and there has been a notable increase in the number of boaters taking charge of their safety and utilizing designated watercraft operators.

Finally, the LHMA has supported boating safety by spearheading the Lake Havasu River Channel Project to deepen a channel through shallow delta sediments in a half-mile stretch on the upper side of Lake Havasu. The dredging project increased the channel depth from approximately two feet to four feet. It also marked the channel with buoys to alert boaters of the depth and created a "no wake zone." This project will undoubtedly relieve congestion and increase boating safety.

Congratulations to the Lake Havasu Marine Association for taking these steps to increase boating safety.

IN RECOGNITION OF WILLIAM W. WINGARD

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. PALLONE. Mr. Speaker, I rise today to congratulate William W. Wingard as he is honored as the Greater Spring Lake Chamber of Commerce 2014 Citizen of the Year. Mr. Wingard's contributions to the Spring Lake community are truly deserving of this award and this body's recognition.

Mr. Wingard has been a resident of Spring Lake since his birth in 1927. He has been active in the Spring Lake community and government. He served as a Councilman for 9 years after being elected in 1980. He also served on the Spring Lake Board of Adjustment, the Planning Board and the Juvenile Conference

Committee. In addition to his service to the municipal government, Mr. Wingard was also a 17-year member of the Spring Lake First Aid Squad (where he was also elected president), and an honorary member of the Goodwill Fire Company and Fire Company No. 1.

Outside of his municipal commitments, Mr. Wingard was past president of N.J. Gravel & Sand Company and co-founder of the 200 Club of Monmouth County. He currently serves on the Jersey Shore University Medical Center Foundation.

Mr. Speaker, once again please join me in recognizing William Wingard as he is honored by the Greater Spring Lake Chamber of Commerce as the 2014 Citizen of the Year.

HONORING ST. CLOUD HONOR FLIGHT

**HON. MICHELE BACHMANN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mrs. BACHMANN. Mr. Speaker, I rise today to recognize the final Honor Flight out of St. Cloud, Minnesota during my tenure as their Member of Congress. It has been a highlight of my career to honor our nation's heroes from World War II, Korea, and Vietnam and help them see the monuments built in their honor in Washington.

For many of these veterans this is their first trip to their nation's capital, and their first glimpse of the pivotal role they've played in furthering the cause of liberty. These men and women selflessly and heroically defended America abroad, and for that, simple words of gratitude will never compare to the bravery they exhibited during some of America's darkest hours.

The example set by these men and women has inspired many others to follow in their footsteps. And the efforts and dedication of the Guardians who ensure that the veterans have safe accommodations and assistance throughout their visit also cannot be forgotten.

Mr. Speaker, I ask this body to join me in honoring our nation's heroes from World War II, the Korean War, and the Vietnam War. They truly are the living embodiment of the American values and freedoms we hold so dear. Minnesota Veterans aboard the final Honor Flight from St. Cloud, Minnesota to Washington, DC, on April 22, 2014 for submission into the CONGRESSIONAL RECORD.

Werner Leland Allen, Paul Clinton Anderson, Oliver Newton Anderson, Edwin Theodore Aschenbrenner, Donald Dean Baustian, Leland Lorell Bennett, Richard John Bernick, Alfred Irwin Betcher, Bernard Nicholas Bitzan, Wayne Elwood Bonkrude, Vernon Lee Butson, James Edward Carpenter, Harold Lee Carver, Bruce Kay Cottingham, Robert John Danaher.

George Harvey DeMarais, Paul Eugene Demarce, Richard Vernon Forbes, Oran Everett Goodell, Orville Charles Haan, Donald Herman Handahl, Cletus Marcel Hohn, Wallace Allen Jacobson, Carl Raymond Johnson, Robert Jermaine Johnson, Paul Joseph Jost, William Jackson Kathman, Donald Herman Krueger, Bryon Lee Kunkel, Bernard Louis Lieder.

Harry Edwin Lindbloom, Eugene Burton McKee, Carl August Morris, Emery Marshal



Nelson, Verne Francis Rech, Thomas Daniel Routhe, Robert Leon Ruplinger, Elmer Peter Schumer, Kenneth Alan Tessmer, Robert 01lie Uppgaard, Robert Allen Walters, Gerald Fredrick Wright, John Arthur Adelman, George William Aleshire, Gerald Dean Ankerfelt.

Clarence Louis Beckmann, Rudolph George Beilke, Kenneth Joseph Belkolm, Gerald James Benusa, Eugene Joseph Borgert, Donald Norman Bungum, Edward Henry Burggraff, Kenneth Burton Christiansen, George Wilford Courier, Ervin Carl Damlow, Lyle Edward Doebbeling, Clarence Herman Fischer, James Earl Gloege, Douglas John Goenner, Peter Gronewold, Chester Engnor Hopland, Donald John Huberty, Elmore Virgil Johnson, Richard Matthew Kahlhamer, John Thomas Keefe, Rodney Clark Kenyon, Ronald Eugene Krebs, Willard Harvey Krueger, Marvin Virgil Kumpula, Ernest Dominic Lewandowski, Ervin Daniel Lewandowski, Vernon George Maslow, Aloys Herman Meyer, Francis Charles Mortier.

Robert Howard Pellow, Roger Jerome Robeck, Gerald Sylvester Roering, DuWayne Herbert Sabrowsky, Allen Dale Simonson, Lester Reynold Thies, Richard Arlen Underdahl, Chauncey Edward Van Hatten, Dayle Jacob Von Holdt, Joseph Frank Wallschlaeger Sr., Cornelius Ni Warzecha, Ronald Duane Weiss, Richard Jake Wolf, Charles Wood Wright, Norbert Joseph Zahler, Donald Bernard Zahler.

#### PERSONAL EXPLANATION

##### HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. ROYCE. Mr. Speaker, I was unavoidably detained and not present for rollcall vote 194. Had I been present, I would have voted "yes."

#### UKRAINE'S ELECTIONS— LEGITIMATE AND HEROIC

##### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. SMITH of New Jersey. Mr. Speaker, in a little more than two weeks, Ukraine will be holding presidential elections while Russia continues its campaign of aggression and destabilization. The evidence overwhelmingly indicates that the pro-Russian separatist militants that have been operating in parts of eastern Ukraine act at the behest and direction of the Russian government. President Putin has already said that the Ukrainian elections are illegitimate.

Yesterday Putin softened his tone with respect to the May 25 elections. Yet at this point words mean little unless they are matched by deeds. Putin has also claimed that the tens of thousands of troops deployed on Ukraine's border are being pulled back, yet so far there is no evidence that this is happening.

The upcoming elections are legitimate—and more than legitimate. They are heroic—many people will be taking real risks of future reprisals in voting. Yet according to a recent IRI

poll, an overwhelming 84 percent of Ukrainian citizens said they will definitely or are likely to vote in the elections, including a substantial majority in the two regions in which the militants are active. The vast majority of Ukrainians do not support the separatist movement, and wish to remain in a united Ukraine. It is up to the Ukrainian people—and only the Ukrainian people—to decide their own future through democratic means. It is not up to Russia—whose President famously said that the collapse of the Soviet Union was a "major geopolitical disaster . . . a genuine tragedy". These are views shared by few of the people living in Ukraine, whether they consider themselves Ukrainian or Russian, and few of the people living in the other non-Russian former Soviet republics.

The real tragedy here is the suffering of so many innocent people at the hands of militants, extremists, and hooligans—including the OSCE military monitors who were held hostage by the pro-Russian militants for more than a week. The militants have murdered a number of pro-Ukrainian activists and have kidnapped, threatened and intimidated others, including journalists who simply favor democracy and free speech. Some 40 people are in captivity in the separatist hotbed of Sloviansk alone. Minorities also have reason to be concerned—militants have attacked the Roma community and among Russian special forces in Ukraine are members of neo-Nazi and anti-Semitic groups. And over the weekend, we saw the terrible clashes in Odessa that resulted in the deaths of more than 40 people.

We must not forget Crimea, where the Russians are consolidating power and taking measures against Crimean Tatars and ethnic Ukrainians. The revered long-time Crimean Tatar leader and former Soviet political prisoner, Mustafa Dzhemilev, has been banned from returning to his homeland. Other activists have been attacked and threatened.

An overwhelming majority of Ukrainian citizens, even in the two regions where the pro-Russian separatists are most active and where most of the violence is taking place, don't wish to join Russia, and certainly don't want war.

I welcome U.S. and international assistance to Ukraine's democratic and economic development, including for the upcoming elections. Especially important is helping Ukraine strengthen the rule of law and overcome the devastating legacy of corruption left in the wake of the ruinous Yanukovich regime.

The U.S. and international community should redouble efforts to counter Russian aggression and to support the Ukrainian people's overwhelming aspirations for peace, freedom, democracy and economic well-being. We must stand shoulder-to-shoulder with those who want dignity, peace and freedom, in solidarity against those seeking to impose foreign autocracy and imperial rule.

#### HONORING SALLY D. CHESTER

##### HON. LOIS FRANKEL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Ms. FRANKEL of Florida. Mr. Speaker, I rise today to honor Sally D. Chester, a truly in-

spiring nurse from my district and recipient of the Palm Beach County Medical Society's 2014 Heroes in Medicine Humanitarian Award.

Throughout her career Sally has provided outstanding service to those in her local community. As chair of the Palm Beach County Medical Society, she united physicians in improving the community's health and as president of Leadership Palm Beach County, she educated and united leaders in building a better community.

In 2004, when her husband, Don, became a quadriplegic following a devastating accident, she stood by him as his primary caregiver and became involved with service dog training. As a cofounder of Genesis Assistance Dogs and board member of New Horizons Service Dogs, she works to transform the lives of people with disabilities, including our veterans, through the training and placement of assistance dogs.

In honor of her inspiring service for our community, I am pleased to recognize Sally D. Chester, R.N., and wish her continued success in all of her endeavors.

#### PERSONAL EXPLANATION

##### HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. WEBSTER of Florida. Mr. Speaker, on rollcall No. 204, had I been present, I would have voted "yes."

#### KEVIN O'DONNELL

##### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. BARLETTA. Mr. Speaker, I rise to honor Kevin O'Donnell who is receiving the 2014 Greater Hazleton Friends of Scouting Distinguished Citizen of the Year award.

Mr. O'Donnell is the president of CAN DO, Inc. which is a private, non-profit industrial/economic development corporation serving the Greater Hazleton area in Northeastern Pennsylvania. He began his career with CAN DO in 1973 as assistant director, and in 1984, was named director, a title that was changed to president in 1995 and one that he continues to hold today.

The Greater Hazleton Friends of Scouting Distinguished Citizen award recognizes individuals who set a positive example for others and demonstrate selfless concern and care for their communities. For the past 40 years, through his work with CAN DO and other efforts, Mr. O'Donnell has attracted regional, national, and global companies to do business in Northeastern Pennsylvania, which in turn has created thousands of jobs and produced hundreds of millions of dollars for the local economy.

In addition to his most recent award, Mr. O'Donnell has been recognized countless times for his selfless contributions to the community. In 1984, he was the first individual ever named, "Developer of the Year" by the

Pennsylvania Economic Development Association. In 2006, he received the Ben Franklin Innovation Award "Special Achievement" for contributions to the Great Valley Technology Alliance, and in 2009, he was inducted into the Northeast Pennsylvania's Business Hall of Fame. Mr. O'Donnell has also been recognized for his work as a former officer and member of several local educational institutions and community and civic groups. He currently is on the board for the Wiltsie Center for the Performing Arts and serves as a member of the Hazleton Civic Partnership Advisory Committee. In addition, he is a member of the Hazleton Rotary Club.

Mr. Speaker, Mr. O'Donnell has made countless contributions to improving life for residents of Northeastern Pennsylvania. Therefore, I commend him for his hard work and congratulate him on receiving the 2014 Distinguished Citizen of the Year award from the Greater Hazleton Friends of Scouting.

RECOGNIZING COACH FRED  
PENNINGTON

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. WEBSTER of Florida. Mr. Speaker, it is my privilege to recognize Coach Fred Pennington of Evans High School. Coach Pennington began his coaching career at Evans in 1959 as the school's junior varsity basketball coach. His leadership was immediately evident, and after becoming the school's varsity basketball coach, his first varsity team won 20 games in the 1961–1962 season. Coach Pennington's 1968 team was state runner-up, and in 1975, he led the Trojan team to victory in the state championship. One of his players, Darryl Dawkins, became the first player drafted directly out of high school into the NBA.

While we celebrate Coach Pennington's public successes, the unwritten story of his influence is his undoubted impact on young people's lives. He inspired young people to meet high standards, to function as part of a team, and to achieve set goals. In the process, he gave them important tools with which they could improve their lives and the lives of others.

Throughout his career, Coach Pennington has demonstrated outstanding leadership on and off the court. It is my distinct honor to recognize Coach Pennington for his dedication to the students and athletes of Central Florida.

RECOGNIZING 50TH ANNIVERSARY  
OF THE TOWN OF PESHTIGO  
FIRE DEPARTMENT

**HON. REID J. RIBBLE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. RIBBLE. Mr. Speaker, I rise today to recognize the 50th anniversary of the Town of Peshtigo Fire Department. The Town of Peshtigo, with the assistance of its neighbors

in the City of Marinette, passed a resolution to purchase the necessary fire equipment to get started in 1963. The first meeting of the Town of Peshtigo volunteer firefighting company occurred on April 28, 1964. A few months after this meeting, the town board officially created the Town of Peshtigo Fire Department with Howard Rettke being named Chief.

Since the beginning, the Town of Peshtigo has continually made the safety of these firefighters a priority by investing in the most modern technology. The Town of Peshtigo Fire Department has worked closely with surrounding communities to foster better coordination and faster response times to better protect the lives and property of their friends, families and neighbors.

The department plans to mark this anniversary on June 21 at Badger Park in Peshtigo with live music, a pig roast and waterball competition with other firefighters from the greater Peshtigo area. As Congressman, I am proud of the work being done by fire departments throughout the 8th District and I encourage the residents in Northeast Wisconsin to join with me in celebrating the Town of Peshtigo Fire Department's 50th anniversary.

PERSONAL EXPLANATION

**HON. TIM GRIFFIN**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. GRIFFIN of Arkansas. Mr. Speaker, on Tuesday, May 6, 2014, and Wednesday, May 7, 2014, I missed eleven votes as I was home in Arkansas continuing my work in dealing with the aftermath of the devastating storm that hit my district, including a visit with the President of the affected area in Vilonia, Arkansas.

Had I been present, I would have voted "aye" on rollcall vote 194, "aye" on rollcall vote 195, "no" on rollcall vote 196, "aye" on rollcall vote 197, "aye" on rollcall vote 198, "aye" on rollcall vote 199, "aye" on rollcall vote 200, "aye" on rollcall vote 201, "no" on rollcall vote 202, "aye" on rollcall vote 203, and "aye" on rollcall vote 204.

IN RECOGNITION OF THE AMERICAN SOCIETY OF CLINICAL ONCOLOGY

**HON. PATRICK MEEHAN**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. MEEHAN. Mr. Speaker, I rise today to recognize the American Society of Clinical Oncology on 50 inspiring years of innovative cancer research and treatment.

Many Americans have a close connection to this terrible disease, whether they have survived it themselves or cared for a loved one who suffered through cancer. It galvanizes all of us to push for new early detection methods as well as new treatments.

In 1964, the seven founding physicians who created the American Society of Clinical On-

cology came together with a vision for a professional society that would educate other physicians on treatment methods. At that time, cancer was largely untreatable and only a handful of hard-to-tolerate therapies were available.

Fifty years later the American Society of Clinical Oncology has almost 35,000 members worldwide. The number of drugs available to treat different types of cancer has steadily increased over the years thanks to some of these physicians. Today more than two-thirds of patients with cancer are alive five years after their diagnosis. This is a true testament to the groundbreaking research and diligent work of so many in this field.

Mr. Speaker, I commend the American Society of Clinical Oncology for their leadership in the fight against cancer. It is my sincere hope that this and other research avenues will lead to new discoveries to better detect cancer and save lives.

RECOGNIZING THE U.S. COAST  
GUARD'S 9TH ANNUAL CHANNEL  
ISLANDS HARBOR SAFE BOATING  
EXPO

**HON. JULIA BROWNLEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Ms. BROWNLEY of California. Mr. Speaker, today I rise in recognition of the U.S. Coast Guard's 9th Annual Channel Islands Harbor Safe Boating Expo, which recognizes May 17 through 23, 2014 as National Safe Boating Week. The event also marks the start of the year-round effort to promote safe boating.

With an average of 700 people dying each year in a boating-related accident, approximately 71% of these fatalities are caused by drowning. The vast majority of these accidents are caused by human error and/or poor judgment, not by faulty equipment or environmental factors. It is known that a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets. It is crucial that the public stay educated about boating safety and the ways in which they can protect themselves and others.

At the Channel Island Harbor Safe Boating Expo, attendees will be able to watch offshore helicopter and fire rescue demonstrations, as well as flare inspection and disposal services, vessel safety exams and other hands-on exhibits. The event will also be attended by the American Red Cross, the Coast Guard Auxiliary, Channel Islands Harbor Patrol, Oxnard Police/Fire Dive Team, the Channel Islands National Park, Ventura County Sheriff Rescue, Ventura County Fire Department, National Oceanic and Atmospheric Administration (NOAA) Weather Service, Channel Islands National Marine Sanctuary and Ventura Sail and Power Squadron. These attendees represent the collaborative efforts and partnerships that we have in Ventura County.

This important and engaging community event is hosted by the United States Coast Guard Station Channel Islands Harbor, a multi-mission unit that conducts Search and

Rescue, Homeland Security, Maritime Law Enforcement, Counter Drug & Alien Migrant Interdiction Operations, Marine Environmental Protection and Boating Safety from Point Dume, CA, to Point Conception, CA, and out 50 nautical miles. Their area of responsibility also includes the gorgeous Channel Islands in Ventura and Santa Barbara Counties. The station is also homeport to the 87-foot Patrol boat USCGC *Blacktip* and ESD Detachment Oxnard.

I want to congratulate the U.S. Coast Guard on their ongoing efforts to educate our community about recreational water safety and join them in supporting the campaign efforts of National Safe Boating Week.

IN RECOGNITION OF DAVID J. WENZEL, RECIPIENT OF THE 2014 AMOS LODGE AMERICANISM AWARD

### HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. CARTWRIGHT. Mr. Speaker, today I rise in recognition of David J. Wenzel, recipient of the 2014 Amos Lodge Americanism Award. This honor recognizes a lifetime of outstanding community service best exemplifying the American spirit. A native of Scranton, he proudly served as Scranton's 27th mayor from 1986 to 1990, and has supported many public, civic, and charitable causes both before and after his distinguished term.

A trained Army officer, David Wenzel served in Vietnam as a First Lieutenant, commanding the mortar platoon of A Company of the American Division. While leading his men in occupying an area near the battalion fire base, he stepped on a land mine and was almost killed. The explosion took both his legs and caused other serious injuries, but Wenzel survived. Upon his return home, he underwent four major operations and an intense rehabilitation, but walked out of the Valley Forge Army Hospital on two prosthetic legs. He received a Bronze Star, the Purple Heart, the South Vietnam Medal, and the Combat Infantryman's Badge in recognition of his outstanding service and sacrifice for his country.

As Mayor of Scranton, Wenzel oversaw an active administration that accomplished a great deal during a period of renaissance and progress for the city. During his term, Scranton began to implement plans for the Mall at Steamtown and established flood control projects to aid in the recovery from Hurricane Gloria. He emphasized full cooperation with the city's growing neighborhood associations and made the city a leader in access for the disabled. Under his leadership, Scranton earned the moniker "Tree City" for the city's commitment to plant thousands of trees in an urban environment. Throughout his term, David embodied honesty, integrity, and co-operation in working with the city council to serve the people of Scranton.

After his term as Mayor, David Wenzel continued serving his community at the Schemel Forum at the University of Scranton, where he still teaches today, and as an advisor to many

veterans associations. He has served on the Boards of the United Way, Allied Services, Mayor's Prayer Service, Scranton/Pocono Girl Scout Council, Deutsch Institute, American Legion, and the University of Scranton's Board of Regents. Wenzel was also named the Disabled Veteran of the Year in Pennsylvania and the National Disabled Veteran of the Year.

I am proud to congratulate David Wenzel on this award recognizing his voluminous service to his country and the city of Scranton. His record of serving others embodies the ideals of our country, and he is a role model for all Americans to emulate.

CONGRATULATING ADAMS COUNTY HEALTH AND WELLNESS COALITION

### HON. BRAD R. WENSTRUP

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. WENSTRUP. Mr. Speaker, congratulations to Adams County for being awarded the Healthy Ohio Healthy Community GOLD award from the Ohio Department of Health!

As a physician, I know the importance of preventative care and the impact of lifestyle choices in creating healthy communities. The leaders in Adams County are to be commended for their efforts.

As we empower residents and families to make healthier choices, we all thrive as a community. Promoting healthy options at home and in the workplace is a positive mission for everyone.

Specifically, the Adams Brown Creating Healthy Communities Program and the Adams County Health & Wellness Coalition deserve recognition. These programs, in collaboration with the Adams County Regional Medical Center Diabetes team, Adams County Court of Common Pleas, and local employers like General Electric, have made effective progress in working towards a healthy and effective workforce and county.

I am excited to watch Adams County's continued success and thank their leaders for working to improve the well-being of all their residents.

RECOGNIZING NATIONAL MPS AWARENESS DAY

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. MARCHANT. Mr. Speaker, I would like to recognize the National MPS Society for their 40 years of supporting families while searching for cures for this genetic disease. Mucopolysaccharidosis or MPS is a group of genetically determined lysosomal storage diseases that render the human body incapable of producing certain enzymes needed to break down complex carbohydrates. The damage caused by MPS on a cellular level adversely affects the body and damages the heart, respiratory system, bones, internal organs, and

central nervous system. MPS often results in intellectual disabilities, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span. Symptoms of MPS are usually not apparent at birth and without treatment; the life expectancy of an individual affected begins to decrease at a very early stage in their life. Research towards combating MPS has resulted in the development of limited treatments for some of the MPS diseases.

I ask my colleagues and their staff to join me in recognizing May 15, 2014 as National MPS Awareness Day. This is an important time during which the MPS disease community will help increase the awareness of this devastating disease, as well as supporting research to improve treatments, find cures and receive early diagnosis. The MPS families are encouraged to reflect and support each other and to reach out to those families who have lost loved ones to MPS. By wearing their purple ribbons and sharing these ribbons within their community, they are increasing public awareness about this disease. This date is also the start of the National MPS Run/Walk season along with other local community activities to raise awareness along with money for research and for family assistance programs. I commend the National MPS Society and their many volunteers for an unwavering commitment to bring about awareness of this disease and to continue to advocate for federal legislation to streamline the regulatory processes and to speed effective treatments and cures for their loved ones. More must be done to find cures and effective treatments, but let us reflect on the importance of this day. I ask that all of my colleagues join me in commemorating National MPS Awareness Day.

RECOGNIZING THE 90TH ANNIVERSARY OF THE POINT PLEASANT FIRE CO. #1

### HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. FITZPATRICK. Mr. Speaker, on the 90th anniversary of the Point Pleasant Fire Co. #1, we recognize the spirit and unflinching courage of dedicated volunteers who run to the rescue—ready to protect their neighbors and the community—since 1924. The Point Pleasant Fire Co. now has grown into a much larger fire organization with many more well-trained volunteers who comprise the complement of firefighters and dive and technical rescue teams. Also, on his day, we may reflect on the generations of firefighters and company officers who answered the call. They are an integral part of the great history of the Point Pleasant Fire Co. and their service will be remembered as an example of the true spirit of first responders everywhere. Today's firefighters continue to set an example of public service and volunteerism for others to follow and the community is grateful to those who contribute to this effort.

# HONORING THE 50TH ANNIVERSARY OF THE HOUND EARS CLUB

## HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2014

Ms. FOXX. Mr. Speaker, I rise today to recognize the Hound Ears Club, a community-minded club nestled in the Blue Ridge Mountains near the towns of Blowing Rock, Boone and Banner Elk; and the Robbins Family, who had the vision to found the club. Chartered in 1964, the Club has provided fifty years of community service and economic benefits to the people of Watauga County, North Carolina.

Over the years, Hound Ears Club members have raised hundreds of thousands of dollars to benefit many Watauga County charities. Members and residents have served, and continue to serve, on the boards and among the ranks of these charities.

Over the past fifty years, the Hound Ears Club has made valuable contributions to the economic needs of the citizens of Watauga County through capital investment projects, local business patronage, college scholarships, real estate development and perhaps most importantly, by providing jobs in the community. Hound Ears members and the Robbins Family have contributed tremendously to the success of Watauga County's tourism industry.

I commend the Hound Ears Club for its fifty years of serving Watauga County, and wish the members all the best as they embark on fifty more.

# UNION INSTITUTE & UNIVERSITY'S 50TH ANNIVERSARY

## HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2014

Mr. CHABOT. Mr. Speaker, the year 2014 marks the 50th anniversary of Union Institute & University, a private, non-profit, accredited university, designed exclusively for adults seeking academic programs that transform lives and communities.

Headquartered in Cincinnati, Ohio, with centers in California, Florida, and Vermont, Union's vision is to engage, enlighten, and empower motivated adults in their pursuit of a lifetime of learning and service. This forward-facing institution now serves 2,000 students around the nation and offers undergraduate, master's, and doctoral degrees and certificates. Union Institute & University pioneered many of the concepts now common in higher education, including distance and online education, individualized self-paced programs, and an abiding commitment to adults seeking transformative education.

Today, the university's 15,500 alumni—including the Most Honorable Prime Minister of Jamaica, Portia Simpson Miller, and our esteemed colleague, the Honorable Congressman from Illinois, Dr. Danny Davis—are trans-

forming lives and communities, and making a difference wherever they live and work.

## HONORING DON RUST

## HON. JASON T. SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2014

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor Mr. Don Rust who on May 1, 2014, retired as Fire Chief for the city of Houston, Missouri.

Don began his career in the fire department in January of 1976 and has served as the Chief of the Houston department for the past thirty one years. During his tenure, Don has an exceptional list of accomplishments. Don oversaw the construction of a new fire station, created the Junior Fire Fighter Program to attract younger recruits, improved the department's insurance rating, and significantly improved fire fighter pay.

Don also sat on numerous committees and served his community in various ways. He was the County Civil Defense Director, served on the Houston Planning and Zoning Commission, and supervised the Texas County Rescue. In 2007, Don received the U.S. Presidential Service Award that recognizes volunteerism in the fire service.

Don has been married to his wife Janet since 1975 and is the father of two sons, Darren and David. Both followed in their father's footsteps and have served as firefighters. It is my privilege to recognize Don's achievements before the House of Representatives and I wish him a long and fulfilling retirement.

# AMERICA LOSES WAR HERO WITH PASSING OF EARL BROWN FLATT

## HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2014

Mr. BOUSTANY. Mr. Speaker, I rise today with a heavy heart to commemorate the passing of a great man in our community who served his country as a United States Marine and later as a community leader in South Louisiana.

Earl Brown Flatt joined the Marine Corps in 1941 at the ripe old age of 17. Earl knew from Day One he wanted to serve his country and make a lasting impact for future generations. He accomplished that goal. Participating in the Iwo Jima campaign during World War II, Earl was a proud member of the Marine Corps exemplifying its core values of honor, courage, and commitment.

After his distinguished career in the Marine Corps, Earl took a leading role in the organization of State Farm Agencies in the State of Louisiana. He was a State Farm Insurance Manager for 44 years and retired in 1994. Earl made sure to give back to his community and worked tirelessly to improve it. He helped establish the Crime Stoppers of Lafayette and was very active in the Republican Party of

Louisiana. In addition, he was a charter member of the Oakbourne Country Club. But Earl never wandered very far from the armed services as he served as the President of the Honor Air and arranged 22 flights to Washington, D.C., to visit the memorials. He attended countless funerals throughout Acadiana to honor the lives of fallen soldiers. His patriotism was only matched by his devotion to his family.

Earl is survived by his wife of 62 years, Darlene Storey Flatt of Broussard; two sons, Pat Flatt of Broussard and Jon Flatt of Austin, Texas; two brothers, Wayne Flatt of Dallas, Texas, and Estle Flatt of Nashville, Tennessee; five grandchildren, Rachel, Wesley, Alys, Leigh Anne, and Olivia; and one great-grandson, Cooper.

# PAYING TRIBUTE TO COL. ROBERT PELLETIER

## HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2014

Mr. TERRY. Mr. Speaker, I rise today to honor Col. Robert (Bob) Pelletier, who will retire this year from the United States Army Reserve after 30 years of outstanding service.

Col. Pelletier's career has spanned decades and he has served in various places all over the world including Kuwait, Iraq, Korea, Honduras, Germany, and Afghanistan. He served in both Operation Desert Storm and the Operation Iraqi Freedom.

In 1984 following graduation from The Citadel in South Carolina, Col. Pelletier entered helicopter flight school at Fort Rucker in Alabama. After completing flight school, Pelletier served in the 4th Squadron, 2nd Armored Cavalry Regiment until January of 1989, holding various leadership assignments during his tenure.

In June of 1989, he began his tenure as commander of the Headquarters and Service Company in Kuwait and Iraq. While in the Middle East, Col. Pelletier also served as a Plans and Operation Officer playing an important role in coordinating the United States' efforts in Operation Desert Storm.

At the conclusion of his service in the Middle East, Col. Pelletier continued his service overseas, first in Musan, Korea and later in Honduras, before returning home to the United States in 1995. Col. Pelletier landed in Omaha, NE, after he joined the United States Army Reserves and was placed as the Maintenance Branch Chief of the 561st Corps Support Group.

In 2003, Col. Pelletier traveled to Germany and Kuwait along with the 3rd COSCOM to offer support in Operation Iraqi Freedom becoming the Director of Rail Operations and Reconstruction until March of 2004.

In January of 2009, Col. Pelletier became the Department of Army's Liaison to the Governor of Nebraska for Homeland Security and Defense, a position through which he has offered superb service to the state of Nebraska.

Col. Pelletier has been decorated with many awards for his outstanding service including the Bronze Star with Oak Leaf and a Meritorious Service Medal with Oak Leaf. He is

also the recipient of the Joint Service Commendation Medal along with the Army Achievement Medal.

Col. Pelletier and his wife, Terry are current residents of Omaha, NE where he is a Regional Operations Manager for the Union Pacific Railroad.

Mr. Speaker, please join me in congratulating Col. Robert Pelletier for his outstanding 30 years of service to our country and the state of Nebraska.

## OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,484,285,711,524.06. We've added \$6,857,408,662,610.98 to our debt in 5 years. This is over \$6.8 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

## CONDEMNING CHINA FOR VIOLATING VIETNAM'S SOVEREIGNTY IN THE SOUTH CHINA SEA

**HON. ENI F. H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. FALEOMAVAEGA. Mr. Speaker, as Ranking Member of the House Foreign Affairs' Subcommittee on Asia and the Pacific, which has broad jurisdiction for U.S. policy affecting the region, including Vietnam and China, I rise today to strongly condemn China for violating Vietnam's sovereignty in the South China Sea and to call upon the U.S. to issue a clear and decisive statement of response.

On May 2, 2014, China anchored HD981 rig in Vietnamese waters and deployed dozens of naval vessels to support its provocative actions. On May 3 and May 5, China issued notices banning all vessels from entering the area and stating that HD981 rig will conduct exploratory drilling. HD981 is anchored totally within the Exclusive Economic Zone (EEZ) and continental shelf of Vietnam, about 120 nautical miles from Ly Son island of Vietnam.

I thank U.S. Senator JOHN MCCAIN for his leadership in unequivocally stating that China's territorial claims to the waters have no basis in international law. Simply put, China's provocative actions are an escalation of its intent to threaten peace and maritime security in the East Sea.

Since 2009, China has escalated its claims of the "nine-dash line", cut the ship cables of the "Binh Minh II" and "Viking II (May and June 2011), established "Sansha City" (June 2012), implemented "measures to enforce 'Fishery Law of the People's Republic of

China' (entering into force since January 2014), enhanced oil explorations in disputed areas, attacked Vietnamese fishing vessels, launched patrol boats, and conducted military exercises in the South China Sea to flex its power and deter other claimants.

All the while the U.S. response has been negligible, although the House Foreign Affairs Subcommittee on Asia and the Pacific has held hearings on the matter and several Members, including myself, have introduced Resolutions to promote a peaceful and collaborative resolution to any and all disputes in the South China Sea.

I am especially disappointed by the State Department's weak response to China's recent aggression. U.S. Department of State spokeswoman Jen Psaki stated, "Vietnam has declared a 200-nautical-mile exclusive economic zone based on its coast line in accordance with the law of the sea. Then we call on China because China has a different view on that. That's why we continue to call on both sides not to take provocative or unilateral actions given this is occurring in disputed waters near those islands and these events, of course, point to the need for claimants to clarify, their claims in accordance with international law and reach agreement of what types of activities should be permissible within disputed areas such as these waters."

I call upon the State Department to issue a more clear, definitive, and concise statement than this. Once more, as Senator MCCAIN stated, China's claims have no basis in international law, and the U.S. State Department should not shirk from saying so. I join with Senator MCCAIN in calling upon China's leaders to take immediate steps to de-escalate tensions, and I call upon the U.S. to lead the way. For historical purposes, I have submitted this statement with supporting documentation so that there is no dispute about the facts or about where I stand.

[As of May 5, 2014]

## FACTSHEET ON OPERATIONS OF CHINA'S HD-981 OIL RIG IN VIETNAM'S WATERS

On May 2, 2014, Vietnamese authorities announce that at 5:22 am on May 1, 2014, the drilling rig HD-981 and 3 oil service vessels of China were spotted as going south from the northwest of Tri Ton island which belongs to Vietnam's Hoang Sa Archipelago (Paracels). At 4:00 pm May 2, 2014, the drilling rig RD-981 was set afloat at the location of 15°29'58" North latitude and 111°12'06" East longitude of Tri Ton island with 27 protecting ships. This location is about 130 nautical miles off Vietnam's coast and 119 nautical miles off Vietnam's Ly Son island. To date, the number of Chinese vessels has gone up to more than 50. The location of the rig lies well within the oil block No. 143 of Vietnam, undeniably within Vietnam's exclusive economic zone and continental shelf.

2. In the last few days, Vietnam has continuously communicated with China expressing its serious concerns. Vietnam has reiterated and stressed that "the location that the Chinese drilling rig HD-981 and protecting vessels operate is undeniably within Vietnam's exclusive economic zone and continental shelf; the operations of this drilling rig and protecting vessels have seriously violated Vietnam's sovereignty, sovereign rights, and national jurisdiction as stipulated by the 1982 United Nations Convention on the Law of the Sea (1982 UNCLOS), the

2002 Declaration of the Conduct of Parties in the South China Sea (DOC), other related agreements between the two countries' leaders, and Vietnam-China basic principles on settlement of sea issues. Vietnam asks China to immediately withdraw the drilling rig and protecting vessels out of Vietnam's waters".

Viet Nam has sufficient historical evidence, legal basis, and de facto administration over Hoang Sa to assert its sovereign rights and national jurisdiction over its exclusive economic zone and continental shelf in accordance with the 1982 United Nations Convention on the Law of the Sea. Vietnam requests that China respect Vietnam's exercise of sovereignty over Hoang Sa, sovereign rights and jurisdiction over its exclusive economic zone; and concurrently proposes to China to settle the disputes over Hoang Sa and other disputes related to Vietnam's sovereignty, sovereign rights and jurisdiction through negotiations and other peaceful means in accordance with international law, including the United Nations Charter and the United Nations Convention on the Law of the Sea.

Vietnam totally rejects and resolutely protests China's arguments that the "operation of drilling rig HD-981 is an ordinary activity south of Zhongjian island (Tri Ton) of Xisha (Hoang Sa) islands", and has nothing to do with Vietnam's continental shelf and exclusive economic zone; this is "an area of the territorial sea and contiguous zone of the Xisha islands (Vietnam's Hoang Sa) and that on-going operation is conducted on a usual basis at a location administered by China without any dispute"; and that China would not accept Vietnam's request of negotiation over Hoang Sa.

3. The fact that China disregards Vietnam's communication requesting the withdrawal of the drilling rig and oil service vessels out of Block No. 143 is obviously an act on purpose and an intentional and serious violation of Vietnam's sovereignty, sovereign rights, and jurisdiction over Hoang Sa, exclusive economic zone and continental shelf; serious violation of the accords reached between two countries' leaders, the spirit and content of the DOC, related principles the international law, including the 1982 UNCLOS. The Chinese activities have tremendously affected the political trust between the two countries, adversely impacted the bilateral negotiations over sea issues, and damaged the sentiments and feelings of the peoples of Vietnam and China.

4. The Government of Vietnam respectfully asks all Governments in the world to voice condemnation of those wrongful acts by China; demand China to recall its drilling rig HD-981 out of Vietnam's waters and respect the rights and interests and coastal nations in accordance with the 1982 UNCLOS, fully and seriously observe the spirit of the Declaration of the Conduct of Parties in the South China Sea (DOC), ensure the security and safety in the East Sea (Bien Dong); and call upon China to soon settle disputes with Vietnam through peaceful negotiations, thereby contributing to peace and stability in the region.

[As of May 7, 2014]

## FACT SHEET NO. 2 ON CHINA'S LATEST ILLEGAL ACTIVITIES IN VIETNAM'S EEZ

1. China's provocative behavior:

To date, the number of China's supporting ships moving toward the drilling platform has increased to more than 80, including 7 military ships, 33 marine patrol boats and surveillance ships, and many other vessels.

2. China's use of force:

Videos and pictures show Chinese ships, backed by helicopters, aggressively obstructing Vietnamese ships.

The Chinese ships also sprayed water cannons, damaging Vietnamese vessels and injuring their crew members.

At around 8:10 a.m. on May 3, a Chinese ship struck the right side of a Vietnamese Marine Police vessel at high speed, smashing the windows of the Vietnamese vessel that was attempting to take evasive maneuvers.

A total of eight Vietnamese ships were rammed, hit, or sprayed with high pressure hoses.

At one point, five Chinese ships surrounded a single Vietnamese vessel.

3. China's impingement on freedom of navigation:

The Maritime Safety Administration of China (MSAC) announced on its website on Saturday that all vessels should keep one mile (1.6 km) away from the rig, called the Haiyang Shiyu 981.

Despite Vietnam's objections, MSAC on Monday expanded the prohibited area around the rig to a three-mile (4.8 km) radius.

On the ground, China uses force to drive away Vietnamese ships.

The location is right on vital international sea lanes. Consequently, China's acts are threatening maritime security and safety in the region.

#### HONORING PAUL MARKOWSKI

#### HON. GRACE MENG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Ms. MENG. Mr. Speaker, I rise today in honor of my constituent, Paul Markowski. Paul is a Behavior Detection Officer with the Transportation Security Administration based at LaGuardia Airport in Queens, NY. While off-duty, Paul assisted a man in distress, saving his life.

On the afternoon of April 13, after finishing their shifts while walking to their cars, Paul and his colleague, Michael Dougherty, spotted a man who was signaling for help. They quickly approached and found the man struggling to breathe while waving a nonfunctioning inhaler. As the man began to have a seizure, Paul and Michael caught him before he fell, and then gently laid him on the ground. Other officers noticed the situation and subsequently called for an ambulance. The man was successfully transported to a nearby hospital.

Paul's actions were nothing short of heroic. Speed, teamwork, and willingness to act all played a role in helping save the man's life. I was honored to speak with Paul on Friday afternoon to thank him for his exemplary service. I ask that my colleagues in the House of Representatives join me and rise in recognition of the decisive actions displayed by Mr. Markowski.

#### TRIBUTE TO FELIX GAITER

#### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. DUNCAN of Tennessee. Mr. Speaker, I wish today to pay tribute to a longtime friend and one of the finest men I have ever known.

Felix Gaiter recently passed away at the age of 91. He was a well-known businessman in my District and owner of the Gaiter Construction Company, which was the largest African American-owned construction company in East Tennessee.

I had the privilege to be the lawyer for the Gaiter Construction Company for just about the entire time I practiced law. Mr. Gaiter was one of the kindest, hardest working, and most honest people with whom I have ever dealt.

Mr. Gaiter was also a veteran of World War II, and he easily earned his place among the "Greatest Generation" with his service and honorable life.

A member of Rogers Memorial Baptist Church in Knoxville, he always lived his life by the Golden Rule.

Mr. Gaiter is survived by his loving and devoted wife of 66 years, Mrs. Margaret Gaiter, who has always been very kind to me. Mrs. Gaiter treats everyone with love and respect. She is a very bright fixture in the Knoxville community and active in countless organizations.

My wife, Lynn, and I send our condolences to Mrs. Gaiter, her three children and many grandchildren and great-grandchildren.

Mr. Speaker, Felix Gaiter was a wonderful husband, father, and citizen. I call his life and accomplishments to the attention of my Colleagues and other readers of the RECORD. This Nation would be a much better place if we had more people like him.

#### PERSONAL EXPLANATION

#### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Ms. ESHOO. Mr. Speaker, I was not present during rollcall vote No. 203 on May 7, 2014. I would like the record to reflect I would have voted "yes".

#### HONORING AMERICA'S PUBLIC SERVANTS

#### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to direct the House's attention to Public Service Recognition Week, a time in which we honor the more than 20 million men and women who serve our nation as federal, state, county, and local government employees.

These people are our friends and neighbors, and they perform critical work every day that is vital to our nation's welfare. They keep us safe from terrorist threats and food-borne illness, develop new treatments for diseases, protect our environment, educate our children, provide care to veterans, deliver our mail, and the list goes on. Despite the popular notion of the isolated "Washington bureaucrat", the overwhelming majority of government employees serve in our own communities in all fifty

states—including 85 percent of federal employees. Yet, we often overlook or simply take for granted America's public servants.

Of course, the government's ability to effectively perform essential functions depends on a well-trained and highly-engaged workforce. According to the Government Accountability Office, nearly 30 percent of federal employees on board at the end of fiscal year 2011 will be eligible to retire by 2016, including one-third of the government's top scientists, engineers, physicians, mathematicians, economists, and other highly specialized professionals. We must redouble our efforts to identify and recruit the next generation of talented public servants to ensure government can continue to tackle our nation's toughest challenges.

At its best, government is an instrument of our common purpose. It is a powerful tool to defend the vulnerable, expand opportunity, and help our country reach its full potential. In a representational democracy, government is not an abstract idea but a living institution that is powered by men and women dedicated to promoting and protecting the common good. To all of those who have stepped up to the plate and devoted their lives to this noble calling, I thank you.

As we mark the passage of Public Service Recognition Week, I urge all my colleagues to join me in commemorating the hard work and sacrifice made by our nation's federal, state, and local government employees.

#### MESSAGE OF PRIME MINISTER ERDOĞAN ON THE EVENTS OF 1915

#### HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. CHABOT. Mr. Speaker, I rise today to draw the attention of my colleagues to a statement made by Turkish Prime Minister Recep Tayyip Erdoğan in which he noted the importance of April 24th to Armenian communities around the world, and expressed his condolences to the descendants of those Armenians who died in the violence nearly a century ago. The Prime Minister renewed Turkey's offer to participate in a joint historical commission, where Turkish, Armenian, and international scholars would come together to document those terrible events.

In his weekly parliamentary address to his party's legislators on April 23rd, Prime Minister Erdoğan stated Turkey's willingness to "confront" the historical events, and again called upon Armenia and the Armenian diaspora to join this effort.

I believe a process in which both parties are active participants will enable Turkey and Armenia to resolve many of the issues of conflict between them, and will allow them to move deeper into the 21st Century while building a constructive relationship, as neighbors should.

I hope my colleagues will join me in encouraging all parties to engage in the process.

The statement issued by Prime Minister Erdoğan follows:

THE MESSAGE OF THE PRIME MINISTER OF THE REPUBLIC OF TURKEY, RECEP TAYYIP ERDOĞAN ON THE EVENTS OF 1915.

The 24th of April carries a particular significance for our Armenian citizens and for

all Armenians around the world, and provides a valuable opportunity to share opinions freely on a historical matter.

It is indisputable that the last years of the Ottoman Empire were a difficult period, full of suffering for Turkish, Kurdish, Arab, Armenian and millions of other Ottoman citizens, regardless of their religion or ethnic origin.

Any conscientious, fair and humanistic approach to these issues requires an understanding of all the sufferings endured in this period, without discriminating as to religion or ethnicity.

Certainly, neither constructing hierarchies of pain nor comparing and contrasting suffering carries any meaning for those who experienced this pain themselves.

As a Turkish proverb goes, "fire burns the place where it falls."

It is a duty of humanity to acknowledge that Armenians remember the suffering experienced in that period, just like every other citizen of the Ottoman Empire.

In Turkey, expressing different opinions and thoughts freely on the events of 1915 is the requirement of a pluralistic perspective as well as of a culture of democracy and modernity.

Some may perceive this climate of freedom in Turkey as an opportunity to express accusatory, offensive and even provocative assertions and allegations.

Even so, if this will enable us to better understand historical issues with their legal aspects and to transform resentment to friendship again, it is natural to approach different discourses with empathy and tolerance and expect a similar attitude from all sides.

The Republic of Turkey will continue to approach every idea with dignity in line with the universal values of law.

Nevertheless, using the events of 1915 as an excuse for hostility against Turkey and turning this issue into a matter of political conflict is inadmissible.

The incidents of the First World War are our shared pain. To evaluate this painful period of history through a perspective of just memory is a humane and scholarly responsibility.

Millions of people of all religions and ethnicities lost their lives in the First World War. Having experienced events which had inhumane consequences—such as relocation—during the First World War, should not prevent Turks and Armenians from establishing compassion and mutually humane attitudes among towards one another.

In today's world, deriving enmity from history and creating new antagonisms are neither acceptable nor useful for building a common future.

The spirit of the age necessitates dialogue despite differences, understanding by heeding others, evaluating means for compromise, denouncing hatred, and praising respect and tolerance.

With this understanding, we, as the Turkish Republic, have called for the establishment of a joint historical commission in order to study the events of 1915 in a scholarly manner. This call remains valid. Scholarly research to be carried out by Turkish, Armenian and international historians would play a significant role in shedding light on the events of 1915 and an accurate understanding of history.

It is with this understanding that we have opened our archives to all researchers. Today, hundreds of thousands of documents in our archives are at the service of historians.

Looking to the future with confidence, Turkey has always supported scholarly and

comprehensive studies for an accurate understanding of history. The people of Anatolia, who lived together for centuries regardless of their different ethnic and religious origins, have established common values in every field from art to diplomacy, from state administration to commerce. Today they continue to have the same ability to create a new future.

In is our hope and belief that the peoples of an ancient and unique geography, who share similar customs and manners will be able to talk to each other about the past with maturity and to remember together their losses in a decent manner. And it is with this hope and belief that we wish that the Armenians who lost their lives in the context of the early twentieth century rest in peace, and we convey our condolences to their grandchildren.

Regardless of their ethnic or religious origins, we pay tribute, with compassion and respect, to all Ottoman citizens who lost their lives in the same period and under similar conditions.

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#### LEGISLATIVE BRANCH APPROPRIATIONS ACT (H.R. 4487)

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**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Ms. McCOLLUM. Mr. Speaker, due to a prior commitment in my district, I had to miss votes on May 1, 2014. On April 9, 2014, I joined my colleagues on the House Appropriations Committee in approving the Fiscal Year 2015 Legislative Branch Appropriations Bill. Had I been present for the vote before the Full House, I would have voted for the Legislative Branch Appropriations Act (H.R. 4487).

This appropriation bill supports the functions of the United States House of Representatives and those agencies that we rely on to best serve our constituents. Today's bill maintains level funding for Members' offices and Committee staff. While not ideal, it does not impose further reductions that would harm the ability of Congressional offices to respond to the needs of our constituents and our district. The bill also provides funding for the Library of Congress, Capitol Police, Botanical Garden, Architect of the Capitol, and Government Printing Office, which support for work of Congress and the American public. It is important that Congress ensure these agencies have the resources and funding they need to best serve our constituents and offices.

On Mr. NUGENT's amendment, I would have voted "no".

On Mr. GOSAR's amendment, I would have voted "no".

On Mr. BROWN's amendment, I would have voted "no".

On Mr. HOLT's amendment, I would have voted "yes".

#### THE KIDNAPPING OF GIRLS AND YOUNG WOMEN FROM A SCHOOL IN NIGERIA

**HON. AL GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. AL GREEN of Texas. Mr. Speaker, I stand in solidarity with the families of the approximately 300 young women kidnapped by a radical Nigerian Islamist group. I lend my voice to the chorus of outrage and condemnation directed at this extremist group, which has forcefully separated young women from their families and devastated an entire community. There is no place in our world community for a group that displays such disregard for the tenets of Islam, human dignity, and international law.

All people and governments of good will should do all that is appropriate to assist Nigerian authorities in the safe recovery of these young women. I am heartened that Secretary Kerry has announced that a U.S. security team will be sent to Nigeria to assist in the efforts to bring these young women home to their families.

As a Member of Congress, I will continue to monitor this situation and speak out against such atrocious acts. The outcry against this gross human rights violation must not fade before these young women are recovered and all guilty parties are brought to justice.

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#### HONORING BOB HAMMERSCHMIDT

**HON. BILLY LONG**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. LONG. Mr. Speaker, I rise today to recognize and congratulate Bob Hammerschmidt of Springfield, Missouri on receiving the 2014 Distinguished Citizen Award from the Ozarks Trails Council of the Boy Scouts of America.

The Distinguished Citizen Award was created by the Boy Scouts of America in order to recognize noteworthy and extraordinary leadership of citizens in communities across the United States. This award is only given out every few years to honor business and community leaders who have made substantial impacts in their communities and its residents. The Distinguished Citizen Award is a very prestigious award, which Bob Hammerschmidt undoubtedly deserves.

Currently, Bob Hammerschmidt is the president of the Springfield Region of Commerce Bank. Commerce Bank is located in Springfield, but its professional reputation precedes it throughout the state of Missouri. He is also the former council president of the Ozark Trails Council of the Boy Scouts of America. Bob's community service includes an extensive and impressive list of organizations that have benefited by his service to the communities in which he has lived over the years.

Bob Hammerschmidt exemplifies the values taught by scouting, including the scout oath and law. These qualities include service to the community, good citizenship and strong leadership. Bob Hammerschmidt's track record



makes it easy to see why his peers unanimously selected him as the recipient of the Distinguished Citizen Award.

I am honored to recognize Bob Hammer-schmidt for his service and leadership to the community.

#### PERSONAL EXPLANATION

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. BECERRA. Mr. Speaker, I was unavoidably detained and missed rollcall votes 188 through 193. If present, I would have voted "yea" on rollcall votes 191, 192, and 193, and "nay" on rollcall votes 188, 189, and 190.

#### LTC DENIS DESCARREAU'S PROMOTION

### HON. BRAD R. WENSTRUP

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. WENSTRUP. Mr. Speaker, The United States Army, the U.S. Military medical community, and a grateful nation, are united in their support of LTC Denis Descarreaux attaining the rank of Colonel.

Colonel Descarreaux exemplifies the values that are near and dear to the Army: Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, Personal Courage.

Denis Descarreaux has always displayed an enduring work ethic and a commitment to serve others. His time in uniform is marked by distinguished service on behalf of the American people.

Dr. Denis Descarreaux exemplifies one seeking and obtaining the American Dream and presents as a model Soldier, citizen, husband, and father. Colonel Descarreaux has brought virtue to himself, his family, his uniform and his nation. We are assured that he will continue to be an invaluable asset to the United States Army.

Congratulations on your lifetime accomplishments and your promotion to Colonel in the United States Army.

With God's blessings.

#### TRIBUTE TO U.S. ARMY SERGEANT LAUREN MONTOKA

### HON. BILL FLORES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. FLORES. Mr. Speaker, I rise today to honor the service and sacrifice of U.S. Army Sergeant Lauren Montoya who was recently wounded while serving her nation in Afghanistan.

Sergeant Montoya, from Austin, Texas, attended Texas A&M University for two years prior to joining the Army in January of 2011. Texas A&M has a long history of students who

have answered the call to service, and Sergeant Montoya has kept that tradition alive.

After completing basic training at Fort Jackson, South Carolina, the Army sent Sergeant Montoya to Fort Huachuca, Arizona where she was trained in the Military Intelligence field as a Human Intelligence Collector. She was subsequently stationed at Fort Drum, New York to serve with the combat-proven 10th Mountain Division. It was there that she continued to distinguish herself as an exemplary soldier. Ms. Montoya's superiors quickly noticed her leadership ability and promoted her to Sergeant in just two short years of service.

Due to her dedication, professionalism and leadership ability, Sergeant Montoya was selected to participate in the Army's Cultural Support Team assisting a Special Forces unit conducting counter-terrorism operations in Afghanistan. Her unique abilities as a Human Intelligence Collector and devotion to selfless service led to her assignment as an advisor to a Special Forces unit deployed to carry out volatile missions in Afghanistan.

In November 2013, Sergeant Montoya deployed with her Special Forces unit to Afghanistan where they spent five months conducting missions in support of Operation Enduring Freedom. During that deployment, Sergeant Montoya's unit was attacked by an improvised explosive device while traveling from a mission in southern Afghanistan. Sergeant Montoya was injured in the attack but survived and was transported to the Brooke Army Medical Center in San Antonio, Texas to recover.

Sergeant Montoya's commitment to duty and selfless service demonstrate her caliber as a soldier, Texan and American. During the tenure of her brief military career, Sergeant Montoya earned numerous awards and decorations including the Purple Heart, the Meritorious Unit Commendation, the Army Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Service Medal, the Noncommissioned Officer Professional Development Ribbon, the Army Service Ribbon, the Marksmanship Qualification Badge—Marksman with Recoilless Rifle, and a meritorious count of five Army Achievement Medals.

With the prayers and love from family and friends, Sergeant Montoya continues to recover at Brooke Army Medical Center and looks forward to the next steps in her future. Upon completion of her military service, she hopes to return to Texas A&M University and finish her degree.

Her service and sacrifice to this country cannot be measured. On behalf of a grateful nation, I want to wish her a speedy recovery and all the blessings God may grant unto her.

#### NATIONAL ASSOCIATION OF LETTER CARRIERS STAMP OUT HUNGER FOOD DRIVE

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of the National Association of Letter Carriers Stamp Out

Hunger Food Drive. On the second Saturday of May for the last twenty-two years, letter carriers and volunteers across the country help to collect food donations and deliver them to various food banks in their areas. This year, the food drive will be held on Saturday, May 10th.

In my district, donations are delivered to the North Texas Food Bank and local pantries to provide food to people in need. In Dallas County alone, 450,000 residents are food insecure, including 300,000 children. Of the 1.8 million Texas children, one in four live in food insecure households.

Hunger in Texas remains a systemic problem. With the help of food drives like the one organized by the National Association of Letter Carriers, many families are able to put nutritious meals on their tables. Last year, letter carriers collected 74.6 million pounds of food to deliver to local food pantries.

I commend the National Association of Letter Carriers for their efforts and for their commitment to help stamp out hunger nationwide. Their service is extremely valuable and we can all contribute to their efforts by donating to the food drive. More than 1,200 branches nationwide will be participating in this year's food drive activities.

Our letter carriers not only provide a valuable service each day, but also strive to supply basic necessities to those in need during their annual food drive. I urge my colleagues to support the National Association of Letter Carriers Stamp Out Hunger Food Drive.

#### HONORING THE LIFE AND SERVICE OF ST. PAUL POLICE OFFICER JOSH LYNAUGH

### HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Ms. MCCOLLUM. Mr. Speaker, I rise to honor the life and public service of all the brave men and women in law enforcement who have given their life in the line of duty.

As we celebrate National Police Week 2014, let us take time to recognize that law enforcement officers all across America risk their lives every day to protect our families and keep our communities safe. Every peace officer serving in Minnesota, or any community across this country, knows that wearing a uniform carries a special responsibility and exceptional risk. I salute their courage, commitment, and exceptional public service.

Today marks almost a year and half since St. Paul Police Officer Josh Lynaugh suffered a fatal heart attack after an on-duty police chase in East St. Paul. This was a time of great pain and loss for his family, constituents in my district, as well as Minnesotans all across our state. Today, the law enforcement community continues to heal from this loss and it is my firm belief that they will ultimately do so because of their strength and resilience. We must never forget the heroic sacrifice of our fallen peace officers. The valiant bravery of these men and women helps ensure the safety of our families and communities.

Police officers bear an enormous responsibility for keeping our cities and towns safe.

Throughout my career in public service, I have advocated for ensuring that local police departments have the funding resources they need to do their jobs successfully and compensate their officers fairly. From my work as a state legislator to the work I do here in Congress, supporting those who dedicate their lives to protecting the public has been, and will remain, a top priority.

This National Police Week, I urge my colleagues to join me in honoring the courage and sacrifice of all law enforcement officers and yield back the balance of my time.

IN SUPPORT OF THE VETERANS  
HEALTH ADMINISTRATION (VHA)  
NATION-WIDE ACCESS REVIEW

**HON. CORRINE BROWN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Ms. BROWN of Florida. Mr. Speaker, as a senior member of the House Veterans' Affairs Committee, I rise today in support of Secretary of Veterans Affairs Eric Shinseki's announcement that the Veterans Health Administration (VHA) will complete a nation-wide access review. As stated, the purpose of this review is to ensure a full understanding of VA's policy and continued integrity in managing patient access to care. As part of the review during the next several weeks, a national face-to-face audit will be conducted at all clinics for every VA Medical Center.

I am confident in the health care our veterans in Florida are receiving. With eight VA Medical Centers in Florida, Georgia and Puerto Rico and over 55 clinics serving over 1.6 million veterans, veterans are getting the best in the world.

Over 2,312 physicians and 5,310 nurses are serving the 546,874 veterans who made nearly 8 million visits to the facilities in our region. Of the total 25,133 VA employees, one-third are veterans.

In 2013, 37,221 women received health care services at VA hospitals and clinics in Florida, South Georgia and the Caribbean—more than any other VA healthcare network nationwide. This means that more than 75 percent of women Veterans enrolled for VA healthcare in VISN 8 were seen by providers in 2013.

I am especially pleased at the new Jacksonville Replacement Outpatient Clinic that was recently opened. The two-story, 133,500 square foot clinic provides state of the art technology and increased specialty services including diagnostics, improved laboratory facilities, expansion of women's services, minor ambulatory surgical procedures, expanded mental health telehealth services and additional audiology.

When opened, the Orlando VA Medical Center will include 134 inpatient beds, an outpatient clinic, parking garages, chapel and central energy plant. Currently, the 120-bed community living center and 60-bed domiciliary are open and accepting veterans.

The VA provides quality timely healthcare to our veterans. We have a duty to make sure that all those who have defended this country

when called upon receive the care they have earned through their service. I support the Secretary in his nation-wide access review and look forward to hearing his report when it is finished.

BROWN V. BOARD OF EDUCATION  
60TH ANNIVERSARY

**HON. ROBERT HURT**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. HURT. Mr. Speaker, I rise to commemorate the 60th anniversary of the Brown v. Board of Education decision, which occurred on May 17th, 1954, and paved the way for integration of American schools during the Civil Rights Movement.

This unanimous decision by the U.S. Supreme Court established that state laws allowing for segregated public schools were unconstitutional under the Fourteenth Amendment, energizing the movement to end Jim Crow laws dictating voting rights, public transportation, dining establishments, and almost every other aspect of American communities. One of the most important decisions in our nation's history, Brown was a deliberate rejection of a system of racial inequality.

Virginia's Fifth District is an integral part of the history of the Brown decision as Davis v. County School Board of Prince Edward School was one of the five combined cases decided by the Supreme Court in Brown. In 1951, 450 students at Moton High School, an African-American school in Farmville, Virginia, staged a walkout to protest the inferior facilities and unsuitable conditions at the school. The protest began as an effort to equalize educational opportunities for all students in the county, but quickly escalated to a battle for desegregation as the NAACP joined the Moton students' cause along with the other cases decided in Brown. Thanks to this pivotal decision and the efforts of so many upstanding Virginians, the students of Moton High School won a great victory against segregation to ensure equality for young people across the country. While it did not end the struggle for desegregation, it certainly was a catalyst for change.

The promise of equal opportunity is a core facet of our Constitution. Today, we thank those who courageously fought for equality, leading to the Brown decision that led to the dismantling of racial segregation in our nation's public schools and giving life to the promise of our Declaration of Independence that all men are created equal.

IN RECOGNITION OF JOHN OSTRUM  
AND ALAN KLAPAT OF THE  
WILKES-BARRE FIRE DEPARTMENT

**HON. MATT CARTWRIGHT**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. CARTWRIGHT. Mr. Speaker, I rise today to honor John Ostrum and Alan Klapat

of the Wilkes-Barre Fire Department, who were recently promoted from the rank of captain to assistant fire chief and deputy fire chief, respectively. Together, they have almost 60 years of combined experience serving the city of Wilkes-Barre.

John Ostrum, a second generation firefighter, is the most senior member of the fire department. After joining the Wilkes-Barre Fire Department as a firefighter in 1978, he has served for the past 26 years as fire captain. Ostrum has completed many fire and emergency response training programs, including water rescue, firefighter survival, and emergency vehicle driver training.

Alan Klapat has served the Wilkes-Barre fire department for 23 years. During his career, Klapat has served as lead fire investigator, fire training officer, and fire inspector for the city's fire department. He also provides fire safety education programs to civic and social organizations, elementary schools, educators, and child/adult caregivers. Before joining the Wilkes-Barre Fire Department, Klapat was enlisted in the U.S. Marine Corps and attained the rank of Sergeant.

I am proud to celebrate the achievements of these two distinguished public servants. They deserve our gratitude for their decades of dedication to public safety, and I wish them the best of luck as they protect the city of Wilkes-Barre in their essential new roles.

IN RECOGNITION OF THE 120TH ANNUAL CONVENTION OF THE NEW JERSEY STATE FEDERATION OF WOMEN'S CLUBS OF THE GENERAL FEDERATION OF WOMEN'S CLUBS

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. PALLONE. Mr. Speaker, I rise today to recognize the New Jersey State Federation of Women's Clubs of the General Federation of Women's Clubs as its members gather for its 120th Annual Convention.

The New Jersey State Federation of Women's Clubs (NJSFWC) was founded in 1894 as a member of the General Federation of Women's Clubs. With a membership of nearly 8,000 women among 220 clubs, NJSFWC is the largest women's volunteer community service organization in New Jersey. It also boasts the third largest state membership of all of the clubs within the General Federation of Women's Clubs.

The 220 clubs of the NJSFWC are committed to fulfilling the NJSFWC's mission of making a difference in the community through projects and volunteerism. In 2012, the NJSFWC clubs completed over 35,500 community service projects and over 800,000 volunteer hours. The NJSFWC partners with other community-based organizations, such as The Community Food Bank of New Jersey, Autism New Jersey and Domestic Violence Shelters of New Jersey, among others, to help raise funds and organize projects. In addition to their volunteerism, NJSFWC members also advocate for policy issues fundamental to community improvement.

Mr. Speaker, once again, please join me in recognizing the 120th Anniversary of the New Jersey State Federation of Women's Clubs of the General Federation of Women's Club. The club's commitment to providing opportunities for women to engage in community service and improve the lives of others is truly deserving of this body's recognition.

THE NORTH CAROLINA MUSEUM  
OF NATURAL SCIENCES: 2014 NA-  
TIONAL MEDAL FOR MUSEUM  
AND LIBRARY SERVICE WINNER

**HON. DAVID E. PRICE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to congratulate the North Carolina Museum of Natural Sciences on receiving the 2014 National Medal for Museum and Library Service. This prestigious award, offered annually by the Institute of Museum and Library Services, is the nation's highest honor given to museums and libraries for service to the community.

I have the good fortune to represent our state's Fourth Congressional District, which has earned accolades as one of the nation's best places to live, work, do business and raise a family. The vibrancy of this district stems from a remarkable concentration of world-renowned educational and cultural institutions—North Carolina Museum of Natural Sciences prominently among them.

As one of the oldest natural history museums in the United States—providing services to our state for the past 134 years—it has transformed how museums engage their community and how members of the public understand, learn and participate in science activities. It strengthens North Carolina's K–12 education pipeline, increases the public's science literacy, and prepares tomorrow's researchers with college- and workforce-ready skills.

The Museum of Natural Sciences has positioned itself as a highly-regarded venue for topflight special exhibits of all kinds. Right now, it features a Rainforest Adventure exhibit, and it has hosted special exhibits on Birds of Paradise, Dinosaurs, Wildlife in North Carolina photography, and Journey through the Arctic in recent years. But it has also gone off the beaten path to expand the breadth of the Natural Sciences with special exhibits on the Titanic, Genghis Khan, the Brain, and my two personal favorites: Chocolate and the Dead Sea Scrolls.

Along with the museum's permanent collections, these outstanding exhibits have helped make the Museum the most-visited museum and one of the top overall attractions in the state. Consider these numbers: more than 1 million people come to visit this museum in Raleigh every year; more than 30,000 others experience the museum's off-site offerings,

with its world-renowned scientists and staff visiting locations such as schools, libraries, hospitals and senior and community centers; and millions of additional people are able to take advantage of interactive educational programs offered online. The Museum also makes unique efforts to reach lower-income communities and those with special needs.

Our Museum is one of just ten recipients of the Institute of Museum and Library Services National Medal for Museum and Library Service—an award reserved for museums that are making exceptional contributions to their community. The Museum of Natural Sciences has had a remarkable impact on the community—not just in Raleigh, but across the state of North Carolina.

As we congratulate Director Emlyn Koster and the Museum's other current leaders, it is also important to recognize long-time Director Dr. Betsy Bennett, who retired just over a year ago. Betsy took the museum from modest circumstances to the gleaming, high-tech, user-friendly facility we see today. The Nature Research Center, for example, which opened in 2012, is a testament to her dogged determination to see her shared vision come to fruition. Betsy's skill working with the State Legislature, successive state administrators, and collaborators in Washington is legendary. As former Governor Jim Hunt aptly noted, she is a "force of nature." As her partner in the never-ending quest for funds, I have particular reason to see this award as a culmination.

Mr. Speaker, once again, I offer congratulations to the North Carolina Museum of Natural Sciences—and each of the other National Medal winners—for achieving this distinction. And I thank each of this year's medal recipients for their innovation and their dedication to serving their communities. Our nation is better for your service.

CONGRATULATING TERRY GIBSON

**HON. JULIA BROWNLEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Ms. BROWNLEY of California. Mr. Speaker, today I rise in recognition of Terry Gibson, a vibrant resident of Ventura County, who will celebrate her 80th birthday on May 27, 2014.

Originally from the San Fernando Valley, Terry has always been an active member of her community. Her generosity and spirit of giving is resonated in her work, where her depth of sincerity and selflessness knows no limits.

While living in Glendale, California, Terry served as President of Temple Sinai, President of the Sisterhood of Temple Sinai, Vice President for new members of the Union of American Hebrew Congregations Southwest Region and Executive Vice President of the Western States Federation of Sisterhoods. In each of these leadership roles, Terry's spirit of

volunteerism and commitment to her community never wavered even while she was a full-time, single working mother.

When Terry moved to Ventura County, her penchant for being an active and contributing community member continued. As a resident of Oxnard, she helped in the founding of the Ventura Chapter of the National Women's Political Caucus (NWPC) and served as its first president for two years. Under her direct leadership, the Ventura County Chapter of the NWPC was able to increase women's participation in the political process. Today, with Terry's unwavering help, the organization continues to recruit, train and support diverse female candidates who will bring a woman's perspective to issues such as reproductive health, the environment and social, educational and economic justice. Her vision of gender parity in California politics is a mission we are all united on.

With her extensive experience, Terry has served as the treasurer for the Ventura County Women's Forum Collaborative, where she is part of an organization that is dedicated to empowering Ventura County women in areas such as education, health, economic justice, power sharing, institutional mechanisms, and human rights. Her impacts in the Ventura County political sphere have been extensive and invaluable.

In her personal life, Terry is even more remarkable. She is the mother of five children, grandmother to fourteen grandchildren and great grandmother to three great grandchildren. Indicative of her sharp character and dedication to her personal and professional priorities, Terry has never missed a birthday, graduation, or family celebration during her years of working and volunteering in her community. She truly is as dedicated to her family as she is to her community.

I want to congratulate and thank Terry for all of her years of community service and it is with great enthusiasm that I offer Terry Gibson my sincere congratulations on the occasion of her 80th birthday! I wish her a very happy birthday and express my appreciation and admiration for all that she has accomplished.

PERSONAL EXPLANATION

**HON. SEAN P. DUFFY**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 8, 2014*

Mr. DUFFY. Mr. Speaker, on Thursday, May 8, 2014, I was at home in Wisconsin taking care of my amazing wife and our new baby daughter. Had I been present, I would have voted in the following ways:

1. H. Res. 567—Providing for the Establishment of the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi—"yea."

2. H.R. 2548—The Electrify Africa Act of 2014—"yea."

## HOUSE OF REPRESENTATIVES—Friday, May 9, 2014

The House met at 9 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

Once again, we come to You to ask wisdom, patience, peace, and understanding for the Members of this people's House. The words and sentiments that have been spoken and heard in these recent days were born of principle, conviction, and commitment.

We ask discernment for the Members, that they might judge anew their adherence to principle, conviction, and commitment, lest they slide uncharitably toward an inability to listen to one another and work cooperatively to solve the important issues of our day.

Give them the generosity of heart and the courage of true leadership to work toward a common solution, with sacrifice on both sides.

Finally, as they return to their respective districts, may they be open to the hopes and desires of their constituents, while being equally attentive to the needs of our Nation at large.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota (Mr. PAULSEN) come forward and lead the House in the Pledge of Allegiance.

Mr. PAULSEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 5 requests for 1-minute speeches on each side of the aisle.

### KIDNAPPING OF SCHOOL GIRLS IN NIGERIA

(Mr. PAULSEN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, we have all heard about the horrific and evil acts occurring in the country of Nigeria. Hundreds of young girls have been kidnapped by the terrorist group Boko Haram and are currently being held in captivity.

What did these girls do that Boko Haram considered wrong? They simply were attending school.

As the father of four daughters, I can only imagine the anguish the families of these girls are experiencing as their loved ones are threatened to be sold into slavery. The international community cannot sit idly by while these atrocities occur.

I applaud the steps taken by the administration to send resources to the Nigerian Government to aid with the search, but more can still be done. The President needs to push for Boko Haram to be added to the United Nations Security Council's al Qaeda sanctions list to weaken their power in the region.

Mr. Speaker, whether domestically or internationally, we need to make sure that we remain vigilant against those that wish to harm and exploit young children.

### TAX CREDITS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, in just a few short minutes, we will demonstrate whether this House does or does not have fiscal responsibility.

We ought to extend the research and development tax credit to help businesses invest in innovation—and we ought to do it permanently. But Republicans are asking us to do so without paying for it, which would add \$155 billion to the deficit. Once again, they are ignoring fiscal responsibility when it comes to tax cuts.

In 1981, 2001, and 2003, Republicans passed tax cuts without paying for them, and the outcome every time was predictable—an increase in our debt. Under President Reagan, it was a 189 percent increase. He could have vetoed any spending bill. Under President George W. Bush, there was an 86 percent increase in the national debt.

Economists agree that tax cuts do not pay for themselves. In 2010, former Reagan budget director David Stockman said this:

This debt explosion has resulted not from big spending by the Democrats but instead the Republican Party's embrace about three decades ago of the insidious doctrine that deficits don't matter if they result from tax cuts.

USA Today says:

House action on "tax extenders" forfeits credibility on deficits and national debt.

They are right.

Vote "no."

### SUCCESS AND OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS ACT

(Mrs. BROOKS of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today in support of the Success and Opportunity Through Quality Charter Schools Act.

In this day and age, we must recognize that no single educational model will meet the needs of every child. We need multiple pathways to success that empower educators, parents, and students.

I recently visited the Indiana Math and Science Academy North, a college prep charter school in Indianapolis. IMSA North is helping students like Samuel, who was not being challenged academically at his old school. He moved to IMSA North in 2010 and has been a star student ever since. In fact, he received the sixth-highest score in robotics at this year's First Tech Challenge World Championships. His parents say IMSA has answered their prayers.

This legislation will help more students like Samuel thrive. It provides grants for quality charter schools and gives States the flexibility to support innovative school models. It will ensure charter schools can find suitable facilities and will encourage more collaboration between traditional public schools.

Mr. Speaker, let's give every child access to a great education. Let's pass the Success and Opportunity Through Quality Charter Schools Act.

### HONORING BILL FRANK, JR.

(Mr. KILMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILMER. Mr. Speaker, earlier this week, the Pacific Northwest—and America—lost a true legend.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Billy Frank, Jr., the chairman of the Northwest Indian Fisheries Commission, made his mark on so many people and so many issues. His legacy on civil rights issues, on ensuring America lives up to its tribal treaty obligations and protecting our natural resources, has touched generations past and present.

When Billy spoke, you listened. We saw that firsthand just 2 weeks ago, when he commanded a room at a tribal summit in my district that included tribal leaders, Federal officials, and the Secretary of the Interior.

After a recent meeting with Billy, I was walking to my car with a member of my staff. Midway there, I said, Hold on for a second. He asked me what was up. I said, Can we just take a minute and appreciate the fact that we got to spend a few hours with an absolute icon.

I will treasure those hours, the entire time I spent with Billy, and the extraordinary work that he did for our region.

There is a Native American proverb that says we should make decisions with an eye toward how they will affect our children seven generations into the future. Billy Frank was the embodiment of that ethos. He will be missed.

#### HONORING JAN THAYER

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to honor Jan Thayer of Grand Island, Nebraska, who passed away on May 3 after a long battle with cancer.

Jan was a successful businesswoman and entrepreneur, a community leader, and a friend to many. During her long career she was recognized with many awards, including The Grand Island Independent newspaper's Woman of the Year, the University of Nebraska's Businesswoman of the Year and Entrepreneur of the Year, and she was named a member of the Nebraska Business Hall of Fame.

These honors are a great testament not only to her tireless work ethic but also to her dedication to her community.

I extend my deepest sympathies to her husband, Ernie, and their family.

I ask my colleagues to join me in honoring Jan and the incredible legacy of service and big-heartedness she has left behind.

#### THE IMPORTANCE OF COMPETITION AND AMERICAN JOBS IN THE TELECOMMUNICATIONS SECTOR

(Mr. GENE GREEN of Texas asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to draw attention to an issue I think should concern us all.

Americans increasingly rely on high-quality and reasonably priced telecommunications services for almost everything they do. Key to providing that service is a robust and competitive market in wireless communications which drives innovation, keeps costs low, and employs tens of thousands of Americans in good, stable jobs. Safeguarding this competition and these jobs is our responsibility.

With that in mind, I find the actions taken by Sprint over the past year since its acquisition by the Japanese firm SoftBank particularly troubling. In that time, Sprint laid off more than 2,700 call center workers. Almost 900 whom were in my home State of Texas.

Now, rumors exist that Sprint is preparing to buy T-Mobile. FCC Chairman Tom Wheeler and Assistant Attorney General Bill Baer have expressed strong skepticism about this potential merger because they believe, as I do, that competition drives innovation and lower prices in the marketplace.

Coupled with Sprint's recent layoffs, Congress must take a careful and critical look at this deal, if and when it is announced, and stand up for what is best for American consumers and American jobs.

#### UNITED WAY ERIE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today, I rise to recognize the work of United Way Erie in Erie County, Pennsylvania, which this month celebrated its 100th annual campaign to eradicate poverty and improve the lives of local individuals and families.

Each year, on average, United Way Erie touches the life of one out of every three residents in Erie County. In 2013, over 100,000 men, women, and children were helped by the United Way and its supporters.

Last year, United Way Erie put forward an ambitious goal, which is to reduce the number of Erie families struggling to meet their basic needs by one-third between now and 2025. As a result of this new initiative, they have raised over \$6.1 million during 2013, which was the largest fundraising campaign ever for United Way Erie.

Mr. Speaker, through bold new ideas and innovative charitable efforts United Way Erie is making a difference. I congratulate them on this 100th campaign anniversary and thank the generations of caring community supporters for their work to help those most in need find a helping hand.

#### MOTHER'S DAY

(Ms. FRANKEL of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FRANKEL of Florida. Mr. Speaker, this Sunday, on Mother's Day, we celebrate the blessings of our moms. In deep appreciation, we give them candy, cards, and beautiful flowers.

With that said, what our moms really deserve is an economy where women are given equal pay for equal work.

Sadly, today, in the United States of America, women earn only 77 cents for every dollar earned by their male colleagues.

So I respectfully suggest that on this Mother's Day we as a Nation commit to pay equity for all, regardless of gender.

And to my own mother, I thank you for your zest of life, unwavering encouragement, unconditional love, and your matzo ball soup.

Thank you, Mother.

Happy Mother's Day.

#### SUCCESS AND OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS ACT

(Mr. TAKANO asked and was given permission to address the House for 1 minute.)

Mr. TAKANO. Mr. Speaker, I rise today in support of the enhanced equity, accountability, and transparency measures in H.R. 10, the Success and Opportunity Through Quality Charter Schools Act. This legislation would require charter authorizers, charter management organizations, and charter schools receiving grants through the charter school program to adhere to higher standards and become more accountable.

Too often, charter schools are unwilling to take the most at-risk and in-need students, or give up on these students far too soon. That needs to end. With H.R. 10, applicants for CSP grants would be required to describe how they would serve students with disabilities and those who are English learners. It would also require grant recipients to assist sub-grantees in enrolling, recruiting, and retaining traditionally underserved students at rates comparable to public schools.

My vote today on H.R. 10 is not a vote in favor of charters. Charter schools are a part of our education system, and my vote is to make them more equitable, accountable, transparent, and of high quality.

□ 0915

#### AMERICAN RESEARCH AND COMPETITIVENESS ACT OF 2014

The SPEAKER pro tempore (Mr. YODER). Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 4438 will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mrs. KIRKPATRICK. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mrs. KIRKPATRICK. I am opposed to it in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Kirkpatrick moves to recommit the bill H.R. 4438 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

(e) STRENGTHENING AMERICA'S MIDDLE CLASS.—Section 41(b)(2)(A)(i) of such Code is amended by striking “such employee,” and inserting “such employee, but only if the taxpayer pays women employees equal pay for equal work and, in hiring employees, the taxpayer gives priority to unemployed American workers, particularly veterans, and does not outsource American jobs to foreign workers.”.

(f) ENSURING THAT TAX CUTS FOR CORPORATIONS ARE OFFSET.—Nothing in this Act shall result in an increase in the deficit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona is recognized for 5 minutes in support of her motion.

Mrs. KIRKPATRICK. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill nor send it back to committee. If adopted, this bill will immediately proceed to final passage, as amended.

Mr. Speaker, this bill is fiscally irresponsible. It is an unpaid-for bill that costs \$156 billion. When combined with the other six permanent tax extenders passed by Republicans on the Ways and Means Committee, the combined cost of all six bills is \$310 billion. Not \$1 of these bills is paid for, not \$1 to offset the cost.

They do not close one special interest, corporate tax loophole to offset the cost of these bills.

The bill threatens so many critical programs that we care about. It threatens tax extender provisions that are not included, the new markets tax credit, the work opportunity tax credit for veterans, and renewable energy incentives.

The bill also threatens enhancements made to refundable tax credits for working families that expire in 2017, the child tax credit, the earned income tax credit, the American opportunity tax credit for education.

Republicans may have turned off, at the eleventh hour, the automatic spending cuts that would have resulted from passing this legislation after we called them out for it. What isn't done with one hand by them will be done with the other.

Republicans will add to the deficit. Let me make that clear. Republicans will add to the deficit and then auto-

matically use that to push for harmful cuts elsewhere.

The Ryan budget lays out where the Republicans will make the cuts. They will make cuts to education, Head Start programs, and K-12 education. They will make cuts to medical research, such as the important work done by the National Institutes of Health.

On the other hand, medical research is one type of research that they seek to incentivize with this bill. On the other hand, they are cutting programs at the National Institutes of Health.

Do you get my drift here?

They will make cuts to Medicare, Medicaid, and other health programs to the tune of \$2.9 trillion. They will make cuts to transportation, \$52 billion.

This bill throws the Republican budget so out of balance—the first opportunity they have to go against their budget, they take it—they had to waive their own rules to make this bill work.

Chairman CAMP made this provision permanent in his tax reform bill and paid for the provisions. He paid for it. The President made this provision permanent, and he has offsets to cover the cost in his budget.

We should have time to look and find common pay-fors and pass this bill in a fiscally responsible manner.

Again, I support the R&D tax credit, as do the vast majority of the members of our Caucus, but we do not support this bill.

I ask for a “yes” vote on my motion.

Mr. Speaker, I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I am opposed to the motion.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. CAMP. Mr. Speaker, this economy isn't growing. Last quarter's GDP showed 0.1 percent economic growth. It is essentially flat.

Do we have any pro-growth ideas or policies coming from the other side? None. They seem to be happy with the way things are. But, frankly, Americans aren't. Americans think the country is going in the wrong direction. Americans think things aren't going to get better because—you know what?—they haven't been. Median incomes have been declining. So what we need to do is adopt something that is pro-growth.

This is a policy that has wide bipartisan support. Republicans and Democrats have long supported the research and development tax credit. Do you know why? Because it allows companies to innovate, to create and refine medical products that help extend and make people's lives better. It helps small companies like one in my home State of Michigan that actually makes footwear for our soldiers and men and

women in harm's way, and they continue to refine that product as they meet difficult conditions overseas.

We need to innovate and grow. Democrats 71 times voted to extend this provision, unpaid for. The President, when he was in the Senate, voted twice to extend the R&D credit without paying for it. The President, twice, as President of the United States signed legislation that twice extended this credit without paying for it.

Look, let's stop the charade. Let's be honest. This credit will be extended. Let's give businesses the certainty they need, employers, so they can grow and invest and create jobs, so that everyone can get higher wages, so we can reverse this terrible trend of incomes declining.

Let's raise wages for everyone. Let's adopt a permanent R&D tax credit.

Vote against this motion and vote for the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mrs. KIRKPATRICK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 191, nays 209, not voting 31, as follows:

[Roll No. 210]

YEAS—191

Barber	Courtney	Grijalva
Barrow (GA)	Crowley	Gutiérrez
Bass	Cuellar	Hahn
Beatty	Cummings	Hanabusa
Becerra	Davis (CA)	Heck (WA)
Bera (CA)	Davis, Danny	Higgins
Bishop (NY)	DeFazio	Himes
Blumenauer	Delaney	Hinojosa
Bonamici	DeLauro	Holt
Brady (PA)	DelBene	Honda
Briley (IA)	Deutch	Horsford
Brown (FL)	Dingell	Hoyer
Brownley (CA)	Doggett	Huffman
Bustos	Doyle	Israel
Butterfield	Duckworth	Jackson Lee
Capps	Edwards	Jeffries
Capuano	Ellison	Johnson (GA)
Cárdenas	Engel	Johnson, E. B.
Carney	Enyart	Jones
Cartwright	Eshoo	Kaptur
Castor (FL)	Esty	Keating
Castro (TX)	Farr	Kelly (IL)
Chu	Fattah	Kennedy
Cicilline	Foster	Kildee
Clark (MA)	Frankel (FL)	Kilmer
Clarke (NY)	Fudge	Kind
Cleaver	Gabbard	Kirkpatrick
Clyburn	Gallego	Kuster
Cohen	Garamendi	Langevin
Connolly	Garcia	Larsen (WA)
Conyers	Grayson	Larson (CT)
Cooper	Green, Al	Lee (CA)
Costa	Green, Gene	Levin

Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Ruiz  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanford  
Scalise  
Schneider  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shea-Porter  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Swellwell (CA)  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Titus  
Tonko  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Walz  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (IN)

Swalwell (CA)  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Titus  
Tonko  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Walz  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (IN)

Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Kelly (IL)  
Kildee  
Kind  
Kirkpatrick  
Larsen (WA)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Lofgren  
Lowenthal  
Lowe  
Lujan, Ben Ray  
(NM)  
Matsui  
McCarthy (NY)  
McCormack  
McDermott  
McGovern  
Meeks  
Meng  
Miller, George  
Moore

## NAYS—131

Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Kelly (IL)  
Kildee  
Kind  
Kirkpatrick  
Larsen (WA)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Lofgren  
Lowenthal  
Lowe  
Luján, Ben Ray  
(NM)  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
Meeks  
Meng  
Miller, George  
Moore



Nadler	Ruppersberger	Tsongas
Napolitano	Sarbanes	Van Hollen
O'Rourke	Schakowsky	Vargas
Owens	Schiff	Veasey
Pallone	Schrader	Vela
Pastor (AZ)	Scott (VA)	Velázquez
Payne	Serrano	Visclosky
Pelosi	Sewell (AL)	Wasserman
Perlmutter	Sherman	Schultz
Pocan	Sires	Waters
Polis	Slaughter	Waxman
Price (NC)	Smith (WA)	Welch
Quigley	Speier	Wilson (FL)
Rangel	Takano	Yarmuth
Richmond	Thompson (CA)	
Roybal-Allard	Thompson (MS)	

## NOT VOTING—26

Bachmann	Hartzler	Runyan
Bishop (GA)	Hastings (FL)	Rush
Clay	Hurt	Schwartz
Coble	Kingston	Scott, David
Crawford	Marchant	Smith (TX)
DeGette	McAllister	Whitfield
Duffy	Nunnelee	Williams
Granger	Palazzo	Young (AK)
Harper	Reed	

□ 0958

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GRANGER. Mr. Speaker, on rollcall No. 211, due to a previously scheduled, and very important, constituent event in my district, I will not be present for this vote. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mrs. HARTZLER. Mr. Speaker, on Friday, May 9, 2014, I was unable to vote. Had I been present, I would have voted as follows: on rollcall No. 210, "nay," on rollcall No. 211, "yea."

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4615

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. PETERS) be removed as cosponsor of H.R. 4615.

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). Is there objection to the request of the gentleman from New York?

There was no objection.

## SUCCESS AND OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 576 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 10.

Will the gentleman from Kansas (Mr. YODER) kindly take the chair.

□ 1000

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 10) to amend the charter school program under the Elementary and Sec-

ondary Education Act of 1965, with Mr. YODER (Acting Chair) in the chair.

The Clerk read the title of the bill. The Acting CHAIR. When the Committee of the Whole rose on Thursday, May 8, 2014, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce, printed in the bill, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

## H.R. 10

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Success and Opportunity through Quality Charter Schools Act".*

**SEC. 2. REFERENCES.**

*Except as otherwise specifically provided, whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).*

**SEC. 3. SUBPART HEADING; PURPOSE.**

(a) **SUBPART HEADING.**—The heading for subpart 1 of part B of title V (20 U.S.C. 7221 et seq.) is amended to read as follows: "**Charter School Program**".

(b) **PURPOSE.**—Section 5201 (20 U.S.C. 7221) is amended to read as follows:

**"SEC. 5201. PURPOSE.**

*"It is the purpose of this subpart to—*

*"(1) improve the United States education system and education opportunities for all Americans by supporting innovation in public education in public school settings that prepare students to compete and contribute to the global economy;*

*"(2) provide financial assistance for the planning, program design, and initial implementation of charter schools;*

*"(3) expand the number of high-quality charter schools available to students across the Nation;*

*"(4) evaluate the impact of such schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;*

*"(5) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools;*

*"(6) improve student services to increase opportunities for students with disabilities, limited English proficient students, and other traditionally underserved students to attend charter schools and meet challenging State academic achievement standards;*

*"(7) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, oversight, monitoring, and evaluation of such schools; and*

*"(8) support quality accountability and transparency in the operational performance of all*

*authorized public chartering agencies, which include State educational agencies, local educational agencies, and other authorizing entities."*

**SEC. 4. PROGRAM AUTHORIZED.**

Section 5202 (20 U.S.C. 7221a) is amended to read as follows:

**"SEC. 5202. PROGRAM AUTHORIZED.**

*"(a) IN GENERAL.—This subpart authorizes the Secretary to carry out a charter school program that supports charter schools that serve elementary school and secondary school students by—*

*"(1) supporting the startup of charter schools, and the replication and expansion of high-quality charter schools;*

*"(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and*

*"(3) carrying out national activities to support—*

*"(A) charter school development;*

*"(B) the dissemination of best practices of charter schools for all schools;*

*"(C) the evaluation of the impact of the program on schools participating in the program; and*

*"(D) stronger charter school authorizing.*

*"(b) FUNDING ALLOTMENT.—From the amount made available under section 5211 for a fiscal year, the Secretary shall—*

*"(1) reserve 12.5 percent to support charter school facilities assistance under section 5204;*

*"(2) reserve not more than 10 percent to carry out national activities under section 5205; and*

*"(3) use the remaining amount after the Secretary reserves funds under paragraphs (1) and (2) to carry out section 5203.*

*"(c) PRIOR GRANTS AND SUBGRANTS.—The recipient of a grant or subgrant under this subpart or subpart 2, as such subpart was in effect on the day before the date of enactment of the Success and Opportunity through Quality Charter Schools Act, shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant."*

**SEC. 5. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.**

Section 5203 (20 U.S.C. 7221b) is amended to read as follows:

**"SEC. 5203. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.**

*"(a) IN GENERAL.—From the amount reserved under section 5202(b)(3), the Secretary shall award grants to State entities having applications approved pursuant to subsection (f) to enable such entities to—*

*"(1) award subgrants to eligible applicants for opening and preparing to operate—*

*"(A) new charter schools;*

*"(B) replicated, high-quality charter school models; or*

*"(C) expanded, high-quality charter schools; and*

*"(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1) and work with authorized public chartering agencies in the State to improve authorizing quality.*

*"(b) STATE USES OF FUNDS.—*

*"(1) IN GENERAL.—A State entity receiving a grant under this section shall—*

*"(A) use not less than 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the State entity's application approved pursuant to subsection (f), for the purposes described in subparagraphs (A) through (C) of subsection (a)(1);*

*"(B) reserve not less than 7 percent of such funds to carry out the activities described in subsection (a)(2); and*

*"(C) reserve not more than 3 percent of such funds for administrative costs which may include technical assistance.*

“(2) **CONTRACTS AND GRANTS.**—A State entity may use a grant received under this section to carry out the activities described in subparagraphs (A) and (B) of paragraph (1) directly or through grants, contracts, or cooperative agreements.

“(3) **RULE OF CONSTRUCTION.**—Nothing in this Act shall prohibit the Secretary from awarding grants to States that use a weighted lottery to give slightly better chances for admission to all, or a subset of, educationally disadvantaged students if—

“(A) the use of weighted lotteries in favor of such students is not prohibited by State law, and such State law is consistent with laws described in section 5210(1)(G); and

“(B) such weighted lotteries are not used for the purpose of creating schools exclusively to serve a particular subset of students.

“(c) **PROGRAM PERIODS; PEER REVIEW; GRANT NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIVERS.**—

“(1) **PROGRAM PERIODS.**—

“(A) **GRANTS.**—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

“(B) **SUBGRANTS.**—A subgrant awarded by a State entity under this section shall be for a period of not more than 5 years, of which an eligible applicant may use not more than 18 months for planning and program design.

“(2) **PEER REVIEW.**—The Secretary, and each State entity receiving a grant under this section, shall use a peer review process to review applications for assistance under this section.

“(3) **GRANT AWARDS.**—The Secretary shall—

“(A) for each fiscal year for which funds are appropriated under section 5211—

“(i) award not less than 3 grants under this section;

“(ii) wholly fund each grant awarded under this section, without making continuation awards; and

“(iii) fully obligate the funds appropriated for the purpose of awarding grants under this section in the fiscal year for which such grants are awarded; and

“(B) midway through the grant period of each grant awarded under this section to a State entity, review the grant to determine whether the State entity will meet the agreed upon uses of funds in the State entity's application, and if not, reallocate the grant funds that will not be used for such agreed upon uses of funds to other State entities during the succeeding grant competition under this section.

“(4) **DIVERSITY OF PROJECTS.**—Each State entity receiving a grant under this section shall award subgrants under this section in a manner that, to the extent possible, ensures that such subgrants—

“(A) are distributed throughout different areas, including urban, suburban, and rural areas; and

“(B) will assist charter schools representing a variety of educational approaches.

“(5) **WAIVERS.**—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 5210(1), if—

“(A) the waiver is requested in an approved application under this section; and

“(B) the Secretary determines that granting such a waiver will promote the purpose of this subpart.

“(d) **LIMITATIONS.**—

“(1) **GRANTS.**—A State entity may not receive more than 1 grant under this section for a 5-year period.

“(2) **SUBGRANTS.**—An eligible applicant may not receive more than 1 subgrant under this section per individual charter school for a 5-year

period, unless the eligible applicant demonstrates to the State entity not less than 3 years of improved educational results in the areas described in subparagraphs (A) and (D) of section 5210(8) for students enrolled in such charter school.

“(e) **APPLICATIONS.**—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

“(1) **DESCRIPTION OF PROGRAM.**—A description of the State entity's objectives under this section and how the objectives of the program will be carried out, including a description—

“(A) of how the State entity—

“(i) will support the opening of new charter schools, replicated, high-quality charter school models, or expanded, high-quality charter schools, and a description of the proposed number of each type of charter school or model, if applicable, to be opened under the State entity's program;

“(ii) will inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

“(iii) will work with eligible applicants to ensure that the eligible applicants access all Federal funds that they are eligible to receive, and help the charter schools supported by the applicants and the students attending the charter schools—

“(I) participate in the Federal programs in which the schools and students are eligible to participate;

“(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs; and

“(III) meet the needs of students served under such programs, including student with disabilities and English learners;

“(iv) will have clear plans and procedures to assist students enrolled in a charter school that closes or loses its charter to attend other high-quality schools;

“(v) in the case in which the State entity is not a State educational agency—

“(I) will work with the State educational agency and the charter schools in the State to maximize charter school participation in Federal and State programs for charter schools; and

“(II) will work with the State educational agency to adequately operate the State entity's program under this section, where applicable;

“(vi) will ensure each eligible applicant that receives a subgrant under the State entity's program to open and prepare to operate a new charter school, a replicated, high-quality charter school model, or an expanded, high-quality charter school—

“(I) will ensure such school or model meets the requirements under section 5210(1); and

“(II) is prepared to continue to operate such school or model, in a manner consistent with the eligible applicant's application, after the subgrant funds have expired;

“(vii) will support charter schools in local educational agencies with large numbers of schools identified by the State for improvement;

“(viii) will work with charter schools to promote inclusion of all students and support all students once they are enrolled to promote retention;

“(ix) will work with charter schools on recruitment practices, including efforts to engage groups that may otherwise have limited opportunities to participate in charter schools, and to ensure such schools do not have in effect policies or procedures that may create barriers to enrollment of students, including educationally disadvantaged students, and are in compliance with all Federal and State laws on enrollment practices;

“(x) will share best and promising practices between charter schools and other public schools, including, where appropriate, instruction and professional development in core academic subjects, and science, technology, engineering, and math education, including computer science;

“(xi) will ensure the charter schools receiving funds under the State entity's program meet the educational needs of their students, including students with disabilities and English learners;

“(xii) will support efforts to increase quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(E);

“(xiii) in the case of a State entity not described in clause (xiv), will provide oversight of authorizing activity, including how the State will approve, actively monitor, and re-approve or revoke the authority of an authorized public chartering agency based on the performance of the charter schools authorized by such agency in the areas of student achievement, student safety, financial management, and compliance with all applicable statutes and regulations; and

“(xiv) in the case of a State entity defined in subsection (i)(4), will work with the State to provide assistance to and oversight of authorized public chartering agencies for authorizing activity described in clause (xiii);

“(B) of the extent to which the State entity—

“(i) is able to meet and carry out the priorities listed in subsection (f)(2); and

“(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools, replicated, high-quality charter school models, or expanded, high-quality charter schools;

“(C) of how the State entity will carry out the subgrant competition, including—

“(i) a description of the application each eligible applicant desiring to receive a subgrant will submit, including—

“(I) a description of the roles and responsibilities of eligible applicants, partner organizations, and management organizations, including the administrative and contractual roles and responsibilities;

“(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, how a school's performance in the State's academic accountability system will be a primary factor for renewal or revocation of the school's charter, and how the State entity and the authorized public chartering agency involved will reserve the right to revoke or not renew a school's charter based on financial, structural, or operational factors involving the management of the school;

“(III) a description of how the eligible applicant will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school receiving funds under the State entity's program; and

“(IV) a description of the planned activities and expenditures for the subgrant funds for purposes of opening and preparing to operate a new charter school, a replicated, high-quality charter school model, or an expanded, high-quality charter school, and how the school or model will maintain financial sustainability after the end of the subgrant period; and

“(ii) a description of how the State entity will review applications;

“(D) in the case of an entity that partners with an outside organization to carry out the State entity's quality charter school program, in whole or in part, of the roles and responsibilities of this partner;

“(E) of how the State entity will help the charter schools receiving funds under the State

entity's program consider the transportation needs of the schools' students; and

"(F) of how the State entity will support diverse charter school models, including models that serve rural communities.

"(2) ASSURANCES.—Assurances, including a description of how the assurances will be met, that—

"(A) each charter school receiving funds under the State entity's program will have a high degree of autonomy over budget and operations;

"(B) the State entity will support charter schools in meeting the educational needs of their students as described in paragraph (1)(A)(x);

"(C) the State entity will ensure that the authorized public chartering agency of any charter school that receives funds under the State entity's program—

"(i) adequately monitors each charter school in recruiting, enrolling, and meeting the needs of all students, including students with disabilities and English learners; and

"(ii) ensures that each charter school solicits and considers input from parents and other members of the community on the implementation and operation of the school;

"(D) the State entity will provide adequate technical assistance to eligible applicants to—

"(i) meet the objectives described in clauses (vii) and (viii) of paragraph (1)(A) and paragraph (2)(B); and

"(ii) recruit, enroll, and retain traditionally underserved students, including students with disabilities and English learners, at rates similar to traditional public schools;

"(E) the State entity will promote quality authorizing, such as through providing technical assistance and supporting all authorized public chartering agencies in the State to improve the oversight of their charter schools, including by—

"(i) assessing annual performance data of the schools, including, as appropriate, graduation rates and student academic growth;

"(ii) reviewing the schools' independent, annual audits of financial statements conducted in accordance with generally accepted accounting principles, and ensuring any such audits are publically reported; and

"(iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school's charter;

"(F) the State entity will work to ensure that charter schools are included with the traditional public schools in decision-making about the public school system in the State; and

"(G) the State entity will ensure that each charter school in the State make publicly available, consistent with the dissemination requirements of the annual State report card, information to help parents make informed decisions about the education options available to their children, including information on the educational program, student support services, and annual performance and enrollment data for the groups of students described in section 1111(b)(2)(C)(v)(II).

"(3) REQUESTS FOR WAIVERS.—A request and justification for waivers of any Federal statutory or regulatory provisions that the State entity believes are necessary for the successful operation of the charter schools that will receive funds under the State entity's program under this section, and a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply to such schools or, in the case of a State entity defined in subsection (i)(4), a description of how the State entity will work with the State to request necessary waivers where applicable.

"(f) SELECTION CRITERIA; PRIORITY.—

"(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (e), after taking into consideration—

"(A) the degree of flexibility afforded by the State's public charter school law and how the State entity will work to maximize the flexibility provided to charter schools under the law;

"(B) the ambitiousness of the State entity's objectives for the quality charter school program carried out under this section;

"(C) the quality of the strategy for assessing achievement of those objectives;

"(D) the likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students;

"(E) the State entity's plan to—

"(i) adequately monitor the eligible applicants receiving subgrants under the State entity's program;

"(ii) work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies; and

"(iii) provide adequate technical assistance and support for—

"(I) the charter schools receiving funds under the State entity's program; and

"(II) quality authorizing efforts in the State; and

"(F) the State entity's plan to solicit and consider input from parents and other members of the community on the implementation and operation of the charter schools in the State.

"(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to State entities to the extent that they meet the following criteria:

"(A) In the case of a State entity located in a State that allows an entity other than a local educational agency to be an authorized public chartering agency, the State has a quality authorized public chartering agency that is an entity other than a local educational agency.

"(B) The State entity is located in a State that does not impose any limitation on the number or percentage of charter schools that may exist or the number or percentage of students that may attend charter schools in the State.

"(C) The State entity is located in a State that ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.

"(D) The State entity is located in a State that uses charter schools and best practices from charter schools to help improve struggling schools and local educational agencies.

"(E) The State entity partners with an organization that has a demonstrated record of success in developing management organizations to support the development of charter schools in the State.

"(F) The State entity supports charter schools that support at-risk students through activities such as dropout prevention or dropout recovery.

"(G) The State entity authorizes all charter schools in the State to serve as school food authorities.

"(H) The State entity has taken steps to ensure that all authorizing public chartering agencies implement best practices for charter school authorizing.

"(g) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to carry out activities related to opening and preparing to operate a new charter school, a replicated, high-quality charter school model, or an expanded, high-quality charter school, such as—

"(1) preparing teachers and school leaders, including through professional development;

"(2) acquiring equipment, educational materials, and supplies; and

"(3) necessary renovations and minor facilities repairs (excluding construction).

"(h) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the 5-year grant period and at the end of such grant period, a report on—

"(1) the number of students served by each subgrant awarded under this section and, if applicable, how many new students were served during each year of the subgrant period;

"(2) the progress the State entity made toward meeting the priorities described in subsection (f)(2), as applicable;

"(3) how the State entity met the objectives of the quality charter school program described in the State entity's application under subsection (e);

"(4) how the State entity complied with, and ensured that eligible applicants complied with, the assurances described in the State entity's application;

"(5) how the State entity worked with authorized public chartering agencies, including how the agencies worked with the management company or leadership of the schools that received subgrants under this section; and

"(6) the number of subgrants awarded under this section to carry out each of the following:

"(A) The opening of new charter schools.

"(B) The opening of replicated, high-quality charter school models.

"(C) The opening of expanded, high-quality charter schools.

"(i) STATE ENTITY DEFINED.—For purposes of this section, the term 'State entity' means—

"(1) a State educational agency;

"(2) a State charter school board;

"(3) a Governor of a State; or

"(4) a charter school support organization.".

## SEC. 6. FACILITIES FINANCING ASSISTANCE.

Section 5204 (20 U.S.C. 7221c) is amended to read as follows:

### "SEC. 5204. FACILITIES FINANCING ASSISTANCE.

"(a) GRANTS TO ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—From the amount reserved under section 5202(b)(1), the Secretary shall not use less than 50 percent to award grants to eligible entities that have the highest-quality applications approved under subsection (d), after considering the diversity of such applications, to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

"(2) ELIGIBLE ENTITY DEFINED.—For purposes of this section, the term 'eligible entity' means—

"(A) a public entity, such as a State or local governmental entity;

"(B) a private nonprofit entity; or

"(C) a consortium of entities described in subparagraphs (A) and (B).

"(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

"(c) GRANT CHARACTERISTICS.—Grants under subsection (a) shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—To receive a grant under subsection (a), an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

"(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

"(A) a statement identifying the activities proposed to be undertaken with funds received

under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

“(B) a description of the involvement of charter schools in the application’s development and the design of the proposed activities;

“(C) a description of the eligible entity’s expertise in capital market financing;

“(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of public funding used and otherwise enhance credit available to charter schools, including how the eligible entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the eligible entity under this section;

“(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

“(F) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the charter schools need to have adequate facilities.

“(e) **CHARTER SCHOOL OBJECTIVES.**—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private sector capital to accomplish one or more of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

“(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

“(3) The predevelopment costs required to assess sites for purposes of paragraph (1) or (2) and which are necessary to commence or continue the operation of a charter school.

“(f) **RESERVE ACCOUNT.**—

“(1) **USE OF FUNDS.**—To assist charter schools to accomplish the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

“(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

“(B) Guaranteeing and insuring leases of personal and real property for an objective described in subsection (e).

“(C) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

“(D) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

“(2) **INVESTMENT.**—Funds received under this section and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(3) **REINVESTMENT OF EARNINGS.**—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with such paragraph.

“(g) **LIMITATION ON ADMINISTRATIVE COSTS.**—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

“(h) **AUDITS AND REPORTS.**—

“(1) **FINANCIAL RECORD MAINTENANCE AND AUDIT.**—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

“(2) **REPORTS.**—

“(A) **GRANTEE ANNUAL REPORTS.**—Each eligible entity receiving a grant under subsection (a) annually shall submit to the Secretary a report of its operations and activities under this section.

“(B) **CONTENTS.**—Each annual report submitted under subparagraph (A) shall include—

“(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

“(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

“(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;

“(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

“(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

“(vi) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this section (excluding subsection (k)) during the reporting period.

“(C) **SECRETARIAL REPORT.**—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

“(i) **NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.**—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

“(j) **RECOVERY OF FUNDS.**—

“(1) **IN GENERAL.**—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(A) all of the funds in a reserve account established by an eligible entity under subsection

(f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this section (excluding subsection (k)), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

“(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in subsection (f)(1).

“(2) **EXERCISE OF AUTHORITY.**—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in subsection (f)(1).

“(3) **PROCEDURES.**—The provisions of sections 451, 452, and 458 of the General Education Provisions Act 20 U.S.C. 124, 1234a, 1234g shall apply to the recovery of funds under paragraph (1).

“(4) **CONSTRUCTION.**—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

“(k) **PER-PUPIL FACILITIES AID PROGRAM.**—

“(1) **DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.**—In this subsection, the term ‘per-pupil facilities aid program’ means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

“(A) that is dedicated solely for funding charter school facilities; or

“(B) a portion of which is dedicated for funding charter school facilities.

“(2) **GRANTS.**—

“(A) **IN GENERAL.**—From the amount under section 5202(b)(1) remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering per-pupil facilities aid programs.

“(B) **PERIOD.**—The Secretary shall award grants under this subsection for periods of not more than 5 years.

“(C) **FEDERAL SHARE.**—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

“(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

“(ii) 80 percent in the second such year;

“(iii) 60 percent in the third such year;

“(iv) 40 percent in the fourth such year; and

“(v) 20 percent in the fifth such year.

“(D) **STATE SHARE.**—A State receiving a grant under this subsection may partner with 1 or more organizations to provide up to 50 percent of the State share of the cost of establishing or enhancing, and administering the per-pupil facilities aid program.

“(E) **MULTIPLE GRANTS.**—A State may receive more than 1 grant under this subsection, so long as the amount of such funds provided to charter schools increases with each successive grant.

“(3) **USE OF FUNDS.**—

“(A) **IN GENERAL.**—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

“(B) **EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.**—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve

not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

“(C) **SUPPLEMENT, NOT SUPPLANT.**—Funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

“(4) **REQUIREMENTS.**—

“(A) **VOLUNTARY PARTICIPATION.**—No State may be required to participate in a program carried out under this subsection.

“(B) **STATE LAW.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), to be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

“(I) is specified in State law; and

“(II) provides annual financing, on a per-pupil basis, for charter school facilities.

“(ii) **SPECIAL RULE.**—Notwithstanding clause (i), a State that is required under State law to provide its charter schools with access to adequate facility space, but which does not have a per-pupil facilities aid program for charter schools specified in State law, may be eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

“(5) **APPLICATIONS.**—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.”.

#### SEC. 7. NATIONAL ACTIVITIES.

Section 5205 (20 U.S.C. 7221d) is amended to read as follows:

##### “SEC. 5205. NATIONAL ACTIVITIES.

“(a) **IN GENERAL.**—From the amount reserved under section 5202(b)(2), the Secretary shall—

“(1) use not less than 75 percent of such funds to award grants in accordance with subsection (b); and

“(2) use not more than 25 percent of such funds to—

“(A) provide technical assistance to State entities in awarding subgrants under section 5203, and eligible entities and States receiving grants under section 5204;

“(B) disseminate best practices; and

“(C) evaluate the impact of the charter school program, including the impact on student achievement, carried out under this subpart.

“(b) **GRANTS.**—

“(1) **IN GENERAL.**—The Secretary shall make grants, on a competitive basis, to eligible applicants for the purpose of carrying out the activities described in section 5202(a)(1), subparagraphs (A) through (C) of section 5203(a)(1), and section 5203(g).

“(2) **TERMS AND CONDITIONS.**—Except as otherwise provided in this subsection, grants awarded under this subsection shall have the same terms and conditions as grants awarded to State entities under section 5203.

“(3) **CHARTER MANAGEMENT ORGANIZATIONS.**—The Secretary shall—

“(A) use not less than 75 percent of the funds described in subsection (a)(1) to make grants, on a competitive basis, to eligible applicants described in paragraph (4)(C); and

“(B) notwithstanding paragraphs (1)(A) and (2) of section 5203(f)—

“(i) award grants to eligible applicants on the basis of the quality of the applications submitted under this subsection; and

“(ii) in awarding grants to eligible applicants described in paragraph (4)(C), give priority to each such eligible applicant that—

“(I) demonstrates a high proportion of high-quality charter schools within the network of the eligible applicant;

“(II) demonstrates success in serving students who are educationally disadvantaged;

“(III) does not have a significant proportion of charter schools that have been closed, had their charter revoked for compliance issues, or had their affiliation with such eligible applicant revoked;

“(IV) has sufficient procedures in effect to ensure timely closure of low-performing or financially-mismanaged charter schools and clear plans and procedures in effect for the students in such schools to attend other high-quality schools; and

“(V) demonstrates success in working with schools identified for improvement by the State.

“(4) **ELIGIBLE APPLICANT DEFINED.**—For purposes of this subsection, the term ‘eligible applicant’ means an eligible applicant (as defined in section 5210) that—

“(A) desires to open a charter school in—

“(i) a State that did not apply for a grant under section 5203; or

“(ii) a State that did not receive a grant under section 5203; or

“(B) is a charter management organization.

“(c) **CONTRACTS AND GRANTS.**—The Secretary may carry out any of the activities described in this section directly or through grants, contracts, or cooperative agreements.”.

#### SEC. 8. RECORDS TRANSFER.

Section 5208 (20 U.S.C. 7221g) is amended—

(1) by inserting “as quickly as possible and” before “to the extent practicable”; and

(2) by striking “section 602” and inserting “section 602(14)”.

#### SEC. 9. DEFINITIONS.

Section 5210 (20 U.S.C. 7221i) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) **CHARTER SCHOOL.**—The term ‘charter school’ means a public school that—

“(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

“(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

“(C) operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency;

“(D) provides a program of elementary or secondary education, or both;

“(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

“(F) does not charge tuition;

“(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, part B of the Individuals with Disabilities Education Act, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 444 of the General Education Provisions Act (20 U.S.C. 1232(g)) (commonly known as the ‘Family Education Rights and Privacy Act of 1974’);

“(H) is a school to which parents choose to send their children, and admits students on the basis of a lottery if more students apply for admission than can be accommodated, except that in cases in which students who are enrolled in a charter school affiliated (such as by sharing a network) with another charter school, those students may be automatically enrolled in the next grade level at such other charter school, so long as a lottery is used to fill seats created through regular attrition in student enrollment;

“(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;

“(J) meets all applicable Federal, State, and local health and safety requirements;

“(K) operates in accordance with State law;

“(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; and

“(M) may serve prekindergarten or postsecondary students.”;

(2) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively;

(3) by inserting after paragraph (1), the following:

“(2) **CHARTER MANAGEMENT ORGANIZATION.**—The term ‘charter management organization’ means a not-for-profit organization that manages a network of charter schools linked by centralized support, operations, and oversight.

“(3) **CHARTER SCHOOL SUPPORT ORGANIZATION.**—The term ‘charter school support organization’ means a nonprofit, nongovernmental entity that is not an authorized public chartering agency, which provides on a statewide basis—

“(A) assistance to developers during the planning, program design, and initial implementation of a charter school; and

“(B) technical assistance to charter schools to operate such schools.”;

(4) in paragraph (5)(B), as so redesignated, by striking “under section 5203(d)(3)”;

and

(5) by adding at the end the following:

“(7) **EXPANDED, HIGH-QUALITY CHARTER SCHOOL.**—The term ‘expanded, high-quality charter school’ means a high-quality charter school that has either significantly increased its enrollment or added one or more grades to its school.

“(8) **HIGH-QUALITY CHARTER SCHOOL.**—The term ‘high-quality charter school’ means a charter school that—

“(A) shows evidence of strong academic results, which may include strong academic growth as determined by a State;

“(B) has no significant issues in the areas of student safety, operational and financial management, or statutory or regulatory compliance;

“(C) has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, consistent with the requirements under title 1, for all students served by the charter school; and

“(D) has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for the groups of students described in section 1111(b)(2)(C)(v)(II), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

“(9) **REPLICATED, HIGH-QUALITY CHARTER SCHOOL MODEL.**—The term ‘replicated, high-quality charter school model’ means a high-quality charter school that has opened a new campus under an existing charter or an additional charter if required by State law.”.

#### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 5211 (20 U.S.C. 7221j) is amended to read as follows:

##### “SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart \$300,000,000 for fiscal

year 2015 and each of the 5 succeeding fiscal years.”.

#### SEC. 11. CONFORMING AMENDMENTS.

(a) REPEAL.—Subpart 2 of part B of title V (20 U.S.C. 7223 et seq.) is repealed.

(b) TABLE OF CONTENTS.—The table of contents in section 2 is amended—

(1) by striking the item relating to subpart 1 of part B of title V and inserting the following:

“Subpart 1—Charter School Program”;

(2) by striking the item relating to section 5203 and inserting the following:

“Sec. 5203. Grants to support high-quality charter schools.”;

(3) by striking the item relating to section 5204 and inserting the following:

“Sec. 5204. Facilities financing assistance.”; and

(4) by striking the items relating to subpart 2 of part B of title V.

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part A of House Report 113-444. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

#### AMENDMENT NO. 1 OFFERED BY MR. KLINE

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 113-444.

Mr. KLINE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, beginning line 15, strike “limited English proficient students” and insert “English learners”.

Page 10, beginning line 1, amend subparagraph (B) to read as follows:

“(B) prior to the start of the final year of the grant period of each grant awarded under this section to a State entity, review whether the State entity is using the grant funds for the agreed upon uses of funds and whether the full amount of the grant will be needed for the remainder of the grant period and may, as determined necessary based on that review, terminate or reduce the amount of the grant and reallocate the remaining grant funds to other State entities during the succeeding grant competition under this section.”.

Page 11, beginning line 5, amend paragraph (1) to read as follows:

“(1) GRANTS.—The Secretary shall not award a grant to a State entity under this section in a case in which such award would result in more than 1 grant awarded under this section being carried out in a State at the same time.”.

Page 14, line 14, insert “, including supporting the use of charter schools to improve, or in turning around, struggling schools” after “improvement”.

Page 14, line 18, insert “including through the use of fair disciplinary practices” after “retention”.

Page 19, line 16, strike “(1)(A)(x)” and insert “(1)(A)(xi)”.

Page 20, line 8, strike “(vii) and (viii)” and insert “(viii) and (ix)”.

Page 20, line 22, strike “and student” and insert “, student”.

Page 20, line 23, insert “, and rates of student attrition” after “growth”.

Page 21, line 17, strike “make” and insert “makes”.

Page 22, line 2, insert before the period at the end the following: “, except that such data shall not be made publicly available in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student”.

Page 42, line 13, strike “(4)(C)” and insert “(4)(B)”.

Page 42, line 21, strike “(4)(C)” and insert “(4)(B)”.

Page 42, beginning line 21, strike “give priority to each such eligible applicant that” and inserting “take into consideration whether such an eligible applicant”.

Page 49, line 17, insert “or permitted” after “required”.

The Acting CHAIR. Pursuant to House Resolution 576, the gentleman from Minnesota (Mr. KLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I rise in support of the manager's amendment which makes important changes to the bill to support the growth of high-performing charter schools.

Charter schools epitomize choice and flexibility in education. Reform-minded States and school districts all across the country have embraced this innovative educational model to transform underperforming traditional public schools.

The manager's amendment improves the existing charter school program and the underlying bill by clarifying the grant award language, ensuring charter school funding is used for the intended purposes.

Additionally, the manager's amendment adds quality authorizing provisions, to include looking at school attrition rates, and asks States to assist schools in developing fair discipline practices that will help promote student retention.

Mr. Chairman, the act is an important piece of legislation that will streamline and modernize the charter school program to support the startup, replication, and expansion of high-quality charter schools. The manager's amendment includes commonsense changes to improve the underlying legislation.

I urge my colleagues to support the manager's amendment and the Success and Opportunity through Quality Charter Schools Act.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I claim the time in opposition, although I am not in opposition.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of this amendment and thank the chairman for working with me to include important improvements in the underlying bill.

I am especially pleased that this amendment includes provisions to promote the use of nondiscriminatory discipline practices as charter schools work to serve and retain all students.

We know that the overreliance on out-of-school suspension and expulsion disproportionately impacts educational successes of minority students and students with disabilities. According to the most recent civil rights data collection, the negative impacts on unequal implementation of these disciplines is impacting minority kids as young as 4 years old.

This is unacceptable, and I am pleased that this amendment seeks to better position charter schools to understand, implement, and report on the use of their fair practices.

I want to thank Mr. DAVIS, Ms. WILSON, Mr. CONYERS, Ms. FUDGE, Ms. CLARKE, and Mr. GRAYSON for helping to ensure that these improvements in H.R. 10 are included.

I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I urge my colleagues to support this amendment and the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. KLINE).

The amendment was agreed to.

#### AMENDMENT NO. 2 OFFERED BY MR. CASSIDY

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 113-444.

Mr. CASSIDY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, after line 17, insert the following:

“(d) GAO REPORT.—Not later than 3 years after the date of enactment of the Success and Opportunity through Quality Charter Schools Act, the Comptroller General of the United States shall submit a report to the Secretary and Congress that—

“(1) examines whether the funds authorized to be reserved by State entities for administrative costs under section 5203(b)(1)(C) is appropriate; and

“(2) if determined not to be appropriate, makes recommendations on the appropriate reservation of funding for such administrative costs.”.

The Acting CHAIR. Pursuant to House Resolution 576, the gentleman from Louisiana (Mr. CASSIDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CASSIDY. Mr. Chairman, the intent of my amendment is to provide greater accountability over the use and



allocation of administrative costs associated with the funds authorized in this bill. It is important we attempt to maximize the ability of the dollar to reach the classroom.

The amendment simply requires that, within 3 years after the enactment of H.R. 10, the Government Accountability Office would provide a report on whether the amount of funding for State administrative costs is appropriate.

If the funds are determined inappropriate, GAO must provide a recommendation on what an appropriate level of funding would be.

My amendment is budget neutral, with no additional reporting requirements. It is simple and straightforward, ensuring that the millions of taxpayer dollars will go to classrooms, not caught up in bureaucracy.

We all know how easy it is for administrative costs in the public sector to balloon. This amendment helps to prevent this from happening.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE. Mr. Chairman, I rise in support of this amendment, which will require a GAO study on the money allocated for administrative costs.

As the gentleman from Louisiana said, we need to ensure that we are providing flexibility in the use of funds to run a quality, efficient, and effective program; and that means carefully balancing small administrative set-asides while supporting the underlying program purposes.

I support this amendment and urge my colleagues to do so as well.

I reserve the balance of my time.

Mr. CASSIDY. Mr. Chairman, I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. CASSIDY).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 113-444.

Ms. CASTOR of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, after line 17, insert the following:

“(d) CONFLICTS OF INTEREST.—The Secretary shall develop and enforce conflict of interest guidelines for any charter school receiving assistance under this subpart, which shall include disclosures of any person affiliated with the charter school that has a financial interest in the charter school.”.

The Acting CHAIR. Pursuant to House Resolution 576, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR of Florida. Mr. Chairman, the Castor amendment directs the Secretary of the Department of Education to develop and enforce conflict of interest guidelines for any charter school receiving assistance under this law.

These guidelines must include disclosures of any person affiliated with the charter school that has a financial interest in the charter school.

We all know that a conflict of interest is a situation in which an individual who has an obligation or duty to act for the benefit of the public—in this case, students and schools—exploits that relationship for personal benefit—typically for money—if the individual tries to perform that duty while, at the same time, trying to achieve a personal gain.

In the context of charter schools, there have been very serious cases all across the country over the past few years involving conflicts of interest in charter schools. Despite the overriding duty and responsibility to students and schools, individuals have acted to benefit or enrich themselves with public money—taxpayer money.

In my State of Florida, we have had a number of cases of conflict of interest in the approval and operation of charter schools. Recently, the Department of Education raised serious questions in an audit about expenditures of money and conflicts of interest of Florida's largest charter school management company. The preliminary audit report findings are very disturbing.

It appears that the charter school corporation entered into leases with development companies tied to the president of the company's family, that they hired an architectural firm that employs the president's brother-in-law, and that the board of directors transferred public funds to another organization with the same board of directors.

In Arizona, The Arizona Republic has reported that boardmembers and administrators from more than a dozen State-funded charter schools are profiting from their affiliations by doing business with the schools they oversee.

The newspaper reviewed thousands of pages of Federal tax returns, audits, corporate filings, and records with the Arizona State Board of Charter Schools.

The analysis looked at the 50 largest nonprofit charter schools in the State, as well as schools with assets of more than \$10 million. They found at least 17 contracts or arrangements totaling more than \$70 million over 5 years and involving about 40 school sites in which

the money from the nonprofit charter school went to for-profit and nonprofit companies run by board of directors, executives, or their relatives.

In Colorado, an audit report took a certain charter school network to task for egregious financial improprieties and for severe nepotism. The report said that the CEO was paying himself over \$340,000 per year. He hired his wife as chief operating officer and paid her over \$200,000 a year, and the chief financial officer was paid over \$320,000 per year.

This far exceeds what the standard salary is for a charter school or even when you look at the salaries for our larger district superintendents.

This charter school company then hired 20 members of their own family, according to the report and audit, and they racked up over \$400,000 in credit card charges in one year.

In California, State auditors found that the president of the American Indian Public Charter School in Oakland had given \$350,000 in improper payouts to his wife. They also found another \$350,000 had been spent on unauthorized construction projects, all going to companies owned by the CEO.

Also, Mr. Chair, just last week, a report was issued by the Center for Popular Democracy and Integrity in Education entitled, “Charter School Vulnerabilities to Waste, Fraud, and Abuse.” That title was borrowed from the title of a section of a report that appeared in the Department of Education's Office of Inspector General's recent report.

The report stated that the OIG experienced a steady increase in the number of charter school complaints, State-level agencies were failing to provide adequate oversight needed to ensure Federal funds were being properly used and accounted for. They estimated over \$100 million in taxpayer losses due to fraud, abuse, and waste in charter schools.

We can do much better. The conflict of interest problems afflicting charter schools across the country endanger the outstanding work being done by many charter schools.

For example, the Pepin Academies in my hometown of Tampa is a tuition-free public charter school for students with identified learning disabilities. They have an individualized education plan. They serve a very important population, and I believe in their mission.

If charter schools are going to effectively carry out their mission for students, using public funds, it is clear that we need more accountability and better procedures in place to protect taxpayer investment.

I include for the RECORD the press report that I referenced, along with the letters of support from First Focus, School Superintendents Association, NEA, and AFT.



[From the Republic, Nov. 17, 2012]

# INSIDERS BENEFITTING IN CHARTER DEALS

(By Anne Ryman)

Board members and administrators from more than a dozen state-funded charter schools are profiting from their affiliations by doing business with schools they oversee.

The deals, worth more than \$70 million over the last five years, are legal, but critics of the arrangements say they can lead to conflicts of interest. Charter executives, on the other hand, say they are able to help the schools get better deals on services and goods ranging from air-conditioners to textbooks and thus save taxpayers money.

The Arizona Republic reviewed thousands of pages of federal tax returns, audits, corporate filings, and records filed with the Arizona State Board for Charter Schools. The analysis looked at the 50 largest non-profit charter schools in the state as well as schools with assets of more than \$10 million. For-profit schools were not analyzed because their tax records are not public.

The Republic's analysis found at least 17 contracts or arrangements, totaling more than \$70 million over five years and involving about 40 school sites, in which money from the non-profit charter school went to for-profit or non-profit companies run by board members, executives or their relatives.

Arizona has 535 charter schools that enrolled about 144,800 students this school year, or about 14 percent of students in public schools.

Arizona's regulations on charter schools are relatively lax. The state allows charters to seek exemptions from state laws that require schools to obtain competitive bids for goods or services. Nearly 90 percent of the state's charter holders have gotten permanent exemptions from the state Board for Charter Schools, according to the state's database.

The schools' purchases from their own officials range from curriculum and business consulting to land leases and transportation services. A handful of non-profit schools outsource most of their operations to a board member's for-profit company. The transactions are legal provided schools report the relationships on their federal tax forms and board members abstain from voting on their own contracts.

In one case, school officials in Phoenix thought they were exempt from purchasing laws and failed to put a contract out to bid for non-academic services that were worth hundreds of thousands of dollars. In another case, a Glendale school purchased a van for almost twice its value and had to get the money refunded.

It's impossible to know whether any money was potentially diverted from classrooms through insider transactions or lack of competitive bidding. Several charters said they saved money but were unable to provide specifics; others did not respond to interview requests. Some said they contracted with a school official's company because the quality of the product or service was better than what was on the market.

Educators and ethicists say the arrangements raise questions about whether the schools are being used partly for personal gain.

"This is crony capitalism," said Alex Molnar, an education professor at the University of Colorado-Boulder who has studied charter schools. "This is greasing the palms of special-interest and favored individuals."

A for-profit company paid by a charter school, even a company that operates most of the school, does not have to disclose

spending details or how much profit it makes. Some board members who did business with their schools told The Republic they made a profit on the transactions. Others said they lost money. Some refused to comment.

Charter-school leaders say most executives and board members operate with good intentions when they conduct business transactions with their schools. The schools want to stretch their funding, and school leaders who own businesses can give the schools a good deal on products or services.

Being exempt from purchasing laws gives schools more flexibility, allowing them to focus more on the classroom and less on red tape, charter-school officials say.

"I see a lot of my schools really using thrifty, cost-effective methods," said Eileen Sigmund, president and CEO of the Arizona Charter Schools Association, a non-profit group that provides support services for charter schools.

For example, she said, one charter-school leader picked through Northern Arizona University's surplus equipment to get desks for classrooms.

Because Arizona charter schools receive on average \$1,700 less in annual state funding per child than district schools, charters "really have to be efficient," she said.

Charter schools are public schools that are independently run by non-profits, for-profits, school districts or state universities.

Charters get less funding on average largely because, unlike school districts, they can't ask voters in their surrounding areas to pass bonds and overrides to bring in more money. About 96 percent of charter schools operating now are authorized by the state and the rest by school districts or state universities.

Molnar, the education professor, said because charters are publicly funded, they should be subject to state procurement laws. Board members shouldn't be allowed to do business with their own schools, either.

[From the denverchannel.com, May 6, 2010]

## SCHOOL CEO RIPPED FOR HIRING WIFE, PAYING HIMSELF \$340K

A new audit report rips the founders of the Cesar Chavez Charter School Network for egregious financial impropriety and "severe nepotism."

The Colorado Department of Education is now calling for an investigation by the Pueblo County District Attorney and the IRS.

The Cesar Chavez Network operates three schools, one in Denver and two in Pueblo.

The report said Chief Executive Officer Lawrence Hernandez was paying himself \$340,000 per year. He hired his wife as chief operating officer and paid her \$201,000 a year. The chief financial officer was paid \$321,000. "This far exceeds what is the standard salary for a charter school or even if you look at some of our larger district superintendents," said CDE commissioner Dwight D. Jones.

In fact, Hernandez, who oversaw just three schools, made almost twice as much as the superintendent of the largest school district in the state—Jefferson County. Jeffco School Superintendent Cindy Stevenson makes \$180,000 a year overseeing 94 elementary schools, 20 middle schools, 17 high schools, 10 option schools and 14 charter schools.

Hernandez and his wife then hired 20 members of their own family from 2002 to 2008, according to the CDE report and audit. Hernandez's wife's stepbrother was a board member and the owner of a janitorial service that was a vendor for the schools.

And, according to the report, school officials racked up \$400,000 in credit card charges in one year.

"I call it questionable use of taxpayer money," Jones said. "I think it's very concerning and have requested that Pueblo City Schools take immediate action to correct some of the improprieties that were identified."

[From Seven Days/The East Bay News Blog,  
Jun. 18, 2012]

## IT'S TIME TO CLOSE THE AMERICAN INDIAN PUBLIC CHARTER SCHOOLS

(By Robert Gammon)

For the past decade Ben Chavis and his so-called American Indian Public Charter schools in Oakland have gotten away with egregious conduct that would be considered grossly unacceptable for any other school—because they have had high test scores. First, there was the revelation that Chavis routinely abused his students verbally, humiliating them in front of their classmates, to force them score higher on tests or quit the school altogether.

Then came the news that Chavis had hurled racist and sexist comments at others in front of students, and that his schools had stopped serving American Indian children.

But that's not all. Earlier this year, a draft report by state auditors uncovered evidence that Chavis had engaged in fraud and was illegally pocketing taxpayer funds. Then last week, the Express reported that one of the schools' eye-popping test scores appear to be the product not of academic excellence. Instead, there's evidence that the school has been routinely cherry-picking top students from local elementary schools in violation of district regulations. At minimum, Chavis' schools appear to be nothing more than a rigged system in which mostly high-scoring students apply to get in, are accepted, and then continue to score well on tests.

Then, the state's final audit came out and revealed some truly disturbing evidence, including \$350,000 of what appear to be improper payouts to Chavis' wife; \$355,000 in payments to Chavis for a summer school program that violated state law; and \$348,000 to companies that Chavis owns and did unauthorized construction projects.

Alameda County schools Superintendent Sheila Jordan requested the audit after receiving complaints from former school employees of financial impropriety by Chavis and his wife. Jordan has turned the final audit results over to Alameda County District Attorney's Office for possible criminal prosecution.

[From the Miami Herald, Apr. 21, 2014]

## SOUTH MIAMI-BASED CHARTER SCHOOL MANAGEMENT COMPANY UNDER FEDERAL SCRUTINY

(By Kathleen McGrory)

The state's largest charter school management company has come under scrutiny from the U.S. Department of Education for potential conflicts of interests in its business practices, federal authorities have confirmed.

The Education Department's Inspector General Office is auditing the South Miami-based Academica Corp. as part of a broader examination of school management companies nationwide. The audit will be complete this summer, department spokeswoman Catherine Grant said.

A preliminary audit report obtained by the Herald/Times identified potential conflicts of interest between the for-profit company

Academica and the Mater Academy charter schools it manages. One example the auditors cited was the transfer of money from Mater Academy to its private support organization, which shares the same board of directors.

When asked about the potential conflicts of interest raised in the report, Academica attorney Marcos Daniel Jiménez, in an email to the *Herald/Times*, touted the charter school network's academic record and commitment to its students.

Jiménez also said Academica had sent a response letter to the U.S. Department of Education correcting what he called "inaccuracies and false statements" contained in the preliminary report. But Academica declined the *Herald/Times* request to be provided the response, saying the Education Department considered the report and the response from Academica to be confidential.

The Education Department's findings come as the Florida Legislature considers a bill that could weaken school districts' ability to control business practices at new charter schools.

Under current law, school systems have the power to negotiate contracts with new charter schools. HB 7083 would mandate the use of a standardized contract, meaning school districts would give up most of their leverage.

Charter schools are funded by tax dollars, but run by non-profit governing boards that function independently of local school boards. Some are managed by for-profit companies like Academica.

Academica oversees nearly 100 charter and virtual charter schools in Florida, according to its website. It also manages schools in Texas, Nevada, Utah, California and Washington, D.C.

#### CHARTER SCHOOL VULNERABILITIES TO WASTE, FRAUD, AND ABUSE, A REPORT FROM THE CENTER FOR POPULAR DEMOCRACY & INTEGRITY IN EDUCATION, MAY 2014

The Center for Popular Democracy is a nonprofit organization that promotes equity, opportunity, and a dynamic democracy in partnership with innovative base-building organizations, organizing networks and alliances, and progressive unions across the country.

Integrity in Education is a nonprofit organization dedicated to restoring integrity in education. Integrity in Education exists to shine a light on the people making a positive difference for children, and to expose and oppose the corporate interest groups standing in their way.

#### PREAMBLE

The title of this report, Charter School Vulnerabilities to Waste, Fraud, and Abuse, was borrowed from the title of a section of a report that appeared in The Department of Education's Office of the Inspector General's Semiannual Report to Congress, No. 60. The report references a memorandum issued by the OIG to the Department. The OIG stated that the purpose of the memorandum was to, "alert you of our concern about vulnerabilities in the oversight of charter schools." The report went on to state that the OIG had experienced, "a steady increase in the number of charter school complaints" and that state level agencies were failing "to provide adequate oversight needed to ensure that Federal funds [were] properly used and accounted for."

The purpose of this report is to echo the warning issued by the OIG and to inform the public and lawmakers of the mounting risk

that an inadequately regulated charter industry presents to our communities and taxpayers. Our examination, which focused on 15 large charter markets, found fraud, waste, and abuse cases totaling over \$100 million in losses to taxpayers. Despite rapid growth in the charter school industry, no agency, federal or state, has been given the resources to properly oversee it. Given this inadequate oversight, we worry that the fraud and mismanagement that has been uncovered thus far might be just the tip of the iceberg. Our hope is that lawmakers will use the information and concrete recommendations that we outline in this report to pass meaningful oversight legislation.

Ms. CASTOR of Florida. I ask for approval of this amendment regarding conflict of interest.

I yield back the balance of my time.

□ 1015

Mr. KLINE. Mr. Chairman, I rise in opposition to this amendment and claim the time.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, this amendment would require the Secretary of Education to not only develop, but also enforce, guidelines on conflict of interest for charter schools. The gentlewoman points out that there are charter schools and charter school managers who sometimes don't perform as they should.

We believe very strongly that the underlying law and that the underlying bill here addresses that issue, because this amendment is an overreach of Federal authority. Each State that allows charter schools has determined what requirements the schools must follow in creating, opening, and operating the schools. We address the authorizing responsibilities in the underlying bill.

Simply put, this amendment is unnecessary. The underlying bill includes several provisions to have States help schools run more effectively and includes a set-aside of each State grant for quality authorizing. Quality authorizing will help each charter school run more effectively, both in academics and in operations.

We do not need the Secretary of Education getting more involved in these schools by layering on more burdensome requirements. These are issues best addressed at the State and local level, and the underlying bill already provides support for these efforts.

Mr. Chairman, I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. CASTOR of Florida. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentlewoman from Florida will be postponed.

#### AMENDMENT NO. 4 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 113-444.

Ms. MOORE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 1, strike "7 percent" and insert "5 percent".

Page 8, line 3, strike "and".

Page 8, line 6, strike the period at the end and insert "and".

Page 8, after line 6, insert the following:

"(D) reserve not less than 2 percent of such funds for oversight of the use of public funds (which shall cover Federal, State, and local funds) and private funds by each public chartering agency in the State of the State entity for each charter school authorized by such agency, by each local educational agency in the State for each charter school served by such agency, and by the State as a whole for each charter school in the State, which shall include the investigation of fraud, waste, mismanagement and misconduct, including monitoring the annual filing and public reporting of independently audited financial statements (including disclosure of amount and duration of any Federal, State, and local, and private financial and in-kind contributions of support, and expenditures of such support)."

The Acting CHAIR. Pursuant to House Resolution 576, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chair, I rise to offer an amendment to H.R. 10, which reauthorizes our Nation's charter school program. I would just like to start out by saying this is a great improvement over the charter school legislation that we have seen in past times.

When the charter school movement began, as many of you may recall, lawmakers exempted those schools from many of the rules governing traditional public schools in order to allow educators their ability to explore new, innovative methods and models of teaching.

This yielding of exempting them from this rule yielded some unintended consequences. There have been stories in many States, and you just heard Ms. CASTOR of Florida talk about financial waste, fraud, murky funders or managers, conflicts of interest. It is a problem, notwithstanding our desire to see innovation.

This has got to be addressed because taxpayer dollars are, in fact, lost along with private funds, as well as innovation. The greatest cost, of course, is our children, who become, sometimes, puppets of other folks' financial interests.

A new report from the Center for Popular Democracy and Integrity in Education released just this month examined 15 of the largest charter markets and found \$100 million in losses to taxpayers since charter schools entered these markets.

It is very important to put sensible oversight into place to ensure that public funds are not being wasted or misused. This amendment does just that. It simply requires that States receiving charter school grants must set aside 2 percent of that grant to provide financial oversight of charters of publicly funded money and to disclose private contributions that they receive.

I just want to say, anticipating some rebuttal, that the funds would be set aside and the authorizing agencies of these charter schools, be they the State or the local education agency, would be able to use the set-aside for appropriate financial oversight.

With that, I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, this amendment will force States to reserve more funds for review of public and private charter school funding.

The underlying bill, Mr. Chairman, includes audits as an important aspect of quality authorizing measures.

In addition, States already require multiple audits of their charter schools. This amendment will take money away from the quality authorizing set-aside, where funds will otherwise be used to support measures to open and run schools with effective operations practices in addition to high-quality academics.

Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. KLINE. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Unfortunately, I too oppose this amendment of my good friend, Ms. MOORE, for the reasons that the chairman has just said, that we believe that much of this is already taken care of in the underlying bill and that we are directing money away from the program for responsibilities that should in fact be the responsibility of the authorizers, be they the State or local authorizers. That is their job. We are trying to strengthen that in this legislation to lead to high-quality expansion of these programs, with the caveat being that you can only authorize those high-quality programs that deal with the question of accountability and so forth.

I too find myself in the unfortunate position of opposing my friend on this legislation and expect the States, in response to continuing to receive these

grants, to step up to their responsibility to deal with these problems.

Mr. KLINE. I reserve the balance of my time.

Ms. MOORE. Mr. Chairman, I think it is unfortunate that the gentleman from California is opposing this amendment as well and my Republican friends opposing it, because we often find ourselves talking about unfunded mandates. What my amendment does is try to make sure that we are providing not only the guidance and insistence that there be audits, but that we actually provide the ways and means for it to be done.

It is one thing to say, oh, yeah, they are going to audit themselves. With what? Audits cost money. So I find it unfortunate that they would pass this unfunded mandate on to these chartering agencies.

I would urge my colleagues to vote for this amendment. I think it improves the bill. I think it provides the needed resources for this accountability, these accountability activities.

With that, I yield back the balance of my time.

Mr. KLINE. Mr. Chair, how much time do I have?

The Acting CHAIR. The gentleman from Minnesota has 3½ minutes remaining.

Mr. KLINE. Mr. Chairman, I yield myself such time as I may consume.

I think the points were made. I thank the ranking member, Mr. MILLER, for making those points.

What concerns me about the gentleman's amendment is this is going to take money away from the purposes for which we have designed it and put it in this bill. We are trying to make sure that good, high-quality charter schools can be expanded and replicated, and this will detract from that ability.

So I urge my colleagues to vote "no," and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Ms. MOORE).

The amendment was rejected.

AMENDMENT NO. 5 OFFERED BY MS. BASS

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 113-444.

Ms. BASS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, line 16, insert "including eliminating any barriers to enrollment for foster youth or unaccompanied homeless youth," after "students".

The Acting CHAIR. Pursuant to House Resolution 576, the gentleman from California (Ms. BASS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Ms. BASS. Mr. Chairman, I rise today to offer an amendment along with fellow congressional Caucus on Foster Youth cochairs TOM MARINO, JIM McDERMOTT, and MICHELE BACHMANN. I also want to thank the chairman and the ranking member for their leadership on this issue.

This amendment will help ensure that foster and homeless youth are not unfairly disadvantaged in the enrollment process for charter schools.

Across the country, charter schools often have requirements that don't exist in traditional public schools. For example, they may require parent interviews or parent involvement volunteer service during the academic year. Sadly, foster and homeless students might not be able to meet that requirement because they might not have adults in their life that are available to meet these standards, and foster parents may be unwilling or unable to do this. In turn, these youth may not be able to attend charter schools.

This really isn't acceptable, especially since the academic achievement gap between foster youth and their peers is quite significant. In fact, a recent study by the Stuart Foundation in California indicated that test results for students in foster care fell into the two lowest performance levels for language arts and mathematics at twice the rate of the statewide student population. Additionally, the 2010 graduation rate for all high school seniors was 84 percent; but for students in foster care, it was just 58 percent, the lowest rate among at-risk student groups.

Foster and homeless youth need more educational options, not less. This amendment will provide the nearly 400,000 foster youth and 1.7 million homeless youth in the United States with greater access to quality schools.

In the spirit of National Foster Care Month this May, I want to thank the Democrats and Republicans in the Foster Youth Caucus who came together to author this commonsense but necessary amendment.

I urge my colleagues to support the amendment.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Ms. BASS. I yield to the gentleman.

Mr. GEORGE MILLER of California. Mr. Chair, I rise in support of this amendment to ensure that all students reap the benefits of the public charter schools. That is the purpose of this legislation, and certainly including foster youth.

I also rise to thank the gentleman for her just unrelenting effort to make sure that foster youth are not diminished because of their family status, if you will, because of the uncertain situation that they find themselves, many times in different situations throughout a given year, maybe in different schools. Both in her time in the State legislature and here in the Congress,

she has just been remarkable in her advocacy on behalf of these students.

We all know the difficulty that these students have, the uncertainty that they have to deal with. Just the proximity of their families to be able to go to school creates a great deal of hardship and difficulty for these students. We definitely owe them an extra effort to make sure that they get full inclusion in those academic offerings and participation in the charter schools in this country.

Thank you so very, very much.

Ms. BASS. Thank you, Mr. Ranking Member, and I urge my colleagues to support the amendment.

I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I claim the time in opposition although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the distinguished majority leader.

Mr. CANTOR. Mr. Chairman, I thank the chairman, the gentleman from Minnesota, as well.

Mr. Chairman, I rise today in support of the amendment and in strong support of the Success and Opportunity Through Quality Charter Schools Act.

Mr. Chairman, a great education is the foundation that Americans need to climb the economic ladder of success and to build a bright future. America doesn't work when our students are trapped in failing schools or denied the opportunity to attend the school that meets their learning needs.

For far too many children in our country, a quality education remains out of reach. Kids without access to a quality education struggle to even see any opportunity to get ahead. They struggle to lift themselves out of a life of poverty.

Expanding education opportunity for all students everywhere is the civil rights issue of our time. Fortunately, we have a chance today to bring more opportunities to students all over America who are looking for that chance to learn, to grow, and to succeed.

□ 1030

The legislation before us today will reform existing programs and will authorize grants so that high-performing charter schools can expand and be replicated throughout the country. It will also give families and students more freedom, flexibility, and choice when it comes to deciding where they can go to school.

Currently, Mr. Chairman, there are almost 1 million students stuck on waiting lists for charter schools simply because there aren't enough slots. I say we help those students by expanding

those slots so they can get off the waiting lists and into the classroom.

Taking such action would seem like the obvious and smart thing to do. However, there are some who are more beholden to special interests than to the children's needs. In New York City, the mayor there, Bill de Blasio, recently attempted to deliver on his threat to kick public charter schools out of the space that they share or were planning to share with other traditional public schools. This kind of activity completely undermines the essence of education reform.

Fortunately for New York City students, Governor Cuomo did not allow this to become a reality. Those kids who would otherwise have ended up without a school in the fall now have one. This bill provides even more opportunities for States like New York State to help high quality charter schools expand and replicate.

Those who choose to wage a war on kids stand on the wrong side of this debate and risk allowing themselves to become enemies of opportunity and roadblocks to success. Bottom line, the expansion of charter schools will work.

In my hometown of Richmond, I have toured the Patrick Henry School of Science and Arts, one of only a few charter schools in all of Virginia. There I met a retired public school teacher named Gwen. Gwen's grandson had a particular interest in science, but Gwen felt that the school he attended wasn't offering a strong enough science curriculum to match her grandson's needs and desires. Fortunately, Gwen had a choice and now sends her grandson to Patrick Henry. More families deserve that kind of choice.

In visits to other charter schools throughout the country, I have met dozens of children who were once trapped in failing schools and schools that couldn't meet their individual learning needs. These kids are now attending charter schools and they are thriving.

These are not isolated cases. Nationally, charter school students do better than non-charter students in reading, math, and science. While the growth of charters is relatively new, charter schools currently make up more than a quarter of the Newsweek/U.S. News Best High Schools in America. The question is: Shouldn't more of our children have the chance to attend a quality school that happens to be a charter school?

Mr. Chairman, this legislation is about upward mobility. It is about giving families and students more hope for their future. This legislation is about expanding education opportunity for more kids so that we can begin to create an America that works again and works again for everybody.

This should not be a partisan issue. This is a bill we can all proudly get be-

hind. Today, let's stand united and show our constituents that we understand a strong education is the first rung in climbing that economic ladder of success.

I want to thank Chairman KLINE, the gentleman from Minnesota, for his tireless work in the area of education, and in this bill in the area of charter schools. I also want to thank the gentleman from California, the ranking member, for his work on this legislation.

I urge my colleagues in the House in a bipartisan fashion to support this legislation.

Mr. KLINE. Mr. Chairman, this amendment ensures that foster kids do not face barriers to enrollment in charter schools. The amendment does improve the bill and does help foster kids.

I want to thank the gentlewoman from California (Ms. BASS) for offering this amendment.

I am pleased to yield the remainder of my time to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, I want to thank Chairman KLINE and Ranking Member MILLER for their work, and Representative BASS for her leadership in working with youth and foster care, and homeless youth in particular, on this bill.

Before I came to Congress I founded a charter school with the focus of serving homeless youth and youth in transitional housing called the Academy of Urban Learning in Denver. Not every area, not every city, not every county might have a charter school with a particular focus of working with kids that are in transitional housing, so it is incumbent upon us to ensure that all public charter schools that are supported under this bill ensure that they don't have barriers for foster youth or barriers for youth in transitional housing.

There are a lot of particular needs around kids that are going through turmoil in their home life, whether it is at the elementary level or whether it is at the high school level. By adding the language Representative BASS introduced in her bipartisan amendment, we can ensure that any participant in the Federal charter school program doesn't have any barriers to enrolling kids.

This week here on the floor of the House has been characterized by partisan rancor around Benghazi and Lois Lerner. How wonderful that Democrats and Republicans can come together not only around this amendment by KAREN BASS, but also around the bill itself. The upgrade of the Federal Charter Schools Program to the 2.0 version takes into account the learning of the last 15 years to ensure that our very limited Federal footprint and investment has the maximum possible impact on increasing student achievement and increasing transparency and

accountability for public charter schools.

I thank Representative BASS for offering her amendment, which I am proud to support.

Mr. KLINE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Ms. BASS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MESSER

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 113-444.

Mr. MESSER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 16, line 7, strike "and".

Page 16, line 13, insert "and" at the end.

Page 16, after line 13, insert the following: "(xv) will work with eligible applicants receiving a subgrant under the State entity's program to support the opening of charter schools or charter school models described in clause (i) that are secondary schools;"

The Acting CHAIR. Pursuant to House Resolution 576, the gentleman from Indiana (Mr. MESSER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. MESSER. Mr. Chairman, I want to thank the chairman and ranking member for their leadership on this bill.

I rise today to offer a simple amendment that will encourage the opening, replication, and expansion of high quality secondary charter schools.

Too many students don't have the chance to attend the secondary charter school of their choice because there simply are not enough of these schools to meet the demand for them. Many charter networks don't have a secondary school, and where there are such schools the demand for the spots in these schools exceeds the number of slots available.

The underlying bill takes a big step in the right direction to meet this challenge by clarifying that State-determined weighted lotteries are permitted under the charter school program.

The bill allows for children to continue in the school program of their choice by ensuring students in affiliated charter schools can attend the next immediate grade in a charter school network. This is very important. It will help alleviate the need for students to essentially win the lottery twice. However, I believe more can and must be done.

My amendment is designed to help build on the progress made by the underlying bill. It would simply require State entities applying for charter school program grant funds to explain

how they will work with eligible applicants within the State to encourage the opening, replication, and expansion of high quality secondary charter schools.

By encouraging grantees to open, replicate, and expand high quality secondary charter schools, more students who want to continue attending such schools will be able to do so.

As the founder and chairman of the Congressional School Choice Caucus, one of my top priorities is ensuring that more families have access to high quality educational opportunities. Supporting the growth of successful secondary charter schools is critically important to this effort.

I urge my colleagues to support this amendment and the underlying bill.

I reserve the balance of my time.

Mr. POLIS. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Colorado is recognized for 5 minutes.

There was no objection.

Mr. POLIS. Mr. Chairman, I rise in strong support of the Messer amendment, which encourages States to support the opening or replication of charter schools that are secondary schools.

The area that this impacts and improves in the bill is one of the most important policy changes over the previous authorizing program. Under the current Federal Charter Schools Program, only new schools can be funded and participate in this program.

What we allow under this bill is the replication and expansion of models that we know work. For instance, if there is a K-8 school that wants to expand into high school or there is a school that wants to grow from 400 to 600 students, if we have the evidence-based information that shows that that school is transforming lives and helping kids achieve, we want to ensure that we can have the maximum possible impact with our limited Federal dollars.

What this amendment does is it ensures that States as part of their plan allow for the replication and expansion of public charter schools.

I want to thank my colleague from Indiana for recognizing the importance of charter schools in serving high school students and the opportunity that these models have to provide a flexible educational environment for older students to prepare them for college and careers.

The charter school models that are allowed give schools the flexibility they need to meet the needs of the students, whether it is longer hours, longer school years, additional support service, or daycare vouchers for pregnant or young mother teens. This flexibility can be critical to helping students succeed at the secondary level.

This amendment improves the bill and makes sure that States encourage

the opening, replication, and expansion of public charter high schools. Having founded two public charter high schools myself before I served in the United States Congress, I can personally give testimony to the transformational impact that it has on young people every day. In many cases, young people that would otherwise be dropouts or not even in the public education system are able to have a specific educational product that is tailored around their real world needs. There is a charter school for pregnant teens in Montrose, Colorado. Whether it is a vocational or work focus school that gives kids the skills they need to compete in the workforce, the Messer amendment is a step forward in building upon the language which is already an improvement over the existing authorization, and brings it to a better place that we can all be proud of, Democrats and Republicans.

I reserve the balance of my time.

Mr. MESSER. Mr. Chairman, I want to thank my colleague, the gentleman from Colorado (Mr. POLIS), for his support of this amendment, and, more importantly, for his remarkable vision and leadership in charter schools across the country.

I have no further comments, and I yield back the balance of my time.

Mr. POLIS. Mr. Chairman, in this week of partisan divisions here on the floor of the House of Representatives, we have a unique opportunity in this amendment, in this bill, to come together around supporting public charter schools.

This week, Mr. Chairman, is Public Charter Schools Week. What better way to celebrate than to upgrade the Federal Charter Schools Program with language that Democrats, Republicans, and all important stakeholders can agree on. Truly, all stakeholders are part of this discussion. Authorizers, including districts and States and special districts, public charter schools themselves, teachers unions, teachers, were all at the table to ensure that we can create a program that builds upon the successes of the two decades of the public charter school movement and will allow it to reach even greater heights in the next decade.

On behalf of Ranking Member MILLER and myself, we are proud to support the Messer amendment. We are also proud to support the underlying bill.

By ensuring that States that apply for this program explain how they will work with applicants to encourage replication and expansion at the secondary level, we can ensure that the needs of all students are better met. Particularly, in many areas of our country we have high schools that are persistently failing, with dropout rates of 50 percent year after year, where half the kids coming in the door in ninth grade don't leave in 12th.

Through upgrading with better opportunities for parents to choose, we can turn it around and make sure that kids have the opportunity to graduate and have a good job in an economy in the 21st century that increasingly relies on both a high school education and a college education.

I rise in support of this amendment, I urge my colleagues to vote "yes" on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. MESSER).

The amendment was agreed to.

□ 1045

The Acting CHAIR. The Chair understands that amendment No. 7 will not be offered.

AMENDMENT NO. 8 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 113-444.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 21, line 15, strike "and".

Page 22, line 2, strike the period at the end and insert "; and".

Page 22, after line 2, insert the following:

"(H) the State entity will ensure that charter schools and local educational agencies serving charter schools post on their websites materials with respect to charter school student recruitment, student orientation, enrollment criteria, student discipline policies, behavior codes, and parent contract requirements, including any financial obligations (such as fees for tutoring or extracurricular activity)."

The Acting CHAIR. Pursuant to House Resolution 576, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Let me thank the proponents of this bill.

Mr. Chairman, this is a very important bill, and I believe it opens the doors of opportunity for quality and excellence in charter schools. I hope, as we move forward as to the issues dealing with charter schools that are located in minority communities and that are created by minority members of the community, like in Texas, where in some instances there is an unfair process, H.R. 10 will bring an evenness and a quality in excellence and also opportunity for the creativity of charter schools that can lift up at-risk children. I think that is one of the key elements of, hopefully, this legislation.

I want to cite in my own district that we have, yes, KIPP and Harmony that are well-known across the country and somewhat around the world. It is my understanding that KIPP is now mov-

ing to Israel, but we also have a school like Pro-Vision, its work of which I have known for over 20 years. It lifts at-risk children up to the levels of opportunity.

My amendment is an amendment that directs the Web site publication of materials on the Web sites of charter schools regarding student recruitment, orientation materials, enrollment criteria, student discipline policies, behavior codes, and parent contract requirements.

It would also include any financial obligations, such as fees for tutoring or extracurricular. That is transparency. That is allowing, if you will, the opportunity for parents to have full information in a different setting from public schools.

My children went to public schools. I went to public schools. I believe in public schools—I strongly believe in them—but I believe this new idea, that of the partnership of charter schools with public schools, should include a format of transparency.

I should be clear that public schools have a challenge with transparency as well. As I interact with my constituents, many parents don't know the opportunities that they may have in a public school—vanguard or the special classes that they may have or sufficient arts and music and which school has it; yet as this is going to be a federally funded program, it is important to ensure that our parents have information.

Certainly, they should have information regarding the kind of discipline atmosphere that is there. They should also know whether or not there are serious commitments to making sure that their children's holistic futures are in front of them and that they are not subjected to policies that would intervene on issues dealing with bullying or with the prevention of bullying.

This is a very good amendment to H.R. 10, and I ask my colleagues to support it.

I reserve the balance of my time.

Mr. Chair, I would like to offer my thanks and appreciation to Chairman KLINE and Ranking Member MILLER for all of their work in their stewardship in bringing this strongly bipartisan bill to the House Floor for consideration.

They have both worked hard on ways to improve education for our nation's youth and I have had the pleasure of working with the Chair on many issues of mutual interest for the improvement of education.

Mr. Chair, thank you for this opportunity to explain my amendment to H.R. 10. My amendment directs State Education Agencies that award Federally funded grants to charter schools under this bill to work with those schools so that they provide information on their websites regarding student recruitment, orientation materials, enrollment criteria, student discipline policies, behavior codes, and parent contract requirements, which should include any financial obligations such as fees for tutoring, and extra-curricular activities.

My amendment has the support of the National Educational Association and the American Federation of Teachers. I have letters from both organizations that I would like included in the RECORD along with my statement.

Charter schools were new—but today they have become for many parents an important public education option. Not all public charter schools have been successful, but the work of those that have been successful have led us to this point of considering legislation to provide additional Federal funding for the creation of additional charter schools.

This amendment is a pro-education consumer amendment that would educate parents who are investigating the public charter school option for their child's education.

The Jackson Lee Amendment will make it possible for parents to learn more about how schools deal with important education issues such as academic performance, enrichment programs, and quality of education life issues programs for children with learning disabilities like dyslexia are taught.

Many public charter schools provide this information online, and the amendment would support this good transparency practice. The Jackson Lee amendment is good for parents and for charter schools because parents would have access to information that helps them make education decisions for their children; and charter schools would speak to a larger audience regarding their education programs.

This information being provided on Charter School websites would help us better understand what public charter schools are offering to parents and students. It would also bring additional transparency regarding the drivers of higher enrollment in public charter schools and promote greater public awareness regarding policies on such as discipline, counseling, drop-outs, bullying, as well as programs that impact of education on children with learning disabilities like dyslexia on student retention.

In Houston, I have had the benefit of seeing the work of public charter schools at work: Harmony Public Schools, YesPrep Public Charter Schools, and KIPP Public Charter Schools have made tremendous advancements.

It is my hope that charter school districts and charter schools will take up the challenge of providing hard data to make the case for their approaches to education.

I offered two amendments for consideration by the House Rules Committee that would strengthen the legislative goals of H.R. 10.

I also offered a second Jackson Lee Amendment in the form of a "Sense of the Congress" on the promotion of, and support for anti-bullying programs in charter schools, including those that serve rural communities not supported by the Rules Committee. I regret that this amendment was not made in order for consideration of this bill because the prevention of bullying is one of the most challenging problems facing school officials.

Bullying is not a new behavior. Kids have been exposed to bullying in school for generations. Now, however, bullying has taken on new heights and sometimes victims of bullies suffer severe and lasting consequences.

For victims of bullying, they go to school every day facing harassment, taunting, and



humiliation. Studies show that 25–35 percent of teens encountered some type of bullying in their lifetime. Bullying is a form of violent behavior that happens not only in the schools but everywhere.

The National Center for Educational Studies reports show that 14 percent of 12- to 18-year-olds surveyed report being victims of direct or indirect bullying. 1 out of 4 kids is bullied. The Department of Justice reports that 1 out of every 4 kids will be abused by another youth.

I introduced H.R. 2585, the Juvenile Accountability Block Grant Reauthorization and the Bullying Prevention and Intervention Act of 2013. This bill amends the Omnibus Crime Control and Safe Streets Act of 1968 by expanding the juvenile accountability block grant program with respect to programs for the prevention of bullying to include intervention programs. The bill's objective is to reduce and prevent bullying and establish best practices for all activities that are likely to help reduce bullying among young people.

This year a million children will be teased, taunted, and physically assaulted by their peers. Bullying is the most common form of violence faced by our nation's youth.

The frequency and intensity of bullying that young people face are astounding:

1 in 7 students in grades K–12 is either a bully or a victim of bullying.

90 percent of 4th to 8th grade students report being victims of bullying of some type.

56 percent of students have personally witnessed some type of bullying at school.

71 percent of students report incidents of bullying as a problem at their school.

15 percent of all students who don't show up for school report it to being out of fear of being bullied while at school.

1 out of 20 students has seen a student with a gun at school.

282,000 students are physically attacked in secondary schools each month.

Consequences of bullying:

15 percent of all school absenteeism is directly related to fears of being bullied at school.

According to bullying statistics, 1 out of every 10 students who drops out of school does so because of repeated bullying.

Suicides linked to bullying are the saddest statistic.

Statistics on gun violence:

Homicide is the 2nd leading cause of death for young people ages 15 to 24 years old.

Homicide is the leading cause of death for African Americans between ages 10 and 24.

Thirteen young people from ages 10–24 become victims of homicide every day.

82.8 percent of those youths were killed with a firearm.

Every 30 minutes, a child or teenager in America is injured by a gun.

Every 3 hours and 15 minutes, a child or teenager loses their life to a firearm.

In 2010, 82 children under 5 years of age lost their lives due to guns.

One of four high school males reportedly carry a weapon to school, with 8.6 percent of reportedly carry a gun.

87 percent of youth said shootings are motivated by a desire to "get back at those who have hurt them, and 86 percent said, "other

kids picking on them, making fun of them or bullying them" causes teenagers to turn to lethal violence in the schools.

In 2011, over 707,000 young people, aged 10 to 24 years, had to be rushed to the emergency room as a result of physical assault injuries.

Victims of bullying often suffer in silence and parents are the last ones to know that their child is being bullied or may be a bully. What once was thought to be a childhood ritual has been proven by school psychologists, law enforcement officials, parents, and students to be much more serious.

Anti-bullying programs can help children understand the seriousness of bullying; and assist parents in learning the signs of bullying as well as learning how to speak to their children about the issue of bullying.

Mr. Chair, I ask my colleagues to support my amendment to make information available on publicly funded charter school websites so that parents are afforded the opportunity to make the best education decisions for their children.

Mr. KLINE. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR (Mr. POE of Texas). The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, I want to say to my colleague that I really appreciate her effort to ensure that all schools, both traditional public schools and public charter schools, share the information needed by parents.

We agree on that point, and I believe that the underlying bill addresses it; so I must, regrettably, oppose the gentleman's amendment, but I certainly thank her for the discussion.

I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, it is not often that we mention our great disappointment on the floor of the House. We usually battle it out. I know I am right on this amendment, and I am highly disappointed in the majority's representation.

I would like to submit for the RECORD a letter from the AFT, which is supporting the Jackson Lee amendment extremely enthusiastically, and a letter from the National Education Association, which is endorsing the Jackson Lee amendment.

It is strongly supported by the NEA, which gives me pause as to why this amendment is an amendment that is not agreed to.

AMERICAN FEDERATION OF TEACHERS,  
Washington, DC, May 8, 2014.  
HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the more than 1.5 million members of the American Federation of Teachers—including individual AFT members who teach in charter schools and who, with me, wrote to you this week—I offer our collective views on H.R. 10, the Success and Opportunity through Quality Charter Schools Act, as well as our position on several important amendments that will be considered during today's debate on the underlying bill.

The bill combines a number of existing charter school programs into one that would

provide federal funds for new charters; expand and replicate existing charters; acquire, construct and renovate facilities; establish and administer per-pupil facilities-aid programs; and, fund national activities. H.R. 10 provides important accountability measures for charter schools but, primarily, provides for their expansion.

Since our former President Albert Shanker first promoted them, the AFT has believed that publicly financed charter schools have a role in public education. The best charters have served as incubators of good practice and have helped provide parents and students access to high-quality public education. For example, in 2013, University Prep, a unionized public charter school started by Steve Barr, founder of Green Dot Public Schools, and me several years ago in New York City, graduated every single child, all of whom were admitted to college.

The reality in communities across the country is a mixed bag—while many charter schools are well-managed and serve the children who are accepted and decide to attend, many others do not provide equitable access for all students, are poorly managed, and are not transparent with their finances. Further, there are unfortunately too many instances where charters are used as a tool to destabilize or compete with other public schools.

H.R. 10 includes many provisions to bring charter schools closer to the standards of accountability, equitable access, and transparency that traditional public schools must meet, but there are still real gaps. Improved accountability and transparency is owed to the students who attend charter schools and to the taxpayers who financially support these schools. In requiring these new standards, Congress would in no way be limiting charter schools' potential to serve as laboratories of innovation. It would, however, be ensuring that those innovations are transparent, sustainable, and scalable, and that all our public school students and their schools are treated equitably.

The AFT is pleased the bill includes some improvements over current law in the areas of ensuring equitable access to charter schools for all students; in seeking to prevent charter schools from allowing barriers to enrollment that result in the exclusion of English language learners, students with disabilities, and other disadvantaged students from enrolling; and, in ensuring that charter schools are appropriately monitored in the areas of student safety and financial management. We also appreciate the bipartisan acknowledgement that charter schools need better oversight by state entities.

However, we believe that H.R. 10 can be strengthened by approving the following amendments aimed at improving the overall bill. To this end, we urge you to support:

Moore: This amendment would require states receiving charter school grants to set aside 2 percent of the grant amount for financial oversight of charters. It would also ensure that charter schools include private and public contributions in their audits.

A report from the Center for Popular Democracy and Integrity in Education outlines \$100 million in losses to taxpayers in 15 of the largest charter markets since charter schools entered these markets. This is a problem that needs to be addressed.

H.R. 10 would provide \$300 million annually in support of charter schools. The Moore amendment would help ensure that these funds are being properly spent and that charters are incubators of innovation, not enablers of waste, cronyism, or fraud. It would also help monitor the influence of private investors by requiring the disclosure of private contributions.



Wilson/Davis/Duckworth/Grayson/McKinley/Fudge: This amendment would require that information about each charter school be made available, including disaggregated enrollment and academic performance data. This amendment will better ensure that parents have information on how charter schools are educating students, and will shine a light on enrollment rates of populations that have often been excluded from charter schools.

Additionally, the AFT urges your support for the following additional amendments:

Jackson Lee: This amendment requires charters to publicize their information on student recruitment, orientation materials, enrollment criteria, student discipline policies, behavior codes, and parent contract requirements, which should include any financial obligations such as fees for tutoring and extra-curricular activities.

Langevin: This amendment would provide for comprehensive career counseling, a much needed resource in all schools.

Castor: This amendment would develop and enforce conflict of interest guidelines for all charter schools receiving federal assistance.

Bonamici: This amendment requires states to report on the sharing of best practices by charter and traditional public schools.

Sincerely,

RANDI WEINGARTEN,  
*President.*

NATIONAL EDUCATION ASSOCIATION,  
*Washington, DC, May 8, 2014.*

DEAR REPRESENTATIVE: On behalf of the three million members of the National Education Association (NEA), and the students they serve, we offer our views on select amendments to the Success and Opportunity through Quality Charter Schools Act (H.R. 10) scheduled for votes Friday. While the underlying bill includes some improvements to existing law, it falls short of what is needed to ensure greater accountability and transparency. Votes associated with amendments to H.R. 10 may be included in the NEA Legislative Report Card for the 113th Congress.

NEA supports high-quality charter schools that operate in a manner that is transparent and accountable to parents and taxpayers; ensures equity and access; and solicits and benefits from input from parents, educators, and the communities they serve. We caution, however, that charter schools are not a panacea for solving all education challenges.

Some provisions of the underlying bill represent improvements, such as requiring greater charter authorizer accountability, and including weighted lotteries to address under-enrollment of disadvantaged students. However, the underlying bill falls short in key areas: including no mandatory disclosure and reporting on key data including funding from private sources, no independent audit requirements, no open meetings requirements and no conflict of interest guidelines. Please refer to NEA's full letter on the underlying bill for more details.

NEA's views on specific amendments are listed below.

The following are amendments strongly supported by NEA:

#3 by Rep. Castor—Requires the Secretary of Education to develop and enforce conflict of interest guidelines for all charter schools receiving federal assistance. Guidelines must include disclosures from anyone affiliated with the charter school that has a financial interest in the school.

#4 by Rep. Moore—This amendment would establish a two percent set-aside of funds to assist with state oversight of their charter

schools, and ensure disclosure of private sources of funding in audits.

#7 by Reps. Grayson/Clarke/Wilson—This amendment ensures that an application by a state entity to receive grants through the Charter School Program contains an assurance that charter schools will also measure student retention rates in their annual performance assessments—as well as graduation rates and student academic growth, as currently required by this bill.

#8 by Rep. Jackson Lee—This amendment ensures that charter schools make certain information publicly available on their website including student recruitment, enrollment criteria, student discipline policies, behavior codes, and any parent contract requirements or financial obligations.

#9 by Reps. Wilson/R. Davis/Duckworth/Grayson/McKinley/Fudge—This amendment will ensure collection and public dissemination of information that will help parents make informed decisions about education options for their children, including disaggregated data on student outcomes, suspensions, and expulsions.

#12 by Rep. Loretta Sanchez—This amendment requires states to report how they have worked with their charter schools to foster community involvement.

NEA is also supportive of these amendments to H.R. 10:

#5 by Reps. Bass/Marino/McDermott/Bachmann—This amendment ensures there are no unnecessary barriers for foster youth in charter school enrollment and ensures the inclusion and retention of all students no matter the involvement or lack of involvement of parents.

#10 by Reps. Langevin/G. Thompson—This amendment would add comprehensive career counseling to the criteria that the Secretary of Education will take into account when prioritizing grants to school districts.

#11 by Rep. Bonamici—This amendment would clarify the reporting requirements of State entities to include the sharing of best practices by charters and traditional public schools.

We thank you for your consideration of our views on these select amendments and urge your support for them.

Sincerely,

MARY KUSLER,  
*Director, Government Relations.*

Ms. JACKSON LEE. Mr. Chairman, let me conclude my remarks by saying that, across America, children are bullied every day, and across America, parents are baffled by the educational system.

Any time that you can reinforce this idea of transparency, I believe that it is an important step forward, and I would hope that my colleagues would be able to support this amendment. I believe it is a strong, but positive amendment.

I yield to the gentleman from Minnesota for an inquiry, please, to the chairman of the committee.

What modification could occur with this amendment? It is a strong amendment that is supported by educational groups, and it just reinforces, I believe, in a more specific manner the intent of H.R. 10.

Mr. KLINE. Will the gentlewoman yield?

Ms. JACKSON LEE. I yield to the gentleman from Minnesota.

Mr. KLINE. I thank the gentlelady.

Mr. Chairman, my concern with the amendment is that this puts additional reporting requirements on the charter schools that are not required of traditional public schools.

We are trying to make it easier, and we are trying to streamline the process. We are trying to expand the charter school movement of quality charter schools, and I don't think we should be adding additional burdens onto charter schools which make it harder for them to move forward.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. KLINE. Mr. Chairman, I do appreciate the gentlelady's efforts to get information out there.

As I said earlier, unfortunately, I want to be very, very careful in avoiding adding additional burdens or more red tape or more requirements to charter schools at the very time when we are trying to streamline the system and make it easier to expand and to replicate quality charter schools.

So, unfortunately, I encourage my colleagues to vote "no" on the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 9 OFFERED BY MS. WILSON OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Resolution 113-444.

Ms. WILSON of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 21, beginning line 16, amend subparagraph (G) to read as follows:

"(G) The State entity will ensure that each charter school in the State makes publicly available, consistent with the dissemination requirements of the annual State report card, information to help parents make informed decisions about the education options available to their children, including information for each school on—

"(i) the educational program;

"(ii) student support services;

"(iii) annual performance and enrollment data, disaggregated by the groups of students described in section 1111(b)(2)(C)(v)(II); and

"(iv) any other information the State requires all other public schools to report for purposes of section 1111(h)(1)(D)."

The Acting CHAIR. Pursuant to House Resolution 576, the gentlewoman

from Florida (Ms. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. WILSON of Florida. Mr. Chairman, I rise to offer an amendment to H.R. 10.

Although I have very significant concerns about charter schools, it is important to note that defeating H.R. 10 would not eliminate charter schools; it would just maintain the broken status quo. As lawmakers, we must make laws better. We must shape the narrative to benefit the entire Nation.

So, today, I am offering a bipartisan amendment to H.R. 10 to increase accountability, quality, transparency, and to put into priority order access and services for disadvantaged students who are currently underserved by charter schools.

It would require charter schools to disclose information relating to their demographic makeup, how well they educate students, school attendance, average class size, academic achievement gains, parental involvement, and discipline. It holds charter schools to the same disclosure standards as traditional public schools.

We know, when public charters are held to the same standards of accountability, equitable access, and transparency, as in traditional public schools, all of our students receive a better education, but when public charters are not held to these standards, a student's learning suffers, and taxpayers' money is wasted.

I want to thank Chairman KLINE and Ranking Member MILLER for their leadership on this issue and for their support of my amendment. I also thank the cosponsors of this amendment, Representatives RODNEY DAVIS, TAMMY DUCKWORTH, ALAN GRAYSON, DAVID MCKINLEY, and MARCIA FUDGE.

Thank you for your commitment to provide every child access to a quality education. I would appreciate your support on my amendment.

I now yield to the gentleman from Illinois, Representative RODNEY DAVIS.

Mr. RODNEY DAVIS of Illinois. Thank you to my colleague from Florida for yielding time, and thank you for your leadership on this issue.

First, I want to commend my colleagues on the Education and the Workforce Committee—Chairman KLINE, Ranking Member MILLER, and all of those who serve on that committee on both sides of the aisle—for their work in crafting this bipartisan bill that promotes quality charter schools.

Mr. Chairman, my district is located in central and southwestern Illinois, and we are fortunate to have many effective public schools and also charter schools, including the public schools that my three children attend in Taylorville, Illinois.

Successful charter schools can partner with public schools and give children at all levels, in many of the areas of our country, more opportunities to receive the quality education they deserve.

In over the last decade, charter schools have more than doubled in number and now serve, roughly, 2.6 million students. As this number continues to grow, we must make sure charter schools are also like our public schools—accountable and transparent to the taxpayers and, most importantly, to parents.

The amendment I am offering, along with my colleagues, would do just that by requiring charter schools to collect the same data required of public schools by our States. Additionally, our amendment ensures this information is made public, so parents can make the best decisions for their students.

I want to thank my colleagues for their work on this amendment; and I, again, thank Chairman KLINE for his leadership on this issue.

Ms. WILSON of Florida. Mr. Chairman, I now yield to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I thank the gentlelady for working on this important amendment.

Mr. Chairman, public school choice is only as good as informational options are placed before parents. Too often, only the already enfranchised parents have the ability to choose a school that works for their kids.

What this amendment ensures is that all parents are able to find publicly available information, consistent with State law, about the quality of public school options in their areas, in order to help make better informed decisions in the education marketplace.

For public education to work and for competition to have a constructive impact on public education, parents and families need to be able to make informed decisions.

This amendment is an important step towards helping families have the information they need to make public school choice work, to make sure that public charter schools that offer the transformational opportunity to help kids succeed have the information placed in the hands of the most at-risk families, as well as of the families who are already enfranchised through active parents.

I strongly support this amendment, and I encourage my colleagues to include it in the bill.

Ms. WILSON of Florida. Mr. Chairman, I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I claim the time in opposition to the amendment, although I do not oppose it.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE. Mr. Chairman, I very much appreciate the work that Ms. WILSON and the other coauthors of this amendment have put into this. I think it helps the bill, and I would urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. WILSON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. KLINE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. AMODEI) assumed the chair.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 83. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha I.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2197. An act to repeal certain requirements regarding newspaper advertising of Senate stationery contracts.

The SPEAKER pro tempore. The Committee will resume its sitting.

#### SUCCESS AND OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS ACT

The Committee resumed its sitting.

□ 1100

AMENDMENT NO. 10 OFFERED BY MR. LANGEVIN

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part A of House Report 113-444.

Mr. LANGEVIN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 25, line 10, strike "or dropout" and inserting "dropout".

Page 25, line 11, insert before the period at the end the following: "or comprehensive career counseling practices".

The Acting CHAIR. Pursuant to House Resolution 576, the gentleman from Rhode Island (Mr. LANGEVIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to, first of all, thank Chairman KLINE and Ranking Member MILLER for their hard work in bringing this bill to the floor. While it is not perfect, I certainly appreciate their bipartisan work on the public charter school program.

Mr. Chairman, my amendment basically adds comprehensive career counseling to the criteria that the Secretary of Education will take into account when prioritizing grants awarded under this bill. The amendment would provide school counselors with the most up-to-date information and training for current and future workforce trends and needs. As students plan their path forward, this knowledge will be invaluable.

I am proud to be joined in offering this amendment by my good friend and colleague, Congressman G.T. THOMPSON from Pennsylvania. As coauthors of the bipartisan Congressional Career and Technical Education Caucus, Representative THOMPSON and I are committed to expanding skills and training that will provide students of all ages with the capabilities necessary to meet the demands of the modern economy. It is a true partnership, and I appreciate his leadership.

Comprehensive career counseling is a vital part of skills training. It helps to better align school curricula with local workforce trends and available postsecondary opportunities.

This amendment will help school counselors connect high school students to the skills they need to succeed in the 21st century workforce.

As we all can see, it has become clear that high school diplomas are no longer sufficient training for the modern job market. While not every job will require a college degree, some sort of postsecondary education will be absolutely necessary. Whether it comes from a community college, a skills training program, or on-the-job training, we need to change what it means to be college- and career-ready. We need to provide students with the knowledge and expertise that will truly prepare them for what is next.

Comprehensive career counseling and training doesn't just belong to charter schools. It is a tool that all students should be able to access, and I look forward to working with my colleagues to expand this program to other schools in the future. Today, we have an opportunity to take a first step in that direction.

I urge my colleagues to join me in supporting this amendment.

With that, I yield to the gentleman from California (Mr. GEORGE MILLER), the ranking member.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

I rise in support of this amendment. He states it quite correctly: all secondary schools should be equipped to assist bridging the divide from high school to college to career.

I thank the gentleman for offering the amendment, and I urge my colleagues to vote in support of it.

Mr. LANGEVIN. I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I claim the time in opposition, although I am certainly not opposed to this amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I want to thank Chairman KLINE and Ranking Member MILLER for their work on the bipartisan Success and Opportunity Through Quality Charter Schools Act. This is the second bipartisan bill the committee has brought to the floor this week.

I also want to thank the gentleman from Rhode Island, my good friend, Representative LANGEVIN, who I am proud to join in offering this bipartisan amendment. We cochair the Congressional Career and Technical Education Caucus together, and opportunities like this amendment are really at the heart of education: preparing students for viable workforce opportunities and to assist the American economy to be competitive in a global market.

The amendment we have put forward adds comprehensive career counseling to the criteria the U.S. Secretary of Education will consider when making grants to support high-performing charter schools and their expansion.

No matter the school, the further promotion of comprehensive career counseling helps drive curriculum improvements that are better aligned with local workforce trends and the availability of postsecondary opportunities, whether they be non-degree certificate programs, internships, apprenticeships, or 2-year and 4-year degrees.

In all schools, traditional and charter, we must advance every opportunity to guide students into postsecondary opportunities that reflect the individual's talents and interests, which includes offering them the support and the counseling necessary to begin them on that path to mobility and success.

I often say it is not where you start out in life, it is where you end up. And career counseling will help students maximize their individual potential to achieve during that journey.

Our amendment is supported by the American School Counselor Association, the Association for Career and Technical Education, the National Education Association, the American Federation of Teachers, and the National Alliance for Public Charter Schools.

I urge my colleagues to support this commonsense amendment that builds on the important and valuable reforms included in the underlying bill, and I thank the gentleman from Rhode Island.

I reserve the balance of my time.

Mr. LANGEVIN. Mr. Chairman, I thank my colleague for his kind words in support of the amendment.

With that, I urge all my colleagues to support this amendment. Again, it will give school counselors the most up-to-date information and training that they need as they are advising their young students about their career path forward.

I urge my colleagues to support the amendment, and I yield back the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I just urge support of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. LANGEVIN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Rhode Island will be postponed.

AMENDMENT NO. 11 OFFERED BY MS. BONAMICI

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part A of House Report 113-444.

Ms. BONAMICI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 26, line 20, insert before the semicolon at the end the following: “, including how the State entity met the objective of sharing best and promising practices described in subsection (e)(1)(A)(x) in areas such as instruction, professional development, curricula development, and operations between charter schools and other public schools, and the extent to which, if known, such practices were adopted and implemented by such other public schools;”.

The Acting CHAIR. Pursuant to House Resolution 576, the gentlewoman from Oregon (Ms. BONAMICI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. BONAMICI. Mr. Chairman, I rise in support of an amendment to H.R. 10, but I want to start by thanking Chairman KLINE and Ranking Member MILLER for collaborating on this bipartisan legislation.

I also want to thank my colleagues today who have offered amendments that will further strengthen the transparency and oversight of charter schools.

We have heard a lot of remarks about charter schools expanding opportunity for students and transforming education in cities and towns across the country. But we need to remember that charter schools enroll about 5 percent of public school students.

Charter schools are not the only schools leading in innovation. When I am in my district in Oregon visiting schools, I am always impressed by the great things that they are doing.

I visited a public middle school in Forest Grove, Oregon, recently, where every student has a tablet, and the educators are trained in the technology to improve instruction and track students' understanding in real time.

I have visited a public elementary school in Hillsboro, Oregon, that created a school-wide STEM curriculum that integrates the arts and creative exploration, where the students are engaged.

And just recently, Lincoln High School, a traditional public high school from Portland, Oregon, won the national "We the People" competition here in Washington, D.C., by displaying their phenomenal knowledge of the U.S. Constitution.

So I am a strong supporter of traditional schools. Sometimes they are the community center in the town, the place where generations of family members have gone.

Mr. Chairman, I am going to support this bill today—and we will pass it—but Congress needs to redouble our focus on the other 95 percent of the students in traditional public schools who need relief from the punitive provisions of No Child Left Behind. I hope, Mr. Chairman and Ranking Member MILLER, that we can come back and find a bipartisan ESEA reauthorization.

My amendment today recognizes that charter schools are meant to also benefit traditional public schools. One way the charter schools support traditional schools is by sharing practices that are evidence-driven and replicable.

H.R. 10 asks the State entities overseeing charter schools to disseminate best practices from charter schools to traditional public schools. The bill already asks States to report on these efforts. But H.R. 10 does not ask States to measure if the sharing of best practices is benefiting traditional public schools.

There are some positive examples of traditional schools and charter schools collaborating to create curricula or rethink instruction, and the Department of Education and some States are capturing this work. But we should also be focused on the sharing of best practices. And we should be especially focused on what we are getting out of it.

My amendment has States include in their reports on charter school programs the extent to which best prac-

tices in instruction and professional development and curricular programs are being adopted and implemented by traditional public schools.

Remember, we spend taxpayer money on charter schools, and we grant them autonomy and flexibility in exchange for them testing new models of teaching and learning. The goal has been for these educational laboratories to benefit other students in traditional schools as well.

My amendment emphasizes the original intent of charter schools. It simply asks the States to consider whether best practices are transferable and adoptable. Are the efforts to share best practices benefiting educators and the millions of students in traditional public schools?

The amendment is a small measure. It doesn't create a new requirement for States. The report is already required. But it is an important reminder that innovation in charter schools can also benefit all students as well.

I urge my colleagues to support this amendment.

Mr. GEORGE MILLER of California. Will the gentlewoman yield?

Ms. BONAMICI. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding.

I rise in strong support of this amendment. I think her amendment addresses one of the concerns that I have had, and I believe many in the educational community have had for a long time: that we didn't intend to create two separate systems with public charter schools.

We were hoping to be able to allow some flexibility for innovation and best practices, and to develop different methods of teaching around learning, but those were to be shared with the traditional schools.

As Ms. BONAMICI points out, traditional schools have also tacked in many different directions with the use of academies and career development programs that are best practices in those areas. Those should be shared with the charters. But that hasn't happened, some of it for political reasons, some of it because they are both so busy they haven't been able to get together. But we would all be enriched and all the systems would be enriched if this sharing in fact takes place.

I think this amendment is very helpful in getting that dialogue and that sharing and the outcomes started down a road that would benefit all students, whether they are in the traditional system or whether they have chosen to go to a charter school.

Thank you very much for offering this amendment.

Ms. BONAMICI. I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE. Mr. Chairman, this amendment improves the bill. I want to thank the gentlewoman for offering this amendment and bringing it forward and explaining it so eloquently.

I urge my colleagues to support this amendment, and I reserve the balance of my time.

Ms. BONAMICI. Mr. Chairman, this does improve the bill. Collaboration between charter schools and traditional schools is a good thing. Sharing of practices will be beneficial.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Oregon (Ms. BONAMICI).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. BONAMICI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon will be postponed.

□ 1115

AMENDMENT NO. 12 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part A of House Report 113-444.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 27, line 3, strike "and".

Page 27, line 10, strike the period at the end and insert "; and".

Page 27, after line 10, insert the following: "(7) how the State entity has worked with charter schools receiving funds under the State entity's program to foster community involvement in the planning for and opening of such schools."

The Acting CHAIR. Pursuant to House Resolution 576, the gentlewoman from California (Ms. LORETTA SANCHEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, innovation is important to our country and to our communities. Innovation and education is a step up in our economic situation here in the United States.

A high-quality education is a foundation—it is really a foundation, not just for individuals, but for families, for

communities, for our Nation. That is one of the reasons why I believe that it is important to have charter schools and to have charter schools compete well, to have charter schools thought out well. They are an addition to what is going on in our public school system.

Mr. Chairman, back in my area, I have two very, very outstanding charter schools right down the street from where I live. One of them is the Orange County School of the Arts, performing arts; and aside from that, it has one of the highest academic levels. In fact, it is in the top 10 charter schools in my home State of California. As you know, we represent a large amount of people, 38 million or so, so that is saying something.

I also have the El Sol Science and Arts Academy just down the street. That is an elementary school. What it has seen is incredible achievement, the close of the achievement gap for lower-income students.

But not all schools are high quality—not all charter schools are high quality, and what we need to do is recommit to ensuring that those schools we have, both traditional public and charter schools, as well as private schools, do a good job for America; so that is why I will be voting for H.R. 10.

My amendment, Mr. Chairman, would simply work to ensure that community involvement is happening with charter schools. That is incredibly important.

I know that, when I went to school, community was involved in my public school, and that is why it was one of the most outstanding elementary schools in our Nation at the time.

I am pleased to have worked with my colleagues from both sides of the aisle on the amendment that I am offering today, which will hold public charter schools accountable in fostering and promoting community involvement.

Simply said, the amendment requires State entities receiving funds through the Charter Schools Program to report on how their allocations are supporting and enhancing community involvement.

The voices in our communities matter, the voices of parents, of educators, of stakeholders. Let's not forget that it is those communities that send each of us here to the United States House of Representatives.

So I believe that charter schools must be engaged with the local community to understand the students they teach, and my amendment will strengthen the role of community in the process.

Higher community involvement in schools is essential to the success of the students and is also essential to the families of those students.

So I believe that this amendment will help us in making that gap of achievement that we see in so many areas where charter schools are lo-

cated, making that gap of achievement smaller.

While charter schools are not the final solution to the educational challenges in our country, let's ensure that all of our schools are positively contributing to the promise of a quality education for every child in every neighborhood.

I urge my colleagues to support my amendment to improve this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim the time in opposition to the amendment, although I do not oppose the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, this amendment does improve the bill. I thank the gentlewoman for bringing it forward.

I urge my colleagues to support this amendment, and I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, I thank the gentlewoman (Ms. LORETTA SANCHEZ) for bringing forward this amendment.

This amendment represents a best practice for charter schools. It is an important upgrade to our Federal authorization program to ensure that charter schools work to improve communities, disseminate best practices to public charter schools, and partner with businesses and with nonprofits in the community to improve the neighborhoods.

A great school can truly help transform a community. Community involvement is the key to a public charter school having the maximum positive impact on the community.

Parents are important partners for a child's education, and one of the great things that well-functioning, high-quality public charter schools do is involve parents.

By incorporating this best practice into the Federal authorizing statute, we encourage States and districts to go even further, to ensure that parents and the broader community are involved in working with the public charter school as a component of transforming the neighborhood.

I urge my colleagues to vote "yes" on this amendment and "yes" on the underlying bill.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. KLINE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The amendment was agreed to.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 113-444 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Ms. CASTOR of Florida.

Amendment No. 8 by Ms. JACKSON LEE of Texas.

Amendment No. 9 by Ms. WILSON of Florida.

Amendment No. 10 by Mr. LANGEVIN of Rhode Island.

Amendment No. 11 by Ms. BONAMICI of Oregon.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 3 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. CASTOR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 205, not voting 36, as follows:

[Roll No. 212]

#### AYES—190

Barber	DelBene	Jeffries
Barrow (GA)	Dent	Johnson, E. B.
Bass	Deutch	Kaptur
Beatty	Dingell	Keating
Becerra	Doggett	Kelly (IL)
Bera (CA)	Doyle	Kennedy
Bishop (NY)	Duckworth	Kildee
Blumenauer	Edwards	Kilmer
Bonamici	Ellison	Kind
Brady (PA)	Engel	Kirkpatrick
Braley (IA)	Enyart	Kuster
Brown (FL)	Eshoo	Langevin
Brownley (CA)	Esty	Larsen (WA)
Bustos	Farr	Larson (CT)
Butterfield	Fattah	Lee (CA)
Capps	Foster	Levin
Capuano	Frankel (FL)	Lewis
Carney	Fudge	Lipinski
Carson (IN)	Gabbard	LoBiondo
Cartwright	Galleo	Loebach
Castor (FL)	Garamendi	Loftgren
Castro (TX)	Garcia	Lowenthal
Chu	Gerlach	Lowe
Cicilline	Gibson	Lujan Grisham
Clark (MA)	Grayson	(NM)
Clay	Green, Al	Lujan, Ben Ray
Clyburn	Green, Gene	(NM)
Connolly	Hahn	Lynch
Conyers	Hanabusa	Maffei
Costa	Hanna	Maloney,
Courtney	Heck (WA)	Carolyn
Crowley	Higgins	Maloney, Sean
Cuellar	Himes	Matheson
Cummings	Hinojosa	Matsui
Davis (CA)	Holt	McCarthy (NY)
Davis, Danny	Honda	McCollum
Davis, Rodney	Hoyer	McDermott
DeFazio	Huffman	McGovern
Delaney	Israel	McIntyre
DeLauro	Jackson Lee	McKinley

McNerney Price (NC)  
 Meeks Quigley  
 Meng Rahall  
 Michaud Rangel  
 Moran Reichert  
 Murphy (FL) Richmond  
 Nadler Ros-Lehtinen  
 Napolitano Roybal-Allard  
 Neal Ruiz  
 Negrete McLeod Ryan (OH)  
 Nolan Sánchez, Linda  
 O'Rourke T.  
 Pallone Sanchez, Loretta  
 Pascrell Sarbanes  
 Pastor (AZ) Schakowsky  
 Payne Schneider  
 Perlmutter Schock  
 Perry Schrader  
 Peters (CA) Scott (VA)  
 Peters (MI) Serrano  
 Peterson Pingree (ME)  
 Pitts Sewell (AL)  
 Pocan Shea-Porter  
 Polis Sherman  
 Sinema

## NOES—205

Aderholt Gosar  
 Amash Gowdy  
 Amodei Graves (GA)  
 Bachus Graves (MO)  
 Barletta Griffin (AR)  
 Barr Griffith (VA)  
 Barton Guthrie  
 Benishek Hall  
 Bentivolio Harris  
 Billrakis Hartzler  
 Bishop (UT) Hastings (WA)  
 Black Heck (NV)  
 Blackburn Hensarling  
 Boustany Herrera Beutler  
 Brady (TX) Holding  
 Bridenstine Hudson  
 Brooks (AL) Huelskamp  
 Brooks (IN) Huizenga (MI)  
 Broun (GA) Hultgren  
 Buchanan Hunter  
 Bucshon Issa  
 Byrne Jenkins  
 Calvert Johnson (OH)  
 Camp Johnson, Sam  
 Campbell Jolly  
 Cantor Jones  
 Capito Jordan  
 Carter Joyce  
 Cassidy Kelly (PA)  
 Chabot King (IA)  
 Chaffetz King (NY)  
 Coffman Kinzinger (IL)  
 Cohen Kline  
 Cole Labrador  
 Collins (GA) LaMalfa  
 Collins (NY) Lamborn  
 Conaway Lance  
 Cook Lankford  
 Cooper Latham  
 Cramer Latta  
 Crenshaw Long  
 Culberson Lucas  
 Daines Luetkemeyer  
 Denham Lummis  
 DeSantis Marchant  
 DesJarlais Marino  
 Diaz-Balart Massie  
 Duncan (SC) McCarthy (CA)  
 Duncan (TN) McCaul  
 Ellmers McClintock  
 Farenthold McHenry  
 Fincher McKeon  
 Fitzpatrick McMorris  
 Fleischmann Rodgers  
 Fleming Meadows  
 Flores Meehan  
 Forbes Messer  
 Fortenberry Mica  
 Foxx Miller (FL)  
 Franks (AZ) Miller (MI)  
 Frelinghuysen Miller, Gary  
 Gardner Miller, George  
 Garrett Mullin  
 Gibbs Mulvaney  
 Gingrey (GA) Murphy (PA)  
 Gohmert Neugebauer  
 Goodlatte Noem

Sires Slaughter  
 Smith (WA)  
 Swalwell (CA)  
 Takano  
 Thompson (CA)  
 Thompson (MS)  
 Tierney  
 Titus  
 Tonko  
 Tsongas  
 Van Hollen  
 Vargas  
 Veasey  
 Vela  
 Velázquez  
 Visclosky  
 Walz  
 Wasserman  
 Schultz  
 Waters  
 Waxman  
 Welch  
 Wilson (FL)  
 Yarmuth

□ 1146

Messrs. OWENS and GINGREY of Georgia changed their vote from “aye” to “no.”

Messrs. PETERS of California, PITTS, Ms. ROS-LEHTINEN, and Ms. LOFGREN changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Mr. Chair, on rollcall No. 212 I was unable to vote due to a medical procedure. Had I been present, I would have voted “yes.”

Ms. MOORE. Mr. Chair, I missed rollcall vote No. 212 on the Castor Amendment to H.R. 10—“To amend the charter school program under the Elementary and Secondary Education Act of 1965.” Had I been present, I would have voted “yes.”

AMENDMENT NO. 8 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 220, not voting 32, as follows:

[Roll No. 213]

## AYES—179

Barber Carson (IN)  
 Barrow (GA) Cartwright  
 Bass Castor (FL)  
 Beatty Castro (TX)  
 Becerra Chu  
 Bera (CA) Cicilline  
 Bishop (NY) Clark (MA)  
 Blumenauer Clay  
 Bonamici Cleaver  
 Brady (PA) Clyburn  
 Braley (IA) Cohen  
 Brown (FL) Connolly  
 Brownley (CA) Conyers  
 Bustos Costa  
 Butterfield Courtney  
 Butters Wilson (SC)  
 Capuano Cummings  
 Cárdenas

Davis (CA)  
 Davis, Danny  
 DeFazio  
 DeLauro  
 DelBene  
 Deutch  
 Dingell  
 Doggett  
 Doyle  
 Duckworth  
 Edwards  
 Ellison  
 Engel  
 Enyart  
 Eshoo  
 Esty  
 Farr  
 Fattah

Foster Frankel (FL)  
 Fudge  
 Gallego  
 Garamendi  
 Garcia  
 Gibson  
 Grayson  
 Green, Al  
 Green, Gene  
 Gutiérrez  
 Hahn  
 Hanabusa  
 Hanna  
 Heck (WA)  
 Higgins  
 Himes  
 Hinojosa  
 Holt  
 Honda  
 Horsford  
 Hoyer  
 Israel  
 Jackson Lee  
 Jeffries  
 Johnson (GA)  
 Johnson, E. B.  
 Kaptur  
 Keating  
 Kelly (IL)  
 Kennedy  
 Kildee  
 Kilmer  
 Kind  
 Kirkpatrick  
 Kuster  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Lee (CA)  
 Levin  
 Lewis  
 Lipinski  
 LoBiondo

## NOES—220

Aderholt  
 Amash  
 Amodei  
 Bachus  
 Barletta  
 Barr  
 Barton  
 Benishek  
 Bentivolio  
 Billrakis  
 Bishop (UT)  
 Black  
 Blackburn  
 Boustany  
 Brady (TX)  
 Bridenstine  
 Brooks (AL)  
 Brooks (IN)  
 Broun (GA)  
 Buchanan  
 Bucshon  
 Burgess  
 Byrne  
 Camp  
 Campbell  
 Cantor  
 Capito  
 Carney  
 Carter  
 Cassidy  
 Chabot  
 Chaffetz  
 Coffman  
 Collins (GA)  
 Collins (NY)  
 Conaway  
 Cook  
 Cooper  
 Cramer  
 Crenshaw  
 Culberson  
 Daines  
 Davis, Rodney  
 Delaney  
 Denham  
 Dent  
 DeSantis  
 DesJarlais  
 Diaz-Balart

Duncan (SC)  
 Duncan (TN)  
 Ellmers  
 Farenthold  
 Fincher  
 Fitzpatrick  
 Fleischmann  
 Fleming  
 Flores  
 Forbes  
 Fortenberry  
 Foxx  
 Franks (AZ)  
 Frelinghuysen  
 Gabbard  
 Gardner  
 Garrett  
 Gerlach  
 Gibbs  
 Gingrey (GA)  
 Gohmert  
 Goodlatte  
 Gosar  
 Gowdy  
 Graves (GA)  
 Graves (MO)  
 Griffin (AR)  
 Griffith (VA)  
 Guthrie  
 Hall  
 Harris  
 Hartzler  
 Hastings (WA)  
 Heck (NV)  
 Hensarling  
 Herrera Beutler  
 Holding  
 Hudson  
 Huelskamp  
 Huffman  
 Huizenga (MI)  
 Hultgren  
 Hunter  
 Issa  
 Jenkins  
 Johnson (OH)  
 Johnson, Sam  
 Jolly  
 Jones

Jordan  
 Joyce  
 Kelly (PA)  
 King (IA)  
 King (NY)  
 Kinzinger (IL)  
 Kline  
 Labrador  
 LaMalfa  
 Lamborn  
 Lance  
 Lankford  
 Latham  
 Latta  
 Lofgren  
 Long  
 Lucas  
 Luetkemeyer  
 Lummis  
 Lynch  
 Maffei  
 Marchant  
 Marino  
 Massie  
 McCarthy (CA)  
 McCaul  
 McClintock  
 McHenry  
 McKeon  
 McKinley  
 McMorris  
 Rodgers  
 Meadows  
 Meehan  
 Messer  
 Mica  
 Miller (FL)  
 Miller (MI)  
 Miller, Gary  
 Miller, George  
 Noem  
 Nugent  
 Nunes  
 Olson  
 Owens

Paulsen	Roskam	Thompson (PA)	Blumenauer	Garamendi	Matheson	Schakowsky	Speier	Wagner
Pearce	Ross	Thornberry	Bonamici	Garcia	Matsui	Schiff	Stivers	Walberg
Perry	Rothfus	Tiberi	Boustany	Gardner	McCarthy (CA)	Schneider	Stutzman	Walden
Peters (CA)	Royce	Tipton	Brady (PA)	Gerlach	McCarthy (NY)	Schock	Swalwell (CA)	Walorski
Petri	Ryan (WI)	Turner	Brady (TX)	Gibbs	McCaul	Schrader	Takano	Walz
Pittenger	Salmon	Upton	Braley (IA)	Gibson	McCollum	Schweikert	Terry	Wasserman
Pitts	Sanford	Valadao	Brooks (AL)	Gingrey (GA)	McDermott	Scott (VA)	Thompson (CA)	Schultz
Poe (TX)	Scalise	Wagner	Brooks (IN)	Gohmert	McGovern	Scott, Austin	Thompson (MS)	Waters
Polis	Schock	Walberg	Brown (FL)	Goodlatte	McHenry	Sensenbrenner	Thompson (PA)	Waxman
Pompeo	Schrader	Walden	Brownley (CA)	Gosar	McIntyre	Serrano	Thornberry	Weber (TX)
Posey	Schweikert	Walorski	Buchanan	Gowdy	McKeon	Sessions	Tiberi	Webster (FL)
Price (GA)	Scott, Austin	Weber (TX)	Bucshon	Graves (MO)	McKinley	Sewell (AL)	Tierney	Welch
Reichert	Sensenbrenner	Webster (FL)	Burgess	Grayson	McMorris	Shea-Porter	Tipton	Wenstrup
Renacci	Sessions	Wenstrup	Bustos	Green, Al	Rodgers	Sherman	Titus	Wilson (FL)
Ribble	Shimkus	Westmoreland	Butterfield	Green, Gene	McRaney	Shimkus	Tonko	Wilson (SC)
Rice (SC)	Shuster	Wilson (SC)	Byrne	Griffin (AR)	Meadows	Shuster	Tsongas	Wittman
Rigell	Simpson	Wittman	Calvert	Grijalva	Meehan	Simpson	Turner	Wolf
Roby	Smith (MO)	Wolf	Camp	Guthrie	Meeks	Sinema	Upton	Womack
Roe (TN)	Smith (NE)	Womack	Cantor	Gutiérrez	Meng	Sires	Valadao	Yarmuth
Rogers (AL)	Smith (NJ)	Woodall	Capito	Hahn	Messer	Slaughter	Van Hollen	Yoder
Rogers (KY)	Southerland	Yoder	Capps	Hall	Mica	Smith (MO)	Vargas	Yoho
Rogers (MI)	Stivers	Yoho	Capuano	Hanabusa	Michaud	Smith (NE)	Veasey	Young (AK)
Rohrabacher	Stockman	Young (AK)	Cárdenas	Hanna	Miller (FL)	Smith (NJ)	Vela	Young (IN)
Rokita	Stutzman	Young (IN)	Carney	Hartzler	Miller (MI)	Smith (WA)	Velázquez	
Rooney	Terry		Carson (IN)	Hastings (WA)	Miller, Gary	Southerland	Visclosky	
			Carter	Heck (NV)	Miller, George			
			Cartwright	Heck (WA)	Moore			
			Cassidy	Hensarling	Moran			
			Castor (FL)	Herrera Beutler	Mullin			
			Castro (TX)	Higgins	Mulvaney			
			Chu	Himes	Murphy (FL)			
			Ciilline	Hinojosa	Murphy (PA)			
			Hurt	Holding	Nadler			
			Kingston	Holt	Napolitano			
			McAllister	Honda	Neal			
			Nunnelee	Horsford	Negrete McLeod			
			Palazzo	Hoyer	Neugebauer			
			Reed	Hudson	Noem			
			Runyan	Huffman	Nolan			
				Hultgren	Nugent			
				Hunter	Nunes			
				Israel	O'Rourke			
				Issa	Owens			
				Jackson Lee	Pallone			
				Jeffries	Pascarell			
				Jenkins	Pastor (AZ)			
				Johnson (GA)	Paulsen			
				Johnson (OH)	Payne			
				Johnson, E. B.	Pearce			
				Johnson, Sam	Pelosi			
				Jolly	Perlmutter			
				Jordan	Perry			
				Joyce	Peters (CA)			
				Kaptur	Peters (MI)			
				Keating	Peterson			
				Kelly (IL)	Petri			
				Kelly (PA)	Pingree (ME)			
				Kennedy	Pittenger			
				Kildee	Pitts			
				Kilmer	Pocan			
				Kind	Poe (TX)			
				King (IA)	Polis			
				King (NY)	Posey			
				Kinzingler (IL)	Price (GA)			
				Kirkpatrick	Price (NC)			
				Kline	Quigley			
				Kuster	Rahall			
				Lance	Rangel			
				Langevin	Reichert			
				Lankford	Renacci			
				Larsen (WA)	Rice (SC)			
				Larsen (CT)	Richmond			
				Latham	Rigell			
				Latta	Roby			
				Lee (CA)	Roe (TN)			
				Levin	Rogers (AL)			
				Lewis	Rogers (KY)			
				Lipinski	Rogers (MI)			
				LoBiondo	Rokita			
				Loeb sack	Rooney			
				Lofgren	Ros-Lehtinen			
				Long	Roskam			
				Lowenthal	Ross			
				Lowe y	Rothfus			
				Lucas	Roybal-Allard			
				Luetkemeyer	Royce			
				Lujan Grisham	Ruiz			
				(NM)	Ryan (OH)			
				Luján, Ben Ray	Ryan (WI)			
				(NM)	Salmon			
				Lynch	Sánchez, Linda			
				Maffei	T.			
				Maloney,	Sanchez, Loretta			
				Carolyn	Sanford			
				Maloney, Sean	Sarbanes			
				Marino	Scalise			

## NOT VOTING—32

Bachmann	Grijalva	Ruppersberger
Bishop (GA)	Grimm	Rush
Calvert	Harper	Schiff
Clarke (NY)	Hastings (FL)	Schwartz
Coble	Hurt	Scott, David
Cole	Kingston	Smith (TX)
Cotton	McAllister	Stewart
Crawford	Nunnelee	Waters
DeGette	Palazzo	Whitfield
Duffy	Reed	Williams
Granger	Runyan	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1151

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

Stated for:

Mr. SCHIFF. Mr. Chair, on rollcall No. 213,  
had I been present, I would have voted “aye.”

Mr. RUPPERSBERGER. Mr. Chair, on roll-  
call No. 213 I was unable to vote due to a  
medical procedure. Had I been present, I  
would have voted “yes.”

AMENDMENT NO. 9 OFFERED BY MS. WILSON OF  
FLORIDA

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentlewoman from Florida (Ms. WIL-  
SON) on which further proceedings were  
postponed and on which the ayes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 373, noes 32,  
not voting 26, as follows:

[Roll No. 214]

AYES—373

Aderholt	Barrow (GA)	Bentivolio
Amodei	Barton	Bera (CA)
Bachus	Bass	Billirakis
Barber	Beatty	Bishop (NY)
Barletta	Becerra	Black
Barr	Benishiek	Blackburn

## NOES—32

Amash	Graves (GA)	Massie
Bishop (UT)	Griffith (VA)	McClintock
Bridenstine	Harris	Olson
Broun (GA)	Huelskamp	Pompeo
Campbell	Huizenga (MI)	Ribble
Chabot	Jones	Rohrabacher
Chaffetz	Labrador	Stewart
Duncan (SC)	LaMalfa	Stockman
Farenthold	Lamborn	Westmoreland
Fincher	Lummis	Woodall
Garrett	Marchant	

## NOT VOTING—26

Bachmann	Grimm	Runyan
Bishop (GA)	Harper	Ruppersberger
Clarke (NY)	Hastings (FL)	Rush
Coble	Hurt	Schwartz
Cotton	Kingston	Scott, David
Crawford	McAllister	Smith (TX)
DeGette	Nunnelee	Whitfield
Duffy	Palazzo	Williams
Granger	Reed	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1157

Mr. PITTS, Mrs. CAPITO, and Mr.  
KING of Iowa changed their vote from  
“no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced  
as above recorded.

Stated for:

Mr. RUPPERSBERGER. Mr. Chair, on roll-  
call No. 214 I was unable to vote due to a  
medical procedure. Had I been present, I  
would have voted “yes.”

AMENDMENT NO. 10 OFFERED BY MR. LANGEVIN

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Rhode Island (Mr.  
LANGEVIN) on which further pro-  
ceedings were postponed and on which  
the ayes prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 378, noes 27,  
not voting 26, as follows:



[Roll No. 215]

AYES—378

Aderholt	Engel	Larson (CT)
Amodei	Enyart	Latham
Bachus	Eshoo	Latta
Barber	Esty	Lee (CA)
Barletta	Farr	Levin
Barr	Fattah	Lewis
Barrow (GA)	Fincher	Lipinski
Bass	Fitzpatrick	LoBiondo
Beatty	Fleischmann	Loeb sack
Becerra	Fleming	Lofgren
Benishek	Flores	Long
Bentivolio	Forbes	Lowenthal
Bera (CA)	Fortenberry	Lowey
Bilirakis	Foster	Lucas
Bishop (NY)	Fox	Luetkemeyer
Black	Frankel (FL)	Lujan Grisham
Blackburn	Franks (AZ)	(NM)
Blumenauer	Frelinghuysen	Luján, Ben Ray
Bonamici	Fudge	(NM)
Boustany	Gabbard	Lynch
Brady (PA)	Gallagher	Maffei
Brady (TX)	Garamendi	Maloney,
Braley (IA)	Garcia	Carolyn
Brooks (IN)	Gardner	Maloney, Sean
Brown (FL)	Gerlach	Marchant
Brownley (CA)	Gibbs	Marino
Buchanan	Gibson	Matheson
Bucshon	Gingrey (GA)	Matsui
Burgess	Goodlatte	McCarthy (CA)
Bustos	Gosar	McCarthy (NY)
Butterfield	Gowdy	McCaul
Byrne	Graves (GA)	McClintock
Calvert	Graves (MO)	McCollum
Camp	Grayson	McDermott
Campbell	Green, Al	McGovern
Cantor	Green, Gene	McHenry
Capito	Griffin (AR)	McIntyre
Capps	Grijalva	McKeon
Capuano	Guthrie	McKinley
Cárdenas	Gutiérrez	McMorris
Carney	Hahn	Rodgers
Carson (IN)	Hall	McNerney
Carter	Hanabusa	Meadows
Cartwright	Hanna	Meehan
Cassidy	Harris	Meeks
Castor (FL)	Hartzler	Meng
Castro (TX)	Hastings (WA)	Messer
Chabot	Heck (NV)	Mica
Chu	Heck (WA)	Michaud
Ciilline	Hensarling	Miller (FL)
Clark (MA)	Herrera Beutler	Miller (MI)
Clay	Higgins	Miller, Gary
Cleaver	Himes	Miller, George
Clyburn	Hinojosa	Moore
Coffman	Holding	Moran
Cohen	Holt	Mullin
Cole	Honda	Mulvaney
Collins (GA)	Horsford	Murphy (FL)
Collins (NY)	Hoyer	Murphy (PA)
Conaway	Hudson	Nadler
Connolly	Huffman	Napolitano
Conyers	Hultgren	Neal
Cook	Hunter	Negrete McLeod
Cooper	Israel	Neugebauer
Costa	Issa	Noem
Courtney	Jackson Lee	Nolan
Cramer	Jeffries	Nugent
Crenshaw	Jenkins	Nunes
Crowley	Johnson (GA)	O'Rourke
Cuellar	Johnson (OH)	Olson
Culberson	Johnson, E. B.	Owens
Cummings	Johnson, Sam	Pallone
Daines	Jolly	Pascrell
Davis (CA)	Jordan	Pastor (AZ)
Davis, Danny	Joyce	Paulsen
Davis, Rodney	Kaptur	Payne
DeFazio	Keating	Pearce
Delaney	Kelly (IL)	Pelosi
DeLauro	Kelly (PA)	Perlmutter
DelBene	Kennedy	Perry
Denham	Kildee	Peters (CA)
Dent	Kilmer	Peters (MI)
DesJarlais	Kind	Peterson
Deutch	King (IA)	Petri
Diaz-Balart	King (NY)	Pingree (ME)
Dingell	Kinzing (IL)	Pittenger
Doggett	Kirkpatrick	Pitts
Doyle	Kline	Pocan
Duckworth	Kuster	Poe (TX)
Duncan (TN)	LaMalfa	Polis
Edwards	Lance	Posey
Ellison	Langevin	Price (GA)
Ellmers	Larsen (WA)	Price (NC)

Quigley	Scott (VA)	Tsongas
Rahall	Scott, Austin	Turner
Rangel	Sensenbrenner	Upton
Reichert	Serrano	Valadao
Renacci	Sessions	Van Hollen
Rice (SC)	Sewell (AL)	Vargas
Richmond	Shea-Porter	Veasey
Rigell	Sherman	Vela
Roby	Shimkus	Velázquez
Roe (TN)	Shuster	Visclosky
Rogers (AL)	Simpson	Wagner
Rogers (KY)	Sinema	Walberg
Rogers (MI)	Sires	Walden
Rokita	Slaughter	Walorski
Rooney	Smith (MO)	Walz
Ros-Lehtinen	Smith (NE)	Wasserman
Roskam	Smith (NJ)	Schultz
Ross	Smith (WA)	Waters
Rothfus	Southerland	Waxman
Roybal-Allard	Speier	Weber (TX)
Royce	Stewart	Webster (FL)
Ruiz	Stivers	Welch
Ryan (OH)	Stockman	Wenstrup
Ryan (WI)	Swalwell (CA)	Westmoreland
Sánchez, Linda	Takano	Wilson (FL)
T.	Terry	Wilson (SC)
Sanchez, Loretta	Thompson (CA)	Wittman
Sarbanes	Thompson (MS)	Wolf
Scalise	Thompson (PA)	Womack
Schakowsky	Thornberry	Woodall
Schiff	Tiberi	Yarmuth
Schneider	Tierney	Yoder
Schock	Tipton	Yoho
Schrader	Titus	Young (AK)
Schweikert	Tonko	Young (IN)

NOES—27

Amash	Farenthold	Lankford
Barton	Lummis	Lummi
Bishop (UT)	Gohmert	Massie
Bridenstine	Griffith (VA)	Pompeo
Brooks (AL)	Huelskamp	Ribble
Broun (GA)	Huizenga (MI)	Rohrabacher
Chaffetz	Jones	Salmon
DeSantis	Labrador	Sanford
Duncan (SC)	Lamborn	Stutzman

NOT VOTING—26

Bachmann	Grimm	Runyan
Bishop (GA)	Harper	Ruppersberger
Clarke (NY)	Hastings (FL)	Rush
Coble	Hurt	Schwartz
Cotton	Kingston	Scott, David
Crawford	McAllister	Smith (TX)
DeGette	Nunnelee	Whitfield
Duffy	Palazzo	Williams
Granger	Reed	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1201

So the amendment was agreed to.

The result of the vote was announced  
as above recorded.

Stated for:

Mr. RUPPERSBERGER. Mr. Chair, on roll-call No. 215 I was unable to vote due to a medical procedure. Had I been present, I would have voted "yes."

AMENDMENT NO. 11 OFFERED BY MS. BONAMICI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. BONAMICI) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 363, noes 41, not voting 27, as follows:

[Roll No. 216]

AYES—363

Aderholt	Ellmers	Lance
Amodei	Engel	Langevin
Bachus	Enyart	Lankford
Barber	Eshoo	Larsen (WA)
Barletta	Esty	Larsen (CT)
Barr	Farenthold	Latham
Barrow (GA)	Farr	Latta
Barton	Fattah	Lee (CA)
Bass	Fincher	Levin
Beatty	Fitzpatrick	Lewis
Becerra	Fleischmann	Lipinski
Benishek	Fleming	LoBiondo
Bera (CA)	Forbes	Loeb sack
Bilirakis	Foster	Lofgren
Bishop (NY)	Fox	Long
Black	Frankel (FL)	Lowenthal
Blackburn	Franks (AZ)	Lowey
Blumenauer	Frelinghuysen	Lucas
Bonamici	Fudge	Luetkemeyer
Boustany	Gabbard	Lujan Grisham
Brady (PA)	Gallagher	(NM)
Brady (TX)	Garamendi	Luján, Ben Ray
Braley (IA)	Garcia	(NM)
Brooks (IN)	Gardner	Lynch
Brown (FL)	Gerlach	Maffei
Brownley (CA)	Gibbs	Maloney,
Buchanan	Gibson	Carolyn
Bucshon	Gingrey (GA)	Maloney, Sean
Bustos	Goodlatte	Marchant
Butterfield	Gowdy	Marino
Calvert	Graves (GA)	Matheson
Camp	Graves (MO)	Matsui
Campbell	Grayson	McCarthy (CA)
Cantor	Green, Al	McCarthy (NY)
Capito	Green, Gene	McCaul
Capps	Griffin (AR)	McClintock
Capuano	Griffith (VA)	McCollum
Cárdenas	Grijalva	McDermott
Carney	Guthrie	McGovern
Carson (IN)	Gutiérrez	McHenry
Carter	Hahn	McIntyre
Cartwright	Hall	McKeon
Castor (FL)	Hanabusa	McKinley
Castro (TX)	Hanna	McMorris
Chu	Harris	Rodgers
Ciilline	Hartzler	McNerney
Clark (MA)	Hastings (WA)	Meadows
Clay	Heck (NV)	Meehan
Cleaver	Heck (WA)	Meeks
Clyburn	Hensarling	Meng
Coffman	Herrera Beutler	Messer
Cohen	Higgins	Mica
Cole	Himes	Michaud
Collins (GA)	Hinojosa	Miller (FL)
Collins (NY)	Holding	Miller (MI)
Conaway	Holt	Miller, Gary
Connolly	Honda	Miller, George
Conyers	Horsford	Moore
Cook	Hoyer	Moran
Cooper	Hudson	Mullin
Costa	Huffman	Murphy (FL)
Courtney	Hultgren	Murphy (PA)
Cramer	Hunter	Nadler
Crenshaw	Israel	Napolitano
Crowley	Issa	Neal
Cuellar	Jackson Lee	Negrete McLeod
Culberson	Jeffries	Neugebauer
Cummings	Jenkins	Noem
Daines	Johnson (GA)	Nolan
Davis (CA)	Johnson (OH)	Nugent
Davis, Danny	Johnson, E. B.	Nunes
Davis, Rodney	Johnson, Sam	O'Rourke
DeFazio	Jolly	Olson
Delaney	Joyce	Owens
DeLauro	Kaptur	Pallone
DelBene	Keating	Pascrell
Denham	Kelly (IL)	Pastor (AZ)
Dent	Kelly (PA)	Paulsen
DesJarlais	Kennedy	Payne
Deutch	Kildee	Pearce
Diaz-Balart	Kilmer	Pelosi
Dingell	Kind	Perlmutter
Doggett	King (IA)	Perry
Doyle	King (NY)	Peters (CA)
Duckworth	Kinzing (IL)	Peters (MI)
Duncan (TN)	Kirkpatrick	Peterson
Edwards	Kline	Petri
Ellison	Kuster	Pingree (ME)

Pittenger	Schakowsky	Tierney
Pitts	Schiff	Tipton
Pocan	Schneider	Titus
Poe (TX)	Schock	Tonko
Polis	Schrader	Tsongas
Posey	Schweikert	Turner
Price (GA)	Scott (VA)	Upton
Price (NC)	Scott, Austin	Valadao
Quigley	Serrano	Van Hollen
Rahall	Sessions	Vargas
Rangel	Sewell (AL)	Veasey
Reichert	Shea-Porter	Vela
Renacci	Sherman	Velázquez
Rice (SC)	Shinkus	Visclosky
Richmond	Shuster	Wagner
Rigell	Simpson	Walberg
Roby	Sinema	Walden
Roe (TN)	Sires	Walorski
Rogers (KY)	Slaughter	Walz
Rogers (MI)	Smith (MO)	Wasserman
Rokita	Smith (NE)	Schultz
Ros-Lehtinen	Smith (NJ)	Waters
Roskam	Smith (WA)	Waxman
Ross	Southerland	Welch
Rothfus	Speier	Wenstrup
Roybal-Allard	Stewart	Westmoreland
Royce	Stivers	Wilson (FL)
Ruiz	Swalwell (CA)	Wilson (SC)
Ryan (OH)	Takano	Wittman
Ryan (WI)	Terry	Wolf
Sánchez, Linda	Thompson (CA)	Womack
T.	Thompson (MS)	Yarmuth
Sanchez, Loretta	Thompson (PA)	Yoder
Sarbanes	Thornberry	Young (AK)
Scalise	Tiberi	Young (IN)

## NOES—41

Amash	Garrett	Ribble
Bentivolio	Gohmert	Rogers (AL)
Bishop (UT)	Gosar	Rohrabacher
Bridenstine	Huelskamp	Rooney
Brooks (AL)	Huizenga (MI)	Salmon
Broun (GA)	Jones	Sanford
Burgess	Jordan	Sensenbrenner
Byrne	Labrador	Stockman
Cassidy	LaMalfa	Stutzman
Chabot	Lamborn	Weber (TX)
Chaffetz	Lummis	Webster (FL)
DeSantis	Massie	Woodall
Duncan (SC)	Mulvaney	Yoho
Flores	Pompeo	

## NOT VOTING—27

Bachmann	Granger	Reed
Bishop (GA)	Grimm	Runyan
Clarke (NY)	Harper	Ruppersberger
Coble	Hastings (FL)	Rush
Cotton	Hurt	Schwartz
Crawford	Kingston	Scott, David
DeGette	McAllister	Smith (TX)
Duffy	Nunnelee	Whitfield
Fortenberry	Palazzo	Williams

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1204

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Mr. Chair, on roll-call No. 216 I was unable to vote due to a medical procedure. Had I been present, I would have voted "yes."

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having assumed the chair, Mr. POE of Texas, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 10) to amend

the charter school program under the Elementary and Secondary Education Act of 1965, and, pursuant to House Resolution 576, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

(By unanimous consent, Mr. CANTOR was allowed to speak out of order.)

## MOMENT OF SILENCE FOR ABDUCTED NIGERIAN

## GIRLS

Mr. CANTOR. Mr. Speaker, Americans have watched in horror this week the atrocious news reports coming out of Nigeria. Hundreds of young girls have been kidnapped with the intent to be sold into slavery or marriage simply because they had the courage to seek an education and a better life.

Just this past weekend, I watched my daughter, not much older than these girls, graduate from college. As a parent, I cannot imagine the suffering of the moms and dads who merely wanted a good education for their daughters.

The Obama administration has taken initial steps to help assist efforts to return these girls to freedom and to their families. I thank them for their efforts, and I know all of us stand ready to provide whatever assistance is necessary.

Members should be aware that, upon our return, we will consider a bipartisan resolution being considered by the Foreign Affairs Committee regarding Boko Haram and these kidnappings.

Additionally, when we come back, we will also consider five bipartisan bills to take steps toward our ultimate goal of ending human trafficking. Together, these bills provide resources and authorities to fight domestic human trafficking, provide services to the victims, and take steps to deal with international human trafficking.

The atrocities in Nigeria have awakened the global conscience and have reminded us all of the evil of human trafficking. It is also important to note that the underlying threat posed by extremist groups in Nigeria and throughout the region is growing.

Whether it is Boko Haram, Ansar al-Sharia, Hezbollah, Hamas, or al Qaeda, it is critical that we in the House work with the administration to confront the growing threat these violent extremists pose to international peace,

security, and the protection of innocent lives.

In the coming days, as we focus on finding and returning these girls to their homes, may God watch over them and those seeking their return.

Mr. Speaker, I yield to the gentlewoman from California, the Democratic leader.

Ms. PELOSI. Thank you, Mr. Leader, for yielding. Thank you, Mr. Speaker, for giving the House this opportunity to speak this afternoon about this despicable crime. I thank the distinguished majority leader for his remarks, and I associate myself with his remarks in their entirety. That is how important all of this is.

I want to commend Congresswoman FREDERICA WILSON for her resolution, H. Res. 573, condemning the abduction of female students by armed militants from the terrorist group known as Boko Haram in the northeastern provinces of the Federal Republic of Nigeria.

Mr. Speaker, it is clear that what happened in Nigeria is outside the circle of civilized human behavior. It is unconscionable, and these despicable acts must be condemned in the strongest possible terms. The capture and captivity of these girls challenges the conscience of the world in a very specific and very different way, and perhaps that difference can make a difference.

I wholeheartedly support the decision by President Obama, Secretary Kerry, and the administration to deploy aid, personnel, law enforcement, and military experts to Nigeria to partner with local authorities to find these girls and return them home.

I commend the women Members of the House. In a bipartisan way, 100 percent of the women have signed a letter condemning these actions. I salute the First Lady for her #BringBackOurGirls tweet and hope that Members will also be doing that because the most horrible form of torture for someone who is held by terrorists is when their captors tells them: nobody knows you are here, who you are and is even worried about you.

We want to remove all doubt every minute of every day. As we go into Mother's Day, think of those mothers, think of those fathers, think of the siblings of these girls. Our thoughts and prayers rest with the mothers and fathers and siblings of each girl kidnapped and separated from her family and all of the victims of human trafficking around the world.

As horrible as it is, as unthinkable as it is, it is happening all the time, this trafficking issue, so maybe this horrible, heinous crime will give the attention that human trafficking needs in order for us to end it, and so let us all subscribe to #BringBackOurGirls.

With that, Mr. Speaker, I thank you, again, for giving us this opportunity to

focus on this despicable action, but to do so prayerfully, hopefully, and determined to bring back our girls.

The SPEAKER. The Members will rise and the House will observe a moment of silence for these young women.

Without objection, 5-minute voting will continue.

The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. KLINE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 360, noes 45, not voting 27, as follows:

[Roll No. 217]

AYES—360

Aderholt	Crowley	Hanabusa
Amodei	Cuellar	Hanna
Bachus	Culberson	Harris
Barber	Cummings	Hartzler
Barletta	Daines	Hastings (WA)
Barr	Davis (CA)	Heck (NV)
Barrow (GA)	Davis, Rodney	Heck (WA)
Barton	DeFazio	Hensarling
Bass	Delaney	Herrera Beutler
Beatty	DeLauro	Higgins
Becerra	DelBene	Himes
Benishak	Denham	Hinojosa
Bentivolio	Dent	Holding
Bera (CA)	DeSantis	Holt
Bilirakis	DesJarlais	Honda
Black	Diaz-Balart	Horsford
Blackburn	Dingell	Hoyer
Blumenauer	Doggett	Hudson
Boehner	Doyle	Huelskamp
Bonamici	Duckworth	Huffman
Boustany	Duncan (SC)	Huizenga (MI)
Brady (PA)	Duncan (TN)	Hultgren
Brady (TX)	Ellison	Hunter
Braley (IA)	Ellmers	Israel
Brooks (IN)	Engel	Issa
Brown (FL)	Enyart	Jackson Lee
Brownley (CA)	Eshoo	Jeffries
Buchanan	Esty	Jenkins
Bucshon	Farenthold	Johnson (OH)
Burgess	Farr	Johnson, E. B.
Bustos	Fattah	Johnson, Sam
Butterfield	Fincher	Jolly
Byrne	Fitzpatrick	Jordan
Calvert	Fleischmann	Joyce
Camp	Fleming	Kaptur
Campbell	Flores	Keating
Cantor	Forbes	Kelly (PA)
Capito	Fortenberry	Kennedy
Capps	Foster	Kilmer
Cárdenas	Fox	Kind
Carney	Franks (AZ)	King (IA)
Carson (IN)	Frelinghuysen	King (NY)
Carter	Gabbard	Kinzinger (IL)
Cartwright	Gallago	Kirkpatrick
Cassidy	Garamendi	Kline
Castro (TX)	Garcia	Kuster
Chabot	Gardner	Labrador
Chaffetz	Gerlach	LaMalfa
Ciilline	Gibbs	Lamborn
Clyburn	Gibson	Lance
Coffman	Gingrey (GA)	Langevin
Cohen	Gohmert	Lankford
Cole	Goodlatte	Larsen (WA)
Collins (GA)	Gosar	Larson (CT)
Collins (NY)	Gowdy	Latham
Conaway	Graves (GA)	Latta
Connolly	Graves (MO)	Lee (CA)
Conyers	Green, Al	Levin
Cook	Green, Gene	Lipinski
Cooper	Griffin (AR)	LoBiondo
Costa	Guthrie	Loeb sack
Courtney	Gutiérrez	Lofgren
Cramer	Hahn	Long
Crenshaw	Hall	Lowenthal

Lowey	Pastor (AZ)
Lucas	Paulsen
Luetkemeyer	Payne
Lujan Grisham	Pearce
(NM)	Pelosi
Luján, Ben Ray	Perlmutter
(NM)	Perry
Lynch	Peters (CA)
Maffei	Peters (MI)
Maloney,	Peterson
Carolyn	Petri
Maloney, Sean	Pittenger
Marchant	Pitts
Marino	Pocan
Matheson	Poe (TX)
Matsui	Polis
McCarthy (CA)	Pompeo
McCarthy (NY)	Posey
McCaul	Price (GA)
McClintock	Price (NC)
McCollum	Quigley
McGovern	Rahall
McHenry	Rangel
McIntyre	Reichert
McKeon	Renacci
McKinley	Ribble
McMorris	Rice (SC)
Rodgers	Rigell
McNerney	Roby
Meadows	Roe (TN)
Meehan	Rogers (AL)
Meeks	Rogers (KY)
Meng	Rogers (MI)
Messer	Rohrabacher
Mica	Rokita
Michaud	Rooney
Miller (FL)	Ros-Lehtinen
Miller (MI)	Roskam
Miller, Gary	Ross
Miller, George	Rothfus
Moran	Roybal-Allard
Mullin	Royce
Mulvaney	Ruiz
Murphy (PA)	Ryan (OH)
Nadler	Ryan (WI)
Napolitano	Salmon
Neal	Sánchez, Linda
Negrete McLeod	T.
Neugebauer	Sanchez, Loretta
Noem	Sanford
Nolan	Sarbanes
Nugent	Scalise
Nunes	Schiff
O'Rourke	Schneider
Olson	Schock
Owens	Schrader
Pallone	Schweikert
Pascarell	Scott (VA)

NOES—45

Amash	Frankel (FL)
Bishop (NY)	Fudge
Bishop (UT)	Garrett
Bridenstine	Grayson
Brooks (AL)	Griffith (VA)
Broun (GA)	Grijalva
Capuano	Johnson (GA)
Castor (FL)	Jones
Chu	Kelly (IL)
Clark (MA)	Kildee
Clarke (NY)	Lewis
Clay	Lummis
Cleaver	Massie
Davis, Danny	McDermott
Deutch	Moore
Edwards	Murphy (FL)

NOT VOTING—27

Bachmann	Harper	Ruppersberger
Bishop (GA)	Hastings (FL)	Rush
Coble	Hurt	Schwartz
Cotton	Kingston	Scott, David
Crawford	McAllister	Smith (NJ)
DeGette	Nunnelee	Smith (TX)
Duffy	Palazzo	Whitfield
Granger	Reed	Williams
Grimm	Runyan	Wittman

□ 1220

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 217 I was unable to vote due to a medical procedure. Had I been present, I would have voted "yes."

#### PERSONAL EXPLANATION

Mr. SMITH of Texas. Mr. Speaker, I was unable to vote on May 9, 2014, on passage of H.R. 10, the Success and Opportunity through Quality Charter Schools Act, introduced by my colleague JOHN KLINE from Minnesota and passage of H.R. 4438, the American Research and Competitiveness Act of 2014, introduced by my colleague KEVIN BRADY from Texas. If had been able to vote, I would have cast a vote of "yea" in support of H.R. 10 and a vote of "yea" in support of H.R. 4438.

#### PERSONAL EXPLANATION

Mr. DUFFY. Mr. Speaker, on Friday, May 9, 2014, I was at home in Wisconsin taking care of my amazing wife and our new baby daughter. Had I been present, I would have voted in the following ways: H.R. 4438—American Research and Competitiveness Act "yea," Castor Amendment "nay," Jackson Lee Amendment "nay," Wilson (FL) Amendment "yea," Langevin Amendment "yea," Bonamici Amendment "yea," H.R. 10—Success and Opportunity through Quality Charter Schools "yea."

#### APPOINTMENT OF MEMBERS TO SELECT COMMITTEE ON THE EVENTS SURROUNDING THE 2012 TERRORIST ATTACK IN BENGHAZI

The SPEAKER. The Chair appoints, pursuant to section 2(a) of House Resolution 567, 113th Congress, the following Members to the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi:

Mr. GOWDY, South Carolina, Chairman

Mr. WESTMORELAND, Georgia

Mr. JORDAN, Ohio

Mr. ROSKAM, Illinois

Mr. POMPEO, Kansas

Mrs. ROBY, Alabama

Mrs. BROOKS, Indiana

#### APPOINTMENT AS MEMBERS TO THE COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore (Mr. HOLDING). The Chair announces the Speaker's appointment, pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431) and the order of the House of January 3, 2013, of the following individuals on the part of the House to the Commission on International Religious Freedom for a term effective May 14, 2014, and ending May 14, 2016:

Dr. Robert P. George, Princeton, NJ

Dr. Daniel I. Mark, Villanova, PA

#### COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, May 9, 2014.

Hon. JOHN A. BOEHNER,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that the "House Office of Payroll and Benefits, Office of the Chief Administrative Officer of the United States House of Representatives" has received a subpoena, issued by the Office of Compliance, for documents.

After consultation with the Office of General Counsel regarding the subpoena, I have determined under Rule VIII that the subpoena appears (i) not to be "a proper exercise of jurisdiction," (ii) to seek information that is not "material and relevant," and/or (iii) not to be "consistent with the privileges and rights of the House."

Sincerely,

ED CASSIDY,  
Chief Administrative Officer.

ADJOURNMENT FROM FRIDAY,  
MAY 9, 2014, TO TUESDAY, MAY  
13, 2014

Mr. STIVERS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on Tuesday, May 13, 2014.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

HONORING ARMY COMMAND SERGEANT MAJOR EDWARD JAMES O'NEAL

(Mr. HUDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUDSON. Mr. Speaker, I rise today to honor the life of Army Command Sergeant Major Edward James O'Neal and to commemorate his service to our great Nation. O'Neal was a great friend of mine and a champion of his fellow veterans in Richmond County and all of North Carolina.

He began his distinguished military career at a young age, enlisting in the Army in 1956 at the age of 17. After basic training, O'Neal quickly rose up the ranks, training and serving from Fort Bragg, North Carolina, to Laos, Cambodia, and Vietnam. After 20 years of dedicated service, including four tours in Vietnam and being awarded three Purple Hearts, O'Neal retired in November of 1976.

O'Neal's service to our country did not end once he retired. He became a fierce advocate on behalf of his fellow veterans, assisting local veterans with the help of his beloved wife, Mary.

Mr. Speaker, O'Neal was one of the greatest American soldiers and patriots, and he was also a loving husband, a faithful friend to many, including me. We are forever indebted to him and

other American soldiers, sailors, airmen, and marines who dedicate their lives to defend our freedom, secure our homeland, and protect our democracy.

Mr. Speaker, I rise today to honor the life of United States Army Command Sergeant Major (CSM) Edward James O'Neal and commemorate his valiant service to our great nation. CSM O'Neal was a great friend of mine and a champion for his fellow veterans in Richmond County and all of North Carolina.

He began his distinguished military career at a young age, enlisting in the United States Army in 1956 at the age of seventeen. After basic training, CSM O'Neal quickly rose up the ranks, training and serving from Fort Bragg, North Carolina to Laos, Cambodia and Vietnam. His career is legendary—making First Sergeant in 10 years and CSM in 14.

After 20 years of dedicated service, including four tours in Vietnam and being awarded three Purple Hearts, CSM O'Neal retired in November of 1976. I applaud CSM O'Neal's bravery and service, and I thank him for his heroic and selfless actions during his active military career.

But CSM O'Neal's service to our country did not end once he retired. He became a fierce advocate on behalf of his fellow veterans, assisting local veterans with the help of his beloved wife, Mary. Their dedication and service represent the best our nation has to offer.

Mr. Speaker, CSM O'Neal was one of our greatest American soldiers and patriots, and he was also a loving husband and a faithful friend to many including me. North Carolina boasts some of the finest warfighters the United States has ever seen. The Eighth District is no stranger to heroes like CSM O'Neal, and he will forever be remembered for his service and his faithful support of his fellow veterans.

We are forever indebted to him and other American soldiers, sailors, airmen and Marines who dedicate their lives to defend our freedom, secure our homeland, and protect our democracy.

Mr. Speaker, I rise today to honor the life of Army Command Sergeant Major (CSM) Edward James O'Neal and commemorate his service to our great nation. O'Neal was a great friend of mine and a champion for his fellow veterans in Richmond County and all of North Carolina.

He began his distinguished military career at a young age, enlisting in the Army in 1956 at the age of seventeen. After basic training, O'Neal quickly rose up the ranks, training and serving from Fort Bragg, North Carolina to Laos, Cambodia and Vietnam.

After 20 years of dedicated service, including four tours in Vietnam and being awarded three Purple Hearts, O'Neal retired in November of 1976.

But O'Neal's service to our country did not end once he retired. He became a fierce advocate on behalf of his fellow veterans, assisting local veterans with the help of his beloved wife, Mary.

Mr. Speaker, O'Neal was one of our greatest American soldiers and patriots, and he was also a loving husband and a faithful friend to many including me.

We are forever indebted to him and other American soldiers, sailors, airmen and Ma-

rines who dedicate their lives to defend our freedom, secure our homeland, and protect our democracy.

#### EMPOWERING ENCORE ENTREPRENEURS ACT

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, I rise to support small business owners in south Florida and across the country.

The economic recession devastated the economy, hitting older Americans especially hard. In fact, older workers once unemployed are more likely than others to remain unemployed, which is why we need to revitalize our economy by supporting those who found themselves out of work before retirement.

Earlier this week, I introduced the bipartisan Empowering Encore Entrepreneurs Act, which will support older Americans working hard to start or expand a small business.

There are currently over 7 million self-employed workers in the U.S. age 50 or older, which demonstrates a tremendous capacity of older workers to contribute to our economy and create jobs when given the right resources.

My bill, which is supported by the AARP, will improve the capacity of entrepreneurs to begin small businesses and help successful small business owners make their enterprises even more prosperous.

I urge my colleagues to join me in supporting this bill.

#### ONGOING VIOLATIONS OF HUMAN RIGHTS IN VENEZUELA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to speak in support of those fighting for freedom in Venezuela.

This morning our House Foreign Affairs Committee passed my bipartisan measure, H.R. 4587, the Venezuelan Human Rights and Democracy Protection Act, which will sanction members of the Maduro regime responsible for gross human rights violations.

Just a few days ago, Mr. Speaker, Human Rights Watch released a deeply troubling report that made clear that there has been "a serious pattern of abuse by Venezuelan security forces."

The report mentions stories like that of Lisandro Barazarte, a 40-year-old photographer for a local newspaper who said, "I live in suspense, because I don't know from where they are going to shoot at me." Or Jose Romero, only 17 years old, who was stopped by a national guardsman when coming out of a metro station and was taken to a building where he was threatened with death, beaten, and even burned.

Even as this brutality continues, the Obama administration and Congress have yet to act. I urge my colleagues to support bringing this important measure, which is bipartisan, to the floor immediately to support the people of Venezuela and to send a clear signal to the Maduro regime that his reign of oppression will have serious consequences.

□ 1230

#### NATIONAL TRAVEL AND TOURISM WEEK

(Ms. GABBARD asked and was given permission to address the House for 1 minute.)

Ms. GABBARD. Mr. Speaker, I rise today to recognize and highlight National Travel and Tourism Week.

In Hawaii, we proudly showcase the world's most beautiful beaches, national parks, coral reefs, and hiking trails, many of which I enjoy as much as possible when I get home. Our robust and growing tourism industry is truly the backbone of our economy, generating more than \$10 billion in visitor spending each year.

From the lush cliffs of the Na Pali Coast of Kauai to Kilauea, the world's most active volcano, to whale watching around Maui, my home district, hosts some of the world's most awe-inspiring natural beauty. Every year, we welcome more visitors from around the world for tourism, business, cultural, and educational exchanges.

Hawaii is a leader in hospitality and we welcome all of our guests with the spirit of aloha. This week, I am proud to recognize all those who contribute to our world-class tourism industry, and will continue to work to strengthen this industry and give thanks to those who show their aloha to our visitors every day. Aloha.

#### HONORING OUR COURAGEOUS NURSES

(Mr. BENTIVOLIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTIVOLIO. Mr. Speaker, you can always identify them in a crowd wearing blue, green, pink, and yellow, and sometimes wearing a white coat. They have wings on their backs and many times a tired, tilted halo over their heads. The often miss holidays and similar events with family and friends. They work during times the rest of us sleep 24/7. They are educators who provide a concerned ear and empathetic heart, a smile supported by professionalism, and an unmatched sense of selfless service for those in need. They are angels of mercy.

May God bless our courageous nurses, and especially this week.

Mr. Speaker, may I say to that special nurse in my life: I love you.

#### MILITARY MATERNITY LEAVE

(Ms. DUCKWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUCKWORTH. Mr. Speaker, women in our military are contributing more than ever. They serve with distinction in Afghanistan and at duty posts around the globe. Women are an irreplaceable piece of the strongest and most capable military in the world.

Now, it is time that we show them the respect they deserve. Today, I am introducing the MOM Act with my colleagues, Congresswomen BORDALLO and NOEM. It will extend maternity leave for women in uniform from 6 weeks to 12 weeks. This bill would increase leave for military women to the same amount that the Family and Medical Leave Act guarantees their civilian sisters. Women in Federal service also have 12 weeks of maternity leave, yet the bravest among us only receive 6 weeks after the birth of their child.

Mothers and fathers across the Nation understand the importance of maternity leave. More workers return to work if they are given sufficient time to recover. Maternity leave gives us healthier babies and stronger families.

Mothers in the military inevitably face separation from their children when they are deployed and serving our Nation around the globe. Extending maternity leave for these women is the least we can do for those who sacrifice so much for our country.

Mr. Speaker, this Mother's Day, let's stand up for the women who dedicate their lives to standing up for the rest of us. Let's pass the MOM Act.

#### ADDRESSING THE VETERANS ADMINISTRATION BACKLOG

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, in recent weeks, we have made some strides in the area of the Department of Veterans Affairs and what that means for the Nation's veterans as well. Addressing the huge backlog and the atrocious practice of assigning bonuses to the upper members of the Department of Veterans Affairs for not getting the backlog done is an area we still need to continue to address.

We are also working on a project here that would allow our caseworkers in our congressional offices to have stronger jurisdiction in helping our veterans' cases. We have a situation where brokering happens where one office may broker a case to a different VA office elsewhere, maybe in the same State or in a different State, and we find that the one office can't help us, yet the new office where it has been brokered to doesn't seem to believe they can talk to us or our staff either.

We want to put the word out to Secretary Shinseki and all of the VA about the need to allow us as representatives of the people to have that firsthand ability to help our veterans have their cases solved and heard timely, no matter what the office jurisdiction is. We are looking for that help in that pronouncement by the Secretary to get this reform through.

#### HONORING JENNA HINMAN

(Mr. MAFFEI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAFFEI. Mr. Speaker, I rise today with a very heavy heart to honor and remember Jenna Hinman. Jenna Hinman was 26 years old. She and her husband, U.S. Army Sergeant Brandon Hinman, were thrilled to learn she was pregnant last year while Brandon was stationed at Fort Drum in New York State.

But tragically this past month, during an emergency cesarean section to save the lives of their twin girls, doctors learned Jenna was suffering from a rare and very serious form of cancer. She and the medical teams at Cross Hospital and Upstate Medical Center in Syracuse fought the disease heroically for 2 months, but on May 5 she passed away.

Jenna and her family's story touched the lives of so many people, strangers and friends alike, from around the world who were devastated to hear of Jenna's passing.

There is no way to truly express the deep sadness that comes from losing someone so young with such a bright future ahead, to think about the beautiful baby girls that will have to grow up without their mother physically on this Earth.

Mr. Speaker, the family gave me this bracelet to remind me to pray for Jenna Hinman while she was still alive. It says: "Prayers for Jenna, God protect this family."

Mr. Speaker, I pray that God will protect Jenna's husband, her parents, her brother, and particularly these young girls, and may God bless Jenna Hinman, a true American hero.

#### NIGERIAN KIDNAPPED GIRLS

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, this week, women Members of the United States House of Representatives went to the Nigerian Embassy to plead and to insist on the fight to bring our girls home and, as well, to establish a victims' fund and to find and bring the thug Sekau, the leader of the Boko Haram terrorist group, to justice.

Today, I am going to read a few names of those girls that are missing

for those mothers who are longing for their return:

Rebecca Luka, Laraba John, Saratu Markus, Mary Usman, Debora Yahonna, Naomi Zakaria, Hanatu Musa, Hauwa Tella, Juliana Yakubu, Suzana Yakubu, Saraya Paul, Jummai Paul, Mary Sule, Jummai John, Yanke Shittima, Muli Waligam, Fatima Tabji, and Eli Joseph.

I will put all of them in the RECORD.

In honor of Mother's Day, I mourn with those mothers, I pray for mothers across America, and I pray for the Nigerian mothers whose children are still missing.

May I ask prayers for all who are longing now for their children to return, and may I offer my blessings to my late mother, Ivalita Jackson.

#### NIGERIAN KIDNAPPED GIRLS

Deborah Abge; Awa Abge; Hauwa Yirma; Asabe Manu; Mwa Malam Pogu; Patient Dzakwa; Saraya Mal. Stover; Mary Dauda; Gloria Mainta; Hanatu Ishaku; Gloria Dama; Tabitha Pogu; Maifa Dama; Ruth Kollo; Esther Usman; Awa James; Anthonia Yahonna; Kume Mutah; Aisha Ezekial; Nguba Buba; Kwanta Simon; Kummam Aboku; Esther Markus; Hana Stephen; Rifkatu Amos; Rebecca Mallum; Blessing Abana; Ladi Wadai; Tabitha Hyelampa; Ruth Ngladar; Safiya Abdu; Na'omi Yahonna; Solomi Titus; Rhoda John; Rebecca Kabu; Christy Yahi; Saratu Emmanuel; Deborah Peter; Rahila Bitrus; Luggwa Sanda; Kauna Lalai; Lydia Emar; Laraba Maman; Hauwa Isuwa; Confort Habila; Hauwa Abdu; Hauwa Balti; Yana Joshua; Laraba Paul; Saraya Amos; Glory Yaga; Na'omi Bitrus; Godiya Bitrus; Awa Bitrus; Na'omi Luka; Maryamu Lawan; Tabitha Silas; Mary Yahona; Ladi Joel; Rejoice Sanki; Luggwa Samuel; Comfort Amos; Saraya Samuel; Sicker Abdul; Talata Daniel; Rejoice Musa; Deborah Abari; Salomi Pogu; Mary Amor; Ruth Joshua; Esther John; Esther Ayuba; Maryamu Yakubu; Zara Ishaku; Maryamu Wavi; Lydia Habila; Laraba Yahonna; Na'omi Bitrus; Rahila Yehanna; Ruth Lawan; Ladi Paul; Mary Paul; Esther Joshua; Helen Musa; Margaret Watsai; Deborah Jafaru; Filo Dauda; Febi Haruna; Ruth Ishaku; Racheal Nkeki; Rifkatu Solomon; Mairama Yahaya; Saratu Dauda; Jinkai Yama; Margaret Shettima; Yana Yidau; Grace Paul; Amina Ali; Palmata Musa; Awagana Musa; Pindar Nuhu; Yana Pogu; Saraya Musa; Hauwa Joseph; Hauwa Kwakwi; [No name released]; Hauwa Musa; Maryamu Musa; Maimuna Usman; Rebeca Joseph; Liyatu Habitu; Rifkatu Yakubu; Naomi Philimon; Deborah Abbas; Ladi Ibrahim; Asabe Ali; Maryamu Bulama; Ruth Amos; Mary Ali; Abigail Bukar; Deborah Amos; Saraya Yanga; Kauna Luka; Christiana Bitrus; Yana Bukar; Hauwa Peter; Hadiza Yakubu; Lydia Simon; Ruth Bitrus; Mary Yakubu; Lugwa Mutah; Muwa Daniel; Hanatu Nuhu; Monica Enoch; Margaret Yama; Docas Yakubu; Rhoda Peter; Rifkatu Galang; Saratu Ayuba; Naomi Adamu; Hauwa Ishaya; Rahap Ibrahim; [No name released]; Deborah Solomon; Hauwa Mutah; Hauwa Takai; Serah Samuel; Aishatu Musa; Aishatu Grema; Hauwa Nkeki; Hamsatu Abubakar; Mairama Abubakar; Hauwa Wule;

Ihyi Abdu; Hasana Adamu; Rakiya Kwamta; Halima Gamba; Aisha Lawan; Kabu Malla; Yayi Abana; Falta Lawan; Kwadugu Manu.

#### COMMUNICATION FROM THE HONORABLE DAVE CAMP, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAVE CAMP, Member of Congress:

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, May 9, 2014.

Hon. JOHN A. BOEHNER,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule VIII of the Rules of the House of Representatives, that the Committee on Ways and Means has received an administrative subpoena, issued by the United States Securities and Exchange Commission, for documents.

After consultation with the Office of General Counsel regarding the subpoena, I will make the determinations required under Rule VIII.

Sincerely,

DAVE CAMP,  
Chairman.

#### COMMUNICATION FROM STAFF DIRECTOR, SUBCOMMITTEE ON HEALTH, COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from Brian Sutter, Staff Director, Subcommittee on Health, Committee on Ways and Means:

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, May 9, 2014.

Hon. JOHN A. BOEHNER,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule VIII of the Rules of the House of Representatives, that I have received (i) an administrative subpoena, issued by the United States Securities and Exchange Commission, for documents and testimony, and (ii) a grand jury subpoena, issued by the United States District Court for the Southern District of New York, for testimony.

After consultation with the Office of General Counsel regarding the subpoenas, I will make the determinations required under Rule VIII.

Sincerely,

BRIAN SUTTER,  
Staff Director,  
Subcommittee on Health.

#### FASCIST INTOLERANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, I am going to read the background of an incredible woman. We have different reli-

gious views because I am a Christian and she is apparently an atheist at this time, but what an extraordinary woman: Ayaan Hirsi Ali. She is a visiting fellow with the American Enterprise Institute:

Ayaan Hirsi Ali, an outspoken defender of women's rights in Islamic societies, was born in Mogadishu, Somalia. She escaped an arranged marriage by immigrating to the Netherlands in 1992 and served as a member of the Dutch parliament from 2003 to 2006. In parliament, she worked on furthering the integration of non-Western immigrants into Dutch society and defending the rights of women in Dutch Muslim society. In 2004, together with director Theo van Gogh, she made "Submission," a film about the oppression of women in conservative Islamic cultures. The airing of the film on Dutch television resulted in the assassination of Mr. Van Gogh by an Islamic extremist. At AEI, Ms. Hirsi Ali researches the relationship between the West and Islam, women's rights in Islam, violence against women propagated by religious and cultural arguments, and Islam in Europe.

Her background, as mentioned, she was a member of the parliament in the People's Party for Freedom and Democracy, the Netherlands, 2003 to 2006. She was a researcher at the Wiardi Beckman Foundation in Amsterdam, the Netherlands, 2001 to 2002. And she had been an interpreter and adviser in the Office of Intercultural Communication, Leiden, the Netherlands, 1995 to 2001. She has her master's from Leiden University, the Netherlands.

So this extraordinary woman should be paid tribute. It was wonderful to see recently that Brandeis University was paying tribute to her.

But we have had an interesting development in the United States of America from the time I was in college. I attended what was at the time a conservative university, Texas A&M University, and a majority there had very conservative views, but we loved to have liberal speakers come speak in my college, not because it was liberal but because we welcomed the exchange. There were always people coming to my university that students disagreed with.

□ 1245

See, at that time, we thought universities were places at which you could have those debates and where you could have a liberal speaker come speak, even though you disagreed with him, but we have seen the rise of fascism in American universities.

Back 30, 40 years ago, students could get involved and listen to liberal speakers, conservative speakers, moderate speakers, far right, far left speakers at universities and then make their own conclusions because, back then, that is kind of what we thought education was; but now, with this new intellectual fascism that has arisen in our universities, some of them—far too many of them, actually—say: if you disagree with our position, we don't

want you here. We want you eliminated. We don't want you to have work. We want your family defiled. We just don't want you to succeed in any way whatsoever.

In fact, we see these kinds of receptions for conservatives, for Judeo-Christian believers and followers, people eliminated from being on television because they hold the view espoused by Moses and by Jesus of marriage being between a man and a woman.

It is as Moses said and as Jesus repeated, after He said a man will leave his mother and a woman will leave her home and the two will become one, what God has joined together, let no one pull apart.

Now, we find out that there was a show yesterday that we were told was considered hateful because it believed what a majority of Americans does and what Moses believed and what Jesus believed, which is that marriage would be between a man and a woman.

People like me are vilified—oh, you are hateful—but the people whose show was canceled made what sounded like a very Christian response of, look, we love homosexuals, we love all people, if you don't, then you are not following the teachings of Jesus, to be sure, but it doesn't mean that you have to support, embrace, encourage particular lifestyles that you believe are harmful to the individuals and harmful to society in general.

So it is amazing that, in the name of liberty—in the name of being tolerant—this fascist intolerance has arisen. There are people who stand up and say: I agree with a majority of Americans—I agree with Moses and Jesus—that marriage is between a man and a woman.

Now, all of a sudden, people like me are considered haters—hatemongers—evil, which really is exactly what we have seen throughout our history, going back to the days of the Nazi takeover in Europe.

What did they do?

First, they would call people haters and evil and would build up disdain for those people who held those opinions or religious views or religious heritages. Then next came: those people are so evil and hateful, so let's bring every book that they have written or has to do with them, and let's start burning the books because we can't tolerate their intolerance.

As shrinks testified before me during my days as a judge, it was called projecting. It is those who have a characteristic and to divert condemnation on themselves, they project their characteristic on someone with whom they disagree—so the most intolerant in America.

Then especially people like they who were going to be on the television show before it was canceled—people like me—yes, we can get upset. We can't stand to see our Nation torn apart. We

can't stand to see our Judeo-Christian values, on which the Nation was founded, demeaned, depicted as somehow evil.

We stand up for those things, but there is no hate for individuals, yet those who are the most hate-filled, who do not follow the teachings of Jesus, seek to impose or to project upon those of us who are Christians—and some orthodox Jews and even atheists or secularists, like Ms. Ayaan Hirsi Ali—their own hate, their own intolerance. We really need to understand what is going on.

It is not tolerance that becomes intolerant and says a woman who was tortured—I don't know what else you would call some of the procedures that were done to her most private areas in the name of religion. It was not voluntary.

She was ordered into a marriage she wanted no part of. She did not want to have to be covered up and stay in a back room and never own property and never drive. She kind of thought, like most of us do in America, except for the intolerant fascist liberals, that: gee, women ought to be able to own property, we ought to be able to marry whom we wish, we ought to be able to espouse our own views without being called hatemongers.

Brandeis University chose to honor the intolerant and turn against someone who went through a living hell in Somalia. Because she has stood up for what she believes, including in the Netherlands, and put together a film with Mr. van Gogh, her partner was assassinated—murdered; yet Brandeis University, in having some cowards in the administration, without one fraction of the courage of Ms. Hirsi Ali, says: we are going to back off and not honor this woman who has overcome so much.

To honor someone doesn't necessarily mean that you embrace everything about his life. Like I say, I stand in tribute to a woman who has overcome so much, who has been fighting against the true war against women.

I don't believe at all in her religious views as, apparently, an atheist, but I can recognize this is a woman of courage, that she is a woman who is brilliant, who has overcome so much.

It is really heartbreaking that universities around this country, which were once beacons to debate and to disagreement, have now been taken over by so many liberal fascist cowards that, if you disagree with something they think or if you disagree with something somebody who is more violent than you thinks, then they are going to succumb to the fascist violence and say: oh, we don't want to snub you, really, but there is this other group over here that may get violent with us if we stand up for your rights and acknowledge your courage.

So we are going to be cowards, and we are not going to acknowledge your

amazing courage. We are going to snub you because we are afraid of these people who may become violent.

You have to wonder if the State Department of the United States, under the leadership of Secretary Hillary Clinton, may not have succumbed to this same type of fear: gee, we don't want to make the terrorists mad, so let's don't stir them up.

There was a time, for example, when Thomas Jefferson was President and radical Islamists in northern Africa were attacking American ships and taking crews hostage and selling them back to America if we came up with the price required, the extortion fee.

Jefferson finally had had enough and had sent this group of—at that time—men, called Marines. They went to the shores of Tripoli, and they fought with everything they had against the radical Islamists.

They fought hard enough and showed that we were not weaklings who would lay down in the face of Islamist terrorism, but that we would fight. Those Marines fought hard enough that the radical Islamists said, okay, all right, we will leave you alone—because that is all radical Islamists understand.

We have this article from *The Wall Street Journal*, May 8, written by Ayaan Hirsi Ali, who is the same lady I was just speaking about. She knows something about radical Islam. She has had people she has cared about and loved killed by radical Islam. She, herself, was physically harmed by radical Islam.

She knows a lot about it, and she also knows about intolerance, the type that was seen—and the lack of courage—at Brandeis University. Hopefully, someday, someone at Brandeis will recall the Jewish influence in the university that understood the threat of intolerance—like fascist intolerance—and, instead of succumbing to fascist intolerance, stand up and acknowledge courage and extraordinary human behavior.

For those who may be tempted to say: Now, LOUIE, how in the world could you put radical Islam and fascism or the Nazis together?

All one would have to do is look back at the history prior to and during World War II, and the connection was already made. The alliances were made. One type of intolerance, Nazi fascism, seemed to ally and work well and become allies of radical Islamist fascists.

In this *Wall Street Journal* article, as Hirsi Ali says:

Since the kidnapping of 276 school girls in Nigeria last month, the meaning of Boko Haram—the name used by the terrorist group that seized the girls—has become more widely known. The translation from the Hausa language is usually given in English language media as “Western Education is Forbidden,” though “Non-Muslim Teaching is Forbidden” might be more accurate.

But little attention has been paid to the group's formal Arabic name: Jam'at Ahl as-



Sunnah lidda'wa wal-Jihad. That roughly translates as "The Fellowship of the People of the Tradition for Preaching and Holy War." That's a lot less catchy than Boko Haram, but is significantly more revealing about the group and its mission. Far from being an aberration among Islamist terror groups, as some observers suggest, Boko Haram in his goals and methods is, in fact, all too representative.

□ 1300

The kidnapping of the schoolgirls throws into bold relief a central part of what the jihadists are about: the oppression of women.

Boko Haram sincerely believes that girls are better off enslaved than educated. The terrorists' mission is no different from that of the Taliban assassin who shot and nearly killed 15-year-old Pakistani Malala Yousafzai—as she rode a schoolbus home in 2012—because she advocated girls' education. As I know from experience, nothing is more anathema to the jihadists than equal and educated women.

How to explain this phenomenon to baffled Westerners, who these days seem more eager to smear the critics of jihadism as "Islamophobes" than to stand up for women's most basic rights. Where are the Muslim college-student organizations denouncing Boko Haram? Where is the outrage during Friday prayers? These girls' lives deserve more than a Twitter hashtag protest—

As we saw from former Secretary Hillary Clinton.

Back to the article. It says:

Organizations like Boko Haram do not arise in isolation. The men who establish Islamist groups, whether in Africa (Nigeria, Somalia, Mali), Southeast Asia (Afghanistan, Pakistan), or even Europe (UK, Spain and the Netherlands) are members of long-established Muslim communities, most of whose members are happy to lead peaceful lives. To understand why the jihadists are flourishing, you need to understand the dynamics within those communities.

I might insert parenthetically that the Muslims who wish to live in peace can be and are our friends. Though we disagree on our religious beliefs completely, we can be friends.

I was with my dear friends MICHELE BACHMANN and Congressman Dr. MICHAEL BURGESS, and I turned to see a very surprised look on their face when we made it through the midst of the Afghanistan capital. There were people holding rocket-propelled grenades as we turned down the alley to get to the Masood family compound.

We pulled into the gate in the drive there within the inner part and I saw my Muslim friends coming out on the porch and down the stairs.

So I jumped out. And I looked back and saw they looked a little surprised as I jumped out and these well-known Muslim Northern Alliance members spread their arms open wide, as I did, and we embraced strong, heartfelt embraces. Because I knew what they had been through in fighting radical Islam. I know that they do not want radical Islam taking back Afghanistan when we leave.

I know that because this administration has turned its back on those Mus-

lim non-extremists, we are putting their lives in danger as we leave them to the radical Islamist extremists poised and ready to take over in the vacuum that we leave. We owe our allies who fought and defeated the Taliban by early 2002 better than that.

And my heart breaks as I think about the absolute horrors that will unfold in Afghanistan as our former allies have to defend themselves against radical Islam because they dare to be our friends and allies. That is no way to treat people who fought with you, for you, for themselves, because of that common desire not to be under the yoke and threat and hate of radical Islam.

Back to Ms. Hirsi Ali's article. She says:

So, imagine an angry young man in any Muslim community anywhere in the world. Imagine him trying to establish an association of men dedicated to the practice of Sunnah, (the tradition of guidance from the Prophet Muhammad). Much of the young man's preaching will address the place of women. He will recommend that girls and women be kept indoors and covered from head to toe if they are to venture outside. He will also condemn the permissiveness of Western society.

What kind of response will he meet? In the U.S. and in Europe, some might quietly draw him to the attention of authorities. Women might voice concerns about the attacks on their freedom. But in other parts of the world, where law and order are lacking, such young men and their extremist messages thrive.

Where governments are weak, corrupt or, nonexistent, the message of Boko Haram and its counterparts is especially compelling. Not implausibly, they can blame poverty on official corruption and offer as an antidote the pure principles of the Prophet. And in these countries, women are more vulnerable and their options are fewer.

But why does our imaginary young zealot turn to violence? At first, he can count on some admiration for his fundamental message within the community where he starts out. He might encounter opposition from established Muslim leaders who feel threatened by him. But he perseveres because perseverance in the Sunnah is one of the most important keys to heaven. As he plods on from door to door, he gradually acquires a following. There comes a point when his following is as large as that of the Muslim community's established leaders. That's when the showdown happens—and the argument for "holy war" suddenly makes sense to him.

The history of Boko Haram has followed precisely this script. The group was founded in 2002 by a young Islamist called Mohammed Yusuf, who started out preaching in a Muslim community in the Borno State of northern Nigeria. He set up an educational complex, including a mosque and an Islamic school. For 7 years, mostly poor families flocked to hear his message. But in 2009, the Nigerian government investigated Boko Haram and ultimately arrested several members, including Yusuf himself. The crackdown sparked violence that left about 700 dead. Yusuf soon died in prison—the government said he was killed while trying to escape—but the seeds had been planted. Under one of Yusuf's lieutenants, Abubakar Shekau, Boko Haram turned to jihad.

In 2011, Boko Haram launched its first terror attack in Borno. Four people were killed,

and from then on violence became an integral part, if not the central part, of its mission. The recent kidnappings—11 more girls were abducted by Boko Haram on Sunday—join a litany of outrages, including multiple car bombings and the murder of 59 schoolboys in February. On Monday, as if to demonstrate its growing power, Boko Haram launched a 12-hour attack in the city of Gamboru Ngala, firing into the market crowds, setting houses aflame, and shooting down residents who ran from the burning buildings. Hundreds were killed.

I am often told that the average Muslim wholeheartedly rejects the use of violence and terror, does not share the radicals' belief that a degenerate and corrupt Western culture needs to be replaced with an Islamic one, and abhors the denigration of women's most basic rights.

This is Ms. Hirsi Ali saying this.

She says:

Well, it is time for those peace-loving Muslims to do more, much more, to resist those in their midst who engage in this type of proselytizing before they proceed to the phase of holy war.

Parenthetically here, Mr. Speaker, it should not have even required a FBI or CIA investigation into the older Tsarnaev brother to find out that he had been radicalized. It should not have required the Russians tipping our intelligence and the FBI that they were ignorant of how radicalized Tsarnaev had become. It shouldn't have required the FBI to go out to the mosque and make inquiry about Tsarnaev and what Muslim teachers he was drawn to, what Muslim books he was reading.

It shouldn't have required that, but it did.

Unfortunately, the FBI didn't do those things. Unfortunately, the FBI didn't even bother to notify the Boston police, as far as we can tell, that Tsarnaev had been radicalized—or, at least the Russians said he was—because I would be willing to bet if he had, the Boston police would have gotten to the bottom of it before the Boston marathon bombing occurred.

Ms. Hirsi Ali says in her article:

It is also time for Western liberals to wake up. If they choose to regard Boko Haram as an aberration, they do so at their peril. The kidnapping of these schoolgirls is not an isolated tragedy; their fate reflects a new wave of jihadism that extends far beyond Nigeria and poses a mortal threat to the rights of women and girls.

If my pointing this out offends some people more than the odious acts of Boko Haram, then so be it.

It should be also pointed out Ms. Hirsi Ali is a fellow of the Belfer Center at Harvard's Kennedy School of Government. She is the founder of the AHA foundation.

So I commend Harvard for having the courage to have someone to espouse the views that Ms. Hirsi Ali does. She has been there. She has courage.

I hope and pray that universities across the United States, even though many of them are offered major Middle Eastern money if they will do this, and

have a seminar on Islamophobia and help eradicate anyone or any thought that radical Islam is a threat, and let's just suppress anything like that. I applaud universities that have the courage to do that. But too many don't. And they don't stand up as they should.

And what is amazing is, we have people in this country and in this city and in the media who take the gutless position that they will try to portray Republicans or conservatives as hating women. Why? Because they know we are not going to kill them. We will disagree with them, we will debate them, we will say they are wrong, but we are not going to kill them because of what they believe.

In Western society, in every State and Federal law it has always been true, except those that are allowing sharia law to creep in, but it has always been true that provoking words are never an offense to a physical assault. That is kind of 101 criminal law in most any law school, except, of course, if it is teaching sharia law.

Under sharia law, provoking words, no matter how minor, can be the basis for capital punishment. You offend a radical Islamist, that is the basis for killing them.

We have never believed that in Western society. As Judeo-Christian ideals have spread even among atheists, secularists, and other religious believers, that has been a good, sound doctrine. Provoking words—or a cartoon—may evoke anger and may provoke anger, but it should not provoke physical violence.

□ 1315

It is time liberals rose up with enough courage to say: You know what? Wow, there is a war against women, and it is killing women.

There are laws in some places of radical Islam that say: if you are a woman who is raped, if you don't have four men who are respected Muslims who can stand up and be eyewitnesses that you were raped, then we may need to stone you to death for allowing such to occur.

That is not an American ideal. That is a war on women. I have prosecuted, and I have sentenced enough rapists that it is something that is very difficult for me to sit and listen to, and to think that so many of the cases for which I sentenced rapists to prison could never have been brought and the woman would have to live in fear and horror if we were living under the kind of law where there really is a cultural war on women and, sometimes, a physical war on women.

In the United States, I know families where the parents are Christians and the children chose not to believe in Jesus as Lord, and it breaks the hearts of the parents; but the thought would never, ever cross their mind to engage in violence.

I have been told about someone we are trying to help, whose family was Islamist, radical, in another part of the world. When he became a Christian, that made him worthy of the death penalty. It made his child worthy of the death penalty, in their opinion. He has been killed.

Other family members that have tried to help, who were moderate Muslims and didn't believe someone who became a Christian should be murdered, have paid the price with their lives.

These things are happening around the world, and it is time liberals fought a more courageous fight and stood—and instead of screaming about Islamophobia, stood and said, you know, there are Muslim friends and allies, but there is a radical Islamist part in this world, a sect in this world that wants to kill, destroy anything, including what we consider to be innocent children, women, men.

Until we confront that fact, this country is going to continue to be subjected to threats against American lives here and abroad. It is easier to attack Americans abroad.

Americans, including this body—I mean, we were outraged at what happened to those Nigerian children, boys killed, the girls threatened with being sold into what basically would be a slave-type marriage. It is outrageous.

So you wonder why in the world the State Department would not have the courage to take a stand. There was an excellent article by Andrew McCarthy, and he incorporates much of a fantastic article from Josh Rogin, from the Daily Beast, and it is dated May 8.

It says:

"We must stand up to terrorism," bleated Hillary Clinton a few days ago in a tweet expressing outrage against Boko Haram, the jihadist organization that has abducted hundreds of young girls in Nigeria. Yet, when she was actually in a position to stand up to Boko Haram's terrorism as Secretary of State, Ms. Clinton instead protected the group.

Josh Rogin reports at the Daily Beast:

The State Department under Hillary Clinton, fought hard against placing the al Qaeda-linked militant group Boko Haram on its official list of foreign terrorist organizations for 2 years; and now, lawmakers and former U.S. officials are saying that the decision may have hampered the American government's ability to confront the Nigerian group that shocked the world by abducting hundreds of innocent girls.

While Ms. Clinton now issues indignant tweets, Rogin elaborates on her failure to mention that her own State Department refused to place Boko Haram on its list of foreign terrorist organizations in 2011, after the group bombed the U.N. headquarters in Abuja. The refusal came despite the urging of the Justice Department, the FBI, the CIA, and over a dozen Senators and Congressmen.

"The one thing she could have done, the one tool she had at her disposal, she didn't use, and nobody can say she wasn't urged to do it. It's gross hypocrisy," said a former senior U.S. official who was involved in the debate. "The FBI, the CIA, and the Justice

Department really wanted Boko Haram designated, they wanted the authorities that would provide to go after them, and they voiced that repeatedly to elected officials."

In May 2012, then-Justice Department official Lisa Monaco (now at the White House) wrote to the State Department to urge Clinton to designate Boko Haram as a terrorist organization. The following month, General Carter Ham, the chief of the U.S. Africa Command, said that Boko Haram provided a "safe haven" for al Qaeda in the Islamic Maghreb and was likely sharing explosives and funds with the group; and yet, Hillary Clinton's State Department still declined to place Boko Haram on its official terrorist roster.

As Mr. Rogin further details, placing an organization on the terrorist list enables the government to use various investigative tools for law enforcement and intelligence-gathering purposes. It also squeezes the organization by criminalizing the provision of material support to it and the conduct of business with it.

After numerous Boko Haram atrocities, Republicans attempted to force Secretary Clinton to designate the group or explain why she refused to do so. The State Department heavily lobbied against the legislation. Only after John Kerry replaced Clinton and after a series of jihadist bombings against churches and other targets did the State Department finally relent and add Boko Haram to the terrorist list last November.

The excuses now being offered in explanation for Clinton's dereliction are specious. As Rogin explains, Clinton's State Department claimed that Boko Haram was merely a local group with parochial grievances that was not a threat to the United States.

Have a look, though, at the State Department's list here. Several of the listed groups are waging local terrorist campaigns that do not threaten our country, the Basque ETA, the Liberation Tigers of Tamil Eelam, the Real Irish Republican Army, et cetera. A significant reason for having the list is to promote international cooperation against terrorism and discourage its use against anyone, anywhere. The fact that a terrorist organization may have only local grievances and may not directly imperil the U.S. has never been thought a reason to exclude it from the list.

Fox News has further reported about another rationale of Clinton apologists: Hillary did not want to raise Boko Haram's profile and assist its recruiting which, they reason, would be the effect of designation by the Great Satan. That is ridiculous. The main point of having the list and the sanctions that accompany a terrorist designation is to weaken the organization by depriving of it assets and material support. The logic of what Clinton supporters are claiming is that U.S. counterterrorism law—much of which was put in place by the administration of Bill Clinton—does more harm than good. Does anyone think they really believe that?

What happened here is obvious, although the commentariat is loath to connect the dots. Boko Haram is an Islamic-supremacist organization. Ms. Clinton, like the Obama administration more broadly, believes that appeasing Islamists—avoiding actions that might give them offense, slamming Americans who provoke them—promotes peace and stability. See Egypt for a good example of how well this approach is working.

Furthermore, if you are claiming to have "decimated" al Qaeda, as the Obama administration was claiming to have done in the runup to the 2012 election, the last thing you

want to do is add jihadists to the terror list—or beef up security at diplomatic posts in jihadist hot spots or acknowledge that jihadists rioting in Cairo or jihadist attacks in Benghazi are something other than “protests” inspired by “an Internet video.”

It is very simple. Most of us on the national-security right recognize that Islamic supremacism is an ideology rooted in Muslim scripture—a strict, literal, ancient interpretation of Muslim scripture, that is. Essentially, it advocates the adoption of shari’a, Islam’s legal code and societal framework. It is not the only way of construing Muslim scripture.

And I add, fortunately.

He said:

And we certainly hope that more benign constructions become dominant, but Islamic supremacism is far more mainstream than the West likes to admit, particularly in the Middle East and growing swaths of Africa. It is an ideology that endorses violent jihad, the treatment of women as chattel, sex slavery, child marriages, and the horrible stuff that outfits like Boko Haram are into. Even though these organizations—quite naturally—terrorize locally, their aspirations are global, and they are a threat to us because their ideology unites them and regards the West as the enemy.

The left, by contrast, seems to believe that “Islamists”—which are adherents of Islamic supremacism—are motivated not by an ideology derived from scriptural commands, but by American policies that promote national defense, pursue U.S. interests, and regard Israel as a key ally. Indeed, progressives like Ms. Clinton are anti-antiterrorists in the sense that they portray the national security right as a greater threat than Islamic supremacism.

Ms. Clinton and her cohort do not deny that they are terrorists motivated by Islam, but they see terrorists and Islamists as separate categories, not united by single ideology.

□ 1330

Anyway, the article goes on and makes very clear that there are too many in America who think they will just beat up on conservatives, beat up on Republicans, beat up on conservatives who have the same ideas about marriage that Barack Obama did during the campaign of 2008, that John F. Kennedy, Hubert Humphrey, people that were considered liberal did in prior years, to beat up on Americans who hold those same beliefs in the Bible. It is easier to beat up on conservatives because we are not going to kill you. We will argue with you. We will get frustrated with you.

But real courage is found in people like Ms. Hirsi Ali who know that her life and their lives are at risk every day, every minute of every day because, to this supremacist ideology, provoking words are not only a defense, but they are a reason to kill people, to brutalize them unmercifully.

And then we have this article from May 7 by Patrick Goodenough from CNSNews.

A man displays copies of several local newspapers during a demonstration calling on the government to rescue the kidnapped schoolgirls outside de-

fense headquarters in Abuja on Tuesday, May 6, 2014.

Secretary of State John Kerry, on Wednesday, underlined the issue of the poverty as a recruitment tool for extremist groups like Boko Haram, although analysts and Nigerian officials have for months been reporting that the organization is forcibly conscripting civilians, including children, into its ranks.

During his recent Africa trip, leaders had told him that much of the challenge in confronting violent extremist groups like Boko Haram lies in fighting poverty, Kerry said at a Council of the Americas conference in Washington. “They all talked about poverty and the need to alleviate poverty, and that much of this challenge comes out of this poverty where young people are grabbed at an early stage, proffered a little bit of money,” he said. “Their minds are bended, and then the money doesn’t matter anymore. They’ve got the minds, and they begin to direct them into these very extreme endeavors.”

The Islamist terrorist group has waged a violent campaign against Nigerian Christians and government targets since 2009, but shot to global prominence in recent weeks with its kidnapping of more than 200 schoolgirls in the country’s northeastern Borno State. Its leader has described them as “slaves” and is threatening to sell them or “marry” them off.

In a new attack this week, as many as 300 people were reportedly killed.

But it is interesting. This follows the Obama administration’s ideology campaign rhetoric: Gee, we are not at war with radical Islam. The real problem here is poverty. If we can eliminate poverty, then we can eliminate radical Islam. And that flies in the face of the facts.

People that have looked under the surface at all are aware Osama bin Laden was wealthy. Khalid Sheikh Mohammed, who is credited with planning the 9/11, not tragedy, as might be said here, but murders of thousands of Americans and is proud of it, and he has said in his own pleadings that he, himself, prepared and that have been declassified: If our efforts on 9/11 caused you terror, then praise be to Allah. And he points out in his pleadings that it is Allah who has commanded them to be at war and kill people, such as Christians and Jews—Jews because they are vermin and, as Muslim Brothers have said, are descended from apes and pigs.

But Khalid Sheikh Mohammed, in his pleading, points out that also it is fine to kill Christians because they believe in a Holy Trinity. They believe and say that God had a Son, Jesus. And Khalid Sheikh Mohammed, in his pleading, points out the verse in the Koran that there is no authorization to combine anyone or anything with Allah; and,

therefore, if you do that, as Christians do, believing in the Holy Trinity, believing that Jesus is the Son of God, then that justifies capital punishment, killing you, torturing, whatever they care to do, because, under their way of thinking, you are worthy of death.

Well, because of the approach of Secretary Clinton’s State Department and of this administration, when the Egyptian people went to the streets by the millions—the estimates, 33 million. Even 20 million would have been larger than any protest in the history of the world. Morsi only claimed to have gotten around 13 million votes to be President. There were many who believed with all their hearts and had evidence, they say, that he got the vote by fraud. But threats were made behind the scenes: If you contest this election, people will die, and we will burn this country down.

Well, when the Egyptian people—the moderate Muslims, the Christians, the Jews, the secularists—had had enough of radical Islam, they rose up and demanded Morsi’s removal, as he continued to usurp more and more power not given to him under the constitution. And since the constitution didn’t allow for impeachment, the only thing the people could do was rise up before he got the kind of power Chavez had in Venezuela. Because when a dictator begins pulling power into himself, you have got to stop him early, or it will cost so many more lives.

And that is why this was one of the banners that Egyptian protesters held up. On one half, an American flag with a green checkmark; on the other half, they had our great President’s face with a red x. What they were saying and what they made clear in other banners and statements was that this administration is supporting the radical Islamists, and that we moderate Muslims, we Christians, Jews, secularists, we don’t want the Muslim Brotherhood, these radicals that have been properly classified as a terrorist organization.

And this administration has kowtowed repeatedly, just as Brandeis University did, to the Council on American-Islamic Relations, CAIR, who were cited by a U.S. district judge and upheld by the Fifth Circuit Court of Appeals as being a front organization. They had plenty of evidence to support that they were a front organization for the Muslim Brotherhood and were related and working with the Holy Land Foundation, as it supported terrorism.

It is time Americans woke up. The Egyptians certainly woke up as they raised their hands and said: We don’t want radical Islam.

Now, I don’t agree with this, but this is what the Egyptians were marching around Egypt with. And why would they say Obama supports terrorism? It is because the United States, under

this administration, supported Morsi, supported the Muslim Brotherhood, and the Egyptian people had had enough, and they decried anyone in the United States that was supporting these terrorists.

And as some of us travel around the Middle East, moderate Muslim leaders say: Why are you not helping us in the war against terrorism anymore? You are helping the bad guys. You helped the al Qaeda-backed rebels in Libya.

And as I speak, there are training camps in Libya, like there were in Afghanistan before we went in with less than 500 Americans. But we helped the Northern Alliance Muslims take out the radical Islamic Taliban.

My friend is coming to the floor. He and I have traveled around those parts, and he had been engaged with many moderate Muslims in fighting the Russians, even, back before my predecessor Charlie Wilson was in Congress.

I am very proud to consider him a friend. I am proud of the efforts we have made to reach out to our allies. It was my friend from California (Mr. ROHRABACHER) who introduced me to Massoud and General Dostum and so many of the moderate Muslims that just want out from under the oppression that radical Islam brings.

So, Mr. Speaker, as we conclude this week, I want to encourage those in Egypt who are standing up to radical Islam. I want to encourage universities to stand up against radical Islam and have the courage to recognize moderate Muslims who will stand up and have the courage to speak up against the real war on women in this world. And it is not by conservatives. It is by radical Islam.

Mr. ROHRABACHER. Will the gentleman yield?

Mr. GOHMERT. My time is about expired, but I will certainly yield to the gentleman from California.

Mr. ROHRABACHER. I would like to note for the gentleman—and I am sure we will have your support—that the gentlewoman from California, LORETTA SANCHEZ, and myself today are starting a Support Egypt Caucus, which will be aimed at supporting General el-Sisi in his fight to make sure radical Islam does not take over Egypt and thus threaten the entire stability of the world.

Mr. GOHMERT. And I greatly appreciated being with you and Ms. SANCHEZ in Egypt. And my dear friend from California knows good and well, I am totally on board. Count me in.

And with that, I yield back the balance of my time.

#### MEDICAL MARIJUANA

The SPEAKER pro tempore (Mr. HUDSON). Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from California (Mr. ROHRABACHER) for 30 minutes.

Mr. ROHRABACHER. Mr. Speaker, I rise today to discuss an issue that currently affects more than half the States in our Nation, and that is the inconsistency between Federal and State laws pertaining medical marijuana. Yes, Mr. Speaker, a majority of our Nation's States—Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, Utah, Vermont, Wisconsin, and Washington, as well as the District of Columbia—all have some form of medical marijuana law on the books. Of course this means that these States allow their residents to engage in activities that are expressly prohibited by the Federal Government. To be exact, there are already 26 States that allow doctors to recommend the medical use of marijuana or its derivatives, and many more States are expected to take the step and do the same thing in the near future.

Importantly, the States listed are not dominated by conservatives or liberals. This isn't a Republican or a Democrat issue. Massachusetts, Alaska, Mississippi, and Oregon are hardly the same, politically speaking, in their legislature. Politically speaking, they are not the same. But their legislators and their residents all have recognized the same reality, and that is the potential medical benefits of marijuana and marijuana's derivatives, and they believe that these derivatives and the benefits of marijuana should not be denied to their people.

Unfortunately, however, the Federal Government continues to list marijuana and its derivatives as a schedule I substance, putting it in the same category as heroin, LSD, and other hard drugs.

I have long supported rescheduling marijuana so that it can be researched, prescribed, and used by legitimate health care professionals. But multi-administrations, both Republican and Democrat alike, have refused to seriously talk about this topic. Instead, a heavy-handed, emotion-based policy continues.

Evidence suggesting that the Federal Government ought to allow the use of marijuana for medical purposes has never had the serious discussion that it deserves. Many desperate patients have defied the Federal Government's blanket ban on the use of marijuana as a remedy for numerous ailments.

The absurdity of this ban was brought home to me over a decade ago when my mother, depressed after undergoing surgery, lost her appetite and was requiring me to spoon-feed her. When I learned that medical marijuana might give her the appetite she needed and, yes, raise her spirits, the illegality of this herb was abundantly clear to

me as I was there seeing my mother in the hospital bed, seeing how my mother had lost her appetite and seeing how her spirits were so low, knowing that perhaps marijuana, if the doctor had so ordered, would have been something that could have helped her and helped other people's mothers and children who were suffering the same situation.

□ 1345

The significance of changing—or at least altering—this prohibition could no longer be ignored by me when I was confronted by this over a decade ago. Since that time, the public's interest and support for medical marijuana has increased dramatically. As I mentioned, over half the States allow people with serious illnesses to use marijuana and/or its derivatives for medical purposes.

Recent polls show that the vast majority of the American people support the medical efficacy and use of marijuana for medical purposes: 77 percent according to Pew, 81 percent according to the ABC News poll, and a whopping 85 percent according to a FOX News poll last year. Just as interesting, 60 percent of the American people believe that the Federal Government should not prosecute people who are acting in accordance with State medical marijuana laws, and 72 percent think government efforts to enforce marijuana laws cost more than they are worth. Surprise, surprise, almost three-quarters of Americans believe that the cost of enforcing marijuana laws is far heavier than the benefits of having those laws enforced or having those laws on the books. All those numbers include majorities of both Republicans, Democrats, and, yes, it includes a majority of Independents, as well.

What is the driving force behind this surge of support for a change in Federal policy? It is the realization by patients, researchers, and physicians that marijuana and its derivatives may offer enormous relief to numerous patients. For example, last year, the famous physician, Sanjay Gupta, released—who is a very prominent physician—released a documentary film in which he explored many of the benefits of medical marijuana. Like so many Americans, he is a relatively new convert to this position. I quote:

We have been terribly and systematically misled for nearly 70 years in the United States, and I apologize for my own role in that.

This is what the doctor said in his documentary.

His documentary explores a number of cases in which patients who have various environmental neurological disabilities were helped by marijuana. Anyone who watches this documentary will see the positive effect that marijuana and its derivatives can have on ailing patients. Dr. Gupta is not alone in his belief that it may prove beneficial to some patients.

The New England Journal of Medicine recently found that a majority of clinicians—a majority of the clinicians surveyed responded that they “would recommend the use of medicinal marijuana in certain situations.”

We have all heard anecdotes of the ability of marijuana to improve patients’ appetites, calm those with anxiety, and reduce the nausea for those who are extremely sick. Most recently, there has been an increased attention on the potential impacts of marijuana on patients who suffer from seizures, as well as those with PTSD.

Some particularly conservative States in our country—Utah, Alabama, Kentucky, and Mississippi, for instance—have recently passed laws allowing patients to access medical marijuana products such as oils that are rich in what they call the Cannibis oil, which is CBD, which has been very helpful with so many patients who are looking for relief for children with seizure disorders. They have found that the CBD helps these children meet this challenge in the families that are suffering across the country watching their children go through this suffering with this type of seizures and disorders.

These laws vary somewhat as to how patients are able to gain access to these products in various States, they differ, the laws differ, but they generally show that patients to be treated with this CBD-rich marijuana product, when administered by a physician and in the course of a State-approved medical study, have proved to be helpful to many people’s health. Under current law, however, CBD, because it is derived from marijuana, is considered a Schedule I drug, and therefore it is prohibited to do the kind of research that is necessary to put that into the service for our people and to make sure that they have this available for their children and for other people who are suffering.

We can’t even do the fundamental research as long as the Federal Government continues to label it the same as heroin or the same as other types of drugs, cocaine and the rest.

Well, we know from what I have said so far that there are numerous people in our country who understand that there are people who can benefit medically, and the people who understand this are not just civilians but medical professionals, as well as scientists.

Also, of particular and growing interest are the benefits that marijuana has for those who suffer from posttraumatic stress disorder, that is PTSD. This is one of the most commonly diagnosed disorders for our military veterans who are returning from overseas duty. Those suffering from PTSD often experience debilitating nightmares, depression, and anxiety; and, according to many of these patients, marijuana is the only thing

that helps them alleviate these awful, awful symptoms.

Yet, because of our decades-old policy of not allowing the legitimate use—or even research into the legitimate use—of the medical benefits of marijuana, many individuals that we are talking about, many of these veterans, feel they have no choice but to break the law. Our Nation’s heroes who are trying to escape the hellish nightmares of the war that we sent them off to fight are forced into the compromising position of illegal activity just to receive some relief from the pain they are suffering.

Parents who want to treat their children with nonpsychoactive extracts of the marijuana plant are forced to engage in activities that, if caught and convicted under Federal law, would make these parents who are just trying to help their children, it makes them felons—felons.

I would submit that this scenario undermines every legal and moral institution that we want every citizen—we want every citizen—of the United States to respect. It puts our people in an impossible position. It requires them to choose between providing relief for a loved one or breaking the law. In many cases, that behavior is in compliance—we are talking about offering medical marijuana—it is in compliance with State law; but these people who need it, whose family may need it, whose veteran coming home from the war may need it, whose mother is in the hospital who has lost her appetite and is depressed may need it, well, even if it is in compliance with State law, what we have got now is they are still a violation of Federal law, so we end up condemning these people to a crisis in which their loved ones must either suffer or they must break the law. It is cruel nonsense to put our people through this.

Patients and providers currently run the risk of having a Federal SWAT team-like police force raid their homes or their place of business because of the consumption of a plant which could be growing right in their backyard. The militarization of the police force in order to prevent Grandma from using a medical herb that will ease her pain during her last days on Earth is the type of thing that ought to make every person who believes in liberty and freedom—it should make them shudder, as well as, of course, responsible conservatives who understand we should be making every dollar our government spends count and be doing something that absolutely needs to be done.

The harassment from the Drug Enforcement Agency is something that should not be tolerated in the land of the free. Businesspeople who are licensed and certified to provide doctor-recommended medicine within their own States have seen their businesses

locked down, their assets seized, their customers driven away, and their financial lives ruined by very, very aggressive and energetic Federal law enforcers enforcing a law in which we are preventing something that doctors would recommend for the health of their patients that now some way distributing that material would result in the total destruction of that medical professional and his life.

Instead of continuing to finance this repressive and expensive approach, we should be willing to allow patients and small businesses to follow their doctor’s advice under the watchful eye of State law enforcement and regulators rather than treating it like something that ought to be eradicated from our society. And, yes, I am sure there are plenty of people around who would love to just continue building our police forces, spending the money; but having them target people who are engaged not in rape or murder or some type of aggressive action on the population but instead have them focus on a doctor who is trying to alleviate the pain of someone who has just gone through an operation or one of our veterans who is suffering some sort of posttrauma from his being overseas, no. To say it is a total waste of money is just an understatement.

The 26 States that I have named have gotten this message. They have been making great strides toward compassion and, yes, towards freedom and, yes, towards a responsible use of limited government money in our country.

Now, after the States have done their job, we need the Federal Government to do its part. In the near future, I, along with several of my colleagues in both parties, will introduce an amendment to the Commerce-Justice-Science appropriations bill to bring an end to this disruptive, ill-advised, and wasteful policy that we have pushed on our people and oppressed our people with for far too long. Specifically, our amendment would prohibit the Department of Justice from using any of the funds in this bill to prevent States from implementing their own State medical marijuana laws.

I think my conservative friends could benefit from hearing what some of their idols have to say about this. Milton Friedman stated that it is “disgraceful to deny marijuana for medical purposes.” Dr. Friedman, whom I knew personally, a personal friend of mine, spent a great deal of time talking about this very issue. He and George Schultz, former Secretary—Dr. Friedman, of course, advised Ronald Reagan when I worked with Ronald Reagan in the White House. As you know, I was a special assistant to President Reagan as well as a Presidential speechwriter for President Reagan for 7 years. There with us was, of course, Dr. Milton Friedman; and he advised us of the nonsense of making marijuana illegal, especially for medical purposes.

Then we have William F. Buckley—another man who advised conservatives like Ronald Reagan—who I read as a young person. In the pages of *National Review*, which he edited, he wrote:

The stodgy inertia most politicians feel is up against a creeping reality, and that is that marijuana for medical relief is a movement which is attracting voters who are pretty assertive on the subject.

Yes, William F. Buckley was a visionary. He saw what direction the will of the American people would be having, and he foresaw today that the vast majority of the American people do not want the Federal Government wasting limited dollars destroying doctors' lives, preventing research into medical marijuana, and getting in the way of the people of the States who have voted to make this substance legal in their State for medical purposes.

Conservatives in this body—in this body, in this House—who regularly call for a decrease in the size and scope of the Federal Government ought to seriously consider voting for my amendment. Likewise, conservatives in this body who routinely talk about the need for the Federal Government to respect the 10th Amendment of the Constitution and those who believe that Washington should not interfere with the doctor-patient relationship, which we have heard so much about, these people, my conservative colleagues, ought to seriously consider supporting my amendment, as well.

In fact, if you are on the wrong side of Milton Friedman and William F. Buckley and people like Grover Norquist and George Schultz on the medical marijuana issue, I would suggest to my colleagues that they ought to reconsider the position that they are taking, that it may not be the one that is consistent with the conservative belief in freedom, individual responsibility, and, of course, limited government.

□ 1400

This amendment has been introduced in the past, most recently in 2012, but the difference this time around is that the American people are now demanding the Federal Government respect the majority of the States in our country which have implemented various medical marijuana laws.

The question at this point is whether the American people's Representatives in this House will grant them the wish and accede to what their opinion is and understand that laws are made for these people and their opinions have a right to be heard. I would hope that my fellow Representatives hear the American people's cry, hear those people who are trying to take care of their elderly mother or a veteran coming home or their children who are suffering seizures and say it is a total waste, it is a travesty to use limited dollars, to have a Federal Government

stopping a doctor in States that have declared it as legal, prevent that doctor from offering a treatment for these people, our loved ones, Americans throughout our country.

My hope and expectation is that truth and common sense will prevail. I have faith in the American people. And yes, I have faith in my colleagues. I believe that both the American people, given a choice in their lives, they will do the right thing for themselves and their family. I also believe they will do it without bureaucracy, without massive Federal intrusion into their lives. And I also have faith in my colleagues that they will begin to take a second look at this issue and see if what they are doing is consistent with our overall belief in American freedom and personal responsibility.

One final point I would like to make is that, as legislators who have the power of the purse, we have a responsibility to prioritize Federal tax dollars and how they are spent. Our debt has increased by trillions of dollars in just the last few years. This year's deficit is expected to add an additional \$500 billion to the debt, and the CBO estimates that the deficit will only slightly be lower next year before ballooning up again to unacceptable levels. What we are going through is already unacceptable to most of us.

As we look for places to cut spending, why don't we begin by eliminating those expenditures which the vast majority of Americans believe to be an unjustified exercise of Federal powers. I ask my colleagues to join me in supporting a commonsense amendment that will be a step in the right direction in respecting State medical marijuana laws and will respect the individual liberties that our country believes in.

I would hope that the Federal Government also, finally, we in the Federal Government will understand prioritizing spending, so even if you have questions of how someone making a personal choice somewhere across the country as to whether to use medical marijuana to help a family member who is sick or to stop their own seizures or whatever, yes, even if you don't believe that individuals across our country or the State governments have a right to be able to make those decisions and local voters should be making those determinations, which is what our Founding Fathers wanted, even if you don't believe in that, we should, at the very least, understand that we do not have resources at the Federal level to do everything for everybody.

While showing compassion for thousands of ailing patients across our country, we can also do the right thing, that is the right thing for us to do in terms of balancing our budget and having responsible spending patterns and taxing patterns here in Washington.

Here is where it crosses. Here is where the waste of taxpayer dollars and enforcing laws that they have already said they don't want at the State level, forcing this upon them, declaring that someone is not going to have the personal responsibility in his own life to make these decisions, even in States where our people have voted to make this legal in terms of decisionmaking for using medical marijuana, well, even in those States, and all of this in one formula, you still have to understand that we have to deal with a budget; and it is totally inconsistent with a responsible spending pattern to use such limited resources as we have, going into debt in order to fence in doctors and other people who are trying to use medical marijuana around the country and even prevent the research into medical marijuana to show that it might have some benefit. No, that is a travesty and a total waste of our limited resources.

I would call on my conservative colleagues and my liberal colleagues, my Democrat and Republican friends and the people across the country of the United States to look at this issue with an open mind, intelligently look at the issue, look at it with your heart and your brain, and we will come to the conclusion that medical marijuana, especially in those States in which the people have decided to make medical use of marijuana legal, that it is a total waste of limited Federal funds for us to be focusing the use of those Federal funds on that activity at the State and local levels by people who are being given the choice by doctors as to what medicine they will use.

Let's get the Federal Government out of the areas that it shouldn't be in. That should be something conservatives really support. And so today, I would call on my colleagues to support the amendment that I will be offering, along with Congressman BLUMENAUER and others here in the body, to make sure that we get back to the 10th Amendment of the Constitution and put into law that, when it comes to the medical use of marijuana, the Federal Government will not waste its money trying to thwart the will of people throughout our country and the various State legislatures throughout our country.

With that said, Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HARPER (at the request of Mr. CANTOR) for today on account of a death in the family.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today.

Mr. RUSH (at the request of Ms. PELOSI) for today.



## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2197. An act to repeal certain requirements regarding newspaper advertising of Senate stationery contracts; to the Committee on House Administration.

DEPOSITION PROCEDURES FOR  
THE SELECT COMMITTEE ON  
THE EVENTS SURROUNDING THE  
2012 TERRORIST ATTACK IN  
BENGHAZI

Mr. SESSIONS. Mr. Speaker, pursuant to section 4(c)(5)(B) of House Resolution 567, I hereby submit the following procedures for the taking of depositions pursuant to section 4(c)(5)(A) of such resolution for printing in the CONGRESSIONAL RECORD.

(a) Notice for the taking of depositions shall specify the date, time, and place of examination (if other than within the committee offices). Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths.

(b) Consultation with the ranking minority member shall include three business days' notice before any deposition is taken. All members of the Select Committee shall also receive three business days' notice that a deposition has been scheduled.

(c) Witnesses may be accompanied at a deposition by counsel to advise them of their rights. No one may be present at depositions except members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons, or for agencies under investigation, may not attend.

(d) At least one member of the committee shall be present at each deposition taken by the committee, unless the witness to be deposed agrees in writing to waive the requirement.

(e) A deposition shall be conducted by any member or staff attorney designated by the chair or ranking minority member. When depositions are conducted by committee staff attorneys, there shall be no more than two committee staff attorneys permitted to question a witness per round. One of the committee staff attorneys shall be designated by the chair and the other by the ranking minority member. Other committee staff members designated by the chair or ranking minority member may attend, but may not pose questions to the witness.

(f) Questions in the deposition shall be propounded in rounds, alternating between the majority and minority. A single round shall not exceed 60 minutes per side, unless the members or staff attorneys conducting the deposition agree to a different length of questioning. In each round, a member or committee staff attorney designated by the chair shall ask questions first, and the member or committee staff attorney designated by the ranking minority member shall ask questions second.

(g) Any objection made during a deposition must be stated concisely and in a non-argumentative and non-suggestive manner. The

witness may refuse to answer a question only to preserve a privilege. When the witness has objected and refused to answer a question to preserve a privilege, the chair of the Select Committee may rule on any such objection after the deposition has adjourned. If the chair overrules any such objection and thereby orders a witness to answer any question to which a privilege objection was lodged, such ruling shall be filed with the clerk of the committee and shall be provided to the members and the witness no less than three days before the reconvened deposition. If a member of the committee appeals in writing the ruling of the chair, the appeal shall be preserved for committee consideration. A deponent who refuses to answer a question after being directed to answer by the chair in writing may be subject to sanction, except that no sanctions may be imposed if the ruling of the chair is reversed on appeal.

(h) Committee staff shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days thereafter, the witness may submit suggested changes to the chair. Committee staff may make any typographical and technical changes. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

(i) The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the Select Committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the Select Committee for the Select Committee's use. The chair and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

(j) The chair and ranking minority member shall consult regarding the release of depositions. If either objects in writing to a proposed release of a deposition or a portion thereof, the matter shall be promptly referred to the Select Committee for resolution.

(k) A witness shall not be required to testify unless the witness has been provided with a copy of rule XI of the Rules of the House of Representatives and these procedures.

## ADJOURNMENT

Mr. ROHRBACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Tuesday, May 13, 2014, at 1 p.m.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5622. A letter from the Assistant Secretary of Defense, Special Operations and Low Intensity Conflict, Department of Defense, transmitting a report entitled, "Combating Terrorism Activities FY 2015 Budget Estimates"; to the Committee on Armed Services.

5623. A letter from the Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Department of Labor, transmitting the Department's final rule — Black Lung Benefits Act: Standards for Chest Radiographs (RIN: 1240-AA07) received April 21, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5624. A letter from the Deputy Director, Directorate of Standards and Guidance, OSHA, Department of Labor, transmitting the Department's "Major" final rule — Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment [Docket No.: OSHA-S215-2006-0063] (RIN: 1218-AB67) received April 23, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5625. A letter from the Acting Director, Office of Standards, Regulations, and Variances, MSHA, Department of Labor, transmitting the Department's "Major" final rule — Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors (RIN: 1219-AB64) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5626. A letter from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Technology Transitions; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition; Connect America Fund; Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Numbering Policies for Modern Communications [GN Docket No.: 13-5] [GN Docket No.: 12-353] [WC Docket No.: 10-90] [CG Docket No.: 10-51] [CG Docket No.: 03-123] [WC Docket No.: 13-97] received April 17, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5627. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules Related to Retransmission Consent [MB Docket No.: 10-71] received April 11, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5628. A letter from the Chief, Broadband Division, Wireless Communications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules with Regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands [GN Docket No.: 13-185] received April 11, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5629. A letter from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Transnuclear,



Inc. Standardized Advanced NUHOMS Horizontal Modular Storage System; Amendment No. 3 [NRC-2013-0271] (RIN: 3150-AJ31) received April 23, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5630. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — General Site Suitability Criteria for Nuclear Power Stations Regulatory Guide 4.7, Revision 3 received April 11, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5631. A letter from the Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

5632. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the Corporation's annual report for FY 2013 prepared in accordance with Section 203 of the Notification and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

5633. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. Act 20-308, "Condominium Amendment Act of 2014"; to the Committee on Oversight and Government Reform.

5634. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. Act 20-311, "Transportation Infrastructure Mitigation Clarification Temporary Amendment Act of 2014"; to the Committee on Oversight and Government Reform.

5635. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. Act 20-309, "Skyland Town Center Omnibus Act of 2014"; to the Committee on Oversight and Government Reform.

5636. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. Act 20-310, "Driver's Safety Clarification Temporary Amendment Act of 2014"; to the Committee on Oversight and Government Reform.

5637. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. Act 20-312, "Department of Parks and Recreation Fee-based Use Permit Authority Clarification Temporary Amendment Act of 2014"; to the Committee on Oversight and Government Reform.

5638. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. Act 20-321, "Tobacco Product Manufacturer Reserve Fund Temporary Amendment Act of 2014"; to the Committee on Oversight and Government Reform.

5639. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. Act 20-320, "Kelsey Gardens Redevelopment Temporary Act of 2014"; to the Committee on Oversight and Government Reform.

5640. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. Act 20-319, "Comprehensive Planning and Utilization of School Facilities Amendment Act of 2014"; to the Committee on Oversight and Government Reform.

5641. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5642. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting two reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5643. A letter from the Staff Director, Federal Election Commission, transmitting the Commission's annual report for FY 2013 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

5644. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Chicago, transmitting the 2013 management reports and statements on the system of internal controls of the Federal Home Loan Bank of Chicago, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

5645. A letter from the Counsel to the Inspector General, General Services Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5646. A letter from the Chair, United States Sentencing Commission, transmitting the Commission's amendments to the federal sentencing guidelines, policy statements, and official commentary, together with the reasons for the amendments, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

5647. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Continental Motors, Inc. Reciprocating Engines With Superior Air Parts, Inc. (SAP) Cylinder Assemblies Installed [Docket No.: FAA-2007-0051; Directorate Identifier 2007-NE-37-AD; Amendment 39-17801; AD 2014-05-29] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5648. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2013-0369; Directorate Identifier 2012-NM-128-AD; Amendment 39-17793; AD 2014-05-20] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5649. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. [Docket No.: FAA-2013-0689; Directorate Identifier 2012-NM-225-AD; Amendment 39-17791; AD 2014-05-18] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5650. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Helicopters (Type Certificate Previously Held by Eurocopter France) (Airbus Helicopters) [Docket No.: FAA-2011-1158; Directorate Identifier 2010-SW-018-AD; Amendment 39-17765; AD 2011-22-05 R1] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5651. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2013-0977; Directorate Identifier 2013-NM-190-AD; Amendment 39-17795; AD 2014-05-22] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5652. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-1318; Directorate Identifier 2012-NM-104-AD; Amendment 39-17789; AD 2014-05-16] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5653. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Turbofan Engines [Docket No.: FAA-2013-1015; Directorate Identifier 2013-NE-37-AD; Amendment 39-17798; AD 2014-05-25] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. POCAN (for himself, Mr. PETERS of California, Ms. BROWNLEY of California, Ms. LORETTA SANCHEZ of California, Mr. RUIZ, Mr. VARGAS, Mrs. BUSTOS, Mr. WAXMAN, Ms. MOORE, Ms. FUDGE, Ms. CLARKE of New York, Mr. HUFFMAN, Mr. MCGOVERN, Mrs. NEGRETE MCLEOD, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. HAHN, Ms. CHU, Ms. LOFGREN, Mr. SCHRADER, Mr. SARBANES, and Mr. GRIJALVA):

H.R. 4622. A bill to allow certain student loan borrowers to refinance Federal student loans; to the Committee on Education and the Workforce.

By Mr. MORAN (for himself, Mr. COHEN, Mr. SCHWEIKERT, Ms. WILSON of Florida, and Mr. SALMON):

H.R. 4623. A bill to direct the Secretary of Transportation to conduct a notice and comment rulemaking before implementing certain policies relating to obstruction evaluation aeronautical studies, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARTWRIGHT:

H.R. 4624. A bill to amend the Fair Debt Collection Practices Act to prohibit a court from making an award of costs to a defendant except on a finding that an action was brought in bad faith; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL:

H.R. 4625. A bill to amend title XVIII of the Social Security Act to suspend the application of the rebasing of Medicare home health prospective payment amounts, and for other purposes; to the Committee on Ways and

Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO:

H.R. 4626. A bill to ensure access to certain information for financial services industry regulators, and for other purposes; to the Committee on Financial Services.

By Mr. POSEY (for himself and Ms. WASSERMAN SCHULTZ):

H.R. 4627. A bill to amend title XVIII of the Social Security Act to authorize coverage of post-mastectomy water-resistant coverings if they are determined to be consistent with clinical protocol or medically necessary to reduce the risk of infection, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUCKWORTH (for herself, Ms. BORDALLO, Mrs. NOEM, Mr. BLUMENAUER, Ms. SPEIER, Mr. RICHMOND, Ms. MATSUI, Mr. CONYERS, Mrs. NEGRETE MCLEOD, Ms. KUSTER, Mrs. CAROLYN B. MALONEY of New York, Ms. CLARK of Massachusetts, Ms. TSONGAS, Mr. HONDA, Mr. GARAMENDI, Mr. NUGENT, Ms. FRANKEL of Florida, Ms. BROWNLEY of California, Ms. JACKSON LEE, Ms. BROWN of Florida, Ms. DELBENE, Mrs. MILLER of Michigan, Mrs. CAPITO, Mr. DESJARLAIS, Mr. PRICE of Georgia, Mr. FARENTHOLD, Mrs. BLACK, Mrs. LUMMIS, Mr. HARRIS, Mr. VEASEY, Ms. SHEA-PORTER, Mr. FLEISCHMANN, Mr. BARBER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. POLIS, Ms. HANABUSA, Ms. BASS, Mr. RUIZ, Ms. DELAURO, Mr. CASSIDY, Mr. MEADOWS, Mr. WESTMORELAND, Mr. SCHOCK, Mr. DUNCAN of South Carolina, Mr. SOUTHERLAND, Mr. HUIZENGA of Michigan, Mr. PEARCE, Ms. HAHN, Mr. RODNEY DAVIS of Illinois, Mr. GINGREY of Georgia, Mr. BUCHSON, Mr. VARGAS, Ms. TITUS, Mrs. KIRKPATRICK, and Mr. COFFMAN):

H.R. 4628. A bill to amend title 10, United States Code, to authorize additional leave for members of the Armed Forces in connection with the birth of a child; to the Committee on Armed Services.

By Ms. DELBENE (for herself, Mr. SCHNEIDER, Ms. BONAMICI, Mr. MCDERMOTT, Mrs. BUSTOS, Mrs. NEGRETE MCLEOD, Mr. HINOJOSA, Ms. ESTY, Ms. BROWNLEY of California, Mr. POCAN, Ms. KUSTER, Mr. HECK of Washington, Mr. DEFAZIO, Mr. CICILLINE, Mr. KILMER, Mr. VELA, Mr. VARGAS, Mr. COURTNEY, Mr. PERLMUTTER, Mr. MCGOVERN, Mrs. KIRKPATRICK, Mr. PALLONE, Ms. SHEA-PORTER, Mr. RICHMOND, Mr. CONYERS, Mr. NOLAN, Ms. HAHN, Mr. LARSEN of Washington, Mr. PETERS of California, Mr. ENYART, Ms. WASSERMAN SCHULTZ, Mr. HONDA, Mr. MICHAUD, and Mr. RYAN of Ohio):

H.R. 4629. A bill to provide for the establishment of a pilot program to encourage the employment of veterans in manufacturing positions; to the Committee on Education and the Workforce.

By Mr. LARSON of Connecticut (for himself and Mr. ROONEY):

H.R. 4630. A bill to amend title 10, United States Code, to provide for certain behavioral health treatment under TRICARE for children and adults with developmental disabilities, and for other purposes; to the Committee on Armed Services.

By Mr. SMITH of New Jersey (for himself, Mr. DOYLE, Mrs. McMORRIS RODGERS, Mr. VAN HOLLEN, Mr. SESSIONS, Mr. WOLF, Mr. STIVERS, Mr. MEEHAN, Mr. MORAN, Mrs. BLACKBURN, Mr. MILLER of Florida, Mrs. WALORSKI, Mr. LARSON of Connecticut, Ms. JACKSON LEE, Mr. HARPER, Mr. LANCE, Mr. MEADOWS, Mr. MARINO, Mr. DEUTCH, Mr. ROONEY, Mr. POMPEO, Mr. ADERHOLT, Mr. BACHUS, Mr. GIBSON, Mrs. MILLER of Michigan, Mr. YOUNG of Alaska, Mr. KING of New York, Ms. SHEA-PORTER, Ms. DELAURO, Mr. MURPHY of Pennsylvania, Mr. FITZPATRICK, Mr. TERRY, Mr. KELLY of Pennsylvania, Mr. YODER, and Mr. MATHESON):

H.R. 4631. A bill to reauthorize certain provisions of the Public Health Service Act relating to autism, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOSAR (for himself, Mr. JONES, Mr. RUIZ, and Mr. BARROW of Georgia):

H.R. 4632. A bill to prohibit the use of funds provided for the official travel expenses of Members of Congress and other officers and employees of the legislative branch for airline accommodations which are not coach-class accommodations, and for other purposes; to the Committee on House Administration.

By Mr. GRIFFITH of Virginia:

H.R. 4633. A bill to amend title XXVII of the Public Health Service Act to require certain health insurance premium increase information submitted to the Secretary of Health and Human Services be disclosed to Congress; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself and Mr. PASCRELL):

H.R. 4634. A bill to amend the Internal Revenue Code of 1986 to allow Federal law enforcement officers and firefighters to make penalty-free withdrawals from governmental plans after age 50; to the Committee on Ways and Means.

By Mr. ADERHOLT:

H.R. 4635. A bill to amend the Communications Act of 1934 to provide for greater access to in-State television broadcast programming, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BASS (for herself, Mr. MCDERMOTT, Mr. MARINO, Ms. SLAUGHTER, and Mrs. BACHMANN):

H.R. 4636. A bill to amend the Child Abuse Prevention and Treatment Act to allow State child protective services systems better to serve the needs of children who are victims of trafficking, and for other purposes; to the Committee on Education and the Workforce.

By Ms. BONAMICI:

H.R. 4637. A bill to require the sunset of certain Federal Government reporting requirements to Congress, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CLEAVER (for himself, Mr. GRAVES of Missouri, Ms. NORTON, Mr.

LONG, Mr. CLAY, Mr. LUETKEMEYER, Mr. SMITH of Missouri, Mrs. WAGNER, Mr. HUFFMAN, Mrs. HARTZLER, and Mr. YODER):

H.R. 4638. A bill to designate Union Station in Washington, DC, as the "Harry S. Truman Union Station"; to the Committee on Transportation and Infrastructure.

By Mr. COHEN:

H.R. 4639. A bill to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. SALMON, Mr. SIRES, Ms. ROS-LEHTINEN, and Mr. O'ROURKE):

H.R. 4640. A bill to establish the Western Hemisphere Drug Policy Commission; to the Committee on Foreign Affairs.

By Mr. HIGGINS (for himself, Mr. GIBSON, Mr. TONKO, Mr. MAFFEI, Ms. SLAUGHTER, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. RANGEL, Mr. KING of New York, Ms. MENG, Mr. OWENS, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Mr. REED, Mr. ENGEL, Mr. CROWLEY, Mr. SERRANO, Mr. COLLINS of New York, Mr. GRIMM, Mr. BISHOP of New York, and Mr. JEFFRIES):

H.R. 4641. A bill to reauthorize the Erie Canalway National Heritage Corridor Act; to the Committee on Natural Resources.

By Mr. ISRAEL:

H.R. 4642. A bill to require all recreational vessels to have and post passenger capacity limits, to amend title 46, United States Code, to authorize States to enter into contracts for the provision of boating safety education services under State recreational boating safety programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington (for himself, Ms. NORTON, Ms. TSONGAS, Ms. DELBENE, Mr. PIERLUISI, Mr. HECK of Washington, Mr. CARSON of Indiana, Mr. ENYART, Mr. WELCH, and Mr. MORAN):

H.R. 4643. A bill to amend the Truth in Lending Act to establish requirements for releasing a cosigner from obligations of a private education loan, for the treatment of the loan upon the death or bankruptcy of a cosigner of the loan, and for other purposes; to the Committee on Financial Services.

By Mr. LIPINSKI (for himself, Mr. NOLAN, Mr. PETERSON, Ms. MCCOLLUM, Mr. KLINE, Mr. ELLISON, Mrs. BACHMANN, Mr. WALZ, Mr. PAULSEN, Mr. NADLER, Mr. CAPUANO, Mr. DUNCAN of Tennessee, Ms. NORTON, Mr. DEFAZIO, Mr. RAHALL, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MICHAUD, Mr. COHEN, and Mr. SIRES):

H.R. 4644. A bill to designate the buildings occupied by the Department of Transportation located at 1200 New Jersey Avenue, Southeast, in the District of Columbia as the "James L. Oberstar United States Department of Transportation Building Complex"; to the Committee on Transportation and Infrastructure.

By Ms. LOFGREN (for herself, Mr. MASSIE, Ms. ESHOO, and Mr. WOODALL):

H.R. 4645. A bill to authorize any office of the Federal Government which owns or operates a parking area for the use of its employees to install, construct, operate, and maintain a battery recharging station in the area, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MURPHY of Florida (for himself, Mr. MULVANEY, Mr. SCHRADER, Mr. BARR, Mr. RUIZ, Mr. COFFMAN, Mr. BARROW of Georgia, Mr. FITZPATRICK, Mr. DELANEY, Mr. JOYCE, Mr. KILMER, Mrs. BLACK, Mr. MATHESON, Mr. LANCE, Mr. KIND, Mr. MEADOWS, Mr. COSTA, Mr. RODNEY DAVIS of Illinois, Mr. ENYART, and Mr. RIBBLE):

H.R. 4646. A bill to establish an independent advisory committee to review certain regulations, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAULSEN (for himself, Mr. SCHOCK, and Mr. KIND):

H.R. 4647. A bill to amend the Internal Revenue Code of 1986 to increase the alternative tax liability limitation for small property and casualty insurance companies; to the Committee on Ways and Means.

By Mr. RUIZ (for himself, Mr. SWALWELL of California, Mr. LOEBSACK, Mrs. NAPOLITANO, Mrs. NEGRETE MCLEOD, Mr. HUFFMAN, Mr. CÁRDENAS, Mrs. CHRISTENSEN, Mr. RYAN of Ohio, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Ms. HAHN, Mr. SIRES, Mr. HASTINGS of Florida, Ms. LEE of California, Mr. PASTOR of Arizona, Mr. GENE GREEN of Texas, Mr. CASTRO of Texas, Mr. GUTIÉRREZ, Mr. HONDA, Mrs. BUSTOS, Mr. AL GREEN of Texas, Mr. GARAMENDI, Mr. HORSFORD, Mrs. CAPPS, and Ms. MATSUI):

H.R. 4648. A bill to provide for the establishment of a pilot program to train individuals for employment in the renewable energy and energy efficiency industries; to the Committee on Education and the Workforce.

By Mr. SALMON:

H.R. 4649. A bill to prohibit funding to the Voice of America; to the Committee on Foreign Affairs.

By Mr. STOCKMAN:

H.R. 4650. A bill to amend the International Religious Freedom Act of 1998 to include several additions to the many forms of violations of the right to religious freedom; to the Committee on Foreign Affairs.

By Mr. STOCKMAN:

H.R. 4651. A bill to designate the facility of the United States Postal Service located at 601 West Baker Road in Baytown, Texas, as the "Specialist Keith Erin Grace, Jr. Memorial Post Office"; to the Committee on Oversight and Government Reform.

By Mr. TIERNEY (for himself, Mr. CICILLINE, Ms. DELAURO, Mr. LARSEN of Washington, Mr. LOEBSACK, Mr. MCGOVERN, Ms. NORTON, Mr. RANGEL, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. TONKO, Ms. TSONGAS, Mr. CAPUANO, Mr. PAYNE, Mr. CÁRDENAS, Mr. COURTNEY, Ms. DUCKWORTH, Mr. HASTINGS of Florida, Mr. LOWENTHAL, Mr. MICHAUD, Mr. OWENS, Mr. POCAN, Ms. SHEA-PORTER, and Mr. LEWIS):

H.R. 4652. A bill to increase lending to small businesses; to the Committee on Small Business.

By Mr. WOLF:

H.R. 4653. A bill to reauthorize the United States Commission on International Religious Freedom, and for other purposes; to the Committee on Foreign Affairs.

By Mr. YODER:

H.R. 4654. A bill to delay implementation of the Mercury and Air Toxics Standards, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YODER:

H.R. 4655. A bill to amend the Unfunded Mandates Reform Act of 1995 to provide for regulatory impact analyses for certain rules, consideration of the least burdensome regulatory alternative, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YARMUTH (for himself and Mr. BARR):

H. Res. 579. A resolution recognizing the 50th anniversary of the Congressional declaration of bourbon whiskey as a distinctive product of the United States; to the Committee on Ways and Means.

By Ms. HAHN:

H. Res. 580. A resolution recognizing the need for Compton Community College to receive an expedited accreditation process; to the Committee on Education and the Workforce.

By Ms. HAHN:

H. Res. 581. A resolution recognizing the 125th anniversary of the City of Compton; to the Committee on Oversight and Government Reform.

By Mr. VARGAS (for himself, Mr. LOWENTHAL, Ms. BASS, Ms. MENG, Mr. MEEKS, and Ms. GABBARD):

H. Res. 582. A resolution supporting "United States Foreign Service Day" in recognition of the men and women who have served, or are presently serving, in the Foreign Service of the United States, and to honor those in the Foreign Service who have given their lives in the line of duty; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

201. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 18 memorializing the Congress to reauthorize the Terrorism Risk Insurance Program; to the Committee on Financial Services.

202. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 42 memorializing the Congress to reauthorize the Terrorism Risk Insurance Program; to the Committee on Financial Services.

203. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 52 recognizing May 2014 as Amyotrophic Lateral Sclerosis Awareness Month; to the Committee on Energy and Commerce.

204. Also, a memorial of the Legislature of the State of Virgin Islands, relative to Resolution No. 1809 urging the Congress to adopt H.R. 91; to the Committee on Ways and Means.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. POCAN:

H.R. 4622.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. MORAN:

H.R. 4623.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. CARTWRIGHT:

H.R. 4624.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3: To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

By Mr. HALL:

H.R. 4625.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mrs. CAPITO:

H.R. 4626.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 1: All legislative Powers herein granted shall be vested in a Congress of the United States

By Mr. POSEY:

H.R. 4627.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States:

The Congress shall have power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 18 of the Constitution of the United States

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Ms. DUCKWORTH:

H.R. 4628.

Congress has the power to enact this legislation pursuant to the following:

"The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers."

By Ms. DELBENE:

H.R. 4629.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. LARSON of Connecticut:

H.R. 4630.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14

To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. SMITH of New Jersey:

H.R. 4631.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. GOSAR:

H.R. 4632.

Congress has the power to enact this legislation pursuant to the following:

This legislation is constitutionally appropriate pursuant to Article I, Section 8, Clause 8 (the Spending Clause).

The Supreme Court, in *South Dakota v. Dole* (1987), reasoned that conditions and limitations on funds were constitutional and within the power of Congress under the Spending Clause.

Thus, conditioning the use of federal funds in order to direct appropriate spending goals and purposes are constitutionally permissible. As the spending is national in scope and pertains to all employees in the Legislative Branch, and the conditions are clear, the limitation is constitutional.

By Mr. GRIFFITH of Virginia:

H.R. 4633.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. REICHERT:

H.R. 4634.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution

By Mr. ADERHOLT:

H.R. 4635.

Congress has the power to enact this legislation pursuant to the following:

Art. I, § 8, Clause 3

By Ms. BASS:

H.R. 4636.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 1.

Article. I.

Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Ms. BONAMICI:

H.R. 4637.

Congress has the power to enact this legislation pursuant to the following:

Art I, Sec. 1

By Mr. CLEAVER:

H.R. 4638.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8, Clause 18 of the United States Constitution.

By Mr. COHEN:

H.R. 4639.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. ENGEL:

H.R. 4640.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the Constitution

By Mr. HIGGINS:

H.R. 4641.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. ISRAEL:

H.R. 4642.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, and Article I, Section 9 of the United States Constitution.

By Mr. LARSEN of Washington:

H.R. 4643.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress."

By Mr. LIPINSKI:

H.R. 4644.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution:

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States;

By Ms. LOFGREN:

H.R. 4645.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. MURPHY of Florida:

H.R. 4646.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article 1 Section 8 Clause 3 of the United States Constitution, which states that the Congress shall have Power To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. PAULSEN:

H.R. 4647.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. RUIZ:

H.R. 4648.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution

By Mr. SALMON:

H.R. 4649.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7—"No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

By Mr. STOCKMAN:

H.R. 4650.

Congress has the power to enact this legislation pursuant to the following:

Article 1. Section 8. Clause 10.

"[The Congress shall have Power] To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations."

By Mr. STOCKMAN:

H.R. 4651.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

"The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. TIERNEY:

H.R. 4652.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. WOLF:

H.R. 4653.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is Article I, Section 8 of the United States Constitution.

By Mr. YODER:

H.R. 4654.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted Congress under Article I of the United States Constitution, including: the power granted Congress under Article I, Section 8, Clause 18, of the United States Constitution, and the power granted to the House of Representatives specifically Clause 3.

By Mr. YODER:

H.R. 4655.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted Congress under Article I of the United States Constitution, including: the power granted Congress under Article I, Section 8, Clause 18, of the United States Constitution, and the power granted to the House of Representatives specifically Clause 3.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 32: Ms. LINDA T. SÁNCHEZ of California.

H.R. 164: Ms. ROYBAL-ALLARD.

H.R. 270: Mr. MICHAUD, Mr. WAXMAN, and Mr. COHEN.

H.R. 411: Mrs. LOWEY and Mr. WALZ.

H.R. 460: Mr. VAN HOLLEN, Ms. MENG, Mr. CARSON of Indiana, Ms. KELLY of Illinois, and Mr. SWALWELL of California.

H.R. 494: Mr. ADERHOLT and Mr. MEEHAN.

H.R. 543: Mr. DEUTCH.

H.R. 610: Mr. SEAN PATRICK MALONEY of New York.

H.R. 628: Ms. MATSUI and Mr. DELANEY.

H.R. 897: Mr. RAHALL and Mr. ENYART.

H.R. 920: Mr. COLE and Ms. JENKINS.

H.R. 942: Mr. RAHALL, Mr. KELLY of Pennsylvania, Mr. COLE, Mr. HULTGREN, Mrs. LUMMIS, Mr. MEADOWS, Mr. RIGELL, Mr. POLIS, Mr. LONG, Mr. HIGGINS, and Mr. QUIGLEY.

H.R. 954: Ms. HAHN.

H.R. 1029: Ms. DELBENE.

H.R. 1070: Mrs. BACHMANN.

H.R. 1090: Mr. LARSEN of Washington.

H.R. 1106: Mr. MURPHY of Florida.

H.R. 1180: Mr. KIND and Ms. VELÁZQUEZ.

H.R. 1250: Mr. SCHNEIDER.

H.R. 1252: Mr. MCKINLEY, Mr. COBLE, Mr. DAVID SCOTT of Georgia, Mr. GOODLATTE, Ms. MOORE, and Mrs. BEATTY.

H.R. 1333: Mr. RUSH.  
H.R. 1354: Mr. DUNCAN of South Carolina.  
H.R. 1416: Mr. JEFFRIES and Mr. BISHOP of Georgia.  
H.R. 1441: Ms. MCCOLLUM.  
H.R. 1507: Ms. SINEMA.  
H.R. 1518: Mr. BARBER and Mr. JEFFRIES.  
H.R. 1527: Ms. MENG.  
H.R. 1563: Mr. GRIJALVA.  
H.R. 1620: Mr. FORBES.  
H.R. 1725: Mr. McDERMOTT.  
H.R. 1750: Mr. WALZ, Ms. HERRERA BEUTLER, and Mr. GALLEGO.  
H.R. 1783: Mr. TAKANO.  
H.R. 1801: Mr. SWALWELL of California.  
H.R. 1812: Mr. COLE.  
H.R. 1827: Ms. NORTON.  
H.R. 1830: Mr. SHERMAN, Mr. CLEAVER, Mr. POE of Texas, Mr. JEFFRIES, Mr. LANCE, Mr. AMODEI, and Ms. KELLY of Illinois.  
H.R. 1838: Mr. KILMER.  
H.R. 1852: Mr. PETERS of Michigan.  
H.R. 1920: Mrs. CAPPS and Mr. McNERNEY.  
H.R. 1998: Mr. McNERNEY.  
H.R. 2028: Ms. TITUS, Mr. LOEBSACK, and Ms. HANABUSA.  
H.R. 2041: Ms. KUSTER.  
H.R. 2093: Mr. COTTON.  
H.R. 2144: Mr. ELLISON and Mr. ISRAEL.  
H.R. 2313: Ms. TSONGAS.  
H.R. 2415: Mr. GERLACH.  
H.R. 2482: Mr. THOMPSON of California.  
H.R. 2536: Mr. TAKANO.  
H.R. 2540: Mrs. KIRKPATRICK.  
H.R. 2543: Mr. JEFFRIES and Ms. ESTY.  
H.R. 2607: Mr. ELLISON, Ms. NORTON, and Mrs. DAVIS of California.  
H.R. 2619: Mr. CARSON of Indiana and Mr. BISHOP of New York.  
H.R. 2663: Ms. BONAMICI and Mr. BERA of California.  
H.R. 2690: Mr. LEWIS.  
H.R. 2706: Mr. BRALEY of Iowa.  
H.R. 2737: Mr. COHEN.  
H.R. 2807: Mr. COBLE.  
H.R. 2841: Mr. JOHNSON of Ohio.  
H.R. 2878: Mr. HINOJOSA.  
H.R. 2901: Ms. CLARK of Massachusetts and Mrs. WALORSKI.  
H.R. 2906: Mr. HUNTER.  
H.R. 2921: Mr. COURTNEY.  
H.R. 2939: Mr. MARINO.  
H.R. 2955: Mr. ELLISON.  
H.R. 2957: Mr. DAVID SCOTT of Georgia and Mr. RUPPERSBERGER.  
H.R. 2994: Mr. PASCRELL and Mr. JOLLY.  
H.R. 3040: Mr. POCAN and Ms. MICHELLE LUJAN GRISHAM of New Mexico.  
H.R. 3086: Mr. WALBERG, Mr. ROYCE, Mr. BARTON, Mr. KIND, and Mr. WOMACK.  
H.R. 3112: Mr. FORBES.  
H.R. 3116: Mr. LUETKEMEYER, Ms. ESHOO, Ms. SHEA-PORTER, and Mr. MAFFEI.  
H.R. 3242: Mr. McINTYRE.  
H.R. 3301: Mr. BILIRAKIS.  
H.R. 3344: Mr. KILMER.  
H.R. 3361: Mr. GOODLATTE.  
H.R. 3367: Mr. LAMALFA, Mr. COTTON, Mr. CRAMER, Mr. MULVANEY, Mr. WILSON of South Carolina, Mr. TIPTON, Mr. MILLER of Florida, Mr. RICE of South Carolina, and Mr. WILLIAMS.  
H.R. 3369: Mr. YOUNG of Alaska and Mr. PERLMUTTER.  
H.R. 3383: Mr. KEATING.

H.R. 3395: Mr. YARMUTH and Ms. HANABUSA.  
H.R. 3413: Mr. COFFMAN.  
H.R. 3494: Mr. McNERNEY.  
H.R. 3505: Mr. YOUNG of Alaska.  
H.R. 3530: Ms. WILSON of Florida, Mr. KILMER, and Mr. GOSAR.  
H.R. 3544: Mr. HUNTER.  
H.R. 3610: Mr. KILMER and Mr. GOSAR.  
H.R. 3665: Mr. CAPUANO.  
H.R. 3694: Mr. GEORGE MILLER of California.  
H.R. 3714: Ms. ESHOO.  
H.R. 3717: Mr. SMITH of New Jersey.  
H.R. 3722: Mr. VARGAS, Mr. AMODEI, and Mr. HUFFMAN.  
H.R. 3723: Mr. ROSS and Mr. LIPINSKI.  
H.R. 3740: Ms. DELBENE.  
H.R. 3776: Mr. GRIFFIN of Arkansas.  
H.R. 3854: Mr. VALADAO.  
H.R. 3905: Mr. JOHNSON of Ohio.  
H.R. 3930: Ms. BONAMICI, Mr. LABRADOR, and Ms. FRANKEL of Florida.  
H.R. 3976: Ms. BROWNLEY of California.  
H.R. 3989: Mr. LUCAS and Mr. BILIRAKIS.  
H.R. 4031: Mr. COLLINS of Georgia and Mr. GRAVES of Missouri.  
H.R. 4056: Mr. JOHNSON of Ohio.  
H.R. 4060: Mr. HURT, Mr. RENACCI, Mr. ROSS, Mr. VEASEY, and Mr. SCHOCK.  
H.R. 4065: Mrs. CAROLYN B. MALONEY of New York.  
H.R. 4079: Mr. CÁRDENAS and Ms. ROYBAL-ALLARD.  
H.R. 4080: Mr. BLUMENAUER, Mr. HONDA, Ms. JACKSON LEE, Mr. SHIMKUS, Mr. COHEN, Mr. CÁRDENAS, and Mr. RUIZ.  
H.R. 4084: Mr. TAKANO and Mr. COURTNEY.  
H.R. 4158: Mr. SCHWEIKERT, Mr. CHABOT, Mr. CRENSHAW, and Mr. FORBES.  
H.R. 4166: Mr. GRIJALVA, Mr. CAMPBELL, Mr. WOMACK, Mr. SMITH of Washington, Mr. PRICE of North Carolina, Ms. SINEMA, Mr. DELANEY, Ms. BONAMICI, Mr. POLLIS, Mr. LARSEN of Washington, and Mr. LANGEVIN.  
H.R. 4188: Mr. MICHAUD, Mr. SCHOCK, Mr. COSTA and Mrs. BLACK.  
H.R. 4190: Mr. OWENS, Mr. SCHNEIDER, and Ms. KELLY of Illinois.  
H.R. 4208: Mr. AMODEI.  
H.R. 4250: Mr. PERLMUTTER.  
H.R. 4265: Mr. GRIJALVA and Mrs. KIRKPATRICK.  
H.R. 4290: Mr. McGOVERN.  
H.R. 4305: Mrs. LOWEY, Mr. COLLINS of Georgia, and Ms. KELLY of Illinois.  
H.R. 4315: Mr. POMPEO and Mr. TIBERI.  
H.R. 4342: Mr. WENSTRUP.  
H.R. 4351: Ms. FRANKEL of Florida, Mr. WALDEN and Mr. LIPINSKI.  
H.R. 4385: Mr. POLIS, Mr. LOEBSACK, and Ms. DUCKWORTH.  
H.R. 4399: Mr. COHEN.  
H.R. 4426: Mr. HUFFMAN.  
H.R. 4427: Mr. DeFAZIO.  
H.R. 4433: Mr. ENYART.  
H.R. 4437: Mr. BARTON.  
H.R. 4450: Mr. MORAN and Mr. COURTNEY.  
H.R. 4460: Ms. GABBARD.  
H.R. 4475: Mr. CALVERT.  
H.R. 4489: Mr. LAMBORN.  
H.R. 4502: Mr. LONG.  
H.R. 4521: Mr. GARY G. MILLER of California, Mr. STIVERS, and Mr. BACHUS.  
H.R. 4522: Mr. SCOTT of Virginia.  
H.R. 4541: Ms. BROWNLEY of California.

H.R. 4573: Ms. ROS-LEHTINEN, Mr. POE of Texas, Mrs. WAGNER, and Mr. SIRES.  
H.R. 4577: Mr. MASSIE.  
H.R. 4578: Ms. SPEIER.  
H.R. 4587: Mr. SMITH of New Jersey, Mr. ROHRBACHER, Mr. DUNCAN of South Carolina, and Mr. POE of Texas.  
H.R. 4590: Mr. GOHMERT.  
H.R. 4615: Mr. PETERS of Michigan and Mr. AMODEI.  
H.R. 4618: Mr. JOHNSON of Georgia and Mr. ENYART.  
H.R. 4619: Mr. KELLY of Pennsylvania and Mr. YOUNG of Indiana.  
H. J. Res. 113: Mr. SCHNEIDER.  
H. Res. 412: Mrs. CAPITO and Mr. McDERMOTT.  
H. Res. 440: Mr. POCAN, Mr. MEEKS, and Mr. QUIGLEY.  
H. Res. 489: Mr. KING of New York, Mrs. HARTZLER, and Mr. CARTWRIGHT.  
H. Res. 525: Mr. LEVIN, Mr. McNERNEY, and Mrs. DAVIS of California.  
H. Res. 532: Mr. SARBANES, Mr. McGOVERN, and Mr. HONDA.  
H. Res. 556: Ms. LOFGREN.  
H. Res. 561: Mr. TERRY, Mr. GRAYSON, Ms. MCCOLLUM, Ms. WASSERMAN SCHULTZ, Ms. FUDGE, and Ms. SLAUGHTER.  
H. Res. 562: Mr. FRANKS of Arizona, Mr. ROTHFUS, Mr. POE of Texas, Mr. NOLAN, Mr. GENE GREEN of Texas, Mrs. DAVIS of California, Mr. LEWIS, Mr. CONNOLLY, Mr. GARAMENDI, Mr. KILDEE, Mrs. LOWEY, Mr. PERLMUTTER, and Mr. DEUTCH.  
H. Res. 564: Ms. NORTON, Mr. VELA, and Ms. BASS.  
H. Res. 570: Ms. LEE of California, Mr. RANGEL, and Mr. BISHOP of Georgia.  
H. Res. 571: Mr. SCHOCK.  
H. Res. 573: Mr. PETERS of California, Ms. CHU, Mr. POE of Texas, Mr. FALEOMAVAEGA, Mr. SCHNEIDER, Ms. GABBARD, Mr. JOHNSON of Ohio, Mr. DUFFY, Ms. CLARK of Massachusetts, Mr. ENYART, Ms. SINEMA, Mr. GRIFFIN of Arkansas, and Mr. WELCH.  
H. Res. 577: Mr. ADERHOLT, Ms. DELBENE, and Mr. GENE GREEN of Texas.  
H. Res. 578: Mr. PETERS of Michigan, Mr. CARSON of Indiana, Mrs. MILLER of Michigan, Ms. MENG, Mr. BISHOP of Georgia, Mr. STIVERS, Ms. HANABUSA, Mr. HINOJOSA, Mr. GALLEGO, Mrs. NEGRETE MCLEOD, and Ms. MCCOLLUM.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 4615: Mr. PETERS of California.

#### PETITIONS, ETC.

Under clause 3 of rule XII,

80. The SPEAKER presented a petition of the City of Santa Ana, California, relative to Resolution No. 2014-012 expressing support for comprehensive federal immigration reform; which was referred to the Committee on the Judiciary.

## EXTENSIONS OF REMARKS

RECOGNIZING MR. JOHN C. PITTS

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. WEBSTER of Florida. Mr. Speaker, it is my privilege to recognize Mr. John C. Pitts of Evans High School in Orlando, Florida. Mr. Pitts, a Florida native, bravely served our country in World War II as a Navy Seal in the Underwater Demolition Team #25. In 1957, Mr. Pitts began teaching junior high at Evans High School, and in 1961, he moved into administration as the school's assistant principal. After temporarily leaving Evans High School to lead several other schools in Orange County, Mr. Pitts returned to Evans in 1977 where he served as principal until his retirement in 1988.

Educators like Mr. Pitts are shining examples of the fruits of selflessness. Their commitment to students models the life-changing impact a dedicated educator can have on a community and on the individual lives of students.

For more than five decades, Mr. Pitts has been a tireless advocate for the students, athletes and families of Evans High School. It is with sincere appreciation that I thank Mr. Pitts for his commitment to our nation's youth and for his service to our country. His leadership and dedication continue to be an inspiration to us all.

A TRIBUTE TO SONIA CLAYTON

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. POE of Texas. Mr. Speaker, I would like to recognize Ms. Sonia Clayton for her tremendous accomplishments with her business, numerous awards she has received and for being featured on the cover of Small Business Today magazine. Sonia is a perfect example of the American Dream.

Sonia was born in Colombia, where she spent the first part of her childhood, before moving to Venezuela and eventually the United States. Growing up, Sonia said life was not easy. She had no father figure, and grew up poor in an underdeveloped country. She said that living without a paternal figure, she had to figure things out on her own and learn how to survive. It is during this time that Sonia learned how to "think outside the box," as she put it.

She said that she learned to get creative and embrace the challenge, tackle it and overcome it. As she explained, when there is someone there to prevent chaos in your life, you learn nothing, but when you have to figure it out on your own, you learn how to survive, because you have to.

In 1984, Sonia moved to the United States. In order to support herself, she had three jobs. She first worked as a caretaker for an elderly couple close to death. She then worked in a rest home and from that job, created a crew who cleaned houses around the Salt Lake City area. It was during this job that Sonia learned English. Sonia also worked as an interpreter; she is fluent in French, Spanish, Portuguese and English.

In 1990, Sonia came to Texas. She first worked for Air France and from there went on to work for Continental Airlines. She started out doing transit operations and later went on to work in corporate security. Sonia pioneered a team that put together Continental Airlines first security group.

It is during this time that Sonia began working with different databases and programs for training purposes, and first got into IT. Shortly after 9/11, Sonia created Virtual Intelligence Providers, L.L.C. (VIP). VIP is an information technology company that focuses on oil and gas. It first started out as a way to help her friends find jobs that had been lost due to the events on September 11th. She began reaching out to different companies and as Sonia put it, she didn't just start with the little guy, she reached out to huge corporations and Shell Oil became her first client.

VIP grew very quickly, making \$300,000 in its first year and hitting the million dollar mark in its second. VIP has been in business for 13 years.

In all her success, Sonia always remembers to give back and promotes this spirit throughout VIP and its employees. She has started three nonprofits: The VIP Education Foundation, The Angels for Soldiers Foundation and The Cancer Foundation.

Sonia also continues to support the Mormon Church. It is through Mormonism that she grew to become familiar and be involved with Christian and American values, which she witnessed growing up through the works of missionaries and Red Cross workers.

Sonia said that Americans are very generous people and America is the only country in the world that worries about its neighbors and helps maintain their freedoms and liberties. She also knows that it takes genuine people who are willing to sacrifice that make this country great. She raised her children with the principle that they can either serve God or their Country. Her son is an officer in the US Navy and her daughter is a returned missionary in the Mormon Church.

Sonia believes all these works are a way to give back to America so that someone is able to benefit from her and her family's generosity, the same generosity that she once benefited from.

Sonia is a remarkable, successful woman, gracious and giving citizen and a cancer survivor. Her exceptional story reminds us that even in times of great adversity, we can succeed if we work with tireless determination.

She teaches people everywhere the importance of giving back and I am thankful to have her as one of my many neighbors in Houston, Texas. Sonia embodies the character of a Texan through and through.

And that's just the way it is.

RECOGNIZING THE CAMP MERRILL CHOW STAFF

**HON. DOUG COLLINS**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. COLLINS of Georgia. Mr. Speaker, I rise to recognize the exemplary actions of the Camp Merrill chow staff during the winter storms that hit Georgia in January and February.

L & S Services employees serve the 5th Ranger Training Battalion in the Camp Merrill Chow Hall.

When winter weather crippled parts of Georgia earlier this year, members of this team volunteered their personal time and even risked personal safety to ensure that Army operations would continue without degradation.

Thanks to the sacrifice of L & S Services personnel, more than 300 students were able to successfully complete the mountain phase of Ranger school.

In addition, this experience led to the development of a procedure for folks to stay at Camp Merrill to support operations during severe weather—a plan that was followed just a few weeks later, when a dangerous ice storm struck the area.

Even in the face of significant challenges this winter, L & S Services employees provided consistent and outstanding service to Camp Merrill.

I commend these individuals for going above and beyond the call of duty to support our men and women in uniform, and ultimately, our national security.

HONORING MR. GEORGE A. EMANUELSON

**HON. KEITH ELLISON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. ELLISON. Mr. Speaker, I rise today in honor of George A. Emanuelson, a World War II veteran who served as an Armed Gunner with the United States Navy aboard the S.S. *Mello Franco* as well as the S.S. *James S. Lawson*.

Mr. Emanuelson honorably and faithfully carried out his duties, and our country is indebted to him and his fellow sailors for their heroic service. As a member of our nation's

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"Greatest Generation," Mr. Emanuelson answered the call of duty during a perilous time of war. World War II was an event that shaped the trajectory of not only our country, but also the entire world. We owe service members like Mr. Emanuelson our eternal gratitude for standing up against fascism that threatened democracy and safety across the globe. Thanks to men and women like Mr. Emanuelson, our democratic ideals have persevered and led us to become the most influential nation in the world today.

Mr. Emanuelson makes Minnesotans proud. On behalf of all Minnesotans and Americans, I recognize Mr. Emanuelson's dutiful service to our country during one of its most dire times of need.

OPERATION HELPING HAND 10TH  
ANNIVERSARY

**HON. GUS M. BILIRAKIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Operation Helping Hand on its 10th Anniversary. Operation Helping Hand is a labor of love dedicated to providing support for our United States Military active duty personnel who have been injured in military operations in Iraq and Afghanistan and are currently being cared for at the James A. Haley VA Hospital in Tampa, Florida.

Started in May 2004, Operation Helping Hand is a special initiative of the Tampa Chapter of the Military Officers Association of America (MOAA), which currently has over five hundred members. Operation Helping Hand is governed by five retired officers, one prior enlisted Non-Commissioned Officer, and operated by many dedicated volunteers. In the ten years since its inception, its efforts have assisted hundreds of active duty, recently retired, and wounded heroes and their families. Operation Helping Hand knows that one of the most important aspects of the patients' rehabilitation is having family support during their recovery. That is why it helps facilitate this through a myriad of services such as travel assistance with roundtrip air fare for immediate family members, rental cars for traveling, gas, lodging, and other various arrangements that help connect family members to their loved ones during their rehabilitation. These services would not be possible without the generous contributions and grants from individuals, corporations, and associations, which, through Operation Helping Hand's fundraising efforts, have been able to give well over \$1.8 million back to assist our wounded military service-members and their families.

Mr. Speaker, for wounded heroes and their families, Operation Helping Hand hosts monthly dinners—many of which I have been privileged to attend—at the James A. Haley VA Hospital. On May 15th, Operation Helping Hand will proudly host its 120th consecutive dinner. Those in regular attendance at the monthly dinners consist of concerned citizens, community leaders, active duty military and military retirees. Deliciously catered dinners are provided by local restaurants that, in con-

junction with other local businesses, generously stuff gift bags chock full of useful personal items and gift certificates for the loved ones of wounded veterans.

Mr. Speaker, for its incredible charitable work, it is no wonder that Operation Helping Hand has received many accolades from, but not limited to, the Greater Tampa Chamber of Commerce, the United Way of Tampa Bay, and the Mayor's Alliance. Additionally, Operation Helping Hand has been a recipient of the "Newman's Own" recognition, the 2010 Governor's Points of Light Award, the Florida Distinguished Service Medal, and the President's Call to Service Award. But, according to Operation Helping Hand, the most valuable and honored recognition comes from the grateful patients and their families once their rehabilitation has been completed.

Mr. Speaker, I could not be prouder to have many of these wonderful citizens as constituents. Caring folks like the ones at Operation Helping Hand are what makes America the land of the free and the home of the brave. God bless them, God bless our veterans, and God bless America.

CELEBRATING ONE HUNDRED  
YEARS OF COMMUNITY IN THE  
TOWN OF PROSPER

**HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to join the community of Prosper, Texas, in celebrating its 100th anniversary. This milestone is a true testament and living legacy of the hard work, perseverance, and spirit of community that the early settlers first fostered.

The Town of Prosper is conveniently located to the north of Frisco in Collin County. Incorporated in 1914 with a commission form of government, Prosper started off with a population of just 500 residents. After the war and the depression the mechanization of farming provided the next big impact on Prosper's population.

In 1980, the introduction of light industry, combined with the growth of the Metroplex, led to a comeback for Prosper. Today, Prosper continues to grow and is home to more than 11,000 residents, 100 businesses and one high school state football championship, Prosper High School. The town continues to welcome new ventures to their thriving community every year. While 100 years have passed since its founding, Prosper truly is a shining example of what makes North Texas a great place to live, work, and raise a family.

Mr. Speaker, I ask my colleagues to join me in congratulating the Town of Prosper on their 100th anniversary. I also commend the Mayor of Prosper Ray Smith and all those who call Prosper home, for their dedication, commitment, and efforts in contributing to Prosper's continued growth and excellence while preserving the values of a close-knit community. That's something we simply can't put a price on. I look forward to seeing what the next 100 years have in store.

God Bless all your efforts, and I salute you.

TRIBUTE TO PASTOR BENNY TATE

**HON. PAUL C. BROUN**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. BROUN of Georgia. Mr. Speaker, I rise to recognize Pastor Benny Tate, the Senior Pastor of Rock Springs Church in Milner, Georgia, for over 25 years.

When Dr. Benny Tate first arrived in Milner, Georgia, Rock Springs Church had just 60 members in its congregation. Today, that number has grown to more than 6,000.

Under the leadership of Pastor Tate, several ministries were formed at Rock Springs Church in order to meet the needs of the community, including:

The Rock Springs Medical Clinic to care for those who cannot afford medical insurance, the Potter's House, which ministers to women battling drug and alcohol abuse, Rock Springs Christian Academy, offering quality education to children K through 12, and the Impact Street Ministries, which helps the homeless by serving meals and providing clothing to those in need.

Psalm 68:5 says, "A father to the fatherless, a defender of widows, is God in his holy dwelling." Or James 1:27 says, "Religion that God our Father accepts as pure and faultless is this: to look after orphans and widows in their distress and to keep oneself from being polluted by the world."

Dr. Tate's work is a shining example of what scripture tells us the role of the church should be—to care for the poor, the fatherless, and widows.

Today, Pastor Tate and his wife of more than thirty years, Barbara, reside in Griffin Georgia, and are parents to their daughter, Savannah Abigail.

Mr. Speaker, I ask my colleagues to join me in honoring Pastor Benny Tate for his 25 years of outstanding leadership and service to his community at Rock Springs Church. I wish him many blessed years ahead as he continues to lead, serve, and further the gospel at his full service church.

RECOGNIZING THE RETIREMENT  
OF SIERRA SANDS UNIFIED  
SCHOOL DISTRICT SUPER-  
INTENDENT JOANNA RUMMER

**HON. KEVIN MCCARTHY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. MCCARTHY of California. Mr. Speaker, I rise today to recognize the retirement of my good friend Joanna (Jody) Rummer, who has served the Sierra Sands Unified School District for 26 years.

Joining the school district as a science teacher in 1988, Jody went on to serve as assistant principal at Murray Middle School and Burroughs High School before eventually becoming Burroughs' co-Principal. In 2001, she



joined the district administrative staff as the coordinator of special projects before becoming the assistant superintendent of curriculum and instruction. In 2004, Jody became the school district's superintendent and embarked on a journey that would ultimately transform the Sierra Sands Unified School District.

When Jody took the wheel, her vision was to enhance and grow Sierra Sands. Today, Jody's vision is rooted in the foundation of all eleven district schools, which have been recognized statewide as institutions of academic excellence, earned the California Distinguished School award, and designated as a California Blue Ribbon school. Within the halls of those schools, you'll find students excelling in California's finest programs for Science, Technology, Engineering, and Mathematics (STEM) education, mastering the art of music, visual arts, and drama, and setting athletic milestones as state champions in multiple sports. Additionally, in the face of the most challenging of fiscal environments since the Great Depression, Sierra Sands Unified School District has maintained fiscal solvency throughout the entirety of her superintendency.

A relentless advocate for her students, I was honored to work recently with her to secure almost \$60 million in Federal defense funds to replace Murray Middle School and modernize Burroughs High School. Many of the parents of Sierra Sands students work at Naval Air Weapons Station China Lake in state-of-the-art facilities and laboratories while their children attend class in 1940s and 1950s era buildings. Jody was instrumental in securing these funds and worked tirelessly with the Department of Defense through a competitive process to ensure her students can learn in modern buildings in today's digital society. Jody also was key to Sierra Sands securing \$7 million to build a state-of-the-art new Career Technical Education Building.

I have known Jody for years, and always sought her advice when I served in the California Assembly and now in the U.S. House of Representatives. Whether it is working to provide resources under the Individuals with Disabilities Education Act so schools can better serve their disabled students, to critical reforms to the Impact Aid program to help ensure military-serving districts, like Sierra Sands, can continue to provide a world-class education to its students by cutting through bureaucratic red tape, to working on common-sense reforms to the Elementary and Secondary Education Act that focus on students, Jody has tirelessly represented her students, school district, and our Ridgecrest community's interest while providing sound, objective, and to-the-point advice. When I visit Jody in Ridgecrest and speak to students, she is always quick to laud her staff, teachers and students' achievements and hard work that have made Sierra Sands one of the best school districts in Kern County and the State of California. Those are some of the reasons why she has been twice recognized by the Association of California School Administrators as Administrator of the Year and named this year as California's Superintendent of the Year.

Mr. Speaker, on behalf of our community, I would like to wish a happy retirement to Jody Rummer, who has devoted so much of her life to the success of the students and community

she holds so close to her heart. I will miss working with Jody, but I know she will still be involved in education and our Ridgecrest community and I look forward to still be able to call on her for advice to strengthen the educational needs not only of Ridgecrest, our county, or our state, but of our country.

RECOGNIZING VETERANS OF FOREIGN WARS OF THE UNITED STATES COMMANDER-IN-CHIEF WILLIAM A. THIEN FOR HIS LEADERSHIP AND UNWAVERING COMMITMENT TO OUR COUNTRY

**HON. DANIEL T. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in recognizing Veterans of Foreign Wars of the United States Commander-in-Chief William A. Thien as he visits the State of Michigan and our Fifth Congressional District on Monday, May 12, 2014.

William A. "Bill" Thien was elected Commander-in-Chief of the Veterans of Foreign Wars on July 24, 2013, at the VFW's 114th National Convention, held in Louisville, KY.

Having served in the U.S. Navy from 1969–1974 as well as five years in the Indiana National Guard, Commander Thien holds decorations that include the Vietnam Service Medal with 3 stars, Vietnam Campaign Medal with 1960 Bar, Armed Forces Expeditionary Medal (Korea), National Defense Service Medal and several from the National Guard.

He joined the VFW in 1971 at Post 3281 in New Albany, IN, where he maintains his Gold Legacy Life Membership. He has served the VFW in many leadership positions including All American Post Commander, All State District Commander and All American State Commander. He has also held positions on numerous National committees, including Vice Chairman of Citizenship Education and Community Service and as Chairman of National Scholarship and Recognition.

Now retired, Commander Thien is a member of the American Legion, Veterans of Vietnam War Post 1, National Rifle Association, Patriot Guard Riders, Military Order of the Cootie Pup Tent 51 and VFW National Home.

Mr. Speaker, I applaud Commander William Thien for his strong leadership and unwavering commitment to our country.

HONORING MICHAEL HEISLEY, SR.

**HON. PETER J. ROSKAM**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. ROSKAM. Mr. Speaker, I rise today to honor the passing of a great Illinois businessman and philanthropist, Michael Heisley, Sr. who passed last Saturday at the age of 77. He was a classic American success story. In 1979, he mortgaged his house and took out a loan to buy a bankrupt industrial equipment company which he then turned around to be-

come profitable. He purchased other Rust Belt manufacturing companies, including some in the 6th District of Illinois, and in the process turned his Heico Companies into one of the largest private companies in the Chicagoland area. He did not buy businesses to flip them, but to fix them and make them thriving enterprises once again.

Mr. Heisley not only kept manufacturing jobs in the United States, he also brought jobs back to the United States. He was able to move the NBA's Vancouver Grizzlies to Memphis, Tennessee. Like the companies he fixed, he left the Grizzlies in far better shape than he found them. Mr. Heisley was a philanthropist who donated to numerous charities including: St. Jude Children's Research Hospital in Memphis, St. Patrick's Catholic School in St. Charles, his alma mater Georgetown University, and the Vietnam Veterans Memorial Fund, in honor of his brother Joseph who served and his best friend Rocky who died in Vietnam.

Mr. Heisley never lost track of his ties to St. Charles, IL his home of 35 years. He served on the St. Charles School Board and was a longtime parishioner at St. Patrick's in St. Charles. He is survived by his wife of more than fifty years Agnes, five children and 12 grandchildren. Mr. Speaker and my distinguished colleagues in the House, please join me in honoring Michael Heisley, his family, and his legacy of service and achievement.

RECOGNIZING TAYLOR COUNTY SHERIFF'S DEPUTY ROBERT LUNDY

**HON. STEVE SOUTHERLAND II**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. SOUTHERLAND. Mr. Speaker, I rise today to recognize a truly heroic and remarkable man, Taylor County Sheriff's Deputy Robert Lundy. On February 5, 2014, Deputy Lundy was having his car serviced in Perry, Florida, when a crazed gunman drove his vehicle through the front of the store and opened fire.

Despite being off duty at the time and suffering a close range shotgun blast, Deputy Lundy courageously engaged the shooter without hesitation and took him down. As a result of Deputy Lundy's bold and selfless actions, innocent lives were saved that day and a gunman intent on causing mayhem was stopped before he could do any more harm.

After spending several weeks in a coma and being told he would need at least a year in the hospital, Deputy Lundy was able to return home in just over two months—a testament to his strength of spirit and an unyielding determination to be there for his wife and two young daughters.

While Deputy Lundy has a long road ahead in his recovery, his bravery and selfless sacrifice will not be forgotten. On behalf of the people of Florida's Second Congressional District, I express my sincere gratitude to Deputy Lundy and wish him a speedy and successful recovery.

HONORING PASTOR EUGENE ROBERSON OF FIRST CORINTHIAN MISSIONARY BAPTIST CHURCH IN NORTH CHICAGO ON HIS 20TH ANNIVERSARY

**HON. BRADLEY S. SCHNEIDER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. SCHNEIDER. Mr. Speaker, I rise to congratulate my friend, Pastor Eugene Roberson of First Corinthian Missionary Baptist Church in North Chicago on his 20th Pastoral Anniversary. Over those 20 years, Pastor Roberson has been a dedicated community servant and a passionate religious leader, making him a prominent figure throughout the suburban Chicago district that I represent.

With his leadership and guidance, First Corinthian has grown tremendously over the past two decades, both physically and spiritually. Membership continues to rise annually, and in 2001, First Corinthian finished a brick and mortar addition and renovation, fulfilling part of Pastor Roberson's vision for the church.

His weekly sermons and Bible study courses offer insight and inspiration. His passion and enthusiasm engage all generations of his community. And his vision and determination help enrich his flock and his city with community initiatives and charitable activities.

After 20 years, Pastor Roberson is an undisputed community leader in Lake County as well as a respected faith leader. The breadth of his work in the community has drawn many accolades and much recognition, including awards from the city and the College of Lake County and recognition from the Illinois General Assembly.

Leaders like Pastor Roberson ensure our communities remain close and strong and focused, in common purpose, on giving back and helping out. Congratulations again to Pastor Roberson on 20 years with First Corinthian Missionary Baptist Church. I look forward to many future successes for many years to come.

RECOGNIZING MIKE GRECO

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. SERRANO. Mr. Speaker, it is with great pleasure and admiration that I stand before you today to honor Mr. Michele "Mike" Greco for his more than 60 years of outstanding commitment to The Bronx and to my congressional district. Michele, better known as Mike, has consistently been a commendable contributor to The Bronx community, and stands as a living example of true commitment, citizenship, and good service to the community.

Michele Greco left the small town of Mendicino in Calabria, Italy in 1949, and immigrated to the Arthur Avenue section of The Bronx. While not a native member of the community, Mike has grown to embody all of the best characteristics of our community, and I am proud to call him a colleague in service, and even more proud to call him a friend.

Mike has grown to be an invaluable member of the community whose dedication to the neighborhood can be seen through all facets of his work.

Today, at 85 years young, Mike's commitment is shown through his opening of The Bronx's favorite neighborhood deli, Mike's Deli. For New York City residents, having a neighborhood staple open for business day in and day out serves as a steady reminder that there is always someone in our community here to help, and for many people, that someone is Mike.

Mike Greco has dedicated himself to promoting his neighborhood's rich Italian heritage, and to tirelessly demonstrating his love for The Bronx and all it has to offer. Most importantly, this gentleman serves as an outstanding example of how one person's lifelong work can leave such a permanent mark in the hearts and minds of so many.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Mike Greco for his remarkable dedication to improving The Bronx, and sharing its wonders with visitors and residents alike.

RECOGNIZING THE U.S. BORDER PATROL'S 90TH ANNIVERSARY

**HON. CANDICE S. MILLER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mrs. MILLER of Michigan. Mr. Speaker, I rise today to recognize the United States Border Patrol's 90th anniversary of its founding.

First established as the Mounted Guard, founding members came from a large number of disparate groups that included Texas Rangers, sheriffs, and deputized cowboys who patrolled the Texas frontier looking for smugglers, rustlers, and people illegally entering the United States.

A Department of Labor Appropriation Act on May 28, 1924, formally established the U.S. Border Patrol with an initial force of 450 Patrol Inspectors, each patrolman responsible for furnishing his own horse.

Prohibition radically changed the role of the early Border Patrol due to the rampant smuggling of alcohol across the borders. As a result, a formal training regime was initiated for this young organization at Camp Chigas in El Paso, Texas.

In August 1942, the Border Patrol's emblem was officially designated with a circular solid navy blue background surrounded by yellow with the continental United States centered in the middle with the words "U.S. BORDER PATROL" embossed in yellow on top, becoming a highly recognizable emblem worldwide.

The original emblem is still in use and is worn proudly by the men and women of the Border Patrol on all of their uniforms. The motto of the U.S. Border Patrol, "Honor First," grew out of the dedication and actions of the first men who called themselves U.S. Border Patrol Inspectors, later to be known as U.S. Border Patrol Agents.

In the past 90 years, Border Patrol Agents have enforced our Nation's immigration laws, provided border security, responded to civil

disturbances, acted as air marshals, assisted State and local law enforcement, trained foreign officers, and provided humanitarian assistance. The present force of over 21,000 agents, located in 139 stations within 20 sectors across the southern and northern borders has been given an immense responsibility—protecting more than 8,000 miles of international land and water boundaries.

Whether dealing with the problem of illegal immigration or facing the threat of international terrorism, Border Patrol agents continue to be known for their dedication to duty, integrity, ingenuity, and rugged determination.

The threats have changed over the years but their commitment to the mission has remained steadfast. For nearly one hundred years, they have protected the Nation's borders in unforgiving terrain against all who would do us harm.

Let us never forget the dangerous nature of this work—118 agents and pilots have given their lives in the line of duty.

On behalf of a grateful Nation, I want to commend the men and women of the Border Patrol for their many years of service and wish them a happy 90th anniversary.

Honor First.

LEGISLATION THAT WOULD ALLOW FAA TO CONTINUE WITH ADOPTION OF OEI CRITERIA

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. MORAN. Mr. Speaker, I rise today to bring attention to a proposed policy that could have a significant adverse effect on jobs, private property, tax revenues, and economic development in several major American cities that host airports, and their surrounding communities.

The proposed change seeks to significantly alter current criteria used to evaluate structure heights around airports by changing the way a single engine failure at the moment of takeoff scenario is considered. This more rigorous standard would effectively lower the maximum permissible structure height around airports, affecting nearly 4,000 existing buildings in 48 States that would exceed the new criteria, not to mention a number of planned developments.

No one disputes aviation safety must be the top priority when considering these proposals. However, every air carrier is already currently required to individually plan for a single engine failure scenario. These contingency plans may result in costly measures for the carriers such as greater fuel burn, reduced cargo, or reduced numbers of passengers. For this reason, FAA has historically considered OEI as an economic issue.

Given the potential far-reaching economic impact of this change and the competing economic interest at stake, we believe that this action should only be accomplished in accordance with standard rulemaking procedures, requiring a cost-benefit analysis with input from OMB and other agencies, and taking into consideration the real-world effects of such a

change. A bipartisan, bicameral group of legislators wrote to Secretary Foxx and Administrator Huerta earlier this year asking for this very thing.

Last month, FAA posted a notice of policy change to the Federal Register announcing their intention to proceed with consideration of OEI via a change to policy, thus bypassing the rigors of a formal rulemaking. This action allows FAA to circumvent the rigors of cost-benefit and federalism analysis under Executive Order 12866 by calling this significant change to Part 77 a policy change, when it is, in fact, a rule change.

I, along with a bipartisan group of my colleagues, have introduced legislation today that would allow FAA to continue with adoption of OEI criteria only if the policy is adopted via a formal rulemaking, requiring input from OMB, OIRA, and other agencies, as well as a comprehensive cost-benefit analysis weighing competing economic interest and proposed practices versus current ones. This bill applies only to OEI consideration, and would not preempt the agency's ability to act in the event of an emergency situation.

I urge my colleagues to support this legislation.

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#### CELEBRATING NATIONAL SEERSUCKER DAY

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#### HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. CASSIDY. Mr. Speaker, I submit the following Proclamation:

In celebration and appreciation of seersucker manufacturers and admirers around the country, I extend a Happy Seersucker Day. With a rich history dating back to 1909, seersucker clothing is a unique American fashion. The original seersucker suit was designed by Joseph Haspel at his Broad Street facility in New Orleans and has been enjoyed since by many Americans. The lightweight cotton fabric with its signature "pucker" has provided comfortable fashion ware during the hot summer months. As Mr. Haspel said, "hot is hot, no matter what you do for a living", seersucker clothing is now enjoyed by Americans across the country in all walks of life. In the late 1990s, Seersucker Day was established to honor this unique American fashion. I wish to restart this tradition by designating Wednesday, June 11th as National Seersucker Day. I encourage everyone to wear seersucker to commemorate this iconic American clothing.

In witness whereof, I have hereunto set my hand this 9th day of May, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

#### RECOGNIZING AWANA CO-FOUNDERS ART & WINNIE ROHRHEIM'S 75TH WEDDING ANNIVERSARY

#### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mrs. BACHMANN. Mr. Speaker, I rise today to recognize Art and Winnie Rohrheim's 75th wedding anniversary.

When the couple married in 1939, little did anyone know the impact that they would have on the world. What began as a personal passion for working with children in Chicago, Illinois, grew quickly into a successful program driven by their love and dedication to God and the kids.

By 1950, the Rohrheims founded Awana, the now-internationally renowned program, which stands for "Approved Workers Are Not Ashamed." Today Awana Clubs International reaches more than 2 million children in more than 100 countries on a weekly basis, encouraging young people everywhere to grow in their faith and learn more about the Bible's teachings.

At the heart of Awana is the Gospel. Art and Winnie have devoted a lifetime to their Lord and Savior. Not a day goes by that they aren't sharing with those they meet the truth of Jesus dying for our sins.

For three quarters of a century, Art and Winnie's strength of love and commitment has been a testimony for their children, grandchildren, great-grandchildren, and all those who have had the honor of knowing them.

Mr. Speaker, I ask this body join with me in honoring Art and Winnie Rohrheim for their milestone wedding anniversary, and their exemplary contributions to this nation and the lives of millions around the world.

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#### HONORING THE BRAVE AND TALENTED LAKE FOREST COUNTRY DAY SCHOOL STUDENT PARTICIPANTS IN THE 39TH ANNUAL ROBBIE BIRMINGHAM SPEAKING CONTEST

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#### HON. BRADLEY S. SCHNEIDER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. SCHNEIDER. Mr. Speaker, I rise to recognize 13 exceptional students at Lake Forest Country Day School (LFCDS) in the suburban Chicago district I represent.

These fifth through eighth grade students honored a 39-year tradition born out of a moment of pure courage, when Robbie Birmingham, recently diagnosed with multiple sclerosis, rose to his feet, delivered a speech from his heart and moved all those in attendance.

This year's 13 finalists spoke with poise, passion, pride and great courage themselves. They elucidated universal topics, big and small, and brought them to life with personal experiences.

Angelique Alexos on technology; Foster Graf on courage; Chapin Grumhaus on com-

munity cooperation; Heather Knobel on dyslexia; Luke Maggos on stereotypes; Olivia Maggos on Russian adoption; Tyler Medvec on unsung heroes; Calvin Osborne on NASA; Charlie Shattock on optimism; Lily Silvester on baking; Scotty Skinner on Falling Whistles; Kimberly Stafford on underdogs; and Chloe Whelan on what is normal.

Since the Annual Robbie Birmingham Speaking Contest is, in fact, a competition, special recognition must go to Chloe Whelan, who took First Place, to Tyler Medvec for a Second Place finish and to Heather Knobel and Chapin Grumhaus for jointly taking Third Place.

These students, their enthusiasm, their eloquence and their vision truly inspired me and gave me hope for our future.

I am grateful for the lasting impression that young Robbie Birmingham has left on Lake Forest Country Day School, its faculty and students, and I am glad that they carry on that legacy of public speaking excellence today. Congratulations once again to all 13 finalists, and thank you for bringing us hope and perspective.

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#### PERSONAL EXPLANATION

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#### HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Ms. TSONGAS. Mr. Speaker, on rollcall vote No. 204 held on May 7, 2014, I intended to vote "no." I oppose H. Res. 565, "Calling on Attorney General Eric H. Holder, Jr., to appoint a special counsel to investigate the targeting of conservative nonprofit groups by the Internal Revenue Service," and support the ongoing efforts of the Justice Department to investigate the alleged targeting of both conservative and liberal groups.

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#### HONORING BATTALION SGT. MAJOR ROBERT J. BLATNIK

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#### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. HENSARLING. Mr. Speaker, it is my honor today to recognize Battalion Sgt. Major Robert J. Blatnik for his exceptional service to our country. He joined the US Army's 1st Battalion, 26th Regiment, 1st Infantry Division, on October 19, 1938, and would remain in this unit for the entirety of his time in the service. He saw combat during WWII in North Africa, Tunisia, Sicily, Germany, and France. On June 6, 1944 he took part in the first wave of the invasion of Normandy at Omaha Beach—Fox Red 1. Mr. Blatnik earned 4 Purple Hearts, the Silver Star, 5 Bronze Stars, and several other medals.

Mr. Blatnik remains a true patriot, and last summer, he was among six Normandy vets from Texas selected to go back to the beachhead where so many gave the ultimate sacrifice for the cause of freedom. Humbly, I echo the words of President Ronald Reagan, "We

will always remember. We will always be proud. We will always be prepared, so we will always be free." And humbly, I offer my sincere gratitude to Battalion Sgt. Major Robert J. Blatnik for his service and acts of bravery that allow us the freedoms we enjoy today.

REQUESTING AN EXPEDITED ACCREDITATION PROCESS FOR COMPTON COMMUNITY COLLEGE

**HON. JANICE HAHN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Ms. HAHN. Mr. Speaker, on August 22, 2006, Compton Community College lost its accreditation. Because it is a core educational institution for students from Compton and neighboring cities such as Carson, Lynwood, Paramount, Watts, and North Long Beach, I would like to take this time to recognize its excellence and request an expedited accreditation process.

Compton Community College has a proud history of being a primary provider of high quality post-secondary education for persons of color in the greater Los Angeles County region from 1927 until 2006. Not only is it a source of community pride and positive stimulus for students and families, but it also supports the continued development of the surrounding communities.

Since 2006, the Compton Community College District Board of Trustees, under the direction of the highly regarded Dr. Keith Curry, have partnered Compton Community with El Camino College, an accredited school of good standing in order to offer accredited courses to 6,780 students.

El Camino College's involvement have kept the higher education alive in Compton, however the people of Compton deserve a college to call their own. Compton Community College served as a source of community pride, a positive stimulus for students and families, and supported the continued development of the surrounding communities.

Therefore, I am introducing a resolution to urge an expedited accreditation process for Compton Community College. I stand with the faculty and students of Compton Community College, and look forward to Compton College once again leading the young people of Compton through their pursuit of higher education.

INTRODUCTION OF THE WESTERN HEMISPHERE DRUG POLICY COMMISSION ACT OF 2014

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. ENGEL. Mr. Speaker, today, I am pleased to introduce the Western Hemisphere Drug Policy Commission Act of 2014, a bill that will create an independent commission to evaluate U.S. policies aimed at reducing drug production and trafficking in the Western

Hemisphere. A similar bill passed the House of Representatives unanimously on December 8, 2009 with a bipartisan group of 30 cosponsors.

I thank my good friend and colleague Congressman MATT SALMON, the Chairman of the Western Hemisphere Subcommittee, for being the lead Republican sponsor of this legislation. I also thank Representatives SIRES, ROSELEHTINEN and O'ROURKE for being original cosponsors of the bill.

With \$15.7 billion spent on counternarcotics programs in Latin America and the Caribbean between 1980 and 2012, it is important to take stock of what has worked, what has not worked and what future U.S. drug policy should look like. This independent commission will be required to submit recommendations on future U.S. drug policy to Congress, the Secretary of State and the Director of the Office of National Drug Control Policy 12 months after its first meeting.

The time to examine U.S. drug policy is long overdue. While billions of U.S. taxpayer dollars have been spent over the years to fight the drug trade, illegal drug use in the United States remains high. In 2012, there were an estimated 23,900,000 illicit drug users in the United States. In particular, I am concerned by the dramatic increase in heroin use in our country. Attorney General Eric Holder recently noted that heroin overdose deaths in the United States increased by an alarming 45 percent between 2006 and 2010.

On the supply side, nearly all cocaine consumed in the United States originates in South America while most of the heroin consumed here is from Colombia and Mexico. In addition, Central America and the Caribbean are key transit regions for drugs entering the United States.

To tackle our nation's horrific drug problem once and for all, we must have a better sense of what works and what does not work. Our partners in the Americas, who have worked closely with us in fighting drug trafficking for years, and the citizens of our great country, who deal every day with illegal drugs on their streets, deserve no less.

I urge my colleagues to join me in supporting this legislation.

HONORING THE LIFE AND SERVICE OF EDWARD IWANICKI, SR.

**HON. ELIZABETH H. ESTY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Ms. ESTY. Mr. Speaker, earlier this year, the State of Connecticut lost one of its great sons with the passing of Edward Iwanicki, Sr., a leader who served Connecticut through a long and distinguished career in public service.

Mr. Iwanicki, one of ten children born to Polish immigrants Konstanty and Mary Pauline Boczkowska Iwanicki, was born and raised in Meriden, Connecticut. A talented athlete, he excelled at sports, even being named All-State Quarterback in 1937. He went on to share his passion for athletics with younger generations of Meriden youth, serving as a coach and umpire for city baseball and football teams.

When the United States entered World War II, Mr. Iwanicki served his country as an infantryman in the U.S. Army.

Following World War II, Mr. Iwanicki returned to Meriden and began his 35-year career at New Departure, which was then part of General Motors. Mr. Iwanicki was a proud member of the United Auto Workers and spent much of his life fighting for the rights of workers everywhere.

Mr. Iwanicki devoted his entire life to serving his community. He was the Boy Scout Master of Troop #31, President of the Meriden Umpires Association, President of Father's Club of Meriden Girls Club, and participated in many other cultural organizations.

Mr. Iwanicki continued his service to his country and his community when he got involved in Meriden and Connecticut politics. He served as Treasurer of the Meriden Democratic Party, Alderman in the City Council, and was then elected State Representative from the 79th Assembly District.

Edward Iwanicki, Sr.'s life embodied the spirit of civic engagement that strengthens our communities and makes our country a better place. His contributions to the City of Meriden, the State of Connecticut, and to the United States will not be forgotten.

RECOGNIZING MAY AS ALS AWARENESS MONTH

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. FITZPATRICK. Mr. Speaker, it's estimated that each year 5,600 Americans are diagnosed with ALS—or Lou Gehrig's Disease. A disease that occurs throughout the world with no racial, ethnic or socioeconomic boundaries.

For one young man in my district in Pennsylvania, those stats hit close to home when a close family friend received the diagnosis.

Nine-year-old Jared Laff wasn't satisfied with just sitting by, though. He set out to earn his Junior Black Belt in karate—dedicating months of hard work and training to his friend Ron. Through his perseverance, Jared was awarded his belt in March as well as raising \$2,200 for the fight against ALS.

Jared's commitment and compassion are an example to all who want to make a difference.

May is ALS Awareness Month, but thanks to people like Jared the goal of drawing attention—and funding—to the fight against ALS is a year-round effort.

HONORING CLAUDINA MCCAMMACK

**HON. LUKE MESSER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. MESSER. Mr. Speaker, I rise today to honor the memory of my friend and one of my constituents, Claudina McCammack, of Muncie, Indiana.

Claudina was a longtime resident of Muncie and active community leader. She served as

District Secretary for former Congressman David Dennis, as Delaware County Commissioners Secretary, part time in Voters Registration, and as a Republican Precinct Committeewoman. Claudina, whose faith was so central in her life, was also an active member of the Full Gospel Temple in Muncie.

Claudina could always be counted on as a strong advocate for the people and policies in which she believed. She was leader in the Delaware County Republican Party and in the city of Muncie. Much of her life was spent in the service to others. Claudina received numerous awards and recognition for her work, including a key to the city of Muncie. Perhaps her greatest legacy is the impact she had on so many lives in east-central Indiana. Countless people can recount the help they received from Claudina, who always possessed a commitment to serve and had a smile on her face.

I ask the entire 6th District to keep Claudina's children, Randall, Beth, and Kaye, along with the entire extended McCammack family, in your thoughts and prayers.

HONORING YEOMAN 1ST CLASS  
ANDREA JEAN SMALL

**HON. JEB HENSARLING**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. HENSARLING. Mr. Speaker, it is my honor today to recognize Yeoman 1st Class Andrea Jean Small for her exceptional service to our country. In April of 1943, at the age of 23, she joined the Navy in lieu of nursing school. Mrs. Small completed her basic training in Cedar Falls, Iowa. Upon completion, she moved to Washington, DC to begin her service.

As one of the first WAVES—Women Accepted for Volunteer Emergency Service—Mrs. Small left her childhood home of Peoria, Illinois, was among the first women to serve our country in a military capacity during WWII. Due to the scarcity of manpower and the urgency of protecting our nation, nearly 400,000 women took on new roles in all military branches during the war.

At the age of 95, Mrs. Small can still remember many of the experiences she had prior to and during her service in Washington. She can recall hearing about the attack on Pearl Harbor just as she was leaving church on that cold December morning, and the funeral procession of Franklin Delano Roosevelt on April 14, 1945. Perhaps the fondest memory was the night she met the man who would later become her husband of 29 years, Yeoman 1st Class Joe Breithaupt, at a Navy USO party. The two were married on July 13, 1945, just three months after they had met. After completion of their service, the two made their home in the Corsicana area, where they raised three sons. Following Joe's death from cancer, Jean later remarried to Mr. Marlyn Small, and they were married for nine years until his passing.

Humbly, I echo the words of President Ronald Reagan, "We will always remember. We will always be proud. We will always be prepared, so we will always be free." And hum-

bly, I offer my sincere gratitude to Yeoman 1st Class Andrea Jean Small for her service and acts of bravery that allow us the freedoms we enjoy today.

SOUTH CAROLINA'S SECOND CONGRESSIONAL DISTRICT SHOULD BE RECOGNIZED AS A "PURPLE HEART DISTRICT"

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. WILSON of South Carolina. Mr. Speaker, it is my great pleasure to rise today to pay tribute to South Carolina's Second Congressional District as home to recipients of the Purple Heart. So many of its residents have honorably served our nation in its time of need—all gave some and some gave all. As a reflection of the Midlands of South Carolina's pivotal role in war efforts past and present, and the deep personal sacrifice of so many of its residents, I stand to proclaim that South Carolina's Second Congressional District should be recognized as a "Purple Heart District."

As you know, The Purple Heart is one of the oldest and most recognized American military medals, awarded to service members who were killed or wounded by enemy action. In 1782, George Washington created the Badge of Military Merit to reward "any singularly meritorious action" displayed by a soldier, non-commissioned officer, or officer in the Continental Army. This award was intended to encourage gallantry and fidelity among soldiers. General Douglas MacArthur (then Army Chief of Staff) revived the award on February 22, 1932, the 200th anniversary of George Washington's birth. Since its inception and through several wars and conflicts, the Purple Heart has been given to more than a million wounded or killed while serving our nation.

South Carolina is home to a proud military tradition, from Fort Moultrie to recent deployments to Iraq and Afghanistan. Because of its unique location to include Fort Jackson and North Air Force Auxiliary Field, with adjacent Shaw Air Force Base, McEntire Joint Air Base, Parris Island Marine Corps Recruit Depot, Beaufort Marine Corps Air Station, Beaufort Naval Hospital, and Fort Gordon, the Second Congressional District of South Carolina is an ever-expanding center for military life. I am honored to represent these valiant men and women.

Mr. Speaker, South Carolina has dispatched thousands of its sons and daughters to fight the enemy, many have sacrificed their health and many have sacrificed their lives. We will never forget their sacrifices and are grateful for the valiant men and women who have been harmed defending their country and our freedom.

I ask that my colleagues to join me in recognition and appreciation of South Carolina's Purple Heart recipients past and present. Now, in the spirit of that appreciation, let it be known that South Carolina's Second Congressional District should be recognized as a "Purple Heart District."

CELEBRATING ROYCE SCHERTZ

**HON. JOHN R. CARTER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. CARTER. Mr. Speaker, I rise today to celebrate Royce Schertz who will graduate as a Second Lieutenant from the U.S. Air Force Academy on May 28, 2014. While his time at the academy is coming to an end, there's no extended summer vacation in store for him. Lt. Schertz has been accepted into the prestigious pilot school program which starts three weeks later.

While the Academy's aviation programs give cadets the opportunity to fly in both powered and unpowered aircraft, learn advanced parachuting skills, and compete against students from colleges around the world, only the elite move on to the pilot school program. Lt. Schertz's next year will be focused and devoted to the program as his time will be filled flying and preparing for flights. Taking control of the most advanced aircraft in the world—and pushing their performances to the limit—requires extraordinary skill, precision, and commitment to mission accomplishment. All of these are attributes Lt. Schertz has shown time and time again.

At the Academy, Lt. Schertz distinguished himself as both a scholar and a leader. A regular presence on the Dean's List, he also found time to support and motivate his classmates, raise funds for charity, and host foreign exchange students. In addition to his intense military training, Lt. Schertz devoted many hours to community service and was a key member of the Academy's competitive athletic programs. All this was atop an academic workload that challenges our nation's best and brightest.

Lt. Schertz's dedication to excellence displays the best values of central Texas and is a reflection of the greatness of the men and women of our armed forces. I commend his achievements, celebrate his commitment, and wish him well in the future. I'm grateful that brave young men like him will be providing our nation's security in the years to come.

CONGRATULATING GRAND AVENUE ELEMENTARY SCHOOL AND SMITH STREET SCHOOL

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to congratulate and commend two schools in my district—Grand Avenue Elementary School in North Baldwin, NY and Smith Street School in Uniondale, NY—for being honored during the National Schools of Character recognition ceremony in Washington, DC, on Thursday, May 15, 2014.

In February, 48 schools and districts across 14 states were named as "State Schools of Character for 2014" by the Character Education Partnership. Grand Avenue Elementary School and Smith Street School were two out

of six schools recognized from the state of New York for their outstanding achievement in character development. By imbedding values and character at all levels of learning, these schools are ensuring our students are successful at all aspects of life.

As a senior member of the House Education and the Workforce Committee, I have advocated for new and innovative ways to educate our students and help them become more engaged and productive members of society. Our future depends on their success, both in and out of the classroom. Schools like Grand Avenue Elementary and Smith Street School are shining examples of this creative and well-rounded approach to learning, and I could not be more proud of the recognition they are receiving because of it. I commend the principals, administrators, teachers and parents on receiving this honor and for their ongoing commitment to preparing our students for success in the future.

TRIBUTE TO DR. DENNIS  
CAMPBELL

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2014

Mr. CANTOR. Mr. Speaker, I submit the attached letter on behalf of myself and Congressman ROBERT HURT.

Mr. Speaker we rise today to pay tribute to Dr. Dennis Campbell, who—after seventeen years of service—will retire from his position as Headmaster of Woodberry Forest School next month. We are both honored to have represented Madison County, VA, where this excellent academic institution is located, and are proud of the great tradition Woodberry has of training great students and first-rate citizens.

Prior to becoming Woodberry's eighth headmaster in 1997, Dr. Campbell served as the dean of the Divinity School and professor of theology at Duke University from 1982 until 1997. Before his appointment as dean, he was a professor, college and university administrator, and college chaplain. Dr. Campbell grew up in Elmwood Park, Illinois, and is a Phi Beta Kappa graduate of Duke University with both A.B. and Ph.D. degrees. In addition, Yale University awarded him the B.D. degree. A noted lecturer, seminar leader, and author, he is particularly known for his work in ethics and moral education. He has written numerous journal articles and reviews, and is the author or editor of eight books.

Dr. Campbell will leave Woodberry Forest a much stronger institution in all phases of secondary education including Woodberry's faculty, curriculum, athletics and physical plant. Moreover, these achievements have been made at the all-boys school while continually upholding Woodberry Forest's venerable honor code.

We are certain Dr. Campbell's contributions to American education will continue. He remains a trustee of The Duke Endowment, one of the nation's largest private philanthropic trusts, based in Charlotte, N.C., where he chairs the audit committee and serves as a member of the committees on educational institutions and child care. He also serves on the board of trustees of the International Coalition of Boys' Schools, the

Boys and Girls Club of Orange, Va., and the Association of Boarding Schools. The Campbells are the parents of two children, Margaret and Trevor.

Today Woodberry Forest School will celebrate the tenure of Dr. Campbell, and we are honored to congratulate him for exceptional service to a unique educational institution of excellence in the Commonwealth of Virginia.

ERIC CANTOR,  
Member of Congress.  
ROBERT HURT,  
Member of Congress.

IN RECOGNITION OF BETHEL BAPTIST CHURCH'S 150TH ANNIVERSARY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2014

Mr. BISHOP of Georgia. Mr. Speaker, it is my honor and pleasure to extend my sincere congratulations to the congregation of Bethel Baptist Church in Vienna, Georgia as the church's membership and leadership celebrate a remarkable 150 years. The congregation of Bethel Baptist Church will celebrate this very significant anniversary with a celebration on Sunday, May 18, 2014 at the church in Vienna, Georgia.

Tracing its roots back to the Civil War era, the church was founded in 1864 as a brush arbor church by Reverend Randolph Beach. Along with Rev. Beach, Deacons William Cobb, E.D. Brown, Sandy Nealy, and Adam Lewis cut logs and rolled them together to form seats. The building was called Bethel.

During the first year, Rev. Beach and the members purchased the one acre of land on which the church still sits today. The first church built on this land was a "shanty" church. The membership continued to increase and Rev. Beach served as pastor for eighteen years until he was called home to be with the Lord.

Rev. Beach was succeeded by Rev. Nathan Brown, who facilitated improvements to the church's structure. Rev. Brown resigned and was succeeded by Rev. Daniel Amica, who then resigned after one year. Rev. Brown returned to Bethel and continued to serve for eighteen more years until he was called from labor to reward.

Rev. Brown was succeeded by Rev. Amos Reid, a strong and beloved leader. For the next several years, the church was served by a number of pastors, each leaving their lasting mark on the church in some form or fashion. Perhaps the most notable were Reverend S.P. Miller, who advocated for a brick building to be erected, resulting in the foundation of the present brick structure being laid, and Rev. C.S. Wilkins, who continued the work by raising money to complete the erection of the brick building. The main auditorium and a tower, which cost \$10,000, were built, and a seven-hundred-pound bell was installed. Rev. Wilkins, who had stepped up to lead the church at a time when it was experiencing difficulties, set high goals for Bethel Baptist Church. He instituted many internal changes, including organizing the membership into clubs, which raised the spirit and morale of the

church. The membership was very sorry to see him resign due to his poor health.

Throughout the years, the church would continue to improve both aesthetically and spiritually under the leadership of several devoted pastors. In May 1957, Rev. Moses A. Lee became pastor of Bethel Baptist Church. The church was transformed during the first twelve months of his pastorate and continued to make progress under his remarkable forty-one year tenure.

In September 1998, longtime Bethel member and ordained deacon, Rev. Dr. Bobby G. West, accepted the pastoral invitation and continues to serve as pastor today. He and his family not only serve the church and its members, but also work hard to serve the surrounding community through an active and expansive outreach ministry.

The story of Bethel Baptist Church, which began as a small group of people worshipping in a brush arbor 150 years ago and has grown into an expansive and successful church, is truly an inspiring one of the dedication and perseverance of a faithful congregation of people who put all their love and trust in the Lord.

Mr. Speaker, today I ask my colleagues to join me in paying tribute to the membership of Bethel Baptist Church in Vienna, Georgia for their long history of coming together through the good and difficult times to praise and worship our Lord and Savior Jesus Christ and for serving the community through Him.

COMMEMORATING THE SESQUICENTENNIAL ANNIVERSARY OF THE CONTINENTAL TAVERN

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 9, 2014

Mr. FITZPATRICK. Mr. Speaker, today we commemorate the Sesquicentennial Anniversary of the Continental Tavern, Yardley Borough, Bucks County, Pennsylvania. Restoring the tavern to its historic state has been a passion shared by the Lyons family. Frank Lyons' enthusiasm for America history has lead him, for more than a decade, to spend his Christmas mornings volunteering in the annual reenactment of General George Washington's Christmas Day Crossing of 1776. Families and history buffs gather at the spot Durham boats left quietly taking soldiers across the Delaware River and on to fight heroically in the battles of Trenton and Princeton. Frank Lyons has said, "Reenacting is a progressive disease, the more you do it, the more you want to do it, the more you want to learn, the more things you want to do."

Frank was compelled to do more things which included restoring an old tavern on Main Street, Yardley Borough, known by locals as "The Continental." Joined by his wife Patty and daughter Kelly Lyons Vliet, they lovingly restored the 19th century tavern and created a gathering place for our community.

Once just an outbuilding on the estate of Thomas Yardley, over the centuries, the Continental Tavern has been a restaurant, tavern, home, hotel, library, speakeasy and perhaps even a destination point for runaway slaves

traveling on the Underground Railroad. Speculation about unsolved mysteries, ghosts and infamous hotel guest John Wilkes Booth continue to fuel local legend and add to the character of The Continental.

Renovations have unearthed 5,000 empty whiskey bottles from the Prohibition era, children's toys, coins, old light bulbs, scraps of newspaper from the early 20th Century and even a bloody corset riddled with bullet holes. Many of these items are currently displayed throughout The Continental and will be part of the tavern's third floor museum.

Today, I would like to thank the Lyons family for their hard work, commitment to history and our community and congratulate them on the 150th Anniversary of the historic Continental Tavern.

CONDEMNING THE KIDNAPPING OF  
NIGERIAN SCHOOLGIRLS BY  
BOKO HARAM

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Ms. JACKSON LEE. Mr. Speaker, I rise today to express my outrage over the brutal assaults on human dignity and freedom committed by the Boko Haram, a militant group that has no respect for the rights of women and girls.

Since 2013, more than 4,400 men, women, and children have been slaughtered by Boko Haram.

The victims include Christians, Muslims, journalists, health care providers, relief workers. And schoolchildren.

I rise today to urge our government, the United States of America, to assist the Government of Nigeria, working through the African Union, to rescue the more than 200 schoolgirls who were kidnapped from the Chibok School for Girls in Borno State on April 15, and the 11 schoolgirls kidnapped last night in the Warabe community of Borno, and reunited with their families and loved ones.

Boko Haram's reign of terror must be brought to an end.

I call upon the international community to work in concert to detect, disrupt, and dismantle Boko Haram's funding sources derived from other Islamist groups, including Al-Qaeda in the Islamic Maghreb (AQIM) and to al-Qaeda in the Arabian Peninsula (AQAP), the Al Muntada Trust Fund, and the Islamic World Society.

I commend President Obama on his decision to deploy American security experts and equipment in Nigeria to help locate and rescue the abducted schoolgirls and we applaud Nigerian President Goodluck Jonathan for accepting that assistance.

The leader of Boko Haram has threatened to ransom or sell the abducted schoolgirls into the human trafficking market for about twelve dollars each (\$12.00 USD).

I say to him: "Don't you dare."

Boko Haram's outrageous conduct will be tolerated or overlooked for not only is it a violation of the girls' human rights, it is also contrary to United States policy which supports

and promotes equal access to education and economic opportunity for women and girls.

As the Rev. Dr. Martin Luther King, Jr. said, injustice anywhere is a threat to justice everywhere.

So we will not stand idly by.

But we do stand in solidarity with the good people of Nigeria and especially those beautiful and courageous schoolgirls who wanted nothing more than to get an education to make life better for themselves and their beloved country.

We will not forget or forsake you.

This is what I think we should do.

Since we know that terrorist groups cannot operate effectively without reliable and steady funding to support their criminal acts, the United States should work with the international community to detect, disrupt, and dismantle the funding networks financing Boko Haram, which published reports indicate has received as much as \$70 million from other Islamist groups, including Al-Qaeda in the Islamic Maghreb (AQIM) and Al-Qaeda in the Arabian Peninsula (AQAP), the Al Muntada Trust Fund, and the Islamic World Society.

Additionally, the United States should work with the Government of Nigeria to develop its own capacity to deploy specialized police and army units rapidly to prevent and combat sectarian violence in cities and around the country where there has been a history of sectarian violence.

The creation and deployment of an elite highly-trained rapid response unit was used to successful effect by the Indonesia Government in 2004 to neutralize the Laskar Jihad terrorist organization.

The United States should also take appropriate action to help the Government of Nigeria establish a Victim's Fund to provide humanitarian relief and economic assistance to the victims of attacks by Boko Haram so that they can rebuild their lives and communities.

"People are the great issue of the 20th century," declared, then-Senator Hubert Humphrey in 1948.

Mr. Speaker, the well-being of people remains the great issue of the 21st century.

And there is no better measure of any society than the way it treats its women and girls.

Boko Haram understands that when Nigerian girls are educated, Nigerian women can succeed; and when Nigerian women succeed, Nigeria succeeds.

And that is why it is so important that the United States help Nigeria ensure that Boko Haram fails.

HONORING GWEN MOFFEIT'S DEDICATED SERVICE TO HENDERSON COUNTY

**HON. JEB HENSARLING**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. HENSARLING. Mr. Speaker, Gwen Moffeit has served Henderson County for over thirty-five years—twenty-four of them as County Clerk. She was elected to the position in 1990 as the first Republican candidate to win a county-wide election. During her tenure, she

converted the process of recording documents from the traditional hardback books to the new technology of digital imaging. Gwen has had the pleasure of working with many elected officials during her tenure, including five County Judges: Winston Reagan, Tommy Smith, Aubrey Jones, David Holstein, and Richard Sanders.

Gwen has been very active in the community and has recently served on the I.T. committee, the Henderson County Elections Committee, the Bail Bond Board, as well as many other county committees throughout the years. She has also been a member of the Athens Kiwanis for over twenty years—serving as secretary for almost ten of those years. She is a member of Lone Star Republican women, Henderson County Republican Women's Club and the Cedar Creek Republican Club.

Ms. Moffeit has been married to her high school sweetheart 43 years. They have two daughters: Misty Wilmett and Amy Cooper, with four grandchildren: grandson Bailey and granddaughters, Allie, Bradie, and Gracelyn. Ms. Moffeit and her husband are longtime members of Leagueville Baptist Church.

HONORING DR. CHARLES R. ROOTS

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Dr. Charles R. Roots on his retirement and to recognize his tireless work as the Senior Pastor of the Free Methodist Church in Ripon. Ministering to thousands, Pastor Roots has earned the respect of fellow clergy and civic leaders alike.

Although born in New Haven, Connecticut, on September 5, 1948, he claims California as his home. In 1969, he began his military career as an enlisted Marine. He served with numerous commands during his nine years in the Marine Corps: AE-A School, NAS Jacksonville, Florida; VMFA 531, MCAS El Toro, California; VMJ 1, MCAS Iwakuni, Japan; VMJ1 det A (Cubi Point, the Philippines and Da Nang, South Vietnam); VMA 133, NAS Alameda, California; and 4th LAAM Battalion, Fresno, California. He was commissioned as a Navy Chaplain December 23, 1983. After attending the Navy Chaplain Corps Basic Course, NS Newport, Rhode Island, he served the following commands: Chaplain, MAG 39, MCB Camp Pendleton, California; Command Chaplain, USS *White Plains* (AFS4), NS Guam; Base Chaplain, NCS Stockton, California; Post-Graduate School, School of Theology at Claremont, California; and Chaplain at NS Rota, Spain. Within the active naval reserve he has served as: Chaplain, 1st MEFFREL 220, Treasure Island, San Francisco, California; Battalion Chaplain, 1st Battalion 14th Marines Artillery, Alameda, California; Battalion Chaplain, 2nd Battalion 23rd Marines Infantry, Encino, California; Plans and Policy, Navy Chief of Chaplains Office, Washington, DC (The Pentagon); Command Chaplain, NARC, San Jose, California; and Command Chaplain, I MACE, Camp Pendleton, California.



In November of 2002 he was called back to active duty for two years in support of Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) I & II. He served as the Commanding Officer of 1st MEFREL 220, NMCRC Alameda, California. He was chosen by the Reserve Officers Association (ROA) as "Chaplain of the Year" for 2004. His last duty assignment was the Wing Chaplain for the 4th Marine Aircraft Wing, New Orleans, Louisiana. He retired in September 2008 after 34 years of total service.

During his illustrious military career, he has received many awards, including: Legion of Merit; Defense Meritorious Service Medal; Meritorious Service Medal; Navy/Marine Corps Commendation Medal; Navy/Marine Corps Achievement Medal (2nd Award); Joint Meritorious Unit Award; Navy Unit Commendation; Navy Meritorious Unit Commendation; Marine Corps Good Conduct Medal; Navy Fleet Marine Force Ribbon; Selected Marine Corps Reserve Medal; National Defense Service Medal with two stars; Armed Forces Expeditionary Medal; Vietnam Campaign Medal with one star; Iraq Campaign Medal with EGA device; Global War on Terrorism Expeditionary Medal with EGA device; Global War on Terrorism Service Medal; Military Outstanding Volunteer Service Medal; Navy/Marine Corps Sea Service Deployment with three stars; Navy/Marine Corps Overseas Service Ribbon; Armed Forces Reserve Medal with hour glass and Mobilization devices; Vietnam Gallantry Cross Unit Citation with bracket and palm leaf; Vietnam Civil Actions Unit Citation with bracket and palm leaf; Vietnam Service Medal; Marine Corps Rifle Expert Badge; and Marine Corps Pistol Expert Badge.

During his service, he received a Bachelor of Arts Degree in Radio and Television Broadcasting from San Jose State University in 1976. He continued his education by graduating from Western Evangelical Seminary in Portland, Oregon with a Masters of Divinity in Biblical Studies in 1979. In 1995, he earned his Doctor of Ministry Degree in Pastoral Counseling from the School of Theology at Claremont. Charles R. Roots is an ordained minister through the Free Methodist Church of North America.

Dr. Roots settled in Ripon, California and is the Senior Pastor of the Free Methodist Church. As a volunteer, he serves as the chaplain for the Ripon Police Department and is a member of the International Conference of Police Chaplains (ICPC). In addition, he is the past president of the Ripon Ministerial Association; the Police Activities League (PAL); a past director of the Ripon Chamber of Commerce, and numerous other community organizations. He belongs to the Military Chaplains Association (MCA); The Naval Reserve Association (NRA); the Reserve Officers Association (ROA); the Marine Corps Association; the Marine Corps Club of Stockton, California; the Joe Rosenthal Marine Corps Combat Correspondents Association (MCCCA); the vice president of the Ripon Arts League (RAL); and the Society for the Preservation and Encouragement of Barbershop Quartet Singing in America (SPEBSQSA).

During his spare time, he became a published author: *The Sandwich Generation: Adult Children Caring for Aging Parents*. He also

writes a weekly column, *Roots in Ripon*, for the *Ripon Record* newspaper. He is currently writing a historical novel about his great grandfather, Rev. Daniel Thatcher Lake, a Civil War veteran and one of the last of the Circuit Riding Preachers in the South.

Dr. Roots is married to the former Isaura Maria Cabral of Los Banos, California. They have two married daughters, Laura Christine Spence and Jennifer Kathleen Sousa, and five grandchildren.

Mr. Speaker, please join me in honoring Dr. Charles Roots for his unwavering leadership, and recognizing his accomplishments and contributions as Pastor of the Free Methodist Church. Dr. Roots serves as an example of excellence to those in our community.

#### HONORING MICHELLE MILLBEN

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. CONYERS. Mr. Speaker, I rise to take this opportunity to thank one of the most dedicated members of my Judiciary Committee staff, Michelle Millben, for her service to both the Committee and the House of Representatives. This month she will be leaving to join the White House in the Office of Presidential Personnel as the Outreach and Recruitment Director (Congressional Affairs).

To say that Michelle is a multi-talented attorney would be an understatement. A native of Oklahoma City, Oklahoma, Michelle received her Bachelor's degree in Music Performance, with honors in the violin and piano, from Oklahoma City University. Her musical talent is evidenced by a strong performance resume, impressively amassed while pursuing her legal education. She has performed in gospel choirs backing up Bruce Springsteen's Super Bowl halftime show and also sang at concerts for President Obama on the National Mall and at his first inauguration. In addition, Michelle has appeared as a choral singer in TNT's "Christmas In Washington" and participated as a vocal performer in the annual Kennedy Center Honors, providing background vocals alongside music legends such as Sting, James Taylor, Mavis Staples, Steven Tyler, Carrie Underwood, Heart, and Garth Brooks.

Michelle realized a longstanding dream of coming to Washington by studying at the Georgetown University Law Center as a visiting student during her third year of law school. She was ultimately awarded her Juris Doctor from The University of Oklahoma College of Law in 2009 and joined the Committee staff that fall. Michelle has served as a key resource to Members and staff on both sides of the aisle. While working as an Oversight Counsel, Michelle focused on such issues as the foreclosure crisis, the Fair Housing Act, and oversight of the Department of Justice. After our transition to the minority, Michelle's portfolio grew to encompass matters impacting women and women's health, civil rights, voting rights, human rights, election administration, and campaign finance. Michelle had significant staff responsibility for important pieces of legislation, most notably the National Defense

Reauthorization Act of 2011 (H.R. 1540), the Voting Rights Act Amendments of 2014 (H.R. 3899), and a number of significant civil rights bills that have promising bipartisan support. Michelle has also worked to spearhead efforts around the filing of amicus briefs on behalf of Members of the House Judiciary Committee in the landmark Supreme Court cases of *Shelby County v. Holder* and *McCutcheon v. FEC*.

While her work on the Judiciary Committee staff clearly evidences a strong commitment to Federal service, Michelle has also taken the time to focus on service to youth and families in her newly adopted home state of Virginia and the City of Alexandria. Michelle currently serves as a Commissioner for the City's Redevelopment and Housing Authority, which strives to provide affordable housing and economic opportunity for city residents, and also serves on the Board of Directors for the Boys and Girls Clubs of Greater Washington's DC region. As an Associate Minister at the historic Alfred Street Baptist Church, Michelle also directs children's programs during the summer for the congregation's Vacation Bible School which gathers almost 1,000 people nightly during one week in June, while also leading music ministry to hundreds of students during their weekly Tuesday bible study at the church.

Michelle's energy and dedication to community service have not gone unnoticed. She was accepted into the Political Leaders Program Class of 2014 at the bipartisan Sorensen Institute for Political Leadership in Virginia. Michelle has been awarded the Dawn Lawson Leadership Development Award from the Virginia Leadership Institute, and was also awarded the Oliver Hill Award for Social Activism by the National Black Law Students Association for her efforts in battling against social injustices.

On behalf of the Judiciary Committee, its staff, and this distinguished body, I would like to thank Michelle for her exemplary work, generosity, sense of humor, and loyalty over the past five years. She will be sorely missed as a colleague, advisor, and friend. We wish her the best of luck and extend to her our deepest gratitude.

#### IN RECOGNITION OF DR. JENNIFER PETT-RIDGE

### HON. ERIC SWALWELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. SWALWELL of California. Mr. Speaker, I rise today to honor an exemplary scientist at Lawrence Livermore National Laboratory (LLNL) in Livermore, California.

The Department of Energy's (DOE) Office of Science has selected Dr. Jennifer Pett-Ridge to receive funding as part of the Department's Early Career Research Program (ECRP). Her project, entitled "Microbial Carbon Transformations in Wet Tropical Soils: The Importance of Redox Fluctuations," was selected by the Office of Biological & Environmental Research.

The ECRP is crucial to our ability to maintain American leadership in science. It was

created to support the development of individual research programs of outstanding scientists early in their careers and stimulates research careers in the disciplines supported by the DOE Office of Science.

Dr. Pett-Ridge is the lead scientist of LLNL's Genomic Science Biofuels Scientific Focus Area and is a Deputy Group Leader of the Isotopic Signatures Group within LLNL's Chemical Sciences Division. She received her B.A. in biology and environmental studies and her M.S. in forest sciences from Yale. Her Ph.D. in soil microbial ecology from the University of California at Berkeley was earned in 2005.

Awardees were selected from a large pool of university and national laboratory-based applicants. Selection was based on peer review by outside scientific experts.

I am privileged to represent LLNL and its brilliant scientists like Dr. Pett-Ridge. Their hard work and skill are what keeps America secure and at the forefront of scientific innovation. I want to congratulate Dr. Pett-Ridge and wish her well in her work with ECRP.

IN RECOGNITION OF TAMARAC  
CITY COMMISSIONER DIANE  
GLASSER

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor my dear friend Diane Glasser, who currently serves on the City Commission for Tamarac, Florida. I have been lucky to work with Diane for many years to make Florida a better place for all Floridians, but, for over 40 years, I have been even luckier to call Diane a friend. It is a 40-plus year friendship that has meant the world to me, and I thank her for it.

Diane hails from Mill Basin in Brooklyn, New York. She went to high school and college in New York, but then in 1973, we in Florida were lucky enough to entice her down our way—getting to avoid those New York winters probably helped us look like a good place to live too. Diane moved to Florida with her husband who was a 100 percent disabled veteran having served bravely in World War II. Diane's husband, due to the injuries he suffered fighting for his country, was unable to work, but this did not stop him from being a tireless advocate for veterans. I think Diane would agree that her husband's advocacy helped in part in laying the ground work for her future successes as an advocate for the members of our community.

After working in the construction industry for 12 years, Diane was ready for something new. Mr. Speaker, my friend Diane turned her tremendous energy and insight to helping the members of her community by volunteering for her local Democratic Party. Of course, Diane was not going to volunteer here and there. No, instead, Diane, through dedicated effort, went from starting as a volunteer and worked her way to First Vice Chair of the Florida Democratic Party. In addition, she was elected to the Democratic National Convention as a National Committeewoman, and was appointed to the Electoral College.

Mr. Speaker, on behalf of all Floridians and members of the Democratic Party, I would like to thank Diane for her tireless work in pursuit of justice for not only all Floridians, but all Americans. She is an inspiration to all of us who strive to make our communities a better place to live.

TRIBUTE TO THE SOUTHEASTERN  
PENNSYLVANIA SOCCER HALL  
OF FAME 2014 HONOREES

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the 2014 inductees of the Southeastern Pennsylvania Soccer Hall of Fame. The inductions will be held on May 10, 2014 during the 67th Annual Hall of Fame Banquet.

Dating back to 1947, the Southeastern Pennsylvania Soccer Hall of Fame recognizes the best of our region's soccer community. Through hard work and dedication, the inductees and award winners have achieved both on and off the field.

The banquet is an opportunity to gather in celebration and recognition of the area's soccer community. This being the 67th banquet is a testament to the strength and standing of the Hall of Fame within the soccer community. As the world of soccer has evolved, so has this organization, ensuring that future generations will have the chance to participate in this great game. I congratulate and thank all of those honored for their important contributions.

The Southeastern Pennsylvania Soccer Hall of Fame also deserves special recognition for their Coats for Chester event. Since 2010, the Hall of Fame along with many dedicated volunteers collected over 4,800 winter coats to donate to needy families in Chester, PA.

I invite you and all of my colleagues to join in congratulating the Southeastern Pennsylvania Soccer Hall of Fame and those being honored at the 67th Hall of Fame Banquet.

COMMENDING SALVE REGINA ON  
RECEIVING A 2014 ARTHUR ROSS  
AWARD

**HON. JAMES R. LANGEVIN**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. LANGEVIN. Mr. Speaker, I am honored today to congratulate Salve Regina University, in my home state of Rhode Island, on receiving the 2014 Arthur Ross Award for Stewardship. Given by the Institute of Classical Architecture and Art, the Arthur Ross Awards celebrate achievements in the classical tradition. According to the ICAA, "In protecting the architectural legacy of its campus, the university has commissioned new buildings that harmonize with its historic structures." My time on the campus has only confirmed Salve's success in preserving Newport's rich architectural and cultural heritage.

Since the donation of Ochre Court, the second largest mansion in the city, to the University in 1947, Salve has had a unique relationship with its buildings. Located on seven contiguous estates from Newport's gilded age, bordering the famous Cliff Walk, the natural beauty of the grounds (some of which were designed by the Olmstead brothers) is only enhanced by the magnificence of the architecture. Beyond Ochre Court, Salve also counts McAuley Hall, the former estate of tobacco heiress Catherine Lorillard Wolfe; Conley Hall, once known as Faxon Lodge; and the National Historic Landmark, the William Watts Sherman House, among its many facilities.

In addition to acquiring and preserving these architectural gems, Salve has also commissioned buildings that promote and enhance the overall campus aesthetic. Two recent additions, the Rodgers Recreation Center and Our Lady of Mercy Chapel, both designed by internationally renowned architect Robert A.M. Stern, are stunning examples of Shingle style American architecture that mesh perfectly with their hundred year-old neighbors.

My favorite building on campus might be the Antone Academic Center, which originally served as the stables and carriage house for Chateau-sur-Mer, the oldest of the Bellevue Avenue mansions. The Antone Center is the home of Salve's Cultural and Historic Preservation Department, and it houses labs where students and professors develop new ways to protect our country's artistic legacy. By taking advantage of the natural resource that Rhode Island's rich architectural heritage represents, Salve has made important contributions to the Ocean State while training the next generation of preservationists.

In 2002, Salve became the first New England school to receive a Getty Grant to develop a campus heritage preservation plan. Barely a decade later, I am thrilled to see their hard work rewarded and highlighted on the national stage. Congratulations to University President Sister Jane Gerety and all of the Salve community for this honor!

HENDERSON COUNTY COURTHOUSE  
100TH ANNIVERSARY

**HON. JEB HENSARLING**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. HENSARLING. Mr. Speaker, on May 17, 2014 the citizens of Henderson County, Texas will observe the 100th year anniversary of the current county courthouse in Athens, Texas. While Henderson County has had three previous Courthouse buildings, the one that stands today has passed the century mark.

Henderson County, established in 1846 by the Texas Legislature, was carved from Nacogdoches and Houston Counties and named for Texas' first Governor, J. Pinckney Henderson.

The Henderson County Commissioners Court approved the building of the current courthouse on June 12, 1913. They authorized L.R. Wright & Company to erect the structure for the cost of \$113,500. The L.L. Thurmon

Architectural firm of Dallas designed the courthouse in the "Classical Revival" style, the dominant type of architecture for Texas courthouses in the early 1900s. A marble cornerstone and time capsule on the northeast corner commemorates the structure's construction. In early 1914 the new courthouse opened for operations.

The courthouse today stands in the square of Athens, Texas. Its entrances face the four cardinal points of the compass at the intersections of State Highway 19 and 31 and US Highway 175. In the beginning, this building housed county and district offices, auto and property tax offices, and courtrooms. Throughout the years, many improvements were made to the building. Major renovations were completed during the year of 1965 with the addition of an elevator, new windows, and improvements to the stairs. Other renovations were made in 1986. The courthouse today still serves as the heartbeat to the county operations and community events.

IN HONOR OF LIGHTHOUSE  
MINISTRIES

**HON. ANDY BARR**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. BARR. Mr. Speaker, I rise to recognize Lighthouse Ministries for a decade of serving men, women and children in central and eastern Kentucky.

Lighthouse Ministries is a non-profit, faith-based organization dedicated to reaching the low- and moderate-income population of Lexington, and the Fayette County area, by providing free meals for people in need, and also by providing housing and support for men who are disadvantaged, whether due to recent imprisonment, drug-related issues, or poverty.

Lighthouse Ministries also provides educational and psychological support for people who are in need of drug, alcohol and vocational rehabilitation.

Since 2004, Lighthouse Ministries has served more than 330,000 meals—each accompanied by a Bible message, individual prayer if requested, and clothing and toiletries when needed.

Mr. Speaker, I ask that my colleagues join me in celebrating Lighthouse Ministries' decade of service. I would also like to extend my personal gratitude to this organization for all that they do to better our community and our Commonwealth.

BUILDING SAFETY MONTH

**HON. PETER WELCH**

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. WELCH. Mr. Speaker, I seek to mark the start of Building Safety Month. Each May, we recognize the importance of building safety and the leadership of the International Code Council (ICC) that develops and publishes the model building safety and energy efficiency

codes. These codes are used in my home state of Vermont, and throughout the United States, as well as in many other nations.

Building codes are the foundation for safety, stability and performance in buildings. Without strong building codes, flood would lead to increased damage, earthquakes would flatten communities, and countless lives would be lost. Strong model building codes also ensure our buildings are high performing and energy efficient.

So I want to congratulate the leaders of the ICC, who sponsor Building Safety Month, celebrated in May every year for over 30 years. The leaders of ICC, including the President Stephen D. Jones, Construction Official for Millburn Township/Short Hills, New Jersey; Past President of the Board of Directors, Ronald Piester, Director, Division of Code Enforcement and Administration from the New York Secretary of State's Office; Vice-President Guy Tomberlin, Code Specialist for Fairfax County, Virginia; and Alex Olszowy III, Building Inspection Supervisor, Lexington/Fayette Urban County Government, Kentucky will join ICC's Chief Executive Officer Dominic Sims in Washington the week of May 19th, to discuss the critical need to support the adoption and enforcement of current building codes, to make sure Americans are safe at home, at work, at school and at play.

The model building codes, produced by ICC, allow every community in the United States to share the advantage of adopting building codes that are adaptable to local conditions, but at the same time incorporate the very latest research, materials, and building practices. This is achieved in a private-public partnership, saving local jurisdictions from bearing the large expense of code revision, updating and coordination. These model codes are produced through the cooperation of thousands of local officials, working with the building industry, to produce codes that represent a consensus on what the minimum safety requirements are for various building types.

Congratulations to the hard working members, and leadership, of the International Code Council.

IN SUPPORT OF VA SECRETARY  
ERIC SHINSEKI

**HON. CORRINE BROWN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Ms. BROWN of Florida. Mr. Speaker, as a senior member of the House Veterans' Affairs Committee, I rise today in strong support of Secretary Shinseki and his leadership of the Department of Veterans' Affairs. No veterans should ever go without the healthcare they deserve, but it is important to not just focus on anecdotal problems but to look at what the Secretary and the VA have accomplished.

The VA operates 1,700 sites of care, and conducts approximately 85 million appointments each year, which comes to 236,000 health care appointments each day.

The latest American Customer Satisfaction Index, an independent customer service sur-

vey, ranks VA customer satisfaction among Veteran patients among the best in the nation and equal to or better than ratings for private sector hospitals.

Since its peak in March of 2013, the VA has reduced the benefits claims backlog by nearly 50 percent, on track to eliminate the backlog in 2015. VA has also implemented an automated electronic claims processing system to better serve Veterans into the future. In 2013, VA paid out \$66 billion in compensation claims to 4.5 million eligible Veterans.

Under the leadership of Secretary Shinseki, VA has also greatly expanded access to earned benefits for Veterans of all eras.

In addition, VA granted presumption of service connection for three new Agent-Orange-related conditions: Parkinson's disease, hairy cell and other chronic b-cell leukemias, and ischemic heart disease; and for Gulf War Veterans, VA granted presumption of service connection for nine diseases associated with Gulf War Illness.

For all combat Veterans with verifiable PTSD—World War II, Korea, Dominican Republic, Vietnam, Grenada, Panama, Somalia, Operation Desert Storm, Iraq, Afghanistan, among others—VA loosened the evidentiary standard to receive benefits.

Since 2009, VA has reduced the estimated number of homeless Veterans by 24 percent. They have conducted over six million clinical visits with over 600,000 Veterans who were homeless, at risk of homelessness (including formerly homeless). In 2013 alone, VA served more than 240,000 Veterans who were homeless or at risk of becoming homeless—21 percent more than the year before.

The VA has made progress for veterans of the future by providing Post-9/11 GI Bill educational benefits to more than one million students and decreasing the disability claims backlog by nearly 50 percent.

I welcome Secretary Shinseki's announcement that the Veterans Health Administration (VHA) will complete a nationwide access review at all health care facilities. As stated, the purpose of this review is to ensure a full understanding of VA's policy and continued integrity in managing patient access to care. As part of the review during the next several weeks, a national face-to-face audit will be conducted at all clinics for every VA Medical Center.

I am confident in the health care our veterans in Florida are receiving. With eight VA Medical Centers in Florida, Georgia and Puerto Rico and over 55 clinics serving over 1.6 million veterans, the care veterans are getting is the best in the world.

Over 2,312 physicians and 5,310 nurses are serving the 546,874 veterans who made nearly 8 million visits to the facilities in our region. Of the total 25,133 VA employees, one-third are veterans.

In 2013, 37,221 women received health care services at VA hospitals and clinics in Florida, South Georgia and the Caribbean—more than any other VA healthcare network nationwide. This means that more than 75 percent of women Veterans enrolled for VA healthcare in VISN 8 were seen by providers in 2013.

I am especially pleased at the new Jacksonville Replacement Outpatient Clinic that was

recently opened. The two-story, 133,500 square foot clinic provides state of the art technology and increased specialty services including diagnostics, improved laboratory facilities, expansion of women's services, minor ambulatory surgical procedures, expanded mental health telehealth services and additional audiology.

When opened, the Orlando VA Medical Center will include 134 inpatient beds, an outpatient clinic, parking garages, chapel and central energy plant. Currently, the 120-bed community living center and 60-bed domiciliary are open and accepting veterans.

The VA provides quality timely healthcare to our veterans. We have a duty to make sure that all those who have defended this country when called upon receive the care they have earned through their service. I support the Secretary in his nationwide access review and look forward to hearing his report when it is finished.

IN HONOR OF WALTER "RANDY"  
RANDALL

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart and solemn remembrance that I rise today to pay tribute to a great man and dedicated public servant, Lt. Col. Walter "Randy" Randall, USAF (Retired). Sadly, Lt. Col. Randall passed away on Saturday, May 3, 2014. A memorial service will be held at 10:00 a.m. on Saturday, May 10, 2014 at the Base Theater at Robins Air Force Base. Interment with full military honors will be held on Monday, May 12, 2014 at 1:00 p.m. in Jacksonville National Cemetery in Jacksonville, Florida.

"Randy" was born on November 13, 1946 to the late Katie Randall and Walter Randall, Sr. in Chicago, Illinois. He grew up in Jacksonville, Florida and earned a Bachelor of Science in Biology from Bethune Cookman College and a Master of Science degree from Florida A&M University. After teaching Biology in the Jacksonville Public School System for a few years, he enlisted in the United States Air Force in 1975.

He earned his commission through Officer Training School at Lackland Air Force Base in Texas in May 1975; completed several assignments at McConnell Air Force Base in Kansas before serving a three-year tour in Germany; was promoted to Lieutenant Colonel (Lt. Col.) and served in the Aeronautical Systems Division at Wright-Patterson Air Force Base in Ohio before coming to Robins Air Force Base in Georgia in August 1994. He served as the C-5 Transition and Supportability Manager for the C-5 System Program Office since April 1999.

In addition to his faithful service to our country, Randy has served his community with much loyalty and dedication. As the Chairman and longtime member of the Warner Robins Regional Chamber of Commerce, he strongly advocated for a regional approach to improving the Middle Georgia community as a whole.

He was a firm leader but his friendly approach to all he met gained him tremendous respect in the region.

Randy served as Vice President of Operations for Cirrus Technology and was Senior Vice President of Progressive Consulting Technologies, Inc. (PCTI). He was also a member of the Warner Robins Rotary Club, Tuskegee Airmen's Association, and Veterans of Foreign Wars Post No. 9998. He was an active member of Robins Air Force Base Chapel, a member of Phi Beta Sigma Fraternity, Inc. and the Museum of Aviation Foundation's National Board of Advisors, and a long-time official of the Georgia Recreational Football League. He enjoyed fishing, hunting, golfing, and ballroom dancing.

Maya Angelou once said, "A great soul serves everyone all the time. A great soul never dies." We are all so blessed that Mr. Randall passed this way and during his life's journey did so much for so many for so long. He leaves behind a great legacy in service to all those whose lives he touched.

On a personal note, I have been truly blessed by Randy's steadfast friendship and support. I was delighted when, several years ago, his good friend Colonel Curtis Wright, USAF (Retired) introduced us. My wife, Vivian, and I will cherish the wonderful memories we have of Randy's bright smile, upbeat personality, and close friendship.

Randy is survived by his two sons, Walter Andre and Marshall; three sisters, a niece, three nephews, and other beloved relatives and friends.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me and my wife, Vivian, in saluting Lt. Col. Walter "Randy" Randall, USAF (Retired) for his outstanding service to his country and to his community. We extend our deepest sympathies to Randy's family, friends and loved ones during this difficult time and we pray that they will be consoled and comforted by an abiding faith and the Holy Spirit in the days, weeks and months ahead.

REMEMBERING DEMI BRAE CUCCIA

**HON. KEITH J. ROTHFUS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. ROTHFUS. Mr. Speaker, I rise today to honor the life of Demi Brae Cuccia. Demi was a student and cheerleader at Gateway High School in Monroeville, PA with an outgoing personality and big aspirations for a successful future.

Tragically, Demi was a victim of teen-dating violence, murdered just one day after her sixteenth birthday on August 15, 2007.

Teen-dating violence such as physical, emotional, or sexual abuse and stalking is unacceptable. No child deserves to be subjected to abuse and violence. As a father of six, my heart goes out to the family and friends of Demi, especially her parents, Dr. Gary and Jodi Cuccia.

More must be done in our communities to prevent future tragedies like the one that took Demi. The Cuccia family is working hard to

educate Western Pennsylvania students and families about how to recognize and prevent teen-dating violence through the Demi Brae Cuccia Awareness Organization. Because of the Cuccias efforts, Demi's story has also been recognized by national news outlets and in the documentary Teen Dating Violence: The Murder of Demi Cuccia.

It is my hope that thanks to the Cuccias efforts more families can be spared from the tragedy of teen-dating violence.

Mr. Speaker, I ask my colleagues to join me in remembering Demi today and in thanking the Cuccias for their commitment to end teen-dating violence.

TRIBUTE TO CYNTHIA K. RAFFETY

**HON. SHELLEY MOORE CAPITO**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mrs. CAPITO. Mr. Speaker, I rise today to recognize Cynthia K. Raffety, who on June 13, 2014 will step down from an exceptional career as a public school mathematics teacher, a profession in which she has been engaged over the past four decades.

Born in Baltimore, MD on February 23, 1948, Cynthia is the daughter of Samuel and Ellen Kirby, an engraver and a nurse, respectively. She graduated from Eastern High School in 1966 and attended the University of Maryland, where she earned a BA in Education—Mathematics. In 1991, Cynthia obtained her Masters of Education from West Virginia Wesleyan College (WVWC).

Upon graduation from the University of Maryland, Cynthia served as a public school teacher in Prince George's Co., MD, and Gloucester Co., NJ. After a stint as a stay-at-home mom in the mid-70s to raise her two children, Jennifer and Robert, Cynthia returned to teaching in Fairfax Co., VA in 1980, and has been active in the classroom ever since.

Cynthia's most notable contributions as an educator took place in the Upshur County (WV) Public School System. From 1983 to 1990, Cynthia taught 8th Grade Math at the Buckhannon-Upshur Middle School as a member of Team H. She then transitioned to the Buckhannon-Upshur High School, where from 1990 onward Cynthia instructed a wide range of math courses, including: Algebra I, Algebra II, Geometry, Trigonometry, Pre-Calculus, and Dual Credit College Algebra and College Trigonometry. Along the way, in 1991, Cynthia picked up her Masters of Education from West Virginia Wesleyan College (WVWC).

Outside of her duties as a public school teacher, Cynthia also serves as an Adjunct Professor of Mathematics Education at WVWC and Fairmont State University. She also served as Program Director for WVWC's Summer Institute, as well as lead instructor of SAT Math Prep. Cynthia routinely opens her high school classroom to undergraduate and graduate student teachers, as well as students engaged in clinical education research in Science, Technology, Engineering, and Math (STEM) education.

In addition to her excellence as a math educator, Cynthia also graciously volunteers her

time as the faculty advisor to several school organizations, including the alcohol, smoking, and drug-awareness activities of Teen Institute/RAZEWW, and the civic and volunteer undertakings of Interact (Youth Rotary).

In all of her cherished duties—wife, mother, teacher, mentor, advisor, role-model, and civic leader—Cynthia has displayed unparalleled spirit, drive, and devotion. I am, therefore, honored and pleased to have this opportunity to call to the attention of my colleagues the extraordinary accomplishments of Cynthia K. Raffety. I admire Cynthia's idealism and lifelong commitment to her community, and I join her family, friends, neighbors, and colleagues in thanking Cynthia for her life of service.

#### PERSONAL EXPLANATION

### HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. CARSON of Indiana. Mr. Speaker, on May 6, 2014, I missed rollcall vote 194 and 195. Had I been present, I would have voted "yes" on rollcall 194 and "yes" on rollcall 195.

#### HONORING THE 66TH ANNIVERSARY OF ISRAELI INDEPENDENCE

### HON. KYRSTEN SINEMA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Ms. SINEMA. Mr. Speaker, I rise today in recognition of Yom Ha'Atzmaut, Israel's Independence Day.

Sixty-six years ago, the state of Israel celebrated its first independence day. The creation of a modern Jewish homeland is no small achievement, and I am honored to join with Israelis and millions of other people around the world to continue this celebration.

I have now been fortunate enough to visit Israel twice, most recently as part of a Congressional delegation last summer. I was again struck by the diversity that exists in such a small country and the creativity and energy that makes Israel so special.

In speaking with political, business, and social leaders, I learned so much more about what links our two countries. The similarities between Arizona and Israel, where people work hard, embrace ingenuity and creativity, and build stronger communities for their families, are also striking.

On this anniversary I reaffirm my commitment to Israel's security and to a lasting peace in the region. I am proud of the bond between our two countries, a bond built on mutual respect for human rights, democracy and freedom.

As we celebrate Yom Ha'Atzmaut in Israel and the United States, we can reflect on a shared past and look towards a safe and secure future.

#### RECOGNIZING AMERICAN SOCIETY OF CLINICAL ONCOLOGY

### HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. FITZPATRICK. Mr. Speaker, I am pleased to recognize the American Society of Clinical Oncology, ASCO, on its 50 years of advancing progress against cancer. Back in 1964, seven physicians committed to improving the care of people to cancer came together with a vision for a professional society that would educate and lead physicians through this journey. At that time, cancer was largely untreatable and only a handful of hard-to-tolerate and mostly ineffective therapies were available. Flash forward fifty years and ASCO has nearly 35,000 members around the world. In the 1960s, less than one-half of patients with cancer were alive five years after diagnosis. Today more than two-thirds of patients with cancer are alive five years after their diagnosis. The number of drugs available to treat cancer has grown from a small handful to more than 170, and options for toxicity management have vastly increased. Patient quality of life has improved dramatically. This is cause for celebration, but we cannot rest. An estimated 1.6 million Americans will be diagnosed with cancer this year. The growing, aging, and more overweight population makes it likely that cancer will become the leading cause of death by 2030. I commend ASCO for its contributions to the progress against cancer over these 50 years and look forward to working with the cancer community to continue the progress.

#### HONORING DWAYNE GARNER

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. HENSARLING. Mr. Speaker, it is my honor today to recognize Dwayne Garner of Henderson County for his exceptional service to our country. Beginning his service with the Air Force in 1954, Mr. Garner served with distinction, finally earning the rank of Senior Master Sergeant in 1971. Upon completion of twenty years of service with the Air Force, while serving in the Philippines, Mr. Garner was honorably discharged. Soon after, he decided it was time to move back home to Texas with his wife and two young daughters, where he worked as an adult probation officer in Henderson County until his retirement.

Coming from a distinguished family of veterans that "bleeds red, white, and blue," Mr. Garner was no exception. During his time with the Air Force, he was awarded several medals, including the Bronze Star, two Commendation medals, and the Presidential Unit Citation. He remains a true patriot, volunteering his time with different military service organizations in East Texas.

Humbly, I echo the words of President Ronald Reagan, "We will always remember. We will always be proud. We will always be pre-

pared, so we will always be free." And humbly, I offer my sincere gratitude to Mr. Dwayne Garner for his service and acts of bravery that allow us the freedoms we enjoy today.

#### RECOGNIZING MAY AS NATIONAL FOSTER CARE MONTH

### HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Ms. JACKSON LEE. Mr. Speaker, as one of the original co-sponsor of the resolution recognizing May as National Foster Care Month, I rise to recognize the selfless foster families who open their hearts and their homes for children in need and to all of those individuals and organizations that work to ensure that every child has an opportunity for a brighter future.

I am honored to be a founding member of the Congressional Caucus for Foster Youth, a caucus that allows Members to gain a better understanding of the current state of foster care throughout the nation and identify potential federal policy modifications that could improve outcomes for the children in our country's foster care systems.

Mr. Speaker, currently there are over 463,000 children living in foster care. These children have been placed in homes on the account of the physical, sexual and emotional abuse they have endured with their biological caretaker.

My state of Texas currently has more than 69,000 children and young persons in foster care.

Nearly two of every three (65%) of children who are not placed in a permanent home emancipate themselves from the system often left unemployed, without a place to live and resorting to homeless shelters.

Less than 3 percent go on to college and emancipated females end up four times more likely to receive public assistance compared to the overall population of the United States.

Mr. Speaker, it is vital that we continue to create more programs, events and activities that will enlighten citizens of the United States on stories of children successfully placed in permanent homes, debunk myths about the process and acknowledge the thousands of children who could potentially become a part of these statistics.

Through these efforts we can increase the rate of adoption, decrease the rate of homelessness among the youths in this group and help develop future leaders and innovative thinkers of tomorrow.

I would like to take a moment to recognize the families who have opened their hearts and homes to foster children. Foster parents play a critical role in the lives of some of the most vulnerable youth in Texas and across the country.

They help hold our nation's social fabric together by ensuring that thousands of young people in this country stay on track towards successful futures. This month, we celebrate you and your efforts to change the lives of these children.

National Foster Care Month is an appropriate time to recognize and commend all

those who are helping to improve the lives of children in foster care.

But it also serves as a reminder that more must be done. These children deserve to grow up in a loving home that is safe, happy, and most importantly one they can call their own.

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IN RECOGNITION OF DR. TODD  
GAMBLIN

**HON. ERIC SWALWELL**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. SWALWELL of California. Mr. Speaker, I rise today to honor an exemplary scientist at Lawrence Livermore National Laboratory (LLNL) in Livermore, California.

The Department of Energy's (DOE) Office of Science has selected Dr. Todd Gamblin to receive funding as part of Department's Early Career Research Program (ECRP). His project, entitled "Statistical Methods for Exascale Performance Modeling," was selected by the Office of Advanced Scientific Computing Research.

The ECRP is crucial to our ability to maintain American leadership in science. It was created to support the development of individual research programs of outstanding scientists early in their careers and stimulates research careers in the disciplines supported by the DOE Office of Science.

Dr. Gamblin is a computer scientist in the Center for Applied Scientific Computing at LLNL and has been with the lab since 2008. He received a Ph.D. and M.S. degrees in computer science from the University of North Carolina at Chapel Hill in 2009 and 2005. He received his B.A. in computer science and Japanese from Williams College in 2002.

Awardees were selected from a large pool of university- and national laboratory-based applicants. Selection was based on peer review by outside scientific experts.

I am privileged to represent LLNL and its brilliant scientists like Dr. Gamblin. Their hard work and skill are what keeps America secure and at the forefront of scientific innovation. I want to congratulate Dr. Gamblin and wish him well in his work with ECRP.

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RECOGNIZING STANISLAUS  
COUNTY FARM BUREAU

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. DENHAM. Mr. Speaker, I rise today to recognize and congratulate Stanislaus County Farm Bureau as they celebrate their 100th anniversary.

The Stanislaus County Farm Bureau (SCFB) was organized in 1914. Through the efforts of the old Stanislaus County Board of Trade, its President, J.W. Davison, Secretary, Geo T. McCabe, and other Directors of that body, an appropriation was made by the Board of Supervisors for the expense of a Farm Advisor. In 1975, they changed from

center concept to regional concept for the purpose of electing directors and gathering members.

To keep their members apprised of what was happening, the Farm Bureau began publication of the Stanislaus County Farm Bureau Monthly newsletter in 1949. They changed the format in 1971, and the publication was sent out weekly. A few years later, in 1980, the title was changed to the Stanislaus Farm News, and is presently the only weekly county farm bureau publication in the Nation.

The SCFB is a nonprofit, voluntary membership organization whose mission is to serve as the voice of Stanislaus County agriculture at all levels of government, while providing programs to assist its farms and family members and educate the general public on the needs and importance of agriculture.

The Bureau provides a network of support both on and off the farm. From delivering breaking legislative and local news, to providing educational tools and helpful discounts, they are there to serve the farmers. As of today, the organization serves over 3,000 members in Stanislaus County with the motto: "Farmers Feed Families."

The SCFB is actively involved in agricultural education of the public and students in Stanislaus County through programs such as Ag in the Classroom and Ag Edventure. Programs such as Farm Team, Rural Crime Alert and the Stanislaus Safety Seminar are highly successful member and public service programs that enhance community awareness of agriculture and the issues faced by today's farmers and ranchers.

Mr. Speaker, please join me in celebrating with the Stanislaus County Farm Bureau for their significant contributions, not only to agriculture, but to the community and the State of California. Congratulations on the past 100 years, and I wish you the best success in the years to come.

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CELEBRATING BELTON, TEXAS  
MAYOR JIM COVINGTON

**HON. JOHN R. CARTER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. CARTER. Mr. Speaker, I rise today to celebrate the fantastic public service of Belton, TX Mayor Jim Covington as he begins the next exciting chapter of his life. Recognizing the importance of allowing younger leaders a chance to make a positive impact, Jim is stepping down from his nearly two decades of dedication to making Belton a great place to live and work.

Under Jim's leadership, Belton escaped the cycle of "management by crisis" by adopting forward-thinking strategic policies. Reviewed annually and updated every five years, these plans have put Belton on the right track. As a result, Belton has seen its population grow as the city has been repeatedly honored with awards from the Texas Municipal League, the prestigious Preserve America Presidential Award in 2008, and a Scenic City Award in 2010.

Jim's tenure was dedicated to making Belton's natural beauty his top priority. Nolan

Creek winds through the heart of Belton and connects many important areas of the city including three major parks, the University of Mary Hardin Baylor, and the historic downtown area. Recognizing this uncut gem flowing through his city, Jim worked tirelessly to improve and promote this critical waterway. His vision will dramatically enhance the quality of Belton life by offering a unique recreational corridor with watersports opportunities while promoting strong economic development.

Widely admired and respected for his leadership, Jim has been a mayor both his colleagues and constituents could rely upon. His commitment to public service doesn't end when he leaves the office. A proud part of the larger Fort Hood community, he's been involved in troop support for years.

Retirement is to be celebrated and enjoyed. It is not the end of a career, but rather the beginning of a new adventure. I commend Jim Covington for his selfless service to his beloved community. I wish him only the best in the years ahead.

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IN MEMORY OF NEVIN "NEB"  
WILLIAM WHITESIDE, JR.

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. WILSON of South Carolina. Mr. Speaker, on Friday, May 2nd, funeral services were held for Nevin "Neb" William Whiteside, Jr. a patriot and veteran of the United States Navy who served his country with honor in the Korean War.

Funeral services for Mr. Whiteside were held at St. Peter's Lutheran Church of Lexington, South Carolina. As a testament to Mr. Whiteside's love of his country, funeral flowers were red, white, and blue with a patriotic theme throughout the service according to his wishes. Interment followed in the church graveyard.

His obituary in The Lexington County Chronicle newspaper contained this tribute:

NEVIN "NEB" WILLIAM WHITESIDE, JR.

Mr. Whiteside was born November 28, 1929 in Leesville, SC, and passed away on April 30, 2014. He was the son of the late Nevin William Whiteside and Bertie Eargle Whiteside. Mr. Whiteside served our country in the US Navy during the Korean War. He retired from Kenan Transportation. He was a member of St. Peter's Lutheran Church, VFW and Lexington Masonic Lodge 152. He loved to ride his Harley Davidson and enjoyed working in the yard and cleaning his car. Mr. Whiteside is survived by his wife, Barbara "Bobbie" Sox Whiteside, of Lexington; sons, Stan and Wayne Whiteside of Lexington; daughter, Kim (Tim) French of Lexington; grandchildren, Lauren, Andrew, and Brandon Whiteside, Ashley (Bowe) Butler and Malia and Devin French; great-grandchildren, Reece and Paxton Butler; sister, Doris Goff of Saluda and man's best friend "Bandit", (Poppy's Lil Buddy).

He is predeceased by his parents and his brother Horace Whiteside.

CELEBRATING THE 125TH ANNI-  
VERSARY OF INCORPORATION OF  
THE CITY OF COMPTON

**HON. JANICE HAHN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Ms. HAHN. Mr. Speaker, on May 14th, the City of Compton will celebrate its 125th birthday. This anniversary comes after a year-long celebration of Compton's cultural heritage and its history. In the few days before the 125th anniversary, I would like to do my part to ensure that Congress recognizes the anniversary of one of California's oldest cities.

Located in the heart of Los Angeles County, the City of Compton is the "Hub City" for both culture and trade. Several of the world's most talented athletes and artists, such as Olympic Gold Medalist Charles Dumas and the influential hip hop group N.W.A., have called this city home. Not only does Compton export talent, but it also conducts 25 percent of all U.S. waterborne international trade.

Furthermore, the City of Compton has historically been in the forefront of promoting diversity in leadership. It is the first city in California to elect an African American mayor, Douglas Dollarhide, and a female African American mayor, Doris Davis.

Therefore, I am introducing a resolution to recognize and celebrate the anniversary for the City of Compton. I hope that it can continue to grow and to develop its identity and culture. Congratulations to the City of Compton on 125 years, and may the best be yet to come.

**CRUDE TRUTH**

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. POE of Texas. Mr. Speaker, we are in the middle of an American energy revolution, but the U.S. government is getting in the way. Until recently, U.S. crude production had been on a steady decline. In 1970, domestic production peaked at 9.6 million barrels a day. By 2008, we were almost half that with a mere 5 million barrels being pumped per day. Then, America did what America does best: innovate. New technologies of horizontal drilling and hydraulic fracturing that no one else in the world could do has increased U.S. crude production 56 percent since 2008. By next year, according to the International Energy Agency, the U.S. will become the largest crude producer in the world. More than Saudi Arabia, more than Venezuela, and yes, more than Mr. Putin's Russia.

But it is not all so rosy. The oil we drill here is what is characterized as light and sweet crude oil. However, the oil that our refiners can process in order to make crude into refined products, like vehicle gasoline, is heavy and sour. That's because these refineries were built before our energy revolution to process crude oil from places like Venezuela

and North Africa. These refineries can process this heavy crude better than any other refineries in the world, but they cannot help us much when it comes to refining the oil that we are drilling right here at home. We need new refineries to be built to process this light crude, but that will take years. In the meantime, we should sell our light crude abroad instead of just letting it waste away here. That would bring billions of dollars and thousands of jobs to our economy. It is an obvious solution for a simple problem, but we cannot do it. Why? Because of outdated legislation.

In 1975, Congress passed the Energy Policy and Conservation Act, making it illegal to export U.S. crude. It was the height of the Arab oil embargo, and Congress wanted to insulate Americans from global price shocks.

The problem is that domestic gasoline prices are largely set by the global crude price—not the domestic price—since crude is a globally traded commodity. Of the crude oil we consume, 46% is imported. These imports are subject to market uncertainty just like every other traded good. Our energy revolution is actually not going to change that number much either. Our domestic refiners were made to process the heavy crude oil imported from such places like Venezuela and North Africa. But the oil that is coming out of the ground right here in the United States is light crude. Currently, refiners can mix a little of our light domestic crude with imported heavy crude to process it, but they cannot handle all of our domestic production. Not being able to export our extra domestic crude has caused the price to artificially drop. Economists predict that if the ban is not overturned, domestic crude production companies will not be able to make a profit and will have to decrease drilling in the next 18 to 36 months. If they are forced to cut back on drilling, they are going to also be forced to lay off hard working Americans.

Refiners, who have no such ban on exporting the crude oil once they refine it, are reaping the benefits, buying our crude oil at these artificially low prices while selling their refined products abroad at the going global market rate. We do not prohibit the export of iPhones to keep the prices of iPhones artificially low here in the United States. Nor should we do the same when it comes to banning the export of our crude oil to subsidize our refineries. If refineries are allowed to export, so should producers. We should have no interest in subsidizing one part of the industry over another.

If we lift the ban we would actually make domestic consumers less susceptible to global price shocks. Allowing our producers to export crude oil and add U.S. crude to the world market would lessen the market share of bad actors like Iran and Venezuela and unstable ones like Algeria and Libya. More U.S. crude on the market grows the pie and our share of it, making these countries' portions less impactful.

The presence of U.S. crude could also drive down the global price of oil and thus the price Americans pay at the pump. The math is simple: more supply with the same amount of demand means a lower price. In a Congressional hearing last week, Elizabeth Rosenberg from the Center for a New American Security cited a study that showed domestic gasoline prices could drop between three to seven cents per

gallon if the ban were lifted. More studies are expected to be released in the next few weeks.

It is time to revisit the crude oil export ban. Last week, my Subcommittee held a hearing on this issue, bringing together representatives from both aspects of the industry, as well as Senator LISA MURKOWSKI and a renowned energy economist.

We live in a completely different world today than we did when the ban was passed in 1975. Back then, U.S. troops were coming home from Vietnam, the Soviet Union still occupied East Germany, and Osama bin Laden just turned 18. America has changed considerably since those days. It's time for our energy policy to do the same. And that's just the way it is.

**HONORING ED DELOACH**

**HON. JEB HENSARLING**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. HENSARLING. Mr. Speaker, it is my honor today to recognize Ed DeLoach, a veteran of the Korean War, for his exceptional service to our country. Beginning his service with the U.S. Navy on April 3, 1951, Mr. DeLoach trained as an Electronic Technician and served aboard two aircraft carriers, the USS *Kearsarge* and the USS *Hancock*.

While aboard the USS *Kearsarge*, he was deployed on two combat tours in the Korean War zone in support of air operations over the Korean peninsula. As a member of the crew, he received the National Defense Service Medal, the United Nations Service Medal, the China Service Medal, and the Korean Service Medal with two stars. Subsequently, Mr. DeLoach was transferred to the USS *Hancock* and supported operations testing an advanced system for launching carrier-based aircraft until he was honorably discharged on March 24, 1955.

Humbly, I echo the words of President Ronald Reagan, "We will always remember. We will always be proud. We will always be prepared, so we will always be free." And humbly, I offer my sincere gratitude to Mr. Ed DeLoach for his service and acts of bravery that allow us the freedoms we enjoy today.

**RECOGNIZING 66TH ANNIVERSARY  
OF INDEPENDENCE OF STATE OF  
ISRAEL**

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. ISRAEL. Mr. Speaker, I rise today to honor Israel's 66th Independence Day, which was celebrated this week. Since its founding on May 14, 1948, Israel has experienced many challenges and adversity, but has always overcome. Today, the United States and Israel are working more closely together than ever before and I look forward to building upon this steadfast partnership.



Against impossible odds, Israel has become a vibrant democracy, with an active and free press, freedom for all religions, and a leader in the protection and promotion of gay rights. In its 66 years, Israel has produced remarkable inventions that have improved our lives and its contributions to environmental protection, energy independence, medicine, and agriculture technology have spanned the globe.

Israel's accomplishments are incredible and inspiring. It is with great honor that I extend my deepest congratulations to Israel, our greatest ally, on 66 years of independence.

HONORING MEDAL OF HONOR RECIPIENT SERGEANT FIRST CLASS JOSE RODELA

**HON. BLAKE FARENTHOLD**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. FARENTHOLD. Mr. Speaker, I rise today to honor Sergeant First Class Jose Rodela, Medal of Honor recipient and a true American hero. Sergeant First Class Rodela was born in Corpus Christi, Texas, on June 15, 1937. He entered the U.S. Army in September 1955, at the age of 17.

Sergeant First Class Rodela was recognized for his valorous actions and awarded the Congressional Medal of Honor for his service on September 1, 1969, while serving as the company commander in Phuoc Long Province, Vietnam. He commanded his company throughout 18 hours of continuous combat when his battalion was attacked and taking heavy casualties. Throughout the battle, in spite of his wounds, Rodela repeatedly exposed himself to enemy fire to attend to the fallen and eliminate an enemy rocket position.

On March 18, 2014, President Barack Obama awarded Sergeant First Class Rodela the Medal of Honor For "Conspicuous Gallantry and Intrepidity at the Risk of His Life

Above and Beyond the Call of Duty." His Medal of Honor citation reads:

"Sergeant First Class Jose Rodela distinguished himself by acts of gallantry and intrepidity above and beyond the call of duty while serving as the company commander, Detachment B-36, Company A, 5th Special Forces Group (Airborne), 1st Special Forces during combat operations against an armed enemy in Phuoc Long Province, Republic of Vietnam on September 1, 1969. That afternoon, Sergeant First Class Rodela's battalion came under an intense barrage of mortar, rocket, and machine gun fire. Ignoring the withering enemy fire, Sergeant First Class Rodela immediately began placing his men into defensive positions to prevent the enemy from overrunning the entire battalion. Repeatedly exposing himself to enemy fire, Sergeant First Class Rodela moved from position to position, providing suppressing fire and assisting wounded, and was himself wounded in the back and head by a B-40 rocket while recovering a wounded comrade. Alone, Sergeant First Class Rodela assaulted and knocked out the B-40 rocket position before successfully returning to the battalion's perimeter. Sergeant First Class Rodela's extraordinary heroism and selflessness above and beyond the call of duty are in keeping with the highest traditions of military service and reflect great credit upon himself, his unit and the United States Army."

Sergeant First Class Jose Rodela served our country valiantly, and should be honored as such. As a nation, there is no better symbol of our gratitude than the Medal of Honor. Because of his commitment, America remains a land of hope, opportunity and, as Ronald Reagan so eloquently put it, "a shining city upon a hill whose beacon light guides freedom-loving people everywhere."

HONORING THE 100TH ANNIVERSARY OF THE WOMEN'S UNIVERSITY CLUB

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 9, 2014*

Mr. McDERMOTT. Mr. Speaker, I rise today to honor the 100th anniversary of the Women's University Club in Seattle. For a century this commendable organization has been a steadfast leader within the women's movement and a critical source of education and empowerment for women throughout Seattle and the United States.

Since its founding in 1914, WUC has continuously broadened its reach throughout the community to meet increasing demand for social and educational fulfillment. What started as a small, local establishment to network and learn grew into a treasured institution with 900 current members representing over 400 different colleges and universities. The home of WUC, which was built in 1922, proudly stands today as a local and national historical landmark.

I applaud WUC for generously committing its resources to scholarships and community service. Since 2003, 31 scholarships have been awarded to deserving young women seeking to pursue higher education. WUC helps keep the American Dream alive by providing hard-working individuals with the networking and educational opportunities to permanently improve their lives. With the publication of a commemorative book, *The First 100 Years: Women's University Club of Seattle, 1914-2014*, WUC shares the rich tapestry of its first century and reaffirms its commitment to remain a stalwart presence in the community for the future.

I would like to convey my sincere congratulations to WUC on its proud centennial and express my heartfelt gratitude for all the WUC has done over this last century.

**SENATE—Monday, May 12, 2014**

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our strength, You have placed music in our hearts, helping us to carry our burdens by providing us with a future and a hope. Let Your holy power renew our Senators today. Remove all that is withered and blighted within them, infusing them with serenity and calm to meet an agitated world fortified with Your peace. Teach them to love beauty, truth, and integrity, freeing them from pride as they strive to love You. Distill upon them the dew of Your kindness and use them for Your glory.

Lord, today we thank You for the United States Capitol Police, who sacrificed their lives for freedom: Sergeant Eney, Detective Gibson, Officer Chestnut, and Sergeant Holtz. May their exemplary legacies inspire us in all of our tomorrows.

We pray in Your merciful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RECOGNITION OF THE MAJORITY LEADER**

The PRESIDENT pro tempore. The majority leader is recognized.

**HIRE MORE HEROES ACT OF 2014—MOTION TO PROCEED**

Mr. REID. Mr. President, I move to proceed to Calendar No. 332, H.R. 3474.

The PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 332, H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

**SCHEDULE**

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in morning business until 5:30 p.m. today.

Last week cloture was filed on S. 2262, the Energy Savings and Industrial Competitiveness Act. As a result, the filing deadline for all second degree amendments is 4:30 p.m. today. There will be up to three rollcall votes at 5:30 p.m. today: confirmation of the Rosenbaum nomination to be an Eleventh Circuit judge, then confirmation of the Croley nomination to be General Counsel of the Department of Energy, and, finally, a cloture vote on S. 2262, the energy efficiency bill.

**A SECOND OPPORTUNITY**

Mr. President, Henry Ford once said: "Failure is simply the opportunity to begin again, this time more intelligently." Those are wise words from a man who knew a thing or two about overcoming logjams.

The legislation before us today is an opportunity for Senators to intelligently reconsider energy efficiency. The consequences of this opportunity loom very large for this body.

Shaheen-Portman is a good bill. It was a good bill last year when it was blocked by the Republicans. It is even better now. This legislation will give our country more energy independence and protect our environment. The Shaheen-Portman bill also gives Americans a fair shot at better providing for their families through increased savings on their energy bills. This is great for working Americans. It also creates 200,000 jobs.

Senators SHAHEEN and PORTMAN worked hard with Democrats and Republicans since this bill was introduced 3 years ago to make this legislation into the effective bipartisan bill it is today.

No single bill will solve all of our energy problems, but this is a good first step.

The business community agrees. This bill is supported by the Chamber of Commerce, the National Association of Manufacturers, and the Business Roundtable.

The Shaheen-Portman legislation is an opportunity for this country to address our energy needs on how they are affecting the environment. But the implications of this legislation extend far beyond energy efficiency. It goes to the integrity of this Senate we care so much about.

The Shaheen-Portman bill is a chance for a fresh start for the Senate—really a new beginning. We had been making some limited progress this year in moving legislation, starting with the Murray-Ryan budget arrangement. Then we worked together—Democrats and Republicans—to pass a childcare development block grant, a

flood insurance bill, and an extension of unemployment benefits.

But as we considered legislation to help American families—like equal pay and a minimum wage increase—Republicans got off track, and working families did not get a fair shot.

So here we are, once again, confronted with the possibility that a good bipartisan bill may fail. And for what? Democrats have acted in good faith, and we have bent over backwards to make this bill work. But it seems our efforts are never enough. Each concession we make brings new demands.

The Republicans working with Senators SHAHEEN and PORTMAN asked for changes to this bill, and 10 bipartisan amendments are now included in the bill before this body.

Republicans asked for a sense of the Senate resolution on the Keystone legislation, and we agreed.

Republicans changed their minds and requested a vote on stand-alone Keystone legislation, and we agreed.

If Republicans stop their filibuster of this bill and allow it to proceed, the Senate will vote on Keystone pipeline legislation, and they know that. That is what they have asked for, and we have given it to them.

But, Mr. President, they have held this bill hostage—this energy efficiency bill—as demand after demand has been met, but even now they are still seeking a ransom.

So why are we here? Why is this bill at risk? I have spoken from time to time recently with my Republican colleagues. They come to me, saying: HARRY, how could we get the Senate back on track?

I appreciate their sincerity in trying to find a solution, but the answer is right under their nose. I say to them, look at what is happening right now.

Mr. President, I have been told that two cosponsors of this legislation will not vote to invoke cloture. These are two gentlemen who put their name on this bill.

Look at how Republican obstruction is bringing the Senate to its knees again and again and again—and now even on this bill, a bipartisan bill. This is not a Shaheen bill. It is a Shaheen-Portman bill—a New Hampshire Senator and an Ohio Senator, a Democrat and a Republican.

I repeat, this bill is being filibustered, obviously, by some of its own cosponsors. This useless, mind-boggling obstruction is what continually grinds the wheels of the Senate to a screeching halt.

So to my friends who want to know how we can make things work better in

the Senate, I say: Put an end to obstruction for obstruction's sake. Take yes for an answer. We have a good bipartisan bill. Let's pass it. It is good for the country. Stop filibustering this good bill.

We made an agreement on Keystone, and Democrats stand willing to honor our commitment. But we need Republicans to honor their commitments.

So let's use this second opportunity at passing this important bill—Shaheen-Portman—to get the Senate working effectively and give working families, American families a fair shot at affordable energy.

#### RESERVATION OF LEADER TIME

Would the Chair announce the business of the day.

The PRESIDING OFFICER (Mr. KAINE). Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INDIAN COUNTRY NOMINATIONS

Mr. TESTER. Mr. President, as chairman of the Committee on Indian Affairs, I rise in support of the nomination of three distinguished Native American leaders: Vince Logan, Keith Harper, and Diane Humetewa. These individuals have been nominated to positions that are crucial to Indian Country and to our Nation. It is our responsibility to make sure they can begin this challenging work.

I think it is fair to say that no one in this Chamber is happy about how the nominations have been handled in the last 2 years. There are reasons and frustrations on both sides of the aisle about the process. I understand that. But in the case of these nominees, it is long past time to act. By acting on those nominees, this Congress, which has been criticized for not doing very much, can make a little bit of history.

Vince Logan's nomination was first sent to the Senate in September of 2012. He is a member of the Osage Nation of Oklahoma and was nominated to be Special Trustee for American Indians at the Department of Interior. This vote is long overdue. The position has been vacant for 5 years.

The Special Trustee is charged with overseeing the Department's fulfillment of its trust responsibilities to tribes and individual Indians. It is a difficult job, and I am confident Mr. Logan is the right man to do it. He is a litigator with vast experience in both public and private sectors. He has also shown great passion for working with tribes and individual Indians to manage their trust assets. Mr. Logan was unanimously approved by the Indian Affairs Committee in January. I urge my colleagues in the Senate to do the same.

I would also like to speak in support of Keith Harper, a member of the Cherokee Nation of Oklahoma. Mr. Harper is the President's nominee to be the U.S. representative to the United Nations Human Rights Council. His nomination has been pending since early February. This is a history-making nomination. If confirmed, Mr. Harper would be the first member of a federally recognized tribe to hold the rank of U.S. Ambassador.

Keith has outstanding academic and professional credentials, having spent many years representing Indian tribes across the country. Keith's nomination was first sent here in June of 2013. What message do we send to Indian Country and to the world when we allow endless delay of the nomination of a man who will be the first Native American to hold the title of Ambassador?

Mr. Harper's nomination has the strong support of the National Congress of American Indians and numerous tribes and tribal leaders throughout Indian Country. He has also been active in human and civil rights organizations and has served as a delegate to the 2001 World Conference Against Racism in Durbin, South Africa.

All of these experiences have prepared him to tackle injustice at the global level. It is also important to confirm this position to ensure that the United States has a representative at the United Nations World Conference on Indigenous Peoples in September.

Finally, Diane Humetewa was nominated to serve as district court judge for the District of Arizona, with the strong support of her home State Senators, MCCAIN and FLAKE. Her nomination was reported favorably 3 months ago by the Judiciary Committee, though her nomination has been pending since September of 2013. She is a member of the Hopi Tribe of Arizona. That means, if confirmed, she would be the only Native American serving as a Federal judge. She would be the first Native American woman to ever serve on the Federal bench.

Confirming these nominees during a time of such partisanship will send a strong signal to Indian Country. Whether it is overseeing our trust responsibilities, representing our Nation

to the world, or delivering justice, these nominees will help our government function a little bit better and more efficiently.

I ask my colleagues to join me in swiftly confirming these three outstanding nominees.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY EFFICIENCY

Ms. KLOBUCHAR. Mr. President, I rise today in support of the Energy Savings and Industrial Competitiveness Act of 2014. I commend Senator SHAHEEN and Senator PORTMAN on their leadership and tireless efforts to craft an energy efficiency bill that is good for consumers, good for our economy, and good for our environment.

The Shaheen-Portman energy efficiency bill is supported by a coalition of environmental organizations, including the Natural Resources Defense Council, the Sierra Club, and the BlueGreen Alliance. It is also supported by business trade associations such as the chamber of commerce and the National Association of Manufacturers. By working together on a bipartisan basis, the two Senators have put together a bill that is officially sponsored by seven Democrats and seven Republicans and I believe the vast majority of the people in this Chamber.

Although this bill is not a substitute for comprehensive energy or climate legislation, it is the right effort to put us on more secure energy footing and strengthen our economy. I have always argued that at a time when we have been having a hard time working on comprehensive energy legislation—something which I believe we should do and which would be very good for our economy—we need to get behind efforts such as this one. I am so pleased this has finally happened; however, I am not certain we will be able to get it done this week.

I believe the beneficial role energy efficiency improvements can have for consumers and also our economic competitiveness often gets overlooked in today's debate. The Shaheen-Portman bill creates new incentives to install energy-efficient technologies in homes, businesses, and manufacturing facilities that can quickly pay for themselves. The savings for consumers alone are astounding. According to a new study, Shaheen-Portman is estimated to save consumers \$16 billion a year by 2030. Making these improvements will not only save consumers and businesses money, it will also create more than 190,000 jobs.

America has always been a country that benefits from the development of innovative technologies, but this bill recognizes that we don't need to reinvent the wheel or rely on a new space race to move our economy forward. This bill will lead to the installation of energy-efficient technologies that are commercially available today and can quickly pay for themselves through energy savings.

The bill doesn't just work with individuals in the private sector on a voluntary basis to encourage energy efficiency, the bill also helps the government become more efficient. Some people might question why the government should try to make energy efficiency improvements when there are so many demands for Federal resources. I believe we can't afford to needlessly waste energy and taxpayer resources on older heaters, inefficient lighting, and drafty buildings. Making commonsense improvements to our Federal buildings will pay dividends for years to come.

The Shaheen-Portman bill includes a number of commonsense provisions that will help keep energy affordable. I wish to briefly focus on one example which may not sound important at first blush but which has a big impact on the Minnesota Rural Electric Association and the consumers it serves in my State.

The rural electric co-ops strongly support a provision in the Shaheen-Portman bill that my friend and colleague from North Dakota, Senator HOEVEN, introduced and that I am helping to lead, and that is to change the Department of Energy rule to ensure that large-capacity hot water heaters that are part of a demand response program can continue to be manufactured.

The rural electric co-ops in my State have installed thousands of large-capacity hot water heaters in people's basements. Heating water is a major source of energy consumption, and our co-ops have found a way to provide an important service in a way that incentivizes wind energy development and saves consumers money. These hot water heaters are only turned on at night, when the wind blows the strongest and the demand for energy is the lowest. Then in the morning, when people wake up and turn on their lights, the heaters are already off. The wind energy is stored in the form of hot water that can be used throughout the day.

This provision in the Shaheen-Portman bill will provide regulatory certainty that these heaters will continue to be available.

Another provision I worked on with Senator HOEVEN was to find new opportunities to engage the nonprofit community in making energy efficiency improvements. We have an amendment that would help nonprofits—including hospitals, schools, faith-based organi-

zations, and youth centers—make energy efficiency improvements that will help them save money and ultimately serve our people.

Our amendment, which is fully offset, has the support of Senators BLUNT, PRYOR, STABENOW, and MIKULSKI.

The amendment would provide \$10 million each year for the next 5 years to create a pilot grant program so that nonprofits can save through energy efficiency. We work with stakeholders to ensure that grants will achieve significant amounts of energy savings and are done in a cost-effective manner. The grants would require a 50-percent match so that there is complete buy-in from the nonprofits, and grants would be capped at \$200,000.

Our amendment has the support of the National Council of Churches, the YMCA of the USA, and the Union of Orthodox Jewish Congregations, to name a few.

This provision was one of the many good ideas—many of them bipartisan—that promote energy efficiency and that we believe will be included in the bill once it is finally voted on.

I urge my colleagues to support this amendment, the Nonprofit Energy Efficiency Act, and also support the underlying bill. The bill, as we have discussed, would save consumers and taxpayers money, reduce energy consumption, help create jobs, and make our country more energy independent.

Another issue that can drive up the price of energy for consumers is metal, and this is the final issue I wish to talk about because I have attempted to get this bill on several other bills. I was able to pass it through the Judiciary Committee. It is a bill that is cosponsored by Senator GRAHAM, and Senator GRAHAM and I are leading the bill. Senator HOEVEN and Senator SCHUMER are also cosponsors of this bill, as well as Senator COONS.

We have been working very hard on the issue of metal theft for years. It has broad support because it has struck so many electric companies and so many consumers. Houses have blown up when people take simple copper piping out of the basement and then someone turns on the gas. Literally, people have lost their lives. We had one incident in Minnesota, and we have seen others across the country. This is unbelievable, but the stars that were placed on the graves of veterans during veterans holidays have been stolen. The beer industry is strongly behind this bill. Why? Because kegs are being stolen all over the country.

Those are just things I am recalling by memory. But this is a major problem. Ask any power company or construction crew across the country or even operators of ice skating rinks in Minnesota, where one theft of a couple thousand dollars' worth literally costs the city of St. Paul millions of dollars because once they take a pipe out, they

have to rebuild the entire system. Talk to any of these people and quickly learn about the growing problem of metal theft.

My bipartisan bill—the Metal Theft Prevention Act—has been filed as an amendment to the energy efficiency bill to bring attention to this important issue. The amendment is the much needed Federal response to the increasingly pervasive and damaging problem of metal theft.

Metal theft has jumped more than 80 percent in recent years, hurting businesses and threatening public safety. It is a major threat, especially to power companies.

In a recent study, the Department of Energy found that the total value of damages to industries affected by theft of copper wire alone is approximately \$1 billion every single year. I have visited small electric companies in the rural areas that have been stolen from—not once, not twice, but three times. I have visited companies that have had their trucks stolen and then the thieves go out in the trucks and steal wire because people let them in because they have the electric company's truck. They have targeted construction sites, power and phone lines, retail stores, and vacant houses. They have caused explosions in vacant buildings by stealing metal from gas lines, and they have caused blackouts by stealing copper wiring from street lights and electrical substations. Last October four people were injured in an explosion at a University of California Berkeley electrical station. Officials blamed it on copper theft that occurred 2 hours before the explosion. As the electrical workers tried to fix it, the explosion occurred. As I mentioned, they are taking brass stars from our veterans' graves. This happened on Memorial Day of 2012. In another case that shows just how dangerous metal theft can be, Georgia Power was having a huge problem with thieves targeting a substation that feeds the entire Atlanta Hartsfield International Airport, one of the busiest airports in the world. The airport was getting hit two to three times a week and surveillance didn't lead to any arrests.

This rise in incidents of metal theft across the country, the growing cost to businesses, and the danger it poses underscores the critical need for Federal action. What does our bill do? It helps combat this by requiring modest recordkeeping by recyclers of scrap metal, just keeping track of who is selling the metal. It requires limiting the value of cash transactions. This simply means they can take it in for \$100 bucks, but after that they have to require a check. We have many States that are doing this but not enough. So what we are finding is people are stealing metals in Minnesota where we have a \$100 cash requirement and then they are selling it in another State so they cannot be tracked.

The amendment also makes it a Federal crime to steal metal from critical infrastructure and directs the U.S. Sentencing Commission to review relevant penalties. The Metal Theft Prevention Act has been endorsed by the National Rural Electric Cooperative Association, the American Public Power Association, American Supply, Edison Electric Institute, National Electrical Contractors Association, National Association of Home Builders, National Retail Federation, U.S. Telecom Association, and about a dozen other businesses and organizations. It has the support of the Major Cities Chiefs of Police Association, the Major County Sheriffs' Association, the National Sheriffs' Association, the Fraternal Order of Police, and the National Association of Police Organizations.

I ask my friends who represent the scrap metal dealers to look at this coalition and to ask yourself: Is this worth it, over a \$100 requirement for writing a check? Is it worth it to oppose this when buildings are blowing up and critical infrastructure is being broken into and one of the busiest airports in the country is having problems? Is it worth it to oppose a bill that has strong bipartisan support? I don't think it is. I think the interests of the consumers of this country, the interests of businesses in this country, and the interests of law enforcement should trump, and that is what should matter in this Chamber. So I hope my colleagues will look at this again and look at the bare minimum this legislation sets. It does not create that much of a burden, when all these companies that buy this scrap metal, much of which is stolen—a number of these things are stolen. A lot of these people are good. They know it doesn't matter. They are doing it in some of the States. All they are doing is keeping records and requiring a check when it is over \$100. That is all we are talking about.

If we balance \$1 billion in theft a year against a simple requirement of recordkeeping, I think it is pretty clear. I hope my colleagues will look at it this way, and I know their chiefs and sheriffs will tell them this must be a priority. We need to do everything we can to protect our critical infrastructure from unscrupulous metal thieves. I hope my colleagues support this bill when it comes up for a vote.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

#### DOMESTIC VIOLENCE

Mr. MURPHY. Thank you, Mr. President.

I hope the Presiding Officer had a great Mother's Day. I hope Senator KLOBUCHAR had a great Mother's Day and got a phone call from her daughter in Connecticut.

I am here to tell the story of three pretty heroic mothers who are representative of far too many with similar stories across the country. I wish to tell you very quickly this afternoon about Gwen Cox Salley, Lori Gellatly, and Marianne O'Shields. All three of them are no longer with us. They are amongst the 31,672 victims of gun violence every year, 2,639 deaths a month, and 86 people a day who are killed by guns all across this country. I wish to try to lend a voice to a few of these victims tonight, mothers who were killed by their intimate partners, by their spouses, in an act of domestic violence that frankly could have been prevented if not for the law of this land.

First, the story of Gwen Cox Salley. Gwen was killed 2 days after she finally took out a restraining order against her husband. She had a long history of abuse with her husband Michael Scott Salley. Most recently he had come to her house the day before she took out this restraining order and threatened to kill her and their 7-year-old daughter. He tried to get access to his gun that was on the property, but she was able to hide it and then very quietly texted a couple of her friends that she was in trouble. The police came, and before violence erupted they were able to arrest him. She took out a restraining order, but the next day he came back with a gun, went to the local daycare parking lot where Gwen was picking up her 7-year-old daughter, took control of the car, sped off to apparently kill them both, but luckily Gwen was able to push her 7-year-old daughter out of the car so her daughter could be rescued and taken in by the daycare center's employees, but an hour or so later Gwen Salley was dead.

She did everything she was supposed to do. She finally left this man who had been so abusive over the years. After he threatened to kill them both, the cops were called and she took out a restraining order, but because the law of Louisiana at the time didn't allow for police to come and take his gun—in fact, the law allowed him, as the Federal law allows now, to go out and even purchase a gun during that time, and 1 day later Gwen Cox Salley was dead.

The gun industry wants to make us believe that our greatest fear comes from gun-wielding strangers who are going to break into our house at night and murder us, but the fact is women across this country are three times more likely to be killed by a gun by their husbands or their intimate partner than they are to be killed by anybody else with any other kind of weapon. That is the reality. For women who live in homes with a firearm, they are 500 percent more likely to be the victim of homicide through domestic violence than in houses without firearms. The statistics don't look good for women across this country and in part because our laws are so weak, even in a State such as Connecticut.

This is the story of Lori Gellatly, who was killed just a few days ago in Oxford, CT. She had taken out a restraining order against her husband Scott. They had twins, but things had gone wrong. She wrote in the application about one incident that "Scott had yelled in my face . . . and got very angry. I felt threatened. He then told me I wasn't going anywhere and grabbed my right thumb and twisted my wrist . . ." while the two children were in her arms. "He acts out very violently and I am afraid for my kids and myself."

She took out that restraining order and again, almost within moments, he was at the house. She called 911, but when police got there they found Lori Gellatly and her mother Merry Jackson with gunshot wounds. Lori was pronounced dead at Waterbury Hospital. Again, a restraining order taken out but with no ability to take the guns away from her husband or to stop him from buying a gun, she was found dead.

The reality is we can do something about it. In fact, some of these States I am talking about are doing something about it themselves. Louisiana, which has a reputation as a State with a pretty strong history of gun ownership, has done something about it. The State legislature has passed a law allowing for a process that someone convicted of a domestic violence crime can have their guns taken away. Wisconsin has done the same, a State with a similar, pretty robust history of gun ownership.

It just makes sense that if someone has been convicted of a domestic violence crime, if they have a restraining order taken out against them because they got violent with their spouse, that is the exact time at which society needs to step in, law enforcement needs to step in and separate those guns from that individual. The statistics back that up. In States, for instance, that have just basic background check protections, women are 38 percent less likely to be killed by guns. These laws matter when it comes to keeping women alive at the hands of abusive spouses.

Mariann O'Shields died just a couple weeks ago in Spartanburg, SC. Not only had she taken out a restraining order against her husband Robert O'Shields, but she had gone the extra step to bring her and her kids—her daughter to a domestic violence shelter. She was staying in a shelter, but her husband tracked her down at the shelter, and just after she had dropped off her child at a bus stop she was killed. The staff at the safe home, if you can imagine, were paralyzed by this crime. The director said:

My staff and I are totally devastated. It is your worst nightmare when you work with a shelter. I don't think that there is anything we could have done to protect her.

That is right. There wasn't anything more that domestic violence shelter

could have done to protect Mariann O'Shields, but there is something we can do. We have all sorts of disagreements about the future of gun laws in this country, and I understand in the foreseeable future we are not likely going to get a bill that expands the sales that are subject to background checks, even though 80 percent of the American public thinks we should require people to show they are not a criminal before they can buy a gun.

I wish we could get the assault weapons off the street that did the kind of damage we saw in Newtown, CT, but in the absence of getting an agreement on commonsense alternatives to current law such as bans on assault weapons and a greater scope of background checks, at least maybe we can take this specific issue, which is spouses, in particular, women who have taken out restraining orders against their husbands or spouses or boyfriends, maybe we can limit the change we can agree on to at least those situations in which women are most vulnerable, after an episode of violence, after a threat, when they have taken out a court-ordered restraining order, maybe at that moment their spouse shouldn't be able to possess a gun. Maybe at least during those few moments the spouse shouldn't be able to go out and buy a gun. Maybe the week after Mother's Day, in the face of the heroism that women such as Gwen and Lori and Mariann showed in removing their families and themselves from violent situations, maybe we can at least listen to the voices of these handful of victims of domestic violence crimes and do something in a targeted, limited way that could in the end prevent hundreds of unnecessary deaths across this country. I have to believe that in a body of good will we can at least agree on that.

That is the reason virtually every week I try to come down to the floor and share with my colleagues some of the voices of the victims, these 31,000 a year, 2,600 a month, 86 a day who are lost to gun violence all across this country. We can do better.

I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AFFORDABLE CARE ACT

Mr. CARDIN. Mr. President, I, along with most Americans, celebrated Mother's Day yesterday with my wife, my daughter, and my grandchildren, to express our appreciation for what mothers all over the world have done in order to help our communities. In

America, we have taken action to help women in this country. I am referring to the passage of the Affordable Care Act, which has helped childbearing women and child rearing throughout the child's life, as well as the mother and the family.

Let me give some examples because I think it is good to point out where we have made progress and to celebrate what we have done to help women in America. We have taken on the arbitrary practices of private insurance companies that discriminated against women, against pregnant women, and against mothers. A woman can now choose her own OB/GYN doctor as her primary care doctor, no longer having to wait for authorization or to get a referral in order to have OB/GYN care. Women now have the absolute right to choose their own primary care doctor, including an OB/GYN.

Under the Affordable Care Act, every woman in America is guaranteed an annual well-woman visit to be able to assess their health, including mammography screening, pap smears, diabetes screening, and other preventive screenings services at no cost. That is all provided in the Affordable Care Act, so a woman can take care of her own health care needs and, in many cases, avoiding much more costly and debilitating care. Again, this is at no cost. So there is no reason why a woman cannot take advantage of these services. HPV DNA testing is now available every 3 years under the Affordable Care Act to deal with the sexual health of women. STI counseling and HIV screening for sexually active women are now available under the Affordable Care Act. This is now guaranteed. Women don't have to go look at the fine print of an insurance policy to see whether they have coverage. Before, in most cases, they didn't have coverage. Women don't have to wait for authorization, having to show a need. These are given rights that are now available to every woman under the Affordable Care Act.

No longer can pregnancy be considered a preexisting condition. Before the passage of the Affordable Care Act, if a woman wanted to get an insurance policy, insurers excluded childbirth during the first perhaps 9 months or later. It was considered a preexisting condition. Now we have a seamless system, so women can get the type of care they need.

Why does that become so important? So they can get the necessary prenatal care in order to keep their baby healthy, to get the type of tests that are necessary.

Pregnant women can now get a gestational diabetes screening to see whether they are at high risk and, if so, they can get the type of treatment they need in order to make sure their baby is born as healthy as possible.

Prenatal care is available and it is covered, and we now have, through the

Affordable Care Act, a provision we added that provides support for qualified health centers. I have visited qualified health centers in Maryland that are now providing prenatal care that wasn't there before. It is not only that we are providing coverage; we are providing access to care, so we can reduce low birth weight babies in our community. Look at the numbers of infant survival. Look at the numbers of low birth weight babies. We are improving those numbers daily because of the Affordable Care Act. To be able to prevent and discover complications during pregnancy, including preterm outcomes—all of that is now available.

Women now have access to folic acid to make sure a woman has a healthier fetus and birth. All of that is now available under the Affordable Care Act.

We help newborns and their mothers. Breast feeding has been proven to be a very strong part of a healthy infancy and for a baby. There are certain needs a mother has, including having the time to breast feed, and the cost of breast feeding, including breast pumps. That is now covered under the Affordable Care Act.

We understand the need to keep people healthier, and that is why we call it a wellness program. No longer is it insurance just to take care of an illness or injury; it is to keep people healthy and for women particularly. We didn't do a good job for many years. We are now making up for it in the Affordable Care Act, making a huge difference.

We are giving peace of mind to women all over this country about having adequate third-party coverage so they can afford to take care of their own health and the health of their families.

Adult children can remain on parents' insurance policies until age 26. We have all received so many letters from our constituents saying: Thank goodness we have that provision. My 24-year-old never thought she would get ill. Now she has this insurance coverage so we can take care of her and keep her healthy, and when she needs health care, it is available, thanks to the Affordable Care Act.

Today millions of Americans today who didn't have it before, now have quality, affordable health insurance as a result of the Affordable Care Act. It is peace of mind. They can now carry an insurance card. I got a letter from one of my constituents saying how it felt to have an insurance card in her possession, knowing that it worked as a ticket to take care of her health care and the health care of her family.

No longer can an insurance company discriminate in ratings against women—a huge deal. The discriminatory rates were aimed against women, and we have eliminated that under the Affordable Care Act.

We have eliminated preexisting condition restrictions. I already talked

about pregnancy. But it was amazing how women particularly were discriminated against because of preexisting conditions, where they couldn't get full coverage to take care of all of their needs. That is over, including for their children. Many families told us they had a child with asthma and they couldn't get full coverage. Now they can get full coverage, thanks to the Affordable Care Act. They now have peace of mind and adequate coverage to take care of their needs.

We had the end of the caps on health insurance. No longer do people have to worry: Should I do this or not? Will I hit my annual limit or my lifetime limit?

They are gone. If they need insurance, it is there to protect them. That is what insurance should do: Protect families.

So we have made a huge difference.

I am particularly proud of the prudent layperson provision for emergency care. I can't tell my colleagues how many times we had circumstances where people needed to go to the emergency room because they thought they had a true emergency with chest pain and sweating, and they would go to the emergency room. The good news was they weren't having a heart attack. The bad news is they got a bill from their insurance company telling them that because they didn't have a heart attack they have to pay this bill. That is over. We have now legislated the prudent layperson standard so it is now right for a person to seek urgent care, and the insurance company must cover that visit for urgent care.

I could continue to list so many ways we have helped all people in this country but particularly women. It is tough enough to give birth to a baby and to raise a child. We have made it easier by taking away some of the burdens regarding our health care system.

So this past Sunday, when we celebrated Mother's Day, we could also point to a very tangible accomplishment this Congress has been able to deliver for all of our mothers in this country, and I was proud to be a part of making that a reality.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. NELSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Ms. HIRONO). Without objection, it is so ordered.

#### ROSENBAUM NOMINATION

Mr. NELSON. Madam President, shortly we are going to have votes on a number of judges, and I want to call to the attention of the Senate Federal district judge Robin Rosenbaum. She

has been nominated by the President to the U.S. Court of Appeals for the Eleventh Judicial Circuit.

The two Senators from Florida, Senator RUBIO and I, have a proud tradition in Florida of bipartisan support for our judicial nominees, and Judge Rosenbaum's selection is just another example in that 20-some-year experience in Florida of selecting our judges through a judicial nominating commission. In fact, this is the second time Florida's two Senators come together to support Robin Rosenbaum's nomination—this time for the circuit court—since we, a couple years ago, had recommended her to the President, the President chose her, and she has been a Federal district judge in the Southern District of Florida for the last couple of years. The vacancy was created by Judge Rosemary Barkett, who recently retired from the Eleventh Circuit. Judge Barkett was also a very distinguished judge from the State of Florida.

We are concerned about the alarming vacancy rate in our judiciary. The Eleventh Circuit is one of the busiest in the country. It has multiple vacancies.

Judge Rosenbaum is clearly not controversial. The two Senators are supporting her nomination. She received the ABA's highest rating—unanimously “well qualified”—and she has been approved, obviously, by the Senate Judiciary Committee. She is going to make a fine addition to the Eleventh Circuit, and at 5:30 p.m. this afternoon she will be the first judge up for confirmation. I urge my colleagues to confirm her nomination.

I thank the Presiding Officer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BLUMENTHAL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STUDENT LOAN DEBT

Mr. BLUMENTHAL. Madam President, like many of my colleagues, I have attended and spoken at a number of college and law school graduations and commencements.

I had the great privilege of speaking to the graduates of Post University on Saturday and at the Quinnipiac Law School just yesterday—both wonderfully exciting and rewarding days full of celebration and pride, well-justified joy and pride in the great accomplishments of these graduates, and more than their past accomplishments, their contributions of the future. These young people are our future. I spoke to them about the challenges and respon-

sibilities that come with the great privilege of having an education from great colleges and universities, undergraduate and law school, the opportunities for public service, to be a champion of right and responsibility, to advocate for people who need their voices and their advocacy, and the responsibilities and opportunities for public service.

Each of them has a great opportunity to give back to our country and to use that education to better all of us as well as themselves. Yet they are leaving college and law school burdened with debt that would have been unthinkable and even unimaginable a decade or so ago. The average in Connecticut is \$27,000 of debt per graduate from undergraduate education today.

What I have done over the last 2 days, over the last 2 weeks, over the past month, is really listen to our students at every level—high school as recently as Friday at Bassick High School in Bridgeport, colleges throughout the State of Connecticut—crisscrossing our State to talk on campuses, at roundtables, with students who are burdened—indeed, financially crippled with debt that would have been unthinkable and unimaginable when I was going through the same education. In those days, working to pay for college was possible. Today, the tuition costs are so high it is impossible.

Listening to students across the State of Connecticut, I have heard their stories. I have listened to the amounts they owe and the levels of interest they have to pay. Each of them, by first name—whether it is Buckley at \$56,000 or Jerry at \$260,000—I could go through them one by one, story by story, voice and face, each with great accomplishment and great potential achievement for the future, for our Nation. Yet they leave college and law school burdened by these debts. These are only a few.

I have promised to come here to tell their stories. I will tell their stories—not all of them but as many as I can, not all today but as many as I can over the next days and weeks—because each of them simply wants a fair shot at American opportunity, at the American dream, at the America all of us thought was possible for all of us when we went to school, a fair shot at the American dream and opportunity in the workplace, at home, in our society.

I venture to guess that every Senator in this body would agree that higher education offers a path to success for hard-working students. There is nothing controversial or partisan about that notion. An opportunity to move more Americans into the middle class is what education does for our Nation. It secures our middle class and enlarges and enhances it.

So investing in higher education really offers a fair shot to everyone



seeking to make something of himself or herself to earn a higher standard of living, the professional innovators, business creators, and thinkers whom the system will give us from all kinds of backgrounds all across the country and certainly in Connecticut. So what we need is to maintain educational success so we can sustain our success in the global economy and confront the challenges ahead.

Attending college or graduate school or technical school is a great opportunity but also a great responsibility. Students understand that they are taking on a significant trust obligation with the understanding that they will pay it back. None of them goes into these debts lightly, thinking that they can just avoid it. They are well aware that these debts, by and large, are non-dischargeable in bankruptcy, unlike most other debts. They are told and they rightly expect that these additional qualifications will enable them to find a good job and go on to a successful life and have a fair shot at the American dream. They are willing to work for that success. They are willing to pay back these debts. But too often they are not given or afforded the opportunity, realistically, to earn at a level that enables them to reach these goals, which leaves them with a financially crippling debt that serves no one.

Working people who bear a heavy debt burden have to make tough choices about getting married, buying homes, and having children. Entrepreneurs are blocked from starting new businesses. The risk takers and job creators of America have to go to other lines of work where their contribution is derivative, dependent on others rather than inventing and innovating and starting new businesses.

The risk taking that is the foundation and core of the entrepreneurial spirit in America is inhibited—indeed, impeded and sometimes crippled by these debts. These consequences are so widely understood that I hesitate even to take the body's time to recount them now. Yet the U.S. student debt totals \$1.2 trillion—much higher than it has ever been before.

I have listened in roundtables to its personal impact on our citizens and their children. I am here to tell their stories—Brittany, for example, who is the first in her family to attend college. She took out loans to attend school. She is over \$100,000 in debt. Her school does not offer much in financial aid.

Alese, a mother of three, went back to school when her children were young because, she said, she “wanted to make sure they had an example to follow when they finished high school” and she wanted them to “push forward and excel in their lives.” She wrote to me, “I knew that when I finished I would have to pay back those debts . . . what

I didn't anticipate was that I would still be paying those debts when my children started going to college.” She is now \$46,000 in debt. Her loans carry a 7-percent interest rate.

Our economy is still recovering from the greatest recession probably in most of our lifetimes. We need people such as Brittany and Alese to participate, young woman to invest in the future. We need to invest in them. They need to feel secure in their ability to support their children. But the mountains of debt confronting students and graduates today are overwhelming.

I am proud to be here with my colleagues to support their fair shot—all of our fair shot in the future because we live through our children. They are our future. It is a platitude we repeat so often, but it is true.

These interest rates are, first of all, unconscionably and unfairly high. Many of them are variable so they can continue in their unprecedented rise when interest rates begin going up again.

The money that comes from increased payments is nothing but profit for the Federal Government. The Federal Government is scheduled to make more than \$50 billion in profit on the loans it makes this year. We should see higher education as an investment, not as a revenue opportunity. Those students are our future, not a profit center. We ought to set repayments based on what is in students' and graduates' best interests. It is our best interest as well.

I am proud to join my colleague Senator ELIZABETH WARREN in introducing legislation that would allow borrowers to refinance their student loans. I am proud to join my colleagues in an effort to enable refinancing of student loans at more affordable rates, just as they do car payments and house payments. We cannot forget about current graduates with existing debt.

As much as we want to make available more aid through Pell grants, lower interest rates on loans being made now, opportunities to pay down those loans based on public service, more disclosure, and more accurate disclosure through the kinds of measures that Senator FRANKEN has introduced and I have joined him, right now we can take this profoundly significant step by supporting a measure that enables refinancing of student loans so that everyone has the benefit of the best, lowest, most affordable interest rate.

I believe graduates who pursue public service ought to have the opportunity to pay down those debts in ways that are expanded, made more flexible and more accessible to more of these graduates. They are necessary to everyone's health and safety, whether they are teaching or policing or fire fighting or advocating for people who need legal assistance or caring for people as doc-

tors in areas where they are needed. Those public service opportunities, as I told the graduates at Post University and at the Quinnipiac Law School, ought to be expanded and enhanced for them and all of our students around the country today, as well as those who graduated in recent years.

Let's make sure in the meantime for people who have this grinding, financial, crippling debt that overhangs them and inhibits economic growth, it is made more affordable. Let's give them a fair shot at economic opportunity. Let's give all the students who are aspiring now in high school, at Bassick or elsewhere, the opportunity to have a fair shot.

I am going to briefly quote some of what some said to me.

“There is no end in sight.”

“I feel like I will never escape this.”

“I don't own a home. I can't. I just work to pay my loan.”

These messages—and I am going to bring them again to the floor—are from the heart of Connecticut. The Presiding Officer could do the same from Hawaii. Every Member of this body could come to the floor with these same messages from the students and graduates of America, the innovators and creators, the home builders and family men and women who simply want a fair shot for themselves and their children.

One person said: “If there is anything that can be done for struggling families with student loan debt please help.”

Let's help. Let's give them a fair shot.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRUZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUESTS— S. RES. 225 and S. 1386

Mr. CRUZ. Madam President, 8 months ago yesterday I requested unanimous consent for S. Res. 225 calling for a joint select committee of Congress to investigate the terrorist attack on our facilities in Benghazi, Libya, on September 11, 2012, which resulted in the murder of four brave Americans: Foreign Service Officer Sean Smith, former Navy SEALs Glen Doherty and Tyrone Woods, and Ambassador Christopher Stevens, who was our first Ambassador murdered while serving since Adolph Dubs in 1979.

At the time my colleague, the junior the Senator from California, objected on the grounds that the administration was trying “to address Benghazi,” and that President Obama would “not rest until the perpetrators were caught.”

Here we are, 8 months later, and the perpetrators still have not been caught, and the confusion about what occurred on September 11, 2012, in Benghazi has only gotten worse. In recent weeks, what happened on that terrible night has gotten more and more obscure.

On April 2 of this year, Mike Morell, the Deputy Director of the CIA during the Benghazi attacks, testified regarding the CIA talking points that he “took out the word ‘Islamic’ in front of ‘extremists’” because he thought there were other kinds of extremists in Libya and that he did not use the word “terrorist” because “we see extremists and terrorists as the same thing.”

On April 29 of this year, in response to a FOIA request by Judicial Watch, the White House released emails related to Benghazi, including a September 14, 2012, email from Deputy National Security Adviser Ben Rhodes that had as its stated goal “to underscore that these protests are rooted in an Internet video and not in a broader failure of policy.”

I would note that is a stated political goal from the White House, in writing, days after the attack—not to get to the truth but to further that political goal.

Then, on May 1, 2014, Gen. Robert Lovell, Deputy Director of Intelligence of U.S. AFRICOM during the Benghazi attacks, became the first former military officer to question the administration’s insistence that a rescue attempt was not possible, arguing “the discussion is not in the ‘could or could not’ in relation to time, space, and capability, the point is we should have tried.”

It is hard to disagree with the good general that we should have tried to save those four Americans who were murdered that tragic night.

We are left once again with persistent questions on Benghazi to which we still don’t know the answers. Here are 10:

No. 1. Why was the State Department unwilling to provide the requested level of security to Benghazi in the summer of 2012?

No. 2. Do President Obama’s daily intelligence briefings in the runup to September 11, 2012, support the assertion that there was no credible threat of a coordinated terrorist attack on Benghazi during the time, and do the daily intelligence briefings following that date support the claim the administration made that the cause was an Internet video? Why hasn’t the White House declassified and released those briefings, as President George W. Bush did with his pre-September 11, 2001, briefings?

No. 3. Why did we not anticipate the need to have military assets at the ready in the region on the anniversary of September 11—of all dates?

No. 4. Did President Obama sleep the night of September 11, 2012? Did Secretary Clinton? Neither has answered

that very simple question: Were they awake or asleep while Americans were under fire? When was President Obama told about the murder of our Ambassador?

No. 5. If the Secretary of Defense thought there was “no question that this was a coordinated terrorist attack,” why did Ambassador Susan Rice, Secretary Clinton, and President Obama all tell the American people that the cause was a spontaneous demonstration about an Internet video? None has squarely answered that question.

No. 6. Why did former Deputy CIA Director Mike Morell edit the intelligence community talking points to delete the references to Islamic extremists and Al Qaeda?

No. 7. Why did the FBI not release pictures of the militants taken the day of the attack until 8 months after the fact—why not immediately, as proved so effective in the Boston bombing?

No. 8. Why was Secretary Clinton not interviewed for the ARB report? If all the relevant questions were answered in the ARB report, as our friends on the other side of the aisle often like to say, why did the State Department’s own inspector general’s office open a probe into the methods of that very report?

No. 9. Why have none of the terrorists who attacked in Benghazi been captured or killed?

No. 10. What additional evidence that the White House engaged in a partisan political campaign to blame the Benghazi attack on the Internet video is contained in the additional emails requested by Judicial Watch but withheld by the White House on the grounds that it would put a “chill” on internal deliberations?

I would suggest to my colleagues that what is truly chilling is that 20 months after the Benghazi attack, we have four dead Americans and no dead terrorists. It is chilling to think our President may have had better things to do than personally attend to an ongoing terrorist attack on our people. It is chilling to imagine that we could have mounted a rescue attempt of our own people but that we didn’t even bother to try. It is chilling to think our Secretary of State would not insist on giving an interview for the ARB report. It is chilling to think we have an administration that is reluctant to utter the words “radical Islamic terrorism,” let alone fight effectively against it. It is chilling to have former administration officials respond to questions in response to Benghazi with, “Dude, this was like two years ago.”

The clock is ticking. Memories are fading. It is beyond time to get the full resources of both Houses of Congress behind this investigation. The President should release his daily intelligence briefings in the times surrounding the Benghazi attack, as

President George W. Bush did concerning 9/11. This body should join with the House of Representatives, with a joint select committee to get to the bottom of what happened. Why didn’t we protect Americans? Why didn’t we stop this attack? Why haven’t we captured the terrorists who killed four Americans including our Ambassador?

Accordingly, I ask unanimous consent that the rules and administration committee be discharged from further consideration and the Senate now proceed to S. Res. 225. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

THE PRESIDING OFFICER. Is there objection?

The Senator from New Jersey.

Mr. MENENDEZ. Reserving the right to object, this request is, in my view, without merit. It is an effort to follow in the footsteps of the unfortunate, politically motivated creation of a just-founded special committee by the House of Representatives just in time for midterm elections. The supposed reason once again we hear colleagues saying we need to have another review, another hearing, another investigation, is the White House email. This is the smoking gun.

When you read the email, in fact, it is nothing more than a day-to-day work product and part of the job of the President’s staff when they are talking about, not Benghazi—not Benghazi—but what is happening across the entire region, and clearly across many parts of the Arab world. What happened as a result of that video was a visceral response, and it is in that context that this email is being discussed, but our friends—who will never be satisfied because it doesn’t solve their political concerns—at the end of the day seek to use this as their latest claim for their “investigation.”

Their previous one-trick pony, repealing the Affordable Care Act, has finally been put out to pasture. The Republicans desperately need another political trick, and apparently when there is nothing else of substance to fire up their base, their plan is to yell “Benghazi” as often and as loudly as possible.

This request is, from my perspective, purely a political witch hunt without merit. There have been 11 congressional hearings on the attack. The executive branch has released 25,000 pages of documents and email related to the incident. There has been an independent Accountability Review Board report. There have been multiple Congressional reports on the attack. The Senate Intelligence Committee issued a bipartisan report last January on the attack. The House Armed Services Committee issued a report on military response to the attack. The Senate Foreign Relations Committee, which I

chair, has held multiple hearings and briefings to review the events that occurred in Benghazi. We heard from Secretary Clinton. We heard from Secretary Kerry. We have heard from Deputy Secretary Burns. We have met with survivors of the Benghazi attack. We have multiple briefings from Assistant Secretary Starr and with diplomatic security. We have had briefings from the intelligence community and the Department of Defense.

Whatever questions remain are meant, from my perspective, only to score political points. I feel confident the Congress and the American people have received the necessary information about the attack, but Congress is not without responsibility. We also have an obligation to do our part to comply with the Administrative Review Board's recommendations.

Benghazi again highlighted the need to maintain focus and to revise policies to better protect the nearly 70,000 men and women serving across the world in more than 275 posts. The Congress took a serious look at the issue following another set of tragedies in Nairobi and Dar es Salaam that resulted in 224 deaths, including 11 American citizens.

We may not be able to prevent every single terror attack in the future, but we can and we must make sure our embassies and employees, starting with high-risk, high-threat posts, are capable of withstanding such an attack. That is why the Senate Foreign Relations Committee passed S. 1836, the Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty Embassy Security Threat Mitigation and Personal Protection Act of 2013.

If the Senate wants to take effective action to safeguard our brave men and women serving in U.S. embassies and consulates abroad, if we want to actually be serious about discharging our duties and to make sure these attacks are less likely to occur in the future, rather than grandstanding for cheap political advantage, then it is time to take up S. 1386 and immediately pass a bipartisan bill—that Senator CORKER and I authored together with support from both sides of the aisle on our committee—that would authorize the funding for the key items identified by the Accountability Review Board on Benghazi, including embassy security and construction, language training, and an improved and integrated foreign affairs security training for State Department personnel.

It provides contract authority to the State Department to allow it to award contracts on a best value basis, rather than to the lowest bidder, where conditions require enhanced levels of security, and it goes on and on about our high-risk, high-threat posts meeting all the elements of what the review board said was critical to make sure we don't lose lives again.

I would rather we legislate, which our constituents sent us to do, and pass

bills extending our Nation's security policy and addressing the real challenges and real lessons to be learned from the tragic events at Benghazi. The bipartisan embassy security bill does just that.

For that purpose, I would ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 257, S. 1386, a bill to provide for enhanced embassy security; and further, that the committee-reported amendments be agreed to; that the bill as amended be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there an objection to the request made by the Senator from New Jersey?

The Senator from Texas.

Mr. CRUZ. Madam President, reserving the right to object, my friend, the senior Senator from New Jersey, suggests that this is a request on the eve of a midterm election. The only reason for that of course is 8 months ago, when I made the exact same request, the Democrats objected and blocked a joint select committee looking into Benghazi at that time. The Senator from New Jersey also suggested this was some kind of distraction from ObamaCare. I promise the Senator, there is no one in this Chamber less interested in distracting from ObamaCare than I.

I would encourage the senior Senator from New Jersey, if he believes what he says, to go and campaign for his Democratic colleagues who are up for election this year with the simple message that he said on the floor of this Senate, which is Senator so-and-so is the critical 60th vote to passing ObamaCare, and if you like it you can keep your Senator. I feel quite confident that the Democratic Senators up for election this year are running as rapidly away from the point suggested by the senior Senator from New Jersey as possible.

But secondly, I would note, in his entire speech, the senior Senator from New Jersey said there is no need for any further inquiry because we had lots of hearings and there is no need to know anything, but let me point out, the senior Senator from New Jersey did not answer even a single question that I asked. I outlined 10 questions that have not been answered. He is the chairman of the Foreign Relations Committee. Yet he either could not or did not answer even a single question—two simple ones—which are “yes” or “no” questions.

No. 1. Did President Obama sleep on the night of September 11, 2012? The senior Senator from New Jersey chose not to answer, I suspect, because none of us knows because the White House has never answered that question.

No. 2. Do the President's daily intelligence briefings reflect the political

spin from the White House on Benghazi? Likewise, the chairman of the Foreign Relations Committee did not answer that question. Again, I suspect it is because he does not know because the White House has not released that information.

There are far too many questions remaining, but the senior Senator from New Jersey, my learned colleague, proposed a counter unanimous consent request to improve embassy security.

I would ask unanimous consent to engage in a very brief colloquy with my colleague and ask him specifically one question about the unanimous consent request.

The PRESIDING OFFICER. Is there objection? Without objection.

Mr. CRUZ. The question I would ask my colleague from New Jersey is, If I were to consent to the unanimous consent that the Senator has proffered, and if this side of the aisle would request, would he likewise consent to the unanimous consent request that I put forward for a joint select committee composed of Republicans and Democrats in the Senate to get to the bottom of what happened in Benghazi?

Mr. MENENDEZ. I would say to my colleague from Texas that the consent request for embassy security we passed in committee in a bipartisan effort is much different than a partisan effort to have an investigation that ultimately also is led by a partisan effort in the House of Representatives. So one is guaranteed to have the support of both sides of the aisle in order to ensure that we protect our men and women in the Foreign Service in the days ahead. The other one is guaranteed to pursue a political line and a political attack instead of making sure we ultimately save lives in the future, not because I said it but because an independent review board made these recommendations that we incorporate them. So, of course, the two are not the same.

Mr. CRUZ. So why is it—I am curious—the senior Senator from New Jersey believes an inquiry to ascertain the truth about what happened is necessarily a partisan endeavor? Is there no partisan interest on that side of the aisle in finding out what happened, how it could have been prevented, and why we didn't save those four Americans?

Mr. MENENDEZ. I am happy to answer my colleague on that, because he suggested that his 10 questions—that because he asked the 10 questions, they are suddenly worthy of being answered, worthy of in fact not being viewed through the prism of any politics. I would simply say if there is political spin—several of the Senator's questions are pretty shocking to me in terms of the political nature of them.

As I said to the body, we have had a whole host of efforts to review the facts and come to a determination of

the truth of what happened on that day. They have been in public hearings and they have been in secure intelligence briefings. Members on both sides—on both sides—have been exposed to it. Members on both sides got to ask questions across the spectrum, and so from my perspective we have gone through the search of what happened on that fateful day. We all abhor what happened to the men who lost their lives on that day. That is why what I want to do is ensure that we lose no more lives as a result of this Congress's irresponsibility to act on embassy security, knowing what in fact a panel of experts, undisputed in their capacity, has said is necessary to protect our men and women around the world. Yet we cannot seem to get that legislation passed through the Senate. Now, that is about congressional responsibility from my perspective.

Mr. CRUZ. I would note that my friend from New Jersey did not endeavor to answer any of the questions I proffered, including the most simple question, such as did the President sleep on the night of September 11, 2012.

Mr. MENENDEZ. I think whether the President slept on that day, the question is, Did he even get told by those who had information that such an attack was going on? I don't know. The bottom line is would that have saved anybody? I don't know that either.

The bottom line is does the Senator want to do something about saving future lives or does he just want to do politics with this issue? If he wants to save lives tomorrow, where he does have the control—where he does have the control at this moment—then he will let the embassy security bill go forward. If, God forbid, we have an attack somewhere in the world, and the legislation we are seeking in a bipartisan way in response to that independent board is stopped because the other side wishes to stop it, then God forbid we have an attack and lives are cut off. Then there will be an accounting at that time.

Mr. CRUZ. I would thank my friend from New Jersey for a colloquy in support of this joint select committee on Benghazi because the Democratic Senator from New Jersey, the chairman of the Foreign Relations Committee, just told this body he has no idea if President Obama was even told that four Americans were under terrorist attack. He has no idea. He doesn't know what, if anything, the President could have done to save them.

I would suggest that is exactly the reason we need this committee. If the chairman of the Foreign Relations Committee 2 years later cannot answer that question, it makes abundantly clear that the response of the administration, sadly, and the response of the Senate Democrats has been partisan stonewalling rather than getting to the

truth. In the immortal lines of Jack Nicholson, it makes one think perhaps they cannot handle it or at least they don't want to know.

I would finally say I am more than prepared to consent to the request from the senior Senator of New Jersey if he would only show the same reciprocal courtesy of agreeing to the same request; a bipartisan committee, in which he would no doubt participate, to answer the question—the senior Senator from New Jersey just told this body he doesn't know if the President knew. He doesn't know what the President could have done. Apparently, the premise of the statement is he doesn't think the American people care.

I suggest that the American people care a great deal as to what the President knew about national security. They would want to know if he was not engaged or if he didn't act to stop it. That is a matter worthy of inquiry by this body.

Mr. MENENDEZ. I say to my colleague from Texas that we have come to a conclusion based on all of the hearings, all of the testimony, and all of the reports as to what transpired and what we can do to save a life prospectively; therefore, I say to the Senator, he has it in his control to ultimately ensure that we set the foundation so no one else will lose their life. If he wants to hold that hostage to his political efforts to continue an issue that has had thousands of hours of reviews, hearings, reports—all with bipartisan participation—then he can choose to do so.

Mr. CRUZ. Since my friend from New Jersey has made it plain that he will not consent to this request, I will note that this is an open offer that anytime my friend from New Jersey will simply stop blocking a fair, bipartisan, joint inquiry as to what occurred in Benghazi—the terrorist attack that tragically took the lives of four Americans—I am happy to consent.

The PRESIDING OFFICER. The time for morning business has expired.

Is there objection to the request made by the Senator from New Jersey?

Mr. CRUZ. I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the request made by the Senator from Texas?

Mr. MENENDEZ. I object.

The PRESIDING OFFICER. Objection is noted.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF ROBIN S. ROSENBAUM, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

Under the previous order, there will be 2 minutes of debate prior to the Rosenbaum nomination.

Mr. HOEVEN. Madam President, I yield back time.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh Circuit?

Mr. HOEVEN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Alaska (Mr. BEGICH) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea," and the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 141 Ex.]

#### YEAS—91

Ayotte	Chambliss	Fischer
Barrasso	Coats	Flake
Bennet	Coburn	Franken
Blumenthal	Cochran	Gillibrand
Blunt	Collins	Grassley
Booker	Coons	Hagan
Boxer	Cornyn	Harkin
Brown	Crapo	Hatch
Burr	Cruz	Heinrich
Cantwell	Donnelly	Heitkamp
Cardin	Durbin	Hirono
Carper	Enzi	Hoeven
Casey	Feinstein	Inhofe

Isakson	Merkley	Scott
Johanns	Mikulski	Sessions
Johnson (SD)	Moran	Shaheen
Johnson (WI)	Murphy	Shelby
Kaine	Murray	Stabenow
King	Nelson	Tester
Kirk	Paul	Thune
Klobuchar	Portman	Toomey
Landrieu	Pryor	Udall (CO)
Leahy	Reed	Udall (NM)
Lee	Reid	Walsh
Levin	Risch	Warner
Manchin	Roberts	Warren
Markey	Rockefeller	Whitehouse
McCain	Rubio	Wicker
McCaskill	Sanders	Wyden
McConnell	Schatz	
Menendez	Schumer	

## NOT VOTING—9

Alexander	Boozman	Heller
Baldwin	Corker	Murkowski
Begich	Graham	Vitter

The nomination was confirmed.

#### NOMINATION OF STEVEN CROLEY TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the following nomination, which the clerk will report.

The assistant bill clerk reported the nomination of Steven Croley, of Michigan, to be General Counsel of the Department of Energy.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form.

Mr. LEVIN. Mr. President, I am pleased to support the nomination of Steven Croley to be the next General Counsel at the Department of Energy. Nominated in August 2013, Dr. Croley has served the Obama administration since 2010, including as Deputy Assistant to the President, Deputy White House Counsel, and Special Assistant to the President for Justice and Regulatory Policy at the Domestic Policy Council. A native of DeWitt, MI, Dr. Croley earned his undergraduate degree from the University of Michigan, where he later went on to teach at the law school after obtaining his juris doctor from Yale Law School and a Ph.D. from Princeton. At the University of Michigan, Dr. Croley was named the Harry Burns Hutchins Collegiate Professor of Law and served as the law school's associate dean for academic affairs, teaching and publishing in the areas of administrative law, civil procedure, regulations, and other areas. He has also served as a special assistant to the U.S. attorney for the Eastern District of Michigan and clerked for Judge Stephen Williams at the U.S. Court of Appeals for the D.C. Circuit. An often-cited authority on regulatory policy and administrative law, he is a co-author of the book "What Agencies Do: The Fourth Branch in Operation," scheduled to be published soon. I am confident his work on regulatory law, administrative procedure, rulemaking, and litigation experience will serve as a constructive framework for his ef-

forts at the Department of Energy. With the support and sacrifice of his family—wife Bridget Mary McCormack, who is currently serving as a justice of the Michigan Supreme Court, and four children, Jack, Anna, Harry, and Matt—Dr. Croley will make valuable contributions to the work of the Department and the Nation.

Mr. REID. Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Steven Croley, of Michigan, to be General Counsel of the Department of Energy?

The nomination was confirmed.

Mr. REID. Mr. President, the Republican leader and I are going to have a short colloquy here. There will be one more rollcall vote tonight. The next rollcall vote will be tomorrow.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2014—Resumed

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that all filed amendments to Calendar No. 368, S. 2262, be in order for floor consideration of this bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we had an agreement to do the bill. Then we changed it to do it with Keystone. That is still our agreement. We are willing to do this bill, energy efficiency, which is such a good bill. We are in agreement that we could have an up-or-down vote very shortly thereafter on Keystone.

So without going through all of the details, that is what I want to do. He does not want to do that. I object to his unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, therefore, I propose a different unanimous consent agreement. I ask unanimous consent that the only amendments in order be five amendments from the Republican side related to energy policy with a 60-vote threshold on adoption of each amendment. I further ask that following the disposition of these amendments, the bill be read a third time, and the Senate proceed to

vote on passage of the bill, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under Rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2262, a bill to promote energy savings in residential buildings and industry, and for other purposes.

Harry Reid, Jeanne Shaheen, Edward J. Markey, Christopher A. Coons, Tammy Baldwin, Patty Murray, Richard J. Durbin, Barbara Boxer, Maria Cantwell, Ron Wyden, Robert Menendez, Jon Tester, Debbie Stabenow, Bill Nelson, Thomas R. Carper, Patrick J. Leahy, Mark R. Warner.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2262, a bill to promote energy savings in residential buildings and industry, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Alaska (Mr. BEGICH) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay," the Senator from Arkansas (Mr. BOOZMAN) would have voted "nay," and the Senator from Tennessee (Mr. CORKER) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 36, as follows:

[Rollcall Vote No. 142 Leg.]

#### YEAS—55

Ayotte	Cardin	Feinstein
Bennet	Carper	Franken
Blumenthal	Casey	Gillibrand
Booker	Collins	Hagan
Boxer	Coons	Harkin
Brown	Donnelly	Heinrich
Cantwell	Durbin	Heitkamp

Hirono	Merkley	Shaheen
Johnson (SD)	Mikulski	Stabenow
Kaine	Murphy	Tester
King	Murray	Udall (CO)
Klobuchar	Nelson	Udall (NM)
Landrieu	Portman	Walsh
Leahy	Pryor	Warner
Levin	Reed	Warren
Manchin	Rockefeller	Whitehouse
Markey	Sanders	Wyden
McCaskill	Schatz	
Menendez	Schumer	

## NAYS—36

Barrasso	Flake	Moran
Blunt	Grassley	Paul
Burr	Hatch	Reid
Chambliss	Hoeven	Risch
Coats	Inhofe	Roberts
Coburn	Isakson	Rubio
Cochran	Johanns	Scott
Cornyn	Johnson (WI)	Sessions
Crapo	Kirk	Shelby
Cruz	Lee	Thune
Enzi	McCain	Toomey
Fischer	McConnell	Wicker

## NOT VOTING—9

Alexander	Boozman	Heller
Baldwin	Corker	Murkowski
Begich	Graham	Vitter

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 36. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on S. 2262.

The PRESIDING OFFICER. The motion is entered.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understand there are several Senators on the floor who wish to speak on several important subjects. I would like to talk for about 5 to 7 minutes on the vote that just occurred and to give some concluding remarks on the Keystone Pipeline and the failure of the Senate to take the opportunity presented today to move forward in a bipartisan, cooperative fashion and adopt two important and significant steps toward building a more aggressive, a more dynamic, and a more comprehensive domestic energy policy for the United States of America.

It is a shame that after all of the hard work that has gone into this, it has basically ended in a draw tonight. Senators SHAHEEN and PORTMAN could not have worked harder together to produce a bill that creates thousands of jobs for our country. They brought their bill, as is the order, to the Senate energy committee. Senator WYDEN served as chair of that committee for the last several years. I just stepped into the chairmanship in the last 8 weeks, but I have committed to both these terrific leaders and the former chair that I would try to advance one of the important bills that came out of our committee.

There have been 300 bills filed this Congress in the energy committee. There have been 13 that have passed. This would have been the 14th. I thought it was important to pair it with the Keystone Pipeline because

while there is strong support for the efficiency bill on the Democratic side and significant support on the Republican side, the Republican leaders wanted to build—and many of us, including myself—the Keystone Pipeline. In fact, Senator MCCONNELL said on April 29—not too long ago—that Keystone “would produce significant economic benefits.” On May 6 Senator THUNE said that we “will have shovel-ready jobs associated with it.” On May 7 Senator CORNYN said, “build this pipeline so we can safely transport oil.” Senator ALEXANDER said that “after 5 years of delays, there is simply no reason not to let the Keystone XL Pipeline move forward.” On April 29 Senator ENZI said, “How many times have we been through this?” Senator INHOFE: “. . . no longer have a valid reason to stall.” Senator TOOMEY said, “It is time for Congress to step up and do what the President hasn’t—authorize this pipeline.” We had an opportunity just a few minutes ago for these Senators to do exactly that, but they chose to have an issue as opposed to having a pipeline, and that is very disappointing.

The efficiency bill that came out of the committee, contrary to what has been said on this floor over and over again—that the problem was that HARRY REID would not allow amendments—was amended in committee several times before the bill came out. There are Republican and Democratic members of the committee, and it came out of the committee on a vote of I think 19 to 3.

When the bill was brought to the floor approximately 6 or 7 months ago, Senators SHAHEEN and PORTMAN allowed 10 additional amendments—10 additional amendments—by Members on the Democratic and Republican side. I am going to read those amendments into the record so that nobody can report or continue to say that the reason we are here is because there weren’t amendments that were offered.

This bill was well negotiated. For the record, the first amendment was added by Senator COLLINS and Senator UDALL on energy-efficient schools—Senator COLLINS, a Republican from Maine. No. 2 was a better-buildings amendment by Senators AYOTTE and BENNET—a Republican from New Hampshire. There was a data center amendment—the fourth amendment added to the base of this bill—by Senator RISCH, a Republican Member. The fifth amendment was again a Collins amendment—low-income housing retrofits. That was a Collins-Whitehouse amendment. The ENERGY STAR third-party testing was an amendment I offered along with Senator WICKER, a Republican from Mississippi. Another was the Wicker-Landrieu-Pryor amendment—Federal green buildings adjustment so that some of our products that are used to promote energy efficiency would not be

disqualified. It was a very important amendment, and Senator SHAHEEN and Senator PORTMAN agreed to that. Senator HOEVEN, a Republican, offered an amendment creating an exemption for thermal storage water heaters. That amendment was put in. And then there was a Hoeven-Manchin-Isakson-Bennet amendment—energy efficiency in Federal residential buildings. That amendment was put in the base bill. Finally, the 10th amendment was by Senator SESSIONS and Senator PRYOR requiring DOE to recognize voluntary independent certification programs.

So this argument that the reason we can’t have a vote on the Keystone Pipeline is because Democrats will not allow amendments is completely bogus—completely bogus—and anyone following this debate knows that.

Senators SHAHEEN and PORTMAN compromised. And as the new chair of the committee, I thought that if the Republicans wanted a vote on Keystone, we could at least offer that, and I thought that was a big step—I mean, a big step. I guess it was so big they decided they didn’t want to take it, because they could have had a vote on Keystone. They can’t take yes for an answer. I thought that was a big step forward, a big improvement over where we were about 6 months ago where we had 3 Democrats—we now have almost 11, and the number is growing—who supported Keystone.

And it is not because people are not respectful of the President’s position. He is entitled to have his own position. Some of us just strongly disagree with it. The studies are in. The environmental studies are in. This is a rounding error when it comes to increased carbon emissions. And it is a hugely important impact for safety to get oil transported by the safest route possible—pipeline—as opposed to these tankers rolling alongside our children and schoolbuses on our highways or rolling through our communities on rail. We have already seen a number of horrific accidents.

So here I am, the new chair of the committee, and I thought, well, this could be possible. We have an efficiency bill Democrats like, and we have Keystone, which the Republicans really want to get done. Why don’t we just offer them together? It makes perfect common sense to everyone in America—cooperation and common sense—but that is in short supply here in the Senate, and it is very disappointing.

I know it is an election year. I am reminded about that every day by my colleagues. But I thought this was bigger than the campaign. It is about jobs, it is about middle class, it is about strengthening domestic energy, and it is about being balanced in our approach. I know if Democrats were completely in charge they would write an energy bill one way, and if Republicans

were completely in charge they would write it a different way. But this isn't fairyland. This is Washington, DC, and we have a split Congress. So I thought bringing an efficiency bill that has over 200 organizations, from the Environmental Defense Fund to the chamber of commerce—and Senator SHAHEEN and Senator PORTMAN have put together an absolutely magnificent coalition—not seen very often around here, to tell the truth. And the Keystone Pipeline has won over its critics. There were a lot of critics in the beginning. There still are very loud critics, but I think the evidence is showing the importance of building this Keystone Pipeline.

As chair, I intend to be as fair as I can be with both parties, and putting things on this floor we can be proud of together, where everybody takes a little and gives a little and we move forward. But, no, that is not enough for the Republican leader. The Republican leader wants an issue; he does not want the pipeline. I hope the people of Kentucky will remind him how important the pipeline is.

So I am going to ask unanimous consent—I am going to read this into the RECORD, all this formal language, but I want people to know what my consent request really is. I am going to ask unanimous consent that at sometime before May 22, which would be about 2 weeks from today, or a week and a half, this Senate have a straight-up vote after 3 hours of debate on the Shaheen-Portman bill that already has 10 Republican amendments included in it and that 3 hours later or at some certain time later, we have a straight-up vote on the Keystone Pipeline.

That is what this unanimous consent request I am going to read into the RECORD says, but it is a little bit confusing when you hear it, so I want people to know really clearly what it is I am asking.

Mr. President, I ask unanimous consent that sometime before May 22 there would be a vote straight up on Keystone and on the efficiency legislation, which already has 10 Republican amendments—bipartisan amendments led by Republican Members—included in the bill, and I ask for that now with a 60-vote threshold.

So I ask unanimous consent that with respect to S. 2262, the pending motion to commit and amendments be withdrawn, with the exception of the substitute amendment; that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate resume consideration of S. 2262, that the substitute amendment be agreed to; that there be no other amendments, points of order or motions in order to the bill other than budget points of order and the applicable motions to waive; that there be up to 3 hours of debate on the bill, equally divided between the two lead-

ers or their designees; that upon the use or yielding back of time, the Senate proceed to vote on passage of the bill, as amended; that the bill be subject to a 60-affirmative vote threshold; that if the bill is passed, the Senate proceed to the consideration of Calendar No. 371, S. 2280—which would be Keystone—at a time to be determined by the majority leader, after consultation with the Republican leader, but no later than Thursday, May 22, 2014; that there be no amendments, points of order or motions in order to the bill other than budget points of order and the applicable motions to waive; that there be up to 3 hours of debate on the bill, equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on passage of the bill; that the bill be subject to a 60-affirmative vote threshold.

The PRESIDING OFFICER. Is there objection?

Mr. FLAKE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I understand there are 75 amendments filed at the desk to this bill. Some of them are mine. Twenty-four of them have been filed by Democratic Senators who hope to offer them to this bill.

We keep hearing about amendments that are being allowed. These are amendments or amendment language which has been drafted into a manager's amendment to the bill, not to be offered on the floor. I should note that the vote on the Keystone Pipeline is one of those amendments that could be offered to the bill if there was agreement to move ahead.

So I ask unanimous consent that the unanimous consent be modified so that all filed amendments to Calendar No. 368, S. 2262, be in order for floor consideration of this bill.

The PRESIDING OFFICER. Does the Senator so modify the request?

The Senator from California.

Mrs. BOXER. I reserve my right to oppose this modification, and I wish to briefly explain why, as my colleague explained his reason why he wanted to modify.

I think what Senator LANDRIEU has offered is what everybody in this country thought we were going to do. Senator LANDRIEU and I disagree on Keystone. No one could be a stronger advocate for Keystone than she is, period.

I believe tar sands should not be brought into this country the way they would be brought in at a 45-percent increase with this pipeline—eventually 300 percent. We could have had a robust debate. The Senator and I would have been respectful and caring about each other, but we would have disagreed. We could have had the vote.

Maybe I am old-fashioned, but I believe when you give your word, you

keep your word. Leadership was very clear that if we were able to give the Republicans and Senator LANDRIEU a vote on Keystone, we could move forward with Shaheen-Portman, a bipartisan, incredibly important energy efficiency bill.

Instead, what we know is Republicans want to offer—and it is in my jurisdiction so I can speak about it—environmental riders, the likes of which I have never seen in one grouping, essentially repealing the essence of the Clean Air Act that was signed into law in 1970 by Richard Nixon, and the 1990 amendments which were signed into law by George Herbert Walker Bush. They want to put those on this bill. You have got to be kidding. Something as serious as that?

So I object to the modification.

Ms. LANDRIEU. Given Senator BOXER's comments, I am unable to modify my request. I hope we can move forward at some time with a vote on the energy efficiency bill and on the Keystone Pipeline.

The PRESIDING OFFICER. There is objection to the modification. Is there objection to the original request?

Mr. FLAKE. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from California.

Mrs. BOXER. Mr. President, before Senator SHAHEEN and other Senators leave, I wish to say how disappointed I am, because energy efficiency is so good for this country, and they have stopped it because they want to repeal the Clean Air Act. Let's call it what it is. It is really a sad state of affairs.

I was so looking forward not only to the debate on energy efficiency, but, frankly, the debate on the Keystone Pipeline, which my Republican friends say is a major priority. If they felt it was a major priority, why have they filibustered this bill when we could have made that deal which they came up with in the first place?

So I am very disappointed. I hope we will have another chance to pass this bipartisan energy efficiency bill that Senator SHAHEEN and Senator PORTMAN worked so hard on.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, the notion that Republicans are trying to repeal the Clean Air Act—if somebody were offering an amendment to that, then it would simply be defeated on this floor.

Let the amendments be offered. That is what the Senate is all about. This is a place of unlimited debate and usually unlimited amendments. But we are told now they can only agree to amendments the majority leader agrees should be offered. That is not right. That is not the Senate.

Let's go ahead and allow the amendments to be offered. If the amendments



are wild-eyed and out there, they will surely be defeated. But let's debate the bill. Let's actually have an opportunity to amend the bill with amendments of our own choosing, not somebody else's choosing. That is what this debate is about.

#### PRODUCTION TAX CREDIT

Mr. President, last month the Senate Finance Committee considered legislation to extend a number of expired tax provisions.

We have become so accustomed to extending various tax credits and deductions on a year-by-year basis, we have given this bill the name "tax extenders" when it comes up every year.

Unfortunately, these short-term fixes passed by Congress fail to give any certainty to taxpayers in the future, other than the fact that the government continues to give preferential treatment to certain chosen industries.

Now, rather than blindly extend these provisions, what we ought to do is eliminate these wasteful extenders which are really just subsidies. These benefit just a few. Those that are necessary for the economy let's extend permanently so we don't go through this exercise year after year.

But today I will discuss for a minute one extender that is ripe for elimination—the Production Tax Credit, otherwise known as the PTC.

In 1992, the PTC was temporarily established to promote development of renewable energy—electricity, particularly. This was for the then-fledgling wind power industry.

Congress gave energy producers a lengthy 7-year window to take advantage of and prepare for the eventual expiration of this tax credit in 1999. But as we know, here in Washington, very few of these programs are temporary. So here we are 15 years later, and the PTC is still hanging around.

Since its inception, this credit has been extended eight times. Having expired on January 1 of this year, there is now another effort afoot to resurrect what can only be described as a zombie credit. Do we really need a ninth extension? Wouldn't it be more intellectually honest to decide, if this government's policy is worth it, to simply permanently renew? Yet we go through this exercise year after year.

Last month there was a glimmer of hope that common sense would prevail. The tax extender package put forward by Senator WYDEN and Ranking Member HATCH excluded the PTC—allowing the credit to finally expire so it wouldn't have been part of this package. However, it didn't take long for those who benefit from this government subsidy to activate the rallying cry.

A few short days later, the PTC was back in the package to provide the wind industry 2 additional years, until the end of 2015, to start construction on projects that would be eligible for the subsidy.

According to the Joint Committee on Taxation, this short extension would cost more than \$13 billion over the next 10 years. But this isn't a true cost. Wind producers get to claim the credit for 10 years, beginning on the date of first production, as opposed to the start of construction.

In reality, the Federal Government's financial commitment extends well beyond the 10-year period considered in the JTC's initial estimate. The government will still likely be passing out these credits in 2027 and beyond.

That is a long commitment for a technology that former Energy Secretary Steven Chu said was mature in 2009. In fact, he projected that wind would be cost competitive with other forms of energy without subsidies by the end of this decade.

Wind power generation is no longer an infant industry. It is no longer in need of Federal support. By the end of last year, more than 61,000 megawatts of wind power capacity had been installed around the U.S., which is 15 times the amount that existed in 2001. In 2012, wind power was the top source of new generating capacity, beating out additional capacity from natural gas. The PTC is, in fact, so generous that at times it is more valuable than the wholesale price of electricity. That is a whopper of a subsidy. According to the Congressional Research Service, as a result of government subsidies, there are times when wind producers actually pay the market to take their power.

Recently, some of my colleagues who support this tax credit have pointed to the growing share of wind power generation in the U.S. and more than 550 wind-related manufacturing facilities around the country which will supply tens of thousands of jobs.

Rather than depicting an infant industry, these advances describe an industry that should be ready to stand on its own two feet.

We all know the U.S. has a \$17.5 trillion debt. All subsidies like this need to be eliminated.

The production tax credit distorts the market by having the government favor one source of energy over another. An ideal energy market is one largely absent of the government's convoluted tax policies. Simply put, no industry's success should be predicated on congressional action.

Instead of extending an energy subsidy that picks winners and losers and creates market inefficiencies, Congress should eliminate the PTC and support an energy policy that encourages entrepreneurs to satisfy demand by providing consumers with alternative sources of energy.

This law has run its course. The PTC should meet its long overdue end.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am very disappointed at the actions of the Senate this evening: that we were not able to come together after all of the work and all of the support from groups across this country for energy efficiency legislation; that we cannot bridge our differences and get this bill done, despite the broad bipartisan support, despite the support of organizations from the U.S. Chamber of Commerce to the National Association of Manufacturers to the NRDC environmental groups to the painters union. We had groups across the political spectrum supporting this legislation—the Alliance to Save Energy, which was really the brain child behind this legislation. Yet we were not able to come together to support a bill that would have made progress on the jobs front, progress on savings for consumers, and progress on preventing pollution.

I thank Senator LANDRIEU, who has chaired the Energy and Natural Resources Committee, and Senator BOXER, chair of the Environment and Public Works Committee, for their kind words about this legislation this evening. I also thank my partner, who worked as hard on this bill as I did, Senator ROB PORTMAN from Ohio, and the good work of both his staff and my staff in trying to move this efficiency agenda forward.

Unfortunately, we saw tonight that differences in this body have prevented positive progress. The reason that is so unfortunate is because energy efficiency is the cheapest, fastest, cleanest way to address this country's energy demand, because energy that we don't use is energy that we don't have to produce. And efficiency saves money, lessens our dependence on imported energy, decreases pollution, and improves our Nation's global competitiveness.

In addition, energy efficiency investments enable domestic businesses to leverage private capital, to reduce business risks associated with price volatility, to spur economic growth, and to create jobs. All of those are part of this Energy Savings and Industrial Competitiveness Act that Senator PORTMAN and I cosponsored along with a great group of bipartisan sponsors from this body. One of the aspects I like about energy efficiency is that it doesn't matter whether one supports fossil fuels or whether one supports alternative sources of energy; everyone benefits from energy efficiency. In the last 40 years we have saved more through energy efficiency in this country than we have produced through fossil fuels and nuclear power combined. So there is huge potential benefit in energy efficiency, and it is important for us to figure out a way to move this legislation forward.

In the last 3½ years I have visited businesses across New Hampshire—small retail businesses, manufacturing companies, ski areas, apartment complexes, municipal buildings. Today I

was at the opening of a new expansion of Airmar Technologies in New Hampshire, a beautiful new facility. They make sensors that go in everything from ships to weather instruments to detect weather. They were very proud that in constructing the new building they made it energy efficient. This is a win-win-win. According to the American Council for an Energy-Efficient Economy, if we pass this bill this year by 2030 we will help create 192,000 jobs, we will save consumers \$16.2 billion a year, and it will be the equivalent of taking 22 million cars off the road, all because we are saving energy.

We ought to all be able to come together behind this. I am not going to quit. I don't think the sponsors of this legislation are going to quit. All of those 260-plus businesses, organizations out there that have been advocating for this bill, are not going to quit because this is legislation that makes sense. It makes sense for job creation, it makes sense for saving on pollution, it makes sense for saving money, it makes sense to our national competitiveness, and we are going to keep at it until we pass this legislation.

I hope politics will stay out of the way; that we will come together, we will agree on amendments we can all vote on, and that we will be able to move forward in a positive way.

I thank the Presiding Officer. I yield the floor.

#### ENERGY SAVINGS

Mr. LEVIN. Mr. President, I am disappointed today that we were unable to move forward on the Energy Savings and Industrial Competitiveness Act of 2014, S. 2262. This legislation, also referred to as the energy efficiency bill, had substantial public support and included several strong bipartisan compromises. It is a pretty sad state of affairs that we were unable to garner the 60 votes necessary to overcome a filibuster of S. 2262. Not moving forward on this bill is irresponsible and inhibits our economy's growth.

Through a deficit neutral framework, the energy efficiency bill would have provided several low-cost tools to promote the adoption of energy efficient technologies. It supported the use of such technologies in residential and commercial buildings, encouraged stronger coordination between the private sector and the Federal Government through the research, development and commercialization of energy efficient technologies, and required that the nation's largest consumer of energy, the Federal Government, implement energy-saving techniques.

This legislation would have been good for Michigan and the Nation. Michigan is the epicenter of America's manufacturing sector and has the potential to help spearhead the development of energy efficient technologies.

With a highly skilled workforce and a robust base of manufacturers specializing in energy efficient products, Michigan is well-positioned to meet the demands of an evolving energy efficient economy. This bill could have provided job creation opportunities for energy efficiency contractors, manufacturers, and service companies.

A comprehensive energy policy must balance the demands of providing affordable and reliable energy with environmental protection. Energy efficiency is one of the most successful tools that will allow us to achieve that balance. Using less energy not only reduces harmful emissions, but also helps us to reduce our dependence on foreign oil, and enhance our energy security. This bill had the potential to create jobs, increase our country's productivity, and incentivize industry to innovate and develop competitive technologies that strengthen our economy.

The Senate has not voted on energy legislation since 2007 and it is unfortunate that we have squandered another opportunity to help advance our nation's economy and increase our energy security. This was commonsense legislation that not only made economic sense for the American public, but strong environmental sense.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection.

#### TRIBUTE TO BILLY FRANK, JR.

Mrs. MURRAY. Mr. President, I come to the floor this evening, along with my colleague Senator CANTWELL, to talk about a truly remarkable man from our own State of Washington whom we just lost last week.

Billy Frank, Jr., was many things to many different people. To his family he was a loving husband and father, to the dozens of Native American tribes in Washington State he was a hero and a champion for hard-fought treaty rights, and to millions across our State, Billy Frank, Jr., was a marine who represented what the best of America is all about, fighting for what you believe in and never, ever giving up.

I was back in Washington State yesterday for Billy's memorial service, and looking around at all the people there whose lives he had touched, I was reminded of what made Billy so special. Billy was the type of person who defined the term "larger than life." He was the type of person who had so much personality and so much ability and so much passion and love in his heart that it was very hard to believe it could all be contained in just one person.

When Billy believed in something, he didn't just make his argument, he held a fish-in. He built a movement. He did raise his voice just to be heard, he

banged down the doors in Olympia and here in Washington, DC, until he got what he needed. Most of all, he never flinched in the face of opposition, and he faced plenty of it, from hate and discrimination to being arrested and abused. Over a lifetime that took him from the banks of the Nisqually River to the steps of the U.S. Supreme Court, Billy made sure the rights of Native Americans were protected and honored by the United States of America. He led the fight to ensure tribal rights to Native lands and salmon harvest could never be stolen away and over time he became much more than an advocate. He became in many ways a face of so many Native American communities across this country.

Now as we grieve and try to think about how to move forward without this larger-than-life man, I am reminded that while we have lost Billy, so much of his life's work truly remains with us because all he accomplished and all he achieved, whether it was power and influence or court decisions and new laws, it was never about him. It was always about his community, his tribe, and protecting treaty rights for all Native Americans. Billy was someone who did so much and worked so hard not so he could gain power or wealth but so the people, the land, and the fish he cared so much for would never be brushed aside or forgotten. That is a rare thing.

Billy's life wasn't a job for one man or one woman, but somehow he pulled it off by himself. So now it is going to take everyone who knew him to fill his shoes together and fight with the tribes that call Washington State home.

I wish to conclude by quoting something Billy once said:

I don't believe in magic. I believe in the sun and the stars, the water, the tides, the floods, the owls, the hawks flying, the river running, the wind talking. They are measurements. They tell us how healthy things are. They tell us because we and they are the same, and that is what I believe in. Those who listen to the world that sustains them can hear the message brought forth by the salmon.

That is Billy and we will miss him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I am glad to join my colleague, the senior Senator, to commemorate a great Washingtonian whom we lost last week, Billy Frank, Jr.

Senator MURRAY and I were able to attend his memorial service yesterday in the South Puget Sound area with 6,000 other Washingtonians. That is what happens when a great leader is lost; a community shows up to commemorate him and his spirit. Everybody who knew Billy Frank across the United States of America—and there are many people from all over Indian Country who do know or knew of Billy

Frank—will want us to remember he was a legend who walked among us because what he did was champion environmental rights and the rights of Native American people to fish and in some ways championed the salmon to make sure we had good habitat.

Sometimes I wonder how a boy from the Nisqually River turned into being such a big Northwest Pacific hero, but for him, he started when he was a very young man listening to fishing stories of his father and many members of the Nisqually tribe. In a book about his life, his father Willie Frank, Sr., recalled a warden telling him, "Your treaty isn't worth the paper it's printed on."

So while Billy's family faced beatings and incarcerations and explicit and inexplicit racism, he decided he was going to defend those rights all the way to the Supreme Court. As he grew into an adolescent, his father said to him: Keep fishing even if they arrest you. Keep fishing even if they beat you. Keep fishing even if they say the fishing claims aren't yours and they challenge them. Keep fishing. Because he knew those fishing claims were promised in the Medicine Creek Treaty.

So Billy was arrested more than 50 times in this struggle to secure the rights that were guaranteed to him by this government in a treaty. In fact, also in that book, he once was jailed and was asked by some of the people in jail—he called them bank robbers—what was he in for, and Billy just said, "Fishing."

So he took the beatings, and instead of turning all that into anger, he urged people to work in a nonviolent way, to stand for what they thought were important issues.

He had a great sense of humor. He once said:

If a salmon gets away from you, don't cuss. Don't say anything. That salmon, he's going upriver. He's producing more salmon for you and for all of us. The salmon—he's coming home. And we have to take care of his home.

That is the vision that helped Billy win one of the greatest victories the tribes in the United States of America has ever seen. In a landmark decision, they abolished the regulations of discrimination against the Indian fishermen and allowed the tribe to self-regulate, comanage, and have the opportunity to catch up to half the harvestable catch.

We just celebrated the 40th anniversary of that historic Boldt decision, and yesterday we had a chance to pay tribute to a man who played a critical role in that decision. But as my colleague Senator MURRAY said, Billy Frank did more than just fight for that decision. He continued to focus on restoration of Puget Sound, including the Nisqually Delta Restoration, one of the largest tidal marsh restorations in the Pacific Northwest. This project has increased the potential for salt marsh

habitat in the southern reach of Puget Sound by over 50 percent.

Because of his advocacy we have a program now called the Puget Sound Partnership, which is a public-private tribal partnership trying to improve the health of Puget Sound, and he is the reason we have an agreement called the Timber, Fish, and Wildlife Agreement, which is a model for how people around the United States of America should try to resolve some of their differences on environmental issues instead of suing and going to court forever and ever and never having any kind of resolution. This kind of collaboration helped people address the environmental issues at hand.

So all of these things are things Billy Frank accomplished. As my colleague Senator MURRAY said, it was almost as though he was larger than life and did a job that could have, should have been for many people, but instead he just did it in his own way.

We will miss him, but we are thankful for all he did and for the people in the Northwest Fishing Commission for all they have done to help us in the Northwest set the right course. While he will not be there in person, we know Billy Frank will always be with us and with the salmon of the Pacific Northwest. We will miss him.

I thank the Chair and I yield the floor.

#### EXECUTIVE SESSION

##### NOMINATION OF STEVEN PAUL LOGAN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. REID. Mr. President, I ask unanimous consent to proceed to executive session to consider Calendar No. 664.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The clerk will report the nomination.

The legislative clerk read the nomination of Steven Paul Logan, of Arizona, to be United States District Judge for the District of Arizona.

#### CLOTURE MOTION

Mr. REID. Mr. President, there is a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Steven Paul Logan, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Cory A. Booker, Christopher A. Coons, Angus S. King, Jr.,

Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

Mr. REID. Mr. President, I ask consent that the mandatory quorum call under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. REID. Mr. President, I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

##### NOMINATION OF JOHN JOSEPH TUCHI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 665.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of John Joseph Tuchi, of Arizona, to be United States District Judge for the District of Arizona.

#### CLOTURE MOTION

Mr. REID. Mr. President, I ask the Chair to order the reading of the cloture motion, which is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of John Joseph Tuchi, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Cory A. Booker, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. REID. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

#### NOMINATION OF DIANE J. HUMETEWA TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. REID. I move to proceed to executive session to consider Calendar No. 666.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Diane J. Humetewa, of Arizona, to be United States District Judge for the District of Arizona.

#### CLOTURE MOTION

Mr. REID. Mr. President, there is a cloture motion at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Diane J. Humetewa, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Cory A. Booker, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO THE FIGHTING POWELLS

Mr. DURBIN. Mr. President, today I pay tribute to Col. Tom Murgatroyd of

Sherman, IL, and his extraordinary family.

You may have heard the story of President Abraham Lincoln informing Lydia Bixby of the death of her five sons in defense of the Republic during the Civil War. This is not that story. You may have heard about the five Sullivan brothers who died on board the USS *Juneau* in World War II as they fought for freedom in the Pacific. This is not that story either.

No, Tom Murgatroyd's family does share that uncommon courage that runs in the blood of so many families with veterans, but this story doesn't end in the same way. Like so many great stories, this has the wonderful trait of being true. Tom had seven uncles serving in World War II, and all seven made it back home.

George and Addie Powell had 11 sons and 2 daughters. The family lived on a farm near Hillview, in Greene County, IL. In the summer of 1941, Addie wanted a picture of the whole family together. It is always difficult to gather a large family, but that picture was a rare feat and it would become a truly special one. That photo taken on Veterans Day would be the last time they were all together. Though seven of the sons would make it back home from the war, their brother John would succumb to lung cancer while those boys were overseas in 1945.

The sons who enlisted to join the war after Pearl Harbor were Arthur, Earl, Fred, George, Everett, Max, and Adrian Powell. You may be familiar with the service star pins that mothers of active duty servicemembers wore. Addie didn't have a service star pin large enough to include all of her fighting family on a lapel. Her solution was to put two pins with three stars each on the lapel. I assume she adjusted again when her seventh son joined the war. Three of the men were Army Air Corps and the other four enlisted in the Navy. The eldest, Arthur, already had a 20-year Navy career when the war started, and he returned to service as a recruiter. This sense of duty and patriotism extended to the entire Powell family, who all pitched in to help with the war effort. There would have been an eighth Powell enlisting had the war gone on another few years.

The whole family did their part for the war, but I want to focus on Everett for a moment. On March 4, 1944, he was flying his Thunderbolt P-47 on an escorting mission with a formation of Flying Fortresses. It was his 90th mission and also his mother's birthday. His plane was shot down over Belgium. He told his fighter group that he would bail out, but he never did. Two weeks later, the family was informed that Everett was missing. His mother Addie had a heart attack upon hearing the news.

Weeks turned to months, and Everett was still missing. Then, on the Fourth

of July, the family received a message that Everett was alive and a prisoner of the Germans. The family's prayers were answered. Ruth, sister to the Powell brothers and Col. Tom Murgatroyd's mother, recalled that it was rightfully, "the happiest Fourth of July" in several years. Everett went on to endure 18 months in the German POW camp called Stalag 3. When Everett was released, he wandered until encountering the American lines and then boarded a ship to come home. He said he bought 24 chocolate bars in the ship's store and got so sick he never cared for chocolate afterward.

The family never ceased waiting to hear from their boys. While they were away, their sister Ruth made a banner for the family to represent the seven family members serving, because the military at the time didn't have any banners with more than six stars to represent the number of sons serving from one family.

The sons all wrote letters to their family. Their first questions consistently were about the crops back home before asking about family and friends. When they did return, their mom, Addie, was always waiting down the road to greet her sons.

The Powell family is an extraordinary example of what so many families experience during war. It should not surprise us that several of the Powells would continue their military service after the war. Everett, though being held in a POW camp, went on to have a nearly 30-year Air Force career. Many of the children of the Powell brothers and sisters went on to serve in the military, including Col. Tom Murgatroyd of Sherman, IL. George is the last surviving sibling who had served in World War II, and he is now living in Traverse City, MI.

I hope my colleagues will join me in celebrating the courage of the Powell family. Thank you, and all the families like you, who are doing their part to support our veterans and serving the country.

#### WORLD WAR II VETERANS VISIT

Mr. WALSH. Mr. President, over the past 2 years, the Big Sky Honor Flight has transported 755 World War II veterans to their memorial in Washington, DC. Before these trips, most of the veterans had never seen the memorial that was built in their honor.

Our World War II veterans sacrificed so much for our country, often deploying for as long as 4 years, and then returned home to build the great country we have today. They truly are the greatest generation.

The Big Sky Honor Flight started out as a powerful idea to honor Montana's veterans, but getting 755 veterans, their caregivers, and medical staff across the country and back is no easy task. Today I want to recognize

the selfless servants who made the Big Sky Honor Flight a reality.

The Big Sky Honor Flight Committee works tirelessly on behalf of our veterans. Their mission was to make sure every World War II veteran from Montana had the opportunity to visit our Nation's capital and see how grateful we are for their service. Today, as the ninth and final flight leaves Washington, DC, for Billings, MT, we are proud to say: mission accomplished.

The Big Sky Honor Flight Committee successfully raised \$1.45 million from Montanans to charter nine flights transporting the veterans to Washington, DC. The committee's dedication to bringing the veterans to see their monument was no easy task.

As honorary chair of the Big Sky Honor Flight, I saw firsthand the work that went into identifying our veterans, providing transportation, and coordinating all of the logistics.

As we celebrate the final Big Sky Honor Flight for our World War II veterans I want to pay tribute to the men and women who made the nine flights a reality: the Big Sky Honor Flight Committee.

From the bottom of my heart, I want to say thank you to the Big Sky Honor Flight Committee: Chris Reinhard, George Blackard, Burt Gigoux, Becky Hillier, Bill Kennedy, Denise Licata, Cory Miller, Charlie Reed, Ray Robinson, Tiffany Samel, Annette Satterly, Kathy Shannon, Vicky Stephens, and Tina Vauthier.

Thank you for your hard work and dedication to ensure that Montana's World War II veterans saw their memorial.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING CONCERNS OF POLICE SURVIVORS

• Mr. BLUNT. Mr. President, today I wish to honor the work of Concerns of Police Survivors, C.O.P.S., for 30 years of service to the surviving families of America's fallen law enforcement officers. In 1984, Suzie Sawyer started C.O.P.S. as a small grief support organization of 110 law enforcement survivors in the basement of her Prince George's County, MD, home. Following the retirement of her husband from the Prince George's County Police Department, C.O.P.S. relocated its national headquarters to Camdenton, MO, in 1993, where it has since grown, unfortunately every year, to serve over 30,000 surviving law enforcement families across the country at annual seminars and retreats. With 50 national chapters and a yearly budget of \$3.4 million collected from private donations and awarded grants, C.O.P.S. assists with rebuilding the lives of surviving families and coworkers of law enforcement officers who have died in the line of duty.

I thank Suzie Sawyer for her dedication to this great cause and thank C.O.P.S. for 30 years of incredible service to grieving surviving law enforcement families and coworkers.●

##### CHEROKEE COUNTY, IOWA

• Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State, and it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills—but I take a very special pride in projects that have made a big difference in local communities across my State.

Today I would like to give an accounting of my work with leaders and residents of Cherokee County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community. Between 2001 and 2013, the creative leadership in your community has worked with me to successfully acquire financial assistance from programs I have fought hard to support, which have provided more than \$5.2 million to the local economy.

Of course, my favorite memory of working together has to be ensuring that the Cherokee County Regional Airport has the resources it needs to stay modern. Dependable air service is a significant factor for growing businesses as well as increasing tourism in the area. I look forward to learning about the impact of these improvements, which are important for the airport and the local economy.

Among the highlights:

Investing in Iowa's economic development through targeted community projects: In Northwest Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects, including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Cherokee County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole ripple effect of positive, creative changes. For example, working with

mayors, city council members, and local economic development officials in Cherokee County, I have fought for funding for small community airports, which brought more than \$1.4 million to the county in the past decade, helping to create jobs and expand economic opportunities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Cherokee County has received \$163,458 in Harkin grants.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Cherokee County has received more than \$1.1 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained, equipped, and able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Cherokee County's fire departments have received over \$875,290 for firefighter safety and operations equipment.

Disability Rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act (ADA) and the ADA Amendments Act, I have had four guiding goals for our

fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Cherokee County, both those with and without disabilities, and they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Cherokee County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Cherokee County, to fulfill their own dreams and initiatives. Of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### OSCEOLA COUNTY, IOWA

● Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State, and it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Osceola County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has

worked with me to successfully acquire financial assistance from programs I have fought hard to support, which have provided more than \$4.5 million to the local economy.

Of course my favorite memory of working together has to be our work together to promote wellness in the community through obesity prevention, construction of playground equipment, and ensuring access to preventative care. Ensuring Iowans have access to quality, affordable health care is critical, particularly for those in rural areas, who may find this care out of reach. Thanks to the insightful leadership of Janet Dykstra, the Osceola Community Hospital is equipped with the equipment and facilities to care for residents and promote wellness in the area.

Among the highlights:

**School grants:** Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Osceola County has received \$66,873 in Harkin grants. Similarly, schools in Osceola County have received funds that I designated for Iowa Star Schools for technology totaling \$50,000.

**Agricultural and rural development:** Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Osceola County has received more than \$3.3 million from a variety of farm bill programs.

**Keeping Iowa communities safe:** I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to state-

wide challenges such as—for instance, the methamphetamine epidemic. Since 2001, Osceola County's fire departments have received over \$543,297 for firefighter safety and operations equipment.

**Wellness and health care:** Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Osceola County has recognized this important issue by securing \$116,399 to curb obesity and \$35,833 to implement a wellness center through the Harkin wellness grant program. The Osceola Community Hospital also received \$50,000 to purchase age appropriate playground equipment through farm bill programs.

**Disability Rights:** Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living, and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Osceola County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Osceola County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the



State and local level, including in Osceola County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### REMEMBERING HALE B. BENNETT

● Mr. HELLER. Mr. President, today we honor the life and service of Hale Bennett, whose passing signifies a great loss to Nevada. I send my condolences and prayers to his wife Kay and all of Hale's family in this time of mourning. Hale was a man committed to his country, his State, and community. He will be sorely missed.

Hale was a true patriot and served his country in the U.S. Army Air Corps during World War II. He flew combat missions over France, Germany, and the Low Countries. Through the course of the war in Europe, he flew 68 bombing missions and went out on an additional 100 that returned without dropping bombs due to bad weather. Hale's unit, the 553rd Squadron of the 386th Bomb Group, 9th Air Force, was so highly respected that on D-day they were chosen to fly the final bombing runs over the Germans on Utah Beach as our troops were landing on the beach below. After the war, Hale was called once again to serve our Nation by training bomber pilots for the Air Force during the Korean conflict. As one of our Nation's servicemembers, he made exceptional sacrifices for our country and deserves our deepest gratitude. I am both humbled and honored by not only his, but his family's service to our great Nation.

Hale and his wife were upstanding Nevadans and a huge asset to their community. His dedication to serving others extends far beyond our Nation's military. Hale worked as the Department of Motor Vehicles chief of Registration and Titling and often represented his department in the Nevada State Legislature. His work as chairman of the board of the Carson-Tahoe Hospital showcased his commitment to the betterment of the community and led him to meeting his wife, Kay. The couple, both on the hospital board of trustees and pilots, spent their time having many adventures together and contributing their community. The Bennett's love for aviation and community service led them to Silver Springs, where they took on the daunting task of turning an abandoned airstrip into a thriving airport. His hard work and contributions to his community will remain a lasting legacy in the Silver State.

As a World War II veteran, Hale's commitment to his country, as well as his dedication to his family and com-

munity, exemplified why the legacy of all World War II veterans must be preserved for generations to come. These veterans truly are the greatest generation—selflessly serving not for recognition, but because it was the right thing to do. As a member of the Senate Veterans' Affairs Committee, I recognize that Congress has a responsibility not only to honor these brave individuals, but to ensure they are cared for when they return home. I remain committed to upholding this promise for our veterans and servicemembers in Nevada and throughout the Nation.

I extend my deepest sympathies to Kay and all of Hale's family. We will always remember Hale for his courageous contributions to the United States of America and to freedom-loving nations around the world. His service to his country and his bravery and dedication to his family and community earn him a place among the outstanding men and women who have valiantly defended our Nation.

Throughout his life, Hale maintained a dedication to the preservation of justice and integrity, which I am honored to commend. Today, I join the Silver Springs community and citizens of the Silver State to celebrate the life of an upstanding Nevadan.●

#### RECOGNIZING DUKE BRUNELLI

● Mr. HELLER. Mr. President, I congratulate Duke Brunelli of Sparks, NV, on his recent retirement from Southwest Airlines. I am proud to honor a Nevadan who has dedicated his life to serving our country.

As an attendee of the U.S. Naval Academy, Mr. Brunelli was deployed all over the world, including Vietnam, where the love of his country and the want to serve began. After graduation, he attended flight school in Pensacola, earning his Navy pilot wings. Duke then went on to complete jet transition training in San Diego and completed eight assignments aboard aircraft carriers. Through his accomplishments, Duke was promoted to commanding officer of the Golden Eagles, which were designated the safest jet-setting squadron in the Navy, while also graduating more pilots than any other squadron.

After completing his tour as commanding officer, Duke was ordered aboard the USS *Midway*, where he was involved in combat operations during Operation Desert Storm. He also successfully brought the Navy's oldest fleet carrier back to San Diego for decommissioning, where today it stands as a museum. Returning to Japan, Duke finished out his naval career as Assistant Chief of Staff for Operations for Commander Fleet Air Western Pacific, where he retired from the Navy in 1994. Upon his retirement from the Navy, Mr. Brunelli started work as a commercial pilot, flying for Polar Air Cargo and Southwest Airlines for the past 20 years.

I extend my deepest gratitude to Duke Brunelli for his courageous contributions to the United States of America and to freedom-loving nations around the world. His service to his country, and his bravery and dedication earn him a place among the outstanding men and women who have valiantly defended our nation. As a member of the Senate Veterans' Affairs Committee, I recognize that Congress has a responsibility not only to honor these brave individuals who serve our Nation, but also to ensure they are cared for when they return home. I remain committed to upholding this promise for our veterans and servicemembers in Nevada and throughout the nation.

Throughout his tenure, Duke has demonstrated professionalism, commitment to excellence, and dedication to the highest standards of the U.S. Navy. I am both humbled and honored by his service and am proud to call him a fellow Nevadan. I ask my colleagues to join me in recognizing Mr. Brunelli for all of his accomplishments and wish him well in all of his future endeavors.●

#### NEVADA SCHOLARSHIP RECIPIENTS

● Mr. HELLER. Mr. President, today I wish to recognize four of Nevada's brightest students—Erika Carrera, Miguel Gonzalez, Jose Solorio, and Mary Tatlock—for being awarded the coveted Gates Millennium Scholarship.

There are only 1,000 recipients of the Gates Millennium Scholarship throughout the United States each year, and the Silver State has been fortunate to be the home to four of them. Erika Carrera, who attends the Veterans Tribute Career and Technical Academy; Miguel Gonzalez of Chaparral High School; Jose Solorio of Hug High School; and Mary Tatlock of Las Vegas Academy will represent Nevada in this esteemed program. Each of these students have been awarded the opportunity to continue learning through higher education institutions, and I expect great things to come from each of them.

These students' academic accomplishments serve to reinforce the important role of education in our State. As the father of four and husband to a lifelong teacher, ensuring that all of Nevada's students have access to a high-quality education is important to me. Higher education opens the door to more job opportunities and professional fulfillment, as well as increased earning power.

I am proud to congratulate Erika, Miguel, Jose, and Mary on this incredible opportunity and wish them the best of luck in their future endeavors. I ask my colleagues to join me in congratulating these exceptional young Nevadans.●



# RECOGNIZING CASCADE RESCUE COMPANY

• Mr. RISCH. Mr. President, this week we celebrate National Small Business Week, which pays tribute to our Nation's many small business owners and entrepreneurs. I wish to recognize a small business in my home State of Idaho that provides an invaluable service. There is something special about businesses that dedicate themselves to providing and improving life-saving equipment. Search and rescue teams, first responders, and emergency medical technicians hold a high standard for what they will purchase, because there is no margin for error. It gives me great pleasure to honor Cascade Rescue Company of Sandpoint, ID.

In 1962, Victor Bradley was volunteering his time to help injured skiers in Washington State. Pulling someone on the toboggans in use in the 1960s was incredibly strenuous, especially if several people needed help. Mr. Bradley knew that there must be a better design. Mr. Bradley spent several years designing and improving sleds, until in 1966 he decided to start the Cascade Toboggan & Rescue Equipment Company.

Mr. Bradley and his son Robert obtained a patent for their design and began selling toboggans to rescue professionals throughout the region. Orders grew exponentially, especially after a demonstration at Lake Placid drew national attention. Robert Bradley took the reins from his father in the early 1970s, and helped develop Cascade Toboggan into an internationally respected brand.

Ownership later transitioned to Dana and Susan Jordan, relatives of the Bradleys, who are the current owners and operators. To better fit the over 150 products being provided, they renamed the business Cascade Rescue Company, which is based in Sandpoint, ID. Today, the company provides rescue equipment across America and to 23 other countries.

So often, we measure success in terms of dollars and cents. While Cascade Rescue Company has a strong bottom line, they can also be proud of having been a vital component of countless life-saving responses. Ski patrols, firefighters, and medical technicians rely on Cascade products every day to safely and effectively do their jobs. I congratulate Cascade Rescue Company for nearly 50 years of growth, dedication, and service and wish them well in the future.●

# CONGRATULATING MARELLI'S MARKET

• Mrs. SHAHEEN. Mr. President, I wish to congratulate Marelli's Market in Hampton, NH, on celebrating their 100th anniversary.

Opened in 1914 by Italian immigrants Luigi and Celestina Marelli, Marelli's has been serving traditional Italian

fare, including cigars, olive oil, and homemade ice creams, to generations of families in the Hampton community. They are most well-known for their world-famous roasted cashews and peanuts, which the family continues to roast themselves.

Today Marelli's is run by Luigi and Celestina's sons, Richard and Bobby, and grandchildren, Karen Raynes and Marcia Hannon-Buber, and the market has remained a cornerstone of the Hampton community. The market was recently entered into the New Hampshire State Register of Historic Places, a testament to its place in our State's history.

Karen and Marcia have marked this celebration with a book entitled "Marelli's Market: The First 100 Years in Hampton, NH." The book includes a century of stories from both the family's and the business' history.

I congratulate the Marellis on their 100th anniversary and thank them for their remarkable dedication to their family, their business, and the Hampton community.●

# NEW ENGLAND CHAPTER OF THE AMERICAN PUBLIC WORKS ASSOCIATION

• Mrs. SHAHEEN. Mr. President, today I wish to recognize the 60th anniversary of the New England Chapter of the American Public Works Association.

Sixty years ago marked the first meeting of the New England Chapter of the American Public Works Association, which includes Massachusetts, Vermont, Connecticut, Rhode Island, and my home State of New Hampshire. This organization has been an integral part of our State, bridging our past to our future through education and public service.

The members of this dedicated organization have built the infrastructure, from highways to water supply treatment systems, that is critical to New Hampshire's well-being and economic strength.

As a former Governor of New Hampshire, I understand the importance of this organization and the positive impacts of their work on all New Hampshire residents. During my time as Governor, I appointed an American Public Works member, Carl Quiram, to the New Hampshire Solid Waste Task Force, which was designed to study the effects of limited disposal capacity for solid waste in our State. His work and the work of all the members of the New England Chapter of the American Public Works Association have had truly meaningful impacts on the lives of residents in New Hampshire and around the country.

It is my honor to recognize the New England Chapter of the American Public Works Association's 60th anniversary.●

# TRIBUTE TO BILL MARCELLO

• Mrs. SHAHEEN. Mr. President, I wish to honor Bill Marcello for his 45 years of service to New Hampshire and thank him for his endless dedication to Southwestern Community Services and the people of our State.

A Portsmouth native, Bill went to Keene State College, where he earned a teaching certificate. From then on, he dedicated his entire career to serving southwestern New Hampshire, first working as a teacher at Head Start in Keene.

In 1978, Bill was named deputy director of Southwestern Community Services and soon rose to the position of CEO. Under his leadership, Southwestern Community Services has provided housing, jobs, and fuel assistance to those in need, while also serving as the lead agency in the area for Head Start, the Special Supplemental Nutrition Program for Women, Infants, and Children, New Hope New Horizons, and a host of other community programs.

With Bill's leadership, Southwestern Community Services now serves more than 30,000 residents in 38 communities, accounting for \$30 million in annual economic impact.

New Hampshire has always been able to turn to Bill in times of need. When flooding hit the State's southwest region in 2005, residents looked to Bill to help recover and rebuild. When someone in Sullivan or Cheshire counties has needed skills training to find a job or help with heating their home, they have found support in Bill and Southwestern Community Services. He has worked tirelessly his entire career for New Hampshire families.

On behalf of New Hampshire and the countless lives Bill has touched, I thank him for his leadership and determination to serve Granite Staters in need. I ask my colleagues and all Americans to join me in celebrating the selfless service that Bill has given to his community and congratulating him on his retirement.●

# MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

# EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2014, the following enrolled bill, previously signed by the Speaker of the House, was signed on May 9, 2014, during the adjournment of the Senate, by the President pro tempore (Mr. LEAHY):

H.R. 3627. An act to require the Attorney General to report on State law penalties for certain child abusers, and for other purposes.

## MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 10. An act to amend the charter school program under the Elementary and Secondary Education Act of 1965.

H.R. 2548. An act to establish a comprehensive United States Government policy to encourage the efforts of countries in sub-Saharan Africa to develop an appropriate mix of power solutions, including renewable energy, for more broadly distributed electricity access in order to support poverty reduction, promote development outcomes, and drive economic growth, and for other purposes.

H.R. 4366. An act to strengthen the Federal education research system to make research and evaluations more timely and relevant to State and local needs in order to increase student achievement.

H.R. 4438. An act to amend the Internal Revenue Code of 1986 to simplify and make permanent the research credit.

The message also announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431) and the order of the House of January 3, 2013, the Speaker appoints the following individuals on the part of the House of Representatives to the Commission on International Religious Freedom for a term effective May 14, 2014, and ending May 14, 2016: Dr. Robert P. George of Princeton, New Jersey and Dr. Daniel I. Mark of Villanova, Pennsylvania.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 10. An act to amend the charter school program under the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2548. An act to establish a comprehensive United States Government policy to encourage the efforts of countries in sub-Saharan Africa to develop an appropriate mix of power solutions, including renewable energy, for more broadly distributed electricity access in order to support poverty reduction, promote development outcomes, and drive economic growth, and for other purposes; to the Committee on Foreign Relations.

H.R. 4366. An act to strengthen the Federal education research system to make research and evaluations more timely and relevant to State and local needs in order to increase

student achievement; to the Committee on Health, Education, Labor, and Pensions.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5674. A communication from the Chief of the Planning and Regulatory Affairs Branch, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Supplemental Nutrition Assistance Program: Trafficking Controls and Fraud Investigations" (RIN0584-AE26) received in the Office of the President of the Senate on May 7, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5675. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13067 of November 3, 1997, with respect to Sudan; to the Committee on Banking, Housing, and Urban Affairs.

EC-5676. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons to the Entity List" (RIN0694-AF69) received in the Office of the President of the Senate on May 6, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-5677. A communication from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Ukraine-Related Sanctions Regulations" (31 CFR Part 589) received in the Office of the President of the Senate on May 6, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-5678. A communication from the Acting Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2014-0002)) received in the Office of the President of the Senate on May 7, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-5679. A communication from the Acting Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2014-0002)) received in the Office of the President of the Senate on May 7, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-5680. A communication from the Acting Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2014-0002)) received in the Office of the President of the Senate on May 7, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-5681. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "FY 2012 Annual Report to the Congress on the Refugee Resettlement Program"; to the Committee on Banking, Housing, and Urban Affairs.

EC-5682. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, reports entitled "Report to Congress on Head Start Monitoring for Fiscal Year 2011" and "Report to Congress on Head Start Monitoring for Fiscal Year 2012"; to the Committee on Banking, Housing, and Urban Affairs.

EC-5683. A communication from the Acting General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the position of Chief Financial Officer, Department of Housing and Urban Development, received in the Office of the President of the Senate on May 8, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-5684. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board, Fiscal Year 2013"; to the Committee on Energy and Natural Resources.

EC-5685. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program; Certification of Commercial Heating, Ventilation, and Air-Conditioning (HVAC), Water Heating (WH), and Refrigeration (CRE) Equipment" (RIN1904-AD12) received in the Office of the President of the Senate on May 6, 2014; to the Committee on Energy and Natural Resources.

EC-5686. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the acceptance of gifted land in San Diego County, California; to the Committee on Energy and Natural Resources.

EC-5687. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Agency's Strategic Plan for fiscal years 2014 through 2018; to the Committee on Environment and Public Works.

EC-5688. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14-007); to the Committee on Foreign Relations.

EC-5689. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled "Adjusting the Penalty for Violation of Notice Posting Requirements" (RIN3046-AA95) received in the Office of the President of the Senate on May 7, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC-5690. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Revision of U.S. Munitions List Category XV" (RIN1400-AD33) received in the Office of the President of the Senate on May 7, 2014; to the Committee on Foreign Relations.

EC-5691. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Corporation's fiscal year 2015 Congressional Budget Justification; to the Committee on Health, Education, Labor, and Pensions.

EC-5692. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "The U.S. Asia-Pacific Economic Cooperation Business Travel Card Program" ((RIN1651-AB01) (CBP Dec. 14-05)) received in the Office of the President of the Senate on May 6, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-5693. A communication from the Board Chair and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General and the Semiannual Management Report on the Status of Audits for the period from October 1, 2013 through March 31, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-5694. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Corporation's fiscal year 2013 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5695. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education's fiscal year 2013 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC-5696. A communication from the Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indian Child Welfare Act; Change of Address" (RIN1076-AF21) received in the Office of the President of the Senate on May 7, 2014; to the Committee on Indian Affairs.

EC-5697. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report on applications made by the Government for authority to conduct electronic surveillance for foreign intelligence during calendar year 2013 relative to the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

EC-5698. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Catch Sharing Plan" (RIN0648-BD82) received in the Office of the President of the Senate on May 7, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5699. A communication from the Director of the White House Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, reports entitled "Climate Change Impacts in the United States: The Third National Climate Assessment" and "Highlights of Climate Change Impacts in the United States: The Third National Climate Assessment"; to the Committee on Commerce, Science, and Transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE:

S. 2316. A bill to require the Inspector General of the Department of Veterans Affairs to submit a report on wait times for veterans seeking medical appointments and treatment from the Department of Veterans Affairs, to prohibit closure of medical facilities of the Department, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHITEHOUSE:

S. 2317. A bill to restrict confidentiality agreements that prohibit the disclosure of information relating to hazards to public safety or health, and for other purposes; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 2318. A bill to reauthorize the Erie Canalway National Heritage Corridor Act; to the Committee on Energy and Natural Resources.

By Mr. FLAKE:

S. 2319. A bill to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN:

S. 2320. A bill to redesignate the facility of the United States Postal Service located at 162 Northeast Avenue in Tallmadge, Ohio, as the "Lance Corporal Daniel Nathan Deyarmin, Jr., Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH (for Mr. ALEXANDER (for himself, Mr. CORKER, and Mr. HATCH)):

S. 2321. A bill to amend title 17, United States Code, to ensure fairness in the establishment of certain rates and fees under sections 114 and 115 of such title, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. VITTER, Mr. CARPER, and Mr. BARRASSO):

S. 2322. A bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; to the Committee on Environment and Public Works.

#### ADDITIONAL COSPONSORS

S. 357

At the request of Mr. CARDIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 357, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 506

At the request of Ms. COLLINS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 506, a bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers.

S. 539

At the request of Mrs. SHAHEEN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from

Massachusetts (Mr. MARKEY) were added as cosponsors of S. 539, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 635

At the request of Mr. BROWN, the names of the Senator from Montana (Mr. WALSH) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 865

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 865, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 917

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

S. 933

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 933, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2018.

S. 942

At the request of Mr. CASEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 942, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 1012

At the request of Mr. BLUNT, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1012, a bill to amend title XVIII of the Social Security Act to improve operations of recovery auditors under the Medicare integrity program, to increase transparency and accuracy in audits conducted by contractors, and for other purposes.

S. 1174

At the request of Mr. BLUMENTHAL, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1188

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1188, a bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the individual mandate in the Patient Protection and Affordable Care Act.

S. 1208

At the request of Mr. TESTER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1208, a bill to require meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1307

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1307, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 1397

At the request of Mr. PORTMAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1397, a bill to improve the efficiency, management, and interagency coordination of the Federal permitting process through reforms overseen by the Director of the Office of Management and Budget, and for other purposes.

S. 1507

At the request of Mr. MORAN, the name of the Senator from Montana (Mr. WALSH) was added as a cosponsor of S. 1507, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of general welfare benefits provided by Indian tribes.

S. 1517

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1517, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 1622

At the request of Ms. HEITKAMP, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1622, a bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 1708

At the request of Mr. MERKLEY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1708, a bill to amend title 23, United States Code, with respect to the establishment of performance measures for the highway safety improvement program, and for other purposes.

S. 1823

At the request of Mr. RUBIO, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1823, a bill to amend part E of title IV of the Social Security Act to better enable State child welfare agencies to prevent human trafficking of children and serve the needs of children who are victims of human trafficking, and for other purposes.

S. 1862

At the request of Mr. BLUNT, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Virginia (Mr. Kaine), the Senator from Connecticut (Mr. MURPHY) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 1862, a bill to grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

S. 2009

At the request of Mr. UDALL of New Mexico, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2009, a bill to improve the provision of health care by the Department of Veterans Affairs to veterans in rural and highly rural areas, and for other purposes.

S. 2013

At the request of Mr. RUBIO, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2013, a bill to amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

S. 2018

At the request of Mr. BARRASSO, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2018, a bill to provide for the use of hand-propelled vessels in Yellowstone National Park, Grand Teton National Park, and the National Elk Refuge, and for other purposes.

S. 2042

At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2042, a bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

S. 2113

At the request of Mr. COBURN, the name of the Senator from Maine (Mr.

KING) was added as a cosponsor of S. 2113, a bill to provide taxpayers with an annual report disclosing the cost and performance of Government programs and areas of duplication among them, and for other purposes.

S. 2152

At the request of Ms. HEITKAMP, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 2152, a bill to direct Federal investment in carbon capture and storage and other clean coal technologies, and for other purposes.

S. 2154

At the request of Mr. CASEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2154, a bill to amend the Public Health Service Act to reauthorize the Emergency Medical Services for Children Program.

S. 2190

At the request of Mr. BLUNT, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2190, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

S. 2206

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. 2206, a bill to streamline the collection and distribution of government information.

S. 2213

At the request of Mrs. FISCHER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2213, a bill to replace the Director of the Bureau of Consumer Financial Protection with a five-person Commission.

S. 2255

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2255, a bill to remove the Kurdistan Democratic Party and the Patriotic Union of Kurdistan from treatment as terrorist organizations and for other purposes.

S. 2270

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 2270, a bill to clarify the application of certain leverage and risk-based requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 2295

At the request of Mr. LEAHY, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Michigan (Ms. STABENOW), the Senator from Iowa (Mr. HARKIN) and the Senator from Mississippi (Mr. WICKER)

were added as cosponsors of S. 2295, a bill to establish the National Commission on the Future of the Army, and for other purposes.

S. 2302

At the request of Mrs. SHAHEEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2302, a bill to provide for a 1-year extension of the Afghan Special Immigrant Visa Program, and for other purposes.

S. 2304

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2304, a bill to amend the charter school program under the Elementary and Secondary Education Act of 1965.

S. 2305

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2305, a bill to amend the method by which the Social Security Administration determines the validity of marriages under title II of the Social Security Act.

S.J. RES. 19

At the request of Mr. UDALL of New Mexico, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

AMENDMENT NO. 3009

At the request of Mr. UDALL of New Mexico, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 3009 intended to be proposed to S. 2262, a bill to promote energy savings in residential buildings and industry, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WHITEHOUSE:

S. 2317. A bill to restrict confidentiality agreements that prohibit the disclosure of information relating to hazards to public safety or health, and for other purposes; to the Committee on the Judiciary.

Mr. WHITEHOUSE. Mr. President, today I am pleased to introduce the Safety over Secrecy Act, which prohibits courts from enforcing confidentiality agreements in the settlement of civil suits involving hazards to public health and safety. This bill will ensure that plaintiffs in such suits do not have to remain silent about their experiences as a condition of settling their disputes.

While confidentiality agreements can be useful tools to protect sensitive information and trade secrets, too often they are used to hide important safety

concerns from regulators, policy-makers, the news media, public health experts, and the general public. Over the past 20 years, we have learned of numerous cases where court-approved secrecy has shielded serious public health and safety dangers from the public—putting hundreds, if not thousands, of lives at risk. These cases have involved hydraulic fracturing, or “fracking,” asbestos, defective auto components, and “adverse incidents” from drugs.

Typically in these cases, victims face large corporations that can spend unlimited amounts of money defending lawsuits and prolonging their resolution. Faced with mounting litigation expenses and medical bills, plaintiffs often seek to settle their suits. In exchange for damages, they are forced to agree to provisions that prohibit them from discussing their cases or revealing information disclosed during litigation. Defendants are thus able to keep damaging information from getting out. As a result the public, as well as regulatory agencies, remain unaware of the risks.

Let us take fracking, where drillers from Pennsylvania to Arkansas and Wyoming to Texas have entered into cash settlements or property buyouts with individuals who claim fracking has contaminated their water and polluted their air. In the vast majority of these cases, the cost of the awards has been the plaintiffs’ silence. As Aaron Bernstein, associate director of the Center for Health and the Global Environment at the Harvard School of Public Health, put it in an interview, non-disclosure agreements “have interfered with the ability of scientists and public health experts to understand what is at stake” in the country’s quickly evolving energy infrastructure.

Perhaps the most notorious case of fracking hush money is the Hallowich case. In that case, Chris and Stephanie Hallowich’s dream house—built on acres of land in southwestern Pennsylvania—turned out to be sitting atop the Marcellus Shale, one of the biggest fracking operations in the country. The previous land owner had leased the mineral rights to various gas companies. Soon after moving in, Chris, Stephanie, and their young children began experiencing headaches, nose bleeds, burning eyes, and sore throats. After complaining for three years of what they concluded were the side effects of contaminated air and water, the Hallowiches brought suit. Without accepting responsibility for any health effects, the companies agreed to pay the Hallowiches \$750,000 so that they could move off the property, in exchange for the Hallowiches’ promise to remain silent about the case. The case gained international attention when the Pittsburgh Gazette obtained an unsealed settlement transcript 2 years later and discovered that the

Hallowiches’ 7 and ten year-old children had been gagged for life along with their parents under the confidentiality agreement. Needless to say, these gag orders make it difficult to challenge industry claims about the safety of the fracking process. Fracking is just one of many areas where defendants impose secrecy as a condition of settlement.

Under current law, judges are not specifically required to consider the public interest when determining the enforceability of confidentiality agreements. In cases involving hazards to public health and safety, and only in those cases, this bill would change that, and would require judges to balance a party’s specific interest in confidentiality against the public interest in disclosure of information when approving or enforcing confidentiality agreements. My bill would not prohibit secrecy agreements across the board because there are appropriate uses for such agreements, including protecting trade secrets and other confidential company and personal information. Given its narrow scope, this bill would not place undue burdens on our judges or judiciary system.

In introducing the Safety over Secrecy Act, I want to recognize former Senator Kohl and his Sunshine in Litigation Act, which he introduced in various forms between 1995 and 2011. That bill, which I was proud to support in the Judiciary Committee, was a broader version of the legislation I have just introduced. I supported that bill when Senator Kohl introduced it, and I plan to offer my full support when it is introduced again in this chamber.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3055. Mr. Kaine submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 3055. Mr. Kaine submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ SENSE OF SENATE ON GLOBAL CLIMATE CHANGE.

It is the sense of the Senate that—

- (1) human activity contributes to global climate change; and
- (2) reasonable steps should be taken (including actions under this Act and the amendments made by this Act) to reduce greenhouse gas pollution.

## FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Boozman:									
Germany .....	Euro .....		406.79						406.79
Turkey .....	Lira .....		150.00						150.00
Jordan .....	Dinar .....		405.41						405.41
United Arab Emirates .....	Dirham .....		576.00						576.00
Ethiopia .....	Birr .....		888.55						888.55
Rwanda .....	Franc .....		926.00						926.00
Cape Verde .....	Escudo .....		374.25						374.25
Senator Jon Tester:									
Cuba .....	Peso .....		124.00						124.00
Brian Ahlberg:									
Cuba .....	Peso .....		168.00						168.00
Senator Richard Durbin:									
Ukraine .....	Hryvnia .....		609.53						609.53
Max Gleischman:									
Ukraine .....	Hryvnia .....		579.01						579.01
Senator John Hoeven:									
Ukraine .....	Hryvnia .....		582.79						582.79
Tim Rieser:									
Cuba .....	Peso .....		176.00						176.00
United States .....	Dollar .....				925.00				925.00
Paul Grove:									
Thailand .....	Baht .....		421.04						421.04
Burma .....	Kyat .....		374.00						374.00
Cambodia .....	Riel .....		404.00						404.00
Turkey .....	Lira .....		215.22						215.22
Afghanistan .....	Afghani .....		56.00						56.00
Pakistan .....	Rupee .....		198.00						198.00
India .....	Rupee .....		970.66						970.66
United States .....	Dollar .....				7,313.41				7,313.41
Adam Yezerski:									
Thailand .....	Baht .....		451.03						451.03
Burma .....	Kyat .....		404.00						404.00
Cambodia .....	Riel .....		434.00						434.00
Turkey .....	Lira .....		215.22						215.22
Afghanistan .....	Afghani .....		56.00						56.00
Pakistan .....	Rupee .....		198.00						198.00
India .....	Rupee .....		970.65						970.65
United States .....	Dollar .....				7,313.41				7,313.41
* Delegation Expenses:									
Burma .....	Kyat .....		1,923.96		1,280.00				3,203.96
Cambodia .....	Riel .....		191.00		248.00				439.00
Cape Verde .....	Escudo .....		357.54		11.25				368.79
Cuba .....	Peso .....		40.00						40.00
Ethiopia .....	Birr .....		217.15		236.49				453.64
Georgia .....	Lari .....		284.11						284.11
India .....	Rupee .....		2,857.95		292.57				3,150.52
Jordan .....	Dinar .....		33.54		18.64				52.18
Pakistan .....	Rupee .....		219.52		844.50				1,064.02
Rwanda .....	Franc .....		835.66						835.66
Thailand .....	Baht .....		665.33						665.33
Turkey .....	Lira .....		124.51						124.51
Ukraine .....	Hryvnia .....		1,749.15		112.38				1,861.53
United Arab Emirates .....	Dirham .....		176.33						176.33
Total .....			21,009.90		18,595.65				39,605.55

\* Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR BARBARA A. MIKULSKI,  
Chairman, Committee on Appropriations, May 8, 2014.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P. L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John McCain:									
Afghanistan .....	Afghani .....		70.89						70.89
Israel .....	Shekel .....		1,039.11						1,039.11
United States .....	Dollar .....				9,597.94				9,597.94
Christian D. Brose:									
Afghanistan .....	Afghani .....		56.00						56.00
Israel .....	Shekel .....		1,076.00			221.00			1,297.00
United States .....	Dollar .....				11,074.12				11,074.12
Elizabeth O'Bagy:									
Israel .....	Shekel .....		932.98						932.98
United States .....	Dollar .....				11,695.94				11,695.94
Senator Lindsey Graham:									
Israel .....	Shekel .....		886.52						886.52
United States .....	Dollar .....		71.69		5,010.32				5,082.01
* Delegation Expenses:									
Israel .....	Shekel .....				339.84		10,485.90		10,825.74
United Arab Emirates .....	Dirham .....						502.31		502.31
Jonathan Epstein:									
Marshall Islands .....	Dollar .....		128.00		1,898.90				2,026.90
Richard W. Fieldhouse:									
Marshall Islands .....	Dollar .....		128.00		1,898.90				2,026.90

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P. L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Daniel Lerner:									
Marshall Islands .....	Dollar .....		310.00		1,898.90				2,208.90
Adam J. Barker:									
Mexico .....	Peso .....		327.96						327.96
United States .....	Dollar .....				982.34				982.34
Senator James M. Inhofe:									
Germany .....	Euro .....		65.35						65.35
Turkey .....	Lira .....		35.00						35.00
Jordan .....	Dinar .....		96.29						96.29
United Arab Emirates .....	Dirham .....		151.09						151.09
Ethiopia .....	Birr .....		186.12						186.12
Rwanda .....	Franc .....		271.30						271.30
Cape Verde .....	Escudo .....		53.62						53.62
Anthony Lazarski:									
Germany .....	Euro .....		43.47			40.14			83.61
Turkey .....	Lira .....		34.84						34.84
Jordan .....	Dinar .....		106.02						106.02
United Arab Emirates .....	Dirham .....		96.11			31.09			127.20
Ethiopia .....	Birr .....		177.23						177.23
Rwanda .....	Franc .....		169.00		57.20				226.20
Cape Verde .....	Escudo .....		87.63						87.63
John Mark Powers:									
Germany .....	Euro .....		84.74						84.74
Turkey .....	Lira .....		40.54						40.54
Jordan .....	Dinar .....		73.19			14.07			87.26
United Arab Emirates .....	Dirham .....		57.12		42.50				99.62
Ethiopia .....	Birr .....		156.37						156.37
Rwanda .....	Franc .....		233.27			50.00			283.27
Cape Verde .....	Escudo .....		53.62						53.62
Joel Starr:									
Germany .....	Euro .....		38.00						38.00
Turkey .....	Lira .....		36.59						36.59
Jordan .....	Dinar .....		49.74						49.74
United Arab Emirates .....	Dirham .....		189.50		42.50				232.00
Ethiopia .....	Birr .....		177.23						177.23
Rwanda .....	Franc .....		213.43						213.43
Cape Verde .....	Escudo .....		53.62						53.62
Luke Holland:									
Germany .....	Euro .....		98.96			8.49			107.45
Turkey .....	Lira .....		40.54						40.54
Jordan .....	Dinar .....		116.88						116.88
United Arab Emirates .....	Dirham .....		130.79						130.79
Ethiopia .....	Birr .....		156.37			20.86			177.23
Rwanda .....	Franc .....		266.89						266.89
Cape Verde .....	Escudo .....		53.62						53.62
* Delegation Expenses:									
Georgia .....	Lari .....					1,420.55			1,420.55
Turkey .....	Lira .....					469.65			469.65
Jordan .....	Dinar .....				93.16	167.61			260.77
United Arab Emirates .....	Dirham .....					881.29			881.29
Ethiopia .....	Birr .....				587.82	1,164.53			1,752.35
Rwanda .....	Franc .....					2,506.99			2,506.99
Cape Verde .....	Escudo .....					1,786.99			1,786.99
Senator Claire McCaskill:									
Switzerland .....	Franc .....		3,983.55						3,983.55
United States .....	Dollar .....				10,545.00				10,545.00
* Delegation Expenses:									
Switzerland .....	Franc .....					2,372.66			2,372.66
Senator John McCain:									
Switzerland .....	Franc .....		1,416.92						1,416.92
United States .....	Dollar .....				1,238.50				1,238.50
* Delegation Expenses:									
Switzerland .....	Franc .....					6,668.44			6,668.44
Michael J. Kuiken:									
Kenya .....	Shilling .....		517.00						517.00
Egypt .....	Pound .....		307.50						307.50
Qatar .....	Riyal .....		389.72						389.72
United States .....	Dollar .....				24,105.87				24,105.87
Thomas W. Goffus:									
Kenya .....	Shilling .....		690.00						690.00
Egypt .....	Pound .....		387.00						387.00
Qatar .....	Riyal .....		553.76						553.76
United States .....	Dollar .....				23,746.92				23,746.92
* Delegation Expenses:									
Kenya .....	Shilling .....				2,080.00	946.10			3,026.10
Egypt .....	Pound .....					59.60			59.60
Ozge Guzelsu:									
Australia .....	Dollar .....		1,235.02						1,235.02
Japan .....	Yen .....		1,133.80						1,133.80
South Korea .....	Won .....		800.00						800.00
Myanmar .....	Kiat .....		728.50						728.50
United States .....	Dollar .....				20,921.45				20,921.45
Michael J. Noble:									
Japan .....	Yen .....		725.00						725.00
United States .....	Dollar .....				11,827.00				11,827.00
Jason W. Maroney:									
Japan .....	Yen .....		725.00						725.00
United States .....	Dollar .....				13,863.45				13,863.45
Thomas W. Goffus:									
Australia .....	Dollar .....		1,202.00						1,202.00
Myanmar .....	Kiat .....		728.50						728.50
* Delegation Expenses:									
Australia .....	Dollar .....					895.00			895.00
Japan .....	Yen .....				146.24				146.24
South Korea .....	Won .....					262.47			262.47
Senator John McCain:									
Germany .....	Euro .....		1,603.94						1,603.94
Christian D. Brose:									
Germany .....	Euro .....		637.00						637.00
Hungary .....	Forint .....		42.00						42.00
United States .....	Dollar .....				583.16				583.16



May 12, 2014

## CONGRESSIONAL RECORD—SENATE, Vol. 160, Pt. 6

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P. L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Elizabeth O'Bagy:									
Germany .....	Euro .....		840.13		87.29				927.42
United States .....	Dollar .....				583.16				583.16
Senator Lindsey Graham:									
Germany .....	Euro .....		1,600.87						1,600.87
Senator Kelly Ayotte:									
Germany .....	Euro .....		1,160.70						1,160.70
Senator Roy Blunt:									
Germany .....	Euro .....		1,153.53						1,153.53
* Delegation Expenses:									
Germany .....	Euro .....				6,088.76		10,628.36		16,717.12
Hungary .....	Forint .....				349.17				349.17
Michael J. Kuiken:									
Germany .....	Euro .....		675.36						675.36
Italy .....	Euro .....		208.99						208.99
United States .....	Dollar .....				10,697.80				10,697.80
Adam J. Barker:									
Germany .....	Euro .....		522.81						522.81
Italy .....	Euro .....		239.99						239.99
United States .....	Dollar .....				10,697.80				10,697.80
Thomas W. Goffus:									
Germany .....	Euro .....		732.00						732.00
Italy .....	Euro .....		264.00						264.00
United States .....	Dollar .....				10,697.80				10,697.80
Senator Tim Kaine:									
Israel .....	Shekel .....		1,461.06						1,461.06
Lebanon .....	Pound .....		191.83						191.83
Egypt .....	Pound .....		733.77						733.77
United States .....	Dollar .....				14,101.60				14,101.60
Mary Naylor:									
Israel .....	Shekel .....		1,461.06						1,461.06
Lebanon .....	Pound .....		181.83						181.83
Egypt .....	Pound .....		826.07						826.07
United States .....	Dollar .....				13,760.60				13,760.60
Senator Angus S. King, Jr.:									
Israel .....	Shekel .....		534.00						534.00
Lebanon .....	Pound .....		250.00						250.00
United States .....	Dollar .....				8,855.60				8,855.60
Stephen Smith:									
Israel .....	Shekel .....		534.00						534.00
Lebanon .....	Pound .....		125.00						125.00
Egypt .....	Pound .....		426.00						426.00
United States .....	Dollar .....				13,725.60				13,725.60
* Delegation Expenses:									
Israel .....	Shekel .....						9,042.59		9,042.59
Lebanon .....	Pound .....						4,377.38		4,377.38
Senator John McCain:									
Ukraine .....	Hryvnia .....		761.61						761.61
Christian D. Brose:									
Ukraine .....	Hryvnia .....		820.97						820.97
Elizabeth O'Bagy:									
Ukraine .....	Hryvnia .....		668.73						668.73
* Delegation Expenses:									
Ukraine .....	Hryvnia .....						1,861.54		1,861.54
Ozge Guzelsu:									
Indonesia .....	Rupiah .....		806.00						806.00
China .....	Renminbi .....		1,480.55						1,480.55
Taiwan .....	Dollar .....		851.23						851.23
United States .....	Dollar .....				17,324.50				17,324.50
Thomas W. Goffus:									
China .....	Renminbi .....		1,112.16						1,112.16
United States .....	Dollar .....				13,357.00				13,357.00
* Delegation Expenses:									
Indonesia .....	Rupiah .....						473.80		473.80
China .....	Renminbi .....						1,085.40		1,085.40
Senator Kelly Ayotte:									
Israel .....	Shekel .....		978.88						978.88
Afghanistan .....	Afghani .....		62.00						62.00
Ukraine .....	Hryvnia .....		414.30						414.30
United States .....	Dollar .....				8,794.14				8,794.14
Bradley Bowman:									
Israel .....	Shekel .....		736.16						736.16
Afghanistan .....	Afghani .....		62.00						62.00
Ukraine .....	Hryvnia .....		414.30						414.30
United States .....	Dollar .....				9,107.14				9,107.14
Senator Joe Donnelly:									
Israel .....	Shekel .....		890.04						890.04
Afghanistan .....	Afghani .....		50.29						50.29
Ukraine .....	Hryvnia .....		414.30						414.30
United States .....	Dollar .....				7,498.14				7,498.14
David Park:									
Israel .....	Shekel .....		927.08						927.08
Afghanistan .....	Afghani .....		62.00						62.00
Ukraine .....	Hryvnia .....		414.30						414.30
United States .....	Dollar .....				9,107.14				9,107.14
* Delegation Expenses:									
Israel .....	Shekel .....						5,201.94		5,201.94
Ukraine .....	Hryvnia .....						2,186.57		2,186.57
Total .....			52,777.34		309,111.21		65,833.32		427,721.87

\* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P. L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR CARL LEVIN,  
Chairman, Committee on Armed Services, Apr. 30, 2014.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Isaiah Akin:									
Algeria .....	Dinar .....		1,454.00						1,454.00
Liberia .....	Dollar .....		563.00						563.00
United States .....	Dollar .....				19,381.00				19,381.90
Tristan Abbey:									
Algeria .....	Dinar .....		1,413.00						1,413.00
Liberia .....	Dollar .....		490.00						490.00
United States .....	Dollar .....				19,381.90				19,381.90
John Dickas:									
Algeria .....	Dinar .....		1,503.00						1,503.00
Liberia .....	Dollar .....		560.00						560.00
United States .....	Dollar .....				19,381.90				19,381.90
Ryan Tully:									
Algeria .....	Dinar .....		1,533.00						1,533.00
Liberia .....	Dollar .....		575.00						575.00
United States .....	Dollar .....				19,381.90				19,381.90
* Delegation Expenses:									
Algeria .....	Dinar .....							1,480.00	1,480.00
Liberia .....	Dollar .....							388.15	388.15
Senator Lisa Murkowski:									
Canada .....	Dollar .....		177.70						177.70
United States .....	Dollar .....				980.70				980.70
Isaac Edwards:									
Canada .....	Dollar .....		207.70						207.70
United States .....	Dollar .....				980.70				980.70
* Delegation Expenses:									
Canada .....	Dollar .....								
Total .....			8,476.40		79,489.00		1,891.81		89,857.21

\* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR MARY L. LANDRIEU,  
Chairman, Committee on Energy and Natural Resources, Apr. 1, 2014.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Rob Portman:									
Switzerland .....	Euro .....		1,742.48						1,742.48
United States .....	Dollar .....				10,322.30				10,322.30
Senator Maria Cantwell:									
Chile .....	Peso .....		112.00						112.00
Bolivia .....	Boliviano .....		101.00						101.00
United States .....	Dollar .....				5,516.50				5,516.50
Jonathan Hale:									
Chile .....	Peso .....		175.00						175.00
Bolivia .....	Boliviano .....		69.00						69.00
Jayne White:									
Singapore .....	Dollar .....		394.83						394.83
United States .....	Dollar .....				12,224.40				12,224.40
Elissa Alben:									
Singapore .....	Dollar .....		350.12						350.12
United States .....	Dollar .....				19,380.50				19,380.50
Everett Eissenstat:									
Singapore .....	Dollar .....		412.04						412.04
United States .....	Dollar .....				10,042.30				10,042.30
Shane Warren:									
Singapore .....	Dollar .....		480.65						480.65
United States .....	Dollar .....				11,141.20				11,141.20
Total .....			3,837.12		68,627.20		0.00		72,464.32

SENATOR RON WYDEN,  
Chairman, Committee on Finance, Apr. 30, 2014.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—FOURTH QUARTER 2013 FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher Murphy:									
* Delegation Expenses:									
Belgium .....	Euro .....						1,229.09		1,229.09
Total .....							1,229.09		1,229.09

\* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR ROBERT MENENDEZ,  
Chairman, Committee on Foreign Relations, Apr. 30, 2014.

May 12, 2014

## CONGRESSIONAL RECORD—SENATE, Vol. 160, Pt. 6

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P. L. 95—384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Barrasso:									
Afghanistan .....	Dollar .....		56.00						56.00
Israel .....	Shekel .....		1,076.00						1,076.00
United States .....	Dollar .....				6,907.12				6,907.12
* Delegation Expenses:									
Israel .....	Shekel .....					2,706.43			2,706.43
Senator John Barrasso:									
Ukraine .....	Hryvna .....		680.93						680.93
Senator Jeff Flake:									
Ukraine .....	Hryvna .....		630.19						630.19
Senator Ron Johnson:									
Ukraine .....	Hryvna .....		652.42						652.42
Lydia Westlake:									
Ukraine .....	Hryvna .....		685.54						685.54
Senator Christopher Murphy:									
Ukraine .....	Hryvna .....		710.08						710.08
Jessica Elledge:									
Ukraine .....	Hryvna .....		827.78						827.78
Chris Homan:									
Ukraine .....	Hryvna .....		665.63						665.63
* Delegation Expenses:									
Ukraine .....	Hryvna .....					4,343.58			4,343.58
Senator Bob Corker:									
England .....	Euro .....		963.99						963.99
Switzerland .....	Franc .....		1,987.33						1,987.33
United States .....	Dollar .....					8,500.00			8,500.00
Michael Bright:									
England .....	Euro .....		1,657.28						1,657.28
United States .....	Dollar .....					8,690.20			8,690.20
Todd Womack:									
England .....	Euro .....		996.60						996.60
United States .....	Dollar .....					14,013.20			14,013.20
* Delegation Expenses:									
England .....	Euro .....					2,195.79			2,195.79
Switzerland .....	Franc .....					5,475.62			5,475.62
Senator Robert Menendez:									
Mexico .....	Peso .....		557.51						557.51
Colombia .....	Peso .....		1,096.04						1,096.04
United States .....	Peso .....				3,772.41				3,772.41
Daniel O'Brien:									
Mexico .....	Peso .....		542.81						542.81
Colombia .....	Peso .....		1,325.80						1,325.80
United States .....	Dollar .....				3,357.21				3,357.21
Brandon Yoder:									
Mexico .....	Peso .....		598.56						598.56
Colombia .....	Peso .....		1,305.82						1,305.82
United States .....	Dollar .....				3,357.21				3,357.21
* Delegation Expenses:									
Mexico .....	Peso .....					1,519.00			1,519.00
Colombia .....	Peso .....					786.00			786.00
Senator Robert Menendez:									
Belgium .....	Euro .....		1,852.49						1,852.49
United States .....	Dollar .....				9,249.90				9,249.90
Jason Bruder:									
Belgium .....	Euro .....		1,954.41						1,954.41
United States .....	Dollar .....				10,394.90				10,394.90
Daniel O'Brien:									
Belgium .....	Euro .....		2,089.61						2,089.61
United States .....	Dollar .....				10,732.90				10,732.90
Adam Sharon:									
Belgium .....	Euro .....		1,866.01						1,866.01
United States .....	Dollar .....				10,394.00				10,394.00
* Delegation Expenses:									
Belgium .....	Euro .....					4,180.10			4,180.10
Senator Christopher Murphy:									
Germany .....	Dollar .....		930.74						930.74
United States .....	Dollar .....				5,507.70				5,507.70
* Delegation Expenses:									
Germany .....	Dollar .....					2,786.18			2,786.18
Senator Marco Rubio:									
Japan .....	Yen .....		559.67						559.67
Philippines .....	Dollar .....		173.90						173.90
Korea .....	Won .....		946.74						946.74
United States .....	Dollar .....				16,340.88				16,340.88
Cesar Conda:									
Japan .....	Yen .....		595.74						595.74
Philippines .....	Dollar .....		173.90						173.90
Korea .....	Won .....		955.90						955.90
United States .....	Dollar .....				14,802.39				14,802.39
* Delegation Expenses:									
Japan .....	Yen .....					2,732.04			2,732.04
Philippines .....	Dollar .....					604.60			604.60
Korea .....	Won .....					665.24			665.24
Sergio Aguirre:									
Israel .....	Shekel .....		1,582.62						1,582.62
Lebanon .....	Pound .....		181.83						181.83
Egypt .....	Pound .....		876.19						876.19
United States .....	Dollar .....				14,106.60				14,106.60
* Delegation Expenses:									
Israel .....	Shekel .....					2,260.67			2,260.67
Lebanon .....	Pound .....					1,094.35			1,094.35
Egypt .....	Pound .....					1,078.75			1,078.75
Amber Bland:									
Kenya .....	Shilling .....		964.99						964.99
Tanzania .....	Shilling .....		781.40						781.40
United States .....	Dollar .....				3,270.70				3,270.70
Harold Connolly:									
Kenya .....	Shilling .....		1,140.00						1,140.00
Tanzania .....	Shilling .....		1,002.00						1,002.00
United States .....	Dollar .....				3,520.70				3,520.70
David Andrew Olson:									
Kenya .....	Shilling .....		853.00						853.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P. L. 95—384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tanzania .....	Shilling .....		752.00						752.00
United States .....	Dollar .....				3,270.70				3,270.70
Halie Soifer:									
Kenya .....	Shilling .....		1,510.00						1,510.00
Tanzania .....	Shilling .....		599.00						599.00
United States .....	Dollar .....				3,927.00				3,927.00
Ben Sundholm:									
Kenya .....	Shilling .....		1,140.00						1,140.00
Tanzania .....	Shilling .....		1,002.00						1,002.00
United States .....	Dollar .....				3,520.70				3,520.70
* Delegation Expenses:									
Kenya .....	Shilling .....					1,123.92			1,123.92
Tanzania .....	Shilling .....					39.50			39.50
Jason Bruder:									
Georgia .....	Lari .....		1,023.00						1,023.00
Ukraine .....	Hryvnia .....		483.56						483.56
Belgium .....	Euro .....		724.52						724.52
United States .....	Dollar .....				4,992.40				4,992.40
Joshua Lucas:									
Georgia .....	Lari .....		822.00						822.00
Ukraine .....	Hryvnia .....		315.56						315.56
Belgium .....	Euro .....		659.52						659.52
United States .....	Dollar .....				6,628.10				6,628.10
Charlotte Oldham-Moore:									
Ukraine .....	Hryvnia .....		767.12						767.12
Belgium .....	Euro .....		779.52						779.52
United States .....	Dollar .....				4,001.50				4,001.50
Chris Socha:									
Georgia .....	Lari .....		1,098.00						1,098.00
Ukraine .....	Hryvnia .....		383.56						383.56
Belgium .....	Euro .....		779.52						779.52
United States .....	Dollar .....				5,352.40				5,352.40
* Delegation Expenses:									
Georgia .....	Lari .....					361.92			361.92
Michael Gallagher:									
Egypt .....	Pound .....		1,045.50						1,045.50
Israel .....	Shekel .....		1,389.00						1,389.00
United States .....	Dollar .....				4,322.52				4,322.52
Carolyn Vik:									
Egypt .....	Pound .....		1,045.50						1,045.50
Israel .....	Shekel .....		1,389.00						1,389.00
United States .....	Dollar .....				4,322.52				4,322.52
* Delegation Expenses:									
Egypt .....	Pound .....					243.00			243.00
Israel .....	Shekel .....					1,987.43			1,987.43
Jodi Herman:									
Qatar .....	Riyal .....		651.65						651.65
Saudi Arabia .....	Riyal .....		384.33						384.33
United Arab Emirates .....	Dirham .....		1,359.98						1,359.98
United States .....	Dollar .....				3,490.70				3,490.70
Dana Stroul:									
Qatar .....	Riyal .....		629.13						629.13
Saudi Arabia .....	Riyal .....		484.25						484.25
United Arab Emirates .....	Dirham .....		1,603.50						1,603.50
United States .....	Dollar .....				3,490.70				3,490.70
* Delegation Expenses:									
Qatar .....	Riyal .....					209.11			209.11
Saudi Arabia .....	Riyal .....					236.00			236.00
United Arab Emirates .....	Dirham .....					567.26			567.26
Chris Homan:									
Mauritania .....	Ouguiya .....		248.00						248.00
Uzbekistan .....	Som .....		422.00						422.00
United States .....	Dollar .....				6,686.90				6,686.90
* Delegation Expenses:									
Mauritania .....	Ouguiya .....					70.02			70.02
Carolyn Leddy:									
Burma .....	Kyat .....		1,076.68						1,076.68
Thailand .....	Baht .....		487.85						487.85
United States .....	Dollar .....				5,014.50				5,014.50
Frank Polley:									
Burma .....	Kyat .....		789.00						789.00
Thailand .....	Baht .....		519.35						519.35
United States .....	Dollar .....				5,014.50				5,014.50
* Delegation Expenses:									
Burma .....	Kyat .....					2,433.09			2,433.09
Thailand .....	Baht .....					822.70			822.70
Damian Murphy:									
Pakistan .....	Rupee .....		436.00						436.00
Afghanistan .....	Dollar .....		59.35						59.35
United States .....	Dollar .....				5,255.02				5,255.02
Michael Phelan:									
Pakistan .....	Rupee .....		260.00						260.00
Afghanistan .....	Dollar .....		251.65						251.65
United States .....	Dollar .....				4,412.28				4,412.28
* Delegation Expenses:									
Pakistan .....	Rupee .....					483.63			483.63
Daniel Vajdich:									
Georgia .....	Lari .....		1,098.00						1,098.00
Azerbaijan .....	Manat .....		417.00						417.00
United States .....	Dollar .....				4,929.40				4,929.40
John Zadrozny:									
Georgia .....	Lari .....		1,092.08						1,092.08
Azerbaijan .....	Manat .....		424.80						424.80
United States .....	Dollar .....				4,007.60				4,007.60
* Delegation Expenses:									
Georgia .....	Lari .....					150.00			150.00
* Delegation Expenses:									
Azerbaijan .....	Manat .....					187.50			187.50

May 12, 2014

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Total .....	66,899.93 .....	229,557.46 .....	41,343.43 .....	337,800.82 .....
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\*Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR ROBERT MENENDEZ,  
Chairman, Committee on Foreign Relations, Apr. 30, 2014.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Heidi Heitkamp:									
Cuba .....	Peso .....		130.00 .....						130.00 .....
Jorge Rueda:									
Cuba .....	Peso .....		124.00 .....						
Senator Thomas R. Carper:									
United States .....	Dollar .....				1,218.73 .....				
Holly Idelson:									
United States .....	Dollar .....				1,551.23 .....				
Guatemala .....	Quetzal .....		300.13 .....						
Bias Nunez-Neto:									
United States .....	Dollar .....				1,551.23 .....				
Guatemala .....	Quetzal .....		179.00 .....						
El Salvador .....	Dollar .....		25.00 .....						
* Delegation Expenses:									
El Salvador .....	Dollar .....						2,067.51 .....		
Guatemala .....	Quetzal .....						758.00 .....		
Total .....			758.13 .....		4,321.19 .....		2,825.51 .....		7,904.83 .....

\*Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR THOMAS R. CARPER,  
Chairman, Committee on Homeland Security and Governmental Affairs,  
Apr. 30, 2014.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Saxby Chambliss .....	Dollar .....		710.82 .....						710.82 .....
					14,490.00 .....				14,490.00 .....
						193.81 .....			193.81 .....
									0.00 .....
Senator Richard Burr .....	Dollar .....		710.82 .....						710.82 .....
					14,490.00 .....				14,490.00 .....
						193.81 .....			193.81 .....
									0.00 .....
Martha Scott Poindexter .....	Dollar .....		710.82 .....						710.82 .....
					14,490.00 .....				14,490.00 .....
						193.81 .....			193.81 .....
									0.00 .....
Tyler Stephens .....	Dollar .....		710.82 .....						710.82 .....
					14,490.00 .....				14,490.00 .....
						193.81 .....			193.81 .....
									0.00 .....
Christian Cook .....	Dollar .....		710.82 .....						710.82 .....
					14,490.00 .....				14,490.00 .....
						193.81 .....			193.81 .....
									0.00 .....
Tressa Guenov .....	Dollar .....		364.00 .....						364.00 .....
Paul Matulic .....	Dollar .....		364.00 .....						364.00 .....
James Catella .....	Dollar .....		255.38 .....						255.38 .....
Lorenzo Goco .....	Dollar .....		533.00 .....						533.00 .....
					15,069.40 .....				15,069.40 .....
Randall Bookout .....	Dollar .....		458.00 .....						458.00 .....
					15,069.40 .....				15,069.40 .....
Andrew Kerr .....	Dollar .....		618.00 .....						618.00 .....
					15,069.40 .....				15,069.40 .....
James Catella .....	Dollar .....		524.74 .....						524.74 .....
Total .....			6,671.22 .....		117,658.20 .....		969.05 .....		125,298.47 .....

SENATOR DIANNE FEINSTEIN,  
Chairman, Committee on Intelligence, May 7, 2014.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sheldon Whitehouse:									
Germany .....	Dollar .....		954.59 .....						954.59 .....
Lacy Dwyer:									
Germany .....	Dollar .....		844.96 .....						844.96 .....
* Delegation Expenses:									
Germany .....	Dollar .....						5,572.38 .....		5,572.38 .....
Senator Sheldon Whitehouse:									
Ukraine .....	Hryvnia .....		745.79 .....						745.79 .....
* Delegation Expenses:									
Ukraine .....	Hryvnia .....						620.51 .....		620.51 .....

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patrick Leahy:									
United States .....	Dollar .....				11,342.00				11,342.00
Switzerland .....	Dollar .....		2,621.40						2,621.40
Kevin McDonald:									
United States .....	Dollar .....				11,342.00				11,342.00
Switzerland .....	Dollar .....		723.00						723.00
* Delegation Expenses:									
Switzerland .....	Dollar .....						4,745.32		4,745.32
Total .....			5,889.74		22,684.00		10,938.21		39,511.95

\* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary, Apr. 30, 2014.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P. L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
Cuba .....	Pesos .....		1,288.00		609.00				1,897.00
Derek Miller:									
Cuba .....	Pesos .....		1,288.00		609.00				1,897.00
Maria Rosario Gutierrez:									
Cuba .....	Pesos .....		1,288.00		609.00				1,897.00
* Delegation Expenses:									
Cuba .....	Pesos .....						2,088.00		2,088.00
Senator Bernard Sanders:									
Cuba .....	Pesos .....		188.00						188.00
* Delegation Expenses:									
Cuba .....	Pesos .....						20.00		20.00
Senator Tom Harkin:									
Chile .....	Pesos .....		1,758.57						1,758.57
Bolivia .....	Bolivianos .....		471.00						471.00
Senator Bernard Sanders:									
Chile .....	Pesos .....		1,758.57						1,758.57
Bolivia .....	Bolivianos .....		421.00						421.00
Maria Rosario Gutierrez:									
Chile .....	Pesos .....		1,652.84						1,652.84
Bolivia .....	Bolivianos .....		254.00		2,872.00				3,126.00
Lindsay Jones:									
Chile .....	Pesos .....		1,314.48						1,314.48
Bolivia .....	Bolivianos .....		192.84						192.84
Zachary Schecter-Steinberg:									
Chile .....	Pesos .....		1,314.48						1,314.48
Bolivia .....	Bolivianos .....		312.84						312.84
David Weinstein:									
Chile .....	Pesos .....		1,314.48						1,314.48
Bolivia .....	Bolivianos .....		421.00						421.00
* Delegation Expenses:									
Chile .....	Pesos .....						5,514.12		5,514.12
Bolivia .....	Bolivianos .....						5,766.65		5,766.65
Senator Johnny Isakson:									
Benin .....	Franc .....		763.08						763.08
Chris Sullivan:									
Benin .....	Franc .....		747.38						747.38
* Delegation Expenses:									
France .....	Euro .....						347.73		347.73
Benin .....	Franc .....						3,319.21		3,319.21
Total .....			14,748.14		4,699.00		17,495.59		36,942.73

\* Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P. L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR TOM HARKIN,  
Chairman, Committee on Health, Education, Labor, and Pensions,  
Apr. 30, 2014.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P. L. 95–384—22  
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Fred Turner:									
Austria .....	Euro .....		1,077.00						1,077.00
United States .....	Dollar .....				7,966.40				7,966.40
Shelly Han:									
Austria .....	Euro .....		1,086.00						1,086.00
United States .....	Dollar .....				1,640.70				1,640.70
Erik Schlager:									
Austria .....	Euro .....		1,526.02						1,526.02
United States .....	Dollar .....				2,039.80				2,039.80
Robert Hand:									
Austria .....	Euro .....		1,031.00						1,031.00
United States .....	Dollar .....				1,674.70				1,674.70
Allison Hollabaugh:									
Austria .....	Euro .....		516.88						516.88

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P. L. 95—384—22  
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States .....	Dollar .....				1,712.70				1,712.70
Total .....			5,236.90		15,034.30				20,271.20

SENATOR BENJAMIN L. CARDIN,  
Chairman, Commission on Security and Cooperation in Europe,  
Apr. 9, 2014.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22  
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE—AMENDED FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2013

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Alex Johnson:									
Austria .....	Euro .....		2,400.00						2,400.00
United States .....	Dollar .....				935.60				935.60
Total .....			2,400.00		935.60				3,335.60

SENATOR BENJAMIN L. CARDIN,  
Chairman, Commission on Security and Cooperation in Europe, Apr. 9, 2014.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22  
U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2014

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jamie Fly:									
United States .....	Dollar .....				14,831.40				14,831.40
Japan .....	Yen .....		712.09						1,261.61
Philippines .....	Peso .....		287.77				549.52		820.87
South Korea .....	Won .....		604.13				533.10		820.87
Thomas Hawkins:							498.99		1,103.12
United States .....	Dollar .....				13,852.00				13,852.00
United Arab Emirates .....	Dirham .....						86.90		86.90
Jordan .....	Dinar .....		649.82						649.82
United Kingdom .....	Pound .....						6.91		6.91
United States .....	Dollar .....				13,718.24				13,718.24
Israel .....	Shekel .....		1,612.59						1,612.59
Afghanistan .....	Dollar .....		37.00						37.00
Ukraine .....	Hryvnia .....		344.30						344.30
Total .....			4,247.70		42,401.64		1,675.42		48,324.76

SENATOR MITCH MCCONNELL,  
Republican Leader, May 1, 2014.

ORDERS FOR TUESDAY, MAY 13,  
2014

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow morning, May 13, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the time until 11:10 a.m. be equally divided and controlled between the two leaders or their designees prior to a cloture vote on the motion to proceed to H.R. 3474, the vehicle for the tax extenders legislation; that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings, and that if cloture is invoked on the motion to proceed to H.R. 3474, the time during the recess count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be a rollcall vote at 11:10 tomorrow morning.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Tuesday, May 13, 2014, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

LISA AFUA SERWAH MENSAH, OF MARYLAND, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT, VICE DALLAS P. TONSAGER, RESIGNED.

DEPARTMENT OF STATE

ROBERT STEPHEN BEECROFT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

STUART E. JONES, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 12, 2014:

DEPARTMENT OF ENERGY

STEVEN CROLEY, OF MICHIGAN, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY.

THE JUDICIARY

ROBIN S. ROSENBAUM, OF FLORIDA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.



## WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 12,

2014 withdrawing from further Senate consideration the following nomination:

TOMMY PORT BEAUDREAU, OF ALASKA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE RHEA S. SUH, WHICH WAS SENT TO THE SENATE ON JANUARY 6, 2014.

## EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 13, 2014 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## MAY 14

9:30 a.m.

Committee on Rules and Administration  
To hold hearings to examine a collection, analysis and use of elections data, focusing on a measured approach to improving election administration.

SR-301

10 a.m.

Committee on Appropriations  
Subcommittee on Department of Defense  
To hold hearings to examine defense research and innovation.

SD-192

Committee on Environment and Public Works

To hold hearings to examine nuclear reactor decommissioning, focusing on stakeholder views.

SD-406

Committee on Foreign Relations

To hold hearings to examine the nominations of Mark Sobel, of Virginia, to be United States Executive Director, and Sunil Sabharwal, of California, to be United States Alternate Executive Director, both of the International Monetary Fund, Matthew T. McGuire, of the District of Columbia, to be United States Executive Director of the International Bank for Reconstruction and Development, and Mileydi Guilarte, of the District of Columbia, to be United States Alternate Executive Director of the Inter-American Development Bank.

SD-419

Committee on Health, Education, Labor, and Pensions

Business meeting to consider an original bill entitled, "The Strong Start for America's Children Act", and the nomination of R. Jane Chu, of Missouri, to

be Chairperson of the National Endowment for the Arts.

SD-430

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine charting a path forward for the Chemical Facilities Anti-Terrorism Standards Program.

SD-342

Committee on the Judiciary

To hold hearings to examine the Bullet-proof Vest Partnership Grant Program, focusing on supporting law enforcement officers.

SD-226

2 p.m.

Committee on Appropriations

Subcommittee on Financial Services and General Government

To hold hearings to examine strengthening oversight and integrity of the financial markets, focusing on fiscal year 2015 resource needs of the U.S. Securities and Exchange Commission and the U.S. Commodity Futures Trading Commission.

SD-138

2:15 p.m.

Committee on Finance

To hold hearings to examine the nomination of Sylvia Mathews Burwell, of West Virginia, to be Secretary of Health and Human Services.

SH-216

2:30 p.m.

Committee on Homeland Security and Governmental Affairs

Subcommittee on Emergency Management, Intergovernmental Relations, and the District of Columbia  
To hold hearings to examine the role of mitigation in reducing Federal expenditures for disaster response.

SD-342

Committee on Indian Affairs

To hold an oversight hearing to examine wildfires and forest management, focusing on how prevention is preservation.

SD-628

United States Senate Caucus on International Narcotics Control

To hold hearings to examine heroin and prescription drug abuse.

SD-192

## MAY 15

9:30 a.m.

Committee on Homeland Security and Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine online advertising and hidden hazards to consumer security and data privacy.

SD-342

10 a.m.

Committee on Banking, Housing, and Urban Affairs

Business meeting to resume consideration of S. 1217, to provide secondary mortgage market reform.

SD-538

Committee on Foreign Relations  
Subcommittee on African Affairs

To hold hearings to examine addressing the threat of Boko Haram.

SD-419

Committee on Veterans' Affairs

To hold hearings to examine the state of Veterans' Affairs health care.

SD-106

2:15 p.m.

Committee on Foreign Relations

To hold hearings to examine the nominations of Andrew H. Schapiro, of Illinois, to be Ambassador to the Czech Republic, and Nina Hachigian, of California, to be Representative of the United States of America to the Association of Southeast Asian Nations, with the rank and status of Ambassador, both of the Department of State.

SD-419

2:30 p.m.

Committee on Commerce, Science, and Transportation

Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security

To hold hearings to examine Surface Transportation Reauthorization, focusing on local perspectives on moving America.

SR-253

Committee on Health, Education, Labor, and Pensions

To hold hearings to examine the state of tobacco use and regulation in the United States, focusing on progress and challenges.

SD-430

Select Committee on Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

## MAY 20

9:30 a.m.

Committee on Armed Services

Subcommittee on Airland

Business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2015.

SD-G50

10:15 a.m.

Committee on Energy and Natural Resources

To hold hearings to examine the nominations of Cheryl A. LaFleur, of Massachusetts, and Norman C. Bay, of New Mexico, both to be a Member of the Federal Energy Regulatory Commission.

SD-366

11 a.m.

Committee on Armed Services

Subcommittee on SeaPower

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2015.

SR-222

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2 p.m.

Committee on Armed Services  
Subcommittee on Strategic Forces  
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2015.

SR-222

3:30 p.m.

Committee on Armed Services  
Subcommittee on Readiness and Management Support  
Business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2015.

SD-G50

5 p.m.

Committee on Armed Services  
Subcommittee on Emerging Threats and Capabilities  
Business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2015.

SD-G50

MAY 21

10 a.m.

Committee on Armed Services  
Subcommittee on Personnel  
Business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2015.

SD-G50

2:30 p.m.

Committee on Armed Services  
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2015.

SR-222

Committee on Indian Affairs

To hold an oversight hearing to examine Indian education, focusing on the Bureau of Indian Education.

SD-628

Committee on Small Business and Entrepreneurship

To hold hearings to examine military service to small business owner, focusing on supporting America's veteran entrepreneurs.

SR-428A

MAY 22

9:30 a.m.

Committee on Armed Services  
Closed business meeting to continue to markup the proposed National Defense Authorization Act for fiscal year 2015.

SR-222

MAY 23

9:30 a.m.

Committee on Armed Services  
Closed business meeting to continue to markup the proposed National Defense Authorization Act for fiscal year 2015.

SR-222

## POSTPONEMENTS

MAY 14

2:30 p.m.

Committee on Commerce, Science, and Transportation  
To hold hearings to examine promoting the well-being and academic success of college athletes.

SR-253

## HOUSE OF REPRESENTATIVES—Tuesday, May 13, 2014

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. ROONEY).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 13, 2014.

I hereby appoint the Honorable THOMAS J. ROONEY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Reverend Michael Wilker, Lutheran Church of the Reformation, Washington, D.C., offered the following prayer:

O God our shepherd, You know Your sheep by name and lead us to safety through the valleys of death. Guide us that we may walk in certainty and security to the reconciling and joyous feast You have prepared.

We give You thanks for the actual shepherds, ranchers and farmers in our Nation. Help them continue to steward the gifts You have given them and our Nation. Where we have leadership and authority in our families, schools, communities and Nation, give us courage to protect the vulnerable, compassion to heal the injured, and wisdom to lead them to green pastures.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 2(a) of House Resolution 576, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on May 7, 2014, she pre-

sented to the President of the United States, for his approval, the following bills:

H.R. 4192. To amend the Act entitled "An Act to regulate the height of buildings in the District of Columbia" to clarify the rules of the District of Columbia regarding human occupancy of penthouses above the top story of the building upon which the penthouse is placed.

H.R. 4120. To amend the National Law Enforcement Museum Act to extend the termination date.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 2(b) of House Resolution 576, the House stands adjourned until 2 p.m. on Thursday, May 15, 2014.

Thereupon (at 1 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Thursday, May 15, 2014, at 2 p.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5654. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Watermelon Research and Promotion Plan; Importer Membership Requirements [Document Number: AMS-FV-11-0031] received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5655. A letter from the FSA Regulatory Review Group Director, Department of Agriculture, transmitting the Department's final rule — Tobacco Transition Program Assessments; Final Appeals and Revisions Procedures (RIN: 0560-AH30) received April 28, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5656. A letter from the Acting Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting the Department's "Major" final rule — Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors (RIN: 1219-AB64) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5657. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Central African Republic (RIN: 1400-AD56) received April 11, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5658. A letter from the Associate Director for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — Syrian Sanctions Regulations received April 30, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5659. A communication from the President of the United States, transmitting notification that the national emergency with respect to Yemen, originally declared on May 16, 2012 in executive Order 13611, is to continue in effect beyond May 16, 2014; (H. Doc. No. 113-110); to the Committee on Foreign Affairs and ordered to be printed.

5660. A communication from the President of the United States, transmitting Blocking property of certain persons contributing to the conflict in the Central African Republic, pursuant to 5 U.S.C. 801(a)(1)(A); (H. Doc. No. 113-111); to the Committee on Foreign Affairs and ordered to be printed.

5661. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Revision of Department of Energy's Freedom of Information Act (FOIA) Regulations (RIN: 1901-AA32) received April 28, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5662. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — Department of the Treasury Acquisition Regulations; Contract Clause on Minority and Women Inclusion in Contractor Workforce (RIN: 1505-AC40) received April 28, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5663. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — General Services Administration Acquisition Regulation; (GSAR); Industrial Funding Fee (IFF) and Sales Reporting [(Change 57); GSAR Case 2012-G503 Docket No.: 2012-0018; Sequence No. 1] (RIN: 3090-AJ36) received April 23, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5664. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations (RIN: 3206-AM68) received April 17, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLATTE: Committee on the Judiciary. H.R. 306. A bill for the relief of Corina de Chalup Turcinovic (Rept. 113-445). Referred to the Private Calendar.

Mr. McKEON: Committee on Armed Services. H.R. 4435. A bill to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes; with amendments (Rept.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

113-446). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 3610. A bill to stop exploitation through trafficking; with an amendment (Rept. 113-447, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the following action was taken by the Speaker:

The Committee on Education and the Workforce discharged from further consideration. H.R. 3610 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GARDNER (for himself and Mrs. CAPPS):

H.R. 4656. A bill to amend title 10, United States Code, to improve access to mental health services under the TRICARE program; to the Committee on Armed Services.

By Mr. GRIFFIN of Arkansas (for himself, Mr. COTTON, Mr. CRAWFORD, and Mr. WOMACK):

H.R. 4657. A bill to amend the Internal Revenue Code of 1986 to make permanent certain provisions of the Heartland, Habitat, Harvest, and Horticulture Act of 2008 relating to timber, and for other purposes; to the Committee on Ways and Means.

By Mr. McDERMOTT:

H.R. 4658. A bill to amend title XI of the Social Security Act to eliminate civil money penalties for inducements to physicians to limit services that are not medically necessary, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHOCK:

H.R. 4659. A bill to amend the Immigration and Nationality Act to make the EB-5 regional center program permanent, and for other purposes; to the Committee on the Judiciary.

By Mr. GOSAR (for himself, Mr. CÁRDENAS, Ms. BROWN of Florida, Mr. TIPTON, Ms. MATSUI, Mr. POCAN, Mr. KILMER, Mrs. MILLER of Michigan, Mr. SIMPSON, Mr. CHABOT, Ms. SHEAPORTER, Mr. KELLY of Pennsylvania, Mr. ENYART, Mr. BENISHEK, Mrs. NEGRETE McLEOD, Ms. MCCOLLUM,

Mr. VEASEY, Ms. TITUS, Mr. COSTA, Ms. TSONGAS, Mr. LAMALFA, Mr. TAKANO, Mrs. WALORSKI, Mr. OWENS, Ms. ESHOO, Mr. GARCIA, Mr. SALMON, Mr. CARSON of Indiana, Ms. DELBENE, Mr. LOWENTHAL, Mr. SWALWELL of California, Ms. JACKSON LEE, Mr. BENTIVOLIO, Ms. BORDALLO, Mr. HINOJOSA, Mr. SCHNEIDER, Mr. COLLINS of New York, Ms. CHU, Mrs. BUSTOS, Mr. MICHAUD, Ms. ESTY, Mr. GALLEGGO, Mr. JOYCE, and Mr. LOEBACK):

H. Res. 583. A resolution honoring the vital role of small business and the passion of entrepreneurs in the United States during "National Small Business Week", beginning on May 12, through May 16, 2014; to the Committee on Small Business.

By Mr. ISRAEL (for himself, Mr. McCAUL, and Mr. RYAN of Ohio):

H. Res. 584. A resolution expressing support for the designation of May 11, 2014, through May 17, 2014, as Food Allergy Awareness Week; to the Committee on Energy and Commerce.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GARDNER:

H.R. 4656

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, to provide for the common Defence wherein it states, "The Congress shall have Power . . . to raise and support Armies."

By Mr. GRIFFIN of Arkansas:

H.R. 4657

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. McDERMOTT:

H.R. 4658

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SCHOCK:

H.R. 4659

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4, which states that Congress has the power to establish a uniform Rule of Naturalization.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 6: Mr. BARLETTA.

H.R. 217: Mr. JOLLY.

H.R. 366: Mr. BARBER.

H.R. 647: Mr. GOSAR.

H.R. 776: Mr. GRIFFIN of Arkansas.

H.R. 940: Mr. JOLLY.

H.R. 958: Mr. PIERLUISI.

H.R. 1020: Mr. ENYART.

H.R. 1240: Ms. CASTOR of Florida.

H.R. 1462: Mr. JONES and Mr. JOLLY.

H.R. 1507: Ms. CLARK of Massachusetts.

H.R. 1732: Mr. CICILLINE.

H.R. 2214: Mr. KENNEDY.

H.R. 2384: Ms. SLAUGHTER.

H.R. 2689: Mr. DELANEY.

H.R. 3698: Mr. BLUMENAUER and Ms. DELBENE.

H.R. 3717: Mr. ELLISON.

H.R. 3747: Mr. UPTON.

H.R. 3877: Ms. BROWN of Florida.

H.R. 3991: Mrs. BUSTOS and Ms. KUSTER.

H.R. 4172: Mr. SIRES.

H.R. 4319: Mr. JONES.

H.R. 4395: Mr. LIPINSKI, Ms. WILSON of Florida, Ms. JACKSON LEE, and Ms. NORTON.

H.R. 4411: Mrs. BLACK, Mr. COOPER, Mr. COSTA, Mr. COURTNEY, Ms. DEGETTE, Ms. HAHN, Mr. SEAN PATRICK MALONEY of New York, Mr. POCAN, Mr. AMODEI, Mr. SHIMKUS, Mr. WOMACK, Mr. JOHNSON of Ohio, Mr. CRAWFORD, Mr. QUIGLEY, Mr. PASCRELL, Mr. SWALWELL of California, Mr. HORSFORD, Mr. RANGEL, Mr. GARDNER, Mr. RUIZ, and Mrs. ELLMERS.

H.R. 4424: Mr. RICHMOND.

H.R. 4531: Mr. OLSON, Mr. SESSIONS, Mr. SMITH of Texas, and Mr. STOCKMAN.

H.R. 4573: Mr. ROYCE, Mr. YOHO, and Mr. McCAUL.

H.R. 4587: Mr. YOHO.

H.R. 4629: Ms. NORTON, Mr. COHEN, Mr. LARSON of Connecticut, Mr. LOEBACK, and Ms. SLAUGHTER.

H.R. 4631: Mr. ROE of Tennessee, Ms. JENKINS, Mr. MCGOVERN, Mr. ISRAEL, Ms. SLAUGHTER, and Mr. VARGAS.

H.R. 4636: Mr. CÁRDENAS, Ms. HAHN, Mrs. ELLMERS, Mr. RANGEL, Mr. O'ROURKE, and Mr. BLUMENAUER.

H.R. 4643: Ms. BROWN of Florida.

H.J. Res. 50: Mr. YOHO.

H. Res. 489: Ms. NORTON.

H. Res. 522: Mr. BRADY of Pennsylvania, Mr. KEATING, Mr. FATTAH, Mr. KING of New York, and Mr. THOMPSON of California.

H. Res. 561: Mr. CONNOLLY, Mr. ENYART, Mr. COHEN, Ms. WATERS, Mr. WAXMAN, and Mr. O'ROURKE.

H. Res. 562: Mr. LOWENTHAL.

H. Res. 570: Mr. McDERMOTT.

H. Res. 573: Mrs. WALORSKI, Mr. YOHO, Mr. RYAN of Wisconsin, Mr. BLUMENAUER, Mr. ROSS, Mr. NUNNELEE, Mr. WOLF, Mr. COSTA, Mr. LYNCH, and Mrs. BLACK.

H. Res. 577: Ms. LOFGREN.

H. Res. 578: Mr. COHEN, Mr. SMITH of Washington, Mr. RAHALL, and Mr. LYNCH.

**SENATE—Tuesday, May 13, 2014**

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, ruler of all nations, hasten the day when the government shall be on Your shoulders. Bring an end to sin, injustice, corruption, violence, and immorality in our Nation and world. Use our lawmakers to do what is best, rewarding their faithfulness with a bountiful harvest. Lord, do for them immeasurably, abundantly, above all that they can ask or imagine according to Your power working in and through them. May the whisper of Your wisdom fill our Senators with peace, power, and praise. Infuse them with confidence in the ultimate triumph of Your Providence.

We pray in Your righteous Name. Amen.

**PLEDGE OF ALLEGIANCE**

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RECOGNITION OF THE MAJORITY LEADER**

The PRESIDENT pro tempore. The majority leader is recognized.

**HIRE MORE HEROES ACT OF 2014—MOTION TO PROCEED**

Mr. REID. Mr. President, I move to proceed to Calendar No. 332, which is the vehicle for the tax extenders we hope to do this week.

The PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 332, H.R. 3474, an act to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

**SCHEDULE**

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in morning business. The time until 11:10 will be equally divided between the two leaders or their designees. At 11:10 there will be a cloture vote on the mo-

tion to proceed to H.R. 3474. The Senate will recess from 12:30 to 2:15 to allow for the weekly caucus meetings.

**EXECUTIVE SESSION****NOMINATION OF ROSEMARY MARQUEZ TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA**

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 667.

The PRESIDING OFFICER (Mr. BOOKER). The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk reported the nomination of Rosemary Marquez, of Arizona, to be United States District Judge for the District of Arizona.

**CLOTURE MOTION**

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Rosemary Marquez, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Cory A. Booker, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

**LEGISLATIVE SESSION**

Mr. REID. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

**EXECUTIVE SESSION****NOMINATION OF DOUGLAS L. RAYES TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA**

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 668.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Douglas L. Rayes, of Arizona, to be United States District Judge for the District of Arizona.

**CLOTURE MOTION**

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Douglas L. Rayes, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Cory A. Booker, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

**LEGISLATIVE SESSION**

Mr. REID. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

**EXECUTIVE SESSION****NOMINATION OF JAMES ALAN SOTO TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA**

Mr. REID. I move to proceed to executive session to consider Calendar No. 669.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of James Alan Soto, of Arizona, to be United States District Judge for the District of Arizona.

#### CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of James Alan Soto, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey, Cory A. Booker.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

#### EXECUTIVE SESSION

#### NOMINATION OF GREGG JEFFREY COSTA TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. REID. I move to proceed to executive session to consider Calendar No. 732.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Gregg Jeffrey Costa, of Texas, to be United States Circuit Judge for the Fifth Circuit.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Gregg Jeffrey Costa, of Texas, to be United States Circuit Judge for the 5th Circuit.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Cory A. Booker, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

#### HIRE MORE HEROES ACT OF 2014— MOTION TO PROCEED—Continued

#### CHANGING DIRECTION

Mr. REID. Mr. President, we have seen in the last week or two Republicans just throwing things at the wall hoping something will stick. They brought down the energy efficiency bill as a result of that. They rescinded informally an agreement that I was convinced we had. Here is why this happened. One need only look at why we have not heard these endless speeches in the House or the Senate on ObamaCare, the Affordable Care Act. That has dissipated. It has been several weeks—it is hard to believe but several weeks—since we have had a vote in the House on doing away with ObamaCare, repealing it. Why is that? There is no better illustration of why that is happening than something called “The Plum Line” in the Washington Post today. It is short, but I would like to read it. The headline is “Going quiet on health care.”

As Benghazi fever rises among Republicans—

This is an editorial comment. That is another thing they threw at the wall to see if it would stick—

the Hill reported yesterday that the House GOP has “gone quiet” on ObamaCare. There are no scheduled votes or hearings on the Affordable Care Act. When contacted by the Hill newspaper, most GOP campaign committees wouldn’t say whether they would launch any new attacks on the law.

As the Hill put it: “The lack of action highlights the GOP’s struggle to adjust its

message now that enrollment in the exchanges beat projections and the uninsured rate is going down.”

They have tried a number of things since ObamaCare is no longer very high on the radar screen. A couple of weeks ago they said they would change direction and go after me. One of my friends—a Democratic Senator—said: I wish they would do that in my State. Nobody knows who you are.

The point is that they are getting desperate for something to change their tune. Benghazi is one. There will be other things that will come out in the next few weeks.

I carry on reading this article:

At the same time, it noted that GOP operatives overseeing Senate races remain “conscious of the need to keep a drumbeat going against the law.” The question now: If Republican officials really are backing off on ObamaCare, will the base go along?

A new CNN poll illustrates the situation nicely: It finds that far more Americans want to keep ObamaCare than repeal it. At the same time, only a majority of Republicans want repeal and only a majority of Republicans think the law is already a failure.

The poll finds that 49 percent of Americans want to keep the law with some changes, while another 12 percent want to keep it as is—a total of 61 percent. Meanwhile, only 18 percent want to repeal and replace the law, and another 20 percent want to repeal it, full stop—a total of 38 percent. That’s 61 percent for keeping the law and 38 percent for repealing it. Among independents, that’s 55 percent to 44 percent.

How is it possible that Americans can disapprove of ObamaCare but support keeping it? Part of the answer lies in the another question CNN asked. It finds that a total of 61 percent say that it’s a success or it’s too soon to tell whether it’s a success. By contrast, 39 percent say it’s already a failure. Among independents, that’s 58 percent to 42 percent in favor of those who would give the law a chance to work over time.

All this is a reminder that at this point, attacks on the law—such as they are, anyway—are all about keeping the base lathered up in advance of the midterm elections. But there are six months to go, and already even some Republican officials appear to be realizing that the anti-ObamaCare energy is draining away.

Remember, 61 to 38.

#### TAX EXTENDERS

Mr. President, it was not all that long ago the economy was in the throes of the great recession. Less than 6 years ago the world economy was taken to the brink of collapse before beginning a gradual recovery. While American markets have returned to their prerecession levels, the recovery for millions of workers and their families has been slower in coming. In Nevada, we continue to dig our way out of the recession. Although things are better, we still have a long way to go.

Today the Senate begins debate on legislation that continues to help many Nevadans and countless Americans as they recover from the recession. This bill before us extends current tax provisions that have bolstered American families and businesses, saving money and growing our economy.



For example, the Mortgage Forgiveness Debt Relief Act is something the State of New Jersey depended on significantly and Nevada and virtually every State.

Nevada's home market was greatly damaged by the economic downturn. Many of my State's homeowners succumbed to foreclosure. For many years Nevada had the highest foreclosure rate in the Nation. For struggling Nevadans battling to keep their homes, the Mortgage Forgiveness Debt Relief Act offers much needed help.

This provision provides relief to homeowners who otherwise would owe taxes on the debt forgiven through a mortgage loan modification. Here is why we did it. The IRS had a rule which said that if you bought a home for \$10,000 and the recession hit and you had to sell it for \$6,000, you would be taxed at the \$10,000 rate. It is hard to believe, but that was the rule. That is why we passed this law. We are now trying to extend that. It is very important. It allows underwater Nevadans and those in other States around the Nation to get a measure of financial relief, while giving a much needed boost to the State's housing market.

In addition to mortgage relief, this tax extenders legislation also includes an extension of the State and local sales tax deduction. No one has worked harder on that than Senator CANTWELL from Washington. This deduction provides working middle-class families, many of whom are already pinching pennies, with a fair shot at providing for their families. It allows them to deduct local and State sales taxes, helping them keep more money in their pockets.

The tax extenders bill is not only helping our constituents who have been victims of the economic downturn, it is also spurring job growth and local economies.

The renewable energy tax credit has played an important role in Nevada's economy. This tax credit has helped attract investments of over \$5.5 billion into Nevada's clean energy economy. So people who have never seen, for example, solar panels, come to Searchlight and you will see almost 4 miles of solar panels—millions and millions of them with no break for miles. It is amazing. It looks like—I remember when I was a kid we would drive the Las Vegas highway and we would see mirages. That is what it looks like. It looks like water, but it is not. It is solar panels covering miles and miles.

The tax credit dealing with energy has been important. Through clean energy tax incentives, loan guarantees, and the State's renewable energy standard, Nevada is fast becoming a leader in the renewable energy world. As renewable energy grows in Nevada, jobs multiply. All Nevadans deserve a fair shot at a good stable job. An extension of the renewable energy tax credit

is important to the State's energy consumers, local economies, and working families. That is the same all over the country, not only Nevada.

There is something called the theater tax credit. The movie industry has had it for a long time, but that is a provision in this bill that boosts Nevada's economy and virtually every economy around the country. For example, Las Vegas and Reno are home to many theatrical productions that benefit from the extension of the film tax credit. The theater tax credit allows hotels and resorts in Nevada—and around the country—to invest in high-quality productions which draw tourists from around the globe.

While the examples I just mentioned are especially important to Nevada, this legislation has many more provisions that benefit millions of people all across the country. For example, the research and experimentation tax credit promotes innovative development by some of America's best companies and requires that global companies receive this assistance to locate research and development centers in the United States.

The work opportunity tax credit is important and provides an incentive to businesses to hire under- or unemployed Americans. There are also education benefits in this bill, such as the deduction for elementary and secondary teachers' out-of-pocket expenses. This deduction ensures that teachers who are going the extra mile for our children are not being punished financially.

These are just a few examples of the beneficial credits and deductions that comprise this tax extenders legislation, but there are many others. Our constituents are depending on us to extend these provisions, many of which expired at the end of 2013. We will not pull the plug before our Nation's recovery is complete. By passing this tax extenders package, we will build our Nation's economy more quickly. We will continue to promote innovation, encourage industry, and create jobs.

I urge my Republican colleagues to join us in passing this legislation. Let's work together to bring American families and the economy a fair shot.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

SENATE DIMINISHED

Mr. MCCONNELL. Many years ago, Senator Henry Cabot Lodge called the Senate "the most powerful single chamber in any legislative body in the world."

Imagine making that kind of statement about today's Senate. Instead of a strong, independent voice at the vanguard of American policymaking, what has the Democratic-run Senate become? It has become a campaign studio, a late-night punch line, the place where the far left gets its way and the middle class gets left behind.

We saw this again yesterday when the majority leader was so determined to prevent the consideration of Republican amendments that he killed every Democratic Senator's amendment in the process. He didn't seem to care about letting the more than 4 million people in my State have a say on one of the most important issues affecting their livelihoods—coal. He didn't seem to think the millions of Americans represented by his own Democrats deserved a meaningful say on energy either.

Even after Senate Democrats from States such as Alaska, Maine, Colorado, and Arkansas put out press releases touting the kinds of ideas contained within their amendments, no amendments were allowed.

The fact that some of these same Senators are now trying to convince others of how moderate and influential they are, it is ridiculous. By backing the majority leader's power play instead of standing up for their constituents, they show where their loyalties lie.

Let's remember. The majority leader apparently thought the American people didn't deserve a say on energy, at a time when many in the middle class are struggling with high energy bills, a lack of jobs, and stagnant wages, the kinds of things that could be helped with smarter energy policy. He also blocked this debate at a time of growing global energy crises that demand American leadership.

Moments such as those were when our country used to come together in the Senate, when we used to have a serious discussion and actually pass serious legislation to solve serious problems, but not today, not in the Senate anymore. Today it is a place where the majority leader seems to deliver a daily monologue about almost anything but jobs, where Democrats obstruct serious ideas and where they have shut down meaningful debate on so many major issues.

Think back to last week when Senate Democrats declared that addressing global warming was the moral crusade of our time and then refused to even debate or consider legislative measures to actually address it or when the American people were calling out for us to pass jobs legislation and Senate Democrats put forward legislation that could actually cost up to 1 million jobs, all while they continued to block serious, House-passed job-creation bills.

Meanwhile, Washington Democrats' repeated attempts to pass the buck on gridlock are now bordering on absolute farce, just a complete farce. Last week we saw a fact-checker from a major leftwing paper debunk one of their favorite talking points about filibusters, giving it the highest possible rating for dishonesty.

The charges that have been made about Republican filibusters were given

the highest rating for dishonesty by a left-leaning newspaper. This is what the fact-checker said: "On just about every level, this claim is ridiculous." This is the fact-checker for a left-leaning newspaper responding to these daily charges about Republican filibusters: "On just about every level, this claim is ridiculous."

So let's be clear. It is time for Senate Democrats to look in the mirror. Under Democratic rule, the Senate has become the place where serious legislation comes to die, the graveyard for good ideas. That is the main reason President Obama wants so badly to keep his Senate majority this November. It is his castle moat—the moat around the castle—the last thing standing between him and signing the serious legislation the middle class deserves but the far left hates. It is his buffer against having to approve things such as Keystone Pipeline.

The Keystone Pipeline is a project almost everyone knows will create thousands of good jobs at a time when we need them very badly. It is a project the American people support overwhelmingly, but of course the far left hates it, and the far left controls today's Washington Democratic Party.

I will tell you one thing the far left does like, though—seeing headlines such as this last week from the AP: "Democratic Leader Blocks Senate Vote On Keystone." This is the President's majority leader they are talking about. Both he and they are hoping to keep their Senate majority this November so they can see even more headlines similar to that one.

The American people are going to have their say. In the meantime, it is time for the majority leader to start worrying about today's Senate. The American people are tired of waiting for this body to act on the jobs bills Senate Democrats continue to block. They are tired of all the show votes.

Our constituents already know the Senate Democratic agenda for the rest of the year was drafted by campaign staffers anyway. They would have been able to figure that out even if our Democratic friends hadn't just said it; that the agenda was drafted over at the Democratic senatorial committee. But enough is enough. The American people sent us to the Senate to do something about jobs and address the issues that actually matter to their daily lives. It is time the Democrats, who run the Senate, drop the diversions and finally work with us to do so.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### ORDER OF BUSINESS

Under the previous order, the time until 11:10 a.m. will be equally divided between the two leaders or their designees.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JOB CREATION

Mr. THUNE. Mr. President, last week the Wall Street Journal published an article entitled: "Obama Team Crafts President's Midterm-Election Pitch." I want to read from the article's opening. This is what the article said:

The White House is carving out a role for President Barack Obama in this fall's midterm elections, which he will try to pose as a choice between the parties' economic visions. . . . The driving theory in the White House is that this election, like every one since the 2007 recession, is foremost about the economy. Mr. Obama already has been drawing contrasts between his economic program and that of Republicans.

That is from a Wall Street Journal article of last week.

All I can say is that Republicans welcome this debate. We agree this election will be first and foremost about the economy, and we look forward to discussing the contrast between our economic program and the President's. I am just surprised the President wants to discuss it because even many Democrats realize the Democrats' economic record over the past 5 years isn't going to win them any elections.

The Wall Street Journal article quoted Democratic pollster Mark Mellman, who said:

. . . the key for Democrats is to frame the election as a choice between governing philosophies. "If it's a referendum on whether you like the way Democrats have governed . . . that's a harder election for us to win."

So since they can't run on their record, Democrats are going to make the case their philosophy offers the best hope for working Americans.

The Journal goes on to quote Joel Benenson, a pollster for the 2008 and 2012 Obama campaign, who says:

The fundamental question here that the country faces is: Which party has a philosophy and an approach that puts average, hard-working Americans front and center? . . . We ought to be making that the centerpiece of the campaign.

Democrats have had 5½ years to take an approach that puts average hard-working Americans front and center, but their record has not been pretty. Despite the fact the recession technically ended almost 5 years ago, our economy continues to limp along. In the last quarter, growth averaged a miniscule one-tenth of 1 percent. Meanwhile, unemployment has remained at recession-level highs for the past several years.

Last month 806,000 Americans gave up hope of getting work and dropped

out of the labor force entirely. Currently, nearly 10 million Americans are unemployed, 3½ million of them for 6 months or longer. Over the 5½ years the President has been in office, 6.7 million additional Americans have fallen into poverty.

Household income has declined by \$3,500. The poverty rate for women has increased to 16.3 percent, income for women has fallen, and 19.4 million Americans have been forced to join the food stamp program.

Meanwhile, prices have risen. Gas prices are 99 percent higher per gallon today than they were when the President took office. Health care premiums are more than \$3,600 higher. College tuition has soared.

Basically, thanks to the failed policies of the President and congressional Democrats, American families today are paying more and making less.

It is all very well and good to talk about the concern for the average hard-working American, but what really matters is not what you say but how you govern by what you do. Democrats seem to think their speeches and good intentions and the "philosophy" should give them a free pass, even if their policies are making it harder and harder for working families to achieve economic security and stability.

They want to coast on the fact that their party has historically been thought of as the party of working men and women, while ignoring the fact that the Democrat party today looks more like the party of billionaires and special interests than the party of hardworking Americans.

Take the Keystone Pipeline. Blue collar unions strongly support the pipeline and the more than 42,000 jobs it would support. The Washington Examiner reported yesterday morning the 750,000-member-strong International Brotherhood of Electrical Workers is, as the paper notes, the latest of the growing number of traditional blue-collar unions taking an aggressive pro-Keystone position.

In a letter to Senate Democrats, the IBEW's president writes:

At a time when job creation should be a top priority, the Keystone XL Pipeline project would put Americans back to work and have ripple benefits throughout the economy. . . . From pipe manufactured in Arkansas, to pump motors assembled in Ohio and transformers built in Pennsylvania, workers from all over the United States will benefit from the project.

That is from the president of the IBEW.

So given the jobs and benefits the pipeline would create, how do you think the President and the party of so-called average hardworking Americans has responded? Has he approved the pipeline and the jobs it would create for American workers throughout the country? No.

Despite five separate environmental reviews from his own State Department, testifying to the minimal impact

the pipeline would have on the environment, the President has aligned himself instead with far-left environmental special interests like billionaire Tom Steyer, who is pouring money into anti-Keystone campaigns. So much for being the party of working men and women.

Democrats may talk about putting hardworking Americans front and center, but over the past few years hardworking Americans have often come in last. Take ObamaCare. It is hard to even know where to start when talking about the negative impacts ObamaCare has had on American workers.

There is the 30-hour workweek rule, which has forced businesses to eliminate full-time positions and cut workers' hours below 30 hours per week.

There is the employer mandate, which has made it difficult or impossible for many businesses to expand and hire new workers.

There is the tax on lifesaving medical devices, such as pacemakers and insulin pumps, which has already cost thousands of jobs in the medical device industry and which will eliminate many more if it isn't repealed.

Then, of course, there are the numerous burdens placed on small businesses, the higher premiums and out-of-pocket costs, and the fact that the non-partisan Congressional Budget Office estimates the law will shrink the full-time workforce by 2½ million workers and lower wages by more than \$1 trillion.

Who suffers the most from all those provisions? Average, hardworking Americans, the small business owner who can no longer afford to hire new employees, the middle-class family suddenly faced with a \$10,000 deductible, the low-income worker whose hours are suddenly slashed from 35 to 25 hours a week, and the out-of-work American who can't find a job because businesses are too reluctant to hire.

One would think the supposed party of average, hardworking Americans might sit back and rethink things a little bit after seeing the devastating economic impact of ObamaCare. But the Democrats and the President are pushing again with more job-killing policies.

Recently, the Democrats and the President have been pushing for a massive 40-percent minimum-wage hike—a measure the Congressional Budget Office says could eliminate up to 1 million jobs. Even the President's own Federal Reserve Chair recently testified before Congress that a minimum wage hike would negatively affect jobs.

Once again, the people most likely to lose their jobs as a result of this policy are those least able to afford it: Namely, low-income workers.

Mr. President, Democrats can talk all they want about their commitment to ordinary Americans, but actions speak louder than words. It is going to

be hard to convince people to believe, when their actions over the past 5 years have made things harder for working Americans, that they are actually on their side.

If Democrats really wanted to provide permanent relief to the millions of Americans who are struggling to get by, they would focus on measures that would create jobs, improve wages, and expand opportunity.

Instead of spending their time on far-left liberal policies and priorities, such as government-run health care and extreme environmental regulations, they would be supporting bills that have been offered by some of my colleagues here on our side of the aisle to provide one-time, low-interest loans to out-of-work Americans to enable them to relocate to cities and States with more job opportunities. That is a piece of legislation I have introduced. Or they could support the bill put forth by Senator LEE to improve workplace flexibility for working families; or the bill of Senator HOEVEN, to approve the Keystone Pipeline and open up the 42,000-plus jobs it would support; or the bill of Senator COLLINS to fix the ObamaCare 30-hour workweek provision so we don't have so many part-time employees in this country and put more people to work on a full-time basis; or the numerous Republican proposals that have been offered by our colleagues to check EPA's overreach and to protect the millions of jobs EPA's proposed regulations could destroy; or the Democratic majority could allow an open amendment process to the tax extender bill we are going to be considering here soon to allow for the consideration of permanent tax relief measures for American families and small businesses.

Because Americans deserve tax certainty and not more short-term measures, I intend to file amendments to the tax extenders bill this week to make a number of important progrowth provisions permanent, such as the ability for small businesses and farmers to expense more of their business investments. I intend to work with Senator CANTWELL and others on an amendment to make permanent the ability of taxpayers to deduct State and local sales taxes against their Federal income tax—a measure that is important for States without income taxes like South Dakota. And I intend to work with my colleagues to make permanent the existing moratorium on State and local taxes on Internet access before that moratorium expires on November 1 of this year. Failure to act is going to mean a tax increase on the many millions of Americans who use the Internet.

This week's tax debate also provides the Senate an opportunity to address the job-destroying taxes in ObamaCare. Several of my colleagues, including Senators HATCH, TOOMEY, and COATS,

have been fighting for repeal, or at least delay, of the ObamaCare medical device tax. Repeal of this tax has the support of over 70 Senators, and it is time for a vote on this proposal.

However, the ObamaCare taxes don't stop there. This year, millions of young, middle-class families will face a tax penalty for failing to purchase government-approved health care. Many of these individuals and families may not be able to afford ObamaCare and cannot afford to pay the tax either. I will be filing an amendment to the tax extenders bill that would prohibit the IRS from ever collecting this penalty.

Considering this administration has already delayed the mandate for employers, it is only fair to waive this penalty for families and individuals as well.

Finally, Mr. President, I will be offering an amendment to exempt the long-term unemployed from the ObamaCare employer mandate head count. If you are a business in this country and you hire somebody who has been unemployed for 6 months or longer, then you wouldn't be subject to the ObamaCare employer mandate, which is so devastating to employers across this country.

The tax extender package on the floor today will reportedly retain the Hire Our Heroes Act, which is championed in the Senate by Senator BLUNT. If that is the case, I am pleased to see the majority has finally realized the employer mandate is hurting the job prospects of veterans who have proudly served this country. We should expand this exemption to the 3½ million long-term unemployed as well, and that is what my amendment seeks to do.

Mr. President, Democrats may claim to be the party of average Americans, but their record over the past 5 years says some things entirely different. Ordinary Americans are suffering as a result of Democratic policies, and they are not getting any relief. It is time for Democrats to stop talking about helping Americans and to start actually helping them.

We have an opportunity with this tax extenders bill on the floor this week to do some things that are for jobs and the economy. If we can get a chance to get these amendments in front of the Senate and allow the voices of the American people to be heard and to get votes, we can start moving this country in a different direction—a direction that will lead to better paying jobs for middle-class families, a better standard of living for people in this country, and a brighter and more prosperous future for future generations of Americans. I hope that will be the case.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming.

HEALTH CARE

Mr. BARRASSO. Mr. President, I come to the floor today having heard

the majority leader open this morning's session by talking somewhat about the health care law. He was referring to a headline that said Republicans were going quiet on health care. He then went on to say that ObamaCare is no longer very high on their radar screen.

I will say, as a doctor and someone who goes home every weekend to Wyoming, this issue of people's health care—something very important to them—continues to be high on my screen and high on the radar screen of Americans all across the country because we are seeing all across the country that the President's promises have been broken. People can't keep what they had if they liked it. People are losing their doctors.

There are many ObamaCare side effects, and one doesn't have to go very far today to see on the front page of the New York Times this morning an article related to the President's promises. He said: If you like your doctor, you can keep your doctor. If you like your hospital, you can keep your hospital. But in this front-page article, the first paragraph says:

In the midst of all the turmoil in health care these days, one thing is becoming clear: No matter what kind of health plan consumers choose, they will find fewer doctors and hospitals in their network—or pay much more for the privilege of going to any provider they want.

So the Senate majority leader may not want this to be a major issue in the minds of the American public, but it is because their health care is so personal.

Americans hate to see taxpayer dollars wasted, but they are seeing it all across the country.

I would note an article in Politico: "474M for 4 failed Obamacare exchanges." Money completely wasted—taxpayer dollars—and didn't help patients needing care.

The other day, The Hill: Cover Oregon flops. "FBI looking into Oregon's O-Care rollout."

There are huge problems with waste.

There is another article about problems in Colorado and problems with their exchange, and yet the story out today—what happened with the exchange in Colorado? "Outrage over raise for Colorado health exchange CEO."

So the impacts are felt all around the country. And it is interesting to hear the Senate majority leader make his comments at a time when his hometown newspaper, the Las Vegas Review-Journal, had a headline story on May 4, 2014: "Own a small business? Brace for Obamacare Pain."

Local business owners might be hoping the Affordable Care Act's insurance mandates cover sticker shock. The law's employer coverage mandate doesn't take effect until 2015, but early plan renewals are starting to roll in. And for some businesses, the premium jumps are positively painful.

So I come to the floor having heard the majority leader's comments. I will have more to say about this later, as I see my colleague from the other side of the aisle has come to speak. But as one Senator and a physician and someone intimately concerned about the care the American public receives, their ability to get care—not empty coverage but quality, available care—this Senator, in spite of what the majority leader may say, is not going quiet on health care. It continues to be very high on my radar screen, as it is high on the radar screen of Americans who have been told many things by the President of the United States that turned out not to be true.

That is why week after week I am going to continue coming to the floor to talk about the side effects of a health care law that is hurting patients in terms of keeping their doctor, lower costs—they are seeing higher costs—not being able to keep their hospital, and paychecks shrinking because of the health care law.

I appreciate the indulgence of my colleague from Oregon, and I appreciate the opportunity to make reference to the majority leader's comments. Republicans—and certainly this Senator—are not going quiet on health care.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oregon.

#### EXPIRE ACT

Mr. WYDEN. Mr. President, this morning the Senate begins consideration of a tax cut bill. The Finance Committee agreed to call it the EXPIRE Act, and I am going to take a few minutes to talk about why it is so important that this bill be passed—and passed now. Here are a few of the key reasons:

First, if the Senate doesn't act, veterans who are now packing job fairs across this country are going to face an even tougher struggle to get good jobs.

Second, because the jobs most essential to our economy—the good-paying, innovation-driven jobs needed to underpin a growing middle class—will be harder to create.

Third, because just when underwater homeowners get hold of a life raft that keeps them in their homes, a big tax hike could yank it away.

Fourth, because millions of students are already up to their eyeballs in debt, and without this they will go even deeper.

In addition, producing clean energy will grow more expensive, risking the high-tech jobs every Member of Congress wants to protect.

The EXPIRE Act addresses all of these issues and more.

The second question that I think is going to be relevant to this debate is, What are the implications for the cycle of stop-and-go policies that have made the Tax Code in this country so unne-

cessarily complicated and uncertain? The EXPIRE Act ends that and builds a bridge to comprehensive tax reform. Many of these stop-and-go incentives are good policy, and they ought to be extended permanently. The EXPIRE Act gives the Finance Committee and the Congress the room to work on reform and decide which provisions to keep.

For now, this is about balancing short-term needs and long-term goals. In the coming months, the Finance Committee is going to pursue a tax reform plan on a bipartisan basis that gives all Americans the opportunity to get ahead. But right now, what is needed is to protect jobs and deliver more certainty.

On April 3 the Finance Committee passed the Expiring Provisions Improvement Reform and Efficiency—EXPIRE—Act. There was a strong bipartisan vote in the committee. We called the bill the EXPIRE Act for one reason: It is supposed to expire. I stated this morning that, on my watch, this is going to be the last time—the last time—the Finance Committee considers a tax extenders bill. Once this piece of legislation is enacted and behind us, the committee will move on to the critical next challenge; that is, comprehensive bipartisan tax reform.

I will talk for a minute about how this package is going to help middle-class individuals and families.

We all understand that a prosperous middle class is the key to long-term economic growth for the country. This legislation boosts that cause by extending incentives that help workers get back on their feet, such as the work opportunity tax credit. This provision is a lifeline for our veterans in every State in the country because it encourages employers to hire the vets when they come home from overseas. Veteran unemployment is still at crisis levels. This bill is going to help address that.

Thanks to work by Senators PORTMAN and CARDIN—again, on a bipartisan basis—the work opportunity tax credit is now going to be available to businesses that hire the long-term unemployed. They are the Americans who have been hit the hardest by the recession, and, without help, we are going to see them fall between the cracks. This legislation can be an important role in helping those Americans find good jobs.

The EXPIRE Act also extends and expands the credit for research and experimentation. The reason this is so important is this is the lifeblood of innovation that is so important for our economy. Not only does this credit incentivize research and innovation, but thanks to good, bipartisan work—I heard that mentioned a couple times this morning, and we are going to hear it again—in this case, Senator ROBERTS, Senator SCHUMER, and others

made adjustments to the credit to make it work better for small businesses and for startup firms. Many of these firms just getting out of the gate can't really use the research credit in its current form, so the EXPIRE Act says to all of those startups that if they want to use the credit, we are going to make it easier to hire and pay workers. We are going to help them do that.

Congress also needs to keep pushing business investments in innovation. That is why the EXPIRE Act extends incentives such as bonus depreciation and expanded business expenses. This makes it easier for companies to invest in new equipment and property and grow their operation and create more jobs.

We know many of our communities are hurting. They have been battered over the past decade by the financial crisis and by an exodus of manufacturing jobs. So it is critical to drive investment to those communities to help promote growth and create good-paying jobs.

The people in those communities hit—and hit hard—by this economy deserve a chance to achieve the American dream just like everybody else. That is why the EXPIRE Act extends provisions such as the new markets tax credit, which drives private investment to these hard-hit areas. The new markets tax credit leverages private funds to create new businesses in economically depressed communities. And thanks to efforts by my colleague from Ohio, Senator BROWN, these credits are going to be available to boost manufacturing—areas that have lost some of their good-paying, blue-collar industrial jobs. Through this, we will see more private investment head their way.

With the recent news of the economy's first quarter, the challenge of growing the economy—it is obvious our families and businesses need all the help they can get. That is why the EXPIRE Act allows families to continue to deduct their State and local taxes. Americans can already deduct their State income taxes thanks to a permanent part of the Tax Code. But families in States such as Texas, Florida, Washington, and Alaska don't pay State income taxes; they pay higher sales taxes. This legislation levels the field and lets families deduct their State and local taxes whether they are income or sales.

As the housing market continues to come back from the great recession, we know millions of Americans are still struggling to stay in their homes. Many of our homeowners found themselves underwater, owing more in mortgage debt than their houses were worth. To make matters worse, just when they caught a break and had their mortgage payments lowered or their debt forgiven, they got hit by a

giant tax liability. Imagine that. Once you get your head above water, a huge tax bill pushes you right back underwater.

This legislation contains a provision to prevent exactly that situation from happening and to help keep American families in their homes by exempting their forgiven mortgage debt from taxation. And I feel particularly strongly about this because that is really phantom income, and middle-class Americans shouldn't get hit that way.

Over the past several years, States throughout the country have been forced to make a lot of painful fiscal choices. Over the past several years, States throughout the country have been forced to make a lot of painful fiscal choices in many communities. The budget ax has fallen on education. Teachers routinely face classrooms of 30 to 40 students, often even more. Too often those teachers run short on supplies and then they reach into their own pockets—into their own pockets—to make up the difference. These are hard-working, middle-class professionals. What this legislation does is help those teachers just a little bit by letting them deduct up to \$250 of those out-of-pocket expenses from their taxes. Oregon teachers deduct more than \$9 million in classroom expenses each year.

A college education is absolutely vital in our competitive, modern economy. For families and students paying for college, trying to deal with those skyrocketing costs and the mountains of debt they incur, this legislation extends the \$4,000 deduction for tuition expenses. Oregon families use it to deduct more than \$61 million in tuition and fees annually. It gets harder each year to maintain a middle-class life without a college degree. That is why this deduction is so important and why it is in this legislation.

There is one last part of the bill I would like to touch on; that is, the incentive for clean energy. Previously I chaired the energy committee, and I saw how essential it was to generate investment in clean energy. It is an area of our economy that has been plagued by the stop-and-go nature of tax policy. Now is the time our country should be investing in low-carbon and energy-diverse alternatives. Some of the provisions in the EXPIRE Act have been extraordinarily successful in doing just that. The production tax credit for renewable energy that includes wind, geothermal, hydropower, and biomass has helped drive major growth in renewable clean energy. Wind in particular has boomed over the past 5 years. It now accounts for more than 60,000 megawatts of wind generation across the country. Wind energy production has more than doubled since 2008. That is enough to power more than 15 million homes and the energy supports more than 50,000 jobs.

The growth of this industry has been a boon to manufacturing, supporting more than 500 manufacturing facilities.

Still, the wind industry is not immune to the stop-and-go nature of tax extenders. Growth has leveled off over the past 2 years, mostly due to the expiration and late retroactive renewal of provisions such as the production tax credit. It is critical, in my view, to provide certainty to these businesses. In the energy sector, electricity generating stations and refineries are major investments that can take years to plan and to finance and construct. That is why tax reform is so vital. Our country needs a long-term, stable energy policy.

There are a lot of fresh ideas on how to improve energy policy in the Tax Code. As chairman of the Finance Committee, now-Ambassador Baucus put out a number of innovative, technology-neutral ideas that in my view deserve a significant amount of attention, but while working out those ideas in a transparent, bipartisan way, it is important Congress not let our domestic clean energy industry fall off the cliff, which is the reason this bill extends provisions such as the production tax credit through 2015.

Clean energy is not just about generating more low-carbon electricity; it is also about using energy more efficiently in reducing our overall consumption. That is why the EXPIRE Act extends and updates the credit that helps out homeowners who want to improve their houses and make them more energy efficient. Whether it is through better windows, installing insulation, perhaps replacing a water heater or a furnace, this provision helps those homeowners. These improvements can dramatically reduce the amount of energy used to heat and cool American homes, resulting in lower electricity bills.

The legislation improves this provision by cleaning up what has been current law and updating its standards. It will be easier to use and help push the boundaries on energy efficiency by allowing only the most energy-efficient improvements to qualify. Even in pushing for efficiency in how we use energy, it is important to make smart use of taxpayer dollars.

Commercial buildings use a tremendous amount of energy—20 percent of all electricity consumed in the United States powers the places we work. By reducing this consumption, the United States can drastically cut emissions and lower costs for businesses. It is obvious the areas I have outlined make sense for our economy and they have bipartisan support. They are going to help spur investment and innovation, boost our communities, help disadvantaged workers, and continue to drive investments in clean energy and energy efficiency.

A number of these provisions I have indicated should be made permanent,

and it would be a mistake to simply let them disappear. In wrapping up, I wish to address the question: Why not make these provisions permanent now? Why not pass tax reform today? That would be my first choice.

Everybody knows our Tax Code is in bad shape. It is complicated. I think calling it opaque would be a compliment. It desperately needs fixing. We want a code that promotes economic growth and treats everyone fairly. A lot of Members have worked hard to develop ideas, but the reality is tax reform is not happening tomorrow. Reaching a comprehensive, bipartisan plan is going to take time, focus, and hard work.

I know something about that because I have put as much sweat equity into bipartisan tax reform as any Member of this body, starting with our former colleague Senator Gregg. We sat next to each other on a sofa every week for 2 years to write the first bipartisan Federal income tax reform plan in 30 years. Senator COATS has joined Senator BEGICH and I in this effort and we are not alone. Chairman CAMP has put forward an ambitious tax reform draft that lays out several ideas as well on how to make the Tax Code simpler. All of these proposals contain the kinds of ideas we ought to examine as we look to reform our Tax Code. Once the issue of these extenders is settled, I look forward to working with Senator HATCH and all our colleagues on a broad-based tax reform plan that will grow our entire economy.

In the meantime, it would be a mistake to leave American families and American businesses out in the cold. Temporary provisions of the Tax Code continue to expire, leaving jobs, innovation, investment, and people's homes in limbo. By providing certainty to businesses and families for the next 2 years, the EXPIRE Act creates the space needed for true tax reform. I don't want us to lose sight of that during this debate. These extenders are important, but we are also going to talk on the floor about building a bridge to reform that this country desperately needs. We know there are inequities in the Tax Code. The inability to have the certainty and predictability we need is holding us back.

We need to make sure we have a Tax Code that gives everybody in America the opportunity to get ahead, especially our hard-working, middle-class citizens, our entrepreneurs and businesses. Our people work hard for the money they earn each and every day. They want to pay their fair share, but when they are asked to contribute part of their paycheck each month, they deserve a tax system that is transparent and equitable. We need to simplify the code. We need to level the playing field. We need to get rid of the disparities between different types of income that elevates some workers over others.

I encourage all of my colleagues today to, first, back this legislation so we don't see, for example, innovation and our veterans and teachers suffer as we work toward bipartisan tax reform; second, to be open about sharing their ideas with the Finance Committee and all Members about innovative bipartisan reforms that can improve our entire Tax Code. Voters send us to work. They are looking for results. They don't want to hear excuses about why families pay more for college or why homeowners face a huge tax bill after getting out from under a mountain of debt. Simply dropping those tax incentives sacrifices valuable priorities without getting the real job of comprehensive reform done. Let us pass the EXPIRE Act and let us move on to urgently needed bipartisan comprehensive tax reform.

With that, I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER (Mr. SCHATZ). Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 332, H.R. 3474, an act to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

Harry Reid, Ron Wyden, Robert Menendez, Patty Murray, Barbara Boxer, Jon Tester, Debbie Stabenow, Maria Cantwell, Bill Nelson, Thomas R. Carper, Patrick J. Leahy, Brian Schatz, Mark R. Warner, Charles E. Schumer, John D. Rockefeller IV, Benjamin L. Cardin, Martin Heinrich.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 3474, an act to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

The yeas and nays resulted—yeas 96, nays 3, as follows:

[Rollcall Vote No. 143 Leg.]

#### YEAS—96

Alexander	Graham	Murphy
Ayotte	Grassley	Murray
Baldwin	Hagan	Nelson
Barrasso	Harkin	Paul
Begich	Hatch	Portman
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Blunt	Heller	Reid
Booker	Hirono	Risch
Boxer	Hoeven	Roberts
Brown	Inhofe	Rockefeller
Burr	Isakson	Rubio
Cantwell	Johanns	Sanders
Cardin	Johnson (SD)	Schatz
Carper	Johnson (WI)	Schumer
Casey	Kaine	Scott
Chambliss	King	Sessions
Coats	Kirk	Shaheen
Cochran	Klobuchar	Shelby
Collins	Landrieu	Stabenow
Coons	Leahy	Tester
Corker	Levin	Thune
Cornyn	Manchin	Toomey
Crapo	Markey	Udall (CO)
Cruz	McCaIn	Udall (NM)
Donnelly	McCaskill	Vitter
Durbin	McConnell	Walsh
Enzi	Menendez	Warner
Feinstein	Merkley	Warren
Fischer	Mikulski	Whitehouse
Franken	Moran	Wicker
Gillibrand	Murkowski	Wyden

#### NAYS—3

Coburn	Flake	Lee
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#### NOT VOTING—1

Boozman

The PRESIDING OFFICER. On this vote the yeas are 96, the nays are 3.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, does the Senator from Massachusetts wish to address the Senate at this time?

Mr. MARKEY. Mr. President, I ask that the Chair recognize the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Massachusetts.

I ask unanimous consent that the junior Senator from Tennessee and I be permitted to engage in a colloquy, and I ask for the attention of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order. Senators will please take their conversations out of the well.

Mr. ALEXANDER. Thank you, Mr. President.

#### REMEMBERING HARLAN MATHEWS

Mr. President, a few days ago we lost a prominent Tennessean, Harlan Mathews. He was 87 years old, and he lived a long and distinguished life.

Harlan Mathews served in the Senate seat in which I now have the privilege of serving. When Senator Al Gore was elected Vice President more than 20 years ago—Harlan Mathews took his seat and then retired from the Senate after serving two years of his appointment.

But that was, by a long shot, not a description of his public service. Yesterday Senator CORKER and I were at



his funeral and memorial service in Nashville, which was a beautiful service, a simple service, as he would have imagined. The theme that kept coming through again and again was what a fine mentor and unselfish public servant Harlan Mathews had been in our State for 60 years. He was a World War II veteran, came to Vanderbilt University, and in 1950 met a young Governor whose name was Frank Clement—a rising star in national politics. He became his assistant and served in a variety of State government positions with very little interruption until he was appointed by Governor McWherter to serve for 2 years in Al Gore's seat. Twenty years ago Harlan Mathews decided not to run for reelection and has lived the past 20 years in Nashville. We were there with his wife Pat, his sons, and a host of friends.

What I think about Harlan Mathews is that other than his great friend former Governor Ned McWherter, no one had more friends around the State capitol than Harlan Mathews did.

So today we pay tribute to him and to his family for a life well lived, for his service to the State of Tennessee, and for being a man who has mentored as many young public servants of our State as anyone I can think of.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. I too rise to talk about our friend and former colleague to many in this body, Senator Harlan Mathews.

It was touching yesterday to be at a funeral service where so many people he had mentored stood and talked in conversation around the gathering we attended about the great mentorship he provided. There is no greater legacy any of us can provide than to set an example for other people and to create opportunities for other people coming along.

I want to join the senior Senator, who I know served with him while he was Governor. I had the great opportunity to get to know him as a new and young commissioner of finance in our State, an appointed job, and no one—one—was kinder to me than former Senator Harlan Mathews, who has been involved in so many great things that have happened in our State.

His wife Pat complimented him in an extraordinary way, saying I think one of his greatest attributes was his constantly saying: You know, so much can happen in this world if no one cares who takes the credit.

I think he was a quiet force for good in our State and a quiet force for good in our country. So many of the things that caused him to be the kind of person he was are things that many of us could emulate and cause the Senate and our country to function much better than it does now.

I join the senior Senator, for whom I have so much respect, in making sure

the Senate record records the great work of Harlan Mathews—Senator, Deputy Governor, treasury leader in our State but also commissioner of finance. He is someone who provided years of great public service, years of great mentorship, and someone who has a legacy of people who served with him and under him who have gone on to do wonderful work for our State and country.

I yield the floor with great gratitude toward a wonderful public servant, Harlan Mathews.

Mr. ALEXANDER. I thank the Senator from Tennessee. Harlan was known for working quietly, and being modest. The service was only about 40 or 45 minutes to reflect that.

He would have been a terrific Senator if he had been here for 25 years because of what we know about him. He wasn't out front. He was behind the scenes. He worked to get things done. He was always results-oriented, and he didn't mind who got the credit. Sometimes there is a shortage of that in the Senate—then and now today. He had those rare skills of the public servant that are always valuable and always needed.

I know his wife Pat, his sons Stan and Les, and his granddaughters Katie and Emily miss him deeply. We do as well, and we join them in admiring his life and his example.

I ask unanimous consent to have printed in the RECORD the obituary of Harlan Mathews detailing his public service.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### OBITUARY

Harlan Mathews, an accidental Tennessean born in Sumiton, Alabama, who advised five Tennessee governors and served in the U.S. Senate, died today at the age of 87, his family confirmed.

Mathews, who recently was diagnosed with a brain tumor, died peacefully at Alive Hospice today at 6 a.m. with his wife Pat at his side.

Services honoring Mathews and celebrating his life are being scheduled at this time.

After serving in the U.S. Navy in WWII, Mathews received his B.A. degree from Jacksonville State University under the G.I. Bill. He arrived in Nashville in 1949 to attend Vanderbilt University. He would subsequently obtain a master's degree in public administration. Shortly after enrolling at Vanderbilt, Mathews took an entry level job with the State Planning Office, not knowing that serving the people of Tennessee would become his life's work.

In 1950, the 24 year-old Mathews met 30 year-old Frank Clement. Two years later, Mathews was the top assistant to the new Governor, a close friendship that continued until Clement's death in 1969. In 1961 Mathews was appointed Commissioner of Finance by Governor Buford Ellington. He held the post for 10 years, one of the longest tenures in state history.

In 1971, Mathews briefly left state government to work in the private sector in Memphis, but returned in 1973 to serve as the legislative assistant to longtime state comp-

troller William Snodgrass. The Tennessee General Assembly elected Mathews state treasurer in 1974 when his predecessor, Tom Wiseman, opted to run for governor.

Mathews remained state treasurer until January 1987 when he resigned to become deputy governor to Ned McWherter.

As deputy governor, Mathews was a low key yet forceful advocate of McWherter's legislative agenda and continued, as he had done as state treasurer and finance and administration commissioner, to protect the state's sound financial footing.

Upon U.S. Senator Al Gore's election to the vice presidency, McWherter appointed the most dedicated public servant he knew to fill the vacancy. Harlan Mathews was sworn in on Jan. 3, 1993, to represent Tennessee in the U.S. Senate.

Mathews never sought election to political office, preferring to serve the people of this state behind the scenes as a frugal manager and mentor to dozens over the four decades of his public career.

Upon leaving the U.S. Senate in December of 1994, Mathews joined the Nashville office of the law firm of Farris, Mathews, Bobango PLC. He remained active in the legislature and politics, serving as an informal advisor and fundraiser for Gov. Phil Bredesen.

Throughout Mathews' career, he never took for granted the people he served and the responsibility he held. He was known as a soft spoken but tough negotiator who made sure state employees were paid good wages, and that the state's retirement system was sound, the debt low and the bond rating strong. He was a demanding boss who also made sure that his employees had a warm coat in cold weather. He was a leader, a statesman and a friend to all that knew him and to all of Tennessee.

Mathews is survived by his wife Pat, sons Stan Mathews (Sandy) and Les Mathews (Pam) and granddaughters Katie Zipper and Emily Mathews. He was preceded in death by his son Rick Mathews.

Honorary pallbearers include Steve Adams, Tom Benson, Carl Brown, Tom Cone, Nancy Ann DeParle, John Faber, Jim Hall, Don Holt, Carl Johnson, Dr. Joe Johnson, Jeremy Kane, David Lillard, JW Luna, David Manning, Raymond Marston, Mike McWherter, Clayton McWhorter, John Morgan, William Nichols, Roy Nix, Parker Sherrill, Arnold Tackett, Bo Roberts, Pete Sain, Dale Sims, Captain Bobby Trotter, David Welles, Bill Whitson, and "Harlan's Girls"—Estie Harris, Adrienne Knestrick, Katy Varney and Beth Winstead.

The family would like to give special thanks to his caring doctors—Dr. Craig Weirum, Dr. Chris Hill, Dr. Rentz Dunn, Dr. John Thompson and Dr. Robert Faber.

Mr. ALEXANDER. I thank the Senator from Massachusetts for his courtesy.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. I seek recognition to speak for 5 minutes.

The PRESIDING OFFICER. Without objection.

#### ENERGY AND TAX EXTENDERS

Mr. MARKEY. Mr. President, two things happened yesterday:

First, the Shaheen-Portman energy efficiency bill collapsed—at least for now. It would have created 190,000 new jobs. It would have cut carbon pollution by 22 million automobiles on the



roads of the United States in equivalency. That is a big deal. It is something that was agreed upon by Democrats and Republicans.

What happened? Well, too many Republicans wanted to vote on the Keystone Pipeline issue. They knew the vote on the Keystone Pipeline was going to fail because they don't have the votes in order to be successful, so they took a bill that would cut carbon emissions and said they wouldn't pass it unless they got a vote on three additional amendments to increase global warming emissions:

No. 1. Stop EPA from cutting emissions on powerplants. They wanted to vote to take away EPA authority on that.

No. 2. Allow massive export of natural gas that will actually increase costs to consumers in the United States and move us back to coal because the higher the price of natural gas, the more people are going to go back to burning coal. They all understand that. That is what the game is all about.

No. 3. Prevent the Senate from considering global warming pollution controls in the future. That is right—just have a vote that prohibits the Senate from considering global warming pollution levels.

Obviously, this is a debate about pollution, not about energy efficiency, from the perspective of the Republican Party—although I give credit to the many Republicans who were working on a bipartisan basis with JEANNE SHAHEEN in order to put together a bill that actually accomplished something and showed this institution can work.

A second event actually happened yesterday as well. Two new climate studies were released saying that the West Antarctic ice sheet is collapsing and the melting of the West Antarctic is unstoppable. Twelve feet of sea level rise is coming.

Did you hear that? The West Antarctic ice sheet is collapsing, the melting is unstoppable, and 12 feet of sea level rise is coming.

What does that mean? That means Boston, underwater; South Florida, underwater; New Orleans, underwater.

In the Senate, we are moving at a glacial pace on climate change. We are frozen. But while we do nothing, the pace of glacial collapse is accelerating. The world's ice is melting.

The Senate has been called the cooling saucer of democracy. But when it comes to climate change, it is the warming plate, cooking the Earth as we continue our slide into an ocean of dysfunction.

The next major piece of the West Antarctic glacier that breaks off into the ocean should be reserved as an island for all of the climate deniers. We will just call it the Island of Deniers. They can all live there because there will be plenty of room on this huge,

massive body of ice that keeps breaking off and heading into the ocean.

Secondly, we are about to take up tax extenders, and we have a fantastic chance to extend the production tax credit for wind in our country. Unfortunately, because of the unpredictability of the tax breaks for the wind industry, 30,000 people in the wind industry were laid off last year. That is not because the wind industry didn't prove it could increase the amount of electricity in our country generated from wind; it is because—unlike the oil industry, unlike the gas industry, unlike the nuclear industry, unlike the coal industry—the wind industry has to come in, hat in hand, to beg to continue their tax breaks year after year. There is no predictability for that marketplace. This gives us a chance to extend those tax breaks.

So it is a big challenge, but ultimately if the oil and gas industry is going to receive \$7 billion in tax breaks per year, the wind industry should receive the tax breaks it needs. We need a level playing field. We need a way to ensure that there is, in fact, a fighting chance for these new renewable energy industries. The existing industries have received tax breaks going back 100 years. These newer industries are there. They are creating jobs at a massive pace, but we need to ensure that the tax breaks are there.

My hope is that we will be able to pass these tax extenders. Again, there are extensions for tax breaks that are in there for many industries across the board. It is the kind of bipartisan effort that deserves support, like the Shaheen-Portman energy efficiency bill. My hope is that the institution can work in order to accomplish that goal. Civility on matters such as these should not melt away. We need to make sure we are, in fact, protected for generations yet to come.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

#### NATIONAL POLICE WEEK

Mr. HATCH. I wish to take a moment to say a few words in honor of National Police Week. I would like to take this opportunity to honor the brave men and women of law enforcement who made the ultimate sacrifice and gave their lives in the line of duty while safeguarding our communities.

Since the first recorded police death in 1791, there have been 21,742 law enforcement officers killed in the line of duty. This year 112 names will be added to the National Law Enforcement Officers Memorial in Washington. We should remember that there are 112 families who grieve the loss of a loved one who gave his or her life to protect their community and to keep their fellow citizens safe.

Today I recognize two Utah law enforcement officers who recently gave their lives in the line of duty.

#### SERGEANT DEREK JOHNSON

Sergeant Derek Johnson had served with the Draper Police Department for 9 years when he was shot and killed while on uniformed patrol in the early morning hours of September 1, 2013.

During his service, Sergeant Johnson was the recipient of many awards, including a Life Saving Award and a Distinguished Service Award. He was also honored as the 2012 Community Policing Officer of the Year.

We take this time to think about the friends and family who mourn the loss of Sergeant Johnson and keep his wife Shante and his 7-year-old son Bensen Ray Johnson in our thoughts and prayers.

#### SERGEANT CORY WRIDE

Another recent tragic loss to the Utah law enforcement community was Utah County Sheriff's Office Sergeant Cory Wride.

Sergeant Wride was shot and killed while on duty on January 30, 2014, as he was assisting a stranded motorist.

Sergeant Wride served with the Utah County Sheriff's Office for nearly 20 years and served his community in various roles, including patrol and as a member of the department's special operations teams, K-9 and SWAT.

Sergeant Wride was married to Nannette, his wife of 18 years. He was the father of four boys and one daughter: Nathan, Chance, Shea, Tyesun, and KylieAnne. He also had eight grandchildren.

I wish to extend my sympathy to his family and recognize Sergeant Wride for his service, selflessness, and his courage.

I urge my colleagues to take some time this week to think about these men and pay respect to the numerous other fallen heroes who have served our communities with professionalism, integrity, and compassion, as well as all members of the law enforcement community who watch over and guard our streets, protect us, our families, and our communities.

#### TAX INVERSIONS

Last week I came to the floor to talk briefly about the news reports we have all been seeing about the proposed merger between Pfizer and AstraZeneca and the legislative proposals we are seeing from Members of Congress in response to the merger.

As you know, one of the key details in this merger is that when Pfizer—a large American company—acquires AstraZeneca—another large, but somewhat smaller UK company—they plan to incorporate the new merged company in the United Kingdom, not here in the United States.

As I said last week, I was as concerned to learn of these plans as were many of us here in Congress. After all, Pfizer is an iconic American company, with over 100,000 employees. It ranks in the top 200 of global companies by revenue, according to the Fortune Global

500 list. It would be a great loss to our country to see it incorporated offshore.

Still, it is difficult to blame them for this decision. According to sources, a desire to escape the high U.S. corporate tax is part of the motivation for this merger. This type of transaction, where a U.S. corporation merges with a foreign entity and incorporates elsewhere to escape the U.S. tax net, is sometimes referred to as an inversion.

Inversions are a growing problem here in the United States. Indeed, large companies are leaving our country at an alarming rate. If you count the number of American corporations in the worldwide list of Fortune 500 companies, you will see the number has declined dramatically over the past decade, which is very unfortunate. This decline means less capital and less investment in the United States. It means a smaller U.S. tax base. Most importantly, it means more jobs that could be created—that should be created—here in America are being created elsewhere. So make no mistake. Inversions are a big problem, and the problem seems to be growing every day.

As I mentioned on the floor last week, there are, broadly speaking, two different ways Congress could act to address this problem. The first way would be to make it more difficult for a U.S. corporation to invert. That is the approach my friend the chairman of the Senate Finance Committee endorsed a few days ago in an op-ed in the *Wall Street Journal*.

As the chairman noted in his opinion piece, current law requires companies moving overseas to have at least 20 percent new ownership to avoid some very bad tax consequences. His proposal—the one he outlined in this article—would be to increase that benchmark to 50 percent for all inversions taking place after May 8 of this year. That means his proposed restriction would be retroactive for all inversions that happened between last Thursday and the date his proposal may be signed into law.

Of course, this is hardly a new idea. President Obama included a similar proposal in his budget. Given the amount of hand-wringing we have seen over just the Pfizer-AstraZeneca merger and the subsequent erosion of the U.S. tax base from my friends on the other side, you would think a proposal like the one the chairman floated in his op-ed would raise a significant amount of revenue. However, if you think that, you would be wrong.

All told, his proposal would raise roughly \$17 billion over 10 years. That is about \$1.7 billion a year. That is not really an insignificant sum, but it does demonstrate the scope of the problem is hardly worth the draconian solution some of my friends want to impose in order to solve it.

Let me be clear. I share my colleagues' concerns about the number of

inversions that have taken place over the last few years. However, I do not believe that imposing confusing and arbitrary retroactive restrictions on U.S. companies is the answer. There is an alternative approach which brings us to the second way Congress could act to prevent more inversions.

The second way to address the problem of inversions is to make the United States a more desirable location to headquarter businesses. While it would require a lot of work and compromise, this is by far the better approach.

This approach, of course, means lowering the corporate tax rate. It also means replacing our antiquated worldwide taxation system. Under current law, U.S. corporations are taxed on their worldwide income, but foreign corporations are subject to tax only on income arising from the United States. In other words, we subject our corporations to a worldwide tax system, while subjecting foreign corporations to a territorial tax system. On top of that, most of our major trading partners tax companies domiciled in their own countries on a territorial basis as well, unlike our country.

Long story short: Our system of worldwide taxation places us at a competitive disadvantage and makes the United States a less than optimal place for companies to locate their businesses. That being the case, as important as it is to get the corporate tax rate down, no matter how low we get that rate, we still need to scrap and replace our outdated worldwide tax system.

That is why tax reform is so important. It is just one of the reasons, of course, but it is a really important reason. Tax reform, if it is done right, will get at the root problem rather than simply dealing with symptoms.

I should note that inversions are only one symptom of our dysfunctional international tax rules. Other types of transactions further illustrate why the entire system we have is problematic.

For example, there are strong incentives currently for a U.S. parent company to sell its foreign subsidiaries to foreign corporations in order to escape the U.S. tax net. There are strong incentives to set up a startup business as a foreign corporation. Neither of these transactions are inversions, but they do show the point that it is, for tax purposes, often better not to be a U.S. corporation or to be controlled by one. While these other sorts of transactions don't grab the headlines, as inversions do, they are nonetheless indicative of real problems in our Tax Code.

That being the case, a proposal to restrict or eliminate inversions would really only go after one particular type of problem, leaving the rest of the fundamental flaws in our tax system firmly in place.

Proposals to restrict inversions or to impose some sort of management and

control test are like trying to plug the dyke with your finger to keep capital and jobs from flowing overseas. These proposals are not long-term solutions. They are not even good short-term fixes.

Another example of business activity flowing overseas that really comes to mind is the problem we are facing with the medical device industry. We are losing our innovative medical device companies because of our stupid tax system and the 2.3 percent tax on sales or gross income of our medical device companies—many of which haven't made a profit yet. They would be taxed, even though they are not making profits, but will make profits if they can keep going with their innovative and good ideas.

We know, thanks to ObamaCare's medical device tax, that some of America's most innovative companies in an industry that is vital to our health care system are moving jobs overseas. Yet where is the call from the leadership on the other side to do something about this? In fact, there is nothing but stalling of legislation to solve this problem, which I think almost any intelligent person would want to do.

As it stands, it appears not to alarm my friends on the other side when business activity flees the country as a result of punitive taxes under ObamaCare. Yet, if a company with a large revenue base takes taxes into account when considering mergers and acquisitions, the alarm bells sound and legislation is put forward in no time. I would say there is a bit of inconsistency on the part of some of my colleagues who claim they want to keep jobs and business in the United States. If they do, why aren't they doing something about this stupid tax on medical device companies?

We had a vote on this earlier in the year, on a bill that didn't go through both Houses—and the leadership knew it wouldn't go through—where we had 79 votes in favor of abolishing this tax. There is wide bipartisan support to get rid of it. What is wrong with the other side that we have to continue to fight to get rid of something that 79 people in the Senate voted to get rid of? And by the way, I believe if we brought it up true blue, in and of itself, it would pass here with probably 95 votes, if people give any consideration to American business, American ingenuity, solving the problems of health care, bringing health care costs down, which medical devices can do, and saving lives. It is no small reason why some of these medical device companies are moving overseas where they are treated far better than we treat them here. We had 79 people who voted to get rid of that stupid tax. Yet the leadership of this body won't allow it to be brought up freestanding or on some bill that basically has a chance of passage through both Houses of Congress.

Now, there is, of course, bipartisan legislation that would correct the problems we face with the medical device tax; namely, a bill introduced by Senator KLOBUCHAR and myself. And I commend Senator KLOBUCHAR. She has had a lot of guts plus a lot of ability in working on this bill. Sadly, the Senate Democratic leadership has thus far refused to allow an up-or-down vote on the measure, even though we know it has broad bipartisan support, as I have heretofore mentioned.

My hope is this will change with the upcoming debate over tax extenders, but I am not holding my breath. Given our ongoing experience with the medical device tax, I have to say I am a little skeptical when my colleagues on the other side of the aisle say they are concerned about American companies moving addresses and operations out of the country. Indeed, if they were really so bothered by this, we would have repealed this medical device tax a long time ago.

Finally, I would just like to give a brief aside on the topic of retroactive changes to our tax laws. In my view, stability and predictability are bedrock principles of the law. When it comes to our tax code, we have gotten away from that over the years. Restoring these principles to our tax system should be one of our main goals of tax reform.

Put simply, retroactive changes to the law—the kind envisioned by my colleague's op-ed—are the antithesis of stability and predictability and will only make tax reform that much harder. No matter how well intentioned, and no matter how large the short-run revenue gains are to be had from retroactive changes, I believe the long-term affects are harmful and, in my opinion, such proposals should be viewed with a healthy dose of skepticism. I know my colleague is very sincere in making the points that he has, but I have to rebut those points, and I believe I have done so effectively.

Once again, the effort to prevent tax-motivated inversions can be boiled down and separated into two basic camps: One side would have us simply address the problem and impose arbitrary and perhaps costly restrictions on American businesses to prevent them from leaving the country.

The other side would make the United States a better place to do business, preventing companies from wanting to leave in the first place and inviting new ones to form and prosper here.

Only one of these approaches will actually fix the problem. Only one of these approaches will help create jobs and grow the economy, and only one of these approaches will put our Nation on a path to greater prosperity. That approach is, of course, comprehensive tax reform. That is what is needed, and that is where our focus should be.

As I said last week, as the ranking member of the Senate's tax-writing

committee, my focus, when it comes to the problem of inversions, is to fix the underlying problems, not to tinker on the edges, focusing on the symptoms. I hope eventually that is the approach we take.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Maryland.

Mr. CARDIN. Madam President, first I want to thank Senator HATCH. I deeply respect his views. He is one of the most effective Members of the Senate. He has deep views and reaches across party lines to try to get things done, which I think is very important, and I respect him greatly.

I want to agree with the conclusion of Senator HATCH. The problem with corporate inversion is best fixed if we do comprehensive tax reform. I believe he is right. We have two paths we can take. One is to try and reform our current tax structure, which I think will not work, and I will give my reasons why; or we can look for a competitive tax structure that is fairer to the American people and makes measures such as corporate inversions something that would not be happening in our communities.

Pfizer and AstraZeneca are looking at a merger. AstraZeneca is a British company. They own major operations in my State of Maryland, affecting thousands of workers. We would think a merger between a British company and an American company would mean more jobs in America, but we know Pfizer has made certain commitments to the British Government about maintaining and expanding jobs in Great Britain, which we worry is at the cost of American jobs and jobs in my home State of Maryland.

We have heard one of the reasons for the merger is corporate inversion. What do we mean by that? It means Pfizer, an American company, will merge with a British company and then use that to transfer its revenues, which are legitimately earned in America, many as the result of intellectual property developed in America, and then attribute that income to foreign sourced, rather than to domestic sourced, trying to avoid U.S. taxes.

Our Tax Code should not encourage that action. Several Members of the Senate and I are working within our current Tax Code to make sure that doesn't happen here in America. Our Tax Code should not encourage companies to take their income offshore. They should pay their fair share of taxes in the United States.

But as Senator HATCH pointed out, and I agree, we need a more competitive Tax Code. We need a Tax Code that would allow for better competition for American companies, for our manufacturers, for our producers, for our farmers, that will allow easier capital for-

mations so we could raise in America more of the capital we need and be less dependent upon foreign-sourced investment, although foreign-sourced investment is certainly helpful to our country and something we encourage.

We need a Tax Code that is fair, that people believe they are being treated fairly with their neighbor, which is not the current situation. Most Americans cannot figure out the income tax code and don't know whether they are being treated fairly with other taxpayers, and we need a code that is much more efficient.

So one path we could pursue and that Senator HATCH was alluding to is to try to reform our current income tax codes—our corporate income tax code and our personal income tax code.

We have an example of that. Congressman CAMP has come up with a comprehensive proposal in the House of Representatives. I must say I don't think Congressman CAMP's proposal adds up from the point of view of producing the revenue we produce today, let alone the revenue we need in order to pay our bills and not be dependent upon borrowing money from other countries. But putting that aside, I think we see the difficulty in the Camp proposal, which causes major disruptions among different industries, and we are hearing from those industries that it would create major problems for competitiveness for the United States.

I think the most fundamental flaw with trying to reform our current Tax Code is we tried that once before in 1986, and it was comprehensive and it did spread the burden and it did reduce the rate. It lasted for less than 1 year before Congress continued to change the Tax Code.

Today we have tens of thousands of changes since the 1986 tax reform and we have many temporary provisions. That is why we have the bill before us right now to deal with these expiring tax provisions. I don't think there is any way of getting around these types of problems moving forward under our current Tax Code.

I will point out a fact I don't think most Americans have understood. If we look at all the OECD countries—the industrial countries of the world, countries that we like to compare ourselves to, countries that we want to be competitive with—of all the industrial nations of the world, the United States is near the bottom in regard to their reliance upon government services. In Europe they have much stronger government services in health care and housing and income support-type programs than we do in the United States.

If we rely less on governmental services, wouldn't that mean we should have the lowest competitive tax rates among the industrial nations? Instead, as Senator HATCH pointed out, we have the highest marginal tax rates among

the industrial nations, and the reason is quite simple. Of all the industrial nations in the world, only the United States does not have a national consumption tax. We rely on income tax revenues. Why? Because we thought that was the right way to go, and we didn't have to worry about international competition. After all, we are America.

Guess what. We are in global competition today, and the tax rates of this country matter in regard to our manufacturers being able to sell products overseas.

One other fact about international competition. International competition rules at the WTO were developed based upon consumption taxes. So if a company manufactures an automobile in Germany and wants to bring it into the United States, the taxes they pay—the consumption taxes—are taken off of that product. So basically their autos sell in America tax free; whereas, U.S. auto manufacturers that have to pay taxes, those taxes still apply to the cost of the product because it is not border adjusted.

Then, to make matters worse, if they manufacture a car in the United States and try to sell it in Germany, they not only have to pay the corporate taxes here, the income taxes—because they are not taken off at the border, they are not border adjusted—when they go into Germany, they have to pay the value-added tax, the consumption tax. How do we compete under those circumstances? The answer is it is very difficult. In global competition today, we have to be smart.

This is why we should have the lowest marginal tax rates in the world. If we did, corporate inversion would not be an issue because we wouldn't find a Pfizer trying to pay British taxes when the U.S. taxes are the lowest taxes among the industrial nations of the world.

So I have a proposal called the progressive consumption tax. "Progressive," what do I mean by that? It means the taxes paid at the Federal level will be more reflective of a person's ability to pay than our current income tax code is. We make it progressive so it is fair, in that they pay according to their ability to pay a progressive consumption tax. That consumption tax rate will be the lowest among the industrial nations of the world.

I will give some examples. I will be the first to acknowledge we have to get these scored and these numbers can change as we go along, but we are looking at a consumption tax rate of about 10 percent. This would put us at the bottom of the consumption taxes among industrial nations. Individuals who earn under \$25,000 and families up to \$50,000 would pay no consumption taxes. They would get a credit for the consumption taxes they otherwise would pay.

Similar to the current income tax code where they do not pay income taxes, they would not pay consumption taxes. It would be immediately rebated to them. If they work, it would be rebated under the payroll tax payments. If they don't work, they would get a debit card to get instant rebates and use it as people use debit cards.

So we would make it progressive. We would then be able to start the income tax rates at \$100,000, approximately, of taxable income, and 90 percent of Americans would pay no income taxes. It would start at 15 percent. There would be an additional bracket of 25 percent, starting at \$40,000 of taxable income. So a progressive income tax, simplified, with only four deductions, not this complexity today as we figure out whether something is deductible and all the complications.

We would have four deductions for State and local—with respect to federalism—State and local taxes: for charitable deductions because our charities are critically important to carrying out the important work of our country, for real estate and the needs for the real estate to reflect—so we don't see destruction of the real estate market, and we also allow deductions for employer-provided health benefits and retirement benefits. It is simplified, it rewards simplicity, and allows for the progressiveness of fairness in our Tax Code that does not exist today.

The corporate tax rate would get down to 15 percent. That is what corporate America tells us we need to be competitive in the industrial world. This adds up.

Some say: Gee. Consumption taxes raise a lot of revenue. We put in our proposal an automatic adjustment of the rate to make sure it doesn't bring in more revenue than we say. So we are fair on the progressive side to make sure it is fair from the point of view of the ability of middle-class families to pay, and it is fair from the point of view of those who are concerned about government growing, in that it has a circuit break as to the rate based upon the revenue that you need.

What have we accomplished by this? We have accomplished a much simpler Tax Code that people can understand, a fairer Tax Code, one that rewards savings. Savings are not taxed. There is a greater ability to raise capital in the United States. It is border adjusted, which means the taxes come off our exported products so we can compete globally in a much easier way. This is what we accomplish.

So when people talk about fundamental reform, to me, this is what we need to do.

I am going to move this proposal as quickly as I can, but obviously it is going to take some discussion and debate. We are hopeful we will be able to answer anyone's questions on it. We

are very optimistic, but in the meantime what do we do? We can't just stand by and allow Pfizer to take American jobs overseas because of corporate inversion. So I hope we will stand for what is right in our Tax Code, that we have the capacity to improve our current Tax Code to avoid the loss of jobs and shipping jobs overseas, as well as working to reform our Tax Code and provide the type of structure so the country that relies the least on government among the industrial nations has the lowest tax rate and has a fairer system for all Americans.

#### RECESS

Mr. CARDIN. Madam President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. MURPHY).

#### HIRE MORE HEROES ACT OF 2014— MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from South Carolina.

UNANIMOUS CONSENT REQUEST—S. 1670 AND  
S. 1696

Mr. GRAHAM. Mr. President, I have a unanimous consent request that I will make in a moment to kind of set the stage for what I am asking the Senate to consider. We will be asking that we schedule a vote on two pieces of legislation: the Pain-Capable Unborn Child Protection Act, S. 1670, which is my legislation; and S. 1696, the Women's Health Protection Act, by Senator BLUMENTHAL.

Very briefly, what I am trying to do is to have an opportunity for the body to talk about two pieces of legislation that relate to the abortion issue, the role of the Federal Government. Very quickly, my legislation would ban abortion at the 20-week period—the fifth month of pregnancy—based on the theory that the child can feel pain at that point in the pregnancy and that the standard of care for the medical community is that you cannot operate on an unborn fetus at the 20-week period without administering anesthesia, and the reason for that is because the child can feel pain.

There have been individuals born at the 20-week period who have survived. But the theory of the case is not based on the medical viability under *Roe vs. Wade*; it is a new theory that the State has a compelling interest in protecting an unborn child at this stage of pregnancy. The partial-birth abortion ban, which applies at 24 weeks, is backed up to 20 weeks.

Here is what medical journals tell parents to do at 20 weeks: An unborn child can hear and respond to sounds. Talk or sing. The unborn child enjoys hearing your voice.

It is a whole list of things about the unborn child in the 20-week period.

We are one of seven countries that allow abortions at this stage in the pregnancy, along with China, North Korea, Vietnam, Singapore, Canada, and the Netherlands.

So I would ask the body to consider having a debate on my legislation about whether we should limit elective abortions at the 20-week period and also a debate on Senator BLUMENTHAL's legislation that basically would allow the courts to set aside several State restrictions on abortion. We are going to present a series of actions at the State level. I think his legislation would allow the courts to have a literal construction in terms of being able to strike down these provisions. I disagree with my good friend. We are good friends, although we have a different view. The Senator from Connecticut made a statement when he introduced the bill that every Senator should be on the record when it comes to this legislation. I agree. I hope every Senator would be on the record when it comes to my legislation.

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to consideration of S. 1670, the Pain-Capable Unborn Child Protection Act, and S. 1696, the Women's Health Protection Act; that there be up to 8 hours of debate equally divided in the usual form, to run concurrently; that there be no amendments, points of order, or motions in order; that upon the use or yielding back of the time, the Senate proceed to vote on S. 1670; that following the disposition of S. 1670, the Senate proceed to vote on S. 1696; and that both bills be subject to a 60-vote affirmative threshold for passage.

THE PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. BLUMENTHAL. Thank you, Mr. President.

Reserving my right to object, and I will object, I respect my friend and colleague from South Carolina. We are friends, and we agree on a lot of issues. On this issue we fundamentally disagree.

I am here to remind the American people and my colleagues that this proposal to ban abortion after 20 weeks, in my view, is irresponsible and should not be before the Senate. But I am more than happy to cast a vote on it, along with the Women's Health Protection Act, and I hope they will be considered. This issue deserves to be before this body.

Neither of these proposals has yet been considered in committee. The minority leader of this body has recently spoken about the need for "a vigorous committee process" in handling bills. This bill should not be considered in this way.

This bill would prohibit the medical profession from performing an abortion when a fetus is older than 20 weeks and would do nothing, frankly, to help women protect their health and the health of their families as well as their right to have control over their health care needs. This bill leaves the vast majority of women who may need an abortion for health reasons after 20 weeks of pregnancy with no options, and it punishes doctors with up to 5 years in prison for providing a service that the doctor believes in his or her professional medical opinion is best for the woman and her family. Our constitutional right to privacy tells us unequivocally and emphatically that these choices should be between the doctor and her family or her advisers, including her clergy.

The proponents of this bill would have us believe the bill would reduce the number of abortions in this country. In fact, the statistic that matters in this debate shows there are a mere 1.5 percent of abortions that occur 20 weeks after conception, and the majority of these medical procedures occur due to a health issue that would put the fetus or mother or both at risk.

Take for example a young woman I am going to call Laura. She is a young mother from Connecticut. She became ill at 22 weeks into her first pregnancy with early onset of severe preeclampsia. Laura's blood pressure rose dangerously, her kidneys stopped, and she was at risk. Her pregnancy was wanted. She wanted a baby and she planned for it, but she needed to end it to protect her health. Her physician was able to provide her with a timely and safe abortion. Although Laura felt a future pregnancy would be too risky, she went on to adopt three children.

Facing such severe medical risk, women such as Laura need the safest care modern medicine can offer. With all due respect, Senator GRAHAM's bill ignores the health realities of women, the realities they face every day in Connecticut and around the country. Had this bill been law, a doctor would have had to wait for Laura to be facing death before protecting her with the abortion she needed.

The Women's Health Protection Act would put women's rights first. The Women's Health Protection Act seeks full and thorough consideration of these issues, and I seek it through the regular order. Let's have hearings, let's consider these measures in committee, and let's bring them to the floor in a way that they can be debated insightfully and thoughtfully, not this way. The Women's Health Protection Act protects a woman's health and her ability to make her own decisions and her constitutional rights.

I object.

THE PRESIDING OFFICER. The objection is heard.

The Senator from South Carolina.

Mr. GRAHAM. We already have laws in this country banning elective abortions at the 24-week period. It is called the partial-birth abortion ban. It has been through the Supreme Court, it went through this body, it went through the House, and it got overwhelming support. That bill has exceptions for rape and incest and cases that involve the life of the mother; so would this. We are just backing it up 4 weeks, and the reason we are backing it up 4 weeks is because at 20 weeks people have been born and survived. I know twins who were born at 20 weeks.

But the theory of the case is that the government should have the right to protect an unborn child, and most of the abortions are so far along that the medical science requires anesthesia before you operate. The question is, If we are going to require a doctor to provide anesthesia to the baby before they operate to save its life, should we authorize abortions at that point?

The Washington Post poll showed just a few months ago that by 56 to 27 percent, people supported the 20-week pain-capable bill—60 percent women.

At the end of the day I hope we can have a debate on this issue. The reason I brought it up today is because this is the anniversary of the Dr. Gosnell case, which was one of the most horrendous cases in American jurisprudence, where a doctor received life sentences for three counts of murder. He was an abortion doctor aborting babies at the latest stage of pregnancy. If the babies survived the abortion, he would cut the spinal cord. Three women died as a result of the care given by him. It was a chamber of horrors. It was a year ago today.

I hope people will not forget what Dr. Gosnell did, and if we can prevent occurrences such as that, we should, and that is what this bill is designed to do—to make sure the unborn child at this stage of the pregnancy has a chance to continue on. There are only seven countries in the world that allow abortions at this stage, and I hope that when this debate is over, the United States will not be in the seven.

THE PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I respect the sincerity of my colleague from South Carolina. The fact of one instance of possible medical malpractice does not justify this kind of sweeping abrogation of women's reproductive rights or women's health care. The principle is the same whether it is 4 weeks back or 4 weeks forward. The principle is that a woman has constitutional rights to choose health care and has a constitutional right to privacy that would be negated by this measure. And we are siding with improving women's health care, enhancing and upgrading it, and giving women choices and protecting those choices, not cutting back by 4 weeks or in any way infringing on that fundamental right.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I ask unanimous consent that following my remarks, Senator BOXER be permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection.

Ms. BALDWIN. Mr. President, today the senior Senator from South Carolina and his Republican colleagues have proposed a measure which amounts, in my opinion, to an attack on the freedom of American women to make their own personal health care decisions. Instead of focusing on improving access to health care for women, these Senators are pursuing divisive policies that jeopardize women's health and put politicians and government between a woman and her doctor.

I object to this dangerous political game. Women's access to quality health care is not a political game for me and some of my colleagues who join me here today, nor is it a game for women and families across the country and in my home State of Wisconsin. Too many States have enacted record numbers of laws that restrict women's access to reproductive health services and the freedom to make their own health care decisions. These restrictions, such as the one we heard proposed earlier this afternoon, have real and serious consequences for American families.

I recently heard from a mother in Middleton, WI, who at 20 weeks of pregnancy was devastated to find out that her baby would not survive delivery. She had to undergo an emergency termination. A clinic in Milwaukee, WI, was the only place that would do the procedure, but because our Republican Governor was preparing to sign a law imposing some incredible requirements and burdens on providers, this particular clinic was preparing to close its doors and they wouldn't schedule her for an appointment. She and her husband were forced to find childcare for their two sons and travel to another State in order to get the medical care she needed.

The threat in Wisconsin and in States across the country is clear: When politicians play doctor, American families suffer. This is why my good friend from Connecticut Senator BLUMENTHAL and I have introduced a serious proposal—the Women's Health Protection Act. It would put a stop to these attacks on women's freedom. Our bill creates Federal protections against restrictions such as the Republican proposal we were hearing about today, proposals that unduly limit access to reproductive health care, that do nothing to further women's health or safety, and that intrude upon personal decisionmaking. I look forward to working with my colleagues to advance this

important legislation through the committee process and through regular order.

We know today's spectacle is not meant to produce a serious debate about protecting women's reproductive health; it is about the narrow Republican agenda to take our country backward and to roll back important health benefits for American families.

We have seen this with the numerous failed attempts by Republicans to repeal the Affordable Care Act that have empowered millions of women with more choices and stronger health care coverage. Today, women can finally rest assured that they will not be charged more for their coverage just because they are women, and someone's mother can get a lifesaving mammogram without the fear of high medical bills.

Over 50 times congressional Republicans have tried to roll back this economic security for millions of American families. Republicans, it seems, would gladly go back to the days where being a woman was considered a pre-existing condition and insurance companies could drop your coverage because you get sick, get older or have a baby. But we are not going to go back to those days just as we are not going to create a future where politicians in Washington take away the freedom of women to make their own personal health care decisions.

I am committed to putting a stop to the relentless and ideological attacks on American families and will continue to fight to ensure that both men and women have the freedom to access the health care services they need. In the United States of America, health care should be a right guaranteed to all. That is why I and so many of us have fought and we will continue to fight as we move our country forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask to add 10 minutes to the 10 minutes I have already requested.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I listened carefully to Senator LINDSEY GRAHAM, who put forward a very dangerous bill for women and their families in this country. I will explain in a moment why I think it is dangerous, but what was interesting is that I believe he said he brought it forward today because it is the anniversary that Dr. Gosnell was convicted and sent to prison. This is a rogue doctor who committed despicable and illegal acts and is now serving life in prison without the possibility of parole for what he did—abusing the trust of being a reproductive health care doctor. Dr. Gosnell is away, as he should be.

How does my friend from North Carolina commemorate this? By putting

forward a bill that will drive more women to rogue doctors. If we make it illegal for a woman, regardless of her circumstance, she is going to find a way to save her health, her life, and her family.

Women deserve to have protections. The bill that my friend proposed simply says that after a certain number of weeks, an abortion will not be allowed no matter what a woman's health situation is, and that is very dangerous.

I ask—just rhetorically—how can a Senator say he is doing something right for women and their families when there is not a health exception? If a woman goes to the doctor and finds out she is facing cancer, kidney failure, blood clots or some other tragic complication, why should the government step into the middle of her family? Why should the government and U.S. Senators be allowed to step between the woman, her doctor, her God, and her family? It is a disgrace, especially from a party that is known for saying: Get Government off our backs.

This is horrible. There is no exception for rape or incest victims who are unable to report those heinous crimes. Let's say initially they were too frightened and then suddenly they get their courage. Well, too bad. Have your rapist's child. This is not a government that cares about families. This is a government that steps into our business at the most tragic moments of our lives.

The bill is so extreme that the American Congress of Obstetricians and Gynecologists, which represents thousands of OB/GYNs, said these restrictions are "dangerous to patients' safety and health." Who do you think stands up for the health of the women in this country? U.S. Senators or doctors who know the women, the family, and the circumstances of her health?

I have a letter from Christie, who lives in Central Virginia, and she said:

My husband and I were confronted with two equally horrible options—carry the pregnancy to term and watch our baby girl suffocate to death upon birth, or terminate the pregnancy early and say good-bye to our much-wanted and much-loved baby girl.

Why should a Senator tell her what to do? It is a war on women. When you tell a woman in that type of circumstance what to do and take away her right to use her mind, her brain, and the love she has for her family, her husband, and her children to make that decision, it is a war on women.

Christie was pregnant with her second child when that happened. She wanted this baby, but it was not until a 20-week ultrasound that she found out her daughter would suffocate to death at birth. What U.S. Senator has a right to make her watch that baby child suffocate to death? I am sorry, but that is not life-affirming.

Then there is Judy from Wisconsin. She says:

I know what it is like to live without a mother. My mother died when I was only 4 years old, and it changed my life forever.

Four months into her pregnancy, Judy developed a pregnancy-induced blood clot in her arm. The only guarantee she would not die and leave behind her 5-year-old son was for Judy to terminate the pregnancy. She and her husband made the very difficult decision to terminate that pregnancy.

What right does a U.S. Senator—who doesn't know her, doesn't know her husband, doesn't know her family history and how she lost her mother when she was young—have to step into that world at that moment and tell her what she has to do. Do we think so little of the women of this Nation?

We just had Mother's Day. We lauded our mothers. We are crying out for the girls who were taken by terrorists. If we all care, then why would we support legislation such as this?

Then there is Bridget's story. At the time, she was a 25-year-old mom looking forward to the birth of her third child. She initially had a normal ultrasound at 13 weeks. Her second ultrasound showed a major, complex fetal cardiac malformation, a fatal problem. Because tests could only confirm this fatal defect later in the pregnancy, she could not make a decision until after the 20 weeks.

What right does a U.S. Senator have to get in the middle of her most personal, most private, most difficult decisions? There is a place for government. It is to make life better for people. It is to say: We are with you. We have your back. We understand what you are going through. It is not to make life so difficult for people.

In Missouri, Julie and her husband were told relatively early in her pregnancy that the baby they were expecting had multiple abnormalities and would not survive outside the womb, but it took her 3 weeks to locate an abortion provider because they had shut down so many providers. They found out, under Missouri's restrictive laws, she would have to travel 2 hours to a facility on two separate occasions to comply with the State's 24-hour waiting period. When they were finally able to get the care they needed, her pregnancy was just over 20 weeks.

What right does any U.S. Senator have to step out there and tell the American people that we know better than their families know, that we know better than their doctors know, and that we know better than their clergy knows?

This bill targets doctors who risk their lives to help women who are at risk for paralysis, infertility, have cancer, and whose lives would be in danger if they continued the pregnancy. This bill would throw those doctors in prison for 5 years just for providing needed health care to their patients.

I don't know what kind of country people envision when we have the gov-

ernment policing the private health care decisions of women and their families. Why would we want to go back to the last century and open battles that have long been fought? Those battles were fought in 1973 when *Roe v. Wade* was the decision of the Supreme Court, and do you know what that court said? They balanced all the rights—the rights of the fetus with the rights of the mother—and they said early in the pregnancy, a woman has the right to choose. It is her decision, but as she goes along with the pregnancy, then later, yes, there will be restrictions, and that is fine as long as the health and the life of the mother are in the forefront.

This legislation that Senator GRAHAM wants to vote on—before it goes to any committee as Senator BLUMENTHAL was saying—it is not what is best for women and their families or our communities, it is about an extreme rightwing agenda that needs to stop. This is a moderate country. We work together. I don't get everything I want, you don't get everything you want, but we work it out.

To come and offer legislation that is extremely dangerous to women is, in my opinion—I don't know what to call it. It is out of sync with what we ought to be doing. As Senator BALDWIN said, we ought to be fighting, and she used that word "fighting." We should be fighting for health care for women, fighting for the rights of our families, so they can have decent health care, and not putting rules in the books that are so onerous that a woman is desperate. I don't understand it.

I believe the Republican Party has moved so far to the right, it is unrecognizable to me. When I started out in politics—which was a long time ago—Republicans and Democrats worked together on the environment. Now we can't get a vote from them so we can ensure that the Clean Air Act is protecting our people. We can't get them to address climate change. We cannot get a vote from them. Maybe once in a blue moon we get a vote from one or two. George Herbert Walker Bush was the President who worked hard at Planned Parenthood, and that is where Republicans used to be. We would come together on protecting a woman's right to choose. There were more Republicans in Planned Parenthood than Republicans when I got started in politics. Now the Republicans want to run Planned Parenthood out. They want to shut down their clinics and stop all the good they are doing to prevent unwanted pregnancies.

I call it a war on women. We heard people say: Well, maybe there is such a thing as legitimate rape. Have you ever heard of anything so outrageous? We can't even get anyone to move forward on equal pay for equal work around here.

I am sad to say that I think this bill is part of the war on women. Clearly,

they are the ones who will suffer, along with their doctors. We don't put women in grave danger. We don't put up legislation without a health exception. We don't step in the middle of our families' most difficult decisions.

Americans want us to focus on making life better for our families. They don't want us to create new health risks. God knows we have enough health stressors just breathing the air out there, getting the flu and everything else. We don't need legislation that restricts a woman's rights when she needs to have us at her back, helping her, making her safe. Let's not go back to the last century.

If somebody has a bill such as this, I hope they will let it go through the whole committee process. We need these women who I quoted today to look Senators in the eye and say: Senator, please stay out of my life. These decisions are difficult enough, but I know I can handle them with my family, with my God, with my support system.

*Roe v. Wade* is the law of the land. In the early stages, a woman has a pretty much unfettered right. As we go along, there are more restrictions. But we never, ever turn our back on a woman's health or her life. That is what *Roe* says.

Frankly, I hope this bill and others like it will not see the light of day because it could only make life very difficult for many of our families.

I thank the Chair. It is an honor to work with the Presiding Officer on this issue.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

REMEMBERING OFFICER STEPHEN ARKELL

Mrs. SHAHEEN. Madam President, it is with great sadness that I rise today to honor the memory of Brentwood Police Officer Stephen Arkell.

Officer Arkell's life was tragically cut short yesterday while responding to the call of duty—the same call of duty he courageously answered countless times over the course of his career. A 15-year veteran of the Brentwood Police Department, Arkell served as a part-time officer as well as an animal control officer for the town of Brentwood where he was born and raised. As is the case with all of our first responders, his commitment to protecting our communities was unparalleled. That commitment was integral to keeping our families, our children, and our community safe every day. That same commitment, and Officer Arkell's sacrifice, is something New Hampshire will never forget.



Stephen Arkell's life and career epitomized the heroism of our first responders, and all of us, every day, will be forever grateful for that. Today my thoughts and prayers are with his family—his wife and his two teenage daughters, his loved ones, the Brentwood Police Department, and the entire Brentwood community, as well as New Hampshire's entire law enforcement community. I hope they can all take some solace in knowing that New Hampshire joins them in both mourning Officer Arkell's loss as well as celebrating his selfless sacrifice and his service on behalf of Brentwood and our beloved State.

Thank you, Madam President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

#### BEING IN THE MAJORITY

Mr. CORNYN. Mr. President, shortly after I arrived in the Senate, in 2002, Republicans—my political party—became the majority party, and I quickly learned a few important lessons. First of all, being in the majority is better than being in the minority. But part of the price of being in the majority is that sometimes you have to take some tough votes via the amendment process. In other words, when the Senate is operating the way it was originally intended—and which it always has until recently—any Senator has the right to seek recognition and offer an amendment on almost any topic on almost any bill. My colleagues told me at the time—they said: It has always been that way, and it is the way it always should be, if we are serious about protecting minority rights.

So why should I care, being a Member of the majority, about protecting minority rights in the Senate? Well, in the intervening years, my political party has gone from being in the majority in the Senate to being in the minority. That is one reason to care. The other reason to care is because every Senator was elected by their constituents in their State to represent their State, and when any Senator—whether they are in the majority or the minority—is shut out of the process, their constituents are shut out of the process. That is not what the Constitution contemplates when it says that each State has a right to send two Senators to Washington. If you can tell one of those or both of those Senators to sit down and be quiet, you cannot offer any amendments, you cannot get any votes on your amendments, you are effectively shutting out, in my case, the 26 million people I represent in the State of Texas.

So the message is this: If you do not want to take tough votes, you are in the wrong line of work—you are in the wrong line of work. The way the Senate should operate is that each of us is accountable to our constituents, and when they disagree with us about a vote, then they have a right to tell us. That is called petitioning your government for the redress of grievances.

Accountability, which is the way this Congress is supposed to work, can only work when we have an open process, where the minority gets to participate in the process and the majority gets to participate in the process. And guess what. If you are in the majority on a given subject, you are going to win. But that is no justification for shutting down the minority and saying: Sit down; shut up; forget about the fact that you have an election certificate from your secretary of State saying you were duly and regularly chosen by the voters in your State to represent them in what used to be the world's greatest deliberative body.

Here is something else I learned when I came to the Senate—something that does not happen as much now—but what I learned is this place works best when individual bills are drafted by Senators and move through the committee process. That is because usually the committees that have jurisdiction over those pieces of legislation have some experience and some expertise in the subject matter, and sometimes the subject matter gets pretty complicated. And it is good for the Senate, it is good for the United States to have a committee look at the legislation. People will have a chance to offer amendments and have them voted up or down before they then come to the Senate floor. Then every Senator gets to participate whether they know very much about the topic. Hopefully, all of us get to be smart pretty quickly when a bill comes to the floor because that is our chance to have a say on behalf of our constituents, whether we are in the majority or whether we are in the minority. We do not have a right to win—the minority does not—but we do have a right to a voice and a vote and to participate in the legislative process, which is what has been denied under the current majority leader.

More than a decade after I came to the Senate, I hardly recognize it; it is so dramatically different. Indeed, in some ways it is diametrically opposite from what it was when I got here and, frankly, the way the Senate has operated for a couple hundred years since the founding of our country. Only in the last few years under the current majority leader has the Senate become completely dysfunctional, where the majority leader becomes, in essence, a dictator who says: No, Senator, your amendment cannot be considered, it cannot be voted on. In other words, it is not up to the Senator to offer an

amendment to try to shape legislation on behalf of our constituents, to engage in robust debate; it is the majority leader who basically becomes the traffic cop who says who stops, who goes. Of course, that is one reason why the Senate has become so dysfunctional.

Under the current majority leader, an unprecedented number of bills have come directly to the floor from his conference room, from his office, and bypassed the committee process. In fact, many of my colleagues, including many of my Democratic colleagues, have been left wondering: Why in the world have committees in the Senate if we are not going to use them, if we are not going to use the committees for the experience and the expertise those Members serving on those committees have before it comes to the Senate floor.

In addition to bypassing the committee process in an unprecedented sort of way, once the Senate legislation comes to the Senate floor out of the majority leader's conference room—or wherever it is it comes from—Senators from both parties, representing hundreds of millions of American citizens, are routinely denied the opportunity to offer amendments and engage in meaningful debate. We just saw that yesterday as a direct result of the majority leader's denying anyone—the Presiding Officer, one of our Democratic colleagues, or anyone—an opportunity to offer amendments and to get votes on those amendments on an energy bill, which is the first time we have had an energy bill on the floor since 2007. The majority leader shuts down the process and says, in essence: Sit down; shut up; good luck.

During the 109th Congress, when Republicans controlled this Chamber, Democrats were allowed to offer—that is the minority party was allowed to offer—1,043 separate amendments—1,043 separate amendments during the 109th Congress. Do you know how many amendments Republicans have been able to offer since July of last year in the Senate? Nine—nine Republican amendments in 10 months.

Majority Leader REID has filled the amendment tree—that is the technical jargon; someone has called it basically that it is the gag rule of the majority leader, but it is technically blocking the amendment process—more than twice as much as majority leaders Bill Frist, Tom Daschle, Trent Lott, Bob Dole, George Mitchell, and Robert Byrd combined; that is one, two, three, four, five, six—six previous majority leaders did not do it as much as the current majority leader, Senator REID; that is, block out any amendments from the minority.

I know because we have talked about this so much before most Americans really are not focused on Senate procedure and they think: Well, maybe this

is just one Senator who is a little sore at being frozen out of the process and losing on a particular piece of legislation. But, again, this is not about the prerogatives of an individual U.S. Senator; this is about the people's prerogative, the people's right to participate in the process. The very legitimacy of our form of government depends upon consent of the governed. How can the people the Presiding Officer represents and I represent consent when they have been shut out? Is this what the Founding Fathers had in mind when they created our great system of government—to shut our fellow citizens out of the process, to trample on minority rights? Hardly.

Before I conclude, I want to say a quick word about some of the majority leader's most recent comments when we have had a discussion about this problem.

When Americans ponder the root causes of Washington dysfunction and gridlock, I hope they remember the majority leader of the Senate, who leads this great institution and has referred to the minority party in the Senate as "greased pigs." He has accused us of wanting to suppress voting rights. He has claimed we have tried to "dump on" women and minorities. He describes Senators representing their constituents with amendments as "screwing around," and he demonizes private citizens exercising their rights under the Constitution of the United States as "un-American." I have to confess, I find these comments insulting, I find these comments disrespectful, and I find them embarrassing.

How can we ever expect to reach compromise, which is the only way things happen here? Neither party can dictate on their own what the outcomes legislatively will be, so the only way we can do it is to try to find common ground and work together, without sacrificing our principles, of course. But how are we ever going to solve some of the most complex legislative challenges that confront us—such as tax reform?

We have a bill on the floor where we are being asked to extend 55 expiring temporary tax provisions. For how long? Well, through 2015. Is that a good way to do business? Well, no. What kind of uncertainty is there when we do not even know what the Tax Code is going to say for more than a year and a half?

Then there is entitlement reform. I mentioned this before. We have these pages here who are serving in the Senate. They are in high school. Someday the \$17 trillion the Federal Government owes to our creditors is going to have to be paid back—someday. When that happens, I daresay interest rates are not going to be at zero, which is what they are now thanks to the Federal Reserve because the Federal Reserve is trying to juice the economy,

doing the best it can to get the economy back on track, although we do not have a lot to show for it. The economy grew at 0.1 percent last quarter.

How are we going to fix our broken immigration system if the majority leader is going to routinely slander Members of this body and our constituents? How are we going to fix what is broken if the majority leader wants to trash talk folks on this side of the aisle and people he disagrees with. He even called them un-American. For what? For participating in the political process. Well, of course, he would like to shut them up and make them sit down so he could do what he wants without any resistance or without anybody questioning his actions.

Recently in Austin President Obama and others gathered for a historic celebration. It was the 50th anniversary of the adoption of the Civil Rights Act. Do you know how many amendments were voted on by the Senate when the Civil Rights Act was passed? There were 117 amendments.

Do you think this Congress and this Senate today, under this majority leader, would have any opportunity to pass historic legislation to heal the wounds of our country that date back to the very founding of this Nation, given the fact that the minority is shut out of the process, no amendments are allowed, and no votes on those amendments? There is no way. What a tragedy—the 50th anniversary of the Civil Rights Act.

Then for more mundane matters, when the Panama Canal treaties were debated in this body, there were 75 roll-call votes. That was a very controversial issue at the time. But there are nine rollcall votes in this body coming from the Republican side since July, with no prospect of allowing any amendments on the current tax bill that is on the floor.

Just like the energy bill that we concluded yesterday, there is no prospect in sight for a better outcome and better behavior by the people who should know better. How can we expect to achieve comity in this Chamber when its most powerful Member has done so much to poison the atmosphere.

The Senate of 2014 is certainly not the Senate that our Founding Fathers envisioned, nor is it the Senate that my former colleague, Senator Chris Dodd, described in his 2010 farewell speech. Let me quote just a small portion. Senator Dodd reminded us that:

The Senate was designed to be different, not simply for the sake of variety, but because the Framers believed the Senate could and should be the venue in which statesmen would lift America up to meet its unique challenges.

Unfortunately, the Senate will never be able to play that unique role in American government and American history until the majority leader shows greater respect for the constituents we represent and for this institution.

As I said, this debate is not about procedural niceties, it is not about the prerogatives of the Senator because they think they are so important. When Republicans offer amendments to pending legislation, we are trying to give our constituents the voice that they are guaranteed by the Constitution of the United States of America.

When the majority leader refuses to let us vote on amendments and refuses to let us have a real discussion about America's biggest challenges, he is effectively gagging millions of Americans who don't share his particular views. That is why the Senate has become so dysfunctional, because of the majority leader and his conduct.

I can only hope—indeed, I can only pray—that the majority leader will change his mind and act as the genuine leader the Senate deserves and less as an angry dictator.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. I would ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. At the outset, let me express my sympathy to the Senator from West Virginia on the tragedy that took place in his state. Our hearts and minds are with you and your citizens.

#### REMEMBERING CLISBY CLARKE

Mr. President, one of the sad occasions from time to time of a Senator is to rise to pay tribute to a friend and a citizen in one's State who passes away. It is now that occasion for me.

This past week a great hero of Georgia—both the University of Georgia and the State of Georgia—Clisby Clarke passed away in his sleep in Highlands, NC. He will be laid to rest in Atlanta, GA, on this coming Thursday at a ceremony beginning at 11 a.m. at Peachtree Road United Methodist Church.

Clisby was not just a citizen of my State, he was an extraordinary citizen of my State, a University of Georgia graduate who was the hit of the University of Georgia as one of the great songwriters on our campus. He wrote most of the fight songs that are played today for the University of Georgia football team and could tear up the piano by playing by ear like no one you have ever seen.

He was a talented pitchman who could make things sound good at the drop of a hat, which is why he went to work for McCann-Erickson, one of the great public relations firms in the history of our city. He led that firm to unparalleled heights, and for a while, when I ran my company, I hired Clisby

Clarke to do all the public relations for our company.

He married Bunny. From our days at the University of Georgia I remember Bunny and Clisby at the SAE House many nights, Clisby sitting around playing the piano, entertaining us, my wife Dianne and I—who then wasn't my wife, but I was dating her—enjoying it, just enjoying our friendship and his great talent.

Clisby, when he retired from McCann-Erickson, didn't quit working; he volunteered his time for others. In fact, when he passed away this week late at night in his sleep, it was after having a successful planning session for a dinner that is going to be held June 1 in Atlanta, GA, where over 750 people are coming to a black-tie event which will raise over half a million dollars for veterans who have been injured with traumatic brain injury or PTSD.

Clisby never stopped working for those less fortunate or those who needed help. His commitment to that project is unparalleled in our city's history. When we all go to that dinner on this coming June 1, on that evening, and celebrate the victory from raising money for those with TBI and PTSD, we will also dedicate that evening to Clisby Clarke, a great Georgian and a great American who from the day he was born until the day he passed away was always paying tribute and doing his loving work for those who were less fortunate and in need.

To his wife Bunny, to his family, and to his many friends, to all of us who were together fraternity brothers at the SAE House at the University of Georgia in Athens, we pay our tribute to Clisby Clarke, a great American. May God bless his soul.

I yield back the time, Mr. President.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. AYOTTE. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING OFFICER STEPHEN ARKELL

Ms. AYOTTE. Mr. President, it is with a heavy heart that I rise today to honor the life and legacy of Officer Stephen Arkell, a member of the Brentwood Police Department who was tragically killed last night in the line of duty.

Citizens across New Hampshire are mourning the loss of Officer Arkell, whose bravery and courage represented the very best of our State's law enforcement community. Our hearts go out to his grieving family, friends, and fellow officers, as well as the people of the town of Brentwood, where he served so well. We are holding them close to our hearts and keeping them all in our thoughts and prayers during

this very difficult time for not only the Brentwood community but for the entire State of New Hampshire.

Officer Arkell was an unsung hero. He went about his extraordinary work in a quiet, humble way, going above and beyond the call of duty to serve and protect the people of Brentwood and New Hampshire. During his 15-year career as a police officer, he touched countless lives through his selfless service to the people of Brentwood—proudly carrying on a noble profession.

First and foremost, Officer Arkell was devoted to his family. Our hearts are broken for his wife Heather and their two teenaged daughters. They are forced to cope with an unimaginable loss that no family should ever have to endure. We share in their sadness. We will be there to comfort them as they mourn—the entire State of New Hampshire—and we will always stand by their side.

We are grateful to them for the sacrifice they have made for us to be safe and for everything they have done and for what they have endured. There is no way we can repay them for the sacrifice they have made for the State of New Hampshire to be safe. They lost a great dad.

I especially want to recognize Officer Arkell for the selfless time he took to be a great coach. He coached lacrosse, teaching a new generation about teamwork and competition. He was exactly the kind of role model that any parent would want for their son or daughter.

Officer Arkell was also someone whose friendship could be counted on. He has been described as a friend who would “give you the shirt off his back”—a man who was “kind” and “ethical” and “very caring.” He was well liked and well respected in the community that he served.

Sadly, this is not the first tragedy we have seen in Rockingham County. Just last year we added Greenland Police Chief Mike Maloney's name to the National Law Enforcement Officers Memorial here in Washington, DC. Our State continues to grieve for Chief Maloney.

Unfortunately, Chief Maloney's death and the death last night of Officer Arkell remind us of the dangerous work our police officers do every single day on our behalf. When they go out at night, on weekends and holidays—and we are all safe at home with our families—they don't know whether that next stop or next response they have to make will be their last.

We are grateful for the service of all of the police officers in New Hampshire and across this country who go out every day and serve our Nation and keep us safe. Officer Arkell certainly represented the very best of our law enforcement community, and we are so sad today as we mourn his loss.

As we mourn the loss of Officer Arkell, I am reminded of a quote that

can be found at the Law Enforcement Officers Memorial in Washington. The quote really sums it up: “It is not how these officers died that made them heroes, it is how they lived.” That is certainly true of Officer Stephen Arkell. He was a special man who gave generously to his family, his friends, and his community. It is a tragedy that he was taken from us far too soon. This is a tragedy no family should have to endure.

As we mourn his loss, we will pledge to forever honor his memory, his sacrifice, and the work he did every single day on behalf of the people of Brentwood and New Hampshire to keep us safe. We are grateful for his sacrifice. We can never repay the loss his family has endured nor can we ever repay the sacrifices that our police officers make every single day on our behalf to keep this country safe.

I thank the Presiding Officer and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SQUARELY FOCUSED

Mrs. MURRAY. Mr. President, one would think, now more than ever, our colleagues on the other side of the aisle would recognize the American people really want us focused squarely on jobs and the economy. It is what every poll says. It is what the vast majority of all of our constituents say, and it is absolutely what is needed at a time when families, especially working women, continue to struggle to make ends meet. But instead of working with us across the aisle to give every American a fair shot, it seems as though Republicans are focused on something else entirely: Politics.

Today, the senior Senator from South Carolina came to the floor and attempted to pass a bill that not only undermines women's access to their doctors but restricts their rights to access reproductive health services. I am not sure what our colleagues think has changed since they last introduced this bill in November, but just as it was back then, this extreme, unconstitutional abortion ban is an absolute nonstarter. It is not going anywhere in the Senate and, as they know, it is a cheap political ploy. I would like to think that over the last 41 years, since the historic decision of *Roe v. Wade*, we have moved on from debating this issue. I would like to think that after four decades, many of those who want

to make women's health care decisions for them have come to grips with the fact that *Roe v. Wade* is settled law. After all, many of the signs of progress are all around us.

In this Congress there is a record 20 women serving in this body. In 2012 women's power and voice at the ballot box was heard pretty loudly and clearly. In fact, when Republican candidates for office thought that rape was a political talking point, that idea and their candidacies were swiftly rejected, thanks in large part to the voices of women.

So sometimes it is tempting to think that times indeed have changed and that maybe, just maybe, politicians have finally realized that getting between a woman and her doctor is not their job, that it is possible rightwing legislators have a newfound respect for women. But the truth is that the drumbeat of politically-driven, extreme, and unconstitutional laws continues to get louder.

In 2013 our Nation saw yet another record-breaking year of State legislatures passing restrictive legislation barring women's access to abortion services. In fact, in the past 3 years, more of these restrictions have been enacted across this country than in the previous 10 years combined. And anti-choice lawmakers here in our Nation's capital have filed 50 legislative attacks on reproductive rights in this Congress alone.

By the way, these haven't just been attacks on a woman's right to choose, they have been an all-out assault on everything from shaming pregnant women to drafting politically-driven legislation intended to create geographical roadblocks for low-income and racial minorities wishing to access safe reproductive services.

Not surprisingly, these States that have enacted some of the most extreme and archaic restrictions are also the same States that fail to achieve even mediocre standards when it comes to critical issues such as education and the economy. But despite these shortcomings, some Members of this body refuse to work with us to address those critical issues and instead want to distract the American public with these purely political bills until the small pocket of their extreme audience is satisfied.

In fact, according to the Senator from South Carolina, debating a woman's access to her own doctor is a "debate worthy of a great democracy." The fact is it is a debate we have already had. This is a directed attack on *Roe v. Wade*, and it is attack on what is already settled law.

I wish to remind my colleagues today that real women's lives and the most difficult health care decisions they could ever possibly make are at stake.

Let me share with my colleagues the story of Judy Nicastro. She is from my

home State of Washington. She bravely shared her story publicly in the *New York Times*. I have told her story before, but it bears repeating now because we are under attack again. In an op-ed she wrote, just days before the House passed a bill that was virtually identical to the one that was introduced today, Judy talked about being faced with every pregnant woman's worst nightmare.

In describing the news that one of the twins she was carrying was facing a condition where only one lung chamber had formed and that it was only 20 percent complete, Judy captured the anguish countless other women in similar positions have faced. "My world stopped," she wrote.

I loved being pregnant with twins and trying to figure out which one was where in my uterus. Sometimes it felt like a party in there, with eight limbs moving. The thought of losing one child was unbearable.

She went on to say:

The MRI at Seattle Children's Hospital confirmed our worst fears: The organs were pushed up into our boy's chest and not developing properly. We were in the 22nd week.

Under the bill proposed today, the decision Judy ultimately made, through very painful conversations with her family and with consultation with her doctors, would be illegal. The decision to make sure, as she put it, that "our son was not born only to suffer" would be taken from her and given to politicians.

I am here today to provide a simple reality check. We are not going back. We are not going back on settled law such as *Roe v. Wade* or the Affordable Care Act. We are not going to take away a woman's ability to make her own decisions about her own health care and her own body.

Just as with the many attempts before this bill, there are those who would like the American public to believe that all of these efforts are anything but an attack on women's health care. They try to say it is a debate about freedom, except, of course, the freedom for women to access care.

It is no different than when we were told attacks on abortion rights are not an infringement on a woman's right to choose; they are about religion or States rights. Or when we are told that restricting emergency contraception isn't about limiting women's ability to make their own family planning decisions, but it is somehow about protecting pharmacists. Or as demonstrated last month when a Republican State lawmaker in Missouri introduced legislation to triple the State's mandatory waiting period for abortion services, claiming it would give women more time to do their "research."

Not that we should be surprised, he went on then to compare this deeply personal and difficult choice to that of purchasing an automobile saying: "In

making a decision to buy a car, I put research in there to find out what to do."

The truth is this is an attempt to limit a woman's ability to access care. This is about women. Instead of playing a game of political football with women and their health, Republicans should instead consider joining with us in working on what women truly want.

Women today want to have a fair shot at success. First and foremost, that means not rolling back the clock or eroding the gains we have made. We took a very good step forward with the Affordable Care Act, which now prevents insurance companies from charging women more than men for coverage, ensuring preventive services such as mammograms and contraception coverage is covered and increasing access to comprehensive health coverage, thanks to the Medicaid expansion and the exchanges. There is no doubt we need to make sure women have access in this country to opportunities such as getting equal pay for equal work or giving the millions of women earning the minimum wage a raise, which would go a long way towards that effort. We need to update our Tax Code so that mothers who are returning to the workforce do not face a marriage penalty.

There is much more we could be doing to address the issues of concerned women. Those are the issues we ought to be focused on—how to move our country forward, not backward.

So if it wasn't clear the last time the senior Senator from South Carolina made this attempt, it ought to be clear now. Senators such as myself are not going anywhere. Advocates and doctors who treat those women every day and know their health must be protected are not going anywhere. And women who continue to believe their health care decisions are theirs and theirs alone are not going to go anywhere. By the way, the Constitution is not going to go anywhere. Therefore, this extreme bill that was offered today is not going anywhere.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANCHIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

The Senator from West Virginia.

BOONE COUNTY MINE TRAGEDY

Mr. MANCHIN. Mr. President, on Monday night a tragic mining incident occurred in my home State of West Virginia where the lives of two dedicated and courageous miners were lost at the Brody No. 1 mine in Boone County.

My greatest and deepest thoughts and prayers are with the loved ones of the miners impacted by this tragedy. Gayle and I join them and all West Virginians in mourning the loss of these heroic men. We grieve for the entire community as they bear this most heartbreaking and sorrowful hardship.

Our hearts especially go out to the families of the following miners: Eric Legg of Twilight and Gary Hensley of Chapmanville.

These men will be remembered forever as heroes to their community, their State, and their Nation for their unparalleled courage and unsurpassable sacrifice. They will live on forever in our hearts.

As families and friends struggle to deal with the tragedy that took place, we are reminded as a country that we must consistently search for ways to improve safety conditions because our miners' safety is of the utmost importance and remains our No. 1 priority. We say in West Virginia: If it can't be mined safely, don't mine it.

Our coal miners are some of the hardest working people in America, and the loss of even one miner's life is one life too many. We need to continue to improve mine safety efforts so that our miners' lives are never in jeopardy. We owe this to the families of the victims and to all of our loyal mining families across our country. It is our responsibility to be absolutely and totally committed to the safety of every worker, which means that every worker should be able to get up in the morning and expect to come home safely to their loved ones at night. This is their right, not a privilege.

My staff and I will do everything humanly possible to assist the families through this difficult time. Again, we extend our deepest sympathy and most profound condolences to the families and loved ones, and we pray for their peace and comfort.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SMARTER SENTENCING ACT

Mr. GRASSLEY. Mr. President, there are new reports that the majority leader is considering bringing to the floor the so-called Smarter Sentencing Act, and to bring it to finality.

I rise again today to express my strong opposition to this bill and to argue against taking up the Senate's time to consider it. I will list several reasons.

This country has experienced a tremendous drop in crime over the past 30 years. We have achieved hard-won gains in reducing victimization. More

effective police tactics played a very significant role.

Congress assisted with funds for law enforcement and mandatory sentencing guidelines to make dangerous offenders serve longer sentences. But after the Supreme Court applied novel constitutional theory, those mandatory guidelines were made advisory only. Federal judges then used their discretion to sentence defendants more leniently than the guidelines had called for.

Today, the only tool Congress has to make sure Federal judges do not abuse their discretion in sentencing too leniently is mandatory minimum sentences. So bringing this bill would cut a wide range of mandatory minimum sentences by half or more. Those sentences include people convicted of manufacture, sale, possession with intent to distribute, and importation of a wide range of drugs, including heroin, cocaine, PCP, LSD, ecstasy, and methamphetamines.

When supporters of this bill discuss how it increases discretion for judges and keeps current maximum sentences, what they really mean is that judges will gain discretion only to be more lenient. The bill does not increase discretion for judges to be more punitive.

When supporters of this bill say that the bill only applies to nonviolent offenders, don't be misled into thinking it applies to people in Federal prison for simple possession of marijuana. It doesn't. The offenses covered in this bill are violent.

Importing cocaine is violent. The whole operation turns on violence. Dealing heroin also involves violence or threats of violence, and the offense for which the offender is sentenced may have even been violent. The defendant's codefendant might have used a gun.

While the bill does not apply to a drug crime for which the defendant used violence, it does apply to criminals where the defendant has a history of committing violent crimes. Supporters have failed to recognize that it would apply to drug dealers with a history of violent crimes.

Supporters of the bill also raise the argument of prison overcrowding. But prison populations in this country are decreasing and have been in fact decreasing for several years. States have been able to reduce prison construction and sentencing as crime has thus fallen.

Charles Lane wrote in the Washington Post that one reason States could do this is the reduction in the fear of crime that has accompanied falling crime rates.

The rate of increase in Federal prison populations has fallen a great deal. In recent years, the number of new Federal prisoners receiving prison sentences has declined. New policies the Department has adopted with respect to clemency and its unwillingness to

charge defendants for the crimes they have committed will only further reduce overcrowding and prison expenses.

It is also important to recognize that drug offenders are an increasingly small proportion of the new offenders who are being sentenced to Federal prison as Federal law enforcement shifts more resources away from drugs and toward immigration and weapons offenses.

The reduction in prison populations is not really so much about the cost saving as cost shifting from prison budgets to victim suffering. This is happening as the number of State and Federal prisoners has dropped.

In 2012, the last year for which statistics are available, the FBI's Uniform Crime Report recorded an increase in the number of violent crimes for the first time in many years. Now, it is only 1 year and the increase was less than 1 percent, but it represents a dramatic change in the past downward trend of crime, and it bears a vigilant watch, not support for a reckless, wholesale, and arbitrary reduction in mandatory minimum sentences.

The bill represents a particularly misguided effort in light of current conditions concerning drug use. We are in the midst of a heroin epidemic right now. Deaths from heroin overdoses in Pennsylvania are way up. The Governor of Vermont devoted the entirety of his State of the State address this year to the heroin problem.

Marijuana decriminalization is leading to the greater availability of marijuana at a lower price. This is causing Mexican growers who formerly produced marijuana to grow opium for heroin importation into this country instead of marijuana.

The Obama administration says it is concerned about the heroin epidemic, but it supports a bill that cuts penalties for heroin importation and dealing.

The administration says it wants to fight sexual assaults on campuses—and I think that is the right thing to do and I applaud them for doing that. But they are also supporting this bill, which cuts in half the mandatory minimum sentence for dealing in ecstasy, the "date rape" drug.

The administration's support for this bill, then, makes no sense, and at least some administration officials understand that.

We had the privilege of having the Director of the Drug Enforcement Agency before our committee a little while ago. Michelle Leonhart said:

Having been in law enforcement as an agent for 33 years, [and] a Baltimore City police officer before that, I can tell you that for me and for the agents that work for DEA, mandatory minimums have been very important to our investigations. . . . We depend on those as a way to ensure that the right sentences are going to the . . . level of violator we are going after.

Current mandatory minimum sentences play a vital role in reducing

crime. They do more than keep serious offenders in jail so that they cannot prey upon innocent citizens. They also induce lower-level drug offenders to avoid receiving mandatory minimum sentences by implicating higher-ups in the drug trade.

As FBI Director Comey recently stated:

I know from my experience . . . that the mandatory minimums are an important tool in developing cooperators.

Recently, a bipartisan group of former Justice Department officials wrote to Leaders REID and MCCONNELL. Their letter expressed strong opposition to cutting mandatory minimums for drug trafficking by half or more. They warned:

We are deeply concerned about the impact of sentencing reductions of this magnitude on public safety.

We believe the American people will be ill-served by the significant reduction of sentences for federal drug trafficking crimes that involve the sale and distribution of dangerous drugs like heroin, methamphetamines, and PCP.

We are aware of little public support for lowering the minimum required sentences for these extremely dangerous and sometimes lethal drugs.

We are all going to be supporting National Police Week. Officers from all over the country have traveled to Washington to make their concerns known. We salute them for the work that they do and the dangers they face. If we really respect these law enforcement people and want to support them, then we ought to listen to what they have to say.

The National Narcotics Officers' Association has written:

As the men and women in law enforcement who confront considerable risks daily to stand between poisoned sellers and their victims, we cannot find a single good reason to weaken federal consequences for the worst offenders who are directly responsible for an egregious amount of political despair, community decay, family destruction, and the expenditure of vast amounts of taxpayer dollars to clean up the messes they create.

The Federal Law Enforcement Officers' Association has also come out against the bill. They have stated:

It is with great concern that FLEOA views any action or attempt . . . that would alter or eliminate the current federal sentencing policy regarding mandatory minimum sentencing.

The mandatory minimum sentencing standard currently in place is essential to public safety and that of our membership.

Many of us will rightfully praise our law enforcement officers as they are in town for National Police Week. But what we really ought to do is listen to them. They are telling us that taking up this bill would be a slap in the face of all our brave police officers who protect us from harm every day. They deserve better than that.

Citizens who are finally less likely to become crime victims deserve it. The respect that is due those on the front

line against wrongdoers demands that the Senate neither take up nor pass the mislabeled so-called Smarter Sentencing Act.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The Sergeant at Arms will restore order in the gallery.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and I be allowed to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CHAMBLISS pertaining to the introduction of S. 2330 are printed in today's RECORD under "Statements on Senate Bills and Joint Resolutions.")

Mr. CHAMBLISS. Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

TIME TO WAKE UP

Mr. WHITEHOUSE. Mr. President, I am here for the 67th time to urge my colleagues to wake up to the growing threat of climate change, and today I am joined by my friend and colleague Senator NELSON of Florida, who is a true leader in this fight.

Mr. President, I ask unanimous consent that we be able to engage in a colloquy for the next 25 minutes.

The PRESIDING OFFICER. Without objection.

Mr. WHITEHOUSE. Florida is about 1,000 miles from Rhode Island, and it is slightly larger than my home State, but Florida and Rhode Island have a great deal in common, such as a beautiful coastline, an economy and a way of life that is tied to the sea, and as a result risk from the ocean in a changing climate.

On my recent trip down the southeast coast, I spent 2 days in Florida and heard firsthand about the unprecedented changes taking place there. Like the folks I met in North Carolina, South Carolina, and Georgia, Floridians are worried about the coastal communities they love. They are getting serious about protecting their homes and their livelihoods, and they want their representatives in Congress to get serious.

Senator NELSON hears them. He recently took the Senate commerce committee to the Miami Beach townhall to examine the dangers posed by rising seas. Here is what the Miami Herald said about his effort:

South Florida owes Senator Nelson its thanks for shining a bright light on this issue. Everyone from local residents to elect-

ed officials should follow his lead, turning awareness of this major environmental issue into action. It is critical to saving our region.

Senator NELSON and I also held a press conference at Jacksonville's Friendship Fountain with Representative CORRINE BROWN to highlight these serious implications of climate change. So I am grateful for Senator NELSON's bringing his passion and expertise to the floor today.

Mr. NELSON. Mr. President, I thank my dear personal friend the Senator from Rhode Island for his kind comments, but I especially thank him for his passion and his leadership on this issue. There are parts of America where it is time to wake up, and especially one part of that is the State of Florida.

Because of the nature of our State being a peninsula that sticks down into water surrounding it on most sides, you would not be surprised that we have by far the longest coastline of any State, save for Alaska.

When it comes to beaches, the State of Florida by far has more beaches than any other State, but because we have so much exposure to the oceans—the Atlantic on the east and the Gulf of Mexico on the west—we are particularly subject to climate change and the fact that the Earth is heating up.

Why is the Earth heating up? Well, there is the effect known as the greenhouse effect. If you put certain gasses into the atmosphere that are a result of manmade efforts—when we burn things such as oil and coal and we don't scrub out a lot of the stuff, it goes into the atmosphere. Well, one of the things that goes into the atmosphere is carbon dioxide. What carbon dioxide does is go into the upper atmosphere and it forms this greenhouse effect by creating an invisible shield, and when the Sun's rays come and strike the Earth at daylight, those rays then reflect off the Earth's surface. Under normal circumstances, those rays bounce back out and radiate back into space but not if you have a lot of gasses up at the very beginning of space, at the top of the atmosphere, such as carbon dioxide.

When the Earth's surface radiates the Sun's heat, it goes back up as if it wants to go out into space, and it is trapped. What happens is the entire atmosphere of the Earth then contains that heat, and slowly over time it builds up the temperature.

When you look at a globe, what do you mostly see? You don't see land; you see water. So what happens is that most of that heating of the Earth's atmosphere is absorbed into the temperature of the ocean. Because of the rise of the ocean temperature and the temperature of the air, what starts to happen? What is happening up toward the northern climes as well as the southern climes? Have you heard the report that

came out a couple of days ago about how big chunks of Antarctica are now falling off? Have you heard about how all of the glaciers on top of Greenland, which used to be nothing but one big glacier, are now falling off into the sea, thus causing the sea rise?

I will flip it back to the Senator from Rhode Island with this comment: In the hearing we had of the commerce subcommittee in Miami Beach—why did I choose Miami Beach? Because it is ground zero. At high tide they are already having flooding in the streets of Miami Beach. At a seasonally high tide that they expect coming up in October of this year, they expect constant flooding. As a result, we had the mayor of Miami Beach tell us about the effort of them trying to redo the infrastructure to get rid of the water when the high tides come in.

We also had a scientist at NASA testify. He is a fellow who is a four-time space flier. He left the astronaut office, and now he is back at the Goddard Space Flight Center in Maryland. He is a scientist. What he testified to us was not a forecast, not a projection; he testified as to the measurements of sea level rise over the last 50 years. And for Florida, the sea level rise, as measured by NASA—these are indisputable measurements—is 5 to 8 inches. In another 20 to 30 years, he projects that the sea level rise will be a foot, 12 inches more, and by the end of the decade, it will rise 2 to 3 feet.

I hasten to add that 75 percent of Florida's population of 20 million people lives on the coast. Can you imagine what a 2- to 3-foot sea level rise on Florida would be? It would inundate unbelievable amounts of the urban community of our State of Florida. So the question is, Are we going to do something about it?

I will flip it back to the Senator from Rhode Island.

Mr. WHITEHOUSE. On my trip through Senator NELSON's State, the Army Corps of Engineers officials in Jacksonville gave me some pretty dire warnings about what the sea level rise portends for Florida, both the punch from storms that will bring the higher seas ashore and the steady encroachment of saltwater.

This is a scene from western Boynton Beach after Tropical Storm Isaac in 2012. I don't know if you can see it on the screen, but this sign says "no wake zone." The family put up a "no wake zone" sign in their front yard because the cars going by would cause wakes and more damage.

The Corps also showed me what 2 feet of sea level rise would do to the Everglades National Park. I went down to the Everglades later on during my visit. This is what it would look like. You can see the green in the Everglades here and all the development up here. Basically, if you add 60 centimeters of sea level rise, or 2 feet, and

that is all ocean again, that is a pretty serious change.

The Southeast Florida Regional Compact, which is a bipartisan coalition of four South Florida counties, predicts that the water around southeast Florida could surge up to 2 feet in less than 50 years.

So that is a preview of the coming attractions "Everglades Under Water."

What was interesting was that the local officials, both Republicans and Democrats, were working together. The division that exists in this body doesn't exist down there. Mayor Silva Murphy of Monroe County is a Republican and former Mayor Kristin Jacobs of Broward County is a Democrat. They both know that flooding and access to drinking water are not partisan issues in the way that it divides us here.

Here are a couple more examples from my visit. This is Castillo San Marcos, which Senator NELSON will recognize as being in St. Augustine. It is a famous and very beautiful ancient fort. It sits along the water there. If you add 3 feet of sea level rise, it turns from being part of the coast to being its own tiny little peninsula surrounded by flooding. It is the oldest masonry fort in the United States.

This is what Fort Matanzas would look like. This is a little fort built by Spanish colonists in 1742. It is right here on this inlet. If you add 3 feet of sea level rise, suddenly it is in the water. It has nothing to stand on. As it is, they have built a wall to protect it from the sea level rise that has already happened, and from time to time the high tides lap over that wall.

The Senator said there is the potential for an enormous amount of harm here that could happen to people. One of the scientists I met in Florida said that if we don't do something about this, "people are going to get hurt and it's going to cost a lot of money." That is true.

One topic I would like to discuss is how the seawater will affect the freshwater supply of Florida. Senator NELSON is an expert on the geology of Florida and why it is different from my rocky New England coast.

I will yield back to Senator NELSON so he can discuss the limestone bedrock problem.

Mr. NELSON. Mr. President, one would naturally ask the question, could we solve this problem in the United States the way the Dutch have solved a lot of the coastal areas of the Netherlands by building dikes? A lot of their land is actually below sea level.

You can't do that in a place such as Florida because the substrate underneath the surface soil is a porous limestone, much like Swiss cheese. So that if you try to put up a dike, it is not going to hold any water back because the pressure of the water as it rises is merely going to go underneath the dike

into the porous limestone, which is the source under the surface of a lot of Florida's drinking water because that water in that honeycomb limestone is fresh.

What happens as a result of the sea level rise? More water and higher water will create more pressure. The pressure then starts to push underneath the surface as well as over the surface of the land, and that causes the intrusion of saltwater into the fresh drinking water.

Because Florida is so low—believe it or not, our highest point is right near the Alabama-Florida line, which is actually 356 feet high. But when you get into portions of South Florida, it is very low. Obviously, sea level rise is going to cover a lot of land, but another consequence is that a lot of flood control is now regulated by gravity. You go from a higher position of flood and you flow by gravity through canals to a lower position of the sea level. When the sea level rises, the water during floods—hurricane, rainstorm, whatever—can't flow. The only way to correct that is to install very expensive pumping equipment.

Finally, in this segment of the exchange with the Senator from Rhode Island, I ask what is another consequence of the temperature of the ocean's rising? Remember the greenhouse effect? Most of that heat is absorbed in the oceans.

What is the fuel for a hurricane in the Northern Hemisphere? What is the fuel for it? It is the temperature of the water. Hurricanes in the Northern Hemisphere go counterclockwise. Hurricanes in the Southern Hemisphere go clockwise. What happens to the intensity of the hurricane? It goes up as the waters get hotter. That is why usually, as the hurricanes are forming into these massive storms over the South Atlantic and the Caribbean, they start going north. They start to dissipate because the waters are cooler. It doesn't provide the fuel for the ferocity of the hurricane. Likewise, higher water temperatures, more frequency of hurricanes.

In our State, we live on a peninsula that sticks down into the middle of "Hurricane Highway." It is a way of life. We understand that, and we have handled it pretty well, especially after the disaster of 1992, the monster hurricane, Hurricane Andrew. Our building codes are up and so forth, but we can't withstand a lot of Hurricane Andrews. Part of that hurricane was considered to be a category 5—something in excess of 160 mile-per-hour winds. We know what 160 mile-an-hour tornadoes do within a small, confined, tight-knit cyclone-type activity. Imagine what those wind speeds do in a massive hurricane covering hundreds of miles.

We start to see then the effects. The insurance industry cannot withstand insuring structures that are going to



sustain that kind of damage. What is going to happen to the cost of insurance? It is going to go through the roof. What is going to happen to the cost of flood insurance? In the Senate, we agonized over the Federal Flood Insurance Program—what is going to happen to the actual structures and the people who not only are subject to being flooded because of the rise of sea level but of having their whole dwellings and city torn up, as Hurricane Andrew did to downtown Homestead, a relatively small population of Florida and it absolutely tore it up. That is what we are facing unless we do something about climate change.

The first thing we have to do is we have to stop this denial that this is not real. The scientists are telling us it is real. The NASA astronaut scientists say it is measurements. They have flooding in Miami Beach. The local governments have banded together in southeastern Florida to try to get ahead of it.

Why can't we get some of the Senators here, who because it is not politically correct in their politics, to recognize what the truth is so we can start planning for this—not as a protection but to plan for the protection of planet Earth, and see if we can stop some of the causes of the climate change. Then, once we do it in the Nation that stands as the role model to the rest of the countries, we are going to have to get them to do it too; otherwise, we are going to see what has just happened over the last couple of days: Large chunks of Antarctica are beyond saving, and the consequences are grave.

I appreciate the leadership of my friend from Rhode Island and Senator BOXER of California. They have been the ones who have been at the point of the spear. I thank them very much.

MR. WHITEHOUSE. Mr. President, it is a pleasure to be here with the Senator from Florida, and his leadership is truly remarkable.

Here is another example on this picture from my tour. This is Broward County. People say it is not real. Ask the owner of this house with the for sale sign. Good luck selling that house with the ocean running through it. That was in 2010.

Another Broward County photograph. Commissioner Kristin Jacobs, who was the mayor at that time, gave me these pictures. Again, this is tide. Look at the sky. It is a beautiful day. This isn't rain. This is the tide flooding in, showing what it does to the cars. It is a mess.

As Senator NELSON described, because Florida is this limestone, kind of hard sponge, what keeps the saltwater out is the pressure of the freshwater holding it at bay. There is no wall. There is no structure that keeps the water, salt, and fresh balance. It is a hydraulic system. They have built a very complex system of canals, where

they have raised the water so they have pressure, so they can push it back. As the sea level comes up, they are losing that fight. So here is a line through Broward County of how far the saltwater has already intruded into the water supply. If we drilled wells on this side of the red line, the water is no good, and all of these wells, the little green spots, all of these water areas are in the way because this line is moving.

As one Army Corps engineer in Jacksonville said, Florida is in a box, because as the sea level rises, the way we keep the freshwater available to people is by raising the fresh water, and that keeps what the engineers call the hydraulic head that pushes the sea water back and allows us to maintain freshwater for drinking water purposes, for agriculture, for Florida oranges and grapefruits and all the things we count on. If what we are worried about is flooding, we could only raise the freshwater so far, because if we raise it enough, we have freshwater flooding. There is no way out of that conundrum. There is no way out of that conundrum in Florida. He said, whether it happens in 100 years or whether it happens after the next bad hurricane, that is what is going to happen. That is a terrible predicament. It is not going to get better by pretending it is not real. It is not going to get better by denying it.

If we go offshore, we get to the problem of acidification, which happens from the carbon. This is not a theory. People say climate change is a theory. No. The acidification of the ocean from the type of carbon dioxide is something we can do in a lab. It is a scientific fact. It is a law of chemistry. So it happens, and it is starting to hit the reefs and the fisheries as the ocean warms and turns more acid.

Mayor Murphy is the mayor of Monroe County. I met her in Key Largo, which is one of the famous world destinations. I said: What is the acidification of the warm air? What does that do to your reefs?

She said: Well, the reefs are still beautiful unless you had been out to see them 10, 15 years ago. The reefs are still beautiful unless you had been out to see them 10 or 15 years ago. People see the change.

I met with the Snook and Gamefish Foundation in Florida and the marine industry folks, and they are concerned about what is happening there. In fact, the problem goes all the way up the coast. When I came down from North Carolina and South Carolina, the fishermen there told me they are starting to catch snook off the Carolinas. It is one thing when we are catching groupers and tarpon up in Rhode Island, but what they are seeing on the South Atlantic coast is the same thing that a Rhode Island fisherman said to me about the fishing off our coast. He said: It is getting weird out there. We are

catching fish our fathers never saw in their nets in their lives. So when a snook comes up on the line off the Carolinas, that is a sign that something is dramatically changing, and these reefs are changing as well.

Last story: Mike Shirley works at the Guana Tolomato Matanzas National Estuarine Research Reserve on the south side of St. Augustine. He moved up there from South Florida. He moved there 7 years ago. When he got there, he said there was one thing noticeable: There were no mangroves. South Florida is covered in mangroves, but there weren't any here. Now, 7 years later, the place is covered in mangroves. All that habitat migrating northward as the oceans and the water warms and it is changing things.

He said one other thing. He said: Do you know what we ought to look out for? There is going to be another migration north. It is going to be the people leaving flooded South Florida who can't get freshwater, whose homes are flooded, who can't deal with their car going hubcap deep in saltwater every high tide. They are going to be moving up. It is not just the people from the cold North coming to Florida now, it is people coming from the flooding South who are going to be coming North again.

I will say one last thing. The mayors were terrific. Sylvia Murphy, the mayor of Monroe County, is putting climate and energy policy at the very forefront of her 20-year growth plan for the county. Mayor Philip Levine of Miami Beach is hard at work. He says:

Sea-level rise is our reality in Miami Beach. We are past the point of debating the existence of climate change. We are now focusing on adapting to current and future threats.

Mayor Levine is pushing a \$400 million plan to try to make the city's drainage system more resilient in the face of rising tides.

From Mayor Joe Riley in Charleston to Mayor Edna Jackson in Savannah, to Mayor Alvin Brown in Jacksonville, to the mayors in South Florida I mentioned, council members, mayors from Pinecrest, South Miami, Surfside, Miami Shores, Cutler Bay, Palmetto Bay, the Seminole Tribe, the local officials, they are all serious about tackling climate change. It is real. They see it in their neighborhoods. They see it in their districts. They see it in their towns. They are away from this poisonous place where the polluters control what people are allowed to think and see and do something about.

We have to start listening to the American people. We have to start listening to the mayors who inhabit real life and not the political fantasy in this Senate. We have to start dealing with this.

Lee Thomas worked for President Ronald Reagan. He was a member of the Reagan Cabinet. He ran the Environmental Protection Agency for Ronald Reagan. Last week he wrote an op-

ed—and I know the Senator from Florida saw it—in the Tampa Bay Times urging Florida's leaders to wake up to the changes taking place in the Sunshine State. Here is what he said: "Whether Democrat or Republican, Florida residents cannot afford to ignore the evidence of climate change." That is a Reagan official saying those words.

Come on, Republican mayors, Reagan officials. At some point we have to wake up. This is real.

Just last year, Thomas joined all the other former Republican EPA heads—four of them—and they wrote this:

The costs of inaction are undeniable. The lines of scientific evidence grow only stronger and more numerous, and the window of time remaining to act is growing smaller: delay could mean that warming becomes locked in. A market-based approach, like a carbon tax, would be the best path to reducing greenhouse gas emissions.

Bob Samuelson just said the same thing in his editorial over the weekend.

I will say that the citizens of Florida and the people of the United States are very fortunate to have a Senator such as BILL NELSON, who is aware of this problem, who is fighting hard to solve it, who is listening to his mayors, Republican and Democratic alike, who are telling him what is happening in their home State, and who was willing to bring the Commerce Committee of the U.S. Senate down to a Miami Beach townhall to make sure everybody understands what is going on. He helped bring that message back to Washington and it was a terrific thing.

So we will continue working together to get this body to wake up out of its polluter-induced slumber and face the realities that people all across this country are seeing in their daily lives. It is indeed time to wake up.

I yield the floor for any final comments the Senator from Florida may wish to make.

Mr. NELSON. Mr. President, the Senator from Rhode Island has stated in one of the more eloquent fashions details about my State of Florida because he was so passionate about the subject and so unselfish that he wanted to start in other States—North Carolina, South Carolina, Georgia—and several places on the east coast of Florida. It is extraordinary.

I will leave you with this thought: Every time I hear a Senator such as Senator WHITEHOUSE speak about this subject, and every time I look at a picture of the planet as he has on the poster that says "Time To Wake Up," my mind's eye goes back 28 years ago to the window of our spacecraft on the 24th flight of the space shuttle 203 nautical miles above the Earth, circumnavigating the Earth at 17,500 miles an hour, with a complete revolution of the Earth in 90 minutes.

You look back at our planet—which is so beautiful, so colorful, so alive, so creative—and yet when you look at the

rim of the Earth, as it falls off into the deep blackness of space, there is a thin, little blue band, and upon closer examination out the window, you can actually see the thin film of what sustains all of our life, the atmosphere.

Then, with the naked eye, you can see points on the Earth where we are messing it up. You can see the color contrast of the destruction of the trees in the Amazon, upriver in the Amazon. You can see the result of cutting down all the trees on an island nation such as Madagascar, which fortunately has started planting trees in the last quarter century. Therefore, the result of that tree cutting, in this hemisphere as well, in the island nation of Haiti, is that when the rains come, there are no trees to hold the topsoil and it all flows down the rivers and out the mouths of the rivers and you can see it from space in the discoloration of the water. That is for miles and miles out into the brilliant blues of the ocean.

If we do not do what people like Senators BOXER and WHITEHOUSE are saying and wake up to the reality of climate change and try to get ahead of it by changing policies that will stop the greenhouse effect or at least slow it down, then what we are going to have for future space fliers is that they are going to look back at the planet and the coastline of those States Senator WHITEHOUSE visited—all being in the Southeastern United States—that coastline is not going to look the same. It is not going to be as distinct a coastline, with a white beach along it that outlines it from the blue waters of the Atlantic. It is going to be much different and to the great detriment of the people who live there and call that home.

I yield the floor.

Mr. WHITEHOUSE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding rule XXII, tomorrow, Wednesday, May 14, 2014, at 11:15 a.m., the Senate proceed to vote on cloture on Calendar No. 664, Logan; Calendar No. 665, Tuchi; Calendar No. 666, Humetewa; then proceed to consideration and vote on confirmation of Calendar No. 650, Williams, and Calendar No. 539, Moreno; further, that if cloture is invoked on Calendar Nos. 664, 665 or 666, the time until 5:15 p.m. be equally divided between the two leaders or their designees and at 5:15 p.m. the Senate proceed to vote on confirmation of the nominations in the order listed; fur-

ther, that there be 2 minutes for debate prior to each vote, equally divided in the usual form; that any rollcall votes following the first in each series be 10 minutes in length; further, that if confirmed, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session and proceed to vote on the motion to proceed to H.R. 3474.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### 150TH ANNIVERSARY OF THE VILLAGE OF RAMSEY

Mr. DURBIN. Mr. President, 150 years ago—on May 4, 1864, to be exact—the Village of Ramsey, IL, was incorporated. The village was named after an early settler named William Ramsey, who built his home on what is now known as Ramsey Creek.

Ramsey was just getting started when Abraham Lincoln was traveling from his home in Springfield to Vandalia, which was then the State Capital where Lincoln was a member of the Illinois House of Representatives. The Illinois Central Railroad, completed on January 1, 1855, made Ramsey a local trading and shipping point for nearby townships.

To put the anniversary of Ramsey's incorporation in perspective, think about what the Midwest was like in 1864. The Civil War was coming to an end and a new America was being born. It was long before planes and cars—and trains were not yet common.

By 1878, the people of Ramsey could support six dry goods and grocery stores, a drug store, a hardware store, two saloons, a boot shop, a hotel, and a harness factory. It was the second largest town in Fayette County. Ramsey even had its own newspaper in the 1880s, The Ramsey Democrat. Another publication, the Ramsey News-Journal, started in 1911. It was purchased in 1912 by Julius Mueller and remained with that family for 100 years.

The first women to vote in Illinois cast their vote in Ramsey. Mrs. Athilla Stoddard was the first female in the State to vote publicly. She was 83 years old when she voted in Ramsey on July 10, 1891.

Ramsey is small—just over 1,000 people live there today—but it has its share of famous residents. Glen Hobbie, who played for both the Chicago Cubs and the St. Louis Cardinals, called Ramsey home for a time. H.L. Hunt, an oil tycoon who inspired the TV series *Dallas*, was from Ramsey; and so was Tex Williams, a country music singer, songwriter and actor.

One day each year, when the Lions Club hosts its annual auction, the population grows from 1,000 people to 5,000 people.

The Village of Ramsey was in my district when I was a Member of the House of Representatives. I have been to the town many times and have enjoyed its famous chicken dinners. I camped out at Ramsey Lake State Park with my kids many years before going off to Congress. Today I extend congratulations to Mayor Claude Willis, the citizens of Ramsey, and the 4,000 people who spend a day in Ramsey each year as the village celebrates its 150th anniversary.

#### ENERGY SAVINGS

Ms. COLLINS. Mr. President, I rise in support of the Energy Savings and Industrial Competitiveness Act, S. 2262. I am pleased to be a cosponsor of this legislation, which would build on previous energy efficiency legislation and proposes cost-effective mechanisms to support the adoption of off-the-shelf efficiency technologies for buildings, manufacturers, and the Federal Government.

As honorary vice-chair of the Alliance to Save Energy, I have been a long-time proponent of efforts to improve energy efficiency. Encouraging the adoption of energy efficiency measures is one of the easiest yet most effective mechanisms for reducing energy consumption, lessening pollution, and ultimately saving families, businesses, and the Federal Government money.

Legislation to improve the Nation's energy policy is long overdue. I would like to congratulate the bill sponsors, Senators SHAHEEN and PORTMAN, for crafting this bipartisan, commonsense bill and for their tireless efforts in working with the leadership of the Senate Energy and Natural Resources Committee to bring this bill to the Senate floor once again. This has not been an easy feat. After an earlier version of the bill was left unfinished last year, the bill sponsors did not give up and have continued to work diligently to build additional support by incorporating several previously filed amendments. While I share the general frustration expressed by some that Congress should be considering a more comprehensive energy policy, we must not use this as a reason to impede passage of this energy efficiency bill.

The provisions in S. 2262 will kick-start the use of energy efficiency tech-

nologies that are commercially available now and can be deployed by residential, commercial, and industrial energy users. The bill will also improve the energy efficiency of the Federal Government, which is the largest energy consumer in the country. Given today's challenging fiscal environment, it is notable that all authorizations included in S. 2262 are fully offset.

I am pleased to have co-authored two provisions that are incorporated into the base bill. First, I joined my colleague, the Senator from Colorado, Mr. UDALL, in authoring a provision that would provide a streamlined, coordinating structure for schools to help them better navigate existing Federal energy efficiency programs and financing options. This would be particularly helpful for rural schools in States such as Maine and would help these institutions save money in the face of rising energy costs. Decisions about how best to meet the energy needs of their schools, however, would still appropriately be made by the States, school boards, and local officials.

The second provision that I am pleased to have authored with my colleague from Rhode Island, Senator WHITEHOUSE, would authorize a pay-for-success pilot program allowing the U.S. Department of Housing and Urban Development, HUD, to enter into agreements with private investors for energy and water efficiency improvements to project-based rental assistance and housing for the elderly and disabled. This budget-neutral approach would leverage private investment to finance energy efficiency retrofits for certain HUD-assisted properties and help cut utility costs for the Federal Government.

I would have liked an open amendment process. One amendment I am pleased to have worked on with my colleagues from Delaware, Senator COONS, and Rhode Island, Senator REED, would reauthorize and extend the core Weatherization Assistance Program and State Energy Program activities at the Department of Energy through 2018, develop a competitive grant program for non-profits to carry out weatherization projects, and require minimum professional standards for weatherization contractors and workers. I am a long-time supporter of weatherization, which plays an important role in permanently reducing home energy costs for low-income families and seniors in all States, lessening our dependence on foreign oil, and training a skilled workforce. Weatherizing homes and reducing energy costs are particularly important for a State like Maine, which has the oldest housing stock in the Nation and a high dependence on home heating oil. Our amendment, had we been allowed to offer it, would have further increased the energy savings from this bill.

Nevertheless, the American Council for an Energy-Efficient Economy has

released new analysis demonstrating that S. 2262 would save consumers and businesses and the government with a cumulative net savings of nearly \$100 billion by 2030, support thousands of new jobs by cutting government and industrial energy waste and assisting homeowners in financing energy efficiency improvements, and reduce emissions significantly.

S. 2262 has the support of a broad coalition of stakeholders, including energy efficiency, business, and environmental organizations, small and large businesses, utilities, and public interest groups. I am pleased to be a cosponsor of S. 2262 and urge its swift passage.

#### REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, May 13, 2014.

Hon. MITCH MCCONNELL,  
Senate Minority Leader,  
Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding S. 357, National Blue Alert Act of 2013.

I support the goals of this legislation and believe suspects who seriously injure or kill federal, state or local law enforcement officers in the line of duty should be apprehended as quickly as possible. However, I believe the responsibility to address this issue, as it relates to state and local law enforcement officers, lies with the states and local communities that these brave law enforcement officers serve. Furthermore, while I do not believe this issue is the responsibility of the federal government, if Congress does act, we can and must do so in a fiscally responsible manner. My concerns are included in, but not limited to, those outlined in this letter.

While this bill is well-intentioned, according to the Congressional Budget Office (CBO), it will cost the American people \$1 million dollars every year without corresponding offsets. I recognize this bill does not contain the authorization of appropriations included in prior versions of this legislation; however, establishing a new program which requires the Department of Justice (DOJ) to carry out additional responsibilities, even if implemented by existing staff, is not free of future costs, as recognized by CBO. Furthermore, there is no sunset provision contained in this legislation. Thus, once enacted, the annual \$1 million price tag for this program will continue in perpetuity.

It is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now over \$17.4 trillion. That means approximately \$55,000 in debt for each man, woman and child in the United States. A year ago, the national debt was \$16.7 trillion. Despite pledges to control spending, Washington adds billions to the national debt every single day. In just one year, our national debt has grown by \$700 billion or 4.19%.

In addition to these fiscal concerns, there are several problems specific to this legislation. First, there is no need to establish a national Blue Alert system because many states have already developed their own Blue Alert programs for the same purposes outlined in this bill, including alerts issued for the injury or death of federal, as well as state and local law enforcement officers. In 2008, Florida and Texas were the first states to establish these programs. Seventeen additional states soon followed—Oklahoma, Maryland, Georgia, Delaware, California, Virginia, Mississippi, Tennessee, Utah, Colorado, South Carolina, Washington, Ohio, Kentucky, Indiana, Connecticut, and Illinois. The last three states to initiate a Blue Alert system did so in the 1-year period since the House passed its version of this bill in May 2012. Arizona and Kansas will likely begin their systems this summer and fall, respectively. Several state legislatures currently have legislation pending that would establish a Blue Alert system, including Minnesota, Alabama, and Missouri.

Furthermore, there is no data to support the success of the existing state Blue Alert programs. Oklahoma established its Blue Alert system in 2009, but it is not yet fully functional. The last three states to establish an alert system did so just within the last year. As a result, not only have states already established their own programs, but from the limited use of the existing systems, there is no clear evidence of a substantial need for a Blue Alert system, or of the consistent, successful apprehension of suspects as a direct result of a Blue Alert. If anything, we should wait for these programs to produce results that can be examined and determine whether this type of system is useful before instituting a federal, one-size-fits-all program.

Second, while the bill's supporters likely envision pursuing suspects who have injured or killed a law enforcement officer in a routine traffic stop or while fleeing a crime scene, for example, the bill's definition of "law enforcement officer" is much broader. The bill incorporates the definition in Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968, which includes "an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws (including juvenile delinquency), including, but not limited to, police, corrections, probation, parole, and judicial officers." As a result, a Blue Alert could be issued for a state court bailiff; a state parole officer, or an officer within a state's juvenile corrections facility, if injured in the line of duty.

Finally, I do not believe the federal government has the authority under the Constitution to provide federal funds to coordinate the tracking of state and local fugitives or to establish national protocols to apprehend suspects accused of injuring or killing state and local law enforcement officers. Article I, Section 8 of the Constitution enumerates the limited powers of Congress, and nowhere are we tasked with funding or becoming involved with state and local criminal issues.

There is no question those suspected of injuring or killing a state or local law enforcement officer in the line of duty should be aggressively pursued and prosecuted. However, I believe this issue is the responsibility of the states and not the federal government. Despite these Constitutional limitations, if Congress does act in this area, like most American individuals and companies must do with their own resources, we should

evaluate current programs, determine any needs that may exist, and prioritize those needs for funding by cutting from the federal budget programs fraught with waste, fraud, abuse, and duplication.

Sincerely,

TOM A. COBURN, M.D.,  
U.S. Senator.

#### TRIBUTE TO LINDA PAPP

Ms. LANDRIEU. Mr. President, it is with great pleasure that I wish to pay special tribute to an invaluable public servant, Mrs. Linda Papp. Coast Guard first lady, career educator, mother, and grandmother—Linda has tirelessly worked for more than 39 years to improve the lives of Coast Guard military families.

Linda is a native of East Lyme, CT, and is the oldest of Frank and Doris Kapral's six daughters. Her father, Frank, is a retired Coast Guard captain and fondly known throughout the service as "Coach Kapral" for his two decades leading the Coast Guard Academy football team. Linda holds a bachelor's and master's degree in education, and is the proud mother of three children, Lindsay, Caitlin and Jillian, and two granddaughters, Penelope and Ruby.

As the wife of the 24th Commandant, ADM Robert J. Papp, Linda serves as the Coast Guard's Ombudsman-at-Large and regularly travels to meet with Coast Guard families. She advocates on behalf of families to the First Lady of the United States, Members of Congress, Department of Defense, and other Federal, State and local leaders to improve the quality of life for thousands of servicemembers. She relentlessly focuses on improving military housing, member and family access to quality health care, and the Coast Guard's Ombudsman Program.

Of her 39 years as a military spouse, she spent 14 of those years watching six different Coast Guard cutters pull away from the pier. She understands that the strength and resilience of family members on the home front provides critical support to all of our Coast Guard men and women who stand the watch. She supports our men and women in uniform and those who keep the home fires burning and who every day face the unique challenges of a military lifestyle. They will always have a special place in her life, and in her heart.

I ask my colleagues to join me in paying special tribute to Mrs. Linda Papp. Our Coast Guard and our country are served well by honorable and giving military spouses like Linda who truly care about the health and well being of those who serve. We wish Linda, Admiral Papp, and their family all the best as we honor one of our dear friends.

#### ADDITIONAL STATEMENTS

##### O'BRIEN COUNTY, IOWA

• Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of O'Brien County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to successfully acquire financial assistance from programs I have fought hard to support, which have provided more than \$9.4 million to the local economy.

Of course my favorite memory of working together has to be our shared commitment to improving firefighter safety.

Among the highlights:

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, O'Brien County has received \$711,622 in Harkin grants. Similarly, schools in O'Brien

County have received funds that I designated for Iowa Star Schools for technology totaling \$112,952.

**Agricultural and rural development:** Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, O'Brien County has received more than \$3.7 million from a variety of farm bill programs.

**Keeping Iowa communities safe:** I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, O'Brien County's fire departments have received over \$996,000 for firefighter safety and operations equipment.

**Disability Rights:** Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of O'Brien County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically O'Brien County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in O'Brien County, to fulfill their own

dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### PALO ALTO COUNTY, IOWA

● **Mr. HARKIN.** Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Palo Alto County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Palo Alto County worth over \$1 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$116 million to the local economy.

Of course my favorite memory of working together has to be working with the community to support the Iowa Lakes Community College. I am especially pleased with the college's work on sustainable energy.

Among the highlights:

Investing in Iowa's economic development through targeted community projects: In Northwest Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Palo Alto County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole

ripple effect of positive, creative changes. For example, working with mayors, city council members, and local economic development officials in Palo Alto County, I have fought for funding for Iowa Lakes Community College projects worth over \$3.7 million, helping to create jobs and expand economic opportunities.

**School grants:** Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Palo Alto County has received \$484,540 in Harkin grants. Similarly, schools in Palo Alto County have received funds that I designated for Iowa Star Schools for technology totaling \$149,500.

**Agricultural and rural development:** Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Palo Alto County has received more than \$5.7 million from a variety of farm bill programs.

**Keeping Iowa communities safe:** I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Palo Alto County's fire departments have received over \$585,120 for firefighter safety and operations equipment.

**Disability Rights:** Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with

disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Palo Alto County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Palo Alto County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Palo Alto County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### POCAHONTAS COUNTY, IOWA

● Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Pocahontas County to build a legacy of a stronger local econ-

omy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Pocahontas County worth over \$225,000 and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$5.4 million to the local economy.

Of course my favorite memory of working together has to be their tremendous use of farm bill funds that I authorized for a variety of local projects, including construction of a daycare, fire department improvements, sewer improvements, courthouse improvements, and conservation.

Among the highlights:

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Pocahontas County has received \$225,000 in Harkin grants.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Pocahontas County has received more than \$3.4 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Pocahontas County's fire departments have received over \$390,245 for

firefighter safety and operations equipment.

Disability Rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Pocahontas County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Pocahontas County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Pocahontas County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### TRIBUTE TO LELAND DEVON MELVIN

● Mr. Kaine. Mr. President, I want to pay tribute to a distinguished Virginian, Leland Devon Melvin, who retired as Associate Administrator for Education of NASA on February 28, 2014 after 24 years of service to our Nation.

Leland's career began on a different path, on the football field at the University of Richmond. Leland was a phenomenal wide receiver for the Spiders from 1982-1985 and still leads Richmond's career lists with 198 receptions for 2,669 yards. He scored the fourth-most touchdowns in Richmond history, 16, and was inducted into the university's Athletics Hall of Fame in 1996-1997. Leland was drafted to play in the NFL by the Detroit Lions in 1986. He also trained with the Dallas Cowboys and the Toronto Argonauts.

Hindered by injuries, Leland was unable to continue pursuing athletics and



switched gears by earning his master of science degree in materials science engineering from the University of Virginia. Leland started his career at NASA in 1989 as an aerospace research engineer at NASA Langley Research Center in Hampton. He entered NASA's astronaut corps in 1998 and served on board the space shuttle *Atlantis* on two missions to the International Space Station in 2008 and 2009. Leland is one of only 14 African Americans to travel to space.

Leland will finish his tenure at NASA as Associate Administrator for Education, a position he was appointed to in 2010. In this role, Leland has led NASA's efforts to teach young Americans the importance of science, technology, engineering and mathematics, or STEM, with a particular passion for underserved communities. Leland also serves on the White House National Science and Technology Council's Committee on STEM, which coordinates and oversees the STEM education activities and programs within the Federal government. On the global level, Leland serves as our Nation's representative to the International Space Education Board, which develops and coordinates worldwide efforts to educate students on space, science and technology.

I commend Leland for his commitment to science and education, as well as public service. At a time when STEM education is becoming a priority for the United States, Leland's work has been beneficial to developing the skilled workforce necessary to drive our Nation's world-class innovations. Moreover, as an athlete who found a second passion at NASA, Leland serves as an iconic example of the opportunities young people can seize in science and technology. Leland's hard work, achievements and inspiring life story will undoubtedly leave a lasting impact on our Nation.

On behalf of the Senate and the people of Virginia, I thank Leland for his invaluable service to NASA and the Nation. Although he may be leaving NASA, he will continue to educate and inspire long after his work is done. I wish him the best of luck in the months and years ahead.●

#### RECOGNIZING ANGLERS HABITAT

● Mr. RISCH. Mr. President, my home State of Idaho is blessed with abundance of natural beauty. Idaho natives and visitors from all over the world enjoy the beauty, the peace, and the excitement of the lakes, ponds, rivers, and streams that cover over 800 square miles of my State. With summer fast approaching, the minds of many Idahoans are turning to a pastime thousands of years old: fishing. When anglers want to get serious about snagging a steelhead, they turn to the professionals. With that in mind, it gives

me great pleasure to recognize Anglers Habitat, located in Caldwell, ID.

Owned by Wayne Johnson, Anglers Habitat has been selling a wide variety of fishing and outdoors gear since 1994. Mr. JOHNSON and his employees are careful to only stock the best, most reliable fishing tools. From rods and reels to dog beds, they offer hundreds of items from dozens of product lines. The selection is so good, many of their customers hail from outside the United States. Trust me, the folks at Anglers Habitat know what they are doing. At 5,760 square feet, theirs is the largest fly fishing store in the region.

Anglers Habitat goes the extra mile to make sure that customers find what they need. Their products are available for purchase in person at their flagship location, on the official company Web site or through their eBay site. Anglers Habitat also offers a trade-in program where customers can bring in used equipment that still in working condition in exchange for a discount on newer items. Not only does this create a good deal for the customer, but it also reduces waste and recycles still useable equipment.

Good service is also integral to the success of Anglers Habitat. Expanding customer knowledge is something they take seriously. Through their YouTube channel, the company promotes products and provides product reviews so that consumers may make an informed decision while shopping for equipment. They also offer free Saturday clinics on how to build a custom rod. High-end equipment can cost hundreds of dollars, and it is important to know how to best take advantage of modern fishing technology.

My home State of Idaho is blessed to be home to so much natural splendor and abundant outdoor recreational opportunities. Companies like Anglers Habitat recognize this beauty and provide a way for countless others to enjoy a pastime to which we Idahoans are already so accustomed. As we celebrate National Small Business Week, I want to congratulate Mr. JOHNSON and the team at Anglers Habitat on their two decades of achievement and wish them continued success in the future.●

#### 47TH STREET BUSINESS IMPROVEMENT DISTRICT

● Mr. SCHUMER. Mr. President, I would like to take a moment to recognize New York City's 47th Street Business Improvement District, 47th Street BID. The 47th Street BID is a not-for-profit organization formed in 1997 by the merchants and landlords of the Diamond District, one of New York City's best known and most vibrant economic areas. The 47th Street BID has been instrumental in establishing the Diamond District as a central hub for the world's diamond and jewelry industries and has worked to cement its place as

a powerhouse component of New York's economy.

The Diamond District, which consists of one block in midtown Manhattan—located on West 47th Street between Fifth Avenue and Sixth Avenue—is home to a significant portion of New York's diamond manufacturers, wholesalers, and retailers and serves as the home base for two industries that hold a great deal of importance for New York: the diamond industry, including both rough and wholesale diamonds, and the finished-jewelry industry. These two industries are extremely important to New York's tourism sector and are responsible for employing thousands of New Yorkers in highly-skilled jobs. New York City's diamond industry is also home to high-quality jewelry manufacturing, and aspiring artists come from all over the world to be trained in New York in the art of creating this much sought-after jewelry. The diamond and jewelry sector also supports a large number of high-profile, critical New York industries as well, including fashion, entertainment, and hospitality.

It is estimated that over half of the diamonds that come to the United States enter through New York, and the Diamond District is known all over the world as the international center for the diamond and jewelry trade. The Diamond District is also home to two foreign-trade zones—the International Gem Tower at 50 W. 47th Street and the World Diamond Tower at 580 Fifth Avenue, which also houses the 47th Street BID headquarters. People flock from all over the world to buy and sell diamonds and other gems in these free trade zones. The 47th Street BID has also been instrumental in enhancing the economic development activities of the Diamond District and making the area safer and more beautiful for merchants and consumers who work and shop there. The 47th Street BID also installed flowers, holiday decorations, and banners in the Diamond District. It also recently undertook an initiative to keep the district clean—an initiative which is now one of the highest-rated sanitation programs in all of New York City. Additionally, the 47th Street BID developed and operates the Diamond District's website, which has become a key resource for shoppers and merchants alike, who rely on the site for referrals.

New York's Diamond District is an incredible example of how an industry can continuously grow and thrive in a competitive economic climate, and the 47th Street BID has played a large role in helping to make the Diamond District—and the people who work there—a tremendous success. By promoting the Diamond District, facilitating trade, and keeping the district clean and safe for customers, merchants, and traders alike, the 47th Street BID has ensured that this critical New York industry remains a power house within



New York, a major economic engine for the city and State, and an international hub for this global industry.●

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5700. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-309, "Skyland Town Center Omnibus Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-5701. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-319, "Comprehensive Planning and Utilization of School Facilities Amendment Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-5702. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-310, "Driver's Safety Clarification Temporary Amendment Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-5703. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-311, "Transportation Infrastructure Mitigation Clarification Temporary Amendment Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-5704. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-312, "Department of Parks and Recreation Fee-based Use Permit Authority Clarification Temporary Amendment Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-5705. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-308, "Condominium Amendment Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-5706. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-321, "Tobacco Product Manufacturer Reserve Fund Temporary Amendment Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-5707. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-320, "Kelsey Gardens Redevelopment Temporary Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-5708. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary for Intelligence and Analysis, Department of Homeland Security, received during adjournment of the Senate in the Office of the President of the Senate on May 9, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-5709. A communication from the Associate Administrator, Agricultural Marketing

Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Appalachian, Florida, and Southeast Marketing Areas; Order Amending the Orders" (Docket No. AMS-DA-07-0059; AO-388-A22, AO-356-A43, and AO-366-A51; DA-07-03) received during adjournment of the Senate in the Office of the President of the Senate on May 9, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5710. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwi Fruit Grown in California; Decreased Assessment Rate" (Docket No. AMS-FV-13-0071; FV13-920-2 FIR) received during adjournment of the Senate in the Office of the President of the Senate on May 9, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5711. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Appalachian and Southeast Marketing Areas; Order Amending the Orders" (Docket No. AMS-DA-09-0001; AO-388-A17 and AO-355-A46; DA-05-06-A) received during adjournment of the Senate in the Office of the President of the Senate on May 9, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5712. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Soybean Promotion, Research, and Consumer Information Program; Amendment of Procedures and Notification of Request for Referendum" (Docket No. AMS-LPS-13-0066) received during adjournment of the Senate in the Office of the President of the Senate on May 9, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5713. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mancozeb, Maneb, Metiram, and Thiram; Tolerance Actions" (FRL No. 9909-80-OSPP) received in the Office of the President of the Senate on May 8, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5714. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations; Technical Amendment" (Docket No. APHIS-2009-0070) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5715. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from October 1, 2013 through March 31, 2014, received in the Office of the President of the Senate on May 13, 2014; ordered to lie on the table.

EC-5716. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled "Report to Congress on Department of Defense Fiscal Year 2013 Purchases from Foreign Entities"; to the Committee on Armed Services.

EC-5717. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals and accompanying reports relative to the National Defense Authorization Act for Fiscal Year 2015; to the Committee on Armed Services.

EC-5718. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General William L. Conant, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-5719. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Chile; to the Committee on Banking, Housing, and Urban Affairs.

EC-5720. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Amendments and Correction to Petitions for Waiver and Interim Waiver for Consumer Products and Commercial and Industrial Equipment" (RIN1904-AC70) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Energy and Natural Resources.

EC-5721. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the Washington State Implementation Plan; Update to the Solid Fuel Burning Devices Regulations" (FRL No. 9910-54-Region 10) received in the Office of the President of the Senate on May 8, 2014; to the Committee on Environment and Public Works.

EC-5722. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Georgia; Redesignation of the Rome, Georgia, 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment" (FRL No. 9910-65-Region 4) received in the Office of the President of the Senate on May 8, 2014; to the Committee on Environment and Public Works.

EC-5723. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule No. 58" (FRL No. 9910-72-OSWER) received in the Office of the President of the Senate on May 8, 2014; to the Committee on Environment and Public Works.

EC-5724. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Georgia; Redesignation of the Macon, Georgia, 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment" (FRL No. 9910-64-Region 4) received in the Office of the President of the Senate on May 8, 2014; to the Committee on Environment and Public Works.

EC-5725. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air

Quality Implementation Plans; Pennsylvania; Update of the Motor Vehicle Emissions Budgets for the Allentown-Bethlehem-Easton 1997 8-Hour Ozone National Ambient Air Quality Standard Maintenance Area" (FRL No. 9910-48-Region 3) received in the Office of the President of the Senate on May 8, 2014; to the Committee on Environment and Public Works.

EC-5726. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Information Reporting for Affordable Insurance Exchanges" (RIN1545-BL42) (TD 9663) received during adjournment of the Senate in the Office of the President of the Senate on May 9, 2014; to the Committee on Finance.

EC-5727. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 67 Limitations on Estates or Trusts" ((RIN1545-BF80) (TD 9664)) received during adjournment of the Senate in the Office of the President of the Senate on May 9, 2014; to the Committee on Finance.

EC-5728. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction; Part II" ((RIN0938-AR49) (CMS-3267-F)) received in the Office of the President of the Senate on May 8, 2014; to the Committee on Finance.

EC-5729. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, two (2) reports relative to vacancies in the Department of the Treasury, received during adjournment of the Senate in the Office of the President of the Senate on May 9, 2014; to the Committee on Finance.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN:

S. 2323. A bill to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER (for herself, Mr. SANDERS, and Mr. MARKEY):

S. 2324. A bill to amend the Atomic Energy Act of 1954 to prohibit certain waivers and exemptions from emergency preparedness and response and security regulations; to the Committee on Environment and Public Works.

By Mr. MARKEY (for himself, Mrs. BOXER, and Mr. SANDERS):

S. 2325. A bill to amend the Nuclear Waste Policy Act of 1982 to provide for the expansion of emergency planning zones and the development of plans for dry cask storage of spent nuclear fuel, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANDERS (for himself, Mrs. BOXER, and Mr. MARKEY):

S. 2326. A bill to amend the Atomic Energy Act of 1954 to provide for consultation with State and local governments, the consideration of State and local concerns, and the approval of post-shutdown decommissioning activities reports by the Nuclear Regulatory Commission; to the Committee on Environment and Public Works.

By Mr. WALSH:

S. 2327. A bill to make continuing appropriations for certain programs that benefit sportsmen in the event of a lapse in appropriations; to the Committee on Appropriations.

By Mr. TOOMEY (for himself and Mr. WARNER):

S. 2328. A bill to amend the Fair Debt Collection Practices Act to preclude law firms and licensed attorneys from the definition of a debt collector when taking certain actions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. SHAHEEN (for herself, Mr. RUBIO, Mr. CASEY, Ms. AYOTTE, Mr. CARDIN, Mr. RISCH, Mr. MARKEY, Mr. CORNYN, Mrs. GILLIBRAND, and Mr. GRAHAM):

S. 2329. A bill to prevent Hezbollah from gaining access to international financial and other institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHAMBLISS:

S. 2330. A bill to amend the Commodity Exchange Act to improve futures and swaps trading, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HAGAN:

S. 2331. A bill to establish the Historically Black Colleges and Universities Innovation Fund; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. KAINE, Mr. CRAPO, Ms. HEITKAMP, Mr. INHOFE, Mr. LEVIN, Mr. JOHANNIS, Ms. KLOBUCHAR, Mr. COCHRAN, Mr. CASEY, Mr. HOEVEN, Mrs. FEINSTEIN, Mr. BLUNT, Mr. WYDEN, and Mrs. HAGAN):

S. Res. 442. A resolution recognizing National Foster Care Month as an opportunity to raise awareness about the challenges of children in the foster care system, and encouraging Congress to implement policy to improve the lives of children in the foster care system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH (for himself, Mr. KIRK, Mr. SCHATZ, Mr. SCOTT, Mr. WARNER, Ms. HIRONO, Mr. REID, Ms. KLOBUCHAR, Mrs. SHAHEEN, and Mr. HELLER):

S. Res. 443. A resolution recognizing the goals of National Travel and Tourism Week and honoring the valuable contributions of travel and tourism to the United States; considered and agreed to.

By Mr. ALEXANDER (for himself, Mr. CORKER, Mr. REID, Mr. MCCONNELL, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BEGICH, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr.

BROWN, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Mr. CRAPO, Mr. CRUZ, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WALSH, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 444. A resolution relative to the death of Harlan Mathews, former United States Senator for the State of Tennessee; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 325

At the request of Mr. TESTER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 325, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 357

At the request of Mr. CARDIN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 357, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 398

At the request of Ms. COLLINS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 398, a bill to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes.

S. 772

At the request of Mr. NELSON, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 772, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products,

and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1033

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1033, a bill to authorize a grant program to promote physical education, activity, and fitness and nutrition, and to ensure healthy students, and for other purposes.

S. 1116

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1116, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 1174

At the request of Mr. BLUMENTHAL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1311

At the request of Mr. BARRASSO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1311, a bill to provide for phased-in payment of Social Security Disability Insurance payments during the waiting period for individuals with a terminal illness.

S. 1431

At the request of Mr. WYDEN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1696

At the request of Mr. BLUMENTHAL, the name of the Senator from Montana (Mr. WALSH) was added as a cosponsor of S. 1696, a bill to protect a women's right to determine whether and when to bear a child or end a pregnancy by limiting restrictions on the provision of abortion services.

S. 1733

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1733, a bill to stop exploitation through trafficking.

S. 1793

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1793, a bill to encourage States to require the installation of residential carbon monoxide detectors in homes, and for other purposes.

S. 1862

At the request of Mr. BLUNT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cospon-

sor of S. 1862, a bill to grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

S. 2004

At the request of Mr. BEGICH, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2004, a bill to ensure the safety of all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, as they travel on and across federally funded streets and highways.

S. 2013

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 2013, a bill to amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

S. 2094

At the request of Mr. BEGICH, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2094, a bill to provide for the establishment of nationally uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel.

S. 2133

At the request of Ms. BALDWIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2133, a bill to amend title VII of the Civil Rights Act of 1964 and other statutes to clarify appropriate liability standards for Federal anti-discrimination claims.

S. 2192

At the request of Mr. MARKEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2192, a bill to amend the National Alzheimer's Project Act to require the Director of the National Institutes of Health to prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institutes) for the initiatives of the National Institutes of Health pursuant to such an Act.

S. 2270

At the request of Ms. COLLINS, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2270, a bill to clarify the application of certain leverage and risk-based requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 2284

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2284, a bill to require the Secretary of Transportation to establish new standards for automobile hoods and bumpers to reduce pedestrian injuries, and for other purposes.

S. 2285

At the request of Mrs. SHAHEEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2285, a bill to help small businesses access capital and create jobs by reauthorizing the successful State Small Business Credit Initiative.

S. 2295

At the request of Mr. LEAHY, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Wyoming (Mr. ENZI), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 2295, a bill to establish the National Commission on the Future of the Army, and for other purposes.

S. 2305

At the request of Mrs. MURRAY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 2305, a bill to amend the method by which the Social Security Administration determines the validity of marriages under title II of the Social Security Act.

S. 2307

At the request of Mrs. BOXER, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2307, a bill to prevent international violence against women, and for other purposes.

S. 2311

At the request of Mr. TESTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2311, a bill to amend title 38, United States Code, to include licensed hearing aid specialists as eligible for appointment in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S.J. RES. 10

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.J. Res. 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. CON. RES. 6

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 369

At the request of Mr. MENENDEZ, the name of the Senator from Vermont

(Mr. LEAHY) was added as a cosponsor of S. Res. 369, a resolution to designate May 22, 2014 as “United States Foreign Service Day” in recognition of the men and women who have served, or are presently serving, in the Foreign Service of the United States, and to honor those in the Foreign Service who have given their lives in the line of duty.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAMBLISS:

S. 2330. A bill to amend the Commodity Exchange Act to improve futures and swaps trading, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CHAMBLISS. I rise to speak about a bill that I am introducing today which is an amendment to the Commodity Exchange Act and it is entitled the End-User Protection Act. During the debate on Dodd-Frank a couple years ago, a constant concern for me and others in this Chamber was how best to protect end users, the individuals and businesses that use futures markets both to purchase commodities and use derivatives to hedge their risk. The legislation that ultimately passed was not what I had desired, but it did specify that end users should not be treated the same as banks, and in many instances should not be subject to the same registration and margin requirements as other market participants. But that simply has not been the case as the CFTC has gone through the rulemaking process.

I have seen many instances where the Commission in its zeal to finalize rules has not given due consideration to those farmers, ranchers, and other end users who depend on our futures markets to hedge their risks. Time and again end users brought their concerns to the Commission, and the end-user exemption I helped to author was not honored. In other instances Dodd-Frank created unintended consequences that must be fixed. It is for these reasons that I am introducing the End-User Protection Act.

As commodities end users have struggled through an increasing burden of reforms that were never designed for them, the effect has been an increase in their cost of doing business and, for some, making the already high risks associated with farming even higher.

The bill I am introducing clarifies that unlike banks, true derivative end users are exempt from the margin requirements applied by the Dodd-Frank Wall Street Reform and Consumer Protection Act to many of the derivatives contracts that they enter into.

Let me highlight a few of the other reforms that are included in this bill. One of the most egregious abuses by the Commodities Futures Trading Commission has been with their cost-benefit analysis. While the CEA in-

structed the Commission to weigh the cost and benefits of regulations, it is only recently we have seen misgivings in this process. Throughout the Dodd-Frank rulemaking process industry participants have relayed concerns about the cost-benefit analyses performed by the CFTC. Commissioners as well have vocalized concerns that the model the CFTC has used is deficient in several areas. For instance, in a letter to the Wall Street Journal in August of 2011, Commissioner Scott O'Malia stated:

With respect to our proposed rule makings, our own inspector general has called into question the quality of the cost-benefit analysis. Nevertheless, during the course of our final rule makings, I have continued to see indications that the CFTC intends to persist with a one-size-fits-all, qualitative approach. This approach contradicts two recent executive orders from President Obama and justifiably renders our rule makings vulnerable to legal challenge.

... We need to be more cognizant of the effects that our rule makings may have on the food and energy costs of average Americans. If the CFTC needs to re-propose a rule making, then so be it. Given the stakes for Main Street and Wall Street, it is more important to get a rule making right than to finish it fast.

As Commissioner O'Malia notes, getting it right is the most important part for the average American—but not, it seems, for the Commission. Even the CFTC's Inspector General detailed insufficient cost-benefit methodology in rulemakings. In some instances the Commission has even released “interpretive guidance” in order to subvert the cost-benefit process altogether.

President Obama has made clear that he expects a thorough analysis, and the Commission should be held to the same standard as other agencies. Therefore, my bill amends the Commodities Exchange Act to require a real cost-benefit analysis be performed before rulemaking. I am asking for the Commission as a rulemaking body to play fair, to do the right thing, and ensure when they pass a rule they know how it will affect market participants and the industry as a whole first.

We know some companies pass risk from their affiliates to one central hedging unit in order to consolidate their combined market risk. Then they hedge that risk with the market. Often the affiliate that houses the central desk is deemed a “financial entity” and therefore not able to utilize the end-user exception to mandatory clearing. Simply put, when one company with multiple units trades with itself, it shouldn't face the same regulatory burden as when it trades in the market.

We have also seen instances where transparency has had unintended consequences for some market participants. As their trading data was made available, some savvy market participants have been able to track their trades without even knowing the name

of the company. It is important these entities not face a disadvantage in the market, resulting in millions of dollars in additional costs simply because their positions can be identified. This bill fixes that issue and ends that disadvantage.

Another reform this bill makes is allowances for utilities' volumetric optionality. Many utilities that are purchasers of natural gas for both electricity and home heating often are unable to detail exactly how much demand they will have during a particular timeframe. Although they previously were able to utilize contracts that allowed this “optionality” to determine when and how much electricity they could purchase, these types of contracts are now effectively prohibited. By barring these utilities from being able to employ market strategies to keep costs low and ensure stability, the cost rises not only for the end-user company but for the consumer as well. We should make allowances for this volumetric optionality and the bill before us does just that.

In summary, this bill clarifies the existing end-user exemption that the Congress provided during the Dodd-Frank debate. Further, it ensures that market participants who do not pose systemic risks and use our futures markets to decrease their cost of business and increase their efficiencies are able to continue those practices, ultimately to the benefit of the consumer.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2330

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “End-User Protection Act of 2014”.

#### SEC. 2. DEFINITIONS.

(a) IN GENERAL.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (8) through (51) as paragraphs (9) through (52), respectively;

(2) by inserting after paragraph (7) the following:

“(8) COMMERCIAL MARKET PARTICIPANT.—The term ‘commercial market participant’ means any producer, processor, merchant, or commercial user of an exempt or agricultural commodity, or the products or by-products of an exempt or agricultural commodity.”;

(3) in subparagraph (B) of paragraph (48) (as so redesignated), by striking clause (ii) and inserting the following:

“(ii) any purchase or sale of a nonfinancial commodity or security for deferred shipment or delivery, so long as the transaction is intended to be physically settled, including any stand-alone or embedded option for which exercise would result in a physical delivery obligation.”; and

(4) in paragraph (50) (as redesignated by paragraph (1)), by striking subparagraph (D) and inserting the following:

“(D) DE MINIMIS EXCEPTION.—

“(i) IN GENERAL.—The Commission shall exempt from designation as a swap dealer an entity that engages in a de minimis quantity of swap dealing (which shall not be less than \$8,000,000,000) in connection with transactions with or on behalf of its customers.

“(ii) REGULATIONS.—The Commission shall promulgate regulations to establish the factors to be used in a determination under clause (i) to exempt, including any monetary or other levels established by the Commission, and those levels shall only be amended or changed through an affirmative action of the Commission undertaken by rule or regulation.”.

(b) FINANCIAL ENTITY.—Section 2(h)(7)(C) of the Commodity Exchange Act (7 U.S.C. 2(h)(7)(C)) is amended—

(1) in clause (iii)—

(A) by striking “an entity whose” and inserting the following: “an entity—

“(I) whose”;

(B) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(II) that is—

“(aa) a commercial market participant;

“(bb) included in clause (i)(VIII); and

“(cc) not supervised by a prudential regulator; or

“(III) that is included in clause (i)(VIII) because—

“(aa) the entity regularly enters into foreign exchange or derivatives transactions on behalf of, or to hedge or mitigate, whether directly or indirectly, the commercial risk of 1 or more entities within the same commercial enterprise as the entity; or

“(bb) of the making of loans to 1 or more entities within the same commercial enterprise as the entity.”; and

(2) by adding at the end the following:

“(iv) SAME COMMERCIAL ENTERPRISE.—For purposes of clause (iii)(III), an entity shall be considered to be within the same commercial enterprise as another entity if—

“(I) 1 of the entities owns, directly or indirectly, at least a majority ownership interest in the other entity and reports its financial statements on a consolidated basis and the consolidated financial statements include the financial results of both entities; or

“(II) a third party owns at least a majority ownership interest in both entities and reports its financial statements on a consolidated basis and the financial statements of the third party include the financial results of both entities.

“(v) PREDOMINANTLY ENGAGED.—

“(I) IN GENERAL.—Not later than 90 days after the date of enactment of this clause, the Commission shall promulgate regulations defining the term ‘predominantly engaged’ for purposes of clause (i)(VIII).

“(II) MINIMUM REVENUES.—The regulations shall provide that an entity shall not be considered to be predominantly engaged in activities that are in the business of banking or financial in nature if the consolidated revenues of the entity derived from the activities constitute less than a percentage (as specified by the Commission in the regulations) of the total consolidated revenues of the entity.

“(III) REVENUES FROM BANKING OR FINANCIAL ACTIVITIES.—In determining the percentage of the revenues of an entity that are derived from activities that are in the business of banking or financial in nature, the

regulations shall exclude all revenues that are or result from foreign exchange or derivatives transactions used to hedge or mitigate commercial risk (as defined by the Commission in the regulations).”.

### SEC. 3. REPORTING OF ILLIQUID SWAPS SO AS TO NOT DISADVANTAGE CERTAIN NON-FINANCIAL END USERS.

Section 2(a)(13) of the Commodity Exchange Act (7 U.S.C. 2(a)(13)) is amended—

(1) in subparagraph (C), by striking “The Commission” and inserting “Except as provided in subparagraph (D), the Commission”;

(2) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively; and

(3) by inserting after subparagraph (C) the following:

“(D) REQUIREMENTS FOR SWAP TRANSACTIONS IN ILLIQUID MARKETS.—

“(i) DEFINITION OF ILLIQUID MARKETS.—In this subparagraph, the term ‘illiquid markets’ means any market in which the volume and frequency of trading in swaps is at such a level as to allow identification of individual market participants.

“(ii) REQUIREMENTS.—Notwithstanding subparagraph (C), the Commission shall—

“(I) provide by rule for the public reporting of swap transactions, including price and volume data, in illiquid markets that are not cleared and entered into by a nonfinancial entity that is hedging or mitigating commercial risk in accordance with subsection (h)(7)(A); and

“(II) ensure that the swap transaction information described in subclause (I) is available to the public not sooner than 30 days after the swap transaction has been executed or at such later date as the Commission determines appropriate to protect the identity of participants and positions in illiquid markets and to prevent the elimination or reduction of market liquidity.”.

### SEC. 4. TREATMENT OF AFFILIATES.

Section 2(h)(7)(D)(i) of the Commodity Exchange Act (7 U.S.C. 2(h)(7)(D)(i)) is amended—

(1) by striking “An affiliate” and inserting “A person that is a financial entity and is an affiliate”;

(2) by striking “(including affiliate entities predominantly engaged in providing financing for the purchase of the merchandise or manufactured goods of the person)”;

(3) by striking “and as an agent”.

### SEC. 5. APPLICABILITY TO BONA FIDE HEDGE TRANSACTIONS OR POSITIONS.

Section 4a(c) of the Commodity Exchange Act (7 U.S.C. 6a(c)) is amended—

(1) in the second sentence of paragraph (1), by striking “into the future for which” and inserting “in the future, to be determined by the Commission, for which either an appropriate swap is available or”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “subsection (a)(2)” and all that follows through “position that—” and inserting “paragraphs (2) and (5) of subsection (a) for swaps, contracts of sale for future delivery, or options on the contracts or commodities, a bona fide hedging transaction or position is a transaction or position that—”; and

(B) in subparagraph (A)(ii), by striking “of risks” and inserting “or management of current or anticipated risks”; and

(3) by adding at the end the following:

“(3) COMMISSION DEFINITION.—The Commission may further define, by rule or regulation, what constitutes a bona fide hedging transaction or position so long as the rule or regulation is consistent with the require-

ments of subparagraphs (A) and (B) of paragraph (2).”.

### SEC. 6. REPORTING AND RECORDKEEPING.

Section 4g(f) of the Commodity Exchange Act (7 U.S.C. 6g(f)) is amended—

(1) by striking “(f) Nothing contained in this section” and inserting the following:

“(f) AUTHORITY OF COMMISSION TO MAKE SEPARATE DETERMINATIONS UNIMPAIRED.—

“(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section”; and

(2) by adding at the end the following:

“(2) EXCEPTION.—If the Commission imposes any requirement under this section on any person that is not registered, or required to be registered, with the Commission in any capacity, that person shall satisfy the requirements of any rule, order, or regulation under this section by maintaining a written record of each cash or forward transaction related to a reportable or hedging commodity interest transaction, futures contract, option on a futures contract, or swap.

“(3) SUFFICIENCY.—A written record described in paragraph (2) shall be sufficient if the written record—

“(A) memorializes the final agreement between the parties, including the material economic terms of the transaction; and

“(B) is identifiable and searchable by transaction.”.

### SEC. 7. MARGIN REQUIREMENTS.

(a) COMMODITY EXCHANGE ACT AMENDMENT.—Section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)) is amended by adding at the end the following:

“(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(i) and (2)(B)(i), including the initial and variation margin requirements imposed by rules adopted pursuant to paragraphs (2)(A)(ii) and (2)(B)(ii), shall not apply to a swap in which a counterparty qualifies for an exception under section 2(h)(7)(A) or 2(h)(7)(D), or an exemption issued under section 4(c)(1) from the requirements of section 2(h)(1)(A) for cooperative entities as defined in that exemption.”.

(b) SECURITIES EXCHANGE ACT AMENDMENT.—Section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-10(e)) is amended by adding at the end the following:

“(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii) shall not apply to a security-based swap in which a counterparty qualifies for an exception under section 3C(g)(1) or satisfies the criteria in section 3C(g)(4).”.

(c) IMPLEMENTATION.—The amendments made by this section to the Commodity Exchange Act (7 U.S.C. 1 et seq.) shall be implemented—

(1) without regard to—

(A) chapter 35 of title 44, United States Code; and

(B) the notice and comment provisions of section 553 of title 5, United States Code;

(2) through the promulgation of an interim final rule, pursuant to which public comment is sought before a final rule is issued; and

(3) such that paragraph (1) shall apply solely to changes to rules and regulations, or proposed rules and regulations, that are limited to and directly a consequence of the amendments.

### SEC. 8. ANALYSIS BY THE COMMODITY FUTURES TRADING COMMISSION OF THE COSTS AND BENEFITS OF REGULATIONS AND ORDERS.

Section 15(a) of the Commodity Exchange Act (7 U.S.C. 19(a)) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—Before promulgating a regulation under this Act or issuing an order (except as provided in paragraph (3)), the Commission, acting through the Office of the Chief Economist, shall—

“(A) state a justification for the regulation or order;

“(B) state the baseline for the cost-benefit analysis and explain how the regulation or order measures costs against the baseline;

“(C) assess the costs and benefits, both qualitative and quantitative, of the intended regulation or order;

“(D) measure, and seek to improve, the actual results of regulatory requirements; and

“(E) propose or adopt a regulation or order only on a reasoned determination that the benefits of the intended regulation or order justify the costs of the intended regulation or order (recognizing that some benefits and costs are difficult to quantify).

“(2) CONSIDERATIONS.—In making a reasoned determination of costs and benefits under paragraph (1), the Commission shall consider—

“(A) the protection of market participants and the public;

“(B) the efficiency, competitiveness, and financial integrity of futures and swaps markets;

“(C) the impact on market liquidity in the futures and swaps markets;

“(D) price discovery;

“(E) sound risk management practices;

“(F) the cost of available alternatives to direct regulation;

“(G) the degree and nature of the risks posed by various activities within the scope of the jurisdiction of the Commission;

“(H) whether, consistent with obtaining regulatory objectives, the regulation or order is tailored to impose the least burden on society, including market participants, individuals, businesses of differing sizes, and other entities (including small communities and governmental entities), taking into account, to the extent practicable, the cumulative costs of regulations and orders;

“(I) whether the regulation or order is inconsistent, incompatible, or duplicative of other Federal regulations and orders; and

“(J) whether, in choosing among alternative regulatory approaches, those approaches maximize net benefits (including potential economic, environmental, and other benefits, distributive impacts, and equity).”.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 442—RECOGNIZING NATIONAL FOSTER CARE MONTH AS AN OPPORTUNITY TO RAISE AWARENESS ABOUT THE CHALLENGES OF CHILDREN IN THE FOSTER CARE SYSTEM, AND ENCOURAGING CONGRESS TO IMPLEMENT POLICY TO IMPROVE THE LIVES OF CHILDREN IN THE FOSTER CARE SYSTEM

Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. KAINE, Mr. CRAPO, Ms. HEITKAMP, Mr. INHOFE, Mr. LEVIN, Mr. JOHANNIS, Ms. KLOBUCHAR, Mr. COCHRAN, Mr. CASEY, Mr. HOEVEN, Mrs. FEINSTEIN, Mr. BLUNT, Mr. WYDEN, and Mrs. HAGAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

#### S. RES. 442

Whereas National Foster Care Month was established more than 20 years ago to—

(1) bring foster care issues to the forefront;

(2) highlight the importance of permanency for every child; and

(3) recognize the essential role that foster parents, social workers, and advocates have in the lives of children in foster care throughout the United States;

Whereas all children deserve a safe, loving, and permanent home;

Whereas the primary goal of the foster care system is to ensure the safety and well-being of children while working to provide a safe, loving, and permanent home for each child;

Whereas there are approximately 400,000 children living in foster care;

Whereas there were approximately 252,000 youth that entered the foster care system in 2012, while nearly 102,000 youth were eligible and awaiting adoption at the end of 2012;

Whereas foster care is intended to be a temporary placement, but children remain in the foster care system for an average of 2 years;

Whereas ethnic minority children are more likely to stay in the foster care system for longer periods of time and are less likely to be reunited with their biological families;

Whereas foster parents are the front-line caregivers for children who cannot safely remain with their biological parents and provide physical care, emotional support, education advocacy, and are the largest single source of families providing permanent homes for children leaving foster care to adoption;

Whereas children in foster care who are placed with relatives, compared to children placed with nonrelatives, have more stability, including fewer changes in placements, have more positive perceptions of their placements, are more likely to be placed with their siblings, and demonstrate fewer behavioral problems;

Whereas some relative caregivers receive less financial assistance and support services than do foster caregivers;

Whereas recent studies show children in foster care are prescribed psychotropic medication at rates up to 11 times higher than other children on Medicaid and in amounts that exceed the Food and Drug Administration's guidelines;

Whereas youth in foster care are much more likely to face educational instability with 34 percent of foster youth ages 17 to 18 experiencing at least 7 changes while in care;

Whereas youth in foster care are often cut off from other youth and face hurdles in participating in activities common to their peers, such as sports or extracurricular activities;

Whereas youth in foster care are more susceptible to being trafficked, and more needs to be done to prevent, identify, and intervene when a child becomes a victim of the crime;

Whereas an increased emphasis on prevention and reunification services is necessary to reduce the number of children that are forced to remain in the foster care system;

Whereas more than 23,400 youth “age out” of foster care annually without a legal permanent connection to an adult or family;

Whereas children who age out of foster care lack the security or support of a biological or adoptive family and frequently struggle to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas nearly half of children in foster care for five or more years experience 7 or

more different foster care placements, which often leads to disruption of routines and the need to change schools and move away from siblings, extended families, and familiar surroundings;

Whereas children entering foster care often confront the widespread misperception that children in foster care are disruptive, unruly, and dangerous, even though placement in foster care is based on the actions of a parent or guardian, not the child;

Whereas States, localities, and communities should be encouraged to invest resources in preventative and reunification services and post-permanency programs to ensure that more children in foster care are provided with safe, loving, and permanent placements;

Whereas Federal legislation over the past three decades, including the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272), the Adoption and Safe Families Act of 1997 (Public Law 105-89), the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), the Child and Family Services Improvement and Innovation Act (Public Law 112-34), and the Uninterrupted Scholars Act (Public Law 112-278) provided new investments and services to improve the outcomes of children in the foster care system;

Whereas the Children's Bureau of the Department of Health and Human Services has designated May as National Foster Care Month under the theme “to help build blocks toward permanent families for foster youth”;

Whereas May would be an appropriate month to designate as National Foster Care Month to provide an opportunity to acknowledge the accomplishments of the child-welfare workforce, foster parents, advocacy community, and mentors for their dedication, accomplishments, and positive impact they have on the lives of children; and

Whereas much remains to be done to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes National Foster Care Month as an opportunity to raise awareness about the challenges that children face in the foster-care system;

(2) encourages Congress to implement policy to improve the lives of children in the foster care system and maximize the number of children exiting foster care to the protection of safe, loving, and permanent families;

(3) supports the designation of National Foster Care Month;

(4) acknowledges the unique needs of children in the foster-care system;

(5) recognizes foster youth throughout the United States for their ongoing tenacity, courage, and resilience while facing life challenges;

(6) acknowledges the exceptional alumni of the foster-care system who serve as advocates and role models for youth who remain in care;

(7) honors the commitment and dedication of the individuals who work tirelessly to provide assistance and services to children in the foster-care system; and

(8) reaffirms the need to continue working to improve the outcomes of all children in the foster-care system through parts B and E of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other programs designed to—

(A) support vulnerable families;

(B) invest in prevention and reunification services;

(C) promote guardianship, adoption, and other permanent placement opportunities in



cases where reunification is not in the best interests of the child;

(D) adequately serve those children brought into the foster-care system; and

(E) facilitate the successful transition into adulthood for children that “age out” of the foster-care system.

#### SENATE RESOLUTION 443—RECOGNIZING THE GOALS OF NATIONAL TRAVEL AND TOURISM WEEK AND HONORING THE VALUABLE CONTRIBUTIONS OF TRAVEL AND TOURISM TO THE UNITED STATES

Mr. BEGICH (for himself, Mr. KIRK, Mr. SCHATZ, Mr. SCOTT, Mr. WARNER, Ms. HIRONO, Mr. REID, Ms. KLOBUCHAR, Mrs. SHAHEEN, and Mr. HELLER) submitted the following resolution; which was considered and agreed to:

##### S. RES. 443

Whereas National Travel and Tourism Week was established in 1983 through the enactment of the Joint Resolution entitled “Joint Resolution to designate the week beginning May 27, 1984, as ‘National Tourism Week’”, approved November 29, 1983 (Public Law 98-178; 97 Stat. 1126), which recognized the value of travel and tourism;

Whereas National Travel and Tourism Week is celebrated across the United States from May 3 through May 11, 2014;

Whereas more than 200 travel destinations throughout the United States are holding events in honor of National Travel and Tourism Week;

Whereas one out of every 9 jobs in the United States depends on travel and tourism and the industry supports more than 14,900,000 jobs in the United States, including 7,900,000 directly in the travel industry and 7,000,000 in related industries;

Whereas the travel and tourism industry is among the top 10 industries in 49 States and the District of Columbia in terms of employment;

Whereas international travel to the United States is the single largest export industry in the country, generating a trade surplus balance of \$57,100,000,000 in 2013;

Whereas the travel and tourism industry, Congress, and the President have worked to streamline the visa process and make the United States welcoming to visitors from other countries;

Whereas travel and tourism provide significant economic benefits to the United States by generating \$2,100,000,000,000 in annual economic output;

Whereas leisure travel allows individuals to experience the rich cultural heritage and educational opportunities of the United States and its communities; and

Whereas the immense value of travel and tourism cannot be overstated: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes May 3 through May 11, 2014, as National Travel and Tourism Week;

(2) commends the travel and tourism industry for its important contributions to the United States; and

(3) commends the employees of the travel and tourism industry for their important contributions to the United States.

#### SENATE RESOLUTION 444—RELATIVE TO THE DEATH OF HARLAN MATHEWS, FORMER UNITED STATES SENATOR FOR THE STATE OF TENNESSEE

Mr. ALEXANDER (for himself, Mr. CORKER, Mr. REID, Mr. MCCONNELL, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BEGICH, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Mr. CRAPO, Mr. CRUZ, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WALSH, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

##### S. RES. 444

Whereas Harlan Mathews served in the United States Navy during World War II from 1944 to 1946;

Whereas in 1950 Harlan Mathews began his career in public service by working as an advisor to Governor Gordon Browning, and between 1950 and 1987 would serve as a top advisor to four governors of the State of Tennessee;

Whereas Harlan Mathews also served as Tennessee’s Commissioner of Finance, and in 1974 was elected State Treasurer by the Tennessee General Assembly;

Whereas in 1993, while serving as a Deputy Governor, Governor Ned McWherter appointed Harlan Mathews to the United States Senate to fill the vacancy caused by former Senator Al Gore being elected Vice President of the United States;

Whereas Harlan Mathews served on the Energy and Natural Resources and the Foreign Relations Committees;

Whereas during his tenure in the United States Senate, Harlan Mathews served with distinction and integrity, and worked to be a quiet force for good for those he represented; Now, therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Harlan Mathews, former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Harlan Mathews.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3056. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table.

SA 3057. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3058. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3059. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3060. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3061. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3062. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3063. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3064. Mr. MORAN (for himself, Ms. HEITKAMP, Mr. THUNE, Mr. HEINRICH, Mr. BEGICH, Mr. INHOFE, Mr. BENNET, Ms. STABENOW, Mr. ENZI, Mr. HOEVEN, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Mr. UDALL of Colorado, Mrs. MURRAY, Mr. CRAPO, Mr. TESTER, and Mr. WALSH) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3056.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:



**TITLE —OTHER PROVISIONS****SEC. —. ELIMINATION OF TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.**

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) is amended to read as follows: “(H) NONAPPLICATION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL PRODUCTION.—The second sentence of subsection (a) of section 613 shall not apply to so much of the allowance for depletion as is determined under subparagraph (A) for any taxable year beginning after December 31, 2013, and before January 1, 2016.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

(c) RESCISSION OF FUNDS.—The available unobligated balance of any amounts that are appropriated for fiscal year 2013 are rescinded, to the extent such amounts do not exceed the reduction in revenues to the Treasury by reason of the amendment made by subsection (a).

**SA 3057.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —OTHER PROVISIONS****SEC. —01. LONG-TERM UNEMPLOYED INDIVIDUALS NOT TAKEN INTO ACCOUNT FOR EMPLOYER HEALTH CARE COVERAGE MANDATE.**

(a) IN GENERAL.—Paragraph (4) of section 4980H(c) is amended by adding at the end the following new subparagraph:

“(C) EXCEPTION FOR LONG-TERM UNEMPLOYED INDIVIDUALS.—

“(i) IN GENERAL.—The term ‘full-time employee’ shall not include any individual who is a long-term unemployed individual with respect to such employer.

“(ii) LONG-TERM UNEMPLOYED INDIVIDUAL.—For purposes of this subparagraph, the term ‘long-term unemployed individual’ means, with respect to any employer, an individual who—

“(I) begins employment with such employer after the date of the enactment of this subparagraph, and

“(II) has been unemployed for 27 weeks or longer, as determined by the Secretary of Labor, immediately before the date such employment begins.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months beginning after December 31, 2013.

**SA 3058.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —ELIMINATION OF PENALTY FOR FAILURE OF INDIVIDUALS TO MAINTAIN MINIMUM ESSENTIAL COVERAGE****SEC. —01. ELIMINATION OF PENALTY FOR FAILURE OF INDIVIDUALS TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.**

(a) IN GENERAL.—Section 5000A is amended by striking subsections (b), (c), and (g).

(b) CONFORMING AMENDMENT.—Section 5000A(e) is amended by striking “No penalty shall be imposed under subsection (a) with respect to” and inserting “Subsection (a) shall not apply to”.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2013.

**SA 3059.** Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —OTHER PROVISIONS****SEC. —01. POINT OF ORDER.**

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that authorizes States to require online remote sales tax collection.

(b) SUPERMAJORITY WAIVER AND APPEAL.—  
(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of  $\frac{2}{3}$  of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of  $\frac{2}{3}$  of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 3060.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE, ETC.**

(a) SHORT TITLE.—This Act may be cited as the “Expiring Provisions Improvement, Reform, and Efficiency Act of 2014” or the “EXPIRE Act of 2014”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title, etc.

Sec. 2. Sense of the Senate.

**TITLE I—EXTENSIONS AND MODIFICATIONS OF EXPIRED AND EXPIRING TAX PROVISIONS****Subtitle A—Provisions Expiring in 2013****PART I—INDIVIDUAL TAX EXTENDERS**

Sec. 101. Extension of health care tax credit.

Sec. 102. Extension of deduction for certain expenses of elementary and secondary school teachers.

Sec. 103. Extension of exclusion from gross income of discharge of qualified principal residence indebtedness.

Sec. 104. Extension of parity and modification of exclusion from income for employer-provided mass transit and parking benefits.

Sec. 105. Extension of mortgage insurance premiums treated as qualified residence interest.

Sec. 106. Extension of deduction of State and local general sales taxes.

Sec. 107. Extension of special rule for contributions of capital gain real property made for conservation purposes.

Sec. 108. Extension of above-the-line deduction for qualified tuition and related expenses.

Sec. 109. Extension of tax-free distributions from individual retirement plans for charitable purposes.

**PART II—BUSINESS TAX EXTENDERS**

Sec. 111. Extension and modification of research credit.

Sec. 112. Extension and modification of temporary minimum low-income housing tax credit rate for nonfederally subsidized buildings.

Sec. 113. Extension of military housing allowance exclusion for determining whether a tenant in certain counties is low-income.

Sec. 114. Extension of Indian employment tax credit.

Sec. 115. Extension and modification of new markets tax credit.

Sec. 116. Extension of railroad track maintenance credit.

Sec. 117. Extension of mine rescue team training credit.

Sec. 118. Extension and modification of employer wage credit for employees who are active duty members of the uniformed services.

Sec. 119. Extension and modification of work opportunity tax credit.

Sec. 120. Extension and modification of qualified zone academy bonds.

Sec. 121. Extension of classification of certain race horses as 3-year property.

Sec. 122. Extension of 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.

Sec. 123. Extension of 7-year recovery period for motorsports entertainment complexes.

Sec. 124. Extension of accelerated depreciation for business property on an Indian reservation.

Sec. 125. Extension of bonus depreciation.

Sec. 126. Extension of enhanced charitable deduction for contributions of food inventory.

Sec. 127. Extension and modification of increased expensing limitations and treatment of certain real property as section 179 property.

- Sec. 128. Extension of election to expense mine safety equipment.
- Sec. 129. Extension of special expensing rules for certain film and television productions; special expensing for live theatrical productions.
- Sec. 130. Extension of deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
- Sec. 131. Extension of modification of tax treatment of certain payments to controlling exempt organizations.
- Sec. 132. Extension of treatment of certain dividends of regulated investment companies.
- Sec. 133. Extension of RIC qualified investment entity treatment under FIRPTA.
- Sec. 134. Extension of subpart F exception for active financing income.
- Sec. 135. Extension of look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
- Sec. 136. Extension of temporary exclusion of 100 percent of gain on certain small business stock.
- Sec. 137. Extension of basis adjustment to stock of S corporations making charitable contributions of property.
- Sec. 138. Extension of reduction in S-corporation recognition period for built-in gains tax.
- Sec. 139. Extension of empowerment zone tax incentives.
- Sec. 140. Extension of temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
- Sec. 141. Extension of American Samoa economic development credit.

#### PART III—ENERGY TAX EXTENDERS

- Sec. 151. Extension and modification of credit for nonbusiness energy property.
- Sec. 152. Extension of credit for 2-wheeled plug-in electric vehicles.
- Sec. 153. Extension of second generation biofuel producer credit.
- Sec. 154. Extension of incentives for biodiesel and renewable diesel.
- Sec. 155. Extension and modification of production credit for Indian coal facilities placed in service before 2009.
- Sec. 156. Extension of credits with respect to facilities producing energy from certain renewable resources.
- Sec. 157. Extension of credit for energy-efficient new homes.
- Sec. 158. Extension of special allowance for second generation biofuel plant property.
- Sec. 159. Extension and modification of energy efficient commercial buildings deduction.
- Sec. 160. Extension of special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
- Sec. 161. Extension of excise tax credits relating to certain fuels.

#### Subtitle B—Provisions Expiring in 2014

##### PART I—ENERGY TAX EXTENDERS

- Sec. 171. Extension of credit for new qualified fuel cell motor vehicles.

- Sec. 172. Extension of credit for alternative fuel vehicle refueling property.

#### PART II—EXTENDERS RELATING TO MULTIPLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

- Sec. 181. Extension of automatic extension of amortization periods.
- Sec. 182. Extension of funding improvement and rehabilitation plan rules.

#### Subtitle C—Revenue Provisions

- Sec. 191. Penalty for failure to meet due diligence requirements for the child tax credit.
- Sec. 192. 100 percent continuous levy on payment to medicare providers and suppliers.
- Sec. 193. Exclusion from gross income of certain clean coal power grants to non-corporate taxpayers.
- Sec. 194. Reform of rules relating to qualified tax collection contracts.
- Sec. 195. Special compliance personnel program.
- Sec. 196. Exclusion of dividends from controlled foreign corporations from the definition of personal holding company income for purposes of the personal holding company rules.
- Sec. 197. Inflation adjustment for certain civil penalties under the Internal Revenue Code of 1986.

#### TITLE II—TAX TECHNICAL CORRECTIONS

- Sec. 201. Short title.
- Sec. 202. Amendment relating to Middle Class Tax Relief and Job Creation Act of 2012.
- Sec. 203. Amendments relating to American Taxpayer Relief Act of 2012.
- Sec. 204. Amendments relating to Regulated Investment Company Modernization Act of 2010.
- Sec. 205. Amendments relating to Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.
- Sec. 206. Amendments relating to Creating Small Business Jobs Act of 2010.
- Sec. 207. Clerical amendment relating to Hiring Incentives to Restore Employment Act.
- Sec. 208. Amendments relating to American Recovery and Reinvestment Tax Act of 2009.
- Sec. 209. Amendments relating to Energy Improvement and Extension Act of 2008.
- Sec. 210. Amendments relating to Tax Extenders and Alternative Minimum Tax Relief Act of 2008.
- Sec. 211. Clerical amendments relating to Housing Assistance Tax Act of 2008.
- Sec. 212. Amendments and provision relating to Heroes Earnings Assistance and Relief Tax Act of 2008.
- Sec. 213. Amendments relating to Economic Stimulus Act of 2008.
- Sec. 214. Amendments relating to Tax Technical Corrections Act of 2007.
- Sec. 215. Amendment relating to Tax Relief and Health Care Act of 2006.
- Sec. 216. Amendment relating to Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users.
- Sec. 217. Amendments relating to Energy Tax Incentives Act of 2005.
- Sec. 218. Amendments relating to American Jobs Creation Act of 2004.
- Sec. 219. Modification of treatment of certain health organizations.
- Sec. 220. Other clerical corrections.
- Sec. 221. Deadwood provisions.

#### TITLE III—HIRE MORE HEROES

- Sec. 301. Short title.
- Sec. 302. Employees with health coverage under TRICARE or the Veterans Administration may be exempted from employer mandate under Patient Protection and Affordable Care Act.

#### TITLE IV—BUDGETARY EFFECTS

- Sec. 401. Budgetary effects.

#### SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) a process of comprehensive tax reform should commence in the 114th Congress and should conclude before January 1, 2016;

(2) Congress should endeavor, as part of such a tax reform process, to eliminate temporary provisions from the Internal Revenue Code of 1986 by making permanent those provisions that merit permanency and allowing others to expire;

(3) a major focus of such tax reform process should be fostering economic growth and lowering tax rates by broadening the tax base; and

(4) the chairman and ranking member of the Committee on Finance of the Senate should consult with the chairman and ranking member of the Committee on the Budget of the Senate to ensure that the appropriate baseline is used in determining the economic effects of, and rate adjustments under, tax reform.

#### TITLE I—EXTENSIONS AND MODIFICATIONS OF EXPIRED AND EXPIRING TAX PROVISIONS

##### Subtitle A—Provisions Expiring in 2013

##### PART I—INDIVIDUAL TAX EXTENDERS

#### SEC. 101. EXTENSION OF HEALTH CARE TAX CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 35(b)(1) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage months beginning after December 31, 2013.

#### SEC. 102. EXTENSION OF DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2013” and inserting “2013, 2014, or 2015”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

#### SEC. 103. EXTENSION OF EXCLUSION FROM GROSS INCOME OF DISCHARGE OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (E) of section 108(a)(1) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to indebtedness discharged after December 31, 2013.

#### SEC. 104. EXTENSION OF PARITY AND MODIFICATION OF EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.

(a) EXTENSION.—

(1) IN GENERAL.—Paragraph (2) of section 132(f) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to months after December 31, 2013.

(b) USE OF A BIKE SHARE PROGRAM AS A QUALIFIED TRANSPORTATION FRINGE.—

(1) IN GENERAL.—Section 132(f)(5)(F) is amended—

(A) in clause (i), by striking “repair, and storage, if such bicycle” and inserting “repair, and storage (or use of a bike sharing

program, in the case of taxable years beginning before January 1, 2016), if such bicycle or bike sharing program", and

(B) in clause (iii)(I), by inserting "or bike sharing program" after "bicycle".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2013.

**SEC. 105. EXTENSION OF MORTGAGE INSURANCE PREMIUMS TREATED AS QUALIFIED RESIDENCE INTEREST.**

(a) IN GENERAL.—Subclause (I) of section 163(h)(3)(E)(iv) is amended by striking "December 31, 2013" and inserting "December 31, 2015".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2013.

**SEC. 106. EXTENSION OF DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES.**

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking "January 1, 2014" and inserting "January 1, 2016".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

**SEC. 107. EXTENSION OF SPECIAL RULE FOR CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.**

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking "December 31, 2013" and inserting "December 31, 2015".

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking "December 31, 2013" and inserting "December 31, 2015".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2013.

**SEC. 108. EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.**

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking "December 31, 2013" and inserting "December 31, 2015".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

**SEC. 109. EXTENSION OF TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.**

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking "December 31, 2013" and inserting "December 31, 2015".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2013.

**PART II—BUSINESS TAX EXTENDERS**

**SEC. 111. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.**

(a) EXTENSION.—

(1) IN GENERAL.—Paragraph (1) of section 41(h) is amended by striking "paid or incurred" and all that follows and inserting "paid or incurred after December 31, 2015".

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended to read as follows:

"(D) SPECIAL RULE.—If section 41 is not in effect for any period, such section shall be deemed to remain in effect for such period for purposes of this paragraph."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2013.

(b) TREATMENT OF RESEARCH CREDIT FOR CERTAIN STARTUP COMPANIES.—

(1) IN GENERAL.—Section 41 is amended by adding at the end the following new subsection:

"(i) TREATMENT OF CREDIT FOR QUALIFIED SMALL BUSINESSES.—

"(1) IN GENERAL.—At the election of a qualified small business for any taxable year, section 3111(f) shall apply to the payroll tax credit portion of the credit otherwise determined under subsection (a) for the taxable year and such portion shall not be treated (other than for purposes of section 280C) as a credit determined under subsection (a).

"(2) PAYROLL TAX CREDIT PORTION.—For purposes of this subsection, the payroll tax credit portion of the credit determined under subsection (a) with respect to any qualified small business for any taxable year is the least of—

"(A) the amount specified in the election made under this subsection,

"(B) the credit determined under subsection (a) for the taxable year (determined before the application of this subsection), or

"(C) in the case of a qualified small business other than a partnership or S corporation, the amount of the business credit carryforward under section 39 carried from the taxable year (determined before the application of this subsection to the taxable year).

"(3) QUALIFIED SMALL BUSINESS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified small business' means, with respect to any taxable year—

"(i) a corporation or partnership, if—

"(I) the gross receipts (as determined under the rules of section 448(c)(3), without regard to subparagraph (A) thereof) of such entity for the taxable year is less than \$5,000,000, and

"(II) such entity did not have gross receipts (as so determined) for any taxable year preceding the 5-taxable-year period ending with such taxable year, and

"(ii) any person (other than a corporation or partnership) who meets the requirements of subclauses (I) and (II) of clause (i), determined—

"(I) by substituting 'person' for 'entity' each place it appears, and

"(II) by only taking into account the aggregate gross receipts received by such person in carrying on all trades or businesses of such person.

"(B) LIMITATION.—Such term shall not include an organization which is exempt from taxation under section 501.

"(4) ELECTION.—

"(A) IN GENERAL.—Any election under this subsection for any taxable year—

"(i) shall specify the amount of the credit to which such election applies,

"(ii) shall be made on or before the due date (including extensions) of—

"(I) in the case of a qualified small business which is a partnership, the return required to be filed under section 6031,

"(II) in the case of a qualified small business which is an S corporation, the return required to be filed under section 6037, and

"(III) in the case of any other qualified small business, the return of tax for the taxable year, and

"(iii) may be revoked only with the consent of the Secretary.

"(B) LIMITATIONS.—

"(i) AMOUNT.—The amount specified in any election made under this subsection shall not exceed \$250,000.

"(ii) NUMBER OF TAXABLE YEARS.—A person may not make an election under this subsection if such person (or any other person

treated as a single taxpayer with such person under paragraph (5)(A)) has made an election under this subsection for 5 or more preceding taxable years.

"(C) SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of a qualified small business which is a partnership or S corporation, the election made under this subsection shall be made at the entity level.

"(5) AGGREGATION RULES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), all persons or entities treated as a single taxpayer under subsection (f)(1) shall be treated as a single taxpayer for purposes of this subsection.

"(B) SPECIAL RULES.—For purposes of this subsection and section 3111(f)—

"(i) each of the persons treated as a single taxpayer under subparagraph (A) may separately make the election under paragraph (1) for any taxable year, and

"(ii) the \$250,000 amount under paragraph (4)(B)(i) shall be allocated among all persons treated as a single taxpayer under subparagraph (A) in the same manner as under subparagraph (A)(ii) or (B)(ii) of subsection (f)(1), whichever is applicable.

"(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection, including—

"(A) regulations to prevent the avoidance of the purposes of the limitations and aggregation rules under this subsection through the use of successor companies or other means,

"(B) regulations to minimize compliance and record-keeping burdens under this subsection, and

"(C) regulations for recapturing the benefit of credits determined under section 3111(f) in cases where there is a subsequent adjustment to the payroll tax credit portion of the credit determined under subsection (a), including requiring amended income tax returns in the cases where there is such an adjustment."

(2) CREDIT ALLOWED AGAINST FICA TAXES.—Section 3111 is amended by adding at the end the following new subsection:

"(f) CREDIT FOR RESEARCH EXPENDITURES OF QUALIFIED SMALL BUSINESSES.—

"(1) IN GENERAL.—In the case of a taxpayer who has made an election under section 41(i) for a taxable year, there shall be allowed as a credit against the tax imposed by subsection (a) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(i)(4)(A)(ii) an amount equal to the payroll tax credit portion determined under section 41(i)(2).

"(2) LIMITATION.—The credit allowed by paragraph (1) shall not exceed the tax imposed by subsection (a) for any calendar quarter on the wages paid with respect to the employment of all individuals in the employ of the employer.

"(3) CARRYOVER OF UNUSED CREDIT.—If the amount of the credit under paragraph (1) exceeds the limitation of paragraph (2) for any calendar quarter, such excess shall be carried to the succeeding calendar quarter and allowed as a credit under paragraph (1) for such quarter.

"(4) DEDUCTION ALLOWED FOR CREDITED AMOUNTS.—The credit allowed under paragraph (1) shall not be taken into account for purposes of determining the amount of any deduction allowed under chapter 1 for taxes imposed under subsection (a)."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to credits determined for taxable years beginning after December 31, 2013.

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (B) of section 38(c)(4) is amended—

(A) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), and (ix) as clauses (iii), (iv), (v), (vi), (vii), (viii), (ix), and (x), respectively, and

(B) by inserting after clause (i) the following new clause:

“(ii) the credit determined under section 41 with respect to an eligible small business (as defined in paragraph (5)(C), after application of rules similar to the rules of paragraph (5)(D)).”

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to credits determined for taxable years beginning after December 31, 2013, and to carrybacks of such credits.

**SEC. 112. EXTENSION AND MODIFICATION OF TEMPORARY MINIMUM LOW-INCOME HOUSING TAX CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED BUILDINGS.**

(a) IN GENERAL.—Subparagraph (A) of section 42(b)(2) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(b) TEMPORARY MINIMUM CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED EXISTING BUILDINGS.—Subsection (b) of section 42 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) TEMPORARY MINIMUM CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED EXISTING BUILDINGS.—In the case of any existing building—

“(A) which is placed in service by the taxpayer after the date of the enactment of the EXPIRE Act of 2014 with respect to housing credit dollar amount allocations made before January 1, 2016, and

“(B) which is not federally subsidized for the taxable year, the applicable percentage shall not be less than 4 percent.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2014.

**SEC. 113. EXTENSION OF MILITARY HOUSING ALLOWANCE EXCLUSION FOR DETERMINING WHETHER A TENANT IN CERTAIN COUNTIES IS LOW-INCOME.**

(a) IN GENERAL.—Subsection (b) of section 3005 of the Housing Assistance Tax Act of 2008 is amended by striking “January 1, 2014” each place it appears and inserting “January 1, 2016”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 3005 of the Housing Assistance Tax Act of 2008.

**SEC. 114. EXTENSION OF INDIAN EMPLOYMENT TAX CREDIT.**

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

**SEC. 115. EXTENSION AND MODIFICATION OF NEW MARKETS TAX CREDIT.**

(a) IN GENERAL.—Subparagraph (G) of section 45D(f)(1) is amended by striking “and 2013” and inserting “2013, 2014, and 2015”.

(b) CARRYOVER OF UNUSED LIMITATION.—Paragraph (3) of section 45D(f) is amended by striking “2018” and inserting “2020”.

(c) ALLOCATIONS DESIGNATED FOR AREAS IMPACTED BY DECLINE IN MANUFACTURING.—Paragraph (3) of section 45D(f), as amended by subsection (b), is amended—

(1) by striking “If the new markets tax credit limitation” and inserting the following:

“(A) IN GENERAL.—If the new markets tax credit limitation”;

(2) by striking “No” in the last sentence and inserting “Except as provided in subparagraph (B), no”;

(3) by adding at the end, the following new subparagraph:

“(B) CERTAIN AMOUNTS AVAILABLE FOR AREAS IMPACTED BY DECLINE IN MANUFACTURING.—Any amount carried to a calendar year after the year described in the second sentence of subparagraph (A) shall be available only for allocation to qualified community development entities a significant mission of which is providing investments and services to persons in the trade or business of manufacturing products in communities which have suffered major manufacturing job losses or a major manufacturing job loss event, as designated by the Secretary.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2013.

**SEC. 116. EXTENSION OF RAILROAD TRACK MAINTENANCE CREDIT.**

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2013.

**SEC. 117. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.**

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

**SEC. 118. EXTENSION AND MODIFICATION OF EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.**

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) APPLICABILITY TO ALL EMPLOYERS.—

(1) IN GENERAL.—Subsection (a) of section 45P is amended by striking “, in the case of an eligible small business employer”.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 45P(b) is amended to read as follows:

“(3) CONTROLLED GROUPS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.”

(c) EXPANSION TO 100 PERCENT OF ELIGIBLE DIFFERENTIAL WAGE PAYMENTS.—Subsection (a) of section 45P is amended by striking “20 percent of the sum” and inserting “the sum”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2013.

**SEC. 119. EXTENSION AND MODIFICATION OF WORK OPPORTUNITY TAX CREDIT.**

(a) IN GENERAL.—Paragraph (4) of section 51(c) is amended by striking “for the employer” and all that follows and inserting “for the employer after December 31, 2015”.

(b) CREDIT FOR HIRING LONG-TERM UNEMPLOYMENT RECIPIENTS.—

(1) IN GENERAL.—Paragraph (1) of section 51(d) is amended by striking “or” at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting “, or”, and by adding at the end the following new subparagraph:

“(J) a qualified long-term unemployment recipient.”

(2) QUALIFIED LONG-TERM UNEMPLOYMENT RECIPIENT.—Subsection (d) of section 51 is

amended by adding at the end the following new paragraph:

“(15) QUALIFIED LONG-TERM UNEMPLOYMENT RECIPIENT.—The term ‘qualified long-term unemployment recipient’ means any individual who is certified by the designated local agency as being in a period of unemployment which—

“(A) is not less than 27 consecutive weeks, and

“(B) includes a period in which the individual was receiving unemployment compensation under State or Federal law.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2013.

**SEC. 120. EXTENSION AND MODIFICATION OF QUALIFIED ZONE ACADEMY BONDS.**

(a) EXTENSION.—Paragraph (1) of section 54E(c) is amended by striking “and 2013” and inserting “2013, 2014, and 2015”.

(b) REDUCTION OF PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—Subsection (b) of section 54E is amended by striking “10 percent” and inserting “5 percent”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to obligations issued after December 31, 2013.

(d) TECHNICAL CORRECTION AND CONFORMING AMENDMENT.—

(1) IN GENERAL.—Clause (iii) of section 6431(f)(3)(A) is amended—

(A) by striking “2011” and inserting “years after 2010”, and

(B) by striking “of such allocation” and inserting “of any such allocation”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in section 310 of the American Taxpayer Relief Act of 2012.

**SEC. 121. EXTENSION OF CLASSIFICATION OF CERTAIN RACE HORSES AS 3-YEAR PROPERTY.**

(a) IN GENERAL.—Clause (i) of section 168(e)(3)(A) is amended—

(1) by striking “January 1, 2014” in subclause (I) and inserting “January 1, 2016”, and

(2) by striking “December 31, 2013” in subclause (II) and inserting “December 31, 2015”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2013.

**SEC. 122. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.**

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2013.

**SEC. 123. EXTENSION OF 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.**

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

**SEC. 124. EXTENSION OF ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.**

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

**SEC. 125. EXTENSION OF BONUS DEPRECIATION.**

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking “January 1, 2015” in subparagraph (A)(iv) and inserting “January 1, 2017”, and

(2) by striking “January 1, 2014” each place it appears and inserting “January 1, 2016”.

(b) SPECIAL RULE FOR FEDERAL LONG-TERM CONTRACTS.—Clause (ii) of section 460(c)(6)(B) is amended by striking “January 1, 2014 (January 1, 2015)” and inserting “January 1, 2016 (January 1, 2017)”.

(c) EXTENSION OF ELECTION TO ACCELERATE THE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

(1) IN GENERAL.—Subclause (II) of section 168(k)(4)(D)(iii) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(2) ROUND 4 EXTENSION PROPERTY.—Paragraph (4) of section 168(k) is amended by adding at the end the following new subparagraph:

“(K) SPECIAL RULES FOR ROUND 4 EXTENSION PROPERTY.—

“(i) IN GENERAL.—In the case of round 4 extension property, in applying this paragraph to any taxpayer—

“(I) the limitation described in subparagraph (B)(i) and the business credit increase amount under subparagraph (E)(iii) thereof shall not apply, and

“(II) the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed separately from amounts computed with respect to eligible qualified property which is not round 4 extension property, and, in the case of round 4 extension property, shall be computed separately with respect to round 4 extension property placed in service before January 1, 2015 (January 1, 2016, in the case of property described in subparagraph (B) or (C) of paragraph (2)) and with respect to other round 4 extension property.

“(ii) ELECTION.—

“(I) A taxpayer who has an election in effect under this paragraph for round 3 extension property shall be treated as having an election in effect for round 4 extension property unless the taxpayer elects to not have this paragraph apply to round 4 extension property.

“(II) A taxpayer who does not have an election in effect under this paragraph for round 3 extension property may elect to have this paragraph apply to round 4 extension property.

“(iii) ROUND 4 EXTENSION PROPERTY.—For purposes of this subparagraph, the term ‘round 4 extension property’ means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 125(a) of the EXPIRE Act of 2014 (and the application of such extension to this paragraph pursuant to the amendment made by section 125(c) of such Act).”.

(d) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking “JANUARY 1, 2014” and inserting “JANUARY 1, 2016”.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking “PRE-JANUARY 1, 2014” and inserting “PRE-JANUARY 1, 2016”.

(3) Subparagraph (C) of section 168(n)(2) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(4) Subparagraph (D) of section 1400L(b)(2) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(5) Subparagraph (B) of section 1400N(d)(3) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(e) TECHNICAL AMENDMENT RELATING TO SECTION 331 OF THE AMERICAN TAXPAYER RELIEF ACT OF 2012.—

(1) IN GENERAL.—Clause (iii) of section 168(k)(4)(J) is amended by striking “any taxable year” and inserting “its first taxable year”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provision of the American Taxpayer Relief Act of 2012 to which it relates.

(f) EFFECTIVE DATE.—Except as provided in subsection (e)(2), the amendments made by this section shall apply to property placed in service after December 31, 2013, in taxable years ending after such date.

**SEC. 126. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.**

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2013.

**SEC. 127. EXTENSION AND MODIFICATION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.**

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) is amended—

(A) by striking “beginning in 2010, 2011, 2012, or 2013” in subparagraph (B) and inserting “beginning after 2009 and before 2016”, and

(B) by striking “2013” in subparagraph (C) and inserting “2015”.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended—

(A) by striking “beginning in 2010, 2011, 2012, or 2013” in subparagraph (B) and inserting “beginning after 2009 and before 2016”, and

(B) by striking “2013” in subparagraph (C) and inserting “2015”.

(b) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking “2014” and inserting “2016”.

(c) ELECTION.—Section 179(c)(2) is amended by striking “2014” and inserting “2016”.

(d) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Section 179(f)(1) is amended by striking “beginning in 2010, 2011, 2012, or 2013” and inserting “beginning after 2009 and before 2016”.

(2) CARRYOVER LIMITATION.—

(A) IN GENERAL.—Section 179(f)(4) is amended by striking “2013” each place it appears and inserting “2015”.

(B) CONFORMING AMENDMENT.—The heading of subparagraph (C) of section 179(f)(4) is amended by striking “2011 AND 2012” and inserting “2011, 2012, 2013, AND 2014”.

(e) ADJUSTMENT FOR INFLATION.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning after 2013, the \$500,000 amount in paragraph (1)(B) and the \$2,000,000 amount in paragraph (2)(B) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by

substituting ‘calendar year 2012’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—

“(i) DOLLAR LIMITATION.—If the amount in paragraph (1)(B) as increased under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the nearest multiple of \$1,000.

“(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2)(B) as increased under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

**SEC. 128. EXTENSION OF ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.**

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

**SEC. 129. EXTENSION OF SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS; SPECIAL EXPENSING FOR LIVE THEATRICAL PRODUCTIONS.**

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) APPLICATION TO LIVE PRODUCTIONS.—

(1) IN GENERAL.—Paragraph (1) of section 181(a) is amended by inserting “, and any qualified live theatrical production,” after “any qualified film or television production”.

(2) CONFORMING AMENDMENTS.—Section 181 is amended—

(A) by inserting “or any qualified live theatrical production” after “qualified film or television production” each place it appears in subsections (a)(2), (b), and (c)(1),

(B) by inserting “or qualified live theatrical productions” after “qualified film or television productions” in subsection (f), and

(C) by inserting “AND LIVE THEATRICAL” after “FILM AND TELEVISION” in the heading.

(3) CLERICAL AMENDMENT.—The item relating to section 181 in the table of sections for part VI of subchapter B of chapter 1 is amended to read as follows:

“Sec. 181. Treatment of certain qualified film and television and live theatrical productions.”.

(c) QUALIFIED LIVE THEATRICAL PRODUCTION.—Section 181 is amended—

(1) by redesignating subsections (e) and (f), as amended by subsections (a) and (b), as subsections (f) and (g), respectively, and

(2) by inserting after subsection (d) the following new subsection:

“(e) QUALIFIED LIVE THEATRICAL PRODUCTION.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified live theatrical production’ means any production described in paragraph (2) if 75 percent of the total compensation of the production is qualified compensation (as defined in subsection (d)(3)).

“(2) PRODUCTION.—

“(A) IN GENERAL.—A production is described in this paragraph if such production is a live staged production of a play (with or without music) which is derived from a written book or script and is produced or presented by a taxable entity in any venue which has an audience capacity of not more than 3,000 or a series of venues the majority of which have an audience capacity of not more than 3,000.

“(B) TOURING COMPANIES, ETC.—In the case of multiple live staged productions—

“(i) for which the election under this section would be allowable to the same taxpayer, and

“(ii) which are—

“(I) separate phases of a production, or

“(II) separate simultaneous stagings of the same production in different geographical locations (not including multiple performance locations of any one touring production),

each such live staged production shall be treated as a separate production.

“(C) PHASE.—For purposes of subparagraph (B), the term ‘phase’ with respect to any qualified live theatrical production refers to each of the following, but only if each of the following is treated by the taxpayer as a separate activity for all purposes of this title:

“(i) The initial staging of a live theatrical production.

“(ii) Subsequent additional stagings or touring of such production which are produced by the same producer as the initial staging.

“(D) EXCEPTION.—A production is not described in this paragraph if such production includes or consists of any performance of conduct described in section 2257(h)(1) of title 18, United States Code.”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to productions commencing after December 31, 2013.

(2) COMMENCEMENT.—For purposes of paragraph (1), the date on which a qualified live theatrical production commences is the date of the first public performance of such production for a paying audience.

#### SEC. 130. EXTENSION OF DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 8 taxable years” and inserting “first 10 taxable years”, and

(2) by striking “January 1, 2014” and inserting “January 1, 2016”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

#### SEC. 131. EXTENSION OF MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2013.

#### SEC. 132. EXTENSION OF TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C)(v) and (2)(C)(v) of section 871(k) are each amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

#### SEC. 133. EXTENSION OF RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall take effect on January 1, 2014. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement

under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2013, and before the date of the enactment of this Act, and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

#### SEC. 134. EXTENSION OF SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) is amended—

(1) by striking “January 1, 2014” and inserting “January 1, 2016”, and

(2) by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) SPECIAL RULE FOR INCOME DERIVED IN THE ACTIVE CONDUCT OF BANKING, FINANCING, OR SIMILAR BUSINESSES.—Paragraph (9) of section 954(h) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2013, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

#### SEC. 135. EXTENSION OF LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2013, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

#### SEC. 136. EXTENSION OF TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking “January 1, 2014” and inserting “January 1, 2016”, and

(2) by striking “AND 2013” in the heading and inserting “2013, 2014, AND 2015”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2013.

#### SEC. 137. EXTENSION OF BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2013.

#### SEC. 138. EXTENSION OF REDUCTION IN S-CORPORATION RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Subparagraph (C) of section 1374(d)(7) is amended—

(1) by striking “2012 or 2013” and inserting “2012, 2013, 2014, or 2015”, and

(2) by striking “2012 AND 2013” in the heading and inserting “2012, 2013, 2014, AND 2015”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

#### SEC. 139. EXTENSION OF EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Clause (i) of section 1391(d)(1)(A) is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(c) TECHNICAL AMENDMENTS RELATING TO SECTION 753 OF THE TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010; EXTENSION OF NON-RECOGNITION OF GAIN ON ROLLOVER OF EMPOWERMENT ZONE INVESTMENTS.—Subparagraph (A) of section 1397B(b)(1) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) ‘January 1, 2016’ were substituted for ‘January 1, 2010’ each place it appears.”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to periods after December 31, 2013.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (c) shall take effect as if included in section 753 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

#### SEC. 140. EXTENSION OF TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2013.

#### SEC. 141. EXTENSION OF AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking “January 1, 2014” each place it appears and inserting “January 1, 2016”,

(2) by striking “first 8 taxable years” in paragraph (1) and inserting “first 10 taxable years”, and

(3) by striking “first 2 taxable years” in paragraph (2) and inserting “first 4 taxable years”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

#### PART III—ENERGY TAX EXTENDERS

#### SEC. 151. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 25C(g) is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) UPDATED ENERGY STAR REQUIREMENTS FOR WINDOWS, DOORS, SKYLIGHTS, AND ROOFING.—



(1) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by striking “which meets” and all that follows through “requirements”).

(2) ENERGY EFFICIENT BUILDING ENVELOPE COMPONENT.—Subsection (c) of section 25C is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

“(2) ENERGY EFFICIENT BUILDING ENVELOPE COMPONENT.—The term ‘energy efficient building envelope component’ means a building envelope component which meets—

“(A) applicable Energy Star program requirements, in the case of a roof or roof products,

“(B) version 6.0 Energy Star program requirements, in the case of an exterior window, a skylight, or an exterior door, and

“(C) the prescriptive criteria for such component established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009, in the case of any other component.”.

(3) CONFORMING AMENDMENT.—Subparagraph (D) of section 25C(c)(3), as so redesignated, is amended to read as follows:

“(D) any roof or roof products which are installed on a dwelling unit and are specifically and primarily designed to reduce the heat gain of such dwelling unit.”.

(C) SEPARATE STANDARDS FOR TANKLESS AND STORAGE WATER HEATERS.—

(1) IN GENERAL.—Subparagraph (D) of section 25C(d)(3) is amended by striking “which has either” and all that follows and inserting “which has either—

“(i) in the case of a storage water heater, an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent, and

“(ii) in the case of any other water heater, an energy factor of at least 0.90 or a thermal efficiency of at least 90 percent, and”.

(2) STORAGE WATER HEATERS.—Paragraph (3) of section 25C(d) is amended by adding at the end the following flush sentence:

“For purposes of subparagraph (D)(i), the term ‘storage water heater’ means a water heater that has a water storage capacity of more than 20 gallons but not more than 55 gallons.”.

(d) MODIFICATION OF TESTING STANDARDS FOR BIOMASS STOVES.—Subparagraph (E) of section 25C(d)(3) is amended by inserting before the period the following: “, when tested using the higher heating value of the fuel and in accordance with the Canadian Standards Administration B415.1 test protocol”.

(e) SEPARATE STANDARD FOR OIL HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended by striking “95” and inserting “95 (90 in the case of an oil hot water boiler)”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2013.

#### SEC. 152. EXTENSION OF CREDIT FOR 2-WHEELED PLUG-IN ELECTRIC VEHICLES.

(a) IN GENERAL.—Subparagraph (E) of section 30D(g)(3) is amended by striking “January 1, 2014” and inserting “January 1, 2014 (January 1, 2016, in the case of a vehicle that has 2 wheels)”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after December 31, 2013.

#### SEC. 153. EXTENSION OF SECOND GENERATION BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Clause (i) of section 40(b)(6)(J) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to qualified second generation biofuel production after December 31, 2013.

#### SEC. 154. EXTENSION OF INCENTIVES FOR BIO-DIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold or used after December 31, 2013.

#### SEC. 155. EXTENSION AND MODIFICATION OF PRODUCTION CREDIT FOR INDIAN COAL FACILITIES PLACED IN SERVICE BEFORE 2009.

(a) IN GENERAL.—Subparagraph (A) of section 45(e)(10) is amended by striking “8-year period” each place it appears and inserting “10-year period”.

(b) APPLICATION TO NEW LEASES OR SUBLEASES.—Paragraph (10) of section 45(d) is amended by inserting before the period the following: “, and any new lease or sublease of such a facility”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to coal produced after December 31, 2013.

#### SEC. 156. EXTENSION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—The following provisions of section 45(d) are each amended by striking “January 1, 2014” each place it appears and inserting “January 1, 2016”:

- (1) Paragraph (1).
- (2) Paragraph (2)(A).
- (3) Paragraph (3)(A).
- (4) Paragraph (4)(B).
- (5) Paragraph (6).
- (6) Paragraph (7).
- (7) Paragraph (9).
- (8) Paragraph (11)(B).

(b) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Clause (ii) of section 48(a)(5)(C) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on January 1, 2014.

#### SEC. 157. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT NEW HOMES.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2013.

#### SEC. 158. EXTENSION OF SPECIAL ALLOWANCE FOR SECOND GENERATION BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Subparagraph (D) of section 168(l)(2) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

#### SEC. 159. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—Subsection (h) of section 179D is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) ALLOCATIONS TO INDIAN TRIBAL GOVERNMENTS.—Paragraph (4) of section 179D(d) is amended by striking “or local” and inserting “local, or Indian tribal”.

(c) ALLOCATIONS TO CERTAIN NONPROFIT ORGANIZATIONS.—

(1) IN GENERAL.—Paragraph (4) of section 179D(d), as amended by subsection (b), is

amended by inserting “, or by an organization that is described in section 501(c)(3) and exempt from tax under section 501(a)” after “political subdivision thereof”.

(2) CLERICAL AMENDMENT.—The heading of paragraph (4) of section 179D(d) is amended by inserting “AND PROPERTY HELD BY CERTAIN NON-PROFITS” after “PUBLIC PROPERTY”.

(d) UPDATED ASHRAE STANDARDS FOR 2015.—

(1) IN GENERAL.—Paragraph (1) of section 179D(c) is amended by striking “Standard 90.1-2001” each place it appears and inserting “Standard 90.1-2007”.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (2) of section 179D(c) is amended to read as follows:

“(2) STANDARD 90.1-2007.—The term ‘Standard 90.1-2007’ means Standard 90.1-2007 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America (as in effect on the day before the date of the adoption of Standard 90.1-2010 of such Societies).”.

(B) Subsection (f) of section 179D is amended by striking “Standard 90.1-2001” each place it appears in paragraphs (1) and (2)(C)(i) and inserting “Standard 90.1-2007”.

(C) Paragraph (1) of section 179D(f) is amended—

(i) by striking “Table 9.3.1.1” and inserting “Table 9.5.1”, and

(ii) by striking “Table 9.3.1.2” and inserting “Table 9.6.1”.

(3) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to property placed in service after December 31, 2014.

(e) EFFECTIVE DATE.—Except as provided in subsection (d)(3), the amendments made by this section shall apply to property placed in service after December 31, 2013.

#### SEC. 160. EXTENSION OF SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking “January 1, 2014” and inserting “January 1, 2016”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2013.

#### SEC. 161. EXTENSION OF EXCISE TAX CREDITS RELATING TO CERTAIN FUELS.

(a) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(b) EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.—

(1) IN GENERAL.—Sections 6426(d)(5) and 6426(e)(3) are each amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(2) OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Subparagraph (C) of section 6427(e)(6) is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(c) EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS RELATING TO LIQUEFIED HYDROGEN.—

(1) IN GENERAL.—Sections 6426(d)(5) and 6426(e)(3), as amended by subsection (b), are each amended by striking “(September 30, 2014 in the case of any sale or use involving liquefied hydrogen)”.

(2) OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Paragraph (6) of section 6427(e) is amended—



(A) by striking “except as provided in subparagraph (D), any” in subparagraph (C), as amended by this Act, and inserting “any”;

(B) by striking the comma at the end of subparagraph (C) and inserting “, and”, and (C) by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel sold or used after December 31, 2013.

(2) **LIQUEFIED HYDROGEN.**—The amendments made by subsection (c) shall apply to fuels sold or used after September 30, 2014.

(e) **SPECIAL RULE FOR CERTAIN PERIODS DURING 2014.**—Notwithstanding any other provision of law, in the case of—

(1) any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for periods after December 31, 2013, and before the date of the enactment of this Act, and

(2) any alternative fuel credit properly determined under section 6426(d) of such Code for such periods, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary’s delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

#### **Subtitle B—Provisions Expiring in 2014**

##### **PART I—ENERGY TAX EXTENDERS**

##### **SEC. 171. EXTENSION OF CREDIT FOR NEW QUALIFIED FUEL CELL MOTOR VEHICLES.**

(a) **IN GENERAL.**—Paragraph (1) of section 30B(k) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property purchased after December 31, 2014.

##### **SEC. 172. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.**

(a) **IN GENERAL.**—Subsection (g) of section 30C is amended by striking “placed in service” and all that follows and inserting “placed in service after December 31, 2015”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2013.

##### **PART II—EXTENDERS RELATING TO MULTIEMPLOYER DEFINED BENEFIT PENSION PLANS**

##### **SEC. 181. EXTENSION OF AUTOMATIC EXTENSION OF AMORTIZATION PERIODS.**

(a) **IN GENERAL.**—Subparagraph (C) of section 431(d)(1) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

(b) **AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.**—Subparagraph

(C) of section 304(d)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(d)(1)(C)) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to applications submitted under section 431(d)(1)(A) of the Internal Revenue Code of 1986 and section 304(d)(1)(C) of the Employee Retirement Income Security Act of 1974 after December 31, 2014.

##### **SEC. 182. EXTENSION OF FUNDING IMPROVEMENT AND REHABILITATION PLAN RULES.**

(a) **IN GENERAL.**—Paragraphs (1) and (2) of section 221(c) of the Pension Protection Act of 2006 are each amended by striking “December 31, 2014” and inserting “December 31, 2015”.

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 221(c) of the Pension Protection Act of 2006 is amended by striking “January 1, 2015” and inserting “January 1, 2016”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after December 31, 2014.

#### **Subtitle C—Revenue Provisions**

##### **SEC. 191. PENALTY FOR FAILURE TO MEET DUE DILIGENCE REQUIREMENTS FOR THE CHILD TAX CREDIT.**

(a) **IN GENERAL.**—Section 6695 is amended by adding at the end the following new subsection:

“(h) **FAILURE TO BE DILIGENT IN DETERMINING ELIGIBILITY FOR CHILD TAX CREDIT.**—Any person who is a tax return preparer with respect to any return or claim for refund who fails to comply with due diligence requirements imposed by the Secretary by regulations with respect to determining eligibility for, or the amount of, the credit allowable by section 24 shall pay a penalty of \$500 for each such failure.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2014.

##### **SEC. 192. 100 PERCENT CONTINUOUS LEVY ON PAYMENT TO MEDICARE PROVIDERS AND SUPPLIERS.**

(a) **IN GENERAL.**—Paragraph (3) of section 6331(h) is amended by striking the period at the end and inserting “, or to a Medicare provider or supplier under title XVIII of the Social Security Act.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments made on or after the date which is 180 days after the date of the enactment of this Act.

##### **SEC. 193. EXCLUSION FROM GROSS INCOME OF CERTAIN CLEAN COAL POWER GRANTS TO NON-CORPORATE TAXPAYERS.**

(a) **GENERAL RULE.**—In the case of an eligible taxpayer other than a corporation, gross income for purposes of the Internal Revenue Code of 1986 shall not include any amount received under section 402 of the Energy Policy Act of 2005.

(b) **REDUCTION IN BASIS.**—The basis of any property subject to the allowance for depreciation under the Internal Revenue Code of 1986 which is acquired with any amount to which subsection (a) applies during the 12-month period beginning on the day such amount is received shall be reduced by an amount equal to such amount. The excess (if any) of such amount over the amount of the reduction under the preceding sentence shall be applied to the reduction (as of the last day of the period specified in the preceding sentence) of the basis of any other property held by the taxpayer. The particular properties to which the reductions required by

this subsection are allocated shall be determined by the Secretary of the Treasury (or the Secretary’s delegate) under regulations similar to the regulations under section 362(c)(2) of such Code.

(c) **LIMITATION TO AMOUNTS WHICH WOULD BE CONTRIBUTIONS TO CAPITAL.**—Subsection (a) shall not apply to any amount unless such amount, if received by a corporation, would be excluded from gross income under section 118 of the Internal Revenue Code of 1986.

(d) **ELIGIBLE TAXPAYER.**—For purposes of this section, with respect to any amount received under section 402 of the Energy Policy Act of 2005, the term “eligible taxpayer” means a taxpayer that makes a payment to the Secretary of the Treasury (or the Secretary’s delegate) equal to 1.18 percent of the amount so received. Such payment shall be made at such time and in such manner as such Secretary (or the Secretary’s delegate) shall prescribe. In the case of a partnership, such Secretary (or the Secretary’s delegate) shall prescribe regulations to determine the allocation of such payment amount among the partners.

(e) **EFFECTIVE DATE.**—This section shall apply to amounts received under section 402 of the Energy Policy Act of 2005 in taxable years beginning after December 31, 2011.

##### **SEC. 194. REFORM OF RULES RELATING TO QUALIFIED TAX COLLECTION CONTRACTS.**

(a) **REQUIREMENT TO COLLECT CERTAIN INACTIVE TAX RECEIVABLES UNDER QUALIFIED TAX COLLECTION CONTRACTS.**—Section 6306 is amended by redesignating subsections (c) through (f) as subsections (d) through (g), respectively, and by inserting after subsection (b) the following new subsection:

“(c) **COLLECTION OF INACTIVE TAX RECEIVABLES.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary shall enter into one or more qualified tax collection contracts for the collection of all outstanding inactive tax receivables.

“(2) **INACTIVE TAX RECEIVABLES.**—For purposes of this section—

“(A) **IN GENERAL.**—The term ‘inactive tax receivable’ means any tax receivable if—

“(i) at any time after assessment, the Internal Revenue Service removes such receivable from the active inventory for lack of resources or inability to locate the taxpayer,

“(ii) more than ½ of the period of the applicable statute of limitation has lapsed and such receivable has not been assigned for collection to any employee of the Internal Revenue Service, or

“(iii) in the case of a receivable which has been assigned for collection, more than 365 days have passed without interaction with the taxpayer or a third party for purposes of furthering the collection of such receivable.

“(B) **TAX RECEIVABLE.**—The term ‘tax receivable’ means any outstanding assessment which the Internal Revenue Service includes in potentially collectible inventory.”

(b) **CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTION CONTRACTS.**—Section 6306, as amended by subsection (a), is amended by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and by inserting after subsection (c) the following new subsection:

“(d) **CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTIONS CONTRACTS.**—A tax receivable shall not be eligible for collection pursuant to a qualified tax collection contract if such receivable—

“(1) is subject to a pending or active offer-in-compromise or installment agreement,

“(2) is classified as an innocent spouse case,

“(3) involves a taxpayer identified by the Secretary as being—

“(A) deceased,

“(B) under the age of 18,

“(C) in a designated combat zone, or

“(D) a victim of tax-related identity theft,

“(4) is currently under examination, litigation, criminal investigation, or levy, or

“(5) is currently subject to a proper exercise of a right of appeal under this title.”.

(c) **CONTRACTING PRIORITY.**—Section 6306, as amended by the preceding provisions of this section, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

“(h) **CONTRACTING PRIORITY.**—In contracting for the services of any person under this section, the Secretary shall utilize private collection contractors and debt collection centers on the schedule required under section 3711(g) of title 31, United States Code, including the technology and communications infrastructure established therein, to the extent such private collection contractors and debt collection centers are appropriate to carry out the purposes of this section.”.

(d) **DISCLOSURE OF RETURN INFORMATION.**—Section 6103(k) is amended by adding at the end the following new paragraph:

“(11) **QUALIFIED TAX COLLECTION CONTRACTORS.**—Persons providing services pursuant to a qualified tax collection contract under section 6306 may, if speaking to a person who has identified himself or herself as having the name of the taxpayer to which a tax receivable (within the meaning of such section) relates, identify themselves as contractors of the Internal Revenue Service and disclose the business name of the contractor, and the nature, subject, and reason for the contact. Disclosures under this paragraph shall be made only in such situations and under such conditions as have been approved by the Secretary.”.

(e) **TAXPAYERS AFFECTED BY FEDERALLY DECLARED DISASTERS.**—Section 6306, as amended by the preceding provisions of this section, is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

“(i) **TAXPAYERS IN PRESIDENTIALLY DECLARED DISASTER AREAS.**—The Secretary may prescribe procedures under which a taxpayer determined to be affected by a Federally declared disaster (as defined by section 165(h)(3)(C)) may request—

“(1) relief from immediate collection measures by contractors under this section, and

“(2) a return of the inactive tax receivable to the inventory of the Internal Revenue Service to be collected by an employee thereof.”.

(f) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Section 6306, as amended by the preceding provisions of this section, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) **REPORT TO CONGRESS.**—Not later than 90 days after the last day of each fiscal year (beginning with the first such fiscal year ending after the date of the enactment of this subsection), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to qualified tax collection contracts under this section which shall include—

“(1) annually, with respect to such fiscal year—

“(A) the total number and amount of tax receivables provided to each contractor for collection under this section,

“(B) the total amounts collected (and amounts of installment agreements entered into under subsection (b)(1)(B)) with respect to each contractor and the collection costs incurred (directly and indirectly) by the Internal Revenue Service with respect to such amounts,

“(C) the impact of such contracts on the total number and amount of unpaid assessments, and on the number and amount of assessments collected by Internal Revenue Service personnel after initial contact by a contractor,

“(D) the amount of fees retained by the Secretary under subsection (e) and a description of the use of such funds, and

“(E) a disclosure safeguard report in a form similar to that required under section 6103(p)(5), and

“(2) biannually (beginning with the second report submitted under this subsection)—

“(A) an independent evaluation of contractor performance, and

“(B) a measurement plan that includes a comparison of the best practices used by the private collectors to the collection techniques used by the Internal Revenue Service and mechanisms to identify and capture information on successful collection techniques used by the contractors that could be adopted by the Internal Revenue Service.”.

(2) **REPEAL OF EXISTING REPORTING REQUIREMENTS WITH RESPECT TO QUALIFIED TAX COLLECTION CONTRACTS.**—Section 881 of the American Jobs Creation Act of 2004 is amended by striking subsection (e).

(g) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—The amendments made by subsections (a) and (b) shall apply to tax receivables identified by the Secretary after the date of the enactment of this Act.

(2) **CONTRACTING PRIORITY.**—The Secretary shall begin entering into contracts and agreements as described in the amendment made by subsection (c) within 3 months after the date of the enactment of this Act.

(3) **DISCLOSURES.**—The amendment made by subsection (d) shall apply to disclosures made after the date of the enactment of this Act.

(4) **PROCEDURES; REPORT TO CONGRESS.**—The amendments made by subsections (e) and (f) shall take effect on the date of the enactment of this Act.

#### **SEC. 195. SPECIAL COMPLIANCE PERSONNEL PROGRAM.**

(a) **IN GENERAL.**—Subsection (e) of section 6306, as redesignated by section 194, is amended by striking “for collection enforcement activities of the Internal Revenue Service” in paragraph (2) and inserting “to fund the special compliance personnel program account under section 6307”.

(b) **SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.**—Subchapter A of chapter 64 is amended by adding at the end the following new section:

#### **“SEC. 6307. SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.**

“(a) **ESTABLISHMENT OF A SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.**—The Secretary shall establish an account within the Department for carrying out a program consisting of the hiring, training, and employment of special compliance personnel, and shall transfer to such account from time to time amounts retained by the Secretary under section 6306(e)(2).

“(b) **RESTRICTIONS.**—The program described in subsection (a) shall be subject to the following restrictions:

“(1) No funds shall be transferred to such account except as described in subsection (a).

“(2) No other funds from any other source shall be expended for special compliance personnel employed under such program, and no funds from such account shall be expended for the hiring of any personnel other than special compliance personnel.

“(3) Notwithstanding any other authority, the Secretary is prohibited from spending funds out of such account for any purpose other than for costs under such program associated with the employment of special compliance personnel and the retraining and reassignment of current noncollections personnel as special compliance personnel, and to reimburse the Internal Revenue Service or other government agencies for the cost of administering qualified tax collection contracts under section 6306.

“(c) **REPORTING.**—Not later than March of each year, the Commissioner of Internal Revenue shall submit a report to the Committees on Finance and Appropriations of the Senate and the Committees on Ways and Means and Appropriations of the House of Representatives consisting of the following:

“(1) For the preceding fiscal year, all funds received in the account established under subsection (a), administrative and program costs for the program described in such subsection, the number of special compliance personnel hired and employed under the program, and the amount of revenue actually collected by such personnel.

“(2) For the current fiscal year, all actual and estimated funds received or to be received in the account, all actual and estimated administrative and program costs, the number of all actual and estimated special compliance personnel hired and employed under the program, and the actual and estimated revenue actually collected or to be collected by such personnel.

“(3) For the following fiscal year, an estimate of all funds to be received in the account, all estimated administrative and program costs, the estimated number of special compliance personnel hired and employed under the program, and the estimated revenue to be collected by such personnel.

“(d) **DEFINITIONS.**—For purposes of this section—

“(1) **SPECIAL COMPLIANCE PERSONNEL.**—The term ‘special compliance personnel’ means individuals employed by the Internal Revenue Service as field function collection officers or in a similar position, or employed to collect taxes using the automated collection system or an equivalent replacement system.

“(2) **PROGRAM COSTS.**—The term ‘program costs’ means—

“(A) total salaries (including locality pay and bonuses), benefits, and employment taxes for special compliance personnel employed or trained under the program described in subsection (a), and

“(B) direct overhead costs, salaries, benefits, and employment taxes relating to support staff, rental payments, office equipment and furniture, travel, data processing services, vehicle costs, utilities, telecommunications, postage, printing and reproduction, supplies and materials, lands and structures, insurance claims, and indemnities for special compliance personnel hired and employed under this section.

For purposes of subparagraph (B), the cost of management and supervision of special compliance personnel shall be taken into account as direct overhead costs to the extent

such costs, when included in total program costs under this paragraph, do not represent more than 10 percent of such total costs.”.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 64 is amended by inserting after the item relating to section 6306 the following new item:

“Sec. 6307. Special compliance personnel program account.”.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected and retained by the Secretary after the date of the enactment of this Act.

**SEC. 196. EXCLUSION OF DIVIDENDS FROM CONTROLLED FOREIGN CORPORATIONS FROM THE DEFINITION OF PERSONAL HOLDING COMPANY INCOME FOR PURPOSES OF THE PERSONAL HOLDING COMPANY RULES.**

(a) IN GENERAL.—Paragraph (1) of section 543(a) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

“(C) dividends received by a United States shareholder (as defined in section 951(b)) from a controlled foreign corporation (as defined in section 957(a)).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after the date of the enactment of this Act.

**SEC. 197. INFLATION ADJUSTMENT FOR CERTAIN CIVIL PENALTIES UNDER THE INTERNAL REVENUE CODE OF 1986.**

(a) FAILURE TO FILE TAX RETURN OR PAY TAX.—Section 6651 is amended by adding at the end the following new subsection:

“(i) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—In the case of any return required to be filed in a calendar year beginning after 2014, the \$135 dollar amount under subsection (a) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under paragraph (1) is not a multiple of \$5, such amount shall be rounded to the next lowest multiple of \$5.”.

(b) FAILURE TO FILE CERTAIN INFORMATION RETURNS, REGISTRATION STATEMENTS, ETC.—

(1) IN GENERAL.—Section 6652(c) is amended by adding at the end the following new paragraph:

“(6) ADJUSTMENT FOR INFLATION.—

“(A) IN GENERAL.—In the case of any failure relating to a return required to be filed in a calendar year beginning after 2014, each of the dollar amounts under paragraphs (1), (2), and (3) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount adjusted under subparagraph (A)—

“(i) is not less than \$5,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(ii) is not described in clause (i) and is not a multiple of \$5, such amount shall be rounded to the next lowest multiple of \$5.”.

(2) CONFORMING AMENDMENTS.—

(A) The last sentence of section 6652(c)(1)(A) is amended by striking ‘the first sentence of this subparagraph shall be applied by substituting ‘\$100’ for ‘\$20’ and’ and inserting ‘in applying the first sentence of this subparagraph, the amount of the pen-

alty for each day during which a failure continues shall be \$100 in lieu of the amount otherwise specified, and”.

(B) Clause (ii) of section 6652(c)(2)(C) is amended by striking ‘the first sentence of paragraph (1)(A)’ and all that follows and inserting ‘in applying the first sentence of paragraph (1)(A), the amount of the penalty for each day during which a failure continues shall be \$100 in lieu of the amount otherwise specified, and in lieu of applying the second sentence of paragraph (1)(A), the maximum penalty under paragraph (1)(A) shall not exceed \$50,000, and”.

(c) OTHER ASSESSABLE PENALTIES WITH RESPECT TO THE PREPARATION OF TAX RETURNS FOR OTHER PERSONS.—Section 6695 is amended by adding at the end the following new subsection:

“(h) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—In the case of any failure relating to a return or claim for refund filed in a calendar year beginning after 2014, each of the dollar amounts under subsections (a), (b), (c), (d), (e), (f), and (g) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under subparagraph (A)—

“(A) is not less than \$5,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in clause (i) and is not a multiple of \$5, such amount shall be rounded to the next lowest multiple of \$5.”.

(d) FAILURE TO FILE PARTNERSHIP RETURN.—Section 6698 is amended by adding at the end the following new subsection:

“(e) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—In the case of any return required to be filed in a calendar year beginning after 2014, the \$195 dollar amount under subsection (b)(1) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under paragraph (1) is not a multiple of \$5, such amount shall be rounded to the next lowest multiple of \$5.”.

(e) FAILURE TO FILE S CORPORATION RETURN.—Section 6699 is amended by adding at the end the following new subsection:

“(e) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—In the case of any return required to be filed in a calendar year beginning after 2014, the \$195 dollar amount under subsection (b)(1) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under paragraph (1) is not a multiple of \$5, such amount shall be rounded to the next lowest multiple of \$5.”.

(f) FAILURE TO FILE CORRECT INFORMATION RETURNS.—Paragraph (1) of section 6721(f) is amended by striking ‘For each fifth calendar year beginning after 2012’ and inserting ‘In the case of any failure relating to a return required to be filed in a calendar year beginning after 2014’.

(g) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—Paragraph (1) of section 6722(f) is amended by striking ‘For each fifth calendar year beginning after 2012’ and inserting ‘In the case of any failure relating to

a statement required to be furnished in a calendar year beginning after 2014”.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after December 31, 2014.

**TITLE II—TAX TECHNICAL CORRECTIONS**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Tax Technical Corrections Act of 2014”.

**SEC. 202. AMENDMENT RELATING TO MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012.**

(a) AMENDMENT RELATING TO SECTION 7001.—Paragraph (1) of section 7001 of the Middle Class Tax Relief and Job Creation Act of 2012 is amended by striking “201(b)” and inserting “202(b)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 7001 of the Middle Class Tax Relief and Job Creation Act of 2012.

**SEC. 203. AMENDMENTS RELATING TO AMERICAN TAXPAYER RELIEF ACT OF 2012.**

(a) AMENDMENT RELATING TO SECTION 102.—Clause (ii) of section 911(f)(2)(B) is amended by striking “described in section 1(h)(1)(B)” shall be treated as a reference to such excess as determined” and inserting “described in section 1(h)(1)(B), and the reference in section 55(b)(3)(C)(i) to the excess described in section 1(h)(1)(C)(ii), shall each be treated as a reference to each such excess as determined”.

(b) AMENDMENTS RELATING TO SECTION 104.—

(1) Clause (ii) of section 55(d)(4)(B) is amended by inserting “subparagraphs (A), (B), and (D) of” before “paragraph (1)”.

(2) Subparagraph (C) of section 55(d)(4) is amended by striking “increase” and inserting “increased amount”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provision of the American Taxpayer Relief Act of 2012 to which they relate.

**SEC. 204. AMENDMENTS RELATING TO REGULATED INVESTMENT COMPANY MODERNIZATION ACT OF 2010.**

(a) AMENDMENTS RELATING TO SECTION 101.—

(1) Subsection (c) of section 101 of the Regulated Investment Company Modernization Act of 2010 is amended—

(A) by striking “paragraph (2)” in paragraph (1) and inserting “paragraphs (2) and (3)”, and

(B) by adding at the end the following new paragraph:

“(3) EXCISE TAX.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), for purposes of section 4982 of the Internal Revenue Code of 1986, paragraphs (1) and (2) shall apply by substituting ‘the 1-year periods taken into account under subsection (b)(1)(B) of such section with respect to calendar years beginning after December 31, 2010’ for ‘taxable years beginning after the date of the enactment of this Act’.

“(B) ELECTION.—A regulated investment company may elect to apply subparagraph (A) by substituting ‘2011’ for ‘2010’. Such election shall be made at such time and in such form and manner as the Secretary of the Treasury (or the Secretary’s delegate) shall prescribe.”.

(2) The first sentence of paragraph (2) of section 852(c) is amended—

(A) by striking “and without regard to” and inserting “, without regard to”, and

(B) by inserting “, and without regard to any capital loss arising on the first day of the taxable year by reason of clauses (ii) and (iii) of section 1212(a)(3)(A)” before the period at the end.

(b) AMENDMENT RELATING TO SECTION 304.—Paragraph (1) of section 855(a) is amended by inserting “on or” before “before”.

(c) AMENDMENTS RELATING TO SECTION 308.—

(1) Paragraph (8) of section 852(b) is amended by redesignating subparagraph (E) as subparagraph (G) and by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

“(C) POST-OCTOBER CAPITAL LOSS.—For purposes of this paragraph, the term ‘post-October capital loss’ means—

“(i) any net capital loss attributable to the portion of the taxable year after October 31, or

“(ii) if there is no such loss—

“(I) any net long-term capital loss attributable to such portion of the taxable year, or

“(II) any net short-term capital loss attributable to such portion of the taxable year.

“(D) LATE-YEAR ORDINARY LOSS.—For purposes of this paragraph, the term ‘late-year ordinary loss’ means the sum of any post-October specified loss and any post-December ordinary loss.

“(E) POST-OCTOBER SPECIFIED LOSS.—For purposes of this paragraph, the term ‘post-October specified loss’ means the excess (if any) of—

“(i) the specified losses (as defined in section 4982(e)(5)(B)(ii)) attributable to the portion of the taxable year after October 31, over

“(ii) the specified gains (as defined in section 4982(e)(5)(B)(i)) attributable to such portion of the taxable year.

“(F) POST-DECEMBER ORDINARY LOSS.—For purposes of this paragraph, the term ‘post-December ordinary loss’ means the excess (if any) of—

“(i) the ordinary losses not described in subparagraph (E)(i) and attributable to the portion of the taxable year after December 31, over

“(ii) the ordinary income not described in subparagraph (E)(ii) and attributable to such portion of the taxable year.”

(2) Subparagraph (G) of section 852(b)(8), as so redesignated, is amended by striking “, (D)(i)(I), and (D)(ii)(I)” and inserting “and (E)”.

(3) The first sentence of paragraph (2) of section 852(c), as amended by subsection (a), is amended—

(A) by striking “, and without regard to” and inserting “, without regard to”, and

(B) by inserting “, and with such other adjustments as the Secretary may prescribe” before the period at the end.

(d) AMENDMENTS RELATING TO SECTION 402.—

(1) Subparagraph (B) of section 4982(e)(6) is amended by inserting before the period at the end the following: “or which determines income by reference to the value of an item on the last day of the taxable year”.

(2) Subparagraph (A) of section 4982(e)(7) is amended by striking “such company” and all that follows through “any net ordinary loss” and inserting “such company may elect to determine its ordinary income and net ordinary loss (as defined in paragraph (2)(C)(ii)) for the calendar year without regard to any portion of any net ordinary loss”.

(e) CLERICAL AMENDMENT RELATING TO SECTION 201.—Subparagraph (A) of section 851(d)(2) is amended by inserting “of this paragraph” after “subparagraph (B)(i)”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect as if included in the provision of the Regulated Investment Com-

pany Modernization Act of 2010 to which they relate.

(2) SAVINGS PROVISION.—In the case of a regulated investment company which, before the date of the enactment of this Act, elected under paragraph (8) of section 852(b) of the Internal Revenue Code of 1986 (as in effect on the date of such election) for any taxable year ending before such date of enactment to treat any loss as arising in the following taxable year, the amendments made by paragraphs (1) and (2) of subsection (c) shall not apply with respect to such election.

#### SEC. 205. AMENDMENTS RELATING TO TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010.

(a) AMENDMENT RELATING TO SECTION 103.—Clause (ii) of section 32(b)(3)(B) is amended by striking “in 2010” and inserting “after 2009”.

(b) CLERICAL AMENDMENT RELATING TO SECTION 302.—Subsection (f) of section 302 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 is amended by striking “subsection” and inserting “section”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 to which they relate.

#### SEC. 206. AMENDMENTS RELATING TO CREATING SMALL BUSINESS JOBS ACT OF 2010.

(a) AMENDMENTS RELATING TO SECTION 2102.—

(1) Subsection (h) of section 2102 of the Creating Small Business Jobs Act of 2010 is amended by inserting “, and payee statements required to be furnished,” after “information returns required to be filed”.

(2) Paragraphs (1) and (2) of subsection (b), and subsection (c)(1)(C), of section 6722 are each amended by striking “the required filing date” and inserting “the date prescribed for furnishing such statement”.

(3) Subparagraph (B) of section 6722(c)(2) is amended by striking “filed” and inserting “furnished”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provision of the Creating Small Business Jobs Act of 2010 to which they relate.

#### SEC. 207. CLERICAL AMENDMENT RELATING TO HIRING INCENTIVES TO RESTORE EMPLOYMENT ACT.

(a) AMENDMENT RELATING TO SECTION 512.—Paragraph (1) of section 512(a) of the Hiring Incentives to Restore Employment Act is amended by striking “after paragraph (6)” and inserting “after paragraph (5)”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Hiring Incentives to Restore Employment Act to which it relates.

#### SEC. 208. AMENDMENTS RELATING TO AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009.

(a) AMENDMENT RELATING TO SECTION 1003.—Paragraph (4) of section 24(d) is amended to read as follows:

“(4) SPECIAL RULE FOR CERTAIN YEARS.—In the case of any taxable year beginning after 2008 and before 2018, paragraph (1)(B)(i) shall be applied by substituting ‘\$3,000’ for ‘\$10,000’.”

(b) AMENDMENT RELATING TO SECTION 1004.—Paragraph (3) of section 25A(i) is amended by striking “Subsection (f)(1)(A) shall be applied” and inserting “For purposes of determining the Hope Scholarship Credit, subsection (f)(1)(A) shall be applied”.

(c) AMENDMENTS RELATING TO SECTION 1008.—

(1) Paragraph (6) of section 164(b) is amended by striking subparagraph (E) and by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively.

(2) Subparagraphs (E) and (F) of section 164(b)(6), as so redesignated, are each amended by striking “This paragraph” and inserting “Subsection (a)(6)”.

(d) AMENDMENT RELATING TO SECTION 1104.—Subparagraph (A) of section 48(d)(3) is amended by inserting “or alternative minimum taxable income” after “includible in the gross income”.

(e) AMENDMENTS RELATING TO SECTION 1141.—

(1) Subsection (f) of section 30D is amended—

(A) by inserting “(determined without regard to subsection (c))” before the period at the end of paragraph (1), and

(B) by inserting “(determined without regard to subsection (c))” before the period at the end of paragraph (2).

(2) Paragraph (3) of section 30D(f) is amended by adding at the end the following: “For purposes of subsection (c), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.”

(f) AMENDMENTS RELATING TO SECTION 1142.—

(1) Subsection (b) of section 38 is amended by striking “plus” at the end of paragraph (35), by redesignating paragraph (36) as paragraph (37), and by inserting after paragraph (35) the following new paragraph:

“(36) the portion of the qualified plug-in electric vehicle credit to which section 30(c)(1) applies, plus”.

(2)(A) Subsection (e) of section 30 is amended—

(i) by inserting “(determined without regard to subsection (c))” before the period at the end of paragraph (1), and

(ii) by inserting “(determined without regard to subsection (c))” before the period at the end of paragraph (2).

(B) Paragraph (3) of section 30(e) is amended by adding at the end the following: “For purposes of subsection (c), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.”

(g) AMENDMENT RELATING TO SECTION 1302.—Paragraph (3) of section 48C(b) is amended by inserting “as the qualified investment” after “The amount which is treated”.

(h) AMENDMENTS RELATED TO SECTION 1541.—

(1) Paragraph (2) of section 853A(a) is amended by inserting “(determined after the application of this section)” before the comma at the end.

(2) Subsection (a) of section 853A is amended—

(A) by striking “with respect to credits” and inserting “with respect to some or all of the credits”, and

(B) by inserting “(determined without regard to this section and sections 54(c), 54A(c)(1), 54AA(c)(1), and 1397E(c))” after “credits allowable”.

(3) Subsection (b) of section 853A is amended to read as follows:

“(b) EFFECT OF ELECTION.—If the election provided in subsection (a) is in effect with respect to any credits for any taxable year—

“(1) the regulated investment company—

“(A) shall not be allowed such credits,

“(B) shall include in gross income (as interest) for such taxable year the amount

which would have been so included with respect to such credits had the application of this section not been elected,

“(C) shall include in earnings and profits the amount so included in gross income, and

“(D) shall be treated as making one or more distributions of money with respect to its stock equal to the amount of such credits on the date or dates (on or after the applicable date for any such credit) during such taxable year (or following the close of the taxable year pursuant to section 855) selected by the company, and

“(2) each shareholder of such investment company shall—

“(A) be treated as receiving such shareholder's proportionate share of any distribution of money which is treated as made by such investment company under paragraph (1)(D), and

“(B) be allowed credits against the tax imposed by this chapter equal to the amount of such distribution, subject to the provisions of this title applicable to the credit involved.”.

(4) Subsection (c) of section 853A is amended to read as follows:

“(c) NOTICE TO SHAREHOLDERS.—The amount treated as a distribution of money received by a shareholder under subsection (b)(2)(A) (and as credits allowed to such shareholder under subsection (b)(2)(B)) shall not exceed the amount so reported by the regulated investment company in a written statement furnished to such shareholder.”.

(5) Clause (ii) of section 853A(e)(1)(A) is amended by inserting “other than a qualified bond described in section 54AA(g)” after “as defined in section 54AA(d)”.

(i) AMENDMENTS RELATING TO SECTION 2202.—

(1) Subparagraph (A) of section 2202(b)(1) of the division B of the American Recovery and Reinvestment Act of 2009 is amended by inserting “political subdivision of a State,” after “any State.”.

(2) Section 2202 of division B of the American Recovery and Reinvestment Act of 2009 is amended by adding at the end the following new subsection:

“(e) TREATMENT OF POSSESSIONS.—

“(1) PAYMENTS TO MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of credits allowed under subsection (a) with respect to taxable years beginning in 2009. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

“(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes for any taxable year under this section to any person to whom a credit is allowed against taxes imposed by the possession by reason of the credit allowed under subsection (a) for such taxable year.

“(3) DEFINITIONS AND SPECIAL RULES.—

“(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ‘possession of the United States’ includes the Commonwealth of the Northern Mariana Islands.

“(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ‘mirror code tax system’ means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United

States as if such possession were the United States.

“(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 36A of the Internal Revenue Code of 1986 (as added by this Act).”.

(j) CLERICAL AMENDMENTS.—

(1) AMENDMENT RELATING TO SECTION 1131.—Paragraph (2) of section 45Q(d) is amended by striking “Administrator of the Environmental Protection Agency” and all that follows through “shall establish” and inserting “Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of the Interior, shall establish”.

(2) AMENDMENT RELATING TO SECTION 1141.—Paragraph (37) of section 1016(a) is amended by striking “section 30D(e)(4)” and inserting “section 30D(f)(1)”.

(3) AMENDMENT RELATING TO SECTION 3001.—Subparagraph (A) of section 3001(a)(14) of the American Recovery and Reinvestment Act of 2009 is amended by striking “is amended by redesignating paragraph (9) as paragraph (10)” and inserting “, as amended by this Act, is amended by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively.”.

(K) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Recovery and Reinvestment Tax Act of 2009 to which they relate.

#### SEC. 209. AMENDMENTS RELATING TO ENERGY IMPROVEMENT AND EXTENSION ACT OF 2008.

(a) AMENDMENT RELATING TO SECTION 108.—Subparagraph (E) of section 45K(g)(2) is amended to read as follows:

“(E) COORDINATION WITH SECTION 45.—No credit shall be allowed with respect to any coke or coke gas which is produced using steel industry fuel (as defined in section 45(c)(7)) as feedstock if a credit is allowed to any taxpayer under section 45 with respect to the production of such steel industry fuel.”.

(b) AMENDMENT RELATING TO SECTION 113.—Paragraph (1) of section 113(b) of the Energy Improvement and Extension Act of 2008 is amended by adding at the end the following new subparagraph:

“(F) TRUST FUND.—The term ‘Trust Fund’ means the Black Lung Disability Trust Fund established under section 9501 of the Internal Revenue Code of 1986.”.

(c) AMENDMENTS RELATING TO SECTION 306.—

(1) Clause (ii) of section 168(i)(18)(A) is amended by striking “10 years” and inserting “16 years”.

(2) Clause (ii) of section 168(i)(19)(A) is amended by striking “10 years” and inserting “16 years”.

(d) AMENDMENT RELATING TO SECTION 308.—Clause (i) of section 168(m)(2)(B) is amended by striking “section 168(k)” and inserting “subsection (k) (determined without regard to paragraph (4) thereof)”.

(e) AMENDMENT RELATING TO SECTION 402.—Subparagraph (A) of section 907(f)(4) is amended by striking “this subsection shall be applied” and all that follows through the period at the end and inserting the following: “this subsection, as in effect on the day before the date of the enactment of the Energy Improvement and Extension Act of 2008, shall apply to unused oil and gas extraction taxes carried from such unused credit year to a taxable year beginning after December 31, 2008.”.

(f) AMENDMENTS RELATING TO SECTION 403.—

(1) Subsection (c) of section 1012 is amended—

(A) by striking “FUNDS” in the heading for paragraph (2) and inserting “REGULATED INVESTMENT COMPANIES”,

(B) by striking “FUND” in the heading for paragraph (2)(B), and

(C) by striking “fund” each place it appears in paragraph (2) and inserting “regulated investment company”.

(2) Paragraph (1) of section 1012(d) is amended—

(A) by striking “December 31, 2010” and inserting “December 31, 2011”, and

(B) by striking “an open-end fund” and inserting “a regulated investment company”.

(3) Paragraph (3) of section 1012(d) is amended to read as follows:

“(3) SEPARATE ACCOUNTS; ELECTION FOR TREATMENT AS SINGLE ACCOUNT.—

“(A) IN GENERAL.—Rules similar to the rules of subsection (c)(2) shall apply for purposes of this subsection.

“(B) AVERAGE BASIS FOR PRE-2012 STOCK.—Notwithstanding paragraph (1), in the case of an election under rules similar to the rules of subsection (c)(2)(B) with respect to stock held in connection with a dividend reinvestment plan, the average basis method is permissible with respect to all such stock without regard to the date of the acquisition of such stock.”.

(4) Subsection (g) of section 6045 is amended by adding at the end the following new paragraph:

“(6) SPECIAL RULE FOR CERTAIN STOCK HELD IN CONNECTION WITH DIVIDEND REINVESTMENT PLAN.—For purposes of this subsection, stock acquired before January 1, 2012, in connection with a dividend reinvestment plan shall be treated as stock described in clause (ii) of paragraph (3)(C) (unless the broker with respect to such stock elects not to have this paragraph apply with respect to such stock).”.

(g) CLERICAL AMENDMENT RELATING TO SECTION 108.—Paragraph (2) of section 45(b) is amended by striking “\$3 amount” and inserting “\$2 amount”.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Energy Improvement and Extension Act of 2008 to which they relate.

#### SEC. 210. AMENDMENTS RELATING TO TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008.

(a) AMENDMENT RELATING TO SECTION 208.—Subsection (b) of section 208 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 is amended to read as follows:

“(b) EFFECTIVE DATE.—

“(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2008. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before October 4, 2008.

“(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

“(A) which makes a distribution after December 31, 2007, and before October 4, 2008, and

“(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code, such investment company shall not be liable to any person to whom such distribution was

made for any amount so withheld and paid over to the Secretary of the Treasury.”.

(b) AMENDMENTS RELATING TO SECTION 305.—Paragraphs (7)(B) and (8)(D) of section 168(e) are each amended by inserting “which is not qualified leasehold improvement property” after “Property described in this paragraph”.

(c) CLERICAL AMENDMENTS.—

(1) AMENDMENT RELATING TO SECTION 306.—Paragraph (5) of section 168(b) is amended by striking “(2)(C)” and inserting “(2)(D)”.

(2) AMENDMENTS RELATING TO SECTION 706.—

(A) Paragraph (2) of section 1033(h) is amended by inserting “is” before “compulsorily”.

(B) Subclause (II) of section 172(b)(1)(F)(ii) is amended by striking “subsection (h)(3)(C)(i)” and inserting “section 165(h)(3)(C)(i)”.

(C) The heading for paragraph (1) of section 165(h) is amended by striking “\$100” and inserting “DOLLAR”.

(3) AMENDMENT RELATING TO SECTION 709.—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in Federally declared disasters) as paragraph (13).

(4) AMENDMENT RELATING TO SECTION 712.—Section 712 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 is amended by striking “section 702(c)(1)(A)” and inserting “section 702(b)(1)(A)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 to which they relate.

#### SEC. 211. CLERICAL AMENDMENTS RELATING TO HOUSING ASSISTANCE TAX ACT OF 2008.

(a) AMENDMENT RELATING TO SECTION 3002.—Paragraph (1) of section 42(b) is amended by striking “For purposes of this section, the term” and inserting the following: “For purposes of this section—

“(A) IN GENERAL.—The term”.

(b) AMENDMENT RELATING TO SECTION 3081.—Clause (iv) of section 168(k)(4)(E) is amended by striking “adjusted minimum tax” and inserting “adjusted net minimum tax”.

(c) AMENDMENT RELATING TO SECTION 3092.—Subsection (b) of section 121 is amended by redesignating the second paragraph (4) (relating to exclusion of gain allocated to nonqualified use) as paragraph (5).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Housing Assistance Tax Act of 2008 to which they relate.

#### SEC. 212. AMENDMENTS AND PROVISION RELATING TO HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008.

(a) AMENDMENT RELATING TO SECTION 106.—Paragraph (2) of section 106(c) of the Heroes Earnings Assistance and Relief Tax Act of 2008 is amended by striking “substituting for” and inserting “substituting ‘June 17, 2008’ for”.

(b) AMENDMENT RELATING TO SECTION 114.—Paragraph (1) of section 125(h) is amended by inserting “(and shall not fail to be treated as an accident or health plan)” before “merely”.

(c) CLERICAL AMENDMENTS.—

(1) AMENDMENT RELATING TO SECTION 110.—Subparagraph (B) of section 121(d)(12) is amended by inserting “of paragraph (9)” after “and (D)”.

(2) AMENDMENT RELATING TO SECTION 301.—Paragraph (2) of section 877(e) is amended by striking “subparagraph (A) or (B) of”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Heroes Earnings Assistance and Relief Tax Act of 2008 to which they relate.

#### SEC. 213. AMENDMENTS RELATING TO ECONOMIC STIMULUS ACT OF 2008.

(a) AMENDMENTS RELATING TO SECTION 101.—Paragraph (2) of section 6213(g) is amended—

(1) by striking “32, or 6428” in subparagraph (L) and inserting “or 32”, and

(2) by striking “and” at the end of subparagraph (O), by striking the period at the end of subparagraph (P) and inserting “, and”, and by inserting after subparagraph (P) the following new subparagraph:

“(Q) an omission of a correct TIN required under section 6428(h) (relating to 2008 recovery rebates for individuals) to be included on a return.”.

(b) CLERICAL AMENDMENT RELATING TO SECTION 103.—Subclause (IV) of section 168(k)(2)(B)(i) is amended by striking “clauses also apply” and inserting “clause also applies”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Stimulus Act of 2008 to which they relate.

#### SEC. 214. AMENDMENTS RELATING TO TAX TECHNICAL CORRECTIONS ACT OF 2007.

(a) AMENDMENT RELATING TO SECTION 4(c).—Paragraph (1) of section 911(f) is amended by adding at the end the following flush sentence:

“For purposes of this paragraph, the amount excluded under subsection (a) shall be reduced by the aggregate amount of any deductions or exclusions disallowed under subsection (d)(6) with respect to such excluded amount.”.

(b) CLERICAL AMENDMENT RELATING TO SECTION 11(g).—Clause (iv) of section 56(g)(4)(C) is amended by striking “a cooperative described in section 927(a)(4)” and inserting “an organization to which part I of subchapter T (relating to tax treatment of cooperatives) applies which is engaged in the marketing of agricultural or horticultural products”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Technical Corrections Act of 2007 to which they relate.

#### SEC. 215. AMENDMENT RELATING TO TAX RELIEF AND HEALTH CARE ACT OF 2006.

(a) AMENDMENT RELATING TO SECTION 105.—Subparagraph (B) of section 45A(b)(1) is amended by adding at the end the following: “If any portion of wages are taken into account under subsection (e)(1)(A) of section 51, the preceding sentence shall be applied by substituting ‘2-year period’ for ‘1-year period’.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which it relates.

#### SEC. 216. AMENDMENT RELATING TO SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT OF 2005: A LEGACY FOR USERS.

(a) AMENDMENT RELATING TO SECTION 11161.—Paragraph (1) of section 9503(b) is amended by inserting before the period at the end the following: “and taxes received under section 4081 shall be determined without regard to tax receipts attributable to the rate specified in section 4081(a)(2)(C)”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if

included in the provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users to which it relates.

#### SEC. 217. AMENDMENTS RELATING TO ENERGY TAX INCENTIVES ACT OF 2005.

(a) AMENDMENT RELATING TO SECTION 1341.—Subparagraph (B) of section 30B(h)(5) is amended by inserting “(determined without regard to subsection (g))” before the period at the end.

(b) AMENDMENT RELATING TO SECTION 1342.—Paragraph (1) of section 30C(e) is amended to read as follows:

“(1) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed (determined without regard to subsection (d)).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provision of the Energy Tax Incentives Act of 2005 to which it relates.

#### SEC. 218. AMENDMENTS RELATING TO AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENT RELATING TO SECTION 101.—Subsection (d) of section 101 of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

“(3) COORDINATION WITH SECTION 199.—This subsection shall be applied without regard to any deduction allowable under section 199.”.

(b) AMENDMENTS RELATING TO SECTION 102.—Paragraph (3) of section 199(b) is amended—

(1) by inserting “of a short taxable year or” after “in cases”, and

(2) by striking “AND DISPOSITIONS” and inserting “, DISPOSITIONS, AND SHORT TAXABLE YEARS”.

(c) CLERICAL AMENDMENT RELATING TO SECTION 413.—Paragraph (7) of section 904(h) is amended by striking “as ordinary income under section 1246 or”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provision of the American Jobs Creation Act of 2004 to which they relate.

#### SEC. 219. MODIFICATION OF TREATMENT OF CERTAIN HEALTH ORGANIZATIONS.

(a) IN GENERAL.—Paragraph (5) of section 833(c) is amended—

(1) by striking “this section” and inserting “paragraphs (2) and (3) of subsection (a)”, and

(2) by inserting “and for activities that improve health care quality” after “clinical services”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

#### SEC. 220. OTHER CLERICAL CORRECTIONS.

(a) Paragraph (8) of section 30B(h) is amended by striking “vehicle”, except that” and inserting “vehicle), except that”.

(b) Subparagraph (A) of section 38(c)(2) is amended by striking “credit credit” and inserting “credit”.

(c) Section 46 is amended by adding a comma at the end of paragraph (4).

(d) Subparagraph (E) of section 50(a)(2) is amended by inserting “, 48A(b)(3), 48B(b)(3), 48C(b)(2), or 48D(b)(4)” after “under section 48(b)”.

(e) Clause (i) of section 54A(d)(2)(A) is amended by striking “100 percent or more” and inserting “100 percent”.

(f) Paragraph (2) of section 125(b) is amended by striking “statutory nontaxable benefits” each place it appears and inserting “qualified benefits”.

(g) Paragraph (2) of section 125(h) is amended by striking “means, any” and inserting “means any”.



(h) Subparagraph (F) of section 163(h)(4) is amended by striking “Veterans Administration or the Rural Housing Administration” and inserting “Department of Veterans Affairs or the Rural Housing Service”.

(i) Subsection (a) of section 249 is amended by striking “1563(a)(1)” and inserting “1563(a)(1)”.

(j) Paragraphs (8) and (10) of section 280F(d) are each amended by striking “subsection (a)(2)” and inserting “subsection (a)(1)”.

(k) Clause (iii) of section 402A(c)(4)(E) is amended by striking “403(b)(7)(A)(i)” and inserting “403(b)(7)(A)(ii)”.

(l) Subsection (b) of section 858 is amended by striking “857(b)(8)” and inserting “857(b)(9)”.

(m) Subparagraph (A) of section 1012(c)(2) is amended by striking “section 1012” and inserting “this section”.

(n) The heading for section 1394(f) is amended by striking “DESIGNATED UNDER SECTION 1391(g)”.

(o) Paragraphs (1) and (2)(A) of section 1394(f) are each amended by striking “a new empowerment zone facility bond” and inserting “an empowerment zone facility bond”.

(p) Subsections (e)(3)(B) and (f)(7)(B) of section 4943 are each amended by striking “January 1, 1970” and inserting “January 1, 1971”.

(q) Paragraph (2) of section 4982(f) is amended by adding a comma at the end.

(r) Paragraph (3) of section 6011(e) is amended by striking “shall require than” and inserting “shall require that”.

(s) Subsection (b) of section 6072 is amended by striking “6011(e)(2)” and inserting “6011(c)(2)”.

(t) Subsection (d) of section 6104 is amended by redesignating the second paragraph (6) (relating to disclosure of reports by Internal Revenue Service) and third paragraph (6) (relating to application to nonexempt charitable trusts and nonexempt private foundations) as paragraphs (7) and (8), respectively.

(u) Subsection (c) of section 6662A is amended by striking “section 6664(d)(2)(A)” and inserting “section 6664(d)(3)(A)”.

(v) Subparagraph (FF) of section 6724(d)(2) is amended by striking “section 6050W(c)” and inserting “section 6050W(f)”.

(w) Section 9802 is amended by redesignating the second subsection (f) (relating to genetic information of a fetus or embryo) as subsection (g).

(x) Paragraph (3) of section 13(e) of the Worker, Homeownership, and Business Assistance Act of 2009 is amended by striking “subsection (d)” and inserting “subsection (c)”.

#### SEC. 221. DEADWOOD PROVISIONS.

(a) IN GENERAL.—

(1) ADJUSTMENTS IN TAX TABLES SO THAT INFLATION WILL NOT RESULT IN TAX INCREASES.—Paragraph (7) of section 1(f) is amended to read as follows:

“(7) SPECIAL RULE FOR CERTAIN BRACKETS.—In prescribing tables under paragraph (1) which apply to taxable years beginning in a calendar year after 1994, the cost-of-living adjustment used in making adjustments to the dollar amounts at which the 36 percent rate bracket begins or at which the 39.6 percent rate bracket begins shall be determined under paragraph (3) by substituting ‘1993’ for ‘1992’.”.

(2) CERTAIN PLUG-IN ELECTRIC VEHICLES.—

(A) Subpart B of part IV of subchapter A of chapter 1 is amended by striking section 30 (and by striking the item relating to such section in the table of sections for such subpart).

(B) Subsection (b) of section 38, as amended by section 208(f)(1) of this Act, is amended by

inserting “plus” at the end of paragraph (35), by striking paragraph (36), and by redesignating paragraph (37) as paragraph (36).

(C) Subclause (VI) of section 48C(c)(1)(A)(i) is amended by striking “, qualified plug-in electric vehicles (as defined by section 30(d)).”.

(D) Section 1016(a) is amended by striking paragraph (25).

(E) Section 6501(m) is amended by striking “section 30(e)(6).”.

(3) EARNED INCOME CREDIT.—

(A) Paragraph (1) of section 32(b) is amended—

(i) by striking subparagraphs (B) and (C), and

(ii) by striking “(a) IN GENERAL.—In the case of taxable years beginning after 1995:” in subparagraph (A) and moving the table 2 ems to the left.

(B) Subparagraph (B) of section 32(b)(2) is amended by striking “increased by” and all that follows and inserting “increased by \$3,000.”.

(4) FIRST-TIME HOMEBUYER CREDIT.—Section 6213(g)(2) is amended by striking subparagraph (P), as amended by section 213(a)(2).

(5) MAKING WORK PAY CREDIT.—

(A) Subpart C of part IV of subchapter A of chapter 1 is amended by striking section 36A (and by striking the item relating to such section in the table of sections for such subpart).

(B) Subparagraph (A) of section 6211(b)(4) is amended by striking “, 36A”.

(C) Section 6213(g)(2) is amended by striking subparagraph (N).

(6) GENERAL BUSINESS CREDITS.—Subsection (d) of section 38 is amended by striking paragraph (3).

(7) LOW-INCOME HOUSING CREDIT.—Subclause (I) of section 42(h)(3)(C)(ii) is amended by striking “(\$1.50 for 2001)”.

(8) MINIMUM TAX CREDIT.—

(A)(i) Section 53 is amended by striking subsections (e) and (f).

(ii) The amendment made by clause (i) striking subsection (f) of section 53 of the Internal Revenue Code of 1986 shall not be construed to allow any tax abated by reason of section 53(f)(1) of such Code (as in effect before such amendment) to be included in the amount determined under section 53(b)(1) of such Code.

(B) Paragraph (4) of section 6211(b)(4) is amended by striking “, 53(e)”.

(9) ADJUSTMENTS BASED ON ADJUSTED CURRENT EARNINGS.—Clause (ii) of section 56(g)(4)(F) is amended by striking “In the case of any taxable year beginning after December 31, 1992, clause” and inserting “Clause”.

(10) ITEMS OF TAX PREFERENCE; DEPLETION.—Paragraph (1) of section 57(a) is amended by striking “Effective with respect to taxable years beginning after December 31, 1992, this” and inserting “This”.

(11) INTANGIBLE DRILLING COSTS.—

(A) Clause (i) of section 57(a)(2)(E) is amended by striking “In the case of any taxable year beginning after December 31, 1992, this” and inserting “This”.

(B) Clause (ii) of section 57(a)(2)(E) is amended by striking “(30 percent in the case of taxable years beginning in 1993)”.

(12) ENVIRONMENTAL TAX.—

(A) Subchapter A of chapter 1 is amended by striking part VII (and by striking the item relating to such part in the table of parts for such subchapter).

(B) Paragraph (2) of section 26(b) is amended by striking subparagraph (B).

(C) Section 30A(c) is amended by striking paragraph (1) and by redesignating para-

graphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(D) Subsection (a) of section 164 is amended by striking paragraph (5).

(E) Section 275(a) is amended by striking the last sentence.

(F) Section 882(a)(1) is amended by striking “, 59A”.

(G) Section 936(a)(3) is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(H) Section 1561(a) is amended—

(i) by inserting “and” at the end of paragraph (2), by striking “, and” at the end of paragraph (3) and inserting a period, and by striking paragraph (4), and

(ii) by striking “, the amount specified in paragraph (3), and the amount specified in paragraph (4)” and inserting “and the amount specified in paragraph (3)”.

(I) Section 4611(e) is amended—

(i) by striking “section 59A, this section,” in paragraph (2)(B) and inserting “this section”, and

(ii) in paragraph (3)(A)—

(I) by striking “section 59A,” and

(II) by striking the comma after “rate”.

(J) Section 6425(c)(1)(A) is amended by inserting “plus” at end of clause (i), by striking “plus” and inserting “over” at the end of clause (ii), and by striking clause (iii).

(K) Section 6655 is amended—

(i) by striking clause (iii) of subsection (e)(2)(B) and inserting:

“(iii) MODIFIED ALTERNATIVE MINIMUM TAXABLE INCOME.—The term ‘modified alternative minimum taxable income’ means alternative minimum taxable income (as defined in section 55(b)(2)) but determined without regard to the alternative tax net operating loss deduction (as defined in section 56(d)).”, and

(ii) in subsection (g)(1)(A), by inserting “plus” at the end of clause (ii), by striking clause (iii), and by redesignating clause (iv) as clause (iii).

(L) Section 9507(b)(1) is amended by striking “, 59A”.

(13) STANDARD DEDUCTION.—

(A) So much of paragraph (1) of section 63(c) as follows “the sum of—” is amended to read as follows:

“(A) the basic standard deduction, and

“(B) the additional standard deduction.”.

(B) Subsection (e) of section 63 is amended by striking paragraphs (7), (8), and (9).

(14) ANNUITIES; CERTAIN PROCEEDS OF ENDOWMENT AND LIFE INSURANCE CONTRACTS.—Section 72 is amended—

(A) in subsection (c)(4), by striking “; except that if such date was before January 1, 1954, then the annuity starting date is January 1, 1954”, and

(B) in subsection (g)(3), by striking “January 1, 1954, or” and “, whichever is later”.

(15) UNEMPLOYMENT COMPENSATION.—Section 85 is amended by striking subsection (c).

(16) ACCIDENT AND HEALTH PLANS.—Section 105(f) is amended by striking “or (d)”.

(17) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106(c)(1) is amended by striking “Effective on and after January 1, 1997, gross” and inserting “Gross”.

(18) CERTAIN COMBAT ZONE COMPENSATION OF MEMBERS OF THE ARMED FORCES.—Subsection (c) of section 112 is amended—

(A) by striking “(after June 24, 1950)” in paragraph (2), and

(B) striking “such zone;” and all that follows in paragraph (3) and inserting “such zone.”.

(19) LEGAL SERVICE PLANS.—

(A) Part III of subchapter B of chapter 1 is amended by striking section 120 (and by



striking the item relating to such section in the table of sections for such subpart).

(B)(i) Section 414(n)(3)(C) is amended by striking “120.”.

(ii) Section 414(t)(2) is amended by striking “120.”.

(iii) Section 501(c) is amended by striking paragraph (20).

(iv) Section 3121(a) is amended by striking paragraph (17).

(v) Section 3231(e) is amended by striking paragraph (7).

(vi) Section 3306(b) is amended by striking paragraph (12).

(vii) Section 6039D(d)(1) is amended by striking “120.”.

(viii) Section 209(a)(14) of the Social Security Act is amended—

(I) by striking subparagraph (B), and

(II) by striking “(14)(A)” and inserting “(14)”.

(20) PRINCIPAL RESIDENCE.—Section 121(b)(3) is amended—

(A) by striking subparagraph (B), and

(B) in subparagraph (A), by striking “(A) IN GENERAL.—” and moving the text 2 ems to the left.

(21) CERTAIN REDUCED UNIFORMED SERVICES RETIREMENT PAY.—Section 122(b)(1) is amended by striking “after December 31, 1965.”.

(22) GREAT PLAINS CONSERVATION PROGRAM.—Section 126(a) is amended by striking paragraph (6) and by redesignating paragraphs (7), (8), (9), and (10) as paragraphs (6), (7), (8), and (9), respectively.

(23) TREBLE DAMAGE PAYMENTS UNDER THE ANTITRUST LAW.—Section 162(g) is amended by striking the last sentence.

(24) STATE LEGISLATORS’ TRAVEL EXPENSES AWAY FROM HOME.—Paragraph (4) of section 162(h) is amended by striking “For taxable years beginning after December 31, 1980, this” and inserting “This”.

(25) INTEREST.—

(A) Section 163 is amended—

(i) by striking paragraph (6) of subsection (d), and

(ii) by striking paragraph (5) of subsection (h).

(B) Section 56(b)(1)(C) is amended by striking clause (ii) and by redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively.

(26) QUALIFIED MOTOR VEHICLE TAXES.—Section 164 is amended by striking subsections (a)(6) and (b)(6).

(27) DISASTER LOSSES.—

(A) Subsection (h) of section 165 is amended by striking paragraph (3).

(B) Subsection (i) of section 165 is amended—

(i) in paragraph (1)—

(I) by striking “(as defined by clause (ii) of subsection (h)(3)(C))”, and

(II) by striking “(as defined by clause (i) of such subsection)”.

(ii) by striking “(as defined by subsection (h)(3)(C)(i))” in paragraph (4), and

(iii) by adding at the end the following new paragraph:

“(5) FEDERALLY DECLARED DISASTERS.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘federally declared disaster’ means any disaster subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

“(B) DISASTER AREA.—The term ‘disaster area’ means the area so determined to warrant such assistance.”.

(C) Section 1033(h)(3) is amended by striking “section 165(h)(3)(C)” and inserting “section 165(i)(5)”.

(D) Section 6306(i), as added by this Act, is amended by striking “section 165(h)(3)(C)” and inserting “section 165(i)(5)”.

(28) CHARITABLE, ETC., CONTRIBUTIONS AND GIFTS.—Section 170 is amended—

(A) by striking paragraph (3) of subsection (b),

(B) by striking paragraph (6) of subsection (e), and

(C) by striking subsection (k).

(29) AMORTIZABLE BOND PREMIUM.—

(A) Subparagraph (B) of section 171(b)(1) is amended to read as follows:

“(B)(i) with reference to the amount payable on maturity (or if it results in a smaller amortizable bond premium attributable to the period before the call date, with reference to the amount payable on the earlier call date), in the case of a bond described in subsection (a)(1), and

“(ii) with reference to the amount payable on maturity or on an earlier call date, in the case of a bond described in subsection (a)(2).”.

(B) Paragraphs (2) and (3)(B) of section 171(b) are each amended by striking “paragraph (1)(B)(ii)” and inserting “paragraph (1)(B)(i)”.

(30) NET OPERATING LOSS CARRYBACKS, CARRYOVERS, AND CARRYFORWARDS.—

(A) Section 172 is amended—

(i) by striking subparagraphs (D), (H), (I) and (J) of subsection (b)(1) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively, and

(ii) by striking subsections (g) and (j) and by redesignating subsections (h), (i), and (k) as subsections (g), (h), and (i), respectively.

(B) Each of the following provisions of section 172 (as redesignated by subparagraph (A)) are amended as follows:

(i) By striking “ending after August 2, 1989” in subsection (b)(1)(D)(i)(II).

(ii) By striking “subsection (h)” in subsection (b)(1)(D)(ii) and inserting “subsection (g)”.

(iii) By striking “section 165(h)(3)(C)(i)” in subsection (b)(1)(E)(ii)(II), as amended by this Act, and inserting “section 165(i)(5)”.

(iv) By striking “subsection (i)” and all that follows in the last sentence of subsection (b)(1)(E)(ii) and inserting “subsection (h))”.

(v) By striking “subsection (i)” in subsection (b)(1)(F) and inserting “subsection (h)”.

(vi) By striking subparagraph (F) of paragraph (2) of subsection (g).

(vii) By striking “subsection (b)(1)(E)” each place it appears in subsection (g)(4) and inserting “subsection (b)(1)(D)”.

(viii) By striking the last sentence of subsection (h)(1).

(ix) By striking “subsection (b)(1)(G)” each place it appears in subsection (h)(3) and inserting “subsection (b)(1)(F)”.

(C) Paragraph (5) of section 382(l) is amended by striking subparagraph (F) and by redesignating subparagraphs (G) and (H) as subparagraphs (F) and (G), respectively.

(31) RESEARCH AND EXPERIMENTAL EXPENDITURES.—Subparagraph (A) of section 174(a)(2) is amended to read as follows:

“(I) WITHOUT CONSENT.—A taxpayer may, without the consent of the Secretary, adopt the method provided in this subsection for his first taxable year for which expenditures described in paragraph (1) are paid or incurred.”.

(32) AMORTIZATION OF CERTAIN RESEARCH AND EXPERIMENTAL EXPENDITURES.—Paragraph (2) of section 174(b) is amended by striking “beginning after December 31, 1953”.

(33) SOIL AND WATER CONSERVATION EXPENDITURES.—Paragraph (1) of section 175(d) is amended to read as follows:

“(1) WITHOUT CONSENT.—A taxpayer may, without the consent of the Secretary, adopt the method provided in this section for the taxpayer’s first taxable year for which expenditures described in subsection (a) are paid or incurred.”.

(34) CLEAN-FUEL VEHICLES.—

(A) Part VI of subchapter A of chapter 1 is amended by striking section 179A (and by striking the item relating to such section in the table of sections for such part).

(B) Section 30C(e) is amended by adding at the end the following:

“(7) REFERENCE.—For purposes of this section, any reference to section 179A shall be treated as a reference to such section as in effect immediately before its repeal.”.

(C) Section 62(a) is amended by striking paragraph (14).

(D) Section 263(a)(1) is amended by striking subparagraph (H).

(E) Section 280F(a)(1) is amended by striking subparagraph (C).

(F) Section 312(k)(3) is amended by striking “179A,” each place it appears.

(G) Section 1016(a) is amended by striking paragraph (24).

(H) Section 1245(a) is amended by striking “179A,” each place it appears in paragraphs (2)(C) and (3)(C).

(35) QUALIFIED DISASTER EXPENSES.—Part VI of subchapter A of chapter 1 is amended by striking section 198A (and by striking the item relating to such section in the table of sections for such part).

(36) ACTIVITIES NOT ENGAGED IN FOR PROFIT.—Section 183(e)(1) is amended by striking the last sentence.

(37) DOMESTIC PRODUCTION ACTIVITIES.—

(A) Subsection (a) of section 199 is amended by striking paragraph (2) and by striking “IN GENERAL.—”, by redesignating subparagraphs (A) and (B) of paragraph (1) as paragraphs (1) and (2), and by moving paragraphs (1) and (2) (as so redesignated) 2 ems to the left.

(B) Paragraphs (2) and (6)(B) of section 199(d) are each amended by striking “(a)(1)(B)” and inserting “(a)(2)”.

(38) RETIREMENT SAVINGS.—

(A) Subparagraph (A) of section 219(b)(5) is amended to read as follows:

“(A) IN GENERAL.—The deductible amount is \$5,000.”.

(B) Clause (ii) of section 219(b)(5)(B) is amended to read:

“(ii) APPLICABLE AMOUNT.—For purposes of clause (i), the applicable amount is \$1,000.”.

(C) Clause (ii) of section 219(g)(2)(A) is amended by striking “for a taxable year beginning after December 31, 2006”.

(D) Section 219(g)(3)(B) is amended by striking clauses (i) and (ii) and inserting the following:

“(i) In the case of a taxpayer filing a joint return, \$80,000.

“(ii) In the case of any other taxpayer (other than a married individual filing a separate return), \$50,000.”.

(E) Paragraph (8) of section 219(g) is amended by striking “the dollar amount in the last row of the table contained in paragraph (3)(B)(i), the dollar amount in the last row of the table contained in paragraph (3)(B)(ii), and the dollar amount contained in paragraph (7)(A),” and inserting “each of the dollar amounts in paragraphs (3)(B)(i), (3)(B)(ii), and (7)(A)”.

(39) REPORTS REGARDING QUALIFIED VOLUNTARY RETIREMENT CONTRIBUTIONS.—

(A) Section 219 is amended by striking paragraph (4) of subsection (f) and subsection (h).

(B) Section 6652 is amended by striking subsection (g).

(40) INTEREST ON EDUCATION LOANS.—Paragraph (1) of section 221(b) is amended by striking “shall not exceed” and all that follows and inserting “shall not exceed \$2,500.”.

(41) DIVIDENDS RECEIVED ON CERTAIN PREFERRED STOCK; AND DIVIDENDS PAID ON CERTAIN PREFERRED STOCK OF PUBLIC UTILITIES.—

(A) Sections 244 and 247 are hereby repealed, and the table of sections for part VIII of subchapter B of chapter 1 is amended by striking the items relating to sections 244 and 247.

(B) Paragraph (5) of section 172(d) is amended to read as follows:

“(5) COMPUTATION OF DEDUCTION FOR DIVIDENDS RECEIVED.—The deductions allowed by section 243 (relating to dividends received by corporations) and 245 (relating to dividends received from certain foreign corporations) shall be computed without regard to section 246(b) (relating to limitation on aggregate amount of deductions).”.

(C) Paragraph (1) of section 243(c) is amended to read as follows:

“(1) IN GENERAL.—In the case of any dividend received from a 20-percent owned corporation, subsection (a)(1) shall be applied by substituting ‘80 percent’ for ‘70 percent’.”.

(D) Section 243(d) is amended by striking paragraph (4).

(E) Section 246 is amended—

(i) by striking “, 244,” in subsection (a)(1),

(ii) in subsection (b)(1)—

(I) by striking “sections 243(a)(1), and 244(a),” the first place it appears and inserting “section 243(a)(1)”,

(II) by striking “244(a),” the second place it appears, and

(III) by striking “subsection (a) or (b) of section 245, and 247,” and inserting “and subsection (a) or (b) of section 245,” and

(iii) by striking “, 244,” in subsection (c)(1).

(F) Section 246A is amended by striking “, 244,” both places it appears in subsections (a) and (e).

(G) Sections 263(g)(2)(B)(iii), 277(a), 301(e)(2), 469(e)(4), 512(a)(3)(A), subparagraphs (A), (C), and (D) of section 805(a)(4), 805(b)(5), 812(e)(2)(A), 815(c)(2)(A)(iii), 832(b)(5), 833(b)(3)(E), and 1059(b)(2)(B) are each amended by striking “, 244,” each place it appears.

(H) Section 1244(c)(2)(C) is amended by striking “244.”.

(I) Section 805(a)(4)(B) is amended by striking “, 244(a),” each place it appears.

(J) Section 810(c)(2)(B) is amended by striking “244 (relating to dividends on certain preferred stock of public utilities).”.

(K) The amendments made by this paragraph shall not apply to preferred stock issued before October 1, 1942 (determined in the same manner as under section 247 of the Internal Revenue Code of 1986 as in effect before its repeal by such amendments).

(42) ORGANIZATION EXPENSES.—Section 248(c) is amended by striking “beginning after December 31, 1953,” and by striking the last sentence.

(43) BOND REPURCHASE PREMIUM.—Section 249(b)(1) is amended by striking “, in the case of bonds or other evidences of indebtedness issued after February 28, 1913,”.

(44) AMOUNT OF GAIN WHERE LOSS PREVIOUSLY DISALLOWED.—Section 267(d) is amended by striking “(or by reason of section 24(b) of the Internal Revenue Code of 1939)” in paragraph (1), by striking “after December 31, 1953,” in paragraph (2), by striking the second sentence, and by striking “or by reason of section 118 of the Internal Revenue Code of 1939” in the last sentence.

(45) ACQUISITIONS MADE TO EVADE OR AVOID INCOME TAX.—Paragraphs (1) and (2) of sec-

tion 269(a) are each amended by striking “or acquired on or after October 8, 1940.”.

(46) MEALS AND ENTERTAINMENT.—Paragraph (3) of section 274(n) is amended—

(A) by striking “(A) IN GENERAL.—”,

(B) by striking “‘substituting ‘the applicable percentage’ for” and inserting “‘substituting ‘80 percent’ for”, and

(C) by striking subparagraph (B).

(47) INTEREST ON INDEBTEDNESS INCURRED BY CORPORATIONS TO ACQUIRE STOCK OR ASSETS OF ANOTHER CORPORATION.—

(A) Section 279 is amended—

(i) by striking “after December 31, 1967,” in subsection (a)(2),

(ii) by striking “after October 9, 1969,” in subsection (b),

(iii) by striking “after October 9, 1969, and” in subsection (d)(5), and

(iv) by striking subsection (i) and redesignating subsection (j) as subsection (i).

(B) The amendments made by this paragraph shall not—

(i) apply to obligations issued on or before October 9, 1969 (determined in the same manner as under section 279 of the Internal Revenue Code of 1986 as in effect before such amendments), and

(ii) be construed to require interest on obligations issued on or before December 31, 1967, to be taken into account under section 279(a)(2) of such Code (as in effect after such amendments).

(48) BANK HOLDING COMPANIES.—

(A) Clause (iii) of section 304(b)(3)(D) is repealed.

(B) The heading of subparagraph (D) of section 304(b)(3) is amended by striking “AND SPECIAL RULE.”

(49) EFFECT ON EARNINGS AND PROFITS.—Subsection (d) of section 312 is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(50) DISQUALIFIED STOCK.—Paragraph (3) of section 355(d) is amended by striking “after October 9, 1990, and” each place it appears.

(51) BASIS TO CORPORATIONS.—Section 362 is amended by striking “on or after June 22, 1954” in subsection (a) and by striking “, on or after June 22, 1954,” each place it appears in subsection (c).

(52) INDIVIDUAL RETIREMENT ACCOUNTS.—Clause (i) of section 408(p)(2)(E) is amended to read as follows:

“(i) IN GENERAL.—For purposes of subparagraph (A)(ii), the applicable amount is \$10,000.”.

(53) TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS.—Section 409 is amended by striking subsection (q).

(54) CATCH-UP CONTRIBUTIONS.—Subparagraph (B) of section 414(v)(2) is amended to read as follows:

“(II)(i) In the case of an applicable employer plan other than a plan described in section 401(k)(11) or 408(p), the applicable dollar amount is \$5,000.

“(ii) In the case of an applicable employer plan described in section 401(k)(11) or 408(p), the applicable dollar amount is \$2,500.”.

(55) EMPLOYEE STOCK PURCHASE PLANS.—Section 423(a) is amended by striking “after December 31, 1963.”.

(56) TRANSITION RULES.—

(A)(i) Paragraph (5) of section 430(c) is amended by striking subparagraph (B) and by striking “(A) IN GENERAL.—”

(ii) Paragraph (5) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.1082(c)) is amended by striking subparagraph (B) and by striking “(A) IN GENERAL.—”

(B)(i) Paragraph (2) of section 430(h) is amended by striking subparagraph (G).

(ii) Paragraph (2) of section 303(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.1082(h)) is amended by striking subparagraph (G).

(C)(i) Paragraph (3) of section 436(j) is amended by striking subparagraphs (B) and (C) and by striking “(A) IN GENERAL.—”.

(ii) Subparagraph (C) of section 206(g)(9) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(g)(9)) is amended by striking clauses (ii) and (iii) and by striking “(i) IN GENERAL.—”.

(D)(i) Section 436 is amended by striking subsection (m).

(ii) Section 206(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(g)) is amended by striking paragraph (10).

(57) LIMITATION ON DEDUCTIONS FOR CERTAIN FARMING.—

(A) Section 464 is amended by striking “any farming syndicate (as defined in subsection (c))” both places it appears in subsections (a) and (b) and inserting “any taxpayer to whom subsection (d) applies”.

(B)(i) Subsection (c) of section 464 is hereby moved to the end of section 461 and redesignated as subsection (j).

(ii) Such subsection (j) is amended—

(I) by striking “For purposes of this section” in paragraph (1) and inserting “For purposes of subsection (i)(4)”, and

(II) by adding at the end the following new paragraphs:

“(3) FARMING.—For purposes of this subsection, the term ‘farming’ has the meaning given to such term by section 464(e).

“(4) LIMITED ENTREPRENEUR.—For purposes of this subsection, the term ‘limited entrepreneur’ means a person who—

“(A) has an interest in an enterprise other than as a limited partner, and

“(B) does not actively participate in the management of such enterprise.”.

(iii) Paragraph (4) of section 461(i) is amended by striking “section 464(c)” and inserting “subsection (j)”.

(C) Section 464 is amended—

(i) by striking subsections (e) and (g) and redesignating subsections (d) and (f) as subsections (c) and (d), respectively, and

(ii) by adding at the end the following new subsection:

“(e) FARMING.—For purposes of this section, the term ‘farming’ means the cultivation of land or the raising or harvesting of any agricultural or horticultural commodity including the raising, shearing, feeding, caring for, training, and management of animals. For purposes of the preceding sentence, trees (other than trees bearing fruit or nuts) shall not be treated as an agricultural or horticultural commodity.”.

(D) Subsection (d) of section 464 of such Code (as redesignated by subparagraph (C)) is amended—

(i) by striking paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively, and

(ii) by striking “SUBSECTIONS (A) AND (B) TO APPLY TO” in the heading.

(E) Subparagraph (A) of section 58(a)(2) is amended by striking “section 464(c)” and inserting “section 461(j)”.

(58) DEDUCTIONS LIMITED TO AMOUNT AT RISK.—Subparagraph (A) of section 465(c)(3) is amended by striking “In the case of taxable years beginning after December 31, 1978, this” and inserting “This”.

(59) PASSIVE ACTIVITY LOSSES AND CREDITS LIMITED.—

(A) Section 469 is amended by striking subsection (m).

(B) Subsection (b) of section 58 is amended by adding “and” at the end of paragraph (1),

by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(60) ADJUSTMENTS REQUIRED BY CHANGES IN METHOD OF ACCOUNTING.—Section 481(b)(3) is amended by striking subparagraph (C).

(61) EXEMPTION FROM TAX ON CORPORATIONS, CERTAIN TRUSTS, ETC.—Section 501 is amended by striking subsection (s).

(62) REQUIREMENTS FOR EXEMPTION.—

(A) Section 503(a)(1) is amended to read as follows:

“(1) GENERAL RULE.—An organization described in paragraph (17) or (18) of section 501(c), or described in section 401(a) and referred to in section 4975(g)(2) or (3), shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction.”

(B) Paragraph (2) of section 503(a) is amended by striking “described in section 501(c)(17) or (18) or paragraph (a)(1)(B)” and inserting “described in paragraph (1)”.

(C) Subsection (c) of section 503 is amended by striking “described in section 501(c)(17) or (18) or subsection (a)(1)(B)” and inserting “described in subsection (a)(1)”.

(63) ACCUMULATED TAXABLE INCOME.—Paragraph (1) of section 535(b) and paragraph (1) of section 545(b) are each amended by striking “section 531” and all that follows and inserting “section 531 or the personal holding company tax imposed by section 541.”

(64) DEFINITION OF PROPERTY.—Subsection (b) of section 614 is amended—

(A) by striking paragraphs (3)(C) and (5), and

(B) in paragraph (4), by striking “whichever of the following years is later: The first taxable year beginning after December 31, 1963, or”.

(65) AMOUNTS RECEIVED BY SURVIVING ANNUITANT UNDER JOINT AND SURVIVOR ANNUITY CONTRACT.—Subparagraph (A) of section 691(d)(1) is amended by striking “after December 31, 1953, and”.

(66) INCOME TAXES OF MEMBERS OF ARMED FORCES ON DEATH.—Section 692(a)(1) is amended by striking “after June 24, 1950”.

(67) SPECIAL RULES FOR COMPUTING RESERVES.—Paragraph (7) of section 807(e) is amended by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(68) INSURANCE COMPANY TAXABLE INCOME.—(A) Section 832(e) is amended by striking “of taxable years beginning after December 31, 1966.”

(B) Section 832(e)(6) is amended by striking “In the case of any taxable year beginning after December 31, 1970, the” and inserting “The”.

(69) CAPITALIZATION OF CERTAIN POLICY ACQUISITION EXPENSES.—Section 848 is amended by striking subsection (j).

(70) TAX ON NONRESIDENT ALIEN INDIVIDUALS.—Subparagraph (B) of section 871(a)(1) is amended to read as follows:

“(II) gains described in subsection (b) or (c) of section 631.”

(71) LIMITATION ON CREDIT.—Paragraph (2) of section 904(d) is amended by striking subparagraph (J).

(72) FOREIGN EARNED INCOME.—Clause (i) of section 911(b)(2)(D) is amended to read as follows:

“(i) IN GENERAL.—The exclusion amount for any calendar year is \$80,000.”

(73) BASIS OF PROPERTY ACQUIRED FROM DECEDENT.—Section 1014 is amended—

(A) by striking “or section 811(j) of the Internal Revenue Code of 1939 where the decedent died after October 21, 1942” in subsection (a)(2), and

(B) by striking paragraphs (7) and (8) of subsection (b).

(74) ADJUSTED BASIS.—Section 1016(a) is amended by striking paragraph (12).

(75) PROPERTY ON WHICH LESSEE HAS MADE IMPROVEMENTS.—Section 1019 is amended by striking the last sentence.

(76) INVOLUNTARY CONVERSION.—Section 1033 is amended by striking subsection (j) and by redesignating subsections (k) and (l) as subsections (j) and (k), respectively.

(77) PROPERTY ACQUIRED DURING AFFILIATION.—Section 1051 is hereby repealed, and the table of sections for part IV of subchapter O of chapter 1 is amended by striking the item relating to section 1051.

(78) CAPITAL GAINS AND LOSSES.—Section 1222 is amended by striking the last sentence.

(79) HOLDING PERIOD OF PROPERTY.—

(A) Paragraph (1) of section 1223 is amended by striking “after March 1, 1954.”

(B) Paragraph (4) of section 1223 is amended by striking “‘or under so much of section 1052(c) as refers to section 113(a)(23) of the Internal Revenue Code of 1939’”.

(C) Paragraphs (6) and (8) of section 1223 are repealed.

(80) PROPERTY USED IN THE TRADE OR BUSINESS AND INVOLUNTARY CONVERSIONS.—Subparagraph (A) of section 1231(c)(2) is amended by striking “beginning after December 31, 1981”.

(81) SALE OR EXCHANGE OF PATENTS.—Section 1235 is amended—

(A) by striking subsection (c) and by redesignating subsections (d) and (e) as subsections (c) and (d), respectively, and

(B) by striking “subsection (d)” in subsection (b)(2)(B) and inserting “subsection (c)”.

(82) DEALERS IN SECURITIES.—Subsection (b) of section 1236 is amended by striking “after November 19, 1951.”

(83) SALE OF PATENTS.—Subsection (a) of section 1249 is amended by striking “after December 31, 1962.”

(84) GAIN FROM DISPOSITION OF FARMLAND.—Paragraph (1) of section 1252(a) is amended—

(A) by striking “after December 31, 1969” the first place it appears, and

(B) by striking “after December 31, 1969,” in subparagraph (A).

(85) TREATMENT OF AMOUNTS RECEIVED ON RETIREMENT OR SALE OR EXCHANGE OF DEBT INSTRUMENTS.—Subsection (c) of section 1271 is amended to read as follows:

“(c) SPECIAL RULE FOR CERTAIN OBLIGATIONS WITH RESPECT TO WHICH ORIGINAL ISSUE DISCOUNT NOT CURRENTLY INCLUDED.—

“(1) IN GENERAL.—On the sale or exchange of debt instruments issued by a government or political subdivision thereof after December 31, 1954, and before July 2, 1982, or by a corporation after December 31, 1954, and on or before May 27, 1969, any gain realized which does not exceed—

“(A) an amount equal to the original issue discount, or

“(B) if at the time of original issue there was no intention to call the debt instrument before maturity, an amount which bears the same ratio to the original issue discount as the number of complete months that the debt instrument was held by the taxpayer bears to the number of complete months from the date of original issue to the date of maturity, shall be considered as ordinary income.

“(2) SUBSECTION (A)(2)(A) NOT TO APPLY.—Subsection (a)(2)(A) shall not apply to any debt instrument referred to in paragraph (1) of this subsection.

“(3) CROSS REFERENCE.—For current inclusion of original issue discount, see section 1272.”

(86) AMOUNT AND METHOD OF ADJUSTMENT.—Section 1314 is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(87) ELECTION; REVOCATION; TERMINATION.—Clause (iii) of section 1362(d)(3)(A) is amended by striking “unless” and all that follows and inserting “unless the corporation was an S corporation for such taxable year.”

(88) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—Subsection (a) of section 1401 is amended by striking “the following percent” and all that follows and inserting “12.4 percent of the amount of the self-employment income for such taxable year.”

(89) HOSPITAL INSURANCE.—Paragraph (1) of section 1401(b) is amended by striking “the following percent” and all that follows and inserting “2.9 percent of the amount of the self-employment income for such taxable year.”

(90) MINISTERS, MEMBERS OF RELIGIOUS ORDERS, AND CHRISTIAN SCIENCE PRACTITIONERS.—Paragraph (3) of section 1402(e) is amended—

(A) by striking “whichever of the following dates is later: (A)” and

(B) by striking “;or (B)” and all that follows and inserting a period.

(91) WITHHOLDING OF TAX ON NONRESIDENT ALIENS.—The first sentence of subsection (b) of section 1441 and the first sentence of paragraph (5) of section 1441(c) are each amended by striking “gains subject to tax” and all that follows through “October 4, 1966” and inserting “and gains subject to tax under section 871(a)(1)(D)”.

(92) AFFILIATED GROUP DEFINED.—Subparagraph (A) of section 1504(a)(3) is amended by striking “for a taxable year which includes any period after December 31, 1984” in clause (i) and by striking “in a taxable year beginning after December 31, 1984” in clause (ii).

(93) DISALLOWANCE OF THE BENEFITS OF THE GRADUATED CORPORATE RATES AND ACCUMULATED EARNINGS CREDIT.—

(A) Subsection (a) of section 1551 is amended—

(i) by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively, and

(ii) by striking “after June 12, 1963,” each place it appears.

(B) Section 1551(b) is amended—

(i) by striking “or (2)” in paragraph (1), and

(ii) by striking “(a)(3)” in paragraph (2) and inserting “(a)(2)”.

(94) CREDIT FOR STATE DEATH TAXES.—

(A)(i) Part II of subchapter A of chapter 11 is amended by striking section 2011 (and by striking the item relating to such section in the table of sections for such subpart).

(ii) Section 2106(a)(4) is amended by striking “section 2011(a)” and inserting “2058(a)”.

(B)(i) Subchapter A of chapter 13 is amended by striking section 2604 (and by striking the item relating to such section in the table of sections for such subpart).

(ii) Clause (ii) of section 164(b)(4)(A) is amended by inserting “(as in effect before its repeal)” after “section 2604”.

(iii) Section 2654(a)(1) is amended by striking “(computed without regard to section 2604)”.

(95) GROSS ESTATE.—Subsection (c) of section 2031 is amended by striking paragraph (3) and by amending paragraph (1)(B) to read as follows:

“(II) \$500,000.”

(96)(A) Part IV of subchapter A of chapter 11 is amended by striking section 2057 (and by striking the item relating to such section in the table of sections for such subpart).

(B) Paragraph (10) of section 2031(c) is amended by inserting “(as in effect before its repeal)” immediately before the period at the end thereof.

(97) PROPERTY WITHIN THE UNITED STATES.—Subsection (c) of section 2104 is amended by striking “With respect to estates of decedents dying after December 31, 1969, deposits” and inserting “Deposits”.

(98) FICA TAXES.—

(A) Subsection (a) of section 3101 is amended by striking “the following percentages” and all that follows and inserting “6.2 percent of the wages (as defined in section 3121(a)) received by the individual with respect to employment (as defined in section 3121(b))”.

(B)(i) Subsection (a) of section 3111 is amended by striking “the following percentages” and all that follows and inserting “6.2 percent of the wages (as defined in section 3121(a)) paid by the employer with respect to employment (as defined in section 3121(b)).”

(ii) Subsection (b) of section 3111 is amended by striking “the following percentages” and all that follows and inserting “1.45 percent of the wages (as defined in section 3121(a)) paid by the employer with respect to employment (as defined in section 3121(b)).”

(C)(i) Section 3121(b) is amended by striking paragraph (17).

(ii) Section 210(a) of the Social Security Act is amended by striking paragraph (17).

(99) RAILROAD RETIREMENT.—

(A) Subsection (b) of section 3201 is amended to read as follows:

“(b) TIER 2 TAX.—In addition to other taxes, there is hereby imposed on the income of each employee a tax equal to the percentage determined under section 3241 for any calendar year of the compensation received during such calendar year by such employee for services rendered by such employee.”

(B) Subsection (b) of section 3211 is amended to read as follows:

“(b) TIER 2 TAX.—In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to the percentage determined under section 3241 for any calendar year of the compensation received during such calendar year by such employee representative for services rendered by such employee representative.”

(C) Subsection (b) of section 3221 is amended to read as follows:

“(b) TIER 2 TAX.—In addition to other taxes, there is hereby imposed on the income of each employer a tax equal to the percentage determined under section 3241 for any calendar year of the compensation paid during such calendar year by such employer for services rendered for such employer.”

(D) Subsection (b) of section 3231 is amended—

(i) by striking “compensation; except” and all that follows in the first sentence and inserting “compensation.”, and

(ii) by striking the second sentence.

(100) CREDITS AGAINST FEDERAL UNEMPLOYMENT TAX.—

(A) Paragraph (4) of section 3302(f) is amended—

(i) by striking “subsection—” and all that follows through “(A) IN GENERAL.—The” and inserting “subsection, the”

(ii) by striking subparagraph (B),

(iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and

(iv) by moving the text of such subparagraphs (as so redesignated) 2 ems to the left.

(B) Paragraph (5) of section 3302(f) is amended by striking subparagraph (D) and by redesignating subparagraph (E) as subparagraph (D).

(101) DOMESTIC SERVICE EMPLOYMENT TAXES.—Section 3510(b) is amended by striking paragraph (4).

(102) LUXURY PASSENGER AUTOMOBILES.—

(A) Chapter 31 is amended by striking subchapter A (and by striking the item relating to such subchapter in the table of subchapters for such chapter).

(B)(i) Section 4221 is amended—

(I) in subsections (a) and (d)(1), by striking “subchapter A or” and inserting “subchapter”,

(II) in subsection (a), by striking “In the case of taxes imposed by subchapter A of chapter 31, paragraphs (1), (3), (4), and (5) shall not apply.”, and

(III) in subsection (c), by striking “4001(c), 4001(d), or”.

(ii) Section 4222 is amended by striking “4001(c), 4001(d).”.

(iii) Section 4293 is amended by striking “subchapter A of chapter 31.”.

(103) TAX ON FUEL USED IN COMMERCIAL TRANSPORTATION ON INLAND WATERWAYS.—Section 4042(b)(2)(A) is amended to read as follows:

“(I) The Inland Waterways Trust Fund financing rate is 20 cents per gallon.”.

(104) TRANSPORTATION BY AIR.—Section 4261(e) is amended—

(A) in paragraph (1), by striking subparagraph (C), and

(B) by striking paragraph (5).

(105) TAXES ON FAILURE TO DISTRIBUTE INCOME.—

(A) Subsection (g) of section 4942 is amended by striking “For all taxable years beginning on or after January 1, 1975, subject” in paragraph (2)(A) and inserting “Subject”.

(B) Section 4942(i)(2) is amended by striking “beginning after December 31, 1969, and”.

(106) TAXES ON TAXABLE EXPENDITURES.—Section 4945(f) is amended by striking “(excluding therefrom any preceding taxable year which begins before January 1, 1970)”.

(107) DEFINITIONS AND SPECIAL RULES.—Section 4682(h) is amended—

(A) by striking paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively, and

(B) in paragraph (1) (as so redesignated)—

(i) by striking the heading and inserting “IN GENERAL”, and

(ii) by striking “after 1991” in subparagraph (C).

(108) RETURNS.—Subsection (a) of section 6039D is amended by striking “beginning after December 31, 1984.”.

(109) INFORMATION RETURNS.—Subsection (c) of section 6060 is amended by striking “year” and all that follows and inserting “year.”.

(110) COLLECTION.—Section 6302 is amended—

(A) in subsection (e)(2), by striking “imposed by” and all that follows through “with respect to” and inserting “imposed by sections 4251, 4261, or 4271 with respect to”,

(B) by striking the last sentence of subsection (f)(1), and

(C) in subsection (h)—

(i) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively, and

(ii) by amending paragraph (3) (as so redesignated) to read as follows:

“(3) COORDINATION WITH OTHER ELECTRONIC FUND TRANSFER REQUIREMENTS.—Under regulations, any tax required to be paid by electronic fund transfer under section 5061(e) or 5703(b) shall be paid in such a manner as to ensure that the requirements of the second sentence of paragraph (1)(A) of this subsection are satisfied.”.

(111) ABATEMENTS.—Section 6404(f) is amended by striking paragraph (3).

(112) 2008 RECOVERY REBATE FOR INDIVIDUALS.—

(A) Subchapter B of chapter 65 is amended by striking section 6428 (and by striking the item relating to such section in the table of sections for such subchapter).

(B) Subparagraph (A) of section 6211(b)(4) is amended by striking “6428.”.

(C) Paragraph (2) of section 6213(g), as amended by section 213(a)(2) and paragraphs (4) and (5)(C) of this subsection, is amended by striking subparagraph (Q), by redesignating subparagraph (O) as subparagraph (N), by inserting “and” at the end of subparagraph (M), and by striking the comma at the end of subparagraph (N) (as so redesignated) and inserting a period.

(D) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by striking “6428, or 6431,” and inserting “or 6431”.

(113) ADVANCE PAYMENT OF PORTION OF INCREASED CHILD CREDIT FOR 2003.—Subchapter B of chapter 65 is amended by striking section 6429 (and by striking the item relating to such section in the table of sections for such subchapter).

(114) FAILURE BY CORPORATION TO PAY ESTIMATED INCOME TAX.—Clause (i) of section 6655(g)(4)(A) is amended by striking “(or the corresponding provisions of prior law)”.

(115) RETIREMENT.—Section 7447(i)(3)(B)(ii) is amended by striking “at 4 percent per annum to December 31, 1947, and at 3 percent per annum thereafter,” and inserting “at 3 percent per annum”.

(116) ANNUITIES TO SURVIVING SPOUSES AND DEPENDENT CHILDREN OF JUDGES.—

(A) Paragraph (2) of section 7448(a) is amended—

(i) by striking “or under section 1106 of the Internal Revenue Code of 1939” and,

(ii) by striking “or pursuant to section 1106(d) of the Internal Revenue Code of 1939”.

(B) Subsection (g) of section 7448 is amended by striking “or other than pursuant to section 1106 of the Internal Revenue Code of 1939”.

(C) Subsections (g), (j)(1), and (j)(2) of section 7448 are each amended by striking “at 4 percent per annum to December 31, 1947, and at 3 percent per annum thereafter” and inserting “at 3 percent per annum”.

(117) MERCHANT MARINE CAPITAL CONSTRUCTION FUNDS.—Paragraph (4) of section 7518(g) is amended by striking “any nonqualified withdrawal” and all that follows through “shall be determined” and inserting “any nonqualified withdrawal shall be determined”.

(118) VALUATION TABLES.—

(A) Subsection (c) of section 7520 is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(B) Paragraph (2) of section 7520(c) (as redesignated by subparagraph (A)) is amended—

(i) by striking “Not later than December 31, 1989, the” and inserting “The”, and

(ii) by striking “thereafter” in the last sentence thereof.

(119) DEFINITION OF EMPLOYEE.—Section 7701(a)(20) is amended by striking “chapter 21” and all that follows and inserting “chapter 21.”.

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—Except as otherwise provided in subsection (a) or paragraph (2) of this subsection, the amendments made by this section shall take effect on the date of enactment of this Act.

(2) SAVINGS PROVISION.—If—

(A) any provision amended or repealed by the amendments made by this section applied to—

(i) any transaction occurring before the date of the enactment of this Act,

(ii) any property acquired before such date of enactment, or

(iii) any item of income, loss, deduction, or credit taken into account before such date of enactment, and

(B) the treatment of such transaction, property, or item under such provision would (without regard to the amendments or repeals made by this section) affect the liability for tax for periods ending after date of enactment, nothing in the amendments or repeals made by this section shall be construed to affect the treatment of such transaction, property, or item for purposes of determining liability for tax for periods ending after such date of enactment.

### TITLE III—HIRE MORE HEROES

#### SEC. 301. SHORT TITLE.

This title may be cited as the “Hire More Heroes Act of 2014”.

#### SEC. 302. EMPLOYEES WITH HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION MAY BE EXEMPTED FROM EMPLOYER MANDATE UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) IN GENERAL.—Section 4980H(c)(2) is amended by adding at the end the following:

“(F) EXEMPTION FOR HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION.—Solely for purposes of determining whether an employer is an applicable large employer under this paragraph for any month, an employer may elect not to take into account for a month as an employee any individual who, for such month, has medical coverage under—

“(i) chapter 55 of title 10, United States Code, including coverage under the TRICARE program, or

“(ii) under a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to months beginning after December 31, 2013.

### TITLE IV—BUDGETARY EFFECTS

#### SEC. 401. BUDGETARY EFFECTS.

(a) PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

**SA 3061.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of part I of subtitle A of title I, insert the following:

#### Subpart B—Certain Provisions Made Permanent

#### SEC. 111. PERMANENT EXTENSION OF DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2), as amended by this Act, is amended by striking “In the case of taxable years beginning during 2002” and all that follows through “deductions” and inserting “The deductions”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

#### SEC. 112. PERMANENT EXTENSION OF DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Section 164(b)(5), as amended by this Act, is amended by striking subparagraph (I).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

#### SEC. 113. PERMANENT EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Section 222, as amended by this Act, is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

**SA 3062.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of part II of subtitle A of title I, insert the following:

#### Subpart B—Certain Provisions Made Permanent

#### SEC. 142. PERMANENT EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—Subsection (a) of section 41 is amended to read as follows:

“(a) GENERAL RULE.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to 20 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.”.

(b) SPECIAL RULES AND TERMINATION OF BASE AMOUNT CALCULATION.—

(1) IN GENERAL.—Subsection (c) of section 41 is amended to read as follows:

“(c) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

“(1) TAXPAYERS TO WHICH SUBSECTION APPLIES.—The credit under this section shall be determined under this subsection, and not under subsection (a), if, in any one of the 3 taxable years preceding the taxable year for which the credit is being determined, the taxpayer has no qualified research expenses.

“(2) CREDIT RATE.—The credit determined under this subsection shall be equal to 10 percent of the qualified research expenses for the taxable year.”.

(2) CONSISTENT TREATMENT OF EXPENSES.—Subsection (b) of section 41 is amended by adding at the end the following new paragraph:

“(5) CONSISTENT TREATMENT OF EXPENSES REQUIRED.—

“(A) IN GENERAL.—Notwithstanding whether the period for filing a claim for credit or refund has expired for any taxable year in the 3-taxable-year period taken into account under subsection (a), the qualified research expenses taken into account for such year shall be determined on a basis consistent with the determination of qualified research expenses for the credit year.

“(B) PREVENTION OF DISTORTIONS.—The Secretary may prescribe regulations to prevent distortions in calculating a taxpayer’s qualified research expenses caused by a change in accounting methods used by such taxpayer between the credit year and a year in such 3-taxable-year period.”.

(c) INCLUSION OF QUALIFIED RESEARCH EXPENSES OF AN ACQUIRED PERSON.—

(1) PARTIAL INCLUSION OF PRE-ACQUISITION QUALIFIED RESEARCH EXPENSES.—Subparagraph (A) of section 41(f)(3) is amended to read as follows:

“(A) ACQUISITIONS.—

“(i) IN GENERAL.—If a person acquires the major portion of a trade or business of another person (hereinafter in this paragraph referred to as the ‘predecessor’) or the major portion of a separate unit of a trade or business of a predecessor, then the amount of qualified research expenses paid or incurred by the acquiring person during the 3 taxable years preceding the taxable year in which the credit under this section is determined shall be increased by—

“(I) for purposes of applying this section for the taxable year in which such acquisition is made, the amount determined under clause (ii), and

“(II) for purposes of applying this section for any taxable year after the taxable year in which such acquisition is made, so much of the qualified research expenses paid or incurred by the predecessor with respect to the acquired trade or business during the portion of the measurement period that is part of the 3-taxable-year period preceding the taxable year for which the credit is determined as is attributable to the portion of such trade or business or separate unit acquired by such person.

“(ii) AMOUNT DETERMINED.—The amount determined under this clause is the amount equal to the product of—

“(I) so much of the qualified research expenses paid or incurred by the predecessor with respect to the acquired trade or business during the 3 taxable years before the taxable year in which the acquisition is made as is attributable to the portion of such trade or business or separate unit acquired by the acquiring person, and

“(II) the number of months in the period beginning on the date of the acquisition and ending on the last day of the taxable year in which the acquisition is made, divided by 12.

“(iii) SPECIAL RULES FOR COORDINATING TAXABLE YEARS.—In the case of an acquiring person and a predecessor whose taxable years do not begin on the same date—

“(I) each reference to a taxable year in clauses (i) and (ii) shall refer to the appropriate taxable year of the acquiring person,

“(II) the qualified research expenses paid or incurred by the predecessor during each taxable year of the predecessor any portion of which is part of the measurement period shall be allocated equally among the months of such taxable year, and

“(III) the amount of such qualified research expenses taken into account under clauses (i) and (ii) with respect to a taxable year of the acquiring person shall be equal to the total of the expenses attributable under subclause (II) to the months occurring during such taxable year.

“(iv) MEASUREMENT PERIOD.—For purposes of this subparagraph, the term ‘measurement period’ means the taxable year of the acquiring person in which the acquisition is made and the 3 taxable years of the acquiring person preceding such taxable year.”.

(2) EXPENSES OF A PREDECESSOR.—Subparagraph (B) of section 41(f)(3) is amended to read as follows:

“(B) DISPOSITIONS.—If the predecessor furnished to the acquiring person such information as is necessary for the application of subparagraph (A), then, for purposes of applying this section for any taxable year ending after such disposition, the amount of qualified research expenses paid or incurred by the predecessor during the 3 taxable years preceding such taxable year shall be reduced—

“(i) in the case of the taxable year in which such disposition is made, by an amount equal to the product of—

“(I) the amount of qualified research expenses paid or incurred during such 3 taxable years with respect to the acquired business, and

“(II) the number of days in the period beginning on the date of acquisition (as determined for purposes of subparagraph (A)(ii)(II)) and ending on the last day of the taxable year of the predecessor in which the disposition is made, divided by the number of days in the taxable year of the predecessor, and

“(ii) in the case of any taxable year ending after the taxable year in which such disposition is made, the amount described in clause (i)(I).”.

(d) AGGREGATION OF EXPENDITURES.—Paragraph (1) of section 41(f), as amended by the American Taxpayer Relief Act of 2012, is amended—

(1) by striking “of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,” in subparagraph (A)(ii) and inserting “qualified research expenses”, and

(2) by striking “of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,” in subparagraph (B)(ii) and inserting “qualified research expenses”.

(e) PERMANENT EXTENSION.—

(1) Section 41 is amended by striking subsection (h), as amended by this Act.

(2) Paragraph (1) of section 45C(b) is amended by striking subparagraph (D), as amended by this Act.

(f) CONFORMING AMENDMENTS.—

(1) TERMINATION OF BASIC RESEARCH PAYMENT CALCULATION.—Section 41 is amended—

(A) by striking subsection (e),

(B) by redesignating subsection (g) as subsection (e), and

(C) by relocating subsection (e), as so redesignated, immediately after subsection (d).

(2) SPECIAL RULES.—

(A) Paragraph (4) of section 41(f) is amended by striking “and gross receipts”.

(B) Subsection (f) of section 41 is amended by striking paragraph (6).

(3) TERMINATION OF CERTAIN 2014 AND 2015 PROVISIONS.—

(A) Section 41 is amended by striking subsection (i), as added by this Act.

(B) Section 3111 is amended by striking subsection (f), as added by this Act.

(C) Subparagraph (B) of section 38(c)(4), as amended by this Act, is amended by striking clause (ii), as added by this Act, and by redesignating clauses (iii), (iv), (v), (vi), (vii), (viii), (ix), and (x) as clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), and (ix), respectively.

(4) CROSS-REFERENCES.—

(A) Paragraph (2) of section 45C(c) is amended by striking “base period research expenses” and inserting “average qualified research expenses”.

(B) Subparagraph (A) of section 54(l)(3) is amended by striking “section 41(g)” and inserting “section 41(e)”.

(C) Clause (i) of section 170(e)(4)(B) is amended to read as follows:

“(i) the contribution is to a qualified organization.”.

(D) Paragraph (4) of section 170(e) is amended by adding at the end the following new subparagraph:

“(E) QUALIFIED ORGANIZATION.—For purposes of this paragraph, the term ‘qualified organization’ means—

“(i) any educational organization which—

“(I) is an institution of higher education (within the meaning of section 3304(f)), and

“(II) is described in subsection (b)(1)(A)(ii), or

“(ii) any organization not described in clause (i) which—

“(I) is described in section 501(c)(3) and is exempt from tax under section 501(a),

“(II) is organized and operated primarily to conduct scientific research, and

“(III) is not a private foundation.”.

(E) Section 280C is amended—

(i) by striking “or basic research expenses (as defined in section 41(e)(2))” in subsection (c)(1),

(ii) by striking “section 41(a)(1)” in subsection (c)(2)(A) and inserting “section 41(a)”, and

(iii) by striking “or basic research expenses” in subsection (c)(2)(B).

(F) Clause (i) of section 1400N(1)(7)(B) is amended by striking “section 41(g)” and inserting “section 41(e)”.

(g) TECHNICAL CORRECTIONS.—Section 409 is amended—

(1) by inserting “, as in effect before the enactment of the Tax Reform Act of 1984” after “section 41(c)(1)(B)” in subsection (b)(1)(A),

(2) by inserting “, as in effect before the enactment of the Tax Reform Act of 1984” after “relating to the employee stock ownership credit” in subsection (b)(4),

(3) by inserting “(as in effect before the enactment of the Tax Reform Act of 1984)” after “section 41(c)(1)(B)” in subsection (i)(1)(A),

(4) by inserting “(as in effect before the enactment of the Tax Reform Act of 1984)” after “section 41(c)(1)(B)” in subsection (m), and

(5) by inserting “(as so in effect)” after “section 48(n)(1)” in subsection (m).

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), the amendments made by this section shall apply to credits determined for taxable years beginning after December 31, 2015.

(2) PERMANENT EXTENSION.—The amendments made by subsection (e) shall apply to amounts paid or incurred after December 31, 2015.

(3) TERMINATION OF ALLOWANCE OF CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (f)(3)(C) shall apply to credits determined for taxable years beginning after December 31, 2015, and to carrybacks of such credits.

(4) TECHNICAL CORRECTIONS.—The amendments made by subsection (k) shall take effect on the date of the enactment of this Act.

#### SEC. 143. PERMANENT EXTENSION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Section 45G, as amended by this Act, is amended by striking subsection (f).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

#### SEC. 144. PERMANENT EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E), as amended by this Act, are each amended by striking “placed in service before January 1, 2016”.

(b) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Clause (ix) of section 168(e)(3)(E), as amended by this Act, is amended by striking “placed in service after December 31, 2008, and before January 1, 2016”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2015.

#### SEC. 145. PERMANENT EXTENSION AND MODIFICATION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Paragraph (1) of section 179(b), as amended by this Act, is amended by striking “shall not exceed—” and all that follows and inserting “shall not exceed \$500,000.”.

(2) REDUCTION IN LIMITATION.—Paragraph (2) of section 179(b), as amended by this Act, is amended by striking “exceeds—” and all that follows and inserting “exceeds \$2,000,000.”.

(b) COMPUTER SOFTWARE.—Clause (ii) of section 179(d)(1)(A), as amended by this Act, is amended by striking “, to which section 167 applies, and which is placed in service in a taxable year beginning after 2002 and before 2016” and inserting “and to which section 167 applies”.

(c) ELECTION.—Paragraph (2) of section 179(c), as amended by this Act, is amended—

(1) by striking “may not be revoked” and all that follows through “and before 2016”, and

(2) by striking “IRREVOCABLE” in the heading thereof.

(d) AIR CONDITIONING AND HEATING UNITS.—The last sentence of section 179(d)(1) is amended by striking “and shall not include air conditioning or heating units”.

(e) QUALIFIED REAL PROPERTY.—Subsection (f) of section 179, as amended by this Act, is amended—

(1) by striking “beginning after 2009 and before 2016” in paragraph (1), and

(2) by striking paragraphs (3) and (4).

(f) INFLATION ADJUSTMENT.—Paragraph (6) of section 179(b), as added by this Act, is amended—

(1) by striking “the \$500,000 amount in paragraph (1)(B) and the \$2,000,000 amount in paragraph (2)(B)” in subparagraph (A) and inserting “the dollar amounts in paragraphs (1) and (2)”, and

(2) in subparagraph (B)—

(A) by striking “paragraph (1)(B)” in clause (i) and inserting “paragraph (1)”, and

(B) by striking “paragraph (2)(B)” in clause (ii) and inserting “paragraph (2)”.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.



**SEC. 146. PERMANENT SUBPART F EXEMPTION FOR ACTIVE FINANCING INCOME.**

(a) **BANKING, FINANCING, OR SIMILAR BUSINESSES.**—Subsection (h) of section 954, as amended by this Act, is amended by striking paragraph (9).

(b) **INSURANCE BUSINESSES.**—Subsection (e) of section 953, as amended by this Act, is amended by striking paragraph (10) and by redesignating paragraph (11) as paragraph (10).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years of a foreign corporation beginning after December 31, 2015, and to taxable years of United States shareholders with or within which such taxable years of such foreign corporation end.

**SEC. 147. PERMANENT EXTENSION OF LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.**

(a) **IN GENERAL.**—Section 954(c)(6), as amended by this Act, is amended by striking subparagraph (C).

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2015, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

**SEC. 148. PERMANENT FULL EXCLUSION APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.**

(a) **IN GENERAL.**—Paragraph (4) of section 1202(a), as amended by this Act, is amended—

(1) by striking “and before January 1, 2016”, and

(2) by striking “CERTAIN PERIODS IN 2010, 2011, 2012, 2013, 2014, AND 2015” in the heading and inserting “CERTAIN PERIODS AFTER 2009”.

(b) **CONFORMING AMENDMENTS.**—

(1) The heading for section 1202 is amended by striking “PARTIAL”.

(2) The item relating to section 1202 in the table of sections for part I of subchapter P of chapter 1 is amended by striking “Partial exclusion” and inserting “Exclusion”.

(3) Section 1223(13) is amended by striking “1202(a)(2)”,

(c) **EFFECTIVE DATE.**—The amendments made by this section apply to stock acquired after December 31, 2015.

**SEC. 149. REDUCED RECOGNITION PERIOD FOR BUILT-IN GAINS MADE PERMANENT.**

(a) **IN GENERAL.**—Paragraph (7) of section 1374(d), as amended by this Act, is amended—

(1) by striking subparagraphs (A), (B), (C), and (D),

(2) by redesignating subparagraph (E) as subparagraph (B), and

(3) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

“(A) **IN GENERAL.**—The term ‘recognition period’ means the 5-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation. For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), the preceding sentence shall be applied without regard to the phrase ‘5-year’.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

**SEC. 150. EXTENSION OF TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.**

(a) **IN GENERAL.**—Paragraph (1) of section 7652(f), as amended by this Act, is amended to read as follows:

“(1) \$13.25, or”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2015.

**SA 3063.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, insert the following:

**PART IV—CERTAIN PROVISIONS MADE PERMANENT****SEC. 162. PERMANENT EXTENSION OF MILITARY HOUSING ALLOWANCE EXCLUSION FOR DETERMINING WHETHER A TENANT IN CERTAIN COUNTIES IS LOW-INCOME.**

(a) **IN GENERAL.**—Subsection (b) of section 3005 of the Housing Assistance Tax Act of 2008, as amended by this Act, is amended by striking “and before January 1, 2016” each place it appears.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of section 3005 of the Housing Assistance Tax Act of 2008.

**SEC. 163. PERMANENT EXTENSION OF SPECIAL RULE FOR CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.**

(a) **IN GENERAL.**—Section 170(b)(1)(E), as amended by this Act, is amended by striking clause (vi).

(b) **CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.**—Section 170(b)(2)(B), as amended by this Act, is amended by striking clause (iii).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2015.

**SEC. 164. PERMANENT EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.**

(a) **IN GENERAL.**—Section 170(e)(3)(C), as amended by this Act, is amended by striking clause (iv).

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made after December 31, 2015.

**SEC. 165. PERMANENT EXTENSION OF TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.**

(a) **IN GENERAL.**—Section 408(d)(8), as amended by this Act, is amended by striking subparagraph (F).

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2015.

**SEC. 166. PERMANENT EXTENSION OF MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.**

(a) **IN GENERAL.**—Section 512(b)(13)(E), as amended by this Act, is amended by striking clause (iv).

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments received or accrued after December 31, 2015.

**SEC. 167. PERMANENT EXTENSION OF BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) **IN GENERAL.**—Paragraph (2) of section 1367(a), as amended by this Act, is amended by striking the last sentence.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2015.

**SA 3064.** Mr. MORAN (for himself, Ms. HEITKAMP, Mr. THUNE, Mr. HEINRICH, Mr. BEGICH, Mr. INHOFE, Mr. BENNET, Ms. STABENOW, Mr. ENZI, Mr. HOEVEN, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Mr. UDALL of Colorado, Mrs. MURRAY, Mr. CRAPO, Mr. TESTER, and Mr. WALSH) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —TRIBAL GENERAL WELFARE EXCLUSION****SEC. .01. SHORT TITLE.**

This title may be cited as the “Tribal General Welfare Exclusion Act of 2013”.

**SEC. .02. INDIAN GENERAL WELFARE BENEFITS.**

(a) **IN GENERAL.**—Part III of subchapter B of chapter 1 is amended by inserting before section 140 the following new section:

**“SEC. 139E. INDIAN GENERAL WELFARE BENEFITS.**

“(a) **IN GENERAL.**—Gross income does not include the value of any Indian general welfare benefit.

“(b) **INDIAN GENERAL WELFARE BENEFIT.**—For purposes of this section, the term ‘Indian general welfare benefit’ includes any payment made or services provided to or on behalf of a member of an Indian tribe (or any spouse or dependent of such a member) pursuant to an Indian tribal government program, but only if—

“(1) the program is administered under specified guidelines and does not discriminate in favor of members of the governing body of the tribe, and

“(2) the benefits provided under such program—

“(A) are available to any tribal member who meets such guidelines,

“(B) are for the promotion of general welfare,

“(C) are not lavish or extravagant, and

“(D) are not compensation for services.

“(c) **DEFINITIONS AND SPECIAL RULES.**—For purposes of this section—

“(1) **INDIAN TRIBAL GOVERNMENT.**—For purposes of this section, the term ‘Indian tribal government’ includes any agencies or instrumentalities of an Indian tribal government and any Alaska Native regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

“(2) **DEPENDENT.**—The term ‘dependent’ has the meaning given such term by section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B).



“(3) LAVISH OR EXTRAVAGANT.—The Secretary shall, in consultation with the Tribal Advisory Committee (as established under section 3(a) of the Tribal General Welfare Exclusion Act of 2013), establish guidelines for what constitutes lavish or extravagant benefits with respect to Indian tribal government programs.

“(4) ESTABLISHMENT OF TRIBAL GOVERNMENT PROGRAM.—A program shall not fail to be treated as an Indian tribal government program solely by reason of the program being established by tribal custom or government practice.

“(5) CEREMONIAL ACTIVITIES.—Any items of cultural significance, reimbursement of costs, or cash honorarium for participation in cultural or ceremonial activities for the transmission of tribal culture shall not be treated as compensation for services.”.

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting before the item relating to section 140 the following new item:

“Sec. 139E. Indian general welfare benefits.”.

(c) STATUTORY CONSTRUCTION.—Ambiguities in section 139E of the Internal Revenue Code of 1986, as added by this section, shall be resolved in favor of Indian tribal governments and deference shall be given to Indian tribal governments for the programs administered and authorized by the tribe to benefit the general welfare of the tribal community.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years for which the period of limitation on refund or credit under section 6511 of the Internal Revenue Code of 1986 has not expired.

(2) ONE-YEAR WAIVER OF STATUTE OF LIMITATIONS.—If the period of limitation on a credit or refund resulting from the amendments made by subsection (a) expires before the end of the 1-year period beginning on the date of the enactment of this Act, refund or credit of such overpayment (to the extent attributable to such amendments) may, nevertheless, be made or allowed if claim therefor is filed before the close of such 1-year period.

### SEC. 3. TRIBAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of the Treasury shall establish a Tribal Advisory Committee (hereinafter in this subsection referred to as the “Committee”).

(b) DUTIES.—

(1) IMPLEMENTATION.—The Committee shall advise the Secretary on matters relating to the taxation of Indians.

(2) EDUCATION AND TRAINING.—The Secretary shall, in consultation with the Committee, establish and require—

(A) training and education for internal revenue field agents who administer and enforce internal revenue laws with respect to Indian tribes on Federal Indian law and the Federal Government’s unique legal treaty and trust relationship with Indian tribal governments, and

(B) training of such internal revenue field agents, and provision of training and technical assistance to tribal financial officers, about implementation of this Act and the amendments made thereby.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of 7 members appointed as follows:

(A) Three members appointed by the Secretary of the Treasury.

(B) One member appointed by the Chairman, and one member appointed by the Ranking Member, of the Committee on Ways and Means of the House of Representatives.

(C) One member appointed by the Chairman, and one member appointed by the Ranking Member, of the Committee on Finance of the Senate.

(2) TERM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member’s term shall be 4 years.

(B) INITIAL STAGGERING.—The first appointments made by the Secretary under paragraph (1)(A) shall be for a term of 2 years.

### SEC. 4. OTHER RELIEF FOR INDIAN TRIBES.

(a) TEMPORARY SUSPENSION OF EXAMINATIONS.—The Secretary of the Treasury shall suspend all audits and examinations of Indian tribal governments and members of Indian tribes (or any spouse or dependent of such a member), to the extent such an audit or examination relates to the exclusion of a payment or benefit from an Indian tribal government under the general welfare exclusion, until the education and training prescribed by this Act is completed. The running of any period of limitations under section 6501 of the Internal Revenue Code of 1986 with respect to Indian tribal governments and members of Indian tribes shall be suspended during the period during which audits and examinations are suspended under the preceding sentence.

(b) WAIVER OF PENALTIES AND INTEREST.—The Secretary of the Treasury may waive any interest and penalties imposed under such Code on any Indian tribal government or member of an Indian tribe (or any spouse or dependent of such a member) to the extent such interest and penalties relate to excluding a payment or benefit from gross income under the general welfare exclusion.

(c) DEFINITIONS.—For purposes of this subsection—

(1) INDIAN TRIBAL GOVERNMENT.—The term “Indian tribal government” shall have the meaning given such term by section 139E of the Internal Revenue Code of 1986, as added by this Act.

(2) INDIAN TRIBE.—The term “Indian tribe” shall have the meaning given such term by section 45A(c)(6) of such Code.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on May 13, 2014, at 10 a.m., in room SR-328A of the Russell Senate Office Building, to conduct a hearing entitled “High Frequency and Automated Trading in Futures Markets.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 13, 2014, at 10 a.m., in room SD-366A of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations be authorized to meet during the session of the Senate on May 13, 2014, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on May 13, 2014, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building to conduct a hearing entitled “Strengthening Minority Serving Institutions: Best Practices and Innovations for Student Success.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 13, 2014, at 10:30 a.m. to conduct a hearing entitled “Improving Financial Management at the Department of Defense.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 13, 2014, at 9:30 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Judicial Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 13, 2014, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON CRIME AND TERRORISM

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate on May 13, 2014, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Economic Espionage and Trade Secret Theft: Are Our Laws Adequate for Today’s Threats?”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on May 13, at 3 p.m. in room SD-406 of the Dirksen

Senate Office Building to conduct a hearing entitled, "Solving the Problem of Polluted Transportation Infrastructure Stormwater Runoff."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mrs. BOXER. Mr. President, I ask unanimous consent that Jephtha Nafziger, a detailee from OMB with the Senate Budget Committee, be granted floor privileges beginning today, May 13, and ending August 1, 2014.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL PHYSICAL EDUCATION AND SPORT WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 441 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 441) designating the week of May 1 through May 7, 2014, as "National Physical Education and Sport Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 441) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of May 8, 2014, under "Submitted Resolutions.")

#### NATIONAL TRAVEL AND TOURISM WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 443.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 443) recognizing the goals of National Travel and Tourism Week and honoring the valuable contribution of travel and tourism to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 443) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### HONORING FORMER SENATOR HARLAN MATHEWS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 444 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 444) relative to the death of Harlan Mathews, former United States Senator for the State of Tennessee.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 444) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### ORDERS FOR WEDNESDAY, MAY 14, 2014

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, May 14; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to H.R. 3474, postcloture; finally, that all time during adjournment, morning business, and executive session count postcloture on the motion to proceed to H.R. 3474.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Under a previous order, there will be up to five rollcall votes at 11:15 a.m. tomorrow. There will be another series of up to four rollcall votes at 5:15 p.m. tomorrow related to nominations.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 444 as a further mark of respect to the memory of the late Senator Harlan Mathews of Tennessee.

There being no objection, the Senate, at 6:41 p.m., adjourned until Wednesday, May 14, 2014, at 9:30 a.m.

## EXTENSIONS OF REMARKS

IN HONOR OF ROBERT COCHRAN

**HON. PATRICK J. TIBERI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 13, 2014*

Mr. TIBERI. Mr. Speaker, I rise today to honor and recognize Robert Cochran upon his retirement from the U.S. House of Representatives. Bob has dedicated his life to public service. He came to the U.S. House of Representatives in October 1989. During his time Bob has reported the Joint Session speeches of Queen Elizabeth II, Boris Yeltsin, a State of the Union speech by President Bill Clinton, and the post-9/11 speech of President George W. Bush.

Bob was born into a family of court reporters. His grandfather founded and operated a court reporting school in St. Paul, Minnesota. He taught stenotype to Bob's father, Robert Cochran, who later became an Official Reporter with the House of Representatives from 1964 to 1984. Bob's father was the first machine stenographer to report on the House Floor.

Bob first began his work for the federal government as a GS-2 file clerk for the Office of the Joint Chiefs of Staff at the Pentagon. He began his court reporting career as a free-lance reporter for Alderson Reporting in Washington, D.C., where he reported government agency hearings for the Federal Communications Commission, Federal Trade Commission, and National Institutes of Health. He also covered congressional hearings for Alderson.

In 1971, Bob moved to American Samoa to serve as court reporter for the High Court in Pago Pago. It was while he was in American Samoa that he met his wife, Mona.

Bob and Mona returned to the continental United States in 1975. Bob began working as a free-lance reporter then went on to serve as an Official Reporter with the Circuit Court for Montgomery County, Maryland, and later the Circuit Court for Wicomico County, Maryland, until he joined the U.S. House of Representatives. Bob earned a BS in Business Administration from Salisbury State University, Salisbury, Maryland, in 1983.

Bob is an avid photographer and runner, having completed several marathons and ultra-marathons (50-milers). He coached Little League and was a member of the Lions Club. He currently serves as an Official Reporter to House Committees, where he covers open and classified hearings and interviews, as well as Leadership press conferences.

Bob is the proud father of four children and has eight grandchildren.

Upon his retirement on June 2, 2014, Bob will leave behind a legacy that will permeate throughout the House for years to come. Through his dedication to this institution, Bob will always be a part of this nation's history. His talent and his wry humor will be missed.

IN RECOGNITION OF JUDGE BRIAN MERRICK

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 13, 2014*

Mr. KEATING. Mr. Speaker, I rise today to recognize Judge Brian Merrick of Orleans District Court upon his retirement.

Judge Merrick first took up his gavel over twenty-five years ago in Lynn, but transferred to Orleans in idyllic Cape Cod a little over a decade ago. By his own accord, he quickly became accustomed to life on the Cape. Known for his sharp legal mind, strong wit, and habit of wearing bow ties and boat shoes underneath his judicial robes, Judge Merrick has been admired by many throughout his career. He was appointed First Justice of Orleans District Court in 2013, an honor that aptly reflected his many years of service to the Commonwealth. His fellow judges, courthouse employees, and many others who have worked with him throughout the years agree that he will be sorely missed as he steps down from this position.

Mr. Speaker, I am honored to recognize Judge Brian Merrick upon his retirement. I ask that my colleagues join me in wishing him the very best in his future endeavors.

IN HONOR OF THE NATIONAL ASSOCIATION OF POLICE OFFICERS' 2014 TOP COPS WINNERS FROM MASSACHUSETTS

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 13, 2014*

Mr. KEATING. Mr. Speaker, I rise today to recognize the twenty-one law enforcement officers from Massachusetts honored by the National Association of Police Officers' 2014 Top Cops Award.

These brave officers have gone well beyond the call of duty in order to protect our citizens and keep us safe. I am proud to know that these officers are working to protect us and would like to express my gratitude for their service by presenting their names:

Boston Police Department: Police Officer Omar Borges, Detective Kenneth M. Conley, Police Officer Gregory R. Eunis, Police Officer Jarrod Gero, Police Officer Jean Gerard JeanLouis, Detective John B. Joyce, Police Officer Terence Long, Police Officer Gregory McCormick, Police Officer Richard G. Moriarty, Police Officer John Moynihan, Police Officer John M. Noberini, Police Officer Jason A. Nuñez, Police Officer Scott Pulchansingh, Detective Joseph G.

Scaringello, Police Officer Dennis O. Simmonds, Police Officer Walter J. Suprey, and Sergeant Detective Kevin E. Waggett.

Massachusetts State Police: Trooper Christopher J. Dumont.

Watertown Police Department: Police Officer Miguel A. Colon, Jr.; Police Officer Michael W. Comick; Sergeant John C.P. MacLellan; Police Officer Timothy B. Menton; Sergeant Jeffrey J. Pugliese; Police Officer Joseph Reynolds, and Police Officer Jean S. Sarkissian.

Many of these officers were on duty during the Boston Marathon bombings last year, and the search for the perpetrators that followed the bombings. These courageous men embody the best ideals of our country, and have dedicated their lives to our security.

Mr. Speaker, it brings me great pride to recognize these officers and the incredible work they have done in the past year, and, indeed, every day. I urge my colleagues to join me in recognizing these officers and their role in protecting our citizens.

## STATEMENT OF INTRODUCTION

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 13, 2014*

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce legislation that would make a simple modification to the Civil Monetary Penalty Law. The modification will ensure that physicians and hospitals can align incentives, which is especially important since they are being called upon to do this more often in the pursuit of providing improved care at a lower cost. In the movement to replace fee for service medicine with a model that emphasizes quality, this legislation will facilitate relationships that will allow movement in this direction. The modification will ensure that the penalties for the Civil Monetary Penalty Law are fully retained; the modification makes no change to the penalties prescribed under the law. However, the modification will allow hospitals and physicians to enter into relationships designed to decrease the provision of medically unnecessary services. This legislation recognizes that in the new delivery system models, the emphasis should be on reducing the provision of medically unnecessary services for patients. After all, such services do not serve the patient—who may suffer from hospital acquired infections, if kept in the hospital longer than necessary, for example. Such services also are not in furtherance of the goal of operating a more efficient, higher quality health care system. I urge my colleagues to support this important legislation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING MAYOR PETER A.  
CANTU'S 40TH YEAR IN PUBLIC  
SERVICE

**HON. RUSH HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 13, 2014*

Mr. HOLT. Mr. Speaker, I rise today to recognize the career and accomplishments of Mayor Peter A. Cantu, who has served with distinction as a member of the governing body of Plainsboro, New Jersey for the past 40 years and has been a leader in municipal governance for the entire state of New Jersey.

Peter Cantu was a teenager when his family relocated to Plainsboro over 50 years ago. At the time, the small farming community in central New Jersey was renowned for its agricultural produce and for the Walker-Gordon dairy, home of the famous Elsie, the Borden Cow. Peter met the love of his life, Gale Thompson, in high school and they were married and settled down in the neighboring community of Princeton where their two children, Peter and Patricia were born.

The Cantus moved back to Plainsboro and Peter, who was then beginning a long career with the IBM Corporation, became involved in the Township, as a member of the Volunteer Fire Company, Lions Club and several other organizations as well as serving on the Town Council, an advisory body to the Township Committee.

In the 1970's, some of the farms became available for development, and the town government approved thousands of housing units without any master plan or overall growth management plan. Outraged by this lack of vision, Peter Cantu decided to run for local office. He won, and the rest is history, a history he helped write.

And it is a different history than it could have been without Peter Cantu. Under his leadership over the past 40 years, Plainsboro today is a thriving, diverse community of over 22,000, honored for its planning and smart growth and for having 50 percent of the township land permanently dedicated as open space, parks, and nature preserves, a notable feature for a town in the most densely populated state in America. It has a variety of housing options—rental apartments, condominiums, and private houses for those with low and moderate incomes and higher. It is home to the University Medical Center of Princeton at Plainsboro, the national headquarters of one of the world's leading pharmaceutical companies, and other corporations and businesses. When the town developed a new town center, Mayor Cantu and the planners put at its center not a shopping mall or an office park, but a modern, active public library. Is it any wonder that New Jersey Monthly Magazine recognized Plainsboro as "One of the Ten Best Places to Live in New Jersey".

Mayor Peter Cantu would never claim that Plainsboro's success was all his doing. He would say that without the input and hard work of all the members of the Township Committee and the support of the residents of Plainsboro, this would not have happened. And I would agree. But it is his style of leader-

ship that has made this happen. Peter Cantu is a patient builder of consensus. He listens attentively to other points of view and takes the time to explain the rationale for decisions. Public hearings are open and neighborhoods are kept aware of what is planned.

And perhaps the best indicator of his talent to lead can be found in his ability to remain Mayor for so many years. Plainsboro's Township form of government calls for an election of some members each year, who select which one will be Mayor for a year each January. Peter's fellow Township Committee members have chosen him to be Mayor 34 times.

Peter Cantu's long career in local government is an inspiration to those who follow. I ask that you join me in recognizing his significant contributions to the well-being of his community and state, and thank him for his lifetime of service.

RECOGNITION OF THE RETIREMENT OF MINNESOTA STATE REPRESENTATIVE TOM HUNTLEY

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 13, 2014*

Ms. MCCOLLUM. Mr. Speaker, I rise today in honor of the retirement of Minnesota State Representative Tom Huntley. Rep. Huntley has served for more than 20 years in the Minnesota State House, proudly representing his constituents in Duluth, Minnesota.

In 1993, Tom and I were sworn in together at the State Legislature where we both served on the Health and Human Services Committee. Early on, it was clear that Tom was a man acutely aware of how his work affected the people of Minnesota. Tom had a reputation for taking every opportunity to help educate his colleagues, staff, and citizens about any issue, especially on the on-going needs in primary and rural health care. He has an incredible mind for policy, but during his service, he never lost sight of the way that those policies impacted people.

Tom's ability to combine a focus on outcomes for health care patients with a keen eye for ensuring that taxpayer dollars were well spent made him an effective force in the State Capitol. Tom was always willing to work with both Republicans and Democrats to move the issues he cared about forward. As author of the Freedom to Breathe Act, his work with Republican Representative Dan Severson made Minnesota the 17th state to enact a statewide smoking ban, improving the public health of all Minnesotans.

Under the leadership of Tom Huntley, Minnesota has become a model for delivering high-quality health care to its citizens. He was involved in the implementation of MinnesotaCare, ensuring thousands of working families in Minnesota had access to health coverage and Tom has worked tirelessly with his colleagues to improve and protect it. As Chair of the Health and Human Services Finance Committee, he championed the 2007 and 2008 statewide health reform laws, legislation to expand Medical Assistance, and nu-

merous other provisions positively impacting the lives of nearly every Minnesotan. And as an early advocate for the Affordable Care Act, Tom saw the federal law as a way to build on the reforms already taking place in Minnesota. It is no exaggeration to say that Tom has had a hand in crafting nearly every piece of health care legislation in Minnesota during the past two decades.

In addition to his health care achievements, Tom has been a strong advocate on issues relating to the Great Lakes. In October 2004, he was elected as Chair of the bi-national Great Lakes Commission. In that role, Tom helped bring additional national attention to the ongoing needs related to the health and protection of this international treasure. And it is because of his leadership that Minnesota was the first state to approve the Great Lakes-St. Lawrence River Basin Water Resources Compact.

Tom has been an incredible advocate for his constituents, mentor to my Legislative Director Jenn Holcomb, and a true statesman. He will retire from the state legislature this month with the knowledge that his work had a lasting and profound impact on the state of Minnesota. Tom's leadership will be truly missed and I look forward to continuing our friendship for years to come.

PERSONAL EXPLANATION

**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 13, 2014*

Ms. CLARKE of New York. Mr. Speaker, I was unavoidably detained and missed the amendment votes to H.R. 10 on Friday, May 9, 2014.

Had I been present, I would have voted "yes" on rollcall No. 212, the Castor amendment; "yes" on rollcall No. 213, the Jackson-Lee amendment; "yes" on rollcall No. 214, the Wilson (FL) amendment; "yes" on rollcall No. 215, the Langevin amendment; and "yes" on rollcall No. 216, the Bonamici amendment.

IN RECOGNITION OF THE DEDICATION OF THE NEW BEDFORD WOMEN'S MILITARY MEMORIAL

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 13, 2014*

Mr. KEATING. Mr. Speaker, I rise today to recognize the New Bedford Women's Military Memorial, which was dedicated on May 10 at Fort Taber in New Bedford.

This monument is located in the City of New Bedford to honor all women in military service from the Revolutionary War to the present day, and it is only the second such memorial in Massachusetts. Since the founding of our nation, women have served our country with courage, patriotism, and selflessness in times of peace and in times of war. In addition to their service, these women have fulfilled many other roles, including as mothers, sisters, daughters, wives, and of course, friends.

Although women were not officially recognized in the Armed Forces until the founding of the Army Nurse Corps in 1901, countless women have served our country both directly and indirectly throughout our history. One of the earliest examples is Deborah Samson Gannett of Massachusetts who, in spite of her gender, enlisted to serve in the Army during the Revolutionary War, using her deceased brother's name as an alias. Since then, countless women have contributed to the U.S. Armed Forces as nurses, water bearers, cooks, and even saboteurs, helping to ensure our freedom. They served at home and abroad, during times of peace and on the battlefield, and were essential in helping to shape our great nation over the centuries. The New Bedford Military Memorial aptly honors these women and the many sacrifices they made.

Mr. Speaker, I am proud to recognize the New Bedford Women's Military Memorial. I urge my colleagues to join me in recognizing our women in service, as well as the dedicated individuals who have worked for two years to make this memorial a reality.

#### RECOGNIZING THE 100TH ANNIVERSARY OF CHAUTAUQUA GOLF CLUB

#### HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 13, 2014*

Mr. REED. Mr. Speaker, I rise today to recognize and congratulate Chautauqua Golf Club on its 100th anniversary. This historic venue, located in beautiful Chautauqua, New York, hosted its first round of golf on July 18, 1914.

Over the past 100 years, Chautauqua Golf Club has hosted legendary golfers including Ben Hogan, Walter Hagen, Sam Snead, and Jack Cawsey. The Club's courses have been enjoyed by countless celebrities and dignitaries, including former President Bill Clinton. Each of these individuals has experienced the superior design and character offered by the two four-star courses designed by famous golf architect Donald Ross.

The Club has hosted numerous tournaments throughout its history. Since 2000, it has partnered with Jamestown Community College to host the National Junior College Athletic Association's Men's Division III National Championship. In addition, an annual Professional-Amateur Tournament to benefit the Chautauqua Watershed Conservancy is held at the Club.

Chautauqua Golf Club recently opened the Golf Learning Center, a teaching and practice facility that serves golfers of all ages and skill levels. The center focuses on teaching strategies, improving skills, and fostering an appreciation for the finer points of the game. This center, which is ideal for families, school teams, and community groups, intends to make the game of golf accessible to everyone.

I once again commend Chautauqua Golf Club on its 100th anniversary. I am proud to recognize this remarkable accomplishment and the great contributions the Club has made, and will continue to make, to New York's 23rd Congressional District.

#### IN RECOGNITION OF THE 22ND ANNIVERSARY OF THE TAIWANESE AMERICAN CULTURAL FESTIVAL

#### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 13, 2014*

Ms. SPEIER. Mr. Speaker, I rise to honor the 22nd anniversary of the Taiwanese American Cultural Festival that will be held on May 10, 2014 in San Francisco. The festival brings together an estimated 8,000 people from all over the world to enjoy delicious Taiwanese food, be entertained by world-renowned Taiwanese American performers and to experience the vibrancy of Taiwanese culture.

The festival highlights the national celebration of Taiwanese American Heritage Week during the month of May, as proclaimed by former President Bill Clinton in 1993. Since its inception, it has grown into a landmark event for the Bay Area recognizing the contributions of Taiwanese Americans.

Taiwanese Americans are firmly woven into the fabric of our community and serve our country on all levels of government, from being members of the President's Cabinet, to highly respected business leaders and locally-elected officials. Scholars and leaders such as former U.S. Secretary of Labor Elaine Chao, Associate Justice of the Supreme Court of California Goodwin Liu, Academy-Award winning director Ang Lee, co-founder of Yahoo Jerry Yang, and Jeremy Lin who became the first Taiwanese-American in the NBA, have all made lasting contributions to our society and share the spirit of the Asian American Pacific Islander culture.

The Taiwanese American population has grown significantly since the 1970s and brought large numbers of physicians, health professionals, scientists and professors to the United States. In the late 80s and 90s, the Silicon Valley tech boom drew even more Taiwanese immigrants. Of the between 500,000 to one million Taiwanese Americans living in the United States, 49% live in California, according to the 2010 U.S. Census.

As the representative of one of the largest Asian American populations in the country, I've experienced first-hand the warmth, generosity and inclusiveness of the AAPI community. Every year, the Taiwanese American Cultural Festival enhances social interactions and cultural exchanges and strengthens the partnership between the United States and Taiwan.

The festival is entirely organized, run, and funded by volunteers and non-profit organizations, in particular the Taiwanese American Professionals—San Francisco (TAP-SF) and the Taiwanese American Federation of Northern California (TAFNC).

Mr. Speaker, I ask the House of Representatives to rise with me in honor of the 2014 Taiwanese American Cultural Festival. May it continue to bring joy and cultural enrichment to our community for decades to come.

#### IN RECOGNITION OF MR. JAMES GOODSON

#### HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 13, 2014*

Mr. KEATING. Mr. Speaker, I rise today to recognize James Goodson, a veteran who served in the United States Air Force during World War II.

A recipient of the military's second-highest honor, the Distinguished Service Cross, James Goodson was also one of the first Americans to fly a low-level strafing sortie over France and Belgium in 1942. Mr. Goodson, who flew in one of three "Eagle" Squadrons, was among the first American volunteers to serve in the British Royal Air Force. In 1942, these RAF units that consisted of American pilots were incorporated into the 4th Fighter Group of the U.S. Army Air Forces. During his career as an Eagle squadron pilot, Goodson recorded two enemy kills. Mr. Goodson has also been recognized for his brave service with the Silver Star, Purple Heart, and several other military honors. A resident of the town of Duxbury when he passed away on May 1, 2014, James Goodson will be sorely missed by his family and many friends.

Mr. Speaker, I am proud to honor James Goodson upon his death and distinguished military career during World War II. I ask that my colleagues join me in recognizing his life and his service.

#### IN RECOGNITION OF THE 40TH ANNIVERSARY OF SAMARITAN HOUSE

#### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 13, 2014*

Ms. SPEIER. Mr. Speaker, I rise to honor the staff and volunteers of Samaritan House in San Mateo, California, who for 40 years have given shelter and dignity to individuals and families in need.

Samaritan House is a haven and lifeline for more than 12,000 members of our community, providing shelter, food, clothing, health care, worker resources and counseling services for low income families. Today, the dedicated staff of 77 and over 2,000 volunteers serve 145,000 meals a year, serve 10,000 people a year at two clinics, counsel 500 people a month and have 90 shelter beds to house the homeless.

In 1974, Samaritan House was created by Cora Clemons, a public health nurse, in partnership with the city of San Mateo. It was a referral agency for people with basic social services. In 1985 John Kelly, a Catholic priest for 25 years, became the executive director and earned the nickname "Father of Samaritan House." Under his leadership for 14 years, the agency was transformed and vastly expanded. It merged with the Hospitality Family Kitchen, which had been established by concerned citizens a year before, and started providing direct services, including food, clothing

and a new Thanksgiving program. Shortly after that, the food pantry opened and then Samaritan House moved into two mobile units on Humboldt Street in San Mateo. With the expansion, Samaritan House was able to help more people and also grew its number of volunteers. In 1989, it hosted its first Volunteer Community Recognition event.

In 1990, San Mateo High School students helped propel the food program to its next level by launching the annual food drive. With the food program well established, Samaritan House focused on expanding its services to include medical care. The Free Medical Clinic opened in a few rooms at Samaritan House in 1992. In 1998, the Breast Care program was created and in 2001, the second Free Medical Clinic opened on 5th Avenue in Redwood City. In 2004, the first Free Medical Clinic moved to a new facility on West 39th Avenue in San Mateo.

Samaritan House started offering services to the homeless in 1987. In 2000 it opened Safe Harbor Shelter on property next to San Fran-

cisco International Airport. The facility was renovated six years later and now offers 90 emergency shelter beds.

In 2009, Samaritan House moved into its current home on Pacific Boulevard. The facility has a state-of-the-art industrial kitchen and food pantry, clothing distribution center, case management and counseling services and administrative services. It's a magnificent home for an organization doing magnificent work.

All of the services at Samaritan House are free, but clients are held accountable and have to demonstrate that they are making progress in finding jobs, housing and becoming self-sufficient. While there are emergency assistance programs to help families in crises, the ultimate goal is to help them to help themselves by empowering them with financial education, asset building, income tax assistance, enrollment in benefit programs, and counseling.

From 2001 to 2013 Kitty Lopez led Samaritan House as its executive director. Always with a smile on her face, she placed Samari-

tan House on a solid footing, expanded its efforts to help those in need and kept operations orderly and safe. In June, Bart Charlow will take the reins as the new CEO and will continue the legacy of this outstanding non-profit organization. The success of Samaritan House is also due to the superb guidance of the board of directors: Board President Patricia Hsiu, Jay Strauss, Mollie Marshall, Timothy K. Roake, Ralph Armeio, Todd Barrett, Maude N. Brezinski, Lucretia-del J. Broussard, Joan Cassman, Nisha Chaudry, Richard L. Davis, William S. Freeman, Robert Grassilli, Natashia Lopez-Gomez, J. Frank McCabe, Alex Moldanado, Allison Nuschy-Lenat, Judi Powell, Carl A. Serrato, Jason Ting, Trisha Vicario and James Whitehead.

Mr. Speaker, I ask the House of Representatives to rise with me to honor the 40th anniversary of Samaritan House in San Mateo, California, an institution that has lifted up thousands of residents and put them on a path to hope, independence and productivity.

## SENATE—Wednesday, May 14, 2014

The Senate met at 9:30 a.m. and was called to order by the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, You promised that those who passionately seek You will find You. Deliver us from distractions that hinder our pursuit of You, as You enable us to experience Your presence today.

Lord, guard the hearts and minds of our Senators with Your peace, guiding them with Your power. Draw them into intimacy with You, helping them to remember that nothing can separate them from Your love. Rescue them from misplaced priorities that major in minors and minor in majors. Bring their thoughts and actions into captivity to Your will.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 14, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. MARKEY thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Repub-

lican leader, the Senate will resume consideration of the motion to proceed to H.R. 3474. At 11:15 a.m. there will be up to five rollcall votes in relation to several nominations. Following those votes the time until 5:15 p.m. will be equally divided and controlled between the two leaders or their designees. At 5:15 p.m. there will be another series of rollcall votes on confirmation of three district judges and on adoption of the motion to proceed to the tax extenders legislative vehicle.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### IMMIGRATION REFORM

Mr. REID. Mr. President, this morning marks 321 days since this body passed commonsense immigration reform. For 321 days the Republican-controlled House of Representatives has done absolutely nothing to address our Nation's problems dealing with our broken immigration system. It is a system that is broken and needs to be fixed. It cannot be fixed on a piecemeal basis. It needs comprehensive immigration reform.

To the Republican extremists in the House, the time went by like that. To them, 321 days does not seem like a big deal. But outside of the Capitol, where we are dealing with people's lives, those 321 days felt like a lifetime. To American families forced to live in the shadows, each one of those days brings the dread of discovery and being torn away from their loved ones. Undocumented immigrants have lived in fear for the last 46 weeks, worrying whether they will have to leave the country they call home. For the past 10½ months children have lost their parents from government action—all while House Republicans have twiddled their thumbs.

Enough is enough. It is time for the House Republicans to act. They have wasted far too much time already failing to consider a bill that the Senate considered, and passed in less than 2 months.

A year ago the Senate Judiciary Committee, under Chairman LEAHY's leadership, was in the middle of marking up the commonsense immigration reform. After 2 weeks of consideration,

what did they do? A bipartisan bill was reported out of that committee. Within a month the Senate passed immigration reform and sent it to the House of Representatives. It was a good start. It was really good. But in our system of government, what we did here will have absolutely no meaning unless the House takes it up. We were able to move on immigration reform quickly because both Senate Democrats and Senate Republicans understood the need to fix a broken system.

What is the House Republicans' excuse? Why are they doing this? What are they achieving by dragging their feet on immigration reform? They claim to be working on things—they say jobs, they say legislation to reduce the debt. If they are really interested in reducing the debt, pass this bill. It is \$1 trillion to reduce our debt—\$1 trillion. What are they doing over there? Day after day, investigations—they investigate everything and accomplish nothing.

The fact is that the Senate-passed immigration bill reduces the deficit and spurs the economy more than the House-passed bills awaiting Senate action combined. I repeat: \$1 trillion. The immigration legislation passed by the Senate reduces the deficit more than all the bills passed by the House that are currently awaiting action in the Senate.

So it is no wonder that even pro-Republican organizations are calling on Speaker BOEHNER to stop wasting time. Earlier this week we heard Tom Donohue, the president of the U.S. Chamber of Commerce, say that it is in the Republicans' best interests to pass immigration reform. He said unless the House passes immigration reform this year, Republicans shouldn't even bother running in 2016. So that is what he said, and it is probably true.

Politics should not be the only reason the House passes this bill. Immigration reform is far more important than any election-year politicking. Immigration reform is about families and communities.

The DREAM Act is a perfect example. In September 2010, I was in the midst of what some considered a tough re-election campaign when I helped champion Senator DURBIN's DREAM Act. Though it was eventually blocked by a Republican filibuster, I did my best to pass the DREAM Act, even as some said it would cost me the election. As everyone knows by this time, the President, as he said in his State of the Union Address—and he did this last Congress and he is doing it this Congress—because we are doing virtually



nothing here in the Senate, he decided to do something administratively. That is why we have deferred status for these young men and women who want to go into the military, finish their education, and this is the only place they have ever known as home.

The bill that passed here is common sense. Eleven million people—we cannot fiscally deport 11 million people. We cannot physically do it. It just will not work. That is why the legislation that was crafted here on a bipartisan basis is fair to everyone. What it says is that if this is your home and you have improper papers, we will give you some time to get those adjusted. It is going to take some time. You are not going to go to the front of the line; you are going to go to the back of the line. You are going to have to pay taxes. You are going to have to work. You are going to have to stay out of trouble and learn English. It would take about a dozen years to have your status adjusted, but at least during that period of time you can come out of the shadows.

Recently, though, the House Judiciary Committee chairman appeared on a Sunday news show and tried very, very unsuccessfully to justify his party's inaction. His reasoning as to why the House is dragging its heels? Republicans claim President Obama cannot be trusted to enforce immigration law. So what Republicans are really saying is that they will not act on immigration reform unless there are more deportations, more families torn apart. That does not make a lot of sense to most people. In a nutshell, it is the House immigration platform.

Why work to help undocumented immigrants get right with the law? Why do that? Because it is good for the country. It is fair. And, as I have indicated, it is good monetarily for this country. But what the chairman of the House Judiciary Committee said on one of those Sunday shows is in keeping with what they have done. It is hard to comprehend.

I guess that is what we have learned to expect from a House Republican conference whose immigration policy is dictated by the likes of Congressman STEVEN KING. Remember him, Mr. President? He is the Congressman who, instead of permitting immigrants to enlist in the military and earn citizenship, would rather send them "on a bus back to Tijuana." That is a quote from him. Congressman KING also claimed that for every hard-working undocumented student, there are 100 more working as drug mules with "calves the size of cantaloupes because they're hauling 75 pounds of marijuana across the desert."

The fact of the matter is that these men and women, with their families, are our neighbors, our classmates, our colleagues. They are here for a lot of different reasons. They have over-

stayed their visas. Some were brought here illegally. But we have to deal with this issue. So many of them are like Astrid Silva, who is one of the DREAMers. She was 4 years old, a little girl in a boat coming across the Rio Grande River. She had her Rosary beads and a little doll and her mom. Nevada is the only place she has ever known as home. Because she was so frightened, she was afraid to go anywhere.

This is the right thing to do. We need to move forward on comprehensive immigration reform, and we can only do that if the Republicans in the House, led by Speaker BOEHNER, do the right thing. It is very important. I urge the House to stop wasting time and bring immigration reform to a vote. Give the American people the assurance that we are working to finally mend our broken immigration system and give families the opportunity to come forward and work toward legal status. It really is the right thing to do.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

#### POLICE WEEK

Mr. MCCONNELL. Mr. President, this week we recognize National Police Week. National Police Week is a time to pay tribute to the service and sacrifice of the men and women in Federal, State, and local law enforcement across our Nation. Law enforcement is one of our Nation's highest callings, as brave peace officers put themselves on the line to defend the lives, safety and property of their neighbors. Therefore, it is entirely appropriate that we pause this week and throughout the year to thank them for their service.

The Nation's capital is host to thousands of police officers who have come to celebrate National Police Week with their fellow officers. No one but another peacekeeper or their families can truly grasp the duty of defending their communities. No one but another peacekeeper can truly know the joys of camaraderie and the sorrows of deep loss that each one has experienced.

I want to especially recognize the many men and women of Kentucky law enforcement. Many of them have traveled to Washington this week, and I

will have the pleasure of meeting with some of Kentucky's finest and their families later today, including the Ellis family and the Shaw family.

I am personally grateful to them for bravely risking their lives in our defense. Sadly, this occasion of National Police Week is also the time when we pay tribute to two brave and honorable police officers from the Commonwealth of Kentucky who have fallen in the line of duty in the past year.

Deputy Sheriff Chad D. Shaw of the McCracken County Sheriff's Department tragically suffered a fatal heart attack on August 6, 2013. He was 47 years old. Deputy Shaw had been at the Community Christian Academy in Western Kentucky, near Paducah, helping coordinate security for a meeting among the faculty and staff to kick off the new school year when he collapsed and was immediately taken to Baptist Health in Paducah.

Tragically, it was too late for the U.S. Army veteran and 12-year veteran of the McCracken County Sheriff's Department. McCracken County Sheriff Joe Hayden says: "Deputy Shaw will always be remembered for his love of his family, his love for helping others, and the thoroughness in the way he did his job as a public servant for the citizens that he served."

Deputy Shaw leaves behind his wife Margaret and two daughters. I express my deepest condolences to them, as well as to members of the McCracken County Sheriff's Department and to all who knew Deputy Shaw at the loss of this fine and good man who chose to wear the uniform of both his country and his Commonwealth and brought honor to both.

I also pay tribute to another Kentucky officer lost to us in the last year, officer Jason Scott Ellis of the Bardstown Police Department. Officer Ellis was tragically killed on May 25 of last year. He was 33 years old. Officer Ellis was killed when he was en route home following his shift. He was in uniform and driving a marked vehicle. It is believed he was ambushed by a subject who deliberately placed debris in the middle of the roadway, causing Officer Ellis to stop and exit his vehicle.

As Officer Ellis removed the debris, the killer or killers opened fire from a nearby hilltop, shooting him multiple times and killing him instantly. It is no exaggeration to call what happened to Officer Ellis an assassination. Mad-deningly, the killer or killers are still at large.

Officer Ellis's tragic death marked the first time in the history of the Bardstown Police Department for an officer to be killed in the line of duty. A reward for the assassin, or assassins, still at large has grown to over a quarter of a million dollars.

Commissioner Rodney Brewer of the Kentucky State Police pledges that his troopers will continue to aggressively

investigate this heinous murder until an arrest is made. Kentucky State Police, Bardstown police, and the Federal Bureau of Investigation continue to seek the public's assistance with any detail, regardless of how small, regarding the evening of Officer Ellis's death, May 25, 2013.

Ellis was a huge asset to his force. He was not only a field-training officer, but he was also their only K-9 officer. With his police dog Figo, he fought illegal drug use in Bardstown. Few can forget one of the iconic photos of 2013 that featured Figo resting his paw on the coffin of his departed partner Officer Ellis at the funeral service.

Bardstown Police Chief Rick McCubbin credited Officer Ellis with being one of the department's top officers when it came to arrests and making a dent in the drug problem.

"He also made me feel like he was Superman," says Amy Ellis, Officer Ellis's wife, "that nothing would ever happen to him." Chief Rick McCubbin says Officer Ellis paid the ultimate sacrifice doing what he loved, being a police officer.

Jason Ellis was a native of Cincinnati and a student at the University of the Cumberlands in Williamsburg, KY. At school he was a star baseball player. He set records for alltime career hits, doubles, home runs, and career games played. He went on to play minor league baseball in the Cincinnati Reds system from 2002 to 2005.

Even as the star of the baseball diamond, however, coaches and teammates remember Jason Ellis talking about becoming a law enforcement officer. His wife Amy says:

He was always a go-getter . . . He was dedicated to his job and he wanted to clean the streets up. And that was the way to get the drugs off the streets.

Officer Ellis was a 7-year veteran of the Bardstown Police Department. He leaves behind a grieving family, including his wife Amy, his two young sons Parker and Hunter, two sisters, his mother and stepfather, and many other beloved family members and friends.

More than 300 people attended a candlelight vigil for Officer Ellis outside the police station shortly after his murder. On May 30 of last year, Officer Ellis was laid to rest at Highview Cemetery in Nelson County. Fellow law enforcement officers from across Kentucky and as far away as Pennsylvania, Ohio, and Illinois came to pay their respects. Hundreds of police cruisers helped to make up the funeral procession over those beautiful rolling hills and country roads of Nelson County.

Over 1,000 people filled the church sanctuary to capacity, with even more standing in the aisles, to show their reverence and respect for Officer Ellis's service and his sacrifice. Chief Rick McCubbin says this about his tragic slaying:

It's basically a large family here and a lot of these officers have worked together many

years, so as you can imagine they are very close. They know each other well, they know each other's families, each other's children, so it's a devastating hit.

Officer Ellis's loss is a devastating hit not only to his family, not only to his brother officers, but to all of us throughout Kentucky who respect and admire the men and women who wear a police uniform and make a solemn vow to defend the lives of others, even at the cost of their own.

I want to express my deepest condolences to Officer Ellis's family, to the members of the Bardstown Police Department, and to peace officers across Kentucky for the loss of one very brave officer: Jason Scott Ellis.

I am relieved to say that for the grieving family members of Officer Ellis, Deputy Shaw, and every peace officer lost in the line of duty across our Nation, resources to help are available. One of those resources is COPS, or Concerns of Police Survivors, Inc. COPS members include spouses, children, parents, siblings, significant others, and affected coworkers of officers killed in the line of duty.

The Kentucky chapter of COPS has been at the forefront of serving this mission. Last year Kentucky COPS hosted the Traumas in Law Enforcement seminar for law enforcement agencies to learn how to deal with line-of-duty deaths. With 62 participants, it was one of the highest attended seminars that any COPS chapter or organization has ever put on. This is an organization that does not forget, taking care of the families of our fallen law enforcement heroes long after their watches end.

I am proud of our Bluegrass State peace officers for taking the lead in helping other men and women in blue to deal with these tragic losses. As I have just related in the stories of Officer Ellis and Deputy Shaw, any loss of a law enforcement officer is too great a price to pay for the families and communities they protect.

I will be honored to meet with some members of the Kentucky COPS who are here in the Nation's Capital for National Police Week today in my office. Sherry Bryant is the wife of Kentucky Department of Fish & Wildlife Resources officer Douglas Bryant, who was tragically killed in the line of duty back in 2003.

Laurie Stricklen is the wife of police officer James "Stumpy" Stricklen of the Alexandria, KY, Police Department, who suffered a fatal heart attack on March 24 as a result of injuries sustained after restraining a suspect.

Anthony Jansen is the son of police officer Anthony Jansen of the Newport Police Department, who was accidentally shot and killed while in the line of duty on December 30, 1984. His son Tony carries on his father's tradition as he is himself now a police officer.

So I am privileged to welcome all of those brave police survivors as well as

the families of Officer Jason Ellis and Deputy Clay Shaw to my office today. To honor these fallen heroes and to help bring justice to those who would injure or kill our police officers, I am proud to be a cosponsor of the National Blue Alert Act. This bipartisan legislation calls for what would be equivalent to a national AMBER Alert system to efficiently share information with the public when a law enforcement officer is killed or seriously injured.

I know my colleagues in the Senate join me in holding the deepest admiration and respect for the many brave law enforcement officers across Kentucky and the Nation. We are grateful so many have come to town for National Police Week.

We recognize theirs as both an honorable profession and a dangerous one. We recognize that what they do is vitally necessary to maintain peace and order in a civil society.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### HIRE MORE HEROES ACT OF 2014— MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3474, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 332, H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

The ACTING PRESIDENT pro tempore. The Republican whip.

#### DEPARTMENT OF VETERANS AFFAIRS

Mr. CORNYN. Mr. President, it pains me to say that almost every day brings a new story of reported scandals and a long list of failures and abuses within the Department of Veterans Affairs.

The latest scandals are particularly painful to me because they emanate from Texas, and we have a proud tradition of being a State that contributes a large number of uniformed military members from our State—and, of course, we have a huge population of veterans, people who have worn the uniform of the United States proudly, sacrificed so much, and risked it all. But just like the scandals in Fort Collins, CO; Phoenix, AZ; Pittsburgh, PA; and in other cities, the ones in Austin, San Antonio, Harlingen, and Waco are evidence of a callous disregard for the health and well-being of America's heroes.

The new information comes from a pair of whistleblowers. The first one, a

VA scheduling clerk named Brian Turner, told the Austin American-Statesman that his supervisors at the VA facilities in Austin, San Antonio, and Waco were directing him to falsify appointment data in hopes of covering up the problem of long wait times.

Meanwhile, the former associate chief of staff at the Harlingen VA Health Care Center, a man by the name of Dr. Richard Krugman, has gone public with a series of disturbing allegations, according to the Washington Examiner, which interviewed Dr. Krugman. Veterans seeking routine colonoscopies—cancer screening, in other words—at the Harlingen center were forced to endure extremely long wait times and, in some cases, they were denied those cancer screenings altogether. He said, as a result, up to “15,000 patients [veterans all] who should have gotten colonoscopies either did not get them or were examined only after long and needless delays.”

Dr. Krugman believes that some of these veterans actually died as a result of the lack of cancer screening and addressing their symptoms.

He also told the Examiner that “an office secretary deleted about 1,800 orders for medical tests or other services to eliminate a backlog that threatened a certification inspection from an outside group.”

Sadly, these allegations fit within a larger pattern of VA abuses. At VA clinics across the country, reports have been made that staffers and administrators have failed to provide veterans with reliable access to medical care and have fraudulently concealed long wait times. Given all these examples, they are not just an individual data point, but in connecting these data points it appears that the problems with the Veterans Administration are systemic.

What we have is nothing less than a betrayal, a betrayal of our Nation's veterans, and a betrayal of the American people, all of whom deserve to know the truth about what their government is or is not doing to support our American heroes. Of course, we have heard in Phoenix that this betrayal has had tragic consequences, with an estimated up to 40 people dying after lingering on a secret waiting list—never receiving the treatment that they were entitled to.

We still don't know exactly how many veterans have died or otherwise have suffered because of the VA's assorted failures and abuses, but we do know that it is disgraceful and unacceptable for even one veteran to needlessly die or suffer because of bureaucratic malfeasance. The evidence of such malfeasance is now growing, of course. The only questions are: How can we get our veterans the care and support they need in the fastest possible way; and what is the best way to restore genuine accountability and

genuine safeguards within the VA system?

Whenever I think about the ongoing VA scandals and the broader set of challenges facing America's veterans, I think of an annual tradition that we have in Texas. Every year on Memorial Day I host young Texans who are being sent off to their service academies. These are inspiring young men and women. Anyone who is feeling a little bit uncertain about our Nation's future needs to meet these young men and women who go to our service academies. They are the best of the best and are an inspiration to me.

This is a wonderful event and easily one of the highlights of my year. Yet I can't think of how badly the VA is failing not only our current generation but tainting that promise of our commitment to the next generation of our military servicemembers and veterans. The generation that is now preparing to embark for places such as West Point, Annapolis, and Colorado Springs—these young people should be given not just a promise but an iron-clad commitment that after serving our Nation with honor and courage they will get the support they have earned and they deserve.

Anything less is just not acceptable. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

#### EXPIRE ACT

Mr. WYDEN. Mr. President, the Senate is now debating the EXPIRE Act.

This is bipartisan legislation. I again thank the distinguished Senator from Utah Mr. HATCH. He has been so constructive in trying to build a bipartisan piece of legislation, a bill that came out of the Senate Finance Committee several weeks ago with very substantial bipartisan support.

It really is designed to deal with a number of tax provisions that are temporary in nature and it, in effect, extends those temporary tax provisions until the end of 2015. In consultation with the distinguished Senator from Utah, I thought it was important to call this bill the EXPIRE Act. It was important because this legislation actually does expire after 2 years.

It, in effect, says—and I said—on my watch as chair of the Senate Finance Committee there will not be another extenders bill. It is not going to happen on my watch. This is it.

In effect, by extending these important provisions now for one last time, the Congress can give itself and the Finance Committee—on a bipartisan basis—the space that is needed to take on the challenge of comprehensive tax reform.

It is not going to be easy, but it is absolutely imperative for the future of the American economy. I know it can be done. I know we can get Senators of both political parties together and build a bipartisan tax reform plan. I

know this because I have—and other Senators do as well—a fair amount of sweat equity in this cause.

Our former colleague Senator Gregg of New Hampshire sat next to me on a sofa for more than 2 years to build what still is the only bipartisan Senate comprehensive tax reform bill in the last 30 years. With Senator Gregg's retirement, to their credit, Senator COATS and Senator BEGICH pitched in.

So we know that there has already been a lot of bipartisan work on comprehensive tax reform and, suffice it to say, again building on this bipartisan lineage. My colleague from Utah, the senior Senator Mr. HATCH, and Ambassador Baucus and Chairman CAMP in the other body, have also put in years of work and laid a strong foundation for tax reform.

So once the Senate passes the EXPIRE Act, the job of the Finance Committee will be to focus in a kind of laser-like fashion on a bipartisan plan that is going to give all Americans the opportunity to get ahead.

I want to emphasize that. If I were to sum up my philosophy about tax reform, I want everybody in America to have the opportunity to get ahead—all our small businesses, all our Americans who are trying to deal with an extraordinarily challenging economy.

Frankly, that would be my first choice, to be out here working on comprehensive tax reform. But it was clear to me, with Chairman Baucus going to China as our Ambassador, that it wasn't going to be possible in a few short months to pass comprehensive tax reform.

I made the judgment—I will share it with the Senate again today, and I brought it up yesterday—that the failure to act on these temporary provisions, which are what the EXPIRE Act is all about, would cause further unnecessary, really gratuitous harm to American workers, to our small businesses, to our ability to compete in tough global markets. The EXPIRE Act is all about preventing a tax increase. We would clearly have a tax increase absent the EXPIRE Act, and it would be in areas of the economy that would be particularly damaging.

For example, it would really be a tax on innovation because right at the center of these temporary provisions—provisions that under this bill will last only until the end of 2015, and then they will expire—they are not just meant to expire, they actually expire at the end of 2015. But if we don't take action to ensure that innovation has an opportunity to flourish, what will happen is we will, in effect, have a tax on those very jobs that are most important for our middle class—to grow wages, to encourage the kind of economic multiplier that is so good for our economy. So we ought to pass the EXPIRE Act so as not to have a tax increase on innovation.

We ought to pass the EXPIRE Act to not make it tougher for a company to hire a veteran, which I think is also hugely important. I will talk about it in a couple of minutes in further detail.

Another one that I know a lot of Senators are going to hear about this week is what would happen—absent this bill—to millions of Americans who are underwater on their mortgages. These are hardworking middle Americans who now are deeply underwater. Their lenders are willing to work out arrangements to lower their debt in a number of instances. But absent this bill, instead of getting their heads above water, what we will see is a tax increase on those homeowners that really drives them back down and increasingly sinking under all of this debt. Absent this bill, middle class people would be paying a tax on phantom income. I mean, they are not really getting any net income. When their lender works with them to relieve their debt, they surely shouldn't have to pay a hefty new tax. This bill does that.

This is National Small Business Week, and this legislation in particular goes to great lengths to make it attractive for small businesses and particularly for small businesses that would like to hire new workers.

Today we know there are nearly 10 million Americans out of work, and they are looking for jobs. The unemployment rate in my home State is 6.9 percent, which is well above the national average.

I think we would all agree that our highest priority should be to help people find jobs, and the EXPIRE Act is an opportunity to do that, particularly with respect to what it does for our small businesses.

Let me outline a few of those provisions—again, temporary in nature—so that we can do even more on a permanent basis for growing our economy and making it attractive for our small businesses to hire new workers.

In the EXPIRE Act is the Work Opportunity Tax Credit, which encourages employers to recruit, hire, and retain individuals who often have had trouble finding jobs. The EXPIRE Act extends and expands this legislation in a few key ways so that the credit can help small businesses hire an even greater number of struggling Americans.

First, it would do more to help the long-term unemployed find work. These are those hard-hit Americans who are deeply at risk of falling between the cracks.

Second, the new approach will preserve the credit for veterans returning from overseas whom we have seen packing—literally packing—job fairs in cities across the country in search of work. Picture that. The veterans who have worn the uniform of the United States and served all of us so admirably come back and can't find work,

and they are coming out in throngs to these job fairs around the country. This bill will help them.

Small businesses that employee military reservists also currently get a wage credit when their employees get called to Active Duty. Not only will the EXPIRE Act increase that credit, it will open the credit to employers of all sizes to improve job security for even more reservists.

I mentioned the research and development credit, which of course encourages innovation in firms of all sizes. For many of them, having a strong research and development credit is simply imperative, but the reality is the current credit isn't doing all it might do to help small businesses, and complicated rules that are buried in the Tax Code may erase any benefits they see. The EXPIRE Act will change that in several key ways. To start, it will expand the pool of small businesses that benefit. It will also allow startups to use the research and development credit to help pay their employees' salaries, and it will build a bridge to tax reform so Congress can do more work to improve the credit further and make it permanent.

The research and development credit is critically important to the future of innovation in our country. Apropos again of the bipartisan theme we have taken in the Finance Committee, with the support of the ranking minority member, the distinguished Senator from Utah, there has been some very good work done by the Senator from Kansas, Mr. ROBERTS, and Senator SCHUMER. I wish to commend them for their efforts to spotlight the need to do more to reconfigure the research and development credit to help small businesses.

The reality of course is what is the common thread between so many of our most successful companies—Intel and Apple, Amazon and Microsoft, and a host of others. They all started as innovative small businesses with their eyes trained on developing the future. The EXPIRE Act is a step toward a stronger, permanent research and development credit that will help even more entrepreneurs in our country grow their best ideas into successful businesses.

In the meantime, we all know small businesses in my home State of Oregon and across the country still suffer from the recession. They feel the effects of sluggish growth pretty much like everyone else. In a stronger economy, healthy small businesses might have decided to turn higher profits into investments aimed at expansion. The research and development credit—particularly the improved research and development credit—is going to help a lot of Americans, but we do want to place a special focus on our small businesses because helping them to make capital investments in new machinery, vehi-

cles or computers is absolutely critical.

Again, the EXPIRE Act steps in to begin to address that effort in a thoughtful manner. The legislation allows small businesses to expense up to \$500,000 of equipment costs right away, and it indexes that dollar amount to inflation so it grows in the future. It is what I think a number of Members know as section 179 expensing. If the Congress were to fail to pass the EXPIRE Act, that limit would fall from one-half million dollars to just \$25,000.

The legislation also continues to simplify recordkeeping—all of the redtape we have heard small businesses, concerned about section 179, talk with us about. The legislation continues to simplify those procedures so small businesses can focus on their own growth instead of redtape.

A lot of small businesses have property that has lost value over time. Those small businesses can claim a deduction to compensate for it. The EXPIRE Act extends a key provision that allows small businesses to expense up to half the cost of that property upfront in the first year rather than spreading it out over a longer period.

Both of these tax incentives, section 179 expensing and bonus depreciation, are powerful tools to encourage investment. They are lifelines for small businesses looking to grow, and the EXPIRE Act protects them also.

Next, I would like to touch on the energy sector, which I know the distinguished presiding officer has a great interest in. Obviously, small energy businesses play a major role in the future of the American economy, building a lower carbon future, and the EXPIRE Act is going to protect the incentives those businesses rely on to grow.

I will start briefly with the production tax credit. The wind energy industry, which benefits from the production tax credit, supports more than 50,000 jobs. Many wind companies are small, and they require lots of capital and planning to bring them to market. Their story illustrates what is important to end the cycle of stop-and-go tax policies that make our Tax Code, again, needlessly—as some would say, almost insanely—complicated and uncertain. Growth in wind energy has leveled off over the last 2 years, largely because of the expiration and late renewal of provisions such as the production tax credit.

The EXPIRE Act also extends provisions to encourage the provision of other alternative renewable fuels—fuels such as biodiesel, cellulosic ethanol, liquefied natural gas, and liquefied hydrogen. There are small businesses across the country that stand to gain if the EXPIRE Act is passed, and there are incentives to create jobs in those areas, but our country is going to lose out if the Senate fails to act.

Our small businesses ought to be able to plan for the future, to chart a

course, in effect, from youth through maturity. Stop-and-go tax policies only make that more difficult. Even when well-intentioned, productive tax incentives go into the code, allowing them to expire over and over undermines their effectiveness and the ability of our businesses to have the certainty needed to grow for the long term. Our taxpayers, small businesses included—and we recognize them especially this week—deserve predictability and certainty.

The EXPIRE Act is called the EXPIRE Act for a reason. It is going to end after 2 years. I have heard my colleagues on the other side of the aisle over the last day make a number of very thoughtful comments about the need for comprehensive tax reform, and I wish to tell my colleagues, particularly on the other side of the aisle, that with respect to the need for comprehensive tax reform, they pretty much have me at hello. We are going to get this extender bill passed, and then it is my intent to work very closely with Senator HATCH, the distinguished ranking member on the Finance Committee, and all of our colleagues to start putting together a strategy for a comprehensive tax reform plan to pass this Congress.

I will say on the floor that I think there is a real opportunity now to break the gridlock on tax reform. If we look, in effect, from this day, essentially May of 2014, until certainly the middle of 2015, there is an ideal opportunity, an ideal window for Democrats and Republicans in the Senate to build a bipartisan coalition to pass that into law—comprehensive tax reform—and to work with our colleagues on the other side of the Capitol who have similar interests. I know that because I have talked to a number of them in recent months.

I want colleagues on both sides of the aisle to know we are going to focus on getting these extenders passed now. Speed is important because the longer we wait, the more we damage, for example, our ability to create those innovation jobs because, in effect, we are going to have a tax increase on innovation, making it harder to hire veterans and the tax hike middle-class people would get, in effect, because they are underwater on their mortgages and they got a break from their lender. We have to get that done. It is my intent to use every single day as we go forward with that effort to make sure the extenders pass and pass quickly, then move on to comprehensive bipartisan tax reform. I know we can do it.

He is not here today, but my colleague Mr. COATS, the senior Senator from Indiana, has done very good work—stepped in when Senator Gregg retired—and has more than met me halfway. I particularly want to commend Senator BEGICH, who has been part of our bipartisan coalition and

who has had very thoughtful ideas, particularly on protecting the middle-class small business incentives for savings. He is a small businessperson himself.

I have been out here probably 20 minutes or so, and I haven't said anything that isn't about Democrats and Republicans coming together, coming together first to pass the extender legislation and then to use every single day over essentially the next year and a half—that window until the summer of 2015—to put together a bipartisan plan that can help grow the economy.

I will close with this. After the bipartisan effort in 1986, where a big group of progressive Democrats and conservative Republicans came together, our country created 6.2 million new jobs over the next 2 years. Nobody can claim every one of those jobs was due to tax reform; that simply would be stretching things, but clearly it helped. The business people I talk to now in Oregon and others who come to Washington say they very much want the same certainty and predictability that was seen in 1986, in terms of being able to make those investments to grow their businesses and particularly hire more middle-class Americans at good wages. That is what we are going to be all about. We are going to pursue it in a bipartisan way. Let us pass the EXPIRE Act and move on to address the question of bipartisan comprehensive tax reform.

As I leave the floor—I touched on it while he wasn't here—I am particularly pleased about the Roberts-Schumer addition to help more small businesses be part of those innovation jobs for the future because what Senator ROBERTS and Senator SCHUMER did is to take that credit and do more to move it toward an approach that will help those small businesses, the ones starting in garages and all across the country where individuals are betting on the future and taking the risks. It is going to be easier for them because of the good work done by Senator ROBERTS and Senator SCHUMER. It is another reason for colleagues to vote for the EXPIRE Act.

With that, I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from New York.

#### ORDER OF PROCEDURE

Mr. SCHUMER. I ask unanimous consent that the Republicans control the time from 3 until 3:45 and the majority control the time from 3:45 until 4:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, first let me thank my colleague from Oregon, our new shining chairman of the Finance Committee, who is doing such a great job. He is trying, in his own inimitable way—almost always successful way—to weave together

ideas of Democrats and Republicans to create a bipartisan solution, first on the issue of extenders—and that will be the big test case, and he knows it—and second on tax reform in general. If we can't pass these tax extenders in a bipartisan way, it will not bode well for tax reform. I am hopeful, with the initial signs and the overwhelming vote yesterday, we can get that vote done.

As the Senator mentioned, it has many ideas from different parts of the country—ideas from Democrats, ideas from Republicans, ideas, as he was kind enough to mention, that we worked on together, such as the proposal Senator ROBERTS and I put together under the guidance of Senator COONS, who was the originator of the idea.

I thank my friend from Arizona. I know he has some important words to speak in the next few minutes and has let me go now. I appreciate that very much. I know everyone looks forward to hearing from him.

#### IMMIGRATION

It is apropos my colleague from Arizona is on the floor because we worked together for so long and hard—at least in the Senate—successfully on this issue of immigration. So I rise today to continue a conversation I started 2 weeks ago about the House's incomprehensible refusal to do anything to try to fix our broken immigration system.

I remind everyone it has now been 320 days since the Senate passed a strong bipartisan bill that would secure our borders, hold employers accountable for hiring illegal workers, grow our economy, and provide a chance for people currently here illegally to get right with the law and earn legal status. During all that time the House has failed to do anything to fix our broken immigration system.

To be clear, the problem is not that there is a difference of opinion between a House bill and a Senate bill on immigration that cannot be reconciled. The problem is that House Republicans have completely abdicated their responsibility to address the important issue of fixing our broken immigration system. Again, the problem isn't that the House has passed immigration laws that the Senate disagrees with; the problem is that the House won't put any immigration bills up for a vote no matter what is in those bills.

Two weeks ago I stated on the floor that the reason the House has done nothing on immigration is because House Republicans have handed the gavel of leadership on immigration to far-right extremists, such as Congressman STEVE KING. Not only has this point not been refuted by anyone in the Republican Party, it has actually been confirmed in various news sources that have come out since the speech.

For instance, just 2 days ago Speaker BOEHNER was quoted as saying:

I do believe the vast majority of our members do want to deal with this, they want to deal with it openly, honestly and fairly.

Speaker BOEHNER is making clear that these folks are part of a “vote no, pray yes” caucus. But he said immigration hasn’t been scheduled for a vote because “there are some members of our party who just don’t want to deal with this. It’s no secret.”

Now, even by STEVE KING’s analysis, 20 to 25 Members of the House Republican side would vote for the Senate’s immigration bill. That number is clearly an underestimation of support in the House for the Senate bill, but it shows that even according to STEVEN KING, if the Senate bill were brought up for a vote, it would pass. KING added that about 100 to 150 Republican Members of the House could possibly vote yes on an immigration bill if it were presented for a vote.

Given this broad support for immigration reform that supposedly exists in the House, I would say to Speaker BOEHNER and the Republican House leadership: What are you waiting for? If you want to pass immigration reform, and you say the vast majority of your Members want to pass immigration reform, schedule immigration reform for a vote. It doesn’t have to be our bill, although I think that is a good bipartisan, down-the-middle—not too liberal, not too conservative—approach. But don’t do our bill. Do another bill. Come up with your own ideas. That is fine with us.

But the problem is that the House Republican leadership is still too afraid of what STEVE KING calls the “50 to 70 Republicans who would fight to the last drop of blood against any immigration bill.”

It is time for the House Republican leadership to decide whether they stand with the majority of the American people and the supposed majority of their conference or whether they are really going to let STEVE KING continue to dictate the policy of the Republican Party on immigration.

Just to be clear, right now STEVE KING is winning. Just last week he said:

If I had the power, the authority to kill everything immigration-wise that comes through the House, if they actually handed me the keys to the kingdom, and if I actually had the gavel that controls the immigration issue, that would be nice.

Well, who among us can say he has not been handed the gavel on immigration policy when nothing is being done on immigration—just as he said he would do if he were indeed handed the gavel?

What has the House actually done on immigration these past 2 years? Nothing. Look it up. This is what STEVE KING wants—he wants the House to do nothing. He is winning and America is losing.

I am not the only one who is frustrated with this inexplicable inaction. Just this week Tom Donohue, president of the U.S. Chamber of Commerce, said:

If the Republicans don’t do it, they shouldn’t bother to run a candidate in 2016.

He added that “failure to act is not an option” and that “we’re absolutely crazy if we don’t take advantage of having passed an immigration bill out of the Senate.”

I don’t always agree with the president of the U.S. Chamber of Commerce, but he is right. Not only is this inaction damaging the Republican Party politically, it is also inflicting needless damage to our economy. Our GDP could be growing by over 3 percent by passing this bill—more than any Republican tax cut or Democratic spending proposal. But STEVE KING says no and Speaker BOEHNER abandons ship.

MARIO DIAZ-BALART, another Republican working to pass immigration reform, said that Republicans need a deadline to get moving on immigration reform and that if no action was taken by the August recess, the Republican brand would be damaged with Latino voters for years to come.

Has Speaker BOEHNER said: Fine, we will schedule a vote before August recess? No, he has not. There is no sign that anything will ever be done on immigration reform. Even with the very small, microscopic measure known as the ENLIST Act, which would let certain immigrant youth earn legal status by joining the military, the House has refused to consider this so far as part of the Defense authorization bill.

Republicans keep trying to place the blame on the President, saying he can’t be entrusted to enforce any laws. We believe that is a phony excuse, but if that is really their problem, let’s pass a bill now and delay implementation until 2017. I would support that. And then we would have no President Obama enforcing any of these laws. Let’s call their bluff. Is it Obama? Is he the problem? Then pass a bill where he can’t enforce any of these laws. We can come to a reluctant agreement on that. If Republicans can’t agree to pass a bill that goes into effect after the President’s term, then we know that mistrust of the President is nothing but a straw man.

Let’s be honest about what is happening right now. Republicans are currently doing nothing on immigration reform because they don’t want to rock the boat with primaries happening in Georgia, Pennsylvania, Kentucky, Virginia, and other key States that are occurring between now and early June. But we can’t keep having broken families living under a broken system forever without any idea of when Congress might act to finally provide badly needed reform.

So today I wish to be clear on what our window is for the House to pass immigration reform. It is the window between early June and the August recess. So today I am saying to Speaker BOEHNER, Leader CANTOR, and other Republican leaders who refuse to

schedule a vote on immigration reform during this window between early June and the August recess, it will not pass until 2017 at the earliest. I believe it will then pass in 2017 after Republicans take a shellacking in the Presidential and congressional elections. But in the meantime, if immigration reform is not passed during this window, Republicans will have to admit that STEVE KING controls the Republican Party platform on immigration. If nothing happens during this window, it will be clear that this occurred because STEVE KING calls the shots and he has won the immigration debate among the House Republicans. Whatever their supposed excuse for inaction, inaction is consent to STEVE KING’s point of view.

Where are the leaders in the House—the Republican Party—with the courage to stand up to STEVE KING and the far right and say: Enough is enough. We will not let our party be hijacked by extremists whose xenophobia causes them to prefer maintaining a broken system over achieving a tough, fair, and practical long-term solution.

Make no mistake about it. Immigration reform will pass either this year with bipartisan support and a bipartisan imprint or it will pass in a future year with only Democratic support and Democratic imprint because Democrats will control Congress and the White House simply because Republicans have failed to pass immigration reform.

In the meantime, the President would be more than justified in acting anytime after recess begins to make whatever changes he feels necessary to make our immigration system work better for those unfairly burdened by our broken laws. If House Republicans refuse to act, it is incumbent on all of us to look at all the areas where we can act administratively to fix our broken system.

I hope immigration reform passes this year.

I see my two colleagues from Arizona who worked so long and hard and courageously and pulled the bill further away from what many Democrats might want, but they knew that America and their State of Arizona demanded a solution. Let’s rally to their side. Let’s rally to the side of all Americans, a majority of Democrats, Independents, and Republicans, all of whom want comprehensive immigration reform.

I hope immigration reform passes this year because our broken families, our economy, and our country so badly need it. Let’s hope the House finally stops talking and starts acting.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Arizona.

#### NOMINATIONS

Mr. MCCAIN. Madam President, I thank the Senator from New York for his 5-minute speech.



I am pleased to join today with my friend and colleague Senator FLAKE to express support for this diverse and historic slate of nominees to the U.S. District Court for the District of Arizona.

Between today and tomorrow, the Senate will hopefully vote to confirm six judges to the Federal court in Arizona, and I urge my colleagues to join me in supporting these nominees.

I am very pleased to have worked with my colleague Senator FLAKE. Together we have put together a group of people who have devoted their time and effort in our State, who represent the best and the brightest legal minds and judicial experience in our State on a bipartisan basis, and we acted, very frankly, on the unanimous recommendation of this group of outstanding citizens of Arizona who put forth these recommendations.

I am very proud that some of these nominees are indeed historic, including the fact that one of the nominees, Diane Humetewa, has an impressive legal background ranging from work as a prosecutor and appellate court judge to the Hopi nation. She served the U.S. attorney for the District of Arizona. And hers is a historic nomination. If confirmed, Diane Humetewa will be the first Native American woman to ever serve on the Federal bench, and we are very proud of her and the other five.

The Federal district court of Arizona has been under tremendous strain these past few years, and the confirmation of these six judges will be a great relief to an overburdened court, one which is consistently ranked as one of the top 10 busiest in the country. Of the 13 authorized judgeships for this court, 6 are currently vacant. This, together with the large caseload, led the District of Arizona to declare a judicial emergency in 2011. This has created an untenable situation for the court in Arizona, and the confirmation of these nominees is critical to ensure that the administration of justice is timely and fair for the people of Arizona.

The slate of nominees before the Senate, as I mentioned earlier, is the product of consensus, cooperation, and careful deliberation, selected with the help of a nonpartisan judiciary evaluation commission. They saw overwhelming support in the Judiciary Committee here in the Senate, and the brief descriptions that follow only begin to capture the breadth of these nominees' experiences and the depth of their commitment to our legal system.

Judge Steven Logan has already proved to be an asset to the district court in Arizona, where he currently serves as a magistrate judge. That experience, together with his work as an immigration judge and military trial judge, makes him uniquely qualified to serve as an article III judge.

John Tuchi currently serves as chief assistant to the U.S. attorney and has

the qualifications to be a district judge based in part on his dedication to public service, extensive trial experience, and practice before Federal courts.

Judge Douglas Rayes, also nominated for the Phoenix Division, currently serves as a Maricopa County superior court judge, where he has presided over thousands of cases in family law, criminal law, and complex litigation. Together with 18 years in private practice, Judge Rayes' experience and insight will be valuable to the Federal court.

Rosemary Marquez has worked as a public defender and prosecutor as well as in private practice. Her extensive experience working in border districts and her Hispanic heritage will be invaluable assets to the Federal court.

Lastly, Judge James Soto, whose experience includes running a private practice that covered a broad array of commercial, civil, and criminal cases and service on the Santa Cruz County Superior Court, together with an understanding of issues important to border communities, have prepared him to serve ably as a district judge in Tucson.

Each of these nominees has shown commitment to justice, public service, and the people of Arizona. Each also has demonstrated the judicial temperament and professional demeanor necessary to serve in this capacity with integrity. I urge my colleagues to support these nominees—the three we are voting on today and hopefully the three who will be voted on tomorrow morning—by voting yes for cloture and for final confirmation.

I again wish to thank all those individuals who were a part of the commission that came up with these recommendations. I wish to thank my friend and colleague Senator FLAKE, also a member of the Judiciary Committee, for the important role he played in bringing these nominees before the Senate. I am confident they will serve the State of Arizona with honor and distinction. I would also point out that some of these nominees may not be of the same party as Senator FLAKE and me and there may not be specific agreements on every issue and position that these nominees have taken, but I am confident of their ability to serve this Nation and the people of Arizona.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. I thank the senior Senator from Arizona Mr. MCCAIN for the work he has done to bring this panel forward with six judges to be confirmed this week. That is a big deal, a big deal for any State, and for a State such as Arizona that has had such a shortage for so long, this is particularly important. I just want to say a few words about the three judges we will vote on after I speak: Judge Steven Logan, John Tuchi, and Diane Humetewa.

Judge Logan has a distinguished record in the military, where he earned a Bronze Star among many other honors. In discussing his military service at his nomination hearing, one of his statements stuck out because it exemplifies his dedication for the rule of law and his fitness to be a district judge. He said:

The rule of law in the United States is very, very important. I have seen what happens in a country, two countries in particular—

He is referring to Iran and Afghanistan—when there is no rule of law that is active.

Judge Logan will bring this important perspective to the bench, as well as insights he has gained as an assistant U.S. attorney, both in Minnesota and in Arizona. He is familiar with immigration issues as well, which provide the bulk of the cases he will be looking at as a district court judge.

Mr. Tuchi has a long career as a prosecutor, having served the bulk of his career in the Arizona U.S. attorney's office from 1998 until now. He is presently serving as chief assistant U.S. attorney, where he oversees civil and criminal personnel operations. In 2009 he served as interim U.S. attorney for several months. He began his legal career as a judicial clerk in the Ninth Circuit, and I think he is going to make a stellar district court judge as well.

Ms. Humetewa, similar to Judge Logan, has served as both a prosecutor and a judge, serving in the Arizona U.S. attorney's office as an assistant U.S. attorney and then as a Senate-confirmed U.S. attorney for Arizona from 2007 to 2009. She was also acting chief prosecutor for the Hopi Tribe and appellate court judge for the tribe. As Senator MCCAIN noted earlier, she will be the first Native American woman to serve on the Federal bench. I know her varied experience as a judge and prosecutor will serve her well in this capacity.

Let me just say what a thrill it was to be on the Judiciary Committee and have all six of these prospective judges come with their families and talk about their experience and how it would relate to their new role if they were to be confirmed. It was great to be there to see Diane Humetewa and family and note that on the reservation there were many other family members watching that hearing being streamed and being proud that the first female Native American would be on the Federal bench. What a great occasion, what a great event to witness, and it speaks well for not only her qualifications but the qualifications of the others as well.

We look forward in the coming days—hopefully tomorrow—to vote on Judge Rayes as well as Rosemary Marquez. Senator MCCAIN mentioned Judge Soto. I have had the honor of



getting to know Judge Soto and his family a bit. He served 13 years on the County of Santa Cruz's Superior Court and is currently a presiding judge. The comment in the confirmation hearing that came up is that the people of Santa Cruz County are going to be sad to lose him as a judge; he has been great there, and he will be a great district court judge.

I am so happy to go through this process. This is my first time, being relatively new to this position, of nominating judges and going through the confirmation process. It was a pleasure working with Senator MCCAIN and with the White House and the President in bringing these nominations forward.

I urge my colleagues to vote both for cloture and for final confirmation of these three judges today and hopefully the other three tomorrow or later. I appreciate the President making these nominations. Arizona has waited a long time to fill these judgeships and we are pleased to do so this week.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### A NEW NORMAL

Mr. WICKER. Madam President, I sorrowfully rise this morning to take note of the sad state to which this great deliberative body has fallen, and I do so reluctantly because I must specifically criticize the majority leader of the U.S. Senate for bringing this body to what many historians observe is a new low in terms of our ability to move legislation and our ability to have open debate and open amendments in the Senate.

We see what has become a new normal in the Senate. Earlier this week a bipartisan and popular piece of legislation on energy efficiency was derailed by the majority leader's resistance to the open amendment process. Certainly, it is not only members of my party, it is not only persons on my side of the aisle who have concluded this. There was a very scathing opinion piece on the editorial page of the Wall Street Journal this morning entitled "Harry Reid's Senate Blockade."

I ask unanimous consent to have this opinion piece printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### HARRY REID'S SENATE BLOCKADE

The U.S. Senate failed to advance another piece of popular bipartisan legislation late Monday, and the reason tells the real story of Washington gridlock in the current Con-

gress. To wit, Harry Reid has essentially shut down the Senate as a place to debate and vote on policy.

The Majority Leader's strategy was once again on display as the Senate failed to get the 60 votes to move a popular energy efficiency bill co-sponsored by New Hampshire Democrat Jeanne Shaheen and Ohio Republican Rob Portman. Mr. Reid blamed the defeat on Republican partisanship. But the impasse really came down to Mr. Reid's blockade against amendments that might prove politically difficult for Democrats.

The Nevadan used parliamentary tricks to block energy-related amendments to an energy bill. This blockade is now standard procedure as he's refused to allow a vote on all but nine GOP amendments since last July. Mr. Reid is worried that some of these amendments might pass with support from Democrats, thus embarrassing a White House that opposes them.

In the case of Portman-Shaheen, Republicans had prepared amendments to speed up exports of liquefied natural gas; to object to a new national carbon tax; to rein in the Environmental Protection Agency's war on coal plants; and to authorize the Keystone XL pipeline. A majority of the public supports these positions and many Democrats from right-leaning or energy-producing states claim to do the same. The bill against the EPA's coal-plant rules is co-sponsored by West Virginia Democrat Joe Manchin.

Yet the White House and Mr. Reid's dominant liberal wing won't take the chance that a bipartisan coalition might pass these amendments, most of which the House has passed or soon would. President Obama would thus face a veto decision that would expose internal Democratic divisions. So Mr. Reid shut down the amendment process. Republicans then responded by refusing to provide the 60 votes necessary to clear a filibuster and vote on the underlying bill.

It's important to understand how much Mr. Reid's tactics have changed the Senate. Not too long ago it was understood that any Senator could get a floor vote if he wanted it. The minority party, often Democrats, used this right of amendment to sponsor votes that would sometimes put the majority on the spot. It's called politics, rightly understood. This meant the Senate debated national priorities and worked its bipartisan will. Harry Reid's Senate has become a deliberate obstacle to democratic accountability.

And speaking of accountability, every supposedly pro-energy Democrat supported Mr. Reid in his amendment blockade. That includes Louisiana Senator Mary Landrieu, who is running TV ads back home attacking the Obama Administration energy policies that Mr. Reid is protecting from bipartisan majority rejection. She still claims to support a vote on the Keystone XL pipeline, and she blamed Republicans for not going along with Mr. Reid's vague assurance that he would allow a stand-alone vote on Keystone later this month.

But why not force the vote now? If Ms. Landrieu really had Keystone as a top priority, as she claims, she'd have joined Republicans in demanding an immediate amendment to a bill that she knows the White House is reluctant to veto. And she'd have insisted that Mr. Reid allow a 50-vote threshold for passage, rather than Mr. Reid's 60-vote supermajority.

Ms. Landrieu instead is playing Mr. Reid's double game, demanding a Keystone vote even as she undermines its passage. She is running for election by boasting about her clout as the new Chairman of the Senate En-

ergy Committee, but she is so ineffectual that she can't get her own party to allow a vote on what she claims is one of her top priorities.

The lesson for voters is simple: If they want anything meaningful done in the last two years of the Obama Administration, they will have to elect a Republican Senate.

Mr. WICKER. I will quote at length from the Wall Street Journal this morning, because in mentioning this popular piece of legislation, the editorial gets right to the point. It says:

... the reason [the bill failed this week] tells the real story of Washington gridlock in the current Congress. To wit, Harry Reid has essentially shut down the Senate as a place to debate and vote on policy.

I absolutely agree. Additionally, the editorial says:

The Majority Leader's strategy was once again on display as the Senate failed to get the 60 votes to move the popular energy efficiency bill co-sponsored by New Hampshire Democrat Jeanne Shaheen and Ohio Republican Rob Portman. Mr. Reid blamed it on Republican partisanship. But the impasse really came down to Mr. Reid's blockade against amendments that might prove politically difficult for Democrats.

Once again, the majority leader has made it clear he doesn't intend to let the Senate work its will on amendments. Instead, the new normal is that the majority leader comes to the floor and says: If the bill is worded as I think it should be, if we can come to an agreement with how it should be written, I will bring it to the floor and we can vote it up or down. But this idea of amendments, that is unacceptable to the majority leader, and it is a complete departure from the way this Senate has operated for decades and decades on important pieces of legislation.

I would point out that in the Civil Rights Act of 1964, one of the major accomplishments of the Congress in the 20th century, there were 115 amendments called up during its consideration. The leadership didn't know how those votes would turn out. They had probably done a whip count and they had a decent idea, but the idea was the Senate was going to be allowed to vote up or down with the light shining on the process and the American people seeing how their elected Senators felt on that issue. There were 115 amendments called up during the consideration of the Civil Rights Act in 1964. The Panama Canal Treaty of 1978 was another major piece of deliberative work that was done by the Senate. There was a total of 89 amendments offered to the Panama Canal Treaty. Those amendments were called up and debated in the clear light of day. Votes were held and the American people found out how their elected representatives in the Senate felt about those amendments. This week and for the last 52 weeks that has not been the case with the majority leader currently in power in the Senate.

The Wall Street Journal goes on to say that the majority leader

... used parliamentary tricks to block energy-related amendments to an energy bill. This blockade is now standard procedure as he's refused to allow a vote on all but nine GOP amendments since last July. Mr. Reid is worried that some of these amendments might pass with support from Democrats, thus embarrassing a White House that opposes them.

I wish to point out that during the time when Republicans—in this supposedly greatest deliberative body in the world—have been given nine amendments over the last year, Republicans, which hold the majority in the House of Representatives, have given their Democratic colleagues 125 minority votes. This is in a House which routinely shuts down debate, has a rules committee, and historically limits the number of amendments and the number of votes. Minority Members in the House have had 125 votes during that same time period. This Senate has allowed minority Members nine votes during that same period of time, and that is an outrage, which the Wall Street Journal continues to point out.

The editorial goes on to say:

In the case of Portman-Shaheen, Republicans had prepared amendments to speed up exports of liquefied natural gas; to object to a new national carbon tax; to rein in the Environmental Protection Agency's war on coal plants; and to authorize the Keystone XL Pipeline.

I believe these amendments were good amendments. I would have voted for them. The case could be made on the other side of the aisle that they were bad policy. But make the case. Let elected Senators from North Dakota, Mississippi, and all across the United States of America be heard and vote the wishes of their particular constituencies on these issues. Instead, the majority shut down these amendments.

The editorial goes on to say:

Yet the White House and Mr. Reid's dominant liberal wing won't take the chance that a bipartisan coalition might pass these amendments, most of which the House has passed or soon would. President Obama would thus face a veto decision that would expose internal Democratic divisions. So Mr. Reid shut down the amendment process.

As I said, he has shut down the amendment process in every case except for nine lonely votes.

The editorial goes on to say:

It's important to understand how much Mr. Reid's tactics have changed the Senate. Not too long ago it was understood that any Senator could get a floor vote if he wanted it. The minority party, often Democrats, used this right of amendment to sponsor votes that would sometimes put the majority on the spot. It's called politics, rightly understood. This meant the Senate debated national priorities and worked its bipartisan will. Harry Reid's Senate has become a deliberate obstacle to democratic accountability.

And sadly so, I might add.

This Harry Reid gag rule is new to the Senate. We have had a number of distinguished majority leaders whose names will go down in history as the giants and statesmen of our time, and

they did not resort to this gag rule. This is largely a Harry Reid invention.

I will give the facts. Mr. Reid has used the gag rule to fill the amendment tree—which is a parliamentary term. He has used his gag rule to cut off amendments 85 times, more than twice the number of the previous six leaders combined, and these were Democrats and Republicans.

Senator Dole invoked the procedural tactic only seven times. Senator Robert Byrd, a giant, a historian, and an expert in the use of Senate rules, invoked it only three times. Senator Mitchell of Maine invoked it 3 times; Senator Lott, 11 times; Senator Daschle, 1 time; and Senator Frist, 15 times. Yet time after time—some 85 times—this majority leader has decided that the Senate doesn't have a right—that the people of Mississippi and the people of North Dakota don't have a right—for their Senators to come up and offer an idea and let it rise or fall based on whether it is good policy or not. This is an outrage that the people of the United States need to understand.

It seems past majority leaders, when entrusted with protecting this institution, recognized that the gag rule should be used sparingly. Its current abuse undermines the Senate's ability to address pressing national issues and to carry on the tradition of debate that has always defined this body. That really cannot be denied.

Senator Robert Byrd, who I alluded to earlier, called the Senate "the last bastion of minority rights." That was true during Democratic majorities when Senator Byrd was the majority leader. Sadly, it is not the case any longer.

The Wall Street Journal editorial—I would commend it to the attention of anyone within the sound of my voice—concludes this:

The lesson for voters is simple: If they want anything meaningful done in the last two years of the Obama Administration, they will have to elect a Republican Senate.

Those are the words of the Wall Street Journal and not my words.

What has become of the Senate under this Harry Reid gag rule is unconscionable. It should be reversed and Senators of both parties should stand in resistance to the idea that we cannot offer amendments and have them debated as they have always been debated in the Senate.

I yield the floor.

Mr. LEAHY. Madam President, this week, we are voting to overcome Republican filibusters of seven highly qualified judicial nominees. Every single one of the nominees we will be voting on this week has been nominated to fill a judicial emergency vacancy. This means that the nonpartisan Administrative Office of the U.S. Courts has designated them as emergency vacancies due to high caseloads. We continue

to seek consent from Republicans to vote on much needed judges to our Federal judiciary, and yet they continue to refuse. Republicans have objected to moving to a vote on every single judicial nominee this year. I can only hope that they will eventually come to see the error of their ways.

Before proceeding with the qualifications of these judicial nominees, I would again like to clarify and address some questions regarding the nomination of David Barron. Mr. Barron has been nominated to fill a vacancy on the U.S. Court of Appeals for the First Circuit. There have been press accounts that have inaccurately stated what the administration has made available for Senators to review relevant to this nomination. As I said last week, the administration has made available unredacted copies of any memo issued by Mr. Barron regarding the potential use of lethal force against Anwar Al-Awlaki. This week, the administration has made clear that this material included all written legal advice by Mr. Barron regarding potential use of lethal force against U.S. citizens in counterterrorism operations. Senators therefore have had the opportunity to conduct their due diligence before voting on this nomination.

In an Internet post titled "Why Civil Libertarians and Drone Critics Should Support David Barron," Georgetown Law Professor David Cole—one of the foremost critics of the administration over its failure to publicly disclose legal material addressing the use of lethal force against U.S. citizens—has stated:

It is a mistake to conflate the issues of the appointment of David Barron and disclosure of the memos. Barron is a highly qualified lawyer who I know personally to be thoughtful, considerate, open-minded, and brilliant. His confirmation would put in place a judge who will be absolutely vigilant in his protection of civil liberties and his insistence that executive power be constrained by the rule of law. That long-term value should not be sacrificed because of a short-term battle over memos that every Senator already has the opportunity to review.

Professor Cole is right. I have personally pressed the administration for greater transparency on these matters as well, but that is a separate debate and we should not be waging it at the expense of harming our Federal judiciary and denying the American people an individual who will make a first-rate judge. Not only is this tactic unwise, but it also does not help advance the cause of those who are seeking public disclosure of the memos. As Professor Cole has further explained:

[H]olding up Barron's nomination is unlikely to expedite disclosure of the memos. It will only undermine the confirmation of someone who would make an excellent judge. The Administration has been ordered (unanimously) to release the memo, and will in short order either comply with that order or seek further review. Barron has no control over that decision, and should not be held hostage to it . . .

I am second to none in my support for transparency. And I will continue to fight for that value on its own terms. But it is a huge mistake to let our legitimate concerns about transparency get in the way of the confirmation of a judge who will faithfully protect our liberties and hold government accountable—especially when the Senate already has been given access to all the information they need to exercise their “advise and consent” role.

I agree completely with Professor Cole, and I ask unanimous consent to have printed in the RECORD the full posting after my remarks.

I would further ask unanimous consent to include a joint op-ed in the Boston Globe by Harvard Law professors Charles Fried and Laurence Tribe—two legal luminaries who often disagree in their views on the Constitution and other legal issues. As the two of them have written:

The nation badly needs the best possible judges—men and women of integrity, intelligence, judicial temperament, respect for the rule of law, and an understanding of the role of judges within our legal system. Barron understands and exemplifies those values. He should be released from the destructive tangle in which he has become quite undeservedly enmeshed and placed on the First Circuit Court of Appeals where he can serve our nation with great distinction.

We should proceed to Mr. Barron's nomination and confirm him so he can get to work on behalf of the American people. Delays are simply depriving the Federal judiciary and all Americans of a tremendous public servant.

This week, we will proceed to vote to end filibusters on the following seven nominations:

Judge Gregg Costa has been nominated to fill a judicial emergency vacancy on the U.S. Court of Appeals for the Fifth Circuit in Texas. He has served since 2012 as a U.S. district judge in the Southern District of Texas. He previously served as an assistant U.S. attorney in the Southern District of Texas from 2005 to 2012. He worked in private practice as an associate at Weil, Gotshal & Manges from 2002 to 2005. After graduating from law school, he served as a law clerk to Judge Raymond Randolph of the U.S. Court of Appeals for the DC Circuit from 1999 to 2000 and to Chief Justice William Rehnquist of the Supreme Court of the United States from 2001 to 2002. He also served as a Bristow fellow in the Office of the Solicitor General from 2000 to 2001. Judge Costa earned his B.A. from Dartmouth College in 1994. He earned his J.D. with the highest honors from the University of Texas Law School in 1999. He has the support of his home State Senators, Senator CORNYN and Senator CRUZ. The Judiciary Committee reported him favorably to the full Senate by voice vote on March 27, 2014.

Judge Steven Logan has been nominated to fill a judicial emergency vacancy on the U.S. District Court for the District of Arizona. He has served

on the Military Court of Appeals since 2013 and as a U.S. magistrate judge in the District of Arizona since 2012. He also served as a Staff Judge Advocate in the U.S. Marine Corps Reserves from 2012 to 2013. Previously, from 2010 to 2012, he served as a U.S. Immigration Judge in the Executive Office for Immigration Review. From 2009 to 2011, he served as an Article I Deputy Chief Reserve Military Judge, and from 2005 to 2009, he served as an Article I Military Judge to the U.S. Department of the Navy. Prior to becoming judge, he served as an assistant U.S. attorney in the District of Arizona from 2001 to 2010 and as an assistant U.S. attorney in the District of Minnesota from 1999 to 2001. From 1993 to 1999, he worked for the Department of Defense, where he served as a Prosecutor—1996–1999—and as a contracting officer—1993–1996. Judge Logan has completed three deployments of Active Duty in Afghanistan—2008–2009—and Iraq—2004, 2007–2008. During his military service, he received numerous awards that include the Bronze Star in 2008, the Meritorious Service Medal in 2004 and 2012, and the Global War on Terrorism Expeditionary Medal in 2004. Judge Logan has the support of his Republican home State Senators, Senator MCCAIN and Senator FLAKE. The Judiciary Committee reported him favorably to the full Senate by voice vote on February 27, 2014.

John Tuchi has been nominated to fill a judicial emergency vacancy on the U.S. District Court for the District of Arizona. He has served since 2012 as the chief assistant U.S. attorney in the U.S. Attorney's Office for the District of Arizona, where he also has served as the U.S. attorney for an interim period in 2009 and as an assistant U.S. attorney since 1998. From 2001 to 2007, he served as an adjunct professor at the Arizona State University Law School, teaching courses on professional responsibility. From 1995 to 1998, Mr. Tuchi worked in private practice at Brown & Bain, P.A. as an associate. After graduating from law school, he served as a law clerk to Judge William C. Canby, Jr., of the U.S. Court of Appeals for the Ninth Circuit from 1994 to 1995. In 2010, he received the Director's Award for Outstanding Performance in Indian Country from the U.S. Department of Justice. Mr. Tuchi has the support of his Republican home State Senators, Senator MCCAIN and Senator FLAKE. The Judiciary Committee reported his nomination favorably by voice vote to the full Senate on February 27, 2014.

Diane Humetewa has been nominated to fill a judicial emergency vacancy on the U.S. District Court for the District of Arizona. She has served as a professor of practice and special advisor to the president at the Arizona State University Law School since 2011. From 2009 to 2011, she worked in private prac-

tice as a counsel at Squire, Sanders & Dempsey. From 1998 to 2009, she served in the U.S. attorney's Office in the District of Arizona as an assistant U.S. attorney—1998–2007—and then as the U.S. attorney from 2007 to 2009. From 2005 to 2006, she served as a detailee with the U.S. Senate Committee on Indian Affairs. Ms. Humetewa also served as an appellate court judge for the Hopi Tribe from 2002 to 2007. Prior to her service in Arizona, she served as counsel to the Deputy Attorney General for the U.S. Department of Justice from 1996 to 1998. After graduating from law school, she served as Deputy Counsel to the U.S. Senate Committee on Indian Affairs from 1993 to 1996. She has the support of her Republican home State Senators, Senator MCCAIN and Senator FLAKE. The Judiciary Committee reported her nomination favorably by voice vote to the full Senate on February 27, 2014. When confirmed, Ms. Humetewa will be the first Native American woman to serve as a Federal judge and the third Native American ever to do so.

Rosemary Mórquez has been nominated to fill a judicial emergency vacancy on the U.S. District Court for the District of Arizona. She has served since 2008 in private practice as a sole practitioner in Tucson, AZ. She previously served as a partner at Montoya & Mórquez, PLLC from 2000 to 2008, an assistant Federal public defender in the Federal Public Defender's Office in Tucson, AZ from 1996 to 2000, a county legal defender in the Pima County Legal Defender's Office from 1994 to 1996, and a deputy county attorney in the Pima County Attorney's Office in 1994. Ms. Mórquez earned her B.A. from the University of Arizona in 1990. She earned her J.D. from the University of Arizona Law School in 1993. She has the support of her Republican home State Senators, Senator MCCAIN and Senator FLAKE. The Judiciary Committee reported her favorably to the full Senate by a roll call vote of 15 to 2 on February 27, 2014.

Judge Douglas Rayes has been nominated to fill a judicial emergency vacancy on the U.S. District Court for the District of Arizona. He has served since 2000 as an Arizona State judge in Maricopa County Superior Court, including as associate presiding civil judge from 2008 to 2010 and as presiding criminal judge from 2010 to 2013. He has presided over thousands of complex criminal, civil, and family cases that have gone to judgment by settlement, plea agreement, summary judgment, or dismissal. He previously worked in private practice as a partner at Tryon, Heller & Rayes from 1989 to 2000; a partner at McGroder, Tryon, Heller & Rayes from 1986 to 1989; McGroder, Tryon, Heller, Rayes & Berch from 1984 to 1986; and as an associate at McGroder, Pearlstein, Peppler & Tryon from 1982 to 1984. Following his graduation from law school, he served as

Judge Advocate General in the U.S. Army JAG Corps from 1979 to 1982. He served in the U.S. Army from 1970 to 1982 and in the Army Reserve from 1982 to 1985. Judge Rayes has the support of his Republican home State Senators, Senator McCAIN and Senator FLAKE. The Judiciary Committee reported him favorably to the full Senate by a roll call vote of 16–2 on February 27, 2014.

Judge James Soto has been nominated to fill a judicial emergency vacancy on the U.S. District Court for the District of Arizona. He has served since 2001 as a superior court judge in the Santa Cruz County Court. During his time on the bench, he has presided over 1,100 cases that have gone to verdict or judgment. Prior to his judicial service, he worked in private practice for over two decades, including as a shareholder and president of Soto, Martin and Coogan, P.C. from 1992 to 2001. He worked as a sole practitioner from 1976 to 1979. He previously served as town attorney for the town of Patagonia from 1975 to 1992, deputy city attorney for the Office of the Nogales City Attorney from 1974 to 1983, and deputy county attorney for Santa Cruz County in 1975. Judge Soto has the support of his Republican home State Senators, Senator McCAIN and Senator FLAKE. The Judiciary Committee reported him favorably to the full Senate by voice vote on February 27, 2014.

All of these nominees have the experience, judgment, and legal acumen to be terrific judges in our Federal courts. I thank the majority leader for filing cloture petitions, and I hope all Senators will join me to end these filibusters so that these nominees can get working on behalf of the American people.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[May 12, 2014]

WHY CIVIL LIBERTARIANS AND DRONE CRITICS  
SHOULD SUPPORT DAVID BARRON

(By David Cole)

Sen. Rand Paul has an op-ed in the New York Times today opposing the nomination of David J. Barron to the U.S. Court of Appeals for the First Circuit until the memos Barron wrote concerning the legality of the targeted killing of US citizen Anwar Al-Awlaki are publically released. The ACLU has also urged that Barron's nomination be delayed until Senators are allowed to read all targeted killing memos written by Barron. I have been as much a critic of the drones program as Sen. Paul, and have written often about my critiques of both the apparent scope of the program and the lack of transparency surrounding it. (See here, here & here). I continue to support transparency. But it would be a terrible mistake to hold up David Barron's nomination over this issue.

First, and most importantly, it is a mistake to conflate the issues of the appointment of David Barron and disclosure of the memos. Barron is a highly qualified lawyer who I know personally to be thoughtful, considerate, open-minded, and brilliant. His confirmation would put in place a judge who

will be absolutely vigilant in his protection of civil liberties and his insistence that executive power be constrained by the rule of law. That long-term value should not be sacrificed because of a short-term battle over memos that every Senator already has the opportunity to review.

There can be no doubt that Barron would be an excellent independent judge, and would faithfully exercise his authority to protect Americans' rights and to keep government honest and constrained. As former judge and now Stanford Law Professor Michael McConnell has noted, Barron "has supported efforts to adopt laws to enable judicial review of executive actions that might otherwise escape judicial review because of lack of standing, and has written powerfully about the need for constitutional limits on executive excesses." Indeed, as head of the Office of Legal Counsel in 2009, Barron himself withdrew five OLC memos written during the prior administration to authorize controversial interrogation techniques such as waterboarding. And fellow Harvard Law Professor John F. Manning, a conservative who clerked for Judge Robert Bork and Justice Antonin Scalia, has accurately described Barron as "undeniably brilliant" and "an unusually talented and careful lawyer" who will "understand and faithfully carry out the duties of a circuit judge."

Second, the administration has in fact made available to all Senators any and all memos Barron wrote concerning the targeting of al-Awlaki—the core of the issue Sen. Paul is concerned about. So if Sen. Paul and any other Senator want to review Barron's reasoning in full, they are free to do so. Moreover, the administration also made available to the Senate, and ultimately to the public, a "White Paper" said to be drawn from the Barron memo (though written long after he left office). Thus, no Senator need be in the dark about the Administration's reasoning, and the public also has a pretty good idea as well.

Indeed, the U.S. Court of Appeals for the Second Circuit recently ruled that a redacted version of the al-Awlaki memo can and should be disclosed, largely because much of its reasoning had already been made public in the White Paper. Thus, while I fully support the public disclosure of the memo, redacted to protect sources and methods, every Senator already has full access to the memo, and therefore can make an informed judgment on advice and consent. And the public also has a good sense of what it says.

Notably, Senators Ron Wyden, Mark Udall, and Martin Heinrich, all members of the Intelligence Committee, wrote a letter to Attorney General Eric Holder in November 2013, after reviewing the memo on the killing of al-Awlaki, and stating their view the killing was "a legitimate use of the authority granted to the President." They went on to urge the administration to be more forthcoming about the legal limits on the use of force against U.S. persons in other cases, beyond what the memo apparently had sanctioned, but did not question the legality of the action authorized.

Sen. Paul's op-ed notes that the Office of Legal Counsel may have written more than one memo on targeted killing, which is quite possible. But the administration has disclosed to the Senators the full, unredacted versions of any memo authorizing the killing of Americans, the issue Sen. Paul raises in his op-ed.

Finally, holding up Barron's nomination is unlikely to expedite disclosure of the memos. It will only undermine the confirma-

tion of someone who would make an excellent judge. The Administration has been ordered (unanimously) to release the memo, and will in short order either comply with that order or seek further review. Barron has no control over that decision, and should not be held hostage to it.

I am second to none in my support for transparency. And I will continue to fight for that value on its own terms. But it is a huge mistake to let our legitimate concerns about transparency get in the way of the confirmation of a judge who will faithfully protect our liberties and hold government accountable—especially when the Senate already has been given access to all the information they need to exercise their "advise and consent" role. As a civil libertarian and drone critic, I have no hesitation in saying that David Barron should be confirmed.

[From the Boston Globe, May 13, 2014]

DAVID BARRON SHOULD BE CONFIRMED TO U.S.  
COURT OF APPEALS

(By Charles Fried and Laurence H. Tribe)

Although the two of us frequently approach legal questions from different perspectives, and just as often disagree about the best answers to those questions, we share a respect for our Constitution and a reverence for the judicial process. That's why, in spite of our disagreements, we agree that Harvard Law School professor David Barron is exceptionally well-qualified to hold a seat on the US Court of Appeals for the First Circuit and that the Senate should promptly confirm him.

No one can reasonably question Barron's intelligence, the high quality of his scholarship, his judicial temperament, his deep respect for the rule of law, or his personal integrity and devotion to public service. Barron (who is married to Juliette Kayyem, a Democratic gubernatorial candidate and former Globe columnist) is a brilliant lawyer who will make an excellent judge.

Though some conservatives oppose his embrace of what they call "progressive constitutionalism," and some civil libertarians worry about the secrecy of memoranda he signed as head of the Justice Department's Office of Legal Counsel regarding the legality of using lethal force against a specific US citizen who was an operational leader of an enemy force, neither of these concerns justifies delaying a vote, or denying Barron a seat on the First Circuit.

Any description of Barron as "an unabashed proponent of judicial activism" is a caricature that demonstrates a lack of familiarity with serious debate over constitutional issues. What is clear to us is that Barron would decide cases based solely on the relevant sources of legal authority, including binding precedent, and that his political views would in no way distort his legal judgment. We will have reached a tragic turning point if people are disqualified from holding judicial office when they have thought deeply about the issues and expressed their views in public.

There is nothing in Barron's record, or in our many years of personal interactions with him, that would lead us to believe that he is anything other than a straight shooter, thoroughly committed to applying rules of law dispassionately and unflinchingly, and without political consideration. That's what judges should and must do, whatever their philosophical bent.

Beyond the fight over judicial philosophy, Barron's nomination has encountered resistance because of his authorship of opinions in the Office of Legal Counsel surrounding the

legality of using lethal force against Anwar al-Awlaki, a US citizen who was killed by a drone strike in Yemen in 2011. Some have argued that the Senate should not vote to confirm Barron until its members review the OLC memos, but that point is now moot because the White House has made unredacted versions available to every senator. Others have argued that the Senate should not vote until a redacted version of the principal Awlaki memo is made public, as a court of appeals recently held it must be. That is an issue subject to ongoing litigation and of no relevance to Barron's nomination. He left public service four years ago and has nothing to do with administration policies on the release of sensitive information. In any event, it is likely that the memos will be released in short order. Either the administration will not appeal the court's ruling, or the ruling will be upheld on appeal. Without doubt, holding up Barron's nomination will not expedite the release of any memo.

We agree it is entirely appropriate for Congress to consider carefully the legal framework for drone strikes, although we may reach different conclusions on that score. But it would inflict grave harm on the confirmation process and on our ability to recruit the best persons to the federal judiciary if Barron's nomination to the First Circuit were allowed to become collateral damage in this debate. The pertinent question cannot be whether any senator agrees or disagrees with any particular use of force or with whether the administration should or should not release documents. Barron didn't order the strikes or design the legal framework for their authorization. Indeed we do not know whether he personally agrees with that policy, the wisdom and morality of which it was not his job to assess. And he has not advocated, much less ordered, the withholding of any documents. His job as acting head of the Office of Legal Counsel was to provide thorough, accurate, and unvarnished legal opinions to the president and other executive officials, based on the traditional legal authorities of text, history, and precedent. We have every reason to believe that is precisely what he did, and there is absolutely no evidence to the contrary.

The nation badly needs the best possible judges—men and women of integrity, intelligence, judicial temperament, respect for the rule of law, and an understanding of the role of judges within our legal system. Barron understands and exemplifies those values. He should be released from the destructive tangle in which he has become quite undeservedly enmeshed and placed on the First Circuit Court of Appeals, where he can serve our nation with great distinction.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the motion to invoke cloture on the Logan nomination.

Mr. ISAKSON. Madam President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Steven Paul Logan, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Cory A. Booker, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Steven Paul Logan, of Arizona, to be United States District Judge for the District of Arizona, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. MARKEY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 37, as follows:

[Rollcall Vote No. 144 Ex.]

#### YEAS—58

Ayotte	Graham	Murphy
Baldwin	Hagan	Murray
Begich	Harkin	Nelson
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Brown	Johnson (SD)	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Landrieu	Tester
Chambliss	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Coons	Manchin	Walsh
Donnelly	McCain	Warner
Durbin	McCaskill	Warren
Feinstein	Menendez	Whitehouse
Flake	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murkowski	

#### NAYS—37

Alexander	Grassley	Portman
Barrasso	Hatch	Risch
Blunt	Heller	Roberts
Burr	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Corker	Johnson (WI)	Thune
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter
Cruz	McConnell	Wicker
Enzi	Moran	
Fischer	Paul	

#### NOT VOTING—5

Boozman	Markey	Sanders
Boxer	Rockefeller	

The PRESIDING OFFICER. On this vote the yeas are 58, the nays are 37. The motion is agreed to.

#### EXECUTIVE SESSION

#### NOMINATION OF STEVEN PAUL LOGAN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Steven Paul Logan, of Arizona, to be United States District Judge for the District of Arizona.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the vote on the motion to invoke cloture on the Tuchi nomination.

Mrs. MURRAY. Madam President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of John Joseph Tuchi, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Cory A. Booker, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of John Joseph Tuchi, of Arizona, to be United States District Judge for the District of Arizona, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 62, nays 35, as follows:

[Rollcall Vote No. 145 Ex.]

#### YEAS—62

Ayotte	Hagan	Murkowski
Baldwin	Harkin	Murphy
Begich	Hatch	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Pryor
Booker	Hirono	Reed
Boxer	Isakson	Reid
Cantwell	Johnson (SD)	Sanders
Cardin	Kaine	Schatz
Carper	King	Schumer
Casey	Klobuchar	Shaheen
Chambliss	Landrieu	Stabenow
Collins	Leahy	Tester
Coons	Levin	Udall (CO)
Donnelly	Manchin	Udall (NM)
Durbin	Markley	Walsh
Feinstein	McCain	Warner
Flake	McCaskill	Warren
Franken	Menendez	Whitehouse
Gillibrand	Merkley	Wyden
Graham	Mikulski	

#### NAYS—35

Alexander	Fischer	Portman
Barrasso	Grassley	Risch
Blunt	Heller	Roberts
Burr	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Corker	Kirk	Thune
Cornyn	Lee	Toomey
Crapo	McConnell	Vitter
Cruz	Moran	Wicker
Enzi	Paul	

#### NOT VOTING—3

Boozman	Brown	Rockefeller
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The PRESIDING OFFICER. On this vote the yeas are 62, the nays are 35. The motion is agreed to.

#### NOMINATION OF JOHN JOSEPH TUCHI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of John Joseph Tuchi, of Arizona, to be United States District Judge for the District of Arizona.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the vote to invoke cloture on the Humetewa nomination.

Without objection, all time is yielded back.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Diane J. Humetewa, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard

Blumenthal, Cory A. Booker, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Diane J. Humetewa, of Arizona, to be United States District Judge for the District of Arizona, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

The PRESIDING OFFICER. (Mr. COONS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 64, nays 34, as follows:

[Rollcall Vote No. 146 Ex.]

#### YEAS—64

Ayotte	Graham	Murkowski
Baldwin	Hagan	Murphy
Barrasso	Harkin	Murray
Begich	Hatch	Nelson
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Boxer	Isakson	Sanders
Brown	Johnson (SD)	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Landrieu	Tester
Chambliss	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Coons	Manchin	Walsh
Donnelly	Markley	Warner
Durbin	McCain	Warren
Feinstein	McCaskill	Whitehouse
Flake	Menendez	Wyden
Franken	Merkley	
Gillibrand	Mikulski	

#### NAYS—34

Alexander	Grassley	Risch
Blunt	Heller	Roberts
Burr	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Corker	Kirk	Thune
Cornyn	Lee	Toomey
Crapo	McConnell	Vitter
Cruz	Moran	Wicker
Enzi	Paul	
Fischer	Portman	

#### NOT VOTING—2

Boozman	Rockefeller
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The PRESIDING OFFICER. On this vote the yeas are 64, the nays are 34. The motion is agreed to.

#### NOMINATION OF DIANE J. HUMETewa TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Diane J. Humetewa, of Arizona, to be

United States District Judge for the District of Arizona.

#### NOMINATION OF ROY K.J. WILLIAMS TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT

#### NOMINATION OF CARLOS ROBERTO MORENO TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary OF THE UNITED STATES OF AMERICA TO BELIZE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of the following nominations, which the clerk will report.

The bill clerk read the nominations of Roy K.J. Williams, of Ohio, to be Assistant Secretary of Commerce for Economic Development; and Carlos Roberto Moreno, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Williams nomination.

Mr. LEAHY. I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Roy K.J. Williams, of Ohio, to be Assistant Secretary of Commerce for Economic Development?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior a vote on the Moreno nomination.

Mr. LEAHY. I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Carlos Roberto Moreno, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the time until 5:15 p.m. will be equally divided between the two leaders or their designees.

The time from 3 p.m. to 3:45 p.m. will be controlled by the Republicans, and the time from 3:45 to 4:30 p.m. will be controlled by the majority.

The Senator from Maryland.

#### UNANIMOUS CONSENT REQUEST—S. 357

Mr. CARDIN. Mr. President, as I think my colleagues know, this is National Police Week. I know I express the sentiment of every Member of this body who wishes to show their appreciation for the 900,000 Federal, State, and local law enforcement officers who literally put their lives on the line every day to keep us safe. We cannot thank them enough, but we can help



them by our actions. In 2013 there were 105 who lost their lives in the line of duty, so obviously this is a matter that requires the attention of the Senate.

Let me cite the most recent casualty in the State of Maryland. On August 28, 2013, Baltimore County police officer Jason Schneider, who was only 36 years of age, was shot and killed while serving a search warrant at a home on Roberts Avenue in Catonsville at approximately 5 o'clock in the morning. Officer Schneider was part of a tactical team that had entered the house in search of a juvenile subject wanted in relation to a shooting of the previous week. The entry team encountered four subjects inside the house who attempted to flee. Officer Schneider was pursuing a subject toward the rear of the house when another subject attacked him and opened fire, striking him several times. Despite being mortally wounded, Officer Schneider returned fire and killed the subject. Officer Schneider is survived by his wife and two children.

Unfortunately, that story was told 105 other times in 2013 with law enforcement officers who lost their lives in the line of duty.

I have introduced legislation—S. 357—which provides for a national blue alert. I think most Members are familiar with AMBER alerts. It means the rapid dissemination of information to help law enforcement. Well, a blue alert would deal with an officer who has been assaulted, attacked, or killed.

Law enforcement will tell us rapid dissemination is the most important part of law enforcement. So it is critically important that information be made available.

This is a bipartisan bill. I originally filed the bill with Senator GRAHAM, and I appreciate his help.

Senator LEAHY has been a real champion. As chairman of the Judiciary Committee, I can't thank him enough for his help with this legislation and the work he has done on behalf of law enforcement.

Senator MCCONNELL today in his leader time discussed that this week is National Police Week and mentioned he is a cosponsor of the legislation I am referring to and urged that this is the type of bill we need to pass.

Senator BLUNT is on the floor. I thank him very much. He has been a real leader in regards to law enforcement issues and Blue Alert.

This bill passed with 406 votes in the House of Representatives. It is a bill which provides for smart ways to help law enforcement. It is endorsed and supported by a whole host of groups, including the Fraternal Order of Police, the National Association of Police Organizations, the Federal Law Enforcement Officers Association, the Concerns of Police Survivors, and the Sergeants Benevolent Association of the New York Police Department. The

list goes on and on. So we are looking for a way we can not only express our appreciation to those in law enforcement but we can tangibly do something to help.

Mr. President, I ask unanimous consent as if in legislative session the Senate proceed to Calendar No. 194, S. 357, the National Blue Alert Act; that the bill be read a third time and passed; and the motion to reconsider be laid upon table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, per the Senate rules I have submitted a letter outlining my reasons for objecting to this, besides it not being paid for, and I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the Senator from Maryland who, just as he did when he was in the State legislature and has done every single day since he has been in the Senate, has been supportive of law enforcement and police officers. I am sorry there was an objection.

I spoke earlier to my dear friend, the Senator from Maryland, Mr. CARDIN. I told him that earlier today I chaired a hearing on the Bulletproof Vest Partnership Grant Program. The distinguished Presiding Officer, the Senator from Delaware, was there, as were law enforcement officers from Delaware.

During that hearing we heard from Officer Ann Carrizales of the Stafford, TX, police department. This was some of the most powerful testimony I have heard in my almost 40 years on that committee.

She was shot in the face and chest during a routine traffic stop last year. She was saved by her protective vest. She returned fire and then pursued the suspects for 20 miles and ultimately helped a neighboring police jurisdiction apprehend the shooter—a determined police officer, former Marine, mother, and wife.

We also heard from a police chief who will be staying here with law enforcement during National Police Week. We talked about the Bulletproof Vest Partnership Grant Program, which Senator Ben Nighthorse Campbell—who served in law enforcement, a Republican from Colorado—and I first introduced, and for decades it has been passed unanimously. It saves lives. It is not a luxury item.

Last week, I came to the Senate floor, seeking to do what this body has done 3 times before, and that is to reauthorize the Bulletproof Vest Partnership Grant Program. My legislation to renew this life-saving program for another 5 years has the support of every Democrat in the Senate. It is strongly supported by leading law en-

forcement groups, and on a much more personal note, we know that vests provided by this program have protected thousands of officers and spared their families and loved ones from unspeakable grief.

Officers like Officer Ann Carrizales. If her story does not inspire us all to support brave law enforcement officers by providing them with the most basic protection, then I do not know what could. She brought with her today almost 200 letters from her daughter's elementary school, all calling on the Senate to act. One of the letters I have is from her daughter MiKayla, talking about what her mother faced. This was powerful testimony.

Unfortunately, my efforts to pass this important reauthorization were blocked last week by a Republican Senator who seems to think that bulletproof vests are a luxury item. Some Republican Senators also believe that the Federal Government has no role to play in assisting local law enforcement. I could not disagree more. We in Congress have long supported local law enforcement because we have a duty to keep our communities safe.

Today, during National Police Week, Senators who say they stand with law enforcement should demonstrate their support and put real meaning behind those words by supporting two important bills. All Senators should support the passage of S. 933, the Bulletproof Vest Partnership Grant Program Reauthorization Act of 2013. To date, this program has enabled over 13,000 State and local law enforcement agencies to purchase over 1 million vests. If we act today, this program could help provide more vests to the law enforcement officers who protect us every day. We should also pass the National Blue Alert Act, a bill sponsored by Senators CARDIN and GRAHAM that would create a national alert system when an officer is injured or killed in the line of duty. We can put real meaning behind our rhetoric. These are commonsense bills and they should be enacted without further delay.

Mr. President, as if in legislative session, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 162, S. 933, the Bulletproof Vest Partnership Grant Program Reauthorization Act of 2013; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, we went through this 10 days ago, and I gave a very long and detailed explanation of my objections to this bill. I won't belabor that again. But again, we are at the process where we owe \$17 trillion,



and we are spending money that we don't have in areas that are far lower in priority than this issue.

I have no objection, and I think, in terms of bulletproof vests, this is actually a great way to protect those who protect us. But again, as I stated the last time we had this discussion, under the enumerated powers this is the responsibility of the States and local communities. On that basis I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEAHY. Mr. President, I am sorry for that because we will waste more money in 1 or 2 weeks in Afghanistan and Iraq, than this would cost for years—years—to protect American law enforcement, police officers who protect us every day.

We ought to allow this matter to come to a vote and have everybody vote yes or no. The Senator from Vermont would vote yes. I know the Senator from Maryland would vote yes, and I know the distinguished Presiding Officer from Delaware would vote yes, as would every single Democratic Senator, and I believe a number of Republicans would.

We will give great speeches this week saying we stand with law enforcement. Well, as some say, put up or shut up. Let's stand with them. Let's pass this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I wish to say a few words about National Police Week. I am pleased to be able to co-chair with the Presiding Officer and the Senator from Delaware Mr. COONS the Law Enforcement Caucus which we founded when we came to the Senate together. I am proud to be a cosponsor of the National Blue Alert Act that Senator CARDIN talked about, and I would like to see that done. I think we can do things to provide more safety and security for local police officers as we have done for the fire grants, all those things that followed 911.

As I was listening, I was thinking about how much we benefit every day from the Capitol Police. We walk by them in their positions securing these buildings and standing in the way of harm, and we often forget they are there for that purpose. When others are able to look for a safer place to be, our police officers run to where the danger is. They stand between us and that danger.

In the time I have been here, two of our Capitol police officers have been killed in the building on duty, one just a few feet away from where my office would be in the next Congress. They were there for us. I remember on 9/11 leaving the building with every reason to believe this building could be and perhaps was going to be an immediate target to our enemies attacking us that day. I remember walking out of

the building as the Capitol Police were insisting we get out of the building and looking over my shoulder and seeing they were all still in the building.

So whether it is the police we see daily here, the police who serve us in our communities, or the families who send their loved ones into harm's way every day, this is an important time to recognize that service, but also it should be an important time to think about what we could do about it.

The National Blue Alert bill doesn't mandate that States create a system. It simply provides that States could have access to a system which would create an alert system so that when someone has harmed a police officer, we make a maximum and immediate effort to see that person is apprehended and eventually be called to pay the penalty for what they have done.

We benefit from these people who again run to where the danger is, who stand between us and that which creates danger for us as citizens. Whether trying to go to the local grocery store, the local shopping center or the school play, there is somebody in that community whose job it is to make it a safer place than it would otherwise be.

I am pleased to have had a chance to work with the Presiding Officer on so many issues. During National Police Week, I rise with and on behalf of all of our colleagues to say thank you for those who stand to defend and protect us here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### NET NEUTRALITY

Mr. MARKEY. Mr. President, I rise to speak on the issue of net neutrality. Right now there are people who are watching the floor of the Senate streaming live on C-SPAN.org.

They might be engaged political junkies or maybe they need something to help them take a nap. Let's face it; the action in this most deliberative body can sometimes feel a little slow.

Now imagine just a few companies deciding that C-SPAN.org will be put into a slow lane; that the public interest content streamed out to the world will be sent out at an even more deliberative pace, while kitten videos will get priority.

When people talk about net neutrality, that is what we are talking about. Instead of open and free Internet where the billions of clicks and links made by customers and entrepreneurs in their living rooms and garages determine who wins and loses, it will be just a few companies in a few corporate boardrooms deciding who gets into the express lane and who falls behind in a traffic jam.

We need a truly open Internet because an open Internet has become the world's greatest platform for innovation, job creation, and economic growth. An open Internet enables free-

dom of expression and the sharing of ideas across town or around the world. An open Internet is driving economic growth in Massachusetts and throughout the United States.

Openness is the Internet's heart, non-discrimination is its soul, and any infringements on either of these features undermine the intent of net neutrality.

The vitality of this free platform is at stake today because right now our Internet regulators at the FCC are determining how they will use its authority to keep the Internet open for business.

When the FCC first unveiled its new Open Internet proposal a few weeks ago, the Commission contemplated whether to allow paid prioritization. Under these proposed Internet rules of the road, fast lanes could open to those who can pay, leaving others stuck in traffic. The result: Consumers could be stuck in an online provider pileup when a broadband provider decides to slow down a streaming of Netflix's House of Cards or bring a high-speed Yahoo search to a crawl or block a free online call to a friend abroad. But the worry goes far beyond simply slowing down the videos we watch on YouTube.

Without a truly open Internet, startups and small businesses would suffer, slowing our economy and job growth throughout Massachusetts and around the country. No one should have to ask permission to innovate. But with fast and slow lanes, that is precisely what an entrepreneur will need to do.

Right now the essence of the Internet is to innovate and test new ideas first. If an idea then takes off, the creator can attract capital and expand. The Internet today is a level playing field where the competition for the best in technology and ideas thrives.

Creating Internet fast and slow lanes would flip this process on its head. Instead, an entrepreneur would first need to raise capital in order to start innovating, because she would need to pay for fast-lane access to have a chance for her product to be seen and to succeed. Only those with access to deep pockets would develop anything new. Imagine the stifling of creativity if startups need massive amounts of money even to innovate. So consider an app developer or creator of a new product in Boston or throughout the country. How will she reach potential customers and viewers if her Web site is stuck on a gravel path while those with access to capital whiz by on the interstate as they flash their Internet E-ZPass? She won't reach her customers; only those with money will.

If you don't believe me, consider the more than 100 tech companies—including Amazon, Microsoft, Google, Yahoo, and Twitter—that characterize broadband providers imposing tolls on Internet companies as a "grave threat to the Internet." Consider the 50 venture capitalists who wrote to Chairman

Wheeler last week and said that with paid prioritization, “an individual in a dorm room or design studio will not be able to experiment out loud on the Internet. The result will be greater conformity, fewer surprises, and less innovation.” Less disruption—less creation of the next big idea. That would be the end of the Internet as we know it today.

Unfortunately, I have seen this fight before. In 2006, when the open Internet was under attack, I introduced the first net neutrality bill in the House of Representatives. Today our battle to preserve an open and free Internet wages on. That is why last week I joined with 10 of my Senate colleagues to urge Chairman Wheeler to rethink paid prioritization and to insist that he explore all options, including reclassifying broadband as a telecommunications service.

We need to put on the books the strongest open Internet rules as possible, and if title II reclassification is the most effective way to accomplish this goal, that is what the FCC should do because then it would be treated as a common carrier service. That is how we treat traditional phone service. That, in fact, is what the Internet has become in the 21st century. You cannot live without it. We have to treat it as such. To be connected in the 21st century, you need Internet access. That is why, if needed—and it just might be—title II will have to be the way to go.

As one of the primary authors of the 1996 Telecommunications Act—a bill that unleashed competition and created hundreds of millions of dollars in private investment—I know the FCC has both the power and the responsibility to oversee the operation of broadband networks and intervene in its efforts to preserve competition and safeguard consumers. It is time for the FCC to use that power to protect the tremendous potential of the Internet.

The Internet is a vital tool that helps businesses compete and expand, pumping life into our economy. Again, after the 1996 act, \$1 trillion of private sector investment went into developing new companies online, into expanding the Internet. Why? The government acted to make sure there was a level playing field in the 1996 act and then got out of the way and watched the competition flourish in this chaotic new world of broadband. There was no YouTube. There was no Google or Amazon. There was no Twitter. There was no Facebook. It didn't exist. It could have existed before then but not if we didn't have a flourishing Internet that was wide open for competition and investment from the private sector.

That is why this decision by the Federal Communications Commission is so important. It is understanding the very nature of this new communications job-creating revolution that we have here. We must fight to protect it.

I thank you, Mr. President, for allowing me this time, and I yield back.

The PRESIDING OFFICER. The Senator from Wyoming.

(The remarks of Mr. BARRASSO pertaining to the introduction of S. 2339 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. BARRASSO. Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I would like to thank Senator BARRASSO for his leadership on this issue. As a longtime practicing physician before he came to the Senate, he has provided great leadership and expertise and is able to evaluate and comment so wisely on the important issue of health care.

I thank the Senator.

#### IMMIGRATION

Today, Majority Leader REID—the leader of the Democratic majority of the Senate—and Senator CHUCK SCHUMER came to the Senate floor to demand that the House of Representatives pass their immigration bill. They labeled Republicans as extremists for not giving in to their demands. And they are correct about one thing: The House is not giving in.

At this point in time, the House is refusing to yield to the pressure of special interest groups and political lobbyists and Senate Democrats to pass a bill that would be bad for America. It just will be bad for America. So I think once again the special interests will lose and the voice of the American people will be heard.

Senator SCHUMER said Republicans are xenophobes because they won't pass his plan. Let's talk about what is extreme. A new report just out revealed that this administration has released 36,000 criminal aliens from ICE detention. Our Immigration and Customs Enforcement officers receive them as prisoners from a State or Federal penitentiary where they have been convicted of some criminal offense unrelated to immigration, usually in a State court. 36,000 are now being released into the general population.

This report found there were 193 homicide-type convictions, 1,153 sexual offenders, 303 kidnapping convictions, and 1,075 aggravated assault convictions. These are serious crimes. If you will recall, these criminals are the only group this administration says they are the deporting. They don't deny that they are not deporting others who violate our immigration laws. They promised they are faithfully removing people who commit crimes unrelated to immigration. This report proves that claim not to be so.

These dangerous offenders should be kept in custody. They should not be released into the general population. We had a study of such releases several years ago. The statistics showed that

when a person who entered the country illegally was released on bail, they didn't show up for court. If they are willing to enter the country illegally and a judge has them set for trial and he releases them on bail, we then have an incredibly high number who don't show up for trial. This was called catch and release and was roundly criticized. This is now being done with immigrants who have serious criminal charges and convictions.

Do you know what else is extreme? Extreme is trying to pass an immigration bill that would double the flow of guest workers into our country and triple the number of new permanent residents when 50 million working-age Americans are out of work. We have a very serious unemployment problem. Is no one concerned about that?

It is not xenophobic, but it is compassionate to say we should focus our attention on struggling and hurting American workers. It is not xenophobic. It is our patriotic duty to defend the integrity of our borders and enforce the long-established laws of the United States. It is the oath we all took as Senators to defend the Constitution of the United States. It is the oath the chief law enforcement officer, President Obama, took. We have a duty to defend our citizens and our people at a time when they are struggling financially. There is just no doubt about it.

There was one group of people not referenced when Majority Leader REID and Senator SCHUMER talked earlier this morning. Do you know what group it was? Completely omitted from the conversation was the American worker. The American worker is not being discussed by amnesty supporters in this debate. We know the U.S. Chamber of Commerce's view. They would like more workers creating slack labor markets and lower wages. We know certain special interest groups want more immigration. We know certain politicians think this will be good for them politically.

According to the Congressional Budget Office—our own professional team that is selected in a nonpartisan way and gives us advice on the ramifications of legislation we pass—has looked at the Reid-Schumer bill that passed the Senate. According to CBO, the Senate Democratic immigration bill—which was supported by a small number of Republicans, but it is overwhelmingly a Democratic bill—would increase unemployment while reducing wages. It would increase unemployment while reducing wages of American workers for the next 12 years, and it will reduce the per person wealth or GNP for the next 17 years.

If we bring in 30 million people over the next 10 years—as this bill would do—it will triple the number that normally would be given legal status in America. It will bring down the per person wealth and it will bring down

wages. Surely the U.S. Chamber of Commerce understands the free market, do they not? Surely Senator REID understands that, does he not?

We were on a conference call yesterday regarding the American steel industry. A large amount of steel is being dumped into America. What is the impact of that? What is the concern? If we bring in more steel, there will be lower prices for steel. If we bring in more cotton, there will be lower prices for cotton. If we bring in more labor, it will result in lower wages for American workers.

CBO told us that. There is no dispute about it. Yet we have Senators who come to the floor and repeatedly say this is going to increase wages. Give me a break. You can't just say something and think it is going to make it reality when it is the opposite of reality.

Under current law, we are admitting more than 600,000 guest workers each year. Guest workers come to America not to be citizens but just to take jobs that someone contends we don't have enough workers. We grant permanent residence to 1 million immigrants each year and perhaps ultimately become citizens. That is the current law. Right now wages are falling and it is serious, but this is the law that has been established and that is what the nation has agreed to.

The bill Senator REID maneuvered through this Senate would admit more than 1.2 million guest workers each year, thereby doubling the number of guest workers, and it will give permanent residency to 30 million immigrants over the next 10 years and that is triple the normal rate.

Research from Harvard professor Dr. George Borjas—perhaps the most preeminent student of labor, wages, and immigration in America—shows that American workers lose more than \$400 billion in wages each year due to competition from low-cost workers from abroad. That is \$400 billion in wages each year—not million but billion.

Dr. Borjas's research also shows that from 1980 to 2000—he did an empirical study using the census, the Department of Labor, and other official data—wages declined 7.4 percent for lower skilled working Americans. These are the people who go out and work every day. These are not people who have a college degree. I am talking about the working people in this country. Their wages declined from 1980 to 2000 by 7.4 percent as a result of this very large flow of legal and illegal immigration.

There is no doubt—and my colleagues have to understand this—a vote for the Reid-Schumer immigration bill is a vote to lower the wages of American workers. Not only that, it will make it harder for Americans to get a job, period. It appears the people who are hurt worst by the Democratic immigration

policies are young Americans, low-income Americans, and minority workers.

According to Dr. Borjas's studies—and others—minority workers are particularly damaged by high levels of immigration. This includes Hispanics who have lawfully come to America. They are trying to get started so they can make their way up. They would like to have a pay raise, but their wages are also being pulled down by an extraordinary, unjustified flow of labor that the economy can't absorb effectively. We don't have jobs for them now. That is the problem.

I don't dislike people who want to come here. I know most of them are good people who would like to advance themselves. But, as Senators we have a responsibility to the citizens of our country and we need to ask: Is this good for America? Can we absorb this number of people and maintain decent wages or are we in a long term trend that will allow lower and middle-income workers' wages to continue to erode? I think it is a serious issue that we need to be honest about and I hope we will do so. Young and low-income Americans are also hurt.

Senator SCHUMER says we should do the bidding of the U.S. Chamber of Commerce—buddying up with them now. He says there is a hijacking out here, but it seems Mr. SCHUMER's party has been the one that has been hijacked by special interests, and they have lost sight of whom they claim to represent—working Americans. That is my charge and that is what I say.

We have a generous immigration policy, and we need to make sure it is enforced correctly and lawfully carried out. That is what the American people have asked of us. They have demanded this from us. They want a lawful system that we can be proud of and treats people fairly, where a person fills out an application and lays out their qualifications. Those qualifications are then evaluated on an objective basis, and the best qualified person, the one who is most deserving, is then admitted to the country. What is wrong with that? That is what Canada does. That is what the UK does. That is what Australia does. There is nothing wrong with such a policy. That is what we should be doing.

We should decide how many people the country can absorb and in what wage categories before we admit huge numbers of people and certainly before we double the number we presently bring in.

A number of Senators have complained on the floor of the Senate that the tech industries can't find qualified Americans. We have all heard that charge. I sort of accepted it at first, but in fact the data shows something different and it is rather surprising. In fact, we have twice as many STEM graduates each year as there are STEM

jobs—science, technology, engineering, and mathematics.

Here is a recent paper by Professor Hal Salzman from Rutgers University. He carefully analyzed data from the Department of Education and the Department of Labor. He concluded that we first need to get accurate data to truly inform policy decisions. If we are going to make a policy decision about how large our immigration flow should be—not to end it but how large it should be—shouldn't we have good data?

He says:

The first data to consider is the broad notion of a supply crisis in which the United States does not produce enough STEM graduates to meet industry demand. In fact, the nation graduates more than two times as many STEM students each year as find jobs in STEM fields. For the 180,000 or so annual openings, U.S. Colleges and Universities supply 500,000 graduates.

They supply more than twice the number of graduates as we have jobs for now, so I am a little dubious about these big business types claiming they can't get enough people.

What about IT specifically? We hear some of our Silicon Valley executives promoting any kind of immigration as long as they get more IT workers.

Mr. Salzman says:

The only clear impact of the large IT guest worker inflows over this decade can be seen in salary levels, which have remained at their late-1990s levels and which dampens incentives for domestic students to pursue STEM degrees.

Did you know that? IT graduates' salaries are stuck at 1990 levels. It is causing students in college to wonder if this is such a great field to go into. In fact, the author says there are other fields that do better. If that is true, does that change Senator REID's view of the legislation he jammed through the Senate and he is so proud of and he is demanding the House pass? If that is true, if Mr. Salzman is correct, will Senator REID change his mind?

Then he goes on to say—and I agree with this line. He is talking about all STEM graduates now:

If there is a [talent] shortage, where are the market indicators (namely wage increases) . . . ?

So Mr. Donohue and friends at the U.S. Chamber of Commerce who believe in the free market: Why are wages down if we have a shortage of workers? Why aren't wages going up?

Another businessman said recently:

There are 600,000 jobs in manufacturing going unfilled today. This immigration bill can go a long way toward helping us fill these positions.

Well, great Scott. I have seen instances where thousands of people apply for just a few jobs. Does he have any interest, first of all, in promoting sound national goals? Our goal as policymakers for the United States of America should be to say: Wait a

minute. You have jobs at your manufacturing plant and we have to get unemployed people ready to take them. Americans are on welfare and on dependency who need to go to work. Give us a chance to get our people into those jobs first before we start bringing in more foreign workers to take a limited number of jobs.

From 2000 to 2013, the grim fact is that all net job gains went to immigrant workers. Can you imagine that? That is what the numbers show. Under the Democratic plan, this bill, if it were to pass the House, job decline will accelerate.

From 2000 to 2013, the number of working-age Americans increased by 16 million. Yet the jobs for American workers—the number of American workers actually working—fell by 1.3 million. That is why the unemployment rate and the workforce dropout rate is so high.

But during that same period, 2000 to 2013, the number of working-age immigrants increased by 8.8 million while 5.3 million immigrants got jobs. So all the jobs created during this period of time have been, in effect, mathematically speaking, taken by foreign workers. Is this healthy? Isn't this one of the reasons why people are having a hard time today?

There are 50 million working-age Americans who are not working today. Wages are lower today than they were in 1999. Median household incomes, adjusted for inflation, have dropped nearly \$2,300 since 2009. We have the smallest workforce participation in 36 years.

So I say to Mr. REID and Mr. SCHUMER, I am glad to talk about this issue. I am glad to talk about immigration, but we are going to talk about what is in the interests of the American people. We are not going to talk about your politics and your ideology and your special interests. We are going to talk about what is good for America and what is good for America is to get more of our unemployed working, to get wages going up rather than down. I am not surprised they didn't talk about workers and wages in their remarks when they demeaned people who disagree with them and who oppose their great bill they drafted that will not work.

We are not going to be scared off. We are not going to be intimidated into handing over control of our immigration laws to a small group of special interests who are meeting in politicians' offices and maybe promising support. I feel strongly about this. I don't feel there is anything wrong, morally or public policy-wise, to say we need to have a lawful system of immigration we can be proud of. That is what the American people have asked of us for over 30 years and Congress refuses to give. Congress is not listening to the people. And we can do it. It is possible. I have been in law enforcement almost

as long as I have been in the Senate. I know this can be done, if we have a leader who wants to see it done. But if the President doesn't want to enforce the law and says he is only going to enforce it against people who commit serious crimes, and we now find out even those criminals aren't deported when they are caught, then I think we have a deep problem. I think we can do better.

Let's don't go down this road of pushing, pushing, pushing, just pass a bill, any bill—oh, we have to do it fast. That has been the message all along. We have to ram it through, but this thing has been out there in the public now for a long time. The mackerel has been in the sunshine for a long time and it doesn't smell so good when it is examined, and the American people are not prepared to eat it and they shouldn't.

I thank the Chair and the Senate for giving me a chance to express these concerns. I believe we need to put American interests first, and when we do we will draft an immigration bill that is far different from the one being promoted today.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FLAKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VA HEALTH CARE

Mr. FLAKE. Mr. President, I rise today to speak about the unfortunate allegations of mismanagement and neglect that have been leveled against the Phoenix VA health care system.

By now we have all seen the headlines highlighting unsettling allegations that veterans may be dying while awaiting care in Phoenix. These revelations have come to light after whistleblowers in Arizona have suggested that Phoenix VA officials were manipulating appointment requests and waiting lists.

Recent reports suggest that some veterans may have been placed on an unofficial waiting list outside of the VA's official electronic waiting list, which exists to calculate how long a veteran has to wait for care.

The alleged reason for the existence of this secret—or unofficial—list was to keep officially reported wait times down and to disguise longer actual waiting times. This apparently would help the Phoenix VA save face and reflect more positively on the VA's system as a whole. As a result, as many as 1,400 veterans' actual wait times may have been significantly longer than what was reported by Phoenix VA officials.

Now the VA's inspector general's office has launched an investigation, and

senior officials with the Phoenix VA have been placed on administrative leave.

At a recent hearing in the Senate Veterans' Affairs Committee, after cautioning that there should be no "rush to judgment," a senior VA official indicated that after a preliminary review they found no evidence of a "secret list."

Nothing would make me happier than to believe the allegations that were leveled were just as a result of sour grapes from some unhappy current or former employees. But, sadly, similar allegations surrounding delayed care have also surfaced elsewhere in the country.

Just this week, CNN has reported that two VA officials in North Carolina have been placed on administrative leave because of "inappropriate scheduling." CNN also reports that a scheduler at a VA facility in San Antonio suggested there had been some "cooking [of] the books" there to hide lengthy wait times.

Will it be any surprise if more VA health care facilities share these issues? We have all heard about the backlog of more than 300,000 claims made by veterans to the Department of Veterans Affairs. This backlog has resulted in a wait time for compensation for disability claims that reportedly averages a dismal 5 months.

The wars in Iraq and Afghanistan have resulted in greater numbers of veterans seeking treatment in VA facilities. As more and more servicemembers leave the Armed Forces, these numbers are sure to increase.

Clearly, the VA is having a hard time providing adequate and timely care to veterans. This is and should be a nationwide concern.

While backlogs are one thing, efforts to obscure or hide them is something else entirely, and a disturbing pattern of allegations to that end are coming into focus.

What is alleged to have gone on just in the Phoenix VA system demands an honest, independent, and timely investigation. If these allegations are confirmed, anyone behind an effort to cover up these wait times or interfere with the truth coming out needs to be held accountable. Heads should roll. Veterans and families impacted by any sort of neglect and mismanagement in the Phoenix VA system deserve nothing less.

In addition, an apparent pattern of similar problems around the country would suggest that Congress needs to ensure that its own role in substantive, rigorous, and effective oversight has not been blatantly ignored.

VA Secretary Eric Shinseki will be testifying before the Senate Committee on Veterans' Affairs later this week to answer questions about the "state of veterans health care." Given what appear to be pervasive failures at

a growing number of VA health care facilities, he will have more than a few questions to answer. I look forward to the results from that hearing.

This situation cannot go on. In Phoenix and around Arizona people are concerned. We are receiving a record number of calls to our office from veterans who are concerned who want to tell their story of the care they are receiving or not receiving on a timely basis. This is something we cannot countenance in our oversight responsibilities here in Congress.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXPIRE ACT

Mr. HATCH. Mr. President, today the Senate will begin consideration of the Expiring Provisions Improvement, Reform, and Efficiency Act, otherwise known as the EXPIRE Act. This legislation has, so far, moved forward in a cooperative, bipartisan fashion, and I am hoping that spirit will continue here on the floor.

It seems that the new norm for tax policy around here is conducting this ritual where tax provisions expire, we wait until the following year to decide which ones to extend, and then we finally enact them into law for 1 retroactive year and 1 prospective year.

When that happens, half of the benefit is more of a windfall rather than an incentive. And, needless to say, this process causes great uncertainty when businesses and individuals try to manage their taxes and budgets.

I am not casting blame on anyone for this flawed methodology. Indeed, both parties share responsibility for how the tax extenders process has devolved over the years. I think the American people deserve better.

I share the view of many on both sides of the aisle—including both chairmen of the tax-writing committees—that comprehensive tax reform will be necessary to ensure long-term growth and prosperity in our economy. When it comes to tax policy, that type of reform should be our ultimate goal. Hopefully, if we can reform our Nation's Tax Code, this process of extending certain provisions over and over will come to an end. However, I am not naive.

Fundamental tax reform is unlikely to take place in the immediate future. That being the case, Congress needs to work to address the tax relief provisions that expired last year or will expire by the end of this year, and we need to do so in a timely fashion.

The EXPIRE Act should serve as a starting point for temporarily resolv-

ing the expired and expiring tax provisions. The Senate Finance Committee voted to report the EXPIRE Act on April 3, 2014. It passed through the committee by a voice vote. Not every member supported the final bill, but the committee process was, from the outset, constructive and inclusive and allowed for the full participation of both Democrats and Republicans. I give the distinguished chairman a lot of credit for that.

I have to commend Chairman WYDEN, who conducted a fair and open debate on tax extenders during the Finance Committee markup. His approach was a prime example of how the Finance Committee is supposed to operate and, in my view, it should serve as a model for all of the Senate committees in how they should consider legislation in their various jurisdictions.

The process reminds me of a historical analogy with respect to the chairman's home State of Oregon. Everyone knows about the Oregon Trail. Thousands of pioneers started in Independence, MO, and traveled to Independence, OR. They used covered wagons. In fact, the covered wagon is part of Oregon's State seal. The pioneers followed the ruts that previous wagons had cut.

Like those pioneers, the chairman has taken this tax extenders wagon, following the bipartisan, inclusive ruts of the legislative trails charted by previous chairmen of the Finance Committee. I hope we can stay on this trail now that the bill is on the floor.

In the end, of the 55 or so tax extenders considered by the Finance Committee, only two were not extended. Personally, I would have preferred seeing a smaller number of extended provisions, continuing the process we started in 2012 of reducing the number of tax extenders.

But, in the end, the final product represented the consensus views of the committee, and I have been very pleased to work with Chairman WYDEN in the process.

As I said during the markup on the EXPIRE Act, as the committee has considered these extenders package, Chairman WYDEN and I have worn two hats. We have represented the interests of our respective States and we have also been brokers of the diverse interests of all of the members of the committee. That has meant compromise. Compromise has meant some outcomes that were likely not optimal from at least one of our perspectives.

With the bill coming to the floor, we are wearing a third hat, respecting the interests of our respective caucuses. Needless to say, this can be difficult, but it is what we have to do. When we dive into the list of these expiring tax provisions, we can easily see that this package touches upon many facets of our economy from housing to energy and from startups to larger corpora-

tions that are important to so many industries and important in each and every State.

I am glad to see the research and development tax credit, which is so important to businesses in my home State of Utah, included in the bill reported out of the Finance Committee. I know there are other provisions included in this package that are important to other States. My hope is that the floor debate on this extenders package will resemble the debate we had in the Finance Committee. That means a fair and transparent process and an opportunity for Senators to offer amendments.

The Senate is supposed to be the greatest deliberative body in the world. Sadly, it is difficult to call it that these days unless one is being sarcastic. I have been pretty sarcastic about it. A number of my colleagues, led of course by our distinguished minority leader, have come to the floor in recent months to talk about the degradation of Senate rules and procedure that has taken place under the current majority. They have done so with good reason.

On bill after bill the process is the same. The majority leader brings a bill to the floor, immediately files cloture, even though there is no desire to filibuster on our side, accuses the Republicans of filibustering, fills the amendment tree, and blocks consideration of any and all amendments.

There is a time to fill the procedural tree, but that is only after full and fair debate and when it has carried on too long and the leader finally decides we have to bring this to a close. But all too often, every time we turn around, the leader has brought the bill to the floor, filed cloture, as though we are filibustering when we are not, and then fills the parliamentary tree so we cannot have amendments.

Of course, those steps are usually preceded by a short-circuited committee process, wherein committee consideration of the bill is either significantly abbreviated or passed entirely. This is not how the Senate is supposed to operate. With this bill we have a chance to do things differently.

As I have mentioned, the EXPIRE Act has already had full and fair consideration in the Finance Committee. The bill was drafted in consultation with all of the members of the committee. I was one who helped make sure that happened. When we held a markup, all Senators were allowed to offer amendments and receive votes on those amendments. Why not continue that process, as we have in the past, on the almighty floor of the Senate.

It is ridiculous the way the minority is being treated, and I think even the majority Senators are being mistreated with the way this outfit is being run right now. While I am satisfied with the way the Finance Committee handled the tax extenders package, the

vast majority of Senators do not serve on the Finance Committee. That being the case, most Senators have not had a chance to fully debate these tax provisions or even offer amendments of their own, which they ought to have the right to do.

They deserve that opportunity. I expect a number of my colleagues, particularly on the Republican side, have amendments that would improve this bill by helping to grow our economy and to create jobs. I have a number of amendments I would like to offer myself. Over the next few days I will be on the floor to talk about some of them. Let's have a floor debate that is worthy of the Senate. This is not some itty-bitty bill. This is a very important bill. It can set the trend for tax reform that should come in the future.

Let's allow Members of both parties to offer amendments and have votes on those amendments. Let's show the American people that Senators know how to work together to solve problems for American businesses and for our citizens. Too often the Senate devolves into yet another partisan side-show where politics are placed above progress.

As I said, it does not have to be this way. Once again, I am pleased I have had this opportunity to work with my colleague Chairman WYDEN to move the EXPIRE Act forward. He has done a very good job. He deserves a lot of credit for it. He does not deserve having that work stymied because people do not have a chance to offer amendments on the floor of the Senate.

My only hope is, now that the bill is on the floor, the Senate Democratic leadership will follow his example and allow for a full and fair debate of this legislation. To be honest with you, I do not know what they are afraid of. Yes, there may be some amendments that are tough to vote on, but that is part of the process. It is part of what makes the Senate, when it functions right, the great body it can be.

I understand the majority leader wanting to preserve his side in the upcoming election. I think our minority leader wants to preserve his side and maybe add to it in the upcoming election. I understand these are important considerations, but the rights of Senators on both sides are to be considered here and ought to be given not just consideration but given the respect the Senate should give to each and every Member of the Senate.

I have to say I am very disappointed in what is going on around here. I am not the only one. Virtually everybody is. I know some are disappointed on the Democratic side as well.

One of the problems is that a high percentage of the Democratic side, they have never been in the minority. They do not know what it is like to have to fight for everything you can possibly get, but they are going to be

there someday, whether it is this election or some election in the future. They are going to realize, for the first time, that you do not break the rules to amend the rules. Those rules are important.

Frankly, they are going to realize this should continue to be the greatest deliberative body in the world. Unfortunately, right now it is not. It is not because of the leadership we have in this body. We have to make those changes. This is a bill to start on because this is a bill that I think everybody is interested in. It is a very important bill. It is a bill that has been labored on in the Finance Committee for quite a long time.

It has taken years to get to this point. Certainly at markup it made a lot of sense. Do I support everything in this bill? No. There are some things I do not think should be in there. On the other hand, there were some sincere colleagues who felt they should be in there. They were able to prevail. I respect that. We ought to respect both sides. Unfortunately, I think our side is being disrespected the way the Senate is being handled today. It is time to stop it. This is a bill to stop it on. This is the type of bill that both sides have to take great interest in. This is a bill where we can set the tone for tax reform in the future.

I think it is time to wake up around here and start letting the Senate operate as the Senate should operate, as the greatest deliberative body in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WOMEN'S ECONOMICS

Mrs. MURRAY. Mr. President, first of all, I wish to thank my colleague Senator WARREN, who is joining me on the floor. We are here together to talk about a question that could not be more critical to family budgets and to our economy as a whole; that is, what can we do to break down the barriers that women still face in our workforce and make sure women and their families have the fair shot they deserve. This is a question I know Senator WARREN cares very deeply about. She has brought an enormous amount of leadership and focus to this debate. I am very appreciative that she is here to speak. So I would yield to her first and then I will finish speaking when she gets done.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I am pleased to join Senator MURRAY on the floor to stand up for America's women because it is time for a tough conversation about the economics of being a woman. I applaud her leadership, and I

am very pleased she is bringing the women of the Senate to the floor today.

Women are working hard, earning their own way, and supporting their families, but they are not getting the same pay, the same security or the same respect. Take a look at the minimum wage. Two out of every three minimum wage workers are women. Women make up about three-quarters of all tipped minimum wage workers. A woman who works minimum wage can work full time and yet she will not earn enough to keep herself and a baby out of poverty. Minimum wage workers have not received a wage increase in 7 years. This is bad for women and it does not reflect America's value. CEOs got raises, managers got raises, but the women who cook and clean and care for our children are still stuck at the same \$7.25 an hour they earned 7 years ago.

We could change this. If Congress would pass a bill to raise the minimum wage to \$10.10 an hour, more than 15 million women and their families would have more economic security, but Republicans have blocked this bill. They say they care about women, but they will not help the women who earn minimum wage or consider equal pay for equal work. I cannot believe I am saying this in 2014, but women still earn, on average, only 77 cents to the dollar what their male colleagues earn. Bloomberg analyzed the census data to find that in 99.6 percent of jobs, women get paid less than men. That is not an accident. That is discrimination.

Today, if a woman wonders if she is being paid the same as the guys are getting, she can, in some jobs, get fired just for asking. This is bad for women and it does not reflect America's values. We could change this by passing Senator BARB MIKULSKI's Paycheck Fairness Act, a law that would make sure women do not get fired just for asking what the guy down the hall is getting paid, but Republicans have blocked this bill. They say they care about women but will not help the women who do the same work as a man but get paid less.

Consider health care. Before the Affordable Care Act was passed in 2009, some insurance companies charged women higher premiums simply because they were women. Some insurance policies refused to cover preventive services for women such as mammograms and cervical cancer screenings. Pregnancy costs could be excluded and birth control coverage could be left out. In other words, affordable women's health care took a backseat to the profits of insurance companies.

But now we have the Affordable Care Act; women pay the same insurance rates as men. We have the Affordable Care Act; women get free coverage for mammograms and birth control. We have the Affordable Care Act; women

can worry a little less about whether health problems will land them in bankruptcy.

Where are the Republicans? They want to repeal ObamaCare. The House has now voted more than 50 times to repeal ObamaCare. The Senate Republicans have come to the floor day after day to demand that ObamaCare be done away with. The Republicans say they care about women, but they will not help women pay for health care or get the full medical coverage they need at a price they can afford.

Women are working hard earning their own way and supporting their families. They are entitled to the same pay, the same security, and the same respect as men. Policies such as these—minimum wage, equal pay, and the Affordable Care Act—provide a measure of equality, better security, and some basic respect. Republicans want to block or repeal all three. Women are not asking for special deals. They just want a fair shot at building lives for themselves and their families.

The women of the Senate, the Democratic women of the Senate, are ready to fight the Republicans to make sure women across this country have their fair shot.

I thank Senator MURRAY for her leadership in fighting for real economic equality for women.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Senator from Massachusetts again for all of her extremely hard and important work to expand economic opportunity and security for women and their families.

She has been an extremely important voice in this debate, and I am delighted she is joining us today.

Yesterday I held a hearing on this topic in the Senate Budget Committee. We invited a working mother, whose name was AnnMarie Duchon, to testify about some of the challenges that she had faced. AnnMarie told us that she loves her job at the University of Massachusetts-Amherst, but since the day that she started, she made a lower salary than her male counterpart who was doing the exact same job. They had the exact same responsibilities. Both of them had taken a pay cut to accept that job, and they both graduated from the same university in the same year.

When AnnMarie found out that he was making more than she was—even though they had the exact same resume, qualifications, and years of graduation—she went in and asked for a raise. She was told that she couldn't have one.

She stayed on that job and continued to work hard. It wasn't until her husband's job was at risk that she started thinking about how much those lost wages meant to her and her family.

She ran the numbers, and she found out that over the years she had missed

out on more than \$12,000 in wages compared to her male counterpart who was doing the exact same work.

AnnMarie and her husband are first generation college graduates. They have a 5-year-old daughter who is in full-time daycare because both AnnMarie and her husband have to work.

AnnMarie told us yesterday that when she realized her lost income amounted to 1 year's worth of child care or 10 months of payments on their mortgage or student loans, she said that was heartbreaking. AnnMarie was ultimately able to go back and convince her employers—by showing them the math—to give her equal pay.

But as we know, unfortunately, most women are not able to do that and many don't even know that they are earning an unfair wage. That is a real loss, both for our families and for our economy as a whole.

We heard what \$12,000 could have meant for AnnMarie's household budget, but women's contributions in the workforce have also made a huge difference to our overall economic strength.

As working families have felt more and more strained by the rising costs for everything from college tuition to childcare and health care, and an economy in which the gap between those at the top and everyone else seems to be getting wider and wider, women's economic contributions have helped ease the burden.

Economist Heather Boushey, who also testified yesterday at our hearing, found in a recent study that between 1979 and 2012 the U.S. economy grew by almost 11 percent as a result of women joining our labor force. As we think today about ways to support growth in the 21st century, it is absolutely clear our country's economic success and that of our middle-class families go hand-in-hand with women's economic success.

So we have a lot more work to do because despite all the progress we have made and all the glass ceilings that have been broken, women still face barriers that are holding them, their families, and our economy back.

Stories such as AnnMarie's—stories of women who received lower wages for the same exact work as men—are still far too common. Because women are more likely to be the primary caregiver in a family, the lack of paid leave at most jobs means women today experience higher turnover, lost earnings, and are more likely to be passed over for promotions that would help them advance.

In addition, our outdated Tax Code works against married women who choose to go back to work as a second earner because their earnings are counted on top of their spouse's. They can actually be taxed at a higher rate, and that deters some mothers from

choosing to re-enter the workforce, especially when you consider the high cost and lack of access to high-quality childcare.

Those kinds of challenges are especially pronounced for women and, in particular, mothers, who are struggling today to make ends meet. We know that two-thirds of minimum wage earners are women. Their jobs are disproportionately unlikely to offer any flexibility when, for example, a child gets sick or needs to be picked up early from school. And their earnings are quickly swallowed by costs associated with work, such as childcare or transportation.

It is also important to note that our outdated policies disproportionately affect women when it comes to their retirement security because, on average, women earn less than men, accumulate less in savings, and receive smaller pensions. Today nearly 3 in 10 women over 65 depend on Social Security for their only income in their later years.

All of my colleagues and I should be alarmed that the average Social Security benefit for women over 65 is just \$13,100 per year. Imagine living on that. That is not enough to feel financially secure.

The impact of these barriers is increasingly clear. Over the last decade the share of women in the labor force has actually stalled, even as other countries have continued to see more women choosing to go to work. Experts believe that a major reason for that is that, unlike in many other countries, in the United States we have not updated our policies to reflect our 21st century workforce and help today's two-earner families succeed.

At a time when we need to be doing everything we can to grow our economy and strengthen our middle class, that is not acceptable. Women have to have an equal shot at success. First and foremost, that means we need to end unfair practices that set women back financially.

We took a very good step forward with the Affordable Care Act, which prevents insurance companies today from charging women more than men for coverage—which they did before that Act. But we need to do more to make sure women are getting equal pay for equal work.

My good friend and colleague Chairman MIKULSKI has led the way on the Paycheck Fairness Act, which would provide women with more tools to fight paycheck discrimination. Giving the millions of women earning the minimum wage a raise—as Senator WARREN just talked about—would also go a long way toward that effort. Of course, we have to update our Tax Code so that mothers who are returning to the workforce do not face a marriage penalty.



In addition to expanding the earned income tax credit for childless workers, the 21st Century Worker Tax Cut Act that I introduced would provide a 20-percent deduction on the second earner's income for working families with young children to help them keep more of what they earned.

As we get rid of these discriminatory practices, we should also recognize the challenges that working parents face, and we should put in place a set of policies that help them at work and at home. A big part of that is investing in expanded access to affordable, high-quality childcare. When parents go to work, they deserve to know that their child is safe and thriving while they are at work. There are many steps that this Congress could and should take through our Tax Code and by building on successful programs, such as Head Start, to help give working parents the peace of mind they deserve.

Finally, we need to build on and strengthen Social Security with policies that make it easier for women and their families to build a secure retirement. There is, of course, a lot more that we can do in addition, but I believe any one of those changes would have a real impact.

As the Presiding Officer knows from our Budget Committee hearing yesterday, AnnMarie testified and told us that she hopes when her daughter enters the workforce, pay inequity will be just as much of a relic as the days before the iPhone.

I could not agree more.

Acting to expand economic opportunity for women is the right thing to do. It is part of our ongoing work to uphold our country's most fundamental values. But as our country's recent history shows, it is also an economic necessity—both for our families and for our broader economy.

That is why it is so disappointing to see that when it comes to issues affecting women. Some of our Republican colleagues are laser-focused on turning back the clock. We saw this just yesterday when the senior Senator from South Carolina came to the floor and tried to pass an extreme bill that would severely limit women's reproductive rights.

Women today would much rather see Congress focusing on expanding opportunity and helping working families than on getting in between a woman and her doctor.

Over the next few months, we are going to see Democrats continuing to fight for goals such as achieving pay equity, providing access to affordable childcare, and raising the minimum wage—all of which would move women, families, and our economy forward not backward.

I hope that our colleagues on the other side of the aisle will be willing to join us in this very important effort.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. FLAKE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FLAKE. I ask unanimous consent that Senator ALEXANDER and I be permitted to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRODUCTION TAX CREDIT

Mr. FLAKE. We come to the floor today to call attention to the tax extender bill currently being debated before the Senate. Included in this legislation is a provision extending the wind production tax credit, known as the PTC, for 2 additional years. This would be the ninth extension of a supposedly temporary tax credit.

The PTC was first enacted in 1992 to jump-start the nascent wind industry. It was meant to expire in 1999, 15 years ago. But this one-time stimulus has turned into a never-ending tax subsidy that has been extended eight times, and the prospect for a ninth extension seems likely.

The PTC spends precious tax dollars subsidizing a very mature industry and distorting our energy markets.

My friend from Tennessee, Senator ALEXANDER, and I have been vocal opponents of this Federal subsidy for years. Unfortunately, this credit has survived under the canard that wind power is an infant industry in need of Federal support.

With the PTC's expiration on January 1 of this year, wind producers are once again igniting the rallying cry to continue their taxpayer-funded hand-out.

I ask my friend from Tennessee, for those taxpayers who may not be familiar with this use of their hard-earned dollars, what is the PTC and why is it so valuable?

Mr. ALEXANDER. I thank the Senator from Arizona for his leadership over the years and for pointing out the flaws in this proposal. It wastes money, it undercuts reliable electricity—like coal and nuclear electricity—and, in my view, it destroys rather than saving the environment.

But let's say exactly what we are talking about. This was a tax credit that was first passed in 1992, as the Senator from Arizona said, to help an infant industry. It has been renewed eight times. If you are a wind developer, it pays you 2.3 cents for every kilowatt hour of wind that you produce—which in some markets is about the cost of the wholesale value of each kilowatt hour of electricity.

In fact, the subsidy is so great, sometimes in some markets, wind producers can actually give away their electricity and still make a profit. At other

times—in the middle of the night in Chicago—they can actually pay utilities to take their wind power and still make a profit. That is what the wind production tax credit is.

As the Senator says, this is a mature industry. I support jump-starting certain types of energy for a limited period of time.

But Steven Chu, President Obama's Nobel Prize-winning U.S. Energy Secretary, in 2011 in response to my question—Is it a mature technology?—said: Yes, it is a mature technology.

I would ask the Senator from Arizona, what is the justification for spending over the next 2 years \$13 billion of taxpayer money? It is the most wasteful, conspicuous, taxpayer subsidy that I know of in Washington, DC. It proves Ronald Reagan's statement that the only thing in life that is eternal is a government program.

Mr. FLAKE. I thank the Senator. I don't think there is justification.

The justification that often is given is that we have to give some kind of surety moving ahead, and people won't invest in this industry if they don't know that the subsidy is there.

Again, this has been around since 1992. It was meant to expire in 1999. But it has been extended eight times. If anything is unsure, we are creating that unsurety—or insecurity—when Congress simply goes again and again and renews it.

The Senator from Tennessee had a great column in the Wall Street Journal talking about part of the problem we have when we subsidize this kind of industry and what that does to baseload power—nuclear and coal—in the interim. Does the Senator wish to talk about that?

Mr. ALEXANDER. Yes, and I thank the Senator from Arizona.

The United States uses almost 20 percent of all the electricity in the world, and we need electricity that we can rely on. We don't want to flip the switch and have the lights not come on. We don't want to go to work and have the generators not working. So we use a lot of electricity, and that comes from baseload power. That is typically, in our country, coal, nuclear, and now natural gas.

Wind is intermittent. It usually blows at night. Usually it blows only about a third of the time, and you either use it or lose it. So relying on wind power to run a country that uses 20 percent of all the electricity in the world is the energy equivalent of going to war in sailboats when nuclear ships are available.

Baseload power is undercut by this intermittent wind power because of this subsidy. This subsidy is so large that wind developers can, in some cases, give away their electricity and still make a profit. And in some cases they pay the utilities to take their wind power, making the baseload

power that we need to rely on for the long term less economical. This leads to the closing of nuclear plants and coal plants.

Mr. FLAKE. In that same column, the Senator also talked about the environmental impact. It is often thought that these renewables are all the same in terms of their impact on the environment. But the Senator points out where these need to be built generally, and they are not your typical picturesque windmill somewhere in Holland but something quite different.

He also mentioned what it would take to generate the same amount of power that perhaps eight nuclear powerplants generate, what it would take in terms of these wind units. Does the Senator want to talk a bit about that?

Mr. ALEXANDER. Well, the Senator from Arizona is from the West and I, of course, am from the East. In the Eastern United States, the wind turbines really only work well on ridgetops. I live near ridgetops around the Great Smoky Mountains National Park. If we ran wind turbines from Georgia to Maine along the Appalachian Trail, we would only produce about the same amount of electricity that eight nuclear power plants would produce. And we would still need the nuclear power plants or the coal plants or natural gas plants to produce electricity when the wind isn't blowing. We don't want to see those 20-story towers on top of our ridgetops. You can see the blinking lights from 20 miles away. I think they destroy the environment in the name of saving the environment.

There are appropriate places for wind power, and it has an appropriate place in the market. I would ask the Senator from Arizona, isn't it time for wind to stand on its own in our marketplace and compete with other forms of electricity?

Mr. FLAKE. Yes. And I want to point out as well that neither of us is saying there is no place for wind energy.

Mr. ALEXANDER. Correct.

Mr. FLAKE. It is an increasing part of our energy load. In fact, the most new capacity actually went to wind as a percentage of the current output. There is an important place for it. It can and is being done in environmentally sensitive ways around the country. But it is time for the Federal subsidy to end.

The problem is, when we distort the market the way we do—when at times you can actually pay a utility to take your power because that is the only time the wind is blowing, at night, and still make a profit from the Federal subsidy—there is a distortion in the markets we just shouldn't have, and we ought to let capital flow where it is most needed.

So neither of us is saying there is no place for wind energy, but there is no place now or no reason to continue for the ninth time an extension of this Federal subsidy for wind.

Mr. ALEXANDER. I would say to the Senator from Arizona, just to be specific about this—negative pricing, as we call it—the opportunity for a wind developer at, say, 3 o'clock in the morning in Chicago to literally pay the utility to take the wind power, thereby causing the nuclear plant or the coal plant to be less useful, is contributing—it is not the whole reason, but it is contributing to the closing of nuclear plants.

The Center for Strategic and International Studies said that because of the low price of natural gas and this subsidy for wind, we might lose as many as 25 percent of our nuclear plants in the next 10 years. Nuclear power produces 60 percent of the carbon-free, sulfur-free, nitrogen-free electricity—air pollution-free electricity. A number of environmental groups have begun to point out their concern for what would happen to our air, if we lost this important source of clean generation of electricity.

This is just one more reason we should let wind take its natural place in the marketplace. Wind is now 4 percent of all the electricity that we produce. It was, as the Senator said, the fastest growing form of generation, so let it compete. Let it go where it should go. Offshore is another place it could go. But it is time to end the subsidy and let wind stand on its own.

Mr. FLAKE. I thank the Senator.

Senator ALEXANDER and I are introducing an amendment to the tax extenders bill currently on the floor. This amendment would simply strike that extension, do away with it completely.

We also have another amendment as to when producers of wind energy claim the subsidy right now, they can claim it now but not have the clock start until they start producing. So if they do not start producing for another 10 years, the end point of that subsidy is a full 20 years from now and taxpayers are on the hook much longer than was anticipated. So this would simply say that the point at which the subsidy begins has to be immediately so we won't go too far in the future.

Those amendments will be introduced tomorrow, and we hope to be able to debate those on the floor with this bill.

Mr. ALEXANDER. I thank the Senator for his leadership. And when we talk about a 1-year or 2-year extension, it is important to note that we are talking about the next 10 years. Let's say I qualify for the production tax credit—I am a wind developer this year, which means I get that credit for the next 10 years. That is why the 2-year extension of the wind production tax credit really spends tax dollars over the next 11 years when you count both those years. It totals \$13 billion. We throw dollars around so much here, it is hard to get a sense of how much \$13 billion is. In 2012 we spent \$10 bil-

lion government-wide on all of energy research. It would be much better to use these dollars to reduce the debt or to use some of it for clean energy research. We need low-cost, clean, cheap energy. In my view, energy research is a much better use of taxpayer dollars, when they are available, than long-term subsidies. After nearly twenty-two years and eight renewals, the wind PTC has been around for far too long.

Ronald Reagan was right. I hope to prove him wrong on this one—that the wind PTC finally comes to an end.

Mr. FLAKE. I thank the Senator.

I have just one other point. The second amendment, as I mentioned—and the Senator mentioned that this 2-year extension leads to another 10 years in subsidies. Depending on when they actually start production, it could be another 20 years. So it really distorts our budget process, our appropriations and authorizations and everything else, for a longer period of time than it should.

I thank the Senator for his work and look forward to hopefully seeing these amendments debated.

I yield the floor, unless the Senator has any closing remarks.

Mr. ALEXANDER. No, I do not. I guess, in summary, after nearly 22 years, it is time for wind production to step out on its own in the marketplace. Let's save \$13 billion, and let's stop distorting the marketplace and undercutting nuclear plants as well as coal plants, and let's stop destroying the environment in the name of saving the environment.

I thank the Senator from Arizona for his leadership.

Madam President, I ask unanimous consent to have printed in the RECORD following our colloquy an op-ed in the Wall Street Journal of May 7, 2014, entitled "Wind-Power Tax Credits Need To Be Blown Away."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 7, 2014]  
WIND-POWER TAX CREDITS NEED TO BE BLOWN AWAY

(By Lamar Alexander)

The U.S. Senate is poised to resurrect Washington's most conspicuous, wasteful taxpayer subsidy—the wind-production tax credit.

This giveaway expired in December. Yet on April 3 the Senate Finance Committee gave it new life by approving a \$13 billion, two-year renewal within a package of 55 "tax extenders." Once again, Washington is proving Ronald Reagan's observation that "the nearest thing to eternal life that we'll ever see on this Earth is a government program."

The wind-production tax credit was first enacted in 1992. At the time, wind-power was considered a kind of "infant industry," needing help to bring its technology up to speed and lead to lower costs. The tax credit has since been reborn eight times, even though President Obama's Energy Secretary Stephen Chu in 2011 said that wind power is a "mature technology." A mature technology should stand on its own in the marketplace.

The 2.3-cent tax credit for each kilowatt-hour of wind-power electricity produced is sometimes worth more than the energy it subsidizes. Sometimes in some markets, for example in Texas and Illinois, the subsidy is so large that wind producers have paid utilities to take their electricity and still make a profit.

The wind-production tax credit should not be renewed for three principal reasons:

1. It wastes money. The proposed two-year extension would cost taxpayers nearly \$13 billion over the next 10 years, according to the Joint Congressional Committee on Taxation. In 2013, when Congress renewed the subsidy for one year, the cost was nearly \$12 billion over 10 years. This is more than the federal government spends on energy research in one year.

A better use of taxpayer dollars would be to reduce the ballooning federal debt or to invest in research to find new forms of cheap, clean, reliable electricity. For example, what about a substantial cash prize from the U.S. Department of Energy for creating a truly commercial use for carbon captured from coal and natural-gas plants? Such a discovery would be the Holy Grail of clean energy—permitting the use of coal world-wide to produce an abundant supply of cheap, clean, reliable electricity to reduce poverty while protecting the environment.

2. The wind subsidy undercuts reliable “baseload” electricity such as nuclear and coal. Let’s say it’s 3 a.m. in Chicago. The wind is blowing, which it usually does at night when consumers are asleep and don’t need as much electricity. Because of the subsidy, wind producers can pay utilities to take their power and still make a profit.

But the electricity generated from coal and nuclear plants—which are hard to turn on and off—becomes less economical. As a result, utilities have an incentive to close these “baseload” plants. Negative pricing tied to wind power, along with the low price of natural gas, is causing utilities to close nuclear plants. The Center for Strategic and International Studies says that as many as 25% of our country’s 100 nuclear plants might close over the next 10 years.

On April 28, environmental groups, including the Center for Climate and Energy Solutions and Nuclear Matters, announced they held an event in Washington at the National Press Club—that they were concerned about losing clean nuclear power, which provides 60% of America’s air-pollution-free electricity. And, in a country that consumes 20% of the world’s electricity, relying on windmills when nuclear power is available is the energy equivalent of going to war in sailboats when nuclear ships are available.

These are the consequences of government subsidies that pick winners and losers in the marketplace.

3. Wind-power subsidies destroy the environment in the name of saving the environment. The wind turbines that generate power in this country do not resemble the charming, picturesque windmills that dot the Dutch landscape. Instead, they are 20 stories high. Their blinking lights can be seen for miles. Their noise disturbs neighbors. Their transmission lines scar neighborhoods and open spaces.

In the Eastern U.S., onshore wind turbines work best on ridge tops. You would have to stretch these giant windmills the length of the Appalachian Trail, from Georgia to Maine, to equal the power produced by eight nuclear-power plants. And since wind turbines produce power only when the wind blows (about one-third of the time), even if

you built that many windmills, you’d still have to build nuclear or other power plants to produce reliable electricity for computers, jobs and homes.

After nearly 22 years, eight resurrections and billions of taxpayer subsidies, it’s time to let the marketplace rule and allow wind power to rise or fall on its own. Save our money, save our nuclear plants and save our mountaintops.

Mr. ALEXANDER. Madam President, the so-called tax extenders bill is the subject of discussion—55 provisions in the Tax Code to be extended that have expired or are expiring. The wind production tax credit is one of those. I hope the majority leader will do what the Senate should do, which is to allow those of us who have amendments—like the Senator from Arizona and I, who have offered two amendments related to the wind production tax credit—to have our say on behalf of the people of Tennessee and Arizona and the American people and to not impose the gag rule on the American people, which has become the practice here in the Senate.

The only reason we are really here is to have a say and to have a vote on behalf of the people who have elected us. If an important bill, such as the tax extenders bill, comes forward and we have a \$13 billion expenditure that Americans feel strongly about, we ought to have a vote. We ought to have a say.

So I hope very much, as we move forward, the majority leader will bring us back to the time when the Senate offered a chance to have a vote, to have a say on behalf of the people of the United States. We might not win our vote, we might lose our vote, but we will have had our say.

This is the body in the American constitutional framework that has been described in the most recent history of the Senate as the one authentic bit of genius in the American system of government. That is because we have to have consensus before we move ahead, and you only govern a complex country such as this by consensus. That is what 60 votes is about. That is what debate is about. We have gotten far away from that—far away from that.

So this would be a good time to drop this notion of the gag rule on the American people, this business of cutting off amendments, cutting off debates, and say: We welcome amendments. We welcome debate. We will vote them up, we will vote them down, pass them in a responsible way, and we will go on to the next one.

So it is my hope that Senator FLAKE’s amendments, which I am proud to cosponsor—both of them—will be one of several amendments on the tax extenders bill to be allowed a vote when that bill comes up.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

#### RUSSIA-UKRAINE

Mr. NELSON. Madam President, a number of people have asked me to comment about the situation since President Putin has moved aggressively with regard to Crimea and Eastern Ukraine, which has therefore brought about some retaliation of sanctions by the United States against Russia.

We are now hearing comments—a number of troubling statements—coming out of Russia by the Deputy Prime Minister, who has the responsibility for defense and aerospace, regarding the U.S. development of rockets that can again take Americans, on American rockets, to and from the International Space Station. He has made a sarcastic comment, something to the effect of, well, how do the Americans think they are going to get to the space station—on a trampoline? And then most recently a statement having been issued in his name that the Russian rocket company will not sell the very efficient and very energetic Russian rocket engine, the RD-180, to the United States for military purposes.

This is a very complex issue. It affects not only our military access to space, it affects our civilian access to space. I will see if I can dissect this in about 4 minutes, as a number of people have asked me about this. This will be an issue, for example, next week in the markup in the Senate Armed Services Committee of the Armed Services Defense authorization bill.

First, let’s go back and see the history. How do we have this relationship with Russia and what is it?

In the midst of the Cold War, when there were the two super powers, the Soviet Union and the United States decided to cooperate in space in the civilian program. In the midst of the Cold War, a Russian Soyuz and an American Apollo spacecraft—Apollo-Soyuz as it is known—rendezvoused and docked, and the crews lived together in space for 9 days in 1975.

By the way, those two crews led by General Alexsei Leonov of the Soviet Union and Gen. Tom Stafford, U.S. Air Force, NASA astronaut, Apollo 10 that went to the Moon—they are close personal friends and have seen each other over the course of the years many times.

In 1985 I had the privilege as a young Congressman to take a delegation to the Soviet Union on the occasion of the 10th anniversary of Apollo-Soyuz, with our Apollo astronauts joining in Moscow with the Soviet cosmonauts. So there is a long history.

But now fast forward to, I believe, the year 1991 and the complete destruction of the old Soviet Union. All the satellite states went elsewhere. By the way, this was in August and September of 1991, interestingly, after a delegation of American astronauts and Soviet cosmonauts in April of 1991 all joined together out at Star City where they

train their cosmonauts, and then we all went in a Soviet military plane out to Kazakhstan to the launch site on the occasion of the 30th anniversary of the launch of the first human into space—a Russian, Yuri Gagarin. A few months later, the Soviet Union disintegrated.

So the United States had a choice to make: All of those very bright, very effective Russian scientists in their defense program and in their space program—and often their civilian space program was directly linked to their Soviet military program—where were all those scientists going to go? We didn't want them to go to Iran, North Korea, and China.

So I believe Senator Sam Nunn, a Democrat, and Senator Dick Lugar, a Republican, led the effort to put together the Nunn-Lugar bill, which started sending American assistance to try to stop the scientists from fleeing into other hands and especially to corral all of the nuclear weapons the Soviet Union had, and that was done very effectively.

Then when Russia opened its former Soviet closed doors, we found out Russian scientists and engineers had manufactured this exceptionally efficient and powerful engine, kerosene and LOx—liquid oxygen—called the RD-180. As a result, we worked out a deal between American aerospace companies and the Russian company Energomash, where instead of these engines going all across the world, we were going to use them together. So the United States through its rocket manufacturers—I believe Pratt & Whitney—got the license to this and the plans to the engine, but they also had an agreement that they would buy these from the Russian rocket manufacturer.

Today that engine is a staple and necessary engine in our stable of horses to get into space, both military and civilian, because it is the main engines on what we use today, the Atlas V rocket. This is a proven rocket. It has had an unblemished record, and that unblemished record has been something close to, if not over, 100 straight flights without a flaw. It is being planned in the future by Boeing to put a Boeing spacecraft on top of that rocket for humans to go to and from the space station. Another company called Sierra Nevada has created a smaller winged spacecraft also for humans—not unlike the space shuttle but much smaller—that will go on top of the Atlas V. They, along with a third competitor, SpaceX, which has built its own rocket called the Falcon 9, with its spacecraft the Dragon capsule—those three will compete to see if one or all three will deliver humans—American and Russian—to the International Space Station in the future instead of us having to rely, after we shut down the space shuttle, on the only manned, human-tested rocket to

get us to and from the space station now, which is the Soyuz, the Russian rocket that launches from Baikonur, Kazakhstan.

If this isn't confusing enough, the Deputy Prime Minister—provoked because the United States has responded to President Putin's aggression—says he is going to stop selling the Energomash rocket to the United States for military purposes.

The question is, Is he going to continue to sell that rocket engine for civilian purposes—which I just outlined in this competition that is coming up—and if this is accurate and it holds, what to do for the United States?

We have several options.

First of all, we have a 2-year supply of these engines on the shelf. If in 2 years we think the Russians are not going to continue to sell this—and, by the way, this is a real jobmaker for Russians and a moneymaker for them. The aerospace industry in Russia wants to continue to sell this engine, but if the politics get in the way and they cut it off, then what is the United States to do? We have to figure that out. Right now there is a study going on in the Department of Defense as to how we would handle it. We have a 2-year supply. One of the options they will look at is stretching that out over time, putting some of those payloads on other rockets. Some of those payloads can go on the very successful Falcon 9, but there are heavier payloads that cannot go on the Falcon 9 that could go on the Atlas V. But if the Atlas V is not flying, they will have to go on a more expensive and heavier lift, Delta IV Heavy. So we see how complicated this gets.

Then the question is, If they are not going to sell these engines for military purposes, can we bank on it that they would sell these engines for NASA civilian purposes? That is a big question mark.

So one of the issues in this DOD study is going to be can we manufacture since we have the plans. We don't know the answer at this point. It is an extremely complicated metallurgy process which they have perfected in all of those years in the old Soviet Union. We would have to start flat-footed, even though we have the plans, and figure out how to do all the design equipment, all the processing equipment, and then try to get the engines ready—and at some point what would a follow-on engine look like?

That is about the best I can summarize the situation, and we are going to have some major decisions to make, depending on what we see in the DOD study.

First of all, we are going to have to know how we have assured access to space for defense purposes for the national security of this country.

Secondly, we are going to have to have assured access to space for the ci-

vilian program so this incredible International Space Station that we have built with 15 nations, including the Russians, who have been a major part—how we are going to keep that operating and get Americans to and from it because the Russians cannot operate the space station by themselves.

In the first place, a lot of the Russian commands to their own modules actually are commands that go through the Johnson Space Center in Texas. Secondly, the Russians depend on all the electricity that is generated on the International Space Station from the American electrical systems. So we are going to have to continue to operate it together. The Deputy Prime Minister implied that; that he would continue to do that through year 2020, but the space station is going to have a life—and should have—well into the decade of the 2030s.

These are the questions we are going to have to answer and they are going to have to be answered in the near future. In part, some of them are going to have to be answered next week as we start to mark up the Defense authorization bill.

I wanted to give the Senate, and all of those in the press who have been asking me, the best of what I could conclude at this point and then we will see what develops. There was the new development, as I mentioned yesterday, where the Deputy Prime Minister said they will not sell the RD-180 to America for military purposes. If that holds, then we have to swing into action pretty quickly.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania.

#### EXPIRE ACT

Mr. CASEY. Thank you, Madam President. I rise to talk about the legislation we are considering, the so-called EXPIRE Act, and we want to make sure that as we are focusing on the policy—and I will get to that in a moment—we highlight for emphasis that this was a measure that came out of the Senate Finance Committee in a bipartisan fashion. In fact, it was unanimous coming out of the committee.

We had a good discussion and debate about various tax provisions that we wanted to extend for 2 more years, and because of that there was a great interest in the subject matter. Rarely have we seen the kind of bipartisan support that we have seen in the committee for these tax provisions, and I think that bipartisanship will continue as we move forward with the legislation on the floor.

The bill came out of our committee recently and it does enjoy bipartisan support. I wish to concentrate on the small business provision. As you know, if you went down the list of these extensions of tax provisions generically known as tax extenders, you could cover a huge array of subjects by virtue of the whole bill. I am going to

focus for a couple minutes on the small business provisions.

We often hear from small business owners—and I hear it all the time in Pennsylvania and I am sure others hear it in their home States as well—about the lack of certainty. Frequently, business owners say they don't have certainty about where their business will go next because of what Washington has not been getting done. One of the reasons it is so important to get this bill passed in a bipartisan fashion—that alone is a measure of certainty for folks seeing so much partisanship here, but also giving a timeframe of 2 years helps alleviate uncertainty as well.

It is an especially urgent issue when it comes to small business owners. They don't often have the capacity to go out and hire a lot of experts to help them with compliance, to help them understand or deal with on a regular basis tax provisions or substantial changes in health care and public policy. So having a measure of certainty is a significant issue in the life of a small business owner.

All too often we minimize the impact of tax incentives by failing to renew critical provisions in a timely manner. Business owners need that basic certainty, which is why the work we have done on small business issues is particularly significant. I am proud of the work Senator COLLINS of Maine and I have done to introduce legislation which would allow small businesses to plan for capital investment that is so vital to job creation. This common-sense proposal would introduce certainty to businesses, especially small businesses, increase economic activity and the pace of job creation. A number of the provisions in the bill that I have worked on with Senator COLLINS are in the EXPIRE Act, the legislation we are dealing with on the floor.

I believe we have to create a favorable environment in order for businesses to make investments that create jobs and grow the economy. Small businesses are vital to our economy. That said, I am not sure we often fully understand how significant an impact small business has on the country, when we consider that small firms comprise more than 98 percent of all employers. Nearly half of the Pennsylvania workforce is on their payroll, to get a sense of the dimensions, reach and scope of small businesses in a State such as Pennsylvania, but of course that is true across the Nation.

Small firms nationally employ just over half of the private sector workforce, according to the Small Business Administration. Small businesses also have led the charge to put America back to work. According to the SBA, small businesses have created 64 percent of the net new jobs over the past 15 years. Again, we sometimes don't fully appreciate the impact of small

business. The most recent monthly employment report by the payroll processor ADP showed that small- and medium-sized firms accounted for more than 80 percent of the job growth in January of this year. So a short-term recent number of job creation, small business is accounting for 80 percent of that, but even when we look at a longer period of time, over the past 15 years, small business is creating 64 percent of the net new jobs. So we need to do everything we can in the Senate and the House to invest in strategies that will help small businesses so they can grow and invest.

Unfortunately, many tax provisions affecting small businesses have recently been enacted on an unpredictable and temporary basis. That is an understatement. When we talk about certainty or uncertainty, this is part of what we are talking about. This uncertainty directly and substantially hinders economic growth and job creation. When businesses don't know how their investments will be taxed, they cannot make long-term planning decisions with confidence. You don't have to be a small business owner to understand that it is especially difficult for a small business owner to hire a legion of lawyers, accountants or other professionals to help them. Sometimes a small business owner does everything. You know the old expression "chief cook and bottle washer." They do everything. They don't have the luxury of hiring a compliance team for every issue, and it is especially difficult in this uncertain environment. So this uncertainty about tax policy disproportionately harms these small businesses.

We often say these are the firms that are the backbone of the American economy. Yet they don't have the luxury that larger firms do to have a team of experts around them or a team they can retain. The National Federation of Independent Business says that compliance costs are 67 percent higher for small firms than larger ones. The Small Business Administration claims that tax paperwork is the most expensive paperwork burden on small businesses, at \$74 an hour. So they are paying \$74 an hour in terms of tax compliance paperwork, and their overall compliance costs are 67 percent higher than large firms.

This legislation includes several provisions intended to immediately reduce the uncertainty about the Tax Code and encourage businesses to grow and invest and hire. These measures have bipartisan support and adopt proposals from both parties. One measure includes a 15-year straight-line depreciation schedule for restaurant leaseholds and retail improvements. In April last year Senator CORNYN from Texas and I introduced a bill that contains this provision which has bipartisan support. If a restaurant wanted to add a new

room with 5 or 10 tables in a service space, that is a pretty big investment. They have to build, grow, and spend a lot of money to do that. There is a depreciation benefit provided to that business which historically has been over the course of 39 years. Recently we shrunk that timeframe down to 15 years. Instead of giving little, tiny slices of depreciation, the benefit is more substantial over the course of 15 years, and the bottom line is we want it to stay at 15 years and not go back to the 39 years. I am not sure what the benefit would be if someone added a couple of tables to their restaurant in 2014 and had to wait 39 years to reap that benefit.

So the legislation Senator CORNYN and I have would maintain that 15-year cost recovery provision and make it permanent. The bill addresses this, albeit for a 2-year timeframe instead of the current year. We know this faster so-called cost recovery is directly reflected in the company's bottom line and frees cash that can be used to expand operations and hire more workers. It stands to reason if you have a greater tax benefit, you have more dollars in your hand, so to speak, and as a restaurant owner you can hire more workers in the near term. So maximizing certainty within the Tax Code is an expressed benefit for these small businesses.

A study from the National Restaurant Association found that uncertainty over depreciation and other tax provisions forced restaurants to forgo improvement projects that would have produced approximately 200,000 jobs nationwide. I would submit that if that number were cut in half it would be a significant number, but their estimate is that in essence we are forgoing 200,000 jobs because of tax uncertainty.

Another provision of the bill that we are debating and discussing would make permanent the maximum allowable deduction under section 179, expensing rules. Section 179 allows taxpayers to deduct certain capital asset purchases in the year they make the purchase. This type of expensing provides an important incentive for businesses to make capital investments. Without it taxpayers would have to depreciate those asset purchases over multiple years, getting a much more short-term benefit because of that tax provision. This maximum allowable deduction under 179 has changed three times in the past 6 years. That is one of the best examples of uncertainty, when things keep changing and the numbers keep changing. One year they can take advantage of one-half million dollars of benefit if they bought new equipment, for example.

What we want to do—I think what is the best policy is to set it at a fairly high level, I would argue one-quarter of a million dollars—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CASEY. Madam President, I ask unanimous consent to speak for 2 more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. Mr. CASEY. That is section 179, and that is another issue addressed in the bill.

The third provision is the so-called bonus depreciation, which helps businesses in much the same way the expensing rules do. The bonus depreciation allows companies to expense half of the cost of qualifying assets that they buy and put into service in the same year. I won't go through all the numbers, but we have heard from companies across the board about that provision as well.

Whether it is provisions that help restaurants, whether it is to help businesses that want to make capital purchases, or whether it is companies that benefit from another year of a tax benefit, this bill allows us to give a measure of certainty for at least 2 years to these businesses and especially those that are small businesses.

I believe this is one of those times where we can fulfill what a lot of people have asked us to do. They have asked us on a daily basis to work together to create jobs. This legislation, which is bipartisan, is one way to come together in a bipartisan fashion to create jobs and give certainty to help our small businesses and to work together—Democrats and Republicans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

#### HEALTH CARE

Mrs. FISCHER. Madam President, I rise to give voice to the thousands of Nebraskans who have contacted my office and continue to contact my office with their concerns about health care.

In 2009 the President made all the Americans a promise. He said:

No matter how we reform health care, we will make this promise to the American people: If you like your doctor, you will be able to keep your doctor, period.

Five years later, it is becoming clear that the President's assurance won't hold true. Many of the millions of Americans who were forced to sign up for ObamaCare-approved health plans are now having trouble finding a doctor or hospital they like that will accept their new insurance.

On May 12 the New York Times reported:

In the midst of all the turmoil in health care these days, one thing is becoming clear: No matter what kind of health plan consumers choose, they will find fewer doctors and hospitals in their network—or pay much more for the privilege of going to any provider they want.

Despite higher rates, new ObamaCare plans include fewer in-network doctors and hospitals than the older health care plans. This diminished access to

health care is a serious problem for Americans who live in rural areas with fewer primary care physicians, forcing some people to drive hours just to see a doctor who will accept their insurance.

I have received letters, emails, and phone calls from over 18,000 Nebraskans who keep saying the same thing: The promises of ObamaCare are not being kept.

For example, Karen and her husband from Kearney essentially lost the doctors they had and liked when they received a notice in the mail indicating that the health care providers they have relied on for years will no longer accept this new insurance.

Here is another example my office received. Douglas, another constituent from Kearney, wrote:

ObamaCare has done one thing, and one thing only, it has threatened my wife and the life of my son.

He goes on to say:

Because of age, and the ACA, my son's doctors retired or quit practicing, and also because of my son becoming an adult, we had to find new doctors. We haven't been denied insurance, but we have been denied doctors. We ended up begging and pleading with doctors to care for my son. [We were] turned down by nine or ten.

I offered a commonsense proposal called the FAIR Act. It would delay the tax on the uninsured anytime the employer mandate is delayed. ObamaCare is picking winners and losers. The big and powerful get help while the vast majority of Nebraskans and millions of Americans are left behind. My bill will level the playing field, giving all Americans that "fair shot." I hope we have the opportunity to debate and vote on my commonsense bill here in the Senate.

I thank the Presiding Officer and yield the floor.

Mr. COATS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senate is not in a quorum call.

The Senator is recognized.

Mr. COATS. Madam President, according to a recent National Federation of Independent Business study, ObamaCare and its tax increases will result in the reduction of up to 285,000 private sector jobs. Let's say they are wrong. Let's say they are exaggerating. After all, the NFIB has not exactly been supportive of ObamaCare. Let's say it is 250,000 or 225,000. Let's say it is 200,000. I think that any piece of legislation that causes one job to be lost is something we should take a second look at, let alone 285,000 jobs.

Even though the administration has moved the goalpost more than 20 times in terms of how Obamacare is enacted, it clearly has hurt far more than it has helped. The majority leader famously said that all the stories that have been stated on this floor have been horror

stories that are not true, but these are real stories. These are people who have contacted my office and talked to me personally. They have written letters and sent emails. They are simply saying: Here is my experience.

Once in a while I come to the floor so I can verbalize the experiences of the people I represent.

Kelly from Fort Wayne, IN, received a letter from her insurance company that said her provider would change her policy due to the Affordable Care Act. Her new policy failed to cover her lifesaving medication, increasing her monthly costs by over 400 percent compared to what she had paid with her previous plan. She said: What am I supposed to do? This medication I have is lifesaving. It is no longer covered by my insurance plan. And the insurance company has indicated that this is the result of the implementation of ObamaCare.

Bruce from Jasper, IN, had to drop his insurance policy and enroll in a new plan that increased his monthly premium by 70 percent. Bruce said: I can't afford this. I am paying a lot of money already. Seventy percent. I thought the President said this won't cost me a penny more, period. I am sure the President regrets using "period" because period means final, no discussion, no debate—trust me, you won't have to pay one penny more.

I talked to Bruce in Jasper, and he is paying 70 percent more.

Traveling across Indiana, I hear these stories from Hoosiers over and over, men and women business owners who are reducing hours, laying off hard-working employees, or closing the doors because of this law's costly requirements. Most importantly, they are very seriously considering dropping any employer-offered coverage whatsoever. They are reducing their workforce, if it is possible, to below 29 hours a workweek so they don't have to provide insurance.

At one national chain, they have stated publicly that they have put all of their thousands of employees on 29-hour workweek schedules so they don't have to subject them to the restrictions imposed upon them under the ObamaCare act.

I don't know how many of these stories we have to share before we try to make some reforms, replacements, or find positive solutions to the problems we face. Republicans have met in caucus. We have some alternatives. We would like to have them considered.

This leads me to my second point. It is clear now that we are not going to be allowed to offer any solutions, any reforms, any changes to any legislation as long as we are here in this session of Congress. We have been allowed nine amendments in the last 10 months. The minority in the House of Representatives has been allowed to offer over 125 amendments in the last 10 months.



People are saying: Wait a minute, I thought in the House the majority rules.

They have a Rules Committee. They decide that maybe they will get one amendment or two amendments. Don't expect to be able to offer amendments if you are in the minority in the House of Representatives.

They say: We won the election. We are the majority.

That is how the House works. I served in the House. I served in the minority for 8 years. I am trying to remember if I was ever allowed amendments. Sometimes our caucus was allowed an amendment.

I came to the Senate and people asked: What is the difference?

I said: The difference is night and day. Any Senator can offer any amendment to any bill at any time.

Then Democratic majority leader, George Mitchell, was following a precedent that had lasted for more than 200 years. The greatest deliberative body in the world deliberated. And, yes, we were here late hours in the evenings sometimes when a Member said: Wait a minute, I have one more amendment. That person was allowed to offer that amendment. We spent many nights into the dark hours working through a bill, but the process worked. That was honored by Republican leaders and Democratic leaders. Only now, at this second iteration of mine—it seems like a bad dream, actually—do we have a leader who has basically said: I am not allowing you any amendments. I don't want to force any votes.

That is not what the Senate was designed to be. That is not what it has been traditionally. Yet here we are facing yet another piece of legislation that looks the same as every other piece of legislation we have been faced with this year. The majority leader will use a procedure called filling the tree. The majority leader is using procedures to shut down the minority, to gag us. It is a gag order by the majority leader. He is basically saying: You don't have the privilege under my leadership of representing the people in your State who voted for you to come here to offer their wishes and their desires and amendments to reform a piece of legislation. I am not giving you that opportunity.

That is what the majority leader is saying over and over.

Now, if a Member is in the majority, I suppose he or she can get their changes modified and moved into the bill that the majority leader brings to the floor. But then he turns to the other side and says: You don't count, none of you. All 45 of you, all 45 Republican Senators here, don't count.

This is a Senate run by 55 people under the dictatorship of the current majority leader, who simply has thrown a gag order on any Republican because they are afraid to debate and

vote on measures they think might negatively impact them, even though they are many times bipartisan-led amendments—amendments supported by Members on the other side of the aisle.

We said: OK, he is turning down anything we offer, but what if we offered it with the support of a Member from the other side?

He turns that down too, so he shuts down his own Members.

It is beyond my comprehension, having served here before and seen the Senate under the leadership of Democratic leaders who caused this body to function in a way where everybody had a voice. We didn't always win our amendments. We were in the minority. We mostly lost our amendments, but we had a chance to offer them. We had a chance to debate them and to try to persuade Members to join us. Sometimes we were fortunate to persuade those Members. Other times they were bills and amendments fashioned together with Democrats and Republicans, brought to the floor in tandem, voted on, and passed, and they were constructive changes. Today, it is, shut up, sit down, don't offer amendments, I am not giving you anything. It defies the history of this place, the tradition of this place, and it has turned us into the world's least deliberative body, not the most deliberative body. There is no deliberation here.

It appears the only way to change this is for the voters to go to the polls and say: Let's get the Senate back to what it is supposed to be.

Let's get to a place where we are not afraid to stand up and take a stand. Let's not be afraid to consider amendments and to say if it passes, it passes, and if it loses, it loses, but at least Members had the opportunity to state their positions and the opportunity to represent the wishes of the people who sent us here.

We are sitting around here being able to do nothing—nothing—because the majority leader said: You are in the minority. I am running this place. It is a one-man show. I am throwing a gag order over all of you, and we are shutting it down.

Now we are coming to the tax extenders. There are good provisions in the bill, there are mediocre provisions, and there are some that probably shouldn't be in there. But shouldn't this be debated? This impacts our economy and impacts our future. There are many things in the tax extenders bill that is coming before us—including research credits and other things that stimulate the economy—some that I think are good and some things that I think are bad. Shouldn't we have the opportunity to try to support the good or eliminate the bad or at least make an effort at that? Yet once again it hasn't happened yet. The pattern has been laid. The majority leader will say:

No, you are not going to have any amendments. We are going to shut this down, and you are going to do it our way.

Apparently, that is the way the majority leader has decided he is going to run the Senate. He makes all kinds of false excuses as to why he has to do what he does, but none of them hold water. I regret that. I think it has turned this place into a dysfunctional body, and I think the burden of responsibility for that falls directly on the shoulders of the majority leader.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I come to the floor today, as my colleague from Indiana has, because the same things he is hearing about at home in Indiana—stories from real people and how their lives have been impacted by the health care law—are stories I am hearing at home every weekend in Wyoming.

I think it is astonishing that the majority leader would come to the floor of the Senate and say these stories we are coming to the floor with are made up, he said, out of whole cloth. These are real people in our communities who have been impacted by the health care law in ways that have been very detrimental to their lives, their livelihood. People have had their hours cut. Their take-home pay is less. They are finding they are having to pay a lot more for insurance. A lot of times it is insurance they don't really want or need or will ever use but the President says they have to buy. They have lost policies that have worked well for them.

I got a recent email from a gentleman, a family in Powell, WY, a community in Park County. He writes: Now that ObamaCare has been deemed to be the most successful government program of all time, let me tell you what it has done for retired middle-class Wyoming citizens like myself.

Of course, he said he was not serious when he said "the most successful government program of all time." He probably heard the President talking about it. He probably heard the President of the United States tell Democrats who voted for this health care law to forcefully defend the law and be proud of it. I haven't heard Members who voted for this actually come to the floor to any degree to forcefully defend and be proud of the law because they know the side effects of the law have been devastating—devastating to families, devastating to people and their paychecks, and devastating to health care in this country.

So back to what my constituent from Powell, WY, said: Health care premiums of nearly \$2,000 a month.

The President said: Oh, no, premiums will drop by \$2,500 a year.

This gentleman said: Health care premiums of nearly \$2,000 per month,



scheduled to go to at least \$2,000 or more per month in July—in parentheses, “unbelievable.”

He then says: Middle-class citizens like my wife and myself, not qualifying for ObamaCare subsidies, having to consider becoming lawbreakers by forgoing health insurance for ourselves or at least one of us—in parentheses, “probably myself because I am the healthier of the two”—and paying the fine.

He then said: If we do No. 2 above—about disobeying the law and paying the fine—we will have to look into seeking cheaper care outside the United States, probably Mexico, for serious problems.

Is that what the President of the United States intended, to have people seek care in Mexico because they can't afford the Obama health care law and the mandates and all of the insurance that they don't need, don't want, won't use, and can't afford? It is not what the President promised the American people. He said if they like what they have they can keep it. But, of course, that was deemed the lie of the year.

So I guess that is how the American people view the President of the United States now and can't really consider his comments to be credible. So when he says forcefully defend and be proud of the health care law, I think the American people realize that the President has sold the law to them under false promises and the Democrats are clearly not standing up and defending what they know is hurting their constituents. The President is in his bubble, and he hears only what he wants to hear. But I think Members on the Democratic side of the aisle, who go home and listen to people, know these stories are true, unlike what the majority leader says—that they are just made up.

The gentleman goes on to say: I could look into residence in another State to see if health care insurance is available cheaper. I don't know if it is or not, but I understand that Wyoming has the highest or near highest health insurance premiums.

Then he ends by saying: Is this what Obama and the Federal Government consider fair?

The President goes on TV and says that everybody ought to have a fair shot. Is this what the President of the United States considers fair? Is this what he means by a fair shot? People all across the country are going to be asking themselves that question as they take a look at the impact of this health care law on their own lives, their own families, the ability to keep their doctors. We know many people have lost the doctor they like in the sense that they can't go to that doctor. They know they can't go to the same hospital. We know many were not able to keep the insurance they had. We know many have had hours cut.

In an effort to try to help people who didn't have insurance, I think the President of the United States and Democrats should not have hurt so many individuals across the country, so many people who already had insurance. There may be people who are newly insured, but there are also people who are newly uninsured, and it is because of the President's health care law. Are there side effects? You better believe it. They are harmful. They are costly. Many families have been devastated by the health care law.

I have another letter from a family in Lingle, WY. This is somebody who knows I am a doctor, knows my record of treating patients around Wyoming and working with families all across the State. She said: I know you're interested in the number of people who are uninsured after the rollout of the ACA. She said: My husband and I started investigating the ACA in October. The Presiding Officer will remember they opened the exchanges in October. The President, right before that, said it was going to be easier to use than Amazon and cheaper than your cell phone bill. She said: So we started investigating in October, and we were finally able to establish an account in March.

That is what the American people think about the capability of this government and this administration. You start working on something in October, and you finally establish an account in March because of the incompetence of a bureaucracy and an administration that says one thing, does another, promises something, and delivers something very different.

She said: We found that our premiums would be one-third of our annual income—one-third of our annual income—with a \$6,000 copay and a \$12,000 deductible.

Those are the numbers—one-third of their annual income, a \$6,000 copay, a \$12,000 deductible—and the majority leader comes to the floor and says we are making this stuff up. These are letters from our constituents, people who live in our States, people whom we see on weekends when we go home.

She goes on to say: We have been uninsured for 7 years due to the costs, which we are told is due to our age, even though we are in good health. So as of today we are still uninsured.

So they started in October, finally established an account in March, and as of the date this was written in April, they were still uninsured.

She said: We don't have any idea what will happen if one of us gets sick or has an accident. How will we pay the bills?

Then she finishes by saying: Keep fighting for the people of Wyoming. As a doctor, you know what a precarious position we are in.

I wish the President of the United States and the majority leader would

realize what a precarious position they have placed the American public in—an American public who knew what they wanted with health care reform. They wanted the care they need, from a doctor they choose, at lower cost. That is not what they got. They got more mandates, more expensive care, higher deductibles, higher copays. Many people had their policies cancelled.

We know with the 30-hour work rule communities are cutting the hours of workers so their take-home pay goes down. We are not talking about businesses here, although it is happening in the business world as well. It is also happening in communities—school districts that are saying: Well, we are going to have to cut the hours of substitute teachers, we are going to have to cut the hours of the school bus drivers, of the coaches, of a number of part-time workers. Why? Because of the health care law.

These are side effects of the law. They are harmful. They are expensive. They have an impact on people's lives to a point that I think the President wants to ignore because the President is hoping people on his side of the aisle will forcefully defend and be proud of a law that there is little to be proud of that really is not able to be defended because the implications of the side effects have been devastating to many, and especially to Americans who have gotten their insurance cancelled and find their only choice is more expensive insurance, higher copays, and higher deductibles. But for families all across the country, when a mother finds she cannot take her child to that pediatrician—the one who has known that child since the baby was born—now, because of the health care law, she cannot take her child to that pediatrician, they cannot go to the hospital in their community; they have to drive distances, instead, because of the health care law, which was intended to help people but has ended up hurting, in my opinion, more people than it has helped.

I thank the Presiding Officer.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from North Dakota.

**MR. HOEVEN.** Madam President, I rise to speak with regard to ObamaCare. The good Senator from Wyoming made compelling points, as did the Senator from Indiana before him.

What I would like to do is to start for a minute by reading from some letters I have received from constituents in my State with regard to ObamaCare or the Affordable Care Act. These are from hard-working people who are trying to figure out what to do about their health insurance with ObamaCare in place. I think really those are the voices that speak louder than any others—the voices of people from across this great country who live in all of

our States—and they are writing to Members of this body and say: Hey, here is what I am experiencing. So this is not just coming down and expressing an opinion on the Affordable Care Act. This is what people are saying. This is what they are telling us. I think it is very important we take the time to listen and to understand the very real difficulties they are having with something that is so vitally important to all of us, and that is health insurance.

I would like to start by reading some of these letters. The first one is from somebody who lives in the Fargo area. They start out:

I live in West Fargo and my Employer is based out of South Dakota.

In 2011 I obtained my own Family Health Care Insurance due to a job change and my new employer's Health Care coverage seemed excessive. In doing this I found coverage as follows:

So they signed up for a policy that is an 80/20 copay, with a \$1,000 deductible, with a \$4,000 out-of-pocket maximum, with monthly premiums of just over \$800—\$809. That was provided through Blue Cross Blue Shield.

The individual goes on to write:

At the time this was more than \$300 less costly than my new employer's monthly premium for similar coverage.

I recently received a notice from [Blue Cross Blue Shield] that my coverage will be discontinued on May 1st, 2014 due to the Affordable Care Act.

So they received a notice that their insurance is being discontinued due to the Affordable Care Act.

Listed below are the options which are most similar to my current coverage:

Now, instead of an 80/20 copay, it is a 70/30 copay, so the copay is higher. There is a \$2,000 deductible. So instead of a \$1,000 deductible, that doubled. Now it is a \$2,000 deductible. There is a \$9,000 out-of-pocket maximum, compared to what this individual had before, which was a \$4,000 out-of-pocket maximum. So it more than doubled the out-of-pocket maximum. There is a monthly premium of \$1,625. That is compared to an \$809 premium. So the premium doubled. So for a higher copay, for a higher deductible, for a higher out-of-pocket maximum, they are paying double the premium. If they wanted to go to another policy, it was an even higher deductible.

The individual goes on to say:

We are NOT eligible for Tax Credits because my employer offers affordable health coverage.

So because the employer offers a policy, this individual is not eligible for any tax credits.

At this point my best option is to obtain my employer's health coverage. However Open enrollment is not until August 2014.

So the individual has to wait until August.

My HR department along with my current Insurance Specialist has contacted [Blue Cross Blue Shield] and asked that this be

considered a "Life Changing Event" so I can join the employer plan by the May 1st deadline. They will not classify it as such. I asked if I could pay some type of early sign on fee. They indicated that is not an option.

So if I cannot join my employer's plan, my BEST options for coverage are those options listed above—

The ones I just read—

which are at best a 37% increase—

"[A]t best a 37% increase"—

in monthly premium with a 110% or more increase in deductible and out of pocket max.

So let me say that one more time. This individual's best options now with the Affordable Care Act are a 37-percent increase in the monthly premium, with a 110-percent or more increase in the deductible and the out-of-pocket maximum.

Then the individual finishes:

Do you see my frustration?

This is just one of the letters we have received, but it is representative of so many others.

How can that be an affordable care act? How is that affordable care?

Here is another one.

My insurance premium tripled for less coverage. I thought our insurance was supposed to stay the same if we had it. . . . Please put a stop to it! It isn't right to make people pay for something they may not be able to afford. I already had health insurance! I also send money to my sister to help with her baby. Now I won't be able to do that.

That is another letter—a real person, a real situation.

Here is one:

To Our Elected Representatives: We petition you not as Democrats, Republicans, Independents or members of any special interest group, but as concerned taxpayers. We urge of all of our elected representatives to vote against this administration's health care plan. The nonpartisan Congressional Budget Office has estimated that the cost will be more than \$1 trillion over 10 years and we know from experience that it will cost far more than any government estimate.

Well, these stories go on, and I know I have colleagues who are waiting to speak, as well, during this time slot. So rather than continue to go through these letters—and I have many more; I brought more than I anticipated reading today—I will come back again and read some more of these.

But I want to conclude with what I believe is the right approach, and I think it is something Republicans are talking about and have been talking about and will continue to talk about. So when we come down and say the Affordable Care Act is not working, do not just take our word for it. Listen to the people from across this country who are writing to us and telling us their very real stories. Sometimes you hear: Well, but you don't have a solution. That is wrong. We do. We absolutely have a solution, and we have talked about it over and over on this floor and in every other venue where someone is willing to listen.

We need to implement a comprehensive approach, and we need to do it on a step-by-step basis so people understand it and know exactly what we are putting in place. It needs to be an approach that empowers people to make their own choices—their own choices—about their health care insurance and their health care providers. Again, I want to repeat that: They choose their own policy and their health care providers.

It includes market-based reforms that promote competition, that will help increase choice, not reduce choice, and competition that will help bring prices down, not see them continue to spike higher. It includes aspects such as tort reform, to reduce the cost of health care. It includes allowing insurance companies to sell policies across State lines. It includes expanding health savings accounts, so individuals can combine high-deductible health care policies with a tax-deductible savings account. It includes reform of Medicare and Medicaid, to give States more control and to encourage the kind of reforms that will improve service, improve outcomes, and reduce costs.

That is the kind of approach that truly serves the American public. That is the kind of approach we will continue to work, on behalf of the citizens of our respective States in this great Nation, to put in place.

With that, I see my esteemed colleague from the great State of Mississippi is in the Chamber. I yield for the good Senator.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, my impressions of the so-called Patient Protection and Affordable Care Act are that it is too costly, too complex, and too intrusive.

Small business owners in my State have been particularly vocal about having to choose between making payroll or paying the increasing costs of insurance.

Many small business owners would like to provide health insurance for their workers but are finding the premium costs are just too expensive. A small business owner in Hattiesburg, for example, who in the past paid 100 percent of the premiums for his employees was recently informed of a 21-percent increase in these costs. He is having to choose between reducing staff or shifting the health insurance costs to his employees.

Another constituent from Southaven reported to me that his son's work hours were cut to fewer than 30 per week so that his employer would not be forced to purchase insurance coverage. With his hours reduced, he cannot afford the private insurance that he had hoped to be able to purchase.

The administration has struggled to implement several of the health care

law's mandates. Billions of dollars have been spent on a flawed enrollment system that has not made significant progress in reducing the number of uninsured Americans. The stories I have heard from my State confirm for me that the Affordable Care Act is an unfixable and expensive mess, and it should be repealed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. RISCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RISCH. Madam President, I come to the floor today to talk about a case involving ObamaCare and an Idaho resident. She has asked me to state her case. It is one of many such cases that I have. I did not pick this one because it is the most egregious or anything else. I picked it because this is an effect that ObamaCare is having on ordinary American people, people who deserve better, people who deserve a government that will help them and will leave them alone when leaving alone is the right thing to do.

She writes to me and says that her husband's company will no longer be offering health insurance next year. Of course, that is the result of ObamaCare. We have all heard the reasons why many companies are abandoning offering health care to their employees. Be that as it may—and there is a lot of reasons for that, none of which are good—these people are caught in this spot.

Right now, through her husband's business, they are paying \$700 a month. They get 80-percent coverage for that \$700 a month. Their deductible is \$2,500 each. They are told, through the exchange, through which they have shopped in Idaho, that the new coverage they are going to get is going to cost them \$1,400 a month. So that is exactly double what they are paying now.

One would think you would get double benefits, right? Wrong. Because of the government involvement in this, instead of 80-percent coverage, they are going to get 70-percent coverage. Instead of a \$2,500 deductible, they are going to have a \$5,000 deductible.

Well, who are these people? They are ordinary, regular American people. They are 60 years old. They do not qualify for a tax subsidy. They tell me that now the cost of their health insurance is going to be three times what they are paying for the cost of their house. They told me: Senator, we are not extravagant people. We live in a 1,400-square foot house. We do not take vacations, never bought a new car, raised our kids, and saved for their educations. Both of us went to college.

They talk about how they taught their children to pay their taxes and to

work hard and be contributing members of society.

The PRESIDING OFFICER. The time controlled by the Republicans has expired.

The PRESIDING OFFICER (Mr. BROWN.) The Democratic whip.

Mr. DURBIN. How much time do we have on the Democratic side?

The PRESIDING OFFICER. The Democrats control the next 45 minutes.

#### COLLEGE AFFORDABILITY

Mr. DURBIN. Madam President, this week Democrats are going to continue the conversation about college affordability. I was joining Senator ELIZABETH WARREN of Massachusetts, JACK REED of Rhode Island, AL FRANKEN of Minnesota and many others—in fact, 24 others, to introduce the Bank on Students Emergency Loan Refinancing Act.

Why are we talking about student loans? Ask working families; ask their kids why we are talking about it. Because there is more student loan debt in America today than there is credit card debt. It is huge. It is growing. If you finished college a few years back like me and had a student loan that worried you, you would not believe what students are facing today.

The average student coming out of college: \$25,000 in debt. Imagine sitting down at the desk in the college admissions office at age 19 as they push the papers across the desk to you and ask you to sign up for \$10,000, \$15,000 or \$20,000 in loans so that you can start your class on Monday. There you sit with \$20,000 in loans to start your class on Monday. You are 19 years old.

Wait a minute. Mom and dad have to cosign them with you. That is not unusual. So now it is a family debt. I had a press conference in Chicago on Monday. This wonderful woman came in and told the story about how she and her husband with two sons were determined to get them both through college. But she has not been able to do it. Do you know why? Because the first son took 5 years. She and her husband had to borrow the money to get him through school—good schools. But it is so much debt for their family that they cannot even consider allowing their other son to start college yet. He is waiting for his turn.

That is where we are in America today when it comes to college education. If you did not happen to be wealthy or so smart that you get everything paid for, and you are stuck in the middle with working and middle-income families, you are facing debt challenges families have never seen in the history of the United States.

There are 1.7 million Illinoisans—that is more than 10 percent of our population or almost 15 percent of the population of the State of Illinois—who have outstanding student loan debt—15 percent. That is 1 out of 6, 1 out of 7 people in my State with student loan debt.

Nationally, there are 40 million borrowers with more than \$1 trillion in student loan debt. On the average, graduates of the class of 2012 left with \$28,000 in debt. But the individual debts are often much higher. I have had students whom I have invited to come to my Web site and tell me their story. It is heartbreaking.

These students have debt of over \$100,000 with a bachelor's degree. God forbid they went to one of those for-profit colleges or universities. You know the ones I am talking about. They are the ones that absolutely inundate you with advertising.

You cannot get on a CTA train or bus in Chicago without getting hit between the eyes with all of these for-profit colleges, for-profit schools. The biggest ones: The University of Phoenix, Kaplan, DeVry, just to mention a few. It is a different category. These are not the public colleges and universities. They are not even private colleges and universities. They are for-profit schools.

Believe me, they make a profit. What is the difference between for-profit schools and community colleges, the University of Illinois, DePaul University, Georgetown University? The difference is this. As a category, for-profit colleges and university have 10 percent of the high school graduates going to school, like the ones I mentioned. But they receive 20 percent of the Federal aid to education. Why? They are so darned expensive. That is why. The students who sign up for these schools—these glamorous schools with all of the marketing—end up signing up for more debt than you can imagine—twice the debt of students that go to most other schools.

But here is the kicker. Here is the one the for-profit colleges and universities do not want to talk about: 46 percent of all the student loan defaults or student loan failure to pay off their loans—46 percent of them—students from for-profit colleges and universities.

Set that aside for a minute. As awful and scandalous as that is in this country—the exploitation of these students and their families by schools which many times offer worthless diplomas, worthless degrees, and absolutely no ticket to a job—as bad as that is, let's talk about the bigger picture, 90 percent of the other college students and what they are facing.

They are borrowing money right and left. They are sinking themselves, and many times their families, more deeply in debt than they ever imagined, and they have no idea what they are getting into. You see, student loan debts are not like other debts. It is not like you borrowed money for a house, a car, a boat or a temporary loan to get by. Student loan debt is one of the few debts in America not dischargeable in bankruptcy.

What does that mean? No matter how bad things get for you or your family, no matter what economic tragedy comes your way, if you end up in bankruptcy court and try to clear the table and start over, you will never, ever be able to discharge your student loan debt.

Oh, there is an extreme circumstance when you can. It is so extreme it almost never happens. So a student loan debt is a debt for a lifetime. You will either pay it off or you will carry it to the grave. They actually execute—these debt collectors—on grandmothers on Social Security. I am not making it up. Grandma wanted to help her granddaughter. She cosigned a student loan. The granddaughter dropped out of school, never paid back the loan, defaulted. They went after granny's Social Security check on the student loan. That is what we are talking about.

That is why we have to change it. That is why the Democrats have come forward on this side of the aisle. We are waiting for our first Republican to join us, to do something about refinancing college debt in America, to at least bring down the interest rates, to allow students to consolidate their loans at lower interest rates, so that they will pay less in interest.

That poor family I told you about from Chicago where the mother came and testified, they could not let the second son start college because they had never paid off the debt on the first son and could not see how they would. Year after year they were churning thousands and thousands of dollars into payments all retiring interest and not retiring the principal. The interest just keeps piling up. God forbid you miss a payment. It is awful.

The bank on students refinancing bill, which Senator ELIZABETH WARREN, JACK REED, and myself are bringing to this floor, will help current borrowers take advantage of what we have in low interest rates right now. Those with Federal loans can refinance at the lower rate, the same rate as students who are taking out their first loans this year: 3.86 percent for undergraduate Direct Loans; 5.41 percent for graduate loans; 6.41 percent for PLUS loans taken out by the student's parents.

Now, you are going to say: Those are not rock-bottom interest rates. Believe me, they are a bargain in every category here against what these students are facing today in paying off old debt. Many students will find their interest rate on their loan cut in half. What does it mean? Those of us who borrowed some money in life to buy a home or buy a car, a change in the interest rate of 3 or 4 percent gives you a chance to finally start reducing the principal. That is what we want to do, so that this debt can be put behind these people.

Those who have private loans, many of which have sky-high interest rates, few protections for borrowers, at least in the version of the bill we have introduced, can refinance into Federal loans with lower rates and stronger consumer protections. You ought to hear what these collection agencies do to students and their families when they do not pay on these loans. You think you have had some problems on the telephone with people calling and harassing you. They never quit. They need their money. They want their money. They will not let you go no matter what your circumstances.

This bill will allow young people to lower their payment by hundreds of thousands of dollars a year. They have a chance to actually get ahead on their debt. What is more, the bill we are offering is fully paid for. Here is how we pay it. You know the name Warren Buffett, third or fourth wealthiest man in America. I happen to know him. He comes by and has lunch with us from time to time and talks about business and investments.

But the one thing he wanted to talk about the most was something that he thinks is fundamentally unfair. Do you know what it is? Warren Buffett came in here and said: Why is it that Warren Buffett, the billionaire, has a lower income tax rate than his secretary?

Why? It is not fair. And it isn't fair. Because when profits in life—his income in life—come from capital gains, it is treated at a lower tax rate than ordinary income, which his secretary receives.

So Warren Buffett has said: For goodness' sake, I shouldn't pay a lower tax rate than my secretary.

So we put in what is called the Buffett rule, so there will be at least a minimum income tax charge for millionaires so they pay at least as much of an income tax rate as their secretaries. Does it sound radical? I don't think so. I think it sounds reasonable and so does Mr. Buffett.

We take the revenue that comes in from charging the millionaires—that we just talked about under the Buffett rule—and we apply it to the refinancing of college debt. That is how we achieved this. That is how we get it done.

This bill would help people such as Grace Steging. She is from Champaign and just recently wrote me a letter. She took out a \$33,000 Federal student loan to get a degree in special education, and she is just completing her first year as a teacher in a low-income school district in Central Illinois. In her letter she said: "I am shocked and distressed at the way my student loan debt continues to multiply even through I graduated a year ago."

She tells me she made her payments faithfully each time every month, but even so her payments continue to rise as the interest rate accrues. It is a

shame that even with a degree from a respected school and a good, secure job, Grace can't save money and she can't keep up with her student loans. She wrote and said:

Senator, I am not a banker or a businessperson, I was born to teach. . . . Shall I teach my students to follow their dreams or to follow the money?

It is a good question. Reasonable borrowing has always been part of getting a higher education for many Americans. I know this story personally because I was a beneficiary.

The National Defense Education Act was passed in this Chamber in 1958, when Congress was scared to death. Scared by what? Scared by a basketball-size satellite that the Russians had launched called Sputnik, and it was beeping as it went around the world. We thought it was the end of life as we knew it because we knew the Russians had the bomb. Now they were in outer space and we weren't—1957.

So this Chamber met with the House and said we have to do something. One of the first things we are going to do, we are going to get more Americans in college. We need better trained, better educated Americans to fight the Soviets and to make sure we don't lose the space battle.

Along came the National Defense Education Act, and it opened the door for me to borrow the money to go to college and law school and pay it back over 10 years with 3 percent interest.

I paid it back. I didn't think I could because it seemed like a huge amount of money at the time. I will not tell you the amount because it will date me, but I will tell you today students don't face the same circumstances. The debt they face is so dramatic.

Jon and his wife from Chicago recently contacted my office. They both went to great, not-for-profit public schools for their undergraduate studies. Jon went on to law school. His wife went on to medical school.

Jon is a first-year lawyer in a firm. His wife is in her second year of medical residency. They received good educations from respectable schools and now they have jobs in their fields.

Let me tell you what else they have. They have a combined student debt, Jon and his wife, of \$300,000 on student loans. They pay \$1,300 a month in student loan payments. Thankfully, they will participate in the Federal income-based repayment program, which moderates their payments, but here they are, just starting out, maybe with a family and a \$300,000 debt.

How can they buy a house? They have explored it. No bank will come near them to even loan them the money for a house. That, to me, is what is disgraceful—not only that these students end up coming out of school in debt, they are postponing their lives. They are postponing marriage, children, homes, and cars.

Many of them are moving right back in with mom and dad in that basement apartment, because dad just came out of retirement to help them pay off the loan. I am not making this up. These are real stories that I run into.

One of the other ones I mentioned earlier, Hannah Moore—or at least I want to make a reference to Hannah Moore. I spoke about her on the floor. She is from Chicago and what a sweet young lady. She made a fatal mistake. She went to one of these for-profit colleges in Chicago called the Harrington College of Design—great advertising if you have seen it. Do you know what her reward for pursuing the American dream by seeking a college education at this for-profit school was? It was \$124,570 in student debt, much of it in private loans for what is basically a worthless—worthless—diploma from a for-profit college.

Her story isn't unique. I just saw her last Monday and her debt has gone up. It is now over \$150,000. This poor, attractive, smart, and determined young woman doesn't know where to turn. Her life looks like a brick wall when she looks ahead. I think she is 30, maybe 32.

Can you imagine. This is what she has in store, having thought she did the right thing, went to that college and got this degree which she thought was worth something. It turned out it wasn't.

The Federal Reserve Bank in New York warns us student debt isn't just a student problem, it is a national problem. It threatens Americans in terms of investing in our future, investing in homes, investing in businesses, and it even threatens their future retirement security. Hannah's father had to come out of retirement to help pay off the bills.

In addition to last week's refinancing proposal, Senators WARREN, JACK REED, and I have several proposals to address student debt and college affordability, a bill that would give colleges financial incentives not to overload students with debt.

We have also introduced the Student Loan Borrowers' Bill of Rights Act. I think there ought to be an open, complete disclosure to students about the debt they are getting into. If there is a better alternative, taking government loans that you can consolidate at a lower interest rate as opposed to a private loan which rips you off with a high interest rate—some of this is very basic.

Senator HARKIN and I introduced a bill to bring better coordination and focus to Federal oversight for for-profit colleges and universities. It is called the Proprietary Education Oversight Coordination Improvement Act. It is a long title for a bill that basically is trying to come to grips with the scandalous behavior of for-profit colleges and universities.

For too many young Americans, the promise of a fair shot at affordable college education has become a long shot. That is not the American way. We want to have an educated generation prepared to lead this country. They cannot do that saddled with debt and going to worthless schools.

It is time for this generation to step up, allow these students to refinance their debt to get their lives back in order and to start looking ahead with some promise and hope and get their parents out from under the debt burden they assume with their kids. Stop the rip-offs that are coming from these for-profit colleges and universities and put an end to some of the rip-offs, even by semigovernment agencies.

All of these things have to come to an end, and it will only happen if we do it—and it will only happen if we do it on a bipartisan basis.

I hope my colleagues, particularly on the other side of the aisle, will join our efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

#### TAX EXTENDERS

Mr. COONS. I come to the floor to speak about a real opportunity that we have this week in this Congress and in this Senate to come together in a bipartisan way to adopt measures that will actually create jobs and help grow our economy.

This week we are considering tax extenders, a package of bills that can do a lot of good for the middle class, our economy, and our Nation. Together, various proposals in the tax extenders would spur investment in manufacturing, clean energy, and innovation, make it easier for families to afford a home or to send their children to college, open career pathways for veterans, and bring investments in jobs to communities in need. They recently passed by a voice vote out of the Finance Committee in the Senate, sending an important signal that we can come together, Democrats and Republicans, to move our economy forward.

I mentioned innovation and manufacturing in particular as two of the policies this broader package helps promote. I would like to discuss two important bipartisan policies in this package, bills that have been rolled into the extenders package that can do a lot of good for startups and for innovative small manufacturers and for firms that invest heavily in the research and development that is needed to yield groundbreaking discoveries and steadily grow manufacturing employment in the United States.

R&D, research and development, is the cornerstone of any competitive company, and I would suggest country. In the 21st century for us to have and sustain an innovative economy, it is certainly the cornerstone of our Nation's future. That is why, for a num-

ber of years, bipartisan majorities in Congress have supported the R&D tax credit so innovative companies are incentivized to keep investing in critically needed R&D, in new ideas, and in new products, but there has long been a problem with the structure of the R&D credit. It doesn't reach early stage startup companies, those that are most innovative and those that have the greatest promise to grow.

As the GAO has reported, over half of the current R&D credit goes to firms making over \$1 billion. Although they are important as well, it has become clear we are missing an opportunity to incentivize the most innovative, smallest startup companies, especially in manufacturing, an industry that I know invests a huge amount in R&D but has had a challenging environment competitively and globally in the past decade because the R&D credit is a credit and not a tax—and is a credit only if you have a tax liability, only if your company is profitable. A preprofitable company can't access it.

If you are a small business that pays AMT, while there are many credits you could claim, the R&D isn't one of them, even though it is so important to our commitment. This leaves out firms at the early stage, where they are facing the highest risk of failure but who are also the kind of technology-focused, early stage, high-growth, high-potential businesses that have generated more net jobs than any other area of our economy in this century.

These firms, that are sometimes called gazelle firms, are young innovative businesses with the potential to explode in size and create hundreds or thousands of jobs. Think of Steve Jobs and Steve Wozniak in a California garage starting what would become Apple or think of Rick Birkmeyer or Ray Yin in Delaware, my home State.

Rick Birkmeyer is an entrepreneur who has started a number of successful biotech companies in the Delaware region. He is someone with a reputation as a leader in his field. Even so, raising capital for a new startup venture is always a challenge. Rick today is the founder of CD Diagnostics, a leader in biomarker research and biochemical test development that makes tests to tell if a joint is infected or merely irritated. These tests would help orthopedic surgeons determine if surgery is needed and avoid a great deal of expensive and sometimes unnecessary exploratory procedures. The company is only a few years old and began with one employee. Today they have 82 and believe they will have well over 170 in just 2 more years.

Exponential hockey stick-like growth such as this is great, but if he and his company were able to use the R&D credit before they reach profitability, they would be able to hire more people, grow more quickly by investing in equipment, and get products to market faster.

Another young Delaware company that would benefit from the tax credit is ANP of Newark, DE. I sat next to its CEO Ray Yin at the Wesley College graduation this weekend, where he gave the keynote address. Ray's company, ANP, began with just one employee—him. Today it is a leader in making nanotherapeutics and in bio-defense technology that is affordable, wearable, and easy to use, whether testing against biochemical agents in the war setting or food-borne illnesses or water contamination at home.

Both of these two companies make terrific, compelling, technology-based products, have managed their cash well, and are great examples of how to run a startup. But for each of them they went through a very demanding period from their first capital investment to when they had reliable revenue coming in. That is often called the valley of death or the gap between launch and sustainability. They would be farther along, more mature, and more robust if they had been able to access the R&D credit with their early expenditures.

Over the past few years I have been working diligently with a group of fellow Senators, Republicans and Democrats, to find ways that we could work together to reshape and target a portion of the R&D credit to make it accessible to these sorts of early stage companies.

I want to give particular credit to Republican Senator MIKE ENZI of Wyoming, who has been tireless and thoughtful. We have not always agreed—we come from quite different political perspectives—but his investment of time and thoughtfulness in crafting the final outcome of the Startup Innovation Credit Act is worthy of thanks and a compliment.

Senator SCHUMER on the Finance Committee has helped move the R&D credit revision forward into the tax extenders package.

Manufacturing Jobs for America is a broader initiative that more than 26 Senators have participated in that includes more than 33 bills. This bill, the Startup Innovation Credit Act, is one of them, one of many bipartisan bills that can help manufacturers to grow, can help them to invest, and can help them get through a critical, early stage period.

Mr. PAT ROBERTS, Republican Senator of Kansas, has also worked with me, as well as with Senators ENZI and SCHUMER, on a revision to the R&D credit that isn't available to firms, mostly small businesses, that pay the AMT, so we changed that as well. Both of these provisions have been adopted into the tax extender package.

I also wanted to mention the first one I referenced, the Startup Innovation Credit Act, was also supported and has been moved forward with contributions by Senators RUBIO, BLUNT, STABENOW, MORAN, and KAINE.

This is a terrific way for us to find a path forward for companies that are still too early in their development to pay employment taxes but to use a fix that allows them to claim the R&D credit against employment taxes when they aren't yet paying income taxes.

This kind of credit has been used before in States such as Iowa, Arizona, New York, Connecticut, and Pennsylvania. And they have been game changers—helping new firms to open their doors, to hire more workers, and to keep their doors open. By allowing companies to claim the R&D credit against either the AMT or their payroll tax obligations, we don't pick winners and losers and we don't focus on a specific area of the economy or technology. What we are doing instead is supporting any private sector firm that invests in research and development. It means cash in the pockets of small startup companies, which can make a critical difference, especially when financing and credit are tight.

Together, these bipartisan proposals can do a lot to put more Americans to work today unleashing the innovations that will create the jobs of tomorrow. I believe the Federal role in research and innovation is fundamental. It is also bipartisan.

I thank my colleagues on both sides of the aisle for their partnership and collaboration. I specifically thank the chair of the Finance Committee Senator RON WYDEN for his leadership in ensuring that the tax extenders package is available for us to consider now on the floor, that these provisions were included, and for his support for moving forward on these vital job-creating proposals.

Now let's work together in this Chamber to move across the finish line and get the job done so America can get more of our best people to work.

I thank the Chair.

#### SUPPORTING LAW ENFORCEMENT

Mr. President, I come to the floor today to recognize the men and women of law enforcement across this Nation in the annual police week ceremonies. From last night's candlelight vigil to tomorrow's wreath-laying ceremony, we here in the Capitol offer our gratitude, our thanks, and our support to the men and women of law enforcement and their families.

I wish to comment for a few moments today on how difficult it was earlier today to be a Member of this body as two different Senators, who are strong supporters of law enforcement, came to this floor in an attempt to move forward important pieces of legislation only to have that effort blocked.

Earlier today Senator PATRICK LEAHY, the President pro tempore and the chair of the Judiciary Committee, came to the floor to seek unanimous consent to move forward the Federal bulletproof vest partnership reauthorization bill that came out of the Judi-

ciary Committee, and Senator BEN CARDIN of Maryland came to the floor to seek unanimous consent to move forward with the bipartisan Blue Alert bill. I am a cosponsor of both bills. Both have very broad support within the law enforcement community, and both are bipartisan bills. Yet, in each case, one Senator—one Senator—objected to our proceeding to consideration of these bills.

I want to share with those of us here in the Chamber that earlier today, at a hearing in the Judiciary Committee considering again the value and the impact of the Federal bulletproof vest partnership, we had a chance to hear from Officer Ann Carrizales from Texas, who gave riveting, moving testimony about how a bulletproof vest, provided to her by her smalltown department in Texas, saved her life when she was shot at point-blank range in a routine traffic stop very early in the morning. Today her husband would be a widower and her daughter an orphan were it not for this vital Federal-State-local partnership that has provided more than 1 million bulletproof vests over the many years it has enjoyed broad bipartisan support.

With us this morning were two Delaware Capitol police officers, Sergeant Mike Manley and Corporal Steve Rinehart. With them as well was Chief Horsman of the capitol police department. Both of these brave officers were on duty in the lobby of the New Castle County courthouse last year when a gunman entered the chamber and started firing at random. They were both shot, and they both survived because of bulletproof vests provided to them in part through this Federal-State partnership.

We cannot let down the men and women of law enforcement. We should not let partisan politics and ideology in this Chamber prevent us from moving forward in a bipartisan way to deliver the officer-safety investments and improvements that have already cleared the Judiciary Committee, that already have bipartisan support from both sides of the aisle, and allow one individual to continue to hold up these important bills.

It is my call to my colleagues that we work tirelessly together to make sure we overcome this needless obstruction and move forward this week to honor the service and sacrifice of those 268 law enforcement officers whose names have been added to the memorial this year and the hundreds of thousands of others who even today, even tonight will be on patrol keeping America safe.

I thank the Chair.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.



Mr. MURPHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CRISIS IN UKRAINE

Mr. MURPHY. Mr. President, one of the protagonists of Leo Tolstoy's epic "War and Peace" is the iconic Russian general Mikhail Kutuzov. Kutuzov was brought out of retirement to be the commander in chief of Russian forces during Napoleon's invasion, and his unorthodox strategy confounded and frustrated his superiors and his underlings alike. He becomes convinced, as Tolstoy depicts, that Napoleon will lose the war by overextending his army. He believes by playing the long game he will exhaust and defeat the seemingly invincible, unstoppable French army.

Tolstoy creates a fictionalized version of Kutuzov, of course, but one of the most famous passages from "War and Peace" is worth repeating here today. Speaking of those who doubt his strategy, Kutuzov says:

Patience and time are my warriors, my champions.

Again, quoting from the book:

He [Kutuzov] knew that an apple should not be plucked while it is green. It will fall of itself when ripe, but if picked unripe the apple is spoiled, the tree is harmed, and your teeth are set on edge. Like an experienced sportsman, Kutuzov knew that the beast was wounded, and wounded as only the whole strength of Russia could have wounded it.

Whether or not this famous Russian general ever shared this exact sentiment, it is representative of a time when the Russians better than anyone on Earth knew how to play the long game. How times have changed.

Over the past few weeks, I have listened in agony to my Republican friends criticizing the Obama administration for having no coherent policy regarding the current crisis in Ukraine. I come to the floor today to rebut that argument and also to add a few suggestions on how the administration's policy can be enhanced.

I certainly understand the Republicans' frustrations. News of the ongoing daily drama in Ukraine dominates the national news. Russia seems omnipresent, manipulating events on the ground by the hour, and there clearly has not been a proportional pound-for-pound response from the United States or the collective West. This frustration is fed by memories of the Cold War—obsolete, even ancient memories given how fast the world has changed since 1991. But the President's critics, fueled by these largely irrelevant memories, insist that when Russia acts, we must meet fire with fire—crippling unilat-

eral sanctions immediately, lethal arms for Ukrainian military, new missile capacity in Eastern Europe.

The problem is that this is a strategy for 1964, not 2014. Russia simply doesn't matter to us in the same way it used to. They are a secondary world power whose power is diminishing. Their demographics are catastrophic, their economy can't survive the inevitable global energy revolution, and their endemic corruption is going to rot their society from inside out. The invasions of Crimea and Eastern Ukraine are signs of Russian weakness, Russian insecurity, not Russian strength.

Last fall, two former Russian Republics, Georgia and Moldova, refused Russian overtures to join their nascent economic union and inked preliminary agreements to join the European Union. Ukraine, at the last minute, bowed to Russian bullying and refused to ink the same deal, but it set off a series of events that pushed Russia's man in Kiev out of office.

In a panicked reaction, Russia invaded, and the consequences have been devastating. Russia's economy is in free fall, with nearly \$70 billion of capital leaving the country in just the last few months alone. No major institutional investors will touch Russia today with a 10-foot pole. To make matters worse, Russia has been kicked out of the G8 and generally has become an international pariah, not allowed at the table with major powers. Russia is increasingly isolated at the United Nations. And things are going to get even worse as the Europeans use this crisis as a wake-up call to make themselves truly energy independent of Russian energy and also to reinvigorate NATO.

In "War and Peace," Kutuzov goes on to say this of his critics:

They want to run to see how they have wounded it. Wait and we shall see! Continual maneuvers, continual advances! What for? Only to distinguish themselves! As if fighting were fun. They are like children from whom one can't get any sensible account of what has happened because they all want to show us how well they can fight. But that's not what is needed now.

The story of "War and Peace" and the Russian-French war is not entirely a useful parallel to the current crisis in Ukraine or to the proper response of the United States. What is needed now is much more than just patience and time. But our response needs to be proportional to our Nation's national security interests, not proportional to Russia's actions in their backyard. That is why the administration is right to strongly support this new Ukrainian Government without overreacting in a way that could compromise our relationship with other nations or make the situation worse, not better, on the ground in Ukraine.

I would like to take a few minutes this evening to lay out what a coherent, thoughtful approach to the crisis might look like and how, in fact, the

actions of the Obama administration largely follow this pretty simple outline.

First, as Ukrainian Prime Minister Arseniy Yatsenuk has been quick to tell visiting dignitaries, the most important help the United States can provide is economic assistance, conditioned on necessary reforms to show the Ukrainian people that a Western-oriented government can deliver prosperity to their country.

Russia has effectively invented a new form of warfare that is based on gradual provocation, where Putin uses psychological methods, intimidation, bribery, and propaganda to undermine resistance so that firepower is rarely needed to get his way. But of course these tactics only work on vulnerable countries with weak economies and a susceptibility to Russian overtures of economic overlordship and corruption. So the best way to repel Russian provocations is to strengthen the Ukrainian economy and government institutions both for the short and long run. The \$1 billion in loan guarantees authorized by Congress and the \$17 billion loan approved by the IMF and brokered by the United States are an important part of that process, and the conditions imposed—which include a floating exchange rate, steep increases in gas tariffs, and budget reductions over the next several years—represent some of the tough medicine necessary to get Ukraine back on its feet.

The United States hasn't sat on the sidelines when it comes to economic aid to Ukraine. We have led from day one, and the results are impossible to deny.

Second, let's recognize what military assistance makes sense and what military assistance does not make sense. It makes sense to shore up our treaty obligations in Eastern and Central Europe by positioning more troops in places such as the Baltics and Poland and Romania. Just in case the Russians were thinking of trying to use these types of destabilizing tactics in NATO countries, make them think twice. But remember that Ukraine is not a NATO ally; we have no obligation to defend their sovereignty, and it is totally unrealistic and indeed irresponsible to think that we can make up for decades of military neglect and mismanagement inside Ukraine with a few million dollars of aid today.

Ukraine doesn't need more small arms. Their problem isn't that they don't have them; their problem is that they don't know how to shoot them. There is no way the Ukrainians can effectively utilize more sophisticated weaponry like anti-tank and anti-aircraft artillery. The only way they could do that is with military advisers standing side by side with Ukrainians, and there is really no appetite here in the United States to commit personnel to a ground war in Ukraine.



To be clear, I don't offer these cautions because of a danger of provoking Russia with an influx of U.S. arms. Russia is going to do what Russia is going to do in Eastern Ukraine regardless of what small investment the United States makes today in Ukraine.

But I do worry that since any lethal assistance from the United States would have little to no effect on the ability of Ukraine to repel a Russian invasion, a Russian victory over the Ukrainian army, backed by U.S. weapons, would then be sold by Putin to his public as a Russian military triumph over the United States. That is a truly bad outcome, but that shouldn't stop us from more quickly delivering non-lethal support to help bolster the Ukrainian military in the short term—reasonable support such as body armor and communications equipment—that balances our limited direct interest in Ukraine with our humanitarian interest in saving lives. There is a middle ground between just sending a handful more MREs and sending tanks or automatic weapons, and we have had ample time to explore those options.

Over the medium and longer term we need to work with Ukraine to rebuild its military institutions that were neglected for so many years by its leaders who were pilfering from the state rather than providing for the country's defense forces.

Third, focus, focus, focus on the May 25 elections. The Russians occupy dozens—not thousands—of buildings in Eastern Ukraine. They have no hold or influence on other sections of the country near and to the west of Kiev.

As part of the international effort, the United States has committed millions of dollars and thousands of hours of manpower into making sure the May 25 election is held in a free and fair manner. The Russians will likely do everything possible to stop this election from coming off. As of today they effectively have no straw man in the race, and so more likely than not the result will be a victory for a free, whole, sovereign Ukraine and a damaging blow to Russia's claims that Ukraine can't govern itself. Our State Department representatives in Ukraine are working feverishly to help Ukraine conduct this election, and we have helped deploy unprecedented resources from the OSCE to make sure Russia cannot dislodge this election from occurring. That is American leadership happening right now on the ground in Ukraine.

Fourth, let's be crystal clear on what will lead to the next logical level of U.S. sanctions, which would be industrywide, sectoral sanctions against the Russian economy. We have moved deliberately so far because, wisely, President Obama has desired to move in relative concert with our European allies. But it is increasingly clear to me and to many others that Europe is simply

not prepared to move at the pace necessary to send a strong message to Russia about the consequences of their continued aggression.

So having primarily mounted a defense of the administration's policy in Ukraine so far today, I would make one additional, significant suggestion for amendment of this policy. I believe the highest levels of American foreign policy leadership, from the President, to the Vice President, to the Secretary of State, should make it clear today to Russia, right now, that if the May 25 elections do not occur in a free and fair manner, we will hold Russia—and only Russia—responsible because if not for their interference, there can be no explanation for why these elections could not come off properly.

Further, we should make it clear that if the May 25 election is not allowed by Russia to be conducted according to OSCE electoral standards, the United States will immediately impose sectoral sanctions on the most important Russian industries, including but not limited to the Russian banking, energy, and raw materials sectors.

Hopefully, significant Russian interference in the elections would prompt Europe to act with us in order to protect our most important democratic values, but we can't wait for them any longer. Let's make it totally, completely, unequivocally clear today that if the May 25 election doesn't occur, the United States will move toward industry-level sanctions against Russia.

This is and can be a coherent, thoughtful U.S. strategy toward the crisis in Ukraine: Support Ukraine economically. Strengthen NATO. Don't overreact with reckless military aid to the Ukrainians. Do everything possible to make the May 25 election a success. Be clearer than current policy on what will trigger sectoral sanctions by the United States. And then act if Russia doesn't listen.

I get it that this isn't all my Republican colleagues desire when it comes to U.S. policy toward Ukraine, but overreacting to this crisis is just as bad, if not worse, than doing nothing. I was in Kiev at the very beginning, standing on stage at the Maidan with Senator McCain, urging the Ukrainian people to demand more from their government. I was here, advocating for a robust U.S. response to support these protesters. I believed, as I still believe, the United States should be playing an active role in this crisis, and I was making this argument before anyone else in this Chamber. But this isn't the Cold War. This is a fight in Russia's backyard, and the cold hard reality is that the stakes are just simply greater for Moscow than they are for us. And the world is no longer organized around who is with the United States and who is with Russia. The foundational paradigms of global security now are about who has nuclear weapons and who

doesn't. Who is allied with the Shia and who is allied with the Sunni. Where are the Islamist terrorists organizing and who is helping them.

I don't mean to say that unchecked Russian action doesn't have global consequences. It does. China, for instance, is certainly watching to see if nations pay a price when they reset their borders through aggression rather than through diplomacy. But we ultimately won the Cold War by playing the long game. We knew that if we held true to democratic and free market values, the world would notice that an alliance with us was far more beneficial than an alliance with the Soviet Union. That, in fact, is the very reason for the current crisis. The Ukrainian people revolted because they saw the value of a Western economic and political orientation. We didn't need to use intimidation or bribery or little green men; we just showed them that our stuff is better.

Of course, the irony is that the Russians used to be the kings of the long game. Kutuzov let Napoleon march into Moscow after clearing out the city and leaving only about 10,000 people behind. He strung out the French army and left it ultimately helpless.

We don't have to resort to the drastic tactics of this old savvy Russian general. There are actions we can take and have taken to support Ukraine and send a message to Russia. But we shouldn't overinflate our national security interests in this crisis. We simply do not need to win every battle to win the war. And this body, the U.S. Senate, built by our Founding Fathers to see and play the long game for America, should understand this fact. We aren't the Russians in 1812. We must engage in a robust policy toward Ukraine that is much more than simply time and patience, but that doesn't mean there aren't some important lessons to be learned.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

#### EXPIRE ACT

Mr. BROWN. Mr. President, I rise today to urge my colleagues to pass the tax extenders package that the Senate Finance Committee put forward which would reinstate a number of tax provisions to help with job creation and to especially help homeowners and workers get back on their feet.

Yesterday I spoke to United Egg Producers which consists of a group of many family farmers and some larger farmers. My State is No. 2 in the country in egg production, second only to

the State of Iowa. I talked to Tom Hertzfeld, Jr., and his son Jordan, who are third and fourth generation egg farmers in Grand Rapids, OH, a community not too far from Toledo in northwest Ohio.

The farm has been in the family since 1959. They produce about 100,000 dozen eggs every day. It is a technical business. The eggs go from the chicken to the carton and then into the customers' hands. The production equipment requires major investment. So when farmers like Tom need to buy new equipment, build new barns, and acquire more property, they should be able to accelerate their writeoffs. Bonus depreciation and section 179 gives our small businesses the capital to invest in tools that are important for them to expand, hire people, and make their communities more prosperous.

As we help existing businesses expand, we need to focus on reviving industries, especially manufacturing. We know wealth is created when we make it, mine it or grow it. We do all three of those in a significant way in my State. Ohio is the Nation's third largest manufacturing State, only behind California, which is three times our population, and Texas, which is twice our population.

The new markets tax credit will help revitalize communities hit hard by shuttered factories by leveraging tens of billions of dollars in private investments. We know what the new markets tax credit has done for development in areas that are generally a little poorer than most. We want to be able to target manufacturing too, and that is what our Manufacturing Communities Investment Act does. Last year, for instance, in Portage County, the community of Streetsboro lost 300 jobs after Commercial Turf Products shut its doors. Under the Manufacturing Communities Investment Act, the city could access financing to bring new manufacturing businesses back to Streetsboro.

For those workers who have lost their jobs and benefits, the health coverage tax credit, or the HCTC, needs to be extended. The HCTC preserves a program that Ohioans—such as the Delphi salaried retirees who worked hard and played by the rules—know, understand, and trust.

Extending the tax credit for 2 years is fiscally responsible. We should improve the HCTC and make it permanent, as I have proposed in the legislation that I have introduced with Senators ROCKEFELLER, STABENOW, HIRONO, and DONNELLY. At the very least we should renew this critical tax credit.

Earlier this year I traveled across Ohio and met with homeowners such as Hattie Wilkins from Youngstown, OH. She was laid off, fell behind on her mortgage, and began the foreclosure process. Her bank—because it was in

their interest too—forgave the \$35,000 she still owed, but Hattie and thousands of homeowners across the country face higher taxes if we don't move to extend the Mortgage Forgiveness Tax Relief Act.

In many ways it is a phantom income. If it is a short sale or they get a principal reduction—as I was discussing with Ohio realtors today—the homeowners never really get the money for it, but they are hit with the tax bill as if they had gotten that income. We have extended this tax forgiveness, if you will, in the past because Members of both parties recognize there is still a critical need for it.

All of these items—as part of the tax extenders package—help create jobs, put money in homeowners' pockets, pay for health insurance, and allow people to stay in their homes. As I said, it also creates jobs and is good for our communities. It is important that we pass the tax extenders package as soon as possible in this Chamber.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF STEVEN PAUL LOGAN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA—Continued

Mrs. BOXER. Mr. President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question occurs on the Logan nomination.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Steven Paul Logan, of Arizona, to be United States District Judge for the District of Arizona?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET) and the Senator from Rhode Island (Mr. REED) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT) and the Senator from Arkansas (Mr. BOOZMAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 147 Ex.]

#### YEAS—96

Alexander	Graham	Murkowski
Ayotte	Grassley	Murphy
Baldwin	Hagan	Murray
Barrasso	Harkin	Nelson
Begich	Hatch	Paul
Blumenthal	Heinrich	Portman
Booker	Heitkamp	Pryor
Boxer	Heller	Reid
Brown	Hirono	Risch
Burr	Hoeven	Roberts
Cantwell	Inhofe	Rockefeller
Cardin	Isakson	Rubio
Carper	Johanns	Sanders
Casey	Johnson (SD)	Schatz
Chambliss	Johnson (WI)	Schumer
Coats	Kaine	Scott
Coburn	King	Sessions
Cochran	Kirk	Shaheen
Collins	Klobuchar	Shelby
Coons	Landrieu	Stabenow
Corker	Leahy	Tester
Cornyn	Lee	Thune
Crapo	Levin	Toomey
Cruz	Manchin	Udall (CO)
Donnelly	Markey	Udall (NM)
Durbin	McCaain	Vitter
Enzi	McCaskill	Walsh
Feinstein	McConnell	Warner
Fischer	Menendez	Warren
Flake	Merkley	Whitehouse
Franken	Mikulski	Wicker
Gillibrand	Moran	Wyden

#### NOT VOTING—4

Bennet	Boozman
Blunt	Reed

The nomination was confirmed.

#### NOMINATION OF JOHN JOSEPH TUCHI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA—Continued

The PRESIDING OFFICER. Under the previous order, the question now occurs on the Tuchi nomination.

Mr. LEAHY. Mr. President, I ask unanimous consent that all time be yielded back on the next two nominations.

The PRESIDING OFFICER. Without objection, the time is yielded back.

The question is, Will the Senate advise and consent to the nomination of John Joseph Tuchi, of Arizona, to be United States District Judge for the District of Arizona?

Mr. SCOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET) and the Senator from Rhode Island (Mr. REED) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT) and the Senator from Arkansas (Mr. BOOZMAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 148 Ex.]

## YEAS—96

Alexander	Graham	Murkowski
Ayotte	Grassley	Murphy
Baldwin	Hagan	Murray
Barrasso	Harkin	Nelson
Begich	Hatch	Paul
Blumenthal	Heinrich	Portman
Booker	Heitkamp	Pryor
Boxer	Heller	Reid
Brown	Hirono	Risch
Burr	Hoeven	Roberts
Cantwell	Inhofe	Rockefeller
Cardin	Isakson	Rubio
Carper	Johanns	Sanders
Casey	Johnson (SD)	Schatz
Chambliss	Johnson (WI)	Schumer
Coats	Kaine	Scott
Coburn	King	Sessions
Cochran	Kirk	Shaheen
Collins	Klobuchar	Shelby
Coons	Landrieu	Stabenow
Corker	Leahy	Tester
Cornyn	Lee	Thune
Crapo	Levin	Toomey
Cruz	Manchin	Udall (CO)
Donnelly	Markey	Udall (NM)
Durbin	McCain	Vitter
Enzi	McCaskill	Walsh
Feinstein	McConnell	Warner
Fischer	Menendez	Warren
Flake	Merkley	Whitehouse
Franken	Mikulski	Wicker
Gillibrand	Moran	Wyden

## NOT VOTING—4

Bennet	Boozman
Blunt	Reed

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. We are going to have one more vote tonight. Starting at 11:15 tomorrow we could have up to five votes. So that is it for tonight.

We have yielded back the time, but I ask unanimous consent that Senator MCCAIN be recognized for up to 1 minute.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I would like to mention to my colleagues that with this vote we will be making history in some respects. We should all be proud that this nominee, Diane Humetewa of the Hopi Tribe, will be the first Native-American woman to be on the Federal bench.

I would appreciate a positive vote. It is a proud moment for her, her tribe, and for Native Americans.

I yield the floor.

#### NOMINATION OF DIANE J. HUMETEWA TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA—Continued

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Diane J. Humetewa, of Arizona, to be United States District Judge for the District of Arizona?

Mr. BARRASSO. I ask for the yeas and yeas.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Delaware (Mr. COONS), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 149 Ex.]

## YEAS—96

Alexander	Graham	Murkowski
Ayotte	Grassley	Murphy
Baldwin	Hagan	Murray
Barrasso	Harkin	Nelson
Begich	Hatch	Paul
Blumenthal	Heinrich	Portman
Blunt	Heitkamp	Pryor
Booker	Heller	Reid
Boxer	Hirono	Risch
Brown	Hoeven	Roberts
Burr	Inhofe	Rockefeller
Cantwell	Isakson	Rubio
Cardin	Johanns	Sanders
Carper	Johnson (SD)	Schatz
Casey	Johnson (WI)	Schumer
Chambliss	Kaine	Scott
Coats	King	Sessions
Coburn	Kirk	Shaheen
Cochran	Klobuchar	Shelby
Collins	Landrieu	Stabenow
Corker	Leahy	Tester
Cornyn	Lee	Thune
Crapo	Levin	Toomey
Cruz	Manchin	Udall (CO)
Donnelly	Markey	Udall (NM)
Durbin	McCain	Vitter
Enzi	McCaskill	Walsh
Feinstein	McConnell	Warner
Fischer	Menendez	Warren
Flake	Merkley	Whitehouse
Franken	Mikulski	Wicker
Gillibrand	Moran	Wyden

## NOT VOTING—4

Bennet	Coons
Boozman	Reed

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

## HIRE MORE HEROES ACT OF 2014

The PRESIDING OFFICER. The Senate will resume legislative session.

Under the previous order, the question is on agreeing to the motion to proceed to H.R. 3474.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 3474) to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 3060

(PURPOSE: IN THE NATURE OF A SUBSTITUTE)

Mr. REID. On behalf of Senator WYDEN, I call up the substitute amendment No. 3060.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. WYDEN, proposes an amendment numbered 3060.

(The amendment is printed in the RECORD of Tuesday, May 13, 2014, under "Text of Amendments.")

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3089 TO AMENDMENT NO. 3060

Mr. REID. I have a first-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3089 to amendment No. 3060.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3090 TO AMENDMENT NO. 3089

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3090 to amendment No. 3089.

The amendment is as follows:

In the amendment, strike "1 day" and insert "2 days".

AMENDMENT NO. 3091

Mr. REID. I have a first-degree amendment at the desk, and the amendment is to the bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3091 to the language proposed to be stricken by amendment No. 3060.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3092 TO AMENDMENT NO. 3091

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3092 to amendment No. 3091.

The amendment is as follows:

In the amendment, strike "3 days" and insert "4 days".

MOTION TO COMMIT WITH AMENDMENT NO. 3093

Mr. REID. I have a motion to commit H.R. 3474 with instructions.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Committee on Finance with instructions to report back forthwith with an amendment numbered 3093.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 5 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3094

Mr. REID. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3094 to the instructions of the motion to commit to H.R. 3474.

The amendment is as follows:

In the amendment, strike "5 days" and insert "6 days".

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3095 TO AMENDMENT NO. 3094

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3095 to amendment No. 3094.

The amendment is as follows:

In the amendment, strike "6" and insert "7".

CLOTURE MOTION

Mr. REID. I have a cloture motion for the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 3060 to H.R. 3474, an act to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

Harry Reid, Ron Wyden, Angus S. King, Jr., Richard J. Durbin, Robert Menendez, Mark R. Warner, Benjamin L. Cardin, Robert P. Casey, Jr., Christopher A. Coons, Bill Nelson, Michael F. Bennet, Heidi Heitkamp, Barbara Boxer, Debbie Stabenow, Maria Cantwell, Charles E. Schumer, Thomas R. Carper.

CLOTURE MOTION

Mr. REID. I now have a cloture motion to the bill, which is also at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 3474, an act to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

Harry Reid, Ron Wyden, Angus S. King, Jr., Richard J. Durbin, Robert Menendez, Mark R. Warner, Benjamin L. Cardin, Robert P. Casey, Jr., Christopher A. Coons, Bill Nelson, Michael F. Bennet, Heidi Heitkamp, Barbara Boxer, Debbie Stabenow, Maria Cantwell, Charles E. Schumer, Thomas R. Carper.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived with respect to both cloture motions.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JUSTICE AND MENTAL HEALTH COLLABORATION ACT OF 2013—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 92, S. 162.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 92, S. 162, a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

EXECUTIVE SESSION

#### NOMINATION OF STANLEY FISCHER TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. REID. I move to proceed to executive session to consider Calendar No. 768.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Stanley Fischer, of New York, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2006.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Stanley Fischer, of New York, to be a Member of the Board of Governors of the Federal Reserve System.

Harry Reid, Tim Johnson, Thomas R. Carper, Richard J. Durbin, Tom Udall, Angus S. King, Jr., Mark Begich, Elizabeth Warren, Martin Heinrich, Patty Murray, Tom Harkin, Robert Menendez, Patrick J. Leahy, Benjamin L. Cardin, Charles E. Schumer, Heidi Heitkamp, Mark R. Warner.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### JUSTICE AND MENTAL HEALTH COLLABORATION ACT OF 2013—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Oregon.

EXPIRE ACT

Mr. WYDEN. Mr. President, I wanted to take a couple of minutes now to underscore the importance of the Senate passing the EXPIRE Act now, and in particular to highlight what the cost of inaction would be if the Senate fails to act.

This legislation is critically needed because it is an essential tool to prevent a tax increase and particularly

the kind of tax increase that will harm our ability to create more good-paying jobs—high-skilled, high-wage jobs. These are the jobs tied to innovation.

Without this legislation, for example, what we would have is a new tax on innovation because we wouldn't renew for a period of 2 years, as we work on tax reform, the research and development tax credit. This credit is absolutely essential because it is what is used by the employers who are coming up with innovative approaches to create more long-term employment for our country. This credit is used to help pay the wages for those kinds of innovation-oriented jobs. Without this legislation, we would have in this country a tax on innovation. I don't think that is where this country wants to go.

It will be harder without this legislation to have employers hire veterans—veterans who are now coming out in throngs to job fairs in cities across the country. Employers will find it even harder to assist them in terms of finding employment.

Without this legislation, when an underwater homeowner gets hold of a life raft that keeps them in their homes when their lender works with them to try to work out an arrangement to reduce their obligation, reduce their debt, that underwater homeowner would be taxed on phantom income. So right when that underwater homeowner is trying to get their head above water, without this legislation the Tax Code would shove them back underwater once more. I don't think that is where our country wants to go.

I don't think our country wants to give a back of the hand to millions of students already up to their eyeballs in debt. Without this legislation, they would have to go even deeper into debt.

Producing clean energy will become more expensive, risking the kind of high-tech jobs the Congress wants and is working in a bipartisan way to protect.

So with the EXPIRE Act we can address all these issues, bring greater certainty to our economy, put an expiration date on the broken tax system, and lay the foundation for working on tax reform and moving away from what has been a long run of stop-and-go tax extender policies. We ought to get away from that, and the point of this legislation is, between now and the end of 2015, to work on comprehensive bipartisan tax reform.

A number of my colleagues on the other side of the aisle have talked about their interest in this and that they wish we were doing comprehensive reform. I think colleagues have heard me say on the floor of the Senate I'd much prefer to be doing comprehensive tax reform, but when Chairman Baucus went to China, it became clear to me it wasn't going to be possible to get comprehensive tax reform done in this session.

What I sought to do is to make sure we wouldn't do further harm to middle-class families, and small businesses, and those who are creating the innovative jobs. That is why we need this legislation and need to use the legislation when it passes as a bridge to tax reform.

The bill is called the EXPIRE Act. People have often said: What does that mean? It is not just what it means—the bill actually does expire. I have indicated to my colleagues on the Finance Committee that this will be the last extenders bill on my watch. We are not going to have any more of them on my watch. We are going to move to create a stronger, better, more pro-growth, fair tax system, which allows us to be more competitive in a tough global economy and create good-paying jobs. The tax reform process is not going to be a walk in the park, but it is only going to grow harder if the Senate fails to pass the EXPIRE Act first.

We have had bipartisan proposals in the past. Our former colleague Senator GREGG worked with me for 2 years, and we sat together on a sofa almost every week for 2 years to create what is the first bipartisan Federal income tax reform bill in three decades. With his retirement, thankfully Senator COATS and Senator BEGICH stepped in. So we know it can be done, but that task will simply be harder if the Senate fails to pass the EXPIRE Act.

The first thing people are going to say is: If the Senate couldn't deal with these extenders on a temporary basis, how in the world will the Senate be able to take up comprehensive tax reform?

Fortunately, at a time when many think Washington is utterly broken, the distinguished senior Senator from Utah, Mr. HATCH, was willing to work with me and meet me halfway in terms of producing a comprehensive, bipartisan effort to move forward on these extenders. It wasn't easy, but it got done, and it got out of the Finance Committee with an overwhelmingly bipartisan vote. The bill may not be perfect, but the committee got it done with the kind of bipartisan approach Americans want to see more of. I hope the Senate will want to do the same thing. I was encouraged by the procedural vote we had earlier this week.

So with tonight's developments, I simply underscore the importance of passing the EXPIRE Act. I hope Senators on a bipartisan basis will join me in supporting the legislation. It is going to meet urgent needs of our people now, and if we can get it passed and signed into law quickly, it will allow us to turn our attention exclusively to the kind of tax overhaul that is long overdue. That can bring Democrats and Republicans together, as we saw several decades ago when progressive Democrats and conservative Republicans joined together for tax reform.

We can go to that agenda as soon as we address the immediate needs behind the urgent requirement of enacting the extenders bill quickly.

I hope we will see the Senate do that in the next few days ahead.

I thank my colleagues, particularly on the Finance Committee—Democrats and Republicans—for the good and cooperative bipartisan work.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding rule XXII, on Thursday, May 15, 2014, at 11:15 a.m., the Senate proceed to vote on cloture on Calendar Nos. 667, 668, 669, and then proceed to consideration and vote on confirmation of Calendar No. 693 and Calendar No. 541; further, that if cloture is invoked on Calendar Nos. 667, 668, or 669, at 1:45 p.m. all postcloture time be expired and the Senate proceed to vote on confirmation of the nominations in the order listed; that following disposition of Calendar No. 669, the Senate proceed to vote on cloture on Calendar No. 732; and that if cloture is invoked, all postcloture time be expired and the Senate resume legislative session and proceed to vote on the motion to invoke cloture on the substitute amendment No. 3060 to H.R. 3474; further, that on Tuesday, May 20, 2014, at 5:30 p.m., the Senate proceed to executive session to vote on the confirmation of Calendar No. 732; further, that there will be 2 minutes for debate prior to each vote, equally divided in the usual form; that any rollcall votes following the first in each series be 10 minutes in length; further, that if confirmed, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD and that President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, with this agreement, on Thursday there will be as many as five rollcall votes starting at 11:15 a.m. and as many as five rollcall votes beginning at 1:45 p.m. That could change a little bit. We will see how the day goes.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate be in a

period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FRATERNITY OF THE DESERT BIGHORN 50TH ANNIVERSARY

Mr. REID. Mr. President, I rise today to recognize the 50th anniversary of the Fraternity of the Desert Bighorn in Southern Nevada.

The Fraternity of the Desert Bighorn was established in 1964, and in partnering with local, State, and Federal wildlife organizations and agencies, they have played a vital role in the restoration of the iconic desert bighorn sheep in Nevada. These incredible animals are a symbol of our State's unique wildlife habitat, geography, and climate. In the Sloan Canyon and Gold Butte areas of Southern Nevada, ancient petroglyphs and rock art dating back thousands of years depict the bighorn sheep and tell the story of its important contributions to our State's history and culture. The desert bighorn is a noteworthy part of Nevada's mountainous landscapes and was officially named the State animal in 1973.

Following westward expansion in the 1800s, bighorn sheep populations struggled to survive against the spread of disease from domestic livestock and the loss of water resources and habitat. By the 1960s, desert bighorn sheep populations, once in the tens of thousands in the United States, dropped to an estimated 6,700 to 8,100. However, the commitment of organizations like the Fraternity of the Desert Bighorn to species restoration has helped to more than double the bighorn sheep population throughout the United States.

The fraternity has worked hard to promote responsible management of the desert bighorn and its habitat. By building and maintaining hundreds of water development projects, fighting disease, and educating domestic sheep herders on the importance of maintaining strict separations between bighorn sheep and domestic herds, the fraternity has provided necessary water resources to Southern Nevada wildlife and ensured a healthy bighorn sheep population for future generations.

I commend the Fraternity of the Desert Bighorn on their 50th anniversary, and I wish them the best in their future endeavors.

#### TRIBUTE TO MIRA BALL

Mr. McCONNELL. Mr. President, I rise today to honor and congratulate my good friend, Mira Ball. On June 5, Mira will receive the Midway College Legacy Award for her many contributions and years of service to Midway College, located in Midway, KY.

Mira is the first ever recipient of this award, which will be given out at the

Inaugural Spotlight awards in June. The purpose of the Legacy Award is to recognize "a person or persons that have impacted Midway College over a period of many years by giving time, service, support and/or resources." With such a description, it's no wonder that Mira was the first in line to receive it.

Mira's contributions to Midway College, which is Kentucky's only women's college and a leader in degree programs for men and women, are aplenty. She has served on the board of trustees since 1990, became the first woman to chair the board in 1997, and was honored to be elected a life trustee in 2000. Last year, she served as interim chair while the institution was in a transitional period.

Even with her devotion to Midway College, Mira has amazingly found time to pursue a multitude of other interests and causes. She became the first woman president of the Lexington Chamber of Commerce in 1991 and was also the first woman to chair the University of Kentucky board of trustees, a post she occupied from 2007 to 2010. If you hadn't noticed, my friend Mira has never been afraid to be the first to do anything.

Additionally, Mira has been one of our State's strongest advocates for education reform, and she currently serves on the endowment board of Kentucky Educational Television, KET. She is also an involved member of the Calvary Baptist Church and is an active philanthropist to health care and education groups.

Somehow, amidst this seemingly endless stream of extracurricular activities, Mira carves out some time for her day job. She serves as the chief financial officer for the very successful Ball Homes LLC homebuilders, which she runs with her husband, Don, and their three children—Ray Ball, Mike Ball, and Lisa Ball Sharp. In addition to their children, Mira and Don have seven grandchildren—making for a wonderful family that is undoubtedly her biggest achievement of all.

Mira's tireless efforts to better the lives of others deserve the recognition of this body. Thus, I ask that my U.S. Senate colleagues join me in honoring Mira Ball, and congratulating her for being the first-ever recipient of the prestigious Midway College Legacy Award.

#### NATIONAL FOSTER CARE MONTH

Ms. LANDRIEU. Mr. President, 26 years ago Members of Congress decided to designate May as National Foster Care Month. Since then, the U.S. Congress, the Children's Bureau at the Department of Health and Human Services, and the National Foster Parent Association have worked together to recognize the work of foster families, social workers, faith-based and com-

munity organizations, and others who are improving the lives of foster youth across the country and to encourage all Americans to participate in efforts to serve these children throughout the year.

I have come to the floor today, alongside my esteemed colleague and co-chair on the Senate Caucus on Foster Youth, to recognize the foster parents, social workers, and advocates from my home State of Louisiana and around the country who play an essential role in the lives of children in foster care throughout the United States. I also want to acknowledge the leaders of the House Caucus on Foster Youth—Representative KAREN BASS, Representative TOM MARINO, Representative MICHELE BACHMANN, and Representative JIM McDERMOTT—who already have or will soon speak on the floor, as well, to commemorate National Foster Care Month.

Each day 691 new children enter the foster care system because of abuse or neglect. Each week 4,852 children find themselves on the beginning of their journey through "the system." Over 79,000 children will call this system home for more than 3 years, and more than 23,400 young adults will "age out" of the system without a safe, permanent family. Of those that age out, studies indicate that only 25 percent have a high school diploma or GED, less than 2 percent finish college, over half experience homelessness, and nearly 30 percent have been incarcerated.

As I have long said, governments do many things well, but raising children is not, and will never be, one of them. Our foster care system should be temporary—it is a temporary place where children should go to be protected and nurtured until they can be returned to their birth family, be placed with extended family, or be connected with an adoptive parent or parents. Unfortunately, all too often this is not how it happens. Forty percent of those eligible for adoption will wait over 3 years in foster care before being adopted. Even worse, 23,000 youth—25 percent of those eligible for adoption—"age out" or emancipate from the system each year. We cannot rest until our Federal and state governments are 100 percent successful at connecting these children—who have been placed under the government's care due to no fault of their own—with permanent, safe, and loving families.

It is our responsibility to find homes for the huge numbers of abandoned and orphaned children in the United States. For this reason, I created a new pilot grant in the fiscal year 14 Omnibus to enable States to initiate intensive and exhaustive child-focused recruitment programs, proven to increase adoptions out of foster care 3 to 1. The \$4 million dollars that I secured for this program will enable States to move foster youth

eligible for adoption into permanent families at a much higher rate than traditional recruitment strategies. This is because these grants will provide social workers with the resources, time, and mandate to actually open up the file of youth in care and identify the names and contact information of parents, relatives, caregivers, and other significant adults in that child's life. This intense review, often called "case mining," is key in locating a caring adult able to commit to reunification, adoption or legal guardianship for foster youth.

There are many other strategies that our government can implement to increase permanency for foster children. Just last week the Congressional Coalition on Adoption Institute, led by executive director Kathleen Strotzman, hosted a policy focused briefing to educate congressional staff about how postadoption services are cost-effective and enormously beneficial alternatives to children reentering foster care or having their adoptions dissolved. The Federal Government spends an average of \$27,236 annually for each child in care covered by Federal funding—and much more for those in group homes or residential treatment centers—compared to \$5,043 for a child receiving adoption assistance covered by Federal funding adoptions. There currently is no Federal funding stream dedicated exclusively to postadoption services. We as legislators must consider ways in which we can increase the overall resources dedicated to post-adoption.

As I have stated, it is our responsibility to invest in initiatives that are proven to be successful in finding permanent solutions for our nation's foster children. I encourage my colleagues to cosponsor S. Res. 442, "Recognizing National Foster Care Month as an opportunity to raise awareness about the challenges of children in the foster care system, and encouraging Congress to implement policy to improve the lives of children in the foster care system."

I yield my time to my esteemed colleague and cochair of the Senate Caucus on Foster Youth, Senator CHUCK GRASSLEY from Iowa.

Mr. GRASSLEY. Mr. President, I come to the floor to speak today about the foster care system and the impact the system has on the lives of far too many children, young adults, and families.

Currently, more than 400,000 children across the United States are in the foster care system. From its inception, the foster care system was designed to be a safe and temporary place of transition for kids who have nowhere else to go. Of those currently calling the foster care system home, 79,000 will stay in foster care for more than 3 years. More than 23,400 will age out of foster care without finding an adoptive family or a permanent place to call home.

Furthermore, youth who age out of the foster care system experience unique struggles that extend beyond the usual anxieties of trying to establish a life after high school. In fact, only one quarter has earned a high school diploma or GED, while less than 2 percent finish college. Worse yet, more than 50 percent will experience homelessness and nearly 30 percent will have spent time behind bars.

That is why we recognize May as National Foster Care Month. Senator LANDRIEU and I have introduced a resolution to shed light on the many young faces that seek a permanent home and family. We also set aside a moment to recognize the countless number of people who work tirelessly for youth in foster care.

Stability comes from a much larger community than just a family. Stability comes from the teacher who sees the student at the desk near the back of the classroom who needs a little extra help and guidance. Stability comes from the friends and neighbors who take it upon themselves to invite the new face in the neighborhood to join in a game of basketball or swimming. Stability comes from the social workers who work tirelessly to help resolve the issues at home foster youth face or, if necessary, they help find a permanent home that will offer warmth and happiness. And most importantly, stability comes from the families who are willing to take a child or group of children into their home, to provide a safe and nurturing environment so that they have a chance to grow and thrive.

I call upon my colleagues to support S. Res. 442 recognizing National Foster Care Month as an opportunity to raise awareness about the challenges of children in the foster care system and encouraging Congress to implement policy to improve the lives of children in the foster care system. The resolution also recognizes foster youth throughout the United States for their courage and resilience as they move through their personal trials and challenges. We also seek to applaud the youth who have moved on from the foster care system but remain active to serve as advocates and role models for those who remain in the system.

However, while we seek to applaud and commend those who continue to be a beacon of hope for these youth, the resolution is also intended to reaffirm the need to continue to improve the outcomes for all children in the foster care system. Every child deserves the stability and certainty that a loving, permanent home and family can provide.

Congress has been working to improve the lives of all those touched by the foster care system. That has included providing support to vulnerable families, with the hope of safely keeping families intact while they work

through difficult times. We have promoted policies that encourage reunification of families when they successfully address issues that make homes safe and nurturing for children. We have helped create incentives to promote adoption when reunification isn't possible. For those who age out of the foster care system without a permanent place to call home, we have been working to make the transition to adulthood more certain.

That is why in 2009 Senator LANDRIEU and I launched the bipartisan Senate Caucus on Foster Youth. The caucus works to provide an outlet for Members and staff to provide educational opportunities in order to help shape meaningful policy that works to bring children and families together.

The caucus has created a gateway for grassroots coalitions of families, foster youth, child welfare advocates, court representatives, and social workers to locate policymakers who are actively fighting and supporting tools to improve the lives of all children and families. The caucus has created an avenue for all stakeholders to help identify barriers that block foster kids from finding a permanent, loving home either through adoption, guardianship, or reunification with their birth family.

The caucus is currently offering a series of opportunities designed to introduce Members and staff to the issue of child welfare financing. The meetings have been designed to provide a collegial environment to build a base of knowledge for those less familiar with the issue and to help those who have been working on the issue for many years.

So far this spring, we have had a chance to hear from specialists and experts about the early history of child welfare and how it has developed into the programs that we see today. We are studying how the current system is structured, how we can improve it, and how we can better incentivize States to find permanent placements for foster youth.

In the past, we have studied and acted to improve the educational stability of the students. There are numerous cases of children who move from school to school within a given year. Just as they have an opportunity to form a series of friendships, they are ushered on to another school to begin the process yet again. Beyond the problems of building meaningful relationships, many foster youth have to worry about how their credits transfer from one school to the next. Many students are required to take a class numerous times in multiple schools because of varying requirements. Oftentimes, this creates a gap that extends the amount of time it takes a student to fulfill the requirements to complete school.

Another issue that comes up is sex trafficking. Youth in the foster care



system can be susceptible to domestic sexual predators who offer them financial assistance and emotional bonds.

Just recently, the Federal Bureau of Investigation, FBI, rescued 18 minors from forced prostitution around the time of the Super Bowl. Of the 18 minors, 3 were from the foster care system. I sent a letter to the FBI to ask the agency to explain how underage victims are treated once they are rescued from forced prostitution. From my inquiry so far, it seems the FBI has taken positive steps, including making clear that those who are forced into prostitution are victims, not criminals. The FBI also has a coordinated effort that has recovered a number of juvenile victims. But it is important to track what happens to victims after rescue. Are they getting the protections and services they need to stay safe or are they ending up back in dangerous situations? If they came from foster care, did the system fail to protect them?

The Senate Finance Committee approved a bipartisan bill in December to improve the foster care system. The bill seeks to protect foster youth and to encourage officials to better prevent, identify, and intervene when a child becomes a victim of trafficking.

Our caucus has taken a lead in educating the public about this issue. We heard from two incredibly brave survivors of trafficking who had beaten the odds, escaped “the life,” and are now working as mentors with other girls who have been trafficked or are at risk of being trafficked.

The caucus has raised a number of other important issues, and we have invited youth to share their personal experiences. They are the experts, and we can learn from them.

I am glad to report the caucus is gaining strong support from across party lines and regional areas of the country. I am glad that we have had nine new members this year, including Senators CRAPO, SCOTT, KAINE, WARNER, KLOBUCHAR, INHOFE, WICKER, HEITKAMP, and JOHANNIS.

We will continue working to keep the national spotlight on the challenges confronting foster youth. Every child deserves the stability and certainty that a loving, permanent home and family can provide. I thank my colleagues for their support in this endeavor.

#### ADDITIONAL STATEMENTS

##### POTTAWATTAMIE COUNTY, IOWA

• Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and

well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Pottawattamie County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Pottawattamie County worth over \$24 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$65 million to the local economy.

Of course my favorite memories of working together have to include the Pottawattamie County Preschool Initiative plan was developed to dramatically expand preschool for more than 250 unserved children, several affordable housing and main street reconstruction projects, as well as work on transportation infrastructure and airport improvements. While I have worked to secure more than \$2.8 million for the Pottawattamie County Preschool Initiative, as part of the private-public partnership, the Iowa West Foundation also committed \$7 million for the early learning initiative. This is the type of investment Iowa needs to ensure a brighter economic future for every student. I look forward to learning how this program has impacted students in Pottawattamie County.

Among the highlights:

Investing in Iowa's economic development through targeted community projects: In Western Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Pottawattamie County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole ripple effect of positive, creative changes. For example, working with mayors, city council members, and

local economic development officials in Pottawattamie County, I have fought for over \$16 million to reconstruct the Avenue G viaduct, over \$2.5 million for affordable housing projects, and secured \$2 million to make sure the airport got priority for a new runway through the Federal Aviation Administration, helping to create jobs and expand economic opportunities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Pottawattamie County has received \$5.1 million in Harkin grants. Similarly, schools in Pottawattamie County have received funds that I designated for Iowa Star Schools for technology totaling \$168,650.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Pottawattamie County's fire departments have received over \$1.5 million for firefighter safety and operations equipment.

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Pottawattamie County has recognized this important issue by securing more than \$5.6 million for the Community Health Center.

Disability Rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Pottawattamie County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Pottawattamie County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Pottawattamie County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### HARRISON COUNTY, IOWA

● Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special

pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Harrison County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Harrison County worth over \$3.6 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$6.8 million to the local economy.

Of course my favorite memory of working together has to be its successful use of several Main Street Iowa grants for facade restoration and other building renovations in downtown Woodbine, and redevelopment of the Moore's Block in Dunlap.

Among the highlights:

Main Street Iowa: One of the greatest challenges we face—in Iowa and all across America—is preserving the character and vitality of our small towns and rural communities. This is not just about economics. It is also about maintaining our identity as Iowans. Main Street Iowa helps preserve Iowa's heart and soul by providing funds to revitalize downtown business districts. This program has allowed towns like Woodbine and Dunlap to use that money to leverage other investments to jumpstart change and renewal. I am so pleased that Harrison County has earned \$148,000 through this program. These grants build much more than buildings. They build up the spirit and morale of people in our small towns and local communities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Harrison County has received over \$3.35 million in Harkin grants. Similarly, schools in Harrison County have received funds that I designated for Iowa Star Schools for technology totaling \$20,000.

Agricultural and rural development: Because I grew up in a small town in

rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Harrison County has received more than \$3.5 from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Harrison County's fire departments have received over \$1.19 million for firefighter safety and operations equipment.

Disability Rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Harrison County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Harrison County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Harrison County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always

be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### TRIBUTE TO SUSAN ALLER-SCHILLING

● Mr. HELLER. Mr. President, today I wish to honor Major Susan Aller-Schilling, a devoted and history-making member of the Nevada Highway Patrol, NHP.

Major Aller-Schilling has served with Nevada's Department of Public Safety for more than 16 years. Rising to the rank of lieutenant before transferring to the NHP, Major Aller-Schilling is the first female trooper in the agency's history to achieve the ranking title of major.

Supporting Nevada's citizens through a tireless dedication to their safety, Major Aller-Schilling has served a vast majority of the State from Las Vegas to Reno, where she has diligently performed as an operations commander since last year. As a major, she will oversee more than 2,560 sworn and civilian personnel.

Today, the NHP boasts well over 300 commissioned officers, each dedicated to ensuring safe, economical, and enjoyable use of the highways. Protecting citizens and assisting law enforcement agencies throughout our State and the Nation are just a few of the services these servicemen selflessly provide.

Aligned with the NHP's mission of protecting safety, Major Aller-Schilling's loyalty and dedication to community well-being has been described as exceptional. Her example of hard work and dedication to a cause greater than herself is demonstrated by this elevation of her rank—the first of its kind. I am grateful for Major Aller-Schilling's character and the role model she is for our State.

I ask my colleagues to join me in honoring Major Aller-Schilling for her steadfast loyalty and dedication to the Great State of Nevada.●

#### BATTLE OF KENNESAW MOUNTAIN SESQUICENTENNIAL

● Mr. ISAKSON. Mr. President, today I wish to commemorate the sesquicentennial of Georgia's Battle of Kennesaw Mountain that took place on June 27, 1864, and was an important moment in the Civil War's Atlanta campaign.

The Civil War had been underway for more than 3 years when GEN William T. Sherman began his movement south of Chattanooga, TN. Sherman's troops moved south following the general path of the Western and Atlantic Railroad. By mid-June, both the Union and Confederate armies were in the vicinity of Kennesaw Mountain. Both sides had to struggle with a common enemy—rain—that continued for 2½ weeks. From June 4 through June 18, 1864, southern

GEN Joseph E. Johnston surprised Sherman by defending a line running from Lost Mountain to Brushy Mountain. A series of attacks on this line forced Johnston to draw back to the Kennesaw line on June 19, 1864. Using Kennesaw Mountain as the anchor for his line, Johnston's forces prepared a strong defensive position blocking the likely avenues of approach Sherman would use to continue his advance toward Marietta and subsequently to Atlanta.

Following a tactical approach that had been successful throughout the spring, the Union army moved some of its forces to the Confederates' left flank. The Confederates countered and moved one of their corps from the right to the left of their line. Acting without orders from Johnston, John Bell Hood ordered his forces to attack the Union troops. Charging across Valentine Kolb's fields, the Confederates met a devastating combination of artillery and infantry fire from entrenched Union troops. This caused the Confederates to retreat and dig in. Although the attack led to costly casualties for the Confederates it prevented the Union from advancing toward Marietta. It also forced Sherman to change tactics and order a frontal assault on June 27, 1864.

Sherman's troops bombarded the Confederate positions on the morning of June 27 and then advanced along the base of Kennesaw Mountain. The Confederates repulsed this diversionary attack. Rough terrain and a stubborn defense obstructed the Union assault at Pigeon Hill that subsequently fell apart after a couple of hours. At Cheatham Hill, the heaviest fighting occurred along a stretch in the Confederate line dubbed "Dead Angle" by Confederate defenders. Union troops made a desperate effort to storm the Confederate trenches. However, the rough terrain and intense Confederate fire combined to defeat the Union army. Within hours, the Battle of Kennesaw Mountain was over. Union casualties numbered some 3,000 men while the Confederates lost 1,000, making it one of the bloodiest single days in the campaign for Atlanta.

In 1899, a lieutenant of the 86th Illinois Infantry purchased 60 acres at Cheatham Hill, the site of the most deadly encounter at Kennesaw Mountain. The land was later transferred to the Kennesaw Memorial Association, which received \$20,000 from the State of Illinois to construct a monument on Cheatham Hill to honor the soldiers of the 86th Illinois Regiment who died there. On June 27, 1914, the 50th anniversary of the battle, a marble monument was unveiled and dedicated to those fallen men. In 1917, the land was deeded to the United States government and 9 years later, in 1926, the U.S. Congress passed a law that placed the area under the protection of the War Department.

In 1935, legislation was passed creating Kennesaw Mountain National Battlefield Park on the original 60 acres purchased by the lieutenant of the 86th Illinois Infantry. Today, the Kennesaw Mountain National Battlefield Park consists of nearly 3,000 acres where visitors enjoy 19.7 miles of trails and can see historic earthworks, cannon emplacements, interpretive signs, and three monuments representing States that fought in this momentous battle.●

#### ARAGON, GEORGIA

● Mr. ISAKSON. Mr. President, I wish to commemorate the Centennial of the city of Aragon, GA, on July 23, 2014.

During the past 100 years, Aragon has seen both good times and difficult times. Through periods of growth, economic struggle and social change, the leaders and residents of Aragon have upheld their commitment to remaining a city.

The origin of the city's name of Aragon has been widely disputed by historians. Some claim that Aragon was named after the Hotel Aragon located on Peachtree Street in Atlanta, GA, where some of the mill owners stayed when visiting the area. Others believe the city was named for the mineral aragonite that was mined nearby.

The city of Aragon was founded in 1899 in Polk County, GA. The city charter was adopted on July 23, 1914, and was approved by Georgia Governor John M. Slaton. The first three commissioners were Fred O. Myers, J.H. Arnold and R.L. Huckabe.

The city was established in 1898 in northwest Georgia following the construction of a mill by Wolcott and Campbell of New York. Over the years, numerous additions and improvements were made to the mill, which employed hundreds of workers and contributed to the livelihood of many families in the community. The mill closed for good in 1994 and remained empty until 1998 when it was purchased by brothers Brian and Kirk Spears and used as a production facility for pillows and wooden pallets until August 6, 2002, when fire engulfed and decimated the complex.

At the time of this centennial celebration, the local government is vested in Mayor Ken Suffridge and Councilmen Curtis Burrus, Mayor Pro Tem Duel Mitchell, Kevin Prewett and Hunter Spinks. They are dedicated to ensuring the city and its citizens are ready for tomorrow's challenges, and remain loyal to its motto, "A Proud Past With A Promising Future."

I congratulate the residents of Aragon, GA, on their centennial year and wish them great success with observances that raise awareness of and appreciation for the city of Aragon's contributions to the development and vitality of Polk County, GA. I hope that

residents will use this year as an opportunity to learn more about the rich history of their community.●

#### RECOGNIZING CONCERNS OF POLICE SURVIVORS

● Mrs. McCASKILL. Mr. President, today I wish to recognize and honor the outstanding work of Concerns for Police Survivors C.O.P.S. for 30 years of dedicated service to the families of America's fallen law enforcement officers.

Suzie Sawyer founded the organization 30 years ago as a small grief support organization. In 1993, the organization relocated to Camdenton, MO, where it has grown to serve over 30,000 surviving law enforcement families from all over the United States. The organization now has 50 national chapters and a multimillion dollar yearly budget that is used to host annual seminars, retreats, and provide resources for the surviving families and coworkers of law enforcement officers killed in the line of duty.

I thank Suzie Sawyer for her dedication to this important cause, and I thank C.O.P.S. for 30 years of providing invaluable support to grieving law enforcement families and coworkers.●

#### TRIBUTE TO VIVIAN SMITH- TALLAN

● Mrs. MURRAY. Mr. President, I wish to recognize the achievements of Ms. Vivian E. "Bo" Smith-Tallan. During her years of service, Ms. Smith demonstrated tireless dedication to her country, and specifically to Fairchild Air Force Base and the greater Spokane area.

Ms. Smith-Tallan, who hails from Maryland, entered the Air Force in 1976 directly out of high school. She retired from the Air Force as a master sergeant after serving for 20 years on active duty. Ms. Smith-Tallan completed a degree in law enforcement and is a graduate of the Spokane County Police Academy. Prior to her present position, she was a police officer with the Medical Lake Police Department and bailiff for the Airway Heights courts system.

While on Active Duty in the law enforcement career field, Ms. Smith-Tallan served in numerous capacities including gate guard, patrolman, investigator, pass and registration non-commissioned officer in charge, and flight chief. Her talent earned her a selection as the first female motorcycle patrolman. In 1992 she was assigned as the treaty compliance superintendent and finalized Fairchild Air Force Base's role under the START Treaty in which B-52s were removed from assignment to the base. From there she was assigned as the wing protocol superintendent until her retirement from Active Duty in 1996.

Ms. Smith-Tallan then began serving at Fairchild Air Force Base as a Department of Defense civilian. Through the following 18 years she led an office of 12 airmen as the wing chief of protocol and public relations, consistently ensuring that Fairchild presented a welcoming and professional environment to visitors and the local community.

As chief of protocol she planned, evaluated, and led the arrangements, protocol and coordination for dignitaries visiting the wing. She developed and executed itineraries compatible with the scope of the visit, to include social events, ceremonies, briefings, lodging, transportation, courtesy and office calls, and tours. She planned and supervised countless renderings of honors, awards, promotions, retirements, change of command ceremonies, dining outs, airshows, intra-service competitions, parades, and other recognitions.

As chief of public relations, Ms. Smith-Tallan planned, organized and directed the activities of the 92nd Air Refueling Wing Public Affairs office to provide installation-level multimedia activities composed of media, community relations, photography and videography. She developed the community relations program and ran the Honorary Commanders and Eagles program to ensure continual outreach of installation commanders with civic leaders. Ms. Smith-Tallan also served as the wing foreign disclosure officer.

Ms. Smith-Tallan consistently goes above and beyond, as exemplified by her multiple Civilian of the Year and Civilian of the Quarter awards, an Exemplary Civilian Service Award, and many more awards she received while serving on Active Duty. Her record of achievement would not have been possible without the love and support of her husband, Robert "Bob" Tallan. We thank her family for sharing her with us. Mr. President, I ask that you and my other distinguished colleagues join me in congratulating Ms. Smith-Tallan on her 38 years of outstanding service. For her commitment to the people of Fairchild Air Force Base and the greater Spokane area, she is worthy of the highest praise.●

#### RECOGNIZING BEST BATH SYSTEMS

● Mr. RISCH. Mr. President, too often we think of business owners as only being concerned with profit. However, countless enterprises have been started based on an idea or a goal to solve a problem or to improve peoples' lives, and often times this is inspired by a need of someone close. It is a privilege to recognize such a company, Idaho's own Best Bath Systems, Inc.

Gary Multanen founded Best Bath Systems in 1971 with the goal of designing and producing baths and showers to

help those with special needs. Mr. Multanen was especially motivated to find a solution to his mother's difficulty in using conventional tubs. Over the years, Best Bath Systems has created improvements for nearly every conceivable part of a shower or tub, and has been a leader for walk-in tub design.

It is one thing to tout Mr. Multanen as being an innovator, but the real proof is in the demand from bath product sellers across the country. With \$20 million in sales last year to a network of 490 dealers across North America, Best Bath Systems has clearly earned a reputation for quality. In addition to making bath products that help people meet their basic needs, Best Bath Systems also does well by their employees, providing a profit-sharing program.

The Small Business Administration recognized Best Bath Systems' impressive track record and named Mr. Multanen and his family the 2014 Idaho Small Business Person of the Year and is sharing their accomplishments at the National Small Business Week events being held this week in Washington. This award celebrates their continued sales growth, superior customer service, and commitment to their community.

Best Bath Systems has been an active fixture in the Caldwell and Boise communities for a long time with Mr. Multanen serving on the boards of Boise City Parks & Recreation and the Treasure Valley Air Quality Council. In addition, since 2000, Best Bath Systems has a built robust relationship with the Idaho Small Business Development Center, SBDC, where Mr. Multanen currently serves as the chairman of the advisory council and uses his business' success story with the SBDC to motivate other Idaho entrepreneurs. Concern for the environment is also part of Best Bath Systems' community commitment. Best Bath Systems' 106,000 square foot facility in Caldwell, ID uses just 28 percent of their Federal emissions allowance, and they have promoted similar standards for the industry through their trade association, which Mr. Multanen co-founded.

I wish to congratulate Mr. Multanen on being named the 2014 Idaho Small Business Person of the Year and everyone at Best Bath Systems for their 43 years of sales, innovation, and bettering the quality of life for many.●

#### HALEKULANI'S 30TH ANNIVERSARY

● Mr. SCHATZ. Mr. President, Halekulani is a globally acclaimed luxury resort on Waikiki beach, and it is synonymous with the gracious hospitality of Hawaii. This hotel traces its roots back over 100 years, when ancient Hawaiian fishermen named this beachfront area Halekulani, which means "house befitting heaven."

Since its humble beginnings as a collection of guest bungalows in 1917, Halekulani has provided the highest standards of excellence and personalized service, while practicing the aloha spirit of Hawaii.

Through the years, Halekulani has hosted celebrated authors, poets, entertainers, dignitaries, and guests from around the globe, all the while providing an "oasis of tranquility" in the heart of Waikiki.

This year, Halekulani will celebrate its 30th year since reopening in 1984 following a property-wide renovation.

Halekulani continues to build upon its legacy and rich tradition of gracious hospitality and sets a high standard for luxury destination resorts in Waikiki. Today, it remains one of the most acclaimed independent luxury hotels in the world, with an international reputation for its award-winning service.

Over the past 30 years, Halekulani has provided unique guest experiences through its support of local culture and the arts institutions in Honolulu, including the Hawaii Symphony Orchestra, the Honolulu Museum of Art, the Bishop Museum, and the Hawaii International Film Festival, offering its international guests special access to some of Honolulu's finest arts and cultural attractions. In addition, through Halekulani's dedicated support of education and humanities causes in the local community, Halekulani has established itself as a dedicated and responsible corporate citizen of Hawaii.

I congratulate Halekulani on its 30th anniversary and for its continued commitment to offering the highest quality of hospitality. Halekulani has helped make Hawaii one of the best leisure and business destinations in the world.●

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5730. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons to the Entity List" (RIN0694-AG12) received in the Office of the President of the Senate on May 6, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-5731. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Utah; Revisions to UAC Rule 401—Permit: New and Modified Sources" (FRL No. 9756-5) received in the Office of the President of the Senate on May 8, 2014; to the Committee on Environment and Public Works.

EC-5732. A communication from the Director of the Regulation Policy and Manage-

ment Office of the General Counsel, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Loan Guaranty: Ability-to-Repay Standards and Qualified Mortgage Definition under the Truth in Lending Act" (RIN2900-AO65) received during adjournment of the Senate in the Office of the President of the Senate on May 9, 2014; to the Committee on Veterans' Affairs.

EC-5733. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the issuance of an Executive Order declaring a national emergency posed by the situation in and in relation to the Central African Republic; to the Committee on Banking, Housing, and Urban Affairs.

EC-5734. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13611 of May 16, 2012, with respect to Yemen; to the Committee on Banking, Housing, and Urban Affairs.

EC-5735. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation for Certain Industrial Equipment: Alternative Efficiency Determination Methods and Test Procedures for Walk-In Coolers and Walk-In Freezers" (RIN1904-AC46) received in the Office of the President of the Senate on May 13, 2014; to the Committee on Energy and Natural Resources.

EC-5736. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 14-041); to the Committee on Foreign Relations.

EC-5737. A communication from the Deputy Director, Center for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Possession, Use, and Transfer of Select Agents and Toxins; Biennial Review, Technical Amendment" (RIN0920-AA34) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC-5738. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rules and Regulations Under the Textile Fiber Products Identification Act" (16 CFR Part 303) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5739. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Energy and Water Use Labeling for Consumer Products Under the Energy Policy and Conservation Act ("Energy Labeling Rule")" (RIN3084-AB15) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5740. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Revisions to Dealer Permitting and Reporting Requirements for Species Managed by the Gulf of Mexico and

South Atlantic Fishery Management Councils" (RIN0648-BC12) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5741. A communication from the Senior Attorney, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Retrospective Review Under E.O. 13563: War Risk Insurance" (RIN2133-AB82) received during in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5742. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Rear Visibility" (RIN2127-AK43) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5743. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Child Restraint Systems" (RIN2127-AL35) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5744. A communication from the Deputy Chief of the Policy Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions of Parts 2 and 25 of the Commission's Rules to Govern the Use of Earth Stations Aboard Aircraft Communicating with Fixed-Satellite Service Geostationary-Orbit Space Stations Operating in the 10.95-11.2 GHz, 11.45-11.7 GHz, 11.7-12.2 GHz and 14.0-14.5 GHz Frequency Bands" (FCC 14-45) received during adjournment of the Senate in the Office of the President of the Senate on May 9, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5745. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Tohatchi, New Mexico)" (MB Docket No. 13-250, DA 14-600) received during adjournment of the Senate in the Office of the President of the Senate on May 9, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5746. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Seaford and Dover, Delaware" (MB Docket No. 13-40, DA 14-547) received during adjournment of the Senate in the Office of the President of the Senate on May 9, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5747. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Moran, Texas)" (MB Docket No. 13-102, DA 14-603) received during adjournment of the Senate in the Office of the President of the Senate on May 9, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5748. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Extension of Effective Date for the Helicopter Air Ambulance, Commercial Helicopter, and Part 91 Helicopter Operations Final Rule" ((RIN2120-AK47) (Docket No. FAA-2010-0982)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5749. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Prohibition Against Certain Flights in the Simferopol (UKFV) Flight Information Region (FIR)" ((RIN2120-AK50) (Docket No. FAA-2014-0225)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5750. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules; Miscellaneous Amendments No. (513)" ((RIN2120-AA63) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5751. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters" ((RIN2120-AA64) (Docket No. FAA-2013-0637)) received in the Office of the President of the Senate on May 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5752. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-1072)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5753. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd and Co KG Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2013-0884)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5754. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Helicopters" ((RIN2120-AA64) (Docket No. FAA-2014-0216)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5755. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Ballonbau Worner GmbH Balloons" ((RIN2120-AA64) (Docket No. FAA-2014-0041)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5756. A communication from the Paralegal Specialist, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0837)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5757. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0690)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5758. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace (Operations) Limited Airplanes" ((RIN2120-AA64) (Docket No. FAA-2014-0020)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5759. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Austro Engine GmbH Engines" ((RIN2120-AA64) (Docket No. FAA-2013-0164)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5760. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2014-0233)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5761. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2014-0255)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5762. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Centaur Gliders" ((RIN2120-AA64) (Docket No. FAA-2014-0018)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5763. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Regional Aircraft Airplanes" ((RIN2120-AA64) (Docket No. FAA-2014-0042)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5764. A communication from the Paralegal Specialist, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0425)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5765. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0829)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5766. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0363)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5767. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alexander Schleicher, Segelflugzeugbau Gliders" ((RIN2120-AA64) (Docket No. FAA-2014-0019)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5768. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; ATR-GIE Avions de Transport Regional Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0975)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5769. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0419)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5770. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd and Co KG Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2006-24777)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5771. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd and Co KG Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2012-1202)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5772. A communication from the Paralegal Specialist, Federal Aviation Adminis-



a rule entitled "Airworthiness Directives; Fokker Services B.V. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0674)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5773. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Turboshift Engines" ((RIN2120-AA64) (Docket No. FAA-2007-27009)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5774. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-1069)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5775. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0668)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5776. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0865)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2076. A bill to amend the provisions of title 46, United States Code, related to the Board of Visitors to the United States Merchant Marine Academy, and for other purposes (Rept. No. 113-158).

By Ms. LANDRIEU, from the Committee on Energy and Natural Resources, with an amendment:

S. 753. A bill to provide for national security benefits for White Sands Missile Range and Fort Bliss (Rept. No. 113-159).

By Ms. LANDRIEU, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1169. A bill to withdraw and reserve certain public land in the State of Montana for the Limestone Hills Training Area, and for other purposes (Rept. No. 113-160).

S. 1309. A bill to withdraw and reserve certain public land under the jurisdiction of the Secretary of the Interior for military uses, and for other purposes (Rept. No. 113-161).

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

\*R. Jane Chu, of Missouri, to be Chairperson of the National Endowment for the Arts for a term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COONS (for himself and Mr. PORTMAN):

S. 2332. A bill to expand benefits to the families of public safety officers who suffer fatal climate-related injuries sustained in the line of duty and proximately resulting in death; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself, Mr. BLUNT, Mrs. GILLIBRAND, and Mr. RUBIO):

S. 2333. A bill to amend title 10, United States Code, to provide for certain behavioral health treatment under TRICARE for children and adults with developmental disabilities; to the Committee on Armed Services.

By Mr. KING (for himself and Mr. BURRELL):

S. 2334. A bill to amend the Small Business Act and title 38, United States Code, to provide for a consolidated definition of a small business concern owned and controlled by veterans, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. RISCH:

S. 2335. A bill to exempt certain 16 and 17 year-old children employed in logging or mechanized operations from child labor laws; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO:

S. 2336. A bill to eliminate the payroll tax for individuals who have attained retirement age, to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. FRANKEN, Ms. KLOBUCHAR, Mrs. FEINSTEIN, Mr. BEGICH, Mr. WHITEHOUSE, Mr. LEVIN, and Mr. PRYOR):

S. 2337. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to inter in national cemeteries individuals who supported the United States in Laos during the Vietnam War era; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself and Mr. THUNE):

S. 2338. A bill to reauthorize the United States Anti-Doping Agency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BARRASSO (for himself, Mr. HATCH, Mr. ENZI, Mr. MCCAIN, Mr. COBURN, and Mr. CHAMBLISS):

S. 2339. A bill to amend the Patient Protection and Affordable Care Act to require States with failed American Health Benefit Exchanges to reimburse the Federal Govern-

ment for amounts provided under grants for the establishment and operation of such Exchanges; to the Committee on Finance.

By Mr. BOOKER:

S. 2340. A bill to amend the Higher Education Act of 1965 to require the Secretary to provide for the use of data from the second preceding tax year to carry out the simplification of applications for the estimation and determination of financial aid eligibility, to increase the income threshold to qualify for zero expected family contribution, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself and Mr. ISAKSON):

S. Res. 445. A resolution recognizing the importance of cancer research and the contributions of scientists, clinicians, and patient advocates across the United States who are dedicated to finding a cure for cancer, and designating May 2014 as "National Cancer Research Month"; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 162

At the request of Mr. FRANKEN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 162, a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

S. 357

At the request of Mr. CARDIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 357, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 411

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 429

At the request of Mr. NELSON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 429, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 539

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 539, a bill to amend the



Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 1181

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1181, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1445

At the request of Mr. PRYOR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to provide for the participation of optometrists in the National Health Service Corps scholarship and loan repayment programs, and for other purposes.

S. 1622

At the request of Ms. HEITKAMP, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. 1622, a bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 1675

At the request of Mr. WHITEHOUSE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1675, a bill to reduce recidivism and increase public safety, and for other purposes.

S. 1695

At the request of Ms. CANTWELL, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1695, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 1803

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1803, a bill to require certain protections for student loan borrowers, and for other purposes.

S. 1908

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1908, a bill to allow reciprocity for the carrying of certain concealed firearms.

S. 1948

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. WALSH) was added as a cosponsor of S. 1948, a bill to promote the academic achievement of American Indian, Alaska Native, and Native Hawaiian children with the establishment of a Native American language grant program.

S. 1957

At the request of Mr. BENNET, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1957, a bill to establish the American Infrastructure Fund, to provide bond guarantees and make loans to States, local governments, and infrastructure providers for investments in certain infrastructure projects, and to provide equity investments in such projects, and for other purposes.

S. 2004

At the request of Mr. BEGICH, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2004, a bill to ensure the safety of all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, as they travel on and across federally funded streets and highways.

S. 2013

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2013, a bill to amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

S. 2082

At the request of Mr. MENENDEZ, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2082, a bill to provide for the development of criteria under the Medicare program for medically necessary short inpatient hospital stays, and for other purposes.

S. 2091

At the request of Mr. HELLER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2091, a bill to amend title 38, United States Code, to improve the processing by the Department of Veterans Affairs of claims for benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2292

At the request of Ms. WARREN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2292, a bill to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans, and for other purposes.

S. 2295

At the request of Mr. LEAHY, the names of the Senator from North Dakota (Ms. HEITKAMP) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 2295, a bill to establish the National Commission on the Future of the Army, and for other purposes.

S. 2299

At the request of Mr. JOHNSON of South Dakota, the name of the Senator

from Montana (Mr. WALSH) was added as a cosponsor of S. 2299, a bill to amend the Native American Programs Act of 1974 to reauthorize a provision to ensure the survival and continuing vitality of Native American languages.

S. 2302

At the request of Mrs. SHAHEEN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Montana (Mr. WALSH) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 2302, a bill to provide for a 1-year extension of the Afghan Special Immigrant Visa Program, and for other purposes.

S. 2316

At the request of Mr. THUNE, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2316, a bill to require the Inspector General of the Department of Veterans Affairs to submit a report on wait times for veterans seeking medical appointments and treatment from the Department of Veterans Affairs, to prohibit closure of medical facilities of the Department, and for other purposes.

AMENDMENT NO. 3059

At the request of Ms. AYOTTE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3059 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 3062

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 3062 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 3064

At the request of Mr. MORAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 3064 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS  
By Mr. RISCH:

S. 2335. A bill to exempt certain 16- and 17-year-old children employed in logging or mechanized operations from child labor laws; to the Committee on Health, Education, Labor, and Pensions.

Mr. RISCH. Mr. President, Senator CRAPO and I would like to introduce the Youth Careers in Logging Act. Small family logging companies, much like family farms, rely on younger family members to help make their companies successful. The agriculture industry enjoys exemptions from child labor laws to allow for family members to learn the trade and carry on the family business. This bill will provide those same benefits for the logging industry.

The logging industry is struggling to recruit young employees. This industry, like many others, has an aging work force that will soon retire. Modern mechanized machinery opens up opportunities for a new tech-savvy generation of loggers if we give them the chance.

There are 400 independent logging contractor businesses in Idaho, most of which are family owned and operated. Current labor laws do not allow the children of these family owned businesses to work and learn in the same profession as their parents.

Should the Youth Careers in Logging Act be enacted, starting at the age of 16 young adults will be allowed to operate safe and modern machinery. These young loggers will help Idaho and the country to create healthy, fire resilient forests and bring much needed natural resources into our marketplace to help make paper and build homes.

By passing this legislation, Congress can help young adults earn good wages through hard work in the great outdoors that will create a generation of young Americans that understand the value of a great work ethic.

By Ms. MURKOWSKI (for herself, Mr. FRANKEN, Ms. KLOBUCHAR, Mrs. FEINSTEIN, Mr. BEGICH, Mr. WHITEHOUSE, Mr. LEVIN, and Mr. PRYOR):

S. 2337. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to inter in national cemeteries individuals who supported the United States in Laos during the Vietnam War era; to the Committee on Veterans' Affairs.

Ms. MURKOWSKI. Mr. President I have come to the floor today to reintroduce a piece of legislation that I feel is long overdue. The Hmong Veterans' Service Recognition Act is a bill to authorize the interment in national cemeteries of Hmong veterans who served in support of U.S. forces during the Vietnam War. Thousands of members of the Hmong community fought for America during Vietnam yet they enjoy no rights as veterans. The Hmong veterans are requesting to be

buried in national cemeteries and I, along with a bipartisan group of colleagues, Senators FRANKEN, KLOBUCHAR, FEINSTEIN, BEGICH, WHITEHOUSE, and PRYOR, believe this is an appropriate honor.

To preserve Laos's neutrality during the Vietnam War, the U.S., Soviet Union, North Vietnam, and ten other countries signed the 1962 Geneva Declaration prohibiting all foreign military personnel from Laos. While the U.S. and other countries withdrew all military personnel, the North Vietnamese Army blatantly violated the Geneva Declaration by keeping thousands of troops in Laos. Using Laotian territory to circumvent borders, these NVA forces posed a direct threat to America's military position in South Vietnam. Unable to be present in Laos, but needing to counteract the NVA, America required a covert military force. The Hmong were ideal candidates for America's secret war—they were renowned as being brave fighters who knew the rocky mountain terrain of Northern Laos well.

All told, the U.S. Central Intelligence Agency conducted covert operations in Laos which employed some 60,000 Hmong volunteers in Special Guerilla Units. The Hmong Fighters interrupted operations on the Ho Chi Minh trail and assisted in downed aircraft recovery operations of American Airmen. In Laos, they valiantly fought the Vietnamese and Laotian Communists for over a decade and were critical to America's war efforts in Vietnam. In all, over 35,000 Hmong lost their lives by the end of our involvement in Vietnam.

Since the end of the Vietnam War, thousands of Hmong and Lao families have resettled around the United States to become legal permanent residents or United States citizens and have greatly contributed to American society. There are currently over 260,000 Hmong people in America. According to the 2010 Census, the heaviest concentrations are in California, Minnesota, Wisconsin, North Carolina, Michigan, Colorado, Georgia, Oklahoma, Oregon, and my home State of Alaska.

Of the Hmong who became U.S. citizens, approximately 6,000 veterans are still with us today, and they deserve the choice to be buried in national cemeteries. This concept is not without precedent. Currently, burial benefits are available for Philippine Armed Forces veterans who answered the call to serve during World War II, just like the Hmong. This legislation would not grant the small group of Hmong veterans full veteran benefits, but would simply authorize their interment in national cemeteries across the Nation. A small, but deserved token of appreciation and an appropriate honor for their sacrifices towards a common goal of democracy and freedom in the world.

This new legislation is improved from the previous version, S. 200, in that it connects with Public Law 106-207: The Hmong Veterans' Naturalization Act of 2000 which acknowledges Hmong Special Guerilla Unit's contributions during Vietnam and provides a path to validation of a Hmong veteran's service for the purpose of naturalization. Public Law already recognizes the service of Hmong Special Guerilla Unit veterans for the purpose of naturalization, so it is a natural connection to afford them burial rights as well.

Hmong-Americans who fought and risked their lives in secret for America deserve the same public respect and honor we give the men and women they served with and rescued. I believe it's time to honor the service and sacrifice of Hmong Special Guerilla Unit Veterans by allowing them to be buried alongside their brothers in arms in our national cemeteries. Again, I appreciate the support of my colleagues from across the aisle for this legislation and look forward to working with them and others in the Senate to finally getting this approved into law this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2337

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Hmong Veterans' Service Recognition Act".

#### SEC. 2. ELIGIBILITY FOR INTERMENT IN NATIONAL CEMETERIES.

(a) IN GENERAL.—Section 2402(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(10) Any individual—

“(A) who—

“(i) was naturalized pursuant to section 2(1) of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106-207; 8 U.S.C. 1423 note); and

“(ii) at the time of the individual's death resided in the United States; or

“(B) who—

“(i) the Secretary determines served with a special guerrilla unit or irregular forces operating from a base in Laos in support of the Armed Forces of the United States at any time during the period beginning February 28, 1961, and ending May 7, 1975; and

“(ii) at the time of the individual's death—

“(I) was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and

“(II) resided in the United States.”.

(b) EFFECTIVE DATE.—The amendment made by this Act shall apply with respect to an individual dying on or after the date of the enactment of this Act.

By Mr. BARRASSO (for himself, Mr. HATCH, Mr. ENZI, Mr. MCCAIN, Mr. COBURN, and Mr. CHAMBLISS):

S. 2339. A bill to amend the Patient Protection and Affordable Care Act to

require States with failed American Health Benefit Exchanges to reimburse the Federal Government for amounts provided under grants for the establishment and operation of such Exchanges; to the Committee on Finance.

Mr. BARRASSO. Mr. President, yesterday I came to the floor to address remarks made by the majority leader. Just yesterday the majority leader came to the floor and said the Republicans were "going quiet" on health care. Senator REID said ObamaCare is no longer high on the Republicans' radar screen. Yesterday I said that it was certainly still very high on my radar screen and that Republicans have every intention of continuing to focus on the Democrats' health care law and all of its harmful side effects.

Americans all across the country have been feeling those damaging side effects of the President's health care law, and the side effects are getting worse. Hard-working middle-class families who didn't want this health care law in the first place are facing higher premiums. They are facing smaller paychecks. They are facing fewer jobs, fewer doctors, and many other problems as a result specifically of the President's health care law.

Today I want to talk about another side effect of the law; that is, the millions, if not billions, of taxpayer dollars that have been absolutely wasted by bureaucrats who set up State health insurance exchanges that have failed. Under the health care law, States could choose to set up their own exchange or to use the Federal exchange. States got Federal grants to help plan which one they would do. If a State decided to set up its own exchange, it got even more money from Washington to cover the costs.

So how much money are we talking about? Well, according to the Congressional Research Service, the Federal Government has awarded grants of over \$7.4 billion as of this March.

People all across the country know the Federal exchange was an absolute train wreck when it was launched. In one State after another, the State exchanges also have been collapsing and costing taxpayers a fortune. Now some of those States have absolutely given up. They have decided they want to scrap their own systems and go into the Federal exchange after all—an option they had at first, but they decided to go first to the State exchange and now it has failed. What they have done is they have spent a lot of taxpayer money—money Washington sent to them. Where is the money? The money is gone. Their system doesn't work, and now what they want to do is have a fresh start.

President Obama says Democrats should forcefully defend and be proud of the law. I want to see where the people are now coming to the floor to forcefully defend and be proud of this health care law.

I ask the President—is he proud that these ObamaCare exchanges are failing all across the country? Are Democrats who voted for this health care law ready to forcefully defend all the taxpayer dollars that we now know have been wasted? Democrats don't want to talk about the law's expensive side effects or about the Americans harmed by the law.

Republicans have been offering solutions. Today Senator HATCH and I are introducing legislation that would address these State failures and protect taxpayers. After all, that is what Americans want. They want accountability for their hard-earned taxpayer dollars. This bill, called the State Exchange Accountability Act, says that if the State got Federal money to set up its own exchange and later decided to give up and move back on to the Federal exchange, it would have to pay back the money. It is that simple. Taxpayers shouldn't have to pay twice for the mistakes of incompetent State bureaucrats who couldn't set up a working health care exchange. States would have 10 years to pay back the grants. They would have to pay them back in full. I know State budgets are tight, so they wouldn't have to come up with the whole amount all at once. They would pay back 10 percent of the total each year for the next 10 years. These States that walk away from their exchanges are conceding that they wasted the money they received, and it is only fair that these States should repay the American taxpayers.

The failure of these exchanges and the money squandered on them was a side effect of the health care law. Democrats told States they could set up these exchanges and Washington would pay the bill. So some States didn't really care what it cost. They didn't care if the work was being done well or even done at all. As far as they were concerned, don't worry, whether it works or not it is somebody else's money.

Well, this bill I am introducing today tells these State bureaucracies that it is time for them to care about the money they have wasted. This won't fix all of the harmful side effects the Democrats created with the health care law, but it is a start, and it is the right thing to do.

If you want a sense of how big the problem is, look at an article that ran in Politico on Monday this week. The headline is "Four States in a Fix Over Their Troubled Exchanges." The article talks about four State exchanges that basically embraced ObamaCare: Massachusetts, Maryland, Nevada, Oregon. It says that these four State exchanges spent at least \$474 million and "are now in shambles."

Look at it—Maryland, \$118 million; Massachusetts, \$57 million; Nevada, \$51 million; for Oregon, \$248 million of taxpayer money from around the country

was sent to Oregon for programs that are now in shambles. So now some of these States want even more money to fix what has gone wrong in the first place.

According to Politico, Maryland spent \$118 million to set up its own exchange, and State officials did such a bad job that they are now planning to scrap the whole thing and use software from Connecticut's exchange. Massachusetts spent \$57 million. Politico called the program in Massachusetts "fatally crippled." Nevada spent \$51 million. Politico says salvaging that exchange "would be a huge feat." Oregon spent \$248 million to set up its own exchange. It was such a spectacular failure that CNBC ran a headline on May 5 stating "FBI probing Oregon's ObamaCare exchange." The FBI is probing the exchange. The State plans to use the Federal exchange from now on, getting rid of their State exchange. That is the kind of double-dipping our bill goes after.

Why should Democrats in Washington, DC, be telling taxpayers across America that they have to pay for the failures of State officials in Massachusetts, Nevada, Maryland, Oregon, and other States that may find themselves in the same situation?

Democrats have said and the President continues to say that he wants everyone to have a fair shot. Are Americans from other States who have to pay higher taxes because of these failed exchanges getting a fair shot? Well, they are not.

Our bill will start to give a fair shot to Americans who don't want to pay twice to bail out incompetent State bureaucrats. It will give a fair shot to Americans who want to reclaim some of their hard-earned taxpayer dollars.

This is just one of many ideas Republicans have offered and will continue to offer to create a patient-centered approach to health care. The plans we have offered will solve the biggest problems families face, which is the cost of care and access to care, problems that seem to have been ignored when Democrats forced this law through Congress. That means measures that would allow small businesses to pull together in order to buy health insurance for employees. Small businesses deserve a fair shot. It means letting people shop for health insurance that works for them and their families—not what the government says is best for them but what they say is best for themselves and their families. People deserve a fair shot at buying a plan that is best for themselves and their families. It means adequately funding State high-risk pools that help people get insurance—people who have disease, people who are sick—without raising the costs for healthier people. These are just a few of the solutions Republicans have offered and continue to offer to give Americans real health

care reform and a real fair shot, health care reform that gives people the care they need from a doctor they choose at lower costs, without all of the harmful and expensive ObamaCare side effects.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 445—RECOGNIZING THE IMPORTANCE OF CANCER RESEARCH AND THE CONTRIBUTIONS OF SCIENTISTS, CLINICIANS, AND PATIENT ADVOCATES ACROSS THE UNITED STATES WHO ARE DEDICATED TO FINDING A CURE FOR CANCER, AND DESIGNATING MAY 2014 AS “NATIONAL CANCER RESEARCH MONTH”

Mrs. FEINSTEIN (for herself and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 445

Whereas in 2014, cancer remains one of the most pressing public health concerns in the United States;

Whereas in 2014, more than 1,600,000 individuals in the United States are expected to be diagnosed with cancer and more than 585,000 individuals in the United States are expected to die from the disease;

Whereas 1 in 2 men in the United States will be diagnosed with cancer during his lifetime, and 1 in 3 women in the United States will be diagnosed with cancer during her lifetime;

Whereas 77 percent of individuals diagnosed with cancer are over the age of 55;

Whereas cancer accounts for approximately 1 in every 4 deaths, is the second most common cause of disease-related death in the United States, and is projected to become the number 1 disease-related killer of individuals in the United States;

Whereas racial and ethnic minorities, as well as low-income and elderly populations, continue to suffer disproportionately in cancer incidence, prevalence, and mortality;

Whereas the term “cancer” refers to more than 200 diseases that collectively represent—

(1) the leading cause of death for individuals in the United States under the age of 85; and

(2) the second leading cause of death for all individuals in the United States;

Whereas cancer is expected to cost the United States economy an estimated \$216,000,000,000 in 2014, and the economic burden of cancer is expected to rise as the number of cancer deaths increases;

Whereas the United States investment in cancer research has yielded substantial advances in cancer research and has saved many lives;

Whereas scholars estimate that every 1 percent decline in cancer mortality saves the United States economy \$500,000,000,000;

Whereas advancements in understanding the causes, mechanisms, diagnoses, treatment, and prevention of cancer have led to cures for many types of cancer and have converted other types of cancer into manageable chronic conditions;

Whereas the 5-year survival rate for all types of cancer was greater than 65 percent in 2011, improving between 1981 and 2011, and more than 13,700,000 cancer survivors were living in the United States in 2011;

Whereas therapy and effective screening tools for some types of cancer remain elusive, and some cancers, including pancreatic, liver, lung, ovarian, and brain cancer, continue to have extraordinarily high mortality rates and 5-year survival rates that are typically less than 50 percent;

Whereas partnerships among research scientists, the general public, cancer survivors, patient advocates, philanthropic organizations, industry, and Federal, State, and local governments have led to advanced breakthroughs, early detection tools that have increased survival rates, and a better quality of life for cancer survivors;

Whereas precision medicine holds great promise in treating cancer; and

Whereas advances in cancer research have had significant implications for the treatment of other costly diseases, such as diabetes, heart disease, Alzheimer's disease, HIV/AIDS, and macular degeneration: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the importance of cancer research and the invaluable contributions of researchers in the United States and around the world who are dedicated to reversing the cancer epidemic;

(2) designates May 2014 as “National Cancer Research Month”; and

(3) supports efforts to establish cancer research as a national and international priority to eventually eliminate the more than 200 diseases that collectively represent cancer.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3065. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table.

SA 3066. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3067. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3068. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3069. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3070. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3071. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3072. Mr. ROBERTS (for himself, Mr. ENZI, Mr. HATCH, Mr. BURR, Mr. FLAKE, Mr. ISAKSON, Mr. CORNYN, Mr. THUNE, Mr. CRAPO, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3073. Mr. ROBERTS (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3074. Mr. ROBERTS (for himself, Mr. FLAKE, Mr. ISAKSON, Mr. THUNE, Mr. ENZI, Mr. CORNYN, Mr. HATCH, Mr. CRAPO, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3075. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3076. Mr. BARRASSO (for himself, Mr. HATCH, Mr. ROBERTS, Mr. ENZI, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3077. Mr. THUNE (for himself, Mr. ROBERTS, Mr. ISAKSON, and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3078. Mr. THUNE (for himself, Mr. CORNYN, Mr. ROBERTS, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3079. Mr. THUNE (for himself, Mr. CARDIN, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3080. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3081. Mr. COONS (for himself, Mr. MORAN, Ms. STABENOW, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3082. Mr. KING submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3083. Mr. BOOKER (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3084. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3085. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3086. Mr. HATCH (for himself, Mr. ALEXANDER, Mr. COATS, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3087. Mr. HATCH (for himself, Mr. ALEXANDER, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3088. Mr. BURR (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3089. Mr. REID proposed an amendment to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra.

SA 3090. Mr. REID proposed an amendment to amendment SA 3089 proposed by Mr. REID to the amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra.

SA 3091. Mr. REID proposed an amendment to the bill H.R. 3474, supra.

SA 3092. Mr. REID proposed an amendment to amendment SA 3091 proposed by Mr. REID to the bill H.R. 3474, *supra*.

SA 3093. Mr. REID proposed an amendment to the bill H.R. 3474, *supra*.

SA 3094. Mr. REID proposed an amendment to amendment SA 3093 proposed by Mr. REID to the bill H.R. 3474, *supra*.

SA 3095. Mr. REID proposed an amendment to amendment SA 3094 proposed by Mr. REID to the amendment SA 3093 proposed by Mr. REID to the bill H.R. 3474, *supra*.

SA 3096. Mr. REID (for Mr. COONS) proposed an amendment to the resolution S. Res. 314, commemorating and supporting the goals of World AIDS Day.

SA 3097. Mr. REID (for Mr. COONS) proposed an amendment to the resolution S. Res. 314, *supra*.

SA 3098. Ms. CANTWELL (for herself, Mr. THUNE, Mr. CORNYN, Mr. NELSON, Mrs. MURRAY, and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table.

SA 3099. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill H.R. 3474, *supra*; which was ordered to lie on the table.

SA 3100. Mr. GRASSLEY (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill H.R. 3474, *supra*; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3065.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

### **TITLE —FOREIGN EARNINGS REINVESTMENT**

#### **SEC. 01. SHORT TITLE.**

This title may be cited as the “Foreign Earnings Reinvestment Act”.

#### **SEC. 02. ALLOWANCE OF TEMPORARY DIVIDENDS RECEIVED DEDUCTION FOR DIVIDENDS RECEIVED FROM A CONTROLLED FOREIGN CORPORATION.**

(a) **APPLICABILITY OF PROVISION.**—

(1) **IN GENERAL.**—Subsection (f) of section 965 is amended to read as follows:

“(f) **ELECTION; ELECTION YEAR.**—

“(1) **IN GENERAL.**—The taxpayer may elect to apply this section to—

“(A) the taxpayer’s last taxable year which begins before the date of the enactment of the Foreign Earnings Reinvestment Act, or

“(B) the taxpayer’s first taxable year which begins during the 1-year period beginning on such date.

Such election may be made for a taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year.

“(C) **ELECTION YEAR.**—For purposes of this section, the term ‘election year’ means the taxable year—

“(i) which begins after the date that is one year before the date of the enactment of the Foreign Earnings Reinvestment Act, and

“(ii) to which the taxpayer elects under paragraph (1) to apply this section.”.

(2) **CONFORMING AMENDMENTS.**—

(A) **EXTRAORDINARY DIVIDENDS.**—Section 965(b)(2) is amended—

(i) by striking “June 30, 2003” and inserting “April 30, 2014”, and

(ii) by adding at the end the following new sentence: “The amounts described in clauses (i), (ii), and (iii) shall not include any amounts which were taken into account in determining the deduction under subsection (a) for any prior taxable year.”.

(B) **DETERMINATIONS RELATING TO RELATED PARTY INDEBTEDNESS.**—Section 965(b)(3)(B) is amended by striking “October 3, 2004” and inserting “April 30, 2014”.

(C) **DETERMINATIONS RELATING TO BASE PERIOD.**—Section 965(c)(2) is amended by striking “June 30, 2003” and inserting “April 30, 2014”.

(b) **DEDUCTION INCLUDES CURRENT AND ACCUMULATED FOREIGN EARNINGS.**—

(1) **IN GENERAL.**—Paragraph (1) of section 965(b) is amended to read as follows:

“(1) **IN GENERAL.**—The amount of dividends taken into account under subsection (a) shall not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for the year a deduction is claimed under subsection (a), without diminution by reason of any distributions made during the election year, for all controlled foreign corporations of the United States shareholder.”.

(2) **CONFORMING AMENDMENTS.**—

(A) Section 965(c), as amended by subsection (a), is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5), as paragraphs (1), (2), (3), and (4), respectively.

(B) Paragraph (4) of section 965(c), as redesignated by subparagraph (A), is amended to read as follows:

“(4) **CONTROLLED GROUPS.**—All United States shareholders which are members of an affiliated group filing a consolidated return under section 1501 shall be treated as one United States shareholder.”.

(c) **AMOUNT OF DEDUCTION.**—

(1) **IN GENERAL.**—Paragraph (1) of section 965(a) is amended by striking “85 percent” and inserting “75 percent”.

(2) **BONUS DEDUCTION IN SUBSEQUENT TAXABLE YEAR FOR INCREASING JOBS.**—Section 965 is amended by adding at the end the following new subsection:

“(g) **BONUS DEDUCTION.**—

“(1) **IN GENERAL.**—In the case of any taxpayer who makes an election to apply this section, there shall be allowed as a deduction for the first taxable year following the election year an amount equal to the applicable percentage of the cash dividends which are taken into account under subsection (a) with respect to such taxpayer for the election year.

“(2) **APPLICABLE PERCENTAGE.**—For purposes of paragraph (1), the applicable percentage is the amount which bears the same ratio (not greater than 1) to 10 percent as—

“(A) the excess (if any) of—

“(i) the qualified payroll of the taxpayer for the calendar year which begins with or within the first taxable year following the election year, over

“(ii) the qualified payroll of the taxpayer for calendar year 2013, bears to

“(B) 10 percent of the qualified payroll of the taxpayer for calendar year 2013.

“(3) **QUALIFIED PAYROLL.**—For purposes of this paragraph:

“(A) **IN GENERAL.**—The term ‘qualified payroll’ means, with respect to a taxpayer for any calendar year, the aggregate wages (as defined in section 3121(a)) paid by the corporation during such calendar year.

“(B) **EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.**—

“(i) **ACQUISITIONS.**—If, after December 31, 2012, and before the close of the first taxable year following the election year, a taxpayer acquires the trade or business of a predecessor, then the qualified payroll of such taxpayer for any calendar year shall be increased by so much of the qualified payroll of the predecessor for such calendar year as was attributable to the trade or business acquired by the taxpayer.

“(ii) **DISPOSITIONS.**—If, after December 31, 2012, and before the close of the first taxable year following the election year, a taxpayer disposes of a trade or business, then—

“(I) the qualified payroll of such taxpayer for calendar year 2013 shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer, and

“(II) if the disposition occurs after the beginning of the first taxable year following the election year, the qualified payroll of such taxpayer for the calendar year which begins with or within such taxable year shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer.

“(C) **SPECIAL RULE.**—For purposes of determining qualified payroll for any calendar year after calendar year 2014, such term shall not include wages paid to any individual if such individual received compensation from the taxpayer for services performed—

“(i) after the date of the enactment of this paragraph, and

“(ii) at a time when such individual was not an employee of the taxpayer.”.

(3) **REDUCTION FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.**—Paragraph (4) of section 965(b) is amended to read as follows:

“(4) **REDUCTION IN BENEFITS FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.**—

“(A) **IN GENERAL.**—If, during the period consisting of the calendar month in which the taxpayer first receives a distribution described in subsection (a)(1) and the succeeding 23 calendar months, the taxpayer does not maintain an average employment level at least equal to the taxpayer’s prior average employment, an additional amount equal to \$75,000 multiplied by the number of employees by which the taxpayer’s average employment level during such period falls below the prior average employment (but not exceeding the aggregate amount allowed as a deduction pursuant to subsection (a)(1)) shall be taken into income by the taxpayer during the taxable year that includes the final day of such period.

“(B) **AVERAGE EMPLOYMENT LEVEL.**—For purposes of this paragraph, the taxpayer’s average employment level for a period shall be the average number of full-time United States employees of the taxpayer, measured at the end of each month during the period.

“(C) **PRIOR AVERAGE EMPLOYMENT.**—For purposes of this paragraph, the taxpayer’s ‘prior average employment’ shall be the average number of full-time United States employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in

which the taxpayer first receives a distribution described in subsection (a)(1).

“(D) FULL-TIME UNITED STATES EMPLOYEE.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘full-time United States employee’ means an individual who provides services in the United States as a full-time employee, based on the employer’s standards and practices; except that regardless of the employer’s classification of the employee, an employee whose normal schedule is 40 hours or more per week is considered a full-time employee.

“(ii) EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.—Such term does not include—

“(I) any individual who was an employee, on the date of acquisition, of any trade or business acquired by the taxpayer during the 24-month period referred to in subparagraph (A), and

“(II) any individual who was an employee of any trade or business disposed of by the taxpayer during the 24-month period referred to in subparagraph (A) or the 24-month period referred to in subparagraph (C).

“(E) AGGREGATION RULES.—In determining the taxpayer’s average employment level and prior average employment, all domestic members of a controlled group shall be treated as a single taxpayer.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

**SA 3066.** Mr. MCCAIN (for himself, Mr. COBURN, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 123.

Strike section 121.

**SA 3067.** Mr. MCCAIN (for himself, Mr. COBURN, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

**SA 3068.** Mr. MCCAIN (for himself, Mr. COBURN, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 129.

**SA 3069.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE —OTHER PROVISIONS

##### SEC. 01. EMPLOYEE PAYROLL TAX HOLIDAY FOR NEWLY HIRED VETERANS.

(a) IN GENERAL.—Subsection (d) of section 3111 is amended to read as follows:

“(d) SPECIAL EXEMPTION FOR ELIGIBLE VETERANS HIRED DURING CERTAIN CALENDAR QUARTERS.—

“(1) IN GENERAL.—Subsection (a) shall not apply to 50 percent of the wages paid by the employer with respect to employment during the holiday period of any eligible veteran for services performed—

“(A) in a trade or business of the employer, or

“(B) in the case of an employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer’s exemption under such section.

“(2) HOLIDAY PERIOD.—For purposes of this subsection, the term ‘holiday period’ means the period of 4 consecutive calendar quarters beginning with the first day of the first calendar quarter beginning after the date of the enactment of the EXPIRE Act of 2014.

“(3) ELIGIBLE VETERAN.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘eligible veteran’ means a veteran who—

“(i) begins work for the employer during the holiday period,

“(ii) was discharged or released from the Armed Forces of the United States under conditions other than dishonorable, and

“(iii) is not an individual described in section 51(i)(1) (applied by substituting ‘employer’ for ‘taxpayer’ each place it appears).

“(B) VETERAN.—The term ‘veteran’ means any individual who—

“(i) has served on active duty (other than active duty for training) in the Armed Forces of the United States for a period of more than 180 days, or has been discharged or released from active duty in the Armed Forces of the United States for a service-connected disability (within the meaning of section 101 of title 38, United States Code),

“(ii) has not served on extended active duty (as such term is used in section 51(d)(3)(B)) in the Armed Forces of the United States on any day during the 60-day period ending on the hiring date, and

“(iii) provides to the employer a copy of the individual’s DD Form 214, Certificate of Release or Discharge from Active Duty, that includes the nature and type of discharge.

“(4) ELECTION.—An employer may elect not to have this subsection apply. Such election shall be made in such manner as the Secretary may require.

“(5) COORDINATION WITH WORK OPPORTUNITY CREDIT.—For coordination with the work opportunity credit, see section 51(3)(D).”

(b) COORDINATION WITH WORK OPPORTUNITY CREDIT.—

(1) IN GENERAL.—Paragraph (3) of section 51(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) DENIAL OF CREDIT FOR VETERANS SUBJECT TO 50 PERCENT PAYROLL TAX HOLIDAY.—If section 3111(d)(1) (as amended by the EXPIRE Act of 2014) applies to any wages paid by an employer, the term ‘qualified veteran’ does not include any individual who begins work for the employer during the holiday period (as defined in section 3111(d)(2)) unless the employer makes an election not to have section 3111(d) apply.”

(2) CONFORMING AMENDMENT.—Subsection (c) of section 51 of such Code is amended by striking paragraph (5).

**SA 3070.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE —OTHER PROVISIONS

##### SEC. 01. POINT OF ORDER AGAINST LEGISLATION THAT WOULD AUTHORIZE STATES TO REQUIRE REMOTE SALES TAX COLLECTION WITHOUT CERTAIN LIMITATIONS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that authorizes States to require remote sales tax collection unless such legislation includes language similar to the model limitation in subsection (b).

(b) MODEL LIMITATION.—The model limitation under this subsection is as follows:

(1) IN GENERAL.—The authority of any State to require remote sales tax collection shall not apply with respect to any remote seller that is not a qualifying remote seller.

(2) QUALIFYING REMOTE SELLER.—For purposes of this subsection—

(A) IN GENERAL.—The term “qualifying remote seller” means—

(i) any remote seller that meets the ownership requirements of subparagraph (B); or

(ii) any remote seller the majority of domestic employees of which are primarily employed at a location in a participating State.

(B) OWNERSHIP REQUIREMENTS.—A remote seller meets the ownership requirements of this subparagraph if—

(i) in the case of a remote seller that is a publicly traded corporation, more than 50 percent of the covered employees (as defined in section 162(m)(3)) of the Internal Revenue Code of 1986 of such corporation reside in participating States;

(ii) in the case of a remote seller that is a corporation (other than a publicly traded corporation), more than 50 percent of the stock (by vote or value) of such corporation is held by individuals residing in participating States;

(iii) in the case of a remote seller that is a partnership, more than 50 percent of the profits interests or capital interests in such partnership is held by individuals residing in participating States; and

(iv) in the case of any other remote seller, more than 50 percent of the beneficial interests in the entity is held by individuals residing in participating States.



(C) **ATTRIBUTION RULES.**—For purposes of subparagraph (B), the rules of section 318(a) of the Internal Revenue Code of 1986 shall apply.

(D) **AGGREGATION RULES.**—For purposes of this paragraph, all persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 or subsection (m) or (o) of section 414 of such Code shall be treated as one person.

(3) **PARTICIPATING STATE.**—The term “participating State” means—

(A) a Member State under the Streamlined Sales and Use Tax Agreement which has exercised authority under subsection (a); or

(B) a State that—

(i) is not a Member State under the Streamlined Sales and Use Tax Agreement;

(ii) enacts legislation to exercise the authority to require remote sales tax collection; and

(iii) implements such other requirements as Congress shall provide.

(4) **STREAMLINED SALES AND USE TAX AGREEMENT.**—For purposes of this subsection, the term “Streamlined Sales and Use Tax Agreement” means the multi-State agreement with that title adopted on November 12, 2002, as in effect on the date of the enactment of this Act and as further amended from time to time.

(c) **WAIVER AND APPEAL.**—

(1) **WAIVER.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 3071.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —OTHER PROVISIONS**

##### **SEC. \_01. SPECIAL CHANGE IN STATUS RULE FOR EMPLOYEES WHO BECOME ELIGIBLE FOR TRICARE.**

(a) **IN GENERAL.**—Subsection (g) of section 125 is amended by adding at the end the following new paragraph:

“(5) **CHANGE IN STATUS RELATING TO TRICARE ELIGIBILITY.**—For purposes of this section, if a cafeteria plan permits an employee to revoke an election during a period of coverage and to make a new election based on a change in status event, an event that causes the employee to become eligible for coverage under the TRICARE program shall be treated as a change in status event.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to events occurring after the date of the enactment of this Act.

**SA 3072.** Mr. ROBERTS (for himself, Mr. ENZI, Mr. HATCH, Mr. BURR, Mr. FLAKE, Mr. ISAKSON, Mr. CORNYN, Mr. THUNE, Mr. CRAPO, and Mr. GRASSLEY)

submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —OTHER PROVISIONS**

##### **SEC. \_01. APPLICABLE STANDARD FOR DETERMINATIONS OF WHETHER AN ORGANIZATION IS OPERATED EXCLUSIVELY FOR THE PROMOTION OF SOCIAL WELFARE.**

(a) **IN GENERAL.**—The standard and definitions as in effect on January 1, 2010, which are used to determine whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986 shall apply for purposes of determining the status of organizations under section 501(c)(4) of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

(b) **PROHIBITION ON MODIFICATION OF STANDARD.**—The Secretary of the Treasury may not (nor may any delegate of such Secretary) issue, revise, or finalize any regulation (including the proposed regulations published at 78 Fed. Reg. 71535 (November 29, 2013)), revenue ruling, or other guidance not limited to a particular taxpayer relating to the standard and definitions specified in subsection (a).

(c) **APPLICATION TO ORGANIZATIONS.**—Except as provided in subsection (d), this section shall apply with respect to any organization claiming tax exempt status under section 501(c)(4) of the Internal Revenue Code of 1986 which was created on, before, or after the date of the enactment of this Act.

(d) **SUNSET.**—This section shall not apply after the one-year period beginning on the date of the enactment of this Act.

**SA 3073.** Mr. ROBERTS (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

##### **SEC. \_\_. PROTECTING PATIENTS FROM HIGHER PREMIUMS.**

Section 9010 of the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by section 10905 of such Act and by section 1406 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), is repealed.

**SA 3074.** Mr. ROBERTS (for himself, Mr. FLAKE, Mr. ISAKSON, Mr. THUNE, Mr. ENZI, Mr. CORNYN, Mr. HATCH, Mr. CRAPO, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend

the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —OTHER PROVISIONS**

##### **SEC. \_01. PROHIBITION ON PERFORMANCE AWARDS TO IRS EMPLOYEES WHO OWE BACK TAXES.**

(a) **IN GENERAL.**—The Commissioner of the Internal Revenue Service shall not provide any performance award (including, but not limited to, bonuses, step increases, and time off) to an employee of the Internal Revenue Service who owes an outstanding Federal tax debt.

(b) **OUTSTANDING FEDERAL TAX DEBT.**—For purposes of this section, the term “outstanding Federal tax debt” means any outstanding debt under the Internal Revenue Code of 1986 which has not been paid after an assessment of a tax, penalty, or interest and which is not subject to further appeal or a petition for redetermination under such Code. A debt shall not fail to be treated as an outstanding Federal tax debt merely because it is the subject of an installment agreement under section 6159 of such Code or an offer-in-compromise under section 7121 of such Code.

**SA 3075.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE —EXTENSION OF OTHER PROVISIONS**

##### **SEC. \_01. EXTENSION OF CREDIT FOR THE PRODUCTION OF LOW SULFUR DIESEL FUEL.**

(a) **IN GENERAL.**—Paragraph (4) of section 45H(c) is amended by striking “earlier of the date which is 1 year after the date” and inserting “later of the date”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenses paid or incurred after December 31, 2009, in taxable years ending after such date.

**SA 3076.** Mr. BARRASSO (for himself, Mr. HATCH, Mr. ROBERTS, Mr. ENZI, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:



At the appropriate place, insert the following:

**TITLE —OTHER PROVISIONS**

**SEC. —. PROTECTING PATIENTS FROM HIGHER PREMIUMS.**

(a) IN GENERAL.—Subsection (a)(1) of section 9010 of the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by section 10905 of such Act and by section 1406 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), is amended by striking “2013” and inserting “2015”.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (j) of section 9010 of the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by section 10905 of such Act and by section 1406 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), is amended by striking “2013” and inserting “2015”.

(2) Subsection (e) of section 9010 of the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by section 10905 of such Act and by section 1406 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), is amended—

(A) in paragraph (1)—

(i) by striking “2019” in the heading and inserting “2021”;

(ii) by striking “2019” and inserting “2021”;

(iii) by striking “2018” in the last line of the table and inserting “2020”;

(iv) by striking “2017” in the 4th line of the table and inserting “2019”;

(v) by striking “2016” in the 3rd line of the table and inserting “2018”;

(vi) by striking “2015” in the 2nd line of the table and inserting “2017”;

(vii) by striking “2014” in the 1st line of the table and inserting “2016”;

(B) in paragraph (2)—

(i) by striking “2018” in the heading and inserting “2020”;

(ii) by striking “2018” and inserting “2020”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 9010 of the Patient Protection and Affordable Care Act.

**SA 3077.** Mr. THUNE (for himself, Mr. ROBERTS, Mr. ISAKSON, and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 127 and insert the following:

**SEC. 127. PERMANENT EXTENSION OF EXPENSING CERTAIN DEPRECIABLE BUSINESS ASSETS FOR SMALL BUSINESS.**

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Paragraph (1) of section 179(b) is amended by striking “shall not exceed—” and all that follows and inserting “shall not exceed \$500,000.”

(2) REDUCTION IN LIMITATION.—Paragraph (2) of section 179(b) is amended by striking “exceeds—” and all that follows and inserting “exceeds \$2,000,000.”

(b) COMPUTER SOFTWARE.—Clause (ii) of section 179(d)(1)(A) is amended by striking “, to which section 167 applies, and which is placed in service in a taxable year beginning after 2002 and before 2014” and inserting “and to which section 167 applies”.

(c) ELECTION.—Paragraph (2) of section 179(c) is amended—

(1) by striking “may not be revoked” and all that follows through “and before 2014”, and

(2) by striking “IRREVOCABLE” in the heading thereof.

(d) AIR CONDITIONING AND HEATING UNITS.—Paragraph (1) of section 179(d) is amended by striking “and shall not include air conditioning or heating units”.

(e) QUALIFIED REAL PROPERTY.—Subsection (f) of section 179 is amended—

(1) by striking “beginning in 2010, 2011, 2012, or 2013” in paragraph (1), and

(2) by striking paragraphs (3) and (4).

(f) INFLATION ADJUSTMENT.—Subsection (b) of section 179 is amended by adding at the end the following new paragraph:

“(6) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning after 2014, the dollar amounts in paragraphs (1) and (2) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(c)(2)(A) for such calendar year, determined by substituting calendar year 2013 for calendar year 2012 in clause (ii) thereof.

“(B) ROUNDING.—The amount of any increase under subparagraph (A) shall be rounded to the nearest multiple of \$10,000.”.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

**SA 3078.** Mr. THUNE (for himself, Mr. CORNYN, Mr. ROBERTS, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 111 and insert the following:

**SEC. 111. RESEARCH CREDIT SIMPLIFIED AND MADE PERMANENT.**

(a) IN GENERAL.—Subsection (a) of section 41 is amended to read as follows:

“(a) IN GENERAL.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to the sum of—

“(1) 20 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined,

“(2) 20 percent of so much of the basic research payments for the taxable year as exceeds 50 percent of the average basic research payments for the 3 taxable years preceding the taxable year for which the credit is being determined, plus

“(3) 20 percent of the amounts paid or incurred by the taxpayer in carrying on any trade or business of the taxpayer during the taxable year (including as contributions) to an energy research consortium for energy research.”.

(b) REPEAL OF TERMINATION.—Section 41 is amended by striking subsection (h).

(c) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 41 is amended to read as follows:

“(c) DETERMINATION OF AVERAGE RESEARCH EXPENSES FOR PRIOR YEARS.—

“(1) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENDITURES IN ANY OF 3 PRECEDING TAXABLE YEARS.—In any case in which the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined, the amount determined under subsection (a)(1) for such taxable year shall be equal to 10 percent of the qualified research expenses for the taxable year.

“(2) CONSISTENT TREATMENT OF EXPENSES.—

“(A) IN GENERAL.—Notwithstanding whether the period for filing a claim for credit or refund has expired for any taxable year taken into account in determining the average qualified research expenses, or average basic research payments, taken into account under subsection (a), the qualified research expenses and basic research payments taken into account in determining such averages shall be determined on a basis consistent with the determination of qualified research expenses and basic research payments, respectively, for the credit year.

“(B) PREVENTION OF DISTORTIONS.—The Secretary may prescribe regulations to prevent distortions in calculating a taxpayer’s qualified research expenses or basic research payments caused by a change in accounting methods used by such taxpayer between the current year and a year taken into account in determining the average qualified research expenses or average basic research payments taken into account under subsection (a).”.

(2) Section 41(e) is amended—

(A) by striking all that precedes paragraph (6) and inserting the following:

“(e) BASIC RESEARCH PAYMENTS.—For purposes of this section—

“(1) IN GENERAL.—The term ‘basic research payment’ means, with respect to any taxable year, any amount paid in cash during such taxable year by a corporation to any qualified organization for basic research but only if—

“(A) such payment is pursuant to a written agreement between such corporation and such qualified organization, and

“(B) such basic research is to be performed by such qualified organization.

“(2) EXCEPTION TO REQUIREMENT THAT RESEARCH BE PERFORMED BY THE ORGANIZATION.—In the case of a qualified organization described in subparagraph (C) or (D) of paragraph (3), subparagraph (B) of paragraph (1) shall not apply.”.

(B) by redesignating paragraphs (6) and (7) as paragraphs (3) and (4), respectively, and

(C) in paragraph (4) as so redesignated, by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively.

(3) Section 41(f)(3) is amended—

(A)(i) by striking “, and the gross receipts” in subparagraph (A)(i) and all that follows through “determined under clause (iii)”.

(ii) by striking clause (iii) of subparagraph (A) and redesignating clauses (iv), (v), and (vi), thereof, as clauses (iii), (iv), and (v), respectively.

(iii) by striking “and (iv)” each place it appears in subparagraph (A)(iv) (as so redesignated) and inserting “and (iii)”.

(iv) by striking subclause (IV) of subparagraph (A)(iv) (as so redesignated), by striking “, and” at the end of subparagraph (A)(iv)(III) (as so redesignated) and inserting a period, and by adding “and” at the end of subparagraph (A)(iv)(II) (as so redesignated),

(v) by striking “(A)(vi)” in subparagraph (B) and inserting “(A)(v)”, and

(vi) by striking “(A)(iv)(II)” in subparagraph (B)(i)(II) and inserting “(A)(iii)(II)”,

(B) by striking “, and the gross receipts of the predecessor,” in subparagraph (A)(iv)(II) (as so redesignated),

(C) by striking “, and the gross receipts of,” in subparagraph (B),

(D) by striking “, or gross receipts of,” in subparagraph (B)(i)(I), and

(E) by striking subparagraph (C).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2013.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to amounts paid or incurred after December 31, 2013.

**SA 3079.** Mr. THUNE (for himself, Mr. CARDIN, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike sections 137 and 138 and insert the following:

**SEC. 137. PERMANENT RULE REGARDING BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) IN GENERAL.—Section 1367(a)(2) is amended by striking the last sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2013.

**SEC. 138. REDUCED RECOGNITION PERIOD FOR BUILT-IN GAINS OF S CORPORATIONS MADE PERMANENT.**

(a) IN GENERAL.—Paragraph (7) of section 1374(d) is amended to read as follows:

“(7) RECOGNITION PERIOD.—

“(A) IN GENERAL.—The term recognition period means the 5-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation. For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), the preceding sentence shall be applied without regard to the phrase 5-year.

“(B) INSTALLMENT SALES.—If an S corporation sells an asset and reports the income from the sale using the installment method under section 453, the treatment of all payments received shall be governed by the provisions of this paragraph applicable to the taxable year in which such sale was made.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

**SA 3080.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 106 and insert the following:

**SEC. 106. PERMANENT EXTENSION OF DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES.**

(a) IN GENERAL.—Section 164(b)(5) is amended by striking subparagraph (I).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

**SA 3081.** Mr. COONS (for himself, Mr. MORAN, Ms. STABENOW, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —MASTER LIMITED PARTNERSHIPS**

**SEC. .01. SHORT TITLE.**

This title may be cited as the “Master Limited Partnerships Parity Act”.

**SEC. .02. EXTENSION OF PUBLICLY TRADED PARTNERSHIP OWNERSHIP STRUCTURE TO ENERGY POWER GENERATION PROJECTS, TRANSPORTATION FUELS, AND RELATED ENERGY ACTIVITIES.**

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) is amended—

(1) by striking “income and gains derived from the exploration” and inserting “income and gains derived from the following:

“(i) MINERALS, NATURAL RESOURCES, ETC.—The exploration”;

(2) by inserting “or” before “industrial source”;

(3) by inserting a period after “carbon dioxide”; and

(4) by striking “, or the transportation or storage” and all that follows and inserting the following:

“(ii) RENEWABLE ENERGY.—The generation of electric power exclusively utilizing any resource described in section 45(c)(1) or energy property described in section 48 (determined without regard to any termination date), or in the case of a facility described in paragraph (3) or (7) of section 45(d) (determined without regard to any placed in service date or date by which construction of the facility is required to begin), the accepting or processing of such resource.

“(iii) ELECTRICITY STORAGE DEVICES.—The receipt and sale of electric power that has been stored in a device directly connected to the grid.

“(iv) COMBINED HEAT AND POWER.—The generation, storage, or distribution of thermal energy exclusively utilizing property described in section 48(c)(3) (determined without regard to subparagraphs (B) and (D) thereof and without regard to any placed in service date).

“(v) RENEWABLE THERMAL ENERGY.—The generation, storage, or distribution of thermal energy exclusively using any resource described in section 45(c)(1) or energy property described in clause (i) or (iii) of section 48(a)(3)(A).

“(vi) WASTE HEAT TO POWER.—The use of recoverable waste energy, as defined in section 371(5) of the Energy Policy and Conservation Act (42 U.S.C. 6341(5)) (as in effect on the

date of the enactment of the Master Limited Partnerships Parity Act).

“(vii) RENEWABLE FUEL INFRASTRUCTURE.—The storage or transportation of any fuel described in subsection (b), (c), (d), or (e) of section 6426.

“(viii) RENEWABLE FUELS.—The production, storage, or transportation of any renewable fuel described in section 211(o)(1)(J) of the Clean Air Act (42 U.S.C. 7545(o)(1)(J)) (as in effect on the date of the enactment of the Master Limited Partnerships Parity Act) or section 40A(d)(1).

“(ix) RENEWABLE CHEMICALS.—The production, storage, or transportation of any renewable chemical (as defined in paragraph (6)).

“(x) ENERGY EFFICIENT BUILDINGS.—The audit and installation through contract or other agreement of any energy efficient building property described in section 179D(c)(1).

“(xi) GASIFICATION WITH SEQUESTRATION.—The production of any product from a project that meets the requirements of subparagraphs (A) and (B) of section 48B(c)(1) and that separates and sequesters in secure geological storage (as determined under section 45Q(d)(2)) at least 75 percent of such project's total qualified carbon dioxide (as defined in section 45Q(b)).

“(xii) CARBON CAPTURE AND SEQUESTRATION.—The generation or storage of electric power produced from any facility which is a qualified facility described in section 45Q(c) and which disposes of any captured qualified carbon dioxide (as defined in section 45Q(b)) in secure geological storage (as determined under section 45Q(d)(2)).”.

(b) RENEWABLE CHEMICAL.—Section 7704(d) is amended by adding at the end the following new paragraph:

“(6) RENEWABLE CHEMICAL.—The term “renewable chemical” means a monomer, polymer, plastic, formulated product, or chemical substance produced from renewable biomass (as defined in section 9001(12) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101(12))), as in effect on the date of the enactment of the Master Limited Partnerships Parity Act).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

**SA 3082.** Mr. KING submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . REQUIREMENTS WITH RESPECT TO MEDICAL DEVICE PRICING.**

(a) PROHIBITION ON CONFIDENTIALITY CLAUSES WITH RESPECT TO PRICING.—A medical device manufacturer may not require hospitals or other buyers to sign purchasing agreements that contain confidentiality clauses restricting such hospitals or buyers from revealing to third parties the prices paid for medical devices.

(b) REPORTING ON SALES PRICES.—The Secretary of Health and Human Services shall require medical device manufacturers to submit to such Secretary a quarterly report on

the average and median sales prices of covered devices, as defined in section 1128G(e) of the Social Security Act.

**SA 3083.** Mr. BOOKER (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —LEVERAGING AND ENERGIZING AMERICA'S APPRENTICESHIP PROGRAMS**

**SEC. 01. SHORT TITLE.**

This title may be cited as the "Leveraging and Energizing America's Apprenticeship Programs Act" or the "LEAP Act".

**SEC. 02. CREDIT FOR EMPLOYEES PARTICIPATING IN QUALIFIED APPRENTICESHIP PROGRAMS.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

**"SEC. 45S. EMPLOYEES PARTICIPATING IN QUALIFIED APPRENTICESHIP PROGRAMS.**

"(a) IN GENERAL.—For purposes of section 38, the apprenticeship credit determined under this section for the taxable year is an amount equal to the sum of the applicable credit amounts (as determined under subsection (b)) for each of apprentice of the employer that exceeds the applicable apprenticeship level (as determined under subsection (e)) during such taxable year.

"(b) APPLICABLE CREDIT AMOUNT.—For purposes of subsection (a), the applicable credit amount for each apprentice for each taxable year is equal to—

"(1) in the case of an apprentice who has not attained 25 years of age at the close of the taxable year, \$1,500, or

"(2) in the case of an apprentice who has attained 25 years of age at the close of the taxable year, \$1,000.

"(c) LIMITATION ON NUMBER OF YEARS WHICH CREDIT MAY BE TAKEN INTO ACCOUNT.—The apprenticeship credit shall not be allowed for more than 2 taxable years with respect to any apprentice.

"(d) APPRENTICE.—For purposes of this section, the term 'apprentice' means any employee who is employed by the employer—

"(1) in an officially recognized apprenticeship occupation, as determined by the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor, and

"(2) pursuant to an apprentice agreement registered with—

"(A) the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor, or

"(B) a recognized State apprenticeship agency, as determined by the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor.

"(e) APPLICABLE APPRENTICESHIP LEVEL.—

"(1) IN GENERAL.—For purposes of this section, the applicable apprenticeship level shall be equal to—

"(A) in the case of any apprentice described in subsection (b)(1), the amount equal to 80 percent of the average number of such apprentices of the employer for the 3

taxable years preceding the taxable year for which the credit is being determined, rounded to the next lower whole number; and

"(B) in the case of any apprentices described in subsection (b)(2), the amount equal to 80 percent of the average number of such apprentices of the employer for the 3 taxable years preceding the taxable year for which the credit is being determined, rounded to the next lower whole number.

"(2) FIRST YEAR OF NEW APPRENTICESHIP PROGRAMS.—In the case of an employer which did not have any apprentices during any taxable year in the 3 taxable years preceding the taxable year for which the credit is being determined, the applicable apprenticeship level shall be equal to zero.

"(f) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 45A, 51(a), and 1396(a) with respect to any employee shall be reduced by the credit allowed by this section with respect to such employee.

"(g) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (i)(1) and (k) of section 51 shall apply for purposes of this section."

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by this Act, is amended by striking "plus" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", plus", and by adding at the end the following new paragraph:

"(38) the apprenticeship credit determined under section 45S(a)."

(c) DENIAL OF DOUBLE BENEFIT.—Subsection (a) of section 280C is amended by inserting "45S(a)," after "45P(a)."

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45S. Employees participating in qualified apprenticeship programs."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals commencing apprenticeship programs after the date of the enactment of this Act.

**SEC. 3. LIMITATION ON GOVERNMENT PRINTING COSTS.**

Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(1) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs over the 10-year period beginning with fiscal year 2015, except that the Director shall ensure that essential printed documents prepared for social security recipients, medicare beneficiaries, and other populations in areas with limited Internet access or use continue to remain available;

(2) establish government wide Federal guidelines on employee printing; and

(3) issue guidelines requiring every department, agency, commission, or office to list at a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government—

(A) the name of the issuing agency, department, commission, or office;

(B) the total number of copies of the document printed;

(C) the collective cost of producing and printing all of the copies of the document; and

(D) the name of the entity publishing the document.

**SA 3084.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —OTHER PROVISIONS**

**SEC. 01. PROHIBITION ON USE OF WAIVER THREATENING BALD EAGLES.**

(a) IN GENERAL.—Subsection (e) of section 45 is amended by adding at the end the following new paragraph:

"(12) PROTECTION OF BALD EAGLES.—

"(A) IN GENERAL.—Sales shall be taken into account under this section only with respect to electricity produced by a taxpayer who does not have in effect a waiver granted by the Federal government or any agency or instrumentality thereof from any Federal law or provision thereof protecting the life, well-being, or habitat of the bald eagle.

"(B) RECAPTURE OF BENEFIT.—In the case of any taxpayer—

"(i) who has in effect a waiver described in subparagraph (A) as of the date of the enactment of this paragraph, and

"(ii) who has claimed the credit under section 38 by reason of this section for any preceding taxable year,

the tax imposed under subtitle A on the taxpayer for the taxable year that includes such date of enactment shall be increased by so much of such credit as was allowed under section 38, and the general business carryforwards under section 39 shall be adjusted so as to recapture the portion of such credit which is equal to such amount.

"(C) RENUNCIATION OF WAIVER.—Any taxpayer to whom subparagraph (B) would otherwise apply (but for the second sentence of this subparagraph) may elect to renounce in writing the waiver described in subparagraph (A). If such renunciation is made to the Secretary and to the appropriate Federal officer of the agency that issued such waiver not later than 12 months after the date of the enactment of this paragraph, such taxpayer shall be exempt from the increase in tax under subparagraph (B)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after the date of the enactment of this Act.

**SA 3085.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 23, strike line 5 and all that follows through line 21 and insert the following:

(a) PERMANENT EXTENSION.—Section 45P is amended by striking subsection (f).

(b) EXPANSION OF CREDIT.—

(1) EXPANSION TO 100 PERCENT OF ELIGIBLE DIFFERENTIAL WAGE PAYMENTS.—Subsection

(a) of section 45P is amended by striking “20 percent of”.

(2) ADJUSTMENT FOR INFLATION.—Subsection (b) of section 45P is amended by adding at the end the following new paragraph:

“(4) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after 2014, the \$20,000 amount in paragraph (1) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount as increased under the preceding sentence is not a multiple of \$100, such amount shall be rounded to the nearest multiple of \$100.”.

(3) APPLICABILITY TO ALL EMPLOYERS.—

(A) IN GENERAL.—Subsection (a) of section 45P, as amended by paragraph (1), is amended by striking “eligible small business employer” and inserting “eligible employer”.

(B) CONFORMING AMENDMENTS.—Paragraph (3) of section 45P(b) is amended—

(i) in subparagraph (A)—

(I) by striking “eligible small business employer” and inserting “eligible employer”, and

(II) by striking “any employer which” and all that follows and inserting “any employer which, under a written plan of the employer, provides eligible differential wage payments to every qualified employee of the employer.”, and

(ii) by striking “ELIGIBLE SMALL BUSINESS EMPLOYER” in the heading and inserting “ELIGIBLE EMPLOYER”.

**SA 3086.** Mr. HATCH (for himself, Mr. ALEXANDER, Mr. COATS, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE —ELIMINATION OF INDIVIDUAL MANDATE**

##### **SEC. 01. RESTORING INDIVIDUAL LIBERTY.**

Sections 1501 and 1502 and subsections (a), (b), (c), and (d) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

**SA 3087.** Mr. HATCH (for himself, Mr. ALEXANDER, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE —REPEAL OF EMPLOYER MANDATE**

##### **SEC. . PROTECT JOB CREATION.**

Sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

**SA 3088.** Mr. BURR (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE V—OTHER PROVISIONS**

##### **SEC. 501. RESTRICTION ON DISCRETIONARY BONUSES FOR EMPLOYEES OF THE INTERNAL REVENUE SERVICE.**

(a) IN GENERAL.—The Secretary of the Treasury (or the Secretary’s delegate) shall not provide any discretionary performance award to any employee of the Internal Revenue Service with respect to whom there is substantial evidence of misconduct or seriously delinquent tax debt.

(b) COORDINATION WITH COLLECTIVE BARGAINING AGREEMENTS.—For the purpose of any collective bargaining agreement with the Internal Revenue Service, the Secretary of the Treasury (or the Secretary’s delegate) shall consider the denial or withholding of a discretionary performance award for any employee with respect to whom there is substantial evidence of misconduct described in subsection (c)(1) or seriously delinquent tax debt as an action necessary to protect the integrity of the Internal Revenue Service.

(c) TERMS.—For purposes of this section—

(1) MISCONDUCT.—The term “misconduct” includes—

(A) any misuse of, or delinquency with respect to, a travel charge card obtained through the Federal Government;

(B) any violation of section 1203(b) of the Internal Revenue Service Restructuring and Reform Act of 1998;

(C) any offense consisting of the possession or use of a controlled substance;

(D) violent threats;

(E) fraudulent behavior, including fraudulently claiming unemployment benefits and fraudulently entering attendance and leave on time sheets; and

(F) any other behavior determined by the Secretary (or the Secretary’s delegate) under regulations.

(2) SERIOUSLY DELINQUENT TAX DEBT.—The term “seriously delinquent tax debt” means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending.

(3) DISCRETIONARY PERFORMANCE AWARDS.—The term “discretionary performance award” includes—

(A) any performance award based on an employee’s performance as reflected in the most recent rating of record;

(B) any special act and manager award, or any similar award based on individual or group achievements;

(C) any suggestion awards based on the adoption of employee suggestions; and

(D) any quality step increase or within grade pay increase based on performance ratings.

**SA 3089.** Mr. REID proposed an amendment to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

**SA 3090.** Mr. REID proposed an amendment to amendment SA 3089 proposed by Mr. REID to the amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; as follows:

In the amendment, strike “1 day” and insert “2 days”.

**SA 3091.** Mr. REID proposed an amendment to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

**SA 3092.** Mr. REID proposed an amendment to amendment SA 3091 proposed by Mr. REID to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; as follows:

In the amendment, strike “3 days” and insert “4 days”.

**SA 3093.** Mr. REID proposed an amendment to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under

TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; as follows:

At the end, add the following:

This Act shall become effective 5 days after enactment.

**SA 3094.** Mr. REID proposed an amendment to amendment SA 3093 proposed by Mr. REID to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; as follows:

In the amendment, strike “5 days” and insert “6 days”.

**SA 3095.** Mr. REID proposed an amendment to amendment SA 3094 proposed by Mr. REID to the amendment SA 3093 proposed by Mr. REID to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; as follows:

In the amendment, strike “6” and insert “7”.

**SA 3096.** Mr. REID (for Mr. COONS) proposed an amendment to the resolution S. Res. 314, commemorating and supporting the goals of World AIDS Day; as follows:

On page 5, beginning on line 6, strike “, as well as” and all that follows through “AIDS” on line 8.

**SA 3097.** Mr. REID (for Mr. COONS) proposed an amendment to the resolution S. Res. 314, commemorating and supporting the goals of World AIDS Day; as follows:

Strike the second through fourth whereas clauses of the preamble and insert the following:

Whereas the 2001 United Nations Declaration of Commitment on HIV/AIDS Global mobilized global attention and commitment to the HIV/AIDS epidemic and set out a series of national targets and global actions to reverse the epidemic;

Whereas the 2011 United Nations General Assembly High Level Meeting on AIDS addressed the progress of intensified efforts to eliminate HIV and AIDS, including redoubling efforts to achieve by 2015 universal access to HIV prevention, treatment, care, and support, and to eliminate gender inequalities and gender-based abuse and violence and increase the capacity of women and adolescent girls to protect themselves from the risk of HIV infection;

**SA 3098.** Ms. CANTWELL (for herself, Mr. THUNE, Mr. CORNYN, Mr. NELSON, Mrs. MURRAY, and Mr. ENZI) submitted an amendment intended to be proposed

by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Beginning on page 8, strike line 19 and all that follows through page 9, line 3 and insert the following:

**SEC. 106. PERMANENT EXTENSION OF DEDUCTION FOR STATE AND LOCAL GENERAL SALES TAXES.**

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking “, and before January 1, 2014”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

**SA 3099.** Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . EXTENSION OF DUTY-FREE TREATMENT FOR CERTAIN TROUSERS, BREECHES, OR SHORTS IMPORTED FROM NICARAGUA.**

(a) DUTY-FREE TREATMENT.—Notwithstanding the termination of the tariff preference level program for imports of apparel articles from Nicaragua and subject to subsection (b), eligible apparel articles shall enter the United States free of duty if such eligible apparel articles are accompanied by an earned import allowance certificate for the amount of credits equal to the total square meter equivalents of fabric in such eligible apparel articles, in accordance with the program established under subsection (c).

(b) QUANTITATIVE LIMITATION.—

(1) INITIAL LIMITATION.—Subject to paragraphs (2) and (3), duty-free treatment under this section shall be extended for a covered calendar year to an initial limit of not more than 50,000,000 square meter equivalents of eligible apparel articles unless that amount is increased pursuant to paragraph (3) for such year.

(2) EXPORT SUCCESS FACTOR.—If during a covered calendar year the Secretary of Commerce determines that duty-free treatment under this section has been extended to 90 percent or more of the initial limit for such year prior to the end of such year, the Commissioner shall—

(A) extend such treatment to an additional amount of square meter equivalents of eligible apparel articles that is equal to 10 percent of the initial limit for such year; and

(B) publish notice of the extension in the Federal Register.

(3) EXPORT SUCCESS PATTERN.—

(A) THREE YEAR INCREASE.—Subject to subparagraph (B), if the Commissioner takes the action described in paragraph (2) for a period of 3 consecutive covered calendar years, for

subsequent covered calendar years the Commissioner shall—

(i) increase the initial limit for subsequent covered calendar years by an additional amount of square meter equivalents of eligible apparel articles that is equal to 10 percent of the initial limit for each covered calendar year of the previous 3-year period; and

(ii) publish notice of such increase in the Federal Register.

(B) ADDITIONAL INCREASES.—If the initial limit is increased under subparagraph (A) for a period of 3 consecutive covered calendar years, the initial limit for each such year—

(i) shall be increased under paragraph (2), if the requirements of such paragraph are met for such year; and

(ii) may be eligible for an additional increase under subparagraph (A) no more frequently than once every 3 years.

(c) EARNED IMPORT ALLOWANCE PROGRAM.—

(1) MATCHING REQUIREMENT.—The aggregate square meter equivalents of eligible apparel articles of each producer or entity controlling production that may receive duty-free treatment under this section during a covered calendar year may not exceed the aggregate square meter equivalents of fabric wholly formed in the United States of yarns wholly formed in the United States that was previously exported from the United States by such producer or entity and for which the producer or entity has available credits in its account established under paragraph (3)(B).

(2) REQUIREMENT FOR PROGRAM.—The Secretary of Commerce shall establish a program to provide earned import allowance certificates to any producer or entity controlling production of eligible apparel articles for purposes of subsection (a), based on the elements described in paragraph (3).

(3) ELEMENTS.—The elements described in this paragraph are the following:

(A) CREDITS.—One credit shall be issued to a producer or an entity controlling production for every one square meter equivalent of fabric wholly formed in the United States from yarns wholly formed in the United States that such producer or entity demonstrates has been exported from the customs territory of the United States.

(B) ACCOUNTS.—If requested by a producer or entity controlling production, the Secretary of Commerce shall create and maintain an account for such producer or entity into which credits issued under subparagraph (A) may be deposited.

(C) CERTIFICATES.—A producer or entity controlling production may redeem credits issued under subparagraph (A) for earned import allowance certificates for such number of credits such producer or entity may request and has available, subject to the calendar year limits under subsection (b).

(D) DOCUMENTATION.—The Secretary of Commerce may require that a producer or entity controlling production submit documentation to verify the export of fabric wholly formed in the United States of yarns wholly formed in the United States.

(E) VERIFICATION.—The Secretary of Commerce may reconcile discrepancies in the information provided under subparagraph (D) and verify the accuracy of such information.

(F) ELECTRONIC INFORMATION.—The program shall be established so as to allow, to the extent feasible, the submission, storage, retrieval, and disclosure of information in electronic format, including information with respect to the earned import allowance certificates.

(G) SCHEDULE.—The Secretary of Commerce shall establish procedures to carry out

the program under this subsection by the date that is 90 days after the date of the enactment of this Act, and may establish additional requirements to carry out the program.

(H) PENALTIES.—If an importer, producer, or entity controlling production enters into the customs territory of the United States eligible apparel articles for which there are insufficient earned credits, the Commissioner may impose on such importer, producer, or entity a penalty equal to the value of such eligible apparel articles, in addition to existing penalties under section 592 of the Tariff Act of 1930 (19 U.S.C. 1592), as appropriate.

(4) DETERMINATION OF QUANTITY OF SME.—For purposes of determining the quantity of “square meter equivalents” under this section, the conversion factors listed in Correlation: U.S. Textile and Apparel Category System with the Harmonized Tariff Schedule of the United States of America, 2013, or successor publication of the Office of Textiles and Apparel of the Department of Commerce, shall apply.

(d) DEFINITIONS.—In this section:

(1) COMMISSIONER.—The term “Commissioner” means the Commissioner responsible for U.S. Customs and Border Protection.

(2) COVERED CALENDAR YEAR.—The term “covered calendar year” means a calendar year during the 10-year period referred to in subsection (e).

(3) ELIGIBLE APPAREL ARTICLE.—The term “eligible apparel article” means woven trousers, breeches, or shorts that are apparel articles described in subdivisions (a) and (b) of U.S. Note 15 to subchapter XV of chapter 99 of the HTS imported from Nicaragua.

(4) ENTER; ENTRY.—The terms “enter” and “entry” include a withdrawal from warehouse for consumption.

(5) ENTITY CONTROLLING PRODUCTION.—The term “entity controlling production” means a person or other entity or group that is not a producer and that controls the production process in Nicaragua through a contractual relationship or other indirect means.

(6) FABRIC WHOLLY FORMED IN THE UNITED STATES OF YARN WHOLLY FORMED IN THE UNITED STATES.—

(A) IN GENERAL.—The term “fabric wholly formed in the United States of yarn wholly formed in the United States” means fabric—

(i) woven in the United States from fibers or from yarns, the constituent staple fibers of which are spun in the United States or the continuous filament of which is extruded in the United States;

(ii) for which any dyeing, printing, or finishing is performed in the United States; and

(iii) exported to Nicaragua on or after April 1, 2014.

(B) DE MINIMIS EXCEPTION.—Fabric that contains yarns not wholly formed in the United States shall be considered “fabric wholly formed in the United States of yarn wholly formed in the United States” if the total weight of all yarns not wholly formed in the United States is not more than 10 percent of the total weight of the fabric, except that any elastomeric yarn contained in the fabric must be wholly formed in the United States.

(7) HTS.—The term “HTS” means the Harmonized Tariff Schedule of the United States as in effect on the day before the date of the enactment of this Act.

(8) INITIAL LIMIT.—The term “initial limit” means the quantity of square meter equivalents of eligible apparel articles that may be extended duty-free treatment under this section on the first day of a calendar year.

(9) PRODUCER.—The term “producer” means a person or other entity or group that exercises direct, daily operational control over the production process in Nicaragua.

(10) TARIFF PREFERENCE LEVEL PROGRAM FOR IMPORTS OF APPAREL ARTICLES FROM NICARAGUA.—The term “tariff preference level program for imports of apparel articles from Nicaragua” refers to the preferential tariff treatment for nonoriginating apparel goods of Nicaragua established pursuant to Article 3.28 of the Dominican Republic-Central America-United States Free Trade Agreement and the letters described in subparagraphs (A) and (B) of section 1634(a)(2) of the Miscellaneous Trade and Technical Corrections Act of 2006 (title XIV of Public Law 109-280; 120 Stat. 1167).

(e) EFFECTIVE PERIOD.—Duty-free treatment under this section shall be in effect for the 10-year period beginning on January 1, 2015.

**SA 3100.** Mr. GRASSLEY (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS**

**SEC. 01. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.**

(a) EMPLOYMENT TAXES.—Chapter 25 is amended by adding at the end the following new section:

**“SEC. 3511. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.**

“(a) GENERAL RULES.—For purposes of the taxes, and other obligations, imposed by this subtitle—

“(1) a certified professional employer organization shall be treated as the employer (and no other person shall be treated as the employer) of any work site employee performing services for any customer of such organization, but only with respect to remuneration remitted by such organization to such work site employee, and

“(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

“(b) SUCCESSOR EMPLOYER STATUS.—For purposes of sections 3121(a)(1), 3231(e)(2)(C), and 3306(b)(1)—

“(1) a certified professional employer organization entering into a service contract with a customer with respect to a work site employee shall be treated as a successor employer and the customer shall be treated as a predecessor employer during the term of such service contract, and

“(2) a customer whose service contract with a certified professional employer organization is terminated with respect to a work site employee shall be treated as a successor employer and the certified professional employer organization shall be treated as a predecessor employer.

“(c) LIABILITY OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION.—Solely for purposes of its liability for the taxes, and other obligations, imposed by this subtitle—

“(1) a certified professional employer organization shall be treated as the employer of any individual (other than a work site employee or a person described in subsection (f)) who is performing services covered by a contract meeting the requirements of section 7705(e)(2), but only with respect to remuneration remitted by such organization to such individual, and

“(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

“(d) TREATMENT OF CREDITS.—

“(1) IN GENERAL.—For purposes of any credit specified in paragraph (2)—

“(A) such credit with respect to a work site employee performing services for the customer applies to the customer, not the certified professional employer organization, “(B) the customer, and not the certified professional employer organization, shall take into account wages and employment taxes—

“(i) paid by the certified professional employer organization with respect to the work site employee, and

“(ii) for which the certified professional employer organization receives payment from the customer, and

“(C) the certified professional employer organization shall furnish the customer with any information necessary for the customer to claim such credit.

“(2) CREDITS SPECIFIED.—A credit is specified in this paragraph if such credit is allowed under—

“(A) section 41 (credit for increasing research activity),

“(B) section 45A (Indian employment credit),

“(C) section 45B (credit for portion of employer social security taxes paid with respect to employee cash tips),

“(D) section 45C (clinical testing expenses for certain drugs for rare diseases or conditions),

“(E) section 45R (employee health insurance expenses of small employers),

“(F) section 51 (work opportunity credit),

“(G) section 1396 (empowerment zone employment credit),

“(H) 1400(d) (DC Zone employment credit),

“(I) Section 1400H (renewal community employment credit), and

“(J) any other section as provided by the Secretary.

“(e) SPECIAL RULE FOR RELATED PARTY.—This section shall not apply in the case of a customer which bears a relationship to a certified professional employer organization described in section 267(b) or 707(b). For purposes of the preceding sentence, such sections shall be applied by substituting ‘10 percent’ for ‘50 percent’.

“(f) SPECIAL RULE FOR CERTAIN INDIVIDUALS.—For purposes of the taxes imposed under this subtitle, an individual with net earnings from self-employment derived from the customer’s trade or business is not a work site employee with respect to remuneration paid by a certified professional employer organization.

“(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”.

(b) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION DEFINED.—Chapter 79 is amended by adding at the end the following new section:



**“SEC. 7705. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS DEFINED.**

“(a) IN GENERAL.—For purposes of this title, the term ‘certified professional employer organization’ means a person who has been certified by the Secretary for purposes of section 3511 as meeting the requirements of subsection (b).

“(b) GENERAL REQUIREMENTS.—A person meets the requirements of this subsection if such person—

“(1) demonstrates that such person (and any owner, officer, and such other persons as may be specified in regulations) meets such requirements as the Secretary shall establish with respect to tax status, background, experience, business location, and annual financial audits,

“(2) computes its taxable income using an accrual method of accounting unless the Secretary approves another method,

“(3) agrees that it will satisfy the bond and independent financial review requirements of subsection (c) on an ongoing basis,

“(4) agrees that it will satisfy such reporting obligations as may be imposed by the Secretary,

“(5) agrees to verify on such periodic basis as the Secretary may prescribe that it continues to meet the requirements of this subsection, and

“(6) agrees to notify the Secretary in writing within such time as the Secretary may prescribe of any change that materially affects whether it continues to meet the requirements of this subsection.

**“(C) BOND AND INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—**

“(1) IN GENERAL.—An organization meets the requirements of this paragraph if such organization—

“(A) meets the bond requirements of paragraph (2), and

“(B) meets the independent financial review requirements of paragraph (3).

**“(2) BOND.—**

“(A) IN GENERAL.—A certified professional employer organization meets the requirements of this paragraph if the organization has posted a bond for the payment of taxes under subtitle C (in a form acceptable to the Secretary) in an amount at least equal to the amount specified in subparagraph (B).

“(B) AMOUNT OF BOND.—For the period April 1 of any calendar year through March 31 of the following calendar year, the amount of the bond required is equal to the greater of—

“(i) 5 percent of the organization’s liability under section 3511 for taxes imposed by subtitle C during the preceding calendar year (but not to exceed \$1,000,000), or

“(ii) \$50,000.

“(3) INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—A certified professional employer organization meets the requirements of this paragraph if such organization—

“(A) has, as of the most recent review date, caused to be prepared and provided to the Secretary (in such manner as the Secretary may prescribe) an opinion of an independent certified public accountant that the certified professional employer organization’s financial statements are presented fairly in accordance with generally accepted accounting principles, and

“(B) provides, not later than the last day of the second month beginning after the end of each calendar quarter, to the Secretary from an independent certified public accountant an assertion regarding Federal employment tax payments and an examination level attestation on such assertion.

Such assertion shall state that the organization has withheld and made deposits of all

taxes imposed by chapters 21, 22, and 24 of the Internal Revenue Code in accordance with regulations imposed by the Secretary for such calendar quarter and such examination level attestation shall state that such assertion is fairly stated, in all material respects.

“(4) CONTROLLED GROUP RULES.—For purposes of the requirements of paragraphs (2) and (3), all professional employer organizations that are members of a controlled group within the meaning of sections 414(b) and (c) shall be treated as a single organization.

“(5) FAILURE TO FILE ASSERTION AND ATTESTATION.—If the certified professional employer organization fails to file the assertion and attestation required by paragraph (3) with respect to any calendar quarter, then the requirements of paragraph (3) with respect to such failure shall be treated as not satisfied for the period beginning on the due date for such attestation.

“(6) REVIEW DATE.—For purposes of paragraph (3)(A), the review date shall be 6 months after the completion of the organization’s fiscal year.

“(d) SUSPENSION AND REVOCATION AUTHORITY.—The Secretary may suspend or revoke a certification of any person under subsection (b) for purposes of section 3511 if the Secretary determines that such person is not satisfying the representations or requirements of subsections (b) or (c), or fails to satisfy applicable accounting, reporting, payment, or deposit requirements.

“(e) WORK SITE EMPLOYEE.—For purposes of this title—

“(1) IN GENERAL.—The term ‘work site employee’ means, with respect to a certified professional employer organization, an individual who—

“(A) performs services for a customer pursuant to a contract which is between such customer and the certified professional employer organization and which meets the requirements of paragraph (2), and

“(B) performs services at a work site meeting the requirements of paragraph (3).

“(2) SERVICE CONTRACT REQUIREMENTS.—A contract meets the requirements of this paragraph with respect to an individual performing services for a customer if such contract is in writing and provides that the certified professional employer organization shall—

“(A) assume responsibility for payment of wages to such individual, without regard to the receipt or adequacy of payment from the customer for such services,

“(B) assume responsibility for reporting, withholding, and paying any applicable taxes under subtitle C, with respect to such individual’s wages, without regard to the receipt or adequacy of payment from the customer for such services,

“(C) assume responsibility for any employee benefits which the service contract may require the organization to provide, without regard to the receipt or adequacy of payment from the customer for such services,

“(D) assume responsibility for hiring, firing, and recruiting workers in addition to the customer’s responsibility for hiring, firing and recruiting workers,

“(E) maintain employee records relating to such individual, and

“(F) agree to be treated as a certified professional employer organization for purposes of section 3511 with respect to such individual.

“(3) WORK SITE COVERAGE REQUIREMENT.—The requirements of this paragraph are met with respect to an individual if at least 85

percent of the individuals performing services for the customer at the work site where such individual performs services are subject to 1 or more contracts with the certified professional employer organization which meet the requirements of paragraph (2) (but not taking into account those individuals who are excluded employees within the meaning of section 414(q)(5)).

“(f) DETERMINATION OF EMPLOYMENT STATUS.—Except to the extent necessary for purposes of section 3511, nothing in this section shall be construed to affect the determination of who is an employee or employer for purposes of this title.

“(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”

**(c) CONFORMING AMENDMENTS.—**

(1) Section 3302 is amended by adding at the end the following new subsection:

“(h) TREATMENT OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—If a certified professional employer organization (as defined in section 7705), or a customer of such organization, makes a contribution to the State’s unemployment fund with respect to a work site employee, such organization shall be eligible for the credits available under this section with respect to such contribution.”

(2) Section 3303(a) is amended—

(A) by striking the period at the end of paragraph (3) and inserting “; and” and by inserting after paragraph (3) the following new paragraph:

“(4) if the taxpayer is a certified professional employer organization (as defined in section 7705) that is treated as the employer under section 3511, such certified professional employer organization is permitted to collect and remit, in accordance with paragraphs (1), (2), and (3), contributions during the taxable year to the State unemployment fund with respect to a work site employee.”, and

(B) in the last sentence—

(i) by striking “paragraphs (1), (2), and (3)” and inserting “paragraphs (1), (2), (3), and (4)”, and

(ii) by striking “paragraph (1), (2), or (3)” and inserting “paragraph (1), (2), (3), or (4)”.

(3) Section 6053(c) is amended by adding at the end the following new paragraph:

“(8) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of any report required by this subsection, in the case of a certified professional employer organization that is treated under section 3511 as the employer of a work site employee, the customer with respect to whom a work site employee performs services shall be the employer for purposes of reporting under this section and the certified professional employer organization shall furnish to the customer any information necessary to complete such reporting no later than such time as the Secretary shall prescribe.”

**(d) CLERICAL AMENDMENTS.—**

(1) The table of sections for chapter 25 is amended by adding at the end the following new item:

“Sec. 3511. Certified professional employer organizations.”

(2) The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

“Sec. 7705. Certified professional employer organizations defined.”

(e) REPORTING REQUIREMENTS AND OBLIGATIONS.—The Secretary of the Treasury shall develop such reporting and recordkeeping rules, regulations, and procedures as the Secretary determines necessary or appropriate



to ensure compliance with the amendments made by this section with respect to entities applying for certification as certified professional employer organizations or entities that have been so certified. Such rules shall include—

(1) notification of the Secretary in the case of the commencement or termination of a service contract described in section 7705(e)(2) of the Internal Revenue Code of 1986 between such a person and a customer, and the employer identification number of such customer, and

(2) such other information as the Secretary determines is essential to promote compliance with respect to the credits identified in section 3511(d) of such Code, and

shall be designed in a manner which streamlines, to the extent possible, the application of requirements of such amendments, the exchange of information between a certified professional employer organization and its customers, and the reporting and record-keeping obligations of the certified professional employer organization.

(f) **USER FEES.**—Subsection (b) of section 7528 is amended by adding at the end the following new paragraph:

“(4) **CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.**—The annual fee charged under the program in connection with the ongoing certification by the Secretary of a professional employer organization under section 7705 shall not exceed \$1,000.”.

(g) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply with respect to wages for services performed on or after January 1 of the first calendar year beginning more than 12 months after the date of the enactment of this Act.

(2) **CERTIFICATION PROGRAM.**—The Secretary of the Treasury shall establish the certification program described in section 7705(b) of the Internal Revenue Code of 1986, as added by subsection (b), not later than 6 months before the effective date determined under paragraph (1).

(h) **NO INFERENCE.**—Nothing contained in this section or the amendments made by this section shall be construed to create any inference with respect to the determination of who is an employee or employer—

(1) for Federal tax purposes (other than the purposes set forth in the amendments made by this section), or

(2) for purposes of any other provision of law.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on May 14, 2014, at 10 a.m. in room SD-406 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled, “Nuclear Reactor Decommissioning: Stakeholder Views.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate

on May 14, 2014, at 2:15 a.m., in room SH-216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 14, 2014, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on May 14, 2014, at 10 a.m. in room SD-430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 14, 2014, at 10 a.m. in order to conduct a hearing entitled “Charting a Path Forward for the Chemical Facilities Anti-Terrorism Standards Programs.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 14, 2014, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled, “Wildfires and Forest Management: Prevention is Preservation.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 14, 2014, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled, “The Bulletproof Vest Partnership Grant Program: Supporting Law Enforcement Officers When it Matters Most.” The witness list is attached.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON RULES AND ADMINISTRATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on May 14, 2014, at 9:30 a.m. in room SR-301 of the Russell Senate Office Building to conduct a hearing entitled, “Collection, Analysis and Use of Elections Data: A Measured Ap-

proach to Improving Election Administration.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON EMERGENCY MANAGEMENT, INTERGOVERNMENTAL RELATIONS, AND THE DISTRICT OF COLUMBIA

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Emergency Management, Intergovernmental Relations, and the District of Columbia of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 14, 2014, at 2:30 p.m. to conduct a hearing entitled, “The Role of Mitigation in Reducing Federal Expenditures for Disaster Response.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

##### NOMINATION DISCHARGED

Mr. REID. I ask unanimous consent that the Senate proceed to executive session and the committee on commerce be discharged from further consideration of PN No. 1500; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

##### NOMINATION REFERENCE AND REPORT

As in Executive Session, Senate of the United States, March 4, 2014.

U.S. COAST GUARD  
To be admiral

VICE ADM. PAUL F. ZUKUNFT

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

##### COMMEMORATING AND SUPPORTING THE GOALS OF WORLD AIDS DAY

Mr. REID. I ask unanimous consent to proceed to Calendar No. 272, S. Res. 314.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 314) commemorating and supporting the goals of World AIDS Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the Coons amendment to the resolution, which is at the

desk, be agreed to; the resolution, as amended, be agreed to; the Coons amendment to the preamble be agreed to; the preamble, as amended, be agreed to; and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The amendment (No. 3096) was agreed to, as follows:

On page 5, beginning on line 6, strike “, as well as” and all that follows through “AIDS” on line 8.

The resolution (S. Res. 314), as amended, was agreed to.

The amendment to the preamble (No. 3097) was agreed to, as follows:

(Purpose: To amend the preamble)

Strike the second through fourth whereas clauses of the preamble and insert the following:

Whereas the 2001 United Nations Declaration of Commitment on HIV/AIDS Global mobilized global attention and commitment to the HIV/AIDS epidemic and set out a series of national targets and global actions to reverse the epidemic;

Whereas the 2011 United Nations General Assembly High Level Meeting on AIDS addressed the progress of intensified efforts to eliminate HIV and AIDS, including redoubling efforts to achieve by 2015 universal access to HIV prevention, treatment, care, and support, and to eliminate gender inequalities and gender-based abuse and violence and increase the capacity of women and adolescent girls to protect themselves from the risk of HIV infection;

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

#### S. RES. 314

Whereas an estimated 35,000,000 people are living with HIV/AIDS in 2013;

Whereas the 2001 United Nations Declaration of Commitment on HIV/AIDS Global mobilized global attention and commitment to the HIV/AIDS epidemic and set out a series of national targets and global actions to reverse the epidemic;

Whereas the 2011 United Nations General Assembly High Level Meeting on AIDS addressed the progress of intensified efforts to eliminate HIV and AIDS, including redoubling efforts to achieve by 2015 universal access to HIV prevention, treatment, care, and support, and to eliminate gender inequalities and gender-based abuse and violence and increase the capacity of women and adolescent girls to protect themselves from the risk of HIV infection;

Whereas the Global Fund to Fight AIDS, Tuberculosis and Malaria was launched in 2002 and, as of November 2013, supported programs in more than 140 countries that provided antiretroviral therapy to 6,100,000 people living with HIV/AIDS and antiretrovirals to 2,100,000 pregnant women to prevent transmission of HIV/AIDS to their babies;

Whereas the United States is the largest donor to the Global Fund to Fight AIDS, Tuberculosis and Malaria;

Whereas for every dollar contributed to the Global Fund to Fight AIDS, Tuberculosis and Malaria by the United States, an additional \$2 is leveraged from other donors;

Whereas the United States hosted the Global Fund's Fourth Voluntary Replenishment Conference on December 2-3, 2013;

Whereas the United States President's Emergency Plan for AIDS Relief (PEPFAR),

introduced by President George W. Bush in 2003, remains the largest commitment in history by any nation to combat a single disease;

Whereas, as of the end of September 2012, PEPFAR supported treatment for 5,100,000 people, up from 1,700,000 in 2008, and in 2012, PEPFAR supported provision of antiretroviral drugs to 750,000 pregnant women living with HIV to prevent the transmission of HIV from mother to baby during birth;

Whereas PEPFAR directly supported HIV testing and counseling for more than 46,500,000 people in fiscal year 2012;

Whereas considerable progress has been made in the fight against HIV/AIDS, with total new HIV infections estimated at 2,300,000 in 2012, a 33-percent reduction since 2001; new HIV infections among children reduced to 260,000 in 2012, a reduction of 52 percent since 2001; and AIDS-related deaths reduced to 1,600,000 in 2012, a 30-percent reduction since 2005;

Whereas increased access to antiretroviral drugs is the major contributor to the reduction in deaths from HIV/AIDS, and HIV treatment reinforces prevention because it reduces, by up to 96 percent, the chance the virus can be spread;

Whereas the World Health Organization (WHO) has revised its guidelines for determining whether HIV positive individuals are eligible for treatment, thereby increasing the number of individuals eligible for treatment from about 15,000,000 to 28,000,000;

Whereas 9,700,000 people in low- and middle-income countries had access to antiretroviral therapy by the end of 2012, an increase of nearly 20 percent in a year;

Whereas an estimated 50 percent of those living with HIV do not know their status, according to a 2012 UNAIDS report;

Whereas sub-Saharan Africa remains the epicenter of the epidemic, accounting for 1,200,000 of the 1,600,000 deaths from HIV/AIDS;

Whereas stigma, gender inequality, and lack of respect for the rights of HIV positive individuals remain significant barriers to access to services for those most at risk of HIV infection;

Whereas President Barack Obama voiced commitment to realizing the promise of an AIDS-free generation and his belief that the goal was within reach in his February 2013 State of the Union Address;

Whereas the international community is united in pursuit of achieving the goal of an AIDS-free generation by 2015;

Whereas international donor funding has held steady since 2008 and countries affected by the epidemic are increasingly taking responsibility for funding and sustaining programs in their countries, currently accounting for approximately 53 percent of global HIV/AIDS resources;

Whereas December 1 of each year is internationally recognized as World AIDS Day; and

Whereas, in 2013, World AIDS Day commemorations focused on: “[g]etting to zero: zero new HIV infections, zero discrimination, zero AIDS-related deaths”: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of World AIDS Day, including getting to zero through zero new HIV infections, zero discrimination, and zero AIDS-related deaths;

(2) applauds the goals and approaches for achieving an AIDS-free generation set forth in the PEPFAR Blueprint: Creating an AIDS-free Generation;

(3) commends the dramatic progress in global AIDS programs supported through the efforts of PEPFAR, the Global Fund to Fight AIDS, Tuberculosis and Malaria, and UNAIDS;

(4) urges, in order to ensure that an AIDS-free generation is within reach, rapid action towards—

(A) full implementation of the Global Plan Towards the Elimination of New HIV Infections Among Children by 2015 and Keeping Their Mothers Alive to build on progress made to date; and

(B) further expansion and scale-up of antiretroviral treatment programs, including efforts to reduce disparities and improve access for children to life-saving medications;

(5) calls for scaling up treatment to reach all individuals eligible for treatment under WHO guidelines;

(6) calls for greater focus on HIV/AIDS vulnerabilities of women and girls, including more directed efforts to ensure that they are connected to the information, care, and treatment they require;

(7) supports efforts to ensure inclusive access to programs and human rights protections for all those most at risk of HIV/AIDS and hardest to reach;

(8) encourages additional private-public partnerships to research and develop better and more affordable tools for the diagnosis, treatment, vaccination, and cure of HIV;

(9) supports continued leadership by the United States in bilateral, multilateral, and private sector efforts to fight HIV;

(10) encourages and supports greater degrees of ownership and shared responsibility by developing countries in order to ensure sustainability of their domestic responses; and

(11) encourages other members of the international community to sustain and scale up their support for and financial contributions to efforts around the world to combat HIV/AIDS.

#### EXPRESSING REGRET OF THE SENATE FOR THE PASSAGE OF SECTION 3 OF THE EXPATRIATION ACT OF 1907 THAT REVOKED THE UNITED STATES CITIZENSHIP OF WOMEN WHO MARRIED FOREIGN NATIONALS

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 402 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 402) expressing the regret of the Senate for the passage of section 3 of the Expatriation Act of 1907 (34 Stat. 1228) that revoked the United States citizenship of women who married foreign nationals.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be considered made and laid upon the table, and that there be no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 402) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of Thursday, March 27, 2014 under "Submitted Resolutions.")

#### ORDERS FOR THURSDAY, MAY 15, 2014

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, May 15, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the time until 11:15 a.m. be equally divided and controlled between the two leaders or their designees; further, that following the series of votes at 11:15 a.m., the Senate recess until 1:45 p.m.; finally, that notwithstanding the recess, the filing deadline for first degree amendments

to the Wyden substitute amendment and to H.R. 3474 be 1 p.m. tomorrow and the filing deadline for second degree amendments to the substitute be 3 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. So, Mr. President, there will be a series of votes, as I mentioned, at 11:15 a.m. tomorrow and another series at 1:45 p.m.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:11 p.m., adjourned until Thursday, May 15, 2014, at 9:30 a.m.

#### DISCHARGED NOMINATION

The Senate Committee on Commerce, Science, and Transportation was discharged from further consider-

ation of the following nomination by unanimous consent and the nomination was confirmed:

COAST GUARD NOMINATION OF VICE ADM. PAUL F. ZUKUNFT, TO BE ADMIRAL.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate May 14, 2014:

##### DEPARTMENT OF STATE

CARLOS ROBERTO MORENO, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

##### DEPARTMENT OF COMMERCE

ROY K. J. WILLIAMS, OF OHIO, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT.

##### THE JUDICIARY

STEVEN PAUL LOGAN, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

JOHN JOSEPH TUCHI, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

DIANE J. HUMETWEA, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

##### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 44:

*To be admiral*

VICE ADM. PAUL F. ZUKUNFT

## EXTENSIONS OF REMARKS

### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 15, 2014 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

#### MAY 20

9:30 a.m.

Committee on Armed Services  
Subcommittee on Airland

Business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2015.

SD-G50

10 a.m.

Committee on the Judiciary

To hold hearings to examine pending nominations.

SD-226

10:15 a.m.

Committee on Energy and Natural Resources

To hold hearings to examine the nominations of Cheryl A. LaFleur, of Massachusetts, and Norman C. Bay, of New Mexico, both to be a Member of the Federal Energy Regulatory Commission.

SD-366

11 a.m.

Committee on Appropriations

Subcommittee on Military Construction and Veterans Affairs, and Related Agencies

To hold hearings to examine proposed budget estimates for fiscal year 2015 for Military Construction and Veterans Affairs, and related agencies.

SD-124

Committee on Armed Services

Subcommittee on SeaPower

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2015.

SR-222

2 p.m.

Committee on Armed Services

Subcommittee on Strategic Forces

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2015.

SR-222

2:15 p.m.

Committee on Foreign Relations

Business meeting to consider S. 2142, to impose targeted sanctions on persons responsible for violations of human rights of antigovernment protesters in Venezuela, to strengthen civil society in Venezuela, S. 462, to enhance the strategic partnership between the United States and Israel, S. Res. 412, reaffirming the strong support of the United States Government for freedom of navigation and other internationally lawful uses of sea and airspace in the Asia-Pacific region, and for the peaceful diplomatic resolution of outstanding territorial and maritime claims and disputes, S. Res. 421, expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and commending them for leadership and valor in an operation that helped bring an end to World War II, S. Res. 426, supporting the goals and ideals of World Malaria Day, and the nominations of Michael Anderson Lawson, of California, for the rank of Ambassador during his tenure of service as Representative on the Council of the International Civil Aviation Organization, Department of State, and Michael W. Kempner, of New Jersey, to be a Member of the Broadcasting Board of Governors.

S-116

2:30 p.m.

Committee on Health, Education, Labor, and Pensions

To hold hearings to examine economic security for working women.

SD-430

Select Committee on Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

3:30 p.m.

Committee on Armed Services

Subcommittee on Readiness and Management Support

Business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2015.

SD-G50

5 p.m.

Committee on Armed Services

Subcommittee on Emerging Threats and Capabilities

Business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed Na-

tional Defense Authorization Act for fiscal year 2015.

SD-G50

#### MAY 21

10 a.m.

Committee on Armed Services  
Subcommittee on Personnel

Business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2015.

SD-G50

Committee on Finance

Subcommittee on Social Security, Pensions, and Family Policy

To hold hearings to examine strengthening Social Security to meet the needs of tomorrow's retirees.

SD-215

Committee on Homeland Security and Governmental Affairs

Business meeting to consider an original bill entitled, "DHS Cybersecurity Workforce Recruitment and Retention Act of 2014", S. 2113, to provide taxpayers with an annual report disclosing the cost and performance of Government programs and areas of duplication among them, H.R. 1233, to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records, S. 1045, to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment, S. 1744, to strengthen the accountability of individuals involved in misconduct affecting the integrity of background investigations, to update guidelines for security clearances, S. 1691, to amend title 5, United States Code, to improve the security of the United States border and to provide for reforms and rates of pay for border patrol agents, S. 675, to prohibit contracting with the enemy, S. 1820, to prohibit the use of Federal funds for the costs of official portraits of Members of Congress, heads of executive agencies, and heads of agencies and offices of the legislative branch, H.R. 1036, to designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the "National Park Ranger Margaret Anderson Post Office", H.R. 1228, to designate the facility of the United States Postal Service located at 123 South 9th Street in De Pere, Wisconsin, as the "Corporal Justin D. Ross Post Office Building", H.R. 1451, to designate the facility of the United States Postal Service located at 14 Main Street in Brockport, New York, as the "Staff Sergeant Nicholas J. Reid Post Office Building", H.R. 2391, to designate the facility of the United States Postal Service located at 5323 Highway N in Cottleville, Missouri

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

as the "Lance Corporal Phillip Vinnedge Post Office", H.R. 3060, to designate the facility of the United States Postal Service located at 232 Southwest Johnson Avenue in Burleson, Texas, as the "Sergeant William Moody Post Office Building", and the nominations of Sherry Moore Trafford, and Steven M. Wellner, both to be an Associate Judge of the Superior Court of the District of Columbia, Julia Akins Clark, of Maryland, to be General Counsel of the Federal Labor Relations Authority, and Tony Hammond, of Missouri, and Nanci E. Langley, of Hawaii, both to be a Commissioner of the Postal Regulatory Commission.

SD-342

Committee on the Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation.

SD-226

2 p.m.

Committee on Appropriations

Subcommittee on Financial Services and General Government

To hold hearings to examine proposed budget estimates and justification for

fiscal year 2015 for the Small Business Administration and the Community Development Financial Institutions Fund.

SD-138

2:30 p.m.

Committee on Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2015.

SR-222

Committee on Commerce, Science, and Transportation

To hold hearings to examine delivering better health care value to consumers, focusing on the first three years of the medical loss ratio.

SR-253

Committee on Indian Affairs

To hold an oversight hearing to examine Indian education, focusing on the Bureau of Indian Education.

SD-628

MAY 22

9:30 a.m.

Committee on Armed Services

Closed business meeting to continue to markup the proposed National Defense Authorization Act for fiscal year 2015.

SR-222

MAY 23

9:30 a.m.

Committee on Armed Services

Closed business meeting to continue to markup the proposed National Defense Authorization Act for fiscal year 2015.

SR-222

JUNE 4

3 p.m.

Committee on Small Business and Entrepreneurship

To hold hearings to examine military service to small business owner, focusing on supporting America's veteran entrepreneurs.

SR-428A

## HOUSE OF REPRESENTATIVES—Thursday, May 15, 2014

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 15, 2014.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Edward Fasset, S.J., Jesuit Conference of the United States, Washington, D.C., offered the following prayer:

Good and gracious God, we give You thanks this day for the life You grant us anew and for the creation that sustains us.

We especially ask Your blessing upon the Members of this assembly. Give them wisdom, empathy, discipline, creativity, patience, and kindness in their dealings with each other and in their discernment about the needs of our great Nation. Help them to be responsible leaders and fellow citizens with those whom they represent. May their work this day reflect our common understanding of what is good and true.

As another school year moves toward commencements and summer vacation, we give thanks for our Nation's appreciation for the value of a good education. May our national policy for education always reflect that same appreciation.

May all that we do this day, both in the people's House and throughout our Nation, be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 2(a) of House Resolution 576, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. SHUSTER) come forward and lead the House in the Pledge of Allegiance.

Mr. SHUSTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### CONFERENCE REPORT ON H.R. 3080, WATER RESOURCES REFORM AND DEVELOPMENT ACT OF 2014

Mr. SHUSTER submitted the following conference report and statement on the bill (H.R. 3080) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes:

#### CONFERENCE REPORT (H. REPT. 113-449)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3080), to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the “Water Resources Reform and Development Act of 2014”.

(b) *TABLE OF CONTENTS*.—

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

#### TITLE I—PROGRAM REFORMS AND STREAMLINING

Sec. 1001. Vertical integration and acceleration of studies.

Sec. 1002. Consolidation of studies.

Sec. 1003. Expedited completion of reports.

Sec. 1004. Removal of duplicative analyses.

Sec. 1005. Project acceleration.

Sec. 1006. Expediting the evaluation and processing of permits.

Sec. 1007. Expediting approval of modifications and alterations of projects by non-Federal interests.

Sec. 1008. Expediting hydropower at Corps of Engineers facilities.

Sec. 1009. Enhanced use of electronic commerce in Federal procurement.

Sec. 1010. Determination of project completion.

Sec. 1011. Prioritization.

Sec. 1012. Transparency in accounting and administrative expenses.

Sec. 1013. Evaluation of project Partnership Agreements.

Sec. 1014. Study and construction of water resources development projects by non-Federal interests.

Sec. 1015. Contributions by non-Federal interests.

Sec. 1016. Operation and maintenance of certain projects.

Sec. 1017. Acceptance of contributed funds to increase lock operations.

Sec. 1018. Credit for in-kind contributions.

Sec. 1019. Clarification of in-kind credit authority.

Sec. 1020. Transfer of excess credit.

Sec. 1021. Crediting authority for federally authorized navigation projects.

Sec. 1022. Credit in lieu of reimbursement.

Sec. 1023. Additional contributions by non-Federal interests.

Sec. 1024. Authority to accept and use materials and services.

Sec. 1025. Water resources projects on Federal land.

Sec. 1026. Clarification of impacts to other Federal facilities.

Sec. 1027. Clarification of munition disposal authorities.

Sec. 1028. Clarification of mitigation authority.

Sec. 1029. Clarification of interagency support authorities.

Sec. 1030. Continuing authority.

Sec. 1031. Tribal partnership program.

Sec. 1032. Territories of the United States.

Sec. 1033. Corrosion prevention.

Sec. 1034. Advanced modeling technologies.

Sec. 1035. Recreational access.

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**SEC. 2. DEFINITION OF SECRETARY.**

In this Act, the term “Secretary” means the Secretary of the Army.

**TITLE I—PROGRAM REFORMS AND STREAMLINING**

**SEC. 1001. VERTICAL INTEGRATION AND ACCELERATION OF STUDIES.**

(a) **IN GENERAL.**—To the extent practicable, a feasibility study initiated by the Secretary, after the date of enactment of this Act, under section 905(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)) shall—

(1) result in the completion of a final feasibility report not later than 3 years after the date of initiation;

(2) have a maximum Federal cost of \$3,000,000; and

(3) ensure that personnel from the district, division, and headquarters levels of the Corps of Engineers concurrently conduct the review required under that section.

(b) **EXTENSION.**—If the Secretary determines that a feasibility study described in subsection (a) will not be conducted in accordance with subsection (a), the Secretary, not later than 30 days after the date of making the determination, shall—

(1) prepare an updated feasibility study schedule and cost estimate;

(2) notify the non-Federal feasibility cost-sharing partner that the feasibility study has been delayed; and

(3) provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives as to the reasons the requirements of subsection (a) are not attainable.

(c) **TERMINATION OF AUTHORIZATION.**—A feasibility study for which the Secretary has issued a determination under subsection (b) is not authorized after the last day of the 1-year period beginning on the date of the determination if

the Secretary has not completed the study on or before such last day.

(d) **EXCEPTION.**—

(1) **IN GENERAL.**—Notwithstanding the requirements of subsection (c), the Secretary may extend the timeline of a study by a period not to exceed 3 years, if the Secretary determines that the feasibility study is too complex to comply with the requirements of subsections (a) and (c).

(2) **FACTORS.**—In making a determination that a study is too complex to comply with the requirements of subsections (a) and (c), the Secretary shall consider—

(A) the type, size, location, scope, and overall cost of the project;

(B) whether the project will use any innovative design or construction techniques;

(C) whether the project will require significant action by other Federal, State, or local agencies;

(D) whether there is significant public dispute as to the nature or effects of the project; and

(E) whether there is significant public dispute as to the economic or environmental costs or benefits of the project.

(3) **NOTIFICATION.**—Each time the Secretary makes a determination under this subsection, the Secretary shall provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives as to the results of that determination, including an identification of the specific 1 or more factors used in making the determination that the project is complex.

(4) **LIMITATION.**—The Secretary shall not extend the timeline for a feasibility study for a period of more than 7 years, and any feasibility study that is not completed before that date shall no longer be authorized.

(e) **REVIEWS.**—Not later than 90 days after the date of the initiation of a study described in subsection (a) for a project, the Secretary shall—

(1) take all steps necessary to initiate the process for completing federally mandated reviews that the Secretary is required to complete as part of the study, including the environmental review process under section 1005;

(2) convene a meeting of all Federal, tribal, and State agencies identified under section 2045(e) of the Water Resources Development Act of 2007 (33 U.S.C. 2348(e)) that may be required by law to conduct or issue a review, analysis, or opinion on or to make a determination concerning a permit or license for the study; and

(3) take all steps necessary to provide information that will enable required reviews and analyses related to the project to be conducted by other agencies in a thorough and timely manner.

(f) **INTERIM REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report that describes—

(1) the status of the implementation of the planning process under this section, including the number of participating projects;

(2) a review of project delivery schedules, including a description of any delays on those studies participating in the planning process under this section; and

(3) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process for water resource projects.

(g) **FINAL REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report that describes—



(1) the status of the implementation of this section, including a description of each feasibility study subject to the requirements of this section;

(2) the amount of time taken to complete each feasibility study; and

(3) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process, including an analysis of whether the limitation established by subsection (a)(2) needs to be adjusted to address the impacts of inflation.

#### SEC. 1002. CONSOLIDATION OF STUDIES.

(a) IN GENERAL.—

(1) REPEAL.—Section 905(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)) is repealed.

(2) CONFORMING AMENDMENT.—Section 905(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)(1)) is amended by striking “perform a reconnaissance study and”.

(b) CONTENTS OF FEASIBILITY REPORTS.—Section 905(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)(2)) is amended by adding at the end the following: “A feasibility report shall include a preliminary analysis of the Federal interest and the costs, benefits, and environmental impacts of the project.”

(c) FEASIBILITY STUDIES.—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

“(g) DETAILED PROJECT SCHEDULE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall determine a set of milestones needed for the completion of a feasibility study under this subsection, including all major actions, report submissions and responses, reviews, and comment periods.

“(2) DETAILED PROJECT SCHEDULE MILESTONES.—Each District Engineer shall, to the maximum extent practicable, establish a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to feasibility studies in the District developed by the Secretary under paragraph (1).

“(3) NON-FEDERAL INTEREST NOTIFICATION.—Each District Engineer shall submit by certified mail the detailed project schedule under paragraph (2) to each relevant non-Federal interest—

“(A) for projects that have received funding from the General Investigations Account of the Corps of Engineers in the period beginning on October 1, 2009, and ending on the date of enactment of this subsection, not later than 180 days after the establishment of milestones under paragraph (1); and

“(B) for projects for which a feasibility cost-sharing agreement is executed after the establishment of milestones under paragraph (1), not later than 90 days after the date on which the agreement is executed.

“(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Beginning in the first full fiscal year after the date of enactment of this subsection, the Secretary shall—

“(A) submit an annual report that lists all detailed project schedules under paragraph (2) and an explanation of any missed deadlines to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

“(B) make publicly available, including on the Internet, a copy of the annual report described in subparagraph (A) not later than 14 days after date on which a report is submitted to Congress.

“(5) FAILURE TO ACT.—If a District Engineer fails to meet any of the deadlines in the project schedule under paragraph (2), the District Engineer shall—

“(A) not later than 30 days after each missed deadline, submit to the non-Federal interest a report detailing—

“(i) why the District Engineer failed to meet the deadline; and

“(ii) a revised project schedule reflecting amended deadlines for the feasibility study; and

“(B) not later than 30 days after each missed deadline, make publicly available, including on the Internet, a copy of the amended project schedule described in subparagraph (A)(ii).”

(d) APPLICABILITY.—The Secretary shall continue to carry out a study for which a reconnaissance level investigation has been initiated before the date of enactment of this Act as if this section, including the amendments made by this section, had not been enacted.

#### SEC. 1003. EXPEDITED COMPLETION OF REPORTS.

The Secretary shall—

(1) expedite the completion of any on-going feasibility study for a project initiated before the date of enactment of this Act; and

(2) if the Secretary determines that the project is justified in a completed report, proceed directly to preconstruction planning, engineering, and design of the project in accordance with section 910 of the Water Resources Development Act of 1986 (33 U.S.C. 2287).

#### SEC. 1004. REMOVAL OF DUPLICATIVE ANALYSES.

Section 911 of the Water Resources Development Act of 1986 (33 U.S.C. 2288) is repealed.

#### SEC. 1005. PROJECT ACCELERATION.

(a) PROJECT ACCELERATION.—

(1) AMENDMENT.—Section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) is amended to read as follows:

#### “SEC. 2045. PROJECT ACCELERATION.

“(a) DEFINITIONS.—In this section:

“(1) ENVIRONMENTAL IMPACT STATEMENT.—The term ‘environmental impact statement’ means the detailed statement of environmental impacts of a project required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) ENVIRONMENTAL REVIEW PROCESS.—

“(A) IN GENERAL.—The term ‘environmental review process’ means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a project study.

“(B) INCLUSIONS.—The term ‘environmental review process’ includes the process for and completion of any environmental permit, approval, review, or study required for a project study under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(3) FEDERAL JURISDICTIONAL AGENCY.—The term ‘Federal jurisdictional agency’ means a Federal agency with jurisdiction delegated by law, regulation, order, or otherwise over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a project study under applicable Federal laws (including regulations).

“(4) FEDERAL LEAD AGENCY.—The term ‘Federal lead agency’ means the Corps of Engineers.

“(5) PROJECT.—The term ‘project’ means a water resources development project to be carried out by the Secretary.

“(6) PROJECT SPONSOR.—The term ‘project sponsor’ has the meaning given the term ‘non-Federal interest’ in section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)).

“(7) PROJECT STUDY.—The term ‘project study’ means a feasibility study for a project carried out pursuant to section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282).

“(b) APPLICABILITY.—

“(1) IN GENERAL.—This section—

“(A) shall apply to each project study that is initiated after the date of enactment of the Water Resources Reform and Development Act

of 2014 and for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(B) may be applied, to the extent determined appropriate by the Secretary, to other project studies initiated after such date of enactment and for which an environmental review process document is prepared under that Act.

“(2) FLEXIBILITY.—Any authority granted under this section may be exercised, and any requirement established under this section may be satisfied, for the conduct of an environmental review process for a project study, a class of project studies, or a program of project studies.

“(3) LIST OF PROJECT STUDIES.—

“(A) IN GENERAL.—The Secretary shall annually prepare, and make publicly available, a separate list of each study that the Secretary has determined—

“(i) meets the standards described in paragraph (1); and

“(ii) does not have adequate funding to make substantial progress toward the completion of the project study.

“(B) INCLUSIONS.—The Secretary shall include for each project study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the project study.

“(c) PROJECT REVIEW PROCESS.—

“(1) IN GENERAL.—The Secretary shall develop and implement a coordinated environmental review process for the development of project studies.

“(2) COORDINATED REVIEW.—The coordinated environmental review process described in paragraph (1) shall require that any review, analysis, opinion, statement, permit, license, or other approval or decision issued or made by a Federal, State, or local governmental agency or an Indian tribe for a project study described in subsection (b) be conducted, to the maximum extent practicable, concurrently with any other applicable governmental agency or Indian tribe.

“(3) TIMING.—The coordinated environmental review process under this subsection shall be completed not later than the date on which the Secretary, in consultation and concurrence with the agencies identified under subsection (e), establishes with respect to the project study.

“(d) LEAD AGENCIES.—

“(1) JOINT LEAD AGENCIES.—

“(A) IN GENERAL.—At the discretion of the Secretary and subject to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the requirements of section 1506.8 of title 40, Code of Federal Regulations (or successor regulations), including the concurrence of the proposed joint lead agency, a project sponsor may serve as the joint lead agency.

“(B) PROJECT SPONSOR AS JOINT LEAD AGENCY.—A project sponsor that is a State or local governmental entity may—

“(i) with the concurrence of the Secretary, serve as a joint lead agency with the Federal lead agency for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(ii) prepare any environmental review process document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) required in support of any action or approval by the Secretary if—

“(I) the Secretary provides guidance in the preparation process and independently evaluates that document;

“(II) the project sponsor complies with all requirements applicable to the Secretary under—

“(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(bb) any regulation implementing that Act; and

“(cc) any other applicable Federal law; and  
 “(III) the Secretary approves and adopts the document before the Secretary takes any subsequent action or makes any approval based on that document, regardless of whether the action or approval of the Secretary results in Federal funding.

“(2) DUTIES.—The Secretary shall ensure that—

“(A) the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection; and

“(B) any environmental document prepared by the project sponsor is appropriately supplemented to address any changes to the project the Secretary determines are necessary.

“(3) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection shall be adopted and used by any Federal agency making any determination related to the project study to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency under—

“(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(B) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

“(4) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project study, the Federal lead agency shall have authority and responsibility—

“(A) to take such actions as are necessary and proper and within the authority of the Federal lead agency to facilitate the expeditious resolution of the environmental review process for the project study; and

“(B) to prepare or ensure that any required environmental impact statement or other environmental review document for a project study required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

“(e) PARTICIPATING AND COOPERATING AGENCIES.—

“(1) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to carrying out the environmental review process for a project study, the Secretary shall identify, as early as practicable in the environmental review process, all Federal, State, and local government agencies and Indian tribes that may—

“(A) have jurisdiction over the project;

“(B) be required by law to conduct or issue a review, analysis, opinion, or statement for the project study; or

“(C) be required to make a determination on issuing a permit, license, or other approval or decision for the project study.

“(2) STATE AUTHORITY.—If the environmental review process is being implemented by the Secretary for a project study within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

“(A) have jurisdiction over the project;

“(B) be required to conduct or issue a review, analysis, opinion, or statement for the project study; or

“(C) are required to make a determination on issuing a permit, license, or other approval or decision for the project study.

“(3) INVITATION.—

“(A) IN GENERAL.—The Federal lead agency shall invite, as early as practicable in the environmental review process, any agency identified under paragraph (1) to become a participating or cooperating agency, as applicable, in the environmental review process for the project study.

“(B) DEADLINE.—An invitation to participate issued under subparagraph (A) shall set a deadline by which a response to the invitation shall be submitted, which may be extended by the Federal lead agency for good cause.

“(4) PROCEDURES.—Section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Water Resources Reform and Development Act of 2014) shall govern the identification and the participation of a cooperating agency.

“(5) FEDERAL COOPERATING AGENCIES.—Any Federal agency that is invited by the Federal lead agency to participate in the environmental review process for a project study shall be designated as a cooperating agency by the Federal lead agency unless the invited agency informs the Federal lead agency, in writing, by the deadline specified in the invitation that the invited agency—

“(A)(i)(I) has no jurisdiction or authority with respect to the project;

“(II) has no expertise or information relevant to the project; or

“(III) does not have adequate funds to participate in the project; and

“(ii) does not intend to submit comments on the project; or

“(B) does not intend to submit comments on the project.

“(6) ADMINISTRATION.—A participating or cooperating agency shall comply with this section and any schedule established under this section.

“(7) EFFECT OF DESIGNATION.—Designation as a participating or cooperating agency under this subsection shall not imply that the participating or cooperating agency—

“(A) supports a proposed project; or

“(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

“(8) CONCURRENT REVIEWS.—Each participating or cooperating agency shall—

“(A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process, unless doing so would prevent the participating or cooperating agency from conducting needed analysis or otherwise carrying out those obligations; and

“(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

“(f) PROGRAMMATIC COMPLIANCE.—

“(1) IN GENERAL.—The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that—

“(A) eliminates repetitive discussions of the same issues;

“(B) focuses on the actual issues ripe for analyses at each level of review;

“(C) establishes a formal process for coordinating with participating and cooperating agencies, including the creation of a list of all data that is needed to carry out an environmental review process; and

“(D) complies with—

“(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(ii) all other applicable laws.

“(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—

“(A) as the first step in drafting guidance under that paragraph, consult with relevant Federal, State, and local governmental agencies, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches;

“(B) emphasize the importance of collaboration among relevant Federal, State, and local governmental agencies, and Indian tribes in undertaking programmatic reviews, especially with respect to including reviews with a broad geographical scope;

“(C) ensure that the programmatic reviews—

“(i) promote transparency, including of the analyses and data used in the environmental review process, the treatment of any deferred issues raised by Federal, State, and local governmental agencies, Indian tribes, or the public, and the temporal and special scales to be used to analyze those issues;

“(ii) use accurate and timely information in the environmental review process, including—

“(I) criteria for determining the general duration of the usefulness of the review; and

“(II) the timeline for updating any out-of-date review;

“(iii) describe—

“(I) the relationship between programmatic analysis and future tiered analysis; and

“(II) the role of the public in the creation of future tiered analysis; and

“(iv) are available to other relevant Federal, State, and local governmental agencies, Indian tribes, and the public;

“(D) allow not fewer than 60 days of public notice and comment on any proposed guidance; and

“(E) address any comments received under subparagraph (D).

“(g) COORDINATED REVIEWS.—

“(1) COORDINATION PLAN.—

“(A) ESTABLISHMENT.—

“(i) IN GENERAL.—The Federal lead agency shall, after consultation with and with the concurrence of each participating and cooperating agency and the project sponsor or joint lead agency, as applicable, establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a project study or a category of project studies.

“(ii) INCORPORATION.—The plan established under clause (i) shall be incorporated into the project schedule milestones set under section 905(g)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(g)(2)).

“(B) SCHEDULE.—

“(i) IN GENERAL.—As soon as practicable but not later than 45 days after the close of the public comment period on a draft environmental impact statement, the Federal lead agency, after consultation with and the concurrence of each participating and cooperating agency and the project sponsor or joint lead agency, as applicable, shall establish, as part of the coordination plan established in subparagraph (A), a schedule for completion of the environmental review process for the project study.

“(ii) FACTORS FOR CONSIDERATION.—In establishing a schedule, the Secretary shall consider factors such as—

“(I) the responsibilities of participating and cooperating agencies under applicable laws;

“(II) the resources available to the project sponsor, joint lead agency, and other relevant Federal and State agencies, as applicable;

“(III) the overall size and complexity of the project;

“(IV) the overall schedule for and cost of the project; and

“(V) the sensitivity of the natural and historical resources that could be affected by the project.

“(iii) MODIFICATIONS.—The Secretary may—

“(I) lengthen a schedule established under clause (i) for good cause; and

“(II) shorten a schedule only with concurrence of the affected participating and cooperating agencies and the project sponsor or joint lead agency, as applicable.

“(iv) DISSEMINATION.—A copy of a schedule established under clause (i) shall be—

“(I) provided to each participating and cooperating agency and the project sponsor or joint lead agency, as applicable; and

“(II) made available to the public.

“(2) COMMENT DEADLINES.—The Federal lead agency shall establish the following deadlines for comment during the environmental review process for a project study:

“(A) DRAFT ENVIRONMENTAL IMPACT STATEMENTS.—For comments by Federal and States agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of the draft environmental impact statement, unless—

“(i) a different deadline is established by agreement of the Federal lead agency, the project sponsor or joint lead agency, as applicable, and all participating and cooperating agencies; or

“(ii) the deadline is extended by the Federal lead agency for good cause.

“(B) OTHER ENVIRONMENTAL REVIEW PROCESSES.—For all other comment periods established by the Federal lead agency for agency or public comments in the environmental review process, a period of not more than 30 days after the date on which the materials on which comment is requested are made available, unless—

“(i) a different deadline is established by agreement of the Federal lead agency, the project sponsor, or joint lead agency, as applicable, and all participating and cooperating agencies; or

“(ii) the deadline is extended by the Federal lead agency for good cause.

“(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project study, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (h)(5)(B)(ii), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(A) as soon as practicable after the 180-day period described in subsection (h)(5)(B)(ii), an initial notice of the failure of the Federal agency to make the decision; and

“(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project study have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

“(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection reduces any time period provided for public comment in the environmental review process under applicable Federal law (including regulations).

“(5) TRANSPARENCY REPORTING.—

“(A) REPORTING REQUIREMENTS.—Not later than 1 year after the date of enactment of the Water Resources Reform and Development Act of 2014, the Secretary shall establish and maintain an electronic database and, in coordination with other Federal and State agencies, issue reporting requirements to make publicly available the status and progress with respect to compliance with applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq.) and any other Federal, State, or local approval or action required for a project study for which this section is applicable.

“(B) PROJECT STUDY TRANSPARENCY.—Consistent with the requirements established under subparagraph (A), the Secretary shall publish the status and progress of any Federal, State, or local decision, action, or approval required under applicable laws for each project study for which this section is applicable.

“(h) ISSUE IDENTIFICATION AND RESOLUTION.—

“(I) COOPERATION.—The Federal lead agency, the cooperating agencies, and any participating

agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in the denial of any approval required for the project study under applicable laws.

“(2) FEDERAL LEAD AGENCY RESPONSIBILITIES.—

“(A) IN GENERAL.—The Federal lead agency shall make information available to the cooperating agencies and participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

“(B) DATA SOURCES.—The information under subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

“(3) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the Federal lead agency, cooperating and participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project study.

“(4) ACCELERATED ISSUE RESOLUTION AND EVALUATION.—

“(A) IN GENERAL.—On the request of a participating or cooperating agency or project sponsor, the Secretary shall convene an issue resolution meeting with the relevant participating and cooperating agencies and the project sponsor or joint lead agency, as applicable, to resolve issues that may—

“(i) delay completion of the environmental review process; or

“(ii) result in denial of any approval required for the project study under applicable laws.

“(B) MEETING DATE.—A meeting requested under this paragraph shall be held not later than 21 days after the date on which the Secretary receives the request for the meeting, unless the Secretary determines that there is good cause to extend that deadline.

“(C) NOTIFICATION.—On receipt of a request for a meeting under this paragraph, the Secretary shall notify all relevant participating and cooperating agencies of the request, including the issue to be resolved and the date for the meeting.

“(D) ELEVATION OF ISSUE RESOLUTION.—If a resolution cannot be achieved within the 30 day-period beginning on the date of a meeting under this paragraph and a determination is made by the Secretary that all information necessary to resolve the issue has been obtained, the Secretary shall forward the dispute to the heads of the relevant agencies for resolution.

“(E) CONVENTION BY SECRETARY.—The Secretary may convene an issue resolution meeting under this paragraph at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under subparagraph (A).

“(5) FINANCIAL PENALTY PROVISIONS.—

“(A) IN GENERAL.—A Federal jurisdictional agency shall complete any required approval or decision for the environmental review process on an expeditious basis using the shortest existing applicable process.

“(B) FAILURE TO DECIDE.—

“(i) IN GENERAL.—If a Federal jurisdictional agency fails to render a decision required under any Federal law relating to a project study that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, statement, opinion, or other approval by the date described in clause (ii), the amount of funds made available to support the office of the

head of the Federal jurisdictional agency shall be reduced by an amount of funding equal to the amounts specified in subclause (I) or (II) and those funds shall be made available to the division of the Federal jurisdictional agency charged with rendering the decision by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C)—

“(I) \$20,000 for any project study requiring the preparation of an environmental assessment or environmental impact statement; or

“(II) \$10,000 for any project study requiring any type of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) other than an environmental assessment or environmental impact statement.

“(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is the later of—

“(I) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

“(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(C) LIMITATIONS.—

“(i) IN GENERAL.—No transfer of funds under subparagraph (B) relating to an individual project study shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.

“(ii) FAILURE TO DECIDE.—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.

“(iii) AGGREGATE.—Notwithstanding any other provision of law, for each fiscal year, the aggregate amount of financial penalties assessed against each applicable agency office under the Water Resources Reform and Development Act of 2014 and any other Federal law as a result of a failure of the agency to make a decision by an applicable deadline for environmental review, including the total amount transferred under this paragraph, shall not exceed an amount equal to 9.5 percent of the funds made available for the agency office for that fiscal year.

“(D) NO FAULT OF AGENCY.—

“(i) IN GENERAL.—A transfer of funds under this paragraph shall not be made if the applicable agency described in subparagraph (A) notifies, with a supporting explanation, the Federal lead agency, cooperating agencies, and project sponsor, as applicable, that—

“(I) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, State, or local law;

“(II) significant new information, including from public comments, or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application; or

“(III) the agency lacks the financial resources to complete the review under the scheduled time frame, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why not enough funding is available to complete the review by the deadline.

“(ii) LACK OF FINANCIAL RESOURCES.—If the agency provides notice under clause (i)(III), the Inspector General of the agency shall—

“(I) conduct a financial audit to review the notice; and

“(II) not later than 90 days after the date on which the review described in subclause (I) is completed, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the notice.

“(E) LIMITATION.—The Federal agency from which funds are transferred pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

“(F) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

“(i) MEMORANDUM OF AGREEMENTS FOR EARLY COORDINATION.—

“(1) SENSE OF CONGRESS.—It is the sense of Congress that—

“(A) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other, State agencies, and Indian tribes on environmental review and project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and project development decisions reflect environmental values; and

“(B) the cooperation referred to in subparagraph (A) should include the development of policies and the designation of staff that advise planning agencies and project sponsors of studies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.

“(2) TECHNICAL ASSISTANCE.—If requested at any time by a State or project sponsor, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the maximum extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or project sponsor in carrying out early coordination activities.

“(3) MEMORANDUM OF AGENCY AGREEMENT.—If requested at any time by a State or project sponsor, the Federal lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the project sponsor, Indian tribe, State and local governments, and other appropriate entities to carry out the early coordination activities, including providing technical assistance in identifying potential impacts and mitigation issues in an integrated fashion.

“(j) LIMITATIONS.—Nothing in this section preempts or interferes with—

“(1) any obligation to comply with the provisions of any Federal law, including—

“(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(B) any other Federal environmental law;

“(2) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;

“(3) any requirement for seeking, considering, or responding to public comment; or

“(4) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Indian tribe, or project sponsor has with respect to carrying out a project or any other provision of law applicable to projects.

“(k) TIMING OF CLAIMS.—

“(1) TIMING.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or other approval issued by a Federal agency for

a project study shall be barred unless the claim is filed not later than 3 years after publication of a notice in the Federal Register announcing that the permit, license, or other approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law that allows judicial review.

“(B) APPLICABILITY.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of a permit, license, or other approval.

“(2) NEW INFORMATION.—

“(A) IN GENERAL.—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under title 40, Code of Federal Regulations (including successor regulations).

“(B) SEPARATE ACTION.—The preparation of a supplemental environmental impact statement or other environmental document, if required under this section, shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the action shall be 3 years after the date of publication of a notice in the Federal Register announcing the action relating to such supplemental environmental impact statement or other environmental document.

“(1) CATEGORICAL EXCLUSIONS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Reform and Development Act of 2014, the Secretary shall—

“(A) survey the use by the Corps of Engineers of categorical exclusions in projects since 2005;

“(B) publish a review of the survey that includes a description of—

“(i) the types of actions that were categorically excluded or could be the basis for developing a new categorical exclusion; and

“(ii) any requests previously received by the Secretary for new categorical exclusions; and

“(C) solicit requests from other Federal agencies and project sponsors for new categorical exclusions.

“(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of the Water Resources Reform and Development Act of 2014, if the Secretary has identified a category of activities that merit establishing a categorical exclusion that did not exist on the day before the date of enactment of the Water Resources Reform and Development Act of 2014 based on the review under paragraph (1), the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (or successor regulation).

“(m) REVIEW OF PROJECT ACCELERATION REFORMS.—

“(1) IN GENERAL.—The Comptroller General of the United States shall—

“(A) assess the reforms carried out under this section; and

“(B) not later than 5 years and not later than 10 years after the date of enactment of the Water Resources Reform and Development Act of 2014, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the assessment.

“(2) CONTENTS.—The reports under paragraph (1) shall include an evaluation of impacts of the reforms carried out under this section on—

“(A) project delivery;

“(B) compliance with environmental laws; and

“(C) the environmental impact of projects.

“(n) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress made toward improving and expediting the planning and environmental review process.

“(o) IMPLEMENTATION GUIDANCE.—The Secretary shall prepare, in consultation with the Council on Environmental Quality and other Federal agencies with jurisdiction over actions or resources that may be impacted by a project, guidance documents that describe the coordinated environmental review processes that the Secretary intends to use to implement this section for the planning of projects, in accordance with the civil works program of the Corps of Engineers and all applicable law.”.

(2) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 2007 (121 Stat. 1042) is amended by striking the item relating to section 2045 and inserting the following:

“Sec. 2045. Project acceleration.”.

(b) CATEGORICAL EXCLUSIONS IN EMERGENCIES.—For the repair, reconstruction, or rehabilitation of a water resources project that is in operation or under construction when damaged by an event or incident that results in a declaration by the President of a major disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary shall treat such repair, reconstruction, or rehabilitation activity as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations (or successor regulations), if the repair or reconstruction activity is—

(1) in the same location with the same capacity, dimensions, and design as the original water resources project as before the declaration described in this section; and

(2) commenced within a 2-year period beginning on the date of a declaration described in this subsection.

#### SEC. 1006. EXPEDITING THE EVALUATION AND PROCESSING OF PERMITS.

Section 214 of the Water Resources Development Act of 2000 (Public Law 106-541; 33 U.S.C. 2201 note) is amended—

(1) in subsection (a)—

(A) by striking “(a) IN GENERAL.—The Secretary” and inserting the following:

“(a) FUNDING TO PROCESS PERMITS.—

“(1) DEFINITIONS.—In this subsection:

“(A) NATURAL GAS COMPANY.—The term ‘natural gas company’ has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451), except that the term also includes a person engaged in the transportation of natural gas in intrastate commerce.

“(B) PUBLIC-UTILITY COMPANY.—The term ‘public-utility company’ has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451).

“(2) PERMIT PROCESSING.—The Secretary”;

(B) in paragraph (2) (as so designated)—

(i) by inserting “or a public-utility company or natural gas company” after “non-Federal public entity”; and

(ii) by inserting “or company” after “that entity”; and

(C) by adding at the end the following:

“(3) LIMITATION FOR PUBLIC-UTILITY AND NATURAL GAS COMPANIES.—The authority provided under paragraph (2) to a public-utility company or natural gas company shall expire on the date that is 7 years after the date of enactment of this paragraph.

“(4) EFFECT ON OTHER ENTITIES.—To the maximum extent practicable, the Secretary shall ensure that expediting the evaluation of a permit through the use of funds accepted and expended

under this section does not adversely affect the timeline for evaluation (in the Corps district in which the project or activity is located) of permits under the jurisdiction of the Department of the Army of other entities that have not contributed funds under this section.

“(5) GAO STUDY.—Not later than 4 years after the date of enactment of this paragraph, the Comptroller General of the United States shall carry out a study of the implementation by the Secretary of the authority provided under paragraph (2) to public-utility companies and natural gas companies.”; and

(2) by striking subsections (d) and (e) and inserting the following:

“(d) PUBLIC AVAILABILITY.—

“(1) IN GENERAL.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public in a common format, including on the Internet, and in a manner that distinguishes final permit decisions under this section from other final actions of the Secretary.

“(2) DECISION DOCUMENT.—The Secretary shall—

“(A) use a standard decision document for evaluating all permits using funds accepted under this section; and

“(B) make the standard decision document, along with all final permit decisions, available to the public, including on the Internet.

“(3) AGREEMENTS.—The Secretary shall make all active agreements to accept funds under this section available on a single public Internet site.

“(e) REPORTING.—

“(1) IN GENERAL.—The Secretary shall prepare an annual report on the implementation of this section, which, at a minimum, shall include for each district of the Corps of Engineers that accepts funds under this section—

“(A) a comprehensive list of any funds accepted under this section during the previous fiscal year;

“(B) a comprehensive list of the permits reviewed and approved using funds accepted under this section during the previous fiscal year, including a description of the size and type of resources impacted and the mitigation required for each permit; and

“(C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part with funds accepted under this section.

“(2) SUBMISSION.—Not later than 90 days after the end of each fiscal year, the Secretary shall—

“(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the annual report described in paragraph (1); and

“(B) make each report received under subparagraph (A) available on a single publicly accessible Internet site.”.

#### **SEC. 1007. EXPEDITING APPROVAL OF MODIFICATIONS AND ALTERATIONS OF PROJECTS BY NON-FEDERAL INTERESTS.**

(a) SECTION 14 APPLICATION DEFINED.—In this section, the term “section 14 application” means an application submitted by an applicant to the Secretary requesting permission for the temporary occupation or use of a public work, or the alteration or permanent occupation or use of a public work, under section 14 of the Act of March 3, 1899 (commonly known as the “Rivers and Harbors Appropriation Act of 1899”) (33 U.S.C. 408).

(b) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary, after providing notice and an opportunity for comment, shall establish a process for the review of section 14 applications in a timely and consistent manner.

(c) BENCHMARK GOALS.—

(1) ESTABLISHMENT OF BENCHMARK GOALS.—In carrying out subsection (b), the Secretary shall—

(A) establish benchmark goals for determining the amount of time it should take the Secretary to determine whether a section 14 application is complete;

(B) establish benchmark goals for determining the amount of time it should take the Secretary to approve or disapprove a section 14 application; and

(C) to the extent practicable, use such benchmark goals to make a decision on section 14 applications in a timely and consistent manner.

(2) BENCHMARK GOALS.—

(A) BENCHMARK GOALS FOR DETERMINING WHETHER SECTION 14 APPLICATIONS ARE COMPLETE.—To the extent practicable, the benchmark goals established under paragraph (1) shall provide that—

(i) the Secretary reach a decision on whether a section 14 application is complete not later than 15 days after the date of receipt of the application; and

(ii) if the Secretary determines that a section 14 application is not complete, the Secretary promptly notify the applicant of the specific information that is missing or the analysis that is needed to complete the application.

(B) BENCHMARK GOALS FOR REVIEWING COMPLETED APPLICATIONS.—To the extent practicable, the benchmark goals established under paragraph (1) shall provide that—

(i) the Secretary generally approve or disapprove a completed section 14 application not later than 45 days after the date of receipt of the completed application; and

(ii) in a case in which the Secretary determines that additional time is needed to review a completed section 14 application due to the type, size, cost, complexity, or impacts of the actions proposed in the application, the Secretary generally approve or disapprove the application not later than 180 days after the date of receipt of the completed application.

(3) NOTICE.—In any case in which the Secretary determines that it will take the Secretary more than 45 days to review a completed section 14 application, the Secretary shall—

(A) provide written notification to the applicant; and

(B) include in the written notice a best estimate of the Secretary as to the amount of time required for completion of the review.

(d) FAILURE TO ACHIEVE BENCHMARK GOALS.—In any case in which the Secretary fails make a decision on a section 14 application in accordance with the process established under this section, the Secretary shall provide written notice to the applicant, including a detailed description of—

(1) why the Secretary failed to make a decision in accordance with such process;

(2) the additional actions required before the Secretary will issue a decision; and

(3) the amount of time the Secretary will require to issue a decision.

(e) NOTIFICATION.—

(1) SUBMISSION TO CONGRESS.—The Secretary shall provide a copy of any written notice provided under subsection (d) to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) PUBLIC AVAILABILITY.—The Secretary shall maintain a publicly available database, including on the Internet, on—

(A) all section 14 applications received by the Secretary; and

(B) the current status of such applications.

#### **SEC. 1008. EXPEDITING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.**

(a) POLICY.—Congress declares that it is the policy of the United States that—

(1) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects, including locks and dams, shall be given priority;

(2) Corps of Engineers approval of non-Federal hydroelectric power at Corps of Engineers civil works projects, including permitting required under section 14 of the Act of March 3, 1899 (33 U.S.C. 408), shall be completed by the Corps of Engineers in a timely and consistent manner; and

(3) approval of hydropower at Corps of Engineers civil works projects shall in no way diminish the other priorities and missions of the Corps of Engineers, including authorized project purposes and habitat and environmental protection.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report that, at a minimum, shall include—

(1) a description of initiatives carried out by the Secretary to encourage the development of hydroelectric power by non-Federal entities at Corps of Engineers civil works projects;

(2) a list of all new hydroelectric power activities by non-Federal entities approved at Corps of Engineers civil works projects in that fiscal year, including the length of time the Secretary needed to approve those activities;

(3) a description of the status of each pending application from non-Federal entities for approval to develop hydroelectric power at Corps of Engineers civil works projects;

(4) a description of any benefits or impacts to the environment, recreation, or other uses associated with Corps of Engineers civil works projects at which non-Federal entities have developed hydroelectric power in the previous fiscal year; and

(5) the total annual amount of payments or other services provided to the Corps of Engineers, the Treasury, and any other Federal agency as a result of approved non-Federal hydropower projects at Corps of Engineers civil works projects.

#### **SEC. 1009. ENHANCED USE OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.**

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report describing the actions of the Secretary in carrying out section 2301 of title 41, United States Code, regarding the use of electronic commerce in Federal procurement.

(b) CONTENTS.—The report submitted under subsection (a) shall include, with respect to the 2 fiscal years most recently ended before the fiscal year in which the report is submitted—

(1) an identification of the number, type, and dollar value of procurement solicitations with respect to which the public was permitted to respond to the solicitation electronically, which shall differentiate between solicitations that allowed full or partial electronic submission;

(2) an analysis of the information provided under paragraph (1) and actions that could be taken by the Secretary to refine and improve the use of electronic submission for procurement solicitation responses;

(3) an analysis of the potential benefits of and obstacles to full implementation of electronic submission for procurement solicitation responses, including with respect to cost savings, error reduction, paperwork reduction, increased bidder participation, and competition, and expanded use of electronic bid data collection for cost-effective contract management and timely reporting; and

(4) an analysis of the options and technologies available to facilitate expanded implementation

of electronic submission for procurement solicitation responses and the suitability of each option and technology for contracts of various types and sizes.

**SEC. 1010. DETERMINATION OF PROJECT COMPLETION.**

(a) *IN GENERAL.*—The Secretary shall notify the applicable non-Federal interest when construction of a water resources project or a functional portion of the project is completed so the non-Federal interest may commence responsibilities, as applicable, for operating and maintaining the project.

(b) *NON-FEDERAL INTEREST APPEAL OF DETERMINATION.*—

(1) *IN GENERAL.*—Not later than 7 days after receiving a notification under subsection (a), the non-Federal interest may appeal the completion determination of the Secretary in writing with a detailed explanation of the basis for questioning the completeness of the project or functional portion of the project.

(2) *INDEPENDENT REVIEW.*—

(A) *IN GENERAL.*—On notification that a non-Federal interest has submitted an appeal under paragraph (1), the Secretary shall contract with 1 or more independent, non-Federal experts to evaluate whether the applicable water resources project or functional portion of the project is complete.

(B) *TIMELINE.*—An independent review carried out under subparagraph (A) shall be completed not later than 180 days after the date on which the Secretary receives an appeal from a non-Federal interest under paragraph (1).

**SEC. 1011. PRIORITIZATION.**

(a) *PRIORITIZATION OF HURRICANE AND STORM DAMAGE RISK REDUCTION EFFORTS.*—

(1) *PRIORITY.*—For authorized projects and ongoing feasibility studies with a primary purpose of hurricane and storm damage risk reduction, the Secretary shall give funding priority to projects and ongoing studies that—

(A) address an imminent threat to life and property;

(B) prevent storm surge from inundating populated areas;

(C) prevent the loss of coastal wetlands that help reduce the impact of storm surge;

(D) protect emergency hurricane evacuation routes or shelters;

(E) prevent adverse impacts to publicly owned or funded infrastructure and assets;

(F) minimize disaster relief costs to the Federal Government; and

(G) address hurricane and storm damage risk reduction in an area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(2) *EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROJECTS.*—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of all—

(i) ongoing hurricane and storm damage reduction feasibility studies that have signed feasibility cost-share agreements and have received Federal funds since 2009; and

(ii) authorized hurricane and storm damage reduction projects that—

(I) have been authorized for more than 20 years but are less than 75 percent complete; or

(II) are undergoing a post-authorization change report, general reevaluation report, or limited reevaluation report;

(B) identify those projects on the list required under subparagraph (A) that meet the criteria described in paragraph (1); and

(C) provide a plan for expeditiously completing the projects identified under subparagraph (B), subject to available funding.

(b) *PRIORITIZATION OF ECOSYSTEM RESTORATION EFFORTS.*—For authorized projects with a primary purpose of ecosystem restoration, the Secretary shall give funding priority to projects—

(1) that—

(A) address an identified threat to public health, safety, or welfare;

(B) preserve or restore ecosystems of national significance; or

(C) preserve or restore habitats of importance for federally protected species, including migratory birds; and

(2) for which the restoration activities will contribute to other ongoing or planned Federal, State, or local restoration initiatives.

**SEC. 1012. TRANSPARENCY IN ACCOUNTING AND ADMINISTRATIVE EXPENSES.**

(a) *IN GENERAL.*—On the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest a detailed accounting of the Federal expenses associated with a water resources project.

(b) *STUDY.*—

(1) *IN GENERAL.*—The Secretary shall contract with the National Academy of Public Administration to carry out a study on the efficiency of the Corps Engineers current staff salaries and administrative expense procedures as compared to using a separate administrative expense account.

(2) *CONTENTS.*—The study under paragraph (1) shall include any recommendations of the National Academy of Public Administration for improvements to the budgeting and administrative processes that will increase the efficiency of the Corps of Engineers project delivery.

**SEC. 1013. EVALUATION OF PROJECT PARTNERSHIP AGREEMENTS.**

(a) *IN GENERAL.*—The Secretary shall contract with the National Academy of Public Administration to carry out a comprehensive review of the process for preparing, negotiating, and approving Project Partnership Agreements and the Project Partnership Agreement template, which shall include—

(1) an evaluation of the process for preparing, negotiating, and approving Project Partnership Agreements, as in effect on the day before the date of enactment of this Act, including suggested modifications to the process provided by non-Federal interests; and

(2) recommendations based on the evaluation under paragraph (1) to improve the Project Partnership Agreement template and the process for preparing, negotiating, and approving Project Partnership Agreements.

(b) *SUBMISSION TO CONGRESS.*—

(1) *IN GENERAL.*—The Secretary shall submit the findings of the National Academy of Public Administration to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) *REPORT.*—Not later than 180 days after the date on which the findings are received under paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed response, including any recommendations the Secretary plans to implement, on the process for preparing, negotiating, and approving Project Partnership Agreements and the Project Partnership Agreement template.

**SEC. 1014. STUDY AND CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.**

(a) *STUDIES.*—Section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) is amended to read as follows:

**“SEC. 203. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.**

**“(a) SUBMISSION TO SECRETARY.—**

**“(1) IN GENERAL.**—A non-Federal interest may undertake a feasibility study of a proposed water resources development project and submit the study to the Secretary.

**“(2) GUIDELINES.**—To assist non-Federal interests, the Secretary, as soon as practicable, shall issue guidelines for feasibility studies of water resources development projects to provide sufficient information for the formulation of the studies.

**“(b) REVIEW BY SECRETARY.**—The Secretary shall review each feasibility study received under subsection (a)(1) for the purpose of determining whether or not the study, and the process under which the study was developed, each comply with Federal laws and regulations applicable to feasibility studies of water resources development projects.

**“(c) SUBMISSION TO CONGRESS.**—Not later than 180 days after the date of receipt of a feasibility study of a project under subsection (a)(1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

**“(1) the results of the Secretary’s review of the study under subsection (b), including a determination of whether the project is feasible;**

**“(2) any recommendations the Secretary may have concerning the plan or design of the project; and**

**“(3) any conditions the Secretary may require for construction of the project.**

**“(d) CREDIT.**—If a project for which a feasibility study has been submitted under subsection (a)(1) is authorized by a Federal law enacted after the date of the submission to Congress under subsection (c), the Secretary shall credit toward the non-Federal share of the cost of construction of the project an amount equal to the portion of the cost of developing the study that would have been the responsibility of the United States if the study had been developed by the Secretary.”.

**(b) CONSTRUCTION.—**

**(1) IN GENERAL.**—Section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232) is amended to read as follows:

**“SEC. 204. CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.**

**“(a) WATER RESOURCES DEVELOPMENT PROJECT DEFINED.**—In this section, the term ‘water resources development project’ means a project recommendation that results from—

**“(1) a feasibility report, as such term is defined in section 7001(f) of the Water Resources Reform and Development Act of 2014;**

**“(2) a completed feasibility study developed under section 203; or**

**“(3) a final feasibility study for water resources development and conservation and other purposes that is specifically authorized by Congress to be carried out by the Secretary.**

**“(b) AUTHORITY.—**

**“(1) IN GENERAL.**—A non-Federal interest may carry out a water resources development project, or separable element thereof—

**“(A) in accordance with a plan approved by the Secretary for the project or separable element; and**

**“(B) subject to any conditions that the Secretary may require, including any conditions specified under section 203(c)(3).**

**“(2) CONDITIONS.**—Before carrying out a water resources development project, or separable element thereof, under this section, a non-Federal interest shall—

**“(A) obtain any permit or approval required in connection with the project or separable element under Federal or State law; and**



“(B) ensure that a final environmental impact statement or environmental assessment, as appropriate, for the project or separable element has been filed.

“(c) **STUDIES AND ENGINEERING.**—When requested by an appropriate non-Federal interest, the Secretary may undertake all necessary studies and engineering for any construction to be undertaken under subsection (b), and provide technical assistance in obtaining all necessary permits for the construction, if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies, engineering, or technical assistance in the period during which the studies and engineering are being conducted.

“(d) **CREDIT OR REIMBURSEMENT.**—“(1) **GENERAL RULE.**—Subject to paragraph (3), a project or separable element of a project carried out by a non-Federal interest under this section shall be eligible for credit or reimbursement for the Federal share of work carried out on a project or separable element of a project if—

“(A) before initiation of construction of the project or separable element—

“(i) the Secretary approves the plans for construction of the project or separable element of the project by the non-Federal interest;

“(ii) the Secretary determines, before approval of the plans, that the project or separable element of the project is feasible; and

“(iii) the non-Federal interest enters into a written agreement with the Secretary under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), including an agreement to pay the non-Federal share, if any, of the cost of operation and maintenance of the project; and

“(B) the Secretary determines that all Federal laws and regulations applicable to the construction of a water resources development project, and any conditions identified under subsection (b)(1)(B), were complied with by the non-Federal interest during construction of the project or separable element of the project.

“(2) **APPLICATION OF CREDIT.**—The Secretary may apply credit toward—

“(A) the non-Federal share of authorized separable elements of the same project; or

“(B) subject to the requirements of this section and section 1020 of the Water Resources Reform and Development Act of 2014, at the request of the non-Federal interest, the non-Federal share of a different water resources development project.

“(3) **REQUIREMENTS.**—The Secretary may only apply credit or provide reimbursement under paragraph (1) if—

“(A) Congress has authorized construction of the project or separable element of the project; and

“(B) the Secretary certifies that the project has been constructed in accordance with—

“(i) all applicable permits or approvals; and

“(ii) this section.

“(4) **MONITORING.**—The Secretary shall regularly monitor and audit any water resources development project, or separable element of a water resources development project, constructed by a non-Federal interest under this section to ensure that—

“(A) the construction is carried out in compliance with the requirements of this section; and

“(B) the costs of the construction are reasonable.

“(e) **NOTIFICATION OF COMMITTEES.**—If a non-Federal interest notifies the Secretary that the non-Federal interest intends to carry out a project, or separable element thereof, under this section, the Secretary shall provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives concerning the intent of the non-Federal interest.

“(f) **OPERATION AND MAINTENANCE.**—Whenever a non-Federal interest carries out improvements to a federally authorized harbor or inland harbor, the Secretary shall be responsible for operation and maintenance in accordance with section 101(b) if—

“(1) before construction of the improvements—“(A) the Secretary determines that the improvements are feasible and consistent with the purposes of this title; and

“(B) the Secretary and the non-Federal interest execute a written agreement relating to operation and maintenance of the improvements;

“(2) the Secretary certifies that the project or separable element of the project is constructed in accordance with applicable permits and appropriate engineering and design standards; and

“(3) the Secretary does not find that the project or separable element is no longer feasible.”

(c) **REPEALS.**—The following provisions are repealed:

(1) Section 404 of the Water Resources Development Act of 1990 (33 U.S.C. 2232 note; 104 Stat. 4646) and the item relating to that section in the table of contents contained in section 1(b) of that Act.

(2) Section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 4261–1) and the item relating to that section in the table of contents contained in section 1(b) of that Act.

(3) Section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) and the item relating to that section in the table of contents contained in section 1(b) of that Act.

(d) **SAVINGS PROVISION.**—Nothing in this section may be construed to affect an agreement in effect on the date of enactment of this Act, or an agreement that is finalized between the Corps of Engineers and a non-Federal interest on or before December 31, 2014, under any of the following sections (as such sections were in effect on the day before such date of enactment):

(1) Section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232).

(2) Section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 4261–1).

(3) Section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13).

#### **SEC. 1015. CONTRIBUTIONS BY NON-FEDERAL INTERESTS.**

(a) **IN GENERAL.**—Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended—

(1) by inserting “and other non-Federal interests” after “States and political subdivisions thereof” each place it appears;

(2) by inserting “, including a project for navigation on the inland waterways,” after “study or project”;

(3) by striking “Provided, That when” and inserting “Provided, That the Secretary is authorized to receive and expend funds from a State or a political subdivision thereof, and other non-Federal interests or private entities, to operate a hurricane barrier project to support recreational activities at or in the vicinity of the project, at no cost to the Federal Government, if the Secretary determines that operation for such purpose is not inconsistent with the operation and maintenance of the project for the authorized purposes of the project: Provided further, That when”; and

(4) by striking the period at the end and inserting the following: “: Provided further, That the term ‘non-Federal interest’ has the meaning given that term in section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).”

(b) **NOTIFICATION FOR CONTRIBUTED FUNDS.**—Prior to accepting funds contributed under section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), the Secretary shall provide written notice of the funds to the Committee on Environment and Public Works and the Committee on Appropria-

tions of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(c) **TECHNICAL AMENDMENT.**—Section 111(b) of the Energy and Water Development and Related Agencies Appropriations Act, 2012 (125 Stat. 858) is repealed.

#### **SEC. 1016. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS.**

The Secretary may assume responsibility for operation and maintenance in accordance with section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)) (as amended by section 2102(b)) for improvements to a federally authorized harbor or inland harbor that are carried out by a non-Federal interest prior to December 31, 2014, if the Secretary determines that the requirements under paragraphs (2) and (3) of section 204(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)) are met.

#### **SEC. 1017. ACCEPTANCE OF CONTRIBUTED FUNDS TO INCREASE LOCK OPERATIONS.**

(a) **IN GENERAL.**—The Secretary, after providing public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects.

(b) **APPLICABILITY.**—The establishment of the pilot program under this section shall not affect the periodic review and adjustment of hours of operation of locks based on increases in commercial traffic carried out by the Secretary.

(c) **PUBLIC COMMENT.**—Not later than 180 days before a proposed modification to the operation of a lock at a water resources development project will be carried out, the Secretary shall—

(1) publish the proposed modification in the Federal Register; and

(2) accept public comment on the proposed modification.

(d) **REPORTS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report that evaluates the cost-savings resulting from reduced lock hours and any economic impacts of modifying lock operations.

(2) **REVIEW OF PILOT PROGRAM.**—Not later than September 30, 2017, and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the effectiveness of the pilot program under this section.

(e) **ANNUAL REVIEW.**—The Secretary shall carry out an annual review of the commercial use of locks and make any necessary adjustments to lock operations based on that review.

(f) **TERMINATION.**—The authority to accept funds under this section shall terminate 5 years after the date of enactment of this Act.

#### **SEC. 1018. CREDIT FOR IN-KIND CONTRIBUTIONS.**

(a) **IN GENERAL.**—Section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by inserting “or a project under an environmental infrastructure assistance program” after “law”;

(2) in subparagraph (C) by striking “In any case” and all that follows through the period at the end and inserting the following:

“(i) **CONSTRUCTION.**—

“(I) **IN GENERAL.**—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of construction carried out by the non-Federal interest before



execution of a partnership agreement and that construction has not been carried out as of November 8, 2007, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work and shall do so prior to the non-Federal interest initiating construction or issuing a written notice to proceed for the construction.

“(II) ELIGIBILITY.—Construction that is carried out after the execution of an agreement to carry out work described in subclause (I) and any design activities that are required for that construction, even if the design activity is carried out prior to the execution of the agreement to carry out work, shall be eligible for credit.

“(ii) PLANNING.—

“(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of planning carried out by the non-Federal interest before execution of a feasibility cost-sharing agreement, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work and shall do so prior to the non-Federal interest initiating that planning.

“(II) ELIGIBILITY.—Planning that is carried out by the non-Federal interest after the execution of an agreement to carry out work described in subclause (I) shall be eligible for credit.”

(3) in subparagraph (D)(iii) by striking “sections 101 and 103” and inserting “sections 101(a)(2) and 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2); 33 U.S.C. 2213(a)(1)(A))”;

(4) by redesignating subparagraph (E) as subparagraph (H);

(5) by inserting after subparagraph (D) the following:

“(E) ANALYSIS OF COSTS AND BENEFITS.—In the evaluation of the costs and benefits of a project, the Secretary shall not consider construction carried out by a non-Federal interest under this subsection as part of the future without project condition.

“(F) TRANSFER OF CREDIT BETWEEN SEPARABLE ELEMENTS OF A PROJECT.—Credit for in-kind contributions provided by a non-Federal interest that are in excess of the non-Federal cost share for an authorized separable element of a project may be applied toward the non-Federal cost share for a different authorized separable element of the same project.

“(G) APPLICATION OF CREDIT.—

“(i) IN GENERAL.—To the extent that credit for in-kind contributions, as limited by subparagraph (D), and credit for required land, easements, rights-of-way, dredged material disposal areas, and relocations provided by the non-Federal interest exceed the non-Federal share of the cost of construction of a project other than a navigation project, the Secretary, subject to the availability of funds, shall enter into a reimbursement agreement with the non-Federal interest, which shall be in addition to a partnership agreement under subparagraph (A), to reimburse the difference to the non-Federal interest.

“(ii) PRIORITY.—If appropriated funds are insufficient to cover the full cost of all requested reimbursement agreements under clause (i), the Secretary shall enter into reimbursement agreements in the order in which requests for such agreements are received.”; and

(6) in subparagraph (H) (as redesignated by paragraph (4))—

(A) in clause (i) by inserting “, and to water resources projects authorized prior to the date of enactment of the Water Resources Development Act of 1986 (Public Law 99-662), if correction of design deficiencies is necessary” before the period at the end; and

(B) by striking clause (ii) and inserting the following:

“(ii) AUTHORIZATION AS ADDITION TO OTHER AUTHORIZATIONS.—The authority of the Secretary to provide credit for in-kind contributions pursuant to this paragraph shall be in addition to any other authorization to provide credit for in-kind contributions and shall not be construed as a limitation on such other authorization. The Secretary shall apply the provisions of this paragraph, in lieu of provisions under other crediting authority, only if so requested by the non-Federal interest.”.

(b) APPLICABILITY.—Section 2003(e) of the Water Resources Development Act of 2007 (42 U.S.C. 1962d-5b) note is amended—

(1) by inserting “, or construction of design deficiency corrections on the project,” after “construction on the project”; and

(2) by inserting “, or under which construction of the project has not been completed and the work to be performed by the non-Federal interests has not been carried out and is creditable only toward any remaining non-Federal cost share,” after “has not been initiated”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on November 8, 2007.

(d) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall update any guidance or regulations for carrying out section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)) (as amended by subsection (a)) that are in existence on the date of enactment of this Act or issue new guidelines, as determined to be appropriate by the Secretary.

(2) INCLUSIONS.—Any guidance, regulations, or guidelines updated or issued under paragraph (1) shall include, at a minimum—

(A) the milestone for executing an in-kind memorandum of understanding for construction by a non-Federal interest;

(B) criteria and procedures for evaluating a request to execute an in-kind memorandum of understanding for construction by a non-Federal interest that is earlier than the milestone under subparagraph (A) for that execution; and

(C) criteria and procedures for determining whether work carried out by a non-Federal interest is integral to a project.

(3) PUBLIC AND STAKEHOLDER PARTICIPATION.—Before issuing any new or revised guidance, regulations, or guidelines or any subsequent updates to those documents, the Secretary shall—

(A) consult with affected non-Federal interests;

(B) publish the proposed guidelines developed under this subsection in the Federal Register; and

(C) provide the public with an opportunity to comment on the proposed guidelines.

(e) OTHER CREDIT.—Nothing in section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)) (as amended by subsection (a)) affects any eligibility for credit under section 104 of the Water Resources Development Act of 1986 (33 U.S.C. 2214) that was approved by the Secretary prior to the date of enactment of this Act.

#### SEC. 1019. CLARIFICATION OF IN-KIND CREDIT AUTHORITY.

(a) NON-FEDERAL COST SHARE.—Section 7007 of the Water Resources Development Act of 2007 (121 Stat. 1277) is amended—

(1) in subsection (a), by inserting “, on, or after” after “before”;

(2) by striking subsection (d) and inserting the following:

“(d) TREATMENT OF CREDIT BETWEEN PROJECTS.—The value of any land, easements, rights-of-way, relocations, and dredged material disposal areas and the costs of planning, design, and construction work provided by the non-Federal

interest that exceed the non-Federal cost share for a study or project under this title may be applied toward the non-Federal cost share for any other study or project carried out under this title.”; and

(3) by adding at the end the following:

“(g) DEFINITION OF STUDY OR PROJECT.—In this section, the term ‘study or project’ includes any eligible activity that is—

“(1) carried out pursuant to the coastal Louisiana ecosystem science and technology program authorized under section 7006(a); and

“(2) in accordance with the restoration plan.”.

(b) IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with any relevant agencies of the State of Louisiana, shall establish a process by which to carry out the amendment made by subsection (a)(2).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on November 8, 2007.

#### SEC. 1020. TRANSFER OF EXCESS CREDIT.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may apply credit for in-kind contributions provided by a non-Federal interest that are in excess of the required non-Federal cost share for a water resources development study or project toward the required non-Federal cost share for a different water resources development study or project.

(b) RESTRICTIONS.—

(1) IN GENERAL.—Except for subsection (a)(4)(D)(i) of that section, the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) (as amended by section 1018(a)) shall apply to any credit under this section.

(2) CONDITIONS.—Credit in excess of the non-Federal share for a study or project may be approved under this section only if—

(A) the non-Federal interest submits a comprehensive plan to the Secretary that identifies—

(i) the studies and projects for which the non-Federal interest intends to provide in-kind contributions for credit that are in excess of the non-Federal cost share for the study or project; and

(ii) the authorized studies and projects to which that excess credit would be applied;

(B) the Secretary approves the comprehensive plan; and

(C) the total amount of credit does not exceed the total non-Federal share for the studies and projects in the approved comprehensive plan.

(c) ADDITIONAL CRITERIA.—In evaluating a request to apply credit in excess of the non-Federal share for a study or project toward a different study or project, the Secretary shall consider whether applying that credit will—

(1) help to expedite the completion of a project or group of projects;

(2) reduce costs to the Federal Government; and

(3) aid the completion of a project that provides significant flood risk reduction or environmental benefits.

(d) TERMINATION OF AUTHORITY.—The authority provided in this section shall terminate 10 years after the date of enactment of this Act.

(e) REPORT.—

(1) DEADLINES.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and once every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available an interim report on the use of the authority under this section.

(B) FINAL REPORT.—Not later than 10 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and

the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a final report on the use of the authority under this section.

(2) **INCLUSIONS.**—The reports described in paragraph (1) shall include—

(A) a description of the use of the authority under this section during the reporting period;

(B) an assessment of the impact of the authority under this section on the time required to complete projects; and

(C) an assessment of the impact of the authority under this section on other water resources projects.

**SEC. 1021. CREDITING AUTHORITY FOR FEDERALLY AUTHORIZED NAVIGATION PROJECTS.**

A non-Federal interest may carry out operation and maintenance activities for an authorized navigation project, subject to the condition that the non-Federal interest complies with all Federal laws and regulations applicable to such operation and maintenance activities, and may receive credit for the costs incurred by the non-Federal interest in carrying out such activities towards the share of construction costs of that non-Federal interest for another element of the same project or another authorized navigation project, except that in no instance may such credit exceed 20 percent of the total costs associated with construction of the general navigation features of the project for which such credit may be applied pursuant to this section.

**SEC. 1022. CREDIT IN LIEU OF REIMBURSEMENT.**

(a) **REQUESTS FOR CREDITS.**—With respect to an authorized flood damage reduction project, or separable element thereof, that has been constructed by a non-Federal interest under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) before the date of enactment of this Act, the Secretary may provide to the non-Federal interest, at the request of the non-Federal interest, a credit in an amount equal to the estimated Federal share of the cost of the project or separable element, in lieu of providing to the non-Federal interest a reimbursement in that amount.

(b) **APPLICATION OF CREDITS.**—At the request of the non-Federal interest, the Secretary may apply such credit to the share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies.

**SEC. 1023. ADDITIONAL CONTRIBUTIONS BY NON-FEDERAL INTERESTS.**

Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) is amended—

(1) by striking “In order to insure” and inserting “(a) **IN GENERAL.**—In order to insure”;

and

(2) by adding at the end the following:

“(b) **CONTRIBUTIONS BY NON-FEDERAL INTERESTS.**—Notwithstanding subsection (a), in accordance with section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), the Secretary may accept funds from a non-Federal interest for any authorized water resources development project that has exceeded its maximum cost under subsection (a), and use such funds to carry out such project, if the use of such funds does not increase the Federal share of the cost of such project.”.

**SEC. 1024. AUTHORITY TO ACCEPT AND USE MATERIALS AND SERVICES.**

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary is authorized to accept and use materials and services contributed by a non-Federal public entity, a nonprofit entity, or a private entity for the purpose of repairing, restoring, or replacing a water resources development project that has been damaged or destroyed as a result of an emergency if the Secretary determines that the acceptance and use of such materials and services is in the public interest.

(b) **LIMITATION.**—Any entity that contributes materials or services under subsection (a) shall not be eligible for credit or reimbursement for the value of such materials or services.

(c) **REPORT.**—Not later than 60 days after initiating an activity under this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) a description of the activities undertaken, including the costs associated with the activities; and

(2) a comprehensive description of how the activities are necessary for maintaining a safe and reliable water resources project.

**SEC. 1025. WATER RESOURCES PROJECTS ON FEDERAL LAND.**

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary may carry out an authorized water resources development project on Federal land that is under the administrative jurisdiction of another Federal agency where the cost of the acquisition of such Federal land has been paid for by the non-Federal interest for the project.

(b) **MOU REQUIRED.**—The Secretary may carry out a project pursuant to subsection (a) only after the non-Federal interest has entered into a memorandum of understanding with the Federal agency that includes such terms and conditions as the Secretary determines to be necessary.

(c) **APPLICABILITY.**—Nothing in this section alters any non-Federal cost-sharing requirements for the project.

**SEC. 1026. CLARIFICATION OF IMPACTS TO OTHER FEDERAL FACILITIES.**

In any case where the modification or construction of a water resources development project carried out by the Secretary adversely impacts other Federal facilities, the Secretary may accept from other Federal agencies such funds as may be necessary to address the adverse impact, including by removing, relocating, or reconstructing those facilities.

**SEC. 1027. CLARIFICATION OF MUNITION DISPOSAL AUTHORITIES.**

(a) **IN GENERAL.**—The Secretary may implement any response action the Secretary determines to be necessary at a site where—

(1) the Secretary has carried out a project under civil works authority of the Secretary that includes placing sand on a beach; and

(2) as a result of the project described in paragraph (1), military munitions that were originally released as a result of Department of Defense activities are deposited on the beach, posing a threat to human health or the environment.

(b) **RESPONSE ACTION FUNDING.**—A response action described in subsection (a) shall be funded from amounts made available to the agency within the Department of Defense responsible for the original release of the munitions.

**SEC. 1028. CLARIFICATION OF MITIGATION AUTHORITY.**

(a) **IN GENERAL.**—The Secretary may carry out measures to improve fish species habitat within the boundaries and downstream of a water resources project constructed by the Secretary that includes a fish hatchery if the Secretary—

(1) has been explicitly authorized to compensate for fish losses associated with the project; and

(2) determines that the measures are—

(A) feasible;

(B) consistent with authorized project purposes and the fish hatchery; and

(C) in the public interest.

(b) **COST SHARING.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the non-Federal interest shall contribute 35 percent

of the total cost of carrying out activities under this section, including the costs relating to the provision or acquisition of required land, easements, rights-of-way, dredged material disposal areas, and relocations.

(2) **OPERATION AND MAINTENANCE.**—The non-Federal interest shall contribute 100 percent of the costs of operation, maintenance, replacement, repair, and rehabilitation of the measures carried out under this section.

**SEC. 1029. CLARIFICATION OF INTERAGENCY SUPPORT AUTHORITIES.**

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) in subsection (a), by striking “other Federal agencies,” and inserting “Federal departments or agencies, nongovernmental organizations,”;

(2) in subsection (b), by inserting “or foreign governments” after “organizations”;

(3) in subsection (c), by inserting “and restoration” after “protection”; and

(4) in subsection (d)—

(A) in the first sentence, by striking “There is” and inserting “(1) **IN GENERAL.**—There is”; and

(B) in the second sentence—

(i) by striking “The Secretary” and inserting “(2) **ACCEPTANCE OF FUNDS.**—The Secretary”; and

(ii) by striking “other Federal agencies,” and inserting “Federal departments or agencies, nongovernmental organizations,”.

**SEC. 1030. CONTINUING AUTHORITY.**

(a) **CONTINUING AUTHORITY PROGRAMS.**—

(1) **DEFINITION OF CONTINUING AUTHORITY PROGRAM PROJECT.**—In this subsection, the term “continuing authority program” means 1 of the following authorities:

(A) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(B) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(C) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(D) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(E) Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(F) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

(G) Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(H) Section 103 of the River and Harbor Act of 1962 (Public Law 87–874; 76 Stat. 1178).

(I) Section 204(e) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(e)).

(J) Section 208 of the Flood Control Act of 1958 (33 U.S.C. 701b–8a).

(K) Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)).

(2) **PRIORITIZATION.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish in the Federal Register and on a publicly available website, the criteria the Secretary uses for prioritizing annual funding for continuing authority program projects.

(3) **ANNUAL REPORT.**—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall publish in the Federal Register and on a publicly available website, a report on the status of each continuing authority program, which, at a minimum, shall include—

(A) the name and a short description of each active continuing authority program project;

(B) the cost estimate to complete each active project; and

(C) the funding available in that fiscal year for each continuing authority program.

(4) **CONGRESSIONAL NOTIFICATION.**—On publication in the Federal Register under paragraphs (2) and (3), the Secretary shall submit to the Committee on Environment and Public Works of

the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of all information published under those paragraphs.

(b) **SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.**—Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) in subsection (a), by striking “\$35,000,000” and inserting “\$50,000,000”; and

(2) in subsection (b), by striking “\$7,000,000” and inserting “\$10,000,000”.

(c) **SHORE DAMAGE PREVENTION OR MITIGATION.**—Section 111(c) of the River and Harbor Act of 1968 (33 U.S.C. 426i(c)) is amended by striking “\$5,000,000” and inserting “\$10,000,000”.

(d) **REGIONAL SEDIMENT MANAGEMENT.**—

(1) **IN GENERAL.**—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—

(A) in subsection (c)(1)(C), by striking “\$5,000,000” and inserting “\$10,000,000”; and

(B) in subsection (g), by striking “\$30,000,000” and inserting “\$50,000,000”.

(2) **APPLICABILITY.**—Section 2037 of the Water Resources Development Act of 2007 (121 Stat. 1094) is amended by adding at the end the following:

“(c) **APPLICABILITY.**—The amendment made by subsection (a) shall not apply to any project authorized under this Act if a report of the Chief of Engineers for the project was completed prior to the date of enactment of this Act.”.

(e) **SMALL FLOOD CONTROL PROJECTS.**—Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended in the third sentence by striking “\$7,000,000” and inserting “\$10,000,000”.

(f) **PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.**—Section 1135(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(d)) is amended—

(1) in the second sentence, by striking “Not more than 80 percent of the non-Federal share may be” and inserting “The non-Federal share may be provided”; and

(2) in the third sentence, by striking “\$5,000,000” and inserting “\$10,000,000”.

(g) **AQUATIC ECOSYSTEM RESTORATION.**—Section 206(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(d)) is amended by striking “\$5,000,000” and inserting “\$10,000,000”.

(h) **FLOODPLAIN MANAGEMENT SERVICES.**—Section 206(d) of the Flood Control Act of 1960 (33 U.S.C. 709a(d)) is amended by striking “\$15,000,000” and inserting “\$50,000,000”.

(i) **EMERGENCY STREAMBANK AND SHORELINE PROTECTION.**—Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—

(1) by striking “\$15,000,000” and inserting “\$20,000,000”; and

(2) by striking “\$1,500,000” and inserting “\$5,000,000”.

#### SEC. 1031. TRIBAL PARTNERSHIP PROGRAM.

(a) **IN GENERAL.**—Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (d)(1)(B)—

(A) by striking “The ability” and inserting the following:

“(i) **IN GENERAL.**—The ability”; and

(B) by adding at the end the following:

“(ii) **DETERMINATION.**—Not later than 180 days after the date of enactment of this clause, the Secretary shall issue guidance on the procedures described in clause (i).”; and

(2) by striking subsection (e) and inserting the following:

“(e) **RESTRICTIONS.**—The Secretary is authorized to carry out activities under this section for fiscal years 2015 through 2024.”.

(b) **COOPERATIVE AGREEMENTS WITH INDIAN TRIBES.**—The Secretary may enter into a cooper-

ative agreement with an Indian tribe (or a designated representative of an Indian tribe) to carry out authorized activities of the Corps of Engineers to protect fish, wildlife, water quality, and cultural resources.

#### SEC. 1032. TERRITORIES OF THE UNITED STATES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) by striking “The Secretary shall waive” and inserting “(a) **IN GENERAL.**—The Secretary shall waive”; and

(2) in subsection (a) (as so designated), by inserting “Puerto Rico,” before “and the Trust Territory of the Pacific Islands”; and

(3) by adding at the end the following:

“(b) **INFLATION ADJUSTMENT.**—The Secretary shall adjust the dollar amount specified in subsection (a) for inflation for the period beginning on November 17, 1986, and ending on the date of enactment of this subsection.”.

#### SEC. 1033. CORROSION PREVENTION.

(a) **IN GENERAL.**—To the greatest extent practicable, the Secretary shall encourage and incorporate corrosion prevention activities at water resources development projects.

(b) **ACTIVITIES.**—In carrying out subsection (a), the Secretary, to the greatest extent practicable, shall ensure that contractors performing work for water resources development projects—

(1) use best practices to carry out corrosion prevention activities in the field;

(2) use industry-recognized standards and corrosion mitigation and prevention methods when—

(A) determining protective coatings;

(B) selecting materials; and

(C) determining methods of cathodic protection, design, and engineering for corrosion prevention;

(3) use certified coating application specialists and cathodic protection technicians and engineers;

(4) use best practices in environmental protection to prevent environmental degradation and to ensure careful handling of all hazardous materials;

(5) demonstrate a history of employing industry-certified inspectors to ensure adherence to best practices and standards; and

(6) demonstrate a history of compliance with applicable requirements of the Occupational Safety and Health Administration.

(c) **CORROSION PREVENTION ACTIVITIES DEFINED.**—In this section, the term “corrosion prevention activities” means—

(1) the application and inspection of protective coatings for complex work involving steel and cementitious structures, including structures that will be exposed in immersion;

(2) the installation, testing, and inspection of cathodic protection systems; and

(3) any other activities related to corrosion prevention the Secretary determines appropriate.

#### SEC. 1034. ADVANCED MODELING TECHNOLOGIES.

(a) **IN GENERAL.**—To the greatest extent practicable, the Secretary shall encourage and incorporate advanced modeling technologies, including 3-dimensional digital modeling, that can expedite project delivery or improve the evaluation of water resources development projects that receive Federal funding by—

(1) accelerating and improving the environmental review process;

(2) increasing effective public participation;

(3) enhancing the detail and accuracy of project designs;

(4) increasing safety;

(5) accelerating construction and reducing construction costs; or

(6) otherwise achieving the purposes described in paragraphs (1) through (5).

(b) **ACTIVITIES.**—In carrying out subsection (a), the Secretary, to the greatest extent practicable, shall—

(1) compile information related to advanced modeling technologies, including industry best practices with respect to the use of the technologies;

(2) disseminate to non-Federal interests the information described in paragraph (1); and

(3) promote the use of advanced modeling technologies.

#### SEC. 1035. RECREATIONAL ACCESS.

(a) **DEFINITION OF FLOATING CABIN.**—In this section, the term “floating cabin” means a vessel (as defined in section 3 of title 1, United States Code) that has overnight accommodations.

(b) **RECREATIONAL ACCESS.**—The Secretary shall allow the use of a floating cabin on waters under the jurisdiction of the Secretary in the Cumberland River basin if—

(1) the floating cabin—

(A) is in compliance with regulations for recreational vessels issued under chapter 43 of title 46, United States Code, and section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322);

(B) is located at a marina leased by the Corps of Engineers; and

(C) is maintained by the owner to required health and safety standards; and

(2) the Secretary has authorized the use of recreational vessels on such waters.

#### SEC. 1036. NON-FEDERAL PLANS TO PROVIDE ADDITIONAL FLOOD RISK REDUCTION.

(a) **IN GENERAL.**—If requested by a non-Federal interest, the Secretary shall carry out a locally preferred plan that provides a higher level of protection than a flood risk management project authorized under this Act if the Secretary determines that—

(1) the plan is technically feasible and environmentally acceptable; and

(2) the benefits of the plan exceed the costs of the plan.

(b) **NON-FEDERAL COST SHARE.**—If the Secretary carries out a locally preferred plan under subsection (a), the Federal share of the cost of the project shall be not greater than the share as provided by law for elements of the national economic development plan.

#### SEC. 1037. HURRICANE AND STORM DAMAGE REDUCTION.

(a) **IN GENERAL.**—Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) is amended—

(1) by striking “The Secretary” and inserting the following:

“(a) **IN GENERAL.**—The Secretary”; and

(2) by adding at the end the following:

“(b) **REVIEW.**—Notwithstanding subsection (a), the Secretary shall, at the request of the non-Federal interest, carry out a study to determine the feasibility of extending the period of nourishment described in subsection (a) for a period not to exceed 15 additional years beyond the maximum period described in subsection (a).”.

“(c) **PLAN FOR REDUCING RISK TO PEOPLE AND PROPERTY.**—

“(1) **IN GENERAL.**—As part of the review described in subsection (b), the non-Federal interest shall submit to the Secretary a plan for reducing risk to people and property during the life of the project.”.

“(2) **INCLUSION OF PLAN IN RECOMMENDATION TO CONGRESS.**—The Secretary shall include the plan described in subsection (a) in the recommendations to Congress described in subsection (d).”.

“(d) **REPORT TO CONGRESS.**—Upon completion of the review described in subsection (b), the Secretary shall—

“(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives any recommendations of the Secretary related to the review; and

“(2) include in the subsequent annual report to Congress required under section 7001 of the Water Resources Reform and Development Act of 2014, any recommendations that require specific congressional authorization.

“(e) **SPECIAL RULE.**—Notwithstanding any other provision of this section, for any existing authorized water resources development project for which the maximum period for nourishment described in subsection (a) will expire within the 5 year-period beginning on the date of enactment of the Water Resources Reform and Development Act of 2014, that project shall remain eligible for nourishment for an additional 3 years after the expiration of such period.”.

(b) **REVIEW OF AUTHORIZED PERIODIC NOURISHMENT AUTHORITY.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate a review of all authorized water resources development projects for which the Secretary is authorized to provide periodic nourishment under section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f).

(2) **SCOPE OF REVIEW.**—In carrying out the review under paragraph (1), the Secretary shall assess the Federal costs associated with that nourishment authority and the projected benefits of each project.

(3) **REPORT TO CONGRESS.**—Upon completion of the review under paragraph (1), the Secretary shall issue to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the results of that review, including any proposed changes the Secretary may recommend to the nourishment authority.

#### **SEC. 1038. REDUCTION OF FEDERAL COSTS FOR HURRICANE AND STORM DAMAGE REDUCTION PROJECTS.**

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) (as amended by section 1030(d)(1)) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “or used in” after “obtained through”;

(B) in paragraph (3)(C), by inserting “for the purposes of improving environmental conditions in marsh and littoral systems, stabilizing stream channels, enhancing shorelines, and supporting State and local risk management adaptation strategies” before the period at the end; and

(C) by adding at the end the following:

“(4) **REDUCING COSTS.**—To reduce or avoid Federal costs, the Secretary shall consider the beneficial use of dredged material in a manner that contributes to the maintenance of sediment resources in the nearby coastal system.”;

(2) in subsection (d)—

(A) by striking the subsection designation and heading and inserting the following:

“(d) **SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL RESTORATION OR STORM DAMAGE AND FLOOD REDUCTION.**—”; and

(B) in paragraph (1), by striking “in relation to” and all that follows through the period at the end and inserting “in relation to—

“(A) the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion; or

“(B) the flood and storm damage and flood reduction benefits, including shoreline protection, protection against loss of life, and damage to improved property.”; and

(3) in subsection (e), by striking paragraph (1) and inserting the following:

“(1) cooperate with any State or group of States in the preparation of a comprehensive State or regional sediment management plan within the boundaries of the State or among States.”.

#### **SEC. 1039. INVASIVE SPECIES.**

(a) **AQUATIC SPECIES REVIEW.**—

(1) **REVIEW OF AUTHORITIES.**—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Chairman of the Tennessee Valley Authority, and other applicable heads of Federal agencies, shall—

(A) carry out a review of existing Federal authorities relating to responding to invasive species, including aquatic weeds, aquatic snails, and other aquatic invasive species, that have an impact on water resources; and

(B) based on the review under subparagraph (A), make any recommendations to Congress and applicable State agencies for improving Federal and State laws to more effectively respond to the threats posed by those invasive species.

(2) **FEDERAL INVESTMENT.**—

(A) **ASSESSMENT.**—The Comptroller General of the United States shall conduct an assessment of the Federal costs of, and spending on, aquatic invasive species.

(B) **CONTENTS.**—The assessment conducted under subparagraph (A) shall include—

(i) identification of current Federal spending on, and projected future Federal costs of, operation and maintenance related to mitigating the impacts of aquatic invasive species on federally owned or operated facilities;

(ii) identification of current Federal spending on aquatic invasive species prevention;

(iii) analysis of whether spending identified in clause (ii) is adequate for the maintenance and protection of services provided by federally owned or operated facilities, based on the current spending and projected future costs identified in clause (i); and

(iv) review of any other aspect of aquatic invasive species prevention or mitigation determined appropriate by the Comptroller General.

(C) **FINDINGS.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the findings of the assessment conducted under subparagraph (A).

(b) **AQUATIC INVASIVE SPECIES PREVENTION.**—

(1) **MULTIAGENCY EFFORT TO SLOW THE SPREAD OF ASIAN CARP IN THE UPPER MISSISSIPPI AND OHIO RIVER BASINS AND TRIBUTARIES.**—

(A) **IN GENERAL.**—The Director of the United States Fish and Wildlife Service, in coordination with the Secretary, the Director of the National Park Service, and the Director of the United States Geological Survey, shall lead a multi-agency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries by providing technical assistance, coordination, best practices, and support to State and local governments in carrying out activities designed to slow, and eventually eliminate, the threat posed by Asian carp.

(B) **BEST PRACTICES.**—To the maximum extent practicable, the multiagency effort shall apply lessons learned and best practices such as those described in the document prepared by the Asian Carp Working Group entitled “Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States” and dated November 2007, and the document prepared by the Asian Carp Regional Coordinating Committee entitled “FY 2012 Asian Carp Control Strategy Framework” and dated February 2012.

(2) **REPORT TO CONGRESS.**—

(A) **IN GENERAL.**—Not later than December 31 of each year, the Director of the United States Fish and Wildlife Service, in coordination with the Secretary, shall submit to the Committee on

Appropriations and the Committee on Environment and Public Works of the Senate and the Committee on Appropriations, the Committee on Natural Resources, and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report describing the coordinated strategies established and progress made toward the goals of controlling and eliminating Asian carp in the Upper Mississippi and Ohio River basins and tributaries.

(B) **CONTENTS.**—Each report submitted under subparagraph (A) shall include—

(i) any observed changes in the range of Asian carp in the Upper Mississippi and Ohio River basins and tributaries during the 2-year period preceding submission of the report;

(ii) a summary of Federal agency efforts, including cooperative efforts with non-Federal partners, to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries;

(iii) any research that the Director determines could improve the ability to control the spread of Asian carp;

(iv) any quantitative measures that the Director intends to use to document progress in controlling the spread of Asian carp; and

(v) a cross-cut accounting of Federal and non-Federal expenditures to control the spread of Asian carp.

(c) **PREVENTION, GREAT LAKES AND MISSISSIPPI RIVER BASIN.**—

(1) **IN GENERAL.**—The Secretary is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with any modifications or any emergency measures that the Secretary determines to be appropriate to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

(2) **NOTIFICATIONS.**—The Secretary shall notify the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives any emergency actions taken pursuant to this subsection.

(d) **PREVENTION AND MANAGEMENT.**—Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “There is” and inserting the following:

“(1) **IN GENERAL.**—There is”;

(B) in the second sentence, by striking “Local” and inserting the following:

“(2) **LOCAL INTERESTS.**—Local”;

(C) in the third sentence, by striking “Costs” and inserting the following:

“(3) **FEDERAL COSTS.**—Costs”; and

(D) in paragraph (1) (as designated by subparagraph (A))—

(i) by striking “control and progressive,” and inserting “prevention, control, and progressive”; and

(ii) by inserting “and aquatic invasive species” after “noxious aquatic plant growths”;

(2) in subsection (b), in the first sentence, by striking “\$15,000,000 annually” and inserting “\$40,000,000, of which \$20,000,000 shall be made available to implement subsection (d), annually”; and

(3) by inserting after subsection (c) the following:

“(d) **WATERCRAFT INSPECTION STATIONS.**—

“(1) **IN GENERAL.**—In carrying out this section, the Secretary may establish watercraft inspection stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic

invasive species at reservoirs operated and maintained by the Secretary.

“(2) **COST SHARE.**—The non-Federal share of the cost of constructing, operating, and maintaining watercraft inspection stations described in paragraph (1) (including personnel costs) shall be—

“(A) 50 percent; and

“(B) provided by the State or local governmental entity in which such inspection station is located.

“(3) **COORDINATION.**—In carrying out this subsection, the Secretary shall consult and coordinate with—

“(A) the States described in paragraph (1);

“(B) Indian tribes; and

“(C) other Federal agencies, including—

“(i) the Department of Agriculture;

“(ii) the Department of Energy;

“(iii) the Department of Homeland Security;

“(iv) the Department of Commerce; and

“(v) the Department of the Interior.

“(e) **MONITORING AND CONTINGENCY PLANNING.**—In carrying out this section, the Secretary may—

“(1) carry out risk assessments of water resources facilities;

“(2) monitor for aquatic invasive species;

“(3) establish watershed-wide plans for expedited response to an infestation of aquatic invasive species; and

“(4) monitor water quality, including sediment cores and fish tissue samples.”.

#### **SEC. 1040. FISH AND WILDLIFE MITIGATION.**

(a) **IN GENERAL.**—Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by inserting “for damages to ecological resources, including terrestrial and aquatic resources, and” after “mitigate”;

(II) by inserting “ecological resources and” after “impact on”; and

(III) by inserting “without the implementation of mitigation measures” before the period; and

(ii) by inserting before the last sentence the following: “If the Secretary determines that mitigation to in-kind conditions is not possible, the Secretary shall identify in the report the basis for that determination and the mitigation measures that will be implemented to meet the requirements of this section and the goals of section 307(a)(1) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(a)(1)).”;

(B) in paragraph (2)—

(i) in the heading, by striking “DESIGN” and inserting “SELECTION AND DESIGN”;

(ii) by inserting “select and” after “shall”; and

(iii) by inserting “using a watershed approach” after “projects”; and

(C) in paragraph (3)—

(i) in subparagraph (A), by inserting “, at a minimum,” after “complies with”; and

(ii) in subparagraph (B)—

(I) by striking clause (iii);

(II) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(III) by inserting after clause (ii) the following:

“(iii) for projects where mitigation will be carried out by the Secretary—

“(I) a description of the land and interest in land to be acquired for the mitigation plan;

“(II) the basis for a determination that the land and interests are available for acquisition; and

“(III) a determination that the proposed interest sought does not exceed the minimum interest in land necessary to meet the mitigation requirements for the project;

“(iv) for projects where mitigation will be carried out through a third party mitigation arrangement in accordance with subsection (i)—

“(I) a description of the third party mitigation instrument to be used; and

“(II) the basis for a determination that the mitigation instrument can meet the mitigation requirements for the project.”; and

(2) by adding at the end the following:

“(h) **PROGRAMMATIC MITIGATION PLANS.**—

“(1) **IN GENERAL.**—The Secretary may develop programmatic mitigation plans to address the potential impacts to ecological resources, fish, and wildlife associated with existing or future Federal water resources development projects.

“(2) **USE OF MITIGATION PLANS.**—The Secretary shall, to the maximum extent practicable, use programmatic mitigation plans developed in accordance with this subsection to guide the development of a mitigation plan under subsection (d).

“(3) **NON-FEDERAL PLANS.**—The Secretary shall, to the maximum extent practicable and subject to all conditions of this subsection, use programmatic environmental plans developed by a State, a body politic of the State, which derives its powers from a State constitution, a government entity created by State legislation, or a local government, that meet the requirements of this subsection to address the potential environmental impacts of existing or future water resources development projects.

“(4) **SCOPE.**—A programmatic mitigation plan developed by the Secretary or an entity described in paragraph (3) to address potential impacts of existing or future water resources development projects shall, to the maximum extent practicable—

“(A) be developed on a regional, ecosystem, watershed, or statewide scale;

“(B) include specific goals for aquatic resource and fish and wildlife habitat restoration, establishment, enhancement, or preservation;

“(C) identify priority areas for aquatic resource and fish and wildlife habitat protection or restoration;

“(D) encompass multiple environmental resources within a defined geographical area or focus on a specific resource, such as aquatic resources or wildlife habitat; and

“(E) address impacts from all projects in a defined geographical area or focus on a specific type of project.

“(5) **CONSULTATION.**—The scope of the plan shall be determined by the Secretary or an entity described in paragraph (3), as appropriate, in consultation with the agency with jurisdiction over the resources being addressed in the environmental mitigation plan.

“(6) **CONTENTS.**—A programmatic environmental mitigation plan may include—

“(A) an assessment of the condition of environmental resources in the geographical area covered by the plan, including an assessment of recent trends and any potential threats to those resources;

“(B) an assessment of potential opportunities to improve the overall quality of environmental resources in the geographical area covered by the plan through strategic mitigation for impacts of water resources development projects;

“(C) standard measures for mitigating certain types of impacts;

“(D) parameters for determining appropriate mitigation for certain types of impacts, such as mitigation ratios or criteria for determining appropriate mitigation sites;

“(E) adaptive management procedures, such as protocols that involve monitoring predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring;

“(F) acknowledgment of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources; and

“(G) any offsetting benefits of self-mitigating projects, such as ecosystem or resource restoration and protection.

“(7) **PROCESS.**—Before adopting a programmatic environmental mitigation plan for use under this subsection, the Secretary shall—

“(A) for a plan developed by the Secretary—

“(i) make a draft of the plan available for review and comment by applicable environmental resource agencies and the public; and

“(ii) consider any comments received from those agencies and the public on the draft plan; and

“(B) for a plan developed under paragraph (3), determine, not later than 180 days after receiving the plan, whether the plan meets the requirements of paragraphs (4) through (6) and was made available for public comment.

“(8) **INTEGRATION WITH OTHER PLANS.**—A programmatic environmental mitigation plan may be integrated with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, and land use plans.

“(9) **CONSIDERATION IN PROJECT DEVELOPMENT AND PERMITTING.**—If a programmatic environmental mitigation plan has been developed under this subsection, any Federal agency responsible for environmental reviews, permits, or approvals for a water resources development project may use the recommendations in that programmatic environmental mitigation plan when carrying out the responsibilities of the agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(10) **PRESERVATION OF EXISTING AUTHORITIES.**—Nothing in this subsection limits the use of programmatic approaches to reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(11) **MITIGATION FOR EXISTING PROJECTS.**—Nothing in this subsection requires the Secretary to undertake additional mitigation for existing projects for which mitigation has already been initiated.

“(i) **THIRD-PARTY MITIGATION ARRANGEMENTS.**—

“(1) **ELIGIBLE ACTIVITIES.**—In accordance with all applicable Federal laws (including regulations), mitigation efforts carried out under this section may include—

“(A) participation in mitigation banking or other third-party mitigation arrangements, such as—

“(i) the purchase of credits from commercial or State, regional, or local agency-sponsored mitigation banks; and

“(ii) the purchase of credits from in-lieu fee mitigation programs; and

“(B) contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands if the Secretary determines that the contributions will ensure that the mitigation requirements of this section and the goals of section 307(a)(1) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(a)(1)) will be met.

“(2) **INCLUSION OF OTHER ACTIVITIES.**—The banks, programs, and efforts described in paragraph (1) include any banks, programs, and efforts developed in accordance with applicable law (including regulations).

“(3) **TERMS AND CONDITIONS.**—In carrying out natural habitat and wetlands mitigation efforts under this section, contributions to the mitigation effort may—

“(A) take place concurrent with, or in advance of, the commitment of funding to a project; and

“(B) occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and water resources development planning processes.

“(4) **PREFERENCE.**—At the request of the non-Federal project sponsor, preference may be given, to the maximum extent practicable, to

mitigating an environmental impact through the use of a mitigation bank, in-lieu fee, or other third-party mitigation arrangement, if the use of credits from the mitigation bank or in-lieu fee, or the other third-party mitigation arrangement for the project has been approved by the applicable Federal agency.”.

(b) **APPLICATION.**—The amendments made by subsection (a) shall not apply to a project for which a mitigation plan has been completed as of the date of enactment of this Act.

(c) **TECHNICAL ASSISTANCE.**—

(1) **IN GENERAL.**—The Secretary may provide technical assistance to States and local governments to establish third-party mitigation instruments, including mitigation banks and in-lieu fee programs, that will help to target mitigation payments to high-priority ecosystem restoration actions.

(2) **REQUIREMENTS.**—In providing technical assistance under this subsection, the Secretary shall give priority to States and local governments that have developed State, regional, or watershed-based plans identifying priority restoration actions.

(3) **MITIGATION INSTRUMENTS.**—The Secretary shall seek to ensure any technical assistance provided under this subsection will support the establishment of mitigation instruments that will result in restoration of high-priority areas identified in the plans under paragraph (2).

#### SEC. 1041. MITIGATION STATUS REPORT.

Section 2036(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2283a) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) **INFORMATION INCLUDED.**—In reporting the status of all projects included in the report, the Secretary shall—

“(A) use a uniform methodology for determining the status of all projects included in the report;

“(B) use a methodology that describes both a qualitative and quantitative status for all projects in the report; and

“(C) provide specific dates for participation in the consultations required under section 906(d)(4)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)(4)(B)).”.

#### SEC. 1042. REPORTS TO CONGRESS.

(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary shall complete and submit to Congress by the applicable date required the reports that address public safety and enhanced local participation in project delivery described in subsection (b).

(b) **REPORTS.**—The reports referred to in subsection (a) are the reports required under—

(1) subparagraphs (A) and (B) of section 1043(a)(5);

(2) section 1046(a)(2)(B);

(3) section 210(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(e)(3)) (as amended by section 2102(a)); and

(4) section 7001.

(c) **FAILURE TO PROVIDE A COMPLETED REPORT.**—

(1) **IN GENERAL.**—Subject to subsection (d), if the Secretary fails to provide a report listed under subsection (b) by the date that is 180 days after the applicable date required for that report, \$5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Army Corps of Engineers with responsibility for completing that report.

(2) **SUBSEQUENT REPROGRAMMING.**—Subject to subsection (d), for each additional week after the date described in paragraph (1) in which a report described in that paragraph remains

uncompleted and unsubmitted to Congress, \$5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Secretary of the Army with responsibility for completing that report.

(d) **LIMITATIONS.**—

(1) **IN GENERAL.**—For each report, the total amounts reprogrammed under subsection (c) shall not exceed, in any fiscal year, \$50,000.

(2) **AGGREGATE LIMITATION.**—The total amount reprogrammed under subsection (c) in a fiscal year shall not exceed \$200,000.

(e) **NO FAULT OF THE SECRETARY.**—Amounts shall not be reprogrammed under subsection (c) if the Secretary certifies in a letter to the applicable committees of Congress that—

(1) a major modification has been made to the content of the report that requires additional analysis for the Secretary to make a final decision on the report;

(2) amounts have not been appropriated to the agency under this Act or any other Act to carry out the report; or

(3) additional information is required from an entity other than the Corps of Engineers and is not available in a timely manner to complete the report by the deadline.

(f) **LIMITATION.**—The Secretary shall not reprogram funds to the General Expenses account of the civil works program of the Corps of Engineers for the loss of the funds.

#### SEC. 1043. NON-FEDERAL IMPLEMENTATION PILOT PROGRAM.

(a) **NON-FEDERAL IMPLEMENTATION OF FEASIBILITY STUDIES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out feasibility studies for flood risk management, hurricane and storm damage reduction, aquatic ecosystem restoration, and coastal harbor and channel and inland navigation.

(2) **PURPOSES.**—The purposes of the pilot program are—

(A) to identify project delivery and cost-saving alternatives to the existing feasibility study process;

(B) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out a feasibility study of 1 or more projects; and

(C) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.

(3) **ADMINISTRATION.**—

(A) **IN GENERAL.**—On the request of a non-Federal interest, the Secretary may enter into an agreement with the non-Federal interest for the non-Federal interest to provide full project management control of a feasibility study for a project for—

(i) flood risk management;

(ii) hurricane and storm damage reduction, including levees, floodwalls, flood control channels, and water control structures;

(iii) coastal harbor and channel and inland navigation; and

(iv) aquatic ecosystem restoration.

(B) **USE OF NON-FEDERAL FUNDS.**—

(i) **IN GENERAL.**—A non-Federal interest that has entered into an agreement with the Secretary pursuant to subparagraph (A) may use non-Federal funds to carry out the feasibility study.

(ii) **CREDIT.**—The Secretary shall credit towards the non-Federal share of the cost of construction of a project for which a feasibility study is carried out under this subsection an amount equal to the portion of the cost of devel-

oping the study that would have been the responsibility of the Secretary, if the study were carried out by the Secretary, subject to the conditions that—

(I) non-Federal funds were used to carry out the activities that would have been the responsibility of the Secretary;

(II) the Secretary determines that the feasibility study complies with all applicable Federal laws and regulations; and

(III) the project is authorized by any provision of Federal law enacted after the date on which an agreement is entered into under subparagraph (A).

(C) **TRANSFER OF FUNDS.**—

(i) **IN GENERAL.**—After the date on which an agreement is executed pursuant to subparagraph (A), the Secretary may transfer to the non-Federal interest to carry out the feasibility study—

(I) if applicable, the balance of any unobligated amounts appropriated for the study, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(II) additional amounts, as determined by the Secretary, from amounts made available under paragraph (8), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of the feasibility study.

(ii) **ADMINISTRATION.**—The Secretary shall include such provisions as the Secretary determines to be necessary in an agreement under subparagraph (A) to ensure that a non-Federal interest receiving Federal funds under this paragraph—

(I) has the necessary qualifications to administer those funds; and

(II) will comply with all applicable Federal laws (including regulations) relating to the use of those funds.

(D) **NOTIFICATION.**—The Secretary shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the initiation of each feasibility study under the pilot program.

(E) **AUDITING.**—The Secretary shall regularly monitor and audit each feasibility study carried out by a non-Federal interest under this section to ensure that the use of any funds transferred under subparagraph (C) are used in compliance with the agreement signed under subparagraph (A).

(F) **TECHNICAL ASSISTANCE.**—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest relating to any aspect of the feasibility study, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance.

(G) **DETAILED PROJECT SCHEDULE.**—Not later than 180 days after entering into an agreement under subparagraph (A), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to the feasibility study.

(4) **COST SHARE.**—Nothing in this subsection affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a feasibility study carried out under this subsection.

(5) **REPORT.**—

(A) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly



available a report detailing the results of the pilot program carried out under this section, including—

(i) a description of the progress of the non-Federal interests in meeting milestones in detailed project schedules developed pursuant to paragraph (3)(G); and

(ii) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(B) **UPDATE.**—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in subparagraph (A).

(C) **FAILURE TO MEET DEADLINE.**—If the Secretary fails to submit a report by the required deadline under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(6) **ADMINISTRATION.**—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the feasibility study shall apply to a non-Federal interest carrying out a feasibility study under this subsection.

(7) **TERMINATION OF AUTHORITY.**—The authority to commence a feasibility study under this subsection terminates on the date that is 5 years after the date of enactment of this Act.

(8) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this subsection, including the costs of administration of the Secretary, \$25,000,000 for each of fiscal years 2015 through 2019.

(b) **NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out flood risk management, hurricane and storm damage reduction, coastal harbor and channel inland navigation, and aquatic ecosystem restoration projects.

(2) **PURPOSES.**—The purposes of the pilot program are—

(A) to identify project delivery and cost-saving alternatives that reduce the backlog of authorized Corps of Engineers projects;

(B) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out the design, execution, management, and construction of 1 or more projects; and

(C) to evaluate alternatives for the decentralization of the project management, design, and construction for authorized Corps of Engineers water resources projects.

(3) **ADMINISTRATION.**—

(A) **IN GENERAL.**—In carrying out the pilot program, the Secretary shall—

(i) identify a total of not more than 15 projects for flood risk management, hurricane and storm damage reduction (including levees, floodwalls, flood control channels, and water control structures), coastal harbor and channels, inland navigation, and aquatic ecosystem restoration that have been authorized for construction prior to the date of enactment of this Act, including—

(I) not more than 12 projects that—

(aa)(AA) have received Federal funds prior to the date of enactment of this Act; or

(bb) for more than 2 consecutive fiscal years, have an unobligated funding balance for that

project in the Corps of Engineers construction account; and

(bb) to the maximum extent practicable, are located in each of the divisions of the Corps of Engineers; and

(II) not more than 3 projects that have not received Federal funds in the period beginning on the date on which the project was authorized and ending on the date of enactment of this Act;

(ii) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the identification of each project under the pilot program;

(iii) in collaboration with the non-Federal interest, develop a detailed project management plan for each identified project that outlines the scope, budget, design, and construction resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project;

(iv) on the request of the non-Federal interest, enter into a project partnership agreement with the non-Federal interest for the non-Federal interest to provide full project management control for construction of the project, or a separable element of the project, in accordance with plans approved by the Secretary;

(v) following execution of the project partnership agreement, transfer to the non-Federal interest to carry out construction of the project, or a separable element of the project—

(I) if applicable, the balance of the unobligated amounts appropriated for the project, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(II) additional amounts, as determined by the Secretary, from amounts made available under paragraph (8), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of construction, including any required design; and

(vi) regularly monitor and audit each project being constructed by a non-Federal interest under this section to ensure that the construction activities are carried out in compliance with the plans approved by the Secretary and that the construction costs are reasonable.

(B) **DETAILED PROJECT SCHEDULE.**—Not later than 180 days after entering into an agreement under subparagraph (A)(iv), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on estimated funding levels, that lists all deadlines for each milestone in the construction of the project.

(C) **TECHNICAL ASSISTANCE.**—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest, if the non-Federal interest contracts with and compensates the Secretary for the technical assistance relating to—

(i) any study, engineering activity, and design activity for construction carried out by the non-Federal interest under this subsection; and

(ii) expeditiously obtaining any permits necessary for the project.

(4) **COST SHARE.**—Nothing in this subsection affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a project carried out under this subsection.

(5) **REPORT.**—

(A) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report detailing the results of the pilot program carried out under this subsection, including—

(i) a description of the progress of non-Federal interests in meeting milestones in detailed project schedules developed pursuant to paragraph (2)(B); and

(ii) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(B) **UPDATE.**—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in subparagraph (A).

(C) **FAILURE TO MEET DEADLINE.**—If the Secretary fails to submit a report by the required deadline under this paragraph, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(6) **ADMINISTRATION.**—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the project shall apply to a non-Federal interest carrying out a project under this subsection.

(7) **TERMINATION OF AUTHORITY.**—The authority to commence a project under this subsection terminates on the date that is 5 years after the date of enactment of this Act.

(8) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this subsection, including the costs of administration of the Secretary, \$25,000,000 for each of fiscal years 2015 through 2019.

#### **SEC. 1044. INDEPENDENT PEER REVIEW.**

(a) **MANDATORY PROJECT STUDIES SUBJECT TO PEER REVIEW.**—Section 2034(a)(3)(A)(i) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(a)(3)(A)(i)) is amended by striking “\$45,000,000” and inserting “\$200,000,000”.

(b) **TIMING OF PEER REVIEW.**—Section 2034(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) **REASONS FOR TIMING.**—If the Chief of Engineers does not initiate a peer review for a project study at a time described in paragraph (2), the Chief shall—

“(A) not later than 7 days after the date on which the Chief of Engineers determines not to initiate a peer review—

“(i) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of that decision; and

“(ii) make publicly available, including on the Internet, the reasons for not conducting the review; and

“(B) include the reasons for not conducting the review in the decision document for the project study.”.

(c) **ESTABLISHMENT OF PANELS.**—Section 2034(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(c)) is amended by striking paragraph (4) and inserting the following:

“(4) **CONGRESSIONAL AND PUBLIC NOTIFICATION.**—Following the identification of a project study for peer review under this section, but prior to initiation of the review by the panel of experts, the Chief of Engineers shall, not later than 7 days after the date on which the Chief of Engineers determines to conduct a review—

“(A) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of



the House of Representatives of the review conducted under this section; and

“(B) make publicly available, including on the Internet, information on—

“(i) the dates scheduled for beginning and ending the review;

“(ii) the entity that has the contract for the review; and

“(iii) the names and qualifications of the panel of experts.”.

(d) **RECOMMENDATIONS OF PANEL.**—Section 2034(f) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(f)) is amended by striking paragraph (2) and inserting the following:

“(2) **PUBLIC AVAILABILITY AND SUBMISSION TO CONGRESS.**—After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall make available to the public, including on the Internet, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(A) a copy of the report not later than 7 days after the date on which the report is delivered to the Chief of Engineers; and

“(B) a copy of any written response of the Chief of Engineers on recommendations contained in the report not later than 3 days after the date on which the response is delivered to the Chief of Engineers.

“(3) **INCLUSION IN PROJECT STUDY.**—A report on a project study from a panel of experts under this section and the written response of the Chief of Engineers shall be included in the final decision document for the project study.”.

(e) **APPLICABILITY.**—Section 2034(h)(2) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(h)(2)) is amended by striking “7 years” and inserting “12 years”.

#### **SEC. 1045. REPORT ON SURFACE ELEVATIONS AT DROUGHT AFFECTED LAKES.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Federal Energy Regulatory Commission (referred to in this section as “FERC”), shall initiate an assessment of the effects of drought conditions on lakes managed by the Secretary that are affected by FERC-licensed reservoirs, which shall include an assessment of—

(1) lake levels and rule curves in areas of previous, current, and prolonged drought; and

(2) the effect the long-term FERC licenses have on the ability of the Secretary to manage lakes for hydropower generation, navigation, flood protection, water supply, fish and wildlife, and recreation.

(b) **REPORT.**—The Secretary, in coordination with the FERC, shall submit to Congress and make publicly available a report on the assessment carried out under subsection (a).

#### **SEC. 1046. RESERVOIR OPERATIONS AND WATER SUPPLY.**

(a) **DAM OPTIMIZATION.**—

(1) **DEFINITION OF PROJECT.**—In this subsection, the term “project” means a water resources development project that is operated and maintained by the Secretary.

(2) **REPORTS.**—

(A) **ASSESSMENT OF WATER SUPPLY IN ARID REGIONS.**—

(i) **IN GENERAL.**—The Secretary shall conduct an assessment of the management practices, priorities, and authorized purposes at Corps of Engineers reservoirs in arid regions to determine the effects of such practices, priorities, and purposes on water supply during periods of drought.

(ii) **INCLUSIONS.**—The assessment under clause (i) shall identify actions that can be carried out within the scope of existing authorities of the Secretary to increase project flexibility for the purpose of mitigating drought impacts.

(iii) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the results of the assessment.

(B) **UPDATED REPORT.**—

(i) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall update and make publicly available the report entitled “Authorized and Operating Purposes of Corps of Engineers Reservoirs” and dated July 1992, which was produced pursuant to section 311 of the Water Resources Development Act of 1990 (104 Stat. 4639).

(ii) **INCLUSIONS.**—The updated report described in clause (i) shall—

(1) include—

(aa) the date on which the most recent review of project operations was conducted and any recommendations of the Secretary relating to that review the Secretary determines to be significant;

(bb) the activities carried out pursuant to each such review to improve the efficiency of operations and maintenance and to improve project benefits consistent with authorized purposes;

(cc) the degree to which reviews of project operations and subsequent activities pursuant to completed reviews complied with the policies and requirements of applicable law and regulations; and

(dd) a plan for reviewing the operations of individual projects, including a detailed schedule for future reviews of project operations, that—

(AA) complies with the policies and requirements of applicable law and regulations;

(BB) gives priority to reviews and activities carried out pursuant to such plan where the Secretary determines that there is support for carrying out those reviews and activities; and

(CC) ensures that reviews and activities are carried out pursuant to such plan;

(II) be coordinated with appropriate Federal, State, and local agencies and those public and private entities that the Secretary determines may be affected by those reviews or activities;

(III) not supersede or modify any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act;

(IV) not supersede or authorize any amendment to a multistate water control plan, including the Missouri River Master Water Control Manual (as in effect on the date of enactment of this Act);

(V) not affect any water right in existence on the date of enactment of this Act;

(VI) not preempt or affect any State water law or interstate compact governing water;

(VII) not affect any authority of a State, as in effect on the date of enactment of this Act, to manage water resources within that State; and

(VIII) comply with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

(3) **GENERAL ACCOUNTABILITY OFFICE REPORT TO CONGRESS.**—The Comptroller General shall—

(i) conduct an audit to determine—

(i) whether reviews of project operations carried out by the Secretary prior to the date of enactment of this Act complied with the policies and requirements of applicable law and regulations; and

(ii) whether the plan developed by the Secretary pursuant to paragraph (2)(B)(ii)(I)(dd) complies with this subsection and with the policies and requirements of applicable law and regulation; and

(B) not later than 2 years after the date of enactment of this Act, submit to Congress a report that—

(i) summarizes the results of the audit required by subparagraph (A);

(ii) includes an assessment of whether existing practices for managing and reviewing project operations could result in greater efficiencies that would enable the Corps of Engineers to better prepare for, contain, and respond to flood, storm, and drought conditions; and

(iii) includes recommendations for improving the review of project operations to improve the efficiency and effectiveness of such operations and to better achieve authorized purposes while enhancing overall project benefits.

(4) **INTERAGENCY AND COOPERATIVE AGREEMENTS.**—The Secretary may enter into interagency agreements with other Federal agencies and cooperative agreements with non-Federal entities to carry out this subsection and reviews of project operations or activities resulting from those reviews.

(5) **FUNDING.**—

(A) **IN GENERAL.**—The Secretary may use to carry out this subsection, including any reviews of project operations identified in the plan developed under paragraph (2)(B)(ii)(I)(dd), amounts made available to the Secretary.

(B) **FUNDING FROM OTHER SOURCES.**—The Secretary may accept and expend amounts from non-Federal entities and other Federal agencies to carry out this subsection and reviews of project operations or activities resulting from those reviews.

(6) **EFFECT OF SUBSECTION.**—

(A) **IN GENERAL.**—Nothing in this subsection changes the authorized purpose of any Corps of Engineers dam or reservoir.

(B) **ADMINISTRATION.**—The Secretary may carry out any recommendations and activities under this subsection pursuant to existing law.

(b) **IMPROVING PLANNING AND ADMINISTRATION OF WATER SUPPLY STORAGE.**—

(1) **IN GENERAL.**—For each water supply feature of a reservoir managed by the Secretary, the Secretary shall notify the applicable non-Federal interests before each fiscal year of the anticipated operation and maintenance activities for that fiscal year and each of the subsequent 4 fiscal years (including the cost of those activities) for which the non-Federal interests are required to contribute amounts.

(2) **CLARIFICATION.**—The information provided to a non-Federal interest under paragraph (1) shall—

(A) be an estimate which the non-Federal interest may use for planning purposes; and

(B) not be construed as or relied upon by the non-Federal interest as the actual amounts that the non-Federal interest will be required to contribute.

(c) **SURPLUS WATER STORAGE.**—

(1) **IN GENERAL.**—The Secretary shall not charge a fee for surplus water under a contract entered into pursuant to section 6 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (33 U.S.C. 708) if the contract is for surplus water stored in the Upper Missouri Mainstem Reservoirs.

(2) **OFFSET.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), of any amounts made available to the Secretary to carry out activities under the heading “OPERATION AND MAINTENANCE” under the heading “CORPS OF ENGINEERS—CIVIL” that remain unobligated as of the date of enactment of this Act, \$5,000,000 is rescinded.

(B) **RESTRICTION.**—No amounts that have been designated by Congress as being for emergency requirements pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)) shall be rescinded under subparagraph (A).

(3) **LIMITATION.**—The limitation provided under paragraph (1) shall expire on the date that is 10 years after the date of enactment of this Act.

(4) **APPLICABILITY.**—Nothing in this subsection—

(A) affects the authority of the Secretary under section 2695 of title 10, United States Code, to accept funds or to cover the administrative expenses relating to certain real property transactions; or

(B) affects the application of section 6 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (33 U.S.C. 708) to surplus water stored outside of the Upper Missouri Mainstem Reservoirs.

(d) **FUTURE WATER SUPPLY.**—Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) **RELEASE OF FUTURE WATER STORAGE.**—

“(1) **ESTABLISHMENT OF 10-YEAR PLANS FOR THE UTILIZATION OF FUTURE STORAGE.**—

“(A) **IN GENERAL.**—For the period beginning 180 days after the date of enactment of this paragraph and ending on January 1, 2016, the Secretary may accept from a State or local interest a plan for the utilization of allocated water storage for future use under this Act.

“(B) **CONTENTS.**—A plan submitted under subparagraph (A) shall include—

“(i) a 10-year timetable for the conversion of future use storage to present use; and

“(ii) a schedule of actions that the State or local interest agrees to carry out over a 10-year period, in cooperation with the Secretary, to seek new and alternative users of future water storage that is contracted to the State or local interest on the date of enactment of this paragraph.

“(2) **FUTURE WATER STORAGE.**—For water resource development projects managed by the Secretary, a State or local interest that the Secretary determines has complied with paragraph (1) may request from the Secretary a release to the United States of any right of the State or local interest to future water storage under this Act that was allocated for future use water supply prior to November 17, 1986.

“(3) **ADMINISTRATION.**—

“(A) **IN GENERAL.**—Not later than 180 days after receiving a request under paragraph (2), the Secretary shall provide to the applicable State or local interest a written decision on whether the Secretary recommends releasing future water storage rights.

“(B) **RECOMMENDATION.**—If the Secretary recommends releasing future water storage rights, the Secretary shall include that recommendation in the annual plan submitted under section 7001 of the Water Resources Reform and Development Act of 2014.

“(4) **SAVINGS CLAUSE.**—Nothing in this subsection authorizes the Secretary to release a State or local interest from a contractual obligation unless specifically authorized by Congress.”.

#### **SEC. 1047. SPECIAL USE PERMITS.**

(a) **SPECIAL USE PERMITS.**—

(1) **IN GENERAL.**—The Secretary may issue special permits for uses such as group activities, recreation events, motorized recreation vehicles, and such other specialized recreation uses as the Secretary determines to be appropriate, subject to such terms and conditions as the Secretary determines to be in the best interest of the Federal Government.

(2) **FEES.**—

(A) **IN GENERAL.**—In carrying out this subsection, the Secretary may—

(i) establish and collect fees associated with the issuance of the permits described in paragraph (1); or

(ii) accept in-kind services in lieu of those fees.

(B) **OUTDOOR RECREATION EQUIPMENT.**—The Secretary may establish and collect fees for the provision of outdoor recreation equipment and services for activities described in paragraph (1) at public recreation areas located at lakes and reservoirs operated by the Corps of Engineers.

(C) **USE OF FEES.**—Any fees generated pursuant to this subsection shall be—

(i) retained at the site collected; and

(ii) available for use, without further appropriation, solely for administering the special permits under this subsection and carrying out related operation and maintenance activities at the site at which the fees are collected.

(b) **COOPERATIVE MANAGEMENT.**—

(1) **PROGRAM.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary may enter into an agreement with a State or local government to provide for the cooperative management of a public recreation area if—

(i) the public recreation area is located—

(I) at a lake or reservoir operated by the Corps of Engineers; and

(II) adjacent to or near a State or local park or recreation area; and

(ii) the Secretary determines that cooperative management between the Corps of Engineers and a State or local government agency of a portion of the Corps of Engineers recreation area or State or local park or recreation area will allow for more effective and efficient management of those areas.

(B) **RESTRICTION.**—The Secretary may not transfer administration responsibilities for any public recreation area operated by the Corps of Engineers.

(2) **ACQUISITION OF GOODS AND SERVICES.**—The Secretary may acquire from or provide to a State or local government with which the Secretary has entered into a cooperative agreement under paragraph (1) goods and services to be used by the Secretary and the State or local government in the cooperative management of the areas covered by the agreement.

(3) **ADMINISTRATION.**—The Secretary may enter into 1 or more cooperative management agreements or such other arrangements as the Secretary determines to be appropriate, including leases or licenses, with non-Federal interests to share the costs of operation, maintenance, and management of recreation facilities and natural resources at recreation areas that are jointly managed and funded under this subsection.

(c) **USE OF FUNDS.**—

(1) **IN GENERAL.**—If the Secretary determines that it is in the public interest for purposes of enhancing recreation opportunities at Corps of Engineers water resources development projects, the Secretary may use funds made available to the Secretary to support activities carried out by State, local, and tribal governments and such other public or private nonprofit entities as the Secretary determines to be appropriate.

(2) **COOPERATIVE AGREEMENTS.**—Any use of funds pursuant to this subsection shall be carried out through the execution of a cooperative agreement, which shall contain such terms and conditions as the Secretary determines to be necessary in the public interest.

(d) **SERVICES OF VOLUNTEERS.**—Chapter IV of title I of Public Law 98-63 (33 U.S.C. 569c) is amended in the first sentence by inserting “, including expenses relating to uniforms, transportation, lodging, and the subsistence of those volunteers,” after “incidental expenses”.

(e) **TRAINING AND EDUCATIONAL ACTIVITIES.**—Section 213(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended by striking “at” and inserting “about”.

#### **SEC. 1048. AMERICA THE BEAUTIFUL NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS PROGRAM.**

The Secretary may participate in the America the Beautiful National Parks and Federal Rec-

reational Lands Pass program in the same manner as the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, the Forest Service, and the Bureau of Reclamation, including the provision of free annual passes to active duty military personnel and dependents.

#### **SEC. 1049. APPLICABILITY OF SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.**

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **FARM.**—The term “farm” has the meaning given the term in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(3) **GALLON.**—The term “gallon” means a United States gallon.

(4) **OIL.**—The term “oil” has the meaning given the term in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(5) **OIL DISCHARGE.**—The term “oil discharge” has the meaning given the term “discharge” in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(6) **REPORTABLE OIL DISCHARGE HISTORY.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the term “reportable oil discharge history” means a single oil discharge, as described in section 112.1(b) of title 40, Code of Federal Regulations (including successor regulations), that exceeds 1,000 gallons or 2 oil discharges, as described in section 112.1(b) of title 40, Code of Federal Regulations (including successor regulations), that each exceed 42 gallons within any 12-month period—

(i) in the 3 years prior to the certification date of the Spill Prevention, Control, and Countermeasure plan (as described in section 112.3 of title 40, Code of Federal Regulations (including successor regulations)); or

(ii) since becoming subject to part 112 of title 40, Code of Federal Regulations, if the facility has been in operation for less than 3 years.

(B) **EXCLUSIONS.**—The term “reportable oil discharge history” does not include an oil discharge, as described in section 112.1(b) of title 40, Code of Federal Regulations (including successor regulations), that is the result of a natural disaster, an act of war, or terrorism.

(7) **SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.**—The term “Spill Prevention, Control, and Countermeasure rule” means the regulation, including amendments, promulgated by the Administrator under part 112 of title 40, Code of Federal Regulations (or successor regulations).

(b) **CERTIFICATION.**—In implementing the Spill Prevention, Control, and Countermeasure rule with respect to any farm, the Administrator shall—

(1) require certification by a professional engineer for a farm with—

(A) an individual tank with an aboveground storage capacity greater than 10,000 gallons;

(B) an aggregate aboveground storage capacity greater than or equal to 20,000 gallons; or

(C) a reportable oil discharge history; or

(2) allow certification by the owner or operator of the farm (via self-certification) for a farm with—

(A) an aggregate aboveground storage capacity less than 20,000 gallons and greater than the lesser of—

(i) 6,000 gallons; and

(ii) the adjustment quantity established under subsection (d)(2); and

(B) no reportable oil discharge history; and

(3) not require compliance with the rule by any farm—

(A) with an aggregate aboveground storage capacity greater than 2,500 gallons and less than the lesser of—

(i) 6,000 gallons; and  
(ii) the adjustment quantity established under subsection (d)(2); and

(B) no reportable oil discharge history; and

(4) not require compliance with the rule by any farm with an aggregate aboveground storage capacity of less than 2,500 gallons.

(c) **CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.**—For purposes of subsection (b), the aggregate aboveground storage capacity of a farm excludes—

(1) all containers on separate parcels that have a capacity that is 1,000 gallons or less; and  
(2) all containers holding animal feed ingredients approved for use in livestock feed by the Commissioner of Food and Drugs.

(d) **STUDY.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture, shall conduct a study to determine the appropriate exemption under paragraphs (2) and (3) of subsection (b), which shall be not more than 6,000 gallons and not less than 2,500 gallons, based on a significant risk of discharge to water.

(2) **ADJUSTMENT.**—Not later than 18 months after the date on which the study described in paragraph (1) is complete, the Administrator, in consultation with the Secretary of Agriculture, shall promulgate a rule to adjust the exemption levels described in paragraphs (2) and (3) of subsection (b) in accordance with the study.

#### SEC. 1050. NAMINGS.

(a) **DONALD G. WALDON LOCK AND DAM.**—It is the sense of Congress that, at an appropriate time and in accordance with the rules of the Senate and the House of Representatives, to recognize the contributions of Donald G. Waldon, whose selfless determination and tireless work, while serving as administrator of the Tennessee-Tombigbee Waterway for 21 years, contributed greatly to the realization and success of the Tennessee-Tombigbee Waterway Development Compact, that the lock and dam located at mile 357.5 on the Tennessee-Tombigbee Waterway should be known and designated as the “Donald G. Waldon Lock and Dam”.

(b) **REDESIGNATION OF LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.**—

(1) **IN GENERAL.**—Section 103(c)(1) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking “Lower Mississippi River Museum and Riverfront Interpretive Site” and inserting “Jesse Brent Lower Mississippi River Museum and Riverfront Interpretive Site”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the museum and interpretive site referred to in paragraph (1) shall be deemed to be a reference to the “Jesse Brent Lower Mississippi River Museum and Riverfront Interpretive Site”.

(c) **JERRY F. COSTELLO LOCK AND DAM.**—

(1) **REDESIGNATION.**—The lock and dam located in Modoc, Illinois, authorized by the Act of July 3, 1930 (46 Stat. 927), and commonly known as the Kaskaskia Lock and Dam, is redesignated as the “Jerry F. Costello Lock and Dam”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in section 1 shall be deemed to be a reference to the “Jerry F. Costello Lock and Dam”.

#### SEC. 1051. INTERSTATE WATER AGREEMENTS AND COMPACTS.

(a) **WATER SUPPLY.**—Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) (as amended by section 1046(d)) is amended by adding at the end the following:

“(f) The Committees of jurisdiction are very concerned about the operation of projects in the Apalachicola-Chattahoochee-Flint River System and the Alabama-Coosa-Tallapoosa River System, and further, the Committees of jurisdiction recognize that this ongoing water resources dispute raises serious concerns related to the authority of the Secretary of the Army to allocate substantial storage at projects to provide local water supply pursuant to the Water Supply Act of 1958 absent congressional approval. Interstate water disputes of this nature are more properly addressed through interstate water agreements that take into consideration the concerns of all affected States including impacts to other authorized uses of the projects, water supply for communities and major cities in the region, water quality, freshwater flows to communities, rivers, lakes, estuaries, and bays located downstream of projects, agricultural uses, economic development, and other appropriate concerns. To that end, the Committees of jurisdiction strongly urge the Governors of the affected States to reach agreement on an interstate water compact as soon as possible, and we pledge our commitment to work with the affected States to ensure prompt consideration and approval of any such agreement. Absent such action, the Committees of jurisdiction should consider appropriate legislation to address these matters including any necessary clarifications to the Water Supply Act of 1958 or other law. This subsection does not alter existing rights or obligations under law.”.

(b) **SENSE OF CONGRESS REGARDING INTERSTATE WATER AGREEMENTS AND COMPACTS.**—

(1) **FINDINGS.**—Congress finds the following:

(A) States and local interests have primary responsibility for developing water supplies for domestic, municipal, industrial, and other purposes.

(B) The Federal Government cooperates with States and local interests in developing water supplies through the construction, maintenance, and operation of Federal water resources development projects.

(C) Interstate water disputes are most properly addressed through interstate water agreements or compacts that take into consideration the concerns of all affected States.

(2) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(A) Congress and the Secretary should urge States to reach agreement on interstate water agreements and compacts;

(B) at the request of the Governor of a State, the Secretary should facilitate and assist in the development of an interstate water agreement or compact;

(C) Congress should provide prompt consideration of interstate water agreements and compacts; and

(D) the Secretary should adopt policies and implement procedures for the operation of reservoirs of the Corps of Engineers that are consistent with interstate water agreements and compacts.

#### SEC. 1052. SENSE OF CONGRESS REGARDING WATER RESOURCES DEVELOPMENT BILLS.

It is the sense of Congress that, because the missions of the Corps of Engineers are unique and benefit all individuals in the United States and because water resources development projects are critical to maintaining economic prosperity, national security, and environmental protection, Congress should consider a water resources development bill not less than once every Congress.

### TITLE II—NAVIGATION

#### Subtitle A—Inland Waterways

#### SEC. 2001. DEFINITIONS.

In this title:

(1) **INLAND WATERWAYS TRUST FUND.**—The term “Inland Waterways Trust Fund” means

the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

(2) **QUALIFYING PROJECT.**—The term “qualifying project” means any construction or major rehabilitation project for navigation infrastructure of the inland and intracoastal waterways that is—

(A) authorized before, on, or after the date of enactment of this Act;

(B) not completed on the date of enactment of this Act; and

(C) funded at least in part from the Inland Waterways Trust Fund.

#### SEC. 2002. PROJECT DELIVERY PROCESS REFORMS.

(a) **REQUIREMENTS FOR QUALIFYING PROJECTS.**—With respect to each qualifying project, the Secretary shall require—

(1) for each project manager, that—

(A) the project manager have formal project management training and certification; and

(B) the project manager be assigned from among personnel certified by the Chief of Engineers; and

(2) for an applicable cost estimation, that—

(A) the Secretary utilize a risk-based cost estimate with a confidence level of at least 80 percent; and

(B) the cost estimate be developed—

(i) for a qualifying project that requires an increase in the authorized amount in accordance with section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), during the preparation of a post-authorization change report or other similar decision document;

(ii) for a qualifying project for which the first construction contract has not been awarded, prior to the award of the first construction contract;

(iii) for a qualifying project without a completed feasibility report in accordance with section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282), prior to the completion of such a report; and

(iv) for a qualifying project with a completed feasibility report in accordance with section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) that has not yet been authorized, during design for the qualifying project.

(b) **ADDITIONAL PROJECT DELIVERY PROCESS REFORMS.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) establish a system to identify and apply on a continuing basis best management practices from prior or ongoing qualifying projects to improve the likelihood of on-time and on-budget completion of qualifying projects;

(2) evaluate early contractor involvement acquisition procedures to improve on-time and on-budget project delivery performance; and

(3) implement any additional measures that the Secretary determines will achieve the purposes of this subtitle, including—

(A) the implementation of applicable practices and procedures developed pursuant to management by the Secretary of an applicable military construction program;

(B) the development and use of a portfolio of standard designs for inland navigation locks, incorporating the use of a center of expertise for the design and review of qualifying projects;

(C) the use of full-funding contracts or formulation of a revised continuing contracts clause; and

(D) the establishment of procedures for recommending new project construction starts using a capital projects business model.

(c) **PILOT PROJECTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary may carry out pilot projects to evaluate processes and procedures for the study, design, and construction of qualifying projects.

(2) **INCLUSIONS.**—At a minimum, the Secretary shall carry out pilot projects under this subsection to evaluate—

(A) early contractor involvement in the development of features and components;

(B) an appropriate use of continuing contracts for the construction of features and components; and

(C) applicable principles, procedures, and processes used for military construction projects.

(d) **INLAND WATERWAYS USERS BOARD.**—Section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) **DUTIES OF USERS BOARD.**—

“(1) **IN GENERAL.**—The Users Board shall meet not less frequently than semiannually to develop and make recommendations to the Secretary and Congress regarding the inland waterways and inland harbors of the United States.

“(2) **ADVICE AND RECOMMENDATIONS.**—For commercial navigation features and components of the inland waterways and inland harbors of the United States, the Users Board shall provide—

“(A) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary regarding construction and rehabilitation priorities and spending levels;

“(B) advice and recommendations to Congress regarding any feasibility report for a project on the inland waterway system that has been submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014;

“(C) advice and recommendations to Congress regarding an increase in the authorized cost of those features and components;

“(D) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding construction and rehabilitation priorities and spending levels; and

“(E) advice and recommendations on the development of a long-term capital investment program in accordance with subsection (d).

“(3) **PROJECT DEVELOPMENT TEAMS.**—The chairperson of the Users Board shall appoint a representative of the Users Board to serve as an advisor to the project development team for a qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.

“(4) **INDEPENDENT JUDGMENT.**—Any advice or recommendation made by the Users Board to the Secretary shall reflect the independent judgment of the Users Board.”

(2) by striking subsection (c) and inserting the following:

“(c) **DUTIES OF SECRETARY.**—The Secretary shall—

“(1) communicate not less frequently than once each quarter to the Users Board the status of the study, design, or construction of all commercial navigation features or components of the inland waterways or inland harbors of the United States; and

“(2) submit to the Users Board a courtesy copy of all completed feasibility reports relating to a commercial navigation feature or component of the inland waterways or inland harbors of the United States.

“(d) **CAPITAL INVESTMENT PROGRAM.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Users Board, shall develop and submit to Congress a report describing a 20-year program for making capital investments on the inland and intracoastal waterways based on the application of objective, national project selection prioritization criteria.

“(2) **CONSIDERATION.**—In developing the program under paragraph (1), the Secretary shall take into consideration the 20-year capital investment strategy contained in the Inland Marine Transportation System (IMTS) Capital Projects Business Model, Final Report published on April 13, 2010, as approved by the Users Board.

“(3) **CRITERIA.**—In developing the plan and prioritization criteria under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that investments made under the 20-year program described in paragraph (1)—

“(A) are made in all geographical areas of the inland waterways system; and

“(B) ensure efficient funding of inland waterways projects.

“(4) **STRATEGIC REVIEW AND UPDATE.**—Not later than 5 years after the date of enactment of this subsection, and not less frequently than once every 5 years thereafter, the Secretary, in coordination with the Users Board, shall—

“(A) submit to Congress and make publicly available a strategic review of the 20-year program in effect under this subsection, which shall identify and explain any changes to the project-specific recommendations contained in the previous 20-year program (including any changes to the prioritization criteria used to develop the updated recommendations); and

“(B) make revisions to the program, as appropriate.

“(e) **PROJECT MANAGEMENT PLANS.**—The chairperson of the Users Board and the project development team member appointed by the chairperson under subsection (b)(3) may sign the project management plan for the qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.

“(f) **ADMINISTRATION.**—

“(1) **IN GENERAL.**—The Users Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.), other than section 14, and, with the consent of the appropriate agency head, the Users Board may use the facilities and services of any Federal agency.

“(2) **MEMBERS NOT CONSIDERED SPECIAL GOVERNMENT EMPLOYEES.**—For the purposes of complying with the Federal Advisory Committee Act (5 U.S.C. App.), the members of the Users Board shall not be considered special Government employees (as defined in section 202 of title 18, United States Code).

“(3) **TRAVEL EXPENSES.**—Non-Federal members of the Users Board while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.”

#### **SEC. 2003. EFFICIENCY OF REVENUE COLLECTION.**

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare a report on the efficiency of collecting the fuel tax for the Inland Waterways Trust Fund, which shall include—

(1) an evaluation of whether current methods of collection of the fuel tax result in full compliance with requirements of the law;

(2) whether alternative methods of collection would result in increased revenues into the Inland Waterways Trust Fund; and

(3) an evaluation of alternative collection options.

#### **SEC. 2004. INLAND WATERWAYS REVENUE STUDIES.**

(a) **INLAND WATERWAYS CONSTRUCTION BONDS STUDY.**—

(1) **STUDY.**—The Secretary, in coordination with the heads of appropriate Federal agencies, shall conduct a study on the potential benefits

and implications of authorizing the issuance of federally tax-exempt bonds secured against the available proceeds, including projected annual receipts, in the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

(2) **CONTENTS.**—In carrying out the study, the Secretary shall examine the implications of issuing such bonds, including the potential revenues that could be generated and the projected net cost to the Treasury, including loss of potential revenue.

(3) **CONSULTATION.**—In carrying out the study, the Secretary, at a minimum, shall consult with—

(A) representatives of the Inland Waterway Users Board established by section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251);

(B) representatives of the commodities and bulk cargos that are currently shipped for commercial purposes on the segments of the inland and intracoastal waterways listed in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804);

(C) representatives of other users of locks and dams on the inland and intracoastal waterways, including persons owning, operating, using, or otherwise benefiting from—

(i) hydropower generation facilities;

(ii) electric utilities that rely on the waterways for cooling of existing electricity generation facilities;

(iii) municipal and industrial water supply;

(iv) recreation;

(v) irrigation water supply; or

(vi) flood damage reduction; and

(D) other stakeholders associated with the inland and intracoastal waterways, as identified by the Secretary.

(4) **REPORT TO CONGRESS.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works, the Committee on Finance, and the Committee on the Budget of the Senate and the Committee on Transportation and Infrastructure, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives, and make publicly available, a report on the results of the study.

(B) **IDENTIFICATION OF ISSUES.**—As part of the report, the Secretary shall identify any potential benefits or other implications of the issuance of bonds described in subsection (a)(1), including any potential changes in Federal or State law that may be necessary to provide such benefits or to address such implications.

(b) **POTENTIAL REVENUE SOURCES FOR INLAND AND INTRACOASTAL WATERWAYS INFRASTRUCTURE.**—

(1) **IN GENERAL.**—The Secretary shall conduct a study and submit to Congress a report on potential revenue sources from which funds could be collected to generate additional revenues for the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

(2) **SCOPE OF STUDY.**—

(A) **IN GENERAL.**—In carrying out the study, the Secretary shall evaluate an array of potential revenue sources from which funds could be collected in amounts that, when combined with funds generated by section 4042 of the Internal Revenue Code of 1986, are sufficient to support one-half of annual construction expenditure levels of \$380,000,000 for the authorized purposes of the Inland Waterways Trust Fund.

(B) **POTENTIAL REVENUE SOURCES FOR STUDY.**—In carrying out the study, the Secretary, at a minimum, shall—

(i) evaluate potential revenue sources identified in and documented by known authorities of the Inland Waterways System; and

(ii) review appropriate reports and associated literature related to revenue sources.

(3) CONDUCT OF STUDY.—In carrying out the study, the Secretary shall—

(A) take into consideration whether the potential revenues from other sources—

(i) are equitably associated with the construction, operation, and maintenance of inland and intracoastal waterway infrastructure, including locks, dams, and navigation channels; and

(ii) can be efficiently collected;

(B) consult with, at a minimum—

(i) representatives of the Inland Waterways Users Board; and

(ii) representatives of other nonnavigation beneficiaries of inland and intracoastal waterway infrastructure, including persons benefiting from—

(I) municipal water supply;

(II) hydropower;

(III) recreation;

(IV) industrial water supply;

(V) flood damage reduction;

(VI) agricultural water supply;

(VII) environmental restoration;

(VIII) local and regional economic development; or

(IX) local real estate interests; and

(iii) representatives of other interests, as identified by the Secretary; and

(C) provide the opportunity for public hearings in each of the geographic regions that contain segments of the inland and intracoastal waterways listed in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(4) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works, the Committee on Finance, and the Committee on the Budget of the Senate and the Committee on Transportation and Infrastructure, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives, and make publicly available, a report on the results of the study.

#### SEC. 2005. INLAND WATERWAYS STAKEHOLDER ROUNDTABLE.

(a) IN GENERAL.—The Secretary shall conduct an inland waterways stakeholder roundtable to provide for a review and evaluation of issues related to financial management of the inland and intracoastal waterways.

(b) SELECTION OF PARTICIPANTS.—

(1) IN GENERAL.—Not later than 45 days after the date on which the Secretary submits to Congress the report required by section 2004(b), the Secretary, in consultation with the Inland Waterways Users Board, shall select individuals to be invited to participate in the stakeholder roundtable.

(2) COMPOSITION.—The individuals selected under paragraph (1) shall include—

(A) representatives of the primary users, shippers, and suppliers utilizing the inland and intracoastal waterways for commercial purposes;

(B) representatives of State and Federal agencies having a direct and substantial interest in the commercial use of the inland and intracoastal waterways;

(C) representatives of other nonnavigation beneficiaries of the inland and intracoastal waterways infrastructure, including individuals benefiting from—

(i) municipal water supply;

(ii) hydropower;

(iii) recreation;

(iv) industrial water supply;

(v) flood damage reduction;

(vi) agricultural water supply;

(vii) environmental restoration;

(viii) local and regional economic development; or

(ix) local real estate interests; and

(D) other interested individuals with significant financial and engineering expertise and direct knowledge of the inland and coastal waterways.

(c) FRAMEWORK AND AGENDA.—The Secretary shall work with a group of the individuals selected under subsection (b) to develop the framework and agenda for the stakeholder roundtable.

(d) CONDUCT OF STAKEHOLDER ROUNDTABLE.—

(1) IN GENERAL.—Not later than 120 days after the date on which the Secretary submits to Congress the report required by section 2004(b), the Secretary shall conduct the stakeholder roundtable.

(2) ISSUES TO BE DISCUSSED.—The stakeholder roundtable shall provide for the review and evaluation described in subsection (a) and shall include the following:

(A) An evaluation of any recommendations that have been developed to address funding options for the inland and coastal waterways, including any recommendations in the report required under section 2004(b).

(B) An evaluation of the funding status of the inland and coastal waterways.

(C) Identification and evaluation of the ongoing and projected water infrastructure needs of the inland and coastal waterways.

(D) Identification of a process for meeting such needs, with timeline for addressing the funding challenges for the Inland Waterways Trust Fund.

(e) REPORT TO CONGRESS.—Not later than 180 days after the date on which the Secretary submits to Congress the report required by section 2004(b), the Secretary shall submit to Congress and make publicly available a report that contains—

(1) a summary of the stakeholder roundtable, including areas of concurrence on funding approaches and areas of disagreement in meeting funding needs; and

(2) recommendations developed by the Secretary for next steps to address the issues discussed at the stakeholder roundtable.

#### SEC. 2006. PRESERVING THE INLAND WATERWAY TRUST FUND.

(a) OLMSTED PROJECT REFORM.—

(1) DEFINITION OF OLMSTED PROJECT.—In this subsection, the term “Olmsted Project” means the project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky, authorized by section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013).

(2) OLMSTED PROJECT REFORM.—Notwithstanding section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013), for each fiscal year beginning after September 30, 2014, 15 percent of the cost of construction for the Olmsted Project shall be paid from amounts appropriated from the Inland Waterways Trust Fund.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the appropriation for the Olmsted Project should be not less than \$150,000,000 for each fiscal year until construction of the project is completed.

(4) REHABILITATION OF PROJECTS.—Section 205(1)(E)(ii) of the Water Resources Development Act of 1992 (33 U.S.C. 2327(1)(E)(ii)) is amended by striking “\$8,000,000” and inserting “\$20,000,000”.

#### SEC. 2007. INLAND WATERWAYS OVERSIGHT.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report regarding the lessons learned from the experience of planning and con-

structing the Olmsted Project and how such lessons might apply to future inland waterway studies and projects.

(b) ANNUAL FINANCIAL REVIEW.—For any inland waterways project that the Secretary carries out that has an estimated total cost of \$500,000,000 or more, the Secretary shall submit to the congressional committees referred to in subsection (a) an annual financial plan for the project. The plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of any future increases of the cost to complete the project.

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study to determine why, and to what extent, the project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky (commonly known as the “Olmsted Locks and Dam project”), authorized by section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013), has exceeded the budget for the project and the reasons why the project failed to be completed as scheduled, including an assessment of—

(1) engineering methods used for the project;

(2) the management of the project;

(3) contracting for the project;

(4) the cost to the United States of benefits foregone due to project delays; and

(5) such other contributory factors as the Comptroller General determines to be appropriate.

#### SEC. 2008. ASSESSMENT OF OPERATION AND MAINTENANCE NEEDS OF THE ATLANTIC INTRACOASTAL WATERWAY AND THE GULF INTRACOASTAL WATERWAY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall assess the operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway.

(b) TYPES OF ACTIVITIES.—In carrying out subsection (a), the Secretary shall assess the operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway as used for the following purposes:

(1) Commercial navigation.

(2) Commercial fishing.

(3) Subsistence, including utilization by Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for subsistence and ceremonial purposes.

(4) Use as ingress and egress to harbors of refuge.

(5) Transportation of persons.

(6) Purposes relating to domestic energy production, including fabrication, servicing, and supply of domestic offshore energy production facilities.

(7) Activities of the Secretary of the department in which the Coast Guard is operating.

(8) Public health and safety related equipment for responding to coastal and inland emergencies.

(9) Recreation purposes.

(10) Any other authorized purpose.

(c) REPORT TO CONGRESS.—For fiscal year 2015, and biennially thereafter, in conjunction with the annual budget submission by the President to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report that, with respect to the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway—

(1) identifies the operation and maintenance costs required to achieve the authorized length, width, and depth;

(2) identifies the amount of funding requested in the President's budget for operation and maintenance costs; and

(3) identifies the unmet operation and maintenance needs of the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway.

#### **SEC. 2009. INLAND WATERWAYS RIVERBANK STABILIZATION.**

(a) *IN GENERAL.*—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Secretary shall conduct a study to determine the feasibility of—

(1) carrying out projects for the inland and intracoastal waterways for purposes of—

(A) flood damage reduction;

(B) emergency streambank and shoreline protection; and

(C) prevention and mitigation of shore damages attributable to navigation improvements; and

(2) modifying projects for the inland and intracoastal waterways for the purpose of improving the quality of the environment.

(b) *RECOMMENDATIONS.*—In conducting the study, the Secretary shall develop specific project recommendations and prioritize those recommendations based on—

(1) the extent of damage and land loss resulting from riverbank erosion;

(2) the rate of erosion;

(3) the significant threat of future flood risk to public property, public infrastructure, or public safety;

(4) the destruction of natural resources or habitats; and

(5) the potential cost savings for maintenance of the channel.

(c) *DISPOSITION.*—The Secretary may carry out any project identified in the study conducted pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(1) Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(2) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(3) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(4) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(d) *ANNUAL REPORT.*—For a project recommended pursuant to the study that cannot be carried out under any of the authorities specified in subsection (c), upon a determination by the Secretary of the feasibility of the project, the Secretary may include a recommendation concerning the project in the annual report submitted to Congress under section 7001.

#### **SEC. 2010. UPPER MISSISSIPPI RIVER PROTECTION.**

(a) *DEFINITION OF UPPER ST. ANTHONY FALLS LOCK AND DAM.*—In this section, the term “Upper St. Anthony Falls Lock and Dam” means the lock and dam located on Mississippi River Mile 853.9 in Minneapolis, Minnesota.

(b) *MANDATORY CLOSURE.*—Not later than 1 year after the date of enactment of this Act, the Secretary shall close the Upper St. Anthony Falls Lock and Dam.

(c) *EMERGENCY OPERATIONS.*—Nothing in this section prevents the Secretary from carrying out emergency lock operations necessary to mitigate flood damage.

#### **SEC. 2011. CORPS OF ENGINEERS LOCK AND DAM ENERGY DEVELOPMENT.**

Section 1117 of the Water Resources Development Act of 1986 (100 Stat. 4236) is amended to read as follows:

##### **“SEC. 1117. W.D. MAYO LOCK AND DAM.**

“(a) *IN GENERAL.*—The Cherokee Nation of Oklahoma may—

“(1) design and construct one or more hydroelectric generating facilities at the W.D. Mayo Lock and Dam on the Arkansas River, Oklahoma; and

“(2) market the electricity generated from any such facility.

“(b) *PRECONSTRUCTION REQUIREMENTS.*—

“(1) *PERMITS.*—Before the date on which construction of a hydroelectric generating facility begins under subsection (a), the Cherokee Nation shall obtain any permit required under Federal or State law, except that the Cherokee Nation shall be exempt from licensing requirements that may otherwise apply to construction, operation, or maintenance of the facility under the Federal Power Act (16 U.S.C. 791a et seq.).

“(2) *REVIEW OF PLANS AND SPECIFICATIONS.*—The Cherokee Nation may initiate the design or construction of a hydroelectric generating facility under subsection (a) only after the Secretary reviews and approves the plans and specifications for the design and construction.

“(c) *PAYMENT OF DESIGN AND CONSTRUCTION COSTS.*—

“(1) *IN GENERAL.*—The Secretary may accept funds offered by the Cherokee Nation and use such funds to carry out the design and construction of a hydroelectric generating facility under subsection (a).

“(2) *ALLOCATION OF COSTS.*—The Cherokee Nation shall—

“(A) bear all costs associated with the design and construction of a hydroelectric generating facility under subsection (a); and

“(B) provide any funds necessary for the design and construction to the Secretary prior to the Secretary initiating any activities related to the design and construction.

“(d) *ASSUMPTION OF LIABILITY.*—The Cherokee Nation shall—

“(1) hold all title to a hydroelectric generating facility constructed under subsection (a) and may, subject to the approval of the Secretary, assign such title to a third party;

“(2) be solely responsible for—

“(A) the operation, maintenance, repair, replacement, and rehabilitation of the facility; and

“(B) the marketing of the electricity generated by the facility; and

“(3) release and indemnify the United States from any claims, causes of action, or liabilities that may arise out of any activity undertaken to carry out this section.

“(e) *ASSISTANCE AVAILABLE.*—The Secretary may provide technical and construction management assistance requested by the Cherokee Nation relating to the design and construction of a hydroelectric generating facility under subsection (a).

“(f) *THIRD PARTY AGREEMENTS.*—The Cherokee Nation may enter into agreements with the Secretary or a third party that the Cherokee Nation or the Secretary determines are necessary to carry out this section.”.

#### **SEC. 2012. RESTRICTED AREAS AT CORPS OF ENGINEERS DAMS.**

Section 2 of the Freedom to Fish Act (127 Stat. 449) is amended—

(1) in subsection (b)(1) by striking “2 years after the date of enactment of this Act” and inserting “4 years after the date of enactment of the Water Resources Reform and Development Act of 2014”;

(2) in the heading of subsection (c) by inserting “OR MODIFIED” after “NEW”; and

(3) in subsection (c)—

(A) in matter preceding paragraph (1) by inserting “new or modified” after “establishes any”; and

(B) in paragraph (3) by striking “2 years after the date of enactment of this Act” and inserting “4 years after the date of enactment of the Water Resources Reform and Development Act of 2014”.

#### **SEC. 2013. OPERATION AND MAINTENANCE OF FUEL TAXED INLAND WATERWAYS.**

Section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) *FLOODGATES ON THE INLAND WATERWAYS.*—

“(1) *OPERATION AND MAINTENANCE CARRIED OUT BY THE SECRETARY.*—Notwithstanding any other provision of law, the Secretary shall be responsible for the operation and maintenance, including repair, of any flood gate, as well as any pumping station constructed within the channel as a single unit with that flood gate, that—

“(A) was constructed as of the date of enactment of the Water Resources Reform and Development Act of 2014 as a feature of an authorized hurricane and storm damage reduction project; and

“(B) crosses an inland or intracoastal waterway described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

“(2) *NON-FEDERAL COST SHARE.*—The non-Federal share of the cost of operation, maintenance, repair, rehabilitation, and replacement of any structure under this subsection shall be 35 percent.”.

#### **Subtitle B—Port and Harbor Maintenance**

#### **SEC. 2101. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.**

(a) *DEFINITIONS.*—In this section:

(1) *TOTAL AMOUNT OF HARBOR MAINTENANCE TAXES RECEIVED.*—The term “total amount of harbor maintenance taxes received” means, with respect to a fiscal year, the aggregate of amounts appropriated, transferred, or credited to the Harbor Maintenance Trust Fund under section 9505(a) of the Internal Revenue Code of 1986 for that fiscal year as set forth in the current year estimate provided in the President's budget request for the subsequent fiscal year, submitted pursuant to section 1105 of title 31, United States Code.

(2) *TOTAL BUDGET RESOURCES.*—The term “total budget resources” means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(b) *TARGET APPROPRIATIONS.*—

(1) *IN GENERAL.*—The target total budget resources made available to the Secretary from the Harbor Maintenance Trust Fund for a fiscal year shall be not less than the following:

(A) For fiscal year 2015, 67 percent of the total amount of harbor maintenance taxes received in fiscal year 2014.

(B) For fiscal year 2016, 69 percent of the total amount of harbor maintenance taxes received in fiscal year 2015.

(C) For fiscal year 2017, 71 percent of the total amount of harbor maintenance taxes received in fiscal year 2016.

(D) For fiscal year 2018, 74 percent of the total amount of harbor maintenance taxes received in fiscal year 2017.

(E) For fiscal year 2019, 77 percent of the total amount of harbor maintenance taxes received in fiscal year 2018.

(F) For fiscal year 2020, 80 percent of the total amount of harbor maintenance taxes received in fiscal year 2019.

(G) For fiscal year 2021, 83 percent of the total amount of harbor maintenance taxes received in fiscal year 2020.

(H) For fiscal year 2022, 87 percent of the total amount of harbor maintenance taxes received in fiscal year 2021.

(I) For fiscal year 2023, 91 percent of the total amount of harbor maintenance taxes received in fiscal year 2022.



(J) For fiscal year 2024, 95 percent of the total amount of harbor maintenance taxes received in fiscal year 2023.

(K) For fiscal year 2025, and each fiscal year thereafter, 100 percent of the total amount of harbor maintenance taxes received in the previous fiscal year.

(2) **USE OF AMOUNTS.**—The total budget resources described in paragraph (1) may be used only for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(c) **IMPACT ON OTHER FUNDS.**—

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that any increase in funding for harbor maintenance programs under this section shall result from an overall increase in appropriations for the civil works program of the Corps of Engineers and not from reductions in the appropriations for other programs, projects, and activities carried out by the Corps of Engineers for other authorized purposes.

(2) **APPLICATION.**—The target total budget resources for a fiscal year specified in subsection (b)(1) shall only apply in a fiscal year for which the level of appropriations provided for the civil works program of the Corps of Engineers in that fiscal year is increased, as compared to the previous fiscal year, by a dollar amount that is at least equivalent to the dollar amount necessary to address such target total budget resources in that fiscal year.

#### **SEC. 2102. OPERATION AND MAINTENANCE OF HARBOR PROJECTS.**

(a) **IN GENERAL.**—Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended by adding at the end the following:

“(c) **OPERATION AND MAINTENANCE OF HARBOR PROJECTS.**—

“(1) **IN GENERAL.**—To the maximum extent practicable, the Secretary shall make expenditures to pay for operation and maintenance costs of the harbors and inland harbors referred to in subsection (a)(2), including expenditures of funds appropriated from the Harbor Maintenance Trust Fund, based on an equitable allocation of funds among all such harbors and inland harbors.

“(2) **CRITERIA.**—

“(A) **IN GENERAL.**—In determining an equitable allocation of funds under paragraph (1), the Secretary shall—

“(i) consider the information obtained in the assessment conducted under subsection (e);

“(ii) consider the national and regional significance of harbor operations and maintenance; and

“(iii) as appropriate, consider national security and military readiness needs.

“(B) **LIMITATION.**—The Secretary shall not allocate funds under paragraph (1) based solely on the tonnage transiting through a harbor.

“(3) **EMERGING HARBOR PROJECTS.**—Notwithstanding any other provision of this subsection, in making expenditures under paragraph (1) for each of fiscal years 2015 through 2022, the Secretary shall allocate for operation and maintenance costs of emerging harbor projects an amount that is not less than 10 percent of the funds made available under this section for fiscal year 2012 to pay the costs described in subsection (a)(2).

“(4) **MANAGEMENT OF GREAT LAKES NAVIGATION SYSTEM.**—To sustain effective and efficient operation and maintenance of the Great Lakes Navigation System, including any navigation feature in the Great Lakes that is a Federal responsibility with respect to operation and maintenance, the Secretary shall manage all of the individually authorized projects in the Great Lakes Navigation System as components of a single, comprehensive system, recognizing the interdependence of the projects.

“(d) **PRIORITIZATION.**—

“(1) **PRIORITY.**—

“(A) **IN GENERAL.**—For each of fiscal years 2015 through 2024, if priority funds are available, the Secretary shall use the priority funds as follows:

“(i) 90 percent of the priority funds shall be used for high- and moderate-use harbor projects.

“(ii) 10 percent of the priority funds shall be used for emerging harbor projects.

“(B) **ADDITIONAL CONSIDERATIONS.**—For each of fiscal years 2015 through 2024, of the priority funds available, the Secretary shall use—

“(i) not less than 5 percent of such funds for underserved harbor projects; and

“(ii) not less than 10 percent of such funds for projects that are located within the Great Lakes Navigation System.

“(C) **UNDERSERVED HARBORS.**—In determining which underserved harbor projects shall receive funds under this paragraph, the Secretary shall consider—

“(i) the total quantity of commerce supported by the water body on which the project is located; and

“(ii) the minimum width and depth that—

“(I) would be necessary at the underserved harbor project to provide sufficient clearance for fully loaded commercial vessels using the underserved harbor project to maneuver safely; and

“(II) does not exceed the constructed width and depth of the authorized navigation project.

“(2) **EXPANDED USES.**—

“(A) **DEFINITION OF ELIGIBLE HARBOR OR INLAND HARBOR DEFINED.**—In this paragraph, the term ‘eligible harbor or inland harbor’ means a harbor or inland harbor at which the total amount of harbor maintenance taxes collected in the immediately preceding 3 fiscal years exceeds the value of the work carried out for the harbor or inland harbor using amounts from the Harbor Maintenance Trust Fund during those 3 fiscal years.

“(B) **USE OF EXPANDED USES FUNDS.**—

“(i) **FISCAL YEARS 2015 THROUGH 2024.**—For each of fiscal years 2015 through 2024, of the priority funds available, the Secretary shall use not less than 10 percent of such funds for expanded uses carried out at an eligible harbor or inland harbor.

“(ii) **SUBSEQUENT FISCAL YEARS.**—For fiscal year 2025 and each fiscal year thereafter, the Secretary shall use not less than 10 percent of the priority funds available for expanded uses carried out at an eligible harbor or inland harbor.

“(C) **PRIORITIZATION.**—In allocating funds under this paragraph, the Secretary shall give priority to projects at eligible harbors or inland harbors for which the difference, calculated in dollars, is greatest between—

“(i) the total amount of funding made available for projects at that eligible harbor or inland harbor from the Harbor Maintenance Trust Fund in the immediately preceding 3 fiscal years; and

“(ii) the total amount of harbor maintenance taxes collected at that harbor or inland harbor in the immediately preceding 3 fiscal years.

“(3) **REMAINING FUNDS.**—

“(A) **IN GENERAL.**—For each of fiscal years 2015 through 2024, if after fully funding all projects eligible for funding under paragraphs (1)(B) and (2)(B)(i), priority funds made available under those paragraphs remain unobligated, the Secretary shall use those remaining funds to pay for operation and maintenance costs of any harbor or inland harbor referred to in subsection (a)(2) based on an equitable allocation of those funds among the harbors and inland harbors.

“(B) **CRITERIA.**—In determining an equitable allocation of funds under subparagraph (A), the Secretary shall—

“(i) use the criteria specified in subsection (c)(2)(A); and

“(ii) make amounts available in accordance with the requirements of paragraph (1)(A).

“(4) **EMERGENCY EXPENDITURES.**—Nothing in this subsection prohibits the Secretary from making an expenditure to pay for the operation and maintenance costs of a specific harbor or inland harbor, including the transfer of funding from the operation and maintenance of a separate project, if—

“(A) the Secretary determines that the action is necessary to address the navigation needs of a harbor or inland harbor where safe navigation has been severely restricted due to an unforeseen event; and

“(B) the Secretary provides within 90 days of the action notice and information on the need for the action to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

“(e) **ASSESSMENT OF HARBORS AND INLAND HARBORS.**—

“(1) **IN GENERAL.**—Not later than 270 days after the date of enactment of this subsection, and biennially thereafter, the Secretary shall assess the operation and maintenance needs and uses of the harbors and inland harbors referred to in subsection (a)(2).

“(2) **ASSESSMENT OF HARBOR NEEDS AND ACTIVITIES.**—

“(A) **TOTAL OPERATION AND MAINTENANCE NEEDS OF HARBORS.**—In carrying out paragraph (1), the Secretary shall identify—

“(i) the total future costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2); and

“(ii) the total expected costs for expanded uses at eligible harbors or inland harbors referred to in subsection (d)(2).

“(B) **USES OF HARBORS AND INLAND HARBORS.**—In carrying out paragraph (1), the Secretary shall identify current uses (and, to the extent practicable, assess the national, regional, and local benefits of such uses) of harbors and inland harbors referred to in subsection (a)(2), including the use of those harbors for—

“(i) commercial navigation, including the movement of goods;

“(ii) domestic trade;

“(iii) international trade;

“(iv) commercial fishing;

“(v) subsistence, including use by Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for subsistence and ceremonial purposes;

“(vi) use as a harbor of refuge;

“(vii) transportation of persons;

“(viii) purposes relating to domestic energy production, including the fabrication, servicing, or supply of domestic offshore energy production facilities;

“(ix) activities of the Secretary of the department in which the Coast Guard is operating;

“(x) activities of the Secretary of the Navy;

“(xi) public health and safety related equipment for responding to coastal and inland emergencies;

“(xii) recreation purposes; and

“(xiii) other authorized purposes.

“(3) **REPORT TO CONGRESS.**—

“(A) **IN GENERAL.**—For fiscal year 2016, and biennially thereafter, in conjunction with the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a



report that, with respect to harbors and inland harbors referred to in subsection (a)(2)—

“(i) identifies the operation and maintenance costs associated with the harbors and inland harbors, including those costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors and the costs for expanded uses at eligible harbors and inland harbors, on a project-by-project basis;

“(ii) identifies the amount of funding requested in the President’s budget for the operation and maintenance costs associated with the harbors and inland harbors, on a project-by-project basis;

“(iii) identifies the unmet operation and maintenance needs associated with the harbors and inland harbors, on a project-by-project basis; and

“(iv) identifies the harbors and inland harbors for which the President will allocate funding over the subsequent 5 fiscal years for operation and maintenance activities, on a project-by-project basis, including the amounts to be allocated for such purposes.

“(B) PUBLIC AVAILABILITY.—The Secretary shall make the report submitted under subparagraph (A) available to the public, including on the Internet.

“(f) DEFINITIONS.—In this section:

“(1) CONSTRUCTED WIDTH AND DEPTH.—The term ‘constructed width and depth’ means the width and depth to which a project has been constructed, which may not exceed the authorized width and depth of the project.

“(2) EMERGING HARBOR PROJECT.—The term ‘emerging harbor project’ means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits less than 1,000,000 tons of cargo annually.

“(3) EXPANDED USES.—The term ‘expanded uses’ means the following activities:

“(A) The maintenance dredging of a berth in a harbor that is accessible to a Federal navigation project and that benefits commercial navigation at the harbor.

“(B) The maintenance dredging and disposal of legacy-contaminated sediment, and sediment unsuitable for open water disposal, if—

“(i) such dredging and disposal benefits commercial navigation at the harbor; and

“(ii) such sediment is located in and affects the maintenance of a Federal navigation project or is located in a berth that is accessible to a Federal navigation project.

“(4) GREAT LAKES NAVIGATION SYSTEM.—The term ‘Great Lakes Navigation System’ includes—

“(A)(i) Lake Superior;

“(ii) Lake Huron;

“(iii) Lake Michigan;

“(iv) Lake Erie; and

“(v) Lake Ontario;

“(B) all connecting waters between the lakes referred to in subparagraph (A) used for commercial navigation;

“(C) any navigation features in the lakes referred to in subparagraph (A) or waters described in subparagraph (B) that are a Federal operation or maintenance responsibility; and

“(D) areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.

“(5) HARBOR MAINTENANCE TAX.—The term ‘harbor maintenance tax’ means the amounts collected under section 4461 of the Internal Revenue Code of 1986.

“(6) HIGH-USE HARBOR PROJECT.—The term ‘high-use harbor project’ means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits not less than 10,000,000 tons of cargo annually.

“(7) MODERATE-USE HARBOR PROJECT.—The term ‘moderate-use harbor project’ means a

project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits annually—

“(A) more than 1,000,000 tons of cargo; but

“(B) less than 10,000,000 tons of cargo.

“(8) PRIORITY FUNDS.—The term ‘priority funds’ means the difference between—

“(A) the total funds that are made available under this section to pay the costs described in subsection (a)(2) for a fiscal year; and

“(B) the total funds made available under this section to pay the costs described in subsection (a)(2) in fiscal year 2012.

“(9) UNDERSERVED HARBOR PROJECT.—

“(A) IN GENERAL.—The term ‘underserved harbor project’ means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2)—

“(i) that is a moderate-use harbor project or an emerging harbor project;

“(ii) that has been maintained at less than the constructed width and depth of the project during each of the preceding 6 fiscal years; and

“(iii) for which State and local investments in infrastructure have been made at those projects during the preceding 6 fiscal years.

“(B) ADMINISTRATION.—For purposes of this paragraph, State and local investments in infrastructure shall include infrastructure investments made using amounts made available for activities under section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)).”

(b) OPERATION AND MAINTENANCE.—Section 101(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)(1)) is amended by striking “45 feet” and inserting “50 feet”.

(c) CONFORMING AMENDMENT.—Section 9505(c)(1) of the Internal Revenue Code of 1986 is amended by striking “(as in effect on the date of the enactment of the Water Resources Development Act of 1996)”.

#### SEC. 2103. CONSOLIDATION OF DEEP DRAFT NAVIGATION EXPERTISE.

Section 2033(e) of the Water Resources Development Act of 2007 (33 U.S.C. 2282a(e)) is amended by adding at the end the following:

“(3) DEEP DRAFT NAVIGATION PLANNING CENTER OF EXPERTISE.—

“(A) IN GENERAL.—The Secretary shall consolidate deep draft navigation expertise within the Corps of Engineers into a deep draft navigation planning center of expertise.

“(B) LIST.—Not later than 60 days after the date of the consolidation required under subparagraph (A), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of the grade levels and expertise of each of the personnel assigned to the center described in subparagraph (A).”

#### SEC. 2104. REMOTE AND SUBSISTENCE HARBORS.

Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B) by inserting “or Alaska” after “Hawaii”; and

(B) in paragraph (2)—

(i) by striking “community” and inserting “region”; and

(ii) by inserting “, as determined by the Secretary, including consideration of information provided by the non-Federal interest” after “improvement”; and

(2) by adding at the end the following:

“(c) PRIORITIZATION.—Projects recommended by the Secretary under subsection (a) shall be given equivalent budget consideration and priority as projects recommended solely by national economic development benefits.

“(d) DISPOSITION.—

“(1) IN GENERAL.—The Secretary may carry out any project identified in the study carried

out pursuant to subsection (a) in accordance with the criteria for projects carried out under the authority of the Secretary under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

“(2) NON-FEDERAL INTERESTS.—In evaluating and implementing a project under this section, the Secretary shall allow a non-Federal interest to participate in the financing of a project in accordance with the criteria established for flood control projects under section 903(c) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4184).

“(e) ANNUAL REPORT.—For a project that cannot be carried out under the authority specified in subsection (d), on a determination by the Secretary of the feasibility of the project under subsection (a), the Secretary may include a recommendation concerning the project in the annual report submitted to Congress under section 7001.”

#### SEC. 2105. ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS.

(a) IN GENERAL.—The Secretary may provide technical assistance to non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), for the development, construction, operation, and maintenance of channels, harbors, and related infrastructure associated with deep draft ports for purposes of dealing with Arctic development and security needs.

(b) ACCEPTANCE OF FUNDS.—The Secretary is authorized to accept and expend funds provided by non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), to carry out the technical assistance activities described in subsection (a).

(c) LIMITATION.—No assistance may be provided under this section until after the date on which the entity to which that assistance is to be provided enters into a written agreement with the Secretary that includes such terms and conditions as the Secretary determines to be appropriate and in the public interest.

(d) PRIORITIZATION.—The Secretary shall prioritize technical assistance provided under this section for Arctic deep draft ports identified by the Secretary, the Secretary of Homeland Security, and the Secretary of Defense as important for Arctic development and security.

#### SEC. 2106. ADDITIONAL MEASURES AT DONOR PORTS AND ENERGY TRANSFER PORTS.

(a) DEFINITIONS.—In this section:

(1) CARGO CONTAINER.—The term “cargo container” means a cargo container that is 1 Twenty-foot Equivalent Unit.

(2) DONOR PORT.—The term “donor port” means a port—

(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

(B) at which the total amount of harbor maintenance taxes collected comprise not less than \$15,000,000 annually of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986;

(C) that received less than 25 percent of the total amount of harbor maintenance taxes collected at that port in the previous 5 fiscal years; and

(D) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded on to vessels in fiscal year 2012.

(3) ENERGY COMMODITY.—The term “energy commodity” includes—

(A) petroleum products;

(B) natural gas;

(C) coal;

(D) wind and solar energy components; and

(E) biofuels.

(4) **ENERGY TRANSFER PORT.**—The term “energy transfer port” means a port—

(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulation (or any successor regulation); and

(B)(i) at which energy commodities comprised greater than 25 percent of all commercial activity by tonnage in fiscal year 2012; and

(ii) through which more than 40,000,000 tons of cargo were transported in fiscal year 2012.

(5) **EXPANDED USES.**—The term “expanded uses” has the meaning given the term in section 210(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f)).

(6) **HARBOR MAINTENANCE TAX.**—The term “harbor maintenance tax” has the meaning given the term in section 210(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f)).

(b) **AUTHORITY.**—

(1) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary may provide to donor ports and energy transfer ports amounts in accordance with this section.

(2) **LIMITATIONS.**—Amounts provided under this section—

(A) for energy transfer ports shall be divided equally among all States with an energy transfer port; and

(B) shall be made available to a port as either a donor port or an energy transfer port and no port may receive amounts as both a donor port and an energy transfer port.

(c) **USE OF FUNDS.**—Amounts provided under this section may be used by a donor port or an energy transfer port—

(1) to provide payments to importers entering cargo or shippers transporting cargo through that port, as calculated by U.S. Customs and Border Protection according to the amount of harbor maintenance taxes collected;

(2) for expanded uses; or

(3) for environmental remediation related to dredging berths and Federal navigation channels.

(d) **ADMINISTRATION OF PAYMENTS.**—If a donor port or an energy transfer port elects to provide payments to importers or shippers under subsection (c), the Secretary shall transfer the amount that would otherwise be provided to the port under this section that is equal to those payments to the Commissioner of U.S. Customs and Border Protection to provide the payments to the importers or shippers.

(e) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this section, the Secretary shall assess the impact of the authority provided by this section and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the results of that assessment, including any recommendations for amending or reauthorizing the authority.

(2) **FACTORS.**—In carrying out the assessment under paragraph (1), the Secretary shall assess—

(A) the impact of the amounts provided and used under this section on those ports that received funds under this section; and

(B) any impact on domestic harbors and ports that did not receive funds under this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2015 through 2018.

(2) **DIVISION BETWEEN DONOR PORTS AND ENERGY TRANSFER PORTS.**—For each fiscal year, amounts made available to carry out this section shall be provided in equal amounts to donor ports and energy transfer ports.

(3) **ADDITIONAL APPROPRIATIONS.**—If the target total budget resources under subparagraphs (A) through (D) of section 2101(b)(1) are met for each of fiscal years 2015 through 2018, there is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2019 through 2022.

#### **SEC. 2107. PRESERVING UNITED STATES HARBORS.**

(a) **IN GENERAL.**—Upon a request from a non-Federal interest, the Secretary shall review a report developed by the non-Federal interest that provides an economic justification for Federal investment in the operation and maintenance of a federally authorized harbor or inland harbor (referred to in this section as a “federally authorized harbor”).

(b) **JUSTIFICATION OF INVESTMENT.**—A report submitted under subsection (a) may provide for an economic justification of Federal investment in the operation and maintenance of a federally authorized harbor based on—

(1) the projected economic benefits, including transportation savings and job creation; and

(2) other factors, including navigation safety, national security, and sustainability of subsistence harbors.

(c) **WRITTEN RESPONSE.**—Not later than 180 days after the date on which the Secretary receives a report under subsection (a), the Secretary shall provide to the non-Federal interest a written response to the report, including an assessment of the information provided by the non-Federal interest.

(d) **PRIORITIZATION.**—As the Secretary determines to be appropriate, the Secretary may use the information provided in the report under subsection (a) to justify additional operation and maintenance funding for a federally authorized harbor in accordance with section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)).

(e) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section may be construed to preclude the operation and maintenance of a federally authorized harbor under section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)).

### **TITLE III—SAFETY IMPROVEMENTS AND ADDRESSING EXTREME WEATHER EVENTS**

#### **Subtitle A—Dam Safety**

#### **SEC. 3001. DAM SAFETY.**

(a) **ADMINISTRATOR.**—

(1) **IN GENERAL.**—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking “Director” each place it appears and inserting “Administrator”.

(2) **CONFORMING AMENDMENT.**—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(C) by inserting before paragraph (2) (as redesignated by subparagraph (B)) the following: “(1) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.”.

(b) **INSPECTION OF DAMS.**—Section 3(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467a(b)(1)) is amended by striking “or maintenance” and inserting “maintenance, condition, or provisions for emergency operations”.

(c) **NATIONAL DAM SAFETY PROGRAM.**—

(1) **OBJECTIVES.**—Section 8(c) of the National Dam Safety Program Act (33 U.S.C. 467j(c)) is amended by striking paragraph (4) and inserting the following:

“(4) develop and implement a comprehensive dam safety hazard education and public awareness initiative to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents.”.

(2) **BOARD.**—Section 8(f)(4) of the National Dam Safety Program Act (33 U.S.C. 467j(f)(4)) is amended by inserting “, representatives from nongovernmental organizations,” after “State agencies”.

(d) **PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.**—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended—

(1) by redesignating sections 11, 12, and 13 as sections 12, 13, and 14, respectively; and

(2) by inserting after section 10 (33 U.S.C. 467g–1) the following:

#### **“SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.**

“The Administrator, in consultation with other Federal agencies, State and local governments, dam owners, the emergency management community, the private sector, nongovernmental organizations and associations, institutions of higher education, and any other appropriate entities shall, subject to the availability of appropriations, carry out a nationwide public awareness and outreach initiative to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents.”.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **NATIONAL DAM SAFETY PROGRAM.**—

(A) **ANNUAL AMOUNTS.**—Section 14(a)(1) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking “\$6,500,000” and all that follows through “2011” and inserting “\$9,200,000 for each of fiscal years 2015 through 2019”.

(B) **MAXIMUM AMOUNT OF ALLOCATION.**—Section 14(a)(2)(B) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(2)(B)) (as so redesignated) is amended—

(i) by striking “The amount” and inserting the following:

“(i) **IN GENERAL.**—The amount”; and

(ii) by adding at the end the following:

“(ii) **FISCAL YEAR 2015 AND SUBSEQUENT FISCAL YEARS.**—For fiscal year 2015 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities.”.

(2) **NATIONAL DAM INVENTORY.**—Section 14(b) of the National Dam Safety Program Act (33 U.S.C. 467j(b)) (as so redesignated) is amended by striking “\$650,000” and all that follows through “2011” and inserting “\$500,000 for each of fiscal years 2015 through 2019”.

(3) **PUBLIC AWARENESS.**—Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) (as so redesignated) is amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(B) by inserting after subsection (b) the following:

“(c) **PUBLIC AWARENESS.**—There is authorized to be appropriated to carry out section 11 \$1,000,000 for each of fiscal years 2015 through 2019.”.

(4) **RESEARCH.**—Section 14(d) of the National Dam Safety Program Act (as so redesignated) is amended by striking “\$1,600,000” and all that follows through “2011” and inserting “\$1,450,000 for each of fiscal years 2015 through 2019”.

(5) **DAM SAFETY TRAINING.**—Section 14(e) of the National Dam Safety Program Act (as so redesignated) is amended by striking “\$550,000” and all that follows through “2011” and inserting “\$750,000 for each of fiscal years 2015 through 2019”.

(6) **STAFF.**—Section 14(f) of the National Dam Safety Program Act (as so redesignated) is amended by striking “\$700,000” and all that follows through “2011” and inserting “\$1,000,000 for each of fiscal years 2015 through 2019”.

(f) **TECHNICAL AMENDMENT.**—Section 14 (a)(1) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking “sections 7, 8, and 11” and inserting “sections 7, 8, and 12”.

**Subtitle B—Levee Safety****SEC. 3011. SYSTEMWIDE IMPROVEMENT FRAMEWORK.**

A levee system shall remain eligible for rehabilitation assistance under the authority provided by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n) as long as the levee system sponsor continues to make satisfactory progress, as determined by the Secretary, on an approved systemwide improvement framework or letter of intent.

**SEC. 3012. MANAGEMENT OF FLOOD RISK REDUCTION PROJECTS.**

(a) *IN GENERAL.*—If 2 or more flood control projects are located within the same geographic area, the Secretary shall, at the request of the non-Federal interests for the affected projects, consider those projects as a single program for budgetary or project management purposes, if the Secretary determines that doing so would not be incompatible with the authorized project purposes.

**(b) COST SHARE.**—

(1) *IN GENERAL.*—If any work on a project to which subsection (a) applies is required solely because of impacts to that project from a navigation project, the cost of carrying out that work shall be shared in accordance with the cost-sharing requirements for the navigation project.

(2) *USE OF AMOUNTS.*—Work described in paragraph (1) may be carried out using amounts made available under subsection (a).

**SEC. 3013. VEGETATION MANAGEMENT POLICY.**

(a) *DEFINITION OF GUIDELINES.*—In this section, the term “guidelines” means the Corps of Engineers policy guidelines for management of vegetation on levees, including—

(1) Engineering Technical Letter 1110-2-571 entitled “Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures” and adopted April 10, 2009; and

(2) the draft policy guidance letter entitled “Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls” (77 Fed. Reg. 9637 (Feb. 17, 2012)).

(b) *REVIEW.*—The Secretary shall carry out a comprehensive review of the guidelines in order to determine whether current Federal policy relating to levee vegetation is appropriate for all regions of the United States.

**(c) FACTORS.**—

(1) *IN GENERAL.*—In carrying out the review, the Secretary shall consider—

(A) the varied interests and responsibilities in managing flood risks, including the need—

(i) to provide the greatest benefits for public safety with limited resources; and

(ii) to ensure that levee safety investments minimize environmental impacts and provide corresponding public safety benefits;

(B) the levee safety benefits that can be provided by woody vegetation;

(C) the preservation, protection, and enhancement of natural resources, including—

(i) the benefit of vegetation on levees in providing habitat for species of concern, including endangered, threatened, and candidate species; and

(ii) the impact of removing levee vegetation on compliance with other regulatory requirements;

(D) protecting the rights of Indian tribes pursuant to treaties and statutes;

(E) determining how vegetation impacts the performance of a levee or levee system during a storm or flood event;

(F) the available science and the historical record regarding the link between vegetation on levees and flood risk;

(G) the avoidance of actions requiring significant economic costs and environmental impacts; and

(H) other factors relating to the factors described in subparagraphs (A) through (F) identified in public comments that the Secretary determines to be appropriate.

**(2) VARIANCE CONSIDERATIONS.**—

(A) *IN GENERAL.*—In carrying out the review, the Secretary shall specifically consider factors that promote and allow for consideration of variances from guidelines on a Statewide, tribal, regional, or watershed basis, including variances based on—

(i) regional or watershed soil conditions;

(ii) hydrologic factors;

(iii) vegetation patterns and characteristics;

(iv) environmental resources, including endangered, threatened, or candidate species and related regulatory requirements;

(v) levee performance history, including historical information on original construction and subsequent operation and maintenance activities;

(vi) any effects on water supply;

(vii) any scientific evidence on the link between levee vegetation and levee safety;

(viii) institutional considerations, including implementation challenges and conflicts with or violations of Federal or State environmental laws;

(ix) the availability of limited funds for levee construction and rehabilitation;

(x) the economic and environmental costs of removing woody vegetation on levees; and

(xi) other relevant factors identified in public comments that the Secretary determines to be appropriate.

(B) *SCOPE.*—The scope of a variance approved by the Secretary may include a complete exemption to guidelines, if appropriate.

**(d) COOPERATION AND CONSULTATION; RECOMMENDATIONS.**—

(1) *IN GENERAL.*—The Secretary shall carry out the review under this section in consultation with other applicable Federal agencies, representatives of State, regional, local, and tribal governments, appropriate nongovernmental organizations, and the public.

**(2) RECOMMENDATIONS.**—

(A) *REGIONAL INTEGRATION TEAMS.*—Corps of Engineers Regional Integration Teams, representing districts, divisions, and headquarters, in consultation with State and Federal resource agencies, and with participation by local agencies, shall submit to the Secretary any recommendations for vegetation management policies for levees that conform with Federal and State laws and other applicable requirements, including recommendations relating to the review of guidelines under subsection (b) and the consideration of variances under subsection (c)(2).

(B) *STATE, TRIBAL, REGIONAL, AND LOCAL ENTITIES.*—The Secretary shall consider and accept recommendations from any State, tribal, regional, or local entity for vegetation management policies for levees that conform with Federal and State laws and other applicable requirements, including recommendations relating to the review of guidelines under subsection (b) and the consideration of variances under subsection (c)(2).

**(e) INDEPENDENT CONSULTATION.**—

(1) *IN GENERAL.*—As part of the review, the Secretary shall solicit and consider the views of independent experts on the engineering, environmental, and institutional considerations underlying the guidelines, including the factors described in subsection (c) and any information obtained by the Secretary under subsection (d).

(2) *AVAILABILITY OF VIEWS.*—The views of the independent experts obtained under paragraph (1) shall be—

(A) made available to the public; and

(B) included in supporting materials issued in connection with the revised guidelines required under subsection (f).

**(f) REVISION OF GUIDELINES.**—

(1) *IN GENERAL.*—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(A) revise the guidelines based on the results of the review, including—

(i) recommendations received as part of the consultation described in subsection (d)(1); and

(ii) the views received under subsection (e);

(B) provide the public not less than 30 days to review and comment on draft guidelines before issuing final guidelines; and

(C) submit to Congress and make publicly available a report that contains a summary of the activities of the Secretary and a description of the findings of the Secretary under this section.

(2) *CONTENT; INCORPORATION INTO MANUAL.*—The revised guidelines shall—

(A) provide a practical, flexible process for approving Statewide, tribal, regional, or watershed variances from the guidelines that—

(i) reflect due consideration of the factors described in subsection (c); and

(ii) incorporate State, tribal, and regional vegetation management guidelines for specific areas that—

(I) are consistent with the guidelines; and

(II) have been adopted through a formal public process; and

(B) be incorporated into the manual proposed under section 5(c) of the Act of August 18, 1941 (33 U.S.C. 701n(c)).

(3) *FAILURE TO MEET DEADLINES.*—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of—

(A) why the deadline was missed;

(B) solutions needed to meet the deadline; and

(C) a projected date for submission of the report.

**(g) INTERIM ACTIONS.**—

(1) *IN GENERAL.*—Until the date on which revisions to the guidelines are adopted in accordance with subsection (f), the Secretary shall not require the removal of existing vegetation as a condition or requirement for any approval or funding of a project, or any other action, unless the specific vegetation has been demonstrated to present an unacceptable safety risk.

(2) *REVISIONS.*—Beginning on the date on which the revisions to the guidelines are adopted in accordance with subsection (f), the Secretary shall reconsider, on request of an affected entity, any previous action of the Corps of Engineers in which the outcome was affected by the former guidelines.

**SEC. 3014. LEVEE CERTIFICATIONS.**

(a) *IMPLEMENTATION OF FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.*—In carrying out section 100226 of Public Law 112-141 (42 U.S.C. 4101 note; 126 Stat. 942), the Secretary shall—

(1) ensure that at least 1 program activity carried out under the inspection of completed works program of the Corps of Engineers provides adequate information to the Secretary to reach a levee accreditation decision under section 65.10 of title 44, Code of Federal Regulations (or successor regulation); and

(2) to the maximum extent practicable, carry out activities under the inspection of completed works program of the Corps of Engineers in alignment with the schedule established for the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(b) *ACCELERATED LEVEE SYSTEM EVALUATIONS.*—

(1) *IN GENERAL.*—On receipt of a request from a non-Federal interest, the Secretary may carry

out a levee system evaluation of a federally authorized levee for purposes of the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) if the evaluation will be carried out earlier than such an evaluation would be carried out under subsection (a).

(2) **REQUIREMENTS.**—A levee system evaluation under paragraph (1) shall—

(A) at a minimum, comply with section 65.10 of title 44, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(B) be carried out in accordance with such procedures as the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, may establish.

(3) **FUNDING.**—

(A) **IN GENERAL.**—The Secretary may use amounts made available under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) to carry out this subsection.

(B) **COST SHARE.**—The Secretary shall apply the cost share under section 22(b) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16(b)) to any activities carried out under this subsection.

#### **SEC. 3015. PLANNING ASSISTANCE TO STATES.**

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “or other non-Federal interest working with a State” after “cooperate with any State”; and

(ii) by inserting “, including plans to comprehensively address water resources challenges,” after “of such State”; and

(B) in paragraph (2)(A), by striking “, at Federal expense.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “subsection (a)(1)” each place it appears and inserting “subsection (a)”; and

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

“(2) **CONTRIBUTED FUNDS.**—The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal interest for assistance under this section.”; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “\$10,000,000” and inserting “\$30,000,000”; and

(ii) by striking “\$2,000,000” and inserting “\$5,000,000 in Federal funds”; and

(B) in paragraph (2), by striking “\$5,000,000” and inserting “\$15,000,000”.

#### **SEC. 3016. LEVEE SAFETY.**

(a) **PURPOSES.**—Section 9001 of the Water Resources Development Act of 2007 (33 U.S.C. 3301 note) is amended—

(1) in the section heading, by inserting “; **PURPOSES**” after “**TITLE**”; and

(2) by striking “This title” and inserting the following:

“(a) **SHORT TITLE.**—This title”; and

(3) by adding at the end the following:

“(b) **PURPOSES.**—The purposes of this title are—

“(1) to ensure that human lives and property that are protected by new and existing levees are safe;

“(2) to encourage the use of appropriate engineering policies, procedures, and technical practices for levee site investigation, design, construction, operation and maintenance, inspection, assessment, and emergency preparedness;

“(3) to develop and support public education and awareness projects to increase public acceptance and support of levee safety programs and provide information;

“(4) to build public awareness of the residual risks associated with living in levee protected areas;

“(5) to develop technical assistance materials, seminars, and guidelines to improve the security of levees of the United States; and

“(6) to encourage the establishment of effective State and tribal levee safety programs.”.

(b) **DEFINITIONS.**—Section 9002 of the Water Resources Development Act of 2007 (33 U.S.C. 3301) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), and (6), as paragraphs (3), (6), (7), (14), (15), and (16), respectively;

(2) by inserting before paragraph (3) (as redesignated by paragraph (1)) the following:

“(1) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.

“(2) **CANAL STRUCTURE.**—

“(A) **IN GENERAL.**—The term ‘canal structure’ means an embankment, wall, or structure along a canal or manmade watercourse that—

“(i) constrains water flows;

“(ii) is subject to frequent water loading; and

“(iii) is an integral part of a flood risk reduction system that protects the leveed area from flood waters associated with hurricanes, precipitation events, seasonal high water, and other weather-related events.

“(B) **EXCLUSION.**—The term ‘canal structure’ does not include a barrier across a watercourse.”;

(3) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

“(4) **FLOODPLAIN MANAGEMENT.**—The term ‘floodplain management’ means the operation of a community program of corrective and preventative measures for reducing flood damage.

“(5) **INDIAN TRIBE.**—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).”; and

(4) by striking paragraph (7) (as redesignated by paragraph (1)) and inserting the following:

“(7) **LEVEE.**—

“(A) **IN GENERAL.**—The term ‘levee’ means a manmade barrier (such as an embankment, floodwall, or other structure)—

“(i) the primary purpose of which is to provide hurricane, storm, or flood protection relating to seasonal high water, storm surges, precipitation, or other weather events; and

“(ii) that is normally subject to water loading for only a few days or weeks during a calendar year.

“(B) **INCLUSIONS.**—The term ‘levee’ includes a levee system, including—

“(i) levees and canal structures that—

“(I) constrain water flows;

“(II) are subject to more frequent water loading; and

“(III) do not constitute a barrier across a watercourse; and

“(ii) roadway and railroad embankments, but only to the extent that the embankments are integral to the performance of a flood damage reduction system.

“(C) **EXCLUSIONS.**—The term ‘levee’ does not include—

“(i) a roadway or railroad embankment that is not integral to the performance of a flood damage reduction system;

“(ii) a canal constructed completely within natural ground without any manmade structure (such as an embankment or retaining wall to retain water or a case in which water is retained only by natural ground);

“(iii) a canal regulated by a Federal or State agency in a manner that ensures that applicable Federal safety criteria are met;

“(iv) a levee or canal structure—

“(I) that is not a part of a Federal flood damage reduction system;

“(II) that is not recognized under the National Flood Insurance Program as providing protection from the 1-percent-annual-chance or greater flood;

“(III) that is not greater than 3 feet high;

“(IV) the population in the leveed area of which is less than 50 individuals; and

“(V) the leveed area of which is less than 1,000 acres; or

“(v) any shoreline protection or river bank protection system (such as revetments or barrier islands).

“(8) **LEVEE FEATURE.**—The term ‘levee feature’ means a structure that is critical to the functioning of a levee, including—

“(A) an embankment section;

“(B) a floodwall section;

“(C) a closure structure;

“(D) a pumping station;

“(E) an interior drainage work; and

“(F) a flood damage reduction channel.

“(9) **LEVEE SYSTEM.**—The term ‘levee system’ means 1 or more levee segments, including all levee features that are interconnected and necessary to ensure protection of the associated leveed areas—

“(A) that collectively provide flood damage reduction to a defined area; and

“(B) the failure of 1 of which may result in the failure of the entire system.

“(10) **NATIONAL LEVEE DATABASE.**—The term ‘national levee database’ means the levee database established under section 9004.

“(11) **PARTICIPATING PROGRAM.**—The term ‘participating program’ means a levee safety program developed by a State or Indian tribe that includes the minimum components necessary for recognition by the Secretary.

“(12) **REHABILITATION.**—The term ‘rehabilitation’ means the repair, replacement, reconstruction, removal of a levee, or reconfiguration of a levee system, including a setback levee, that is carried out to reduce flood risk or meet national levee safety guidelines.

“(13) **RISK.**—The term ‘risk’ means a measure of the probability and severity of undesirable consequences.”.

(c) **COMMITTEE ON LEVEE SAFETY.**—Section 9003 of the Water Resources Development Act of 2007 (33 U.S.C. 3302) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) **NONVOTING MEMBERS.**—The following 2 nonvoting members:

“(A) The Secretary (or a designee of the Secretary).

“(B) The Administrator (or a designee of the Administrator).”;

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as redesignated by subparagraph (B)) by inserting “voting” after “14”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by striking subsections (c) through (f) and inserting the following:

“(c) **ADMINISTRATION.**—

“(1) **TERMS OF VOTING MEMBERS.**—

“(A) **IN GENERAL.**—A voting member of the committee shall be appointed for a term of 3 years, except that, of the members first appointed—

“(i) 5 shall be appointed for a term of 1 year;

“(ii) 5 shall be appointed for a term of 2 years; and

“(iii) 4 shall be appointed for a term of 3 years.

“(B) **REAPPOINTMENT.**—A voting member of the committee may be reappointed to the committee, as the Secretary determines to be appropriate.

“(C) **VACANCIES.**—A vacancy on the committee shall be filled in the same manner as the original appointment was made.

“(2) CHAIRPERSON.—

“(A) IN GENERAL.—The voting members of the committee shall appoint a chairperson from among the voting members of the committee.

“(B) TERM.—The chairperson shall serve a term of not more than 2 years.

“(d) STANDING COMMITTEES.—

“(1) IN GENERAL.—The committee may establish standing committees comprised of volunteers from all levels of government and the private sector, to advise the committee regarding specific levee safety issues, including participating programs, technical issues, public education and awareness, and safety and the environment.

“(2) MEMBERSHIP.—The committee shall recommend to the Secretary for approval individuals for membership on the standing committees.

“(e) DUTIES AND POWERS.—The committee—

“(1) shall submit to the Secretary and Congress an annual report regarding the effectiveness of the levee safety initiative in accordance with section 9006; and

“(2) may secure from other Federal agencies such services, and enter into such contracts, as the committee determines to be necessary to carry out this subsection.

“(f) TASK FORCE COORDINATION.—The committee shall, to the maximum extent practicable, coordinate the activities of the committee with the Federal Interagency Floodplain Management Task Force.

“(g) COMPENSATION.—

“(1) FEDERAL EMPLOYEES.—Each member of the committee who is an officer or employee of the United States—

“(A) shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States; but

“(B) shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.

“(2) NON-FEDERAL EMPLOYEES.—To the extent amounts are made available to carry out this section in appropriations Acts, the Secretary shall provide to each member of the committee who is not an officer or employee of the United States a stipend and a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the committee.

“(3) STANDING COMMITTEE MEMBERS.—Each member of a standing committee shall serve in a voluntary capacity.”

(d) INVENTORY OF LEVEES.—Section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303) is amended—

(1) in subsection (a)(2)(A) by striking “and, for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies” and inserting “and updated levee information provided by States, Indian tribes, Federal agencies, and other entities”; and

(2) by adding at the end the following:

“(c) LEVEE REVIEW.—

“(1) IN GENERAL.—The Secretary shall carry out a one-time inventory and review of all levees identified in the national levee database.

“(2) NO FEDERAL INTEREST.—The inventory and inspection under paragraph (1) does not create a Federal interest in the construction, operation, or maintenance of any levee that is included in the inventory or inspected under this subsection.

“(3) REVIEW CRITERIA.—In carrying out the inventory and review, the Secretary shall use

the levee safety action classification criteria to determine whether a levee should be classified in the inventory as requiring a more comprehensive inspection.

“(4) STATE AND TRIBAL PARTICIPATION.—At the request of a State or Indian tribe with respect to any levee subject to review under this subsection, the Secretary shall—

“(A) allow an official of the State or Indian tribe to participate in the review of the levee; and

“(B) provide information to the State or Indian tribe relating to the location, construction, operation, or maintenance of the levee.

“(5) EXCEPTIONS.—In carrying out the inventory and review under this subsection, the Secretary shall not be required to review any levee that has been inspected by a State or Indian tribe using the same methodology described in paragraph (3) during the 1-year period immediately preceding the date of enactment of this subsection if the Governor of the State or chief executive of the tribal government, as applicable, requests an exemption from the review.”

(e) LEVEE SAFETY INITIATIVE.—

(1) IN GENERAL.—Sections 9005 and 9006 of the Water Resources Development Act of 2007 (33 U.S.C. 3304, 3305) are redesignated as sections 9007 and 9008, respectively.

(2) LEVEE SAFETY INITIATIVE.—Title IX of the Water Resources Development Act of 2007 (33 U.S.C. 3301 et seq.) is amended by inserting after section 9004 the following:

“SEC. 9005. LEVEE SAFETY INITIATIVE.

“(a) ESTABLISHMENT.—The Secretary, in consultation with the Administrator, shall carry out a levee safety initiative.

“(b) MANAGEMENT.—The Secretary shall appoint—

“(1) an administrator of the levee safety initiative; and

“(2) such staff as are necessary to implement the initiative.

“(c) LEVEE SAFETY GUIDELINES.—

“(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in consultation with the Administrator and in coordination with State, local, and tribal governments and organizations with expertise in levee safety, shall establish a set of voluntary, comprehensive, national levee safety guidelines that—

“(A) are available for common, uniform use by all Federal, State, tribal, and local agencies;

“(B) incorporate policies, procedures, standards, and criteria for a range of levee types, canal structures, and related facilities and features; and

“(C) provide for adaptation to local, regional, or watershed conditions.

“(2) REQUIREMENT.—The policies, procedures, standards, and criteria under paragraph (1)(B) shall be developed taking into consideration the levee hazard potential classification system established under subsection (d).

“(3) INCORPORATION.—The guidelines shall address, to the maximum extent practicable—

“(A) the activities and practices carried out by State, local, and tribal governments, and the private sector to safely build, regulate, operate, and maintain levees; and

“(B) Federal activities that facilitate State efforts to develop and implement effective State programs for the safety of levees, including levee inspection, levee rehabilitation, locally developed floodplain management, and public education and training programs.

“(4) CONSIDERATION BY FEDERAL AGENCIES.—To the maximum extent practicable, all Federal agencies shall consider the levee safety guidelines in carrying out activities relating to the management of levees.

“(5) PUBLIC COMMENT.—Prior to finalizing the guidelines under this subsection, the Secretary shall—

“(A) issue draft guidelines for public comment, including comment by States, non-Federal interests, and other appropriate stakeholders; and

“(B) consider any comments received in the development of final guidelines.

“(d) HAZARD POTENTIAL CLASSIFICATION SYSTEM.—

“(1) ESTABLISHMENT.—The Secretary shall establish a hazard potential classification system for use under the levee safety initiative and participating programs.

“(2) REVISION.—The Secretary shall review and, as necessary, revise the hazard potential classification system not less frequently than once every 5 years.

“(3) CONSISTENCY.—The hazard potential classification system established pursuant to this subsection shall be consistent with and incorporated into the levee safety action classification tool developed by the Corps of Engineers.

“(e) TECHNICAL ASSISTANCE AND MATERIALS.—

“(1) ESTABLISHMENT.—The Secretary, in consultation with the Administrator, shall provide technical assistance and training to promote levee safety and assist States, communities, and levee owners in—

“(A) developing levee safety programs;

“(B) identifying and reducing flood risks associated with levees;

“(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and

“(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.

“(2) ELIGIBILITY.—To be eligible to receive technical assistance under this subsection, a State shall—

“(A) be in the process of establishing or have in effect a State levee safety program under which a State levee safety agency, in accordance with State law, carries out the guidelines established under subsection (c)(1); and

“(B) allocate sufficient funds in the budget of that State to carry out that State levee safety program.

“(3) WORK PLANS.—The Secretary shall enter into an agreement with each State receiving technical assistance under this subsection to develop a work plan necessary for the State levee safety program of that State to reach a level of program performance that meets the guidelines established under subsection (c)(1).

“(f) PUBLIC EDUCATION AND AWARENESS.—

“(1) IN GENERAL.—The Secretary, in coordination with the Administrator, shall carry out public education and awareness efforts relating to the levee safety initiative.

“(2) CONTENTS.—In carrying out the efforts under paragraph (1), the Secretary and the Administrator shall—

“(A) educate individuals living in leveed areas regarding the risks of living in those areas; and

“(B) promote consistency in the transmission of information regarding levees among Federal agencies and regarding risk communication at the State and local levels.

“(g) STATE AND TRIBAL LEVEE SAFETY PROGRAM.—

“(1) GUIDELINES.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, in consultation with the Administrator, the Secretary shall issue guidelines that establish the minimum components necessary for recognition of a State or tribal levee safety program as a participating program.

“(B) GUIDELINE CONTENTS.—The guidelines under subparagraph (A) shall include provisions and procedures requiring each participating State and Indian tribe to certify to the Secretary that the State or Indian tribe, as applicable—

“(i) has the authority to participate in the levee safety initiative;

“(ii) can receive funds under this title;

“(iii) has adopted any levee safety guidelines developed under this title;

“(iv) will carry out levee inspections;

“(v) will carry out, consistent with applicable requirements, flood risk management and any emergency action planning procedures the Secretary determines to be necessary relating to levees;

“(vi) will carry out public education and awareness activities consistent with the efforts carried out under subsection (f); and

“(vii) will collect and share information regarding the location and condition of levees, including for inclusion in the national levee database.

“(C) PUBLIC COMMENT.—Prior to finalizing the guidelines under this paragraph, the Secretary shall—

“(i) issue draft guidelines for public comment; and

“(ii) consider any comments received in the development of final guidelines.

“(2) ASSISTANCE TO STATES.—

“(A) ESTABLISHMENT.—The Administrator may provide assistance, subject to the availability of funding specified in appropriations Acts for Federal Emergency Management Agency activities pursuant to this title and subject to amounts available under subparagraph (E), to States and Indian tribes in establishing participating programs, conducting levee inventories, and improving levee safety programs in accordance with subparagraph (B).

“(B) REQUIREMENTS.—To be eligible to receive assistance under this section, a State or Indian tribe shall—

“(i) meet the requirements of a participating program established by the guidelines issued under paragraph (1);

“(ii) use not less than 25 percent of any amounts received to identify and assess non-Federal levees within the State or on land of the Indian tribe;

“(iii) submit to the Secretary and Administrator any information collected by the State or Indian tribe in carrying out this subsection for inclusion in the national levee safety database; and

“(iv) identify actions to address hazard mitigation activities associated with levees and leveed areas identified in the hazard mitigation plan of the State approved by the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(C) MEASURES TO ASSESS EFFECTIVENESS.—

“(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall implement quantifiable performance measures and metrics to assess the effectiveness of the assistance provided in accordance with subparagraph (A).

“(ii) CONSIDERATIONS.—In assessing the effectiveness of assistance under clause (i), the Administrator shall consider the degree to which the State or tribal program—

“(I) ensures that human lives and property that are protected by new and existing levees are safe;

“(II) encourages the use of appropriate engineering policies, procedures, and technical practices for levee site investigation, design, construction, operation and maintenance, inspection, assessment, and emergency preparedness;

“(III) develops and supports public education and awareness projects to increase public acceptance and support of levee safety programs and provide information;

“(IV) builds public awareness of the residual risks associated with living in levee protected areas; and

“(V) develops technical assistance materials, seminars, and guidelines to improve the security of levees of the United States.

“(D) MAINTENANCE OF EFFORT.—Technical assistance or grants may not be provided to a State under this subsection during a fiscal year unless the State enters into an agreement with the Administrator to ensure that the State will maintain during that fiscal year aggregate expenditures for programs to ensure levee safety that equal or exceed the average annual level of such expenditures for the State for the 2 fiscal years preceding that fiscal year.

“(E) AUTHORIZATION OF APPROPRIATIONS.—

“(i) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this subsection \$25,000,000 for each of fiscal years 2015 through 2019.

“(ii) ALLOCATION.—For each fiscal year, amounts made available under this subparagraph shall be allocated among the States and Indian tribes as follows:

“(I)  $\frac{1}{5}$  among States and Indian tribes that qualify for assistance under this subsection.

“(II)  $\frac{2}{3}$  among States and Indian tribes that qualify for assistance under this subsection, to each such State or Indian tribe in the proportion that—

“(aa) the miles of levees in the State or on the land of the Indian tribe that are listed on the inventory of levees; bears to

“(bb) the miles of levees in all States and on the land of all Indian tribes that are in the national levee database.

“(iii) MAXIMUM AMOUNT OF ALLOCATION.—The amounts allocated to a State or Indian tribe under this subparagraph shall not exceed 50 percent of the reasonable cost of implementing the State or tribal levee safety program.

“(F) PROHIBITION.—No amounts made available to the Administrator under this title shall be used for levee construction, rehabilitation, repair, operations, or maintenance.

“(h) LEEVE REHABILITATION ASSISTANCE PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall provide assistance to States, Indian tribes, and local governments relating to addressing flood mitigation activities that result in an overall reduction in flood risk.

“(2) REQUIREMENTS.—To be eligible to receive assistance under this subsection, a State, Indian tribe, or local government shall—

“(A) participate in, and comply with, all applicable Federal floodplain management and flood insurance programs;

“(B) have in place a hazard mitigation plan that—

“(i) includes all levee risks; and

“(ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106-390; 114 Stat. 1552);

“(C) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

“(D) commit to provide normal operation and maintenance of the project for the 50 year-period following completion of rehabilitation; and

“(E) comply with such minimum eligibility requirements as the Secretary, in consultation with the committee, may establish to ensure that each owner and operator of a levee under a participating State or tribal levee safety program—

“(i) acts in accordance with the guidelines developed under subsection (c); and

“(ii) carries out activities relating to the public in the leveed area in accordance with the hazard mitigation plan described in subparagraph (B).

“(3) FLOODPLAIN MANAGEMENT PLANS.—

“(A) IN GENERAL.—Not later than 1 year after the date of execution of a project agreement for assistance under this subsection, a State, Indian tribe, or local government shall prepare a floodplain management plan in accordance with the

guidelines under subparagraph (D) to reduce the impacts of future flood events in each applicable leveed area.

“(B) INCLUSIONS.—A plan under subparagraph (A) shall address—

“(i) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in each applicable leveed area;

“(ii) plans for flood fighting and evacuation; and

“(iii) public education and awareness of flood risks.

“(C) IMPLEMENTATION.—Not later than 1 year after the date of completion of construction of the applicable project, a floodplain management plan prepared under subparagraph (A) shall be implemented.

“(D) GUIDELINES.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Administrator, shall develop such guidelines for the preparation of floodplain management plans prepared under this paragraph as the Secretary determines to be appropriate.

“(E) TECHNICAL SUPPORT.—The Secretary may provide technical support for the development and implementation of floodplain management plans prepared under this paragraph.

“(4) USE OF FUNDS.—

“(A) IN GENERAL.—Assistance provided under this subsection may be used—

“(i) for any rehabilitation activity to maximize overall risk reduction associated with a levee under a participating State or tribal levee safety program; and

“(ii) only for a levee that is not federally operated and maintained.

“(B) PROHIBITION.—Assistance provided under this subsection shall not be used—

“(i) to perform routine operation or maintenance for a levee; or

“(ii) to make any modification to a levee that does not result in an improvement to public safety.

“(5) NO PROPRIETARY INTEREST.—A contract for assistance provided under this subsection shall not be considered to confer any proprietary interest on the United States.

“(6) COST SHARE.—The maximum Federal share of the cost of any assistance provided under this subsection shall be 65 percent.

“(7) PROJECT LIMIT.—The maximum amount of Federal assistance for a project under this subsection shall be \$10,000,000.

“(8) LIMITATION.—A project shall not receive Federal assistance under this subsection more than 1 time.

“(9) FEDERAL INTEREST.—For a project that is not a project eligible for rehabilitation assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), the Secretary shall determine that the proposed rehabilitation is in the Federal interest prior to providing assistance for such rehabilitation.

“(10) OTHER LAWS.—Assistance provided under this subsection shall be subject to all applicable laws (including regulations) that apply to the construction of a civil works project of the Corps of Engineers.

“(i) EFFECT OF SECTION.—Nothing in this section—

“(1) affects the requirement under section 100226(b)(2) of Public Law 112-141 (42 U.S.C. 4101 note; 126 Stat. 942); or

“(2) confers any regulatory authority on—

“(A) the Secretary; or

“(B) the Administrator, including for the purpose of setting premium rates under the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

“SEC. 9006. REPORTS.

“(a) STATE OF LEEVES.—



“(1) *IN GENERAL*.—Not later than 1 year after the date of enactment of this subsection, and biennially thereafter, the Secretary in coordination with the committee, shall submit to Congress and make publicly available a report describing the state of levees in the United States and the effectiveness of the levee safety initiative, including—

“(A) progress achieved in implementing the levee safety initiative;

“(B) State and tribal participation in the levee safety initiative;

“(C) recommendations to improve coordination of levee safety, floodplain management, and environmental protection concerns, including—

“(i) identifying and evaluating opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees; and

“(ii) evaluating opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and

“(D) any recommendations for legislation and other congressional actions necessary to ensure national levee safety.

“(2) *INCLUSION*.—Each report under paragraph (1) shall include a report of the committee that describes the independent recommendations of the committee for the implementation of the levee safety initiative.

“(b) *NATIONAL DAM AND LEVEE SAFETY PROGRAM*.—Not later than 3 years after the date of enactment of this subsection, to the maximum extent practicable, the Secretary and the Administrator, in coordination with the committee, shall submit to Congress and make publicly available a report that includes recommendations regarding the advisability and feasibility of, and potential approaches for, establishing a joint national dam and levee safety program.

“(c) *ALIGNMENT OF FEDERAL PROGRAMS RELATING TO LEVEES*.—Not later than 2 years after the date of enactment of this subsection, the Comptroller General of the United States shall submit to Congress a report on opportunities for alignment of Federal programs to provide incentives to State, tribal, and local governments and individuals and entities—

“(1) to promote shared responsibility for levee safety;

“(2) to encourage the development of strong State and tribal levee safety programs;

“(3) to better align the levee safety initiative with other Federal flood risk management programs; and

“(4) to promote increased levee safety through other Federal programs providing assistance to State and local governments.

“(d) *LIABILITY FOR CERTAIN LEVEE ENGINEERING PROJECTS*.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to Congress and make publicly available a report that includes recommendations that identify and address any legal liability associated with levee engineering projects that prevent—

“(1) levee owners from obtaining needed levee engineering services; or

“(2) development and implementation of a State or tribal levee safety program.”

(f) *AUTHORIZATION OF APPROPRIATIONS*.—Section 9008 of the Water Resources Development Act of 2007 (as redesignated by subsection (e)(1)) is amended—

(1) by striking “are” and inserting “is”; and

(2) by striking “Secretary” and all that follows through the period at the end and insert the following:

“Secretary—

“(1) to carry out sections 9003, 9005(c), 9005(d), 9005(e), and 9005(f), \$4,000,000 for each of fiscal years 2015 through 2019;

“(2) to carry out section 9004, \$20,000,000 for each of fiscal years 2015 through 2019; and

“(3) to carry out section 9005(h), \$30,000,000 for each of fiscal years 2015 through 2019.”

#### **SEC. 3017. REHABILITATION OF EXISTING LEVEES.**

(a) *IN GENERAL*.—The Secretary shall carry out measures that address consolidation, settlement, subsidence, sea level rise, and new datum to restore federally authorized hurricane and storm damage reduction projects that were constructed as of the date of enactment of this Act to the authorized levels of protection of the projects if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified.

(b) *LIMITATION*.—This section shall only apply to those projects for which the executed project partnership agreement provides that the non-Federal interest is not required to perform future measures to restore the project to the authorized level of protection of the project to account for subsidence and sea-level rise as part of the operation, maintenance, repair, replacement, and rehabilitation responsibilities.

(c) *COST SHARE*.—

(1) *IN GENERAL*.—The non-Federal share of the cost of construction of a project carried out under this section shall be determined as provided in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(2) *CERTAIN ACTIVITIES*.—The non-Federal share of the cost of operations, maintenance, repair, replacement, and rehabilitation for a project carried out under this section shall be 100 percent.

(d) *REPORT TO CONGRESS*.—Not later than 5 years after the date of enactment of this Act, the Secretary shall include in the annual report developed under section 7001—

(1) any recommendations relating to the continued need for the authority provided under this section;

(2) a description of the measures carried out under this section;

(3) any lessons learned relating to the measures implemented under this section; and

(4) best practices for carrying out measures to restore hurricane and storm damage reduction projects.

(e) *TERMINATION OF AUTHORITY*.—The authority of the Secretary under this subsection terminates on the date that is 10 years after the date of enactment of this Act.

#### **Subtitle C—Additional Safety Improvements and Risk Reduction Measures**

##### **SEC. 3021. USE OF INNOVATIVE MATERIALS.**

Section 8(d) of the Water Resources Development Act of 1988 (33 U.S.C. 2314) is amended by striking “materials” and all that follows through the period at the end and inserting “methods, or materials, including roller compacted concrete, geosynthetic materials, and advanced composites, that the Secretary determines are appropriate to carry out this section.”

##### **SEC. 3022. DURABILITY, SUSTAINABILITY, AND RESILIENCE.**

In carrying out the activities of the Corps of Engineers, the Secretary, to the maximum extent practicable, shall encourage the use of durable and sustainable materials and resilient construction techniques that—

(1) allow a water resources infrastructure project—

(A) to resist hazards due to a major disaster; and

(B) to continue to serve the primary function of the water resources infrastructure project following a major disaster;

(2) reduce the magnitude or duration of a disruptive event to a water resources infrastructure project; and

(3) have the absorptive capacity, adaptive capacity, and recoverability to withstand a potentially disruptive event.

##### **SEC. 3023. STUDY ON RISK REDUCTION.**

(a) *IN GENERAL*.—Not later than 18 months after the date of enactment of this Act, the Secretary, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall enter into an arrangement with the National Academy of Sciences to carry out a study and make recommendations relating to infrastructure and coastal restoration options for reducing risk to human life and property from extreme weather events, such as hurricanes, coastal storms, and inland flooding.

(b) *CONSIDERATIONS*.—The study under subsection (a) shall include—

(1) an analysis of strategies and water resources projects, including authorized water resources projects that have not yet been constructed, and other projects implemented in the United States and worldwide to respond to risk associated with extreme weather events;

(2) an analysis of—

(A) historical extreme weather events;

(B) the ability of existing infrastructure to mitigate risks associated with extreme weather events; and

(C) the reduction in long-term costs and vulnerability to infrastructure through the use of resilient construction techniques;

(3) identification of proven, science-based approaches and mechanisms for ecosystem protection and identification of natural resources likely to have the greatest need for protection, restoration, and conservation so that the infrastructure and restoration projects can continue safeguarding the communities in, and sustaining the economy of, the United States;

(4) an estimation of the funding necessary to improve infrastructure in the United States to reduce risk associated with extreme weather events;

(5) an analysis of the adequacy of current funding sources and the identification of potential new funding sources to finance the necessary infrastructure improvements referred to in paragraph (3); and

(6) an analysis of the Federal, State, and local costs of natural disasters and the potential cost-savings associated with implementing mitigation measures.

(c) *COORDINATION*.—The National Academy of Sciences may cooperate with the National Academy of Public Administration to carry out 1 or more aspects of the study under subsection (a).

(d) *PUBLICATION*.—Not later than 30 days after completion of the study under subsection (a), the National Academy of Sciences shall—

(1) submit a copy of the study to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) make a copy of the study available on a publicly accessible Internet site.

##### **SEC. 3024. MANAGEMENT OF FLOOD, DROUGHT, AND STORM DAMAGE.**

(a) *IN GENERAL*.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a study of the strategies used by the Corps of Engineers for the comprehensive management of water resources in response to floods, storms, and droughts, including an historical review of the ability of the Corps of Engineers to manage and respond to historical drought, storm, and flood events.

(b) *CONSIDERATIONS*.—The study under subsection (a) shall address—

(1) the extent to which existing water management activities of the Corps of Engineers can



better meet the goal of addressing future flooding, drought, and storm damage risks, which shall include analysis of all historical extreme weather events that have been recorded during the previous 5 centuries as well as in the geological record;

(2) whether existing water resources projects built or maintained by the Corps of Engineers, including dams, levees, floodwalls, flood gates, and other appurtenant infrastructure were designed to adequately address flood, storm, and drought impacts and the extent to which the water resources projects have been successful at addressing those impacts;

(3) any recommendations for approaches for repairing, rebuilding, or restoring infrastructure, land, and natural resources that consider the risks and vulnerabilities associated with past and future extreme weather events;

(4) whether a reevaluation of existing management approaches of the Corps of Engineers could result in greater efficiencies in water management and project delivery that would enable the Corps of Engineers to better prepare for, contain, and respond to flood, storm, and drought conditions;

(5) any recommendations for improving the planning processes of the Corps of Engineers to provide opportunities for comprehensive management of water resources that increases efficiency and improves response to flood, storm, and drought conditions;

(6) any recommendations on the use of resilient construction techniques to reduce future vulnerability from flood, storm, and drought conditions; and

(7) any recommendations for improving approaches to rebuilding or restoring infrastructure and natural resources that contribute to risk reduction, such as coastal wetlands, to prepare for flood and drought.

#### SEC. 3025. POST-DISASTER WATERSHED ASSESSMENTS.

##### (a) WATERSHED ASSESSMENTS.—

(1) IN GENERAL.—In an area that the President has declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may carry out a watershed assessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and storm damage reduction, ecosystem restoration, or navigation project recommendations that will help to rehabilitate and improve the resiliency of damaged infrastructure and natural resources to reduce risks to human life and property from future natural disasters.

(2) EXISTING PROJECTS.—A watershed assessment carried out paragraph (1) may identify existing projects being carried out under 1 or more of the authorities referred to in subsection (b)(1).

(3) DUPLICATE WATERSHED ASSESSMENTS.—In carrying out a watershed assessment under paragraph (1), the Secretary shall use all existing watershed assessments and related information developed by the Secretary or other Federal, State, or local entities.

##### (b) PROJECTS.—

(1) IN GENERAL.—The Secretary may carry out projects identified under a watershed assessment under subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(A) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(B) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(C) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(D) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(E) Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(F) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

(2) ANNUAL PLAN.—For each project that does not meet the criteria under paragraph (1), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 7001.

(3) EXISTING PROJECTS.—In carrying out a project under paragraph (1), the Secretary shall—

(A) to the maximum extent practicable, use all existing information and studies available for the project; and

(B) not require any element of a study completed for the project prior to the disaster to be repeated.

(c) REQUIREMENTS.—All requirements applicable to a project under the Acts described in subsection (b) shall apply to the project.

(d) LIMITATIONS ON ASSESSMENTS.—A watershed assessment under subsection (a) shall be initiated not later than 2 years after the date on which the major disaster declaration is issued.

#### SEC. 3026. HURRICANE AND STORM DAMAGE REDUCTION STUDY.

(a) IN GENERAL.—As part of the study for flood and storm damage reduction related to natural disasters to be carried out by the Secretary under title II of division A of the Disaster Relief Appropriations Act, 2013, under the heading “Department of the Army—Corps of Engineers—Civil—Investigations” (127 Stat. 5), the Secretary shall make specific project recommendations.

(b) CONSULTATION.—In making recommendations pursuant to this section, the Secretary may consult with key stakeholders, including State, county, and city governments, and, as applicable, State and local water districts, and in the case of recommendations concerning projects that substantially affect communities served by historically Black colleges and universities, Tribal Colleges and Universities, and other minority-serving institutions, the Secretary shall consult with those colleges, universities, and institutions.

(c) REPORT.—The Secretary shall include any recommendations of the Secretary under this section in the annual report submitted to Congress by the Secretary in accordance with section 7001.

#### SEC. 3027. EMERGENCY COMMUNICATION OF RISK.

##### (a) DEFINITIONS.—In this section:

(1) AFFECTED GOVERNMENT.—The term “affected government” means a State, local, or tribal government with jurisdiction over an area that will be affected by a flood.

(2) ANNUAL OPERATING PLAN.—The term “annual operating plan” means a plan prepared by the Secretary that describes potential water condition scenarios for a river basin for a year.

(b) COMMUNICATION.—In any river basin where the Secretary carries out flood risk management activities subject to an annual operating plan, the Secretary shall establish procedures for providing the public and affected governments, including Indian tribes, in the river basin with—

(1) timely information regarding expected water levels;

(2) advice regarding appropriate preparedness actions;

(3) technical assistance; and

(4) any other information or assistance determined appropriate by the Secretary.

(c) PUBLIC AVAILABILITY OF INFORMATION.—To the maximum extent practicable, the Secretary, in coordination with the Administrator of the Federal Emergency Management Agency, shall make the information required under subsection (b) available to the public through widely used and readily available means, including on the Internet.

(d) PROCEDURES.—The Secretary shall use the procedures established under subsection (b) only when precipitation or runoff exceeds those calculations considered as the lowest risk to life and property contemplated by the annual operating plan.

#### SEC. 3028. SAFETY ASSURANCE REVIEW.

Section 2035 of the Water Resources Development Act of 2007 (33 U.S.C. 2344) is amended by adding at the end the following:

“(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a safety assurance review conducted under this section.”.

#### SEC. 3029. EMERGENCY RESPONSE TO NATURAL DISASTERS.

(a) EMERGENCY RESPONSE TO NATURAL DISASTERS.—Section 5(a)(1) of the Act of August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended in the first sentence—

(1) by inserting “and subject to the condition that the Chief of Engineers may include modifications to the structure or project” after “work for flood control”; and

(2) by striking “structure damaged or destroyed by wind, wave, or water action of other than an ordinary nature when in the discretion of the Chief of Engineers such repair and restoration is warranted for the adequate functioning of the structure for hurricane or shore protection” and inserting “structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers may include modifications to the structure or project to address major deficiencies or implement nonstructural alternatives to the repair or restoration of the structure if requested by the non-Federal sponsor”.

##### (b) REVIEW OF EMERGENCY RESPONSE AUTHORITIES.—

(1) IN GENERAL.—The Secretary shall undertake a review of implementation of section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), to evaluate the alternatives available to the Secretary to ensure—

(A) the safety of affected communities to future flooding and storm events;

(B) the resiliency of water resources development projects to future flooding and storm events;

(C) the long-term cost-effectiveness of water resources development projects that provide flood control and hurricane and storm damage reduction benefits; and

(D) the policy goals and objectives that have been outlined by the President as a response to recent extreme weather events, including Hurricane Sandy, that relate to preparing for future floods are met.

(2) SCOPE OF REVIEW.—In carrying out the review, the Secretary shall—

(A) review the historical precedents and implementation of section 5 of that Act, including those actions undertaken by the Secretary, over time, under that section—

(i) to repair or restore a project; and

(ii) to increase the level of protection for a damaged project to address future conditions;

(B) evaluate the difference between adopting, as an appropriate standard under section 5 of that Act, the repair or restoration of a project to pre-flood or pre-storm levels and the repair or restoration of a project to a design level of protection, including an assessment for each standard of—

(i) the implications on populations at risk of flooding or damage;

(ii) the implications on probability of loss of life;

(iii) the implications on property values at risk of flooding or damage;

(iv) the implications on probability of increased property damage and associated costs;

(v) the implications on local and regional economies; and

(vi) the estimated total cost and estimated cost savings;

(C) review and evaluate the historic and potential uses, and economic feasibility for the life of the project, of nonstructural alternatives, including natural features such as dunes, coastal wetlands, floodplains, marshes, and mangroves, to reduce the damage caused by floods, storm surges, winds, and other aspects of extreme weather events, and to increase the resiliency and long-term cost-effectiveness of water resources development projects;

(D) incorporate the science on expected rates of sea-level rise and extreme weather events;

(E) incorporate the work completed by the Hurricane Sandy Rebuilding Task Force, established by Executive Order No. 13632 (77 Fed. Reg. 74341); and

(F) review the information obtained from the report developed under subsection (c)(1).

(c) REPORTS.—

(1) BIENNIAL REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the amounts expended in the previous 5 fiscal years to carry out Corps of Engineers projects under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

(B) INCLUSIONS.—A report under subparagraph (A) shall, at a minimum, include a description of—

(i) each structure, feature, or project for which amounts are expended, including the type of structure, feature, or project and cost of the work; and

(ii) how the Secretary has repaired, restored, replaced, or modified each structure, feature, or project or intends to restore the structure, feature, or project to the design level of protection for the structure, feature, or project.

(2) REPORT ON REVIEW OF EMERGENCY RESPONSE AUTHORITIES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the results of the review under subsection (b).

#### TITLE IV—RIVER BASINS AND COASTAL AREAS

##### SEC. 4001. RIVER BASIN COMMISSIONS.

Section 5019 of the Water Resources Development Act of 2007 (121 Stat. 1201) is amended by striking subsection (b) and inserting the following:

“(b) AUTHORIZATION TO ALLOCATE.—

“(1) IN GENERAL.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, the Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin to fulfill the equitable funding requirements of the respective interstate compacts.

“(2) AMOUNTS.—For each fiscal year, the Secretary shall allocate to each Commission described in paragraph (1) an amount equal to the amount determined by the Commission in accordance with the respective interstate compact approved by Congress.

“(3) NOTIFICATION.—If the Secretary does not allocate funds for a given fiscal year in accordance with paragraph (2), the Secretary, in con-

junction with the subsequent submission by the President of the budget to Congress under section 1105(a) of title 31, United States Code, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a notice that describes—

“(A) the reasons why the Secretary did not allocate funds in accordance with paragraph (2) for that fiscal year; and

“(B) the impact of that decision not to allocate funds on each area of jurisdiction of each Commission described in paragraph (1), including with respect to—

“(i) water supply allocation;

“(ii) water quality protection;

“(iii) regulatory review and permitting;

“(iv) water conservation;

“(v) watershed planning;

“(vi) drought management;

“(vii) flood loss reduction;

“(viii) recreation; and

“(ix) energy development.”.

##### SEC. 4002. MISSISSIPPI RIVER.

###### (a) MISSISSIPPI RIVER FORECASTING IMPROVEMENTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, the Director of the United States Geological Survey, the Administrator of the National Oceanic and Atmospheric Administration, and the Director of the National Weather Service, as applicable, shall improve forecasting on the Mississippi River by—

(A) updating forecasting technology deployed on the Mississippi River and its tributaries through—

(i) the construction of additional automated river gages;

(ii) the rehabilitation of existing automated and manual river gages; and

(iii) the replacement of manual river gages with automated gages, as the Secretary determines to be necessary;

(B) constructing additional sedimentation ranges on the Mississippi River and its tributaries; and

(C) deploying additional automatic identification system base stations at river gage sites.

(2) PRIORITIZATION.—In carrying out this subsection, the Secretary shall prioritize the sections of the Mississippi River on which additional and more reliable information would have the greatest impact on maintaining navigation on the Mississippi River.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress and make publicly available a report on the activities carried out by the Secretary under this subsection.

###### (b) MIDDLE MISSISSIPPI RIVER PILOT PROGRAM.—

(1) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the “River and Harbor Act of 1910”), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the “River and Harbor Act of 1927”), and the Act of July 3, 1930 (46 Stat. 918, chapter 847), the Secretary may study improvements to navigation and aquatic ecosystem restoration in the middle Mississippi River.

###### (2) DISPOSITION.—

(A) IN GENERAL.—The Secretary may carry out any project identified pursuant to paragraph (1) in accordance with the criteria for projects carried out under one of the following authorities:

(i) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(ii) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(iii) Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(iv) Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)).

(B) REPORT.—For each project that does not meet the criteria under subparagraph (A), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 7001.

###### (c) GREATER MISSISSIPPI RIVER BASIN SEVERE FLOODING AND DROUGHT MANAGEMENT STUDY.—

(1) DEFINITION OF GREATER MISSISSIPPI RIVER BASIN.—In this subsection, the term “greater Mississippi River Basin” means the area covered by hydrologic units 5, 6, 7, 8, 10, and 11, as identified by the United States Geological Survey as of the date of enactment of this Act.

(2) IN GENERAL.—The Secretary shall carry out a study of the greater Mississippi River Basin—

(A) to improve the coordinated and comprehensive management of water resource projects in the greater Mississippi River Basin relating to severe flooding and drought conditions; and

(B) to identify and evaluate—

(i) modifications to those water resource projects, consistent with the authorized purposes of those projects; and

(ii) the development of new water resource projects to improve the reliability of navigation and more effectively reduce flood risk.

(3) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress and make publicly available a report on the study carried out under this subsection.

(4) SAVINGS CLAUSE.—Nothing in this subsection impacts the operations and maintenance of the Missouri River Mainstem System, as authorized by the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 897, chapter 665).

###### (d) FLEXIBILITY IN MAINTAINING NAVIGATION.—

(1) EXTREME LOW WATER EVENT DEFINED.—In this subsection, the term “extreme low water event” means an extended period of time during which low water threatens the safe commercial use of the Mississippi River for navigation, including the use and availability of fleeting areas.

###### (2) REPORT ON AREAS FOR ACTION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, shall complete and make publicly available a report identifying areas that are unsafe and unreliable for commercial navigation during extreme low water events along the authorized Federal navigation channel on the Mississippi River and measures to address those restrictions.

(B) INCLUSIONS.—The report under subparagraph (A) shall—

(i) consider data from the most recent extreme low water events that impacted navigation along the authorized Federal navigation channel on the Mississippi River;

(ii) identify locations for potential modifications, including improvements outside the authorized navigation channel, that will alleviate hazards at areas that constrain navigation during extreme low water events along the authorized Federal navigation channel on the Mississippi River; and

(iii) include recommendations for possible actions to address constrained navigation during extreme low water events.

(3) AUTHORIZED ACTIVITIES.—If the Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, determines it to be critical to maintaining safe and

reliable navigation within the authorized Federal navigation channel on the Mississippi River, the Secretary may carry out activities outside the authorized Federal navigation channel along the Mississippi River, including the construction and operation of maintenance of fleeting areas, that—

(A) are necessary for safe and reliable navigation in the Federal channel; and

(B) have been identified in the report under paragraph (2).

(4) **RESTRICTION.**—The Secretary shall only carry out activities authorized under paragraph (3) for such period of time as is necessary to maintain reliable navigation during the extreme low water event.

(5) **NOTIFICATION.**—Not later than 60 days after initiating an activity under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a notice that includes—

(A) a description of the activities undertaken, including the costs associated with the activities; and

(B) a comprehensive description of how the activities are necessary for maintaining safe and reliable navigation of the Federal channel.

#### SEC. 4003. MISSOURI RIVER.

(a) **UPPER MISSOURI BASIN FLOOD AND DROUGHT MONITORING.**—

(1) **IN GENERAL.**—The Secretary, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of the Bureau of Reclamation, shall carry out activities to improve and support management of Corps of Engineers water resources development projects, including—

(A) soil moisture and snowpack monitoring in the Upper Missouri River Basin to reduce flood risk and improve river and water resource management in the Upper Missouri River Basin, as outlined in the February 2013 report entitled “Upper Missouri Basin Monitoring Committee—Snow Sampling and Instrumentation Recommendations”;

(B) restoring and maintaining existing mid- and high-elevation snowpack monitoring sites operated under the SNOTEL program of the Natural Resources Conservation Service; and

(C) operating streamflow gages and related interpretive studies in the Upper Missouri River Basin under the cooperative water program and the national streamflow information program of the United States Geological Service.

(2) **USE OF FUNDS.**—Amounts made available to the Secretary to carry out activities under this subsection shall be used to supplement but not supplant other related activities of Federal agencies that are carried out within the Missouri River Basin.

(3) **COOPERATIVE AGREEMENTS.**—

(A) **IN GENERAL.**—The Secretary may enter into cooperative agreements with other Federal agencies to carry out this subsection.

(B) **MAINTENANCE OF EFFORT.**—The Secretary may only enter into a cooperative agreement with another Federal agency under this paragraph if such agreement specifies that the agency will maintain aggregate expenditures in the Missouri River Basin for existing programs that implement activities described in paragraph (1) at a level that is equal to or exceeds the aggregate expenditures for the fiscal year immediately preceding the fiscal year in which such agreement is signed.

(4) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary, shall submit to the Com-

mittee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) identifies progress made by the Secretary and other Federal agencies in implementing the recommendations contained in the report described in paragraph (1)(A) with respect to enhancing soil moisture and snowpack monitoring in the Upper Missouri Basin;

(B) includes recommendations—

(i) to enhance soil moisture and snowpack monitoring in the Upper Missouri Basin that would enhance water resources management, including managing flood risk, in that basin; and

(ii) on the most efficient manner of collecting and sharing data to assist Federal agencies with water resources management responsibilities;

(C) identifies the expected costs and timeline for implementing the recommendations described in subparagraph (B)(i); and

(D) identifies the role of States and other Federal agencies in gathering necessary soil moisture and snowpack monitoring data.

(b) **MISSOURI RIVER BETWEEN FORT PECK DAM, MONTANA AND GAVINS POINT DAM, SOUTH DAKOTA AND NEBRASKA.**—Section 9(f) of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891, chapter 665; 102 Stat. 4031) is amended in the second sentence by striking “\$3,000,000” and inserting “\$5,000,000”.

(c) **MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE EXPENSES REIMBURSEMENT.**—Section 5018(b)(5) of the Water Resources Development Act of 2007 (121 Stat. 1200) is amended by striking subparagraph (B) and inserting the following:

“(B) **TRAVEL EXPENSES.**—Subject to the availability of funds, the Secretary may reimburse a member of the Committee for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of a Federal agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Committee.”

(d) **UPPER MISSOURI SHORELINE STABILIZATION.**—

(1) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of carrying out projects to address shoreline erosion in the Upper Missouri River Basin (including the States of South Dakota, North Dakota, and Montana) resulting from the operation of a reservoir constructed under the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891, chapter 665)).

(2) **CONTENTS.**—The study carried out under paragraph (1) shall, to the maximum extent practicable—

(A) use previous assessments completed by the Corps of Engineers or other Federal agencies; and

(B) assess the infrastructure needed to—

(i) reduce shoreline erosion;

(ii) mitigate additional loss of land;

(iii) contribute to environmental and ecosystem improvement; and

(iv) protect existing community infrastructure, including roads and water and waste-water related infrastructure.

(3) **DISPOSITION.**—The Secretary may carry out projects identified in the study under paragraph (1) in accordance with the criteria for projects carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(4) **ANNUAL REPORT.**—For each project identified in the study under paragraph (1) that cannot be carried out under any of the authorities specified in paragraph (3), upon determination by the Secretary of the feasibility of the project,

the Secretary may include a recommendation relating to the project in the annual report submitted to Congress under section 7001.

(5) **COORDINATION.**—In carrying out this subsection, the Secretary shall consult and coordinate with the appropriate State or tribal agency for the area in which the project is located.

(6) **PAYMENT OPTIONS.**—The Secretary shall allow the full non-Federal contribution for a project under this subsection to be paid in accordance with section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

(e) **MISSOURI RIVER FISH AND WILDLIFE MITIGATION.**—The Secretary shall include in the first budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, after the date of enactment of this Act, and biennially thereafter, a report that describes activities carried out by the Secretary relating to the project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), including—

(1) an inventory of all actions taken by the Secretary in furtherance of the project, including an inventory of land owned or acquired by the Secretary;

(2) a description, including a prioritization, of the specific actions proposed to be undertaken by the Secretary for the subsequent fiscal year in furtherance of the project;

(3) an assessment of the progress made in furtherance of the project, including—

(A) a description of how each of the actions identified under paragraph (1) have impacted the progress; and

(B) the status of implementation of any applicable requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), including any applicable biological opinions; and

(4) an assessment of additional actions or authority necessary to achieve the results of the project.

(f) **LOWER YELLOWSTONE.**—Section 3109 of the Water Resources Development Act of 2007 (121 Stat. 1135) is amended—

(1) by striking “The Secretary may” and inserting the following:

“(a) **IN GENERAL.**—The Secretary may”; and

(2) by adding at the end the following:

“(b) **LOCAL PARTICIPATION.**—In carrying out subsection (a), the Secretary shall consult with, and consider the activities being carried out by—

“(1) other Federal agencies;

“(2) conservation districts;

“(3) the Yellowstone River Conservation District Council; and

“(4) the State of Montana.”.

#### SEC. 4004. ARKANSAS RIVER.

(a) **PROJECT GOAL.**—The goal for operation of the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma, shall be to maximize the use of the system in a balanced approach that incorporates advice from representatives from all project purposes to ensure that the full value of the system is realized by the United States.

(b) **MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM ADVISORY COMMITTEE.**—

(1) **IN GENERAL.**—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma project authorized by the first section of the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(2) **DUTIES.**—The advisory committee shall—

(A) serve in an advisory capacity only; and

(B) provide information and recommendations to the Corps of Engineers relating to the efficiency, reliability, and availability of the operations of the McClellan-Kerr Arkansas River navigation system.

(3) **SELECTION AND COMPOSITION.**—The advisory committee shall be—

(A) selected jointly by the Little Rock district engineer and the Tulsa district engineer; and

(B) composed of members that equally represent the McClellan-Kerr Arkansas River navigation system project purposes.

(4) **AGENCY RESOURCES.**—The Little Rock district and the Tulsa district of the Corps of Engineers, under the supervision of the southwestern division, shall jointly provide the advisory committee with adequate staff assistance, facilities, and resources.

(5) **TERMINATION.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the advisory committee shall terminate on the date on which the Secretary submits a report to Congress demonstrating increases in the efficiency, reliability, and availability of the McClellan-Kerr Arkansas River navigation system.

(B) **RESTRICTION.**—The advisory committee shall terminate not less than 2 calendar years after the date on which the advisory committee is established.

#### SEC. 4005. COLUMBIA BASIN.

Section 536(g) of the Water Resources Development Act of 2000 (114 Stat. 2661) is amended by striking “\$30,000,000” and inserting “\$50,000,000”.

#### SEC. 4006. RIO GRANDE.

Section 5056 of the Water Resources Development Act of 2007 (121 Stat. 1213) is amended—

(1) in subsection (b)(2)—

(A) in the matter preceding subparagraph (A), by striking “2008” and inserting “2014”; and

(B) in subparagraph (C), by inserting “and an assessment of needs for other related purposes in the Rio Grande Basin, including flood damage reduction” after “assessment”;

(2) in subsection (c)(2)—

(A) by striking “an interagency agreement with” and inserting “1 or more interagency agreements with the Secretary of State and”; and

(B) by inserting “or the U.S. Section of the International Boundary and Water Commission” after “the Department of the Interior”; and

(3) in subsection (f), by striking “2011” and inserting “2019”.

#### SEC. 4007. NORTHERN ROCKIES HEADWATERS.

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of carrying out projects for aquatic ecosystem restoration and flood risk reduction that will mitigate the impacts of extreme weather events, including floods and droughts, on communities, water users, and fish and wildlife located in and along the headwaters of the Columbia, Missouri, and Yellowstone Rivers (including the tributaries of those rivers) in the States of Idaho and Montana.

(b) **INCLUSIONS.**—The study under subsection (a) shall, to the maximum extent practicable—

(1) emphasize the protection and enhancement of natural riverine processes; and

(2) assess the individual and cumulative needs associated with—

(A) floodplain restoration and reconnection;

(B) floodplain and riparian area protection through the use of conservation easements;

(C) instream flow restoration projects;

(D) fish passage improvements;

(E) channel migration zone mapping; and

(F) invasive weed management.

(c) **DISPOSITION.**—

(1) **IN GENERAL.**—The Secretary may carry out any project identified in the study pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(A) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(B) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(C) Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)).

(D) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(2) **REPORT.**—For each project that does not meet the criteria under paragraph (1), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 7001.

(d) **COORDINATION.**—In carrying out this section, the Secretary—

(1) shall consult and coordinate with the appropriate agency for each State and Indian tribe; and

(2) may enter into cooperative agreements with those State or tribal agencies described in paragraph (1).

(e) **LIMITATIONS.**—Nothing in this section invalidates, preempts, or creates any exception to State water law, State water rights, or Federal or State permitted activities or agreements in the States of Idaho and Montana or any State containing tributaries to rivers in those States.

#### SEC. 4008. RURAL WESTERN WATER.

Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) **FORM OF ASSISTANCE.**—Assistance under this section may be in the form of—

“(1) design and construction assistance for water-related environmental infrastructure and resource protection and development in Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming, including projects for—

“(A) wastewater treatment and related facilities;

“(B) water supply and related facilities;

“(C) environmental restoration; and

“(D) surface water resource protection and development; and

“(2) technical assistance to small and rural communities for water planning and issues relating to access to water resources.”; and

(2) by striking subsection (h) and inserting the following:

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001, \$435,000,000, which shall—

“(1) be made available to the States and locales described in subsection (b) consistent with program priorities determined by the Secretary in accordance with criteria developed by the Secretary to establish the program priorities; and

“(2) remain available until expended.”.

#### SEC. 4009. NORTH ATLANTIC COASTAL REGION.

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of carrying out projects to restore aquatic ecosystems within the coastal waters of the Northeastern United States from the State of Virginia to the State of Maine, including associated bays, estuaries, and critical riverine areas.

(b) **STUDY.**—In carrying out the study under subsection (a), the Secretary shall—

(1) as appropriate, coordinate with the heads of other appropriate Federal agencies, the Governors of the coastal States from Virginia to Maine, nonprofit organizations, and other interested parties;

(2) identify projects for aquatic ecosystem restoration based on an assessment of the need and opportunities for aquatic ecosystem restoration within the coastal waters of the Northeastern States described in subsection (a); and

(3) use, to the maximum extent practicable, any existing plans and data.

(c) **DISPOSITION.**—

(1) **IN GENERAL.**—The Secretary may carry out any project identified in the study pursuant to

subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(A) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(B) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(C) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

(D) Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(2) **REPORT.**—For each project that does not meet the criteria under paragraph (1), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 7001.

#### SEC. 4010. CHESAPEAKE BAY.

(a) **IN GENERAL.**—Section 510 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3759; 121 Stat. 1202) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “pilot program” and inserting “program”; and

(ii) by inserting “in the basin States described in subsection (f) and the District of Columbia” after “interests”; and

(B) by striking paragraph (2) and inserting the following:

“(2) **FORM.**—The assistance under paragraph

(1) shall be in the form of design and construction assistance for water-related resource protection and restoration projects affecting the Chesapeake Bay estuary, based on the comprehensive plan under subsection (b), including projects for—

“(A) sediment and erosion control;

“(B) protection of eroding shorelines;

“(C) ecosystem restoration, including restoration of submerged aquatic vegetation;

“(D) protection of essential public works;

“(E) beneficial uses of dredged material; and

“(F) other related projects that may enhance the living resources of the estuary.”;

(2) by striking subsection (b) and inserting the following:

“(b) **COMPREHENSIVE PLAN.**—

“(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of the Water Resources Reform and Development Act of 2014, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Chesapeake Bay restoration plan to guide the implementation of projects under subsection (a)(2).

“(2) **COORDINATION.**—The restoration plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.

“(3) **PRIORITIZATION.**—The restoration plan described in paragraph (1) shall give priority to projects eligible under subsection (a)(2) that will also improve water quality or quantity or use natural hydrological features and systems.”;

(3) in subsection (c)—

(A) in paragraph (1), by striking “to provide” and all that follows through the period at the end and inserting “for the design and construction of a project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b).”;

(B) in paragraph (2)(A), by striking “facilities or resource protection and development plan” and inserting “resource protection and restoration plan”; and

(C) by adding at the end the following:

“(3) **PROJECTS ON FEDERAL LAND.**—A project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b) that is located on Federal land

shall be carried out at the expense of the Federal agency that owns the land on which the project will be a carried out.

“(4) NON-FEDERAL CONTRIBUTIONS.—A Federal agency carrying out a project described in paragraph (3) may accept contributions of funds from non-Federal entities to carry out that project.”;

(4) by striking subsection (e) and inserting the following:

“(e) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—

“(1) the heads of appropriate Federal agencies, including—

“(A) the Administrator of the Environmental Protection Agency;

“(B) the Secretary of Commerce, acting through the Administrator of the National Oceanographic and Atmospheric Administration;

“(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

“(D) the heads of such other Federal agencies as the Secretary determines to be appropriate; and

“(2) agencies of a State or political subdivision of a State, including the Chesapeake Bay Commission.”;

(5) by striking subsection (f) and inserting the following:

“(f) PROJECTS.—The Secretary shall establish, to the maximum extent practicable, at least 1 project under this section in—

“(1) regions within the Chesapeake Bay watershed of each of the basin States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; and

“(2) the District of Columbia.”;

(6) by striking subsection (h); and

(7) by redesignating subsection (i) as subsection (h).

(b) CHESAPEAKE BAY OYSTER RESTORATION.—Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in paragraph (1), by striking “\$50,000,000” and inserting “\$60,000,000”; and

(2) in paragraph (4), by striking subparagraph (B) and inserting the following:

“(B) FORM.—The non-Federal share may be provided through in-kind services, including—

“(i) the provision by the non-Federal interest of shell stock material that is determined by the Secretary to be suitable for use in carrying out the project; and

“(ii) in the case of a project carried out under paragraph (2)(D) after the date of enactment of this clause, land conservation or restoration efforts undertaken by the non-Federal interest that the Secretary determines provide water quality benefits that—

“(I) enhance the viability of oyster restoration efforts;

“(II) are integral to the project; and

“(III) are cost effective.”.

#### SEC. 4011. LOUISIANA COASTAL AREA.

(a) REVIEW OF COASTAL MASTER PLAN.—Section 7002(c) of the Water Resources Development Act of 2007 (121 Stat. 1271) is amended by inserting “, or the plan entitled ‘Louisiana Comprehensive Master Plan for a Sustainable Coast’ prepared by the State of Louisiana and accepted by the Louisiana Coastal Protection and Restoration Authority (including any subsequent amendments or revisions)” before the period at the end.

(b) INTERIM USE OF PLAN.—

(1) DEFINITIONS.—In this subsection:

(A) ANNUAL REPORT.—The term “annual report” has the meaning given the term in section 7001(f).

(B) FEASIBILITY REPORT; FEASIBILITY STUDY.—The terms “feasibility report” and “feasibility study” have the meanings given those terms in section 7001(f).

(2) REVIEW.—The Secretary shall—

(A) review the plan entitled ‘Louisiana’s Comprehensive Master Plan for a Sustainable Coast’ prepared by the State of Louisiana and accepted by the Louisiana Coastal Protection and Restoration Authority Board (including any subsequent amendments or revisions); and

(B) in consultation with the State of Louisiana, identify and conduct feasibility studies for up to 10 projects included in the plan described in subparagraph (A).

(3) RECOMMENDATIONS.—The Secretary shall include in the subsequent annual report, in accordance with section 7001—

(A) any proposed feasibility study initiated under paragraph (2)(B); and

(B) any feasibility report for a project identified under paragraph (2)(B).

(4) ADMINISTRATION.—Section 7008 of the Water Resources Development Act of 2007 (121 Stat. 1278) shall not apply to any feasibility study carried out under this subsection.

(c) SCIENCE AND TECHNOLOGY.—Section 7006(a)(2) of the Water Resources Development Act of 2007 (121 Stat. 1274) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) to examine a systemwide approach to coastal sustainability.”.

#### SEC. 4012. RED RIVER BASIN.

(a) IN GENERAL.—In the case of a reservoir located within the Red River Basin for which the Department of the Army is authorized to provide for municipal and industrial water supply storage and irrigation storage, the Secretary may reassign unused irrigation storage to storage for municipal and industrial water supply for use by a State or local interest that has entered into an agreement with the Secretary for water supply storage at that reservoir prior to the date of enactment of this Act.

(b) ADMINISTRATION.—Any assignment under subsection (a) shall be subject to such terms and conditions as the Secretary determines to be appropriate and necessary in the public interest.

#### SEC. 4013. TECHNICAL CORRECTIONS.

(a) RARITAN RIVER.—Section 102 of the Energy and Water Development Appropriations Act, 1998 (Public Law 105–62; 111 Stat. 1327), is repealed.

(b) DES MOINES, BOONE, AND RACCOON RIVERS.—The boundaries for the project referred to as the Des Moines Recreational River and Greenbelt, Iowa, under the heading “CORPS OF ENGINEERS—CIVIL” under the heading “DEPARTMENT OF THE ARMY” under the heading “DEPARTMENT OF DEFENSE—CIVIL” in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313), are revised to include the entirety of sections 19 and 29, situated in T. 89 N., R. 28 W.

(c) SOUTH FLORIDA COASTAL AREA.—Section 109 of title I of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–221; 121 Stat. 1217) is amended—

(1) in subsection (a), by inserting “and unincorporated communities” after “municipalities”;

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following:

“(f) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to projects sponsored by current non-Federal interests, incorporated communities in Monroe County, Monroe County, and the State of Florida.”.

(d) TRINITY RIVER AND TRIBUTARIES.—Section 5141(a)(2) of the Water Resources Development Act of 2007 (121 Stat. 1253) is amended by inserting “and the Interior Levee Drainage Study Phase-II report, Dallas, Texas, dated January 2009,” after “September 2006,”.

(e) CENTRAL AND SOUTHERN FLORIDA CANAL.—

(1) IN GENERAL.—The Secretary shall consider any amounts and associated program income provided prior to the date of enactment of this Act by the Secretary of the Interior to the non-Federal interest for the acquisition of areas identified in section 316(b)(2) of the Water Resources Development Act of 1996 (110 Stat. 3715)—

(A) as satisfying the requirements of that paragraph; and

(B) as part of the Federal share of the cost of implementing the plan under that subsection.

(2) NON-FEDERAL COST SHARE.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided for the project as part of the non-Federal share of the cost of implementing the plan under section 316(b)(2) of the Water Resources Development Act of 1996 (110 Stat. 3715).

(3) CONFORMING AMENDMENT.—Section 316(b)(2) of the Water Resources Development Act of 1996 (110 Stat. 3715) is amended in the first sentence by striking “shall pay” and inserting “may pay up to”.

(f) SOUTH PLATTE RIVER WATERSHED.—Section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (123 Stat. 608) is amended in the matter preceding the proviso by inserting “(or a designee of the Department)” after “Colorado Department of Natural Resources”.

(g) POTOMAC RIVER.—Section 84(a) of the Water Resources Development Act of 1974 (88 Stat. 35) is amended by striking paragraph (1) and inserting the following:

“(1) A channel capacity sufficient to pass the 100-year flood event, as identified in the document entitled ‘Four Mile Run Watershed Feasibility Report’ and dated January 2014.”.

#### SEC. 4014. OCEAN AND COASTAL RESILIENCY.

(a) IN GENERAL.—The Secretary shall conduct studies to determine the feasibility of carrying out Corps of Engineers projects in coastal zones to enhance ocean and coastal ecosystem resiliency.

(b) STUDY.—In carrying out the study under subsection (a), the Secretary shall—

(1) as appropriate, coordinate with the heads of other appropriate Federal agencies, the Governors and other chief executive officers of the coastal states, nonprofit organizations, and other interested parties;

(2) identify Corps of Engineers projects in coastal zones for enhancing ocean and coastal ecosystem resiliency based on an assessment of the need and opportunities for, and feasibility of, the projects;

(3) to the maximum extent practicable, use any existing Corps of Engineers plans and data; and

(4) not later than 365 days after initial appropriations for this section, and every five years thereafter subject to the availability of appropriations, complete a study authorized under subsection (a).

(c) DISPOSITION.—

(1) IN GENERAL.—The Secretary may carry out a project identified in the study pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(A) Section 206(a)-(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(a)-(d)).

(B) Section 1135(a)-(g) and (i) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)-(g) and (i)).

(C) Section 3(a)-(b), and (c)(1) of the Act of August, 13 1946 (33 U.S.C. 426g(a)-(b), and (c)(1)).

(D) Section 204(a)-(f) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(a)-(f)).

(2) REPORT.—For each project that does not meet the criteria under paragraph (1), the Secretary shall include a recommendation relating

to the project in the annual report submitted to Congress by the Secretary in accordance with section 7001.

(d) **REQUESTS FOR PROJECTS.**—The Secretary may carry out a project for a coastal state under this section only at the request of the Governor or chief executive officer of the coastal state, as appropriate.

(e) **DEFINITION.**—In this section, the terms “coastal zone” and “coastal state” have the meanings given such terms in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453), as in effect on the date of enactment of this Act

## **TITLE V—WATER INFRASTRUCTURE FINANCING**

### **Subtitle A—State Water Pollution Control Revolving Funds**

#### **SEC. 5001. GENERAL AUTHORITY FOR CAPITALIZATION GRANTS.**

Section 601(a) of the Federal Water Pollution Control Act (33 U.S.C. 1381(a)) is amended by striking “for providing assistance” and all that follows through the period at the end and inserting the following: “to accomplish the objectives, goals, and policies of this Act by providing assistance for projects and activities identified in section 603(c).”

#### **SEC. 5002. CAPITALIZATION GRANT AGREEMENTS.**

Section 602(b) of the Federal Water Pollution Control Act (33 U.S.C. 1382(b)) is amended—

(1) in paragraph (6)—

(A) by striking “section 603(c)(1) or”;

(B) by striking “before fiscal” and all that follows through “grants under this title and” and inserting “with assistance made available by a State water pollution control revolving fund authorized under this title, or”;

(C) by inserting “, or both,” after “205(m) of this Act”; and

(D) by striking “201(b)” and all that follows through “511(c)(1),” and inserting “511(c)(1)”;

(2) in paragraph (9), by striking “standards; and” and inserting “standards, including standards relating to the reporting of infrastructure assets;”;

(3) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(11) the State will establish, maintain, invest, and credit the fund with repayments, such that the fund balance will be available in perpetuity for activities under this Act;

“(12) any fees charged by the State to recipients of assistance that are considered program income will be used for the purpose of financing the cost of administering the fund or financing projects or activities eligible for assistance from the fund;

“(13) beginning in fiscal year 2016, the State will require as a condition of providing assistance to a municipality or intermunicipal, interstate, or State agency that the recipient of such assistance certify, in a manner determined by the Governor of the State, that the recipient—

“(A) has studied and evaluated the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out the proposed project or activity for which assistance is sought under this title; and

“(B) has selected, to the maximum extent practicable, a project or activity that maximizes the potential for efficient water use, reuse, recapture, and conservation, and energy conservation, taking into account—

“(i) the cost of constructing the project or activity;

“(ii) the cost of operating and maintaining the project or activity over the life of the project or activity; and

“(iii) the cost of replacing the project or activity; and

“(14) a contract to be carried out using funds directly made available by a capitalization

grant under this title for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services shall be negotiated in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code, or an equivalent State qualifications-based requirement (as determined by the Governor of the State).”

#### **SEC. 5003. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.**

Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) **PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.**—The amounts of funds available to each State water pollution control revolving fund shall be used only for providing financial assistance—

“(1) to any municipality or intermunicipal, interstate, or State agency for construction of publicly owned treatment works (as defined in section 212);

“(2) for the implementation of a management program established under section 319;

“(3) for development and implementation of a conservation and management plan under section 320;

“(4) for the construction, repair, or replacement of decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage;

“(5) for measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water;

“(6) to any municipality or intermunicipal, interstate, or State agency for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse;

“(7) for the development and implementation of watershed projects meeting the criteria set forth in section 122;

“(8) to any municipality or intermunicipal, interstate, or State agency for measures to reduce the energy consumption needs for publicly owned treatment works;

“(9) for reusing or recycling wastewater, stormwater, or subsurface drainage water;

“(10) for measures to increase the security of publicly owned treatment works; and

“(11) to any qualified nonprofit entity, as determined by the Administrator, to provide assistance to owners and operators of small and medium publicly owned treatment works—

“(A) to plan, develop, and obtain financing for eligible projects under this subsection, including planning, design, and associated preconstruction activities; and

“(B) to assist such treatment works in achieving compliance with this Act.”;

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “20 years” and inserting “the lesser of 30 years and the projected useful life (as determined by the State) of the project to be financed with the proceeds of the loan”;

(ii) in subparagraph (B), by striking “not later than 20 years after project completion” and inserting “upon the expiration of the term of the loan”;

(iii) in subparagraph (C), by striking “and” at the end;

(iv) in subparagraph (D), by inserting “and” after the semicolon at the end; and

(v) by adding at the end the following:

“(E) for a treatment works proposed for repair, replacement, or expansion, and eligible for assistance under subsection (c)(1), the recipient of a loan shall—

“(i) develop and implement a fiscal sustainability plan that includes—

“(I) an inventory of critical assets that are a part of the treatment works;

“(II) an evaluation of the condition and performance of inventoried assets or asset groupings;

“(III) a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and

“(IV) a plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding such activities; or

“(ii) certify that the recipient has developed and implemented a plan that meets the requirements under clause (i);”;

(B) in paragraph (7), by inserting “, \$400,000 per year, or 1/5 percent per year of the current valuation of the fund, whichever amount is greatest, plus the amount of any fees collected by the State for such purpose regardless of the source” before the period at the end; and

(3) by adding at the end the following:

“(i) **ADDITIONAL SUBSIDIZATION.**—

“(I) **IN GENERAL.**—In any case in which a State provides assistance to a municipality or intermunicipal, interstate, or State agency under subsection (d), the State may provide additional subsidization, including forgiveness of principal and negative interest loans—

“(A) to benefit a municipality that—

“(i) meets the affordability criteria of the State established under paragraph (2); or

“(ii) does not meet the affordability criteria of the State if the recipient—

“(I) seeks additional subsidization to benefit individual ratepayers in the residential user rate class;

“(II) demonstrates to the State that such ratepayers will experience a significant hardship from the increase in rates necessary to finance the project or activity for which assistance is sought; and

“(III) ensures, as part of an assistance agreement between the State and the recipient, that the additional subsidization provided under this paragraph is directed through a user charge rate system (or other appropriate method) to such ratepayers; or

“(B) to implement a process, material, technique, or technology—

“(i) to address water-efficiency goals;

“(ii) to address energy-efficiency goals;

“(iii) to mitigate stormwater runoff; or

“(iv) to encourage sustainable project planning, design, and construction.

“(2) **AFFORDABILITY CRITERIA.**—

“(A) **ESTABLISHMENT.**—

“(i) **IN GENERAL.**—Not later than September 30, 2015, and after providing notice and an opportunity for public comment, a State shall establish affordability criteria to assist in identifying municipalities that would experience a significant hardship raising the revenue necessary to finance a project or activity eligible for assistance under subsection (c)(1) if additional subsidization is not provided.

“(ii) **CONTENTS.**—The criteria under clause (i) shall be based on income and unemployment data, population trends, and other data determined relevant by the State, including whether the project or activity is to be carried out in an economically distressed area, as described in section 301 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161).

“(B) **EXISTING CRITERIA.**—If a State has previously established, after providing notice and an opportunity for public comment, affordability criteria that meet the requirements of subparagraph (A)—

“(i) the State may use the criteria for the purposes of this subsection; and

“(ii) those criteria shall be treated as affordability criteria established under this paragraph.



“(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

“(3) LIMITATIONS.—

“(A) IN GENERAL.—A State may provide additional subsidization in a fiscal year under this subsection only if the total amount appropriated for making capitalization grants to all States under this title for the fiscal year exceeds \$1,000,000,000.

“(B) ADDITIONAL LIMITATION.—

“(i) GENERAL RULE.—Subject to clause (ii), a State may use not more than 30 percent of the total amount received by the State in capitalization grants under this title for a fiscal year for providing additional subsidization under this subsection.

“(ii) EXCEPTION.—If, in a fiscal year, the amount appropriated for making capitalization grants to all States under this title exceeds \$1,000,000,000 by a percentage that is less than 30 percent, clause (i) shall be applied by substituting that percentage for 30 percent.

“(C) APPLICABILITY.—The authority of a State to provide additional subsidization under this subsection shall apply to amounts received by the State in capitalization grants under this title for fiscal years beginning after September 30, 2014.

“(D) CONSIDERATION.—If the State provides additional subsidization to a municipality or intermunicipal, interstate, or State agency under this subsection that meets the criteria under paragraph (1)(A), the State shall take the criteria set forth in section 602(b)(5) into consideration.”

#### SEC. 5004. REQUIREMENTS.

Title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) is amended by adding at the end the following:

##### “SEC. 608. REQUIREMENTS.

“(a) IN GENERAL.—Funds made available from a State water pollution control revolving fund established under this title may not be used for a project for the construction, alteration, maintenance, or repair of treatment works unless all of the iron and steel products used in the project are produced in the United States.

“(b) DEFINITION OF IRON AND STEEL PRODUCTS.—In this section, the term ‘iron and steel products’ means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, construction materials.

“(c) APPLICATION.—Subsection (a) shall not apply in any case or category of cases in which the Administrator finds that—

“(1) applying subsection (a) would be inconsistent with the public interest;

“(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

“(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

“(d) WAIVER.—If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public, on an informal basis, a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet site of the Environmental Protection Agency.

“(e) INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent

with United States obligations under international agreements.

“(f) MANAGEMENT AND OVERSIGHT.—The Administrator may retain up to 0.25 percent of the funds appropriated for this title for management and oversight of the requirements of this section.

“(g) EFFECTIVE DATE.—This section does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency’s capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of enactment of the Water Resources Reform and Development Act of 2014.”

#### SEC. 5005. REPORT ON THE ALLOTMENT OF FUNDS.

(a) REVIEW.—The Administrator of the Environmental Protection Agency shall conduct a review of the allotment formula in effect on the date of enactment of this Act for allocation of funds authorized under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) to determine whether that formula adequately addresses the water quality needs of eligible States, territories, and Indian tribes, based on—

(1) the most recent survey of needs developed by the Administrator under section 516(b) of that Act (33 U.S.C. 1375(b)); and

(2) any other information the Administrator considers appropriate.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the results of the review under subsection (a), including any recommendations for changing the allotment formula.

#### SEC. 5006. EFFECTIVE DATE.

This subtitle, including any amendments made by the subtitle, shall take effect on October 1, 2014.

### Subtitle B—General Provisions

#### SEC. 5011. WATERSHED PILOT PROJECTS.

Section 122 of the Federal Water Pollution Control Act (33 U.S.C. 1274) is amended—

(1) in the section heading, by striking “WET WEATHER”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “for treatment works” and inserting “to a municipality or municipal entity”; and

(ii) by striking “of wet weather discharge control”;

(B) in paragraph (2), by striking “in reducing such pollutants” and all that follows before the period at the end and inserting “to manage, reduce, treat, recapture, or reuse municipal stormwater, including techniques that utilize infiltration, evapotranspiration, and reuse of stormwater onsite”; and

(C) by adding at the end the following:

“(3) WATERSHED PARTNERSHIPS.—Efforts of municipalities and property owners to demonstrate cooperative ways to address nonpoint sources of pollution to reduce adverse impacts on water quality.

“(4) INTEGRATED WATER RESOURCE PLAN.—The development of an integrated water resource plan for the coordinated management and protection of surface water, ground water, and stormwater resources on a watershed or sub-watershed basis to meet the objectives, goals, and policies of this Act.

“(5) MUNICIPALITY-WIDE STORMWATER MANAGEMENT PLANNING.—The development of a municipality-wide plan that identifies the most effective placement of stormwater technologies

and management approaches, to reduce water quality impairments from stormwater on a municipality-wide basis.

“(6) INCREASED RESILIENCE OF TREATMENT WORKS.—Efforts to assess future risks and vulnerabilities of publicly owned treatment works to manmade or natural disasters, including extreme weather events and sea-level rise, and to carry out measures, on a systemwide or area-wide basis, to increase the resiliency of publicly owned treatment works.”;

(3) by striking subsection (c);

(4) by redesignating subsection (d) as subsection (c); and

(5) in subsection (c) (as so redesignated) by striking “5 years after the date of enactment of this section,” and inserting “October 1, 2015.”

#### SEC. 5012. DEFINITION OF TREATMENT WORKS.

(a) GRANTS FOR CONSTRUCTION OF TREATMENT WORKS.—Section 212(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)(A)) is amended—

(1) by striking “any works, including site”;

(2) by striking “is used for ultimate” and inserting “will be used for ultimate”; and

(3) by inserting before the period at the end the following: “and acquisition of other land, and interests in land, that are necessary for construction”.

(b) DEFINITIONS.—Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

“(26) TREATMENT WORKS.—The term ‘treatment works’ has the meaning given the term in section 212.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2014.

#### SEC. 5013. FUNDING FOR INDIAN PROGRAMS.

Section 518(c) of the Federal Water Pollution Control Act (33 U.S.C. 1377(c)) is amended—

(1) by striking “The Administrator” and inserting the following:

“(1) FISCAL YEARS 1987–2014.—The Administrator”;

(2) in paragraph (1) (as so designated)—

(A) by striking “each fiscal year beginning after September 30, 1986,” and inserting “each of fiscal years 1987 through 2014,”; and

(B) by striking the second sentence; and

(3) by adding at the end the following:

“(2) FISCAL YEAR 2015 AND THEREAFTER.—For fiscal year 2015 and each fiscal year thereafter, the Administrator shall reserve, before allotments to the States under section 604(a), not less than 0.5 percent and not more than 2.0 percent of the funds made available to carry out title VI.

“(3) USE OF FUNDS.—Funds reserved under this subsection shall be available only for grants for projects and activities eligible for assistance under section 603(c) to serve—

“(A) Indian tribes (as defined in subsection (h));

“(B) former Indian reservations in Oklahoma (as determined by the Secretary of the Interior); and

“(C) Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).”

#### SEC. 5014. WATER INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a pilot program to evaluate the cost effectiveness and project delivery efficiency of allowing non-Federal pilot applicants to carry out authorized water resources development projects for coastal harbor improvement, channel improvement, inland navigation, flood damage reduction, aquatic ecosystem restoration, and hurricane and storm damage reduction.

(b) PURPOSES.—The purposes of the pilot program established under subsection (a) are—



(1) to identify cost-saving project delivery alternatives that reduce the backlog of authorized Corps of Engineers projects; and

(2) to evaluate the technical, financial, and organizational benefits of allowing a non-Federal pilot applicant to carry out and manage the design or construction (or both) of 1 or more of such projects.

(c) **SUBSEQUENT APPROPRIATIONS.**—Any activity undertaken under this section is authorized only to the extent specifically provided for in subsequent appropriations Acts.

(d) **ADMINISTRATION.**—In carrying out the pilot program established under subsection (a), the Secretary shall—

(1) identify for inclusion in the program at least 15 projects that are authorized for construction for coastal harbor improvement, channel improvement, inland navigation, flood damage reduction, or hurricane and storm damage reduction;

(2) notify in writing the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of each project identified under paragraph (1);

(3) in consultation with the non-Federal pilot applicant associated with each project identified under paragraph (1), develop a detailed project management plan for the project that outlines the scope, financing, budget, design, and construction resource requirements necessary for the non-Federal pilot applicant to execute the project, or a separable element of the project;

(4) at the request of the non-Federal pilot applicant associated with each project identified under paragraph (1), enter into a project partnership agreement with the non-Federal pilot applicant under which the non-Federal pilot applicant is provided full project management control for the financing, design, or construction (or any combination thereof) of the project, or a separable element of the project, in accordance with plans approved by the Secretary;

(5) following execution of a project partnership agreement under paragraph (4) and completion of all work under the agreement, issue payment, in accordance with subsection (g), to the relevant non-Federal pilot applicant for that work; and

(6) regularly monitor and audit each project carried out under the program to ensure that all activities related to the project are carried out in compliance with plans approved by the Secretary and that construction costs are reasonable.

(e) **SELECTION CRITERIA.**—In identifying projects under subsection (d)(1), the Secretary shall consider the extent to which the project—

(1) is significant to the economy of the United States;

(2) leverages Federal investment by encouraging non-Federal contributions to the project;

(3) employs innovative project delivery and cost-saving methods;

(4) received Federal funds in the past and experienced delays or missed scheduled deadlines;

(5) has unobligated Corps of Engineers funding balances; and

(6) has not received Federal funding for recapitalization and modernization since the project was authorized.

(f) **DETAILED PROJECT SCHEDULE.**—Not later than 180 days after entering into a project partnership agreement under subsection (d)(4), a non-Federal pilot applicant, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule for the relevant project, based on estimated funding levels, that specifies deadlines for each milestone with respect to the project.

(g) **PAYMENT.**—Payment to the non-Federal pilot applicant for work completed pursuant to a project partnership agreement under subsection (d)(4) may be made from—

(1) if applicable, the balance of the unobligated amounts appropriated for the project; and

(2) other amounts appropriated to the Corps of Engineers, subject to the condition that the total amount transferred to the non-Federal pilot applicant may not exceed the estimate of the Federal share of the cost of construction, including any required design.

(h) **TECHNICAL ASSISTANCE.**—At the request of a non-Federal pilot applicant participating in the pilot program established under subsection (a), the Secretary may provide to the non-Federal pilot applicant, if the non-Federal pilot applicant contracts with and compensates the Secretary, technical assistance with respect to—

(1) a study, engineering activity, or design activity related to a project carried out by the non-Federal pilot applicant under the program; and

(2) obtaining permits necessary for such a project.

(i) **IDENTIFICATION OF IMPEDIMENTS.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) except as provided in paragraph (2), identify any procedural requirements under the authority of the Secretary that impede greater use of public-private partnerships and private investment in water resources development projects;

(B) develop and implement, on a project-by-project basis, procedures and approaches that—

(i) address such impediments; and

(ii) protect the public interest and any public investment in water resources development projects that involve public-private partnerships or private investment in water resources development projects; and

(C) not later than 1 year after the date of enactment of this section, issue rules to carry out the procedures and approaches developed under subparagraph (B).

(2) **RULE OF CONSTRUCTION.**—Nothing in this section allows the Secretary to waive any requirement under—

(A) sections 3141 through 3148 and sections 3701 through 3708 of title 40, United States Code;

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(C) any other provision of Federal law.

(j) **PUBLIC BENEFIT STUDIES.**—

(1) **IN GENERAL.**—Before entering into a project partnership agreement under subsection (d)(4), the Secretary shall conduct an assessment of whether, and provide justification in writing to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that, the proposed agreement provides better public and financial benefits than a similar transaction using public funding or financing.

(2) **REQUIREMENTS.**—An assessment under paragraph (1) shall—

(A) be completed in a period of not more than 90 days;

(B) take into consideration any supporting materials and data submitted by the relevant non-Federal pilot applicant and other stakeholders; and

(C) determine whether the proposed project partnership agreement is in the public interest by determining whether the agreement will provide public and financial benefits, including expedited project delivery and savings for taxpayers.

(k) **NON-FEDERAL FUNDING.**—The non-Federal pilot applicant may finance the non-Federal share of a project carried out under the pilot program established under subsection (a).

(l) **APPLICABILITY OF FEDERAL LAW.**—Any provision of Federal law that would apply to the Secretary if the Secretary were carrying out a project shall apply to a non-Federal pilot applicant carrying out a project under this section.

(m) **COST SHARE.**—Nothing in this section affects a cost-sharing requirement under Federal law that is applicable to a project carried out under the pilot program established under subsection (a).

(n) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report describing the results of the pilot program established under subsection (a), including any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(o) **NON-FEDERAL PILOT APPLICANT DEFINED.**—In this section, the term “non-Federal pilot applicant” means—

(1) the non-Federal sponsor of the water resources development project;

(2) a non-Federal interest, as defined in section 221 of the Flood Control Act of 1970 (42 U.S.C. 1982d–5b); or

(3) a private entity with the consent of the local government in which the project is located or that is otherwise affected by the project.

### Subtitle C—Innovative Financing Pilot Projects

#### SEC. 5021. SHORT TITLE.

This subtitle may be cited as the “Water Infrastructure Finance and Innovation Act of 2014”.

#### SEC. 5022. DEFINITIONS.

In this subtitle:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **COMMUNITY WATER SYSTEM.**—The term “community water system” has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

(3) **FEDERAL CREDIT INSTRUMENT.**—The term “Federal credit instrument” means a secured loan or loan guarantee authorized to be made available under this subtitle with respect to a project.

(4) **INVESTMENT-GRADE RATING.**—The term “investment-grade rating” means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to project obligations.

(5) **LENDER.**—

(A) **IN GENERAL.**—The term “lender” means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or a successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)).

(B) **INCLUSIONS.**—The term “lender” includes—

(i) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

(ii) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

(6) **LOAN GUARANTEE.**—The term “loan guarantee” means any guarantee or other pledge by the Secretary or the Administrator to pay all or part of the principal of, and interest on, a loan or other debt obligation issued by an obligor and funded by a lender.

(7) **OBLIGOR.**—The term “obligor” means an eligible entity that is primarily liable for payment of the principal of, or interest on, a Federal credit instrument.

(8) **PROJECT OBLIGATION.**—

(A) **IN GENERAL.**—The term “project obligation” means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project.

(B) **EXCLUSION.**—The term “project obligation” does not include a Federal credit instrument.

(9) **RATING AGENCY.**—The term “rating agency” means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

(10) **SECURED LOAN.**—The term “secured loan” means a direct loan or other debt obligation issued by an obligor and funded by the Secretary or Administrator, as applicable, in connection with the financing of a project under section 5029.

(11) **STATE.**—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(12) **STATE INFRASTRUCTURE FINANCING AUTHORITY.**—The term “State infrastructure financing authority” means the State entity established or designated by the Governor of a State to receive a capitalization grant provided by, or otherwise carry out the requirements of, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et. seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(13) **SUBSIDY AMOUNT.**—The term “subsidy amount” means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, as calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(14) **SUBSTANTIAL COMPLETION.**—The term “substantial completion”, with respect to a project, means the earliest date on which a project is considered to perform the functions for which the project is designed.

(15) **TREATMENT WORKS.**—The term “treatment works” has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

#### **SEC. 5023. AUTHORITY TO PROVIDE ASSISTANCE.**

(a) **IN GENERAL.**—The Secretary and the Administrator may provide financial assistance under this subtitle to carry out pilot projects, which shall be selected to ensure a diversity of project types and geographical locations.

(b) **RESPONSIBILITY.**—

(1) **SECRETARY.**—The Secretary shall carry out all pilot projects under this subtitle that are eligible projects under section 5026(1).

(2) **ADMINISTRATOR.**—The Administrator shall carry out all pilot projects under this subtitle that are eligible projects under paragraphs (2), (3), (4), (5), (6), and (8) of section 5026.

(3) **OTHER PROJECTS.**—The Secretary or the Administrator, as applicable, may carry out eligible projects under paragraph (7) or (9) of section 5026.

#### **SEC. 5024. APPLICATIONS.**

(a) **IN GENERAL.**—To receive assistance under this subtitle, an eligible entity shall submit to the Secretary or the Administrator, as applicable, an application at such time, in such manner, and containing such information as the Secretary or the Administrator may require.

(b) **COMBINED PROJECTS.**—In the case of an eligible project described in paragraph (8) or (9) of section 5026, the Secretary or the Administrator, as applicable, shall require the eligible entity to submit a single application for the combined group of projects.

#### **SEC. 5025. ELIGIBLE ENTITIES.**

The following entities are eligible to receive assistance under this subtitle:

(1) A corporation.

(2) A partnership.

(3) A joint venture.

(4) A trust.

(5) A Federal, State, or local governmental entity, agency, or instrumentality.

(6) A tribal government or consortium of tribal governments.

(7) A State infrastructure financing authority.

#### **SEC. 5026. PROJECTS ELIGIBLE FOR ASSISTANCE.**

The following projects may be carried out with amounts made available under this subtitle:

(1) Any project for flood damage reduction, hurricane and storm damage reduction, environmental restoration, coastal or inland harbor navigation improvement, or inland and intra-coastal waterways navigation improvement that the Secretary determines is technically sound, economically justified, and environmentally acceptable, including—

(A) a project to reduce flood damage;

(B) a project to restore aquatic ecosystems;

(C) a project to improve the inland and intra-coastal waterways navigation system of the United States; and

(D) a project to improve navigation of a coastal or inland harbor of the United States, including channel deepening and construction of associated general navigation features.

(2) 1 or more activities that are eligible for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)), notwithstanding the public ownership requirement under paragraph (1) of that subsection.

(3) 1 or more activities described in section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)).

(4) A project for enhanced energy efficiency in the operation of a public water system or a publicly owned treatment works.

(5) A project for repair, rehabilitation, or replacement of a treatment works, community water system, or aging water distribution or waste collection facility (including a facility that serves a population or community of an Indian reservation).

(6) A brackish or sea water desalination project, a managed aquifer recharge project, or a water recycling project.

(7) Acquisition of real property or an interest in real property—

(A) if the acquisition is integral to a project described in paragraphs (1) through (6); or

(B) pursuant to an existing plan that, in the judgment of the Administrator or the Secretary, as applicable, would mitigate the environmental impacts of water resources infrastructure projects otherwise eligible for assistance under this section.

(8) A combination of projects, each of which is eligible under paragraph (2) or (3), for which a State infrastructure financing authority submits to the Administrator a single application.

(9) A combination of projects secured by a common security pledge, each of which is eligible under paragraph (1), (2), (3), (4), (5), (6), or (7), for which an eligible entity, or a combination of eligible entities, submits a single application.

#### **SEC. 5027. ACTIVITIES ELIGIBLE FOR ASSISTANCE.**

For purposes of this subtitle, an eligible activity with respect to an eligible project includes the cost of—

(1) development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(2) construction, reconstruction, rehabilitation, and replacement activities;

(3) the acquisition of real property or an interest in real property (including water rights,

land relating to the project, and improvements to land), environmental mitigation (including acquisitions pursuant to section 5026(7)), construction contingencies, and acquisition of equipment; and

(4) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

#### **SEC. 5028. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.**

(a) **ELIGIBILITY REQUIREMENTS.**—To be eligible to receive financial assistance under this subtitle, a project shall meet the following criteria, as determined by the Secretary or Administrator, as applicable:

(1) **CREDITWORTHINESS.**—

(A) **IN GENERAL.**—The project and obligor shall be creditworthy, which shall be determined by the Secretary or the Administrator, as applicable.

(B) **CONSIDERATIONS.**—In determining the creditworthiness of a project and obligor, the Secretary or the Administrator, as applicable, shall take into consideration relevant factors, including—

(i) the terms, conditions, financial structure, and security features of the proposed financing;

(ii) the dedicated revenue sources that will secure or fund the project obligations;

(iii) the financial assumptions upon which the project is based; and

(iv) the financial soundness and credit history of the obligor.

(C) **SECURITY FEATURES.**—The Secretary or the Administrator, as applicable, shall ensure that any financing for the project has appropriate security features, such as a rate covenant, supporting the project obligations to ensure repayment.

(D) **RATING OPINION LETTERS.**—

(i) **PRELIMINARY RATING OPINION LETTER.**—The Secretary or the Administrator, as applicable, shall require each project applicant to provide, at the time of application, a preliminary rating opinion letter from at least 1 rating agency indicating that the senior obligations of the project (which may be the Federal credit instrument) have the potential to achieve an investment-grade rating.

(ii) **FINAL RATING OPINION LETTERS.**—The Secretary or the Administrator, as applicable, shall require each project applicant to provide, prior to final acceptance and financing of the project, final rating opinion letters from at least 2 rating agencies indicating that the senior obligations of the project have an investment-grade rating.

(E) **SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.**—The Administrator shall develop a credit evaluation process for a Federal credit instrument provided to a State infrastructure financing authority for a project under section 5026(8) or an entity for a project under section 5026(9), which may include requiring the provision of a final rating opinion letter from at least 2 rating agencies.

(2) **ELIGIBLE PROJECT COSTS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the eligible project costs of a project shall be reasonably anticipated to be not less than \$20,000,000.

(B) **SMALL COMMUNITY WATER INFRASTRUCTURE PROJECTS.**—For a project described in paragraph (2) or (3) of section 5026 that serves a community of not more than 25,000 individuals, the eligible project costs of a project shall be reasonably anticipated to be not less than \$5,000,000.

(3) **DEDICATED REVENUE SOURCES.**—The Federal credit instrument for the project shall be repayable, in whole or in part, from dedicated revenue sources that also secure the project obligations.

(4) **PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.**—

(A) *IN GENERAL.*—If an eligible project is carried out by an entity that is not a State or local government or an agency or instrumentality of a State or local government or a tribal government or consortium of tribal governments, the project shall be publicly sponsored.

(B) *PUBLIC SPONSORSHIP.*—For purposes of this subtitle, a project shall be considered to be publicly sponsored if the obligor can demonstrate, to the satisfaction of the Secretary or the Administrator, as appropriate, that the project applicant has consulted with the affected State, local, or tribal government in which the project is located, or is otherwise affected by the project, and that such government supports the proposed project.

(5) *LIMITATION.*—No project receiving Federal credit assistance under this subtitle may be financed (directly or indirectly), in whole or in part, with proceeds of any obligation—

(A) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(B) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(6) *USE OF EXISTING FINANCING MECHANISMS.*—

(A) *NOTIFICATION.*—For each eligible project for which the Administrator has authority under paragraph (2) or (3) of section 5023(b) and for which the Administrator has received an application for financial assistance under this subtitle, the Administrator shall notify, not later than 30 days after the date on which the Administrator receives a complete application, the applicable State infrastructure financing authority of the State in which the project is located that such application has been submitted.

(B) *DETERMINATION.*—If, not later than 60 days after the date of receipt of a notification under subparagraph (A), a State infrastructure financing authority notifies the Administrator that the State infrastructure financing authority intends to commit funds to the project in an amount that is equal to or greater than the amount requested under the application, the Administrator may not provide any financial assistance for that project under this subtitle unless—

(i) by the date that is 180 days after the date of receipt of a notification under subparagraph (A), the State infrastructure financing authority fails to enter into an assistance agreement to provide funds for the project; or

(ii) the financial assistance to be provided by the State infrastructure financing authority will be at rates and terms that are less favorable than the rates and terms for financial assistance provided under this subtitle.

(7) *OPERATION AND MAINTENANCE PLAN.*—

(A) *IN GENERAL.*—The Secretary or the Administrator, as applicable, shall determine whether an applicant for assistance under this subtitle has developed, and identified adequate revenues to implement, a plan for operating, maintaining, and repairing the project over the useful life of the project.

(B) *SPECIAL RULE.*—An eligible project described in section 5026(1) that has not been specifically authorized by Congress shall not be eligible for Federal assistance for operations and maintenance.

(b) *SELECTION CRITERIA.*—

(1) *ESTABLISHMENT.*—The Secretary or the Administrator, as applicable, shall establish criteria for the selection of projects that meet the eligibility requirements of subsection (a), in accordance with paragraph (2).

(2) *CRITERIA.*—The selection criteria shall include the following:

(A) The extent to which the project is nationally or regionally significant, with respect to the generation of economic and public benefits, such as—

(i) the reduction of flood risk;

(ii) the improvement of water quality and quantity, including aquifer recharge;

(iii) the protection of drinking water, including source water protection; and

(iv) the support of international commerce.

(B) The extent to which the project financing plan includes public or private financing in addition to assistance under this subtitle.

(C) The likelihood that assistance under this subtitle would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

(D) The extent to which the project uses new or innovative approaches.

(E) The amount of budget authority required to fund the Federal credit instrument made available under this subtitle.

(F) The extent to which the project—

(i) protects against extreme weather events, such as floods or hurricanes; or

(ii) helps maintain or protect the environment.

(G) The extent to which a project serves regions with significant energy exploration, development, or production areas.

(H) The extent to which a project serves regions with significant water resource challenges, including the need to address—

(i) water quality concerns in areas of regional, national, or international significance;

(ii) water quantity concerns related to groundwater, surface water, or other water sources;

(iii) significant flood risk;

(iv) water resource challenges identified in existing regional, State, or multistate agreements; or

(v) water resources with exceptional recreational value or ecological importance.

(I) The extent to which the project addresses identified municipal, State, or regional priorities.

(J) The readiness of the project to proceed toward development, including a demonstration by the obligor that there is a reasonable expectation that the contracting process for construction of the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under this subtitle.

(K) The extent to which assistance under this subtitle reduces the contribution of Federal assistance to the project.

(3) *SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.*—For a project described in section 5026(8), the Administrator shall only consider the criteria described in subparagraphs (B) through (K) of paragraph (2).

(c) *FEDERAL REQUIREMENTS.*—Nothing in this section supersedes the applicability of other requirements of Federal law (including regulations).

#### **SEC. 5029. SECURED LOANS.**

(a) *AGREEMENTS.*—

(1) *IN GENERAL.*—Subject to paragraphs (2) and (3), the Secretary or the Administrator, as applicable, may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used to finance eligible project costs of any project selected under section 5028.

(2) *FINANCIAL RISK ASSESSMENT.*—Before entering into an agreement under this subsection for a secured loan, the Secretary or the Administrator, as applicable, in consultation with the Director of the Office of Management and Budget and each rating agency providing a rating opinion letter under section 5028(a)(1)(D), shall determine an appropriate capital reserve subsidy amount for the secured loan, taking into account each such rating opinion letter.

(3) *INVESTMENT-GRADE RATING REQUIREMENT.*—The execution of a secured loan under this section shall be contingent on receipt by the

senior obligations of the project of an investment-grade rating.

(b) *TERMS AND LIMITATIONS.*—

(1) *IN GENERAL.*—A secured loan provided for a project under this section shall be subject to such terms and conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits), as the Secretary or the Administrator, as applicable, determines to be appropriate.

(2) *MAXIMUM AMOUNT.*—The amount of a secured loan under this section shall not exceed the lesser of—

(A) an amount equal to 49 percent of the reasonably anticipated eligible project costs; and

(B) if the secured loan does not receive an investment-grade rating, the amount of the senior project obligations of the project.

(3) *PAYMENT.*—A secured loan under this section—

(A) shall be payable, in whole or in part, from State or local taxes, user fees, or other dedicated revenue sources that also secure the senior project obligations of the relevant project;

(B) shall include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

(C) may have a lien on revenues described in subparagraph (A), subject to any lien securing project obligations.

(4) *INTEREST RATE.*—The interest rate on a secured loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

(5) *MATURITY DATE.*—

(A) *IN GENERAL.*—The final maturity date of a secured loan under this section shall be the earlier of—

(i) the date that is 35 years after the date of substantial completion of the relevant project (as determined by the Secretary or the Administrator, as applicable); and

(ii) if the useful life of the project (as determined by the Secretary or Administrator, as applicable) is less than 35 years, the useful life the project.

(B) *SPECIAL RULE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.*—The final maturity date of a secured loan to a State infrastructure financing authority under this section shall be not later than 35 years after the date on which amounts are first disbursed.

(6) *NONSUBORDINATION.*—A secured loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor of the project.

(7) *FEES.*—The Secretary or the Administrator, as applicable, may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

(8) *NON-FEDERAL SHARE.*—The proceeds of a secured loan under this section may be used to pay any non-Federal share of project costs required if the loan is repayable from non-Federal funds.

(9) *MAXIMUM FEDERAL INVOLVEMENT.*—

(A) *IN GENERAL.*—Except as provided in subparagraph (B), for each project for which assistance is provided under this subtitle, the total amount of Federal assistance shall not exceed 80 percent of the total project cost.

(B) *EXCEPTIONS.*—Subparagraph (A) shall not apply to any rural water project—

(i) that is authorized to be carried out by the Secretary of the Interior;

(ii) that includes among its beneficiaries a federally recognized Indian tribe; and

(iii) for which the authorized Federal share of the total project costs is greater than the amount described in subparagraph (A).

## (c) REPAYMENT.—

(1) **SCHEDULE.**—The Secretary or the Administrator, as applicable, shall establish a repayment schedule for each secured loan provided under this section, based on the projected cash flow from project revenues and other repayment sources.

## (2) COMMENCEMENT.—

(A) **IN GENERAL.**—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project (as determined by the Secretary or Administrator, as applicable).

(B) **SPECIAL RULE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.**—Scheduled loan repayments of principal or interest on a secured loan to a State infrastructure financing authority under this subtitle shall commence not later than 5 years after the date on which amounts are first disbursed.

## (3) DEFERRED PAYMENTS.—

(A) **AUTHORIZATION.**—If, at any time after the date of substantial completion of a project for which a secured loan is provided under this section, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary or the Administrator, as applicable, subject to subparagraph (C), may allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

(B) **INTEREST.**—Any payment deferred under subparagraph (A) shall—

- (i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and
- (ii) be scheduled to be amortized over the remaining term of the secured loan.

## (C) CRITERIA.—

(i) **IN GENERAL.**—Any payment deferral under subparagraph (A) shall be contingent on the project meeting such criteria as the Secretary or the Administrator, as applicable, may establish.

(ii) **REPAYMENT STANDARDS.**—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.

## (4) PREPAYMENT.—

(A) **USE OF EXCESS REVENUES.**—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay a secured loan under this section without penalty.

(B) **USE OF PROCEEDS OF REFINANCING.**—A secured loan under this section may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

## (d) SALE OF SECURED LOANS.—

(1) **IN GENERAL.**—Subject to paragraph (2), as soon as practicable after the date of substantial completion of a project and after providing a notice to the obligor, the Secretary or the Administrator, as applicable, may sell to another entity or reoffer into the capital markets a secured loan for a project under this section, if the Secretary or the Administrator, as applicable, determines that the sale or reoffering can be made on favorable terms.

(2) **CONSENT OF OBLIGOR.**—In making a sale or reoffering under paragraph (1), the Secretary or the Administrator, as applicable, may not change the original terms and conditions of the secured loan without the written consent of the obligor.

## (e) LOAN GUARANTEES.—

(1) **IN GENERAL.**—The Secretary or the Administrator, as applicable, may provide a loan guarantee to a lender in lieu of making a secured loan under this section, if the Secretary or the Administrator, as applicable, determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

(2) **TERMS.**—The terms of a loan guarantee provided under this subsection shall be consistent with the terms established in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary or the Administrator, as applicable.

**SEC. 5030. PROGRAM ADMINISTRATION.**

(a) **REQUIREMENT.**—The Secretary or the Administrator, as applicable, shall establish a uniform system to service the Federal credit instruments made available under this subtitle.

## (b) FEES.—

(1) **IN GENERAL.**—The Secretary or the Administrator, as applicable, may collect and spend fees, contingent on authority being provided in appropriations Acts, at a level that is sufficient to cover—

(A) the costs of services of expert firms retained pursuant to subsection (d); and

(B) all or a portion of the costs to the Federal Government of servicing the Federal credit instruments provided under this subtitle.

## (c) SERVICER.—

(1) **IN GENERAL.**—The Secretary or the Administrator, as applicable, may appoint a financial entity to assist the Secretary or the Administrator in servicing the Federal credit instruments provided under this subtitle.

(2) **DUTIES.**—A servicer appointed under paragraph (1) shall act as the agent for the Secretary or the Administrator, as applicable.

(3) **FEE.**—A servicer appointed under paragraph (1) shall receive a servicing fee, subject to approval by the Secretary or the Administrator, as applicable.

(d) **ASSISTANCE FROM EXPERTS.**—The Secretary or the Administrator, as applicable, may retain the services, including counsel, of organizations and entities with expertise in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments provided under this subtitle.

(e) **APPLICABILITY OF OTHER LAWS.**—Section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) applies to the construction of a project carried out, in whole or in part, with assistance made available through a Federal credit instrument under this subtitle in the same manner that section applies to a treatment works for which a grant is made available under that Act.

**SEC. 5031. STATE, TRIBAL, AND LOCAL PERMITS.**

The provision of financial assistance for a project under this subtitle shall not—

(1) relieve any recipient of the assistance of any obligation to obtain any required State, local, or tribal permit or approval with respect to the project;

(2) limit the right of any unit of State, local, or tribal government to approve or regulate any rate of return on private equity invested in the project; or

(3) otherwise supersede any State, local, or tribal law (including any regulation) applicable to the construction or operation of the project.

**SEC. 5032. REGULATIONS.**

The Secretary or the Administrator, as applicable, may promulgate such regulations as the Secretary or Administrator determines to be appropriate to carry out this subtitle.

**SEC. 5033. FUNDING.**

(a) **IN GENERAL.**—There is authorized to be appropriated to each of the Secretary and the Administrator to carry out this subtitle, to remain available until expended—

- (1) \$20,000,000 for fiscal year 2015;
- (2) \$25,000,000 for fiscal year 2016;
- (3) \$35,000,000 for fiscal year 2017;
- (4) \$45,000,000 for fiscal year 2018; and
- (5) \$50,000,000 for fiscal year 2019.

(b) **ADMINISTRATIVE COSTS.**—Of the funds made available to carry out this subtitle, the

Secretary or the Administrator, as applicable, may use for the administration of this subtitle, including for the provision of technical assistance to aid project sponsors in obtaining the necessary approvals for the project, not more than \$2,200,000 for each of fiscal years 2015 through 2019.

## (c) SMALL COMMUNITY WATER INFRASTRUCTURE PROJECTS.—

(1) **IN GENERAL.**—For each fiscal year, the Secretary or the Administrator, as applicable, shall set aside not less than 15 percent of the amounts made available for that fiscal year under this section for small community water infrastructure projects described in section 5028(a)(2)(B).

(2) **ADMINISTRATION.**—Any amounts set aside under paragraph (1) that remain unobligated on June 1 of the fiscal year for which the amounts are set aside shall be available for obligation by the Secretary or the Administrator, as applicable, for projects other than small community water infrastructure projects.

(d) **ADDITIONAL FUNDING.**—Notwithstanding section 5029(b)(2), the Secretary or the Administrator, as applicable, may make available up to 25 percent of the amounts made available for each fiscal year under this section for loans in excess of 49 percent of the total project costs.

**SEC. 5034. REPORTS ON PILOT PROGRAM IMPLEMENTATION.**

(a) **AGENCY REPORTING.**—As soon as practicable after each fiscal year for which amounts are made available to carry out this subtitle, the Secretary and the Administrator shall publish on a dedicated, publicly accessible Internet site—

(1) each application received for assistance under this subtitle; and

(2) a list of the projects selected for assistance under this subtitle, including—

- (A) a description of each project;
- (B) the amount of financial assistance provided for each project; and

(C) the basis for the selection of each project with respect to the requirements of this subtitle.

## (b) REPORTS TO CONGRESS.—

(1) **IN GENERAL.**—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report summarizing for the projects that are receiving, or have received, assistance under this subtitle—

(A) the applications received for assistance under this subtitle;

(B) the projects selected for assistance under this subtitle, including a description of the projects and the basis for the selection of those projects with respect to the requirements of this subtitle;

(C) the type and amount of financial assistance provided for each project selected for assistance under this subtitle;

(D) the financial performance of each project selected for assistance under this subtitle, including an evaluation of whether the objectives of this subtitle are being met;

(E) the benefits and impacts of implementation of this subtitle, including the public benefit provided by the projects selected for assistance under this subtitle, including, as applicable, water quality and water quantity improvement, the protection of drinking water, and the reduction of flood risk; and

(F) an evaluation of the feasibility of attracting non-Federal public or private financing for water infrastructure projects as a result of the implementation of this subtitle.

(2) **RECOMMENDATIONS.**—The report under paragraph (1) shall include—

(A) an evaluation of the impacts (if any) of the limitation under section 5028 (a)(5) on the

ability of eligible entities to finance water infrastructure projects under this subtitle;

(B) a recommendation as to whether the objectives of this subtitle would be best served—

(i) by continuing the authority of the Secretary or the Administrator, as applicable, to provide assistance under this subtitle;

(ii) by establishing a Government corporation or Government-sponsored enterprise to provide assistance in accordance with this subtitle; or

(iii) by terminating the authority of the Secretary and the Administrator under this subtitle and relying on the capital markets to fund the types of infrastructure investments assisted by this subtitle without Federal participation; and

(C) any proposed changes to improve the efficiency and effectiveness of this subtitle in providing financing for water infrastructure projects, taking into consideration the recommendations made under subparagraphs (A) and (B).

#### SEC. 5035. REQUIREMENTS.

(a) **IN GENERAL.**—Except as provided in subsection (c), none of the amounts made available under this subtitle may be used for the construction, alteration, maintenance, or repair of a project eligible for assistance under this subtitle unless all of the iron and steel products used in the project are produced in the United States.

(b) **DEFINITION OF IRON AND STEEL PRODUCTS.**—In this section, the term “iron and steel products” means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(c) **APPLICATION.**—Subsection (a) shall not apply in any case or category of cases in which the Administrator finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(d) **WAIVER.**—If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public, on an informal basis, a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

(e) **INTERNATIONAL AGREEMENTS.**—This section shall be applied in a manner consistent with United States obligations under international agreements.

### TITLE VI—DEAUTHORIZATION AND BACKLOG PREVENTION

#### SEC. 6001. DEAUTHORIZATION OF INACTIVE PROJECTS.

(a) **PURPOSES.**—The purposes of this section are—

(1) to identify \$18,000,000,000 in water resources development projects authorized by Congress that are no longer viable for construction due to—

(A) a lack of local support;

(B) a lack of available Federal or non-Federal resources; or

(C) an authorizing purpose that is no longer relevant or feasible;

(2) to create an expedited and definitive process to deauthorize water resources development

projects that are no longer viable for construction; and

(3) to allow the continued authorization of water resources development projects that are viable for construction.

(b) **COMPREHENSIVE STATUS REPORTS.**—Section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)) is amended by adding at the end the following:

“(3) **MINIMUM FUNDING LIST.**—At the end of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available on a publicly accessible Internet site in a manner that is downloadable, searchable, and sortable, a list of—

“(A) projects or separable elements of projects authorized for construction for which funding has been obligated during the current fiscal year or any of the 6 preceding fiscal years;

“(B) the amount of funding obligated for each such project or separable element per fiscal year;

“(C) the current phase of each such project or separable element of a project; and

“(D) the amount required to complete the current phase of each such project or separable element.

“(4) **COMPREHENSIVE BACKLOG REPORT.**—

“(A) **IN GENERAL.**—The Secretary shall compile and publish a complete list of all projects and separable elements of projects of the Corps of Engineers that are authorized for construction but have not been completed.

“(B) **REQUIRED INFORMATION.**—The Secretary shall include on the list developed under subparagraph (A) for each project and separable element on that list—

“(i) the date of authorization of the project or separable element, including any subsequent modifications to the original authorization;

“(ii) the original budget authority for the project or separable element;

“(iii) a brief description of the project or separable element;

“(iv) the estimated date of completion of the project or separable element;

“(v) the estimated cost of completion of the project or separable element; and

“(vi) any amounts appropriated for the project or separable element that remain unobligated.

“(C) **PUBLICATION.**—

“(i) **IN GENERAL.**—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall submit a copy of the list developed under subparagraph (A) to—

“(1) the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

“(2) the Director of the Office of Management and Budget.

“(ii) **PUBLIC AVAILABILITY.**—Beginning on the date the Secretary submits the report to Congress under clause (i), the Secretary shall make a copy of the list available on a publicly accessible Internet site in a manner that is downloadable, searchable, and sortable.”.

(c) **INTERIM DEAUTHORIZATION LIST.**—

(1) **IN GENERAL.**—The Secretary shall develop an interim deauthorization list that identifies each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—

(A) construction was not initiated before the date of enactment of this Act; or

(B) construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for construction of the project or separable element of the project during the current fiscal year or any of the 6 preceding fiscal years.

(2) **SPECIAL RULE FOR PROJECTS RECEIVING FUNDS FOR POST-AUTHORIZATION STUDY.**—A project or separable element of a project may not be identified on the interim deauthorization list, or the final deauthorization list developed under subsection (d), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 6 preceding fiscal years.

(3) **PUBLIC COMMENT AND CONSULTATION.**—

(A) **IN GENERAL.**—The Secretary shall solicit comments from the public and the Governors of each applicable State on the interim deauthorization list developed under paragraph (1).

(B) **COMMENT PERIOD.**—The public comment period shall be 90 days.

(4) **SUBMISSION TO CONGRESS; PUBLICATION.**—Not later than 90 days after the date of submission of the list required by section 1001(b)(4)(A) of the Water Resources Development Act of 1986 (as added by subsection (b)), the Secretary shall—

(A) submit the interim deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the interim deauthorization list in the Federal Register.

(d) **FINAL DEAUTHORIZATION LIST.**—

(1) **IN GENERAL.**—The Secretary shall develop a final deauthorization list of each water resources development project, or separable element of a project, described in subsection (c)(1) that is identified pursuant to this subsection.

(2) **DEAUTHORIZATION AMOUNT.**—

(A) **IN GENERAL.**—The Secretary shall include on the final deauthorization list projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least \$18,000,000,000.

(B) **DETERMINATION OF FEDERAL COST TO COMPLETE.**—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

(3) **IDENTIFICATION OF PROJECTS.**—

(A) **SEQUENCING OF PROJECTS.**—

(i) **IN GENERAL.**—The Secretary shall identify projects and separable elements of projects for inclusion on the final deauthorization list according to the order in which the projects and separable elements of the projects were authorized, beginning with the earliest authorized projects and separable elements of projects and ending once the last project or separable element of a project necessary to meet the aggregate amount under paragraph (2) is identified.

(ii) **FACTORS TO CONSIDER.**—The Secretary may identify projects and separable elements of projects in an order other than that established by clause (i) if the Secretary determines, on a case-by-case basis, that a project or separable element of a project is critical for interests of the United States, based on the possible impact of the project or separable element of the project on public health and safety, the national economy, or the environment.

(iii) **CONSIDERATION OF PUBLIC COMMENTS.**—In making determinations under clause (ii), the Secretary shall consider any comments received under subsection (c)(3).

(B) **APPENDIX.**—The Secretary shall include as part of the final deauthorization list an appendix that—

(i) identifies each project or separable element of a project on the interim deauthorization list developed under subsection (c) that is not included on the final deauthorization list; and

(ii) describes the reasons why the project or separable element is not included.

(4) **SUBMISSION TO CONGRESS; PUBLICATION.**—Not later than 120 days after the date on which

the public comment period under subsection (c)(3) expires, the Secretary shall—

(A) submit the final deauthorization list and the appendix to the final deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the final deauthorization list and the appendix to the final deauthorization list in the Federal Register.

(e) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

(1) IN GENERAL.—After the expiration of the 180-day period beginning on the date of submission of the final deauthorization report under subsection (d), a project or separable element of a project identified in the report is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization report prior to the end of such period.

(2) NON-FEDERAL CONTRIBUTIONS.—

(A) IN GENERAL.—A project or separable element of a project identified in the final deauthorization report under subsection (d) shall not be deauthorized under this subsection if, before the expiration of the 180-day period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.

(B) TREATMENT OF PROJECTS.—Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization report shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (d)(2).

(f) GENERAL PROVISIONS.—

(1) DEFINITIONS.—In this section:

(A) POST-AUTHORIZATION STUDY.—The term “post-authorization study” means—

(i) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);

(ii) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

(iii) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that—

(I) demonstrates a Federal interest; and

(II) requires additional analysis for the project or separable element.

(B) WATER RESOURCES DEVELOPMENT PROJECT.—The term “water resources development project” includes an environmental infrastructure assistance project or program of the Corps of Engineers.

(2) TREATMENT OF PROJECT MODIFICATIONS.—For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent such modification.

#### SEC. 6002. REVIEW OF CORPS OF ENGINEERS ASSETS.

(a) ASSESSMENT AND INVENTORY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an assessment of all properties under the control of the Corps of Engineers and develop an inventory of the properties that are not needed for the missions of the Corps of Engineers.

(b) CRITERIA.—In conducting the assessment and developing the inventory under subsection (a), the Secretary shall use the following criteria:

(1) The extent to which the property aligns with the current missions of the Corps of Engineers.

(2) The economic impact of the property on existing communities in the vicinity of the property.

(3) The extent to which the utilization rate for the property is being maximized and is consistent with nongovernmental industry standards for the given function or operation.

(4) The extent to which the reduction or elimination of the property could reduce operation and maintenance costs of the Corps of Engineers.

(5) The extent to which the reduction or elimination of the property could reduce energy consumption by the Corps of Engineers.

(c) NOTIFICATION.—As soon as practicable following completion of the inventory of properties under subsection (a), the Secretary shall provide the inventory to the Administrator of General Services.

(d) REPORT TO CONGRESS.—Not later than 30 days after the date of the notification under subsection (c), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report containing the findings of the Secretary with respect to the assessment and inventory required under subsection (a).

#### SEC. 6003. BACKLOG PREVENTION.

(a) PROJECT DEAUTHORIZATION.—

(1) IN GENERAL.—A water resources development project, or separable element of such a project, authorized for construction by this Act shall not be authorized after the last day of the 7-year period beginning on the date of enactment of this Act unless funds have been obligated for construction of such project during that period.

(2) IDENTIFICATION OF PROJECTS.—Not later than 60 days after the expiration of the 7-year period referred to in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies the projects deauthorized under paragraph (1).

(b) REPORT TO CONGRESS.—Not later than 60 days after the expiration of the 12-year period beginning on the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available to the public, a report that contains—

(1) a list of any water resources development projects authorized by this Act for which construction has not been completed during that period;

(2) a description of the reasons the projects were not completed;

(3) a schedule for the completion of the projects based on expected levels of appropriations; and

(4) a 5-year and 10-year projection of construction backlog and any recommendations to Congress regarding how to mitigate current problems and the backlog.

#### SEC. 6004. DEAUTHORIZATIONS.

(a) IN GENERAL.—

(1) WALNUT CREEK (PACHECO CREEK), CALIFORNIA.—The portions of the project for flood protection on Walnut Creek, California, constructed under section 203 of the Flood Control Act of 1960 (Public Law 86-645; 74 Stat. 488), consisting of the Walnut Creek project from Sta 0+00 to Sta 142+00 and the upstream extent of the Walnut Creek project along Pacheco Creek from Sta 0+00 to Sta 73+50 are no longer authorized beginning on the date of enactment of this Act.

(2) WALNUT CREEK (SAN RAMON CREEK), CALIFORNIA.—The portion of the project for flood protection on Walnut Creek, California, constructed under section 203 of the Flood Control

Act of 1960 (Public Law 86-645; 74 Stat. 488), consisting of the culvert constructed by the Department of the Army on San Ramon Creek from Sta 4+27 to Sta 14+27 is no longer authorized beginning on the date of enactment of this Act.

(3) EIGHTMILE RIVER, CONNECTICUT.—

(A) The portion of the project for navigation, Eightmile River, Connecticut, authorized by the first section of the Act of June 25, 1910 (36 Stat. 633, chapter 382) (commonly known as the “River and Harbor Act of 1910”), that begins at a point of the existing 8-foot channel limit with coordinates N701002.39, E1109247.73, thence running north 2 degrees 19 minutes 57.1 seconds east 265.09 feet to a point N701267.26, E1109258.52, thence running north 7 degrees 47 minutes 19.3 seconds east 322.32 feet to a point N701586.60, E1109302.20, thence running north 90 degrees 0 minutes 0 seconds east 65.61 to a point N701586.60, E1109367.80, thence running south 7 degrees 47 minutes 19.3 seconds west 328.11 feet to a point N701261.52, E1109323.34, thence running south 2 degrees 19 minutes 57.1 seconds west 305.49 feet to an end at a point N700956.28, E1109310.91 on the existing 8-foot channel limit, shall be reduced to a width of 65 feet and the channel realigned to follow the deepest available water.

(B) The project referred to in subparagraph (A) beginning at a point N701296.72, E1109262.55 and running north 45 degrees 4 minutes 2.8 seconds west 78.09 feet to a point N701341.18, E1109217.98, thence running north 5 degrees 8 minutes 34.6 seconds east 180.14 feet to a point N701520.59, E1109234.13, thence running north 54 degrees 5 minutes 50.1 seconds east 112.57 feet to a point N701568.04, E1109299.66, thence running south 7 degrees 47 minutes 18.4 seconds west 292.58 feet to the point of origin; and the remaining area north of the channel realignment beginning at a point N700956.28, E1109310.91 thence running north 2 degrees 19 minutes 57.1 seconds east 305.49 feet west to a point N701261.52, E1109323.34 north 7 degrees 47 minutes 18.4 seconds east 328.11 feet to a point N701586.60, E1109367.81 thence running north 90 degrees 0 minutes 0 seconds east 7.81 feet to a point N701586.60, E1109375.62 thence running south 5 degrees 8 minutes 34.6 seconds west 626.29 feet to a point N700962.83, E1109319.47 thence south 52 degrees 35 minutes 36.5 seconds 10.79 feet to the point of origin is no longer authorized beginning on the date of enactment of this Act.

(4) HILLSBOROUGH (HILLSBORO) BAY AND RIVER, FLORIDA.—The portions of the project for navigation, Hillsborough (Hillsboro) Bay and River, Florida, authorized by the Act of March 3, 1899 (30 Stat. 1126; chapter 425), that extend on either side of the Hillsborough River from the Kennedy Boulevard bridge to the mouth of the river that cause the existing channel to exceed 100 feet in width are no longer authorized beginning on the date of enactment of this Act.

(5) KAHULUI WASTEWATER RECLAMATION FACILITY, MAUI, HAWAII.—The project authorized pursuant to section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) to provide shoreline protection for the Kahului Wastewater Reclamation Facility, located on the Island of Maui in the State of Hawaii is no longer authorized beginning on the date of enactment of this Act.

(6) LUCAS-BERG PIT, ILLINOIS WATERWAY AND GRANT CALUMET RIVER, ILLINOIS.—The portion of the project for navigation, Illinois Waterway and Grand Calumet River, Illinois, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636; chapter 595), that consists of the Lucas-Berg Pit confined disposal facility, Illinois is no longer authorized beginning on the date of enactment of this Act.

(7) PORT OF IBERIA, LOUISIANA.—Section 1001(25) of the Water Resources Development



Act of 2007 (121 Stat. 1053) is amended by striking “; except that” and all that follows before the period at the end.

(8) **ROCKLAND HARBOR, MAINE.**—The project for navigation, Rockland Harbor, Maine, authorized by the Act of June 3, 1896 (29 Stat. 202; chapter 314), and described as follows is no longer authorized beginning on the date of enactment of this Act:

(A) Beginning at the point in the 14-foot turning basin limit with coordinates N162,927.61, E826,210.16.

(B) Thence running north 45 degrees 45 minutes 15.6 seconds east 287.45 feet to a point N163,128.18, E826,416.08.

(C) Thence running south 13 degrees 17 minutes 53.3 seconds east 129.11 feet to a point N163,002.53, E826,445.77.

(D) Thence running south 45 degrees 45 minutes 18.4 seconds west 221.05 feet to a point N162,848.30, E826,287.42.

(E) Thence running north 44 degrees 14 minutes 59.5 seconds west 110.73 feet to the point of origin.

(9) **THOMASTON HARBOR, GEORGES RIVER, MAINE.**—The portion of the project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), and modified by section 317 of the Water Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2604), that lies northwesterly of a line commencing at point N87,220.51, E321,065.80 thence running northeasterly about 125 feet to a point N87,338.71, E321,106.46 is no longer authorized beginning on the date of enactment of this Act.

(10) **CORSICA RIVER, QUEEN ANNE'S COUNTY, MARYLAND.**—The portion of the project for improving the Corsica River, Maryland, authorized by the first section of the Act of July 25, 1912 (37 Stat. 205; chapter 253), and described as follows is no longer authorized beginning on the date of enactment of this Act: Approximately 2,000 feet of the eastern section of the project channel extending from—

(A) centerline station 0+000 (coordinates N506350.60, E1575013.60); to

(B) station 2+000 (coordinates N508012.39, E1574720.18).

(11) **GOOSE CREEK, SOMERSET COUNTY, MARYLAND.**—The project for navigation, Goose Creek, Somerset County, Maryland, carried out pursuant to section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577), is realigned as follows: Beginning at Goose Creek Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 0+00, coordinates North 157851.80, East 1636954.70, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, July 2003; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: S. 63 degrees 26 minutes 06 seconds E., 1460.05 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 973.28 feet to a point, thence; N. 26 degrees 13 minutes 09 seconds W., 240.39 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 42+57.54, coordinates North 157357.84, East 1640340.23. Geometry Left Toe of the 60-foot-wide main navigational ship channel, Left Toe Station No. 0+00, coordinates North 157879.00, East 1636967.40, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49

minutes 12 seconds E., 1583.91 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following eight courses and distances: S. 63 degrees 25 minutes 38 seconds E., 1366.25 feet to a point, thence; N. 83 degrees 36 minutes 24 seconds E., 125.85 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 805.19 feet to a point, thence; N. 12 degrees 12 minutes 29 seconds E., 78.33 feet to a point thence; N. 26 degrees 13 minutes 28 seconds W., 46.66 feet to a point thence; S. 63 degrees 45 minutes 41 seconds W., 54.96 feet to a point thence; N. 26 degrees 13 minutes 24 seconds W., 119.94 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 41+81.10, coordinates North 157320.30, East 1640264.00. Geometry Right Toe of the 60-foot-wide main navigational ship channel, Right Toe Station No. 0+00, coordinates North 157824.70, East 1636941.90, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following six courses and distances: S. 63 degrees 25 minutes 47 seconds E., 1478.79 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 1016.69 feet to a point, thence; N. 26 degrees 14 minutes 49 seconds W., 144.26 feet to a point, thence; N. 63 degrees 54 minutes 03 seconds E., 55.01 feet to a point thence; N. 26 degrees 12 minutes 08 seconds W., 120.03 feet to a point a point on the Right Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+98.61, coordinates North 157395.40, East 1640416.50.

(12) **LOWER THOROUGHFARE, DEAL ISLAND, MARYLAND.**—The portion of the project for navigation, Lower Thoroughfare, Maryland, authorized by the Act of June 25, 1910 (36 Stat. 639, chapter 382) (commonly known as the “River and Harbor Act of 1910”), that begins at Lower Thoroughfare Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 44+88, coordinates North 170435.62, East 1614588.93, as stated and depicted on the Condition Survey Lower Thoroughfare, Deal Island, Sheet 1 of 3, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 42 degrees 20 minutes 44 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 64 degrees 08 minutes 55 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 43 seconds W., 250.08 feet to a point, thence; N. 47 degrees 39 minutes 03 seconds E., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 44 seconds E., 300.07 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76; thence; continuing with the aforementioned centerline the following courses and distances: S. 42 degrees 20 minutes 42 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 20 degrees 32 minutes 06 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 49 seconds W., 250.08 feet to a point, thence; S. 47 degrees 39 minutes 03 seconds W., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 46 seconds E., 300.08 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates

North 170415.41, 1614566.76 is no longer authorized beginning on the date of enactment of this Act.

(13) **GLOUCESTER HARBOR AND ANNISQUAM RIVER, MASSACHUSETTS.**—The portions of the project for navigation, Gloucester Harbor and Annisquam River, Massachusetts, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12; chapter 19), consisting of an 8-foot anchorage area in Lobster Cove, and described as follows are no longer authorized beginning on the date of enactment of this Act:

(A) Beginning at a bend along the easterly limit of the existing project, N3063230.31, E878283.77, thence running northwesterly about 339 feet to a point, N3063478.86, E878053.83, thence running northwesterly about 281 feet to a bend on the easterly limit of the existing project, N3063731.88, E877932.54, thence running southeasterly about 612 feet along the easterly limit of the existing project to the point of origin.

(B) Beginning at a bend along the easterly limit of the existing project, N3064065.80, E878031.45, thence running northwesterly about 621 feet to a point, N3064687.05, E878031.13, thence running southwesterly about 122 feet to a point, N3064686.98, E877908.85, thence running southeasterly about 624 feet to a point, N3064063.31, E877909.17, thence running southwesterly about 512 feet to a point, N3063684.73, E877564.56, thence running about 741 feet to a point along the westerly limit of the existing project, N3063273.98, E876947.77, thence running northeasterly about 533 feet to a bend along the westerly limit of the existing project, N3063585.62, E877380.63, thence running about 147 feet northeasterly to a bend along the westerly limit of the project, N3063671.29, E877499.63, thence running northeasterly about 233 feet to a bend along the westerly limit of the existing project, N3063840.60, E877660.29, thence running about 339 feet northeasterly to a bend along the westerly limit of the existing project, N3064120.34, E877852.55, thence running about 573 feet to a bend along the westerly limit of the existing project, N3064692.98, E877865.04, thence running about 113 feet to a bend along the northerly limit of the existing project, N3064739.51, E877968.31, thence running 145 feet southeasterly to a bend along the northerly limit of the existing project, N3064711.19, E878110.69, thence running about 650 feet along the easterly limit of the existing project to the point of origin.

(14) **CLATSOP COUNTY DIKING DISTRICT NO. 10, KARLSON ISLAND, OREGON.**—The Diking District No. 10, Karlson Island portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1590) is no longer authorized beginning on the date of enactment of this Act.

(15) **NUMBERG DIKE NO. 34 LEVEED AREA, CLATSOP COUNTY DIKING DISTRICT NO. 13, CLATSOP COUNTY, OREGON (WALLUSKI-YOUNGS).**—The Numberg Dike No. 34 leveed area, Clatsop County Diking District, No. 13, Walluski River and Youngs River dikes, portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1590) is no longer authorized beginning on the date of enactment of this Act.

(16) **EAST FORK OF TRINITY RIVER, TEXAS.**—The portion of the project for flood protection on the East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), that consists of the 2 levees identified as Kaufman County Levees K5E and K5W is no longer authorized beginning on the date of enactment of this Act.

(17) **BURNHAM CANAL, WISCONSIN.**—The portion of the project for navigation, Milwaukee



Harbor Project, Milwaukee, Wisconsin, known as the Burnham Canal, authorized by the first section of the Act of March 3, 1843 (5 Stat. 619; chapter 85), and described as follows is no longer authorized beginning on the date of enactment of this Act:

(A) Beginning at channel point #415a N381768.648, E2524554.836, a distance of about 170.58 feet.

(B) Thence running south 53 degrees 43 minutes 41 seconds west to channel point #417 N381667.728, E2524417.311, a distance of about 35.01 feet.

(C) Thence running south 34 degrees 10 minutes 40 seconds west to channel point #501 N381638.761, E2524397.639, a distance of about 139.25 feet.

(D) Thence running south 34 degrees 10 minutes 48 seconds west to channel point #503 N381523.557, E2524319.406, a distance of about 235.98 feet.

(E) Thence running south 32 degrees 59 minutes 13 seconds west to channel point #505 N381325.615, E2524190.925, a distance of about 431.29 feet.

(F) Thence running south 32 degrees 36 minutes 05 seconds west to channel point #509 N380962.276, E2523958.547, a distance of about 614.52 feet.

(G) Thence running south 89 degrees 05 minutes 00 seconds west to channel point #511 N380952.445, E2523344.107, a distance of about 74.68 feet.

(H) Thence running north 89 degrees 04 minutes 59 seconds west to channel point #512 N381027.13, E2523342.91, a distance of about 533.84 feet.

(I) Thence running north 89 degrees 05 minutes 00 seconds east to channel point #510 N381035.67, E2523876.69, a distance of about 47.86 feet.

(J) Thence running north 61 degrees 02 minutes 07 seconds east to channel point #508 N381058.84, E2523918.56, a distance of about 308.55 feet.

(K) Thence running north 36 degrees 15 minutes 29 seconds east to channel point #506 N381307.65, E2524101.05, a distance of about 199.98 feet.

(L) Thence running north 32 degrees 59 minutes 12 seconds east to channel point #504 N381475.40, E2524209.93, a distance of about 195.14 feet.

(M) Thence running north 26 degrees 17 minutes 22 seconds east to channel point #502 N381650.36, E2524296.36, a distance of about 81.82 feet.

(N) Thence running north 88 degrees 51 minutes 05 seconds west to channel point #419 N381732.17, E2524294.72, a distance of about 262.65 feet.

(O) Thence running north 82 degrees 01 minutes 02 seconds east to channel point #415a, the point of origin.

(18) MANITOWOC HARBOR, WISCONSIN.—The portion of the project for navigation, Manitowoc River, Manitowoc, Wisconsin, authorized by the Act of August 30, 1852 (10 Stat. 58; chapter 104), and described as follows is no longer authorized beginning on the date of enactment of this Act: The triangular area bound by—

(A) 44.09893383N and 087.66854912W;

(B) 44.09900535N and 087.66864372W; and

(C) 44.09857884N and 087.66913123W.

(b) SEWARD WATERFRONT, SEWARD, ALASKA.—

(1) IN GENERAL.—Subject to paragraph (2), the portion of the project for navigation, Seward Harbor, Alaska, identified as Tract H, Seward Original Townsite, Waterfront Park Replat, Plat No 2012-4, Seward Recording District, shall not be subject to navigation servitude beginning on the date of enactment of this Act.

(2) ENTRY BY FEDERAL GOVERNMENT.—The Federal Government may enter upon the prop-

erty referred to in paragraph (1) to carry out any required operation and maintenance of the general navigation features of the project referred to in paragraph (1).

(c) PORT OF HOOD RIVER, OREGON.—

(1) EXTINGUISHMENT OF PORTIONS OF EXISTING FLOWAGE EASEMENT.—With respect to the properties described in paragraph (2), beginning on the date of enactment of this Act, the flowage easement identified as Tract 1200E-6 on the Easement Deed recorded as Instrument No. 740320 is extinguished above elevation 79.39 feet (NGVD 29) the Ordinary High Water Line.

(2) AFFECTED PROPERTIES.—The properties referred to in paragraph (1), as recorded in Hood River County, Oregon, are as follows:

(A) Instrument Number 2010-1235.

(B) Instrument Number 2010-02366.

(C) Instrument Number 2010-02367.

(D) Parcel 2 of Partition Plat #2011-12P.

(E) Parcel 1 of Partition Plat 2005-26P.

(3) FEDERAL LIABILITIES; CULTURAL, ENVIRONMENTAL, AND OTHER REGULATORY REVIEWS.—

(A) FEDERAL LIABILITY.—The United States shall not be liable for any injury caused by the extinguishment of the easement under this subsection.

(B) CULTURAL AND ENVIRONMENTAL REGULATORY ACTIONS.—Nothing in this subsection establishes any cultural or environmental regulation relating to the properties described in paragraph (2).

(4) EFFECT ON OTHER RIGHTS.—Nothing in this subsection affects any remaining right or interest of the Corps of Engineers in the properties described in paragraph (2).

#### SEC. 6005. LAND CONVEYANCES.

(a) OAKLAND INNER HARBOR TIDAL CANAL, CALIFORNIA.—Section 3182(b)(1) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1165) is amended—

(1) in subparagraph (A) by inserting “, or to a multicounty public entity that is eligible to hold title to real property” after “To the city of Oakland”; and

(2) in subparagraphs (B) and (C) by inserting “multicounty public entity or other” before “public entity”.

(b) ST. CHARLES COUNTY, MISSOURI, LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) FEDERAL LAND.—The term “Federal land” means approximately 84 acres of land, as identified by the Secretary, that is a portion of the approximately 227 acres of land leased from the Corps of Engineers by Ameren Corporation for the Portage Des Sioux Power Plant in St. Charles County, Missouri (Lease No. DA-23-065-CIVENG-64-651, Pool 26).

(B) NON-FEDERAL LAND.—The term “non-Federal land” means the approximately 68 acres of land owned by Ameren Corporation in Jersey County, Illinois, contained within the north half of section 23, township 6 north, range 11 west of the third principal meridian.

(2) LAND EXCHANGE.—On conveyance by Ameren Corporation to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to Ameren Corporation all right, title, and interest of the United States in and to the Federal land.

(3) SPECIFIC CONDITIONS.—

(A) DEEDS.—

(i) DEED TO NON-FEDERAL LAND.—The Secretary may only accept conveyance of the non-Federal land by warranty deed, as determined acceptable by the Secretary.

(ii) DEED TO FEDERAL LAND.—The Secretary shall convey the Federal land to Ameren Corporation by quitclaim deed.

(B) CASH PAYMENT.—If the appraised fair market value of the Federal land, as determined by the Secretary, exceeds the appraised fair market value of the non-Federal land, as deter-

mined by the Secretary, Ameren Corporation shall make a cash payment to the United States reflecting the difference in the appraised fair market values.

(c) TULSA PORT OF CATOOSA, ROGERS COUNTY, OKLAHOMA, LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) FEDERAL LAND.—The term “Federal land” means the approximately 87 acres of land situated in Rogers County, Oklahoma, contained within United States Tracts 413 and 427 and acquired for the McClellan-Kerr Arkansas Navigation System.

(B) NON-FEDERAL LAND.—The term “non-Federal land” means the approximately 34 acres of land situated in Rogers County, Oklahoma, and owned by the Tulsa Port of Catoosa that lie immediately south and east of the Federal land.

(2) LAND EXCHANGE.—On conveyance by the Tulsa Port of Catoosa to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to the Tulsa Port of Catoosa all right, title, and interest of the United States in and to the Federal land.

(3) SPECIFIC CONDITIONS.—

(A) DEEDS.—

(i) DEED TO NON-FEDERAL LAND.—The Secretary may only accept conveyance of the non-Federal land by warranty deed, as determined acceptable by the Secretary.

(ii) DEED TO FEDERAL LAND.—The Secretary shall convey the Federal land to the Tulsa Port of Catoosa by quitclaim deed and subject to any reservations, terms, and conditions the Secretary determines necessary to allow the United States to operate and maintain the McClellan-Kerr Arkansas River Navigation System.

(iii) CASH PAYMENT.—If the appraised fair market value of the Federal land, as determined by the Secretary, exceeds the appraised fair market value of the non-Federal land, as determined by the Secretary, the Tulsa Port of Catoosa shall make a cash payment to the United States reflecting the difference in the appraised fair market values.

(d) HAMMOND BOAT BASIN, WARRENTON, OREGON.—

(1) DEFINITIONS.—In this subsection:

(A) CITY.—The term “City” means the city of Warrenton, located in Clatsop County, Oregon.

(B) MAP.—The term “map” means the map contained in Exhibit A of Department of the Army Lease No. DACW57-1-88-0033 (or a successor instrument).

(2) CONVEYANCE AUTHORITY.—Subject to the provisions of this subsection, the Secretary shall convey to the City by quitclaim deed, and without consideration, all right, title, and interest of the United States in and to the parcel of land described in paragraph (3).

(3) DESCRIPTION OF LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the land referred to in paragraph (2) is the parcel totaling approximately 59 acres located in the City, together with any improvements thereon, including the Hammond Marina (as described in the map).

(B) EXCLUSION.—The land referred to in paragraph (2) shall not include the site provided for the fisheries research support facility of the National Marine Fisheries Service.

(C) AVAILABILITY OF MAP.—The map shall be on file in the Portland District Office of the Corps of Engineers.

(4) TERMS AND CONDITIONS.—As a condition of the conveyance under this subsection, the Secretary may impose a requirement that the City assume full responsibility for operating and maintaining the channel and the breakwater.

(5) REVERSION.—If the Secretary determines that the land conveyed under this subsection ceases to be owned by the public, all right, title, and interest in and to the land shall revert, at

the discretion of the Secretary, to the United States.

(6) **DEAUTHORIZATION.**—After the land is conveyed under this subsection, the land shall no longer be a portion of the project for navigation, Hammond Small Boat Basin, Oregon, authorized by section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577).

(e) **CRANEY ISLAND DREDGED MATERIAL MANAGEMENT AREA, PORTSMOUTH, VIRGINIA.**—

(1) **IN GENERAL.**—Subject to the conditions described in this subsection, the Secretary may convey to the Commonwealth of Virginia, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to 2 parcels of land situated within the project for navigation, Craney Island Eastward Expansion, Norfolk Harbor and Channels, Hampton Roads, Virginia, authorized by section 1001(45) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1057), together with any improvements thereon.

(2) **LANDS TO BE CONVEYED.**—

(A) **IN GENERAL.**—The 2 parcels of land to be conveyed under this subsection include a parcel consisting of approximately 307.82 acres of land and a parcel consisting of approximately 13.33 acres of land, both located along the eastern side of the Craney Island Dredged Material Management Area in Portsmouth, Virginia.

(B) **USE.**—The 2 parcels of land described in subparagraph (A) may be used by the Commonwealth of Virginia exclusively for the purpose of port expansion, including the provision of road and rail access and the construction of a shipping container terminal.

(3) **REVERSION.**—If the Secretary determines that the land conveyed under this subsection ceases to be owned by the public or is used for any purpose that is inconsistent with paragraph (2), all right, title, and interest in and to the land shall revert, at the discretion of the Secretary, to the United States.

(f) **CITY OF ASOTIN, WASHINGTON.**—

(1) **IN GENERAL.**—The Secretary shall convey to the city of Asotin, Asotin County, Washington, without monetary consideration, all right, title, and interest of the United States in and to the land described in paragraph (3).

(2) **REVERSION.**—If the land transferred under this subsection ceases at any time to be used for a public purpose, the land shall revert to the United States.

(3) **DESCRIPTION.**—The land to be conveyed to the city of Asotin, Washington, under this subsection are—

(A) the public ball fields designated as Tracts 1503, 1605, 1607, 1609, 1611, 1613, 1615, 1620, 1623, 1624, 1625, 1626, and 1631; and

(B) other leased areas designated as Tracts 1506, 1522, 1523, 1524, 1525, 1526, 1527, 1529, 1530, 1531, and 1563.

(g) **GENERALLY APPLICABLE PROVISIONS.**—

(1) **SURVEY TO OBTAIN LEGAL DESCRIPTION.**—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) **APPLICABILITY OF PROPERTY SCREENING PROVISIONS.**—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(4) **COSTS OF CONVEYANCE.**—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(5) **LIABILITY.**—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

(h) **RELEASE OF USE RESTRICTIONS.**—Notwithstanding any other provision of law, the Tennessee Valley Authority shall, without monetary consideration, grant releases from real estate restrictions established pursuant to section 4(k)(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c(k)(b)) with respect to tracts of land identified in section 4(k)(b) of that Act, subject to the condition that such releases shall be granted in a manner consistent with applicable Tennessee Valley Authority policies.

## TITLE VII—WATER RESOURCES INFRASTRUCTURE

### SEC. 7001. ANNUAL REPORT TO CONGRESS.

(a) **IN GENERAL.**—Not later than February 1 of each year, the Secretary shall develop and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report, to be entitled “Report to Congress on Future Water Resources Development”, that identifies the following:

(1) **FEASIBILITY REPORTS.**—Each feasibility report that meets the criteria established in subsection (c)(1)(A).

(2) **PROPOSED FEASIBILITY STUDIES.**—Any proposed feasibility study submitted to the Secretary by a non-Federal interest pursuant to subsection (b) that meets the criteria established in subsection (c)(1)(A).

(3) **PROPOSED MODIFICATIONS.**—Any proposed modification to an authorized water resources development project or feasibility study that meets the criteria established in subsection (c)(1)(A) that—

(A) is submitted to the Secretary by a non-Federal interest pursuant to subsection (b); or

(B) is identified by the Secretary for authorization.

(b) **REQUESTS FOR PROPOSALS.**—

(1) **PUBLICATION.**—Not later than May 1 of each year, the Secretary shall publish in the Federal Register a notice requesting proposals from non-Federal interests for proposed feasibility studies and proposed modifications to authorized water resources development projects and feasibility studies to be included in the annual report.

(2) **DEADLINE FOR REQUESTS.**—The Secretary shall include in each notice required by this subsection a requirement that non-Federal interests submit to the Secretary any proposals described in paragraph (1) by not later than 120 days after the date of publication of the notice in the Federal Register in order for the proposals to be considered for inclusion in the annual report.

(3) **NOTIFICATION.**—On the date of publication of each notice required by this subsection, the Secretary shall—

(A) make the notice publicly available, including on the Internet; and

(B) provide written notification of the publication to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) **CONTENTS.**—

(1) **FEASIBILITY REPORTS, PROPOSED FEASIBILITY STUDIES, AND PROPOSED MODIFICATIONS.**—

(A) **CRITERIA FOR INCLUSION IN REPORT.**—The Secretary shall include in the annual report only those feasibility reports, proposed feasi-

bility studies, and proposed modifications to authorized water resources development projects and feasibility studies that—

(i) are related to the missions and authorities of the Corps of Engineers;

(ii) require specific congressional authorization, including by an Act of Congress;

(iii) have not been congressionally authorized;

(iv) have not been included in any previous annual report; and

(v) if authorized, could be carried out by the Corps of Engineers.

(B) **DESCRIPTION OF BENEFITS.**—

(i) **DESCRIPTION.**—The Secretary shall describe in the annual report, to the extent applicable and practicable, for each proposed feasibility study and proposed modification to an authorized water resources development project or feasibility study included in the annual report, the benefits, as described in clause (ii), of each such study or proposed modification (including the water resources development project that is the subject of the proposed feasibility study or the proposed modification to an authorized feasibility study).

(ii) **BENEFITS.**—The benefits (or expected benefits, in the case of a proposed feasibility study) described in this clause are benefits to—

(I) the protection of human life and property;

(II) improvement to transportation;

(III) the national economy;

(IV) the environment; or

(V) the national security interests of the United States.

(C) **IDENTIFICATION OF OTHER FACTORS.**—The Secretary shall identify in the annual report, to the extent practicable—

(i) for each proposed feasibility study included in the annual report, the non-Federal interest that submitted the proposed feasibility study pursuant to subsection (b); and

(ii) for each proposed feasibility study and proposed modification to an authorized water resources development project or feasibility study included in the annual report, whether the non-Federal interest has demonstrated—

(I) that local support exists for the proposed feasibility study or proposed modification to an authorized water resources development project or feasibility study (including the water resources development project that is the subject of the proposed feasibility study or the proposed modification to an authorized feasibility study); and

(II) the financial ability to provide the required non-Federal cost share.

(2) **TRANSPARENCY.**—The Secretary shall include in the annual report, for each feasibility report, proposed feasibility study, and proposed modification to an authorized water resources development project or feasibility study included under paragraph (1)(A)—

(A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of—

(i) the feasibility report;

(ii) the proposed feasibility study;

(iii) the authorized feasibility study for which the modification is proposed; or

(iv) construction of—

(I) the water resources development project that is the subject of—

(aa) the feasibility report;

(bb) the proposed feasibility study; or

(cc) the authorized feasibility study for which a modification is proposed; or

(II) the proposed modification to an authorized water resources development project;

(B) a letter or statement of support for the feasibility report, proposed feasibility study, or proposed modification to an authorized water resources development project or feasibility study from each associated non-Federal interest;

(C) the purpose of the feasibility report, proposed feasibility study, or proposed modification to an authorized water resources development project or feasibility study;

(D) an estimate, to the extent practicable, of the Federal, non-Federal, and total costs of—

(i) the proposed modification to an authorized feasibility study; and

(ii) construction of—

(I) the water resources development project that is the subject of—

(aa) the feasibility report; or

(bb) the authorized feasibility study for which a modification is proposed, with respect to the change in costs resulting from such modification; or

(II) the proposed modification to an authorized water resources development project; and

(E) an estimate, to the extent practicable, of the monetary and nonmonetary benefits of—

(i) the water resources development project that is the subject of—

(I) the feasibility report; or

(II) the authorized feasibility study for which a modification is proposed, with respect to the benefits of such modification; or

(ii) the proposed modification to an authorized water resources development project.

(3) CERTIFICATION.—The Secretary shall include in the annual report a certification stating that each feasibility report, proposed feasibility study, and proposed modification to an authorized water resources development project

or feasibility study included in the annual report meets the criteria established in paragraph (1)(A).

(4) APPENDIX.—The Secretary shall include in the annual report an appendix listing the proposals submitted under subsection (b) that were not included in the annual report under paragraph (1)(A) and a description of why the Secretary determined that those proposals did not meet the criteria for inclusion under such paragraph.

(d) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—Notwithstanding any other deadlines required by this section, the Secretary shall—

(1) not later than 60 days after the date of enactment of this Act, publish in the Federal Register a notice required by subsection (b)(1); and

(2) include in such notice a requirement that non-Federal interests submit to the Secretary any proposals described in subsection (b)(1) by not later than 120 days after the date of publication of such notice in the Federal Register in order for such proposals to be considered for inclusion in the first annual report developed by the Secretary under this section.

(e) PUBLICATION.—Upon submission of an annual report to Congress, the Secretary shall make the annual report publicly available, including through publication on the Internet.

(f) DEFINITIONS.—In this section:

(1) ANNUAL REPORT.—The term “annual report” means a report required by subsection (a).

(2) FEASIBILITY REPORT.—

(A) IN GENERAL.—The term “feasibility report” means a final feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282).

(B) INCLUSIONS.—The term “feasibility report” includes—

(i) a report described in section 105(d)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)(2)); and

(ii) where applicable, any associated report of the Chief of Engineers.

(3) FEASIBILITY STUDY.—The term “feasibility study” has the meaning given that term in section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(4) NON-FEDERAL INTEREST.—The term “non-Federal interest” has the meaning given that term in section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).

#### SEC. 7002. AUTHORIZATION OF FINAL FEASIBILITY STUDIES.

The following final feasibility studies for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plan, and subject to the conditions, described in the respective reports designated in this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX, LA	Sabine Neches Waterway, Southeast Texas and Southwest Louisiana	July 22, 2011	Federal: \$748,070,000 Non-Federal: \$365,970,000 Total: \$1,114,040,000
2. FL	Jacksonville Harbor-Milepoint	Apr. 30, 2012	Federal: \$27,870,000 Non-Federal: \$9,290,000 Total: \$37,160,000
3. GA	Savannah Harbor Expansion Project	Aug. 17, 2012	Federal: \$492,000,000 Non-Federal: \$214,000,000 Total: \$706,000,000
4. TX	Freeport Harbor	Jan. 7, 2013	Federal: \$121,000,000 Non-Federal: \$118,300,000 Total: \$239,300,000
5. FL	Canaveral Harbor (Sect 203 Sponsor Report)	Feb. 25, 2013	Federal: \$29,240,000 Non-Federal: \$11,830,000 Total: \$41,070,000
6. MA	Boston Harbor	Sept. 30, 2013	Federal: \$216,470,000 Non-Federal: \$94,510,000 Total: \$310,980,000
7. FL	Lake Worth Inlet	Apr. 16, 2014	Federal: \$57,556,000 Non-Federal: \$30,975,000 Total: \$88,531,000
8. FL	Jacksonville Harbor	Apr. 16, 2014	Federal: \$362,000,000 Non-Federal: \$238,900,000 Total: \$600,900,000

(2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. KS	Topeka	Aug. 24, 2009	Federal: \$17,360,000 Non-Federal: \$9,350,000 Total: \$26,710,000

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
2. CA	American River Watershed, Common Features Project, Natomas Basin	Dec. 30, 2010	Federal: \$760,630,000 Non-Federal: \$386,650,000 Total: \$1,147,280,000
3. IA	Cedar River, Cedar Rapids	Jan. 27, 2011	Federal: \$73,130,000 Non-Federal: \$39,380,000 Total: \$112,510,000
4. MN, ND	Fargo-Moorhead Metro	Dec. 19, 2011	Federal: \$846,700,000 Non-Federal: \$1,077,600,000 Total: \$1,924,300,000
5. KY	Ohio River Shoreline, Paducah	May 16, 2012	Federal: \$13,170,000 Non-Federal: \$7,090,000 Total: \$20,260,000
6. MO	Jordan Creek, Springfield	Aug. 26, 2013	Federal: \$13,560,000 Non-Federal: \$7,300,000 Total: \$20,860,000
7. CA	Orestimba Creek, San Joaquin River Basin	Sept. 25, 2013	Federal: \$23,680,000 Non-Federal: \$21,650,000 Total: \$45,330,000
8. CA	Sutter Basin	Mar. 12, 2014	Federal: \$255,270,000 Non-Federal: \$433,660,000 Total: \$688,930,000
9. NV	Truckee Meadows	Apr. 11, 2014	Federal: \$181,652,000 Non-Federal: \$99,168,000 Total: \$280,820,000

## (3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Initial Costs and Estimated Renourishment Costs</b>
1. NC	West Onslow Beach and New River Inlet (Topsail Beach)	Sept. 28, 2009	Initial Federal: \$29,900,000 Initial Non-Federal: \$16,450,000 Initial Total: \$46,350,000 Renourishment Federal: \$69,410,000 Renourishment Non-Federal: \$69,410,000 Renourishment Total: \$138,820,000
2. NC	Surf City and North Topsail Beach	Dec. 30, 2010	Initial Federal: \$84,770,000 Initial Non-Federal: \$45,650,000 Initial Total: \$130,420,000 Renourishment Federal: \$122,220,000 Renourishment Non-Federal: \$122,220,000 Renourishment Total: \$244,440,000
3. CA	San Clemente Shoreline	Apr. 15, 2012	Initial Federal: \$7,420,000 Initial Non-Federal: \$3,990,000 Initial Total: \$11,410,000 Renourishment Federal: \$43,835,000 Renourishment Non-Federal: \$43,835,000 Renourishment Total: \$87,670,000
4. FL	Walton County	July 16, 2013	Initial Federal: \$17,945,000 Initial Non-Federal: \$46,145,000 Initial Total: \$64,090,000 Renourishment Federal: \$24,740,000 Renourishment Non-Federal: \$82,820,000 Renourishment Total: \$107,560,000
5. LA	Morganza to the Gulf	July 8, 2013	Federal: \$6,695,400,000 Non-Federal: \$3,604,600,000 Total: \$10,300,000,000

## (4) HURRICANE AND STORM DAMAGE RISK REDUCTION AND ENVIRONMENTAL RESTORATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. MS	Mississippi Coastal Improvement Program (MSCIP) Hancock, Harrison, and Jackson Counties	Sept. 15, 2009	Federal: \$693,300,000 Non-Federal: \$373,320,000 Total: \$1,066,620,000

## (5) ENVIRONMENTAL RESTORATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. MD	Mid-Chesapeake Bay Island	Aug. 24, 2009	Federal: \$1,240,750,000 Non-Federal: \$668,100,000 Total: \$1,908,850,000
2. FL	Central and Southern Florida Project, Comprehensive Everglades Restoration Plan, Caloosahatchee River (C-43) West Basin Storage Project, Hendry County	Mar. 11, 2010 and Jan. 6, 2011	Federal: \$313,300,000 Non-Federal: \$313,300,000 Total: \$626,600,000
3. LA	Louisiana Coastal Area	Dec. 30, 2010	Federal: \$1,026,000,000 Non-Federal: \$601,000,000 Total: \$1,627,000,000
4. MN	Marsh Lake	Dec. 30, 2011	Federal: \$6,760,000 Non-Federal: \$3,640,000 Total: \$10,400,000
5. FL	Central and Southern Florida Project, Comprehensive Everglades Restoration Plan, C-111 Spreader Canal Western Project	Jan. 30, 2012	Federal: \$87,280,000 Non-Federal: \$87,280,000 Total: \$174,560,000
6. FL	CERP Biscayne Bay Coastal Wetland, Florida	May 2, 2012	Federal: \$98,510,000 Non-Federal: \$98,510,000 Total: \$197,020,000
7. FL	Central and Southern Florida Project, Broward County Water Preserve Area	May 21, 2012	Federal: \$448,070,000 Non-Federal: \$448,070,000 Total: \$896,140,000
8. LA	Louisiana Coastal Area-Barataria Basin Barrier	June 22, 2012	Federal: \$321,750,000 Non-Federal: \$173,250,000 Total: \$495,000,000
9. NC	Neuse River Basin	Apr. 23, 2013	Federal: \$23,830,000 Non-Federal: \$12,830,000 Total: \$36,660,000
10. VA	Lynnhaven River	Mar. 27, 2014	Federal: \$22,821,500 Non-Federal: \$12,288,500 Total: \$35,110,000
11. OR	Willamette River Floodplain Restoration	Jan. 6, 2014	Federal: \$27,401,000 Non-Federal: \$14,754,000 Total: \$42,155,000

**SEC. 7003. AUTHORIZATION OF PROJECT MODIFICATIONS RECOMMENDED BY THE SECRETARY.**

The following project modifications for water resources development and conservation and

other purposes are authorized to be carried out by the Secretary substantially in accordance with the recommendations of the Secretary, as specified in the letters referred to in this section:

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Secretary's Recommendation Letter</b>	<b>D. Updated Authorization Project Costs</b>
1. MN	Roseau River	Jan. 24, 2013	Estimated Federal: \$25,455,000 Estimated non-Federal: \$18,362,000 Total: \$43,817,000
2. IL	Wood River Levee System Reconstruction	May 7, 2013	Estimated Federal: \$16,678,000 Estimated non-Federal: \$8,980,000 Total: \$25,658,000

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Secretary's Recommendation Letter</b>	<b>D. Updated Authorization Project Costs</b>
3. TX	Corpus Christi Ship Channel	Aug. 8, 2013	Estimated Federal: \$182,582,000 Estimated non-Federal: \$170,649,000 Total: \$353,231,000
4. IA	Des Moines River and Raccoon River Project	Feb. 12, 2014	Estimated Federal: \$14,990,300 Estimated non-Federal: \$8,254,700 Total: \$23,245,000
5. MD	Poplar Island	Feb. 26, 2014	Estimated Federal: \$868,272,000 Estimated non-Federal: \$365,639,000 Total: \$1,233,911,000
6. IL	Lake Michigan (Chicago Shoreline)	Mar. 18, 2014	Estimated Federal: \$185,441,000 Estimated non-Federal: \$355,105,000 Total: \$540,546,000
7. NE	Western Sarpy and Clear Creek	Mar. 20, 2014	Estimated Federal: \$28,128,800 Estimated non-Federal: \$15,146,300 Total: \$43,275,100
8. MO	Cape Girardeau	Apr. 14, 2014	Estimated Federal: \$17,687,000 Estimated non-Federal: \$746,000 Total: \$18,433,000

#### SEC. 7004. EXPEDITED CONSIDERATION IN THE HOUSE AND SENATE.

(a) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) DEFINITION OF INTERIM AUTHORIZATION BILL.—In this subsection, the term “interim authorization bill” means a bill of the 113th Congress introduced after the date of enactment of this Act in the House of Representatives by the chair of the Committee on Transportation and Infrastructure which—

(A) has the following title: “A bill to provide for the authorization of certain water resources development or conservation projects outside the regular authorization cycle.”; and

(B) only contains—

(i) authorization for 1 or more water resources development or conservation projects for which a final report of the Chief of Engineers has been completed; or

(ii) deauthorization for 1 or more water resources development or conservation projects.

(2) EXPEDITED CONSIDERATION.—If an interim authorization bill is not reported by a committee to which it is referred within 30 calendar days, the committee shall be discharged from its further consideration and the bill shall be referred to the appropriate calendar.

(b) CONSIDERATION IN THE SENATE.—

(1) POLICY.—The benefits of water resource projects designed and carried out in an economically justifiable, environmentally acceptable, and technically sound manner are important to the economy and environment of the United States and recommendations to Congress regarding those projects should be expedited for approval in a timely manner.

(2) APPLICABILITY.—The procedures under this subsection apply to projects for water re-

sources development, conservation, and other purposes, subject to the conditions that—

(A) each project is carried out—

(i) substantially in accordance with the plan identified in the report of the Chief of Engineers for the project; and

(ii) subject to any conditions described in the report for the project; and

(B)(i) a report of the Chief of Engineers has been completed; and

(ii) after the date of enactment of this Act, the Assistant Secretary of the Army for Civil Works has submitted to Congress a recommendation to authorize construction of the project.

(3) EXPEDITED CONSIDERATION.—

(A) IN GENERAL.—A bill shall be eligible for expedited consideration in accordance with this subsection if the bill—

(i) authorizes a project that meets the requirements described in paragraph (2); and

(ii) is referred to the Committee on Environment and Public Works of the Senate.

(B) COMMITTEE CONSIDERATION.—

(i) IN GENERAL.—Not later than January 31st of the second session of each Congress, the Committee on Environment and Public Works of the Senate shall—

(I) report all bills that meet the requirements of subparagraph (A); or

(II) introduce and report a measure to authorize any project that meets the requirements described in paragraph (2).

(ii) FAILURE TO ACT.—Subject to clause (iii), if the committee fails to act on a bill that meets the requirements of subparagraph (A) by the date specified in clause (i), the bill shall be discharged from the committee and placed on the calendar of the Senate.

(iii) EXCEPTIONS.—Clause (ii) shall not apply if—

(I) in the 180-day period immediately preceding the date specified in clause (i), the full committee holds a legislative hearing on a bill to authorize all projects that meet the requirements described in paragraph (2);

(II)(aa) the committee favorably reports a bill to authorize all projects that meet the requirements described in paragraph (2); and

(bb) the bill described in item (aa) is placed on the calendar of the Senate; or

(III) a bill that meets the requirements of subparagraph (A) is referred to the committee not earlier than 30 days before the date specified in clause (i).

(4) TERMINATION.—The procedures for expedited consideration under this subsection terminate on December 31, 2018.

(c) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill addressed by this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

BILL SHUSTER,  
JOHN J. DUNCAN, JR., of  
Tennessee,  
FRANK A. LOBIONDO,  
SAM GRAVES of Missouri,  
SHELLEY MOORE CAPITO,  
CANDICE S. MILLER of  
Michigan,

DUNCAN HUNTER,  
LARRY BUCSHON,  
BOB GIBBS,  
RICHARD L. HANNA,  
DANIEL WEBSTER of  
Florida,  
TOM RICE of South  
Carolina,  
MARKWAYNE MULLIN,  
RODNEY DAVIS of Illinois,  
NICK J. RAHALL II,  
PETER A. DEFAZIO,

CORRINE BROWN of Florida,  
EDDIE BERNICE JOHNSON of  
Texas,  
TIMOTHY H. BISHOP of New  
York,  
DONNA F. EDWARDS,  
JOHN GARAMENDI,  
JANICE HAHN,  
LOIS FRANKEL of Florida,  
CHERI BUSTOS,

From the Committee on Natural Resources,  
for consideration of secs. 103, 115, 144, 146,

and 220 of the House bill, and secs. 2017, 2027, 2028, 2033, 2051, 3005, 5002, 5003, 5005, 5007, 5012, 5018, 5020, title XII, and sec. 13002 of the Senate amendment, and modifications committed to conference:

DOC HASTINGS of

Washington,

ROB BISHOP of Utah,

GRACE F. NAPOLITANO,

*Managers on the Part of the House.*

BARBARA BOXER,

THOMAS R. CARPER,

BENJAMIN L. CARDIN,

SHELDON WHITEHOUSE,

BERNARD SANDERS,

DAVID VITTER,

JAMES M. INHOFE,

JOHN BARRASSO,

*Managers on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT OF THE  
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3080), to provide for the conservation and development of water and related resources, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

*Definition of Feasible*

When the term "feasible" is used in this Act, the conferees intend this to mean a determination that a water resources project is technically feasible, economically justified, and environmentally acceptable.

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—PROGRAM REFORMS AND  
STREAMLINING

SEC. 1001. VERTICAL INTEGRATION AND  
ACCELERATION OF STUDIES

House § 101, Senate § 2032.—Senate recedes, with an amendment.

This section generally limits a new Corps of Engineers feasibility study initiated after the date of enactment of this Act to 3 years and \$3 million in federal costs. It also requires District, Division, and Headquarters personnel to concurrently conduct reviews of a feasibility study. For any feasibility study not complete after 3 years, upon notification of the non-federal project sponsor and Congress, the Secretary of the Army may take up to one additional year to complete the feasibility study. If the feasibility study is still not complete, authorization for the feasibility study is terminated. The Secretary is given authority to extend the timeline further for complex studies, provided that a notice is provided to the Committees of jurisdiction explaining the rationale for the determination.

The Managers are concerned about the length of time it often takes for the Corps of

Engineers to complete its feasibility studies. While there are several reasons studies can sometimes take 15 years or more, the Managers believe that the time can be shortened by setting the deadlines established in this legislation. The schedule set by this section closely follows the one which the Corps is working to implement administratively. The Managers believe that setting an aggressive schedule in statute will increase the likelihood that necessary federal and non-federal efforts will be undertaken in a timely manner and financial resources will be provided so that feasibility studies will be completed in 3 years after the date of a feasibility cost sharing agreement with a non-federal sponsor. The objective in establishing these defined procedures is to achieve consistency and efficiency in the feasibility study process.

SEC. 1002. CONSOLIDATION OF STUDIES

House § 104, Senate § 2034.—Senate recedes, with an amendment.

This section repeals requirements that the Corps of Engineers conduct a reconnaissance study prior to initiating a feasibility study. In its place the section articulates an accelerated process which allows non-federal project sponsors and the Corps of Engineers to proceed directly to the feasibility study.

While repealing the requirement that the Corps of Engineers carry out reconnaissance studies and produce a reconnaissance report, some of the activities prescribed by Section 905(b) of the Water Resources Development Act of 1986 as amended may be carried out at the beginning of the feasibility study process as required under Section 1001 of this Act. At any point during a feasibility study, the Secretary may terminate the study when it is clear there is no demonstrable federal interest for a project or that construction of the project is not possible for technical, legal, or financial reasons.

SEC. 1003. EXPEDITED COMPLETION OF REPORTS

House § 105. No comparable Senate section.—Senate recedes.

SEC. 1004. REMOVAL OF DUPLICATIVE ANALYSES

House § 106. No comparable Senate section.—Senate recedes.

This section repeals a requirement that the Corps of Engineers reevaluate cost-estimates immediately after initial cost-estimates have been completed.

While the Managers applaud the Corps of Engineers for centuries of planning, constructing, operating, and maintaining projects that are integral to the Nation's economic security, implementation of Section 911 of the Water Resources Development Act of 1986 has led to unnecessary and duplicative reviews. Value engineering is a useful concept and tool in carrying out water resources development projects, however, requiring the analysis of cost-estimates immediately after costs have been initially estimated is counter-productive. By repealing Section 911, the Managers intend the Corps of Engineers to continue to apply value engineering intent and techniques to projects, but to apply them in consultation with contractors immediately prior to or after the project has initiated construction. Value engineering should be an ongoing and integral aspect of any Corps of Engineers project.

SEC. 1005. PROJECT ACCELERATION

House § 103, Senate § 2033.—House and Senate agree to an amendment.

The Managers intend this section to be narrowly designed to streamline the process for complying with the requirements of the National Environmental Policy Act (NEPA).

This subsection clarifies that the requirements of all other laws continue to apply to a water resources project. The requirements of laws and regulations that do not relate to complying with the NEPA process are not affected and remain in full effect. Nothing in this section preempts or interferes with any regulatory requirements in effect at the time of enactment of this Act or may be created after enactment of this Act. Nothing in this section affects any obligation to comply with the regulations issued by the Council on Environmental Quality or any other federal agency to carry out that Act unless they specifically impact the ability to comply with the process requirements of this section.

The Managers have included in this section a requirement that the Secretary establish and maintain an electronic database for the purpose of reporting requirements and to make publicly available the status and progress with respect to compliance with applicable laws. The language also includes a requirement that the Secretary publish the status and progress of each project study. The Managers support making more transparent the process of meeting milestones of compliance with laws so that interested parties can follow the progress of individual studies. At the same time, the Managers do not want the process to become a huge exercise that requires a large amount of time as well as human and monetary resources. The Secretary should manage this requirement so that the public receives relevant information but excessive resources are not spent maintaining the database.

SEC. 1006. EXPEDITING THE EVALUATION AND  
PROCESSING OF PERMITS

House § 102, Senate § 2042.—House and Senate agree to an amendment.

This section provides permanent authority for the Corps of Engineers to accept funds from non-federal public interests to expedite the processing of permits within the regulatory program of the Corps of Engineers. Additionally, this section allows public utility companies and natural gas companies to participate in the program. Finally, this section directs the Secretary to ensure that the use of the authority does not slow down the permit processing time of applicants that do not participate in the section 214 program.

According to testimony presented to the House of Representatives Committee on Transportation and Infrastructure, more than \$220 billion in annual economic investment is directly related to activities associated with the Corps of Engineers regulatory program, specifically, decisions reached under section 404 of the Clean Water Act. Currently, not every Corps of Engineers District utilizes the Section 214 program. By authorizing a permanent program, the Managers provide direction and encourage each District to participate in the Section 214 program and ensure regulatory decisions are reached in a timely manner. The Managers expect that when funds are offered by an entity under this section, the Secretary will accept and utilize those funds in an expeditious manner.

The Managers have included additional transparency provisions, including an annual report to Congress, as well as provisions to ensure that a consistent approach is taken in implementing the program across the Nation. In the past, the Government Accountability Office (GAO) has critiqued the Corps' implementation of this program. In response, the Corps has taken steps to ensure greater consistency in implementation of the authority across the 38 Corps Districts and to



ensure full compliance with all the regulatory requirements. These steps include updated guidance, development of a template of necessary decision documents, and ongoing training of District staff. The Managers expect the Corps to continue implementation of these initiatives as it carries out the expanded authority provided in the Conference agreement. Finally, the Conference agreement requires additional GAO oversight of the implementation of this expanded authority to ensure compliance with all regulatory requirements.

SEC. 1007. EXPEDITING APPROVAL OF MODIFICATIONS AND ALTERATIONS OF PROJECTS BY NON-FEDERAL INTERESTS

House § 107. No comparable Senate section.—Senate recedes.

SEC. 1008. EXPEDITING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES

Senate § 2009. No comparable House section.—House recedes.

SEC. 1009. ENHANCED USE OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT

House § 130. No comparable Senate section.—Senate recedes.

SEC. 1010. DETERMINATION OF PROJECT COMPLETION

Senate § 2036. No comparable House section.—House recedes.

SEC. 1011. PRIORITIZATION

Senate § 2044, § 2045. No comparable House section.—House recedes, with an amendment.

This section establishes criteria for prioritization of hurricane and storm damage reduction and ecosystem restoration projects.

The Managers are also concerned with the application of certain cost share requirements to ecosystem restoration projects. When identifying the costs of construction for navigation projects, the Corps of Engineers, pursuant to the Act of June 21, 1940 (more commonly known as the Truman-Hobbs Act) considers the cost of highway and railroad bridge alterations or removals as construction costs, eligible for cost share. However, for flood control projects and ecosystem restoration projects, local sponsors are currently required to pay the entire cost of a bridge alteration or removal as a non-federal responsibility to provide all lands, easements, rights-of-way, disposal areas, and relocations, pursuant to section 103(a) of the Water Resources Development Act of 1986, as amended. While that specific section is notably applicable to only flood control projects, the Corps has applied this responsibility broadly to other project purposes, such as ecosystem restoration purposes, as well.

Bridge alterations and removals can be essential components of ecosystem restoration projects, such as related to large-scale ecosystem restoration projects. As such, the Managers encourage the Secretary to explore whether such alterations and removals should, like navigation projects, be considered as part of the costs of construction of an ecosystem restoration project, and to report to the Committees of jurisdiction on its findings. If the Secretary determines that such alterations and removals are integral to meeting the goals of ecosystem restoration projects, the Secretary shall develop new guidance for ecosystem restoration projects that fits their unique needs.

SEC. 1012. TRANSPARENCY IN ACCOUNTING AND ADMINISTRATIVE EXPENSES

Senate § 2035. No comparable House section.—House recedes.

SEC. 1013. EVALUATION OF PROJECT PARTNERSHIP AGREEMENTS

Senate § 2037. No comparable House section.—House recedes, with an amendment.

SEC. 1014. STUDY AND CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS

House § 108, § 112. No comparable Senate section.—Senate recedes, with an amendment.

For purposes of this section, the terms “before construction” and “before initiation of construction” are intended to mean after the issuance of a notice to proceed.

SEC. 1015. CONTRIBUTIONS BY NON-FEDERAL INTERESTS

House § 109. No comparable Senate section.—Senate recedes, with an amendment.

This section clarifies the non-federal interests that may contribute funds toward construction of authorized water resources projects. Additionally, this section clarifies that inland navigation facilities and the repair of water resources facilities after an emergency declaration are eligible for contributed funds from non-federal interests.

For example, this section clarifies non-federal interests, as defined by Section 221 of the Flood Control Act of 1970, as amended, may participate in the funding of the construction of projects on the inland navigation system. Currently, capital improvement projects are financed 50 percent from the General Fund of the Treasury, and 50 percent from the Inland Waterway Trust Fund. While this section does not alter that arrangement, it does authorize non-federal interests to fund capital improvement projects on the inland navigation system. For instance, under current law, a State cannot fund the construction of a new lock and dam. This section is intended to authorize that type of funding activity.

SEC. 1016. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS

Senate § 2023. No comparable House section.—House recedes, with an amendment.

SEC. 1017. ACCEPTANCE OF CONTRIBUTED FUNDS TO INCREASE LOCK OPERATIONS

House § 110, § 217, Senate § 2039.—House recedes.

This section authorizes the Secretary of the Army to accept non-federal contributions from non-federal entities to operate and maintain the Nation's inland waterways transportation system.

The Corps of Engineers is undergoing a review of those 239 lock projects at 193 sites on the inland navigation system to prioritize operation and maintenance funding needs. Up until several years ago, almost all of the locks in the system were operated 24 hours a day, 7 days a week, 365 days a year. However, due to the age of the system, limited use for some of the projects, and limited operation and maintenance funds, the Corps of Engineers is proposing to limit the operations of certain locks on a District-by-District basis. While the Managers applaud the Corps in their efforts to prioritize projects, the Managers are wary of a lack of coordination amongst Districts when implementing these changes in hours of service, and in a few cases have proposed to limit the hours of service based on inaccurate or limited data.

While changes in hours of service are imminent and in some cases have already been implemented, non-federal interests have expressed a willingness to finance the operations and maintenance of projects where the hours of service have been proposed to be reduced. This section is intended to allow

the Corps to accept such funds to ensure commercial and recreational traffic is not unduly impacted on the inland navigation system.

SEC. 1018. CREDIT FOR IN-KIND CONTRIBUTIONS

House § 116, Senate § 2012.—House recedes, with an amendment.

This section corrects two provisions in WRDA 2007 that have not been properly executed due to unintended interpretations. In previous Water Resources Development Acts, credit was authorized for individual projects. While the intent was the same, many of these provisions had been written differently over time. In an effort to harmonize those activities for which credit could be authorized, Congress requested technical assistance from the Corps of Engineers in drafting a credit provision that could be applied to all Corps projects. While the language provided by the Corps was included in WRDA 2007, the Corps subsequently determined that specific sections of the law could not be executed consistent with Congressional intent.

This section allows the Secretary to provide in-kind credit for work done by the non-federal sponsor prior to execution of a project partnership agreement.

This section explicitly authorizes the Secretary to enter into a written agreement with the non-federal interest to credit certain in-kind contributions against the non-federal share of cost of the project.

This section directs the Secretary to reimburse the non-Federal interest for costs that exceed the non-Federal cost-share requirements if the excess costs are incurred for work carried out pursuant to a written agreement and are a result of the requirement that the non-Federal sponsor provide all lands, easements, rights-of-way, dredged material disposal areas, and relocations (LERRD) for the authorized project under this section. The Secretary is directed to enter into an agreement, subject to availability of funds, to provide the reimbursement. This provision is intended to address a disincentive created by Corps policy that discourages non-Federal interests from carrying out in-kind work on projects that have significant LERRD costs. At a time of limited Federal budgets, the Managers urge the Secretary to work with non-Federal interests willing to invest local funding in civil works projects. The Managers intend for the Secretary to enter into a reimbursement agreement if funds are available for the project and utilize those funds to provide reimbursement prior to transfer of the project to the non-Federal sponsor for operation and maintenance.

This section requires the Secretary to update any guidance or regulations related to the approval of in-kind credit to establish a milestone for executing an in-kind memorandum of understanding, criteria and procedures for granting exceptions to this milestone, and criteria and procedures for determining that work is integral to a project. The Managers are concerned with the lack of flexibility afforded by the Secretary in determining at what point during a feasibility study a non-federal sponsor may carry out work for in-kind credit. In carrying out the update required by this section, the Managers expect that the Secretary will use an inclusive process that considers input from non-federal interests. Further, the Managers encourage the Secretary to ensure that the final guidelines provide a process for carrying out work for in-kind credit that is predictable and takes into account the unique issues that may arise regarding individual water resources projects.

Both the House and Senate Committees typically receive numerous requests for project-specific credit during the development of this Act. While requests for credit have received favorable consideration in prior water resources legislation, the Managers concluded that a general provision allowing credit under specified conditions would minimize the need for future project-specific provisions and, at the same time, assure consistency in considering future proposals for credit.

The Managers are becoming increasingly wary of non-federal interests advocating for credit for work not captured by a project partnership agreement or an in-kind Memorandum of Understanding. The Managers would strongly encourage non-federal interests to sign such agreements prior to carrying out any work related to a proposed project; otherwise such work will not be eligible for credit.

#### SEC. 1019. CLARIFICATION OF IN-KIND CREDIT AUTHORITY

Senate § 2010. No comparable House section.—House recedes, with an amendment.

#### SEC. 1020. TRANSFER OF EXCESS CREDIT

Senate § 2011. No comparable House section.—House recedes, with an amendment.

#### SEC. 1021. CREDITING AUTHORITY FOR FEDERALLY AUTHORIZED NAVIGATION PROJECTS

Senate § 2062. No comparable House section.—House recedes, with an amendment.

#### SEC. 1022. CREDIT IN LIEU OF REIMBURSEMENT

Senate § 2013. No comparable House section.—House recedes, with an amendment.

#### SEC. 1023. ADDITIONAL CONTRIBUTIONS BY NON-FEDERAL INTERESTS

House § 111, Senate § 2059.—Senate recedes.

#### SEC. 1024. AUTHORITY TO ACCEPT AND USE MATERIALS AND SERVICES

Senate § 11005. No comparable House section.—House recedes, with an amendment.

The Managers are concerned that limited operations and maintenance funding is having a negative impact on the Secretary's ability to maintain the long-term reliability of our Nation's water resources infrastructure. In many cases, there is insufficient funding available to quickly restore project operations following a natural disaster, failure of equipment, or other emergency. Restoration of project operations are dependent on enactment by the Congress of emergency supplemental funding, which could result in months before projects are fully restored to safe and reliable operations. The cost to our Nation's economy for these delayed actions is millions of dollars per day. For our Nation to remain competitive in the world's economy, the Managers believe there is a need to leverage other resources to enable the Secretary to quickly restore safe and reliable project operations after an emergency. To that end, the Secretary, working with States, local governments, industry, and other stakeholders, is authorized to accept materials and services to repair water resources projects that have been damaged or destroyed as a result of a major disaster, emergency, or other event. To enable the fastest opportunity to restore safe and reliable project operations, the Secretary is strongly encouraged to delegate to the lowest level in the Corps of Engineers the authority to make the determination of an emergency; to make the determination on whether acceptance of these contributions are in the public interest; and to accept the contributions from non-federal public, private, or non-profit entities.

#### SEC. 1025. WATER RESOURCES PROJECTS ON FEDERAL LAND

Senate § 2018. No comparable House section.—House recedes, with an amendment.

This section is intended to clarify the authority of the Secretary and the application of cost-sharing for certain projects carried out on federal land under the administrative jurisdiction of another federal agency.

If federal land necessary to construct a water resources development project was originally paid for by the non-federal interest for such project and the non-federal interest signs a memorandum of understanding with the Secretary to cost-share work on such federal land, the Managers intend for the Secretary to cost-share any construction with the non-federal interest as if the non-federal interest currently owns the land. In such a case, the Secretary should not require the construction on the federal land to be fully funded by the federal agency that currently has jurisdiction over the land. Any recommendations in a feasibility study should be consistent with the policy in this section.

#### SEC. 1026. CLARIFICATION OF IMPACTS TO OTHER FEDERAL FACILITIES

House § 113. No comparable Senate section.—Senate recedes.

This section clarifies that when a Corps of Engineers project adversely impacts other federal facilities, the Secretary may accept funds from other federal agencies to address the impacts, including removal, relocation, and reconstruction of such facilities.

#### SEC. 1027. CLARIFICATION OF MUNITION DISPOSAL AUTHORITIES

Senate § 2029. No comparable House section.—House recedes.

#### SEC. 1028. CLARIFICATION OF MITIGATION AUTHORITY

House § 114, Senate § 2017.—House recedes, with an amendment.

#### SEC. 1029. CLARIFICATION OF INTERAGENCY SUPPORT AUTHORITIES

Senate § 2038. No comparable House section.—House recedes, with an amendment.

#### SEC. 1030. CONTINUING AUTHORITY

Senate § 2003, § 2004. No comparable House section.—House recedes, with an amendment.

This section increases the authorization for small continuing authority projects associated with navigation, flood damage reduction, ecosystem restoration, emergency streambank protection, control of invasive species, and other activities carried out by the Corps of Engineers.

In some cases, Corps of Engineers projects have caused damages to other nearby infrastructure projects or other properties of local importance. For instance, coastal navigation projects may inadvertently redirect flows or waves and damage nearby shorelines. The Corps of Engineers is encouraged to use relevant continuing authorities programs to correct these deficiencies.

#### SEC. 1031. TRIBAL PARTNERSHIP PROGRAM

House § 115, Senate § 2027.—Senate recedes.

#### SEC. 1032. TERRITORIES OF THE UNITED STATES

House § 139. No comparable Senate section.—Senate recedes.

#### SEC. 1033. CORROSION PREVENTION

House § 131, Senate § 2048.—Senate recedes.

#### SEC. 1034. ADVANCED MODELING TECHNOLOGIES

House § 129. No comparable Senate section.—Senate recedes, with an amendment.

#### SEC. 1035. RECREATIONAL ACCESS

House § 138. No comparable Senate section.—Senate recedes, with an amendment.

#### SEC. 1036. NON-FEDERAL PLANS TO PROVIDE ADDITIONAL FLOOD RISK REDUCTION

House § 121, Senate § 2055.—House recedes, with an amendment.

This section authorizes the Secretary of the Army to carry out a locally preferred plan if that project increment provides a higher level of flood protection and is economically justified, technically achievable, and environmentally acceptable. The federal cost of carrying out such a plan may not exceed the federal share as authorized by law for the national economic development plan.

In certain cases, non-federal project sponsors request the Corps of Engineers carry out a locally-preferred plan that is more robust than that recommended in a Chief's Report. This provision is consistent with current practice where the Corps will recommend to Congress a more robust locally preferred plan at the request of the non-federal interest, provided the non-federal interest contributes any additional costs that may be incurred in carrying out the locally preferred plan. This provision gives the Corps authority to implement a locally preferred plan for a flood damage reduction project authorized in this Act. It is not intended to affect current law with respect to establishing cost-share for an authorized project.

#### SEC. 1037. HURRICANE AND STORM DAMAGE REDUCTION

Senate § 2030. No comparable House section.—House recedes, with an amendment.

This section authorizes a non-federal interest to request that the Corps of Engineers study a project to determine if there is a federal interest in carrying out an additional 15 years of work. If the study results in a determination that there continues to be a federal interest in the project, the Corps may request authorization through the Annual Report process as prescribed in section 7001 of this Act.

For those projects that are approaching the 50-year expiration over the next 5 years, the Corps of Engineers is authorized to continue work for a one time only, additional 3 years. This will give those expiring projects sufficient opportunity to get into the study pipeline and the Annual Report process while ensuring shoreline communities and infrastructure have continuing protection from storm events.

The activities prescribed in this section are not to be determined to be a "new start" for budgetary purposes, rather they are to be considered a continuation of an existing project.

#### SEC. 1038. REDUCTION OF FEDERAL COSTS FOR HURRICANE AND STORM DAMAGE REDUCTION PROJECTS

House § 128, Senate § 2031.—House and Senate agree to an amendment.

#### SEC. 1039. INVASIVE SPECIES

House § 137, § 144, § 145, Senate § 2052, § 5007, § 5011, § 5018.—House and Senate agree to an amendment.

It is the intent in section (a), Aquatic Species Review, that the assessment provides a national perspective of the existing federal authorities related to invasive species, including invasive vegetation in reservoir basins associated with Corps of Engineers water projects in the western United States. It would be appropriate to identify any specific tribal authorities that may exist for rivers and reservoirs that may be associated with Corps of Engineers projects that intersect with reservation lands.

This section does not authorize any activities proposed under the "Great Lakes and Mississippi River Interbasin Study" (GLMRIS) authorized by Section 3061(d) of the Water Resources Development Act of 2007, Public Law 110-114.

#### SEC. 1040. FISH AND WILDLIFE MITIGATION

Senate § 2005. No comparable House section.—House recedes, with an amendment.

#### SEC. 1041. MITIGATION STATUS REPORT

Senate § 2006. No comparable House section.—House recedes.

#### SEC. 1042. REPORTS TO CONGRESS

Senate § 2050. No comparable House section.—House recedes, with an amendment.

#### SEC. 1043. NON-FEDERAL IMPLEMENTATION PILOT PROGRAM

Senate § 2025, § 2026. No comparable House section.—House recedes.

#### SEC. 1044. INDEPENDENT PEER REVIEW

Senate § 2007. No comparable House section.—House recedes, with an amendment.

#### SEC. 1045. REPORT ON SURFACE ELEVATIONS AT DROUGHT AFFECTED LAKES

House § 141. No comparable Senate section.—Senate recedes.

#### SEC. 1046. RESERVOIR OPERATIONS AND WATER SUPPLY

House § 133, § 142, § 143, Senate § 2014, § 2061, § 2064.—House and Senate agree to an amendment.

#### Section 1046(a) Dam Optimization

The Managers are concerned with the impacts of drought on water supply in arid regions. The purpose of the assessment in Section 1046(a)(2)(A) is to determine if the Corps of Engineers reservoirs located in arid regions (primarily the 17 Western states) can be managed more flexibly during drought periods, to provide additional water supply, including capturing water during rain events that otherwise would have been routed directly to the ocean. If there are restrictions to managing water during drought periods, it is the intent to identify those practices and authorities that limit the management of water during droughts and determine whether and how they could be changed to allow for more effective water capture and recovery during defined drought periods. In addition, it is the intent of this section to identify if it is determined that the original capacity of the reservoir basin has been reduced due to sedimentation, that the location and extent of that reduction of storage capacity be defined.

The Managers are also concerned that in the past few years there have been significant flood and drought events affecting all areas of the country from the arid West, the Missouri River basin, the Mississippi River basin, and the Southeast. The Corps operates more than 600 dams and other water control structures around the country. The operation of many of these structures is subject to plans that may not efficiently balance all needs of these reservoirs (e.g., flood control, water supply, environmental restoration, and recreation). This section requires the Corps to do a review of all facilities and report to the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works when the last reviews and updates of operations plans were conducted, as well as what changes were implemented as a result of the operation reviews and a prioritized schedule of when the next operations review is expected for all projects.

Future updates of the operation plans for these dams and reservoirs could have signifi-

cant benefits for all of the authorized project purposes. In carrying out reviews under this section, the Secretary is directed to coordinate with appropriate federal, state, and local agencies and public and private entities that could be impacted as well as affected non-federal interests.

#### Sec. 1046 (c)

The Managers remain concerned about the collection of fees in the Upper Missouri River basin. The Senate-passed bill included a permanent ban on such fees, and the House bill was silent with respect to such fees. The conference agreement includes a 10-year moratorium, which will allow Congress to revisit this matter in the future, including consideration of the extension of the moratorium included in this section.

The Managers recognize that an offset was required due to the direct spending impacts of this provision. Since the benefits of this provision are regional in nature, benefiting the Upper Missouri River basin, the Managers recommend that the Corps of Engineers look first to unobligated balances found in the appropriate accounts of the Upper Missouri River basin to meet the offset identified to cover the direct spending impacts of this provision. Further, the Managers direct the Secretary to ensure that the offset shall not negatively impact the Missouri River Bank Stabilization and Navigation Project.

#### SEC. 1047. SPECIAL USE PERMITS

Senate § 2046. No comparable House section.—House recedes, with an amendment.

#### SEC. 1048. AMERICA THE BEAUTIFUL NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS PROGRAM

Senate § 13002. No comparable House section.—House recedes.

#### SEC. 1049. APPLICABILITY OF SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE

Senate § 13001. No comparable House section.—House recedes, with an amendment.

#### SEC. 1050. NAMINGS

House § 136, Senate § 2060, § 3017.—House and Senate agree to an amendment.

#### SEC. 1051. INTERSTATE WATER AGREEMENTS AND COMPACTS

House § 140, Senate § 2015.—House and Senate agree.

#### SEC. 1052. SENSE OF CONGRESS REGARDING WATER RESOURCES DEVELOPMENT BILLS

House § 135. No comparable Senate section.—Senate recedes.

#### TITLE II—NAVIGATION

##### Subtitle A—Inland Waterways

#### SEC. 2001. DEFINITIONS

House § 211, Senate § 7002.—Senate recedes.

#### SEC. 2002. PROJECT DELIVERY PROCESS REFORMS

House § 212, Senate § 7003.—Senate recedes, with an amendment.

#### SEC. 2003. EFFICIENCY OF REVENUE COLLECTION

HOUSE § 213, SENATE § 7006.—SAME

#### SEC. 2004. INLAND WATERWAYS REVENUE STUDIES

House § 214, Senate § 7005.—Senate recedes, with an amendment.

In carrying out subsection 2004(a), the Secretary shall review, and to the extent practicable, utilize the assessments completed in the report entitled "New Approaches for U.S. Lock and Dam Maintenance and Funding" completed in January 2013 by the Center for Ports and Waterways, Texas Transportation Institute.

In carrying out the study under subsection 2004(b), the Secretary shall evaluate the po-

tential benefits and implications of revenue sources identified in and documented by known authorities of the Inland System, and review appropriate reports and associated literature related to revenue sources. The Managers are aware of several reports and legislative proposals submitted to Congress over the years that should be included in this evaluation, including the 1992 Report of the Congressional Budget Office, entitled "Paying for Highways, Airways, and Waterways: How Can Users Be Charged;" the Final Report of the Inland Marine Transportation System (IMTS) Capital Projects Business Model, published on April 12, 2010, and the draft legislative proposals submitted by the Executive Branch in 2008 and 2011.

#### SEC. 2005. INLAND WATERWAYS STAKEHOLDER ROUNDTABLE

House § 215. No comparable Senate section.—Senate recedes, with an amendment.

It is the intent of this section to provide an opportunity for all stakeholders to participate in a facilitated discussion and to provide a comprehensive set of non-binding recommendations to the Secretary in respect to the future financial management of the inland and intracoastal waterways. The roundtable is to include representatives of the navigation and non-navigation users who derive benefits from the existence of the inland waterway system.

#### SEC. 2006. PRESERVING THE INLAND WATERWAY TRUST FUND

House § 216, Senate § 7004, § 7008.—House and Senate agree to an amendment.

#### SEC. 2007. INLAND WATERWAYS OVERSIGHT

House § 216, Senate § 7007.—House recedes, with an amendment.

#### SEC. 2008. ASSESSMENT OF OPERATION AND MAINTENANCE NEEDS OF THE ATLANTIC INTRACOASTAL WATERWAY AND THE GULF INTRACOASTAL WATERWAY

House § 218. No comparable Senate section.—Senate recedes, with an amendment.

#### SEC. 2009. INLAND WATERWAYS RIVERBANK STABILIZATION

Senate § 2043. No comparable House section.—House recedes, with an amendment.

It is the intent of section 2009 that attention and assessment is given to identifying specific inland and intracoastal waterways where extensive riverbank damage has been caused by vessel-generated wave-wash, plant and soil degradation caused by saltwater intrusion, and recent major flooding events. The Managers recognize the complexity of carrying out large, system-wide stabilization projects and recommend the Secretary utilize the authorities in this section to carry out smaller projects with the greatest threat to human safety and infrastructure that ensure safe navigation and protect infrastructure.

#### SEC. 2010. UPPER MISSISSIPPI RIVER PROTECTION

House § 219, Senate § 5021.—House and Senate agree to an amendment.

This section directs the Secretary of the Army to close the Upper St. Anthony's Fall Lock and Dam within one year of the date of enactment of this Act.

The concerns at the Upper St. Anthony Falls Lock and Dam are unique, not representative of other projects on the Nation's inland navigation system, and should not be used as precedent for agency determinations on other projects. The Managers support efforts at the state and local level to mitigate potential economic impacts of this action.

#### SEC. 2011. CORPS OF ENGINEERS LOCK AND DAM ENERGY DEVELOPMENT

House § 220, Senate § 5020.—Senate recedes.

SEC. 2012. RESTRICTED AREAS AT CORPS OF  
ENGINEERS DAMS

House § 125, Senate § 2058.—Senate recedes, with an amendment.

SEC. 2013. OPERATION AND MAINTENANCE OF  
FUEL TAXED INLAND WATERWAYS

Senate § 2047. No comparable House section.—House recedes, with an amendment.

Subtitle B—Port and Harbor Maintenance

SEC. 2101. FUNDING FOR HARBOR MAINTENANCE  
PROGRAMS

House § 201, Senate § 8003.—House and Senate agree to an amendment.

The Managers support robust federal investment in the operation and maintenance of the Nation's authorized ports and harbors, including through increased expenditures from the Harbor Maintenance Trust Fund (HMTF). While both the H.R. 3080 and S. 601 included provisions aimed at utilizing a greater portion of annual collections from shippers (which recently have averaged around \$1.6 billion) for maintaining safe and efficient navigation corridors, the Managers have agreed to an amended harbor maintenance subtitle that aims to accomplish this goal, while at the same time addresses the needs of the Nation's authorized harbors in a manner that benefits both the largest commercial harbors, as well as the smaller and emerging harbors.

In section 2101, the Managers express strong support for increasing the annual expenditures from the HMTF for authorized operation and maintenance expenditures at harbor projects to a point where annual expenditures for operation and maintenance activities equal annual collections from shippers to the HMTF. At the same time, the Managers recognize that any increase in operation and maintenance expenditures should not come at the expense of other activities of the Corps of Engineers, including its navigation construction-related activities, or at the expense of other mission areas of the Corps of Engineers, including flood damage reduction or environmental restoration. Accordingly, the Managers have included language directing that any increase in annual operation and maintenance expenditures come from an equivalent increase in the total appropriations amount for the Corps of Engineers, Civil Works program. Explained a different way, the Corps would need to see its total appropriation for the entire Civil Works authority increase by a dollar amount at least equal to the value of the annual percentage increase in appropriated HMTF funds described in subsection 2101 (b) so as to not negatively impact any other budgetary account of the Corps, or any other mission area of the Corps within the operation and maintenance account.

SEC. 2102. OPERATION AND MAINTENANCE OF  
HARBOR PROJECTS

House § 201, § 202, § 206, Senate § 8004, § 8005.—House and Senate agree to an amendment.

Section 2102 amends section 210 of the Water Resources Development Act of 1986 to establish a new framework for annual allocation of operation and maintenance expenditures. The framework directs the Secretary, to the extent practicable, to base future allocations of operation and maintenance funds on an equitable basis, considering a variety of enumerated factors. For the past several years, the Secretary has made funding allocations for operation and maintenance of the Nation's harbors primarily on the basis of tonnage moved through the harbors. The Water Resources Development Act of 2007 in-

cluded language that "the operations and maintenance budget of the Corps of Engineers should reflect the use of all available economic data, rather than a single performance metric" to urge the Secretary to consider the broader benefits of harbors in making funding decisions; however, since that time, the Corps has continued to use tonnage as the primary metric for such decisions. Accordingly, section 2102 specifically states that the "Secretary shall not allocate funds . . . based solely on the tonnage transiting through a harbor."

While the Managers recognize that tonnage throughput is an important metric for evaluating harbors and will continue to be a consideration in the allocation of funds, federal harbors provide critical national, regional, and local economic benefits, as well as national security or human health and safety benefits that should also be considered. Going forward, the Secretary is to evaluate all of the potential benefits of authorized harbors, including commercial uses, in making an equitable allocation of funds.

The amendments made by section 2102 also established a new prioritization of future annual expenditures for operation and maintenance of eligible harbors.

First, for each of fiscal years 2015 through 2022, the Secretary is required to allocate not less than 10 percent of the value of operation and maintenance funds appropriated in fiscal year 2012 (\$898 million) (hereinafter referred to as the 2012 baseline) to address the maintenance dredging needs of emerging harbors. For the remaining 90 percent of funds within the 2012 baseline, the Secretary is authorized to make funding decisions as necessary to address harbor needs based on an equitable allocation of funds, as defined in the statute.

Second, for any funds appropriated to address the operation and maintenance needs of harbors that are above the 2012 baseline (hereinafter referred to as priority funds), for fiscal years 2015 through 2024, the Secretary is directed to allocate 90 percent of such funds to meet the needs of high-use and moderate-use harbor projects, and to allocate 10 percent of priority funds to meet the use of emerging harbors. This 10 percent allocation of priority funds for emerging harbors is in addition to the 10 percent allocation (for fiscal years 2015 through 2022) within the 2012 baseline. It is the intent that the 2012 baseline be considered as the funds made available to address the operation and maintenance needs of harbors in appropriations, not including supplemental appropriations for that year.

Third, in addition to the 90 percent–10 percent division of priority funds described in the previous paragraph, the Secretary is directed, for fiscal years 2015 through 2024, to allocate not less than 5 percent of total priority funds available in a fiscal year to meet the needs of underserved harbor projects (as defined); and not less than 10 percent of such funds for projects located within the Great Lakes Navigation System. Finally, of the total priority funds available for each of fiscal years 2015 through 2024, the Secretary is directed to use not less than 10 percent of those funds for expanded uses (as defined) carried out at eligible harbors or inland harbors (as defined).

In establishing this prioritization system the Managers are identifying certain priority areas to receive priority funds. The Managers intend that funding operation and maintenance of one project can satisfy more than one identified prioritization category. For example, if the Secretary provides fund-

ing for an emerging harbor in the Great Lakes, that funding can count both for meeting the 10 percent allocation for emerging harbors from priority funds, as well as the 10 percent allocation for projects in the Great Lakes Navigation System. Similarly, if the Secretary were to allocate funding to an underserved harbor that also meets the definition of a moderate-use harbor, that allocation could help satisfy both statutory allocations. Finally, if the Secretary were to allocate funding to an eligible high-use or medium-use harbor or inland harbor for expanded uses, that allocation could satisfy the expanded uses allocation and the allocation for meeting the needs of high-use or moderate-use harbors.

In making funding decisions under this section, the Managers expect that the Secretary can use the flexibility within the 90 percent of funds appropriated within the 2012 baseline to meet other funding priorities of the Secretary, while still meeting the priority allocations included in this section for priority funds above the 2012 baseline.

Section 2102 also directs the Secretary to undertake a biennial assessment of the total operation and maintenance needs of the Nation's harbors. The intent of this provision is to provide a more comprehensive understanding of the operation and maintenance needs of authorized harbors, both to meet their authorized widths and depths, as well as to address potential expanded uses at eligible harbors and inland harbors. The Managers expect that this information will provide a useful tool for future funding allocations, as well as provide individual harbors with some expectation of when their individual operation and maintenance needs may be addressed through future funding allocations. In addition, this assessment will provide greater detail on the current uses of high use harbors that transit 90 percent of the Nation's commerce as well as emerging harbors, including harbors used for commercial fishing purposes, and harbors that are used in emergencies to provide water access for Coast Guard, fire control and emergency relief, to nuclear power stations, other energy-related industries, or coastal developments that could be impacted by hurricanes, earthquakes, tsunamis, or other shoreline catastrophes.

It is the intent of Section 2102(a)(2) Assessment of Harbor Needs and Activities, (B) Uses of Harbors and Inland Harbors, (xi) *public health and safety related equipment for responding to coastal and inland emergencies*, that attention and assessment be given to identifying specific harbors that would be used in emergencies to provide water access for coast guard, fire control and emergency relief, to nuclear power stations, other energy-related industries, or coastal developments that could be impacted by hurricanes, earthquakes, tsunamis, or other shoreline catastrophes.

Section 4022(b) of the Internal Revenue Service Restructuring and Reform Act of 1998 (the "IRS Reform Act") requires the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Department of the Treasury) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the Senate Committee on Finance, the House Committee on Ways and Means, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Internal Revenue Code (the "Code") and has widespread applicability to individuals or small businesses. The staff of the Joint Committee on Taxation

has determined that a complexity analysis is not required under section 4022(b) of the IRS Reform Act because the bill contains no provisions that have “widespread applicability” to individuals or small businesses.

SEC. 2103. CONSOLIDATION OF DEEP DRAFT NAVIGATION EXPERTISE

House § 204. No comparable Senate section.—Senate recedes.

SEC. 2104. REMOTE AND SUBSISTENCE HARBORS

Senate § 5017. No comparable House section.—House recedes, with an amendment.

SEC. 2105. ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS

Senate § 5022. No comparable House section.—House recedes, with an amendment.

SEC. 2106. ADDITIONAL MEASURES AT DONOR PORTS AND ENERGY TRANSFER PORTS

Senate § 8004. No comparable House section.—House recedes, with an amendment.

SEC. 2107. PRESERVING UNITED STATES HARBORS

House § 203. No comparable Senate section.—Senate recedes, with an amendment.

TITLE III—SAFETY IMPROVEMENTS AND ADDRESSING EXTREME WEATHER EVENTS

Subtitle A—Dam Safety

SEC. 3001. DAM SAFETY

House § 124, Senate § 9001, § 9002, § 9003, § 9004, § 9005, § 9006, § 9007.—House recedes, with an amendment.

Subtitle B—Levee Safety

SEC. 3011. SYSTEMWIDE IMPROVEMENT FRAMEWORK

House § 127, Senate § 2041.—House recedes.

SEC. 3012. MANAGEMENT OF FLOOD RISK REDUCTION PROJECTS

Senate § 3011. No comparable House section.—House recedes, with an amendment.

SEC. 3013. VEGETATION MANAGEMENT POLICY

House § 127, Senate § 2020.—House recedes, with an amendment.

SEC. 3014. LEVEE CERTIFICATIONS

Senate § 2021. No comparable House section.—House recedes, with an amendment.

SEC. 3015. PLANNING ASSISTANCE TO STATES

House § 126, Senate § 2019.—House recedes, with an amendment.

SEC. 3016. LEVEE SAFETY

House § 126, Senate § 6001–6009.—House and Senate agree to an amendment.

SEC. 3017. REHABILITATION OF EXISTING LEVEES

Senate § 2022. No comparable House section.—House recedes, with an amendment.

Subtitle C—Additional Safety Improvements and Risk Reduction Measures

SEC. 3021. USE OF INNOVATIVE MATERIALS

House § 132. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 3022. DURABILITY, SUSTAINABILITY, AND RESILIENCE

House § 132, Senate § 11001.—House and Senate agree to an amendment.

SEC. 3023. STUDY ON RISK REDUCTION

Senate § 11002. No comparable House section.—House recedes.

SEC. 3024. MANAGEMENT OF FLOOD, DROUGHT, AND STORM DAMAGE

Senate § 11003. No comparable House section.—House recedes, with an amendment.

SEC. 3025. POST-DISASTER WATERSHED ASSESSMENTS

Senate § 11004. No comparable House section.—House recedes, with an amendment.

SEC. 3026. HURRICANE AND STORM DAMAGE REDUCTION STUDY

House § 120, Senate § 3004.—Senate recedes.

Section 3026 clarifies that Congress intends that the study for flood and storm damage reduction related to natural disasters carried out by the Secretary under Title II of Division A of the Disaster Relief Appropriations Act, 2013, shall include in the recommendations specific reference to regional and watershed level actions that could be taken, including the development of coastal wetlands to serve as protective surge reduction areas, to reduce shoreline impacts from storm surges. It is the intent of this section to provide direction on the development of a recommended step down approach that local and regional governments could collaborate on to improve coastal storm damage reduction.

SEC. 3027. EMERGENCY COMMUNICATION OF RISK

House § 123. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 3028. SAFETY ASSURANCE REVIEW

Senate § 2002. No comparable House section.—House recedes.

SEC. 3029. EMERGENCY RESPONSE TO NATURAL DISASTERS

House § 122, Senate § 2040.—House and Senate agree to an amendment.

TITLE IV—RIVER BASINS AND COASTAL AREAS

SEC. 4001. RIVER BASIN COMMISSIONS

House § 134, Senate § 2063.—House recedes, with an amendment.

It is the intent of Section 4001 that the Secretary follow through on the direction provided by Congress to find and implement the means necessary to financially support the Susquehanna, Delaware, and Potomac River Basin Commissions. Congress has made clear its intent that the three River Basin Commissions be supported and expects the Corps of Engineers to act appropriately.

SEC. 4002. MISSISSIPPI RIVER

Senate § 2056, § 2057, § 5012, § 5023. No comparable House section.—House recedes, with an amendment.

This section authorizes the Secretary to update forecasting technology in the interest of maintaining navigation. This section authorizes the Secretary to study the feasibility of carrying out projects to improve navigation and aquatic ecosystem restoration. This section authorizes the Secretary to carry out a study to improve the coordinated and comprehensive management of water resource projects related to severe flooding and drought conditions. This section authorizes the Secretary to carry out navigation projects outside of the authorized federal navigation channel to ensure safe and reliable fleeting areas.

The Upper Mississippi River System (UMRS) is the only river designated by the United States Congress as a “nationally significant ecosystem and a nationally significant commercial navigation system.” Congress declared its commitment to modernize the infrastructure and improve its ecosystem with authorization of the Navigation and Ecosystem Sustainability Program (NESP) in WRDA 2007. This commitment is reinforced with the prioritization list contained in the Inland Marine Transportation System Capital Projects Business Model, parts of which are authorized in this bill.

The Managers recognize the interconnected nature of the many systems that make up the greater Mississippi River Basin and the need to better manage the Basin during times of severe flooding and drought that threaten personal safety, property, and navigation within the Basin. The study authorized in subsection (c) should identify any federal actions that are likely to prevent and

mitigate the impacts of severe flooding and drought, including changes to authorized channel dimensions, operational procedures of locks and dams, and reservoir management within the greater Mississippi River Basin, consistent with the authorized purposes of the water resource projects; identify and make recommendations to remedy challenges to the Corps of Engineers presented by severe flooding and drought, including river access, in carrying out its mission to maintain safe, reliable navigation, consistent with the authorized purposes of the water resource projects in the greater Mississippi River Basin; and identify and locate natural or other physical impediments along the middle and lower Mississippi River to maintaining navigation on the middle and lower Mississippi River during periods of low water. In carrying out the study, Managers encourage the Secretary to consult with appropriate committees of Congress, federal, State, tribal, and local agencies, environmental interests, agricultural interests, recreational interests, river navigation industry representatives, other shipping and business interests, organized labor, and nongovernmental organizations; use existing data to the maximum extent practicable; and incorporate lessons learned and best practices developed as a result of past severe flooding and drought events, including major floods and the successful effort to maintain navigation during the near historic low water levels on the Mississippi River during the winter of 2012–2013.

Subsection (d) provides the Secretary with authority to carry out activities identified in the report required under paragraph (2) to maintain safe and reliable navigation within the authorized federal navigation channel on the Mississippi River. The Managers intend for any project carried out under this authority to be subject to applicable cost-sharing and mitigation requirements.

SEC. 4003. MISSOURI RIVER

House § 119, Senate § 3003, § 3005, § 5008, § 5009, § 5015.—House recedes, with an amendment.

It is the intent of the Managers that the Secretary of the Army coordinate with the appropriate agencies to carry out activities to improve and support management of the federal water resources development projects in the Missouri River basin. In carrying out this coordination the Secretary shall consult with the appropriate federal, State, and tribal agencies located in the area in which the water resources project is located. It is the intent that the shoreline erosion study be limited to those Upper Missouri River mainstem reservoirs operated by the Corps of Engineers.

SEC. 4004. ARKANSAS RIVER

Senate § 5006. No comparable House section.—House recedes.

SEC. 4005. COLUMBIA BASIN

Senate § 5005. No comparable House section.—House recedes, with an amendment.

SEC. 4006. RIO GRANDE

Senate § 5004. No comparable House section.—House recedes, with an amendment.

SEC. 4007. NORTHERN ROCKIES HEADWATERS

Senate § 5010. No comparable House section.—House recedes, with an amendment.

SEC. 4008. RURAL WESTERN WATER

Senate § 5013. No comparable House section.—House recedes, with an amendment.

SEC. 4009. NORTH ATLANTIC COASTAL REGION

Senate § 5002. No comparable House section.—House recedes, with an amendment.

In carrying out the study authorized under this section, the Managers urge the Secretary to look at a broad array of aquatic ecosystem restoration opportunities and needs, and identify those geographic areas and associated activities that will have the greatest impact on restoration and sustainability of the northeast coastal ecosystem. Issues that the study may evaluate include:

- an inventory and evaluation of coastal habitats
- identification of aquatic resources in need of improvement
- identification and prioritization of potential aquatic habitat restoration projects, and
- identification of geographical and ecological areas of concern, including finfish habitats, diadromous fisheries migratory corridors, shellfish habitats, submerged aquatic vegetation, wetland, and beach dune complexes and other similar habitats.

#### SEC. 4010. CHESAPEAKE BAY

Senate § 5003, § 5014. No comparable House section.—House recedes, with an amendment.

For the purposes of the comprehensive plan authorized under this section, the Managers direct the Corps to use the Chesapeake Bay Comprehensive Water Resource and Restoration Plan, which was initiated in Fiscal 2014.

#### SEC. 4011. LOUISIANA COASTAL AREA

Senate § 3018. No comparable House section.—House recedes, with an amendment.

The Managers recognize the importance of ensuring that water resources projects do not cause incidental storm surge damage to neighboring states and local municipalities. Where incidental storm surge could occur, the Secretary is encouraged to consult with any affected states and local municipalities when developing a feasibility report under this section.

#### SEC. 4012. RED RIVER BASIN

Senate § 3008. No comparable House section.—House recedes, with an amendment.

#### SEC. 4013. TECHNICAL CORRECTIONS

Senate § 3002, § 3007, § 3012, § 3013, § 3019. No comparable House section.—House and Senate agree to an amendment.

#### SEC. 4014. OCEAN AND COASTAL RESILIENCY

No comparable House or Senate section.

#### TITLE V—WATER INFRASTRUCTURE FINANCING

The Managers support robust investment in the construction, repair, and replacement of the Nation's network of wastewater infrastructure, as well as other measures to address ongoing sources of pollution under the Clean Water Act. In the conference report to accompany H.R. 3080, the Managers have agreed both to the creation of a new Water Infrastructure Finance and Innovation Act (WIFIA) as well improvements to the existing Clean Water State Revolving Fund (Clean Water SRF), authorized by Title VI of the Clean Water Act.

#### Subtitle A and B

During the consideration of H.R. 3080 and S. 601, the Managers received statements of support for both the creation of a new WIFIA, as well as for reauthorization of the Clean Water SRF. The Managers agreed to include several targeted amendments to Title VI of the Clean Water Act (included in sections 5001, 5002, 5003, 5004, 5005, 5011, 5012, and 5013 of the conference report) to address several recommendations made by States and municipalities, and other stakeholders that used the Clean Water SRF for financing water quality improvements over the years.

Many of these amendments have been subject to numerous hearings and have passed either the House of Representatives or the United States Senate in various bills over the last decade. These amendments are intended to increase the affordability of SRF financing to local communities, to increase flexibility in the uses of the Clean Water SRF to address local water quality concerns, and to promote more cost-effective management of infrastructure financed by SRF resources. The Managers also have agreed to codify, within Title VI of the Clean Water Act, several legislative provisions that have been carried forward through annual appropriations bills, including provisions related to the appropriate Clean Water SRF allocation for Indian tribes, nationwide.

By including these target amendments to the Clean Water SRF in the conference report to accompany H.R. 3080, the Managers intend to ensure that the Clean Water SRF remains a viable option for local communities and States to address ongoing local water quality concerns. After completion of the reports called for under this Title, the Managers expect to revisit the issue of financing wastewater infrastructure to address any recommendations or challenges raised by these reports or through implementation of the provisions authorized by this Title.

#### Subtitle A—State Water Pollution Control Revolving Funds

##### SEC. 5001. GENERAL AUTHORITY FOR CAPITALIZATION GRANTS

Senate § 10002, § 10007, § 10011. No comparable House section.—House and Senate agree to an amendment.

##### SEC. 5002. CAPITALIZATION GRANT AGREEMENTS

Senate § 10002, § 10007, § 10011. No comparable House section.—House and Senate agree to an amendment.

##### SEC. 5003. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS

Senate § 10002, § 10007, § 10011. No comparable House section.—House and Senate agree to an amendment.

##### SEC. 5004. REQUIREMENTS

Senate § 10016. No comparable House section.—House and Senate agree to an amendment.

##### SEC. 5005. REPORT ON THE ALLOTMENT OF FUNDS

Senate § 10002, § 10007, § 10011. No comparable House section.—House and Senate agree to an amendment.

##### SEC. 5006. EFFECTIVE DATE

Senate § 10002, § 10007, § 10011. No comparable House section.—House and Senate agree to an amendment.

#### Subtitle B—General Provisions

##### SEC. 5011. WATERSHED PILOT PROJECTS

Senate § 10002, § 10007, § 10011. No comparable House section.—House and Senate agree to an amendment.

##### SEC. 5012. DEFINITION OF TREATMENT WORKS

Senate § 10002, § 10007, § 10011. No comparable House section.—House and Senate agree to an amendment.

##### SEC. 5013. FUNDING FOR INDIAN PROGRAMS

Senate § 10002, § 10007, § 10011. No comparable House section.—House and Senate agree to an amendment.

##### SEC. 5014. WATER INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM

House § 117. No comparable Senate section.—Senate recedes, with an amendment.

#### Subtitle C—Innovative Financing Pilot Projects

The Conference agreement maintains the Water Infrastructure Finance and Innova-

tion Act (WIFIA) included in S. 601. The conference agreement includes targeted modifications to the Senate-passed bill to ensure WIFIA does not duplicate efforts undertaken by existing State Revolving Funds, to provide dedicated funding for rural infrastructure projects, and to provide additional flexibility to provide loans that are in excess of 49 percent of a project's total cost.

#### SEC. 5021. SHORT TITLE

Senate § 10001. No comparable House section.—House recedes, with an amendment.

#### SEC. 5022. DEFINITIONS

Senate § 10003. No comparable House section.—House recedes, with an amendment.

#### SEC. 5023. AUTHORITY TO PROVIDE ASSISTANCE

Senate § 10004. No comparable House section.—House recedes, with an amendment.

#### SEC. 5024. APPLICATIONS

Senate § 10005. No comparable House section.—House recedes, with an amendment.

#### SEC. 5025. ELIGIBLE ENTITIES

Senate § 10006. No comparable House section.—House recedes, with an amendment.

#### SEC. 5026. PROJECTS ELIGIBLE FOR ASSISTANCE

Senate § 10007. No comparable House section.—House recedes, with an amendment.

#### SEC. 5027. ACTIVITIES ELIGIBLE FOR ASSISTANCE

Senate § 10008. No comparable House section.—House recedes, with an amendment.

#### SEC. 5028. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION

Senate § 10009. No comparable House section.—House recedes, with an amendment.

#### SEC. 5029. SECURED LOANS

Senate § 10010. No comparable House section.—House recedes, with an amendment.

#### SEC. 5030. PROGRAM ADMINISTRATION

Senate § 10011. No comparable House section.—House recedes, with an amendment.

#### SEC. 5031. STATE, TRIBAL, AND LOCAL PERMITS

Senate § 10012. No comparable House section.—House recedes, with an amendment.

#### SEC. 5032. REGULATIONS

Senate § 10013. No comparable House section.—House recedes, with an amendment.

#### SEC. 5033. FUNDING

Senate § 10014. No comparable House section.—House recedes, with an amendment.

#### SEC. 5034. REPORTS ON PILOT PROGRAM IMPLEMENTATION

Senate § 10015. No comparable House section.—House recedes, with an amendment.

#### SEC. 5035. REQUIREMENTS

Senate § 10016. No comparable House section.—House recedes, with an amendment.

#### TITLE VI—DEAUTHORIZATION AND BACKLOG PREVENTION

##### SEC. 6001. DEAUTHORIZATION OF INACTIVE PROJECTS

House § 301, Senate § 2049.—Senate recedes, with an amendment.

This section establishes a process that will lead to the deauthorization of old, inactive projects the value of which shall exceed the value of projects authorized in this Act by \$6 billion. This section requires the Secretary of the Army submit a list of inactive projects to the Congress that were authorized prior to the Water Resources Development Act of 2007, have not begun construction, or if they have begun construction, have not received any funds, federal or non-federal, in the past 6 years. The Secretary shall identify projects from the oldest authorization to the newest until the total federal cost of the projects on the list totals not

less than \$6 billion more than the value of the projects authorized by this Act. After a 180 day period of congressional review, the projects on the list are deauthorized.

This section is not intended to apply to project studies, or any activities authorized in the Water Resources Development Act of 2007 or those projects that have or are undergoing a post-authorization study (as defined) in the past 6 years.

Traditionally, Water Resources Development Acts contained lists of projects to be deauthorized. However, the Corps of Engineers has seemingly lost track of inactive projects. While the Managers applaud devoting scarce funds and human resources to active projects, the Managers expect the Corps of Engineers to be able to readily identify those projects subject to this section.

In addition, to avoid a similar situation in the future, the Managers direct the Secretary to utilize existing authorities, including the authorities authorized by section 2041 of the Water Resources Development Act of 2007 (121 Stat. 1100), to regularly maintain and update the status of each water resources development project, study, or modification that is authorized by the Congress, including those projects, studies, and modifications that were authorized prior to the date of enactment of this Act, but that are not included in the final deauthorization list that is submitted to Congress under 6001(d)(4). The Managers expect that, upon completion of the deauthorization process established under this section, the Secretary will have identified each project, study, or modification that is currently authorized to be carried out by the Corps of Engineers. A single data base will be established that will

consolidate all of the required information. This information will be accessible through Headquarters and will be updated quarterly to ensure consistency and accuracy.

#### SEC. 6002. REVIEW OF CORPS OF ENGINEERS ASSETS

House § 302. No comparable Senate section.—Senate recedes, with an amendment.

It is the intent of section 6002 that the Army Corps of Engineers work directly with the General Services Administration (GSA) to identify and coordinate the identification and action on any physical asset that could be potentially transferred or removed from government ownership.

#### SEC. 6003. BACKLOG PREVENTION

House § 303, Senate § 2049.—Senate recedes, with an amendment.

#### SEC. 6004. DEAUTHORIZATIONS

House § 304, Senate § 3006, § 3020, § 3021.—House and Senate agree to an amendment.

#### SEC. 6005. LAND CONVEYANCES

House § 305, Senate § 3010, § 3014, § 3016, § 5019, § 12008.—House and Senate agree to an amendment.

### TITLE VII—WATER RESOURCES INFRASTRUCTURE

#### SEC. 7001. ANNUAL REPORT TO CONGRESS

House § 118, Senate § 4001, § 4002, § 4003.—Senate recedes, with an amendment.

This section requires the Secretary of the Army to annually publish a notice in the Federal Register requesting proposals from non-federal interests for project authorizations, studies, and modifications to existing Corps of Engineers projects. Further, it requires the Secretary to submit to Congress

and make publicly available an annual report of those activities that are related to the missions of the Corps of Engineers and require specific authorization by law. Additionally, this section requires the Secretary to certify the proposals included in the annual report meet the criteria established by Congress in this section.

The section requires that information be provided about each proposal that is in the Annual Report submitted to the Congress. This information is meant to help the Congress set priorities regarding which potential studies, projects, and modifications will receive authorizations. The Secretary is expected to make use of information that is readily available and is not expected to begin a detailed and time-consuming analysis for additional information.

This section contains a provision to require the Corps of Engineers submit to Congress an appendix containing descriptions of those projects requested by non-federal interests that were not included in the Annual Report. The activities to be included in the appendix provide an additional layer of transparency that will allow Congress to review all non-federal interest submittals to the Corps of Engineers. This will allow Congress to receive a more complete spectrum of potential project studies, authorizations, and modifications. Activities described in the appendix are not subject to authorization from Congress.

#### SEC. 7002. AUTHORIZATION OF FINAL FEASIBILITY STUDIES

House § 401, Senate § 1002.—Senate recedes, with an amendment.





REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET, NW  
WASHINGTON, DC 20314-1000

JUL 22 2011

CEMP-SWD (1105-2-10-a)

SUBJECT: Sabine-Neches Waterway Channel Improvement Project, Southeast Texas and Southwest Louisiana

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on navigation improvements for the Sabine-Neches Waterway (SNWW) in Southeast Texas and Southwest Louisiana. It is accompanied by the report of the Galveston District Engineer and the Southwestern Division Engineer. These reports are in response to a Congressional resolution adopted on 5 June 1997 by the Senate Committee on Environment and Public Works. The committee requested a review of the reports on the SNWW and other pertinent reports to determine the feasibility of modifying the channels serving the ports of Beaumont, Port Arthur, and Orange, Texas in the interest of commercial navigation. Pre-construction engineering and design activities for this proposed project, if funded, would be continued under this authority. The existing SNWW 40-Foot Navigation Project was authorized by the River and Harbor Act of 1962 and construction of the 40-foot project was completed in 1968.
2. The report recommends a project that will contribute to the economic efficiency of commercial navigation. The SNWW is a system of navigation channels that have been superimposed upon the Sabine-Neches estuary in Texas and Louisiana. The study evaluated navigation and environmental problems and opportunities for the entire estuarine system, which is defined as the study area. The study area encompasses a 2,000-square-mile area, which contains the smaller project area that includes those areas that would be directly affected by construction of the project (i.e. the dredging footprint, existing and proposed placement areas, and mitigation areas). The study area includes the following water bodies and adjacent coastal wetlands: Sabine Lake and adjacent marshes in Texas and Louisiana, the Neches River channel up to the new Neches River Saltwater Barrier, the Sabine River channel to the Sabine Island Wildlife Management Area, the GIWW west to Star Bayou, the GIWW east to Gum Cove Ridge, the Gulf shoreline extending to 10 miles either side of Sabine Pass, and 35 miles offshore into the Gulf of Mexico.
3. The reporting officers recommend the Locally Preferred Plan (LPP) to modify the existing SNWW. The LPP consists of the following improvements:
  - a. Deepen the SNWW from 40 to 48 feet and the offshore channel from 42 to 50 feet in depth from offshore to the Port of Beaumont Turning Basin;

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- b. Extend the 50-foot deep offshore channel by 13.2 miles to deep water in the Gulf, increasing the total length of channel from 64 to 77 miles;
- c. Taper and mark the Sabine Bank Channel from 800 feet wide to 700 feet wide;
- d. Deepen and widen Taylor Bayou channels and turning basins;
- e. Ease selected bends on the Sabine-Neches Canal and Neches River Channel;
- f. Construct new and enlarge/deepen existing turning and anchorage basins on the Neches River Channel.

Dredged material placement for this project would be provided in accordance with the Dredged Material Management Plan (DMMP) developed during the study. Deepening of the SNWW would generate approximately 98 million cubic yards of new work material and 650 million cubic yards of maintenance material over the 50-year period of economic evaluation. Material from the extension channel, Sabine Bank Channel, Sabine Pass Outer Bar Channel, and Sabine Pass Jetty Channel would be placed offshore, either in existing placement areas or newly designated sites. Material from the inland reaches would be placed in existing confined, upland placement sites adjacent to each reach. Expansion of some existing upland sites would also be required. Some dredged material from the inland reaches would be used beneficially to restore large degraded marsh areas on the Neches River and nourish the Gulf shoreline at Texas and Louisiana Points.

4. As discussed further in the report of the Galveston District Engineer and the Southwestern Division Engineer, the recommended plan includes preliminary conclusions that 41 pipelines located within the SNWW Channel must be relocated and are classified as utility relocations for which the non-Federal sponsor must perform or assure performance. In accordance with Section 101(a)(4) of the Water Resources Development Act (WRDA) of 1986, as amended, one-half of the cost of each such relocation will be borne by the owner of the facility being relocated and one-half of the cost of each such relocation will be borne by the non-Federal sponsor. All relocations, including utility relocations, are to be accomplished at no cost to the Federal Government. The recommended plan also includes preliminary conclusions that there are an additional 5 pipelines that must be removed but not replaced. The Government, in coordination with the non-Federal sponsor, will conduct further analysis and finalize its conclusions during the period of pre-construction engineering and design.

5. Environmental benefits of the Neches River beneficial use (BU) features would offset all environmental impacts in the state of Texas and on all Federal lands, by restoring 2,853 acres of emergent marsh, improving 871 acres of shallow water habitat, and nourishing 1,234 acres of existing marsh in Texas. After consideration of project impacts in Texas and on Federal lands in the project area, the Neches River BU features will provide a net increase of 316 Average

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Annual Habitat Units (AAHUs). The Gulf Shore BU features would offset minor erosion impacts to Gulf shorelines in Texas and Louisiana by periodically nourishing three miles of shoreline in each state. Unavoidable environmental impacts on non-Federal lands in Louisiana would be fully compensated by restoring 2,783 acres of emergent marsh, improving 957 acres of shallow water habitat, and stabilizing and nourishing 4,355 acres of existing marsh. These actions will provide 1,181 AAHUs to compensate for a loss of 1,159 AAHUs in Louisiana. Post-construction monitoring and adaptive management plans for the BU features and mitigation areas will be required until such time that the following performance criteria are met, as determined by the Division Commander: (1) each mitigation site and the Neches River BU features have an aerial coverage of 60 to 80 percent native, typical, emergent marsh vegetation; and invasive noxious and/or exotic plant species comprise less than 4 percent of mitigation site marsh coverage; (2) Texas Point BU feature shows a decreased erosion rate averaging less than 44 ft/yr after two disposal events; and (3) Louisiana Point BU feature shows an accretion rate averaging more than 1.2 ft/yr after two disposal events.

6. The recommended navigation project is not the National Economic Development (NED) plan. The recommended SNWW improvement is shallower and will be less costly than the NED plan and is the LPP supported by the non-Federal sponsor. The Sabine-Neches Navigation District is the non-Federal cost sharing sponsor.

7. Project Cost Breakdown Based on October 2010 Prices.

a. Total First Cost of Constructing Project. The estimated total first cost of constructing the project is \$1,053,000,000 which includes the cost of constructing the general navigation features and the value of lands, easements, rights-of-way and relocations estimated as follows: \$894,500,000 for channel modification and dredged material placement; \$79,000,000 for environmental mitigation; \$52,800,000 for bridge fender modifications; \$1,270,000 Federal cost for cultural resources; \$774,000 for additional Corps administrative costs; \$3,690,000 for the value of lands, easements, rights-of-way, and relocations (except utility relocations) provided by the non-Federal sponsor; and \$21,300,000 for the one-half of the cost of utility relocations borne by the non-Federal sponsor pursuant to Section 101(a)(4) of WRDA 1986, as amended.

b. Estimated Federal and non-Federal Shares. The estimated Federal and non-Federal shares of the total first cost of constructing the project are \$707,000,000 and \$345,990,000, respectively, as apportioned in accordance with the cost sharing provisions of Section 101 of WRDA 1986, as amended, as follows:

(1) The costs for the deepening of the channel from 40 to 45 feet will be shared at the rate of 75 percent by the Government and 25 percent by the non-Federal sponsor. Accordingly, the Federal and non-Federal shares of the estimated \$772,000,000 cost in this zone will be approximately \$579,000,000 and \$193,000,000, respectively, with the difference of \$1,270,000 being the Federal cost for cultural resources.

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(2) The costs for the deepening of the channel from 45 to 48 feet will be shared at the rate of 50 percent by the Government and 50 percent by the non-Federal sponsor. Accordingly, the Federal and non-Federal shares of the estimated \$256,000,000 cost in this zone will be approximately \$128,000,000 each.

(3) In addition to payment by the non-Federal sponsor of its share of costs as estimated and addressed in sub-paragraphs (1) and (2) above, the estimated non-Federal share of \$345,990,000 includes \$3,690,000 for the estimated value of lands, easements, rights-of-way, and relocations (except utility relocations) that it must provide pursuant to Section 101(a)(3) of WRDA 1986, as amended, and \$21,300,000 for one-half of the estimated costs of utility relocations borne by the non-Federal sponsor pursuant to Section 101(a)(4) of WRDA 1986, as amended.

c. Additional 10 Percent Payment. In addition to the non-Federal sponsor's estimated share of the total first cost of constructing the project in the amount of \$345,990,000, pursuant to Section 101(a)(2) of WRDA 1986, as amended, the non-Federal sponsor must pay an additional 10 percent of the cost of the general navigation features of the project in cash over a period not to exceed 30 years, with interest. The value of lands, easements, rights-of-way, and relocations provided by the non-Federal sponsor under Section 101(a)(3) of WRDA 1986, as amended, and the costs of utility relocations borne by the non-Federal sponsor under Section 101(a)(4) of WRDA 1986, as amended, will be credited toward this payment.

d. Operations and Maintenance Costs. The additional annual cost of operation and maintenance for this recommended plan is estimated at \$32,800,000. In accordance with Section 101(b) of WRDA 1986, the non-Federal sponsor will be responsible for an amount equal to 50 percent of the excess of the cost of the operation and maintenance of the project over the cost which would be incurred for operation and maintenance of the project if the project had a depth of 45 feet. The excess annual cost attributable to operation and maintenance for the depth in excess of 45 feet is \$12,300,000 with the non-Federal sponsor responsible for \$6,150,000.

e. Associated Costs. Estimated total project associated costs of \$43,500,000 include \$20,700,000 in non-Federal costs associated with dredging of berthing areas and development of other local service facilities; \$1,500,000 for navigation aids (a U.S. Coast Guard expense); and \$21,300,000 for the one-half of the cost of utility relocations to be borne by the facility owners in accordance with Section 101(a) (4) of WRDA of 1986, as amended.

f. Authorized Project Cost and Section 902 Calculation. The total estimated first cost of the project for the purposes of authorization and calculating the maximum cost of the project pursuant to Section 902 of WRDA 1986, as amended, should include the estimates for general navigation features (GNF) construction costs, the value of lands, easements, and rights-of-way,

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the value of relocations provided under Section 101(a)(3) of WRDA 1986, as amended, and the one-half of the costs of utility relocations borne by the non-Federal sponsor for utility relocations under Section 101(a)(4) of WRDA 1986, as amended. Accordingly, as set forth in paragraph 7.a. above, based on October 2010 prices, the estimated total first cost of the project for these purposes is \$1,053,000,000 with a Federal share of \$707,000,000 and a non-Federal share of \$345,990,000.

8. Based on October 2010 price levels, a discount rate of 4 1/8 percent, and a 50-year period of economic analysis, the project average annual benefits and costs for the SNWW improvements are estimated at \$115,400,000 and \$90,600,000, respectively, with a resulting net benefit of \$24,800,000 and a benefit-to-cost ratio of 1.3 to 1.

9. In accordance with the Corps Engineering Circular on review of decision documents, all technical, engineering, and scientific work underwent an open, dynamic, and vigorous review process to ensure technical quality. This included an Agency Technical Review (ATR), an Independent External Peer Review (IEPR), and a Corps Headquarters policy and legal review. All concerns of the ATR have been addressed and incorporated into the final report. The IEPR was completed by Battelle Memorial Institute. A total of 18 comments were documented. The comments were related to plan formulation, vessel fleet analysis, benefits, dredging and sedimentation, risk and uncertainty, and impact of salinity changes. In response, sections in the main report and EIS were expanded to include additional information. The final IEPR Report was completed in June 2010 with all comments addressed sufficiently.

10. Washington level review indicates that the plan recommended by the reporting officers is technically sound, environmentally and socially acceptable, and on the basis of congressional directives, economically justified. The plan complies with all essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies, except for the measurement of the National Economic Benefits which was modified by Section 6009 of the ESAA of 2005. Further, the recommended plan complies with other administration and legislative policies and guidelines. The views of interested parties, including Federal, State and local agencies, have been considered.

11. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that navigation improvements for the Sabine-Neches Waterway be authorized in accordance with the reporting officer's recommended plan at an estimated cost of \$1,053,000,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 101 of WRDA 1986, as amended. This recommendation is subject to the non-Federal sponsor agreeing to comply with all applicable Federal laws and policies including that the non-Federal sponsor must agree with the following requirements prior to project implementation.

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a. Provide 10 percent of the total cost of construction of the GNFs attributable to dredging to a depth not in excess of 20 feet; plus 25 percent of the total cost of construction of the GNFs attributable to dredging to a depth in excess of 20 feet but not in excess of 45 feet; plus 50 percent of the total cost of construction of the GNFs attributable to dredging to a depth in excess of 45 feet as further specified below:

(1) Provide 25 percent of design costs allocated by the Government to commercial navigation in accordance with the terms of a design agreement entered into prior to commencement of design work for the project;

(2) Provide, during the first year of construction, any additional funds necessary to pay the full non-Federal share of design costs allocated by the Government to commercial navigation;

(3) Provide, during construction, any additional funds necessary to make its total contribution for commercial navigation equal to 10 percent of the total cost of construction of the GNFs attributable to dredging to a depth not in excess of 20 feet; plus 25 percent of the total cost of construction of the GNFs attributable to dredging to a depth in excess of 20 feet but not in excess of 45 feet; plus 50 percent of the total cost of construction of the GNFs attributable to dredging to a depth in excess of 45 feet;

b. Provide all lands, easements, and rights-of way (LER), including those necessary for the borrowing of material and the disposal of dredged or excavated material, and perform or assure the performance of all relocations, including utility relocations, all as determined by the Federal Government to be necessary for the construction or operation and maintenance of the GNFs;

c. Pay with interest, over a period not to exceed 30 years following completion of the period of construction of the GNFs, an additional amount equal to 10 percent of the total cost of construction of the GNFs less the amount of credit afforded by the Government for the value of the LER and relocations, including utility relocations, provided by the Sponsor for the GNFs. If the amount of credit afforded by the Government for the value of LER, and relocations, including utility relocations, provided by the Sponsor equals or exceeds 10 percent of the total cost of construction of the GNFs, the Sponsor shall not be required to make any contribution under this paragraph, nor shall it be entitled to any refund for the value of LER and relocations, including utility relocations, in excess of 10 percent of the total cost of construction of the GNFs;

d. Provide, operate, and maintain, at no cost to the Government, the local service facilities in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government;

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e. Provide 50 percent of the excess cost of operation and maintenance of the project over that cost which the Federal Government determines would be incurred for operation and maintenance if the project had a depth of 45 feet;

f. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the Sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating and maintaining the GNFs;

g. Hold and save the United States free from all damages arising from the construction or operation and maintenance of the project, any betterments, and the local service facilities, except for damages due to the fault or negligence of the United States or its contractors;

h. Keep, and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of 3 years after completion of the accounting for which such books, records, documents, and other evidence are required, to the extent and in such detail as will properly reflect total cost of the project, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and local governments at 32 CFR, Section 33.20;

i. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601–9675, that may exist in, on, or under LER that the Federal Government determines to be necessary for the construction or operation and maintenance of the GNFs. However, for lands, easements, or rights-of-way that the Government determines to be subject to the navigation servitude, only the Government shall perform such investigations unless the Federal Government provides the Sponsor with prior specific written direction, in which case the Sponsor shall perform such investigations in accordance with such written direction;

j. Assume complete financial responsibility, as between the Federal Government and the Sponsor, for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under LER that the Federal Government determines to be necessary for the construction or operation and maintenance of the project;

k. To the maximum extent practicable, perform its obligations in a manner that will not cause liability to arise under CERCLA;

l. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended, (42 U.S.C. 1962d-5b) and Section 101(e) of the WRDA 86, Public Law 99-662, as amended,



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(33 U.S.C. 2211(e)) which provide that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the Sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element;

m. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended, (42 U.S.C. 4601-4655) and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way necessary for construction, operation, and maintenance of the project including those necessary for relocations, the borrowing of material, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said act;

n. Comply with all applicable Federal and State laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a et seq.), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 et seq.), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c);

o. Provide the non-Federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation, that are in excess of 1 percent of the total amount authorized to be appropriated for the project; and

p. Not use funds from other Federal programs, including any non-Federal contribution required as a matching share therefor, to meet any of the Sponsor's obligations for the project unless the Federal agency providing the Federal portion of such funds verifies in writing that such funds are authorized to be used to carry out the project.

12. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the

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SUBJECT: Sabine-Neches Waterway Channel Improvement Project, Southeast Texas and Southwest Louisiana

Congress, the States of Louisiana and Texas, the Sabine Neches Navigation District (the non-Federal sponsor), interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.

A handwritten signature in black ink, appearing to read "M. W. B. Temple".

MERDITH W.B. TEMPLE  
Major General, USA  
Acting Commander



**DEPARTMENT OF THE ARMY**  
**OFFICE OF THE CHIEF OF ENGINEERS**  
**WASHINGTON, D.C. 20314-1000**

CECW-PC (1105-2-10a)

APR 30 2012

SUBJECT: Jacksonville Harbor Mile Point Navigation Study, Duval County, Florida

## THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress, the final feasibility report and environmental assessment on navigation improvements for Jacksonville Harbor Mile Point, Duval County, Florida. It is accompanied by the report of the district and division engineers. This report was prepared in response to a congressional resolution adopted on March 24, 1998 by the House Committee on Transportation and Infrastructure. Congress added funding in the appropriations for Fiscal Year 2000 to begin the reconnaissance phase of the feasibility study. This report constitutes the final report in response to this resolution. Preconstruction engineering and design activities for the Jacksonville Harbor Mile Point, Duval County, Florida Navigation Project will continue under the authority provided by the resolution cited above.
2. The report recommends authorizing a project that will contribute to the economic efficiency of commercial navigation. The recommended plan reduces the ebb tide crosscurrents at the confluence of the St. Johns River with the Intracoastal Waterway (IWW) by construction of a relocated Mile Point training wall. Relocation of the Mile Point training wall involves removal of the western 3,110 feet (ft) of existing Mile Point training wall, including land removal and dredging to open the confluence of the IWW and St. Johns River, construction of a new training wall western leg (~4,250 ft) and relocated eastern leg (~2,050 ft), restoration of Great Marsh Island as the least-cost disposal alternative and mitigation site providing beneficial use of dredged material, and construction of a flow improvement channel to offset project induced adverse impacts.
3. The reporting officers recommend the National Economic Development (NED) Plan to relocate/reconfigure the existing Mile Point Training Wall. The NED plan consists of the following improvements:
  - a. The training wall reconfiguration includes removal of the western 3,110 ft of the existing Mile Point training wall, construction of a relocated Eastern Leg training wall, approximately 2,050 ft, and a new West Leg training wall, approximately 4,250 ft. Total estimated quantity of material to be excavated is approximately 889,000 cubic yards (cy). All usable stone material recovered from the existing training wall will be stockpiled for use in either the West or East Leg of the relocated training wall and all other material excavated will be placed as beneficial use in the Salt Marsh Mitigation Area at Great Marsh Island and as foundation for the relocated training

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SUBJECT: Jacksonville Harbor Mile Point Navigation Study, Duval County, Florida

wall. It is estimated that approximately 14,600 cy of armor stone can be recovered for reuse purposes; however, additional geophysical exploration will more precisely ascertain the exact quantities of stone available for reuse during the preconstruction, engineering and design phase.

b. The East Leg training wall incorporates a larger scour apron (25') than the West Leg (10') due to the predicted permanent shift of stronger currents in Pablo Creek towards the east, especially during the ebb tide. Channel migration of the IWW is anticipated and realignment of the channel to deep water may become necessary. The relocated East Leg consists of building approximately 2,050 ft of training wall tying into the existing structure on Helen Cooper Floyd Park and the West Leg consists of building approximately 4,250 ft of training wall across the breakthrough at Great Marsh Island. Estimated quantities associated with the East Leg are 26,900 cy of armor stone and 11,900 cy of bedding stone, and for the West Leg are 5,670 cy of concrete (567 units at 10cy/unit) and 32,000 square yards (sy) of geotextile fabric for bags and tubes to be filled with 40,500 cy of excavated material. Both legs will incorporate the use of a total of approximately 34,900 sy of filter fabric.

c. The least-cost disposal method is to restore the breakthrough at Great Marsh Island by constructing an approximate 4,250-foot Western Leg training wall and placing dredged material to restore the island. Restoration of this area provides an opportunity for beneficial use of dredged material and an opportunity to address impacts caused by the physical decay of the ecosystem through erosion of natural habitat caused by the crosscurrents. Without the project, Great Marsh Island will continue to erode. Restoring Great Marsh Island is both the least-cost alternative for dredged material and also provides up to 53 acres of salt marsh restoration. This alternative provides incidental environmental benefits, in addition to providing mitigation for approximately 8.15 acres of impacted salt marsh by the training wall removal.

d. The Flow Improvement Channel (FIC) would be constructed to offset any adverse effects that would be caused by closing off the breakthrough of Great Marsh Island. If Great Marsh Island is restored and the FIC is not built, then water quality is expected to be degraded within Chicopit Bay due to non-point source pollution loadings from the upstream watershed not being flushed out of the hydrological system. This would occur because the restoration would close off the recently formed channel through the eroded portion of Great Marsh Island, which now flushes the bay. The FIC would allow for improved water quality and environmental stability of the project area by potentially improving the flushing of sediment and other waterborne constituents into the adjacent IWW. The construction of the FIC would also restore the historic channel through Chicopit Bay, which has silted in with eroded material from Great Marsh Island. The FIC consists of dredging a channel 80 ft wide and 6 ft deep for a length of approximately 3,620 ft through Western Chicopit Bay. Dredged material from the FIC would be placed back into the Great Marsh Island restoration area.

e. Approximately 51.2 acres of land are under the control of the U.S. Navy. The U.S. Army Corps of Engineers (USACE) will coordinate with the U.S. Navy for a license that will allow

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removal of the real property (uplands). Additionally, the federal government has navigational servitude over submerged lands impacted by the proposed project. The non-federal sponsor (Jacksonville Port Authority) owns lands in the vicinity of the proposed project, but those lands will not be impacted by the proposed project. The Nature Conservancy, Incorporated (Inc.) owns lands in the vicinity of the proposed project that may be required for construction of the western leg training wall through perpetual easement. The Nature Conservancy, Inc. is familiar with the proposed project and has indicated their support for the project.

#### 4. Project Cost Breakdown Based on October 2011 Prices.

a. Project First Cost. The estimated project first cost is \$35,999,000, which includes the cost of constructing the general navigation features (GNF) and the value of lands, easements, rights-of-way and relocations (LERR) estimated as follows: \$32,812,000 for channel modification, turbidity and endangered species monitoring, and dredged material placement; \$3,088,000 for environmental mitigation; and \$99,000 administrative costs for the value of LERR. The Jacksonville Port Authority is the non-federal cost-sharing sponsor for all features.

b. Estimated Federal and Non-Federal Shares. The estimated federal and non-federal shares of the project first cost are \$26,998,000 and \$9,001,000, respectively, as apportioned in accordance with the cost sharing provisions of Section 101 of the Water Resources Development Act (WRDA) 1986, as amended (33 U.S.C. 2211), as follows:

(1) The cost for the general navigation features from greater than 20 ft to 45 ft will be shared at a rate of 75 percent by the Government and 25 percent by the non-federal sponsor. Accordingly, the federal and non-federal shares of the costs in this zone are estimated to be \$26,924,000 and \$8,976,000, respectively.

(2) In addition to the costs outlined in sub-paragraph (1) above, the project first cost includes administrative costs for LERR estimated at \$99,000. The federal administrative costs include project real estate planning, review, and incidental costs between the U.S. Navy and the USACE. Accordingly, the federal and non-federal shares of the administrative costs are estimated to be \$74,000 and \$25,000, respectively. Credit is given for the incidental costs borne by the non-federal sponsor for LERR per Section 101 of WRDA 1986. Of the non-federal share, approximately \$12,500, is eligible for LERR credit.

c. Additional 10 Percent Payment. In addition to the non-federal sponsor's estimated share of the total first cost of constructing the project in the amount of \$9,001,000, pursuant to Section 101(a)(2) of WRDA 1986, as amended, the non-federal sponsor must pay an additional 10% of the costs of general navigation features of the project, \$3,590,000, in cash over a period not to exceed 30 years, with interest. The value of the LERR provided by the non-federal sponsor under Section 101(a)(3) of WRDA 1986 as amended will be credited toward this payment.

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d. Operations and Maintenance Costs. There are no additional costs of operation and maintenance for this recommended plan.

e. Associated Costs. Estimated associated costs of \$431,000 include navigation aids, which is a U.S. Coast Guard expense.

f. Authorized Project Cost and Section 902 Calculation. The project first cost, for the purposes of authorization and calculating the maximum cost of the project pursuant to Section 902 of WRDA 1986, as amended, should include estimates for GNF construction costs, the value of LERR provided under Section 101(a)(3) of WRDA 1986, as amended. Accordingly, as set forth in paragraph 4.a. above, based on October 2011 prices, the estimated project first cost for these purposes is \$35,999,000 with a federal share of \$26,998,000 and a non-federal share of \$9,001,000.

5. Based on October 2011 price levels, a 4-percent discount rate, and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated to be \$1,737,000. The average annual equivalent benefits are estimated to be \$2,440,000. The average annual net benefits are estimated to be \$703,000. The benefit-to-cost ratio for the recommended plan is 1.4.

6. Examination of the maximum flood and ebb tide current vectors indicate that flow velocities within the federal navigation channel are very similar between the existing and with-project condition and in isolated areas of the Mile Point turn are about 1 foot/second less under the with-project condition. This comparison suggests that little or no significant net increase in shoaling rates will occur in the Jacksonville Harbor federal channel over existing project conditions. A natural shift of the IWW at the entrance to Pablo Creek will be expected as a result of the realignment of the training wall. Lower water velocities will increase the opportunities for sedimentation on the western side of the entrance; while higher velocities along the eastern side have the potential to scour and undermine the location of the new training wall if unprotected against erosion. However, little or no significant net increase in shoaling of the IWW navigational channel is predicted as a result of the reconfiguration of the Mile Point training wall.

a. Historically, the training walls along the St. Johns River have performed well and required very little maintenance. With proper design and construction, it is anticipated that no maintenance of the relocated training wall legs will be required over the 50 year period of analysis. All dredged material for the recommended plan will be placed at Great Marsh Island; therefore, the selected plan will have no effect on future channel dredging maintenance activities for Jacksonville Harbor or the IWW.

b. Based on model investigations and current measurements, the resulting bottom current velocities from the relocated training wall legs and excavation and removal of a portion of the existing training wall and entire surrounding area to -13 ft Mean Low Water (MLW) are of such

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magnitude to expect little deposition to occur in either of the channels. The Chicopit Bay FIC is also not expected to require maintenance dredging. Prior to the breakthrough of Great Marsh Island, a natural channel existed in the same location as the proposed FIC. Historical maps show water depths up to 10 ft due to tidal flushing of Chicopit Bay, as well as freshwater runoff from the neighboring creeks. Once Great Marsh Island is restored, the water from Greenfield and Mount Pleasant Creeks, as well as the large volume of water within Chicopit Bay's tidal prism, will flush in and out through the FIC. The water velocities in the channel are expected to be sufficient to prevent shoaling within the channel.

7. In accordance with the Corps Engineering Circular (EC) 1165-2-211 on sea level change, the study performed an analysis of three Sea Level Rise rates, a baseline estimate representing the minimum expected sea level change, an intermediate estimate, and a high estimate representing the maximum expected sea level change. Projecting the three rates of change provides a predicted low level rise of 0.12 meters (m) or approximately 0.39 ft, an intermediate level rise of 0.25 m or approximately 0.81 ft, and a high level rise of 0.66 m or approximately 2.17 ft. The impact of the low and intermediate level increases of 0.39 ft and 0.81 ft, respectively, would be inconsequential to the performance of the structure and the high level increase of 2.17 ft would only affect the performance of the structure during low probability events that exceeded the Mean Higher High Water (MHHW) level by more than 0.33 ft. Even during such low probability events, the structure will perform its intended purpose to train the river currents with the exception of that very small portion of the water column above the structure's crest. In addition, if over time the actual measured changes in relative sea level are closer to the Scenario III amounts or greater, then the structure's performance can easily be brought back to an optimal level by increasing the crest elevation by up to a foot without major expense. The salt marsh restoration design at Great Marsh Island is based on existing conditions, or current sea level, in order to achieve requisite elevations that would support low and high salt marsh as well as intertidal oyster beds. The restoration of these habitats cannot be performed using projected future sea level as the target species for these habitats would not be able to survive at current water levels. As an adaptive management measure to address future sea level rise, additional dredged material could be used when appropriate to increase the elevation of the Great Marsh Island restoration site and maintain salt marsh and other habitats.

8. In accordance with the Corps EC 1165-2-209 on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and vigorous review process to ensure technical quality. This included District Quality Control, Agency Technical Review, Policy and Legal Compliance Review, Cost Engineering Directory of Expertise Review and Certification, and Model Review and Approval. Given the nature of the project, an exclusion from the requirement to conduct a Type I Independent External Peer Review was granted on 23 September 2011.

9. Washington level review indicates the plan recommended by the reporting officers is technically sound, environmentally and socially acceptable, and on the basis of congressional



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directives, economically justified. The plan complies with all essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies. The recommended plan complies with other administration and legislative policies and guidelines. The views of interested parties, including federal, state and local agencies, have been considered. State and agency comments received during review of the final report/environmental assessment included concerns raised by the National Park Service related to channel realignment, unrecorded archaeological sites, cultural resources, and water quality within the Timucuan Ecological and Historical Preserve. These concerns were addressed through coordination and a multi-agency meeting and ultimately resolved in a Jacksonville District, USACE response dated February 27, 2012.

10. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that navigation improvements for Jacksonville Harbor Mile Point be authorized in accordance with the reporting officer's recommended plan at an estimated cost of \$35,999,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of federal and State laws and policies, including Section 101 of WRDA 1986, as amended. This recommendation is subject to the non-federal sponsor agreeing to comply with all applicable federal laws and policies including that the non-federal sponsor must agree with the following requirements prior to project implementation.

a. Provide 10 percent of the total cost of construction of the GNFs attributable to dredging to a depth not in excess of 20 ft; plus 25 percent of the total cost of construction of the GNFs attributable to dredging to a depth in excess of 20 ft but not in excess of 45 ft; plus 50 percent of the total cost of construction of the GNFs attributable to dredging to a depth in excess of 45 ft as further specified below:

(1) Provide the non-federal share of design costs allocated by the Government to commercial navigation in accordance with the terms of a design agreement entered into prior to commencement of design work for the project.

(2) Provide, during construction, any additional funds necessary to make its total contribution for commercial navigation equal to 10 percent of the total cost of construction of the GNFs attributable to dredging to a depth not in excess of 20 ft; plus 25 percent of the total cost of construction of the GNFs attributable to dredging to a depth in excess of 20 ft but not in excess of 45 ft; plus 50 percent of the total cost of construction of the GNFs attributable to dredging to a depth in excess of 45 ft.

b. Provide all LERRs, including those necessary for the borrowing of material and the disposal of dredged or excavated material, and perform or assure the performance of all relocations, including utility relocations, all as determined by the federal government to be necessary for the construction or operation and maintenance of the GNFs.

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c. Pay with interest, over a period not to exceed 30 years following completion of the period of construction of the GNFs, an additional amount equal to 10 percent of the total cost of construction of the GNFs less the amount of credit afforded by the Government for the value of the LERR is provided by the sponsor for the GNFs. If the amount of credit afforded by the Government for the value of LERR, and relocations, including utility relocations, provided by the sponsor equals or exceeds 10 percent of the total cost of construction of the GNFs, the sponsor shall not be required to make any contribution under this paragraph, nor shall it be entitled to any refund for the value of LERR and relocations, including utility relocations, in excess of 10 percent of the total cost of construction of the GNFs.

d. Provide, operate, and maintain, at no cost to the Government, the local service facilities in a manner compatible with the project's authorized purposes and in accordance with applicable federal and state laws and regulations and any specific directions prescribed by the federal government;

e. Provide 50 percent of the excess cost of operation and maintenance of the project over that cost which the federal government determines would be incurred for operation and maintenance if the project had a depth of 45 ft.

f. Accomplish all removals determined necessary by the federal Government other than those removals specifically assigned to the federal Government;

g. Give the federal government a right to enter, at reasonable times and in a reasonable manner, upon property that the Sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating and maintaining the GNFs.

h. Hold and save the United States free from all damages arising from the construction or operation and maintenance of the project, any betterment, and the local service facilities, except for damages due to the fault or negligence of the United States or its contractors.

i. Keep, and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of 3 years after completion of the accounting for which such books, records, documents, and other evidence are required, to the extent and in such detail as will properly reflect total cost of the project, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and local governments at 32 Code of Federal Regulation (CFR), Section 33.20.

j. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 United States Code 9601–9675, that may exist in, on, or under lands, easements,

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right-of-ways, relocations and disposal areas (LERRD) that the federal government determines to be necessary for the construction or operation and maintenance of the GNFs. However, for lands, easements, or rights-of-way that the Government determines to be subject to the navigation servitude, only the Government shall perform such investigations unless the federal government provides the sponsor with prior specific written direction, in which case the sponsor shall perform such investigations in accordance with such written direction.

k. Assume complete financial responsibility, as between the federal government and the sponsor, for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under LERRD that the federal government determines to be necessary for the construction or operation and maintenance of the project;

l. Agree, as between the federal Government and the non-federal sponsor, that the non-federal sponsor shall be considered the operator of the local service facilities for the purpose of CERCLA liability.

m. To the maximum extent practicable, perform its obligations in a manner that will not cause liability to arise under CERCLA.

n. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended, (42 U.S.C. 1962d-5b) and Section 101(e) of the WRDA 86, Public Law 99-662, as amended, (33 U.S.C. 2211(e)) which provide that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element.

o. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended, (42 U.S.C. 4601-4655) and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way necessary for construction, operation, and maintenance of the project including those necessary for relocations, the borrowing of material, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act.

p. Comply with all applicable federal and state laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable federal labor standards requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a et seq.), the Contract Work Hours and Safety Standards Act

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(formerly 40 U.S.C. 327 et seq.), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c));

q. Provide the non-federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation, that are in excess of 1 percent of the total amount authorized to be appropriated for the project.

r. Not use funds from other federal programs, including any non-federal contribution required as a matching share therefore, to meet any of the sponsor's obligations for the project unless the federal agency providing the federal portion of such funds verifies in writing that such funds are authorized to be used to carry out the project.

11. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the State of Florida, the Jacksonville Port Authority (the non-federal sponsor), interested federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



MERDITH W.B. TEMPLE  
Major General, USA  
Acting Commander



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

CECW-PC (1105-2-10a)

AUG 17 2012

SUBJECT: Savannah Harbor Expansion Project, Georgia and South Carolina

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on the Savannah Harbor Expansion Project, Georgia and South Carolina, which describes navigation improvements to the existing Savannah Harbor Navigation Project. It is accompanied by the report of the district and division engineers. The General Re-Evaluation Report and Final Environmental Impact Statement (GRR/FEIS) evaluate the advisability of increasing the channel depth, providing environmental mitigation to offset project impacts and making other improvements to Savannah Harbor in the interest of navigation and related purposes. Both the GRR and the FEIS are in response to Section 101(b)(9) of the Water Resources Development Act (WRDA) of 1999. This provision authorized construction substantially in accordance with a Chief's Report to be completed no later than December 31, 1999. The required Chief's Report was signed on October 21, 1999. Section 101(b)(9) also mandated that before the project could be carried out, the Secretary, in consultation with affected State and Federal agencies, formulate an analysis of the impacts of project depth alternatives ranging from -42 feet to -48 feet, along with a recommended plan for navigation and an associated mitigation plan, to be approved jointly with the Department of the Interior, the Department of Commerce and the Environmental Protection Agency (EPA). This report is submitted in fulfillment of these conditions, so that the project may be carried out in accordance with the WRDA 1999 authorization, subject to the requested statutory modification to increase the authorized total project cost, as described in paragraph 10 below.
2. The report recommends implementation of a project that will contribute to the economic efficiency of commercial navigation. Savannah Harbor is a deep draft navigation harbor located on the South Atlantic U.S. coast, 75 statute miles south of Charleston Harbor, South Carolina, and 120 miles north of Jacksonville Harbor, Florida. The Harbor comprises the lower 21.3 miles of the Savannah River (which, with certain of its tributaries, forms the boundary between Georgia and South Carolina along its entire length of 313 miles) and 11.4 miles of channel across the bar to the Atlantic Ocean. Improvements were considered from deep water in the ocean upstream to the area of the Garden City Terminal operated by the Georgia Ports Authority. The recommended plan will result in transportation cost savings by allowing the larger Post-Panamax vessels to operate more efficiently and experience fewer tidal and transit delays. The Georgia Department of Transportation is the non-Federal cost sharing sponsor.
3. The reporting officers recommend construction of a -47 foot Mean Lower Low Water (MLLW) depth alternative plan to modify the existing Savannah Harbor Navigation Project. The selected plan would require dredging and subsequent placement of 24 million cubic yards of new work sediments. Approximately 54% of this sediment would be deposited in existing upland

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dredged material containment areas (DMCAs) and about 46% would be deposited in the US Environmental Protection Agency-approved Ocean Dredged Material Disposal Site (ODMDS) or an existing DMCA. The required Site Management and Monitoring Plan for the Savannah ODMDS must be completed and signed by the EPA and the Corps before the EPA can issue a concurrence for disposal of material from the SHEP into the Savannah ODMDS. Any portion of this material that does not meet the Ocean Dumping Criteria must be placed within an upland Confined Disposal Facility (CDF) that has sufficient capacity for the volume of proposed dredged material that does not meet the Ocean Dumping Criteria. The selected plan for navigation improvements consists primarily of the following:

- a. Extending the existing entrance channel 7.1 miles from Stations -60+000B to -97+680B and deepening to -49 feet MLLW from the new ocean terminus to Station -14B+000B, then deepening to -47 feet MLLW from Station -14B+000B to Station 0+000 and, deepening the inner harbor to -47 feet MLLW from Station 0+000 to 103+000;
- b. Widening bends on the entrance channel at one location (Stations -23+000B to -14+000B) and in the inner harbor channel at two locations; (Stations 27+700 to 31+500, and Stations 52+250 to 55+000);
- c. Constructing two meeting areas (Stations 14+000 to 22+000 and Stations 55+000 to 59+000);
- d. Deepening and enlarging the Kings Island Turning Basin to a width of 1,600-feet;
- e. Restoring dredged material volumetric capacity in existing DMCAs; and
- f. A mitigation plan which includes the features described below.

Other prior authorized features of the existing Savannah Harbor Navigation Project located beyond the limits described above in paragraph 3 would remain unchanged by the selected plan of improvement and would remain components of the Savannah Harbor Navigation Project.

4. The mitigation plan includes the following features:

- a. Construction of a fish bypass around the New Savannah Bluff Lock and Dam in Augusta, Georgia. Construction of this feature would compensate for loss of shortnose and Atlantic sturgeon habitat in the estuary, by allowing the endangered shortnose sturgeon and the endangered Atlantic sturgeon access to historic spawning grounds at the Augusta Shoals that are currently inaccessible;
- b. To minimize impacts to ecologically unique tidal freshwater wetlands in the estuary, construction of a series of flow re-routing features in the estuary to include a diversion structure, cut closures, removal of a tidegate structure, and construction of a rock sill and submerged sediment berm;

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- c. Acquisition and preservation of 2,245 acres of wetlands;
- d. Restoration of approximately 28.75 acres of tidal brackish marsh;
- e. Installation of an oxygen injection system, to compensate for adverse effects on dissolved oxygen levels in the Savannah River estuary;
- f. Construction of a raw water storage impoundment for the City of Savannah's industrial and domestic water treatment facility, to offset increased chloride levels at the intake on Abercorn Creek during periods of low flow and high tide;
- g. Construction of a boat ramp on Hutchinson Island to restore access to areas in Back River made inaccessible due to construction of the flow re-routing features;
- h. One-time payment to Georgia Department of Natural Resources (GA DNR) for a Striped bass stocking program, to compensate for loss of Striped bass habitat;
- i. Recover, document, and curate the items of historic significance of a Civil War ironclad (*CSS Georgia*), listed on the National Register of Historic Places;
- j. Monitoring to ensure that (1) the impacts described in the FEIS are not exceeded, and (2) the dissolved oxygen and wetland mitigation features function as intended. Monitoring will occur pre-construction, during construction, and up to 10 years post-construction; and
- k. Adaptive management be implemented as outlined in the FEIS to (1) review the results of dissolved oxygen (DO) monitoring as well as the success of wetlands mitigation, and (2) modify features if necessary. In accordance with the FEIS, an Adaptive Management Team will be established, with the active participation of the cooperating agencies, for the purpose of effectively implementing the monitoring and adaptive management plan related to DO levels in the system and wetlands mitigation, and to ensure that the wetlands mitigation requirements and DO levels are met in the system.

5. The Project Cost Breakdown based on October 2011 Prices is estimated as follows:

a. Project First Cost. The estimated project first cost is \$652,000,000, which includes the cost of constructing the General Navigation Features (GNFs) and the value of lands, easements, rights of-way and relocations estimated as follows: \$257,000,000 for channel modification and dredged material placement; \$311,000,000 for environmental and other mitigation; \$84,000,000 for pre-engineering and design and construction management; and \$163,000 for the value of lands, easements, rights-of-way, and relocations (except utility relocations) provided by the non-Federal sponsor. Included within the environmental mitigation costs is \$35,600,000 for monitoring and \$24,600,000 for adaptive management. To the extent appropriated by Congress, monitoring and adaptive management will be implemented as outlined in the FEIS, including the Corps commitments for the dissolved oxygen mitigation system and wetlands mitigation.



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b. Estimated Federal and Non-Federal Shares. The estimated Federal and non-Federal shares of the project first cost are \$454,000,000 and \$198,000,000, respectively, as apportioned in accordance with the cost sharing provisions of Section 101(a)(1) of WRDA 1986, as amended (33 U.S.C. 2211(a)(1)), as follows:

(1) The costs for the deepening of the GNFs from -42 to -45 feet MLLW will be shared at the rate of 75 percent by the Government and 25 percent by the non-Federal sponsor. Accordingly, the Federal and non-Federal shares of the estimated \$509,000,000 cost in this zone are estimated to be \$383,000,000 and \$126,000,000, respectively.

(2) The costs for the deepening of the GNFs from -45 to -47 feet MLLW will be shared at the rate of 50 percent by the Government and 50 percent by the non-Federal sponsor. Accordingly, the Federal and non-Federal shares of the estimated \$143,000,000 cost in this zone are estimated to be \$71,500,000 and \$71,500,000, respectively.

(3) As a condition of issuance of the Section 401 Water Quality Certification by the South Carolina Department of Health and Environmental Control (DHEC), the potential non-Federal sponsor, the Georgia Ports Authority (GPA), agreed to provide financial assurance, in a manner acceptable to DHEC, that it will fund operation and maintenance of the Dissolved Oxygen system in any year that sufficient federal funds for the operation and maintenance of the system are not made available. This obligation extends for the life of the project. The GPA intends to place its full share of funds for adaptive management in an escrow account during project construction.

(4) The Savannah Harbor Expansion Project complies with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, dated February 11, 1994. By letter dated July 10, 2012, the GPA has indicated that it intends to establish, with the assistance of the EPA, a community advisory group that meets periodically to identify and address community concerns or recommendations that may arise associated with ongoing port activities. GPA will also facilitate sustainability by pursuing electrification of port infrastructure, reduced idling at distribution centers, and fleet upgrades under the SmartWay Port Drayage Truck program. In addition, in consultation with EPA Region 4 and the Georgia Environmental Protection Division, the GPA intends to conduct an air monitoring study not to exceed one year at no more than four monitoring sites, to evaluate any potential impacts on surrounding communities. This study would occur once the project is complete and GPA is serving Post-Panamax ships in normal operations. These efforts by the GPA are not included in the project costs. In cooperation with this effort, the Corps will provide technical assistance to the community to help explain scientific data or findings related to ongoing port activities and studies. The federal technical assistance is included in the estimated project costs.

c. In addition to payment by the non-Federal sponsor of its share of costs as estimated and addressed in sub-paragraphs b.(1) and (2), the estimated non-Federal share of \$198,000,000 includes \$163,000 for the estimated value of lands, easements, rights-of-way, and relocations

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(except utility relocations) that it must provide pursuant to Section 101(a)(3) of WRDA 1986, as amended (33 U.S.C. 2211(a)(3)).

d. **Additional 10 Percent Payment.** In addition to the non-Federal sponsor's estimated share of the project first cost determined in b. above, pursuant to Section 101(a)(2) of WRDA 1986, as amended (33 U.S.C. 2211(a)(2)), the non-Federal sponsor must pay an additional 10 percent of the cost of the GNFs of the project in cash over a period not to exceed 30 years, with interest. The additional 10 percent payment is estimated to be \$65,000,000 before interest is applied. The value of lands, easements, rights-of-way, and relocations, estimated at \$163,000, provided by the non-Federal sponsor under Section 101(a)(3) of WRDA 1986, as amended (33 U.S.C. 2211(a)(3)), and the costs of utility relocations borne by the non-Federal sponsor under Section 101(a)(4) of WRDA 1986, as amended (33 U.S.C. 2211(a)(4)), will be credited toward payment of this amount.

e. **Operation and Maintenance Costs.** The additional annual cost of operation and maintenance for this recommended plan is estimated to be \$5,100,000. In accordance with Section 101(b)(1) of WRDA 1986, as amended (33 U.S.C. 2211(b)(1)), the non-Federal sponsor will be responsible for an amount equal to 50 percent of the excess of the cost of the operation and maintenance of the project over the cost which would be incurred for operation and maintenance of the project if the project had a depth of -45 feet MLLW. The incremental increase in annual cost attributable to operation and maintenance for the depth in excess of -45 feet MLLW is \$303,000 with the non-Federal sponsor responsible for \$152,000. As specified in the 1999 Report of the Chief of Engineers, the costs of operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the modified City of Savannah water system will remain a City of Savannah responsibility and will not be operated and maintained as a project General Navigation Feature. Similarly, the boat ramp on Hutchinson Island will be transferred to a local entity upon completion of construction. The local entity will be responsible for the OMRR&R. Lands acquired for wetland preservation would be transferred to the Savannah National Wildlife Refuge and the OMRR&R costs would be borne by the US Fish and Wildlife Service. The project will also make a one-time payment to the existing GA DNR Striped bass Stocking Program. This action has no associated OMRR&R costs. Other project mitigation features to address the adverse impacts of the project will be operated and maintained in the same manner as other GNF are operated and maintained.

f. **Associated Costs.** Estimated associated costs of \$7,700,000 include \$2,600,000 in non-Federal costs associated with development of local service facilities (including dredging of berthing areas); and \$5,100,000 for navigation aids (a U.S. Coast Guard expense).

g. **Authorized Project Cost and Section 902 Calculation.** The project first cost, for the purposes of calculating the maximum cost of the project pursuant to Section 902 of WRDA 1986, as amended, includes the cost of constructing the GNFs and the value of lands, easements, and rights-of-way. Accordingly, as set forth in paragraph a, above, based on October 2011 prices, the estimated project first cost for these purposes is \$652,000,000 with an estimated Federal share of \$454,000,000 and an estimated non-Federal share of \$198,000,000.

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6. Based on October 2011 price levels, a 4-percent discount rate, and a 50-year period of analysis, the total equivalent average annual costs of the -47 foot depth project are estimated to be \$38,900,000. The average annual equivalent benefits are estimated to be \$213,100,000. The average annual net benefits are \$174,200,000. The benefit-to-cost ratio for the recommended plan is 5.5:1.

7. Section 119 of the Energy and Water Development Appropriations (EWDA), 2003, Division D of Public Law 108-7, authorizes the Secretary of the Army, acting through the Chief of Engineers, to credit toward the non-Federal share of the cost of the Savannah Harbor Expansion Project, authorized by Section 101(b)(9) of WRDA 1999, an amount equal to the Federal share of the costs incurred by the non-Federal interests subsequent to project authorization to the extent that the Secretary determines such costs were necessary to ensure compliance with the conditions of the project authorization. Of the project total costs, an estimated \$23,000,000 is included for the creditable work. The non-Federal sponsor will receive credit in accordance with cost sharing for Navigation projects as provided for in WRDA 1986.

8. Risk and Uncertainty. Uncertainties were evaluated for economic benefits, costs, environmental impacts, mitigation effect, and sea-level change. The economic sensitivity analysis concluded that a Jasper County terminal would not have a significant effect on the recommendation. In addition, sensitivities to commodity forecasts, vessel availability and loadings confirmed that the improvements to Savannah Harbor are economically beneficial. Consideration was given to uncertainties that exist in the ability to predict the impacts from the proposed harbor deepening alternatives. In accordance with the Corps Engineering Circular EC 1165-2-212 on sea level change, the study performed an analysis of three Sea Level Rise (SLR) rates. The baseline estimate representing the minimum expected sea level change is 0.5-feet. The intermediate estimate is 0.9-feet and the high estimate representing the maximum expected sea level change is 2.3-feet. No impact from sea-level rise uncertainty is expected regarding the dredging, because dredging depths are relative to the Mean Lower Low Water datum, which changes with sea level. Structural features also carry minimal risk from sea-level rise as they are designed to function over a wide range of stages. Sea-level rise has a minor risk of the project over-mitigating from chloride impacts. Other uncertainties, examined in regards to environmental mitigations (dissolved oxygen, biological response), showed little risk.

9. In accordance with the Corps Engineering Circular EC 1165-2-209 on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and vigorous review process to ensure technical quality. This included District Quality Control (DQC), Agency Technical Review (ATR), Policy and Legal Compliance Review, Cost Engineering Directory of Expertise (DX) Review and Certification, Model Review and Approval and Type I Independent External Peer Review (IEPR). Concerns expressed by the ATR team have been addressed and incorporated into the final report. The IEPR was completed by Battelle Memorial Institute. A total of 24 comments on the report and one comment on the responses to agency and public comments were documented. The IEPR panel considered eight of the comments of medium significance and the others as low significance. The comments were related to plan formulation, commodity forecasts, modeling, beneficial uses, impacts, risks and uncertainties, contingency, and sea-level rise. In response, sections in the main report and EIS

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were expanded to include additional information. The final IEPR Report was completed in February 2011.

10. The project was authorized in Section 101(b)(9) of WRDA 1999 to be carried out at a total cost of \$230,174,000. When escalated to October 2011 price levels in accordance with the procedure set out in ER 1105-2-100, Appendix G, implementing Section 902 of WRDA 1986, the authorized total project cost amounts to \$469,000,000. The current estimated first cost of \$652,000,000 exceeds that amount by more than 20 percent, necessitating a statutory modification to the project to increase its authorized total cost.

11. Washington level review indicates that the plan recommended by the reporting officers is technically sound, environmentally and socially acceptable, and on the basis of Congressional directives, economically justified. The plan complies with all essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies. The recommended plan complies with other administration and legislative policies and guidelines. The views of interested parties, including Federal, State and local agencies, have been considered. State and agency comments received during review of the final report/environmental assessment included concerns raised by the National Marine Fisheries Service, the United States Environmental Protection Agency and the Department of Interior which ranged from funding concerns, to the recent listing of the Atlantic sturgeon and the possible presence of hard bottoms in or near the project footprint to real estate transfer information. These concerns were addressed through coordination and USACE responses dated July 11, 2012. Comments were also received from state of Georgia which were generally in support of the project and recognized that earlier comments had been addressed in the final document. Two entities from the state of South Carolina provided comments expressing their preference for the -45 foot alternative and their concerns regarding the environmental effects. Responses were provided re-iterating the considerations during the planning process and the extensive coordination that occurred regarding environmental effects and mitigation with the natural resource agencies. In compliance with Section 101(b)(9) of WRDA 1999, representatives of the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency approve the selected plan and have determined that the associated mitigation plan adequately addresses the potential environmental impacts of the project.

12. I concur with the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan to improve navigation in the Savannah Harbor be authorized in accordance with the reporting officers' selected plan at an estimated cost of \$652,000,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including WRDA 1986, as amended (33 U.S.C. 2211). The non-Federal sponsor would provide the non-Federal cost share and all lands, easements, and rights-of-way, including those necessary for the borrowing of material and the disposal of dredged or excavated material, and would perform or assure the performance of all relocations, including utility relocations. This recommendation is subject to the non-Federal sponsor's agreeing in a Project Partnership Agreement, prior to project implementation, to

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comply with all applicable Federal laws and policies, including but not limited to the following requirements:

a. Provide, during construction, funds necessary to make its total contribution for commercial navigation, when added to the non-Federal contribution that may be afforded credit pursuant to Section 119 of the EWDA, 2003, equal to:

(1) 25 percent of the cost of construction of the GNFs attributable to dredging to a depth in excess of -20 feet MLLW but not in excess of -45 feet MLLW, plus

(2) 50 percent of the costs attributable to dredging to a depth over -45 feet MLLW;

b. Place the estimated non-Federal sponsor's share of the monitoring and adaptive management costs (paragraph 4, j and k) in an escrow account at the time the Project Partnership Agreement is executed.

c. Provide all lands, easements, and rights-of-way (LER), including those necessary for the borrowing of material and the disposal of dredged or excavated material, and perform or assure the performance of all relocations, including utility relocations, all as determined by the Federal Government to be necessary for the construction or operation and maintenance of the GNFs;

d. Pay with interest, over a period not to exceed 30 years following completion of the period of construction of the project, an additional amount equal to 10 percent of the total cost of construction of the GNFs less the amount of credit afforded by the Government for the value of the LER and relocations, including utility relocations, provided by the non-Federal sponsor for the GNFs. If the amount of credit afforded by the Government for the value of the LER and relocations, including utility relocations, provided by the non-Federal sponsor equals or exceeds 10 percent of the total cost of construction of the GNFs, the non-Federal sponsor shall not be required to make any contribution under this paragraph, nor shall it be entitled to any refund for the value of the LER and relocations, including utility relocations, in excess of 10 percent of the total cost of construction of the GNFs;

e. Provide, operate, and maintain, at no cost to the Government, the local service facilities, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government;

f. In the case of project features greater than -45 feet MLLW in depth, provide 50 percent of the excess cost of operation and maintenance of the project over that cost which the Secretary determines would be incurred for operation and maintenance if the project had a depth of -45 feet MLLW;

g. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating and maintaining the GNFs;

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h. Hold and save the United States free from all damages arising from the construction, operation and maintenance of the project, any betterments, and the local service facilities, except for damages due to the fault or negligence of the United States or its contractors;

i. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of three years after completion of the accounting for which such books, records, documents, and other evidence are required, to the extent and in such detail as will properly reflect total cost of the project, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 CFR Section 33.20;

j. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601-9675, that may exist in, on, or under the LER that the Federal Government determines to be necessary for the construction or operation and maintenance of the GNFs. However, for lands that the Government determines to be subject to the navigation servitude, only the Government shall perform such investigation unless the Federal Government provides the non-Federal sponsor with prior specific written direction, in which case the non-Federal sponsor shall perform such investigations in accordance with such written direction;

k. Assume complete financial responsibility, as between the Federal Government and the non-Federal sponsor, for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under the LER that the Federal Government determines to be necessary for the construction or operation and maintenance of the project;

l. To the maximum extent practicable, perform its obligations in a manner that will not cause liability to arise under CERCLA;

m. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b) and Section 101(e) of WRDA 1986, Public Law 99-662, as amended (33 U.S.C. 2211(e)) which provide that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element;

n. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655) and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way necessary for construction, operation, and maintenance of the project including those necessary for relocations, the borrowing of material, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said act;

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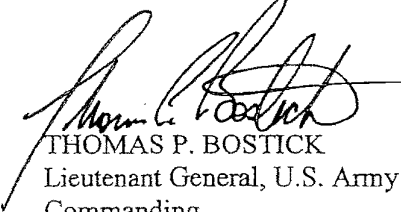
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o. Comply with all applicable Federal and State laws and regulations, including, but not limited to, Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a et seq.), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 et seq.), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c));

p. Provide the non-Federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation, that are in excess of 1 percent of the total amount authorized to be appropriated for the project; and

q. Not use funds from other Federal programs, including any non-Federal contribution required as a matching share, therefore, to meet any of the non-Federal sponsor's obligations for the project unless the Federal agency providing the Federal portion of such funds verifies in writing such funds are authorized to be used to carry out the project.

13. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to Congress as a proposal for implementation funding. However, prior to transmittal to Congress, the sponsor, the State, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, U.S. Army  
Commanding





DEPARTMENT OF THE ARMY  
CHIEF OF ENGINEERS  
2600 ARMY PENTAGON  
WASHINGTON, DC 20310-2600

JAN 7 2013

DAEN

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THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on navigation improvements for the Freeport Harbor Channel Improvement Project (FHCIP). It is accompanied by the report of the Galveston District Engineer and the Southwestern Division Engineer. The feasibility study was conducted under the authority of Section 216 of the Flood Control Act of 1970, which authorizes review of completed Corps of Engineers navigation projects when significant changes in physical or economic conditions have occurred, and the submission of a report to Congress on the advisability of modifying the project in the overall public interest. Pre-construction engineering and design activities for this proposed project, if funded, would be continued under the authority provided by the section cited above. The existing Freeport Harbor Channel was authorized by the River and Harbor Acts of May 1950 and July 1958.

2. The report recommends a project that will contribute significantly to the economic efficiency of commercial navigation in the region. The FHCIP is an improvement of the existing Freeport Harbor Channel that provides for a deep-draft waterway from the Gulf of Mexico to the City of Freeport through the original mouth of the Brazos River. A diversion dam about 7.5 miles above the original river mouth, and a diversion channel rerouting the Brazos River from the dam to an outlet into the Gulf about 6.5 miles southwest of the original mouth, now separate the Freeport Harbor Channel from the river system and make the harbor and channels an entirely tidal system. The study evaluated navigation and environmental problems and opportunities for a 70-square mile study area. The study area includes the cities of Freeport, Surfside Beach and Quintana, the Freeport Harbor Channel, the Brazos River Diversion Channel, a portion of the Gulf Intracoastal Waterway, the Gulf of Mexico shoreline on both sides of the Freeport Harbor Channel, and the offshore channel and placement areas 10 miles into the Gulf of Mexico. The entire study area is located within Brazoria County, Texas and adjacent state waters in the Gulf of Mexico.

3. The reporting officers recommend the Locally Preferred Plan (LPP) to modify the existing Freeport Harbor Channel. The LPP consists of the following improvements:

a. Deepen the Outer Bar Channel into the Gulf of Mexico to -58 feet mean lower low water (MLLW);

b. Deepen from the end of the jetties in the Gulf of Mexico to the Lower Turning Basin to -56 feet MLLW;

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c. Deepen from the Lower Turning Basin to Station 132+66 near the Brazosport Turning Basin to -56 feet MLLW;

d. Deepen from Station 132+66, above the Brazosport Turning Basin, through the Upper Turning Basin to -51 feet MLLW;

e. Deepen and widen the lower 3,700 feet of the Stauffer Channel to -51 feet MLLW and 300 feet wide;

f. Dredge the remainder of the Stauffer Channel to -26 feet MLLW (its previously authorized depth was -30 feet).

Dredged material placement for this project will be provided in accordance with the Dredged Material Management Plan developed during the study. Deepening of the Freeport Harbor Channel would generate approximately 17.3 million cubic yards of new work material and approximately 176 million cubic yards of maintenance over the 50-year period of economic evaluation. Material from the Channel Extension, Outer Bar Channel, and Jetty Channel would be placed offshore in the existing New Work and Maintenance Material Ocean Dredged Material Disposal Sites (ODMDSs). Material from the inland Freeport Harbor channels and basins would be placed in one existing confined upland Placement Area (PA 1), and two new Placement Areas (PA 8 and PA 9).

Mitigation features will consist of the preservation of approximately 131 acres of riparian forest under a permanent conservation easement and the improvement of its habitat value by establishing 11 acres of riparian forest in place of 11 acres of invasive tree species; the creation of three acres of wetlands and an associated one acre of riparian forest; and required monitoring of mitigation performance and impacts to wetlands and riparian forest for corrective action, if needed.

4. The recommended navigation plan is not the National Economic Development (NED) plan. The recommended LPP is shallower and will be less costly than the NED plan in the main channel portion of the FHCIP. The LPP is supported by the non-Federal, cost sharing sponsor (Port Freeport).

5. Project Cost Breakdown based on October 2012 prices.

a. Project First Cost. The estimated project first cost of constructing the FHCIP is \$237,474,000 which includes the cost of constructing General Navigation Features (GNF) and the value of lands, easements, rights-of-way and relocations estimated as follows: \$208,079,000 for channel modification and dredged material placement; \$165,000 for fish and wildlife mitigation; \$1,691,000 for lands, easements, and rights-of-way provided by the

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non-Federal sponsor; \$18,135,000 for planning, engineering and design efforts; and \$9,404,000 for construction management.

b. Estimated Federal and Non-Federal Shares: The estimated Federal and non-Federal shares of the project first cost are \$121,132,000 and \$116,342,000, respectively, as apportioned in accordance with the cost sharing provisions of Section 101(a) of the Water Resources Development Act (WRDA) of 1986, as amended (33 U.S.C. 2211(a)), as follows:

(1) The costs for deepening the Upper Stauffer Channel will be shared at the rate of 90 percent by the Government and 10 percent by the non-Federal sponsor for dredging depths between 18 and 20 feet and 75 percent by the Government and 25 percent by the non-Federal Sponsor for dredging between 20 and 26 feet. The total cost for this reach is \$3,607,000 with \$2,782,000 in Federal costs and \$825,000 in non-Federal costs.

(2) The cost for deepening the Lower Stauffer Channel will be shared at the rate of 90 percent by the Government and 10 percent by the non-Federal sponsor for dredging depths between 18 and 20 feet and 75 percent by the Government and 25 percent by the non-Federal sponsor for dredging depths between 20 and 45 feet. Dredging depths deeper than 45 feet will be shared at the rate of 50 percent by the Government and 50 percent by the non-Federal sponsor. Costs for deepening this reach total \$10,869,000 with \$7,693,000 being paid by the Government and \$3,176,000 being paid by the non-Federal sponsor.

(3) The costs for the deepening of the Freeport Harbor channels from the existing 46-foot depth to 56 feet (58 feet offshore) will be shared at the rate of 50 percent by the Government and 50 percent by the non-Federal sponsor. Accordingly, the Federal and non-Federal shares of the estimated \$221,040,000 cost in this zone will be approximately \$110,520,000 being paid by the Government and \$110,520,000 being paid by the non-Federal sponsor.

(4) The costs for environmental mitigation will be shared at the prorated share rate of 51.4% by the Government and 48.6% by the non-Federal sponsor. Costs for mitigation total \$267,000 with \$137,000 being paid by the Government and \$130,000 being paid by the non-Federal sponsor.

(5) In addition to payment by the non-Federal sponsor of its share of costs as estimated and described in sub-paragraphs b(1), b(2), b(3) and b(4) above, the estimated non-Federal share of \$116,342,000 includes \$1,691,000 for the estimated value of lands, easement, and rights-of-way that it must provide pursuant to Section 101(a)(3) of WRDA 1986, as amended (33 U.S.C.2211(a)(3)).

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c. Additional 10 Percent Payment. In addition to payment by the non-Federal sponsor of its share of the project first costs determined in sub-paragraphs b(1), b(2) and b(3) above, pursuant to Section 101(a)(2) of WRDA 1986, as amended (33 U.S.C. 2211(a)(2)), the non-Federal sponsor must pay an additional 10 percent of the cost of the general navigation features of the project in cash over a period not to exceed 30 years, with interest. The additional 10% payment without interest is estimated to be \$23,578,000. The value of lands, easements, rights-of-way, and relocations, estimated as \$1,691,000, provided by the non-Federal sponsor under Section 101(a)(3) of WRDA 1986, as amended, will be credited toward payment of this amount.

d. Operations and Maintenance Costs. The additional annual cost of operation and maintenance for this recommended plan is estimated at \$11,371,000. In accordance with Section 101(b) of WRDA 1986, as amended (33 U.S.C. 2211(b)), the non-Federal sponsor will be responsible for an amount equal to 50 percent of the excess of the cost of the operation and maintenance of the project over the cost which would be incurred for operation and maintenance of the project if the project had a depth of 45 feet. The Federal Government would be responsible for \$6,254,000 of the incremental operations and maintenance costs and the non-Federal sponsor would be responsible for the remaining \$5,117,000.

e. Associated Costs. Estimated associated costs of \$58,881,000 include \$39,695,000 in non-Federal costs associated with bulkhead modifications, \$18,803,000 for dredging of non-Federal berthing areas adjacent to the Federal channel and \$1,383,000 for aids to navigation (a U.S. Coast Guard expense).

f. Authorized Project Cost and Section 902 Calculation. The project first cost for the purpose of calculating the maximum cost of the project pursuant to Section 902 of WRDA 1986, as amended, includes the cost of constructing the GNFs and the value of lands, easements, and rights-of-way. Accordingly, as set forth in paragraph 5.a, above, based on October 2012 prices, the total estimated project first cost for these purposes is \$237,474,000 with an estimated federal share of \$121,132,000 and an estimated non-Federal share of \$116,342,000. Based on October 2012 price levels, a discount rate of 3.75 percent, and a 50-year period of economic analysis, the project average annual benefits and costs for the FHCIP are estimated at \$48,042,000 and \$25,449,000, respectively, with resulting net excess benefits of \$22,593,000 and a benefit-to-cost ratio of 1.9 to 1.

7. The goals and objectives included in the Campaign Plan of the Corps have been fully integrated into the Freeport Harbor Channel study process. The recommended plan was

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developed in coordination and consultation with various Federal, State and local agencies using a systematic and regional approach to formulating solutions and evaluating the benefits and impacts that would result. The feasibility study evaluated navigation and environmental problems and opportunities for the entire study area of about 70 square-miles. Risk and uncertainty were addressed during the study by sensitivity analyses that evaluated the potential impacts of sea level change and economic assumptions as well as cost risk analysis.

8. In accordance with the Corps Engineering Circular on review of decision documents, all technical, engineering, and scientific work underwent an open, dynamic, and vigorous review process to ensure technical quality. This included an Agency Technical Review (ATR), an Independent External Peer Review (IEPR), and a Corps Headquarters policy and legal review. All concerns of the ATR have been addressed and incorporated into the final report. An IEPR was completed by Battelle Memorial Institute in August 2008. A total of 22 comments were documented. The comments were related to plan formulation, vessel fleet analysis, benefits, water quality, and sensitivity analyses. An IEPR back-check was completed in June 2011, which resulted in follow-up comments related to the original 22 comments. In response, sections in the main report and EIS were expanded to include additional information. The IEPR responses were reviewed by the Deep Draft Navigation Planning Center of Expertise in June 2011 with all comments satisfactorily addressed.

9. Washington level review indicates that the plan recommended by the reporting officers is technically sound, environmentally and socially acceptable, and economically justified. The plan complies with all essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies. The recommended plan complies with other administration and legislative policies and guidelines. The views of interested parties, including Federal, State and local agencies, have been considered. A Biological Opinion has been received from the National Marine Fisheries Service (NMFS) for potential incidental take of sea turtles during construction. The Biological Opinion has been reviewed and found acceptable.

State and agency comments received during review of the final report/environmental impact statement included comments by the U.S. Coast Guard (USCG) and the U.S. Environmental Protection Agency (USEPA). The USCG requested Corps assistance in obtaining funds for the necessary navigation aid modifications and the Corps response stated that the district would coordinate to request the necessary USCG funding in conjunction with project construction funds. The USEPA expressed concerns on a variety of topics in a letter dated October 5, 2012. The Corps response stated that expanded explanations were provided in the

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report and FEIS on the rationale for plan formulation and selection, planned air pollution prevention/reduction measures during construction, dredged material placement procedures at ocean sites, and analyses of socio-economic/health and safety effects based on additional modeling and analyses. The Corps also committed to further USEPA review of sediment data collected during the pre-construction engineering and design phase and continued coordination as needed, depending upon the testing results.

10. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that navigation improvements for the Freeport Harbor Channel be authorized in accordance with the reporting officer's recommended plan at an estimated cost of \$237,474,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 101 of WRDA 1986, as amended. This recommendation is subject to the non-Federal sponsor agreeing to comply with all applicable Federal laws and policies including that the non-Federal sponsor must agree with the following requirements prior to project implementation.

a. Provide 10 percent of the total cost of construction of the general navigation features (GNF) attributable to dredging to a depth not in excess of 20 feet; plus 25 percent of the total cost of construction of the GNFs attributable to dredging to a depth in excess of 20 feet but not in excess of 45 feet; plus 50 percent of the total cost of construction of the GNFs attributable to dredging to a depth in excess of 45 feet as further specified below:

(1) Provide 25 percent of design costs allocated by the Government to commercial navigation in accordance with the terms of a design agreement entered into prior to commencement of design work for the project;

(2) Provide, during the first year of construction, any additional funds necessary to pay the full non-Federal share of design costs allocated by the Government to commercial navigation;

(3) Provide, during construction, any additional funds necessary to make its total contribution for commercial navigation equal to 10 percent of the total cost of construction of the GNFs attributable to dredging to a depth not in excess of 20 feet; plus 25 percent of the total cost of construction of the GNFs attributable to dredging to a depth in excess of 20 feet but not in excess of 45 feet; plus 50 percent of the total cost of construction of the GNFs attributable to dredging to a depth in excess of 45 feet;

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b. Provide all lands, easement, and rights-of-way (LER), including those necessary for the borrowing of material and placement of dredged or excavated material, and perform or assure performance of all relocations, including utility relocations, all as determined by the Government to be necessary for the construction or operation and maintenance of the GNFs;

c. Pay with interest, over a period not to exceed 30 years following completion of the period of construction of the GNFs, an additional amount equal to 10 percent of the total cost of construction of GNFs less the amount of credit afforded by the Government for the value of the LER and relocations, including utility relocations, provided by the non-Federal sponsor for the GNFs. If the amount of credit afforded by the Government for the value of LER, and relocations, including utility relocations, provided by the non-Federal sponsor equals or exceeds 10 percent of the total cost of construction of the GNFs, the non-Federal sponsor shall not be required to make any contribution under this paragraph, nor shall it be entitled to any refund for the value of LER and relocations, including utility relocations, in excess of 10 percent of the total costs of construction of the GNFs;

d. Provide, operate, and maintain, at no cost to the Government, the local service facilities in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Government;

e. Provide 50 percent of the excess cost of operation and maintenance of the project over that cost which the Government determines would be incurred for operation and maintenance if the project had a depth of 45 feet;

f. Give the Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating and maintaining the GNFs;

g. Hold and save the United States free from all damages arising from the construction or operation and maintenance of the project, any betterments, and the local service facilities, except for damages due to the fault or negligence of the United States or its contractors;

h. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of 3 years after completion of the accounting for which such books, records, documents, and other evidence is required, to the extent and in such detail as will properly reflect total cost of construction of the project, and in accordance with the standards for financial management systems set forth in the



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Uniform Administrative Requirements for Grants and Cooperative Agreements to State and local governments at 32 CFR, Section 33.20;

i. Perform, or ensure performance of, any investigations for hazardous substances as are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601–9675, that may exist in, on, or under LER that the Government determines to be necessary for the construction or operation and maintenance of the GNFs. However, for lands, easements, or rights-of-way that the Government determines to be subject to the navigation servitude, only the Government shall perform such investigation unless the Government provides the non-Federal sponsor with prior specific written direction, in which case the non-Federal sponsor shall perform such investigations in accordance with such written direction;

j. Assume complete financial responsibility, as between the Government and the non-Federal sponsor, for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under LER that the Government determines to be necessary for the construction or operation and maintenance of the project;

k. To the maximum extent practicable, perform its obligations in a manner that will not cause liability to arise under CERCLA;

l. Comply with Section 221 of PL 91-611, Flood Control Act of 1970, as amended, (42 U.S.C. 1962d-5b) and Section 101(e) of the WRDA 86, Public Law 99-662, as amended, (33 U.S.C. 2211(e)) which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element;

m. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, PL 91-646, as amended, (42 U.S.C. 4601-4655) and the Uniform Regulations contained in 49 CFR 24, in acquiring lands, easements, and rights-of-way, necessary for construction, operation and maintenance of the project including those necessary for relocations, the borrowing of material, or the placement of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said act;

n. Comply with all applicable Federal and State laws and regulations, including, but not limited to, Section 601 of the Civil Rights Act of 1964, PL 88-352 (42 USC 2000d), and

DAEN

SUBJECT: Freeport Harbor Channel Improvement Project, Brazoria County, Texas

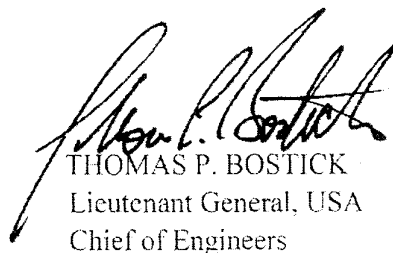
Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive changes the provision of the Davis-Bacon Act (formerly 40 U.S.C. 276a et seq.), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 et seq.), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c);

o. Provide the non-Federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation that are in excess of 1 percent of the total amount authorized to be appropriated for the project;

p. Not use funds from other Federal programs, including any non-Federal contribution required as a matching share therefore, to meet any of the non-Federal sponsor's obligations for the project costs unless the Federal agency providing the Federal portion of such funds verifies in writing that such funds are authorized to be used to carry out the project; and

q. Complete the first phase of the Velasco Container Terminal (800-foot berth and 35 acres of supporting backland) on the Stauffer Channel prior to the initiation of construction of the Stauffer Channel portion of the project.

11. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the Executive Branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the State of Texas, Port Freeport (the non-Federal sponsor), interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, USA  
Chief of Engineers



DEPARTMENT OF THE ARMY  
CHIEF OF ENGINEERS  
2600 ARMY PENTAGON  
WASHINGTON, DC 20310-2600

DAEN

FEB 25 2013

SUBJECT: Canaveral Harbor Section 203 (WRDA 1986) Navigation Study, Brevard County, Florida

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress the final feasibility report and environmental assessment on navigation improvements for Canaveral Harbor, Brevard County, Florida. It is accompanied by the reports of the Canaveral Port Authority (CPA), and the endorsements of the Jacksonville District Engineer and the South Atlantic Division Engineer. These reports were prepared by the CPA under the authority granted by Section 203 of Water Resources Development Act (WRDA) of 1986 (P.L. 99-662), which allows non-Federal interests, such as the CPA, to undertake feasibility studies of proposed harbor projects and submit them to the Secretary of the Army. This report constitutes the final report submitted to the Secretary as described in Section 203 of WRDA 1986.

2. The report recommends authorizing a project that will contribute to the economic efficiency of commercial navigation, provide greater safety for the operations of commercial and naval vessels, and increase the operational effectiveness of the national defense missions of the U.S. Army, U.S. Navy, and U.S. Air Force. The recommended plan increases the nominal depth of the federal channel to -44 feet mean lower low water (mllw) for the inner channel and -46 feet mllw for the outer channel (middle and outer reach), widens the federal channel to a width of 500 feet, increases the diameters of two turning circles, and widens the bend widener in the entrance channel. Widening the federal channel requires removal of 8 acres of U. S. Air Force property. The U. S. Air Force concurs with this action. Environmental impacts of the recommended plan are minor, short-term impacts, which, in coordination with the appropriate resource agencies, do not require mitigation. Effects on Threatened and Endangered species have been addressed through special measures and conditions. A portion of the material excavated for the project will be beneficially used as fill or for containment dike improvements. The remaining dredged material is suitable for placement in the U. S. Environmental Protection Agency designated Canaveral Ocean Dredged Material Disposal Site (ODMDS).

3. The reporting officers recommend the most economical plan analyzed, which is the plan that has the greatest net economic benefits of all plans considered. At the request of the non-Federal sponsor, plans greater in depth and width were not analyzed due to financial and logistical constraints<sup>1</sup>. The recommended plan is described in terms of outer, middle, and inner reaches, the Middle Turning Basin and west access channels, and the West Turning Basin. The outer reach is oriented on roughly a northwest-southeast alignment. The remainder of the channels is oriented in a generally east-west alignment. Various cuts comprise the outer, middle, and inner reaches. The recommended plan consists of widening the main ship channel from the harbor entrance inland to the West Turning Basin and West Access Channel, from its current authorized

<sup>1</sup> This plan is recommended under the Categorical Exemption to the NED Plan provision of ER 1105-2-100 (Paragraph 3-2.b.(10)).

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SUBJECT: Canaveral Harbor Section 203 (WRDA 1986) Navigation Study, Brevard County, Florida

width of 400 feet to 500 feet. In addition to widening, deepening of the existing Federal project and expansion of turning basins is recommended in the following reaches (all depths mllw):

- a. Outer Reach, Cut 1A: deepen from -44' to -46' for a length of 11,000';
  - b. Outer Reach, Cut 1B: deepen from -44' to -46' depth for a length of 5,500';
  - c. Outer Reach, Cut 1: deepen from -44' to -46' for the 5,300' long portion of Cut 1 that is seaward of buoys 7/8 (Station 0+00 to Station 53+00). The remainder of Cut 1 from buoys 7/8 to the apex of the channel turn, a length of 7,200', would also be deepened from -44' to -46';
  - d. New 203 Turn Widener: deepen to -46' X 23.1 acres (irregular shaped area) bounded to the north and northeast by the Civil Turn Widener and Outer Reach, Cut 1;
  - e. US Navy Turn Widener: deepen from -44' to -46' X 7.7 acres (triangular shaped area) bounded by outer and middle reaches to the north and northeast and the Civil Turn Widener to the southwest;
  - f. Civil Turn Widener: deepen from -41' to -46' X 15.6 acres (irregular shaped area) bounded to the north and northeast by the middle reach and the US Navy Turn Widener;
  - g. Middle Reach: deepen from -44' to -46' for a length of 5,658'. The middle reach extends from the apex of the channel turn westward to the western boundary of the Trident access channel;
  - h. Inner Reach, Cut 2 and Cut 3: deepen from -40' to -44' for a length of 3,344';
  - i. Middle Turning Basin: expand and deepen to encompass 68.9 acres to a project depth of -43' and a turning circle diameter of 1422';
  - j. West Access Channel (east of Station 260+00): deepen from -39' to -43' for a length of 1,840'; and
  - k. West Turning Basin and West Access Channel (west of Station 260+00): expand the turning circle diameter from 1,400' to 1,725' X 141 acres at a depth of -35'.
4. Project Cost Breakdown Based on October 2012 Prices.
- a. Project First Cost. The estimated project first cost is \$40,240,000, which includes the cost of constructing the general navigation features and the value of lands, easements, rights-of-way and relocations (LERR) estimated as follows: \$40,136,000 for channel modifications and

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SUBJECT: Canaveral Harbor Section 203 (WRDA 1986) Navigation Study, Brevard County, Florida

dredged material placement and \$104,000 for the administrative costs of obtaining LERRs. There is no environmental mitigation required due to short term impacts.

b. Estimated Federal and non-Federal Shares. The estimated Federal and non-Federal shares of the project first cost are \$28,652,000 and \$11,588,000, respectively, as apportioned in accordance with the cost sharing provisions of Section 101 of WRDA 1986, as amended (33 U.S.C. 2211), as follows:

(1) The cost for dredging to a depth in excess of 20 feet, but not in excess of 45 feet will be shared at a rate of 75 percent by the Government and 25 percent by the non-Federal sponsor. Accordingly, the Federal and non-Federal shares of the costs in this zone are estimated to be \$25,783,000 and \$8,615,000, respectively. The cost for dredging in excess of 45 feet will be shared at a rate of 50 percent by the Government and 50 percent by the non-Federal sponsor. Accordingly, the Federal and non-Federal shares of the costs in this zone are estimated to be \$2,870,000 and \$2,870,000, respectively.

(2) In addition to the costs outlined in sub-paragraph (1) above, the project first cost includes administrative costs for LERR estimated at \$104,000. The administrative costs include project real estate planning, review, and incidental costs between the U.S. Air Force and the U.S. Army Corps of Engineers (USACE). This cost will be a non-Federal cost. Credit is given for the incidental costs borne by the non-federal sponsor for LERR per Section 101 of WRDA 1986.

c. Additional 10 Percent Payment. In addition to the non-Federal sponsor's estimated share of the total first cost of constructing the project in the amount of \$11,588,000, pursuant to Section 101(a)(2) of WRDA 1986, as amended, the non-Federal sponsor must pay an additional 10% of the costs of general navigation features of the project, \$4,013,700, in cash over a period not to exceed 30 years, with interest. The value of the administrative costs for lands, easements, rights-of-way and relocations provided by the Federal sponsor under Section 101(a)(3) of WRDA 1986 as amended (\$103,300) will be credited toward this payment, which results in a net 10% General Navigation Features (GNF) requirement of \$3,910,400.

d. Operations and Maintenance Costs. Additional costs of operation and maintenance for this recommended plan, over and above the costs to operate and maintain the existing Federal project, are estimated to be \$633,000 annually. In accordance with Section 101(b)(1) of WRDA 1986, as amended (33 U.S.C. 2211(b)(1))), the non-Federal sponsor will be responsible for an amount equal to 50 percent of the excess of the cost of operation and maintenance of the project over the cost of which would be incurred for operation and maintenance for the depth in excess of 45 feet. The excess annual cost attributable to operation and maintenance for the depth in excess of 45 feet is \$364,000, with the non-Federal sponsor responsible for \$182,000. Therefore the Federal share of the incremental annual maintenance cost is estimated to be \$451,000.

e. Associated Costs. Estimated associated costs of \$3,251,000 include \$364,000 in non-Federal costs associated with development of local service facilities (including dredging of berthing areas) and \$2,886,000 for navigation aids (a U.S. Coast Guard expense).

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SUBJECT: Canaveral Harbor Section 203 (WRDA 1986) Navigation Study, Brevard County, Florida

f. Authorized Project Cost and Section 902 Calculation. The project first cost, for the purposes of authorization and calculating the maximum cost of the project pursuant to Section 902 of WRDA 1986, as amended, includes the cost of constructing the (GNF) construction costs and the value of LERRs provided under Section 101(a)(3) of WRDA 1986, as amended (33 U.S.C. 221(A)(3)). Accordingly, as set forth in paragraph 4.a. above, based on October 2012 prices, the estimated project first cost for these purposes is \$40,240,000 with a Federal share of \$28,652,000 and a non-Federal share of \$11,588,000.

5. Based on October 2012 price levels, a 3.75-percent discount rate, and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated to be \$2,647,000. The average annual equivalent benefits are estimated to be \$5,393,000. The average annual net benefits are \$2,747,000. The benefit-to-cost ratio for the recommended plan is 2.0.

6. In accordance with the Corps Engineering Circular EC 1165-2-212 on sea level change, the study performed an analysis of three Sea Level Rise (SLR) rates, a baseline estimate representing the minimum expected sea level change, an intermediate estimate, and a high estimate representing the maximum expected sea level change. The results of calculations from the project completion in 2014 through 2064 indicate that sea-level change estimates over a 50-year life of the project range from 0.120 meters (0.39 ft) for the low rate of change scenario, to 0.245 m (0.80 ft) for the intermediate rate scenario, and 0.653 m (2.14 ft) for the high rate scenario. Sea-level rise at these rates will have little or no impacts related to the proposed navigation improvements.

In accordance with the Corps Engineering Circular EC 1165-2-209 on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and vigorous review process to ensure technical quality. This included District Quality Control (DQC), Agency Technical Review (ATR), Policy and Legal Compliance Review, Cost Engineering Directory of Expertise (DX) Review and Certification, and Model Review and Approval. Given the project uses standard economic analyses, has a cost estimate of less than \$45 million; does not represent a threat to health and safety; is not controversial; and has not had a request for Independent External Peer Review (IEPR) from a Governor or the head of a Federal or State agency, I have granted an exclusion from the requirement to conduct a Type I IEPR.

7. Washington level review indicates that the plan recommended by the reporting officers is technically sound, environmentally and socially acceptable, and on the basis of congressional directives, economically justified. The plan complies with all essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies. The recommended plan complies with other administration and legislative policies and guidelines. The views of interested parties, including Federal, State and local agencies, have been considered.

8. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that navigation improvements for Canaveral Harbor be authorized in

DAEN

SUBJECT: Canaveral Harbor Section 203 (WRDA 1986) Navigation Study, Brevard County, Florida

accordance with the reporting officer's recommended plan at an estimated cost of \$40,240,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 101 of WRDA 1986, as amended. This recommendation is subject to the non-Federal sponsor agreeing to comply with all applicable Federal laws and policies including that the non-Federal sponsor must agree with the following requirements prior to project implementation.

The CPA will:

a. Provide 25 percent of design costs in accordance with the terms of a design agreement entered into prior to commencement of design work for the project;

b. Provide, during the first year of construction, any additional funds necessary to pay the full non-Federal share of design costs;

c. Provide, during the period of construction, a cash contribution equal to the following percentages of the total cost of construction of the general navigation features:

i. Twenty-five percent of the costs attributable to dredging to a depth in excess of 20 feet, but not in excess of 45 feet; plus

ii. Fifty percent of the costs attributable to dredging to a depth in excess of 45 feet;

d. Provide 50 percent of the excess cost of operation and maintenance of the project over that cost which the Federal Government determines would be incurred for operation and maintenance for depths deeper than 45 feet;

e. Pay with interest, over a period not to exceed 30 years following completion of the period of construction of the project, up to an additional 10 percent of the total cost of construction of GNFs. The value of LERRs and deep-draft utility relocations provided by the Sponsor for the GNFs, described below, may be credited toward this required payment. The value of deep-draft utility relocations for which credit may be afforded shall be that portion borne by the Sponsor, but not to exceed 50 percent, of deep-draft utility relocation costs;

f. If the amount of credit equals or exceeds 10 percent of the total cost of construction of the general navigation features, the Sponsor shall not be required to make any contribution under this paragraph, nor shall it be entitled to any refund for the value of LERRs and deep-draft utility relocations in excess of 10 percent of the total cost of construction of the general navigation features;

g. Provide all LERRs and perform or ensure the performance of all relocations and deep-draft utility relocations determined by the Federal Government to be necessary for the construction, operation, maintenance, repair, replacement, and rehabilitation of the general



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SUBJECT: Canaveral Harbor Section 203 (WRDA 1986) Navigation Study, Brevard County, Florida

navigation features (including all LERRs, and deep-draft utility relocations necessary for the dredged material disposal facilities);

h. Provide, operate, maintain, repair, replace, and rehabilitate, at its own expense, the local service facilities in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government;

i. Accomplish all removals determined necessary by the Federal Government other than those removals specifically assigned to the Federal Government;

j. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the Sponsor owns or controls for access to the project for the purpose of operating, maintaining, repairing, replacing, and rehabilitating the general navigation features;

k. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, replacement, and rehabilitation of the project, any betterments, and the local service facilities, except for damages due to the fault or negligence of the United States or its contractors;

l. Keep, and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of 3 years after completion of the accounting for which such books, records, documents, and other evidence is required, to the extent and in such detail as will properly reflect total cost of construction of the general navigation features, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and local governments at 32 CFR, Section 33.20;

m. Perform, or cause to be performed, any investigations for hazardous substances as are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601-9675, that may exist in, on, or under lands, easements, or rights of way that the Federal Government determines to be necessary for construction, operation, maintenance, repair, replacement, or rehabilitation of the general navigation features. However, for lands that the Government determines to be subject to the navigation servitude, only the Government shall perform such investigation unless the Federal Government provides the Sponsor with prior specific written direction, in which case, the Sponsor shall perform such investigations in accordance with such written direction;

n. Assume complete financial responsibility, as between the Federal Government and the Sponsor, for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands, easements, or rights of way that the Federal Government determines to be necessary for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project;

DAEN

SUBJECT: Canaveral Harbor Section 203 (WRDA 1986) Navigation Study, Brevard County, Florida

o. To the maximum extent practicable, perform its obligations in a manner that will not cause liability to arise under CERCLA;

p. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended, and Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended, which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the Sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element;

q. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights of way, required for construction, operation, maintenance, repair, replacement, and rehabilitation of the general navigation features, and inform all affected persons of applicable benefits, policies, and procedures in connection with said act;

r. Comply with all applicable Federal and State laws and regulations, including, but not limited to, Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army." The State is also required to comply with all applicable Federal labor standards requirements including, but not limited to, the Davis-Bacon Act (40 USC 3144 et seq.), the Contract Work Hours and Safety Standards Act (40 USC 3701 et seq.), and the Copeland Anti-Kickback Act (40 USC 3145 et seq.);

s. Provide the non-Federal share that portion of the costs of mitigation and data recovery activities associated with historic preservation, that are in excess of 1 percent of the total amount authorized to be appropriated for the project, in accordance with the cost sharing provisions of the agreement;

t. Prevent obstructions of or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) which might reduce the ecosystem restoration, hinder its operation and maintenance, or interfere with its proper function, such as any new development on project lands or the addition of facilities which would degrade the benefits of the project;

u. Do not use Federal funds to meet the Sponsor's share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is authorized;

v. Provide a cash contribution equal to the non-Federal cost share of the project's total historic preservation mitigation and data recovery costs attributable to commercial navigation

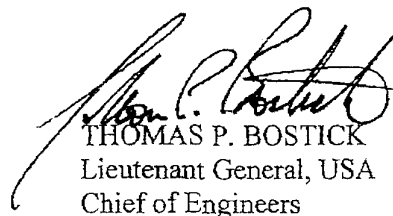
DAEN

SUBJECT: Canaveral Harbor Section 203 (WRDA 1986) Navigation Study, Brevard County, Florida

that are in excess of 1 percent of the total amount authorized to be appropriated for commercial navigation; and

w. In the case of a deep-draft harbor, provide 50 percent of the excess cost of operation and maintenance of the project over that cost which the Secretary determines would be incurred for operation and maintenance if the project had a depth of 45 feet.

9. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the State of Florida, the CPA (the non-Federal sponsor), interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, USA  
Chief of Engineers



DEPARTMENT OF THE ARMY  
CHIEF OF ENGINEERS  
2600 ARMY PENTAGON  
WASHINGTON, DC 20310-2600

DAEN

SEP 30 2013

SUBJECT: Boston Harbor Navigation Improvement Project, Massachusetts

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on navigation improvements for Boston Harbor, Massachusetts. It is accompanied by the reports of the New England District Engineer and the North Atlantic Division Engineer. These reports were prepared in response to a study authority contained in a Senate Subcommittee on Public Works Resolution dated September 11, 1969, which directed the Secretary of the Army to conduct a study to determine whether any modifications of the recommendations contained in the report of the Chief of Engineers on Boston Harbor, Massachusetts, published as House Document Numbered 733, Seventy-ninth Congress, and other pertinent reports, are advisable at this time, with particular reference to modifying the project dimensions of the Main Ship Channel from deep water in Broad Sound to the upstream limit of the federal project in the Mystic River. Further, the Energy and Water Development Appropriations Act for Fiscal Year 2000 provided funds to initiate the study with language requesting an evaluation of the deepening of the Main Ship, Reserved and Entrance Channels to Boston Harbor. Preconstruction, engineering and design activities for the Boston Harbor Navigation Improvement Project will continue under the authorities cited above.
2. The reporting officers recommend authorization of a project that will contribute significantly to the economic efficiency of commercial navigation in the New England region. Boston Harbor is located on the North Atlantic U.S. coast about 240 miles northeast of New York City and is New England's largest port. The harbor consists of entrance channels extending about three miles from Massachusetts Bay to President Roads, the main ship channel connecting the Roads to the inner harbor, anchorage areas in the Roads and lower inner harbor, and three principal deep-draft industrial tributaries in the Reserved Channel, Mystic River and Chelsea River. Improvements were considered from deep water in Massachusetts Bay to the heads of deep draft navigation on the three tributaries. The recommended plan will result in transportation cost savings by allowing cargo to shift from overland transport to ship transport and allowing the larger Post-Panamax vessels to operate more efficiently and experience fewer tidal and transit delays. The Massachusetts Port Authority (Massport) is the non-federal cost-sharing partner.
3. The reporting officers identified a plan for navigation improvements to four separable segments of the existing project which will contribute significantly to the economic efficiency of commercial navigation in the region. The recommended plan is the National Economic Development (NED) Plan and is supported by the non-federal sponsor.

DAEN

SUBJECT: Boston Harbor Navigation Improvement Project, Massachusetts

a. Main Channels Improvement Plan: The first improvement would provide deeper access from Massachusetts Bay to Massport's Conley Terminal on the Reserved Channel in South Boston. A depth of -51 feet at mean lower low water (MLLW) would be provided in the present 40-foot deep lane of the Broad Sound North Entrance Channel from the Bay to the Outer Confluence (approximately 3.4 miles), with the channel widened in the bend opposite Finn's Ledge. A depth of -47 feet MLLW would be provided in the Main Ship Channel between the Outer Confluence and the Reserved Channel, the President Roads Anchorage, the lower Reserved Channel along the Conley Terminal, and the Reserved Channel Turning Area (approximately 4.5 miles). The Main Ship Channel above the Roads would be widened to 900 feet downstream of Castle Island and 800 feet upstream of Castle Island to the turning area (approximately 1.7 miles), with additional width provided in the channel bends. The Reserved Channel Turning Area would be widened to 1500 by 1600 feet, and further widened in its transition to the Reserved Channel (approximately 0.5 miles).

b. Main Ship Channel Deepening Extension to Massport Marine Terminal: The second improvement would extend the deepening of the Main Ship Channel upstream of the Reserved Channel Turning Area to the Massport Marine Terminal (approximately 0.5 miles), at a depth of -45 feet MLLW and width of 600 feet. Massport would provide a depth of at least -45 feet MLLW in the berth at the Marine Terminal.

c. Mystic River Channel at Medford Street Terminal: The third improvement would deepen an approximately nine acre area (1350 feet by 575 feet) of the existing -35-foot MLLW lane of the Mystic River Channel to -40 MLLW feet to improve access to Massport's Medford Street Terminal in Charlestown. Massport has already deepened the berth at this terminal to -40 feet MLLW and would maintain that depth in the future.

d. Chelsea River Channel: The fourth improvement would deepen the existing -38-foot MLLW Chelsea River Channel to -40 feet MLLW (approximately 1.9 miles). The channel would be widened by about 50 feet along the East Boston shore in the bend immediately upstream (approximately 0.3 miles) of the McArdle Bridge and in the bend downstream of the Chelsea Street Bridge (approximately 0.3 miles). This recommended improvement is contingent on agreement of the five principal terminals to deepen their berths to at least -40 feet MLLW.

4. The project would require the removal of approximately 11 million cubic yards of dredged material and one million cubic yards of rock. The U.S. Environmental Protection Agency (EPA) has concurred in the determination that the improvement project dredged materials are parent materials (material below the authorized depth and not previously disturbed) of largely glacial origin and acceptable for unconfined ocean water placement. The recommended plan requires placement of all dredged material and rock at the Massachusetts Bay Disposal Site. However, it is the policy of the U.S. Army Corps of Engineers to use dredged material, where practicable, for beneficial use. Potential beneficial uses for the rock and other dredged materials were considered by the reporting officers. Use of the rock for offshore reef creation and shore

DAEN

SUBJECT: Boston Harbor Navigation Improvement Project, Massachusetts

protection projects will be investigated in partnership with the state during project design. The feasibility of a concept from EPA to use the other dredged materials to cap the former Industrial Waste Site in Massachusetts Bay will also be investigated in partnership with that agency and others during project design to finalize plans. None of these potential beneficial uses are expected to add to the cost of the project and will be done within budgeted authorized amount.

5. Project costs are allocated to the commercial navigation purpose and are based on July 2011 price levels escalated to October 2012.

a. Project First Cost. The estimated project first cost of construction is \$304,695,000 which includes the cost of constructing General Navigation Features (GNF) and the value of lands, easements, rights-of-way (LER) and relocations estimated as follows: \$286,971,000 for channel modification and dredged material placement; \$169,000 for LER provided by the non-federal sponsor; \$6,525,000 for planning, engineering and design efforts; and \$11,030,000 for construction management.

b. Estimated federal and non-federal shares: The estimated federal and non-federal shares of the project first cost are \$212,084,000 and \$92,611,000, respectively, as apportioned in accordance with the cost sharing provisions of Section 101(a) of the Water Resources Development Act (WRDA) of 1986, as amended (33 U.S.C. 2211(a)), as follows:

(1) The cost for deepening GNF under the Main Channels Improvement Plan to -47 feet (-51 feet in the entrance channel) to access the Conley Container Terminal will be shared as follows:

(a) The cost of \$207,825,000 for deepening the GNF to -45 feet MLLW (49 feet in the entrance channel) will be shared at the rate of 75 percent by the government and 25 percent by the non-federal sponsor. Accordingly, the federal and non-federal shares of this zone of deepening are estimated to be \$155,869,000 and \$51,956,000, respectively.

(b) The cost of \$65,241,000 for deepening the GNF from -45 feet to -47 feet MLLW (from -49 feet to -51 feet in the entrance channel) will be shared at the rate of 50 percent by the government and 50 percent by the non-federal sponsor. Accordingly, the federal and non-federal shares of this zone of deepening are estimated to be \$32,620,500 and \$32,620,500, respectively.

(2) The costs of for deepening GNF under the Main Ship Channel Deepening Extension to Massport Marine Terminal segment to 45 feet will be shared at the rate of 75 percent by the government and 25 percent by the non-federal sponsor for depths up to 45 feet. The total cost for GNF in this reach is \$17,308,000 with \$12,981,000 in federal costs and \$4,327,000 in non-federal costs. A Limited Re-evaluation Report (LRR) is anticipated for this project segment during project design to confirm anticipated benefits and depth optimization.

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SUBJECT: Boston Harbor Navigation Improvement Project, Massachusetts

(3) The costs for the deepening GNF under Mystic River Channel at Medford Street Terminal segment to 40 feet will be shared at the rate of 75 percent by the government and 25 percent by the non-federal sponsor. The total cost for GNF in this reach is \$2,419,000 with \$1,814,000 in federal costs and \$605,000 in non-federal costs. A LRR will be prepared for this project segment during project design to confirm anticipated benefits and depth optimization.

(4) The costs for the deepening GNF under Chelsea River Channel segment to 40 feet will be shared at the rate of 75 percent by the Government and 25 percent by the non-federal Sponsor. The total cost for GNF in this reach is \$11,734,000 with \$8,801,000 in federal costs and \$2,933,000 in non-federal costs.

(5) In addition to payment by the non-federal sponsor of its share of costs as estimated and described in sub-paragraphs b(1), b(2), b(3) and b(4) above, the estimated non-federal share of \$92,611,000 includes \$169,000 for the estimated value of LER that it must provide pursuant to Section 101(a)(3) of WRDA 1986, as amended (33 U.S.C.2211(a)(3)).

c. Additional 10 Percent Payment. In addition to payment by the non-federal sponsor of its share of the project first costs determined in sub-paragraphs b(1), b(2), b(3), and b(4) above, pursuant to Section 101(a)(2) of WRDA 1986, as amended (33 U.S.C. 2211(a)(2)), the non-federal sponsor must pay an additional 10 percent of the cost of the general navigation features of the project in cash over a period not to exceed 30 years, with interest. The additional 10 percent payment without interest is estimated to be \$30,453,000. The value of LER and relocations, estimated as \$169,000, provided by the non-federal sponsor under Section 101(a)(3) of WRDA 1986, as amended, will be credited toward payment of this amount.

d. Operations and Maintenance Costs. Due to lack of sediment sources the existing maintenance frequency at Boston Harbor ranges between 16 and 41 years depending on the project segment. The additional annual cost of operation and maintenance for this recommended plan is estimated at \$338,000. In accordance with Section 101(b) of WRDA 1986, as amended (33 U.S.C. 2211(b)), the non-federal sponsor will be responsible for an amount equal to 50 percent of the excess of the cost of the operation and maintenance of the project over the cost which would be incurred for operation and maintenance of the project if the project had a depth of 45 feet. The federal government would be responsible for \$322,000 of the incremental annual operations and maintenance costs and the non-federal sponsor would be responsible for the remaining \$16,000.

e. Associated Costs. Estimated associated costs of \$3,679,000 include \$3,405,000 for dredging of non-federal berthing areas adjacent to the federal channel (non-federal expense) and \$274,000 for aids to navigation (U.S. Coast Guard expense).

f. Authorized Project Cost and Section 902 Calculation. The project first cost for the purpose of calculating the maximum cost of the project pursuant to Section 902 of WRDA 1986, as amended, includes the cost of constructing the GNFs and the value of LER. Accordingly, as



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set forth in paragraph 5.a, above, based on July 2011 price levels escalated to October 2012, the total estimated project first cost for these purposes is \$304,695,000 with an estimated federal share of \$212,084,000 and an estimated non-federal share of \$92,611,000. Based on a discount rate of 3.75 percent, and a 50-year period of economic analysis, the project average annual benefits and costs are estimated at \$103,469,000 and \$14,305,000, respectively, with resulting net excess benefits of \$89,191,000 and a benefit-to-cost ratio of 7.2 to 1.

6. The goals and objectives included in the Campaign Plan of the Corps have been fully integrated into the Boston Harbor planning process. The recommended plan was developed in coordination and consultation with various federal, state and local agencies using a systematic and regional approach to formulating solutions and evaluating the benefits and impacts. The project supports the President's National Export Initiative (Executive Order 13534) by improving the private sector's ability to export products at the Boston Harbor.

7. Risk and uncertainty were evaluated for economic benefits, costs, and sea level rise. Economic sensitivities examined the effects of reducing or increasing the number of carrier services calling on Boston, confidence limits on container volume shifts and growth, use of different vessel loading factors, limits on vessel drafts, and changes in sizes of vessels in service. In accordance with the Corps Engineering Circular on sea level change the study analyzed four sea level rise rates. Historic, baseline, mid-level and maximum expected sea level rise were estimated at 0.4, 0.9, 1.6 and 2.3 feet, respectively, over the 50-year project life. The study concluded that no impact would result from sea level rise with respect to dredging and channel use, and that terminal facilities would continue to operate under all conditions.

8. In accordance with the Corps Engineering Circular on review of decision documents, all technical, engineering, and scientific work underwent an open, dynamic, and vigorous review process to ensure technical quality. This included District Quality Control, Agency Technical Review (ATR), Policy and Legal Compliance Review, Cost Engineering Directory of Expertise (DX) Review and Certification, Model Review and Approval, and Independent External Peer Review (IEPR). All concerns of the ATR have been addressed and incorporated into the final report. The IEPR was completed by Battelle Memorial Institute in June 2008. The panel had 14 comments, five of which they considered significant. The comments pertained to transportation cost savings documentation, port fees, vessel fleet analysis, impacts to water quality and air quality, blasting impacts, beneficial use of rock, and design analyses. In response to economic comments by both the IEPR and Corps Headquarters, more extensive analysis of the project's economic assumptions and benefits evaluation was conducted from 2009 to 2012. A revised economic analysis was conducted which resulted in a project depth of -47 feet MLLW that reasonably maximizes net benefits in the inner harbor segments of the Main Channels Improvement Plan. In response, the final Feasibility Report and Final Supplemental Environmental Impact Statement were expanded to include additional information and the revised recommendation.

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9. Washington level review indicates that the plan recommended by the reporting officers is technically sound, environmentally and socially acceptable, and economically justified. The plan complies with all essential elements of the U.S. Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies. Further the recommended plan complies with other administration and legislative policies and guidelines. The views of interested parties, including federal, state and local agencies, have been considered. State and agency comments received during review of the final report and environmental assessment were addressed. Concerns expressed by the National Ocean and Atmospheric Administration's National Marine Fisheries Service included dredging effects, potential blasting effects, the capping of the industrial waste site, Essential Fisheries Habitat impacts, Fish and Wildlife Coordination Act, and Endangered Species Act effects. The EPA expressed concerns regarding the beneficial use of both ordinary dredged material and rock, removal of rock from the project area by blasting, and air quality impacts. The Federal Aviation Administration expressed concerns that birds will be attracted to the exposed dredged material during the dredging process in the flight path for Boston Logan International Airport.

10. I concur with the findings, conclusions, and recommendation of the reporting officers. Accordingly, I recommend that navigation improvements for Boston Harbor be authorized in accordance with the reporting officers' recommended plan at an estimated cost of \$304,695,000, with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of federal and state laws and policies, including Section 101 of WRDA 1986, as amended (33 U.S.C. 2211). The non-federal sponsor would provide the non-federal cost share and all lands, easements, and rights-of-way, including those necessary for the borrowing of material and the disposal of dredged or excavated material, and would perform or assure the performance of all relocations, including utility relocations. This recommendation is subject to the non-federal sponsor agreeing, in a Design Phase Agreement prior to initiating project design, and in a Project Partnership Agreement prior to project implementation, to comply with all applicable federal laws and policies, including but not limited to the following requirements:

a. Provide, during the periods of design and construction, funds necessary to make its total contribution for commercial navigation equal to:

(1) 25 percent of the cost of design and construction of the GNFs attributable to dredging to a depth in excess of -20 feet MLLW but not in excess of -45 feet MLLW, plus

(2) 50 percent of the costs attributable to dredging to a depth over -45 feet MLLW;

b. Provide all LER, including those necessary for the borrowing of material and placement of dredged or excavated material, and perform or assure performance of all relocations, including utility relocations, all as determined by the government to be necessary for the construction or operation and maintenance of the GNFs;

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c. Pay with interest, over a period not to exceed 30 years following completion of the period of construction of the GNFs, an additional amount equal to 10 percent of the total cost of construction of GNFs less the amount of credit afforded by the government for the value of the LER and relocations, including utility relocations, provided by the non-federal sponsor for the GNFs. If the amount of credit afforded by the government for the value of LER, and relocations, including utility relocations, provided by the non-federal sponsor equals or exceeds 10 percent of the total cost of construction of the GNFs, the non-federal sponsor shall not be required to make any contribution under this paragraph, nor shall it be entitled to any refund for the value of LER and relocations, including utility relocations, in excess of 10 percent of the total costs of construction of the GNFs;

d. Provide, operate, and maintain, at no cost to the government, the local service facilities in a manner compatible with the project's authorized purposes and in accordance with applicable federal and state laws and regulations and any specific directions prescribed by the government, including but not limited to the following;

(1) Providing depths in at least two berths at elevations at least three feet deeper than that provided by the federal channels accessing the Conley Terminal.

(2) For the Main Ship Channel Extension to the Massport Marine Terminal provide a berth depth equal to the depth provided by the adjacent reach of the federal Main Ship Channel.

(3) For the Medford Street Terminal on the Mystic River, provide a berth depth at least equal to that provided by the adjacent improved portion of the federal Mystic River Channel.

(4) For the Chelsea River Channel, provide berths at the Eastern Minerals, Sunoco-Logistics, Gulf, Irving and Global Terminals at least equal in depth to the federal Chelsea River Channel and Turning Basin.

e. In the case of project features greater than -45 feet MLLW in depth, provide 50 percent of the excess cost of operation and maintenance of the project over that cost which the government determines would be incurred for operation and maintenance if the project had a depth of 45 feet;

f. Give the government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-federal sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating and maintaining the GNFs;

g. Hold and save the United States free from all damages arising from the construction or operation and maintenance of the project, any betterments, and the local service facilities, except for damages due to the fault or negligence of the United States or its contractors;

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h. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of three years after completion of the accounting for which such books, records, documents, and other evidence is required, to the extent and in such detail as will properly reflect total cost of the project, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to state and local governments at 32 CFR, Section 33.20;

i. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675, that may exist in, on, or under LER that the federal government determines to be necessary for the construction or operation and maintenance of the GNFS. However, for LER that the federal government determines to be subject to the navigation servitude, only the federal government shall perform such investigation unless the federal government provides the non-federal sponsor with prior specific written direction, in which case the non-federal sponsor shall perform such investigations in accordance with such written direction;

j. Assume complete financial responsibility, as between the federal government and the non-federal sponsor, for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under LER that the federal government determines to be necessary for the construction or operation and maintenance of the project;

k. To the maximum extent practicable, perform its obligations in a manner that will not cause liability to arise under CERCLA;

l. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended, (42 U.S.C. 1962d-5b) and Section 101(e) of the WRDA 1986, Public Law 99-662, as amended, (33 U.S.C. 2211(e)) which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-federal sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element;

m. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, PL 91-646, as amended, (42 U.S.C. 4601-4655) and the Uniform Regulations contained in 49 CFR 24, in acquiring LER, necessary for construction, operation and maintenance of the project including those necessary for relocations, the borrowing of material, or the placement of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said act;

n. Comply with all applicable federal and state laws and regulations, including, but not

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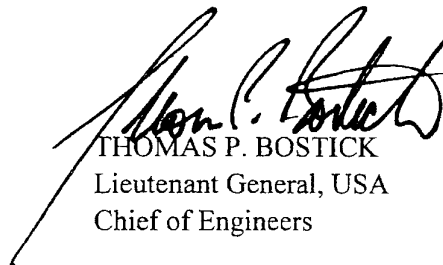
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limited to, Section 601 of the Civil Rights Act of 1964, PL 88-352 (42 USC 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable federal labor standards requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive changes the provision of the Davis-Bacon Act (formerly 40 U.S.C. 276a et seq.), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 et seq.), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c);

o. Provide the non-federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation that are in excess of one percent of the total amount authorized to be appropriated for the project; and

p. Not use funds from other federal programs, including any non-federal contribution required as a matching share therefore, to meet any of the non-federal sponsor's obligations for the project costs unless the federal agency providing the federal portion of such funds verifies in writing that such funds are authorized to be used to carry out the project.

11. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the Executive Branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the Commonwealth of Massachusetts, Massport (the non-federal sponsor), interested federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, USA  
Chief of Engineers



DEPARTMENT OF THE ARMY  
CHIEF OF ENGINEERS  
2600 ARMY PENTAGON  
WASHINGTON, DC 20310-2600

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16 APR 2014

SUBJECT: Lake Worth Inlet, Palm Beach Harbor, Navigation Improvements Project, Palm Beach County, Florida

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on navigation improvements for Lake Worth Inlet, Palm Beach Harbor, Palm Beach County, Florida. It is accompanied by the reports of the district and division engineers. These reports were prepared as an interim response to a resolution by the House Committee on Transportation and Infrastructure dated 25 June 1998 which requested the Secretary of the Army to review the report of the Chief of Engineers on the Palm Beach Harbor, Florida, published as House Document 283, 86<sup>th</sup> Congress, 1<sup>st</sup> Session, and other pertinent reports, with a view of determining if the authorized project should be modified in any way at this time, with particular reference to widening the existing interior channel through Lake Worth Inlet. Preconstruction engineering and design (PED) activities for the Lake Worth Inlet, Palm Beach Harbor, Palm Beach County, Florida Navigation Project will continue under the authority cited above.
2. The reporting officers recommend authorization of a project that will contribute significantly to the economic efficiency and increased safety of commercial navigation in Palm Beach Harbor. The harbor entrance (also known as Lake Worth Inlet) is an artificial cut through the barrier island and limestone formation connecting Palm Beach Harbor to the Atlantic Ocean. The closest major ports to the Port of Palm Beach are Port Everglades, in Ft. Lauderdale, and Miami Harbor, approximately 40 miles and 65 miles to the south, respectively. Palm Beach Harbor is the 4<sup>th</sup> busiest container port in Florida and the eighteenth busiest in the continental United States. The port is a major center for the shipment of bulk sugar, molasses, cement, utility fuels, produce, break bulk and specialized items, and container shipments to the Caribbean. Lake Worth Inlet, serving as the entrance channel to the port, is inadequate both in width and depth, negatively impacting future port potential and creating economic inefficiencies with the current fleet of vessels. Based on existing fleet sizes, the port is operating with insufficient channel width and depth. As a result of these deficiencies, the local harbor pilots in conjunction with the U.S. Coast Guard have placed restrictions on vessel transit to ensure safety, resulting in economic inefficiencies and increased costs to the nation. The Port of Palm Beach is the non-federal cost-sharing sponsor.
3. The reporting officers identified a plan for improvements to the existing Lake Worth Inlet federal navigation project which will contribute significantly to the economic efficiency of commercial navigation in the region. The recommended plan is the National Economic

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Development (NED) Plan and is supported by the non-federal sponsor. The recommended plan includes channel deepening, widening, improvements to the main turning basin, and an advanced maintenance plan to reduce the costs of future operations and maintenance:

a. Main Channels Improvement Plan: The project would deepen the inner channel from the -33 feet mean lower low water (MLLW) to a project depth of -39 feet MLLW and the entrance channel from -35 feet MLLW to -41 feet MLLW. The channel widening footprint includes the addition of a new channel flare on the south side of the outer portion of the entrance channel, widening of the entrance channel from 400 feet to between 440-460 feet, and widening the inner channel from 300-450 feet.

b. Turning Basins: The Main Turning Basin would be deepened from -33 feet MLLW to -39 feet MLLW and extend the southern boundary of the turning basin an additional 150 feet south. The project would also remove a notch south of Peanut Island on the north side of the turning basin. No additional navigational improvements are being recommended for the smaller North Turning Basin with depths remaining at -25 feet MLLW.

c. Advanced Maintenance Plan: Several settling basins critical to the advanced maintenance plan would be dredged to depths ranging from -26 feet MLLW to -51 feet MLLW just north of the entrance channel to catch sediment before it enters the entrance channel. A 1,700 linear foot section of the entrance channel would be deepened for advanced maintenance to depths of -51 feet MLLW in the more easterly half of the entrance channel and -44 feet MLLW in the westerly section. Due to the additional deepening of the entrance channel for advanced maintenance, the project also includes the cost of stabilizing the north jetty with a 600 linear-foot sheet pile wall installed along the oceanward length of the jetty to a depth of -60 feet MLLW. The advance maintenance plan will reduce the frequency of operation and maintenance (O&M) dredging to once every two years (currently once per year), resulting in an annual savings of \$850,000 to the O&M program.

4. The project would require the removal of approximately 1.4 million cubic yards of rock that will be placed at the designated Palm Beach Ocean Dredged Material Disposal Site (ODMDS) located about 5 miles east of the project. The U.S. Army Corps of Engineers (Corps), in coordination with the U.S. Environmental Protection Agency, will complete a study during PED to increase the allowable disposal limit per dredging event in the ODMDS over and above the current limit of 500,000 cubic yards per dredging event. It is the policy of the Corps to beneficially use dredged material where practical. Approximately 450,000 cubic yards of sand dredged from the channels will be placed in the near shore zone below the mean high water line out to the -17 feet MLLW contour along an approximate 3,000 feet reach of coast south of the inlet.



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5. Impacts caused by the navigational improvements include the losses of 4.5 acres of seagrass habitat and 4.9 acres of low relief hardbottom habitat, for which mitigation will be required. To mitigate for the impacts to seagrasses the project includes a mitigation plan that proposes filling existing borrow areas in Lake Worth Lagoon with approximately 125,000 cubic yards of dredged material to an elevation consistent with adjacent seagrass beds. Subsequent colonization of the restored substrate is anticipated by natural recruitment. The mitigation plan for the loss of hardbottom habitat is the creation of artificial reefs using limestone excavated from the entrance channel or quarried native limestone. The artificial reef construction would use about 25,100 cubic yards of rock to create mounds approximately 20 feet by 40 feet in size with a vertical relief of 3 to 4 feet. The exact locations of the mitigation sites and actual mitigation amounts will be determined after a more detailed resource survey and functional assessment conducted during PED. The current estimate of 11.25 acres of mitigation for both seagrasses and hardbottom is recommended based on the evaluation of comparable mitigation efforts from similar projects in the region. Monitoring of seagrass mitigation sites will be conducted on a monthly basis for the first year, then twice a year for years two and three, and once a year for years four and five. The monitoring program for the mitigation of hardbottoms will consist of physical monitoring to assess the degree of settling of the hardbottom materials after the first year, and biological monitoring to compare populations of algae, invertebrates and fish with natural hardbottom areas.

6. Project costs are allocated to the commercial navigation purpose and are based on October 2013 prices.

a. Project First Cost. The estimated project first cost is \$88,531,000, which includes the cost of constructing the general navigation features (GNFs) and the lands, easements, rights-of-way, and relocations (LERR) estimated as follows: \$87,209,000 for channel modifications and advanced maintenance settling basins, turbidity and endangered species monitoring, environmental mitigation, and dredged material placement; \$1,290,000 for post construction mitigation monitoring; and \$32,000 for real estate administrative costs.

b. Estimated Federal and Non-federal Shares. The estimated federal and non-federal shares of the project first cost are \$57,556,000 and \$30,975,000 respectively, as apportioned in accordance with the cost sharing provisions of Section 101 of Water Resources Development Act (WRDA) 1986, as amended (33 U.S.C. 2211), as follows:

(1) The cost for the GNFs from greater than 20 feet to 45 feet will be shared at a rate of 75 percent by the government and 25 percent by the non-federal sponsor, plus;

(2) In addition to the costs outlined in sub-paragraph (1) above, the project first cost includes federal administrative costs for lands, easements, rights of way and relocations

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estimated at \$32,000. The federal portion of these costs is \$19,000. The non-federal portion is \$13,000, all of which is eligible for LERR credit.

c. Additional 10 Percent Payment. In addition to the non-federal sponsor's estimated share of the total first cost of constructing the project in the amount of \$21,125,000 pursuant to Section 101(a)(2) of WRDA 1986, as amended, the non-federal sponsor must pay an additional 10% of the costs of GNFs of the project, \$8,849,900, in cash over a period not to exceed 30 years, with interest. The value of the LERR provided by the federal sponsor under Section 101(a)(3) of WRDA 1986 as amended will be credited toward this payment.

d. Operations and Maintenance Costs. The project results in a minor increase in the annual federal maintenance dredging from 117,500 to 120,000 cubic yards. However, the advanced maintenance plan will result in an average annual equivalent savings to the operation and maintenance program in the amount of \$850,000 in comparison to the annual operations and maintenance costs of about \$3,794,000 for the existing project.

e. Associated Costs. Estimated associated costs include \$25,000 for aids to navigation (a U.S. Coast Guard expense).

f. Authorized Project Cost and Section 902 Calculation. The project first cost, for the purposes of authorization and calculating the maximum cost of the project pursuant to Section 902 of WRDA 1986, as amended, should include estimates for general navigation features (GNF) construction costs, the value of lands, easements, and rights-of-way and the value of relocations provided under Section 101(a)(3) of WRDA 1986, as amended. Accordingly, as set forth in paragraph 4.a. above, based on Price Level Fiscal Year (FY) 2014, the estimated project first cost for these purposes are \$88,531,000. Based on FY 2014 price levels, a 3.5-percent discount rate, and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated to be \$3,960,000. The equivalent average annual benefits are estimated to be \$7,940,000. The average annual net benefits are \$3,980,000. The benefit-to-cost ratio for the recommended plan is 2.0.

7. The recommended plan was developed in coordination and consultation with various federal, state and local agencies using a systematic and regional approach to formulating solutions and evaluating the benefits and impacts. Risk and uncertainty were evaluated for economic benefits, costs and sea level rise. Economic sensitivities examined the effects of various commodity forecasts which included no growth, lower growth rates or capping the growth earlier in the period of analysis. These sensitivities showed that even with significantly reduced commodity throughput, the project would still be justified. In addition a cost and schedule risk analysis was completed. In accordance with the Corps Engineering Circular on sea level change the study analyzed three sea level rise rates. Historic (baseline), mid-level, and maximum rates were

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estimated to be 0.39 feet, 0.89 feet, and 2.47 feet, respectively, over the 50-year project life. The study concluded that no impact would result from sea level rise with respect to dredging and channel use, and that the terminal facilities would continue to operate under all conditions.

8. In accordance with the Corps Engineering Circular on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and vigorous review process to ensure technical quality. This included District Quality Control (DQC), Agency Technical Review (ATR), Policy and Legal Compliance Review, Cost Engineering Center of Expertise Review and Certification, Model Review and Approval, and Independent External Peer Review (IEPR). All concerns of the ATR have been addressed and incorporated into the final report. The IEPR was completed by Battelle Memorial Institute in July 2013 and a revised Comment Response Record was issued by the IEPR panel on 10 January 2014 indicating that all comments were satisfactorily addressed. The panel had seven comments, two of which they considered significant, two were medium significance and three were low significance. The most significant finding by the panel related to the commodity forecast and vessel costing documentation. While the 2017-2067 commodity growth forecast appeared reasonable, the assumed growth between 2013 and 2017 was not adequately supported by the report documentation which raised questions about the reliability of the benefit estimates. The panel also commented that documentation on vessel operations and costing was insufficient. Other comments raised by the panel included capacity of the ODMDS, long-term management of dredged material, role of the existing sand bypassing north of the project, air quality, and shoaling rates. In summary, the panel felt that the engineering, economics and environmental analysis were adequate and the additional sensitivity analysis and clarifications needed to be properly documented in the final report. The final report was revised accordingly.

9. The plan recommended by the reporting officers is technically sound, environmentally and socially acceptable, and economically justified. The views of interested parties, including federal, state and local agencies have been considered. The U.S. Coast Guard requested information on the relocation of the aids to navigation, including the cost and schedule which were not fully described in the final report. The requested information has been provided to the Coast Guard. The USEPA submitted a number of comments during State and Agency review concerning seagrass mitigation, potential for effects to groundwater resources, air quality analysis, induced storm surge increases, railroad alternatives to harbor deepening and purpose and need for harbor deepening. The Corps has determined that the existing report adequately addresses effects to groundwater resources, railroad alternatives to harbor deepening, and purpose and need for the recommended improvements. In regards to possible storm surge increases, the Corps does not anticipate any negative flooding effects to be caused by the project due to the insignificant amount of possible increase (0-4 inches), infrequency of the flooding event (1% flood) that could lead to an increase, and much greater effects anticipated due to sea

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level rise. The following actions will be implemented as part of this project to address USEPA concerns:

a. **Seagrass Mitigation.** The Corps will conduct a survey prior to construction to confirm the extent of seagrasses at the site. The Corps will also continue to coordinate with Palm Beach County Department of Environmental Resources concerning siting of the seagrass mitigation areas. Lastly, the dredged material that would be used in the seagrass mitigation areas would be tested for contaminants prior to use.

b. **Air Quality Analysis.** The Corps has developed an errata sheet for the final feasibility report and EIS that clarifies that the air pollutants of concern are expressed in units of tons/year.

10. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that navigation improvements for Lake Worth Inlet be authorized in accordance with the reporting officers' recommended plan at an estimated cost of \$88,531,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of federal and state laws and policies, including Section 101 of WRDA 1986, as amended. This recommendation is subject to the non-federal sponsor agreeing to comply with all applicable federal laws and policies including that the non-federal sponsor must agree with the following requirements prior to project implementation.

a. Provide, during the periods of design and construction, funds necessary to make its total contribution for commercial navigation equal to 25 percent of the cost of design and construction of the GNFs attributable to dredging to a depth in excess of -20 feet MLLW but not in excess of -45 feet MLLW.

b. Provide all lands, easement, and rights-of-way (LER), including those necessary for the borrowing of material and placement of dredged or excavated material, and perform or assure performance of all relocations, including utility relocations, all as determined by the government to be necessary for the construction or operation and maintenance of the GNFs.

c. Pay with interest, over a period not to exceed 30 years following completion of the period of construction of the GNFs, an additional amount equal to 10 percent of the total cost of construction of GNFs less the amount of credit afforded by the government for the value of the LER and relocations, including utility relocations, provided by the non-federal sponsor for the GNFs. If the amount of credit afforded by the government for the value of LER, and relocations, including utility relocations, provided by the non-federal sponsor equals or exceeds 10 percent of the total cost of construction of the GNFs, the non-federal sponsor shall not be required to make any contribution under this paragraph, nor shall it be entitled to any refund for the value of LER

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and relocations, including utility relocations, in excess of 10 percent of the total costs of construction of the GNFs.

d. Provide, operate, and maintain, at no cost to the government, the local service facilities in a manner compatible with the project's authorized purposes and in accordance with applicable federal and state laws and regulations and any specific directions prescribed by the government.

e. In the case of project features greater than -45 feet MLLW in depth, provide 50 percent of the excess cost of operation and maintenance of the project over that cost which the government determines would be incurred for O&M if the project had a depth of -45 feet MLLW.

f. Give the government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-federal sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating and maintaining the GNFs.

g. Hold and save the United States free from all damages arising from the construction or operation and maintenance of the project, any betterments, and the local service facilities, except for damages due to the fault or negligence of the United States or its contractors.

h. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601–9675 that may exist in, on, or under LER that the federal government determines to be necessary for the construction or operation and maintenance of the GNFs. However, for lands, easements, or rights-of-way that the federal government determines to be subject to the navigation servitude, only the federal government shall perform such investigation unless the federal government provides the non-federal sponsor with prior specific written direction, in which case the non-federal sponsor shall perform such investigations in accordance with such written direction.

i. Assume complete financial responsibility, as between the federal government and the non-federal sponsor, for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under LER that the federal government determines to be necessary for the construction or operation and maintenance of the project.

j. To the maximum extent practicable, perform its obligations in a manner that will not cause liability to arise under CERCLA.

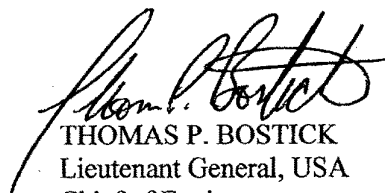
k. Accomplish all removals determined necessary by the federal government other than those removals specifically assigned to the federal government.

DAEN

SUBJECT: Lake Worth Inlet, Palm Beach Harbor, Navigation Improvements Project, Palm Beach County, Florida

1. Mitigation monitoring during construction and post construction shall be cost shared between the federal government and non-federal sponsor, 75 percent and 25 percent, respectively.

11. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the State of Florida, the Port of Palm Beach (the non-Federal sponsor), interested federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, USA  
Chief of Engineers



DEPARTMENT OF THE ARMY  
CHIEF OF ENGINEERS  
2600 ARMY PENTAGON  
WASHINGTON, DC 20310-2600

16 APR 2014

DAEN (1105-2-10a)

SUBJECT: Jacksonville Harbor Navigation Study Final Integrated General Reevaluation Report II and Supplemental Environmental Impact Statement, Duval County, Florida

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress the final integrated feasibility report and environmental impact statement on navigation improvements for Jacksonville Harbor, Duval County, Florida, located on the St. Johns River. It is accompanied by the report of the district and division engineer. This report was prepared as an interim response to a resolution from the Committee on Public Works and Transportation, United States House of Representatives, dated February 5, 1992. Preconstruction engineering and design activities for the Jacksonville Harbor, Duval County, Florida Navigation Project will continue under the authority provided by the resolution cited. The Port of Jacksonville is designated as a Strategic Port supporting the 832<sup>nd</sup> Transportation Battalion, as well as the Marines and Navy. It is also included in the President's "We Can't Wait" Initiative; Executive Order 13604 of March 22, 2012.

2. The reporting officers recommend a project that will contribute to the economic efficiency of commercial navigation. Based on an evaluation of alternative plan costs and economic benefits, the national economic development (NED) plan includes a channel depth of 45 feet with associated channel widening and turning basins. The non-federal sponsor, the Jacksonville Port Authority (JAXPORT), subsequently requested a locally preferred plan (LPP) of 47 feet deep with associated channel widening and turning basins. The LPP has positive net benefits and is economically justified. In accordance with U.S. Army Corps of Engineers (USACE) policy, the LPP was submitted for consideration to the Assistant Secretary of the Army for Civil Works (ASA-CW) and approved for consideration as the recommended plan on May 17, 2013. The recommended plan is the LPP and consists of the following improvements:

a) The project would be deepened from the existing 40-foot mean lower low water (MLLW) channel depth of the St. John's River to 47 feet MLLW from the entrance channel to approximately River Mile (RM) 13;

b) The following areas of widening are included as part of the new channel footprint for the LPP: Mile Point: Widen to the north by 200 feet for Cuts 8-13 (~RM 3-5), Training Wall Reach: widen to the south 100 feet for Cuts 14-16 (~RM 5-6) transitioning to 250 feet for Cut 17 (~RM 6) and back to 100 feet for Cuts 18-19 (~RM 6), and the St. Johns Bluff Reach: widen both sides of the channel varying amounts up to 300 feet for Cuts 40-41 (~RM 7-8);



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c) The following turning basin areas are included in the recommended plan based on the ship simulation results: Blount Island: ~2,700 feet long by 1,500 feet wide located in Cut-42 (~RM 10) and Brills Cut: ~2,500 feet long by 1,500 feet wide located in Cut-45 (~RM 13).

d) Construction of the recommended plan involves dredging of approximately 18 million cubic yards of material. Fracturing (confined blasting) of consolidated sediments and underlying rock may be required prior to dredging. Based on analysis of the historical operation and maintenance (O&M) requirements and the proposed project expansion features, it is estimated that there will be an average annual increase of 137,000 cubic yards (CY) of shoal material to be dredged each year from the new project. All material dredged for construction is assumed to go to the ocean dredged material disposal site (ODMDS).

e) The following areas of advanced maintenance were identified; Area 1 (Entrance Channel to ~ River Mile 2) = Bar Cut-3 from Station 217+00 to Station 270+00 (Full Channel) plus Bar Cut-3 Station 270+00 to end/Station 300+00 (South side of channel or Range 0 to Range 380) plus Cut-4 entire length (South side of channel or Range 0 to Range 430) plus Cut-5 entire length (South side of channel or Range 0 to Range 455) plus Cut-6 entire length (South side of channel or Range 0 to Range 455); Area 2 (~River Mile 8) = Cut-41 Station 12+30 to Station 28+10 (North side of channel to include proposed widening or Range 0 to Range -500); Area 3 (~River Mile 9 to 11) = Cut-42 Station 19+79.05 to Station 135+00 (Full Channel); Area 4 (Adjacent to Cut-42) (~River Mile 10) = Entire Southern portion of Blount Island Turning Basin (Range -237.50 to Range -862.50); and Area 5 (~River Mile 13) = Entire Brills Cut Turning Basin (this covers the project channel by default from Cut-45 Station 3+18.43 to Station 28+18.43). Area 5 is the breakpoint where the project is going from the shallower and narrower 40-foot project depth to the new project depth of 47 feet which is deeper and will be wider with the incorporation of the Brill's Cut Turning Basin. It is expected that more shoaling will occur in this area as we have experienced historical increases in the Talleyrand area of the Terminal Channel where the depth goes from 34 feet to 40 feet. These areas represent similar surface areas to the previous advanced maintenance areas presented in the 2002 General Reevaluation Report (GRR) and also represent similar quantities of dredging. These items have been considered to maintain the lessened frequency of dredging in these areas.

f) An interagency assessment team was assembled to assist in conducting a Uniform Mitigation Assessment Method (UMAM) assessment for potential impacts and associated mitigation for the proposed deepening of Jacksonville Harbor. The team is composed of representatives from the following agencies: U.S. Environmental Protection Agency, USACE, Florida Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, National Marine Fisheries Service, and U.S. Fish and Wildlife Service. Numerous meetings and site visits were conducted to observe and discuss the characterization of the wetland areas/submerged aquatic vegetation (SAV), potential effects related to the proposed project and proposed compensatory mitigation. The effects assessment determined that the base

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mitigation plan would offset impacts to wetlands (394.57 acres) and SAV (180.5 acres). On a functional value scale of 0-1, these resources would experience a functional loss of 0.1, which results in 39.46 units of compensatory mitigation for wetlands and 18.05 units of compensatory mitigation for SAV. Mitigation is required for wetlands and submerged aquatic vegetation affected by the deepening. A base mitigation plan, consisting of conservation land purchase of 638 acres of freshwater wetlands, uplands, river shoreline, and salt marsh wetlands has been proposed. The base mitigation plan total cost is \$2,900,000. The USACE has determined that this plan would be sufficient to offset any minor effects that may occur as a result of the proposed project. As there were no discernible differences in the modeling results of impacts for the NED plan versus the recommended plan (LPP), there is no anticipated increase in mitigation needed for the LPP plan as compared to the NED plan. This total includes mitigation for fisheries effects.

g) Projected environmental impacts warrant initial mitigation (i.e. conservation land purchase) and monitoring during construction plus 1 year post construction. Although not required for the federal project, the non-federal sponsor has agreed to conduct additional monitoring and modeling efforts post construction at their cost. If based on the post construction monitoring the USACE determines that additional monitoring as part of the federal project is warranted, the USACE could share in the cost of the additional monitoring.

### 3. Project Cost Breakdown based on October 2013 Prices.

a) Project First Cost: The estimated project first cost is \$600,900,000, which includes the cost of constructing the General Navigation Features (GNFs) and the lands, easements, rights of way, and relocations (LERR) estimated as follows: \$600,200,000 for channel modifications, turbidity and endangered species monitoring, environmental mitigation, Planning Engineering and Design (PED), and Construction Management; and \$700,000 for real estate administrative costs. The Jacksonville Port Authority is the non-federal cost-sharing sponsor for all features.

b) Estimated Federal and Non-federal Cost Shares: The estimated federal and non-federal shares of the project first cost are \$362,000,000 and \$238,900,000 respectively, as apportioned in accordance with the cost sharing provisions of Section 101 of WRDA 1986, as amended (33 U.S.C. 2211), as follows:

(1) The cost for the GNFs from greater than 20 feet to 45 feet MLLW will be shared at a rate of 75 percent by the government and 25 percent by the non-federal sponsor, plus

(2) 100 percent of the costs attributable to dredging to a depth below -45 feet MLLW;

(3) In addition to the costs outlined in sub-paragraph (1) above, the project first cost includes federal administrative costs for lands, easements, rights of way and relocations

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SUBJECT: Jacksonville Harbor Navigation Study Final Integrated General Reevaluation Report II and Supplemental Environmental Impact Statement, Duval County, Florida

estimated at \$700,000. The non-federal portion of this cost is 25% of the administrative costs,

(4) \$200,000, all of which is eligible for LERR credit.

c) Additional 10 Percent Payment. In addition to the non-federal sponsor's estimated share of the total first cost of constructing the project in the amount of \$238,900,000 pursuant to Section 101(a)(2) of WRDA 1986, as amended, the non-federal sponsor must pay an additional 10% of the costs for NED GNFs of the project, \$50,500,000, in cash over a period not to exceed 30 years, with interest. The value of the lands, easements, rights-of-way and relocations provided by the non-federal sponsor under Section 101(a)(3) of WRDA 1986 as amended will be credited toward this payment.

d) Operations and Maintenance Costs. It is estimated that there will be an average annual increase of 137,000 cubic yards (CY) of shoal material to be dredged each year from the new project with an added annual O&M cost of \$1,100,000. Much of the increase is due to the construction of two new turning basins that will be needed to accommodate the post-panamax container ships. With the incorporation of advanced maintenance zones into these turning basins, it may be possible to reduce the frequency of dredging required and thus reduce contract costs and equipment mobilization costs.

e) Associated Costs. Estimated associated federal costs of \$1,300,000 include navigation aids, (a U.S. Coast Guard expense).

f) Local Service Facilities. The associated cost for local service facilities is approximately \$82 million and is primarily for upgrading the bulkheads and berths at facilities which benefit from the deeper channel. These costs are 100% non-federal and are not included in the first total cost of the recommended plan.

g) Authorized Project Cost and Section 902 Calculation. The project first cost, for the purposes of authorization and calculating the maximum cost of the project pursuant to Section 902 of WRDA 1986, as amended, should include estimates for GNFs construction costs, the value of lands, easements, and rights-of-way and the value of relocations provided under Section 101(a)(3) of WRDA 1986, as amended. Accordingly, as set forth in paragraph 4.a. above, based on Price Level FY 2014, the estimated project first cost for these purposes is \$600,900,000 with a federal share of \$362,000,000 and a non-federal share of \$238,900,000.

5. Based on October 2013 (FY2014) price levels, a 3.5-percent discount rate, and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated to be \$33,700,000. The average annual equivalent benefits are estimated to be \$89,700,000. The average annual net benefits are \$56,000,000. The benefit-to-cost ratio for the recommended plan is 2.7.

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6. The federal government would be responsible for operation and maintenance of the navigation improvements proposed in this report upon completion of the construction contract.

The federal government currently maintains the existing project. The contractor would be responsible for all maintenance during the construction contract.

7. Risk and uncertainty were evaluated for economic benefits, costs and sea level rise. Economic sensitivities examined the effects of commodity forecasts which had lower growth rates or capped the growth earlier in the period of analysis. In accordance with the Corps Engineering Circular on sea level change the study analyzed four sea level rise rates; historic (baseline), intermediate, and high. The historic sea level rise rate was determined to be 0.0078 ft/year. The baseline, intermediate, and high sea level rise values at the end of the 50-year period of analysis were projected to be 0.39 ft, 0.87 ft, and 2.4 ft, respectively. In general, regional sea level rise (baseline, intermediate, and high) will not affect the function of the project alternatives or the overall safety of the design vessel. There is expected to be a minor impact to non-federal structures or berths that the non-federal sponsor would manage without effects to the project. The majority of salinity changes will occur due to sea level change; with only minor impacts attributable to the project.

8. In accordance with the Corps Engineering Circular on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and vigorous review process to ensure technical quality. This included District Quality Control (DQC), Agency Technical Review (ATR), Policy and Legal Compliance Review, Cost Engineering Directory of Expertise (DX) Review and Certification, Independent External Peer Review (IEPR), and Model Review and Approval. The IEPR was completed by Battelle Memorial Institute. A total of 13 comments were documented. The IEPR comments identified concerns in areas of the explanation of the economics, hydraulic analysis, and environmental analyses. This resulted in expanded narratives throughout the report to support the decision-making process and justify the recommended plan. All comments from the above referenced reviews have been addressed and incorporated into the final documents. Overall the reviews resulted in improvements to the technical quality of the report.

9. Washington level review indicates that the plan recommended by the reporting officers is technically sound, environmentally and socially acceptable, and on the basis of congressional directives, economically justified. The plan complies with all essential elements of the 1983 U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies. The recommended plan complies with other administration and legislative policies and guidelines. The views of interested parties, including federal, state and local agencies have been considered. The US Environmental Protection Agency (USEPA) submitted a comment regarding potential impacts of the project to

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the existing source water supply, and the consequences for the Jacksonville water utility should the 8.45 million gallons per day (MGD) currently being withdrawn from the surficial aquifer have to be supplied by the Floridan aquifer. The Corps has determined that the existing report adequately addresses the effects to the existing water supply. This conclusion is based on the results of a USGS study that determined that the project will not significantly increase the surficial aquifer salinity except at the boundary of the river channel where the surficial aquifer is likely already impacted from exposure to the high river salinity. The current consumptive use permit for the water utility permits a maximum base allocation of 142 MGD by the year 2021, thus, should an additional 8.45 MGD be required, additional pumping capacity would be available under the existing permit. Additionally, the USEPA, US Department of the Interior (USDOI), and Florida Department of Environmental Protection (FLDEP) requested that 10 years of post construction monitoring be done, and asked to be included as part of a Corrective Action Team (CAT) that would analyze monitoring results and advise the USACE on future potential actions related to monitoring and mitigation. The USACE will include these agencies as part of the CAT. The USACE has committed to cost share in monitoring efforts during the period of construction and one year post construction. In addition, the Port of Jacksonville has committed to funding on their own additional monitoring efforts up to 10 years post construction. The USACE will potentially cost share in the additional monitoring if we determine it is warranted based on the initial post construction monitoring results.

10. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that navigation improvements for Jacksonville Harbor be authorized in accordance with the reporting officers' recommended plan at an estimated first cost of \$600,900,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of federal and state laws and policies, including Section 101 of WRDA 1986, as amended. This recommendation is subject to the non-federal sponsor agreeing to comply with all applicable federal laws and policies including that the non-federal sponsor must agree with the following requirements prior to project implementation.

a) Provide, during the periods of design and construction, funds necessary to make its total contribution for commercial navigation equal to:

(1) 25 percent of the cost of design and construction of the GNFs attributable to dredging to a depth in excess of -20 feet MLLW but not in excess of -45 feet MLLW, plus

(2) 100 percent of the costs attributable to dredging to a depth below -45 feet MLLW.

b) Provide all lands, easement, and rights-of-way (LER), including those necessary for the borrowing of material and placement of dredged or excavated material, and perform or assure performance of all relocations, including utility relocations, all as determined by the Government

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to be necessary for the construction or operation and maintenance of the GNFs. Provide and maintain during the authorized life of the project the mitigation lands (approximately 638 acres) determined to be required for mitigation for impacts for the project.

c) Pay with interest, over a period not to exceed 30 years following completion of the period of construction of the GNFs, an additional amount equal to 10 percent of the total cost of

construction of the NED GNFs less the amount of credit afforded by the government for the value of the LER and relocations, including utility relocations, provided by the non-federal sponsor for the GNFs. If the amount of credit afforded by the government for the value of LER, and relocations, including utility relocations, provided by the non-federal sponsor equals or exceeds 10 percent of the total cost of construction of the GNFs, the non-federal sponsor shall not be required to make any contribution under this paragraph, nor shall it be entitled to any refund for the value of LER and relocations, including utility relocations, in excess of 10 percent of the total costs of construction of the GNFs.

d) Provide, operate, and maintain, at no cost to the government, the local service facilities in a manner compatible with the project's authorized purposes and in accordance with applicable federal and state laws and regulations and any specific directions prescribed by the government.

e) In the case of project features greater than -45 feet MLLW in depth, provide 100 percent of the excess cost of operation and maintenance of the project over that cost which the government determines would be incurred for operation and maintenance if the project had a depth of 45 feet.

f) Accomplish all removals determined necessary by the federal government other than those removals specifically assigned to the federal government.

g) Hold and save the United States free from all damages arising from the construction or operation and maintenance of the project, any betterments, and the local service facilities, except for damages due to the fault or negligence of the United States or its contractors.

h) Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601–9675, that may exist in, on, or under LER that the Government determines to be necessary for the construction or operation and maintenance of the GNFs. However, for lands, easements, or rights-of-way that the government determines to be subject to the navigation servitude, only the government shall perform such investigation unless the government provides the non-federal sponsor with prior specific written direction, in which case

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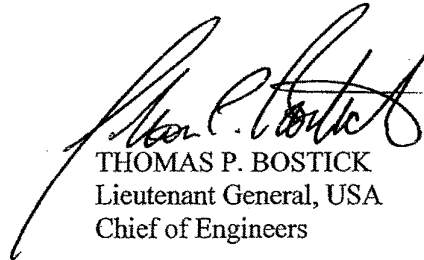
SUBJECT: Jacksonville Harbor Navigation Study Final Integrated General Reevaluation Report II and Supplemental Environmental Impact Statement, Duval County, Florida

the non-federal sponsor shall perform such investigations in accordance with such written direction.

i) Assume complete financial responsibility, as between the government and the non-federal sponsor, for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under LER that the government determines to be necessary for the construction or operation and maintenance of the project.

j) To the maximum extent practicable, perform its obligations in a manner that will not cause liability to arise under CERCLA.

11. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the State of Florida, the Jacksonville Port Authority (the non-federal sponsor), interested federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, USA  
Chief of Engineers





REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

CECW-PC (1105-2-10a)

AUG 24 2009

SUBJECT: Topeka Flood Risk Management Project, Topeka, Kansas

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on flood risk management improvements on the Kansas River in the vicinity of Topeka, Kansas. It is accompanied by the report of the district and division engineer. These reports are submitted pursuant to Section 216 of the Flood Control Act of 1970, authorizing me to determine whether any modifications to the local flood risk management projects are advisable in order to improve the reliability and performance of the existing levee system. The existing units were originally authorized by the Flood Control Acts of 1936 and 1954. Project construction of the levee system was completed in 1974. The study was requested by the local sponsors and the Congress of the United States. Preconstruction engineering and design activities, if funded, would be continued under the authority provided by the act cited above.

2. The reporting officers recommend authorizing a plan to reduce flood damages by construction of modifications to significantly improve reliability and performance of the levee system in the vicinity of Topeka, Kansas. The recommendation is supported by the non-Federal Sponsors, the City of Topeka, Kansas, and the North Topeka Drainage District. The recommended plan is the National Economic Development (NED) plan. All features are located in the State of Kansas. The plan includes recommendations for modifications to four existing levee units within the Topeka Flood Risk Management Project: the South Topeka Unit, the Oakland Unit, the North Topeka Unit, and the Waterworks Unit.

a. South Topeka Unit. Levee under-seepage concerns will be addressed by installation of a control berm. Structural strength and uplift concerns will be improved by modifications of the Kansas Avenue Pump Station and three manholes. Approximately 2,000 linear feet of existing concrete floodwall on timber-pile foundations will be removed and replaced with a new floodwall on concrete piles following the same alignment and to the same height as the existing floodwall. The work in this unit will result in the removal of 7.5 acres of woodland habitat and appropriate mitigation measures are included in the Recommended Plan.

b. Oakland Unit. An area of under-seepage concern will be controlled with a berm and a stability berm will be installed to improve the stability factor of safety of the existing floodwall. Structural modification of the East Oakland Pump Station will be implemented to address uplift failure concerns.

CECW-NWD

SUBJECT: Topeka Flood Risk Management Project, Topeka, Kansas

c. North Topeka Unit: Two areas of low under-seepage reliability will be improved by installation of an under-seepage control berm and a series of pumped relief wells, respectively. One pump station that is no longer required, and currently poses an uplift failure risk, will be removed.

d. Waterworks Unit: Landside stability berms will be installed to increase the reliability of an existing concrete floodwall protecting the primary water source for the City of Topeka and surrounding communities.

3. Project costs are allocated to the Flood Risk Management purpose. Based on the October 2008 price levels, the estimated first cost to the plan is \$21,157,000. In accordance with the cost sharing provisions of Section 103 of the Water Resources Development Act (WRDA) of 1986, as amended by Section 202 of WRDA 1996, the Federal share of the total project cost would be \$13,752,000 (65 percent) and the non-Federal share would be \$7,405,000. The non-Federal costs include the costs of lands, easements, rights-of-way, relocations, and dredged (LERRD) or excavated material disposal areas, estimated at \$1,279,000.

4. Based on a 4.625 percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project, including operation, maintenance, repair, replacement, and rehabilitation (OMRR&R), are estimated to be \$1,168,000. The selected plan is estimated to be approximately 95 percent reliable in protecting the study area from the flood with a one percent chance of occurrence in any year (formerly referred to as the "100-year flood"). The selected plan would reduce average annual flood damages by about 67 percent and would leave average annual residual damages estimated at \$7,438,000. Annual average economic benefits are estimated to be \$15,428,000; net average annual benefits are \$14,260,000. The system-wide benefit-to-cost ratio is 13.2 to 1. The selected plan is composed of three separable elements: South Topeka/Oakland, North Topeka, and Waterworks Units. Although South Topeka and Oakland are separate units, they are linked hydrologically and therefore combine to form a single, separable element. The South Topeka/Oakland Units would provide \$4,014,000 in annual benefits with an annual cost of \$996,000 for a benefit-to-cost ratio of 4.0. The North Topeka Unit would provide \$11,408,000 in annual benefits with an annual cost of \$169,000 for a benefit-to-cost ratio of 67.4. The Waterworks Unit would provide \$6,000 in annual benefits with an annual cost of \$3,000 for a benefit-to-cost ratio of 2.0.

5. The goals and objectives included in the Campaign Plan of the U.S. Army Corps of Engineers have been fully integrated into the study process. The project effectively implements a comprehensive systems approach with full stakeholder participation. The project study has undergone rigorous quality control reviews in accordance with recent USACE guidance. These reviews included technical review of the engineering, economic, and environmental analyses by another USACE district. These reviews strengthened the recommendations of the reporting officers. The study report describes existing risks to the community, risks that will be reduced by the Recommended Plan, and residual risks that will remain from large, infrequent, flood events. In accordance with EC 1105-2-410, Appendix D, and future guidance that may be developed, a Safety Assurance Review (SAR) will be conducted prior to initiation of physical construction and periodically thereafter until construction activities are completed. The SAR

CECW-NWD

SUBJECT: Topeka Flood Risk Management Project, Topeka, Kansas

will be conducted by an independent (outside of the Corps of Engineers) panel. Establishment of the panel will be in accordance with applicable guidance at the time of project construction.

6. The levee system consist of six separately authorized units and is a component of a larger system of levees and reservoirs that provides flood damage reduction benefits to the Kansas River basin. There are no significant direct or cumulative environmental impacts associated with the recommended plan, primarily because it sustains the existing levee rather than encumbering additional resources for a “new” project. The long-term environmental and cultural consequences of plan implementation are positive as the increased reliability of the units act to guard the social and environmental fabric that has developed within the study area. The plan also contributes to regional economic development.

7. Washington level review indicates that the project recommended by the reporting officers is technically sound, environmentally and socially acceptable, and economically justified. The plan complies with all essential elements of the U.S. Water Resources Council’s Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies and complies with other administration and legislative policies and guidelines. Also, the views of interested parties, including Federal, State, and local agencies have been considered. Agency Technical Review was conducted for the study and all issues were satisfactorily resolved. This study was not required to conduct an Independent External Peer Review (IEPR). A safety assurance review (TYPE II IEPR) will be conducted during the design phase of the project.

8. I generally concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan to reduce flood damages for Topeka, Kansas, is authorized in accordance with the reporting officers' recommended plan at an estimated cost of \$21,157,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 103 of WRDA 1986, as amended, and in accordance with the following required items of cooperation that the non-Federal sponsor shall, prior to project implementation, agree to perform:

- a. Provide a minimum of 35 percent, but not to exceed 50 percent of total project costs as further specified below:
  1. Provide 25 percent of design costs in accordance with the terms of a design agreement entered into prior to commencement of design work for the project;
  2. Provide, during the first year of construction, any additional funds necessary to pay the full non-Federal share of design costs;
  3. Provide, during construction, a contribution of funds equal to 5 percent of total project costs;

CECW-NWD

SUBJECT: Topeka Flood Risk Management Project, Topeka, Kansas

4. Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the Government to be required or to be necessary for the construction, operation, and maintenance of the project;
5. Provide, during construction, any additional funds necessary to make its total contribution equal to at least 35 percent of total project costs;
- b. Shall not use funds from other Federal programs, including any non-Federal contribution required as a matching share therefore, to meet any of the non-Federal obligations for the project unless the Federal agency providing the Federal portion of such funds verifies in writing that expenditure of such funds for such purpose is authorized;
- c. Not less than once each year, inform affected interests of the extent of protection afforded by the project;
- d. Agree to participate in and comply with applicable Federal floodplain management and flood insurance programs;
- e. Comply with Section 402 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 701b-12), which requires a non-Federal interest to prepare a floodplain management plan within one year after the date of signing a project cooperation agreement, and to implement such plan not later than one year after completion of construction of the project;
- f. Publicize floodplain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in adopting regulations, or taking other actions, to prevent unwise future development and to ensure compatibility with protection levels provided by the project;
- g. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements, and rights-of-way or the addition of facilities which might reduce the level of protection the project affords, hinder operation and maintenance of the project, or interfere with the project's proper function;
- h. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way required for construction, operation, and maintenance of the project, including those necessary for relocations, the borrowing of materials, or the disposal of dredged or excavated material; and inform all affected

CECW-NWD

SUBJECT: Topeka Flood Risk Management Project, Topeka, Kansas


- persons of applicable benefits, policies, and procedures in connection with said Act;
- i. For so long as the project remains authorized, operate, maintain, repair, rehabilitate, and replace the project, or functional portions of the project, including any mitigation features, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government;
  - j. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating, maintaining, repairing, rehabilitating, or replacing the project;
  - k. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, rehabilitation, and replacement of the project and any betterments, except for damages due to the fault or negligence of the United States or its contractors;
  - l. Keep and maintain books, records, documents, or other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of 3 years after completion of the accounting for which such books, records, documents, or other evidence are required, to the extent and in such detail as will properly reflect total project costs, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Code of Federal Regulations (CFR) Section 33.20;
  - m. Comply with all applicable Federal and State laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141- 3148 and 40 U.S.C. 3701 – 3708 (revising, codifying and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c *et seq.*);
  - n. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigations

CECW-NWD

SUBJECT: Topeka Flood Risk Management Project, Topeka, Kansas

unless the Federal Government provides the non-Federal sponsor with prior specific written direction, in which case the non-Federal sponsor shall perform such investigations in accordance with such written direction;

- o. Assume, as between the Federal Government and the non-Federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project;
  - p. Agree, as between the Federal Government and the non-Federal sponsor, that the non-Federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, repair, rehabilitate, and replace the project in a manner that will not cause liability to arise under CERCLA; and
  - q. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 103(j) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until each non-Federal interest has entered into a written agreement to furnish its required cooperation for the project or separable element.
9. The recommendation contained herein reflects the information available at this time and current Departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before they are transmitted to the Congress as proposals for authorization and implementation funding. However, prior to transmittal to the Congress, the sponsors, the State, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



R. L. VAN ANTWERP  
Lieutenant General, US Army  
Chief of Engineers



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, DC 20314-1000

REPLY TO  
ATTENTION OF

CEMP-SPD (1105-2-10a)

DEC 30 2010

SUBJECT: American River Watershed (Common Features) Project, Natomas Basin,  
Sacramento and Sutter Counties, California

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on flood risk management for the Natomas Basin portion of the American River Watershed in the vicinity of Sacramento, California. It is accompanied by the report of the Sacramento District Engineer and the South Pacific Division Engineer. These reports supplement the 29 June 1992 and 27 June 1996 reports of the Chief of Engineers, and the March 2002 (revised July 2002) Post-Authorization Change Report, and were prepared as an interim general reevaluation study of the American River Common Features Project. The present study was conducted specifically to determine if there is a Federal interest in modifying the current authorized project features to address flood risk management issues related to levee seepage and stability in the Natomas Basin portion of the Common Features project area. The Common Features Project was authorized by Section 101(a)(1) of the Water Resources Development Act (WRDA) of 1996 (Public Law 104-303), as modified by Section 366 of WRDA 1999 (Public Law 106-53) and as further modified by Section 129 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137); and as amended by Section 130 the Energy and Water Development and Related Agencies Appropriations Act, 2008 (Division C of Public Law 110-161).

2. The reporting officers recommend modifying the authorized Common Features project to include a comprehensive plan to reduce the systemic risk associated with seepage and stability for the ring levee system surrounding the Natomas Basin. The recommendation is supported by the non-Federal sponsors, the State of California and the Sacramento Area Flood Control Agency. The principal features of the recommended modifications include widening of about 41.9 miles of existing levee, installation of about 34.8 miles of soil bentonite cutoff wall and about 8.3 miles of seepage berms, and bridge remediation at State Route 99. In addition, mitigation features pursuant to the Endangered Species Act are recommended, including creation of 75 acres of canal habitat and up to 200 acres of marsh habitat, creation of up to 60 acres of landside woodlands, creation of 1,600 linear feet of tree plantings, and establishment of a monitoring program for assessing mitigation performance.

3. Based on October 2010 price levels, the estimated first cost of the recommended modifications for the Natomas Basin is \$1,111,600,000. Adding these improvements to the currently authorized Common Feature project cost of \$277,900,000 increases the estimated first cost of the total Common Features project to \$1,389,500,000. The Federal share of the total



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project cost would be about \$921,200,000 and the non-Federal share would be about \$468,300,000. All project costs are allocated to the Flood Risk Management purpose.

4. In accordance with the cost sharing provisions of Section 103(a) of WRDA 1986 (Public Law 99-662), as amended by Section 202(a) of WRDA 1996, and of Section 366(c) of WRDA 1999, the Federal share of the first costs of the flood damage reduction features would be about \$921,200,000 and the non-Federal share would be about \$468,300,000. The cost of lands, easements, rights-of-way, relocations, and dredged or excavated material disposal areas is estimated at \$352,200,000. The State of California would be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction, a cost currently estimated at about \$5,300,000 per year.

5. Based on a 4.375-percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated to be \$82,500,000, including operation, maintenance, repair, replacement, and rehabilitation (OMRR&R). The selected plan is estimated to be 81 percent reliable in providing flood risk management for the study area from the one-percent flood event. The selected plan would reduce average annual flood damages by about 96 percent and would leave average annual residual damages estimated at \$19,000,000. Average annual economic benefits are estimated to be \$502,500,000; net average annual benefits are \$420,000,000. The benefit-to-cost ratio is 6 to 1.

6. In accordance with the provisions of Section 104 of WRDA 1986, the reporting officers recommend the non-Federal sponsor receive credit for work carried out which is compatible with the plan recommended for authorization, an amount currently estimated to be \$519,230,000. This credit eligibility was approved in concept by the Assistant Secretary of the Army for Civil Works on 19 July 2007, 7 April 2009, 4 May 2010, and 10 November 2010, contingent upon the determination of the actual elements of such non-Federal work requiring authorization as features of the new Federal improvements, and inclusion of these elements in the plan recommended by this reevaluation report. Section 104 credit does not relieve the non-Federal sponsor of the requirement to pay five percent of the project costs in cash during construction of the remainder of the project. No Section 104 credit is available for non-Federal work commenced after project authorization. The non-Federal features of the plan constructed or being constructed that are recommended under the above criteria include the following:

a. Strengthen approximately 5.5 miles of the Natomas Cross Canal south levee by flattening the landside levee slope and installing seepage cut-off walls.

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b. Strengthen approximately 4.9 miles of the Sacramento River east levee from Verona to Elverta Road by constructing a landside adjacent levee and installing seepage cut-off walls and landside seepage berms.

c. Strengthen approximately 4.0 miles of the Sacramento River east levee from Elverta Road past Interstate Highway 5 by constructing a landside adjacent levee and installing seepage cut-off walls and landside seepage berms.

d. Strengthen approximately 3.7 miles of the Sacramento River east levee from just downstream of Interstate Highway 5 to just past Powerline Road.

7. The goals and objectives included in the Campaign Plan of the U.S. Army Corps of Engineers (USACE) have been fully integrated into the Natomas Basin study process. The recommended plan was developed utilizing a systems approach in formulating flood risk management solutions and in evaluating the impacts and benefits of those solutions. The levee system was viewed in context with the overall Sacramento River Flood Control Project to ensure that the recommended plan complemented the goals of the larger system and did not induce any negative impacts to other system components. A collaborative approach to solving water resource problems was implemented that included engagement of the project sponsors throughout the feasibility process, integration of the recommended plan with the sponsors' Natomas Levee Improvement Program, coordination with State and Federal resource agencies during National Environmental Policy Act (NEPA) compliance document preparation, and incorporation of the agencies' draft report comments into the final report.

8. In accordance with the Corps Engineering Circular EC 1165-2-209 on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and vigorous review process to ensure technical quality. This included an independent Agency Technical Review (ATR), an independent External Peer Review (IEPR), and a USACE Headquarters policy and legal review. The ATR resulted in comments on levee performance curves, the plan formulation process, appropriate cost sharing percentages, issues related to levee vegetation, and historic versus modeled flood damage comparison. Consensus and resolution was reached on all ATR comments. The IEPR was managed by an outside eligible organization (Battelle Memorial Institute) that assembled a panel of six experts with combined expertise in the fields of geotechnical, hydraulic engineering, economics, and environmental/NEPA. Ultimately, the panel identified and documented 35 comments. Six of the panel comments were classified as having high significance. These comments were related to the plan formulation process and the without project conditions, additional clarification of the discussion on induced floodplain development as related to Executive Order (EO) 11988, and clarification of including Native American residents in the discussion of EO 12898. An additional comment requested

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clarification on the order of implementation for levee fixes. In response, sections in the main report and Economics Appendix were expanded to include additional information on the plan formulation and economic analysis process, including a reach-by-reach description of the problems and solutions that were considered in developing the system-wide alternatives. The rationale for the project not inducing growth was provided and the report was revised to clarify the discussion on EO 11988, and sections of the report were revised to indicate compliance with EO 12898 in that no Native American tribes currently reside in the project area as a distinct population group. Level II IEPR for Safety Assurance will be conducted in accordance with EC 1165-2-209 during the implementation of the Project Engineering and Design phase. The IEPR panel has concurred with all of the USACE responses and this process has led to improved report quality.

9. The USACE Headquarters review indicates that the project recommended by the reporting officers is technically sound, environmentally and socially acceptable, and economically justified. The goal to reduce loss of life is incorporated into this project but it is a shared responsibility that can never be completely mitigated by structural solutions. Discussion in the report states that residual risk will remain with this plan in place and emphasizes the roles of all partners in addressing and communicating residual risk, including the need for a well coordinated flood evacuation plan and implementation of local measures to mitigate residual risk through prudent land use planning. The plan complies with all essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources implementation studies and complies with other administrative and legislative policies and guidelines.

10. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the Common Features project be modified to reduce flood risk for the Natomas Basin portion of the American River Watershed in the vicinity of Sacramento, California, in accordance with the reporting officers' recommended plan, at an estimated cost of \$1,389,500,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 103 of WRDA 1986, as amended, and in accordance with the required items of cooperation that the non-Federal sponsor shall agree to perform:

a. Provide a minimum of at least 25 percent of total project costs for the lower American River portion of the project and at least 35 percent for the Natomas Basin portion of the project but not to exceed 50 percent of total project costs as further specified below:

(1) Provide a cash contribution equal to five percent of total project costs;

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(2) Provide, during the first year of construction, any additional funds necessary to pay the full non-Federal share of design costs;

(3) Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the Government to be required or to be necessary for the construction, operation, and maintenance of the project;

(4) Provide, during construction, any additional funds necessary to make its total contribution equal to at least 25 percent of total project costs for the lower American River portion of the project and at least 35 percent for the Natomas Basin portion of the project;

b. Provide 100 percent of all costs for local betterments.

c. Shall not use funds from other Federal programs, including any non-Federal contribution required as a matching share therefore, to meet any of the non-Federal obligations for the project unless the Federal agency providing the Federal portion of such funds verifies in writing that expenditure of such funds for such purpose is authorized;

d. Not less than once each year, inform affected interests of the extent of flood risk management afforded by the project;

e. Agree to participate in and comply with applicable Federal floodplain management and flood insurance programs;

f. Comply with Section 402 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 701b-12), which requires a non-Federal interest to prepare a floodplain management plan within one year after the date of signing a project cooperation agreement, and to implement such plan not later than one year after completion of construction of the project;

g. Publicize floodplain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in adopting regulations, or taking other actions, to prevent unwise future development and to ensure compatibility with flood risk management levels provided by the project;

h. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on

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project lands, easements, and rights-of-way or the addition of facilities which might reduce the level of flood risk management the project affords, hinder operation and maintenance of the project, or interfere with the project's proper function;

i. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way required for construction, operation, and maintenance of the project, including those necessary for relocations, the borrowing of materials, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act;

j. For so long as the project remains authorized, operate, maintain, repair, rehabilitate, and replace the project, or functional portions of the project, including any mitigation features, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government;

k. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating, maintaining, repairing, rehabilitating, or replacing the project;

l. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, rehabilitation, and replacement of the project and any betterments, except for damages due to the fault or negligence of the United States or its contractors;

m. Keep and maintain books, records, documents, or other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of three years after completion of the accounting for which such books, records, documents, or other evidence are required, to the extent and in such detail as will properly reflect total project costs, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Code of Federal Regulations (CFR) Section 33.20;

n. Comply with all applicable Federal and State laws and regulations, including, but not limited to: Section 106 of the National Historic Preservation Act of 1966, Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination

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on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army”; and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141- 3148 and 40 U.S.C. 3701 – 3708 (revising, codifying and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a et seq.), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 et seq.) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c et seq.);

o. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigations unless the Federal Government provides the non-Federal sponsor with prior specific written direction, in which case the non-Federal sponsor shall perform such investigations in accordance with such written direction;

p. Assume, as between the Federal Government and the non-Federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project;

q. Agree, as between the Federal Government and the non-Federal sponsor, that the non-Federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, repair, rehabilitate, and replace the project in a manner that will not cause liability to arise under CERCLA; and

r. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 103(j) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until each non-Federal interest has entered into a written agreement to furnish its required cooperation for the project or separable element.

11. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works

CEMP-SPD (1105-2-10a)

SUBJECT: SUBJECT: American River Watershed (Common Features) Project, Natomas Basin, Sacramento and Sutter Counties, California

construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the sponsor, the State, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.

A handwritten signature in black ink, appearing to read "R. L. Van Antwerp", is written over the typed name.

R. L. VAN ANTWERP  
Lieutenant General, US Army  
Chief of Engineers





REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

CECW-MVD (1105-2-10a)

JAN 27 2011

SUBJECT: Cedar River, Cedar Rapids, Iowa

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on flood risk management along the Cedar River in Cedar Rapids, Iowa. It is accompanied by the report of the district and division engineers. These reports are in response to a House Resolution adopted April 5, 2006, by the Committee on Transportation and Infrastructure, and Senate Resolution adopted May 23, 2006, by the Committee on Environment and Public Works. Both resolutions "requested the review of past pertinent reports to determine whether any modifications to the recommendations are advisable in the interest of flood risk management, ecosystem restoration, recreation, and related purposes along the Cedar River in Cedar Rapids, Iowa." Preconstruction engineering and design activities for the Cedar River project will continue under the authority provided by the resolutions cited above.

2. The reporting officers recommend authorization of a plan to reduce flood risk along the east bank of the Cedar River in the City of Cedar Rapids. The recommended plan consists of 2.2 miles of floodwall and 0.8 miles of earthen levee with a height of approximately 14 feet, 15 closure structures, and six pumping stations constructed on the east bank of the Cedar River. Recreation or ecosystem restoration measures were found to be not justified and are therefore not part of the recommended plan. The project does not require any separable mitigation as the project has been design to offset any adverse impacts which may occur. The recommended plan is the National Economic Development (NED) plan.

3. Based on an October 2010 price level, the estimated total first cost of the recommended plan is \$99,000,000. In accordance with the cost sharing provisions of the Section 103 of the Water Resources Development Act of 1986 (WRDA 1986), as amended by Section 202 of WRDA 1996, the Federal share of the total project cost is estimated at \$64,350,000 (65 percent) and the non-Federal share is estimated at \$34,650,000 (35 percent). The cost of lands, easements, rights-of-way, relocations, and excavated material disposal areas is estimated at \$11,700,000. The City of Cedar Rapids, Iowa is the non-Federal cost sharing sponsor for the recommended plan. The City of Cedar Rapids would be responsible for the operation, maintenance, repair, replacement,

CECW-PC (1105-2-10a)

SUBJECT: Cedar River, Cedar Rapids, Iowa

and rehabilitation (OMRR&R) of the project after construction, a cost currently estimated at \$18,000 per year.

4. Based on a 4.125-percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project, including OMRR&R, are estimated to be \$5,125,000. The equivalent average annual benefits are estimated to be \$6,144,000 with net average annual benefits of \$1,019,000. The benefit-cost ratio is approximately 1.2 to 1. The reporting officers estimate that the recommended plan has a 99.99 percent chance of containing a 1 percent flood event and a 91.24 percent chance of containing a 0.2 percent flood event. The recommended plan would reduce expected annual flood damages to the east bank area by about 84 percent.

5. The goals and objectives included in the Campaign Plan of the U.S. Army Corps of Engineers have been fully integrated into the Cedar Rapids study process. As part of an Integrated Water Resources Management Plan (IWRMP), the recommended plan was developed in coordination and consultation with various Federal, State and local agencies using a systems approach in formulating flood risk management solutions and in evaluating the impacts and benefits of those solutions. Study formulation looked at a wide range of non-structural and structural alternatives with only the downtown east bank being justified for structural flood risk reduction measures under Corps policy and guidelines. Alternative formulation optimized the costs and benefits of an array of design heights based on various flood event risks. Floodwall and levee components incorporate robust, sustainable designs like a T-wall atop a sheetpile curtain, and a clay levee with a 10-foot top width and 3 on 1 horizontal to vertical side slopes. In addition, the levee system was viewed in context with the sponsor's Preferred Flood Management System to ensure that the recommended plan complemented the goals of the larger system and did not induce any negative impacts to other system components. Since the record flood event in June 2008 flood (which exceeded the 0.2 percent flood), the District has participated in four meetings, multiple workshops and town halls hosted by the sponsor involving over 2,600 citizens. As part of the IWRMP, the non-Federal sponsor developed the locally Preferred Flood Management System in which providing a structural flood risk management alternative for both sides of the floodplain was viewed as critical. As the first phase of executing the IWRMP (which includes the Corps' east side plan), the non-Federal sponsor, Linn County, and private property owners are implementing non-structural measures using FEMA, HUD, and Local Option Sales Tax programs. This approach allows each agency's programs to provide funding targeted at reducing the risk to the west side floodplain and other areas within the City. Finally, the IWRMP includes the development of the overarching Iowa-Cedar River Comprehensive Plan which will work to formulate a comprehensive watershed plan and process for interagency collaboration to address water resource and related land resource problems and opportunities within the watershed. The development of this collaborative approach to solving water resource problems engaged the non-Federal sponsor throughout the feasibility process leading to the development of an overall

CECW-PC (1105-2-10a)

SUBJECT: Cedar River, Cedar Rapids, Iowa

Integrated Water Resources Management Plan through integration of the recommended plan with the non-Federal sponsor's Preferred Flood Management System.

6. The non-Federal sponsor wishes to perform design and construction of structural flood risk management measures that are elements of the recommended plan. The non-Federal sponsor intends to design and construct a segment of floodwall on the east side of the Cedar River upstream of Interstate 380, from approximately station 165+00 to approximately station 186+00. This approximately 2,100-foot segment of floodwall would effectively reduce flood risk for the 1% flood event to industrial properties in this area. Pursuant to Section 221 of the Flood Control Act of 1970 as amended, the non-Federal sponsor will be eligible to receive credit for the work, subject to a determination by the Secretary of the Army that the work is integral to the project and execution of an agreement covering the work that is executed by the Corps and the non-Federal sponsor prior to work being carried out.

7. In accordance with the Corps Engineering Circular on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and vigorous review process to ensure technical quality. This included an independent Agency Technical Review (ATR), an Independent External Peer Review (IEPR), and a Corps Headquarters policy and legal review. All concerns of the ATR have been addressed and incorporated into the final report. The IEPR report was completed by Battelle Memorial Institute and provided to the Rock Island District in 2010. A total of 12 comments were received, of which two were deemed significant regarding (a) the potential for additional sponsor costs for the ongoing Phase 1 Archeological and Architectural Survey and (b) the potential for the 2008 flood event to create additional economic uncertainties related to the existing and future project damage estimates. In response, sections in the district's main report and Economics Appendix were expanded to include additional information. All comments from the above referenced reviews have been addressed and incorporated into the final project documents and recommendation as appropriate. Level II IEPR for Safety Assurance will be conducted in accordance with EC 1165-2-209 during the implementation of the Preconstruction Engineering and Design phase. Overall the reviews have resulted in the improvement in the technical quality of the report.

8. The Washington level review indicates that the plan recommended by the reporting officers is technically sound, economically justified, and environmentally and socially acceptable. As the report discusses, residual risk will remain with this plan in place and emphasizes the role of the non-Federal sponsor in addressing and communicating residual risk. The plan complies with essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies and complies with other administration and legislative policies and guidelines. Also, the views of interested parties, including Federal, State, and local agencies have been considered.

CECW-PC (1105-2-10a)

SUBJECT: Cedar River, Cedar Rapids, Iowa

9. I concur with the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the Cedar Rapids project be authorized in accordance with the reporting officer's recommended plan at a total estimated cost of \$99,000,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 103 of WRDA 1986, as amended by Section 202 of WRDA 1996. Accordingly, the non-Federal sponsor must agree with the following requirements prior to project implementation.

a. Provide a minimum of 35 percent, but not to exceed 50 percent of total first costs further specified as follows:

(1) Provide 25 percent of design costs allocated by the Federal Government to flood risk management in accordance with the terms of a design agreement entered into prior to commencement of design work for the flood risk management features;

(2) Provide, during the first year of construction, any additional funds necessary to pay the full non-Federal share of design costs allocated by the Federal Government to flood risk management;

(3) Provide, during construction, a contribution of funds equal to 5 percent of total flood risk management costs;

(4) Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the Federal Government to be required or to be necessary for the construction, operation, and maintenance of the flood risk management features;

(5) Provide, during construction, any additional funds necessary to make its total contribution for flood risk management equal to at least 35 percent of total flood risk management costs;

b. Not use funds from other Federal programs, including any non-Federal contribution required as a matching share therefore, to meet any of the City obligations for the project unless the Federal agency providing the Federal portion of such funds verifies in writing that such funds are authorized to be used to carry out the project;

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SUBJECT: Cedar River, Cedar Rapids, Iowa

- c. Not less than once each year, inform affected interests of the extent of flood damage reduction afforded by the flood risk management features;
- d. Agree to participate in and comply with applicable Federal floodplain management and flood insurance programs;
- e. Comply with Section 402 of the WRDA of 1986, as amended (33 U.S.C. 701b-12), which requires a non-Federal interest to prepare a floodplain management plan within one year after the date of signing a project cooperation agreement, and to implement such plan not later than one year after completion of construction of the flood risk management features;
- f. Publicize floodplain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in adopting regulations, or taking other actions, to prevent unwise future development and to ensure compatibility with degrees of flood risk management provided by the flood risk management features;
- g. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements, and rights-of-way or the addition of facilities which might reduce the level of protection the flood risk management features afford, hinder operation and maintenance of the project, or interfere with the project's proper function;
- h. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way required for construction, operation, and maintenance of the project, including those necessary for relocations, the borrowing of materials, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act;
- i. For so long as the project remains authorized, operate, maintain, repair, rehabilitate, and replace the project, or functional portions of the project, including any mitigation features, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and state laws and regulations and any specific directions prescribed by the Federal Government;
- j. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the City owns or controls for access to the project for the purpose of completing, inspecting, operating, maintaining, repairing, rehabilitating, or replacing the project;

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SUBJECT: Cedar River, Cedar Rapids, Iowa

k. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, rehabilitation, and replacement of the project and any betterments, except for damages due to the fault or negligence of the United States or its contractors;

l. Keep and maintain books, records, documents, or other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of three years after completion of the accounting for which such books, records, documents, or other evidence are required, to the extent and in such detail as will properly reflect total project costs, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Code of Federal Regulations Section 33.20;

m. Comply with all applicable Federal and state laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141- 3148 and 40 U.S.C. 3701 – 3708 (revising, codifying and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c *et seq.*);

n. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under CERCLA, Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigations unless the Federal Government provides the City with prior specific written direction, in which case the City shall perform such investigations in accordance with such written direction;

o. Assume, as between the Federal Government and the City, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project;

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SUBJECT: Cedar River, Cedar Rapids, Iowa

p. Agree, as between the Federal Government and the City, that the City shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, repair, rehabilitate, and replace the project in a manner that will not cause liability to arise under CERCLA; and

q. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 103(j) of the WRDA of 1986, Public Law 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the City has entered into a written agreement to furnish its required cooperation for the project or separable element.

r. Provide the non-Federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation, that are in excess of one percent of the total amount authorized to be appropriated for the project.

s. Provide the non-Federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation, that are in excess of one percent of the total amount authorized to be appropriated for the project.

10. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the non-Federal sponsor, the State, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



R. L. VAN ANTWERP  
Lieutenant General, US Army  
Chief of Engineers



REPLY TO  
ATTENTION OFDEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

CECW-MVD (1105-2-10a)

DEC 19 2011

SUBJECT: Fargo-Moorhead Metropolitan Area Flood Risk Management Project, North Dakota and Minnesota

## THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on flood risk management in the Fargo-Moorhead metropolitan area of North Dakota and Minnesota. It is accompanied by the report of the district and division engineers. These reports are in response to a resolution of the Senate Committee on Public Works, adopted 30 September 1974. The resolution requested the review of "reports on the Red River of the North Drainage Basin, Minnesota, South Dakota and North Dakota, submitted in House Document Numbered 185, 81<sup>st</sup> Congress, 1<sup>st</sup> Session, and prior reports, with a view to determining if the recommendations contained therein should be modified at this time, with particular reference to flood control, water supply, wastewater management and allied purposes." Preconstruction engineering and design activities will be continued under the authority provided by the resolution cited above.
2. The reporting officers recommend authorization of a plan to reduce flood risk in the Fargo-Moorhead metropolitan area by constructing a diversion channel within North Dakota combined with upstream floodwater staging and storage. The recommended plan consists of a 36 mile 20,000 cubic feet per second (cfs) diversion channel that would start approximately four miles south of the confluence of the Red and Wild Rice rivers and extend west and north around the North Dakota cities of Horace, Fargo, West Fargo and Harwood and ultimately re-enter the Red River of the North downstream of the confluence of the Red and Sheyenne rivers near Georgetown, Minnesota. The diversion channel would cross the Wild Rice, Sheyenne, Maple, Lower Rush and Rush rivers and incorporate the existing Horace to West Fargo Sheyenne River diversion channel. The main line of protection at the south end of the project includes the embankments adjacent to the diversion channel, floodwater Storage Area 1 embankments, and two tie-back levees. Project features would be located in both North Dakota and Minnesota. Unavoidable environmental impacts would be mitigated for with construction of fish passage structures along the Red and Wild Rice rivers; construction of additional fish passage projects in the Red River basin; stream restorations on tributaries near the project; conversion of floodplain agricultural land to floodplain forest; and creating wetlands within the diversion channel footprint. These mitigation features along with adaptive management would be monitored for up

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SUBJECT: Fargo-Moorhead Metropolitan Area Flood Risk Management Project, North Dakota and Minnesota

to twenty years to ensure their performance. This would include pre- and post-project monitoring. The recommended plan is a deviation from the national economic development (NED) plan and is the locally preferred plan (LPP).

3. The currently identified NED Plan is a diversion channel located east of Moorhead, MN with a capacity of 40,000 cfs. The NED Plan diversion channel would be approximately 25 miles long with approximately 10 miles of tie-back levees and includes a large control structure on the Red River of the North. The NED Plan would reduce the stage from the 0.2 percent flood event from approximately 46.7 to 37.6 feet on the Fargo gage.

4. The recommended LPP (following an alignment in North Dakota) would reduce flood stages on the Red River to a lesser degree than the NED plan (following an alignment in Minnesota); the LPP would reduce the stage from the 0.2 percent flood event from approximately 46.7 to 40.0 on the Fargo gage. But the LPP would benefit a larger geographic area and address flooding on four tributaries to the Red River that are not addressed by the NED plan. The LPP provides approximately \$6,000,000 less in average annual flood risk management benefits than the NED plan. Since the LPP provides fewer average annual benefits than the NED plan, a comparable smaller scale plan with similar outputs to the LPP was identified along the NED alignment to set the Federal cost share. This plan was identified as the Federally Comparable Plan (FCP) and serves as the basis to determine the project cost sharing apportionment. Federal investment in the flood risk management features of the LPP is capped at the investment that would have been made for the FCP. Based on October 2011 price levels, the estimated first cost of the FCP flood risk management features is \$1,205,207,000. In accordance with the cost sharing provisions of Section 103 of the Water Resources Development Act (WRDA) of 1986, as amended, the Federal share of the first cost of the FCP flood risk management features is estimated at \$783,384,000 (65 percent).

5. Based on October 2011 price levels, the estimated first cost of the recommended LPP is \$1,781,348,000. The first cost of the recommended LPP includes approximately \$1,745,033,000 for flood risk reduction and approximately \$36,315,000 for recreation. In accordance with Section 103 of WRDA 1986, as amended, recreation features would be shared 50 percent Federal and 50 percent non-Federal. Federal cost sharing in the recommended LPP is limited to the Federal share of the FCP and the non-Federal sponsor would be required to provide 100 percent of the additional costs associated with design and construction of the LPP. The flood risk management features have an estimated first cost of \$1,745,033,000, with the Federal and non-Federal shares estimated at \$783,384,000 and \$961,649,000, respectively. The recreation features have an estimated first cost of \$36,315,000, with the Federal and non-Federal shares estimated at \$18,157,500 and \$18,157,500 respectively. Thus, the overall Federal share of the first costs of the LPP, including recreation, is estimated at \$801,542,000, and the non-Federal share is estimated at \$979,806,000. The cost includes \$17,600,000 for environmental monitoring and adaptive management. The cities of Fargo, North Dakota and Moorhead, Minnesota are the

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SUBJECT: Fargo-Moorhead Metropolitan Area Flood Risk Management Project, North Dakota and Minnesota

non-Federal cost sharing sponsors for the recommended plan. The cities of Fargo and Moorhead would be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction, a cost currently estimated at \$3,631,000 per year. The OMRR&R estimate includes \$527,135 for monitoring and adaptive management beyond the construction phase.

6. Based on a 4.0-percent discount rate, October 2011 price levels and a 50-year period of analysis, the total equivalent average annual costs of the recommended LPP, including OMRR&R, are estimated to be \$99,952,000, including \$98,098,000 for flood risk management and \$1,854,000 for recreation. The recommended LPP would significantly reduce risk to the Fargo-Moorhead metropolitan area from a flood which has a 1-percent chance of occurrence in any year; the 1-percent chance stage would be reduced from approximately 42.4 feet to 30.6 feet on the Fargo gage, which would require only minimal emergency measures to pass safely. The recommended LPP would leave average annual residual damages estimated at \$32,000,000. The equivalent average annual benefits are estimated to be \$174,617,000 for flood risk management and \$5,130,000 for recreation, respectively. The net average annual benefits would be \$76,519,000 for flood risk management and \$3,276,000 for recreation, respectively. The benefit-to-cost ratio for flood risk reduction is 1.78 to 1; and the benefit-to-cost ratio for recreation is 2.77 to 1; and the overall project benefit-to-cost ratio is 1.8 to 1.

7. The project would modify three existing Federal projects: the Rush River Channel Improvement project authorized by the Flood Control Acts of 1948 and 1950; the Lower Rush River Channel Improvement project authorized under provisions of Section 205 of the 1948 Flood Control Act; and the Sheyenne River project authorized by the 1986 Water Resources Development Act. The modifications to these projects will not impact the purposes for which they were authorized or the benefits they currently provide, and in some cases will curtail or eliminate the need for their continued operation and maintenance. All modifications will be carried out in a manner that fulfills the authorized purposes and provides the intended benefits of existing projects as well as the recommended plan. For example, approximately 2.1 miles of the Rush River project and 3.4 miles of the Lower Rush River project between the diversion channel and their respective confluences with the Sheyenne River, while no longer necessary to reduce flood risk in the same manner as when they were originally constructed, would continue to convey local drainage and need some measure of maintenance. The Horace to West Fargo portion of the existing Sheyenne River Diversion project would be incorporated into the LPP.

8. The recommended LPP was developed in coordination and consultation with various Federal, State and local agencies using a systems approach in formulating flood risk management solutions and in evaluating the impacts and benefits of those solutions. Study formulation looked at a wide range of structural and non-structural alternatives.

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SUBJECT: Fargo-Moorhead Metropolitan Area Flood Risk Management Project, North Dakota and Minnesota

9. The non-Federal sponsors wish to perform design and construction of structural flood risk management measures that are elements of the recommended plan. Pursuant to Section 221 of the Flood Control Act of 1970 as amended, and in accordance with existing guidance governing in-kind contribution credit, the non-Federal sponsors will be eligible to receive credit for the work, not to exceed their share, subject to a determination by the Secretary of the Army that the work is integral to the project. Prior to the work being carried out by the non-Federal sponsors, an In-Kind Memorandum of Understanding must be executed between the Corps and the non-Federal sponsors.

10. In accordance with the Engineering Circular on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and rigorous review process to ensure technical quality. This included an independent Agency Technical Review (ATR), an Independent External Peer Review (IEPR), and a Corps Headquarters policy and legal review. All concerns of the ATR have been addressed and incorporated into the report. The IEPR was conducted by the Battelle Memorial Institute. IEPR of the draft report was completed on July 6, 2010. A total of 23 comments were generated; all were resolved to the satisfaction of the IEPR panel. A second IEPR review began on April 21, 2011 to assess the Supplemental Draft Feasibility Report and EIS and supporting analyses. The IEPR report was completed in July 2011. A total of 16 comments were documented, one was flagged as high, eleven were flagged as medium, and four were flagged as low significance. The comment of high significance addressed the potential risks associated with the operation of the gates at the diversion control structures and the need for redundancy. In response, the Corps will conduct additional hydraulic modeling in the design phase to address the issue and ensure that all structures are designed to be safe and meet all Corps criteria. All other comments from this review have been addressed and incorporated into the final project documents and recommendation as appropriate. Type II IEPR for Safety Assurance will be conducted during the Preconstruction Engineering and Design phase and throughout implementation.

11. I concur with the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the Fargo-Moorhead project be authorized in accordance with the reporting officers' recommended plan at an estimated flood risk management cost of \$1,745,033,000 and estimated recreation cost of \$36,315,000 for an overall cost of \$1,781,348,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 103 of WRDA 1986, as amended by Section 202 of WRDA 1996. Accordingly, the non-Federal sponsors must agree with the following requirements prior to project implementation.

a. Provide a minimum of 35 percent, but not to exceed 50 percent of total FCP flood risk management costs as further specified below:

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(1) Provide the non-Federal share of design costs allocated by the Government to flood risk management in accordance with the terms of a design agreement entered into prior to commencement of design work for the flood risk management features;

(2) Provide, during construction, a contribution of funds equal to 5 percent of total FCP flood risk management costs;

(3) Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the Government to be required or to be necessary for the construction, operation, and maintenance of the flood risk management features;

(4) Provide, during construction, any additional funds necessary to make its total contribution for flood risk management equal to at least 35 percent of total FCP flood risk management costs;

(5) Provide 100 percent of all incremental costs of the Locally Preferred Plan.

b. Provide 50 percent of total recreation costs as further specified below:

(1) Provide the non-Federal share of design costs allocated by the Government to recreation in accordance with the terms of a design agreement entered into prior to commencement of design work for the recreation features;

(2) Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the Government to be required or to be necessary for the construction, operation, and maintenance of the recreation features;

(3) Provide, during construction, any additional funds necessary to make its total contribution for recreation equal to 50 percent of total recreation costs;

(4) Provide, during construction, 100 percent of the total recreation costs that exceed an amount equal to 10 percent of the Federal share of total FCP flood risk management costs;

c. Shall not use funds from other Federal programs, including any non-Federal contribution required as a matching share therefore, to meet any of the non-federal obligations for the project

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SUBJECT: Fargo-Moorhead Metropolitan Area Flood Risk Management Project, North Dakota and Minnesota

unless the Federal agency providing the Federal portion of such funds verifies in writing that expenditure of such funds for such purpose is authorized;

d. Not less than once each year, inform affected interests of the extent of protection afforded by the flood risk management features;

e. Agree to participate in and comply with applicable Federal floodplain management and flood insurance programs;

f. Comply with Section 402 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 701b-12), which requires a non-Federal interest to prepare a floodplain management plan within one year after the date of signing a project cooperation agreement, and to implement such plan not later than one year after completion of construction of the flood risk management features;

g. Publicize floodplain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in adopting regulations, or taking other actions, to prevent unwise future development and to ensure compatibility with protection levels provided by the flood risk management features;

h. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements, and rights-of-way or the addition of facilities which might reduce the level of protection the flood risk management features afford, hinder operation and maintenance of the project, or interfere with the project's proper function;

i. Keep the recreation features, and access roads, parking areas, and other associated public use facilities, open and available to all on equal terms;

j. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way required for construction, operation, and maintenance of the project, including those necessary for relocations, the borrowing of materials, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act;

k. For so long as the project remains authorized, operate, maintain, repair, rehabilitate, and replace the project, or functional portions of the project, including any mitigation features, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes

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SUBJECT: Fargo-Moorhead Metropolitan Area Flood Risk Management Project, North Dakota and Minnesota

and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government;

l. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating, maintaining, repairing, rehabilitating, or replacing the project;

m. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, rehabilitation, and replacement of the project and any betterments, except for damages due to the fault or negligence of the United States or its contractors;

n. Keep and maintain books, records, documents, or other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of 3 years after completion of the accounting for which such books, records, documents, or other evidence are required, to the extent and in such detail as will properly reflect total project costs, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Code of Federal Regulations (CFR) Section 33.20;

o. Comply with all applicable Federal and State laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141- 3148 and 40 U.S.C. 3701 – 3708 (revising, codifying and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c *et seq.*);

p. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigations unless the Federal Government provides the non-Federal



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SUBJECT: Fargo-Moorhead Metropolitan Area Flood Risk Management Project, North Dakota and Minnesota


sponsors with prior specific written direction, in which case the non-Federal sponsors shall perform such investigations in accordance with such written direction;

q. Assume, as between the Federal Government and the non-Federal sponsors, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project;

r. Agree, as between the Federal Government and the non-Federal sponsors, that the non-federal sponsors shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, repair, rehabilitate, and replace the project in a manner that will not cause liability to arise under CERCLA; and

s. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 103(j) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until each non-Federal interest has entered into a written agreement to furnish its required cooperation for the project or separable element.

12. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the sponsors, the States, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



MERDITH W. B. TEMPLE  
Major General, U.S. Army  
Acting Chief of Engineers

REPLY TO  
ATTENTION OFDEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

CECW-LRD (1105-2-10a)

MAY 16 2012

SUBJECT: Ohio River Shoreline, Paducah, Kentucky Reconstruction

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on flood risk management along the left bank of the Ohio River at Paducah, Kentucky. It is accompanied by the report of the district and division engineers. This report responds to Section 5077 of the Water Resources Development Act (WRDA) 2007 which directs the Secretary to complete a feasibility report for rehabilitation (reconstruction) of the existing flood damage reduction project at Paducah, Kentucky (Paducah, Kentucky Local Flood Protection Project) authorized by Section 4 of the Flood Control Act of June 28, 1938. Further, Section 5077 authorizes the Secretary to carry out the project, if determined feasible, at a total cost of \$3,000,000. The reconstruction project, as currently proposed, exceeds the amount authorized by Section 5077. Preconstruction engineering and design activities for the Ohio River Shoreline, Paducah, Kentucky Reconstruction project will continue under the authority provided by Section 5077 of WRDA 2007.

2. The existing Paducah, Kentucky, Local Flood Protection Project is a 12.2 mile-long levee and floodwall system completed in 1949. The project consists of about 9.2 miles of earthen levee and 3 miles of floodwalls and includes 12 floodwater pumping stations, and other interior drainage facilities. There are 47 movable closure and service openings in the floodwall system that must be manually secured in advance of flooding.

3. The reporting officers recommend authorizing a flood risk management plan to significantly improve reliability and restore system performance of the more than 60 year-old project at Paducah, Kentucky, by reconstructing certain features of the project. The proposed reconstruction work will extend functionality of, and update to modern design and safety standards, deteriorated mechanical, electrical, and structural components that have exceeded their design service lives. Additionally, the proposed plan provides for construction of one new floodwater pumping plant to address changes in interior flooding. The addition of this new pump plant will increase project efficiency and bring the reconstructed project features up to current design standards. Reconstruction items will generally consist of the following:

- (a) Recondition pumps, motors and motor control systems, major pump plant components and other miscellaneous items at each of the 12 existing pumping plants;
- (b) Construct a new pumping plant at Station 111+67A;
- (c) Slip-line 37 existing deteriorated corrugated metal pipes;

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SUBJECT: Ohio River Shoreline, Paducah, Kentucky Reconstruction

- (d) Stabilize diversion channel banks;
- (e) Replace floodwall water stop joints;
- (f) Plug and / or replace existing deteriorated toe drains;
- (g) Replace existing drainage inlet structures (two new gatewell structures) at Bee Branch -at approximate stations 32+12C and 32+38C;
- (h) Construct new gate well structures at stations 111+67A (at proposed pump plant #14) and 19+11 section B;
- (i) Permanently close 8 existing floodwall closures and raise an existing closure sill;
- (j) Install scour erosion control pad at Wall/Levee transitions; and
- (k) Provide other miscellaneous items

The proposed project does not require separable mitigation. The report includes an Environmental Assessment and finding of no significant impact on the quality of the environment. The recommended plan is the national economic development (NED) plan.

4. The estimated total first cost of the recommended plan is \$19,500,000 at the October 2011 price level. In accordance with the cost sharing provisions of the Section 103(a) of Public Law 99-662, as amended by Section 202 of WRDA 1996, the Federal share of the total cost of this project is estimated at \$12,675,000 (65 percent) and the non-Federal share is estimated at \$6,825,000 (35 percent), which includes \$436,000 for the estimated value of lands, easements, rights-of-way, relocations, and disposal areas. The city of Paducah, Kentucky is the non-Federal cost sharing sponsor for the recommended plan. The city of Paducah would be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction, a cost currently estimated at \$636,000 per year.

5. Based on a 4.0-percent discount rate and a 50-year period of economic analysis, the total equivalent average annual costs of the project, including OMRR&R, are estimated to be \$1,599,000. The equivalent average annual benefits are estimated to be \$7,349,000. Net average annual benefits are estimated as \$5,750,000. The benefit-to-cost ratio is approximately 4.6 to 1.

6. Implementation of the proposed reconstruction project would reduce expected equivalent annual flood damages in the project area by about 85 percent, from \$8,174,000 to \$1,257,000. The reporting officers estimate that the recommended plan has a 99.9 percent probability of containing a flood that has a 1-percent chance of happening in any year and a 99.6-percent probability of containing a flood that has a 0.2-percent chance of occurring in any year.

7. In accordance with implementation guidance on the in-kind contribution provisions of Section 221 of the Flood Control Act of 1970, as amended by Section 2003 of WRDA 2007, the reporting officers recommend that the non-Federal sponsor receive credit, currently estimated to be \$2,100,000, for completed reconstruction of drainage structures, including corrugated metal pipes, at the Paducah, Kentucky Local Flood Protection Project. Crediting is subject to the Secretary's determination that such work is integral to the proposed project. This credit

CECW-LRD (1105-2-10a)

SUBJECT: Ohio River Shoreline, Paducah, Kentucky Reconstruction

eligibility was approved in concept by the Assistant Secretary of the Army for Civil Works on November 14, 2008. Affording this credit would not relieve the non-Federal sponsor of the requirement to pay 5 percent of the total project costs in cash during construction of the remainder of the proposed project.

8. All technical, engineering and scientific work underwent an open, dynamic and vigorous review process to ensure technical quality. This included an independent Agency Technical Review (ATR) and a Headquarters, USACE policy and legal review. All concerns of the ATR and policy and legal reviews have been addressed and incorporated into the final report. Given the nature of reconstructing an existing project in the original project footprint, I have granted an exclusion from the requirement to conduct a Type I Independent External Peer Review.

9. I concur with the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the Ohio River Shoreline, Paducah, Kentucky Reconstruction project be authorized in accordance with the reporting officer's recommended plan with such modifications as may be advisable in the discretion of the Chief of Engineers. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 103 of WRDA 1986, as amended by Section 202 of WRDA 1996. Accordingly, the non-Federal sponsor must agree with the following requirements prior to project implementation:

a. Provide a minimum of 35 percent, but not to exceed 50 percent of total first costs further specified as follows:

(1) Provide 35 percent of design costs in accordance with the terms of a design agreement entered into prior to commencement of design work for project;

(2) Provide, during construction, a contribution of funds equal to 5 percent of total project costs;

(3) Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the Federal Government to be required or to be necessary for the construction, operation, and maintenance of the project;

(4) Provide, during construction, any additional funds necessary to make its total contribution equal to at least 35 percent of total project costs;

b. Not use funds from other Federal programs, including any non-Federal contribution required as a matching share for that other program, to meet any of its obligations for the project

CECW-LRD (1105-2-10a)

SUBJECT: Ohio River Shoreline, Paducah, Kentucky Reconstruction

unless the Federal agency providing the Federal portion of such funds verifies in writing that such funds are authorized to be used to carry out the project;

c. Not less than once each year, inform affected interests of the extent of flood damage reduction afforded by the flood risk management features;

d. Agree to participate in and comply with applicable Federal floodplain management and flood insurance programs;

e. Comply with Section 402 of WRDA 1986, as amended (33 U.S.C. 701b-12), which requires a non-Federal interest to prepare a floodplain management plan within one year after the date of signing a project cooperation agreement, and to implement such plan not later than one year after completion of construction of the flood risk management features;

f. Publicize floodplain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in adopting regulations, or taking other actions, to prevent unwise future development and to ensure compatibility with degrees of flood risk management provided by the flood risk management features;

g. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements, and rights-of-way or the addition of facilities which might reduce the level of protection the flood risk management features afford, hinder operation and maintenance of the project, or interfere with the project's proper function;

h. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way required for construction, operation, and maintenance of the project, including those necessary for relocations, the borrowing of materials, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act;

i. For so long as the project remains authorized, operate, maintain, repair, rehabilitate, and replace the project, or functional portions of the project, including any mitigation features, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and state laws and regulations and any specific directions prescribed by the Federal Government;

j. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the City owns or controls for access to the project for the purpose of completing, inspecting, operating, maintaining, repairing, rehabilitating, or replacing the project;

CECW-LRD (1105-2-10a)

SUBJECT: Ohio River Shoreline, Paducah, Kentucky Reconstruction

k. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, rehabilitation, and replacement of the project, except for damages due to the fault or negligence of the United States or its contractors;

l. Keep and maintain books, records, documents, or other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of three years after completion of the accounting for which such books, records, documents, or other evidence are required, to the extent and in such detail as will properly reflect total project costs, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Code of Federal Regulations Section 33.20;

m. Comply with all applicable Federal and state laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141- 3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c *et seq.*);

n. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under CERCLA, Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigations unless the Federal Government provides the City with prior specific written direction, in which case the City shall perform such investigations in accordance with such written direction;

o. Assume, as between the Federal Government and the City, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project;

p. Agree, as between the Federal Government and the City, that the City shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent

CECW-LRD (1105-2-10a)

SUBJECT: Ohio River Shoreline, Paducah, Kentucky Reconstruction

practicable, operate, maintain, repair, rehabilitate, and replace the project in a manner that will not cause liability to arise under CERCLA; and

q. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 1030) of WRDA 1986, Public Law 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the City has entered into a written agreement to furnish its required cooperation for the project or separable element.

r. Provide the non-Federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation, that are in excess of one percent of the total amount authorized to be appropriated for the project.

10. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the sponsor, the State, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



MERDITH W. B. TEMPLE  
Major General, U.S. Army  
Acting Commander



May 15, 2014



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET, NW  
WASHINGTON, DC 20314-1000

AUG 26 2013

Office of the Chief of Staff

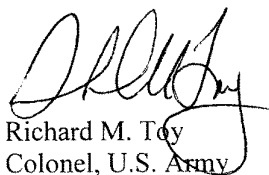
Honorable Bill Shuster  
Chairman, Committee on Transportation  
and Infrastructure  
House of Representatives  
2165 Rayburn House Office Building  
Washington, D.C. 20515

Dear Mr. Chairman:

As required by Section 2033 of P.L. 110-114, I am enclosing a copy of the final report of the Chief of Engineers on the Jordan Creek Flood Risk Management Project, Springfield, Missouri. Under separate letter, and in accordance with Executive Order 12322 dated September 17, 1981, the Assistant Secretary of the Army (Civil Works) will provide her report and the advice from the Office of Management and Budget on how the proposed project relates to the policy and programs of the President, the Economic, and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies, and other applicable laws, regulations, and requirements relevant to the planning process.

I am sending an identical letter to the Honorable Barbara Boxer, Chairman of the Senate Committee on Environment and Public Works. Thank you for your interest in the Corps Civil Works Program.

Sincerely,



Richard M. Toy  
Colonel, U.S. Army  
Chief of Staff

Enclosure



DEPARTMENT OF THE ARMY  
CHIEF OF ENGINEERS  
2600 ARMY PENTAGON  
WASHINGTON, D.C. 20310-2600

DAEN

AUG 26 2013

SUBJECT: Jordan Creek Flood Risk Management Study, Springfield Missouri

THE SECRETARY OF THE ARMY

1. I submit, for transmission to the Congress, my report on the study of flood risk management along Jordan Creek in Springfield, Missouri. It is accompanied by the report of the district and the division engineers. This report is an interim response to a resolution by the Committee on Public Works of the United States Senate, adopted 11 May 1962. This resolution requested "to review the reports on the White River and Tributaries, Missouri and Arkansas, printed in House Document Numbered 499, Eighty-third Congress, second session, and other reports, with a view to determining the advisability of modifying the existing project at the present time, with particular reference to developing a comprehensive plan of improvement for the basin in the interest of flood-control, navigation, hydro-electric power development, water supply, and other purposes, coordinated with related land resources." Preconstruction, engineering and design activities for the Jordan Creek Flood Risk Management project will continue under the authority provided by the resolution cited above.
2. The reporting officers recommend authorization of a plan for flood risk management along Jordan Creek in Springfield, Missouri. The recommended plan includes flood risk management features consisting of five regional detention basins and 2,100 feet of channel widening. Two detention basins are situated on the North Branch and three are located on the South Branch of Jordan Creek. Collectively, these basins provide 165 acre-feet of storage and a seven to eight percent decrease in flows through the downtown area. The channel work will occur south of downtown Springfield from Scenic Avenue on Wilsons Creek to approximately 350 feet north of the Bennett Street Bridge on Jordan Creek (area referred to as Reach 1). The channel widening includes the replacement of one Railroad Bridge and the addition of a flood diversion structure. The top width of the widened channel will vary from 100 feet to 360 feet. The recommended plan, the National Economic Development (NED) plan, will nearly eliminate flood damages along Jordan Creek in Reach 1 from a 1 in 500 annual chance exceedance (ACE) flood event (.2 percent chance of occurring in any given year). The channel improvements will also allow emergency flood fighting vehicles to respond to emergencies. The project will reduce expected annual flood damages along Jordan Creek by 65 percent, with the greatest reduction occurring in Reach 1. The project will also reduce traffic interruptions and disruptions to health and safety services.
3. The recommended plan is the NED plan. The estimated project first cost of the recommended plan, based on October 2012 price levels, is \$20,500,000. In accordance with the cost sharing provision of Section 103 of the Water Resources Development Act (WRDA) 1986, as amended

DAEN

SUBJECT: Jordan Creek Flood Risk Management Study, Springfield, Missouri

by Section 202 of WRDA 1996, the federal share of the first costs of the flood damage reduction features will be \$13,200,000 (64.6 percent) and the non-federal share will be \$7,300,000 (35.4 percent). The cost of the lands, easements, rights-of-way, relocations and dredged or excavated material disposal areas is estimated to be \$6,270,000. The minimum cash contribution of five percent is \$1,030,000 to be provided by the sponsor. Specific project features were developed to minimize adverse impacts to natural resources. Since there are no remaining significant environmental impacts, compensatory mitigation is not required for this project. The City of Springfield is responsible for the operation, maintenance, repair, replacement and rehabilitation (OMRR&R) of the project after construction, a cost currently estimated to be about \$230,000 annually. In addition to the above, the City of Springfield would be fully responsible for performing the investigation, cleanup and response of hazardous materials on the project site. The cost of hazardous material work is estimated to be no more than \$340,000 and is solely the non-federal sponsor's responsibility. Based on a 3.75 percent discount rate, October 2012 price levels and a 50-year period of analysis, the total equivalent average annual cost of the project is estimated to be \$1,170,000, including OMRR&R. The selected plan is not designed to any specific protection level. It will reduce average annual flood damages by 65 percent with the greatest reduction occurring in Reach 1. The selected plan will leave average annual residual damages in the watershed estimated at \$1,730,000. The equivalent average annual benefit is estimated to be \$3,130,000. The benefit-cost ratio is approximately 2.7 to 1.

4. The recommended plan was developed in coordination and consultation with various federal, state and local agencies using a systematic and regional approach to formulating solutions and evaluating the benefits and impacts that would result. The feasibility study evaluated flood risk management problems and opportunities for the entire study area of about 14 square-miles. Risk and uncertainty were addressed during the study by completing a cost risk analysis and a sensitivity analysis that evaluated the potential impacts of a change in economic assumptions. Flooding will still occur through the downtown area of Springfield, Missouri; however, there is minimal chance for a loss of life. The residual risks were explained to the sponsor and they understand and agree with this analysis.

5. In accordance with the Corps guidance on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and rigorous review process to ensure technical quality. This included an Agency Technical Review (ATR), an Independent External Peer Review (IEPR), and a Corps Headquarters policy and legal review. All concerns of the ATR were addressed and incorporated into the final report. An IEPR was completed by Battelle Memorial Institute in March 2013. A total of 15 comments were documented. In summary, the IEPR comments related to report inconsistencies and deficiencies in information. All comments were addressed by report revisions, and subsequently closed.

6. Washington level review indicated that the plan recommended by the reporting officers is technically sound, environmentally and socially acceptable, and economically justified. The plan complies with all essential elements of the 1983 U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation

DAEN

SUBJECT: Jordan Creek Flood Risk Management Study, Springfield, Missouri

Studies. The recommended plan complies with other administrative and legislative policies and guidelines. The views of interested parties, including federal, state and local agencies, were considered. Comments received from agencies during review of the draft feasibility report and environmental assessment indicated no adverse impacts from the selected plan. The U.S. Fish and Wildlife Service (USFWS) requested a low flow channel be added to the project to reduce potential scour. The USFWS comment was taken into consideration in the final report by adding a description of the low flow channel option. The suggested design change will be further examined during the pre-construction engineering and design phase. During state and agency review, comments were received from the Environmental Protection Agency (EPA) and the Missouri Department of Transportation (MoDOT). EPA was critical of the integration of the project report and NEPA document. MoDOT asked for continued coordination with them on technical issues as design and construction progresses.

7. I concur in the findings, conclusion and recommendations of the reporting officers. Accordingly, I recommend that improvements for flood risk management for the Jordan Creek Flood Risk Management Project be authorized generally in accordance with the reporting officer's recommended plan at an estimated project first cost of \$20,500,000. My recommendation is subject to cost sharing, financing and other applicable requirements of federal and state laws and policies, including Public Law 99-662, the Water Resources Development Act of 1986, as amended, and in accordance with the following required items of cooperation that the non-federal sponsor shall, prior to project implementation, agree to perform.

a. Provide a minimum of 35 percent, but not to exceed 50 percent, of the total flood risk management costs as further specified below:

(1) Provide the required non-federal share of design costs allocated by the government to flood risk management in accordance with the terms of a design agreement entered into prior to commencement of design work for the flood risk management features;

(2) Provide, during construction, a contribution of funds equal to 5 percent of the total flood risk management costs;

(3) Provide all lands, easements and rights-of-way, including those required for relocations, the borrowing of material and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the government to be required or to be necessary for the construction, operation and maintenance of the flood risk management features;

(4) Provide, during construction, any additional funds necessary to make its total contribution for flood risk management equal to at least 35 percent of the total flood risk management costs;

DAEN

SUBJECT: Jordan Creek Flood Risk Management Study, Springfield, Missouri

- b. Not use funds from other federal programs, including any non-federal contribution required as a matching share, to meet any of the non-federal obligations for the project unless the federal agency providing the federal portion of such funds verifies in writing that such funds are authorized to be used to carry out the project;
- c. Not less than once each year, inform affected interests of the extent of protection afforded by the flood risk management features;
- d. Agree to participate in and comply with applicable federal floodplain management and flood insurance programs;
- e. Comply with Section 402 of WRDA 1986, as amended (33 U.S.C. 701b-12), which requires a non-federal interest to prepare a floodplain management plan within one year of the date of signing a project cooperation agreement, and to implement such plan not later than one year after completion of construction of the flood risk management features;
- f. Publicize floodplain information in the area concerned, and provide this information to zoning and other regulatory agencies for their use in adopting regulations, or taking other actions, to prevent unwise future development, and to ensure compatibility with protection levels provided by the flood risk management features;
- g. Prevent obstructions or encroachments on the project (including prescription and enforcement of regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements or rights-of-way, or the addition of facilities that might reduce the level of protection of the flood risk management features, hinder operation and maintenance of the project or interfere with the project's proper function;
- h. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements and rights-of-way required for construction, operation and maintenance of the project, including those necessary for relocations, the borrowing of materials or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies and procedures in connection with said Act;
- i. For so long as the project remains authorized, OMRR&R the project, or functional portions of the project, including any mitigation features, at no cost to the federal government, in a manner compatible with the project's authorized purposes and in accordance with applicable federal and state laws and regulations and any specific directions prescribed by the federal government;
- j. Give the federal government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-federal sponsor owns or controls for access to the project for

DAEN

SUBJECT: Jordan Creek Flood Risk Management Study, Springfield, Missouri

the purpose of completing, inspecting, operating, maintaining, repairing, rehabilitating or replacing the project;

k. Hold and save the United States free from all damages arising from the OMRR&R of the project and any betterments, except for damages due to the fault or negligence of the United States or its contractors;

l. Keep and maintain books, records, documents or other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of 3 years after completion of the accounting for which such books, records, documents or other evidence are required, to the extent, and in such detail, as will properly reflect total project costs, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to state and local governments at 32 Code of Federal Regulations (CFR) Section 33.20;

m. Comply with all applicable federal and state laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable federal labor standards requirements including, but not limited to, 40 U.S.C. 3141- 3148 and 40 U.S.C. 3701 – 3708 (revising, codifying and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c *et seq.*);

n. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on or under lands, easements or rights-of-way that the federal government determines to be required for construction, operation and maintenance of the project. However, for lands that the federal government determines to be subject to the navigation servitude, only the federal government shall perform such investigations, unless the federal government provides the non-federal sponsors with prior specific written direction, in which case, the non-Federal sponsors shall perform such investigations in accordance with such written direction;

o. Assume, as between the federal government and the non-federal sponsors, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under the CERCLA that are located in, on or under lands, easements or rights-of-way that the federal government determines to be required for construction, operation and maintenance of the project;

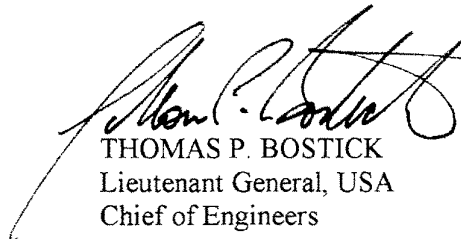
DAEN

SUBJECT: Jordan Creek Flood Risk Management Study, Springfield, Missouri

p. Agree, as between the federal government and the non-federal sponsors, that the non-federal sponsors shall be considered the operators of the project for the purpose of CERCLA liability, and to the maximum extent practicable, OMRR&R the project in a manner that will not cause liability to arise under CERCLA; and

q. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 103(j) of the WRDA 1986, Public Law 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until each non-federal interest has entered into a written agreement to furnish its required cooperation for the project or separable element.

8. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It neither reflects program and budgeting priorities inherent in the formulation of a national Civil Works construction program, nor the perspectives of higher review levels within the executive branch. Consequently, the recommendations may be modified before they are transmitted to the Congress as proposals for authorization and implementation funding. However, prior to transmittal to the Congress, the non-federal sponsor, the state, interested federal agencies and other parties will be advised of any modifications, and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, USA  
Chief of Engineers





DAEN

DEPARTMENT OF THE ARMY  
CHIEF OF ENGINEERS  
2600 ARMY PENTAGON  
WASHINGTON, D.C. 20310-2600

SEP 25 2013

SUBJECT: Orestimba Creek, West Stanislaus County, California

THE SECRETARY OF THE ARMY

1. I submit, for transmission to Congress, my report on the study of flood risk management along Orestimba Creek in the San Joaquin Basin near the City of Newman, California. It is accompanied by the report of the Sacramento District Engineer and the South Pacific Division Engineer. This report is a partial response to a Resolution by the Committee on Public Works of the House of Representatives, adopted 8 May 1964. This resolution requested a review of prior reports pertaining to the Sacramento-San Joaquin Basin, to determine whether any modifications of their recommendations are advisable, with particular reference to further coordinated development of water resources in the Basin. Preconstruction, engineering and design activities for the Orestimba Creek Flood Risk Management project will continue under the authority provided by the resolution cited above.
2. The reporting officers recommend authorization of a plan for flood risk management by construction of a levee along the City of Newman's northwestern perimeter, referred to as the Chevron Levee. The Chevron Levee maximizes benefits to the urban area by reducing flood damages associated with Orestimba Creek overflows. The north side of the Chevron Levee would be constructed along one mile of an unnamed farm road near Lundy Road about one mile north of town. The western segment would be about 4 miles of levee constructed along the eastern bank of an existing irrigation canal from the farm road south to the Newman Wasteway. The Chevron Levee would range in height from 5.5 to 10 feet, depending on the ground elevation changes along the levee alignment. The plan includes closure structures at four road crossings and one railroad crossing. Several non-structural features would be implemented by the non-federal sponsor to further reduce the consequences of flooding, manage the residual risk, and complement the recommended plan. These include development and implementation of an advanced warning system based on stream gauges at the points where the creek has historically overflowed its banks and placing informational warning signs along roads to alert drivers to the possibility of flooding in the area. This flood warning system would be combined with an emergency evacuation plan. A reverse 911 system would alert surrounding residents of the flood threat. The recommended plan is a Locally Preferred Plan (LPP) that includes the same elements as the National Economic Development (NED) Plan but raises the height of the Chevron Levee to include 3 feet of freeboard above the median 1/200 Average Chance Exceedance water surface elevation. This freeboard was requested by the non-federal sponsor in order to meet State of California requirements for an urban area which is identified as the 1/200 year median Water Surface Elevation plus 3 feet of freeboard. The estimated cost of the LPP is \$45,333,000 which is \$9,025,000 greater than the estimated cost of the NED Plan currently estimated to be \$36,308,000.

DAEN

SUBJECT: Orestimba Creek, West Stanislaus County, California

3. The recommended LPP would reduce flood risk to the City of Newman. The proposed project would reduce Expected Annual Damages (EAD) within Newman by 94%, with a residual EAD of approximately \$200,000. This residual EAD is a result of existing storm drainage flooding. Annual Exceedance Probabilities for flooding within Newman from Orestimba Creek, would be reduced from approximately 15% (1/15 chance of flooding in any given year) to less than 0.1%. The proposed project would have no significant long-term effects on environmental resources. In all cases, the potential adverse environmental effects would be reduced to a less than significant level through project design, construction practices, preconstruction surveys and analysis, regulatory requirements, and best management practices. No compensatory mitigation would be required. No jurisdictional wetlands were identified in the project footprint. Potential impacts to vegetation communities and special status species have been greatly reduced through feasibility level design. Direct impacts to nesting birds and other sensitive species would be avoided by implementing preconstruction surveys and scheduling of construction activities. The U.S. Fish & Wildlife Service has provided a biological opinion in which the agency had no recommendations for design refinement or mitigation. Impacts to agricultural land would be minimized by reducing the project footprint to the greatest extent practical.

4. Based on October 2013 price-levels, the estimated total first cost of the plan is \$45,333,000. In accordance with the cost sharing provision of Section 103 of the Water Resources Development Act (WRDA) of 1986, as amended (33 U.S.C. 2213), the City of Newman as the non-federal cost-sharing sponsor is responsible for the additional cost of the LPP. The federal share of the estimated first cost of initial construction would remain the same for the NED Plan and the LPP, currently estimated at \$23,681,750. The non-federal cost share increases from about \$12,626,000 with the NED Plan to about \$21,651,250 with the LPP. The cost of lands, easements, rights-of-way, relocations, and dredged or excavated material disposal areas is estimated at \$10,159,000. The City of Newman, California, would be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction. Operation and maintenance is currently estimated at about \$180,000 per year.

5. Based on a 3.75-percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated to be \$2,316,000, including OMRR&R. The selected plan is estimated to be 99.9 percent reliable in providing flood risk management for the City of Newman and vicinity, California, from a flood which has a one percent chance of occurrence in any year (100-year flood). The selected plan would reduce average annual flood damages by about 57 percent and would leave average annual residual damages estimated at \$2,364,000. Average annual economic benefits are estimated to be \$3,236,000; net average annual benefits are \$920,000. The benefit-to-cost ratio is 1.4 to 1.

6. The goals and objectives included in the Campaign Plan of the U.S. Army Corps of Engineers have been fully integrated into the Orestimba Creek feasibility study process. The recommended plan has been designed to avoid or minimize environmental impacts, to reduce risk of loss of life which has occurred in recent floods and to reasonably maximize economic benefits to the community. The recommended plan allows for continued floodplain flooding while focusing the flood risk reduction on the established urban area. The Feasibility Study team organized and participated in stakeholder meetings and public workshops throughout the process and worked

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SUBJECT: Orestimba Creek, West Stanislaus County, California

with local groups to achieve a balance of project goals and public concerns. The study report fully describes flood risks associated with Orestimba Creek and risks that will not be reduced. The residual risks have been communicated to the City of Newman and they understand and agree with the analysis.

7. In accordance with the Corps guidance on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and rigorous review process to ensure technical quality. This included an Agency Technical Review (ATR), an Independent External Peer Review (IEPR) (Type I), and a Corps Headquarters policy and legal review. All concerns of the ATR have been addressed and incorporated into the final report. An IEPR was completed by Battelle Memorial Institute in October 2012. A total of fifteen (15) comments were documented. The IEPR comments identified significant concerns in areas of the plan formulation, engineering assumptions, and environmental analyses that needed improvements to support the decision-making process and plan selection. This resulted in expanded narratives throughout the report to support the decision-making process and justify the recommended plan. All comments from the above referenced reviews have been addressed and incorporated into the final documents. Overall the reviews resulted in improvements to the technical quality of the report. A safety assurance review (Type II IEPR) will be conducted during the design phase of the project.

8. Washington level review indicated that the project recommended by the reporting officers is technically sound, environmentally and socially acceptable, and economically justified. The plan complies with all essential elements of the 1983 U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies. The recommended plan complies with other administrative and legislative policies and guidelines. The views of interested parties, including federal, state and local agencies have been considered. No comments were received during state and agency review.

9. I concur with the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan to reduce flood damage along Orestimba Creek near the City of Newman, California, be authorized in accordance with the reporting officers' recommended plan at an estimated cost of \$45,333,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of federal and state laws and policies, including Section 103 of WRDA 1986, as amended (33 U.S.C. 2213). The non-federal sponsor would provide the non-federal cost share and all Land, Easements, Rights-Of-Way, Relocation, and Disposal Areas (LERRD). Further, the non-federal sponsor would be responsible for all OMRR&R. This recommendation is subject to the non-federal sponsors agreeing to comply with all applicable federal laws and policies, including but not limited to:

a. Provide the non-federal share of total project costs, including a minimum of 35 percent but not to exceed 50 percent of total costs of the NED Plan, as further specified below:

1. Provide 35 percent of design costs in accordance with the terms of a design agreement entered into prior to commencement of design work for the project;

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SUBJECT: Orestimba Creek, West Stanislaus County, California

2. Provide, during construction, a contribution of funds equal to 5 percent of total costs of the NED Plan;

3. Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the government to be required or to be necessary for the construction, operation, and maintenance of the project;

4. Provide, during construction, any additional funds necessary to make its total contribution equal to at least 35 percent of total costs of the NED Plan;

b. Provide 100 percent of all incremental costs of the LPP.

c. Shall not use funds from other federal programs, including any non-federal contribution required as a matching share therefore, to meet any of the non-federal obligations for the project unless the federal agency providing the federal portion of such funds verifies in writing that expenditure of such funds for such purpose is authorized;

d. Not less than once each year, inform affected interests of the extent of protection afforded by the flood risk management features;

e. Agree to participate in and comply with applicable federal flood plain management and flood insurance programs;

f. Comply with Section 402 of WRDA 1986, as amended (33 U.S.C. 701b-12), which requires a non-federal interest to prepare a flood plain management plan within one year after the date of signing a project partnership agreement, and to implement such plan not later than one year after completion of construction of the project;

g. Publicize flood plain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in adopting regulations, or taking other actions, to prevent unwise future development and to ensure compatibility with protection levels provided by the flood risk management features;

h. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements, and rights-of-way or the addition of facilities which might reduce the level of protection the project affords, hinder operation and maintenance of the project, or interfere with the project's proper function;

i. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way required for construction, operation, and maintenance of the project, including those necessary for relocations, the borrowing of materials, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act;

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SUBJECT: Orestimba Creek, West Stanislaus County, California

j. For so long as the project remains authorized, OMRR&R of the project, or functional portions of the project, including any mitigation features, at no cost to the federal government, in a manner compatible with the project's authorized purposes and in accordance with applicable federal and state laws and regulations and any specific directions prescribed by the federal government;

k. Give the federal government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-federal sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating, maintaining, repairing, rehabilitating, or replacing the project;

l. Hold and save the United States free from all damages arising from the construction, OMRR&R of the project and any betterments, except for damages due to the fault or negligence of the United States or its contractors;

m. Keep and maintain books, records, documents, or other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of 3 years after completion of the accounting for which such books, records, documents, or other evidence are required, to the extent and in such detail as will properly reflect total project costs, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Code of Federal Regulations (CFR) Section 33.20;

n. Comply with all applicable federal and state laws and regulations, including, but not limited to Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable federal labor standards requirements including, but not limited to, 40 U.S.C. 3141 - 3148 and 40 U.S.C. 3701 - 3708 (revising, codifying and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c *et seq.*);

o. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way that the federal government determines to be required for construction, operation, and maintenance of the project. However, for lands that the federal government determines to be subject to the navigation servitude, only the federal government shall perform such investigations unless the federal government provides the non-federal sponsor with prior specific written direction, in which case the non-federal sponsor shall perform such investigations in accordance with such written direction;

p. Assume, as between the federal government and the non-federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands, easements, or rights-of-way that

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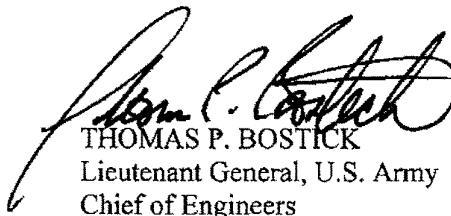
SUBJECT: Orestimba Creek, West Stanislaus County, California

the federal government determines to be required for construction, operation, and maintenance of the project;

q. Agree, as between the federal government and the non-federal sponsor, that the non-federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, OMRR&R of the project in a manner that will not cause liability to arise under CERCLA; and

r. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 103(j) of the WRDA 1986, Public Law 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until each non-federal interest has entered into a written agreement to furnish its required cooperation for the project or separable element.

10. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It neither reflects program and budgeting priorities inherent in the formulation of a national civil works construction program, nor the perspectives of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the sponsor, the state, interested federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, U.S. Army  
Chief of Engineers

**DEPARTMENT OF THE ARMY**

CHIEF OF ENGINEERS  
2600 ARMY PENTAGON  
WASHINGTON, DC 20310-2600

DAEN

MAR 12 2014

SUBJECT: Sutter Basin, California

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on flood risk management for the Sutter Basin, California. It is accompanied by the report of the district and the division engineers. This report was undertaken in partial response to the authority contained in Section 209 of the Flood Control Act of 1962, Public Law 87-874, 76 Stat. 1180, 1196, for the study of flood risk management and related water resources problems in the Sacramento River Basin, including the study area in Sutter and Butte Counties, California. The non-federal sponsors for this project are the state of California Department of Water Resources and the Sutter Butte Flood Control Agency. Pre-construction engineering and design activities for the Sutter Basin, California Flood Risk Management Project will continue under the authority cited above.
2. The reporting officers recommend authorizing a plan to reduce flood risk by strengthening approximately 41 miles of the existing Feather River West Levee from the Thermalito Afterbay to Laurel Avenue. The recommended plan would reduce adverse flooding effects, including risks to public and life safety, in the northern portion of the basin as well as in Yuba City. The primary method of strengthening the existing levee is the construction of soil-bentonite cutoff walls of various depths. Non-structural measures would be implemented in conjunction with the recommended plan. These measures include preparation of an emergency evacuation plan, identification of flood fight pre-staging areas, updates to the floodplain management plan, and flood risk awareness communication.
3. The recommended plan would reduce flood risk within the Sutter Basin. The proposed project would reduce Expected Annual Damages (EAD) within the Sutter Basin by 64 percent, with a residual EAD of approximately \$50,000,000. This residual EAD is primarily a result of existing flooding from the lower end of the Feather River and the Sutter Bypass within the southern portion of the basin, which is largely agricultural land and rural homes. Residual flooding also exists for the entire basin in the form of Feather River levee overtopping from events less frequent than the 0.5 percent (1/200) Annual Chance Exceedance (ACE) event. Annual Exceedance Probabilities (AEP) for flooding within Sutter Basin's existing urban communities would be reduced from approximately 4 percent-8 percent (depending on location) to approximately 0.2 percent.



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4. All consultations with the U.S. Fish and Wildlife Service and the U.S. National Marine Fisheries Service necessary for construction of the project have been completed, in order to mitigate for the detrimental effects of the flood risk management features of the recommended plan on fish and wildlife habitat. Environmental effects resulting from the construction of the recommended plan would cause some direct effects on riparian habitat and special status species habitats that cannot be avoided. The mitigation recommendations of the U.S. Fish and Wildlife Service (FWS) contained in the Final Fish and Wildlife Coordination Act Report are concurred in and are included in the recommended plan. The recommended plan includes a Fish and Wildlife Mitigation and Monitoring plan to compensate for adverse effects on fish and wildlife resources and to ensure the success of mitigation features. Other mitigation measures have been adopted to minimize the impact of construction on water quality, noise and vibration, and air quality. Endangered Species Act consultation with the FWS, in coordination with the non-federal sponsors, remains to be completed concerning the operations and maintenance of the project after construction, which is the responsibility of the non-federal sponsors under federal law. Cultural resource effects have been identified and coordinated with consideration of historical sites and structures in the Yuba City area and some prehistoric sites near the existing levee areas. The recommended plan would be in full compliance with the vegetation guidelines of Engineering Technical Letter 1110-2-571, Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams and Appurtenant Structures (Vegetation ETL) and maximum potential effects have been disclosed. During the preconstruction engineering and design (PED) phase, all options then available for compliance with the Vegetation ETL will be considered and consultation with resource agencies will be completed in coordination with the non-federal sponsors.

5. The first cost was estimated on the basis of October 2013 price levels and amounts to \$688,930,000. Estimated average annual costs of \$33,000,000 were based on a 3.50 percent discount rate, a period of analysis of 50 years, and construction ending in 2023. The cost of lands, easements, rights-of-way, relocations, and dredged or excavated material disposal areas (LERRD) is estimated at \$141,005,000. The Sutter Butte Flood Control Agency would be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction, a cost currently estimated at about \$454,000 per year, an increase of \$22,000 over existing costs from existing OMRR&R commitments of the existing levee.

6. The recommended plan encompasses two separable elements: the National Economic Development (NED) Plan, which will be cost shared with the non-federal sponsors, and a Locally Preferred Plan (LPP) increment, which will be funded 100 percent by the non-federal sponsors. The cost of the NED Plan is estimated to be \$391,840,000, with an estimated federal cost of \$255,270,000 and an estimated non-federal cost of \$136,570,000. The cost of the separable element constituting the LPP increment is estimated to be \$297,090,000. Since the non-federal sponsors would be responsible for the extra cost of the LPP increment, the non-federal cost share will increase from an estimated \$136,570,000 for the non-federal share of the

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NED Plan to an estimated total non-federal cost of \$433,660,000 for the entire recommended plan. The LPP increment reduces the vulnerability of a larger population that is economically disadvantaged including an elderly population with limited mobility that are subject to sudden and unpredictable failures with minimal warning time. The plan increment provides more evacuation routes relative to the NED Plan and improves the reliability of critical infrastructure exposed to the same flood risk while reducing substantial economic flood damages.

7. Local interests have completed construction of the Star Bend setback levee to replace a section of the right bank of the Feather River levee to address critical underseepage and flow constriction issues. Prior to initiation of construction, local interests requested and by letter dated June 10, 2009, the ASA(CW) approved Section 104 credit consideration for the levee construction. Construction of the setback levee was completed in 2010 at an estimated cost of \$20,776,349. The locally constructed setback levee is compatible to the recommended plan as an acceptable substitute. The Section 104 approval will allow design and construction dollars invested by the local sponsor to be considered for use as credit towards meeting the non-federal cost-share requirements for the project recommended by this feasibility study, if authorized.

8. Based on a 3.50 percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated to be \$33,000,000, including OMRR&R and interest during construction. The selected plan is estimated to be 97 percent reliable in providing flood risk management from a flood which has a one percent chance of occurrence in any year (100-year flood) for the communities of Biggs, Gridley, Live Oak, Yuba City and rural Butte County while only 22 percent reliable in reducing those risks for rural Sutter County south of Yuba City. The recommended plan would reduce average annual flood damages by approximately 64 percent and would leave average annual residual damages estimated at \$50,000,000. The population at risk within the 1 percent ACE floodplain for the No Action Alternative is 94,600. The recommended plan would reduce the population at risk to approximately 6,600. Average annual economic benefits are estimated to be \$87,000,000; net average annual economic benefits are \$54,000,000. The benefit-to-cost ratio is 2.6 to 1.

9. The recommended plan is similar to an alternative considered in the Final Environmental Impact Statement (FEIS), filed by U.S. Army Corps of Engineers (USACE) with the Environmental Protection Agency (EPA) on June 7, 2013, and Record of Decisions (dated July 19, 2013 and September 13, 2013) for Section 408 approval for the alteration of federal project levees under the Feather River West Levee Project (FRWLP). The Sutter Basin Flood Risk Management Project (SBFRMP) and FRWLP affect the same general area, have similar flood risk management objectives, and share potential measures and effects. As a consequence, National Environmental Policy Act compliance for the SBFRMP was accomplished by supplementation of the Section 408 FRWLP FEIS to address the environmental effects of the

DAEN

SUBJECT: Sutter Basin, California

features of the SBFRMP that differ from the FRWLP. The Final Feasibility Report, Final Environmental Impact Statement, and Supplemental Environmental Impact Statement focuses on the additional effects that would result from the SBFRMP, incorporating by reference, where appropriate, information, analyses, and conclusions contained in the FRWLP FEIS.

10. The goals and objectives included in the Campaign Plan of the USACE have been fully integrated into the Sutter Basin Pilot Feasibility study process. The recommended plan has been designed to avoid or minimize environmental impacts while maximizing future safety and economic benefits to the community. The recommended plan uses environmentally sustainable design of fix-in-place levee construction that was in coordination with a local community coalition to integrate project objectives and public concerns.

11. In accordance with the Engineering Circular on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and vigorous review process to ensure technical quality. This included an Agency Technical Review (ATR), an Independent External Peer Review (IEPR) (Type I), and USACE Headquarters policy and legal review. All concerns of the ATR have been addressed and incorporated into the final report. The IEPR was completed by Battelle Memorial Institute with all comments documented. The panel had 19 comments, one of which they considered significant, 15 were medium significance and 3 were low significance. The comments pertained to hydrology and hydraulic engineering, geotechnical engineering, civil engineering, economics and environmental concerns. In summary, the panel felt that the engineering, economics and environmental analysis were adequate and the additional sensitivity analysis and clarifications needed to be properly documented in the final report. The IEPR review comments resulted in no significant changes to the plan formulation, engineering assumptions, and environmental analyses that supported the decision-making process and plan selection. The final report/environmental impact statement also underwent state and agency review. The state and agency comments received during review of the final report/programmatic environmental impact statement provided no additional comments than those provided on the draft report that were incorporated into the final report. All comments from the above referenced reviews have been addressed and incorporated into the final documents as appropriate. Overall the reviews resulted in improvements to the technical quality of the report including the enhanced communication of risk and uncertainty. A safety assurance review (IEPR Type II) will be conducted during the design phase of the project.

12. Washington level review indicates that the project recommended by the reporting officers is technically sound, environmentally and socially acceptable, and economically justified. The plan complies with all essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land related resources implementation studies and complies with other administrative and legislative policies and guidelines. Also, the views of interested parties, including federal, state and local agencies have been considered.

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SUBJECT: Sutter Basin, California

13. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan to reduce flood risk in the Sutter Basin area including Yuba City, California, be authorized in accordance with the reporting officers' recommended plan at an estimated cost of \$688,930,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of federal and state laws and policies, including Section 103 of Water Resources Development Act of 1986, as amended (33 U.S.C. 2213). The non-federal sponsor would provide the non-federal cost share and all LERRDs. Further, the non-federal sponsor would be responsible for all OMRR&R. This recommendation is subject to the non-federal sponsors agreeing to comply with all applicable federal laws and policies, including but not limited to:

a. Provide the non-federal share of total project costs, including a minimum of 35 percent but not to exceed 50 percent of total costs of the NED Plan, as further specified below:

(1) Provide 35 percent of design costs in accordance with the terms of a design agreement entered into prior to commencement of design work for the project;

(2) Provide, during construction, a contribution of funds equal to 5 percent of total project costs;

(3) Provide all lands, easements, rights-of-way (LER), including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on LER to enable the disposal of dredged or excavated material all as determined by the government to be required or to be necessary for the construction, operation, and maintenance of the project;

(4) Provide, during construction, any additional funds necessary to make its total contribution equal to at least 35 percent of total costs of the NED Plan;

(5) Provide 100 percent of all costs of the LPP increment.

b. Shall not use funds from other federal programs, including any non-federal contribution required as a matching share, therefore, to meet any of the non-federal obligations for the project unless the federal agency providing the federal portion of such funds verifies in writing that expenditure of such funds for such purpose is authorized.

c. Not less than once each year, inform affected interests of the extent of protection afforded by the project.

d. Agree to participate in and comply with applicable federal flood plain management and flood insurance programs.

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SUBJECT: Sutter Basin, California

e. Comply with Section 402 of the WRDA of 1986, as amended (33 U.S.C. 701b-12), which requires a non-federal interest to prepare a flood plain management plan within one year after the date of signing a project cooperation agreement, and to implement such plan not later than one year after completion of construction of the project.

f. Publicize flood plain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in adopting regulations, or taking other actions, to prevent unwise future development and to ensure compatibility with protection levels provided by the project.

g. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project LER or the addition of facilities which might reduce the level of protection the project affords, hinder operation and maintenance of the project, or interfere with the project's proper function.

h. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 Code of Federal Regulations (CFR) Part 24, in acquiring LER required for construction, operation, and maintenance of the project, including those necessary for relocations, the borrowing of materials, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act.

i. For so long as the project remains authorized, operate, maintain, repair, rehabilitate, and replace the project, or functional portions of the project, including any mitigation features, at no cost to the federal government, in a manner compatible with the project's authorized purposes and in accordance with applicable federal and state laws and regulations and any specific directions prescribed by the federal government.

j. Give the federal government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-federal sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating, maintaining, repairing, rehabilitating, or replacing the project.

k. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, rehabilitation, and replacement of the project and any betterments, except for damages due to the fault or negligence of the United States or its contractors.

l. Keep and maintain books, records, documents, or other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of 3 years after completion of the accounting for which such books, records, documents, or other evidence are required, to the extent and in such detail as will properly reflect total project costs, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 CFR Section 33.20.

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SUBJECT: Sutter Basin, California

m. Comply with all applicable federal and state laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable federal labor standards requirements including, but not limited to, 40 U.S.C. 3141 - 3148 and 40 U.S.C. 3701 - 3708 (revising, codifying and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c *et seq.*).

n. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way that the federal government determines to be required for construction, operation, and maintenance of the project. However, for lands that the federal government determines to be subject to the navigation servitude, only the federal government shall perform such investigations unless the federal government provides the non-federal sponsor with prior specific written direction, in which case the non-federal sponsor shall perform such investigations in accordance with such written direction.

o. Assume, as between the federal government and the non-federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under LER that the federal government determines to be required for construction, operation, and maintenance of the project.

p. Agree, as between the federal government and the non-federal sponsor, that the non-federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, repair, rehabilitate, and replace the project in a manner that will not cause liability to arise under CERCLA.

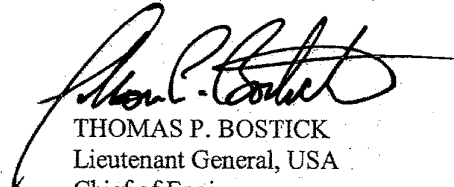
q. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 103(j) of the WRDA of 1986, Public Law 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until each non-federal interest has entered into a written agreement to furnish its required cooperation for the project or separable element.

14. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a

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SUBJECT: Sutter Basin, California

proposal for authorization and implementation funding. However, prior to transmittal to Congress, the sponsor, the state, interested federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, USA  
Chief of Engineers





DEPARTMENT OF THE ARMY  
CHIEF OF ENGINEERS  
2600 ARMY PENTAGON  
WASHINGTON, D.C. 20310-2600

DAEN

11 APR 2014

SUBJECT: Truckee Meadows, Nevada

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on flood risk management for the Truckee Meadows area near the city of Reno, Nevada. It is accompanied by the report of the Sacramento District Engineer and the South Pacific Division Engineer. The Truckee Meadows Flood Control Project was authorized by Section 3(a) (10) of P.L. 100-676, the Water Resources Development Act (WRDA) of 1988. The Secretary of the Army received additional guidance regarding the preparation of the General Reevaluation Report (GRR) pursuant to the House Report 104-293 associated with P.L. 104-46, the Energy and Water Development Appropriations Act (EWDAA) of 1996, to consider additional flood protection along the Truckee River downstream of Reno as well as potential for environmental restoration along the Truckee River and tributaries in the Reno-Sparks area. Congress also gave direction as to the crediting of certain non-federal contributions in Section 113 of P.L. 109-103, the EWDAA of 2006.

2. The reporting officers recommend authorizing a plan to reduce flood risk by construction of floodwalls, levees, and floodplain terracing in the Truckee Meadows Reach and basic recreation features. The recommended plan includes approximately 9,650 linear feet of on-bank (6,500 feet) and in-channel (3,150 feet) floodwalls along the north bank and 31,000 linear feet of levees along the north and south banks in the Truckee Meadows Reach. The floodplain terracing feature involves excavating a benched area along portions of the south (right) bank of the Truckee River between Greg Street and McCarran Boulevard. Floodplain terracing would increase the flood flow channel capacity and thereby reduce water surface elevations in the Truckee Meadows area during a flood. The recommended plan for recreation consists of one small group picnic shelter; one medium group picnic shelter, with parking, playground, and restrooms; and 50 individual picnic areas located north of Mill Street between Greg Street and McCarran Boulevard. In addition, approximately 9,700 linear feet of paved trails and 8,900 linear feet of unpaved trails will be constructed linking the picnic areas with four kayak and canoe input areas and 13 fishing areas along the river. All recreation features would be located on lands required for flood risk management purposes. The estimated project first cost of the recommended plan is \$280,820,000.

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3. The recommended plan would reduce flood risk to the Truckee Meadows area. The project would reduce Expected Annual Damages (EAD) within Truckee Meadows by approximately 40 percent (\$24,880,000). The residual EAD (\$36,601,000) would be caused by flooding from the Truckee River for infrequent flood events and flooding from small tributaries. Annual Exceedance Probabilities (AEP) for flooding within Truckee Meadows would be reduced from approximately 4-10 percent (depending on location) to approximately 1 percent. The project would increase the water surface elevations within the Truckee Meadows area along the downstream reaches of Steamboat Creek, Boynton Slough, and the North Truckee Drain by 4-8 inches for events between 2 percent and 1 percent Annual Chance Exceedance (ACE). The increased 1 percent ACE flood elevations would be inconsistent with National Flood Insurance Program (NFIP) regulatory requirements that prevent communities from allowing floodplain encroachments that would cause increased base flood elevations in areas with existing structures. Under U.S. Army Corps of Engineers (USACE) policy, compliance with the NFIP is a non-federal responsibility and compliance costs would be borne by non-federal interests. These estimated additional costs for NFIP regulatory compliance are identified as regulatory requirement costs which are not included as economic costs of the project. The recommended plan would cause temporary and permanent losses of riparian habitat from construction activities affecting about 28 acres of native riparian habitat. The recommended plan would convert about 66 acres of prime farmland for levee construction. The potential adverse environmental effects would be reduced to a less than significant level through project design, construction practices, preconstruction surveys and analysis, regulatory requirements, and best management practices. No compensatory mitigation would be required.

4. The project first cost was estimated on the basis of October 2013 price levels and amounts to \$280,820,000. The federal portion of the estimated first cost is \$181,652,000. The non-federal portion of the estimated first cost is \$99,168,000 including \$78,572,000 for lands, easements, rights-of-way, relocations, and dredged or excavated material disposal areas (LERRD). The Truckee River Flood Management Authority would also be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project, a cost currently estimated at about \$862,000 per year. The Authority is also responsible for the NFIP regulatory compliance requirements, currently estimated at \$195,000,000. The NFIP regulatory compliance costs are not included in project first cost.

5. Based on a 3.5 percent discount rate and a 50-year period of analysis, the total equivalent average annual economic costs of the project (including OMRR&R) are estimated to be \$11,823,000 (\$11,211,000 for flood risk management and \$612,000 for recreation). The recommended plan is estimated to be 95-99 percent reliable (depending on location) in providing flood risk management for the Truckee Meadows area, from a 2 percent ACE flood event. Total average annual economic benefits are estimated to be \$25,505,000 (\$24,880,000 for flood risk management and \$625,000 for recreation); net average annual economic benefits are \$13,682,000 (\$13,669,000 for flood risk management and \$13,000 for recreation). The overall benefit-to-cost ratio is 2.2 to 1 (1.0-to-1 for recreation).

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6. The goals and objectives included in the Campaign Plan of the USACE have been fully integrated into the Truckee Meadows study process. The recommended plan has been designed to avoid or minimize environmental impacts while maximizing future safety and economic benefits to the community. The recommended plan uses environmentally sustainable design including revegetation of floodplain terraces with native species. Environmental experts were consulted during the planning process, and coordination was conducted with a local community coalition to integrate project goals and public concerns.

7. An earlier USACE project, designated as the Truckee River and Tributaries Project, was authorized and constructed in this area pursuant to Section 203 of P.L. 83-780, the Flood Control Act (FCA) of 1954, and Section 203 of P.L. 87-874, the FCA of 1962. The reporting officers have recommended that the part of the existing Truckee River and Tributaries Project between Glendale Avenue and Vista be modified in accordance with the recommended plan for the Truckee Meadows Flood Control Project within that same reach. The Truckee River and Tributaries Project involved improvements at various reaches of the Truckee River between Lake Tahoe and Pyramid Lake. In the Truckee Meadows reach, maintained by the State of Nevada, the first project involved channel straightening and enlargement to provide a channel capacity of 6,000 cubic feet per second (cfs) of flow for flood risk management purposes. The proposed project will modify the Truckee River and Tributaries Project by increasing channel capacity, and by the placement of rip rap on banks and around bridge piers to avoid scouring. The operations and maintenance responsibility will be transferred from the State of Nevada to the present non-federal sponsor. This transfer of operations and maintenance responsibility for the Truckee River and Tributaries Project will ensure that the non-federal sponsor for the Truckee Meadows Flood Control Project has full and clear responsibility to the Department of the Army for OMRR&R of all federal flood risk management elements between Glendale Avenue and Vista. OMRR&R responsibilities for the parts of the Truckee River and Tributaries Project upstream of Glendale Avenue or downstream of Vista would not be changed by the recommended plan.

8. The reporting officers have further recommended additional studies to investigate further reduction of the residual flood risk to the Reno-Sparks area and/or ecosystem restoration opportunities along the Truckee River. Such studies could be part of a future comprehensive investigation of the Truckee River watershed, or a portion thereof. The previously authorized purpose of fish and wildlife enhancement (i.e., ecosystem restoration) may be retained for the Truckee Meadows Flood Control Project for potential future implementation.

9. In accordance with the Engineer Circular 1165-2-214, entitled "Civil Works Review", all technical, engineering and scientific work underwent an open, dynamic and vigorous review process to ensure technical quality. This included an Agency Technical Review (ATR), an Independent External Peer Review (IEPR) (Type I), and a USACE Headquarters policy and legal review. ATR concerns have been addressed and incorporated into the final report. The IEPR was completed by Battelle Memorial Institute. A total of 58 comments were documented. The IEPR comments identified significant concerns in areas of the explanation of the plan.

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formulation, hydraulic analysis, and environmental analyses. This resulted in expanded narratives throughout the report to support the decision-making process and justify the recommended plan. All comments from the above referenced reviews have been addressed and incorporated into the final documents. Overall the reviews resulted in improvements to the technical quality of the report. A safety assurance review (IEPR Type II) will be conducted during the design phase of the project.

10. The final GRR and EIS were published for State and Agency Review on 17 January 2014. Comments from other federal agencies generally requested minor clarifications and encouraged further cooperation through the project life. Two more extensive comment letters were received from the Pyramid Lake Paiute Tribe (PLPT) and Reno-Sparks Indian Colony (RSIC). The PLPT expressed concerns relating to tribal coordination and consultation, potential downstream impacts and impacts to the delta at Pyramid Lake, and cumulative impacts of other flood control projects. The PLPT also requested that ecosystem restoration work be included in this project. USACE responded to PLPT with commitments for further coordination and clarification on modeling analyses. Additional studies to investigate further ecosystem restoration opportunities are recommended in the report by the reporting officers. The RSIC letter expressed continued concern with not being a signatory to the Programmatic Agreement (PA) per Section 106 of the National Historic Preservation Act. The RSIC also requested revisions to the final EIS relating to Tribal claims, traditional cultural property (TCP) identification, and provision of funding for tribal monitors during construction. In the response letter sent to the RSIC, USACE committed to including RSIC as a signatory party to the PA and to abide by the stipulations of the PA, which will govern future activities to determine the presence of historic properties, including TCPs, and potential effects of the project.

11. Washington level review indicates that the project recommended by the reporting officers is technically sound, environmentally and socially acceptable, and economically justified. The plan complies with all essential elements of the 1983 U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies and complies with other administrative and legislative policies and guidelines. Also the views of interested parties, including federal, state and local agencies have been considered.

12. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan to reduce flood damage in the Truckee Meadows area near the City of Reno, Nevada, be authorized in accordance with the reporting officers' recommended plan at an estimated cost of \$280,820,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of federal laws and policies, including Section 103 of P.L. 99-662, WRDA 1986, as amended (33 U.S.C. 2213). These requirements include, but are not limited to, the following items of local cooperation from the non-federal sponsor:

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a. Provide a minimum of 35 percent, but not to exceed 50 percent, of total flood risk management costs and 50 percent of total recreation costs as further specified below:

(1) Provide, during design, 35 percent of design costs allocated to flood risk management and 50 percent of design costs allocated to recreation.

(2) Pay, during the first year of construction, funds so its contribution equals 35 percent of the costs of the reevaluation report for the project.

(3) Pay, during construction, 5 percent of total flood risk management costs.

(4) Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material, and perform or ensure the performance of all relocations, as determined by the government to be required for the construction, operation, and maintenance of the project.

(5) During construction, pay any additional funds necessary to make its total contribution equal to at least 35 percent of total flood risk management costs and 50 percent of total recreation costs.

b. Provide, during construction, 100 percent of the total recreation costs that exceed 10 percent of the federal share of total flood risk management costs.

c. Inform affected interests, at least yearly, of the extent of protection afforded by the flood risk management features; participate in and comply with applicable federal floodplain management and flood insurance programs; comply with Section 402 of P.L. 99-662, the WRDA of 1986, as amended (33 U.S.C. 701b-12); and publicize floodplain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in adopting regulations, or taking other actions, to prevent unwise future development and to ensure compatibility with protection levels provided by the flood risk management features.

d. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements, and rights-of-way or the addition of facilities which might reduce the level of protection the flood risk management features afford, hinder operation and maintenance of the project, or interfere with the project's proper function.

e. Keep the recreation features, and access roads, parking areas, and other associated public use facilities, open and available to all on equal terms.

f. Operate, maintain, repair, rehabilitate, and replace the project, at no cost to the federal government, in a manner compatible with the project's authorized purposes and in accordance

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with applicable federal and state laws and regulations and any specific directions prescribed by the federal government.

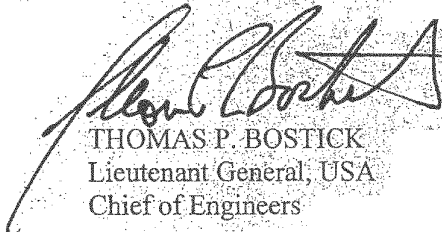
g. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, rehabilitation, and replacement of the project, except for damages due to the fault or negligence of the United States or its contractors.

h. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), P.L. 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way that the federal government determines to be required for construction, operation, and maintenance of the project.

i. Assume, as between the federal government and the non-federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands, easements, or rights-of-way required for construction, operation, and maintenance of the project.

j. Agree, as between the federal government and the non-federal sponsor, that the non-federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, repair, rehabilitate, and replace the project in a manner that will not cause liability to arise under CERCLA.

13. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the sponsor, the state, interested federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, USA  
Chief of Engineers



## DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers  
441 G Street N.W.  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

SEP 28 2009

CECW-SAD (1105-2-10a)

SUBJECT: West Onslow Beach and New River Inlet (Topsail Beach), North Carolina

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on hurricane and storm damage reduction along a 5-mile reach of Atlantic Ocean shoreline at Topsail Beach, North Carolina. It is accompanied by the report of the district and division engineers. These reports are in final response to the Energy and Water Development Appropriations Act for Fiscal Year 2001, Public Law 106-377, which included funds for the U.S. Army Corps of Engineers to initiate a General Reevaluation Report (GRR) of the West Onslow Beach and New River Inlet (Topsail Beach) Shore Protection Project, and the remaining shoreline at Topsail Beach. The original project was authorized in Section 101(15) of the Water Resources Development Act (WRDA) of 1992 at a total cost of \$14,100,000, with an estimated Federal cost of \$7,600,000, and an estimated non-Federal cost of \$6,500,000. The authorized project was never constructed. Several recent coastal storms and hurricanes along many portions of North Carolina's shoreline and increasing threats to existing and new development within the Town of Topsail Beach led to initiation of this post-authorization investigation. Preconstruction engineering and design activities for Topsail Beach will be continued under the authorities above.

2. The reporting officers recommend a new authorization for a locally preferred plan (LPP) to reduce hurricane and storm damages by construction of a sand dune and berm along the Topsail Beach shoreline. The recommended plan includes a 26,200-foot long dune and berm system to be constructed to an elevation of 12 feet National Geodetic Vertical Datum (NGVD) fronted by a 50-foot wide berm at an elevation of 7-foot NGVD, with a main fill length of 23,200 feet and a 2,000-foot transition length on the north end into the Town of Surf City and a 1,000-foot transition on the south end. The recommended plan also includes periodic nourishment at four-year intervals. Other associated features of the project are dune vegetation and construction of 23 dune walkover structures for public access. The estimated in-place volume of fill for the initial project construction is 2,387,000 cubic yards, which does not include placement of 690,000 cubic yards for the first nourishment. Fill material for the sand dune and berm construction and nourishment will be dredged from offshore borrow sites identified off the coast of Topsail Beach. The recommended plan also includes post-construction monitoring over the life of the project to ensure project performance. Since the recommended plan does not have any significant adverse effects, no mitigation measures (beyond management practices and avoidance) or compensation measures are required. Compared to the National Economic Development (NED) Plan, the LPP has a dune three feet lower and extends the main fill protection 400-feet southwest to include properties south of Godwin Avenue that are vulnerable



to coastal storm damage. The Assistant Secretary of the Army (Civil Works) approved a policy exception allowing the Corps of Engineers to recommend the LPP by letter dated May 8, 2008. The 400-foot project extension costs an additional \$320,000, and is not economically justified. The extension will therefore be funded entirely by the non-Federal sponsor. All features are located in North Carolina.

3. Based on October 2008 price levels the estimated total first cost of the NED plan is \$50,332,000, of which \$32,712,000 (65 percent) is Federal and \$17,620,000 (35 percent) is non-Federal. The estimated first cost of the LPP is \$37,712,000. The total initial cost of the recommended plan, including sunk preconstruction engineering and design (PED) costs from project authorization in 1992 through completion of this GRR and Environmental Impact Statement (EIS), is \$42,558,000. These sunk PED costs include initial project PED costs of \$616,000 and the GRR and EIS cost of \$4,230,000, for a total of \$4,846,000. The sunk PED costs for the original project are cost shared 75 percent Federal and 25 percent non-Federal and the expanded portion of the project is cost shared 50 percent Federal and 50 percent non-Federal. The total initial project construction cost is composed of both the total first cost of the LPP plus sunk PED costs. Cost sharing for the construction of the project is applied in accordance with the provisions of Section 103 of WRDA 1986, as amended by Section 215 of WRDA 1999. The Federal share of the total cost for the LPP is estimated to be \$27,455,000 and the non-Federal share is estimated to be \$15,103,000, but will be based upon conditions of public ownership and use of the shore when the Project Partnership Agreement is signed. The non-Federal share includes \$320,000 for the incremental cost of the 400-foot berm and dune extension. The estimated cost of lands, easements, rights-of-way, relocations, and dredged or excavated material disposal areas (LERRD) is \$ 1,654,000, of which \$1,481,000 is estimated to be creditable to the non-Federal sponsor's share.

4. Total periodic nourishment costs for the LPP are estimated to be \$113,904,000 (October 2008 price level) over the 50-year period following initiation of construction. These costs are based on an estimated cost for each periodic nourishment of \$9,492,000 occurring at four year intervals subsequent to completion of the initial construction (year zero) and include engineering and design and monitoring. The ultimate project cost, which includes initial construction, project monitoring, and periodic nourishment is estimated to be \$170,032,000 (October 2008 price level). The equivalent annual cost of periodic nourishment is estimated to be \$2,190,000, based on a Federal discount rate of 4.625 percent and a 50-year period of analysis. Based on WRDA 1996, as amended, subject to the availability of funds, periodic nourishment is cost-shared 50 percent Federal and 50 percent non-Federal, based upon conditions of public ownership and use of the shore. The Federal share of each periodic nourishment cost is estimated to be \$4,746,000 (50 percent) and the non-Federal share is estimated to be \$4,746,000 (50 percent). The project includes beach fill and environmental monitoring costs estimated at \$269,000. Annual beach fill monitoring includes semi-annual beach profile surveys (\$137,000), annual hydrographic surveys of New Topsail Inlet (\$6,000), annual aerial photography of the inlet and beach (cost included in inlet hydrographic survey), an annual monitoring report (\$93,000), and monitoring program coordination (\$15,000). Annual environmental monitoring includes sea turtle nesting (\$17,000) and sea beach amaranth surveys (\$1,000), and a one-time cost for benthic invertebrate monitoring (\$120,000). The estimated Federal share of annual monitoring costs is \$134,500 (50 percent) and the estimated non-Federal share is \$134,500 (50 percent). The estimated

Federal share of the one-time benthic invertebrate monitoring is \$60,000 (50 percent) and the estimated non-Federal share is \$60,000 (50 percent). The Town of Topsail Beach is the non-Federal cost-sharing sponsor for all features and is responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction, a cost currently estimated at about \$22,000 per year.

5. Based on a 4.625-percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated to be \$4,450,000, including monitoring and OMRR&R. The equivalent average annual benefits are estimated to be \$13,328,000 with net average annual benefits of \$8,878,000. The benefit-cost ratio is three to one.

6. The goals and objectives included in the Campaign Plan of the U.S. Army Corps of Engineers have been fully integrated into the Topsail Beach study process. From inception, the district has implemented an effective comprehensive systems approach with full stakeholder participation. The study included an integrated analysis of the Topsail Beach shoreline system and cumulative environmental effects. A statistical, risk based model was used to formulate and evaluate the project. The study report describes risks associated with residual coastal storm damages and risks that will not be reduced such as sound side flooding and wind damages. Loss of life is prevented by the existing procedure of evacuating the barrier island completely well before expected hurricane landfall, removing people from harm's way. The study recommends continuation of the evacuation policy both with and without the project. The selected plan would reduce average annual coastal storm damages by about 84 percent and would leave average annual residual damages estimated at \$1,543,000. Additional institutional nonstructural measures to be implemented by the local government are contained in the study report recommendation. The project contains adaptive management measures through the development of borrow area contingency plans to be applied during construction and by an annual project monitoring program to reevaluate and adjust the periodic renourishment actions. The project monitoring program will be a useful research tool for other beach and shoreline studies.

7. I concur with the findings, conclusions, and recommendations of the reporting officers. The plan developed is technically sound, economically justified, and environmentally and socially acceptable. The plan conforms to essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies and complies with other administrative and legislative policies and guidelines. Also, the views of interested parties, including Federal, State, and local agencies have been considered. Substantive comments concerned borrow material compatibility, potential existence of near shore hard bottom areas, and avoiding impacts to sea turtles and piping plover. The comments resulted in some changes to the text of the GRR and EIS, but did not change the design of the recommended plan. Independent external peer review (IEPR) was not undertaken for this project, since it was not considered to be unusually complex, novel approaches or methods were not employed, there is no significant threat to public safety from project failure, and it was not controversial. Additionally, the project did not generate significant interagency interest, and only negligible adverse impacts would result.

8. Accordingly, I recommend that the plan to reduce hurricane and storm damages at Topsail Beach, North Carolina be authorized in accordance with the reporting officers' recommended

plan at an October 2008 estimated cost of \$42,558,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 103 of WRDA 1986, as amended by Section 215 of WRDA 1999. The non-Federal sponsor would provide the non-Federal cost share and all LERRD. Further, the non-Federal sponsor would be responsible for all OMRR&R. This recommendation is subject to the non-Federal sponsors agreeing to comply with all applicable Federal laws and policies.

9. I further recommend that construction of the proposed project be contingent on the project sponsor giving written assurances satisfactory to the Secretary of the Army that it will:

a. Provide 35 percent of initial construction costs assigned to hurricane and storm damage reduction plus 100 percent of initial construction costs assigned to protecting privately owned shores where use is limited to private interests, and as further specified below:

1. Provide 25 percent of design costs in accordance with the terms of a design agreement entered into prior to commencement of design work for the project;

2. Provide, during the first year of construction, any additional funds necessary to pay the full non-Federal share of design costs;

3. Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the Government to be required or to be necessary for the construction, operation, and maintenance of the project; and

4. Provide, during initial construction, any additional funds necessary to make its total contribution equal to 35 percent of project costs assigned to hurricane and storm damage reduction plus 100 percent of costs assigned to protecting privately owned shores where use is limited to private interests.

b. Provide during the periodic nourishment period, 50 percent of periodic nourishment costs and 50 percent of monitoring costs assigned to hurricane and storm damage reduction plus 100 percent of periodic nourishment costs and 100 percent of monitoring assigned to protecting privately owned shores where use is limited to private interests.

c. Shall not use funds from other Federal programs, including any non-Federal contribution required as a matching share therefore, to meet any of the non-Federal obligations for the project unless the Federal agency providing the Federal portion of such funds verifies in writing that expenditure of such funds for such purpose is authorized;

d. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements, and rights-of-way or the addition of facilities which might reduce the outputs produced by the project, hinder operation and maintenance of the project, or interfere with the project's proper function;

e. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way required for construction, operation, and maintenance of the project, including those necessary for relocations, the borrowing of materials, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act;

f. For so long as the project remains authorized, operate, maintain, repair, rehabilitate, and replace the project, or functional portions of the project, including any mitigation features, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government;

g. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating, maintaining, repairing, rehabilitating, or replacing the project;

h. Hold and save the United States free from all damages arising from the construction, periodic nourishment, operation, maintenance, repair, rehabilitation, and replacement of the project and any betterments, except for damages due to the fault or negligence of the United States or its contractors;

i. Keep and maintain books, records, documents, or other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of three years after completion of the accounting for which such books, records, documents, or other evidence are required, to the extent and in such detail as will properly reflect total project costs, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Code of Federal Regulations (CFR) Section 33.20;

j. Comply with all applicable Federal and State laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141- 3148 and 40 U.S.C. 3701 – 3708 (revising, codifying and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c *et seq.*);

k. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such

investigations unless the Federal Government provides the non-Federal sponsor with prior specific written direction, in which case the non-Federal sponsor shall perform such investigations in accordance with such written direction;

l. Assume, as between the Federal Government and the non-Federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project;

m. Agree, as between the Federal Government and the non-Federal sponsor, that the non-Federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, repair, rehabilitate, and replace the project in a manner that will not cause liability to arise under CERCLA;

n. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 103(j) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until each non-Federal interest has entered into a written agreement to furnish its required cooperation for the project or separable element;

o. Not less than once each year, inform affected interests of the extent of protection afforded by the project;

p. Agree to participate in and comply with applicable Federal floodplain management and flood insurance programs;

q. Comply with Section 402 of the Water Resources Development Act of 1986, as amended, (33 U.S.C. 701b-12), which requires a non-Federal interest to prepare a floodplain management plan within one year from signing a project partnership agreement, and to implement such plan not later than one year after completion of construction of the project;

r. Publicize floodplain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in adopting regulations, or taking other actions, to prevent unwise future development and to ensure compatibility with protection levels provided by the project;

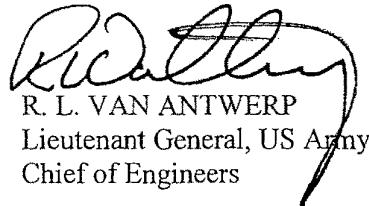
s. For so long as the project remains authorized, the non-Federal Sponsor shall ensure continued conditions of public ownership, access, and use of the shore upon which the amount of Federal participation is based;

t. Provide and maintain necessary access roads, parking areas, and other public use facilities, open and available to all on equal terms; and

u. At least twice annually at no cost to the Federal Government, perform surveillance of the beach to determine losses of nourishment material from the project design section and provide the results of such surveillance to the Federal Government.

10. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the sponsor, the State of North Carolina, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.

Vr,



R. L. VAN ANTWERP  
Lieutenant General, US Army  
Chief of Engineers



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

CECW-SAD (1105-2-10a)

DEC 30 2010

SUBJECT: Surf City and North Topsail Beach, North Carolina Coastal Storm Damage Reduction Report

THE SECRETARY OF THE ARMY

1. I submit for transmission my report on coastal storm damage reduction along the Atlantic Ocean shoreline of the towns of Surf City and North Topsail Beach, North Carolina. It is accompanied by the report of the district and division engineers. These reports are in response to two resolutions by the Committee on Transportation and Infrastructure of the House of Representatives, adopted on February 16, 2000 and April 11, 2000. The resolutions requested a review of the report of the Chief of Engineers on West Onslow Beach and New River Inlet, North Carolina, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of shore protection and related purposes for Surf City and North Topsail Beach, North Carolina. Preconstruction engineering and design activities for this project will be continued under the authority provided by the resolutions cited above.
2. The reporting officers recommend authorization for a plan to reduce coastal storm damages by construction of a berm and dune along the Surf City and North Topsail Beach shorelines. The recommended plan includes a 52,150-foot long dune and berm system to be constructed to an elevation of 15 feet National Geodetic Vertical Datum (NGVD) fronted by a seven-foot NGVD (50-foot wide) beach berm with a main fill length of 52,150 feet, extending from the boundary between Topsail Beach and Surf City to the southern edge of the Coastal Barrier Resources Act (CBRA) Zone in North Topsail Beach. The recommended plan also includes renourishment at six-year intervals. Other associated features of the project are dune vegetation and construction of 60 dune walkover structures. Material for the dune and berm construction and renourishment will be dredged from borrow sites identified between one to six miles off the coast of Topsail Island. The recommended plan also includes post-construction monitoring over the period of Federal participation to ensure project performance and adjust renourishment plans as needed. Since the recommended plan would not have any significant adverse effects, no mitigation measures (beyond management practices and avoidance) or compensation measures would be required. The recommended plan is the National Economic Development (NED) Plan for coastal storm damage reduction.
3. The Towns of Surf City and North Topsail Beach are the non-Federal cost-sharing sponsors for all features. Based on October 2010 price levels the estimated total first cost of the plan is



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SUBJECT: Surf City and North Topsail Beach, North Carolina Coastal Storm Damage Reduction Report

\$123,135,000. Renourishment is planned at six-year intervals. There will be seven renourishments with a total cost estimated at October 2010 price levels to be \$205,539,000. The ultimate project cost, which includes initial construction, monitoring, and periodic renourishment is estimated to be \$353,924,000. Cost sharing is applied in accordance with the provisions of Section 103 of the Water Resources Development Act (WRDA) of 1986, as amended by Section 215 of WRDA 1999. Additional access points and nearby public parking will be necessary to meet the requirements for federal cost sharing; the sponsors anticipate no obstacles to develop such additional access and parking. The Federal and non-Federal shares shown below reflect anticipated development and satisfaction of access and parking requirements, but the final cost-share amounts will be based upon the conditions of public access, parking, development and use of the shore at the time when the Project Partnership Agreement (PPA) is signed.

a. The Federal share of the total first cost would be about \$80,038,000 (65 percent) and the non-Federal share would be about \$43,097,000 (35 percent).

b. The cost of lands, easements, rights-of-way, relocations, and dredged or excavated material disposal areas (LERRD) is estimated at \$4,814,000, all of which is eligible for LERRD credit.

c. The Federal share of the total renourishment cost would be about \$102,769,500 (50 percent) and the non-Federal share would be about \$102,769,500 (50 percent).

4. Based on a 4.125 percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated to be \$10,702,000, including monitoring and OMRR&R. All project costs are allocated to the authorized purpose of coastal storm damage reduction. The equivalent average annual benefits, which include recreation benefits, are estimated to be \$40,129,000 with net average annual benefits of \$29,427,000. The benefit cost ratio is approximately 3.7 to 1.

5. The goals and objectives included in the Campaign Plan of the U.S. Army Corps of Engineers have been fully integrated into the Surf City and North Topsail Beach study process. The project contains adaptive management measures through an annual project monitoring program in order to be able to reevaluate and adjust the periodic renourishment actions. The study was conducted using a systems perspective that considered the effects of other Federal (West Onslow and New River Inlet [Topsail Beach] Coastal Storm Damage Reduction study, New River and New Topsail Inlet Navigation features) and non-Federal projects in the area, particularly as related to borrow volume availability. A statistical, risk based model was used to formulate and evaluate the project. The study report fully describes risks associated with residual coastal storm damages and risks that will not be reduced, such as sound side flooding and wind damages. The project is intended to address erosion and prevent damages to structures and contents; it is not intended to

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nor will it reduce the risk to loss of life during major storm events. Loss of life can only be prevented by the existing procedure of evacuating the barrier island completely well before expected hurricane landfall, thus removing people from harm's way. This study recommends continuation of the evacuation policy both with and without the project. Additional institutional nonstructural measures to be implemented by the local governments are contained in the study report recommendation. The selected plan would reduce average annual coastal storm damages by about 88 percent and would leave average annual damages estimated at \$2,241,000. These residual risks have been communicated to both the Towns of Surf City and North Topsail Beach.

6. In accordance with the Corps Engineering Circular EC 1165-2-211 on sea level change, the study performed a sensitivity analysis to look at the economic effects that different rates of accelerated sea level rise could have on the recommended plan. The plan was formulated using a historical or low rate of sea level rise, and the sensitivity analysis used additional accelerated rates, which includes what the EC defines as medium and high rates. The sensitivity analysis indicates that at higher rates of sea level rise, the project costs increase; the project benefits however, increase even more.

7. In accordance with the Corps Engineering Circular EC 1165-2-209 on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and vigorous review process to ensure technical quality. This included an independent Agency Technical Review (ATR) and an Independent External Peer Review (IEPR). The IEPR was managed by an outside eligible organization (Battelle) that assembled a panel of five experts with combined expertise in the fields of geotechnical and coastal engineering, plan formulation, environment/biology, economics, and recreation analysis. Ultimately, the panel identified and documented sixteen comments. Eight of the panel comments were classified as having high significance. These comments raised questions regarding various aspects of the coastal and non-structural analysis in the report, the availability of sufficient borrow material for the life of the project, and the methods used to determine property values in the economic analysis. Based on these comments, the report's coastal appendix was greatly expanded. To address the concern regarding borrow volume availability, additional analysis was conducted and the discussion in the report regarding risks and uncertainty in borrow availability was expanded. Also information regarding the economic feasibility of obtaining additional borrow material if the currently identified borrow sites were to be depleted in the latter years of the project was added. The panel did not concur with this last response and maintained that the plan formulation should still have been constrained by borrow availability due to uncertainty. I have considered the borrow availability issue and concluded it has been appropriately addressed in the project's risk management plan through the identification of additional sites with similar borrow cost and volume to mitigate the uncertainty. Even though uncertainty remains regarding utilization of specific borrow sites, the recommendation is viable and economically justifiable. Overall the reviews have resulted in the improvement of the technical quality of the report including the enhanced communication of risk and uncertainty.

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8. The United States Army Corps of Engineers Headquarters review indicates that the project recommended by the reporting officers is technically sound, environmentally and socially acceptable, and economically justified. The goal to reduce loss of life is incorporated into this project but it is a shared responsibility that can never be completely mitigated by structural solutions. Discussion in the report emphasizes that residual risk will remain after this project is executed; it also, emphasizes the roles of all partners in addressing and communicating residual risk to the public, including the need for a well coordinated hurricane storm warning and evacuation plan. The plan complies with all essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources implementation studies and complies with other administrative and legislative policies and guidelines.

9. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan to reduce coastal storm damages for Surf City and North Topsail Beach, North Carolina be authorized in accordance with the reporting officers recommended plan at an October 2010 estimated initial cost of \$123,135,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 103 of the Water Resources Development Act (WRDA) of 1986, as amended by Section 215 of WRDA 1999. The non-Federal sponsors would provide the non-Federal cost share and all LERRD. Further, the non-Federal sponsors would be responsible for all Operation and Maintenance, Repair, Replacement and Rehabilitation (OMRR&R). This recommendation is subject to the non-Federal sponsors agreeing to comply with all applicable Federal laws and policies and in accordance with the required items of cooperation, and agreeing prior to project implementation, to perform as follows:

a. Provide 35 percent of initial project costs assigned to coastal storm damage reduction, plus 50 percent of initial project costs assigned to reducing damages to undeveloped public lands, plus 50 percent of initial project costs assigned to recreation, plus 100 percent of initial project costs assigned to reducing damages to undeveloped private lands and other private shores that do not provide public benefits; and 50 percent of periodic nourishment costs assigned to hurricane and storm damage reduction, plus 100 percent of periodic nourishment costs assigned to reducing damages to undeveloped private lands and other private shores that do not provide public benefits and as further specified below:

(1) Provide 25 percent of design costs in accordance with the terms of a design agreement entered into prior to commencement of design work for the project.

(2) Provide, during the first year of construction, any additional funds needed to cover the non-Federal share of design costs.

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(3) Provide all lands, easements, and rights-of-way, and perform or ensure the performance of all relocations determined by the Federal Government to be necessary for the initial construction, periodic nourishment, operation, and maintenance of the project.

(4) Provide, during construction, any additional amounts as are necessary to make its total contribution equal to 35 percent of initial project costs assigned to coastal storm damage reduction, plus 50 percent of initial project costs assigned to reducing damages to undeveloped public lands, plus 50 percent of initial project costs assigned to recreation, plus 100 percent of initial project costs assigned to reducing damages to undeveloped private lands and other private shores that do not provide public benefits; and 50 percent of periodic nourishment costs assigned to hurricane and storm damage reduction, plus 100 percent of periodic nourishment costs assigned to reducing damages to undeveloped private lands and other private shores that do not provide public benefits.

b. Operate, maintain, repair, rehabilitate and replace the completed project, or functional portion of the project, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government.

c. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, on property that the non-Federal sponsors, now or hereafter, owns or controls for access to the project for the purpose of inspecting, operating, maintaining, repairing, replacing, rehabilitating, or completing the project. OMRR&R by the Federal Government will not relieve the non-Federal sponsors of responsibility to meet the non-Federal sponsors' obligations, or to preclude the Federal Government from pursuing any other remedy at law or equity to ensure faithful performance.

d. Hold and save the United States free from all damages arising from the initial construction, periodic nourishment, OMRR&R of the project and any project related betterments, except for damages due to the fault or negligence of the United States or its contractors.

e. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of three years after completion of the accounting for which such books, records, documents, and other evidence is required, to the extent and in such detail as will properly reflect total costs of construction of the project, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 CFR 33.20.

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f. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), P.L. 96-510, as amended, 42 U.S.C. 9601–9675, that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for the initial construction, periodic nourishment, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government will perform such investigations unless the Federal Government provides the non-Federal sponsors with prior specific written direction, in which case, the non-Federal sponsors will perform such investigations in accordance with such written direction.

g. Assume, as between the Federal Government and the non-Federal sponsors, complete financial responsibility for all necessary cleanup and response costs of any CERCLA-regulated materials in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be necessary for the initial construction, periodic nourishment, operation, or maintenance of the project.

h. Agree that, as between the Federal Government and the non-Federal sponsors, the non-Federal sponsor will be considered the operators of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, and repair the project in a manner that will not cause liability to arise under CERCLA.

i. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as amended by (42 U.S.C. 4601–4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way required for the initial construction, periodic nourishment, operation, and maintenance of the project, including those necessary for relocations, borrow materials, and dredged or excavated material disposal, and inform all affected persons of applicable benefits, policies, and procedures in connection with that Act.

j. Comply with all applicable Federal and State laws and regulations, including section 601 of the Civil Rights Act of 1964, P.L. 88-352 (42 U.S.C. 2000d), Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, titled *Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army*, and all applicable Federal labor standards and requirements, including, 40 U.S.C. 3141–3148 and 40 U.S.C. 3701–3708 (revising, codifying, and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c *et seq.*).

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SUBJECT: Surf City and North Topsail Beach, North Carolina Coastal Storm Damage Reduction Report

k. Comply with section 402 of the WRDA of 1986, as amended (33 U.S.C. 701b-12), which requires the non-Federal interest to participate in and comply with applicable Federal floodplain management and flood insurance programs, prepare a floodplain management plan within one year after the date of signing a PPA, and implement the plan no later than one year after project construction is complete.

l. Provide the non-Federal share of that portion of the costs of data recovery activities associated with historic preservation, that are in excess of 1 percent of the total amount authorized to be appropriated for the project, in accordance with the cost-sharing provisions of the agreement.

m. Participate in and comply with applicable Federal floodplain management and flood insurance programs.

n. Do not use Federal funds to meet the non-Federal sponsors' share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is authorized.

o. Prevent obstructions of or encroachment on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments), which might reduce the level of damage reduction it affords, hinder operation and maintenance or future periodic nourishment, or interfere with its proper function, such as any new developments on project lands or the addition of facilities that would degrade the benefits of the project.

p. Not less than once each year, inform affected interests of the extent of damage reduction afforded by the project.

q. Publicize floodplain information in the area concerned and provide such information to zoning and other regulatory agencies for their use in preventing unwise future development in the floodplain and in adopting such regulations as might be necessary to prevent unwise future development and to ensure compatibility with damage reduction levels provided by the project.

r. For so long as the project remains authorized, the non-Federal sponsors must ensure continued conditions of public ownership, access, and use of the shore on which the amount of Federal participation is based.

s. Provide and maintain necessary access roads, parking areas, and other public use facilities, open and available to all on equal terms.


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SUBJECT: Surf City and North Topsail Beach, North Carolina Coastal Storm Damage Reduction Report

t. At least twice annually and after storm events, perform surveillance of the beach to determine losses of nourishment material from the project design section and provide the results of such surveillance to the Federal Government.

u. Comply with section 221 of P.L. 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and section 103(j) of the WRDA of 1986, P.L. 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army must not commence the construction of any water resources project or separable element thereof, until the non-Federal interests have entered into a written agreement to furnish its required cooperation for the project or separable element.

10. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the sponsors, the State, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.

  
R. L. VAN ANTWERP  
Lieutenant General, US Army  
Chief of Engineers





DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

CEMP-SPD (1105-2-10a)

APR 15 2012

SUBJECT: San Clemente Shoreline, Orange County, California

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on coastal storm damage reduction along the Pacific Ocean shoreline in San Clemente, California. It is accompanied by the report of the Los Angeles District Engineer and the South Pacific Division Engineer. These reports are in partial response to the authority contained in Section 208 of the Flood Control Act of 1965 (Title II of P.L. 89-298), which provides for studies to determine the advisability of protection work against storm and tidal waves along the coasts of Washington, Oregon, and California. The Energy and Water Development Appropriations Act of 2000, P.L. 106-60, appropriated the funds for a reconnaissance study to investigate shoreline protection alternatives for San Clemente Shoreline, California. Preconstruction engineering and design activities for this project will be continued under the authority provided by the resolutions cited above.

2. The reporting officers recommend authorization for a plan to reduce coastal storm damages by constructing a beach fill/berm along the San Clemente shoreline. The recommended plan for coastal storm damage reduction includes construction of a 50-foot-wide beach nourishment project along a 3,412-foot-long stretch of shoreline using 251,000 cubic yards of compatible sediment, with renourishment on the average of every 6 years over a 50-year period of Federal participation, for a total of eight additional nourishments. The design berm will be constructed to an elevation of 17 feet MLLW with foreshore slope of 8H:1V (at equilibrium). Material for the beach fill will be dredged from a borrow site identified off the coast of San Diego County. Physical monitoring of the performance of the project will be required annually throughout the 50-year period of Federal participation. The recommended plan would provide coastal storm damage reduction throughout the project reach and would maintain the existing recreational beach. Monitoring of the environmental resources will be required for each construction event. The project is expected to have minimal impacts to environmental resources. A comprehensive monitoring and mitigation plan has been incorporated in the project in the event that impacts to habitat result. The recommended plan is the national economic development (NED) plan for coastal storm damage reduction.

3. The City of San Clemente is the non-Federal cost-sharing sponsor for all features. Based on October 2011 price levels, the estimated total nourishment cost of the plan is \$98,100,000, which includes the project first cost of initial construction of \$11,300,000 and a total of 8 periodic renourishments at a total cost of \$86,800,000. Periodic renourishments are planned at 6-year

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<sup>1</sup> This report contains the proposed recommendation of the Chief of Engineers. The recommendation is subject to change to reflect Washington level review and comments from Federal and State agencies.

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intervals. In accordance with the cost share provisions in Section 103 of the Water Resources Development Act (WRDA) of 1986, as amended (33 U.S.C. 2213), the Federal and non-Federal shares are as follows:

- a. The Federal share of the project first cost would be \$7,350,000 and the non-Federal share would be \$3,960,000, which equates to 65 percent Federal and 35 percent non-Federal. The cost of lands, easements, rights-of-way, relocations, and dredged or excavated material disposal areas (LERRD) is estimated at \$11,000, all of which is eligible for LERRD credit.
  - b. The Federal share of the total renourishment cost would be \$43,400,000 and the non-Federal share would be \$43,400,000, which equates to 50 percent Federal and 50 percent non-Federal.
  - c. The total nourishment cost includes \$4,460,000 for environmental monitoring, and \$8,550,000 for physical monitoring over the life of the project.
  - d. The City of San Clemente would be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction. The project is not currently estimated to result in a significant incremental increase over the sponsor's existing beach maintenance activities and costs.
4. Based on a 4-percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated to be \$2,180,000, including monitoring. All project costs are allocated to the authorized purpose of coastal storm damage reduction. The selected plan would reduce average annual coastal storm damages by about 97 percent and would leave average annual damages estimated at \$36,900. The equivalent average annual benefits, which include recreational benefits, are estimated to be \$3,160,000, with net average annual benefits of \$978,000. The benefit-cost ratio is approximately 1.4 to 1.
5. The goals and objectives included in the Campaign Plan of the U.S. Army Corps of Engineers have been fully integrated into the San Clemente Shoreline study process. The project includes an annual project monitoring program to reevaluate and adjust the periodic renourishment actions. The study was conducted using a watershed perspective to examine sediment supply changes within the San Juan Creek Watershed. A statistical, risk based model was used to formulate and evaluate the project. The project is intended to address erosion and prevent damages to structures and contents; it is not intended to, nor will it, reduce the risk to loss of life during major storm events. The study report fully describes risks associated with residual coastal storm damages and risks that will not be reduced. These residual risks have been communicated to the City of San Clemente.
6. Along the shoreline of San Clemente, a lack of sediment supply to the shoreline has resulted in chronic, mild, and long-term erosion. Without a coastal storm damage reduction project public properties and structures will continue to be susceptible to damages caused by erosion (including land loss and undermining of structures), inundation (structures), and wave attack (structures, railroad). The project area includes the LOSSAN (Los Angeles to San Diego)

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railroad corridor which is a vital link for passenger and freight service and has been designated as a Strategic Rail Corridor by the Department of Defense. As the protective beach lessens over time and is eventually lost, it is expected that storm waves will act directly upon the railroad ballast, significantly threatening the operation of the LOSSAN railroad line. The narrowing beaches are also expected to subject ancillary beachfront public facilities to storm wave-induced damages, and further reduce recreational space on an already space-limited beach. The recommended plan was formulated to maximize coastal storm damage reduction, address potential environmental affects, and minimize cost.

7. In accordance with the Corps Engineering Circular (EC 1165-2-211) on sea level change, the study performed a sensitivity analysis to investigate the economic effects that different rates of accelerated sea level rise could have on the recommended plan. The plan was formulated using a historical or low rate of sea level rise, and the sensitivity analysis used additional accelerated rates, which includes what the EC defines as medium and high rates. The sensitivity analysis indicates that at higher rates of sea level rise, renourishment intervals increase and the reduction of storm damages decreases, but the plans are still justified.

8. In accordance with the Corps Engineering Circular (EC 1165-2-209) on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and vigorous review process to ensure technical quality. This included an Agency Technical Review (ATR), an Independent External Peer Review (IEPR) (Type I), and a Corps Headquarters policy and legal review. All concerns of the ATR have been addressed and incorporated into the final report. The IEPR was completed by Battelle Memorial Institute. A total of 24 comments were documented. The IEPR comments identified significant concerns in areas of the plan formulation and engineering assumptions that are needed to support the decision-making process and plan selection. This resulted in expanded narratives throughout the report to support the decision-making process and justify the recommended plan. A safety assurance review (Type II IEPR) will be conducted during the design phase of the project. All comments from the above referenced reviews have been addressed and incorporated into the final documents. Overall the reviews resulted in improvements to the technical quality of the report.

9. Washington level review indicates that the project recommended by the reporting officers is technically sound, environmentally and socially acceptable, and economically justified. The plan complies with all essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land related resources implementation studies and complies with other administrative and legislative policies and guidelines. Also the views of interested parties, including Federal, State and local agencies have been considered.

10. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan to reduce coastal storm damages for the San Clemente, California shoreline be authorized in accordance with the reporting officers' recommended plan at an estimated project first cost of \$11,300,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 103 of WRDA 1986, as amended by Section 215 of WRDA 1999. The non-Federal

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SUBJECT: San Clemente Shoreline, Orange County, California

sponsor would provide the non-Federal cost share and all LERRD. Further the non-Federal sponsor would be responsible for all OMRR&R. This recommendation is subject to the non-Federal sponsor agreeing to comply with all applicable Federal laws and policies.

a. Provide a minimum of at least 35 percent of initial project costs assigned to coastal storm damage reduction, plus 50 percent of initial project costs assigned to reducing damages to undeveloped public lands, plus 50 percent of initial project costs assigned to recreation, plus 100 percent of initial project costs assigned to reducing damages to undeveloped private lands and other private shores that do not provide public benefits; and 50 percent of periodic nourishment costs assigned to hurricane and storm damage reduction, plus 100 percent of periodic nourishment costs assigned to reducing damages to undeveloped private lands and other private shores that do not provide public benefits and as further specified below:

(1) Provide 25 percent of design costs in accordance with the terms of a design agreement entered into prior to commencement of design work for the project.

(2) Provide, during the first year of construction, any additional funds necessary to pay the full non-Federal share of design costs.

(3) Provide all lands, easements, and rights-of-way, and perform or ensure the performance of all relocations determined by the Federal Government to be necessary for the initial construction, periodic nourishment, operation, and maintenance of the project.

(4) Provide, during construction, any additional amounts as are necessary to make the total contribution equal to 35 percent of initial project costs assigned to coastal storm damage reduction, plus 50 percent of initial project costs assigned to reducing damages to undeveloped public lands, plus 50 percent of initial project costs assigned to recreation, plus 100 percent of initial project costs assigned to reducing damages to undeveloped private lands and other private shores that do not provide public benefits; and 50 percent of periodic nourishment costs assigned to hurricane and storm damage reduction, plus 100 percent of periodic nourishment costs assigned to reducing damages to undeveloped private lands and other private shores that do not provide public benefits.

b. For so long as the project remains authorized, operate, maintain, repair, rehabilitate, and replace the project, or functional portion of the project, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government.

c. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal Sponsor, now or hereafter, owns or controls for access to the project for the purpose of inspecting, operating, maintaining, repairing, replacing, rehabilitating, or completing the project. No completion, operation, maintenance, repair, replacement, or rehabilitation by the Federal Government shall relieve the non-Federal Sponsor

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of responsibility to meet the non-Federal Sponsor's obligations, or to preclude the Federal Government from pursuing any other remedy at law or equity to ensure faithful performance.

d. Hold and save the United States free from all damages arising from the initial construction, periodic nourishment, operation, maintenance, repair, replacement, and rehabilitation of the project and any project related betterments, except for damages due to the fault or negligence of the United States or its contractors.

e. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Code of Federal Regulations (CFR) Section 33.20.

f. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended, 42 U.S.C. 9601-9675, that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for the initial construction, periodic nourishment, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigations unless the Federal Government provides the non-Federal Sponsor with prior specific written direction, in which case the non-Federal Sponsor shall perform such investigations in accordance with such written direction.

g. Assume, as between the Federal Government and the Non-Federal Sponsor, complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be necessary for the initial construction, periodic nourishment, operation, or maintenance of the project.

h. Agree, as between the Federal Government and the Non-Federal Sponsor, that the non-Federal Sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, and repair the project in a manner that will not cause liability to arise under CERCLA.

i. If applicable, comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way, required for the initial construction, periodic nourishment, operation, and maintenance of the project, including those necessary for relocations, borrow materials, and dredged or excavated material disposal, and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act.

CEMP-SPD

SUBJECT: San Clemente Shoreline, Orange County, California

j. Comply with all applicable Federal and State laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; Section 402 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 701b-12), requiring non-Federal preparation and implementation of floodplain management plans; and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c))."

k. Comply with section 402 of the WRDA of 1986, as amended (33 U.S.C. 701b-12), which requires the non-Federal interest to participate in and comply with applicable Federal floodplain management and flood insurance programs, prepare a floodplain management plan within one year after the date of signing a Project Partnership Agreement (PPA), and implement the plan no later than one year after project construction is complete.

l. Provide the non-Federal share of that portion of the costs of data recovery activities associated with historic preservation, that are in excess of 1 percent of the total amount authorized to be appropriated for the project, in accordance with the cost sharing provisions of the agreement.

m. Participate in and comply with applicable Federal floodplain management and flood insurance programs.

n. Do not use Federal funds to meet the non-Federal sponsor's share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is authorized.

o. Prescribe and enforce regulations to prevent obstruction of or encroachment on the project that would reduce the level of protection it affords or that would hinder future periodic nourishment and/or the operation and maintenance of the project.

p. Not less than once each year, inform affected interests of the extent of protection afforded by the project.

q. Publicize floodplain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in preventing unwise future development in the floodplain, and in adopting such regulations as may be necessary to prevent unwise future development and to ensure compatibility with protection levels provided by the project.

CEMP-SPD

SUBJECT: San Clemente Shoreline, Orange County, California

r. For so long as the project remains authorized, the non-Federal Sponsor shall ensure continued conditions of public ownership and use of the shore upon which the amount of Federal participation is based;

s. Provide and maintain necessary access roads, parking areas, and other public use facilities, open and available to all on equal terms;

t. At least twice annually and after storm events, perform surveillance of the beach to determine losses of nourishment material from the project design section and provide the results of such surveillance to the Federal Government;

u. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 103(j) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until each non-Federal interest has entered into a written agreement to furnish its required cooperation for the project or separable element.

11. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the sponsor, the State, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



MERDITH W. B. TEMPLE

Major General, U.S. Army

Acting Commander





DEPARTMENT OF THE ARMY  
CHIEF OF ENGINEERS  
2600 ARMY PENTAGON  
WASHINGTON, D.C. 20310-2600

DAEN

JUL 16 2013

SUBJECT: Walton County, Florida, Hurricane and Storm Damage Reduction, General Investigations Study

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on hurricane and storm damage reduction along the Gulf of Mexico shoreline of Walton County, Florida. It is accompanied by the report of the district and division engineers. This report is in response to resolutions authorized both within the United States Senate and the U.S. House of Representatives. In the Senate, the Committee on Environment and Public Works adopted a committee resolution (unnumbered) on July 25, 2002, and in the House, the Committee on Transportation and Infrastructure adopted a resolution, Docket 2690, dated July 24, 2002. The resolutions requested the Secretary of the Army to review the feasibility of providing beach nourishment, shore protection and environmental restoration and protection in the vicinity of Walton County, Florida.
2. The reporting officers recommend authorization of a locally preferred plan (LPP) to reduce hurricane and storm damages by constructing a beach fill along the shoreline of Walton County, Florida. The recommended plan for hurricane and storm damage reduction includes construction of a 50-foot wide berm at elevation 5.5 NAVD that includes 25 feet of berm and an additional 25 feet of advanced nourishment along 18.8 miles of the Walton County shoreline. The project will also include added dune width in the construction area of either 10 or 30 feet. The design dune elevation will be constructed to match the existing 15 foot contour NAVD with a shoreward slope of 3H: 1V. The project will begin at the western boundary of the Walton County shoreline and extend eastward to the eastern boundary. The recommended plan includes the initial fill and four renourishments, for a total of five nourishments, in 50 years at an average of 10-year intervals. Initial construction of the recommended plan will require the placement of 3,868,000 cubic yards (cy) of material and a total of 7,157,000 cy for the four renourishments which average 1,789,000 cy of material each. Other associated features of the project are dune vegetation and replacement of dune walkover structures as required. Material for the berm and dune construction and renourishment will be dredged from a borrow site identified offshore of the shoreline area within state waters. Since the recommended plan would not have any significant adverse effects, no mitigation measures (beyond management practices and avoidance) or compensation measures would be required. The recommended plan is the Locally Preferred Plan for hurricane and storm damage reduction which includes areas requested by the non-Federal sponsor in addition to those included in the National Economic Development Plan (NED). Compared to the NED Plan, the LPP includes additional shoreline length of 3.6 miles to provide consistent shoreline protection in areas that were not economically justified. The LPP, similar to the NED Plan, will include a 50-foot berm with added dune widths of either 10 or 30

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feet throughout the project length. The Assistant Secretary of the Army (Civil Works) approved a policy exception allowing the Corps of Engineers to recommend the LPP by letter dated February 7, 2012. The extension will be funded entirely by the non-Federal sponsor.

3. The Walton County Board of Commissioners is the non-Federal cost sharing sponsor for all features. Based on October 2012 price levels, the estimated total nourishment cost of the NED Plan is \$143,340,000. Based on October 2012 price levels, the estimated total nourishment cost of the LPP is \$164,437,000, which includes the project first cost of initial construction of \$61,397,000 and a total of four periodic renourishments at a total cost of \$103,040,000. Periodic renourishments are planned at 10-year intervals. Cost sharing is applied in accordance with the provisions of Section 103 of the Water Resources Development Act (WRDA) of 1986, as amended by Section 215 of WRDA 1999, as follows:

a. The Federal share of the total first cost would be \$17,191,000 and the non-Federal share would be about \$44,206,000, which equates to 28 percent Federal and 72 percent non-Federal. The non-Federal costs include the value of lands, easements, rights-of-way, relocations, and dredged or excavated material disposal areas (LERRD) estimated to be \$737,000.

b. The Federal share of future periodic renourishment is estimated to be \$23,699,000 and the non-Federal share is estimated to be \$79,341,000 which equates to 23 percent Federal and 77 percent non-Federal.

c. Walton County would be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction, a cost currently estimated at about \$168,000 per year.

4. Based on a 3.75 percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated to be \$4,786,000, including monitoring and OMRR&R. All project costs are allocated to the authorized purpose of hurricane and storm damage reduction. The selected plan would reduce average annual coastal storm damages by about 92 percent and would leave average annual damages estimated at \$637,000. The equivalent average annual benefits, which include recreation benefits, are estimated to be \$7,570,000 with net average annual benefits of \$2,784,000. The benefit to cost ratio is approximately 1.6 to 1.

5. Risk and uncertainty has been explicitly factored into the economic analysis of this project. Chapter 6 of ER 1105-2-100, entitled "Risk-Based Analysis for Evaluation of Hydrology/Hydraulics and Economics in Shore Protection Studies" specifies the analysis requirements for shore protection projects, the fundamental requirement being that all shore protection analyses adopt a life cycle approach. A statistical risk based model, Beach-fx, was used in this study to formulate and evaluate the project in a life-cycle approach. Beach-fx is a comprehensive analytical framework for evaluating the physical performance and economic benefits and costs of storm damage reduction projects, particularly beach nourishment along

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sandy shores. The model has been implemented as an event-based Monte Carlo life-cycle simulation tool that is run on desktop computers. Beach-*fx* integrates the engineering and economic analyses and incorporates uncertainty in both physical parameters and environmental forcing, which enables quantification of risk with respect to project evolution and economic costs and benefits of project implementation. This approved modeling approach provides for a more realistic treatment of shore protection project evolution through the relaxation of a variety of simplifying assumptions that are made in existing, commonly applied approaches. The application of Beach-*fx* in this study is to estimate future without project damages and quantify the damages prevented by various storm damage reduction alternatives for Walton County over the 50 year project life. The project is intended to address erosion and prevent damages to structures and contents; it is not intended to, nor will it, reduce the risk to loss of life during major storm events. Loss of life can only be prevented by residents and visitors following the local evacuation plans that are already in place. These residual risks have been communicated to Walton County.

6. In accordance with the Corps Engineering Circular (EC 1165-2-211) on sea level change, the study performed a sensitivity analysis to look at the effects that different rates of accelerated sea level rise could have on the recommended plan. The plan was formulated using a historical or low rate of sea level rise, and the sensitivity analysis used additional accelerated rates, which includes what the EC defines as intermediate and high rates. The analysis found that the influence of current sea level rise on the project is relatively low as compared to other factors causing erosion (waves, currents, winds and storms). The magnitude of the short-term storm-induced erosion during hurricane events have a much greater affect along the beaches of Walton County than those indicated by the natural long term shoreline trends. The recommended plan was based on Beach-*fx* simulations that incorporated the observed rate of sea level rise. Adaptive management will be used including monitoring and adding additional volume of sand during renourishments to compensate for significant accelerated sea level rise beyond the current observed rate should it become necessary.

7. In accordance with the Corps Engineering Circular (EC 1165-2-209) on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and rigorous review process to ensure technical quality. This included an Agency Technical Review (ATR), an Independent External Peer Review (IEPR) (Type I), and a Corps Headquarters policy and legal review. All concerns of the ATR have been addressed and incorporated into the final report. The IEPR was completed by Battelle Memorial Institute. A total of 18 comments were documented. The IEPR comments identified significant concerns in areas of the economics and engineering assumptions and methodologies used to support the decision-making process and plan selection and the incorporation of risk and uncertainty into the project analyses. This resulted in expanded narratives throughout the report to support the decision-making process and justify the recommended plan. All comments from the above referenced reviews have been addressed and incorporated into the final documents. Overall the reviews resulted in improvements to the technical quality of the report.

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8. Washington level review indicates that the project recommended by the reporting officers is technically sound, environmentally and socially acceptable, and economically justified. The plan complies with all essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land related resources implementation studies and complies with other administrative and legislative policies and guidelines. Also the views of interested parties, including Federal, State and local agencies have been considered. During the State and Agency review, comments were received from the Florida Department of Environmental Protection and Department of Interior. These comments expressed the need to protect endangered species during construction and asked for clarification on the economic modeling. The USACE has acknowledged the need to protect endangered species, in compliance with the USFWS biological opinion and clarified the modeling results. In addition, the Florida State Historic Preservation Office (SHPO) wrote concerning the need for additional information to complete their review. The USACE referred the SHPO to the results of a previous SHPO review, which completed the consultation process.

9. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan to reduce hurricane and storm damages for Walton County, Florida be authorized in accordance with the reporting officers' recommended plan at an estimated project first cost of \$61,397,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 103 of the Water Resources Development Act (WRDA) of 1986, as amended by Section 215 of WRDA 1999. The non-Federal sponsor would provide the non-Federal cost share and all LERRD. Further, the non-Federal sponsor would be responsible for all OMRR&R. This recommendation is subject to the non-Federal sponsor agreeing to comply with all applicable Federal laws and policies.

a. Provide a minimum of at least 35 percent of initial project costs assigned to coastal storm damage reduction, plus 50 percent of initial project costs assigned to protecting undeveloped public lands, plus 50 percent of initial project costs assigned to recreation, plus 100 percent of initial project costs assigned to protecting undeveloped private lands and other private shores which do not provide public benefits and 50 percent of periodic nourishment costs assigned to coastal storm damage reduction plus 100 percent of periodic nourishment costs assigned to protecting undeveloped private lands and other private shores which do not provide public benefits and as further specified below:

(1) Enter into an agreement which provides, prior to execution of the project partnership agreement, the non-Federal share of design costs;

(2) Provide all lands, easements, and rights-of-way, and perform or ensure the performance of all relocations determined by the Federal Government to be necessary for the initial construction, periodic nourishment, operation, and maintenance of the project;

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(3) Provide, during construction, any additional amounts as are necessary to make its total contribution equal to 35 percent of initial project costs assigned to hurricane and storm damage reduction plus 100 percent of initial project costs assigned to protecting undeveloped private lands and other private shores which do not provide public benefits and 50 percent of periodic nourishment costs assigned to hurricane and storm damage reduction plus 100 percent of periodic nourishment costs assigned to protecting undeveloped private lands and other private shores which do not provide public benefits;

(4) Provide 100 percent of the total project costs that reflect the difference between the National Economic Development (NED) Plan and the Locally Preferred Plan (LPP);

b. For so long as the project remains authorized, operate, maintain, repair, rehabilitate, and replace the project, or functional portions of the project, including any mitigation features, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government;

c. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor, now or hereafter, owns or controls for access to the project for the purpose of inspecting, operating, maintaining, repairing, replacing, rehabilitating, or completing the project. No completion, operation, maintenance, repair, replacement, or rehabilitation by the Federal Government shall relieve the non-Federal sponsor of responsibility to meet the non-Federal sponsor's obligations, or to preclude the Federal Government from pursuing any other remedy at law or equity to ensure faithful performance;

d. Hold and save the United States free from all damages arising from the initial construction, periodic nourishment, operation, maintenance, repair, replacement, and rehabilitation of the project and any project-related betterments, except for damages due to the fault or negligence of the United States or its contractors;

e. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of three years after completion of the accounting for which such books, records, documents, and other evidence is required, to the extent and in such detail as will properly reflect total costs of construction of the project, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Code of Federal Regulations (CFR) Section 33.20;

f. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended, 42 U.S.C. 9601-9675, that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for the initial construction, periodic nourishment, operation, and maintenance of the project;

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however, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigations unless the Federal Government provides the non-Federal sponsor with prior specific written direction, in which case the non-Federal sponsor shall perform such investigations in accordance with such written direction;

g. Assume, as between the Federal Government and the non-Federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be necessary for the initial construction, periodic nourishment, operation, or maintenance of the project;

h. Agree that, as between the Federal Government and the non-Federal sponsor, the non-Federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, and repair the project in a manner that will not cause liability to arise under CERCLA;

i. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, PL 91-646, as amended by (42 U.S.C. 4601 – 4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way, required for the initial construction, periodic nourishment, operation, and maintenance of the project, including those necessary for relocations, borrow materials, and dredged or excavated material disposal, and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act;

j. Comply with all applicable Federal and State laws and regulations, including, but not limited to, Section 601 of the Civil Rights Act of 1964, PL 88-352 (42 U.S.C. 2000d), Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army," and all applicable Federal labor standards and requirements, including but not limited to, 40 U.S.C. 3141 – 3148 and 40 U.S.C. 3701 – 3708 (revising, codifying, and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a et seq.), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 et seq.) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c et seq.);

k. Comply with Section 402 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 701b-12), which requires the non-Federal interest to participate in and comply with applicable Federal floodplain management and flood insurance programs, prepare a floodplain management plan within one year after the date of signing a Project Cooperation Agreement, and implement the plan not later than one year after completion of construction of the project;

l. Provide the non-Federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation, that are in excess of one percent of the total

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SUBJECT: Walton County, Florida, Hurricane and Storm Damage Reduction, General Investigations Study

amount authorized to be appropriated for the project, in accordance with the cost sharing provisions of the agreement;

m. Agree to participate in and comply with applicable Federal floodplain management and flood insurance programs;

n. Do not use Federal funds to meet the non-Federal sponsor's share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is authorized.

o. Prevent obstructions of or encroachment on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) which might reduce the level of protection it affords, hinder operation and maintenance or future periodic nourishment, or interfere with its proper function, such as any new developments on project lands or the addition of facilities which would degrade the benefits of the project;

p. Not less than once each year, inform affected interests of the extent of protection afforded by the project;

q. Publicize floodplain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in preventing unwise future development in the floodplain, and in adopting such regulations as may be necessary to prevent unwise future development and to ensure compatibility with protection levels provided by the project;

r. For so long as the project remains authorized, the non-Federal sponsor shall ensure continued conditions of public ownership, access, and use of the shore upon which the amount of Federal participation is based;

s. Provide, keep and maintain the recreation features, and access roads, parking areas, and other associated public use facilities, open and available to all on equal terms;

t. At least twice annually and after storm events, perform surveillance of the beach to determine losses of nourishment material from the project design section and provide the results of such surveillance to the Federal Government; and,

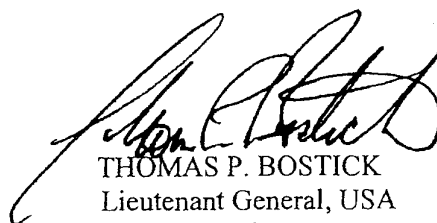
u. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 103 of the Water Resources Development Act of 1986, PL 99-662, as amended (33 U.S.C. 22130, which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element.;



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10. The recommendations contained herein reflect the information available at this time and current Departmental policies governing formulation of individual projects. These recommendations do not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program nor the perspective of higher review levels within the executive branch. Consequently, the recommendations may be modified before they are transmitted to the Congress as proposals for authorization and implementation funding." However, prior to transmittal to the Congress, the non-Federal sponsor, the State, interested Federal agencies, and other parties will be advised of any modifications and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, USA  
Chief of Engineers

REPLY TO  
ATTENTION OFDEPARTMENT OF THE ARMY  
CHIEF OF ENGINEERS  
2600 ARMY PENTAGON  
WASHINGTON, DC 20310-2600

JUL 08 2013

DAEN-ZA

MEMORANDUM FOR: THE SECRETARY OF THE ARMY

SUBJECT: Morganza to the Gulf of Mexico, Louisiana

1. I submit for transmission to Congress my report updating the authorized Morganza to the Gulf of Mexico, Louisiana project. This report supplements the reports of the Chief of Engineers dated 23 August 2002 and 22 July 2003 and is accompanied by the reports of the New Orleans District Commander, Mississippi Valley Division Commander and the Mississippi River Commission. This report presents the updated design and associated costs to the project as a result of applying more robust design and hydrologic and hydraulic modeling standards developed subsequent to Hurricane Katrina. These updated changes have caused the project to exceed the maximum authorized project cost limit under Section 902 of the Water Resources Development Act of (WRDA) 1986. While the project was not reformulated as part of this update, an analysis using the post-Katrina design criteria was initially performed that confirmed the authorized project alignment as the alignment that best meets the Federal objective.
2. The Morganza to the Gulf of Mexico, Louisiana hurricane and storm damage risk reduction project was authorized by Section 1001(24)(A) of the Water Resources Development Act (WRDA) of 2007 at a total cost of \$886,700,000 consistent with the reports of the Chief of Engineers dated 23 August 2002 and 22 July 2003. In addition Section 1001(24)(B) of WRDA 2007 provides that operation, maintenance, repair, rehabilitation and replacement (OMRR&R) of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features of the project that provides for inland waterways transportation shall be a Federal responsibility in accordance with Section 102 of WRDA 1986 (33 U.S.C. 2212).
3. The authorized Morganza to the Gulf of Mexico, Louisiana project was designed to provide hurricane and storm damage risk reduction while maintaining navigational passage and tidal exchange. The project is located approximately 60 miles southwest of New Orleans, Louisiana and includes Terrebonne Parish and a portion of Lafourche Parish. The project recommended in the reports of the Chief of Engineers dated 23 August 2002 and 22 July 2003 was to reduce hurricane and storm damages by providing the one percent annual exceedance (1% annual exceedance probability (AEP)) probability level of risk reduction.



DAEN-ZA

SUBJECT: Morganza to the Gulf of Mexico, Louisiana

4. The reporting officers considered the WRDA 2007 authorized project by applying two different water surface design elevation assumptions. The first assumption retained the pre-Katrina water surface design elevations used in developing the authorized project. The second assumption applied the post-Katrina water surface design elevations to the previously authorized project. Using post-Katrina water surface design elevation calculation methodologies, the pre-Katrina water surface design elevation is equal to approximately a 3% AEP. The post-Katrina water surface design elevation is equal to a 1% AEP as used for the second assumption. Of the two, the assumption associated with the post-Katrina 1% AEP water elevation project provided the greater net benefits, lower residual risk, and greatest adaptability to sea level rise. This 1% AEP project identified by the reporting officers provides the same target level of risk reduction as the authorized project and follows the same alignment with some refinements to address the new storm surge modeling which showed deeper and wider storm surge inundation. The updated project also involves no change in project purpose. However, the application of the more rigorous storm modeling and more robust post-Katrina design standards has resulted in expansion of the project features authorized by WRDA 2007. Changes to the major project features are as follows:

- **Levee Length:** The total levee length has increased from 72 miles to approximately 98 miles. The reason for the increase is to reduce risk of flanking, based on the assumption of higher rates of relative sea level rise, and higher surge and waves in the future.
- **Levee/Structure Elevations:** Levee and structure elevations were increased by 6 feet to 18 feet. Most of the increase in elevation is attributable to higher predicted surge and waves and post Katrina design criteria.
- **Levee Widths:** Levee widths have increased from approximately 40 feet to 200 feet wide to approximately 282 feet to 725 feet wide. The increased widths are attributable to increases in levee heights and the post Katrina geotechnical stability factors of safety.
- **Houma Navigation Canal (HNC) lock complex and Gulf Intracoastal Waterway (GIWW) floodgate feature:** These features which cross federal navigation channels are generally the same except the HNC structure sill depth would be increased by 5 feet as part of the requested sponsor funded work item and the HNC floodgate width increased from 200 feet to 250 feet. The HNC floodgate needed to be widened given that the pre-Katrina design was no longer technically feasible with the increased project height. The GIWW floodgate near Houma was redesigned to eliminate one of the two sector gates.
- **Floodgates:** The number of floodgates on other canals and bayous increased from 9 to 19 as several bayous were not previously identified as being used for navigation and with the extension of the levee length several additional navigable bayous were crossed.
- **Environmental Control Structures:** The number of environmental control structures increased from 12 to 23 sets of concrete box culverts with sluice gates. The increase in the number of structures is attributable to more refined set of design criteria, which considered precipitation event conditions water level and velocity and box culvert design criteria.

DAEN-ZA

SUBJECT: Morganza to the Gulf of Mexico, Louisiana

- Environmental Mitigation: Impacted acres requiring mitigation increased from approximately 3,740 acres to 4,100 acres. The increase is directly related to the increase in the foot print of the levee.
  - Structures Afforded Protection: The number of structures afforded hurricane and storm damage risk reduction increased from approximately 26,000 structures to 53,000 structures. The increase in the number of structures afforded risk reduction is a result of post-Katrina change in 1% AEP water surface elevation.
  - Hydraulic Mitigation: Costs have been included for measures to address a potential indirect impact of the construction to raise water levels outside the levees. Potential impact areas include portions of the communities of Gibson, Bayou Dularge, Dulac, and all of Cocodrie and Isle de Jean Charles. In addition, measures and associated costs have been included to offset potential induced stages on the existing Larose to Golden Meadows project.
5. Based on October 2012 price levels, the estimated first cost of the updated project is \$10,265,000,000, with the Federal and non-Federal shares estimated at \$6,672,000, 000 and \$3,593,000,000, respectively. The Coastal Protection and Restoration Authority of Louisiana in coordination with the Terrebonne Levee and Conservation District has expressed intent to be the non-Federal cost sharing sponsor for the project. Upon completion of construction, the non-Federal sponsor would be responsible for the OMRR&R of the project, a cost currently estimated at \$7,400,000 per year. In accordance with Section 1001(24)(B) of WRDA 2007 the OMRR&R for the GIWW floodgates and the Houma Navigation Canal Lock, estimated at \$1,700,000 per year, is a Federal responsibility.
6. Based on a 3.75-percent discount rate, October 2012 price levels and a 50-year period of analysis, the total equivalent average annual costs of the updated project, including OMRR&R, are estimated to be \$716,000,000. The equivalent average annual benefits are estimated to be \$1,023,000,000. The net average annual benefits would be \$307,000,000. The benefit-to-cost ratio is 1.4 to 1.
7. While the estimated project costs in the district's report are the best available and compliant with current post-Katrina design criteria, the U.S. Army Corps of Engineers Risk Management Center and the New Orleans District jointly evaluated the proposed Morganza to the Gulf project to assess whether the post-Katrina design criteria, specifically in the areas of global stability and overtopping and structural superiority, could be site adapted to reduce project cost without significantly increasing risk. Based on the results of this effort, site adaptations of the criteria were identified for consideration during the next phase of implementation, preconstruction, engineering and design.

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8. The draft report / programmatic environmental impact statement underwent an independent external peer review by the Louisiana Water Resource Council (LWRC). The LWRC assessed the adequacy and acceptability of the economic, engineering, and environmental methods, models and analysis used, during two reviews. A second review was added to focus on the economics supporting the report findings. There were a total of 18 comments of which 13 were medium significance and five were low significance. In summary, the panel felt that the engineering, economics, plan formulation, and environmental analysis were adequate and needed to be properly documented in the final report. The final report / programmatic environmental impact statement also underwent state and agency review. The state and agency comments received during review of the final report/ programmatic environmental impact statement included comments from federal agencies and agencies from the state of Louisiana. Comments provided by the National Ocean and Atmospheric Administration's National Marine Fisheries Service included the need for additional detailed analysis of the potential direct, indirect, and cumulative impacts to Essential Fisheries Habitat related to the closure structures. They were informed this will be further analyzed during the design phase and that the Corps intends to use a certified habitat change model and appropriate fisheries impact models as part of these future analyses. The Department of Interior also expressed similar concerns that will also be addressed as the design is further analyzed. The United States Environmental Protection Agency expressed concerns regarding the need to provide continued coordination with affected communities in the project area to identify any disproportional effects to low income or minority populations in accordance with Executive Order 12898. In addition they were concerned with the impacts associated with potential sea level rise. We acknowledged that under some future relative sea level rise scenarios, increased frequency of closure of the system's gates and water control structures could result in significant adverse indirect impacts to wetlands, hydrology, fisheries, water quality, threatened/endangered species, and navigation. The level of those impacts cannot be fully quantified at this time and these will be analyzed further as well as that adaptive management measures may mitigate for that potentiality. The state of Louisiana had several agencies that provided comments which were generally in support of the project and recognized that earlier comments had been addressed in the final document but were still concerned over the cost of the risk reduction designs. The response noted that the Corps will continue to identify cost-reduction measures that do not sacrifice the overall level of risk reduction to the citizens of Louisiana. Concerns expressed by the Louisiana Department of Wildlife and Fisheries (LDWF) with the Pointe aux Chenes Wildlife Management Area and the Mandalay National Wildlife Refuge that will be unavoidably impacted by the construction. The impacts have been and will continue to be coordinated with the appropriate offices of USFWS and LDWF to ensure that appropriate and practicable efforts are made to minimize adverse environmental impacts to the areas. In summary, responses were provided re-iterating the considerations during the planning process and the extensive coordination that occurred regarding environmental effects and mitigation with the natural resource agencies and that a detailed analysis of the potential indirect and cumulative impacts to wildlife and fisheries related to the construction of this project and specifically to the closure of the structures will occur during the design phase. The Corps will

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produce tiered National Environmental Policy Act documents as needed to document the analysis of the plans and the impacts to the human and natural environments and the informed decision being made as the project proceeds forward. The Corps will make a diligent effort to identify and assess ways to further avoid and minimize any significant adverse environmental and socioeconomic impacts.

9. I concur that the reporting officers have updated the plan identified within the previous reports of the Chief of Engineers and find that the updated plan is economically justified, environmentally acceptable and engineeringly sound. Post-Katrina engineering design criteria and standards for gulf coast communities were applied to reduce the potential of loss of life and property from coastal storms. These engineering practices were developed using the findings of the *Interagency Performance Evaluation Task Force* including key lessons learned from Hurricane Katrina and their implications for future hurricane preparedness and planning for south Louisiana. Project modifications were also found necessary to address developments after the project was authorized, including community resettlement patterns after Katrina, to incorporate improved water control elements and navigation features, and to update other outmoded aspects of the authorized project to more effectively provide the utility of function originally intended by Congress. Accordingly, I submit for transmission to Congress my report updating the authorized Morganza to the Gulf of Mexico, Louisiana project with the required modifications and changes necessary for engineering and construction reasons to produce the degree and extent of coastal storm damage reduction improvements intended by Congress. Finally, the non-Federal sponsor must agree with the following requirements prior to project implementation.

a. Provide 35 percent of total project costs as further specified below:

1. Provide the required non-Federal share of design costs in accordance with the terms of a design agreement entered into prior to commencement of design work for the project;
2. Provide, during the first year of construction, any additional funds necessary to pay the full non-Federal share of design costs;
3. Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the Government to be required or to be necessary for the construction, operation, and maintenance of the project;
4. Provide, during construction, any additional funds necessary to make its total contribution equal to 35 percent of total project costs;

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b. Shall not use funds from other Federal programs, including any non-Federal contribution required as a matching share therefore, to meet any of the non-Federal obligations for the project unless the Federal agency providing the Federal portion of such funds verifies in writing that expenditure of such funds for such purpose is authorized;

c. Not less than once each year, inform affected interests of the extent of protection afforded by the project;

d. Agree to participate in and comply with applicable Federal floodplain management and flood insurance programs;

e. Comply with Section 402 of the Water Resources Development Act of 1986, as amended (33U.S.C. 701b-12), which requires a non-Federal interest to prepare a floodplain management plan within one year after the date of signing a project cooperation agreement, and to implement such plan not later than one year after completion of construction of the project;

f. Publicize floodplain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in adopting regulations, or taking other actions, to prevent unwise future development and to ensure compatibility with protection levels provided by the project;

g. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements, and rights-of-way or the addition of facilities which might reduce the level of protection the project affords, hinder operation and maintenance of the project, or interfere with the project's proper function;

h. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way required for construction, operation, and maintenance of the project, including those necessary for relocations, the borrowing of materials, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act;

i. For so long as the project remains authorized, operate, maintain, repair, rehabilitate, and replace (OMRR&R) the project or functional portions of the project, including any mitigation features, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government (except the HNC lock complex and the GIWW floodgate features of the project for which the



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responsibility for OMRR&R is assigned to the Government under Section 1001(24) of WRDA 2007);

j. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating, maintaining, repairing, rehabilitating, or replacing the project;

k. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, rehabilitation, and replacement of the project and any betterments, except for damages due to the fault or negligence of the United States or its contractors;

l. Keep and maintain books, records, documents, or other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of 3 years after completion of the accounting for which such books, records, documents, or other evidence are required, to the extent and in such detail as will properly reflect total project costs, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Code of Federal Regulations (CFR) Section 33.20;

m. Comply with all applicable Federal and State laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141- 3148 and 40 U.S.C. 3701 – 3708 (revising, codifying and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a et seq.), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 et seq.), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c et seq.);

n. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigations unless the Federal Government provides the non-Federal sponsor with prior specific written direction, in which case the non-Federal sponsor shall perform such investigations in accordance with such written direction;

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o. Assume, as between the Federal Government and the non-Federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project;

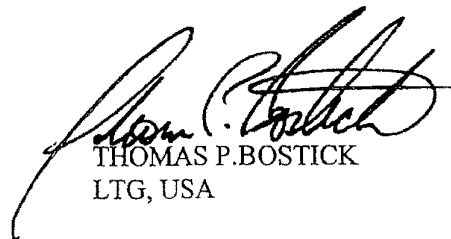
p. Agree, as between the Federal Government and the non-Federal sponsor, that the non-Federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, repair, rehabilitate, and replace the project in a manner that will not cause liability to arise under CERCLA; and

q. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 103(j) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until each non-Federal interest has entered into a written agreement to furnish its required cooperation for the project or separable element;

r. Shall not use any project features or lands, easements, and rights-of-way required for such features as a wetlands bank or mitigation credit for any other project;

s. Pay all costs due to any project betterments or any additional work requested by the sponsor, subject to the sponsor's identification and request that the Government accomplish such betterments or additional work, and acknowledgement that if the Government in its sole discretion elects to accomplish the requested betterments or additional work, or any portion thereof, the Government shall so notify the Non-Federal Sponsor in writing that sets forth any applicable terms and conditions;

10. This report reflects the information available at this time. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, this supplemental report may be modified before it is transmitted to the Congress. However, prior to transmittal to Congress, the sponsor, the State, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
LTG, USA



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, DC 20314-1000

REPLY TO  
ATTENTION OF

CECW-SAD

135 SEP 2009

SUBJECT: Mississippi Coastal Improvements Program, Hancock, Harrison, and Jackson Counties, Mississippi, Comprehensive Plan Report

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my final report on water resources improvements associated with hurricane and storm damage risk reduction and ecosystem restoration in the coastal counties of Hancock, Harrison, and Jackson, Mississippi. It is accompanied by the report of the district and division engineers. These reports are a final response to authorizing legislation contained in the Department of Defense Appropriation Act of 2006 (P.L. 109-148), dated 30 December 2005. The study authorization states, in part, the following:

*"... the Secretary shall conduct an analysis and design for comprehensive improvements or modifications to existing improvements in the coastal area of Mississippi in the interest of hurricane and storm damage reduction, prevention of saltwater intrusion, preservation of fish and wildlife, prevention of erosion, and other related water resource purposes at full Federal expense; Provided further, that the Secretary shall recommend a cost-effective project, but shall not perform an incremental benefit-cost analysis to identify the recommended project, and shall not make project recommendations based upon maximizing net national economic development benefits; Provided further, that interim recommendations for near term improvements shall be provided within 6 months of enactment of this act with final recommendations within 24 months of this enactment."*

Pre-construction engineering and design and additional studies will be initiated upon Congressional authorization.

2. The Mississippi Coastal Improvements Program Comprehensive Plan, hereinafter referred to as the MsCIP Comprehensive Plan, is a systemwide approach linking structural and nonstructural hurricane and storm damage risk reduction elements with ecosystem restoration elements, all with the goal of providing for a coastal community that is more resilient to hurricanes and storms. The MsCIP Comprehensive Plan for hurricane and storm damage risk reduction in coastal Mississippi was developed using a multiple lines-of-defense approach focusing on reducing hurricane and storm damages through barrier islands restoration, and employing beachfront protection, wetland restoration, and floodplain evacuation concepts of the MsCIP Comprehensive Plan. The reporting officers identify 12 elements to aid recovery of coastal Mississippi that was severely damaged by the hurricanes of 2005. Structural elements include restoring protective beaches and systems, restoring native habitats, and raising an

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existing levee. Non-structural elements include removing structures from floodplains or raising structures that are highly vulnerable to storm damage. The hurricanes of 2005 severely taxed the resources of local governments and institutions, making it unlikely that those resources could be employed to implement these proposed recovery actions without Federal assistance. Thus, this package of 12 elements and the identified further feasibility studies will help the people of coastal Mississippi in their recovery. Implementation of the 12 elements would provide for the restoration of over 3,000 acres of coastal forest and wetlands, approximately 30 miles of beach and dune restoration, and floodproofing or acquisition of approximately 2,000 tracts within the 100-year floodplain.

3. The MsCIP Comprehensive Plan also includes recommendations for additional studies to address the longer term needs over the next 30-40 years. These studies would evaluate the restoration of over 30,000 acres of coastal forest, wetlands, beaches and dunes; sustainable restoration of the barrier islands; structural measures; and floodproofing or acquisition of over 58,000 tracts within the 100-year floodplain.

4. The reporting officers developed the recommended 12 elements for coastal Mississippi consistent with the direction provided in the Department of Defense Appropriations Act of 2006 (P.L. 109-148), dated 30 December 2005. In accordance with P.L. 109-148, the reporting officers found each of the 12 elements to be cost-effective, technically sound, and environmentally and socially acceptable. These 12 elements are described below and include two non-structural hurricane storm risk reduction elements, one structural hurricane and storm damage risk reduction element, seven ecosystem restoration elements, and two coastal ecosystem restoration elements. The additional studies that are part of the MsCIP Comprehensive Plan could provide further improvements in the coastal area of Mississippi if implemented. Discussion of these studies is included in paragraphs 5 and 6.

a. High Hazard Area Risk Reduction Program (HARP). This project element consists of acquisition of approximately 2,000 tracts which are at the highest risk of being damaged by storm surge, demolition of existing structures, and retention of acquired tracts in an open space condition. The number of tracts was based on an estimate of what could be acquired during a five year period following the execution of the Project Partnership Agreement for implementation of this element. To the extent practicable, acquisition would be on a willing seller basis, but eminent domain could be utilized when determined to be warranted. As described in the report, acquisition will be in compliance with the provisions of the Uniform Relocations Assistance and Real Property Acquisition Policies Act (P.L. 91-646), as amended, and the uniform regulations contained in 49 CFR, Part 24 including the provision of payment of relocation assistance benefits to eligible recipients. The tracts would include residential, commercial and unimproved tracts. In addition, buildings owned by the City of Moss Point that are used for municipal purposes will be replaced with buildings out of the Federal Emergency Management Agency (FEMA) designated Velocity Zone. Benefits of the HARP include approximately \$22,000,000 – \$33,000,000 in average annual hurricane and storm damage risk

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reduction benefits, depending on the specific tracts acquired. At October 2008 price levels, the estimated first cost of this element is \$407,860,000. The cost of this non-structural project element is allocated to hurricane and storm damage risk reduction. In accordance with the provisions of the Water Resources Development Act of 1986 (WRDA 1986), as amended, cost sharing would be 65-percent Federal and 35-percent non-Federal. The Federal share of the estimated first cost of this element would be \$265,110,000 and the non-Federal share would be \$142,750,000. The estimated annual cost for operation, maintenance, repair, replacement and rehabilitation of this project element is \$75,000 and is a 100-percent non-Federal responsibility.

b. Waveland Floodproofing. This project element consists of elevating approximately 25 residential structures in the City of Waveland, Mississippi that are determined to be eligible for floodproofing by elevation out of the 1-percent chance storm event inundation level. Benefits of the Waveland Floodproofing include \$224,000 in average annual hurricane and storm damage risk reduction benefits. At October 2008 price levels, the estimated first cost of this element is \$4,450,000. The cost of this element is allocated to hurricane and storm damage risk reduction. In accordance with the provisions of WRDA 1986, as amended, cost sharing would be 65-percent Federal and 35-percent non-Federal. The Federal share of the estimated first cost of this project element is \$2,890,000 and the non-Federal share is \$1,560,000. Due to the non-structural nature of this element, the estimated annual costs for operation, maintenance, repair, replacement and rehabilitation are expected to be nominal. However any operation, maintenance, repair, replacement and rehabilitation that would be needed is a 100-percent non-Federal responsibility.

c. Forrest (Forest) Heights Levee. This project element for the Forrest Heights community in the Turkey Creek watershed of Gulfport, Mississippi consists of raising approximately 6,500 linear feet of an existing non-Federal levee to a levee crest elevation of 21 feet North Atlantic Vertical Datum of 1988 (NAVD-88). An existing publicly owned park with a surface elevation of 12 to 14 feet NAVD-88 would be included in the plan to serve as a water detention area for temporary containment of rainfall during storm events. This recommended project element will require the acquisition of two residential properties within the existing community. Unavoidable adverse environmental impacts have been identified and the cost of acquisition and restoration of approximately 3 acres of mitigation is included in total estimated cost of this element. Hurricane and storm damage risk reduction benefits are estimated at \$101,000 to a historically significant minority community. In addition to these benefits, the levee would maintain cohesiveness of the historically significant community, and preserve the culture and heritage of its predominantly minority residential population. At October 2008 price levels, the estimated first cost of this element is \$14,070,000. The cost of this element is allocated to hurricane and storm damage risk reduction. In accordance with the provisions of WRDA 1986, as amended, cost sharing would be 65-percent Federal and 35-percent non-Federal. The Federal share of the estimated first cost of this project element is \$9,150,000 and the non-Federal share is \$4,920,000. The estimated annual cost for operation, maintenance, repair, replacement, and rehabilitation of this project element is \$114,000 and is a 100-percent non-Federal responsibility.

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d. Turkey Creek Ecosystem Restoration. This project element consists of the restoration of 689 acres of an undeveloped site of degraded wet pine savannah habitat. Restoration of this area would provide an increase of 1,565 average annual functional habitat units. These habitats have been identified by the U.S. Fish and Wildlife Service as habitats of high value for native species and as relatively scarce or becoming scarce on a national basis or in the ecoregion. Measures required to restore hydrology and natural vegetation on the site include filling drainage ditches, road removal, and controlled burning. Rare and threatened and endangered birds that are expected to utilize the areas following burning and regrowth include Henslow's sparrow, Bachman's sparrow, red-cockaded woodpecker, and Mississippi Sandhill Crane. This restored ecosystem also may benefit the Mississippi Gopher frog and, in drier areas along ridges, the black pine snake and the gopher tortoise. At October 2008 price levels, the estimated first cost of this element is \$6,840,000. The cost of this project is allocated to ecosystem restoration. In accordance with the provisions of WRDA 1986, as amended, cost sharing would be 65-percent Federal and 35-percent non-Federal. The Federal share of the estimated first cost of this project element is \$4,450,000 and the non-Federal share is \$2,390,000. The estimated annual cost for operation, maintenance, repair, replacement, and rehabilitation of this project element is \$47,000 and is a 100-percent non-Federal responsibility. Post-implementation monitoring of this ecosystem restoration element is projected to be conducted for no more than five years at a cost of less than 1-percent of the total first cost of the ecosystem restoration elements. Adaptive management of ecosystem restoration element is expected to cost no more than 3-percent of the total first cost of the ecosystem restoration element. The cost of monitoring and adaptive management is included in the total estimated first cost of this element.

e. Dantzler Ecosystem Restoration. This project element consists of restoration of 385 acres of severely degraded wet pine savannah owned by the State of Mississippi. Measures required to restore hydrology and natural vegetative habitat to the site include removal of existing hurricane debris and sedimentation, filling drainage ditches, road removal, control of non-native species, and controlled burning. The proposed element would provide an increase of 1,244 average annual functional habitat units and restore the natural hydrologic character of the area. The site's location in proximity to the Pascagoula River delta, a Gulf Ecological Management Site, increases the value of this restoration element by minimizing the fracturing of biodiversity. At October 2008 price levels, the estimated first cost of this element is \$2,210,000. The cost of this project is allocated to ecosystem restoration. In accordance with the provisions of WRDA 1986, as amended, cost sharing would be 65-percent Federal and 35-percent non-Federal. The Federal share of the estimated first cost of this project element is \$1,440,000 and the non-Federal share is \$770,000. The estimated annual cost for operation, maintenance, repair, replacement, and rehabilitation of this project element is \$26,000 and is a 100-percent non-Federal responsibility. Post-implementation monitoring of this ecosystem restoration element is projected to be conducted for no more than five years at a cost of less than 1-percent of the total first cost of the ecosystem restoration elements. Adaptive management of ecosystem restoration element is expected to cost no more than 3-percent of the total first cost of the ecosystem restoration element. The cost of monitoring and adaptive management is included in the total estimated first cost of this element.

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f. Franklin Creek Ecosystem Restoration. This project element includes restoration of hydrology and native habitats by removing ditches, excavating and removing existing roadbeds, installing culverts under U.S. Highway 90, control of non-native species, and controlled burning to restore 149 acres located north and south of U.S. Highway 90 with critical wet pine savannah habitat. This area routinely floods with only a slight rainfall; thus, this would also provide additional flood storage capacity by restoring the natural habitat. Pine savannah wetlands provide floodwater retention, groundwater recharge, and water purification. This habitat is becoming fragmented and with the increased development, fire maintenance is increasingly harder to perform. The proposed element would provide an increase of 516 average annual functional habitat units and restore the natural hydrology of the area. In addition, restoration of this area would provide for additional flood storage capacity within the Grand Bay area reducing flooding severity within the adjacent communities of Orange Grove and Pecan in Jackson County. The site's location in proximity to the Grand Bay National Wildlife Refuge (NWR) and the Grand Bay National Estuarine Research Reserve (NERR) increases the value of this restoration element by minimizing the fracturing of biodiversity. Incidental hurricane and storm damage risk reduction benefits would be realized from the removal of approximately 30 residential structures from the floodplain. At October 2008 price levels, the estimated first cost of this element is \$1,860,000. The cost of this project is allocated to ecosystem restoration. In accordance with the provisions of WRDA 1986, as amended, cost sharing would be 65-percent Federal and 35-percent non Federal. The Federal share of the estimated first cost of this project element is \$1,210,000 and the non-Federal share is \$650,000. The estimated annual cost for operation, maintenance, repair, replacement, and rehabilitation of this project element is \$11,000 and is a 100-percent non-Federal responsibility. Post-implementation monitoring of this ecosystem restoration element is projected to be conducted for no more than five years at a cost of less than 1-percent of the total first cost of the ecosystem restoration elements. Adaptive management of ecosystem restoration element is expected to cost no more than 3-percent of the total first cost of the ecosystem restoration element. The cost of monitoring and adaptive management is included in the total estimated first cost of this element.

g. Bayou Cumbest Ecosystem Restoration. This project element includes the acquisition of approximately 61 tracts, removal of 19 structures, excavation and removal of fill material from former home sites and adjacent lands, filling drainage ditches, control of non-native species, and planting with native emergent wetland species. Following acquisition of these tracts, 148 acres would be restored to emergent wetland (110 acres) and coastal scrub shrub habitat (38 acres). The estuarine wetland habitats provide nursery and foraging habitat that supports various species including economically-important marine fishery species, such as black drum, spotted seatrout, southern flounder, Gulf menhaden, bluefish, croaker, mullet, and blue crab. The proposed element would provide an increase of 637 average annual functional habitat units. The site's proximity to Franklin Creek, Grand Bay NWR and Grand Bay NERR increases the value of this project element by minimizing the fracturing of biodiversity. At October 2008 price levels, the estimated first cost of this element is \$25,530,000. The cost of this project is allocated to ecosystem restoration. In accordance with the provisions of WRDA 1986, as amended, cost sharing would be 65-percent Federal and 35-percent non-Federal. The Federal share of the estimated first cost of this project



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element is \$16,590,000 and the non-Federal share is \$8,940,000. The current estimated annual cost for operation, maintenance, repair, replacement, and rehabilitation of this project element is \$114,000 and is a 100-percent non-Federal responsibility. Post-implementation monitoring of this ecosystem restoration element is projected to be conducted for no more than five years at a cost of less than 1-percent of the total first cost of the ecosystem restoration elements. Adaptive management of ecosystem restoration element is expected to cost no more than 3-percent of the total first cost of the ecosystem restoration element. The cost of monitoring and adaptive management is included in the total estimated first cost of this element.

h. Admiral Island Ecosystem Restoration. This project element consists of restoration of a severely degraded 123-acre tidal wetland area owned by the State of Mississippi. Measures required to restore hydrology and native habitat to the area include excavating fill material, filling ditches, control of non-native species and planting native tidal emergent species. The proposed element would provide an increase of 108 average annual functional habitat units. At October 2008 price levels, the estimated first cost of this element is \$21,810,000. The cost of this project is allocated to ecosystem restoration. In accordance with the provisions of WRDA 1986, as amended, cost sharing would be 65-percent Federal and 35-percent non-Federal. The Federal share of the estimated first cost of this project element is \$14,180,000 and the non-Federal share is \$7,630,000. The current estimated annual cost for operation, maintenance, repair, replacement, and rehabilitation of this project element is \$58,000 and is a 100-percent non-Federal responsibility. Post-implementation monitoring of this ecosystem restoration element is projected to be conducted for no more than five years at a cost of less than 1-percent of the total first cost of the ecosystem restoration elements. Adaptive management of ecosystem restoration element is expected to cost no more than 3-percent of the total first cost of the ecosystem restoration element. The cost of monitoring and adaptive management is included in the total estimated first cost of this element.

i. Deer Island Ecosystem Restoration. This project element includes actions that will complement existing Federal restoration projects by minimizing the fracturing of biodiversity. Measures include restoration of a portion of the northern and southern shorelines of the island, and new stone training dikes to prevent future erosion. The proposed element would provide an additional 400 acres of highly productive estuarine wetlands, restore beach and dune habitat, create hard bottom habitat, reduce coastal erosion, and restore the coastal maritime forest. This element would produce an increase of 2,125 average annual functional habitat units. In addition, the restoration of Deer Island provides incidental hurricane and storm damage risk reduction benefits to the developed mainland Biloxi area. At October 2008 price levels, the estimated first cost of this element is \$21,520,000. The cost of this project is allocated to ecosystem restoration. In accordance with the provisions of WRDA 1986, as amended, cost sharing would be 65-percent Federal and 35-percent non-Federal. The Federal share of the estimated first cost of this project element is \$13,990,000 and the non-Federal share is \$7,530,000. All costs for operation, maintenance, repair, replacement and rehabilitation are a 100-percent non-Federal responsibility. Post-implementation monitoring of this ecosystem restoration element is projected to be conducted for no more than five years at a cost of less than 1-percent of the total first cost of the ecosystem

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restoration elements. Adaptive management of ecosystem restoration element is expected to cost no more than 3-percent of the total first cost of the ecosystem restoration element. The cost of monitoring and adaptive management is included in the total estimated first cost of this element.

j. Submerged Aquatic Vegetation Element. This element consists of measures designed to evaluate techniques for restoring submerged aquatic vegetation (SAV), an essential component of an estuarine ecosystem. Specifically, five acres of SAVs in the Grand Bay National Estuarine Research Reserve (NERR) area that were destroyed by Hurricane Katrina will be restored using different techniques. The results will be used to guide and develop other SAV restoration projects that would be undertaken as future authorized elements of the overall Comprehensive Plan. At October 2008 price levels, the estimated first cost of this element is \$900,000. Cost sharing would be 65-percent Federal and 35-percent non-Federal. The Federal share of the estimated first cost of this measure is \$590,000 and the non-Federal share is \$310,000.

k. Coast-wide Beach and Dune Ecosystem Restoration. This project element consists of beach and dune improvements to approximately 30 miles of the 60 miles of existing beaches on the mainland coast. These improvements would include construction of 60-foot wide vegetated dune fields approximately 50 feet seaward of the existing seawalls. The element would provide 248 average annual functional habitat units. These beach and dune areas are critical to nesting and resting shorebirds such as the State listed least tern and the threatened piping plover. In addition to the ecological benefits, the dunes would provide incidental hurricane and storm damage risk reduction benefits particularly during smaller storm events, tropical storms, and lower energy hurricanes. At October 2008 price levels, the estimated first cost of this element is \$23,320,000. The cost of this project is allocated to ecosystem restoration. In accordance with the provisions of WRDA 1986, as amended, cost sharing would be 65-percent Federal and 35-percent non-Federal. The Federal share of the estimated first cost of this project element is \$15,160,000 and the non-Federal share is \$8,160,000. All costs for operation, maintenance, repair, replacement and rehabilitation are a 100-percent non-Federal responsibility. Post-implementation monitoring of this ecosystem restoration element is projected to be conducted for no more than five years at a cost of less than 1-percent of the total first cost of the ecosystem restoration elements. Adaptive management of ecosystem restoration element is expected to cost no more than 3-percent of the total first cost of the ecosystem restoration element. The cost of monitoring and adaptive management is included in the total estimated first cost of this element.

l. Barrier Island Restoration. This project element consists of the placement of approximately 22 million cubic yards of sand within the National Park Service's Gulf Islands National Seashore, Mississippi unit. Approximately 13 million cubic yards of sand would be used to close a gap between East Ship Island and West Ship Island, originally opened by Hurricane Camille, through the construction of a low level dune system. The remaining 9 million cubic yards of sand would be placed in the littoral zones at the eastern ends of Ship and Petit Bois Islands. This would result in the restoration of 1,150 acres of critical coastal zone habitats. In accordance with the requests of the National Park Service, the closure of the Ship Island gap and placement of sand into the littoral zones would be undertaken only once, and would not be nourished or otherwise maintained in the

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future. The restoration of Ship Island would provide over 400 average annual functional habitat units and help to ensure the sustainability of the Mississippi Sound ecosystem by maintaining salinity inflows from the Gulf of Mexico. The estuarine habitats provide nursery and foraging habitat that supports various species including economically-important marine fishery species, such as black drum, spotted seatrout, southern flounder, Gulf menhaden, bluefish, croaker, mullet, and blue crab. These estuarine-dependent organisms serve as prey for other important fisheries, such as mackerels, snappers, and groupers, and highly migratory species, such as billfishes and sharks. Incidental benefits associated with this element include average annual hurricane and storm damage risk reduction benefits of \$20,000,000 to mainland Mississippi, \$470,000 in average annual recreation benefits, and \$43,000,000 in average annual fishery benefits to Mississippi Sound. The placement of sand would also provide incidental protection to two cultural sites listed on the National Register of Historic Places. At October 2008 price levels, the estimated cost of this element is \$479,710,000. The cost of this element is allocated to ecosystem restoration. Cost sharing would be 65-percent Federal and 35-percent non-Federal. The Federal share of the estimated cost of this project element is \$311,810,000 and the non-Federal share is \$167,900,000.

5. Further Detailed Investigations of Remaining Elements of the Comprehensive Plan. The MsCIP Comprehensive Plan describes a number of additional components that could provide further improvements in the coastal area of Mississippi if implemented. However, these components are not recommended for authorization for construction at this time because further feasibility level analysis under additional study authority would be required to support a recommendation for construction authorization. Consequently, the reporting officers recommended additional feasibility level studies as part of the MsCIP Comprehensive Plan. These follow-on feasibility studies would evaluate the potential for restoration of over 30,000 acres of coastal forest, wetlands, beaches and dunes; restoration of barrier islands; structural measures; and floodproofing of structures on, or acquisition of, over 58,000 tracts within the 100 year floodplain. The reporting officers worked closely with other Federal agencies, the State of Mississippi, environmental groups, stakeholders, and interested parties to ensure that the program recommended for implementation best meets the goals and objectives of the MsCIP Comprehensive Plan consistent with the Congressional authorization. The total study cost of the recommended follow-on feasibility level studies is estimated to be \$143,200,000, which would be cost shared on a 50-percent Federal and 50-percent non-Federal basis consistent with cost sharing provisions of Section 105 of WRDA 86, as amended. Follow-on analysis would include:

- 6 additional ecosystem restoration studies to restore the hydrology and native habitat on undeveloped state owned property.
- Long-term High Hazard Area Risk Reduction Program element to evaluate the further acquisition of high risk properties.
- Escatawpa River Freshwater Diversion to evaluate a variety of freshwater diversion scenarios to restore wet pine savannah habitat and reduce salinities in Grand Bay.

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- 30 long-term ecosystem restoration and hurricane and storm damage risk reduction studies to restore the hydrology and natural habitat and reduce storm damages in developed residential areas.
- 7 hurricane and storm damage risk reduction studies to evaluate additional hurricane and storm damage risk reduction opportunities in high density land use areas.

6. At October 2008 price levels, the estimated first cost of the 12 elements of the MsCIP Comprehensive Plan recommended for authorization is \$1,010,080,000, of which \$656,550,000 would be Federal and \$353,530,000 would be non-Federal. The estimated first cost of the individual elements recommended for authorization is summarized below in Table 1. The first cost of the recommended feasibility studies is estimated at \$143,200,000. The estimated first cost of the individual studies recommended are summarized below in Table 2.

**Table 1**  
**Mississippi Coastal Improvements Program**  
**Cost Sharing (October 2008 Price Level)**

<b>Phase I Recommended Plan Element</b>	<b>Total First Cost</b>	<b>Federal Cost</b>	<b>Non-Federal Cost</b>
Phase I High Hazard Area Risk Reduction Plan	\$407,860,000	\$265,110,000	\$142,750,000
Waveland Floodproofing	\$4,450,000	\$2,890,000	\$1,560,000
Forrest Heights Levee	\$14,070,000	\$9,150,000	\$4,920,000
Turkey Creek Ecosystem Restoration	\$6,840,000	\$4,450,000	\$2,390,000
Dantzler Ecosystem Restoration	\$2,210,000	\$1,440,000	\$770,000
Franklin Creek Ecosystem Restoration	\$1,860,000	\$1,210,000	\$650,000
Bayou Cumbest Ecosystem Restoration & Hurricane & Storm Damage Reduction	\$25,530,000	\$16,590,000	\$8,940,000
Admiral Island Ecosystem Restoration	\$21,810,000	\$14,180,000	\$7,630,000
Deer Island Ecosystem Restoration	\$21,520,000	\$13,990,000	\$7,530,000
Submerged Aquatic Vegetation Pilot Program	\$900,000	\$590,000	\$310,000
Coast-wide Beach and Dune Ecosystem Restoration	\$23,320,000	\$15,160,000	\$8,160,000
Comprehensive Barrier Island Restoration	\$479,710,000	\$311,810,000	\$167,900,000
Total MsCIP Authorization Request	\$1,010,080,000	\$656,550,000	\$353,530,000

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**Table 2**  
**Mississippi Coastal Improvements Program**  
**Cost Sharing (October 2008 Price Level)**

Feasibility Studies	Estimated Study Cost	Federal Cost	Non-Federal Cost
Long-term High Hazard Area Risk Reduction	\$5,000,000	\$2,500,000	\$2,500,000
Escatawpa River Freshwater Diversion	\$3,000,000	\$1,500,000	\$1,500,000
Ecosystem Restoration Studies	\$1,700,000	\$850,000	\$850,000
Long-term Ecosystem Restoration and Hurricane and Storm Damage Risk Reduction	\$48,500,000	\$24,250,000	\$24,250,000
Structural Hurricane and Storm Damage Risk Reduction	\$85,000,000	\$42,500,000	\$42,500,000
Total First Cost of MsCIP Recommended Investigations	\$143,200,000	\$71,600,000	\$71,600,000

7. In concert with the Corps Campaign Plan, the MsCIP Comprehensive Plan was developed utilizing a systematic and regional approach in formulating solutions and in evaluating the impacts and benefits of those solutions. All potential impacts, both adverse and beneficial, have been considered without regard to geographic boundaries. The MsCIP and Louisiana Coastal Protection and Restoration (LACPR) study teams collaborated fully their efforts on a systems scale to ensure consistency. A regional salinity and water quality model has been developed covering an area from west of Lake Pontchartrain to east of Mobile Bay and south beyond the Chandeleur Islands in the Gulf. Regional storm surge modeling has been applied to examine regional-scale changes to storm surge levels associated with several of the proposed project alternatives. A multi-disciplinary risk assessment team was assembled by the Corps to characterize the probabilities of different hurricanes that can impact the northern Gulf of Mexico region. The risk assessment team supported both the MsCIP and LACPR work and FEMA's remapping efforts, and developed a unified general coastal flooding methodology that is being applied by U.S. Army Corps of Engineers (Corps) and FEMA.

8. Independent External Peer Review (IEPR) of the MsCIP Comprehensive Plan was managed by Battelle Memorial Institute, a non-profit science and technology organization with experience in establishing and administering peer review panels for the Corps. The IEPR panel consisted of seven individuals selected by Battelle with technical expertise in engineering (civil and geotechnical); geology/geomorphology; hydrology; hydraulics; coastal environmental science, water quality/resource management; floodplain management; meteorology/hurricanes; socioeconomics; real estate; risk assessment; and modeling. The Final Report from the IEPR panel was issued November 7, 2008 and included 14 final comments. Overall, the IEPR panel found the MsCIP Comprehensive Plan is an impressive body of work that is wide-ranging in the scope of research used to inform plan selection and recommendations. However, they felt that the plan could be improved by inclusion of a concise statement of the project's long-term vision for the future coastal landscape and a figure illustrating the project in the Executive Summary. The panel also acknowledged that there has been extensive outreach and community engagement

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in the scoping process. The panel encouraged continued Corps collaboration with the public, local and Federal agencies, and the inclusion of universities and research institutions to continue to inform this plan. Support of local communities and states should be fostered as it is also a critical component to project success. Of the 14 IEPR comments identified by the panel, four were classified as high significance by the panel. This first comment recommended including a refined analysis in certain areas before design and build is conducted. In response, additional clarification was added to the report to indicate that a refined analysis would be undertaken in the ensuing project phases. The second comment requested providing additional explanations on the preliminary evaluations of hurricane storm damage risk reduction, erosion control, and ecosystem restoration. In response, with assistance from recommendations in the IEPR report, the Comprehensive Plan was revised to provide further clarification in these areas. The third comment recommended that the redevelopment scenarios should include a range of possible outcomes for the economy. In response, the team provided further explanations on the preliminary analysis and possible outcomes for the redevelopment scenarios. The fourth comment recommended that adaptive management processes should be a more integral part of the Comprehensive Plan and must include a strong monitoring and feedback mechanism. In response, the adaptive management process was further integrated into the Comprehensive Plan, along with recognition that adaptive management will be developed more extensively in collaboration with others in the ensuing project phases. Eight of the IEPR panel comments were classified as medium significance by the panel. They included clarifying the extent of inclusion of public and agency engagement into plan selection; including additional information on future impacts to municipal and industrial waste facilities; including additional detail on human adaptation, as it relates to economic activities; including additional explanations on sea level rise; including a clearer description on how relative sea level rise is incorporated; providing a clearer explanation on the physics-based models; providing further descriptions on the factors in model selection; and providing further explanation on why oysters were used as an indicator species. As a result of these comments, additional discussions were added to the report to clarify these areas, including why decisions were made through the study process respective to these comments. The report was also revised to provide further explanation on the use of oysters as one of several indicator species that assisted in the identification of feasible alternatives. The final two comments from the IEPR panel were classified as low significance. They included reevaluating the goal to reduce loss of life by 100% as it is unrealistic for the project; and to clarify the process for weighting metrics, both of which were addressed with modifications to the report. While the goal to reduce loss of life by 100% remained in the study, additional discussion was added to the report to state that residual risk will remain with any type of plan in place, and to emphasize the roles of all partners in addressing and communicating residual risk, including the need for a well coordinated hurricane evacuation plan.

9. Washington level review indicated that the project is technically sound, environmentally acceptable, and cost effective. The plan conforms with essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation studies and complies with other administration and

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legislative policies and guidelines. Also, the views of interested parties, including Federal, State and local agencies have been considered.

10. One or more of the 12 elements of the MsCIP Comprehensive Plan recommended in this report to be authorized for implementation may be implementable pursuant to statutory language included in Title IV of the Supplemental Appropriations Act, 2009 (Public Law 111-32) under the heading "Flood Control and Coastal Emergencies" that was enacted on June 24, 2009 (*see* 123 Stat. 1875-1876). Analysis as to which element or elements may be implemented pursuant to that language is ongoing.

11. I find that the reporting officers have addressed the provisions of P.L. 109-148, and I generally concur in their findings, conclusions, and recommendations. Accordingly, I recommend that the 12 elements described herein be authorized for implementation in accordance with the reporting officers' plan, with such modifications as in the discretion of the Chief of Engineers may be advisable. I further recommend that the additional studies as described herein be authorized subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including WRDA 1986, as amended. This recommendation of authorization for implementation of the 12 elements is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including WRDA 1986, as amended, and with the non-Federal sponsor agreeing to comply with applicable Federal law and policies, and with the following requirements:

a. Provide 35 percent of total project costs allocated to hurricane and storm damage risk reduction, as further specified below:

(1) Provide 25 percent of design costs allocated to hurricane and storm damage risk reduction in accordance with the terms of a design agreement entered into prior to commencement of design work for a project element for hurricane and storm damage risk reduction;

(2) Provide, during the first year of construction of a project element for hurricane and storm damage risk reduction, any additional funds necessary to pay the full non-Federal share of design costs allocated to hurricane and storm damage reduction;

(3) Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the Government to be required or to be necessary for the construction, operation, and maintenance of a project element for hurricane and storm damage risk reduction;



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(4) Provide, during construction of a project element for hurricane and storm damage risk reduction, any additional funds necessary to make its total contribution for hurricane and storm damage risk reduction equal to 35 percent of total project costs allocated to hurricane and storm damage risk reduction;

b. Provide 35 percent of total project costs allocated to ecosystem restoration, as further specified below:

(1) Provide 25 percent of design costs allocated to ecosystem restoration in accordance with the terms of a design agreement entered into prior to commencement of design work for a project element for ecosystem restoration;

(2) Provide, during the first year of construction of a project element for ecosystem restoration, any additional funds necessary to pay the full non-Federal share of design costs allocated to ecosystem restoration;

(3) Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the Government to be required or to be necessary for the construction, operation, and maintenance of a project element for ecosystem restoration;

(4) Provide, during construction of a project element for ecosystem restoration, any additional funds necessary to make its total contribution for ecosystem restoration equal to 35 percent of total project costs allocated to ecosystem restoration;

c. Shall not use funds from other Federal programs, including any non-Federal contribution required as a matching share therefore, to meet any of the non-Federal obligations for a project element unless the Federal agency providing the Federal portion of such funds verifies in writing that expenditure of such funds for such purpose is authorized;

d. Shall not use a project element for ecosystem restoration or lands, easements, and rights-of-way required for a project element for ecosystem restoration as a wetlands bank or mitigation credit for any other project or project element;

e. Not less than once each year, inform affected interests of the extent of protection afforded by the project elements for hurricane and storm damage risk reduction;

f. Agree to participate in and comply with applicable Federal floodplain management and flood insurance programs for project elements for hurricane and storm damage risk reduction;

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g. Comply with Section 402 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 701b-12), which requires a non-Federal interest to prepare a floodplain management plan within one year after the date of signing a project partnership agreement, and to implement such plan not later than one year after completion of construction of a project element for hurricane and storm damage risk reduction;

h. Publicize floodplain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in adopting regulations, or taking other actions, to prevent unwise future development and to ensure compatibility with protection levels provided by a project element for hurricane and storm damage risk reduction;

i. Prevent obstructions or encroachments on a project element (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project element lands, easements, and rights-of-way or the addition of facilities which might reduce the level of protection a project element affords, reduce the outputs produced by a project element, hinder operation and maintenance of a project element, or interfere with a project element's proper function;

j. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way required for construction, operation, and maintenance of a project element, including those necessary for relocations, the borrowing of materials, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act;

k. For so long as a project element remains authorized, operate, maintain, repair, rehabilitate, and replace the project element, or functional portions of the project element, including any mitigation features, at no cost to the Federal Government, in a manner compatible with the project element's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government;

l. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor owns or controls for access to a project element for the purpose of completing, inspecting, operating, maintaining, repairing, rehabilitating, or replacing the project element;

m. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, rehabilitation, and replacement of a project element and any betterments, except for damages due to the fault or negligence of the United States or its contractors;

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n. Keep and maintain books, records, documents, or other evidence pertaining to costs and expenses incurred pursuant to a project element, for a minimum of three years after completion of the accounting for which such books, records, documents, or other evidence are required, to the extent and in such detail as will properly reflect total project costs, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Code of Federal Regulations (CFR) Section 33.20;

o. Comply with all applicable Federal and State laws and regulations, including, but not limited to; Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141- 3148 and 40 U.S.C. 3701 – 3708 (revising, codifying and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c *et seq.*);

p. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of a project element. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigations unless the Federal Government provides the non-Federal sponsor with prior specific written direction, in which case the non-Federal sponsor shall perform such investigations in accordance with such written direction;

q. Assume, as between the Federal Government and the non-Federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of a project element;

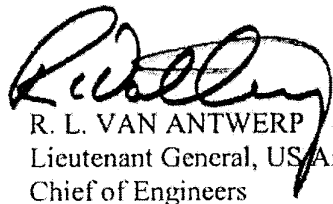
r. Agree, as between the Federal Government and the non-Federal sponsor, that the non-Federal sponsor shall be considered the operator of a project element for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, repair, rehabilitate, and replace the project element in a manner that will not cause liability to arise under CERCLA; and

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s. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 103(j) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until each non-Federal interest has entered into a written agreement to furnish its required cooperation for the project or separable element.

12. The recommendations contained herein reflect the information available at this time and current Departmental policies governing formulation of individual projects. They do not reflect program and budgeting priorities inherent in the formulation of a national Civil Works construction program nor the perspective of higher review levels within the Executive Branch. Consequently, the recommendations may be modified before they are transmitted to the Congress as proposals for authorization and implementation funding. However, prior to transmittal to the Congress, the non-Federal sponsor, the State, interested Federal agencies, and other parties will be advised of any modifications and will be afforded an opportunity to comment further.



R. L. VAN ANTWERP  
Lieutenant General, US Army  
Chief of Engineers

REPLY TO  
ATTENTION OFDEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET, NW  
WASHINGTON, DC 20314-1000

CEMP-NAD (1105-2-10a)

AUG 24 2009

SUBJECT: Mid-Chesapeake Bay Island Ecosystem Restoration Project, Chesapeake Bay,  
Dorchester County, Maryland

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on ecosystem restoration in the Middle Chesapeake Bay at James and Barren Islands. It is accompanied by the report of the Baltimore District Engineer and the North Atlantic Division Engineer. These reports are a partial response to a resolution by the Senate Committee on Environment and Public Works, adopted 5 June 1997. The resolution requested that the Secretary review the report of the Chief of Engineers on the Chesapeake Bay, Maryland and Virginia, published as House Document 176, Eighty-eighth Congress, First Session, and other pertinent reports with a view to conducting watershed management studies, in cooperation with other Federal agencies, the State of Maryland and the State of Delaware, their political subdivisions and agencies and instrumentalities thereof, of water resources improvements in the interest of navigation, flood control, hurricane protection, erosion control, environmental restoration, wetlands protection, and other allied purposes in watersheds of the Eastern Shore, Maryland and Delaware. The Eastern Shore, Maryland (MD) and Delaware (DE) Section 905(b) analysis concluded that a Federal interest existed to assess the needs and opportunities within the study area and recommended a variety of potential projects for further study. The Mid-Chesapeake Bay Island Ecosystem Restoration Study was initiated specifically to evaluate protecting and/or restoring island habitat loss because of erosion and subsidence through the beneficial use of dredged material, as recommended in the Section 905(b) analysis.

2. Land subsidence, rising sea level, and wave action are causing valuable remote island habitats to be lost throughout the Chesapeake Bay. Approximately 10,500 acres of island habitat has been lost in middle-eastern portion of Chesapeake Bay in the last 150 years, and should present island loss rates continue in the future, it is estimated that most remote island habitats will disappear from the Mid-Chesapeake Bay region within 20 years. The Mid-Chesapeake Bay Island Ecosystem Restoration Project consists of constructing environmental restoration projects at both James and Barren Islands. The reporting officers recommend authorizing a plan that will restore 2,144 acres of remote island habitat (2,072 acres at James Island and 72 acres at Barren Island), while also protecting approximately 1,325 acres of submerged aquatic vegetation (SAV) habitat adjacent to Barren Island and providing approximately 90 to 95 million cubic yards, or approximately 28 to 30 years, of dredged material placement capacity. Through the beneficial use of dredged material, the Mid-Chesapeake Bay Island Ecosystem Restoration Project would replace hundreds of acres of lost wetland and upland remote island habitat. This habitat would

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SUBJECT: Mid-Chesapeake Bay Island Ecosystem Restoration Project, Chesapeake Bay, Dorchester County, Maryland

improve productivity in the surrounding area, while providing an environmentally sound method for the use of dredged material from the Chesapeake Bay approach channels to the Port of Baltimore. Cost effectiveness and incremental cost analysis techniques were used to evaluate alternative ecosystem restoration plans. Since the recommended plan would not have any significant adverse effects, no mitigation measures (beyond management practices and avoidance) or compensation measures would be required. The recommended plan is the most efficient and cost-effective of the alternatives considered and provides substantial environmental benefits. The recommended plan is the national ecosystem restoration plan (the NER plan).

3. The incremental cost of the disposal of dredged material for ecosystem restoration purposes over the least cost, environmentally acceptable method of disposal is shared in accordance with Section 210 of WRDA 1996 (PL 104-303). Project cost sharing for ecosystem restoration requires that the non-Federal sponsor provide 35 percent of the cost associated with construction of the project for the protection, restoration, and creation of aquatic and ecologically related habitats, including provision of all lands, easements, rights-of-way, and necessary relocations. Cost sharing for recreation features requires that the non-Federal sponsor provide 50 percent of the cost associated with construction cost. Recreation facilities will be constructed on existing project lands required for the environmental restoration. Further, the non-Federal project sponsor must pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project.

4. The Maryland Port Administration, under the auspices of the Maryland Department of Transportation is the non-Federal sponsor for the project. The estimated total first cost including contingencies for the Mid-Chesapeake Bay Island Ecosystem Restoration Project is \$1.612 billion based on October 2008 price levels. The Federal share of the total project costs would be \$1.045 billion for the Federal government (65 percent) and \$567 million for the non-Federal sponsor (35 percent). Operations, maintenance, repair, rehabilitation, and replacement (OMRR&R) costs for the completed project are projected to be less than 2 percent of the total project cost and would be a non-Federal responsibility. The first costs of the recommended recreation facilities are estimated at \$210,000. The Federal Government and the non-Federal sponsor would each share 50 percent of the cost or \$105,000. Since the recreation features are not planned to be constructed until the project is largely complete, OMRR&R costs would be incurred beyond to period of analysis for the project and so are not included in the project cost.

5. The cost of the recommended environmental restoration plan is justified by the restoration of 2,144 acres of remote island habitat (2,072 acres at James Island and 72 acres at Barren Island), the protection of approximately 1,325 acres of SAV habitat adjacent to Barren Island, and achieving habitat increases in the most cost-effective manner. The habitats constructed as part of the Mid-Bay Ecosystem Restoration Project will restore additional remote island habitat, a scarce and rapidly vanishing ecosystem niche within the Chesapeake Bay region that provide a vital

CEMP-NAD (1105-2-10a)

SUBJECT: Mid-Chesapeake Bay Island Ecosystem Restoration Project, Chesapeake Bay, Dorchester County, Maryland

connection for avian species between open-water and mainland terrestrial habitats within the region and provide valuable nesting habitat for a variety of colonial nesting and wading bird species. Protection of the extensive SAV beds east of Barren Island will provide nursery habitat for blue crabs and many species of commercially important finfish species, while also providing foraging habitat for waterfowl. The restoration projects at James and Barren Islands would contribute to the goals of the Chesapeake Bay Program watershed partnership through its habitat and ecosystem recovery and preservation efforts. Both James and Barren Islands would contribute to the Chesapeake 2000 Agreement goals to restore tidal and non-tidal wetlands, to protect and restore submerged aquatic vegetation, and to develop strategies to address water clarity in areas of critical importance for submerged aquatic vegetation.

6. The Corps of Engineers uses a Campaign Plan to establish priorities, focus transformation initiatives, measure and guide progress, and adapt to the needs of the future. The second of four goals of the Campaign Plan is to deliver enduring and essential water resource solutions through collaboration with partners and stakeholders. In developing this project, the Corps of Engineers has focused its talents and energy on a comprehensive, sustainable and integrated solution to the one of the Chesapeake Bay's greatest water resources and related challenges, and has accomplished this through collaboration with a diverse group of organizations and individuals, ranging from large government agencies to local watermen making their living on the Chesapeake Bay in the vicinity of James and Barren Islands. They included numerous local, State, and Federal agencies; defined groups such as watermen's, fishermen's, and boating associations; and private citizens. Through this substantial network of stakeholders and the beneficial use of dredged material, this project is an integrated and holistic solution that not only sustains one of the Nation's most productive ports, but ensures that the invaluable remote island habitat that the project is restoring in the Nation's largest estuary is equally sustainable.

7. The plan as developed is technically sound, economically efficient, and environmentally and socially acceptable. The plan conforms with essential elements of the U.S. Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies and complies with other administration and legislative policies and guidelines. The development of this project benefited from an extensive review process that included the District Quality Control by the Baltimore District, Agency Technical Review by the Philadelphia District, and an Independent External Peer Review. District Quality Control reviewed basic science and engineering products. The Agency Technical Review was an in-depth review by senior Corps personnel to ensure the proper application of clearly established criteria, regulations, laws, codes, principles, and professional practices. In addition, the primary benefit model, the Island Community Units Model, was reviewed by the Corps of Engineers National Ecosystem Planning Center of Expertise and the Engineer Research and Development Center. Approval of the application of the Island Community Units model was recommended for the Mid-Chesapeake Bay Island Ecosystem Restoration Project. It was also determined that



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use of the model for future projects would require additional documentation supporting model assumptions, justification of guild weightings, and a sensitivity analysis of individual guild models and guild weighting.

8. The Independent External Peer Review (IEPR) was managed by an outside eligible organization that assembled a panel of four experts in the fields of engineering, estuarine ecology, economics and plan formulation, and hydrology. Ultimately, the panel identified and documented 14 comments. Four were classified as low significance and included comments about the influence of climate change on design, the addition of figures to the main body of the report, citations for restoration literature, and clarification of the location for dredged material in the most probable future without project condition. These comments were addressed with minor modifications to the feasibility report. Eight of the comments were classified as medium significance. They included the level of rigor/review of the preferred alternative; the use of a sensitivity analysis and the documentation of risk and uncertainty; the schedule for establishment of a fully functioning marsh; further discussion of the link between the need and scale of the project with the target volume of dredged material; description of the environmental monitoring; connectivity between the salt marsh and the estuary; inclusion of climate change, sea level rise, and invasive species in the Adaptive Management Plan; and potential discounting of environmental outcomes over the project lifetime. As a result, clarification was added to the report, a cost and schedule risk assessment was conducted, and a detailed monitoring plan and Adaptive Management Plan are being developed with the assistance of the panel's recommendations. The remaining two panel comments were determined to be of high significance. One concern was that the analysis of environmental benefits was biased by the failure to subtract quantitative habitat injuries, making the selection process and justification of the preferred alignment unreliable. In response, the team worked with fishery managers to quantify adverse impacts from filling the water column and benthic habitat and provided a discussion to support the conclusions produced by the plan formulation selection process using net benefits. The second concern was that water quality impacts associated with construction and the potential negative impacts of resettled suspended sediment were not addressed. As suggested by the IEPR reviewers, the team prepared an assessment that considered sediment re-suspension, transport, and deposition, and oyster and submerged aquatic vegetation requirements to assess construction impacts for Barren and James Islands. Federal and State resource agencies were involved in the planning and assessment of impacts. The team concluded that there will be no significant turbidity or environmental impacts to the oyster bars or submerged aquatic vegetation from construction at Barren or James Islands.

9. The views of interested parties, including Federal, State and local agencies, have been considered. Specific requests have been made for additional coordination with U.S. Fish and Wildlife Service and the National Marine Fisheries Service as detailed designs proceed on the

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project. USACE has agreed to continue close coordination with these agencies and other affected parties as the design and construction process continues.

10. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend implementation of the authorized project in accordance with the reporting officers' plan with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of WRDA 1986, as amended. The non-Federal sponsor would provide the non-Federal cost share and all LERRD. Further, the non-Federal sponsor would be responsible for all OMR&R. This recommendation is subject to the non-Federal sponsor agreeing to comply with all applicable Federal laws and policies, including the following requirements:

a. Provide a minimum of 35 percent of total ecosystem restoration costs as further specified below:

- 1) Provide 25 percent of design costs allocated by the Government to ecosystem restoration in accordance with the terms of a design agreement entered into prior to commencement of design work for the project;
- 2) Provide, during the first year of construction, any additional funds necessary to pay the full non-Federal share of design costs allocated by the Government to ecosystem restoration;
- 3) Provide all lands, easements, and rights-of-way, including suitable borrow, and perform or ensure the performance of all relocations determined by the Federal Government to be necessary for the construction, operation, and maintenance of the project;
- 4) Provide all improvements required on lands, easements, and rights-of-way to enable the proper placement of dredged or excavated material associated with the construction, operation, and maintenance of the project;
- 5) Provide, during construction, any additional amounts as are necessary to make its total contribution at least 35 percent of ecosystem restoration costs.

b. Provide 50 percent of total recreation costs as further specified below:

- 1) Provide 25 percent of design costs allocated by the Government to recreation in accordance with the terms of a design agreement entered into prior to commencement of design work for the project;
- 2) Provide during the first year of construction, any additional funds necessary to pay the non-Federal share of design costs allocated by the Government to recreation;
- 3) Provide all lands, easements, and rights-of-way, including those required for relocations, and borrowing of material, and the disposal of dredged or excavated material;

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perform or ensure the performance of all relocations; and construct all of the improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated materials all as determined by the Government to be required or to be necessary for the construction, operation, and maintenance of the recreation features;

4) Provide, during construction, any funds necessary to make its total contribution for recreation equal to 50 percent of the recreation costs;

5) Provide during construction, 100 percent of the total recreation costs that exceed an amount equal to 10 percent of the Federal share of total ecosystem restoration costs.

c. For so long as the project remains authorized, operate, maintain, repair, replace, and rehabilitate the project, or functional portion of the project, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government.

d. Shall not use the project or project lands, easements, and rights-of-way as a wetland bank or mitigation credit required for another project.

e. Provide and maintain recreation features and public use facilities open and available to all on equal terms.

f. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor, now or hereafter, owns or controls for access to the project for the purpose of inspection, and, if necessary after failure to perform by the non-Federal sponsor, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the project. No completion, operation, maintenance, repair, replacement, or rehabilitation by the Federal Government shall operate to relieve the non-Federal sponsor of responsibility to meet the non-Federal sponsor's obligations, or to preclude the Federal Government from pursuing any other remedy at law or equity to ensure faithful performance.

g. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, replacement, and rehabilitation of the project and any project related betterments, except for damages due to the fault or negligence of the United States or its contractors.

h. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of three years after completion of the accounting for which such books, records, documents, or other evidence are required, to the

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extent and in such detail as will properly reflect total project costs, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 CFR Section 33.20.

i. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), PL 96-510, as amended, 42 U.S.C. 9601-9675, that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for the construction, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigations unless the Federal government provides the non-Federal sponsor with prior specific written direction, in which case, the non-Federal sponsor shall perform such investigations in accordance with such written direction.

j. Assume, as between the Federal government and the non-Federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated substances located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be necessary for the construction, operation, or maintenance of the project.

k. Agree, as between the Federal Government and the non-Federal sponsor, the non-Federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability. To the maximum extent practicable, operate, maintain, repair, replace, and rehabilitate the project in a manner that will not cause liability to arise under CERCLA.

l. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91 -646, as amended (42 U.S.C. 4601 - 4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way, required for the construction, operation, and maintenance of the project, including those necessary for relocations, the borrowing of materials, or the placement of dredged or excavated material, and inform all affected persons of applicable benefits, policies, and procedures under said Act.

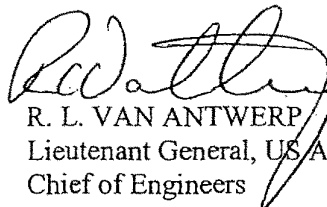
m. Comply with all applicable Federal and State laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, PL 88-352 (42 U.S.C. 2000d); Department of Defense Directive 5500.1 1 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army;" and all applicable Federal labor standards including,

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but not limited to, 40 U.S.C. 3141-48 and 40 U.S.C. 3701-08 (reversing, codifying, and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 267a et seq.), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 et seq.) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c et seq.),

11. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program nor the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the sponsors, the State, interested Federal agencies, and other parties will be advised of any modifications and will be afforded an opportunity to comment further.



R. L. VAN ANTWERP  
Lieutenant General, US Army  
Chief of Engineers



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:  
CECW-SAD (1105-2-10a)

MAR 11 2010

SUBJECT: Comprehensive Everglades Restoration Plan, Central and Southern Florida,  
Caloosahatchee River (C-43) West Basin Storage Reservoir Project, Hendry County, Florida

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on ecosystem restoration improvements for the Caloosahatchee River (C-43) West Basin Storage Reservoir project, located in Hendry County, Florida. It is accompanied by the report of the district and division engineers. These reports are in response to Section 601 of the Water Resources Development Act (WRDA) of 2000, which authorized the Comprehensive Everglades Restoration Plan (CERP) as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. WRDA 2000 identified specific requirements for implementing components of the CERP, including development of a decision document known as a Project Implementation Report (PIR). The Caloosahatchee River (C-43) West Basin Storage Reservoir Project is a component of the CERP that was not specifically authorized in that Act. The authority for the preparation of the Caloosahatchee River (C-43) West Basin Storage Reservoir Project Implementation Report (PIR), one of a number of site-specific projects, is contained in Section 601(d) of WRDA 2000. Congress may authorize the project following review and approval of a PIR by the Secretary of the Army. The requirements of a PIR are addressed in this report. Preconstruction engineering and design activities for this Project will be continued under the existing CERP Design Agreement.

2. The PIR recommends a project that significantly contributes to two of the ecologic goals and objectives of the CERP: improving habitat and functional quality and improving native plant and animal species abundance and diversity. In addition, it contributes to the socioeconomic objective of providing recreational and navigation opportunities. Scientists have established that a mosaic of uplands, freshwater marsh, deep water sloughs, and estuarine habitats supporting a diverse community of fish and wildlife was one of the defining characteristics of the pre-drainage Everglades ecosystem. Currently in south Florida, habitat function and quality has significantly declined in remaining natural system areas due to water management projects and practices, resulting in a loss of suitable nesting, foraging, and fisheries habitat and a decline in native species diversity and abundance. The PIR confirms information in the CERP and provides project-level evaluation of costs and benefits associated with construction and operations of a reservoir. Constructing and operating a reservoir would reduce the extreme salinity changes in the Caloosahatchee Estuary by providing a more consistent flow of fresh water discharging at S-79 into the Caloosahatchee River Estuary. The extreme fresh water

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fluctuations are due to fresh water flows from basin runoff and releases from Lake Okeechobee. Due to the advanced land acquisition activities conducted jointly by the Federal Government and the State of Florida, the Project can be implemented relatively quickly, significantly advancing the realization of project benefits in an area that has been degraded by past water management activities.

3. The reporting officers recommend implementing the Caloosahatchee River (C-43) West Basin Storage Reservoir to improve the ecological function of the Caloosahatchee Estuary by capturing and storing the excess surface water runoff from the Caloosahatchee River watershed (or C-43 Basin) and excess releases from Lake Okeechobee. Stored water will then be discharged to the estuary during the dry season to augment existing inadequate flows. The project site is located on farm land adjacent to the Caloosahatchee River (C-43) canal in Hendry County and totals approximately 10,700 acres. The reservoir will require approximately 10,480 acres of land in fee and 20 acres of perpetual channel easement. Approximately 200 additional acres will be required on a temporary basis during project construction for staging areas. Approximately 7,080 acres of project lands were acquired with a 50 percent Federal cost-share using funds appropriated via the 1996 Federal Farm Bill and the Land and Water Conservation Funds that were specifically designated for the acquisition of lands to restore the South Florida ecosystem. Major features of the reservoir include external (dam) embankments varying in height from 32-37 feet above existing grade, Soil-Bentonite slurry walls within and beneath the external embankments, an internal (dam) embankment separating the two reservoir cells with an approximate height of 31 feet above existing grade, an inflow pump station consisting of diesel-powered pumps with a total pumping capacity of 1,500 cfs, a perimeter canal, and pump station consisting of electric-powered pumps with a total pumping capacity of 195 cfs, and numerous spillways, culverts, perimeter canal structures, an internal cell balancing structure, and outlet structures. Recreational opportunities are also provided at the site within the project footprint.

4. The total first cost of the recommended plan from the Final PIR and Integrated EIS, dated September 2007, based on October 2009 price levels, is estimated to be \$570,480,000. The fully funded cost, based on October 2009 price levels, is estimated to be \$610,736,000. Project cost increases since the Central and Southern Florida Project Comprehensive Restudy Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement, April 1999, are primarily due to the fact that the recommended plan is a larger reservoir than originally envisioned (170,000 acre-feet of storage compared to 160,000 acre-feet in the Restudy), that design refinements were needed to incorporate current methods and criteria for addressing dam safety requirements, and that real estate costs increased. Project cost increases from the final PIR to present are due to revisions to the land valuation crediting policy for CERP.

5. In accordance with the cost-sharing requirements of Section 601(e) of the WRDA 2000, as amended, the Federal cost of the recommended plan would be \$ 305,368,000 and the non-Federal cost would be \$305,368,000. The estimated lands, easements, rights-of-way, and relocations costs for the recommended plan are \$84,650,000 of which approximately

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\$27,566,500 (Rounded) has been provided to the State through the Federal Department of Interior Grant Funds. Based on October 2009 price levels, a 40-year period of economic evaluation and a 4.375 percent discount rate, the equivalent annual cost of the proposed project is estimated at \$37,600,000, which includes operation, maintenance, repair, rehabilitation and replacement (OMRR&R), interest and amortization. The estimated annual costs for restoration OMRR&R are \$3,100,000. The annual OMRR&R costs for recreation are estimated at \$25,000. As a component of the CERP program, the interagency/interdisciplinary scientific and technical team, formed to ensure that system-wide goals are met, will participate in the annual monitoring to assess system-wide changes. In accordance with Sections 601(e)(4) and 601(e)(5)(D) of WRDA 2000 as amended, OMRR&R costs and adaptive assessment and monitoring costs will be shared equally between the Federal Government and the non-Federal sponsor. OMRR&R costs related to recreation features will be funded 100 percent by the non-Federal sponsor.

6. To ensure that an effective ecosystem restoration plan was recommended, cost effectiveness/incremental cost analysis techniques were used to evaluate alternative restoration plans. These techniques determined the selected alternative plan to be cost effective. The plan recommended for implementation is an increment of the National Ecosystem Restoration (NER) plan, it supports the adaptive management recommendations established by the National Research Council, and it meets the policy criteria established in U.S Army Corps of Engineers (USACE) guidance for planning in a collaborative environment. The recommended plan provides benefits by: 1) reducing harmful discharges to the Caloosahatchee Estuary by capturing a portion of high flow releases from Lake Okeechobee and basin runoff from the lower West Caloosahatchee River Basin during the wet season, 2) storing the water until needed in a reservoir, and 3) discharging stored water to supplement inadequate flows over S-79 to Caloosahatchee Estuary during the dry season, thereby reducing stress on the natural system. Hydrologic output comparisons were made between the flow frequency distribution of each alternative plan and the target frequency distribution for the combined monthly and weekly average freshwater inflows at S-79 for a nine year period of record. The nine years chosen out of the 36 year period of record contain three wet, three dry and three normal years. Biological outputs used to compare plans are based on several parameters that indicate the degree to which natural vegetative conditions and key indicator species are restored. The parameters for both hydrologic outputs and biological outputs are based on established peer-reviewed hydrologic and conceptual ecological models developed to guide the restoration of the South Florida ecosystem.

7. The recommended plan improves functional fish and wildlife habitat in the Caloosahatchee River Estuary. The Everglades has been designated an International Biosphere Reserve (1976) and a World Heritage Site (1979) by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) and a Wetland of International Importance (1987) in accordance with the Ramsar Convention. The portion of the Everglades ecosystem directly affected by the Caloosahatchee River (C-43) West Basin Storage Reservoir, including the project site and the Caloosahatchee River and Estuary, provides habitat for 21 federally-listed endangered or threatened species, including the Florida panther, Everglades snail kite, wood stork, manatee, eastern indigo snake, Audubon's crested caracara and five species of sea turtles. In accordance



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with the WRDA 2000 Section 601(f)(2), individual CERP projects shall be justified by the environmental benefits derived by the South Florida ecosystem. Similarly, Section 385.9(a) of the CERP Programmatic Regulations (33 CFR Part 385) requires that individual projects shall be formulated, evaluated, and justified based on their ability to contribute to the goals and purposes of the Plan and on their ability to provide benefits that justify costs on a next-added increment basis. The Caloosahatchee River (C-43) West Basin Storage Reservoir Project, operating in conjunction with other projects in the comprehensive plan produces an average annual increase of 12,809 habitat units in the Caloosahatchee River Estuary. On a next-added increment (NAI) basis (meaning adding the Caloosahatchee River (C-43) West Basin Storage Reservoir as the next project to be added to a system of projects) the Caloosahatchee River (C-43) West Basin Storage Reservoir project delivers about 15,300 average annual habitat units. Based on restoration first cost and the Caloosahatchee Estuary, the cost per acre benefited is about \$8,034. On a next-added increment basis, the average annual cost per average annual habitat unit is approximately \$2,825. Based on these parameters, the Caloosahatchee River (C-43) West Basin Storage Reservoir project is justified by the environmental benefits derived by the South Florida ecosystem and on a next-added increment basis. All NEPA compliance requirements have been completed. Final EIS coordination began on 21 September 2007 and concluded on 22 October 2007. No significant environmental changes have occurred since the EIS coordination was finalized in 2007.

8. Section 601(e)(5)(B) of the Water Resources Development Act of 2000, as amended by Section 6004 of the Water Resources Development Act of 2007, authorizes credit toward the non-Federal share for non-Federal design and construction work completed during the period of design or construction, subject to the execution of the design or project partnership agreement, and subject to a determination by the Secretary that the work is integral to the project. This project is included in the “Expedited Projects” formerly called Acceler8. The reporting officers recommend that the non-Federal sponsor be credited for all reasonable, allowable, necessary, auditable, and allocable costs applicable to The Caloosahatchee River (C-43) West Basin Storage Reservoir Project as may be authorized by law, including those incurred in advance of executing a project partnership agreement for this project, subject to authorization of the Project by law, a determination by the Assistant Secretary of the Army (Civil Works) or his/her designee that the In-kind work is integral to the Authorized CERP Project, that the costs are reasonable, allowable, necessary, auditable, and allocable, and that the In-kind work has been implemented in accordance with Government standards and applicable Federal and State laws.

9. Credits for non-Federal design and construction will be evaluated in accordance with the terms of the Master Agreement Between the Department of the Army and South Florida Water Management District for Cooperation in Constructing and Operating, Maintaining, Repairing, Replacing, and Rehabilitating Projects Authorized to be Undertaken Pursuant to the Comprehensive Everglades Restoration Plan, executed on 13 August 2009 (hereinafter “Master Agreement”). All documentation provided by the non-Federal sponsor will be thoroughly reviewed by USACE to determine reasonable, allowable, necessary, auditable, and allocable costs. Upon completion of this review, a financial audit will be conducted prior to granting final

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credit. Coordination between USACE and the Sponsor will occur throughout design and construction via the USACE Regulatory process. The credit afforded to the non-Federal sponsor will be limited to the lesser of the following: (1) actual costs that are reasonable, allowable, necessary, auditable, and allocable to the Project; or (2) the USACE estimate of the cost of the work allocable to the Project had USACE performed the work. The non-Federal sponsor intends to implement this work using its own funds and would not use funds originating from other Federal sources unless the Federal granting agency verifies in writing that the expenditure of such funds is expressly authorized by statute and in accordance with Section 601 (e)(3) of WRDA 2000 as amended and the Master Agreement.

10. The plan recommended by the reporting officers is environmentally justified, technically sound, cost effective, and socially acceptable. The plan conforms to essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies and complies with other administration and legislative policies and guidelines. Also, the views of interested parties, including Federal, State and local agencies, have been considered.

State and Agency comments received during review of the Final PIR/EIS included concerns raised by the Florida Department of Agriculture and Consumer Services (FDACS) related to savings clause requirements and water reservations within the Caloosahatchee Basin. These concerns were addressed through several multi-agency meetings and ultimately resolved in a Headquarters, US Army Corps of Engineers (HQUSACE) response dated August 11, 2009. This letter stated that "all water to be protected for the natural system is a result of being able to capture and store excess Lake Okeechobee discharges to tide, and then delivering that water at the right time to meet estuary salinity targets. This project as simulated in the modeling, and as it will be operated, will not reduce the amount of water available from existing sources in the C-43 Basin or the amount available to existing legal users."

The U.S. Environmental Protection Agency, the Southwest Florida Regional Planning Council (SWFRPC), Lee County, and the City of Sanibel provided comments expressing water quality concerns associated with the construction and operations of the reservoir. In response, USACE and the non-Federal sponsor explained that the intent of this project is to focus on meeting salinity targets in the estuary. Future CERP planning efforts will focus on other problems, including water quality, identified in the Caloosahatchee River Basin. This project is permitted through the Florida Department of Environmental Protection (FDEP) and compliant with State water quality standards. The FDEP finds that there are reasonable assurances that "State water quality standards, including water quality criteria and moderating provisions, will be met." (FDEP letter to the Mayor of Sanibel dated April 30, 2007). USACE will require the permit holder to conduct limited algal monitoring. The primary purpose of monitoring for algae in the reservoir will be for the prevention of harmful algal bloom exposure to recreationists and users of the downstream potable water supply systems. This initial monitoring program will be assessed after two years to determine if modifications are needed. USACE also intends to require that the permit holder develop an Algal Monitoring and Management Plan for the

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reservoir. This plan should include a long-term monitoring program as well as management plans should an algal bloom develop. Additionally, the non-Federal sponsor in conjunction with Lee County has acquired the Boma Property immediately east of S-78 along the Caloosahatchee River for the construction of a water quality treatment facility targeting nitrogen removal. Plans for this facility are being developed as part of the Northern Everglades Program, Caloosahatchee River Watershed Protection Plan, a cooperative State effort between the non-Federal sponsor, FDEP, and FDACS.

The SWFRPC additionally expressed concerns with the intended use of the Picayune Strand Restoration Project lands as mitigation for Florida panther habitat impacted by the construction and operation of the Caloosahatchee River (C-43) West Basin Storage Reservoir. In response, USACE stated that the USFWS has lead responsibility for programmatic tracking of Florida panther habitat losses and gains associated with CERP projects. Although individual projects may cause some panther habitat loss, this loss is being evaluated in the context of the conservation of the species range-wide. Acquisition of lands for this project and other CERP projects has resulted in preservation of important lands that may have otherwise been used for development. A majority of Florida panther habitat to be preserved is associated with the nearby Picayune Strand Restoration Project (PSRP), which is adjacent to other large tracts of natural and preserved lands including Fakahatchee Strand Preserve State Park and Big Cypress National Preserve. Acquisition and preservation of lands in the Caloosahatchee River (C-43) West Basin Storage Reservoir study area are consistent with the USFWS' goal to locate, preserve, and restore tracts of lands containing sufficient area and appropriate land cover types to ensure the long-term survival of the Florida panther.

11. The Project complies with the following requirements of WRDA 2000 as amended:

a. Project Implementation Report (PIR). The requirements of a PIR as defined by Section 601(h)(4)(A).

b. Water Reservations. Sections 601(h)(4)(A)(iii)(IV) and (V) require identification of the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system and the amount of water to be reserved or allocated for the natural system. Additional water delivered to and retained in natural areas was identified and will be reserved or allocated by the State of Florida.

c. Elimination or Transfer of Existing Legal Sources of Water. Section 601(h)(5)(A) states that existing legal sources of water shall not be eliminated or transferred until a new source of water supply of comparable quantity and quality is available to replace the water to be lost as a result of the Plan. Implementation of the Caloosahatchee River (C-43) West Basin Storage Reservoir project will not result in a transfer or elimination of sources of water to meet agricultural and urban demand in the Caloosahatchee River (C-43 Canal) Basin (remaining the same as before the project). Sources of water for the Seminole and Miccosukee Tribes and Everglades National Park are influenced by the regional water management system (C&SF

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Project, including Lake Okeechobee), and will not be affected by this project. Therefore, there will be no elimination or transfer as a result of this project on existing legal sources of supply for: agricultural or urban water supply, allocation or entitlement to the Seminole Indian Tribe of Florida under Section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e), the Miccosukee Tribe of Florida, water supply for Everglades National Park, or water supply for fish and wildlife.

d. Maintenance of Flood Protection. Section 601 (h)(5)(B) states that CERP shall not reduce levels of service for flood protection that are in existence on the date of enactment of this Act and in accordance with applicable law. Potential effects of the storage reservoir on water levels on adjacent lands were evaluated. In response to these evaluations, the Project includes a seepage management system, consisting of a seepage cut-off wall, seepage canal, and pump to ensure that adjacent lands in the immediate vicinity of the project are not adversely affected. The operations of this project will not change the operations of the Caloosahatchee River (C-43 Canal); therefore, there will be no system-wide effects on flood protection that will impact the regional basin as a result of the Project.

12. Agency technical reviews (ATR) of the Caloosahatchee River (C-43) West Basin Storage Reservoir document were carried out through collaboration with the National Ecosystem Restoration Planning Center of Expertise (PCX) in compliance with guidance at the time of Final PIR completion (2007). Extensive external scientific peer review through the National Academy of Science (NAS) has been conducted at the CERP programmatic level and will continue throughout the planning and implementation of the CERP program through the NAS biennial reports to Congress. In particular, the NAS promoted the use of traditional water storage technologies and the use of adaptive management principles within the formulation process. Both of these comments have been integrated into the formulation and design of the C-43 project. No further IEPR was deemed necessary or recommended for the study. In addition, no further IEPR is needed in response to WRDA 2007, since C-43 studies had been initiated and alternatives identified more than two years prior to its enactment and the final report had been submitted for approval prior to its passage.

13. I generally concur with the findings, conclusions, and recommendations of the reporting officers. The Caloosahatchee River (C-43) West Basin Storage Reservoir Project requires specific authorization by Congress in accordance with Section 601(d) of the WRDA 2000. Accordingly, I recommend that the plan described herein for ecosystem restoration be authorized for implementation as a Federal Project, with such modifications as in the discretion of the Chief of Engineers may be advisable, and subject to cost-sharing, financing, and other applicable requirements of Section 601 of WRDA 2000 as amended. In addition, I recommend that the non-Federal sponsor be authorized to receive credit for work accomplished prior to the execution of a Project Partnership Agreement (PPA) for this Project, in accordance with Section 601 of WRDA 2000, as amended, and the terms of the Master Agreement.

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Further, this recommendation is subject to the non-Federal sponsor agreeing to comply with all applicable Federal laws and agreeing to perform the following items of local cooperation:

a. Provide 50 percent of total project costs consistent with the provisions of Section 601(e) of the Water Resources Development Act of 2000 as amended including authority to perform design and construction of project features consistent with Federal law and regulation;

b. Provide all lands, easements, and rights-of-way, including suitable borrow and dredged or excavated material disposal areas, and perform or assure the performance of all relocations that the Government and the Non-Federal Sponsor jointly determine to be necessary for the construction, operation, maintenance, repair, replacement and rehabilitation of the Project and valuation will be in accordance with the Master Agreement;

c. Shall not use the ecosystem restoration features or lands, easements, and rights-of-way required for such features as a wetlands bank or mitigation credit for any other projects.

d. Give the Government a right to enter, at reasonable times and in a reasonable manner, upon land that the non-Federal sponsor owns or controls for access to the Project for the purpose of inspection, and, if necessary, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the Project;

e. Assume responsibility for operating, maintaining, repairing, replacing, and rehabilitating (OMRR&R) the Project or completed functional portions of the Project, including mitigation features, in a manner compatible with the Project's authorized purposes and in accordance with applicable Federal and State laws and specific directions prescribed in the OMRR&R manuals and any subsequent amendments thereto. Cost sharing for OMRR&R will be in accordance with Section 601 of WRDA 2000 as amended;

f. The non-Federal Sponsor shall operate, maintain, repair, replace and rehabilitate the recreation features of the Project with responsibility for 100 percent of the cost;

g. Keep the recreation features, and access roads, parking areas, and other associated public use facilities, open and available to all on equal terms;

h. Unless otherwise provided for in the statutory authorization for this Project, comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended, and Section 103 of the WRDA of 1986, Public Law 99-662, as amended, which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the Project or separable element;

i. Hold and save the Government free from all damages arising from construction, operation, maintenance, repair, replacement and rehabilitation of the Project and any project-related

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betterments, except for damages due to the fault or negligence of the Government or the Government's contractors;

j. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the Project to the extent and in such detail as will properly reflect total project costs and comply with the provisions of the Master Agreement;

k. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675, that may exist in, on, or under lands, easements or rights-of-way necessary for the construction, operation, and maintenance of the Project; except that the non-Federal sponsor shall not perform such investigations on lands, easements, or rights-of-way that the Government determines to be subject to the navigation servitude without prior specific written direction by the Government;

l. Assume complete financial responsibility for all necessary cleanup and response costs of any CERCLA-regulated materials located in, on, or under lands, easements, or rights-of-ways that the Government determines necessary for construction, operation, maintenance, repair, replacement and rehabilitation;

m. As between the Government and the non-Federal Sponsor, the non-Federal Sponsor shall be considered the operator of the Project for purposes of CERCLA liability. To the maximum extent practicable, the non-Federal Sponsor shall operate, maintain, repair, replace, and rehabilitate the Project in a manner that will not cause liability to arise under CERCLA;

n. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements, and rights-of-way or the addition of facilities which might reduce the outputs produced by the ecosystem restoration features, hinder operation and maintenance of the project, or interfere with the project's proper function;

o. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public law 91-646, as amended by title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 CFR part 24, in acquiring lands, easements, and rights-of-way, and performing relocations for construction, operation, and maintenance of the Project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said act;

p. Comply with all applicable Federal and State laws and regulations, including, but not limited to, Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7,

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entitled “Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army;” and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708[revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a et seq.), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 et seq.) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c)];

q. Comply with Section 106 of the National Historic Preservation Act in completion of all consultation with the Florida State Historic Preservation Officer, and as necessary, the Advisory Council on Historic Preservation, prior to construction as part of the preconstruction engineering and design phase of the project;

r. Provide 50 percent of that portion of total cultural resource preservation mitigation and data recovery costs attributable to the Project that are in excess of one percent of the total amount authorized to be appropriated for the Project;

s. Do not use Federal funds to meet the non-Federal sponsor’s share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is expressly authorized and in accordance with Section 601 (e)(3) of the WRDA of 2000, as amended, and in accordance with the Master Agreement;

t. The Non-Federal Sponsor agrees to participate in and comply with applicable Federal floodplain management and flood insurance programs consistent with its statutory authority.

(1) Not less than once each year the Non-Federal Sponsor shall inform affected interests of the extent of protection afforded by the Project.

(2) The Non-Federal Sponsor shall publicize flood plain information in the area concerned and shall provide this information to zoning and other regulatory agencies for their use in preventing unwise future development in the flood plain and in adopting such regulations as may be necessary to prevent unwise future development and to ensure compatibility with protection levels provided by the Project.

(3) The Non-Federal Sponsor shall comply with Section 402 of WRDA 1986, as amended (33 U.S.C. 701b-12), which requires a non-Federal interest to have prepared, within one year after the date of signing a PPA for the Project, a floodplain management plan. The plan shall be designed to reduce the impacts of future flood events in the project area, including but not limited to, addressing those measures to be undertaken by non-Federal interests to preserve the level of flood protection provided by the Project. As required by Section 402, as amended, the non-Federal interest shall implement such plan not later than one year after completion of construction of the Project. The Non-Federal Sponsor shall provide an information copy of the plan to the Government upon its preparation.

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(4) The Non-Federal Sponsor shall prescribe and enforce regulations to prevent obstruction of or encroachment on the Project or on the lands, easements, and rights-of-way determined by the Government to be required for the construction, operation, maintenance, repair, replacement, and rehabilitation of the Project, that could reduce the level of protection the Project affords, hinder operation or maintenance of the Project, or interfere with the Project's proper function.

u. The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Federal Government and the non-Federal sponsor are committed to the protection of the appropriate quantity, quality, timing, and distribution of water to ensure the restoration, preservation, and protection of the natural system as defined in Section 601 of WRDA 2000, for so long as the project remains authorized. This quantity, quality, timing, and distribution of water shall meet applicable water quality standards and be consistent with the natural system restoration goals and objectives of the CERP, as the Plan is defined in the Programmatic Regulations. The non-Federal sponsor will protect the water for the natural system by taking the following actions to achieve the overarching natural system objectives of the Plan:

(1) Ensure, through appropriate and legally enforceable means under Florida law, that the quantity, quality, timing, and distribution of existing water that the Federal Government and the non-Federal sponsor have determined in this Project Implementation Report is available and beneficial to the natural system, will be available at the time the Project Partnership Agreement for the project is executed and will remain available for so long as the Project remains authorized.

(a) Prior to the execution of the Project Partnership Agreement, reserve or allocate for the natural system the necessary amount of water that will be made available by the project that the Federal Government and the non-Federal sponsor have determined in this Project Implementation Report.

(b) After the Project Partnership Agreement is signed and the project becomes operational, make such revisions under Florida law to this reservation or allocation of water that the non-Federal sponsor determines, as a result of changed circumstances or new information, is necessary for the natural system.

(2) For so long as the Project remains authorized, notify and consult with the Secretary of the Army should any revision in the reservation of water or other legally enforceable means of protecting water be proposed by the non-Federal sponsor, so that the Federal Government can assure itself that the changed reservation or legally enforceable means of protecting water conform with the non-Federal sponsor's commitments under paragraphs 1 and 2. Any change to

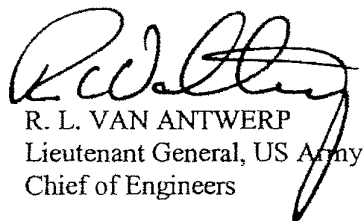


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a reservation of water made available by the project shall require an amendment to the Project Partnership Agreement.

14. The recommendation contained herein reflects the information available at this time and current Departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities in the formulation of a national Civil Works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding.



R. L. VAN ANTWERP  
Lieutenant General, US Army  
Chief of Engineers



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

JAN 06 2011

CECW-SAD (1105-2-10a)

SUBJECT: Comprehensive Everglades Restoration Plan, Central and Southern Florida, Caloosahatchee River (C-43) West Basin Storage Reservoir Project, Hendry County, Florida - Supplemental

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress this supplement to my report on ecosystem restoration and recreation for the Caloosahatchee River (C 43) West Basin Storage Reservoir project, located in Hendry County, Florida, dated March 11, 2010. The purpose of this supplement is to clarify the authority for cost sharing of the recreational features recommended for the project.
2. In accordance with the Federal Water Project Recreation Act of 1965, full consideration was given to opportunities the project affords for recreation. The recommended C-43 West Basin Storage Reservoir project contains approximately \$3,000,000 of recreation features, including a 12-mile multi-purpose trail and associated parking and toilet facilities, information kiosk, canoe/kayak launch facility, a shade structure, traffic control fencing, and a pedestrian footbridge to provide public access to the reservoir. These recreation features have been justified in accordance with policy.
3. Although cost sharing of the ecosystem restoration features for this project is governed by Section 601 of the Water Resources Development Act (WRDA) of 2000, as amended, cost sharing of the recreation features is governed by Section 103 of the WRDA 1986, as amended. In particular, in accordance with Section 103(j) of WRDA 1986, 100 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation of the recreation features is the non-Federal sponsor's responsibility. In addition, Section 601(e)(5)(B) of WRDA 2000, as amended, governs credit for non-Federal sponsor design and construction work on the ecosystem restoration features of the project, whereas Section 221(a)(4) of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b(a)(4)) governs credit for non-Federal sponsor design and construction work on the recreation features of the project.
4. As part of this supplement, the costs of the project have been escalated and updated to October 2010 price levels and the reporting format has been changed from fully funded costs to initial investment. The total first cost of the recommended plan from the Final Project Implementation Report and Integrated Environmental Impact Statement, dated September 2007, based on October 2010 price levels, is estimated to be \$579,599,000, including \$576,643,000 for ecosystem restoration and \$2,956,000 for recreation. In accordance with Section 601 of the

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WRDA 2000, as amended, for the ecosystem restoration features of the recommended plan, the estimated Federal cost is \$288,321,500 and the estimated non-Federal cost is \$288,321,500. In accordance with Section 103(c) of the WRDA 1986, as amended, for the recreational features of the recommended plan, the estimated Federal cost of \$1,478,000; and the non-Federal cost is \$1,478,000. The estimated lands, easements, rights-of-way, and relocations costs for the recommended plan are \$84,650,000 of which approximately \$27,567,000 has been provided to the State through the Federal Department of Interior Grant Funds. Based on October 2010 price levels, a 40-year period of economic evaluation and a 4.12 percent discount rate, the equivalent annual cost of the proposed project is estimated at \$35,500,000, which includes operation, maintenance, repair, rehabilitation and replacement (OMRR&R), interest and amortization. The estimated annual OMRR&R costs for ecosystem restoration are \$3,160,000. The annual OMRR&R costs for recreation are estimated at \$25,000. In accordance with Section 601 of WRDA 2000 as amended, OMRR&R costs and adaptive assessment and monitoring costs for ecosystem restoration will be shared equally between the Federal Government and the non-Federal sponsor. In accordance with Section 103(j) of the WRDA 1986, as amended, OMRR&R costs related to recreation features will be funded 100 percent by the non-Federal sponsor.

*Respectfully,*



R. L. VAN ANTWERP  
Lieutenant General, US Army  
Chief of Engineers

REPLY TO  
ATTENTION OF

CECW-MVD

DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, DC 20314-1000

DEC 30 2010

SUBJECT: Louisiana Coastal Area, Louisiana, Ecosystem Restoration, Six Projects Authorized by Section 7006(e)(3) of Water Resources Development Act of 2007

## THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my favorable report on ecosystem restoration for six projects in multiple locations in coastal Louisiana. It is accompanied by the report of the New Orleans District Engineer and Mississippi Valley Division Engineer. These reports are in response to the authorization contained in Section 7006(e)(3) of the Water Resources Development Act (WRDA) of 2007. Section 7006(e)(3) identifies six projects referred to in the Report of the Chief of Engineers for ecosystem restoration for the Louisiana Coastal Area dated January 31, 2005, and states, in part, as follows:

*"The Secretary may carry out the projects under subparagraph (A) substantially in accordance with the plans and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed by not later than December 31, 2010."*

Preconstruction engineering and design of all six projects will be undertaken under the authority provided in Section 7006(e)(3). Construction of these projects will be undertaken under the Section 7006(e)(3) authority as well, except for construction of the Medium Diversion at White Ditch and the elements of the Terrebonne Basin Barrier Shoreline Restoration beyond the Whiskey Island component.

2. The Report of the Chief of Engineers for ecosystem restoration for the Louisiana Coastal Area, dated January 31, 2005, (hereinafter referred to as the "restoration plan"), describes a program to address the most critical restoration needs to reduce the severe wetland losses occurring in Louisiana. The restoration plan includes 15 near-term ecosystem restoration features, a demonstration project program, beneficial use of dredged material program, project modifications program, and a science and technology program. These features and programs were all aimed at addressing the critical restoration needs of coastal Louisiana, with Congress authorizing the features for construction, in WRDA 2007, subject to the conditions recommended in a final report of the Chief of Engineers, if a favorable Chief's Report is completed no later than December 31, 2010. This report addresses six of the 15 near-term ecosystem restoration features described in the restoration plan.



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SUBJECT: Louisiana Coastal Area, Louisiana, Ecosystem Restoration, Six Projects Authorized by Section 7006(e)(3) of Water Resources Development Act of 2007

3. In accordance with Section 7006(e)(3), the reporting officers recommend that the Secretary carry out under the existing authorization the following five projects: Amite River Diversion Canal Modification; Convey Atchafalaya River Water to Northern Terrebonne Marshes; Multipurpose Operation of the Houma Navigation Canal Lock; Small Diversion at Convent / Blind River; and the Whiskey Island component of the Terrebonne Basin Barrier Shoreline Restoration. The recommended plans for each project contain post-construction monitoring and adaptive management for a period of no more than ten years to ensure project performance. Because the recommended plans are ecosystem restoration plans, they do not have any significant adverse effects and no mitigation measures would be required. While the reporting officers recommend that the Secretary carry out the Multipurpose Operation of the Houma Navigation Canal Lock Project, implementation of this project would be contingent on the construction of a lock at Houma under separate authority.

4. The reporting officers also recommend that the Congress raise the total project cost for the Medium Diversion at White Ditch Project and the recommended plan for the Terrebonne Basin Barrier Shoreline Restoration Project. These projects are consistent with the authorization in Section 7006(e)(3) of WRDA 2007, but modification of that authorization is required, because the total costs for these projects exceed the authorized costs as defined in Section 902 of WRDA 1986, as amended.

5. The reporting officers developed the recommended six projects for Louisiana Coastal Area consistent with the direction provided in WRDA 2007. The reporting officers found each of the six projects to be cost effective, technically sound, and environmentally and socially acceptable. Further refinement and additional analysis of these projects will be performed during preconstruction engineering and design and modifications made, as appropriate, prior to project implementation. Such analysis or modifications will continue to be coordinated with Federal, State, and local agencies and other parties. The following paragraphs describe each of the projects in greater detail.

a. Amite River Diversion Canal Modification. The LCA Amite River Diversion Canal Modification (ARDC) study area is located approximately 30 miles southeast of the City of Baton Rouge and west of Lake Maurepas within one of the largest remaining cypress swamps in coastal Louisiana. This ecosystem provides habitat to threatened and endangered species and buffers the highly developed Interstate 10 corridor between New Orleans and Baton Rouge and Lake Maurepas. The 2004 LCA report recommended several projects to address the restoration and stability of the Maurepas Swamp ecosystem including the Small Diversion at Convent / Blind River also included in this report. The ARDC study area includes portions of the Maurepas Swamp adjacent to the Amite River Diversion Canal which connects, and diverts flows from, the Amite River to the lower Blind River near Lake Maurepas. The ARDC recommended plan (Alternative 33) will restore the most degraded portion of the Maurepas Swamp within the study area by restoring the natural hydrology modified by the construction of the Amite River

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Diversion Canal and from the resulting impoundment of water, lack of freshwater, sediment and nutrients, and surge-related saltwater intrusion. The recommended plan includes the creation of three gaps and delivery channels through the north bank of the Amite River Diversion Canal. The bank gaps are 70-foot wide cuts with 25-foot benches through the dredged material berm. The channel cross section is 70, 50 and 30 foot wide as it moves into the swamp. Freshwater swamp tree species will be planted on 438 acres in the swamp. One cut will also be created in the railroad grade approximately 0.9 miles north of the ARDC to improve sheetflow. The recommended plan is an implementable increment of the national ecosystem restoration (NER) plan, meets the LCA Program and project objectives, and is within the cost and scope of the authorization contained in Section 7006(e)(3) of WRDA 2007. The NER plan would create gaps on both the north and south bank of the ARDC along with delivery channels, gaps in the railroad grade and vegetative plantings benefiting 3,881 acres of swamp. The NER plan also includes all the areas addressed by the recommended plan and an additional area that is expected to need restoration in the next 20 years. The NER plan would provide 1,602 average annual habitat units (AAHUs) with a total estimated cost for construction of \$15,200,000, which exceeds the current authorization. The State of Louisiana, acting as the non-Federal sponsor, supports the recommended plan. The recommended plan will improve habitat function by 679 AAHUs over the 50-year period of analysis and benefit approximately 1,602 acres of existing freshwater swamp. The estimated first cost of the recommended plan is \$8,136,000 and in accordance with the cost sharing provisions of WRDA of 1986, as amended by Section 210 of WRDA 1996, the project will be cost shared 65 percent Federal and 35 percent non-Federal. The Federal share of the estimated first cost of this project is estimated at \$5,288,000 and the non-Federal share is estimated at \$2,848,000. The operation, maintenance, repair, replacement, and rehabilitation costs for the project are estimated at \$10,000 per year and are 100-percent non-Federal responsibility. Based on a 4.375-percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated at \$489,000, including operation, maintenance, repair, replacement, and rehabilitation. Post-construction monitoring and adaptive management of this ecosystem restoration project is projected to be conducted for no more than 10 years at an estimated cost of \$2,971,000.

b. Convey Atchafalaya River Water to Northern Terrebonne Marshes / Multipurpose Operation of the Houma Navigation Canal Lock. The LCA Convey Atchafalaya River Water to Northern Terrebonne Marshes (ARTM) / Multipurpose Operation of the Houma Navigation Lock (MOHNL) study area is located in coastal Louisiana south of Houma, between the Atchafalaya River and Bayou Lafourche. These two projects are hydrologically linked and subsequently have been analyzed and are presented as a combined feature. The ARTM/MOHNL recommended plan (Alternative 2), which is also the national ecosystem restoration plan, will reduce the current trend of marsh degradation in the project area resulting from subsidence, sea level rise, erosion, saltwater intrusion, and lack of sediment and nutrient deposition. The project proposes to accomplish this by utilizing fresh water and nutrients from the Atchafalaya River and the Gulf Intracoastal Waterway (GIWW). The recommended plan features consist of elimination of Gulf Intracoastal Waterway (GIWW) flow constrictions and construction of flow management

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SUBJECT: Louisiana Coastal Area, Louisiana, Ecosystem Restoration, Six Projects Authorized by Section 7006(e)(3) of Water Resources Development Act of 2007

features in the interior portions of the Study Area. The recommended plan consists of construction of 56 structures and other water management features. The Carencro Bayou channel would be dredged to restore historic freshwater flow to southeast Penchant basin marshes. A weir would be constructed in Grand Pass to restrict saltwater intrusion into Lake Mechant and surrounding marshes. Several connections would be created between the Houma Navigation Canal and the Lake Boudreaux basin. St. Louis Canal and Grand Bayou would be enlarged to allow for increased fresh water flows into the eastern Terrebonne marshes. These new and enlarged channels would be controlled with water management features such as culverts with stop logs, gates or flap gates. Additionally, marsh berms and terracing would be constructed at strategic locations within the project area to prevent salt water intrusion and slow fresh water outflow. The recommended plan also includes the multipurpose operation of the proposed Houma Navigation Canal (HNC) Lock, if and when constructed. The lock complex would be closed and operated more frequently in order to maximize distribution of freshwater into wetlands downstream of the lock and minimizing saltwater intrusion upstream of the lock. For vessels exceeding the lock size, a traffic management system will be developed to open the sector gates to let these vessels pass. The recommended plan would improve habitat function by approximately 3,220 AAHUs, with the ARTM project providing approximately 2,977 AAHUs and the MOHNL operation providing 243 AAHUs. The project would improve habitat for fish and wildlife species including migratory birds, estuarine fish and shellfish. Benefits include the reduction of projected wetland loss by approximately 9,655 acres of existing wetlands over the 50-year period of analysis. The ARTM/MOHNL recommended plan meets the LCA Program and project objectives, is the NER Plan, and is within the cost and scope of the authorization. The State of Louisiana, acting as the non-Federal sponsor, supports the recommended plan.

The estimated total first cost of the ARTM recommended plan is \$283,534,000. In accordance with the cost sharing provisions of WRDA of 1986, as amended by Section 210 of WRDA 1996, the project will be cost shared 65 percent Federal and 35 percent non-Federal. The Federal share of the estimated first cost of the ARTM project is \$184,298,000 and the non-Federal share is estimated at \$99,236,000. Post-construction monitoring and adaptive management of the ARTM ecosystem restoration project is projected to be conducted for no more than 10 years at an estimated cost of \$21,204,000. The operation, maintenance, repair, replacement, and rehabilitation of the ARTM project is estimated at \$73,000 per year and is a 100-percent non-Federal responsibility. Based on a 4.375-percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the ARTM project are estimated at \$15,907,000, including operation, maintenance, repair, replacement, and rehabilitation.

The estimated first cost of MOHNL project which is the incremental cost of operations of the proposed constructed lock, for ecosystem restoration is \$1,496,000 and in accordance with the cost sharing provisions of WRDA of 1986, as amended by Section 210 of WRDA 1996, the project will be cost shared 65 percent Federal and 35 percent non-Federal. Federal share of the estimated first cost of the MOHNL project is \$972,000 and the non-Federal share is estimated at \$524,000. Post-construction monitoring and adaptive management of this ecosystem restoration

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project is projected to be conducted for no more than ten years at an estimated cost of \$98,000. There is no additional operation, maintenance, repair, replacement, and rehabilitation cost forecast for the modification of the lock project. However should any additional OMRR&R cost be identified in subsequent project design and operation investigations they would be a 100-percent non-Federal responsibility. Based on a 4.375-percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated at \$83,000, including operation, maintenance, repair, replacement, and rehabilitation. While the reporting officers recommend that the Secretary carry out the Multipurpose Operation of the Houma Navigation Canal Lock Project, this project cannot be implemented until a lock at Houma is constructed under separate authority.

c. Small Diversion at Convent / Blind River. The LCA Small Diversion at Convent/Blind River study area is located approximately equidistant between Baton Rouge and New Orleans, Louisiana within the Maurepas Swamp, one of the largest remaining cypress swamps in coastal Louisiana. The recommended plan (Alternative 2), which is also the national ecosystem restoration plan, will reintroduce the natural periodic, nearly annual flooding by the Mississippi River to the Maurepas Swamp and Blind River, that was cut off by construction of the Mississippi River and Tributaries (MR&T) flood control system. The recommended plan consists of a 3,000 cubic feet per second (cfs) capacity gated box culvert diversion on the Mississippi River with a delivery channel to be constructed in the vicinity of Romeville, Louisiana. The recommended plan has six major components: a diversion structure, a transmission canal, control structures, approximately 30 berm gaps, cross culverts at four locations along U.S. highway 61, and instrumentation to monitor and control the diversion flow rate and the water surface elevations in the diversion, transmission, and distribution system in the swamp. The recommended plan will restore freshwater, nutrients, and sediment input from the Mississippi River. It will promote water distribution in the swamp, facilitate swamp building, and establish hydrologic period fluctuation in the swamp, improving fish and wildlife habitat. The recommended plan will improve habitat function by 6,421 AAHUs over a total of 21,369 acres of bald cypress-tupelo swamp. The recommended plan would improve habitat for many fish and wildlife species including migratory birds, bald eagles, alligators, gulf sturgeon, and the manatee. The recommended plan meets the LCA program and project objectives and is within the scope of the authorization. The State of Louisiana, acting as the non-Federal sponsor, supports the recommended plan. The estimated total first cost of the recommended plan is \$116,791,000 and in accordance with the cost sharing provisions of WRDA of 1986, as amended by Section 210 of WRDA 1996, the project will be cost shared 65 percent Federal and 35 percent non-Federal. The Federal share of the estimated first cost of this project is \$75,914,000 and the non-Federal share is estimated at \$40,877,000. Post-construction monitoring and adaptive management of this project is projected to be conducted for no more than 10 years at a cost of \$6,620,000. The operation, maintenance, repair, replacement, and rehabilitation costs of the project are estimated at \$2,754,000 per year and are a 100-percent non-Federal responsibility. If further analysis determines that the project increases maintenance dredging requirements for the Mississippi River, Baton Rouge to the Gulf of Mexico project by inducing shoaling, the



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incremental costs of any additional maintenance dredging would also be a 100-percent non-Federal responsibility. Based on a 4.375-percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated at \$8,859,000, including operation, maintenance, repair, replacement, and rehabilitation.

d. Terrebonne Basin Barrier Shoreline Restoration. The LCA Terrebonne Basin Barrier Shoreline Restoration (TBBSR) study area is located in Terrebonne Parish 30 miles south of the city of Houma, Louisiana and includes the Isles Dernieres and the Timbalier Islands. The Isles Dernieres reach includes Raccoon, Whiskey, Trinity, East, and Wine Islands. The Timbalier Island reach includes Timbalier and East Timbalier Islands. These barrier islands have undergone significant reductions in size due to a number of natural processes and human actions including lack of sediment, storm-induced erosion and breaching, subsidence, sea level rise and hydrologic modifications such as navigation and oil and gas canals. These habitat losses have had a direct adverse impact on wildlife and fisheries resources including threatened and endangered species. Loss of the barrier island habitat also leaves the saline, brackish, and fresh marshes in the upper reaches of the Terrebonne Basin more vulnerable to the high energy marine coastal processes which have exacerbated wetland loss in these areas. The barrier islands also protect oil and gas infrastructure investments including hundreds of wells and pipelines which are of regional and national importance. Furthermore, numerical modeling indicates that the barrier islands reduce storm surges which can mitigate the damage associated with tropical storms on human populations and infrastructure in Terrebonne and Lafourche Parishes. The national ecosystem restoration (NER) plan (Alternative 5), will reintroduce sediment to the coastal sediment transport system. The NER plan includes the restoration of Raccoon Island with 25 years of advanced fill and construction of a terminal groin. The NER plan also includes restoration of Whiskey and Trinity Islands with five years of advanced fill and restoration of Timbalier Island with 25 years of advanced fill. The NER plan includes beach, dune, and marsh restoration and proposes dune heights ranging from +6.4 feet NAVD 88 for Whiskey Island to +7.7 feet NAVD 88 for Raccoon Island with a crest width of 100 feet to marsh heights ranging from +2.4 feet NAVD 88 on Whiskey Island to +3.2 NAVD 88 on Raccoon Island. The NER plan includes renourishment at staggered intervals to maintain the islands. Raccoon Island will be renourished at Target Year (TY) 30. Whiskey Island will require two renourishment intervals. The first will occur at TY20 and the second renourishment interval will occur at TY40. Trinity Island will be renourished at TY25. Timbalier Island will be renourished at TY30. The NER plan will restore geomorphic and hydrologic form provided by barrier island systems and restore and improve essential habitats for fish, migratory birds, and terrestrial and aquatic species. This barrier shoreline system is also a key component in regulating the hydrology, and ultimately the rate of wetland erosion, throughout the estuary. The NER plan consists of restoration of four islands (Whiskey, Raccoon, Trinity, and Timbalier) improving habitat function by 2,833 AAHUs by adding 3,283 acres to the islands for a total size of 5,840 acres. The restored acreage would include 472 acres of dune, 4,320 acres of supratidal habitat, and 1,048 acres of intertidal habitat and ensure the geomorphic and hydrologic form and ecological function of the majority of the estuary over the period of analysis. The recommended plan meets

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the LCA program and project objectives and is within the scope of the authorization. However, it exceeds the authorized cost. The State of Louisiana, acting as the non-Federal sponsor, concurs with the reporting officers' recommendation that additional Congressional authorization be requested to allow implementation of the NER plan. The estimated total first cost of the NER plan is \$646,931,000 and in accordance with the cost sharing provisions of WRDA of 1986, as amended by Section 210 of WRDA 1996, the project will be cost shared 65 percent Federal and 35 percent non-Federal. The Federal share of the estimated first cost of this project is \$420,505,000 and the non-Federal share is estimated at \$226,426,000. Post-construction monitoring and adaptive management of this ecosystem restoration project is projected to be conducted for no more than ten years at a cost estimated to be \$5,280,000. The operation, maintenance, repair, replacement, and rehabilitation costs of the project, including periodic nourishment, are estimated at \$9,960,000 per year and are a 100-percent non-Federal responsibility. Based on a 4.375-percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated at \$26,400,000, including operation, maintenance, repair, replacement, and rehabilitation.

While additional authority is needed to raise the total project cost to allow implementation of the entire NER plan, the reporting officers recommend that the Whiskey Island component (Alternative 11) of the NER plan be implemented under the existing authority provided in Section 7006(e)(3) of WRDA 2007. The Whiskey Island component includes renourishment every 20 years to maintain the constructed features. Restoration of the one island will increase habitat function by 678 AAHUs by restoring a total of 1,272 acres on the island, including 65 acres of dune, 830 acres of supratidal habitat, and 377 acres of intertidal habitat. The Whiskey Island component is an implementable increment of the NER plan, meets the LCA Program objectives, and is within the cost and scope of the current WRDA authorization. The State of Louisiana, acting as the non-Federal sponsor, supports immediate implementation of the Whiskey Island component. The estimated total first cost of the Whiskey Island component is \$113,434,000 and in accordance with the cost sharing provisions of WRDA of 1986, as amended by Section 210 of WRDA 1996, the project will be cost shared 65 percent Federal and 35 percent non-Federal. The Federal share of the estimated first cost of this project is \$73,732,000 and the non-Federal share is \$39,702,000. Post-construction monitoring and adaptive management of this ecosystem restoration project is projected to be conducted for no more than ten years at an estimated cost of \$5,820,000. The operation, maintenance, repair, replacement, and rehabilitation cost of the project, including periodic nourishment, are estimated at \$6,900,000 per year and is a 100-percent non-Federal responsibility. Based on a 4.375-percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated at \$9,508,000, including operation, maintenance, repair, replacement, and rehabilitation.

e. Medium Diversion at White Ditch. The LCA Medium Diversion at White Ditch (MDWD) project area is located on the east bank of the Mississippi River south of New Orleans in Plaquemines Parish near the town of Phoenix, Louisiana. The area includes a portion of the Breton Sound basin framed by the Mississippi River and the River aux Chenes ridge as well as

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the gulfward extent of the Breton Sound. The recommended plan, (Alternative 4), which is also the national ecosystem restoration plan, will restore the supply and distribution of freshwater and sediment disrupted by the construction of the Mississippi River and Tributaries flood control. The recommended plan includes a 35,000 cubic feet per second (cfs) capacity gated box culvert diversion on the Mississippi River with a delivery channel to be constructed in the vicinity of Phoenix, Louisiana. The structure will consist of ten 15-foot by 15-foot box culverts and an approximately 9,500 foot conveyance channel to move the diverted water into surrounding marshes. Additionally, notched weirs will be constructed at existing channel intersections to help control and direct the flow of water into the study area. Dredged material from the conveyance channel will be used beneficially to create approximately 416 acres of marsh and ridge habitat. The recommended operational plan consists of pulsing diversion flows up to 35,000 cfs through the structure during March and April and maintaining maintenance flows up to 1,000 cfs the rest of the year. The recommended plan will improve habitat function by 13,353 AAHUs by creating and nourishing approximately 20,315 acres of fresh, intermediate, brackish, and saline wetlands. This project is one of the key components to demonstrating both the ability to stem or reverse the coastal land loss trend and provide a mechanism to combat relative sea level rise in coastal Louisiana. The recommended plan meets the LCA Program objectives and is within the scope of the WRDA authorization, however, it exceeds the authorized project cost. The State of Louisiana, acting as the non-Federal sponsor, supports the reporting officers' recommendation that Congress increase the total project cost to allow implementation of the recommended plan to fully address the restoration needs of the study area identified in this report. Supplemental environmental analysis will be performed prior to construction of the recommended plan to address potential impacts on water quality and fisheries, including coordination with Federal, State, and local agencies and other interested parties as appropriate. The estimated total first cost of the recommended plan is \$365,201,000 and in accordance with the cost sharing provisions of WRDA of 1986, as amended by Section 210 of WRDA 1996, the project will be cost shared 65 percent Federal and 35 percent non-Federal. The Federal share of the estimated first cost of this project is \$237,381,000 and the non-Federal share is estimated at \$127,820,000. Post-construction monitoring and adaptive management of this ecosystem restoration project is projected to be conducted for no more than ten years at an estimated cost of \$11,143,000. The operation, maintenance, repair, replacement, and rehabilitation costs of the project are estimated at \$1,468,000 per year and are a 100-percent non-Federal responsibility. If further analysis determines that the project increases maintenance dredging requirements for the Mississippi River, Baton Rouge to the Gulf of Mexico project by inducing river shoaling, the incremental costs of any additional channel maintenance dredging would also be a 100-percent non-Federal responsibility. Based on a 4.375-percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated at \$21,237,000, including operation, maintenance, repair, replacement, and rehabilitation.

6. The State of Louisiana supports the recommended plans for the six projects described herein. At October 2010 price levels, the estimated total first cost for the recommended plans for the six

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projects is \$1,422,089,000. The estimated total first costs for each of the six projects are summarized below in Table 1.

**Table 1**  
**LCA Section 7006(e)(3) Projects**  
**Recommended Plan Cost and Benefit Summary**  
**(October 2010 Price Level)**

Project	Alternative	Total First Cost	Impacted Acres	Average Annual Habitat Units
Amite River Diversion Canal Modification	Alt. 33	\$8,136,000	1,602	679
Convey Atchafalaya River Water to Northern Terrebonne Marshes	Alt. 2	\$283,534,000	9,655	3,220
Houma Navigation Control Lock	Alt. 2	\$1,496,000	0***	243
Small Diversion at Convent/Blind River	Alt. 2	\$116,791,000	21,369	6,421
Terrebonne Basin Barrier Shoreline Restoration	Alt. 11*	\$646,931,000	5,840	2,063
	(Alt. 5)**	(\$113,434,000)	(1,272)	(379)
Medium Diversion at White Ditch	Alt. 4*	\$365,201,000	35,146	13,353
<b>Total</b>		<b>\$1,422,089,000</b>	<b>73,612</b>	<b>25,979</b>

\* Implementation of the recommended plan to fully address the restoration needs of the study area identified in this report requires additional authorization by Congress by raising the total project cost.

\*\* Alternative 5 (Whiskey Island) is an increment of Alternative 11 (the recommended plan).

\*\*\* Impacted acres overlap with Convey Atchafalaya River Water to Northern Terrebonne Marshes

7. In accordance with the cost sharing provisions of WRDA of 1986, as amended by Section 210 of WRDA 1996, the Federal share of the first cost of the six projects is estimated at \$924,358,000 (65 percent) and the non-Federal share is estimated at \$497,731,000 (35 percent). The cost of lands, easements, rights-of-way, relocations, and dredged or excavated material disposal areas is estimated at \$13,454,000. The total cost includes an estimated \$47,856,000 for environmental monitoring, and adaptive management. The State of Louisiana, the non-Federal sponsor, would be responsible for the OMRR&R of the projects after construction, a cost currently estimated at about \$15,605,000 per year.

Table 2 shows the Federal and non Federal cost of the projects.

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**Table 2**  
**LCA Section 7006(e)(3) Projects**  
**Cost Apportionment (October 2010 Price Level)**

Project	Total First Cost	Federal Cost (65%)	Non-Federal Cost (35%)	Total Monitoring	Total Adaptive Management	Annual OMRR&R
Amite River Diversion Canal Modification	\$8,136,000	\$5,288,000	\$2,848,000	\$2,113,000	\$858,000	\$10,000
Convey Atchafalaya River Water to Northern Terrebonne Marshes	\$283,534,000	\$184,298,000	\$99,236,000	\$18,874,000	\$2,428,000	\$73,000
Houma Navigation Control Lock*	\$1,496,000	\$972,000	\$524,000	\$98,000	\$0	\$0
Small Diversion at Convent/Blind River	\$116,791,000	\$75,914,000	\$40,877,000	\$4,284,000	\$2,336,000	\$2,754,000
Terrebonne Basin Barrier Shoreline Restoration	\$646,931,000	\$420,505,000	\$226,426,000	\$8,280,000	\$1,680,000	\$11,300,000
	(\$113,434,000)	(\$73,732,000)	(\$39,702,000)	(\$4,140,000)	(\$1,680,000)	(\$6,900,000)
Medium Diversion at White Ditch	\$365,201,000	\$237,381,000	\$127,820,000	\$8,807,000	\$2,336,000	\$1,468,000
<b>Total LCA</b>	<b>\$1,422,089,000</b>	<b>\$924,358,000</b>	<b>\$497,731,000</b>	<b>\$38,218,000</b>	<b>\$9,638,000</b>	<b>\$15,605,000</b>

8. In concert with the Corps Campaign Plan, the plans recommended in this report were developed utilizing a systematic and regional approach in formulating solutions and in evaluating the impacts and benefits of those solutions. Specifically the projects individually and collectively provide enduring and essential water resources management solutions. The plans were developed through a broad based collaborative process that resulted in wetland restoration that enhances the sustainability of, and is integrated with, the multiple socio-economic purposes supported by the coastal ecosystem. The development of these projects also demonstrates the Corps goal to cultivate competent, disciplined teams to deliver quality plans.

9. Independent External Peer Review (IEPR) of the six conditionally authorized LCA projects was coordinated through the Planning Center of Expertise for Ecosystem Restoration and performed by Battelle Corporation. Independent technical review teams were assembled for each project. The technical review considered all aspects of the project evaluations and the resulting output. The IEPR comments identified concerns in areas of the evaluations that would benefit from additional refinement. The IEPR reviews concurred with the project recommendations and all comments were satisfactorily resolved. Several significant recommendations will be further evaluated during project implementation. In concurrence with

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IEPR comments, additional documentation of hydrodynamic model and land change evaluations were provided for the Amite River Diversion Canal Modification, Convey Atchafalaya River Water to Northern Terrebonne Marshes, Multipurpose Operation of the Houma Navigation Canal Lock, and Small Diversion at Convent / Blind River projects. Additional documentation to support the alternative comparison and plan selection process was provided for all the presented projects to address the comments. Other actions will be taken in response to IEPR comments during project preconstruction engineering and design (PED). For the Amite River Diversion Canal Modification project, additional model refinements will be used to improve the forecast of relative sea level rise (RSLR) effects and revise the adaptive management (AM) plan. For the Convey Atchafalaya River Water to Northern Terrebonne Marshes / Multipurpose Operation of the Houma Navigation Canal Lock project, additional refinements of land change, RSLR, and wetland benefit forecast tools to better correlate them to the high complexity of the project area will be undertaken. For the Convent / Blind river project, additional data collection and refinement of the hydrodynamic model will be undertaken to minimize potential local drainage effects and identify specific management actions for swamp enhancement, as well as refine the AM plan. For the Terrebonne Barrier Shoreline project, refined assessment of estuary-wide current and wave conditions and physical process modeling will be undertaken to better capture the systemic benefits and allow better coordination of project implementation and O&M. Specific construction effects will also be assessed and construction modifications applied to minimize critical habitat disruption. For the White Ditch project, a refinement of the land change evaluation, and an assessment of the effect of RSLR will be undertaken to allow a clearer understanding of potential adaptive management needs and revision of the AM plan. Finally, for the Small Diversion at Convent / Blind River and the Medium Diversion at White's Ditch projects a comprehensive assessment of cumulative diversion impacts on the Mississippi River will be undertaken prior to the initiation of construction to improve the assessments of cumulative project effects and help set operational criteria.

10. The LCA plans recommended by the reporting officers are environmentally justified, technically sound, cost-effective, and socially acceptable. The recommended plans conform to essential elements of the U.S. Water Resources Council's Economic and Environmental Studies and comply with other administration and legislative policies and guidelines. Also, the views of interested parties, including Federal, State, and local agencies have been considered.

11. I concur in the findings, conclusions, and recommendation of the reporting officers. Accordingly, I recommend implementation of these projects, in accordance with the reporting officers' recommendations with such modifications as in the discretion of the Chief of Engineers may be advisable. I further recommend, in accordance with the reporting officers recommendations, that the authorizations for Terrebonne Basin Barrier Shoreline Restoration and Medium Diversion at White Ditch be modified to raise the total project cost to allow for construction of the national ecosystem restoration plans for those projects. My recommendations are subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including WRDA 1986, as amended by Section 210 of

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WRDA 1996. The State of Louisiana, acting as the non-Federal sponsor, would provide the non-Federal cost share and all lands, easements, relocations, right-of-ways and disposals. Further, the non-Federal sponsor would be responsible for all OMRR&R. This recommendation is subject to the non-Federal sponsor agreeing to comply with all applicable Federal laws and policies, including but not limited to its agreeing to:

- a. Provide a minimum of 35 percent of total project costs as further specified below:
  - (1) Enter into an agreement which provides, prior to execution of the project partnership agreement, 25 percent of design costs;
  - (2) Provide, during the first year of construction, any additional funds needed to cover the non-Federal share of design costs;
  - (3) Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material that the Government determines to be necessary for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project;
  - (4) Provide, during construction, any additional funds necessary to make its total contribution equal to 35 percent of the total project costs allocated to the project;
- b. Provide the non-Federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation, that are in excess of 1 percent of the total amount authorized to be appropriated for the project;
- c. Not use funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of the project unless the Federal agency that provides the funds determines that the funds are authorized to be used to carry out the study or project;
- d. Not use project or lands, easements, and rights-of-way required for the project as a wetlands bank or mitigation credit for any other project;
- e. For as long as the project remains authorized, operate, maintain, repair, replace, and rehabilitate the project, or functional portion of the project, including mitigation, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and state laws and regulations and any specific directions prescribed by the Federal Government;

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f. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor, now or hereafter, owns or controls for access to the project for the purpose of inspecting, operating, maintaining, repairing, replacing, rehabilitating, or completing the project. No completion, operation, maintenance, repair, replacement, or rehabilitation by the Federal Government shall relieve the non-Federal sponsor of responsibility to meet the non-Federal sponsor's obligations, or to preclude the Federal Government from pursuing any other remedy at law or equity to ensure faithful performance;

g. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, replacement, and rehabilitation of the project and any project-related betterments, except for damages due to the fault or negligence of the United States or its contractors;

h. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for the initial construction, periodic nourishment, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigations unless the Federal Government provides the non-Federal sponsor with prior specific written direction, in which case the non-Federal sponsor shall perform such investigations in accordance with such written direction;

i. Assume, as between the Federal Government and the non-Federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be necessary for the initial construction, periodic nourishment, operation, or maintenance of the project;

j. Agree that, as between the Federal Government and the non-Federal sponsor, the non-Federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, and repair the project in a manner that would not cause liability to arise under CERCLA;

k. Prevent obstructions of or encroachments on the project (including prescribing and enforcing regulations to prevent such obstruction or encroachments) which might reduce ecosystem restoration benefits, hinder operation and maintenance, or interfere with the project's proper function, such as any new developments on project lands or the addition of facilities which would degrade the benefits of the project;



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l. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of three years after completion of the accounting for which such books, records, documents, and other evidence is required, to the extent and in such detail as would properly reflect total costs of construction of the project, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Code of Federal Regulations (CFR) Section 33.20;

m. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5), and Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2213), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element;

n. Comply with all applicable Federal and state laws and regulations, including, but not limited to, Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army," and all applicable Federal labor standards and requirements, including but not limited to 40 U.S.C. 3141- 3148 and 40 U.S.C. 3701 – 3708 (revising, codifying, and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a et seq.), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 et seq.) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c et seq.); and

o. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way necessary for the initial construction, periodic nourishment, operation, and maintenance of the project, including those necessary for relocations, borrow materials, and dredged or excavated material disposal, and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act.

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12. The recommendations contained herein reflect the information available at this time and current departmental policies governing the formulation of individual projects. They do not reflect program and budgeting priorities inherent in the formulation of the national civil works construction program or the perspective of higher levels within the executive branch. Consequently, the recommendations may be modified before they are transmitted to Congress for authorization and/or implementation funding. However, prior to transmittal to Congress, the State of Louisiana, interested Federal agencies, and other parties will be advised of any significant modifications in the recommendations and will be afforded an opportunity to comment further.

A handwritten signature in black ink, appearing to read "R. L. Van Antwerp", with a stylized flourish at the end.

R. L. VAN ANTWERP  
Lieutenant General, US Army  
Chief of Engineers



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

CECW-MVD (1105-2-10a)

DEC 30 2011

SUBJECT: Minnesota River, Marsh Lake Ecosystem Restoration Project, Minnesota

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on ecosystem restoration along the Minnesota River at Marsh Lake, a part of the Lac qui Parle Reservoir, west of Appleton, Minnesota. It is accompanied by the report of the district and division engineers. These reports were completed under authorities granted by a May 10, 1962, resolution of the Committee on Public Works of the U.S. House of Representatives. This resolution requested the review of "the report of the Chief of Engineers on the Minnesota River, Minnesota, published as House Document 230, 74th Congress, First Session and other pertinent reports, with a view to determining the advisability of further improvements in the Minnesota River Basin for navigation, flood control, recreation, low flow augmentation, and other related water and land resources." Preconstruction engineering and design activities for the Marsh Lake Ecosystem Restoration Project will continue under the authority provided by the resolution above.

2. The Marsh Lake ecosystem function and connectivity has degraded over time primarily as a result of artificial changes to the hydrologic conditions at the site. The ecosystem significance of the area is demonstrated on the national, regional and local level. Marsh Lake provides critical stop-over refuge for migratory waterfowl moving through the Mississippi River flyway as well as breeding grounds for the largest white pelican population in North America. Many other fish and bird species are also dependent on the resource for life requisites including both migrating and nesting bald eagles. Ecosystem values provided by Marsh Lake have increased in importance over time as 90 percent of the wetland areas within the watershed have been drained.

3. The reporting officers recommend authorization of a plan to restore aquatic ecosystem structure and function as well as implementation of ancillary recreation features to Marsh Lake and surrounding resources in the upper portion of the Lac qui Parle reservoir. The recommended plan consists of ecosystem restoration features including returning the Pomme de Terre River to its historic channel, modifying the Marsh Lake Dam for fish passage, construction of a drawdown water control structure at the Marsh Lake Dam, installation of gated culverts at Louisburg Grade Road, and the breaching of a dike at an abandoned fish pond adjacent to the Marsh Lake Dam. The plan also contains recreation features including shoreline fishing access structures, interpretive signage, a canoe landing, benches, picnic tables, trash receptacles, toilets, and parking lot improvements. The project requires mitigation to offset adverse impacts to Marsh Lake Dam through photographic documentation of the existing site conditions prior to construction since Marsh Lake Dam was determined individually eligible to the National Register of Historic Places. The recommended plan is the National Ecosystem Restoration Plan. Implementation of the recommended plan will have a substantial beneficial impact on fish and

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wildlife species in the area. While the project will not directly affect federally-listed endangered or threatened species, the reduction of the suspended sediments in the waters of Marsh Lake and improved water clarity will benefit a wide-range of fish and wildlife species including species of concern such as the bald eagle, that are known to use the Marsh Lake site.

4. Based on an October 2011 price level, the estimated project first cost is \$9,967,000. The project first cost includes approximately \$9,463,000 for ecosystem restoration and approximately \$504,000 for recreation. In accordance with the cost sharing provisions of Section 103(c) of the Water Resources Development Act of 1986 (WRDA 1986), as amended (33 U.S.C. 2213(c)), ecosystem restoration features are cost-shared at a rate of 65 percent Federal and 35 percent non-Federal; and recreation features are cost-shared at a rate of 50 percent Federal and 50 percent non-Federal. Thus, the Federal share of the project first costs is estimated to be \$6,403,000 and the non-Federal share is estimated at \$3,564,000, which equate to 64 percent Federal and 36 percent non-Federal. The costs of lands, easements, rights-of-way, relocations, and excavated material disposal areas is estimated to have no cost, given the existing Federal ownership over the project area. The State of Minnesota, Department of Natural Resources is the non-Federal cost share sponsor for the recommended plan. The State of Minnesota, Department of Natural Resources would be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction, a cost currently estimated at \$35,000 per year.

5. Based on a 4.0-percent discount rate and a 50-year period of analysis, the total equivalent annual costs of the project, including OMRR&R, are estimated to be \$490,000.

a. The equivalent average annual costs of ecosystem restoration features are estimated to be \$464,000, including OMRR&R. The cost of the recommended aquatic ecosystem restoration features is justified by the restoration of about 8,400 average annual habitat units which includes restoration of approximately two linear miles of historic riverine habitat.

b. The equivalent average annual costs of recreation features are estimated to be \$26,000, including OMRR&R. The annual benefits of the proposed recreation features are estimated at \$230,000. The benefit-to-cost ratio for recreation is 8.9 to 1.

6. The recommended plan was developed in coordination and consultation with various Federal, State, and local agencies using a systems approach in formulating ecosystem restoration solutions and in evaluating the impacts and benefits of those solutions. Plan formulation evaluated a wide range of non-structural and structural alternatives under Corps policy and guidelines as well as consideration of a variety of economic, social and environmental goals. The recommended plan delivers a holistic, comprehensive approach to solve water resources challenges in a sustainable manner. The resulting recommended plan has received broad public support.

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7. In accordance with EC 1165-2-209, all technical, engineering and scientific work underwent an open, dynamic and vigorous review process to ensure technical quality. This included Agency Technical Review (ATR) and a Corps Headquarters policy and legal review. All concerns of the ATR have been addressed and incorporated into the final report. An exclusion from the Independent External Peer Review (IEPR) was granted by the Director of Civil Works.

8. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan to restore the ecosystem of Marsh Lake be authorized in accordance with the reporting officers' recommended plan at an estimated project first cost of \$9,967,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 103 of WRDA 1986, as amended by Section 202 of WRDA 1996, and WRDA 1986, as amended by Section 210 of WRDA 1996. Accordingly, the non-Federal sponsor must agree with the following requirements prior to project implementation.

a. Provide 35 percent of total ecosystem restoration costs as further specified below:

1. Provide the non-Federal share of design costs allocated by the Government to ecosystem restoration in accordance with the terms of a design agreement entered into prior to commencement of design work for the ecosystem restoration features;

2. Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the Government to be required or to be necessary for the construction, operation, and maintenance of the project;

3. Provide, during the design and implementation phase, any funds necessary to make its total contribution equal to 35 percent of total project costs;

b. Provide 50 percent of total recreation costs as further specified below:

1. Provide the non-Federal share of design costs allocated by the Government to recreation in accordance with the terms of a design agreement entered into prior to commencement of design work for the recreation features;

2. Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material

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all as determined by the Government to be required or to be necessary for the construction, operation, and maintenance of the recreation features;

3. Provide, during construction, any additional funds necessary to make its total contribution for recreation equal to 50 percent of total recreation costs;

4. Provide, during construction, 100 percent of the total recreation costs that exceed an amount equal to 10 percent of the Federal share of total ecosystem restoration costs;

c. Provide, during the design and implementation phase, 100 percent of all costs of planning, design, and construction for the project that exceed the Federal share of the total project costs;

d. Shall not use funds from other Federal programs, including any non-Federal contribution required as a matching share therefore, to meet any of the non-Federal obligations for the project unless the Federal agency providing the Federal portion of such funds verifies in writing that expenditure of such funds for such purpose is authorized by Federal law;

e. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements, and rights-of-way or the addition of facilities which might reduce the outputs produced by the project, hinder operation and maintenance of the project, or interfere with the project's proper function;

f. Shall not use the project or lands, easements, and rights-of-way required for the project as a wetlands bank or mitigation credit for any other project;

g. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 Code of Federal Regulations (CFR) Part 24, in acquiring lands, easements, and rights-of-way required for construction, operation, and maintenance of the project, including those necessary for relocations, the borrowing of materials, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act;

h. For so long as the project remains authorized, operate, maintain, repair, rehabilitate, and replace the project, or functional portions of the project, including any mitigation features, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government;

i. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor owns or controls for access to the project for

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the purpose of completing, inspecting, operating, maintaining, repairing, rehabilitating, or replacing the project;

j. Hold and save the United States free from all damages arising from the design, construction, operation, maintenance, repair, rehabilitation, and replacement of the project and any betterments, except for damages due to the fault or negligence of the United States or its contractors;

k. Keep and maintain books, records, documents, or other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of 3 years after completion of the accounting for which such books, records, documents, or other evidence are required, to the extent and in such detail as will properly reflect total project costs, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 CFR Section 33.20;

l. Comply with all applicable Federal and State laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141- 3148 and 40 U.S.C. 3701 – 3708 (revising, codifying and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c *et seq.*);

m. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigations unless the Federal Government provides the non-Federal sponsor with prior specific written direction, in which case the non-Federal sponsor shall perform such investigations in accordance with such written direction;

n. Assume, as between the Federal Government and the non-Federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project;

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o. Agree, as between the Federal Government and the non-Federal sponsor, that the non-Federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, repair, rehabilitate, and replace the project in a manner that will not cause liability to arise under CERCLA;

p. Provide, during the design and implementation phase, 35 percent of all costs that exceed \$50,000 for data recovery activities associated with historic preservation for the project; and

q. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 103(j) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until each non-Federal interest has entered into a written agreement to furnish its required cooperation for the project or separable element.

9. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the sponsor, the State, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



MERDITH W. B. TEMPLE  
Major General, U.S. Army  
Acting Chief of Engineers





DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

CECW-SAD (1105-2-10a)

JAN 30 2014

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THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on ecosystem restoration improvements for the C-111 Spreader Canal Western Project, located in Miami-Dade County, Florida. It is accompanied by the reports of the Jacksonville District Engineer and South Atlantic Division Engineer. These reports are in response to Section 601 of the Water Resources Development Act (WRDA) of 2000, which authorized the Comprehensive Everglades Restoration Plan (CERP) as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. WRDA 2000 identified specific requirements for implementing components of the CERP, including the development of a decision document known as a Project Implementation Report (PIR). The requirements of a PIR are addressed in this report and are subject to review and approval by the Secretary of the Army. Preconstruction engineering and design activities for this project will be continued under the CERP Design Agreement.

2. The proposed C-111 Spreader Canal project was conditionally authorized by Section 601(b)(2)(C)(x) of WRDA 2000, but is not being recommended for implementation under that authority. The proposed C-111 Spreader Canal project was split into Western and Eastern Projects. Due to changes in scope and intended restoration area, the C-111 Spreader Canal Western project will be recommended for new specific Congressional authorization consistent with WRDA 2000, Section 601(d), Authorization of Future Projects. The Western Project focuses on the restoration of flows to Florida Bay via Taylor Slough as well as the restoration of the Southern Glades and Model Lands. Due to numerous uncertainties associated with the actual spreader canal feature, a spreader canal design test will be implemented to gain information that will guide planning efforts for the Eastern Project. The Eastern Project will address the restoration of the remainder of the project area through such features as a spreader canal, backfilling of the C-111 Canal, etc. It is expected that the Eastern Project will also seek authorization under 601(d). The reporting officers determined that the original authority for the C-111 Spreader Canal Project contained 601(b)(2)(C)(x) of WRDA 2000 is no longer needed. As such, the reporting officers recommend that C-111 Spreader Canal authorized in 601(b)(2)(C)(x) of WRDA 2000 be deauthorized.

3. Although cost sharing of the ecosystem restoration features for this project is governed by Section 601 of WRDA 2000, as amended, cost sharing of the recreation features is governed by Section 103 of the WRDA 1986, as amended. In particular, in accordance with Section 103(j) of WRDA 1986, 100 percent of the cost of operation, maintenance, repair, replacement and rehabilitation (OMRR&R) of the recreation features is the non-Federal sponsor's responsibility. In

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addition, section 601(e)(5)(B) of WRDA 2000, as amended, governs credit for non-Federal sponsor design and construction work on the ecosystem restoration features of the project, whereas section 221(a)(4) of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b(a)(4)), governs credit for non-Federal sponsor design and construction work on the recreation features of the project.

4. The final PIR with integrated Environmental Impact Statement (EIS) recommends a project that contributes significantly to all of the ecological goals and objectives of the CERP: (1) increasing the spatial extent of natural areas; (2) improving habitat function and quality; and (3) improving native plant and animal abundance and diversity. In addition, it contributes to the economic values and social well being of the project area by providing recreational opportunities. Scientists have established that a mosaic of uplands, freshwater marsh, deep water sloughs, and estuarine habitats supporting a diverse community of fish and wildlife was one of the defining characteristics of the pre-drainage Everglades ecosystem. Currently in south Florida, habitat function and quality has significantly declined in remaining natural system areas due to water management projects and practices, resulting in a loss of suitable nesting, foraging, and fisheries habitat and a decline in native species diversity and abundance. The PIR confirms information in the CERP and provides project-level evaluation of costs and benefits associated with construction and operations of this ecosystem restoration project which will reverse the damaging trends and increase freshwater retention in Everglades National Park, restoring a natural deepwater slough and the surrounding freshwater marsh habitat. Water levels across the project area will be increased, boosting species abundance and diversity while providing suitable nesting and foraging areas for wading birds. Florida Bay and its estuaries will benefit from decreased salinity levels and improved health of the fisheries habitat. Overall, approximately 252,000 acres of wetlands and coastal habitat will benefit from the project. The South Florida Water Management District (SFWMD), the non-Federal sponsor, has begun land acquisition and construction of the project through its expedited construction program. As such, the C-111 Spreader Canal Western project can be implemented quickly, substantially advancing the realization of project benefits in an area that has been degraded by past water management practices.

5. The reporting officers recommend a plan for ecosystem restoration and recreation. The recommended C-111 Spreader Canal Western project would improve the ecological function of Everglades National Park by creating a hydraulic ridge that will reduce drainage of the area by the C-111 Canal. The Recommended Plan, Alternative 2DS, will consist of two above-ground detention areas, the approximately 590-acre Frog Pond Detention Area and an approximately 50-acre Aerojet Canal, which will serve to create a continuous and protective hydraulic ridge along the eastern boundary of Everglades National Park. Five additional features will be included that are intended to raise water levels in the eastern portion of the project area and restore wetlands in the Southern Glades and Model Lands. Major features of the detention areas include the construction of external levees and one approximately 225-cubic feet per second pump station for each detention area. The five additional features will include the following: incremental operational changes at existing structure S-18C; one new operable structure in the lower C-111 Canal; ten plugs in the C-110 Canal; operational changes at existing structure S-20; and, one plug in the existing L-31E Canal (near inoperable structure S-20A). Recreation components consist of a trailhead with parking, traffic controls, a shade shelter with interpretive board, and approximately 6.8 miles of multi-use levee trails atop impoundment levees. Restoration-compatible recreation includes hiking, biking, fishing, nature study, bird watching, state-managed hunts and equestrian use.

6. The cost of the initially authorized C-111 Spreader Canal component of the CERP, escalated to October 2011 (FY 12) price levels, is \$143,540,000. The total first cost of the Recommended Plan

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from the final PIR/EIS, based upon October 2011 price levels, is estimated at \$165,098,000. Total first cost for the ecosystem restoration features is estimated to be \$164,832,000 and for recreation is estimated to be \$266,000. The proposed project costs have increased primarily due to the fact that the project has increased in scope to address ecological problems in Everglades National Park and Florida Bay as identified by the public and stakeholders.

7. In accordance with the cost-sharing requirements of Section 601(e) of the WRDA 2000, as amended, the Federal cost of the Recommended Plan is \$82,549,000 and the non-Federal cost is \$82,549,000. The estimated lands, easements, right-of-way, and relocation (LERRs) costs for the recommended plan are \$68,451,000. LERRs valued at approximately \$18,610,000 are already owned by the State of Florida. Based on October 2011 price levels, a 40-year period of economic evaluation and a 4.0 percent discount rate, the equivalent annual cost of the proposed project is estimated at \$10,268,000, which includes OMRR&R, interest and amortization. The estimated annual costs for ecosystem restoration OMRR&R, including project monitoring costs, vegetation management, and endangered species monitoring, are \$1,468,000. The estimated annual OMRR&R costs for recreation are \$25,000. The project monitoring period is five years except for endangered species monitoring, which is 10 years. Any costs associated with project monitoring beyond 10 years after completion of construction of the Project (or a component of the Project) shall be a non-Federal responsibility.

8. As a component of the CERP program, the interagency/interdisciplinary scientific and technical team, formed to ensure that system-wide goals are met, will participate in the annual monitoring to assess system-wide changes. In accordance with Sections 601(e)(4) and 601(e)(5)(D) of WRDA 2000, as amended, OMRR&R costs and adaptive assessment and monitoring costs for ecosystem restoration will be shared equally between the Federal Government and the non-Federal sponsor. The Project Monitoring Plan was developed assuming that major, ongoing monitoring programs that are not funded by the Project would continue to supply data relevant to the Project. The Project Monitoring Plan shall not include items that are already required to be monitored by another Federal agency or other entity as part of their regular responsibilities or required by law. Should any of these monitoring programs (e.g. coastal water quality and seagrass monitoring) be discontinued or significantly curtailed, then monitoring priorities and funding options may be re-evaluated to ensure proper Project evaluation. In accordance with Section 103(j) of the WRDA 1986, as amended, OMRR&R costs related to recreation features will be funded 100 percent by the non-Federal sponsor.

9. To ensure that an effective ecosystem restoration plan was recommended, cost effectiveness/incremental cost analysis techniques were used to evaluate alternative restoration plans. These techniques determined the selected alternative plan to be cost effective and incrementally justified. The hydraulic model and ecological model utilized to estimate the ecological outputs that were used in the economic analysis were both peer-reviewed and certified for use in the project. The plan recommended for implementation is the National Ecosystem Restoration (NER) plan, supports the Incremental Adaptive Restoration principles established by the National Research Council, and was prepared in a collaborative environment. The recommended plan provides benefits by: (1) restoring the quantity, timing, and distribution of water delivered to Florida Bay via Taylor Slough; (2) improving hydroperiods and hydropatterns in the Southern Glades and Model Lands; and, (3) restoring coastal zone salinities in Florida Bay and its tributaries.

10. In accordance with the WRDA 2000 Section 601(f)(2), individual CERP projects may be justified by the environmental benefits derived by the South Florida ecosystem. Similarly, Section

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385.9(a) of the CERP Programmatic Regulations (33 CFR Part 385) requires that individual projects shall be formulated, evaluated, and justified based on their ability to contribute to the goals and purposes of the CERP and on their ability to provide benefits that justify costs on a next-added increment basis. Due to the project location at the terminus of the Everglades system, the C-111 Spreader Canal Western project does not depend on any other CERP or non-CERP projects to achieve the estimated ecological benefits. As such, the Next-Added Increment (NAI) is equivalent to the total, System-Wide benefits that were calculated for the proposed project. The Recommended Plan will produce an average annual increase of 8,271 habitat units per year at an annual cost of \$10,268,000. In coordination with Fish and Wildlife Service, this project could benefit threatened and endangered species and migratory birds. The average annual cost per average annual habitat unit is \$1,240. Based on restoration first cost, the cost per acre benefited is approximately \$654 per acre. Based on these parameters, the C-111 Spreader Canal Western project is justified by the environmental benefits derived by the South Florida ecosystem. The recreation first cost of the recommended plan is \$266,000. The average annual cost for recreation is \$39,000 and the average annual recreation benefits are \$122,000, providing a benefit cost ratio of 3.1 to 1.

11. Of the 12,176 acres of land identified for the Project, approximately 611 acres were provided as items of local cooperation for existing Federal projects and will be used for construction of C-111 Spreader Canal Western Project. Approximately 11,565 acres of land are predicted to be impacted by the Recommended Plan: Approximately 9,688 acres will be provided in fee and have already been purchased by the non-Federal sponsor. Approximately 146 acres of impacted lands will be provided under a supplemental agreement with the State of Florida and Miami-Dade County. Approximately 955 acres will be provided by perpetual flowage/conservation easements by the Florida Power and Light Company. The planning level model predicted that the remaining 776 acres of privately-owned land identified for the Project may be affected by operation of the Project, as indicated in the PIR. WRDA 2000 requires that implementation of the CERP shall not reduce existing levels of service for flood protection. The SFWMD is constructing the majority of the project under its State expedited construction program and as part of its independent effort to implement the Project, the SFWMD will monitor the impacts of the current construction and continually adjust operations to ensure the protection of privately-owned lands. If SFWMD is able to provide new information that these operations provide anticipated ecological benefits without reducing existing levels of service for flood protection for the 776 acres, the Corps will consider this information and accordingly document any changes to its takings analysis and the continued compliance with the statutory requirements regarding maintenance of level of service for flood protection. The reassessment of effects on existing levels of service for flood protection will utilize a method similar to the original method of determination. Like the analysis in the PIR, the reassessment will be conducted in a manner consistent with the CERP Programmatic Regulations and guidance. In addition, the takings analysis will be similarly reassessed. Any reassessment done will be completed prior to the execution of a Project Partnership Agreement (PPA). The new information must document that operational adjustments implemented to avoid a reduction of the level of service for flood protection on a particular property or properties can also provide the anticipated ecological benefits. After the documentation is complete, then those operations may be made permanent and incorporated into the Final Project Operating Manual of the Federally-authorized project. Otherwise, the non-Federal sponsor will acquire the necessary interests in the lands, and will provide real estate certification of those lands to the Corps.

12. In accordance with the Corps Engineering Circular on review of decision documents, all technical, engineering, and scientific work underwent an open, dynamic, and vigorous review

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process to ensure technical quality. This included Agency Technical Review (ATR), and Independent External Peer Review (IEPR), and a Corps Headquarters policy and legal review. All concerns of the ATR have been addressed and incorporated into the final report. The IEPR was completed by Battelle Memorial Institute, a non-profit science and technology organization with experience in establishing and administering peer review panels for the Corps. A total of 23 comments were documented. The comments of high significance were related to current and future conditions, assessment of secondary effects and climatic cycles, and technical sections of the document such as Real Estate and Modeling. In response, sections in the PIR/EIS and appendices were expanded to include additional information. The final IEPR Report was completed in October 2009, and certification from the IEPR Panel was issued 25 November 2009.

13. The Final PIR/EIS was published for State and Agency Review on 4 February 2011. The majority of the comments received were favorable and in support of the project. A letter from the Florida Department of Agriculture and Consumer Services (FDACS), dated 10 March 2011, stated a concern that the proposed project would result in negative impacts to privately-owned agricultural lands in the vicinity of the project. Specifically, the concern was that a rise in groundwater elevations would result in root zone flooding that would be detrimental to crops. The FDACS also expressed concern that any adverse impacts identified after project implementation would be based upon criteria not specified in the Final PIR. In a 29 July 2011 reply letter, the Corps responded to these concerns by describing the monitoring being conducted by the SFWMD as part of its expedited construction program and the Corps' consideration of additional information to reassess the takings analysis and whether the project will reduce the existing levels of service for flood protection on the 776 acres, or a portion thereof, as described previously in Paragraph 11. The final PIR was revised to clarify this position.

14. Section 601(e)(5)(B) of WRDA 2000, as amended by Section 6004 of the WRDA 2007, authorizes credit toward the non-Federal share for non-Federal design and construction work completed during the period of design or construction, subject to execution of the design or project partnership agreement and subject to a determination by the Secretary that the work is integral to the project. As part of its initiative for early implementation of certain CERP projects, the non-Federal sponsor has stated that it is constructing the C-111 Spreader Canal Western project consistent with the PIR, in advance of Congressional authorization and the signing of a project partnership agreement. As such, a separate EIS has been completed and a Department of the Army permit has been issued to the non-Federal sponsor for expedited construction of this project, and construction of the project has already begun by the State of Florida. As required by the February 2008 Implementation Guidance for Section 6004 of WRDA 2007 – CERP Work In-Kind Credits, the non-Federal sponsor entered into a Pre-Partnership Credit Agreement for the C-111 Spreader Canal Western Project on 13 August 2009. The reporting officers believe that it is in the public interest for this Project to be implemented expeditiously due to the early restoration of Federal lands in Everglades National Park and ecological benefits to the wetlands and estuaries in other portions of the South Florida ecosystem. Therefore, the reporting officers recommend that the non-Federal sponsor be credited for all reasonable, allowable, necessary, auditable, and allocable costs applicable to the C-111 Spreader Canal Western project as may be authorized by law including those incurred prior to the execution of a PPA, subject to authorization of the Project by law, a determination by the Assistant Secretary of the Army (Civil Works) or his/her designee that the In-kind work is integral to the authorized CERP Project; that the costs are reasonable, allowable, necessary, auditable, and allocable, and that the In-kind work has been implemented in accordance with government standards and applicable Federal and state laws.

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15. The non-Federal Sponsor and the U.S. Department of the Army entered into an agreement known as the Master Agreement Between the Department of the Army and South Florida Water Management District for Cooperation in Constructing and Operating, Maintaining, Repairing, Replacing and Rehabilitating Projects Authorized to be Undertaken Pursuant to the Comprehensive Everglades Restoration Plan dated 13 August 2009 (hereinafter "Master Agreement"). The Master Agreement sets forth the terms of participation in the construction and OMRR&R of projects under CERP that will apply to any future project for which the non-Federal sponsor and the Government have entered into a PPA. The uniform terms of the Master Agreement will be incorporated by reference into the C-111 Spreader Canal Western Project PPA.

16. Credits for non-Federal design and construction will be evaluated in accordance with the terms of the Master Agreement. All documentation provided by the non-Federal sponsor will be thoroughly reviewed by the Corps to determine reasonable, allowable, necessary, auditable, and allocable costs. Upon completion of this review, a financial audit will be conducted prior to granting final credit. Coordination between the Corps and the Sponsor will occur throughout design and construction via the Corps' Regulatory process. The credit afforded to the non-Federal sponsor will be limited to the lesser of the following: (1) actual costs that are reasonable, allowable, necessary, auditable, and allocable to the Project; or (2) the Corps estimate of the cost of the work allocable to the Project had the Corps performed the work. The non-Federal sponsor intends to implement this work using its own funds and would not use funds originating from other Federal sources unless the Federal granting agency verifies in writing that the expenditure of such funds is expressly authorized by statute and in accordance with Section 601 (e)(3) of WRDA 2000 as amended and the Master Agreement.

17. Washington level review indicates that the plan recommended by the reporting officers is environmentally justified, technically sound, cost effective, and socially acceptable. The plan conforms to essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies and complies with other administration and legislative policies and guidelines. The views of interested parties, including Federal, state and local agencies have been considered.

18. The Project complies with the following requirements of the WRDA 2000, as amended:

a. Project Implementation Report (PIR). The requirements of a PIR as defined by Section 601(h)(4)(A).

b. Reservation or Allocation of Water for the Natural System. Sections 601(h)(4)(A)(iii)(IV) and (V) require identification of the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system and the amount of water to be reserved or allocated for the natural system. In accordance with the regulations, an analysis was conducted to identify water dedicated and managed for the natural system. Accordingly, the non-Federal sponsor will protect the water that was identified as necessary to achieve the benefits of the Project, using water reservation or allocation authority under Florida law.

c. Elimination or Transfer of Existing Legal Sources of Water. Section 601(h)(5)(A) states that existing legal sources of water shall not be eliminated or transferred until a new source

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of water supply of comparable quantity and quality is available to replace the water to be lost as a result of the CERP. An analysis of project effects on existing legal sources of water was conducted and it was determined that implementation of the C-111 Spreader Canal Western project will not result in a transfer or elimination of existing legal sources of water.

d. Maintenance of Flood Protection. Section 601 (h)(5)(B) states that the Plan shall not reduce levels of service for flood protection that are in existence on the date of enactment of WRDA 2000 (December 2000) and in accordance with applicable law. Potential flooding effects as a result of the proposed project were analyzed and the results indicated that the proposed project would have an adverse impact on the level of service for flood protection in the project area. The analysis identified 776 acres of privately-owned lands that may be impacted as a result of the operation of the proposed project. Total impacted lands, including the 776 acres identified above, were approximately 11,565 acres. As such, the non-Federal sponsor will provide the 11,565 acres of lands either in fee, perpetual flowage easements, or by supplemental agreements, and will be responsible for those real estate interests as a project cost. Under the specific circumstances detailed in paragraph 11, the non-Federal sponsor may not be required to provide an interest in all or part of the 776 acres of privately-owned lands identified.

19. I generally concur with the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan described herein for ecosystem restoration and recreation be authorized for implementation as a Federal Project, with such modifications as in the discretion of the Chief of Engineers may be advisable, and subject to cost-sharing, financing, and other applicable requirements of Section 601 of WRDA 2000, as amended. In addition, I recommend that the non-Federal sponsor be authorized to receive credit for work accomplished prior to execution of a PPA for this Project, in accordance with the terms described in paragraphs 14 and 16 of this report.

Further, this recommendation is subject to the non-Federal sponsor agreeing to comply with all applicable Federal laws and the following items of local cooperation:

- a. Provide 50 percent of total project costs consistent with the provisions of Section 601(e) of the WRDA 2000, as amended, including authority to perform design and construction of project features consistent with Federal law and regulation.
- b. Provide all lands, easements, and rights-of-way, including suitable borrow and dredged or excavated material disposal areas, and perform or assure the performance of all relocations that the Government and the non-Federal sponsor jointly determine to be necessary for the construction and OMRR&R of the Project and valuation will be in accordance with the Master Agreement.
- c. Shall not use the ecosystem restoration features or lands, easements, and rights-of-way required for such features as a wetlands bank or mitigation credit for any other non-CERP projects.
- d. Give the Government a right to enter, at reasonable times and in a reasonable manner, upon land that the non-Federal sponsor owns or controls for access to the Project for the

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purpose of inspection, and, if necessary, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the Project.

e. Assume responsibility for operating, maintaining, repairing, replacing, and rehabilitating the Project or completed functional portions of the Project in a manner compatible with the Project's authorized purposes and in accordance with applicable Federal and State laws and specific directions prescribed in the OMRR&R manuals and any subsequent amendments thereto. Notwithstanding Section 528(e)(3) of WRDA 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of OMRR&R activities authorized under this section.

f. The non-Federal sponsor shall operate, maintain, repair, replace and rehabilitate the recreational features of the Project and is responsible for 100 percent of the costs.

g. Keep the recreation features, and access roads, parking areas, and other associated public use facilities, open and available to all on equal terms.

h. Unless otherwise provided for in the statutory authorization for this Project, comply with Section 221 of PL 91-611, Flood Control Act of 1970, as amended, and Section 103 of the WRDA of 1986, PL 99-662, as amended which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the Project or separable element.

i. Hold and save the Government free from all damages arising from the construction, OMRR&R of the Project, and any project-related betterments, except for damages due to the fault or negligence of the Government or the Government's contractors.

j. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the Project to the extent and in such detail as will properly reflect total project costs and comply with the provisions of the CERP Master Agreement between the Department of Army and the South Florida Water Management District for Cooperation in Constructing and Operating, Maintaining, Repairing, Replacing, and Rehabilitating Projects Authorized to be Undertaken Pursuant to the Comprehensive Everglades Restoration Plan, executed on 13 August 2009, including Article XI Maintenance of Records and Audit.

k. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675, that may exist in, on, or under lands, easements or rights-of-way necessary for the construction and operation and maintenance (O&M) of the Project; except that the non-Federal sponsor shall not perform such investigations on lands, easements, or rights-of-way that the Government determines to be subject to the navigation servitude without prior specific written direction by the Government.

l. Assume complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on or under lands, easements, or right-of-ways



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necessary for the construction and OMRR&R.

m. As between the Government and the non-Federal sponsor, the non-Federal sponsor shall be considered the operator of the Project for the purposes of CERCLA liability. To the maximum extent practicable, the non-Federal sponsor shall OMRR&R the Project in a manner that will not cause liability to arise under CERCLA.

n. Prevent obstructions of and encroachments on the Project (including prescribing and enforcing regulations to prevent such obstruction or encroachments) which might reduce ecosystem restoration benefits, hinder O&M, or interfere with the Project's proper function, such as any new developments on Project lands or the addition of facilities which would degrade the benefits of the Project.

o. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, PL 91-646, as amended by the title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (PL 100-17), and Uniform Regulations contained in 49 CFR part 24, in acquiring lands, easements, and rights-of-way, and performing relocations for construction, O&M of the Project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said act.

p. Comply with all applicable Federal and State laws and regulations, including, but not limited to, Section 601 of the Civil Rights Act of 1964, PL 88-352, and Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled, "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army," and all applicable Federal labor standards and requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act [formerly 40 U.S.C. 276a et seq.], the Contract Work Hours and Safety Standards Act [formerly 40 U.S.C. 327 et seq.] and the Copeland Anti-Kickback Act [formerly 40 U.S.C. 276c]).

q. Comply with Section 106 of the National Historic Preservation Act in completion of all consultation with Florida's State Historic Preservation Office and, as necessary, the Advisory Council on Historic Preservation prior to construction as part of the Pre-construction Engineering and Design phase of the Project.

r. Provide 50 percent of that portion of total cultural resource preservation mitigation and data recovery costs attributable to the Project that are in excess of one percent of the total amount authorized to be appropriated for the Project.

s. Do not use Federal funds to meet the non-Federal sponsor's share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is expressly authorized and in accordance with Section 601(e)(3) of WRDA 2000.

t. The non-Federal sponsor agrees to participate in and comply with applicable Federal floodplain management and flood insurance programs consistent with its statutory authority.

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(1) Not less than once each year the non-Federal sponsor shall inform affected interests of the extent of protection afforded by the Project.

(2) The non-Federal sponsor shall publicize flood plain information in the area concerned and shall provide this information to zoning and other regulatory agencies for their use in preventing unwise future development in the flood plain and in adopting such regulations as may be necessary to prevent unwise future development and to ensure compatibility with protection levels provided by the Project.

(3) The non-Federal sponsor shall comply with Section 402 of WRDA 1986, as amended (33 U.S.C. 701b-12), which requires a non-Federal interest to have prepared, within one year after the date of signing a project partnership agreement for the Project, a floodplain management plan. The plan shall be designed to reduce the impacts of future flood events in the project area, including but not limited to, addressing those measures to be undertaken by non-Federal interests to preserve the level of flood protection provided by the Project. As required by Section 402, as amended, the non-Federal interest shall implement such plan not later than one year after completion of construction of the Project. The non-Federal sponsor shall provide an information copy of the plan to the Government upon its preparation.

(4) The non-Federal sponsor shall prescribe and enforce regulations to prevent obstruction of or encroachment on the Project or on the lands, easements, and rights-of-way determined by the Government to be required for the construction, operation, maintenance, repair, replacement, and rehabilitation of the Project, that could reduce the level of protection the Project affords, hinder operation or maintenance of the Project, or interfere with the Project's proper function.

u. The non-Federal Sponsor shall execute under State law the reservation or allocation of water for the natural system as identified in the PIR for this authorized CERP Project as required by Sections 601(h)(4)(B)(ii) of WRDA 2000 and the non-Federal Sponsor shall provide information to the Government regarding such execution. In compliance with 33 CFR 385, the District Engineer will verify such reservation or allocation in writing. Any change to such reservation or allocation of water shall require an amendment to the PPA after the District Engineer verifies in writing in compliance with 33 CFR 385 that the revised reservation or allocation continues to provide for an appropriate quantity, timing, and distribution of water dedicated and managed for the natural system after considering any changed circumstances or new information since completion of the PIR for the authorized CERP Project.

20. The recommendation contained herein reflects the information available at this time and current Departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation

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may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding.

A handwritten signature in black ink, appearing to read "Meredith W.B. Temple". The signature is fluid and cursive, with the first name "Meredith" and last name "Temple" being more prominent than the middle initial "W.B.".

**MERDITH W.B. TEMPLE**

Major General, USA

Acting Chief of Engineers



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

MAY 2 2012

CECW-SAD (1105-2-10a)

SUBJECT: Biscayne Bay Coastal Wetlands Phase I Project, Comprehensive Everglades Restoration Plan, Central and Southern Florida Project, Miami-Dade County, Florida.

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on ecosystem restoration improvements for Phase I of the Biscayne Bay Coastal Wetlands (BBCW) Project, located in Miami-Dade County, Florida. It is accompanied by the reports of the Jacksonville District Engineer and the South Atlantic Division Engineer. These reports are in response to Section 601 of the Water Resources Development Act (WRDA) of 2000, which authorized the Comprehensive Everglades Restoration Plan (CERP) as a framework for modifications and operational changes to the Central and Southern Florida project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. WRDA 2000 identified specific requirements for implementing components of the CERP, including the development of a decision document known as a Project Implementation Report (PIR). The requirements of a PIR are addressed in this report and are subject to review and approval by the Secretary of the Army. Preconstruction engineering and design activities for this project will be continued under the CERP Design Agreement.

2. The proposed Biscayne Bay Coastal Wetlands project was previously identified in CERP and requires specific authorization under Section 601(d) of WRDA 2000. The original scope of the project has been altered in order to better address restoration goals in the study area and the BBCW project was split into two phases. Phase I is the first step toward meeting restoration goals in the study area. By rehydrating coastal wetlands and reducing damaging point source freshwater discharge to Biscayne Bay, the Phase I Recommended Plan is integral to the health of the south Florida ecosystem. Due to changes in scope and intended restoration area, Phase I of the proposed BBCW project is recommended for specific Congressional authorization consistent with WRDA 2000, Section 601(d). The second phase of the project would consider restoration of freshwater wetlands in the Model Lands/Barnes Sound area, the southernmost portion of the study area. It is expected that the second phase will also seek authorization under Section 601(d).

3. Although cost sharing of the ecosystem restoration features for this project is governed by Section 601 of WRDA 2000, as amended, cost sharing of the recreation features is governed by Section 103 of the WRDA 1986, as amended. In particular, in accordance with Section 103(j) of WRDA 1986, 100 percent of the cost of Operation, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) of the recreation features is the non-Federal sponsor's responsibility. In addition, section 601(e)(5)(B) of WRDA 2000, as amended, governs credit for non-Federal sponsor design and construction work on the ecosystem restoration features of the project, whereas

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section 221(a)(4) of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b(a)(4)), governs credit for non-Federal sponsor design and construction work on the recreation features of the project.

4. The final PIR and integrated Environmental Impact Statement (EIS) recommends a project that contributes significantly to all of the ecological goals and objectives of the CERP: (1) Increasing the spatial extent of natural areas; (2) improving habitat function and quality; and (3) improving native plant and animal abundance and diversity. In addition, it contributes to the economic values and social well being of the project area by providing recreational opportunities. The historical Everglades ecosystem was previously defined by a mosaic of uplands, freshwater marsh, deepwater sloughs, and estuarine habitats that supported a diverse community of fish and wildlife. Today nearly all aspects of south Florida's flora and fauna have been affected by development, altered hydrology, nutrient input and spread of non-native species that have resulted directly or indirectly from a century of water management for human needs. Significant areas within the project study boundary are characterized by a low-productivity dwarf mangrove forest, known as the "white zone" - due to its appearance on aerial photos - which are caused by salt deposits on the soil surface that are primarily a result of wide seasonal fluctuations in salinity and the absence of freshwater input from upstream sources. The PIR confirms information in the CERP and provides a project-level evaluation of costs and benefits associated with construction and operation of this ecosystem restoration project. The Recommended Plan will improve functional fish and wildlife habitat in Florida Bay and Biscayne Bay. The portion of the Everglades ecosystem directly affected by the BBCW project provides habitat for 21 Federally-listed endangered or threatened species, including the West Indian Manatee, Florida Panther, Cape Sable Seaside Sparrow, and the American Crocodile. Overall, approximately 11,000 acres will benefit from restored overland sheetflow. The South Florida Water Management District (SFWMD), the non-Federal sponsor, has begun land acquisition and construction of the project through its expedited construction program. As such, the BBCW Phase I project can be implemented quickly, substantially advancing the realization of project benefits in an area that has been degraded by past water management practices.

5. The reporting officers recommend a plan for ecosystem restoration and recreation. The Recommended Plan would improve the ecological function of coastal wetlands in Biscayne Bay by redirecting freshwater - currently discharged through man-made canals directly to the Bay - to coastal wetlands adjacent to the Bay. This will provide a more natural and historic flow and restore healthier salinity patterns in Biscayne Bay. Biscayne Bay is located in Miami-Dade County south of the city of Miami on the Atlantic coast and east of the city of Homestead, Florida. The Recommended Plan, Alternative O Phase I, encompasses a footprint of approximately 3,761 acres and includes features in three of the project's four sub-components (hydrologically distinct regions of the study area): Deering Estate, Cutler Wetlands, and L-31 East Flow Way. There are no features in the fourth region, Model Land Basin. A description of the features recommended for the sub-component areas is as follows:

*Deering Estate:* This region is in the northern part of the project area and includes an approximately 500-foot extension of the C-100A Spur Canal through the Power's Addition Parcel (Power's Parcel), construction of a freshwater wetland on the Power's Parcel and delivery of fresh water to Cutler Creek and ultimately to coastal wetlands along Biscayne Bay.

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*Cutler Wetlands:* Features in this region, which is in the central portion of the project area, include a pump station, a conveyance canal, a spreader canal, culverts and mosquito control ditch plugs. The pump station, located on C-1, will deliver water to a 6,900-foot lined conveyance canal that will run under SW 97th Avenue, SW 87th Avenue (L-31E Levee), and across the L-31E Borrow Canal via concrete box culverts and deliver water to the spreader canal located in the saltwater wetlands. The spreader canal is divided into four segments.

*L-31 East Flow Way:* Features in this region, which is in the southern portion of the project area, will isolate the L-31E Borrow Canal from the major discharge canals (C-102, Military Canal and C-103) and allow freshwater flow through the L-31E Levee to the saltwater wetlands. Gated culverts and inverted siphon structures will isolate the L-31E Borrow Canal from these canals, allowing L-31E Borrow Canal to maintain higher water levels. Two pump stations and a series of culverts will move fresh water directly to the saltwater wetlands east of L-31E. Two more pump stations and a spreader canal will deliver water to the freshwater wetlands south of C-103.

Recreational opportunities are also provided at the site within the project footprint.

*Recreation Features:* The recreation activities proposed include biking/walking trails, environmental interpretation, canoeing/kayaking, bank fishing, tent camping and nature study. Proposed facilities include interpretive signage, shade shelter, handicapped accessible waterless restrooms, handicapped parking, tent platforms, pedestrian bridge, benches, bike rack, trash receptacles, park security gate, trail signage, potable water source and a bird watching platform.

6. The total first cost of the Recommend Plan from the final PIR/EIS, based upon October 2011 (FY12) price levels, is estimated to be \$164,070,000. The total first cost for the ecosystem restoration features is estimated to be \$162,229,000 and the recreation first cost is estimated to be \$1,841,000. The total project cost being sought for authorization is \$192,418,000, which includes all costs for construction; lands, easements, rights-of-way, and relocations; recreation facilities; pre-construction, engineering and design (PED) and construction management costs; and sunk PIR costs (\$28,348,700).

7. In accordance with the cost-sharing requirements of Section 601(e) of the WRDA 2000, as amended, the Federal cost of the Recommended Plan is \$96,209,000 and the non-Federal cost is \$96,209,000. The estimated lands, easements, right-of-way, and relocation (LERRs) costs for the Recommended Plan are \$80,985,000. Based on FY12 price levels, a 40-year period of economic evaluation and a 4.00% discount rate, the equivalent annual cost of the proposed project is estimated to be \$11,126,000, which includes OMRR&R, monitoring, interest during construction and amortization, but not sunk costs. The estimated annual costs for ecosystem restoration OMRR&R, including vegetation management, is \$1,873,000. The total project monitoring cost is estimated to be \$1,917,000 with an average annual cost of \$193,000. The project monitoring period is five years except for endangered species monitoring, which is 10 years. Any costs associated with project monitoring beyond 10 years after completion of construction of the Project (or a component of the Project) shall be a non-Federal responsibility. The annual OMRR&R costs for recreation are estimated at \$25,000.

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8. As a component of the CERP program, the interagency/interdisciplinary scientific and technical team, formed to ensure that system-wide goals are met, will participate in the annual monitoring to assess system-wide changes. In accordance with Sections 601(e)(4) and 601(e)(5)(D) of WRDA 2000, OMRR&R costs and adaptive assessment and monitoring costs for ecosystem restoration will be shared equally between the Federal Government and the non-Federal sponsor. The Project Monitoring Plan was developed assuming that major, ongoing monitoring programs that are not funded by the Project would continue to supply data relevant to the Project. The Project Monitoring Plan shall not include items that are already required to be monitored by another Federal agency or other entity as part of their regular responsibilities or required by law. Should any of these monitoring programs be discontinued or significantly curtailed, then monitoring priorities and funding options may be re-evaluated to ensure proper Project evaluation. In accordance with Section 103(j) of the WRDA 1986, as amended, OMRR&R costs related to recreation features will be funded 100 percent by the non-Federal sponsor.

9. To ensure that an effective ecosystem restoration plan was recommended, cost effectiveness/incremental cost analysis techniques were used to evaluate alternative restoration plans. These techniques determined the selected alternative plan to be cost-effective and incrementally justified. The hydraulic model and ecological model utilized to estimate the ecological outputs that were used in the economic analysis were both peer-reviewed and certified for use in the project. The plan recommended for implementation is the National Ecosystem Restoration (NER) plan, supports the Incremental Adaptive Restoration principles established by the National Research Council, and was prepared in a collaborative environment. The Recommended Plan provides benefits by: (1) restoring the quantity, timing, and distribution of water delivered to Biscayne Bay; (2) improving hydropatterns and hydroperiods in the project area; and, (3) restoring coastal zone salinities in Biscayne Bay and its tributaries. The project will restore the overland sheetflow in an approximately 11,000-acre area and improve the ecology of Biscayne Bay, including its freshwater and saltwater wetlands, nearshore bay habitat, marine nursery habitat, and the oyster reef community.

10. In accordance with the WRDA 2000 Section 601(f)(2), individual CERP projects may be justified by the environmental benefits derived by the South Florida ecosystem. Similarly, Section 385.9(a) of the CERP Programmatic Regulations (33 CFR Part 385) requires that individual projects shall be formulated, evaluated, and justified based on their ability to contribute to the goals and purposes of the Plan and on their ability to provide benefits that justify costs on a next-added increment (NAI) basis. Due to the project location at the terminus of the Everglades system, the BBCW Phase I project does not depend on any other CERP or non-CERP projects to achieve the estimated ecological benefits. The NAI analysis evaluates the effects, or outputs, of the Recommended Plan as the next project to be added to the group of already approved CERP projects. The results of the NAI analysis showed that as a stand-alone project, the BBCW Recommended Plan nearly doubles the spatial extent of the functional habitat expected to exist in the future without-project condition. The Recommended Plan will produce an average annual increase of 9,276 habitat units at an annual cost of \$11,003,000 for a cost of \$1,186 per habitat unit. Based on these parameters, the BBCW Phase I project is justified by the environmental benefits derived by the South Florida ecosystem. The average annual cost for recreation is \$123,000 and average annual net benefits are \$58,000. The benefit to cost ratio for the proposed recreation features is approximately 2.1 to 1.

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11. Of the total 3,761 acres identified for the Project, approximately 1,421 acres would be required in fee and approximately 149 acres would require perpetual easement interest. Additionally, approximately 1,254 acres would be provided through the execution of Supplemental Agreements between the SFWMD, the State of Florida and local Miami-Dade County government entities. Approximately 937 acres are currently owned by the United States; National Park Service for Biscayne National Park (BNP) which will provide a Memorandum of Agreement to the SFWMD for the use of these lands.

12. In accordance with the Corps of Engineers' (Corps) Engineering Circular on review of decision documents, all technical, engineering, and scientific work underwent an open, dynamic, and vigorous review process to ensure technical quality. This included Agency Technical Review (ATR), Independent External Peer Review (IEPR), and a Corps Headquarters policy and legal review. All concerns of the ATR have been addressed and incorporated into the final report. The IEPR was managed by Battelle Memorial Institute, a non-profit science and technology organization with experience in establishing and administering peer review panels for the Corps. A total of 19 comments were documented. Overall, the Panel found the BBCW PIR/EIS a well-written document that contained adequate information to interpret plan selection and recommendations. The panel also acknowledged the public involvement and collaborative efforts in the development of the report, and encouraged the Corps to document the usage of recent scientific data in the expansion of the project to include additional restoration opportunities. The comments of high significance included requests to expand the discussion and analysis of the future conditions relating to sea level rise and water availability. In response to these comments, the PIR was modified to include an expanded and more quantitative and graphical discussion of the potential impacts of sea level rise and clarification of the relationship between the water available for diversion and the hydrologic regimes needed to achieve the target level of wetlands area and function. The Final Report and Certification from the IEPR Panel was issued 1 December 2009.

13. The Final PIR/EIS was published for State and Agency Review on 7 January 2012. The majority of the comments received were favorable and in support of the project. In response to comments received from the Florida Department of Environmental Protection (FDEP), the Corps sent a letter in April 2012 that clarified the roles and responsibilities of the Corps and the non-Federal sponsor in addressing residual agricultural chemicals on project lands. The Corps also sent a letter in response to comments from Homestead Air Reserve Base (HARB). HARB requested additional information on the potential for bird strikes to aircraft operating from the airbase and expressed concerns regarding increases in bird populations, and specifically whether predatory birds, most implicated in aircraft strikes, would increase due to the ecological improvements. HARB requested that the Corps further research predator/prey avian relationships. The Corps has done this by soliciting information from avian experts at Everglades National Park, Biscayne Bay National Park, U.S. Fish and Wildlife Service, Audubon Florida, Fish and Wildlife Conservation Commission and the University of Florida, all of whom are familiar with the BBCW Phase I project area, the project objectives and the hydrological modeling predictions. There was agreement amongst resource agencies that there will not be an increase in predatory birds such as raptors and vultures as a result of the restoration. Specifically, wetland rehydration achieved by the BBCW Phase I project and resulting wading bird increase are not likely to serve as an additional attractant to predatory birds beyond the geographic features already serving to guide raptors and other migratory birds along Florida coasts. The Corps Jacksonville District staff met with HARB



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representatives to discuss their concerns and the Recommended Plan. The Corps sent a response letter to HARB in April 2012 that provided the Corps' analysis and indicated the Corps' willingness to continue to work through the concerns of the airbase. The letter also requested that HARB continue to share information with the Corps in order to realize opportunities to minimize wildlife risks to aviation and human safety, as necessary, while protecting valuable environmental resources.

14. Section 601(e)(5)(B) of WRDA 2000, as amended by Section 6004 of the WRDA 2007, authorizes credit toward the non-Federal share for non-Federal design and construction work completed during the period of design or construction, subject to execution of the design or project partnership agreement and subject to a determination by the Secretary that the work is integral to the project. As part of its initiative for early implementation of certain CERP projects, the non-Federal sponsor has stated that it is constructing several features of Phase I of the BBCW project consistent with the PIR, in advance of Congressional authorization and the signing of a project partnership agreement. As such, a separate EIS has been completed and a Department of the Army permit has been issued to the non-Federal sponsor for expedited construction of this project; construction of the project has already begun by the State of Florida in the Deering Estates and L-31E Flow Way areas of the project. As required by the February 2008 Implementation Guidance for Section 6004 of WRDA 2007 – CERP Work In-Kind Credits, the non-Federal sponsor entered into a Pre-Partnership Credit Agreement for the BBCW project on 13 August 2009. The reporting officers believe that it is in the public interest for this Project to be implemented expeditiously due to the early restoration of Federal lands in Everglades National Park and ecological benefits to the wetlands and estuaries in other portions of the South Florida ecosystem. Therefore, the reporting officers recommend that the non-Federal sponsor be credited for all reasonable, allowable, necessary, auditable, and allocable costs applicable to the Biscayne Bay Coastal Wetlands Phase I Project, as may be authorized by law including those incurred prior to the execution of a project partnership agreement, subject to authorization of the Project by law, a determination by the Assistant Secretary of the Army (Civil Works) or his/her designee that the In-kind work is integral to the authorized CERP Project, that the costs are reasonable, allowable, necessary, auditable, and allocable, and that the In-kind work has been implemented in accordance with government standards and applicable Federal and state laws.

15. The Non-Federal Sponsor and the U.S. Department of the Army entered into an agreement known as the Master Agreement Between the Department of the Army and South Florida Water Management District for Cooperation in Constructing and Operating, Maintaining, Repairing, Replacing and Rehabilitating Projects Authorized to be Undertaken Pursuant to the Comprehensive Everglades Restoration Plan dated 13 August 2009 (hereinafter "Master Agreement"). The Master Agreement sets forth the terms of participation in the construction and OMRR&R of projects under CERP that will apply to any future project for which the non-Federal sponsor and the Government have entered into a PPA. The uniform terms of the Master Agreement will be incorporated by reference into the BBCW Project, Phase I, PPA.

16. Credits for non-Federal design and construction will be evaluated in accordance with the terms of the Master Agreement. All documentation provided by the non-Federal sponsor will be thoroughly reviewed by the Corps to determine reasonable, allowable, necessary, auditable, and allocable costs. Upon completion of this review, a financial audit will be conducted prior to

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granting final credit. Coordination between Corps and the non-Federal sponsor will occur throughout design and construction via the Corps' Regulatory process. The credit afforded to the non-Federal sponsor will be limited to the lesser of the following: (1) actual costs that are reasonable, allowable, necessary, auditable, and allocable to the Project; or (2) the Corps' estimate of the cost of the work allocable to the Project had the Corps performed the work. The non-Federal sponsor intends to implement this work using its own funds and would not use funds originating from other Federal sources unless the Federal granting agency verifies in writing that the expenditure of such funds is expressly authorized by statute and in accordance with Section 601 (e)(3) of WRDA 2000 as amended and the Master Agreement.

17. Washington level review indicates that the plan recommended by the reporting officers is environmentally justified, technically sound, cost effective, and socially acceptable. The plan conforms to essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies and complies with other administration and legislative policies and guidelines. Also, the views of interested parties, including Federal, State and local agencies, have been considered.

18. The Project complies with the following requirements of the WRDA 2000, as amended:

a. Project Implementation Report (PIR). The requirements of a PIR as defined by Section 601(h)(4)(A).

b. Reservation or Allocation of Water for the Natural System. Sections 601(h)(4)(A)(iii)(IV) and (V) require identification of the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system and the amount of water to be reserved or allocated for the natural system. In accordance with the regulations, an analysis was conducted to identify water dedicated and managed for the natural system. Accordingly, the non-Federal sponsor will protect the water that was identified as necessary to achieve the benefits of the Project, using water reservation or allocation authority under Florida law.

c. Elimination or Transfer of Existing Legal Sources of Water. Section 601(h)(5)(A) states that existing legal sources of water shall not be eliminated or transferred until a new source of water supply of comparable quantity and quality is available to replace the water to be lost as a result of the CERP. An analysis of project effects on existing legal sources of water was conducted and it was determined that implementation of the BBCW Phase I project will not result in a transfer or elimination of existing legal sources of water.

d. Maintenance of Flood Protection. Section 601 (h)(5)(B) states that the Plan shall not reduce levels of service for flood protection that are in existence on the date of enactment of this Act and in accordance with applicable law. Potential flooding effects as a result of the proposed project were analyzed and the results indicated that the proposed project would not have an adverse impact on the level of service for flood protection in the project area.

19. I generally concur with the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan described herein for ecosystem restoration and recreation be authorized for implementation as a Federal Project, with such modifications as in the

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discretion of the Chief of Engineers may be advisable, and subject to cost-sharing, financing, and other applicable requirements of Section 601 of WRDA 2000, as amended. In addition, I recommend that the non-Federal sponsor be authorized to receive credit for work accomplished prior to execution of a PPA for this Project, in accordance with the terms described in paragraphs 14 and 16 of this report.

Further, this recommendation is subject to the non-Federal sponsor agreeing to comply with all applicable Federal laws and the following items of local cooperation:

- a. Provide 50 percent of total project costs consistent with the provisions of Section 601(e) of the WRDA 2000, as amended, including authority to perform design and construction of project features consistent with Federal law and regulation.
- b. Provide all lands, easements, and rights-of-way, including suitable borrow and dredged or excavated material disposal areas, and perform or assure the performance of all relocations that the Government and the non-Federal sponsor jointly determine to be necessary for the construction and OMRR&R of the Project and valuation will be in accordance with the Master Agreement.
- c. Shall not use the ecosystem restoration features or lands, easements, and rights-of-way required for such features as a wetlands bank or mitigation credit for any other non-CERP projects.
- d. Give the Government a right to enter, at reasonable times and in a reasonable manner, upon land that the non-Federal sponsor owns or controls for access to the Project for the purpose of inspection, and, if necessary, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the Project.
- e. Assume responsibility for operating, maintaining, repairing, replacing, and rehabilitating the Project or completed functional portions of the Project in a manner compatible with the Project's authorized purposes and in accordance with applicable Federal and State laws and specific directions prescribed in the OMRR&R manuals and any subsequent amendments thereto. Notwithstanding Section 528(e)(3) of WRDA 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of OMRR&R activities authorized under this section.
- f. The non-Federal sponsor shall operate, maintain, repair, replace and rehabilitate the recreational features of the Project and is responsible for 100 percent of the costs.
- g. Keep the recreation features, and access roads, parking areas, and other associated public use facilities, open and available to all on equal terms.
- h. Unless otherwise provided for in the statutory authorization for this Project, comply with Section 221 of PL 91-611, Flood Control Act of 1970, as amended, and Section 103 of the WRDA of 1986, PL 99-662, as amended which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof,

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until the non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the Project or separable element.

- i. Hold and save the Government free from all damages arising from the construction, OMRR&R of the Project, and any project-related betterments, except for damages due to the fault or negligence of the Government or the Government's contractors.
- j. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the Project to the extent and in such detail as will properly reflect total project costs and comply with the provisions of the CERP Master Agreement between the Department of Army and the South Florida Water Management District for Cooperation in Constructing and Operating, Maintaining, Repairing, Replacing, and Rehabilitating Projects Authorized to be Undertaken Pursuant to the Comprehensive Everglades Restoration Plan, executed on 13 August 2009, including Article XI Maintenance of Records and Audit.
- k. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675, that may exist in, on, or under lands, easements or rights-of-way necessary for the construction and operation and maintenance (O&M) of the Project; except that the non-Federal sponsor shall not perform such investigations on lands, easements, or rights-of-way that the Government determines to be subject to the navigation servitude without prior specific written direction by the Government.
- l. Assume complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on or under lands, easements, or right-of-ways necessary for the construction and OMRR&R.
- m. As between the Government and the non-Federal sponsor, the non-Federal sponsor shall be considered the operator of the Project for the purposes of CERCLA liability. To the maximum extent practicable, the non-Federal sponsor shall OMRR&R the Project in a manner that will not cause liability to arise under CERCLA.
- n. Prevent obstructions of and encroachments on the Project (including prescribing and enforcing regulations to prevent such obstruction or encroachments) which might reduce ecosystem restoration benefits, hinder O&M, or interfere with the Project's proper function, such as any new developments on Project lands or the addition of facilities which would degrade the benefits of the Project.
- o. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, PL 91-646, as amended by the title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (PL 100-17), and Uniform Regulations contained in 49 CFR part 24, in acquiring lands, easements, and rights-of-way, and performing relocations for construction, O&M of the Project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said act.

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p. Comply with all applicable Federal and State laws and regulations, including, but not limited to, Section 601 of the Civil Rights Act of 1964, PL 88-352, and Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled, "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army," and all applicable Federal labor standards and requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act [formerly 40 U.S.C. 276a et seq.], the Contract Work Hours and Safety Standards Act [formerly 40 U.S.C. 327 et seq.] and the Copeland Anti-Kickback Act [formerly 40 U.S.C. 276c]).

q. Comply with Section 106 of the National Historic Preservation Act in completion of all consultation with Florida's State Historic Preservation Office and, as necessary, the Advisory Council on Historic Preservation prior to construction as part of the Pre-construction Engineering and Design phase of the Project.

r. Provide 50 percent of that portion of total cultural resource preservation mitigation and data recovery costs attributable to the Project that are in excess of one percent of the total amount authorized to be appropriated for the Project.

s. Do not use Federal funds to meet the non-Federal sponsor's share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is expressly authorized and in accordance with Section 601(e)(3) of WRDA 2000.

t. The non-Federal sponsor agrees to participate in and comply with applicable Federal floodplain management and flood insurance programs consistent with its statutory authority.

(1) Not less than once each year the non-Federal sponsor shall inform affected interests of the extent of protection afforded by the Project.

(2) The non-Federal sponsor shall publicize flood plain information in the area concerned and shall provide this information to zoning and other regulatory agencies for their use in preventing unwise future development in the flood plain and in adopting such regulations as may be necessary to prevent unwise future development and to ensure compatibility with protection levels provided by the Project.

(3) The non-Federal sponsor shall comply with Section 402 of WRDA 1986, as amended (33 U.S.C. 701b-12), which requires a non-Federal interest to have prepared, within one year after the date of signing a project partnership agreement for the Project, a floodplain management plan. The plan shall be designed to reduce the impacts of future flood events in the project area, including but not limited to, addressing those measures to be undertaken by non-Federal interests to preserve the level of flood protection provided by the Project. As required by Section 402, as amended, the non-Federal interest shall implement such plan not later than one year after completion of construction of the Project. The non-Federal

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sponsor shall provide an information copy of the plan to the Government upon its preparation.

(4) The non-Federal sponsor shall prescribe and enforce regulations to prevent obstruction of or encroachment on the Project or on the lands, easements, and rights-of-way determined by the Government to be required for the construction, operation, maintenance, repair, replacement, and rehabilitation of the Project, that could reduce the level of protection the Project affords, hinder operation or maintenance of the Project, or interfere with the Project's proper function.

u. The non-Federal sponsor shall execute under State law the reservation or allocation of water for the natural system as identified in the PIR for this authorized CERP Project as required by Sections 601(h)(4)(B)(ii) of WRDA 2000 and the non-Federal Sponsor shall provide information to the Government regarding such execution. In compliance with 33 CFR 385, the District Engineer will verify such reservation or allocation in writing. Any change to such reservation or allocation of water shall require an amendment to the PPA after the District Engineer verifies in writing in compliance with 33 CFR 385 that the revised reservation or allocation continues to provide for an appropriate quantity, timing, and distribution of water dedicated and managed for the natural system after considering any changed circumstances or new information since completion of the PIR for the authorized CERP Project.

20. The recommendation contained herein reflects the information available at this time and current Departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities in the formulation of a national Civil Works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding.



MERDITH W.B. TEMPLE  
Major General, USA  
Acting Commander



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

CECW-SAD (1105-2-10a)

MAY 21 2012

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THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on ecosystem restoration improvements for the Broward County Water Preserve Areas (BCWPA) Project, located in Broward and Miami-Dade Counties, Florida. It is accompanied by the report of the Jacksonville District Engineer and South Atlantic Division Engineer. These reports are in response to Section 601 of the Water Resources Development Act (WRDA) of 2000, which authorized the Comprehensive Everglades Restoration Plan (CERP) as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve and protect the south Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. WRDA 2000 identified specific requirements for implementing components of the CERP, including the development of a decision document known as a Project Implementation Report (PIR). The requirements of a PIR are addressed in this report and are subject to the review and approval by the Secretary of the Army. Preconstruction engineering and design activities for this project will be continued under the CERP Design Agreement.

2. The three components comprising the proposed BCWPA Project were conditionally authorized by Sections 601(b)(2)(C)(iv), 601(b)(2)(C)(v), and 601(b)(2)(C)(vi) of WRDA 2000, but are not being recommended for implementation under those authorities. The PIR recommends a project that combines implementation of three projects identified in the CERP. Due to changes in scope and combining of CERP components, the BCWPA Project is recommended for new specific Congressional authorization consistent with WRDA 2000, Section 601(d). The reporting officers determined that the original authorities for the individual components of the BCWPA Project contained in Sections 601(b)(2)(C)(iv), (v) and (vi) of WRDA 2000, are no longer needed. As such, the reporting officers recommend that the projects authorized in Section 601(b)(2)(C)(iv), (v) and (vi) of WRDA 2000 be deauthorized.

3. Although cost sharing of the ecosystem restoration features for the BCWPA Project is governed by Section 601 of WRDA 2000, as amended, cost sharing of recreation features is governed by Section 103 of WRDA 1986, as amended. In particular, in accordance with Section 103(j) of WRDA 1986, 100 percent of the cost of Operation, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) of the recreation features is the non-federal sponsor's responsibility. In addition, section 601(e)(5)(B) of WRDA 2000, as amended, governs credit for non-federal sponsor design and construction work on the ecosystem restoration features of the project, whereas section 221(a)(4) of the Flood Control Act of 1970, as amended (42 U.S.C.

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1962d-5b(a)(4)), governs credit for non-federal sponsor design and construction work on the recreation features of the project.

4. The final PIR and integrated Environmental Impact Statement (EIS) recommends a project that contributes significantly to all the ecological goals and objectives of the CERP: (1) increasing spatial extent of natural areas; (2) improving habitat function and quality; and (3) improving native plant and animal abundance and diversity. In addition, it contributes to the economic values and social well being of the project area by providing recreational opportunities. The historical Everglades ecosystem was previously defined by a mosaic of uplands, freshwater marsh, deepwater sloughs, and estuarine habitats that supported a diverse community of fish and wildlife. Today nearly all aspects of south Florida's flora and fauna have been affected by development, altered hydrology, nutrient input and spread of non-native species that have resulted directly or indirectly from a century of water management for human needs. Significant areas within the project study boundary are characterized by undesirable dense cattail (*Typha* spp.) stands, drydowns and degraded ridge and slough habitat. The BCWPA Project addresses loss of ecosystem function within the Everglades as a result of (1) damaging discharges of runoff from developed areas in western Broward County into the Everglades (Water Conservation Area 3A); (2) excessive nutrient loading to the Everglades, and; (3) excessive seepage of water out of the Everglades to developed areas in western Broward County. The project also addresses insufficient quantities of water available in the regional water management system during dry periods to meet municipal, agricultural, and environmental water supply demands. The PIR confirms information in the CERP and provides a project-level evaluation of costs and benefits associated with construction and operation of this ecosystem restoration project. The Recommended Plan will improve functional fish and wildlife habitat in Water Conservation Areas (WCA) 3A/3B, and in Everglades National Park. The portion of the Everglades ecosystem directly affected by the project provides habitat for five federally-listed species: West Indian manatee, Florida panther, wood stork, snail kite and Eastern indigo snake. Overall, an ecological lift of approximately 166,211 average annual habitat units will occur due to improved hydroperiods and hydropatterns in the project area. Overall, approximately 563,000 acres in Water Conservation Area 3 and 200,000 acres in the greater Everglades will benefit from project implementation.

5. The reporting officers recommend a plan for ecosystem restoration and recreation. The Recommended Plan would improve the ecological function of the Everglades ecosystem by capturing and storing the excess surface water runoff from the C-11 watershed and reducing excess releases to the WCA 3A/3B, and will minimize seepage losses during dry periods. The Recommended Plan, Alternative A4, would include a footprint of approximately 7,990 acres based on the three components: C-11 Impoundment, WCA 3A/3B Seepage Management Area (SMA), and C-9 Impoundment, as well as recreation features. A description of the individual components follows:



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*C-11 Impoundment:* The C-11 Impoundment is located in the northern part of the project area and requires 1,830 acres to construct an above-ground impoundment (interior storage of 1,068 acres). Major elements include canals, levees, water control structures and buffer marsh. Water control structures consist of pump stations, a gated spillway, gated and non-gated culverts and a non-gated fixed weir. The purpose of the C-11 Impoundment is to capture and store surface runoff from the C-11 Basin, reduce pumping of surface water into the WCA 3A/3B, and provide releases for regional benefits.

*WCA 3A/3B Seepage Management Area:* The WCA 3A/3B SMA makes up the western project border and requires 4,353 acres. Elements include levees, canals, pumps, bridges and water control structures. The C-502A and C-502B conveyance canals are major components that will transfer water between the C-11 and C-9 impoundments, assist with creating a hydraulic ridge, and transfer water to the southern project region for future CERP Projects. The purpose of this rain-driven component is to establish a buffer, reduce seepage to and from the WCA 3A/3B by creating a hydraulic head, and maintain the level of service flood protection.

*C-9 Impoundment:* The C-9 Impoundment is located north and adjacent to the Snake Creek Canal (C-9) and requires approximately 1,807 acres to construct an above-ground impoundment (storage of 1,641 acres). Elements include levees, canals, pumps, bridges and water control structures. The purpose of the C-9 Impoundment is to capture and store surface runoff from the C-9 Basin, store C-11 Impoundment overflow, assist with WCA 3A/3B seepage management, and provide releases for regional benefits.

*Recreation Features:* The recreation amenities proposed are ancillary, work harmoniously with the Project and are on fee owned lands. The amenities include 14 miles of improved trail surface, parking areas with ADA accessible waterless toilets, walkway to canoe launch facilities, an information kiosk, shaded benches, footbridges, trash receptacles and signage. Walking, jogging and biking are proposed on the levee crowns. Equestrian use is proposed at the levee base. Nature-based activities and fishing would be allowed.

6. The total first cost of the Recommended Plan from the final PIR/EIS, based on February 2012 price levels, is estimated at \$840,657,000. Total first cost for the ecosystem restoration features is estimated to be \$834,211,000, and the recreation first cost is estimated to be \$6,446,000. The total project cost being sought for authorization is \$866,707,000, which includes all costs for construction; lands, easements, rights-of-way and relocations; recreation facilities; pre-construction, engineering and design (PED) and construction management costs; and sunk PIR costs (\$26,050,000).

7. In accordance with cost sharing requirements of Section 601(e) of the WRDA 2000, as

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amended, the federal cost of the Recommended Plan is \$433,353,500 and the non-federal cost is \$433,353,500. The estimated lands, easements, rights-of-way and relocation (LERRs) costs for the Recommended Plan are \$380,633,000. Based on FY12 price levels, a 38-year period of economic evaluation and a 4.00% discount rate, the equivalent annual cost of the proposed project is estimated at \$49,415,000 which includes OMRR&R, interest during construction and amortization, but not sunk costs. The estimated annual costs for ecosystem restoration OMRR&R, including project monitoring costs, vegetation management and endangered species monitoring, are \$3,510,000. The project monitoring period is five years except for endangered species monitoring, which is 10 years. Any costs associated with project monitoring beyond 10 years after completion of the construction of the Project (or a component of the Project) shall be a non-federal responsibility. The estimated annual OMRR&R cost for recreation is \$412,000.

8. As a component of the CERP program, the interagency/interdisciplinary scientific and technical team, formed to ensure that the system-wide goals are met, will participate in the annual monitoring to assess system-wide changes. In accordance with Section 601(e)(4) and 601(e)(5)(D) of WRDA 2000, as amended, OMRR&R costs and adaptive assessment and monitoring costs for ecosystem restoration will be shared equally between the federal government and the non-federal sponsor. The Project Monitoring Plan was developed assuming that major, ongoing monitoring programs that are not funded by the Project would continue to supply data relevant to the Project. The Project Monitoring Plan shall not include items that are already required to be monitored by another federal agency or other entity as part of their regular responsibilities or required by law. Should any of these monitoring programs be discontinued or significantly curtailed, then monitoring priorities and funding options may be re-evaluated to ensure proper Project evaluations. In accordance with Section 103(j) of the WRDA 1986, as amended, OMRR&R costs related to recreation features will be funded 100 percent by the non-federal sponsor.

9. To ensure that an effective ecosystem restoration plan was recommended, cost effectiveness/incremental cost analysis (CE/ICA) techniques were used to evaluate alternative restoration plans. These techniques determined the selected alternative plan to be cost effective and incrementally justified. The hydraulic model and ecological model utilized to estimate the ecological outputs that were used in the economic analysis were both peer reviewed and certified for use in the project. The plan recommended for implementation is the National Ecosystem Restoration (NER) plan, supports the Incremental Adaptive Management principles established by the National Research Council and was prepared in a collaborative environment. The Recommended Plan provides benefits by: (1) restoring quantity, timing and distribution of water for the Water Conservation Areas 3A and 3B and Everglades National Park; (2) improving hydroperiods and hydropatterns in the project area; and (3) providing water for other CERP projects within the vicinity of the project area.

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10. In accordance with the WRDA 2000 Section 601(f)(2), individual CERP projects may be justified by the environmental benefits realized in the south Florida ecosystem. Similarly, Section 385.9(a) of the CERP Programmatic Regulations (33 CFR Part 385) requires that individual projects shall be formulated, evaluated, and justified based on their ability to contribute to the goals and purposes of the CERP and on their ability to provide benefits that justify costs on a next-added increment (NAI) basis. Due to the project location at the terminus of the Everglades system, the BCWPA Project does not depend on any other CERP or non-CERP projects to achieve estimated ecological benefits. The NAI analysis evaluates the effects, or outputs, of the Recommended Plan as the next project to be added to the group of already approved CERP projects. The results of the NAI analysis show that as a stand-alone project, the BCWPA Recommended Plan greatly increases the ecological function of the Everglades ecosystem in project area habitats over the expected future without project condition. The Recommended Plan will produce an average annual increase of 166,211 habitat units at an annual cost of \$49,415,000, for a cost of \$297.00 per habitat unit. The average annual cost for the recreation features is \$748,000, the average annual benefit is \$1,376,000, and the average annual net benefit of approximately \$628,000. The benefit to cost ratio for the recommended recreation plan is approximately 1.8.

11. Of the total 7,990.47 acres of land identified for the Project, approximately 6,607.58 acres would be required in fee, approximately 851.39 acres owned by FPL would be required in perpetual flowage easements, 42 acres owned by FDOT would be provided by Supplemental Agreement, and 490 acres acquired as part of the original Central & Southern Florida Project would be recertified for this Project. No credit shall be afforded and no reimbursement shall be provided for the value of any lands, easements, rights-of-way, or relocations that have been provided previously as an item of cooperation for another federal project. The Recommended Plan will result in some unavoidable impacts to existing mitigation sites required by Department of the Army (DA) Section 404 Permits that are located within both of the impoundment footprints. The Recommended Plan addresses this issue through the acquisition of mitigation bank credits from an established mitigation bank to replace established DA mitigation areas within the impoundment. However, should mitigation bank credits not be available at the time of construction, the optional FDOT wetland mitigation area described in this paragraph and further detailed in the PIR will be constructed. The original plan called for the rehydration of wetland areas on FDOT lands as mitigation to offset wetland impacts resulting from the project. Due to USFWS concerns about selenium tainted soils on the FDOT land and their ecological risk to USFWS trust species, the project will not use these lands for the purpose of wetland mitigation at this time. The current mitigation plan will avoid the FDOT lands, and calls for the purchase of wetland mitigation bank credits (estimated 54 FCUs) to offset the loss of the FDOT lands that would have been used to satisfy project wetland impacts. In order to be ecologically successful, the mitigation areas within the impoundments need additional water (above and beyond what would be provided in a rainfall driven system) which will be supplied by the BCWPA Project.

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The ecological lift that would occur as a result of the replacement mitigation in the impoundments is not being counted for Project benefits. The storage provided by the replacement mitigation areas, though not used to justify federal participation in the Project, would contribute to provide downstream benefits.

12. In accordance with the Corps of Engineers' Engineering Circular on review of decision documents, all technical, engineering, and scientific work underwent an open, dynamic, and vigorous review process to ensure technical quality. This included Agency Technical Review (ATR), external scientific review of CERP through the National Academy of Science at the programmatic level, and Corps Headquarters policy and legal review. Independent External Peer Review is not required for this Project because the study was initiated and an array of alternatives was selected over two years prior to the enactment of WRDA 2007. All concerns have been addressed and incorporated into the final PIR. The final PIR/EIS was published for state and agency review on 4 May 2007. In response to comments received from the Florida Department of Environmental Protection (FDEP), the Corps sent a letter in May 2012 that clarified the roles and responsibilities of the Corps and the non-federal sponsor in addressing residual agricultural chemicals on project lands and a parcel known as the Naval Bomb Target, the same parcel is sometimes referred to as the Fort Lauderdale Bombing Target #7 (tract #W92000-001). The Corps clarified that based on past investigations, concurred in by FDEP, that there is no known contamination requiring remediation at the Naval Bomb Target. A number of interest parties commented on the mitigation plan. The Corps has revised the PIR to further clarify that in accordance with Section 2036(c) of WRDA 2007, the mitigation plan is to purchase mitigation bank credits. However, should mitigation bank credits be unavailable at the time of construction, the mitigation will be accomplished by creating the optional FDOT wetland mitigation area described in the PIR and explained in paragraph 11 of this Report. The agencies supported implementation of the recommended plan. The revised final PIR/EIS was also published in the Federal Register and sent to federal and state agencies in April 2012.

13. Section 601(e)(5)(B) of WRDA 2000, as amended by Section 6004 of WRDA 2007, authorizes credit toward the non-federal share for non-federal design and construction work completed during the period of design or construction, subject to execution of the design or project partnership agreement (PPA) and subject to a determination by the Secretary that the work is integral to the Project. As part of its initiative for early implementation of certain CERP projects, the BCWPA Project was included in the "State Expedited Projects and Program" to allow the non-federal sponsor to execute work expeditiously. The work completed by the non-federal sponsor prior to a PPA has focused on engineering and design aspects now a part of the PIR. At this time, the non-federal sponsor does expect to commence construction prior to signing a PPA. The reporting officers believe that it is in the public interest for the Project to be implemented expeditiously due to the regional restoration of federal lands in the Everglades National Park, Water Conservation Areas 3A/3B, and ecological benefits to the south Florida

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ecosystems. Therefore, the reporting officers recommend that the non-federal sponsor be credited for all reasonable, allowable, necessary, auditable and allocable costs applicable to the BCWPA Project as may be authorized by law, including those incurred prior to the execution of a PPA, subject to authorization of the Project by law, a determination by the Assistant Secretary of the Army (Civil Works) or his/her designee that the in-kind work is integral to the authorized CERP project, that the costs are reasonable, allowable, necessary, auditable and allocable, and that the in-kind work has been implemented in accordance with government standards and applicable federal and state laws.

14. The non-federal sponsor and the U.S. Department of the Army entered into an agreement known as the Master Agreement Between the Department of the Army and South Florida Water Management District for Cooperation in Constructing and Operating, Maintaining, Repairing, Replacing and Rehabilitating Projects Authorized to be Undertaken Pursuant to the Comprehensive Everglades Restoration Plan, dated 13 August 2009 (hereinafter "Master Agreement"). The Master Agreement sets forth the terms of participation in the construction and OMRR&R of projects under CERP that will apply to any future project for which the non-federal sponsor and the Government have entered into a PPA. The uniform terms of the Master Agreement will be incorporated by reference into the BCWPA Project PPA.

15. Credits for the non-federal sponsor's design and construction work will be evaluated in accordance with the terms of the Master Agreement and Design Agreement. All documentation provided by the non-federal sponsor will be thoroughly reviewed by the Corps to determine reasonable, allowable, necessary, auditable, and allocable costs. Upon completion of this review, a financial audit will be conducted prior to granting final credit. The credit afforded to the non-federal sponsor will be limited to the lesser of the following: (1) actual costs that are reasonable, allowable, necessary, auditable, and allocable to the Project; or (2) the Corps estimate of the cost of the work allocable to the Project had the Corps performed the work. The non-federal sponsor has completed design work using its own funds and would not use funds originating from other federal sources unless the federal granting agency verifies in writing that the expenditure of such funds is expressly authorized by statute and in accordance with Section 601(e)(3) of WRDA 2000 as amended by the Master Agreement.

16. Washington level review indicates that the plan recommended by the reporting officers is environmentally justified, technically sound, cost effective, and socially acceptable. The plan conforms to essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies and complies with other administration and legislative policies and guidelines. Also, the views of interested parties, including federal, state and local agencies, have been considered.

17. The Project complies with the following requirements of the WRDA 2000, as amended:

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a. Project Implementation Report (PIR). The requirements of a PIR as defined by Section 601(h)(4)(A).

b. Reservation or Allocation of Water for the Natural System. Sections 601(h)(4)(A)(iii)(IV) and (V) require identification of the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system and the amount of water to be reserved or allocated for the natural system. In accordance with the regulations, an analysis was conducted to identify water dedicated and managed for the natural system. Accordingly, the non-federal sponsor will protect the water that was identified as necessary to achieve the benefits of the Project, using water reservation or allocation authority under Florida law.

c. Elimination or Transfer of Existing Legal Sources of Water. Section 601(h)(5)(A) states that existing legal sources of water shall not be eliminated or transferred until a new source of water supply of comparable quantity and quality is available to replace the water to be lost as a result of the CERP. An analysis of project effects on existing legal sources of water was conducted and it was determined that implementation of the Broward County Water Preserve Areas Project will not result in a transfer or elimination of existing legal sources of water.

d. Maintenance of Flood Protection. Section 601 (h)(5)(B) states that the Plan shall not reduce levels of service for flood protection that are in existence on the date of enactment of this Act and in accordance with applicable law. Potential flooding effects as a result of the proposed project were analyzed and the results indicated that the proposed project would not have an adverse impact on the level of service for flood protection in the project area.

18. I generally concur with the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan described herein for ecosystem restoration and recreation be authorized for implementation as a federal project, with such modifications as in the discretion of the Chief of Engineers may be advisable, and subject to cost-sharing, financing, and other applicable requirements of Section 601 of WRDA 2000, as amended. In addition, I recommend that the non-federal sponsor be authorized to receive credit for work accomplished prior to execution of a PPA for this project, in accordance with the terms described in paragraphs 13 and 15 of this report.

Further, this recommendation is subject to the non-federal sponsor agreeing to comply with all applicable federal laws and the following items of local cooperation:

a. Provide 50 percent of total project costs consistent with the provisions of Section 601(e) of the WRDA 2000, as amended, including authority to perform design and construction of project features consistent with federal law and regulation.

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b. Provide all lands, easements, and rights-of-way, including suitable borrow and dredged or excavated material disposal areas, and perform or assure the performance of all relocations that the Government and the non-Federal sponsor jointly determine to be necessary for the construction and OMRR&R of the Project and valuation will be in accordance with the Master Agreement.

c. Shall not use the ecosystem restoration features or lands, easements, and rights-of-way required for such features as a wetlands bank or mitigation credit for any other non-CERP projects.

d. Give the Government a right to enter, at reasonable times and in a reasonable manner, upon land that the non-Federal sponsor owns or controls for access to the Project for the purpose of inspection and, if necessary, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the Project.

e. Assume responsibility for operating, maintaining, repairing, replacing, and rehabilitating the Project or completed functional portions of the Project, including mitigation features, in a manner compatible with the Project's authorized purposes and in accordance with applicable Federal and State laws and specific directions prescribed in the OMRR&R manuals and any subsequent amendments thereto. Notwithstanding Section 528(e)(3) of WRDA 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of OMRR&R activities authorized under this section.

f. The non-Federal sponsor shall operate, maintain, repair, replace and rehabilitate the recreational features of the Project and is responsible for 100 percent of the costs.

g. Keep the recreation features, and access roads, parking areas, and other associated public use facilities, open and available to all on equal terms.

h. Unless otherwise provided for in the statutory authorization for this Project, comply with Section 221 of PL 91-611, Flood Control Act of 1970, as amended, and Section 103 of the WRDA of 1986, PL 99-662, as amended which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the Project or separable element.

i. Hold and save the Government free from all damages arising from the construction, OMRR&R of the Project, and any project-related betterments, except for damages due to the fault or negligence of the Government or the Government's contractors.

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j. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the Project to the extent and in such detail as will properly reflect total project costs and comply with the provisions of the CERP Master Agreement between the Department of Army and the South Florida Water Management District for Cooperation in Constructing and Operating, Maintaining, Repairing, Replacing, and Rehabilitating Projects Authorized to be Undertaken Pursuant to the Comprehensive Everglades Restoration Plan, executed on 13 August 2009, including Article XI Maintenance of Records and Audit.

k. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675, that may exist in, on, or under lands, easements or rights-of-way necessary for the construction and operation and maintenance (O&M) of the Project; except that the non-Federal sponsor shall not perform such investigations on lands, easements, or rights-of-way that the Government determines to be subject to the navigation servitude without prior specific written direction by the Government.

l. Assume complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on or under lands, easements, or right-of-ways necessary for the construction and OMRR&R.

m. As between the Government and the non-Federal sponsor, the non-Federal sponsor shall be considered the operator of the Project for the purposes of CERCLA liability. To the maximum extent practicable, the non-Federal sponsor shall OMRR&R the Project in a manner that will not cause liability to arise under CERCLA.

n. Prevent obstructions of and encroachments on the Project (including prescribing and enforcing regulations to prevent such obstruction or encroachments) which might reduce ecosystem restoration benefits, hinder O&M, or interfere with the Project's proper function, such as any new developments on Project lands or the addition of facilities which would degrade the benefits of the Project.

o. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, PL 91-646, as amended by the title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (PL 100-17), and Uniform Regulations contained in 49 CFR part 24, in acquiring lands, easements, and rights-of-way, and performing relocations for construction, O&M of the Project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said act.



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p. Comply with all applicable Federal and State laws and regulations, including, but not limited to, Section 601 of the Civil Rights Act of 1964, PL 88-352, and Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled, "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army," and all applicable Federal labor standards and requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act [formerly 40 U.S.C. 276a et seq.], the Contract Work Hours and Safety Standards Act [formerly 40 U.S.C. 327 et seq.] and the Copeland Anti-Kickback Act [formerly 40 U.S.C. 276c]).

q. Comply with Section 106 of the National Historic Preservation Act in completion of all consultation with Florida's State Historic Preservation Office and, as necessary, the Advisory Council on Historic Preservation prior to construction as part of the Pre-construction Engineering and Design phase of the Project.

r. Provide 50 percent of that portion of total cultural resource preservation mitigation and data recovery costs attributable to the Project that are in excess of one percent of the total amount authorized to be appropriated for the Project.

s. Do not use Federal funds to meet the non-Federal sponsor's share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is expressly authorized and in accordance with Section 601(e)(3) of WRDA 2000.

t. The non-Federal sponsor agrees to participate in and comply with applicable Federal floodplain management and flood insurance programs consistent with its statutory authority.

(1) Not less than once each year the non-Federal sponsor shall inform affected interests of the extent of protection afforded by the Project.

(2) The non-Federal sponsor shall publicize flood plain information in the area concerned and shall provide this information to zoning and other regulatory agencies for their use in preventing unwise future development in the flood plain and in adopting such regulations as may be necessary to prevent unwise future development and to ensure compatibility with protection levels provided by the Project.

(3) The non-Federal sponsor shall comply with Section 402 of WRDA 1986, as amended (33 U.S.C. 701b-12), which requires a non-Federal interest to have prepared, within one year after the date of signing a project partnership agreement for the Project, a floodplain management plan. The plan shall be designed to reduce the impacts of future flood events in the project area, including but not limited to, addressing those measures to be undertaken by non-

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Federal interests to preserve the level of flood protection provided by the Project. As required by Section 402, as amended, the non-Federal interest shall implement such plan not later than one year after completion of construction of the Project. The non-Federal sponsor shall provide an information copy of the plan to the Government upon its preparation.

(4) The non-Federal sponsor shall prescribe and enforce regulations to prevent obstruction of or encroachment on the Project or on the lands, easements, and rights-of-way determined by the Government to be required for the construction, operation, maintenance, repair, replacement, and rehabilitation of the Project, that could reduce the level of protection the Project affords, hinder operation or maintenance of the Project, or interfere with the Project's proper function.

u. The non-federal sponsor shall execute under State law the reservation or allocation of water for the natural system as identified in the PIR for this authorized CERP Project as required by Sections 601(h)(4)(B)(ii) of WRDA 2000 and the non-Federal sponsor shall provide information to the Government regarding such execution. In compliance with 33 CFR 385, the District Engineer will verify such reservation or allocation in writing. Any change to such reservation or allocation of water shall require an amendment to the PPA after the District Engineer verifies in writing in compliance with 33 CFR 385 that the revised reservation or allocation continues to provide for an appropriate quantity, timing, and distribution of water dedicated and managed for the natural system after considering any changed circumstances or new information since completion of the PIR for the authorized CERP Project.

19. The recommendation contained herein reflects the information available at this time and current Departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities in the formulation of a national Civil Works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding.



MERDITH W.B. TEMPLE  
Major General, USA  
Acting Commander

REPLY TO  
ATTENTION OFDEPARTMENT OF THE ARMY  
CHIEF OF ENGINEERS  
2600 ARMY PENTAGON  
WASHINGTON, DC 20310-2600

CECW-MVD (1105-2-10a)

22 JUN 2012

SUBJECT: Louisiana Coastal Area (LCA), Barataria Basin Barrier Shoreline Restoration Project, Lafourche, Jefferson, and Plaquemines Parishes, Louisiana

## THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on ecosystem restoration for Barataria Basin Barrier Shoreline (BBBS) in Lafourche, Jefferson, and Plaquemines Parishes, Louisiana. It is accompanied by the report of the New Orleans District Engineer and the Mississippi Valley Division Engineer. These reports are in final response to the authorization for BBBS contained in Section 7006(c)(1)(C) of the Water Resources Development Act of 2007 (WRDA 2007).
2. Section 7006(c)(1) of WRDA 2007 authorizes the Secretary to carry out five projects, including the BBBS project, substantially in accordance with the Report of the Chief of Engineers for ecosystem restoration for the Louisiana Coastal Area dated January 31, 2005. Section 7006(c)(3) states that before beginning construction of any project under Section 7006(c), the Secretary shall submit a report documenting any modifications to the project, including cost changes, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate. Section 7006(c)(4) states that notwithstanding Section 902 of the Water Resources Development Act of 1986, the cost of a project under Section 7006(c), including any modifications to the project, shall not exceed 150 percent of the cost of such project set forth in Section 7006(c)(1). Preconstruction engineering and design activities on the BBBS project will be continued under the authority provided by Section 7006(c)(1)(C). Construction of the recommended plan for BBBS will be undertaken under the Section 7006(c)(1)(C) authority as well, except for construction of the Shell Island component.
3. The Report of the Chief of Engineers for ecosystem restoration for the Louisiana Coastal Area, dated January 31, 2005, (hereinafter referred to as the LCA Chief's report), describes a plan to address the most critical restoration needs in coastal Louisiana. Congress authorized these projects for construction in WRDA 2007 Title VII. This report addresses BBBS, one of the 15 near-term ecosystem restoration features described in the LCA Chief's report.
4. In accordance with Section 7006(c)(1)(C), the reporting officers recommend that the Secretary carry out the Caminada Headland component of the recommended plan for BBBS under the existing authorization. The reporting officers also recommend that the Congress raise the total project cost for the recommended plan for BBBS. The recommended plan for BBBS is consistent

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with the authorization in Section 7006(c)(1)(C) of WRDA 2007, but modification of that authorization is required because the total costs for the recommended plan for BBBS, including both the Caminada Headland component and Shell Island component, exceeds the authorized cost for the BBBS project as defined in Section 7006(c)(4) of WRDA 2007.

5. The BBBS is located approximately 55 miles south of New Orleans, Louisiana. It is a key component in regulating estuary hydrology and slowing the rate of wetland loss. Caminada Headland, forming the western portion of the barrier shoreline, has experienced some of the highest rates of shoreline retreat on the Gulf coast. Shell Island forms the eastern portion of the barrier and has disintegrated into several smaller islands and shoals and is gradually converting to a series of bays directly connected to the Gulf of Mexico. The two reaches were identified in the LCA Chief's Report as the most critical to maintaining Barataria shoreline integrity and protecting the interior coast from further degradation. The BBBS project described in the LCA Chief's report consisted of dredging and placing sediments to restore barrier dunes and marshes. At Caminada Headland, about 9-10 million cubic yards (mcy) of sand would be placed to create a dune approximately 6 feet high with a shoreward berm about 1000 feet wide and 13 miles long. Approximately 6 mcy of material would be placed to create about 3,000 acres of marsh. The project would provide a net increase of 640 acres of dune/berm habitat and 1,780 acres of saline marsh habitat at Caminada Headland. Shell Island would be restored to a two-island configuration. At Shell Island (west) approximately 3.4 mcy of sand would be placed to create about 139 acres of dune and about 74 acres of marsh. Approximately 6.6 mcy of sand would be placed at Shell Island (east) to create about 223 acres of dune/berm and about 191 acres of marsh. The project would provide about 147 acres of shoreline habitat on Shell Island.

6. The reporting officers reviewed the BBBS project described in the LCA Chief's report, as well as the changed physical conditions of the shoreline. Since 2005 it has continued to degrade and has been heavily impacted by hurricanes and tropical storms. Based on this review the reporting officers developed the recommended plan presented in this report to respond to the changed conditions and to be consistent with the direction provided in WRDA 2007. As in the LCA Chief's Report, this recommended plan includes dune and marsh restoration at Caminada Headland and Shell Island, the barrier system's most critical components. The recommended plan is the National Ecosystem Restoration (NER) plan. It will restore the barrier system's geomorphic and hydrologic form. It will restore critical habitat for the threatened piping plover, as well as valuable stopover habitats for migratory birds and Essential Fish Habitats for a variety of fish and shellfish. It will protect the interior coast from further degradation, and the sediment input will supplement long shore sediment transport processes, increasing the restored area's sustainability.

7. The recommended plan consists of dredging and placing approximately 5.1 mcy of sand to restore and create about 880 acres of dune at Caminada Headland. Dune height would be + 7 feet North American Vertical Datum of 1988 (NAVD88) with a crown width of 290 feet and

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slopes of 20 feet horizontal to 1 foot vertical. The proposed borrow source for Caminada dune material is Ship Shoal, located about 40 miles from the project site. Approximately 5.4 mcy of material would be placed landward of the dune to restore and create approximately 1,186 acres of marsh at an elevation of +2.0 feet NAVD88. The proposed borrow source for Caminada marsh material is located approximately 1.5 miles south of the Headland. Approximately 71,500 feet of sand fencing would be installed and a variety of native vegetation species would be planted on approximately 8 foot centers. Shell Island would be restored to its pre-Hurricane Bob (1979) single island configuration. About 5.6 mcy of sand and 23,800 feet of sand fencing would be placed to build approximately 317 acres of dunes to a height of +6 feet NAVD88 with a crown width of 189 feet and slopes of 45 feet horizontal to 1 foot vertical. The proposed borrow source for Shell Island dune material is the Mississippi River, about 11 miles north of the project site. Approximately 2.1 mcy of sediment would be placed to restore about 466 acres of marsh at an elevation of +2 feet NAVD88. The proposed borrow source for marsh material is an offshore site south of the Empire Jetties. A variety of native vegetation species would be planted on approximately 8 foot centers.

8. The recommended plan includes renourishment at staggered intervals to maintain the headland and island over time. As part of the non-Federal sponsor's Operation, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) responsibilities, renourishment of the Caminada Headland would be implemented every 1.5 to 2 years in conjunction with Corps operation and maintenance dredging of the Bayou Lafourche, Louisiana (Belle Pass) navigation project. Shell Island would be renourished by the non-Federal sponsor 20 and 40 years after initial construction to the original construction template, as part of its OMRR&R responsibilities.

9. The recommended plan contains post-construction monitoring and adaptive management at an estimated cost of \$1,300,000 to be conducted for a period of no more than ten years to ensure project performance. Monitoring may be cost-shared for a period of no more than ten years. The non-Federal sponsor is responsible for monitoring required beyond ten years. Because the recommended plan is an ecosystem restoration plan, it does not have any significant adverse effects, and no mitigation measures would be required.

10. The State of Louisiana is the non-Federal cost-sharing sponsor for all features and supports the recommended plan described herein. Based on October 2011 price levels, the estimated project first cost for the recommended plan is \$428,000,000. In accordance with the cost sharing provisions in WRDA 1986, as amended by Section 210 of WRDA 1996 the Federal share of the total first cost would be about \$278,000,000 (65 percent) and the non-Federal share would be about \$150,000,000 (35 percent). The project first cost includes an estimated \$1,300,000 for environmental monitoring and adaptive management. The State of Louisiana, acting as the non-Federal sponsor, is required to provide all lands, easements, relocations, right-of-ways and dredged or excavated material disposal areas (LERRDs), the costs of which are estimated at \$3,660,000. Further, the non-Federal sponsor is responsible for OMRR&R of the project after

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construction, including renourishment, currently estimated at about \$6,180,000 annually. Based on a 4 percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the recommended plan are estimated to be \$27,000,000 including OMRR&R.

11. The reporting officers recommend that the Caminada Headland component of the NER plan be implemented under the existing authority provided in Section 7006(c)(1)(C) of WRDA 2007. The reporting officers also recommend that the Congress increase the authorized total project cost so that the entire recommended (NER) plan can be implemented. Modification of the authorization provided by Section 7006(c)(1)(C) is required because the cost of the recommended NER plan, including both the Caminada Headland and Shell Island components, exceeds the authorized cost limit as defined in Section 7006(c)(4). Costs to accomplish the original goals of the BBBS project have increased because the shoreline system has continued to degrade since the LCA Chief's report was completed. In addition, the cost of dredging and placing material, the largest component of this project, has increased because of increases in fuel and construction costs post-hurricane Katrina. The State of Louisiana, acting as the non-Federal sponsor, supports immediate implementation of the Caminada component.

12. Based on October 2011 price levels, the estimated first cost for the Caminada Headland component is \$224,000,000. In accordance with the cost sharing provisions in WRDA 1986, as amended by Section 210 of WRDA 1996, the Federal share of the first cost would be about \$146,000,000 (65 percent) and the non-Federal share would be about \$78,000,000 (35 percent). The first cost includes an estimated \$630,000 for environmental monitoring and adaptive management. The State of Louisiana, acting as the non-Federal sponsor, is required to provide all LERRDs, the costs of which are estimated at \$1,650,000. Further, the non-Federal sponsor is responsible for OMRR&R of the project after construction, including renourishment, currently estimated at about \$4,250,000 annually. Based on a 4 percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the recommended plan are estimated to be \$14,600,000 including OMRR&R.

13. The reporting officers found the recommended plan and each of the components to be cost effective, technically sound, and environmentally and socially acceptable. The cost of the recommended aquatic ecosystem restoration features is justified by the decrease in shoreline erosion and loss of wetlands; the restored barrier system's regulation of salinity gradients and maintenance of the estuary critical to fish and wildlife, such as white and brown shrimp; the maintenance of geomorphic form that attenuates storm surge for interior wetlands and surrounding coastal communities, including Port Fourchon, major oil and gas infrastructure and the regional hurricane evacuation route for residents of southern Lafourche Parish; and the approximately 1719 AAHUs of beach/dune and marsh habitats provided 988 AAHUs on Caminada Headland and 731 AAHUs on Shell Island. The recommended plan conforms to essential elements of the U.S. Water Resources Council's Economic and Environmental Studies and complies with other administration and legislative policies and guidelines. The

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recommended plan was developed in coordination and consultation with various Federal, State and local agencies using a systems approach in formulating ecosystem restoration solutions and in evaluating the impacts and benefits of those solutions. Study formulation looked at a wide range of structural and non-structural alternatives. Further refinement and additional analysis of the project will be performed during preconstruction engineering and design, and modifications will be made, as appropriate, prior to project implementation. Such analysis or modifications will continue to be coordinated with Federal, State, and local agencies and other parties.

14. In accordance with the Engineering Circular on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and rigorous review process to ensure technical quality. This included an independent Agency Technical Review (ATR), an Independent External Peer Review (IEPR), and a Corps Headquarters policy and legal review. All concerns of the ATR have been addressed and incorporated into the report. The IEPR was conducted by the Battelle Memorial Institute. IEPR of the draft report was completed on December 2, 2011. A total of 16 comments were generated. No comments were rated high significance, 15 were rated medium, and 1 was rated low significance. All comments from this review have been addressed and incorporated into the final project documents and recommendation as appropriate.

15. I concur in the findings, conclusions, and recommendation of the reporting officers. Accordingly, I recommend project implementation, in accordance with the reporting officers' recommendations with such modifications as in the discretion of the Chief of Engineers may be advisable. I further recommend, in accordance with the reporting officers recommendations, that the authorization be modified to raise the total project cost to allow for construction of the entire NER plan. My recommendations are subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including WRDA 1986, as amended by Section 210 of WRDA 1996. The State of Louisiana, acting as the non-Federal sponsor, would provide the non-Federal cost share and all lands, easements, relocations, right-of-ways and disposals. Further, the non-Federal sponsor would be responsible for all OMRR&R. This recommendation is subject to the non-Federal sponsor agreeing to comply with all applicable Federal laws and policies, including but not limited to its agreeing to:

a. Provide 35 percent of ecosystem restoration project costs as further specified below:

(1) Provide the non-Federal share of design costs in accordance with the terms of a design agreement entered into prior to commencement of design work for the project;

(2) Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material that

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the Government determines to be necessary for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project;

(3) Provide, during construction, any additional funds necessary to make its total contribution equal to 35 percent of the total project costs allocated to the project;

b. Provide the non-Federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation, that are in excess of 1 percent of the total amount authorized to be appropriated for the project;

c. Not use funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the cost of the project unless the Federal agency that provides the funds determines that the funds are authorized to be used to carry out the study or project;

d. Not use the project or lands, easements, and rights-of-way required for the project as a wetlands bank or mitigation credit for any other project;

e. For as long as the project remains authorized, operate, maintain, repair, replace, and rehabilitate the project, or functional portion of the project, including mitigation, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government;

f. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor, now or hereafter, owns or controls for access to the project for the purpose of inspecting, operating, maintaining, repairing, replacing, rehabilitating, or completing the project. No completion, operation, maintenance, repair, replacement, or rehabilitation by the Federal Government shall relieve the non-Federal sponsor of responsibility to meet the non-Federal sponsor's obligations, or to preclude the Federal Government from pursuing any other remedy at law or equity to ensure faithful performance;

g. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, replacement, and rehabilitation of the project and any project-related betterments, except for damages due to the fault or negligence of the United States or its contractors;

h. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or



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under lands, easements, or rights-of-way that the Federal Government determines to be required for the initial construction, periodic nourishment, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigations unless the Federal Government provides the non-Federal sponsor with prior specific written direction, in which case the non-Federal sponsor shall perform such investigations in accordance with such written direction;

i. Assume, as between the Federal Government and the non-Federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be necessary for the initial construction, periodic nourishment, operation, or maintenance of the project;

j. Agree that, as between the Federal Government and the non-Federal sponsor, the non-Federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, and repair the project in a manner that would not cause liability to arise under CERCLA;

k. Prevent obstructions of or encroachments on the project (including prescribing and enforcing regulations to prevent such obstruction or encroachments) which might reduce ecosystem restoration benefits, hinder operation and maintenance, or interfere with the project's proper function, such as any new developments on project lands or the addition of facilities which would degrade the benefits of the project;

l. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of three years after completion of the accounting for which such books, records, documents, and other evidence is required, to the extent and in such detail as would properly reflect total costs of construction of the project, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Code of Federal Regulations (CFR) Section 33.20;

m. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5), and Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2213), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element;

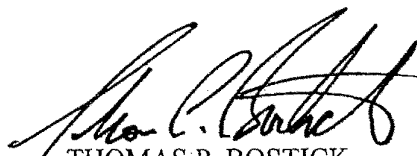
CECW-MVD (1105-2-10a)

SUBJECT: Louisiana Coastal Area (LCA), Barataria Basin Barrier Shoreline Restoration Project, Lafourche, Jefferson, and Plaquemines Parishes, Louisiana

n. Comply with all applicable Federal and state laws and regulations, including, but not limited to, Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army," and all applicable Federal labor standards and requirements, including but not limited to 40 U.S.C. 3141- 3148 and 40 U.S.C. 3701 – 3708 (revising, codifying, and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a et seq.), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 et seq.) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c et seq.); and

o. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way necessary for the initial construction, periodic nourishment, operation, and maintenance of the project, including those necessary for relocations, borrow materials, and dredged or excavated material disposal, and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act.

16. The recommendations contained herein reflect the information available at this time and current departmental policies governing the formulation of individual projects. They do not reflect program and budgeting priorities inherent in the formulation of the national civil works construction program or the perspective of higher levels within the executive branch. Consequently, the recommendations may be modified before they are transmitted to Congress for additional authorization and/or implementation funding. However, prior to transmittal to Congress, the State of Louisiana, interested Federal agencies, and other parties will be advised of any significant modifications in the recommendations and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, US Army  
Commanding



DEPARTMENT OF THE ARMY  
CHIEF OF ENGINEERS  
2600 ARMY PENTAGON  
WASHINGTON, D.C. 20310-2600

DAEN

APR 23 2013

SUBJECT: Neuse River Basin, Ecosystem Restoration Project, North Carolina

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on ecosystem restoration in the Neuse River Basin, North Carolina. It is accompanied by the report of the district and division engineers. These reports are in final response to two resolutions by the Committee of Public Works of the United States House of Representatives, adopted April 15, 1966, and the Committee on Transportation and Infrastructure, adopted July 23, 1997. The 1966 resolution requested a review of the report of the Chief of Engineers on the Neuse River Basin, North Carolina, published as House Document Numbered 175, Eighty-ninth Congress, and other pertinent reports to determine whether any modifications to the recommendations contained in the report are advisable. The 1997 resolution further requested a review of House Document 175 to determine where modifications of the recommendations are advisable in the interest of flood control (flood risk management), environmental protection and restoration, and related purposes. Preconstruction engineering and design activities for the Neuse River Basin ecosystem restoration project will continue under the authority adopted in July 1997.

2. The Neuse River Basin, the third-largest river basin in North Carolina contains a total area of 6,234 square miles, is one of only four watersheds entirely within the state. It originates at the confluence of the Eno and Flat Rivers in north central North Carolina near the city of Durham and flows southeasterly until reaching tidal waters upstream of the city of New Bern, North Carolina where the river broadens dramatically and changes from a unidirectional freshwater regime to a mixed tidal regime of the Neuse River Estuary before flowing out into Pamlico Sound and the Atlantic Ocean. The Neuse River Basin has experienced severe flooding in the past; consequently elements of the Basin ecosystem have shown signs of significant stress and degradation.

The ecosystem significance of the area is demonstrated on the national, regional, and local level. The Neuse River Basin includes 7 essential fish habitats and 12 significant natural heritage areas. The Neuse River Basin feeds one of the nation's largest and most productive coastal estuaries (Albemarle-Pamlico Sounds). The Albemarle-Pamlico estuary system, which is in the National Estuary Program, is a nursery for 90 percent of the commercial seafood species caught in North Carolina. In 2011 the value of seafood landed in North Carolina had an estimated dockside value of \$72.8 million.

The federally listed shortnosed sturgeon will directly benefit from the opening of the dam which will improve passage for migration. The Neuse River Basin is also home to 17 species of rare freshwater mussels, two of which are federally listed as endangered, and a rare snail species. The federally listed dwarf wedgemussel and Tar River spinymussel will benefit from the restoration by increasing fish host for transportation. The Neuse River basin also provides habitat for 7 other federally listed

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SUBJECT: Neuse River Basin, Ecosystem Restoration Project, North Carolina

endangered species which include, the West Indian manatee, Red-cockaded woodpecker, Leatherback sea turtle and the Kemp's Ridley sea turtle.

3. The reporting officers recommend authorization of a plan to restore four components of the Neuse River Basin ecosystem. The plan includes construction of rock sills approximately 3,500 feet long at Gum Thicket Creek and 5,200 feet long at Cedar Creek, built at distances of about 60 feet offshore; regrading a previously filled area within the Kinston East wetland complex to the approximate elevation of the adjacent bottomland hardwood forest and allowing natural revegetation of the site by bottomland hardwood species and limited planting; modifying the Low-head Dam on the Little River to allow migration of anadromous fish; and the creation of 10 acres of 4 foot-high oyster reef within an 80 acre service area. The recommended plan is the National Ecosystem Restoration Plan. Implementation of the recommended plan will have a substantial beneficial impact on biological integrity, freshwater mussel populations, anadromous fish populations, emergent wetlands, and the quantity and quality of oyster reef habitat.

4. Based on an October 2012 (FY13) price level the estimated project first cost is \$35,774,000. In accordance with the cost sharing provisions contained in Section 103(c) of the Water Resources Development Act of 1986 (WRDA 1986), as amended (33 U.S.C. 2213(c)), ecosystem restoration features are cost-shared at a rate of 65 percent Federal and 35 percent non-Federal. Thus the Federal share of the project first cost is estimated to be \$23,253,100 and the non-Federal share is estimated at \$12,520,900, which includes the costs of lands, easements, rights-of-way, relocations, and dredged or excavated material disposal areas (LERRD) estimated at \$254,000. The non-Federal will receive credit for the costs of LERRD towards the non-Federal share. The North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Resources (NCDWR) is the non-Federal cost-sharing sponsor for the recommended plan. The State of North Carolina would be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction, an average annual cost currently estimated at \$24,000.

5. Based on a 3.75 percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated to be \$1,671,000, including monitoring estimated at \$312,000 and OMRR&R. All project costs are allocated to the authorized purpose of ecosystem restoration and are justified by the restoration of 241 average annual functional units in the Basin. The plan would restore the habitats in the most cost-effective manner. The restoration would include 1) creating 80 acres of oyster reef sanctuary with approximately 10 acres of reef top resulting in improved water quality and habitat for commercial and recreational seafood, 2) increasing wetland habitat by 14.5 acres of bottomland hardwoods, creating 15 acres of estuarine marsh, preventing degradation of another 60 acres of estuarine march and protecting a 240 acre wetland conservation easement area for wetland species and improved water resource function, and 3) restoring hydrologic connectivity for 46 miles of important spawning habitat for anadromous fish species.

6. The recommended plan was developed in coordination and consultation with various Federal, State, and local agencies using cost effectiveness and incremental cost analysis techniques to formulate ecosystem restoration solutions and evaluate the impacts and benefits of those solutions. Plan formulation evaluated a wide range of non-structural and structural alternatives under Corps policy and guidelines as well as consideration of a variety of economic, social and environmental

DAEN

SUBJECT: Neuse River Basin, Ecosystem Restoration Project, North Carolina

goals. The recommended plan delivers a holistic, comprehensive approach to solve water resources challenges in a sustainable manner.

7. In accordance with the Corps Engineering Circular on sea level change, the study performed an analysis of three Sea Level Rise rates, a baseline estimate representing the minimum expected sea level change, an intermediate estimate, and a high estimate representing the maximum expected sea level change. Projecting the three rates of change over a 50 year period provides a predicted low level rise of 0.42 feet (ft), an intermediate level rise of 0.85 ft and a high level rise of 2.2 ft. Accelerated sea level rise is expected to impact only one part of the recommended plan, which is the Gum Thicket/Cedar Creek site. Accelerated rates of future sea level rise may lead to drowning scenarios of North Carolina's tidal coastal wetlands. It is estimated in the without project condition, at the Gum Thicket reach up to 450 ft of erosion could occur under the historical rate of sea level rise, 671 ft of erosion could occur under the baseline estimate and up to 1,381 ft of erosion could occur under the high estimate over the 50 year period of analysis. At the Cedar Creek reach, 100 ft, 149 ft and 306 ft of erosion could occur under historical sea level rise and for baseline, intermediate and high scenarios, respectively, over the 50 year period of analysis. The environmental benefits of the recommended were based on erosion occurring at the historical rate of sea level rise, this means that the environmental benefits from the plan would actually increase with the accelerated sea level rise scenarios. Average annual habitat benefits for the recommended plan at Gum Thicket/Cedar Creek under the baseline scenario are estimated at 52.7 habitat units (a 10.0 habitat unit increase as compared to the historical sea level rate). Both the shoreline stabilization and marsh creation at Gum Thicket and Cedar Creeks would be affected by sea level rise. The project is designed based upon a historical rate of sea level rise. To reduce risks from potential accelerated sea level rise on the plantings, marsh restoration would include both low and high marshes allowing upslope mitigation of low-lying marshes. The sill design accounts for the historical rate of sea level rise applied over 50 years.

8. In accordance with Corps Engineering Circular on review of decision documents, all technical, engineering and scientific work underwent an open, dynamic and vigorous review process to ensure technical quality. This included District Quality Control, Agency Technical Review (ECO-PCX), Policy and Legal Compliance Review, Cost Engineering Directory of Expertise Review and Certification, and Model Review and Approval. Given the nature of the project, an exclusion from the requirement to conduct a Type I Independent External Peer Review was granted on 18 May 2012. Concerns expressed by the ECO-PCX team have been addressed and incorporated in the final report.

9. Washington level review indicates the plan recommended by the reporting officers is technically sound, environmentally and socially acceptable, and on the basis of Congressional directives, economically justified. The plan complies with all essential elements of the U.S. Water Resources Council's Economic and Environmental Principal and Guidelines for Water and Land Related Resources Implementation Studies. The recommended plan complies with other administration and legislative policies and guidelines. The views of interested parties including Federal, State and local agencies have been considered. State and Agency comments received during review of the final report and environmental assessment included concerns raised by the North Carolina Clearinghouse, the Environmental Protection Agency and the United States Coast Guard with design refinements for compliance with regulations and benefit improvements, as well as a request for continued coordination during the Preconstruction, Engineering and Design phase. The concerns were addressed through USACE response letters dated 7 March 2013, 12 February 2013,

DAEN

SUBJECT: Neuse River Basin, Ecosystem Restoration Project, North Carolina

and 26 February 2013, respectively.

10. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan for ecosystem restoration in the Neuse River Basin, North Carolina be authorized in accordance with the reporting officers' recommended plan at an October 2012 (FY13) estimated cost of \$35,774,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 103 of the Water Resources Development Act (WRDA) of 1986, as amended (33 U.S.C. 2213). Accordingly, the non-Federal sponsor must agree with the following requirements prior to project implementation.

a. Provide 35 percent of total ecosystem restoration costs as further specified below:

- (1) Provide 35 percent of design costs in accordance with the terms of a design agreement entered into prior to commencement of design work for the project;
- (2) Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the Government to be required or to be necessary for the construction, operation, and maintenance of the project;
- (3) Provide, during construction, any additional funds necessary to make its total contribution equal to 35 percent of total project costs;

b. Shall not use funds from other Federal programs, including any non-Federal contribution required as a matching share therefore, to meet any of the non-Federal obligations for the project unless the Federal agency providing the Federal portion of such funds verifies in writing that expenditure of such funds for such purpose is authorized by Federal law;

c. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements, and rights-of-way or the addition of facilities which might reduce the outputs produced by the project, hinder operation and maintenance of the project, or interfere with the project's proper function;

d. Shall not use the project or lands, easements, and rights-of-way required for the project as a wetlands bank or mitigation credit for any other project;

e. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 Code of Federal Regulations (CFR) Part 24, in acquiring lands, easements, and rights-of-way required for construction, operation, and maintenance of the project, including those necessary for relocations, the borrowing of materials, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act;

DAEN

SUBJECT: Neuse River Basin, Ecosystem Restoration Project, North Carolina

f. For so long as the project remains authorized, operate, maintain, repair, rehabilitate, and replace the project, or functional portions of the project, including any mitigation features, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government;

g. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating, maintaining, repairing, rehabilitating, or replacing the project;

h. Hold and save the United States free from all damages arising from the design, construction, operation, maintenance, repair, rehabilitation, and replacement of the project and any betterments, except for damages due to the fault or negligence of the United States or its contractors;

i. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of three years after completion of the accounting for which such books, records, documents, and other evidence are required, to the extent and in such detail as will properly reflect total project costs, and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 CFR Section 33.20;

j. Comply with all applicable Federal and State laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulations 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701 – 3708 (revising, codifying and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c *et seq.*));

k. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under the lands, easements, or rights-of-way that the Federal Government determines to be required for construction, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigation unless the Federal Government provides the non-Federal sponsor with prior specific written direction, in which case the non-Federal sponsor shall perform such investigations in accordance with such written direction;

l. Assume, as between the Federal Government and the non-Federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for construction or operation and maintenance of the project;

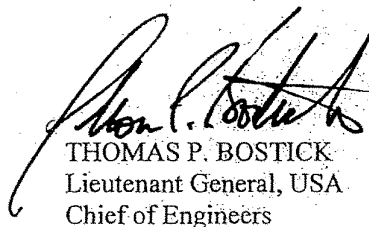
DAEN

SUBJECT: Neuse River Basin, Ecosystem Restoration Project, North Carolina

m. Agree, as between the Federal Government and the non-Federal sponsor, that the non-Federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, repair, rehabilitate, and replace the project in a manner that will not cause liability to arise under CERCLA;

n. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and Section 103(j) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until each non-Federal interest has entered into a written agreement to furnish its required cooperation for the project or separable element.

11. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the sponsor, the State, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, USA  
Chief of Engineers





DAEN

DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

MAR 27 2014

SUBJECT: Lynnhaven River Basin Ecosystem Restoration Project, Virginia

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on ecosystem restoration in the Lynnhaven River Basin, Virginia. It is accompanied by the report of the district and division engineers. These reports are an interim response to a resolution by the Committee on Transportation and Infrastructure of the United States House of Representatives, Docket 2558, adopted May 1998. The resolution requested the review of the report of the Chief of Engineers on the Lynnhaven Inlet, Bay, and Connecting Waters, Virginia, published as House Document 580, 80<sup>th</sup> Congress, 2<sup>nd</sup> Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of environmental restoration and protection and other related water resources purposes for the Lynnhaven River Basin, Virginia. Preconstruction, engineering, and design activities for the Lynnhaven River Basin Ecosystem Restoration Project will continue under the authority provided by the resolution cited above.
2. The Lynnhaven River Basin, the southernmost tributary to the Chesapeake Bay in Virginia, is a 64 square mile tidal estuary in the lower Chesapeake Bay Watershed. The Lynnhaven River's three branches, the Eastern, Western, and the Broad Bay/Linkhorn Bay, represent approximately 0.4 percent of the area of Virginia and approximately 0.2 percent of the Chesapeake Bay Watershed. However, the basin encompasses one-fourth of the area of the city of Virginia Beach and provides vital functions to the city and its residents. As has happened throughout the Chesapeake Bay, the Lynnhaven River Basin has seen declines in essential habitat - submerged aquatic vegetation (SAV), wetlands, oysters and scallops - and an overall reduced water quality from alterations to the ecosystem primarily stemming from increased development and population.
3. The significance of this ecosystem is demonstrated on the national, regional, and local level. Five federal and state endangered species occur or potentially occur in the Lynnhaven River Basin, including the hawksbill, Kemp's Ridley and leatherback sea turtles and the roseate tern. Also within the basin there are four additional state endangered species to include the eastern chicken turtle, Wilson's plover, Rafinesque's big-eared bat, and the canebrake rattlesnake. The Lynnhaven River Basin includes essential fish habitats for 19 species of fin fish, which demonstrates the important of estuaries as rearing grounds not only for fin fish sought by commercial and recreational fishermen, but for shell fish as well. During 2012, more than 149,000 pounds of fin fish, 369,000 pounds of blue crabs, 2,400 pounds of conch and 18,500 pounds of hard shell clams were landed in the Lynnhaven River Basin with an approximate value

DAEN

SUBJECT: Lynnhaven River Basin Ecosystem Restoration Project, Virginia

of \$1 million. In 1983, 1987 and 2000, the states of Virginia, Maryland, and Pennsylvania, the District of Columbia, the Chesapeake Bay Commission, and the U.S. Environmental Protection Agency (EPA), representing the federal government, signed historic agreements establishing the Chesapeake Bay Program, a strong partnership to protect and restore the Chesapeake Bay ecosystem. In addition, Section 704(b) of the Water Resources Development Act (WRDA) of 1986, as amended through Section 505 of the WRDA of 1996; the re-authorization of Section 704(b); Section 342 of the WRDA of 2000; and the Section 704(b) as amended by Section 5021 of WRDA 2007 provided for the restoration of oysters within the Chesapeake Bay and its tributaries. Recently, all of the laws and agreements affecting the restoration, protection, and conservation of the Chesapeake Bay have been brought into focus under the Chesapeake Bay Protection and Restoration Executive Order (EO 13508) signed by President Barack Obama on 12 May 2009. Locally, the city of Virginia Beach, The Trust for Public Land, and the Chesapeake Bay Foundation have partnered to purchase and protect 122 acres of natural lands known as Pleasure House Point, one of the largest undeveloped tracts of land on the Lynnhaven River.

4. The reporting officers recommend authorization of a plan to restore approximately 38 acres of wetlands, 94 acres of SAV, reintroduction of the bay scallop on 22 acres of the restored SAV, and construction of 31 acres of artificial reef habitat. The restoration measures, at various sites throughout the basin, will significantly increase three types of habitats, at least two of which are an essential part of the food web for several of the endangered species and form the basis of many of the essential fish habitats. The recommended plan is the National Ecosystem Restoration (NER) Plan. Implementation of the recommended plan will have substantial beneficial impact on the biological integrity, habitat diversity, and resiliency of the Lynnhaven River Basin.

5. Based on an October 2013 FY14 price level, the estimated project first cost of the NER Plan is \$35,110,000, which includes a 10-year monitoring and adaptive management program at an estimated cost of \$1,750,000, developed to adequately address the uncertainties inherent in a large environmental restoration project and to improve the overall performance of the project. In accordance with the cost sharing provisions contained in Section 103(c) of the WRDA 1986, as amended (33 U.S.C. 2213(c)), ecosystem restoration features are cost-shared at a rate of 65 percent federal and 35 percent non-federal. Thus the federal share of the project first cost is \$22,821,500 and the non-federal share is estimated at \$12,288,500, which includes the costs of land, easements, rights-of-way, relocations, and dredged or excavated material disposal areas (LERRD) estimated at \$740,000. The non-federal sponsor will receive credit for the costs of LERRD toward the non-federal share. The City of Virginia Beach is the non-federal cost-sharing sponsor for the recommended plan. The city would be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction, an average annual cost currently estimated at \$2,000.

6. Based on a 3.5 percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated to be \$1,554,000, including monitoring estimated at \$30,000 and \$2,000 for OMRR&R. All project costs are allocated to the authorized purpose of ecosystem restoration and are justified by an increase in species diversity (measured

DAEN

SUBJECT: Lynnhaven River Basin Ecosystem Restoration Project, Virginia

using a biological index), an increase in secondary production, and an increase in marsh productivity (an average increase of 70 points using the EPA Marsh Assessment Score). The plan would improve essential estuarine habitats in the most cost-effective and sustainable manner.

7. The recommended plan was developed in coordination and consultation with various federal, state, and local agencies using our cost effectiveness and incremental cost analysis techniques to formulate ecosystem restoration solutions and evaluate the impacts and benefits of those solutions. Plan formulation evaluated a wide range of non-structural and structural alternatives under Corps policy and guidelines as well as consideration of a variety of economic, social, and environmental goals. The recommended plan delivers a sustainable approach to solve water resources and ecosystem challenges while contributing towards the goals of the EO 13508 strategy to restore tidal wetlands, enhance degraded wetlands, sustain fish and wildlife by restoring oyster habitat in a tributary of the Chesapeake Bay, and restore priority habitat such as submerged aquatic vegetation.

8. In accordance with the Corps Engineering Circular on sea level change (SLC), three sea level rise rates; a baseline estimate representing the minimum expected SLC, an intermediate estimate, and a high estimate representing the maximum expected SLC were analyzed during the study. Projecting the three rates over the 50-year period provides a predicted low level rise of 0.73 feet (ft), an intermediate level rise of 1.14ft, and a high level rise of 2.48ft. The project is designed based upon the historical, or minimum rate of SLC. The two elements of the project that would be most impacted by SLC are the SAV and wetland restoration, while SLC would have little or no effect on the reef habitat or scallop restoration. Marshes within the Lynnhaven basin have historically sustained themselves from the effect of SLC through vertical accretion, although migration landward is a possibility. Similarly, as the water column becomes deeper due to SLC, the SAV will migrate into shallow waters if allowed by the geography and development of the inundated shoreline. Because a large amount of the Lynnhaven shoreline is developed, the ability of the SAV and marshes to adjust to SLC may be limited.

9. In accordance with Corps Engineering Circular on review of decision documents, all technical, engineering, and scientific work underwent an open, dynamic, and vigorous review process to ensure technical quality. This included District Quality Control, Agency Technical Review (ATR) - coordinated by the Ecosystem Restoration Planning Center of Expertise (ECO-PCX), policy and Legal Compliance Review, Cost Engineering Directory of Expertise Review and Certification, and Model Review and Approval. All concerns of the ATR have been addressed and incorporated in the final report. Given the nature of the project, an exclusion from the requirement to conduct Type I Independent Peer Review was granted on 31 July 2013. Concerns expressed by the ECO-PCX team have been addressed and incorporated in the final report.

10. Washington level review indicates the plan recommended by the reporting officers is technically sound, environmentally and socially acceptable, and on the basis of Congressional directives, economically justified. The plan complies with all essential elements of the U.S. Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for

DAEN

SUBJECT: Lynnhaven River Basin Ecosystem Restoration Project, Virginia

Water and Land Related Resources Implementation Studies. The recommended plan complies with other administration and legislative policies and guidelines. The views of interested parties, including federal, state, and local agencies, have been considered. State and agency comments received during review of the final report and environmental assessment were addressed. The EPA inquired whether information on sea level rise from another study in the area was considered. The Commonwealth of Virginia expressed concern regarding whether the required leases would be able to be obtained expeditiously; summarized prior coordination with and commitments to Virginia's regulatory and resource agencies; and made recommendations concerning project methods.

11. I concur with the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan for ecosystem restoration in the Lynnhaven River Basin, Virginia be authorized in accordance with the reporting officers' recommended plan at an estimated cost of \$35,110,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of federal and state laws and policies, including Section 103 of WRDA 1986, as amended (33 U.S.C. 2213). Accordingly, the non-federal sponsor must agree with the following requirements prior to project implementation.

a. Provide 35 percent of total ecosystem restoration costs as further specified below:

(1) Provide 35 percent of design costs in accordance with the terms of a design agreement entered into prior to commencement of design work for the project;

(2) Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements desired on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material as determined by the government to be required or to be necessary for the construction, operation, and maintenance of the project;

(3) Provide, during construction, any additional funds necessary to make its total contribution equal to 35 percent of total project costs.

b. Prior to initiation of construction, obtain approval from the Commonwealth of Virginia of an administrative designation in perpetuity for the river bottom areas required for the artificial reef and aquatic vegetation features of the project that provides sufficient protection to those areas from uses incompatible with the project;

c. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements, and rights-of-way or the addition of facilities which might reduce the outputs produced by the project, hinder operation and maintenance of the project, or interfere with the project's proper function;

DAEN

SUBJECT: Lynnhaven River Basin Ecosystem Restoration Project, Virginia

d. Shall not use project or lands, easements, and rights-of-way required for the project as a wetlands bank or mitigation credit for any other project;

e. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 Code of Federal Regulations Part 24, in acquiring lands, easements, and rights-of-way required for construction, operation, and maintenance of the project, including those necessary for relocations, the borrowing of materials, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act;

f. For so long as the project remains authorized, operate, maintain, repair, rehabilitate, and replace the project, or functional portions of the project, including any mitigation features, at no cost to the federal government, in a manner compatible with the project's authorized purposes and in accordance with applicable federal and state laws and regulations and any specific directions prescribed by the federal government;

g. Hold and save the United States free from all damages arising from the design, construction, operation, maintenance, repair, rehabilitation, and replacement of the project and any betterments, except for damages due to the fault or negligence of the United States or its contractors.

h. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under the lands, easements, or rights-of-way that the federal government determines to be required for construction, operation, and maintenance of the project. However, for lands that the federal government determines to be subject to the navigation servitude, only the federal government shall perform such investigation unless the federal government provides the non-federal sponsor with prior specific written direction, in which case the non-federal sponsor shall perform such investigations in accordance with such written direction;

i. Assume, as between the federal government and the non-federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands, easements, or rights-of-way that the federal government determines to be required for construction or operation and maintenance of the project;

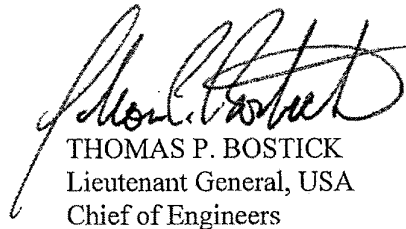
j. Agree, as between the federal government and the non-federal sponsor, that the non-federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, repair, rehabilitate, and replace the project in a manner that will not cause liability to arise under CERCLA.

12. The recommendation contained herein reflects the information available at this time and current departmental policies governing the formulation of individual projects. It does not reflect

DAEN

SUBJECT: Lynnhaven River Basin Ecosystem Restoration Project, Virginia

program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the City of Virginia Beach, Virginia (the non-federal sponsor), the state, interested federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, USA  
Chief of Engineers

REPLY TO  
ATTENTION OFDEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET, NW  
WASHINGTON, DC 20314-1000

DAEN

- 6 JAN 2014

SUBJECT: Willamette River Floodplain Restoration Project, Lower Coast Fork and Middle Fork, Oregon.

## THE SECRETARY OF THE ARMY

1. I submit, for transmission to Congress, my report on the study of ecosystem restoration along the Willamette River, Lower Coast and Middle Forks near Eugene, Oregon. It is accompanied by the reports of the district and the division engineers. This report is an interim response to a resolution by the Committee on Public Works of the United States Senate, adopted November 15, 1961. This resolution authorized the Chief of Engineers to determine "whether any modification of the existing project is advisable at the present time, with particular reference to providing additional improvements for flood control, navigation, hydroelectric power development, and other purposes, coordinated with related land resources, on the Willamette River and Tributaries, Oregon." It is further an interim response to a resolution by the Committee on Public Works of the United States House of Representatives, adopted September 8, 1988. This resolution authorized the Chief of Engineers to determine "whether modifications to the existing projects are warranted and determine the need for further improvements within the Willamette River Basin (the Basin) in the interest of water resources improvements." Preconstruction engineering and design activities for the Willamette River Floodplain Restoration project will continue under the authority provided by the resolutions cited above.

2. The reporting officers recommend authorizing a plan to restore floodplain ecosystem functions by reconnecting floodplain habitats to the rivers and improving fish and wildlife habitats in the vicinity of Eugene, Oregon. The recommended plan for ecosystem restoration includes restoration at five project sites along the lower two miles of both the Coast Fork and Middle Fork of Willamette River. Restoration measures include excavation of connection channels, restoration of gravel-mined ponds, installation of large wood and engineered logjams, removal of invasive plant species, revegetation with native plant species, and installation of culverts for channel crossings. The recommended plan provides restoration on a total of 574 acres of floodplain and provides substantial benefits to fish and wildlife and the ecosystem. Minor adverse environmental effects will be avoided and minimized during construction by the use of conservation measures and best management practices. The long-term effects are beneficial. The recommended plan also includes post-construction monitoring and adaptive management for a period of ten years to ensure project performance. Monitoring will measure the following key elements: vegetation, connector channel hydrology and hydraulics, river and floodplain morphology, wildlife, physical habitat, and fish. Since the recommended plan would

DAEN

SUBJECT: Willamette River Floodplain Restoration Project, Oregon

not have any significant adverse effects, no mitigation measures (beyond avoidance and management practices) or compensation measures are required.

3. The recommended plan is the Locally Preferred Plan (LPP) that is smaller scale and lower cost than the National Ecosystem Restoration (NER) plan. All features are located within the State of Oregon. The Nature Conservancy is the non-federal cost-sharing sponsor for all features. Based on October 2013 price levels, the estimated total first cost of the plan is \$42,155,000. In accordance with the cost sharing provisions the Water Resources Development Act (WRDA) of 1986, as amended, the federal share of the first costs of the ecosystem restoration features would be \$27,401,000 (65 percent) and the non-federal share would be \$14,754,000 (35 percent). The cost of lands, easements, rights-of-way, relocations and dredged or excavated material disposal areas is currently estimated at \$428,000. The total project cost includes \$429,000 for post-construction monitoring and \$535,000 for adaptive management. The Nature Conservancy would be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction, a cost currently estimated at approximately \$150,000 per year. Based on a 3.5 percent discount rate, October 2013 price levels and a 50-year period of analysis, the total equivalent average annual cost of the project is estimated to be \$1,947,000, including OMRR&R.

4. Cost effectiveness and incremental cost analysis techniques were used to evaluate the alternative plans to ensure that a cost effective ecosystem restoration plan was recommended. The cost of the recommended restoration features is justified by restoring 182 average annual habitat units on 574 acres of floodplain and aquatic habitats. The restored aquatic habitat would increase habitat for Upper Willamette River Chinook salmon, bull trout, and Oregon chub listed as threatened under the Endangered Species Act, and would improve floodplain and aquatic habitats for a variety of fish and wildlife species in the Lower Coast and Middle Forks of the Willamette River for approximately 2 miles upstream on each river from their confluence. The restored habitat would increase scarce off-channel rearing and refuge habitat for fish species, and scarce forested riparian and emergent and shrub wetland habitats for sensitive amphibian species, and nesting, feeding, and rearing habitat for migratory waterfowl and neotropical migrant birds using the internationally significant Western Flyway.

5. The recommended plan was developed in coordination and consultation with various federal, state, and local agencies using a systematic and regional approach to formulating solutions and evaluating the benefits and impacts that would result. Risk and uncertainty were addressed during the study by completing a cost and schedule risk analysis and a sensitivity analyses that evaluated the potential impacts of a change in economic assumptions.

6. In accordance with the Corps' guidance on review of decision documents, all technical, engineering, and scientific work underwent an open, dynamic, and rigorous review process to ensure technical quality. This included an Agency Technical Review (ATR), an Independent External Peer Review (IEPR), and a Corps Headquarters policy and legal review. All concerns of the ATR have been addressed and incorporated into the final report. An IEPR was completed by Battelle Memorial Institute in May 2013. A total of 15 comments related to plan



DAEN

SUBJECT: Willamette River Floodplain Restoration Project, Oregon

formulation, economic analysis, and hydrology and hydraulics were documented. All comments were addressed by report revisions, and subsequently closed.

7. Washington level review indicates that the plan recommended by the reporting officers is environmentally justified, technically sound, cost effective and socially acceptable. The plan complies with all essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies. The recommended plan complies with other administration and legislative policies and guidelines. The views of interested parties, including federal, state and local agencies, were considered. Comments received during review of the integrated draft report and environmental assessment included comments by the US Fish and Wildlife Service (USFWS), the Oregon State Historical Preservation Office (SHPO), and the National Marine Fisheries Service (NMFS). The National Environmental Policy Act (NEPA) process resulted in a finding of no significant impacts from this project. The USFWS and NMFS agreed with the use of best management practices and continued coordination during design and implementation, and SHPO concurred with the Area of Potential Effect (APE) and proposed management plan for implementation. During state and agency review of the proposed Report of the Chief of Engineers, no comments were received and agencies were supportive of the recommended plan.

8. I concur with the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan to restore the ecosystem of the Willamette River Floodplain, Lower Coast and Middle Forks near Eugene, Oregon, be authorized in accordance with the reporting officers' recommended plan at an estimated first cost of \$42,155,000. My recommendation is subject to cost sharing, financing, and other applicable requirements of federal and state laws and policies, including Public Law 99-662, the Water Resource Development Act of 1986, as amended, and in accordance with the required items of local cooperation that the non-federal sponsor shall, prior to project implementation, agree to perform:

a. Provide 35 percent of total project costs as cash or in-kind services, as further specified below:

(1) Provide the required non-federal share of design costs in accordance with the terms of a design agreement entered into prior to commencement of design work for the project;

(2) Provide, during the first year of construction, any additional funds necessary to pay the full non-federal share of design costs;

(3) Provide all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; perform or ensure the performance of all relocations; and construct all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material as determined by the government to be required or to be necessary for the construction, operation, and maintenance of the project.

DAEN

SUBJECT: Willamette River Floodplain Restoration Project, Oregon

(4) Provide, during construction, any additional funds necessary to make its total contributions equal to 35 percent of total project costs.

b. Provide work-in-kind during final design and construction as well as providing the post-construction monitoring. The value of LERRDs needed for the project are credited against the non-federal sponsor's cost-sharing requirement. The sponsor anticipates contributing the balance of funds from grant funding that will not include funds from federal agencies.

c. Shall not use funds from other federal programs, including any non-federal contribution required as a matching share therefore, to meet any of the non-federal obligations for the project unless the federal agency providing the federal funds verifies in writing that such funds are authorized to be used to carry out the project;

d. Prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on project lands, easements, and rights-of-way or the addition of facilities which might reduce the outputs produced by the project, hinder operation and maintenance of the project, or interfere with the project's proper function;

e. Shall not use the project or lands, easements, and rights-of-way required for the project as a wetlands bank or mitigation credit for any other project;

f. Comply with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. §§ 4601-4655), and the Uniform Regulations contained in 49 C.F.R. part 24, in acquiring lands, easements, and rights-of-way required for construction, operation, and maintenance of the project, including those necessary for relocations, the borrowing of materials, or the disposal of dredged or excavated material; and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act;

g. For so long as the project remains authorized, operate, maintain, repair, rehabilitate, and replace the project, or functional portions of the project, at no cost to the federal government, in a manner compatible with the project's authorized purposes and in accordance with applicable federal and state laws and regulations and any specific directions prescribed by the federal government;

h. Give the federal government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-federal sponsor owns or controls for access to the project for the purpose of completing, inspecting, operating, maintaining, repairing, rehabilitating, or replacing the project;

i. Hold and save the United States free from all damages arising from construction, operation, maintenance, repair, rehabilitation, and replacement of the project and any betterments, except for damages due to the fault or negligence of the United States or its contractors;

DAEN

SUBJECT: Willamette River Floodplain Restoration Project, Oregon

j. Keep and maintain books, records, documents, or other evidence pertaining to costs and expenses incurred pursuant to the project, for a minimum of 3 years after completion of the accounting for which such books, records, documents, or other evidence are required, to the extent and in such detail as will properly reflect total project costs, and in accordance with the standards for financial management.

k. Comply with all applicable federal and state laws and regulations, including but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. § 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; and all applicable federal labor standards requirements including, but not limited to, 40 U.S.C. §§ 3141-3148 and 40 U.S.C. §§ 3701-3708;

l. Perform, or ensure performance of, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. §§ 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way that the federal government determines to be required for construction, operation, and maintenance of the project. However, for lands that the federal government determines to be subject to the navigation servitude, only the federal government shall perform such investigations unless the federal government provides the non-federal sponsor with prior specific written direction, in which case the non-federal sponsor shall perform such investigations in accordance with such written direction;

m. Assume, as between the federal government and the non-federal sponsor, complete financial responsibility for all necessary cleanup and response costs of any hazardous substances regulated under CERCLA that are located in, on, or under lands, easements, or rights-of-way that the federal government determines to be required for construction, operation, and maintenance of the project;

n. Agree, as between the federal government and the non-federal sponsor, that the non-federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, repair, rehabilitate, and replace the project in a manner that will not cause liability to arise under CERCLA; and,

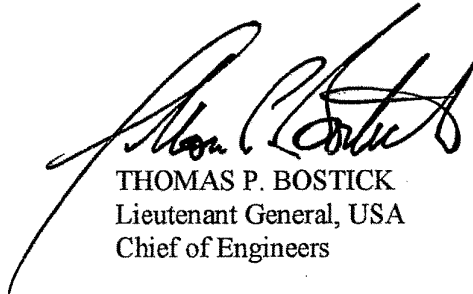
o. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended (42 U.S.C. § 1962d-5b), and Section 103(j) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. § 2213(j)), which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until each non-federal interest has entered into a written agreement to furnish its required cooperation for the project or separable element.

9. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It neither reflects

DAEN

SUBJECT: Willamette River Floodplain Restoration Project, Oregon

program and budgeting priorities inherent in the formulation of a national Civil Works construction program, nor the perspective of higher review levels within the Executive Branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the non-federal sponsor, the state, interested federal agencies and other parties will be advised of any significant modifications, and will be afforded an opportunity to comment further.



THOMAS P. BOSTICK  
Lieutenant General, USA  
Chief of Engineers

*May 15, 2014*

CONGRESSIONAL RECORD—HOUSE, Vol. 160, Pt. 6

**8277**

SEC. 7003. AUTHORIZATION OF PROJECT MODIFICATIONS RECOMMENDED BY THE SECRETARY

House § 402, Senate § 1003.—House and Senate agree to an amendment.



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
CIVIL WORKS  
108 ARMY PENTAGON  
WASHINGTON DC 20310-0108

JAN 24 2013

Honorable John Boehner  
Speaker of the House  
of Representatives  
U.S. Capitol Building, Room H-232  
Washington, D.C. 20515-0001

Dear Mr. Speaker:

The Secretary of the Army recommends increasing the authorized total project cost of the Roseau River, Minnesota Flood Damage Reduction Project. The increase is necessary because the construction cost is projected to exceed the maximum project cost established by Section 902 of the Water Resources Development Act (WRDA) of 1986. The enclosed Engineering Documentation Report, dated July 2012, sets forth the cost increase and documents that the project remains economically justified, technically sound and environmentally acceptable.

Section 1001(27) of the WRDA of 2007 authorized the project at a cost of \$25,100,000, with an estimated federal cost of \$13,820,000 and non-federal cost of \$11,280,000. The authorized project consists of a 4.5 mile long diversion channel around the eastern side of the city of Roseau, 5.5 miles of levees with a height of 5 feet or less along the diversion channel, a flow restriction structure on the Roseau River, an inlet control structure, 2 storage areas east and west of the diversion channel and 2 highway bridge channel crossings. Recreation features of the project include 6.7 miles of multipurpose trails, 5.5 miles of off-road vehicle trails, 2 bird watching stations and a trailhead. The maximum cost for the authorized project, adjusted for allowable inflation in accordance with Section 902, is \$33,149,000 (October 2012 price level).

The revised estimated project first cost is \$41,864,000 (October 2012 price level). In general, the cost increase results from unanticipated site conditions and design refinements. The project cost includes \$3,523,000 for separable recreation features. The federal share of the project first cost is estimated at \$24,320,000 and the non-federal share is estimated at \$17,544,000. The majority of lands, easements, rights-of-way, relocations and excavated material disposal areas required for the project have been acquired. The city of Roseau is the non-federal cost sharing sponsor and will be responsible for the operation, maintenance, repair, replacement and rehabilitation of the project after construction, at a cost currently estimated at \$114,000 per year.

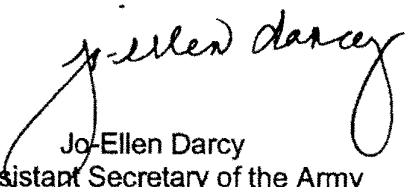


The project continues to be economically justified based on the reduction of flood damages. At the October 2012 price level, a 4.0 percent discount rate, and a 50-year period of economic analysis, the U.S. Army Corps of Engineers estimates the total equivalent average annual costs to be \$2,223,000 and total equivalent average annual benefits to be \$5,324,000. Net benefits are estimated at \$3,102,000 and the benefit cost ratio is 2.4 to 1.

With respect to environmental compliance, a Finding of No Significant Impact was signed for the project on August 29, 2006. The Corps has determined that the changes resulting from differing site conditions and design refinements have not resulted in any appreciable change in the environmental consequences as described in the August 2006 Environmental Assessment prepared for the project.

The Office of Management and Budget (OMB) advises that there is no objection to the submission of the report to Congress and concludes that the report recommendation is consistent with the policy and programs of the President. OMB also advises that should Congress increase the project authorization for construction, the project would need to compete with other proposed investments in future budgets. A copy of OMB's letter, dated January 11, 2013, is enclosed. I am providing a copy of this transmittal and the OMB letter to the Subcommittee on Water Resources and the Environment of the House Committee on Transportation and Infrastructure, and the Subcommittee on Energy and Water Development of the House Committee on Appropriations. I am providing an identical letter to the President of the Senate.

Very truly yours,



Jo-Ellen Darcy  
Assistant Secretary of the Army  
(Civil Works)

Enclosures



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
CIVIL WORKS  
108 ARMY PENTAGON  
WASHINGTON DC 20310-0108

MAY - 7 2013

Honorable John A. Boehner  
Speaker of the House  
of Representatives  
U.S. Capitol Building, Room H-232  
Washington, D.C. 20515-0001

Dear Mr. Speaker:

The Secretary of the Army recommends modifying the cost of the Wood River Levee System Reconstruction, Madison County, Illinois, project that was authorized by Section 1001(20) of the Water Resources Development Act (WRDA) of 2007. Section 1001(20) authorized reconstruction of features of the existing project, which was authorized by the Flood Control Act of 1938. The Flood Control Act of 1938 authorized a project to protect against a Mississippi River flood with a 52-foot stage on the St. Louis, Missouri gage. The river currently has less than a 0.2-percent chance of exceeding this stage in any given year, which equates to approximately a 500-year frequency interval. The recommended cost increase is necessary because the estimated project first cost exceeds the maximum project cost allowed by Section 902 of the WRDA of 1986, as amended. The enclosed report of the Director of Civil Works, Army Corps of Engineers, dated February 11, 2013, explains and supports the cost increase and includes other pertinent documents. The enclosed documents demonstrate that this flood risk management project remains economically justified and environmentally acceptable.

Section 1001(20) authorized the reconstruction or replacement of 38 gravity drains, 26 closure structures (including abandoning three railroad closure structures that are no longer used), and seven pump stations. When completed, this work would restore the existing project's ability to reduce urban flood damages in Madison County, which is across the Mississippi River from the city of St. Louis. Section 1001(20) authorized the work at a total first cost of \$17,220,000, with a Federal cost share of \$11,193,000 and a non-Federal cost share of \$6,027,000. This total first cost equates to \$19,870,000 at current (October 2012) price levels. The current maximum authorized cost, adjusted for modifications up to 20 percent and cost index changes in accordance with Section 902, as amended, is \$23,414,000.

The project cost has increased primarily because many project features were more severely deteriorated than anticipated in 2007 and have required replacement rather than the planned reconstruction. Based on an October 2012 price level, the estimated project first cost is \$25,672,000, which includes \$4,873,000 for remaining work. In accordance with Section 103(a) of the WRDA of 1986, as amended, the Federal share of the project first cost would be \$16,687,000 and the non-Federal share would be \$8,895,000. The Wood River Levee and Drainage District, the non-Federal





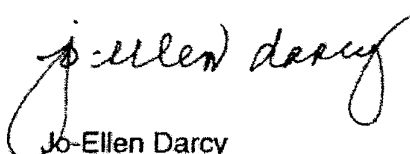
cost sharing sponsor, will be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction. The cost of OMRR&R is currently estimated at \$175,000 per year.

The project continues to be economically justified based on reducing urban flood damages. At the October 2012 price level, a 3.75 percent discount rate, and a 50-year period of analysis, the estimated total equivalent average annual cost would be \$1,337,000 and total equivalent average annual benefits would be \$5,066,000, which includes all OMRR&R costs. Net benefits are estimated at \$3,729,000 and the benefit-to-cost ratio would be 3.8 to 1.

A Finding of No Significant Impact (FONSI) was signed for the authorized project on March 23, 2006 based on the Wood River Levee System, Madison County, Illinois, Final General Reevaluation Report and Environmental Assessment dated March 2006. There have been no changes to the project since the FONSI was signed that warrant additional environmental compliance actions. The authorized project does not require any compensatory mitigation. The project continues to be environmentally acceptable.

The Office of Management and Budget (OMB) advises that there is no objection to the submission of the report to Congress and concludes that the report recommendation is consistent with the policy and programs of the President. OMB also advises that should Congress increase the project authorization for construction, the project would need to compete with other proposed investments in future budgets. A copy of OMB's letter, dated May 4, 2013, is enclosed. I am providing a copy of this transmittal and the OMB letter to the Subcommittee on Water Resources and Environment of the House Committee on Transportation and Infrastructure, and the Subcommittee on Energy and Water Development of the House Committee on Appropriations. I am providing an identical letter to the President of the Senate.

Very truly yours,



Jo-Ellen Darcy  
Assistant Secretary of the Army  
(Civil Works)

Enclosures



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
CIVIL WORKS  
108 ARMY PENTAGON  
WASHINGTON DC 20310-0108

AUG -8 2013

Honorable Joseph R. Biden, Jr.  
President of the Senate  
U.S. Capitol Building, Room S-212  
Washington, D.C. 20510-0012

Dear Mr. President:

The Secretary of the Army recommends increasing the authorized total project cost of the Corpus Christi Ship Channel (CCSC), Texas, Deep-Draft Navigation and Ecosystem Restoration Project. The increase is necessary because the construction cost is projected to exceed the maximum project cost established by Section 902 of the Water Resources Development Act (WRDA) of 1986. The enclosed Limited Re-evaluation Report, dated December 2012, sets forth the cost increase and documents that the project remains economically justified, technically sound and environmentally acceptable.

Section 1001(40) of the Water Resources Development Act (WRDA) of 2007 originally authorized the project at a project first cost of \$188,110,000. The authorized project consists of deepening and widening of the CCSC from -45 feet to -52 feet, mean lower low water (MLLW), construction of Barge Shelves adjacent to the open bay portion of the CCSC, extension of the La Quinta Channel at a depth of 39 feet and construction of two separate ecosystem restoration features. After completion the components would generate measurable savings through reductions in shipping costs. The restoration components would protect and restore productive estuarine habitat. The maximum cost for the authorized project, adjusted for inflation in accordance with Section 902 of the WRDA of 1986, is \$283,544,726 (October 2012 price levels). The revised project first cost exceeds the Section 902 limit.

The revised project first cost is \$344,610,000 (October 2012 prices). The revised cost is the result of increases in costs for construction materials, fuel, labor, as well as design refinements. There are no changes in project location, purpose or scope. The federal share of the project first cost is estimated to be \$169,593,000 and the non-federal share is estimated at \$175,016,000. The federal government would be responsible for the operation, maintenance, repair, replacement and rehabilitation (OMRR&R) of the Barge Shelves after construction, at a cost currently estimated at \$16,000 per year and would also be responsible for the OMRR&R of the La Quinta Extension after construction, at a cost currently estimated at \$1,256,000 per year. The federal government is responsible for 100 percent of the costs of maintaining the main channel to a depth of -45 feet; the added cost of maintaining the channel to depths deeper than -45 feet is shared at the rate of 50 percent by the federal government and



50 percent by the non-federal sponsor in accordance with Section 101 of WRDA 1986. OMRR&R costs for the main channel are estimated at \$5,705,000 per year. The non-federal sponsor will be responsible for OMRR&R of the ecosystem restoration features of the project after construction, at a cost currently estimated at \$166,260 per year.

The project continues to be economically justified based principally on a reduction in shipping costs and ecosystem restoration benefits. At the October 2012 price level, a 3.75 percent discount rate, and a 50-year period of economic analysis, the estimated total equivalent annual costs for the remaining construction are \$23,693,000 and total equivalent annual benefits are \$52,685,000. Net benefits are estimated at \$28,991,000 and the benefit cost ratio is 2.2 to 1.

There have been no significant changes in the project area or sensitive resources that would result in impacts to resources not previously considered and accounted for in the 2003 Final Environmental Impact Statement. The October 1, 2007 Record of Decision remains applicable to the recommended plan.

The Office of Management and Budget (OMB) advises that there is no objection to the submission of the report to Congress and concludes that the report recommendation is consistent with the policy and programs of the President. OMB also advises that should Congress increase the project authorization for construction, the Corps would need to update and refine its analysis of the benefits and costs before proceeding with the fourth element of the project; and that this element of the project would need to compete as a separable element with other proposed investments in future budgets. A copy of OMB's letter, dated July 31, 2013, is enclosed. I am providing a copy of this transmittal and the OMB letter to the Subcommittee on Transportation and Infrastructure of the Senate Committee on Environment and Public Works, and the Subcommittee on Energy and Water Development of the Senate Committee on Appropriations. I am also providing an identical letter to the Speaker of the House of Representatives.

Very truly yours,



Jo-Ellen Darcy  
Assistant Secretary of the Army  
(Civil Works)

Enclosures



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
CIVIL WORKS  
108 ARMY PENTAGON  
WASHINGTON DC 20310-0108

FEB 12 2014

Honorable John Boehner  
Speaker of the House  
of Representatives  
U.S. Capitol Building, Room H-232  
Washington, D.C. 20515-0001

Dear Mr. Speaker:

The Secretary of the Army recommends modifying the authorized total project cost of the Des Moines and Raccoon Rivers Project. The increase is necessary because the construction cost is projected to exceed the maximum allowed by Section 902 of the Water Resources Development Act (WRDA) of 1986. The enclosed Post Authorization Change Report (PACR) of the Director of Civil Works, Army Corps of Engineers (Corps), dated August 2013, explains and supports the cost increase and includes other pertinent documents. The enclosed documents demonstrate that the project remains economically justified, technically sound and environmentally acceptable.

Section 1001(27) of the Water Resources Development Act (WRDA) of 2007 authorized the project at a cost of \$10,780,000. The Energy and Water Development Appropriations Act of 2010 authorized an increased total project cost to \$16,500,000. The authorized project consists of approximately 7,500 feet of earthen levee and associated structures to provide the authorized level of flood risk reduction (FRR) to the Birdland Park area; an asphalt-surfaced recreational trail on a portion of the Birdland Park levee; approximately 5,700 feet of earthen levee; modifications to the Franklin Ave, Clark St, and Indiana Ave Pump Stations and associated structures which provide the authorized level of FRR to the Central Place area; elimination of 7 closures and improvements at 9 closure locations in the existing downtown FRR system; and provision of 18.2 acres of open water, riparian, and wetland habitat as environmental mitigation in the Chichaqua Wildlife Habitat Park. The maximum cost for the authorized project, adjusted for allowable inflation in accordance with Section 902, is \$20,836,000 (October 2013 price levels).

Based on an October 2013 price level the updated estimated project first cost is \$23,245,000, which includes sunk costs of \$20,300,000 including the already constructed features, real estate costs, recreation costs and various pre-construction engineering and design costs associated with the overall Des Moines and Raccoon Rivers project. In general, the increase in the estimated project first cost is the result of increases in material costs and project quantities, and unforeseen subsurface conditions, which required more material, labor and handling. The Corps' Cost Engineering Center of Expertise completed its review of the project cost and certified the cost on 6 June 2013. The federal share of the authorized project is estimated at \$14,990,300 and the non-federal share is estimated at \$8,254,700. The non-federal



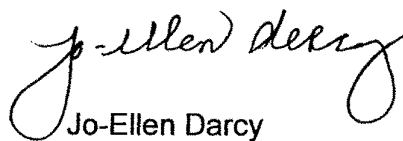
sponsor is responsible for the operation maintenance, repair, replacement and rehabilitation of the project after construction, at a cost currently estimated at \$40,000 per year.

In accordance with certified Corps economic updating procedures, the project continues to be economically justified based principally on reduction of flood damages. At the October 2013 price level, a FY 2014 discount rate of 3.5 percent, and a 50-year period of economic analysis, the Corps estimates the total annual costs to be \$1,034,000 and total equivalent annual benefits to be \$2,357,000. Net benefits are estimated at \$1,323,000 and the benefit cost ratio is 2.2 to 1.

A Finding of No Significant Impact (FONSI) was signed for the project on September 7, 2005. The Corps reviewed the PACR and the FONSI, and determined that the changes resulting from increases in material costs, increases in project quantities, and unforeseen subsurface conditions have not altered the project's original purpose, scope, or location; therefore, there is no change in environmental considerations for the project.

The Office of Management and Budget (OMB) advises that there is no objection to the submission of the report to Congress and concludes that the report recommendation is consistent with the policy and programs of the President. OMB also advises that should Congress increase the project authorization for construction, the project would need to compete with other proposed investments in future budgets. A copy of OMB's letter, dated February 3, 2014, is enclosed. I am providing a copy of this transmittal and the OMB letter to the Subcommittee on Water Resources and Environment of the House Committee on Transportation and Infrastructure, and the Subcommittee on Energy and Water Development of the House Committee on Appropriations. I am providing an identical letter to the President of the Senate.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jo-Ellen Darcy", with a stylized flourish at the end.

Jo-Ellen Darcy  
Assistant Secretary of the Army  
(Civil Works)

Enclosures



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
CIVIL WORKS  
108 ARMY PENTAGON  
WASHINGTON DC 20310-0108

FEB 26 2014

Honorable John A. Boehner  
Speaker of the House  
of Representatives  
U.S. Capitol Building, Room H-232  
Washington, D.C. 20515-0001

Dear Mr. Speaker:

The Secretary of the Army recommends modifying the cost of the Poplar Island, Maryland, project that was authorized by Section 537 of the Water Resources Development Act (WRDA) of 1996, as amended, and the cost of the expansion of the same project that was authorized by Section 3087 of the WRDA of 2007. The recommended cost increases are necessary because the respective current estimated project first costs exceed the maximum project costs allowed by Section 902 of the WRDA of 1986, as amended. The enclosed report of the Director of Civil Works, Army Corps of Engineers, dated July 22, 2013, explains and supports the cost increases and includes other pertinent documents. The enclosed documents demonstrate that this aquatic ecosystem restoration project remains justified.

The authorized project and expansion consist of restoring and expanding remote island habitat to provide aquatic, wetland and terrestrial habitat for fish, shellfish, reptiles, amphibians, birds and mammals through the beneficial use of approximately 68 million cubic yards of dredged material from the approach channels of the Baltimore Harbor and Channels navigation project and the Chesapeake and Delaware (C&D) Canal navigation project. The dredged material is being used to restore 1,715 acres of remote island habitat, including 840 acres of upland habitat at an elevation of 25 feet above mean lower low water (MLLW), 735 acres of wetland habitat that will be further divided into low marsh and high marsh, approximately 138 acres of open water embayment, and 10 acres of tidal gut leading into the wetlands. This remote island habitat will eventually provide 26,300 island community units at an average cost of \$100,500 per unit.

Section 537 authorized the restoration of a 1,140-acre island in Chesapeake Bay at a total first cost of \$307,000,000. Section 318 of the WRDA of 2000 modified the authorization to provide that the non-Federal share of the cost of the project may be cash or in-kind services or materials, and to provide credit toward the non-Federal share of the cost of design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project if the Secretary determines that the work is integral to the project. Section 3087 further modified the project to expand the island by 575 acres and raise the elevation five feet at a total first cost of \$260,000,000.



The maximum authorized costs, adjusted for modifications up to 20 percent and cost index changes in accordance with Section 902, as amended, are \$611,798,000 for the original project and \$447,173,000 for the expansion (October 2013 price levels). The total current maximum authorized cost of these two elements is \$1,058,971,000. As described in the attached reports, the revised estimated total project first cost is \$662,294,000 for the original project and \$571,617,000 for the expansion. The total revised cost of these two elements is an estimated \$1,233,911,000. The increases are attributed to three major factors: (1) 34 percent of the increase is due to dredged material transportation and placement costs; (2) 36 percent of the increase is due to site operations costs; and (3) 23 percent of the increase is due to project contingency changes. These increases are driven by extending the project's duration, increasing fuel costs, and including risk analysis in the cost engineering process.

In accordance with Section 537, the revised Federal cost share of the original project is about \$496,721,000 (75 percent) and the non-Federal share is about \$165,574,000 (25 percent). The revised Federal cost share of the expansion is about \$371,551,000 (65 percent) and the non-Federal share is about \$200,066,000 (35 percent) in accordance with Section 3087. The total revised Federal share of the project is about \$868,272,000 and the total non-Federal share is about \$365,639,000. At a 3.5 percent discount rate and a 37-year period of economic analysis, the estimated total equivalent annual cost of the original project and expansion is about \$54,063,000, including the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R). The Maryland Port Administration is the non-Federal cost sharing sponsor and will be responsible for the OMRR&R of the original project and expansion after construction, currently estimated at \$3,200,000 annually.

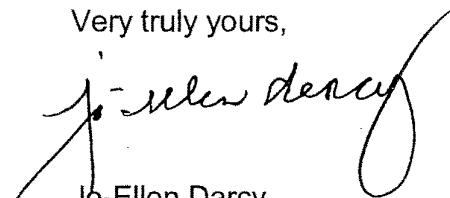
The project and expansion remain justified based on ecosystem restoration benefits. The island habitat is a unique component of the Chesapeake Bay and will directly improve the health, richness and sustainability of aquatic and wildlife species, including the American black duck, a key species named in Executive Order 13508, *Chesapeake Bay Protection and Restoration*. The project has capacity to accept dredged material until about 2029, at which time another disposal site will be needed.

A Record of Decision (ROD) was signed for the existing island project on September 4, 1998, based on the Final Integrated Feasibility Report and Environmental Impact Statement, dated February 1996, and a second ROD was signed for the expansion on October 11, 2006, based on the Final General Reevaluation Report and Supplemental Environmental Impact Statement, dated September 2005. There have been no changes to the project since the RODs were signed that warrant additional environmental compliance actions. The project does not require any compensatory mitigation. The project continues to be environmentally acceptable.

The Office of Management and Budget (OMB) advises that there is no objection to the submission of the report to Congress and concludes that the report recommendation is consistent with the policy and programs of the President. OMB also advises that should Congress increase the project authorization for construction, the

project would need to compete with other proposed investments in future budgets. A copy of OMB's letter, dated February 12, 2014, is enclosed. I am providing a copy of this transmittal and the OMB letter to the Subcommittee on Water Resources and Environment of the House Committee on Transportation and Infrastructure, and the Subcommittee on Energy and Water Development of the House Committee on Appropriations. I am providing an identical letter to the President of the Senate.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jo-Ellen Darcy", with a large, stylized loop at the end.

Jo-Ellen Darcy  
Assistant Secretary of the Army  
(Civil Works)

Enclosures





DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
CIVIL WORKS  
108 ARMY PENTAGON  
WASHINGTON DC 20310-0108

MAR 18 2014

Honorable John A. Boehner  
Speaker of the House  
of Representatives  
U.S. Capitol Building, Room H-232  
Washington, D.C. 20515-0001

Dear Mr. Speaker:

The Secretary of the Army recommends modifying the cost of the Illinois Shoreline Erosion, Interim III, Wilmette, Illinois, to the Illinois-Indiana State Line (Chicago Shoreline) project that was authorized by Section 101(a)(12) of the Water Resources Development Act (WRDA) of 1996, as amended. The recommended cost increases are necessary because the respective current estimated project first cost exceeds the maximum project cost allowed by Section 902 of the WRDA of 1986, as amended. The enclosed report of the Director of Civil Works, Army Corps of Engineers, dated September 10, 2013, explains and supports the cost increases and includes other pertinent documents. The enclosed documents demonstrate that this storm damage risk reduction project remains economically justified and environmentally acceptable.

Section 101(a)(12) authorized the construction of a locally preferred plan that consisted of approximately nine miles of hurricane and storm damage reduction features, including eight miles of new revetment, and reconstruction of an offshore breakwater at a total first cost of \$204,000,000, with an estimated Federal cost of \$110,000,000 and an estimated non-Federal cost of \$94,000,000. Section 318 of the WRDA of 1990 modified the authorization to provide credit or reimbursement for the Federal share of project costs for additional project work undertaken by the non-Federal interests, including certain work that occurred before the signing of the project cooperation agreement.

The maximum authorized cost, adjusted for modifications up to 20 percent and cost index changes in accordance with Section 902, as amended, is \$327,350,000 for the project (October 2013 price levels). The revised estimated total project first cost is \$540,546,000. The increases are attributed to design changes necessary to address public safety, regulatory concerns, public acceptability, and hazardous waste investigations. In accordance with Section 101(a)(12), the Federal cost share would be about \$185,441,000 (34.3 percent) and the non-Federal share would be about \$355,105,000 (65.7 percent). The City of Chicago and the Chicago Park District are the non-Federal cost sharing sponsors and will be responsible for the operation, maintenance, repair, replacement, and rehabilitation, currently estimated at \$507,000.



At a 3.5 percent discount rate, which is the new rate starting in October, 2013, and a 50-year period of economic analysis, the estimated total equivalent annual cost of the project is about \$31,543,000 and the equivalent average annual benefit is about \$229,300,000. The equivalent annual net benefits are \$197,757,000 and the benefit-to-cost ratio is 7.3-to-1.

A Finding of No Significant Impact was signed for the project on July 2, 1993, based on an Environmental Assessment (EA). Since then, there have been nine supplemental EAs for the project. These National Environmental Policy Act documents adequately address the environmental impacts of the project. The project does not require any compensatory mitigation. The project continues to be environmentally acceptable.

The Office of Management and Budget (OMB) advises that there is no objection to the submission of the report to Congress and concludes that the report recommendation is consistent with the policy and programs of the President. OMB also advises that should Congress increase the project authorization for construction, the project would need to compete with other proposed investments in future budgets. A copy of OMB's letter, dated February 28, 2014, is enclosed. I am providing a copy of this transmittal and the OMB letter to the Subcommittee on Transportation and Infrastructure of the Senate Committee on Environment and Public Works, and the Subcommittee on Energy and Water Development of the Senate Committee on Appropriations. I am providing an identical letter to the Speaker of the House of Representatives.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jo-Ellen Darcy", with a large, stylized flourish extending from the bottom left.

Jo-Ellen Darcy  
Assistant Secretary of the Army  
(Civil Works)

Enclosures



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
CIVIL WORKS  
108 ARMY PENTAGON  
WASHINGTON DC 20310-0108

MAR 20 2014

Honorable John Boehner  
Speaker of the House  
of Representatives  
U.S. Capitol Building, Room H-232  
Washington, D.C. 20515-0001

Dear Mr. Speaker:

The Secretary of the Army recommends increasing the authorized total project cost of the Western Sarpy and Clear Creek, Nebraska flood risk reduction project. The increase is necessary because the construction costs are projected to exceed the maximum total project cost established by Section 902 of the Water Resources Development Act (WRDA) of 1986, as amended. The enclosed report of the Director of Civil Works, Army Corps of Engineers, dated May 14, 2013, explains and supports the cost increases and includes other pertinent documents. The enclosed documents demonstrate that the project remains economically justified, technically sound and environmentally acceptable.

Section 101(b)(21) of WRDA 2000 contingently authorized the project at a total first cost of \$15,643,000. Section 3113 of WRDA 2007 increased the authorized project cost to \$21,664,000. The authorized project consists of improving 16 miles of pre-project non-federal levees along the Lower Platte River in Saunders and Sarpy Counties, Nebraska. The project increases and provides a uniform level of protection by improving the existing levees and filling in gaps in the levees. The completed project is expected to provide about \$1.9 million annually in flood risk reduction benefits.

The maximum authorized cost, adjusted for modifications up to 20 percent and cost index changes in accordance with Section 902, as amended, is \$29,010,000 (October 2013 price levels). Based on cost increases described in the report, the revised estimated project first cost (without inflation) is \$43,275,100. In general, the increase in estimated total project cost results from low initial estimates, design changes, and unanticipated costs from lengthened design and construction timeframes.

The federal share of the project first cost is estimated to be \$28,128,800 and the non-federal share is estimated at \$15,146,300. The majority of lands, easements, rights-of-way, relocations, and excavated material disposal areas required for the project have been obtained since initiating construction. The acquisitions required to complete the project total 140 acres. The non-federal cost sharing sponsors of the project are the Papio-Missouri River Natural Resources District, the Lower Platte North



Natural Resources District, and the Lower Platte South Natural Resources District. They will be responsible for the operation, maintenance, repair, replacement, and rehabilitation of the project after construction, at a cost currently estimated at \$8,600 per year.

At a 3.5 percent discount rate, which is the new rate starting in October 2013, and a 50-year period of economic analysis, the estimated total equivalent annual cost of the project is about \$2,007,100 and the equivalent average annual benefit is about \$4,031,900. The equivalent annual net benefits are \$2,024,800 and the benefit-to-cost ratio is 2.0 to 1.

With respect to environmental compliance, a Record of Decision was signed for the project in 2003. The Corps has determined that the changes resulting from differing site conditions and design refinements have not altered the project's original purpose and scope, nor have they resulted in any appreciable change in the environmental consequences as described in the December 2003 Environmental Impact Statement prepared for the project.

The Office of Management and Budget (OMB) advises that there is no objection to the submission of the report to Congress and concludes that the report recommendation is consistent with the policy and programs of the President. The project will need to compete with other proposed investments in future Budgets. A copy of OMB's letter dated February 28, 2014, is enclosed. I am providing a copy of this transmittal and the OMB letter to the House Committee on Transportation and Infrastructure Subcommittee on Water Resources and Environment and the House Committee on Appropriations Subcommittee on Energy and Water Development. I am providing an identical letter to the President of the Senate.

Very truly yours,

A handwritten signature in black ink, reading "Jo-Ellen Darcy". The signature is fluid and cursive, with a large loop at the end of the last name.

Jo-Ellen Darcy  
Assistant Secretary of the Army  
(Civil Works)

Enclosures



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
CIVIL WORKS  
108 ARMY PENTAGON  
WASHINGTON DC 20310-0108

APR 14 2014

Honorable John A. Boehner  
Speaker of the House  
of Representatives  
U.S. Capitol Building, Room H-232  
Washington, D.C. 20515-0001

Dear Mr. Speaker:

The Secretary of the Army recommends modifying the cost of the Cape Girardeau, Missouri, Reconstruction project that was authorized by Title I of the Energy and Water Development Appropriations Act of 2004. The recommended cost increases are necessary because the respective current estimated project first costs exceed the maximum project costs allowed by Section 902 of the Water Resources Development Act of 1986, as amended. The enclosed report of the Director of Civil Works, Army Corps of Engineers, dated November 21, 2013, explains and supports the cost increases and includes other pertinent documents. The enclosed documents demonstrate that this flood risk management project remains economically justified and environmentally acceptable.

The Cape Girardeau project was originally authorized by Section 204 of the Flood Control Act of 1950 (P.L. 81-516) at a cost of \$4,756,000 with construction a 100 percent Federal responsibility and lands, easements, and rights-of-way a non-Federal responsibility. Title I of the Energy and Water Development Appropriations Act of 2004 (P.L. 108-137) authorized reconstruction at a total cost of \$9,000,000 with cost sharing as originally authorized and subject to a Secretary determination that the reconstruction is technically sound and environmentally acceptable. On December 19, 2007, the Assistant Secretary of the Army (Civil Works) determined that the reconstruction is technically sound and environmentally acceptable based on an Engineering Documentation Report prepared by the Corps of Engineers. The project consists of an approximately 1.2-mile-long floodwall system that protects the City of Cape Girardeau against Mississippi River floods with less than a 0.2 percent chance of exceedance (500-year frequency).

The maximum authorized cost, adjusted for modifications up to 20 percent and cost index changes in accordance with Section 902, as amended, is \$14,194,000 for the project (October 2013 price levels). The revised estimated total project first cost is \$18,433,000. The increase is attributed to design changes necessary to address differing site conditions and to incorporate design refinements resulting from lessons learned on similar projects. As authorized, the Federal cost share would be about \$17,687,000 (96 percent) and the non-Federal share would be about \$746,000



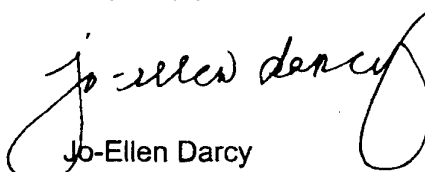
(four percent). The City of Cape Girardeau is the non-Federal cost sharing sponsor and will be responsible for the operation, maintenance, repair, replacement, and rehabilitation, currently estimated at \$193,000.

Based on a 3.5 percent discount rate, which is the new rate starting in October, 2013, and a 50-year period of economic analysis, the estimated total equivalent average annual cost of the project is about \$947,000 and the equivalent average annual benefit is about \$1,863,000. The equivalent annual net benefits are \$916,000 and the benefit-to-cost ratio is 2.0-to-1.

A Finding of No Significant Impact was signed for the reconstruction project on June 16, 2005, based on an Environmental Assessment. The subsequent design changes would not alter the environmental effects of the project. The existing National Environmental Policy Act documents adequately address the environmental impacts of the project. The project does not require any compensatory mitigation and it continues to be environmentally acceptable.

The Office of Management and Budget (OMB) advises that there is no objection to the submission of the report to Congress and concludes that the report recommendation is consistent with the policy and programs of the President with the exception of the level of non-Federal cost sharing. As noted above and in the report, the reconstruction of this project is authorized with construction a 100 percent Federal responsibility and the cost to acquire land, easements, rights of way, relocations, and disposal a non-Federal responsibility. Administration policy requires 65 percent Federal and 35 percent non-Federal cost sharing for flood risk management projects, including this project. OMB advises that should Congress authorize a cost increase, the project would need to compete with other proposed investments for funding in future budgets. A copy of OMB's letter, dated April 9, 2014, is enclosed. I am providing a copy of this transmittal and the OMB letter to the Subcommittee on Water Resources and Environment of the House Committee on Transportation and Infrastructure, and the Subcommittee on Energy and Water Development of the House Committee on Appropriations. I am providing an identical letter to the President of the Senate.

Very truly yours,



Jo-Ellen Darcy  
Assistant Secretary of the Army  
(Civil Works)

Enclosures

## SEC. 7004. EXPEDITED CONSIDERATION IN THE HOUSE AND SENATE

Senate § 1004. No comparable House section.—House recedes, with an amendment.

## ADVISORY OF EARMARKS

“H.R. 3080 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the United States House of Representatives.”

BILL SHUSTER,  
JOHN J. DUNCAN, Jr., of  
Tennessee,  
FRANK A. LOBIONDO,  
SAM GRAVES of Missouri,  
SHELLEY MOORE CAPITO,  
CANDICE S. MILLER of  
Michigan,  
DUNCAN HUNTER,  
LARRY BUCHSHON,  
BOB GIBBS,  
RICHARD L. HANNA,  
DANIEL WEBSTER of  
Florida,  
TOM RICE of South  
Carolina,  
MARKWAYNE MULLIN,  
RODNEY DAVIS of Illinois,  
NICK J. RAHALL II,  
PETER A. DEFazio,  
CORRINE BROWN of Florida,  
EDDIE BERNICE JOHNSON of  
Texas,  
TIMOTHY H. BISHOP of New  
York,  
DONNA F. EDWARDS,  
JOHN GARAMENDI,  
JANICE HAHN,  
LOIS FRANKEL of Florida,  
CHERI BUSTOS,

From the Committee on Natural Resources, for consideration of secs. 103, 115, 144, 146, and 220 of the House bill, and secs. 2017, 2027, 2028, 2033, 2051, 3005, 5002, 5003, 5005, 5007, 5012, 5018, 5020, title XII, and sec. 13002 of the Senate amendment, and modifications committed to conference:

DOC HASTINGS of  
Washington,  
ROB BISHOP of Utah,  
GRACE F. NAPOLITANO,  
*Managers on the Part of the House.*

BARBARA BOXER,  
THOMAS R. CARPER,  
BENJAMIN L. CARDIN,  
SHELDON WHITEHOUSE,  
BERNARD SANDERS,  
DAVID VITTER,  
JAMES M. INHOFE,  
JOHN BARRASSO,  
*Managers on the Part of the Senate.*

## COMMUNICATION FROM THE HONORABLE VERN G. BUCHANAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable VERN G. BUCHANAN, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 8, 2014.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the Twelfth Judicial Circuit in and for Sarasota County, State of Florida, for documents in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

VERN G. BUCHANAN,  
*Member of Congress.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 14, 2014.

Hon. JOHN A. BOEHNER,  
*The Speaker, U.S. Capitol, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 14, 2014 at 9:59 a.m.:

That the Senate agreed to S. Res. 444.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## PUBLICATION OF BUDGETARY MATERIAL

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2014, FY 2015, AND THE 10-YEAR PERIOD FY 2015 THROUGH FY 2024

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE BUDGET,  
Washington, DC, May 15, 2014.

MR. RYAN OF WISCONSIN. Mr. Speaker, To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of on-budget spending and revenues for fiscal years 2014, 2015, and for the 10-year period of fiscal year 2015 through fiscal year 2024. The report is current through May 9, 2014.

The term “current level” refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President’s signature.

Table 1 in the report compares the current levels of total budget authority, outlays, and revenues for fiscal years 2014, 2015, and the 10-year period of fiscal year 2015 through 2024 to the overall limits filed in the Congressional Record on January 27, 2014 for fiscal year 2014 and on April 29, 2014 for fiscal years 2015 and 2015–2024 as required by the Bipartisan Budget Act of 2013.

This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution’s aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2015 because appropriations for those years have not yet been considered.

Table 2 compares the current levels of budget authority and outlays for action completed by each authorizing committee with the “section 302(a)” allocations filed on January 27, 2014 for fiscal year 2014 and the allocations filed on April 29, 2014 for fiscal years 2015 and the 10-year period 2015 through 2024 as required by the Bipartisan Budget Act of 2013. For fiscal year 2014, “action” refers to legislation enacted after the adoption of the levels set forth on January 27, 2014. For fiscal years 2015 and the 10-year period 2015–2024, “action” refers to legislation enacted after the adoption of the levels set for on April 29, 2014.

This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

Tables 3 and 4 compare the current status of discretionary appropriations for fiscal year 2014 and 2015 with the “section 302(b)” sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) sub-allocation. The table also provides supplementary information on spending in excess of the base discretionary spending caps allowed under section 251(b) of the Budget Control Act.

Tables 5 and 6 give the current level for fiscal year 2015 and 2016, respectively, of accounts identified for advance appropriations under section 601 of H. Con. Res. 25. This list is needed to enforce section 601 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

In addition, letters from the Congressional Budget Office are attached that summarize and compare the budget impact of enacted legislation that occurred after adoption of the budget resolution against the budget resolution aggregates in force.

If you have any questions, please contact Paul Restuccia.

Sincerely,

PAUL RYAN,  
*Chairman.*

TABLE 1—STATUS OF THE FISCAL YEAR 2014 AND 2015 CONGRESSIONAL BUDGET AS PROVIDED FOR BY THE BIPARTISAN BUDGET ACT OF 2013

(Reflecting Action Completed as of May 9, 2014 (On-budget amounts, in millions of dollars))

	Fiscal Year 2014 <sup>1</sup>	Fiscal Year 2015 <sup>2</sup>	Fiscal Years 2015–2024
Appropriate Level:			
Budget Authority .....	2,924,837	3,025,306	n.a.
Outlays .....	2,937,044	3,025,032	n.a.
Revenues .....	2,311,026	2,533,388	31,202,135

TABLE 1—STATUS OF THE FISCAL YEAR 2014 AND 2015 CONGRESSIONAL BUDGET AS PROVIDED FOR BY THE BIPARTISAN BUDGET ACT OF 2013—Continued

(Reflecting Action Completed as of May 9, 2014 (On-budget amounts, in millions of dollars))

	Fiscal Year 2014 <sup>1</sup>	Fiscal Year 2015 <sup>2</sup>	Fiscal Years 2015–2024
Current Level:			
Budget Authority .....	2,934,189	2,014,204	n.a.
Outlays .....	2,945,659	2,430,145	n.a.
Revenues .....	2,311,036	2,533,388	31,202,135
Current Level over (+)/under (–)			
Appropriate Level:			
Budget Authority .....	+9,352	– 1,011,102	n.a.
Outlays .....	+8,615	– 594,887	n.a.
Revenues .....	+10	0	0

n.a. = Not applicable because annual appropriations Acts for fiscal years 2016 through 2024 will not be considered until future sessions of Congress.

<sup>1</sup> Section 111(b) of the Bipartisan Budget Act of 2013 required the Chairman of the Committee on the Budget in the House of Representatives to file aggregate budgetary levels for fiscal year 2014 for purposes of enforcing section 311 of the Congressional Budget Act of 1974. The spending and revenue aggregates for fiscal year 2014 were subsequently filed on January 27, 2014. The current level for this report begins with the budgetary levels filed on January 27, 2014 and makes adjustments to those levels for enacted legislation.<sup>2</sup> Section 115(b) of the Bipartisan Budget Act of 2013 required the Chairman of the Committee on the Budget in the House of Representatives to file aggregate budgetary levels for fiscal year 2015 and for fiscal years 2015–2024 for purposes of enforcing section 311 of the Congressional Budget Act of 1974. The spending and revenue aggregates for fiscal year 2015 were subsequently filed on April 29, 2014. The current level for this report begins with the budgetary levels filed on April 28, 2014 and makes adjustments to those levels for enacted legislation.

TABLE 2—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

(Reflecting Action Completed as of May 9, 2014 (Fiscal Years, in millions of dollars))

House Committee	2014		2015		2015–2024	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture:						
Allocation .....	0	0	0	0	0	0
Current Level .....	+3,243	+2,124	0	0	0	0
Difference .....	+3,243	+2,124	0	0	0	0
Armed Services:						
Allocation .....	0	0	0	0	0	0
Current Level .....	+4	+4	0	0	0	0
Difference .....	+4	+4	0	0	0	0
Education and the Workforce:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Energy and Commerce:						
Allocation .....	0	0	0	0	0	0
Current Level .....	+6,159	+6,157	0	0	0	0
Difference .....	+6,159	+6,157	0	0	0	0
Financial Services:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Foreign Affairs:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Homeland Security:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
House Administration:						
Allocation .....	0	0	0	0	0	0
Current Level .....	– 34	0	0	0	0	0
Difference .....	– 34	0	0	0	0	0
Judiciary:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Natural Resources:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Oversight and Government Reform:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Science, Space and Technology:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Small Business:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Transportation and Infrastructure:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Veterans' Affairs:						
Allocation .....	0	0	0	0	0	0
Current Level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Ways and Means:						
Allocation .....	0	0	0	0	0	0
Current Level .....	– 20	– 20	0	0	0	0
Difference .....	– 20	– 20	0	0	0	0

TABLE 3—DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2014—COMPARISON OF CURRENT STATUS WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(a) SUB-ALLOCATIONS AS OF MAY 9, 2014

(Figures in Millions) <sup>1</sup>

	302(b) allocations <sup>1</sup>		302(b) for GWOT <sup>1</sup>		Current status general purpose		Current status GWOT		General purpose less 302(b)		GWOT less 302(b)	
	BA	OT	BA	OT	BA	OT	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA .....	n.a.	n.a.	n.a.	n.a.	20,880	22,092	0	0	n.a.	n.a.	n.a.	n.a.
Commerce, Justice, Science .....	n.a.	n.a.	n.a.	n.a.	51,600	60,756	0	0	n.a.	n.a.	n.a.	n.a.



TABLE 3—DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2014—COMPARISON OF CURRENT STATUS WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(a) SUB-ALLOCATIONS AS OF MAY 9, 2014—Continued

[Figures in Millions]<sup>1</sup>

	302(b) allocations <sup>1</sup>		302(b) for GWOT <sup>1</sup>		Current status general purpose		Current status GWOT		General purpose less 302(b)		GWOT less 302(b)	
	BA	OT	BA	OT	BA	OT	BA	OT	BA	OT	BA	OT
Defense .....	n.a.	n.a.	n.a.	n.a.	486,851	528,707	85,191	43,140	n.a.	n.a.	n.a.	n.a.
Energy and Water Development .....	n.a.	n.a.	n.a.	n.a.	34,060	39,652	0	0	n.a.	n.a.	n.a.	n.a.
Financial Services and General Government .....	n.a.	n.a.	n.a.	n.a.	21,851	23,054	0	0	n.a.	n.a.	n.a.	n.a.
Homeland Security .....	n.a.	n.a.	n.a.	n.a.	39,270	46,045	227	182	n.a.	n.a.	n.a.	n.a.
Interior, Environment .....	n.a.	n.a.	n.a.	n.a.	30,058	32,154	0	0	n.a.	n.a.	n.a.	n.a.
Labor, Health and Human Services, Education .....	n.a.	n.a.	n.a.	n.a.	156,773	159,953	0	0	n.a.	n.a.	n.a.	n.a.
Legislative Branch .....	n.a.	n.a.	n.a.	n.a.	4,258	4,192	0	0	n.a.	n.a.	n.a.	n.a.
Military Construction and Veterans Affairs .....	n.a.	n.a.	n.a.	n.a.	73,299	76,278	0	0	n.a.	n.a.	n.a.	n.a.
State, Foreign Operations .....	n.a.	n.a.	n.a.	n.a.	42,481	45,818	6,520	1,885	n.a.	n.a.	n.a.	n.a.
Transportation, HUD .....	n.a.	n.a.	n.a.	n.a.	50,856	116,465	0	0	n.a.	n.a.	n.a.	n.a.
Full Committee Allowance .....	n.a.	n.a.	n.a.	n.a.	0	0	0	0	n.a.	n.a.	n.a.	n.a.
Total .....	n.a.	n.a.	n.a.	n.a.	1,012,237	1,155,166	91,938	45,207	n.a.	n.a.	n.a.	n.a.

Comparison of Total Appropriations and 302(a) allocation<sup>2</sup>

	General purpose		GWOT	
	BA	OT	BA	OT
302(a) Allocation .....	1,012,237	1,154,816	91,938	45,207
Total Appropriations .....	1,012,237	1,155,166	91,938	45,207
Total Appropriations vs. 302(a) Allocation .....	0	+350	0	0

## Memorandum

Spending in Excess of Base Budget Control Act Caps for Sec. 251(b) Designated Categories	Amounts assumed in 302(b) <sup>1</sup>		Emergency requirements		Disaster funding		Program integrity	
	BA	OT	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA .....	n.a.	n.a.	0	0	0	0	0	0
Commerce, Justice, Science .....	n.a.	n.a.	0	0	0	0	0	0
Defense .....	n.a.	n.a.	0	0	0	0	0	0
Energy and Water Development .....	n.a.	n.a.	0	0	0	0	0	0
Financial Services and General Government .....	n.a.	n.a.	0	0	0	0	0	0
Homeland Security .....	n.a.	n.a.	0	0	5,626	281	0	0
Interior, Environment .....	n.a.	n.a.	0	0	0	0	0	0
Labor, Health and Human Services, Education .....	n.a.	n.a.	0	0	0	0	924	832
Legislative Branch .....	n.a.	n.a.	0	0	0	0	0	0
Military Construction and Veterans Affairs .....	n.a.	n.a.	0	0	0	0	0	0
State, Foreign Operations .....	n.a.	n.a.	0	0	0	0	0	0
Transportation, HUD .....	n.a.	n.a.	0	0	0	0	0	0
Totals .....	n.a.	n.a.	0	0	5,626	281	924	832

<sup>1</sup> The original 302(a) allocation to the Committee on Appropriations contained in H.Rpt. 113-17 for the Concurrent Resolution on the Budget-Fiscal Year 2014 (H. Con. Res. 25) was revised on January 14, 2014, consistent with section 101 of the Bipartisan Budget Act of 2013. The House Committee on Appropriations did not file revised 302(b) allocations after the final 302(a) allocation was provided—hence there are no valid 302(b)'s in force for fiscal year 2014.

<sup>2</sup> Spending designated as emergency is not included in the current status of appropriations shown above.

TABLE 4—DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2015—COMPARISON OF CURRENT STATUS WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(a) SUB-ALLOCATIONS AS OF MAY 9, 2014

[Figures in Millions]<sup>1</sup>

	302(b) allocations		302(b) for GWOT <sup>1</sup>		Current status general purpose <sup>2</sup>		Current status GWOT		General purpose less 302(b)		GWOT less 302(b)	
	BA	OT	BA	OT	BA	OT	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA .....	n.a.	n.a.	n.a.	n.a.	12	6,965	0	0	n.a.	n.a.	n.a.	n.a.
Commerce, Justice, Science .....	n.a.	n.a.	n.a.	n.a.	0	22,702	0	0	n.a.	n.a.	n.a.	n.a.
Defense .....	n.a.	n.a.	n.a.	n.a.	39	204,159	0	0	n.a.	n.a.	n.a.	n.a.
Energy and Water Development .....	n.a.	n.a.	n.a.	n.a.	0	17,690	0	0	n.a.	n.a.	n.a.	n.a.
Financial Services and General Government .....	n.a.	n.a.	n.a.	n.a.	71	5,670	0	0	n.a.	n.a.	n.a.	n.a.
Homeland Security .....	n.a.	n.a.	n.a.	n.a.	9	19,346	0	0	n.a.	n.a.	n.a.	n.a.
Interior, Environment .....	n.a.	n.a.	n.a.	n.a.	0	12,296	0	0	n.a.	n.a.	n.a.	n.a.
Labor, Health and Human Services, Education .....	n.a.	n.a.	n.a.	n.a.	24,691	115,210	0	0	n.a.	n.a.	n.a.	n.a.
Legislative Branch .....	4,258	4,332	n.a.	n.a.	3,323	3,491	0	0	-935	-841	n.a.	n.a.
Military Construction and Veterans Affairs .....	71,499	77,455	n.a.	n.a.	71,499	76,100	0	0	-1,355	n.a.	n.a.	n.a.
State, Foreign Operations .....	n.a.	n.a.	n.a.	n.a.	0	28,179	0	0	n.a.	n.a.	n.a.	n.a.
Transportation, HUD .....	n.a.	n.a.	n.a.	n.a.	4,400	80,140	0	0	n.a.	n.a.	n.a.	n.a.
Full Committee Allowance .....	n.a.	n.a.	n.a.	n.a.	0	0	0	0	n.a.	n.a.	n.a.	n.a.
Total .....	75,757	81,787	n.a.	n.a.	104,044	591,948	0	0	n.a.	n.a.	n.a.	n.a.

## Comparison of Total Appropriations and 302(a) allocation

	General purpose		GWOT	
	BA	OT	BA	OT
302(a) Allocation .....	1,013,628	1,141,432	85,357	39,981
Total Appropriations .....	104,044	591,948	0	0
Total Appropriations vs. 302(a) Allocation .....	-909,584	-549,484	85,357	39,981

## Memorandum

Spending in Excess of Base Budget Control Act Caps for Sec. 251(b) Designated Categories	Amounts assumed in 302(b) <sup>1</sup>		Emergency requirements		Disaster funding		Program integrity	
	BA	OT	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA .....	n.a.	n.a.	0	0	0	0	0	0
Commerce, Justice, Science .....	n.a.	n.a.	0	0	0	0	0	0
Defense .....	n.a.	n.a.	0	0	0	0	0	0
Energy and Water Development .....	n.a.	n.a.	0	0	0	0	0	0
Financial Services and General Government .....	n.a.	n.a.	0	0	0	0	0	0
Homeland Security .....	n.a.	n.a.	0	0	0	0	0	0
Interior, Environment .....	n.a.	n.a.	0	0	0	0	0	0
Labor, Health and Human Services, Education .....	n.a.	n.a.	0	0	0	0	0	0
Legislative Branch .....	0	0	0	0	0	0	0	0

Memorandum	Amounts assumed in 302(b) <sup>1</sup>		Emergency requirements		Disaster funding		Program integrity	
	BA	OT	BA	OT	BA	OT	BA	OT
Spending in Excess of Base Budget Control Act Caps for Sec. 251(b) Designated Categories								
Military Construction and Veterans Affairs .....	0	0	0	0	0	0	0	0
State, Foreign Operations .....	n.a.	n.a.	0	0	0	0	0	0
Transportation, HUD .....	n.a.	n.a.	0	0	0	0	0	0
Totals .....	n.a.	n.a.	0	0	0	0	0	0

<sup>1</sup> The Committee on Appropriations filed interim 302(b) allocations for the Legislative Branch and Military Construction and Veterans Affairs subcommittees only on April 29, 2014. The Committee has announced it will file the remaining 302(b) sub-allocations at a later date.

<sup>2</sup> Spending designated as emergency is not included in the current status of appropriations shown in this table.

TABLE 5—2015 ADVANCE APPROPRIATIONS PURSUANT TO H.CON.RES. 25 AS OF MAY 9, 2014

[Budget Authority in Millions]

Section 601(d)(1) Limits		2,015
Appropriate Level .....		55,634
Enacted Advances:		
Accounts Identified for Advances:		
Department of Veterans Affairs		
Medical Services .....		45,016
Medical Support and Compliance .....		5,880
Medical Facilities .....		4,739
Subtotal, enacted advances <sup>1</sup> .....		55,635
Enacted Advances vs. Section 601(d)(1) Limit .....		+1
Section 601(d)(2) Limits		2,015
Appropriate Level .....		28,852
Enacted Advances:		
Accounts Identified for Advances:		
Payment to Postal Service .....		71
Employment and Training Administration .....		1,772
Education for the Disadvantaged .....		10,841
School Improvement Programs .....		1,681
Special Education .....		9,283
Career, Technical and Adult Education .....		791
Tenant-based Rental Assistance .....		4,000
Project-based Rental Assistance .....		400
Subtotal, enacted advances <sup>1</sup> .....		28,839
Enacted Advances vs. Section 601(d)(2) Limit .....		-13
Previously Enacted Advance Appropriations <sup>2</sup>		2,015
Corporation for Public Broadcasting .....		445
Total, enacted advances <sup>1</sup> .....		84,919

<sup>1</sup> Line items may not add to total due to rounding.

<sup>2</sup> Funds were appropriated in Public Law 113-6.

TABLE 6—2016 ADVANCE APPROPRIATIONS PURSUANT TO SECTION 115(c) OF THE BIPARTISAN BUDGET ACT OF 2013 AS OF MAY 9, 2014

[Budget Authority]

Section 601(d)(1) Limits		2,016
Appropriate Level .....		58,662,202,000
Enacted Advances:		
Accounts Identified for Advances:		
Department of Veterans Affairs		
Medical Services .....		0
Medical Support and Compliance .....		0
Medical Facilities .....		0
Subtotal, enacted advances <sup>1</sup> .....		0
Enacted Advances vs. Section 601(d)(1) Limit .....		-58,662,202,000
Section 601(d)(2) Limits		2016
Appropriate Level .....		28,781,000,000
Enacted Advances:		
Accounts Identified for Advances:		
Employment and Training Administration .....		0
Education for the Disadvantaged .....		0
School Improvement Programs .....		0
Special Education .....		0
Career, Technical and Adult Education .....		0
Tenant-based Rental Assistance .....		0
Project-based Rental Assistance .....		0
Subtotal, enacted advances <sup>1</sup> .....		0
Enacted Advances vs. Section 601(d)(2) Limit .....		-28,781,000,000
Previously Enacted Advance Appropriations		2,016
Corporation for Public Broadcasting <sup>2</sup> .....		445,000,000
Total, enacted advances <sup>1</sup> .....		445,000,000

<sup>1</sup> Line items may not add to total due to rounding.

<sup>2</sup> Funds were appropriated in Public Law 113-76.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, May 15, 2014.

Hon. PAUL RYAN,  
Chairman, Committee on the Budget,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2014 budget and is current through May 9, 2014. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the

technical and economic assumptions of H. Con. Res. 25, the Concurrent Resolution on the Budget for Fiscal Year 2014, as approved by the House of Representatives and subsequently revised.

Since my last letter dated October 24, 2013, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2014:

National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66);

Bipartisan Budget Act of 2013/Pathway for SGR Reform Act of 2013 (Public Law 113-67); Consolidated Appropriations Act, 2014 (Public Law 113-76);

Agricultural Act of 2014 (Public Law 113-79);

Protecting Access to Medicare Act of 2014 (Public Law 113-93);

Gabriella Miller Kids First Research Act (Public Law 113-94);

Support for Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (Public Law 113-95); and

Cooperative and Small Employer Charity Pension Flexibility Act (Public Law 113-97).

Sincerely,

ROBERT A. SUNSHINE

(For Douglas W. Elmendorf, Director).

Enclosure.

# FISCAL YEAR 2014 HOUSE CURRENT LEVEL REPORT THROUGH MAY 9, 2014

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted: <sup>a</sup>			
Revenues .....	n.a.	n.a.	2,310,972
Permanents and other spending legislation <sup>b</sup> .....	1,849,079	1,778,854	n.a.
Appropriation legislation .....	0	504,662	n.a.
Offsetting receipts .....	-707,692	-707,792	n.a.
Total, Previously enacted .....	1,141,387	1,575,724	2,310,972
Enacted Legislation: <sup>c</sup>			
Authorizing Legislation:			
Bipartisan Student Loan Certainty Act of 2013 (P.L. 113-28) .....	14,400	12,670	0
Department of Veterans Affairs Expiring Authorities Act of 2013 (P.L. 113-37) .....	-1	-1	0
Helium Stewardship Act of 2013 (P.L. 113-40) .....	-16	-58	0
An act to extend the period during which Iraqis who were employed by the United States Government in Iraq may be granted special immigrant status and to temporarily increase the fee or surcharge for processing machine-readable nonimmigrant visas (P.L. 113-42) .....	2	2	5
National Defense Authorization Act for Fiscal Year 2014 (P.L. 113-66) .....	66	68	0
Bipartisan Budget Act of 2013/Pathway for SGR Reform Act of 2013 (P.L. 113-67) .....	-3,207	985	49
Agricultural Act of 2014 (P.L. 113-79) .....	3,243	2,124	5
Protecting Access to Medicare Act of 2014 (P.L. 113-93) .....	6,143	6,141	0
Gabriella Miller Kids First Research Act (P.L. 113-94) .....	-34	0	0
Cooperative and Small Employer Charity Pension Flexibility Act (P.L. 113-97) .....	0	0	5
Total, Authorizing Legislation .....	20,596	21,931	64
Appropriations Legislation:			
Continuing Appropriations Act, 2014 (P.L. 113-46) <sup>d</sup> .....	635	635	0
Consolidated Appropriations Act, 2014 (P.L. 113-76) .....	1,869,637	1,421,565	0
Support for Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (P.L. 113-95) .....	0	350	0
Total, Appropriations Legislation .....	1,870,272	1,422,550	0
Total, Enacted Legislation .....	1,890,868	1,444,481	64
Entitlements and Mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs .....	-98,066	-74,546	0
Total Current Level <sup>e</sup> .....	2,934,189	2,945,659	2,311,036
Total House Resolution <sup>f</sup> .....	2,924,837	2,937,044	2,311,026
Current Level Over House Resolution .....	9,352	8,615	10
Current Level Under House Resolution .....	n.a.	n.a.	n.a.
Memorandum:			
Revenues, 2014-2023:			
House Current Level .....	n.a.	n.a.	31,095,979
House Resolution <sup>g</sup> .....	n.a.	n.a.	31,095,742
Current Level Over House Resolution .....	n.a.	n.a.	237
Current Level Under House Resolution .....	n.a.	n.a.	n.a.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

<sup>a</sup> Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during last session, but before adoption of the Concurrent Resolution on the Budget for Fiscal Year 2014 (H. Con. Res. 25): an act to temporarily increase the borrowing authority of the FEMA for carrying out the National Flood Insurance Program (P.L. 113-1), the Disaster Relief Appropriations Act, 2013 (P.L. 113-2), the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (P.L. 113-5), the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6), and the Reducing Flight Delays Act of 2013 (P.L. 113-9).

<sup>b</sup> Relative to the House Current Level Report dated October 24, 2013, House Current Level has increased by \$361 million in 2014 because of assumptions related to the interest on the public debt that were revised pursuant to the Bipartisan Budget Act of 2013 (P.L. 113-67).

<sup>c</sup> Pursuant to section 314(d) of the Congressional Budget Act of 1974, amounts designated as an emergency requirement pursuant to 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall not count for purposes of Title III and Title IV of the Congressional Budget Act. The amounts so designated for 2014, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Continuing Appropriations Act, 2014 (Sec. 155) .....	0	50	n.a.

<sup>d</sup> Sections 135 and 136 of the Continuing Appropriations Act, 2014 (P.L. 113-46) provide \$636 million for fire suppression activities, available until expended. Section 146 of the act freezes the pay of Members of Congress, which is estimated to result in a reduction in spending of \$1 million in 2014.

<sup>e</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the House, the resolution, as approved by the House of Representatives, does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level does not include these items.

<sup>f</sup> Periodically, the House Committee on the Budget revises the totals in H. Con. Res. 25, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original House Resolution: .....	2,769,406	2,815,079	2,270,932
Revisions:			
Pursuant to section 603 of H. Con. Res. 25 .....	-14,089	-4,100	40,040
Adjustment for Disaster Designated Spending .....	6,079	230	0
Adjustment for Technical Correction to the Budget Control Act Spending Caps .....	549	308	0
Pursuant to section 111 of the Bipartisan Budget Act .....	162,892	125,527	54
Revised House Resolution .....	2,924,837	2,937,044	2,311,026

<sup>g</sup> Periodically, the House Committee on the Budget revises the 2014-2023 revenue totals in H. Con. Res. 25, pursuant to various provisions of the resolution. The total shown in the table reflects those revisions.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, May 15, 2013.

Hon. PAUL RYAN,  
Chairman, Committee on the Budget, House of  
Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report  
shows the effects of Congressional action on

the fiscal year 2015 budget and is current  
through May 9, 2014. This report is submitted  
under section 308(b) and in aid of section 311  
of the Congressional Budget Act, as amend-  
ed.

The estimates of budget authority, out-  
lays, and revenues are consistent with the  
allocations, aggregates, and other budgetary  
levels printed in the Congressional Record on

April 29, 2014, pursuant to section 115 of the  
Bipartisan Budget Act (Public Law 113–67).

This is CBO's first current level report for  
fiscal year 2015.

Sincerely,

ROBERT A. SUNSHINE  
(For Douglas W. Elmendorf).

Enclosure.

#### FISCAL YEAR 2015 HOUSE CURRENT LEVEL REPORT THROUGH MAY 9, 2014

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Previously Enacted <sup>a</sup>			
Revenues .....	n.a.	n.a.	2,533,388
Permanents and other spending legislation .....	1,882,631	1,805,294	n.a.
Appropriation legislation .....	0	508,261	n.a.
Offsetting receipts .....	– 735,195	– 734,481	n.a.
Total, Previously enacted .....	1,147,436	1,579,074	2,533,388
Entitlements and Mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs .....	866,768	851,071	0
Total Current Level <sup>b</sup> .....	2,014,204	2,430,145	2,533,388
Total House Resolution .....	3,025,306	3,025,032	2,533,388
Current Level Over House Resolution .....	n.a.	n.a.	n.a.
Current Level Under House Resolution .....	1,011,102	594,887	n.a.
Memorandum:			
Revenues, 2015–2024:			
House Current Level .....	n.a.	n.a.	31,202,135
House Resolution .....	n.a.	n.a.	31,202,135
Current Level Over House Resolution .....	n.a.	n.a.	n.a.
Current Level Under House Resolution .....	n.a.	n.a.	n.a.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

<sup>a</sup> Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before publication in the Congressional Record of the statement of the allocations and aggregates pursuant to section 115 of the Bipartisan Budget Act of 2013 (P.L. 113–67): the Agricultural Act of 2014 (P.L. 113–79), the Homeowner Flood Insurance Affordability Act of 2014 (P.L. 113–89), the Gabriella Miller Kids First Research Act (P.L. 113–94), and the Cooperative and Small Employer Charity Pension Flexibility Act (P.L. 113–97).

<sup>b</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the House, the resolution, as approved by the House of Representatives, does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level does not include these items.

#### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House,  
reported that on May 12, 2014, she pre-  
sented to the President of the United  
States, for his approval, the following  
bill:

H.R. 3627. To require the Attorney General  
to report on State law penalties for certain  
child abusers, and for other purposes.

#### ADJOURNMENT

The SPEAKER pro tempore. Pursuant  
to section 2(b) of House Resolution  
576, the House stands adjourned until  
noon on Monday, May 19, 2014, for  
morning-hour debate and 2 p.m. for leg-  
islative business.

Thereupon (at 2 o'clock and 4 min-  
utes p.m.), under its previous order, the  
House adjourned until Monday, May 19,  
2014, at noon for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive  
communications were taken from the  
Speaker's table and referred as follows:

5665. A letter from the Director, Defense  
Procurement and Acquisition Policy, De-  
partment of Defense, transmitting the De-  
partment's final rule — Defense Federal Ac-  
quisition Regulation Supplement: Photo-  
voltaic Devices (DFARS Case 2014-D006)  
(RIN: 0750-AI18) received April 16, 2014, pursuant  
to 5 U.S.C. 801(a)(1)(A); to the Committee  
on Armed Services.

5666. A letter from the Under Secretary,  
Department of Defense, transmitting account  
balance in the Defense Cooperation

Account as of March 31, 2014; to the Com-  
mittee on Armed Services.

5667. A letter from the Senior Procurement  
Executive, GSA, General Services Adminis-  
tration, transmitting the Administration's  
final rule — Federal Acquisition Regulation;  
Federal Acquisition Circular 2005-73; Intro-  
duction [Docket No.: FAR 2014-0051; Se-  
quence No. 1] received April 30, 2014, pursuant  
to 5 U.S.C. 801(a)(1)(A); to the Committee  
on Armed Services.

5668. A letter from the Acting Chief Coun-  
sel, Department of Homeland Security,  
transmitting the Department's final rule —  
Suspension of Community Eligibility (La-  
Salle County, IL, et al.) [Docket ID: FEMA-  
2013-0002] [Internal Agency Docket No.:  
FEMA-8329] received April 30, 2014, pursuant  
to 5 U.S.C. 801(a)(1)(A); to the Committee on  
Financial Services.

5669. A letter from the Secretary, Depart-  
ment of Health and Human Services, trans-  
mitting the thirty-fourth annual report on  
the implementation of the Age Discrimina-  
tion Act of 1975 by departments and agencies  
which administer programs of Federal finan-  
cial assistance, pursuant to 42 U.S.C.  
6106a(b); to the Committee on Education and  
the Workforce.

5670. A letter from the Secretary, Depart-  
ment of Health and Human Services, trans-  
mitting the Interim Report to Congress on  
the Medicaid Health Home States Plan Op-  
tion; to the Committee on Energy and Com-  
merce.

5671. A letter from the Chief, Policy and  
Rules Division, OET, Federal Communica-  
tions Commission, transmitting the Com-  
mission's final rule — Revision of Part 15 of  
the Commission's Rules to Permit Unli-  
censed National Information Infrastructure  
(U-NII) Devices in the 5 GHz Band [ET Dock-  
et No.: 13-49] received April 28, 2014, pursuant  
to 5 U.S.C. 801(a)(1)(A); to the Committee on  
Energy and Commerce.

5672. A communication from the President  
of the United States, transmitting notifica-

tion that the national emergency declared  
with respect to Burma is to continue beyond  
May 20, 2014, pursuant to 50 U.S.C. 1622(d);  
(H. Doc. No. 113–112); to the Committee on  
Foreign Affairs and ordered to be printed.

5673. A letter from the Assistant Secretary  
for Export Administration, Department of  
Commerce, transmitting the Department's  
final rule — Addition of Person to the Entity  
List [Docket No.: 140331295-4324-01] (RIN:  
0694-AG14) received April 30, 2014, pursuant  
to 5 U.S.C. 801(a)(1)(A); to the Committee on  
Foreign Affairs.

5674. A letter from the Assistant Secretary,  
Legislative Affairs, Department of State,  
transmitting a report on progress toward a  
negotiated solution of the Cyprus question  
covering the period December 1, 2013 through  
January 31, 2014; to the Committee on For-  
eign Affairs.

5675. A letter from the Assistant Secretary,  
Legislative Affairs, Department of State,  
transmitting Certification Related to  
Daelim (of the Republic of Korea) under Sec-  
tion 4(e) of the Iran Sanctions Act of 1996, as  
amended by the Comprehensive Iran Sanc-  
tions, Accountability, and Divestment Act of  
2010; to the Committee on Foreign Affairs.

5676. A letter from the Secretary, Depart-  
ment of the Treasury, transmitting as re-  
quired by section 401(c) of the National  
Emergency Act, 50 U.S.C. 1644(c), and sec-  
tion 204(c) of the International Emergency  
Economic Powers Act, 50 U.S.C. 1703(c), a  
six-month periodic report on the national  
emergency with respect to the situation in  
or in relation to the Democratic Republic of  
the Congo that was declared in Executive  
Order 13413 of October 27, 2006; to the Com-  
mittee on Foreign Affairs.

5677. A letter from the Executive Analyst,  
Department of Health and Human Services,  
transmitting a report pursuant to the Fed-  
eral Vacancies Reform Act of 1998; to the  
Committee on Oversight and Government  
Reform.

5678. A letter from the Attorney Advisor,  
Federal Retirement Thrift Investment

Board, transmitting the Board's final rule — Administrative Wage Garnishment received April 24, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5679. A letter from the Administrator, General Services Administration, transmitting the Administration's annual report for FY 2013 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

5680. A letter from the Clerk, Court of Appeals, transmitting an opinion of the United States Court of Appeals for the Eleventh Circuit for *James Joseph Brown v. United States*, Nos. 11-15149 and 12-10293; to the Committee on the Judiciary.

5681. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Removal of Procedures for Closeout of Grants and Cooperative Agreements (RIN: 2700-AE06) received April 28, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

5682. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Acquisition Process: Task and Delivery Order Contracts, Bundling, Consolidation (RIN: 3245-AG20) received April 28, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5683. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of United States Persons That Own Stock of Passive Foreign Investment Companies Through Certain Organizations and Accounts That Are Tax Exempt [Notice 2014-28] received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5684. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Notice 2012-45 Treatment of Income from Certain Government Bonds for Purposes of the Passive Foreign Investment Company Rules [Notice 2014-31] received April 29, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5685. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting second quarterly report of FY 2014 on Uniformed Services Employment and Reemployment Rights Act of 1994; jointly to the Committees on the Judiciary and Veterans' Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOLF: Committee on Appropriations. H.R. 4660. A bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2015, and for other purposes (Rept. 113-448). Referred to the Committee of the Whole House on the state of the Union.

Mr. SHUSTER: Committee of Conference. Conference report on H.R. 3080. A bill to provide for improvements to the rivers and har-

bors of the United States, to provide for the conservation and development of water and related resources, and for other purposes (Rept. 113-449). Ordered to be printed.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 3530. A bill to provide justice for the victims of trafficking; with an amendment (Rept. 113-450). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 4225. A bill to amend title 18, United States Code, to provide a penalty for knowingly selling advertising that offers certain commercial sex acts; with an amendment (Rept. 113-451). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 3361. A bill to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purpose; with an amendment (Rept. 113-452, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Michigan: Permanent Select Committee on Intelligence. H.R. 3361. A bill to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes; with an amendment (Rept. 113-452, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the following action was taken by the Speaker:

The Committee on Financial Services discharged from further consideration. H.R. 3361 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ROGERS of Michigan:

H.R. 4661. A bill to authorize appropriations for fiscal year 2015 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. POSEY:

H.R. 4662. A bill to amend the Consumer Financial Protection Act of 2010 to establish an advisory opinion process for the Bureau of Consumer Financial Protection, and for other purposes; to the Committee on Financial Services.

By Mrs. BLACK (for herself and Ms. SCHAKOWSKY):

H.R. 4663. A bill to amend title XVIII of the Social Security Act to permit certain nurse practitioners, clinical nurse specialists, physician assistants, and certified nurse-midwives to provide certain certifications with respect to inpatient hospital services under

the Medicare program; to the Committee on Ways and Means.

By Mr. KIND (for himself, Ms. SCHWARTZ, and Ms. ESTY):

H.R. 4664. A bill to amend the method by which the Social Security Administration determines the validity of marriages under title II of the Social Security Act; to the Committee on Ways and Means.

By Ms. MENG:

H.R. 4665. A bill to provide for the eligibility of the Republic of Korea for the license exception for encryption commodities, software and technology under the Export Administration Regulations; to the Committee on Foreign Affairs.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 4666. A bill to provide for the conveyance of a portion of the former Air Force Norwalk Defense Fuel Supply Point in Norwalk, California; to the Committee on Armed Services.

By Mr. WELCH:

H.R. 4667. A bill to amend the Atomic Energy Act of 1954 to provide for consultation with State and local governments, the consideration of State and local concerns, and the approval of post-shutdown decommissioning activities reports by the Nuclear Regulatory Commission; to the Committee on Energy and Commerce.

By Mr. YOUNG OF ALASKA (for himself and Mr. HUNTER):

H.R. 4668. A bill to provide for the retention and future use of certain land on Point Spencer in Alaska, to support the statutory missions and duties of the Coast Guard, to convey certain land on Point Spencer to the Bering Straits Native Corporation, to convey certain land on Point Spencer to the State of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARENTHOLD:

H. Con. Res. 98. Concurrent resolution urging the President to immediately request the resignation of Secretary of Veterans Affairs Eric Shinseki; to the Committee on Veterans' Affairs.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. WOLF:

H.R. 4660.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ." Together, these specific constitutional

provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. ROGERS of Michigan:

H.R. 4661.

Congress has the power to enact this legislation pursuant to the following:

The intelligence and intelligence-related activities of the United States government are carried out to support the national security interests of the United States, to support and assist the armed forces of the United States, and to support the President in the execution of the foreign policy of the United States.

Article I, section 8 of the Constitution of the United States provides, in pertinent part, that "Congress shall have power . . . to pay the debts and provide for the common defense and general welfare of the United States"; ". . . to raise and support armies . . ."; "To provide and maintain a Navy"; "To make Rules for the Government and Regulation of the land and naval Forces"; and "To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. POSEY:

H.R. 4662.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mrs. BLACK:

H.R. 4663.

Congress has the power to enact this legislation pursuant to the following:

Section. 8 of the U.S. Constitution which states, "(t)he Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States . . ."

By Mr. KIND:

H.R. 4664.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8.

By Ms. MENG:

H.R. 4665.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution

By Ms. LINDA T. SANCHEZ of California:

H.R. 4666.

Congress has the power to enact this legislation pursuant to the following:

Article One of the United States Constitution, section 8, clause 18:

The Congress shall have Power—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof

By Mr. WELCH:

H.R. 4667.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. YOUNG of Alaska:

H.R. 4668.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 and Article 1, Section 8, Clause 3.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 60: Mr. DELANEY.

H.R. 498: Ms. SLAUGHTER.

H.R. 713: Ms. JACKSON LEE.

H.R. 988: Mr. REICHERT.

H.R. 1317: Mr. SMITH of New Jersey.

H.R. 1507: Mr. CONAWAY.

H.R. 1518: Mrs. KIRKPATRICK, Ms. KAPTUR, and Mr. FRANKS of Arizona.

H.R. 1728: Ms. DELAULO.

H.R. 1732: Ms. SHEA-PORTER.

H.R. 1750: Mr. GUTHRIE.

H.R. 2181: Mr. BISHOP of Georgia.

H.R. 3279: Mr. GRAVES of Georgia.

H.R. 3320: Mr. HUDSON, Mr. YOUNG of Indiana, and Mr. DIAZ-BALART.

H.R. 3361: Mr. WITTMAN.

H.R. 3431: Mr. TAKANO.

H.R. 3461: Mr. GENE GREEN of Texas.

H.R. 3530: Mr. CRAMER and Ms. SHEA-PORTER.

H.R. 3708: Mr. WALDEN, Mr. GARRETT, Mr. RYAN of Ohio, and Mr. SIMPSON.

H.R. 3722: Mr. TONKO and Mrs. HARTZLER.

H.R. 3747: Mr. DOYLE, Mr. ENYART, and Mr. LANCE.

H.R. 3971: Mr. RANGEL.

H.R. 3992: Mr. KILMER, Mr. FATTAH, Mr. PERLMUTTER, Mr. HECK of Washington, and Mr. WOMACK.

H.R. 4035: Ms. NORTON and Ms. SHEA-PORTER.

H.R. 4060: Mr. FLORES, Mr. RIGELL, Mr. HUIZENGA of Michigan, and Mr. STEWART.

H.R. 4069: Mr. BARTON.

H.R. 4200: Mr. ROTHFUS and Mr. FOSTER.

H.R. 4227: Mr. SCHIFF.

H.R. 4234: Mr. RYAN of Ohio.

H.R. 4365: Mr. RYAN of Ohio and Mr. DIAZ-BALART.

H.R. 4443: Ms. SLAUGHTER, Mr. ENGEL, Mr. MEEKS, Mr. OWENS, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. GIBSON, and Mr. SERRANO.

H.R. 4450: Mr. TONKO, Mr. BEN RAY LUJÁN of New Mexico, and Mr. CASSIDY.

H.R. 4492: Mr. McDERMOTT.

H.R. 4521: Mr. NEUGEBAUER.

H.R. 4587: Ms. WILSON of Florida and Mr. HASTINGS of Florida.

H.R. 4619: Mr. TIBERI.

H.R. 4628: Ms. EDWARDS, Mr. HINOJOSA, Ms. WASSERMAN SCHULTZ, Mr. AL GREEN of Texas, Mr. PETERS of Michigan, Mr. SHIMKUS, Mr. ENGEL, Mr. ENYART, Mr. BISHOP of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCGOVERN, Mr. HECK of Washington, and Mr. MURPHY of Florida.

H.R. 4629: Mr. BEN RAY LUJÁN of New Mexico, Ms. JACKSON LEE, and Mr. HASTINGS of Florida.

H.R. 4631: Mr. DAVID SCOTT of Georgia, Mr. GRIMM, Mr. FORTENBERRY, and Mr. BISHOP of Georgia.

H.R. 4636: Mr. GRIJALVA, Mr. VARGAS, Ms. BROWN of Florida, Mr. COHEN, Mr. FRANKS of Arizona, Mr. CHABOT, and Ms. DELAULO.

H.R. 4659: Ms. GABBARD.

H.J. Res. 68: Mr. THOMPSON of California and Mr. CAPUANO.

H. Res. 522: Mr. MCGOVERN, Ms. SHEA-PORTER, and Mrs. CAROLYN B. MALONEY of New York.

H. Res. 527: Ms. LOFGREN.

H. Res. 570: Ms. BROWN of Florida.

H. Res. 577: Mr. LEVIN, Mrs. BLACK, and Mr. BARROW of Georgia.

H. Res. 578: Mr. SIREs and Mr. GUTHRIE.

## SENATE—Thursday, May 15, 2014

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. WALSH, a Senator from the State of Montana.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Heavenly Father, thank You for a land where we believe that our rights and freedoms come from You. We are grateful for the gifts of life, liberty, and dreams, and for those who make daily sacrifices to protect our liberties. Empower our lawmakers to protect and guard the foundations of our freedoms so that America may bless the world. When our Senators are weary, replenish their spirits, permitting their light of patriotism, vision, service, and hope to continue to burn. Forgive them when they fail to live up to their high heritage, as Your grace transforms them into instruments of Your purposes.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 15, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. WALSH, a Senator from the State of Montana, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. WALSH thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### JUSTICE AND MENTAL HEALTH COLLABORATION ACT OF 2013—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 92, S. 162, the Franken Mentally Ill Offender Treatment and Crime Reduction Act.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 92, S. 162, a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the time until 11:15 a.m. will be equally divided and controlled between the two leaders or their designees. At 11:15 a.m. there will be a series of rollcall votes in relation to several nominations. Following those votes, the Senate will recess until 1:45 p.m. to allow for the caucus meetings we are having today. At 1:45 p.m. there will be another series of rollcall votes in relation to nominations as well as a cloture vote on the Wyden substitute amendment to the tax extenders legislation. The filing deadline for first-degree amendments to the substitute and the bill is 1 p.m. and the filing deadline for second-degree amendments to the substitute is 3 p.m. today.

### CAMPAIGN FINANCE

Mr. President, a memo from the Koch-funded political organization Americans for Prosperity found its way into the national press last week. The memo details Americans for Prosperity's plan to spend at least \$125 million—and more if necessary—ensuring the Koch brothers' hand-picked candidates win elections this November. This memo was sent to a select group—the ultrarich, the megarich. That is who got it. The memo was entitled “Confidential Investor Update.”

How fitting for the Koch brothers' hostile takeover of the American electoral system to call something “investor update”—investor update. You see, these billionaires are dumping unseemly amounts of money into a shadowy political organization. Their donation is an investment in an America rigged to benefit themselves at the expense of the middle class.

The Kochs' political expenditures are investments—investments—similar to any other that is listed in their financial portfolios, and they absolutely expect monetary returns on their investments in buying America. That is what this is all about.

The Kochs' bid for a hostile takeover of American democracy is calculated

to make themselves even richer. Yet the Kochs and their Republican followers in Congress continue to assert that these hundreds of millions of dollars are free speech.

For evidence of that look no further than the Republican leader, who has flatout said: “In our society, spending is speech.”

Let me pose a question to everyone, including my friend the Republican leader. If this unprecedented spending is free speech, where does that leave our middle-class constituents, the poor? It leaves them out in the cold. How could everyday working American families afford to make their voices heard if money equals free speech? Should voters mortgage their homes if they are worried about climate change? If they are concerned about their children's education, should they max out all their credit cards making political contributions?

Is our involvement in government completely dependent on financial resources? The answer should be a resounding no, but the shadowy Koch brothers and all their different organizations, in attempting to buy America—if they succeed—the answer to that question is yes. Involvement in government, according to them, would be on how much money they spent.

There should be no million-dollar entry fee for participation in our democracy. As retired Supreme Court Justice John Paul Stevens noted very recently—he did this before a Senate panel just a couple weeks ago—“money is not speech.” He went on to say:

Speech is only one of the activities that are financed by campaign contributions and expenditures. Those financial activities should not receive the same constitutional protection as speech itself. After all, campaign funds were used to finance the Watergate burglaries—actions that clearly were not protected by the First Amendment.

At its core the Constitution of our great country is the great equalizer. The Constitution gives all Americans, regardless of race, background or financial status, the same freedoms and rights. The U.S. Constitution levels the playing field—but not so calculated by the Koch brothers. According to them, lots of money is their name and it is their game.

The playing field of campaign finance is skewed in favor of interest groups and corporations. The more money there is, the more skewed it becomes. Justice Stevens rightly labeled these massive campaign contributors as “non-voters.”

Elections in the United States should be decided by voters—Americans who have a constitutional, fundamental

right to elect their representatives. Yet more and more we see Koch Industries and Americans for Prosperity—one of their shadowy front groups—dictating the results of primaries and elections across the country. Behind these nonvoting organizations are massively wealthy men, hoping for a big monetary return on their political donations. When the candidates they bankroll get into office, the winners inevitably begin to legislate their sponsors' business plans—less regulation and less oversight for corporations.

Remember, the Koch brothers' dad was one of the inventors of many other strange organizations. It is hard to believe that one of these men ran for Vice President in 1980 as a Libertarian, and the views he pronounced at that time were so radical—doing away with Social Security, no taxes whatsoever, no power to enforce the laws, doing away with all environmental regulations. They have now become part of the main stream of the Republican Party. That should frighten everyone. Their dad was one of the beginners of the John Birch Society. Think about that.

Let me be very plain for all to hear: No one should be able to pump unlimited funds into political campaigns, whether they are a Democrat, a Republican or an Independent. As one political observer noted, we currently have a campaign finance system in place which compels each party to pick which billionaires they like best. What a shame. That is exactly why the system needs to change.

There is absolutely no question the Koch brothers are in a category of their own, in both degree and kind. No one else is pumping money into shadowy campaign organizations and campaigns like they are. There is not even a close second. They are doing this to promote issues that make themselves even richer. One hundred million dollars is not enough for the Koch brothers. No other individuals are recreating the role of a national political party. That is what they are doing. They are recreating the Republican Party.

I say why not level the playing field for everyone? Let's get this money out of our political system. Let's undo the damage done by the Citizens United decision. We should do it now. The Supreme Court has equated money with speech, so the more money, the more speech you get, and the more influence in our democracy. What kind of a system is that? It is wrong.

Every American should have the same ability to influence our political system: One American, one vote. That is what the Constitution guarantees. The Constitution does not give corporations a vote, and the Constitution does not give dollar bills a vote.

From what I have heard recently, my Republican colleagues seem to have a different view. Republicans seem to think billionaires, corporations, and

special interests should be allowed to drown out the voices of all Americans. That is wrong and it should end.

I oppose the notion that a big bank account should give billionaires, corporations or special interest groups a greater place in government than American voters. That is why I support the constitutional amendment proposed by two Democratic Senators, Senators TOM UDALL of New Mexico and MICHAEL BENNET of Colorado. Their amendment curbs unlimited campaign spending. This amendment grants Congress the authority to regulate and limit the raising and spending of money for Federal political campaigns. That is not a bad idea.

Senators UDALL and BENNET's amendment reins in the massive spending of super PACs, which have grown so much since the Citizens United decision. It also provides States with the authority to institute campaign spending limits at the State level. I know in the State of Montana that was in effect for decade after decade after decade. The courts knocked that out because of the Citizens United opinion. It is such a shame.

The proposed amendment makes our Nation's campaigns fairer and allows candidates to represent their voting constituents instead of big-spending special interest groups.

Here is something else that Justice Stevens said:

Unlimited campaign expenditures impair the process of democratic self-government. They create a risk that successful candidates will pay more attention to the interests of non-voters who provided them with money than to the interests of the voters who elected them.

"That risk is unacceptable," Justice Stevens said.

So it is unacceptable that the recent Supreme Court decisions have taken away power from the American voter; instead, giving it to a select few megabillionaires.

Soon Chairman LEAHY and the Senate Judiciary Committee will hold a hearing on Senators UDALL and BENNET's constitutional amendment. The Senate will vote on that legislation.

I urge my colleagues to support this constitutional amendment, to rally behind our democracy. I understand we Senate Democrats are proposing something that is no small thing. Amending our Constitution is not something any of us should take lightly, but the flood of special interest money into our American democracy is one of the most glaring threats our system of government has ever faced.

Let's keep our elections from becoming speculative ventures for the wealthy and put a stop to the hostile takeover of our democratic system by a couple of billionaire oil barons.

It is time we revive our constituents' faith in our electoral system and let them know their voices are being heard

because the American people clearly deserve a fair shot.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

VA HEALTH CARE

Mr. MCCONNELL. Mr. President, our All-Volunteer military relies upon several critical factors to recruit young Americans who are sufficiently well educated, physically and mentally qualified, and adequately motivated to wear the uniform. Our recruits expect to be well led, well trained, adequately compensated, effectively challenged, and fairly treated. Critically, they also expected to receive the health care promised to them while they were on Active Duty or as veterans.

Later this morning Secretary Shinseki will testify on stories that emerged several weeks ago about administrators at the VA hospital in Phoenix falsifying medical records to conceal delays in providing care to veterans. In the wake of these reports similar stories from Wyoming, North Carolina, Missouri, and Texas have come to light about employees using similar tactics to conceal backlogs in medical care. The questions awaiting the Secretary will be tough, but this is his job. The American people are demanding and deserve answers to these questions.

To his credit, Secretary Shinseki has ordered an inspector general review of the Phoenix VA health care system. It would not surprise me in the least if additional inspector general reviews end up being required at other VA hospitals.

One thing I will be listening for today is whether Secretary Shinseki states a belief that the VA is, in fact, facing a systemic crisis because just this morning the Wall Street Journal reported that his Department has made "minimal progress at best" on a host of problems identified in 2012 by the nonpartisan Government Accountability Office—"minimal progress at best." That is how a nonpartisan GAO official described it.

Many letters have come into my office on this issue. Kentuckians are really concerned. Let me read what one Kentuckian had to say:

As a veteran, I have read the recent revelations of events in Phoenix with horror. These [Americans] . . . sacrificed for their country . . . In return, we owed them competent care and treatment as a person, and not an obstacle to a "good evaluation." In order to regain the trust of our veterans, it is vital that we hold those responsible accountable . . .

This Kentucky veteran could not be more right.

Last year I called the Obama administration's veterans backlog a "national disgrace." I have also made several appeals to the Secretary. I know, of course, I was not the only one. Yet the initial reports of the shocking situation in Phoenix indicate that things



have only gotten worse. With similar stories now filtering in from other parts of the country, it is getting harder to believe this is not more of a sort of systemic, administration-wide crisis. The Veterans' Administration needs to get to the bottom of how widespread the problem has become.

My concern is that the Obama administration will treat this scandal the way it does all the others—like a political crisis to get past rather than a serious problem to be solved. We know the President appointed a member of his staff yesterday to look into it. That is a start, but if the President is truly serious, he needs to treat these stories at least as seriously as he did the ObamaCare Web site fiasco when he pledged his complete attention and the full force of his administration to do whatever needed to be done. That was on the Web site fiasco when he let it be known that his people would not rest until a solution was worked out. Incredibly, so far the President has made no such pledge when it comes to the treatment of our veterans. The President needs to understand that our veterans deserve at least as much attention as a Web site—at least as much attention as a Web site. In fact, they deserve a heck of a lot more.

This is a really big deal. It is our job as Senators to get to the bottom of it. We need to ask the tough questions. We need to uncover the truth. Any misconduct found at VA hospitals should be met with swift punishment.

Administration officials need to be held accountable because America's ill and wounded veterans have already paid a price. They have already paid a price. They have a right to expect that our country will be there when they need help. If we break faith with them, we are breaking faith with the recruiters who made commitments to the next generation of American military leaders. All of those people have made commitments. The recruiters, the military leaders have all made commitments. As one of my colleagues put it, American veterans ought to be first in line—first in line—for the best care, not pushed to the back of the line for what they are getting.

So our joint mission, whether we are Democrats or Republicans, should be to get to the bottom of the Obama administration's veteran crisis swiftly and fix it. It means holding officials accountable. It means getting serious about solutions, such as Senator RUBIO's bill that would make it easier to remove high-level VA employees for performance failures. I am proud to co-sponsor that legislation. I know some of my colleagues will have other good ideas in the coming days and weeks too. The point is, that is where our focus needs to be. We owe it to every veteran who has served.

50TH ANNIVERSARY OF THE BOURBON  
RESOLUTION

Mr. President, I wish to pay tribute to the spirit of Kentucky literally. This month marks the 50th anniversary since the U.S. Congress passed S. Con. Res. 19, which recognized bourbon whiskey as a distinctive product of the United States and unlike any other type of distilled spirit, whether foreign or domestic.

On May 4, 1964, Congress declared that bourbon whiskey had achieved recognition and acceptance throughout the world as a distinctive product of the United States and expressed a sense of Congress that the United States should prohibit the importation of any other whiskey purporting to call itself bourbon. This resolution helped to promote the thriving bourbon distillery industry that we can be thankful is located in the United States today.

Kentucky is, of course, the birthplace of bourbon. The drink itself is named for Bourbon County, KY. Bourbon County, KY, is in the heart of the Bluegrass State, where the product first emerged. Kentucky produces 95 percent of the world's bourbon supply, and Kentucky's iconic bourbon brands ship more than 30 million gallons of the spirit to 126 countries, making bourbon the largest export category among all U.S. distilled spirits.

Not only is Kentucky the overwhelming producer of the world's bourbon, bourbon gives much back to Kentucky. It is a vital part of our State's tourism and economy. The industry generates close to 9,000 jobs and contributed almost \$2 billion to Kentucky's economy in 2010. Production of bourbon in Kentucky has increased by more than 120 percent since 1999. Not to go unnoticed, the bourbon industry has taken an active role in promoting the responsible and moderate use of its product by everyone.

S. Con. Res. 19 was originally introduced 50 years ago by Kentucky Senator Thruston Morton, and a companion measure was introduced in the House by Representative John C. Watts. They recognized that just as Scotch whisky is a distinctive product of Scotland, Canadian whiskey a distinctive product of Canada, and cognac a distinctive product of the Cognac region of France, all with official government recognition, bourbon deserved the distinction that comes with official recognition as well. However, the International Federation of Manufacturing Industries and Wholesale Trades in Wines, Spirits, and Liqueurs could only enforce the protection of the bourbon appellation if Congress passed a resolution declaring such. Therefore, on May 4, 1964, Congress adopted the original bourbon resolution.

Fifty years later, I rise to introduce, along with my friend and colleague Senator PAUL, a new Senate resolution

to recognize the 50th anniversary of this original declaration of independence for bourbon.

Kentucky is celebrating this 50th anniversary in appropriate fashion through various exhibits, events, and tastings. Perhaps the most exciting of these events is the display of the original bourbon resolution, which has been released from the National Archives and Records Administration in Washington. For the first time since its adoption, it is to be exhibited in Louisville at the Frazier History Museum. I was proud to be able to work with my friend and fellow Kentucky Representative ANDY BARR to assist in bringing the original resolution to Kentucky. I thank the Kentucky Distillers Association and the Frazier History Museum for their efforts to honor the anniversary of the bourbon resolution. I am also proud today to follow in the footsteps of Kentucky leaders from the past in honoring and recognizing the original bourbon resolution with this 50th anniversary resolution.

Bourbon production in Kentucky has grown strong and thrived over the last half century, and I am sure it will continue to do the same for the next 50 years. I thank and congratulate all the hard-working Kentuckians who contributed to building our State's vibrant bourbon industry.

I urge my Senate colleagues to support this resolution and look forward to its swift adoption.

RECOGNIZING THE 50TH ANNIVERSARY OF THE  
CONGRESSIONAL DECLARATION OF BOURBON  
WHISKEY

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 446, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 446), recognizing the 50th anniversary of the Congressional declaration of bourbon whiskey as a distinctive product of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed, the preamble be agreed to, and that the motions to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 446) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

Mr. MCCONNELL. I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:15 a.m. will be equally divided between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

## TAX EXTENDERS

Mr. GRASSLEY. Mr. President, I am glad the Senate is finally getting serious about passing tax extenders this year. Congress has put off the extension of the expired tax provisions until the last minute all too frequently. In 2012 provisions remained expired for an entire year before finally being extended in January of 2013. Similarly, the previous extension of the expired provisions did not occur until the middle of December. Such late action by Congress results in complications come filing season for taxpayers, particularly for people who hire tax preparers; tax forms are not ready and as a result refunds are delayed. So we owe it to our constituents to see to it that these added complications are not a factor this year. Tax season is unpleasant enough without our adding to it by failing to do our job in a timely fashion.

Already, by allowing these tax provisions to expire for more than 5 months, we have created a lot of headaches and uncertainty for individuals and businesses. The current expiration causes headaches for teachers purchasing school supplies, college students paying for higher education, and seniors making charitable donations from their IRAs. Those are only 3 of some 53 provisions we are considering extending. These should have been extended 4 months ago.

Furthermore, it creates uncertainty for businesses, which harms investment and business growth. The enhanced expensing rules under section 179 are of particular importance to small businesses and farmers. I regularly hear from my constituents who are putting off purchasing a new truck or tractor for their business operation because they do not know the fate of that provision. This is bad for economic growth, and it obviously has something to do with us having a high unemployment rate and jobs not being created.

The lapse of renewable energy incentives has already created a lot of uncertainty and slow growth in the renewable industry. This serves only to hamper the strides made toward a viable self-sustainable renewable energy and fuel sector.

I am aware that some of my colleagues have expressed extreme opposition to some of the provisions in the package. I would like to specifically respond to claims that some of my colleagues have made about wind energy and the wind production tax credit.

I am sympathetic to the argument that the Tax Code has gotten too cluttered with too many special interest provisions. That is the reason many of us for a long period of time have been clamoring for tax reform. But just because we haven't cleaned up the Tax Code in a comprehensive way doesn't mean we should pull the rug out from under domestic renewable energy producers. Doing so would cost jobs, harm our economy, harm the environment, and even enhance problems for national security.

I am glad to defend the wind production tax credit and wind energy. Wind energy provides more than 4 percent of U.S. electricity, supports 80,000 American jobs, spurred \$105 billion in private investment in the United States just since 2005, and that source of energy displaces more expensive and more polluting sources of energy, lowering electricity prices for consumers.

More than 70 percent of U.S. wind turbine value is now produced right here in the United States, compared to just 25 percent prior to 2005. More than 550 industrial facilities across 44 States manufacture for the wind energy industry. The wind industry today supports 80,000 American jobs. The tax incentive has spurred \$105 billion in private investment in the United States since 2005.

Opponents of the renewable energy provisions want to have this debate in a vacuum. They disregard the many incentives and subsidies that exist for other sources of energy and are permanent law, but they don't seem to talk about those much.

For example, the 100-year-old oil and gas industry continues to benefit from tax preferences that benefit only their industry. These are not general business tax provisions, as we are led to believe, no different from what other industries have. These are specific to the oil and gas business, the same way a wind energy tax credit is specific to wind. I will give a few examples of these tax provisions: expensing for intangible drilling costs, deductions for tertiary injectants, percentage depletion for oil wells, and special amortization for geological costs. These four tax preferences for this single industry result in the loss of more than \$4 billion annually in tax revenue.

Nuclear energy would be another example—in fact, a very great example. The first nuclear powerplant came online in the United States in 1958—56 years ago. Nuclear receives special tax treatment for interest from decommissioning trust funds. Congress created a production tax credit for this mature industry in 2005, and that production tax credit is going to be available until 2020. Nuclear also benefits from the Price-Anderson Federal liability insurance provisions. Congress provided that as a temporary measure in 1958, but it is still here and it was renewed, as I said, through 2025. Nuclear energy has also received \$74 billion in Federal re-

search and development dollars since 1950.

Are these crony capitalist handouts? I haven't heard it from the same colleagues who talk about wind energy. Is it time to end market distortion for nuclear power? I haven't heard my colleagues talk about that.

A Cato study found that “in truth, nuclear power has never made economic sense and exists purely as a creature of government.”

There is also no truth to the claim that wind energy is somehow undercutting baseload power. Baseload nuclear and coal energy are being harmed by cheap natural gas, transmission congestion, and stagnant electricity demand.

The chairman and CEO of NextEra Energy James Robo addressed this issue in an op-ed recently. NextEra operates significant wind generation but also a large nuclear operation. He stated:

We do not merely advocate for an “all-of-the-above” energy strategy—we live it. And from our perspective, nuclear plants in competitive markets are not challenged by wind energy but by low natural gas prices caused by the shale gas revolution.

Blaming the wind industry for the challenges in the merchant nuclear business may be politically expedient, but it will not help any company or technology operate more successfully in a low natural gas price environment.

Wind energy and its incentives are not to blame for the market conditions affecting the economics of nuclear energy.

So I would ask my colleagues a very simple question: Why is repealing a subsidy for oil and gas or nuclear energy a tax increase on energy producers and consumers, while repealing an incentive for alternative or renewable energy is not? It is not intellectually honest.

I authored the wind energy incentive in 1992. We know there is no justification for it to go on forever. It was never meant to, and it shouldn't. I am happy to discuss a responsible multiyear phaseout of the wind tax credit. In 2012 the wind industry was the only industry to put forward a phaseout plan. But any phaseout must be done in the context of comprehensive tax reform where all energy tax provisions are on the table at the same time. It should be done responsibly over a few years to provide certainty and ensure a viable industry.

Thank God Chairman WYDEN has expressed his determination that this will be the last tax extenders bill prior to comprehensive tax reform. I share Senator WYDEN's sentiment in favor of putting an end to the annual kabuki dance that is what we call tax extenders, the bill before the Senate we are going to be voting on shortly. Good tax policy requires certainty that can only come from long-term predictable tax policy. Businesses need certainty in

the Tax Code so that they can plan and invest accordingly. Moreover, taxpayers deserve to know that the Tax Code is not just being used for another way to dole out funds to politically favored groups. However, the only sound way to reach this goal is through comprehensive tax reform, and Senator WYDEN, as chairman of the Finance Committee, can make that happen, and he said he is going to.

I agree that there are provisions in extenders that ultimately should be left on the cutting-room floor, but it is in a tax reform environment where we should consider the relative merits of individual provisions.

Targeting certain provisions for elimination now makes little sense for those of us who want to reduce tax rates as much as possible. Tax reform provides an opportunity to use a realistic baseline that will allow the revenue generated from cutting back provisions to be used to pay for reductions in individual and corporate tax rates.

I look forward to working with my colleagues in the future to enact that tax reform and put an end to the headaches and uncertainty created by the regular expiration of the tax provisions we are considering right now on the Senate floor. Right now our focus must be on extending current expired or expiring provisions that will end up giving us room in the baseline—the baseline CBO always talks about—to work toward that goal of tax reform.

It is my hope that we can move quickly to reach a bipartisan agreement in the Senate and come to a timely agreement with the House. Taxpayers should not have to wait until December or January for us to act.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. KAINE. I thank the Chair.

(The remarks of Mr. KAINE pertaining to the introduction of S. 2341 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KAINE. I thank the Chair. I yield the floor.

Mr. COATS. Mr. President, what is the current status of the floor?

The ACTING PRESIDENT pro tempore. The Senate is in divided time until 11:15.

Mr. COATS. I ask to be recognized for part of that time.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized.

#### MAJORITY LEADERSHIP

Mr. COATS. Mr. President, citizens of Indiana sent me to Washington to be their voice. As I travel across the State and listen—whether at coffee shops or factories, small businesses, local schools or people on the street—I hear a lot of good advice about what they think we ought to be doing. There are regulations and taxes and policies

being imposed on their businesses and their personal lives. They would like to see some changes, some reforms.

Many of their ideas are very sensible because what we do affects their livelihoods. That is what the Senate is all about. That is why we have a Congress. That is why we have representatives—so we can represent the voices of the people who sent us—but right now Republicans, as we are in the minority, are being shut out of our ability to represent their voices.

The tradition of the Senate since its inception has been a place described as "the world's greatest deliberative body." A place where we can take time to deliberate ideas, reforms, to be able to offer amendments to legislation brought forward, to talk to our colleagues and encourage bipartisan support, work to achieve a majority so the ideas we bring can be passed into law—coordinated with the House and sent to the President to sign and become law.

A strange thing has happened under the current leadership of our majority leader; that is, he has found a way to procedurally gag us from representing the voice of the people of our States. In the last 10 months, Republicans have been offered a vote on the substitute policy measure or amendment to a policy measure only nine times.

I had the great privilege of serving in the Senate at a previous time in my life. I had committed to term limits. So after my two terms were fulfilled, I honored those term limits and stepped down. I was out for 12 years. I was asked to come back at a time when many thought our country was going in the wrong direction, and they wanted a voice to stand for their interests and feelings about what our country ought to be and the kind of policies we ought to have enacted. I had the great fortune of being sent back to serve this Senate, only to find, to my shock and amazement, that under the procedures used by the majority leader, this is no longer the greatest deliberative body. It has turned into the least deliberative body because we haven't been able to deliberate anything.

I have served under Republican and Democratic majority leaders: Senator Mitchell, a Democratic majority leader; Senator Daschle, a Democratic majority leader; Trent Lott and Bob Dole, Republican majority leaders. Whether Republican or Democratic, they honored the traditions of the Senate. They honored what the Senate was designed to be.

No one was more eloquent in allowing the minority to play a role, to offer amendments to bills, to debate those bills, and to vote—sometimes we won, sometimes we lost, but we at least had an opportunity for our voices to be heard and for our colleagues to cast their yea or to cast their nay on what we were offering. No one was a greater defender of those minority rights than

then-majority leader Robert Byrd from West Virginia.

Robert Byrd is lionized here in terms of his long service and remembered most for the fact that he was so faithful to the Constitution of the United States and so faithful to the traditions of the Senate, the rules of the Senate, and the procedures of the Senate. Whether one was a Republican or Democrat, liberal or conservative, no one was a greater defender of the traditions of the Senate allowing full and open debate than Robert Byrd.

I had many disagreements with Robert Byrd but great respect for his respect for this institution. We don't see that today. There is no Robert Byrd here. There is no one standing on the other side saying: Wait a minute. This is not what we are here for.

The procedures the majority leader has undertaken affect Democrats as well as Republicans. I know many of my friends across the aisle—some of them are cosponsors of some of the legislation proposals and amendment proposals I have made—they are not allowed to offer their amendments either. We are frozen out by someone who has taken a dictatorial position, saying: It is my way or the highway.

We see that foreign policy enacted now coming out of Russia with Vladimir Putin, but that is not what the United States is about. That is not what the Senate of the United States is about. We are a democratic institution. A democratic institution means voices of the people can be heard.

The voices of the people I represent are not being heard because I can come down here and talk about my amendments, but I am not allowed the opportunity to have full debate and a vote on those amendments. The same is true for my 44 colleagues on the Republican side.

It is unprecedented. It has never happened before. It is dictatorial. Even the news media are scratching their heads, saying: We have never seen this before. It is a tragedy that this is the case.

Here we are coming up to yet another major piece of legislation, the so-called tax extenders. These are provisions within the Tax Code that allow certain exemptions or credits or special provisions—for instance, research and development. There is a deduction allowed, bonus depreciation for businesses, any number of things that we are going to be talking about that need to be legislated because they expire at the end of this year. Normally we would have open debate from those of us who support some of those, from those of us who oppose some of those, and what changes might be made. In the end, that debate turns to a vote, and the vote determines where the Senate stands.

I know some of the things I would be proposing may not be passed by the Senate, but I would like to put it to

the test. I would like to have my colleagues have an opportunity to not only hear what they were but to vote on them, let their yea be yea and nay be nay.

That is a Biblical injunction that goes back to the beginning of time: Let your yes be a yes and your no be a no. But don't use procedural devices to prevent us from going to yes or going to no.

I will mention three provisions I would like to see incorporated in, debated, and voted on in this legislation coming before us.

We will find out shortly, but we are told that once again the majority leader will come down and say: I am not allowing Republicans to offer any amendments, even if they are sensible, even if they are reasonable, even if they are relevant.

That is a repetitive process which has been undertaken, and it is tragic, it is unfortunate, and it is not the Senate. We all ought to be ashamed that this is the procedure we are operating under.

I want to help Indiana charities. There are a number of small charities—individuals or small groups of individuals with a big heart trying to do the right thing and reach out and provide support. As the Federal Government budget is ever shrinking because of our debt and deficit and runaway entitlement spending, much less for other spending that we have control over, these charities have found themselves somewhat in a bind. Some of them are small. They don't have the backroom, the accountants, the lawyers, and so forth and so on to read through all the regulations. Many of them have lost their nonprofit status for a very simple reason that can be easily corrected.

There are certain procedures which require certain amounts of information to be provided to the Internal Revenue Service. If it is not provided, the Internal Revenue Service has the authority to close down those charities. Many of them have not realized that this certain amount of information needs to be provided on an annual basis. All of a sudden they get a notice in the mail that their 501(c)(3) or tax-exempt status has been revoked. Then they call my office and ask: What is going on here?

The IRS says you didn't comply with all the regulations.

What regulations?

These people are not making a profit. They are trying to provide social services and needed help to the low-income, poverty, people in need. They don't have the expertise, they don't have the time, they don't have the understanding of what it takes to comply with all of the thousands and thousands of pages of regulations.

All I am asking with this amendment—and it seems something everybody would agree to and we could do by

unanimous consent—is that the IRS notify these people with a special notification basically saying: This is what you haven't complied with. You have a certain amount of time to do this or we will have to take away your tax-exempt status.

Some of these things are no-brainers. Can we ask the IRS to simply send a notice if they are going to terminate a 501(c)(3) because they didn't fulfill a particular regulation? Can we give them notice so they then can take it to their tax accountant or take whatever actions it needs in order to meet the test and not lose that status? Losing that status means they are out of business. They are not able to receive contributions that are tax deductible. Many of them will lose that.

The ObamaCare bill incorporates a provision that increases the threshold over which someone can deduct medical expenses. Currently, it is 7.5 percent of total adjusted gross income. The ObamaCare health care law, unbeknownst to many, raised that level from 7.5 percent to 10 percent. I am simply wanting to offer an amendment that would go back to the status quo or go back to the current law and keep it at 7.5 percent. I believe that could gather and garner bipartisan support. I would like to put that for a vote.

Third is a medical device tax repeal which I have been talking about ad nauseam for 3 years. One of the most egregious things in the ObamaCare act was the taxing of gross sales in an industry that is dynamic, provides high-paying jobs, and is leading edge in terms of innovation and creativity, and providing much needed help for those who have health conditions that can be addressed through certain medical devices. I know we have bipartisan support for the passage of this provision and this repeal because in our non-binding budget vote—the chance when we did have the vote—34 Democrats joined 45 Republicans for a total of 79 out of 100. That is a majority that overrides a veto, and that is a majority of bipartisan—near consensus—as to how we ought to move forward. Yet once again we have been denied despite every effort over a period of years by the majority leader from having a binding vote on that. Clearly someone is afraid that this is going to pass. Therefore on a decision solely made by the majority leader, perhaps encouraged by the President, we are not even allowed an opportunity to take that vote. So the voice of the people—whether it is Indiana or the voice of the people from this country—is being gagged, and there is a big gag put on everything that we are trying to do here.

I got pretty worked up about this yesterday. I guess I have calmed down a little bit today, maybe going from total frustration yesterday to pleading with some sense of reason that the pro-

cedures here could be changed so that we at least have the opportunity to state our case and to take a vote. That is all we are asking for on this—these tax extender provisions coming before us. We are willing to address and offer a limited number of totally relevant amendments. Give us the chance to make our case. Take the vote and let the yea be yea and the nay be nay on it and see who prevails on it. Yet the word is that the majority leader once again is going to deny us this opportunity. It is more than tragic because it turns this institution which was venerated for being a deliberative body into a nondeliberative body. None of us ever thought we would see this happen.

As I said, had Robert Byrd been here or had George Mitchell been here or had a number of other people been here, they never would have allowed this. This is not what the Senate has been traditionally, and it is something today that none of us recognize and it is just a shame. I am not exactly sure how we should best go forward now that the majority leader is apparently going to stifle our efforts. There are very important provisions here that need to be addressed because they expire at the end of the year.

I see my colleague Senator WYDEN, a Democrat from Oregon, with whom I have worked on comprehensive tax reform. These provisions today are essential to our moving to where we really need to go, and that is full comprehensive reform—lowering our corporate tax rate, lowering our individual tax rates, and making our Tax Code simpler and more fair and more growth oriented. Those are the provisions of the Wyden-Coats bill. We have to move with that; we have to deal with this first. But we need to deal with this in a way that doesn't leave a lot of rancor and a lot of frustration on our side that we haven't had an opportunity to have a voice in the matter.

So once again, I am pleading with the Senate majority leader and my colleagues on other side of the aisle that we work to find a way to turn the Senate back into the Senate. What are we afraid of?

Mr. President, with that I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### TAX EXTENDERS

Mr. WYDEN. Mr. President, in beginning my remarks on these extenders, I want my colleague from Indiana to know that in the Finance Committee we have done everything we could—all 24 of us—to avoid the rancor and polarization that has so often accompanied the big economic debates, and we passed the bill out of the Finance Committee overwhelmingly on a bipartisan basis.

Today the Senate is going to have the opportunity to vote against a big tax increase—actually, a bunch of big

tax increases—that would slam our fragile economy hard and would punish innovators, punish our small businesses, punish homeowners who are underwater with their mortgages, punish returning veterans looking for jobs, and punish students and classroom teachers.

Colleagues, who here thinks it makes sense to tax innovation? That is what will happen if the tax extender bill fails to pass today. Who here thinks it makes sense to tax millions of hard-working homeowners who are underwater on their mortgages and were lucky enough to get a break from their lender? That is what will happen if the tax extender bill fails to pass today. Who here thinks it makes sense to make it more difficult for our employers to hire veterans? Colleagues, that is what will happen if the tax extender bill fails to pass today. And who here thinks it makes sense to sock college students already drowning in debt with even higher tuition bills? Once again, colleagues, that is what happens if the tax extender bill fails to pass today.

I am very much aware that this bill is not exactly what every Senator wants. Little secret: It is not my first choice either.

For years I have had the honor to work with my colleague from Indiana on comprehensive tax reform. We were joined by our former colleague Senator Gregg. Senator BEGICH has done good work. That has long been my first choice. When Chairman Baucus went to China, I realized it wouldn't be possible in the few months that remain in this session to enact comprehensive reform, and the Senate shouldn't hit our economy once again with immediate—I say, immediate—tax hikes as work goes forward on the broader reforms that Senator COATS and I feel so strongly about.

Senator HATCH and all the members of the Finance Committee worked cooperatively and helped produce a bipartisan tax extender bill. This is essentially the first piece of legislation on my watch as chair of the committee. The process was totally open. Every member of the Finance Committee had the opportunity to weigh in and offer proposals.

I want to just briefly describe some of the extraordinary bipartisanship that went into the bill that we will have an opportunity to vote on today. Senators SCHUMER and ROBERTS built on the good work of another bipartisan duo, Senator MORAN and Senator COONS, and improved the research and development credit to make it available to those startups out there in garages who have a dream. The research and development credit is essentially the premiere part of this legislation because we saw a need for those innovation-driven jobs. We have four Senators—two of them Democrats, two of them Republicans—in effect coming together to improve significantly the re-

search and development credit to ensure that it was available to even more of the startups—even more of those innovators—the ones just getting out of the gate. We know a lot of our big businesses started that way—the Microsofts, the Intels, and others.

Next Senator CARDIN and Senator PORTMAN added important provisions to help the long-term unemployed. We all understand that the nature of those who are unemployed has changed significantly in recent years. We have many more who are long-term unemployed Americans and we had two Senators—by the way, two Senators who started working in a bipartisan way when they were House members. I remember their good work on the Ways and Means Committee. They came up with a very promising approach to help the long-term unemployed. Senators HATCH, GRASSLEY, and ROBERTS—three Republicans—joined a whole host of Democrats in supporting conservation, which I know the distinguished Senator from Montana knows a great deal about. Senator Baucus had a long interest in it. What this measure does—again on a bipartisan basis—is protect open spaces and outdoor recreation businesses.

On the charity front, I heard my good friend from Indiana speak on this, and he has done wonderful work standing up for our charities. He and I and Senator THUNE feel so strongly about making sure charities get a fair shake in tax policy. I would say to my good friend, I am very pleased that there is a provision in what we will vote on today that would allow retirees who choose to use some of their IRA savings and give those IRA savings to charity. This legislation today would give a break to those retirees. In effect, as my friend and I have talked about, it is the IRA rollover concept to help our charities. That too is in this legislation and has long had bipartisan support.

I could go even further, but I will simply wrap up by saying that today the Senate has a chance to push back hard against big tax increases—tax increases that I have indicated punish everyone from innovators to classroom teachers and would hit our small businesses hard when the economy is so fragile. The Senate would have the opportunity today to push back against those immediate—immediate—tax increases, as well as future tax increases and to support the bipartisan work of the 24 members of this body who serve on the Finance Committee.

So I hope that my colleagues will see that even though this bill is not everything each Senator wants—and it is very fitting that my good friend from Indiana is on the floor because he knows that I strongly prefer the idea of comprehensive reform—it became clear to me that it wouldn't be possible to do that in the few short months before the

end of the year. So the question was, are we going to stop immediate tax hikes, which I hope the Senate will vote today to do, or are we just going to say we will sit by and watch Americans get hurt and in effect have a lot of Americans say, if the Senate can't do this, how are they possibly going to go on to the comprehensive tax reform that I and others would like to accomplish.

So I hope my colleagues will vote today to advance this bill, vote for cloture, vote to break the gridlock, vote to prevent a massive tax increase, and show that when a committee like the Senate Finance Committee comes together with almost a quarter of the Senate on an overwhelming basis, it can set an example for the Senate. I am so appreciative of Senator HATCH who has consistently met me half way. I, in effect, parachuted into this job as the new chair of the Finance Committee—when certainly I didn't expect it—and was fortunate to be received with the graciousness of Senator HATCH. This is essentially the first bill on my watch. We had an overwhelmingly bipartisan vote, and I hope my colleagues later this afternoon will vote to advance it.

With that Mr. President, I yield the floor.

Mr. COATS. Mr. President, I ask through the Chair, if the Senator from Oregon would be willing to enter into a dialogue with me.

I have a couple of questions, but I also want to respond to the efforts he has made in a bipartisan way so we were able to move forward with this comprehensive reform.

The PRESIDING OFFICER (Mr. BOOKER). The Chair recognizes the Senator from Indiana.

Without objection, it is so ordered.

Mr. COATS. First of all, it has been a delight to work with the Senator from Oregon. Comprehensive tax reform is not easy, and it has not happened in 25 years. This is not what we are talking about today. But we are setting the stage for that, and I think that is important.

I agree with the Senator from Oregon when he spoke about the bipartisan product that came out of committee. It has been negotiated, and Members of the committee had an opportunity to make adjustments and get their provisions looked at and voted on. Some provisions were voted down and some were voted up. Now it has moved to the Senate floor, and there are those of us who don't serve on that committee that have some suggestions as to how we think we can make the bill even better.

I laid out three provisions that I am interested in. One addition I have for the bill is a very simple piece of legislation that would give notice to charities that are being terminated from their 501(c)3 tax exempt status so they have a chance to rectify the error or

problem. I feel that is very sensible and totally relevant. Yet I am prohibited—unless the majority leader comes forward and allows us to offer amendments—from offering that specific provision.

We all know there are many good things in here we support. There are some provisions we might agree on and other provisions we don't support, but all we are asking for is the opportunity to enter into the procedure that the Senator and I have both enjoyed in the past so we can debate some of this on the floor.

Could the Senator give me an indication as to whether or not they have shut down the process of any additions, modifications or reforms to this bill that we can have a vote on?

I know the Senator knows this, but I have to say that obviously people are not going to get these higher taxes imposed on them tomorrow if we don't pass this today. These provisions will expire at the end of the year. The House is on a different path in terms of dealing with these issues. We are going to have to reconcile the differences.

The real issue doesn't take effect—I mean the concern doesn't take effect until the end of the year. So that gives us plenty of time to debate and talk about reforms as well as some constructive additions that I have mentioned.

I ask my friend from Oregon this. Would he be willing to encourage the majority leader to offer us that opportunity to make some relevant—and hopefully constructive—adjustments, even a limited amount, to the legislation so we feel we at least had the opportunity to represent the voices of the people we represent here in Washington?

Mr. WYDEN. First, I want to be clear on a couple of points. This idea that there really are not any immediate consequences—I know my friend from Indiana spends a lot of time talking to businesses, as I do, and these businesses are up in arms about the fact that the Senate cannot deal with this because it doesn't give them the certainty and predictability they need to go out and make those orders and hire those workers. As my friend knows, so many of those businesses make quarterly payments—April, June, et cetera.

I want my colleagues to understand that the idea that maybe this is going to get worked out at another time is not in anyone's best interest.

When you are home for this recess, walking down Main Street and talking to people who are going to pay those higher taxes and are not able to make those investments and hire those workers and make those decisions now, they are not going to be happy that the Senate said: Oh, we will see if maybe it will work out some other time or retroactive or something like that. They are making quarterly payments and decisions right now.

Second, the Senator from Indiana knows—because of our work—how much I want to do comprehensive reform. One of the reasons that Senator HATCH and I made the judgment together that we were going to focus on extenders is because these are provisions that have essentially already expired. I didn't get a chance to hear all of my friend's presentation, but I know, for example, that he cares a great deal about the medical device tax. I joined him in voting to repeal the medical device tax when we had a vote earlier. I think it has real implications, as I know my friend does, for innovation and for jobs.

It is not an extender. It is not in line with the framework that Senator HATCH and I agreed on a bipartisan basis to do now. We said: We are going to do extenders now. To tell you the truth, if we can get through the extenders, starting with a favorable vote today, it will give us even more time to do what my friend from Indiana is talking about both in terms of comprehensive reform and looking at other issues.

If, however, we can't deal with the extenders, the message is going to go out far and wide: How are they going to address comprehensive tax reform on the Senate floor when they couldn't even pass this legislation which got such overwhelming support in the Senate Finance Committee?

So I renew my pledge to work very closely with my colleague from Indiana and repeat that the idea that somehow everything is going to turn out fine down the road, I just don't buy that. In a fragile economy when businesses can't plan and don't have the certainty of knowing what the rules are going to be and when they are going to kick in, that affects business decisions today in a negative way. When people are making those quarterly payments, you better believe there are going to be small businesses, and others, very unhappy if we see a tax increase, which is what will happen today.

I have to apologize to my colleague from Indiana because I have to be somewhere else and I am late, but I will just close by saying that I know the sincerity of my colleague. That is why I mentioned that charitable provision that allows for the IRA rollover into charity. No one has done more good work advocating for charities during my time in public service than the distinguished Senator from Indiana. I simply wanted him to know that at least we were making a beginning in this legislation, and I am committed to working with him in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I appreciate the accolades from my partner in dealing with comprehensive tax reform. I appreciate and understand

where he is trying to come from. It is true that some of the amendments that have been proposed don't directly apply to the extenders, but they do apply to taxes, and they are sensible. If the majority leader would agree, we can limit it to those that directly apply to the extenders.

Look, everyone knows that even if the majority leader prevents us from having amendments, we are going to finish this bill by the end of next week—before the recess period. We are not talking about: Do it today or it is a “done forever” situation. This is going to be resolved in the Senate within the next several business days, probably moving into next week.

All we are really asking for is the opportunity to make some improvements to this. There are some Members who say: I can't vote for this bill because this piece that the committee has agreed to is so egregious, and it overwhelms all the good that I see in it. Others will simply say: Well, OK, sometimes you have to take the less good—perfect being the enemy of the good—because it is the only way we can get to a bipartisan position. So, yes, I will lean forward even though I object to this particular provision. But at least they can say: I had the opportunity to make the point to my colleagues as to why certain provisions are in there. I can ask: Why is something that is this egregious? This doesn't fit the model of what we are looking for in terms of growth and innovation and sensible tax policy. Let's put that to a vote.

In the end we will still have a bill that will either have it in or out, but we will have had the opportunity to debate it with our colleagues, and not just simply *carte blanche* say: Here is what we decided in committee. By doing that, nobody else will have an opportunity to have their input in a way that they think will make it better.

Let's put these issues up for a vote. Let's debate it on both sides so we can ask: How did it get in there? Why did it get in there? What good does it do? If they can't make the case, they lose the vote. If they make the case, they win the vote.

Isn't that what we are here for? Aren't we here to make our case and put it to a vote so the American people can look at it and say: At least I know how my Senator voted on this particular issue which is very important to me.

When we go home, we can either defend our vote successfully or we don't. If we don't, and enough people think we are on the wrong track, they have the opportunity to go to the polls and send somebody else in place of us.

What are my colleagues afraid of? Are they afraid of taking any kind of vote that someone back home might not think is the right thing to do?

We were sent here to exercise our best judgment, to represent the people

who sent us here, to stand up for their interests, and then to take the consequence at the next election—yea or nay. Either they will send us back or they will find someone else to stand here.

The gag rule imposed by the majority leader—not my friend from Oregon—simply says: You are in the minority. You didn't win the election; therefore, you have no rights.

Despite what the Senate has done for over 200 years, and despite what other Democratic leaders have honored in terms of the rights of the Senate, the majority leader is saying: I am shutting all of that off. You have no rights. You can't offer any amendments. You can't offer any improvements to this bill.

We were taught from the beginning—in terms of how laws are made—that it is a process, and the process is that everybody gets their input and then we decide what we want to support. If you can cobble together a majority for supporting your issue, you end up winning.

All of this will be determined here in the next week. A vote today in protest of our inability to be gagged and shut down by the majority leader doesn't mean we are opposed to good provisions that my colleague from Oregon has said have bipartisan and nearly unanimous consent.

The vote today is about whether we are going to have the opportunity to say and do anything to make this a better bill and allow us an opportunity to have our input. I listed three items here that I think directly relates to taxes. If the parliamentarian determines that those are not relevant to the particular bill, I will accept that even if I think they are relevant. My colleagues will also accept that. We are tailoring items we think will go directly to what the issue of the day is; yet we are not offered the opportunity to do anything about it.

I cannot understand why my Democratic colleagues can't see the injustice and unfairness of that. If they were in the minority, they would be standing where I am and basically making the same point. How can Republicans conceivably say: I have been elected here, but I have no way of representing the voice of the people who sent me here. I have no way of offering a means of improving this bill or taking on something that I find totally egregious, but I am willing to accept how the vote turns out. I am not necessarily trying to stop the bill from going forward, but I am trying to make it better.

I think if the shoe was on the other foot, my colleagues would simply say: That is not the way the Senate is supposed to work. That is not why I came here. I came here to be a participant. I didn't come here to be told by the majority leader that I have no right to offer a relevant amendment to legislation that is before us. It is a total

neuterization of the minority rights in a body that was conceived by our Founders—and a tradition that has been held for more than 200 years—to be a deliberative body. Deliberative doesn't mean the majority leader walks over from his office and says: You have no right to offer an amendment. We are taking that right away from you. Deliberative means we stand and talk to each other as we just did. It is pretty rare for two of us to be on the same page on comprehensive tax reform and probably on the extenders, but the two of us have the chance to go back and forth with each other.

I know the time has run out and it is time to call for a vote.

No one should mistake a vote against this as a vote against tax extenders. It could be a protest. I am not sure where we will end up, but it could be a protest vote on the basis of the fact that we want to have our rights honored. We want to be able to participate. We want to be able to go home and say: I had a chance to take your voice to the Senate and debate it. It was voted on. It either passed or it didn't pass, but I gave it everything I had. I don't want to go home and say: I didn't have a chance to even raise my voice on behalf of your voice and achieve any kind of debate, deliberation or vote on this amendment. That is not why we are sent here. My Democratic colleagues need to understand that continuing to support what the majority leader is doing impacts their rights and their people's rights as much as it does ours.

With that I know the time has expired and I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided before the cloture vote.

Mr. TESTER. I ask unanimous consent to yield back all time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. We yield back time as well.

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Rosemary Marquez, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Cory A. Booker, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Rosemary Marquez, of Arizona, to be United States District Judge for the District of Arizona, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. MANCHIN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), and the Senator from Nebraska (Mr. JOHANNIS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 35, as follows:

#### [Rollcall Vote No. 150 Ex.]

#### YEAS—58

Ayotte	Gillibrand	Murphy
Baldwin	Graham	Murray
Begich	Hagan	Nelson
Bennet	Harkin	Pryor
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Reid
Boxer	Hirono	Schatz
Brown	Johnson (SD)	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Stabenow
Carper	Klobuchar	Tester
Casey	Landrieu	Udall (CO)
Chambliss	Leahy	Udall (NM)
Collins	Markey	Walsh
Coons	McCain	Warner
Donnelly	McCaskill	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Flake	Mikulski	
Franken	Murkowski	

#### NAYS—35

Alexander	Grassley	Portman
Barrasso	Hatch	Risch
Blunt	Heller	Roberts
Coats	Hoeven	Rubio
Coburn	Inhofe	Scott
Cochran	Isakson	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Lee	Toomey
Cruz	McConnell	Vitter
Enzi	Moran	Wicker
Fischer	Paul	

#### NOT VOTING—7

Boozman	Levin	Sanders
Burr	Manchin	
Johannis	Rockefeller	

The PRESIDING OFFICER. On this vote the yeas are 58, the nays are 35. The motion is agreed to.



## EXECUTIVE SESSION

# NOMINATION OF ROSEMARY MARQUEZ TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. Cloture having been invoked, the clerk will report the nomination.

The legislative clerk read the nomination of Rosemary Marquez, of Arizona, to be United States Judge for the District of Arizona.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided.

The Senator from Oregon.

Mr. WYDEN. Mr. President, to use our time, my colleague from Indiana spoke earlier as though the cloture vote on the extenders determines whether the Senate will have any amendments to the extenders bill. That is not the case. A "yes" vote today is a vote to move the debate forward.

In that vein I simply want to announce that if cloture is invoked, I would be happy to work with Senator HATCH and the two leaders to develop an agreed-upon list of amendments, narrowly related to the bill that the Finance Committee did in its consideration of the bill in the committee.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I certainly want to thank my good friend, the chairman of the Finance Committee, for his observation. He is moving in the right direction. As everyone is clearly aware, the issue of not allowing amendments is a highly sensitive matter. The Senate has been changed dramatically in recent years.

The time to have a negotiation over amendments is before cloture is invoked, not after. If there is an indication on the other side that we are willing to have that negotiation, the time to do it is now because our experience postcloture with the ability to offer amendments has not been good, to put it mildly.

So I think the chairman of the Finance Committee is headed in the right direction. The timing is a little off. We would like to have this negotiation over amendments before cloture is invoked on the bill.

## CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Douglas L. Rayes, of Arizona, to be United

States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Cory A. Booker, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Douglas L. Rayes, of Arizona, to be United States District Judge for the District of Arizona shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from West Virginia (Mr. MANCHIN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from North Carolina (Mr. BURR).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 59, nays 35, as follows:

[Rollcall Vote No. 151 Ex.]

### YEAS—59

Ayotte	Graham	Murkowski
Baldwin	Hagan	Murphy
Begich	Harkin	Murray
Blumenthal	Heinrich	Nelson
Booker	Heitkamp	Pryor
Boxer	Hirono	Reed
Brown	Isakson	Reid
Cantwell	Johnson (SD)	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Chambliss	Landrieu	Tester
Collins	Leahy	Udall (CO)
Coons	Levin	Udall (NM)
Donnelly	Markey	Walsh
Durbin	McCain	Warner
Feinstein	McCaskill	Warren
Flake	Menendez	Whitehouse
Franken	Merkley	Wyden
Gillibrand	Mikulski	

### NAYS—35

Alexander	Grassley	Portman
Barrasso	Hatch	Risch
Blunt	Heller	Roberts
Coats	Hoeven	Rubio
Coburn	Inhofe	Scott
Cochran	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Lee	Toomey
Cruz	McConnell	Vitter
Enzi	Moran	Wicker
Fischer	Paul	

### NOT VOTING—6

Bennet	Burr	Rockefeller
Boozman	Manchin	Sanders

The PRESIDING OFFICER. On this vote the yeas are 59, the nays are 35. The motion is agreed to.

# NOMINATION OF DOUGLAS L. RAYES TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Douglas L. Rayes, of Arizona, to be United States District Judge for the District of Arizona.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided.

Mr. MCCAIN. I yield back the remainder of my time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of James Alan Soto, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey, Cory A. Booker.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of James Alan Soto, of Arizona, to be United States District Judge for the District of Arizona, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

The PRESIDING OFFICER. (Mr. KING). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 35, as follows:



[Rollcall Vote No. 152 Ex.]

## YEAS—61

Ayotte	Gillibrand	Murkowski
Baldwin	Graham	Murphy
Barrasso	Hagan	Murray
Begich	Harkin	Nelson
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Boxer	Isakson	Schatz
Brown	Johnson (SD)	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Stabenow
Carper	Klobuchar	Tester
Casey	Landrieu	Udall (CO)
Chambliss	Leahy	Udall (NM)
Collins	Levin	Walsh
Coons	Markey	Warner
Donnelly	McCain	Warren
Durbin	McCaskill	Whitehouse
Feinstein	Menendez	Wyden
Flake	Merkley	
Franken	Mikulski	

## NAYS—35

Alexander	Grassley	Portman
Blunt	Hatch	Risch
Burr	Heller	Roberts
Coats	Hoeven	Rubio
Coburn	Inhofe	Scott
Cochran	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Lee	Toomey
Cruz	McConnell	Vitter
Enzi	Moran	Wicker
Fischer	Paul	

## NOT VOTING—4

Boozman	Rockefeller
Manchin	Sanders

The PRESIDING OFFICER. On this vote the yeas are 61, the nays are 35. The motion is agreed to.

#### NOMINATION OF JAMES ALAN SOTO TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. Cloture having been invoked, the clerk will report the nomination.

The assistant bill clerk read the nomination of James Alan Soto, of Arizona, to be United States District Judge for the District of Arizona.

#### NOMINATION OF LESLIE RAGON CALDWELL TO BE AN ASSISTANT ATTORNEY GENERAL

#### NOMINATION OF HELEN MEAGHER LA LIME TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nominations, which the clerk will report.

The assistant bill clerk read the nominations of Leslie Ragon Caldwell, of New York, to be an Assistant Attorney General and Helen Meagher La Lime, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and

Plenipotentiary of the United States of America to the Republic of Angola.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that all time be yielded back on both nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VOTE ON CALDWELL NOMINATION

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Leslie Ragon Caldwell, of New York, to be an Assistant Attorney General?

The nomination was confirmed.

## VOTE ON LA LIME NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Helen Meagher La Lime, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1:45 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 1:45 p.m. and reassembled when called to order by the Presiding Officer (Mrs. MCCASKILL).

#### NOMINATION OF ROSEMARY MARQUEZ TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA—Continued

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the vote on the Marquez nomination.

Neither side yielding the time, the time will be equally divided.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Madam President, I ask unanimous consent that all time be yielded back.

Mrs. MCCASKILL. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Rosemary Marquez, of Arizona, to be United States District Judge for the District of Arizona?

Ms. HIRONO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER (Ms. HIRONO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 15, as follows:

[Rollcall Vote No. 153 Ex.]

## YEAS—81

Alexander	Gillibrand	Mikulski
Ayotte	Graham	Murkowski
Baldwin	Grassley	Murphy
Begich	Hagan	Murray
Bennet	Harkin	Nelson
Blumenthal	Hatch	Paul
Blunt	Heinrich	Portman
Booker	Heitkamp	Pryor
Boxer	Heller	Reed
Brown	Hirono	Reid
Cantwell	Hoeven	Sanders
Cardin	Johanns	Schatz
Carper	Johnson (SD)	Schumer
Casey	Johnson (WI)	Sessions
Chambliss	Kaine	Shaheen
Coats	King	Stabenow
Cochran	Kirk	Tester
Collins	Klobuchar	Thune
Coons	Landrieu	Toomey
Corker	Leahy	Udall (CO)
Cornyn	Levin	Udall (NM)
Donnelly	Markey	Walsh
Durbin	McCain	Warner
Feinstein	McCaskill	Warren
Fischer	McConnell	Whitehouse
Flake	Menendez	Wicker
Franken	Merkley	Wyden

## NAYS—15

Barrasso	Enzi	Roberts
Burr	Inhofe	Rubio
Coburn	Lee	Scott
Crapo	Moran	Shelby
Cruz	Risch	Vitter

## NOT VOTING—4

Boozman	Manchin
Isakson	Rockefeller

The nomination was confirmed.

#### NOMINATION OF DOUGLAS L. RAYES TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA—Continued

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Rayes nomination.

Who yields time?

Mr. PORTMAN. Madam President, we yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question occurs on the nomination.

Mr. PORTMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of

Douglas L. Rayes, of Arizona, to be United States District Judge for the District of Arizona?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 19, as follows:

[Rollcall Vote No. 154 Ex.]

#### YEAS—77

Alexander	Franken	Mikulski
Ayotte	Gillibrand	Murkowski
Baldwin	Graham	Murphy
Begich	Grassley	Murray
Bennet	Hagan	Nelson
Blumenthal	Harkin	Paul
Blunt	Hatch	Pryor
Booker	Heinrich	Reed
Boxer	Heitkamp	Reid
Brown	Heller	Sanders
Cantwell	Hirono	Schatz
Cardin	Hoeven	Schumer
Carper	Johnson (SD)	Sessions
Casey	Kaine	Shaheen
Chambliss	King	Stabenow
Coats	Kirk	Tester
Cochran	Klobuchar	Toomey
Collins	Landrieu	Udall (CO)
Coons	Leahy	Udall (NM)
Corker	Levin	Walsh
Cornyn	Markey	Warner
Donnelly	McCain	Warren
Durbin	McCaskill	Whitehouse
Feinstein	McConnell	Wicker
Fischer	Menendez	Wyden
Flake	Merkley	

#### NAYS—19

Barrasso	Johanns	Rubio
Burr	Johnson (WI)	Scott
Coburn	Lee	Shelby
Crapo	Moran	Thune
Cruz	Portman	Vitter
Enzi	Risch	
Inhofe	Roberts	

#### NOT VOTING—4

Boozman	Manchin
Isakson	Rockefeller

The nomination was confirmed.

### NOMINATION OF JAMES ALAN SOTO TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA—Continued

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Soto nomination.

Mr. LEAHY. Madam President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of James Alan Soto, of Arizona, to be United States District Judge for the District of Arizona?

Mr. BLUNT. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Georgia (Mr. ISAKSON), and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 155 Ex.]

#### YEAS—93

Alexander	Gillibrand	Murphy
Baldwin	Graham	Murray
Barrasso	Grassley	Nelson
Begich	Hagan	Paul
Bennet	Harkin	Portman
Blumenthal	Hatch	Pryor
Blunt	Heinrich	Reed
Booker	Heitkamp	Reid
Boxer	Heller	Risch
Brown	Hirono	Roberts
Burr	Hoeven	Rubio
Cantwell	Inhofe	Sanders
Cardin	Johanns	Schatz
Carper	Johnson (SD)	Schumer
Casey	Johnson (WI)	Scott
Chambliss	Kaine	Sessions
Coats	King	Shaheen
Cochran	Kirk	Shelby
Collins	Klobuchar	Stabenow
Cooms	Landrieu	Tester
Corker	Leahy	Thune
Cornyn	Lee	Toomey
Crapo	Levin	Udall (CO)
Cruz	Markey	Udall (NM)
Donnelly	McCain	Vitter
Durbin	McCaskill	Walsh
Enzi	McConnell	Warner
Feinstein	Menendez	Warren
Fischer	Merkley	Whitehouse
Flake	Mikulski	Wicker
Franken	Murkowski	Wyden

#### NAYS—1

Coburn

#### NOT VOTING—6

Ayotte	Isakson	Moran
Boozman	Manchin	Rockefeller

The nomination was confirmed.

### CLOTURE MOTION

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to the vote to invoke cloture on the Costa nomination.

Mr. REID. Madam President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The cloture motion having presented under rule XXII, the Chair directs the clerk to report the motion.

The assistant bill clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Gregg Jeffrey Costa, of Texas, to be United States Circuit Judge for the 5th Circuit.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Cory A. Booker, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the nomination of Gregg Jeffrey Costa, of Texas, to be the United States Circuit Judge for the Fifth Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Georgia (Mr. ISAKSON), and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. (Ms. WARREN.) Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 36, as follows:

[Rollcall Vote No. 156 Ex.]

#### YEAS—58

Baldwin	Gillibrand	Murray
Begich	Hagan	Nelson
Bennet	Harkin	Pryor
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Reid
Boxer	Hirono	Sanders
Brown	Johnson (SD)	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Landrieu	Tester
Collins	Leahy	Udall (CO)
Coons	Levin	Udall (NM)
Cornyn	Markey	Walsh
Cruz	McCaskill	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Flake	Murkowski	
Franken	Murphy	

#### NAYS—36

Alexander	Enzi	Kirk
Barrasso	Fischer	Lee
Blunt	Graham	McCain
Burr	Grassley	McConnell
Chambliss	Hatch	Paul
Coats	Heller	Portman
Coburn	Hoeven	Risch
Cochran	Inhofe	Roberts
Corker	Johanns	Rubio
Crapo	Johnson (WI)	Scott

Sessions  
Shelby

Thune  
Toomey

Vitter  
Wicker

## NOT VOTING—6

Ayotte  
Boozman

Isakson  
Manchin

Moran  
Rockefeller

The PRESIDING OFFICER. On the motion to invoke cloture on Gregg Jeffrey Costa, of Texas, to be United States Circuit Judge for the Fifth Circuit, the yeas are 58, the nays are 36. The motion is agreed to.

The Republican leader.

UNANIMOUS CONSENT REQUEST—H.R. 3474

Mr. MCCONNELL. Madam President, is the next vote in order on the underlying tax extender bill?

The PRESIDING OFFICER. The next vote will be on the motion to invoke cloture on amendment No. 3060 to the tax extenders bill.

Mr. MCCONNELL. Thank you, Madam President.

The American people actually need to know what is happening in their Senate. This body exists to ensure that the citizens of this country have a say in what our government does. The Senate is supposed to be the citadel of our democracy, the place where we guarantee that no one in the country is cut out of the legislative process. The whole purpose of this body is to make sure that nobody is left out or left behind.

Yet today we have a Democratic majority that has turned this body literally on its head. Instead of preserving the Senate's prerogatives, they have systematically weakened or destroyed them all together. They have turned the Senate into a graveyard of good ideas and open democratic debate.

It is a gag order on the American people we represent. Instead of robust, freewheeling debates about the important issues of the day, we get bizarre monologues about the Democrats' latest villain.

We get silly, shameful attacks on private citizens. So in one sense it is fitting that the majority leader announced today he wants to rewrite the Constitution. I mean, at least you have to give them marks for consistency.

They are already muzzling our constituents by blocking amendments, and now they want to muzzle them even more by changing the Bill of Rights. This is completely out of control.

Even if the Democratic majority doesn't like our ideas or those of our constituents, the answer isn't to take away their constitutionally guaranteed right to speak their minds. The answer isn't to shut down their representatives' ability to influence legislation through amendments. The answer, my friends, is to come up with better arguments. The answer is to actually convince people in a free and open marketplace of ideas that you are right.

Why are Washington Democrats so afraid of a free and open exchange of ideas? What are they afraid of? Do they have that little faith in the judgment

of the people we represent? Over the past few weeks we have seen just how scared our friends on the other side are of a free and open debate.

A big majority wants to repeal President Obama's medical device tax; 79 people in this body voted for it. They won't allow a vote on it.

The American people want to see a vote on the Keystone Pipeline. Most Senators say they want to vote on it too, but we are not allowed to vote on it.

We have a tax bill that Members on both sides want to improve and Members on both sides want to support. Yet we don't get a chance to amend it.

We should have certainty in our Tax Code instead of these endless expirations that only make it harder for people to prepare and for businesses to plan and to compete. They don't want to do that either. They are completely allergic—completely and totally allergic—to anything that is constructive.

What they are doing is muzzling the people of this country, a gag order on the people we were sent to the Senate to represent—all presumably to protect their power. This is really quite scandalous. The American people need to know what is happening in their Senate because this is bigger than any one bill. It is about protecting the right of the American people to have a say in what goes on in Washington.

We represent millions of people on this side of the aisle. They represent many of the people on their side of the aisle. I think there are something like 40 or so Democratic amendments pending to this bill—Democratic Senators who offered amendments to this bill who will not be heard.

This is all about protecting the one opportunity they have to shut us out. It is about a party that has become so afraid of losing its hold on power that they are willing to do just about anything to hold onto it—even if it means, as I said earlier, to try to amend the Bill of Rights.

We have a lot of smart people on the Democratic side, but I expect none of them are smarter than James Madison. Yet apparently they decided—after a couple of hundred years—Madison's work is not sufficient. They want to recommend we amend the Bill of Rights. What is before us today is not that; it is a tax extender bill.

Therefore, I ask unanimous consent that if cloture is invoked on Senate amendment No. 3060, the Wyden substitute, the amendment be considered original text for the purpose of amendment; and notwithstanding the provisions of rule XXII, it be in order for the Republican leader or his designee to offer the Toomey amendment related to the medical device tax, and that amendments then be offered in alternating fashion between the majority and the minority, with all amendments being related to tax policy.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Everyone listen. The selfpronounced guardian of gridlock just gave us his presentation. That is what the Republican leader calls himself, and that is a good name that he got for himself—the guardian of gridlock. That is what we have in the Senate. That is what we have had here for 5½ years. We have struggled through parts of it, but it has been difficult.

It is no surprise to me or to us that, of course, when something is said about the Koch brothers, there are people who run down to the floor to defend them. This time we have the Republican leader defending the Koch brothers.

What I talked about today is something so radical—listen to what it is—that we should have restrictions on how much money people can spend in political campaigns and not have the government purchased by the two richest people in America—the Koch brothers. So it is no surprise we have someone running to their rescue.

I would also suggest this. My friend, the Republican leader, wants a vote on Keystone. They had a vote. They wouldn't take it. As one of my Democratic Senators said, my friend the Republican leader is more interested in an issue than getting the pipeline done.

So here is where we are. The Republican leader has asked for alternating amendments. That is a buzzword for “we are going to continue our filibusters.”

The chairman of the Finance Committee, RON WYDEN, as the new chair—and we all have great expectations from RON WYDEN. He is an experienced legislator. He spent many years in the House, and now he is a veteran here in the Senate. He made a reasonable proposal—it was done before the world—saying: OK, you want amendments, let's do them in relation to this bill; that is, the tax extenders bill.

But I will go even a step further than that. First of all, everyone should understand that this is a bill which was done by the Finance Committee on a bipartisan basis. But if they are interested in more amendments, why don't we have Senator WYDEN and Senator HATCH see what they can come up with? And if that is good enough for me, it is good enough for my caucus.

I object.

The PRESIDING OFFICER. Objection is heard.

NOMINATION OF GREGG JEFFREY COSTA TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Gregg Jeffrey Costa, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

### CLOTURE MOTION

The PRESIDING OFFICER. The Senate will resume legislative session.

There is now 2 minutes of debate.

The Senator from Oregon.

Mr. WYDEN. Madam President, I said before that I am willing to debate and have votes on amendments related to tax extenders, and we heard Senator REID essentially extend the olive branch once more. That is exactly what Senator HATCH and I did on a bipartisan basis in the Finance Committee, and I am ready and willing to do that again in the full Senate. But the Senate can't do that if action on the tax extenders bill is blocked today.

So now the Senate has the opportunity to vote against a big tax increase—actually, a bunch of big tax increases—that would slam our fragile economy hard and would punish innovators, punish our small businesses, punish homeowners who are underwater on their mortgages, punish returning veterans looking for jobs, and punish students and classroom teachers.

Colleagues, who here thinks it makes sense to tax innovation? That is what is going to happen if the tax extenders bill fails to pass today. Who here thinks it makes sense—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WYDEN. Madam President, I urge that we not let students, veterans, homeowners, and innovators be hurt today. Let's vote for cloture this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I compliment the distinguished Senator from Oregon for the work, the wide-open work he did for the committee because we did have an open process, but we only comprise a little less than 25 percent of the Senate. To have a bill this important and be foreclosed from amendments I think makes the case for the minority leader and for this side.

I know there are many people on the other side who would like to have an open process, who would like to see amendments, who would like to have this be a real debating society from time to time rather than just have a slam-dunk type of approach to every-

thing. I have to say I think there are a lot of people who aren't on the Finance Committee who had no say at all on this bill and who might possibly want to participate in the process.

We have just had, time after time—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Time after time we have been foreclosed. It is time to end that and start acting as the U.S. Senate should act and allow both sides at least an opportunity to express their views and allow every Senator that opportunity, not just the ones on the Finance Committee.

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant bill clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 3060 to H.R. 3474, an act to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

Harry Reid, Ron Wyden, Angus S. King, Jr., Richard J. Durbin, Robert Menendez, Mark R. Warner, Benjamin L. Cardin, Robert P. Casey, Jr., Christopher A. Coons, Bill Nelson, Michael F. Bennet, Heidi Heitkamp, Barbara Boxer, Debbie Stabenow, Maria Cantwell, Charles E. Schumer, Thomas R. Carper.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3060 to H.R. 3474, an act to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr.

MORAN), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 40, as follows:

[Rollcall Vote No. 157 Leg.]

### YEAS—53

Baldwin	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Booker	Johnson (SD)	Sanders
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Kirk	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Landrieu	Tester
Casey	Leahy	Udall (CO)
Coons	Levin	Udall (NM)
Donnelly	Markey	Walsh
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden
Hagan	Murphy	

### NAYS—40

Alexander	Fischer	Paul
Barrasso	Flake	Portman
Blunt	Graham	Reid
Burr	Grassley	Risch
Chambliss	Hatch	Roberts
Coats	Heller	Rubio
Coburn	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Johanns	Shelby
Corker	Johnson (WI)	Thune
Cornyn	Lee	Toomey
Crapo	McCain	Wicker
Cruz	McConnell	
Enzi	Murkowski	

### NOT VOTING—7

Ayotte	Manchin	Vitter
Boozman	Moran	
Isakson	Rockefeller	

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 40.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I enter a motion to reconsider the vote by which cloture was not invoked on the substitute amendment.

The PRESIDING OFFICER. The motion is entered.

The majority leader.

Mr. REID. Madam President, would you repeat the vote?

Ms. WARREN. The vote was 53 in favor and 40 opposed.

Mr. REID. Madam President, once again the Republicans cannot take yes for an answer. They just voted against the second bipartisan bill in less than a week. It is hard to comprehend, but that is true.

But we have learned on the energy efficiency—with all the different agreements that were violated by the Republicans—we learned in the last 24 hours the reason for this. Scott Brown, who is running for the Senate—he is from Massachusetts but running for the Senate in New Hampshire—he asked the Republican caucus: Make sure you don't give SHAHEEN a victory on this.

So that is what it is all about on that bipartisan bill. That was a bill to conserve energy; 200,000 jobs—something really important for the country. They worked on it since last September.

Stunningly, my friend the Republican leader today is lamenting how things are going around here: Why won't they give us a vote on Keystone?

All he has to do is think back a couple days. They were offered an up-or-down vote on Keystone. They refused to take it. Talk about double-talk—triple-talk. And, of course—of course—whom do they come running to for help? The Koch brothers.

I was criticized for thinking that we should do something about this obscene campaign spending that is going on. And what, lo and behold, is the first suggestion they have that they want to do on tax extenders? They want to do something about ObamaCare. That is the only mention that is listed there—ObamaCare. Even though it has fallen significantly as an issue they are going to win anything on, that is part of their mindset.

Today the Republicans' excuse is they need to vote once again to roll back part of ObamaCare, just as I said. And I already went over the Scott Brown episode. So I wonder who called them today to tell them to kill this bill? Maybe Scott Brown has something to do with this also or maybe it is one of the other Republican candidates who are desiring to be in the Senate. No matter the excuse, Republicans continue to wage war against common sense.

This tax extenders bill was a bill that was hashed out in the Finance Committee. In the Finance Committee, they didn't allow anything except germane amendments—in the Finance Committee—because the plan was to bring that bill here and get it passed. It is a bill that is needed at this time. The business community needs it. Tax reports have to be filed, and until this bill passes, they are not going to be very good if you are a big business. If you take a bus or a subway—there is a subsidy in this bill for people who take buses and subways, public transportation—that is not going to pass. And sales tax deductions—lots of things that are just common sense. But my friend the Republican leader calls himself the guardian of gridlock—the guardian of gridlock—and I am not going to do a thing to take away that name he loves so much because it is true.

Now we will have the weekend to think about this, I guess. I think it is irrational to block these tax cuts—tax cuts. That is what just happened. The Republicans voted against tax cuts. So maybe the Republicans will hear from their friends down on K Street and around the country, and maybe they will learn that this is pretty important to everybody—not Democrats, not Republicans; it is important for our country.

My door is always open. I indicated that in my statement following the consent request of the Republican leader, but we have heard nothing.

I don't know how anyone could be more reasonable than Chairman WYDEN. They wanted amendments. He offered them amendments.

In the meantime, it should not be lost that Republican Senators are continuing their agenda by just saying no whether it is something as logical and as important as pay equity, so a woman doing the same job as a man gets the same amount of money; that was blocked. And this is an issue that is more than just something that takes place away from the maddening crowds. Look what happened, it appears, at the New York Times. The woman who ran that newspaper was fired yesterday. Why? It is now in the press. Because she complained she was doing the same work as men in two different jobs and made a lot less money than they did. That is why we need that legislation. My daughter should make as much money as a man who does the same work. What kind of example are we setting here when a woman who does the same work as a man doesn't get paid the same amount of money? The Republicans blocked that.

They even blocked raising the minimum wage. We have had Rick Santorum come out in favor of doing that, Mitt Romney, Jeb Bush, and they keep coming on every day, new people coming on to say the minimum wage should be increased—Republicans. But it doesn't matter. They are functioning here under the tutelage of the master of gridlock, the guardian of gridlock.

So as we go back to a few days after President Obama was elected, all the big shot Republicans came here and they came to two conclusions:

No. 1. We are going to do everything we can to make sure Obama is not re-elected.

And to the credit of my Republican friend, the Republican leader, he stated that on the Senate floor. He said: My No. 1 goal is to make sure Obama is not reelected.

That was a failure.

But what else did they say at that meeting? The way we are going to make sure that Obama is not reelected and to make sure the Democrats do not do that well—we are going to block everything.

That is what they have done, and here is an example of that right here again today.

No to energy conservation, no to pay equity, no to minimum wage, and now today a new one: no to tax cuts.

So I would hope that come November the American people would just say no to this gridlock we have here in Washington in the Senate.

The PRESIDING OFFICER. The Senator from Kansas.

#### VETERANS' HEALTH CARE

Mr. CORNYN. Madam President, the front page of yesterday's San Antonio Express News featured the heart-

breaking story of a former Army combat medic by the name of Anson Dale Richardson, a man from East Texas who did multiple tours in Vietnam and went on to work as a heavy equipment operator.

Last September Dale was diagnosed with a very serious form of throat cancer. His doctor says he told medical officials at the Department of Veterans Affairs to put Mr. Richardson on an immediate course of chemotherapy. What happened next is the sort of tragedy that is becoming all too familiar, with revelations from Veterans' Affairs clinics and hospitals around the country.

According to the Express News, after being told to start chemotherapy right away, Mr. Richardson waited to hear from the VA about his appointment. He waited and waited, but he never heard back. On November 4, Dale Richardson died.

We will never know whether he would have or could have survived cancer because he wasn't given that chance because he wasn't able to start the chemo treatments when his doctor first diagnosed him. But we do know that the Veterans' Administration's reported failure to give him any chemo treatments took away his one last hope of beating this terrible disease.

When he died, Dale left behind a wife named Carolyn. In an interview with the Express News, Carolyn Richardson said of her late husband, "I just wish he'd had a chance."

Dale Richardson's Austin-area doctor—the doctor who says he told VA officials that Mr. Richardson needed immediate chemotherapy—got in contact with my office to express his outrage and his tremendous sadness and anger and frustration at Mr. Richardson's death. In fact, the doctor said this episode was so disturbing that he is no longer accepting contract work from the Veterans' Administration. He also said that a VA physician personally told him: "The system is broken, and I'm glad I'm retiring."

Given all of the stories that have accumulated and those that seem to appear with every new edition of the daily newspapers—all the reports of veterans dying or suffering because of the long wait times, all the reports of appointment data being falsified, all the reports of VA employees participating in coverups—given all that, it seems painfully clear to me that the system is indeed broken and that the current VA leadership is unable or unwilling to do what is necessary to fix it.

With that in mind, I know that the Secretary of Veterans Affairs, Secretary Shinseki, testified today before the Veterans' Affairs Committee. I haven't yet had a chance to read the transcript of his testimony, but I am hoping he will have answered or will at some point answer these questions:

No. 1. Can you confirm, Secretary Shinseki, that supervisors of VA facilities have been ordering employees to conceal wait times?

I would like for him to answer this question: Secretary Shinseki, can you confirm whether VA cancer patients needing chemotherapy are being provided with treatment in a timely manner?

No. 3. Secretary Shinseki, can you confirm whether the VA is withholding all bonuses and pay raises from those employees who have been accused of falsifying appointment data?

No. 4. Secretary Shinseki, can you confirm whether VA facilities are preserving all appointment-related documents? In other words, can you assure the Congress and the American people that evidence is not being destroyed?

Finally, Secretary Shinseki, can you confirm whether all VA staffers at the facilities under investigation will not be assigned to investigate other VA facilities—a case of the fox perhaps watching the henhouse.

These questions go to the very heart of the VA's credibility or to the lack thereof. We have millions of veterans in this country and tens of millions more people who either know a veteran or are related to one, and I would like to think that all Americans, whether they know a veteran, whether they have a veteran as a family member, all Americans are united in our concerns with the way our veterans are being treated and join with us in our commitment to get to the bottom of this mess and figure out what went wrong and fix it. We all deserve answers, and we deserve them now.

If Secretary Shinseki cannot provide the necessary assurances, then it will become obvious that the VA is suffering from not only a systemic crisis of competence and accountability but from a systemic crisis of leadership as well.

I know everybody claims to be outraged by these news reports, by the steady stream of allegations, and yet I fear the Obama administration is not treating this with the kind of urgency it demands.

Remember, the administration has now spent more than \$4½ billion setting up the ObamaCare exchanges, and we remember what happened with the Web site that was the portal where people would sign up for these exchanges failed. It was all hands on deck. I commend the administration for its timely response to that problem, but by comparison, with the tragedies we are reading about in the newspapers about the 40 veterans who died in Phoenix while reportedly waiting for treatment at a VA clinic or hospital when put on a secret waiting list, I don't see that sense of urgency coming from the administration or from this Congress, for that matter.

I do commend Senator SANDERS and Senator BURR, the chair and ranking

member of the Veterans' Affairs Committee of the Senate, for having Secretary Shinseki and others here today so we can begin the process of peeling the layers of the onion so we can get to the truth.

I realize the administration has to balance competing priorities, but in my view there are few priorities more important than honoring our sacred promise to America's military heroes. I would hope we can all agree that even one story like Dale Richardson's is one too many. The time for happy talk and empty promises is long past. What our veterans deserve and need now is real accountability and reform and not this sort of "kick the can down the road" attitude that seems to pervade Washington but, rather, a real sense of urgency to get to the bottom of the problem and to fix it without any delay; otherwise, there will be more veterans who will be forced to suffer and possibly lose their life as Dale did because of the incompetence of the administration at the VA and the lack of leadership necessary to get to the bottom of this and get it on the right course.

I yield the floor.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from New York.

Mr. SCHUMER. Mr. President, after I speak, I ask unanimous consent my friend and colleague from Utah be given the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I thank him for letting me say a few words.

#### TAX EXTENDERS

I was listening to the debate between the majority leader and the minority leader, and I just wanted to be clear. The tax extender bill was negotiated very well by Senators WYDEN and HATCH, with many of us in the committee participating, and it was truly a bipartisan product. The ideas in there, I would probably say, were half Republican and half Democratic.

Senator HATCH made a very good point. He said that is only about 25 percent of the Senate. What about everybody else? If we have no amendments, no one else can legislate.

I want to clarify our offer. Senator MCCONNELL said amendments on the whole Tax Code should be allowed. That is no way to legislate. That goes the opposite way. The Finance Committee knows the Tax Code, and as a result they should get first crack at it; otherwise, we may as well not have a committee system. But we should allow amendments that are relevant or germane to the extenders. There were many extenders. Many Members who are not on the committee probably have many ideas about how to change those amendments—make them longer, make them shorter.

The House actually took three of our extenders and made them permanent. Maybe that is a debate our colleagues

on the other side of the aisle want to have, which would be a very legitimate debate, even though some people might say that costs too much or it leaves out some extenders, et cetera. Maybe some of them don't want to have certain extenders in the legislation. Knock them out or enrich them. All of these things are possible.

Instead of Senator MCCONNELL's offer—any amendment on the whole Tax Code—Senator WYDEN offered to Senator HATCH that the Republicans give us a list of amendments they propose, and then the two of them would sit down and negotiate that list. There will be Democratic amendments—I think there are 30 or 40 on Senator WYDEN's list—and Republican amendments on Senator HATCH's list. The two of them are outstanding legislators. They get along well, and we could come up with a list and actually move this bill with amendments. That is what I hope will happen over the weekend and on Tuesday we can move forward.

To me, the offer of Leader REID and Senator WYDEN makes eminent sense. It is how we used to legislate. We didn't lay it open for every amendment. When the committee chair and ranking member agreed on a bill—LAMAR ALEXANDER, my good friend from Tennessee, has reiterated this to me over and over—we would then go to the floor and the two of them would work it out, providing fairness to both sides of the aisle since each of them has the respect of their leadership.

Again, our offer is plain and simple: Show us your amendments, and we will show you our amendments. Let them be relevant and germane to the bill before us, which is tax extenders, and we will be very reasonable and accommodating so we can move the bill forward, pass it, and have a debate on improving it with amendments that come up on both sides.

With that, I thank my good friend from Utah for yielding the floor and letting me speak ahead of him.

I yield the floor to the Presiding Officer.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my dear friend from New York. I consider him one of the better Senators in the Senate and a dear friend and a person I have always been able to work with. He is tough—there is no question about that—but so am I, although nobody knows that.

I just want to speak for a few minutes on this extender package. It is a bipartisan bill. It took a lot of work to put it together. We had to bring everybody on the Finance Committee together, and that is about 25 percent of the Senate. We all had a chance to bring up amendments whether they were germane or not, which is the right of Senators. Sometimes we get some embarrassing amendments, but that is part of the charm of this body.

The fact is, if you just want to have germane amendments, that is not what the U.S. Senate stands for and that is not what the rules say. I don't blame anybody who wants to do that who is trying to push their bill, but let's not take away the rights of Members of the Senate. Let's not take away the right of debate we have always had on this floor that gives the Senate such charm and also allows everybody to participate and bring up whatever they feel is right.

Sometimes we have to call a halt to it. After days or weeks of debate on major bills, such as this one, the majority leader may want to end the debate because he feels as though it is enough. At that point—but not before—you can fill the parliamentary tree in order to get the agreement between the two sides to where there are just a few amendments left, but you don't do it by calling up a bill, filing cloture, accusing the other side of filibustering when there is no intention to filibuster, and then fill the parliamentary tree so you, as the majority leader, can determine the type of amendment and who does and who doesn't get an amendment. That is not the way this great Senate is supposed to operate. It is offensive, and it is starting to get to our side.

If we were in the majority and we did that to the Democrats, you folks would be so upset it wouldn't even be funny. I think it is time for us to start letting the Senate operate as it always has. We will get more done, and it will probably be better legislation than not, and frankly, every one of us will feel better about being Members of the Senate.

Let's be honest. The Republicans have been given nine amendments voted upon since last July in the greatest deliberative body in the world. That is just plain ridiculous and it is not right.

Let's take the House. The House is supposed to be more partisan. In the House you have a rules committee that is nine to four. Republicans have nine members and the Democrats have four members. They double the number in the majority party, plus one. They could stop anything from happening. In the House they have had well over 130 Democratic amendments since last July—if my recollection is correct on that, and I think it is—compared to nine in the greatest deliberative body in the world. Give me a break.

The fact is that is less than one amendment a month. You can imagine why our side is so upset about it, and then we get a bill as important as the extenders package. It is not \$100 billion, but it is about \$88 billion, as I recall. There are very important provisions in this bill. There are some I love and some I don't love too much, but we worked it out between the two parties and we each had our own ideas of what was right and what was wrong and we worked it out in a bipartisan way.

I want to personally pay tribute to the distinguished chairman of the committee, Senator WYDEN of Oregon. His leadership was very much acceptable, and it was easier to work out in the end because he was so open and realized we had some ideas too.

Our constituents put faith in us to make these decisions and the tough choices around here, and that means making them. A democracy functions because the rules allow it to function. The rules, in my opinion, have been bogged down with partisanship and protection effort rather than allowing the Senate to work its will. This is not how a real representative Republic functions.

I think we have to find a reasonable way forward. I intend to work hard to find that reasonable way. I think we have to find a way that both Democrats and Republicans can have their voices heard.

When we marked up this bill, it was a fair and open process. Both sides had their opportunity to bring up the amendments they wanted, and that is why we came up with a bill that is as acceptable as this one is. We had an open amendment process in committee, and it should be that way here too. This bill passed on a voice vote out of the committee. It took a lot of effort on the part of Senator WYDEN, the chairman, myself, and everybody else on the committee, but we were able to do that.

It is important that the American people know why this disagreement occurred today. The only procedural possibility that the Republicans had was to vote against cloture and to make it very clear that we don't like the way the Senate is being run today. We don't think it is fair, and we don't think it is right. It has nothing to do with policy. It has to do with how we proceed, and frankly I think a message was sent today.

It is unconscionable to me that Members on both sides, Republicans and Democrats, do not have an opportunity to offer their amendments. I might add, it is nice for the majority to say, well, we only want the germane amendments, but I never heard that when they were in the minority. They wanted every nongermane amendment they could get that might embarrass Republicans. I personally don't like to see that very much, but it is a right that has always existed in the Senate, and it should not be taken away and it should not be dismissed by rote.

I am going to do my very best, in a bipartisan way with Senator WYDEN, to work out this impasse, but it is going to have to be fair and Republicans are going to have to have a fair shot at having some amendments.

I hope we get rid of this process of calling up a bill and immediately filing cloture because they think Republicans are going to filibuster when there was

no intention to filibuster and then filling the parliamentary tree to foreclose any amendments unless the majority leader approves. Come on. That is not the way the Senate should run.

Frankly, yes, it is a little unwieldy sometimes. Sometimes it doesn't run smoothly, but that is one of the charming things about the Senate, and it is one of the things that will bring us together if we can occasionally recognize that we have different points of view. The Republicans are more conservative, there is no question about that, and the Democrats are more liberal, there is no question about that. Actually, I find that to be probably a good thing in many ways because both sides have to try to work it out. But we can't work it out if we can't call up amendments and if it is a stilted process that is determined only by the majority leader.

I am going to do everything in my power to get this resolved. I have already chatted with Senator WYDEN, the chairman of the committee. He says he is going to do the same, and I know that is true. He is an honorable man. We are going to see if we can come up with a way to bring both sides together so we can pass this bill, and hopefully it will be an example of what we can do if we are willing to work together.

We have to get rid of these procedural approaches on every bill. Sometimes it is appropriate to use any procedure we want to on some bills that should not see the light of day. This is not one of those. This is a bill that has to see the light of day. This is a bill that will make a difference in this country. This is a bill that virtually everybody in this body wants, to a more or less degree, and some want it very much. This is a bill that really needs to pass. This is a bill that, hopefully, when the House passes their bill, we can get together in a conference and work it out, as big boys and girls should.

What we have been going through here now for 4 years, really, has been a disgrace. I think it is time to end the disgrace and get all of us working together, not necessarily in agreement—sometimes we have to fight things out—but working together in a way that is fair to both sides.

So far, our side feels it hasn't been fair to the Republican side. There has been too much assertion of power in the wrong way, in derivation of the rules. It started long ago, but it really came to a full culmination when the majority broke the rules to change the rules. One reason they were able to do that is because many on the other side have never been in the minority in the Senate. I will do my part to see that my friends on the other side have that wonderful experience because then they will understand why these rules are made to begin with.

The filibuster rule in particular was formulated because they couldn't get



anything done in the Senate, and it was a way of invoking cloture and ending debate so they could get the matter over with. It has worked amazingly well in spite of the fact that from time to time we couldn't get bills through that we wanted to get through. There was a reason for that rule, and to break the rules to change the rules was the wrong thing to do to begin with. It has caused a lot of bitterness on the floor.

I have heard some Republicans saying: Let's stick it to them. I am not going to allow that to happen. I hope the same is true on the other side because I have heard some of the Democrats are saying: Let's stick it to them with some special amendments.

Let's try to get this done in a way that is meaningful. Let's try to get it done in the best interests of the American people. Let's try to get it done so that all of us can hold our heads high and say we did our best. If we do that, I think we will have a new day in the Senate that literally will work in the best interests of everyone. I don't want my side treating the Democrats the way we have been treated. I just don't think it is right. I don't think it is fair. I think it is a big mistake.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HEITKAMP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL POLICE WEEK

Ms. HEITKAMP. Mr. President, today I wish to honor and pay tribute to our men and women who serve this country every day as America's peace officers. This week is National Police Week. Back in 1962, President Kennedy designated May 15 as Peace Officers Memorial Day.

This is the day we take pause and thank those peace officers who help us every day to keep our families safe, and keep our streets safe, and keep law and order so that we can live the lives we live in the United States of America.

Our law officers wake up every morning and put on a uniform to show us they are with us. It is a symbol they wear proudly and we look up to. They are here to protect our communities, our families, and, in fact, every one of us. That is a tall order. They frequently place themselves in dangerous situations.

Every day perhaps a wife, perhaps a child, perhaps a mother or whoever is in their family watches them walk out the door and wonders: Will they return safely?

Few among us know what that is—what it is to make a life-and-death decision, to put your life on the line

every day as you are working on behalf of the people of your community and the people of your country.

Today is also a day where we pay tribute to those officers who have made the ultimate sacrifice in the line of duty, those men and women who swore an oath to serve and protect their communities and, in the course of doing so, lost their lives.

This afternoon I attended the National Peace Officers' Memorial Service on the lawn outside the Capitol. Just as we paid tribute to our fallen officers there, I wish to do the same on the Senate floor.

These men and women take their duties to serve and protect very seriously, and they make this Nation, as a result, a better place for all of us.

When I served as North Dakota's attorney general in the 1990's I had the privilege and, in fact, the honor to work side-by-side with the men and women of our State's law enforcement community. They were highway patrolmen, State and local officers, various Federal officers, and tribal police. It was a job that I truly began to appreciate—the job of law enforcement—that hard work they engage in to serve our State. I can say without a doubt they were the finest public servants I have ever had the honor to stand side by side with.

During that time I also experienced the absolute heartbreak of losing officers in the line of duty. Today I want to recognize two of those officers.

They are Deputy Sheriff Valence LeeWayne Pascal from the Benson County Sheriff's Office: On August 26, 1993, Deputy Pascal executed a warrant for an arrest in Leeds, ND. He took the individual into custody for failure to appear in court on a DUI charge, a fairly routine practice for a deputy sheriff. While the deputy was sitting in the front seat of his patrol car, the individual in the back seat leaned forward and shot him. He died the next day, August 27, 1993.

And I also want to recognize Senior Patrol Officer Keith Allen Braddock of the Watford City Police Department. Responding to a call over an enraged patron at a local bar in Watford City, Officer Braddock arrived on the scene when the man returned with two rifles and opened fire on Officer Braddock. Despite being wounded, Officer Braddock returned fire, hitting the man in the leg and preventing any further casualties. He succumbed to his wounds at the scene and died early that morning on March 20, 1996.

When I became attorney general, I formed a lasting bond with those officers, remembering never to forget. As I stood in that leadership role at funerals and at services, watching the parade of police officers, sheriffs' departments, and deputies pay their respect, I told myself: Remember, never forget. Never forget that they had families,

that these two officers had someone in their lives who mattered to them. The children's parents will never see them walk the aisle. Those children will never see their parents be grandparents. Yet this in the line of duty.

Today is a special day in this Capital City. It is a special day across America when literally thousands of law enforcement officers gather at memorial walls with names on them, similar to the one that is on the capitol grounds in North Dakota, and where people gather to remember how truly grateful we should all be for the people who stand on the line. They protect our freedom, they protect our safety, and some of them don't make it home as a result.

I believe that we owe all of the men and women who have sacrificed a great debt of gratitude, and today I bring my voice to express my appreciation for and remembrance of the wonderful people of America's law enforcement community.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

#### CLOTURE MOTION WITHDRAWN—H.R. 3474

Mr. REID. I ask unanimous consent that the cloture motion with respect to H.R. 3474 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF DAVID JEREMIAH BARRON TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 576.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit.

#### CLOTURE MOTION

Mr. REID. Madam President, I understand there is a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.



The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit.

Harry Reid, Patrick J. Leahy, Mazie Hirono, Dianne Feinstein, Al Franken, Amy Klobuchar, Sheldon Whitehouse, Tom Harkin, Barbara Boxer, Richard Blumenthal, Elizabeth Warren, Debbie Stabenow, Edward J. Markey, Richard J. Durbin, Carl Levin, Charles E. Schumer, Patty Murray.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. REID. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO TERRANCE W. GAINER

Mr. REID. Madam President, I rise today to recognize the extraordinary work of the Senate Sergeant at Arms Terrance W. Gainer, who is retiring after a distinguished 47-year career in public service.

Mr. Gainer, whom many of us still call "Chief," was sworn in as the 38th U.S. Senate Sergeant at Arms in January 2007, continuing a distinguished career in law enforcement.

As the chief law enforcement and executive officer of the Senate, Mr. Gainer, successfully and—always with great respect for our institution—enforced the rules of the Senate, maintained security in the Capitol and Senate office buildings, and provided important services to Senators in our Washington, DC and State offices.

Mr. Gainer led a force of approximately 850 personnel, many of whom he knew personally, as he often visited their offices. Mr. Gainer always took the time to write personal notes to his employees during important milestones or events in their lives. He always was quick to pick up the phone to provide words of encouragement to employees who were in the hospital or

condolences to those who lost a family member. His compassion is unwavering.

Mr. Gainer met challenges head-on during his leadership. Faced with government cutbacks and sequestration, Mr. Gainer guided the first major right-sizing of the Sergeant at Arms organization in many years. Through a combination of operational efficiency and reorganization, Mr. Gainer reduced the SAA's total budget by more than 11 percent over 4 years and reduced the number of employees by 100. At the same time, service outputs increased, and customer and employee satisfaction remained extremely high.

Mr. Gainer could be seen each year, donning a green necktie as he escorted the Prime Minister of Ireland around the Capitol on St. Patrick's Day, before celebrating his wife Irene's birthday that night—a fitting tribute to his Irish Catholic roots. He also considered his time spent with the Dalai Lama in the course of his job as very special.

Mr. Gainer greeted many visitors from around the world in his office that overlooks the west front of the Capitol, down the National Mall to the Washington Monument. He often relayed the story about putting a Chicago Cubs sticker in his office before a visit from President Obama, who is known to be a Chicago White Sox fan. The office, after all, is that of the Sergeant at Arms, he would remind the U.S. Secret Service agents with a grin.

While escorting the President during the annual State of the Union address, those who know Mr. Gainer best would recognize the tug of the ear or adjusting of his tie as a sign to his grandchildren watching from home.

Mr. Gainer, who grew up in a family of 10 siblings, began his law enforcement career as a police officer in the Chicago Police Department and rose through the ranks, including many years as an experienced homicide detective. An accomplished attorney, Mr. Gainer served as chief legal officer of that department before he entered the Illinois State government as deputy inspector general and deputy director of the Illinois State Police. He served at the U.S. Department of Transportation as Special Assistant to the Secretary before being appointed as Director of the Illinois State Police.

In 1998, Mr. Gainer moved to Washington, DC, where he served as executive assistant chief of police for the Metropolitan Police Department, and 4 years later was selected to be the Chief of the U.S. Capitol Police. He then entered the private sector as a chief executive officer responsible for a multi-million dollar innovative law enforcement program supporting military operations in Iraq and Afghanistan. The following year, the U.S. Senate appointed Mr. Gainer as the Senate Sergeant at Arms.

His tenure in law enforcement in DC included the horrific fatal shootings of

two Capitol police officers, the September 11 attack on the Pentagon, the discovery of anthrax and ricin in Senate mailrooms, and mass evacuations triggered by aircraft straying into restricted airspace. As second-in-charge of the Washington Metropolitan Police Department, as Chief of Capitol Police, and as Sergeant at Arms, he spearheaded security during four Presidential inaugurations, including the historic swearing in of the first African-American President.

While serving as Sergeant at Arms, Mr. Gainer was appointed a Commissioner on the Independent Commission on the Security Forces of Iraq, charged with conducting an independent assessment of the Iraqi Security Forces and reporting the findings to Congress. He also served with the Special Envoy for Middle East Regional Security, which was created to advance the resolution of the Israeli-Palestinian dispute by assisting in strengthening security institutions.

Mr. Gainer served annually on the Blue Mass Committee, responsible for organizing the Blue Mass Service, which is held at St. Patrick's Catholic Church in Washington, DC, to pray for those in law enforcement and fire safety, remember those who have fallen, and support those who serve.

Born in Chicago, Mr. Gainer, the son of a milkman and a homemaker, is a decorated veteran who served in Vietnam and retired as a captain in the United States Navy Reserve. His degrees include a bachelor's degree in sociology, a master of science in management, a juris doctor degree, and an honorary doctorate of humane letters. He is married and has six children and 14 grandchildren. Of all his accomplishments, Mr. Gainer would tell you that his family is his greatest accomplishment of all.

Congratulations on your retirement from public service and we wish you the very best in your future.

#### REMEMBERING CAROL REITAN

Mr. DURBIN. Madam President, if you drive into the charming, walkable town center of Normal, IL—yes, the town of Normal—you will see the beautiful Carol A. Reitan Conference Center. Who was Carol Reitan?

Carol was the mayor of the Town of Normal from 1972 to 1976. For those of you who have been to Normal recently, you will note what a forward-thinking community it is—with a vibrant town center, a state university, an auto plant, and a high quality of life.

It is a twin city with its slightly larger neighbor, Bloomington, which is home to State Farm Insurance and Illinois Wesleyan University, among so many other things. The area around Bloomington-Normal is some of the best farmland in the country.

Carol Reitan, who was an early and effective community leader, passed

away this week at the age of 83. But her legacy can be seen everywhere—in the people she helped and the community she served and helped prosper.

Carol was ahead of her time, both as the first and only female mayor of Normal and because of her foresight as a community leader. If you talk to her friends in Central Illinois, you will quickly pick up on a common set of phrases—a visionary, a mentor, and a leader ahead of her time. I knew Carol, and those descriptions are all true—and just the tip of the iceberg.

Her accomplishments and dedication to public service are vast and long-lasting—and certainly didn't end after her service as mayor. As mayor of Normal from 1972 to 1976 she first introduced a city-manager style of government. She was the cofounder and president of Collaborative Solutions, a nonprofit providing counseling and mediation services for at-risk youth and adults. She played leadership roles in establishing the Heartland Theater Company, Habitat for Humanity of McLean County, and the Community Foundation of McLean County. She helped with the development of the domestic violence shelter Neville House, and she served as director and chief executive of Mid Central Community Action.

Her work earned many awards, including the Normal Chamber of Commerce Citizen of the Year in 1987, the Martin Luther King Jr. Award in 1987, and a McLean County History Maker award by the McLean County Museum of History in 2014.

Carol and her husband Earl were also early visionaries when it came to the environment, starting Operation Recycle and building a solar powered home together, and she was an early supporter of the town's electric vehicle initiative. In Normal, you can use any number of public charging stations to charge your electric car. In fact, when you look at the growing network of charging stations around the country, one of the most important is in Normal. That is no accident.

In 1990, Carol was appointed to the town's 2015 Commission, which was to consider goals for the next 25 years. A further stroll around the vibrant town shows the results—a children's museum, a multimodal transportation center that includes high-speed rail from Chicago, historic movie theater, shops, restaurants, a library, and a new hotel and conference center—all adjacent to Illinois State University.

I met Carol many times over the decades and was always impressed with her many gifts that she gave back to the community. She was a leader. When she walked into a room, you could feel her leadership and presence. When I first ran for office in 1978 for Illinois Lieutenant Governor, she was making her second attempt to win an Illinois State senate seat at the same time. We both lost those races. And in

1996, when I first ran for the U.S. Senate, she was an early supporter. I will never forget her faith in my candidacy.

Some on my staff have equally warm memories of Carol while growing up in Normal. One in particular is that she made a point of working with those who defeated her in her attempts to win a seat in the Illinois State Senate. We could use a bit of that role model here in the Congress today.

Perhaps current Normal city manager Mark Peterson said it best as reported by Central Illinois radio station WJBC, noting:

She was a visionary, probably born before her time because she was thinking about things 20 and 30 years ago that are happening in Normal now. . . . She had an impact on this community—and I use that term broadly—Bloomington, Normal and McLean County. . . . Few others have had that ability and few others could rival.

Central Illinois has lost someone truly special this week. My prayers and thoughts go out to her husband Earl, daughter Julie, and son Tom.

#### REMEMBERING SHERRY ADKINS

Mr. HATCH. Madam President, I am grateful for this opportunity today to pay tribute to a truly extraordinary woman—Sherry Adkins. Sadly, Sherry passed away on May 13, 2014.

I had the wonderful opportunity of working with Sherry for 37 years. She first came to work with me as my legal secretary when I was in private practice as an attorney. When I took office, she began working in my Utah Senate office and brought the same dedication and hard work ethic she had displayed in a demanding legal office. Throughout our years of working together I was always so impressed with Sherry's utmost attention to detail and accuracy, and her keen mind and abilities. In fact, I still miss her taking dictation today. Her fingers could really fly, and she always got it right. It was a true talent that has sadly been lost in today's computer world.

Sherry spent many years as a constituent service representative in my State office, helping hundreds if not thousands of Utahns with problems they faced while working with several Federal Government agencies. She specialized in helping people with cases involving such agencies as the Social Security Administration, the IRS, the Office of Personnel Management, OPM, and many others. She always displayed deep concern for the challenges people faced, and worked long and hard to help individuals in my behalf. In fact, she developed lasting friendships with some of the people she had assisted and they continued to visit her for many years.

Sherry always went above and beyond the call of duty. While I was serving as the chairman of the Senate Labor and Human Resources Com-

mittee, which dealt in part with issues of alcohol prevention and treatment, Sherry and her husband Bruce obtained their drug counseling certificate. She spent many hours working with individuals struggling with the powers of addiction, and even became the choir director for the Utah Odyssey House, a residential substance abuse treatment facility. She touched many lives through her advocacy, support, and talents.

As a former member of the Mormon Tabernacle Choir, she absolutely loved music. She always generously shared her talents not only as a beautiful singer—but she also played the organ weekly for her local ward or church congregation.

Sherry's work and service was very important to her—but her family always came first. She absolutely loved her family. She was married to Bruce for 54 years, and they are the proud parents of Michael, Gary, and Marianne; and grandparents to four grand-children and four great-grand-children. When it came time for Sherry to retire from the U.S. Senate, Sherry and Bruce moved to Alaska to be with their daughter and in the end were living in Colorado to be closer to their son and grand-daughter. Sherry and Bruce had a great partnership and they were very supportive of each other and their endeavors.

I am sincerely grateful for the opportunity I had to work with and know Sherry Adkins. Her loyalty, dedication, and sincere belief in public service were so appreciated. I wholeheartedly agree with the simple narrative another former staff member used when describing Sherry: "She was a gem."

Elaine and I extend our deepest sympathies to Bruce and their family members. May they find peace and comfort in the cherished memories they have shared with this great lady.

#### POLICE WEEK

Mr. PRYOR. Madam President, back in 1962, President John F. Kennedy signed a proclamation designating the week of May 15 as National Police Week. Since then, law enforcement officials from all across our country have gathered together to honor to those killed in the line of duty.

As part of National Police Week, today representatives of law enforcement agencies will gather at the U.S. Capitol for the 33rd Annual National Peace Officers' Memorial Service. I join our State in honoring the life and service of the Arkansans who last year paid the ultimate sacrifice:

Conway Police Officer William Michael McGary, Sebastian County Deputy Sheriff Terry Wayne Johnson, Fifth Judicial District Drug Task Force Coordinator Larry D. Johnson, Faulkner County Deputy Sheriff Hans J. Fifer, Wildlife Officer Joel Lee

Campora, and Scott County Sheriff Cody Don Carpenter.

We can never thank our law enforcement officials enough for all they have done for us and our families, but we will always remember them and their loved ones in our thoughts and prayers.

To the families of Michael McGary, Terry Wayne Johnson, Larry D. Johnson, Hans J. Fifer, Joel Lee Campora, and Cody Don Carpenter, thank you for sharing these heroes with the world. To the Conway Police Department, Sebastian County Sheriff's Department, Fifth Judicial Drug Task Force, Faulkner County Sheriff's Department, Arkansas Department of Game and Fish, and Scott County Sheriff's Office, thank you for ensuring their legacies live on.

#### ADDITIONAL STATEMENTS

##### RINGGOLD COUNTY, IOWA

• Mr. HARKIN. Madam President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State, and it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Ringgold County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Ringgold County worth over \$448,000 and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$6.3 million to the local economy.

Of course my favorite memory of working together has to be working to secure \$264,000 for community wellness activities to improve nutrition, physical activity, workplace wellness and smoking cessation.

Among the highlights:

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Ringgold County has recognized this important issue by securing \$264,000 for community wellness activities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Ringgold County has received \$412,742 in Harkin grants. Similarly, schools in Ringgold County have received funds that I designated for Iowa Star Schools for technology totaling \$25,000.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Ringgold County has received more than \$1.4 million from a variety of farm bill programs.

Disability Rights: Growing up, I loved and admired my brother Frank, who was deaf, but I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly one-quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed-captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Ringgold County, both those with and without disabilities, and they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Ringgold County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Ringgold County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

##### LINN COUNTY, IOWA

• Mr. HARKIN. Madam President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State, and it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big

difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Linn County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Linn County worth over \$400 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$600 million to the local economy.

Of course my favorite memories of working together have to include our work together to build a community health center, working to rebuild after disastrous flooding in 2008, funding and relocating the Cedar Rapids Courthouse, improving the Eastern Iowa Airport, improving Edgewood Road, building a major intermodal facility, and funding job creating national defense projects at Rockwell Collins, PMX, and Intermec.

Among the highlights:

Investing in Iowa's economic development through targeted community projects: In Eastern Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Linn County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole ripple effect of positive, creative changes. For example, working with mayors, city council members, and local economic development officials in Linn County, I have fought for \$182 million to rebuild the courthouse, \$60 million to improve the Eastern Iowa Airport, \$4 million for improvements to Edgewood Road, almost \$5 million for the Cedar Rapids intermodal facility, and \$170 million for creating national defense projects in Cedar Rapids at Rockwell Collins, PMX, and Intermec, helping to create jobs and expand economic opportunities.

Main Street Iowa: One of the greatest challenges we face—in Iowa and all across America—is preserving the character and vitality of our small towns and rural communities. This isn't just about economics. It is also about maintaining our identity as Iowans.

Main Street Iowa helps preserve Iowa's heart and soul by providing funds to revitalize downtown business districts. This program has allowed towns like Central City, Mount Vernon, and Cedar Rapids to use that money to leverage other investments to jumpstart change and renewal. I am so pleased that Linn County has earned \$256,000 through this program. These

grants build much more than buildings. They build up the spirit and morale of people in our small towns and local communities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Linn County has received \$11,840,759 in Harkin grants. Similarly, schools in Linn County have received funds that I designated for Iowa Star Schools for technology totaling \$627,432.

Disaster mitigation and prevention: In 1993, when historic floods ripped through Iowa, it became clear to me that the national emergency response infrastructure was woefully inadequate to meet the needs of Iowans in flood-ravaged communities. I went to work dramatically expanding the Federal Emergency Management Agency's hazard mitigation program, which helps communities reduce the loss of life and property due to natural disasters and enables mitigation measures to be implemented during the immediate recovery period. Disaster relief means more than helping people and businesses get back on their feet after a disaster, it means doing our best to prevent the same predictable flood or other catastrophe from recurring in the future. The hazard mitigation program that I helped create in 1993 provided critical support to Iowa communities impacted by the devastating floods of 2008. Linn County has received over \$12 billion to remediate and prevent widespread destruction from natural disasters.

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These

efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Linn County has recognized this important issue by securing more than \$750,000 for the community health center and over \$284,000 in wellness grants.

Disability Rights: Growing up, I loved and admired my brother Frank, who was deaf, but I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly one-quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Linn County, both those with and without disabilities, and they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Linn County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Linn County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### TAYLOR COUNTY, IOWA

● Mr. HARKIN. Madam President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State, and it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my

final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Taylor County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to successfully acquire financial assistance from programs I have fought hard to support, which have provided more than \$3.8 million to the local economy.

Of course my favorite memory of working together has to be their many successes in taking advantage of farm bill and Housing and Urban Development funding for a variety of projects, including the construction of the new Cox Manufacturing Company facility, to purchase new machinery and equipment for the city, and to help create affordable housing for area residents.

Among the highlights:

**Main Street Iowa:** One of the greatest challenges we face—in Iowa and all across America—is preserving the character and vitality of our small towns and rural communities. This isn't just about economics. It is also about maintaining our identity as Iowans.

**Main Street Iowa** helps preserve Iowa's heart and soul by providing funds to revitalize downtown business districts. This program has allowed towns like Bedford to use that money to leverage other investments to jumpstart change and renewal. I am so pleased that Taylor County has earned \$40,000 through this program. These grants build much more than buildings. They build up the spirit and morale of people in our small towns and local communities.

**School grants:** Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and

private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Taylor County has received \$368,950 in Harkin grants. Similarly, schools in Taylor County have received funds that I designated for Iowa Star Schools for technology totaling \$25,000.

**Agricultural and rural development:** Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Taylor County has received more than \$2.3 million from a variety of farm bill programs.

**Wellness and health care:** Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Taylor County has recognized this important issue by securing \$63,000 for community wellness improvements.

**Disability Rights:** Growing up, I loved and admired my brother Frank, who was deaf, but I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly one quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb

cuts or closed-captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Taylor County, both those with and without disabilities, and they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Taylor County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Taylor County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### RECOGNIZING BLUE WATER TECHNOLOGIES

● **Mr. RISCH.** Madam President, there are countless modern conveniences we take for granted. Paramount among those is the easy availability of clean water. Sanitation has been the single biggest factor in the doubling of life expectancy over the last 200 years. Most water we use comes from municipal systems, and those systems in turn rely on manufacturers to provide the filtration and treatment technology necessary for one of life's building blocks. I rise today in honor of one company whose contribution has aided in our continued supply of water—Hayden, Idaho's Blue Water Technologies.

Blue Water Technologies began in 2003 as a commercialized extension of an idea that was developed at the University of Idaho. After 5 years of research, the university developed the Blue PRO system, a better way to remove arsenic from drinking water and phosphorous from wastewater. From there Blue Water Technologies licensed the patent-pending process from the University and began several pilot projects. As their reputation grew, Blue Water Technologies earned a grant from the Environmental Protection Agency to conduct a study on metal and phosphorus removal. By 2005, the process was demonstrated to be effective at full-scale use through the tremendous success of the use of the system at the Hayden Wastewater Research Facility. Within 4 years, Blue Water expanded its business internationally.

Today, Blue Water Technologies is an international industry leader, spanning six continents. Their customers include

municipal systems and industrial facilities of all sizes. Providing solutions that are both cost-effective and environmentally friendly, Blue Water Technologies is constantly finding new ways to handle emerging problems such as wildlife being harmed by the presence of trace amounts of pharmaceuticals in their water supply.

Blue Water Technologies is home to a dynamic and talented team who possess the diverse backgrounds and specializations vital to understanding and adapting to the water needs of a varied group of consumers, both public and private. Their use of best practices is vital to the efficiency and sustainability of their organization and to the constantly evolving nature of water treatment technology. I want to thank Blue Water Technologies for their efforts in making our water safer in environmentally friendly ways and congratulate them on their continued success.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5777. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (74); Amdt. No. 3588" (RIN2120-AA65) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5778. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (32); Amdt. No. 3585" (RIN2120-AA65) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5779. A communication from the Paralegal Specialist, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (66); Amdt. No. 3587" (RIN2120-AA65) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5780. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (53); Amdt. No. 3584" (RIN2120-AA65) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5781. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (84); Amdt. No. 3583" (RIN2120-AA65) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5782. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (173); Amdt. No. 3586" (RIN2120-AA65) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5783. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Greenville, ME" (RIN2120-AA66) (Docket No. FAA-2014-0025) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5784. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Sylva, NC" (RIN2120-AA66) (Docket No. FAA-2013-0439) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5785. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Jefferson City, MO" (RIN2120-AA66) (Docket No. FAA-2013-0587) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5786. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Holdrege, NE" (RIN2120-AA66) (Docket No. FAA-2013-0596) received in the Office of the President of the Senate on May 12,

2014; to the Committee on Commerce, Science, and Transportation.

EC-5787. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Traverse City, MI" (RIN2120-AA66) (Docket No. FAA-2013-0175) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5788. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace, and Establishment of Class E Airspace; Tri-Cities, TN" (RIN2120-AA66) (Docket No. FAA-2013-0806) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5789. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Paragould, AR" (RIN2120-AA66) (Docket No. FAA-2013-0588) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5790. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Warsaw, MO" (RIN2120-AA66) (Docket No. FAA-2013-0606) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5791. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Blairsville, GA" (RIN2120-AA66) (Docket No. FAA-2013-0731) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5792. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Sitka, AK" (RIN2120-AA66) (Docket No. FAA-2013-0921) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5793. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Geneva, AL" (RIN2120-AA66) (Docket No. FAA-2012-1086) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5794. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Nashville, TN" (RIN2120-AA66) (Docket No. FAA-2013-0932) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5795. A communication from the Paralegal Specialist, Federal Aviation Adminis-



transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kwigillingock, AK" ((RIN2120-AA66) (Docket No. FAA-2013-1008)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5796. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of VOR Federal Airways V-35 and V-276; Eastern United States" ((RIN2120-AA66) (Docket No. FAA-2013-0961)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5797. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of VOR Federal Airways V-35 and V-276; Eastern United States" ((RIN2120-AA66) (Docket No. FAA-2013-0961)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5798. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Area Navigation (RNAV) Route T-265, IL" ((RIN2120-AA66) (Docket No. FAA-2013-0952)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5799. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Area Navigation (RNAV) Route Q-20, TX" ((RIN2120-AA66) (Docket No. FAA-2013-0951)) received in the Office of the President of the Senate on May 12, 2014; to the Committee on Commerce, Science, and Transportation.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-224. A resolution adopted by the Senate of the Commonwealth of Pennsylvania memorializing the Congress of the United States and the President of the United States to reauthorize the Terrorism Risk Insurance Program; to the Committee on Banking, Housing, and Urban Affairs.

##### SENATE RESOLUTION NO. 340

Whereas, The Terrorism Risk Insurance Program Reauthorization (TRIPRA) maintains stability in the insurance and reinsurance markets by continuing to deliver substantive, direct benefits to businesses, workers, consumers and the economy overall in the aftermath of a terrorist attack on the United States; and

Whereas, Insurance protects the United States economy from the adverse effects of the risks inherent in economic growth and development while also providing the resources necessary to rebuild physical and economic infrastructure, offer indemnification for business disruption and provide coverage for medical and liability costs from injuries and loss of life in the event of catastrophic losses to persons or property; and

Whereas, The terrorist attack of September 11, 2001, produced insured losses large-

er than any natural or manmade event in history, with claims paid by insurers to their policyholders eventually totaling approximately \$32.5 billion, making it the second most costly insurance event in United States history; and

Whereas, The sheer enormity of the terrorist-induced loss, combined with the possibility of future attacks, produced financial shock waves that shook insurance markets, causing insurers and reinsurers to exclude coverage arising from acts of terrorism from virtually all commercial property and liability policies; and

Whereas, The lack of terrorism risk insurance contributed to a paralysis in the economy, especially in construction, tourism, business travel and real estate finance; and

Whereas, The United States Congress originally passed the Terrorism Risk Insurance Act of 2002 (Public Law 107-297, 116 Stat. 2322) (TRIA), in which the Federal Government agreed to provide terrorism reinsurance to insurers and reauthorized this arrangement via the Terrorism Risk Insurance Extension Act of 2005 (Public Law 109-144, 119 Stat. 2660) and the Terrorism Risk Insurance Program Reauthorization Act of 2007 (Public Law 110-160, 121 Stat. 1839) (TRIPRA); and

Whereas, Under TRIPRA, the Federal Government provides reinsurance after industry-wide losses attributable to annual certified terrorism events exceeding \$100,000,000; and

Whereas, Coverage under TRIPRA is provided to an individual insurer after the insurer has incurred losses related to terrorism equal to 20% of the insurer's previous year's earned premium for property-casualty lines; and

Whereas, After an individual insurer has reached such a threshold, the insurer pays 15% of residual losses and the Federal Government pays the remaining 85%; and

Whereas, The Terrorism Risk Insurance Program has an annual cap of \$100,000,000,000 of aggregate-insured losses, beyond which the Federal program does not provide coverage; and

Whereas, TRIPRA requires the Federal Government to recoup 100% of the benefits provided under the program via policyholder surcharges to the extent the aggregate-insured losses are less than \$27,500,000,000 and enables the government to recoup expenditures beyond that mandatory recoupment amount; and

Whereas, Without question, TRIA and its successors are the principal reason for the continued stability in the insurance and reinsurance market for terrorism insurance to the benefit of our overall economy; and

Whereas, The presence of a robust private/public partnership has provided stability and predictability and has allowed insurers to actively participate in the market in a meaningful way; and

Whereas, Without a program such as TRIPRA, many of our citizens who want and need terrorism coverage to operate their businesses all across the nation would be either unable to get insurance or unable to afford the limited coverage that would be available; and

Whereas, Without Federally provided reinsurance, property and casualty insurers will face less access to terrorism reinsurance and will therefore be severely restricted in their ability to provide sufficient coverage that is necessary to support our economy when acts of terrorism occur; and

Whereas, Despite the hard work and dedication of this nation's counterterrorism agencies and the bravery of the men and women in uniform who fought and continue

to fight battles abroad to keep us safe here at home, the threat of terrorist attacks in the United States is both real and substantial and will remain as such for the foreseeable future: Now, therefore, be it

*Resolved*, That the Senate urge the President of the United States and the Congress of the United States to reauthorize the Terrorism Risk Insurance Program; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, each member of Congress from Pennsylvania and to the news media of Pennsylvania.

POM-225. A joint memorial adopted by the Legislature of the State of Idaho urging the President of the United States, the Secretary of Agriculture, and Congress to give Idaho authority relative to the Supplemental Nutritional Assistance Program (SNAP); to the Committee on Agriculture, Nutrition, and Forestry.

##### SENATE JOINT MEMORIAL NO. 105

Whereas, the Supplemental Nutritional Assistance Program (SNAP) is administered by the states on behalf of the United States Department of Agriculture, and the states are subject to the rules promulgated by the United States Department of Agriculture and Congress; and

Whereas, the health and welfare of the citizens of Idaho can be affected by their consumption of food items purchased with SNAP benefits; and

Whereas, a comprehensive healthy Supplemental Nutritional Assistance Program (SNAP) for Idaho citizens would include, and should emphasize, consumption of healthy Idaho grown and produced products; and

Whereas, individuals who participate in healthy eating choices have less chance of developing chronic diseases and therefore, are able to be more productive employees, citizens and more involved in their families' lives; and

Whereas, our children's futures and consequently the future of our nation are directly impacted by the food choices that are made for our children; and

Whereas, a healthy diet can consist of all food items, provided there is appropriate education and emphasis given to healthier food options to include proteins, grains, dairy and fruits and vegetables; and

Whereas, taxpayers have a right to expect that, whenever possible, decisions regarding the use of their tax dollars will be made at the state and local level; and

Whereas, if there is more state and local authority over foods authorized to be purchased with SNAP funds, Idaho can potentially improve the health of SNAP recipients, promote Idaho grown agricultural products and reduce the states' expenses for health care costs; and

Whereas, citizens may benefit from education to enable them to make healthier and more cost-effective decisions about purchasing food and having local control over foods authorized to be purchased with SNAP funds would give state-based producers an opportunity to educate citizens about the benefits of consuming their products: Now, therefore, be it

*Resolved by the members of the Second Regular Session of the Sixty-second Idaho Legislature*, The Senate and the House of Representatives concurring therein, that the Legislature calls upon the President of the United

States, the Secretary of Agriculture and Congress to give Idaho the flexibility to have control over foods authorized for purchase with Supplemental Nutritional Assistance Program (SNAP) benefits and to encourage healthy eating and lifestyle choices; and be it further

*Resolved*, That Idaho should be given the flexibility to determine the best methods of helping our citizens create a comprehensive state-based approach to promote physical activity, nutritional food selections, including a focus on Idaho grown agricultural products, and healthy lifestyle choices; and be it further

*Resolved*, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, to the Secretary of the United States Department of Agriculture and the Secretary of the United States Department of Health and Human Services.

POM-226. A resolution adopted by the House of Representatives of the Legislature of the State of Iowa requesting immediate action be taken by the United States Congress to repeal California legislation relative to the Commerce Clause of the Constitution of the United States; to the Committee on Agriculture, Nutrition, and Forestry.

#### HOUSE RESOLUTION NO. 123

Whereas, in 2008, California voters approved Proposition 2, a ballot initiative that prohibits California farmers from employing a number of agricultural production methods in widespread use throughout the United States, including the use of industry standards used in egg production; and

Whereas, in 2010, in response to the proposition which would have placed California in a competitive disadvantage by increasing the cost of egg production within that state, the California State Legislature enacted AB 1437 which requires other states to comply with California's standards in order to continue to market eggs in that state; and

Whereas, Section 25996 of the California Health and Safety Code states that commencing January 1, 2015, a shelled egg cannot be sold or contracted to sell for human consumption in California if the egg was produced on a farm not meeting California standards; and

Whereas, the effect of California's legislation is to increase consumer prices, create financial hardship on low-income families, and deny egg farmers their right to access the nation's markets; and

Whereas, the "Commerce Clause" Article I, Section 8 of the Constitution of the United States provides in relevant part, that "Congress shall have Power . . . [t]o regulate commerce . . . among the several States . . ."; which has established a free trade zone now encompassing fifty states, the District of Columbia, and the territories of the United States; and

Whereas, the Commerce Clause is an enumerated power granted to Congress and is also a restriction imposed on states from enacting legislation that places an undue burden on interstate commerce; and

Whereas, in Federalist No. 11, Alexander Hamilton understood that "a free circulation of the commodities" among the states constituted a vital component of this nation's prosperity; and

Whereas, since 1824, in the landmark decision *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1

(1824), the United States Supreme Court has found that states are limited in their ability to burden interstate commerce; and

Whereas, since then the principle has been long respected that the Commerce Clause bars states from erecting trade barriers that would otherwise inevitably lead to interstate trade wars, incite retaliation among the states, and ultimately irreparably injure our federal union; and

Whereas, on February 3, 2014, the Honorable Chris Koster, Attorney General of the State of Missouri, brought suit in the United States District Court in the Eastern District of California, Fresno Division, asking the court to declare the California statute invalid, including as a violation of the Commerce Clause; and

Whereas, the Honorable Terry E. Branstad, Governor of the State of Iowa, together with the attorneys general of the states of Alabama, Nebraska, and Oklahoma, and the attorney general of the Commonwealth of Kentucky have joined with the State of Missouri in this case; now, therefore, be it

*Resolved by the House of Representatives*, That the State of California immediately repeal all unconstitutional provisions enacted in AB 1437, including Section 25996 of the California Health and Safety Code; and be it further

*Resolved*, That all necessary and immediate action be taken by the United States Congress, the United States Attorney General, state legislatures, state governors, and state attorneys general to ensure the repeal of all unconstitutional provisions enacted in AB 1437, including Section 25996 of the California Health and Safety Code; and be it further

*Resolved*, That a copy of this resolution shall be transmitted to the Honorable Ellen M. Corbett, Majority Leader, California State Senate; the Honorable John A. Perez, Speaker of the Assembly, California State Assembly; the Honorable Joseph R. Biden, Jr., President of the United States Senate; the Honorable John A. Boehner, Speaker of the United States House of Representatives; the Honorable Debbie Stabenow, Chairwoman of the Committee on Agriculture, Nutrition, and Forestry of the United States Senate; the Honorable Frank Lucas, Chairman of the Committee on Agriculture of the United States House of Representatives; each member of the Iowa congressional delegation; the Honorable Eric H. Holder, Jr., Attorney General of the United States; the Honorable Tom Vilsack, Secretary of Agriculture of the United States; the Honorable Terry E. Branstad, Governor of the State of Iowa; the Honorable Tom Miller, Attorney General of the State of Iowa; the Honorable Luther Strange, Attorney General of the State of Alabama; the Honorable Jack Conway, Attorney General of the Commonwealth of Kentucky; the Honorable Chris Koster, Attorney General of the State of Missouri; the Honorable Jon Bruning, Attorney General of the State of Nebraska; and the Honorable E. Scott Pruitt, Attorney General of the State of Oklahoma; and be it further

*Resolved*, That a copy of this resolution shall be transmitted to the Council of State Governments, the National Governors Association, and the National Association of Attorneys General.

POM-227. A resolution adopted by the Legislature of the State of Nebraska urging the United States Congress to reauthorize federally provided terrorism reinsurance; to the Committee on Banking, Housing, and Urban Affairs.

#### LEGISLATIVE RESOLUTION 440

Whereas, insurance protects the United States economy from the adverse effects of the risks inherent in economic growth and development while also providing the resources necessary to rebuild physical and economic infrastructure, offer indemnification for business disruption, and provide coverage for medical and liability costs from injuries and loss of life in the event of catastrophic losses to persons or property; and

Whereas, the terrorist attack on September 11, 2001, produced insured losses larger than any natural or man-made event in history, with claims paid by insurers to their policyholders eventually totaling approximately \$32.5 billion, making this attack the second most costly insurance event in United States history; and

Whereas, the sheer enormity of the terrorist-induced loss, combined with the possibility of future attacks, produced financial shockwaves that shook insurance markets and caused insurers and reinsurers to exclude coverage arising from acts of terrorism from virtually all commercial property and liability policies; and

Whereas, the lack of terrorism risk insurance contributed to a paralysis in the economy, especially in the construction, tourism, business travel, and real estate finance sectors; and

Whereas, the United States Congress originally passed the Terrorism Risk Insurance Act of 2002 (TRIA), in which the federal government agreed to provide terrorism reinsurance to insurers, and reauthorized this arrangement via the Terrorism Risk Insurance Extension Act of 2005 and the Terrorism Risk Insurance Program Reauthorization Act of 2007 (TRIPRA); and

Whereas, under TRIPRA, the federal government provides such reinsurance after industry-wide losses attributable to annual certified terrorism events exceed \$100 million; and

Whereas, coverage under TRIPRA is provided to an individual insurer after the insurer has incurred losses related to terrorism equal to 20% of the insurer's previous year earned premium for property-casualty lines; and

Whereas, after an individual insurer has reached such a threshold, the insurer pays 15% of residual losses and the federal government pays the remaining 85%; and

Whereas, the Terrorism Risk Insurance Program has an annual cap of \$100 billion of aggregate insured losses beyond which the federal program does not provide coverage; and

Whereas, TRIPRA requires the federal government to recoup 100% of the benefits provided under the program through policyholder surcharges to the extent the aggregate insured losses are less than \$27.5 billion and enables the government to recoup expenditures beyond that mandatory recoupment amount; and

Whereas, without question, TRIA and its successor acts are the principal reason for the continued stability in the insurance and reinsurance market for terrorism insurance to the benefit of our overall economy; and

Whereas, the presence of a robust private-public partnership has provided stability and predictability and has allowed insurers to actively participate in the market in a meaningful way; and

Whereas, without a program such as TRIPRA, many of our citizens who want and need terrorism coverage to operate their businesses all across the nation would be either unable to obtain insurance or unable to



afford the limited coverage that would be available; and

Whereas, without federally provided reinsurance, property and casualty insurers would face less availability of terrorism reinsurance and would therefore be severely restricted in their ability to provide sufficient coverage for acts of terrorism; and

Whereas, despite the hard work and dedication of this nation's counterterrorism agencies, and the bravery of the men and women in uniform who fight battles abroad to keep us safe here at home, the threat from terrorist attacks in the United States is both real and substantial and will remain so for the foreseeable future: Now, therefore, be it

*Resolved by the Members of the One Hundred Third Legislature of Nebraska, Second Session:*

1. That the Legislature urges the United States Congress to reauthorize federally provided terrorism reinsurance for insurers in order to maintain stability in the insurance and reinsurance markets, to continue to deliver substantive and direct benefits to businesses, workers, and consumers, and to protect the overall economy in the aftermath of a terrorist attack on the United States.

2. That a copy of this resolution be sent to President Barack Obama, the Speaker and the Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and each member of Nebraska's congressional delegation.

POM-228. A joint memorial adopted by the Legislature of the State of Idaho recommending the United States Congress provide sufficient funding relative to domestic marketing of American seafood; to the Committee on Commerce, Science, and Transportation.

#### SENATE JOINT MEMORIAL NO. 103

Whereas, the economic expansion that is stimulated by the new and increased demand for our seafood products vastly influences our United States economic base; and

Whereas, the United States seafood industry is fruitfully productive and a key employer in the marketplace; and

Whereas, the continuing market effort is the dynamic behind industry improvement, investment, prosperity and job creation; and

Whereas, Idaho is key to the salmon industry in the United States as we are the spawning beds for millions of salmon each year that migrate to the Pacific Ocean; and

Whereas, Idaho's rivers constitute the pathway that returning salmon use to complete their life cycles from smolt to spawning salmon; and

Whereas, the Idaho Department of Fish and Game and Idaho Power have participated in ensuring a healthy pathway for fish to travel to and return from the Pacific Ocean: Now, therefore, be it

*Resolved by the members of the Second Regular Session of the Sixty-second legislature, The Senate and the HouseV Representatives concurring therein, that we respectfully recommend that the Idaho delegation in Congress work together with representatives of other seafood and fish-producing states to acquire sufficient funding for effectual and maintained domestic marketing of American seafood; and be it further*

*Resolved, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.*

POM-229. A joint memorial adopted by the Legislature of the State of Idaho urging the President of the United States and the Secretary of State to use every opportunity and resource to secure the release of certain individuals from Iran; to the Committee on Foreign Relations.

#### SENATE JOINT MEMORIAL NO. 106

Whereas, Saeed Abedini, is a resident of the State of Idaho and a Christian with dual Iranian-United States citizenship; and

Whereas, Saeed Abedini is a husband and father of two young children; and

Whereas, in September 2012, Saeed Abedini was arbitrarily detained in the Islamic Republic of Iran, held in solitary confinement, physically beaten, denied access to necessary medical treatment as a result of that abuse and denied access to his lawyer until just before his trial; and

Whereas, the International Covenant on Civil and Political Rights guarantees that every individual shall be free from arbitrary arrest and detention and further guarantees every individual the right to a fair and public hearing by a competent, independent and impartial tribunal; and

Whereas, in recent years, there has been an increase in the number of incidents of Iranian authorities raiding religious services, detaining worshipers and religious leaders and harassing and threatening minority religious members; and

Whereas, in January 2013, an Iranian court accused Saeed Abedini of attempting to undermine the national security of Iran by gathering with fellow Christians in private homes; and

Whereas, Saeed Abedini was tried in a non-public trial before a judge who had been sanctioned by the European Union for repeated violations of human rights; and

Whereas, during the trial, Saeed Abedini and his Iranian attorney were barred from attending portions of the trial in which the prosecution provided and the judge received evidence through witness testimony; and

Whereas, the Iranian court sentenced Saeed Abedini to eight years in prison, and this sentence was later upheld on appeal; and

Whereas, the government of Iran continues to indefinitely imprison Saeed Abedini for peacefully exercising his Christian faith; and

Whereas, President Barack Obama recently called for the release of Saeed Abedini at the National Prayer Breakfast in Washington: Now, therefore, be it

*Resolved by the Members of the Second Regular Session of the Sixty-second Idaho Legislature, The Senate and the House of Representatives concurring therein, that we urge President Obama and Secretary of State John Kerry to use every opportunity and resource at their disposal to end the unjust imprisonment of Saeed Abedini and secure his immediate release, and be it further*

*Resolved, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the United States Department of State, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.*

POM-230. A resolution adopted by the Legislature of the State of Nebraska supporting the participation of Taiwan as an observer in the International Civil Aviation Organization and the United Nations Framework Convention on Climate Change; to the Committee on Foreign Relations.

#### LEGISLATIVE RESOLUTION 38

Whereas, civil aviation plays a pivotal role in promoting cultural exchange, business, trade, and tourism; and

Whereas, the development of international civil aviation in a safe and orderly manner is the supreme cause of the International Civil Aviation Organization (ICAO); and

Whereas, with an excellent geographic location, Taiwan is a key aviation hub for regions in northeastern and southeastern Asia; and

Whereas, the Taipei Flight Information Region (FIR), bordering the FIR of Fukuoka, Manila, Hong Kong, and Shanghai, includes fourteen international airways and four domestic airways, providing services for more than one million flights per year;

Whereas, each year, forty million travelers enter, leave, or pass through the Taipei FIR, making Taiwan a key part of air navigation in East Asia; and

Whereas, currently, more than fifty domestic and foreign airlines operate flights from Taiwan to one hundred ten cities in the world and the annual number of passengers on international flights is approximately thirty million; and

Whereas, in 2010, the number of international passengers at Taiwan's largest airport—Taoyuan International Airport—ranked sixteenth worldwide while international cargo ranked ninth, making Taiwan one of the busiest airspaces in the world; and

Whereas, without Taiwan's participation, the international flight plans, regulations, and procedures that the ICAO formulates will be incomplete and unsafe; and

Whereas, as an island in the Pacific Ocean, Taiwan is imperiled by rising sea levels and the ravages of extreme weather; and

Whereas, it is apparent that to overcome the challenges posed by climate change, there must be concerted effort and cooperation among the world citizenry; and

Whereas, Taiwan's exclusion from meaningful participation in the United Nations Framework Convention on Climate Change (UNFCCC) has been to the detriment of both the Taiwan people and the global community, as Taiwan not only has the means but also the incentive to make a meaningful contribution; and

Whereas, Taiwan's request to participate in the ICAO and the UNFCCC is fully in line with the United States Government's policy of supporting Taiwan's meaningful participation in United Nations specialized agencies: Now, therefore, be it

*Resolved by the Members of the One Hundred Third Legislative of Nebraska, First Session:*

1. That the Legislature endorses Taiwan's participation in the International Civil Aviation Organization as an observer.

2. That the Legislature is supportive of all efforts to grant Taiwan official observer status at the United Nations Framework Convention on Climate Change, and, as a collaborative partner of the United States on a wide range of public issues, Taiwan should be afforded the opportunity to participate in global efforts aimed at reducing and preventing natural disasters.

3. That a copy of this resolution be sent to the United States Secretary of State, the United States Secretary of Transportation, the Administrator of the United States Environmental Protection Agency, each member of the Nebraska congressional delegation, and the Director General of the Taipei Economic and Cultural Office in Kansas City.

POM-231. A joint memorial adopted by the Legislature of the State of Idaho urging the

United States Congress to maintain an open and accessible record of states' Article V applications for a constitutional convention; to the Committee on the Judiciary.

SENATE JOINT MEMORIAL NO. 104

Whereas, under Article V of the Constitution of the United States, Congress has a duty to call a convention for proposing amendments to the Constitution "on the application of the legislatures of two-thirds of the several states"; and

Whereas, the duty to call an Article V convention on application of the states implies that Congress shall keep an accurate record of such applications of the legislatures of the states; and

Whereas, the records of Congress should be open and accessible to the people of the United States; and

Whereas, Congress does not currently keep a record of the Article V applications of the states: Now, therefore, be it

*Resolved by the Members of the Second Regular Session of the Sixty-second Idaho Legislature*, the Senate and the House of Representatives concurring therein, that Congress shall maintain a record of the Article V applications of the states in a form that is open and accessible to the people of the United States; and be it further

*Resolved*, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-232. A resolution adopted by the Legislature of the State of Nebraska urging the United States Congress to take affirmative action to enact comprehensive reform to update the immigration system; to the Committee on the Judiciary.

LEGISLATIVE RESOLUTION 399

Whereas, the Legislature recognizes that our federal immigration laws are long outdated, causing harm to families, businesses, and communities; and

Whereas, common-sense reforms that modernize our outdated immigration laws and that are sensible, fair, and practical are necessary to protect our borders and create a strong foundation for our economy and society; and

Whereas, immigration has always been an important part of the social and economic fabric of the United States, and it is in the best interest of all that our nation's immigration laws be kept up-to-date; and

Whereas, although comprehensive immigration reform is a federal and not a state matter, the State of Nebraska has legitimate interests in the passage of effective immigration laws at the federal level; and

Whereas, Nebraska's towns and cities have experienced significant growth in immigrant population in the last two decades which has helped the state maintain its population; and

Whereas, Nebraska community leaders, educators, business owners, cattlemen, farmers, and the immigrant community have recognized that while some challenges are created by integrating new immigrant Nebraskans, the positive impacts of immigration, including economic development, tax collections, and cultural diversity, exceed the costs of resolving these challenges, demonstrated by the fact that many communities with significant immigrant populations are thriving unlike many of those communities which have not attracted immigrants; and

Whereas, Nebraska population trends indicate a future shortage of needed and qualified labor in agriculture and the skilled trades and a shortage of professionally-trained workers in our rural communities; and

Whereas, pending legislation is before the United States Congress which would accomplish comprehensive immigration reform: Now, therefore, be it

*Resolved by the Members of the One Hundred Third Legislature of Nebraska, Second Session:*

1. That the Legislature recommends that the Nebraska congressional delegation take affirmative action to enact comprehensive immigration reform to update our immigration system.

2. That such reform enacted by Congress should recognize the need to protect the borders of the United States, maintain respect for the law, embody fairness, and protect families.

3. That such reform should recognize the important role that immigrant Americans play as entrepreneurs, workers, taxpayers, and family members.

4. That such reform should protect agriculture, small businesses, and working Nebraskans and facilitate increases in the labor market and the professions necessary to protect rural communities from further economic decline.

5. That the Legislature recommends that in order to ensure adequate labor resources to support economic growth and stability, the House of Representatives should pass H.R. 15, the "Border Security, Economic Opportunity, and Immigration Modernization Act," as approved by the United States Senate, or alternatively should enact similar legislation in 2014 which embodies the principles and needs outlined in this resolution.

6. That a copy of this resolution be delivered to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate, and to each member of the Nebraska congressional delegation

POM-233. A resolution adopted by the Senate of the State of Louisiana memorializing the Congress of the United States to reauthorize the Terrorism Risk Insurance Program; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 18

Whereas, insurance protects the United States economy from the adverse effects of the risks inherent in economic growth and development while also providing the resources necessary to rebuild physical and economic infrastructure, offer indemnification for business disruption, and provide coverage for medical and liability costs from injuries and loss of life in the event of catastrophic losses to persons or property; and

Whereas, the terrorist attack of September 11, 2001, produced insured losses larger than any natural or man-made event in history, with claims paid by insurers to their policyholders eventually totaling some \$32.5 billion, making this the second most costly insurance event in United States history; and

Whereas, the sheer enormity of the terrorist-induced loss, combined with the possibility of future attacks, produced financial shockwaves that shook insurance markets causing insurers and reinsurers to exclude coverage arising from acts of terrorism from virtually all commercial property and liability policies; and

Whereas, the lack of terrorism risk insurance contributed to a paralysis in the economy, especially in construction, tourism, business travel, and real estate finance; and

Whereas, the United States Congress originally passed the Terrorism Risk Insurance Act of 2002, in which the federal government agreed to provide terrorism reinsurance to insurers and reauthorized this arrangement via the Terrorism Risk Insurance Extension Act of 2005, and the Terrorism Risk Insurance Program Reauthorization Act of 2007 (TRIPRA); and

Whereas, under TRIPRA the federal government provides such reinsurance after industry-wide losses attributable to annual certified terrorism events exceed one hundred million dollars; and

Whereas, coverage under TRIPRA is provided to an individual insurer after the insurer has incurred losses related to terrorism equal to twenty percent of the insurer's previous year earned premium for property-casualty lines; and

Whereas, after an individual insurer has reached such a threshold, the insurer pays fifteen percent of residual losses and the federal government pays the remaining eighty-five percent; and

Whereas, the Terrorism Risk Insurance Program has an annual cap of one hundred billion dollars of aggregate insured losses, beyond which the federal program does not provide coverage; and

Whereas, TRIPRA requires the federal government to recoup one hundred percent of the benefits provided under the program via policy holder surcharges to the extent the aggregate insured losses are less than twenty-seven billion five hundred million dollars and enables the government to recoup expenditures beyond that mandatory recoupment amount; and

Whereas, without question, TRIPRA and its successors are the principal reason for the continued stability in the insurance and reinsurance market for terrorism insurance to the benefit of our overall economy; and

Whereas, the presence of a robust private and public partnership has provided stability and predictability and has allowed insurers to actively participate in the market in a meaningful way; and

Whereas, without a program such as TRIPRA, many of our citizens who want and need terrorism coverage to operate their businesses all across the nation would be either unable to get insurance or unable to afford the limited coverage that would be available; and

Whereas, without federally provided reinsurance, property and casualty insurers will face less availability of terrorism reinsurance and will therefore be severely restricted in their ability to provide sufficient coverage for acts of terrorism to support our economy; and

Whereas, despite the hard work and dedication of this nation's counterterrorism agencies and the bravery of the men and women in uniform who fought and continue to fight battles abroad to keep us safe here at home, the threat from terrorist attacks in the United States is both real and substantial and will remain as such for the foreseeable future: Now, therefore, be it

*Resolved*, That the Senate of the Legislature of Louisiana hereby memorializes the Congress of the United States to reauthorize the Terrorism Risk Insurance Program and be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-234. A concurrent resolution adopted by the Legislature of the State of Louisiana

recognizing May 2014 as Amyotrophic Lateral Sclerosis Awareness Month and memorializing the Congress of the United States to enact legislation to provide additional research funding relative to finding a treatment and cure for Amyotrophic Lateral Sclerosis; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE CONCURRENT RESOLUTION NO. 52

Whereas, amyotrophic lateral sclerosis, or ALS, is more commonly known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, the initial symptom of ALS is usually weakness of the skeletal muscles, especially those of the extremities; and

Whereas, as ALS progresses, the patient typically experiences difficulty in swallowing, talking, and breathing; and

Whereas, ALS eventually causes muscles to atrophy and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect mental capacity of the patient, such that the patient remains alert and aware of surroundings and aware of the loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, on average, patients diagnosed with ALS survive only two to five years from the time of diagnosis; and

Whereas, despite the catastrophic consequences of a diagnosis of ALS, the disease currently has no known cause, means of protection, or cure; and

Whereas, research indicates that military veterans are at a sixty percent greater risk of developing ALS than those who have not served in the military; and

Whereas, the United States Department of Veterans Affairs has promulgated regulations to establish a presumption of service connection for ALS thereby presuming that the development of ALS was incurred or aggravated by a veteran's service in the military; and

Whereas, a national ALS registry, administered by the Centers for Disease Control and Prevention, is currently identifying cases of ALS in the United States and may become the largest ALS research project ever undertaken; and

Whereas, Amyotrophic Lateral Sclerosis Awareness Month increases the awareness of the circumstances of living with ALS and acknowledges the terrible impact this disease has not only on the patient, but also on the family and community of anyone receiving such a diagnosis; and

Whereas, Amyotrophic Lateral Sclerosis Awareness Month also increases awareness of research being done to eradicate this dire disease. Now, therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby recognize May 2014 as Amyotrophic Lateral Sclerosis Awareness Month; and be it further

*Resolved*, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to enact legislation to provide additional funding for research in order to find a treatment and cure for Amyotrophic Lateral Sclerosis; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KAINE:

S. 2341. A bill to amend title 10, United States Code, to enhance the authority for members of the Armed Forces to obtain professional credentials; to the Committee on Armed Services.

By Mr. BLUMENTHAL (for himself and Mr. HARKIN):

S. 2342. A bill to amend the Internal Revenue Code of 1986 to protect children's health by denying any deduction for advertising and marketing directed at children to promote the consumption of food of poor nutritional quality; to the Committee on Finance.

By Mr. CASEY:

S. 2343. A bill to amend the Child Abuse Prevention and Treatment Act to require mandatory reporting of incidents of child abuse or neglect, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TOOMEY:

S. 2344. A bill to amend section 2259 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself and Mr. CRAPO):

S. 2345. A bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities; to the Committee on Finance.

By Mr. COONS (for himself and Mr. KIRK):

S. 2346. A bill to amend the National Trails System Act to include national discovery trails, and to designate the American Discovery Trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BLUMENTHAL (for himself and Mr. MURPHY):

S. 2347. A bill to amend title 4 of the United States Code to limit the extent to which States may tax the compensation earned by nonresident telecommuters and other multi-State workers; to the Committee on Finance.

By Mr. BROWN:

S. 2348. A bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening; to the Committee on Finance.

By Mr. SANDERS (for himself, Mr. LEAHY, Mr. MURPHY, Mr. KAINE, and Mr. REED):

S. 2349. A bill to establish a grant program to enable States to promote participation in dual enrollment programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HIRONO:

S. 2350. A bill to amend title 10, United States Code, to expand the role of the Chief of the National Guard Bureau in the assignment of Directors and Deputy Directors of the Army National Guard and Air National Guard; to the Committee on Armed Services.

By Mr. COATS:

S. 2351. A bill to amend the Internal Revenue Code of 1986 to provide notice to charities and other nonprofit organizations before their tax-exempt status is automatically revoked; to the Committee on Finance.

By Mr. COATS (for himself, Mr. BLUMENTHAL, and Mr. CORNYN):

S. 2352. A bill to re-impose sanctions on Russian arms exporter Rosoboronexport; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY:

S. 2353. A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing safe nurse staffing levels at certain Medicare providers, and for other purposes; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. Res. 446. A resolution recognizing the 50th anniversary of the Congressional declaration of bourbon whiskey as a distinctive product of the United States; considered and agreed to.

By Mr. CASEY (for himself and Mr. RUBIO):

S. Res. 447. A resolution recognizing the threats to freedom of the press and expression around the world and reaffirming freedom of the press as a priority in the efforts of the United States Government to promote democracy and good governance; to the Committee on Foreign Relations.

By Mr. RUBIO (for himself and Mr. CRUZ):

S. Res. 448. A resolution expressing the sense of the Senate on the policy of the United States regarding stabilizing the currency of Ukraine; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mr. MARKEY, Mr. BEGICH, Mr. UDALL of New Mexico, Mrs. HAGAN, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mr. BOOKER, Ms. LANDRIEU, Mr. REED, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. WICKER, Ms. HEITKAMP, Mr. PRYOR, Ms. HIRONO, Mr. CARDIN, Mr. UDALL of Colorado, Mr. COCHRAN, Ms. MIKULSKI, Ms. WARREN, Mr. WARNER, Mr. SCHUMER, Mrs. MURRAY, Mr. WHITEHOUSE, Mr. DONNELLY, Mr. HEINRICH, and Ms. KLOBUCHAR):

S. Res. 449. A resolution commemorating and honoring the dedication and sacrifice of the Federal, State, and local law enforcement officers who have been killed or injured in the line of duty; considered and agreed to.

By Mr. UDALL of Colorado (for himself, Ms. LANDRIEU, Mr. PORTMAN, and Mr. WYDEN):

S. Res. 450. A resolution designating May 17, 2014, as "Kids to Parks Day"; considered and agreed to.

By Mr. BARRASSO:

S. Res. 451. A resolution recalling the Government of China's forcible dispersion of those peaceably assembled in Tiananmen Square 25 years ago, in light of China's continued abysmal human rights record; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 435

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 435, a bill to ban the exportation of crude oil or refined petroleum products derived from Federal land, and for other purposes.

S. 948

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 948, a bill to amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program.

S. 997

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 997, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 1174

At the request of Mr. BLUMENTHAL, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1239

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1239, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1256, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antimicrobials used in the treatment of human and animal diseases.

S. 1406

At the request of Mr. UDALL of New Mexico, his name was added as a cosponsor of S. 1406, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 1431

At the request of Mr. WYDEN, the name of the Senator from Utah (Mr.

LEE) was added as a cosponsor of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1622

At the request of Ms. HEITKAMP, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1622, a bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 1799

At the request of Mr. COONS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1799, a bill to reauthorize subtitle A of the Victims of Child Abuse Act of 1990.

S. 1875

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1875, a bill to provide for wildfire suppression operations, and for other purposes.

S. 2279

At the request of Mr. LEE, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 2279, a bill to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

S. 2292

At the request of Ms. WARREN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2292, a bill to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans, and for other purposes.

S. 2295

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of S. 2295, a bill to establish the National Commission on the Future of the Army, and for other purposes.

S. 2301

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2301, a bill to amend section 2259 of title 18, United States Code, and for other purposes.

S. 2305

At the request of Mrs. MURRAY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2305, a bill to amend the method by which the Social Security Administration determines the validity of marriages under title II of the Social Security Act.

S. 2307

At the request of Mrs. BOXER, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Hawaii (Ms. HIRONO), the Senator from Connecticut (Mr. MURPHY), the Senator

from Wisconsin (Ms. BALDWIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2307, a bill to prevent international violence against women, and for other purposes.

S. 2316

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2316, a bill to require the Inspector General of the Department of Veterans Affairs to submit a report on wait times for veterans seeking medical appointments and treatment from the Department of Veterans Affairs, to prohibit closure of medical facilities of the Department, and for other purposes.

S. 2339

At the request of Mr. BARRASSO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2339, a bill to amend the Patient Protection and Affordable Care Act to require States with failed American Health Benefit Exchanges to reimburse the Federal Government for amounts provided under grants for the establishment and operation of such Exchanges.

S. RES. 445

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 445, a resolution recognizing the importance of cancer research and the contributions of scientists, clinicians, and patient advocates across the United States who are dedicated to finding a cure for cancer, and designating May 2014 as "National Cancer Research Month".

AMENDMENT NO. 3057

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 3057 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 3057 intended to be proposed to H.R. 3474, supra.

AMENDMENT NO. 3058

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 3058 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 3058 intended to be proposed to H.R. 3474, supra.

## AMENDMENT NO. 3063

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 3063 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

## AMENDMENT NO. 3066

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 3066 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

## AMENDMENT NO. 3067

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 3067 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

## AMENDMENT NO. 3068

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 3068 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

## AMENDMENT NO. 3072

At the request of Mr. ROBERTS, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 3072 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 3072 intended to be proposed to H.R. 3474, supra.

## AMENDMENT NO. 3073

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 3073 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the

Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

## AMENDMENT NO. 3074

At the request of Mr. ROBERTS, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 3074 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 3074 intended to be proposed to H.R. 3474, supra.

## AMENDMENT NO. 3077

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 3077 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 3077 intended to be proposed to H.R. 3474, supra.

## AMENDMENT NO. 3078

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 3078 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 3078 intended to be proposed to H.R. 3474, supra.

## AMENDMENT NO. 3086

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 3086 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

## AMENDMENT NO. 3087

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 3087 intended to be proposed to H.R. 3474, a

bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAINE:

S. 2341. A bill to amend title 10, United States Code, to enhance the authority for members of the Armed Forces to obtain professional credentials; to the Committee on Armed Services.

Mr. KAINE. Mr. President, since taking office, one of my highest priorities has been finding solutions to the unemployment rate among American veterans. We proudly in Virginia proclaim a tighter connection with the American military than any other State—and I know 99 or 98 other Senators would argue with me about that, but 1 in 9 Virginians is a veteran. Virginia has 27 military installations, including the largest naval base in the world in Norfolk, and all marine officers are trained at Quantico. Virginia's map is a map of Virginia's military history: Yorktown, where the Revolutionary War ended; Appomattox, where the Civil War ended, and other Civil War battlefields; and the Pentagon, where one of the two attacks on 9/11 occurred.

Our servicemembers in Virginia and nationally make a tremendous sacrifice for our country, and we have to have a commitment to honor these sacrifices and demonstrate to service men and women the same degree of commitment as they have demonstrated to our country.

That is what makes the unemployment rate among our veterans so troubling. Veterans who are exiting military service in the Iraq and Afghan war era—especially enlisted men and women who may not have college degrees—have an unemployment rate significantly higher than the national average. In fact—a statistic that when I heard it really stunned me—between the fiscal year 2001 and 2012, the Department of Defense spent \$9.6 billion on unemployment insurance payments—\$9.6 billion in payments to men and women who had exited the military and then couldn't find a job. Obviously, these are men and women who served valiantly during the longest period of war in the history of this country.

As our Armed Forces continue to draw down in Afghanistan after nearly 13 years of combat operations—and those combat operations are scheduled to cease this year—we have to do everything we can to ensure that these servicemembers can find a way to

quickly transition from military to civilian life and find good jobs in the process.

We know—and the Presiding Officer knows very well in his personal capacity—that servicemembers gain incredibly valuable skills while serving in the military. We make a significant investment as a society in training each and every member of our Armed Forces in a military occupation or specialty, many of which of have parallel fields in the civilian workforce.

I have a child in the military now. Watching the degree of training he undergoes—training that will be very valuable for civilian work when he chooses to make that transition—and seeing the kind of training his colleagues undergo as well convinces me of these great skills that adhere in our military. But instead of making it easier for these servicemembers to get credit for their skills that would help them as they transition to civilian life, they are often continuing to face roadblocks.

That inspired me to introduce my first bill as a Senator last year, the Troop Talent Act of 2013. The Troop Talent Act required that information on civilian credentialing opportunities be made available to servicemembers during their Active-Duty training and that information on military training and experience be provided to civilian credentialing agencies to help them understand how the skills for success in military life transfer directly to the skills for success in civilian life. If you are learning to operate heavy equipment in the military, get the commercial driver's license right when you are learning it. If you are learning to be a battlefield medic in the military, get physician assistant or nursing credits right when you are getting that. If you are at the ordnance school at Fort Lee in Virginia learning to be an ordnance officer, get the American Welding Society's certificate after you take your welding class, put it in the personnel file, and when you get ready to move to civilian life, you will have credentials that will be understood by a civilian workforce.

I am proud that key parts of the bill were signed into law as part of the national defense authorization bill we passed in December, and with this information servicemembers will be more prepared to transfer into civilian life. They will have a better sense of what skills servicemembers possess as they enter civilian life. So the passage of this Troop Talent Act was for me a first step, but there are many more steps we have to take to tackle this problem of veterans' unemployment.

In speaking with military leadership, servicemembers and veterans, I have learned there are some additional barriers to the employment of our veterans that deal with how tuition assistance monies can be used by those in ac-

tive service. One is the cost of fees associated with getting credentials while on Active Duty. Those costs of credentials are not covered by the current military tuition assistance program.

Some military members transfer out of the service and they decide to pursue a degree at a college or university, but others are ready to immediately enter the workforce with the skills they obtained through military training. Again, to use the example I started with earlier, if you are a logistics ordnance officer training in Fort Lee in Virginia, you take metalworking courses, you take welding courses, and those are the kinds of skills in very significant demand in the American manufacturing sector right now. Those individuals often have an ability—they certainly have the skills—to get good jobs when they leave. But they often lack something important. They lack the credential the civilian workforce understands—in this case an American Welding Society credential, for example.

Currently, the military tuition assistance program provides Active-Duty servicemembers financial assistance up to \$4,500 in aggregate per fiscal year for postsecondary courses or degree programs. While you are in service, you can take degree programs, and up to \$4,500 a year, those degree programs and courses will be supported by the military tuition assistance program. But despite the success of this program, certification and license fees are not allowed to be paid with tuition assistance benefits.

So in other words, if you are in the military and you want to take a college course, you can get paid. If you are in the military and you want to pass a welding certificate exam to be a welder, the tuition assistance program will not pay for that. This is a challenge because these credentialing exams can cost significantly out-of-pocket, often \$300 to \$500, and many of our enlisted men and women don't have that. It is really inequitable we would allow Active-Duty military to draw down up to \$4,500 for college courses but not draw down one penny to get a credential for a technical skill they maintain.

This is part of a larger societal issue. I think we value college and community college in a way we do not or have not traditionally valued career and technical education programs. So many of our programs—Pell grants and Stafford loans, GI bill benefits—often can be used more easily for community college or 4-year colleges than they can be used for even the highest quality career and technical programs.

That is why today I am introducing the Credentialing Improvement for Troop Talent, or CREDIT Act. The legislation will go into that military tuition assistance program and expand the authority of the program so that it

can cover credentialing expenses for those military men and women who want to move into career and technical fields. It will give servicemembers the means to pay for credentials while they are still on Active-Duty and before they transition into civilian workforce.

In addition, the legislation will ensure the credentials our servicemembers earn are of the highest quality and that they are recognized by national and international standards, and not offered by shady or sort of fly-by-night organizations that simply want to pocket money that our military men and women are entitled to in order to help them get an education for themselves.

We in Virginia have seen firsthand how the skills and talents of the men and women who serve our country can benefit our workforce and contribute to our economy. We make a huge investment in our servicemembers, and it is a disservice not only to them but also to our Nation not to take advantage of the skills we bestow on these men and women once they transition to civilian life. We have to, all of us, Mr. President, stay focused on this. It is unacceptable for us as a Nation to look in the mirror and say: Our servicemen and women who served in Iraq and Afghanistan have an unemployment rate higher than the national average, but I guess there is nothing we can do about that. No, we can do a lot about it. We can make sure they get skills while in the military that a civilian workforce will understand, and that those skills can also carry with them credentials that will enable them to get a quicker traction when they move into the civilian workforce.

It is unacceptable we are paying \$800 million a year in the Federal budget to pay for unemployment benefits for people who exit the military and then can't find jobs when they do. We need steps such as the CREDIT Act and others to bring down that veterans' unemployment rate, to enable people to get the kinds of jobs that will help them have a happy and successful life postservice, and that will enable society to take advantage of the great skills and talents they have.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 446—RECOGNIZING THE 50TH ANNIVERSARY OF THE CONGRESSIONAL DECLARATION OF BOURBON WHISKEY AS A DISTINCTIVE PRODUCT OF THE UNITED STATES

Mr. McCONNELL (for himself and Mr. PAUL) submitted the following resolution; which was considered and agreed to:

S. RES. 446

Whereas on May 4, 1964, Congress declared bourbon whiskey a distinctive product of the

United States that is unlike other types of alcoholic beverages, whether foreign or domestic;

Whereas to be designated as “bourbon,” a product must conform to high standards and be manufactured in accordance with the laws and regulations of the United States, which prescribe Federal Standards of Identity for “bourbon whisky”;

Whereas bourbon whiskey has achieved recognition and acceptance throughout the world as a distinctive product of the United States;

Whereas Kentucky, the birthplace of bourbon, produces 95 percent of the world’s supply;

Whereas Kentucky’s iconic bourbon brands are reaching farther than ever, with more than 30,000,000 gallons shipped to 126 countries, making bourbon the largest export category among all United States distilled spirits and a source of national pride;

Whereas bourbon production has increased by more than 120 percent since 1999, contributing to the development of a vibrant bourbon tourism industry in Kentucky;

Whereas bourbon is a vital part of American culture and the economy, generating close to 9,000 jobs in Kentucky and almost \$2,000,000,000 in gross Kentucky product in 2010; and

Whereas the bourbon industry continues its efforts to promote the responsible and moderate use of its product, and to curb drunken driving and underage drinking: Now, therefore, be it

*Resolved*, That the Senate recognizes the 50th anniversary of the Congressional declaration of bourbon whiskey as a distinctive product of the United States.

#### SENATE RESOLUTION 447—RECOGNIZING THE THREATS TO FREEDOM OF THE PRESS AND EXPRESSION AROUND THE WORLD AND REAFFIRMING FREEDOM OF THE PRESS AS A PRIORITY IN THE EFFORTS OF THE UNITED STATES GOVERNMENT TO PROMOTE DEMOCRACY AND GOOD GOVERNANCE

Mr. CASEY (for himself and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 447

Whereas Article 19 of the United Nations Universal Declaration of Human Rights, adopted at Paris December 10, 1948, states that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers”;

Whereas, in 1993, the United Nations General Assembly proclaimed May 3 of each year as “World Press Freedom Day” to celebrate the fundamental principles of freedom of the press, to evaluate freedom of the press around the world, to defend the media from attacks on its independence, and to pay tribute to journalists who have lost their lives in the exercise of their profession;

Whereas, on December 18, 2013, the United Nations General Assembly adopted a resolution (A/RES/68/163) on the safety of journalists and the issue of impunity, which unequivocally condemns all attacks and violence against journalists and media workers, including torture, extrajudicial killings, en-

forced disappearances, arbitrary detention, and intimidation and harassment in both conflict and non-conflict situations;

Whereas 2014 is the 21st anniversary of World Press Freedom Day, which focuses on the theme “Media Freedom for a Better Future: Shaping the Post-2015 Development Agenda”;

Whereas the Daniel Pearl Freedom of the Press Act of 2009 (Public Law 111-16622; U.S.C. 2151 note), which was passed by unanimous consent in the Senate and signed into law by President Barack Obama in 2010, expanded the examination of freedom of the press around the world in the annual human rights report of the Department of State;

Whereas, according to Reporters Without Borders, 71 journalists and 39 citizen journalists were killed in 2013 in connection with their collection and dissemination of news and information;

Whereas, according to the Committee to Protect Journalists, the 3 deadliest countries for journalists on assignment in 2013 were Syria, Iraq, and Egypt, and in Syria, the deadliest country for such journalists, an unprecedented number of journalists were abducted;

Whereas, according to the Committee to Protect Journalists, 617 journalists have been murdered since 1992 without the perpetrators of such crimes facing punishment;

Whereas, according to the Committee to Protect Journalists, the 5 countries with the highest number of unsolved journalist murders are Iraq, the Philippines, Algeria, Colombia, and Somalia;

Whereas, according to Reporters Without Borders, 826 journalists and 127 citizen journalists were arrested in 2013;

Whereas, according to the Committee to Protect Journalists, 211 journalists worldwide were in prison on December 1, 2013;

Whereas, according to Reporters Without Borders, the 5 countries with the highest number of journalists in prison are Syria, China, Eritrea, Turkey, and Iran;

Whereas, according to Reporters Without Borders, the Government of Syria and extremist rebel militias have intentionally targeted journalists, causing dramatic repercussions for the freedom of the press throughout the region;

Whereas the Government of the Russian Federation has engaged in an unprecedented campaign to silence the independent press and undermine freedom of expression, including its recent efforts to destabilize Ukraine;

Whereas freedom of the press is a key component of democratic governance, the activism of civil society, and socioeconomic development; and

Whereas freedom of the press enhances public accountability, transparency, and participation: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses concern about the threats to freedom of the press and expression around the world following World Press Freedom Day, held on May 3, 2014;

(2) commends journalists and media workers around the world for their essential role in promoting government accountability, defending democratic activity, and strengthening civil society, despite threats to their safety;

(3) pays tribute to the journalists who have lost their lives carrying out their work;

(4) calls on governments abroad to implement United Nations General Assembly Resolution (A/RES/68/163), by thoroughly investigating and seeking to resolve outstanding cases of violence against journalists, includ-

ing murders and kidnappings, while ensuring the protection of witnesses;

(5) condemns all actions around the world that suppress freedom of the press, such as the recent kidnappings of journalists and media workers in eastern Ukraine by pro-Russian militant groups;

(6) reaffirms the centrality of freedom of the press to efforts by the United States Government to support democracy, mitigate conflict, and promote good governance domestically and around the world; and

(7) calls on the President and the Secretary of State—

(A) to improve the means by which the United States Government rapidly identifies, publicizes, and responds to threats against freedom of the press around the world;

(B) to urge foreign governments to transparently investigate and bring to justice the perpetrators of attacks against journalists; and

(C) to highlight the issue of threats against freedom of the press year-round.

#### SENATE RESOLUTION 448—EXPRESSING THE SENSE OF THE SENATE ON THE POLICY OF THE UNITED STATES REGARDING STABILIZING THE CURRENCY OF UKRAINE

Mr. RUBIO (for himself and Mr. CRUZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 448

Whereas the territorial integrity of Ukraine has been compromised by the unlawful annexation of Crimea by the Russian Federation;

Whereas the territorial integrity of Ukraine continues to be under threat because of unlawful provocations by the Russian Federation;

Whereas ongoing economic hardships in Ukraine are being exploited by unlawful separatist elements with allegiances to the Russian Federation;

Whereas strengthening of the economy of Ukraine can help stabilize the unrest in the southern and eastern parts of Ukraine and support the territorial integrity of Ukraine;

Whereas the Russian Federation has declared the Russian ruble to be legal tender in Crimea following its unlawful annexation of Crimea, to circulate in parallel with the hryvnia, the national currency of Ukraine, until January 1, 2016;

Whereas the Russian Federation will exploit currency competition between the ruble and the hryvnia during the period both currencies are in circulation in Crimea in an attempt to portray the Russian-controlled managed economy as superior to Western-style democracy and free markets;

Whereas a stable national currency can be important to facilitate economic growth;

Whereas the hryvnia dropped in value by 35 percent relative to the United States dollar between January and May 2014;

Whereas currency boards have a long record of promoting superior performance in countries with emerging markets by spurring higher economic growth rates, lower inflation rates, and more fiscal discipline than central banks that employ floating exchange rates;

Whereas the establishment of a national currency board for Ukraine can generate a more stable currency and enhance demand for the hryvnia;



Whereas, under a currency board, the hryvnia could be convertible into the United States dollar or the euro, both of which are dominant global reserve currencies;

Whereas the ability to convert the hryvnia into the United States dollar or the euro would help make the hryvnia stable and its exchange more reliable;

Whereas a stable national currency can boost investor confidence and make Ukraine less susceptible to destabilizing rhetoric from the Russian Federation;

Whereas the International Monetary Fund has a long track record of supporting the establishment of currency boards and financial mechanisms that approximate currency boards, notably through the implementation of Article VII of Annex 4 of the General Framework Agreement for Peace in Bosnia and Herzegovina, initialed at Dayton, November 21, 1995 (commonly known as the "Dayton Peace Accords"), which mandated a currency board for Bosnia and Herzegovina;

Whereas the International Monetary Fund can provide the technical expertise necessary to ensure that a currency board run by monetary authorities in Ukraine is implemented properly;

Whereas currency board systems have been designed for other countries in Europe with positive results, including Estonia, Lithuania, and Bosnia and Herzegovina;

Whereas the United States Congress sent a strong message of solidarity with the people of Ukraine by passing the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (Public Law 113-95; 128 Stat. 1088), which included financial assistance for Ukraine; and

Whereas strengthening of the national currency of Ukraine and supporting the institution of a disciplined monetary regime would send a powerful signal of support for Ukraine: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the United States and Ukraine should examine the benefits of implementing a currency board system as a way to stabilize the national currency of Ukraine and to improve the economy of Ukraine; and

(2) if Ukraine decides to pursue the implementation of a currency board system, the United States Secretary of the Treasury should work with the International Monetary Fund to help create a currency board for Ukraine that can assist Ukraine to improve its economy.

#### SENATE RESOLUTION 449—COMMEMORATING AND HONORING THE DEDICATION AND SACRIFICE OF THE FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICERS WHO HAVE BEEN KILLED OR INJURED IN THE LINE OF DUTY

Mr. LEAHY (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mr. MARKEY, Mr. BEGICH, Mr. UDALL of New Mexico, Mrs. HAGAN, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mr. BOOKER, Ms. LANDRIEU, Mr. REED, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. WICKER, Ms. HEITKAMP, Mr. PRYOR, Ms. HIRONO, Mr. CARDIN, Mr. UDALL of Colorado, Mr. COCHRAN, Ms. MIKULSKI, Ms. WARREN, Mr. WARNER, Mr. SCHUMER, Mrs. MURRAY, Mr. WHITEHOUSE, Mr. DONNELLY, Mr. HEINRICH, and Ms. KLO-

BUCHAR) submitted the following resolution; which was considered and agreed to:

#### S. RES. 449

Whereas the well-being of all individuals in the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement officers;

Whereas more than 900,000 law enforcement officers greatly risk their personal safety to serve individuals in the United States as guardians of the peace;

Whereas law enforcement officers are often on the front lines in protecting the schools and school children in the United States;

Whereas, in 2013, 101 law enforcement officers across the United States were killed in the line of duty;

Whereas Congress should strongly support initiatives to reduce violent crime and contribute to the safety of law enforcement officers, including—

(1) providing such officers with equipment of the highest quality and modernity;

(2) increasing the availability and use of bullet-resistant vests for such officers;

(3) improving training for such officers; and

(4) providing advanced emergency medical care for such officers;

Whereas more than 19,000 Federal, State, and local law enforcement officers lost their lives in the line of duty while protecting citizens of the United States, and the names of such officers are engraved on the National Law Enforcement Officers Memorial in Washington, DC;

Whereas, in 1962, President John F. Kennedy designated May 15 as "National Peace Officers Memorial Day"; and

Whereas, on May 15, 2014, more than 20,000 law enforcement officers are expected to gather in Washington, DC, to join the families of their fallen comrades to honor those comrades and all law enforcement officers who have fallen before them: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates and acknowledges the dedication and sacrifices of the Federal, State, and local law enforcement officers who have been killed or injured in the line of duty;

(2) recognizes May 15, 2014, as "National Peace Officers Memorial Day"; and

(3) calls on the people of the United States to observe that day with appropriate ceremonies, solemnity, appreciation, and respect.

#### SENATE RESOLUTION 450—DESIGNATING MAY 17, 2014, AS "KIDS TO PARKS DAY"

Mr. UDALL of Colorado (for himself, Ms. LANDRIEU, Mr. PORTMAN, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

#### S. RES. 450

Whereas the 4th annual Kids to Parks Day will be celebrated on May 17, 2014;

Whereas the goal of Kids to Parks Day is to empower young people and encourage families to get outdoors and visit the parks of the United States;

Whereas on Kids to Parks Day, individuals from rural and urban areas of the United States are reintroduced to the splendid Federal, State, and neighborhood parks that are located in their communities;

Whereas communities across the United States offer a variety of natural resources and public land, often with free access, to individuals seeking outdoor recreation;

Whereas the people of the United States, young and old, should be encouraged to lead more healthy and active lifestyles;

Whereas Kids to Parks Day is an opportunity for families to take a break from their busy lives and come together for a day of wholesome fun; and

Whereas Kids to Parks Day will broaden the appreciation of young people for nature and the outdoors: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 17, 2014, as "Kids to Parks Day";

(2) recognizes the importance of outdoor recreation and the preservation of open spaces to the health of the young people of the United States; and

(3) calls on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

#### SENATE RESOLUTION 451—RECALLING THE GOVERNMENT OF CHINA'S FORCIBLE DISPERSION OF THOSE PEACEABLY ASSEMBLED IN TIANANMEN SQUARE 25 YEARS AGO, IN LIGHT OF CHINA'S CONTINUED ABYSMAL HUMAN RIGHTS RECORD

Mr. BARRASSO submitted the following resolution; which was referred to the Committee on Foreign Relations:

#### S. RES. 451

Whereas, in 1989, Chinese citizens involved in a peaceful democratic movement gathered in Tiananmen Square to call for the establishment of a dialogue with their government on democratic reforms, including freedom of expression and freedom of assembly;

Whereas, on June 4, 1989, Chinese authorities ordered the People's Liberation Army and other security forces to use lethal force to disperse demonstrators in Tiananmen Square;

Whereas the number of peaceful protesters killed or injured by the forcible dispersion remains unknown to this day;

Whereas, 25 years after these deaths, there has been no accountability on the part of the Government of the People's Republic of China in disciplining involved officials;

Whereas there remain imprisoned to this day individuals who expressed their desire for democracy in China 25 years ago in Tiananmen Square;

Whereas the Department of State's most recent human rights report on China found that "citizens did not have the right to change their government";

Whereas, even in recent weeks, the Government of the People's Republic of China has detained those who attempt to peacefully commemorate the events of June 1989, including activists such as Pu Zhiqiang and Wen Kejian;

Whereas the Department of State's most recent human rights report on China found "extrajudicial killings" remained a problem in China;

Whereas the Department of State's most recent human rights report on China found the government continued to target "for arbitrary detention or arrest" "human rights activists, journalists, . . . and former political prisoners and their family members"; and



Whereas June 4, 2014, is the 25th anniversary of the Tiananmen Square massacre: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses sympathy to the families of those killed, tortured, and imprisoned as a result of their participation in the democracy gathering on June 4, 1989, in Tiananmen Square, Beijing, in the People's Republic of China;

(2) commends all peaceful advocates for democracy and human rights in China;

(3) condemns the ongoing and egregious human rights abuses by the Communist Government of the People's Republic of China;

(4) calls on the Communist Government of the People's Republic of China to—

(A) release all prisoners of conscience, including those persons still in prison as a result of their participation in the peaceful pro-democracy gatherings of 1989 and those detained for their commemoration of these events;

(B) allow those people exiled on account of their activities to return to live in freedom in China; and

(C) cease the harassment, detention, and imprisonment of all Chinese citizens exercising their freedoms of expression, association, and religion; and

(5) calls upon the United States representative at the United Nations Human Rights Council to introduce a resolution in that forum calling for an examination of the human rights practices of the Government of the People's Republic of China.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3101. Ms. STABENOW (for herself, Mr. BROWN, Mr. ROBERTS, and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table.

SA 3102. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3103. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3104. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3105. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3106. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3107. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3108. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2260, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3109. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him

to the bill S. 2260, supra; which was ordered to lie on the table.

SA 3110. Mr. FLAKE (for himself, Mr. ALEXANDER, Mr. TOOMEY, Mr. MCCAIN, Mr. LEE, and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table.

SA 3111. Mr. FLAKE (for himself, Mr. ALEXANDER, Mr. MCCAIN, Mr. LEE, and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3112. Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3113. Mr. THUNE (for himself, Ms. AYOTTE, and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3114. Mr. THUNE (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3115. Mr. HOEVEN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3116. Mr. ROBERTS (for himself, Mr. MCCONNELL, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3117. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3118. Mr. PRYOR (for Mr. BOOZMAN (for himself and Mr. PRYOR)) submitted an amendment intended to be proposed by Mr. PRYOR to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3119. Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. BLUNT, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3120. Mr. CARPER (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3121. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3122. Mr. CARPER (for himself, Mr. CARDIN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3123. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3124. Mr. CARPER (for himself, Ms. COLLINS, Mr. CARDIN, Mr. MENENDEZ, Mr. BROWN, Mr. MARKEY, Mr. COONS, Mr. SCHATZ, Mr. KING, Mr. WHITEHOUSE, Ms. MIKULSKI,

and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3125. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3126. Ms. CANTWELL (for herself, Mr. THUNE, Mr. CORNYN, Mr. NELSON, Mrs. MURRAY, and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3127. Ms. CANTWELL (for herself, Mr. BENNET, Ms. STABENOW, Mr. MENENDEZ, Mr. CARDIN, Mr. BROWN, Mr. NELSON, and Mr. CARPER) submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3128. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3129. Ms. STABENOW (for herself, Mr. BROWN, Mr. ROBERTS, and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3130. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3131. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3132. Mr. KING (for himself, Ms. COLLINS, Mrs. SHAHEEN, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3133. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3134. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3135. Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3136. Mr. KING submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3137. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3138. Ms. CANTWELL (for herself and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3139. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3140. Ms. CANTWELL (for herself, Mr. BENNET, Ms. STABENOW, Mr. CARDIN, Mr. MENENDEZ, Mr. BROWN, Mr. NELSON, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3141. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3142. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3143. Mr. MORAN (for himself, Ms. HEITKAMP, Mr. THUNE, Mr. HEINRICH, Mr. BEGICH, Mr. INHOFE, Mr. BENNET, Ms. STABENOW, Mr. ENZI, Mr. HOEVEN, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Mr. UDALL of Colorado, Mrs. MURRAY, Mr. CRAPO, Mr. TESTER, Mr. WALSH, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3144. Mr. BARRASSO (for himself, Mr. HATCH, Mr. ROBERTS, Mr. ENZI, Mr. ISAKSON, Mr. MCCONNELL, Ms. AYOTTE, Ms. COLLINS, Mr. ALEXANDER, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3145. Mr. FLAKE (for himself, Mr. ALEXANDER, Mr. MCCAIN, Mr. LEE, Mr. MCCONNELL, and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3146. Mr. FLAKE (for himself, Mr. ALEXANDER, Mr. TOOMEY, Mr. MCCAIN, Mr. LEE, Mr. MCCONNELL, and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3147. Mr. CORNYN (for himself, Mr. COATS, Mr. ISAKSON, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3148. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3149. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3150. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3151. Mr. GRAHAM (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3152. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3153. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3154. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3155. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. LEE) submitted an amendment intended to be proposed to amendment

SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3156. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3157. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3158. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3159. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3160. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3161. Mr. TOOMEY (for himself, Mr. BURR, Mr. CORNYN, Mr. COATS, Ms. AYOTTE, Mr. MCCONNELL, Mr. ROBERTS, Mr. CRAPO, Mr. ALEXANDER, Mr. HATCH, Mr. ISAKSON, Ms. COLLINS, and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3162. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3163. Mr. GRASSLEY (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3164. Mr. JOHANNIS submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3165. Mr. HATCH (for himself, Mr. ALEXANDER, Mr. ENZI, Ms. COLLINS, Mr. COCHRAN, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3166. Mr. HATCH (for himself, Mr. ALEXANDER, Mr. COATS, Mr. THUNE, Ms. AYOTTE, Mr. MCCONNELL, Mr. ENZI, Ms. COLLINS, Mr. COCHRAN, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3167. Mr. TOOMEY (for himself, Mr. CASEY, Mr. CRAPO, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3168. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3169. Mr. ENZI (for himself, Mr. DURBIN, Mr. ALEXANDER, Ms. HEITKAMP, Mr. ROCKEFELLER, Mr. KING, Mr. CARDIN, Ms. LANDRIEU, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. REED, Mr. MANCHIN, Mr. JOHNSON of South Dakota, Mr. BLUNT, Mr. UDALL of Colorado, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3170. Mr. TOOMEY (for himself, Mr. LEE, and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3171. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3172. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3173. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3174. Mr. TOOMEY (for himself, Mr. BURR, Mr. CORNYN, Mr. CRAPO, Mr. COATS, Ms. AYOTTE, Mr. MCCONNELL, Mr. ALEXANDER, Mr. ROBERTS, Mr. ISAKSON, Ms. COLLINS, Mr. ENZI, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3175. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3176. Mr. KIRK submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3177. Mr. CARDIN (for himself, Mr. ROBERTS, Mr. THUNE, Mr. MORAN, Mr. WHITEHOUSE, Mr. CRAPO, Mr. BLUNT, Ms. COLLINS, Mr. LEAHY, Ms. LANDRIEU, Mr. FRANKEN, Mr. SANDERS, Ms. STABENOW, Mr. BROWN, and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3178. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3179. Mr. GRASSLEY (for himself and Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3180. Mr. COONS (for himself, Mr. MORAN, Ms. STABENOW, Ms. MURKOWSKI, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3181. Mr. LEVIN (for himself, Mr. BROWN, Mrs. SHAHEEN, Ms. HIRONO, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3182. Mr. CARDIN (for himself, Mrs. FEINSTEIN, and Mr. SCHATZ) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3183. Mr. CARDIN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3184. Mr. CARDIN (for himself, Ms. COLLINS, Mr. CASEY, Mrs. SHAHEEN, Mr. PORTMAN, Mr. KING, Mr. WICKER, Mr. COONS, Ms. HIRONO, Mr. SCHUMER, Mr. LEAHY, Ms. MIKULSKI, Ms. AYOTTE, Mr. BEGICH, Mr. HEINRICH, Mr. UDALL of Colorado, Ms. MURKOWSKI, Mr. SCHATZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3185. Mr. CARDIN (for himself, Mrs. FEINSTEIN, and Mr. SCHATZ) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3186. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3187. Mr. CARDIN (for himself, Mr. SCHATZ, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3188. Mr. THUNE (for himself, Mr. McCONNELL, Mr. ROBERTS, Mr. ISAKSON, and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3189. Mr. THUNE (for himself, Mr. McCONNELL, Mr. CORNYN, Mr. ROBERTS, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3190. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3191. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3192. Mr. THUNE (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3193. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3194. Mr. THUNE (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3195. Ms. COLLINS (for herself and Mr. NELSON) submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3196. Ms. COLLINS (for herself, Mr. SCOTT, Mr. ISAKSON, Ms. MURKOWSKI, Ms. AYOTTE, Mr. GRAHAM, Mr. BLUNT, Mr. CRAPO, Mr. BOOZMAN, and Mr. DONNELLY) submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3197. Ms. COLLINS (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3198. Ms. COLLINS (for herself, Mr. SCHUMER, Mr. CARDIN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3199. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3200. Ms. COLLINS (for herself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3201. Mr. BENNETT (for himself, Mr. MERKLEY, and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN

to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3202. Mr. REED (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3203. Mr. CARDIN (for himself, Mr. BROWN, Mr. ROCKEFELLER, Ms. MIKULSKI, Ms. HEITKAMP, Ms. WARREN, Mr. LEVIN, Mrs. MURRAY, Mr. WHITEHOUSE, Mr. DURBIN, Mr. LEAHY, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3204. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3205. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3206. Mr. COATS submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3207. Mr. COATS submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3208. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3209. Mr. CASEY (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3210. Mr. CASEY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3211. Mr. UDALL, of Colorado (for himself, Mr. BLUNT, Mrs. SHAHEEN, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3212. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3213. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3214. Ms. KLOBUCHAR (for herself, Mr. HATCH, Mr. FRANKEN, Mr. TOOMEY, Mrs. SHAHEEN, Mrs. HAGAN, Mr. DONNELLY, Mr. COATS, Mr. McCONNELL, Mr. UDALL of Colorado, Mr. CASEY, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3215. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3216. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3217. Mr. BOOKER (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3218. Ms. STABENOW submitted an amendment intended to be proposed to

amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3219. Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3220. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3221. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3222. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3223. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 3474, supra; which was ordered to lie on the table.

SA 3224. Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3101.** Ms. STABENOW (for herself, Mr. BROWN, Mr. ROBERTS, and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 30, strike line 19 and insert the following:

tion 125(c) of such Act).  
“(iv) SPECIAL MAXIMUM INCREASE AMOUNT.—In the case of round 4 extension property placed in service by a corporation—

“(I) subparagraph (C)(iii) shall not apply, and

“(II) the term ‘maximum increase amount’ means an amount that is 50 percent of the AMT credit increase amount determined with respect to such corporation under subparagraph (E) by substituting ‘December 31, 2013’ for ‘March 31, 2008’ and by substituting ‘January 1, 2011’ for ‘January 1, 2006’.”.

**SA 3102.** Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 10 and all that follows through page 50, line 9.

Beginning on page 50, strike line 19 and all that follows through page 55, line 17.

On page 56, strike line 6 and all that follows through line 14.

On page 58, strike line 3 and all that follows through line 11 and insert the following:

case of any alternative fuel credit properly determined under section 6426(d) of the Internal Revenue Code of 1986 for periods after December 31, 2013, and before the date of the enactment of this Act.

Beginning on page 59, strike line 7 and all that follows through page 60, line 2.

At the appropriate place, insert the following:

**TITLE VI—ENERGY FREEDOM AND ECONOMIC PROSPERITY ACT OF 2014**

**Subtitle A—Short Title; etc.**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Energy Freedom and Economic Prosperity Act of 2014”.

**Subtitle B—Repeal of Energy Tax Subsidies**

**SEC. 11. EARLY TERMINATION OF CREDIT FOR QUALIFIED FUEL CELL MOTOR VEHICLES.**

(a) IN GENERAL.—Section 30B is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 24(b)(3) is amended by striking “, 30B”.

(2) Paragraph (2) of section 25B(g) is amended by striking “, 30B”.

(3) Subsection (b) of section 38 is amended by striking paragraph (25).

(4) Subsection (a) of section 1016 is amended by striking paragraph (35) and by redesignating paragraphs (36) and (37) as paragraphs (35) and (36), respectively.

(5) Subsection (m) of section 6501 is amended by striking “, 30B(h)(9)”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30B.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

**SEC. 12. EARLY TERMINATION OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.**

(a) IN GENERAL.—Section 30D is repealed.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles placed in service after the date of the enactment of this Act.

**SEC. 13. REPEAL OF CREDIT FOR ALCOHOL USED AS FUEL.**

(a) IN GENERAL.—Section 40, as amended by this Act, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38 is amended by striking paragraph (3).

(2) Subsection (c) of section 196 is amended by striking paragraph (3) and by redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively.

(3) Paragraph (1) of section 4101(a) is amended by striking “, and every person producing cellulosic biofuel (as defined in section 40(b)(6)(E))”.

(4) Paragraph (1) of section 4104(a) is amended by striking “, 40”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

**SEC. 14. REPEAL OF ENHANCED OIL RECOVERY CREDIT.**

(a) IN GENERAL.—Section 43 is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38 is amended by striking paragraph (6).

(2) Paragraph (4) of section 45Q(d) is amended by inserting “(as in effect on the day before the date of the enactment of the Energy Freedom and Economic Prosperity Act of 2014)” after “section 43(c)(2)”.

(3) Subsection (c) of section 196, as amended by sections 105 and 106 of this Act, is

amended by striking paragraph (5) and by redesignating paragraphs (6) through (12) as paragraphs (5) through (11), respectively.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 43.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred after December 31, 2014.

**SEC. 15. REPEAL OF CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.**

(a) IN GENERAL.—Section 45I is repealed.

(b) CONFORMING AMENDMENT.—Subsection (b) of section 38 is amended by striking paragraph (19).

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 45I.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 2014.

**SEC. 16. TERMINATION OF CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.**

(a) IN GENERAL.—Subparagraph (B) of section 45J(d)(1) is amended by striking “January 1, 2021” and inserting “January 1, 2015”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

**SEC. 17. REPEAL OF CREDIT FOR CARBON DIOXIDE SEQUESTRATION.**

(a) IN GENERAL.—Section 45Q is repealed.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to carbon dioxide captured after December 31, 2014.

**SEC. 18. TERMINATION OF ENERGY CREDIT.**

(a) IN GENERAL.—Section 48 is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No credit shall be allowed under subsection (a) for any period after December 31, 2014.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

**SEC. 19. REPEAL OF QUALIFYING ADVANCED COAL PROJECT.**

(a) IN GENERAL.—Section 48A is repealed.

(b) CONFORMING AMENDMENT.—Section 46 is amended by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48A.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

**SEC. 20. REPEAL OF QUALIFYING GASIFICATION PROJECT CREDIT.**

(a) IN GENERAL.—Section 48B is repealed.

(b) CONFORMING AMENDMENT.—Section 46, as amended by this Act, is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48B.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

**SEC. 21. REPEAL OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.**

(a) IN GENERAL.—Section 48C is repealed.

(b) CONFORMING AMENDMENT.—Section 46, as amended by this Act, is amended by strik-

ing paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48C.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

**Subtitle C—Reduction of Corporate Income Tax Rate**

**SEC. 31. CORPORATE INCOME TAX RATE REDUCED.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe, in lieu of the rates of tax under paragraphs (1) and (2) of section 11(b), section 1201(a), and paragraphs (1), (2), and (6) of section 1445(e) of the Internal Revenue Code of 1986, such rates of tax as the Secretary estimates would result in—

(1) a decrease in revenue to the Treasury for taxable years beginning during the 10-year period beginning on the date of the enactment of this Act, equal to

(2) the increase in revenue for such taxable years by reason of the amendments made by title I of this Act.

(b) MAINTENANCE OF GRADUATED RATES.—In prescribing the tax rates under subsection (a), the Secretary shall ensure that each rate modified under such subsection is reduced by a uniform percentage.

(c) EFFECTIVE DATE.—The rates prescribed by the Secretary under subsection (a) shall apply to taxable years beginning more than 1 year after the date of the enactment of this Act.

**SA 3103.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —OTHER PROVISIONS**

**SEC. 01. LIMITATION ON STATE TAXATION OF COMPENSATION EARNED BY NON-RESIDENT TELECOMMUTERS AND OTHER MULTI-STATE WORKERS.**

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following:

**“§ 127. Limitation on State taxation of compensation earned by nonresident telecommuters and other multi-State workers**

“(a) IN GENERAL.—In applying its income tax laws to the compensation of a nonresident individual, a State may deem such nonresident individual to be present in or working in such State for any period of time only if such nonresident individual is physically present in such State for such period and such State may not impose nonresident income taxes on such compensation with respect to any period of time when such nonresident individual is physically present in another State.

“(b) DETERMINATION OF PHYSICAL PRESENCE.—For purposes of determining physical presence, no State may deem a nonresident individual to be present in or working in such State on the grounds that—

“(1) such nonresident individual is present at or working at home for convenience, or

“(2) such nonresident individual’s work at home or office at home fails any convenience of the employer test or any similar test.

“(c) DETERMINATION OF PERIODS OF TIME WITH RESPECT TO WHICH COMPENSATION IS PAID.—For purposes of determining the periods of time with respect to which compensation is paid, no State may deem a period of time during which a nonresident individual is physically present in another State and performing certain tasks in such other State to be—

“(1) time that is not normal work time unless such individual’s employer deems such period to be time that is not normal work time,

“(2) nonworking time unless such individual’s employer deems such period to be nonworking time, or

“(3) time with respect to which no compensation is paid unless such individual’s employer deems such period to be time with respect to which no compensation is paid.

“(d) DEFINITIONS.—As used in this section—

“(1) STATE.—The term ‘State’ means each of the several States (or any subdivision thereof), the District of Columbia, and any territory or possession of the United States.

“(2) INCOME TAX.—The term ‘income tax’ has the meaning given such term by section 110(c).

“(3) INCOME TAX LAWS.—The term ‘income tax laws’ includes any statutes, regulations, administrative practices, administrative interpretations, and judicial decisions.

“(4) NONRESIDENT INDIVIDUAL.—The term ‘nonresident individual’ means an individual who is not a resident of the State applying its income tax laws to such individual.

“(5) EMPLOYEE.—The term ‘employee’ means an employee as defined by the State in which the nonresident individual is physically present and performing personal services for compensation.

“(6) EMPLOYER.—The term ‘employer’ means the person having control of the payment of an individual’s compensation.

“(7) COMPENSATION.—The term ‘compensation’ means the salary, wages, or other remuneration earned by an individual for personal services performed as an employee or as an independent contractor.

“(e) NO INFERENCE.—Nothing in this section shall be construed as bearing on—

“(1) any tax laws other than income tax laws,

“(2) the taxation of corporations, partnerships, trusts, estates, limited liability companies, or other entities, organizations, or persons other than nonresident individuals in their capacities as employees or independent contractors,

“(3) the taxation of individuals in their capacities as shareholders, partners, trust and estate beneficiaries, members or managers of limited liability companies, or in any similar capacities, and

“(4) the income taxation of dividends, interest, annuities, rents, royalties, or other forms of unearned income.”.

(b) CLERICAL AMENDMENT.—The table of sections of such chapter 4 is amended by adding at the end the following new item:

“127. Limitation on State taxation of compensation earned by nonresident telecommuters and other multi-State workers.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SA 3104.** Mr. BLUMENTHAL submitted an amendment intended to be

proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —STOP SUBSIDIZING CHILDHOOD OBESITY ACT**

##### **SEC. .01. SHORT TITLE.**

This title may be cited as the “Stop Subsidizing Childhood Obesity Act”.

##### **SEC. .02. FINDINGS.**

Congress finds the following:

(1) Childhood obesity has more than doubled in children and tripled in adolescents in the past 30 years. Currently, more than one-third of children and adolescents are overweight or obese.

(2) A report by the Robert Wood Johnson Foundation found that if the population of the United States continues on its current trajectory, adult obesity rates could exceed 60 percent in a number of states by 2030.

(3) Health-related behaviors, such as eating habits and physical activity patterns, develop early in life and often extend into adulthood. The diets of American children and adolescents depart substantially from recommended patterns that put their health at risk. Overall, American children and youth are not achieving basic nutritional goals. They are consuming excess calories and added sugars and have higher than recommended intakes of sodium, total fat, and saturated fats.

(4) Budgets for food marketing to children have spiked into the billions of dollars. According to a 2012 report from the Federal Trade Commission, the total amount spent on food marketing to children is about \$2,000,000,000 a year.

(5) Companies market food to children through television, radio, Internet, magazines, product placement in movies and video games, schools, product packages, toys, clothing and other merchandise, and almost anywhere a logo or product image can be shown.

(6) According to a comprehensive review by the National Academies’ Institute of Medicine, studies demonstrate that television food advertising affects children’s food choices, food purchase requests, diets, and health.

(7) A 2005 report from the Institute of Medicine confirmed that “aggressive marketing of high-calorie foods to children and adolescents has been identified as one of the major contributors to childhood obesity”.

(8) Nearly three-quarters of the foods advertised on television shows intended for children are for sweets and convenience or fast foods.

(9) A study published in the Journal of Law and Economics and funded by the National Institutes of Health found that the elimination of the tax deduction that allows companies to deduct costs associated with advertising food of poor nutritional quality to children could reduce the rates of childhood obesity by 5 to 7 percent.

##### **SEC. .03. DENIAL OF DEDUCTION FOR ADVERTISING AND MARKETING DIRECTED AT CHILDREN TO PROMOTE THE CONSUMPTION OF FOOD OF POOR NUTRITIONAL QUALITY.**

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 is amended by adding at the end the following new section:

##### **“SEC. 280I. DENIAL OF DEDUCTION FOR ADVERTISING AND MARKETING DIRECTED AT CHILDREN TO PROMOTE THE CONSUMPTION OF FOOD OF POOR NUTRITIONAL QUALITY.**

“(a) IN GENERAL.—No deduction shall be allowed under this chapter with respect to—

“(1) any advertisement or marketing—

“(A) primarily directed at children for purposes of promoting the consumption by children of any food of poor nutritional quality, or

“(B) of a brand primarily associated with food of poor nutritional quality that is primarily directed at children, and

“(2) any of the following which are incurred or provided primarily for purposes described in paragraph (1):

“(A) Travel expenses (including meals and lodging).

“(B) Goods or services of a type generally considered to constitute entertainment, amusement, or recreation or the use of a facility in connection with providing such goods and services.

“(C) Gifts.

“(D) Other promotion expenses.

“(b) IOM STUDY.—

“(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this section, the Secretary shall enter into a contract with the Institute of Medicine under which the Institute of Medicine shall develop procedures for the evaluation and identification of—

“(A) food of poor nutritional quality, and

“(B) brands that are primarily associated with food of poor nutritional quality.

“(2) IOM REPORT.—Not later than 12 months after the date of the enactment of this section, the Institute of Medicine shall submit to the Secretary a report that establishes the proposed procedures described in paragraph (1).

“(c) DEFINITIONS.—In this section:

“(1) BRAND.—The term ‘brand’ means a corporate or product name, a business image, or a mark, regardless of whether it may legally qualify as a trademark, used by a seller or manufacturer to identify goods or services and to distinguish them from the goods of a competitor.

“(2) CHILD.—The term ‘child’ means an individual who is under the age of 14.

“(3) FOOD.—The term ‘food’ shall include beverages, candy, and chewing gum.

“(4) MARKETING.—The term ‘marketing’ means any product or brand advertising or promotional techniques directed at children, including—

“(A) advertising (including product placement) on television and radio, in print media, in social media, and on the Internet (including third-party and company-sponsored websites),

“(B) the use of characters or mascots, themes, activities, incentives, or any other advertising or promotional techniques contained on the packaging or labeling of a product,

“(C) advertising preceding a movie shown in a movie theater or placed on a video (DVD or VHS) or within a video game or mobile application,

“(D) promotional content transmitted to televisions, personal computers, and other digital or mobile devices,

“(E) advertising displays and promotions at the retail site or events,

“(F) specialty or premium items distributed in connection with the sale of a product or a product loyalty program,

“(G) character licensing, toy co-branding and cross-promotions,

“(H) celebrity and athlete endorsements, and

“(I) any advertising or promotional techniques used within a school.

“(d) REGULATIONS.—Not later than 18 months after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Health and Human Services and the Federal Trade Commission, shall promulgate such regulations as may be necessary to carry out the purposes of this section, including regulations defining the terms ‘directed at children’, ‘food of poor nutritional quality’, and ‘brand primarily associated with food of poor nutritional quality’ for purposes of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 280I. Denial of deduction for advertising and marketing directed at children to promote the consumption of food of poor nutritional quality.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning 24 months after the date of the enactment of this Act.

#### SEC. 04. ADDITIONAL FUNDING FOR THE FRESH FRUIT AND VEGETABLE PROGRAM.

In addition to any other amounts made available to carry out the Fresh Fruit and Vegetable Program under section 19 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a), the Secretary of the Treasury (or the Secretary's delegate) shall, on an annual basis, transfer to such program, from amounts in the general fund of the Treasury of the United States, an amount determined by the Secretary of the Treasury (or the Secretary's delegate) to be equal to the increase in revenue for the preceding 12-month period by reason of the enactment of section 280I of the Internal Revenue Code of 1986, as added by this Act.

**SA 3105.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE —OTHER PROVISIONS

#### SEC. 01. MANUFACTURING REINVESTMENT ACCOUNTS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 199 the following new section:

#### “SEC. 199A. MANUFACTURING REINVESTMENT ACCOUNTS.

“(a) DEDUCTION ALLOWED.—In the case of a taxpayer engaged in a manufacturing business, there shall be allowed as a deduction for the taxable year the amount paid in cash by the taxpayer during the taxable year to a

manufacturing reinvestment account (hereinafter referred to as an ‘MRA’) for the taxpayer's benefit.

“(b) LIMITATION.—

“(1) IN GENERAL.—The amount which a taxpayer may pay into an MRA for the taxable year shall not exceed the lesser of—

“(A) the domestic manufacturing gross receipts of the taxpayer for the taxable year, or

“(B) \$500,000.

“(2) CONTROLLED GROUPS.—

“(A) IN GENERAL.—For purposes of this subsection, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single manufacturer.

“(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 to this section, section 1563 shall be applied without regard to subsection (b)(2)(C) thereof.

“(c) MRA.—For purposes of this section, the term ‘MRA’ means a trust created or organized in the United States for the exclusive benefit of the taxpayer, but only if the written governing instrument creating the trust meets the following requirements:

“(1) No contribution will be accepted for any taxable year unless it is in cash.

“(2) Contributions will not be accepted for any taxable year in excess of the amount allowed as a deduction under subsection (a) for such year.

“(3) The trustee is an eligible institution.

“(4) No part of the trust assets will be invested in life insurance contracts.

“(5) No part of the trust assets will be invested in any collectible (as defined in section 408(m)).

“(6) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

“(d) TAX TREATMENT OF ACCOUNTS.—

“(1) IN GENERAL.—An MRA is exempt from taxation under this subtitle unless the account has ceased to be an MRA. Notwithstanding the preceding sentence, an MRA is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

“(2) ACCOUNT TERMINATIONS.—Rules similar to the rules of paragraphs (2) and (4) of section 408(e) shall apply to MRAs, and any amount treated as distributed under such rules shall be treated as not used to pay qualified reinvestment expenses.

“(e) TREATMENT OF DISTRIBUTIONS.—

“(1) IN GENERAL.—Except as provided in paragraphs (3) and (4), there shall be includible in the gross income of the taxpayer for any taxable year—

“(A) any amount distributed from an MRA of the taxpayer during such taxable year, and

“(B) any deemed distribution under—

“(i) subsection (g)(1) (relating to deposits not distributed within 7 years),

“(ii) subsection (g)(2) (relating to cessation in manufacturing business), and

“(iii) subparagraph (A) or (B) of subsection (g)(3) (relating to prohibited transactions and pledging account as security).

“(2) ADDITIONAL TAX.—

“(A) IN GENERAL.—The tax imposed by this chapter on the taxpayer for any taxable year in which there is a distribution from an MRA shall be increased by 10 percent of the amount of such distribution which is includible in gross income.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to distributions during the taxable

year to the extent necessary, under regulations prescribed by the Secretary, to avoid bankruptcy.

“(3) REDUCED INCLUSION FOR AMOUNTS REINVESTED.—Only 43 percent of the aggregate amount distributed from an MRA during the taxable year shall be includible in income under paragraph (1)(A) to the extent that such aggregate amount does not exceed the aggregate amount of qualified reinvestment expenses paid or incurred by the taxpayer during such year.

“(4) DISTRIBUTION OF EXCESS CONTRIBUTIONS.—Paragraph (1) shall not apply to the distribution of any contribution paid during a taxable year to an MRA to the extent that such contribution exceeds the limitation applicable under subsection (b) if requirements similar to the requirements of section 408(d)(4) are met.

“(f) DEFINITIONS.—For purposes of this section—

“(1) MANUFACTURING BUSINESS.—The term ‘manufacturing business’ means any trade or business having domestic manufacturing gross receipts.

“(2) DOMESTIC MANUFACTURING GROSS RECEIPTS.—The term ‘domestic manufacturing gross receipts’ means gross receipts of the taxpayer which are derived from any lease, rental, license, sale, exchange, or other disposition of tangible personal property which was manufactured by the taxpayer in whole or in significant part within the United States. Rules similar to the rules of section 199 shall apply in determining the gross receipts of the taxpayer for purposes of the preceding sentence.

“(3) QUALIFIED REINVESTMENT EXPENSES.—The term ‘qualified reinvestment expenses’ means—

“(A) expenses for property to be used by the taxpayer in a manufacturing business, and

“(B) expenses for job training and workforce development for employees of the taxpayer.

“(4) ELIGIBLE INSTITUTION.—

“(A) IN GENERAL.—The term ‘eligible institution’ means—

“(i) any insured depository institution, which—

“(I) is not controlled by a bank holding company or savings and loan holding company that is also an eligible institution,

“(II) has total assets of equal to or less than \$25,000,000,000, as reported in the call report as of the end of the fourth quarter of calendar year 2012, and

“(III) is not directly or indirectly controlled by any company or other entity that has total consolidated assets of more than \$25,000,000,000, as so reported;

“(ii) any bank holding company which has total consolidated assets of equal to or less than \$25,000,000,000;

“(iii) any savings and loan holding company which has total consolidated assets of equal to or less than \$25,000,000,000;

“(iv) any community development financial institution loan fund which has total assets of equal to or less than \$25,000,000,000; and

“(v) any small business lending company that has total assets of equal to or less than \$25,000,000,000.

“(B) INSURED DEPOSITORY INSTITUTION.—The term ‘insured depository institution’ has the meaning given such term under section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)).

“(C) BANK HOLDING COMPANY.—The term ‘bank holding company’ has the meaning given such term under section 2(a)(1) of the



Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(1)).

“(D) CALL REPORT.—The term ‘call report’ means—

“(i) reports of Condition and Income submitted to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation;

“(ii) the Office of Thrift Supervision Thrift Financial Report;

“(iii) any report that is designated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the Office of Thrift Supervision, as applicable, as a successor to any report referred to in clause (i) or (ii);

“(iv) standard reports of Condition and Income submitted by Community Development Financial Institution loan funds to the Community Development Financial Institutions Fund; and

“(v) with respect to an eligible institution for which no report exists that is described under clause (i), (ii), or (iii), such other report or set of information as the Secretary, in consultation with the Administrator of the Small Business Administration, may prescribe.

“(g) SPECIAL RULES.—

“(1) TAX ON DEPOSITS IN ACCOUNT WHICH ARE NOT DISTRIBUTED WITHIN 7 YEARS.—

“(A) IN GENERAL.—If, at the close of any taxable year, there is a nonqualified balance in any MRA—

“(i) there shall be deemed distributed from the MRA during such taxable year an amount equal to such balance, and

“(ii) the taxpayer's tax imposed by this chapter for such taxable year shall be increased by 10 percent of such deemed distribution.

“(B) NONQUALIFIED BALANCE.—For purposes of subparagraph (A), the term ‘nonqualified balance’ means any balance in the MRA on the last day of the taxable year which is attributable to amounts deposited in such account before the 6th preceding taxable year.

“(C) ORDERING RULE.—For purposes of this paragraph, distributions from an MRA shall be treated as made from deposits (and income thereon) in the order in which such deposits were made, beginning with the earliest deposits.

“(2) CESSATION OF MANUFACTURING BUSINESS.—If the taxpayer ceases to be engaged in a manufacturing business, there shall be deemed distributed from the MRA of the taxpayer at the close of the first taxable year beginning after such cessation an amount equal to the balance in the MRA (if any) at such close.

“(3) CERTAIN RULES TO APPLY.—Rules similar to the following rules shall apply for purposes of this section:

“(A) Section 408(e)(2) (relating to loss of exemption of account where taxpayer engages in prohibited transaction).

“(B) Section 408(e)(4) (relating to effect of pledging account as security).

“(C) Section 408(h) (relating to custodial accounts).

“(4) TIME WHEN PAYMENTS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a payment to an MRA on the last day of a taxable year if such payment is made on account of such taxable year and is made on or before the due date (without regard to extensions) for filing the return of tax for such taxable year.

“(5) DEDUCTION NOT ALLOWED FOR SELF-EMPLOYMENT TAX.—The deduction allowable by reason of subsection (a) shall not be taken

into account in determining an individual's net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2.

“(h) REPORTS.—The trustee of an MRA shall make such reports regarding such account to the Secretary and to the person for whose benefit the account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such persons at such time and in such manner as may be required by such regulations.

“(i) TERMINATION.—No deduction shall be allowed under this section for any taxable year beginning more than 10 years after the date of the enactment of this section.”.

(b) TAX ON EXCESS CONTRIBUTIONS.—

(1) IN GENERAL.—Subsection (a) of section 4973 is amended by striking “or” at the end of paragraph (4), by adding “or” at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

“(6) an MRA (within the meaning of section 199A(c)).”.

(2) EXCESS CONTRIBUTION DEFINED.—Section 4973 is amended by adding at the end the following new subsection:

“(h) EXCESS CONTRIBUTIONS TO MRAs.—For purposes of this section, in the case of MRAs (within the meaning of section 199A(c)), the term ‘excess contributions’ means the amount by which the amount contributed for the taxable year to the MRAs of the taxpayer exceeds the amount which may be contributed to such MRAs under section 199A(b) for such taxable year. For purposes of this subsection, any contribution which is distributed out of an MRA in a distribution to which section 199A(e)(3) applies shall be treated as an amount not contributed.”.

(c) TAX ON PROHIBITED TRANSACTIONS.—

(1) IN GENERAL.—Paragraph (1) of section 4975(e) is amended by striking “or” at the end of subparagraph (F), by redesignating subparagraph (G) as subparagraph (H), and by inserting after subparagraph (F) the following:

“(G) an MRA described in section 199A(c), or”.

(2) SPECIAL RULE.—Subsection (c) of section 4975 is amended by adding at the end the following:

“(7) SPECIAL RULE FOR MANUFACTURING REINVESTMENT ACCOUNTS.—A person for whose benefit an MRA (within the meaning of section 199A(c)) is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be an MRA by reason of the application of section 199A(g)(3)(A) to such account.”.

(d) FAILURE TO PROVIDE REPORTS ON MRAs.—Paragraph (2) of section 6693(a) is amended by redesignating subparagraphs (A) through (E) as subparagraphs (B) and (F), respectively, and by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

“(A) section 199A(h) (relating to manufacturing reinvestment accounts).”.

(e) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 199 the following new item:

“Sec. 199A. Manufacturing reinvestment accounts.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable

years beginning after the date of the enactment of this Act.

**SA 3106.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

(c) SPECIAL RULE FOR CERTAIN FACILITIES.—Section 45(e) is amended by adding at the end the following new paragraph:

“(12) SPECIAL RULE FOR CERTAIN QUALIFIED FACILITIES.—

“(A) IN GENERAL.—In the case of a qualified facility described in paragraph (3) or (7) of subsection (d) and placed in service before the date of the enactment of this paragraph, subsection (a)(2)(A)(ii) shall be applied by substituting ‘the period beginning after December 31, 2013, and ending before January 1, 2016’ for ‘the 10-year period beginning on the date the facility was originally placed in service’.

“(B) LIMITATION.—No credit shall be allowed under subsection (a) by reason of subparagraph (A) with respect to electricity produced and sold at a facility during any period which, when aggregated with all other periods for which a credit is allowed under this section with respect to electricity produced and sold at such facility, is in excess of 10 years.”.

**SA 3107.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Beginning on page 24, strike line 1 and all that follows through line 6 on page 25 and insert the following:

**SEC. 119. EXTENSION AND MODIFICATION OF WORK OPPORTUNITY TAX CREDIT.**

(a) IN GENERAL.—Paragraph (4) of section 51(c) is amended by striking “for the employer” and all that follows and inserting “for the employer after—

“(i) December 31, 2017, in the case of a qualified veteran, and

“(ii) December 31, 2015, in the case of any other individual.”.

(b) CREDIT FOR HIRING LONG-TERM UNEMPLOYMENT RECIPIENTS.—

(1) IN GENERAL.—Paragraph (1) of section 51(d) is amended by striking “or” at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting “, or”, and by adding at the end the following new subparagraph:

“(J) a qualified long-term unemployment recipient.”.

(2) QUALIFIED LONG-TERM UNEMPLOYMENT RECIPIENT.—Subsection (d) of section 51 is amended by adding at the end the following new paragraph:

“(15) QUALIFIED LONG-TERM UNEMPLOYMENT RECIPIENT.—The term ‘qualified long-term unemployment recipient’ means any individual who is certified by the designated local agency as being in a period of unemployment which—

“(A) is not less than 27 consecutive weeks, and

“(B) includes a period in which the individual was receiving unemployment compensation under State or Federal law.”.

(C) SIMPLIFIED CERTIFICATION OF VETERAN STATUS.—Subparagraph (D) of section 51(d)(13) is amended to read as follows:

“(D) PRE-SCREENING OF QUALIFIED VETERANS.—

“(i) IN GENERAL.—Subparagraph (A) shall be applied without regard to subclause (II) of clause (ii) thereof in the case of an individual seeking treatment as a qualified veteran with respect to whom the pre-screening notice contains—

“(I) qualified veteran status documentation,

“(II) qualified proof of unemployment compensation, and

“(III) an affidavit furnished by the individual stating, under penalty of perjury, that the information provided under subclauses (I) and (II) is true.

“(ii) QUALIFIED VETERAN STATUS DOCUMENTATION.—For purposes of clause (i), the term ‘qualified veteran status documentation’ means any documentation provided to an individual by the Department of Defense or the National Guard upon release or discharge from the Armed Forces which includes information sufficient to establish that such individual is a veteran.

“(iii) QUALIFIED PROOF OF UNEMPLOYMENT COMPENSATION.—For purposes of clause (i), the term ‘qualified proof of unemployment compensation’ means, with respect to an individual, checks or other proof of receipt of payment of unemployment compensation to such individual for periods aggregating not less than 4 weeks (in the case of an individual seeking treatment under paragraph (3)(A)(iii)), or not less than 6 months (in the case of an individual seeking treatment under clause (ii)(II) or (iv) of paragraph (3)(A)), during the 1-year period ending on the hiring date.”.

(d) CREDIT MADE AVAILABLE AGAINST PAYROLL TAXES IN CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—Paragraph (2) of section 52(c) is amended—

(A) by striking “QUALIFIED TAX-EXEMPT ORGANIZATIONS” in the heading and inserting “CERTAIN EMPLOYERS”, and

(B) by striking “by qualified tax-exempt organizations” and inserting “by certain employers”.

(2) CREDIT ALLOWED TO CERTAIN FOR-PROFIT EMPLOYERS.—Subsection (e) of section 3111 is amended—

(A) by inserting “or a qualified for-profit employer” after “If a qualified tax-exempt organization” in paragraph (1),

(B) by striking “with respect to whom a credit would be allowable under section 38 by reason of section 51 if the organization were not a qualified tax-exempt organization” in paragraph (1),

(C) by inserting “or for-profit employer” after “employees of the organization” each place it appears in paragraphs (1) and (2),

(D) by inserting “in the case of a qualified tax-exempt organization,” before “by only taking into account” in subparagraph (C) of paragraph (3),

(E) by inserting “or for-profit employer” after “the organization” in paragraph (4),

(F) by redesignating subparagraph (B) of paragraph (5) as subparagraph (C) of such

paragraph, by striking “and” at the end of subparagraph (A) of such paragraph, and by inserting after subparagraph (A) of such paragraph the following new subparagraph:

“(B) the term ‘qualified for-profit employer’ means, with respect to a taxable year, an employer not described in subparagraph (A), but only if—

“(i) such employer does not have profits for any of the 3 taxable years preceding such taxable year, and

“(ii) such employer elects under section 51(j) not to have section 51 apply to such taxable year, and”, and

(G) by striking “has meaning given such term by section 51(d)(3)” in subparagraph (C) of paragraph (5), as so redesignated, and inserting “means a qualified veteran (within the meaning of section 51(d)(3)) with respect to whom a credit would be allowable under section 38 by reason of section 51 if the employer of such veteran were not a qualified tax-exempt organization or a qualified for-profit employer”.

(3) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(e) REPORT.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Commissioner of Internal Revenue, in consultation with the Secretary of Labor, shall report to the Congress on the effectiveness and cost-effectiveness of the amendments made by subsections (a), (c), and (d) in increasing the employment of veterans. Such report shall include the results of a survey, conducted, if needed, in consultation with the Veterans’ Employment and Training Service of the Department of Labor, to determine how many veterans are hired by each employer that claims the credit under section 51, by reason of subsection (d)(1)(B) thereof, or 3111(e) of the Internal Revenue Code of 1986.

(f) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section (other than subsection (b)). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system the amount estimated by the Secretary of the Treasury as being equal to the loss to that possession that would have occurred by reason of the amendments made by this section (other than subsection (b)) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession establishes to the satisfaction of the Secretary that the possession has implemented (or, at the discretion of the

Secretary, will implement) an income tax benefit which is substantially equivalent to the income tax credit in effect after the amendments made by this section (other than subsection (b)).

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—The credit allowed against United States income taxes for any taxable year under the amendments made by this section (other than subsection (b)) to section 51 of the Internal Revenue Code of 1986 to any person with respect to any qualified veteran shall be reduced by the amount of any credit (or other tax benefit described in paragraph (1)(B)) allowed to such person against income taxes imposed by the possession of the United States by reason of this subsection with respect to such qualified veteran for such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term “possession of the United States” includes American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this section shall be treated in the same manner as a refund due from credit provisions described in such section.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2013.

(2) SPECIAL RULES RELATING TO VETERANS.—The amendments made by subsections (c) and (d) shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

**SA 3108.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2260, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —OTHER PROVISIONS**

#### **SEC. 301. NATIONAL SCENIC TRAIL CONSERVATION CREDIT.**

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

#### **“SEC. 30E. NATIONAL SCENIC TRAIL CONSERVATION CREDIT.**

“(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the fair market value of any National Scenic Trail conservation contribution of the taxpayer for the taxable year.

“(b) NATIONAL SCENIC TRAIL CONSERVATION CONTRIBUTION.—For purposes of this section—



“(1) IN GENERAL.—The term ‘National Scenic Trail conservation contribution’ means any qualified conservation contribution—

“(A) to the extent the qualified real property interest with respect to such contribution includes a National Scenic Trail (or portion thereof) and its trail corridor, and

“(B) with respect to which the taxpayer makes an election under this section.

“(2) NATIONAL SCENIC TRAIL.—The term ‘National Scenic Trail’ means any trail authorized and designated under section 5 of the National Trails System Act (16 U.S.C. 1244), but only if such trail is at least 200 miles in length.

“(3) TRAIL CORRIDOR.—The term ‘trail corridor’ means so much of the corridor of a trail as is—

“(A) not less than—

“(i) 150 feet wide on each side of such trail, or

“(ii) in the case of an interest in real property of the taxpayer which includes less than 150 feet on either side of such trail, the entire distance with respect to such interest on such side, and

“(B) not greater than 2,640 feet wide.

“(4) QUALIFIED CONSERVATION CONTRIBUTION; QUALIFIED REAL PROPERTY INTEREST.—The terms ‘qualified conservation contribution’ and ‘qualified real property interest’ have the respective meanings given such terms by section 170(h), except that paragraph (2)(A) thereof shall be applied without regard to any qualified mineral interest (as defined in paragraph (6) thereof).

“(c) SPECIAL RULES.—

“(1) FAIR MARKET VALUE.—Fair market value of any National Scenic Trail conservation contribution shall be determined under rules similar to the valuation rules under Treasury Regulations under section 170, except that in any case, to the extent practicable, fair market value shall be determined by reference to the highest and best use of the real property with respect to such contribution.

“(2) ELECTION IRREVOCABLE.—An election under this section may not be revoked.

“(3) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter with respect to any qualified conservation contribution with respect to which an election is made under this section.

“(d) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

“(1) LIMITATION.—The credit allowed under subsection (a) for any taxable year shall not exceed the sum of—

“(A) the taxpayer’s regular tax liability (as defined in section 26(b)) for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 30, 30B, 30C, and 30D, plus

“(B) the tax imposed by section 55.

“(2) CARRYFORWARD.—

“(A) IN GENERAL.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for any taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

“(B) LIMITATION.—No credit may be carried forward under this subsection to any taxable year following the tenth taxable year after the taxable year in which the credit arose. For purposes of the preceding sentence, credits shall be treated as used on a first-in first-out basis.”

(b) CONTINUED USE NOT INCONSISTENT WITH CONSERVATION PURPOSES.—A contribution of an interest in real property shall not fail to be treated as a National Scenic Trail con-

servation contribution (as defined in section 30E(b) of the Internal Revenue Code of 1986) solely by reason of continued use of the real property, such as for recreational or agricultural use (including motor vehicle use related thereto), if, under the circumstances, such use does not impair significant conservation interests and is not inconsistent with the purposes of the National Trails System Act (16 U.S.C. 1241 et seq.).

(c) STUDY REGARDING EFFICACY OF NATIONAL SCENIC TRAIL CONSERVATION CREDIT.—

(1) IN GENERAL.—The Secretary of the Interior shall, in consultation with the Secretary of the Treasury, study—

(A) the efficacy of the National Scenic Trail conservation credit under section 30E of the Internal Revenue Code of 1986 in completing, extending, and increasing the number of National Scenic Trails (as defined in section 30E(b) of such Code), and

(B) the feasibility and estimated costs and benefits of—

(i) making such credit refundable (in whole or in part), and

(ii) allowing transfer of such credit.

(2) REPORT.—Not later than 4 years after the date of the enactment of this Act, the Secretary of the Interior shall submit a report to Congress on the results of the study conducted under this subsection.

(d) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

“30E. National Scenic Trail conservation credit.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act.

**SA 3109.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2260, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE —OTHER PROVISIONS

##### SEC. 01. EXTENSION OF TIME PERIOD FOR CONTRIBUTING MILITARY DEATH GRATUITIES TO ROTH IRAS AND COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—Sections 408A(e)(2)(A) and 530(d)(9)(A) are each amended by striking “1-year period” and inserting “3-year period”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received under section 1477 of title 10, United States Code, or under section 1967 of title 38 of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

**SA 3110.** Mr. FLAKE (for himself, Mr. ALEXANDER, Mr. TOOMEY, Mr. MCCAIN, Mr. LEE, and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Af-

fordable Care Act; which was ordered to lie on the table; as follows:

On page 52, strike line 1 and all that follows through line 21.

**SA 3111.** Mr. FLAKE (for himself, Mr. ALEXANDER, Mr. MCCAIN, Mr. LEE, and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 52, between lines 19 and 20, insert the following:

(c) MODIFICATION OF DEFINITION OF QUALIFIED FACILITIES.—

(1) IN GENERAL.—The following provisions of section 45(d), as amended by subsection (a), are each amended by striking “and the construction of which begins before” each place it appears and inserting “and before”:

(A) Paragraph (1).

(B) Paragraph (2)(A)(i).

(C) Paragraph (3)(A)(i)(I).

(D) Paragraph (6).

(E) Paragraph (7).

(F) Paragraph (9)(A)(ii).

(G) Paragraph (11)(B).

(2) OPEN-LOOP BIOMASS FACILITIES.—Clause (ii) of section 45(d)(3)(A) is amended by striking “the construction of which begins before” and inserting “is originally placed in service before”.

(3) GEOTHERMAL FACILITIES.—Paragraph (4) of section 45(d), as amended by subsection (a), is amended by striking “and which—” and all that follows and inserting “and before—

“(A) January 1, 2006, in the case of a facility using solar energy, and

“(B) January 1, 2016, in the case of a facility using geothermal energy.”.

**SA 3112.** Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE —OTHER PROVISIONS

##### SEC. 01. INCREASE IN LIMITATION FOR ALTERNATIVE TAX LIABILITY FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) IN GENERAL.—Section 831(b)(2)(A) of the Internal Revenue Code of 1986 is amended—

(1) by striking “every insurance company other than life (including interinsurers and reciprocal underwriters)” and inserting “every property or casualty insurance company”,

(2) in clause (i), by striking “\$1,200,000, and” and inserting “\$2,100,000.”,

(3) by redesignating clause (ii) as clause (iii),

(4) by inserting after clause (i) the following new clause:

“(ii) more than 50 percent of the gross receipts of such company consist of premiums, and”, and

(5) in the flush matter at the end, by striking “clause (ii)” and inserting “clause (iii)”.

(b) INFLATION ADJUSTMENT.—Paragraph (2) of section 831(b) of such Code is amended by adding at the end the following new subparagraph:

“(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2014, the dollar amount set forth in subparagraph (A)(i) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of \$1,000, such amount shall be rounded to the next lowest multiple of \$1,000.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SA 3113.** Mr. THUNE (for himself, Ms. Ayotte, and Mr. McConnell) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE —INTERNET TAX FREEDOM**

##### **SEC. 01. SHORT TITLE.**

This title may be cited as the “Internet Tax Freedom Forever Act”.

##### **SEC. 02. FINDINGS.**

Congress makes the following findings:

(1) The Internet has continued to drive economic growth, productivity and innovation since the Internet Tax Freedom Act was first enacted in 1998.

(2) The Internet promotes a nationwide economic environment that facilitates innovation, promotes efficiency, and empowers people to broadly share their ideas.

(3) According to the National Broadband Plan, cost remains the biggest barrier to consumer broadband adoption. Keeping Internet access affordable promotes consumer access to this critical gateway to jobs, education, healthcare, and entrepreneurial opportunities, regardless of race, income, or neighborhood.

(4) Small business owners rely heavily on affordable Internet access, providing them with access to new markets, additional consumers, and an opportunity to compete in the global economy.

(5) Economists have recognized that excessive taxation of innovative communications technologies reduces economic welfare more than taxes on other sectors of the economy.

(6) The provision of affordable access to the Internet is fundamental to the American economy and access to it must be protected from multiple and discriminatory taxes at the State and local level.

(7) As a massive global network that spans political boundaries, the Internet is inher-

ently a matter of interstate and foreign commerce within the jurisdiction of the United States Congress under article I, section 8, clause 3 of the Constitution of the United States.

##### **SEC. 03. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE.**

(a) IN GENERAL.—Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking “ during the period beginning November 1, 2003, and ending November 1, 2014”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxes imposed after the date of the enactment of this Act.

**SA 3114.** Mr. THUNE (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE —OTHER PROVISIONS**

##### **SEC. 01. OLYMPIC AND PARALYMPIC MEDALS AND USOC PRIZE MONEY EXCLUDED FROM GROSS INCOME.**

(a) IN GENERAL.—Section 74 is amended by adding at the end the following new subsection:

“(d) EXCEPTION FOR OLYMPIC AND PARALYMPIC MEDALS AND PRIZES.—Gross income shall not include the value of any medal awarded in, or any prize money received from the United States Olympic Committee on account of, competition in the Olympic Games or Paralympic Games.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to prizes and awards received after December 31, 2013.

**SA 3115.** Mr. HOEVEN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —OTHER PROVISIONS**

##### **SEC. 01. SAFE HARBOR FOR EXPENSING BY SMALL BUSINESSES OF ACQUISITION OR PRODUCTION COSTS OF TANGIBLE PROPERTY.**

(a) IN GENERAL.—Section 263 is amended by adding at the end the following:

“(j) ELECTION FOR SMALL BUSINESSES TO EXPENSE CERTAIN ACQUISITION AND PRODUCTION COSTS.—

“(1) IN GENERAL.—If the amount paid or incurred by an eligible taxpayer to acquire or produce any item of tangible property does not exceed \$5,000 (or such higher amount as

the Secretary may prescribe by regulations), then, notwithstanding subsection (a), the taxpayer may elect to treat such amount as an expense which is not chargeable to capital account nor treated as a material or supply. Any amount so treated shall be allowed as a deduction for the taxable year in which the property is acquired or produced.

“(2) ELIGIBLE TAXPAYER.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘eligible taxpayer’ means, with respect to any taxable year, a taxpayer—

“(i) who meets the gross receipts test of subparagraph (B) for the taxable year, and

“(ii) who, as of the beginning of the taxable year, has in effect written accounting procedures meeting such requirements as the Secretary may prescribe with respect to the expensing of amounts described in paragraph (1).

“(B) GROSS RECEIPTS TEST.—A taxpayer meets the gross receipts test of this subparagraph for any taxable year if the average annual gross receipts of such taxpayer for the 3-taxable-year period ending with the taxable year which precedes such taxable year does not exceed \$10,000,000.

“(C) RULES RELATING TO GROSS RECEIPTS TEST.—For purposes of subparagraph (B)—

“(i) the rules of paragraphs (2) and (3) of section 448(c) shall apply, and

“(ii) in the case of a partnership, S corporation, trust, estate, or other pass-thru entity, the gross receipts test shall apply at the entity level.

“(3) ELECTION.—Any election under this subsection for any taxable year shall—

“(A) specify the items of tangible property to which the election applies, and

“(B) be made, in such manner as the Secretary may prescribe, on the taxpayer’s return of the tax imposed by this chapter for the taxable year.

Any election made under this subsection, and any specification made in any such election, may not be revoked except with the consent of the Secretary.

“(4) COORDINATION WITH SECTION 179.—This subsection shall be applied before section 179.

“(5) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the purposes of this subsection, including regulations providing for—

“(A) exceptions for property which is inventory or land or for which the taxpayer makes an election for optional treatment under section 162; and

“(B) the aggregation of all amounts paid or incurred with respect to any item of tangible property.

“(6) RULE OF CONSTRUCTION.—If, for any taxable year, a taxpayer is not an eligible taxpayer (or is an eligible taxpayer who does not elect to have this subsection apply), nothing in this subsection shall be construed as prohibiting the expensing of any amount paid or incurred during the taxable year to acquire or produce any item of tangible property if such expensing is permitted under any safe harbor or other provision of the regulations prescribed under this section.

“(7) CROSS REFERENCE.—For capitalization of certain expenses where a taxpayer produces property or acquires property for resale, see section 263A.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2013.

**SA 3116.** Mr. ROBERTS (for himself, Mr. MCCONNELL, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —OTHER PROVISIONS**

**SEC. 01. REPEAL OF DISTRIBUTIONS FOR MEDICINE QUALIFIED ONLY IF FOR PRESCRIBED DRUG OR INSULIN.**

Section 9003 of the Patient Protection and Affordable Care Act (Public Law 111-148) and the amendments made by such section are repealed, and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

**SA 3117.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —OTHER PROVISIONS**

**SEC. 01. PRE-POPULATED RETURNS PROHIBITED.**

Except to the extent provided in section 6014, 6020, or 6201(d) of the Internal Revenue Code of 1986, the Secretary of the Treasury (or the Secretary's delegate) shall not provide to any person a proposed final return or statement for use by such person to satisfy a filing or reporting requirement under such Code.

**SA 3118.** Mr. PRYOR (for Mr. BOOZMAN (for himself and Mr. PRYOR)) submitted an amendment intended to be proposed by Mr. PRYOR to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —OTHER PROVISIONS**

**SEC. 01. MAYFLOWER, ARKANSAS, OIL SPILL COMPENSATION EXCLUDED FROM GROSS INCOME.**

For purposes of the Internal Revenue Code of 1986—

(1) the March 29, 2013, pipeline rupture and oil spill in Mayflower, Arkansas, shall be treated as a qualified disaster under section 139(c) of such Code, and

(2) any compensation provided to or for the benefit of a victim of such disaster shall be

treated as a qualified disaster relief payment under section 139(b) of such Code.

**SA 3119.** Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. BLUNT, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —OTHER PROVISIONS**

**SEC. 01. INCREASE IN LIMITATION FOR ALTERNATIVE TAX LIABILITY FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.**

(a) IN GENERAL.—Section 831(b)(2)(A) of the Internal Revenue Code of 1986 is amended—

(1) by striking “every insurance company other than life (including interinsurers and reciprocal underwriters)” and inserting “every property or casualty insurance company”;

(2) in clause (i), by striking “\$1,200,000, and” and inserting “\$2,100,000.”;

(3) by redesignating clause (ii) as clause (iii),

(4) by inserting after clause (i) the following new clause:

“(i) more than 50 percent of the gross receipts of such company consist of premiums, and”;

(5) in the flush matter at the end, by striking “clause (ii)” and inserting “clause (iii)”.

(b) INFLATION ADJUSTMENT.—Paragraph (2) of section 831(b) of such Code is amended by adding at the end the following new subparagraph:

“(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2014, the dollar amount set forth in subparagraph (A)(i) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of \$1,000, such amount shall be rounded to the next lowest multiple of \$1,000.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SA 3120.** Mr. CARPER (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 18, between lines 17 and 18, insert the following:

(d) SPLIT 100 PERCENT CREDIT FOR CONTRACT RESEARCH EXPENSES.—Subparagraph (A) of section 41(b)(3) is amended to read as follows:

“(A) IN GENERAL.—

“(i) TAXPAYERS PAYING FOR CONTRACTED RESEARCH.—The term ‘contract research expenses’ means 65 percent of any amount paid or incurred by the taxpayer to any person (other than an employee of the taxpayer) for qualified research.

“(ii) TAXPAYERS PERFORMING CONTRACTED RESEARCH.—In the case of a taxpayer (other than an entity described in subparagraph (C) or (D) or paragraph (5)(C)) who receives amounts from any person (other than an employer of the taxpayer) for qualified research on behalf of such person, the term ‘contract research expenses’ means so much of the qualified research expenses paid or incurred by the taxpayer as does not exceed 35 percent of the amounts so received from such person.

“(iii) SPECIAL RULES.—For purposes of clause (ii)—

“(I) TRADE OR BUSINESS.—The qualified research expenses of the taxpayer shall be determined as if the trade or business of the taxpayer were the conduct of qualified research on behalf of other persons.

“(II) RESEARCH NOT TREATED AS FUNDED RESEARCH.—Subparagraph (H) of subsection (d)(4) shall not apply.

“(III) QUALIFIED RESEARCH.—The qualified research expenses of a taxpayer shall be determined as if the conditions of subparagraph (B) of subsection (d)(1) are satisfied if the business component described in subparagraph (B)(ii) thereof is a business component of either of the taxpayers described in clauses (i) and (ii).

“(iv) DENIAL OF DOUBLE BENEFIT.—The amount of any in-house research expenses taken into account under this section with respect to a taxpayer described in clause (ii) shall be reduced by the amount of the contract research expenses taken into account under such clause with respect to such taxpayer for the taxable year.”.

(e) INCLUSION OF BASIC RESEARCH PAYMENTS.—Subsection (b) of section 41 is amended by redesignating paragraph (5), as added by this section, as paragraph (6), and by inserting after paragraph (4) the following new paragraph:

“(5) BASIC RESEARCH PAYMENTS.—In the case of basic research payments (as defined in subsection (e)(2)) made by the taxpayer, paragraph (3)(A) shall be applied by substituting ‘100 percent’ for ‘65 percent’.”.

(f) EFFECTIVE DATE.—The amendments made by subsections (d) and (e) shall apply to taxable years beginning after December 31, 2014.

**SA 3121.** Mr. CARPER submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Beginning on page 10, strike line 11 and all that follows through page 18, line 17, and insert the following:

**SEC. 111. PERMANENT EXTENSION AND MODIFICATION OF RESEARCH CREDIT.**

(a) **SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.**—Subsection (a) of section 41 is amended to read as follows:

“(a) **GENERAL RULE.**—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to 25 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.”.

(b) **SPECIAL RULES AND TERMINATION OF BASE AMOUNT CALCULATION.**—

(1) **IN GENERAL.**—Subsection (c) of section 41 is amended to read as follows:

“(c) **SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.**—

“(1) **TAXPAYERS TO WHICH SUBSECTION APPLIES.**—The credit under this section shall be determined under this subsection, and not under subsection (a), if, in any one of the 3 taxable years preceding the taxable year for which the credit is being determined, the taxpayer has no qualified research expenses.

“(2) **CREDIT RATE.**—The credit determined under this subsection shall be equal to 10 percent of the qualified research expenses for the taxable year.”.

(2) **CONSISTENT TREATMENT OF EXPENSES.**—Subsection (b) of section 41 is amended by adding at the end the following new paragraph:

“(5) **CONSISTENT TREATMENT OF EXPENSES REQUIRED.**—

“(A) **IN GENERAL.**—Notwithstanding whether the period for filing a claim for credit or refund has expired for any taxable year in the 3-taxable-year period taken into account under subsection (a), the qualified research expenses taken into account for such year shall be determined on a basis consistent with the determination of qualified research expenses for the credit year.

“(B) **PREVENTION OF DISTORTIONS.**—The Secretary may prescribe regulations to prevent distortions in calculating a taxpayer's qualified research expenses caused by a change in accounting methods used by such taxpayer between the credit year and a year in such 3-taxable-year period.”.

(c) **INCLUSION OF QUALIFIED RESEARCH EXPENSES OF AN ACQUIRED PERSON.**—

(1) **PARTIAL INCLUSION OF PRE-ACQUISITION QUALIFIED RESEARCH EXPENSES.**—Subparagraph (A) of section 41(f)(3) is amended to read as follows:

“(A) **ACQUISITIONS.**—

“(i) **IN GENERAL.**—If a person acquires the major portion of a trade or business of another person (hereinafter in this paragraph referred to as the ‘predecessor’) or the major portion of a separate unit of a trade or business of a predecessor, then the amount of qualified research expenses paid or incurred by the acquiring person during the 3 taxable years preceding the taxable year in which the credit under this section is determined shall be increased by—

“(I) for purposes of applying this section for the taxable year in which such acquisition is made, the amount determined under clause (ii), and

“(II) for purposes of applying this section for any taxable year after the taxable year in which such acquisition is made, so much of the qualified research expenses paid or incurred by the predecessor with respect to the acquired trade or business during the portion of the measurement period that is part of the 3-taxable-year period preceding the taxable year for which the credit is determined as is

attributable to the portion of such trade or business or separate unit acquired by such person.

“(ii) **AMOUNT DETERMINED.**—The amount determined under this clause is the amount equal to the product of—

“(I) so much of the qualified research expenses paid or incurred by the predecessor with respect to the acquired trade or business during the 3 taxable years before the taxable year in which the acquisition is made as is attributable to the portion of such trade or business or separate unit acquired by the acquiring person, and

“(II) the number of months in the period beginning on the date of the acquisition and ending on the last day of the taxable year in which the acquisition is made, divided by 12.

“(iii) **SPECIAL RULES FOR COORDINATING TAXABLE YEARS.**—In the case of an acquiring person and a predecessor whose taxable years do not begin on the same date—

“(I) each reference to a taxable year in clauses (i) and (ii) shall refer to the appropriate taxable year of the acquiring person,

“(II) the qualified research expenses paid or incurred by the predecessor during each taxable year of the predecessor any portion of which is part of the measurement period shall be allocated equally among the months of such taxable year, and

“(III) the amount of such qualified research expenses taken into account under clauses (i) and (ii) with respect to a taxable year of the acquiring person shall be equal to the total of the expenses attributable under subclause (II) to the months occurring during such taxable year.

“(iv) **MEASUREMENT PERIOD.**—For purposes of this subparagraph, the term ‘measurement period’ means the taxable year of the acquiring person in which the acquisition is made and the 3 taxable years of the acquiring person preceding such taxable year.”.

(2) **EXPENSES OF A PREDECESSOR.**—Subparagraph (B) of section 41(f)(3) is amended to read as follows:

“(B) **DISPOSITIONS.**—If the predecessor furnished to the acquiring person such information as is necessary for the application of subparagraph (A), then, for purposes of applying this section for any taxable year ending after such disposition, the amount of qualified research expenses paid or incurred by the predecessor during the 3 taxable years preceding such taxable year shall be reduced—

“(i) in the case of the taxable year in which such disposition is made, by an amount equal to the product of—

“(I) the amount of qualified research expenses paid or incurred during such 3 taxable years with respect to the acquired business, and

“(II) the number of days in the period beginning on the date of acquisition (as determined for purposes of subparagraph (A)(ii)(II)) and ending on the last day of the taxable year of the predecessor in which the disposition is made,

divided by the number of days in the taxable year of the predecessor, and

“(ii) in the case of any taxable year ending after the taxable year in which such disposition is made, the amount described in clause (i)(I).”.

(d) **AGGREGATION OF EXPENDITURES.**—Paragraph (1) of section 41(f), as amended by the American Taxpayer Relief Act of 2012, is amended—

(1) by striking “of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research

consortiums,” in subparagraph (A)(ii) and inserting “qualified research expenses”, and

(2) by striking “of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,” in subparagraph (B)(ii) and inserting “qualified research expenses”.

(e) **SPLIT 100 PERCENT CREDIT FOR CONTRACT RESEARCH EXPENSES.**—Subparagraph (A) of section 41(b)(3) is amended to read as follows:

“(A) **IN GENERAL.**—

“(i) **TAXPAYERS PAYING FOR CONTRACTED RESEARCH.**—The term ‘contract research expenses’ means 65 percent of any amount paid or incurred by the taxpayer to any person (other than an employee of the taxpayer) for qualified research.

“(ii) **TAXPAYERS PERFORMING CONTRACTED RESEARCH.**—In the case of a taxpayer (other than an entity described in subparagraph (C) or (D) or paragraph (5)(C)) who receives amounts from any person (other than an employer of the taxpayer) for qualified research on behalf of such person, the term ‘contract research expenses’ means so much of the qualified research expenses paid or incurred by the taxpayer as does not exceed 35 percent of the amounts so received from such person.

“(iii) **SPECIAL RULES.**—For purposes of clause (ii)—

“(I) **TRADE OR BUSINESS.**—The qualified research expenses of the taxpayer shall be determined as if the trade or business of the taxpayer were the conduct of qualified research on behalf of other persons.

“(II) **RESEARCH NOT TREATED AS FUNDED RESEARCH.**—Subparagraph (H) of subsection (d)(4) shall not apply.

“(III) **QUALIFIED RESEARCH.**—The qualified research expenses of a taxpayer shall be determined as if the conditions of subparagraph (B) of subsection (d)(1) are satisfied if the business component described in subparagraph (B)(i) thereof is a business component of either of the taxpayers described in clauses (i) and (ii).

“(iv) **DENIAL OF DOUBLE BENEFIT.**—The amount of any in-house research expenses taken into account under this section with respect to a taxpayer described in clause (ii) shall be reduced by the amount of the contract research expenses taken into account under such clause with respect to such taxpayer for the taxable year.”.

(f) **INCLUSION OF BASIC RESEARCH PAYMENTS.**—Subsection (b) of section 41 is amended by redesignating paragraph (5), as added by this section, as paragraph (6), and by inserting after paragraph (4) the following new paragraph:

“(5) **BASIC RESEARCH PAYMENTS.**—

“(A) **IN GENERAL.**—In the case of basic research payments made by the taxpayer, paragraph (3)(A) shall be applied by substituting ‘100 percent’ for ‘65 percent’.

“(B) **BASIC RESEARCH PAYMENTS.**—For purposes of this paragraph, the term ‘basic research payment’ means, with respect to any taxable year, any amount paid in cash during such taxable year by a corporation to any qualified organization for basic research, but only if—

“(i) such payment is made pursuant to a written agreement between such corporation and such qualified organization, and

“(ii) except in the case of a payment to a qualified organization described in clause (iii) or (iv) of subparagraph (C), such basic research is to be performed by such qualified organization.

“(C) **QUALIFIED ORGANIZATION.**—For purposes of this paragraph, the term ‘qualified organization’ means any of the following organizations:

“(i) EDUCATIONAL INSTITUTIONS.—Any educational organization which—

“(I) is an institution of higher education (within the meaning of section 3304(f)), and

“(II) is described in section 170(b)(1)(A)(ii).

“(ii) CERTAIN SCIENTIFIC RESEARCH ORGANIZATIONS.—Any organization not described in clause (i) which—

“(I) is described in section 501(c)(3) and is exempt from tax under section 501(a),

“(II) is organized and operated primarily to conduct scientific research, and

“(III) is not a private foundation.

“(iii) SCIENTIFIC TAX-EXEMPT ORGANIZATIONS.—Any organization which—

“(I) is described in section 501(c)(3) (other than a private foundation) or section 501(c)(6),

“(II) is exempt from tax under section 501(a),

“(III) is organized and operated primarily to promote scientific research by qualified organizations described in clause (i) pursuant to written research agreements, and

“(IV) currently expends substantially all of its funds or substantially all of the basic research payments received by it for grants to, or contracts for basic research with, an organization described in clause (i).

“(iv) CERTAIN GRANT ORGANIZATIONS.—Any organization not described in clause (ii) or (iii) which—

“(I) is described in section 501(c)(3) and is exempt from tax under section 501(a) (other than a private foundation),

“(II) is established and maintained by an organization established before July 10, 1981, which meets the requirements of subclause (I),

“(III) is organized and operated exclusively for the purpose of making grants to organizations described in clause (i) pursuant to written research agreements for purposes of basic research, and

“(IV) makes an election, revocable only with the consent of the Secretary, to be treated as a private foundation for purposes of this title (other than section 4940, relating to excise tax based on investment income).

“(D) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) BASIC RESEARCH.—The term ‘basic research’ means any original investigation for the advancement of scientific knowledge not having a specific commercial objective, except that such term shall not include—

“(I) basic research conducted outside of the United States, and

“(II) basic research in the social sciences, arts, or humanities.

“(ii) TRADE OR BUSINESS QUALIFICATION.—For purposes of applying paragraph (1) to this paragraph, any basic research payments shall be treated as an amount paid in carrying on a trade or business of the taxpayer in the taxable year in which it is paid (without regard to the provisions of paragraph (3)(B)).

“(iii) CERTAIN CORPORATIONS NOT ELIGIBLE.—The term ‘corporation’ shall not include—

“(I) an S corporation,

“(II) a personal holding company (as defined in section 542), or

“(III) a service organization (as defined in section 414(m)(3)).”

(g) PERMANENT EXTENSION.—

(1) Section 41 is amended by striking subsection (h).

(2) Paragraph (1) of section 45C(b) is amended by striking subparagraph (D).

(h) CONFORMING AMENDMENTS.—

(1) TERMINATION OF BASIC RESEARCH PAYMENT CALCULATION.—Section 41 is amended—

(A) by striking subsection (e),

(B) by redesignating subsection (g) as subsection (e), and

(C) by relocating subsection (e), as so redesignated, immediately after subsection (d).

(2) SPECIAL RULES.—

(A) Paragraph (4) of section 41(f) is amended by striking “and gross receipts”.

(B) Subsection (f) of section 41 is amended by striking paragraph (6).

(3) CROSS-REFERENCES.—

(A) Subparagraph (B) of section 45C(b)(1) is amended—

(i) by striking “paragraph (3)(A)” in clause (ii) and inserting “paragraph (3)(A)(i)”,

(ii) by striking the period at the end of clause (ii) and inserting “; and”,

(iii) by striking “and” at the end of clause (i), and

(iv) by adding at the end the following new clause:

“(iii) by disregarding clauses (ii), (iii), and (iv) of paragraph (3)(A) of such subsection.”.

(B) Paragraph (2) of section 45C(c) is amended by striking “base period research expenses” and inserting “average qualified research expenses”.

(C) Subparagraph (A) of section 54(l)(3) is amended by striking “section 41(g)” and inserting “section 41(e)”.

(D) Clause (i) of section 170(e)(4)(B) is amended by striking “subparagraph (A) or subparagraph (B) of section 41(e)(6)” and inserting “clause (i) or clause (ii) of section 41(b)(5)(C)”.

(E) Section 280C is amended—

(i) by striking “or basic research expenses (as defined in section 41(e)(2))” in subsection (c)(1),

(ii) by striking “section 41(a)(1)” in subsection (c)(2)(A) and inserting “section 41(a)”, and

(iii) by striking “or basic research expenses” in subsection (c)(2)(B).

(F) Clause (i) of section 1400N(1)(7)(B) is amended by striking “section 41(g)” and inserting “section 41(e)”.

(i) TREATMENT OF RESEARCH CREDIT FOR CERTAIN STARTUP COMPANIES.—

(1) IN GENERAL.—Section 41, as amended by subsections (g) and (h), is amended by adding at the end the following new subsection:

“(g) TREATMENT OF CREDIT FOR QUALIFIED SMALL BUSINESSES.—

“(1) IN GENERAL.—At the election of a qualified small business for any taxable year, section 3111(f) shall apply to the payroll tax credit portion of the credit otherwise determined under subsection (a) for the taxable year and such portion shall not be treated (other than for purposes of section 280C) as a credit determined under subsection (a).

“(2) PAYROLL TAX CREDIT PORTION.—For purposes of this subsection, the payroll tax credit portion of the credit determined under subsection (a) with respect to any qualified small business for any taxable year is the least of—

“(A) the amount specified in the election made under this subsection,

“(B) the credit determined under subsection (a) for the taxable year (determined before the application of this subsection), or

“(C) in the case of a qualified small business other than a partnership or S corporation, the amount of the business credit carryforward under section 39 carried from the taxable year (determined before the application of this subsection to the taxable year).

“(3) QUALIFIED SMALL BUSINESS.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified small business’ means, with respect to any taxable year—

“(i) a corporation or partnership, if—

“(I) the gross receipts (as determined under the rules of section 448(c)(3), without regard to subparagraph (A) thereof) of such entity for the taxable year is less than \$5,000,000, and

“(II) such entity did not have gross receipts (as so determined) for any taxable year preceding the 5-taxable-year period ending with such taxable year, and

“(ii) any person (other than a corporation or partnership) who meets the requirements of subclauses (I) and (II) of clause (i), determined—

“(I) by substituting ‘person’ for ‘entity’ each place it appears, and

“(II) by only taking into account the aggregate gross receipts received by such person in carrying on all trades or businesses of such person.

“(B) LIMITATION.—Such term shall not include an organization which is exempt from taxation under section 501.

“(4) ELECTION.—

“(A) IN GENERAL.—Any election under this subsection for any taxable year—

“(i) shall specify the amount of the credit to which such election applies,

“(ii) shall be made on or before the due date (including extensions) of—

“(I) in the case of a qualified small business which is a partnership, the return required to be filed under section 6031,

“(II) in the case of a qualified small business which is an S corporation, the return required to be filed under section 6037, and

“(III) in the case of any other qualified small business, the return of tax for the taxable year, and

“(iii) may be revoked only with the consent of the Secretary.

“(B) LIMITATIONS.—

“(i) AMOUNT.—The amount specified in any election made under this subsection shall not exceed \$250,000.

“(ii) NUMBER OF TAXABLE YEARS.—A person may not make an election under this subsection if such person (or any other person treated as a single taxpayer with such person under paragraph (5)(A)) has made an election under this subsection for 5 or more preceding taxable years.

“(C) SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of a qualified small business which is a partnership or S corporation, the election made under this subsection shall be made at the entity level.

“(5) AGGREGATION RULES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), all persons or entities treated as a single taxpayer under subsection (f)(1) shall be treated as a single taxpayer for purposes of this subsection.

“(B) SPECIAL RULES.—For purposes of this subsection and section 3111(f)—

“(i) each of the persons treated as a single taxpayer under subparagraph (A) may separately make the election under paragraph (1) for any taxable year, and

“(ii) the \$250,000 amount under paragraph (4)(B)(i) shall be allocated among all persons treated as a single taxpayer under subparagraph (A) in the same manner as under subparagraph (A)(ii) or (B)(ii) of subsection (f)(1), whichever is applicable.

“(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection, including—

“(A) regulations to prevent the avoidance of the purposes of the limitations and aggregation rules under this subsection through the use of successor companies or other means,

“(B) regulations to minimize compliance and record-keeping burdens under this subsection, and

“(C) regulations for recapturing the benefit of credits determined under section 3111(f) in cases where there is a subsequent adjustment to the payroll tax credit portion of the credit determined under subsection (a), including requiring amended income tax returns in the cases where there is such an adjustment.”.

(2) CREDIT ALLOWED AGAINST FICA TAXES.—Section 3111 is amended by adding at the end the following new subsection:

“(f) CREDIT FOR RESEARCH EXPENDITURES OF QUALIFIED SMALL BUSINESSES.—

“(1) IN GENERAL.—In the case of a taxpayer who has made an election under section 41(g) for a taxable year, there shall be allowed as a credit against the tax imposed by subsection (a) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(g)(4)(A)(ii) an amount equal to the payroll tax credit portion determined under section 41(g)(2).

“(2) LIMITATION.—The credit allowed by paragraph (1) shall not exceed the tax imposed by subsection (a) for any calendar quarter on the wages paid with respect to the employment of all individuals in the employment of the employer.

“(3) CARRYOVER OF UNUSED CREDIT.—If the amount of the credit under paragraph (1) exceeds the limitation of paragraph (2) for any calendar quarter, such excess shall be carried to the succeeding calendar quarter and allowed as a credit under paragraph (1) for such quarter.

“(4) DEDUCTION ALLOWED FOR CREDITED AMOUNTS.—The credit allowed under paragraph (1) shall not be taken into account for purposes of determining the amount of any deduction allowed under chapter 1 for taxes imposed under subsection (a).”.

(j) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended—

(1) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), and (ix) as clauses (iii), (iv), (v), (vi), (vii), (viii), (ix), and (x), respectively, and

(2) by inserting after clause (i) the following new clause:

“(ii) the credit determined under section 41 with respect to an eligible small business (as defined in paragraph (5)(C), after application of rules similar to the rules of paragraph (5)(D)).”.

(k) TECHNICAL CORRECTIONS.—Section 409 is amended—

(1) by inserting “, as in effect before the enactment of the Tax Reform Act of 1984)” after “section 41(c)(1)(B)” in subsection (b)(1)(A),

(2) by inserting “, as in effect before the enactment of the Tax Reform Act of 1984” after “relating to the employee stock ownership credit” in subsection (b)(4),

(3) by inserting “(as in effect before the enactment of the Tax Reform Act of 1984)” after “section 41(c)(1)(B)” in subsection (i)(1)(A),

(4) by inserting “(as in effect before the enactment of the Tax Reform Act of 1984)” after “section 41(c)(1)(B)” in subsection (m), and

(5) by inserting “(as so in effect)” after “section 48(n)(1)” in subsection (m).

(1) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the amendments made by this section shall apply to taxable years beginning after December 31, 2014.

(2) PERMANENT EXTENSION.—The amendments made by subsection (g) shall apply to amounts paid or incurred after December 31, 2013.

(3) TREATMENT OF RESEARCH CREDIT FOR CERTAIN STARTUP COMPANIES.—The amendments made by subsection (i) shall apply to credits determined for taxable years beginning after December 31, 2013.

(4) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (j) shall apply to credits determined for taxable years beginning after December 31, 2013, and to carrybacks of such credits.

(5) TECHNICAL CORRECTIONS.—The amendments made by subsection (k) shall take effect on the date of the enactment of this Act.

**SA 3122.** Mr. CARPER (for himself, Mr. CARDIN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 52, strike lines 20 and 21 and insert the following:

(c) EXPANSION OF DEFINITION OF ENERGY PROPERTY TO INCLUDE WASTE HEAT TO POWER PROPERTY.—

(1) IN GENERAL.—Subparagraph (A) of section 48(a)(3) is amended by striking “or” at the end of clause (vi), by striking the comma at the end of clause (vii) and inserting “, or”, and by inserting after clause (vii) the following new clause:

“(viii) waste heat to power property.”.

(2) 30 PERCENT CREDIT.—Clause (i) of section 48(a)(2)(A) is amended by striking “and” at the end of subclause (III) and by inserting after subclause (IV) the following new subclause:

“(V) waste heat to power property, and”.

(3) WASTE HEAT TO POWER PROPERTY.—Subsection (c) of section 48 is amended by adding at the end the following new paragraph:

“(5) WASTE HEAT TO POWER PROPERTY.—

“(A) IN GENERAL.—The term ‘waste heat to power property’ means property—

“(i) comprising a system which generates electricity through the recovery of a qualified waste heat resource, and

“(ii) which is placed in service before January 1, 2016.

“(B) QUALIFIED WASTE HEAT RESOURCE.—The term ‘qualified waste heat resource’ means—

“(i) exhaust heat or flared gas from an industrial process that does not have, as its primary purpose, the production of electricity, and

“(ii) a pressure drop in any gas for an industrial or commercial process.

“(C) LIMITATION.—The term ‘waste heat to power property’ shall not include any property comprising a system if such system has a capacity in excess of 50 megawatt.”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall take effect on January 1, 2014.

(2) WASTE HEAT TO POWER.—The amendments made by subsection (c) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such

date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SA 3123.** Mr. CARPER submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 18, between lines 17 and 18, insert the following:

(d) ENHANCED CREDIT FOR HIGHLY INNOVATIVE RESEARCH.—

(1) IN GENERAL.—Section 41, as amended by this Act, is amended by adding at the end the following new subsection:

“(j) ENHANCED CREDIT FOR HIGHLY INNOVATIVE RESEARCH.—

“(1) IN GENERAL.—In the case of any qualified research expenses that are certified highly innovative research expenses, subsection (a)(1) shall be applied by substituting ‘35 percent’ for ‘20 percent’.

“(2) CERTIFIED HIGHLY INNOVATIVE RESEARCH EXPENSES.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘certified highly innovative research expenses’ means any qualified research expenses that—

“(i) are paid or incurred during the taxable year for the creation of—

“(I) a qualified new product category, or

“(II) product technology that represents a significant improvement over previously existing product technology, and

“(ii) are certified as provided in subparagraph (D).

“(B) QUALIFIED NEW PRODUCT CATEGORY.—The term ‘qualified new product category’ means a category of product that—

“(i) has not previously been produced by the taxpayer, and

“(ii) incorporates functions that are substantially different from other products previously produced by the taxpayer.

“(C) SIGNIFICANT IMPROVEMENT OVER PREVIOUSLY EXISTING PRODUCT TECHNOLOGY.—Product technology satisfies the requirements of subparagraph (A)(i)(II) if such technology is an enhancement of a product that—

“(i) requires the use of new techniques or design methods to achieve such enhancement, and

“(ii) represents a significant advance in terms of the performance, energy consumption, environmental benefit, public health impact, cost, or size of the product.

“(D) CERTIFICATION BY NATIONAL SCIENCE FOUNDATION OR NATIONAL INSTITUTES OF HEALTH.—

“(i) IN GENERAL.—Qualified research expenses shall not be treated as certified highly innovative research expenses for any taxable year unless such expenses, and the project to which they relate, are certified by—

“(I) the National Science Foundation, or

“(II) the National Institutes of Health, whichever has appropriate jurisdiction over the subject matter to which such expenses relate, as meeting the requirements of subparagraph (A)(i) (and any regulations or



guidance issued by the Secretary pursuant to such subparagraph). Such certification shall be provided by the National Science Foundation under the program established by section 111(d)(2) of the EXPIRE Act of 2014, or by the National Institutes of Health under the program established by section 111(d)(3) of such Act, whichever is appropriate, and shall be attached to the return of tax for such taxable year. In no event shall any taxpayer apply for certification to more than one of the entities described in this subparagraph with respect to the same expenses.

“(ii) ADVANCE CERTIFICATION.—

“(I) IN GENERAL.—The certification of expenses under clause (i) may be made and provided to the taxpayer not more than 3 taxable years before the first taxable year for which the enhanced credit under this subsection will be claimed with respect to such expenses.

“(II) REAPPLICATION.—The National Science Foundation and the National Institutes of Health shall each establish and make publicly available a cap on the number of times a taxpayer who has been denied certification under clause (i) with respect to any qualified research expenses may reapply for certification for such expenses. The cap established by each such entity shall permit not fewer than 1 reapplication with respect to any expenses.

“(iii) DURATION OF CERTIFICATION.—

“(I) IN GENERAL.—The certification under clause (i) shall apply to expenses relating to the same project (as identified in such certification) for not more than 7 consecutive taxable years, beginning with the first taxable year for which the enhanced credit under this subsection is claimed with respect to such expenses.

“(II) SUPPORTING DOCUMENTATION.—In the case of a certification that applies for more than 1 taxable year, the Secretary may require the taxpayer to provide such documentation as the Secretary deems necessary to demonstrate that the expenses to which such certification relates continue to meet the requirements of subparagraph (A)(i).

“(iv) LIMITATION ON CERTIFICATIONS.—

“(I) IN GENERAL.—The total dollar amount of expenses which are certified by each entity under clause (i) (including by means of advance certification under clause (ii)) as highly innovative research expenses for purposes of credits determined in any taxable year shall not exceed \$2,000,000,000.

“(II) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after December 31, 2016, the \$2,000,000,000 amount in subclause (I) shall be increased by an amount equal to the product of such dollar amount and the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2015’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(III) ROUNDING.—If any amount as adjusted under subclause (II) is not a multiple of \$1,000, such amount shall be rounded to the next highest multiple of \$1,000.”.

(2) CERTIFICATION BY NATIONAL SCIENCE FOUNDATION AS HIGHLY INNOVATIVE RESEARCH AND PROMOTION OF ENHANCED CREDIT.—The National Science Foundation Authorization Act of 2002 (Public Law 107-368) is amended by adding at the end the following:

**“SEC. 27. CERTIFICATION AS HIGHLY INNOVATIVE RESEARCH AND PROMOTION OF ENHANCED CREDIT.**

“(a) CERTIFICATION.—

“(1) IN GENERAL.—The Director shall establish a program that provides certification of research expenses as highly innovative re-

search expenses for purposes of the enhanced credit for highly innovative research under section 41(j) of the Internal Revenue Code of 1986.

“(2) APPLICATION.—A person that desires to have research expenses certified as highly innovative research expenses for purposes of the enhanced credit for highly innovative research under section 41(j) of the Internal Revenue Code of 1986, shall submit to the Director an application containing such request at such time, in such manner, and accompanied by such information as the Director may require.

“(3) REVIEW OF SUBMISSIONS.—In carrying out paragraph (1), the Director shall establish a review process that involves—

“(A) a set group of reviewers from various fields and backgrounds, and

“(B) published criteria, developed in consultation with the Secretary of the Treasury and the Secretary of Commerce, in accordance with the requirements of section 41(j)(2)(A)(i) of the Internal Revenue Code of 1986 and any regulations or guidance issued by the Secretary of the Treasury pursuant to such section.

“(4) TIME FOR REVIEW.—A certification under this subsection shall be denied or approved within 120 days of the submission of the application under paragraph (2) (270 days, in the case of an application for advance certification under section 41(j)(2)(D)(ii) of the Internal Revenue Code of 1986).

“(b) PROMOTION OF ENHANCED CREDIT FOR HIGHLY INNOVATIVE RESEARCH.—The Director shall post on the website of the National Science Foundation information on the enhanced credit for highly innovative research under section 41(j) of the Internal Revenue Code of 1986, and the process for applying for certification of research as highly innovative research.

“(c) CONFIDENTIALITY.—The Director and each reviewer described in subsection (a)(3)(A) shall keep confidential any information provided by a person that desires to have research expenses certified as highly innovative research expenses pursuant to this section.”.

(3) CERTIFICATION BY NATIONAL INSTITUTES OF HEALTH AS HIGHLY INNOVATIVE RESEARCH AND PROMOTION OF ENHANCED CREDIT.—Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by adding at the end the following:

**“SEC. 498E. CERTIFICATION AS HIGHLY INNOVATIVE RESEARCH AND PROMOTION OF ENHANCED CREDIT.**

“(a) CERTIFICATION.—

“(1) IN GENERAL.—The Director of NIH shall establish a program that provides certification of research expenses as highly innovative research expenses for purposes of the enhanced credit for highly innovative research under section 41(j) of the Internal Revenue Code of 1986.

“(2) APPLICATION.—A person that desires to have research expenses certified as highly innovative research expenses for purposes of the enhanced credit for highly innovative research under section 41(j) of the Internal Revenue Code of 1986, shall submit to the Director of NIH an application containing such request at such time, in such manner, and accompanied by such information as the Director may require.

“(3) REVIEW OF SUBMISSIONS.—In carrying out paragraph (1), the Director shall establish a review process that involves—

“(A) a set group of reviewers from various fields and backgrounds, and

“(B) published criteria, developed in consultation with the Secretary of the Treasury

and the Secretary of Commerce, in accordance with the requirements of section 41(j)(2)(A)(i) of the Internal Revenue Code of 1986 and any regulations or guidance issued by the Secretary of the Treasury pursuant to such section.

“(4) TIME FOR REVIEW.—A certification under this subsection shall be denied or approved within 120 days of the submission of the application under paragraph (2) (270 days, in the case of an application for advance certification under section 41(j)(2)(D)(ii) of the Internal Revenue Code of 1986).

“(b) PROMOTION OF ENHANCED CREDIT FOR HIGHLY INNOVATIVE RESEARCH.—The Director shall post on the website of the National Institutes of Health information on the enhanced credit for highly innovative research under section 41(j) of the Internal Revenue Code of 1986, and the process for applying for certification of research as highly innovative research.

“(c) CONFIDENTIALITY.—The Director of NIH and each reviewer described in subsection (a)(3)(A) shall keep confidential any information provided by a person that desires to have research expenses certified as highly innovative research expenses pursuant to this section.”.

(4) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to expenses paid or incurred in taxable years beginning after December 31, 2015.

**SA 3124.** Mr. CARPER (for himself, Ms. COLLINS, Mr. CARDIN, Mr. MENENDEZ, Mr. BROWN, Mr. MARKEY, Mr. COONS, Mr. SCHATZ, Mr. KING, Mr. WHITEHOUSE, Ms. MIKULSKI, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —OFFSHORE WIND FACILITIES**  
**SEC. —01. QUALIFYING OFFSHORE WIND FACILITY CREDIT.**

(a) IN GENERAL.—Section 46 is amended—

(1) by striking “and” at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting “, and”, and

(3) by adding at the end the following new paragraph:

“(7) the qualifying offshore wind facility credit.”.

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48D the following new section:

**“SEC. 48E. CREDIT FOR OFFSHORE WIND FACILITIES.**

“(a) IN GENERAL.—For purposes of section 46, the qualifying offshore wind facility credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year with respect to any qualifying offshore wind facility of the taxpayer.

“(b) QUALIFIED INVESTMENT.—

“(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying offshore wind facility.

“(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFYING OFFSHORE WIND FACILITY.—“(A) IN GENERAL.—The term ‘qualifying offshore wind facility’ means an offshore facility using wind to produce electricity.

“(B) OFFSHORE FACILITY.—The term ‘offshore facility’ means any facility located in the inland navigable waters of the United States, including the Great Lakes, or in the coastal waters of the United States, including the territorial seas of the United States, the exclusive economic zone of United States, and the outer Continental Shelf of the United States.

“(2) ELIGIBLE PROPERTY.—The term ‘eligible property’ means any property—

“(A) which is—

“(i) tangible personal property, or

“(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualifying offshore wind facility, and

“(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

“(d) QUALIFYING CREDIT FOR OFFSHORE WIND FACILITIES PROGRAM.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy and the Secretary of the Interior, shall establish a qualifying credit for offshore wind facilities program to consider and award certifications for qualified investments eligible for credits under this section to qualifying offshore wind facility sponsors.

“(B) LIMITATION.—The total amount of megawatt capacity for offshore facilities with respect to which credits may be allocated under the program shall not exceed 3,000 megawatts.

“(2) CERTIFICATION.—

“(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require beginning on the date the Secretary establishes the program under paragraph (1).

“(B) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the facility in service and if such facility is not placed in service by that time period, then the certification shall no longer be valid.

“(3) SELECTION CRITERIA.—In determining which qualifying offshore wind facilities to certify under this section, the Secretary shall—

“(A) take into consideration which facilities will be placed in service at the earliest date, and

“(B) take into account the technology of the facility that may lead to reduced industry and consumer costs or expand access to offshore wind.

“(4) REVIEW, ADDITIONAL ALLOCATIONS, AND REALLOCATIONS.—

“(A) REVIEW.—Periodically, but not later than 4 years after the date of the enactment of this section, the Secretary shall review the credits allocated under this section as of the date of such review.

“(B) ADDITIONAL ALLOCATIONS AND REALLOCATIONS.—The Secretary may make additional allocations and reallocations of credits under this section if the Secretary determines that—

“(i) the limitation under paragraph (1)(B) has not been attained at the time of the review, or

“(ii) scheduled placed-in-service dates of previously certified facilities have been significantly delayed and the Secretary determines the applicant will not meet the timeline pursuant to paragraph (2)(B).

“(C) ADDITIONAL PROGRAM FOR ALLOCATIONS AND REALLOCATIONS.—If the Secretary determines that credits under this section are available for further allocation or reallocation, but there is an insufficient quantity of qualifying applications for certification pending at the time of the review, the Secretary is authorized to conduct an additional program for applications for certification.

“(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.

“(e) DENIAL OF DOUBLE BENEFIT.—A credit shall not be allowed under this section with respect to any facility if—

“(1) a credit has been allowed to such facility under section 45 for such taxable year or any prior taxable year,

“(2) a credit has been allowed with respect to such facility under section 46 by reason of section 48(a) or 48C(a) for such taxable or any preceding taxable year, or

“(3) a grant has been made with respect to such facility under section 1603 of the American Recovery and Reinvestment Act of 2009.”

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended—

(A) by striking “and” at the end of clause (v),

(B) by striking the period at the end of clause (vi) and inserting “, and”, and

(C) by adding after clause (vi) the following new clause:

“(vii) the basis of any property which is part of a qualifying offshore wind facility under section 48E.”

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48D the following new item:

“48E. Credit for offshore wind facilities.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SA 3125.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## TITLE —OTHER PROVISIONS

### SEC. 01. ABOVE-THE-LINE DEDUCTION FOR CHILD CARE EXPENSES.

(a) IN GENERAL.—Part VII of subchapter A of chapter 1 is amended—

(1) by redesignating section 224 as section 225, and

(2) by inserting after section 223 the following new section:

#### “SEC. 224. CHILD CARE DEDUCTION.

“(a) ALLOWANCE OF DEDUCTION.—In the case of an individual for which there are 1 or more qualifying children with respect to such individual for the taxable year, there shall be allowed as a deduction an amount equal to the employment-related expenses paid by such individual during the taxable year.

“(b) DOLLAR LIMITATIONS.—The amount allowed as a deduction under subsection (a) with respect to the taxpayer for any taxable year shall not exceed—

“(1) \$7,000, if there is 1 qualifying child with respect to the taxpayer for such taxable year, or

“(2) \$14,000, if there are 2 or more qualifying children with respect to the taxpayer for such taxable year.

“(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) QUALIFYING CHILD.—The term ‘qualifying child’ means a dependent of the taxpayer (as defined in section 152(a)(1))—

“(A) who has not attained age 13, or

“(B) who is physically or mentally incapable of caring for himself or herself.

“(2) EMPLOYMENT-RELATED EXPENSES.—The term ‘employment-related expenses’ has the meaning given such term by section 21(b)(2), applied as if the terms ‘qualifying child’ and ‘qualifying children,’ within the meaning of this section, were substituted for the terms ‘qualifying individual’ and ‘qualifying individuals’, respectively.

“(3) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (2), (3), (4), (5), (6), (9), and (10) of section 21(e) shall apply.

“(d) DENIAL OF DOUBLE BENEFIT.—

“(1) IN GENERAL.—No deduction shall be allowed under this section for any expense with respect to which a credit is claimed by the taxpayer under section 21.

“(2) COORDINATION RULE.—For coordination with a dependent care assistance program, see section 129(e)(7).

“(e) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2015.”

(b) DEDUCTION ALLOWED ABOVE-THE-LINE.—Subsection (a) of section 62 is amended by inserting after paragraph (21) the following new paragraph:

“(22) CHILD CARE DEDUCTION.—The deduction allowed by section 224.”

(c) CONFORMING AMENDMENT.—Subsection (e) of section 213 is amended by inserting “, or as a deduction under section 224,” after “section 21”.

(d) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter A of chapter 1 is amended by striking the item relating to section 224 and by inserting the following new items:

“Sec. 224. Child care deduction.

“Sec. 225. Cross reference.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred in taxable years beginning after December 31, 2014.

**SA 3126.** Ms. CANTWELL (for herself, Mr. THUNE, Mr. CORNYN, Mr. NELSON, Mrs. MURRAY, and Mr. ENZI) submitted



an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Beginning on page 8, strike line 19 and all that follows through page 9, line 3 and insert the following:

**SEC. 106. PERMANENT EXTENSION OF DEDUCTION FOR STATE AND LOCAL GENERAL SALES TAXES.**

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking “, and before January 1, 2014”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

**SA 3127.** Ms. CANTWELL (for herself, Mr. BENNET, Ms. STABENOW, Mr. MENENDEZ, Mr. CARDIN, Mr. BROWN, Mr. NELSON, and Mr. CARPER) submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

(c) EXTENSION FOR SOLAR ENERGY FACILITIES.—Section 45(d)(4)(A) is amended by inserting “or the construction of which begins after December 31, 2013, and before January 1, 2016,” after “2006,”.

**SA 3128.** Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE \_\_—OTHER PROVISIONS**

**SEC. \_\_01. BUILD AMERICA BONDS MADE PERMANENT.**

(a) IN GENERAL.—Subparagraph (B) of section 54AA(d)(1) is amended by inserting “or during a period beginning on or after the date of the enactment of the EXPIRE Act of 2014,” after “January 1, 2011,”.

(b) REDUCTION IN CREDIT PERCENTAGE TO BONDHOLDERS.—Subsection (b) of section 54AA is amended to read as follows:

“(b) AMOUNT OF CREDIT.—

“(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any interest payment date for a build America bond is the applicable percentage of the amount of interest payable by the issuer with respect to such date.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined under the following table:

<b>“In the case of a bond issued during calendar year:</b>	<b>The applicable percentage is:</b>
2009 or 2010 .....	35
2014 .....	31
2015 .....	30
2016 .....	29
2017 and thereafter .....	28.”.

(c) SPECIAL RULES.—Subsection (f) of section 54AA is amended by adding at the end the following new paragraph:

“(3) APPLICATION OF OTHER RULES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, a build America bond shall be considered a recovery zone economic development bond (as defined in section 1400U–2) for purposes of application of section 1601 of title I of division B of Public Law 111–5 (26 U.S.C. 54C note).

“(B) PUBLIC TRANSPORTATION PROJECTS.—Recipients of any financial assistance authorized under this section that funds public transportation projects, as defined in Title 49, United States Code, must comply with the grant requirements described under section 5309 of such title.”.

(d) EXTENSION OF PAYMENTS TO ISSUERS.—

(1) IN GENERAL.—Section 6431 is amended—  
(A) by inserting “or during a period beginning on or after the date of the enactment of the EXPIRE Act of 2014,” after “January 1, 2011,” in subsection (a), and

(B) by striking “before January 1, 2011” in subsection (f)(1)(B) and inserting “during a particular period”.

(2) CONFORMING AMENDMENTS.—Subsection (g) of section 54AA is amended—

(A) by inserting “or during a period beginning on or after the date of the enactment of the EXPIRE Act of 2014,” after “January 1, 2011,” and

(B) by striking “QUALIFIED BONDS ISSUED BEFORE 2011” in the heading and inserting “CERTAIN QUALIFIED BONDS”.

(e) REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.—Subsection (b) of section 6431 is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”,

(2) by striking “35 percent” and inserting “the applicable percentage”, and

(3) by adding at the end the following new paragraph:

“(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term ‘applicable percentage’ means the percentage determined in accordance with the following table:

<b>“In the case of a qualified bond issued during calendar year:</b>	<b>The applicable percentage is:</b>
2009 or 2010 .....	35
2014 .....	31
2015 .....	30
2016 .....	29
2017 and thereafter .....	28.”.

(f) CURRENT REFUNDINGS PERMITTED.—Subsection (g) of section 54AA is amended by adding at the end the following new paragraph:

“(3) TREATMENT OF CURRENT REFUNDING BONDS.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘qualified bond’ includes any bond (or series of bonds) issued to refund a qualified bond if—

“(i) the average maturity date of the issue of which the refunding bond is a part is not

later than the average maturity date of the bonds to be refunded by such issue,

“(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

“(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

“(B) APPLICABLE PERCENTAGE.—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the lowest percentage specified in paragraph (2) of such section.

“(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).

“(D) ISSUANCE RESTRICTION NOT APPLICABLE.—Subsection (d)(1)(B) shall not apply to a refunding bond referred to in subparagraph (A).”.

(g) CLARIFICATION RELATED TO LEVEES AND FLOOD CONTROL PROJECTS.—Subparagraph (A) of section 54AA(g)(2) is amended by inserting “(including capital expenditures for levees and other flood control projects)” after “capital expenditures”.

(h) GROSS-UP OF PAYMENT TO ISSUERS IN CASE OF SEQUESTRATION.—In the case of any payment under section 6431(b) of the Internal Revenue Code of 1986 made after the date of the enactment of this Act to which sequestration applies, the amount of such payment shall be increased to an amount equal to—

(1) such payment (determined before such sequestration), multiplied by

(2) the quotient obtained by dividing 1 by the amount by which 1 exceeds the percentage reduction in such payment pursuant to such sequestration.

For purposes of this subsection, the term “sequestration” means any reduction in direct spending ordered in accordance with a sequestration report prepared by the Director of the Office and Management and Budget pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or the Statutory Pay-As-You-Go Act of 2010.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued on or after the date of the enactment of this Act.

**SA 3129.** Ms. STABENOW (for herself, Mr. BROWN, Mr. ROBERTS, and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 30, strike line 19 and insert the following:

tion 125(c) of such Act).

“(iv) SPECIAL MAXIMUM INCREASE AMOUNT.—In the case of round 4 extension property placed in service by a corporation—

“(I) subparagraph (C)(iii) shall not apply, and

“(II) the term ‘maximum increase amount’ means an amount that is 50 percent of the AMT credit increase amount determined with respect to such corporation under subparagraph (E) by substituting ‘December 31,

2013' for 'March 31, 2008' and by substituting 'January 1, 2011' for 'January 1, 2006'."

**SA 3130.** Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 6, between lines 20 and 21, insert the following:

(b) INCREASE IN LIMITATION.—

(1) IN GENERAL.—Section 62(a)(2)(D) is amended by striking "\$250" and inserting "\$350".

(2) INFLATION ADJUSTMENT.—Section 62 is amended by adding at the end the following new subsection:

“(f) INFLATION ADJUSTMENT FOR EDUCATOR EXPENSES.—

“(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2014, the \$350 amount under subsection (a)(2)(D) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If the amount as adjusted under the preceding sentence is not a multiple of \$10., such amount shall be rounded to the next lowest multiple of \$10.”.

**SA 3131.** Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE—OTHER PROVISIONS

##### SEC. \_01. TREATMENT OF TIMBER GAINS.

(a) 2-YEAR SPECIAL RATE.—Paragraph (1) of section 1201(b) is amended by striking “ending after the date” and all that follows through “after such date” and inserting “beginning after December 31, 2013, and before January 1, 2016”.

(b) ADJUSTMENT OF SPECIAL RATE.—

(1) IN GENERAL.—Clause (i) of section 1201(b)(1)(B) is amended by striking “15 percent” and inserting “20 percent”.

(2) CONFORMING AMENDMENT.—Section 55(b) is amended by striking paragraph (4).

(c) CONFORMING AMENDMENT.—Subsection (b) of section 1201 is amended by striking paragraph (3).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

**SA 3132.** Mr. KING (for himself, Ms. COLLINS, Mrs. SHAHEEN, and Mr.

BEGICH) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE—OTHER PROVISIONS

##### SEC. \_ . CREDITS RELATING TO BIOMASS PROPERTY.

(a) RESIDENTIAL ENERGY-EFFICIENT PROPERTY CREDIT FOR BIOMASS FUEL PROPERTY EXPENDITURES.—

(1) ALLOWANCE OF CREDIT.—Subsection (a) of section 25D is amended—

(A) by striking “and” at the end of paragraph (4),

(B) by striking the period at the end of paragraph (5) and inserting “, and”, and

(C) by adding at the end the following new paragraph:

“(6) 30 percent of the qualified biomass fuel property expenditures made by the taxpayer during such year.”.

(2) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES.—Subsection (d) of section 25D is amended by adding at the end the following new paragraph:

“(6) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURE.—

“(A) IN GENERAL.—The term ‘qualified biomass fuel property expenditure’ means an expenditure for property—

“(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

“(ii) which has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).

“(B) BIOMASS FUEL.—For purposes of this section, the term ‘biomass fuel’ means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues, plants (including aquatic plants), grasses, residues, and fibers. Such term includes densified biomass fuels such as wood pellets.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2013.

(b) INVESTMENT TAX CREDIT FOR BIOMASS HEATING PROPERTY.—

(1) IN GENERAL.—Subparagraph (A) of section 48(a)(3) is amended by striking “or” at the end of clause (vi), by inserting “or” at the end of clause (vii), and by inserting after clause (vii) the following new clause:

“(viii) open-loop biomass (within the meaning of section 45(c)(3)) heating property, including boilers or furnaces which operate at thermal output efficiencies of not less than 65 percent (measured by the higher heating value of the fuel) and which provide thermal energy in the form of heat, hot water, or steam for space heating, air conditioning, domestic hot water, or industrial process heat, but only with respect to periods ending before January 1, 2017.”.

(2) 30 PERCENT AND 15 PERCENT CREDITS.—

(A) IN GENERAL.—Subparagraph (A) of section 48(a)(2) is amended—

(i) by redesignating clause (ii) as clause (iii),

(ii) by inserting after clause (i) the following new clause:

“(ii) except as provided in clause (i)(V), 15 percent in the case of energy property described in paragraph (3)(A)(viii), and”, and

(iii) by inserting “or (ii)” after “clause (i)” in clause (iii), as so redesignated.

(B) INCREASED CREDIT FOR GREATER EFFICIENCY.—Clause (i) of section 48(a)(2)(A) is amended by striking “and” at the end of subclause (III) and by inserting after subclause (IV) the following new subclause:

“(V) energy property described in paragraph (3)(A)(viii) which operates at a thermal output efficiency of not less than 80 percent (measured by the higher heating value of the fuel),”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SA 3133.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE—OTHER PROVISIONS

##### SEC. \_01. NATIONAL SCENIC TRAIL CONSERVATION CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

##### “SEC. 30E. NATIONAL SCENIC TRAIL CONSERVATION CREDIT.

“(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the fair market value of any National Scenic Trail conservation contribution of the taxpayer for the taxable year.

“(b) NATIONAL SCENIC TRAIL CONSERVATION CONTRIBUTION.—For purposes of this section—

“(1) IN GENERAL.—The term ‘National Scenic Trail conservation contribution’ means any qualified conservation contribution—

“(A) to the extent the qualified real property interest with respect to such contribution includes a National Scenic Trail (or portion thereof) and its trail corridor, and

“(B) with respect to which the taxpayer makes an election under this section.

“(2) NATIONAL SCENIC TRAIL.—The term ‘National Scenic Trail’ means any trail authorized and designated under section 5 of the National Trails System Act (16 U.S.C. 1244), but only if such trail is at least 200 miles in length.

“(3) TRAIL CORRIDOR.—The term ‘trail corridor’ means so much of the corridor of a trail as is—

“(A) not less than—

“(i) 150 feet wide on each side of such trail, or

“(ii) in the case of an interest in real property of the taxpayer which includes less than 150 feet on either side of such trail, the entire distance with respect to such interest on such side, and

“(B) not greater than 2,640 feet wide.

“(4) **QUALIFIED CONSERVATION CONTRIBUTION; QUALIFIED REAL PROPERTY INTEREST.**—The terms ‘qualified conservation contribution’ and ‘qualified real property interest’ have the respective meanings given such terms by section 170(h), except that paragraph (2)(A) thereof shall be applied without regard to any qualified mineral interest (as defined in paragraph (6) thereof).

“(c) **SPECIAL RULES.**—

“(1) **FAIR MARKET VALUE.**—Fair market value of any National Scenic Trail conservation contribution shall be determined under rules similar to the valuation rules under Treasury Regulations under section 170, except that in any case, to the extent practicable, fair market value shall be determined by reference to the highest and best use of the real property with respect to such contribution.

“(2) **ELECTION IRREVOCABLE.**—An election under this section may not be revoked.

“(3) **DENIAL OF DOUBLE BENEFIT.**—No deduction shall be allowed under this chapter with respect to any qualified conservation contribution with respect to which an election is made under this section.

“(d) **LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.**—

“(1) **LIMITATION.**—The credit allowed under subsection (a) for any taxable year shall not exceed the sum of—

“(A) the taxpayer’s regular tax liability (as defined in section 26(b)) for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 30, 30B, 30C, and 30D, plus

“(B) the tax imposed by section 55.

“(2) **CARRYFORWARD.**—

“(A) **IN GENERAL.**—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for any taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

“(B) **LIMITATION.**—No credit may be carried forward under this subsection to any taxable year following the tenth taxable year after the taxable year in which the credit arose. For purposes of the preceding sentence, credits shall be treated as used on a first-in first-out basis.”.

(b) **CONTINUED USE NOT INCONSISTENT WITH CONSERVATION PURPOSES.**—A contribution of an interest in real property shall not fail to be treated as a National Scenic Trail conservation contribution (as defined in section 30E(b) of the Internal Revenue Code of 1986) solely by reason of continued use of the real property, such as for recreational or agricultural use (including motor vehicle use related thereto), if, under the circumstances, such use does not impair significant conservation interests and is not inconsistent with the purposes of the National Trails System Act (16 U.S.C. 1241 et seq.).

(c) **STUDY REGARDING EFFICACY OF NATIONAL SCENIC TRAIL CONSERVATION CREDIT.**—

(1) **IN GENERAL.**—The Secretary of the Interior shall, in consultation with the Secretary of the Treasury, study—

(A) the efficacy of the National Scenic Trail conservation credit under section 30E of the Internal Revenue Code of 1986 in completing, extending, and increasing the number of National Scenic Trails (as defined in section 30E(b) of such Code), and

(B) the feasibility and estimated costs and benefits of—

(i) making such credit refundable (in whole or in part), and

(ii) allowing transfer of such credit.

(2) **REPORT.**—Not later than 4 years after the date of the enactment of this Act, the Secretary of the Interior shall submit a report to Congress on the results of the study conducted under this subsection.

(d) **CONFORMING AMENDMENT.**—The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

“30E. National Scenic Trail conservation credit.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act.

**SA 3134.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE—OTHER PROVISIONS**

##### **SEC. 01. EXTENSION OF TIME PERIOD FOR CONTRIBUTING MILITARY DEATH GRATUITIES TO ROTH IRAS AND COVERDELL EDUCATION SAVINGS ACCOUNTS.**

(a) **IN GENERAL.**—Sections 408A(e)(2)(A) and 530(d)(9)(A) are each amended by striking “1-year period” and inserting “3-year period”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts received under section 1477 of title 10, United States Code, or under section 1967 of title 38 of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

**SA 3135.** Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE—OTHER PROVISIONS**

##### **SEC. 01. FACILITATE WATER LEASING AND WATER TRANSFERS TO PROMOTE CONSERVATION AND EFFICIENCY.**

(a) **IN GENERAL.**—Paragraph (12) of section 501(c) is amended by adding at the end the following new subparagraph:

“(I) **TREATMENT OF MUTUAL DITCH IRRIGATION COMPANIES.**—

“(i) **IN GENERAL.**—In the case of a mutual ditch or irrigation company or like organization, subparagraph (A) shall be applied without taking into account any income received or accrued—

“(I) from the sale, lease, or exchange of fee or other interests in real property, including interests in water,

“(II) from the sale or exchange of stock in a mutual ditch or irrigation company or like organization or contract rights for the delivery or use of water, or

“(III) from the investment of proceeds from sales, leases, or exchanges under subclauses (I) and (II),

except that any income received under subclause (I), (II), or (III) which is distributed or expended for expenses (other than for operations, maintenance, and capital improvements) of the mutual ditch or irrigation company or like organization shall be treated as nonmember income in the year in which it is distributed or expended. For purposes of the preceding sentence, expenses (other than for operations, maintenance, and capital improvements) include expenses for the construction of conveyances designed to deliver water outside of the mutual ditch or irrigation company or like organization system.

“(ii) **TREATMENT OF ORGANIZATIONAL GOVERNANCE.**—In the case of a mutual ditch or irrigation company or like organization, where State law provides that such a company or organization may be organized in a manner that permits voting on a basis which is pro rata to share ownership on corporate governance matters, subparagraph (A) shall be applied without taking into account whether its member shareholders have one vote on corporate governance matters per share held in the corporation. Nothing in this clause shall be construed to create any inference about the requirements of this subsection for companies or organizations not included in this clause.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (A) shall apply to taxable years beginning after the date of the enactment of this Act.

**SA 3136.** Mr. KING submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

##### **SEC. 01. REQUIREMENTS WITH RESPECT TO MEDICAL DEVICE PRICING.**

(a) **PROHIBITION ON CONFIDENTIALITY CLAUSES WITH RESPECT TO PRICING.**—A medical device manufacturer may not require hospitals or other buyers to sign purchasing agreements that contain confidentiality clauses restricting such hospitals or buyers from revealing to third parties the prices paid for medical devices.

(b) **REPORTING ON SALES PRICES.**—The Secretary of Health and Human Services shall require medical device manufacturers to submit to such Secretary a quarterly report on the average and median sales prices of covered devices, as defined in section 1128G(e) of the Social Security Act.

**SA 3137.** Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the

Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE—IDENTITY THEFT AND TAX FRAUD PREVENTION**

**Subtitle A—Protecting Victims of Tax-related Identity Theft**

**SEC. 01. EXPEDITED REFUNDS FOR IDENTITY THEFT VICTIMS.**

Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall establish a plan of action to reduce the administrative time required to process and resolve cases of identity theft in connection with tax returns, including the issuance of refunds to legitimate taxpayers, to no more than 90 days, on average.

**SEC. 02. SINGLE POINT OF CONTACT FOR IDENTITY THEFT VICTIMS.**

Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall establish new procedures to ensure that any taxpayer whose return has been delayed or otherwise adversely affected due to identity theft has a single point of contact at the Internal Revenue Service throughout the processing of his or her case. The single point of contact shall track the case of the taxpayer from start to finish and coordinate with other specialized units to resolve case issues as quickly as possible.

**SEC. 03. ENHANCEMENTS TO IRS PIN PROGRAM.**

(a) IN GENERAL.—The Secretary of the Treasury, or the Secretary's delegate, shall issue a personal identification number to any individual requesting protection from identity theft-related tax fraud after the individual's true identity has been established and verified.

(b) REPORT.—Not later than 360 days after the date of enactment of this Act, the Secretary of the Treasury shall submit to Congress a report analyzing the effectiveness of the program described in subsection (a) in reducing tax fraud.

**SEC. 04. ELECTRONIC FILING OPT OUT.**

Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall implement a program under which a person who has filed an identity theft affidavit with the Secretary may elect to prevent the processing of any Federal tax return submitted in an electronic format by a person purporting to be such a person.

**SEC. 05. TAXPAYER NOTIFICATION OF SUSPECTED IDENTITY THEFT.**

(a) IN GENERAL.—Chapter 77 is amended by adding at the end the following new section: “**SEC. 7529. NOTIFICATION OF SUSPECTED IDENTITY THEFT.**

“If the Secretary determines that there was an unauthorized use of the identity of any taxpayer, the Secretary shall—

“(1) as soon as practicable and without jeopardizing an investigation relating to tax administration, notify the taxpayer, and

“(2) if any person is criminally charged by indictment or information relating to such unauthorized use, notify such taxpayer as soon as practicable of such charge.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

“Sec. 7529. Notification of suspected identity theft.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations made after the date of the enactment of this Act.

**Subtitle B—Shutting Down Abusive Identity Theft and Tax Fraud Schemes**

**SEC. 11. RESTRICTIONS ON ABILITY TO USE PREPAID CARDS FOR TAX FRAUD.**

(a) ACCOUNTS WITH ELEVATED RISK OF IDENTITY THEFT.—

(1) IN GENERAL.—Not later than 360 days after the date of the enactment of this Act, the Federal primary financial regulatory agencies, in consultation with the Secretary of the Treasury, shall jointly prescribe regulations requiring newly issued deposit or transaction account numbers, as the case may be, to be distinguishable between verified accounts and at-risk accounts.

(2) DEFINITIONS.—As used in this section—

(A) the term “at-risk account” means any deposit account or transaction account, including accounts associated with a prepaid access arrangement, that is not a verified account;

(B) the term “primary financial regulatory agency” has the same meaning as in section 2(12) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301(12)); and

(C) the term “verified account” means any deposit account or transaction account in which the identity of the account holder and any prepaid access customer associated with the account is verified by—

(i) customer identification procedures that comply with section 5318(l) of title 31, United States Code; and

(ii) direct review of an original, unexpired government-issued form of identification bearing a photograph or similar safeguard, such as a driver's license or passport.

(b) GAO AUDIT OF DEBIT CARD ISSUERS TO ENSURE COMPLIANCE WITH CUSTOMER IDENTIFICATION REQUIREMENTS.—

(1) REVIEW AND EVALUATION.—The Comptroller General of the United States shall review and evaluate the effectiveness of the current Customer Identification Program rules implementing the customer identification program requirements under section 5318(l) of title 31, United States Code, as such rules apply to the prepaid card industry.

(2) REQUIRED CONSIDERATIONS.—The review and evaluation required under paragraph (1) shall—

(A) consider whether weaknesses in current customer identification programs are contributing to identity theft and financial loss, particularly with respect to tax fraud; and

(B) review whether—

(i) current risk-based standards for customer identification are the best means to prevent criminal use of prepaid cards and provide sufficient guidance and certainty to the sellers and providers of prepaid access;

(ii) current exclusions from customer identification requirements, such as exclusions for government benefit programs, are appropriate; and

(iii) Federal regulatory agencies exercise adequate oversight and supervision of customer identification practices of the prepaid card industry.

(3) REPORT TO CONGRESS.—Not later than 360 days after the date of the enactment this Act, the Comptroller General of the United States shall submit to Congress a report—

(A) on the findings of the review and evaluation required under paragraph (1); and

(B) containing any recommendations or proposals for legislative or administrative action to improve the customer identification practices of the prepaid card industry.

**SEC. 12. LIMITATION ON MULTIPLE TAX REFUNDS TO THE SAME ACCOUNT.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall issue regulations that restrict the delivery or deposit of multiple tax refunds from the same tax year to the same individual account or mailing address.

(b) EXCEPTION.—The regulation promulgated under subsection (a) shall provide that the restrictions shall not apply in cases and situations where the Secretary determines there is not a likelihood of tax fraud.

**Subtitle C—Adding Critical New Protections to Safeguard Social Security Numbers**

**SEC. 21. PROHIBITING THE DISPLAY OF SOCIAL SECURITY ACCOUNT NUMBERS ON NEWLY ISSUED MEDICARE IDENTIFICATION CARDS AND COMMUNICATIONS PROVIDED TO MEDICARE BENEFICIARIES.**

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, shall establish and begin to implement procedures to eliminate the unnecessary collection, use, and display of Social Security account numbers of Medicare beneficiaries.

(b) NEWLY ISSUED MEDICARE CARDS AND COMMUNICATIONS PROVIDED TO BENEFICIARIES.—

(1) NEWLY ISSUED CARDS.—

(A) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, shall ensure that each newly issued Medicare identification card meets the requirements described in subparagraph (B).

(B) REQUIREMENTS.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), the requirements described in this subparagraph are, with respect to a Medicare identification card, that the card does not display or electronically store (in an unencrypted format) a Medicare beneficiary's Social Security account number.

(ii) EXCEPTION.—The Secretary may waive the requirements under clause (i) in the case where the health insurance claim number of a beneficiary is the Social Security number of the beneficiary, the beneficiary's spouse, or another individual.

(iii) USE OF PARTIAL ACCOUNT NUMBER.—The Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, may provide for the use of a partial Social Security account number on a Medicare identification card if the Secretary determines that such use does not allow an unacceptable risk of fraudulent use.

(2) COMMUNICATIONS PROVIDED TO BENEFICIARIES.—Not later than 4 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prohibit the display of a Medicare beneficiary's Social Security account number on written or electronic communication provided to the beneficiary unless the Secretary, in consultation with the Commissioner of Social Security, determines that inclusion of Social Security account numbers on such communications is essential for the operation of the Medicare program.

(c) **MEDICARE BENEFICIARY DEFINED.**—In this section, the term “Medicare beneficiary” means an individual entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) or enrolled for benefits under part B of such title (42 U.S.C. 1395j et seq.).

(d) **CONFORMING AMENDMENTS.**—

(1) **REFERENCE IN THE SOCIAL SECURITY ACT.**—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended—

(A) by moving clause (x), as added by section 1414(a)(2) of the Patient Protection and Affordable Care Act (Public Law 111-148), 6 ems to the left;

(B) by redesignating clause (x), as added by section 2(a)(1) of the Social Security Number Protection Act of 2010 (42 U.S.C. 1305 note), as clause (xii); and

(C) by adding after clause (xii), as redesignated by subparagraph (B), the following new clause:

“(xiii) Subject to the EXPIRE Act of 2014, social security account numbers shall not be displayed on Medicare identification cards or on communications provided to Medicare beneficiaries.”.

(2) **ACCESS TO INFORMATION.**—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following new paragraph:

“(10) To prevent and identify fraudulent activity, the Commissioner shall upon the request of the Attorney General or upon the request of the Secretary of Health and Human Services enter into a reimbursable agreement with the Attorney General or the Secretary to provide information collected under paragraph (1) if—

“(A) the requirements of subparagraphs (A) and (B) of paragraph (3) are met; and

“(B) such agreement includes appropriate provisions to protect the confidentiality of information provided by the Commissioner under such agreement.”.

(e) **PILOT PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish a pilot program utilizing smart card technology to evaluate—

(A) the applicability of smart card technology to the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), including the applicability of such technology to Medicare beneficiaries or Medicare providers; and

(B) whether such cards would be effective in preventing fraud under the Medicare program.

(2) **IMPLEMENTATION.**—

(A) **INITIAL IMPLEMENTATION.**—The Secretary shall implement the pilot program under this subsection not later than 1 year after the date of enactment of this Act.

(B) **SCOPE AND DURATION.**—The Secretary shall conduct the pilot program—

(i) in not less than 2 States; and

(ii) for a period of not less than 180 days or more than 2 years.

(3) **REPORT.**—Not later than 12 months after the completion of the pilot program under this subsection, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes the following:

(A) A summary of the pilot program and findings, including—

(i) the costs or savings to the Medicare program as a result of the implementation of the pilot program;

(ii) whether the use of smart card technology resulted in improvements in the quality of care provided to Medicare beneficiaries under the pilot program; and

(iii) whether such technology was useful in preventing or detecting fraud, waste, and abuse in the Medicare program.

(B) Recommendations regarding whether the use of smart card technology should be expanded under the Medicare program.

(4) **DEFINITIONS.**—In this subsection:

(A) **MEDICARE PROVIDER.**—The term “Medicare provider” includes a provider of services (as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u))) and a supplier (as defined in section 1861(d) of such Act (42 U.S.C. 1395x(d))).

(B) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(C) **SMART CARD.**—The term “smart card” means identification used by a Medicare beneficiary or a Medicare provider that includes anti-fraud attributes. Such a card—

(i) may rely on existing commercial data transfer networks or on a network of proprietary card readers or databases; and

(ii) may include—

(I) cards using technology adapted from the financial services industry;

(II) cards containing individual biometric identification, provided that such identification is encrypted and not contained in any central database;

(III) cards adapting technology and processes utilized in the TRICARE program under chapter 55 of title 10, United States Code, or by the Veterans’ Administration; or

(IV) such other technology as the Secretary determines appropriate.

## **SEC. 22. PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS.**

(a) **PROHIBITION.**—

(1) **IN GENERAL.**—Chapter 47 of title 18, United States Code, is amended by inserting after section 1028A the following:

### **“§ 1028B. Prohibition of the display, sale, or purchase of Social Security numbers**

“(a) **DEFINITIONS.**—In this section:

“(1) **DISPLAY.**—The term ‘display’ means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public an individual’s Social Security number.

“(2) **PERSON.**—The term ‘person’ means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

“(3) **PURCHASE.**—The term ‘purchase’ means providing directly or indirectly, anything of value in exchange for a Social Security number.

“(4) **SALE.**—The term ‘sale’ means obtaining, directly or indirectly, anything of value in exchange for a Social Security number.

“(5) **STATE.**—The term ‘State’ means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

“(b) **LIMITATION ON DISPLAY.**—No person may display any individual’s Social Security number to the general public without the affirmatively expressed consent of the individual.

“(c) **LIMITATION ON SALE OR PURCHASE.**—Except as otherwise provided in this section, no person may sell or purchase any individual’s Social Security number without the affirmatively expressed consent of the individual.

“(d) **PREREQUISITES FOR CONSENT.**—In order for consent to exist under subsection (b) or (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase, an individual’s Social Security number shall—

“(1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and

“(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

“(e) **EXCEPTIONS.**—Nothing in this section shall be construed to prohibit or limit the display, sale, or purchase of a Social Security number—

“(1) required, authorized, or excepted under any Federal law;

“(2) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

“(3) for a national security purpose;

“(4) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

“(5) if the display, sale, or purchase of the number is for a use occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction), including, but not limited to—

“(A) the prevention of fraud (including fraud in protecting an employee’s right to employment benefits);

“(B) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, or volunteers;

“(C) the retrieval of other information from other businesses, commercial enterprises, government entities, or private nonprofit organizations; or

“(D) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business;

“(6) if the transfer of such a number is part of a data matching program involving a Federal, State, or local agency; or

“(7) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

except that, nothing in this subsection shall be construed as permitting a professional or commercial user to display or sell a Social Security number to the general public.

“(f) **LIMITATION.**—Nothing in this section shall prohibit or limit the display, sale, or purchase of Social Security numbers as permitted under title V of the Gramm-Leach-Bliley Act, or for the purpose of affiliate sharing as permitted under the Fair Credit Reporting Act, except that no entity regulated under such Acts may make Social Security numbers available to the general public, as may be determined by the appropriate regulators under such Acts. For purposes of this subsection, the general public shall not include affiliates or unaffiliated third-party business entities as may be defined by the appropriate regulators.”.

(2) **CONFORMING AMENDMENT.**—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following:

“1028B. Prohibition of the display, sale, or purchase of Social Security numbers.”.

(b) **STUDY; REPORT.**—

(1) **IN GENERAL.**—The Attorney General shall conduct a study and prepare a report on all of the uses of Social Security numbers permitted, required, authorized, or excepted under any Federal law. The report shall include a detailed description of the uses allowed as of the date of enactment of this Act, the impact of such uses on privacy and

data security, and shall evaluate whether such uses should be continued or discontinued by appropriate legislative action.

(2) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Attorney General shall report to Congress findings under this subsection. The report shall include such recommendations for legislation based on criteria the Attorney General determines to be appropriate.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is 30 days after the date on which the final regulations promulgated under section 1028B of title 18, United States Code, are published in the Federal Register.

**SEC. 23. CRIMINAL PENALTIES FOR THE MISUSE OF A SOCIAL SECURITY NUMBER.**

(a) **PROHIBITION OF WRONGFUL USE AS PERSONAL IDENTIFICATION NUMBER.**—No person may obtain any individual's Social Security number for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for any illegal purpose.

(b) **CRIMINAL SANCTIONS.**—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting “or” after the semicolon; and

(2) by inserting after paragraph (8) the following:

“(9) except as provided in subsections (e) and (f) of section 1028B of title 18, United States Code, knowingly and willfully displays, sells, or purchases (as those terms are defined in section 1028B(a) of title 18, United States Code) any individual's Social Security account number without having met the prerequisites for consent under section 1028B(d) of title 18, United States Code; or

“(10) obtains any individual's Social Security number for the purpose of locating or identifying the individual with the intent to injure or to harm that individual, or to use the identity of that individual for an illegal purpose;”.

**SEC. 24. CIVIL ACTIONS AND CIVIL PENALTIES.**

(a) **CIVIL ACTION IN STATE COURTS.**—

(1) **IN GENERAL.**—Any individual aggrieved by an act of any person in violation of this Act or any amendments made by this Act may, if otherwise permitted by the laws or rules of the court of a State, bring in an appropriate court of that State—

(A) an action to enjoin such violation;

(B) an action to recover for actual monetary loss from such a violation, or to receive up to \$500 in damages for each such violation, whichever is greater; or

(C) both such actions.

It shall be an affirmative defense in any action brought under this paragraph that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of the regulations prescribed under this Act. If the court finds that the defendant willfully or knowingly violated the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B).

(2) **STATUTE OF LIMITATIONS.**—An action may be commenced under this subsection not later than the earlier of—

(A) 5 years after the date on which the alleged violation occurred; or

(B) 3 years after the date on which the alleged violation was or should have been reasonably discovered by the aggrieved individual.

(3) **NONEXCLUSIVE REMEDY.**—The remedy provided under this subsection shall be in addition to any other remedies available to the individual.

(b) **CIVIL PENALTIES.**—

(1) **IN GENERAL.**—Any person who the Attorney General determines has violated any section of this Act or of any amendments made by this Act shall be subject, in addition to any other penalties that may be prescribed by law—

(A) to a civil penalty of not more than \$5,000 for each such violation; and

(B) to a civil penalty of not more than \$50,000, if the violations have occurred with such frequency as to constitute a general business practice.

(2) **DETERMINATION OF VIOLATIONS.**—Any willful violation committed contemporaneously with respect to the Social Security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise, shall be treated as a separate violation with respect to each such individual.

(3) **ENFORCEMENT PROCEDURES.**—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), except that, for purposes of this paragraph, any reference in section 1128A of such Act (42 U.S.C. 1320a–7a) to the Secretary shall be deemed to be a reference to the Attorney General.

**Subtitle D—Strengthening Laws and Improving Enforcement Against Tax-related Identity Theft**

**SEC. 31. CRIMINAL PENALTY FOR USING A FALSE IDENTITY IN CONNECTION WITH TAX FRAUD.**

(a) **IN GENERAL.**—Section 7206 is amended—

(1) by striking “Any person” and inserting the following:

“(a) IN GENERAL.—Any person”, and

(2) by adding at the end the following new subsection:

“(b) **USE OF FALSE IDENTITY.**—Any person who willfully misappropriates another person's taxpayer identity (as defined in section 6103(b)(6)) for the purpose of making any list, return, account, statement, or other document submitted to the Secretary under the provisions of this title shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$250,000 (\$500,000 in the case of a corporation) or imprisoned not more than 5 years, or both, together with the costs of prosecution.”.

(b) **AGGRAVATED IDENTITY THEFT.**—Section 1028A(c) of title 18, United States Code, is amended by striking “or” at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting “; or”, and by adding at the end the following new paragraph:

“(12) section 7206(b) of the Internal Revenue Code of 1986 (relating to use of false identity in connection with tax fraud).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to offenses committed after the date of the enactment of this Act.

**SEC. 32. INCREASED PENALTY FOR IMPROPER DISCLOSURE OR USE OF INFORMATION BY PREPARERS OF RETURNS.**

(a) **IN GENERAL.**—Section 6713(a) is amended—

(1) by striking “\$250” and inserting “\$1,000”, and

(2) by striking “\$10,000” and inserting “\$50,000”.

(b) **CRIMINAL PENALTY.**—Section 7216(a) is amended by striking “\$1,000” and inserting “\$100,000”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to disclosures or uses after the date of the enactment of this Act.

**SEC. 33. AUTHORITY TO TRANSFER INTERNAL REVENUE SERVICE APPROPRIATIONS TO USE FOR TAX FRAUD ENFORCEMENT.**

For any fiscal year, the Commissioner of Internal Revenue may transfer not more than \$10,000,000 to the “Enforcement” account of the Internal Revenue Service from amounts appropriated to other Internal Revenue Service accounts. Any amounts so transferred shall be used solely for the purposes of preventing and resolving potential cases of tax fraud.

**SEC. 34. LOCAL LAW ENFORCEMENT LIAISON.**

(a) **ESTABLISHMENT.**—The Commissioner of Internal Revenue shall establish within the Criminal Investigation Division of the Internal Revenue Service the position of Local Law Enforcement Liaison.

(b) **DUTIES.**—The Local Law Enforcement Liaison shall serve as the primary source of contact for State and local law enforcement authorities with respect to tax-related identity theft and other tax fraud matters, having duties that shall include—

(1) receiving information from State and local law enforcement authorities;

(2) responding to inquiries from State and local law enforcement authorities;

(3) administering authorized information-sharing initiatives with State or local law enforcement authorities and reviewing the performance of such initiatives;

(4) ensuring any information provided through authorized information-sharing initiatives with State or local law enforcement authorities is used only for the prosecution of identity theft-related crimes and not redisclosed to third parties; and

(5) any other duties as delegated by the Commissioner of Internal Revenue.

**SEC. 35. EXTEND INTERNAL REVENUE SERVICE AUTHORITY TO REQUIRE TRUNCATED SOCIAL SECURITY NUMBERS ON FORM W-2.**

(a) **IN GENERAL.**—Paragraph (2) of section 6051(a) is amended by striking “his social security number” and inserting “an identifying number for the employee”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

**SEC. 36. CLARIFICATION WITH RESPECT TO REGULATION OF FEDERAL TAX RETURN PREPARERS.**

(a) **IN GENERAL.**—Subparagraph (D) of section 330(a)(2) of title 31, United States Code, is amended by inserting “and in preparing and filing their tax returns” before the period.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by this section applies to regulations promulgated before, on, or after the date of the enactment of this Act.

(2) **EFFECT ON EXISTING PROCEEDINGS.**—Nothing in this section shall be construed to create a negative inference with respect to the application of section 330 of title 31, United States Code, or the authority of the Secretary of the Treasury under such section, with respect to regulations promulgated before the date of the enactment of this Act.



**SEC. 37. AUTHENTICATION OF USERS OF ELECTRONIC SERVICES ACCOUNTS.**

(a) IN GENERAL.—The Commissioner of Internal Revenue shall establish a program to verify the identity of any individual opening an e-Services account with the Internal Revenue Service before such individual is able to use the e-Services tools.

(b) REPORT.—The Commissioner of Internal Revenue shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, not later than 1 year after the date of the enactment of this Act, on any further legislative recommendations to prevent fraud relating to the Internal Revenue Service e-Services tools, including an authorized e-file provider program.

**Subtitle E—Accelerating Transition to a Real-time Tax System That Protects Taxpayers and Reduces Fraud****SEC. 41. IMPROVEMENT IN ACCESS TO INFORMATION IN THE NATIONAL DIRECTORY OF NEW HIRES FOR TAX ADMINISTRATION PURPOSES.**

(a) IN GENERAL.—Paragraph (3) of section 453(i) of the Social Security Act (42 U.S.C. 653(i)) is amended to read as follows:

“(3) ADMINISTRATION OF FEDERAL TAX LAWS.—The Secretary of the Treasury shall have access to the information in the National Directory of New Hires for purposes of administering the Internal Revenue Code of 1986.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

**SEC. 42. PLAN OF ACTION FOR TRANSITIONING TO A REAL-TIME TAX SYSTEM.**

Not later than 270 days after the date of enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall submit to Congress a report analyzing and outlining options and potential timelines for moving toward a tax system that reduces burdens on taxpayers and decreases tax fraud through real-time information matching.

**SA 3138.** Ms. CANTWELL (for herself and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —OTHER PROVISIONS****SEC. . DEDUCTIBILITY OF CERTAIN 2014 DISASTER LOSSES.**

(a) IN GENERAL.—Section 165(h), as amended by this Act, is amended by inserting after paragraph (2) the following:

“(3) SPECIAL RULE FOR LOSSES IN FEDERALLY DECLARED DISASTERS.—

“(A) IN GENERAL.—If an individual has a net disaster loss for any taxable year, the amount determined under paragraph (2)(A)(i) shall be the sum of—

“(i) such net disaster loss, and

“(ii) so much of the excess referred to in the matter preceding clause (i) of paragraph (2)(A) (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual.

“(B) NET DISASTER LOSS.—For purposes of subparagraph (A), the term ‘net disaster loss’ means the excess of—

“(i) the personal casualty losses—

“(I) attributable to a federally declared disaster occurring during calendar year 2014, and

“(II) occurring in a disaster area, over

“(ii) personal casualty gains.

“(C) FEDERALLY DECLARED DISASTER AND AREA.—For purposes of this paragraph, the terms ‘federally declared disaster’ and ‘disaster area’ have the meanings given to such terms by subsection (i)(5).”.

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Subparagraph (A) of section 165(h)(5) is amended to read as follows:

“(A) CERTAIN PERSONAL CASUALTY LOSSES ALLOWABLE IN COMPUTING ADJUSTED GROSS INCOME.—

“(i) LOSSES NOT IN EXCESS OF PERSONAL CASUALTY GAINS.—In any case to which paragraph (2)(A) applies, the deduction for personal casualty losses for any taxable year shall be treated as a deduction allowable in computing adjusted gross income to the extent such losses do not exceed the personal casualty gains for the taxable year.

“(ii) NET DISASTER LOSSES.—In any case to which paragraph (3) applies, the portion of the deduction for personal casualty losses for any taxable year which is properly allocable to the net disaster loss for the taxable year shall be treated as a deduction allowable in computing adjusted gross income.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to federally declared disasters occurring after December 31, 2013, and to losses attributable to such disasters.

**SA 3139.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Beginning on page 42, strike line 3 and all that follows through page 43, line 12.

**SA 3140.** Ms. CANTWELL (for herself, Mr. BENNET, Ms. STABENOW, Mr. CARDIN, Mr. MENENDEZ, Mr. BROWN, Mr. NELSON, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 52, between lines 19 and 20, insert the following:

(c) EXTENSION FOR SOLAR ENERGY FACILITIES.—Section 45(d)(4)(A) is amended by inserting “or the construction of which begins after December 31, 2013, and before January 1, 2016,” after “2006.”.

**SA 3141.** Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —OTHER PROVISIONS****SEC. 01. CREDIT FOR INSTALLATION OF SPRINKLERS AND ELEVATORS IN HISTORIC BUILDINGS.**

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by inserting after section 36B the following new section:

**“SEC. 36C. HISTORIC BUILDING EXPENSES.**

“(a) IN GENERAL.—There shall be allowed a credit against the tax imposed by this subtitle for the taxable year an amount equal to 50 percent of the qualified historic building expenses paid or incurred by the taxpayer during such taxable year.

“(b) LIMITATION.—The credit allowed under subsection (a) with respect to any taxpayer for any taxable year shall not exceed \$50,000.

“(c) QUALIFIED HISTORIC BUILDING EXPENSES.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified historic building expenses’ means amounts paid or incurred to install in a certified historic structure an elevator system or a sprinkler system that meets the requirements found in the most recent edition of NFPA 13: Standard for the Installation of Sprinkler Systems.

“(2) NATIONAL HISTORIC LANDMARKS.—In the case of a certified historic structure that is designated as a National Historic Landmark in accordance with section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a)) and that is open to the public, the term ‘qualified historic building expenses’ shall not include an expense described in paragraph (1), unless the installation of property described in such paragraph meets the requirements for a certified rehabilitation under section 47(c)(2)(C).

“(3) CERTIFIED HISTORIC STRUCTURE.—The term ‘certified historic structure’ has the meaning given such term in section 47(c)(3), except that such term shall not include any structure which is a single-family residence.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1324 of title 31, United States Code, is amended by inserting “, 36C” after “, 36B”.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 36B the following new item:

“Sec. 36C. Historic building expenses.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

**SA 3142.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being

taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 115.

**SA 3143.** Mr. MORAN (for himself, Ms. HEITKAMP, Mr. THUNE, Mr. HEINRICH, Mr. BEGICH, Mr. INHOFE, Mr. BENNET, Ms. STABENOW, Mr. ENZI, Mr. HOEVEN, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Mr. UDALL of Colorado, Mrs. MURRAY, Mr. CRAPO, Mr. TESTER, Mr. WALSH, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE \_\_\_\_\_—TRIBAL GENERAL WELFARE EXCLUSION**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Tribal General Welfare Exclusion Act of 2013”.

**SEC. 02. INDIAN GENERAL WELFARE BENEFITS.**

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by inserting before section 140 the following new section:

**“SEC. 139E. INDIAN GENERAL WELFARE BENEFITS.**

“(a) IN GENERAL.—Gross income does not include the value of any Indian general welfare benefit.

“(b) INDIAN GENERAL WELFARE BENEFIT.—For purposes of this section, the term ‘Indian general welfare benefit’ includes any payment made or services provided to or on behalf of a member of an Indian tribe (or any spouse or dependent of such a member) pursuant to an Indian tribal government program, but only if—

“(1) the program is administered under specified guidelines and does not discriminate in favor of members of the governing body of the tribe, and

“(2) the benefits provided under such program—

“(A) are available to any tribal member who meets such guidelines,

“(B) are for the promotion of general welfare,

“(C) are not lavish or extravagant, and

“(D) are not compensation for services.

“(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) INDIAN TRIBAL GOVERNMENT.—For purposes of this section, the term ‘Indian tribal government’ includes any agencies or instrumentalities of an Indian tribal government and any Alaska Native regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

“(2) DEPENDENT.—The term ‘dependent’ has the meaning given such term by section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B).

“(3) LAVISH OR EXTRAVAGANT.—The Secretary shall, in consultation with the Tribal Advisory Committee (as established under

section 3(a) of the Tribal General Welfare Exclusion Act of 2013), establish guidelines for what constitutes lavish or extravagant benefits with respect to Indian tribal government programs.

“(4) ESTABLISHMENT OF TRIBAL GOVERNMENT PROGRAM.—A program shall not fail to be treated as an Indian tribal government program solely by reason of the program being established by tribal custom or government practice.

“(5) CEREMONIAL ACTIVITIES.—Any items of cultural significance, reimbursement of costs, or cash honorarium for participation in cultural or ceremonial activities for the transmission of tribal culture shall not be treated as compensation for services.”.

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting before the item relating to section 140 the following new item:

“Sec. 139E. Indian general welfare benefits.”.

(c) STATUTORY CONSTRUCTION.—Ambiguities in section 139E of the Internal Revenue Code of 1986, as added by this section, shall be resolved in favor of Indian tribal governments and deference shall be given to Indian tribal governments for the programs administered and authorized by the tribe to benefit the general welfare of the tribal community.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years for which the period of limitation on refund or credit under section 6511 of the Internal Revenue Code of 1986 has not expired.

(2) ONE-YEAR WAIVER OF STATUTE OF LIMITATIONS.—If the period of limitation on a credit or refund resulting from the amendments made by subsection (a) expires before the end of the 1-year period beginning on the date of the enactment of this Act, refund or credit of such overpayment (to the extent attributable to such amendments) may, nevertheless, be made or allowed if claim therefor is filed before the close of such 1-year period.

**SEC. 03. TRIBAL ADVISORY COMMITTEE.**

(a) ESTABLISHMENT.—The Secretary of the Treasury shall establish a Tribal Advisory Committee (hereinafter in this subsection referred to as the “Committee”).

(b) DUTIES.—

(1) IMPLEMENTATION.—The Committee shall advise the Secretary on matters relating to the taxation of Indians.

(2) EDUCATION AND TRAINING.—The Secretary shall, in consultation with the Committee, establish and require—

(A) training and education for internal revenue field agents who administer and enforce internal revenue laws with respect to Indian tribes on Federal Indian law and the Federal Government’s unique legal treaty and trust relationship with Indian tribal governments, and

(B) training of such internal revenue field agents, and provision of training and technical assistance to tribal financial officers, about implementation of this Act and the amendments made thereby.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of 7 members appointed as follows:

(A) Three members appointed by the Secretary of the Treasury.

(B) One member appointed by the Chairman, and one member appointed by the Ranking Member, of the Committee on Ways and Means of the House of Representatives.

(C) One member appointed by the Chairman, and one member appointed by the Ranking Member, of the Committee on Finance of the Senate.

(2) TERM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member’s term shall be 4 years.

(B) INITIAL STAGGERING.—The first appointments made by the Secretary under paragraph (1)(A) shall be for a term of 2 years.

**SEC. 4. OTHER RELIEF FOR INDIAN TRIBES.**

(a) TEMPORARY SUSPENSION OF EXAMINATIONS.—The Secretary of the Treasury shall suspend all audits and examinations of Indian tribal governments and members of Indian tribes (or any spouse or dependent of such a member), to the extent such an audit or examination relates to the exclusion of a payment or benefit from an Indian tribal government under the general welfare exclusion, until the education and training prescribed by this Act is completed. The running of any period of limitations under section 6501 of the Internal Revenue Code of 1986 with respect to Indian tribal governments and members of Indian tribes shall be suspended during the period during which audits and examinations are suspended under the preceding sentence.

(b) WAIVER OF PENALTIES AND INTEREST.—The Secretary of the Treasury may waive any interest and penalties imposed under such Code on any Indian tribal government or member of an Indian tribe (or any spouse or dependent of such a member) to the extent such interest and penalties relate to excluding a payment or benefit from gross income under the general welfare exclusion.

(c) DEFINITIONS.—For purposes of this subsection—

(1) INDIAN TRIBAL GOVERNMENT.—The term “Indian tribal government” shall have the meaning given such term by section 139E of the Internal Revenue Code of 1986, as added by this Act.

(2) INDIAN TRIBE.—The term “Indian tribe” shall have the meaning given such term by section 45A(c)(6) of such Code.

**SA 3144.** Mr. BARRASSO (for himself, Mr. HATCH, Mr. ROBERTS, Mr. ENZI, Mr. ISAKSON, Mr. MCCONNELL, Ms. AYOTTE, Ms. COLLINS, Mr. ALEXANDER, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE \_\_\_\_\_—OTHER PROVISIONS**  
**SEC. \_\_\_\_\_ . PROTECTING PATIENTS FROM HIGHER PREMIUMS.**

(a) IN GENERAL.—Subsection (a)(1) of section 9010 of the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by section 10905 of such Act and by section 1406 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), is amended by striking “2013” and inserting “2015”.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (j) of section 9010 of the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by section 10905 of such Act and by section 1406 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), is amended by striking “2013” and inserting “2015”.



(2) Subsection (e) of section 9010 of the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by section 10905 of such Act and by section 1406 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), is amended—

- (A) in paragraph (1)—
  - (i) by striking “2019” in the heading and inserting “2021”,
  - (ii) by striking “2019” and inserting “2021”,
  - (iii) by striking “2018” in the last line of the table and inserting “2020”,
  - (iv) by striking “2017” in the 4th line of the table and inserting “2019”,
  - (v) by striking “2016” in the 3rd line of the table and inserting “2018”,
  - (vi) by striking “2015” in the 2nd line of the table and inserting “2017”, and
  - (vii) by striking “2014” in the 1st line of the table and inserting “2016”, and
  - (B) in paragraph (2)—
  - (i) by striking “2018” in the heading and inserting “2020”, and
  - (ii) by striking “2018” and inserting “2020”.
- (C) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 9010 of the Patient Protection and Affordable Care Act.

**SA 3145.** Mr. FLAKE (for himself, Mr. ALEXANDER, Mr. MCCAIN, Mr. LEE, Mr. MCCONNELL, and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 52, between lines 19 and 20, insert the following:

(C) MODIFICATION OF DEFINITION OF QUALIFIED FACILITIES.—

(1) IN GENERAL.—The following provisions of section 45(d), as amended by subsection (a), are each amended by striking “and the construction of which begins before” each place it appears and inserting “and before”:

- (A) Paragraph (1).
- (B) Paragraph 2(A)(i).
- (C) Paragraph 3(A)(i)(I).
- (D) Paragraph (6).
- (E) Paragraph (7).
- (F) Paragraph 9(A)(ii).
- (G) Paragraph (11)(B).

(2) OPEN-LOOP BIOMASS FACILITIES.—Clause (ii) of section 45(d)(3)(A) is amended by striking “the construction of which begins before” and inserting “is originally placed in service before”.

(3) GEOTHERMAL FACILITIES.—Paragraph (4) of section 45(d), as amended by subsection (a), is amended by striking “and which—” and all that follows and inserting “and before—

“(A) January 1, 2006, in the case of a facility using solar energy, and

“(B) January 1, 2016, in the case of a facility using geothermal energy.”.

**SA 3146.** Mr. FLAKE (for himself, Mr. ALEXANDER, Mr. TOOMEY, Mr. MCCAIN, Mr. LEE, Mr. MCCONNELL, and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal

Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 52, strike line 1 and all that follows through line 21.

**SA 3147.** Mr. CORNYN (for himself, Mr. COATS, Mr. ISAKSON, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE —ECONOMIC GROWTH AND JOBS PROTECTION**

##### **SEC. .01. SHORT TITLE.**

This title may be cited as the “Economic Growth and Jobs Protection Act of 2010”.

##### **SEC. .02. REPEAL OF UNEARNED INCOME MEDICAL CONTRIBUTION.**

(a) IN GENERAL.—Chapter 2A is repealed.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle A of chapter 1 is amended by striking the item relating to chapter 2A.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

**SA 3148.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE —TAX TRANSPARENCY**

##### **SEC. .01. TAX EFFECT TRANSPARENCY.**

(a) IN GENERAL.—Chapter 2 of title 1, United States Code, is amended by inserting after section 102 the following:

##### **“§ 102a. Tax effect transparency**

“(a) IN GENERAL.—Each Act of Congress, bill, resolution, conference report thereon, or amendment there to, that modifies Federal tax law shall contain a statement describing the general effect of the modification on Federal tax law.

“(b) FAILURE TO COMPLY.—

“(1) IN GENERAL.—A failure to comply with subsection (a) shall give rise to a point of order in either House of Congress, which may be raised by any Senator during consideration in the Senate or any Member of the House of Representatives during consideration in the House of Representatives.

“(2) NONEXCLUSIVITY.—The availability of a point of order under this section shall not affect the availability of any other point of order.

“(c) DISPOSITION OF POINT OF ORDER IN THE SENATE.—

“(1) IN GENERAL.—Any Senator may raise a point of order that any matter is not in order under subsection (a).

“(2) WAIVER.—

“(A) IN GENERAL.—Any Senator may move to waive a point of order raised under paragraph (1) by an affirmative vote of three-fifths of the Senators duly chosen and sworn.

“(B) PROCEDURES.—For a motion to waive a point of order under subparagraph (A) as to a matter—

“(i) a motion to table the point of order shall not be in order;

“(ii) all motions to waive one or more points of order under this section as to the matter shall be debatable for a total of not more than 1 hour, equally divided between the Senator raising the point of order and the Senator moving to waive the point of order or their designees; and

“(iii) a motion to waive the point of order shall not be amendable.

“(d) DISPOSITION OF POINT OF ORDER IN THE HOUSE OF REPRESENTATIVES.—

“(1) IN GENERAL.—If a Member of the House of Representatives makes a point of order under this section, the Chair shall put the question of consideration with respect to the proposition of whether any statement made under subsection (a) was adequate or, in the absence of such a statement, whether a statement is required under subsection (a).

“(2) CONSIDERATION.—For a point of order under this section made in the House of Representatives—

“(A) the question of consideration shall be debatable for 10 minutes, equally divided and controlled by the Member making the point of order and by an opponent, but shall otherwise be decided without intervening motion except one that the House of Representatives adjourn or that the Committee of the Whole rise, as the case may be;

“(B) in selecting the opponent, the Speaker of the House of Representatives should first recognize an opponent from the opposing party; and

“(C) the disposition of the question of consideration with respect to a measure shall be considered also to determine the question of consideration under this section with respect to an amendment made in order as original text.

“(e) RULEMAKING AUTHORITY.—The provisions of this section are enacted by the Congress—

“(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 1, United States Code, is amended by inserting after the item relating to section 102 the following new item:

“102a. Tax effect transparency.”.

**SA 3149.** Mr. CORNYN submitted an amendment intended to be proposed to

amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —ELIMINATING IMPROPER AND ABUSIVE AUDITS**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Eliminating Improper and Abusive IRS Audits Act of 2014”.

**SEC. 02. CIVIL DAMAGES ALLOWED FOR RECKLESS OR INTENTIONAL DISREGARD OF INTERNAL REVENUE LAWS.**

(a) INCREASE IN AMOUNT OF DAMAGES.—Section 7433(b) is amended by striking “\$1,000,000 (\$100,000, in the case of negligence)” and inserting “\$3,000,000 (\$300,000, in the case of negligence)”.

(b) EXTENSION OF TIME TO BRING ACTION.—Section 7433(d)(3) is amended by striking “2 years” and inserting “5 years”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions of employees of the Internal Revenue Service after the date of the enactment of this Act.

**SEC. 03. MODIFICATIONS RELATING TO CERTAIN OFFENSES BY OFFICERS AND EMPLOYEES IN CONNECTION WITH REVENUE LAWS.**

(a) INCREASE IN PENALTY.—Section 7214 is amended—

(1) by striking “\$10,000” in subsection (a) and inserting “\$25,000”, and

(2) by striking “\$5,000” in subsection (b) and inserting “\$10,000”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 04. MODIFICATIONS RELATING TO CIVIL DAMAGES FOR UNAUTHORIZED INSPECTION OR DISCLOSURE OF RETURNS AND RETURN INFORMATION.**

(a) INCREASE IN AMOUNT OF DAMAGES.—Subparagraph (A) of section 7431(c)(1) is amended by striking “\$1,000” and inserting “\$10,000”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to inspections and disclosure occurring on and after the date of the enactment of this Act.

**SEC. 05. EXTENSION OF TIME FOR CONTESTING IRS LEVY.**

(a) EXTENSION OF TIME FOR RETURN OF PROPERTY SUBJECT TO LEVY.—Subsection (b) of section 6343 is amended by striking “9 months” and inserting “3 years”.

(b) PERIOD OF LIMITATION ON SUITS.—Subsection (c) of section 6532 is amended—

(1) in paragraph (1) by striking “9 months” and inserting “3 years”, and

(2) in paragraph (2) by striking “9-month” and inserting “3-year”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

**SEC. 06. INCREASE IN MONETARY PENALTIES FOR CERTAIN UNAUTHORIZED DISCLOSURES OF INFORMATION.**

(a) IN GENERAL.—Paragraphs (1), (2), (3), and (4) of section 7213(a) are each amended by striking “\$5,000” and inserting “\$10,000”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after the date of the enactment of this Act.

**SEC. 07. BAN ON RAISING NEW ISSUES ON APPEAL.**

(a) IN GENERAL.—Chapter 77 is amended by adding at the end the following new section:

**“SEC. 7529. PROHIBITION ON INTERNAL REVENUE SERVICE RAISING NEW ISSUES IN AN INTERNAL APPEAL.**

“(a) IN GENERAL.—In reviewing an appeal of any determination initially made by the Internal Revenue Service, the Internal Revenue Service Office of Appeals may not consider or decide any issue that is not within the scope of the initial determination.

“(b) CERTAIN ISSUES DEEMED OUTSIDE OF SCOPE OF DETERMINATION.—For purposes of subsection (a), the following matters shall be considered to be not within the scope of a determination:

“(1) Any issue that was not raised in a notice of deficiency or an examiner’s report which is the subject of the appeal.

“(2) Any deficiency in tax which was not included in the initial determination.

“(3) Any theory or justification for a tax deficiency which was not considered in the initial determination.

“(c) NO INFERENCE WITH RESPECT TO ISSUES RAISED BY TAXPAYERS.—Nothing in this section shall be construed to provide any limitation in addition to any limitations in effect on the date of the enactment of this section on the right of a taxpayer to raise an issue, theory, or justification on an appeal from a determination initially made by the Internal Revenue Service that was not within the scope of the initial determination.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

“Sec. 7529. Prohibition on Internal Revenue Service raising new issues in an internal appeal.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to matters filed or pending with the Internal Revenue Service Office of Appeals on or after the date of the enactment of this Act.

**SEC. 08. LIMITATION ON ENFORCEMENT OF LIENS AGAINST PRINCIPAL RESIDENCES.**

(a) IN GENERAL.—Section 7403(a) is amended—

(1) by striking “In any case” and inserting the following:

“(1) IN GENERAL.—In any case”, and

(2) by adding at the end the following new paragraph:

“(2) LIMITATION WITH RESPECT TO PRINCIPAL RESIDENCE.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any property used as the principal residence of the taxpayer (within the meaning of section 121) unless the Secretary of the Treasury makes a written determination that—

“(i) all other property of the taxpayer, if sold, is insufficient to pay the tax or discharge the liability, and

“(ii) such action will not create an economic hardship for the taxpayer.

“(B) DELEGATION.—For purposes of this paragraph, the Secretary of the Treasury may not delegate any responsibilities under subparagraph (A) to any person other than—

“(i) the Commissioner of Internal Revenue, or

“(ii) a district director or assistant district director of the Internal Revenue Service.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to actions

filed after the date of the enactment of this Act.

**SEC. 09. ADDITIONAL PROVISIONS RELATING TO MANDATORY TERMINATION FOR MISCONDUCT.**

(a) TERMINATION OF UNEMPLOYMENT FOR INAPPROPRIATE REVIEW OF TAX-EXEMPT STATUS.—Section 1203(b) of the Internal Revenue Service Restructuring and Reform Act of 1998 (26 U.S.C. 7804 note) is amended by striking “and” at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting “; and”, and by adding at the end the following new paragraph:

“(11) in the case of any review of an application for tax-exempt status by an organization described in section 501(c) of the Internal Revenue Code of 1986, developing or using any methodology that applies disproportionate scrutiny to any applicant based on the ideology expressed in the name or purpose of the organization.”.

(b) MANDATORY UNPAID ADMINISTRATIVE LEAVE FOR MISCONDUCT.—Paragraph (1) of Section 1203(c) of the Internal Revenue Service Restructuring and Reform Act of 1998 (26 U.S.C. 7804 note) is amended by adding at the end the following new sentence: “Notwithstanding the preceding sentence, if the Commissioner of Internal Revenue takes a personnel action other than termination for an act or omission described in subsection (b), the Commissioner shall place the employee on unpaid administrative leave for a period of not less than 30 days.”.

(c) LIMITATION ON ALTERNATIVE PUNISHMENT.—Paragraph (1) of section 1203(c) of the Internal Revenue Service Restructuring and Reform Act of 1998 (26 U.S.C. 7804 note) is amended by striking “The Commissioner” and inserting “Except in the case of an act or omission described in subsection (b)(3)(A), the Commissioner”.

**SEC. 10. EXTENSION OF DECLARATORY JUDGMENT PROCEDURES TO SOCIAL WELFARE ORGANIZATIONS.**

(a) IN GENERAL.—Section 7428(a)(1) is amended by striking “or” at the end of subparagraph (C) and by adding at the end the following new subparagraph:

“(E) with respect to the initial classification or continuing classification of an organization described in section 501(c)(4) which is exempt from tax under section 501(a), or”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pleading filed after the date of the enactment of this Act.

**SEC. 11. REVIEW BY THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.**

(a) REVIEW.—Subsection (k)(1) of section 8D of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) by redesignating subparagraph (D) as subparagraph (E);

(3) by inserting after subparagraph (C) the following new subparagraph:

“(D) shall—

“(i) review any criteria employed by the Internal Revenue Service to select tax returns (including applications for recognition of tax-exempt status) for examination or audit, assessment or collection of deficiencies, criminal investigation or referral, refunds for amounts paid, or any heightened scrutiny or review in order to determine whether the criteria discriminates against taxpayers on the basis of race, religion, or political ideology; and

“(ii) consult with the Internal Revenue Service on recommended amendments to

such criteria in order to eliminate any discrimination identified pursuant to the review described in clause (i); and"; and

(4) in subparagraph (E), as so redesignated, by striking "and (C)" and inserting "(C), and (D)".

(b) SEMIANNUAL REPORT.—Subsection (g) of such section is amended by adding at the end the following new paragraph:

"(3) Any semiannual report made by the Treasury Inspector General for Tax Administration that is required pursuant to section 5(a) shall include—

"(A) a statement affirming that the Treasury Inspector General for Tax Administration has reviewed the criteria described in subsection (k)(1)(D) and consulted with the Internal Revenue Service regarding such criteria; and

"(B) a description and explanation of any such criteria that was identified as discriminatory by the Treasury Inspector General for Tax Administration."

**SA 3150.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —SMALL BUSINESS TAXPAYER BILL OF RIGHTS**

**SEC. \_01. SHORT TITLE.**

This title may be cited as the "Small Business Taxpayer Bill of Rights Act of 2014".

**SEC. \_02. MODIFICATION OF STANDARDS FOR AWARDING OF COSTS AND CERTAIN FEES.**

(a) SMALL BUSINESSES ELIGIBLE WITHOUT REGARD TO NET WORTH.—Subparagraph (D) of section 7430(c)(4) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting "and", and by adding at the end the following new clause:

"(iii) in the case of an eligible small business, the net worth limitation in clause (ii) of such section shall not apply."

(b) ELIGIBLE SMALL BUSINESS.—Paragraph (4) of section 7430(c) is amended by adding at the end the following new subparagraph:

"(F) ELIGIBLE SMALL BUSINESS.—For purposes of subparagraph (D)(iii), the term 'eligible small business' means, with respect to any proceeding commenced in a taxable year—

"(i) a corporation the stock of which is not publicly traded,

"(ii) a partnership, or

"(iii) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed \$50,000,000. For purposes of applying the test under the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

**SEC. \_03. CIVIL DAMAGES ALLOWED FOR RECKLESS OR INTENTIONAL DISREGARD OF INTERNAL REVENUE LAWS.**

(a) INCREASE IN AMOUNT OF DAMAGES.—Section 7433(b) is amended by striking "\$1,000,000 (\$100,000, in the case of negligence)" and inserting "\$3,000,000 (\$300,000, in the case of negligence)".

(b) EXTENSION OF TIME TO BRING ACTION.—Section 7433(d)(3) is amended by striking "2 years" and inserting "5 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions of employees of the Internal Revenue Service after the date of the enactment of this Act.

**SEC. \_04. MODIFICATIONS RELATING TO CERTAIN OFFENSES BY OFFICERS AND EMPLOYEES IN CONNECTION WITH REVENUE LAWS.**

(a) INCREASE IN PENALTY.—Section 7214 is amended—

(1) by striking "\$10,000" in subsection (a) and inserting "\$25,000", and

(2) by striking "\$5,000" in subsection (b) and inserting "\$10,000".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. \_05. MODIFICATIONS RELATING TO CIVIL DAMAGES FOR UNAUTHORIZED INSPECTION OR DISCLOSURE OF RETURNS AND RETURN INFORMATION.**

(a) INCREASE IN AMOUNT OF DAMAGES.—Subparagraph (A) of section 7431(c)(1) is amended by striking "\$1,000" and inserting "\$10,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to inspections and disclosure occurring on and after the date of the enactment of this Act.

**SEC. \_06. INTEREST ABATEMENT REVIEWS.**

(a) FILING PERIOD FOR INTEREST ABATEMENT CASES.—

(1) IN GENERAL.—Subsection (h) of section 6404 is amended—

(A) by striking "REVIEW OF DENIAL" in the heading and inserting "JUDICIAL REVIEW", and

(B) by striking "if such action is brought" and all that follows in paragraph (1) and inserting "if such action is brought—

"(A) at any time after the earlier of—

"(i) the date of the mailing of the Secretary's final determination not to abate such interest, or

"(ii) the date which is 180 days after the date of the filing with the Secretary (in such form as the Secretary may prescribe) of a claim for abatement under this section, and

"(B) not later than the date which is 180 days after the date described in subparagraph (A)(i)."

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to claims for abatement of interest filed with the Secretary after the date of the enactment of this Act.

(b) SMALL TAX CASE ELECTION FOR INTEREST ABATEMENT CASES.—

(1) IN GENERAL.—Subsection (f) of section 7463 is amended—

(A) by striking "and" at the end of paragraph (1),

(B) by striking the period at the end of paragraph (2) and inserting "; and", and

(C) by adding at the end the following new paragraph:

"(3) a petition to the Tax court under section 6404(h) in which the amount of interest abatement sought does not exceed \$50,000."

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to—

(A) cases pending as of the day after the date of the enactment of this Act, and

(B) cases commenced after such date of enactment.

**SEC. \_07. BAN ON EX PARTE DISCUSSIONS.**

(a) IN GENERAL.—Notwithstanding section 1001(a)(4) of the Internal Revenue Service Restructuring and Reform Act of 1998, the Internal Revenue Service shall prohibit any ex parte communications between officers in the Internal Revenue Service Office of Appeals and other Internal Revenue Service employees with respect to any matter pending before such officers.

(b) TERMINATION OF EMPLOYMENT FOR MISCONDUCT.—Subject to subsection (c), the Commissioner of Internal Revenue shall terminate the employment of any employee of the Internal Revenue Service if there is a final administrative or judicial determination that such employee committed any act or omission prohibited under subsection (a) in the performance of the employee's official duties. Such termination shall be a removal for cause on charges of misconduct.

(c) DETERMINATION OF COMMISSIONER.—

(1) IN GENERAL.—The Commissioner of Internal Revenue may take a personnel action other than termination for an act prohibited under subsection (a).

(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner of Internal Revenue and may not be delegated to any other officer. The Commissioner of Internal Revenue, in his sole discretion, may establish a procedure which will be used to determine whether an individual should be referred to the Commissioner of Internal Revenue for a determination by the Commissioner under paragraph (1).

(3) NO APPEAL.—Any determination of the Commissioner of Internal Revenue under this subsection may not be appealed in any administrative or judicial proceeding.

(d) TIGTA REPORTING OF TERMINATION OR MITIGATION.—Section 7803(d)(1)(E) of the Internal Revenue Code of 1986 is amended by inserting "or section 7 of the Small Business Taxpayer Bill of Rights Act of 2014" after "1998".

**SEC. \_08. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.**

(a) IN GENERAL.—Section 7123 is amended by adding at the end the following new subsection:

"(c) AVAILABILITY OF DISPUTE RESOLUTIONS.—

"(1) IN GENERAL.—The procedures prescribed under subsection (b)(1) and the pilot program established under subsection (b)(2) shall provide that a taxpayer may request mediation or arbitration in any case unless the Secretary has specifically excluded the type of issue involved in such case or the class of cases to which such case belongs as not appropriate for resolution under such subsection. The Secretary shall make any determination that excludes a type of issue or a class of cases public within 5 working days and provide an explanation for each determination.

"(2) INDEPENDENT MEDIATORS.—

"(A) IN GENERAL.—The procedures prescribed under subsection (b)(1) shall provide the taxpayer an opportunity to elect to have the mediation conducted by an independent, neutral individual not employed by the Office of Appeals.

"(B) COST AND SELECTION.—

"(i) IN GENERAL.—Any taxpayer making an election under subparagraph (A) shall be required—

"(I) to share the costs of such independent mediator equally with the Office of Appeals, and

"(II) to limit the selection of the mediator to a roster of recognized national or local neutral mediators.

“(ii) EXCEPTION.—Clause (i)(I) shall not apply to any taxpayer who is an individual or who was a small business in the preceding calendar year if such taxpayer had an adjusted gross income that did not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget, in the taxable year preceding the request.

“(iii) SMALL BUSINESS.—For purposes of clause (ii), the term ‘small business’ has the meaning given such term under section 41(b)(3)(D)(iii).

“(3) AVAILABILITY OF PROCESS.—The procedures prescribed under subsection (b)(1) and the pilot program established under subsection (b)(2) shall provide the opportunity to elect mediation or arbitration at the time when the case is first filed with the Office of Appeals and at any time before deliberations in the appeal commence.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 09. EXTENSION OF TIME FOR CONTESTING IRS LEVY.

(a) EXTENSION OF TIME FOR RETURN OF PROPERTY SUBJECT TO LEVY.—Subsection (b) of section 6343 is amended by striking “9 months” and inserting “3 years”.

(b) PERIOD OF LIMITATION ON SUITS.—Subsection (c) of section 6532 is amended—

(1) in paragraph (1) by striking “9 months” and inserting “3 years”; and

(2) in paragraph (2) by striking “9-month” and inserting “3-year”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

#### SEC. 10. WAIVER OF INSTALLMENT AGREEMENT FEE.

(a) IN GENERAL.—Section 6159 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) WAIVER OF INSTALLMENT AGREEMENT FEE.—The Secretary shall waive the fees imposed on installment agreements under this section for any taxpayer with an adjusted gross income that does not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget, and who has agreed to make payments under the installment agreement by electronic payment through a debit instrument.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 11. SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION OF SPOUSAL RELIEF AND COLLECTION CASES.

(a) PETITIONS FOR SPOUSAL RELIEF.—

(1) IN GENERAL.—Subsection (e) of section 6015 is amended by adding at the end the following new paragraph:

“(6) SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION IN TITLE 11 CASES.—In the case of a person who is prohibited by reason of a case under title 11, United States Code, from filing a petition under paragraph (1)(A) with respect to a final determination of relief under this section, the running of the period prescribed by such paragraph for filing such a petition with respect to such final determination shall be suspended for the period

during which the person is so prohibited from filing such a petition, and for 60 days thereafter.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to petitions filed under section 6015(e) of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

(b) COLLECTION PROCEEDINGS.—

(1) IN GENERAL.—Subsection (d) of section 6330 is amended—

(A) by striking “appeal such determination to the Tax Court” in paragraph (1) and inserting “petition the Tax Court for review of such determination”;

(B) by striking “JUDICIAL REVIEW OF DETERMINATION” in the heading of paragraph (1) and inserting “PETITION FOR REVIEW BY TAX COURT”;

(C) by redesignating paragraph (2) as paragraph (3), and

(D) by inserting after paragraph (1) the following new paragraph:

“(2) SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION IN TITLE 11 CASES.—In the case of a person who is prohibited by reason of a case under title 11, United States Code, from filing a petition under paragraph (1) with respect to a determination under this section, the running of the period prescribed by such subsection for filing such a petition with respect to such determination shall be suspended for the period during which the person is so prohibited from filing such a petition, and for 30 days thereafter.”.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 6320 is amended by striking “(2)(B)” and inserting “(3)(B)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to petitions filed under section 6330 of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

#### SEC. 12. VENUE FOR APPEAL OF SPOUSAL RELIEF AND COLLECTION CASES.

(a) IN GENERAL.—Paragraph (1) of section 7482(b) is amended—

(1) by striking “or” at the end of subparagraph (E),

(2) by striking the period at the end of subparagraph (F) and inserting a comma, and

(3) by inserting after subparagraph (F) the following new subparagraphs:

“(G) in the case of a petition under section 6015(e), the legal residence of the petitioner, or

“(H) in the case of a petition under section 6320 or 6330—

“(i) the legal residence of the petitioner if the petitioner is an individual, and

“(ii) the principal place of business or principal office or agency if the petitioner is an entity other than an individual.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to petitions filed after the date of enactment of this Act.

#### SEC. 13. INCREASE IN MONETARY PENALTIES FOR CERTAIN UNAUTHORIZED DISCLOSURES OF INFORMATION.

(a) IN GENERAL.—Paragraphs (1), (2), (3), and (4) of section 7213(a) are each amended by striking “\$5,000” and inserting “\$10,000”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after the date of the enactment of this Act.

#### SEC. 14. DE NOVO TAX COURT REVIEW OF CLAIMS FOR EQUITABLE INNOCENT SPOUSE RELIEF.

(a) IN GENERAL.—Subparagraph (A) of section 6015(e)(1) is amended by adding at the end the following new flush sentence:

“Any review of a determination by the Secretary with respect to a claim for equitable

relief under subsection (f) shall be reviewed de novo by the Tax Court.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to petitions filed or pending before the Tax Court on and after the date of the enactment of this Act.

#### SEC. 15. BAN ON RAISING NEW ISSUES ON APPEAL.

(a) IN GENERAL.—Chapter 77 is amended by adding at the end the following new section:

##### “SEC. 7529. PROHIBITION ON INTERNAL REVENUE SERVICE RAISING NEW ISSUES IN AN INTERNAL APPEAL.

“(a) IN GENERAL.—In reviewing an appeal of any determination initially made by the Internal Revenue Service, the Internal Revenue Service Office of Appeals may not consider or decide any issue that is not within the scope of the initial determination.

“(b) CERTAIN ISSUES DEEMED OUTSIDE OF SCOPE OF DETERMINATION.—For purposes of subsection (a), the following matters shall be considered to be not within the scope of a determination:

“(1) Any issue that was not raised in a notice of deficiency or an examiner’s report which is the subject of the appeal.

“(2) Any deficiency in tax which was not included in the initial determination.

“(3) Any theory or justification for a tax deficiency which was not considered in the initial determination.

“(c) NO INFERENCE WITH RESPECT TO ISSUES RAISED BY TAXPAYERS.—Nothing in this section shall be construed to provide any limitation in addition to any limitations in effect on the date of the enactment of this section on the right of a taxpayer to raise an issue, theory, or justification on an appeal from a determination initially made by the Internal Revenue Service that was not within the scope of the initial determination.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

“Sec. 7529. Prohibition on Internal Revenue Service raising new issues in an internal appeal.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to matters filed or pending with the Internal Revenue Service Office of Appeals on or after the date of the enactment of this Act.

**SA 3151.** Mr. GRAHAM (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

##### TITLE —OTHER PROVISIONS

#### SEC. 01. ALLOCATION OF CREDIT FOR PRODUCTION OF ADVANCED NUCLEAR POWER FACILITIES TO PRIVATE PARTNERS OF TAX-EXEMPT ENTITIES.

(a) IN GENERAL.—Section 45J is amended—

(1) by redesignating subsection (e) as subsection (f), and

(2) by inserting after subsection (d) the following new subsection:

“(e) SPECIAL RULE FOR PUBLIC-PRIVATE PARTNERSHIPS.—

“(1) IN GENERAL.—In the case of an advanced nuclear power facility which is owned

by a public private partnership or co-owned by a qualified public entity and a non-public entity, any qualified public entity which is a member of such partnership or a co-owner of such facility may transfer such entity's allocation of the credit under subsection (a), or any portion thereof, to any non-public entity which is a member of such partnership or which is a co-owner of such facility, except that the aggregate allocations of such credit claimed by such non-public entity shall be subject to the limitations under subsections (b) and (c) and section 38.

“(2) **QUALIFIED PUBLIC ENTITY.**—For purposes of this subsection, the term ‘qualified public entity’ means—

“(A) a Federal, State, or local government entity, or any political subdivision, agency, or instrumentality thereof,

“(B) a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2), or

“(C) a not-for-profit electric utility which has or had received a loan or loan guarantee under the Rural Electrification Act of 1936.

“(3) **VERIFICATION OF TRANSFER OF ALLOCATION.**—A qualified public entity that makes a transfer under paragraph (1), and a nonpublic entity that receives an allocation under such a transfer, shall provide verification of such transfer in such manner and at such time as the Secretary shall prescribe.

“(4) **TREATMENT OF TRANSFER UNDER PRIVATE USE RULES.**—For purposes of section 141(b)(1), any benefit derived by a non-public entity in connection with a transfer under paragraph (1) shall not be taken into account as a private business use.”

(b) **COORDINATION WITH GENERAL BUSINESS CREDIT.**—Subsection (c) of section 38 is amended by adding at the end the following new paragraph:

“(7) **SPECIAL RULE FOR CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.**—

“(A) **IN GENERAL.**—In the case of the credit for production from advanced nuclear power facilities determined under section 45J(a), paragraph (1) shall not apply with respect to any qualified public entity (as defined in section 45J(e)(2)) which transfers the entity's allocation of such credit to a non-public partner or a co-owner of such facility as provided in section 45J(e)(1).

“(B) **VERIFICATION OF TRANSFER.**—Subparagraph (A) shall not apply to any qualified public entity unless such entity provides verification of a transfer of credit allocation as required under section 45J(e)(3).”

(c) **SPECIAL RULE FOR PROCEEDS OF TRANSFERS FOR MUTUAL OR COOPERATIVE ELECTRIC COMPANIES.**—Section 501(c)(12) is amended by adding at the end the following new subparagraph:

“(I) In the case of a mutual or cooperative electric company described in this paragraph or an organization described in section 1381(a)(2), income received or accrued from a transfer described in section 45J(e)(1) shall be treated as an amount collected from members for the sole purpose of meeting losses and expenses.”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SA 3152.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE

or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ DISCLOSURE OF PUBLIC COMPANIES RECEIVING CERTAIN TAX BENEFITS.**

(a) **IN GENERAL.**—Notwithstanding section 6103 of the Internal Revenue Code of 1986 or any other provision of law, the Secretary of the Treasury, or the Secretary's delegate, shall provide to administrator of the website established under the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note), for purposes of inclusion on such website, the information described in subsection (b) with respect to any corporation—

(1) the stock of which is publicly traded on an established securities market, and

(2) which is allowed an applicable tax benefit.

(b) **INFORMATION INCLUDED.**—The information described in this subsection is—

(1) the name of the corporation,

(2) the type of applicable tax benefit, and

(3) the amount of the applicable tax benefit.

(c) **APPLICABLE TAX BENEFIT.**—For purposes of this section, the term “applicable tax benefit” means, with respect to any taxpayer for any taxable year beginning after December 31, 2013, any credit, deduction, or other benefit allowed to the taxpayer by reason of an amendment made by—

(1) part II or part III of subtitle A of title I of this Act,

(2) subtitle B of title I of this Act, or

(3) section 107(b) of this Act.

**SA 3153.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 115.

**SA 3154.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 10 and all that follows through page 50, line 9.

Beginning on page 50, strike line 19 and all that follows through page 55, line 17.

On page 56, strike line 6 and all that follows through line 14.

On page 58, strike line 3 and all that follows through line 11 and insert the following: case of any alternative fuel credit properly determined under section 6426(d) of the Inter-

nal Revenue Code of 1986 for periods after December 31, 2013, and before the date of the enactment of this Act.

Beginning on page 59, strike line 7 and all that follows through page 60, line 2.

At the appropriate place, insert the following:

**TITLE VI—ENERGY FREEDOM AND ECONOMIC PROSPERITY ACT OF 2014**

**Subtitle A—Short Title; etc.**

**SEC. \_\_\_\_01. SHORT TITLE.**

This title may be cited as the “Energy Freedom and Economic Prosperity Act of 2014”.

**Subtitle B—Repeal of Energy Tax Subsidies**

**SEC. \_\_\_\_11. EARLY TERMINATION OF CREDIT FOR QUALIFIED FUEL CELL MOTOR VEHICLES.**

(a) **IN GENERAL.**—Section 30B is repealed.

(b) **CONFORMING AMENDMENTS.**—

(1) Subparagraph (A) of section 24(b)(3) is amended by striking “, 30B”.

(2) Paragraph (2) of section 25B(g) is amended by striking “, 30B.”.

(3) Subsection (b) of section 38 is amended by striking paragraph (25).

(4) Subsection (a) of section 1016 is amended by striking paragraph (35) and by redesignating paragraphs (36) and (37) as paragraphs (35) and (36), respectively.

(5) Subsection (m) of section 6501 is amended by striking “, 30B(h)(9)”.

(c) **CLERICAL AMENDMENT.**—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30B.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2014.

**SEC. \_\_\_\_12. EARLY TERMINATION OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.**

(a) **IN GENERAL.**—Section 30D is repealed.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to vehicles placed in service after the date of the enactment of this Act.

**SEC. \_\_\_\_13. REPEAL OF CREDIT FOR ALCOHOL USED AS FUEL.**

(a) **IN GENERAL.**—Section 40, as amended by this Act, is repealed.

(b) **CONFORMING AMENDMENTS.**—

(1) Subsection (b) of section 38 is amended by striking paragraph (3).

(2) Subsection (c) of section 196 is amended by striking paragraph (3) and by redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively.

(3) Paragraph (1) of section 4101(a) is amended by striking “, and every person producing cellulosic biofuel (as defined in section 40(b)(6)(E))”.

(4) Paragraph (1) of section 4104(a) is amended by striking “, 40”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

**SEC. \_\_\_\_14. REPEAL OF ENHANCED OIL RECOVERY CREDIT.**

(a) **IN GENERAL.**—Section 43 is repealed.

(b) **CONFORMING AMENDMENTS.**—

(1) Subsection (b) of section 38 is amended by striking paragraph (6).

(2) Paragraph (4) of section 45Q(d) is amended by inserting “(as in effect on the day before the date of the enactment of the Energy Freedom and Economic Prosperity Act of 2014)” after “section 43(c)(2)”.

(3) Subsection (c) of section 196, as amended by sections 105 and 106 of this Act, is amended by striking paragraph (5) and by redesignating paragraphs (6) through (12) as paragraphs (5) through (11), respectively.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 43.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred after December 31, 2014.

**SEC. 15. REPEAL OF CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.**

(a) IN GENERAL.—Section 45I is repealed.

(b) CONFORMING AMENDMENT.—Subsection (b) of section 38 is amended by striking paragraph (19).

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 45I.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 2014.

**SEC. 16. TERMINATION OF CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.**

(a) IN GENERAL.—Subparagraph (B) of section 45J(d)(1) is amended by striking “January 1, 2021” and inserting “January 1, 2015”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

**SEC. 17. REPEAL OF CREDIT FOR CARBON DIOXIDE SEQUESTRATION.**

(a) IN GENERAL.—Section 45Q is repealed.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to carbon dioxide captured after December 31, 2014.

**SEC. 18. TERMINATION OF ENERGY CREDIT.**

(a) IN GENERAL.—Section 48 is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No credit shall be allowed under subsection (a) for any period after December 31, 2014.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

**SEC. 19. REPEAL OF QUALIFYING ADVANCED COAL PROJECT.**

(a) IN GENERAL.—Section 48A is repealed.

(b) CONFORMING AMENDMENT.—Section 46 is amended by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48A.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

**SEC. 20. REPEAL OF QUALIFYING GASIFICATION PROJECT CREDIT.**

(a) IN GENERAL.—Section 48B is repealed.

(b) CONFORMING AMENDMENT.—Section 46, as amended by this Act, is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48B.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

**SEC. 21. REPEAL OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.**

(a) IN GENERAL.—Section 48C is repealed.

(b) CONFORMING AMENDMENT.—Section 46, as amended by this Act, is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of sub-

chapter A of chapter 1 is amended by striking the item relating to section 48C.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2014.

**Subtitle C—Reduction of Corporate Income Tax Rate**

**SEC. 31. CORPORATE INCOME TAX RATE REDUCED.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe, in lieu of the rates of tax under paragraphs (1) and (2) of section 11(b), section 1201(a), and paragraphs (1), (2), and (6) of section 1445(e) of the Internal Revenue Code of 1986, such rates of tax as the Secretary estimates would result in—

(1) a decrease in revenue to the Treasury for taxable years beginning during the 10-year period beginning on the date of the enactment of this Act, equal to

(2) the increase in revenue for such taxable years by reason of the amendments made by title I of this Act.

(b) MAINTENANCE OF GRADUATED RATES.—In prescribing the tax rates under subsection (a), the Secretary shall ensure that each rate modified under such subsection is reduced by a uniform percentage.

(c) EFFECTIVE DATE.—The rates prescribed by the Secretary under subsection (a) shall apply to taxable years beginning more than 1 year after the date of the enactment of this Act.

**SA 3155.** Mr. MCCAIN (for himself, Mr. COBURN, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 129.

**SA 3156.** Mr. MCCAIN (for himself, Mr. COBURN, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 123.

**SA 3157.** Mr. MCCAIN (for himself, Mr. COBURN, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Pa-

tient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 121.

**SA 3158.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —FOREIGN EARNINGS REINVESTMENT**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Foreign Earnings Reinvestment Act”.

**SEC. 02. ALLOWANCE OF TEMPORARY DIVIDENDS RECEIVED DEDUCTION FOR DIVIDENDS RECEIVED FROM A CONTROLLED FOREIGN CORPORATION.**

(a) APPLICABILITY OF PROVISION.—

(1) IN GENERAL.—Subsection (f) of section 965 is amended to read as follows:

“(f) ELECTION; ELECTION YEAR.—

“(1) IN GENERAL.—The taxpayer may elect to apply this section to—

“(A) the taxpayer’s last taxable year which begins before the date of the enactment of the Foreign Earnings Reinvestment Act, or

“(B) the taxpayer’s first taxable year which begins during the 1-year period beginning on such date.

Such election may be made for a taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year.

“(C) ELECTION YEAR.—For purposes of this section, the term ‘election year’ means the taxable year—

“(i) which begins after the date that is one year before the date of the enactment of the Foreign Earnings Reinvestment Act, and

“(ii) to which the taxpayer elects under paragraph (1) to apply this section.”.

(2) CONFORMING AMENDMENTS.—

(A) EXTRAORDINARY DIVIDENDS.—Section 965(b)(2) is amended—

(i) by striking “June 30, 2003” and inserting “April 30, 2014”, and

(ii) by adding at the end the following new sentence: “The amounts described in clauses (i), (ii), and (iii) shall not include any amounts which were taken into account in determining the deduction under subsection (a) for any prior taxable year.”.

(B) DETERMINATIONS RELATING TO RELATED PARTY INDEBTEDNESS.—Section 965(b)(3)(B) is amended by striking “October 3, 2004” and inserting “April 30, 2014”.

(C) DETERMINATIONS RELATING TO BASE PERIOD.—Section 965(c)(2) is amended by striking “June 30, 2003” and inserting “April 30, 2014”.

(b) DEDUCTION INCLUDES CURRENT AND ACCUMULATED FOREIGN EARNINGS.—

(1) IN GENERAL.—Paragraph (1) of section 965(b) is amended to read as follows:

“(1) IN GENERAL.—The amount of dividends taken into account under subsection (a) shall not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for the year a deduction is claimed under subsection (a), without diminution by reason of any distributions made during the election year, for all controlled



foreign corporations of the United States shareholder.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 965(c), as amended by subsection (a), is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5), as paragraphs (1), (2), (3), and (4), respectively.

(B) Paragraph (4) of section 965(c), as redesignated by subparagraph (A), is amended to read as follows:

“(4) CONTROLLED GROUPS.—All United States shareholders which are members of an affiliated group filing a consolidated return under section 1501 shall be treated as one United States shareholder.”.

(c) AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Paragraph (1) of section 965(a) is amended by striking “85 percent” and inserting “75 percent”.

(2) BONUS DEDUCTION IN SUBSEQUENT TAXABLE YEAR FOR INCREASING JOBS.—Section 965 is amended by adding at the end the following new subsection:

“(g) BONUS DEDUCTION.—

“(1) IN GENERAL.—In the case of any taxpayer who makes an election to apply this section, there shall be allowed as a deduction for the first taxable year following the election year an amount equal to the applicable percentage of the cash dividends which are taken into account under subsection (a) with respect to such taxpayer for the election year.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is the amount which bears the same ratio (not greater than 1) to 10 percent as—

“(A) the excess (if any) of—

“(i) the qualified payroll of the taxpayer for the calendar year which begins with or within the first taxable year following the election year, over

“(ii) the qualified payroll of the taxpayer for calendar year 2013, bears to

“(B) 10 percent of the qualified payroll of the taxpayer for calendar year 2013.

“(3) QUALIFIED PAYROLL.—For purposes of this paragraph:

“(A) IN GENERAL.—The term ‘qualified payroll’ means, with respect to a taxpayer for any calendar year, the aggregate wages (as defined in section 3121(a)) paid by the corporation during such calendar year.

“(B) EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.—

“(i) ACQUISITIONS.—If, after December 31, 2012, and before the close of the first taxable year following the election year, a taxpayer acquires the trade or business of a predecessor, then the qualified payroll of such taxpayer for any calendar year shall be increased by so much of the qualified payroll of the predecessor for such calendar year as was attributable to the trade or business acquired by the taxpayer.

“(ii) DISPOSITIONS.—If, after December 31, 2012, and before the close of the first taxable year following the election year, a taxpayer disposes of a trade or business, then—

“(I) the qualified payroll of such taxpayer for calendar year 2013 shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer, and

“(II) if the disposition occurs after the beginning of the first taxable year following the election year, the qualified payroll of such taxpayer for the calendar year which begins with or within such taxable year shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer.

“(C) SPECIAL RULE.—For purposes of determining qualified payroll for any calendar year after calendar year 2014, such term shall not include wages paid to any individual if such individual received compensation from the taxpayer for services performed—

“(i) after the date of the enactment of this paragraph, and

“(ii) at a time when such individual was not an employee of the taxpayer.”.

(3) REDUCTION FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—Paragraph (4) of section 965(b) is amended to read as follows:

“(4) REDUCTION IN BENEFITS FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—

“(A) IN GENERAL.—If, during the period consisting of the calendar month in which the taxpayer first receives a distribution described in subsection (a)(1) and the succeeding 23 calendar months, the taxpayer does not maintain an average employment level at least equal to the taxpayer’s prior average employment, an additional amount equal to \$75,000 multiplied by the number of employees by which the taxpayer’s average employment level during such period falls below the prior average employment (but not exceeding the aggregate amount allowed as a deduction pursuant to subsection (a)(1)) shall be taken into income by the taxpayer during the taxable year that includes the final day of such period.

“(B) AVERAGE EMPLOYMENT LEVEL.—For purposes of this paragraph, the taxpayer’s average employment level for a period shall be the average number of full-time United States employees of the taxpayer, measured at the end of each month during the period.

“(C) PRIOR AVERAGE EMPLOYMENT.—For purposes of this paragraph, the taxpayer’s ‘prior average employment’ shall be the average number of full-time United States employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in which the taxpayer first receives a distribution described in subsection (a)(1).

“(D) FULL-TIME UNITED STATES EMPLOYEE.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘full-time United States employee’ means an individual who provides services in the United States as a full-time employee, based on the employer’s standards and practices; except that regardless of the employer’s classification of the employee, an employee whose normal schedule is 40 hours or more per week is considered a full-time employee.

“(ii) EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.—Such term does not include—

“(I) any individual who was an employee, on the date of acquisition, of any trade or business acquired by the taxpayer during the 24-month period referred to in subparagraph (A), and

“(II) any individual who was an employee of any trade or business disposed of by the taxpayer during the 24-month period referred to in subparagraph (A) or the 24-month period referred to in subparagraph (C).

“(E) AGGREGATION RULES.—In determining the taxpayer’s average employment level and prior average employment, all domestic members of a controlled group shall be treated as a single taxpayer.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

**SA 3159.** Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr.

WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —OTHER PROVISIONS**

**SEC. —01. MACROECONOMIC IMPACT ANALYSES FOR MAJOR REVENUE LEGISLATION.**

(a) IN GENERAL.—Part A of title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

“MACROECONOMIC IMPACT ANALYSIS OF MAJOR REVENUE LEGISLATION

“SEC. 407. (a) JOINT COMMITTEE ON TAXATION.—The Joint Committee on Taxation shall, to the extent practicable, prepare for each major revenue bill or resolution which is—

“(1) reported by the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate; or

“(2) considered on the floor of the House of Representatives or the Senate,

as a supplement to estimates prepared under section 402, a macroeconomic impact analysis of the budgetary effects of such bill or resolution for the 10 fiscal-year period beginning with the first fiscal year for which an estimate was prepared under section 402 and each of the next three 10 fiscal-year periods. To the extent practicable, the Joint Committee on Taxation’s macroeconomic impact analysis shall be included in full as part of the Congressional Budget Office report accompanying such bill or resolution under section 402. If a macroeconomic impact analysis is not included as part of the Congressional Budget Office report relating to a major revenue bill or resolution, the Chairman of the Committee reporting the bill or resolution shall cause the analysis to be entered into the Congressional Record of the Senate and House of Representatives.

“(b) DEFINITIONS.—As used in this section:

“(1) MACROECONOMIC IMPACT ANALYSIS.—The term ‘macroeconomic impact analysis’ means—

“(A) an estimate of the changes in economic output, employment, interest rates, capital stock, and tax revenues expected to result from the revenue provisions in the proposal to which section 201(f) applies;

“(B) an estimate of revenue feedback expected to result from those revenue provisions; and

“(C) a statement identifying the critical assumptions and the source of data underlying that estimate, to the extent necessary to make the models comprehensible to academic and public policy analysts.

“(2) MAJOR REVENUE BILL OR RESOLUTION.—The term ‘major revenue bill or resolution’ means a bill, resolution, or conference report for which—

“(A) either—

“(i) the sum of the positive changes in revenues resulting from such measure (not including the impact of any timing shifts for the due date for estimated corporate income tax payments) for any fiscal year in the period for which an estimate is prepared under section 402; or

“(ii) the absolute value of the sum of the negative changes in revenues resulting from

such measure (not including the impact of any timing shifts for the due date for estimated corporate income tax payments) for any fiscal year for which such an estimate is prepared, is greater than

“(B) 0.25 percent of the current projected gross domestic product of the United States (as determined by the Bureau of Economic Analysis of the Department of Commerce) for such fiscal year.

“(3) REVENUE FEEDBACK.—The term ‘revenue feedback’ means changes in revenue resulting from changes in economic growth as the result of the enactment of any major revenue bill or resolution.”.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 406 the following new item:

“Sec. 407. Macroeconomic impact analysis of major revenue legislation.”.

**SA 3160.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . DISCLOSURE OF PUBLIC COMPANIES RECEIVING CERTAIN TAX BENEFITS.**

(a) IN GENERAL.—Notwithstanding section 6103 of the Internal Revenue Code of 1986 or any other provision of law, the Secretary of the Treasury, or the Secretary's delegate, shall provide to administrator of the website established under the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note), for purposes of inclusion on such website, the information described in subsection (b) with respect to any corporation—

(1) the stock of which is publicly traded on an established securities market, and

(2) which is allowed an applicable tax benefit.

(b) INFORMATION INCLUDED.—The information described in this subsection is—

(1) the name of the corporation,

(2) the type of applicable tax benefit, and

(3) the amount of the applicable tax benefit.

(c) APPLICABLE TAX BENEFIT.—For purposes of this section, the term “applicable tax benefit” means, with respect to any taxpayer for any taxable year beginning after December 31, 2013, any credit, deduction, or other benefit allowed to the taxpayer by reason of an amendment made by—

(1) part II or part III of subtitle A of title I of this Act,

(2) subtitle B of title I of this Act, or

(3) section 107(b) of this Act.

**SA 3161.** Mr. TOOMEY (for himself, Mr. BURR, Mr. CORNYN, Mr. COATS, Ms. AYOTTE, Mr. MCCONNELL, Mr. ROBERTS, Mr. CRAPO, Mr. ALEXANDER, Mr. HATCH, Mr. ISAKSON, Ms. COLLINS, and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the

bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE \_\_\_\_ —OTHER PROVISIONS**

**SEC. \_\_\_\_ . REPEAL OF MEDICAL DEVICE TAX.**

(a) IN GENERAL.—Chapter 32 is amended by striking subchapter E.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 4221 is amended by striking the last sentence.

(2) Paragraph (2) of section 6416(b) is amended by striking the last sentence.

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 32 is amended by striking the item related to subchapter E.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

**SA 3162.** Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE \_\_\_\_ —TAX RETURN DUE DATE SIMPLIFICATION AND MODERNIZATION**

**SEC. \_\_\_\_ 01. SHORT TITLE.**

This title may be cited as the “Tax Return Due Date Simplification and Modernization Act of 2013”.

**SEC. \_\_\_\_ 02. NEW DUE DATE FOR PARTNERSHIP FORM 1065, S CORPORATION FORM 1120S, AND C CORPORATION FORM 1120.**

(a) PARTNERSHIPS.—

(1) IN GENERAL.—Section 6072 is amended by adding at the end the following new subsection:

“(f) RETURNS OF PARTNERSHIPS.—Returns of partnerships under section 6031 made on the basis of the calendar year shall be filed on or before the 15th day of March following the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the 15th day of the third month following the close of the fiscal year.”.

(2) CONFORMING AMENDMENT.—Section 6072(a) is amended by striking “6017, or 6031” and inserting “or 6017”.

(b) S CORPORATIONS.—

(1) IN GENERAL.—So much of subsection (b) of 6072 as precedes the second sentence thereof is amended to read as follows:

“(b) RETURNS OF CERTAIN CORPORATIONS.—Returns of S corporations under sections 6012 and 6037 made on the basis of the calendar year shall be filed on or before the 31st day of March following the close of the calendar year, and such returns made on the basis of

a fiscal year shall be filed on or before the last day of the third month following the close of the fiscal year.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1362(b) is amended—

(i) by striking “15th” each place it appears and inserting “last”,

(ii) by striking “2½” each place it appears and inserting “3”, and

(iii) by striking “2 months and 15 days” in paragraph (4) and inserting “3 months”.

(B) Section 1362(d)(1)(C)(i) is amended by striking “15th” and inserting “last”.

(C) Section 1362(d)(1)(C)(ii) is amended by striking “such 15th day” and inserting “the last day of the 3d month thereof”.

(c) CONFORMING AMENDMENTS RELATING TO C CORPORATIONS.—

(1) Section 170(a)(2)(B) is amended by striking “third month” and inserting “4th month”.

(2) Section 563 is amended by striking “third month” each place it appears and inserting “4th month”.

(3) Section 1354(d)(1)(B)(i) is amended by striking “3d month” and inserting “4th month”.

(4) Subsection (a) and (c) of section 6167 are each amended by striking “third month” and inserting “4th month”.

(5) Section 6425(a)(1) is amended by striking “third month” and inserting “4th month”.

(6) Subsections (b)(2)(A), (g)(3), and (h)(1) of section 6655 are each amended by striking “3rd month” and inserting “4th month”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after December 31, 2013.

**SEC. \_\_\_\_ 03. MODIFICATION OF DUE DATES BY REGULATION.**

In the case of returns for taxable years beginning after December 31, 2013, the Secretary of the Treasury or the Secretary's delegate shall modify appropriate regulations to provide as follows:

(1) The maximum extension for the returns of partnerships filing Form 1065 shall be a 6-month period beginning on the due date for filing the return (without regard to any extensions).

(2) The maximum extension for the returns of trusts and estates filing Form 1041 shall be a 5½-month period beginning on the due date for filing the return (without regard to any extensions).

(3) The maximum extension for the returns of employee benefit plans filing Form 5500 shall be an automatic 3½-month period beginning on the due date for filing the return (without regard to any extensions).

(4) The maximum extension for the Forms 990 (series) returns of organizations exempt from income tax shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(5) The maximum extension for the returns of organizations exempt from income tax that are required to file Form 4720 returns of excise taxes shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(6) The maximum extension for the returns of trusts required to file Form 5227 shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(7) The maximum extension for the returns of Black Lung Benefit Trusts required to file Form 6069 returns of excise taxes shall be an automatic 6-month period beginning on the



due date for filing the return (without regard to any extensions).

(8) The maximum extension for a taxpayer required to file Form 8870 shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(9) The due date of Form 3520-A, Annual Information Return of a Foreign Trust with a United States Owner, shall be the 15th day of the 4th month after the close of the trust's taxable year, and the maximum extension shall be a 6-month period beginning on such day.

(10) The due date of Form TD F 90-22.1 (relating to Report of Foreign Bank and Financial Accounts) shall be April 15 with a maximum extension for a 6-month period ending on October 15, and with provision for an extension under rules similar to the rules of 26 C.F.R. 1.6081-5. For any taxpayer required to file such form for the first time, the Secretary of the Treasury may waive any penalty for failure to timely request or file an extension.

(11) Taxpayers filing Form 3520, Annual Return to Report Transactions with Foreign Trusts and Receipt of Certain Foreign Gifts, shall be allowed to extend the time for filing such form separately from the income tax return of the taxpayer, for an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

**SEC. 04. CORPORATIONS PERMITTED STATUTORY AUTOMATIC 6-MONTH EXTENSION OF INCOME TAX RETURNS.**

(a) IN GENERAL.—Section 6081(b) is amended by striking “3 months” and inserting “6 months”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns for taxable years beginning after December 31, 2013.

**SA 3163.** Mr. GRASSLEY (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —OTHER PROVISIONS**

**SEC. 01. EXPANSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.**

(a) IN GENERAL.—Paragraph (1) of section 7428(a) is amended—

(1) in subparagraph (B) by inserting after “509(a))” the following: “or as a private operating foundation (as defined in section 4942(j)(3))”; and

(2) by amending subparagraph (C) to read as follows:

“(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in section 501(c) (other than paragraph (3)) or 501(d) which is exempt from tax under section 501(a), or”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after December 31, 2014.

**SA 3164.** Mr. JOHANNES submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 46, strike line 10 and all that follows through line 18.

**SA 3165.** Mr. HATCH (for himself, Mr. ALEXANDER, Mr. ENZI, Ms. COLLINS, Mr. COCHRAN, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —REPEAL OF EMPLOYEE MANDATE**

**SEC. 01. PROTECT JOB CREATION.**

Sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been acted.

**SA 3166.** Mr. HATCH (for himself, Mr. ALEXANDER, Mr. COATS, Mr. THUNE, Ms. AYOTTE, Mr. MCCONNELL, Mr. ENZI, Ms. COLLINS, Mr. COCHRAN, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —ELIMINATION OF INDIVIDUAL MANDATE**

**SEC. 01. RESTORING INDIVIDUAL LIBERTY.**

Sections 1501 and 1502 and subsections (a), (b), (c), and (d) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

**SA 3167.** Mr. TOOMEY (for himself, Mr. CASEY, Mr. CRAPO, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employ-

ers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —OTHER PROVISIONS**

**SEC. 01. CLARIFICATION OF ORPHAN DRUG EXCEPTION TO ANNUAL FEE ON BRANDED PRESCRIPTION PHARMACEUTICAL MANUFACTURERS AND EMPLOYERS.**

(a) IN GENERAL.—Paragraph (3) of section 9008(e) of the Patient Protection and Affordable Care Act (Public Law 111-148) is amended to read as follows:

“(3) EXCLUSION OF ORPHAN DRUG SALES.—

“(A) IN GENERAL.—The term ‘branded prescription drug sales’ shall not include sales of any drug or biological product—

“(i) with respect to which a credit was allowed for any taxable year under section 45C of the Internal Revenue Code of 1986; or

“(ii) which is approved or licensed by the Food and Drug Administration for marketing solely for 1 or more rare diseases or conditions.

“(B) LIMITATION.—Subparagraph (A) shall not apply with respect to any drug or biological product after the date on which the drug or biological product is approved or licensed by the Food and Drug Administration for marketing for any indication other than the treatment of a rare disease or condition.

“(C) RARE DISEASE OR CONDITION.—For purposes of this paragraph, the term ‘rare disease or condition’ has the meaning given such term under section 45C(d)(1) of the Internal Revenue Code of 1986, except that in the case of any drug or biological product that has not been designated under section 526 of the Federal Food, Drug, and Cosmetic Act for a particular indication, determinations under such section 45C(d)(1) shall be made on the basis of the facts and circumstances as of the date such drug or biological product is approved or licensed by the Food and Drug Administration for marketing for the treatment of such disease or condition.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to branded prescription drug sales after the date of the enactment of this Act.

**SA 3168.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

After section 157, insert the following:

**SEC. 158. ADDITIONAL TAX CREDITS FOR QUALIFYING SUPERCritical ADVANCED COAL PROJECTS.**

(a) 30 PERCENT CREDIT PERCENTAGE.—Paragraph (3) of section 48A(a) is amended by inserting “or (iv)” after “(iii)”.

(b) SUPERCritical ADVANCED COAL-BASED GENERATION TECHNOLOGY PROJECT DEFINED.—Subsection (c) of section 48A is amended by adding at the end the following:

“(8) The term ‘supercritical advanced coal-based generation technology project’ means a qualifying advanced coal-based generation technology project which includes a coal-fired boiler that—

“(A) in lieu of the requirements under subsection (f)(1)(A)(ii), reaches an electricity generating efficiency of at least 36 percent, and

“(B) operates at a minimum pressure of 3,200 pounds per square inch.”.

(C) APPLICATION PERIOD FOR CERTIFICATION.—Subparagraph (A) of section 48A(d)(2) is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “, and”, and by adding at the end the following:

“(iii) for an allocation from the dollar amount specified in paragraph (3)(B)(iv) during the 3-year period beginning at earlier of the termination of the period described in clause (ii) or the date prescribed by the Secretary.”.

(D) AGGREGATE CREDITS.—

(1) IN GENERAL.—Subparagraph (A) of section 48A(d)(3) is amended by striking “\$2,550,000,000” and inserting “\$3,800,000,000”.

(2) SUPERCRITICAL ADVANCED COAL-BASED GENERATION TECHNOLOGY PROJECTS.—Subparagraph (B) of section 48A(d)(3)(B) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following:

“(iv) \$1,250,000,000 for supercritical advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(iii).”.

(E) CARBON DIOXIDE SEQUESTER.—Subparagraph (G) of section 48A(e)(1) is amended by striking “subsection (d)(2)(A)(ii)” and inserting “clause (ii) or (iii) of subsection (d)(2)(A)”.

(F) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SA 3169.** Mr. ENZI (for himself, Mr. DURBIN, Mr. ALEXANDER, Ms. HEITKAMP, Mr. ROCKEFELLER, Mr. KING, Mr. CARDIN, Ms. LANDRIEU, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. REED, Mr. MANCHIN, Mr. JOHNSON of South Dakota, Mr. BLUNT, Mr. UDALL of Colorado, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —MARKETPLACE FAIRNESS**

##### **SEC. 01. SHORT TITLE.**

This title may be cited as the “Marketplace Fairness Act of 2013”.

##### **SEC. 02. AUTHORIZATION TO REQUIRE COLLECTION OF SALES AND USE TAXES.**

(A) STREAMLINED SALES AND USE TAX AGREEMENT.—Each Member State under the

Streamlined Sales and Use Tax Agreement is authorized to require all sellers not qualifying for the small seller exception described in subsection (c) to collect and remit sales and use taxes with respect to remote sales sourced to that Member State pursuant to the provisions of the Streamlined Sales and Use Tax Agreement, but only if any changes to the Streamlined Sales and Use Tax Agreement made after the date of the enactment of this Act are not in conflict with the minimum simplification requirements in subsection (b)(2). A State may exercise authority under this title beginning 180 days after the State publishes notice of the State’s intent to exercise the authority under this title, but no earlier than the first day of the calendar quarter that is at least 180 days after the date of the enactment of this Act.

(B) ALTERNATIVE.—A State that is not a Member State under the Streamlined Sales and Use Tax Agreement is authorized notwithstanding any other provision of law to require all sellers not qualifying for the small seller exception described in subsection (c) to collect and remit sales and use taxes with respect to remote sales sourced to that State, but only if the State adopts and implements the minimum simplification requirements in paragraph (2). Such authority shall commence beginning no earlier than the first day of the calendar quarter that is at least 6 months after the date that the State—

(1) enacts legislation to exercise the authority granted by this title—

(A) specifying the tax or taxes to which such authority and the minimum simplification requirements in paragraph (2) shall apply; and

(B) specifying the products and services otherwise subject to the tax or taxes identified by the State under subparagraph (A) to which the authority of this title shall not apply; and

(2) implements each of the following minimum simplification requirements:

(A) Provide—

(i) a single entity within the State responsible for all State and local sales and use tax administration, return processing, and audits for remote sales sourced to the State;

(ii) a single audit of a remote seller for all State and local taxing jurisdictions within that State; and

(iii) a single sales and use tax return to be used by remote sellers to be filed with the single entity responsible for tax administration.

A State may not require a remote seller to file sales and use tax returns any more frequently than returns are required for nonremote sellers or impose requirements on remote sellers that the State does not impose on nonremote sellers with respect to the collection of sales and use taxes under this title. No local jurisdiction may require a remote seller to submit a sales and use tax return or to collect sales and use taxes other than as provided by this paragraph.

(B) Provide a uniform sales and use tax base among the State and the local taxing jurisdictions within the State pursuant to paragraph (1).

(C) Source all remote sales in compliance with the sourcing definition set forth in section 04(7).

(D) Provide—

(i) information indicating the taxability of products and services along with any product and service exemptions from sales and use tax in the State and a rates and boundary database;

(ii) software free of charge for remote sellers that calculates sales and use taxes due on

each transaction at the time the transaction is completed, that files sales and use tax returns, and that is updated to reflect rate changes as described in subparagraph (H); and

(iii) certification procedures for persons to be approved as certified software providers.

For purposes of clause (iii), the software provided by certified software providers shall be capable of calculating and filing sales and use taxes in all States qualified under this title.

(E) Relieve remote sellers from liability to the State or locality for the incorrect collection, remittance, or noncollection of sales and use taxes, including any penalties or interest, if the liability is the result of an error or omission made by a certified software provider.

(F) Relieve certified software providers from liability to the State or locality for the incorrect collection, remittance, or noncollection of sales and use taxes, including any penalties or interest, if the liability is the result of misleading or inaccurate information provided by a remote seller.

(G) Relieve remote sellers and certified software providers from liability to the State or locality for incorrect collection, remittance, or noncollection of sales and use taxes, including any penalties or interest, if the liability is the result of incorrect information or software provided by the State.

(H) Provide remote sellers and certified software providers with 90 days notice of a rate change by the State or any locality in the State and update the information described in subparagraph (D)(i) accordingly and relieve any remote seller or certified software provider from liability for collecting sales and use taxes at the immediately preceding effective rate during the 90-day notice period if the required notice is not provided.

(C) SMALL SELLER EXCEPTION.—A State is authorized to require a remote seller to collect sales and use taxes under this title only if the remote seller has gross annual receipts in total remote sales in the United States in the preceding calendar year exceeding \$1,000,000. For purposes of determining whether the threshold in this section is met, the gross annual receipts from remote sales of 2 or more persons shall be aggregated if—

(1) such persons are related to the remote seller within the meaning of subsections (b) and (c) of section 267 or section 707(b)(1) of the Internal Revenue Code of 1986; or

(2) such persons have 1 or more ownership relationships and such relationships were designed with a principal purpose of avoiding the application of these rules.

##### **SEC. 03. LIMITATIONS.**

(a) IN GENERAL.—Nothing in this title shall be construed as—

(1) subjecting a seller or any other person to franchise, income, occupation, or any other type of taxes, other than sales and use taxes;

(2) affecting the application of such taxes; or

(3) enlarging or reducing State authority to impose such taxes.

(b) NO EFFECT ON NEXUS.—This title shall not be construed to create any nexus or alter the standards for determining nexus between a person and a State or locality.

(c) NO EFFECT ON SELLER CHOICE.—Nothing in this title shall be construed to deny the ability of a remote seller to deploy and utilize a certified software provider of the seller’s choice.

(d) **LICENSING AND REGULATORY REQUIREMENTS.**—Nothing in this title shall be construed as permitting or prohibiting a State from—

(1) licensing or regulating any person;

(2) requiring any person to qualify to transact intrastate business;

(3) subjecting any person to State or local taxes not related to the sale of products or services; or

(4) exercising authority over matters of interstate commerce.

(e) **NO NEW TAXES.**—Nothing in this title shall be construed as encouraging a State to impose sales and use taxes on any products or services not subject to taxation prior to the date of the enactment of this Act.

(f) **NO EFFECT ON INTRASTATE SALES.**—The provisions of this title shall apply only to remote sales and shall not apply to intrastate sales or intrastate sourcing rules. States granted authority under section 402(a) shall comply with all intrastate provisions of the Streamlined Sales and Use Tax Agreement.

(g) **NO EFFECT ON MOBILE TELECOMMUNICATIONS SOURCING ACT.**—Nothing in this title shall be construed as altering in any manner or preempting the Mobile Telecommunications Sourcing Act (4 U.S.C. 116-126).

#### SEC. 04. DEFINITIONS AND SPECIAL RULES.

In this title:

(1) **CERTIFIED SOFTWARE PROVIDER.**—The term “certified software provider” means a person that—

(A) provides software to remote sellers to facilitate State and local sales and use tax compliance pursuant to section 402(b)(2)(D)(ii); and

(B) is certified by a State to so provide such software.

(2) **LOCALITY; LOCAL.**—The terms “locality” and “local” refer to any political subdivision of a State.

(3) **MEMBER STATE.**—The term “Member State”—

(A) means a Member State as that term is used under the Streamlined Sales and Use Tax Agreement as in effect on the date of the enactment of this Act; and

(B) does not include any associate member under the Streamlined Sales and Use Tax Agreement.

(4) **PERSON.**—The term “person” means an individual, trust, estate, fiduciary, partnership, corporation, limited liability company, or other legal entity, and a State or local government.

(5) **REMOTE SALE.**—The term “remote sale” means a sale into a State, as determined under the sourcing rules under paragraph (7), in which the seller would not legally be required to pay, collect, or remit State or local sales and use taxes unless provided by this title.

(6) **REMOTE SELLER.**—The term “remote seller” means a person that makes remote sales in the State.

(7) **SOURCED.**—For purposes of a State granted authority under section 402(b), the location to which a remote sale is sourced refers to the location where the product or service sold is received by the purchaser, based on the location indicated by instructions for delivery that the purchaser furnishes to the seller. When no delivery location is specified, the remote sale is sourced to the customer's address that is either known to the seller or, if not known, obtained by the seller during the consummation of the transaction, including the address of the customer's payment instrument if no other address is available. If an address is unknown and a billing address cannot be obtained, the remote sale is sourced to the address of the seller from which the remote sale was made. A State granted authority under section 402(a) shall comply with the sourcing provisions of the Streamlined Sales and Use Tax Agreement.

(8) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

(9) **STREAMLINED SALES AND USE TAX AGREEMENT.**—The term “Streamlined Sales and Use Tax Agreement” means the multi-State agreement with that title adopted on November 12, 2002, as in effect on the date of the enactment of this Act and as further amended from time to time.

#### SEC. 05. SEVERABILITY.

If any provision of this title or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this title and the application of the provisions of such to any person or circumstance shall not be affected thereby.

#### SEC. 06. PREEMPTION.

Except as otherwise provided in this title, this title shall not be construed to preempt or limit any power exercised or to be exercised by a State or local jurisdiction under the law of such State or local jurisdiction or under any other Federal law.

**SA 3170.** Mr. TOOMEY (for himself, Mr. LEE, and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 10 and all that follows through page 53, line 3.

Beginning on page 56, strike line 4 and all that follows through page 59, line 4.

Beginning on page 59, strike line 7 and all that follows through page 60, line 2.

**SA 3171.** Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 23, strike line 5 and all that follows through line 21 and insert the following:

(a) **PERMANENT EXTENSION.**—Section 45P is amended by striking subsection (f).

(b) **EXPANSION OF CREDIT.**—

(1) **EXPANSION TO 100 PERCENT OF ELIGIBLE DIFFERENTIAL WAGE PAYMENTS.**—Subsection

(a) of section 45P is amended by striking “20 percent of”.

(2) **ADJUSTMENT FOR INFLATION.**—Subsection (b) of section 45P is amended by adding at the end the following new paragraph:

“(4) **ADJUSTMENT FOR INFLATION.**—In the case of any taxable year beginning after 2014, the \$20,000 amount in paragraph (1) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount as increased under the preceding sentence is not a multiple of \$100, such amount shall be rounded to the nearest multiple of \$100.”.

(3) **APPLICABILITY TO ALL EMPLOYERS.**—

(A) **IN GENERAL.**—Subsection (a) of section 45P, as amended by paragraph (1), is amended by striking “eligible small business employer” and inserting “eligible employer”.

(B) **CONFORMING AMENDMENTS.**—Paragraph (3) of section 45P(b) is amended—

(i) in subparagraph (A)—

(I) by striking “eligible small business employer” and inserting “eligible employer”, and

(II) by striking “any employer which” and all that follows and inserting “any employer which, under a written plan of the employer, provides eligible differential wage payments to every qualified employee of the employer.”, and

(ii) by striking “ELIGIBLE SMALL BUSINESS EMPLOYER” in the heading and inserting “ELIGIBLE EMPLOYER”.

**SA 3172.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE —OTHER PROVISIONS

#### SEC. 01. PROHIBITION ON USE OF WAIVER THREATENING BALD EAGLES.

(a) **IN GENERAL.**—Subsection (e) of section 45 is amended by adding at the end the following new paragraph:

“(12) **PROTECTION OF BALD EAGLES.**—

“(A) **IN GENERAL.**—Sales shall be taken into account under this section only with respect to electricity produced by a taxpayer who does not have in effect a waiver granted by the Federal government or any agency or instrumentality thereof from any Federal law or provision thereof protecting the life, well-being, or habitat of the bald eagle.

“(B) **RECAPTURE OF BENEFIT.**—In the case of any taxpayer—

“(i) who has in effect a waiver described in subparagraph (A) as of the date of the enactment of this paragraph, and

“(ii) who has claimed the credit under section 38 by reason of this section for any preceding taxable year,

the tax imposed under subtitle A on the taxpayer for the taxable year that includes such date of enactment shall be increased by so much of such credit as was allowed under section 38, and the general business

carryforwards under section 39 shall be adjusted so as to recapture the portion of such credit which is equal to such amount.

“(C) RENUNCIATION OF WAIVER.—Any taxpayer to whom subparagraph (B) would otherwise apply (but for the second sentence of this subparagraph) may elect to renounce in writing the waiver described in subparagraph (A). If such renunciation is made to the Secretary and to the appropriate Federal officer of the agency that issued such waiver not later than 12 months after the date of the enactment of this paragraph, such taxpayer shall be exempt from the increase in tax under subparagraph (B).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after the date of the enactment of this Act.

**SA 3173.** Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —OTHER PROVISIONS**

#### **SEC. 01. REPEAL OF DISTRIBUTIONS FOR MEDICINE QUALIFIED ONLY IF FOR PRESCRIBED DRUG OR INSULIN.**

Section 9003 of the Patient Protection and Affordable Care Act (Public Law 111-148) and the amendments made by such section are repealed, and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

**SA 3174.** Mr. TOOMEY (for himself, Mr. BURR, Mr. CORNYN, Mr. CRAPO, Mr. COATS, Ms. AYOTTE, Mr. MCCONNELL, Mr. ALEXANDER, Mr. ROBERTS, Mr. ISAKSON, Ms. COLLINS, Mr. ENZI, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —OTHER PROVISIONS**

#### **SEC. —. REPEAL OF MEDICAL DEVICE TAX.**

(a) IN GENERAL.—Chapter 32 is amended by striking subchapter E.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 4221 is amended by striking the last sentence.

(2) Paragraph (2) of section 6416(b) is amended by striking the last sentence.

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 32 is amended by striking the item related to subchapter E.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

**SA 3175.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

(c) SPECIAL RULE FOR CERTAIN FACILITIES.—Section 45(e) is amended by adding at the end the following new paragraph:

“(12) SPECIAL RULE FOR CERTAIN QUALIFIED FACILITIES.—

“(A) IN GENERAL.—In the case of a qualified facility described in paragraph (3) or (7) of subsection (d) and placed in service before the date of the enactment of this paragraph, subsection (a)(2)(A)(ii) shall be applied by substituting ‘the period beginning after December 31, 2013, and ending before January 1, 2016’ for ‘the 10-year period beginning on the date the facility was originally placed in service’.

“(B) LIMITATION.—No credit shall be allowed under subsection (a) by reason of subparagraph (A) with respect to electricity produced and sold at a facility during any period which, when aggregated with all other periods for which a credit is allowed under this section with respect to electricity produced and sold at such facility, is in excess of 10 years.”.

**SA 3176.** Mr. KIRK submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. —. SHIFT IN THE COLLECTION OF THE PAYMENT FOR THE TRANSITIONAL REINSURANCE PROGRAM.**

(a) IN GENERAL.—Section 1341(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 18061(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting “beginning on January 1, 2018,” after “required to make payments”; and

(ii) by striking “any plan year beginning in the 3-year period” and all that follows through the end and inserting “payments made under subparagraph (C) (as specified in paragraph (3));”

(B) in subparagraph (B), by striking “and uses” and all that follows through the period and inserting “; and”

(C) by adding at the end the following:

“(C) the applicable reinsurance entity makes reinsurance payments to health insurance issuers described in subparagraph (A) that cover high risk individuals in the individual market (excluding grandfathered health plans) for any plan year beginning in the 3-year period beginning January 1, 2014, in an aggregate amount of up to the total of

the aggregate contribution amounts described in paragraph (3)(B)(iv), subject to paragraph (4).”;

(2) in paragraph (2), by striking “paragraph (1)(B)” and inserting “paragraph (1)(C)”;

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “2014” and inserting “2018”; and

(B) in subparagraph (B)—

(i) in clause (ii), by striking “administrative” and inserting “operational”;

(ii) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(iii) by inserting after clause (ii), the following:

“(iii) the aggregate contribution amount for all States shall be based on the total amount of reinsurance payments made under paragraph (1)(C);”;

(iv) by striking clause (iv), as so redesignated, and inserting the following:

“(iv) the aggregate contribution amount collected under clause (iii) shall, without regard to amounts described in clause (ii), be limited to \$10,000,000,000 based on the plan years beginning in 2014, \$6,000,000,000 based on the plan years beginning in 2015, and \$4,000,000,000 based on the plan years beginning in 2016;”;

(v) in clause (v), as so redesignated, by striking “clause (iii)” each place that such term appears and inserting “clause (iv)”;

(vi) by inserting after clause (v), the following:

“(vi) in addition to the contribution amounts under clauses (iii), (iv), and (v), each issuer’s contribution amount—

“(I) shall reflect its proportionate share of an additional \$20,300,000 for operational expenses for reinsurance payments for calendar year 2014 and for reinsurance collections for calendar year 2018;

“(II) shall reflect its proportionate share of operational expenses for reinsurance payments for calendar year 2015 and for reinsurance collections for calendar year 2019; and

“(III) shall reflect its proportionate share of operational expenses for reinsurance payments for calendar year 2016 and for reinsurance collections for calendar year 2020; and

“(vii) collection of the contribution amounts provided for in clauses (ii) through (vi) shall be initiated—

“(I) for calendar year 2014, not earlier than January 1, 2018;

“(II) for calendar year 2015, not earlier than January 1, 2019; and

“(III) for calendar year 2016, not earlier than January 1, 2020.”;

(4) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking “contribution amounts collected for any calendar year” and inserting “amount provided under paragraph (5) for reinsurance payments described in paragraph (1)(C);” and

(ii) by striking “; and” and inserting a period;

(B) by striking subparagraph (B);

(C) by striking “that—” and all that follows through “the contribution” in subparagraph (A) and inserting “that the contribution”; and

(D) in the flush matter at the end, by striking “paragraph (3)(B)(iv)” and inserting the following: “paragraph (3)(B)(v) and any amounts collected under clauses (ii) of paragraph (3)(B) that, when combined with the funding provided for under paragraph (5), exceed the aggregate amount permitted for making the reinsurance payments described in paragraph (1)(C) and to fund the operational expenses of applicable reinsurance entities.”; and

(5) by adding at the end the following:

“(5) FUNDING.—To carry out this section, there is appropriated, out of any money in the Treasury not otherwise appropriated, an amount equal to the aggregate amount to be collected for plan years beginning in 2014 set forth in paragraph (3)(B)(iv) for reinsurance payments described in paragraph (1)(C), and an amount equal to the contribution amounts set forth in paragraph (3)(B)(vi) to fund operational expenses of applicable reinsurance entities.”.

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to increase the amount of payments to be collected under subsection (b)(1)(A) or to decrease the amount of the reinsurance payments to be made under subsection (b)(1)(C) of section 1341 of the Patient Protection and Affordable Care Act (42 U.S.C. 18061).

(c) MEDICAL LOSS RATIO.—The Secretary of Health and Human Services shall promulgate regulations or guidance to ensure that health insurance issuers reflect changes made in section 1341 of the Patient Protection and Affordable Care Act with section 2718 of the Public Health Service Act (42 U.S.C. 1300gg-18) and sections 1342 and 1312(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18063 and 18032(c)).

**SA 3177.** Mr. CARDIN (for himself, Mr. ROBERTS, Mr. THUNE, Mr. MORAN, Mr. WHITEHOUSE, Mr. CRAPO, Mr. BLUNT, Ms. COLLINS, Mr. LEAHY, Ms. LANDRIEU, Mr. FRANKEN, Mr. SANDERS, Ms. STABENOW, Mr. BROWN, and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —PROMOTION AND EXPANSION OF PRIVATE EMPLOYEE OWNERSHIP ACT OF 2014**

**SEC. \_01. SHORT TITLE.**

This title may be cited as the “Promotion and Expansion of Private Employee Ownership Act of 2014”.

**SEC. \_02. FINDINGS.**

Congress finds that—

(1) on January 1, 1998—nearly 25 years after the Employee Retirement Income Security Act of 1974 was enacted and the employee stock ownership plan (hereafter in this section referred to as an “ESOP”) was created—employees were first permitted to be owners of subchapter S corporations pursuant to the Small Business Job Protection Act of 1996 (Public Law 104-188);

(2) with the passage of the Taxpayer Relief Act of 1997 (Public Law 105-34), Congress designed incentives to encourage businesses to become ESOP-owned S corporations;

(3) since that time, several thousand companies have become ESOP-owned S corporations, creating an ownership interest for several million Americans in companies in every State in the country, in industries ranging from heavy manufacturing to technology development to services;

(4) while estimates show that 40 percent of working Americans have no formal retirement account at all, every United States worker who is an employee-owner of an S corporation company through an ESOP has a valuable qualified retirement savings account;

(5) recent studies have shown that employees of ESOP-owned S corporations enjoy greater job stability than employees of comparable companies;

(6) studies also show that employee-owners of S corporation ESOP companies have amassed meaningful retirement savings through their S ESOP accounts that will give them the means to retire with dignity;

(7) under the Small Business Act (15 U.S.C. 631 et seq.) and the regulations promulgated by the Administrator of the Small Business Administration, a small business concern that was eligible under the Small Business Act for the numerous preferences of the Act is denied treatment as a small business concern after an ESOP acquires more than 49 percent of the business, even if the number of employees, the revenue of the small business concern, and the racial, gender, or other criteria used under the Act to determine whether the small business concern is eligible for benefits under the Act remain the same, solely because of the acquisition by the ESOP; and

(8) it is the goal of Congress to both preserve and foster employee ownership of S corporations through ESOPs.

**SEC. \_03. DEFERRAL OF TAX FOR CERTAIN SALES OF EMPLOYER STOCK TO EMPLOYEE STOCK OWNERSHIP PLAN SPONSORED BY S CORPORATION.**

(a) IN GENERAL.—Subparagraph (A) of section 1042(c)(1) of the Internal Revenue Code of 1986 (defining qualified securities) is amended by striking “domestic C corporation” and inserting “domestic corporation”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to sales after the date of the enactment of this Act.

**SEC. \_04. DEPARTMENT OF TREASURY TECHNICAL ASSISTANCE OFFICE.**

(a) ESTABLISHMENT REQUIRED.—Before the end of the 90-day period beginning on the date of enactment of this Act, the Secretary of Treasury shall establish the S Corporation Employee Ownership Assistance Office to foster increased employee ownership of S corporations.

(b) DUTIES OF THE OFFICE.—The S Corporation Employee Ownership Assistance Office shall provide—

(1) education and outreach to inform companies and individuals about the possibilities and benefits of employee ownership of S corporations; and

(2) technical assistance to assist S corporations in sponsoring employee stock ownership plans.

**SEC. \_05. SMALL BUSINESS AND EMPLOYEE STOCK OWNERSHIP.**

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 47 as section 48; and

(2) by inserting after section 46 the following:

**“SEC. 47. EMPLOYEE STOCK OWNERSHIP PLANS.**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘ESOP’ means an employee stock ownership plan, as defined in section 4975(e)(7) of the Internal Revenue Code of 1986, as amended; and

“(2) the term ‘ESOP business concern’ means a business concern that was a small business concern eligible for a loan or to participate in a contracting assistance or busi-

ness development program under this Act before the date on which more than 49 percent of the business concern was acquired by an ESOP.

“(b) CONTINUED ELIGIBILITY.—In determining whether an ESOP business concern qualifies as a small business concern for purposes of a loan, preference, or other program under this Act, each ESOP participant shall be treated as directly owning his or her proportionate share of the stock in the ESOP business concern owned by the ESOP.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1 of the first calendar year beginning after the date of the enactment of this Act.

**SA 3178.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 56, between lines 23 and 24, insert the following:

(3) INCLUSION OF LIQUID DERIVED FROM NATURAL GAS.—Subparagraph (E) of section 6426(d)(2) is amended to read as follows:

“(E) any liquid fuel—

“(i) which meets the requirements of paragraph (4) and which is derived from coal (including peat) through the Fischer-Tropsch process, or

“(ii) which is derived from natural gas through such process.”.

**SA 3179.** Mr. GRASSLEY (for himself and Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS**

**SEC. \_01. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.**

(a) EMPLOYMENT TAXES.—Chapter 25 is amended by adding at the end the following new section:

**“SEC. 3511. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.**

“(a) GENERAL RULES.—For purposes of the taxes, and other obligations, imposed by this subtitle—

“(1) a certified professional employer organization shall be treated as the employer (and no other person shall be treated as the employer) of any work site employee performing services for any customer of such organization, but only with respect to remuneration remitted by such organization to such work site employee, and

“(2) exclusions, definitions, and other rules which are based on the type of employer and

which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

“(b) **SUCCESSOR EMPLOYER STATUS.**—For purposes of sections 3121(a)(1), 3231(e)(2)(C), and 3306(b)(1)—

“(1) a certified professional employer organization entering into a service contract with a customer with respect to a work site employee shall be treated as a successor employer and the customer shall be treated as a predecessor employer during the term of such service contract, and

“(2) a customer whose service contract with a certified professional employer organization is terminated with respect to a work site employee shall be treated as a successor employer and the certified professional employer organization shall be treated as a predecessor employer.

“(c) **LIABILITY OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION.**—Solely for purposes of its liability for the taxes, and other obligations, imposed by this subtitle—

“(1) a certified professional employer organization shall be treated as the employer of any individual (other than a work site employee or a person described in subsection (f)) who is performing services covered by a contract meeting the requirements of section 7705(e)(2), but only with respect to remuneration remitted by such organization to such individual, and

“(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

“(d) **TREATMENT OF CREDITS.**—

“(1) **IN GENERAL.**—For purposes of any credit specified in paragraph (2)—

“(A) such credit with respect to a work site employee performing services for the customer applies to the customer, not the certified professional employer organization,

“(B) the customer, and not the certified professional employer organization, shall take into account wages and employment taxes—

“(i) paid by the certified professional employer organization with respect to the work site employee, and

“(ii) for which the certified professional employer organization receives payment from the customer, and

“(C) the certified professional employer organization shall furnish the customer with any information necessary for the customer to claim such credit.

“(2) **CREDITS SPECIFIED.**—A credit is specified in this paragraph if such credit is allowed under—

“(A) section 41 (credit for increasing research activity),

“(B) section 45A (Indian employment credit),

“(C) section 45B (credit for portion of employer social security taxes paid with respect to employee cash tips),

“(D) section 45C (clinical testing expenses for certain drugs for rare diseases or conditions),

“(E) section 45R (employee health insurance expenses of small employers),

“(F) section 51 (work opportunity credit),

“(G) section 1396 (empowerment zone employment credit),

“(H) 1400(d) (DC Zone employment credit),

“(I) Section 1400H (renewal community employment credit), and

“(J) any other section as provided by the Secretary.

“(e) **SPECIAL RULE FOR RELATED PARTY.**—This section shall not apply in the case of a

customer which bears a relationship to a certified professional employer organization described in section 267(b) or 707(b). For purposes of the preceding sentence, such sections shall be applied by substituting ‘10 percent’ for ‘50 percent’.

“(f) **SPECIAL RULE FOR CERTAIN INDIVIDUALS.**—For purposes of the taxes imposed under this subtitle, an individual with net earnings from self-employment derived from the customer’s trade or business is not a work site employee with respect to remuneration paid by a certified professional employer organization.

“(g) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”

(b) **CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION DEFINED.**—Chapter 79 is amended by adding at the end the following new section:

**“SEC. 7705. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS DEFINED.**

“(a) **IN GENERAL.**—For purposes of this title, the term ‘certified professional employer organization’ means a person who has been certified by the Secretary for purposes of section 3511 as meeting the requirements of subsection (b).

“(b) **GENERAL REQUIREMENTS.**—A person meets the requirements of this subsection if such person—

“(1) demonstrates that such person (and any owner, officer, and such other persons as may be specified in regulations) meets such requirements as the Secretary shall establish with respect to tax status, background, experience, business location, and annual financial audits,

“(2) computes its taxable income using an accrual method of accounting unless the Secretary approves another method,

“(3) agrees that it will satisfy the bond and independent financial review requirements of subsection (c) on an ongoing basis,

“(4) agrees that it will satisfy such reporting obligations as may be imposed by the Secretary,

“(5) agrees to verify on such periodic basis as the Secretary may prescribe that it continues to meet the requirements of this subsection, and

“(6) agrees to notify the Secretary in writing within such time as the Secretary may prescribe of any change that materially affects whether it continues to meet the requirements of this subsection.

“(c) **BOND AND INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.**—

“(1) **IN GENERAL.**—An organization meets the requirements of this paragraph if such organization—

“(A) meets the bond requirements of paragraph (2), and

“(B) meets the independent financial review requirements of paragraph (3).

“(2) **BOND.**—

“(A) **IN GENERAL.**—A certified professional employer organization meets the requirements of this paragraph if the organization has posted a bond for the payment of taxes under subtitle C (in a form acceptable to the Secretary) in an amount at least equal to the amount specified in subparagraph (B).

“(B) **AMOUNT OF BOND.**—For the period April 1 of any calendar year through March 31 of the following calendar year, the amount of the bond required is equal to the greater of—

“(i) 5 percent of the organization’s liability under section 3511 for taxes imposed by subtitle C during the preceding calendar year (but not to exceed \$1,000,000), or

“(ii) \$50,000.

“(3) **INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.**—A certified professional employer organization meets the requirements of this paragraph if such organization—

“(A) has, as of the most recent review date, caused to be prepared and provided to the Secretary (in such manner as the Secretary may prescribe) an opinion of an independent certified public accountant that the certified professional employer organization’s financial statements are presented fairly in accordance with generally accepted accounting principles, and

“(B) provides, not later than the last day of the second month beginning after the end of each calendar quarter, to the Secretary from an independent certified public accountant an assertion regarding Federal employment tax payments and an examination level attestation on such assertion.

Such assertion shall state that the organization has withheld and made deposits of all taxes imposed by chapters 21, 22, and 24 of the Internal Revenue Code in accordance with regulations imposed by the Secretary for such calendar quarter and such examination level attestation shall state that such assertion is fairly stated, in all material respects.

“(4) **CONTROLLED GROUP RULES.**—For purposes of the requirements of paragraphs (2) and (3), all professional employer organizations that are members of a controlled group within the meaning of sections 414(b) and (c) shall be treated as a single organization.

“(5) **FAILURE TO FILE ASSERTION AND ATTESTATION.**—If the certified professional employer organization fails to file the assertion and attestation required by paragraph (3) with respect to any calendar quarter, then the requirements of paragraph (3) with respect to such failure shall be treated as not satisfied for the period beginning on the due date for such attestation.

“(6) **REVIEW DATE.**—For purposes of paragraph (3)(A), the review date shall be 6 months after the completion of the organization’s fiscal year.

“(d) **SUSPENSION AND REVOCATION AUTHORITY.**—The Secretary may suspend or revoke a certification of any person under subsection (b) for purposes of section 3511 if the Secretary determines that such person is not satisfying the representations or requirements of subsections (b) or (c), or fails to satisfy applicable accounting, reporting, payment, or deposit requirements.

“(e) **WORK SITE EMPLOYEE.**—For purposes of this title—

“(1) **IN GENERAL.**—The term ‘work site employee’ means, with respect to a certified professional employer organization, an individual who—

“(A) performs services for a customer pursuant to a contract which is between such customer and the certified professional employer organization and which meets the requirements of paragraph (2), and

“(B) performs services at a work site meeting the requirements of paragraph (3).

“(2) **SERVICE CONTRACT REQUIREMENTS.**—A contract meets the requirements of this paragraph with respect to an individual performing services for a customer if such contract is in writing and provides that the certified professional employer organization shall—

“(A) assume responsibility for payment of wages to such individual, without regard to the receipt or adequacy of payment from the customer for such services,

“(B) assume responsibility for reporting, withholding, and paying any applicable taxes



under subtitle C, with respect to such individual's wages, without regard to the receipt or adequacy of payment from the customer for such services.

“(C) assume responsibility for any employee benefits which the service contract may require the organization to provide, without regard to the receipt or adequacy of payment from the customer for such services.

“(D) assume responsibility for hiring, firing, and recruiting workers in addition to the customer's responsibility for hiring, firing and recruiting workers.

“(E) maintain employee records relating to such individual, and

“(F) agree to be treated as a certified professional employer organization for purposes of section 3511 with respect to such individual.

“(3) WORK SITE COVERAGE REQUIREMENT.—The requirements of this paragraph are met with respect to an individual if at least 85 percent of the individuals performing services for the customer at the work site where such individual performs services are subject to 1 or more contracts with the certified professional employer organization which meet the requirements of paragraph (2) (but not taking into account those individuals who are excluded employees within the meaning of section 414(q)(5)).

“(f) DETERMINATION OF EMPLOYMENT STATUS.—Except to the extent necessary for purposes of section 3511, nothing in this section shall be construed to affect the determination of who is an employee or employer for purposes of this title.

“(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 3302 is amended by adding at the end the following new subsection:

“(h) TREATMENT OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—If a certified professional employer organization (as defined in section 7705), or a customer of such organization, makes a contribution to the State's unemployment fund with respect to a work site employee, such organization shall be eligible for the credits available under this section with respect to such contribution.”.

(2) Section 3303(a) is amended—

(A) by striking the period at the end of paragraph (3) and inserting “; and” and by inserting after paragraph (3) the following new paragraph:

“(4) if the taxpayer is a certified professional employer organization (as defined in section 7705) that is treated as the employer under section 3511, such certified professional employer organization is permitted to collect and remit, in accordance with paragraphs (1), (2), and (3), contributions during the taxable year to the State unemployment fund with respect to a work site employee.”, and

(B) in the last sentence—

(i) by striking “paragraphs (1), (2), and (3)” and inserting “paragraphs (1), (2), (3), and (4)”, and

(ii) by striking “paragraph (1), (2), or (3)” and inserting “paragraph (1), (2), (3), or (4)”.

(3) Section 6053(c) is amended by adding at the end the following new paragraph:

“(8) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of any report required by this subsection, in the case of a certified professional employer organization that is treated under section 3511 as the employer of a work site employee, the customer

with respect to whom a work site employee performs services shall be the employer for purposes of reporting under this section and the certified professional employer organization shall furnish to the customer any information necessary to complete such reporting no later than such time as the Secretary shall prescribe.”.

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 25 is amended by adding at the end the following new item:

“Sec. 3511. Certified professional employer organizations.”.

(2) The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

“Sec. 7705. Certified professional employer organizations defined.”.

(e) REPORTING REQUIREMENTS AND OBLIGATIONS.—The Secretary of the Treasury shall develop such reporting and recordkeeping rules, regulations, and procedures as the Secretary determines necessary or appropriate to ensure compliance with the amendments made by this section with respect to entities applying for certification as certified professional employer organizations or entities that have been so certified. Such rules shall include—

(1) notification of the Secretary in the case of the commencement or termination of a service contract described in section 7705(e)(2) of the Internal Revenue Code of 1986 between such a person and a customer, and the employer identification number of such customer, and

(2) such other information as the Secretary determines is essential to promote compliance with respect to the credits identified in section 3511(d) of such Code, and

shall be designed in a manner which streamlines, to the extent possible, the application of requirements of such amendments, the exchange of information between a certified professional employer organization and its customers, and the reporting and recordkeeping obligations of the certified professional employer organization.

(f) USER FEES.—Subsection (b) of section 7528 is amended by adding at the end the following new paragraph:

“(4) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The annual fee charged under the program in connection with the ongoing certification by the Secretary of a professional employer organization under section 7705 shall not exceed \$1,000.”.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to wages for services performed on or after January 1 of the first calendar year beginning more than 12 months after the date of the enactment of this Act.

(2) CERTIFICATION PROGRAM.—The Secretary of the Treasury shall establish the certification program described in section 7705(b) of the Internal Revenue Code of 1986, as added by subsection (b), not later than 6 months before the effective date determined under paragraph (1).

(h) NO INFERENCE.—Nothing contained in this section or the amendments made by this section shall be construed to create any inference with respect to the determination of who is an employee or employer—

(1) for Federal tax purposes (other than the purposes set forth in the amendments made by this section), or

(2) for purposes of any other provision of law.

**SA 3180.** Mr. COONS (for himself, Mr. MORAN, Ms. STABENOW, Ms. MUR-

KOWSKI, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —MASTER LIMITED PARTNERSHIPS**

**SEC. —01. SHORT TITLE.**

This title may be cited as the “Master Limited Partnerships Parity Act”.

**SEC. —02. EXTENSION OF PUBLICLY TRADED PARTNERSHIP OWNERSHIP STRUCTURE TO ENERGY POWER GENERATION PROJECTS, TRANSPORTATION FUELS, AND RELATED ENERGY ACTIVITIES.**

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) is amended—

(1) by striking “income and gains derived from the exploration” and inserting “income and gains derived from the following:

“(i) MINERALS, NATURAL RESOURCES, ETC.—The exploration”.

(2) by inserting “or” before “industrial source”.

(3) by inserting a period after “carbon dioxide”, and

(4) by striking “, or the transportation or storage” and all that follows and inserting the following:

“(ii) RENEWABLE ENERGY.—The generation of electric power exclusively utilizing any resource described in section 45(c)(1) or energy property described in section 48 (determined without regard to any termination date), or in the case of a facility described in paragraph (3) or (7) of section 45(d) (determined without regard to any placed in service date or date by which construction of the facility is required to begin), the accepting or processing of such resource.

“(iii) ELECTRICITY STORAGE DEVICES.—The receipt and sale of electric power that has been stored in a device directly connected to the grid.

“(iv) COMBINED HEAT AND POWER.—The generation, storage, or distribution of thermal energy exclusively utilizing property described in section 48(c)(3) (determined without regard to subparagraphs (B) and (D) thereof and without regard to any placed in service date).

“(v) RENEWABLE THERMAL ENERGY.—The generation, storage, or distribution of thermal energy exclusively using any resource described in section 45(c)(1) or energy property described in clause (i) or (iii) of section 48(a)(3)(A).

“(vi) WASTE HEAT TO POWER.—The use of recoverable waste energy, as defined in section 371(5) of the Energy Policy and Conservation Act (42 U.S.C. 6341(5)) (as in effect on the date of the enactment of the Master Limited Partnerships Parity Act).

“(vii) RENEWABLE FUEL INFRASTRUCTURE.—The storage or transportation of any fuel described in subsection (b), (c), (d), or (e) of section 6426.

“(viii) RENEWABLE FUELS.—The production, storage, or transportation of any renewable fuel described in section 211(o)(1)(J) of the Clean Air Act (42 U.S.C. 7545(o)(1)(J)) (as in effect on the date of the enactment of the Master Limited Partnerships Parity Act) or section 40A(d)(1).

“(ix) RENEWABLE CHEMICALS.—The production, storage, or transportation of any renewable chemical (as defined in paragraph (6)).

“(x) ENERGY EFFICIENT BUILDINGS.—The audit and installation through contract or other agreement of any energy efficient building property described in section 179D(c)(1).

“(xi) GASIFICATION WITH SEQUESTRATION.—The production of any product from a project that meets the requirements of subparagraphs (A) and (B) of section 48B(c)(1) and that separates and sequesters in secure geological storage (as determined under section 45Q(d)(2)) at least 75 percent of such project's total qualified carbon dioxide (as defined in section 45Q(b)).

“(xii) CARBON CAPTURE AND SEQUESTRATION.—The generation or storage of electric power produced from any facility which is a qualified facility described in section 45Q(c) and which disposes of any captured qualified carbon dioxide (as defined in section 45Q(b)) in secure geological storage (as determined under section 45Q(d)(2)).”

(b) RENEWABLE CHEMICAL.—Section 7704(d) is amended by adding at the end the following new paragraph:

“(6) RENEWABLE CHEMICAL.—The term ‘renewable chemical’ means a monomer, polymer, plastic, formulated product, or chemical substance produced from renewable biomass (as defined in section 9001(12) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101(12)), as in effect on the date of the enactment of the Master Limited Partnerships Parity Act).”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

**SA 3181.** Mr. LEVIN (for himself, Mr. BROWN, Mrs. SHAHEEN, Ms. HIRONO, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 135.

**SA 3182.** Mr. CARDIN (for himself, Mrs. FEINSTEIN, and Mr. SCHATZ) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 151 and insert the following:  
**SEC. 151. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.**

(a) TREATMENT IN 2014.—

(1) IN GENERAL.—Paragraph (2) of section 25C(g) is amended by striking “December 31, 2013” and inserting “December 31, 2014”.

(2) UPDATED ENERGY STAR REQUIREMENTS FOR WINDOWS, DOORS, SKYLIGHTS, AND ROOFING.—

(A) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by striking “which meets” and all that follows through “requirements”.

(B) ENERGY EFFICIENT BUILDING ENVELOPE COMPONENT.—Subsection (c) of section 25C is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

“(2) ENERGY EFFICIENT BUILDING ENVELOPE COMPONENT.—The term ‘energy efficient building envelope component’ means a building envelope component which meets—

“(A) applicable Energy Star program requirements, in the case of a roof or roof products,

“(B) version 6.0 Energy Star program requirements, in the case of an exterior window, a skylight, or an exterior door, and

“(C) the prescriptive criteria for such component established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009, in the case of any other component.”

(C) CONFORMING AMENDMENT.—Subparagraph (D) of section 25C(c)(3), as so redesignated, is amended to read as follows:

“(D) any roof or roof products which are installed on a dwelling unit and are specifically and primarily designed to reduce the heat gain of such dwelling unit.”

(3) SEPARATE STANDARDS FOR TANKLESS AND STORAGE WATER HEATERS.—

(A) IN GENERAL.—Subparagraph (D) of section 25C(d)(3) is amended by striking “which has either” and all that follows and inserting “which has either—

“(i) in the case of a storage water heater, an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent, and

“(ii) in the case of any other water heater, an energy factor of at least 0.90 or a thermal efficiency of at least 90 percent, and”

(B) STORAGE WATER HEATERS.—Paragraph (3) of section 25C(d) is amended by adding at the end the following flush sentence:

“For purposes of subparagraph (D)(i), the term ‘storage water heater’ means a water heater that has a water storage capacity of more than 20 gallons but not more than 55 gallons.”

(4) MODIFICATION OF TESTING STANDARDS FOR BIOMASS STOVES.—Subparagraph (E) of section 25C(d)(3) is amended by inserting before the period the following: “, when tested using the higher heating value of the fuel and in accordance with the Canadian Standards Administration B415.1 test protocol”.

(5) SEPARATE STANDARD FOR OIL HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended by striking “95” and inserting “95 (90 in the case of an oil hot water boiler)”.

(6) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2013.

(b) TREATMENT IN 2015.—

(1) PERFORMANCE BASED HOME ENERGY IMPROVEMENTS.—Subpart A of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

**“SEC. 25E. PERFORMANCE BASED ENERGY IMPROVEMENTS.**

“(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year for a qualified whole home energy efficiency retrofit an amount determined under subsection (b).

“(b) AMOUNT DETERMINED.—

“(1) IN GENERAL.—Subject to paragraph (4), the amount determined under this subsection is equal to—

“(A) the base amount under paragraph (2), increased by

“(B) the amount determined under paragraph (3).

“(2) BASE AMOUNT.—For purposes of paragraph (1)(A), the base amount is \$2,000, but only if the energy use for the residence is reduced by at least 20 percent below the baseline energy use for such residence as calculated according to paragraph (5).

“(3) INCREASE AMOUNT.—For purposes of paragraph (1)(B), the amount determined under this paragraph is \$500 for each additional 5 percentage point reduction in energy use.

“(4) LIMITATION.—In no event shall the amount determined under this subsection exceed the lesser of—

“(A) \$5,000 with respect to any residence, or

“(B) 30 percent of the qualified home energy efficiency expenditures paid or incurred by the taxpayer under subsection (c) with respect to such residence.

“(5) DETERMINATION OF ENERGY USE REDUCTION.—For purposes of this subsection—

“(A) IN GENERAL.—The reduction in energy use for any residence shall be determined by modeling the annual predicted percentage reduction in total energy costs for heating, cooling, hot water, and permanent lighting. It shall be modeled using computer modeling software approved under subsection (d)(2) and a baseline energy use calculated according to subsection (d)(1)(C).

“(B) ENERGY COSTS.—For purposes of subparagraph (A), the energy cost per unit of fuel for each fuel type shall be determined by dividing the total actual energy bill for the residence for that fuel type for the most recent available 12-month period by the total energy units of that fuel type used over the same period.

“(c) QUALIFIED HOME ENERGY EFFICIENCY EXPENDITURES.—For purposes of this section, the term ‘qualified home energy efficiency expenditures’—

“(1) means any amount paid or incurred by the taxpayer during the taxable year for a qualified whole home energy efficiency retrofit, including the cost of diagnostic procedures, labor, and modeling,

“(2) includes only measures that have an average estimated life of 5 years or more as determined by the Secretary, after consultation with the Secretary of Energy, and

“(3) does not include any amount which is paid or incurred in connection with any expansion of the building envelope of the residence.

“(d) QUALIFIED WHOLE HOME ENERGY EFFICIENCY RETROFIT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified whole home energy efficiency retrofit’ means the implementation of measures placed in service during the taxable year intended to reduce the energy use of the principal residence of the taxpayer which is located in the United States. A qualified whole home energy efficiency retrofit shall—

“(A) subject to paragraph (4), be designed, implemented, and installed by a contractor which is—

“(i) accredited by the Building Performance Institute (hereafter in this section referred to as ‘BPI’) or a preexisting BPI accreditation-based State certification program with enhancements to achieve State energy policy,



“(ii) a Residential Energy Services Network (hereafter in this section referred to as ‘RESNET’) accredited Energy Smart Home Performance Team, or

“(iii) accredited by an equivalent certification program approved by the Secretary, after consultation with the Secretary of Energy, for this purpose.

“(B) install a set of measures modeled to achieve a reduction in energy use of at least 20 percent below the baseline energy use established in subparagraph (C), using computer modeling software approved under paragraph (2),

“(C) establish the baseline energy use by calibrating the model using sections 3 and 4 and Annex D of BPI Standard BPI-2400-S-2011: Standardized Qualification of Whole House Energy Savings Estimates, or an equivalent standard approved by the Secretary, after consultation with Secretary of Energy, for this purpose,

“(D) document the measures implemented in the residence through photographs taken before and after the retrofit, including photographs of its visible energy systems and envelope as relevant, and

“(E) implement a test-out procedure, following guidelines of the applicable certification program specified under clause (i) or (ii) of subparagraph (A), or equivalent guidelines approved by the Secretary, after consultation with the Secretary of Energy, for this purpose, to ensure—

“(i) the safe operation of all systems post retrofit, and

“(ii) that all improvements are included in, and have been installed according to, standards of the applicable certification program specified under clause (i) or (ii) of subparagraph (A), or equivalent standards approved by the Secretary, after consultation with the Secretary of Energy, for this purpose.

For purposes of subparagraph (A)(iii), an organization or State may submit an equivalent certification program for approval by the Secretary, in consultation with the Secretary of Energy. The Secretary shall approve or deny such submission not later than 180 days after receipt, and, if the Secretary fails to respond in that time period, the submitted equivalent certification program shall be considered approved.

“(2) APPROVED MODELING SOFTWARE.—For purposes of paragraph (1)(B), the contractor (or, if applicable, the person described in paragraph (4)) shall use modeling software certified by RESNET as following the software verification test suites in section 4.2.1 of RESNET Publication No. 06-001 or certified by an alternative organization as following an equivalent standard, as approved by the Secretary, after consultation with the Secretary of Energy, for this purpose.

“(3) DOCUMENTATION.—The Secretary, after consultation with the Secretary of Energy, shall prescribe regulations directing what specific documentation is required to be retained or submitted by the taxpayer in order to claim the credit under this section, which shall include, in addition to the photographs under paragraph (1)(D), a form approved by the Secretary that is completed and signed by the qualified whole home energy efficiency retrofit contractor under penalties of perjury. Such form shall include—

“(A) a statement that the contractor (or, if applicable, the person described in paragraph (4)) followed the specified procedures for establishing baseline energy use and estimating reduction in energy use,

“(B) the name of the software used for calculating the baseline energy use and reduc-

tion in energy use, the percentage reduction in projected energy savings achieved, and a statement that such software was certified for this program by the Secretary, after consultation with the Secretary of Energy,

“(C) a statement that the contractor (or, if applicable, the person described in paragraph (4)) will retain the details of the calculations and underlying energy bills for 5 years and will make such details available for inspection by the Secretary or the Secretary of Energy, if so requested,

“(D) a list of measures installed and a statement that all measures included in the reduction in energy use estimate are included in, and installed according to, standards of the applicable certification program specified under clause (i) or (ii) of subparagraph (A), or equivalent standards approved by the Secretary, after consultation with the Secretary of Energy,

“(E) a statement that the contractor (or, if applicable, the person described in paragraph (4)) meets the requirements of paragraph (1)(A), and

“(F) documentation of the total cost of the project in order to comply with the limitation under subsection (b)(4)(B).

“(4) CERTIFIED HOME ENERGY RATER.—For purposes of paragraph (1)(A), a contractor shall be deemed to have satisfied the accreditation requirement under such paragraph if the contractor enters into a contract with a person that satisfies such accreditation requirement for purposes of modeling the energy use reduction described in paragraph (1)(B).

“(e) ADDITIONAL RULES.—For purposes of this section—

“(1) NO DOUBLE BENEFIT.—

“(A) IN GENERAL.—With respect to any residence, no credit shall be allowed under this section for any taxable year in which the taxpayer claims a credit under section 25C.

“(B) RENEWABLE ENERGY SYSTEMS AND APPLIANCES.—In the case of a renewable energy system or appliance that qualifies for another credit under this chapter, the resulting reduction in energy use shall not be taken into account in determining the percentage energy use reductions under subsection (b).

“(C) NO DOUBLE BENEFIT FOR CERTAIN EXPENDITURES.—The term ‘qualified home energy efficiency expenditures’ shall not include any expenditure for which a deduction or credit is claimed by the taxpayer under this chapter for the taxable year or with respect to which the taxpayer receives any Federal energy efficiency rebate.

“(2) PRINCIPAL RESIDENCE.—The term ‘principal residence’ has the same meaning as when used in section 121.

“(3) SPECIAL RULES.—Rules similar to the rules under paragraphs (4), (5), (6), (7), and (8) of section 25D(e) and section 25C(e)(2) shall apply, as determined by the Secretary, after consultation with the Secretary of Energy.

“(4) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section with respect to any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(5) ELECTION NOT TO CLAIM CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.

“(6) MULTIPLE YEAR RETROFITS.—If the taxpayer has claimed a credit under this section in a previous taxable year, the baseline energy use for the calculation of reduced en-

ergy use must be established after the previous retrofit has been placed in service.

“(f) TERMINATION.—This section shall not apply with respect to any costs paid or incurred after December 31, 2015.

“(g) SECRETARY REVIEW.—The Secretary, after consultation with the Secretary of Energy, shall establish a review process for the retrofits performed, including an estimate of the usage of the credit and a statistically valid analysis of the average actual energy use reductions, utilizing utility bill data collected on a voluntary basis, and report to Congress not later than June 30, 2015, any findings and recommendations for—

“(1) improvements to the effectiveness of the credit under this section, and

“(2) expansion of the credit under this section to rental units.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1016(a) is amended—

(i) by striking “and” at the end of paragraph (36),

(ii) by striking the period at the end of paragraph (37) and inserting “, and”, and

(iii) by adding at the end the following new paragraph:

“(38) to the extent provided in section 25E(e)(4), in the case of amounts with respect to which a credit has been allowed under section 25E.”.

(B) Section 6501(m) is amended by inserting “25E(e)(5),” after “section”.

(C) The table of sections for subpart A of part IV of subchapter A chapter 1 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Performance based energy improvements.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred for a qualified whole home energy efficiency retrofit placed in service after December 31, 2014.

**SA 3183.** Mr. CARDIN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE —OTHER PROVISIONS**

#### **SEC. \_\_\_\_ TREATMENT OF PARTNERSHIP ALLOCATIONS OF THE REHABILITATION TAX CREDIT BEFORE 2014.**

(a) SAFE HARBOR.—

(1) IN GENERAL.—An arrangement for the allocation of the credit determined under section 47(a) of the Internal Revenue Code of 1986 with respect to any building placed in service before January 1, 2014, shall not fail to be treated as a partnership for purposes of the Internal Revenue Code of 1986 if such arrangement meets the requirements of paragraph (2).

(2) SAFE-HARBOR REQUIREMENTS.—An arrangement meets the requirements of this paragraph if—

(A) such arrangement is a written agreement which is intended to be a partnership agreement for purposes of the Internal Revenue Code of 1986,

(B) such arrangement allows for a distributive share of the credit determined under

section 47(a) of such Code to taxpayers who make a qualified substantial capital contribution with respect to the rehabilitation of a qualified rehabilitated building, and

(C) under the terms of such arrangement, after the date that is 1 year after the date of the enactment of this Act, neither any principal nor any related person—

(i) is obligated to acquire an interest of another person in the partnership for a price that exceeds the fair market value of the interest,

(ii) is permitted to acquire another person's interest in the partnership for a price that is less than the fair market value of the interest,

(iii) is required—

(I) to distribute to another partner any amount which is secured by cash or cash equivalents, or

(II) to acquire the interest of any other partner through funds secured by cash or cash equivalents, and

(iv) directly or indirectly guarantees or otherwise insures the amount of any credit determined under section 47(a) of such Code, or the cash equivalent of any such credit.

(3) DEFINITIONS.—For purposes of this section—

(A) QUALIFIED SUBSTANTIAL CAPITAL CONTRIBUTION.—The term “qualified substantial capital contribution” means, with respect to any qualified rehabilitated building, a capital contribution which—

(i) is made not later than the date that is 12 months after the date such qualified rehabilitated building was placed in service, and

(ii) is greater than the lesser of—

(I) 5 percent of the reasonably anticipated qualified rehabilitation expenditures (as defined in section 47(c)(2) of the Internal Revenue Code of 1986) with respect to such qualified rehabilitated building, or

(II) \$200,000.

(B) PRINCIPAL.—The term “principal” means any person under the arrangement—

(i) who owns the qualified rehabilitated building described in paragraph (2)(B),

(ii) who is treated as having acquired such qualified rehabilitated building by reason of an election under 50(d)(5) of the Internal Revenue Code of 1986, or

(iii) who manages the partnership or is authorized to act on behalf of the partnership.

(C) RELATED PERSON.—The term “related person” has the meaning given such term under section 465(b)(3)(C) of the Internal Revenue Code of 1986.

(D) QUALIFIED REHABILITATED BUILDING.—The term “qualified rehabilitated building” has the meaning given such term under section 47(c)(1) of the Internal Revenue Code of 1986.

(b) TREATMENT OF ASSESSMENTS AND ENFORCEMENT ACTIONS RELATING TO CREDIT.—In the case of any arrangement for the allocation of the credit determined under section 47(a) of the Internal Revenue Code of 1986 with respect to any qualified rehabilitated building placed in service before January 1, 2014—

(1) no assessment shall be made under section 6201 of the Internal Revenue Code of 1986 with respect to such arrangement, and no enforcement action with respect to any such assessment (including any notice of deficiency or the imposition of any lien or levy) shall proceed, before the date that is 1 year after the date of the enactment of this Act, and

(2) the running of the period of limitations under section 6229, 6501, or 6502 of the Internal Revenue Code of 1986 with respect to such arrangement shall be suspended for the period described in paragraph (1).

**SA 3184.** Mr. CARDIN (for himself, Ms. COLLINS, Mr. CASEY, Mrs. SHAHEEN, Mr. PORTMAN, Mr. KING, Mr. WICKER, Mr. COONS, Ms. HIRONO, Mr. SCHUMER, Mr. LEAHY, Ms. MIKULSKI, Ms. AYOTTE, Mr. BEGICH, Mr. HEINRICH, Mr. UDALL of Colorado, Ms. MURKOWSKI, Mr. SCHATZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE —SMALL BREWER REINVESTMENT**

##### **SEC. 01. SHORT TITLE.**

This Act may be cited as the “Small Brewer Reinvestment and Expanding Workforce Act of 2013”.

##### **SEC. 02. REDUCED RATE OF EXCISE TAX ON BEER PRODUCED DOMESTICALLY BY CERTAIN QUALIFYING PRODUCERS.**

(a) IN GENERAL.—Paragraph (2) of section 5051(a) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and

(2) by striking subparagraph (A) and inserting the following new subparagraphs:

“(A) IN GENERAL.—In the case of a brewer who produces not more than 6,000,000 barrels of beer during the calendar year, the per barrel rate of tax imposed by this section shall be—

“(i) \$3.50 on the first 60,000 qualified barrels of production, and

“(ii) \$16 on the first 1,940,000 qualified barrels of production to which clause (i) does not apply.

“(B) QUALIFIED BARRELS OF PRODUCTION.—For purposes of this paragraph, the term ‘qualified barrels of production’ means, with respect to any brewer for any calendar year, the number of barrels of beer which are removed in such year for consumption or sale and which have been brewed or produced by such brewer at qualified breweries in the United States.”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 5051(a)(2), as redesignated by this section, is amended—

(A) by striking “2,000,000 barrel quantity” and inserting “6,000,000 barrel quantity”, and

(B) by striking “60,000 barrel quantity” and inserting “60,000 and 1,940,000 barrel quantities”.

(2) Subparagraph (D) of such section, as so redesignated, is amended by striking “2,000,000 barrels” and inserting “6,000,000 barrels”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to beer removed during calendar years beginning after the date of the enactment of this Act.

**SA 3185.** Mr. CARDIN (for himself, Mrs. FEINSTEIN, and Mr. SCHATZ) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage

under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 159 and insert the following:

##### **SEC. 159. EXTENSION AND MODIFICATION OF DEDUCTION FOR ENERGY-EFFICIENT COMMERCIAL BUILDINGS; DEDUCTION FOR RETROFITS OF EXISTING COMMERCIAL AND MULTIFAMILY BUILDINGS.**

(a) EXTENSION.—

(1) THROUGH 2015.—Section 179D(h) is amended by striking “December 31, 2013” and inserting “December 31, 2015”.

(2) INCLUSION OF MULTIFAMILY BUILDINGS.—

(A) IN GENERAL.—Subparagraph (B) of section 179D(c)(1) is amended by striking “building” and inserting “commercial building or multifamily building”.

(B) DEFINITIONS.—Subsection (c) of section 179D is amended by adding at the end the following new paragraphs:

“(3) COMMERCIAL BUILDING.—The term ‘commercial building’ means a building with a primary use or purpose other than as residential housing.

“(4) MULTIFAMILY BUILDING.—The term ‘multifamily building’ means a structure of 5 or more dwelling units with a primary use as residential housing, and includes such buildings owned and operated as a condominium, cooperative, or other common interest community.”.

(b) INCREASE IN MAXIMUM AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) is amended by striking “\$1.80” and inserting “\$3.00”.

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended to read as follows:

“(1) PARTIAL ALLOWANCE.—

“(A) IN GENERAL.—Except as provided in subsection (f), if—

“(i) the requirement of subsection (c)(1)(D) is not met, but

“(ii) there is a certification in accordance with paragraph (6) that—

“(I) any system referred to in subsection (c)(1)(C) satisfies the energy-savings targets established by the Secretary under subparagraph (B) with respect to such system, or

“(II) the systems referred to in subsection (c)(1)(C)(ii) and subsection (c)(1)(C)(iii) together satisfy the energy-savings targets established by the Secretary under subparagraph (B) with respect to such systems,

then the requirement of subsection (c)(1)(D) shall be treated as met with respect to such system or systems, and the deduction under subsection (a) shall be allowed with respect to energy-efficient commercial building property installed as part of such system and as part of a plan to meet such targets, except that subsection (b) shall be applied to such property described in clause (ii)(I) by substituting “\$1.00” for “\$3.00” and to such property described in clause (ii)(II) by substituting “\$2.20” for “\$3.00”.

“(B) REGULATIONS.—

“(i) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy, shall promulgate regulations establishing a target for each system described in subsection (c)(1)(C) which, if such targets were met for all such systems, the property would meet the requirements of subsection (c)(1)(D).

“(ii) SAFE HARBOR FOR COMBINED SYSTEMS.—The Secretary, after consultation with the Secretary of Energy, and not later

than 6 months after the date of the enactment of the Energy Efficiency Tax Incentives Act, shall promulgate regulations regarding combined envelope and mechanical system performance that detail appropriate components, efficiency levels, or other relevant information for the systems referred to in subsection (c)(1)(C)(ii) and subsection (c)(1)(C)(iii) together to be deemed to have achieved two-thirds of the requirements of subsection (c)(1)(D)."

(c) DENIAL OF DOUBLE BENEFIT RULES.—

(1) IN GENERAL.—Section 179D is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) TAX INCENTIVES NOT AVAILABLE.—Energy-efficient measures for which a deduction is allowed under this section shall not be eligible for a deduction under section 179F."

(2) LOW-INCOME HOUSING EXCEPTION TO BASIS REDUCTION.—Subsection (e) of section 179D is amended by inserting "(other than property placed in service in a qualified low-income building (within the meaning of section 42))" after "building property".

(d) ALLOCATION OF DEDUCTION.—Paragraph (4) of section 179D(d) is amended to read as follows:

"(4) ALLOCATION OF DEDUCTION.—

"(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary, in consultation with the Secretary of Energy, shall promulgate a regulation to allow the owner of a commercial or multifamily building, including a government, tribal, or non-profit owner, to allocate any deduction allowed under this section, or a portion thereof, to the person primarily responsible for designing the property in lieu of the owner or to a commercial tenant that leases or otherwise occupies space in such building pursuant to a written agreement. Such person shall be treated as the taxpayer for purposes of this section.

"(B) FORM OF ALLOCATION.—An allocation made under this paragraph shall be in writing and in a form that meets the form of allocation requirements in Notice 2008-40 of the Internal Revenue Service.

"(C) PROVISION OF ALLOCATION.—Not later than 30 days after receipt of a written request from a person eligible to receive an allocation under this paragraph, the owner of a building that makes an allocation under this paragraph shall provide the form of allocation (as described in subparagraph (B)) to such person.

"(D) ALLOCATION FROM PUBLIC OWNER OF BUILDING.—In the case of a commercial building or multifamily building that is owned by a Federal, State, or local government or a subdivision thereof, Notice 2006-52 of the Internal Revenue Service, as amplified by Notice 2008-40, shall apply to any allocation."

(e) TREATMENT OF BASIS IN CONTEXT OF ALLOCATION.—Subsection (e) of section 179D, as amended by subsection (c)(2), is amended by inserting "or so allocated" after "so allowed".

(f) EARNINGS AND PROFITS CONFORMITY FOR REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (B) of section 312(k)(3) is amended—

(1) by striking "—For purposes of" and inserting "—

"(i) IN GENERAL.—Except as provided in clause (ii), for purposes of", and

(2) by adding at the end the following new clause:

"(ii) EARNINGS AND PROFITS CONFORMITY FOR REAL ESTATE INVESTMENT TRUSTS.—

"(I) IN GENERAL.—For purposes of computing the earnings and profits of a real es-

tate investment trust (other than a captive real estate investment trust), the entire amount deductible under section 179D shall be allowed as deductions in the taxable years for which such amounts are claimed under such section.

"(II) CAPTIVE REAL ESTATE INVESTMENT TRUST.—The term 'captive real estate investment trust' means a real estate investment trust the shares or beneficial interests of which are not regularly traded on an established securities market and more than 50 percent of the voting power or value of the beneficial interests or shares of which are owned or controlled, directly or indirectly, or constructively, by a single entity that is treated as an association taxable as a corporation under this title and is not exempt from taxation pursuant to the provisions of section 501(a).

"(III) RULES OF APPLICATION.—For purposes of this clause, the constructive ownership rules of section 318(a), as modified by section 856(d)(5), shall apply in determining the ownership of stock, assets, or net profits of any person, and the following entities are not considered an association taxable as a corporation:

"(aa) Any real estate investment trust other than a captive real estate investment trust.

"(bb) Any qualified real estate investment trust subsidiary under section 856, other than a qualified REIT subsidiary of a captive real estate investment trust.

"(cc) Any Listed Australian Property Trust (meaning an Australian unit trust registered as a 'Managed Investment Scheme' under the Australian Corporations Act in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market), or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting power or value of the beneficial interests or shares of such trust.

"(dd) Any corporation, trust, association, or partnership organized outside the laws of the United States and which satisfies the criteria described in subclause (IV).

"(IV) CRITERIA.—The criteria described in this subclause are as follows:

"(aa) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets (as defined in section 856(c)(5)(B)), cash and cash equivalents, and United States Government securities.

"(bb) The entity is not subject to tax on amounts distributed to its beneficial owners, or is exempt from entity-level taxation.

"(cc) The entity distributes at least 85 percent of its taxable income (as computed in the jurisdiction in which it is organized) to the holders of its shares or certificates of beneficial interest on an annual basis.

"(dd) Not more than 10 percent of the voting power or value in such entity is held directly or indirectly or constructively by a single entity or individual, or the shares or beneficial interests of such entity are regularly traded on an established securities market.

"(ee) The entity is organized in a country which has a tax treaty with the United States."

(g) RULES FOR LIGHTING SYSTEMS.—Subsection (f) of section 179D is amended to read as follows:

"(f) RULES FOR LIGHTING SYSTEMS.—

"(1) IN GENERAL.—With respect to property that is part of a lighting system, the deduc-

tion allowed under subsection (a) shall be equal to—

"(A) for a lighting system that includes installation of a lighting control described in paragraph (2)(A), the applicable amount determined under paragraph (3)(A),

"(B) for a lighting system that includes installation of a lighting control described in paragraph (2)(B), the applicable amount determined under paragraph (3)(B), or

"(C) for a lighting system that does not include installation of any lighting controls described in subparagraph (A) or (B) of paragraph (2), the applicable amount determined under paragraph (3)(C).

"(2) ENERGY SAVING CONTROLS.—

"(A) LIGHTING CONTROLS IN CERTAIN SPACES.—For purposes of paragraph (1)(A), the lighting controls described in this subparagraph are the following:

"(i) Occupancy sensors (as described in paragraph (4)(I)) in spaces not greater than 800 square feet.

"(ii) Bi-level controls (as described in paragraph (4)(A)).

"(iii) Continuous or step dimming controls (as described in subparagraphs (B) and (K) of paragraph (4)).

"(iv) Daylight dimming where sufficient daylight is available (as described in paragraph (4)(C)).

"(v) A multi-scene controller (as described in paragraph (4)(H)).

"(vi) Time scheduling controls (as described in paragraph (4)(L)), provided that such controls are not required by Standard 90.1-2010.

"(vii) Such other lighting controls as the Secretary, in consultation with the Secretary of Energy, determines appropriate.

"(B) OTHER CONTROL TYPES.—For purposes of paragraph (1)(B), the lighting controls described in this subparagraph are the following:

"(i) Occupancy sensors (as described in paragraph (4)(I)) in spaces greater than 800 square feet.

"(ii) Demand responsive controls (as described in paragraph (4)(D)).

"(iii) Lumen maintenance controls (as described in paragraph (4)(F)) where solid state lighting is used.

"(iv) Such other lighting controls as the Secretary, in consultation with the Secretary of Energy, determines appropriate.

"(3) APPLICABLE AMOUNT.—

"(A) LIGHTING CONTROLS IN CERTAIN SPACES.—For purposes of paragraph (1)(A), the applicable amount shall be determined in accordance with the following table:

<b>"If the percentage of reduction in lighting power density is not less than:</b>	<b>The amount of the deduction per square foot is:</b>
15 percent .....	\$0.30
20 percent .....	\$0.44
25 percent .....	\$0.58
30 percent .....	\$0.72
35 percent .....	\$0.86
40 percent .....	\$1.00.

"(B) LIGHTING CONTROLS IN LARGER SPACES AND WHERE SOLID LIGHTING IS USED.—For purposes of paragraph (1)(B), the applicable amount shall be determined in accordance with the following table:

<b>"If the percentage of reduction in lighting power density is not less than:</b>	<b>The amount of the deduction per square foot is:</b>
20 percent .....	\$0.30
25 percent .....	\$0.44
30 percent .....	\$0.58
35 percent .....	\$0.72
40 percent .....	\$0.86

**"If the percentage of reduction in lighting power density is not less than:**

45 percent ..... \$1.00.  
 "(C) NO QUALIFIED LIGHTING CONTROLS.—For purposes of paragraph (1)(C), the applicable amount shall be determined in accordance with the following table:

**"If the percentage of reduction in lighting power density is not less than:**

25 percent ..... \$0.30  
 30 percent ..... \$0.44  
 35 percent ..... \$0.58  
 40 percent ..... \$0.72  
 45 percent ..... \$0.86  
 50 percent ..... \$1.00.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) BI-LEVEL CONTROL.—

"(i) IN GENERAL.—Subject to clause (ii), the term 'bi-level control' means a lighting control strategy that provides for 2 different levels of lighting.

"(ii) FULL-OFF SETTING.—For purposes of clause (i), a bi-level control shall also provide for a full-off setting.

"(B) CONTINUOUS DIMMING.—The term 'continuous dimming' means a lighting control strategy that adjusts the light output of a lighting system between minimum and maximum light output in a manner that is not perceptible.

"(C) DAYLIGHT DIMMING; SUFFICIENT DAYLIGHT.—

"(i) DAYLIGHT DIMMING.—The term 'daylight dimming' means any device that—

"(I) adjusts electric lighting power in response to the amount of daylight that is present in an area, and

"(II) provides for separate control of the lamps for general lighting in the daylight area by not less than 1 multi-level photocontrol, including continuous dimming devices, that satisfies the following requirements:

"(aa) The light sensor for the multi-level photocontrol is remote from where calibration adjustments are made.

"(bb) The calibration adjustments are readily accessible.

"(cc) The multi-level photocontrol reduces electric lighting power in response to the amount of daylight with—

"(AA) not less than 1 control step that is between 50 percent and 70 percent of design lighting power, and

"(BB) not less than 1 control step that is not less than 35 percent of design lighting power.

"(ii) SUFFICIENT DAYLIGHT.—

"(I) IN GENERAL.—The term 'sufficient daylight' means—

"(aa) in the case of toplighted areas, when the total daylight area under skylights plus the total daylight area under rooftop monitors in an enclosed space is greater than 900 square feet (as defined in Standard 90.1-2010), and

"(bb) in the case of sidelighted areas, when the combined primary sidelight area in an enclosed space is not less than 250 square feet (as defined in Standard 90.1-2010).

"(II) EXCEPTIONS.—Sufficient daylight shall be deemed to not be available if—

"(aa) in the case of areas described in subclause (I)(aa)—

"(AA) for daylighted areas under skylights, it is documented that existing adjacent structures or natural objects block direct beam sunlight for more than 1500 daytime hours (after 8 a.m. and before 4 p.m., local time) per year,

"(BB) for daylighted areas, the skylight effective aperture is less than 0.006, or

"(CC) for buildings in climate zone 8, as defined under Standard 90.1-2010, the daylight areas total less than 1500 square feet in an enclosed space, and

"(bb) in the case of primary sidelighted areas described in subclause (I)(bb)—

"(AA) the top of the existing adjacent structures are at least twice as high above the windows as the distance from the window, or

"(BB) the sidelighting effective aperture is less than 0.1.

"(iii) DAYLIGHT, SIDELIGHTING, AND OTHER RELATED TERMS.—The terms 'daylight area', 'daylight area under skylights', 'daylight area under rooftop monitors', 'daylighted area', 'enclosed space', 'primary sidelighted areas', 'sidelighting effective aperture', and 'skylight effective aperture' have the same meaning given such terms under Standard 90.1-2010.

"(D) DEMAND RESPONSIVE CONTROL.—

"(i) IN GENERAL.—The term 'demand responsive control' means a control device that receives and automatically responds to a demand response signal and—

"(I) in the case of space-conditioning systems, conducts a centralized demand shed for non-critical zones during a demand response period and that has the capability to, on a signal from a centralized contract or software point within an Energy Management Control System—

"(aa) remotely increase the operating cooling temperature set points in such zones by not less than 4 degrees,

"(bb) remotely decrease the operating heating temperature set points in such zones by not less than 4 degrees,

"(cc) remotely reset temperatures in such zones to originating operating levels, and

"(dd) provide an adjustable rate of change for any temperature adjustment and reset, and

"(II) in the case of lighting power, has the capability to reduce lighting power by not less than 30 percent during a demand response period.

"(ii) DEMAND RESPONSE PERIOD.—The term 'demand response period' means a period in which short-term adjustments in electricity usage are made by end-use customers from normal electricity consumption patterns, including adjustments in response to—

"(I) the price of electricity, and

"(II) participation in programs or services that are designed to modify electricity usage in response to wholesale market prices for electricity or when reliability of the electrical system is in jeopardy.

"(iii) DEMAND RESPONSE SIGNAL.—The term 'demand response signal' means a signal sent to an end-use customer by a local utility, independent system operator, or designated curtailment service provider or aggregator that—

"(I) indicates an adjustment in the price of electricity, or

"(II) is a request to modify electricity consumption.

"(E) LAMP.—The term 'lamp' means an artificial light source that produces optical radiation (including ultraviolet and infrared radiation).

"(F) LUMEN MAINTENANCE CONTROL.—The term 'lumen maintenance control' means a lighting control strategy that maintains constant light output by adjusting lamp power to compensate for age and cleanliness of luminaires.

"(G) LUMINAIRE.—The term 'luminaire' means a complete lighting unit for the pro-

duction, control, and distribution of light that consists of—

"(i) not less than 1 lamp, and

"(ii) any of the following items:

"(I) Optical control devices designed to distribute light.

"(II) Sockets or mountings for the positioning, protection, and operation of the lamps.

"(III) Mechanical components for support or attachment.

"(IV) Electrical and electronic components for operation and control of the lamps.

"(H) MULTI-SCENE CONTROL.—The term 'multi-scene control' means a lighting control device or system that allows for—

"(i) not less than 2 predetermined lighting settings,

"(ii) a setting that turns off all luminaires in an area, and

"(iii) a recall of the settings described in clauses (i) and (ii) for any luminaires or groups of luminaires to adjust to multiple activities within the area.

"(I) OCCUPANCY SENSOR.—The term 'occupancy sensor' means a control device that—

"(i) detects the presence or absence of individuals within an area and regulates lighting, equipment, or appliances according to a required sequence of operation,

"(ii) shuts off lighting when an area is unoccupied,

"(iii) except in areas designated as emergency egress and using less than 0.2 watts per square foot of floor area, provides for manual shut-off of all luminaires regardless of the status of the sensor and allows for—

"(I) independent control in each area enclosed by ceiling-height partitions,

"(II) controls that are readily accessible, and

"(III) operation by a manual switch that is located in the same area as the lighting that is subject to the control device.

"(J) STANDARD 90.1-2010.—The term 'Standard 90.1-2010' means Standard 90.1-2010 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America.

"(K) STEP DIMMING.—The term 'step dimming' means a lighting control strategy that adjusts the light output of a lighting system by 1 or more predetermined amounts of greater than 1 percent of full output in a manner that may be perceptible.

"(L) TIME SCHEDULING CONTROL.—The term 'time scheduling control' means a control strategy that automatically controls lighting, equipment, or systems based on a particular time of day or other daily event (including sunrise and sunset)."

(h) UPDATED STANDARDS.—

(1) INITIAL UPDATE.—

(A) IN GENERAL.—Section 179D(c) is amended by striking "90.1-2001" each place it appears and inserting "90.1-2004".

(B) CONFORMING AMENDMENT.—Paragraph (2) of section 179D(c) is amended by striking "(as in effect on April 2, 2003)".

(2) SECOND UPDATE.—

(A) IN GENERAL.—Section 179D is amended by striking "90.1-2004" each place it appears in subsections (c) and (f) and inserting "90.1-2007".

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall apply to property placed in service after December 31, 2014.

(i) TREATMENT OF LIGHTING SYSTEMS.—Section 179D(c)(1) is amended by striking "interior" each place it appears.

(j) REPORTING PROGRAM.—Section 179D, as amended by subsection (c)(1), is amended by

redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

“(i) **REPORTING PROGRAM.**—For purposes of the report required under section 179F(1), the Secretary, in consultation with the Secretary of Energy, shall—

“(1) develop a program to collect a statistically valid sample of energy consumption data from taxpayers that received full deductions under this section, regardless of whether such taxpayers allocated all or a portion of such deduction, and

“(2) include such data in the report, with such redactions as deemed necessary to protect the personally identifiable information of such taxpayers.”.

(k) **SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.**—Section 179D, as amended by subsection (j), is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) **SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.**—In the case of a partnership or S corporation, this section shall be applied at the partner or shareholder level, subject to such reporting requirements as are determined appropriate by the Secretary.”.

(l) **DEDUCTION FOR RETROFITS OF EXISTING COMMERCIAL AND MULTIFAMILY BUILDINGS.**—

(1) **IN GENERAL.**—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 179E the following new section:

**“SEC. 179F. DEDUCTION FOR RETROFITS OF EXISTING COMMERCIAL AND MULTIFAMILY BUILDINGS.**

“(a) **ALLOWANCE OF DEDUCTION.**—

“(1) **IN GENERAL.**—With respect to each certified retrofit plan, there shall be allowed as a deduction an amount equal to the lesser of—

“(A) the sum of—

“(i) the design deduction, and

“(ii) the realized deduction, or

“(B) the total cost to develop and implement such certified retrofit plan.

“(2) **EXCEPTION.**—For purposes of the amount described in paragraph (1)(B), if such amount is taken as a design deduction, no realized deduction shall be allowed.

“(b) **DEDUCTION AMOUNTS.**—For purposes of this section—

“(1) **DESIGN DEDUCTION.**—A design deduction shall be—

“(A) based on projected source energy savings as calculated in accordance with subsection (c)(3)(B),

“(B) correlated to the percent of source energy savings set forth in the general scale in paragraph (3)(A) that a certified retrofit plan is projected to achieve when energy-efficient measures are placed in service, and

“(C) equal to 60 percent of the amount allowed under the general scale.

“(2) **REALIZED DEDUCTION.**—

“(A) **IN GENERAL.**—A realized deduction shall be—

“(i) based on realized source energy savings as calculated in accordance with subsection (c)(3)(C),

“(ii) correlated to the percent of source energy savings set forth in the general scale in paragraph (3)(A) as realized by a certified retrofit plan, and

“(iii) equal to 40 percent of the amount allowed under the general scale.

“(B) **ADJUSTMENT OF SOURCE ENERGY SAVINGS.**—The percent of source energy savings for purposes of any realized deduction may vary from such savings projected when energy-efficient measures were placed in serv-

ice for purposes of a design deduction under paragraph (1).

“(C) **NO RECAPTURE OF DESIGN DEDUCTION.**—Notwithstanding the regulations prescribed under subsection (f), no recapture of a design deduction shall be required where the owner of the commercial or multifamily building—

“(i) claims or allocates a design deduction when energy-efficient measures are placed into service pursuant to the terms and conditions of a certified retrofit plan, and

“(ii) is not eligible for or does not subsequently claim or allocate a realized deduction.

“(3) **GENERAL SCALE.**—

“(A) **IN GENERAL.**—The scale for deductions allowed under this section shall be—

“(i) \$1.00 per square foot of retrofit floor area for 20 to 24 percent source energy savings,

“(ii) \$1.50 per square foot of retrofit floor area for 25 to 29 percent source energy savings,

“(iii) \$2.00 per square foot of retrofit floor area for 30 to 34 percent source energy savings,

“(iv) \$2.50 per square foot of retrofit floor area for 35 to 39 percent source energy savings,

“(v) \$3.00 per square foot of retrofit floor area for 40 to 44 percent source energy savings,

“(vi) \$3.50 per square foot of retrofit floor area for 45 to 49 percent source energy savings, and

“(vii) \$4.00 per square foot of retrofit floor area for 50 percent or more source energy savings.

“(B) **HISTORIC BUILDINGS.**—

“(i) **IN GENERAL.**—With respect to energy-efficient measures placed in service as part of a certified retrofit plan in a commercial building or multifamily building on or eligible for the National Register of Historic Places, the respective dollar amounts set forth in the general scale under subparagraph (A) shall—

“(I) each be increased by 20 percent, for the purposes of calculating any applicable design deduction and realized deduction, and

“(II) not exceed the total cost to develop and implement such certified retrofit plan.

“(ii) **EXCEPTION.**—If the amount described in clause (i)(II) is taken as a design deduction, then no realized deduction shall be allowed.

“(c) **CALCULATION OF ENERGY SAVINGS.**—

“(1) **IN GENERAL.**—For purposes of the design deduction and the realized deduction, source energy savings shall be calculated with reference to a baseline of the annual source energy consumption of the commercial or multifamily building before energy-efficient measures were placed in service.

“(2) **BASILINE BENCHMARK.**—The baseline under paragraph (1) shall be determined using a building energy performance benchmarking tool designated by the Administrator of the Environmental Protection Agency, and based upon 1 year of source energy consumption data prior to the date upon which the energy-efficient measures are placed in service.

“(3) **DESIGN AND REALIZED SOURCE ENERGY SAVINGS.**—

“(A) **IN GENERAL.**—In certifying a retrofit plan as a certified retrofit plan, a licensed engineer or architect shall calculate source energy savings by utilizing the baseline benchmark defined in paragraph (2) and determining percent improvements from such baseline.

“(B) **DESIGN DEDUCTION.**—For purposes of claiming a design deduction, the regulations

issued under subsection (f)(1) shall prescribe the standards and process for a licensed engineer or architect to calculate and certify source energy savings projected from the design of a certified retrofit plan as of the date energy-efficient measures are placed in service.

“(C) **REALIZED DEDUCTION.**—For purposes of claiming a realized deduction, a licensed engineer or architect shall calculate and certify source energy savings realized by a certified retrofit plan 2 years after a design deduction is allowed by utilizing energy consumption data after energy-efficient measures are placed in service, and adjusting for climate, building occupancy hours, density, or other factors deemed appropriate in the benchmarking tool designated under paragraph (2).

“(d) **CERTIFIED RETROFIT PLAN AND OTHER DEFINITIONS.**—For purposes of this section—

“(1) **CERTIFIED RETROFIT PLAN.**—The term ‘certified retrofit plan’ means a plan that—

“(A) is designed to reduce the annual source energy costs of a commercial building, or a multifamily building, through the installation of energy-efficient measures,

“(B) is certified under penalty of perjury by a licensed engineer or architect, who is not a direct employee of the owner of the commercial building or multifamily building that is the subject of the plan, and is licensed in the State in which such building is located,

“(C) describes the square footage of retrofit floor area covered by such a plan,

“(D) specifies that it is designed to achieve a final source energy usage intensity after energy-efficient measures are placed in service in a commercial building or a multifamily building that does not exceed on a square foot basis the average level of energy usage intensity of other similar buildings, as described in paragraph (2),

“(E) requires that after the energy-efficient measures are placed in service, the commercial building or multifamily building meets the applicable State and local building code requirements for the area in which such building is located,

“(F) satisfies the regulations prescribed under subsection (f), and

“(G) is submitted to the Secretary of Energy after energy-efficient measures are placed in service, for the purpose of informing the report to Congress required by subsection (1).

“(2) **AVERAGE LEVEL OF ENERGY USAGE INTENSITY.**—

“(A) **IN GENERAL.**—The maximum average level of energy usage intensity under paragraph (1)(D) shall not exceed 300,000 British thermal units per square foot.

“(B) **REGULATIONS.**—

“(i) **IN GENERAL.**—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall develop distinct standards for categories and subcategories of buildings with respect to maximum average level of energy usage intensity based on the best available information used by the ENERGY STAR program.

“(ii) **REVIEW.**—The standards developed pursuant to clause (i) shall be reviewed and updated by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, not later than every 3 years.

“(3) **COMMERCIAL BUILDING.**—

“(A) **IN GENERAL.**—The term ‘commercial building’ means a building located in the United States—

“(i) that is in existence and occupied on the date of the enactment of this section,

“(ii) for which a certificate of occupancy has been issued at least 10 years before energy efficiency measures are placed in service, and

“(iii) with a primary use or purpose other than as residential housing.

“(B) SHOPPING CENTERS.—In the case of a retail shopping center, the term ‘commercial building’ shall include an area within such building that is—

“(i) 50,000 square feet or larger that is covered by a separate utility grade meter to record energy consumption in such area, and

“(ii) under the day-to-day management and operation of—

“(I) the owner of such building as common space areas, or

“(II) a retail tenant, lessee, or other occupant.

“(4) ENERGY-EFFICIENT MEASURES.—The term ‘energy-efficient measures’ means a measure, or combination of measures, placed in service through a certified retrofit plan—

“(A) on or in a commercial building or multifamily building,

“(B) as part of—

“(i) the lighting systems,

“(ii) the heating, cooling, ventilation, refrigeration, or hot water systems,

“(iii) building transportation systems, such as elevators and escalators,

“(iv) the building envelope, which may include an energy-efficient cool roof,

“(v) a continuous commissioning contract under the supervision of a licensed engineer or architect, or

“(vi) building operations or monitoring systems, including utility-grade meters and submeters, and

“(C) including equipment, materials, and systems within subparagraph (B) with respect to which depreciation (or amortization in lieu of depreciation) is allowed.

“(5) ENERGY SAVINGS.—The term ‘energy savings’ means source energy usage intensity reduced on a per square foot basis through design and implementation of a certified retrofit plan.

“(6) MULTIFAMILY BUILDING.—The term ‘multifamily building’—

“(A) means—

“(i) a structure of 5 or more dwelling units located in the United States—

“(I) that is in existence and occupied on the date of the enactment of this section,

“(II) for which a certificate of occupancy has been issued at least 10 years before energy efficiency measures are placed in service, and

“(III) with a primary use as residential housing, and

“(B) includes such buildings owned and operated as a condominium, cooperative, or other common interest community.

“(7) SOURCE ENERGY.—The term ‘source energy’ means the total amount of raw fuel that is required to operate a commercial building or multifamily building, and accounts for losses that are incurred in the generation, storage, transport, and delivery of fuel to such a building.

“(e) TIMING OF CLAIMING DEDUCTIONS.—Deductions allowed under this section may be claimed as follows:

“(1) DESIGN DEDUCTION.—In the case of a design deduction, in the taxable year that energy efficiency measures are placed in service.

“(2) REALIZED DEDUCTION.—In the case of a realized deduction, in the second taxable year following the taxable year described in paragraph (1).

“(f) REGULATIONS.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this sec-

tion, and after notice and opportunity for public comment, the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall prescribe regulations—

“(A) for the manner and method for a licensed engineer or architect to certify retrofit plans, model projected energy savings, and calculate realized energy savings, and

“(B) notwithstanding subsection (b)(2)(C), to provide, as appropriate, for a recapture of the deductions allowed under this section if a retrofit plan is not fully implemented, or a retrofit plan and energy savings are not certified or verified in accordance with regulations prescribed under this subsection.

“(2) RELIANCE ON ESTABLISHED PROTOCOLS, ETC.—To the maximum extent practicable and available, such regulations shall rely upon established protocols and documents used in the ENERGY STAR program, and industry best practices and existing guidelines, such as the Building Energy Modeling Guidelines of the Commercial Energy Services Network (COMNET).

“(3) ALLOWANCE OF DEDUCTIONS PENDING ISSUANCE OF REGULATIONS.—Pending issuance of the regulations under paragraph (1), the owner of a commercial building or a multifamily building shall be allowed to claim or allocate a deduction allowed under this section.

“(g) NOTICE TO OWNER.—Each certification of a retrofit plan and calculation of energy savings required under this section shall include an explanation to the owner of a commercial building or a multifamily building regarding the energy-efficient measures placed in service and their projected and realized annual energy costs.

“(h) ALLOCATION OF DEDUCTION.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall promulgate a regulation to allow the owner of a commercial building or a multifamily building, including a government, tribal, or non-profit owner, to allocate any deduction allowed under this section, or a portion thereof, to the person primarily responsible for funding, financing, designing, leasing, operating, or placing in service energy-efficient measures. Such person shall be treated as the taxpayer for purposes of this section and shall include a building tenant, financier, architect, professional engineer, licensed contractor, energy services company, or other building professional.

“(2) FORM OF ALLOCATION.—An allocation made under this paragraph shall be in writing and in a form that meets the form of allocation requirements in Notice 2008-40 of the Internal Revenue Service.

“(3) PROVISION OF ALLOCATION.—Not later than 30 days after receipt of a written request from a person eligible to receive an allocation under this paragraph, the owner of a building that makes an allocation under this paragraph shall provide the form of allocation (as described in paragraph (2)) to such person.

“(4) ALLOCATION FROM PUBLIC OWNER OF BUILDING.—In the case of a commercial building or a multifamily building that is owned by a Federal, State, or local government or a subdivision thereof, Notice 2006-52 of the Internal Revenue Service, as amplified by Notice 2008-40, shall apply to any allocation.

“(i) BASIS REDUCTION.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any energy-efficient measures placed in service under a certified retrofit plan other than in a qualified low-in-

come building (within the meaning of section 42), the basis of such measures shall be reduced by the amount of the deduction so allowed or so allocated.

“(j) SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, this section shall be applied at the partner or shareholder level, subject to such reporting requirements as are determined appropriate by the Secretary.

“(k) TAX INCENTIVES NOT AVAILABLE.—

“(1) ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.—Energy-efficient measures for which a deduction is allowed under this section shall not be eligible for a deduction under section 179D.

“(2) NEW ENERGY EFFICIENT HOME CREDIT.—No deduction shall be allowed under this section with respect to any building or dwelling unit with respect to which a credit under section 45L was allowed.

“(1) REPORT TO CONGRESS.—

“(1) IN GENERAL.—Biennially, beginning with the first year after the enactment of this section, the Secretary, in conjunction with the Secretary of Energy, shall submit a report to Congress that—

“(A) explains the energy saved, the energy-efficient measures implemented, the realization of energy savings projected, and records the amounts and types of deductions allowed under this section,

“(B) explains the energy saved, the energy efficient measures implemented, and records the amount of deductions allowed under section 179D, based on the data collected pursuant to subsection (i) of such section,

“(C) determines the number of jobs created as a result of the deduction allowed under this section,

“(D) determines how the use of any deduction allowed under this section may be improved, based on the information provided to the Secretary of Energy,

“(E) provides aggregated data with respect to the information described in subparagraphs (A) through (D), and

“(F) provides statutory recommendations to Congress that would reduce energy consumption in new and existing commercial buildings located in the United States, including recommendations on providing energy-efficient tax incentives for subsections of buildings that operate with specific utility-grade metering.

“(2) PROTECTION OF TAXPAYER INFORMATION.—The Secretary and the Secretary of Energy shall share information on deductions allowed under this section and related reports submitted, as requested by each agency to fulfill its obligations under this section, with such redactions as deemed necessary to protect the personally identifiable financial information of a taxpayer.

“(3) INCORPORATION INTO DEPARTMENT OF ENERGY PROGRAMS.—The Secretary of Energy shall, to the maximum extent practicable, incorporate conclusions of the report under this subsection into current Department of Energy building performance and energy efficiency data collection and other reporting programs.

“(m) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2015.”

(2) EFFECT ON DEPRECIATION ON EARNINGS AND PROFITS.—Subparagraph (B) of section 312(k)(3), as amended by this title, is amended—

(A) by striking “or 179E” both places it appears in clause (i) and inserting “179E, or 179F”;

(B) by striking “OR 179E” in the heading and inserting “179E, OR 179F”;

(C) by inserting “or 179F” after “section 179D” in clause (ii)(I).

(3) CONFORMING AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179E the following new item:

“Sec. 179F. Deduction for retrofits of existing commercial and multifamily buildings.”.

(m) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.

**SA 3186.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE—OTHER PROVISIONS

#### SEC. 01. DEPRECIATION RECOVERY PERIOD FOR CERTAIN ROOF SYSTEMS.

(a) 20-YEAR RECOVERY PERIOD.—

(1) IN GENERAL.—Subparagraph (F) of section 168(e)(3) is amended to read as follows:

“(F) 20-YEAR PROPERTY.—The term ‘20-year property’ means—

“(i) initial clearing and grading land improvements with respect to any electric utility transmission and distribution plant, and

“(ii) any qualified energy-efficient cool roof replacement property.”.

(2) QUALIFIED ENERGY-EFFICIENT COOL ROOF REPLACEMENT PROPERTY.—Section 168(e) is amended by adding at the end the following new paragraph:

“(9) QUALIFIED ENERGY-EFFICIENT COOL ROOF REPLACEMENT PROPERTY.—

“(A) IN GENERAL.—The term ‘qualified energy-efficient cool roof replacement property’ means any roof system—

“(i) which is placed in service above conditioned or semi-heated space on an eligible commercial building,

“(ii) which has a slope equal to or less than 2:12,

“(iii) which replaces an existing roof system, and

“(iv) which includes—

“(I) insulation which meets or exceeds the minimum prescriptive requirements in tables A-1 to A-9 in the Normative Appendix A of ASHRAE Standard 189.1-2011, and

“(II) in the case of an eligible commercial building located in a climate zone other than climate zone 6, 7, or 8 (as specified in ASHRAE Standard 189.1-2011), a primary roof covering which has a cool roof surface.

“(B) COOL ROOF SURFACE.—The term ‘cool roof surface’ means a roof the exterior surface of which—

“(i) has a 3-year-aged solar reflectance of at least 0.55 and a 3-year-aged thermal emittance of at least 0.75, as determined in accordance with the Cool Roof Rating Council CRRC-1 Product Rating Program, or

“(ii) has a 3-year-aged solar reflectance index (SRI) of at least 64, as determined in accordance with ASTM Standard E1980, determined—

“(I) using a medium-wind-speed convection coefficient of 12 W/m<sup>2</sup>K, and

“(II) using the values for 3-year-aged solar reflectance and 3-year-aged thermal emittance determined in accordance with the Cool Roof Rating Council CRRC-1 Product Rating Program.

“(C) ROOF SYSTEM.—The term ‘roof system’ means a system of roof components, including roof insulation and a membrane or primary roof covering, but not including the roof deck, designed to weather-proof and improve the thermal resistance of a building.

“(D) ELIGIBLE COMMERCIAL BUILDING.—The term ‘eligible commercial building’ means any building—

“(i) which is within the scope of ASHRAE Standard 90.1-2010,

“(ii) which is located in the United States,

“(iii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

“(iv) which was placed in service prior to December 31, 2009.

“(E) ASHRAE.—The term ‘ASHRAE’ means the American Society of Heating, Refrigerating and Air-Conditioning Engineers.”.

(b) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Paragraph (3) of section 168(b) is amended by adding at the end the following new subparagraph:

“(J) Any qualified energy-efficient cool roof replacement property.”.

(c) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by striking the last item and inserting the following new items:

“(F)(i) ..... 25

“(F)(ii) ..... 27.5”.

(d) DEPRECIATION RULES FOR CERTAIN QUALIFIED ENERGY-EFFICIENT COOL ROOF REPLACEMENT PROPERTY FOR PURPOSES OF COMPUTING THE EARNINGS AND PROFITS OF A REAL ESTATE INVESTMENT TRUST.—

(1) IN GENERAL.—Paragraph (3) of section 312(k) is amended by adding at the end the following new subparagraph:

“(C) TREATMENT OF QUALIFIED ENERGY-EFFICIENT COOL ROOF REPLACEMENT PROPERTY.—In the case of any qualified energy-efficient cool roof replacement property (within the meaning of section 168(e)(9)), the adjustment for depreciation to earnings and profits of a real estate investment trust for any taxable year shall be determined under the alternative depreciation method (within the meaning of section 168(g)(2)), except that the recovery period shall be 20 years.”.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 312(k)(3) is amended by striking “subparagraph (B),” and inserting “subparagraphs (B) and (C).”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SA 3187.** Mr. CARDIN (for himself, Mr. SCHATZ, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 10 through page 50, line 9.

Beginning on page 53, strike line 13 through page 55, line 17.

At the appropriate place, insert the following:

#### TITLE —ENERGY EFFICIENCY TAX INCENTIVES ACT

#### SEC. 01. SHORT TITLE.

This title may be cited as the “Energy Efficiency Tax Incentives Act”.

#### Subtitle A—Commercial Building Modernization

#### SEC. 11. EXTENSION AND MODIFICATION OF DEDUCTION FOR ENERGY-EFFICIENT COMMERCIAL BUILDINGS.

(a) EXTENSION.—

(1) THROUGH 2016.—Section 179D(h) is amended by striking “December 31, 2013” and inserting “December 31, 2016”.

(2) INCLUSION OF MULTIFAMILY BUILDINGS.—

(A) IN GENERAL.—Subparagraph (B) of section 179D(c)(1) is amended by striking “building” and inserting “commercial building or multifamily building”.

(B) DEFINITIONS.—Subsection (c) of section 179D is amended by adding at the end the following new paragraphs:

“(3) COMMERCIAL BUILDING.—The term ‘commercial building’ means a building with a primary use or purpose other than as residential housing.

“(4) MULTIFAMILY BUILDING.—The term ‘multifamily building’ means a structure of 5 or more dwelling units with a primary use as residential housing, and includes such buildings owned and operated as a condominium, cooperative, or other common interest community.”.

(b) INCREASE IN MAXIMUM AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) is amended by striking “\$1.80” and inserting “\$3.00”.

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended to read as follows:

“(1) PARTIAL ALLOWANCE.—

“(A) IN GENERAL.—Except as provided in subsection (f), if—

“(i) the requirement of subsection (c)(1)(D) is not met, but

“(ii) there is a certification in accordance with paragraph (6) that—

“(I) any system referred to in subsection (c)(1)(C) satisfies the energy-savings targets established by the Secretary under subparagraph (B) with respect to such system, or

“(II) the systems referred to in subsection (c)(1)(C)(ii) and subsection (c)(1)(C)(iii) together satisfy the energy-savings targets established by the Secretary under subparagraph (B) with respect to such systems,

then the requirement of subsection (c)(1)(D) shall be treated as met with respect to such system or systems, and the deduction under subsection (a) shall be allowed with respect to energy-efficient commercial building property installed as part of such system and as part of a plan to meet such targets, except that subsection (b) shall be applied to such property described in clause (ii)(I) by substituting “\$1.00” for “\$3.00” and to such property described in clause (ii)(II) by substituting “\$2.20” for “\$3.00”.

“(B) REGULATIONS.—

“(i) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy, shall promulgate regulations establishing a target for each system described in subsection (c)(1)(C) which, if such targets were met for all such systems, the property would meet the requirements of subsection (c)(1)(D).

“(ii) SAFE HARBOR FOR COMBINED SYSTEMS.—The Secretary, after consultation with the Secretary of Energy, and not later



than 6 months after the date of the enactment of the Energy Efficiency Tax Incentives Act, shall promulgate regulations regarding combined envelope and mechanical system performance that detail appropriate components, efficiency levels, or other relevant information for the systems referred to in subsection (c)(1)(C)(ii) and subsection (c)(1)(C)(iii) together to be deemed to have achieved two-thirds of the requirements of subsection (c)(1)(D)."

(c) DENIAL OF DOUBLE BENEFIT RULES.—

(1) IN GENERAL.—Section 179D is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) TAX INCENTIVES NOT AVAILABLE.—Energy-efficient measures for which a deduction is allowed under this section shall not be eligible for a deduction under section 179F."

(2) LOW-INCOME HOUSING EXCEPTION TO BASIS REDUCTION.—Subsection (e) of section 179D is amended by inserting "(other than property placed in service in a qualified low-income building (within the meaning of section 42))" after "building property".

(d) ALLOCATION OF DEDUCTION.—Paragraph (4) of section 179D(d) is amended to read as follows:

"(4) ALLOCATION OF DEDUCTION.—

"(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary, in consultation with the Secretary of Energy, shall promulgate a regulation to allow the owner of a commercial or multifamily building, including a government, tribal, or non-profit owner, to allocate any deduction allowed under this section, or a portion thereof, to the person primarily responsible for designing the property in lieu of the owner or to a commercial tenant that leases or otherwise occupies space in such building pursuant to a written agreement. Such person shall be treated as the taxpayer for purposes of this section.

"(B) FORM OF ALLOCATION.—An allocation made under this paragraph shall be in writing and in a form that meets the form of allocation requirements in Notice 2008-40 of the Internal Revenue Service.

"(C) PROVISION OF ALLOCATION.—Not later than 30 days after receipt of a written request from a person eligible to receive an allocation under this paragraph, the owner of a building that makes an allocation under this paragraph shall provide the form of allocation (as described in subparagraph (B)) to such person.

"(D) ALLOCATION FROM PUBLIC OWNER OF BUILDING.—In the case of a commercial building or multifamily building that is owned by a Federal, State, or local government or a subdivision thereof, Notice 2006-52 of the Internal Revenue Service, as amplified by Notice 2008-40, shall apply to any allocation."

(e) TREATMENT OF BASIS IN CONTEXT OF ALLOCATION.—Subsection (e) of section 179D, as amended by subsection (c)(2), is amended by inserting "or so allocated" after "so allowed".

(f) EARNINGS AND PROFITS CONFORMITY FOR REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (B) of section 312(k)(3) is amended—

(1) by striking "—For purposes of" and inserting "—

"(i) IN GENERAL.—Except as provided in clause (ii), for purposes of", and

(2) by adding at the end the following new clause:

"(ii) EARNINGS AND PROFITS CONFORMITY FOR REAL ESTATE INVESTMENT TRUSTS.—

"(I) IN GENERAL.—For purposes of computing the earnings and profits of a real es-

tate investment trust (other than a captive real estate investment trust), the entire amount deductible under section 179D shall be allowed as deductions in the taxable years for which such amounts are claimed under such section.

"(II) CAPTIVE REAL ESTATE INVESTMENT TRUST.—The term 'captive real estate investment trust' means a real estate investment trust the shares or beneficial interests of which are not regularly traded on an established securities market and more than 50 percent of the voting power or value of the beneficial interests or shares of which are owned or controlled, directly or indirectly, or constructively, by a single entity that is treated as an association taxable as a corporation under this title and is not exempt from taxation pursuant to the provisions of section 501(a).

"(III) RULES OF APPLICATION.—For purposes of this clause, the constructive ownership rules of section 318(a), as modified by section 856(d)(5), shall apply in determining the ownership of stock, assets, or net profits of any person, and the following entities are not considered an association taxable as a corporation:

"(aa) Any real estate investment trust other than a captive real estate investment trust.

"(bb) Any qualified real estate investment trust subsidiary under section 856, other than a qualified REIT subsidiary of a captive real estate investment trust.

"(cc) Any Listed Australian Property Trust (meaning an Australian unit trust registered as a 'Managed Investment Scheme' under the Australian Corporations Act in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market), or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting power or value of the beneficial interests or shares of such trust.

"(dd) Any corporation, trust, association, or partnership organized outside the laws of the United States and which satisfies the criteria described in subclause (IV).

"(IV) CRITERIA.—The criteria described in this subclause are as follows:

"(aa) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets (as defined in section 856(c)(5)(B)), cash and cash equivalents, and United States Government securities.

"(bb) The entity is not subject to tax on amounts distributed to its beneficial owners, or is exempt from entity-level taxation.

"(cc) The entity distributes at least 85 percent of its taxable income (as computed in the jurisdiction in which it is organized) to the holders of its shares or certificates of beneficial interest on an annual basis.

"(dd) Not more than 10 percent of the voting power or value in such entity is held directly or indirectly or constructively by a single entity or individual, or the shares or beneficial interests of such entity are regularly traded on an established securities market.

"(ee) The entity is organized in a country which has a tax treaty with the United States."

(g) RULES FOR LIGHTING SYSTEMS.—Subsection (f) of section 179D is amended to read as follows:

"(f) RULES FOR LIGHTING SYSTEMS.—

"(1) IN GENERAL.—With respect to property that is part of a lighting system, the deduc-

tion allowed under subsection (a) shall be equal to—

"(A) for a lighting system that includes installation of a lighting control described in paragraph (2)(A), the applicable amount determined under paragraph (3)(A),

"(B) for a lighting system that includes installation of a lighting control described in paragraph (2)(B), the applicable amount determined under paragraph (3)(B), or

"(C) for a lighting system that does not include installation of any lighting controls described in subparagraph (A) or (B) of paragraph (2), the applicable amount determined under paragraph (3)(C).

"(2) ENERGY SAVING CONTROLS.—

"(A) LIGHTING CONTROLS IN CERTAIN SPACES.—For purposes of paragraph (1)(A), the lighting controls described in this subparagraph are the following:

"(i) Occupancy sensors (as described in paragraph (4)(I)) in spaces not greater than 800 square feet.

"(ii) Bi-level controls (as described in paragraph (4)(A)).

"(iii) Continuous or step dimming controls (as described in subparagraphs (B) and (K) of paragraph (4)).

"(iv) Daylight dimming where sufficient daylight is available (as described in paragraph (4)(C)).

"(v) A multi-scene controller (as described in paragraph (4)(H)).

"(vi) Time scheduling controls (as described in paragraph (4)(L)), provided that such controls are not required by Standard 90.1-2010.

"(vii) Such other lighting controls as the Secretary, in consultation with the Secretary of Energy, determines appropriate.

"(B) OTHER CONTROL TYPES.—For purposes of paragraph (1)(B), the lighting controls described in this subparagraph are the following:

"(i) Occupancy sensors (as described in paragraph (4)(I)) in spaces greater than 800 square feet.

"(ii) Demand responsive controls (as described in paragraph (4)(D)).

"(iii) Lumen maintenance controls (as described in paragraph (4)(F)) where solid state lighting is used.

"(iv) Such other lighting controls as the Secretary, in consultation with the Secretary of Energy, determines appropriate.

"(3) APPLICABLE AMOUNT.—

"(A) LIGHTING CONTROLS IN CERTAIN SPACES.—For purposes of paragraph (1)(A), the applicable amount shall be determined in accordance with the following table:

<b>"If the percentage of reduction in lighting power density is not less than:</b>	<b>The amount of the deduction per square foot is:</b>
15 percent .....	\$0.30
20 percent .....	\$0.44
25 percent .....	\$0.58
30 percent .....	\$0.72
35 percent .....	\$0.86
40 percent .....	\$1.00.

"(B) LIGHTING CONTROLS IN LARGER SPACES AND WHERE SOLID LIGHTING IS USED.—For purposes of paragraph (1)(B), the applicable amount shall be determined in accordance with the following table:

<b>"If the percentage of reduction in lighting power density is not less than:</b>	<b>The amount of the deduction per square foot is:</b>
20 percent .....	\$0.30
25 percent .....	\$0.44
30 percent .....	\$0.58
35 percent .....	\$0.72
40 percent .....	\$0.86



**"If the percentage of reduction in lighting power density is not less than:**

The amount of the deduction per square foot is:	
45 percent .....	\$1.00.

“(C) NO QUALIFIED LIGHTING CONTROLS.—For purposes of paragraph (1)(C), the applicable amount shall be determined in accordance with the following table:

The amount of the deduction per square foot is:	
25 percent .....	\$0.30
30 percent .....	\$0.44
35 percent .....	\$0.58
40 percent .....	\$0.72
45 percent .....	\$0.86
50 percent .....	\$1.00.

“(4) DEFINITIONS.—For purposes of this subsection:

“(A) BI-LEVEL CONTROL.—

“(i) IN GENERAL.—Subject to clause (ii), the term ‘bi-level control’ means a lighting control strategy that provides for 2 different levels of lighting.

“(ii) FULL-OFF SETTING.—For purposes of clause (i), a bi-level control shall also provide for a full-off setting.

“(B) CONTINUOUS DIMMING.—The term ‘continuous dimming’ means a lighting control strategy that adjusts the light output of a lighting system between minimum and maximum light output in a manner that is not perceptible.

“(C) DAYLIGHT DIMMING; SUFFICIENT DAYLIGHT.—

“(i) DAYLIGHT DIMMING.—The term ‘daylight dimming’ means any device that—

“(I) adjusts electric lighting power in response to the amount of daylight that is present in an area, and

“(II) provides for separate control of the lamps for general lighting in the daylight area by not less than 1 multi-level photocontrol, including continuous dimming devices, that satisfies the following requirements:

“(aa) The light sensor for the multi-level photocontrol is remote from where calibration adjustments are made.

“(bb) The calibration adjustments are readily accessible.

“(cc) The multi-level photocontrol reduces electric lighting power in response to the amount of daylight with—

“(AA) not less than 1 control step that is between 50 percent and 70 percent of design lighting power, and

“(BB) not less than 1 control step that is not less than 35 percent of design lighting power.

“(ii) SUFFICIENT DAYLIGHT.—

“(I) IN GENERAL.—The term ‘sufficient daylight’ means—

“(aa) in the case of toplighted areas, when the total daylight area under skylights plus the total daylight area under rooftop monitors in an enclosed space is greater than 900 square feet (as defined in Standard 90.1-2010), and

“(bb) in the case of sidelighted areas, when the combined primary sidelight area in an enclosed space is not less than 250 square feet (as defined in Standard 90.1-2010).

“(II) EXCEPTIONS.—Sufficient daylight shall be deemed to not be available if—

“(aa) in the case of areas described in subclause (I)(aa)—

“(AA) for daylighted areas under skylights, it is documented that existing adjacent structures or natural objects block direct beam sunlight for more than 1500 daytime hours (after 8 a.m. and before 4 p.m., local time) per year,

“(BB) for daylighted areas, the skylight effective aperture is less than 0.006, or

“(CC) for buildings in climate zone 8, as defined under Standard 90.1-2010, the daylight areas total less than 1500 square feet in an enclosed space, and

“(bb) in the case of primary sidelighted areas described in subclause (I)(bb)—

“(AA) the top of the existing adjacent structures are at least twice as high above the windows as the distance from the window, or

“(BB) the sidelighting effective aperture is less than 0.1.

“(iii) DAYLIGHT, SIDELIGHTING, AND OTHER RELATED TERMS.—The terms ‘daylight area’, ‘daylight area under skylights’, ‘daylight area under rooftop monitors’, ‘daylighted area’, ‘enclosed space’, ‘primary sidelighted areas’, ‘sidelighting effective aperture’, and ‘skylight effective aperture’ have the same meaning given such terms under Standard 90.1-2010.

“(D) DEMAND RESPONSIVE CONTROL.—

“(i) IN GENERAL.—The term ‘demand responsive control’ means a control device that receives and automatically responds to a demand response signal and—

“(I) in the case of space-conditioning systems, conducts a centralized demand shed for non-critical zones during a demand response period and that has the capability to, on a signal from a centralized contract or software point within an Energy Management Control System—

“(aa) remotely increase the operating cooling temperature set points in such zones by not less than 4 degrees,

“(bb) remotely decrease the operating heating temperature set points in such zones by not less than 4 degrees,

“(cc) remotely reset temperatures in such zones to originating operating levels, and

“(dd) provide an adjustable rate of change for any temperature adjustment and reset, and

“(II) in the case of lighting power, has the capability to reduce lighting power by not less than 30 percent during a demand response period.

“(ii) DEMAND RESPONSE PERIOD.—The term ‘demand response period’ means a period in which short-term adjustments in electricity usage are made by end-use customers from normal electricity consumption patterns, including adjustments in response to—

“(I) the price of electricity, and

“(II) participation in programs or services that are designed to modify electricity usage in response to wholesale market prices for electricity or when reliability of the electrical system is in jeopardy.

“(iii) DEMAND RESPONSE SIGNAL.—The term ‘demand response signal’ means a signal sent to an end-use customer by a local utility, independent system operator, or designated curtailment service provider or aggregator that—

“(I) indicates an adjustment in the price of electricity, or

“(II) is a request to modify electricity consumption.

“(E) LAMP.—The term ‘lamp’ means an artificial light source that produces optical radiation (including ultraviolet and infrared radiation).

“(F) LUMEN MAINTENANCE CONTROL.—The term ‘lumen maintenance control’ means a lighting control strategy that maintains constant light output by adjusting lamp power to compensate for age and cleanliness of luminaires.

“(G) LUMINAIRE.—The term ‘luminaire’ means a complete lighting unit for the pro-

duction, control, and distribution of light that consists of—

“(i) not less than 1 lamp, and

“(ii) any of the following items:

“(I) Optical control devices designed to distribute light.

“(II) Sockets or mountings for the positioning, protection, and operation of the lamps.

“(III) Mechanical components for support or attachment.

“(IV) Electrical and electronic components for operation and control of the lamps.

“(H) MULTI-SCENE CONTROL.—The term ‘multi-scene control’ means a lighting control device or system that allows for—

“(i) not less than 2 predetermined lighting settings,

“(ii) a setting that turns off all luminaires in an area, and

“(iii) a recall of the settings described in clauses (i) and (ii) for any luminaires or groups of luminaires to adjust to multiple activities within the area.

“(I) OCCUPANCY SENSOR.—The term ‘occupancy sensor’ means a control device that—

“(i) detects the presence or absence of individuals within an area and regulates lighting, equipment, or appliances according to a required sequence of operation,

“(ii) shuts off lighting when an area is unoccupied,

“(iii) except in areas designated as emergency egress and using less than 0.2 watts per square foot of floor area, provides for manual shut-off of all luminaires regardless of the status of the sensor and allows for—

“(I) independent control in each area enclosed by ceiling-height partitions,

“(II) controls that are readily accessible, and

“(III) operation by a manual switch that is located in the same area as the lighting that is subject to the control device.

“(J) STANDARD 90.1-2010.—The term ‘Standard 90.1-2010’ means Standard 90.1-2010 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America.

“(K) STEP DIMMING.—The term ‘step dimming’ means a lighting control strategy that adjusts the light output of a lighting system by 1 or more predetermined amounts of greater than 1 percent of full output in a manner that may be perceptible.

“(L) TIME SCHEDULING CONTROL.—The term ‘time scheduling control’ means a control strategy that automatically controls lighting, equipment, or systems based on a particular time of day or other daily event (including sunrise and sunset).”.

(h) UPDATED STANDARDS.—

(1) INITIAL UPDATE.—

(A) IN GENERAL.—Section 179D(c) is amended by striking “90.1-2001” each place it appears and inserting “90.1-2004”.

(B) CONFORMING AMENDMENT.—Paragraph (2) of section 179D(c) is amended by striking “(as in effect on April 2, 2003)”.

(2) SECOND UPDATE.—

(A) IN GENERAL.—Section 179D is amended by striking “90.1-2004” each place it appears in subsections (c) and (f) and inserting “90.1-2007”.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall apply to property placed in service after December 31, 2014.

(i) TREATMENT OF LIGHTING SYSTEMS.—Section 179D(c)(1) is amended by striking “interior” each place it appears.

(j) REPORTING PROGRAM.—Section 179D, as amended by subsection (c)(1), is amended by

redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

“(i) **REPORTING PROGRAM.**—For purposes of the report required under section 179F(1), the Secretary, in consultation with the Secretary of Energy, shall—

“(1) develop a program to collect a statistically valid sample of energy consumption data from taxpayers that received full deductions under this section, regardless of whether such taxpayers allocated all or a portion of such deduction, and

“(2) include such data in the report, with such redactions as deemed necessary to protect the personally identifiable information of such taxpayers.”.

(k) **SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.**—Section 179D, as amended by subsection (j), is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) **SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.**—In the case of a partnership or S corporation, this section shall be applied at the partner or shareholder level, subject to such reporting requirements as are determined appropriate by the Secretary.”.

(l) **EFFECTIVE DATE.**—Except as otherwise provided, the amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.

## **SEC. 12. DEDUCTION FOR RETROFITS OF EXISTING COMMERCIAL AND MULTIFAMILY BUILDINGS.**

(a) **IN GENERAL.**—Part VI of subchapter B of chapter 1 is amended by inserting after section 179E the following new section:

### **“SEC. 179F. DEDUCTION FOR RETROFITS OF EXISTING COMMERCIAL AND MULTIFAMILY BUILDINGS.**

“(a) **ALLOWANCE OF DEDUCTION.**—

“(1) **IN GENERAL.**—With respect to each certified retrofit plan, there shall be allowed as a deduction an amount equal to the lesser of—

“(A) the sum of—  
“(i) the design deduction, and  
“(ii) the realized deduction, or  
“(B) the total cost to develop and implement such certified retrofit plan.

“(2) **EXCEPTION.**—For purposes of the amount described in paragraph (1)(B), if such amount is taken as a design deduction, no realized deduction shall be allowed.

“(b) **DEDUCTION AMOUNTS.**—For purposes of this section—

“(1) **DESIGN DEDUCTION.**—A design deduction shall be—

“(A) based on projected source energy savings as calculated in accordance with subsection (c)(3)(B),

“(B) correlated to the percent of source energy savings set forth in the general scale in paragraph (3)(A) that a certified retrofit plan is projected to achieve when energy-efficient measures are placed in service, and

“(C) equal to 60 percent of the amount allowed under the general scale.

“(2) **REALIZED DEDUCTION.**—

“(A) **IN GENERAL.**—A realized deduction shall be—

“(i) based on realized source energy savings as calculated in accordance with subsection (c)(3)(C),

“(ii) correlated to the percent of source energy savings set forth in the general scale in paragraph (3)(A) as realized by a certified retrofit plan, and

“(iii) equal to 40 percent of the amount allowed under the general scale.

“(B) **ADJUSTMENT OF SOURCE ENERGY SAVINGS.**—The percent of source energy savings for purposes of any realized deduction may vary from such savings projected when energy-efficient measures were placed in service for purposes of a design deduction under paragraph (1).

“(C) **NO RECAPTURE OF DESIGN DEDUCTION.**—Notwithstanding the regulations prescribed under subsection (f), no recapture of a design deduction shall be required where the owner of the commercial or multifamily building—

“(i) claims or allocates a design deduction when energy-efficient measures are placed into service pursuant to the terms and conditions of a certified retrofit plan, and

“(ii) is not eligible for or does not subsequently claim or allocate a realized deduction.

“(3) **GENERAL SCALE.**—

“(A) **IN GENERAL.**—The scale for deductions allowed under this section shall be—

“(i) \$1.00 per square foot of retrofit floor area for 20 to 24 percent source energy savings,

“(ii) \$1.50 per square foot of retrofit floor area for 25 to 29 percent source energy savings,

“(iii) \$2.00 per square foot of retrofit floor area for 30 to 34 percent source energy savings,

“(iv) \$2.50 per square foot of retrofit floor area for 35 to 39 percent source energy savings,

“(v) \$3.00 per square foot of retrofit floor area for 40 to 44 percent source energy savings,

“(vi) \$3.50 per square foot of retrofit floor area for 45 to 49 percent source energy savings, and

“(vii) \$4.00 per square foot of retrofit floor area for 50 percent or more source energy savings.

“(B) **HISTORIC BUILDINGS.**—

“(i) **IN GENERAL.**—With respect to energy-efficient measures placed in service as part of a certified retrofit plan in a commercial building or multifamily building on or eligible for the National Register of Historic Places, the respective dollar amounts set forth in the general scale under subparagraph (A) shall—

“(I) each be increased by 20 percent, for the purposes of calculating any applicable design deduction and realized deduction, and

“(II) not exceed the total cost to develop and implement such certified retrofit plan.

“(ii) **EXCEPTION.**—If the amount described in clause (i)(II) is taken as a design deduction, then no realized deduction shall be allowed.

“(c) **CALCULATION OF ENERGY SAVINGS.**—

“(1) **IN GENERAL.**—For purposes of the design deduction and the realized deduction, source energy savings shall be calculated with reference to a baseline of the annual source energy consumption of the commercial or multifamily building before energy-efficient measures were placed in service.

“(2) **BASLINE BENCHMARK.**—The baseline under paragraph (1) shall be determined using a building energy performance benchmarking tool designated by the Administrator of the Environmental Protection Agency, and based upon 1 year of source energy consumption data prior to the date upon which the energy-efficient measures are placed in service.

“(3) **DESIGN AND REALIZED SOURCE ENERGY SAVINGS.**—

“(A) **IN GENERAL.**—In certifying a retrofit plan as a certified retrofit plan, a licensed engineer or architect shall calculate source energy savings by utilizing the baseline

benchmark defined in paragraph (2) and determining percent improvements from such baseline.

“(B) **DESIGN DEDUCTION.**—For purposes of claiming a design deduction, the regulations issued under subsection (f)(1) shall prescribe the standards and process for a licensed engineer or architect to calculate and certify source energy savings projected from the design of a certified retrofit plan as of the date energy-efficient measures are placed in service.

“(C) **REALIZED DEDUCTION.**—For purposes of claiming a realized deduction, a licensed engineer or architect shall calculate and certify source energy savings realized by a certified retrofit plan 2 years after a design deduction is allowed by utilizing energy consumption data after energy-efficient measures are placed in service, and adjusting for climate, building occupancy hours, density, or other factors deemed appropriate in the benchmarking tool designated under paragraph (2).

“(d) **CERTIFIED RETROFIT PLAN AND OTHER DEFINITIONS.**—For purposes of this section—

“(1) **CERTIFIED RETROFIT PLAN.**—The term ‘certified retrofit plan’ means a plan that—

“(A) is designed to reduce the annual source energy costs of a commercial building, or a multifamily building, through the installation of energy-efficient measures,

“(B) is certified under penalty of perjury by a licensed engineer or architect, who is not a direct employee of the owner of the commercial building or multifamily building that is the subject of the plan, and is licensed in the State in which such building is located,

“(C) describes the square footage of retrofit floor area covered by such a plan,

“(D) specifies that it is designed to achieve a final source energy usage intensity after energy-efficient measures are placed in service in a commercial building or a multifamily building that does not exceed on a square foot basis the average level of energy usage intensity of other similar buildings, as described in paragraph (2),

“(E) requires that after the energy-efficient measures are placed in service, the commercial building or multifamily building meets the applicable State and local building code requirements for the area in which such building is located,

“(F) satisfies the regulations prescribed under subsection (f), and

“(G) is submitted to the Secretary of Energy after energy-efficient measures are placed in service, for the purpose of informing the report to Congress required by subsection (1).

“(2) **AVERAGE LEVEL OF ENERGY USAGE INTENSITY.**—

“(A) **IN GENERAL.**—The maximum average level of energy usage intensity under paragraph (1)(D) shall not exceed 300,000 British thermal units per square foot.

“(B) **REGULATIONS.**—

“(i) **IN GENERAL.**—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall develop distinct standards for categories and subcategories of buildings with respect to maximum average level of energy usage intensity based on the best available information used by the ENERGY STAR program.

“(ii) **REVIEW.**—The standards developed pursuant to clause (i) shall be reviewed and updated by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, not later than every 3 years.

“(3) **COMMERCIAL BUILDING.**—

“(A) IN GENERAL.—The term ‘commercial building’ means a building located in the United States—

“(i) that is in existence and occupied on the date of the enactment of this section,

“(ii) for which a certificate of occupancy has been issued at least 10 years before energy efficiency measures are placed in service, and

“(iii) with a primary use or purpose other than as residential housing.

“(B) SHOPPING CENTERS.—In the case of a retail shopping center, the term ‘commercial building’ shall include an area within such building that is—

“(i) 50,000 square feet or larger that is covered by a separate utility grade meter to record energy consumption in such area, and

“(ii) under the day-to-day management and operation of—

“(I) the owner of such building as common space areas, or

“(II) a retail tenant, lessee, or other occupant.

“(4) ENERGY-EFFICIENT MEASURES.—The term ‘energy-efficient measures’ means a measure, or combination of measures, placed in service through a certified retrofit plan—

“(A) on or in a commercial building or multifamily building,

“(B) as part of—

“(i) the lighting systems,

“(ii) the heating, cooling, ventilation, refrigeration, or hot water systems,

“(iii) building transportation systems, such as elevators and escalators,

“(iv) the building envelope, which may include an energy-efficient cool roof,

“(v) a continuous commissioning contract under the supervision of a licensed engineer or architect, or

“(vi) building operations or monitoring systems, including utility-grade meters and submeters, and

“(C) including equipment, materials, and systems within subparagraph (B) with respect to which depreciation (or amortization in lieu of depreciation) is allowed.

“(5) ENERGY SAVINGS.—The term ‘energy savings’ means source energy usage intensity reduced on a per square foot basis through design and implementation of a certified retrofit plan.

“(6) MULTIFAMILY BUILDING.—The term ‘multifamily building’—

“(A) means—

“(i) a structure of 5 or more dwelling units located in the United States—

“(I) that is in existence and occupied on the date of the enactment of this section,

“(II) for which a certificate of occupancy has been issued at least 10 years before energy efficiency measures are placed in service, and

“(III) with a primary use as residential housing, and

“(B) includes such buildings owned and operated as a condominium, cooperative, or other common interest community.

“(7) SOURCE ENERGY.—The term ‘source energy’ means the total amount of raw fuel that is required to operate a commercial building or multifamily building, and accounts for losses that are incurred in the generation, storage, transport, and delivery of fuel to such a building.

“(e) TIMING OF CLAIMING DEDUCTIONS.—Deductions allowed under this section may be claimed as follows:

“(1) DESIGN DEDUCTION.—In the case of a design deduction, in the taxable year that energy efficiency measures are placed in service.

“(2) REALIZED DEDUCTION.—In the case of a realized deduction, in the second taxable

year following the taxable year described in paragraph (1).

“(f) REGULATIONS.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, and after notice and opportunity for public comment, the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall prescribe regulations—

“(A) for the manner and method for a licensed engineer or architect to certify retrofit plans, model projected energy savings, and calculate realized energy savings, and

“(B) notwithstanding subsection (b)(2)(C), to provide, as appropriate, for a recapture of the deductions allowed under this section if a retrofit plan is not fully implemented, or a retrofit plan and energy savings are not certified or verified in accordance with regulations prescribed under this subsection.

“(2) RELIANCE ON ESTABLISHED PROTOCOLS, ETC.—To the maximum extent practicable and available, such regulations shall rely upon established protocols and documents used in the ENERGY STAR program, and industry best practices and existing guidelines, such as the Building Energy Modeling Guidelines of the Commercial Energy Services Network (COMNET).

“(3) ALLOWANCE OF DEDUCTIONS PENDING ISSUANCE OF REGULATIONS.—Pending issuance of the regulations under paragraph (1), the owner of a commercial building or a multifamily building shall be allowed to claim or allocate a deduction allowed under this section.

“(g) NOTICE TO OWNER.—Each certification of a retrofit plan and calculation of energy savings required under this section shall include an explanation to the owner of a commercial building or a multifamily building regarding the energy-efficient measures placed in service and their projected and realized annual energy costs.

“(h) ALLOCATION OF DEDUCTION.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall promulgate a regulation to allow the owner of a commercial building or a multifamily building, including a government, tribal, or non-profit owner, to allocate any deduction allowed under this section, or a portion thereof, to the person primarily responsible for funding, financing, designing, leasing, operating, or placing in service energy-efficient measures. Such person shall be treated as the taxpayer for purposes of this section and shall include a building tenant, financier, architect, professional engineer, licensed contractor, energy services company, or other building professional.

“(2) FORM OF ALLOCATION.—An allocation made under this paragraph shall be in writing and in a form that meets the form of allocation requirements in Notice 2008-40 of the Internal Revenue Service.

“(3) PROVISION OF ALLOCATION.—Not later than 30 days after receipt of a written request from a person eligible to receive an allocation under this paragraph, the owner of a building that makes an allocation under this paragraph shall provide the form of allocation (as described in paragraph (2)) to such person.

“(4) ALLOCATION FROM PUBLIC OWNER OF BUILDING.—In the case of a commercial building or a multifamily building that is owned by a Federal, State, or local government or a subdivision thereof, Notice 2006-52 of the Internal Revenue Service, as amplified by Notice 2008-40, shall apply to any allocation.

“(i) BASIS REDUCTION.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any energy-efficient measures placed in service under a certified retrofit plan other than in a qualified low-income building (within the meaning of section 42), the basis of such measures shall be reduced by the amount of the deduction so allowed or so allocated.

“(j) SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, this section shall be applied at the partner or shareholder level, subject to such reporting requirements as are determined appropriate by the Secretary.

“(k) TAX INCENTIVES NOT AVAILABLE.—

“(1) ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.—Energy-efficient measures for which a deduction is allowed under this section shall not be eligible for a deduction under section 179D.

“(2) NEW ENERGY EFFICIENT HOME CREDIT.—No deduction shall be allowed under this section with respect to any building or dwelling unit with respect to which a credit under section 45L was allowed.

“(l) REPORT TO CONGRESS.—

“(1) IN GENERAL.—Biennially, beginning with the first year after the enactment of this section, the Secretary, in conjunction with the Secretary of Energy, shall submit a report to Congress that—

“(A) explains the energy saved, the energy-efficient measures implemented, the realization of energy savings projected, and records the amounts and types of deductions allowed under this section,

“(B) explains the energy saved, the energy efficient measures implemented, and records the amount of deductions allowed under section 179D, based on the data collected pursuant to subsection (i) of such section,

“(C) determines the number of jobs created as a result of the deduction allowed under this section,

“(D) determines how the use of any deduction allowed under this section may be improved, based on the information provided to the Secretary of Energy,

“(E) provides aggregated data with respect to the information described in subparagraphs (A) through (D), and

“(F) provides statutory recommendations to Congress that would reduce energy consumption in new and existing commercial buildings located in the United States, including recommendations on providing energy-efficient tax incentives for subsections of buildings that operate with specific utility-grade metering.

“(2) PROTECTION OF TAXPAYER INFORMATION.—The Secretary and the Secretary of Energy shall share information on deductions allowed under this section and related reports submitted, as requested by each agency to fulfill its obligations under this section, with such redactions as deemed necessary to protect the personally identifiable financial information of a taxpayer.

“(3) INCORPORATION INTO DEPARTMENT OF ENERGY PROGRAMS.—The Secretary of Energy shall, to the maximum extent practicable, incorporate conclusions of the report under this subsection into current Department of Energy building performance and energy efficiency data collection and other reporting programs.

“(m) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2016.”

(b) EFFECT ON DEPRECIATION ON EARNINGS AND PROFITS.—Subparagraph (B) of section 312(k)(3), as amended by this title, is amended—

(1) by striking “or 179E” both places it appears in clause (i) and inserting “179E, or 179F”.

(2) by striking “OR 179E” in the heading and inserting “179E, OR 179F”, and

(3) by inserting “or 179F” after “section 179D” in clause (ii)(I).

(c) CONFORMING AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179E the following new item:

“Sec. 179F. Deduction for retrofits of existing commercial and multifamily buildings.”.

(d) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.

#### Subtitle B—Home Energy Improvements

#### SEC. 21. PERFORMANCE BASED HOME ENERGY IMPROVEMENTS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

#### “SEC. 25E. PERFORMANCE BASED ENERGY IMPROVEMENTS.

“(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year for a qualified whole home energy efficiency retrofit an amount determined under subsection (b).

“(b) AMOUNT DETERMINED.—

“(1) IN GENERAL.—Subject to paragraph (4), the amount determined under this subsection is equal to—

“(A) the base amount under paragraph (2), increased by

“(B) the amount determined under paragraph (3).

“(2) BASE AMOUNT.—For purposes of paragraph (1)(A), the base amount is \$2,000, but only if the energy use for the residence is reduced by at least 20 percent below the baseline energy use for such residence as calculated according to paragraph (5).

“(3) INCREASE AMOUNT.—For purposes of paragraph (1)(B), the amount determined under this paragraph is \$500 for each additional 5 percentage point reduction in energy use.

“(4) LIMITATION.—In no event shall the amount determined under this subsection exceed the lesser of—

“(A) \$5,000 with respect to any residence, or

“(B) 30 percent of the qualified home energy efficiency expenditures paid or incurred by the taxpayer under subsection (c) with respect to such residence.

“(5) DETERMINATION OF ENERGY USE REDUCTION.—For purposes of this subsection—

“(A) IN GENERAL.—The reduction in energy use for any residence shall be determined by modeling the annual predicted percentage reduction in total energy costs for heating, cooling, hot water, and permanent lighting. It shall be modeled using computer modeling software approved under subsection (d)(2) and a baseline energy use calculated according to subsection (d)(1)(C).

“(B) ENERGY COSTS.—For purposes of subparagraph (A), the energy cost per unit of fuel for each fuel type shall be determined by dividing the total actual energy bill for the residence for that fuel type for the most recent available 12-month period by the total energy units of that fuel type used over the same period.

“(C) QUALIFIED HOME ENERGY EFFICIENCY EXPENDITURES.—For purposes of this section, the term ‘qualified home energy efficiency expenditures’—

“(1) means any amount paid or incurred by the taxpayer during the taxable year for a qualified whole home energy efficiency retrofit, including the cost of diagnostic procedures, labor, and modeling,

“(2) includes only measures that have an average estimated life of 5 years or more as determined by the Secretary, after consultation with the Secretary of Energy, and

“(3) does not include any amount which is paid or incurred in connection with any expansion of the building envelope of the residence.

“(d) QUALIFIED WHOLE HOME ENERGY EFFICIENCY RETROFIT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified whole home energy efficiency retrofit’ means the implementation of measures placed in service during the taxable year intended to reduce the energy use of the principal residence of the taxpayer which is located in the United States. A qualified whole home energy efficiency retrofit shall—

“(A) subject to paragraph (4), be designed, implemented, and installed by a contractor which is—

“(i) accredited by the Building Performance Institute (hereafter in this section referred to as ‘BPI’) or a preexisting BPI accreditation-based State certification program with enhancements to achieve State energy policy,

“(ii) a Residential Energy Services Network (hereafter in this section referred to as ‘RESNET’) accredited Energy Smart Home Performance Team, or

“(iii) accredited by an equivalent certification program approved by the Secretary, after consultation with the Secretary of Energy, for this purpose,

“(B) install a set of measures modeled to achieve a reduction in energy use of at least 20 percent below the baseline energy use established in subparagraph (C), using computer modeling software approved under paragraph (2),

“(C) establish the baseline energy use by calibrating the model using sections 3 and 4 and Annex D of BPI Standard BPI-2400-S-2011: Standardized Qualification of Whole House Energy Savings Estimates, or an equivalent standard approved by the Secretary, after consultation with Secretary of Energy, for this purpose,

“(D) document the measures implemented in the residence through photographs taken before and after the retrofit, including photographs of its visible energy systems and envelope as relevant, and

“(E) implement a test-out procedure, following guidelines of the applicable certification program specified under clause (i) or (ii) of subparagraph (A), or equivalent guidelines approved by the Secretary, after consultation with the Secretary of Energy, for this purpose, to ensure—

“(i) the safe operation of all systems post retrofit, and

“(ii) that all improvements are included in, and have been installed according to, standards of the applicable certification program specified under clause (i) or (ii) of subparagraph (A), or equivalent standards approved by the Secretary, after consultation with the Secretary of Energy, for this purpose.

For purposes of subparagraph (A)(iii), an organization or State may submit an equivalent certification program for approval by the Secretary, in consultation with the Secretary of Energy. The Secretary shall approve or deny such submission not later than 180 days after receipt, and, if the Secretary

fails to respond in that time period, the submitted equivalent certification program shall be considered approved.

“(2) APPROVED MODELING SOFTWARE.—For purposes of paragraph (1)(B), the contractor (or, if applicable, the person described in paragraph (4)) shall use modeling software certified by RESNET as following the software verification test suites in section 4.2.1 of RESNET Publication No. 06-001 or certified by an alternative organization as following an equivalent standard, as approved by the Secretary, after consultation with the Secretary of Energy, for this purpose.

“(3) DOCUMENTATION.—The Secretary, after consultation with the Secretary of Energy, shall prescribe regulations directing what specific documentation is required to be retained or submitted by the taxpayer in order to claim the credit under this section, which shall include, in addition to the photographs under paragraph (1)(D), a form approved by the Secretary that is completed and signed by the qualified whole home energy efficiency retrofit contractor under penalties of perjury. Such form shall include—

“(A) a statement that the contractor (or, if applicable, the person described in paragraph (4)) followed the specified procedures for establishing baseline energy use and estimating reduction in energy use,

“(B) the name of the software used for calculating the baseline energy use and reduction in energy use, the percentage reduction in projected energy savings achieved, and a statement that such software was certified for this program by the Secretary, after consultation with the Secretary of Energy,

“(C) a statement that the contractor (or, if applicable, the person described in paragraph (4)) will retain the details of the calculations and underlying energy bills for 5 years and will make such details available for inspection by the Secretary or the Secretary of Energy, if so requested,

“(D) a list of measures installed and a statement that all measures included in the reduction in energy use estimate are included in, and installed according to, standards of the applicable certification program specified under clause (i) or (ii) of subparagraph (A), or equivalent standards approved by the Secretary, after consultation with the Secretary of Energy,

“(E) a statement that the contractor (or, if applicable, the person described in paragraph (4)) meets the requirements of paragraph (1)(A), and

“(F) documentation of the total cost of the project in order to comply with the limitation under subsection (b)(4)(B).

“(4) CERTIFIED HOME ENERGY RATER.—For purposes of paragraph (1)(A), a contractor shall be deemed to have satisfied the accreditation requirement under such paragraph if the contractor enters into a contract with a person that satisfies such accreditation requirement for purposes of modeling the energy use reduction described in paragraph (1)(B).

“(e) ADDITIONAL RULES.—For purposes of this section—

“(1) NO DOUBLE BENEFIT.—

“(A) IN GENERAL.—With respect to any residence, no credit shall be allowed under this section for any taxable year in which the taxpayer claims a credit under section 25C.

“(B) RENEWABLE ENERGY SYSTEMS AND APPLIANCES.—In the case of a renewable energy system or appliance that qualifies for another credit under this chapter, the resulting reduction in energy use shall not be taken into account in determining the percentage energy use reductions under subsection (b).

“(C) NO DOUBLE BENEFIT FOR CERTAIN EXPENDITURES.—The term ‘qualified home energy efficiency expenditures’ shall not include any expenditure for which a deduction or credit is claimed by the taxpayer under this chapter for the taxable year or with respect to which the taxpayer receives any Federal energy efficiency rebate.

“(2) PRINCIPAL RESIDENCE.—The term ‘principal residence’ has the same meaning as when used in section 121.

“(3) SPECIAL RULES.—Rules similar to the rules under paragraphs (4), (5), (6), (7), and (8) of section 25D(e) and section 25C(e)(2) shall apply, as determined by the Secretary, after consultation with the Secretary of Energy.

“(4) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section with respect to any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(5) ELECTION NOT TO CLAIM CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.

“(6) MULTIPLE YEAR RETROFITS.—If the taxpayer has claimed a credit under this section in a previous taxable year, the baseline energy use for the calculation of reduced energy use must be established after the previous retrofit has been placed in service.

“(f) TERMINATION.—This section shall not apply with respect to any costs paid or incurred after December 31, 2016.

“(g) SECRETARY REVIEW.—The Secretary, after consultation with the Secretary of Energy, shall establish a review process for the retrofits performed, including an estimate of the usage of the credit and a statistically valid analysis of the average actual energy use reductions, utilizing utility bill data collected on a voluntary basis, and report to Congress not later than June 30, 2014, any findings and recommendations for—

“(1) improvements to the effectiveness of the credit under this section, and

“(2) expansion of the credit under this section to rental units.”

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended—

(A) by striking “and” at the end of paragraph (36),

(B) by striking the period at the end of paragraph (37) and inserting “, and”, and

(C) by adding at the end the following new paragraph:

“(38) to the extent provided in section 25E(e)(4), in the case of amounts with respect to which a credit has been allowed under section 25E.”

(2) Section 6501(m) is amended by inserting “25E(e)(5),” after “section”.

(3) The table of sections for subpart A of part IV of subchapter A chapter 1 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Performance based energy improvements.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred for a qualified whole home energy efficiency retrofit placed in service after December 31, 2013.

#### Subtitle C—Industrial Energy and Water Efficiency

### SEC. 31. MODIFICATIONS IN CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.

(a) MODIFICATION OF CERTAIN CAPACITY LIMITATIONS.—Section 48(c)(3)(B) is amended—

(1) by striking “15 megawatts” in clause (ii) and inserting “25 megawatts”,

(2) by striking “20,000 horsepower” in clause (ii) and inserting “34,000 horsepower”, and

(3) by striking clause (iii).

(b) INCREASE IN CREDIT PERCENTAGE FOR SYSTEMS WITH GREATER EFFICIENCY.—Subparagraph (A) of section 48(a)(2) is amended—

(1) by striking “and” at the end of subclause (III) of clause (i),

(2) by adding at the end of clause (i) the following new subclause:

“(V) combined heat and power system property the energy efficiency percentage of which (as defined in subsection (c)(3)(C)(i)) is equal to or greater than 85 percent,”

(3) by redesignating clause (ii) as clause (iii),

(4) by striking “clause (i)” in clause (iii), as so redesignated, and inserting “clause (i) or (ii)”, and

(5) by inserting after clause (i) the following new clause:

“(ii) 20 percent in the case of combined heat and power system property the energy percentage of which (as defined in subsection (c)(3)(C)(i)) is equal to or greater than 75 percent and less than 85 percent, and”

(c) EXTENSION.—Clause (iv) of section 48(c)(3)(A) is amended by striking “January 1, 2017” and inserting “January 1, 2019”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

### SEC. 32. INVESTMENT TAX CREDIT FOR BIOMASS HEATING PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) is amended by striking “or” at the end of clause (vi), by inserting “or” at the end of clause (vii), and by inserting after clause (vii) the following new clause:

“(viii) open-loop biomass (within the meaning of section 45(c)(3)) heating property, including boilers or furnaces which operate at output efficiencies of not less than 65 percent (measured by the higher heating value of the fuel) and which provide thermal energy in the form of heat, hot water, or steam for space heating, air conditioning, domestic hot water, or industrial process heat, but only with respect to periods ending before January 1, 2016.”

(b) 30-PERCENT AND 15-PERCENT CREDITS.—

(1) IN GENERAL.—Subparagraph (A) of section 48(a)(2), as amended by this title, is amended—

(A) by redesignating clause (iii) as clause (iv),

(B) by striking “and” at the end of clause (ii),

(C) by striking “clause (i) or (ii)” in clause (iv), as so redesignated, and inserting “clause (i), (ii), or (iii)”, and

(D) by inserting after clause (ii) the following new clause:

“(iii) 15 percent in the case of energy property described in paragraph (3)(A)(viii) to which clause (i)(VI) does not apply, and”

(2) INCREASED CREDIT FOR GREATER EFFICIENCY.—Clause (i) of section 48(a)(2)(A), as amended by this title, is amended by striking “and” at the end of subclause (IV), by striking the comma at the end of subclause (V) and inserting “, and”, and by inserting after subclause (V) the following new subclause:

“(VI) energy property described in paragraph (3)(A)(viii) which operates at an out-

put efficiency of not less than 80 percent (measured by the higher heating value of the fuel).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

### SEC. 33. INVESTMENT TAX CREDIT FOR WASTE HEAT TO POWER PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3), as amended by this title, is amended by striking “or” at the end of clause (vii), by striking the comma at the end of clause (viii) and inserting “, or”, and by inserting after clause (viii) the following new clause:

“(ix) waste heat to power property.”

(b) 30-PERCENT CREDIT.—Clause (i) of section 48(a)(2)(A), as amended by this title, is amended by striking “and” at the end of subclause (V), by striking the comma at the end of subclause (VI) and inserting “, and”, and by inserting after subclause (VI) the following new subclause:

“(VII) waste heat to power property.”

(c) WASTE HEAT TO POWER PROPERTY.—Subsection (c) of section 48 is amended by adding at the end the following new paragraph:

“(5) WASTE HEAT TO POWER PROPERTY.—

“(A) IN GENERAL.—The term ‘waste heat to power property’ means property—

“(i) comprising a system which generates electricity through the recovery of a qualified waste heat resource, and

“(ii) which is placed in service before January 1, 2019.

“(B) QUALIFIED WASTE HEAT RESOURCE.—The term ‘qualified waste heat resource’ means—

“(i) exhaust heat or flared gas from an industrial process,

“(ii) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented,

“(iii) a pressure drop in any gas for an industrial or commercial process, or

“(iv) such other forms of waste heat resources as the Secretary may determine.

“(C) EXCEPTION.—The term ‘qualified waste heat resource’ does not include any heat resource from a process whose primary purpose is the generation of electricity utilizing a fossil fuel or the production of oil, natural gas, or other fossil fuels.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

### SEC. 34. MOTOR ENERGY EFFICIENCY IMPROVEMENT TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

#### “SEC. 45S. MOTOR ENERGY EFFICIENCY IMPROVEMENT TAX CREDIT.

“(a) IN GENERAL.—For purposes of section 38, the motor energy efficiency improvement tax credit determined under this section for the taxable year is an amount equal to \$120 multiplied by the motor horsepower of an appliance, machine, or equipment—

“(1) manufactured in such taxable year by a manufacturer which incorporates an advanced motor and drive system into a newly

designed appliance, machine, or equipment or into a redesigned appliance, machine, or equipment which did not previously make use of the advanced motor and drive system, or

“(2) placed back into service in such taxable year by an end user which upgrades an existing appliance, machine, or equipment with an advanced motor and drive system. For any advanced motor and drive system with a total horsepower of less than 10, such motor energy efficiency improvement tax credit is an amount which bears the same ratio to \$120 as such total horsepower bears to 1 horsepower.

“(b) ADVANCED MOTOR AND DRIVE SYSTEM.—For purposes of this section, the term ‘advanced motor and drive system’ means a motor and any required associated electronic control which—

“(1) offers variable or multiple speed operation, and

“(2) uses permanent magnet technology, electronically commutated motor technology, switched reluctance motor technology, synchronous reluctance, or such other motor and drive systems technologies as determined by the Secretary of Energy.

“(c) AGGREGATE PER TAXPAYER LIMITATION.—

“(1) IN GENERAL.—The amount of the credit determined under this section for any taxpayer for any taxable year shall not exceed the excess (if any) of \$2,000,000 over the aggregate credits allowed under this section with respect to such taxpayer for all prior taxable years.

“(2) AGGREGATION RULES.—For purposes of this section, all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 taxpayer.

“(d) SPECIAL RULES.—

“(1) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

“(2) NO DOUBLE BENEFIT.—No other credit shall be allowable under this chapter for property with respect to which a credit is allowed under this section.

“(3) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

“(e) APPLICATION.—This section shall not apply to property manufactured or placed back into service before the date which is 6 months after the date of the enactment of this section or after December 31, 2016.”

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by sections 208(f) and 221(a)(2)(B) of this Act, is amended by striking “plus” at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting “, plus”, and by adding at the end the following new paragraph:

“(37) the motor energy efficiency improvement tax credit determined under section 45S.”

(2) Section 1016(a), as amended by this title, is amended by striking “and” at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting “, and”, and by adding at the end the following new paragraph:

“(39) to the extent provided in section 45S(d)(1).”

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Sec. 45S. Motor energy efficiency improvement tax credit.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property manufactured or placed back into service after the date which is 6 months after the date of the enactment of this Act.

#### SEC. 35. CREDIT FOR REPLACEMENT OF CFC REFRIGERANT CHILLER.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by this title, is amended by adding at the end the following new section:

##### “SEC. 45T. CFC CHILLER REPLACEMENT CREDIT.

“(a) IN GENERAL.—For purposes of section 38, the CFC chiller replacement credit determined under this section for the taxable year is an amount equal to—

“(1) \$150 multiplied by the tonnage rating of a CFC chiller replaced with a new efficient chiller that is placed in service by the taxpayer during the taxable year, plus

“(2) if all chilled water distribution pumps connected to the new efficient chiller include variable frequency drives, \$100 multiplied by any tonnage downsizing.

“(b) CFC CHILLER.—For purposes of this section, the term ‘CFC chiller’ includes property which—

“(1) was installed after 1980 and before 1993,

“(2) utilizes chlorofluorocarbon refrigerant, and

“(3) until replaced by a new efficient chiller, has remained in operation and utilized for cooling a commercial building.

“(c) NEW EFFICIENT CHILLER.—For purposes of this section, the term ‘new efficient chiller’ includes a water-cooled chiller which is certified to meet efficiency standards effective on January 1, 2015, as defined in table 6.8 in Standard 90.1-2013 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers.

“(d) TONNAGE DOWNSIZING.—For purposes of this section, the term ‘tonnage downsizing’ means the amount by which the tonnage rating of the CFC chiller exceeds the tonnage rating of the new efficient chiller.

“(e) ENERGY AUDIT.—As a condition of receiving a tax credit under this section, an energy audit shall be performed on the building prior to installation of the new efficient chiller, identifying cost-effective energy-saving measures, particularly measures that could contribute to chiller downsizing. The audit shall satisfy criteria that shall be issued by the Secretary of Energy.

“(f) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a CFC chiller replaced by a new efficient chiller the use of which is described in paragraph (3) or (4) of section 50(b), the person who sold such new efficient chiller to the entity shall be treated as the taxpayer that placed in service the new efficient chiller that replaced the CFC chiller, but only if such person clearly discloses to such entity in a document the amount of any credit allowable under subsection (a) and the person certifies to the Secretary that the person reduced the price the entity paid for such new efficient chiller by the entire amount of such credit.

“(g) TERMINATION.—This section shall not apply to replacements made after December 31, 2017.”

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by this title, is amended by striking “plus” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, plus”, and by adding at the end the following new paragraph:

“(38) the CFC chiller replacement credit determined under section 45T.”

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as

amended by this title, is amended by adding at the end the following new item:

“Sec. 45T. CFC chiller replacement credit.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to replacements made after the date of the enactment of this Act.

#### SEC. 36. QUALIFYING EFFICIENT INDUSTRIAL PROCESS WATER USE PROJECT CREDIT.

(a) IN GENERAL.—Section 46 is amended by inserting a comma at the end of paragraph (4), by striking “and” at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting “, and”, and by adding at the end the following new paragraph:

“(7) the qualifying efficient industrial process water use project credit.”

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48D the following new section:

##### “SEC. 48E. QUALIFYING EFFICIENT INDUSTRIAL PROCESS WATER USE PROJECT CREDIT.

“(a) IN GENERAL.—

“(1) ALLOWANCE OF CREDIT.—For purposes of section 46, the qualifying efficient industrial process water use project credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year with respect to any qualifying efficient industrial process water use project of the taxpayer.

“(2) APPLICABLE PERCENTAGE.—For purposes of subsection (a)—

“(A) IN GENERAL.—The applicable percentage is—

“(i) 10 percent in the case of a qualifying efficient industrial process water use project which achieves a 25 percent or greater (but less than 50 percent) reduction in water use for industrial purposes,

“(ii) 20 percent in the case of a qualifying efficient industrial process water use project which achieves a 50 percent or greater (but less than 75 percent) reduction in water use for industrial purposes, and

“(iii) 30 percent in the case of a qualifying efficient industrial process water use project which achieves a 75 percent or greater reduction in water use for industrial purposes.

“(B) WATER USE.—For purposes of subparagraph (A)—

“(i) MEASUREMENT OF REDUCTION IN WATER USE.—

“(I) IN GENERAL.—The taxpayer shall elect one of the methods specified in clause (ii) for measuring the reduction in water use achieved by a qualifying efficient industrial process water use project.

“(II) IRREVOCABLE ELECTION.—An election under subclause (I), once made with respect to a qualifying efficient industrial process water use project, shall apply to the taxable year for which made and all subsequent taxable years, and may not be revoked.

“(III) PROJECTED SAVINGS.—The credit under subsection (a) may be claimed on the basis of a reduction in water use which is projected, by a registered professional engineer who is not a related person (within the meaning of section 144(a)(3)(A)) to the taxpayer or the installer of eligible property, to be achieved by a qualifying efficient industrial process water use project. Such projection, if used as a basis for determining the credit under subsection (a), shall be included with the return of tax.

“(ii) METHODS SPECIFIED.—The methods specified in this clause are—

“(I) a measurement of the percentage reduction in water use per unit of product manufactured by the taxpayer, and

“(II) a measurement of the percentage reduction in water use per pound of product manufactured by the taxpayer.

“(b) QUALIFIED INVESTMENT.—

“(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying efficient industrial process water use project.

“(2) EXCEPTIONS.—Such term shall not include any portion of the basis related to—

“(A) permitting,

“(B) land acquisition, or

“(C) infrastructure not directly associated with the implementation of the technology or process improvements of the qualifying efficient industrial process water use project.

“(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

“(4) SPECIAL RULE FOR SUBSIDIZED ENERGY FINANCING.—Rules similar to the rules of section 48(a)(4) (without regard to subparagraph (D) thereof) shall apply for purposes of this section.

“(5) LIMITATION.—The amount which is treated for all taxable years with respect to any qualifying efficient industrial process water use project with respect to any site shall not exceed \$10,000,000.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFYING EFFICIENT INDUSTRIAL PROCESS WATER USE PROJECT.—

“(A) IN GENERAL.—The term ‘qualifying efficient industrial process water use project’ means, with respect to any site, a project which retrofits or expands an existing facility to implement technology or process improvements which are designed to reduce water use for systems that use any form of water in the production of goods in the manufacturing sector (as defined in North American Industrial Classification System codes 31, 32, and 33), including any system that uses water for heating, cooling, or energy production for the production of goods in the trade or business of manufacturing (other than extraction of fossil fuels). Such term shall not include a project which alters an existing facility to change the type of goods produced by such facility.

“(B) SYSTEMS.—For purposes of subparagraph (A), the term ‘system’ does not include any system which does not encompass 1 or more complete processes.

“(2) ELIGIBLE PROPERTY.—The term ‘eligible property’ means any property—

“(A) which is part of a qualifying efficient industrial process water use project and which is necessary for the reduction in water use described in paragraph (1),

“(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

“(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

“(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

“(3) WATER USE.—

“(A) IN GENERAL.—The term ‘water use’ means all water taken for use at the site directly from ground and surface water sources together with any water supplied to the site by a regulated water system.

“(B) REGULATED WATER SYSTEM.—The term ‘regulated water system’ means a system

that supplies water that has been treated to potable standards.

“(d) TERMINATION.—This section shall not apply to periods after December 31, 2017, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).”

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking “and” at the end of clause (v), by striking the period at the end of clause (vi) and inserting “, and”, and by adding at the end the following new clause:

“(vii) the basis of any property which is part of a qualifying efficient industrial use water project under section 48E.”

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48D the following new item:

“Sec. 48E. Qualifying efficient industrial process water use project credit.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SA 3188.** Mr. THUNE (for himself, Mr. McCONNELL, Mr. ROBERTS, Mr. ISAKSON, and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 127 and insert the following:

**SEC. 127. PERMANENT EXTENSION OF EXPENSING CERTAIN DEPRECIABLE BUSINESS ASSETS FOR SMALL BUSINESS.**

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Paragraph (1) of section 179(b) is amended by striking “shall not exceed—” and all that follows and inserting “shall not exceed \$500,000.”

(2) REDUCTION IN LIMITATION.—Paragraph (2) of section 179(b) is amended by striking “exceeds—” and all that follows and inserting “exceeds \$2,000,000.”

(b) COMPUTER SOFTWARE.—Clause (ii) of section 179(d)(1)(A) is amended by striking “, to which section 167 applies, and which is placed in service in a taxable year beginning after 2002 and before 2014” and inserting “and to which section 167 applies”.

(c) ELECTION.—Paragraph (2) of section 179(c) is amended—

(1) by striking “may not be revoked” and all that follows through “and before 2014”, and

(2) by striking “IRREVOCABLE” in the heading thereof.

(d) AIR CONDITIONING AND HEATING UNITS.—Paragraph (1) of section 179(d) is amended by striking “and shall not include air conditioning or heating units”.

(e) QUALIFIED REAL PROPERTY.—Subsection (f) of section 179 is amended—

(1) by striking “beginning in 2010, 2011, 2012, or 2013” in paragraph (1), and

(2) by striking paragraphs (3) and (4).

(f) INFLATION ADJUSTMENT.—Subsection (b) of section 179 is amended by adding at the end the following new paragraph:

“(6) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning after 2014, the dollar amounts in paragraphs (1) and (2) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(c)(2)(A) for such calendar year, determined by substituting calendar year 2013 for calendar year 2012 in clause (ii) thereof.

“(B) ROUNDING.—The amount of any increase under subparagraph (A) shall be rounded to the nearest multiple of \$10,000.”

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

**SA 3189.** Mr. THUNE (for himself, Mr. McCONNELL, Mr. CORNYN, Mr. ROBERTS, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 111 and insert the following:

**SEC. 111. RESEARCH CREDIT SIMPLIFIED AND MADE PERMANENT.**

(a) IN GENERAL.—Subsection (a) of section 41 is amended to read as follows:

“(a) IN GENERAL.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to the sum of—

“(1) 20 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined,

“(2) 20 percent of so much of the basic research payments for the taxable year as exceeds 50 percent of the average basic research payments for the 3 taxable years preceding the taxable year for which the credit is being determined, plus

“(3) 20 percent of the amounts paid or incurred by the taxpayer in carrying on any trade or business of the taxpayer during the taxable year (including as contributions) to an energy research consortium for energy research.”

(b) REPEAL OF TERMINATION.—Section 41 is amended by striking subsection (h).

(c) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 41 is amended to read as follows:

“(c) DETERMINATION OF AVERAGE RESEARCH EXPENSES FOR PRIOR YEARS.—

“(1) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENDITURES IN ANY OF 3 PRECEDING TAXABLE YEARS.—In any case in which the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined, the amount determined under subsection (a)(1) for such taxable year shall be equal to 10 percent of the qualified research expenses for the taxable year.



“(2) CONSISTENT TREATMENT OF EXPENSES.—

“(A) IN GENERAL.—Notwithstanding whether the period for filing a claim for credit or refund has expired for any taxable year taken into account in determining the average qualified research expenses, or average basic research payments, taken into account under subsection (a), the qualified research expenses and basic research payments taken into account in determining such averages shall be determined on a basis consistent with the determination of qualified research expenses and basic research payments, respectively, for the credit year.

“(B) PREVENTION OF DISTORTIONS.—The Secretary may prescribe regulations to prevent distortions in calculating a taxpayer's qualified research expenses or basic research payments caused by a change in accounting methods used by such taxpayer between the current year and a year taken into account in determining the average qualified research expenses or average basic research payments taken into account under subsection (a).”.

(2) Section 41(e) is amended—

(A) by striking all that precedes paragraph (6) and inserting the following:

“(e) BASIC RESEARCH PAYMENTS.—For purposes of this section—

“(1) IN GENERAL.—The term ‘basic research payment’ means, with respect to any taxable year, any amount paid in cash during such taxable year by a corporation to any qualified organization for basic research but only if—

“(A) such payment is pursuant to a written agreement between such corporation and such qualified organization, and

“(B) such basic research is to be performed by such qualified organization.

“(2) EXCEPTION TO REQUIREMENT THAT RESEARCH BE PERFORMED BY THE ORGANIZATION.—In the case of a qualified organization described in subparagraph (C) or (D) of paragraph (3), subparagraph (B) of paragraph (1) shall not apply.”.

(B) by redesignating paragraphs (6) and (7) as paragraphs (3) and (4), respectively, and

(C) in paragraph (4) as so redesignated, by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively.

(3) Section 41(f)(3) is amended—

(A)(i) by striking “, and the gross receipts” in subparagraph (A)(i) and all that follows through “determined under clause (iii)”.

(ii) by striking clause (iii) of subparagraph (A) and redesignating clauses (iv), (v), and (vi), thereof, as clauses (iii), (iv), and (v), respectively.

(iii) by striking “and (iv)” each place it appears in subparagraph (A)(iv) (as so redesignated) and inserting “and (iii)”.

(iv) by striking subclause (IV) of subparagraph (A)(iv) (as so redesignated), by striking “, and” at the end of subparagraph (A)(iv)(III) (as so redesignated) and inserting a period, and by adding “and” at the end of subparagraph (A)(iv)(II) (as so redesignated),

(v) by striking “(A)(vi)” in subparagraph (B) and inserting “(A)(v)”, and

(vi) by striking “(A)(iv)(II)” in subparagraph (B)(i)(II) and inserting “(A)(iii)(II)”.

(B) by striking “, and the gross receipts of the predecessor,” in subparagraph (A)(iv)(II) (as so redesignated),

(C) by striking “, and the gross receipts of,” in subparagraph (B),

(D) by striking “, or gross receipts of,” in subparagraph (B)(i)(I), and

(E) by striking subparagraph (C).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this

section shall apply to taxable years beginning after December 31, 2013.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to amounts paid or incurred after December 31, 2013.

**SA 3190.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike sections 137 and 138 and insert the following:

**SEC. 137. PERMANENT RULE REGARDING BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) IN GENERAL.—Section 1367(a)(2) is amended by striking the last sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2013.

**SEC. 138. REDUCED RECOGNITION PERIOD FOR BUILT-IN GAINS OF S CORPORATIONS MADE PERMANENT.**

(a) IN GENERAL.—Paragraph (7) of section 1374(d) is amended to read as follows:

“(7) RECOGNITION PERIOD.—

“(A) IN GENERAL.—The term recognition period means the 5-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation. For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), the preceding sentence shall be applied without regard to the phrase 5-year.

“(B) INSTALLMENT SALES.—If an S corporation sells an asset and reports the income from the sale using the installment method under section 453, the treatment of all payments received shall be governed by the provisions of this paragraph applicable to the taxable year in which such sale was made.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

**SA 3191.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 106 and insert the following:

**SEC. 106. PERMANENT EXTENSION OF DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES.**

(a) IN GENERAL.—Section 164(b)(5) is amended by striking subparagraph (I).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

**SA 3192.** Mr. THUNE (for himself and Ms. AYOTTE) submitted an amendment

intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —OTHER PROVISIONS**

**SEC. —01. OLYMPIC AND PARALYMPIC MEDALS AND USOC PRIZE MONEY EXCLUDED FROM GROSS INCOME.**

(a) IN GENERAL.—Section 74 is amended by adding at the end the following new subsection:

“(d) EXCEPTION FOR OLYMPIC AND PARALYMPIC MEDALS AND PRIZES.—Gross income shall not include the value of any medal awarded in, or any prize money received from the United States Olympic Committee on account of, competition in the Olympic Games or Paralympic Games.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to prizes and awards received after December 31, 2013.

**SA 3193.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —INTERNET TAX FREEDOM**

**SEC. —01. SHORT TITLE.**

This title may be cited as the “Internet Tax Freedom Forever Act”.

**SEC. —02. FINDINGS.**

Congress makes the following findings:

(1) The Internet has continued to drive economic growth, productivity and innovation since the Internet Tax Freedom Act was first enacted in 1998.

(2) The Internet promotes a nationwide economic environment that facilitates innovation, promotes efficiency, and empowers people to broadly share their ideas.

(3) According to the National Broadband Plan, cost remains the biggest barrier to consumer broadband adoption. Keeping Internet access affordable promotes consumer access to this critical gateway to jobs, education, healthcare, and entrepreneurial opportunities, regardless of race, income, or neighborhood.

(4) Small business owners rely heavily on affordable Internet access, providing them with access to new markets, additional consumers, and an opportunity to compete in the global economy.

(5) Economists have recognized that excessive taxation of innovative communications technologies reduces economic welfare more than taxes on other sectors of the economy.

(6) The provision of affordable access to the Internet is fundamental to the American economy and access to it must be protected from multiple and discriminatory taxes at the State and local level.



(7) As a massive global network that spans political boundaries, the Internet is inherently a matter of interstate and foreign commerce within the jurisdiction of the United States Congress under article I, section 8, clause 3 of the Constitution of the United States.

**SEC. 03. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE.**

(a) IN GENERAL.—Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking “during the period beginning November 1, 2003, and ending November 1, 2014”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxes imposed after the date of the enactment of this Act.

**SA 3194.** Mr. THUNE (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —OTHER PROVISIONS**

**SEC. 01. OLYMPIC AND PARALYMPIC MEDALS AND USOC PRIZE MONEY EXCLUDED FROM GROSS INCOME.**

(a) IN GENERAL.—Section 74 is amended by adding at the end the following new subsection:

“(d) EXCEPTION FOR OLYMPIC AND PARALYMPIC MEDALS AND PRIZES.—Gross income shall not include the value of any medal awarded in, or any prize money received from the United States Olympic Committee on account of, competition in the Olympic Games or Paralympic Games.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to prizes and awards received after December 31, 2013.

**SA 3195.** Ms. COLLINS (for herself and Mr. NELSON) submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —RETIREMENT SECURITY ACT OF 2014**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Retirement Security Act of 2014”.

**SEC. 02. ELIMINATION OF DISINCENTIVE TO POOLING FOR MULTIPLE EMPLOYER PLANS.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe final regulations under which a plan de-

scribed in section 413(c) of the Internal Revenue Code of 1986 may be treated as satisfying the qualification requirements of section 401(a) of such Code despite the violation of such requirements with respect to one or more participating employers. Such rules may require that the portion of the plan attributable to such participating employers be spun off to plans maintained by such employers.

**SEC. 03. MODIFICATION OF ERISA RULES RELATING TO MULTIPLE EMPLOYER DEFINED CONTRIBUTION PLANS.**

(a) IN GENERAL.—

(1) REQUIREMENT OF COMMON INTEREST.—Section 3(2) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(C)(i) A qualified multiple employer plan shall not fail to be treated as an employee pension benefit plan or pension plan solely because the employers sponsoring the plan share no common interest.

“(ii) For purposes of this subparagraph, the term ‘qualified multiple employer plan’ means a plan described in section 413(c) of the Internal Revenue Code of 1986 which—

“(I) is an individual account plan with respect to which the requirements of clauses (iii), (iv), and (v) are met, and

“(II) includes in its annual report required to be filed under section 104(a) the name and identifying information of each participating employer.

“(iii) The requirements of this clause are met if, under the plan, each participating employer retains fiduciary responsibility for—

“(I) the selection and monitoring of the named fiduciary, and

“(II) the investment and management of the portion of the plan’s assets attributable to employees of the employer to the extent not otherwise delegated to another fiduciary.

“(iv) The requirements of this clause are met if, under the plan, a participating employer is not subject to unreasonable restrictions, fees, or penalties by reason of ceasing participation in, or otherwise transferring assets from, the plan.

“(v) The requirements of this clause are met if each participating employer in the plan is an eligible employer as defined in section 408(p)(2)(C)(i) of the Internal Revenue Code of 1986, applied—

“(I) by substituting ‘500’ for ‘100’ in subclause (I) thereof,

“(II) by substituting ‘5’ for ‘2’ each place it appears in subclause (II) thereof, and

“(III) without regard to the last sentence of subclause (II) thereof.”.

(2) SIMPLIFIED REPORTING FOR SMALL MULTIPLE EMPLOYER PLANS.—Section 104(a) of such Act (29 U.S.C. 1024(a)) is amended by adding at the end the following:

“(7)(A) In the case of any eligible small multiple employer plan, the Secretary may by regulation—

“(i) prescribe simplified summary plan descriptions, annual reports, and pension benefit statements for purposes of section 102, 103, or 105, respectively, and

“(ii) waive the requirement under section 103(a)(3) to engage an independent qualified public accountant in cases where the Secretary determines it appropriate.

“(B) For purposes of this paragraph, the term ‘eligible small multiple employer plan’ means, with respect to any plan year—

“(i) a qualified multiple employer plan, as defined in section 3(2)(C)(ii), or

“(ii) any other plan described in section 413(c) of the Internal Revenue Code of 1986 that satisfies the requirements of clause (v) of section 3(2)(C).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2014.

**SEC. 04. SECURE DEFERRAL ARRANGEMENTS.**

(a) IN GENERAL.—Subsection (k) of section 401 is amended by adding at the end the following new paragraph:

“(14) ALTERNATIVE METHOD FOR SECURE DEFERRAL ARRANGEMENTS TO MEET NON-DISCRIMINATION REQUIREMENTS.—

“(A) IN GENERAL.—A secure deferral arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii).

“(B) SECURE DEFERRAL ARRANGEMENT.—For purposes of this paragraph, the term ‘secure deferral arrangement’ means any cash or deferred arrangement which meets the requirements of subparagraphs (C), (D), and (E) of paragraph (13), except as modified by this paragraph.

“(C) QUALIFIED PERCENTAGE.—For purposes of this paragraph, with respect to any employee, the term ‘qualified percentage’ means, in lieu of the meaning given such term in paragraph (13)(C)(iii), any percentage determined under the arrangement if such percentage is applied uniformly and is—

“(i) at least 6 percent, but not greater than 10 percent, during the period ending on the last day of the first plan year which begins after the date on which the first elective contribution described in paragraph (13)(C)(i) is made with respect to such employee,

“(ii) at least 8 percent during the first plan year following the plan year described in clause (i), and

“(iii) at least 10 percent during any subsequent plan year.

“(D) MATCHING CONTRIBUTIONS.—

“(i) IN GENERAL.—For purposes of this paragraph, an arrangement shall be treated as having met the requirements of paragraph (13)(D)(i) if and only if the employer makes matching contributions on behalf of each employee who is not a highly compensated employee in an amount equal to the sum of—

“(I) 100 percent of the elective contributions of the employee to the extent that such contributions do not exceed 1 percent of compensation,

“(II) 50 percent of so much of such contributions as exceed 1 percent but do not exceed 6 percent of compensation, plus

“(III) 25 percent of so much of such contributions as exceed 6 percent but do not exceed 10 percent of compensation.

“(ii) APPLICATION OF RULES FOR MATCHING CONTRIBUTIONS.—The rules of clause (ii) of paragraph (12)(B) and clauses (iii) and (iv) of paragraph (13)(D) shall apply for purposes of clause (i) but the rule of clause (iii) of paragraph (12)(B) shall not apply for such purposes. The rate of matching contribution for each incremental deferral must be at least as high as the rate specified in clause (i), and may be higher, so long as such rate does not increase as an employee’s rate of elective contributions increases.”.

(b) MATCHING CONTRIBUTIONS AND EMPLOYEE CONTRIBUTIONS.—Subsection (m) of section 401 is amended by redesignating paragraph (13) as paragraph (14) and by inserting after paragraph (12) the following new paragraph:

“(13) ALTERNATIVE METHOD FOR SECURE DEFERRAL ARRANGEMENTS.—A defined contribu-

tion plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions and employee contributions if the plan—

“(A) is a secure deferral arrangement (as defined in subsection (k)(14)),

“(B) meets the requirements of clauses (ii) and (iii) of paragraph (11)(B), and

“(C) provides that matching contributions on behalf of any employee may not be made with respect to an employee’s contributions or elective deferrals in excess of 10 percent of the employee’s compensation.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2014.

**SEC. 05. CREDIT FOR EMPLOYERS WITH RESPECT TO MODIFIED SAFE HARBOR REQUIREMENTS.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

**“SEC. 45S. CREDIT FOR SMALL EMPLOYERS WITH RESPECT TO MODIFIED SAFE HARBOR REQUIREMENTS FOR AUTOMATIC CONTRIBUTION ARRANGEMENTS.**

“(a) GENERAL RULE.—For purposes of section 38, in the case of a small employer, the safe harbor adoption credit determined under this section for any taxable year is the amount equal to the total of the employer’s matching contributions under section 401(k)(14)(D) during the taxable year on behalf of employees who are not highly compensated employees, subject to the limitations of subsection (b).

“(b) LIMITATIONS.—

“(1) LIMITATION WITH RESPECT TO COMPENSATION.—The credit determined under subsection (a) with respect to contributions made on behalf of an employee who is not a highly compensated employee shall not exceed 2 percent of the compensation of such employee for the taxable year.

“(2) LIMITATION WITH RESPECT TO YEARS OF PARTICIPATION.—Credit shall be determined under subsection (a) with respect to contributions made on behalf of an employee who is not a highly compensated employee only during the first 5 years such employee participates in the qualified automatic contribution arrangement.

“(c) DEFINITIONS.—

“(1) IN GENERAL.—Any term used in this section which is also used in section 401(k)(14) shall have the same meaning as when used in such section.

“(2) SMALL EMPLOYER.—The term ‘small employer’ means an eligible employer (as defined in section 408(p)(2)(C)(i)).

“(d) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowable under this title for any contribution with respect to which a credit is allowed under this section.”.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by sections 208(f) and 221(a)(2)(B) of this Act, is amended—

(1) by striking “plus” at the end of paragraph (35),

(2) by striking the period at the end of paragraph (36) and inserting “, plus”, and

(3) by adding at the end the following new paragraph:

“(37) the safe harbor adoption credit determined under section 45S.”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 45R the following new item:

“Sec. 45S. Credit for small employers with respect to modified safe harbor requirements for automatic contribution arrangements.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years that include any portion of a plan year beginning after December 31, 2014.

**SEC. 06. MODIFICATION OF REGULATIONS.**

The Secretary of the Treasury shall promulgate regulations or other guidance that—

(1) simplify and clarify the rules regarding the timing of participant notices required under section 401(k)(13)(E) of the Internal Revenue Code of 1986, with specific application to—

(A) plans that allow employees to be eligible for participation immediately upon beginning employment, and

(B) employers with multiple payroll and administrative systems, and

(2) simplify and clarify the automatic escalation rules under sections 401(k)(13)(C)(iii) and 401(k)(14)(C) of the Internal Revenue Code of 1986 in the context of employers with multiple payroll and administrative systems.

Such regulations or guidance shall address the particular case of employees within the same plan who are subject to different notice timing and different percentage requirements, and provide assistance for plan sponsors in managing such cases.

**SEC. 07. OPPORTUNITY TO CLAIM THE SAVER’S CREDIT ON FORM 1040EZ.**

The Secretary of the Treasury shall modify the forms for the return of tax of individuals in order to allow individuals claiming the credit under section 25B of the Internal Revenue Code of 1986 to file (and claim such credit on) Form 1040EZ.

**SA 3196.** Ms. COLLINS (for herself, Mr. SCOTT, Mr. ISAKSON, Ms. MURKOWSKI, Ms. AYOTTE, Mr. GRAHAM, Mr. BLUNT, Mr. CRAPO, Mr. BOOZMAN, and Mr. DONNELLY) submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —OTHER PROVISIONS**

**SEC. 01. DEFINITION OF FULL-TIME EMPLOYEE.**

(a) IN GENERAL.—Section 4980H(c) is amended—

(1) in paragraph (2)(E), by striking “by 120” and inserting “by 120 (174 in the case of months before calendar year 2017)”; and

(2) in paragraph (4)(A) by striking “30 hours” and inserting “30 hours (40 hours in the case of months before calendar year 2017)”.

**SA 3197.** Ms. COLLINS (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —OTHER PROVISIONS**

**SEC. 01. BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.**

(a) INCREASE IN DOLLAR LIMITATION ON QUALIFIED PAYMENTS.—Subparagraph (B) of section 139B(c)(2) is amended by striking “\$30” and inserting “\$50”.

(b) EXTENSION.—Subsection (d) of section 139B is amended by striking “beginning after December 31, 2010.” and inserting “beginning—

“(1) after December 31, 2010, and before January 1, 2014, or

“(2) after December 31, 2016.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

**SA 3198.** Ms. COLLINS (for herself, Mr. SCHUMER, Mr. CARDIN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —OTHER PROVISIONS**

**SEC. 01. ELECTIVE TREATMENT OF LENGTH OF SERVICE AWARD PROGRAMS AS ELIGIBLE DEFERRED COMPENSATION PLANS.**

(a) IN GENERAL.—Section 457(e) is amended by adding at the end the following new paragraph:

“(19) SPECIAL RULES APPLICABLE TO LENGTH OF SERVICE AWARD PLANS.—

“(A) IN GENERAL.—The term ‘eligible deferred compensation plan’ shall include, at the election of its sponsor, any length of service award plan. Any such election shall be irrevocable. In the case of a length of service award plan whose sponsor has elected to have such plan treated as an eligible deferred compensation plan, such plan shall be administered in a manner consistent with the requirements of this section and such sponsor shall be treated as an eligible employer described in paragraph (1)(A).

“(B) LENGTH OF SERVICE AWARD PLAN.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘length of service award plan’ means any plan paying solely length of service awards to bona fide volunteers (or their beneficiaries) on account of qualified services performed by such volunteers.

“(ii) BONA FIDE VOLUNTEER.—An individual shall be treated as a bona fide volunteer if the only compensation received by such individual for performing qualified services is in the form of—

“(I) reimbursement for (or a reasonable allowance for) reasonable expenses incurred in the performance of such services, or

“(II) reasonable benefits (including length of service awards), and fees for such services, customarily paid by eligible employers in connection with the performance of such services by volunteers.

“(iii) QUALIFIED SERVICES.—The term ‘qualified services’ means firefighting and prevention services, emergency medical services, ambulance services, and emergency rescue services.

“(C) MAXIMUM DEFERRAL AMOUNT.—In the case of a length of service award plan whose sponsor has elected to have such plan treated as an eligible deferred compensation plan, subsection (b)(2) shall be applied by striking ‘the lesser of—’ and all that follows and inserting ‘the applicable dollar amount.’”

“(D) DISTRIBUTION REQUIREMENTS.—In the case of a length of service award plan whose sponsor has elected to have such plan treated as an eligible deferred compensation plan, subsection (d)(1)(A)(ii) shall be applied by deeming a severance from employment to have occurred at the later of—

“(i) the payment date under the terms of the plan, or

“(ii) the date on which the plan participant ceases to perform qualified services.

“(E) LIMITATION ON ACCRUALS.—

“(i) IN GENERAL.—In the case of a length of service award plan that is a defined benefit plan (as defined in section 414(j)) whose sponsor has not elected to have such plan treated as an eligible deferred compensation plan, such plan shall be treated as not providing for the deferral of compensation if the aggregate amount of length of service awards accruing with respect to any year of service for any bona fide volunteer does not exceed \$5,500. In the case of a length of service award plan described in the preceding sentence that is a defined benefit plan (as defined in section 414(j)), the limitation on the annual deferral shall apply to the actuarial present value of the aggregate amount of length of service awards accruing with respect to any year of service. Such actuarial present value shall be calculated using reasonable actuarial assumptions and methods assuming payment shall be made under the most valuable form of payment of the length of service award under the program with payment commencing at the later of the earliest age at which unreduced benefits are payable under the program or the participant's current age.

“(ii) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2014, the Secretary shall adjust the \$5,500 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2013, and any increase under this paragraph that is not a multiple of \$500 shall be rounded to the next lowest multiple of \$500.”

(b) CONFORMING AMENDMENTS.—

(1) Section 457(e)(11) is amended to read as follows:

“(11) CERTAIN PLANS EXCLUDED.—Any bona fide vacation leave, sick leave, compensatory time, severance pay, disability pay, or death benefit plan shall be treated as not providing for the deferral of compensation.”

(2) Section 3121(a)(5)(I) is amended by striking “section 457(e)(11)(A)(ii)” and inserting “section 457(e)(19)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

(d) EXEMPTION OF LENGTH OF SERVICE AWARD PROGRAMS FROM THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—The Secretary of Labor shall issue guidance clarifying that a length of service award program described in section 457(e)(19) of the Internal Revenue Code of 1986 is not an employee pension benefit plan under section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)).

**SA 3199.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the

Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE —OTHER PROVISIONS

##### SEC. 01. NOTIFICATION OF CONGRESS REGARDING VIOLATIONS OF TAXPAYERS' CONSTITUTIONAL RIGHTS.

(a) IN GENERAL.—Section 7802(f)(3) is amended by adding at the end the following new subparagraph:

“(C) CONSTITUTIONAL RIGHTS OF TAXPAYERS.—For purposes of the annual report required under subparagraph (A), the Oversight Board shall include the following information:

“(i) Any claim filed during the preceding year by a taxpayer alleging, with respect to such taxpayer, a violation of any right under the Constitution of the United States by an employee of the Internal Revenue Service.

“(ii) For purposes of each claim described in clause (i)—

“(I) whether a final administrative or judicial determination on such claim has been reached, and

“(II) subject to section 1203 of the Internal Revenue Service Restructuring and Reform Act of 1998, whether the employment of any employee of the Internal Revenue Service determined to be liable for such violation has been terminated or, for any personnel action other than termination of such employee, the reasons provided by the Commissioner of Internal Revenue for such determination.

“(iii) The effectiveness of any procedures and measures established by the Internal Revenue Service to prevent discrimination by any employee of the Internal Revenue Service against any taxpayer on the basis of the political affiliation, beliefs, or activities of such taxpayer.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SA 3200.** Ms. COLLINS (for herself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Beginning on page 32, strike line 12 and all that follows through page 35, line 10, and insert the following:

##### SEC. 127. PERMANENT EXTENSION OF EXPENSE LIMITATION.

(a) DOLLAR LIMITATION.—Section 179(b)(1) is amended by striking “shall not exceed” and all that follows and inserting “shall not exceed \$250,000.”

(b) REDUCTION IN LIMITATION.—Section 179(b)(2) of such Code is amended by striking “exceeds” and all that follows and inserting “exceeds \$800,000.”

(c) INFLATION ADJUSTMENT.—Subsection (b) of section 179 of such Code is amended by adding at the end the following new paragraph:

“(6) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2014, the \$250,000 in paragraph (1) and the \$800,000 amount in paragraph (2) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—

“(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the nearest multiple of \$1,000.

“(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”

(d) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of such Code is amended by striking “and before 2014”.

(e) ELECTION.—Section 179(c)(2) of such Code is amended by striking “and before 2014”.

(f) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Section 179(f)(1) of such Code is amended by striking “beginning in 2010, 2011, 2012, or 2013” and inserting “beginning after 2009”.

(2) CONFORMING AMENDMENT.—Section 179(f) of such Code is amended by striking paragraph (4).

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

At the appropriate place, insert the following:

#### TITLE —OTHER PROVISIONS

##### SEC. 01. PERMANENT DOUBLING OF DEDUCTIONS FOR START-UP EXPENSES, ORGANIZATIONAL EXPENSES, AND SYNDICATION FEES.

(a) START-UP EXPENSES.—

(1) IN GENERAL.—Clause (ii) of section 195(b)(1)(A) is amended—

(A) by striking “\$5,000” and inserting “\$10,000”, and

(B) by striking “\$50,000” and inserting “\$60,000”.

(2) CONFORMING AMENDMENT.—Subsection (b) of section 195 is amended by striking paragraph (3).

(b) ORGANIZATIONAL EXPENSES.—Subparagraph (B) of section 248(a)(1) is amended—

(1) by striking “\$5,000” and inserting “\$10,000”, and

(2) by striking “\$50,000” and inserting “\$60,000”.

(c) ORGANIZATION AND SYNDICATION FEES.—Clause (ii) of section 709(b)(1)(A) is amended—

(1) by striking “\$5,000” and inserting “\$10,000”, and

(2) by striking “\$50,000” and inserting “\$60,000”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years ending on or after the date of the enactment of this Act.

##### SEC. 02. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—

(1) IN GENERAL.—Section 446 is amended by adding at the end the following new subsection:

“(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

“(1) IN GENERAL.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

“(2) ELIGIBLE TAXPAYER.—For purposes of this subsection, a taxpayer is an eligible taxpayer with respect to any taxable year if—

“(A) for all prior taxable years beginning after December 31, 2013, the taxpayer (or any predecessor) met the gross receipts test of section 448(c), and

“(B) the taxpayer is not subject to section 447 or 448.”.

(2) EXPANSION OF GROSS RECEIPTS TEST.—

(A) IN GENERAL.—Paragraph (3) of section 448(b) is amended by striking “\$5,000,000” in the text and in the heading and inserting “\$10,000,000”.

(B) CONFORMING AMENDMENTS.—Section 448(c) is amended—

(i) by striking “\$5,000,000” each place it appears in the text and in the heading of paragraph (1) and inserting “\$10,000,000”, and

(ii) by adding at the end the following new paragraph:

“(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2014, the dollar amount contained in subsection (b)(3) and paragraph (1) of this subsection shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof. If any amount as adjusted under this subparagraph is not a multiple of \$100,000, such amount shall be rounded to the nearest multiple of \$100,000.”.

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—

(1) IN GENERAL.—Section 471 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

“(1) IN GENERAL.—A qualified taxpayer shall not be required to use inventories under this section for a taxable year.

“(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If a qualified taxpayer does not use inventories with respect to any property for any taxable year beginning after December 31, 2013, such property shall be treated as a material or supply which is not incidental.

“(3) QUALIFIED TAXPAYER.—For purposes of this subsection, the term ‘qualified taxpayer’ means—

“(A) any eligible taxpayer (as defined in section 446(g)(2)), and

“(B) any taxpayer described in section 448(b)(3).”.

(2) INCREASED ELIGIBILITY FOR SIMPLIFIED DOLLAR-VALUE LIFO METHOD.—Section 474(c) is amended by striking “\$5,000,000” and inserting “the dollar amount in effect under section 448(c)(1)”.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer changing the taxpayer’s method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

**SA 3201.** Mr. BENNET (for himself, Mr. MERKLEY, and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 53, between lines 3 and 4, insert the following:

**SEC. 158. EXTENSION OF ENERGY CREDIT FOR CERTAIN PROPERTY UNDER CONSTRUCTION.**

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking “periods ending” and inserting “property the construction of which begins”.

(b) QUALIFIED FUEL CELL PROPERTY.—Section 48(c)(1)(D) is amended by striking “for any period after December 31, 2016” and inserting “the construction of which does not begin before January 1, 2017”.

(c) QUALIFIED MICROTURBINE PROPERTY.—Section 48(c)(2)(D) is amended by striking “for any period after December 31, 2016” and inserting “the construction of which does not begin before January 1, 2017”.

(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48(c)(3)(A)(iv) is amended by striking “which is placed in service” and inserting “construction of which begins”.

(e) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c)(4)(C) is amended by striking “for any period after December 31, 2016” and inserting “the construction of which does not begin before January 1, 2017”.

(f) THERMAL ENERGY PROPERTY.—Section 48(a)(3)(A)(vii) is amended by striking “periods ending” and inserting “property the construction of which begins”.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SA 3202.** Mr. REED (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —UNEMPLOYMENT COMPENSATION EXTENSION**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Emergency Unemployment Compensation Extension Act of 2014”.

**SEC. 02. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.**

(a) EXTENSION.—Section 4007(a)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “January 1, 2014” and inserting “January 1, 2015”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) in subparagraph (J), by inserting “and” at the end; and

(3) by inserting after subparagraph (J) the following:

“(K) the amendment made by section 02(a) of the Emergency Unemployment Compensation Extension Act of 2014;”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112-240).

**SEC. 03. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.**

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note), is amended—

(1) by striking “December 31, 2013” each place it appears and inserting “December 31, 2014”; and

(2) in subsection (c), by striking “June 30, 2014” and inserting “June 30, 2015”.

(b) EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “June 30, 2014” and inserting “June 30, 2015”.

(c) EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking “December 31, 2013” and inserting “December 31, 2014”; and

(2) in subsection (f)(2), by striking “December 31, 2013” and inserting “December 31, 2014”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112-240).

**SEC. 04. EXTENSION OF FUNDING FOR REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.**

(a) EXTENSION.—

(1) IN GENERAL.—Section 4004(c)(2)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “through fiscal year 2014” and inserting “through fiscal year 2015”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112-240).

(b) TIMING FOR SERVICES AND ACTIVITIES.—

(1) IN GENERAL.—Section 4001(i)(1)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new sentence:

“At a minimum, such reemployment services and reemployment and eligibility assessment activities shall be provided to an individual within a time period (determined appropriate by the Secretary) after the date

the individual begins to receive amounts under section 4002(b) (first tier benefits) and, if applicable, again within a time period (determined appropriate by the Secretary) after the date the individual begins to receive amounts under section 4002(d) (third tier benefits).”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply on and after the date of the enactment of this Act.

(c) **PURPOSES OF SERVICES AND ACTIVITIES.**—The purposes of the reemployment services and reemployment and eligibility assessment activities under section 4001(i) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) are—

(1) to better link the unemployed with the overall workforce system by bringing individuals receiving unemployment insurance benefits in for personalized assessments and referrals to reemployment services; and

(2) to provide individuals receiving unemployment insurance benefits with early access to specific strategies that can help get them back into the workforce faster, including through—

(A) the development of a reemployment plan;

(B) the provision of access to relevant labor market information;

(C) the provision of access to information about industry-recognized credentials that are regionally relevant or nationally portable;

(D) the provision of referrals to reemployment services and training; and

(E) an assessment of the individual's ongoing eligibility for unemployment insurance benefits.

**SEC. 05. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.**

(a) **EXTENSION.**—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)(iii)) is amended—

(1) by striking “June 30, 2013” and inserting “June 30, 2014”; and

(2) by striking “December 31, 2013” and inserting “December 31, 2014”.

(b) **CLARIFICATION ON AUTHORITY TO USE FUNDS.**—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of enactment of this Act.

(c) **FUNDING FOR ADMINISTRATION.**—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board \$250,000 for administrative expenses associated with the payment of additional extended unemployment benefits provided under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act by reason of the amendments made by subsection (a), to remain available until expended.

**SEC. 06. FLEXIBILITY FOR UNEMPLOYMENT PROGRAM AGREEMENTS.**

(a) **FLEXIBILITY.**—

(1) **IN GENERAL.**—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) shall not apply with respect to a State that has enacted a law before December 1, 2013, that, upon taking effect, would violate such subsection.

(2) **EFFECTIVE DATE.**—Paragraph (1) is effective with respect to weeks of unemployment beginning on or after December 29, 2013.

(b) **PERMITTING A SUBSEQUENT AGREEMENT.**—Nothing in title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) shall preclude a State whose agreement under such title was terminated from entering into a subsequent agreement under such title on or after the date of the enactment of this Act if the State, taking into account the application of subsection (a), would otherwise meet the requirements for an agreement under such title.

**SEC. 7. IMPLEMENTATION.**

The Secretary of Labor shall prescribe such rules and regulations as the Secretary determines are necessary to carry out the provisions of, and the amendments made by, this title.

**SA 3203.** Mr. CARDIN (for himself, Mr. BROWN, Mr. ROCKEFELLER, Ms. MIKULSKI, Ms. HEITKAMP, Ms. WARREN, Mr. LEVIN, Mrs. MURRAY, Mr. WHITEHOUSE, Mr. DURBIN, Mr. LEAHY, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Beginning on page 64, strike line 5 and all that follows through page 75, line 10.

**SA 3204.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE—EXTENSION OF OTHER PROVISIONS**

**SEC. 01. EXTENSION OF CREDIT FOR THE PRODUCTION OF LOW SULFUR DIESEL FUEL.**

(a) **IN GENERAL.**—Paragraph (4) of section 45H(c) is amended by striking “earlier of the date which is 1 year after the date” and inserting “later of the date”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenses paid or incurred after December 31, 2009, in taxable years ending after such date.

**SA 3205.** Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Pa-

tient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE—OTHER PROVISIONS**

**SEC. 01. EXEMPTION FOR CERTAIN BUREAU OF PRISONS CORRECTIONAL OFFICERS FROM TAX ON EARLY DISTRIBUTIONS.**

(a) **IN GENERAL.**—Subsection (t) of section 72 is amended by adding at the end the following new paragraph:

“(11) DISTRIBUTIONS TO QUALIFIED FEDERAL CORRECTIONAL OFFICERS FROM THE THRIFT SAVINGS FUND.—

“(A) **IN GENERAL.**—In the case of a distribution to a qualified Federal correctional officer from the Thrift Savings Fund established under section 8437 of title 5, United States Code, paragraph (2)(A)(v) of this subsection shall be applied by substituting ‘age 50 (or, if earlier, the age at which the employee has completed 25 years of creditable service)’ for ‘age 55’.

“(B) **QUALIFIED FEDERAL CORRECTIONAL OFFICER.**—For purposes of this paragraph, the term ‘qualified Federal correctional officer’ means an individual—

“(i) who is employed by the Bureau of Prisons as a correctional officer, and

“(ii) who has completed 20 years of creditable service.

“(C) **CREDITABLE SERVICE.**—For purposes of this paragraph, the term ‘creditable service’ means creditable service under section 8331 or 8411 of title 5, United States Code.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act.

**SA 3206.** Mr. COATS submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

**TITLE—OTHER PROVISIONS**

**SEC. 01. RESTORATION OF TAX RELIEF FOR FAMILIES WITH CATASTROPHIC MEDICAL EXPENSES.**

(a) **IN GENERAL.**—Subsection (a) of section 213 is amended by striking “10 percent” and inserting “7.5 percent”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 213 is amended by striking subsection(f).

(2) Section 56(b)(1)(B) is amended by striking “without regard to subsection (f) of such section” and inserting “by substituting ‘10 percent’ for ‘7.5 percent’”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

**SA 3207.** Mr. COATS submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being

taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

#### TITLE—OTHER PROVISIONS

##### SEC. 01. NOTICE REQUIRED BEFORE REVOCATION OF TAX EXEMPT STATUS FOR FAILURE TO FILE RETURN.

(a) IN GENERAL.—Section 6033(j) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

“(2) REQUIREMENT OF NOTICE.—

“(A) IN GENERAL.—Not later than 300 days after the date an organization described in paragraph (1) fails to file the annual return or notice referenced in paragraph (1) for 2 consecutive years, the Secretary shall notify the organization—

“(i) that the Internal Revenue Service has no record of such a return or notice from such organization for 2 consecutive years, and

“(ii) about the penalty that will occur under this subsection if the organization fails to file such a return or notice by the date of the next filing deadline.

The notification under the preceding sentence shall include information about how to comply with the filing requirements under subsection (a)(1) and (i).”

(b) REINSTATEMENT WITHOUT APPLICATION.—Paragraph (3) of section 6033(j), as redesignated under subsection (a), is amended—

(1) by striking “Any organization” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), any organization”, and

(2) by adding at the end the following new subparagraph:

“(B) RETROACTIVE REINSTATEMENT WITHOUT APPLICATION IF ACTUAL NOTICE NOT PROVIDED.—If an organization described in paragraph (1)—

“(i) demonstrates to the satisfaction of the Secretary that the organization did not receive the notice required under paragraph (2), and

“(ii) files an annual return or notice referenced in paragraph (1) for the current year, then the Secretary may reinstate the organization's exempt status effective from the date of the revocation under paragraph (1) without the need for an application.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to notices and returns required to be filed after December 31, 2014.

**SA 3208.** Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE—OTHER PROVISIONS

##### SEC. \_\_\_\_\_. ELIMINATION OF TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) is amended to read as follows: “(H) NONAPPLICATION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL PRODUCTION.—The second sentence of subsection (a) of section 613 shall not apply to so much of the allowance for depletion as is determined under subparagraph (A) for any taxable year beginning after December 31, 2013, and before January 1, 2016.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

(c) RESCISSION OF FUNDS.—The available unobligated balance of any amounts that are appropriated for fiscal year 2013 are rescinded, to the extent such amounts do not exceed the reduction in revenues to the Treasury by reason of the amendment made by subsection (a).

**SA 3209.** Mr. CASEY (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE—INLAND WATERWAYS TRUST FUND FINANCING RATE

##### SEC. \_\_\_\_\_. REVISION TO THE INLAND WATERWAYS TRUST FUND FINANCING RATE.

(a) IN GENERAL.—Subparagraph (A) of section 4042(b)(2), as amended by section 221, is amended to read as follows:

“(A) The Inland Waterways Trust Fund financing rate is 29 cents per gallon.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to uses during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

**SA 3210.** Mr. CASEY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike section 122 and insert the following:

##### SEC. 122. PERMANENT EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—Clause (iv) of section 168(e)(3)(E)

is amended by striking “placed in service before January 1, 2014”.

(b) QUALIFIED RESTAURANT PROPERTY.—Clause (v) of section 168(e)(3)(E) is amended by striking “placed in service before January 1, 2014”.

(c) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Clause (ix) of section 168(e)(3)(E) is amended by striking “, and before January 1, 2014”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2013.

**SA 3211.** Mr. UDALL of Colorado (for himself, Mr. BLUNT, Mrs. SHAHEEN, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE —BREWERS EXCISE TAX AND ECONOMIC RELIEF

##### SEC. \_\_\_\_\_. REPEAL OF 1990 TAX INCREASE ON BEER.

(a) REPEAL OF 1990 TAX INCREASE ON BEER.—Paragraph (1) of section 5051(a) is amended by striking “\$18” and inserting “\$9”.

(b) TAX RELIEF FOR SMALL BREWERIES.—Subparagraph (A) of section 5051(a)(2) is amended to read as follows:

“(A) RATE PER BARREL FOR QUALIFYING BREWERS.—In the case of a brewer who produces not more than 2,000,000 barrels of beer during the calendar year, the per barrel rate of the tax imposed by this section on the first 60,000 barrels of beer which are removed in such year for consumption or sale and which have been brewed or produced by such brewer at qualified breweries in the United States shall be as follows:

“(i) For the first 15,000 barrels removed, \$0.

“(ii) For the next 45,000 barrels removed after the barrel quantity specified in clause (i), \$3.50.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SA 3212.** Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE—OTHER PROVISIONS

##### SEC. \_\_\_\_\_. CONSUMER RENEWABLE CREDIT.

(a) BUSINESS CREDIT.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:



**“SEC. 45S. CONSUMER RENEWABLE CREDIT.**

“(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible taxpayer, the consumer renewable credit for any taxable year is an amount equal to the product of—

“(1) the renewable portfolio factor of such eligible taxpayer, and

“(2) subject to subsection (e), the number of kilowatt hours of renewable electricity—

“(A) purchased or produced by such taxpayer, and

“(B) sold by such taxpayer to a retail customer during the taxable year.

“(b) RENEWABLE PORTFOLIO FACTOR.—In the case of taxable years beginning before January 1, 2019, the renewable portfolio factor for an eligible taxpayer shall be determined as follows:

“Renewable electricity percentage:	Renewable portfolio factor:
Less than 6 percent .....	zero cents
At least 6 percent but less than 8 percent .....	0.1 cents
At least 8 percent but less than 12 percent .....	0.2 cents
At least 12 percent but less than 16 percent .....	0.3 cents
At least 16 percent but less than 20 percent .....	0.4 cents
At least 20 percent but less than 24 percent .....	0.5 cents
Equal to or greater than 24 percent .....	0.6 cents.

“(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) ELIGIBLE TAXPAYER.—The term ‘eligible taxpayer’ means an electric utility, as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22)).

“(2) RENEWABLE ELECTRICITY.—The term ‘renewable electricity’ means electricity generated by any facility using wind or solar energy to generate such electricity.

“(3) RENEWABLE ELECTRICITY PERCENTAGE.—The term ‘renewable electricity percentage’ means the percentage of an eligible taxpayer’s total sales of electricity to retail customers which is derived from renewable electricity (determined without regard to whether such electricity was produced by the taxpayer).

“(4) APPLICATION OF OTHER RULES.—For purposes of this section, rules similar to the rules of paragraphs (1), (3), and (5) of section 45(e) shall apply.

“(5) CREDIT ALLOWED ONLY WITH RESPECT TO ONE ELIGIBLE ENTITY.—No credit shall be allowed under subsection (a) with respect to renewable electricity purchased from another eligible entity if a credit has been allowed under this section to such other eligible entity.

“(d) COORDINATION WITH PAYMENTS.—The amount of the credit determined under this section with respect to any electricity shall be reduced to take into account any payment provided with respect to such electricity solely by reason of the application of section 6433.

“(e) RENEWABLE ELECTRICITY ENHANCEMENT.—

“(1) NATIVE AMERICAN WIND AND SOLAR.—In the case of renewable electricity generated by a wind or solar energy facility which is located on an Indian reservation (as defined in section 168(j)(6)), the number of kilowatt hours of such renewable electricity shall, for purposes of subsection (a)(2), be equal to 200 percent of the kilowatt hours of such renewable electricity actually purchased or produced and sold during the taxable year.

“(2) ELECTRIC COOPERATIVE WIND AND SOLAR.—In the case of renewable electricity generated by a wind or solar energy facility which is wholly owned by a mutual or cooperative electric company (as described in section 501(c)(12) or 1381(a)(2)(C)), the number of kilowatt hours of such renewable elec-

tricity shall, for purposes of subsection (a)(2), be equal to 150 percent of the kilowatt hours of such renewable electricity actually purchased or produced and sold during the taxable year.”.

(2) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by this Act, is amended by striking “plus” at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting “, plus”, and by adding at the end the following new paragraph:

“(37) the consumer renewable credit determined under section 45S(a).”.

(3) SPECIFIED CREDIT.—Subparagraph (B) of section 38(c)(4) is amended by redesignating clauses (vii) through (ix) as clauses (viii) through (x), respectively, and by inserting after clause (v) the following new clause:

“(vi) the credit determined under section 45S.”.

(4) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Sec. 45S. Consumer renewable credit.”.

“(b) PAYMENTS IN LIEU OF CREDIT.—

(1) IN GENERAL.—Subchapter B of chapter 65 is amended by adding at the end the following new section:

**“SEC. 6433. CONSUMER RENEWABLE CREDIT PAYMENTS.**

“(a) IN GENERAL.—If any eligible person sells renewable electricity to a retail customer, the Secretary shall pay (without interest) to any such person who elects to receive a payment an amount equal to the product of—

“(1) the intermittent renewable portfolio factor of such eligible person, and

“(2) the number of kilowatt hours of renewable electricity—

“(A) purchased or produced by such person, and

“(B) sold by such person in the trade or business of such person to a retail customer.

“(b) TIMING OF PAYMENTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), rules similar to the rules of section 6427(i)(1) shall apply for purposes of this section.

“(2) QUARTERLY PAYMENTS.—

“(A) IN GENERAL.—If, at the close of any quarter of the taxable year of any person (or, in the case of an eligible person that does not have a taxable year, the close of any quarter of the fiscal year), at least \$750 is payable in the aggregate under subsection (a), to such person with respect to electricity purchased or produced during—

“(i) such quarter, or

“(ii) any prior quarter (for which no other claim has been filed) during such year, a claim may be filed under this section with respect to such electricity.

“(B) TIME FOR FILING CLAIM.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the earliest quarter included in the claim.

“(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) ELIGIBLE PERSON.—The term ‘eligible person’ means—

“(A) an electric utility, as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22)), or

“(B) a Federal power marketing agency, as defined in section 3(19) of such Act (16 U.S.C. 796(19)).

“(2) OTHER DEFINITIONS.—Any term used in this section which is also used in section 45S shall have the meaning given such term under section 45S.

“(3) APPLICATION OF OTHER RULES.—For purposes of this section, rules similar to the rules of paragraphs (1) and (3) of section 45(e) shall apply.

“(d) PAYMENT DISALLOWED UNLESS AMOUNT PASSED TO THIRD-PARTY GENERATORS CHARGED FOR INTEGRATION COSTS.—

“(1) IN GENERAL.—In the case of renewable electricity eligible for the payment under subsection (a) that is purchased and not produced by an eligible person, no payment shall be made under this section unless any charge the eligible person has assessed the seller to recover the integration costs associated with such electricity has been reduced (but not below zero) to the extent of the payment received under subsection (a) associated with such electricity.

“(2) DEFINITIONS.—For purposes of paragraph (1), charges intended to recover integration costs do not include amounts paid by the producer of the electricity for interconnection facilities, distribution upgrades, network upgrades, or stand alone network upgrades as those terms have been defined by the Federal Energy Regulatory Commission in its Standard Interconnection Procedures.

“(e) PAYMENT ALLOWED FOR SPECIAL GENERATING AND TRANSMITTING ENTITIES.—

“(1) IN GENERAL.—Notwithstanding subsection (a)(2), a special generating and transmitting entity shall be eligible for payment under subsection (a) based on the number of kilowatt hours of renewable electricity transmitted, regardless of whether such entity purchased or sold such electricity to retail customers.

“(2) DEFINITION.—For purposes of this subsection, the term ‘special generating and transmitting entity’ means—

“(A) an entity which is—

“(i) primarily engaged in marketing electricity,

“(ii) provides transmissions services for greater than 4,000 megawatts of renewable electricity generating facilities, as determined by reference to the machine or nameplate capacity thereof, and

“(iii) transmits the majority of such renewable electricity to customers located outside of the region that it serves, or

“(B) a generation and transmission cooperative which engages primarily in providing wholesale electric services to its members (generally consisting of distribution cooperatives).”.

(2) CLERICAL AMENDMENT.—The table of sections for subpart B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6433. Consumer renewable credit payments.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced or purchased and sold after December 31, 2013, and before January 1, 2019.

**SEC. 2. DELAY IN APPLICATION OF WORLD-WIDE INTEREST.**

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking “December 31, 2020” and inserting “December 31, 2022”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SA 3213.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from

being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE—STOPPING TAX OFFENDERS AND PROSECUTING IDENTITY THEFT**

**SEC. \_01. USE OF DEPARTMENT OF JUSTICE RESOURCES WITH REGARD TO TAX RETURN IDENTITY THEFT.**

(a) IN GENERAL.—The Attorney General should make use of all existing resources of the Department of Justice, including any appropriate task forces, to bring more perpetrators of tax return identity theft to justice.

(b) CONSIDERATIONS TO BE TAKEN INTO ACCOUNT.—In carrying out this section, the Attorney General should take into account the following:

(1) The need to concentrate efforts in those areas of the country where the crime is most frequently reported.

(2) The need to coordinate with State and local authorities for the most efficient use of their laws and resources to prosecute and prevent the crime.

(3) The need to protect vulnerable groups, such as veterans, seniors, and minors (especially foster children) from becoming victims or otherwise used in the offense.

**SEC. \_02. VICTIMS OF IDENTITY THEFT MAY INCLUDE ORGANIZATIONS.**

Chapter 47 of title 18, United States Code, is amended—

(1) in section 1028—

(A) in subsection (a)(7), by inserting “(including an organization)” after “another person”; and

(B) in subsection (d)(7), in the matter preceding subparagraph (A), by inserting “or other person” after “specific individual”; and

(2) in section 1028A(a)(1), by inserting “(including an organization)” after “another person”.

**SEC. \_03. IDENTITY THEFT FOR PURPOSES OF TAX FRAUD.**

Section 1028(b)(3) of title 18, United States Code, is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by inserting “or” after the semicolon; and

(3) by adding at the end the following:

“(D) during and in relation to a felony under section 7206 or 7207 of the Internal Revenue Code of 1986;”.

**SEC. \_04. REPORTING REQUIREMENT.**

(a) GENERALLY.—Beginning with the first report made more than 9 months after the date of the enactment of this Act under section 1116 of title 31, United States Code, the Attorney General shall include in such report the information described in subsection (b) of this section as to progress in implementing this Act and the amendments made by this Act.

(b) CONTENTS.—The information referred to in subsection (a) is as follows:

(1) Information readily available to the Department of Justice about trends in the incidence of tax return identity theft.

(2) The effectiveness of statutory tools, including those provided by this Act, in aiding the Department of Justice in the prosecution of tax return identity theft.

(3) Recommendations on additional statutory tools that would aid in removing barriers to effective prosecution of tax return identity theft.

(4) The status on implementing the recommendations of the Department’s March 2010 Audit Report 10-21 entitled “The Department of Justice’s Efforts to Combat Identity Theft”.

**SA 3214.** Ms. KLOBUCHAR (for herself, Mr. HATCH, Mr. FRANKEN, Mr. TOOMEY, Mrs. SHAHEEN, Mrs. HAGAN, Mr. DONNELLY, Mr. COATS, Mr. MCCONNELL, Mr. UDALL of Colorado, Mr. CASEY, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE—MORATORIUM ON MEDICAL DEVICE TAX**

**SEC. \_\_\_\_ MORATORIUM ON APPLICATION OF MEDICAL DEVICE TAX AND REFUND OF AMOUNTS PAID.**

(a) MORATORIUM ON APPLICATION OF TAX.—

(1) IN GENERAL.—Section 4191 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection: “(c) MORATORIUM.—The tax imposed under subsection (a) shall not apply to sales during the period beginning on January 1, 2014, and ending on December 31, 2015.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales after December 31, 2013.

(b) REFUND OF AMOUNTS PAID.—The Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to provide a refund, with interest, to any manufacturer, producer, or importer of taxable medical devices in an amount equal to the taxes imposed by section 4191 of the Internal Revenue Code of 1986 that were paid by such manufacturer, producer, or importer for the sale of any such devices between the period after December 31, 2013, and before the date of the enactment of this Act.

**SA 3215.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —INNOVATE AMERICA**

**SEC. \_01. FINDINGS.**

Congress finds the following:

(1) Innovation has historically been a catalyzing force in the American economy, driving the production of game-changing technologies, the creation of millions of jobs and the opening of countless new avenues for growth. In an increasingly competitive global economy, our Nation’s continued leadership and prosperity will hinge on progress in key innovative areas, most notably exporting, entrepreneurship, research and development, and education in science, technology,

engineering, and mathematics (STEM), including computer science.

(2) Technology-based startups play a critical role in driving innovation. Increasing the flow of capital to these firms would bridge the gap that often exists between their initial startup costs and their long-term capital needs, giving the firms the resources necessary to research, develop, and commercialize new products.

(3) Simplifying, expanding, and stabilizing the tax credits that businesses and institutions of higher education rely on to offset the cost of research and would promote greater clarity in the Internal Revenue Code of 1986 and deliver a powerful incentive for private sector innovation.

(4) Increasing the emphasis on STEM education in high schools and institutions of higher education would ensure that more students have the skills and training to not only compete for jobs in a 21st century economy, but also to create the startup companies and revolutionary technologies that will sustain American prosperity for centuries to come.

(5) The United States Bureau of Labor Statistics predicts that in the year 2020, of the 9,200,000 “STEM” jobs there will be in the United States, half of them will be in computing. With more than 150,000 job openings expected annually in computing, it is one of the fastest growing occupations in the United States. Increasing the teaching and learning of computer science in schools would strengthen the American workforce by helping our students gain the skills and training necessary to fulfill new computer programming jobs.

(6) An effective regulatory climate should protect consumers and promote transparency without overburdening the businesses that create jobs. Federal agencies with rulemaking authority should be vigilant in assessing the impact of new regulations on innovation and job creation, particularly in anchor industries like manufacturing.

(7) The economic impact of a new product or technology is often dependent on its commercial success. To ensure American products can be bought and sold in markets around the world, the government should identify and remove over burdensome regulations that create barriers for United States exporting companies.

**SEC. \_02. SIMPLIFICATION OF TAX CREDIT FOR CONTRIBUTIONS TO UNIVERSITIES FOR RESEARCH AND DEVELOPMENT PURPOSES.**

(a) IN GENERAL.—Subparagraph (A) of section 41(e)(7) is amended by striking “not having a specific commercial objective”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. \_03. CREDIT FOR CHARITABLE CONTRIBUTIONS OF EQUIPMENT TO SECONDARY SCHOOLS AND TECHNICAL AND COMMUNITY COLLEGES.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

**“SEC. 45S. CREDIT FOR CHARITABLE CONTRIBUTIONS OF EQUIPMENT TO SECONDARY SCHOOLS AND TECHNICAL AND COMMUNITY COLLEGES.**

“(a) IN GENERAL.—For purposes of section 38, the charitable equipment contribution credit determined under this section for any taxable year is an amount equal to 30 percent of the fair market value (determined at the time of the contribution) of any qualified



equipment which is contributed by the taxpayer to a secondary school, technical college, or community college.

“(b) **QUALIFIED EQUIPMENT.**—For purposes of this section, the term ‘qualified equipment’ means any tangible personal property described in paragraph (1) of section 1221(a), but only if—

“(1) the property is purchased, constructed, or assembled by the taxpayer,

“(2) the property is equipment or apparatus substantially all of the use of which by the donee is for research or experimentation, research training, or education in science or technology,

“(3) the property is suitable for use in the donee’s research or experimentation or educational programs,

“(4) the property is not transferred by the donee in exchange for money, other property, or services, and

“(5) the taxpayer receives from the donee a written statement representing that its use and disposition of the property will be in accordance with the provisions of paragraphs (2), (3), and (4).

“(c) **GAIN NOT TAKEN INTO ACCOUNT.**—The amount of any contribution of qualified equipment otherwise taken into account under subsection (a) shall be reduced, but not below zero, by the sum of—

“(1) ½ of the amount of any gain which would not have been long-term capital gain (determined without regard to section 1221(b)(3)) if the property contributed had been sold by the taxpayer at its fair market value (determined at the time of such contribution), and

“(2) the amount, if any, by which the amount of such contribution (determined by taking into account paragraph (1) but without regard to this paragraph) exceeds twice the taxpayer’s basis in the qualified equipment.

“(d) **DEFINITIONS.**—For purposes of this section—

“(1) **SECONDARY SCHOOL.**—The term ‘secondary school’ has the meaning given such term by section 9101 of the Elementary and Secondary Education Act of 1965.

“(2) **TECHNICAL COLLEGE.**—The term ‘technical college’ means a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965).

“(3) **COMMUNITY COLLEGE.**—The term ‘community college’ means a junior or community college (as defined in section 312 of the Higher Education Act of 1965).

“(e) **DENIAL OF DOUBLE BENEFIT.**—No deduction shall be allowed under section 170 for any contribution for which a credit is allowed under this section.”

(b) **CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.**—Section 38(b), as amended by this Act, is amended—

(1) by striking “plus” at the end of paragraph (3b),

(2) by striking the period at the end of paragraph (37) and inserting “, plus”, and

(3) by adding at the end the following new paragraph:

“(38) the charitable equipment contribution credit determined under section 45S(a).”

(c) **CLERICAL AMENDMENT.**—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Sec. 45S. Credit for charitable contributions of equipment to secondary schools and technical and community colleges.”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contribu-

tions made after the date that is 30 days after the date of the enactment of this Act.

#### SEC. 404. TAX CREDIT FOR COLLABORATIVE RESEARCH AND DEVELOPMENT.

(a) **IN GENERAL.**—Paragraph (3) of section 41(a) is amended by striking “to an energy research consortium for energy research” and inserting “to a qualified collaborative research partner for qualified research”.

(b) **DEFINITION.**—Paragraph (6) of section 41(f) is amended to read as follows:

“(6) **QUALIFIED COLLABORATIVE RESEARCH PARTNER.**—

“(A) **IN GENERAL.**—The term ‘qualified collaborative research partner’ means—

“(i) a collaborative research consortium,

“(ii) an institution of higher education (as defined in section 3304(f)), or

“(iii) an organization which is a Federal laboratory (as defined in section 4(6) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703(6)), as in effect on the date of the enactment of the Energy Tax Incentives Act of 2005).

“(B) **COLLABORATIVE RESEARCH CONSORTIUM.**—The term ‘collaborative research consortium’ means any organization—

“(i) which is—

“(I) described in section 501(c)(3) and is exempt from tax under section 501(a) and is organized and operated primarily to conduct scientific research, or

“(II) organized and operated primarily to conduct scientific research in the public interest (within the meaning of section 501(c)(3)),

“(ii) which is not a private foundation,

“(iii) to which at least 5 unrelated persons paid or incurred during the calendar year in which the taxable year of the organization begins amounts (including as contributions) to such organization for qualified research, and

“(iv) to which no single person paid or incurred (including as contributions) during such calendar year an amount equal to more than 50 percent of the total amounts received by such organization during such calendar year for qualified research.

“(C) **TREATMENT OF PERSONS.**—All persons treated as a single employer under subsection (a) or (b) of section 52 shall be treated as related persons for purposes of subparagraph (B)(iii) and as a single person for purposes of subparagraph (B)(iv).

“(D) **FOREIGN RESEARCH.**—For purposes of subsection (a)(3), amounts paid or incurred for any research conducted outside the United States, the Commonwealth of Puerto Rico, or any possession of the United States shall not be taken into account.

“(E) **DENIAL OF DOUBLE BENEFIT.**—Any amount taken into account under subsection (a)(3) shall not be taken into account under paragraph (1) or (2) of subsection (a).”

(c) **CONFORMING AMENDMENTS.**—

(1) Subparagraph (D) of section 41(b)(3) is amended to read as follows:

“(D) **AMOUNTS PAID TO ELIGIBLE SMALL BUSINESSES.**—

“(i) **IN GENERAL.**—In the case of amounts paid by the taxpayer to an eligible small business for qualified research, subparagraph (A) shall be applied by substituting ‘100 percent’ for ‘65 percent’.

“(ii) **ELIGIBLE SMALL BUSINESS.**—For purposes of this subparagraph, the term ‘eligible small business’ means a small business with respect to which the taxpayer does not own (within the meaning of section 318) 50 percent or more of—

“(I) in the case of a corporation, the outstanding stock of the corporation (either by vote or value), and

“(II) in the case of a small business which is not a corporation, the capital and profits interests of the small business.

“(iii) **SMALL BUSINESS.**—For purposes of this subparagraph—

“(I) **IN GENERAL.**—The term ‘small business’ means, with respect to any calendar year, any person if the annual average number of employees employed by such person during either of the 2 preceding calendar years was 500 or fewer. For purposes of the preceding sentence, a preceding calendar year may be taken into account only if the person was in existence throughout the year.

“(II) **STARTUPS, CONTROLLED GROUPS, AND PREDECESSORS.**—Rules similar to the rules of subparagraphs (B) and (D) of section 220(c)(4) shall apply for purposes of this clause.”

(2) Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking “energy research consortiums” and inserting “qualified collaborative research partners”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SA 3216.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE —OTHER PROVISIONS SEC. —. LIMITATION ON WITHDRAWAL LIABILITY OF CERTAIN SMALL EMPLOYERS PARTICIPATING IN A MULTIPLE EMPLOYER PLAN.

(a) **IN GENERAL.**—Subsection (a) of section 4225 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1405(a)) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

“(2) In the case of an electing eligible small employer, the portion of unfunded vested benefits (as determined after the application of all sections of this part having a lower number designation than this section) allocable to such employer shall be the greater of—

“(A) the amount determined under paragraph (1) (determined as if the table under paragraph (3) applied only to the liquidation or distribution value of the employer); or

“(B) a portion (determined under paragraph (3)) of the unfunded vested benefits (as so determined, but using the method under section 4211 which results in the lowest amount) attributable to employees of the employer.

The amount determined under the preceding sentence shall not exceed the amount determined by applying section 4219(c)(1)(B) without regard to any interest due on withdrawal liability amounts which are deemed to be past due at the time total payments are computed for the period of 20 years described in such section.”

(b) **ELECTING ELIGIBLE SMALL EMPLOYER.**—Subsection (a) of section 4225 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1405(a)) is amended by adding at the end the following new paragraph:

“(4) For purposes of paragraphs (2) and (3)—

“(A) The term ‘electing eligible small employer’ means an employer—

“(i) the stock of which is not publicly traded for more than  $\frac{1}{2}$  of the 3-calendar-year period ending with the calendar year that includes the date of the enactment of this paragraph;

“(ii) that has an average of fewer than 100 participants in a multiemployer plan at each business location over such 3-year period;

“(iii) an average of 60 percent or fewer of the employees of which at all business locations are participants in a multiemployer plan over such 3-year period; and

“(iv) that elects by notification to the plan sponsor, during the 5-consecutive-plan-year period beginning with the first plan year beginning after the date of the enactment of this paragraph, to have paragraph (2) apply to such employer.

An employer shall be treated as an electing eligible small employer only if such employer pays the amount determined under paragraph (2) in a lump sum payment before the end of such 5-year period.

“(B) The unfunded vested benefits of the electing eligible small employer shall be determined as of the first day of the first plan year beginning after the date of the enactment of this paragraph, and shall be determined without regard to any supplemental payments or payments made by reason of rehabilitation status of the plan.”.

(C) CONFORMING AMENDMENTS.—

(1) Section 4225(a)(1)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1405(a)(1)(A)) is amended by striking “paragraph (2)” and inserting “paragraph (3)”.

(2) Paragraph (3) of section 4225(a) of such Act (29 U.S.C. 1405(a)(3)), as redesignated by subsection (a), is amended—

(A) by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”, and

(B) by striking “of the employer” in the heading of the first column of the table and inserting “of the employer (or, in the case of an electing eligible small employer, the unfunded vested benefits of the employer)”.

**SEC. \_\_\_\_\_. EXCISE TAX ON MULTIEMPLOYER PLANS THAT FAIL TO COMPLY WITH SMALL EMPLOYER WITHDRAWAL LIABILITY LIMITATION.**

(a) IN GENERAL.—Chapter 43 is amended by adding at the end the following new section:

**“SEC. 4980J. EXCISE TAX ON MULTIEMPLOYER PLANS THAT FAIL TO COMPLY WITH SMALL EMPLOYER WITHDRAWAL LIABILITY LIMITATION.**

“(a) IMPOSITION OF TAX.—If—

“(1) a multiemployer plan to which title IV of the Employee Retirement Income Security Act of 1974 applies includes an electing eligible small employer (as defined in section 4225(a)(4) of such Act), and

“(2) the plan is not amended, as of the last day of the first plan year beginning after the later of—

“(A) the date of the enactment of paragraph (4) of section 4225(a) of such Act; or

“(B) receipt by the plan of notice from one or more employers participating in the plan that such employer is making the election under section 4225(a)(4)(A)(iv);

to comply with the limitation under section 4225(a)(2) of such Act,

there is hereby imposed a tax in the amount determined under subsection (b).

“(b) AMOUNT DETERMINED.—The amount determined under this subsection is, with respect to each calendar year (or portion thereof) in the period beginning on the date

described in subsection (a)(2) and ending on the effective date of an amendment to the plan that complies with the limitation under section 4225(a)(2) of the Employee Retirement Income Security Act of 1974, the product of—

“(1) \$10,000, and

“(2) the number of participants in the plan who are employees of the electing eligible small employer for plan years beginning in such calendar year.

“(c) LIABILITY FOR, AND TIME OF PAYMENT OF, TAX.—For purposes of this section—

“(1) LIABILITY.—The tax imposed by subsection (a) shall be paid by the plan sponsor (within the meaning of section 432(i)(9)).

“(2) TIME OF PAYMENT.—The Secretary may provide for the tax imposed by subsection (a) to be paid on an annual or lump sum basis, or at such other time as the Secretary deems appropriate.

“(d) WAIVER OF TAX.—In the case of a failure to amend a plan to comply with the limitation under section 4225(a)(2) of the Employee Retirement Income Security Act of 1974 which the Secretary determines (in coordination with the Secretary of Labor) is due to reasonable cause and not to willful neglect, the Secretary may waive all or a portion of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable in relation to the amount of the withdrawal liability of the electing eligible small employer involved.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 43 is amended by adding at the end the following new item:

“Sec. 4980J. Excise tax on multiemployer plans that fail to comply with small employer withdrawal liability limitation.”.

**SA 3217.** Mr. BOOKER (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE \_\_\_\_—LEVERAGING AND ENERGIZING AMERICA'S APPRENTICESHIP PROGRAMS**

**SEC. \_\_\_\_01. SHORT TITLE.**

This title may be cited as the “Leveraging and Energizing America's Apprenticeship Programs Act” or the “LEAP Act”.

**SEC. \_\_\_\_02. CREDIT FOR EMPLOYEES PARTICIPATING IN QUALIFIED APPRENTICESHIP PROGRAMS.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

**“SEC. 45S. EMPLOYEES PARTICIPATING IN QUALIFIED APPRENTICESHIP PROGRAMS.**

“(a) IN GENERAL.—For purposes of section 38, the apprenticeship credit determined under this section for the taxable year is an amount equal to the sum of the applicable credit amounts (as determined under subsection (b)) for each of apprentice of the employer that exceeds the applicable apprenticeship level (as determined under subsection (e)) during such taxable year.

“(b) APPLICABLE CREDIT AMOUNT.—For purposes of subsection (a), the applicable credit

amount for each apprentice for each taxable year is equal to—

“(1) in the case of an apprentice who has not attained 25 years of age at the close of the taxable year, \$1,500, or

“(2) in the case of an apprentice who has attained 25 years of age at the close of the taxable year, \$1,000.

“(c) LIMITATION ON NUMBER OF YEARS WHICH CREDIT MAY BE TAKEN INTO ACCOUNT.—The apprenticeship credit shall not be allowed for more than 2 taxable years with respect to any apprentice.

“(d) APPRENTICE.—For purposes of this section, the term ‘apprentice’ means any employee who is employed by the employer—

“(1) in an officially recognized apprenticeship occupation, as determined by the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor; and

“(2) pursuant to an apprentice agreement registered with—

“(A) the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor; or

“(B) a recognized State apprenticeship agency, as determined by the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor.

“(e) APPLICABLE APPRENTICESHIP LEVEL.—

“(1) IN GENERAL.—For purposes of this section, the applicable apprenticeship level shall be equal to—

“(A) in the case of any apprentice described in subsection (b)(1), the amount equal to 80 percent of the average number of such apprentices of the employer for the 3 taxable years preceding the taxable year for which the credit is being determined, rounded to the next lower whole number; and

“(B) in the case of any apprentices described in subsection (b)(2), the amount equal to 80 percent of the average number of such apprentices of the employer for the 3 taxable years preceding the taxable year for which the credit is being determined, rounded to the next lower whole number.

“(2) FIRST YEAR OF NEW APPRENTICESHIP PROGRAMS.—In the case of an employer which did not have any apprentices during any taxable year in the 3 taxable years preceding the taxable year for which the credit is being determined, the applicable apprenticeship level shall be equal to zero.

“(f) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 45A, 51(a), and 1396(a) with respect to any employee shall be reduced by the credit allowed by this section with respect to such employee.

“(g) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (i)(1) and (k) of section 51 shall apply for purposes of this section.”.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by this Act, is amended by striking “plus” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, plus”, and by adding at the end the following new paragraph:

“(38) the apprenticeship credit determined under section 45S(a).”.

(c) DENIAL OF DOUBLE BENEFIT.—Subsection (a) of section 280C is amended by inserting “45S(a),” after “45P(a).”.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Sec. 45S. Employees participating in qualified apprenticeship programs.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to individuals commencing apprenticeship programs after the date of the enactment of this Act.

**SEC. 3. LIMITATION ON GOVERNMENT PRINTING COSTS.**

Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(1) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs over the 10-year period beginning with fiscal year 2015, except that the Director shall ensure that essential printed documents prepared for social security recipients, medicare beneficiaries, and other populations in areas with limited Internet access or use continue to remain available;

(2) establish government wide Federal guidelines on employee printing; and

(3) issue guidelines requiring every department, agency, commission, or office to list at a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government—

(A) the name of the issuing agency, department, commission, or office;

(B) the total number of copies of the document printed;

(C) the collective cost of producing and printing all of the copies of the document; and

(D) the name of the entity publishing the document.

**SA 3218.** Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 6, strike line 15 and insert the following:  
inserting “January 1, 2016, or which is discharged pursuant to an arrangement entered into and evidenced in writing before such date”.

**SA 3219.** Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —OTHER PROVISIONS**

##### **SEC. 01. POINT OF ORDER.**

(a) **IN GENERAL.**—It shall not be in order in the Senate to consider any bill, joint resolution,

motion, amendment, or conference report that authorizes States to require online remote sales tax collection.

(b) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of  $\frac{2}{3}$  of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of  $\frac{2}{3}$  of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 3220.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —OTHER PROVISIONS**

##### **SEC. 01. SPECIAL CHANGE IN STATUS RULE FOR EMPLOYEES WHO BECOME ELIGIBLE FOR TRICARE.**

(a) **IN GENERAL.**—Subsection (g) of section 125 is amended by adding at the end the following new paragraph:

“(5) **CHANGE IN STATUS RELATING TO TRICARE ELIGIBILITY.**—For purposes of this section, if a cafeteria plan permits an employee to revoke an election during a period of coverage and to make a new election based on a change in status event, an event that causes the employee to become eligible for coverage under the TRICARE program shall be treated as a change in status event.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to events occurring after the date of the enactment of this Act.

**SA 3221.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —OTHER PROVISIONS**

##### **SEC. 01. POINT OF ORDER AGAINST LEGISLATION THAT WOULD AUTHORIZE STATES TO REQUIRE REMOTE SALES TAX COLLECTION WITHOUT CERTAIN LIMITATIONS.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that authorizes States to require remote sales tax collection unless such legislation includes language similar to the model limitation in subsection (b).

(b) **MODEL LIMITATION.**—The model limitation under this subsection is as follows:

(1) **IN GENERAL.**—The authority of any State to require remote sales tax collection

shall not apply with respect to any remote seller that is not a qualifying remote seller.

(2) **QUALIFYING REMOTE SELLER.**—For purposes of this subsection—

(A) **IN GENERAL.**—The term “qualifying remote seller” means—

(i) any remote seller that meets the ownership requirements of subparagraph (B); or

(ii) any remote seller the majority of domestic employees of which are primarily employed at a location in a participating State.

(B) **OWNERSHIP REQUIREMENTS.**—A remote seller meets the ownership requirements of this subparagraph if—

(i) in the case of a remote seller that is a publicly traded corporation, more than 50 percent of the covered employees (as defined in section 162(m)(3)) of the Internal Revenue Code of 1986) of such corporation reside in participating States;

(ii) in the case of a remote seller that is a corporation (other than a publicly traded corporation), more than 50 percent of the stock (by vote or value) of such corporation is held by individuals residing in participating States;

(iii) in the case of a remote seller that is a partnership, more than 50 percent of the profits interests or capital interests in such partnership is held by individuals residing in participating States; and

(iv) in the case of any other remote seller, more than 50 percent of the beneficial interests in the entity is held by individuals residing in participating States.

(C) **ATTRIBUTION RULES.**—For purposes of subparagraph (B), the rules of section 318(a) of the Internal Revenue Code of 1986 shall apply.

(D) **AGGREGATION RULES.**—For purposes of this paragraph, all persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 or subsection (m) or (o) of section 414 of such Code shall be treated as one person.

(3) **PARTICIPATING STATE.**—The term “participating State” means—

(A) a Member State under the Streamlined Sales and Use Tax Agreement which has exercised authority under subsection (a); or

(B) a State that—

(i) is not a Member State under the Streamlined Sales and Use Tax Agreement;

(ii) enacts legislation to exercise the authority to require remote sales tax collection; and

(iii) implements such other requirements as Congress shall provide.

(4) **STREAMLINED SALES AND USE TAX AGREEMENT.**—For purposes of this subsection, the term “Streamlined Sales and Use Tax Agreement” means the multi-State agreement with that title adopted on November 12, 2002, as in effect on the date of the enactment of this Act and as further amended from time to time.

(c) **WAIVER AND APPEAL.**—

(1) **WAIVER.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 3222.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from

being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —OTHER PROVISIONS**

##### **SEC. 01. EMPLOYEE PAYROLL TAX HOLIDAY FOR NEWLY HIRED VETERANS.**

(a) IN GENERAL.—Subsection (d) of section 3111 is amended to read as follows:

“(d) SPECIAL EXEMPTION FOR ELIGIBLE VETERANS HIRED DURING CERTAIN CALENDAR QUARTERS.—

“(1) IN GENERAL.—Subsection (a) shall not apply to 50 percent of the wages paid by the employer with respect to employment during the holiday period of any eligible veteran for services performed—

“(A) in a trade or business of the employer, or

“(B) in the case of an employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under such section.

“(2) HOLIDAY PERIOD.—For purposes of this subsection, the term ‘holiday period’ means the period of 4 consecutive calendar quarters beginning with the first day of the first calendar quarter beginning after the date of the enactment of the EXPIRE Act of 2014.

“(3) ELIGIBLE VETERAN.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘eligible veteran’ means a veteran who—

“(i) begins work for the employer during the holiday period,

“(ii) was discharged or released from the Armed Forces of the United States under conditions other than dishonorable, and

“(iii) is not an individual described in section 51(i)(1) (applied by substituting ‘employer’ for ‘taxpayer’ each place it appears).

“(B) VETERAN.—The term ‘veteran’ means any individual who—

“(i) has served on active duty (other than active duty for training) in the Armed Forces of the United States for a period of more than 180 days, or has been discharged or released from active duty in the Armed Forces of the United States for a service-connected disability (within the meaning of section 101 of title 38, United States Code),

“(ii) has not served on extended active duty (as such term is used in section 51(d)(3)(B)) in the Armed Forces of the United States on any day during the 60-day period ending on the hiring date, and

“(iii) provides to the employer a copy of the individual's DD Form 214, Certificate of Release or Discharge from Active Duty, that includes the nature and type of discharge.

“(4) ELECTION.—An employer may elect not to have this subsection apply. Such election shall be made in such manner as the Secretary may require.

“(5) COORDINATION WITH WORK OPPORTUNITY CREDIT.—For coordination with the work opportunity credit, see section 51(3)(D).”.

(b) COORDINATION WITH WORK OPPORTUNITY CREDIT.—

(1) IN GENERAL.—Paragraph (3) of section 51(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) DENIAL OF CREDIT FOR VETERANS SUBJECT TO 50 PERCENT PAYROLL TAX HOLIDAY.—If section 3111(d)(1) (as amended by the EXPIRE Act of 2014) applies to any wages paid by an employer, the term ‘qualified veteran’ does not include any individual who begins

work for the employer during the holiday period (as defined in section 3111(d)(2)) unless the employer makes an election not to have section 3111(d) apply.”.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 51 of such Code is amended by striking paragraph (5).

**SA 3223.** Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. . BONUSES.**

(a) ADVERSE FINDINGS AND EMPLOYEES UNDER INVESTIGATION.—Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

##### **“Subchapter IV—Limitations on Bonus Authority**

##### **“§ 4531. Certain forms of misconduct**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘adverse finding’ relating to an employee means a determination that the conduct of the employee—

“(A) violated a policy of the agency for which the employee may be removed or suspended; or

“(B) violated a law for which the employee may be imprisoned of more than 1 year;

“(2) the term ‘agency’ has the meaning given that term under section 551; and

“(3) the term ‘bonus’ means any bonus or cash award, including—

“(A) an award under this chapter;

“(B) an award under section 5384; and

“(C) a retention bonus under section 5754.

“(b) ADVERSE FINDINGS.—

“(1) IN GENERAL.—The head of an agency shall not award a bonus to an employee of the agency until 5 years after the end of the fiscal year in which the Inspector General or another senior ethics official of the agency or the Comptroller General of the United States makes an adverse finding relating to the employee.

“(2) PREVIOUSLY AWARDED BONUSES.—If the Inspector General or another senior ethics official of the agency or the Comptroller General of the United States makes an adverse finding relating to an employee, the head of the agency employing the employee, after notice and an opportunity for a hearing, shall issue an order directing the employee to repay the amount of any bonus awarded to the employee during the year during which the adverse finding is made.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

##### **“SUBCHAPTER IV—LIMITATIONS ON BONUS AUTHORITY**

“4531. Certain forms of misconduct.”.

**SA 3224.** Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE

or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. . BONUSES.**

(a) ADVERSE FINDINGS AND EMPLOYEES UNDER INVESTIGATION.—Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

##### **“Subchapter IV—Limitations on Bonus Authority**

##### **“§ 4531. Certain forms of misconduct**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘adverse finding’ relating to an employee means a determination that the conduct of the employee—

“(A) violated a policy of the agency for which the employee may be removed or suspended; or

“(B) violated a law for which the employee may be imprisoned of more than 1 year;

“(2) the term ‘agency’ has the meaning given that term under section 551; and

“(3) the term ‘bonus’ means any bonus or cash award, including—

“(A) an award under this chapter;

“(B) an award under section 5384; and

“(C) a retention bonus under section 5754.

“(b) ADVERSE FINDINGS.—

“(1) IN GENERAL.—The head of an agency shall not award a bonus to an employee of the agency until 5 years after the end of the fiscal year in which the Inspector General or another senior ethics official of the agency or the Comptroller General of the United States makes an adverse finding relating to the employee.

“(2) PREVIOUSLY AWARDED BONUSES.—If the Inspector General or another senior ethics official of the agency or the Comptroller General of the United States makes an adverse finding relating to an employee, the head of the agency employing the employee, after notice and an opportunity for a hearing, shall issue an order directing the employee to repay the amount of any bonus awarded to the employee during the year during which the adverse finding is made.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

##### **“SUBCHAPTER IV—LIMITATIONS ON BONUS AUTHORITY**

“4531. Certain forms of misconduct.”.

#### **AUTHORITY FOR COMMITTEES TO MEET**

##### **COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 15, 2014, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### **COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet

during the session of the Senate on May 15, 2014, at 2:30 p.m. in room SR-253 of the Russell Senate Office Building to conduct a hearing entitled, "Surface Transportation Reauthorization: Local Perspectives on Moving America".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on May 15, 2014, at 9:30 a.m. in room SD-406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 15, 2014, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, on May 15, 2014, at 2:30 p.m. in room SD-430 of the Dirksen Senate Office Building to conduct a hearing entitled "Progress and Challenges: The State of Tobacco Use and Regulations in the U.S."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on May 15, 2014, at 10 a.m. in room SD-106, of the Dirksen Senate Office Building to conduct a hearing entitled "The State of VA Health Care."

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 15, 2014, at 9:30 a.m., to conduct a hearing entitled "Online Advertising and Hidden Hazards to Consumer Security and Data Privacy."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 15, 2014, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 15, 2014, at 10 a.m., to hold an African Affairs subcommittee hearing entitled, "#BringBackOurGirls: Addressing the Threat of Boko Haram."

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 449.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 449) commemorating and honoring the dedication and sacrifice of the Federal, State, and local law enforcement officers who have been killed or injured in the line of duty.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Madam President, as chairman of the Senate Judiciary Committee, I am proud to come to the Senate floor today to celebrate the passage of a resolution commemorating and honoring the dedication and sacrifice of law enforcement officers who have been killed or injured in the line of duty. I urge other Senators to show their support for the men and women who work tirelessly to protect our communities.

This week is National Police Week, a time when thousands of law enforcement officers come to our Nation's Capital, and we pause to honor the sacrifices of our men and women in law enforcement. On Tuesday night the names of 286 officers killed in the line of duty were added to the walls of the National Law Enforcement Officers Memorial, 101 of whom were lost in 2013. The memorial now contains the names of over 20,000 fallen officers.

This resolution pays tribute to those who have fallen, recognizing May 15, 2014, as "National Peace Officers Memorial Day" and calling on the people of the United States to observe that day with solemnity, appreciation, and respect. Earlier today, Senator GRASSLEY and I attended the 33rd Annual National Peace Officers' Memorial service here on the West Front of the Capitol. The event was a somber reminder of the sacrifices that law enforcement officers make every day. We have a responsibility to support them in the critical work they do.

I also urge the Senate to come together to honor law enforcement officers by supporting the passage of both S. 933, the Bulletproof Vest Partner-

ship Grant Program, and S. 357, the National Blue Alert Act. These bills are unanimously and strongly supported by law enforcement and passing these bills would provide tangible, life-saving assistance to those who serve on the front lines, protecting our communities.

I thank Senators GRASSLEY, SHAHEEN, WICKER, MARKEY, BEGICH, UDALL of New Mexico, HAGAN, COONS, DURBIN, FRANKEN, BOOKER, LANDRIEU, REED, BLUMENTHAL, SCHATZ, HEITKAMP, FEINSTEIN, UDALL of Colorado, WICKER, PRYOR, HIRONO, CARDIN, COCHRAN, WARNER, MIKULSKI, WARREN, SCHUMER, MURRAY, WHITEHOUSE, DONNELLY, HEINRICH, and KLOBUCHAR for their cosponsorship of this resolution and their support for law enforcement. I am very glad to see this resolution pass.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 449) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

KIDS TO PARKS DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 450.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 450) designating May 17, 2014, as "Kids to Parks Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 450) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ORDERS THROUGH TUESDAY, MAY 20, 2014

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Monday, May 19,

2014, for a pro forma session with no business conducted; that following the pro forma session, the Senate adjourn until 10 a.m. on Tuesday, May 20, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time from 2:30 p.m. until 5:30 p.m. equally divided and controlled between the two leaders or their designees; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings; that at 5:30 p.m. the Senate proceed to executive session to consider the Costa nomination, as provided for under the previous order; that upon disposition of the Costa nomination, the cloture vote with respect to Executive Calendar No. 768, the Fischer nomination, occur; finally, that the cloture vote with respect to the Barron nomination occur upon disposition of the Fischer nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Madam President, I believe there will be at least two rollcall votes on Tuesday at 5:30 p.m.

#### ADJOURNMENT UNTIL MONDAY, MAY 19, 2014, AT 11 A.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:40 p.m., adjourned until Monday, May 19, 2014, at 11 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### CONSUMER PRODUCT SAFETY COMMISSION

ROBERT S. ADLER, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2014. (REAPPOINTMENT)

##### DEPARTMENT OF TRANSPORTATION

VICTOR M. MENDEZ, OF ARIZONA, TO BE DEPUTY SECRETARY OF TRANSPORTATION, VICE JOHN D. PORCARI, RESIGNED.

PETER M. ROGOFF, OF VIRGINIA, TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY, VICE POLLY ELLEN TROTTENBERG, RESIGNED.

##### DEPARTMENT OF STATE

THEODORE G. OSIUS III, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF

MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOCIALIST REPUBLIC OF VIETNAM.  
JOAN A. POLASCHIK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

##### To be major

ERICH M. GAUGER  
ROBERT M. KOHUT  
SETH B. MCCORD  
MICHAEL P. PALMER  
JERMAL M. SCARBROUGH  
VINCENT M. TIMPONE  
TIMOTHY P. VANDERBILT  
TIMOTHY J. ZIELICKE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

##### To be major

ANTHONY F. FONTENOS, F  
VU T. NGUYEN

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### To be colonel

TAFT OWEN AUJERO  
PETER G. BAILEY  
SHELLY LEIGH BAUSCH  
BRANDON K. BEIGHTOL  
MONICA M. BLAKLEY  
CHARLES IRWIN BLANK III  
CHRISTOPHER M. BLOMQUIST  
SCOTT ALAN BLUM  
JOHN EDWARD BOLLARD  
WILLIAM V. BOOTHMAN  
CRAIG DAVID BORGSTROM  
STEVEN P. BRANCHE  
ALONZO L. BRISTOL III  
IAN B. W. BRYAN  
MICHAEL T. BUTLER  
BRIAN LEE CALLAHAN  
MICHAEL E. CALLAHAN  
LOUIS VELENO CAMPBELL IV  
CHRISTOPHER C. CASSON  
JONATHAN C. COX  
EDWARD HAMILTON CREWS  
EMILY JEAN DESROSIER  
MATTHEW K. DOGGETT  
PATRICK W. DONALDSON  
JEFFREY B. EDWARDS  
RAYMOND FIGUEROA  
CAESAR RODRIGUEZ GARDUNO  
JAMES D. GLOSS  
ANTHONY H. GREEN  
JOHN MARTIN GREEN  
JOHN M. GRIMES  
TOMMY GUNTER, JR.  
ROBERT EDWARD HAGEL  
RONALD J. HALLEY  
HENRY UPHAM HARDER, JR.  
GEORGE ROY HAYNES  
WILLIAM GEORGE HENDERSON  
DONALD F. HENRY  
DOUGLAS W. HIRE  
TODD D. HIRNEISEN  
MARK A. HOPSON  
PATRICK J. HOVER  
PAUL D. JOHNSON  
MICHAEL A. JURRIES  
KATHRYN M. KAHLSON  
MICHELLE MAYBELL KIRWAN  
MARK S. KLEINPETER  
CLARICE HANKS KONSHOK  
WALTER D. KUCABA  
BRIAN K. LEHEW  
KRISTEN J. LEIST  
MARK Y. LIU  
RICHARD ANGELO LIZZARI  
ROGELIO MALDONADO, JR.  
LYNDON DELOS SANT MARQUEZ  
ANDREW W. MARSHALL  
DARLA C. MCPHERSON  
JOANN ROCKSWOLD MEACHAM  
CHRISTOPHER M. MEYER  
ARNETTA ELISA MINNEY  
DANIEL L. MOORE  
MAUREEN GOLDEN MURPHY  
SEAN DANIEL NAVIN  
THOMAS ANTHONY NICHOL  
BARRY ARNOLD ORBINATI  
SUELLEN OVERTON

ROBERT C. PARKER II  
LYNNE C. PAYNE  
GREGG A. PEREZ  
MARK DAVID PIPER  
MILAD LALI POORAN  
DENISE M. PRONESTI  
CHRISTOPHER D. PURVIS  
MICHAEL JAMES REGAN, JR.  
ROBERT DAVID REYNER  
JEFFERY LYNN RICHARD  
JAMES A. ROBERTS  
ALAN NICHOLAS ROSS  
KENNETH RAY ROSSON  
GEOFFREY S. SANDERS  
MAURO SARMIENTO  
BETSY A. SCHOELLER  
WILLIAM PAUL SHUERT  
DARRIN E. SLATEN  
JEFFERY WADE SLAYTON  
EDWIN H. SLOCUM  
JEFFREY S. SMITH  
MICHAEL D. SPROUL  
TODD RAY STARBUCK  
KIMBRA L. STERR  
TIMOTHY DAVID STEVENS  
JOSEPH S. STEWART  
DANIEL L. TACK, JR.  
TAISON K. TANAKA  
DENISE L. TAYLOR  
NATHAN D. THOMAS  
LAURA STACHELCZY THOMPSON  
THOMAS CHRISTOPHER TURNER  
DAREN WAYNE VANAULEN  
MATTHEW SCOTT VANWIEREN  
JOHN M. VERWIEL  
ANN C. WARE  
JEFFREY T. WEBSTER  
TROY R. WERTZ  
RONALD B. WESLEY  
PATRICIA WILSON  
KEVIN R. WINDSOR

##### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

##### To be colonel

RONALD W. BURKETT II  
DAVID J. COATES  
EDWARD R. COUTTA  
SCOTT E. DELBRIDGE  
RICHARD J. EHRLICHMAN  
CINDY H. HAYGOOD  
BRADFORD F. KNIGHT  
DANIEL K. LANE  
BRIAN J. MELTON

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be commander

JOSHUA L. KEEVER

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

##### To be lieutenant commander

RUSTIN J. DOZEMAN

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

##### To be lieutenant commander

LORI L. CODY

#### CONFIRMATIONS

Executive nominations confirmed by the Senate May 15, 2014:

##### DEPARTMENT OF STATE

HELEN MEAGHER LA LIME, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

*May 15, 2014*

CONGRESSIONAL RECORD—SENATE, Vol. 160, Pt. 6

**8407**

THE JUDICIARY

ROSEMARY MARQUEZ, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

DOUGLAS L. RAYES, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

JAMES ALAN SOTO, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

DEPARTMENT OF JUSTICE

LESLIE RAGON CALDWELL, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL.

## EXTENSIONS OF REMARKS

TO RECOGNIZE MARY SHAFER

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2014*

Mr. FITZPATRICK. Mr. Speaker, it has been said that public service must be more than doing a job efficiently and sincerely. It must be done with complete dedication to the people and to the community in which one serves. Mr. Speaker, that is how Mary Shafer's colleagues would describe her. Mary recently retired from Nockamixon Township Volunteer Emergency Services Management. She served Nockamixon as the public information officer and weather coordinator. Over the past several years, the Bucks County portion of my district has been hit hard by devastating storms including Superstorm Sandy, leaving behind fallen trees and downed power lines. Nockamixon and the surrounding area lost electricity and access to running water for days and in some cases weeks. The local middle school was converted into a shelter to host Nockamixon residents. Mary's role as public information officer was critical to health, safety, and welfare of these constituents.

Mary demonstrated day after day that by working together, we have the fortitude to meet the needs facing our community even during the most challenging times. I would like to commend Mary Shafer for her dedication to public service and offer our gratitude on behalf of the constituents of the Pennsylvania's 8th Congressional District.

COMMEMORATING THE 60TH ANNIVERSARY OF THE LANDMARK DECISION IN BROWN V. BOARD OF EDUCATION

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2014*

Ms. JACKSON LEE. Mr. Speaker, I rise to commemorate the 60th anniversary of the historic Supreme Court decision in Brown v. Board of Education, which overturned the doctrine of "separate but equal" that had been the law of the land since 1896 when the Supreme Court decided Plessy v. Ferguson.

In Brown v. Board of Education, the Supreme Court declared that separate public schools for black and white Americans were unconstitutional. This unanimous decision sparked the movement toward desegregation of American institutions and paved the way for the civil rights movement.

On the anniversary of this landmark decision, it is appropriate that we pay tribute to our ancestors who endured and lived through those days of crisis and challenge so that we

could enjoy the right to vote, the right to equal protection of the law, and to enjoy the blessings of liberties. These efforts should not go unnoticed.

This historic case originated in Topeka, Kansas, and involved a black third-grader named Linda Brown, who had to walk one mile through a railroad switchyard to get to her black elementary school, even though a white elementary school was only seven blocks away.

Linda's father, Oliver Brown, tried to enroll her in the white elementary school, but the principal of the school refused. Brown went to McKinley Burnett, the head of Topeka's branch of the National Association for the Advancement of Colored People (NAACP) and asked for help. The NAACP got other black parents to join in a complaint and in 1951 the NAACP requested an injunction that would forbid the segregation of Topeka's public schools.

The U.S. District Court for the District of Kansas heard Brown's case and refused to overrule the precedent of Plessy v. Ferguson which allowed separate but equal school systems for blacks and whites.

The case was taken to the Supreme Court on October 1, 1951 and set up one of the landmark cases in the history of the American justice system. It was the arguments of the NAACP in representing Brown that won the day.

On May 17, 1954, Chief Justice Earl Warren read the unanimous decision of the Supreme Court:

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does. . . . We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.

With those few words more than a century of racial discrimination and separation were dealt a great blow.

It is up to us to preserve the hard won gains of those who led the fight and won the case of Brown v. Board of Education.

A TRIBUTE TO CAROL WINOGRAD, M.D. FOR BEING AWARDED THE 2014 TZEDEK V'SHALOM AWARD, JUNE 8, 2014

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2014*

Ms. ESHOO. Mr. Speaker, I rise today to honor an extraordinary woman, Dr. Carol Winograd, who is being honored with the 2014

Tzedek v'Shalom Award on June 8, 2014, at J Street's Annual Gala Dinner. Elected officials, community leaders, local activists and students will join together in an unprecedented show of support for a two-state solution to the Israeli-Palestinian conflict.

J Street, the political home for pro-Israel, pro-peace Americans, is honoring Dr. Carol Winograd for her lifelong dedication to tikkun olam ("repairing the world") and for her steadfast leadership and commitment to J Street's mission.

Carol Hutner Winograd, M.D., is an emerita professor of Medicine and Human Biology at Stanford University. She gives generously of her time and considerable talents in leadership roles to many organizations, including the National Board of Abraham's Vision; the San Francisco Regional Board of the New Israel Fund; and the American Board of Internal Medicine. She is a member of the steering committee of the Women Donors Network's Middle East Peace Circle, and the founder and former chair of the Advisory Board of the Jewish Chaplaincy at Stanford University Medical Center. In 2012, Dr. Winograd co-led J Street's first Women's Congressional Delegation to Israel, and in 2013, she co-founded J Street's Women's Leadership Forum to increase the participation of women leading the organization and to support the greater inclusion of Israeli and Palestinian women in peace negotiations.

Dr. Winograd has been married for more than 43 years to Dr. Terry Winograd. They have two daughters, Avra, who is engaged to Justin Durak, and Shoshana, a Conservative rabbi who is married to Rabbi Philip Ohriner. Shoshana and Philip have two sons, Ari and Eli, who are a great source of pride and joy to their grandparents.

Mr. Speaker, I ask the entire House of Representatives to join me in honoring the 2014 Tzedek v'Shalom awardee, Dr. Carol Winograd, an extraordinary woman who is devoted to her community, her country, to Israel and to peace and justice. How proud and privileged I am to represent her and call her my trusted friend.

CONGRATULATING DR. GORDON A. MERRITT, D.D.S., P.A. ON THE OCCASION OF HIS 85TH BIRTHDAY

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2014*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize Dr. Gordon A. Merritt on the occasion of his 85th birthday. I am proud to celebrate Dr. Merritt not only for his longevity, but more rightly for the amazing scope of his contributions to the Fort Lauderdale community and our country as a whole.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Dr. Merritt has dedicated his life to the care of his fellow citizens and has served them in numerous capacities. He earned his Doctorate of Dental Surgery in 1957 from Meharry Medical College in Nashville, Tennessee and immediately entered the Air Force where he practiced for four years before returning home to Florida.

Dr. Merritt and his family moved to Fort Lauderdale in 1963, and he has been a pillar in the community ever since. He opened his clinic in a predominately African American neighborhood, and was one of the first African American medical professionals to provide services to this underserved community.

In addition to his work in the medical field, Dr. Merritt has been a tireless advocate for his community. He is a past Exalted Ruler of the Pride of Fort Lauderdale Elks Lodge #652, as well as a Life Member of the National Association for the Advancement of Colored People (NAACP), the Urban League, and the Kappa Alpha Psi Fraternity. Dr. Merritt has also been a member of the Mount Hernon A.M.E. Church since 1964, where he has served as a Trustee.

None of these great achievements would have been possible without the love and support of Dr. Merritt's wife Rose Legon, who together raised two wonderful children, Dr. Pamela Merritt and Portia Mehaffey. They are also the proud grandparents of four lovely grandchildren, Courtney, Cierra, Darby, and Addison.

Mr. Speaker, to arrive at the great milestone of 85 years is no small thing. I am truly honored to share in this celebration of Dr. Merritt's many accomplishments and contributions. I wish him many more years of happiness and success.

#### RECOGNIZING THE WEST FLORIDA HIGH SCHOOL'S LADY JAGUARS AS CLASS 4A STATE SOFTBALL CHAMPIONS

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2014*

Mr. MILLER of Florida. Mr. Speaker, I am proud to congratulate the First Congressional District of Florida's West Florida High School's girls softball team for winning the Class 4A State Championship. This victory marks the Lady Jaguars first ever state championship. West Florida High School ended their championship season with a record of 29–1, with a victory over P.K. Yonge High School on May 8, 2014 in the Class 4A State Championship Game.

Led by head coach Jessica Smith, pitching coach Angie Johnson, and assistant coach Gary Jackson, the Jaguars are a team of young women with tremendous persistence and passion. These attributes were on full display in the championship game when the Jaguars found themselves trailing by four runs and down to their last out in the 7th inning. Despite the long odds, the Jaguars refused to give up. A pivotal moment in the game occurred when the Navy's Blue Angels, home based at Pensacola Naval Air Station, could

be seen flying over the field, which was located over 500 miles from Pensacola, in Vero Beach. As Coach Smith described, catching a glimpse of home both encouraged and sparked a special energy in the Jaguars, and they triumphed over P.K. Yonge with a score of 6 to 5.

Winning the state championship is a true testament to the hard work, ambition, and dedication of the West Florida High School girls softball team. Each team member is an invaluable asset to both the Lady Jaguars and the local community. To be honored with the opportunity to bring home a state championship is a wonderful reflection of the team's commitment to Northwest Florida and to each other. I commend Korina Rosario, Kathleen Smiley, Jordaine Watkins, Nachele Watson, Ali Cutaio, Kristin Gunter, Emily Loring, Kayla Miller, Breana Rogers, Danyelle Black, Maegan Freeman, Jibrasha Moore, Farrah Nicholas, Lauren Carnley, Jasmyyn Nguyen, and Ealon Pyle for challenging themselves as a team and setting a shining example of camaraderie and athleticism for their fellow students and youth in Pensacola.

Mr. Speaker, on behalf of the United States Congress, it gives me great pleasure to recognize this outstanding group of young women and their devoted coaches for their extraordinary victory. My wife Vicki joins me in offering our best wishes to West Florida High School and its talented athletes for their continued personal and athletic success.

#### HONORING DR. AFAP I. MELEIS

**HON. TOM MARINO**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2014*

Mr. MARINO. Mr. Speaker, I rise to honor Dr. Afaf I. Meleis, outgoing Dean of the University of Pennsylvania's School of Nursing. Dr. Meleis has served as Dean for 12 years, and will be truly missed by her students and colleagues.

Dr. Meleis assumed her role as Dean of the University of Pennsylvania School of nursing in 2002, and under her leadership, Penn Nursing is now regarded as one of the world's most regarded schools of nursing. Thanks to Dr. Meleis, Penn Nursing is now internationally renowned for their innovative research, teaching and practice and the School has established departments of Behavioral Health Sciences and Family and Community Health.

Dr. Meleis is internationally recognized for her work in nursing theory and her devotion to the health of women and girls. Dr. Meleis has intensified efforts to improve the health of women around the world by creating academic partnerships, and developing relationships with the United Nations and other international organizations dedicated to equity and well-being.

The first time I met her, my daughter Chloe and I had joined her for a CARE learning tour in West Africa, I was so overwhelmed by her compassion and dedication. Her expertise and brilliance are quickly made known to those around her, but it is her endless humanitarian work and advocacy for children which is most admirable. Her work as the Dean of Nursing at

the University of Pennsylvania, School of Nursing, has elevated the program to what it is today: one of the leading nursing graduate schools in the world.

Although I have only known Dr. Meleis for a short time, she has made a tremendous impact in Chloe's and my life. I want to congratulate her on her long and successful tenure she has served as Dean. She has gone above her duty to ensure that the University of Pennsylvania, School of Nursing, is regarded as a top tier nursing program, and I wish her the best of luck in all of her future endeavors.

#### SHANNON MELENDI'S DEATH STILL STINGS, 20 YEARS LATER

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2014*

Ms. ROS-LEHTINEN. Mr. Speaker, on previous occasions I have spoken about the loss of Shannon Melendi, a beautiful girl who attended my alma mater, Southwest Miami High School, and whose life was taken tragically as a teenager in 1994. As their Congresswoman and friend, I thank the Melendi Family for keeping us vigilant. I would like to share an eloquently written story about Shannon by Anne (Martinez) Vasquez, Associate Editor at the South Florida Sun-Sentinel, which was published by the newspaper on March 25, 2014:

#### SHANNON MELENDI'S DEATH STILL STINGS, 20 YEARS LATER

What I would give to relive those days of playing with our collection of cheap drug-store makeup sprawled on the bedroom floor as we plotted our outfits and gossiped about boys. Shannon Melendi and I became fast friends at the cusp of adolescence, when you dream of days still decades away and fantasize about chapters in your life you've yet to write.

Tears still sting my eyes when I think of the final chapter of Shannon's short life: At 19, a sophomore at Emory University, she disappeared on a Saturday afternoon after going on a lunch break from her part-time job as a scorekeeper at a softball field in suburban Atlanta.

The year was 1994, 20 years ago this week. It would be another painful 12 years before the man long suspected of kidnapping Shannon confessed.

Shannon's body was never found. There was no funeral, no official moment to mourn. Instead, the last 20 years have unfolded in surreal fashion, where life goes on for Shannon's closest family and friends even as we've struggled to fill in the blanks, a search for answers that never come.

Only now, as I reflect on the twists and turns of my life, do I realize the imprint that Shannon's story has left on my soul, a silent narrative that has molded my evolution as an adult and, ultimately, as a mother. The underlying lesson lingering in my subconsciousness: If evil can strike on a Saturday afternoon—snatching a smart 19-year-old with quick wit, the president of her high school senior class, an aspiring lawyer, a champion debater, the daughter of present and caring parents—it can happen to anyone, anywhere.

## EVIL STRIKES

I woke up on Tuesday morning, March 29, 1994, with my father handing me a small clipping buried inside the Local section of The Miami Herald. I found the concerned look on my father's face puzzling, until I read the brief article, just a few lines long, saying Shannon's parents had flown to Atlanta after learning she had gone missing.

The rest of the week was a blur until I went to see Shannon's younger sister, Monique, who was staying with her aunt and grandparents. She turned 14 years old five days after Shannon disappeared, and I wanted to bring her a present. I sought to revisit happier times, when the Melendi family would invite me to join them on their vacations to the Florida Keys. Endless summer days where I first learned to water ski, jump waves and conquer my fear of treading open water.

In the weeks and months—even years—that followed, Shannon regularly paid me visits in my dreams. In many, I would replay our last chance encounter, which took place just a couple of weeks before Shannon disappeared.

A complete fluke, I had spotted Shannon among a sea of Spring Breakers in Daytona Beach, a rare place for either of us to visit. I walked in her direction until she came into clear focus. Yes, it was Shannon. For a few fleeting minutes, we laughed and reminisced. We caught up on where our college lives were taking us. We made plans to see each other a few weeks later when she would be back in Miami visiting her family. Then we hugged and went our separate ways.

It was the last time I saw Shannon. I didn't know it at the time, but it was my chance to say goodbye. She would be gone before the month came to a close.

## FIGHTING THE MONSTER

As the years went by without word of what became of Shannon, my dreams began to reflect the anger I bottled deep inside.

In one recurring dream, it's late in the evening in some unnamed town in the middle of America. I walk into a restaurant for a bite. The room is dark and bustling with customers. I take a seat in a booth and see Shannon sitting across from her captor. Her hands are not tied, but she's not moving, not trying to escape. She's scared or drugged or both, I reason. I approach their table, see a spark of hope in Shannon's eyes and quickly find others who help me hold down the man who had stolen Shannon from her family. We pummel him. Shannon returns home.

My anger also manifested itself in other ways.

I made decisions determined not to cede power to the monster. I fought the fear that evil could lurk behind any corner.

I jumped at the chance to intern at The Boston Globe rather than spend the summer at a local paper. I walked to and from my apartment many late evenings holding a stun gun wrapped in a newspaper. Years later, as a reporter for The Miami Herald, I'd live and work in Sao Paulo, Brazil, for several months, riding the subway and making my way in another language in an unknown city five times the size of New York City.

I moved across the country to Northern California, where I worked and lived for seven years. A visit to Yosemite, on assignment in Mexico or vacationing in Vancouver, I'd imagine crossing paths with Shannon and putting an end to the tragic mystery.

## ANGER TURNS INTO FEAR

Then I became a mother and the anger gave way to fear.

My firstborn was just shy of two years old when Colvin "Butch" Hinton III, a man with a history of harming young girls, confessed to kidnapping and murdering Shannon. Hinton, an umpire at the softball field where Shannon kept score, said he had set out to commit murder on March 26, 1994. He had targeted another woman but changed his plans when he spotted Shannon.

Hinton said he held Shannon at knifepoint, tied her up in his home, repeatedly raped her—in between catching a movie at a local theater in an effort to create an alibi—and ultimately strangled her in the early morning hours of March 27.

The unspeakable details resurfaced my dormant pain.

As my son's independence blossomed—and with that his ability to walk away from me at a department store or at a park—I found myself fighting a constant unease. I wanted—needed—to know where he was at every moment.

Most parents take their children to the park to relax, sit back and let their kids play. That will never be me.

I'll never forget spending one afternoon at a local water park with several of my son's friends. The other mothers positioned their chairs in the shallow water to chat and sunbathe. They didn't fuss, completely confident that their kids were safe. I stood the entire time, sloshing through the kneehigh water to make sure my son emerged from the labyrinth of slides.

Dealing with my vigilant watch is a reality my children have learned to accept: My 9-year-old son understands why last summer I had him skip a field trip to the water park. My 4-year-old daughter recites to me how I shouldn't speak to strangers. I live in constant battle with myself, wrestling with a deep-seated desire to fuel my children's independence while also fighting a fear that harm may come their way.

Both of my children know, to varying degrees, Shannon's story. They know the world can be cruel, but they also exude a spirit of boundless optimism. They see themselves as the superheroes who can change the world.

I hope they do.

## TIMELINE: THE SHANNON MELENDI MURDER

March 26, 1994: Shannon Melendi, a South Florida native and 19-year-old Emory University sophomore, vanishes on a Saturday afternoon from her part-time job as a scorekeeper at a softball field in suburban Atlanta.

March 27, 1994: Shannon's parents, Luis and Yvonne Melendi, get word that Shannon has been missing for more than 24 hours. They make arrangements to fly to Atlanta. In the ensuing weeks, volunteers and friends plaster streets with "MISSING" posters bearing Shannon's photo. Print and TV media in South Florida and Atlanta follow the story closely.

April 6, 1994: A caller to an Emory University hot line claims he is holding Shannon captive. As proof, the caller leaves a ring belonging to Shannon, enclosed in a bag, inside the pay phone where the call was made.

April 12, 1994: Police search the home of Colvin "Butch" Hinton III, an umpire at the softball field the day Shannon was last seen. Hinton has a criminal record of sexual assaults.

September 1994: A fire damages Hinton's home.

October 20, 1994: The Melendi family and friends of Shannon attend a vigil and press conference at Emory University on what would have been Shannon's 20th birthday. Luis and Yvonne Melendi keep Shannon's

story alive in the local and national media for years to come.

March 26, 1995: Southwest 48th Street in Miami-Dade County is renamed Shannon Melendi Drive. The street runs in front of Southwest Miami Senior High School, where Shannon was class president and a prominent student.

June 1995: A federal grand jury indicts Hinton for arson, suggesting Hinton set fire to his home to collect insurance money.

January 1996: Hinton is convicted of arson and sent to federal prison.

December 2003: Hinton is released from federal prison.

August 2004: Authorities arrest Hinton, using a grand jury indictment that accuses Hinton of murdering Shannon Melendi.

September 2005: A jury convicts Hinton of murder. He is sentenced to life in prison.

June 2006: The Georgia Supreme Court upholds Hinton's conviction.

July 17, 2006: Hinton confesses to kidnapping, raping and murdering Shannon, after his appeal was denied.

## RECOGNIZING NATIONAL SMALL BUSINESS WEEK

## HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 2014

Ms. JACKSON LEE. Mr. Speaker, this a National Small Business Week and I rise to recognize the contributions of small businesses in my congressional district and across the country.

With more than half of Americans either owning or working for a small business, it is clear these companies are a vital part of our nation's fabric.

Every day, small firms and their employees across every sector and industry are working to grow and become stronger.

When they do, we all benefit from their innovations, their job-creating power, and their ability to make the U.S. more competitive globally.

That's why I support the Democratic agenda to help small businesses and entrepreneurs startup, grow, and create jobs.

"This includes supporting tax credits to help small businesses hire new employees; immigration reform, which will provided a solution for those businesses facing a maze of problems when hiring immigrant workers; and expanding financing options for entrepreneurs, especially in low- and moderate-income communities.

We must also oppose cuts to job training programs that help meet American businesses' workforce needs. Lastly, we must include working on a long-term extension of the Highway Trust Fund, which is critical for small construction firms across the nation.

Mr. Speaker, small businesses and entrepreneurs impact our lives every day and it is fitting that we recognize their contributions to the economy and our country during National Small Business Week.

Whether it is opening a new storefront, training workers, or sponsoring activities in our cities and towns, we have many reasons to thank small businesses.

This week we do so, and recognize these entrepreneurs not only for the contributions

that they have already made, but also for their future work to strengthen our local communities.

In recognition of all that small businesses do for our communities, from providing conveniently located goods and services to sponsoring local events and organizations, I urge all Americans to take this opportunity to patronize the diverse businesses in their communities to demonstrate to them our continued appreciation and support.

IN RECOGNITION OF THE 18TH ANNUAL AFFORDABLE HOUSING WEEK IN ALAMEDA COUNTY

**HON. ERIC SWALWELL**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2014*

Mr. SWALWELL of California. Mr. Speaker, I rise today to recognize the 18th Annual Affordable Housing Week in Alameda County. Organized by East Bay Housing Organizations, a group of community leaders and affordable housing advocates, this period lasts from May 9 to May 18 and includes over 23 events are being held in ten cities across the East Bay, including in my district, to call attention to the need for affordable housing.

The health and economic stability of our communities depend on the availability of quality and affordable homes. Many non-profit and community organizations are continuing to address this need by providing homes and shelter for those in need. I believe strongly in the importance of these organizations, which provide affordable housing to our most vulnerable populations, including seniors, veterans, low-income families, the homeless, and those with disabilities. We must ensure that these organizations have resources and support in order to meet these critical needs.

Last November, I was proud to join with Habitat for Humanity to restore a house in Livermore for a local veteran buying a home for the first time. Habitat for Humanity East Bay/Silicon Valley prioritizes providing affordable housing opportunities for our veterans.

I also want to recognize Eden Housing as an inspiring example of affordable housing. Their new development, Emerald Vista in Dublin, has won a Charles L. Edson Tax Credit Excellence Award, given by the Affordable Housing Tax Credit Coalition. This award recognizes outstanding Low-Income Housing Tax Credit developments and honors the best in affordable rental housing.

Housing for those in need is a community-wide effort, and I am proud to represent a district with so many leaders working to assist individuals in need of supportive and affordable housing. These efforts bring us closer to creating kind of sustainable communities that are essential to the diversity and prosperity of California.

INTRODUCTION OF A BILL TO FACILITATE INFRASTRUCTURE DEVELOPMENT AT AND POTENTIAL USES OF POINT SPENCER IN THE BERING STRAIT REGION OF ALASKA

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 15, 2014*

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation to facilitate infrastructure development at, and potential uses of, Point Spencer in the Bering Strait Region of Arctic Alaska by and for both the public and private sectors through fostering a public/private partnership among the Federal Government/the U.S. Coast Guard, the State of Alaska, the Bering Straits Native Corporation (BSNC) and industry.

I will be joined in co-sponsoring this bill by my friend, the Chairman of the Coast Guard and Maritime Transportation Subcommittee of the House Transportation and Infrastructure Committee, the Honorable Duncan Hunter.

What the Bill Provides: This legislation seeks to address the legitimate interests of the Federal and State Governments as well as the private sector in providing a means for future uses of Point Spencer by Federal, state, and private sector stakeholders for a variety of tasks and missions, including search and rescue, shipping safety, economic development, oil spill prevention and response, port of refuge, arctic research, maritime law enforcement and related and other uses.

For the Coast Guard: The bill provides a footprint at Point Spencer that the Coast Guard has indicated that it needs to retain to support possible future uses of a portion of Point Spencer, a total of approximately 140 acres. That includes a major footprint on the water and the land on which buildings that the Coast Guard boarded up in 2010 are located, as well as rights to use at no cost the current and any future airstrips for Federal purposes. The bill provides that the Secretary of the agency in which the Coast Guard is operating could, instead of retaining the lands reserved for the Coast Guard, have those lands conveyed to BSNC and then leased at no cost to the Coast Guard by BSNC. Also, a federal Navigational Servitude is reserved for the Coast Guard to exercise upon tidelands and submerged lands.

For the State of Alaska: The bill provides for the conveyance of approximately 180 acres to the State, including the airstrip and a shoreline footprint on the water as well as a right-of-way should it decide to build a road in the future from the airstrip to the mainland across Coast Guard and/or BSNC land. The State would also have a choice of having the lands identified in the bill to be conveyed to the state, conveyed to BSNC instead and then leased back to the state at no cost to the state. The tidelands and submerged lands around Point Spencer would be recognized as having continued ownership by the State of Alaska as they were presumptively conveyed to the State under the Statehood Act.

For Bering Straits Native Corporation: The bill provides for BSNC to receive the remain-

der of the lands not set aside for the Coast Guard or the State and thereby to be able to serve in facilitating the future uses of Point Spencer. If the Coast Guard and the state prefer to have access to the lands through a lease arrangement rather than having them retained or conveyed as applicable, BSNC would receive the lands identified for Coast Guard or State use and then lease those lands back at no cost to the Coast Guard or the State. BSNC would have access to the airstrip but could be charged usual and customary landing fees to help defray maintenance and administrative costs associated with the operations of the airstrip. Provision is made in the bill to help ensure protections for archaeological and ancestral items of antiquity through the Archaeological Resources Protection Act of 1979, the National Historic Preservation Act, and the Native American Graves Protection and Repatriation Act.

Background: By way of background, Point Spencer is a small 2,600 plus-acre spit of land located in the Bering Strait region and was used for thousands of years by the Inupiat Eskimos and their ancestors and was the site of an ancient Inupiat village. Long before the coming of Europeans and Americans to this region, Point Spencer served as a major trading hub for the intercontinental movement of items among the indigenous groups of what is today, Alaska, and eastern Eurasia. With the "discovery" of whales north of Bering Strait in the 1840's by non-Natives, Point Spencer and adjacent Port Clarence, served as a safe harbor for the vessels of the American Whaling industry. In 1850–1852, vessels searching for the lost Franklin expedition over-wintered in Port Clarence. From 1865–1867 the area saw activity related to the Western Union Telegraph project, an uncompleted plan to link North America with Russia across Bering Strait. Point Spencer-Port Clarence continued to serve as a major harbor for the Revenue Cutter Service (forerunner of the USCG) during the 19th and into the 20th centuries. Throughout this period of initial contact, the residents of Bering Strait provided food, safe harbor, and guiding services to the visiting EuroAmerican ventures.

Because of the use of this spit of land by indigenous Peoples, the ancestors of those who now comprise the BSNC, for thousands of years before contact by non-Natives, the land is of great importance archaeologically and culturally to Alaska Natives living in the region.

After passage of the Alaska Native Claims Settlement Act (ANCSA) in 1971, the purpose of which was to help settle aboriginal land claims of Alaska Natives and also help clear the way so that the Trans-Alaska pipeline right-of-way could be secured and the pipeline constructed in the 1970s, BSNC filed a selection to Point Spencer in 1976 as a 14(h)(8) selection under ANCSA. Key among the reasons for this selection by BSNC was the recognition of the historically strategic place of Point Spencer within Bering Strait history, and to help ensure that the artifacts and archaeological resources from their ancestors would be better protected and the land would be available for future purposes.

However, because Point Spencer had been withdrawn in 1962 from appropriation under

the mining and mineral leasing and other relevant laws of the U.S. so as to permit the construction of a Coast Guard LORAN (Port Clarence long-range radar site) station in 1966 at Point Spencer, the lands were unavailable for BSNC to select or to use unless and until the U.S. no longer needed the lands for the LORAN site. Two years after BSNC filed its selection at Point Spencer, the State of Alaska in 1978 filed a selection application under the Statehood Act on most of the land there and then top-filed on the entire parcel in 1993.

In 2010, the LORAN site at Point Spencer (named the Port Clarence LORAN station) was closed, hardened and abandoned by the Coast Guard and LORAN was thereafter no longer utilized for navigation purposes. At that time, BSNC began to explore the potential for fulfilling its aspirations for selecting Point Spencer that began 34 (thirty-four) years earlier.

BSNC contracted in 2010 to have a geomorphic study of Point Spencer undertaken to determine the long-term stability of the landform. BSNC also conducted an economic study of the lands and began an analysis of the hazardous materials contamination that the Coast Guard generated during its years of operating the LORAN facility and cataloguing any necessary clean-up that would be required to make some of the abandoned site useable. Working with the shipping and response industry, BSNC has also begun developing a phased infrastructure development plan for the Point Spencer lands. Such infrastructure could play a key role in fulfilling the purposes outlined above as well as in enabling the U.S. to pursue and protect national security, transportation, and potential economic interests in the region as the sea lanes open up and natural resource development is considered in the Arctic.

**Potential for Job Creation:** The bill seeks to provide for public sector interests and at the same time ensure that the priceless archaeological and cultural artifacts of the ancestors of the people of the Bering Straits region are protected, many of which artifacts have, unfortunately, been allowed to be taken and sold abroad during the years of use for the LORAN site and post abandonment. This would provide job opportunities for its people in a region where villages can face poverty rates of over 40% and where unemployment in some com-

munities reaches nearly 50%. If wise use is made of this area, the essential needs of each stakeholder can likely be addressed.

Economic opportunity in this region of rural Alaska is an imperative to be achieved. Suicide rates among young rural Alaska Natives are extremely alarming and the Bering Straits region experiences that tragedy time and again. Much of the underlying cause of such tragic incidents comes from young people not having work and vocational training opportunities in an area their ancestors have inhabited for generation after generation. While development at Point Spencer would not be a panacea to all social maladies and challenges of the people of the region, it would be a remarkable and enlightened advancement for the people of the region and at the same time serve the federal and state interests and those of the private sector. And, in my mind, it is indefensible for those of us in leadership positions not to attempt to help address this scourge of suicide through sensible approaches to prudent use of lands such as is provided in this legislation.

**National Security Interests Will Be Fully Supported:** Whatever national security interests that may be involved ultimately with respect to Point Spencer and its future potential uses can be fully and responsibly dealt with through the approach set forth in this legislation. Since its establishment pursuant to authorization by Congress under ANCSA and incorporated under state law, BSNC has carried out numerous contracts with the federal government that were/are directly tied to the national security interests of the U.S., and this Native Corporation has met the challenge fully and performed well. BSNC has the capacity and capability to support the advancement of U.S. national security, transportation, and economic development interests at Point Spencer. Relevant to this discussion, a recent report to Congress entitled "Feasibility of Establishing an Arctic Deep-draft Seaport", dated February 11, 2014, states: "The Coast Guard is currently engaged in negotiation to turn over most of this large parcel [Point Spencer] of property to the Bering Straits Native Corporation . . . . Another goal is to pursue innovative arrangements to support the investments needed in the Arctic region, including 'new thinking on public-private . . . partnerships.'"

The following is a list of a few of the types of federal and private sector contracts that

Alaska Native Corporations, including BSNC, have been involved in over recent decades, including many with the Department of Defense and the various Armed Services of our nation including work on military bases and posts throughout the nation: Aircraft maintenance and support; aircraft refueling; aerospace engineering; Tactical gear manufacturing; survival training; winter warfare training; Intelligence analysis; BRAC management; Software design, implementation, and testing; Ship building, Ship repair, IT for various branches of the military service; Constructing landing strips; Base Operations Support, Aviation Services; Research and Development; Engineering, Medical Staffing, Telecommunications, Cyber security; Security; Environmental remediation, Port and Harbor Operations; Healthcare Services; and Construction of a marine fiber optic subsea cable system to the nation's largest Coast Guard base to a Missile launch facility, to a major Alaska city and by microwave transmissions, to Alaska Native villages bringing high-speed, reliable, all-weather broadband to places that heretofore did not have access to such technology.

It is in part through such contract work that Alaska Natives have made incremental but significant progress in realizing the promise envisioned in the enactment by Congress of ANCSA. That work for Alaska Natives (and for other Native Americans in the country) has begun to help extricate their people from the vicious cycle of chronic and pernicious poverty, unemployment and lack of job opportunities for their youths, particularly in remote rural areas, and thereby help address some of the social ills that are associated with such conditions.

**Conclusion:** With the introduction of this legislation, and as it moves forward, the interests of all stakeholders interested in seeing that productive use is made of Point Spencer for diverse legitimate uses in the Arctic region can be fully met.

This approach is an equitable and sensible way to address the interests of the public and private sectors in Point Spencer. I believe that passage of the bill is in the best interests of our nation, the State of Alaska, the indigenous people of the Bering Strait region, as well as the private sector.

# SENATE—Monday, May 19, 2014

The Senate met at 11:00 and 4 seconds a.m., and was called to order by the Honorable MAZIE K. HIRONO, a Senator from the State of Hawaii.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 19, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MAZIE K. HIRONO, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Ms. HIRONO thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL TUESDAY,  
MAY 20, 2014, AT 10 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 10 a.m. on Tuesday, May 20, 2014.

Thereupon, the Senate, at 11:00 and 39 seconds a.m., adjourned until Tuesday, May 20, 2014, at 10 a.m.

## HOUSE OF REPRESENTATIVES—Monday, May 19, 2014

The House met at noon and was called to order by the Speaker pro tempore (Mr. DENHAM).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

May 19, 2014.

I hereby appoint the Honorable JEFF DENHAM to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2014, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 1:50 p.m.

### LET US NEVER FORGET OUR MISSING IN ACTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. LANKFORD) for 5 minutes.

Mr. LANKFORD. Mr. Speaker, today, I just want to come and reflect for just a moment on a lady that I met a few weeks ago on Loyalty Day.

Many Americans don't know about Loyalty Day. It is still recognized by the VFW—still. It is a day of remembrance around May 1, a celebration time. It is a remembrance and a time to recognize the freedom that we have in America.

This lady, Zona Cockrell of Shawnee, Oklahoma, stood and talked with me about not only Loyalty Day, but about her husband and about her husband's passion that people would not forget those that are missing in Korea still.

You see, Zona Cockrell's husband, Charles Cockrell, served in the United States Marine Corps. He served in Korea from 1951–1953. He led a group of people; eight of them did not return. They were never found. They were considered missing in action.

Many Americans still, today, do not realize that we have 7,883 people still

officially listed as missing in action from the Korean war.

His passion was that his buddies would never, ever be forgotten. Mr. Cockrell died 2 years ago, and he passed on that legacy to his wife and said: Don't let anyone forget my buddies that never came home from Korea and were never found.

Last year, she had installed, at her own expense, a black granite bench in Shawnee, Oklahoma, at the Woodlands Veterans Park. She spent her own money—\$2,500—to be able to put that granite bench there. That bench just reads, "Let us not forget those left in Korea."

Mrs. Cockrell is still carrying out her husband's wish. She is still challenging the Nation not to forget, and when I met her that day, that was her one emphasis: do not allow them to be forgotten.

Officially, we still have missing there. They are missing, but not forgotten.

When her husband grew sick and that legacy passed on to her, she turned to me and asked me to pass it on to the Nation, which I will fulfill today.

Ladies and gentlemen, let me just remind us of a statement that she made. She said:

They gave me my freedom. These people gave their heart, their soul, and their blood, so we could be free.

Today, in Washington, D.C., not far from here, there is a man standing with a rifle in front of the Tomb of the Unknowns. He will pace back and forth in honor and in recognition of people who will not be forgotten.

Memorial Day is not just a single day in America. Memorial Day is every day in America for those who choose not to forget. We do not. We are grateful, as a Nation, for their incredible sacrifice and our ability to live free here because they stood for us.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 4 minutes p.m.), the House stood in recess.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

### PRAYER

Lieutenant Commander Tavis Long, Chaplain, United States Navy, Office of the Chaplain of the Marine Corps, Dover, Ohio, offered the following prayer:

Our gracious and merciful Father, may we not be so arrogant as to think that we must invite You to join us in our undertakings of the day; but rather, we humbly acknowledge that You are already here.

As the Psalmist proffered in the days of old: "Whither shall I go from Thy spirit? Or whither shall I flee from Thy presence?"

And, so, because You are the constant, in Your mercy, order our steps according to Your pleasure. May this legislature be zealous in its pursuit of domestic tranquility; but may they do so, while as individuals, following hard after righteousness, being ever mindful that, in that last day, we must all give an account.

Bless these who so faithfully "proclaim liberty throughout all the land." I pray these things in the name of the only one who can truly set us free, my Savior.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### THE WAR ON WOMEN

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the phrase "War on Women" is often used to score political points in this town, but human trafficking represents a tragically literal war on women and girls.

Human traffickers prey on poor, often desperate women. The stories are

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sadly too familiar. A young woman is enticed with promises of a legitimate job and a better life. Then once she is taken to a new location, she is held captive and forced into prostitution.

This plague is not isolated to far-off places the other side of the globe. In fact, women and girls are daily being trafficked and used for sexual slavery right here in the United States. In Winston-Salem, in my district, a prostitution ring that preyed on young immigrant women was broken up last year.

This week, the House will be considering five pieces of legislation that address this issue. We can and must take action to prevent more people from being victimized.

#### HONORING THE LIFE OF FRANK MONTGOMERY WOODS, JR.

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today, at Grace Cathedral in San Francisco, hundreds of friends will join the family members to pay tribute to the life of a great entrepreneur, philanthropist, and gentleman, Frank Montgomery Woods, Jr.

I rise on the floor of the House to join them in spirit, to share in the grief of Frank Woods' beautiful family, to celebrate his life and legacy. With his passing, we have lost not just a good man, but a remarkable innovator who leaves an indelible mark on California and San Francisco.

Born in Chattanooga, Tennessee, he spent his childhood in Birmingham, Alabama, and Nashville, Tennessee, before heading to Cornell University. After that, he served as a second lieutenant in the Army in Korea. And from Korea, it was on to Cincinnati, our Speaker's hometown, where he joined the advertising and marketing department of Procter & Gamble. After that, he came to San Francisco to start his own successful business.

In 1961, he met Kay Harrigan, of Alabama, in San Francisco. They married a year later in Mobile, and then had three beautiful children: Dorine, Montgomery, and Alexis.

During the 1960s and 1970s, Frank was deeply involved in politics. Although a Republican, he was tapped to serve with Ronald Reagan's "Democrats for Reagan" gubernatorial campaign. He was tapped again by Ronald Reagan, in charge of 11 States at the convention, helping to secure delegates. Reagan lost to Nixon at that time, but Frank went on to work with Governor Reagan, and my statement for the RECORD will describe how.

He went later on to cofound Clos du Bois winery in California, which was consumer friendly and elegant, a combination that was new. His leadership in the wine industry was recognized

across the country. Over the years, he chaired the Wine Institute, and in the nineties he represented the U.S. in negotiations on NAFTA and GATT on the subject of wine.

In San Francisco, he was a leader of the arts, serving on boards of the Fine Arts Museum, Young Audiences of San Francisco, and the L.S.B. Leakey Foundation.

Frank's life will be celebrated today for his accomplished legacy as an energetic and generous leader. My husband, Paul, and I and our entire family offer our deepest sympathy for the loss of our dear friend.

We hope it is a comfort to Kay; their children; their grandchildren; his brother, Bill; his sister, Rhoda; and all of Frank's family that so many people across the country and across the world share in their grief and are praying for them at this sad time.

#### RECOGNIZING THE SERVICE OF MARGARET D. TENNIS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize Margaret D. Tennis of Boalsburg, Pennsylvania, in Centre County, Pennsylvania, for decades of service to her community.

Ms. Tennis, age 85, embodied the word "service," and for the past 33 years she has dedicated both her time and her efforts to so many causes and important events, including the Boalsburg Memorial Day celebration.

The Memorial Day celebration in Boalsburg is a unique occasion, which includes a walk to the local cemetery, a tradition held by this community for many years. This year, Boalsburg celebrates the 150th anniversary of this tradition.

Mr. Speaker, the solemn Memorial Day services in communities throughout the Nation allow all of us to pay tribute to those who sacrifice for our freedoms. It is also a time to give thanks to individuals like Margaret Tennis, who make these important community gatherings possible.

Thank you, Margaret, for decades of service and for your tireless efforts to make the Boalsburg Memorial Day celebration such a special day.

#### MEMPHIS IN MAY

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, there is a special occasion in Memphis the month of May, and it is a celebration known as Memphis in May. The weather is great and the people have wonderful festivals.

We had a music festival the first weekend, and this past weekend, the World Championship Barbecue Contest. There is no place in the world, even if my colleagues from North Carolina and Texas think so, that has real great American barbecue other than Memphis, Tennessee, and the champions were crowned there.

Next weekend is the Sunset Symphony, which is the crowning jewel of the Memphis in May activities. The symphony will play on the river, and they will play the "1812 Overture," play "Old Man River," and have fireworks and a great aerial show.

It is a great time to visit Memphis. It is a great time to experience Memphis.

We honor a foreign country each year. This year it is the Republic of Panama.

I congratulate Memphis in May on many years of bringing people together and extending the culture of the world to the city of Memphis and Memphis to the world as well.

#### REMEMBERING THE SACRIFICES OF OUR BRAVE MEN AND WOMEN

(Mr. HULTGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HULTGREN. Mr. Speaker, in recognition of Armed Forces Day and Memorial Day this month, we offer our deepest gratitude to those who have selflessly dedicated their lives protecting our freedom. In particular, I want to remember Second Lieutenant Walter Truemper and Lieutenant Colonel William Robert Holstine, both of Aurora, Illinois.

Army Air Force Second Lieutenant and Medal of Honor recipient Truemper was honored this Armed Forces Day with the naming of Walter E. Truemper Lane in Aurora. As navigator of a B-17 bomber during World War II, Truemper was ordered to abandon his plane following German gunfire which killed the copilot. But as the pilot remained alive but immobile, he refused to desert the plane. Unfortunately, after three attempts to land the plane, it fatally crashed.

Lieutenant Colonel Holstine earned several awards for his 29 years of service to the Army and was an avid runner, a military science professor at Wheaton College, and a project manager for the Army Reserve. Lieutenant Colonel Holstine lost his battle with cancer this February. I am privileged to be honoring him and his wife at Kane County's Memorial Day ceremonies next week.

#### RECESS

The SPEAKER pro tempore (Mr. MESSER). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 11 minutes p.m.), the House stood in recess.

□ 1600

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of New York) at 4 p.m.

#### PERMISSION TO FILE SUPPLEMENTAL REPORT ON H.R. 4435

Mrs. WALORSKI. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be authorized to file a supplemental report on the bill, H.R. 4435.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### AMENDING TITLE 23, UNITED STATES CODE, REGARDING UNITED STATES ROUTE 78 IN MISSISSIPPI

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4268) to amend title 23, United States Code, with respect to United States Route 78 in Mississippi, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H. R. 4268

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. UNITED STATES ROUTE 78 IN MISSISSIPPI.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

“(j) UNITED STATES ROUTE 78 IN MISSISSIPPI.—If any segment of United States Route 78 in Mississippi from mile marker 0 to mile marker 113 is designated as part of the Interstate System, no limit established under this section may apply to that segment with respect to the operation of any vehicle that could have legally operated on that segment before such designation.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

#### GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4268, a bill to amend title 23, United States Code, with respect to United States Route 78 in Mississippi, and for other purposes.

H.R. 4268 allows commercial vehicles currently operating on United States Route 78 in Mississippi, between mile marker zero and mile marker 113, to continue to operate after that segment is designated as part of the interstate highway system.

This bill is similar to H.R. 2353, a bill which I sponsored, that provides a similar allowance for commercial vehicles operating currently on Highway 41 in the State of Wisconsin. That bill passed the House by voice vote on July 22, 2013.

I urge all of my colleagues to support H.R. 4268. It allows for commerce to continue in Mississippi in an orderly way. It would not involve any new use of the roads.

The only thing that would change is the designation of the highway from U.S. to interstate. Otherwise, people that had special permits to operate or were operating under State law on the previous highway would continue operating. No new use would be permitted.

I urge my colleagues to support this limited, basically technical piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I too rise in support of H.R. 4268. Very simply put, this is a State highway that already has an exemption to the weight limits pursuant to State law. They are changing the State highway into an interstate highway, therefore, requiring us to provide a waiver for this very simple item.

As the gentleman before me said, it is a noncontroversial item, but it is a necessary step that we take.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to my colleague from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. Mr. Speaker, I thank the gentleman from Wisconsin for yielding. I too rise in support of H.R. 4268.

In Mississippi, U.S. Highway 78 cuts diagonally through the foothills of the Appalachians to Memphis. This is the highway that our most famous native son, Elvis Presley, took as he made his

way from his hometown and my hometown of Tupelo, Mississippi, to find his way to Sun Studio in Memphis.

While there were others whose careers may not nearly have been so visible, they made the same road. People came home from World War II, and they felt their only option in Mississippi was to leave to find a better way of life for their families, so they made their way to Memphis and then north.

For the three decades following the end of World War II, they settled in and around the Great Lakes. There were small towns in Illinois and Wisconsin that had neighborhoods literally dotted with families from Mississippi, neighborhoods in Waukegan and Zion, Aurora and Kenosha and Racine; and you go on the streets, and you find people from Baldwin and Marietta, Mantachie and Booneville.

In recent years, we have had a renaissance of advanced manufacturing in Mississippi. This growth has been driven by regional cooperation among our local leaders, tough decisions that were made at the State level, but it has been primarily driven by the strong work ethic of those same people from Appalachia.

In fact, a few months ago, I was visiting in one of the advanced manufacturing facilities involved in automobile manufacturing parts, talking to a man in Mantachie. He smiled, and he said: The great news about this job is I got to come home.

In order to accommodate all this new growth, we found it important to upgrade U.S. Highway 78 and make it Interstate 22. A lot of work has been done by Federal, State, and local stakeholders.

We are about ready to make that transition, but there is one more change that needs to be completed. A small tweak in the law is necessary.

While advanced manufacturing is a very important part of our economy, agriculture is still a very important part of our economy as well.

Under the existing law, ag products on the way to the market have to obtain a permit that they can carry an additional 5 percent weight on U.S. Highway 78. In the absence of that bill, that permit would not be available.

To make it clear, this bill is no loss, no gain. The roadway that is in use today is the exact same roadway that will be used as Interstate 22. The mile markers, as you have heard, are specified in the legislation. There is not one additional vehicle that can legally travel this road under this law that would be able to do so under a new law.

That is why I urge passage of this bill. I want to thank the ranking member, I want to thank the chairman, and I also want to thank the senior member of the Mississippi delegation for his cooperation in making this possible.

Mr. CAPUANO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.



Mr. PETRI. Mr. Speaker, I urge all Members to support the bill before us, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 4268.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### AWARDING CONGRESSIONAL GOLD MEDAL TO THE 65TH INFANTRY REGIMENT

Mr. HUIZENGA of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1726) to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1726

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

The Congress finds the following:

(1) In 1898, the United States acquired Puerto Rico in the Treaty of Paris that ended the Spanish-American War and, by the following year, Congress had authorized raising a unit of volunteer soldiers in the newly acquired territory.

(2) In May 1917, two months after legislation granting United States citizenship to individuals born in Puerto Rico was signed into law, and one month after the United States entered World War I, the unit was transferred to the Panama Canal Zone in part because United States Army policy at the time restricted most segregated units to noncombat roles, even though the regiment could have contributed to the fighting effort.

(3) In June 1920, the unit was re-designated as the "65th Infantry Regiment, United States Army", and served as the United States military's last segregated unit composed primarily of Hispanic soldiers.

(4) In January 1943, 13 months after the attack on Pearl Harbor that marked the entry of the United States into World War II, the Regiment again deployed to the Panama Canal Zone before deploying overseas in the spring of 1944.

(5) Despite relatively limited combat service in World War II, the Regiment suffered casualties in the course of defending against enemy attacks, with individual soldiers earning one Distinguished Service Cross, two Silver Stars, two Bronze Stars and 90 Purple Hearts. The Regiment received campaign participation credit for Rome-Arno, Rhineland, Ardennes-Alsace, and Central Europe.

(6) Although an executive order issued by President Harry S. Truman in July 1948 declared it to be United States policy to ensure equality of treatment and opportunity for all persons in the armed services without respect to race or color, implementation of this policy had yet to be fully realized when armed conflict broke out on the Korean Peninsula in June 1950, and both African-American soldiers and Puerto Rican soldiers served in segregated units.

(7) Brigadier General William W. Harris, who served as the Regiment's commander during the early stages of the Korean War, later recalled that he had initially been reluctant to take the position because of "prejudice" within the military and "the feeling of the officers and even the brass of the Pentagon . . . that the Puerto Rican wouldn't make a good combat soldier. . . I know my contemporaries felt that way and, in all honesty, I must admit that at the time I had the same feeling . . . that the Puerto Rican was a rum and Coca-Cola soldier."

(8) One of the first opportunities the Regiment had to prove its combat worthiness arose on the eve of the Korean War during Operation PORTREX, one of the largest military exercises that had been conducted up until that point, where the Regiment distinguished itself by repelling an offensive consisting of over 32,000 troops from the 82nd Airborne Division and the United States Marine Corps, supported by the Navy and Air Force, thereby demonstrating that the Regiment could hold its own against some of the best-trained forces in the United States military.

(9) In August 1950, with the United States Army's situation in Korea deteriorating, the Department of the Army's headquarters decided to bolster the 3rd Infantry Division and, owing in part to the 65th Infantry Regiment's outstanding performance during Operation PORTREX, it was among the units selected for the combat assignment. The decision to send the Regiment to Korea and attach it to the 3rd Infantry Division was a landmark change in the United States military's racial and ethnic policy.

(10) As the Regiment sailed to Asia in September 1950, members of the unit informally decided to call themselves the "Borinqueneers", a term derived from the Taino word for Puerto Rico meaning "land of the brave lord".

(11) The story of the 65th Infantry Regiment during the Korean War has been aptly described as "one of pride, courage, heartbreak, and redemption".

(12) Fighting as a segregated unit from 1950 to 1952, the Regiment participated in some of the fiercest battles of the war, and its toughness, courage and loyalty earned the admiration of many who had previously harbored reservations about Puerto Rican soldiers based on lack of previous fighting experience and negative stereotypes, including Brigadier General Harris, whose experience eventually led him to regard the Regiment as "the best damn soldiers that I had ever seen".

(13) After disembarking at Pusan, South Korea in September 1950, the Regiment blocked the escape routes of retreating North Korean units and overcame pockets of resistance. The most significant battle took place near Yongam-ni in October when the Regiment routed a force of 400 enemy troops. By the end of the month, the Regiment had taken 921 prisoners while killing or wounding more than 600 enemy soldiers. Its success led General Douglas MacArthur, Commander-in-Chief of the United Nations Command in Korea, to observe that the Regiment was "showing magnificent ability and courage in field operations".

(14) The Regiment landed on the eastern coast of North Korea in early November 1950. In December 1950, following China's intervention in the war, the Regiment engaged in a series of fierce battles to cover the rear guard of the 1st Marine Division during the fighting retreat from the Chosin Reservoir to the enclave at Hungnam, North Korea, one of

the greatest withdrawals in modern military history.

(15) When General MacArthur ordered the evacuation of Hungnam in mid-December, the Regiment was instrumental in securing the port, and was among the last units—if not the last unit—to depart the beachhead on Christmas Eve, suffering significant casualties in the process. Under the Regiment's protection, 105,000 troops and 100,000 refugees were evacuated, along with 350,000 tons of supplies and 17,500 military vehicles.

(16) The brutal winter conditions during the campaign presented significant hardships for soldiers in the Regiment, who lacked appropriate gear to fight in sub-zero temperatures.

(17) Between January and March 1951, the Regiment participated in numerous operations to recover and retain South Korean territory lost to the enemy, assaulting heavily fortified enemy positions and conducting the last recorded battalion-sized bayonet assault in United States Army history.

(18) On January 31, 1951, the commander of Eighth Army, Lieutenant General Matthew B. Ridgway, wrote to the Regiment's commander: "What I saw and heard of your regiment reflects great credit on you, your regiment, and the people of Puerto Rico, who can be proud of their valiant sons. I am confident that their battle records and training levels will win them high honors. . . Their conduct in battle has served only to increase the high regard in which I hold these fine troops."

(19) On February 3, 1951, General MacArthur wrote: "The Puerto Ricans forming the ranks of the gallant 65th Infantry on the battlefields of Korea by valor, determination, and a resolute will to victory give daily testament to their invincible loyalty to the United States and the fervor of their devotion to those immutable standards of human relations to which the Americans and Puerto Ricans are in common dedicated. They are writing a brilliant record of achievement in battle and I am proud indeed to have them in this command. I wish that we might have many more like them."

(20) The Regiment played a central role in the United States military's counteroffensive responding to a major push by the Chinese Communist Forces (CCF) in 1951, winning praise for its superb performance in multiple battles, including Operations KILLER and RIPPER, as well as for its actions on February 14th, when the Regiment inflicted nearly 1,000 enemy casualties at a cost of only one killed and six wounded, almost singlehandedly annihilating a North Korean infantry regiment that had infiltrated the defenses of the 3rd Infantry Division's headquarters.

(21) By 1952, senior United States commanders ordered that replacement soldiers from Puerto Rico would no longer be limited to service in the Regiment, but could be made available to fill personnel shortages in non-segregated units both inside and outside the 3rd Infantry Division. This was a major milestone in United States Army policy that, paradoxically, harmed the Regiment by depriving it of some of Puerto Rico's most able soldiers.

(22) Beyond the many hardships endured by most American soldiers in Korea, the Regiment faced unique challenges arising from discrimination and prejudice.

(23) In 1953, the now fully integrated Regiment earned admiration for its relentless defense of Outpost Harry, during which it confronted multiple company-size probes, full-scale regimental attacks, and heavy artillery and mortar fire from Chinese forces,

earning one Distinguished Service Cross, 14 Silver Stars, 23 Bronze Stars, and 67 Purple Hearts, in operations that Major General Eugene W. Ridings described as “highly successful in that the enemy was denied the use of one of his best routes of approach into the friendly position”. The recipient of the Distinguished Service Cross was then-First Lieutenant Richard E. Cavazos, a Mexican-American, who went on to become the first Latino to rise to the rank of four-star general in the United States Army.

(24) For its extraordinary service during the Korean War, the Regiment received two Presidential Unit Citations (Army and Navy), two Republic of Korea Presidential Unit Citations, a Meritorious Unit Commendation (Army), a Navy Unit Commendation, the Bravery Gold Medal of Greece, and campaign participation credits for United Nations Offensive, CCF Intervention, First United Nations Counteroffensive, CCF Spring Offensive, United Nations Summer-Fall Offensive, Second Korean Winter, Korea Summer-Fall 1952, Third Korean Winter, and Korea Summer 1953.

(25) In Korea, soldiers in the Regiment earned a total of nine Distinguished Service Crosses, approximately 250 Silver Stars, over 600 Bronze Stars, more than 2,700 Purple Hearts. On March 18, 2014, Master Sergeant Juan E. Negrón Martínez received the Medal of Honor, the Nation’s highest award for military valor, for actions taken on April 28, 1951 near Kalma-Eri, Korea.

(26) In all, some 61,000 Puerto Ricans served in the United States Army during the Korean War, the bulk of them with the 65th Infantry Regiment—and over the course of the war, Puerto Rican soldiers suffered a disproportionately high casualty rate, with over 740 killed and over 2,300 wounded.

(27) In April 1956, as part of the reduction in forces following the Korean War, the 65th Infantry Regiment was deactivated from the regular Army and, in February 1959, became the only regular Army unit to have ever been transferred to the National Guard, when its 1st battalion and its regimental number were assigned to the Puerto Rico National Guard, where it has remained ever since.

(28) In 1982, the United States Army Center of Military History officially authorized granting the 65th Infantry Regiment the special designation of “Borinqueneers”.

(29) In the years since the Korean War, the achievements of the Regiment have been recognized in various ways, including—

(A) the naming of streets in honor of the Regiment in San Juan, Puerto Rico and The Bronx, New York;

(B) the erecting of monuments and plaques to honor the Regiment at Arlington National Cemetery in Arlington, Virginia; the San Juan National Historic Site in San Juan, Puerto Rico; Fort Logan National Cemetery in Denver, Colorado; and at sites in Boston, Massachusetts; Worcester, Massachusetts; Buffalo, New York; and Ocala, Florida;

(C) the renaming of a park in Buenaventura Lake, Florida as the “65th Infantry Veterans Park”;

(D) the dedication of land for a park and monument to honor the Regiment in New Britain, Connecticut;

(E) the adoption or introduction of resolutions or proclamations honoring the Regiment by many state and municipal governments, including in the states and territories of California, Connecticut, Florida, Georgia, Illinois, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico, and Texas; and

(F) the issuance by the United States Postal Service of a Korean War commemorative stamp depicting soldiers from the Regiment.

(30) In a speech delivered on September 20, 2000, at a ceremony in Arlington National Cemetery in honor of the Regiment, Secretary of the Army Louis Caldera said: “Even as the 65th struggled against all deadly enemies in the field, they were fighting a rearguard action against a more insidious adversary—the cumulative effects of ill-conceived military policies, leadership shortcomings, and especially racial and organizational prejudices, all exacerbated by America’s unpreparedness for war and the growing pains of an Army forced by law and circumstance to carry out racial integration. Together these factors would take their inevitable toll on the 65th, leaving scars that have yet to heal for so many of the Regiment’s proud and courageous soldiers.”.

(31) Secretary Caldera further stated: “To the veterans of the 65th Infantry Regiment who, in that far off land fifty years ago, fought with rare courage even as you endured misfortune and injustice, thank you for doing your duty. There can be no greater praise than that for any soldier of the United States Army.”.

(32) Secretary Caldera also noted that “[t]he men of the 65th who served in Korea are a significant part of a proud tradition of service” that includes the Japanese American 442nd Regimental Combat Team, the African American Tuskegee Airmen, and “many other unsung minority units throughout the history of our armed forces whose stories have never been fully told”.

(33) The service of the men of the 65th Infantry Regiment is emblematic of the contributions to the armed forces that have been made by hundreds of thousands of brave and patriotic United States citizens from Puerto Rico over generations, from World War I to the most recent conflicts in Afghanistan and Iraq, and in other overseas contingency operations.

#### SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design in honor of the 65th Infantry Regiment, known as the Borinqueneers, in recognition of its pioneering military service, devotion to duty, and many acts of valor in the face of adversity.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereinafter in this Act referred to as the “Secretary”) shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the 65th Infantry Regiment, known as the Borinqueneers, the gold medal shall be given to the Smithsonian Institution, where it shall be available for display as appropriate and made available for research.

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Smithsonian Institution shall make the gold medal received under this Act available for display elsewhere, particularly at other appropriate locations associated with the 65th Infantry Regiment, including locations in Puerto Rico.

#### SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and

sell duplicates in bronze of the gold medal struck under section 2, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

#### SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HUIZENGA) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. HUIZENGA of Michigan. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and submit extraneous materials for the RECORD on H.R. 1726, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HUIZENGA of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1726, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers, introduced by the gentleman from Florida (Mr. POSEY).

The bill authorizes the minting and award of a single gold medal in honor of this brave regiment. The medal would be given to the Smithsonian Institution, where it would be available for display or loan, as appropriate.

Mr. Speaker, in 1898, the United States acquired Puerto Rico in the Treaty of Paris that ended the Spanish-American war. The following year, Congress had authorized raising a unit of volunteer soldiers in the newly-acquired territory.

In May 1917, 2 months after President Woodrow Wilson signed into law legislation granting United States citizenship to all individuals born in Puerto Rico and 1 month after the United States entered World War I, the unit was transferred to the Panama Canal Zone.

United States Army policy at the time restricted most segregated units to noncombat roles, although this regiment was otherwise combat-ready and could have contributed to the fighting effort.

In June of 1920, the unit was redesignated as the 65th Infantry Regiment, United States Army. It would serve as the United States military’s last segregated unit composed of Hispanic soldiers.

In January of 1943, 13 months after the attack on Pearl Harbor that sparked the entry of the United States into World War II, the regiment again

was deployed to the Panama Canal Zone, before being deployed overseas in the spring of 1944.

Despite the regiment's relatively limited combat service in World War II, the unit suffered casualties in the course of defending the Pacific and Atlantic sides of the isthmus against enemy attacks.

Individual soldiers earned one Distinguished Service Cross, two Silver Stars, two Bronze Stars, and 90 Purple Hearts; and the unit received campaign participation credit for its service in the Rome-Arno, Rhineland, Ardennes-Alsace, and Central Europe theaters.

The story of the 65th Infantry Regiment during the Korean war has been aptly described as "one of pride, courage, heartbreak, and redemption."

Arriving in Pusan, South Korea, in September 1950, the regiment was assigned the mission of destroying or capturing small groups of North Korean soldiers. Its success led General Douglas MacArthur, commander in chief of the United Nations Command in Korea, to observe the regiment was "showing magnificent ability and courage in the field of operations."

Fighting as a segregated unit from 1950 until 1952, the regiment participated in some of the fiercest battles of the war. Its toughness, courage, and loyalty earned admiration of many who had even previously harbored reservations.

Mr. Speaker, the service of the men of the 65th Infantry Regiment is emblematic of the contributions to the Armed Forces that have been made by hundreds of thousands of brave and patriotic United States citizens from Puerto Rico, over generations, from World War I to the most recent conflicts in Afghanistan and Iraq and in many other overseas operations.

This honor is richly deserved. The bill has 301 cosponsors in the House, and a companion bill introduced by Senator BLUMENTHAL in the Senate has 63 cosponsors.

Mr. Speaker, I ask for immediate passage of this important legislation, and I reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I yield as much time as he may consume to the gentleman from Puerto Rico (Mr. PIERLUISI). As everyone knows, Puerto Rico has a Resident Commissioner here. He has the luxury of a 4-year term. We all envy that.

At the same time, it is an important position to have and a position that we should listen to.

Mr. PIERLUISI. Mr. Speaker, I rise in strong support of H.R. 1726, a bill that would award the Congressional Gold Medal to the United States Army's 65th Infantry Regiment in recognition of its pioneering military service, devotion to duty, and many acts of valor in the face of adversity.

The regiment was composed largely of soldiers from the U.S. territory of

Puerto Rico; and members of the unit are called the Borinqueneers, which is derived from the Taino word for Puerto Rico, meaning the "land of the brave lord."

Since the term was first used over 60 years ago, coined by members of the regiment on their way to Korea, it has become synonymous with honor, courage, redemption, and pride.

I want to begin by expressing my gratitude to Mr. POSEY of Florida. Working with him on a bipartisan basis to move this bill forward has been a pleasure. I know that Congressman POSEY, like me, feels a profound sense of responsibility to these veterans and their families.

The surviving members of the regiment are in the twilight of their lives, and so we hope our colleagues in the House and in the Senate, acting on behalf of a grateful Nation, will see fit to honor the Borinqueneers while these humble heroes still walk among us.

□ 1615

Mr. Speaker, we are honored that the oldest living Borinqueneer, Don Leonardo Martinez, who is 96 years young, is here with us today.

Of course Congressman POSEY and I are not on this mission alone. We are working shoulder to shoulder with an army of individuals and organizations from Puerto Rico and the States. These advocates have been inspired by the legacy of the regiment and are mindful of its special contribution to the tapestry of American life. Their campaign on behalf of the Borinqueneers has been exceptional. I want to publicly thank each and every one of them because they are the heart and soul of this movement. I must highlight, in particular, the tireless efforts of the Borinqueneer Congressional Gold Medal Alliance, led by National Chairman Frank Medina.

To place the achievements of the regiment in context, it is important to understand that for generations—from World War I, almost a century ago, to Afghanistan today—American citizens from Puerto Rico have built and maintained a rich record of military service.

If you visit any U.S. military installation, you will see men and women from Puerto Rico fighting to keep this Nation safe, strong, and free. They may speak English with an accent, like I do, but they are just as devoted to this country as their fellow soldiers, sailors, airmen, and marines from the States. If you need proof, there is a frame on my office wall containing photographs of the servicemembers from Puerto Rico that have fallen since 9/11—row after row of young faces, sometimes smiling and sometimes stern, usually posing in their dress uniforms against the backdrop of the American flag.

In a book he wrote about Puerto Rico, former Attorney General Dick Thornburgh observed that:

Historically, Puerto Rico has ranked alongside the top five States in terms of per capita military service.

In the forward to that book, former President George H.W. Bush noted:

This patriotic service and sacrifice of Americans from Puerto Rico touched me all the more deeply for the very fact they have served with such devotion, even while denied a vote for the President and Members of Congress who determine when, where, and how they are asked to defend our freedoms.

No unit better epitomizes Puerto Rico's distinguished tradition of military service than the 65th Infantry Regiment, which was constituted just after World War I, participated in an honorable—albeit limited—fashion during World War II, and came into its own during the Korean war, earning admiration for its outstanding combat performance.

Like society more generally, the U.S. military in the 1950s was different than it is today, and attitudes toward ethnic minorities could be harsh. The men of the regiment not only had to fight the enemy on the battlefield, which they did with bravery and skill, but they also had to overcome negative stereotypes held by some of their commanders and comrades. For example, then-Colonel William Harris, who commanded the regiment during the early stages of the Korean war, later recalled that he had been reluctant to assume command of the unit because of prejudice within the military but that his experience eventually led him to regard the Borinqueneers as "the best damn soldiers that I had ever seen."

Such sentiments would be expressed by many others who witnessed the regiment in action, including General Douglas MacArthur, who wrote the following in 1951:

The Puerto Ricans forming the ranks of the gallant 65th Infantry on the battlefields of Korea . . . give daily testament to their invincible loyalty to the United States . . . They are writing a brilliant record of achievement in battle; and I am proud, indeed, to have them in this command. I wish that we might have many more like them.

The experience of the Borinqueneers during the Korean war was perhaps best encapsulated in September 2000, at a ceremony held at Arlington National Cemetery in honor of the regiment, by secretary of the Army Louis Caldera, who observed that the Borinqueneers "fought with rare courage even as they endured misfortune and injustice."

The Borinqueneers earned many unit-level awards for their service in Korea, including two Presidential Unit Citations. Soldiers in the regiment earned many individual awards, including nine Distinguished Service Crosses, about 250 Silver Stars, over 600 Bronze Stars, and more than 2,700 Purple Hearts.

In March of this year, President Obama awarded the Medal of Honor—the military's highest individual award for bravery—to four deceased American

soldiers from Puerto Rico, including Master Sergeant Juan Negron, who became the first Borinqueneer to be accorded this honor.

Moreover, in recent years, the achievements of the regiment have been recognized in many ways. A multitude of State legislatures have approved resolutions in their honor, while numerous parks, streets, and monuments bear the regiment's name. I hope Congress will pay tribute to the Borinqueneers by conferring upon them the Congressional Gold Medal.

I urge my colleagues to support this bill.

Mr. HUIZENGA of Michigan. Mr. Speaker, I now yield such time as he may consume to the gentleman from Florida (Mr. POSEY), the sponsor of this great legislation.

Mr. POSEY. I thank the gentleman from Michigan for yielding.

Mr. Speaker, I am pleased to be joined here today by my colleague, Resident Commissioner PIERLUISI, whom you just heard from, in support of our bill, H.R. 1726, to award the Congressional Gold Medal to Puerto Rico's 65th Infantry Regiment, known as the Borinqueneers.

During the darkest days of the Korean war, the Borinqueneers, an ethnically segregated unit, served with singular distinction during a multitude of major and minor combat engagements. During the now famous Battle of Chosin Reservoir, the regiment fought alongside the 1st Marine Division, covering them through what is recognized as one of the greatest strategic withdrawals in military history. The regiment was known for its fierceness in the face of the enemy and demonstrated their exceptional courage by launching the last recorded battalion-size bayonet charge in U.S. military history.

For its service, the regiment was singled out for special recognition by General Douglas MacArthur, who declared:

I am proud, indeed, to have them in this command. I wish that we might have many more like them.

Last month, Borinqueneer Master Sergeant Juan Negron was awarded the Medal of Honor, our Nation's highest military honor for heroic actions "above and beyond the call of duty." His actions reflect the fighting spirit, sense of duty, and dedication of the entire regiment.

The Borinqueneers are part of a proud tradition of distinguished American soldiers that include the Tuskegee Airmen, Montford Point Marines, Navajo Code Talkers, and the Japanese American Nisei regiments, all of whom have already received the Congressional Gold Medal.

I would also like to recognize the grassroots efforts of the Borinqueneer Congressional Gold Medal Alliance and their national chair, Frank Medina. For many of their members, this bill

was their first time ever contacting a Member of Congress. Congratulations. We would not be here today if it were not for the tireless efforts of literally hundreds of people in the Borinqueneer community.

I would also like to thank Rob Medina of my Florida office, who first brought this issue to my attention, and Robert Carter, my legislative counsel, who has advanced this legislation as a member of my staff.

I rise in full support of the Borinqueneers and urge all of my colleagues to join us to ensure that these American soldiers are recognized for their exceptional, their courageous, and their selfless service to our Nation. And I call upon the Senate to take prompt action to pass this bill and allow us to declare, "Mission accomplished."

Mr. CAPUANO. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SERRANO), with whom I agree on almost everything, with the sole exception of his favorite baseball team, which, of course, should be the Red Sox, but maybe someday it will be.

Mr. SERRANO. I thank the gentleman for the time and the kind comments about my favorite team. I thank the majority party for the opportunity to bring this bill to the floor.

Mr. Speaker, this is a very, very special and emotional day on the island of Puerto Rico and throughout the Puerto Rican community in the United States. This is a tribute long, long, long overdue. If you know the history of our country—and we all do—you know that many groups have been treated unfairly, and many have been treated unfairly during wartime, which is so unfair.

Let me read to you something that I found that is very interesting:

The regiment faced unique challenges due to discrimination and prejudice, including the humiliation of being ordered to shave their moustaches "until such a time as they gave proof of their manhood," being forced to use separate showering facilities from their non-Hispanic officers, being ordered not to speak Spanish under penalty of court-martial, flawed personal rotation policies based on ethnic and organizational prejudices, and a catastrophic shortage of trained noncommissioned officers.

Yet most of them were volunteers, if not all. Yet they fought with great valor. Yet they knew that they were very much a part of this Nation.

So today, in awarding this Congressional Gold Medal, we are not just repairing a mistake of the past, but we are also paying tribute to ourselves as a nation. Our Nation is great in many ways. And one of the things that makes this Nation great is that we have made mistakes in the past, but every so often we look back and try to correct them.

Under House rules, we are not allowed to point people out in the gal-

lery; but it is important to note that to my right, there are members of the Borinqueneers, as the gentleman from Puerto Rico (Mr. PIERLUISI) said, including one who is 96 years old and is still here with us. God bless him.

And these folks bring so much glory to our community. I remember growing up in New York, where I grew up. I came at the age of 6. My parents—my uncles, my father, who had all served in the military, would speak about the 65th Infantry Regiment, 65 de Infanteria, as something so special. It was a moment of glory on Saturday afternoons during a few drinks and a good roast pork or something and rice and beans to discuss a lot of the achievements in music and sports, but also the achievements of the 65th Infantry were always a part of that conversation because they had endured so much, not to mention the fact—and this may sound funny, but remember, they came from a tropical island and went on to suffer some of the most severe cold weather you could on the battlefields with less equipment, I am told and history books will show, than other soldiers. So, you see, today we honor them.

But today we honor ourselves. We here, in a bipartisan fashion, agree on one thing all the time, and that is, whether you agree on military action or not, when they come home, they should be taken care of properly, and when they are on the battlefield, they be treated equally.

Those days have passed. The Borinqueneers were the last segregated unit in this country. We no longer have that, thank God. We now fight as one nation, indivisible, undivided under God.

So I thank both sides, and I thank especially my brother from Puerto Rico (Mr. PIERLUISI) for this initiative and Mr. Medina, who have crossed the country.

I will tell you how important this is. The National Puerto Rican Parade, which is being held this year on June 8, which is the largest ethnic parade of its kind in the U.S., has made this one of its top three priorities, the awarding of this medal. Little do they know that we beat them to the punch. And while they will be asking for the medal to be passed, hopefully by 6:30, 7 o'clock tonight, we will have passed it in the House, and it will be worked on in the Senate, which I don't think will be very difficult to do.

As one who had a very simple military career in the Army—where did they send a Puerto Rican? They sent me to Alaska. Luckily, I grew up in New York, so I was able to adapt to that cold.

But this is a wonderful day, a glorious day. And without pointing to them in the gallery, we thank the Borinqueneers for their service and for their patriotism to this country and

for honoring Puerto Rico the way they have.

□ 1630

Mr. HUIZENGA of Michigan. Mr. Speaker, I am prepared to close and reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I would like to yield as much time as she may consume to the gentlelady from New York (Ms. VELÁZQUEZ), with whom I had the honor of serving on the Financial Services Committee.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong support of H.R. 1726, which will pay tribute to the many patriotic Puerto Ricans who have served in the 65th Regiment throughout our Nation's conflicts. I am very proud today to serve in this body and of the fact that we are having this vote in a bipartisan manner. It is not every day that we have the pleasure of bringing bipartisan legislation to the floor.

I want to recognize Mr. PIERLUISI, the Commissioner from Puerto Rico, as well as Frank Medina and the countless individuals and organizations throughout our Nation and Puerto Rico, for trying to get this recognition to the floor and to the Senate.

Puerto Ricans have a rich heritage of serving in the military. From the American Revolution, when Puerto Ricans volunteered to fight the British, to current conflicts in Afghanistan and Iraq, Puerto Ricans have fought and bled to defend the United States. The 65th Regiment, in particular, has time and again exemplified the courage of Puerto Rican soldiers. During World War II, these soldiers were initially deployed to protect the Panama Canal before later shipping to Europe. There, members of the unit would earn scores of medals, including Purple Hearts, the Distinguished Service Cross, two Silver Stars and Bronze Stars.

In the Korean war, the 65th made an even greater mark on history, participating in some of the most significant and bloodiest battles of that conflict. In 1950, the American ground situation in Korea deteriorated, prompting the 65th to be sent to Korea as reinforcements. While sailing for Asia, members of the unit adopted their informal name—the "Borinqueneers." Derived from the Taino word for Puerto Rico, meaning "land of the brave lord," this title exemplified these soldiers' fighting spirit.

General MacArthur wrote of the unit's achievement in Korea:

They are writing a brilliant record of achievement in battle, and I am proud indeed to have them in this command. I wish that we might have many more like them.

I am proud to note, Mr. Speaker, that one of those brave Puerto Rican troops who served in Korea was my late uncle, Luis Manuel Serrano Medina.

Since their participation in the Korean war, the 65th has continued to be an integral part of our Armed Forces,

serving in the global war against terrorism and Operation Iraqi Freedom. In San Juan and New York City, the legacy of these brave warriors has been honored with streets in their names. It is only fitting that Congress now recognize these soldiers' contributions with one of the highest civilian awards. I urge my colleagues to vote "yes" on this legislation, and I ask the Senate to do the same.

Mr. HUIZENGA of Michigan. Mr. Chair, I am prepared to close and reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I would like to thank Mr. PIERLUISI and Mr. POSEY for proposing this bill, and I hope that it passes as quickly as possible.

I would just simply like to add one thing, sitting and listening to these things: particularly in World War II, there was never a question by almost anyone about people of German American heritage or Italian American heritage fighting on behalf of the United States of America—even in the European theater. Yet people had questions about other ethnicities which I think is a blot on the history of this great country, and I couldn't be prouder to be a very small, little part to be here today to try to make amends for those past sins and to say thank you to the Americans who served this great country and helped me live a better life.

With that, I yield back the balance of my time.

Mr. HUIZENGA of Michigan. Mr. Speaker, I, too, would like to reflect the comments of my colleague from Financial Services, as we have. As the son of a disabled World War II veteran myself, I certainly know what that Greatest Generation had done. No matter where they geographically came from, they fought for that flag that is behind you today, Mr. Speaker, and we appreciate the work that was done by them and by any of those colleagues that are here, and to my colleague from New York, especially her uncle in the service that he had to this fine Nation, and we want to say thank you for that.

With that, Mr. Speaker, I urge rapid passage of this, and I yield back the balance of my time.

Mr. GUTIERREZ. Mr. Speaker, it is always an honor to recognize the sacrifice and bravery of our men and women in uniform. Today, as a fellow Puerto Rican, I am pleased to join my colleagues in celebrating the Puerto Rican veterans of the 65th Infantry Regiment, who are known as the Borinqueneers.

The Congressional Gold Medal will be the highest award granted by Congress to a Hispanic active duty unit in U.S. history. The Borinqueneers will be only the second Latino individual or group to receive a Congressional Gold Medal. This recognition of their service and sacrifice is long overdue and I thank the authors, the Governor of Puerto Rico, and Puerto Ricans and veterans from Florida to New York, to Illinois to Colorado who have

made sure the accomplishments of the Borinqueneers are preserved and celebrated.

The Borinqueneers served during WWI, WWII, and the Korean War. The unit was segregated through most of the Korean War and composed primarily of soldiers from the U.S. territory of Puerto Rico, but also included recruits from other Latino backgrounds. In the face of discrimination and segregation, these brave soldiers performed many remarkable military accomplishments and are known for waging the final battalion-sized bayonet assault in U.S. Army history.

These soldiers fought valiantly on behalf of the U.S. and served our nation honorably with great skill and courage. General Douglas MacArthur said of the Borinqueneers, "The Puerto Ricans forming the ranks of the gallant 65th Infantry give daily proof on the battlefields of Korea of their courage, determination and resolute will to victory, their invincible loyalty to the United States and their fervent devotion to those immutable principles of human relations which the Americans of the Continents and of Puerto Rico have in common. They are writing a brilliant record of heroism in battle and I am indeed proud to have them under my command. I wish that we could count on many more like them."

Throughout the course of the Korean War, Puerto Rico's 65th Infantry Regiment suffered more casualties than did the vast majority of mainland states and according to Department of Defense records, 2,700 soldiers received the Purple Heart for wounds received while in battle, and the Regiment lost 740 Borinqueneers in Korea. The Borinqueneers selflessly served and many gave their lives for our democracy and have earned this recognition from Congress. They have inspired new generations of Puerto Ricans who have continued to answer the call to serve in the Armed Forces of the United States.

To the Borinqueneers of the 65th Infantry Regiment, their loved ones, and to the Puerto Rican soldiers who have followed in their footsteps, I thank you for your proud service to this country. Your sacrifice is just one more reason I am proud of my Puerto Rican heritage.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. POSEY) that the House suspend the rules and pass the bill, H.R. 1726, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### AWARDING CONGRESSIONAL GOLD MEDAL TO JACK NICKLAUS

Mr. HUIZENGA of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2203) to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2203

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. FINDINGS.

Congress finds the following:

(1) Jack Nicklaus is a world-famous golf professional, a highly successful business executive, a prominent advertising spokesman, a passionate and dedicated philanthropist, a devoted husband, father, and grandfather, and a man with a common touch that has made him one of the most popular and accessible public figures in history.

(2) Jack Nicklaus amassed 120 victories in professional competition of national or international stature, 73 of which came on the Professional Golf Association (in this Act referred to as the “PGA”) Tour, and professional major-championship titles. His record 18 professional majors, the first of which he won 50 years ago with his win at the 1962 U.S. Open as a 22-year-old rookie, remains the standard by which all golfers are measured. He is the only player in golf history to have won each major championship at least three times, and is the only player to complete a career “Grand Slam” on both the regular and senior tours. He also owns the record for most major championships as a senior, with eight.

(3) Jack Nicklaus’ magnetic personality and unfailing sense of kindness and thoughtfulness have endeared him to millions throughout the world.

(4) Jack Nicklaus has been the recipient of countless athletic honors, including being named Individual Male Athlete of the Century by Sports Illustrated, one of the 10 Greatest Athletes of the Century by ESPN, and Golfer of the Century or Golfer of the Millennium by every major national and international media outlet. He received the Muhammad Ali Sports Legend Award and the first-ever ESPY Lifetime Achievement Award. He became the first golfer and only the third athlete to receive the Vince Lombardi Award of Excellence, and is also a five-time winner of the PGA Player of the Year Award. He was inducted into the World Golf Hall of Fame at the age of 34.

(5) Jack Nicklaus has received numerous honors outside of the world of sports, including several golf industry awards for his work and contributions as a golf course designer, such as the Old Tom Morris Award, which is the highest honor given by the Golf Course Superintendents Association of America, and both the Donald Ross Award given by the American Society of Golf Course Architects and the Don A. Rossi Award given by the Golf Course Builders Association of America. Golf Inc. Magazine named him the Most Powerful Person in Golf for a record six consecutive years, due to his impact on various aspects of the industry through his course design work, marketing and licensing business, his ambassadorial role in promoting and growing the game of golf worldwide, and his involvement on a national and global level with various charitable causes.

(6) Jack Nicklaus has been involved in the design of more than 290 golf courses worldwide, and his business, Nicklaus Design, has close to 380 courses open for play in 36 countries and 39 States.

(7) Jack Nicklaus served as the Global Ambassador for a campaign to include golf in the Olympic Games, which was achieved and will begin in the 2016 Olympic program.

(8) Jack Nicklaus was honored by President George W. Bush in 2005 by receiving the

Presidential Medal of Freedom, the highest honor given to any United States civilian.

(9) Jack Nicklaus has a long-standing commitment to numerous charitable causes, such as his founding, along with wife Barbara, of the Nicklaus Children’s Health Care Foundation, which provides pediatric health care services throughout South Florida and in other parts of the country. The Foundation has raised close to \$24,000,000 since it was formed in 2004, and has provided health assistance and services to more than 4,000 children and their families through—

(A) Child Life programs (supporting therapeutic interventions for children with chronic and acute conditions during hospitalization);

(B) Miami Children’s Hospital Nicklaus Care Centers (to offer a new option to Palm Beach County-area families with children who require pediatric specialty care); and

(C) Safe Kids Program (aimed at keeping children injury-free and offering safety education in an effort to decrease accidental injuries in children).

(10) In October 2012, the Miami Children’s Hospital Nicklaus Outpatient Center was opened to provide pediatric urgent care, diagnostic services, and rehabilitation services in Palm Beach County.

(11) Jack Nicklaus also established an annual pro-am golf tournament called “The Jake” to honor his 17-month-old grandson who passed away in 2005, and it serves as a primary fundraiser for the Nicklaus Children’s Health Care Foundation. The event alone has raised well over \$43,000,000 over the last several years.

(12) Nicklaus has been a tireless supporter of numerous junior golf initiatives, working with the PGA of America Junior Golf Foundation over the course of four decades, including the establishment of the Barbara and Jack Nicklaus Junior Golf Endowment Fund and the PGA-Nicklaus First Tee Teaching Grants. He also is a spokesperson for several PGA of America and USGA growth-of-the-game initiatives. He continues to support several scholarship foundations, other children’s hospitals, and other causes, including spinal-cord research, pancreatic cancer issues, and Florida Everglades restoration.

(13) In 2013, Jack Nicklaus, with the support of the National Park and Recreation Association (NRPA), launched the Jack Nicklaus Learning Leagues, taking team-concept golf to our parks system for children, ages 5 to 12. A non-profit foundation called Global Outreach for Learning Foundation (GOLF) was created to underwrite the program. By the end of 2013, they hope to have the program in more than 100 locations and reach close to 25,000 children.

(14) Jack Nicklaus continues to manage the Memorial Tournament in his home State of Ohio, in which contributions generated through the aid of over 2,600 volunteers are given to support Nationwide Children’s Hospital and close to 75 other Central Ohio charities. This has garnered more than \$5,700,000 for programs and services at Nationwide Children’s Hospital since 1976, so that Central Ohio will continue to have one of the best children’s hospitals in the United States.

(15) Jack Nicklaus serves as an honorary chairs of the American Lake Veterans Golf Course in Tacoma, Washington, which neighbors a Veterans Administration hospital and is designed for the rehabilitation of wounded and disabled veterans. Nicklaus has donated his design services for the improvement of the course, and raised contributions for the addition of nine new holes (the “Nicklaus

Nine”), the construction of the Rehabilitation and Learning Center, and the upgrade of the maintenance facilities. The course is considered the only one in the United States designed solely for the use of disabled veterans. It served over 30,000 veterans and their families in 2011 to use the healing powers of golf to help them rehabilitate and recreate. The hope is that American Lake will serve as a pilot program for the more than 150 Veterans Administration hospitals nationwide.

(16) Jack Nicklaus serves as a spokesperson and Trustee for the First Tee program, which brings golf to children who would not otherwise be exposed to it, and teaches them valuable, character-building life lessons through the game of golf, and is a national co-chair of the organization’s More Than a Game campaign.

(17) Jack Nicklaus remains active in tournament golf, although he retired from major championship competition in 2005, when he played his final British Open and his final Masters Tournament, and led the United States to a thrilling victory in the President’s Cup. He consults often with the PGA Tour, and no fewer than 95 Nicklaus courses have hosted a combined total of almost 700 professional tournaments. In 2013 alone, Nicklaus courses will host 17 PGA Tour-sanctioned events. His Muirfield Village Golf Club in Ohio will be hosting the Presidents Cup in October 2013, making it the only club in history to have hosted all three of the game’s most prominent international team competitions—the Ryder Cup, Solheim Cup and Presidents Cup. It is also expected that his course at the Jack Nicklaus Golf Club Korea in New Songdo City, South Korea, will be named the host venue for the 2015 Presidents Cup—the first time that country has hosted an international team competition of this stature

## SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AUTHORIZATION.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design to Jack Nicklaus in recognition of his service to the Nation in promoting excellence and good sportsmanship.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

## SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary of the Treasury may prescribe, the Secretary may strike duplicate medals in bronze of the gold medal struck pursuant to section 2 and sell such duplicate medals at a price sufficient to cover the costs of the duplicate medals (including labor, materials, dies, use of machinery, overhead expenses) and the cost of the gold medal.

## SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HUIZENGA) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. HUIZENGA of Michigan. Mr. Speaker, I ask unanimous consent that



all Members have 5 legislative days within which to revise and extend their remarks and submit extraneous materials for the RECORD on H.R. 2203, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HUIZENGA of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2203, a bill to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy, introduced by the gentleman from Ohio (Mr. TIBERI). This bill authorizes the minting and award of a single gold medal in honor of the life and work of the immensely well-known golf champion.

Mr. Speaker, Jack Nicklaus—nicknamed the Golden Bear—is a world-famous golf professional, a highly successful businessman, executive, prominent advertising spokesman, a passionate and dedicated philanthropist, a devoted husband, father, and grandfather, and a man with a common touch that has made him one of the most popular and accessible public figures in American history. He is widely regarded as one of the most accomplished professional golfers of all time. And I might add, on a personal note, his design up at the Grand Traverse Bay Resort this past summer humbled me in my golf game personally.

Mr. Jack William Nicklaus was born to Charlie Nicklaus and his wife, Helen, on January 21, 1940, in the Columbus suburb of Upper Arlington, Ohio. Young Jack took up golf at the age of 10, scoring a 51 at Scioto Country Club for the first nine holes that he ever played. I suspect that there are more than a few Members here that wouldn't mind carding a 51 right now.

Nicklaus amassed 120 victories in professional competition of national or international stature, 73 of which came on the Professional Golfers' Association Tour. His record 18 professional majors, the first of which he won 50 years ago with his win at the 1962 U.S. Open as a 22-year-old rookie, remains the standard by which all golfers are measured. He is the only player in golf history to have won each major championship at least three times and is the only player to complete a career Grand Slam on both the regular and senior tours. He also owns the record for the most major championships as a senior, with eight.

Jack Nicklaus has been the recipient of countless athletic honors, including being named Individual Male Athlete of the Century by Sports Illustrated, one of the 10 Greatest Athletes of the Century by ESPN, and Golfer of the

Century or Golfer of the Millennium by every major national and international media outlet. He received the Muhammad Ali Sports Legend Award and first-ever ESPY Lifetime Achievement Award. He became the first golfer and only the third athlete to receive the Vince Lombardi Award of Excellence. He is also a five-time winner of the PGA Player of the Year Award. He was inducted into the World Golf Hall of Fame at the ripe old age of 34.

But Jack Nicklaus is much more than a golf champion. His magnetic personality and unfailing sense of kindness and thoughtfulness have endeared him to millions throughout the world. He has also received numerous honors outside of the world of sports, including several golf industry awards for his work and contributions as a golf course designer, as I noted earlier, such as the Old Tom Morris Award, which is the highest honor given by the Golf Course Superintendents Association of America, and both the Donald Ross Award given by the American Society of Golf Course Architects and the Don A. Rossi Award given by the Golf Course Builders Association of America. Golf Inc. magazine named him one of the Most Powerful Persons in Golf for a record 6 consecutive years due to his impact on various aspects of industry through his course design work, marketing and licensing business, his ambassadorial role in promoting and growing the game of golf worldwide, and his involvement on a national and global level with various charitable causes.

Mr. Speaker, everyone knows Jack Nicklaus, and most of us at least wish we had half the golf ability that he has, but it is important to remember his charitable and leadership works as well. The bill has 304 cosponsors in the House, and a companion bill introduced in the other body is being championed by Senator PORTMAN. I ask for unanimous approval of this important legislation, and I reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I would like to yield as much time as she may consume to the gentlelady from Ohio (Mrs. BEATTY).

Mrs. BEATTY. Mr. Speaker, I rise today in support of H.R. 2203, sponsored by Congressman PAT TIBERI, awarding the Congressional Gold Medal to Columbus, Ohio, native Jack Nicklaus. Jack Nicklaus—an alumni of Ohio State University—is a world-famous professional golfer who has amassed 120 victories in professional tournaments worldwide.

While well known for his athletic achievements on the golf course, Jack Nicklaus also has a long history of involvement in, and contributions to, numerous charitable activities. One example: last month I had the opportunity to attend the Legends Luncheon. While only a few years in existence, it has raised more than a half-

million dollars in proceeds from his annual Memorial Tournament held in his home State of Ohio in support of Nationwide Children's Hospital located in my district, ensuring that central Ohio will continue to have one of the best children's hospitals in the United States.

In honor of Jack Nicklaus' sportsmanship and philanthropy, I urge my colleagues to join the 304 of us who have signed H.R. 2203 and pass H.R. 2203.

Mr. HUIZENGA of Michigan. Mr. Speaker, I yield as much time as he may consume to the gentleman from Ohio (Mr. TIBERI), the sponsor of this legislation.

Mr. TIBERI. Mr. Speaker, I would like to thank the gentleman from Michigan for his kind words about the honoree today. I rise in support of the bill to award the Congressional Gold Medal to a Buckeye native, Jack Nicklaus.

As Mr. HUIZENGA said, often called the "Golden Bear," named after the mascot of his high school in Upper Arlington, he is widely known today as the greatest golfer of all time. Mr. HUIZENGA mentioned the incredible athletic accomplishments on the golf course. I won't repeat those that Mr. Nicklaus achieved, but as Mrs. BEATTY of Columbus mentioned, it is his philanthropic work that continues today that directly impacts tens of thousands of children and adults.

Through the Nicklaus Children's Health Care Foundation, he has raised nearly \$24 million to support health assistance and services for more than 4,000 children and their families. He continues to host the Memorial Tournament in Dublin, Ohio, on the golf course that he built and designed, the Muirfield Village Golf Club in the congressional district I am so honored to represent. And in that tournament, he has raised over \$5.5 million for Nationwide Children's Hospital in Columbus that Mrs. BEATTY recognized, giving children access to world-class health care.

He serves as a spokesperson and trustee for the First Tee Program, an organization dedicated to bringing golf to children in areas that aren't normally exposed to it across our country. He serves as the honorary chairman for the American Lake Veterans Golf Course in Tacoma, Washington, a course designed to help rehabilitation of wounded and disabled veterans.

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He has donated his time to design services for improvement of the American Lake Veterans course and has raised contributions for the addition of nine new holes and the construction of the course's rehabilitation and learning center for these veterans.

His accolades are many, as Mr. HUIZENGA has said, including the Presidential Medal of Freedom. Jack's devotion to helping others and giving back

to his community is only matched by his devotion to his wife Barbara, their children, and their grandchildren.

I would like to thank, in addition to Congresswoman BEATTY and Congressman STIVERS from Ohio, Congressman YARMUTH for his work in building support for this measure on the floor today.

I would also like to thank Senator ROB PORTMAN for spearheading this effort in the U.S. Senate; and I would also like to give a special thank you to my senior legislative assistant, Rebecca Kastan, for her work in helping move this bill through the legislative process.

I urge my colleagues to award this gold medal to Jack Nicklaus to recognize not only his success on the golf course, but more importantly, for his incredible success, his incredible work off the course in helping tens of thousands of children and veterans across our country.

Mr. CAPUANO. Mr. Speaker, I yield myself such time as I may consume.

My father would never forgive me if I didn't speak for a minute on this particular bill. I played my first round of golf in the year of 1960, and at that time, the rising star on the course was the Golden Bear. My father was a crazy, crazy golfer. I, myself, am a recovering golfer. Since I was never that good, I decided to give it up.

We have heard about the incredible statistics accumulated by Jack Nicklaus, and that is all well and good, and I respect that and honor it, and certainly, he is one of, if not the best golfer in history, but that is not really what I want to speak about.

I want to speak about his character, and I don't know him personally, but the way he projects it, and I want to speak about the work he has done since he stepped off the competitive field.

As we have heard already, he is an incredible philanthropist. He has gone around the country helping people do good work to help others, people he doesn't know. He stood for many of the right things in this country during a difficult time.

For those reasons, to me, having been a great athlete, it would have been very easy for him simply to retire, go count his money, make more money, and just fade away. That is the easy thing to do.

The hard thing to do is to then transition yourself into another great leader, a person who leads society. That is what Jack Nicklaus has done. That is why I am very, very glad to be here today, to be a small part of this.

I thank Mr. TIBERI for his hard work on this. I know he assaulted me on it right away. I would like to know who the 130-odd Members you didn't get were; and I will tell you, again, this is a well-deserved honor.

I yield back the balance of my time.

Mr. HUIZENGA of Michigan. Mr. Speaker, I am prepared to close, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. HUIZENGA) that the House suspend the rules and pass the bill, H.R. 2203, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MASSIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### AWARDING CONGRESSIONAL GOLD MEDAL TO SHIMON PERES

Mr. HUIZENGA of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2939) to award the Congressional Gold Medal to Shimon Peres, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2939

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Shimon Peres was born in Poland in 1923.

(2) The Peres family emigrated to Tel Aviv in 1934, and all of the family members of Shimon Peres who remained in Poland were murdered during the Holocaust.

(3) Before Israel gained independence, Shimon Peres earned the respect of senior leaders in the independence movement in Israel, most notably David Ben-Gurion.

(4) The founding generation of Israel was central to the development of Israel, and Shimon Peres is the only surviving member of that founding generation.

(5) Shimon Peres has served in numerous high-level cabinet positions and ministerial posts in Israel, including head of the Israeli Navy, Minister of Defense, Foreign Minister, Prime Minister, and President, among many others.

(6) Shimon Peres has honorably served Israel for over 70 years, during which he has significantly contributed to United States interests and has played a pivotal role in forging the strong and unbreakable bond between the United States and Israel.

(7) By presenting the Congressional Gold Medal to Shimon Peres, the first to be awarded to a sitting President of Israel, Congress proclaims its unbreakable bond with Israel and reaffirms its continual support for Israel as we commemorate the 65th anniversary of the independence of Israel and the 90th birthday of Shimon Peres, which are both significant milestones in Israeli history.

(8) Maintaining strong bilateral relations between the United States and Israel has been a priority of Shimon Peres since he began working with the United States in the days of John F. Kennedy. The strong bond is exemplified by the following:

(A) President Reagan said to Shimon Peres upon his visit to the United States, "Mr. Prime Minister, I thank you very much for your visit. It's been an occasion to renew a

friendship and to review and enhance the strength of our unique bilateral relationship."

(B) At another point President Reagan said of Shimon Peres, "His vision, his statesmanship and his tenacity are greatly appreciated here."

(C) While visiting with Shimon Peres at the Residence of the President in Jerusalem, President Obama described Shimon Peres as "... a son of Israel who's devoted his life to keeping Israel strong and sustaining the bonds between our two nations".

(D) On March 20, 2013, Shimon Peres reaffirmed his belief in the relationship between the United States and Israel, stating, "America stood by our side from the very beginning. You support us as we rebuild our ancient homeland and as we defend our land. From Holocaust to redemption."

(E) On March 21, 2013, Shimon Peres stated, "... America is so great and we are so small. But I learned that you don't measure us by size, but by values. When it comes to values, we are you and you are us ... As I look back, I feel that the Israel of today has exceeded the vision we had 65 years ago. Reality has surpassed our dreams. The United States of America helped us to make this possible."

#### SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design in honor of President Shimon Peres.

(b) DESIGN AND STRIKING.—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

#### SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary of the Treasury may prescribe, the Secretary may strike duplicate medals in bronze of the gold medal struck pursuant to section 2 and sell such duplicate medals at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

#### SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HUIZENGA) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. HUIZENGA of Michigan. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and submit extraneous materials for the RECORD on H.R. 2939, as amended, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HUIZENGA of Michigan. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of H.R. 2939, a bill to award a Congressional Gold Medal to Shimon



Peres, introduced by the gentleman from Massachusetts (Mr. KENNEDY). This bill authorizes the minting and award of a single gold medal in honor of this brave man.

Shimon Peres was born on August 2, 1923, in Wiszniew, Poland. The Peres family immigrated to Tel Aviv in 1934. All of the family's relatives who remained in Poland were murdered during the Holocaust during World War II.

Before Israel gained independence, Shimon Peres earned the respect of senior leaders in the independence movement in Israel, most notably David Ben-Gurion. In 1952, he was appointed deputy director general of the Ministry of Defense, and the following year, he became director general. At age 29, he was the youngest person to hold this position.

He was involved in arms purchases and established strategic alliances that were important for the State of Israel. He has served in numerous high-level cabinet positions and ministerial posts in Israel, including head of the Israeli navy, Minister of Defense, Foreign Minister, Prime Minister, and President, among others.

Mr. Peres has honorably served Israel for more than 70 years, during which he has helped harmonize the foreign policy interests of Israel and the United States. He played a pivotal role in forging the strong and unbreakable bond between our two countries.

Mr. Speaker, the founding generation of Israel was central to the development of that country, and Shimon Peres was the only surviving member of that founding generation.

By presenting the Congressional Gold Medal to Shimon Peres, the first to be awarded to a sitting President of Israel, Congress proclaims its unbreakable bond with and its continual support for Israel as we commemorate the 65th anniversary of its independence and the 90th birthday of Mr. Peres.

Maintaining the strong mutual relations between the United States and Israel has been a priority of Shimon Peres since he began working with the United States in the days of John F. Kennedy.

Mr. Speaker, this honor is richly deserved. The bill has 294 cosponsors in the House, and a version introduced by Senator AYOTTE had 81 cosponsors when it passed the Chamber on March 13. I ask for immediate approval of this important legislation.

I reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. Speaker, I thank my colleague from Massachusetts for yielding me this time. I would also like to thank the gentleman from Arizona (Mr. FRANKS), who is here as well, for his diligent and important work on this bill.

It has been a pleasure to work with him and see him gather his fellow colleagues to support an extremely important piece of legislation.

Mr. Speaker, this bipartisan bill would award the Congressional Gold Medal to Israel's President, Shimon Peres, in honor of his pivotal role in forging the strong and unbreakable bond between the United States and Israel.

The Congressional Gold Medal is one of the highest civilian honors. It is not lightly conferred or frequently granted. President Peres is most deserving of this extraordinary recognition.

During my last trip to Israel, I had the distinct honor to spend some time with President Peres. What impressed me most about the President was, even at 90 years of age, he is as committed to peace in his beloved Israel as never before.

During the time that I and my colleagues spent with President Peres, particularly as someone who was, at that point, not even a year and in his first term in Congress, the opportunity to listen to Mr. Peres' words of wisdom and counsel over his decades of service was a true gift.

Over his tenure in public life, it is Israel's future that has always lit his way. Throughout our travels in the country, we met with politicians young and old. We visited sites from Jerusalem to Ramallah to the Dead Sea; and in each historic site, every meeting, every church or shrine was a poignant reminder that, without the courage and strength of leaders like President Peres, Israel's story would be very different than it is today.

A few days ago, we celebrated Israel's 66th independence day, and we are also in the midst of Jewish American Heritage Month. Awarding the Congressional Gold Medal to Shimon Peres is a timely and fitting acknowledgement of a man whose influence has touched so many lives in Israel, across the Middle East, and around the world.

Mr. Speaker, I urge that my colleagues support this bill. I would also like to thank, for the RECORD, Stanley Treitel, Lee Samson, Rabbi David Baron, Robert Rechnitz, Joe Stamm, and Hassan Ali Bin Ali, who have been instrumental in this bill.

Mr. HUIZENGA of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. FRANKS), the lead Republican cosponsor on this legislation.

Mr. FRANKS of Arizona. Mr. Speaker, I thank Congressman HUIZENGA for yielding, and I also gratefully express my appreciation to Mr. KENNEDY for his work on this. It is always wonderful when Republicans and Democrats can actually get together.

Mr. Speaker, I am privileged to rise today in favor of H.R. 2939 to award the Congressional Gold Medal to Israel's President, Shimon Peres. This award

to Shimon Peres is our highest expression of national appreciation.

Indeed, President Peres' lifetime of dedicated service to the State of Israel is unparalleled. No countryman has ever served Israel for so many years, in so many different capacities, as both a key figure in its foundation and its continued survival and rise in the world.

In his 70 years of state service, Mr. Peres has served in high-level cabinet positions, including head of the navy, Minister of Defense, Foreign Minister, Prime Minister, and most recently as President of Israel.

Throughout his political tenure, he has worked diligently to promote diplomacy, democracy, and freedom in Israel, across the Middle East, and across the world in so very many different ways.

Mr. Peres has also been a powerful and dedicated friend to the United States of America, and he has been instrumental in forming this unbreakable bond that we have spoken of so often here that exists between our two nations.

So, Mr. Speaker, not only does this award acknowledge the merit and noble endurance of President Shimon Peres, it is also an expression of the American people's continued commitment to the nation of Israel and its place as a beacon of democracy in the Middle East.

This award reaffirms the important of Israel as the Holy Land, close to the hearts of millions of committed Jews and Christians in America and around the world. Moreover, it is an expression of America's unwavering resolve to our greatest ally in the world.

Mr. Speaker, I would like to thank my esteemed colleagues on both sides of the aisle for cosponsoring this worthy piece of legislation, and may I also gratefully acknowledge the Shimon Peres Congressional Gold Medal Commemoration Committee for their gallant dedication to the ideals that gave rise to this heartfelt award to Israeli President Shimon Peres.

God bless him, and God bless the friendship between Israel and the United States of America forever.

Mr. CAPUANO. Mr. Speaker, I yield myself such time as I may consume, and I would just like to add my voice to comments about Mr. Peres.

Having met him, I will tell you that he is a totally respectable gentleman who has been through more difficult times during his life than hopefully anyone I know will ever have to go through; and yet he has survived them all with class, with dignity, with the ability to bring people together. Again, I hope this bill passes unanimously.

I yield back the balance of my time.

Mr. HUIZENGA of Michigan. Mr. Speaker, I am prepared to close, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 2939, a bill to award

the Congressional Gold Medal to Shimon Peres who is the 9th and current President of Israel.

I have had the honor of meeting with President Peres on many occasions, most recently in February of this year. He is indeed a person very deserving of the honor of receiving a Congressional Gold Medal for his contributions to our nation's security interest in the region and his efforts to advance peace.

A milestone in world history was reached on November 29, 1947, when the United Nations General Assembly voted to partition the British Mandate of Palestine, to create the State of Israel.

The people of the United States began a long history with the modern State of Israel on May 14, 1948, when the people of Israel proclaimed the establishment of the sovereign and independent State of Israel.

The United States Government established full diplomatic relations with Israel and this relationship has been fostered by the work of diplomacy and astute people who worked for the best interest of both our nations.

I along with millions of friends of Israel will mark the 66th year of Israel's independence in May 2014.

President Peres played a pivotal role in assuring the security and resilience of Israel during his years of service to that nation.

In 1949, when Shimon Peres was 26, he was appointed head of the naval service, and after the War of Independence he was appointed head of the Ministry of Defense delegation to the United States.

The time he spent in the United States during the formative period for the new government of Israel helped to develop strong ties within our government with the new nation.

President Peres recognized the importance of an alliance between the United States and Israel. His presence in the United States helped to develop and solidify that relationship that has grown stronger over the last 6 decades.

President Peres returned to Israel in 1952, at age 29, and David Ben Gurion, the Prime Minister of Israel, appointed Shimon Peres to serve as Director General of the Ministry of Defense.

He worked to re-organizing the Ministry of Defense, and developing the ability of Israel to defend itself.

Israel remains America's staunchest friend in the region—a friendship that has grown stronger over 6 decades. Israel and the United States join to celebrate the accomplishments of President Peres in contributing to peace and security for the region.

Israel shares the United States appreciation for democratic values, common strategic interest, and moral bonds of friendship and mutual respect.

The establishment of a modern State of Israel as a homeland for the Jews followed the murder of more than 6 million European Jews during the Holocaust. This tragic chapter in world history will never be forgotten and the establishment of a modern State of Israel in no way relieves those responsible for that terrible crime.

The people of Israel have established a vibrant and functioning pluralistic democratic political system including freedom of speech, a

free press, free and open elections, the rule of law, and other important democratic principles and practices.

Mr. Speaker, I join my colleagues recognizing the work of President Peres and look forward to his continued work to advance message of peace and security he has championed through his efforts as a statesman, scholar and leader of a great nation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. HUIZENGA) that the House suspend the rules and pass the bill, H.R. 2939, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

### MONUMENTS MEN RECOGNITION ACT OF 2013

Mr. HUIZENGA of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3658) to grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3658

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Monuments Men Recognition Act of 2013”.

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) On June 23, 1943, President Franklin D. Roosevelt formed the “American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas”.

(2) The Commission established the Monuments, Fine Arts, and Archives (“MFAA”) Section under the Allied Armies.

(3) The men and women serving in the MFAA Section were referred to as the “Monuments Men”.

(4) These individuals had expertise as museum directors, curators, art historians, artists, architects, and educators.

(5) In December 1943, General Dwight D. Eisenhower empowered the Monuments Men by issuing orders to all commanders that stated they must respect monuments “so far as war allows”.

(6) Initially the Monuments Men were intended to protect and temporarily repair the monuments, churches, and cathedrals of Europe suffering damage due to combat.

(7) Hitler and the Nazis engaged in a premeditated, mass theft of art and stored priceless works in thousands of art repositories throughout Europe.

(8) The Monuments Men adapted their mission to identify, preserve, catalogue, and repatriate almost 5,000,000 artistic and cultural items which they discovered.

(9) This magnitude of cultural preservation was unprecedented during a time of conflict.

(10) The Monuments Men grew to no more than 350 individuals and joined front line

military forces; two Monuments Men lost their lives in action.

(11) Following the Allied victory, the Monuments Men remained abroad to rebuild cultural life in Europe through organizing art exhibitions and concerts.

(12) Many of the Monuments Men became renowned directors and curators of pre-eminent international cultural institutions, professors at institutions of higher education, and founders of artistic associations both before and after the war.

(13) The Monuments Men Foundation for the Preservation of Art was founded in 2007 to honor the legacy of the men and women who served as Monuments Men.

(14) There are only five surviving members of the Monuments Men as of December 2013.

### SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design in commemoration to Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the Monuments Men, the gold medal shall be given to the Smithsonian Institution, where it will be available for display as appropriate and available for research.

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Smithsonian Institution should make the gold medal awarded pursuant to this Act available for display elsewhere, particularly at appropriate locations associated with the Monuments Men, and that preference should be given to locations affiliated with the Smithsonian Institution.

### SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

### SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HUIZENGA) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

□ 1700

GENERAL LEAVE

Mr. HUIZENGA of Michigan. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days

within which to revise and extend their remarks and submit extraneous materials for the RECORD on H.R. 3658, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HUIZENGA of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 3658, the Monuments Men Recognition Act of 2013, introduced by the gentlewoman from Texas (Ms. GRANGER). This bill authorizes the minting and award of a single gold medal collectively in honor of the heroic role played by the men and women of that group in ensuring the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II. The medal would be given to the Smithsonian Institution, where it would be available for display or loan as appropriate.

Mr. Speaker, even before the stain of World War II began to spread across Europe, priceless cultural objects were being damaged or appropriated from their rightful owners by corrupt governments. When the horrific carnage of war descended over the continent, many other works—paintings, monuments, cathedrals and other buildings—were threatened, damaged, or destroyed, marring or obliterating centuries of incredibly beautiful handiwork.

Recognizing this disaster, President Roosevelt formed the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas in 1943, and the Commission facilitated the formation of the monuments, fine arts, and archives section under the Allied armies. The men and women who worked tirelessly at the Commission, at home but mostly abroad, were empowered by General Dwight D. Eisenhower to carry out their work throughout Europe, even on the front lines, and became known as the Monuments Men.

As I had noted earlier as we were talking about one of the other medals, my father happened to serve in Italy during World War II. I know that was one of his concerns as he was going around seeing the damage and the carnage that had happened there, what had been lost to that war. Of course some of those artworks were irreparably damaged or some never even recovered. As we have seen in headlines as recently as the last couple of weeks, some are still even being recovered. Without the heroic work of the Monuments Men, much of Europe's cultural heritage would have been lost or forever remain hidden after it was stolen.

After the war, many of the Monuments Men stayed in the business of preserving and displaying art. Many

became renowned directors and curators of preeminent international cultural institutions, professors at institutions of higher education, and founders of artistic associations.

If we did not know this story before, most of us now know the outlines thanks to a pair of books by Robert Edsel detailing the Monuments Men's work and, of course, the George Clooney film of the same name released earlier this year. Some of us may have seen a documentary on their work produced about a decade ago, called, "The Rape of Europa." I do want to thank the gentlewoman from Texas for hosting a screening of that movie that I think sort of brought that to the attention of many here in Washington a few months ago.

Mr. Speaker, of the 350 Monuments Men, two of whom died in actual combat, only a few of the men and women we know today as the Monuments Men are still alive. We and the world owe them an incalculable debt. One way we can acknowledge their contributions is to award them the Congressional Gold Medal in recognition of their work. The bill has 297 cosponsors in the House, and a companion bill introduced by Senator BLUNT has 77 cosponsors. I ask for immediate passage of this important legislation.

I reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, though I intend to speak, I want to reserve the balance of my time and allow the gentlewoman from Texas, who was the lead sponsor on this bill, to speak before I do.

With that, I reserve the balance of my time.

Mr. HUIZENGA of Michigan. Mr. Speaker, at this time I yield such time as she may consume to the gentlelady from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I have been looking forward to this day ever since I first learned about the greatest untold story of World War II, and that was 8 years ago.

For me, my journey with the Monuments Men began at the Kimbell Art Museum in Fort Worth, Texas, in 2006 when I met Robert Edsel, who had just published his first book, "Rescuing Da Vinci," and who later wrote "The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History." It was that evening when I realized how critical these men and women were in preserving European cultural history and how remarkable their task was during the Second World War.

While death and destruction surrounded them, their mission was the complete opposite: to protect cultural treasures so far as war allowed. This special military unit was tasked with helping to locate works of art confiscated by the Nazis and return them to their rightful owners. The Monuments Men and women were able to lo-

cate, preserve, and return almost 5 million cultural items, including many of the world's greatest works of art.

Today, there are only six surviving members—five men and one woman—of the Monuments Men. As Memorial Day approaches, I believe the veterans who participated in these daring missions are certainly worthy and deserving of the recognition of Congress' highest expression of appreciation.

Mr. Speaker, the medal authorized in this bill will be given to the Smithsonian for safekeeping and available for display, as well as available for loan as appropriate. In my view and that of many other Members, one very appropriate place would be the National World War II Museum in New Orleans, which is building a permanent exhibit on the Monuments Men and expected to open in 2016.

Before I close, there are several people I want to thank who helped make this possible: of course, Robert Edsel for uncovering this story and sharing it with the world; Congressman MICHAEL CAPUANO for sponsoring this legislation with me; Congressman STEVE COHEN for his tireless efforts to help build the support needed to bring this bill to the floor for a vote. I also want to thank Senators ROY BLUNT and ROBERT MENENDEZ for taking the lead on this bill in the Senate.

While we can never say thank you enough, I believe the Congressional Gold Medal is a worthy token of appreciation from a grateful nation to these members of the Greatest Generation.

I urge my colleagues to support this legislation.

Mr. CAPUANO. Mr. Speaker, I yield as much time as he may consume to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I want to thank the gentleman from Massachusetts for the time.

I rise in strong support of the Monuments Men Recognition Act. I want to thank the gentlewoman from Texas for her work on this bill, Ms. GRANGER, and for her kind thoughts and expressions of appreciation. It was a great honor to work with her and the gentleman from Massachusetts on this particular bill.

I also had the opportunity to have some interchange with Robert Edsel, and not a finer gentleman and American is there. He wrote the original book that kind of talked about the Monuments Men, and he also, I guess, had something to do with the movie with George Clooney. That helped to bring a measure of fame to these brave men and women, but the United States Congress should go further and bring this official honor to them for their work in preserving our cultural heritage.

Over the last few years since I have been in Congress, and my first term was 2007, the Monuments Men seemed

to be a continual presence in my service. In 2007, my first year, I was proud to support a resolution honoring them. In a ceremony on the Senate side that I went to, I had the fortune to meet Mr. Edsel, who told their story, but also to meet a few of the surviving Monuments Men.

Then I saw the movie this past year and my admiration and interest in what they had done, their courage and their contribution to the world's culture was deepened. I went back and I looked at my book, and I saw Mr. Edsel's card and a letter he had sent me after we had spoken, and I called him and said I wanted to help. Then I contacted Ms. GRANGER and went to work to help line up sponsors for this particular bill.

The mass genocide carried out by Hitler and the Nazis is incomparable and their crimes unimaginable. We think of concentration camps and mass killings, but their efforts to destroy cultural artifacts was an extension of that tragedy and that horror.

It is important to remember that Hitler didn't want to just annihilate the Jews and other disfavored populations; he wanted to erase all traces of these people from the planet. That included their so-called "degenerate" art. Art which I saw in the book included some of the great artists of all time. I think it was Toulouse-Lautrec maybe had a coloring of how he did his colors. Hitler thought that it was degenerate because the grass was blue and the sky was green, and he thought for some reason that was degenerate. Well, it was art. Fortunately, the Monuments Men had the foresight and heroism to prevent them from being successful.

As we recognize the Monuments Men, it is a good time to reflect on what art means to us in our lives. Art shines a spotlight on who we are and who we wish to be and how we want to be remembered. When we destroy it, we destroy an essential part of ourselves, our culture, and our society, and we destroy that for future generations to learn of us.

The Monuments Men did more than just preserve these paintings that could hang in a museum; they preserved our heritage, and for that we are forever grateful. With only five members of the Monuments Men alive today, we should act quickly to give them the honor and recognition they richly deserve.

I urge my colleagues to support this legislation. Again, I thank Ms. GRANGER and Mr. CAPUANO for their leadership.

Mr. HUIZENGA of Michigan. Mr. Speaker, I am prepared to close and reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank Ms. GRANGER in particular for bringing this bill for-

ward. I was proud to be a small part in supporting this and trying to help push it forward. I am glad we are here today.

I want to be real clear. A lot of people think of war as nothing more than destruction, which that is the main function is to destroy your enemy. They don't think sometimes what it is all about, particularly in the case of World War II. In the case of World War II, it was about a way of life. It was about a whole set of societal values. One set valued art and culture, even the art and culture we may not understand. I am not understanding of many of the fine works of art, but I appreciate how difficult they are, and I appreciate others appreciating.

In a war, it would be the easiest thing in the world to simply destroy everything, steal everything, and just move forward. In this particular case, the United States of America took the lead, but we weren't alone. The Monuments Men was made up of people from 13 different countries simply trying to preserve a piece of our culture, our shared culture.

The Monuments Men was not made up of warriors, yet they became warriors. They were made up of artists; they were made up of museum directors; they were made up of curators—people who had been taught the value and understood the value of fine art. They went to war to protect and preserve it, because without that continuing link of culture, you would have to ask: Wouldn't we be a little less than who we are today?

Their memory today is very important, particularly those who still survive. The mention has already been made about how many pieces of art—5 million pieces of art. They weren't just pictures on a wall. They were also figurines. There were religious artifacts, across the board. Five million pieces protected, kept for future generations, recovered from people who would otherwise steal them for their own personal use, probably would have destroyed them when they saw the end of their own culture.

I want to speak today of the one American who served in what I think is a pretty typical story of who these people were. The one American who was killed in action in this particular unit, his name was Walter Huchthausen. He was born in Perry, Oklahoma, educated at the University of Minnesota and Harvard University, where he earned a master's degree in architecture in 1930. He wasn't ROTC. He wasn't militarily trained. He was an instructor at RPI in Troy, New York, and then director of the department of design at the School of the Museum of Fine Arts, Boston, in my own district, from 1935 to 1939. Then he went to the faculty at the University of Minnesota until he enlisted in 1942—not got drafted, enlisted—yes, to protect America, but also to take his special expertise, to do something

special in a difficult situation. He was killed in action when he was caught in a firefight. As usual, in many military actions, it wasn't supposed to happen then and there.

I think that tells you something about who these people were. They were there trying to help the next generation and generations to come maintain that line of connection, and they did it. For that, they deserve this honor; they deserve our undying gratitude.

With that, I want to add my thanks for their actions, my thanks to Representative GRANGER for allowing us to do this, and I yield back the balance of my time.

□ 1715

Mr. HUIZENGA of Michigan. Mr. Speaker, I appreciate my friend sharing that story and personalizing it. I had a chance to tour much of Europe and Eastern Europe back when I was in school, and seeing the devastation that hit cities like St. Petersburg and Leningrad; Warsaw, which was completely leveled; Prague; Budapest; Berlin, it is amazing that there was really almost anything that was preserved. I think we are better for it as a world and as a culture to have that.

With that, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. HUIZENGA) that the House suspend the rules and pass the bill, H.R. 3658.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### AWARDING CONGRESSIONAL GOLD MEDAL TO WORLD WAR II MEMBERS OF THE DOOLITTLE TOKYO RAIDERS

Mr. HUIZENGA of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1209) to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1209

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress finds that—

(1) on April 18, 1942, the brave men of the 17th Bombardment Group (Medium) became known as the "Doolittle Tokyo Raiders" for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo;

(2) 80 brave American aircraft crewmen, led by Lieutenant Colonel James Doolittle, volunteered for an "extremely hazardous mission", without knowing the target, location, or assignment, and willingly put their lives in harm's way, risking death, capture, and torture;

(3) the conduct of medium bomber operations from a Navy aircraft carrier under combat conditions had never before been attempted;

(4) after the discovery of the USS *Hornet* by Japanese picket ships 170 miles further away from the prearranged launch point, the Doolittle Tokyo Raiders proceeded to take off 670 miles from the coast of Japan;

(5) by launching more than 100 miles beyond the distance considered to be minimally safe for the mission, the Doolittle Tokyo Raiders deliberately accepted the risk that the B-25s might not have enough fuel to reach the designated air-fields in China on return;

(6) the additional launch distance greatly increased the risk of crash landing in Japanese occupied China, exposing the crews to higher probability of death, injury, or capture;

(7) because of that deliberate choice, after bombing their targets in Japan, low on fuel and in setting night and deteriorating weather, none of the 16 airplanes reached the prearranged Chinese airfields;

(8) of the 80 Doolittle Tokyo Raiders who launched on the raid, 8 were captured, 2 died in the crash, and 70 returned to the United States;

(9) of the 8 captured Doolittle Tokyo Raiders, 3 were executed and 1 died of disease; and

(10) there were only 5 surviving members of the Doolittle Tokyo Raiders as of February 2013.

#### SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD.—

(1) AUTHORIZED.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design in honor of the World War II members of the 17th Bombardment Group (Medium) who became known as the "Doolittle Tokyo Raiders", in recognition of their military service during World War II.

(2) DESIGN AND STRIKING.—For the purposes of the award referred to in paragraph (1), the Secretary of the Treasury shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(3) NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE.—

(A) IN GENERAL.—Following the award of the gold medal referred to in paragraph (1) in honor of the World War II members of the 17th Bombardment Group (Medium), who became known as the "Doolittle Tokyo Raiders", the gold medal shall be given to the National Museum of the United States Air Force, where it shall be available for display with the Doolittle Tokyo Raiders Goblets, as appropriate, and made available for research.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the National Museum of the United States Air Force should make the gold medal received under this Act available for display elsewhere, particularly at other locations and events associated with the Doolittle Tokyo Raiders.

(b) DUPLICATE MEDALS.—Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under this

Act, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

(c) NATIONAL MEDALS.—Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HUIZENGA) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. HUIZENGA of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and submit extraneous materials for the RECORD on H.R. 1209, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HUIZENGA of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 1209, a bill to award the Congressional Gold Medal to the brave airmen known as the Doolittle Tokyo Raiders for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo, introduced by the gentleman from Texas (Mr. OLSON). This bill authorizes the minting and award of a single gold medal, collectively, in honor of the mission that was one of the catalysts of Allied Powers' victory in the Pacific in World War II. After its award, the medal would be given to the National Museum of the United States Air Force, where it will be displayed with other Doolittle Raid memorabilia, including the famed "Doolittle Goblets," and be available for loan as appropriate.

Mr. Speaker, the valor of the 80 men we now call the Doolittle Raiders is beyond most people's imagination. They all volunteered for an extremely hazardous—some would say impossible—mission, as if flying huge bombers during the war wasn't already extremely hazardous, and when a major element of their mission was jeopardized, they went ahead with the raid anyway, knowing it would drastically increase the chances that they would be either killed or captured.

Under the command of the tough and visionary Colonel James Doolittle, these men from the 17th Bombardment Group—medium size—ended up flying the first ever mission in which medium bombers took off from a carrier in combat conditions. Because the USS *Hornet* had been discovered by the enemy, the raiders ended up taking off for a mission that, at 670 miles, was at least 100 miles longer than had been predicted and planned for—enough fur-

ther to virtually guarantee they would crash land or be forced down in the sea or in Japanese-controlled China rather than on Allied airstrips deeper into China.

Mr. Speaker, that is what happened. Two died in crashes, and of the eight captured, three were executed and a fourth died of disease. But considering the daring nature of their mission and the morale-booster it was for the U.S. soldiers and civilians, that 70 returned to the United States is a miracle. Importantly, the raids on April 18, 1942, proved to the Japanese that their homeland was vulnerable to attack, which led to the recall of several top fighter squadrons for homeland defense and prompted other repositioning of Japanese assets that many believe led to the crushing American victory in the Battle of Midway in early June of that year, just 6 months after the attack on Pearl Harbor.

Mr. Speaker, the men who risked—and lost—their lives in the Doolittle Raid are legendary heroes, and the raid itself is one of the premier military exploits of our still young Nation. This medal is well-earned and long overdue. The bill has 309 cosponsors in the House, and a companion bill introduced by Senator BROWN of Ohio had 78 cosponsors when it passed the other body in November.

I ask for unanimous approval of this bill, and I reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I yield myself such time as I may consume.

To be perfectly honest, I am shocked that Congress hasn't already done this—absolutely shocked. This should have been done in 1943.

The Doolittle Raid was the most important military event of its time. For those of you who don't understand it, right after Pearl Harbor, being attacked, at the time, by the strongest military in the world at the top of their game, they did catch us by surprise and destroyed our Pacific fleet.

We were sitting back trying to regroup, trying to get it going, trying to get troops going. How do we hit back? How do we prove that we can do this? The Doolittle Raid was all about that.

As you heard, a previous speaker said "volunteers." Now, they were professional military, but they volunteered for this mission. Why were they asked to volunteer? Because everyone saw this as a death sentence. Nobody really thought they would ever come back. Why? Because the planes they flew were bombers, heavy bombers for those days—small compared to what we have today—flying off of aircraft carriers that, again, in today's Navy wouldn't be anything. Small aircraft carriers.

No one had ever taken a bomber off of an aircraft carrier prior to this raid. No one had ever done it. No one thought it could be done. They got within a certain mileage of Japan beyond where they were supposed to go.

They were told bomb Japan, land in China. Not enough fuel to get back.

Any mission, like anything else, especially in days before good navigational tools, a lot of fuel was burned that wasn't planned on. None of them made it to their fields. Most of them crash-landed. As you heard, several of them died.

That raid took all of America and lifted our spirits. Well documented. That is why I am shocked that we are here today. Well documented. It took the entire country and made us feel like, we can do this, we can do it now, even when we are unprepared. If we can do this now, imagine what we can do when we get prepared.

The Doolittle Raid gave us the courage and the commitment to win that war. Those men were true heroes in every sense of the word. The fact that we are here today is an honor for me, but honestly, I think it is something that is well long overdue.

For those who are still living, I want to add my thanks to their bravery. Without them, I think it would have been a much longer war and a much more disheartening year or so before we really engaged in a military action that we could win.

With that, I thank the sponsor of this legislation, and I reserve the balance of my time.

Mr. HUIZENGA of Michigan. Mr. Speaker, I yield as much time as he may consume to the gentleman from Texas (Mr. OLSON), the sponsor of this legislation.

Mr. OLSON. Mr. Speaker, I thank my friend from Michigan and my colleague from Massachusetts for their kind words.

Sir, this is overdue. I agree completely. That is why I rise today with great pride. Soon, the House will join the Senate in passing a bill to give the Congressional Gold Medal to the Doolittle Raiders of World War II. These heroes planted the seeds to win World War II. Without their attack on Japan, America might have lost the war.

The war started on December 7, 1941, when Japanese aircraft attacked Pearl Harbor without warning. All eight of our battleships were damaged, four were sunk. Americans were scared. Japan controlled the whole Pacific.

Sometime in 1942, Americans expected Japanese bombs to hit San Diego, Los Angeles, San Francisco, Portland, and Seattle. President Roosevelt knew we must strike Japan to show all Americans that we could and would win this war. He had one problem: no American airplane had the range or payload to bomb Japan from American-controlled soil. It would be a suicide mission.

That solution came up from Navy Captain Francis Low, who thought, maybe, maybe we can have Army bombers take off from an aircraft carrier. On February 3, they tried that

out, with two B-25s loaded on the *Hornet* outside of Norfolk taking off, and proved it was possible. The Army again chose the B-25 as the bomber of choice. They picked the *Hornet* to take the B-25s to Japan and bomb Japan.

But the most important decision was the leader: Colonel Jimmy Doolittle. Colonel Doolittle assembled the flight crews in Eglin Field in Florida in late February of 1942. These weren't experienced pilots. They were chosen because they could fly a new plane—the B-25. Colonel Doolittle told these men they had a secret special mission: they were going to bomb Japan with B-25s. They had 1 month—1 month—to learn how to take a B-25 off the deck of an aircraft carrier. But they were never trained on the *Hornet*, another carrier. They were trained on the ground, a runway painted to model the flight deck of the *Hornet*.

On March 25, 1942, they were ready. They flew to Naval Air Station Alameda near San Francisco and saw the *Hornet* for the first time. On April 2, they sailed for Japan with 16 B-25s locked down on the flight deck. On April 18, their mission almost ended. They were spotted by a Japanese patrol boat. America could not lose the *Hornet*. She was too precious. So Colonel Doolittle and Captain Mitscher decided to launch the B-25s 10 hours before it was planned. They would not have the fuel to bomb Japan and fly to safety in unoccupied China as part of the plan. They would go down in Japanese territory.

Despite rough seas, all 16 B-25s launched off the *Hornet*. They bombed Tokyo and other cities. The property damage was small, but the damage to the Japanese morale could not be measured. For the first time in over 1,000 years Japan had been bombed by a foreign nation. Because of that one single raid, Japan pushed to provoke a confrontation with our Navy. They got sloppy. We ambushed them off of Midway on June 4, 1942, sinking four of their aircraft carriers that destroyed our fleet at Pearl Harbor.

Eighty heroes took off from the *Hornet*. Three died when the aircraft crashed. Eight were captured by the Japanese. Three of those were killed by a firing squad. One died of malnourishment. Four spent the war in captivity as prisoners of our allies—the Russians. Of the 80 heroes who roared down that deck, 73 came home. Only four are with us today: Lieutenant Colonel Robert Hite, copilot, B-25 Number 16, the last one off the deck; Lieutenant Colonel Edward Saylor, engineer, B-25 Number 15, right before Lieutenant Colonel Hite; Staff Sergeant David Thatcher, the gunner, B-25 Number 7; and my friend from Comfort, Texas, Lieutenant Colonel Dick Cole. Dick sat next to Colonel Doolittle on B-25 Number 1 as she roared down the flight deck and took off into history.

□ 1730

That is why this medal is so important.

By passing this bill today and by having President Obama sign it into law, we tell my friend Dick Cole, his three living colleagues, and the 76 heroes who have gone to Heaven that we will never forget that they kept the torch of freedom burning brighter with the raid on Japan.

I ask my colleagues to strongly support H.R. 1209.

Mr. CAPUANO. Mr. Speaker, I yield back the balance of my time.

Mr. HUIZENGA of Michigan. Mr. Speaker, I appreciate my colleague from Texas for sharing that history.

I too share, I think, in the surprise that my colleague from Massachusetts expressed, which is that this hasn't been done already—it certainly should have been—whether it was Jimmy Stewart, who starred in a famous movie back in the day—the whole notion of launching these B-25 Mitchells off the deck was so new, and what would be a simple commute today maxed out the capabilities of these airplanes, and it was very important.

With that, Mr. Speaker, I do ask that we pass this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. HUIZENGA) that the House suspend the rules and pass the bill, H.R. 1209.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### AWARDING CONGRESSIONAL GOLD MEDAL TO WORLD WAR II MEMBERS OF THE CIVIL AIR PATROL

Mr. HUIZENGA of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (S. 309) to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 309

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The unpaid volunteer members of the Civil Air Patrol (hereafter in this Act referred to as the “CAP”) during World War II provided extraordinary humanitarian, combat, and national services during a critical time of need for the Nation.

(2) During the war, CAP members used their own aircraft to perform a myriad of essential tasks for the military and the Nation within the United States, including attacks on enemy submarines off the Atlantic and Gulf of Mexico coasts of the United States.

(3) This extraordinary national service set the stage for the post-war CAP to become a



valuable nonprofit, public service organization chartered by Congress and designated the Auxiliary of the United States Air Force that provides essential emergency, operational, and public services to communities, States, the Federal Government, and the military.

(4) The CAP was established on December 1, 1941, initially as a part of the Office of Civil Defense, by air-minded citizens one week before the surprise attack on Pearl Harbor, Hawaii, out of the desire of civil airmen of the country to be mobilized with their equipment in the common defense of the Nation.

(5) Within days of the start of the war, the German Navy started a massive submarine offensive, known as Operation Drumbeat, off the east coast of the United States against oil tankers and other critical shipping that threatened the overall war effort.

(6) Neither the Navy nor the Army had enough aircraft, ships, or other resources to adequately patrol and protect the shipping along the Atlantic and Gulf of Mexico coasts of the United States, and many ships were torpedoed and sunk, often within sight of civilians on shore, including 52 tankers sunk between January and March 1942.

(7) At that time General George Marshall remarked that “[t]he losses by submarines off our Atlantic seaboard and in the Caribbean now threaten our entire war effort”.

(8) From the beginning CAP leaders urged the military to use its services to patrol coastal waters but met with great resistance because of the nonmilitary status of CAP civilian pilots.

(9) Finally, in response to the ever-increasing submarine attacks, the Tanker Committee of the Petroleum Industry War Council urged the Navy Department and the War Department to consider the use of the CAP to help patrol the sea lanes off the coasts of the United States.

(10) While the Navy initially rejected this suggestion, the Army decided it had merit, and the Civil Air Patrol Coastal Patrol began in March 1942.

(11) Oil companies and other organizations provided funds to help pay for some CAP operations, including vitally needed shore radios that were used to monitor patrol missions.

(12) By late March 1942, the Navy also began to use the services of the CAP.

(13) Starting with 3 bases located in Delaware, Florida, and New Jersey, CAP aircrews (ranging in age from 18 to over 80) immediately started to spot enemy submarines as well as lifeboats, bodies, and wreckage.

(14) Within 15 minutes of starting his patrol on the first Coastal Patrol flight, a pilot had sighted a torpedoed tanker and was coordinating rescue operations.

(15) Eventually 21 bases, ranging from Bar Harbor, Maine, to Brownsville, Texas, were set up for the CAP to patrol the Atlantic and Gulf of Mexico coasts of the United States, with 40,000 volunteers eventually participating.

(16) The CAP used a wide range of civilian-owned aircraft, mainly light-weight, single-engine aircraft manufactured by Cessna, Beech, Waco, Fairchild, Stinson, Piper, Taylorcraft, and Sikorsky, among others, as well as some twin engine aircraft, such as the Grumman Widgeon.

(17) Most of these aircraft were painted in their civilian prewar colors (red, yellow, or blue, for example) and carried special markings (a blue circle with a white triangle) to identify them as CAP aircraft.

(18) Patrols were conducted up to 100 miles off shore, generally with 2 aircraft flying to-

gether, in aircraft often equipped with only a compass for navigation and a single radio for communication.

(19) Due to the critical nature of the situation, CAP operations were conducted in bad weather as well as good, often when the military was unable to fly, and in all seasons, including the winter, when ditching an aircraft in cold water would likely mean certain death to the aircrew.

(20) Personal emergency equipment was often lacking, particularly during early patrols where inner tubes and kapok duck hunter vests were carried as flotation devices, since ocean worthy wet suits, life vests, and life rafts were unavailable.

(21) The initial purpose of the Coastal Patrol was to spot submarines, report their position to the military, and force them to dive below the surface, which limited their operating speed and maneuverability and reduced their ability to detect and attack shipping, because attacks against shipping were conducted while the submarines were surfaced.

(22) It immediately became apparent that there were opportunities for CAP pilots to attack submarines, such as when a Florida CAP aircrew came across a surfaced submarine that quickly stranded itself on a sand bar. However, the aircrew could not get any assistance from armed military aircraft before the submarine freed itself.

(23) Finally, after several instances when the military could not respond in a timely manner, a decision was made by the military to arm CAP aircraft with 50- and 100-pound bombs, and to arm some larger twin-engine aircraft with 325-pound depth charges.

(24) The arming of CAP aircraft dramatically changed the mission for these civilian aircrews and resulted in more than 57 attacks on enemy submarines.

(25) While CAP volunteers received \$8 a day flight reimbursement for costs incurred, their patrols were accomplished at a great economic cost to many CAP members who—

(A) used their own aircraft and other equipment in defense of the Nation;

(B) paid for much of their own aircraft maintenance and hangar use; and

(C) often lived in the beginning in primitive conditions along the coast, including old barns and chicken coops converted for sleeping.

(26) More importantly, the CAP Coastal Patrol service came at the high cost of 26 fatalities, 7 serious injuries, and 90 aircraft lost.

(27) At the conclusion of the 18-month Coastal Patrol, the heroic CAP aircrews would be credited with—

(A) 2 submarines possibly damaged or destroyed;

(B) 57 submarines attacked;

(C) 82 bombs dropped against submarines;

(D) 173 radio reports of submarine positions (with a number of credited assists for kills made by military units);

(E) 17 floating mines reported;

(F) 36 dead bodies reported;

(G) 91 vessels in distress reported;

(H) 363 survivors in distress reported;

(I) 836 irregularities noted;

(J) 1,036 special investigations at sea or along the coast;

(K) 5,684 convoy missions as aerial escorts for Navy ships;

(L) 86,685 total missions flown;

(M) 244,600 total flight hours logged; and

(N) more than 24,000,000 total miles flown.

(28) It is believed that at least one high-level German Navy Officer credited CAP as one reason that submarine attacks moved away from the United States when he con-

cluded that “[i]t was because of those damned little red and yellow planes!”.

(29) The CAP was dismissed from coastal missions with little thanks in August 1943 when the Navy took over the mission completely and ordered CAP to stand down.

(30) While the Coastal Patrol was ongoing, CAP was also establishing itself as a vital wartime service to the military, States, and communities nationwide by performing a wide range of missions including, among others—

(A) border patrol;

(B) forest and fire patrols;

(C) military courier flights for mail, repair and replacement parts, and urgent military deliveries;

(D) emergency transportation of military personnel;

(E) target towing (with live ammunition being fired at the targets and seven lives being lost) and searchlight tracking training missions;

(F) missing aircraft and personnel searches;

(G) air and ground search and rescue for missing aircraft and personnel;

(H) radar and aircraft warning system training flights;

(I) aerial inspections of camouflaged military and civilian facilities;

(J) aerial inspections of city and town blackout conditions;

(K) simulated bombing attacks on cities and facilities to test air defenses and early warning;

(L) aerial searches for scrap metal materials;

(M) river and lake patrols, including aerial surveys for ice in the Great Lakes;

(N) support of war bond drives;

(O) management and guard duties at hundreds of airports;

(P) support for State and local emergencies such as natural and manmade disasters;

(Q) predator control;

(R) rescue of livestock during floods and blizzards;

(S) recruiting for the Army Air Force;

(T) initial flight screening and orientation flights for potential military recruits;

(U) mercy missions, including the airlift of plasma to central blood banks;

(V) nationwide emergency communications services; and

(W) a cadet youth program which provided aviation and military training for tens of thousands.

(31) The CAP flew more than 500,000 hours on these additional missions, including—

(A) 20,500 missions involving target towing (with live ammunition) and gun/searchlight tracking which resulted in 7 deaths, 5 serious injuries, and the loss of 25 aircraft;

(B) a courier service involving 3 major Air Force Commands over a 2-year period carrying more than 3,500,000 pounds of vital cargo and 543 passengers;

(C) southern border patrol flying more than 30,000 hours and reporting 7,000 unusual sightings including a vehicle (that was apprehended) with 2 enemy agents attempting to enter the country;

(D) a week in February 1945 during which CAP units rescued seven missing Army and Navy pilots; and

(E) a State in which the CAP flew 790 hours on forest fire patrol missions and reported 576 fires to authorities during a single year.

(32) On April 29, 1943, the CAP was transferred to the Army Air Forces, thus beginning its long association with the United States Air Force.

(33) Hundreds of CAP-trained women pilots joined military women's units including the

Women's Air Force Service Pilots (WASP) program.

(34) Many members of the WASP program joined or rejoined the CAP during the postwar period because it provided women opportunities to fly and continue to serve the Nation that were severely lacking elsewhere.

(35) Due to the exceptional emphasis on safety, unit and pilot training and discipline, and the organization of the CAP, by the end of the war a total of only 64 CAP members had died in service and only 150 aircraft had been lost (including its Coastal Patrol losses from early in the war).

(36) It is estimated that up to 100,000 civilians (including youth in its cadet program) participated in the CAP in a wide range of staff and operational positions, and that CAP aircrews flew a total of approximately 750,000 hours during the war, most of which were in their personal aircraft and often at risk to their lives.

(37) After the war, at a CAP dinner for Congress, a quorum of both Houses attended with the Speaker of the House of Representatives and the President thanking CAP for its service.

(38) While air medals were issued for some of those participating in the Coastal Patrol, little other recognition was forthcoming for the myriad of services CAP volunteers provided during the war.

(39) Despite some misguided efforts to end the CAP at the end of the war, the organization had proved its capabilities to the Nation and strengthened its ties with the Air Force and Congress.

(40) In 1946, Congress chartered the CAP as a nonprofit, public service organization and in 1948 made the CAP an Auxiliary of the United States Air Force.

(41) Today, the CAP conducts many of the same missions it performed during World War II, including a vital role in homeland security.

(42) The CAP's wartime service was highly unusual and extraordinary, due to the unpaid civilian status of its members, the use of privately owned aircraft and personal funds by many of its members, the myriad of humanitarian and national missions flown for the Nation, and the fact that for 18 months, during a time of great need for the United States, the CAP flew combat-related missions in support of military operations off the Atlantic and Gulf of Mexico coasts.

## SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD.—

(1) AUTHORIZED.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design in honor of the World War II members of the Civil Air Patrol collectively, in recognition of the military service and exemplary record of the Civil Air Patrol during World War II.

(2) DESIGN AND STRIKING.—For the purposes of the award referred to in paragraph (1), the Secretary of the Treasury shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(3) SMITHSONIAN INSTITUTION.—

(A) IN GENERAL.—Following the award of the gold medal referred to in paragraph (1) in honor of all of its World War II members of the Civil Air Patrol, the gold medal shall be given to the Smithsonian Institution, where it shall be displayed as appropriate and made available for research.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution

should make the gold medal received under this paragraph available for display elsewhere, particularly at other locations associated with the Civil Air Patrol.

(b) DUPLICATE MEDALS.—Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under this Act, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses, and amounts received from the sale of such duplicates shall be deposited in the United States Mint Public Enterprise Fund.

(c) NATIONAL MEDALS.—Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HUIZENGA) and the gentleman from Washington (Mr. HECK) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

### GENERAL LEAVE

Mr. HUIZENGA of Michigan. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and submit extraneous materials for the RECORD on S. 309, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HUIZENGA of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of S. 309, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol, introduced by the gentleman from Iowa, Mr. HARKIN.

This bill authorizes the minting and award of a single gold medal in honor of their outstanding and largely unrecognized work. The medal would be given to the Smithsonian Institution, where it would be available for display or loan, as appropriate.

The unpaid volunteer members of the Civil Air Patrol during World War II provided extraordinary humanitarian and combat services during a critical time of need for the Nation.

The CAP, as it was known, was established initially as a part of the Office of Civil Defense, by American citizens, on December 1 of 1941—one week short of the surprise attack on Pearl Harbor—out of the desire of civil airmen and the country to be mobilized with their personal equipment in the defense of the country.

During the war, CAP members used their own aircraft to perform a myriad of essential tasks for the military and the country as a whole within the United States, including for attacks on enemy submarines off the Atlantic and Gulf of Mexico coasts of the United States.

From the beginning, CAP leaders urged the military to use its services to patrol coastal waters, but it was

met with great resistance because of the nonmilitary status of CAP civilian pilots.

Finally, in response to the ever-increasing submarine attacks, the Tanker Committee of the Petroleum Industry War Council urged the Navy Department and the War Department to consider the use of the CAP to help patrol the sea lanes off the coasts of the United States.

While the Navy initially rejected this suggestion, the Army decided it had merit, and the Civil Air Patrol's coastal patrol began in March of 1942. Eventually, 21 bases, ranging from Bar Harbor, Maine, to Brownsville, Texas, were set up for the CAP to patrol the Atlantic and gulf coasts, with 40,000 volunteers eventually participating.

Their initial purpose was to spot submarines, report their positions to the military, and force them to dive below the service, which limited their operating speed and maneuverability and reduced their ability to detect and attack shipping, because their attacks against ungarded merchant shipping were conducted while the submarines were surfaced.

Immediately, it became apparent that there were opportunities for these CAP pilots to attack the submarines, such as in Florida, when they came across a submarine which had stranded itself on a sandbar.

Finally, after several instances when the military could not respond in a timely manner, the decision was made by the military to arm the CAP aircraft with 50- and 100-pound bombs and to arm some larger twin-engine aircraft with 325-pound depth charges.

The arming of the CAP aircraft dramatically changed the mission for these civilian aircrews, and it resulted in more than 57 attacks on enemy submarines.

At the conclusion of the 18-month coastal patrol, the heroic CAP aircrews would be credited with the following: two submarines damaged or destroyed; 57 submarines attacked; 82 bombs dropped against those submarines; 173 radio reports of submarine positions, with a number of credited assists for kills made by military units; 86,685 total missions flown; and over 244,000 total flight hours and 24 million miles flown.

This extraordinary national service set the stage for the postwar CAP to become a valuable nonprofit, public service organization, chartered by Congress and designated the auxiliary of the United States Air Force that provides essential emergency, operational, and public services to communities, States, the Federal Government, and the military.

Mr. Speaker, this honor is richly deserved. Senator HARKIN has pursued this effort for several Congresses, and this bill passed the other body exactly a year ago, with 81 cosponsors. The



House version, introduced by the gentleman from Texas (Mr. MCCAUL), has 353 cosponsors, so I ask for the immediate approval of this bill.

I reserve the balance of my time.

Mr. HECK of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from the 28th Congressional District of Texas (Mr. CUELLAR), my friend.

Mr. CUELLAR. Thank you for yielding to me.

I certainly want to thank my friend, MIKE MCCAUL, as both of us have been working with Senator HARKIN on this, and it is a very important bill.

Mr. Speaker, I rise to honor the contributions of the World War II members of the Civil Air Patrol, CAP. Today, we are considering S. 309, a bill to award CAP members a Congressional Gold Medal in honor of their service to our Nation during World War II.

The Civil Air Patrol was comprised of more than 150,000 volunteers who banded together on December 1, 1941, to create a volunteer air patrol to defend our country.

After the attack on Pearl Harbor, it became clear that the establishment of the air patrol was invaluable to the United States, and they were assigned to the War Department under the jurisdiction of the Army Air Corps.

During World War II, the CAP logged more than 750,000 flying hours. The CAP aircrews flew in their own personal planes—and I emphasize in their own personal aircraft—in coastal patrols, performing reconnaissance and search and rescue missions.

During this time, the CAP reported on 173 submarines sighted, summoned assistance for 91 ships and 363 survivors of submarine attacks in distress, and sank two enemy submarines. These CAP volunteer aircrews risked their lives to protect our freedoms, and 64 members of the Civil Air Patrol died while in service during World War II.

On July 1, 1946, in recognition of their service, President Harry Truman signed Public Law 476, incorporating the Civil Air Patrol as a benevolent, nonprofit organization.

Two years later, on May 26, Congress passed Public Law 557, permanently establishing the Civil Air Patrol as the auxiliary of the United States Air Force.

Today, the Civil Air Patrol's primary missions include aerospace education, cadet programs, and emergency services. CAP volunteers continue to serve our Nation through disaster relief, search and rescue, humanitarian assistance, Air Force support, and counterdrug missions.

Mr. Speaker, I am honored to have had this time to recognize the Civil Air Patrol for their contributions and their service to our country during World War II.

Again, Congressman MICHAEL MCCAUL and I urge our colleagues to

support S. 309. This Congressional Gold Medal recognition is long overdue, and it is well-deserved. I thank you for your consideration.

Mr. HECK of Washington. Mr. Speaker, I yield back the balance of my time.

Mr. HUIZENGA of Michigan. Mr. Speaker, I thank Chairman MCCAUL for his work on this bill.

I yield back the balance of my time.

Mr. MCCAUL. Mr. Speaker, one week from today, Americans all across this country will celebrate Memorial Day to pay tribute to the brave men and women of our armed forces who died defending our freedom. I will join in honoring our fallen and I will especially remember people like my father, James Addington McCaul, a World War II veteran who served as a Bombardier on a B-17 known as the Flying Fortresses.

Airmen like my father have been glorified in movies and are the subject of countless books and stories familiar to the American people. Yet one group of Americans critical to the war fighting effort has long been overlooked: the World War II members of the Civil Air Patrol (or "CAP"). Today this House will finally bestow upon them the recognition they deserve for their valiant efforts to save Americans and protect our coastlines—a service they still provide in defense of our homeland. The bill before us, S. 309, which passed the Senate unanimously, will award a Congressional Gold Medal to the World War II members of the Civil Air Patrol, the highest civilian honor. I am proud to be the sponsor of H.R. 755, the House companion bill, which is cosponsored by more than 350 members of the House of Representatives from all fifty states.

CAP's World War II story is unique and not well known across the nation. It is also reflective of the volunteer spirit that has been a hallmark of the nation since its founding days.

The Civil Air Patrol was officially established on December 1, 1941 just one week before the attack on Pearl Harbor. During World War II these unpaid volunteers provided extraordinary humanitarian and combat services during a critical time of need for the nation. CAP members used their own aircraft to perform a myriad of essential tasks including attacks on enemy submarines off the Atlantic coast and along the Gulf of Mexico.

The success of the coastal patrol service spawned other missions on behalf of the war effort. These included nighttime tracking missions for searchlights. Along the Rio Grande, CAP aircraft flew 30,000 hours to prevent illegal border crossings and report unusual activities. CAP's courier service carried over 3.5 million pounds of cargo, flying more than 20,000 miles daily. Its search and rescue service helped locate lost military aircraft in isolated mountains and forested terrain. Fire patrols, disaster relief, medevac, and observation flights to check the effectiveness of blackouts, were but a handful of the other operations completed by CAP.

During the war, over 200,000 Americans served in CAP. Notably, the Civil Air Patrol served as a pioneering opportunity for the nation's women to serve the nation in uniform. Countless women received flight training, representing a catalyst for increasing female participation in civil aviation. By war's end CAP

volunteers had flown more than 750,000 hours with a total loss of 65 members and 150 aircraft.

Postwar, CAP became a valuable nonprofit, public service organization chartered by Congress. Today it is the auxiliary of the U.S. Air Force, charged with providing essential emergency, operational and public services to communities nationwide and the military.

More than seventy years after CAP's founding, I am proud that Congress is taking this step to recognize the invaluable service CAP provided to the nation during World War II. I especially want to recognize Senator TOM HARKIN from Iowa, the sponsor of the bill before us, who has been a tireless champion for the Civil Air Patrol. Senator HARKIN has been a member of CAP for 30 years and is a commander of the Congressional Squadron.

I urge my colleagues to support S. 309 and join me in honoring the Civil Air Patrol.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. HUIZENGA) that the House suspend the rules and pass the bill, S. 309.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## AMERICAN FIGHTER ACES CONGRESSIONAL GOLD MEDAL ACT

Mr. HUIZENGA of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 685) to award a Congressional Gold Medal to the American Fighter Aces, collectively, in recognition of their heroic military service and defense of our country's freedom throughout the history of aviation warfare, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 685

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Fighter Aces Congressional Gold Medal Act".

### SEC. 2. FINDINGS.

The Congress finds the following:

(1) An American Fighter Ace is a fighter pilot who has served honorably in a United States military service and who has destroyed 5 or more confirmed enemy aircraft in aerial combat during a war or conflict in which American armed forces have participated.

(2) Beginning with World War I, and the first use of airplanes in warfare, military services have maintained official records of individual aerial victory credits during every major conflict. Of more than 60,000 United States military fighter pilots that have taken to the air, less than 1,500 have become Fighter Aces.

(3) Americans became Fighter Aces in the Spanish Civil War, Sino-Japanese War, Russian Civil War, Arab-Israeli War, and others. Additionally, American military groups' recruited United States military pilots to form

the American Volunteer Group, Eagle Squadron, and others that produced American-born Fighter Aces fighting against axis powers prior to Pearl Harbor.

(4) The concept of a Fighter Ace is that they fought for freedom and democracy across the globe, flying in the face of the enemy to defend freedom throughout the history of aerial combat. American-born citizens became Fighter Aces flying under the flag of United States allied countries and became some of the highest scoring Fighter Aces of their respective wars.

(5) American Fighter Aces hail from every State in the Union, representing numerous ethnic, religious, and cultural backgrounds.

(6) Fighter Aces possess unique skills that have made them successful in aerial combat. These include courage, judgment, keen marksmanship, concentration, drive, persistence, and split-second thinking that makes an Ace a war fighter with unique and valuable flight driven skills.

(7) The Aces' training, bravery, skills, sacrifice, attention to duty, and innovative spirit illustrate the most celebrated traits of the United States military, including service to country and the protection of freedom and democracy.

(8) American Fighter Aces have led distinguished careers in the military, education, private enterprise, and politics. Many have held the rank of General or Admiral and played leadership roles in multiple war efforts from WWI to Vietnam through many decades. In some cases they became the highest ranking officers for following wars.

(9) The extraordinary heroism of the American Fighter Ace boosted American morale at home and encouraged many men and women to enlist to fight for America and democracy across the globe.

(10) Fighter Aces were among America's most-prized military fighters during wars. When they rotated back to the United States after combat tours, they trained cadets in fighter pilot tactics that they had learned over enemy skies. The teaching of combat dogfighting to young aviators strengthened our fighter pilots to become more successful in the skies. The net effect of this was to shorten wars and save the lives of young Americans.

(11) Following military service, many Fighter Aces became test pilots due to their superior flying skills and quick thinking abilities.

(12) Richard Bong was America's top Ace of all wars scoring a confirmed 40 enemy victories in WWII. He was from Poplar, Wisconsin, and flew the P-38 Lightning in all his combat sorties flying for the 49th Fighter Group. He was killed in 1945 during a P-80 test flight in which the engine flamed out on takeoff.

(13) The American Fighter Aces are one of the most decorated military groups in American history. Twenty-two Fighter Aces have achieved the rank of Admiral in the Navy. Seventy-nine Fighter Aces have achieved the rank of General in the Army, Marines, and Air Force. Nineteen Medals of Honor have been awarded to individual Fighter Aces.

(14) The American Fighter Aces Association has existed for over 50 years as the primary organization with which the Aces have preserved their history and told their stories to the American public. The Association established and maintains the Outstanding Cadet in Airmanship Award presented annually at the United States Air Force Academy; established and maintains an awards program for outstanding fighter pilot "lead-in" trainee graduates from the Air Force,

Navy, and Marine Corps; and sponsors a scholarship program for descendants of American Fighter Aces.

### SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a single gold medal of appropriate design in honor of the American Fighter Aces, collectively, in recognition of their heroic military service and defense of our country's freedom, which has spanned the history of aviation warfare.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the American Fighter Aces, the gold medal shall be given to the Smithsonian Institution, where it will be available for display as appropriate and available for research.

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Smithsonian Institution should make the gold medal awarded pursuant to this Act available for display elsewhere, particularly at appropriate locations associated with the American Fighter Aces, and that preference should be given to locations affiliated with the Smithsonian Institution.

### SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

### SEC. 5. NATIONAL MEDALS.

The medal struck pursuant to this Act is a national medal for purposes of chapter 51 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HUIZENGA) and the gentleman from Washington (Mr. HECK) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. HUIZENGA of Michigan. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and submit extraneous materials for the RECORD on H.R. 685, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HUIZENGA of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Today, there has been a lot of recognition about those who have served our country, so I rise in support of H.R. 685, the American Fighter Aces Congressional Gold Medal Act, introduced by the gentleman from Texas (Mr. JOHNSON).

This bill authorizes the minting and award of a single gold medal in recognition of the American fighter aces' heroic military service and defense of our country's freedom, which has spanned the history of aviation warfare.

Once awarded, the medal will be given to the Smithsonian Institution, where it will be available for display or loan, as appropriate.

Mr. Speaker, this country has had many military heroes in its history, men and women who have fought valiantly and who have often died in the process to defend freedom around the world. All are heroes, but none has captured the imagination more than the American fighter ace, flying usually alone, directly at the enemy.

Each of us knows the story of one or more aces, but probably few know the stories of more than a couple of them. I think most people would be surprised to know that there are more than 1,500 of the more than 60,000 U.S. combat pilots who have achieved ace status by destroying five or more enemy aircraft in combat.

What even fewer know is that not all of these pilots flew for the U.S., even as they flew in the defense of U.S. ideals. Some flew in the British Royal Air Force, in the Canadian Royal Air Force, and in the French Lafayette Escadrille in World War I before the U.S. entered the war.

American aces flew in the Spanish Civil War, in the Sino-Japanese War, in the Arab-Israeli War; and in echoing the recent tensions in Ukraine, one American fighter collected his victories while flying for the White Russian Air Force against the Red Air Force just after World War I.

Mr. Speaker, the stories of America's fighter aces are full of the kind of courage and sacrifice we all think of as emblematic of our country.

It would be easy for me to tell a few of those tales, but I think the story of the fighter aces and of fighter pilots in general can best be told by the man who will be my side's next speaker—the author of this bill, Mr. JOHNSON of Texas.

As I am sure all of the Members of this Chamber know, Mr. JOHNSON is a decorated fighter pilot from both the Korean and Vietnam wars, who spent several years in a North Vietnamese prison after being shot down on his 25th mission.

After noting that this bill is now sponsored by 312 Members of the House and that a Senate version passed on March 26 with 81 cosponsors, I urge the bill's immediate passage.

I reserve the balance of my time.

Mr. HECK of Washington. Mr. Speaker, I yield myself such time as I may consume.

Many Congressional Gold Medal bills passing today are special, but with all due respect, this is particularly special.

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I rise in support of H.R. 685, the American Fighter Aces Congressional Gold Medal Act. As suggested, this bill establishes a Congressional Gold Medal honoring American fighter aces for their heroic military service and defense of our country's freedom.

Most Americans are familiar with the aerial feats of Tom Cruise's "Maverick" in the award-winning and popular movie, "Top Gun," but not enough people really understand what it was that the real fighter aces went through. To become an American fighter ace, a fighter pilot must destroy five or more enemy aircraft in aerial combat during a war or conflict in which U.S. Armed Forces have participated.

I am unbelievably proud and humbled today to represent one of the remaining fighter aces in Washington's 10th Congressional District, retired Commander Clarence Alvin Borley, or, as he is known by his friends, "Spike."

Like many aces, his story is simply incredible. Commander Borley is a Navy F6F Hellcat ace. He had a total of five aerial victories flying off the U.S. carrier the USS *Essex* between May and October of 1945.

In fact, on October 12, Commander Borley was shot down after his plane was hit by anti-aircraft fire. He flew out 2 miles off the coast of what was then known as Formosa, crash-landing in the ocean. He exited his plane in full gear and inflated his yellow Mae West life preserver and floated as his Hellcat sank.

Shortly thereafter, a boat approached him with Japanese soldiers on it. He reached down and pulled his handgun, which had been soaking in the ocean water, fired, killed two enemy combatants, and the boat fled. Thereafter, Commander Borley swam further away from Formosa.

Because it was a tremendous aerial combat day, later that day several rafts were dropped into the ocean for the pilots. Commander Borley dragged himself into one. He spent four nights in that raft. Mind you, he had no water, no food, and no shade. He kept getting further and further from Formosa.

It took 100 hours for him to be rescued. In fact, the USS *Sawfish* was the ship that finally pulled him out of the water. Again, he had no water, no food, and no shade—and there were rough seas. I believe he had a canteen when he went down, but he capsized several times and lost it.

Commander Borley of Olympia, Washington, is a true American hero, and I know I speak for many when I say we are deeply appreciative of all he has done for us.

American fighter aces like Commander Borley are the best of the best in air-to-air combat. They engaged the enemy time and time again in East Asia, the South Pacific, and Europe—

and they won. Yet their accomplishments have never been collectively recognized. Their aerial supremacy has never been honored by Congress—until today.

The Museum of Flight in Seattle, which is a spectacular institution, and its chairman, Bill Ayer, deserve special recognition and thanks for their constant support and dedication to this effort. It is the home of the greatest World War I and World War II fighters in America. It has committed countless time and hours and energy to honoring the American fighter ace.

I am honored beyond words to be the cosponsor of this bill with the gentleman from Texas. And I cannot exaggerate this. I suspect this is the first time in my 17 months in Congress we will vote on the same side of an issue. I cannot tell you the depth of my gratitude for his 29 years of military service and all that he sacrificed and endured on behalf of us. What a fitting acknowledgment of his service here—and to all of America. I am humbled to join him in this effort.

I encourage all of our colleagues to support H.R. 685 in recognition of the American fighter aces. Out of 60,000 aerial aviators, about 95 aces are left. There hasn't been a fighter ace "created" since the Vietnam war. And for those who are, it is difficult for them to talk about this because, frankly, they are very, very modest. I know this from personal conversations.

When I went to the national convention of fighter aces last year and spoke with so many of them, they are very modest about this. That is, frankly, all the more reason why it is incumbent upon us to lift up their contribution and their sacrifice. And I am humbled to join Mr. JOHNSON in this.

Please support H.R. 685.

Mr. Speaker, I reserve the balance of my time.

Mr. HUIZENGA of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON), the House's ace and the author of this legislation.

Mr. SAM JOHNSON of Texas. I thank the gentleman for yielding.

Mr. Speaker, listening to the previous speakers, I knew General Doolittle. He wasn't an ace, but he should have been.

I would like to start by thanking my friend and colleague from Washington State (Mr. HECK) for his leadership on this bill. I also want to thank Chairman HENSARLING of the Financial Services Committee and the House leadership for bringing H.R. 685, the American Fighter Aces Congressional Gold Medal Act, to the floor.

This bill, which already has the support of 312 Members of this body, honors an elite group of American fighter pilots known as fighter aces with Congress' highest recognition, the Congressional Gold Medal.

Additionally, I want to thank the American Fighter Aces Association, specifically Mr. Gregg Wagner, for his advocacy and for the association's efforts in recognizing this influential group of American fighter pilots.

Aces are U.S. fighter pilots credited with destroying five or more confirmed enemy aircraft in aerial combat. More than 60,000 U.S. military fighter pilots have taken to the air. However, less than 1,500 have been honored with the coveted status of fighter ace.

During my 29 years of service in the U.S. Air Force I was credited with one confirmed MiG kill, one probable, and one damaged. I personally am not an ace, Mr. Speaker. However, having personally met and flown with some of those guys, I can speak to the sacrifice, risk, and contribution these fighter pilots make in protecting our freedoms.

Allow me to share a little bit about the lives of two aces whom I personally knew. One is an American hero, dear friend, and fellow POW we lost last year, Brigadier General Robbie Risner.

Robbie flew more than 100 combat missions over North Korea and became the 20th fighter ace of the Korean war. He shot down eight Russian-built MiGs and received the Silver Star for a life-threatening midair maneuver to steer a fellow pilot to safety.

During the Vietnam war, he led the first flight of Operation Rolling Thunder, a high-intensity aerial bombing of North Vietnam, for which he received the Air Force Cross and was featured on the cover of Time magazine for his bravery, valor, and accomplishments.

The other is an American patriot and good friend who went home to meet our Lord and Savior in 2009, Colonel Hal Fischer.

Hal served in the military for 30 years and also became an ace during the Korean war, with 10 confirmed aerial victories. I was in that same wing.

While rising through the ranks to colonel, he flew 200 missions in Vietnam and 175 missions in Korea. On April 7, 1953, he entered into a fierce dogfight with North Korean MiG-15s near the Yalu River, where his F-86 Sabre jet was shot down.

Forced to eject, Fischer parachuted into enemy territory and was quickly taken by Chinese soldiers as a prisoner of war. After being tortured and kept in dark, damp cells with no bed for 2 years, he was released and returned to Active Duty 2 months later.

This is just a glimpse into the lives and heroic acts fighter aces performed during every mission. American fighter aces have led distinguished careers in the military, education, private enterprise, and politics. This elite group has carried out their duties with honor, integrity, dignity and respect.

They are the best of the best, the cream of the crop in air-to-air combat. They have engaged the enemy time and time again over the South Pacific, Europe, and East Asia—and won. They

contributed to the aerial supremacy of the United States. They have shortened wars and saved lives. Yet they have never been rightfully honored—at least not until now. I am honored to say that today we have an opportunity to change that.

Today is the day these American patriots will receive a special homage, the highest possible honor Congress can bestow: the Congressional Gold Medal.

Sadly, of the 1,500 U.S. fighter aces this bill recognizes, only a few hundred remain with us today. While we have lost many American fighter aces, this Gold Medal is an important step in honoring and remembering their exemplary service to our country.

As we ponder the blessings of service and sacrifice of those who wear the uniform, especially with Memorial Day just around the corner, we can only humbly acknowledge that we are the land of the free because of the brave. These men are shining examples of everything great that America stands for.

Mr. Speaker, I cannot think of a more appropriate way to honor the heroism, duty, service, courage, and sacrifice of American fighter aces than in the week before Memorial Day. The Congressional Gold Medal is the highest honor that Congress can bestow, and I can think of no group more deserving than this elite group of fighter pilots. I thank you for joining me in that effort.

I urge all my colleagues to support this important piece of legislation.

Mr. HECK of Washington. Mr. Speaker, I yield back the balance of my time.

Mr. HUIZENGA of Michigan. Mr. Speaker, I, too, want to join all my colleagues in thanking our colleague from Texas for underscoring this important legislation and for his service.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. HUIZENGA) that the House suspend the rules and pass the bill, H.R. 685, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SAM JOHNSON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 58 minutes p.m.), the House stood in recess.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2203, by the yeas and nays;

H.R. 685, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

## AWARDING CONGRESSIONAL GOLD MEDAL TO JACK NICKLAUS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2203) to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. HUIZENGA) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 371, nays 10, not voting 50, as follows:

[Roll No. 218]

YEAS—371

Aderholt  
Amodei  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Bass  
Beatty  
Becerra  
Benishak  
Bentivoglio  
Bera (CA)  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Boustany  
Brady (PA)  
Braley (IA)  
Brooks (AL)  
Brooks (IN)  
Brown (FL)  
Brownley (CA)  
Buchanan  
Bucshon  
Burgess

Bustos  
Butterfield  
Byrne  
Camp  
Campbell  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Carter  
Cartwright  
Castor (FL)  
Castro (TX)  
Chabot  
Chu  
Cicilline  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman  
Cohen  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Conyers  
Cook  
Cooper  
Costa  
Cotton

Courtney  
Cramer  
Crawford  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Daines  
Davis (CA)  
Davis, Rodney  
DeFazio  
DeGette  
DeLauro  
DelBene  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Dingell  
Doggett  
Duckworth  
Duncan (SC)  
Duncan (TN)  
Ellison  
Ellmers  
Engel  
Enyart  
Eshoo  
Esty  
Farenthold  
Farr  
Fattah

Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gohmert  
Goodlatte  
Gowdy  
Granger  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Hensarling  
Herrera Beutler  
Higgins  
Himes  
Hinojosa  
Holding  
Holt  
Honda  
Hudson  
Huelskamp  
Huffman  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jolly  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Kuster  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Lee (CA)  
Levin  
Lewis  
Lipinski

LoBiondo  
Loeb  
Loebach  
Lofgren  
Long  
Lowenthal  
Lowe  
Lucas  
Luetkemeyer  
Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Lummis  
Lynch  
Maffei  
Maloney  
Carolyn  
Maloney, Sean  
Marino  
Matheson  
Matsui  
McAllister  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McClintock  
McDermott  
McGovern  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meadows  
Meehan  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, George  
Moore  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Neugebauer  
Nolan  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pallone  
Pascarella  
Paulsen  
Payne  
Pearce  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Pocan  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reed  
Reichert  
Renacci  
Richmond  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rokita  
Rooney

Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Roybal-Allard  
Ruiz  
Runyan  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sánchez, Linda T.  
Sanchez, Loretta  
Sanford  
Scalise  
Schakowsky  
Schiff  
Schneider  
Schock  
Schrader  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell (AL)  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Simpson  
Sinema  
Sires  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Speier  
Stewart  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Nunes  
Tierney  
Tipton  
Titus  
Tonko  
Tsongas  
Turner  
Upton  
Valadao  
Vargas  
Veasey  
Vela  
Velázquez  
Peters (CA)  
Visclosky  
Wagner  
Walberg  
Petri  
Walden  
Walorski  
Walz  
Wasserman  
Schultz  
Waxman  
Webster (FL)  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Young (AK)  
Young (IN)

## NAYS—10

Amash	Massie	Weber (TX)
Bridenstine	Perry	Yoho
Chaffetz	Ribble	
Jones	Rice (SC)	

## NOT VOTING—50

Brady (TX)	Gosar	Meng
Broun (GA)	Graves (GA)	Miller, Gary
Calvert	Grijalva	Noem
Cantor	Gutiérrez	Pastor (AZ)
Capito	Hahn	Pelosi
Cassidy	Hartzler	Pittenger
Clark (MA)	Horsford	Rogers (KY)
Cole	Hoyer	Rogers (MI)
Cummings	Israel	Rohrabacher
Davis, Danny	Johnson (GA)	Royce
Delaney	Kelly (IL)	Ruppersberger
Deutch	Kingston	Rush
Doyle	Labrador	Sarbanes
Duffy	Marchant	Schwartz
Edwards	McCollum	Van Hollen
Flores	McIntyre	Waters
Gingrey (GA)	Meeks	

□ 1856

Messrs. RICE of South Carolina and WEBER of Texas changed their vote from “yea” to “nay.”

Mr. ELLISON changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MENG. Mr. Speaker, on rollcall No. 218, had I been present, I would have voted “yes.”

# AMERICAN FIGHTER ACES CONGRESSIONAL GOLD MEDAL ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 685) to award a Congressional Gold Medal to the American Fighter Aces, collectively, in recognition of their heroic military service and defense of our country's freedom throughout the history of aviation warfare, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. HUIZENGA) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 50, as follows:

[Roll No. 219]

## YEAS—381

Aderholt	Becerra	Boustany
Amash	Benishek	Brady (PA)
Amodei	Bentivoglio	Braley (IA)
Bachmann	Bera (CA)	Bridenstine
Bachus	Bilirakis	Brooks (AL)
Barber	Bishop (GA)	Brooks (IN)
Barletta	Bishop (NY)	Brown (FL)
Barr	Bishop (UT)	Brownley (CA)
Barrow (GA)	Black	Buchanan
Barton	Blackburn	Bucshon
Bass	Blumenauer	Burgess
Beatty	Bonamici	Bustos

Butterfield	Griffin (AR)	McKinley
Byrne	Griffith (VA)	McMorris
Camp	Grimm	Rodgers
Campbell	Guthrie	McNerney
Capps	Hall	Meadows
Capuano	Hanabusa	Meehan
Cárdenas	Hanna	Meng
Carney	Harper	Messer
Carson (IN)	Harris	Mica
Carter	Hastings (FL)	Michaud
Cartwright	Hastings (WA)	Miller (FL)
Castor (FL)	Heck (NV)	Miller (MI)
Castro (TX)	Heck (WA)	Miller, George
Chabot	Hensarling	Moore
Chaffetz	Herrera Beutler	Mullin
Chu	Higgins	Mulvaney
Ciçilline	Himes	Murphy (FL)
Clark (MA)	Hinojosa	Murphy (PA)
Clarke (NY)	Holding	Napolitano
Clay	Holt	Neal
Cleaver	Honda	Negrete McLeod
Clyburn	Horsford	Neugebauer
Coble	Hudson	Noem
Coffman	Huelskamp	Nolan
Cohen	Huffman	Nugent
Collins (GA)	Huizenga (MI)	Nunes
Collins (NY)	Hultgren	Nunnelee
Conaway	Hunter	O'Rourke
Connolly	Hurt	Olson
Conyers	Issa	Owens
Cook	Jackson Lee	Palazzo
Cooper	Jeffries	Pallone
Costa	Jenkins	Pascrell
Cotton	Johnson (OH)	Paulsen
Courtney	Johnson, E. B.	Payne
Cramer	Johnson, Sam	Pearce
Crawford	Jolly	Perlmutter
Crenshaw	Jones	Perry
Crowley	Jordan	Peters (CA)
Cuellar	Joyce	Peters (MI)
Culberson	Kaptur	Peterson
Daines	Keating	Petri
Davis (CA)	Kelly (PA)	Pingree (ME)
Davis, Rodney	Kennedy	Pitts
DeFazio	Kildee	Pocan
DeGette	Kilmer	Poe (TX)
DeLauro	Kind	Polis
DeBene	King (IA)	Pompeo
Denham	King (NY)	Posey
Dent	Kinzing (IL)	Price (GA)
DeSantis	Kirkpatrick	Price (NC)
DesJarlais	Kline	Quigley
Diaz-Balart	Kuster	Rahall
Dingell	LaMalfa	Rangel
Doggett	Lamborn	Reed
Duckworth	Lance	Reichert
Duncan (SC)	Langevin	Renacci
Duncan (TN)	Lankford	Ribble
Ellison	Larsen (WA)	Rice (SC)
Elmiers	Larson (CT)	Richmond
Engel	Latham	Rigell
Enyart	Latta	Roby
Eshoo	Lee (CA)	Roe (TN)
Esty	Levin	Rogers (AL)
Farenthold	Lipinski	Rokita
Farr	LoBiondo	Rooney
Fattah	Loeb	Ros-Lehtinen
Fincher	Lofgren	Roskam
Fitzpatrick	Long	Ross
Fleischmann	Lowenthal	Rothfus
Fleming	Lowe	Roybal-Allard
Forbes	Lucas	Ruiz
Fortenberry	Luetkemeyer	Runyan
Foster	Lujan Grisham	Ryan (OH)
Fox	(NM)	Ryan (WI)
Frankel (FL)	Lujan, Ben Ray	Salmon
Franks (AZ)	(NM)	Sánchez, Linda
Frelinghuysen	Lummis	T.
Fudge	Lynch	Sanchez, Loretta
Gabbard	Maffei	Sanford
Gallego	Maloney,	Scalise
Garamendi	Carolyn	Schakowsky
Garcia	Maloney, Sean	Schiff
Gardner	Marino	Schneider
Garrett	Massie	Schock
Gerlach	Matheson	Schrader
Gibbs	Matsui	Schweikert
Gibson	McAllister	Scott (VA)
Gohmert	McCarthy (CA)	Scott, Austin
Goodlatte	McCarthy (NY)	Scott, David
Gowdy	McCauley	Sensenbrenner
Granger	McClintock	Serrano
Graves (MO)	McDermott	Sessions
Grayson	McGovern	Sewell (AL)
Green, Al	McHenry	Shea-Porter
Green, Gene	McKeon	Sherman

Shimkus	Thompson (PA)	Wasserman
Shuster	Thornberry	Schultz
Simpson	Tiberi	Waxman
Sinema	Tierney	Weber (TX)
Sires	Tipton	Webster (FL)
Slaughter	Titus	Welch
Smith (MO)	Tonko	Wenstrup
Smith (NE)	Tsongas	Westmoreland
Smith (NJ)	Turner	Whitfield
Smith (TX)	Upton	Williams
Southerland	Valadao	Wilson (FL)
Speier	Vargas	Wilson (SC)
Stewart	Veasey	Wittman
Stivers	Vela	Wolf
Stockman	Velázquez	Womack
Stutzman	Visclosky	Woodall
Swalwell (CA)	Wagner	Yarmuth
Takano	Walberg	Yoder
Terry	Walden	Yoho
Thompson (CA)	Walorski	Young (AK)
Thompson (MS)	Walz	Young (IN)

## NOT VOTING—50

Brady (TX)	Graves (GA)	Moran
Broun (GA)	Grijalva	Nadler
Calvert	Gutiérrez	Pastor (AZ)
Cantor	Hahn	Pelosi
Capito	Hartzler	Pittenger
Cassidy	Hoyer	Rogers (KY)
Cole	Israel	Rogers (MI)
Cummings	Johnson (GA)	Rohrabacher
Davis, Danny	Kelly (IL)	Royce
Delaney	Kingston	Ruppersberger
Deutch	Labrador	Rush
Doyle	Lewis	Sarbanes
Duffy	Marchant	Schwartz
Edwards	McCollum	Smith (WA)
Flores	McIntyre	Van Hollen
Gingrey (GA)	Meeks	Waters
Gosar	Miller, Gary	

□ 1904

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3717

Ms. MOORE. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 3717, the Helping Families in Mental Health Crisis Act.

The SPEAKER pro tempore (Mr. PERRY). Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

# LUPUS AWARENESS MONTH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to join my colleagues this month of May to observe Lupus Awareness Month, a time where we work to increase public understanding of this cruel mystery.

Affecting approximately 28,000 people in my south Florida community and almost 1.5 million Americans nationwide, lupus is a tragically misunderstood disease. With symptoms that imitate many other illnesses, lupus is extremely difficult to diagnose and usually develops anywhere between age 15 and 44. Of those who are diagnosed, Mr.

Speaker, 90 percent are women, and it impacts minorities two to three times more than Caucasians.

Along with my fellow cochairs of the Congressional Lupus Caucus—TOM ROONEY, BILL KEATING, and JIM MORAN—I am committed to increasing awareness about lupus and finally putting an end to this terrible disease.

#### NATIONAL FOSTER CARE MONTH

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, I rise today to commemorate National Foster Care Month.

In my home counties of Miami-Dade and Monroe, there are 3,500 children in foster care who need loving families and the promise of a bright future.

I would like to take a moment to recognize Bunchy Gertner, a true leader in south Florida in the cause to help these children. Working with the local organization Our Kids, she has led efforts to collect Christmas gifts for thousands of foster children, ensuring that they experience the joy of Christmas morning. Additionally, Bunchy has helped provide children aging out of the foster care system with the Good Housekeeping gift, basic household items that help ease the often too difficult transition to independent life.

We should take inspiration from Bunchy's charity and recommit ourselves during this month to guarantee that all children in the foster care system receive the support that they need and deserve.

#### DYING IN LINE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, American warriors have died in lands far, far away. We honor them this Memorial Day. But now, other American warriors are dying in the United States waiting for VA health care. They are "dying in line."

According to whistleblowers, at least 40, maybe more, have died before they could see VA medical personnel. And it gets worse. Allegations are the VA then secretly hid the long delays and told employees to "cook the books" so it looked like there were no delays at all.

Incompetence, secrecy, death. Reports indicate the VA may have known about the "death line" for years. Rather than fix the problem, the death line scandal has grown to include Colorado, Texas, Arizona, and Wyoming.

Immediately, Mr. Speaker, give veterans the option through a voucher to see a private doctor. Fire the people that caused this. Put others that com-

mitted crimes in the line for the stockade, and fix the problem.

Mr. Speaker, American veterans should not wait in line just to die.

And that's just the way it is.

#### HONORING MAYOR SWEENEY'S RETIREMENT

(Mr. SWALWELL of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWALWELL of California. Mr. Speaker, I rise today to honor a distinguished citizen and community advocate, the Honorable Michael Sweeney, mayor of Hayward, California, as he approaches retirement.

Mayor Sweeney put himself through college, earning a bachelor's and master's degree from Cal State Hayward.

His career as a public servant spans 32 years, starting as a member of the Hayward City Council, serving in the California Assembly, and continuing his role now today as mayor.

His service as an elected official is complemented by 38 years of advocacy for the underprivileged. Since November 2004, he has served as executive director of Spectrum Community Services. Spectrum provides people with the tools necessary to sustain independent living and achieve financial stability.

This month, Mayor Sweeney will retire from his position as executive director of Spectrum, and he will also be retiring from his service as mayor in July.

As he begins a new chapter in his life, I want to take this opportunity to thank Mayor Sweeney for his steadfast dedication to the people of Hayward. His years of service are truly an inspiration. I wish him all the best.

Thank you, Mayor Sweeney.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4660, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2015; AND PROVIDING FOR CONSIDERATION OF H.R. 4435, HOWARD P. "BUCK" MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 113-455) on the resolution (H. Res. 585) providing for consideration of the bill (H.R. 4660) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2015, and for other purposes; and providing for consideration of the bill (H.R. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for

such fiscal year, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### APPROVE THE KEYSTONE PIPELINE

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, it is time for the President to put politics aside and approve the Keystone pipeline. It has been nearly 6 years since the application for Keystone was submitted.

Recently, I had the opportunity to see the domestic energy production happening in the Bakken oilfields in North Dakota. The increased energy production in North Dakota has lessened our dependence on foreign oil, created good-paying jobs, and helped reduce the State's unemployment to the lowest in the country. Approving the Keystone pipeline would have the same effect, creating 42,000 construction jobs and as many as 118,000 spin-off jobs.

Mr. Speaker, news of the recent oil tanker derailments remind us of the increased pressure that our railways are under from shipping more oil. Keystone will absolutely help immediately ease this burden by moving 700,000 barrels a day through the pipeline.

The bottom line here is everyone is standing ready to move forward on this project. I urge my colleagues to continue their bipartisan support for approving the Keystone pipeline.

#### LAW ENFORCEMENT OFFICERS MEMORIAL CEREMONY

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, earlier today I attended the annual New Hampshire Law Enforcement Officers Memorial ceremony. This year's ceremony was particularly somber as we added a new name, Officer Stephen Arkell, to New Hampshire's Roll of Honor.

Officer Arkell was a police officer in the rural community of Brentwood. He was a husband, a proud father, and he loved his town and its people. He was also an accomplished carpenter, a respected youth sports coach, and an avid outdoorsman.

Just a week ago, Officer Arkell responded to a domestic disturbance in a senior housing complex. He walked into a situation that all men and women and their families who serve in our police departments know is possible. He was shot and killed trying to save a citizen.

Officer Arkell is survived by his wife and his two daughters. My thoughts and prayers are with them as they face life without their hero, without our hero.

We all owe Officer Arkell a tremendous debt of gratitude for the courage and sacrifice he showed. He is a true hero, along with Fremont Officer Derek Franek, who risked death himself trying to save him.

I am grateful for the heroism and the bravery of all the law enforcement personnel that responded that day, particularly the other officers from the Brentwood Police Department, the State police SWAT team, and the firefighters who had to put out the fires that the suspect started. I will never forget any of them, and we all are grateful for their service.

□ 1915

#### NATIONAL MILITARY APPRECIATION MONTH

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Mr. Speaker, I would like to recognize May as National Military Appreciation Month, and Memorial Day right around the corner.

Our military members make countless sacrifices every day—sacrifices that many of us can't imagine. They put their lives on the line for our freedom and our safety, and they do it expecting nothing in return.

This month, we honor the brave Americans who serve in our Armed Forces, including our guardsmen and reservists. We appreciate military spouses for their strength and their loyalty. And we remember the heroes who have died while serving our country.

As the cofounder of the Military Family Caucus, I recognize that when a servicemember joins the military, it is not just a job, it is a family commitment to our country.

As the House considers the National Defense Authorization Act this week, I want to encourage the Secretary of Defense to continue working to reduce unemployment and underemployment of military spouses and support closing the wage gap between military spouses and their civilian counterparts.

This month, I offer great thanks and appreciation to our military men and women and their families because they deserve our gratitude for the sacrifices they have made, and they are essential to keeping America safe.

Yes, May marks National Military Appreciation Month, but really, every month the members of our military—and their families—should be celebrated, appreciated, and thanked for the commitment they have made.

#### BOKO HARAM MUST STOP, AND END IT NOW

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, it was quiet around the dormitory deep in the heart of Borno, in northern Nigeria, where the landscape is barren and life is hard.

In the middle of that April night, gunshots fired and then almost 300 girls were kidnapped, and they remain missing. A night that no one can forget. This picture shows it all: a mother with a candle mourning that loss.

Mr. Speaker, we can no longer remain silent in any way. I thank President Obama for the assets of the FBI and intelligence, and certainly some military assets. But to the Nigerian government, those of us who have been friends and have worked with this government, enough is enough.

We need to find every resource: U.N. peacekeepers, the African Union, and any other resource that will help strategize to find those girls. There needs to be a targeted military unit from the Nigerian military that is utilizing the resources of others to help them safely rescue those girls.

Enough is enough. The slaughter by this terrorist group must stop. Boko Haram must stop, and end it now.

#### GM RECALL: THE INVESTIGATION CONTINUES

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, the disturbing news from General Motors in the recall case continues.

In the past few days, we have learned that internal emails were sent telling General Motors employees to avoid using certain words, words like “problem,” words like “safety.”

This raises questions about what GM knew and when they knew it. But Mr. Speaker, it also raises questions about the National Highway Traffic Safety Administration: What did they know and when did they know it?

From our committee work, we know that over the last decade, NHTSA had occasions to open up formal investigations into the recalled GM cars, but decided to do nothing. How could the Nation's watchdog on highway safety see the problem but do nothing?

The committee's investigation will continue. We have questions to the National Highway Traffic Safety Administration that were submitted at the last hearing. They need to be forthcoming. America deserves answers.

#### IN MEMORY OF SCOTT CRAIGIE

(Mr. HORSFORD asked and was given permission to address the House for 1 minute.)

Mr. HORSFORD. Mr. Speaker, it was with great sadness that I learned that Scott Craigie, the former chief of staff for Governor Bob Miller of Nevada,

passed away last Tuesday. He was a tireless advocate for seniors and children, and an effective one at that.

Scott knew how to get things done. That is why he was put in charge of the successful Education First constitutional amendment campaign in 2004, which forced the State legislature to vote on an education funding bill before any other appropriation.

Scott also gave me my start in public service. He hired me for my first professional job in the legislative world, and I owe him my career. He believed in me and gave me a chance.

Scott, I will do my best to continue fighting for those who need someone to stand up for them. Rest in peace, my friend. My thoughts and prayers are with your family, with our friends, and with the people of Nevada whose lives were touched because of you. God bless you.

#### 60 YEARS AFTER BROWN V. BOARD OF EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Nevada (Mr. HORSFORD) is recognized for 60 minutes as the designee of the minority leader.

Mr. HORSFORD. Mr. Speaker, 60 years ago, America was a country entrenched in inequality. Whites and African Americans were treated as two separate classes. Our society's education system, perhaps our most influential and important institution for future success, kept White and Black children separate and wholly unequal.

Then, in 1954, the Supreme Court's decision in *Brown v. The Board of Education*, argued and won by the legendary Justice Thurgood Marshall, rewrote the fabric of our divided Nation, and moved our country down the path towards the civil rights victories of the 1960s. The decision was, according to Sherrilyn Ifill, the current president of the NAACP Legal Defense and Education Fund:

The beginning of the end of legal apartheid in the United States.

Laws of the Jim Crow that were intentionally designed to ensure that Blacks and Whites were not treated equally were finally questioned by our Nation's highest courts. The dream of a country where all men are created equal and treated equally under the law became a potential reality.

But it would still take decades of tireless activism by multiple generations of civil rights leaders and organizers to get us where we are today. *Brown v. The Board of Education*, this decision was the first step toward a reality of equality and was a drastic change for a court that had previously been detrimental to past civil rights actions and cases.

So we are here today as the Congressional Black Caucus to reflect on



America's 60 years after the Brown v. The Board of Education decision. What impacts have we seen and what challenges still remain with achieving a society that truly lives up to the 14th Amendment's equal protection under the law clause? What steps must still be taken to achieve a society that lives up to the dream of the civil rights movement, where the color of one's skin does not determine their ability to succeed?

Mr. Speaker, tonight, I am proud to be joined by colleagues who have been part of this effort, this ongoing effort towards realizing the full potential of what the Brown decision means for every single child in America.

I would like to yield first to the gentleman from Virginia, Representative BOBBY SCOTT, my good friend, who has been a champion for working families and who recently was part of a forum at George Mason University talking about the issue of the Brown decision and where we are today.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from Nevada for calling this special occasion to give us the opportunity to celebrate the 60th anniversary of the Supreme Court case of Brown v. The Board of Education.

As a representative from Virginia, I take personal pride in celebrating this anniversary because Virginia played such a prominent role in that case. In fact, one of the four cases that were combined into the Brown decision was *Davis v. School Board of Prince Edward County*, in Virginia. Two of the Nation's premier constitutional lawyers were involved in the case: Oliver Hill and Spottswood Robinson, both from Virginia.

In the Brown decision, the United States Supreme Court unanimously struck down the legal footing for racial segregation in public schools in this country. The decision overturned *Plessy v. Ferguson*, a 1896 case that held that a State could maintain separate but equal public accommodations.

In Brown, the court highlighted the importance of education and language that still rings true today. The court said:

Today, education is perhaps the most important function of State and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the Armed Forces. It is a very foundation of good citizenship. Today it is a principal instrument and a awakening your child to cultural values in preparing him for later professional training and helping him to adjust normally to his environment. In these days it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

The court then concluded that:

In the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.

Unfortunately, although the decision was a victory for minority students, not everyone was eager to comply. Virginia led the resistance to the Brown decision. Ironically, Virginia used the language in the Brown decision as its legal grounds for what they called Massive Resistance, where it said such an opportunity, where a State has undertaken to provide it, is a right which must be made to all on equal terms.

Virginia reasoned that it could avoid integrating the schools by having no schools at all. So, in Prince Edward County, they closed the schools for several years. Schools were also closed in Norfolk and Front Royal and Charlottesville. We overcame Massive Resistance after several years and those schools eventually reopened.

But now here we are six decades after Brown. Thankfully, we have made progress, but we still have work to do.

□ 1930

The promise of equal educational opportunities envisioned by Brown remains unfulfilled.

For example, equal educational opportunity does not occur when one jurisdiction spends substantially more per student than an adjacent jurisdiction because of the relative differences in wealth between the two jurisdictions.

Unequal funding results in unequal educational opportunities when you consider that studies have shown that one-half of low-income students who are qualified to attend college do not attend because they can't afford to. In fact, today, a high-income, low-achieving student is more likely to attend college than a high-achieving, low-income student.

Another example of educational inequality is the current debate over publicly financed school vouchers, which can be used at private schools, which might provide educational opportunities to a privileged few, but which would definitely deprive the public schools of desperately needed resources.

The supporters of vouchers frequently claim that this is a choice, when, actually, all it is is a chance. If you win the lottery, you have a chance to go to the private schools, but if you lose the lottery, then you are stuck in the public schools, with fewer resources, because all of the money is spent on vouchers.

Obviously, we have a lot of work to do to complete the promise of the Brown decision. The 60th anniversary of the decision offers us an opportunity to rededicate ourselves to achieving these lofty ideals.

Again, I want to thank the gentleman from Nevada for the opportunity to speak.

Mr. HORSFORD. I thank the gentleman from Virginia.

Thank you for your historical frame on this important subject on the 60th anniversary of the Brown decision.

Mr. Speaker, I would next like to yield to a true champion for working families in his district and for people all across this country, a fighter for average, everyday working people and for children who deserve a quality education. He is the gentleman from New York, Representative CHARLIE RANGEL.

Mr. RANGEL. Let me really thank the gentleman from Nevada for constantly reminding us of what a great country we live in and how it can be so improved.

Mr. Speaker, in having fought in the war—screaming and yelling and complaining, but recognizing how great this Nation is—it was an opportunity to say thank you for the blessings that have been bestowed on this Nation and to think about those who drafted a constitution that didn't include slaves or women or people who didn't hold land.

Yet they drafted a document that was flexible enough for us to be able to say that that great Statue of Liberty meant that we would bring talents from all over the world to come to make us the largest democracy and the strongest military and the greatest economic force in the world; and we have done that because we have always felt that, no matter what your background is, if you could get here, you could make it here.

When we talk about the Brown decision, nobody ever thought that, in just sitting next to White folks or to Black folks, that we were going to get a better education.

What we tried to overcome in our schools is that nobody of color who picked cotton or who fought in the battlefields—who had as high a patriotic record as any other group of people—would not be able to be denied the opportunity to participate in the economic growth of this country.

If individuals succeed in this country, it means communities succeed in this country. When that happens, the Nation succeeds.

When the flag is saying the United States of America, there is no color involved or language involved in basically what people think. They know that we have been able to bring together a gorgeous mosaic; but if because of color—if just because of color—you associate it with poverty and a lack of education and a lack of



decent housing, then this is a cancer that we must not only talk about, but that really prevents America from being all that she can be.

Recently, a person in the other body thought that the political opposition to President Obama was based on his color. Most of us know there is no question about it. Most of us know that there are still parts of this great Nation where people never believed that the Union Army prevailed and that President Lincoln was a true patriot. Some of those people hate our President with the same hatred with which they hated Abraham Lincoln.

The truth of the matter is that more and more people of color are coming to this country. What will bind them—what will make us stronger—is that they be educated, that they be able to get into the middle class, that they be able to prosper.

The Brown decision merely said that a person, an American, who is being denied an equal opportunity to get an education is being denied due process. It is like sending a person to the wars without a rifle, without the resources to negotiate saving his life and to destroy the enemy.

We are not talking just about doing the right thing. You cannot love this country if you are not going to be prepared to educate everybody in this country. It is going to take more than a Court decision, especially this present Court.

It is going to take this generation to stop teaching their kids to hate people because of their color, because if you leave it up to kids, if you really just put them together and see how much they laugh and joke, they will not be aware that somebody, somewhere, had some poison—venom—that said that variations in color meant that there were variations in respect and support.

I think that the Congressional Black Caucus and especially you, the gentleman from Nevada, are the patriots that we have today with the willingness to tolerate the indifference and the lack of sensitivity to our need, but also with the willingness to work and to come together and make certain that color does not take away from our mutual respect and from our ability to gain the tools that would allow us to make the maximum contribution to this great country.

I thank the gentleman for this opportunity, not only to salute those who drafted the Constitution, but who made it flexible enough for people they never thought to be able to participate and really make it work for all of us. Thank you so much.

Mr. HORSFORD. I thank the gentleman from New York.

Thank you for your wisdom and your sage advice and for challenging us, even today, to remember what the Brown decision is all about, and that is for people to truly be treated equally, not on the basis of race.

We know, based on where we are today in America—though there are some who want to say we live in a post-racial society—when you look at the outcomes of young people based on where they are from, clearly, we have not lived up to the full promise of what Brown has intended. So thank you for your advice and for participating in this Special Order hour.

I would like to turn now to the chairman of the Progressive Caucus here in the House. He is a great man with great vision, Representative KEITH ELLISON from Minnesota.

Mr. ELLISON. Thank you, Congressman HORSFORD, and thank you for leading this Special Order on Brown v. The Board of Education.

Mr. Speaker, I think it can be safely argued that there is really no more important Supreme Court decision in the history of the United States. I believe it is the most important decision.

The reason is that our country was founded on the idea that all men are created equal and are endowed by their Creator with certain unalienable rights, among them life, liberty, and the pursuit of happiness; yet for so many years—243 years—men and women were held in bondage in this Nation that is dedicated to freedom.

American slavery—racial discrimination—stands as an indictment and as evidence of the insincerity of that fundamental promise of America. Then for another 100 years after slavery ended, for Black people to exist in a state of Jim Crow's subordination is further evidence that those original words really were not intended and really were not sincere.

Brown v. The Board of Education was a restoration. It was an attempt to say: Do you know what? We have had an ugly past in this country, and we have not lived up to our values.

We have called on freedom, and we have declared freedom, yet we have given people the opposite of freedom, which is slavery; so with Brown v. The Board of Education, the United States has begun a process of pushing the old, ugly past to the back.

I know very well we could stand up here—and we will stand up here—and talk about the mission that we have to pursue to stand up for equal education opportunities for all, but if we take a minute just to look back at what we have achieved, Brown v. The Board of Education represents a seminal moment in American history when we rejected that ugly history that was in conflict and in sharp contradiction to the principles that this country stood for.

I think it is also important, Mr. HORSFORD, to point out that Brown v. The Board of Education was not some gift that fell out of the sky. This case was fought and won by some seriously committed soldiers for justice.

I know we will talk about Thurgood Marshall here tonight quite a bit, but

before Thurgood Marshall, there was a man named Charles Hamilton Houston. Charles Hamilton Houston was a brilliant man. He was a Harvard-trained lawyer and was the assistant dean of Harvard Law School.

At an early point in his career, he was offended and outraged by Jim Crow segregation, particularly in schools, so he got an old video camera, and he drove down south in his car.

He couldn't stay in a hotel because Black people were not allowed to stay in White hotels during those days. You had to sleep in your car, or maybe somebody would take you in for the night; but he took that video camera—took film and footage—and showed exactly what African American students were living through—the harsh conditions, the fact that there were all grades of students in the same classroom, the fact that the buildings were inferior, the books were outdated, the facilities were in every way inferior—and that this promise of separate but equal was anything but equal and was inherently unequal.

Charles Hamilton Houston trained up a cadre of lawyers who would take on and fight American segregation. Among those were Thurgood Marshall, but there were others as well—Spottswood Robinson. There were many other great lawyers.

Back in the day, when it was even difficult for an African American lawyer to stand up and do anything, these lawyers stood up and made the case that, in America, the ideals upon which this country were founded demanded that segregation be struck down.

These lawyers, first of all, didn't go straight to the elementary schools. First, they went to the graduate schools, and they desegregated the graduate schools. They fought against White primaries. Blacks, in some States, could vote in the general elections, but they couldn't participate in the primaries, so they had no choice in picking who was the Democrat and who was the Republican.

They took on restrictive covenant cases. They took on all types of cases. They attacked these standing monuments to segregation and beat them down. Then they got to the famous Brown v. The Board of Education, but Charles Hamilton Houston, a man who died at the age of 54, was not able to see the great work that his student, Thurgood Marshall, had done as they led the team to beat down segregation in public schools, but his spirit was there.

Today, as we commemorate this towering victory of defeating Jim Crow segregation in schools, we have to also commemorate the heroic figures of Charles Hamilton Houston, Thurgood Marshall, Spottswood Robinson, and of many, many more who fought these battles, these Black lawyers who fought these battles and who would not accept the status quo.

I want to commend you, Mr. HORSFORD, for leading this today; and I certainly hope that Americans all across this country, Black, White, Native American, Hispanic, Asian—of all colors and all backgrounds—will take a moment and thank those lawyers who fought to defeat segregation in America because what they literally did—and they did this for every single American of every color—is they allowed Americans to stand up and say: we do, in fact, live in the land of the free and the home of the brave.

Whereas, if we had not defeated segregation, we would have to say: we live in the land of the White free and the White brave and of the enslaved and segregated everybody else.

That is nothing to crow about. In fact, that stands as a shame on our Nation's history, but the achievement of these brave lawyers restored our Nation's honor.

□ 1945

This is why I think *Brown v. The Board of Education* is the most important case in history. I thank you for taking a moment to focus our attention on it.

Mr. HORSFORD. I thank the gentleman for reminding us of the great legal minds who contributed and helped build the case which resulted in the *Brown* decision and the fact that it took a strategic team of formidable legal minds to come up with the right strategy that ultimately resulted in this great decision. I thank the gentleman, Representative ELLISON, for reminding us of their distinct contribution.

I would like to now turn to the gentlelady from California, Representative BARBARA LEE, who comes to this Caucus and this body with tremendous experience, working first in the community as a caseworker on behalf of people, and always keeping the focus of people in the front of the policies that we are pursuing to advance in this great institution.

I now yield to the gentlelady from California, Representative BARBARA LEE.

Ms. LEE of California. Thank you very much.

Let me thank you, Congressman HORSFORD, for that very gracious introduction and also for your continued leadership on so many fronts, especially in organizing the Congressional Black Caucus' Special Order, along with Congressman HAKEEM JEFFRIES. I really want to thank you for making sure that the theme this evening of this Special Order, the 60th anniversary of *Brown v. The Board of Education*, did not go unremarked. You are both really doing a fantastic job representing and working hard on behalf of your constituents.

I also have to say that Congresswoman MARCIA FUDGE, our fearless

Congressional Black Caucus chair, really serves as an excellent steward of the conscience of the Congress.

Let me just say I was just a child, Congressman HORSFORD, in El Paso, Texas, when the Supreme Court issued its landmark decision in *Brown v. The Board of Education* on May 17, 1954. Schools were segregated when I started school. So that was in the not-so-distant past. I remember it very well.

My good friend, Congressman BETO O'ROURKE, so ably represents El Paso today. I have to tell you that the results and the impact of the Supreme Court's decision striking down the separate but equal doctrine is visible throughout the city.

I am proud to say also that in 1955, El Paso became the first city in the State of Texas to integrate its public schools. My mother, Mildred Parish Massey, was one of the seven African American students to boldly integrate the University of Texas at El Paso.

In 1957, El Paso elected Raymond Telles the first Mexican American mayor of a major United States city. On June 7, 1962, the El Paso city council, under the leadership of Alderman Bert Williams, passed the first city ordinance of any major city in the former Confederacy outlawing segregation in hotels, motels, restaurants, and theaters. These were public places that were previously barred to African Americans and, in some cases in El Paso earlier, to Mexican Americans.

This history has been recounted by Congressman O'ROURKE during Black History Month. I thank him for that because I just have to say I lived this, my family lived this, my friends lived this, just as so many millions of people throughout our country lived this shameful time in our history.

This is just a bit of my personal background. We know that, despite the landmark decision, it would take decades in many cities and States for that first mandate of the Supreme Court to be carried out. But because of *Brown*, we have the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Civil Rights Act of 1986.

Of course, we have come a long way since the 1950s and 1960s, but the fact remains that the fight to end inequality in public education continues. The end of the legal doctrine, argued then by the brilliant, great Thurgood Marshall, who was the attorney and later Supreme Court Justice, and the NAACP Legal Defense Fund, did not necessarily mean the end of racial segregation by neighborhood and community, resulting in schools that continued to see stark segregation by race and income. In fact, many schools have reversed the desegregation gains of the 1970s and 1980s, while many other schools remain as segregated as they ever were.

As a new UCLA report mentioned last week, which I have to cite, Con-

gressman HORSFORD, called, "Brown at 60: Great Progress, a Long Retreat and an Uncertain Future," Black and Latino students tend to be in schools with a substantial majority of poor children, while White and Asian students typically attend middle class schools. My home State of California, along with New York and Illinois, is among the top three worst States for isolating Black students. Latino students are the most segregated in California.

And now, with the attacks on affirmative action in States, including my own State, unfortunately, including Proposition 209 many years ago, in the State of California many minority students are being systematically shut out of public higher education.

But let's be clear: even in schools that are well integrated, minority students often are treated differently.

As the results from the Civil Rights Data Collection survey showed, which was recently released by the Department of Education and supported by the CBC, despite making up only 18 percent of enrollees, African American students represented 42 percent of preschool students suspended once.

Can you believe that? Forty-two percent of preschool students suspended once. These are 4- and 5-year-olds. And nearly half of the students suspended more than once.

African American girls were suspended at rates 12 percent higher than girls of any other race or ethnicity. Black boys were suspended at higher rates—20 percent—than girls or boys of any other race or ethnicity.

These are kids who are 4 and 5 years old. This is simply unacceptable.

As chair of the CBC's Taskforce on Poverty and the Economy, and the Democratic whip's Task Force on Poverty, Income Inequality, and Opportunity, we as task force members recognize that equal access to a quality public school education is key to lifting children out of poverty. And true equality could not be achieved if systematic institutional barriers to opportunity are allowed to persist.

It was the Thurgood Marshalls of the world, the Medgar Everses, the Rosa Parks, the Fannie Lou Hamers, the Martin Luther King, Jr.'s, the Malcolm X's, and all those unsung heroes and sheroes in our communities at the local level that ensured that this Nation would live up to its own promise and the guarantee that was laid out in *Brown*.

And so on the 60th anniversary of this tremendous Supreme Court victory, I hope that Members of this body recognize that while legal segregation is ended—yes, the laws of the land will not allow it—de facto segregation and institutional and structural racism is alive and well. Our public policy agenda must take that fact into account.

We must complete the unfinished business of *Brown v. The Board of Education* by supporting legislation, public

policies, and funding priorities that bring true equality and equity in education to all children.

Thank you again, Congressman HORSFORD, for allowing us to talk this evening on this historic and momentous 60-year anniversary of *Brown v. The Board of Education*.

Mr. HORSFORD. Thank you, Representative LEE, for explaining so well the link between poverty and race, and that they both contribute to the cause of segregation that we continue to see even today.

There are those who want to suggest that race has nothing to do with it, but yet it is the de facto policies which contribute greatly to why we see the resegregation, if you will.

Despite the advances in some communities, there are places still in America where the dream of *Brown* has not been truly realized and where communities which were advancing are now taking steps back.

I commend you for raising those points.

Ms. LEE of California. I want to re-emphasize this very recent statistic on this 60th anniversary.

Despite making up only 18 percent of enrollees, African American students represented 42 percent of preschool students who are suspended. These are 4- and 5-year-olds.

Just remember that as we debate public policy in this body.

Mr. HORSFORD. I thank the gentlelady from California.

It is now my privilege to yield to the gentlelady from New York, Representative CLARKE, who continues to make her mark here in Congress. I am so honored to serve with her in this body. I continue to be in awe of how she engages her constituents, how she advocates on important legislation, and how she is advancing bold ideas to move our country forward. It has truly been an honor to learn from her as a freshman.

I yield to the gentlelady from New York, Representative YVETTE CLARKE.

Ms. CLARKE of New York. Mr. Speaker, I thank the gentleman from Nevada (Mr. HORSFORD) for his leadership and for being willing to be one of our distinguished anchors of the Congressional Black Caucus' Special Order, along with Congressman HAKEEM JEFFRIES, who hails from Brooklyn, New York, like myself.

I want to also knowledge the chairwoman of the Congressional Black Caucus, Ms. FUDGE, for her leadership, speaking truth to power at all times.

Mr. Speaker, I stand here today with my colleagues from the Congressional Black Caucus to commemorate, as a beneficiary, a historic decision—a decision that changed this Nation forever, *Brown v. The Board of Education*, in which the Supreme Court held that racial segregation, the doctrine of separate but equal, violated the guarantee

of equal protection in the 14th Amendment to the Constitution.

The unanimous decision in *Brown v. The Board of Education* called upon the conscience of this Nation and the principles upon which it had been founded that each of us are created equal and that we are entitled to the full protections of the laws of our land.

Before *Brown*, the full participation of African Americans and other people of color in our public education system, which was a primary component of our civil society, were prevented and denied almost everywhere in the United States.

The promises of the Declaration of Independence and the Constitution that we are created equal and entitled to equal protection of the law were, until the decision in *Brown*, only words without substance for millions of people, whose exclusion from our society had persisted in the century after the Civil War.

Millions of African Americans and other people of color could not eat in a restaurant, stay in a hotel, obtain a mortgage, or register to vote, even though they were American citizens who paid their taxes, fought for our country, and obeyed the law.

Such racial discrimination was not limited to the States of the former Confederacy. In 1936, after sprinter Jesse Owen returned to the United States for a ticker tape parade in Manhattan, he was forced to enter the Waldorf Astoria on a freight elevator to attend a reception there because the hotel maintained a policy of segregation.

Mr. Speaker, today we have a responsibility not only to commemorate the historic landmark decision of *Brown v. The Board of Education*, but also to understand its relevance at this moment in our history—a moment when our schools, particularly in New York City, have become more segregated by race than at any other time in the past half century, when enormous disparities in income and wealth threaten to divide this Nation and, indeed, when many of the same tactics used to disenfranchise our parents and grandparents are again being used to disenfranchise African Americans in this generation.

Today, we have a responsibility, an obligation, if you will, to build on the legacy of the *Brown* decision and to eliminate in our schools, communities, and other institutions the practice of racial segregation, whether intended or unintended, that continues to divide this Nation, and to protect for every American the civil rights to which we are entitled by the Constitution.

□ 2000

It falls on our shoulders to keep up that fight for equality and, quite frankly, to make sure that, as a diverse Nation, we have an appreciation of the diversity of culture, religious, and ethnic backgrounds.

Mr. Speaker, I recall the words of Supreme Court Justice Thurgood Marshall, who wrote that:

Unless our children begin to learn together, there is little hope that our people will ever learn to live together.

Mr. Speaker, I thank the gentleman from Nevada.

Mr. HORSFORD. I thank the gentlelady from New York. Thank you, again, for challenging us to take on the responsibility to end racial segregation. Your words were so eloquent, and it really is a responsibility that each and every one of us must take hold on and take heed to in order to accomplish this. It is not going to be done unless we do it ourselves. Thank you.

Mr. Speaker, I yield to the gentlewoman from Ohio (Mrs. BEATTY), who I am honored to serve with in the freshman class. I am so inspired by her leadership, and she is such a dynamic spokesperson on so many important issues before this body. She truly is a committed public servant.

Mrs. BEATTY. Mr. Speaker, thank you to my colleague. Thank you so much, Mr. HORSFORD from Nevada, for leading us in this Congressional Black Caucus Special Order hour, and also to my colleague from New York (Mr. JEFFRIES), thank you for your leadership.

It is an honor for me to be here, not only as a Member of Congress, but someone who lived through our topic tonight.

If we pause for a moment and could go back in history, that unanimous opinion written by Chief Justice Earl Warren held that "separate educational facilities are inherently unequal" and that segregation of schools violates the 14th and Fifth Amendments of the United States Constitution.

This decision, Mr. Speaker, signaled an end to the State-sanctioned segregation of public schools in the United States, making it unlawful to deny access to public facilities on the basis of race.

Striking down segregation in our Nation's public schools provided a major catalyst for the civil rights movement and made advances in desegregating housing, public accommodations, and institutions of higher education possible.

On the anniversary of this landmark decision, we acknowledge and applaud those who endured and lived through those days of crises so all Americans could enjoy the right to vote, the right to equal protection of law.

It is the *Brown* story, but it could have been, as we heard from Congresswoman BARBARA LEE, the BARBARA LEE story.

It could be the Congresswoman JOYCE BEATTY story because I grew up during this same era of time as a young child who, thank goodness, had a mother and father who understood the link of discriminating against African Americans, who understood the link between

redlining in housing, to education; so they made a brave step and moved to an all-White neighborhood, so I could go to an integrated school.

It reminds me of how Oliver Brown probably felt on that day when his young daughter, Linda, had to walk some 21 blocks, through all kinds of elements and traffic and danger zones, to get to the segregated school, when just six blocks away from where they lived was an all-White school.

So you see, he took on this challenge because of his young daughter and, at that time, having another daughter that would follow and not knowing that there would even be a third daughter to follow.

At the age of 32, at the time of the suit against the school system, he—a Baptist minister, a welder, a person who was active in his community—decided that he would let his name be put on the lawsuit.

He testified that, many times, his daughter had to wait in the cold, to wait for a bus to take her to Monroe, even though, as I mentioned, seven blocks away from an all-White elementary school. That is the Oliver story.

So when we think of the Oliver Brown story and we think of Mr. Brown, who opened up the schoolhouse doors to Americans, regardless of race or color, it created an opportunity for millions of Americans.

Sadly, the promise of the Brown decision remains unfulfilled in many ways today. Millions of American families face trials and tribulations related to their color, creed, or religion.

Even today, 60 years after legally-sanctioned educational segregation ended, the legacy of this discrimination can still be found in our schools, if you look at graduation rates, in the university, and yes, in the workplace.

Today and every day, we must rededicate ourselves to raise a new generation that may seize their opportunities. It is incumbent upon us, as lawmakers, that we make sure that Americans are able to have a quality education, that they are able to exceed and succeed in all that they endeavor.

While we pause in celebration of the 60th anniversary of the Brown decision, we should not rest on our laurels until equality for all is a reality in our great Nation.

Just this morning, a Columbus school board member reminded me, as Shawna Gibbs wrote me this note, she said, Mr. Speaker:

No longer separate, but still fighting for equality.

So as I close, I ask us to look at this visual and know that Oliver Brown's fight was for all of us, 60 years ago and today.

Mr. HORSFORD. I thank the gentlelady from Ohio for her very personal remarks and reminding us that the decision of Brown has very real impact on the lives of individuals and, for

some in this body who lived during the time of segregation, to be reminded of how important the Brown decision was to changing that and to also remind us that we have a commitment to the current and future generations to ensure that we never go back to those days.

I thank the gentlelady very much for giving us that personal reflection on what the Brown decision means to her.

Now, as a Member of the House of Representatives, just think how far you have come and how far so many children in America deserve to go. That is what the Brown decision is really all about.

Mr. Speaker, I would like to invite the coanchor for this hour to the podium. Each time the Congressional Black Caucus takes time to the floor for this Special Order hour, it is intended to bring up provocative issues, discuss important policies that deserve time, and also to challenge this august body to focus, for at least a while, about issues that don't always dominate the mainstream agenda.

There is no one who does this more effectively than the coanchor that I have the honor of sharing this hour with. I have learned so much from him. He brings personal passion, experience, and education to the issues that we try to bring forward under the leadership of our chair, MARCIA FUDGE.

It is his words that I know this evening will be so poignant as we reflect on the 60th anniversary of the Brown v. The Board of Education decision.

I yield to the coanchor of this Special Order hour, my good friend, Representative HAKEEM JEFFRIES from New York.

Mr. JEFFRIES. Mr. Speaker, I thank the distinguished gentleman from Nevada, my good friend, Representative HORSFORD, for his eloquence and for his leadership, for anchoring today's extremely important CBC Special Order commemorating the 60th anniversary of this historic Supreme Court decision.

I look forward to our continued partnership as we move forward dealing with issues of significance, not just to the districts that we represent in Nevada and in Brooklyn, New York, and parts of Queens, respectively, but all across the country.

We really appreciate the opportunity that we have, each and every week, as part of the Congressional Black Caucus' Special Order, this hour of power, to come before the people of this great country and speak directly to them for 60 minutes about an issue of great importance.

We have heard a lot about the seminal nature of the Supreme Court's decision in 1954, Brown v. The Board of Education, an important decision, striking down this principle of separate but equal, exposing it for the fraud that it was, recognizing that, inher-

ently, this doctrine was just designed to hold up the notion of segregation in this country, under a false premise that you can have institutions of learning that were separate but equal. Inherently, these institutions were unequal, as the Supreme Court found.

This reversed decades of Supreme Court jurisprudence that had been designed to uphold segregation and Jim Crow laws and racial hatred in America, first codified by the Supreme Court, we know, in 1857, in the infamous Dred Scott decision, where the Supreme Court and its Chief Justice held that Blacks had no rights, whether they were free or whether they were slaves, that the White man was bound to respect. In this country, that is what the Supreme Court concluded in 1857.

A war was fought as it relates to the conflict between the North and the South. Lives were lost, a lot of blood was spilled, and coming out of that conflict, of course, you had the 13th, the 14th, and the 15th Amendments.

There was still a lot of people in America that didn't want to accept the notion of all men being created equally, as had been written in that glorious document, that Declaration of Independence; so we got the Black codes, and we got lynchings in the South, and we got Jim Crow segregation.

Then again, in 1896, the Supreme Court felt the need, in Plessy v. Ferguson, to step in and raise segregation up to the constitutional level and conclude in this Supreme Court decision, Plessy v. Ferguson, that separate but equal—segregation—was constitutional in the United States of America.

So the NAACP was subsequently formed in 1909, and some brilliant legal minds, over time, came together to help bring to life the democratic principles and ideals contained in the Constitution of the United States of America, but not actually practiced in this great country.

Some of the names have already been called. Of course, Thurgood Marshall was the chief legal architect of the strategy that led to the dismantling of racial segregation in this country, but there were brilliant legal minds that he went out and recruited: Jack Greenberg; Constance Baker Motley, who went on to become a Federal judge; and Robert Carter, who went on to become a Federal judge; and Spottswood Robinson, who, I believe, went on to become a Federal judge—brilliant legal minds that came together.

□ 2015

And in 1954, the Supreme Court, in a unanimous decision, thankfully struck down this constitutionally upheld principle from Plessy v. Ferguson and decided that separate but equal was constitutionally suspect and shut it down.

But then there were a lot of folks in America who still had to try to bring

this principle to life. You had the desegregation struggles that took place all across the Deep South; James Meredith and the University of Mississippi in the early 1960s; and you had the Little Rock Nine, who attended the segregated Little Rock Central High School. These are brave individuals, young people confronted by angry mobs, bloodthirsty hounds, firehoses, and all sorts of intolerable things here in America simply to get an education. And we know that education pays.

So we still have a long way to go. We have made a lot of progress.

I represent a congressional district in New York State, and I am disturbed by the fact that New York is a State that has some of the most racially segregated schools in terms of its racial composition in the country. California is at the top of the list. Illinois is at the top of the list. Maryland is at the top of the list. And so we have got to deal with the continuation of this legacy, not because it is legally sanctioned at this point, but we still have far too many children educated in schools all across this country who are not being exposed to the diversity of this gorgeous mosaic that we have in America. And perhaps as a result of being isolated into schools with a high concentration of poverty, a high concentration of racial minorities, those schools don't necessarily have the same level of resources as we might find in other more affluent parts of America. So we still have some barriers that we have to strike down.

The road to equality in America is still under construction, but I think we, as members of the Congressional Black Caucus, are hopeful because we understand that if you trace the progress that has been made, we have come a long way over a pretty short period of time. Yet we know we still have a long, long way to go.

With that, I believe we still have another distinguished member of the CBC who has joined with us this evening.

Mr. HORSFORD. The gentleman from New York (Mr. JEFFRIES) just mentioned the fact that New York, California, and Texas lead this issue. And, again, while we have made tremendous progress, as the UCLA study referenced by Representative LEE earlier this evening stated, students of color are much more likely to be grouped with their specific demographic. And now, with the changing demographics, we are seeing a real increase and a striking finding among the segregation of Latino students. In New York, California, and Texas, more than half of all Latino students go to schools that are 90 percent minority or more.

So to speak about that or other topics, I will yield to the gentlewoman from the great State of Texas, Representative SHEILA JACKSON LEE.

Ms. JACKSON LEE. I thank the gentleman very much for his leadership on

this very important night and for this very important opportunity to discuss equality in America. And we are joined by our colleagues, Mr. JEFFRIES of New York and, of course, our chair, Chairwoman FUDGE. The CBC has led on issues—topical issues but painful issues, issues that are important not only to the people of color but certainly to people around the Nation and, I might say, as they look upon the United States as a beacon of light, to people around the world. Often when I travel internationally, I will hear people speak of the work that we do on the floor of the House.

So I, too, come to celebrate the 60th anniversary of *Brown v. The Board of Education* and remind my colleagues that some 60 years ago, the Supreme Court unlocked the schoolhouse doors, broke down yet another barrier to equality, and beat the long arc of moral history toward justice.

But we come now 60 years later. And I just want to speak to a few points, for many of my colleagues have already been on the floor of the House. I wanted to express some of the consternations that really unwind, if you will, the goodness of the Warren Court and its efforts to make a difference in the lives of so many Americans.

Let me just read these words that were in *Newsweek* 60 years ago about this decision:

It was the most momentous court decision in the whole history of the Negro's struggle to achieve equal rights in the United States, and the result will be nothing short of social upheaval. The challenges: Personal prejudice against the Negro will, of course, linger on, for although a court decision can restrain the actions of man, it cannot change overnight the way he thinks. Prejudice, however, no longer will become institutionalized; "Jim Crow" will become an outlaw.

In the backdrop of Cliven Bundy, Donald Sterling, and the recent affirmative action decision by the Supreme Court, one would wonder how we are moving forward and how this Supreme Court decision *Brown v. Topeka* cannot be undermined.

Quickly, I want to say that the Court got it wrong in the affirmative action decision; and *Brown* lays the framework for equality and opportunity and exposure; and the affirmative action decision took away the polio vaccination, if you will, for this ongoing divide between people of color.

And as you can see in higher education at the University of Michigan and Michigan State, you will see the numbers going down of people of color, African Americans. At Berkeley, in California, the numbers are going down. So affirmative action was not a handout. It was a partner to *Brown v. Topeka*. It was, in fact, the opportunity to carry out the dream that Dr. Martin Luther King had.

So all of us have to come together and experience each other's experiences. We have to stand in the shoes of

young people who want opportunity, whether they are Hispanic or African American or Asian or whether they are, in fact, Anglo.

In the State of Texas, there is a sizable segregation of Hispanic children, and it is because of their regional location. But what I would argue is that excellence has to go beyond that. As we stand here looking for integration, we must stand here demanding excellence in education for our children, and we need to ask the Supreme Court for its reconsideration in the affirmative action decision which undermines *Brown v. Topeka*.

Let me celebrate this great decision, *Brown v. Topeka*, and commit ourselves to working continuously to make a difference in children's lives.

Mr. Speaker, I rise with my CBC colleagues and others in commemoration of the *Brown v. Board of Education* decision.

As you are well aware the case that came to be known as *Brown v. Board of Education* was actually the name given to five separate cases that were heard by the U.S. Supreme Court concerning the issue of segregation in public schools.

These cases were *Brown v. Board of Education of Topeka*, *Briggs v. Elliot*, *Davis v. Board of Education of Prince Edward County (VA.)*, *Boiling v. Sharpe*, and *Gebhart v. Ethel*.

These cases came about because unfortunately, as a result of the *Plessy* decision, in the early twentieth century, the Supreme Court continued to uphold the legality of Jim Crow laws and other forms of racial discrimination.

It was a very perilous time for Black Americans in this country.

It is one thing to allow legalized separation on a de facto basis; but the *Plessy* decision all but codified segregation.

This deprived Black Americans and others of the ability to pull themselves up by their bootstraps—because they could not even go into the store to buy some boots.

Or receive an education.

You may recall the case of *Cumming v. Richmond (Ga.) County Board of Education* (1899), for instance, where the Court refused to issue an injunction preventing a school board from spending tax money on a white high school when the same school board voted to close down a black high school for financial reasons.

The facts of each case were different, but the same principle holds: it was time that the Court revisited this issue.

The main issue in each was the constitutionality of state-sponsored segregation in public schools. Once again, Thurgood Marshall and the NAACP Legal Defense and Education Fund handled these cases.

The three-judge panel had already ruled in favor of the school boards prior to the cases going up to the Supreme Court.

When the cases came before the Supreme Court in 1952, the Court consolidated all five cases under the name of *Brown v. Board of Education*.

Thurgood Marshall personally argued the case before the Court.

A number of legal issues were raised on appeal but the most common one was that separate school systems for blacks and whites

were inherently unequal, and thus were in violation of the "equal protection clause" of the Fourteenth Amendment to the U.S. Constitution.

Furthermore, relying on sociological tests, such as the one performed by social scientist Kenneth Clark, and other data, he also argued that segregated school systems had a tendency to make black children feel inferior to white children, and thus such a system should not be legally permissible.

Because of the difficulty in reaching a decision the cases were held over until the next term.

On May 14, 1954, he delivered the opinion of the Court, stating that "We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal . . ."

Although it took many years for the Court's plan of desegregation with "all deliberate speed," Brown paved the way and the struggle continues in the Houston Independent Schools District and elsewhere around this great nation.

I urge my colleagues to take a moment to reflect on the importance of this great yet troubled period in our great nation.

[From Newsweek, May 14, 2014]

NEWSWEEK REWIND: 60 YEARS SINCE BROWN V. BOARD OF ED DESEGREGATED U.S. SCHOOLS  
(By Rob Verger)

Sixty years ago this Saturday, the Supreme Court, by unanimous vote, ruled in *Brown v. Board of Ed* that separate schools for black and white Americans were not equal. The decision reversed the 1896 ruling in *Plessy v. Ferguson*, which had said that "separate but equal" was OK—and was, to say the least, a major setback for civil rights in the United States. While Newsweek reflected in 1954 that *Brown v. Board of Ed* would "ultimately . . . mean the end of segregation in all public places, everywhere in the United States," it would take another decade for the federal government, with the Civil Rights Act of 1964, to make segregation in places like restaurants illegal.

Here, in a series of excerpts, is how Newsweek responded in an unbylined article in the May 24, 1954, issue of the magazine. The writing style clearly reflects the attitudes and norms of the times; the use of the term Negro, for example, feels jarring and insensitive today.

Its initial reaction to the verdict:

"It was the most momentous court decision in the whole history of the Negro's struggle to achieve equal rights in the United States, and the result will be nothing short of social upheaval."

The challenges ahead:

"Personal prejudice against the Negro will, of course, linger on, for, although a court decision can restrain the actions of man, it cannot change overnight the way he thinks. Prejudice, however, no longer will become institutionalized; 'Jim Crow' will become an outlaw."

The reaction in the South:

"The court's decision was greeted calmly by some Southerners, and with dismay by others. At least three Southern states—Georgia, Mississippi, and South Carolina—had been talking of circumventing a ban on segregation by eliminating public schools altogether."

Then there's the fact that the South is a diverse place:

"For there is not one South, but many. [Georgia, Mississippi, and South Carolina] represent the plantation South, where, in some places, Negroes outnumber whites by 10 to 1. In such places, the mold of segregation will prove almost unbreakable."

Mr. HORSFORD. Mr. Speaker, I will just close by saying that if we want the next generation of students to live the American Dream and achieve the success that they are capable of, then we must challenge the growing trend of inequality in our schools throughout America. That was the eventual dream that emerged from the *Brown* decision. And so far, we have fallen short of a fair and equal school system that gives each student their best chance to succeed.

I thank the Chair for recognizing this Special Order hour on this, the 60th anniversary of the *Brown* decision, and I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to discuss the impacts of *Brown v. Board of Education* and desegregation of schools in the United States. This landmark case outlawed segregation in America, and defied one of the ugliest longstanding manifestations of racism in America: the legal, physical separation of children in schools. It has been over 60 years since the Supreme Court's decision in *Brown v. Board of Education* desegregated our schools, yet an achievement and opportunity gap remains among our minority and low-income students.

As Members of Congress who represent communities of color, the purpose of today's special order is to highlight this landmark court case. However, I must also highlight that there is still not economic and social parity in many of our Nation's schools. There is a crisis which still exists today that America must address. We must focus our efforts on closing the achievement gap in the STEM disciplines.

As the first female and first African American Ranking Member of the House Science, Space and Technology Committee, this is an issue that is very serious to me. As a United States Congresswoman for over 20 years, I have fought to provide increased opportunities for minorities to pursue careers in STEM. This is much more than a question of equality. We have a vast, untapped pool of talent in America, and this pool is continuing to grow. It is estimated that by 2050, 52 percent of the U.S. population will be from underrepresented minority groups.

Our "Nation's Report Card," by the National Assessments of Educational Progress, demonstrates that students from underrepresented minorities are falling behind in math and science as early as 4th grade. At the Post Secondary level, even though students from underrepresented minorities made up about 33 percent of the college age population in 2009, they only made up 19 percent of students who received an undergraduate STEM degree; less than 9 percent of students enrolled in science and engineering graduate programs; and barely 8 percent of students who received PhDs in STEM fields. Frankly, all of these numbers are much too low.

I also must underscore the important role that community colleges play in providing STEM degrees for minority students. 50 per-

cent of African Americans, 55 percent of Hispanics, and 64 percent of Native Americans who hold bachelor's or master's degrees in science or engineering attended a community college at some point. We cannot afford to ignore the role of community colleges when looking to close the achievement gap in the 21st century.

In the same spirit in which Thurgood Marshall fought to end segregation in our schools, we must now work to achieve parity for all racial groups in the sciences. We have to drastically increase the number of African American students receiving degrees in STEM disciplines, or we will undoubtedly relinquish our global leadership in innovation and job creation.

Ms. FUDGE. Mr. Speaker, I want to thank Congressman JEFFRIES and Congressman HORSFORD for organizing this Special Order Hour to commemorate the 60th anniversary of the historic *Brown v. Board of Education* ruling.

The *Brown v. Board of Education* decision declared that education "must be made available to all on equal terms."

When ruling on the case, former Supreme Court Chief Justice Earl Warren stated, "In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right that must be made available on equal terms."

While this Nation may no longer legally deny children access to a quality education because of their race, the equal opportunity to have a quality education is still being denied to millions of students who live in poverty, most of them children of color.

According to a report released by the Civil Rights Project at UCLA, communities are experiencing more school segregation now than they have in decades. In fact, in New York, Illinois, Maryland and Michigan, more than half of African American students in these states attend schools where 90 percent or more of the student body is comprised of minorities.

According to the U.S. Department of Education, African American students are six times more likely than white students to attend a high-poverty elementary school. These students often have inexperienced teachers, inadequate resources and dilapidated facilities.

Today, millions of students are learning within the environment the *Brown v. Board* decision was meant to help them escape. Sixty years later there is still much work left to be done.

Every student in this country must have equal access to a quality education regardless of the color of their skin or the poverty rate in their community. Furthermore, for this Nation to prepare our future generations for success, we must ensure adequate and equitable funding for all schools; no longer can only schools in the most affluent neighborhoods be adequately funded.

Race, socio-economic status or zip code should have no bearing on the quality of the education a child receives. From access to advanced classes, to participation in extracurricular activities, we must continue striving to ensure equal educational opportunities for all of our children.



As we commemorate and reflect on the 60th anniversary of *Brown v. Board of Education*, let us be mindful of the progress we have made and acknowledge that there is still much work to be done. The future of our Nation and our children depends on us.

Ms. WATERS. Mr. Speaker, I rise with my colleagues to honor the 60th Anniversary of *Brown vs. Board of Education*, a decision which was a major step toward education equality in the United States, and launched a Civil Rights movement that was a turning point for our country. I am reminded of heroes like Justice Thurgood Marshall, James Meredith, the Little Rock Nine, the lawyers who fought in the courtroom, and the many civil rights activists who risked their lives to fight for equality. But while the decision changed the law of the land, it didn't immediately change the reality of education inequality in America.

Chief Justice Earl Warren gave the opinion of the Court, stating "In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms." Thus, we see the Court firmly establishing the critical role education has on a child's success.

Even during the time directly following the court decision, all states and localities did not follow the precedent set by the ruling. This played out in national news across the country and was clearly seen at Central High School in Little Rock, Arkansas when a group of black students, known as the Little Rock Nine, was blocked by the National Guard from entering the school, under orders from then Governor Orval Faubus. Additionally, in the second *Brown* case, commonly referred to as *Brown II*, Chief Justice Earl Warren urged school districts to implement the principles promptly and with "all deliberate speed."

Over the years, various federal and state laws and initiatives have been introduced in an effort to improve education, yet today, there is still more work that can be done to ensure that every child has equal access to a world-class education. Sixty years later, we are still fighting for access to affordable early childhood education and higher education, and also for the reduction of dropout rates. Additionally, the school-to-prison pipeline is not merely a theory, but is a reality for many of our students across the country and is hindering them from access to educational opportunities. We must take a multi-faceted approach to remedying education as we prepare our students to enter the workforce in our global economy.

Even those who are educated and are entering the workforce have a tough road ahead of them. The gender pay gap is a harsh reality of the day in which we live. This is not reflective of equity, thus we must do all we can to ensure our students have the tools needed to enter the workforce as qualified individuals and be able to fully seize opportunities.

On this important anniversary, let us remember the words of Justice Thurgood Marshall, who argued this case as a NAACP chief counsel, "None of us got where we are solely by pulling ourselves up by our bootstraps. We got here because somebody . . . bent down

and helped us pick up our boots." Today, let us never forget the message of *Brown* as we work to ensure equal access to education, a strong workforce, and an open door to opportunity for all.

Ms. SEWELL of Alabama. Mr. Speaker, this week, as we honor the living, breathing legacy of *Brown vs. Board of Education*, we must acknowledge our role in combatting the resurgence of segregation in our nation's public schools. I know my personal journey was paved in the shadow of this landmark decision. As of a proud product of Selma High School and its first black valedictorian, I know firsthand what is possible when provided a quality education. I graduated from Princeton, Harvard, and Oxford on the backs of so many trailblazers who went before me. I stand on the shoulders of so many who were denied access to great public schools in the name of institutionalized segregation.

So it is incredibly discouraging to know that our nation's schools today are more segregated than they were in 1968 or any time since. I am appalled that there are children growing up today in the 7th Congressional District and across this country who are less likely to be afforded a quality education than I was. As old battles become new again, we must recommit to knocking down every barrier that stands in the way of school integration.

To tackle this growing trend in our schools, we must attack residential racial segregation, as it is harder to integrate our schools while communities where children live are equally as segregated. Black and white, poor and non-poor children are more isolated from each other than any other group in the U.S. population. Housing and school policy are inextricably intertwined.

Nowhere is this resurgence more evident than in the 7th Congressional District of Alabama at Central High School in Tuscaloosa. Just a decade ago, Central High School was one of the South's signature integration success stories with a dropout rate less than half of Alabama's average. In 2000, a desegregation mandate was lifted from Tuscaloosa City Schools. And after a series of zoning changes, Central High School is now 99 percent black with a 66 percent graduation rate. And just blocks away, more affluent students are zoned for Northridge High School with an 81 percent graduation rate, higher test scores and more funding.

Today, nearly one in three black students in Tuscaloosa attends a school that looks as if our schools had never been integrated. And black children in the South attend majority-black schools at levels unseen in forty years.

In addition, students across the 7th District are disproportionately injured by racially discriminatory property tax restrictions that impede the ability to raise state and local revenues adequately to fund public education. This separation of our children across school districts, municipal boundaries and property tax lines is immoral and is a threat to the ideals of equality that underscore our democracy.

The trends are clear, as judges across the south have lifted federal desegregation court orders, school districts have retracted the progress made by *Brown v. Board of Education*, moving back towards the debilitating state of segregation: Less than a third of

schools serving high concentrations of minority students offer calculus, black students who spend 5 years in desegregated schools earn 25 percent more than those who don't. African American and latino students are taught by a teacher with 3 years of experience or less almost twice as often as their peers and the odds that any given teacher will have significant experience, full licensure or a master's degree all declines as a school's black population increases.

We cannot ignore the residential isolation of our nation's most disadvantaged children and the opportunity gaps they endure as a result. Integrated schools and communities enable low-income students to enjoy the same AP courses as their middle-class peers, and better access to quality teachers and adequate resources.

And to achieve school integration, we will need to make more concerted efforts to integrate our neighborhoods by prioritizing affordable housing in communities with good schools. How we address zoning policies and demographic changes will determine our future.

Today, we cannot honestly expect our low-income, minority children to succeed in life when they are zoned for schools that are substandard, under-resourced and underfunded. These educational and housing inequities have a devastating impact on our students and our communities, and ultimately, our nation's ability to compete globally.

As we enjoy the benefits of *Brown vs. Board of Education*, we must work together to ensure that no one growing up in America is denied a quality education because of the school they are zoned to attend, the color of their skin or the amount of money they have. It is our job to do no less!

So sixty years after *Brown v. Board of Education*, we must honor the legacies of Vivian Moore, James Hood, Ruby Bridges and James Meredith by launching an assault on modern-day constructions of segregation in our schools and communities.

Mr. AL GREEN of Texas. Mr. Speaker, on May 17, 2014, we marked the 60th anniversary of the historic *Brown v. Board of Education* Supreme Court decision, which overturned legalized racial segregation. The importance of this decision for our jurisprudence and overall society cannot be understated. It was no less than a full-throated affirmation of the Fourteenth Amendment, granting all Americans full and equal citizenship.

Any account of the history and enduring legacy of *Brown v. Board of Education* would be incomplete without an acknowledgment of the National Association for the Advancement of Colored People (NAACP) Legal Defense and Educational Fund under the leadership of their Executive Director, and future Associate Justice of the Supreme Court, Thurgood Marshall. Marshall successfully argued that separate accommodations and treatment based on race necessarily leads to inequality.

In closing, Mr. Speaker, I believe the 60th anniversary of *Brown v. Board of Education* is an opportunity for our nation to reaffirm our dedication to full and equal citizenship for all and to reexamine the enduring inequalities in our society. As a nation, we must never stop striving to better realize the ideals in and promise of our Constitution.

CLANDESTINE INTELLIGENCE  
ACTIVITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, tonight I wanted to discuss issues regarding the PATRIOT Act. As I understand it, we will be taking up a vote, come Thursday, on what is called the USA FREEDOM Act, I believe. I know that there was a lot of work put into negotiating a compromise there, but I still have a concern, as I did when I was a freshman, with the language in the PATRIOT Act.

This is language here from the PATRIOT Act, 50 U.S.C., section 1861, that allows the Federal Government to go into very personal matters and very personal documentation of individuals. Some of us felt like it was allowing the Federal Government to get more than the Federal Government should be entitled to get. There is similar language in the FISA Act.

But this language says that the Director of the FBI or a designee of the Director may make an application for an order requiring the production of tangible things, including books, records, papers, documents, and other items for an investigation to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities.

And there was a provision put in there that says such investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment to the Constitution.

And back when I was a freshman and this language was being discussed back in '05, '06, during that time frame, I pointed out that it seems like throughout the PATRIOT Act they keep referring to "international," "foreign," as this does, foreign intelligence information, international terrorism, other language with similar references. So I thought, well, that is strange, though, that when it mentions clandestine intelligence activities, that is a vague enough term, it doesn't include the words "foreign," "international." So I was quite concerned about that. And the Bush administration representatives made clear: Look, Congressman, "foreign," "international," that is all the way through this stuff. You don't have to worry about it. It has to do with foreign contacts.

So if there is no foreign contact, then the PATRIOT Act doesn't apply because that is throughout the act. It has got to be foreign. It has got to have an international element to it. And so much so that I encouraged my colleagues that were concerned about

their own phone logs being gathered that, if they simply avoided using their phone or had foreign terrorists call another number and not their own phone, they ought to be okay, being a bit sarcastic.

Well, it turns out that my concerns about the use of the terms "clandestine intelligence activities" were apparently spot-on, that despite the assurances from the Gonzales Justice Department that, oh, no, it has to be foreign, it has to be international, if there is not that element in it, then it doesn't really comply. And I said: But it doesn't say that with regard to clandestine intelligence activities.

I mean, clandestine. So somebody peeping over a wall to see what they can see. I mean, technically, that could be considered clandestine, gathering intelligence. Look up the word "intelligence." It is pretty all-encompassing, anything that gathers information.

So it wouldn't take much to get an order granting virtually any information the Federal Government is seeking, even though there is no contact with a Federal agent, Federal Government, a foreign entity of any kind. It is not there, and it needs to be there.

□ 2030

Unfortunately, when I raised this glaring hole, the people who negotiated this bill, my friend, JIM SENSENBRENNER from Wisconsin, and I think BOBBY SCOTT, they were a bit defensive. Gee, we have our deal, and so you can't—we can't allow an amendment even though it has got very wide and bipartisan support. If one goes back and looks at how the vote on my amendment went when it passed, it was very bipartisan. We had some folks that would be considered very liberal Democrats along with some of us who are considered very conservative. But the united concern that allowed my amendment to pass was about having terms "clandestine intelligence activities" that would allow the Federal Government basically to get an order to go snooping on fishing expeditions based on very little, and certainly nothing to do with terrorism. It opened the door to orders for information, even though they had no link whatsoever of any kind or in any way to terrorism, just if they want to do a fishing expedition.

Although we were assured by Attorney General Alberto Gonzales—a great Texan and a smart man—he assured us the National Security Letters were not being abused that allowed them to gather information, that there were no abuses here in the PATRIOT Act. An IG inspector's report indicated that there was widespread, massive abuse from Federal agents who were simply on fishing expeditions, just gathering information and gathering documents as they saw fit that had no link and no tie to any type of foreign terrorism.

So I was hoping to get this fixed. It is a hole big enough in the PATRIOT Act that a truck could be driven through it by Federal agents coming to unload all kinds of private information that American citizens may have, even though such American citizens have no ties with terrorism, no ties with foreign agents, and no ties with foreign governments. They left a gaping hole in what is being called a fix to the PATRIOT Act abuses.

Unfortunately, though my amendment passed to remedy this problem, though it passed in committee, a few amendments later, maybe one or two amendments later, we had votes we had to come to the floor for, and I had a conflict, and by the time I got back, they had already called a re-vote on my amendment, and without requiring a recorded vote, it was voice voted and the amendment was voted down.

So, Mr. Speaker, I am hoping that people in America will get the message that this administration wants to protect its ability to get information on any American, whether they have any ties to terrorism, whether they have got any ties to foreign governments, any ties to foreign agents, any ties to anything that might give some of us concern—you don't have to have those.

If they can assert that you may be gathering clandestine intelligence—intelligence meaning any information; you may call a Federal office and ask for information—they may decide, gee, that is a clandestine attempt to gather intelligence. Mr. Speaker, there used to be an old joke that is not so funny anymore about the guy that called the FBI office and said, here is my name, and I demand to know if you have got a Federal FBI file on me, and the answer was: "We do now." That used to be a joke. "We didn't have one until now." And that used to be cute. It is not so cute anymore because under the language that so-called negotiators drafted, that massive hole that allows the gathering of information on American citizens will remain in the bill, and will remain part of the PATRIOT Act unless it is fixed.

I will have an amendment to this bill. The Rules Committee may or may not allow it to come to the floor. If the Speaker doesn't want it to come to the floor, it is not likely it will come to the floor. And if that is the case, I will have to vote against this so-called fix to the PATRIOT Act because it doesn't fix it. It just allows more cover for the Federal Government, with a massive hole for anybody that wants to gather information on anybody.

We need to fix it. We don't need to have an act that allows Federal agents, whether it was the Bush administration, as they were doing, whether it is the Obama administration, as they have been doing, or a future administration—whether Republican or Democrat—we need to stop fishing expeditions.



That should be bipartisan. It was bipartisan until the negotiators of the so-called fix got very protective and decided they were not accepting such an amendment that would close this gaping hole that allows abuse by the Federal Government.

I hope it will be reconsidered, but unless there is a lot of push from the public, Mr. Speaker, I doubt that they are going to be any less protective of their negotiated work, and so it will allow this administration to continue spying and getting information on American citizens that I would contend is not appropriate at all.

That terminology is used a number of other places in the PATRIOT Act. There is another place, 18 U.S.C., 1844, regarding pen registers, you know, phone logs, trap-and-trace devices to allow the Federal Government to trace calls and all, they use similar language. There, in that part of federal law, it authorizes the Attorney General or designated attorney for the government to get an order against anybody who is attempting to obtain foreign intelligence information as long as—it says this—it is not concerning a United States person, number one, or number two, to protect against international terrorism, or three, clandestine intelligence activities. And that is what I was concerned about 9 years ago in my freshman term.

I said, wait a minute, clandestine intelligence activities, that doesn't protect American citizens. Oh, but look up there in the part before. It says, it has to be information not concerning a U.S. person. I said, yeah, but then it has the disjunctive word "or." Yeah, but then in that next part it says, international terrorism, it has to be international. No, but after that, it has another disjunctive "or," so any one of these can apply, or it can be for clandestine intelligence activities even if it is a United States person, even if it is not involving international terrorism, or someone who has had contact with a foreign agent.

In another part, it references a certification by the applicant. Well, this is the exact wording:

There must be a certification by the applicant that the information likely to be obtained is foreign intelligence information not concerning a United States person, or is relevant to an ongoing investigation to protect against international terrorism, or clandestine intelligence activities.

Again, that third part, even in this statute, leaves that gaping hole, "clandestine intelligence activities." That is such a wide open phrase. It is such a hole. It doesn't limit it to foreign agents. It doesn't limit it to U.S. citizens who have contact with foreign terrorists, foreign agents. It doesn't have to be part of some kind of some international terrorism scheme. It allows Federal agents to gather information about—as it did under the Bush admin-

istration, as it has been allowing under the Obama administration, and as it would allow under future Republican or Democratic administrations—any American citizen that the Federal Government contends might be getting information about something that they consider private.

"Clandestine intelligence activities." A lovely triple term, triple-word term, that could be a gaping hole and is a gaping hole in federal law that needs to be fixed. But unless Members of both sides of the aisle come forward—as they initially did when I first proposed the amendment to fix this gaping hole—and vote in a bipartisan manner to close that gaping hole, then it is going to continue to be a problem with the Federal Government gathering information on U.S. citizens who have nothing to do with terrorism—nothing. There is no requirement that they have anything to do with terrorism; they can still be caught in this Federal web if they determine you have been picking up information somewhere. Maybe you visited a Federal Web site, and from the inquiry you made, they thought, hmm, that may be looking like they are trying to clandestinely gather information. Let's go get an order and see what all they have been doing lately.

So that is the bad news. The law needs to be fixed. The PATRIOT Act needs to be fixed desperately. There is a bill apparently coming on Thursday that says it will be fixing the problem, but it doesn't fix the problem. It leaves the hole for the Federal Government. You might as well not have a bill even though there are some good things in it.

So I hope that people will wake up. I know the bill's proponents don't want any amendments. They say it will mess up their ticklish deal that they negotiated, which is a bit of a problem. I am sure there will be people who come to the floor and say, this bill is a freedom act that has gone through the regular order. That means normally that it has gone through a subcommittee legislative hearing, subcommittee markup, full committee legislative hearing, full committee markup where we vote on amendments, and anybody can bring any amendments. But, Mr. Speaker, I would humbly submit that when somebody negotiates a backroom deal and then they come to committee and convince the chair, the Speaker, that this deal is too ticklish, you can't allow any amendments to actually pass at committee, that is not regular order.

Regular order is when you are allowed to bring amendments, you have full debate, and if you make your case, as I did, and the vote passes, the amendment becomes part. It does not mean that you come back because the proponents of the bill have convinced the chairman and a few others, gee, we have got to slip this amendment back

up for another vote and vote it down because we don't want any amendments to the deal we negotiated. That is not regular order. That is not getting full and fair debate and vote at committee level when someone negotiates a backroom deal and then says that you can't ever amend it because we have got a special backroom deal here.

□ 2045

It is time to wake up and fix the PATRIOT Act, and if it is not fixed, then we get rid of it. It is that simple.

On the other hand, if you are a big fan of Big Brother, the all-seeing Orwellian eye watching everything that an American citizen is doing, then you will be encouraged because, under ObamaCare, the Federal Government is going to have everybody's health care records.

If you see a psychiatrist, the Federal Government will have those records. Whoever you see, whatever it is for, no matter how personal and private it is, the Federal Government will have your records.

Now, you might say: well, but the Federal Government has firewalls, they don't let people see records who are not supposed to.

Well, tell that to the thousand or so people whose FBI records were found in the Clinton White House. Just possessing one FBI file inappropriately sent Chuck Colson to prison, yet the Clinton White House had a thousand of them.

Fortunately for the Clinton administration, they had an Attorney General who was not about to prosecute their bosses at the White House; but as I understand it, a thousand FBI files could be 2,000 years in prison. It could be 4,000, but I think it is 2,000. I think it is two minimum per file that you have.

If I recall correctly, I think Chuck Colson did about a year and a half for having one FBI file. So it is interesting.

Some people we were told whose FBI files were located at the White House may have changed their position on legislation that was before the Congress. When you know the most secret—most intimate secrets about people in this country, it is just amazing what you can get them to do.

The Federal Government, if they have all of your health care records, they know everything; and having listened to friends across the aisle stand down here and berate Republicans—we don't want the Federal Government in our bedroom—and yet, they turn around and vote for a bill without a single Republican vote that puts the Federal Government in the bedroom, bathroom, kitchen, dining room, it puts the Federal Government in every aspect of your life.

Then we have this Consumer Financial Protection Bureau who apparently

has now determined, gee, they need people's credit card, debit card records, so they can protect them; they will service them.

Back home, I grew up and heard cattlemen talk about taking the cow down the road to be serviced by a bull, and I can't help but wonder what kind of service it is that the Consumer Financial Protection Bureau is giving to the American citizen. They say: we want to gather up everybody's records so we can protect them.

When the Federal Government has everybody's personal information, Americans are not protected. They are subjected to being subjects because the Federal Government can manipulate people as they wish.

This is the very kind of thing that the Founders were afraid of, one of the many they were afraid of and thought that they had protected us from because they gave the Congress the power of the purse; and they really believed that, if an executive branch becomes too abusive, as with the Gonzales Justice Department—and I don't believe for a minute that Attorney General Gonzales had any idea that all of these thousands of letters were going out with the power of a subpoena to get people's most personal information, just a fishing expedition, I don't think he knew.

But just like if someone is in charge of the VA for 5-and-a-half years and the VA has become abusive to the detriment and death of people they were supposed to be taking care of, it is time to get a new coach—somebody, whether they are a war hero or not, as the current head of the VA, somebody that will come in and clean house and demand accountability and get it. It is time.

We have been hearing discussions also here in Washington for quite some time about how we have got to provide legal status, some kind of amnesty to young people who came into the United States without being adults, so they really didn't have a say; therefore, we need to give them some type of amnesty.

As I have repeatedly contended and submit, we have got to stop talking about legal status amnesty, anything of that kind, until the border is secure. Anyone who says I have ever advocated for the border being sealed is a liar.

I have advocated and continue to advocate for the border to be secure. I want immigration. We need immigration in the United States, but it needs to be legal. It needs to be people that are authorized to come into the United States.

We also need immigration reform, but until we have a President—I would welcome it being this President—but until we have a President who will secure the border and make sure it is only people who legally come into the country, then there is no reason to pass

an immigration reform bill because he will continue to ignore the law he doesn't like and only follow laws he does like, just as he has already done on immigration issues.

We have heard from Chris Crane, as the union representative for the Border Patrol. I have talked to a number of border patrolmen. They say the same thing, that when people talk about legal status or amnesty here in Washington, it creates a magnet drawing people from foreign countries into this country because they think: gee, I have got to get there quickly before the border is secured because I am going to get amnesty if I can just get there.

It hasn't been that many years ago when there were only a handful of children who came into the country illegally, that we knew of. The estimates were many, many, many times that. It was estimated this year that there will probably be 60,000 children come into this country by the end of this year. Now, we hear that we have had more than 60,000 come in already, and it is just May.

The conservative bastion of newspapers, *The New York Times*—Mr. Speaker, I am prone to sarcasm—had an article dated May 16, "U.S. Setting Up Emergency Shelter in Texas as Youths Cross Border Alone."

This an article by Julia Preston that says the following:

With border authorities in south Texas overwhelmed by a surge of young illegal migrants traveling by themselves, the Department of Homeland Security declared a crisis this week and moved to set up an emergency shelter for the youths at an Air Force base in San Antonio, officials said Friday.

After seeing children packed in a Border Patrol station in McAllen, Texas, during a visit last Sunday, Homeland Security Secretary Jeh Johnson on Monday declared "a level-four condition of readiness" in the Rio Grande Valley. The alert was an official recognition that Federal agencies overseeing borders, immigration enforcement, and child welfare had been outstripped by a sudden increase in unaccompanied minors in recent weeks.

Mr. Speaker, let me interject here. When I talk about the fact that we hear from border patrolmen that legal status and amnesty is talked about here in Washington, it becomes a magnet and draws people in, and for all of the children that are drawn in illegally, you know that some get sucked into sex slavery.

Human trafficking becomes an even bigger business, and reporters wonder: Gee, what makes you think they are coming in greater numbers just because people are talking about amnesty here in the United States Congress?

The proof is there for anyone who has eyes to see and ears to hear.

This *New York Times* article goes on:

On Sunday, Department of Health and Human Services officials will open a shelter for up to 1,000 minors at Lackland Air Force Base in Texas, authorities said, and will

begin transferring youths there by land and air. The level-four alert is the highest for agencies handling children crossing the border illegally and allows Homeland Security officials to call on emergency resources from other agencies, officials said.

In an interview on Friday, Mr. Johnson said the influx of unaccompanied youths had "zoomed to the top of my agenda" after his encounters at the McAllen Border Patrol station with small children, one of whom was 3.

The children are coming primarily from El Salvador, Guatemala, and Honduras, making the perilous journey north through Mexico to Texas without parents or close adult relatives. Last weekend alone, more than 1,000 unaccompanied youths were being held at overflowing border stations in south Texas, officials said.

The flow of child migrants has been building since 2011, when 4,059 unaccompanied youths were apprehended by border agents. Last year, more than 21,000 minors were caught, and Border Patrol officials said they were expecting more than 60,000 this year, but that projection has already been exceeded.

By law, unaccompanied children caught crossing illegally from countries other than Mexico are treated differently from other migrants. After being apprehended by the Border Patrol, they must be turned over within 72 hours to a refugee resettlement office that is part of the Health Department. Health officials must try to find relatives or other adults in the United States who can care for them while their immigration cases move through the courts, a search that can take several weeks or more.

The Health Department maintains shelters for the youths, most run by private contractors, in the border regions. Health officials had begun, several months ago, to add beds in the shelters, anticipating a seasonal increase. But the plans proved insufficient to handle a drastic increase of youths in recent weeks, a senior administration official said.

Mr. Speaker, I spoke with someone with a church group that was called for help from the Department of Homeland Security saying: We have exceeded our capacity to protect these children. We are asking church groups that can help, please come help.

This person said it was clear that some of the young children, females had been raped, and you can't help but wonder for the thousand that made it across last week in that one area in Texas, how many got lured into sex trafficking.

Oh, sure, we will get you to the United States. As a young child, we will get you there, and once you are there, President Obama will make sure you are taken care of, and you just come with us.

For heaven's sake, one of these was 3 years old, and we have people here in this building saying: Oh, no, children never come by themselves. They would never make that choice to come by themselves. The only people who would ever come illegally would be parents who bring the children without choices.

□ 2100

Well, because of the talk of amnesty in this town and because we do not

have a secured border, then this administration and this Congress also is complicit in helping lure people into sex trafficking, into horrible situations, even people trying to cross deserts who don't make it. That should not be.

We owe Americans, we owe the world the obligation to keep our oath, to follow, to support the Constitution of the United States. That requires us to follow the laws, not pick and choose which Federal laws we care to ignore because we don't like them, as our Attorney General has advocated. That makes him a violator of his constitutional oath. We should be following in our oaths, not breaking them.

When you hear about children being lured into this country by promises made by people in this town as to how good it is going to be—oh, we are going to get amnesty through, and for any child that can get here before the border is secured so we only allow legally approved people in, just come on, however you can get here—we are luring people into horrible, horrible situations.

It is time to start acting responsibly. That does not mean that we continue to send the message that is being signaled by this administration that, gee, if you can just get to the United States as a child, we will take care of you. If we can't find your parents who are illegally in the country, then we will find somebody to take care of you legally. We are going to allow you to overwhelm this country.

We have people saying, oh, if we just legalize everybody that is here, all of this new tax money will come flooding in. People that are working are already paying taxes, and we have an awful lot of people that are working who are not legally here, who are getting vast amounts of money for their child tax credit that allows them to get back more money than they put in.

There can be no debate that young children who are not working, even if they are legalized, for those who make the argument, gee, look at all the tax money that the Federal coffers will be getting if we just legalize everybody here, that is a bogus argument. It is a strained argument by people who want more people coming in illegally.

It is time we took our oath seriously, began enforcing our laws, not sealing the border, but securing the border. Once it is secured, as confirmed by border States, not by Homeland Security that can't be trusted, but by border States, unanimously telling us, okay, Federal Government, we can affirm, we can certify that the border to our State is secure, then we can move ahead with immigration reform. Until that time, we need to quit talking about it. Anybody that is tempted to continue talking about it needs to go down to the border and see a 3-year-old that got lured into this country because of that kind of talk: Just get here.

Obviously, a 3-year-old had someone convince them that they needed to try to get here and helped to get them here. I wonder how many other 3-year-olds got talked into coming along for the ride and didn't make it? Maybe their parents or some loved one paid money to human traffickers thinking, gee, if I can get my really young child into the United States, then they get amnesty, then they can claim me as their parent so I can come in, and then I can take care of them even though I am not an American citizen, and that will allow them to draw more people in. So it is foreseeable that parents could send children.

It is tough to ever give up a child. Moses' mother did it to try to secure a better life for him.

How many parents have let their child go with human traffickers, hoping for a better life for their child, only to find out later their child never made it to America? Sending them from South America, from Central America, across country, clear across the length of Mexico has got to be a risky move.

This story from The New York Times says:

Mr. Johnson said the young migrants became a more "vivid" issue for him after he persuaded his wife to spend Mother's Day with him at the station in McAllen. He said he asked a 12-year-old girl where her mother was. She responded tearfully that she did not have a mother, and was hoping to find her father who was living somewhere in the United States, Mr. Johnson said.

Mr. Johnson said he had spoken on Monday with the ambassadors from Mexico and the three central American countries to seek their cooperation, and had begun a publicity campaign to dissuade youths from embarking for the United States.

"We have to discourage parents from sending for their children to cross the southwest border because of the risks involved. A south Texas processing center is no place for a child," Mr. Johnson said.

Officials said many youths are fleeing gang violence at home, while some are seeking to unite with parents in the United States. A majority of unaccompanied minors are not eligible to remain legally in the United States and are eventually returned home.

Well, Secretary Johnson can say we need to dissuade more young people from trying to make the perilous trip across Latin America, Central America to try to get into the United States, but actions speak louder than words. When the actions are that, if you can just get to the United States, Mr. Johnson's Homeland Security will take care of you, will get you three hot meals, a bed to sleep in, if we can't find your parents illegally in the United States, then we will find you some other parents, people are being drawn in.

They know if their child comes in and is given a legal place, a legal status, then they will be able to come in on the backs of their children's legal status so they can take care of them.

It is time to stop the luring of young children across the border by the ac-

tivities of this administration. It is time for Congress to stop luring people across the border by talk of amnesty. It is time to stop. And as if that wasn't bad enough, there was an article today, from Breitbart, by Caroline May. It says:

The Department of Homeland Security has only requested that the State Department invoke visa sanctions against a country that refuses or delays accepting an immigrant facing deportation back to their country once, over a decade ago.

The article says:

A State Department official confirmed to Breitbart News Monday that the only time the State Department invoked visa sanctions at the request of DHS was in 2001 against Guyana.

Last week the Center for Immigration Studies reported that an internal Immigration and Customs Enforcement document revealed that last year ICE released 36,007 criminal immigrants awaiting the outcome of deportation proceedings.

According to ICE, many of the releases were mandatory, some as required by court cases—it mentions one—in which the Supreme Court held that the government cannot indefinitely detain an immigrant if there is "no significant likelihood of removal in the reasonably foreseeable future."

Over the weekend, CIS experts postulated that Secretaries of State Hillary Clinton and John Kerry bear partial blame for some of the 36,007 criminal immigrants released last year, estimating that 3,000 releases were "mandatory"—due to the Supreme Court case—because of their apparent failure to invoke a statute requiring the DHS Secretary to request the Secretary of State to stop issuing visas to those countries that do not take back or delay taking their citizens back.

There is a total breakdown in the protection of this country and our borders when it comes to enforcing the law. There are some areas where the law is being enforced. There are some areas where Border Patrol is doing absolutely everything they physically can to enforce the law. But because the President's commitment is to having navigators as being more important than having Border Patrol, then we have a leaking sieve at our borders.

Because the Federal Government, this administration is more committed to having new IRS agents to enforce ObamaCare, agents, navigators, bureaucrats that will never so much as put a Band-Aid on a hurt, this administration considers them more important for health care than doctors, nurses, people that actually do good.

I have been hearing this last week in my district about doctors and nurses being laid off but bureaucrats being hired right and left by the Federal Government, health care bureaucrats. They are not going to save a life. They are going to create more paperwork. They are going to create more burden for people that actually do the healing and treating. They are currently making their lives miserable with paperwork and with computer work.

Some doctors have already told me they were retired or retiring because

they are just not going to be answering to bureaucrats that don't know about the treatment they provide. Yet this administration thinks more bureaucrats, more IRS agents, more navigators—who, by the way, we hear reports are getting voter registration forms to people that they are signing up. So, gee, they may not be providing health care, they may be providing misinformation about health care, they may be telling people to get on Web sites that don't work, but they are getting them registered to vote. How about that?

Mr. Speaker, look, it is time that the Federal Government, through the executive branch, started fulfilling their oaths to enforce the laws as they are. It is time that this Congress, like in the case of the PATRIOT Act and the so-called USA FREEDOM Act that is going to leave a gaping hole in the manner in which the Federal Government can continue to get personal information that has nothing to do with terrorism, it is time for all of us to step up to the plate and do our jobs and follow our oaths.

□ 2115

Once that is accomplished, there will be more jobs for people because the economy will improve. There will be more health care for people because we get more doctors and nurses and fewer bureaucrats. It is time we started living up to our commitment to the American people.

With that, I yield back the balance of my time.

#### GENERAL LEAVE

Mr. GOHMERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the Special Order given tonight by Mr. HORSFORD of Nevada.

The SPEAKER pro tempore (Mr. BYRNE). Is there objection to the request of the gentleman from Texas?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GRAVES of Georgia (at the request of Mr. CANTOR) for today on account of attending the funeral of his father-in-law.

Mr. GARY G. MILLER of California (at the request of Mr. CANTOR) for today and the balance of the week on account of family medical reasons.

Mr. DANNY K. DAVIS of Illinois (at the request of Ms. PELOSI) for today.

Ms. MCCOLLUM (at the request of Ms. PELOSI) for today and May 20.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 20, 2014, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5686. A letter from the Senior Procurement Executive, GSA, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-73; Small Entity Compliance Guide [Docket No.: FAR 2014-0052, Sequence No. 1] received April 30, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5687. A letter from the Senior Procurement Executive, GSA, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-73; Item II; Docket 2014-0053, Sequence 1] received April 30, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5688. A letter from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting the Bureau's Consumer Response Annual Report for 2013; to the Committee on Financial Services.

5689. A letter from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting the Bureau's Fair Lending Report; to the Committee on Financial Services.

5690. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Transnuclear, Inc. Standardized NUHOMS Cask System [NRC-2013-0236] (RIN: 2013-AJ28) received April 11, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5691. A communication from the President of the United States, transmitting notification that the continuation of the national emergency with respect to the stabilization of Iraq is to continue in effect beyond May 22, 2014, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 113-113); to the Committee on Foreign Affairs and ordered to be printed.

5692. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 14-09, Notice of Proposed Issuance of Letter of Offer and Acceptance, pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5693. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment (Transmittal No. RSAT-13-3700); to the Committee on Foreign Affairs.

5694. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 14-041, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5695. A letter from the Secretary, Department of the Treasury, transmitting as re-

quired by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Foreign Affairs.

5696. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. Act 20-325, "Child Development Home License Temporary Amendment Act of 2014"; to the Committee on Oversight and Government Reform.

5697. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-324, "Closing of a Portion of the Public Alley and Acceptance of Dedication of Land for Alley Purposed in Square 75, S.O. 12-03806, Act of 2014"; to the Committee on Oversight and Government Reform.

5698. A letter from the Associate General Counsel, Department of Agriculture, transmitting three reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5699. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Endangered and Threatened Wildlife; Final Rule to Revise the Code of Federal Regulations for Species Under the Jurisdiction of the National Marine Fisheries Services [Docket No.: 130501429-4198-02] (RIN: 0648-XC659) received April 28, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5700. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Modifications to Identification Markings on Fishing Gear Marker Buoys [Docket No.: 130903776-4274-02] (RIN: 0648-BD66) received April 30, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5701. A letter from the Director, Administrative Office of the United States Courts, transmitting ninth annual report on crime victims' rights; to the Committee on the Judiciary.

5702. A letter from the Secretary, Army, Civil Works, Department of Defense, transmitting recommendations modifying the cost of the Cape Girardeau, Missouri, Reconstruction project; to the Committee on Transportation and Infrastructure.

5703. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Track Safety Standards; Improving Rail Integrity [Docket No.: FRA-2011-0058, Notice No. 2] (RIN: 2130-AC28) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5704. A letter from the Deputy Assistant Chief Counsel for Safety, Department of Transportation, transmitting the Department's final rule — Critical Incident Stress Plans [Docket No.: FRA-2008-0131, Notice No. 2] (RIN: 2130-AC00) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5705. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Helicopters [Docket No.: FAA-2014-0109; Directorate Identifier 2013-SW-049-AD; Amendment 39-17772; AD 2014-04-13] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5706. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters [Docket No.: FAA-2013-0555; Directorate Identifier 2010-SW-047-AD; Amendment 39-17779; AD 2014-05-06] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5707. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Railroad Workplace Safety; Adjacent-Track On-Track Safety for Roadway Workers [Docket No.: FRA-2008-0059, Notice No. 8] (RIN: 2130-AC37) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5708. A letter from the Director and Assistant to the President, Office of Science and Technology Policy, transmitting a copy of the Climate Change Impacts in the United States: The Third National Climate Assessment and the summary Highlights of Climate Change Impacts in the United States: The Third National Climate Assessment; to the Committee on Science, Space, and Technology.

5709. A letter from the Chief Counsel, Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting the Commission's 2013 Annual Report on operations under the War Claims Act of 1948, as amended, pursuant to 50 U.S.C. app. 2008 and 22 U.S.C. 1622a; jointly to the Committees on Foreign Affairs and the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCKEON: Committee on Armed Services. Supplemental report on H.R. 4435. A bill to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. 113-446, Pt. 2).

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 739. A bill to require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes (Rept. 113-453, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Kentucky: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2015 (Rept. 113-454). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 585. A resolution providing

for consideration of the bill (H.R. 4660) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2015, and for other purposes; and providing for consideration of the bill (H.R. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. 113-455). Referred to the House Calendar.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the following action was taken by the Speaker:

The Committee on Transportation and Infrastructure discharged from further consideration. H.R. 739 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ROYCE (for himself and Ms. DUCKWORTH):

H.R. 4669. A bill to allow servicemembers to maintain their domicile for auto insurance purposes; to the Committee on Financial Services.

By Mr. ISSA (for himself and Mr. FARENTHOLD):

H.R. 4670. A bill to amend title 39, United States Code, to enhance the security and efficiency of nationwide mail and parcel delivery; to the Committee on Oversight and Government Reform.

By Mr. ISSA:

H.R. 4671. A bill to extend the Public Interest Declassification Act of 2000; to the Committee on Oversight and Government Reform.

By Ms. LINDA T. SÁNCHEZ of California (for herself and Mr. LAMBORN):

H.R. 4672. A bill to amend the Fair Credit Reporting Act to provide protections for active duty military consumers, and for other purposes; to the Committee on Financial Services.

By Mr. MCKINLEY (for himself and Mr. PRICE of Georgia):

H.R. 4673. A bill to amend title XVIII of the Social Security Act to provide bundled payments for post-acute care services under parts A and B of Medicare, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BROWNLEY of California (for herself and Mr. JONES):

H.R. 4674. A bill to amend title 38, United States Code, to improve the specially adapted housing assistance program for individuals with terminal illnesses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ISRAEL (for himself, Ms. NORTON, Mr. TONKO, Mr. RANGEL, Mr. PASCRELL, Ms. SHEA-PORTER, Mrs. MCCARTHY of New York, Ms. ROYBAL-ALLARD, Mr. LANGEVIN, Mr. CARSON of Indiana, Mr. CLEAVER, and Mr. MCGOVERN):

H.R. 4675. A bill to require institutions of higher education to notify students whether student housing facilities are equipped with automatic fire sprinkler systems; to the Committee on Education and the Workforce.

By Mr. McDERMOTT:

H.R. 4676. A bill to amend titles XVIII and XIX of the Social Security Act to apply the Medicare restriction on self-referral to State plan requirements under Medicaid, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REED (for himself, Mr. SCALISE, Ms. JENKINS, Mrs. BLACK, and Mr. TIBERI):

H.R. 4677. A bill to amend the Patient Protection and Affordable Care Act to require States with failed American Health Benefit Exchanges to reimburse the Federal Government for amounts provided under grants for the establishment and operation of such Exchanges; to the Committee on Energy and Commerce.

By Ms. BORDALLO (for herself, Ms. CHU, Mr. FALEOMAVAEGA, Mr. GRIJALVA, Mr. HONDA, Ms. LEE of California, Mr. LOWENTHAL, Mr. PIERLUISI, Mr. PETERS of California, Mr. RANGEL, Mr. SCHIFF, Mr. SMITH of Washington, Ms. SPEIER, Mr. TAKANO, Ms. LINDA T. SÁNCHEZ of California, Ms. MOORE, and Ms. ROYBAL-ALLARD):

H. Res. 586. A resolution supporting the goals and ideals of National Asian and Pacific Islander HIV/AIDS Awareness Day; to the Committee on Energy and Commerce.

By Mr. HOLT (for himself, Mr. JOHNSON of Ohio, and Mr. TIERNEY):

H. Res. 587. A resolution expressing support for internal rebuilding, resettlement, accountability, and reconciliation within Sri Lanka so that Sri Lankans from all ethnic and religious communities may benefit from the end of the country's 26-year civil war; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON (for himself, Mr. BARR, Mrs. BEATTY, Mr. BRALEY of Iowa, Mr. BURGESS, Mr. COHEN, Ms. DELBENE, Mr. ELLISON, Mr. FARR, Mr. HASTINGS of Florida, Mr. JOHNSON of Georgia, Mr. LAMBORN, Mr. LARSON of Connecticut, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCHENRY, Mr. NOLAN, Mr. POCAN, Mr. POMPEO, Mr. RIBBLE, Mr. SHIMKUS, Mr. SMITH of Washington, and Mr. TIBERI):

H. Res. 588. A resolution concerning the suspension of exit permit issuance by the Government of the Democratic Republic of Congo for adopted Congolese children seeking to depart the country with their adoptive parents; to the Committee on Foreign Affairs.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers

granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ROYCE:

H.R. 4669.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 3 of the U.S. Constitution to regulate commerce.

By Mr. ISSA:

H.R. 4670.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8.

To establish Post Offices and post Roads.

By Mr. ISSA:

H.R. 4671.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8, Clause 18.

To make all Law which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 4672.

Congress has the power to enact this legislation pursuant to the following:

Article One of the United States Constitution, section 8, clause 18:

The Congress shall have Power—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof

Or

Article One of the United States Constitution, Section 8, Clause 3:

The Congress shall have Power—To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes;

By Mr. MCKINLEY:

H.R. 4673.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Ms. BROWNLEY of California:

H.R. 4674.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. ISRAEL:

H.R. 4675.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, clause 18.

By Mr. McDERMOTT:

H.R. 4676.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. REED:

H.R. 4677.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8—The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 6: Mr. PALAZZO.  
H.R. 20: Mr. KENNEDY, Mr. CAPUANO, Mr. VELA, and Mrs. CAPPES.  
H.R. 32: Ms. BASS.  
H.R. 164: Ms. ESTY, Mr. CLEAVER, and Ms. BASS.  
H.R. 241: Ms. SHEA-PORTER.  
H.R. 274: Mr. LEWIS.  
H.R. 370: Mr. ROSS.  
H.R. 401: Ms. ROS-LEHTINEN.  
H.R. 605: Mrs. WAGNER.  
H.R. 609: Mr. RANGEL.  
H.R. 630: Mr. SHERMAN.  
H.R. 647: Mr. RANGEL.  
H.R. 689: Mr. YARMUTH.  
H.R. 721: Mr. SCHOCK.  
H.R. 808: Ms. KAPTUR, Mr. RYAN of Ohio, and Mrs. CHRISTENSEN.  
H.R. 855: Mr. ISRAEL.  
H.R. 920: Ms. NORTON, Mr. AMODEI, Mr. ISRAEL, and Ms. BROWNLEY of California.  
H.R. 921: Mr. NOLAN.  
H.R. 958: Mr. NADLER and Mr. ENGEL.  
H.R. 963: Ms. MENG, Ms. LOFGREN, Mr. LOWENTHAL, Mr. ISRAEL, and Mr. ENGEL.  
H.R. 1009: Mr. LANCE, Mr. ENYART, and Mr. UPTON.  
H.R. 1015: Mr. JOHNSON of Georgia and Mr. BRADY of Pennsylvania.  
H.R. 1070: Mr. HONDA.  
H.R. 1091: Mr. STEWART and Mr. JOLLY.  
H.R. 1097: Mr. BISHOP of Utah.  
H.R. 1175: Mr. CARNEY and Mr. SWALWELL of California.  
H.R. 1188: Mr. LARSEN of Washington.  
H.R. 1250: Mr. BARBER and Mr. JOLLY.  
H.R. 1252: Ms. SPEIER.  
H.R. 1255: Mr. COOK.  
H.R. 1339: Mr. BEN RAY LUJÁN of New Mexico and Ms. JENKINS.  
H.R. 1354: Mr. MEADOWS.  
H.R. 1441: Mr. MEADOWS.  
H.R. 1518: Mr. GARAMENDI, Mr. JOLLY, Mr. MARCHANT, Mr. HUDSON and Mr. MEADOWS.  
H.R. 1579: Mr. O'ROURKE.  
H.R. 1633: Mr. JONES.  
H.R. 1699: Mr. LOWENTHAL.  
H.R. 1750: Ms. DELBENE.  
H.R. 1830: Mr. SMITH of Texas, Ms. LORETTA SANCHEZ of California, Mr. DEFAZIO, and Mr. BENISHEK.  
H.R. 1844: Mr. KENNEDY, Mr. FATTAH, Mr. RANGEL, and Mr. DELANEY.  
H.R. 1861: Mr. LOEBACK.  
H.R. 1910: Ms. ESHOO.  
H.R. 1921: Mr. ELLISON and Ms. MCCOLLUM.  
H.R. 1975: Mr. SMITH of Washington and Ms. HANABUSA.  
H.R. 1998: Ms. KAPTUR.  
H.R. 2012: Mr. CONNOLLY and Mr. HIMES.  
H.R. 2020: Mr. SWALWELL of California.  
H.R. 2078: Mr. FARR.  
H.R. 2130: Mr. ELLISON.  
H.R. 2144: Mr. PIERLUISI, Mr. MURPHY of Pennsylvania, and Mr. NADLER.  
H.R. 2235: Ms. BASS.  
H.R. 2247: Mr. SIMPSON.  
H.R. 2310: Mr. SEAN PATRICK MALONEY of New York.  
H.R. 2317: Mr. THOMPSON of Pennsylvania.  
H.R. 2324: Mr. GIBSON.  
H.R. 2330: Mr. WILSON of South Carolina.  
H.R. 2415: Ms. ESHOO, Mr. ISRAEL, Mrs. ELLMERS, Mr. RUIZ, Mr. RAHALL, and Mr. GIBSON.  
H.R. 2500: Mr. FINCHER.  
H.R. 2662: Mr. MICHAUD.  
H.R. 2678: Mr. JOLLY.  
H.R. 2738: Ms. SHEA-PORTER.  
H.R. 2767: Mr. GOHMERT.  
H.R. 2772: Mr. FRANKS of Arizona and Mr. AMODEI.  
H.R. 2807: Mr. LIPINSKI, Mr. CARTER, Mr. LOBIONDO, and Mr. BOUSTANY.

H.R. 2827: Mr. HIGGINS, Mr. JOLLY, Ms. MOORE, and Mr. POCAN.

H.R. 2831: Mr. GEORGE MILLER of California.

H.R. 2841: Mr. WAXMAN and Mr. ISRAEL.  
H.R. 2901: Mr. RYAN of Ohio and Ms. SHEA-PORTER.

H.R. 2907: Ms. SHEA-PORTER.

H.R. 2918: Mr. ROGERS of Alabama.

H.R. 2939: Mr. SENSENBRENNER, Mr. PITTS, Mr. COLE, Mr. RENACCI, and Mr. PIERLUISI.

H.R. 2959: Mr. RENACCI and Mr. GRAVES of Georgia.

H.R. 2994: Mr. KILMER, Mr. NOLAN, Mr. PAULSEN, and Mr. SMITH of Missouri.

H.R. 3040: Mr. THOMPSON of California and Mr. RANGEL.

H.R. 3211: Mr. HULTGREN.

H.R. 3344: Ms. LOFGREN, Mrs. HARTZLER, Mr. MEEHAN, and Mr. FOSTER.

H.R. 3367: Mr. CRENSHAW, Mr. WEBSTER of Florida, Mr. JOLLY, Mr. NUNES, Mrs. WALORSKI, and Mr. BARROW of Georgia.

H.R. 3382: Mr. LARSEN of Washington.

H.R. 3383: Mr. HONDA.

H.R. 3395: Ms. KUSTER and Ms. BASS.

H.R. 3404: Mr. BLUMENAUER.

H.R. 3451: Mr. HUFFMAN.

H.R. 3453: Mr. LARSEN of Washington and Ms. BASS.

H.R. 3481: Ms. SHEA-PORTER.

H.R. 3482: Mr. LANCE.

H.R. 3485: Mr. GOHMERT and Mr. GUTHRIE.

H.R. 3505: Mr. POCAN and Mr. CARTWRIGHT.

H.R. 3532: Mr. FARR.

H.R. 3573: Ms. FUDGE.

H.R. 3580: Ms. FRANKEL of Florida and Ms. BASS.

H.R. 3649: Ms. SHEA-PORTER.

H.R. 3658: Mr. SCHNEIDER.

H.R. 3690: Mr. LYNCH.

H.R. 3698: Ms. SHEA-PORTER and Mr. PAULSEN.

H.R. 3708: Mr. DAINES.

H.R. 3722: Mr. BRALEY of Iowa and Mr. WILSON of South Carolina.

H.R. 3723: Mr. SCHNEIDER and Ms. NORTON.

H.R. 3776: Mr. AMASH.

H.R. 3793: Ms. BASS and Mr. CARSON of Indiana.

H.R. 3836: Ms. MATSUI.

H.R. 3852: Mr. SCHRADER.

H.R. 3877: Ms. SHEA-PORTER and Mr. SMITH of Washington.

H.R. 3905: Mr. TIBERI, Mrs. BUSTOS, and Mr. TURNER.

H.R. 3924: Mr. HASTINGS of Florida, Mr. MURPHY of Florida, Ms. FRANKEL of Florida, Ms. WILSON of Florida, and Mr. DEUTCH.

H.R. 3929: Mr. SIRE, Mr. RYAN of Ohio, Mr. LOWENTHAL, and Mr. GARCIA.

H.R. 3930: Mr. MCCAUL, Mr. WAXMAN, and Mr. HORSFORD.

H.R. 3978: Ms. TITUS and Mr. FARR.

H.R. 4031: Mr. LOBIONDO, Mr. DENT, Mr. COURTNEY, Mr. DEFAZIO, Mr. GIBBS, Mr. UPTON, Mr. BRADY of Texas, Mr. MURPHY of Pennsylvania, Mr. FITZPATRICK, Mr. POE of Texas, Mr. MCKINLEY, Mr. STUTZMAN, Mr. PALAZZO, Mr. TURNER, Mr. TERRY, Mr. FLEMING, Mr. DUNCAN of Tennessee, Mr. CARTER, Mr. WOMACK, Mr. DAINES, Mr. MEADOWS, Mr. BARR, Mr. PAULSEN, Mr. NUNNELEE, and Mrs. LUMMIS.

H.R. 4060: Mrs. WAGNER.

H.R. 4092: Mr. VAN HOLLEN.

H.R. 4119: Mr. SMITH of Washington, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. LEVIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Virginia, and Mr. SABLAN.

H.R. 4143: Mr. WAXMAN.

H.R. 4149: Mr. COHEN.

H.R. 4158: Mr. JOLLY, Mr. GERLACH, Mrs. HARTZLER, and Mr. WILSON of South Carolina.

- H.R. 4187: Mrs. ELLMERS.  
H.R. 4188: Mr. QUIGLEY, Mr. SERRANO, Ms. MENG, Mr. HANNA, and Mr. ISRAEL.  
H.R. 4190: Mrs. BUSTOS, Mr. WELCH, Mr. JOHNSON of Ohio, Mr. MCGOVERN, Mr. BEN RAY LUJAN of New Mexico, Ms. DUCKWORTH, and Mr. HONDA.  
H.R. 4240: Mr. HONDA.  
H.R. 4263: Mr. McCAUL.  
H.R. 4272: Mr. PEARCE and Mr. MCCLINTOCK.  
H.R. 4282: Mr. CRENSHAW.  
H.R. 4299: Mr. ENGEL and Ms. SHEA-PORTER.  
H.R. 4305: Mr. BENTIVOLIO.  
H.R. 4306: Ms. BORDALLO, Mr. GRIJALVA, Ms. HANABUSA, Ms. JACKSON LEE, and Mr. NADLER.  
H.R. 4316: Mr. HUELSKAMP, Mr. JONES, Mr. TIBERI, Mr. POMPEO, and Mr. MCCLINTOCK.  
H.R. 4317: Mr. TIBERI, Mr. JONES, Mr. HUELSKAMP, and Mr. GOODLATTE.  
H.R. 4318: Mr. JONES, Mr. HUELSKAMP, and Mr. SMITH of Missouri.  
H.R. 4321: Mr. COFFMAN.  
H.R. 4333: Mr. NUNES and Mr. SCHOCK.  
H.R. 4335: Ms. NORTON and Mr. CARSON of Indiana.  
H.R. 4347: Mr. SARBANES, Mr. SHERMAN, Mrs. NAPOLITANO, Ms. ESHOO, and Mr. PAL-LONE.  
H.R. 4351: Mr. RANGEL, Ms. PINGREE of Maine, Ms. TSONGAS, Ms. BONAMICI, Mr. GAR-CIA, Ms. NORTON, Mr. HIGGINS, Mr. COHEN, Mr. ENGEL, and Ms. ROS-LEHTINEN.  
H.R. 4365: Mr. HANNA, Mr. PETERS of Michi-gan, and Mr. CAPUANO.  
H.R. 4370: Mr. JONES, Mrs. MILLER of Michi-gan, and Mr. JOLLY.  
H.R. 4383: Mr. JOLLY and Mrs. WAGNER.  
H.R. 4399: Mr. MCGOVERN and Ms. PINGREE of Maine.  
H.R. 4407: Mr. SMITH of Missouri.  
H.R. 4421: Mr. KILDEE.  
H.R. 4425: Mr. LYNCH.  
H.R. 4437: Mr. BISHOP of Georgia.  
H.R. 4446: Ms. BORDALLO, Mr. MCGOVERN, and Mr. RIGELL.  
H.R. 4448: Mr. POSEY.  
H.R. 4450: Ms. DELBENE.  
H.R. 4510: Mr. HUIZENGA of Michigan, Mrs. BEATTY, Mr. HORSFORD, and Mr. SCHOCK.  
H.R. 4511: Mr. GARAMENDI, Mr. ENYART, Mr. TIERNEY, and Mr. CAPUANO.  
H.R. 4543: Ms. LEE of California.  
H.R. 4547: Mr. COTTON.  
H.R. 4557: Mrs. WAGNER.  
H.R. 4558: Mr. STIVERS and Mr. BILIRAKIS.  
H.R. 4576: Ms. NORTON and Mrs. KIRK-PATRICK.  
H.R. 4577: Mr. RYAN of Ohio, Mr. BISHOP of Georgia, Mr. JONES, and Mr. ROE of Ten-nessee.  
H.R. 4578: Mr. ENGEL, Ms. LEE of Cali-fornia, Mrs. CAPPS, Mr. THOMPSON of Cali-fornia, and Mr. GENE GREEN of Texas.  
H.R. 4582: Mr. SARBANES, Mr. HONDA, Mrs. LOWEY, Ms. CLARK of Massachusetts, Ms. MOORE, Ms. DELAURO, Mrs. NEGRETE MCLEOD, Mr. CAPUANO, Mrs. BUSTOS, Ms. HANABUSA, Mr. KENNEDY, Ms. SCHAKOWSKY, Mr. CICILLINE, Ms. SLAUGHTER, Mr. WAXMAN, Ms. KAPTUR, Mr. ENYART, Mr. CARSON of In-diana, Mr. GRAYSON, and Mr. O'ROURKE.  
H.R. 4590: Mr. JONES and Mr. PEARCE.  
H.R. 4594: Ms. GRANGER.  
H.R. 4604: Mrs. BLACK and Mrs. WAGNER.  
H.R. 4608: Mr. GRAYSON, Mr. POCAN, Mr. MCDERMOTT, and Mr. MCGOVERN.  
H.R. 4615: Mr. HUIZENGA of Michigan.  
H.R. 4628: Mr. AUSTIN SCOTT of Georgia, Mr. DANNY K. DAVIS of Illinois, Ms. SCHA-KOWSKY, Mr. CRAMER, and Mr. SABLAN.  
H.R. 4629: Mr. GARAMENDI.  
H.R. 4631: Ms. NORTON, Ms. ROYBAL-ALLARD, Mr. ELLISON, Mr. CARSON of Indiana, Mr. SCHOCK, and Mr. DAINES.  
H.R. 4633: Mr. CASSIDY and Mrs. BLACK-BURN.  
H.R. 4643: Ms. LEE of California, Mr. CON-YERS, Ms. JACKSON LEE, and Mr. RUSH.  
H.R. 4646: Ms. SINEMA.  
H.R. 4647: Ms. MOORE and Mr. RAHALL.  
H.R. 4653: Ms. ESHOO, Mr. ADERHOLT, Mr. ROHRBACHER, Mr. MCGOVERN, and Mr. WAX-MAN.  
H.R. 4662: Mrs. WAGNER.  
H.R. 4664: Ms. ROS-LEHTINEN.  
H.J. Res. 20: Mr. SIRES.  
H.J. Res. 21: Mr. DINGELL.  
H.J. Res. 34: Mr. SIRES.  
H.J. Res. 41: Mr. DUNCAN of South Carolina and Mr. LUCAS.  
H. Con. Res. 23: Mr. CASSIDY.  
H. Res. 109: Mr. BENTIVOLIO, Mr. TAKANO, Mr. KILMER, Mr. DOYLE, Mrs. BUSTOS, Mr. STIVERS, and Mr. POE of Texas.  
H. Res. 147: Mr. COHEN.  
H. Res. 190: Mr. JOYCE, Mr. QUIGLEY, Mr. WELCH, Mrs. NAPOLITANO, Mr. BRADY of Pennsylvania, Mr. DAVID SCOTT of Georgia, Mr. BUCSHON, and Mrs. BUSTOS.  
H. Res. 221: Mr. GRIJALVA, Mr. HIGGINS, and Mr. TIERNEY.  
H. Res. 440: Mr. SABLAN.  
H. Res. 456: Ms. KAPTUR.  
H. Res. 476: Mr. FARENTHOLD.  
H. Res. 525: Mr. COHEN and Mr. MCGOVERN.  
H. Res. 532: Mr. PITTS and Mr. MCDERMOTT.  
H. Res. 562: Mr. SIRES, Mr. BURGESS, and Mr. CICILLINE.  
H. Res. 573: Ms. PINGREE of Maine, Mr. THOMPSON of California, Mr. ADERHOLT, Mr. SMITH of Washington, Mr. CAPUANO, and Mr. DELANEY.  
H. Res. 583: Mr. BARLETTA, Ms. SINEMA, and Mr. MCGOVERN.

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#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and reso-lutions, as follows:

H.R. 3717: Ms. Moore.



## EXTENSIONS OF REMARKS

HONORING KAREN D. ANDERSON

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service; and

Whereas, Mrs. Karen D. Anderson has answered that call by giving of herself as an educator at Edward L. Bouie, Sr., Elementary Traditional Theme School, and as a beloved wife, mother and friend; and

Whereas, Mrs. Anderson has been chosen as the 2014 Teacher of the Year, representing Edward L. Bouie, Sr., Elementary Traditional Theme School; and

Whereas, this phenomenal woman has shared her time and talents for the betterment of our community and our nation through her tireless works, motivational speeches and words of wisdom; and

Whereas, Mrs. Anderson is a virtuous woman, a courageous woman and a fearless leader who has shared her vision, talents and passion to help ensure that our children, receive an education that is relevant not only for today, but well into the future, as she truly understands that our children are the future; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Karen D. Anderson for her leadership and service to our District and in recognition of this singular honor as 2014 Teacher of the Year at Edward L. Bouie, Sr., Traditional Theme Elementary School; now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim March 28, 2014 as Mrs. Karen D. Anderson Day in the 4th Congressional District.

Proclaimed, this 28th day of March, 2014.

BILL MIDDLETON TRIBUTE

**HON. SCOTT R. TIPTON**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. TIPTON. Mr. Speaker, I rise today in honor of Commander Bill Middleton, Investigations Divisions Commander of the Garfield County Sheriff's office, who is retiring after 22 years of service.

Since he was ten years old, Commander Middleton was surrounded by family members in law enforcement who served as mentors and played a large role in his desire to pursue a career in law enforcement. With a calling to leadership and helping others, Commander

Middleton put himself through the academy at CMC Spring Valley Campus in Glenwood Springs, Colorado, before embarking on more than two decades of protecting and serving his community.

Commander Middleton received a number of promotions over his career, showing his leadership by serving as Team Leader of Hostage Negotiations, serving as Professional Standards Division Commander from 2007 to 2013, and receiving his Bachelors of Science in Business Administration in 2009, before being named Investigations Division Commander in 2013.

Mr. Speaker, it is an honor to recognize Commander Middleton for his service to our state, the Glenwood Springs community, and his commitment to leading, protecting and helping others.

HONORING YWCA LAKE COUNTY  
AND ITS 2014 WOMEN OF  
ACHIEVEMENT

**HON. BRADLEY S. SCHNEIDER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. SCHNEIDER. Mr. Speaker, I rise to honor five outstanding women and four exemplary organizations in the suburban Chicago community that I represent. The YWCA Lake County hosts its annual Women of Achievement Award Dinner to honor several individuals and organizations dedicated to empowering underserved and low-income families, and especially women and girls.

This year's impressive group of honorees celebrates the ideals of the YWCA and has made a tremendous impact in the community. From education to local government and entrepreneurship, these honorees represent the finest ideals of social service, community involvement and civic leadership.

This year, YWCA Lake County honors Roycealee J. Wood with the Lifetime Achievement Award, after 40 years serving the students of Lake County as a teacher, administrator and Superintendent; Roberta Rubin with the Arts and Culture Award for sharing her love of books with the community; Audrey Nixon with the Civic Leadership Award, after 32 years on the Lake County Board; Tiffany Brooks with the Entrepreneurship Award, after winning HGTV's "Design Star" competition and launching her own firm; Jamie Kreppein, a high school senior, with the Dr. Minnie J. Leggett Scholarship for diverse and inspiring work with children.

This year's Corporate Champion Award goes to Allstate Insurance Company for its longtime support for YWCA programs and community endeavors; and the Community Champion Awards go to Greater St. James Temple Church in God in Christ (North Chi-

cago), Redeemer Lutheran Church (Waukegan) and St. Paul's Church (Waukegan).

Mr. Speaker, the accomplishments of these honorees stretch pages and pages and have touched the lives and hearts of countless individuals and families in our communities. Their work, their passion and, most of all, their commitment to helping others is truly commendable and remarkable.

I thank YWCA Lake County for its community service, and I congratulate the worthy and impressive 2014 Women of Achievement.

HONORING HIGH SCHOOL SENIORS  
FROM WAYNE, MACOMB AND  
OAKLAND COUNTIES THAT HAVE  
ENLISTED IN THE ARMED  
FORCES

**HON. CANDICE S. MILLER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mrs. MILLER of Michigan. Mr. Speaker, I rise today with my colleagues Congressman MIKE ROGERS, Congressman SANDER LEVIN, Congressman KERRY BENTIVOLIO, Congressman JOHN DINGELL, Congressman JOHN CONYERS, and Congressman GARY PETERS to recognize the high school seniors from Wayne, Macomb and Oakland Counties that have enlisted in the Armed Forces and will begin their military careers after graduating in June of 2014.

I congratulate them for this academic achievement and express my most sincere gratitude for their commitment to this nation. By enlisting to serve in our Armed Forces, they are answering the highest calling and joining an elite, honored society of selfless and courageous leaders.

UNITED STATES ARMY

Allyn, Vincent; Anderson, Clintina; Andrews, Donovan; Atiyeh, Alecia; Avery Conner, Rhonda; Bakare, Adebawale; Ball, Jeffery; Bennett, Steven; Berschbach, Alex; Bettner, Cameron; Bibbs, William; Black, Raquel; Blassie, Devin; Bratasheva, Lidia; Brown, Reginald; Bryant, Zachary; Bullen, Thomas; Burns, Nathaniel; Byrd, Jonathan.

Campbell, Samuel; Carlstrom, Christopher; Carter, Malik; Ceri, Rrigels; Christian, Andrew; Clark, Colin; Coker, Bryan; Cosby, Erica; Cote, Taylor; Couzens, Nicholas; Cox, Tyler; Crawford, Christopher; Cummings, Dominic; Davis, Pete; Dempsey, Brianna; Dixon, Sabrina; Dockus, Anthony; Edghill, Peter; Ellsworth, Hunter; Farrow II, Kelly.

Frazier, Samantha; Freeman, Alexander; Gackiewicz, Christian; Gifford, Eric; Gilbert, Christopher; Goins, Jeffrey; Goode, Tyler; Gordon, Joseph; Gray, Sergei; Green, Bailey; Green, Jacob; Griffith, Donald; Grimes, Autumn; Guilmette, Zachary; Hall, Brenton; Heffley, Daniel; Heythaler, Bethany; Hill, Tayler; Hill, Windall; Holmes, Alexandra.

Houle, Joseph; Hourmiz, Jonathan; Hudak, Anna; Hurd-Laskowski, Nathan; Jackson,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Aaron; Jackson, Glenn; James, Robert; Janssen, Chase; Johnson, Malik; Jones, Dante; Jones, Townesen; Jones, Zachary; Juarez, Abraham; Justice, Kyle; Justice, Michael; Kalla, Kartik; Kasza, Zachary; Keller, Jesse; Kelley, Jordan; Kelly, Matthew; King, Jordan.

Kinney, Camdin; Kinney, Michael; Krause, Anton; Kreklau, John; Kuecken, Lindsay; Kwiecien, Max; Laitis, Dylan; Lange, Brian; Lashley, James; Lawson, Brandon; Leach, Tabatha; Lindsay, Aaron; Lopez, Juan; Lucas, Brandon; Maciejewski, Cameron; Mack, John; Mason, Angela; Massoud, Mysaruh; Matney, Jakob; Mawby, Donald; Maybin, Johnny.

McCoury, Jacob; McDermott, John; McKenzie, Kurtis; McLatchie, Robert; McPherson, Nigel; Medina, Chelsea; Merrill, Alexander; Milspaugh, Brett; Morgan, Chad; Mullins, Jason; Mullins, Mason; Neil, Colin; Nimmo, Stephen; Novak, Michael; Nowicki, Chene; Obi, Charles; Orman, Nicholas; Orozco, Alexis; Ouellette, Tyler; Overholt, Christopher.

Parker, Johnathon; Patrick, Dejanee; Paulczak, Alexander; Prush, Steven; Ray, Tanner; Reid, Ashleigh; Retheford, Tyler; Richardson, Ronald; Robinson, Austin; Rodriguez Morales, Charles; Rogers, Reign; Salisbury, Calvin; Sarna, Nicholas; Scott Coles, Lenard; Sergi, Anthony; Short, Laurissa; Simmons, Brian; Skwierc, Krystina; Smith, Andrew; Smith, Kyle.

Sonberger, Zachary; Sorathiya, Atulkumar; Staschke, Ryan; Stennett, Connor; Stoddard, Patrick; Stone, Michael; Stone, Zeke; Tanner, David; Thill, Joseph; Thomas, Deonte; Thompson, John; Tokarczyk, Logan; Twigg, Christopher; Vincent, Kenneth; Walker, Elizabeth; Wallace, William; Wargo, Joshua; Weatherspoon, Juwan; Weaver, James; West, Garret.

Wilcox, Alexander; Willhite, Samuel; Williams, Rodsalan; Williams, Shaeley; Wilson, Robert; Windmon, Ahkeim; Winters, Deshaun; Witt, Christopher; Yang, Patrick; Zuccaro, Randy.

#### UNITED STATES MARINE CORPS

Babcock, Bradley; Baumgardner, Alan; Beard, Eric; Beck, Jordan; Belknap, Ryan; Benny, Guy; Bicknell, Christopher; Blackson, Jared; Bourdage, Bradley; Boyland, Daishaun; Brown, Matthew; Campbell, Andrew; Cavanaugh, Clayton; Cera, Ardi; Chavez, Jacob; Clements, Alec; Craven, Jacob; Curtis, Austin; Dagher, Jacob; Demara, Michael.

Dillon, Robert; Ebert, Brandon; Ellis, Zachary; Gall Alexander; Giovannetti, Nicholas; Girard, Mark; Gloster, Tatyana; Grieve, Shane; Hanson, Darius; Heinzman, James; Hendershot, Jarret; Hendry, Trevor; Hernandez, Rosa; Herrera, Alberto; Hessling, Nathaniel; Hoover, Jeremiah; Ignasiak, Mark; Jackson, Toni.

Jones, Kyle; Joseph, Trevor; Julian, Zachary; Kerkhof, Kory; Kesto, Jonathon; King, Scott; Kroetsch, Tyler; Leplow, Dalton; Lewins, John; Lind, Nathan; Ludolph, Terrin; Martinez, Ivan; McDonald, William; Moir, James; Monday, Kyle; Mosley, Donald; Nagy, Tyler; Nelson, Tyler; Nelson, Jerry; Obrien, Justin.

Pastor, Joshua; Paulisin, Jacob; Perez, Heraldo; Philbin, Brandon; Phillips, Jacob; Reeves, Daren; Revynwinkler, Jalen; Rice, Markies; Rojo, Ramiro; Rouse, Marcellos; Ryan, Thomas; Sappington, Jasen; Schafer, Zackery; Scott, Jody; Setty, Joshua; Sikes, Joshua; Smith, Shaine; Soto, Mario; Springer, Andrew; Taperek, Tyler.

Trader, Kristi; Tremble, Gregory; Trueblood, Julian; Vanpamel, Noah; Vicari, Nich-

olas; Williams, Matthew; Wilson, Calvin; Wysocki, Danielle.

#### UNITED STATES NAVY

Allison, Coshonna; Barrie, Tiffani; Bitzer, Preston; Bork, Alicia; Branham, Aaron-Anthony; Britton, Delano; Burley, Christopher; Burtell, Matthew; Calhoun, Devan; Chambers Lilley, Quintin; Colegrove, Aaron; Cuevas, Carlos; Davis, Nataajah; Demarois, Olivia; Doederlein, Brinson; Durnen, Jeremy; Fisher, Carol; Fisher, Trey; Frizzell, Joseph; Grajevci, Genc.

Hanosh, Patrick; Harden, Dewane; Harper, Marquis; Haynes, Tamar; Hilliard, Emilia; Huber, Julia; Jones, Corey; Knapp, Xavier; Larkins, Argie; Lawrence, Kyle; Love, Darren; Lupi, Cody; Matthews, Christopher; Matthews, Lee; McCoy, Taylur; McDaniel, Ahmad; McIntyre, Brianna; Millben, Jasmine; Nagy, Curtis; Pilver, Grant; Pinter, Christian; Quantrell, Melanie; Rabideau, Carly; Reed, Jason; Salisbury, Rhiannon.

Sanchez, Eduardo; Scarlett, Joshua; Scherr, Aaron; Sharon, Elijah; Sharpe, Russell; Sikorski, Benjamin; Singletary, Damarko; Sum, Faye; Spann, Arturo; Speiran, Eric; Stamps, Karnisha; Stewart, Ricardo; Stinson, Marissa; Thompson, Natalie; Tipton, Matthew; Valdez, Daniel; Valerius, David; Vasquez, Judaya; Warner, Jenniah; Westerby, Jeffrey; Wilhelm, Zachary; Wilson, Andrew; Yurik, Nathan; Zacharek, Garret; Zadorski, Susan; Zendejas Hill, Joseph.

#### UNITED STATES AIR FORCE

Borland, Michael; Bozeman, Carl; Budurowich, Michael; Carter, Corey; Daprich, Dillon; Favorite, Devin; Hagan, Daniel; Harris, George; Hartwick, Jessica; Haskett, Anthony; Hendricks, Winston; Horner, Brandon; Jackson, Reid; Johnson, Joel; Johnstone, Keelie; Jones, Stephen; Kuzara, Caleb; Livingston, Marc; Mooney, Nathan; Mullins, John; O'grady, Bradley; Reinwasser, Joshua; Short, Tyler; Steffes, Donovan; Stevenson, Kaitlin; Vinton, Joshua.

### SPRINGFIELD BAPTIST CHURCH DAY

## HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2014

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Springfield Baptist Church has been and continues to be a beacon of light to our district for the past one hundred thirty-five years; and

Whereas, Pastor Eric Lee and the members of the Springfield Baptist Church family today continues to uplift and inspire those in our district; and

Whereas, the Springfield Baptist Church family has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our district; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the past one hundred thirty-five (135) years, being organized in 1879 founded during the turbulent post-Civil War period by

former slaves in order for them to continue to worship together as a congregation under the leadership of Rev. Joe Sims; and

Whereas, Springfield Baptist Church has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their Church, but with Rockdale County their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Springfield Baptist Church family as they dedicate their new Church Campus and for continued leadership and service to our District and the world; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim May 2, 2014 as Springfield Baptist Church Day in the 4th Congressional District of Georgia.

Proclaimed, this 2nd day of May, 2014.

### RECOGNIZING SPECIALIST FOUR RONALD N. SANDQUIST, BRONZE STAR RECIPIENT FOR HEROIC ACHIEVEMENT

## HON. SEAN P. DUFFY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2014

Mr. DUFFY. Mr. Speaker, I am pleased to present the United States Bronze Star with "V" Device to Specialist Four Ronald N. Sandquist for heroic achievement while serving as a Specialist Four E4 in Company E of the 2nd Battalion in the 1st Infantry or the 196th Brigade. Specialist Four Sandquist distinguished himself by exceptionally valorous action while serving as an ammunition bearer in the mortar platoon of E company which was reinforcing the Kham Duc Special Forces Camp on 12 May 1968. During the battle of Kham Duc an integral ammunition bunker caught ablaze, following this attack Specialist Sandquist repeatedly risked his life in order to evacuate wounded members of his squad to a safer position. If this alone were not heroic enough, he repeatedly returned to the burning bunker to carry badly needed ammunition to a safer position. As stated by Specialist Sandquist's commanding officer, John K. Sammet, "Specialist Sandquist, with complete disregard for his own personal safety, exposed himself to intense hostile fire to carry ammunition from the ammunition pit to the gun placement and prepare the charges for fire." Specialist Four Sandquist's devotion to duty, personal bravery, and valorous conduct are in keeping with the highest traditions of the military service and reflect great credit upon himself, the American Division, and the U.S. Army.

Mr. Speaker, on behalf of a very grateful nation, please join me in recognizing and thanking Specialist Four Ronald N. Sandquist for his acts of valor.

HONORING THE LIFE AND LEGACY  
OF HARCOURT IRVIN CLARK, SR.

**HON. FREDERICA S. WILSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Ms. WILSON of Florida. Mr. Speaker, I rise today to honor the life and legacy of Mr. Harcourt Irvin Clark, Sr., who passed away on Thursday, May 8, 2014, at Memorial Regional Medical Center in Hollywood, Florida. Mr. Clark was a loving husband, father, patriot, and trailblazer.

Mr. Clark was born on December 23, 1934, to the late Zena Marie Sawyer-Clark and Irwin Harcourt "Christmas" Clark in Coconut Grove, Florida. He received his K-12 education in Miami-Dade County Public Schools and graduated from the historic George Washington Carver High School in 1953. It was at George Washington Carver High School where he developed a passion for music and became a drum major for the school marching band.

The style and showmanship he displayed as a drum major earned him the nickname "Sporty Mingy." Upon graduation, Mr. Clark fulfilled his dream of becoming a member of the famed Marching 100, Florida Agricultural and Mechanical University's (FAMU) marching band. As a drum major, he developed leadership skills that benefited him throughout his life. While at FAMU, he also met Alice Martha Cabrera, who would become the love of his life and his wife of 44 years.

After leading the Marching 100, Mr. Clark joined the U.S. Army and served in Europe. He later returned to the United States to complete his studies, earning a Bachelor's Degree, two Master's Degrees, and various certifications.

Mr. Clark worked tirelessly to make a difference. He became the first African-American police officer in the city of Coral Gables, Florida. Determined to break more barriers, he went on to serve as Chief of Police for the University of Miami Police Department, Director of Campus Safety for Florida International University, and as the first Administrative Director for the Miami-Dade County Equal Opportunity Program Social Service Agency which is now the Community Action Agency of Miami-Dade County. He later shared his expertise and experiences as a professor of criminal justice at Florida International University, and pursued his entrepreneurial spirit by opening "The Hickory Pit Barbecue Restaurant." Mr. Clark capped his public service journey as a librarian in the city of North Miami.

Mr. Clark was a devout Christian and lifelong member of the Christ Episcopal Church in Coconut Grove. He was also a Life Member of the Omega Psi Phi Fraternity Incorporated (Life Member #227), and a member of The Free and Accepted Masonic Lodge, Prince Hall Affiliated.

Mr. Clark is survived by his brother Vernon H. Clark; children Veronica Wesley, Harcourt I. Clark, Jr., Jennifer Clark-Parker, and Theron Clark; grandchildren Shamoria, Kiana, Bria, Chazare, Cordy, Kiah, Kaylah, Kianah, Kinesh, and Theron II; great-grandchildren Denzel and Dantavia; in-law Roland Carrington; numerous

nieces and nephews; and companion Lorraine Bethel. He was preceded in death by his loving and devoted wife of 44 years, Alice Martha Clark, mother Zina Marie Sawyer, father Irwin Harcourt "Christmas" Clark; siblings Herbert Pratt, Ernest Clark, Mervin Clark, and Rose Marie Johnson.

Mr. Clark lived a life of purpose, commitment, and service. He was a drum major for justice, equality, and advancement.

Mr. Speaker, I ask my colleagues to join me in honoring the life and legacy of Mr. Harcourt Irvin Clark, Sr. and in extending our condolences to his family and friends.

STATEMENT OF INTRODUCTION

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. McDERMOTT. Mr. Speaker, I rise today in support of the Medicaid Physician Self-Referral Act of 2014. This important legislation provides a necessary clarification to Section 1902 of the Social Security Act. The legislation provides that Medicaid designated health services claims are subject to the same requirements as Medicare designated health services claims are under the Physician Self-Referral Law. Health care providers subject to the Physician Self-Referral Law should not be able to avoid penalties under the law simply because a claim is a Medicaid claim rather than a Medicare claim. Both programs involve taxpayer money and we need to ensure the long-term solvency of the Medicaid program, just as we do with the Medicare program.

The Department of Justice, mindful of this, has worked to bring causes of action against providers under the False Claims Act involving violations of the Physician Self-Referral law—even in the Medicaid context. In one recent case, the Department of Justice relied on 42 U.S.C. § 1396b(s), which provides that a state shall not receive federal reimbursement for a claim submitted through the Medicaid program if the same claim would be rejected under the terms of the Medicare program, had the service been covered by Medicare instead of Medicaid.

It is important to align Title XIX with other provisions involving the Physician Self-Referral Law and the Medicaid program. Thus, while the law has always provided that the Medicaid and Medicare programs were on equal footing vis-a-vis the Physician Self-Referral Law, this clarification makes this clear and leaves no doubt that Congress intends this to be the case.

HONORING NATIONAL DANCE  
WEEK FOUNDATION

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, in the Fourth Congressional District of Georgia, many individuals and organi-

zations strive to bring awareness, enlightenment and entertainment to our community through culture and dance; and

Whereas, The National Dance Week Foundation was formed in 1981 to bring greater recognition to dance; giving us an unique opportunity for our nation to showcase the different musicians, writers, producers, promoters, performers and dancers who have contributed to making Dance a heavy weight in the industry of entertainment around the world; and

Whereas, today we celebrate the kickoff of National Dance Week Month at the Redan Recreation Center in Lithonia, by witnessing performers showcase Dance to our District; and

Whereas, our beloved District has found a jewel in the art of dancing, it promotes fun fitness and dance touches the minds and souls of untold millions; and

Whereas, our community has been strengthened in times of joy and sorrow through dance; putting rhythm in our feet, adrenalin in our blood and pizzazz in our spirits; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the gift of Dance as an unique and wonderful cultural contribution to our District, the Nation and the world; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim April 26, 2014 as National Dance Week Foundation Day in the 4th Congressional District.

Proclaimed, this 26th day of April, 2014.

RECOGNIZING THE LAKE COUNTY  
CHAMBER OF COMMERCE'S 2014  
ANNUAL AWARDS HONOREES

**HON. BRADLEY S. SCHNEIDER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. SCHNEIDER. Mr. Speaker, I rise today to honor a few of the companies that make the suburban Chicago communities I represent ideal places to build businesses and start families. Each year, the Lake County Chamber of Commerce recognizes excellence in the business community and also in the realm of community service.

Like this year's honorees, the Lake County Chamber of Commerce understands that a thriving business community helps build a thriving town, village or city. From practicing good, everyday corporate citizenship to launching community initiatives and engaging the community culturally, the businesses and employees of Illinois's Lake County routinely go above and beyond typical expectations.

It is my great pleasure to recognize the 2014 Lake County Chamber of Commerce Honorees: Tranel Financial Group will receive the Community Involvement Award; AbbVie will receive the Major Benefactor Award; Six Flags Great America will receive the Good Neighbor Award; Kimberly Kreml of Key Lime Cove will receive the Volunteer of the Year Award; and The Waukegan Public Library will receive the Community Impact Award.

Each of these honorees has demonstrated a deep commitment to the community and to the

spirit of service. I am proud that Lake County is home to so many responsible businesses, organizations and individuals who dedicate themselves to helping those around them and enriching our communities.

HONORING DONALD L. COOK

**HON. JASON T. SMITH**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor Mr. Donald L. Cook who on May 18, 2014, was recognized for his service in the Army of the United States during World War II.

Don rose through the ranks achieving the status of Technical Sergeant while assigned to the 27th Infantry Regiment, 25th Infantry Division and served at various locations across this country before being deployed to New Caledonia, followed by the arduous battles on the island of Luzon in the Philippines, prior to taking up occupation duties in Japan.

He was presented with the Silver Star, the Bronze Star Medal, the Purple Heart with three Oak Leaf Clusters as well as many other accolades almost seventy years after the conflict ended. He, as did many of this generation sought no rewards, they merely went home after the war to raise their families, and make this the greatest nation in the world.

Son of the late Annabell and Oscar Cook, he resided in Lesterville, Missouri where he and his wife Luellen Laramore Cook raised four children. They have been blessed with eight grandchildren and thirteen great-grandchildren.

He served his community as a teacher and principal. Additionally, he was the proprietor of Black River Floats and Canoe service, and active in numerous service organizations.

Mr. Cook will celebrate his ninetieth birthday on July 2, 2014. It is my privilege to recognize Donald L. Cook's achievements before the House of Representatives with a hearty thank you from a grateful nation.

IN RECOGNITION OF GREATER PEACE BAPTIST CHURCH'S 75TH ANNIVERSARY

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. BISHOP of Georgia. Mr. Speaker, it is my honor and pleasure to extend my sincere congratulations to the congregation of Greater Peace Baptist Church in Columbus, Georgia as the church's membership and leadership celebrates a remarkable 75 years. The congregation celebrated this very significant anniversary on Sunday, May 18, 2014 at 3 p.m. at the church in Columbus, Georgia.

Greater Peace Baptist Church was founded by a group of Christian missionaries from New Mount Zion Baptist Church in 1939. Rev. H. Hunter served as the church's first pastor during its humble beginnings. With the hard work

and perseverance of dedicated deacons and members, Rev. Hunter was able to keep the church alive until Rev. George E. King became the pastor in 1940. Unfortunately, the church was completely destroyed by a fire in 1951. Instead of regarding the event as a tragedy, the members of Greater Peace Baptist Church saw the fire as an opportunity to come together, reconstruct the church, and help it move forward.

In 1952, Rev. Oliver L. Holston became the pastor and brought new ideas to enhance the church. He oversaw the renovations and expanded the church to accommodate new members. Rev. Holston ordained many Christian men during his leadership, some of whom later became pastors themselves. In 1984, Rev. Holston passed away and later in the year, Rev. E.L. Sullivan took over leadership of the church.

Under Rev. Sullivan, numerous new ministries were formed to meet the needs of the church, including the Missionary Circles, Pastor's Cabinet, and Church Program Committee. Rev. Sullivan also helped establish reliable transportation and church hymnals, and procured robes and other items for the church's members. Several members were licensed and ordained under Rev. Sullivan's leadership including the current pastor, Rev. Corey J. Neal. In 2004 and 2005, many amenities were added to the fellowship hall, an administrative office was constructed, and the Pastor's study was remodeled. In December 2007, after 23 faithful years, Rev. Sullivan preached as Senior Pastor and prepared to pass the torch to his grandson, Rev. Corey J. Neal.

Rev. Neal was installed as the new Shepherd of Greater Peace Baptist Church on December 30, 2007. Since his installation, the church membership has increased tremendously. Rev. Neal has continued his grandfather's legacy of forming and developing many new ministries at the church. After Pastor Emeritus Rev. E.L. Sullivan was called home to the Lord, the fellowship hall was graciously named in his honor. By following the vision God gave Rev. Neal, the church was able to pay off the E.L. Sullivan Fellowship Hall two and half years early.

The story of Greater Peace Baptist Church is telling of the dedication and perseverance of a faithful congregation of people who put all their love and trust in the Lord. What began as a small group of people worshipping 75 years ago has grown into an expansive and successful church that has overcome fire and other hardships.

Mr. Speaker, today I ask my colleagues to join me in paying tribute to the membership of Greater Peace Baptist Church in Columbus, Georgia for their long history of coming together through the good and difficult times to praise and worship our Lord and Savior Jesus Christ and for serving the community through Him.

HONORING A NEW THING MINISTRIES INTERNATIONAL, INC.

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, A New Thing Ministries International, Inc., has been and continues to be a beacon of light to our county for the past twenty years; and

Whereas, The Reverend Dr. Normal Phillips, Pastor and Organizer and the members of A New Thing Ministries International, Inc., today continues to uplift and inspire those in our community; and

Whereas, A New Thing Ministries International, Inc., has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our District; and

Whereas, this remarkable and tenacious Parachurch of God has given hope to the hopeless, fed the needy and empowered our community for the past twenty (20) years by preaching the gospel, teaching the gospel and living the gospel; and

Whereas, A New Thing Ministries International, Inc., has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their members, but with DeKalb County their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize A New Thing Ministries International, Inc., for their leadership and service to our District on this the 20th anniversary of their founding; Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim April 13, 2014 as A New Thing Ministries International Day in the 4th Congressional District of Georgia.

Proclaimed, this 13th day of April, 2014.

RECOGNIZING THE UNITED STATES ARMY YUMA PROVING GROUND AND ITS COMMANDER, COLONEL REED F. YOUNG, PH.D.

**HON. PAUL A. GOSAR**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. GOSAR. Mr. Speaker, I rise today to honor the U.S. Army Yuma Proving Ground and its Commander, Colonel Reed F. Young, Ph.D.

The U.S. Army's presence in Yuma dates back to 1850, when Fort Yuma was constructed on a hill overlooking the Yuma crossing of the Colorado River. Soldiers at Fort Yuma maintained peace with the local Indians and protected the important Yuma crossing. That fort operated until 1883.

In 1865, a second facility known as the Yuma Quartermaster Depot was constructed

in order to supply Army posts throughout Arizona and western New Mexico. That depot was also closed in 1883, and the Army would not return to Yuma on a permanent basis until the Second World War.

Beginning in 1943, the area was host to various bases, depots, and training grounds. In 1950, the mission of the facility changed drastically to become the nation's premier artillery testing site, hosting the longest overland artillery range in the country. The installation was renamed Yuma Proving Ground in 1963 during the reorganization of the Army. The Yuma Proving Ground has since been home to tests of long-range weaponry, the Apache Helicopter, M-1 Abrams tanks, Bradley Fighting Vehicles, rockets, mortars, parachute and air-drop technologies, global positioning systems (GPS), and even automobiles. The Yuma Proving Ground contributes directly to both America's national defense and its national economy.

I must also thank and congratulate Colonel Reed Young, the Commander of the Yuma Proving Ground. He assumed command in May 2011. He leads over 2,700 military, civilian, and contractor personnel. Colonel Young is responsible for research and development of highly-advanced technologies valuable to the military, many of which also have civilian applications.

Before taking command of the Yuma Proving Ground, Colonel Young served as a Program Manager and Chief of the Technology Integration and Outreach Division for the U.S. Army Research Office in Durham, NC. He is also a member of the Arizona State Council on the Education for Military Children that helps remove barriers for children of military families. He is always quite courteous to my staff and me each time we visit, taking time out of his day to interact with us. His service to our country is exemplary.

On behalf of the State of Arizona, I want to recognize the Yuma Proving Ground for its rich history, and I want to thank Colonel Young for his hospitality and dedication to this nation.

#### PERSONAL EXPLANATION

#### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mrs. BACHMANN. Mr. Speaker, due to responsibilities within my district I would like to submit how I intended to vote on the following:

Tuesday May 6—"yes" on rollcall 194; "yes" on rollcall 195; "yes" on rollcall 196.

Thursday, May 8—"yes" on rollcall 205; "yes" on rollcall 206; "yes" on rollcall 207; "no" on rollcall 208; "yes" on rollcall 209.

Friday, May 9—"no" on rollcall 210; "yes" on rollcall 211; "no" on rollcall 212; "no" on rollcall 213; "no" on rollcall 214; "no" on rollcall 215; "no" on rollcall 216; "yes" on rollcall 217.

#### HONORING THE TECHNOLOGY AND MANUFACTURING ASSOCIATION FOR ITS COMMITMENT TO TRAINING AND EDUCATION IN THE ADVANCED MANUFACTURING INDUSTRY IN ILLINOIS'S TENTH DISTRICT

#### HON. BRADLEY S. SCHNEIDER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. SCHNEIDER. Mr. Speaker, I rise today to honor the Technology and Manufacturing Association (TMA) for its outstanding commitment to training and education in the advanced manufacturing industry in the district I represent and across the country.

Since 1925, the TMA Training & Education program has served as a valued source of employee learning and development for member companies. TMA training has experienced a significant resurgence.

Its Related Theory Apprentice Training program has been assisting member companies in training their apprentices for more than 70 years, and is one of the largest, most recognized precision metalworking apprenticeship programs in the United States.

Remarkably, enrollment in this program has more than quadrupled in the last three years. TMA has also expanded its curriculum to include the latest advancements and, for the first time since 1925, incorporates hands-on training.

The Fred W. Buhrke Training Center in Arlington Heights trains in the programming, set-up and operation of new, state-of-the-art computer numerical control (CNC) machines. More than 100 students have completed CNC training with TMA and can now earn nationally-recognized, stackable credentials.

TMA continues to partner with local organizations to expand training and work hand-in-hand to help bridge our skills gap and ensure our future success in advanced manufacturing.

I personally thank TMA for all it does to support advanced manufacturing and to expand economic opportunities throughout our communities and in the Tenth District.

#### TRIBUTE TO PASTOR JOSEPH WILLIAMS, SR.

#### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Pastor Joseph Williams, Sr., is celebrating today thirty-two (32) years as Pastor of Greater Moses Baptist Church; and

Whereas, Pastor Williams, under the guidance of God has pioneered and sustained Greater Moses Baptist Church, as an instrument in our community that uplifts the spiritual, physical and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God has given hope to the hopeless, fed the hungry and is a beacon of light to those in need; and

Whereas, Pastor Williams is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who has shared not only with his Church, but with our District and the world his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Pastor Joseph Williams as he celebrates his thirty-second Pastoral Anniversary at Greater Moses Baptist Church;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim April 13, 2014 as Pastor Joseph Williams, Sr. Day in the 4th Congressional District of Georgia.

Proclaimed, this 13th day of April, 2014.

#### RECOGNIZING THE 100TH ANNIVERSARY OF CAMP PINCHOT NATIONAL HISTORIC DISTRICT IN NORTHWEST FLORIDA

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. MILLER of Florida. Mr. Speaker, it is my privilege to commemorate the 100th anniversary of the Camp Pinchot National Historic District located in Northwest Florida.

Listed in the National Register of Historic Places in October 1998, Camp Pinchot is nestled in the Choctawhatchee National Forest, near Ft. Walton Beach, Florida, along the west bank of Garner's Bayou. One of the first national forests and designated as one of President Theodore Roosevelt's original eleven Forest Service Headquarters in 1908, Choctawhatchee National Forest aided in the area's regional development and the establishment of the Camp, nearly six years later. In its earlier years, the forest served as a means for timber and wood turpentine. During this period, hundreds of miles of county and state roads were also built to help service the area, while maintaining the natural beauty of the forest, which was a fundamental goal of Gifford Pinchot, the first Chief of the United States Forest Service and namesake of Camp Pinchot.

During the Great Depression, Camp Pinchot and the Choctawhatchee National Forest stood as a location for work relief for the Civilian Conservation Corps. In 1940, the national forest was ceded to the War Department to be used for a proving ground for aircraft armament. Major General William E. Kepner, who served as the Commanding General of the Air Proving Ground, helped preserve the site of Camp Pinchot, and today it is home to Eglin Air Force Base Commander's quarters.

Mr. Speaker, surrounded by live oaks draped with Spanish moss, Camp Pinchot to this day maintains the turn of the century spirit of a quiet and simple life, and I am honored to commemorate its one hundred years of existence.

HONORING FRANKLIN "FRANKIE"  
DELANO LAX II

**HON. STEPHEN LEE FINCHER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. FINCHER. Mr. Speaker, I rise today to congratulate my friend, Mr. Franklin Lax, on being selected as the 2014 Buford Pusser National Law Enforcement Award winner. This public recognition is well deserved and represents Mr. Lax's lifetime commitment to all areas of law enforcement throughout West Tennessee.

After graduating from Jackson's Southside High School and Jackson State Community College, Mr. Lax began his law enforcement career as a patrolman for the City of Medina and then Deputy Sheriff for Henderson County. In 1992, Mr. Lax joined in his family's security business, Maxxguard Incorporated, as Vice President, and upon the death of his father, as President in 2005.

Throughout nearly two decades with the company, Mr. Lax has expanded Maxxguard from family and business security to include other areas of expertise like private investigations and handgun safety instruction. While serving on numerous State boards and commissions, Mr. Lax was also appointed to the Tennessee Peace Officer Standards and Training Commission by Governor Bill Haslam in 2011. The POST Commission is responsible for developing and enforcing standards and training for all police officers. Following in his beloved father's footsteps, Mr. Lax was elected as a Constable for Madison County, Tennessee in 2002 and continues to serve the citizens in that capacity to this day.

The Buford Pusser National Law Enforcement Award is given yearly to deserving individuals who have demonstrated leadership and dedication in law enforcement.

On behalf of Tennessee's 8th Congressional District, I congratulate Mr. Lax on being selected as the 2014 Buford Pusser National Law Enforcement Award recipient. I wish him the best of luck for all future endeavors.

RECOGNIZING CHIEF LOUIS  
DIRKER FOR 40 YEARS OF SERVICE  
IN LAW ENFORCEMENT

**HON. DAVID P. JOYCE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. JOYCE. Mr. Speaker, I wish to congratulate Stow Police Chief Louis Dirker on his retirement following 40 years of service in Ohio law enforcement.

Chief Dirker is an outstanding leader, father, and public servant who dedicated himself to serving the people of Northeast Ohio as well as our nation. Prior to his career in law enforcement, he served as a First Lieutenant in the United States Marine Corps.

In 1974, Chief Dirker started with the Cuyahoga Falls Police Department, retiring as chief in 2001. He then served for two years as deputy director of safety and security for Cleve-

land Municipal Schools before he was hired in February 2003 as chief of police for the City of Stow.

In addition to earning his bachelor's and master's degrees from the University of Akron, Chief Dirker graduated from the FBI National Academy in 2000. He was named a certified law enforcement executive by the Ohio Association of Chiefs of Police in 2006 and has served as board president for Metro SWAT since 2005.

As an instructor at the University of Akron and Kent State University, Chief Dirker has shown a dedication to training the next generation of law enforcement leaders.

Chief and Mrs. Dirker have six children, several of whom have also pursued their own careers in law enforcement. Chief Dirker remains an active member of Rotary, Fraternal Order of Police, Knights of Columbus, American Legion, Ohio Association of Chiefs of Police, and Immaculate Heart of Mary Parish in Cuyahoga Falls, Ohio.

Mr. Speaker, on behalf of the 14th District of Ohio, I congratulate Chief Dirker on his well-deserved retirement and thank him for his lifelong service to Northeast Ohio and our nation.

TRIBUTE TO TRACIE A. MCCALED

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service; and

Whereas, Mrs. Tracie A. McCalep has answered that call by giving of herself as a paraprofessional at Dunaire Elementary School, and as a beloved wife, daughter and friend; and

Whereas, Mrs. McCalep has been chosen as the 2014 Educational Support Professional of the Year, representing Dunaire Elementary School; and

Whereas, this phenomenal woman has shared her time and talents for the betterment of our community and our nation through her tireless works, unyielding support and words of encouragement; and

Whereas, Mrs. McCalep is a virtuous woman, a courageous woman and a fearless leader who has shared her vision, talents and passion to help ensure that our children receive the support and education that is relevant not only for today, but well into the future, as she truly understands that our children are the future; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Tracie A. McCalep for her leadership and service for our District and in recognition of this singular honor as 2014 Educational Support Professional of the Year at Dunaire Elementary School; Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim April 2, 2014 as Mrs. Tracie A. McCalep Day in the 4th Congressional District.

Proclaimed, this 2nd day of April, 2014.

TRIBUTE TO MITCH TYLER

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. LATHAM. Mr. Speaker, I rise today to honor and recognize Mitch Tyler of Exceptional Persons, Inc. for being selected as Iowa's 2014 recipient of the Direct Support Professional of the Year Award by the American Network of Community Options and Resources.

Since its founding in 1970, the American Network of Community Options and Resources supports over 500,000 people with intellectual, developmental and other significant disabilities in the community through a national association of 700 private providers. ANCOR developed the Direct Support Professional Recognition Awards in 2007 to recognize devoted professionals who go above and beyond to positively change the lives of the people they serve. There is no doubt that these direct support professionals are critical to providing consistently excellent community support and services. Mitch's remarkable efforts are a testament to the life-changing work being done by Direct Support Professionals all across Iowa and our nation as a whole.

Mr. Speaker, it is a profound honor to represent community leaders like Mitch in the United States Congress and it is with great pride that I recognize and applaud Mr. Tyler for utilizing his talents to better both his community and the great state of Iowa. Mitch's commitment to a cause greater than himself embodies the values and work ethic our state is renowned for. I know my colleagues in the House will join me in congratulating Mr. Tyler for receiving this prestigious award and thanking him for his invaluable efforts. I wish him the best of luck as he continues his award-winning career.

REMEMBERING THE HON. MICK  
STATON

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. WOLF. Mr. Speaker, I rise today to recognize and remember former Congressman Mick Staton, fellow member of the freshman class of 1980 and a respected political, business and community leader in West Virginia. Mick passed away last month at the age of 74.

Mick was born and raised in Parkersburg, West Virginia and graduated from Parkersburg High School in 1958. He then attended Concord College in Athens, West Virginia, and played on the 1962 conference championship football team. Mick married his wife Lynn, herself a 1960 graduate of Parkersburg High School, and they have two children and five grandchildren.

Mick was Vice President for Data Processing for One Valley Bank (now BB&T),

which was at the time, the largest bank in West Virginia, before first running for Congress in 1978, opposing 20-year incumbent John Slack (D-WV). In the race, Mick garnered 41 percent of the vote. In January 1980, Congressman Slack died in office and a special election was held. Although he did not win the special election, Mick went on to win the seat in the general election.

In Congress, Staton had a reputation of service to his constituents in what is now the 2nd District of West Virginia. He served on the Small Business Committee and Interior & Insular Affairs Committee, now known as the Natural Resources Committee.

After leaving Congress in 1983, Staton served as chief political advisor to the U.S. Chamber of Commerce and was National Executive Director of the Chamber's political action committee. In 1992, he founded and served as president of Capitol Link, Inc., a government affairs consulting firm.

Most recently, Mick served as County Chairman of the Berkeley County GOP Executive Committee, from 2007 through December 2012. In recognition of his lifelong service, this March the West Virginia State Republican Executive Committee unanimously passed a resolution naming Mick an Emeritus Member.

I submit the following article from West Virginia MetroNews on former Congressman Staton.

[From WV MetroNews, Apr. 20, 2014]

MICK STATON TO BE REMEMBERED MONDAY

(By Jeff Jenkins)

WINCHESTER, VA.—The life and service of former West Virginia Third District Congressman Mick Staton will be remembered in a memorial service set for Monday afternoon in Winchester, Virginia. The 74-year-old Staton died last week.

"Certainly anyone who was elected 30 years ago as a Republican in West Virginia showed a lot of tenacity, a lot of strength and was a trailblazer for our movement and set the stage for the successes we are having right now," West Virginia Republican Party Chairman Conrad Lucas said.

Staton, a Parkersburg native, lived in South Charleston when he defeated John Hutchinson in the 1980 election for what was then West Virginia's Third District seat. Hutchinson had beaten Staton in a special election earlier that year to fill the seat in the interim following the death of 11-term congressman John Slack. Staton served just one term. He lost to Democrat Bob Wise in 1982.

"Mick certainly set the stage for ultimate Republican successes and went on always to be a dedicated member of the party," Lucas said. "He may have lost his congressional seat but he still stayed very active in the internal aspects of the party."

Lucas said he was pleased Staton attended a GOP meeting earlier this year where he was given emeritus status.

"I was happy he could make the ceremony so we could honor his service, his long service, and very dedicated service to the Republican Party and people of West Virginia," he said.

The memorial service is scheduled for Monday at 1 p.m. at Braddock Street United Methodist Church in Winchester, Virginia.

# IN RECOGNITION OF WILLIAM J. RISSEL ON HIS RETIREMENT FROM FORT KNOX FEDERAL CREDIT UNION

## HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2014

Mr. GUTHRIE. Mr. Speaker, I rise today in recognition of William (Bill) J. Rissel. After 23 years of serving as the President and Chief Executive Officer of Fort Knox Federal Credit Union, Bill will retire on July 1, 2014.

During a recent interview with The News-Enterprise, Bill said he tried to build a family environment at the credit union during his tenure. He has absolutely accomplished that goal, while growing the credit union and all those who it serves. According to The News-Enterprise, those numbers add up to \$1.2 billion in assets, serving more than 80,000 members.

Bill's departure will be felt beyond the credit union's four branches of Hardin County that he expanded upon. It is because of his expertise and aspirations that the credit union serves all of central Kentucky. But it is because of that same leadership and knowledge that the credit union will be in good hands following his departure.

I am grateful for Bill's hard work and vision, and would like to wish him well in his retirement.

## PERSONAL EXPLANATION

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2014

Ms. DELAURO. Mr. Speaker, I was unavoidably detained and so I missed rollcall vote No. 205, the Rule (H. Res. 576) providing for consideration of the "Success and Opportunity through Quality Charter Schools Act" (H.R. 10). Had I been present, I would have voted "no".

## TRIBUTE TO STELLA "MOTHER" SANFORD

### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2014

Mr. JOHNSON of Georgia. Mr. Speaker, I present the following U.S. citizen of distinction. Whereas, our lives have been touched by the life of this one woman, Ms. Stella "Mother" Sanford, who gave of herself in order for others to stand; and

Whereas, her dedicated service is present in DeKalb County, Georgia for all to see, where she was an unwavering advocate for youth, the elderly, the poor and the Civil Rights Community across the Nation; and

Whereas, this remarkable, positive woman with the beautiful smile gave of herself, her time and her talent; never asking for fame or fortune but only to uplift those in need; and

Whereas, she led by example from behind the scenes, as well as front and center for the state of Georgia, DeKalb County, the U.S. Department of Labor, the Center for Disease Control, the 4th Congressional District of Georgia U.S. Service Academies Board, the DeKalb NAACP, Communities of America, Inc., her beloved Flat Rock community and her beloved Sanford family; and

Whereas, this virtuous Proverbs 31 woman was a mother, a grandmother, a great grandmother, a daughter, a friend, a warrior, a matriarch, and a woman of great integrity; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to bestow a Congressional recognition on Ms. Stella "Mother" Sanford for her leadership, friendship and service to all of the citizens in Georgia and throughout the Nation; Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby attest to the 113th Congress that Ms. Stella "Mother" Sanford of DeKalb County, Georgia is deemed worthy and deserving of this "Congressional Honor"—Ms. Stella "Mother" Sanford, U.S. Citizen of Distinction in the 4th Congressional District of Georgia.

Proclaimed, this 12th day of May, 2014.

## RECOGNIZING SHERIFF'S DEPUTY CHAD R. KOWALCZYK FOR HIS BRAVERY AND SELFLESSNESS IN THE LINE OF DUTY

### HON. SEAN P. DUFFY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2014

Mr. DUFFY. Mr. Speaker, I rise today to recognize Taylor County Deputy Sheriff Chad R. Kowalczyk for his bravery, selflessness, and quick thinking in the line of duty while responding to a call on September 8, 2013.

Deputy Kowalczyk responded to a report of a violation of a court ordered injunction. Upon arriving to the scene, the suspect fired on Deputy Kowalczyk.

When the suspect began firing shots at Deputy Kowalczyk, he retreated to a position of cover and attempted to warn the responding officers of the situation. Unable to make radio contact, Deputy Kowalczyk decided to leave his position of cover to get to his squad car, knowingly putting his life in jeopardy.

When Deputy Kowalczyk broke cover, he was struck by a round in his left abdomen.

Deputy Kowalczyk made it to his vehicle and radioed the other officers alerting them of the situation. When they arrived at the scene, they found Deputy Kowalczyk taking up a tactical position, despite his serious injuries.

Mr. Speaker, Deputy Kowalczyk may not agree with me, but he is a hero. His quick thinking and selflessness protected his fellow officers and the community. Please join me in thanking Deputy Kowalczyk once again for his bravery, selflessness, and quick thinking in the line of duty.

CONGRATULATING SHRI NARENDRA MODI ON HIS RECORD-BREAKING VICTORY AS INDIA'S NEW PRIME MINISTER

**HON. ENI F. H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to congratulate India's next Prime Minister Narendra Modi on his resounding and historic victory. The Bharatiya Janata Party's (BJP) victory on May 16, 2014 is the first time after Independence that a non-Congress party has got absolute majority on its own, and Narendra Modi is the reason why.

His victory is India's victory and, while history will remember India's 2014 elections as unprecedented, I will remember the 2014 elections as a triumph. The people of India have triumphed, and I join with them in this momentous celebration of new development for all.

As a token of friendship and in commemoration of the fulfillment of his destiny to lift up the masses, assure social justice, and bring new hope for any and all who, like him, step forward and transform challenges into opportunities by sheer strength of character and courage, a flag was flown over the United States Capitol at my request in honor of him on April 7, 2014, to mark victory's dawn. I pay tribute to Shri Modi for his clarion call for change, to save a nation from ruin. I applaud his leadership and recognize his victory—the people's victory—in the CONGRESSIONAL RECORD. A statement in the CONGRESSIONAL RECORD becomes part of U.S. history and I firmly believe Shri Narendra Modi should be included not only in the annals of India's history but U.S. history, too, because he was elected with a resounding victory despite the United States using every recourse it could to disrupt his destiny.

The U.S.-India partnership should be, could be, one of the most defining of the 21st century. But, I am disappointed that the United States failed to develop a strong friendship and comprehensive partnership with Shri Narendra Modi when it mattered most. U.S.-India relations matter strategically, politically, and economically. And even if they didn't matter, the United States should be a fair and honest broker about human rights. Regrettably, in the case of India, the United States missed the mark by responding one way to the 2002 Gujarat riots, another way to the Godhra train burning which led up to the riots, and still another way to the largest ethnic cleansing since the partition of India in which between 300,000 to 500,000 Kashmiri Hindus since 1990 have migrated due to persecution.

Nonetheless, despite the United States getting it wrong with India, Shri Narendra Modi is looking ahead. He is dedicated. He is determined. He is dynamic. He is different. He is the leader of the world's largest democracy. And he is the key player for improved relations between the U.S. and India. As Shri Narendra Modi assumes his mantle as India's next Prime Minister, I have every confidence he will cut across caste, creed and religion and bring alive the dreams of over a billion Indians, and a world that needs his leadership.

As he promised, "Good days are coming." And so, they are. I have personally met with Shri Modi as far back as 2010 and I know him to be a sincere man who stands against corruption and for inclusive growth and development. Shri Modi is a man of vision and he, together with each and every citizen of India, will create something special—an India that will assume its destined role.

Without a doubt, Prime Minister Modi will usher in India's new era. He will make the 21st century India's century. This is his destiny. And so, once more, I congratulate Shri Narendra Modi on his path-breaking campaign, and I praise BJP Party President Rajnath Singh for working shoulder-to-shoulder with Shri Modi to ensure that the spirit of democracy has triumphed. I also commend Mr. Sanjay Puri, Founder and President of USINPAC, for championing the cause and work of Shri Narendra Modi early on in the U.S. Congress when India's next Prime Minister was Chief Minister of Gujarat.

Above all, I praise Prime Minister Modi's parents who gave rise to him, especially his mother whose blessings he sought. From his beginnings as a son of a tea seller to a landslide and ground-breaking victor, I wish Shri Modi godspeed on his poetic journey forward as India's next Prime Minister.

HONORING THE OPTIMIST CLUB OF ROLLA, MISSOURI

**HON. JASON T. SMITH**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor the Optimist Club of Rolla, Missouri. The Optimist Club was founded in April of 1964, and recently celebrated its 50th anniversary.

The Optimist Club is a non-profit service club that is dedicated to providing free programs to the youth of Rolla community. The Optimist Club's tagline is simply, "Friend of Youth" and they certainly have been fulfilling this tagline. Through their youth sports and academic programs, and scholarship funds the Optimist Club continues to impact the lives of thousands of children every year.

Over the past fifty years, the Optimist Club has undoubtedly made Rolla a better place for families. I would like to thank the Club's volunteers for all of their hard work and dedication to our children by believing in them and empowering them to pursue their interests. It is my pleasure to recognize their efforts and achievements before the House of Representatives and I look forward to another fifty years of success.

HONORING PUBLIC SERVICE RECOGNITION WEEK

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, our Nation has many citizens that work to make America a worthy instrument for good; and

Whereas, Public servants on the federal, state, county and local municipalities level, keeps America moving; each individual being charged to bring community service, honor and excellence in government, education, health, public safety and military service; and Whereas, these Public servants are promoting and providing the concept of One Community-One Goal by working with and for individuals in all walks of life to make our Nation a place where the needs of the people are met; and

Whereas, these Public servants give of themselves tirelessly and unconditionally to serve our community and our nation by providing leadership and service; and

Whereas, the lives of many in our district are touched by the leadership and service given by these unsung heroes; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the millions of public employees for their outstanding service to America; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim the week of May 4 through May 10, 2014 as Public Service Recognition Week in the 4th Congressional District of Georgia.

Proclaimed, this 4th day of May, 2014

ARKANSAS'S THIRD DISTRICT TAKES LEAD ROLE IN GREAT OUTDOORS MONTH 2014

**HON. STEVE WOMACK**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. WOMACK. Mr. Speaker, every year in June, America celebrates outdoor recreation during National Great Outdoors Month. Arkansas has proclaimed June to be Great Outdoors Month every year since 2008. This year is no exception, and I am pleased that the Third District played a leading role in the celebrations by hosting the 2014 kickoff campout at Pea Ridge National Military Park on the 16th and 17th of May.

Arkansas, known as the Natural State, is the perfect place to have kicked-off National Great Outdoors Month; we boast more than three million acres of federal lands—and many more of state and local lands—open for public enjoyment. This network of state parks and federal lands is great for swimming and fishing, hiking and biking, climbing and hunting, paddling and boating, and more.

As summer draws near, so do the sounds of outdoor recreation. As the weather grows warmer and the days grow longer, more than 730,000 citizens of northwest and north central Arkansas will take to our fields and forests, skies and waterways to enjoy clean, healthy outdoor fun. It began at the Pea Ridge National Military Park campout—which engaged our youngest generation in the preservation of our outdoors for the enjoyment and recreation of our citizens—and will end with the entire national following in the footsteps of Arkansas's Third District and supporting America's Great Outdoors.



OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,471,572,575,280.71. We've added \$6,844,695,526,367.70 to our debt in 5 years. This is over \$6.8 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

TRIBUTE TO METRO WASTE  
AUTHORITY

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and honor the Metro Waste Authority of Des Moines, Iowa for being named a 2014 Recycling Awards winner by the American Forest and Paper Association.

The coveted Recycling Awards from the American Forest and Paper Association recognize new and innovative programs that increase the amount of paper recovered for recycling across America. In April of 2014, Metro Waste Authority was announced as the community winner in the partnership category.

For decades, Metro Waste Authority has been the primary source of recycling education in the Des Moines Metro Area. Their curbside recycling program "Curb It!" was first unveiled to 20 communities in Polk County in 1994 and now services nearly 145,000 households. Since then, Metro Waste Authority has come to manage seven recycling and drop-off sites in the area and have developed a community outreach campaign to significantly increase the amount of mixed paper recovered for recycling.

Mr. Speaker, the great work done every day by the men and women of the Metro Waste Authority provides a crucial service to our communities and our environment. I invite my colleagues in the House to join me in congratulating Metro Waste Authority for receiving this prestigious award and thanking them for their invaluable efforts. It is an honor to represent the people who comprise this leading organization in the United States Congress, and I look forward to many more years of Metro Waste Authority's innovative and positive impact in Iowa.

TRIBUTE TO COMMAND SGT.  
MAJOR GLENN B. ASHLEY

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, in the Fourth Congressional District of Georgia, there are many individuals who are called to sacrifice for our country through military service; and

Whereas, Command SGT. Major Glenn B. Ashley served in the United States Army, during the Occupation of Germany in World War II, the Korean War and the Vietnam War, he received numerous Military Citations such as the Purple Heart which was awarded to him in both the Korean and Vietnam Wars; and

Whereas, Command SGT. Major Ashley has shared his time and talents as a family man, serviceman and mentor, giving the citizens of the United States a person of great worth, a fearless leader and a servant to all advancing the lives of others, through service to our country in the U.S. Army and being the ideal husband, father, brother and son; and

Whereas, Command SGT. Major Ashley is a remarkable and courageous man who gave of himself, in defense of this nation; and

Whereas, Command SGT. Major Ashley along with his family and friends are celebrating this day a remarkable milestone, his 85th Birthday, we pause to acknowledge a man who is a cornerstone in our community; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Command SGT. Major Ashley on his birthday and to wish him well and recognize him for an exemplary life which is an inspiration to all; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim May 4, 2014 as Command SGT. Major Glenn B. Ashley Day in Georgia's 4th Congressional District.

Proclaimed, this 4th day of May, 2014.

IN RECOGNITION OF THE  
HONORABLE CAROLYN HUGLEY

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor an outstanding public servant and dear friend to my wife, Vivian and me, Georgia State Representative Carolyn Hugley. Representative Hugley was honored for her distinguished service at the Columbus Community Center Annual Fundraising Dinner on Tuesday, May 13, 2014 at 7:00 p.m. at the Columbus Convention and Trade Center in Columbus, Georgia.

Representative Hugley was born in Forrest City, Arkansas to Mr. and Mrs. Walker Fleming, Jr. She earned a degree in Political Science from the University of Arkansas at Pine Bluff and a Master's in Public Policy and Administration from Mississippi State University.

Rep. Hugley was elected to the Georgia House of Representatives in 1992 to represent District 136, which is located within the Second Congressional District of Georgia in Columbus and Muscogee County. She has been continuously re-elected and is currently serving her twelfth term. I am fortunate to have had the opportunity to work closely with Rep. Hugley over the years and we have become great friends.

During her tenure, Rep. Hugley has built a repertoire of legislative accomplishments. She currently serves as the Democratic Caucus (Minority) Whip. She is a member of the Ethics Committee, Rules Committee, Appropriations-Health Subcommittee and the Insurance Committee. She is also a member of the Women's Legislative Caucus and the Georgia Legislative Black Caucus.

Rep. Hugley loves her community dearly, and in addition to representing it in the state legislature, she is actively involved within it. She is a member of Franchise Missionary Baptist Church, where she serves as chair of the Hostess Committee and on the Deacon's Wives board. She is also a member of the Lower Chattahoochee Area Workforce Investment Board; Board of Directors of SISTERS, Inc.; Alpha Kappa Alpha, Sorority, Inc., Gamma Tau Omega Chapter; and the Columbus Chapter of The Links, Inc.

Rep. Hugley is a strong advocate for children and family issues both in the Georgia General Assembly and in the Columbus community. She has been recognized for her fine leadership numerous times and has received many awards and accolades for her work in public service.

Former Congresswoman Shirley Chisholm once said that, "Service is the rent that we pay for the space that we occupy here on this earth." Rep. Hugley has paid her rent many times over and still continues to give a prodigious amount of love and service back to her community.

Rep. Hugley has accomplished many things in her life but none of this would have been possible without the enduring love and support of her husband, Columbus City Manager, Isaiah Hugley; their two children, Kimberly and Isaiah, Jr.; two adopted children, Jaaliyah and Zaiqai; and two grandchildren, Kandyce and Adam.

Mr. Speaker, I ask my colleagues to join me and my wife, Vivian, in honoring Georgia State Representative Carolyn Hugley for her dedicated service and exemplary leadership in the Columbus, Georgia community, the State of Georgia, and our country.

RECOGNIZING HEATHER BLANEY

**HON. PETER J. ROSKAM**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. ROSKAM. Mr. Speaker, I rise today to recognize Heather Blaney, a sophomore at Westmont High School in my district. Heather is organizing a human trafficking panel at her school on May 14, 2014.

Human trafficking, also called modern-day slavery, is a major worldwide problem that the Polaris Projects, a leading anti-trafficking group, defines as "people [profiting] from the control and exploitation of others." It takes many forms, including forced sexual exploitation and forced labor. The hidden nature of the crime makes it difficult to get an accurate sense of its scope, but according to the U.S. Department of Homeland Security, there are more than 20 million victims worldwide in this \$32 billion-a-year industry.



Heather is completing an assignment in her "Changemakers" class, where she researched the issue and talked with local law enforcement and health workers. The forum she organized will feature numerous speakers, including the FBI, U.S. Immigration and Customs Enforcement, the Salvation Army, and other local groups who are active in the fight against human trafficking.

The Chicagoland area's position as a popular tourist and convention destination with one of the busiest international airports in the world unfortunately makes it a hub for human trafficking as well. Heather's forum will go a long way toward bringing much-needed awareness to the community about the evils of human trafficking.

Mr. Speaker, and my distinguished colleagues of the House, please join me in thanking Heather Blaney for taking the initiative to make her community better and help those in need and congratulating her for her hard work in organizing this important human trafficking forum at her high school.

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**NORTH CAROLINA TROOPERS ASSOCIATION AND HIGHWAY PATROL CAISSON UNIT**

**HON. MARK MEADOWS**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. MEADOWS. Mr. Speaker, I rise today to recognize the North Carolina Troopers Association and North Carolina State Highway Patrol Caisson Unit for their dedicated service to North Carolina. The Caisson Unit supports families in a time of need by honoring those who have bravely served our nation.

Established during the Civil War, Caisson Units across the country are called upon to transport funeral caskets of those fallen service men and women, most famously at Arlington National Cemetery in Washington D.C.

Since 2006, North Carolina's Caisson Unit has been called to honor not only fallen military servicemen, but also emergency personnel, North Carolina Governors, and other elected officials of the state. Owned and supported by the North Carolina Troopers Association and the North Carolina State Highway Patrol, the unit is not reliant on state or federal funds, but donations from the community. Often times the unit has been activated with less than 24-hours' notice to fulfill their duties, even helping to serve surrounding states.

Recently, the Caisson Unit honored U.S. Forest Service Officer Jason Crisp, who was killed in the line of duty in Burke County. The unit's service to Officer Crisp is just one example of the many times it has helped to honor the lives of those who have served North Carolina.

The North Carolina Troopers Association and Highway Patrol Caisson Unit's commitment to excellence and service to the community should be commended. It is my honor to recognize the North Carolina Highway Patrol Caisson Unit.

PERSONAL EXPLANATION

**HON. SEAN P. DUFFY**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. DUFFY. Mr. Speaker, on Friday, May 9, 2014, I was at home in Wisconsin taking care of my amazing wife and our new baby daughter. Had I been present, I would have voted in the following ways:

(1) H.R. 1726—To award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers—"yea."

(2) H.R. 2203—To provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy—"yea."

(3) H.R. 2939—A bill to award the Congressional Gold Medal to Shimon Peres—"yea."

(4) H.R. 3658—Monuments Men Recognition Act of 2013—"yea."

(5) H.R. 1209—To award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo—"yea."

(6) S. 309—A bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol—"yea."

(7) H.R. 685—American Fighter Aces Congressional Gold Medal Act—"yea."

(8) H.R. 4628—To amend title 23, the United States Code, with respect to United States Route 78 in Mississippi, and for other purposes—"yea."

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**TRIBUTE TO SIENNA E. SCHAEFFER**

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. LATHAM. Mr. Speaker, I rise today to recognize the achievements of Sienna Schaeffer of Grimes, Iowa, for being named a Presidential Scholar by the 2014 United States Presidential Scholars Program. Being counted among this esteemed program is one of America's highest honors for high school students.

Originally created by Executive Order in 1964, the U.S. Presidential Scholars Program has honored our nation's best and brightest high school seniors for academic distinction, artistic excellence, and civic engagement. This year, Sienna will be honored with 140 other Presidential Scholars from across the country for their exceptional efforts. Each of these future leaders were chosen from more than 3,000 applicants based on outstanding college entrance exams, school transcripts, leadership activities, and contributions to their community. These young men and women truly represent the best of the American education system and remind us all of the promise and potential held by our nation's youth.

Since 1983, each U.S. Presidential Scholar has also been asked to choose one exceptional teacher to recognize. For her selection,

Ms. Schaeffer chose Dallas Center-Grimes High School Chemistry and Environmental Science teacher Josh Mangler. Both Sienna and Mr. Mangler will receive congratulatory letters from United States Secretary of Education Arne Duncan for their outstanding work.

Mr. Speaker, it is a profound honor to represent future leaders like Ms. Schaeffer from the great state of Iowa in the United States Congress. I invite my colleagues in the House to join me in congratulating Sienna for her dedication, and thanking her supportive family, Mr. Mangler, and all of the teachers and role models in Ms. Schaeffer's life who have played a critical role in her remarkable accomplishment. I wish Sienna the best of luck in her future education and career as she continues to utilize her gifts and Iowa-bred work ethic to positively impact our state and nation.

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**ACKNOWLEDGING THE MARRIAGE OF MS. MEGAN MAUREEN KORCZYNSKI TO MR. KEVIN PAUL GOW, JR.**

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. LIPINSKI. Mr. Speaker, I rise today to acknowledge the upcoming nuptials of Ms. Megan Maureen Korczynski to Kevin Paul Gow, Jr., on May 24, 2014. Ms. Korczynski and her family have been lifetime residents and volunteers in the Chicago area and it is my pleasure to acknowledge such a joyous occasion.

Ms. Korczynski and Mr. Gow have both enjoyed their time living and studying in Chicago and are ready to start a new chapter in their lives together. Ms. Korczynski is the daughter of Mrs. Diane Korczynski, a seasoned elementary education teacher, and Mr. Edwin Korczynski, a Major United States Air Force Auxiliary, Civilian Air Patrol. Both of whom have worked hard to instill the qualities of great character, competence, vision and drive into their daughter throughout her life. They are extremely proud of the woman she has become and could not be happier for her upcoming marriage. Mr. Gow, Jr., is the son of Kevin Gow, Sr., a former U.S. Marine Captain, and the late Mrs. Gow. Both of whom can take great pride in the admirable man he has become today.

On May 24, 2014, both Megan Korczynski and Kevin Paul Gow, Jr., will partake in the sacrament of Holy Matrimony. On that merry day the couple will be surrounded by their family and friends who will help them celebrate with their love and support. I would like to extend my best wishes to the happy couple. This is truly a momentous event in their lives, and as they celebrate their wedding, I wish them great happiness and joy for many years to come.

HONORING DENISHA L. SOLOMON

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service; and

Whereas, Ms. Denisha L. Solomon has answered that call by giving of herself as an educator at Dunaire Elementary School, and as a beloved daughter, sister and friend; and

Whereas, Ms. Solomon has been chosen as the 2014 Teacher of the Year, representing Dunaire Elementary School; and

Whereas, this phenomenal woman has shared her time and talents for the betterment of our community and our nation through her tireless works, motivational speeches and words of wisdom; and

Whereas, Ms. Solomon is a virtuous woman, a courageous woman and a fearless leader who has shared her vision, talents and passion to help ensure that our children receive an education that is relevant not only for today, but well into the future, as she truly understands that our children are the future; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Denisha L. Solomon for her leadership and service for our District and in recognition of this singular honor as 2014 Teacher of the Year at Dunaire Elementary School; Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim April 2, 2014 as Ms. Denisha L. Solomon Day in the 4th Congressional District.

Proclaimed, this 2nd day of April, 2014.

IN RECOGNITION OF THE 60TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. BISHOP of Georgia. Mr. Speaker, May 17, 2014 marked the sixtieth anniversary of the landmark United States Supreme Court ruling in Brown v. Board of Education.

As Chief Justice Earl Warren wrote in his unanimous decision, "In the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal." The Brown ruling declared that state laws establishing separate public schools for black and white students were unconstitutional under the Equal Protection Clause of the Fourteenth Amendment.

Although initially met with resistance, Brown v. Board of Education provided an impetus to education reform, paved the way for integration, and proved an integral part of the American Civil Rights Movement.

As we commemorate the sixtieth anniversary of this case, we celebrate the achieve-

ments that have been made in our country's classrooms to ensure that all students—regardless of color—receive a quality education. We still have a long way to go, however, to ensure that the promise of Brown is fully realized. Many school districts today have not fully desegregated. In addition, many students—particularly those who are minorities and come from low-income families—lack access to advanced placement classes; the latest education technology; safe learning environments; extracurricular activities; and clean, well-functioning classrooms. As we commemorate the sixtieth anniversary of Brown, it is vital that we take stock of its legacy and do all that we can to ensure that our children have equal opportunities to succeed.

Mr. Speaker, I ask that my colleagues join me in applauding the achievements that have come to fruition over the past six decades in the American classroom since Brown v. Board of Education. Let us work together to fully realize its promise and create a more perfect Union.

RECOGNIZING THE 10TH ANNIVERSARY OF THE REBOZO FESTIVAL

**HON. JULIA BROWNLEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Ms. BROWNLEY of California. Mr. Speaker, today I rise to recognize the 10th anniversary of the Rebozo Festival of Ventura County, an annual event which celebrates the cultural diversity of our region, promotes communal pride and encourages philanthropic and educational endeavors.

The first Rebozo Festival took place in 2005 when Las Madrinas (the Godmothers), a small group of community volunteers, organized and established the event with the intent of raising funds for local organizations while celebrating the rich heritage of the Latino community by highlighting the colorful Mexican rebozo (shawl) as the symbol and theme of the event.

Over the years, this event has attracted hundreds of local residents and out-of-state visitors who enjoy the liveliness of this cultural celebration, and above all help contribute to local commendable organizations.

The Rebozo Festival's underlying purpose is a philanthropic one. For ten years now, the Rebozo Festival has been able to raise thousands of dollars each year for numerous worthy non-profit organizations focusing on the cultural, social and educational needs of the region. Past recipients of these funds include the Heart 2 Heart Program, United Farm Workers Freeze Relief Fund, the Oxnard College Women's Re-entry Program and Central Coast Alliance United for a Sustainable Economy (CAUSE). This year's proceeds will benefit Future Leaders of America—Ventura County, an organization that works with our public schools to promote youth empowerment and leadership. Through the selfless dedication and work of the event's organizers, the Rebozo Festival has been able to raise and contribute over \$185,000 to the Ventura County community.

For over a decade, the Rebozo Festival has promoted and celebrated the richness and di-

versity of the Mexican culture and heritage in Ventura County. It is with great enthusiasm that I offer Las Madrinas my sincere congratulations and I am pleased to join them in celebrating the 10th anniversary of the Rebozo Festival.

HONORING JUDGE L. CLIFFORD DAVIS

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Judge L. Clifford Davis. After 65 years of service, Judge Davis was awarded the Blackstone Award by the Tarrant County Bar Association. The Blackstone Award is given to distinguished individuals who have demonstrated unwavering integrity and courage during their careers.

Judge Davis has a rich history of demonstrable courage as a lawyer. Judge Davis became licensed in Texas in 1953 and eventually moved to Fort Worth where he led the charge on desegregating the Mansfield and Fort Worth Independent School Districts. Today, the Mansfield and Fort Worth Independent School Districts rank among some of the top public school districts in Texas. In 1983, Judge Davis was elected one of the first African-American state district judges in Tarrant County.

Judge Davis was recognized by the NAACP, inducted into the National Bar Association Hall of Fame, and was awarded the Silver Gavel Award by the Tarrant County Bar Association. Judge Davis is also widely recognized by his peers and his neighbors for strengthening the integrity of our judicial system.

Mr. Speaker, Judge Davis has dedicated his life to empowering individuals who would otherwise be without a voice. Judge Davis had a direct hand in the fight for equal justice during the Civil Rights movement, and has contributed greatly toward improving the legal and public school systems in Texas. We are grateful for Judge Davis' service to our country and courage in the face of adversity and I am proud to recognize Judge Davis.

COMMENDING AMERICAN CHRISTIAN LEADERS FOR STANDING IN SOLIDARITY WITH CHRISTIANS AND OTHER SMALL RELIGIOUS COMMUNITIES IN EGYPT, IRAQ AND SYRIA

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Mr. WOLF. Mr. Speaker, I rise today to recognize over 200 individuals who signed a Pledge of Solidarity and Call to Action on Behalf of Christians and Other Small Religious Communities in Egypt, Iraq and Syria. I was honored to co-host a press conference earlier this month with my colleague Representative

ANNA ESHOO. Together, we co-chair the Religious Minorities in the Middle East Caucus.

The group of signatories to the Pledge represents the diversity of American Christianity, with individuals hailing not only from the Catholic, Protestant and Orthodox traditions but also a variety of sectors: thought leaders, clergy, parachurch heads and university and seminary presidents, among others. They have recognized that unless the American church begins to champion this cause, the foreign policy establishment will hardly lead the way.

I regularly meet with beleaguered Christians from this part of the world. Their stories are eerily similar: believers kidnapped for ransom; churches—some full of worshippers—attacked; clergy targeted for killing. In the face of this violence, Christians are leaving this region in droves. The resounding theme that emerges is quite simply a plea for solidarity, and an appeal for help. Where is the West, they wonder? With the release of this Call to Action, I am heartened to say, that these cries have been heard.

The following individuals spoke at the press conference:

Leith Anderson, Chair, National Association of Evangelicals; His Eminence, Cardinal Donald Wuerl; Archbishop Oshagan Cholyan, Armenian Apostolic Church of America; Jim Liske, President and CEO, Prison Fellowship Ministries; Canon Andrew White, Chaplain of St George Anglican Church, Baghdad; His Eminence Metropolitan Methodios of Boston, Greek Orthodox Archdiocese of America; Pastor Jerry Johnson, President and CEO, National Religious Broadcasters; Nina Shea, Director and Senior Scholar, Hudson Institute Center for Religious Freedom; George Marlin, Chair, Aid to the Church in Need-USA; Dr. Elizabeth Prodromou, Visiting Associate Prof. of Conflict Resolution, The Fletcher School of Law and Diplomacy, Tufts University; Johnny Moore, Senior Vice President, Liberty University; Barrett Duke, Vice President for Public Policy and Research Southern Baptist Ethics & Religious Liberty Commission; and Joseph Kassab, Founder and President, Iraqi Christians Advocacy and Empowerment; Institute (reading a statement by Chaldean Catholic Patriarch Louis Raphael Sako).

The text of the Pledge of Solidarity follows:

[May 7, 2014]

PLEDGE OF SOLIDARITY & CALL TO ACTION ON BEHALF OF CHRISTIANS AND OTHER SMALL RELIGIOUS COMMUNITIES IN EGYPT, IRAQ AND SYRIA

#### FACTS

In today's Middle East, the majority of the Christian faith communities, which include Orthodox, Catholics, and Protestants, suffer violence, abuse and injustice from extremist Islamic forces by virtue of being Christian. Now facing an existential threat to their presence in the lands where Christianity has its roots, the Churches in the Middle East fear they have been largely ignored by their coreligionists in the West.

Christians collectively form the largest religious group in the Middle East that is not Muslim, numbering up to 15 million people. In a siege that has accelerated over the past decade, Egypt, Iraq and Syria—the three Middle Eastern countries with the largest Christian communities remaining—have seen scores of churches deliberately de-

stroyed, many clergy and laypeople targeted for death, kidnapping, intimidation and forcible conversion, and hundreds of thousands of believers driven from their countries. The Christian population in Lebanon, the only other indigenous Church community in the region numbering over 1 million, could be threatened by the instability across its country's borders.

No Christian tradition is spared in this current wave of persecution. While addressing the theme of Christian unity, Pope Francis has called this the "ecumenism of blood," meaning that the extremists do not discriminate among the Christians they are attacking. Ecumenical Patriarch Bartholomew has also spoken of the contemporary "crucifixion" of Christians. In these same three countries, other defenseless religious groups—Mandaeans, Yizidis, Baha'is, Ahmadis and others—suffer similarly.

It has become abundantly clear that the brutal extremist campaigns are resulting in the eradication of non-Muslim religious communities or, for those who remain, denying them from having any influence or even basic rights within their society's political, social or cultural spheres. While there is no apparent organization or coordination among the various violent actors from nation to nation, their actions are leading to one conclusion: the very real possibility that Christianity may soon be exiled from the region of its origin.

These assaults continue despite rejection by the majority of Muslims and condemnation by prominent Muslim voices, such as Jordan's Prince Ghazi bin Mohammed and Iraq's Grand Ayatollah Sistani. Many Muslims also face grave threats from the extremist groups and forces that wreak destruction in the name of a political interpretation of Islam.

The current trajectory, marked by political violence and, in the cases of Iraq and Syria, full-blown war, risks a Middle East largely emptied of the millennia-old presence of Christians. Turkey offers an example of what the future may hold for the region as a whole: the Christian population constitutes a mere 0.15 percent of that country's 79 million people, down from almost a quarter of the population a century ago. Turkey's Christian community, once the heart of Eastern Christendom, is nearly gone.

Britain's Prince Charles has drawn attention to this crisis. A life-long proponent of building bridges between the Christian and Muslim faiths through dialogue, he warned last year: "We cannot ignore the fact that Christians in the Middle East are, increasingly, being deliberately targeted by fundamentalist Islamist militants. Christianity was, literally, born in the Middle East and we must not forget our Middle Eastern brothers and sisters in Christ."

Testifying about Egypt before the U.S. Congress in December 2013, Bishop Angaelos of the Coptic Orthodox Church in the UK made similar observations. He stated that the attacks by "radical elements" are not merely targeting individuals, but "the Christian and minority presence in its entirety." Over three days in August 2013, Egypt's Coptic Christians who, numbering about 8 million, comprise the region's largest Christian community, experienced the worst single attack against their churches in 700 years. Both before and after that episode, the Copts have suffered other violence, including a mob assault on the Cairo Cathedral of the Coptic Pope during a funeral service and the bombing of the Church of Two Saints that killed dozens of people. Tens of thousands of

Copts are estimated to have fled their homeland in recent years.

During more than a decade of political turmoil in Iraq, Christians have been targeted and killed in their churches, school buses, neighborhoods and shops. Canon Andrew White, the leader of Iraq's only Anglican Church, asserted that "all the churches are targets."

In Syria, large segments of both the Christian and Muslim populations have already been displaced and many, who suffer daily assault, forced starvation and unspeakable hardships, are leaving the country. The Christian community is caught in the middle of a brutal war. But the Christians are also victims of beheadings, summary executions, kidnappings, and forcible conversions, in deliberate efforts to suppress or eradicate their religious faith. Over 30 percent of Syria's Christian churches are reported to have already been destroyed. Recently, extremists have driven out virtually all the population from the Christian towns of Maaloula and Kessab. An entire convent of nuns was taken hostage and held for ransom, along with many others. Priests who have worked to improve interfaith relations and sought truces among the warring Muslim factions have been assassinated. Two Orthodox bishops, Metropolitans Mar Gregorios Yohanna Ibrahim and Boulos Yazigi, have been held captive since April 22, 2013.

Baghdad's Catholic Chaldean Patriarch Louis Sako recounts: "For almost two millennia Christian communities have lived in Iraq, Syria, Egypt and elsewhere in the Middle East. . . . Unfortunately, in the 21st century Middle Eastern Christians are being severely persecuted. . . . In most of these countries, Islamist extremists see Christians as an obstacle to their plans." He states that "it is sad to note that most Western Christians have no real awareness of the painful situation of Christians in the Middle East, even though they could actually highlight their real condition and raise awareness among politicians."

Along with other vulnerable religious groups, Egyptian, Iraqi and Syrian Christians are now leaving their countries in great numbers not simply to look for better economic opportunities. They are fleeing conflict and violence and targeted campaigns against them that have included the following:

Scores of churches—some while full of worshippers—monasteries, cemeteries, and Bible centers have been deliberately demolished and crosses on others have been removed.

The building and repairing of churches has sometimes been curbed and prohibited.

Private Christian homes, businesses and lands have been looted, confiscated or destroyed because some challenge Christians' right to property, thus curtailing livelihoods.

Christians, including some clergy, after being identified as such by their names, identity cards, or some other means, have been beheaded, shot execution-style or otherwise brutally murdered. Clergy have also been killed for their peace-making efforts or simply as personifications of the Christian faith.

Untold numbers of Christians, including bishops, priests, pastors, and nuns, have been kidnapped and held for ransom.

Young women have been abducted and forced to convert to Islam and marry their captors.

In some instances, Christians have been told to convert to Islam or be killed; some have been forced to pay protection money.

In one Syrian town, Christians have been forced to submit to dhimmi contracts (the

terms for protecting Jews and Christians in Muslim lands that are attributed to the Islamic 7th century Caliph Umar) under which their religious and other rights are suppressed and they live as second class citizens.

Muslim apostasy and blasphemy codes and standards for dress, occupation and social behavior are being enforced for Christians, as well as for Muslims, in some communities.

Given the above, Christians have been either intimidated or barred from practicing their faith publicly.

Such abuse and injustice are frequent and pervasive enough to form observable patterns in these three countries. Extremists and terrorist gangs are behind most of these incidents; they have been carried out largely with impunity, and sometimes with the acquiescence of state and local authorities. It is their cumulative effect that has triggered the current massive exodus of Christians.

American religious leaders need to pray and speak with greater urgency about this human rights crisis. The sense of abandonment felt by the Middle Eastern Churches is reflected in the searing words of Patriarch Sako, last December: "We feel forgotten and isolated. We sometimes wonder, if they kill us all, what would be the reaction of Christians in the West? Would they do something then?"

#### PLEDGE OF SOLIDARITY

We, as Orthodox, Catholic, and Protestant leaders, have come together in this joint pledge to speak up for our fellow Christians and other threatened religious communities in the Middle East. We invite other faith leaders and all men and women of good will who are concerned with the dignity and safety of all human beings to join us in this urgent task.

We are compelled to take this action by the grave dangers that confront the Churches of Egypt, Iraq and Syria, in particular. While Christians have been leaving the Middle East for many years, and, in these three countries, members of all communities—including smaller religious communities and Muslims—suffer from violence and political turmoil, the Egyptian, Iraqi and Syrian Christian communities, under the additional scourge of intensifying religious extremism, are experiencing a sudden, massive exodus of their members from the region. Since these communities account for most of the indigenous Christians in today's Middle East, the continued presence of Christians in the region where Christianity originated 2,000 years ago is threatened.

Recognizing the spiritual, humanitarian and geopolitical implications of this historic flight, we have joined together to affirm our moral obligation to speak and act in defense of religious freedom for all human beings.

As Americans, we believe that the ability to worship God, or not, and to practice freely one's faith, is a basic, inalienable human right, as recognized in our country's founding documents, and that it has universal application. We witness this right under assault today in Egypt, Iraq and Syria.

As Christians, we are called to take to heart Jesus' own words in the Gospel of Luke that he was sent to, "proclaim freedom for the prisoners" and to "set the oppressed free." We look, too, to what Paul told the Corinthians, speaking of the Church as the Body of Christ, "If one part suffers, every part suffers with it." We are also enjoined in the book of Hebrews to "continue to remember those in prison as if you were together with them in prison, and those who are mistreated as if you yourselves were suffering."

We are aggrieved by the suffering in the Middle East today of our brothers and sisters in Christ.

We pledge to call together our own congregations and communities in sustained prayer, education and engagement in US foreign policy on behalf of these Christians and other threatened religious communities of Egypt, Iraq and Syria. All too clearly, we see the "tears of the oppressed" and cannot ignore them.

#### CALL TO ACTION

While the fate of Christians in the Middle East is unquestionably important to Christians, it should be emphasized that the continued presence of Christians, along with other religious communities, is in the national interest of that region's countries and it is in America's own national interest. We agree with President Obama's assertion before this year's National Prayer Breakfast that the right to religious freedom is an essential human right that "matters to our national security."

Religious diversity provides the important experience of different faith communities living together. If the robust communities of Egyptian, Iraqi and Syrian Christians and other smaller religious communities continue to leave the Middle East, pluralistic coexistence would tragically be diminished region-wide. The Christians of Egypt, Iraq and Syria have rejected violence as an acceptable response to oppression and, instead, by both word and action, have supported a message of peace and non-violence.

Though Christians are a fraction of the overall populations of these three countries, they have long been an integral part of the social fabric, and have contributed, alongside Muslims, to the construction of the Arab civilization. They have had an especially formative role in promoting education, literacy, learning and health care that benefits society as a whole. They have participated in forming professional and entrepreneurial groups important for a dynamic middle class, as well as given rise to active intellectuals long committed to international norms and practices of human rights, the rule of law, and equal rights of individual citizenship—all essential for democracy and hence for making these countries partners in building societies where all faiths can live and prosper.

We are compelled to ask: Why are the Christians currently being killed or driven out? These communities represent openness to others and a desire for truth, even if inconvenient. They love learning and seek an equal share in building their respective nations. They do not believe in retaliation and embrace forgiveness. They respect individual life as an end in itself not as a means. These are attributes many Muslims also share and ones that any country would appreciate.

Even as we pledge to do all within our power to alleviate the suffering of Christians and other small religious communities in the Middle East, we urgently appeal for action from our government to recognize and act upon the unique plight of these religious communities.

It is our conviction that American foreign policy can be more effectively used to advocate for policies that protect international religious freedom for all. We welcomed President Obama's public remarks regarding his March 27 meeting with Pope Francis, concerning his reaffirmation that "it is central to U.S. foreign policy that we protect the interests of religious minorities around the world." As a matter of conscience, we, therefore, respectfully call for the following actions:

I. Appointment of the Special Envoy on Middle East Religious Minorities. A new special envoy post, filled by a prominent and knowledgeable citizen is needed for deep engagement in the issues and circumstances affecting Christians and other small religious communities in the region. Over 20 special envoy posts exist to protect a range of other groups and interests but none is dedicated to the plight of Middle Eastern religious minorities. American policies continue to be formed without adequately taking into account the impact they might have on these vulnerable communities. A high caliber envoy of stature who has the ear of the President could increase American engagement regarding Middle Eastern religious minorities, so that:

The views and interests, including physical safety and equal rights as citizens, of the members of small, defenseless groups are considered in any peace negotiations concerning Syria.

Every diplomatic effort is made to press other governments in the region to stop facilitating, harboring, and assisting any extremist groups and militias, and to foster respect for the defenseless religious communities.

Other policies to promote tolerance and respect for members of vulnerable religious communities in the Middle East are considered at the highest levels while there is still time to act.

It was just such a special envoy who helped draw attention to genocidal levels of religious and ethnic persecution in Sudan and usher in a comprehensive peace agreement to end the north-south conflict there in 2005.

II. Review of Foreign Aid. As he has done in the interest of other stated administration priorities, President Obama should initiate an internal review to ensure that American assistance programs, especially those that support national governments, uphold policies and principles that relate to religious freedom and pluralism. The review should include examining the region's national textbooks, local governmental broadcasting, statements by public officials, and national identity cards, where the inclusion of one's religious identity is often used to deny rights. U.S. government-sponsored broadcasting, legal and constitutional assistance, and educational efforts should promote religious tolerance and protect religious freedom, including for small religious groups.

III. Refugee & Reconstruction Assistance. Our principal purpose in speaking out is to help Christian communities and other defenseless religious groups remain safely in the region. To that end, the vulnerable religious minorities, including those who are refugees in neighboring countries or displaced within their home countries, must have equitable access to American refugee, humanitarian, repatriation, and reconstruction aid. Many will need assistance to be relocated elsewhere in the region and American help could be decisive. The U.S. government must ensure that religious minorities are not discriminated against by local authorities in the distribution of aid donated by the U.S. government, as was reported to have occurred at certain junctures in Iraq, contributing to the wholesale exodus of its Christians and other small religious communities. It must also continue to reach Christians and others who eschew UN refugee camps that they perceive to be controlled by extremist groups. In some particularly tragic instances, we recognize that individual members of defenseless religious communities will never be able to return to their

homes, and urge that those individuals be given fast track asylum in the United States and elsewhere in the West.

#### CONCLUSION

A generation ago, American religious leaders successfully mobilized support for the International Religious Freedom Act of 1998. That law created the U.S. Commission on International Religious Freedom and institutionalized regular State Department reporting on the status of religious liberty around the world. That legislation should be credited with helping to establish, as President Obama acknowledged at the National Prayer Breakfast last February, that "promoting religious freedom is a key objective of U.S. foreign policy." Now, new action is desperately needed by our churches, our government and our civil society institutions here in the United States, and by all people of good will to make that objective a reality.

(Signatories are signing in their individual capacities and titles are included for identification purposes only.)

#### IN SUPPORT OF NATIONAL MILITARY APPRECIATION MONTH

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Ms. JACKSON LEE. Mr. Speaker, I rise today to commemorate National Military Appreciation Month and to honor the extraordinary bravery and sacrifice of our men and women in uniform by celebrating.

Each May, veteran and service organizations come together to hold events around the country to demonstrate their gratitude to current and former men and women in uniform and their families for their service to our country.

From Military Spouse Appreciation Day to Memorial Day, the month of May is a time when a grateful nation acknowledges and affirms the debt owed to those brave men and women who risked their lives to preserve the freedoms we too often take for granted.

It is important that we recognize and celebrate the tremendous role military personnel have played across the globe.

Texas is home to more than 130,000 active military personnel and more than 1,600,000 veterans, 30,000 of which are from the 18th Congressional District of Texas.

It has been an honor to represent these constituents and I am extremely proud of their service.

As we acknowledge our former, current and future military men and women, it is essential that we provide them with the resources necessary to help wounded warriors, veterans, and their families transition to civilian life.

That is why I was proud to cosponsor and help shepherd to passage H.R. 1344, Helping Heroes Fly Act, that was signed into law in 2013 and which facilitates expedited passenger screening at airports for service members who are severely injured or disabled, along with their families.

I also introduced H.R. 4110, the "Helping to Encourage Real Opportunity for Veterans Transitioning from Battlespace to Workplace Act of 2014," which provides strong incentives

for employers to hire, retain, and employ veterans in positions that take maximum advantage of their skills and experience.

Mr. Speaker, in closing I recognize by the name the 53 brave men and women from my home city of Houston, who served in Iraq and Afghanistan and gave the last full measure of devotion to their country.

They are: Krystal Fitts, Jorge Luis Velasquez, Cody Norris, Jacob Molina, Pedro Maldonado, Edwardo Loredó, Matthew Catlett, Zarian Wood, Andrew Roughton, Edgar Heredia, Joshua Molina, Steven Candelo, Scott McIntosh, Orlando Perez, Jeremy Ray, Benjamin Garrison, Rodney Johnson, Matthew Medicott, Alan Austin, William Edwards, Eric Salinas, Danny Soto, Roy Jones, Terrence Dunn, Hector Leija, David Fraser, Benjamin Rosales, Kenneth Pugh, Alberto Sanchez, Walter Moss, Michael Robertson, Howard Babcock, Timothy Roark, Ivica Jerak, Phillip George, Keith Mariotti, Clinton Gertson, Dexter Kimble, Jesus Leon-Perez, Thomas Zapp, Eric Allton, Andrew Houghton, Juan Torres, Pedro Contreras, Adolfo Carballo, Scott Larson, Leroy Sandoval, Armando Soriano, Keelan Moss, A. Esparza-Gutierrez, Tomas Sotelo, Brian Matthew Kennedy, and Brian Craig.

God bless them. And may God bless the United States.

#### HONORING LYNN BUCHANAN, NEWBURY PARK BREAKAWAY FROM CANCER CHAMPION

**HON. JULIA BROWNLEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 19, 2014*

Ms. BROWNLEY of California. Mr. Speaker, I rise today to congratulate Newbury Park cancer survivor and my constituent, Lynn Buchanan, who has been named a Breakaway from Cancer champion.

As a Breakaway from Cancer champion, Ms. Buchanan will be honored as part of the "Amgen Tour of California," the largest cycling race in the United States. Ms. Buchanan will lead the "Breakaway Mile," a special walk to the Tour of California finish line in Thousand Oaks, honoring the millions of cancer survivors among us and in remembrance of the lives lost to this deadly disease. She will be joined by 150 members of the local Ventura County community.

In addition to Ms. Buchanan, the Breakaway from Cancer initiative will also recognize cancer survivors in other host communities along the course, which runs from Sacramento along the California coastline to Thousand Oaks. At the conclusion of each of the six stages of the Amgen Tour, Breakaway from Cancer champions will also present the "Most Courageous Rider" jersey.

A national partnership between biotech company Amgen and four nonprofits, the Breakaway from Cancer initiative works to increase awareness of the important resources available to people affected by cancer, from prevention to education and support to financial assistance and life after cancer.

First diagnosed with breast cancer in 1988, Ms. Buchanan was diagnosed a second time

in 2012. Drawing strength from her family, friends, and her local Cancer Support Community, Ms. Buchanan persevered. Now that her treatments are complete, she volunteers to help improve the lives of cancer patients and survivors in her own community.

I ask my colleagues to join me in commending Ms. Buchanan for her courage and leadership, and to commend the efforts of Amgen and its many community partners and volunteers for empowering cancer patients and celebrating cancer survivors.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 20, 2014 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

MAY 21

10 a.m.

Committee on Appropriations  
Subcommittee on Department of Defense  
To hold hearings to examine energy security and research.

SD-192

Committee on Armed Services  
Subcommittee on Personnel

Business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2015.

SD-G50

Committee on Finance  
Subcommittee on Social Security, Pensions, and Family Policy

To hold hearings to examine strengthening Social Security to meet the needs of tomorrow's retirees.

SD-215

Committee on Foreign Relations

To hold hearings to examine authorization for the use of military force after Iraq and Afghanistan.

SD-419

Committee on Homeland Security and Governmental Affairs

Business meeting to consider an original bill entitled, "DHS Cybersecurity Workforce Recruitment and Retention Act of 2014", S. 2113, to provide taxpayers with an annual report disclosing the cost and performance of Government programs and areas of duplication among them, H.R. 1233, to amend

chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records, S. 1045, to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment, S. 1744, to strengthen the accountability of individuals involved in misconduct affecting the integrity of background investigations, to update guidelines for security clearances, S. 1691, to amend title 5, United States Code, to improve the security of the United States border and to provide for reforms and rates of pay for border patrol agents, S. 675, to prohibit contracting with the enemy, S. 1820, to prohibit the use of Federal funds for the costs of official portraits of Members of Congress, heads of executive agencies, and heads of agencies and offices of the legislative branch, H.R. 1036, to designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the "National Park Ranger Margaret Anderson Post Office", H.R. 1228, to designate the facility of the United States Postal Service located at 123 South 9th Street in De Pere, Wisconsin, as the "Corporal Justin D. Ross Post Office Building", H.R. 1451, to designate the facility of the United States Postal Service located at 14 Main Street in Brockport, New York, as the "Staff Sergeant Nicholas J. Reid Post Office Building", H.R. 2391, to designate the facility of the United States Postal Service located at 5323 Highway N in Cottleville, Missouri as the "Lance Corporal Phillip Vinnedge Post Office", H.R. 3060, to designate the facility of the United States Postal Service located at 232 Southwest Johnson Avenue in Burleson, Texas, as the "Sergeant William Moody Post Office Building", and the nominations of Sherry Moore Trafford, and Steven M. Wellner, both to be an Associate Judge of the Superior Court of the District of Columbia, Julia Akins Clark, of Maryland, to be General Counsel of the Federal Labor Relations Authority, and Tony Hammond, of Missouri, and Nanci E. Langley, of Hawaii, both to be a Commissioner of the Postal Regulatory Commission.

SD-342

## Committee on the Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation.

SD-226

## Special Committee on Aging

To hold hearings to examine the role of health care providers in advance care planning.

SD-106

## Joint Economic Committee

To hold hearings to examine women's retirement security.

SH-216

2 p.m.

## Committee on Appropriations

## Subcommittee on Financial Services and General Government

To hold hearings to examine proposed budget estimates and justification for fiscal year 2015 for the Small Business Administration and the Community Development Financial Institutions Fund.

SD-138

2:15 p.m.

## Committee on Foreign Relations

## Subcommittee on African Affairs

Subcommittee on East Asian and Pacific Affairs with the Subcommittee on African Affairs to hold joint hearings to examine the escalating international wildlife trafficking crisis, focusing on ecological, economic and national security issues.

SD-419

2:30 p.m.

## Committee on Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2015.

SR-222

## Committee on Commerce, Science, and Transportation

To hold hearings to examine delivering better health care value to consumers, focusing on the first three years of the medical loss ratio.

SR-253

## Committee on Indian Affairs

Business meeting to consider S. 1474, to encourage the State of Alaska to enter into intergovernmental agreements with Indian tribes in the State relating to the enforcement of certain State laws by Indian tribes, to improve the quality of life in rural Alaska, to reduce alcohol and drug abuse, S. 1603, to reaffirm that certain land has been taken into trust for the benefit of the Match-E-Be-Nash-She-Wish Band of Pottawatami Indians, S. 1622, to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, S. 1818, to ratify a water settlement agreement affecting the Pyramid

Lake Paiute Tribe, S. 2040, to exchange trust and fee land to resolve land disputes created by the realignment of the Blackfoot River along the boundary of the Fort Hall Indian Reservation, S. 2132, to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and H.R. 2388, to take certain Federal lands located in El Dorado County, California, into trust for the benefit of the Shingle Springs Band of Miwok Indians; to be immediately followed by an oversight hearing to examine Indian education, focusing on the Bureau of Indian Education.

SD-628

## MAY 22

9:30 a.m.

## Committee on Armed Services

Closed business meeting to continue to markup the proposed National Defense Authorization Act for fiscal year 2015.

SR-222

## Committee on Banking, Housing, and Urban Affairs

## Subcommittee on Housing, Transportation, and Community Development

To hold hearings to examine bringing our transit infrastructure to a state of good repair.

SD-538

## Committee on the Judiciary

Business meeting to consider S. 1720, to promote transparency in patent ownership and make other improvements to the patent system.

SD-226

10 a.m.

## Committee on Health, Education, Labor, and Pensions

To hold hearings to examine access and supports for servicemembers and veterans in higher education.

SD-430

## MAY 23

9:30 a.m.

## Committee on Armed Services

Closed business meeting to continue to markup the proposed National Defense Authorization Act for fiscal year 2015.

SR-222

## JUNE 4

3 p.m.

## Committee on Small Business and Entrepreneurship

To hold hearings to examine military service to small business owner, focusing on supporting America's veteran entrepreneurs.

SR-428A

**SENATE—Tuesday, May 20, 2014**

The Senate met at 10 a.m. and was called to order by the Honorable CORY A. BOOKER, a Senator from the State of New Jersey.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace and glory, descend upon us today. Make Capitol Hill a place that honors Your Name, as our lawmakers depend on Your might and power to keep America strong. Lord, help our Senators to remember that laudable progress comes not by might nor power but through Your Spirit. Give them the wisdom to seek Your guidance for every critical decision, as You infuse them with the courage to obey Your commands. As they seek to do what is best for America, be for them a shield and sure defense. May they ask the right questions as they labor to keep liberty's lamp burning brightly.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 20, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CORY A. BOOKER, a Senator from the State of New Jersey, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. BOOKER thereupon assumed the Chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**JUSTICE AND MENTAL HEALTH COLLABORATION ACT OF 2013—MOTION TO PROCEED**

Mr. REID. Mr. President, I now move to proceed to Calendar No. 92, S. 162, which is the Franken Mentally Ill Offender Treatment and Crime Reduction Act.

The ACTING PRESIDENT pro tempore. The clerk will report the motion. The legislative clerk read as follows:

Motion to proceed to Calendar No. 92, S. 162, a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

**SCHEDULE**

Mr. REID. Mr. President, following my remarks and those of the Republican leader, if any, the Senate will be in a period of morning business until 5:30 p.m. The time from 2:30 p.m. to 5:30 p.m. will be equally divided and controlled between the two leaders or their designees. The Senate will recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings. At 5:30 p.m. there will be at least two rollcall votes: confirmation of the Costa nomination to be a U.S. circuit judge and a cloture vote on the Fischer nomination to be a member of the Federal Reserve Board of Governors.

**BROWN V. BOARD OF EDUCATION ANNIVERSARY**

Mr. President, we hear a lot—and have for many years—about the Brown v. Board of Education case, but what was that all about? Well, it was about a dad and a mom who decided they could no longer just go along; they had to try to do something to take care of their little 7-year-old girl Linda. In the 1950s this family lived in Topeka, KS, and the State was racially segregated. Little Black boys and girls went one place to school; little White boys and girls went someplace else. But it was clear where the little Black boys and girls went to school the schools were not very good; where the little White boys and girls went the schools were pretty good—certainly better than where the Black boys and girls went.

But a courageous father named Oliver Brown was determined to give his little third grader Linda a fair shot at a good education. These were long odds he took. Mr. Brown tried unsuccessfully to enroll his daughter Linda in the neighborhood all-White elementary school, the school that was close by. But the doors of that school were shut to little Linda because she was an African American—because of the color of her skin. It had nothing to do with her intellect; it had everything to do with the color of her skin.

She was forced to walk—a little 7-year-old girl, a third grader—seven or

eight blocks to a bus stop where she waited for a bus to take her to an all-Black elementary school some distance away.

Rather than accept the status quo, the Browns—and they got some other neighbors to join them—brought a civil case against the Topeka school board challenging the school district's segregation policy.

This case took a long time to work up to the U.S. Supreme Court, but it got there. This case is now commonly known as Brown v. Board of Education. As I said, it was eventually argued before the U.S. Supreme Court.

The plaintiffs were represented by the NAACP and a young lawyer by the name of Thurgood Marshall. I just finished a stunning book about this man. It is called "Devil in the Grove," and for anyone within the sound of my voice, I would recommend they read this book. It tells a lot about Thurgood Marshall and the struggles he went through. But it also talks about the South and what he had to put up with—death threats, accommodations. He had to stay at other people's homes. Even though he would go to a courthouse, and he would have to spend weeks in that town, he could not get a room nearby. He had to go live with an African-American family during that period of time. It is a good book, and it talks about how courageous the Brown family would have to be to do what they did: to challenge the status quo.

In rendering the decision, the U.S. Supreme Court—not in a 5-4 decision, not in a 7-2 decision, but in a unanimous decision—under the leadership of Chief Justice Earl Warren, unanimously held that a racially segregated public school was "inherently unequal," and they overturned—some say half a century—what America had been for a long time. They changed it. We all know it did not change like that, but it changed.

I had the good fortune last night—I got home fairly early, 7 o'clock—and watched the news. Every news show talked about the 60th anniversary of Brown v. Board of Education, which occurred last Saturday. They interviewed everyone, and even though we have a long way to go, everyone acknowledged that decision changed America. The status quo of separate but equal in our Nation's public schools was struck down. It was gone—not in a decision, I repeat, that was close but unanimous. We need more of those. We need more collegiality in the Supreme Court, not only here in the U.S. Senate but in the Supreme Court, because after that was struck down, little kids such as Linda



Brown were able to attend class with little White boys and girls.

This past Saturday marked the 60th anniversary of the Supreme Court's decision in *Brown v. Board of Education*.

My children are not little kids anymore, but in Nevada, we had segregation. I can remember a man I served with in the State legislature. His name was Woodrow Wilson, an African American. He told me about Las Vegas and taking his children to a lunch counter that was in a drugstore. They told him to leave, that he could not eat there. That is Las Vegas; that is not Mississippi.

So things changed in Nevada. When my children were young, schools were not really segregated as I just described what was going on in Kansas, but they still had some issues. How it was handled in Nevada—let's see if I can remember the grade—yes, for all sixth graders, White kids were bused to an African-American community to go to school for 1 year of their school career, but the rest of the time the Black kids were bused. So for 1 year White kids were bused; the rest of the time Black kids were bused. That is gone now. But it was handled differently. Was what took place with my two oldest children good? No. But it was better than it used to be.

After six decades, our Nation still owes a debt to those few brave individuals who stood against racial segregation in American schools, and the lawyer there was a man by the name of Thurgood Marshall. I never had the pleasure and honor of meeting this man when he was on the Supreme Court, but, boy, what a stalwart he was. And that book was so good. Again, I repeat, it is called "Devil in the Grove." It is focused mainly on Florida and what went on in Florida—what a bad situation there, created by lots of people but principally one sheriff.

The Brown family, their fellow plaintiffs, the legal teams, and the nine Supreme Court Justices all refused to let inequality go unchallenged.

For the Browns, it was difficult, it was scary, and it was courageous to pursue legal recourse in the face of insults, slanders, and threats. But the Brown family and their fellow plaintiffs stood firm in the face of their opposition. Their legal teams did not waiver, led by Thurgood Marshall, and their supporters had their backs from the beginning to the end.

These parents could have given up, and I am sure there are stories that are untold where parents did give up. But here the Browns knew it was their responsibility to fight for justice. There was nothing given when they started this. In fact, the odds were stacked against them.

Today, along with my Senate colleagues, I express my gratitude for the men, women, and children whose iconic efforts helped bring racial segregation

to a screeching halt. As I have said before, today our Nation is still far from perfect, and, sadly, we still see racism rear its ugly head. We saw what happened in Nevada very recently where a man said that African Americans were better off with slavery. Some people still believe such things. But no one can dispute that we are better off because of *Brown v. Board of Education*.

It is my hope we will recognize and support those other children like little Linda Brown in doing our part to equally and fairly look at what is going on and do our part to defend equality and fairness in our society. As we do that, we will complete the unfinished work of *Brown v. Board of Education*.

#### NOMINATIONS

Mr. President, I want to briefly call attention to something that I think is extremely important for our country and for the Senate.

Last week we had all the police officers from Nevada, New Jersey, came from all over the country, to celebrate National Police Week, to express our appreciation for the crime-fighting men and women who protect our families every day. They had an honor roll there of people in our country who were killed in the line of duty as police officers.

While the rest of America honored our Nation's police officers, the U.S. Senate failed to do its part in supporting law enforcement.

For months—for months—we have struggled to get nominations done.

The chief law enforcement officer of our country is Eric Holder. He is the Attorney General of the United States. He has awesome responsibility. Yesterday we saw that seven Chinese military officers were indicted for hacking into different businesses to steal their trade secrets. A day rarely goes by where we don't see the Justice Department announcing something they have done for the good of our country. A big bank was fined \$2.5 billion yesterday for doing things that were criminally done in our country—hiding money that people were putting into banks so they wouldn't have to pay taxes on them. The Justice Department is so important to the integrity of our Nation, but we have about 140 nominations that have been stalled by the Republican obstruction.

We changed the rules in the Senate. We are getting our judicial nominations done. These good men and women will serve a lifetime in their jobs. They were blocked, and now we have a way to get them done. But rather than live up to those responsibilities, Republicans are pouting. They are pouting. They are saying: Oh, they changed the rules to get these judges done, so we are going to agree to nothing—things we used to do as a matter of fact. I can remember when I was the whip here and I did work for Senator Daschle, who was the leader. One evening, by

consent, we did 70 nominations just like that, walked out with a consent agreement and approved them. That is the way we used to always do it until President Obama was elected. They have done everything they can to make it so that this man's job is very difficult. Everyone can try to figure out why they have done it, but they have done it. They have opposed everything this good man has tried to do.

Right now, if you can imagine this, we have three people—it is very important—who want to be U.S. attorneys in New Mexico, Louisiana, and Connecticut. These are extremely important jobs, fulfilling those responsibilities. But they can't fulfill those responsibilities because they are being held up by Republicans. These are jobs that were never held up in the past. These are people who are prosecuting crimes in the States of New Mexico, Louisiana, and Connecticut, but they are being held up. Why? For no good reason. These are all good men and women.

The U.S. attorneys are our Nation's top prosecutors for drug trafficking, bank robbery, counterfeiting. When I practiced law, it was kind of a joke: What are they trying to do—make a Federal case out of it?

Yes.

Why do they say that? Because Federal cases are good cases. They are investigated by the FBI and other agencies, and they bring these cases to the U.S. attorney, and they make a Federal case out of them. But they are not making Federal cases out of those cases in New Mexico, Louisiana, and Connecticut. Everyone who is watching what I say today, that is a sham.

The reason I mentioned the Attorney General, we have two Assistant Attorneys General they are holding up. Eric Holder called me yesterday and said: Is there anything that can be done to help me?

Again, I will have to file cloture on these. This is how it works, everybody: I file cloture, we get cloture, and they have 30 hours to stand around and do nothing. When 30 hours is over we finally get a vote. They get 30 hours for a circuit court judge, Supreme Court Justice, and Cabinet officer. For U.S. attorneys and assistant U.S. attorneys, they get 8 hours—an arbitrary number.

I don't plan on changing the rules again, but how much longer can we put up with this? Even law enforcement officers, as I have indicated, are held up for no reason. We don't hear people giving speeches about what horrible people the President selected to be U.S. attorney in Connecticut, Louisiana, and New Mexico—not a word. They just hide behind their obstruction.

I ought to mention that we have about 40 ambassadors they have held up. These are not political appointments; these are career ambassadors who have worked their whole lives to



have one of these jobs where they represent our country. We have major countries where they have held up ambassadors: 25 percent of all African countries, no ambassadors; Peru; and on and on with all of the things that are being done—not for the betterment of our country.

We have the Assistant Attorney General for the Environment and Natural Resources Division. One would think that is kind of important with the fires burning in the West and the number of fires caused by malicious acts.

Is it right that we have all this degradation of our environment and there is nobody to enforce the law? I know the Koch brothers want no environmental protection. They say that, so maybe they are at the beck and call of the Koch brothers, who don't want these laws enforced.

The U.S. Department of Justice is the crime-fighting arm of our government, and they should not be handcuffed by not having the people to allow the Attorney General to have help with his responsibilities. It is hard to fathom that the work of Attorney General Eric Holder is being recklessly hindered by Republican obstruction.

It used to be easy for me to say "I call on my Republican colleagues to stop it," but they haven't stopped it for 5½ years. It is a shame. I would at least hope they could give our Nation's law enforcement all the tools they need to protect us.

#### RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Maryland.

#### EXPIRE ACT

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to find a way to proceed with the EXPIRE Act that Senator WYDEN and Senator HATCH worked on.

I am proud to be a member of the Senate Finance Committee, where this legislation was passed by a unanimous vote. We had an extensive markup where members offered numerous amendments.

This deals with expiring tax provisions, and if we don't take action, we will find that those who depend upon this tax policy remaining in effect—such as small business owners, students, people who use certain benefits,

and some of our energy provisions—will find that policy expires at the end of the year. If that happens, what happens, quite frankly, is that—it has already expired in some provisions, and if we don't extend it, there will be continued uncertainty in our Tax Code.

It also means that if we don't pass this bill, it effectively raises taxes on a large number of Americans. So it will affect those who ride our transit systems. It is already affecting those who use transit systems. It is already having an impact because we haven't taken timely action. We can't wait any longer on the passage of this bill.

I would like to take this time to express my strong support for giving a fair shot to all Americans who depend upon a stable tax policy and are finding that our inactions are causing more uncertainty. It affects job creation in our communities. Let me give a few examples.

Small businesses depend upon the passage of this bill. Why do I say that? The research and development tax credit is very much at stake. Small businesses depend upon the help in the Tax Code to take risks, to invest in new innovation. More innovation occurs through small businesses than large businesses. More jobs are created through small businesses than large businesses. They need a tax code that is friendly for small business owners to accumulate capital, to take risk, and to develop the next cure for a dread disease, the next technology that will help us deal with cyber security, and the list goes on and on. But without the extension of the research and development tax credit, small businesses particularly are put at a tremendous disadvantage.

We have the expensing provision, which is a very popular provision, which allows small business owners to be able to take off immediately the cost of their investments in their company. It is bipartisan. We have always thought of that as a good idea.

If you are a small business owner and you are trying to plan as to your next investment but you don't know what the tax policy is going to be, you are going to withhold. You are not going to make those plans to put in that new piece of equipment that perhaps expands capacity or makes you more efficient so you hire more people, sell more product, and create more jobs. If you don't have the certainty in the Tax Code, you put off that decision, delaying the acquisition. Then maybe when you get back to it, times are different and maybe it is more challenging and you never go forward with that expansion. Those jobs are lost forever.

Literally, the passage of this bill helps small business owners to be able to make decisions to expand opportunity and create more jobs. That is at jeopardy if we do not move this bill forward.

One of the provisions that I have worked on with other Members in the Senate is the S corporation. S corporations are preferred by small companies because it allows them to pass through their income and expenses as if they are an individual taxpayer, avoiding the double taxation of a C corporation. Well, there have been changes over time on how businesses operate, and we need to reform the S corporation provisions so that they are friendlier toward small businesses and give them more flexibility on the use of this structure.

These are the provisions we want incorporated into the EXPIRE Act.

Let me mention one other provision that I think is very important in New Jersey, Maryland, and in all of our States. We have yet to recover fully from the housing crisis. We still have too many people in Maryland and—I am sure the Presiding Officer would agree—in New Jersey who are in danger of losing their homes through foreclosure. We still have a disconnect between many of the balances that are on mortgages and the value of the homes. So it is in everyone's interest to readjust the numbers so that it works; the person can afford to stay in the house. It makes sense economically, it is less costly to the mortgage holder, and it is certainly better for our community and certainly better for the homeowner to be able to maintain their house. So we restructure the loan.

We have had a policy in place that said restructuring those loans with loan forgiveness does not trigger a taxable event. That makes sense. Everybody agrees with that. We have to extend that policy because it is still needed today. We still need to make that connection between homeowners and the mortgage holders to adjust mortgages where it is appropriate to avoid foreclosure, to keep neighborhoods more stable, to help individual families and, by the way, it will also help the banking institutions because they will lose less money if they have a person paying their mortgage on time. That policy will be at stake if we do not pass the EXPIRE Act.

Another issue I have been working on personally—and I know this one will be very important to the Presiding Officer—is the transit benefit, the parity provision. We had a policy in place that provided parity between those who use transit to get to work and those who are provided parking spaces, and that parity expired. So we need to extend that provision so those who help us—help our energy policy in this country by using transit rather than driving a car, help those who drive cars by having fewer cars on the road so that they can get into work a little easier, and help our environment by taking cars off the road—receive a comparable tax break as those who drive their cars to work. That is another provision that is critically important in the EXPIRE

Act and another reason we have to get it done.

The low-income housing tax credit—we have worked on this, and it is the most important tool we have for affordable housing in this country today. It is the No. 1 tool today. Senator CANTWELL and others have worked together to try to make it more effective with certain floors to guarantee a certain amount of help to different communities. We extend that policy in the EXPIRE Act so that we again are able to maintain the existing tools of today to help provide affordable housing by partnerships with the private sector. This is jobs. This is the private sector being incentivized to construct affordable housing in the community, privately owned, with the government as a partner. It is more cost-effective to the taxpayer and provides a greater stock of affordable housing. That policy will be in jeopardy if we cannot pass the underlying bill.

A section I have worked on with many of my colleagues is the extension of 179D, which deals with energy efficiency. We all talk about incentives so that when you build a building, you make it energy efficient. It is good policy for our energy and for our environment. We all know it makes us less dependent upon foreign sources of energy—all of the above.

This energy credit has been very, very effective in getting businesses and institutions to incorporate energy efficiency when they construct their buildings. So we want to extend that policy, absolutely, and I am proud of the role many of us have played in this area to get that extended.

We also want to improve that, and one of the provisions that is improved in the underlying bill is to help nonprofits take advantage of the 179D credit. It makes no difference whether it is a commercial or a nonprofit venture; we should be friendly to all from the point of view of being able to make buildings more efficient. That is what is incorporated in the underlying bill.

I must say I hope we will have an opportunity to offer some amendments, and I would hope, if we do, we can expand that to retrofitted buildings. We should be dealing not just with new construction, but we should also be dealing with older buildings from the point of view of giving incentives for retrofitting and saving energy, saving costs, making this country more efficient, creating more jobs and, by the way, also helping our environment. All of that can be done, and the EXPIRE bill helps us move forward on all those issues.

A provision I worked on with Senator SCHUMER on section 181 deals with film expensing rules. This is very important because filmmaking, whether it is for the theater or for TV, is a global competition. It is no longer whether it is going to be done in your State or in my

State; it is whether it is going to be done in America or in another country. We have certain provisions in the code that make it easier for companies to locate in our States.

I am proud of the filmmaking industry in Maryland. It is very important to our economy, with literally hundreds of jobs dependent on that every week when we have new companies coming in. So extending this credit will help us in that regard, and that is in the underlying bill.

A provision I worked on with Senator PORTMAN, the work opportunity tax credit, is a credit we give to employers who hire very difficult-to-hire individuals. It has been very successful in getting jobs for people who would otherwise be unemployed. The company takes a risk, and they are compensated for it because it is a more vulnerable group of unemployed workers.

Senator PORTMAN and I have introduced an amendment to expand that to the long-term unemployed. When an employer is looking for someone to hire, they do not normally go to the long-term unemployed list. This will allow us to deal with that. It takes the pressure off the unemployment insurance system, and it provides incentives for job growth. That is in this bill.

I could go on and on. There are literally dozens and dozens of similar provisions that are extended and improved—extended and improved—in the underlying bill. That is what the Finance Committee did under the leadership of Senator WYDEN and Senator HATCH. We looked at all these provisions and asked: Which ones should we extend and which should we modify?

The next thing we want to do is to make permanent decisions. We know uncertainty is not healthy. We know we have to make permanent decisions on which credits should be there and which ones should not. We want to level the playing field as far as the Tax Code is concerned, but you can't get there unless this bill is first passed. This gives us a 2-year window in order to pass tax reform.

It is called EXPIRE for a reason—because we don't want to see temporary provisions in the Tax Code. We think we should make permanent judgments, and this bill gives us a chance to do that. So it will help us from the point of view of a more predictable tax policy. It will help us create jobs. There is no question about that. It does help small businesses. They are the ones most at risk by our failure to act. The uncertainty and the timing of this affects small businesses more. Based upon current policy, it would increase the tax burden of companies in this country and individuals. It is not only businesses but also individuals' tax burdens which will go up if we don't pass this bill.

This is not the time that any of this should be done. It makes more sense

for us to move this bill forward. So let us find a way to do it. I might add that, traditionally, tax bills coming out of the Finance Committee are not an open process for amendments. I understand that. I think most of my colleagues understand that. So let us use reason to figure out a path forward so that at the end of the day we can pass this most important piece of legislation and help our economy grow.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### BARRON NOMINATION

Mr. GRASSLEY. Mr. President, I wish to speak about Harvard law professor David Barron's nomination to the First Circuit. I will do so by addressing some aspects of Professor Barron's record I find particularly troubling. At the end of the day, I believe his record reveals a nominee who simply doesn't belong on the Federal bench.

I will also update my colleagues on the efforts to withhold material relevant to this nominee from the American public, as well as, it appears, from the Senate.

Unfortunately, the White House continues its refusal to confirm that it has provided the full Senate with all Barron-related drone materials. As I stated 2 weeks ago, every Senator should be provided access to any and all Barron memos related to the drone issue, but before I turn to Barron's drone materials, I will discuss with my colleagues some of the other problematic aspects of this nominee's record.

I have reviewed the record. It is a record of legal reasoning and policy positions that are far outside the mainstream of legal thought. Professor Barron's record is even outside the mainstream of typically left-wing legal thought that we see in so many of our law schools. It is a record that reveals Professor Barron's judicial philosophy. While that judicial philosophy may be appropriate for the ivory towers of academia, it has no place on a Federal appellate court. It is also a record that reveals Professor Barron's embrace of an approach to judging that is flatly inconsistent with what Federal judges are called upon to do.

Professor Barron has been very candid about his view on the role of the Federal courts. So from that standpoint, he is intellectually honest. It is fair to say he appears to view the Federal judiciary as a political branch of

our government, not the judicial branch interpreting law instead of making law. I will recount some of the evidence which leads me to this conclusion.

Professor Barron has written that the courts are a “significant wielder of power” for “progressive potential.”

What he appears to mean is that the courts should be used as an instrument to impose progressive policies on the American people, a role generally reserved to the legislative branch of government. These are of course policies that liberals couldn’t otherwise impose through legislation because they are so far outside the political mainstream.

Professor Barron also appears to believe that progressives should mask their motives. He has written that candor and clarity have potential to “obstruct progressive decisionmaking” and that “candor, clarity, and activism cannot co-exist.”

If that is what he believes, he is intellectually honest. His solution to this problem is, “Candor and clarity seem a preferable choice for sacrifice” to all-important progressive decisionmaking.

I would like my colleagues to stop and think about whether that kind of thinking is compatible with the role of a Federal judge. It is surely compatible with being a legislator but not being a judge. I think the answer is, quite simply, it is not because judges are called upon to decide cases based upon laws applied to the facts.

Consider this quote from the professor: “Principled frankness has its place, but it need not always lie between the covers of the United States Reports.”

Let that sink in for a moment. The “United States Reports” he is referring to of course are the volumes containing the reported opinions of the U.S. Supreme Court.

So when we consider this statement together with his view that candor and clarity have the potential to “obstruct progressive decisionmaking,” it then becomes very clear he believes that liberal judges should hide their true intent.

That is an astounding proposition. It is unthinkable that someone who holds such a cynical view of the judiciary could obtain a lifetime appointment to one of the Nation’s highest courts. What more assurance could my colleagues have that Professor Barron views the Federal judiciary merely as a tool for liberal policymaking?

Consider another statement. The professor has suggested that “principled judicial interpretation may obstruct democratic constitutional politics.”

Is that the sort of person who should be judging instead of legislating? Comments such as these make it clear to me that this nominee has a “whatever it takes” judicial philosophy. He will aggressively do whatever it takes to reach his desired progressive policy outcomes.

Are any of my colleagues ready to vote for a judicial nominee who has hinted that “principled judicial interpretation” might occasionally need to take a backseat to political considerations? It is in a body such as we are in right now—the Senate—where political considerations and policy considerations rule according to what our constituents tell us, but that is not something a judge takes into consideration.

The professor is an unabashed advocate of what he calls “progressive federalism.” According to Professor Barron, the purpose of progressive federalism is to “promote national and local relations consistent with a broader liberal political vision.”

Legislators are supposed to have political vision. Judges are supposed to judge and not have political vision because they don’t run for office. Is that the type of individual we want on the Federal bench?

He has added:

Federalism is what we progressives make of it. Rehnquist and his conservative colleagues have been making the most of it for more than a decade. It’s time for progressives to do the same.

That is a pretty explicit example of his judicial philosophy. That philosophy is that the courts are an instrument of leftist policymaking. He sees the courts as basically a third political branch. That view of the Federal judiciary is totally incompatible with the limited role the Constitution assigns to the courts.

It should be clear to all Senators that if he is confirmed, the professor would bring an extreme progressive political agenda with him to the First Circuit. Political agendas belong in the Senate, not in the First Circuit.

His academic work gives us some indication of the kind of judge he would be. I would note that we had a hearing last week where some of my colleagues on our Judiciary Committee expressed their frustration about the nomination process. They remarked that every nominee who comes before a committee dutifully promises that he or she will objectively and dispassionately apply the law to the facts and respect precedent.

But my Democrat colleagues claim, after being confirmed, some nominees do not simply call the balls and the strikes. Let me assure my colleagues that we don’t need to guess at what kind of judge the professor would be. It is not a mystery. He makes no secret of it.

Let’s take another look at his academic work. It is clear the professor wouldn’t be bound by the law when deciding cases. He’s admitted as much. Professor Barron is an outcome-oriented legal thinker. He will select his desired progressive results and then find a way to get there. As I said, it is a “whatever it takes” judicial philosophy.

Here is what the professor said about precedent and the doctrine of stare decisis: “Any good lawyer knows how to distinguish a precedent, if you need to.”

You see, in the professor’s world view, precedent is just an inconvenient obstacle that can be easily dismissed on the road to his preferred outcome. Can any of us doubt that as a judge the professor would cleverly choose the precedents that he agrees with and ignore those he disagrees with?

Let me give you some more evidence. He lost a case before the Supreme Court 9 to 0. In other words, a unanimous vote against legal arguments that the professor advocated. He told the press that the Supreme Court “got it wrong” and that his brief “was right after all.” Imagine that, being voted down 9 to 0 and saying the Supreme Court got it wrong because in the professor’s judgment every member of the Supreme Court got it wrong—but not our professor nominee. What does this statement suggest that we can expect from him when it comes to his respect for legal precedent? I don’t think we can expect much. We cannot expect him to follow legal precedent because he disagrees with the Supreme Court even after they disagree with him 9 to 0.

There is more evidence the professor wouldn’t be confined by the law in reaching the right outcome in a case. He has written that judicial decisionmaking, guided by statutes and legal precedent, is “awfully cramped and technical, because it doesn’t reflect a broader legal culture.”

Now, get back to basics. I thought the role of a judge was to apply the law, not to go fishing around for the “broader legal culture” until you find support for the result you want.

So I think we can be very clear. I don’t expect President Obama to nominate conservatives to the Federal bench. When this President was elected, I didn’t expect that a crop of young Scalias, Thomases, and Alitos would be filling the vacancies in our courts. Judicial nominees are a Presidential prerogative, and I voted for many of this President’s judicial nominees who don’t share my views on constitutional interpretation or federalism or the First Amendment. I voted for them because they were accomplished judges and lawyers who I believed could put their personal preferences aside once they took to the bench. I would and did expect when I voted for them to objectively rule based upon the law; or, if I wasn’t absolutely sure, I was willing to give them the benefit of the doubt.

However, given the statements from this nominee’s body of work that I have recounted today, as well as others, I can’t understand how any of my colleagues could think the same about this nominee. In fact, I don’t believe that I have seen a nominee who has

been more candid about his or her desire to use the courts as an instrument of political ideology than Professor Barron.

This nominee's views are fundamentally incompatible with the limited constitutional role of the Federal courts. Here I want to go back to the people who wrote the Constitution and tell you what they really had in mind about the courts. In *Federalist No. 78*, Alexander Hamilton famously referred to the judicial branch of government as "the least dangerous branch," because in the constitutional vision of our Founders the courts would have "neither force nor will, but merely judgment." The professor's judicial philosophy turns that vision on its head. His record reveals a judicial philosophy that says progressive policy ends justify the legal means to get there. It is a judicial philosophy in which will trumps judgment. I don't share those views, and I cannot vote for this nominee or a nominee who does.

Now I will take a few minutes to update my colleagues on another aspect of this nominee that deals with the Barron drone materials and the White House's apparent refusal to provide this body with every one of the Barron-related drone materials.

Two weeks ago I came to the floor calling on the Obama administration to release any and all Office of Legal Counsel materials on the drone program that were written by or related to the professor. I also called upon the administration to comply with the Second Circuit's opinion last April ordering the Department of Justice to release a copy of the 41-page Barron drone memo in redacted form. We know this particular memo provides the legal arguments for targeted killing of American citizens overseas.

Yet the administration refuses to comply with the court order of the Second Circuit to make the arguments public, albeit in redacted form, and I haven't heard any indication that the administration intends to do that. Not only that, but the White House refuses to tell us whether they have made available to the full Senate all of the professor's drone-related materials.

Since 2010, the press has reported that Professor Barron wrote at least 2 memos that justified the Obama administration's drone policies while he was at the Office of Legal Counsel, and the Second Circuit said that there are at least 3 and possibly as many as 11 memos on the administration's drone policy. That much is very clear. What isn't clear is the scope of the professor's writings on the legality of the administration's drone program. We don't know this because the administration continues to ignore the bipartisan demands of Members of the Senate to make available all of those drone memos, particularly the ones written by the professor. We don't know how

many of the drone memos exist because this administration refuses to even confirm whether they have provided all the drone memos to the full Senate. These materials are of crucial importance to the full Senate's consideration of this nominee.

I would recount for my colleagues what has happened thus far. On May 12, White House Press Secretary Jay Carney said that a single drone memo—what Carney referred to as the al-Awlaki memo—had been made available to the full Senate. But the Press Secretary was asked repeatedly how many drone memos exist, and he repeatedly dodged the question.

Here is what Mr. Carney said. Question: "How many of them are there?" Mr. Carney answered:

What I can tell you is a couple of things. First, on the Senator Paul op-ed in which he does call for the memos to be made available to senators, we have made the memo available—the memo in question available before the vote.

Again, the White House is dodging here and just addressing one memo. So Mr. Carney was asked a second time at the news conference. The questioner said: "How many memos are there? How many memos in which he [meaning Barron] was a principal author outlining the legal case?"

Mr. Carney answers: "There was one memo in question that I have referred to, and that has been made available to U.S. Senators."

So the questioner came back: "Are there others?" Mr. Carney, the Press Secretary, answers: "Are there other memos that he [meaning Barron] drafted? I don't know."

Now get this: An answer of "I don't know" to how many memos exist. That is as good as the White House can do when there is this high level of discussion about how many memos exist? Surely there are people scrambling around the White House to have an answer, even if they don't want to give the answer, because it is already obvious that they want to know what is going on themselves. But you still get the answer: I don't know how many memos there are. That is the best answer we can get from the White House after weeks of bipartisan requests from Senators to provide the full Senate with any and all of the professor's drone materials. "I don't know" is simply not an acceptable response from the White House.

Again, the White House seems to imply that it has provided all of the Barron-related memos on the drone program, but the fact of the matter is that they will not confirm that. Unfortunately, it appears many Democrats as well as members of the media have fallen for this ruse. The Second Circuit mentioned at least three memos that were responsive to the New York Times Freedom of Information Act request for materials on killing Americans

abroad. So we know that there are multiple drone memos. That is a matter of public record.

Has anyone in this administration bothered to read the Second Circuit's opinion? We know that there are multiple memos on the drone program—as many as 11. As the New York Times has reported since 2010, there are at least two drone memos that this nominee has written. But there may be more. The best answer we have gotten so far is "I don't know."

On May 14 the White House changed its tune just slightly. Another White House spokesperson told the press that the White House said it had provided all of the Barron drone materials related to "U.S. citizens."

But, again, the White House hasn't said whether there are additional materials that the professor wrote on the drone program. It is not at all clear to me why this administration thinks it has done its duty to provide the full Senate with materials that are crucial to our consideration of this nominee's fitness for a lifetime appointment, particularly considering the fact that the White House should make at least that one memo available to the public. It is similar to when President Jackson didn't like what John Marshall ruled in a particular case; the Chief Justice ruled, now let him enforce it. Are we going to have that respect for the circuit court opinion that says the White House ought to release to the public this decision? Is that the oath the President of the United States took to uphold the Constitution?

Why does this administration think that any Senator would vote on a judicial nomination without having reviewed the nominee's work on such an important topic?

Moreover, as I mentioned 2 weeks ago, the Freedom of Information Act litigation in the Second Circuit is still ongoing. Whatever responsive memos that the administration has not yet released may become public in the future. Again, are my colleagues ready to vote on this nomination without having reviewed all relevant writings of the nominee? Are my colleagues ready to shrug their shoulders and accept the White House Press Secretary's statement when he says, "I don't know" how many memos there are? Are my colleagues prepared to face their constituents and explain that they didn't bother to track down this controversial nominee's complete record on this topic before they voted?

The Constitution requires every Senator to provide advice and consent on a nominee. We cannot satisfy that obligation if this administration continues to withhold the professor's writings. At the very least, the White House should say definitively that no additional Barron-related drone materials exist. What are they hiding?

The Second Circuit says the professor is the author of the memo that sets

forth the legal framework used to justify killing Americans overseas. What else has he written that the administration refuses to release to the full Senate? The Members of this body will never know until the administration ends the obstruction and provides access to each and every one of the memos on drones that Professor Barron has written. Again, the administration should comply with the Second Circuit's order requiring them to make the opinion of the Office of Legal Counsel public, even if it is with redactions.

Why the rush to have this vote before the public gets to read the legal reasoning? Why is the other side so afraid of waiting to vote until their constituents read this nominee's legal rationale for the targeted killing of American citizens?

It is time for the White House and the administration to stop playing games regarding how many of the professor's memos there are. It is time for the White House to stop hiding from the public the materials they have been ordered by the court to disclose.

I will vote against this nominee and urge my colleagues to do the same.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHATZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, under the order I ask unanimous consent for 20 minutes to address the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BENGHAZI

Mrs. BOXER. Mr. President, I rise to urge Senator REID to say a very clear no to the request by 37 Republicans that we create a new Senate select committee on Benghazi. I was astounded to see 37 Republicans—many of whom have worked on this issue with me and Senator MENENDEZ on the Foreign Relations Committee—essentially make this request at a time when we have so much information already on Benghazi. To spend the funds for this separate committee—in addition to the one the House has set up—doesn't make sense unless you believe, as I do, that this is all a political witch hunt.

The attacks of September 11, 2012, in Benghazi that took the lives of four Americans, including Ambassador Chris Stevens, were a tragedy. After such a tragedy, we should all come together and make certain that this never happens again, but we should not play politics. Instead of focusing and agreeing on how we can prevent future attacks against U.S. personnel over-

seas—as they have had an opportunity to do by adding more funding for diplomatic posts to protect our people—the Republicans want to turn the Benghazi-Libya tragedy into a scandal. That is scandalous. The way they are handling this issue is a scandal.

The American people are smart. I have seen recent polls, and they get it. More than 60 percent—and I will look that up again—say this is all about politics; it is not about anything else.

I wish to explain to the American people what we have done about this tragedy. Over the last 20 months, these attacks have received unprecedented scrutiny. I have a chart I wish to share that explains it.

We have had nine House and Senate investigations on Benghazi. We have conducted 17 hearings. We have held 50–5–0—briefings. We have conducted 25 interviews, issued 8 subpoenas, and reviewed 25,000 pages of documents. There are 25,000 pages of documents that have been reviewed. We have had six reports released. All of these little boxes represented here show the various hearings, the various committees, the various briefings, the various documents. We look at this chart and realize this is unprecedented.

Nine different House and Senate committees have investigated the attacks. Seventeen hearings have been conducted. Fifty briefings have taken place. Twenty-five transcribed interviews have been conducted. Eight subpoenas have been issued. More than 25,000 pages of documents have been reviewed, and 6 congressional reports have been released.

I have gone over this a couple of times this morning because I want to make sure the RECORD reflects all of this accurately.

In case that is not enough to convince the people of this country what a witch hunt the Republicans are on, I will show my colleagues a partial viewing of the materials, if my colleagues will excuse me while I bend down. That is just one stack of binders. All of these binders are filled—filled—with all of the information that came out of these reports.

So before people get up here and say, Oh, we need more information, how about reading what we already have: stacks and stacks of information.

Within these binders are the reports and the testimony Congress has already heard over the last 20 months, but my Republican friends would have us believe none of this happened and none of what the chart depicts happened. They are not satisfied with exhaustive reviews, much of which was conducted by House Republican committee Chairs, by the way. They walk away from their own work because they are playing politics. They should be proud of the work they did, but this isn't about the work they did. It is about playing politics. It is about hurting people—hurting people.

Benghazi was a tragedy. We lost four beautiful, patriotic Americans. Don't turn it into a scandal.

I guess these filled binders were not enough for them in the House of Representatives.

I will take these down now.

This wasn't enough for them: 9 committees, 17 hearings, 50 briefings, 25 interviews, 8 subpoenas, 25,000 pages of documents, 6 reports. All of this was not enough for them. The House set up a new select committee and, again, 37 of my Republican friends now want their own select committee. That is right; they want two new committees to investigate what has been investigated, investigated, and investigated.

A person doesn't need a degree in political science to know what a political witch hunt looks like. All a person needs to do is to look at this and a person understands. This is a campaign tactic by my Republican colleagues to gin up their base ahead of the midterm election and, by the way, look ahead to 2016, where they are filled with anxiety at the thought that the former Secretary of State, Hillary Clinton, may be the Democratic nominee.

This is a campaign tactic, this call for these committees. We know Republicans have been actively fundraising off this tragedy. That is right; they have been fundraising off this tragedy. When Speaker BOEHNER was asked about it, all he did was walk away from the question. I watched that interview. It was painful.

They said: Aren't you going to stop the fundraising?

He said: We are just interested in the facts.

They said: Aren't you going to stop this fundraising?

He said: We are just interested in the facts.

Answer the question. We know it is a political witch hunt because before he was minding his Ps and Qs, the House Select Committee chairman suggested the administration should be put on "trial" over Benghazi—put on trial.

We also know the House GOP refused House minority leader NANCY PELOSI's offer to put an equal number of Democrats and Republicans on the panel. Oh, no, because it is a political witch hunt and they want total control over that committee.

Here is one issue I know the select committee won't be investigating in the House, and that is the budget cuts House Republicans made to security at our embassies and at our consulates, at our diplomatic posts around the world—cuts that Republicans actually boasted about making. Here in the Senate, we have tried to get through an embassy security bill by unanimous consent and they objected I don't know how many times—a couple of times.

So we are not going to see an investigation into why the Republicans thought it was wise to cut spending on

embassy security. Oh, no, they won't look at that. One Congressman in the House was asked by CNN whether the GOP cut embassy security, because the reporter was incredulous, and this Congressman said: Absolutely. Look, we have to make priorities and choices. You have to prioritize things. So, clearly, this particular Member of Congress was proud they cut embassy security; but, believe me, they are not going to be investigating that in their investigative committee.

I will tell my colleagues what else they are not going to investigate. They are not going to investigate the tragedy and the scandal of more than 4,000 Americans killed in the Iraq war based on phony intelligence—4,000 Americans dead, based on phony intelligence. I never heard one call for a select committee to find out why that happened. And that ignores the tens of thousands of wounded, some with post-traumatic stress, and all the problems we know are happening.

Here is something else they won't tell us. Between 1998 and 2013, there were at least 501 significant attacks against U.S. diplomatic facilities and personnel in 70 countries, resulting in the deaths of 586 people, including 67 Americans. During the Bush administration, there were 166 attacks which killed 116 people, including 18 Americans. All of these attacks were terrible tragedies, but not one of them was exploited for political gain. Why would we exploit a tragedy where an American got killed for political gain? We could have done it.

I was serving in the House back in 1983. I know that is probably close to when the Presiding Officer was born. I was serving in the House in 1983 when a truck bomb exploded outside the Marine barracks in Beirut, Lebanon, killing 241 American servicemembers. The attack came just 6 months after 17 Americans were killed in the bombing of the U.S. Embassy in Beirut. Let me tell my colleagues about how that was handled by then-Speaker Tip O'Neill when Ronald Reagan was President. Tip O'Neill conducted real oversight with the two parties working closely together. Within 2 months, the House stepped forward—Democrats and Republicans—and produced a report that criticized the lax security around the barracks and called for new measures to keep our brave military men and women safe. That is the way we should handle these things, not a kangaroo court, not a political witch hunt, not a partisan investigation.

Let's face it. This is politics. They are about discrediting the Obama administration and former Secretary of State Hillary Clinton. I repeat: Never in history, to my knowledge—and I have gone back and back—has any political party done what they are doing on Benghazi.

There is disinformation. They say: Well, the President kept saying it was

because of the movie that was produced. The President stepped forward and in his first comment said the attacks were acts of terror. That is his quote. We never hear that from the Republicans. He called them acts of terror.

I will tell my colleagues what else they forget to mention: that Secretary Clinton was the first person to convene an independent investigation of the attacks. Let me reiterate. The very first person to convene an independent investigation of the attacks in Benghazi was Secretary of State Hillary Clinton.

The independent investigation was nonpartisan. It was called an investigation by the Accountability Review Board. It was chaired by Ambassador Thomas Pickering and Admiral Michael Mullen. Talk about a nonpartisan team. I can attest to the fact they are nonpartisan. I am privileged to sit on the Foreign Relations Committee. I am the most senior member on that committee. I will tell my colleagues these two gentlemen came forward and delivered their report. They talked very openly and honestly about the systemic problems that undermined security in Benghazi. And guess what happened after that report. Secretary Clinton and the State Department quickly accepted all 29 of those recommendations and put them into place—first under Secretary Clinton and now Secretary Kerry.

So let me say this again. There is this call for this political witch hunt because they want to hurt Hillary Clinton, and Hillary Clinton was the first person to convene an independent investigation that made 29 recommendations that she started to put in place, and Secretary Kerry is completing that task. Unbelievable. But we won't hear that from our Republican friends. They want to make Benghazi into a scandal, but they are the scandal. That is the scandal: playing politics with a tragedy. That is the scandal.

The Senate Intelligence Committee produced a bipartisan report based on dozens of committee hearings, briefings, and interviews—that is in here as well—that highlighted the need to better respond to security threats against our diplomatic posts and personnel around the world.

Instead of going over all of these reports—I showed my colleagues how many there are, and this chart demonstrates that as well in a very clear way how many investigations that have been conducted—instead of focusing on protecting Americans serving abroad by carrying out the recommendations of these reports, my colleagues are obsessing over talking points prepared for a Sunday TV show.

There is nothing in the thousands of documents released that even remotely suggests an attempt to cover up what happened in Benghazi. As I said, the President said they were acts of terror.

Hillary Clinton launched the investigation. The investigation made 29 recommendations.

This new select committee request is a sham. It is a kangaroo court. It is a waste of taxpayer dollars. If Senate Republicans really wanted to help protect the men and women who bravely serve our country overseas, they would stop objecting to our request to take up our bipartisan embassy security bill.

The Senate Foreign Relations Committee passed S. 1386. It is named after Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty. It is called the Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty Embassy Security Threat Mitigation and Personnel Protection Act.

It was passed and reported in December of last year. It was authored by Senators MENENDEZ and CORKER. I thank them for that. This bill will authorize funding for key measures recommended by the Accountability Review Board, including security upgrades at our embassies, consulates, and other diplomatic posts, especially high-risk posts. It also authorizes new funding for security training, including language training for high-threat security environments. It would direct the Secretary of State to expand the Marine Corps security guard detachment program to help protect our diplomatic facilities and personnel.

Why do the Republicans keep objecting to this bill? You cannot, with a straight face, tell me you truly care about our foreign personnel when you stand in the way of S. 1386, a bill to provide for enhanced security, a bill that is bipartisan, a bill that came out of the committee on which I serve, Foreign Relations.

I hope other colleagues will come down and talk about this sham. We have so much to do. We need to grieve for the families, the deaths of four Americans. Their loss is deep, very deep. To turn that into some investigation, some witch hunt, is not the right thing to do for their memories. The right thing to do for their memories is to pass this embassy security bill.

I do not know how to say it, but it does cost money to make upgrades to your home, to your buildings. We are here in the Capitol, we protect and upgrade these beautiful buildings because of their history. We have to upgrade our buildings. That does not come free. It does cost money.

Yet House Republicans were bragging that they cut embassy security. So I am going to talk about this a lot because I care so deeply about making sure our personnel are safe all over the world. Until they allow this bill to go through, I truly question the deep concerns that are being expressed by my Republican friends. Oh, they need yet another committee to get to the bottom of Benghazi.

We know what happened. It was a terror attack on a facility that needed

more protection. OK? How do we make sure that does not happen again? We have had more than 500 attacks—significant attacks—on our facilities since 1998, between 1998 and 2013 over 500 attacks.

Never has anyone of any party tried to play politics with it. The reason I am so, shall we say, upset with this is because it is the wrong way to move forward. People look at us and they wonder if we can get anything done. I am so proud. I have a very important water resources bill coming up. We worked so well together across the aisle. We did a highway bill. We worked so well across the aisle. Why don't we do what we did when Tip O'Neill was Speaker and work well across the aisle on foreign policy? When I was coming up, foreign policy basically stopped at the water's edge. We respected the President, whoever it may be, Republican or Democrat.

If we had a critique, we expressed it, but we did it in a way that was, if I can just say, less partisan. I will leave you with the image of this chart. This chart says it all. We have investigated this. We have looked at it. We have conducted hearings and briefings and interviews and issued subpoenas and reviewed documents and issued reports.

We do not need to spend money on another committee because someone is afraid of Hillary Clinton's candidacy. Just deal with it. Do not try to revise history. She was the first person to convene an independent investigation to begin to put the pieces into play that would in fact make sure this did not happen again.

Don't say you care about embassy security when you stand and oppose a bipartisan bill that would make sure we make the requisite improvements to our facilities? I hope HARRY REID, our leader, will not say yes to a committee that is nothing but a political witch hunt. I will continue to come down to the floor to discuss this issue, to debate this issue if it is necessary to do so.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE ECONOMY

Mr. THUNE. Mr. President, there were two polls that were released this week, one from Gallup and one from Politico. Both polls asked Americans what concerns them the most. Both polls got the same answer: the economy, jobs, and health care.

That response is not too surprising. Unemployment is high. In fact, there

are 3½ million Americans who have been unemployed for 6 months or longer. Last month more than 800,000 Americans gave up hope of finding work and dropped out of the labor force entirely. The economy barely grew at all last quarter—one-tenth of 1 percent.

Household income is down by \$3,500 since the President took office. Some 6.7 million Americans have fallen into poverty since 2008. Meanwhile, the price of everything from gas to college to health care keeps going up. It is no wonder Americans list jobs and the economy as two of the issues that concern them the most.

It is not surprising that the other top concern of Americans is health care, because over the past 4 years the President and his team have taken an imperfect health care system and made it much worse. Thanks to ObamaCare, millions of Americans have lost their health care plans, plans which in many cases they liked and wanted to keep.

Many of the 8 million exchange signups the President likes to brag about were actually people who were forced into the exchanges after their health care plans were canceled. In fact, according to a recent McKinsey survey, only one-quarter of the people who signed up on the exchanges were previously uninsured. In addition to losing their plans, millions of Americans have also seen their costs increase.

Family health insurance premiums, which the President claimed would fall by \$2,500 under his health care law, have actually risen by \$3,671, and they are still going up, no end in sight. I would like to read just a few of the headlines from last week. This is from the Fiscal Times. It says, "Big Increases in ObamaCare Premiums and Deductibles Coming in November;" from Forbes, "First ObamaCare Premium Notices for 2015 Show Double Digit Increases;" from the Los Angeles Times, "Employer health costs to rise nearly 9% this year, survey finds;" from Investors Business Daily, "ObamaCare Deductibles to Rise to \$6,600 by 2015;" from the Associated Press, "Cost-Control Plan for Health Care Could Cost You."

There are more, but we get the idea. Prices are not on their way down; they are in fact on their way up. Then of course there is the President's "if you like your doctor, you'll be able to keep your doctor" promise. As too many Americans have found out, that was another promise destined to be broken. Over the past 4 years, Americans have not only discovered that in many cases they will no longer be able to see the doctors they have been seeing for years, they have also discovered their choice of a replacement is limited.

The New York Times reported last week:

In the midst of all of the turmoil in health care these days, one thing is becoming clear.

No matter what kind of health plan consumers choose, they will find fewer doctors and hospitals in their network or pay much more for the privilege of going to any provider they want.

That is from the New York Times. One quote in that article struck me particularly. It was something Marcus Merz, the CEO of Minnesota insurer PreferredOne, told the Times. This is what he said:

We have to break people away from the choice habit that everyone has. . . . We're all trying to break away from this fixation on open access and broad networks.

Let me repeat that to get the full context of what he is saying. We have to break people away from the choice habit that everyone has. Is this what we wanted out of health care reform? Was that not one of the good things about our health care system, the fact that people are able to, by and large, go to the doctor they chose; that people could look around for the best doctor in a particular field or find a doctor who they felt comfortable with?

Do we really want a health care future where Americans don't have a choice about the doctor they see?

Limited choice doesn't just mean that Americans might not be able to find a doctor they like. It also means that Americans may not be able to go to a doctor they need.

A Daily Caller article from last week noted:

Cancer centers, with their top-of-the-line physicians and expensive procedures, have been a primary casualty of narrow networks. According to an Associated Press analysis, just four of the top 19 comprehensive cancer centers are covered by all Obamacare exchange plans in their states.

Four of the top 19 cancer centers in the country—that is not what you want from of a health insurance plan if you have cancer.

Given the President's broken promises and the havoc that ObamaCare is wreaking on our health care system, it is no surprise that 83 percent of those Politico surveyed want to modify or repeal the law entirely or that health care was the most frequently cited reason for a negative experience with the government over the past year or that nearly 90 percent of respondents say that ObamaCare will be important in determining how they vote this fall.

There is a lot more that could be said about ObamaCare, such as the damage it is doing to our economy.

#### VETERANS AFFAIRS

I want to move on to talk about another, very serious instance of government mismanagement—what is going on in the Department of Veterans Affairs.

Almost every day a new report surfaces of mistreatment or mismanagement at VA facilities across the country. At least 40 veterans have reportedly died because of delayed or inadequate care.

It is now clear that this is not an isolated problem at a few select locations



but a system-wide crisis, and it is a national embarrassment.

Our contract with our servicemen and women is a sacred trust. They pledge their lives in the service of our country and take upon themselves the burden of defending liberty for the rest of us. In return, we promised them benefits, including health care and a college education.

Our men and women in uniform uphold their end of the contract, sometimes at the cost of their own lives. For us to fail to uphold ours is a disgrace and a betrayal of their sacrifice.

Every resource of this administration should be focused on discovering the full scope of this problem and immediately starting to fix it. Yet this administration has shown a startling lack of concern about the widespread mistreatment of veterans in our country.

When it became clear that his health care Web site was a disaster, the President employed an "all hands on deck" approach to fixing the problem, spending hundreds of millions of dollars in the process.

In response to the VA disaster, on the other hand, the President has dispatched just a single staffer to oversee the investigation. This is not acceptable. As Commander in Chief of our Armed Forces, the President should be leading the charge to fix this problem, but he hasn't even spoken publicly about it for weeks.

Regardless of the President's inaction, Congress must take immediate step to address this crisis. This week the House of Representatives is taking up a version of Senator RUBIO's bill, the Department of Veterans Affairs Management Accountability Act, which would allow the VA Secretary to fire or demote senior executives in the department when warranted.

Private organizations can fire employees who fail to fulfill their responsibilities. We ought to be able to fire officials who fail in their obligation to our veterans.

Yet all we have seen from the VA is the resignation of the Under Secretary for Health, Dr. Petzel, who was already planning to retire—hardly the accountability our veterans deserve.

I have introduced a bill to require the VA inspector general to conduct a national investigation into the wait times veterans face. It is essential that we get an idea of the full scope of this problem so we can ensure that it gets fully fixed.

Under my bill the inspector general will have 6 months to investigate and submit a report to Congress. In the meantime, the VA would be forbidden from closing any of its medical facilities.

No facility—not the Hot Springs facility in my State of South Dakota or any other—should be closed unless we make very sure that veterans' care is not going to be affected.

There are other bills this body should be considering as well, including Senator HELLER's bipartisan legislation, to reduce the backlog of veterans' disability claims, and I hope the Senate will take them up quickly.

This crisis can't wait. There is every likelihood that right now—right now—veterans around our country are still failing to receive the care they need. I hope the President of the United States will come to his senses and treat this situation with the seriousness it deserves.

If he won't act, Congress must. It is the very least that we owe our veterans.

I yield the floor.

The PRESIDING OFFICER. (Ms. HEITKAMP). The Senator from Georgia.

#### WATER RESOURCES DEVELOPMENT ACT

Mr. ISAKSON. Madam President, this year Congress has not particularly been noted for much of an accomplishment of anything. We have been in clouture atrophy and we have been in political atrophy, but we are about to change that for a day.

I want to pause for a moment and acknowledge the hard work of a number of Members in the House and the Senate on what is known as the Water Resources Development Act, which soon will be on the floor of the Senate, and I understand will be on the floor of the House today for its ratification.

The Water Resources Development Act is the authority of the U.S. Government to move forward on infrastructure across the country.

I congratulate Chairman SHUSTER in the House and Chairman BOXER in the Senate for their hard work on the conference committee.

Ranking Member VITTER has been an untold hero for us and working hard for the Senate.

I give thanks to Sylvia Burwell of the OMB. She has been a lifesaver for us on the Port of Savannah. I appreciate her cooperation and her help.

I thank Vice President BIDEN. We did a tour of ports on the east coast of the United States to focus on the importance of improving our infrastructure.

In this WRDA bill are improvements across the country, but the one I want to talk about for a second is an example of why infrastructure is so important, and that is expansion of the Savannah Harbor and the deepening project in the Savannah at the Port of Savannah. That is a project that was authorized 16 years ago—the year I was elected to the House of Representatives. It was authorized to be built, but it hasn't been expanded for 16 years or authorized for 16 years because of environmental concerns, atmospheric concerns, sometimes funding concerns, and sometimes political apathy concerns. But finally everyone has their act to-

gether. NOAA has endorsed it, Fish and Wildlife has endorsed it, the EPA has endorsed it, and the Corps of Engineers has endorsed it.

Thanks to this Water Resources Development Act authorization, a \$706 million project in my State for the southeastern United States will become a reality over the next 5 years.

Why is it important? It is important for this reason. As we sit and talk today, the nation of Panama is widening and deepening the Panama Canal. Within a few months, they are going to be taking through the Panamax ships of the 21st century, ships that can carry not 9,000, not 11,000 but 14,000 containers.

Ports along the east coast of the United States, such as the Port of Savannah, are not able to take that deep of a ship. They will have to wait until high tide to bring it in and then have to wait a day for high tide to come back to take the ship out. That costs money, and it causes people to divert to other ports, to other countries, and it hurts our economy.

Over the next 5 years as we deepen the Savannah River and Savannah Harbor, and as we improve that port, we are improving the opportunity for the entire southeastern United States to grow, prosper, and be competitive in the 21st century. The Port of Savannah directly contributes to 297,000 jobs in our State. It contributes to 49 of the 50 States on the continental United States. It provides jobs, economic vitality, tax revenues, and prosperity for America. Its time has come.

I am so delighted the Water Resources Development Act is done. I am so delighted that Chairman BOXER, Ranking Member VITTER, and Chairman SHUSTER have put their teams together, dotted the last "i" and crossed the last "t."

I encourage everybody in the Senate to ratify prosperity, employment, and economic development for America. When the bill comes before the Senate, ratify the Water Resources Development Act and that final conference committee report.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### UNEMPLOYMENT INSURANCE

Mr. REED. I rise to discuss again the urgent need to restore emergency unemployment insurance.

Like many Americans, I am hopeful about our future but concerned about how the great recession has impacted our fellow Americans, particularly those who have been hit the hardest—the long-term unemployed. These are good people from all walks of life, from all 50 States. They are people who work in a variety of fields, from high tech to manufacturing, from cubicles and offices to plants and factory floors.



Many of them are older and find themselves out of work for the first time in decades. All of them, all 2.78 million of them, lost out on December 28 of last year. While they have been looking for jobs, Congress has failed to do its job and restore unemployment insurance.

Previously, Congress had never let emergency benefits expire when the long-term unemployment rate was so high. Today's long-term unemployment rate is 2.2 percent, and it is still well over the highest rate, 1.3 percent, of previous expirations.

In the past, when the rate was this high for long-term unemployment, we maintained these benefits. This is still an emergency, and we have to maintain these benefits. It still requires our attention and swift bipartisan action.

To the Senate's credit, there has been bipartisan action. Thanks to my Republican colleague from Nevada, Senator DEAN HELLER, and a coalition of 10 Senators—5 Democrats and 5 Republicans—the Senate passed a 5-month extension of these vital benefits that would provide aid to job seekers who have been searching for work for more than 26 weeks. Senators on both sides of the aisle recognize this is the right thing to do for workers and the smart thing to do for our economy.

So the Senate responded and found a path forward, and it was a difficult path. Majority leader HARRY REID dedicated a vast amount of floor time. Our bipartisan coalition reached a true compromise and stuck together on vote after vote. On April 7, 43 days ago, the full Senate approved the measure.

Unfortunately, Speaker BOEHNER and the House Republicans in charge have refused to take up our bipartisan legislation or pass their own extension of these emergency efforts. Because of their obstruction, millions of Americans are hurting.

We need to get our country back to full unemployment. That is the fundamental answer—to place people in jobs.

We have to move the country to a place where all Americans have an opportunity to earn a living and build a better life for their families.

Some may be tempted to look at the latest unemployment numbers and say: Well, see, ending job benefits is working because the numbers seem to be falling.

That notion is simply not supported by the facts. This long-term unemployment problem is still, as I mentioned, of significant proportions, and those are precisely the people who benefit from extended unemployment benefits.

A recent study by the Illinois Department of Employment Security found that four of five Illinois workers who lost long-term unemployment benefits at the end of last year were still without work 2 months later. They are still struggling in a very difficult market.

I would agree with the director of this State agency who says: "Economic

conditions should determine when this safety-net program ends, not an arbitrary date on the calendar."

The economic conditions for the long-term unemployed are still perilous, and it is still an emergency. The Speaker's refusal to renew emergency unemployment insurance makes it even harder for struggling Americans to feed their families, and it does nothing to improve our economic outlook.

The Senate-passed bill was fully off-set and included, in fact, deficit reduction. So the idea that it was too expensive doesn't hold water.

The fact that House Republicans are now moving \$300 billion worth of budget-busting tax breaks, many of which flow to corporations, but refuse to renew emergency benefits for job seekers strikes many people, including myself, as not just an unfair double standard but as out of step with what we need to do to get this economy moving forward.

Let me again remind everyone, we had a fully paid-for unemployment extension bill on a bipartisan basis that actually resulted in some deficit reduction and the House has refused to take it up. But in the meantime, they are moving \$300 billion worth of tax cuts and tax breaks over several years, which flow to corporations, and all of it unpaid for.

So for the sake of job seekers in our economy, I hope House Republicans will stop obstructing emergency aid to job seekers. They need to take up the bipartisan Senate agreement to restore these benefits and work with us on strengthening our economic recovery. Just give the bill an up-or-down vote and give millions of American job seekers the chance to get back on their feet. In fact, I am confident if there were an up-or-down vote it would pass the House. It is fiscally responsible, fully paid for, it provides assistance to people and families who desperately need it, and would help the economic climate in every State in this country.

They can attach measures to the bill if they want. That is their prerogative. But let us go ahead and get a bill passed, and if we need to resolve the bill between the House and Senate, let us do so. Refusing a vote is irresponsible. The American people deserve better, and I hope they will see better in the coming days ahead.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that, notwithstanding the previous order, today, at 5:30 p.m., the Senate proceed to executive session to consider Calendars No. 521, 622, and 765, and the Senate proceed to vote on confirmation of the nominations in the order listed; that there be 2 minutes for debate prior to each vote, equally divided in the usual form; that any rollcall votes following the first in each series be 10 minutes in duration; further, that if confirmed, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and that following disposition of these nominations the Senate proceed under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. What this means is tonight at 5:30 p.m. we could have as many as five rollcall votes. Some of these votes could be confirmed by voice, so we will wait and see about that, so there would be maybe only two rollcall votes, on confirmation of Jeffrey Costa to be a U.S. Circuit Judge for the Fifth Circuit and cloture on Stanley Fischer to be a member of the Federal Reserve Board.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that, notwithstanding rule XXII and the previous order, if cloture is invoked on Calendar No. 768, Fischer, on Wednesday, May 21, 2014, at 12:15 p.m., the Senate proceed to executive session and all postcloture time be expired and the Senate proceed to vote on confirmation of Calendar No. 768, Fischer; further, that following disposition of Calendar No. 768, the Senate be in recess until 2 p.m.; that at 2 p.m., there be 10 minutes for debate, equally divided between the two leaders or their designees prior to a vote on cloture on the nomination of Barron, Calendar No. 576; further, that if cloture is invoked, on Thursday at 2 p.m., all postcloture time be expired and the Senate proceed to vote on confirmation of the Barron nomination with all other remaining provisions of the previous order remaining in effect; finally, that following the cloture vote on the Barron nomination, the Senate proceed to consideration of Calendar Nos. 773, Cook; 774, Daly; 775, Green; and 743, Martinez; and vote on confirmation thereof in the order listed; further, that there be 2 minutes for debate prior to each vote, equally divided in the

usual form; that any rollcall votes following the first in each series be 10 minutes in length; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. With this agreement, on Wednesday, we expect one rollcall vote at 12:15 p.m. on confirmation of the Fischer nomination, and as many as five rollcall votes at 2:10 p.m. We hope all four votes will be by voice, but we have to wait and see.

### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

The PRESIDING OFFICER. The Republican whip.

### VA HEALTH CARE

Mr. CORNYN. Madam President, the steady trickle of allegations surrounding abuses of our veterans has turned from a trickle into a monsoon. It seems every day that goes by there is an additional bad news story about appointment lists that have been cooked to look like the waiting times were not as long as they were, allegations such as those at the Veterans Administration hospital in Phoenix, where allegedly there were secret waiting lists where 40 veterans died waiting to get health care, and the secret waiting list was being created to make the backlog appear not as serious as it was.

As we discuss and debate all the numbers on wait times and backlogs, it is important as always, whenever we are talking about statistics and numbers, to remember these are real human beings and these are our veterans with real individual stories.

They represent people such as Dale Richardson, who is a Vietnam veteran from East Texas who died of cancer after reportedly waiting 2 months to hear back from the VA about scheduling chemotherapy treatments. They represent people such as Thomas Breen, a Navy veteran who, similar to Mr. Richardson, died of cancer after a 2-month period in which he reportedly waited in vain to hear back from the VA about an appointment time. They also represent people such as Edward Laird whose story was written up in the Los Angeles Times this last weekend. Mr. Laird is a Navy veteran, age

76, who discovered a couple of unusual marks on his nose, and so he went to the doctor at the Phoenix VA hospital to get it checked out, and according to the Los Angeles Times, the doctor said he needed a biopsy, but it took almost 2 years before Mr. Laird was allowed to see a VA specialist, and when he finally did get to see the specialist, he was told that the biopsy was unnecessary and so it wasn't done.

Mr. Laird found it hard to believe, but that is what they told him. Unfortunately, by the time he got the VA hospital in Phoenix to agree to see him—the situation with his nose which he could tell as simply a layman had gotten worse—Mr. Laird was ultimately diagnosed with cancer and literally half of his nose had to be taken off because of cancer.

As Mr. Laird told the Los Angeles Times: "I have no nose, and I have to put an ice cream stick up my nose at night so I can breathe."

I will just mention one other story from the Phoenix system. Earlier this month a woman named Kim Sertich told the Arizona Republic that her father received such poor care at the Phoenix VA that she was forced to pay for private care until he ultimately died in 2011. In her own words, she said:

Whenever anyone asked how my father died, I say, "From being in the VA hospital." The icing on the cake is when I received a letter of condolence from the hospital, and they had the wrong name for my dad.

It is obvious from anecdote to anecdote, from the drip, drip, drip that then turns into a flood, there is something terribly wrong with the health care and the way the Veterans Administration is administering 589,000 claims, with more than half of them backlogged, according to the standards and criteria of the Veterans Administration.

We have known that the backlog has been a problem for years. Indeed, we have tried to come together in a bipartisan way and legislatively through the national defense authorization bill, where we added money. We have added resources to the VA system. Obviously, we have not gotten to the bottom of the problem. Part of it, I am afraid, is systemic, and some of it, sadly, is part of the bureaucratic culture at the VA, where accountability is unknown. You don't get credit for doing a good job. You don't get demerits for doing a bad job. There is no accountability, and this is what you get without accountability.

Not only is the VA system failing to provide our military heroes with reliable health care that they deserve, there are also news reports that the VA across the country has been falsifying appointment data in hopes of covering up wait times. Sadly, some of those allegations have come from my State. We have allegations of data manipulation of these appointment times in

Austin, where I live, and Harlingen, in South Texas, and San Antonio and Waco.

For that matter, a former VA doctor named Richard Krugman told the Washington Examiner that up to 15,000 VA patients in South Texas were either denied colonoscopies—of course, those are cancer screening examinations—or they were forced to endure long, pointless delays. Dr. Krugman fears that many of those patients simply died awaiting their cancer screening or awaiting treatment. If the problems at the VA are just a fraction as serious as what they appear from the news reports that we see day in and day out or the stories I recounted today, if they are a fraction as severe as what they appear to be, we have a national scandal of the highest order.

Let's be clear about what is happening. U.S. military veterans are literally dying because of bureaucratic failures and in some instances bureaucratic fraud. There is simply no excuse for what reportedly happened in Harlingen, Phoenix or in any of the cities where veterans or veterans officials have made their allegations. Yet it disturbs me that I am not sure the President is taking this with the requisite urgency. Apparently it is in the talking points to say, when somebody raises this scandal—I think Jay Carney said the President is mad as hell. That is what Eric Shinseki said when he testified before the Senate Veterans' Affairs Committee last week, but that is, frankly, not good enough. We need less rhetoric and more action.

For starters, the President has still not demanded the resignation of the person in charge of the Department of Veterans Affairs. We all admire General Shinseki for his service in the U.S. Army, but he on his watch has presided over some of the biggest scandals at the VA in history. It is painfully clear, no matter what you think about General Shinseki—and I admire him for his service in the Army, but it is painfully clear the VA needs a fresh new set of eyes, new leadership, in order to recover, reform, and regain the confidence of America's veterans.

President Obama still stands by his VA Secretary while nothing seems to be happening. Yes, we read about where there is an audit here, audit there, but we need top-to-bottom review and reform and we need to see the VA once again regain America's confidence.

It is not just me who is saying this. One of the largest veterans affairs organizations in America, the American Legion, has called on Secretary Shinseki to step down and new leadership to be appointed.

Here is just another example of the administration's unserious response to this scandal. The person who has been nominated to serve as the VA Under Secretary of Health, Dr. Murawsky, currently oversees a VA health care

system in Illinois that was recently rocked by all-too-familiar allegations of secret waiting lists. I note that Dr. Murawsky spent 2 years as the direct supervisor of Sharon Helman, who worked in the Great Lakes Health Care System before becoming Director of the Phoenix system. As we all know, Ms. Helman was placed on administrative leave after the Phoenix VA was charged with creating secret waiting lists of its own.

For these reasons I asked President Obama to withdraw Dr. Murawsky's nomination. We need a clean break. We need new leadership, a fresh set of eyes, and we need a sense of urgency in what is a growing scandal. As I said a moment ago, if even a fraction of these failures and abuses were true, it would represent a national scandal of the highest order. It is not enough for the VA Secretary to say, I am "mad as hell." That doesn't solve anybody's problems. That doesn't fix what is broken in the VA health care system. What America's veterans want and deserve is bold reform and new leadership. President Obama has the power to make that happen, and it is long past time for him to use it.

I yield the floor.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from Michigan.

#### THE MIDDLE CLASS

Ms. STABENOW. Madam President, I am here to talk about the future of our country and the future of our middle class, which I know the Presiding Officer cares deeply about as well.

A few years ago in Michigan something quite extraordinary happened. In 1914 a man named Henry Ford did something that all his business friends said was crazy. He doubled the wages of his workers to \$5 a day. The headlines at that time showed that those on Wall Street literally thought he was going to ruin the economy, and everyone said he was going to go under. It was the craziest thing they had ever seen.

Exactly the opposite happened. In fact, there were stories a month after he did this—by the way, tens of thousands of people showed up for these jobs. Around the plant there were newspaper interviews about how all the small businesses had seen their profits double and how they were hiring new people for the hotdog stand or the clothing entrepreneur who was selling shoes and suits, and so on. Small businesses said that it had been wonderful for them.

We all know what happened to Henry Ford. He went on to become one of the

wealthiest men of his generation by doing the right thing and understanding that we all do better if everybody has a fair shot to make it and that he would do better as a business person if everybody had a shot. In fact, we are very proud, and we believe we started the middle class in Detroit, MI.

We celebrate success in this country. We also understand that we are all in this together—our family, our community, and our country. We can do great things by ourselves, but ultimately what makes us great as Americans is that we are connected and in it together. That is the idea on which America was built. Everybody contributes their fair share, and we give everybody a fair shot to work hard and get ahead in life.

Just like Henry Ford, we understand that the economy is not working—our country is not as strong as it could be—unless it is working for everyone and not just the wealthy few.

In fact, Henry Ford showed that you can become very wealthy yourself by doing the right thing. We now have choices to make. Unfortunately, today a small number of incredibly rich people are doing the opposite of what Henry Ford did. They are literally trying to buy a government that works only for them at the expense of every other American.

The Supreme Court's outrageous Citizens United decision and other decisions that have followed have paved the way for multimillionaires to spend secret money on fake front groups and hundreds of millions of dollars on television and radio ads to twist the facts or just make things up so they can impose their own extreme views on our country.

I want to speak about the two people who are at the forefront of this effort and what their views mean for the people I represent in Michigan, the people in Wisconsin, and the future of middle class families all across America. The Koch brothers, two petrochemical magnates, are reportedly now worth over \$100 billion. Last month, their fortune grew by \$1.3 billion in just 1 day. How many average Americans would work a lifetime—added up together across the country—to try to reach the \$1.3 billion they made in a day? They have built what the Washington Post called "a far-reaching operation of unrivaled complexity, built around a maze of groups that cloak its donors" in secrecy. This "maze of groups" raised \$400 million in 2012.

Just last week we found out one of the groups, Americans for Prosperity, plans to spend \$125 million in secret, undisclosed money in this year's election alone—\$125 million on people who support their views of America.

One expert on taxes and political groups, a professor at Notre Dame Law School, said he had never seen anything like the network of Koch groups before. He said:

It is designed to make it opaque as to where the money is coming from and where the money is going . . . It would only be worth it if you were spending the kind of dollars the Koch brothers are, because this was not cheap.

These are front groups that pose as senior citizen groups, environmental groups, and veterans groups. I could go on and on about all of the fake groups through which they are funneling money.

The Koch brothers may be able to hide their money and hide behind shadowy groups, but they can't hide their radical views from the American people. Let me be clear. It is not only me who is saying they are being radical. Charles Koch described his own views as "radical."

Senator SANDERS recently spoke on the Senate floor about some of the Koch brothers' extreme anti-middle-class views. I want to thank him for shedding light on some ideas that I know the vast majority of Americans disagree with and many of us find frightening, frankly, for the future of our country.

We don't have to guess what these views are since David Koch ran for Vice President on the Libertarian ticket in 1980 and loudly trumpeted them for all to see. What did David Koch promise to do when he ran for the second-highest office in the country? He promised to end the "fraudulent, virtually bankrupt, and increasingly oppressive Social Security system," which has lifted a generation of seniors out of poverty and given them dignity as they have moved on over the years.

He promised to abolish Medicare and Medicaid. By the way, the majority of Medicaid funds is used on low-income seniors in nursing homes. He promised to get rid of the post office. He didn't suggest that it be cut it back to 5 days a week, he wanted to get rid of it. I suppose you can deliver the mail yourself or go hire somebody from someplace to somehow deal with the mail. What about trying to get your Social Security check? I guess it doesn't matter. Since he thinks you should not get Social Security or Medicare, it doesn't matter if you get that check as a senior.

He proposed to abolish the Environmental Protection Agency—the agency that makes sure we have clean air to breathe and safe water we can drink. For those of us in the Great Lakes region, we have the blessing of being able to fish and boat and have the beauty of the Great Lakes.

He promised to end all programs for children and seniors, low-income veterans, and repeal all taxation—no funding for the police department, fire department, roads, military, and veterans.

We just heard Senator CORNYN—and I agree with him—talk about our veterans and the great concern we have

with what is happening to our veterans. The people supporting our colleagues on the other side of the aisle, the top two donors, said there should be no taxation and that we should get rid of the minimum wage. Remember how Henry Ford became one of the wealthiest men of his generation. He helped build the middle class by doubling their wages. By the way, if we were using Henry Ford's formula, the minimum wage would be close to \$15 right now.

The Koch brothers don't want a minimum wage, Social Security or Medicare. They don't want help for anyone. They expect people to go out and earn \$1.3 billion in a day and purchase whatever they need. Seniors, children, people with disabilities, including our veterans, would be left with no support, and, of course, no taxes for the Koch brothers and their big-shot friends.

This is truly a radical agenda. Here is the truly shocking part. The Koch brothers' agenda, which, again, Charles Koch himself proudly calls a "radical" agenda, is exactly the agenda we are seeing emerge from the Republican House of Representatives right now. Too many Members in our Senate Republican caucus want to privatize Social Security and gamble seniors' money away in the stock market. They want to eliminate Medicare as we know it. They passed the Ryan budget, which does that. They want to privatize the post office.

They passed a budget that guts efforts to help Americans in need or invest in the future of education and innovation. This is not what was said in 1980. This is what has passed and is being promoted right now, which is why they are putting so much money into the elections. Their agenda is being promoted right now, which they themselves call radical.

They refuse to join us in giving Americans a raise so that people who work 40 hours a week in a full-time job and make minimum wage—by the way, a majority of them are women who are raising children—are at least above poverty level and have a fair shot to get ahead.

We also don't have to guess how this radical, "I've got mine and you're on your own" Koch brothers agenda works in practice. We have seen how this plays out in Michigan.

In Gaylord, MI—beautiful northern Michigan—hundreds of workers used to work at a plant making particleboard—that is, until the Koch brothers bought their company, closed the plant, and left town. Instead of good-paying jobs that paid workers \$15 to \$20 an hour so they could with their family enjoy the great outdoors in Michigan and send their kids to college—jobs that gave workers a fair shot to get ahead—the Koch brothers left behind rubble and scrap metal. But that is not all the Koch brothers left behind.

Imagine you are outside with your family—or even inside your apartment or home—and suddenly you see a giant cloud of toxic black dust blowing towards you. It is piling up, and later you discover that this black dust includes a toxic metal that is believed to cause cancer. Imagine you own a restaurant and are forced to sweep up the same toxic dust from your patio, and you have to worry about what it is doing to your pregnant wife and unborn child. This is not something out of a Charles Dickens' novel or a story about the pollution in China today. This actually happened to the people in Detroit. Why? Because a company owned by the Koch brothers decided to illegally store piles of petcoke—a byproduct of refined, dirty tar sands oil—alongside the Detroit River. These piles were up to four stories high and piled up next to where people lived.

Just the other day I read a story about the exact same thing happening to people in Chicago. Another company owned by the Koch brothers is storing giant piles of petcoke in a residential area, which is something I know Senator DURBIN is very concerned about. It doesn't stop there.

Last Wednesday, Senator LEVIN, Congressman FRED UPTON from Kalamazoo, and I wrote to the Environmental Protection Agency about a toxic waste site in Kalamazoo, MI. We want to make sure it finally gets cleaned up. Guess who owns that toxic waste site and hasn't cleaned it up for years and years. That is right, the Koch brothers.

We have come together in this country and decided that it is not fair for the rest of us to have to breathe dirty air and drink dirty water so a multi-billionaire can have an even bigger profit. The Koch brothers, however, whose companies have been fined numerous times, apparently think it is just fine to pollute our air and our water and then say to every American: You are on your own; you clean it up.

The New York Times reported this weekend that David Koch even ran ads calling for the complete deregulation of the energy industry. Can we believe it. A billionaire oilman who thinks there should be no rules for Big Oil at the expense of the public.

So whether it is clean air and clean water rules, whether it is Medicare, whether it is Social Security, funding for seniors in nursing homes through Medicaid, other vital services that keep the promise of the American dream within reach for every American, the Koch brothers want to get rid of those things in order to help themselves and their powerful friends. They want to rig the game in their favor. They are trying very hard to do that, with hundreds of millions of dollars of secret money and phony groups. They are willing to use their billions to create a government that works for

them—just them and their friends. Heads they win; tails the rest of America loses.

That is not what this country is about. We need to stop this assault on our democracy and our middle class by passing a constitutional amendment to get this secret money out of our elections. That is why I am so proud to join in supporting and cosponsoring an amendment sponsored by Senator TOM UDALL that so many of our caucus are supporting because we need to make it clear that this is not acceptable in a democracy. In the meantime, though, we need to make sure the American people understand the real agenda behind the front groups and the secret money. That is why I am here today. That is why our majority leader and others speak out. It is because it matters. It is the money promoting the agenda, the money promoting actions such as closing plants and petcoke going into the rivers in our neighborhoods.

It is an agenda that is not the agenda of the American people. In America, everyone deserves a fair shot to work hard and get ahead—everybody. It is not about rigging the game for a few. People shouldn't be able to buy all the rules of the game by putting secret money and front groups out there and saying things that aren't true and getting people in there whom they know will just work for their own radical agenda. That is not what America is about. We have too many people barely holding on to the middle class, struggling to get into the middle class, and all they want is a fair shot to make it. That is what we are about. That is what we are fighting for every single day.

I see my colleague on the floor who is offering a constitutional amendment that would address this issue of getting the light of day on the money in politics in our great country. I wish to again, in his presence, commend Senator UDALL for doing that, and I urge my colleagues to come together. What is happening right now with the money is the worst of America, not the best of America. We can do better than that. People expect us to do better than that. I am going to continue with my colleagues in the Democratic caucus to fight to make sure that happens.

I yield the floor.

The PRESIDING OFFICER. The deputy whip.

#### STUDENT LOAN DEBT

Mr. DURBIN. Madam President, I thank my colleague from Michigan for her statement because it raises a theme which we really need to focus on in the Senate.

I went back to Illinois this last weekend, traveling around, as I have over the last several months. After a person has been in this world of politics for a

while, it doesn't take long to sit down with most gatherings and crowds and kind of test out ideas. People either fold their arms and look at the ceiling and pray you stop talking or they start getting on the edge of their chair and listening. What I have found over the last several weeks is that everywhere I go, everywhere in the State—downstate small towns, medium-sized cities, and the city of Chicago—there is one issue that has everybody sitting up and listening. The issue is student loans.

We wonder why that issue would have so many people interested. It is because 34 million Americans are paying back student loans now. In the State of Illinois, there are 1.7 million people paying back student loans—1.7 million. Fifteen percent of our population is paying back student loans. There is more student loan debt in America today than credit card debt.

Some of the loans these students are taking out to go to school are outrageous. There is no other way to describe it. These young people, 19 or 20 years old, are sitting there at the desk at the college as someone is shoving a piece of paper toward them for them to sign saying: Well, if you sign up here for your loans, you can start classes on Monday. That young man or woman, who has been told since they were just a little kid to go to college, go to college, go to college, signs on and heads to class. At the end of the day those students end up \$20,000 in debt, \$30,000 in debt, and more—dramatically more. Many of them don't have a clue about the indebtedness they are getting into to go to school. Some of them don't know they are being lured into these for-profit colleges and universities. Sadly, too many of them are worthless. Students are signing up for these for-profit colleges and universities thinking they are real schools, thinking it is just like the University of Wisconsin, just like the University of Illinois. No, it isn't. It is a business, and it is a business that makes its money off of kiting the cost of tuition for students and, if they can stick around to finish, handing them a worthless diploma. How does a student know this? Well, the honest answer is they don't until it is too late.

Hannah Moore has been at my press conferences twice. She went to one of these awful for-profit schools and ended up with \$120,000 in debt for a bachelor's degree and a worthless diploma. She couldn't get a job. Her debt is now closer to \$150,000. She can't pay it. Here she is barely 30 years old with over \$100,000 in debt for a worthless diploma. That is the extreme, but for 10 percent of the students graduating from high school in America today, those are the schools they go to—for-profit colleges and universities.

Which are the biggies? The University of Phoenix, No. 1; DeVry Univer-

sity from Illinois, No. 2; and Kaplan University, which used to be owned by the Washington Post. These are the big ones.

Remember three numbers when you think about the for-profit colleges and universities: 10 percent of high school students go to these schools. These schools get 20 percent of the Federal aid to education because their tuition is so outrageously high—20 percent—over \$30 billion a year going to this industry. And here is the kicker: 46 percent of all student loan defaults are students at for-profit colleges and universities. What does that tell us? They charge too much, the educations are not worth it, and the students can't get a job.

That is the most extreme example, but let's talk about the rest of the world: 97 percent of students going to other colleges and universities. They are running up debt at record numbers, at a record pace. Unfortunately, many of those student loan debts lure in their parents and sometimes grandparents to help them along, and the student debt grows and grows. Sadly, if they make the big mistake of going not to a for-profit school but one of the regular schools and sign up for private loans, they are in for a beating, and they don't know it. They are young students. How could they possibly know what they are signing up for—a school that would lure them into a private loan to go to college and then subject them to the harshest, toughest, meanest, most unrelenting collection agency you have ever seen coming after these students on their student loans. That is the world we live in, and that is a world that needs to change.

When I go home and talk to people about it, they are either directly personally affected by it, their family is affected by student debt, or they worry that their sons and daughters who may want to have a chance at higher education will get sucked into this same scam. Well, help can be on the way.

I have joined with two of my colleagues, JACK REED of Rhode Island and ELIZABETH WARREN of Massachusetts. We have a package of three bills that would give students from middle-income families, working families across America, a fair shot at an affordable higher education. My bill, the student borrower bill of rights, says the school has an obligation to tell students to stick with the government loan because it is a lower interest rate and not lure students into a private loan. JACK REED has a bill which stipulates that if schools keep sinking students deeper in debt and they can't get out of it, eventually the school has to accept financial responsibility. That will get their attention. But the big bill of the three comes from ELIZABETH WARREN—and we are joining her—to refinance college debt at lower interest rates, bring them down from 7, 8, 9, 10 percent to 3.8

percent. Does it make a difference? Anybody who has ever had a home mortgage will say it does. Lowering that interest rate to 3.8 percent will finally allow some of these families and students to start paying off the principal on the student loan and put it behind them. Consolidate the loans at lower interest rates is what our bill says.

Oh, Senator, great idea. Who is going to pay for this?

I will tell my colleagues exactly how we pay for it—exactly. Does the name Warren Buffett ring a bell? He is one of the richest men in America. He has done very well for himself, the "Seer of Omaha," Berkshire Hathaway. He came to Congress a few years ago and said: Something is wrong with the Tax Code.

Do we know what is wrong with it? Warren Buffett is paying a lower income tax rate than his secretary.

Why, he said, is my secretary, who makes dramatically less money than I do, paying a higher income tax rate than I am?

The reason is pretty clear: Most of his income comes from capital gains, and that is lower than the regular income tax rate.

So Warren Buffett said: We ought to have a rule that says if you are a millionaire in America, you are going to pay at least as much as the people who work for you pay in taxes—the Buffett rule. The Buffett rule generates enough money in the Tax Code by imposing that tax burden on millionaires to refinance college loans across America. Is it worth it? You bet it is, and I will tell my colleagues why. I don't begrudge millionaires their wealth if they have come by it legally, and I believe Mr. Buffett has. But they have an obligation to this great country that set the stage for their success, and that obligation is to be a good citizen, pay their taxes. That is what Mr. Buffett has suggested. He is willing to accept that responsibility.

And if we can refinance student loans, it doesn't just bring relief to these families, it does something else. Hannah Moore is living in her parents' basement with \$148,000 in student loan debt and she is barely 30 years old. The thought of borrowing more money to go to a real college is out of the question. The thought of living in her own apartment is out of the question. The thought of buying a car? No way. For some young couples even having children is out of the question because of student debt. Do we see that when we bring this debt under control, we unleash a positive growing force in our economy where these young people can get back and participate—buy homes, buy cars, become full-fledged members of the economy again. So it not only brings relief to families and gives them a fair shot at a college education they can afford, it also can help our economy overall.

We don't have a single cosponsor from the other side of the aisle yet on this—not one. They are scared of the Buffett rule. The idea that millionaires might have to pay higher taxes scares them away. If they have a different pay-for, come on down. Let's hear the ideas. Let's actually have a dialogue on the Senate floor. How about that. That would be historic. And we could talk about solving a problem in America such as this runaway college debt and these awful for-profit colleges and universities.

We need to work together. What we have before us is the tax extender bill and a bill which involves a lot of different sections of the Tax Code. This bill is not paid for—by and large not paid for. Some of us believe that unemployment compensation, which was cut off for millions of Americans over the last several months, should be there to help them get back on their feet. When we suggest it to our Republican friends, they say: No, no, you have to either raise taxes, which we will oppose, or cut spending to pay for unemployment.

But when it comes to tax cuts for businesses, good or bad, they look the other way. They do not think that has to be paid for. I think helping unemployed Americans get back on their feet, find a job, take care of their families, is central to putting this economy on a glidepath to the future.

I hope as we measure the issues we can debate here on the floor of the Senate, we will start with those issues that interest the people we represent and that affect their lives and give working families a fighting chance.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I applaud Senator DURBIN for his comments on the fair-shot agenda and on an affordable college education for all of our kids. It is something parents and families and people in New Mexico talk to me about all the time. I want to join the Senator in his comments and say, let's get this done. Let's see if we can get Republicans to work with us in a bipartisan way. I applaud the Senator's speech.

#### VA HEALTH CARE

Mr. UDALL of New Mexico. Next Monday is Memorial Day, a day when we remember the men and women who gave their lives defending our freedoms, a day to remember our solemn obligation to veterans. I rise today to speak about that obligation and about very troubling allegations that should outrage all of us, of sick veterans desperate for care, of secret scheduling lists, of mismanagement at Veterans Affairs medical centers, and of cover-ups and misuse of taxpayer funds.

If true, this is a great disservice to our veterans. This is not quality care, it is betrayal. It is unconscionable, whether it is only one facility, such as the facility in Phoenix, or more, or in New Mexico and other facilities. For many people this story began in Phoenix, AZ, but I do not think it ends there.

I asked Secretary Shinseki on May 8 to extend the investigation to cover the entire regional network, which includes Arizona, New Mexico, and Texas. The next day Secretary Shinseki announced an audit of the VA nationwide. Today, the VA appropriations subcommittee marked up an important bill to fund the Department of Veterans Affairs and to address these allegations. I am thankful to Chairman JOHNSON and Ranking Member KIRK for including a key provision I requested to provide funding to expand the VA inspector general's investigation, and calling out New Mexico as one of the States that urgently needs the attention of the inspector general.

These secret waiting lists, according to whistleblowers, were efforts in deception and fraud, hiding management failures. They kept appointment requests out of the VA computer system in order to cover up a waiting list to see a doctor, preventing veterans from receiving necessary care.

At worst, this deception not only kept veterans waiting but may have contributed to the death of some who were very sick. There are also reports that allege these efforts to manipulate the schedule were taken to make managers look better to receive bonuses, bonuses that were supposed to have been awarded for meeting high-quality care standards, not for failing them.

If true, this is tragic and possibly a serious crime. Thankfully, the appropriations subcommittee has taken action to freeze this bonus system while the investigation continues. I hope the full Senate will move quickly to do the same, to eliminate bad incentives which hurt our veterans.

If managers hide the extent of the wait times at the VA, then Congress does not have the right information to allocate resources to address need. Lives are at stake. We are talking here about veterans' lives. VA Assistant Inspector General John Daigh testified before the House Committee on Veterans' Affairs regarding a facility in South Carolina. He said, "Over 50 veterans had a delayed diagnosis of colon cancer, some of whom died from colon cancer."

GAO's Director of Health Care Debra Draper also testified about ongoing and past issues with the VA causing veterans to receive delayed care and delayed appointments. The GAO cited these shortcomings in a 2013 report and also made multiple recommendations to the VA on how to address them.

Ms. Draper noted that the VA has not yet enacted their recommendations

and that the VA still has work to do to fix problems spelled out in the GAO report. The GAO concluded that:

Ultimately, VHA's ability to ensure and accurately monitor access to timely medical appointments is critical to ensure quality health care to veterans, who may have medical conditions that worsen if access is delayed.

The GAO report speaks to a bigger picture, one we should not lose sight of, and that is the ongoing problem with scheduling gimmicks, with ways to game the system, first identified by the VA itself in an April 2010 memo. These practices have led to delayed appointments and care. This is not an allegation, this is a fact.

Congress and the VA need to continue to work together for transparency, for accountability, and for real solutions. The allegations being investigated are very disturbing. This is not just a failure to provide timely care—that is bad enough—but also an intentional effort to cover up that failure by creating separate scheduling lists and gimmicks and harming veterans as a result.

These allegations are serious and we take them very seriously for every veteran in this country. For every man and woman who puts their life on the line to defend this country, a full inspector general investigation is essential. In some cases a criminal investigation may also be needed. We need to find out what is truly happening at our veterans' medical centers. This investigation should be thorough. It should be exhaustive. It should uncover the truth and it should hold those responsible accountable.

I also want to commend those who brought these concerns to the public and send a clear message to them: Congress will not tolerate interference or harassment with public servants who simply are trying to get out the truth, trying to do their job, and doing the very best to serve our veterans. The Whistleblower Protection Act is very clear: If you retaliate against an employee who is trying to expose the truth, then you are in the wrong.

Congress and the President should speak with one voice: We will not tolerate actions to retaliate against VA employees or contractors who shine the light on the truth.

Similarly, no one in the VA should be destroying or hiding any evidence of these practices. Destruction of a Federal record can be a crime.

VA managers should come clean, not cover up. I urge any New Mexico VA patient, family member, current or former VA employee, to report serious management problems to the VA inspector general either directly or through my office.

To those employees who continue to provide quality care to our veterans, this is not about you. Overall, the VA does provide great health care. I have

heard from veterans who have testified to this fact. Many veterans would not go anywhere else. We must act quickly and decisively to restore faith in the VA and provide the care our veterans deserve.

Today, the Appropriations Committee took a step in the right direction to expand the investigation and halt the bonus program. I look forward to continuing this work with the full Senate and also with the administration. All of us who work to support our troops and our veterans have a sacred obligation to make sure they have the care they have earned. They have been there for us; we have to be there for them.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

#### BENGHAZI INVESTIGATION

Mr. GRAHAM. Mr. President, I wish to discuss the state of play in Benghazi. Senator BOXER came on the floor this morning and talked about the investigations and all the things that have been done to find out about what happened in Benghazi.

No. 1, to those serving in Libya today, you are definitely in our thoughts and prayers. My advice to the administration is get those folks out as quickly as you can, because this thing is going downhill very quickly in Libya. So let's not have another Benghazi on our hands. I feel as though the security environment in Libya is deteriorating as I speak.

Let me, if I can, set the stage for my concern. One, I think most people on this side of the aisle, rightly or wrongly, believe that if the names were changed, this whole attitude toward finding out what happened in Benghazi would be different; if it had been the Bush administration, Condoleezza Rice, not Susan Rice, that we would be on fire as a nation to find out how the President could have 2 weeks after the attack—mentioned a video as the cause of the attack—that all the information coming from the intelligence community to the White House and others, there was never a protest. If Secretary Rice had gotten on the national news or Mr. Hadley or John Bolton, the U.S. Ambassador to the United Nations had gotten on television 5 days after the attack and told the story about the level of security: We believe it was a protest caused by video, not accordingly a terrorist attack—if that had all been said by the Bush people, there would have been definitely a different approach about this issue. That to me is very sad. You may not agree with that observation, but almost everybody over here I think believes that.

Mr. Zucker today—I know him from CNN; fine man—said he would not be bullied into covering the select committee. Nobody is asking any outlet to

be bullied. But I have some questions I want CNN to answer, or somebody who would answer questions that I think are very relevant.

What is the state of what? As far as the Senate goes, we have had the Senate Select Committee on Intelligence issue a report on January 15, 2014. I think they did a very good job covering their lane. They did not have jurisdiction over the State Department so their report was limited. There was a minority report inside the report by Republicans taking some issues with some of the findings. But the bottom line was, the Senate intel committee, in a bipartisan fashion, looked at Benghazi and said it could have been prevented. So that is something to be positive about.

The Armed Services Committee has done nothing. They have not issued any reports. This is the report of the Armed Services Committee in the Senate looking at DOD's responsibility that night.

The Foreign Relations Committee—this is their report. Nothing looking at the State Department's behavior that night.

We have had hearings, but the relevant committees have not issued reports.

The Homeland Security Committee on December 30, 2012—Senators LIEBERMAN and COLLINS did a good job talking about Homeland Security's role in Benghazi, a very good report. But a lot has happened since then.

I want people in the country and the Senate to know the reason I want a select committee in the Senate. We are not the House. Two of the committees very relevant to oversight of Benghazi have not issued any reports.

The Armed Services Committee has done nothing, nor has the Foreign Relations Committee, and I think this is worthy of our time.

This is a bipartisan report issued in 2008 by the Armed Services Committee about detainee abuse. I participated in this report in the Bush administration. We had some serious system breakdowns when it came to detainees in U.S. custody.

Senator MCCAIN and I worked with Democrats to issue this report. I thought it was important to get to the bottom of system failure in the Bush administration. But I would argue that four dead Americans are worthy of a report, and we have not had one. There are a lot of things that could be done, should be done in the Senate, and have not been done.

What would I like to find out about Benghazi that we did not know? This is the Accountability Review Board, an internal investigation by the State Department. Two fine men led this investigation—appointed by Secretary Clinton. This thing has more holes in it than Swiss cheese. They missed a lot. They didn't talk to Secretary Clinton or Ambassador Rice.

In this report they talk about the reason that Ambassador Stevens was in Benghazi was that they were looking at closing the consulate in Benghazi in December. I finally got to talk to one survivor after 18 months of trying.

I found out from that survivor, the person in charge of security in Benghazi on the night of the attack, that they had renewed the lease on the consulate in July for 1 year. So that makes no sense. The report says he went there to look at closing the consulate, and they just renewed the lease in July before he went there in September. So it is not by any means an exhaustive review of Benghazi.

This is a readout on September 10, 2012, the day before the attack. This is a readout of: "President's Meeting with Senior Administration Officials on Our Preparedness and Security Posture on the Eleventh Anniversary of September 11th."

Apparently the President had a meeting—in the White House, I assume—with all of our national security folks talking about what we can expect on September 11 because it was the 11th anniversary of 9/11. It states:

During the briefing today, the President and the Principals discussed specific measures we are taking in the Homeland to prevent 9/11 related attacks as well as the steps taken to protect U.S. persons and facilities abroad, as well as force protection.

I have one simple question: Did they bring up Libya? Did they talk about the security situation in Benghazi and Libya? If not, why not? Based on this statement—it is a reassuring statement to the American people that the President and his team are on top of the situation.

They were not on top of it when it came to Libya. So I want to find out if that meeting had any discussions about the deathtrap called Benghazi.

This is the security situation in Benghazi pre-9/11. On March 28 there was a request for additional security which was denied.

Our security footprint was very light. We had an agreement with a militia in Benghazi that was supposed to be our primary reaction team—a Libyan militia that proved to be less than reliable.

On April 6 an IED was thrown over the fence of the U.S. post in Benghazi. Did the President know about this? Did Secretary Clinton know about it? I assume they did, but nobody in any of these investigations ever told us that the President was aware of this.

On June 6 a large IED destroyed part of the security perimeter of the U.S. post in Benghazi, leaving a whole "big enough for 40 men to go through." They commissioned a study or some kind of review. Where is it? It has been attacked in April and June. Did the President know about these attacks. They blew a hole in the wall large enough for 40 people to go through.

On June 11, 5 days later, the British Ambassador's motorcade is attacked—



very close to the Benghazi facility, our facility—and U.S. personnel go help the British ambassador. After this attack, the British closed their consulate in Benghazi. Why did we leave ours open?

On July 9, there was a request from Ambassador Stevens for additional security. No response.

On July 1, Lieutenant General Neller sends an email to Under Secretary Kennedy offering additional security. Kennedy responds saying no additional DOD support is needed.

There is a 16-person Special Forces National Guard team that was ready to volunteer for an extra year to help our folks in Benghazi, and the State Department folks said: No, thanks.

On August 6, the International Committee of the Red Cross has been attacked four times. They finally close up shop and leave town on August 6. The British leave and the Red Cross leaves.

Lieutenant Colonel Wood was a National Guard soldier trying to help security doing a site security team investigation. Instead of being extended—and he volunteered to stay for 1 additional year—he was sent home in August.

On August 16—this is the most damning of all—there was a cable that was sent from Benghazi by our Ambassador telling the people in Washington that the consulate could not withstand a coordinated terrorist attack and the Al Qaeda flag is flying all over town, basically begging for additional security, letting people in Washington know: We cannot withstand a coordinated terrorist attack. Al Qaeda flags are flying all over the place.

That is the state of play. That is the background in terms of security regarding the consulate in Benghazi.

Fast forward. These are statements by the Regional Security Officer who was asking for additional security. He was so frustrated by the response he had received in Washington he said the following: “For me the Taliban is inside the building.”

What Eric Nordstrom was talking about is that the people in Washington seemed to be completely deaf as to his needs for additional security. He thought the people in Washington were working against him, and he was very worried about what would happen if there was an attack, and he believed that one was coming.

Lieutenant Colonel Wood, a Utah National Guard Special Forces soldier who left in August, said:

It was instantly recognizable to me as a terrorist attack. . . . Mainly because of my prior knowledge there, I almost expected the attack to come. We were the last flag flying; it was a matter of time.

This had gone up DOD channels as well as the Department of State. So that is the history of the security situation in Benghazi.

Now, to the people at CNN, to my Democratic colleagues, to anybody and

everybody, please explain to me how on September 16, 5 days after the attack, Susan Rice, the U.S. Ambassador to the United Nations was chosen to appear on five Sunday talk shows to talk about the attack in Benghazi on our facilities. But I can assure you, she was very worried about what was going to happen—the questions regarding Benghazi—because we had four people killed.

This is what she said about the level of security on September 16:

Well, first of all, we had a substantial security presence with our personnel . . . with our personnel and the consulate in Benghazi.

I have a question. Who told her that. Nothing could have been further from the truth. When you look at the history of the security footprint in Benghazi, it was begging and pleading by the people in Libya to have more help and everything was denied. It was to the point that the person in charge of security felt like the Taliban were all inside the building in Washington. Lieutenant Colonel Wood said:

We were the last flag flying. It was a matter of time.

On August 16, before the September 11 attack, there was a cable from Ambassador Chris Stevens saying: We cannot defend this compound against a coordinated terrorist attack.

Those are the facts. This is what Susan Rice told the world:

Well, first of all, we had a substantial security presence with our personnel . . . with our personnel and the consulate in Benghazi.

I have a simple question. Who told her that, who briefed her about security in Benghazi, because the person who told her that needs to be fired because they are completely incompetent or they lied to her.

If she made this up, she needs to resign because nothing could have been further from the truth. If she just made this up to make the administration look good in light of all of the other evidence about security, then she is not an honest person when it comes to conveying national security incidents.

So, please, after all of these investigations, after all of these hearings, can somebody tell me from where Susan Rice got this information? How could she conclude, based on what we know now, that we had a substantial security presence with our personnel in the consulate in Benghazi. She went on to say: “Well, we obviously did have a strong security presence.”

She said this on ABC and this on Fox. If you listened to her on September 16, you would believe we were well prepared for this attack and we had secured the consulate in a reasonable fashion.

If anybody had looked at the actual record—the information available to our own government in our own files—you could not have said that honestly. I am sure this was a good thing to say 6 weeks before an election. The prob-

lem is it is not remotely connected to the truth.

To this day, nobody can answer my question. Where did she receive information about the security level in Benghazi? She has never been interviewed by anybody 20 months later.

Why was she chosen? If John Bolton had taken Condoleezza Rice's place to talk about a consulate—not under his control but under her control—people would want to know where the Secretary of State was. Ambassador Rice was the U.N. Ambassador—U.S. Ambassador to the United Nations. She had no responsibility for consulate security.

The person responsible for consulate security and our footprint in Libya was Secretary Clinton. I have always wondered why they chose her. To this day, no one has answered that, but Susan Rice said on 12/13/2012:

Secretary Clinton had originally been asked by most of the networks to go on. . . . She had had an incredibly grueling week dealing with the protests around the Middle East and North Africa. I was asked. I was willing to do so. It wasn't what I had planned for that weekend originally, but I don't regret doing that.

And she further said she had no regrets about what she told the American people.

The PRESIDING OFFICER. Fifteen minutes have expired.

Mr. GRAHAM. I ask for 5 minutes more if I could.

Mr. SANDERS. Reserving the right to object, how much longer—

Mr. GRAHAM. Am I into the Senator's time? If the Senator is next, may I have 1 minute?

To be continued—I can't do this justice in 15 minutes, but this is what I am suggesting. If it is true that the Secretary of State could not go on television and talk about the consulate under her control and tell us about how four Americans died at that consulate—the first ambassador in 33 years—because she had a grueling week—if that is true—and I don't believe it is, but if it is—then we need to know because that will matter to the country as we go forth. If it is not true, why would Susan Rice say it?

To be continued—there is so much about this incident called “Benghazi” that we don't know and that makes no sense to me that I am not going to give up until I can tell the families what I believe to be the truth. And what I have been told is nowhere near the truth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### NET NEUTRALITY

Mr. SANDERS. I apologize to my friend from South Carolina.

Mr. President, I want to talk about an issue that millions and millions of



people all over this country are increasingly concerned about; that is, last week the FCC, the Federal Communications Commission, released a proposal in response to a recent Federal court decision that struck down the Commission's 2010 Open Internet Order. The proposal would, for the very first time, allow Internet service providers to be able to pay for priority treatment.

What this means, in point of fact, is the end of net neutrality and the end of the Internet as we know it. What net neutrality means is that everyone in our country—and, in fact, the world—has the same access to the same information. Whether you are a mom-and-pop store in Hardwick, VT, or whether you are Walmart, the largest private corporation in America, you should have the same access to your customers.

Net neutrality also means that a blogger, somebody who just blogs out his or her point of view, in a small town in America should have the same access to his or her readers as the New York Times or the Washington Post.

If the FCC allows huge corporations to negotiate “fast-lane deals,” then the Internet will eventually be sold to the highest bidder. Companies with the money will have the access and small businesses will be treated as second- or third-class citizens. This is grotesquely unfair and this will be a disaster for our economy and for small businesses all across our country.

I want to take this opportunity to thank Commissioners Clyburn and Rosenworcel for their strong support of net neutrality. They are doing exactly what the American people want from the Commission. During last week's hearing Commissioner Rosenworcel stated:

We cannot have a two-tiered Internet, with fast lanes that speed the traffic of the privileged and leave the rest of us lagging behind.

Commissioner Clyburn noted:

[The] free and open exchange of ideas is critical to a democratic society.

And she is, of course, absolutely right.

I have to say—and I don't mean to be particularly partisan on this issue, but the facts are the facts—that in contrast, the Republican Commissioners, Ajit Pai and Michael O'Reilly, would like to completely deregulate the Internet. Commissioner O'Reilly said, in response to the proposal:

As I've said before, the premise for imposing net neutrality rules is fundamentally flawed and rests on a faulty foundation of make-believe statutory authority. I have serious concerns that this ill-advised item will create damaging uncertainty and head the Commission down a slippery slope of regulation.

That is Republican Commissioner O'Reilly.

What does all of this mean in English? What it means is that when

we talk about deregulating the Internet, we are talking about allowing money—big money—to talk, and allowing the big-money interests to once again get their way in Washington. That is very wrong. We cannot allow our democracy to once again be sold to the highest bidder.

I think all of us agree the Internet has been an enormous success in fostering innovation and enabling free and open speech across the country and throughout the world. We kind of take it for granted. But when the Presiding Officer and I were growing up, there was no Internet, and I think we can all acknowledge now what a huge advance it has been for business and for general communication. Unfortunately, these Republican Commissioners on the FCC want to fix a problem that does not exist. What they want is to change the fundamental architecture of the Internet to remove the neutrality that has been in place for decades—since the inception of the Internet—and to allow big corporations to control content online.

Let me say the American people—people in Vermont and across this country—care very deeply about this issue. A little while ago, in advance of the FCC's vote, on the Internet I asked people in Vermont and throughout the country to share their views with me, to write to me and tell me what they thought about the attempt to do away with net neutrality, and I was blown away by the response we received. More than 19,000 people have submitted comments to my office so far, and what they are saying in statement after statement after statement is that the FCC has to defend net neutrality.

I think these 19,000 people represent the vast majority of the people in this country who understand how important net neutrality is, and I want to take this opportunity and a very few moments to share some of the comments I received through my Web site.

Anthony Drake of Moreno Valley, CA, said:

Net neutrality is vital for a free and open internet, and the economic advantages that it has brought our nation and the world. Please work to reclassify ISPs as common carriers under Title II of the Communications Act.

Stamford, VT, resident Roy Gibson concurred, telling the FCC that Internet providers “should be treated like utilities.” I agree with Roy Gibson.

Reg Jones of Bennington, VT, said President Obama must uphold his campaign promise to enforce net neutrality. He further said:

Net neutrality should be mandated as President Obama promised. Any attempt to allow differential speeds and access to the Internet should be squashed and those who propose it should be replaced by people who represent all of the citizens of this country. Internet access should be for the good of all, not for the select few who already have too much power and more money than they need.

William LaFrana of Versailles, KY, said:

Everyone should have equal access to the Internet. The Internet was developed with taxpayer funding, and should not be held hostage to corporate piracy.

Patricia Moriarty from Harwich Point, MA, wrote:

The Internet is the only place where we truly have freedom of speech and the ability to freely exchange new ideas around the world. Leave the Internet OPEN.

President Obama himself has long been on record supporting net neutrality. In 2007, then-Presidential candidate Obama said:

What you've been seeing is some lobbying that says that the servers and the various portals through which you're getting information over the Internet should be able to be gatekeepers and to charge differential rates to different Web sites . . . so you can get much better quality from the Fox News site and you'd be getting rotten service from the mom and pop sites. . . . And that I think destroys one of the best things about the Internet—which is that there is this incredible equality there.

That is what Barack Obama said when he was campaigning for the Presidency. Barack Obama was right when he said that, and I would very strongly urge the President to stand for what he said when he was campaigning for President and defend net neutrality.

I understand the FCC is an independent body, but the American people have spoken with a clear and unified voice that they want to maintain net neutrality. What is so frustrating for the American people is to elect a candidate—in this case President Obama—who campaigned on an issue and now see many of the FCC members he appointed moving in a different direction. It is simply not enough for the President to sit on the sidelines on this issue. We need him to speak out for net neutrality, as he did when he campaigned for President.

Let me conclude by simply saying the Commission will soon consider whether to reclassify the Internet as a so-called common carrier. Under this distinction, the Internet would be treated like other utilities. Being classified as a common carrier will mean Internet service providers must provide the same service to everyone, without discrimination. This is the only path forward to maintain an open forum, free of discrimination.

Over the next few months the public will have an opportunity to weigh in on this proposal by the FCC. Each of us—and I hope every Member of Congress—should be concerned about this issue. I encourage you to be vocal. If people want to write to my office—sanders.senate.gov—we already have 19,000 people commenting and we welcome even more. I hope the American people rally around this issue of net neutrality and that we defeat any proposal to do away with that.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON. I thank the Chair.

(The remarks of Mr. NELSON and Ms. COLLINS pertaining to the introduction of (S. 2361) are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Presiding Officer.

(The remarks of Mr. LEVIN pertaining to the introduction of S. 2360 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEVIN. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DONNELLY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

STAFF SERGEANT JESSE WILLIAMS

Mr. DONNELLY. In recognition of Memorial Day, I would like to take a moment today to honor three Hoosier servicemembers we lost in the last year.

We remember Army SSG Jesse Williams of Elkhart, who was killed in action after his Black Hawk helicopter crashed in Zabul Province, Afghanistan, on December 17, 2013.

Staff Sergeant Williams attended Elkhart Central High School and completed basic training in 2006. He was deployed three times—once to Iraq in 2007 and twice to Afghanistan in 2010 and 2013. Staff Sergeant Williams is survived by his daughter, parents, grandparents, and siblings. His family accepted the Purple Heart on his behalf last month.

TECHNICAL SERGEANT DALE MATHEWS

We remember Air Force TSgt Dale Mathews from Rolling Prairie, IN, who died in a plane crash during a training exercise in England on January 7 of this year.

Technical Sergeant Mathews graduated from New Prairie High School in 1994. He served tours of duty in both Iraq and Afghanistan. His service in the Air Force centered on flying rescue missions and taking care of others. After serving almost 20 years, he was involved in the rescue of nearly 300 people.

Technical Sergeant Mathews is survived by his wife, his son, daughter, stepson, stepdaughter, and his parents and grandparents.

STAFF SERGEANT RANDALL LANE

We remember Army SSG Randall Lane of Indianapolis.

Staff Sergeant Lane passed away from a noncombat-related illness in Afghanistan on September 13, 2013. Staff Sergeant Lane served his country proudly in the Marines and in the Indiana Army National Guard for over 20 years. He is survived by his wife, three daughters, stepson, parents, brothers and sister, and his grandmother.

These men are all true heroes. They served their country with distinction. They made their family, friends, and all the people of Indiana and America proud. I send my continued thoughts and prayers to their families.

Like these three men, the United States has a long history of selfless warriors—men and women choosing to serve not because of the glory it brings to them but because of the freedom and safety it brings to others. When one of them makes the ultimate sacrifice by giving their life for ours, it is important that we pause and remember the true price of freedom.

I was proud to see my fellow Hoosiers come together in reflection and remembrance when we lost these three American sons, and I ask that we do the same this Memorial Day.

May God bless the United States of America.

I thank the Presiding Officer and yield the floor.

#### HEALTH CARE

Mr. BARRASSO. Mr. President, this week President Obama told a group of campaign donors that people who still talk about his health care law are "not speaking to the real concerns that people have." The President still does not seem to understand that Americans do have real concerns about his health care law. They are not partisan concerns, they are practical concerns. The reason Americans are worried is because the law directly impacts their personal lives, their personal health, and their personal pocketbooks.

That is why I have come to the floor week after week to talk about some of the alarming side effects of the President's health care law, and there are many alarming side effects related to the law that people are seeing and dealing with in their everyday lives. I have talked about how this law has increased premiums, how it has cut paychecks for many families, how week after week more people are realizing that they are suffering as a result of the law. They are not helped by the law but are suffering as victims of the President's law.

Today I wish to talk about another costly side effect of the law: the massive amount of taxpayer dollars that continues to be wasted under the law. For example, KMOV, a television station in St. Louis, recently reported about a call center in Missouri that processes paper applications for insurance in the State exchanges. Remem-

ber, the applications were supposed to be handled on a Web site, so they should not need a call center handling very many paper applications, but it doesn't seem to matter.

The company got a contract for \$1.2 billion. According to the report, there are 1,800 employees. What are these people doing who are taking all of this money? It turns out a lot of them are not doing very much. They are being paid with hard-earned taxpayer dollars and they are not doing very much. One employee said, "There are some weeks that a data entry person would not process an application"—weeks, and not a single application. They are just sitting there and looking at their computers. The report says some of them are playing Pictionary or 20 Questions and collecting paychecks funded by the taxpayers. Another former employee told the Associated Press: "It was like stealing money from people." It was like stealing money from people.

It is not just happening in Missouri. Another TV station, KOLR, found a call center run by the same company—this one is in Arkansas—and reported that the same thing that is happening in St. Louis, MO, is happening in Arkansas. One employee told the station that he has been there 6 months—6 months and getting paid for full-time work—and has processed a total of 40 applications.

To make matters worse, we have learned of another clear way Washington is wasting taxpayer dollars while implementing the law. Over the weekend the Washington Post reported that Federal health care subsidies may be too high or too low for 1 million people. The headline says: "Health payouts may be wrong. Subsidies too high or [too] low for 1 million. Government flags errors but can't fix them yet." Incredible incompetence on the part of this administration. There is mismanagement like people have never seen before in this country.

The Post reported:

The problem means that potentially hundreds of thousands of people are receiving bigger subsidies than they deserve.

These are the subsidies some people get to help pay for their insurance in the government exchanges. It turns out that the computer system Washington built to make sure it gave the right subsidies—well, guess what. It doesn't work.

When the healthcare.gov Web site crashed last fall, the Obama administration scrambled to patch and duct tape it back together. But according to the article, behind the scenes, important aspects of the Web site remain defective or unfinished.

The article goes on:

The government may be paying incorrect subsidies to more than 1 million Americans in the new federal insurance marketplace and has been unable so far to fix the errors, according to internal documents and three people familiar with the situation.

The problem means that potentially hundreds of thousands of people are receiving bigger subsidies than they deserve.

Apparently the government can't fix it and the Web site can't be fixed. So what do they do? These people are sending in information, and, according to this article, "piles of unprocessed 'proof' documents are sitting in a federal contractor's Kentucky office, and the government continues to pay insurance subsidies that may be too generous . . ."

The inability to make certain the government is paying correct subsidies is a legacy of computer troubles that crippled last fall's launch of the Obama health care law.

So again we see more waste of taxpayer dollars and more reasons for Americans to have very real concerns about the law.

Just this past week the President of the United States told donors: Oh, not speaking to the real concerns that people have.

The President of the United States is wrong. The American people have real concerns about these components of the health care law. President Obama said to the Democrats in this very body: Democrats should forcefully defend and be proud of the health care law. I want to see one of the Democrats stand and defend what I have just talked about and be proud of what I just talked about. The President says you should, so where are you right now? Not one of them is here to make that defense or to stand proud about this law.

It is hard to imagine that my colleagues can possibly be proud of a law that pays people to do nothing all day long. Can they possibly be proud of a law that awards large subsidies for people who don't qualify for them? Are the Democrats who voted for this health care law ready to forcefully defend all the taxpayer dollars that continue to be wasted every day?

There is no end in sight and there is no effort to stop this. After all, how does that provide a fair shot for everyone? Isn't that what the promises of the President are? He said: I want a fair shot for everyone. How does all of this actually help with this wasted money? How does that help anybody get better health care? Millions and millions of dollars are being wasted to pay people to sit around and play computer games. Millions more are on Web sites designed in States that have been basically called broken, dysfunctional, crippled—you name it, they are not working.

The FBI is doing an investigation about some of these reports. How does that give anybody better health care—all these wasted taxpayer dollars.

The people know what they wanted with health care reform. They wanted better access to quality, affordable care. Let's think about what people want with health care reform. They

want access, they want affordable care, they want choices—which they have been denied under this President's health care law—and they want quality. That is the kind of fair shot they wanted, but it is not what they got from the President's health care law.

Republicans have offered a patient-centered approach that would solve the biggest problems families face, such as access to care, cost of care, quality of care, and choice. That means ideas such as allowing small businesses to pool together in order to buy insurance more cheaply for their employees. That gives small businesses and the employees working there a fair shot. It means letting people shop for health insurance that actually works for them and their families, not what President Obama says is best for them. If I had to say who has the best chance of knowing what is best for a family, I would say it is likely the family and not President Obama and the Democrats who passed this law. People deserve a fair shot at buying a plan that is best for them and best for their families.

These are just a couple of the solutions Republicans have offered to give Americans real health care reform and a real fair shot—health care reform that gives patients the care they need from a doctor they choose at lower costs, without the ongoing harmful, expensive side effects we are seeing every day with the President's health care law.

Thank you. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE OVERREACH

Mr. HATCH. Mr. President, I rise to discuss a critical issue facing this body and this country. The occasion for my remarks happens to be the nomination of Sylvia Mathews Burwell to head the Department of Health and Human Services. As a senior member of the HELP Committee and the ranking member on the Finance Committee, I have taken a great deal of interest in her nomination and have participated in her confirmation hearings.

I am afraid the cordial nature of our exchanges and my recognition of Ms. Burwell's impressive qualifications has allowed some ObamaCare partisans to misconstrue my approaches as an acknowledgment that somehow the Affordable Care Act is working. Let me be absolutely clear on this point. I oppose ObamaCare, and I am going to

fight as long as it takes to repeal that misguided law and replace it with a system that actually works for American families.

That is why I have collaborated with several of my colleagues to unveil the framework of the Patient CARE Act, a plan that would repeal ObamaCare and replace it with commonsense, patient-centered reforms that would reduce health care costs and increase access to affordable, high-quality care. It would save the taxpayers about \$1 trillion and yet have a better health care system than we have today with Obama.

Let me also be clear on another point. No matter what the administration says, the reality is that ObamaCare is not working. The President and his allies are claiming the law is a success because the administration has mostly corrected the botched rollout of healthcare.gov and has had a certain number of individuals sign up—as if forcing people into ObamaCare, under the coercive threat of government penalty, is somehow cause for celebration. In reality, the mass cancellation of insurance coverage last fall was just the first prick of pain ObamaCare will inflict on the American people.

I could talk for hours about rising premiums, growing deficits, backdoor bailouts and of course numerous other maladies, all of which threaten the quality and the enforceability of health insurance for so many Americans already struggling through the Obama economy, but the concern that motivates me to speak today goes beyond the many failures of ObamaCare as a matter of policy. Perhaps the most troubling of all has been the unlawful manner in which this administration has gone about implementing it.

When faced with the prospect of enforcing disruptive features of his signature law, the President has chosen to ignore his fundamental obligation to enforce the law and has instead sought to rewrite various provisions of ObamaCare unilaterally.

These actions form a troubling pattern of lawlessness and executive overreach by the Obama administration, one that all citizens and all Members of this esteemed body, whether Republican or Democrat, ought to condemn and resist.

The harms I will discuss today are not just a theoretical abstraction. This administration's abuse is a very real threat to our constitutional system of government and to the liberties each of us enjoys. In recent weeks, I have come to the floor on a number of occasions to speak out about the Obama administration's lawlessness in a wide variety of contexts. I will continue to do so to defend the separation of powers, the rule of law, and the legitimate prerogatives of the legislative branch and this body in particular under the Constitution.

Even in light of these serial abuses which have only accelerated under the President's new "pen and phone" strategy, the implementation of ObamaCare stands out as the crown jewel of executive overreach. By my count, this administration has acted unilaterally on at least 22 separate occasions to alter the law, something it does not have the right or power to do.

Through its actions, the Obama administration, in particular the current Health and Human Services Secretary, has demonstrated cavalier disregard for the constitutional obligations of the executive branch. The President and his team have shown outright contempt for the legitimate role of Congress.

Today, I wish to highlight a few of the Obama administration's most egregious acts and explain why these actions are unlawful and pose such a serious threat to our constitutional system of government. Let me begin with something most Americans unfortunately remember all too well, President Obama's now infamous promise that if you like your plan, you can keep it.

Make no mistake, this promise was the key selling point for ObamaCare, which was approved by the Senate by a razor-thin party-line vote. Without the President's assurance that Americans could keep their current health plans if they wished, the bill simply would not have passed this Chamber.

Yet it has long been clear that the White House never intended for Americans to be able to keep their plan. I do not say that lightly. It is not some unsubstantiated partisan attack. It is a well-documented fact. From the very beginning one of the key premises underlying ObamaCare's government takeover of health care was the notion that Americans could not and should not be trusted to choose their own health insurance and that instead Washington's so-called experts could be tasked with determining the sort of coverage Americans could buy.

Indeed, that is the entire point of having the minimum coverage provision the Obama administration fought so hard to include in the bill. If Americans' existing plans do not comply with some government official's specifications, then ObamaCare forces individuals off of their insurance. To put the President's promise more honestly, if he likes your plan, you can keep it.

Several respected news outlets have responded how policy aides within the Obama White House objected to the President's obviously inaccurate claim that if you like your plan you can keep it, only to be overruled by the President's appointed political advisers. Despite knowing it was false, the administration purposely perpetrated this dishonest claim.

Tragically, millions of Americans relied on the President's promise, only to

face the prospect of having their health insurance plans cancelled after his reelection. To make matters worse, the administration did not settle for the natural attrition that would eventually force Americans with the plans they like to buy an additional level of coverage, one they did not want, but one that ObamaCare forced them to purchase. No. Instead the administration rushed to publish regulations that defined exactly which existing plans could be grandfathered into the new scheme. The regulatory definition was so narrow in scope that even a minor or routine change to an existing plan could disqualify it.

As the Solicitor General recently conceded to the Supreme Court, Obama administration officials knew the number of qualifying individuals would be "very, very low, because it is to be expected that employers and insurance companies are going to make decisions that trigger the loss of the so-called grandfather status under the governing regulations."

Given the President's broken promise and the many cancelled plans, I joined with a number of colleagues to move quickly to use our power under the Congressional Review Act to try to overturn these regulations. Unfortunately, every single one of my colleagues on the other side of the aisle voted against providing this relief.

What followed was tragic but entirely predictable. Insurers were forced to cancel policies and millions of Americans were unable to keep the plans they liked. When ObamaCare's failed social engineering became a reality in the wake of millions of cancellation notices that went out last fall, even staunch supporters felt the intensity of the inevitable public outrage. Many in this body were eager to support legislation that offered relief to constituents suffering from this latest dose of the ObamaCare plan.

The House of Representatives passed legislation with the bipartisan support of more than three dozen Democrats that would have allowed insurers to continue to offer the plans that millions of Americans had chosen to purchase. Yet once the chorus of public outrage got so loud that even President Obama could no longer ignore ObamaCare's destructive effects, what did he do? Did he try to work with a bipartisan majority in Congress to provide relief to the hard-working Americans injured by ObamaCare's forced cancellations, did he move to rescind the administration's aggressive regulations, or did he bite the bullet and enforce the law as written, demonstrating that he was willing to endure the unpopularity in order to live up to his obligations under the Constitution?

Unfortunately, President Obama chose none of these legitimate approaches. Instead, his Department of

Health and Human Services simply acted unilaterally to cancel and then rewrite the minimum coverage requirements in the statute. After doing so, HHS simply cited the vague notion of transitional relief as the only possible suggestion of where the administration could find executive authority to refuse to enforce clear statutory law.

In reality, this action represents a shocking and radical abuse of power by this administration. Let me offer some background to contextualize how extreme the Obama administration's claimed authority is in this instance. In the enforcement of this Nation's tax laws, the IRS has for some time claimed the authority to adjust how a new tax is phased into operation, providing a slight delay in enforcement to ease the administrative burden imposed by the new tax.

The IRS has engaged in this practice to adjusting enforcement timing with some regularity through the use of this asserted authority, which tends to be narrow, for example, by delaying the retroactive enforcement of an aviation fuel excise tax by just 16 days. The Obama administration's attempts to fix the failed bailout from the "if you like your plan you can keep it" lie does not even involve tax law, nor does it involve the IRS's past practice or its claimed legal authority.

The Department of Health and Human Services simply invoked the claimed powers of the IRS in a wholly distinct context, a context in which it could not point to statutory authority or a similar history of past practice. In the absence of clear authority to alter or cancel enforcement, the President remains constitutionally obligated to take care that the laws be faithfully executed.

In this case, the Obama administration does not have a leg to stand on. The sort of transitional relief here is nothing like a minor 16-day delay. The failure to enforce the minimum coverage provisions will now drag on for 3 full years past the required statutory deadline. The administration's fix is different in kind from prior examples of transitional relief, because in this case the government did not actually face enforcement difficulties. Insurance companies had already complied with the statute by canceling millions of plans, as the law required them to do.

In fact, precisely the opposite was true. What finally motivated the administration to act was, instead, the public backlash generated from proper compliance with the law.

No matter how much the Obama administration may want to mitigate the disastrous effects of its own signature law, neither HHS nor any other part of the executive branch has legitimate authority, in the form of prosecutorial discretion or otherwise, to ignore or rewrite a Federal statute.

In the words of the Justice Department's longstanding position: The President may not "refuse to enforce a statute he opposes for policy reasons." But that is precisely what the Obama administration has done in this case. The whole idea of administrative transitional relief is premised on the notion that such action is properly derived from, or at the very least is consistent with, relevant statutory authorities. Here, the administration's action directly contradicts the plain language of the statute, which obligates insurance companies to offer only plans compliant with the statute's requirements and which obligates State and Federal governments to enforce those requirements.

A generic brand of regulatory authority cannot provide the executive branch with unilateral power to rewrite effective dates made explicit in the statute. This is especially true of ObamaCare, since, as we were told repeatedly during the debate over the law, the precise effective dates for various intertwined provisions were deemed central to the effectiveness of the entire statutory scheme.

All this is to say that the Obama administration's actions in this area far exceed any transitional relief authority the President might rightfully claim and instead amount to a vast illegitimate use and abuse of power by the executive branch. The Constitution obligates the President to follow the law. It also commands him to "take care that the laws be faithfully executed," meaning he must ensure that others subject to his authority comply with the law.

In this case, President Obama has not only rejected his own obligation to follow and enforce the law, but he is also permitting, even urging, States to disobey their obligations to enforce ObamaCare. He is likewise actively encouraging insurance companies to offer plans that violate the company's explicit obligation under the minimum coverage requirements. He is encouraging consumers to participate in and rely on this lawlessness by purchasing what are, in fact, unlawful policies.

Such executive lawlessness should be troubling to all Americans regardless of political stripe or partisan affiliation. It is the Constitution, the political institutions it established, the legal framework it enshrines, the checks and balances it requires, that ensures we remain a government of law and not of men. Absent these essential restraints, we will all become subject to increasing arbitrary rule, a government that knows no bounds and seeks to regulate and control virtually every aspect of our lives.

Sadly, this is just one example of the administration's lawlessness in implementing ObamaCare. It gets worse, though. Consider the individual mandate. I firmly believe the individual

mandate constitutes an unprecedented and unconstitutional overreach that, in the words of Supreme Court Justice Anthony Kennedy, "changes the relationship of the Federal Government to the individual in a very fundamental way."

But even as we seek to repeal and replace ObamaCare, for now the individual mandate is the law of the land. The President who fought so hard to impose this terrible burden on the American people through the legislative process and in the courts, is bound to enforce it.

Yet when it came time to implement the individual mandate, which the administration long argued was the linchpin of the entire ObamaCare scheme and "essential to creating effective health insurance markets," the administration simply decided that enforcing that provision as written in law no longer suited their interests.

Again, I ask, did the Obama administration work with Congress to relieve this burdensome mandate? Of course not.

As has become his habit, the President once again chose to act unilaterally, stretching his statutory and constitutional authority to the breaking point in an effort to avoid engaging in the legislative process, the only legitimate means of revising the individual mandate.

Let me reiterate that I abhor ObamaCare's individual mandate. I want to repeal it, along with the rest of the Affordable Care Act, so that it no longer infringes on the liberties of any American. But either implementing or repealing the individual mandate must be done lawfully, not by executive fiat.

The administration sought to justify its unilateral actions to delay application of the individual mandate on the basis of ObamaCare's hardship exemption. But in announcing the delay, the administration determined it would exempt anyone who simply completes a hardship form, indicates that their current insurance policy is being cancelled, and considers other available policies unaffordable. Such a standard is the very definition of lawlessness, and it contradicts the letter of the law. Indeed, the White House and its supporters in Congress drafted exceptions to the individual mandate very narrowly to make it as universal as possible.

Although the statute gives the HHS Secretary some flexibility in granting hardship exemptions, the plain text of the law specifies precisely when a health plan is unaffordable, when it costs 8 percent or more of household income. By granting an exemption to anyone who subjectively thinks that available coverage is unaffordable, HHS has made a mockery of the mandate, not to mention completely ignoring the affordability exemption's objective standard.

In doing so, the Obama administration has stretched beyond recognition the limited regulatory authority it does possess, simply in order to frustrate enforcement of its prized individual mandate.

The administration's unwillingness to enforce the individual mandate, which lies at the very core of ObamaCare, demonstrates not only how the bill has failed to live up to its lofty promises, more fundamentally it shows how irresponsible the President has been in failing to live up to his constitutional obligation to take care that the laws—his signature law, no less—be faithfully executed.

But the administration's lawlessness does not end with the individual mandate. Once again, it only gets worse. In a massive law chock-full of burdensome requirements, the administration has found it necessary to ignore mandates of all shapes and sizes.

Take also the employer mandate. Perhaps less public attention is focused on the administration's effort to dictate coverage requirements backed by stiff penalties to every American business with more than 50 employees. But this employer mandate would have devastating effects, first, by discouraging small businesses from hiring and thereby leaving millions unemployed; second, by forcing employers to cut their employees' work hours, limiting take-home pay for millions of current workers struggling to get by; and, third, by discouraging many employers from even providing health insurance to their workers, leaving millions of Americans to fend for themselves.

As the statutory deadline for implementing the employer mandate approached, even ObamaCare supporters feared these consequences, and the administration once again unilaterally suspended its enforcement of the law.

The first clue that the Obama administration was up to something illegitimate came when HHS announced its total suspension of the employer mandate in a blog post euphemistically and ironically entitled "Continuing to Implement the ACA in a Careful, Thoughtful Manner."

That such a significant announcement was made using insidiously innocuous language, that it was made via such an informal medium, came as little surprise given this administration's propensity toward flippant and frequently unaccountable governance by blog post, hashtag, and selfie.

In this case, the announcement did not bother to identify any legal basis for suspending the employer mandate and merely made passing reference to the limited concept of so-called transitional relief.

Upon subsequent scrutiny, it became clear that the logic of transition relief simply doesn't apply here because Congress and the President, in passing the bill into law, enacted an explicit statutory requirement detailing when the

employer mandate must be implemented. By acting in direct contravention of this explicit statutory deadline, the power of the Obama administration's authority was, as the Supreme Court explained, "at its lowest ebb," with the President authorized to act only if Congress has no constitutional power to act. But in this case Congress's power to lay and collect tax is clearly enumerated in article 1, section 8 of the Constitution.

In other words, the Obama administration's unilateral action to suspend the employer mandate was lawless by any definition, including of the Supreme Court.

It did not have to be that way, and it should not have been that way. A broad bipartisan majority in the House of Representatives acted to provide lawful statutory relief from the employer mandate. The House bill was strictly limited to changing the statutory deadlines for the employer mandate and its reporting requirements, and the bill changed those dates to match the timeline on which the administration announced it intended to begin enforcement. In other words, the House bill gave the administration the precise employer mandate delay it wanted and the bill contained none of the other policy changes that most Republicans favor.

When offered the opportunity to delay the employer mandate in a lawful manner, what did President Obama do? He threatened to veto it. By doing so, the President conveyed in unmistakable fashion that his priority lies in political gamesmanship and that he has no respect for his constitutional obligations.

I wish I could say the Obama administration's reckless and unlawful unilateralism in refusing to enforce the employer mandate ended there. Sadly, it does not.

A few months later, the administration essentially rewrote the employer mandate, announcing it would delay enforcement for years—and, in some cases, permanently—well beyond the precedence of past enforcement delays.

But it still gets worse. Rather than simply offer another blanket delay of the employer mandate, the Obama administration went much farther. Officials announced that the mandate would only be enforced for businesses with 50 to 99 employees if those businesses failed to comply with a new onerous maintenance-of-workforce regulations. That regulation prevents businesses from reducing the size of their workforce or the overall hours of service of their employees unless they have a bona fide business reason acceptable to government bureaucrats.

For businesses with more than 100 employees, the Obama administration likewise suspended enforcement of the employer mandate until 2015, at which time executive officials will replace the

statutory requirement requiring coverage for all employees with a new administrative formula for determining how many employees must be offered coverage.

I could stand here all day criticizing the backward logic and terrible consequences of having Federal bureaucrats police the employment practices of our Nation's small businesses. There are so many reasons why the employer mandate is bad policy, but I have come to the floor today to highlight the sheer lawlessness of these unilateral executive actions.

In the case of the employer mandate, the law itself dictates when that mandate should be enforced. HHS has not suggested that it lacks sufficient resources to enforce the mandate, nor can it have considered the equity of enforcement in individual cases when it sweeps up every single business subject to this mandate and categorically refuses to enforce this law.

Instead, the Obama administration has simply abdicated its duty to enforce the law. Even worse, it has usurped legislative authority by devising a wholly different scheme—a wholly different enforcement scheme—with its own conditions, goals, and timeline inconsistent with those prescribed in the statute.

Sadly, the executive abuses of this administration in implementing ObamaCare extend beyond the minimum coverage requirements and the individual and employer mandates.

Consider the unilateral use of a so-called demonstration project to divert attention from ObamaCare's cuts to Medicare Advantage. By providing seniors an alternative to traditional Medicare that takes advantage of market-based competition to enhance patient choice, quality of care, and cost-effectiveness, Medicare Advantage has proven an extraordinary success. I am pleased to have played a role in its creation.

In advancing President Obama's now-broken promise that his health care plan wouldn't add one dime to our deficits, the final ObamaCare bill mandated more than \$300 billion—with a B—in cuts to Medicare Advantage over 10 years.

But the Obama administration has had to grapple with yet another inconvenient fact. Medicare Advantage has become increasingly popular with each passing year. As of last year, nearly 3 in 10 Medicare beneficiaries chose it over traditional Medicare. In my home State of Utah, one in three beneficiaries receives coverage from Medicare Advantage.

Rather than acknowledge his blunder and ask Congress to reverse ObamaCare's unwise and unpopular Medicare Advantage cuts, the President has once again taken unilateral action that makes a mockery of his signature law.

His administration used a minor provision, one that allows the administration to demonstrate different bonus payment models in pilot programs as a thinly veiled guise for delaying Medicare Advantage cuts ahead of an election. Never mind the clear conflict between awarding the bonuses across the board and the statutory purpose of such demonstration projects to determine if the payment changes produced efficiency and economy. Never mind the obvious absurdity of pretending to use pseudodemonstration authority to delay the Medicare Advantage cuts unilaterally, when such a demonstration is at least seven times larger than any other Medicare demonstration conducted since 1995 and is greater than the budgetary impact of all those previous demonstrations combined. And never mind that the statutory authority for the demonstrations calls for budget neutrality.

When I first learned of the Obama administration's clear abuse of this narrow statutory authority, I asked GAO to investigate. GAO's report confirmed that the administration had indeed exceeded its legal authority and recommended canceling the program because it wasted taxpayer money. Still, the administration pressed forward, simply ignoring its obligations and usurping Congress's constitutional power of the purse.

I wish I could say this move was surprising, but through a repeated pattern of such actions, President Obama and his administration have earned a reputation for executive arrogance and constitutional abuse.

The list of fundamentally illegal actions by this administration in implementing ObamaCare goes on and on. For now, let me mention one more example where President Obama has completely disregarded his obligation to enforce the law and yet again sought to usurp Congress's power to make taxing and spending decisions through the constitutionally ordained legislative process.

The ObamaCare provision at issue in this instance is remarkably simple. It provides tax subsidies for individuals to purchase health coverage through an exchange "established by the State under section 1311."

Section 1311 is the provision of ObamaCare that allows States the option to create their own exchanges, but section 1311 is not the provision that authorizes the creation of the Federal exchange to operate where the States choose not to act. That is section 1321.

I can't imagine how this provision could be any clearer. The law only authorizes subsidies in connection with State exchanges, not the Federal exchange, and this is no accident. ObamaCare incorporated the principle of so-called cooperative federalism—a polite term for thinly veiled Federal coercion and commandeering of the

sovereign States. Indeed, this figleaf hiding Federal dominance was critically important to rounding up 60 votes to pass ObamaCare in the Senate.

As my friend, the former Senate from Montana—now Ambassador to China and a principal author of the ObamaCare text—noted during the Finance Committee markup of the bill, conditioning tax credits in this way was the only means by which our committee could establish jurisdiction to demand rewriting State insurance laws, as ObamaCare requires, but in the end, the Federal Government's own exchange ended up covering the majority of States.

As written, the law does not permit subsidies in connection with the Federal exchange. Given these circumstances, did the administration choose to enforce the legislative compromises to which President Obama agreed by signing the bill into law? Did the White House seek to work with Congress to address this disparity? Of course not.

Yet again, HHS chose to ignore the clear statutory restrictions and instead authorized billions of dollars in illegal subsidies through the Federal exchange in direct conflict with the plain text of the law.

This obvious abuse has been challenged in court, and after hearing the judges' deep skepticism of the administration's case, I am confident the U.S. Court of Appeals for the DC Circuit will roundly reject the Obama administration's radical arguments seeking to justify this lawlessness. I hope the court will hold the administration accountable for its deliberate and unmistakable violation of the law and that it will do so despite the effort by President Obama and his allies to fill the DC Circuit with compliant judges who might overlook the administration's executive abuses, but whatever that or any other court determines as a matter of specific legal principle, the fact remains that Obama administration officials—and in particular the HHS Secretary—have repeatedly and purposefully sought to undermine Congress, usurp legislative power, and become a law unto themselves.

President Obama came into office promising the most transparent and accountable Presidential administration in history. The Obama administration has ended up being transparently lawless.

Today I have discussed only five examples of the administration's lawlessness in implementing ObamaCare. I will save for another day the significant legal concerns surrounding the administration's abusive handling of high-risk pools, its actions involving the small business exchange, its sweetheart deals granting unauthorized exemptions for labor unions, and many other similarly problematic actions.

But even in the five examples I have mentioned today, the overriding point

is clear: the tenure of President Obama has amounted to an unmistakable pattern of executive abuse. Time and again his administration has flouted its constitutional responsibilities, exceeded its legitimate authority, ignored duly enacted law, and sought to escape any accountability for its executive overreach.

Such executive abuse cannot stand. Whether Republican or Democratic, each of us has a sworn obligation to defend the Constitution, and each of us has the responsibility to defend the rightful prerogatives of the legislative branch. I have long argued that ObamaCare unconstitutionally intrudes on our most basic liberties, but those liberties cannot be secured when the executive branch defies legal bounds and ignores its constitutional obligations.

The continued well-being of our Nation, the legitimacy of our republican self-government, and the basic liberties of our fellow citizens depend on ensuring the exercise of executive prerogative is properly kept within lawful bounds. Doing so requires continual vigilance—by the courts, by Congress, and by the American people—especially in the face of such reckless lawlessness by the current administration.

Our Nation needs new leadership. Ultimately, we need to elect a new President in 2016, one who will respect the Constitution and seek to protect the rights of its citizens, but until then we need an HHS Secretary who will uphold the law and respect the rightful prerogatives of the legislative branch.

That is why I pressed Ms. Burwell during her confirmation hearing last week about the administration's illegitimate and lawless actions and about the need for a different approach. No matter how cordial our debate may be, no matter her impressive qualifications, my overriding concern is that she be accountable to Congress, to the law, and to the Constitution.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 3080

Mr. REED. Madam President, I ask unanimous consent that if the Senate receives the papers with respect to the conference report to accompany H.R. 3080, the Water Resources Reform and Development Act, by Thursday, May 22, at a time to be determined by the majority leader with the concurrence of the Republican leader, but no later than Thursday, May 22, the Chair lay

before the body the conference report to accompany H.R. 3080, and the Senate proceed to vote on adoption of the conference report; that the vote on adoption be subject to a 60-affirmative-vote threshold; further, that no motions or points of order be in order to the conference report.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

NOMINATION OF DANA J. HYDE TO BE CHIEF EXECUTIVE OFFICER, MILLENNIUM CHALLENGE CORPORATION

NOMINATION OF SUSAN MCCUE TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION

NOMINATION OF MARK GREEN TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations which the clerk will report.

The assistant legislative clerk read the nominations of Dana J. Hyde, of Maryland, to be Chief Executive Officer, Millennium Challenge Corporation; Susan McCue, of Virginia, to be a Member of the Board of Directors of the Millennium Challenge Corporation; and Mark Green, of Wisconsin, to be a Member of the Board of Directors of the Millennium Challenge Corporation.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided in the usual form, prior to a vote on the Hyde nomination.

Mr. REED. Madam President, I ask unanimous consent that all time be yielded back on the nominations.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### VOTE ON HYDE NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Dana J. Hyde, of Maryland, to be Chief Executive Officer, Millennium Challenge Corporation?

The nomination was confirmed.

#### VOTE ON MCCUE NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will



the Senate advise and consent to the nomination of Susan McCue, of Virginia, to be a Member of the Board of Directors of the Millennium Challenge Corporation?

The nomination was confirmed.

#### VOTE ON GREEN NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Mark Green, of Wisconsin, to be a Member of the Board of Directors of the Millennium Challenge Corporation?

The nomination was confirmed.

#### NOMINATION OF GREGG JEFFREY COSTA TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH DISTRICT

The PRESIDING OFFICER. Under the previous order, the clerk will report the Costa nomination.

The assistant legislative clerk read the nomination of Gregg Jeffrey Costa, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided in the usual form.

The Senator from Rhode Island.

Mr. REED. Madam President, I ask unanimous consent that all time for debate be yielded back.

The PRESIDING OFFICER. All time is yielded back.

Mr. REED. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Gregory Jeffrey Costa, of Texas, to be United States Circuit Judge for the Fifth Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Indiana (Mr. COATS), and the Senator from Kentucky (Mr. McCONNELL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 158 Ex.]

#### YEAS—97

Alexander	Cardin	Durbin
Ayotte	Carper	Enzi
Baldwin	Casey	Feinstein
Barrasso	Chambliss	Fischer
Begich	Coburn	Flake
Bennet	Cochran	Franken
Blumenthal	Collins	Gillibrand
Blunt	Coons	Graham
Booker	Corker	Grassley
Boxer	Cornyn	Hagan
Brown	Crapo	Harkin
Burr	Cruz	Hatch
Cantwell	Donnelly	Heinrich

Heitkamp	McCaskill	Schumer
Heller	Menendez	Scott
Hirono	Merkley	Sessions
Hoeven	Mikulski	Shaheen
Inhofe	Moran	Shelby
Isakson	Murkowski	Stabenow
Johanns	Murphy	Tester
Johnson (SD)	Murray	Thune
Johnson (WI)	Nelson	Toomey
Kaine	Paul	Udall (CO)
King	Portman	Udall (NM)
Kirk	Pryor	Vitter
Klobuchar	Reed	Walsh
Landrieu	Reid	Warner
Leahy	Risch	Warren
Lee	Roberts	Whitehouse
Levin	Rockefeller	Wicker
Manchin	Rubio	Wyden
Markey	Sanders	
McCain	Schatz	

#### NOT VOTING—3

Boozman	Coats	McConnell
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Stanley Fischer, of New York, to be a Member of the Board of Governors of the Federal Reserve System.

Harry Reid, Tim Johnson, Thomas R. Carper, Richard J. Durbin, Tom Udall, Angus S. King, Jr., Mark Begich, Elizabeth Warren, Martin Heinrich, Patty Murray, Tom Harkin, Robert Menendez, Patrick J. Leahy, Benjamin L. Cardin, Charles E. Schumer, Heidi Heitkamp, Mark R. Warner.

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided.

Mrs. MURRAY. We yield back all time.

The PRESIDING OFFICER. Without objection, all time has been yielded back.

By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Stanley Fischer, of New York, to be a Member of the Board of Governors of the Federal Reserve System, shall be brought to a close?

The yeas and nays are mandatory under the rules.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Indiana (Mr. COATS), and the Senator from Kentucky (Mr. McCONNELL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 62, nays 35, as follows:

[Rollcall Vote No. 159 Ex.]

#### YEAS—62

Alexander	Hagan	Murphy
Ayotte	Harkin	Murray
Baldwin	Hatch	Nelson
Begich	Heinrich	Pryor
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Coons	Manchin	Udall (NM)
Corker	Markey	Walsh
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murkowski	

#### NAYS—35

Barrasso	Graham	Portman
Blunt	Grassley	Risch
Burr	Heller	Roberts
Chambliss	Hoeven	Rubio
Coburn	Inhofe	Scott
Cochran	Isakson	Sessions
Cornyn	Johanns	Shelby
Crapo	Johnson (WI)	Thune
Cruz	Lee	Toomey
Enzi	McCain	Vitter
Fischer	Moran	Wicker
Flake	Paul	

#### NOT VOTING—3

Boozman	Coats	McConnell
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The PRESIDING OFFICER. On this vote the yeas are 62, the nays are 35. The motion is agreed to.

Pursuant to the provisions of S. Res. 15 of the 113th Congress, there will be up to 8 hours postcloture consideration of the nomination equally divided in the usual form.

The Senator from Florida.

#### D-DAY

Mr. NELSON. Madam President, I wish to call to the attention of the Senate the fact that there is a three-dimensional film I had the pleasure of seeing at the Air and Space Museum theater about one of the largest and obviously most successful military invasions in the history of the planet, and that was 70 years ago on June 6, 1944, what is known as D-day. The film is narrated by Tom Brokaw. He is a natural because he is well known for having written the book "The Greatest Generation" about the people who fought in World War II.

The timeliness of this documentary film is fitting in that as we go from one generation to the next, the stories told by grandfathers and great-grandfathers to their children are not necessarily being told to the next and younger generation. This film captivates in 3-D the plans, the operation, the logistics, and the enormity of the task of taking back continental Europe from Hitler's armies and how we drove that by going onto the beaches at Normandy with our



partners, the Canadians, the Brits, the French, and how it was done painfully, with a lot of loss of life, particularly on Omaha Beach—there was a lot less resistance on Utah Beach—and how the participants with us from those other nations met similar and withering fire, as they stormed on the beaches as well the night before, the paratroopers dropped.

I remember when I was a young Congressman sitting at the knee of Congressman Sam Gibbons of Tampa, FL, and he would tell us about the little clickers called crickets as the paratroopers dropped in, many of them because of a mistaken landing where they landed and drowned in areas that had been flooded by the Germans.

But those who survived and then tried to regroup in the dark of night, you would determine when you ran into somebody in the dark if they were friend or foe by this little clicker. We call them crickets. You click it and it sounds like a cricket. If they clicked two times and the response was back, they knew they were friends; otherwise, they had to protect their life.

Those are the stories that are not made up. They are real. These are the stories of the British pilots in gliders. How in the world, in the dark of night, could they bring those gliders in, landing them safely, getting out with those troops to go and secure the Pegasus Bridge which was a critical crossing point that had to be taken from the Germans?

Story after story, how next to Omaha Beach where the fires were, bloody, how to the south of it was this cliff rising straight out with these enormous German guns on top of it, and how the U.S. Army Rangers scaled those rock cliffs straight up and then took on and silenced the German guns.

These are the stories we do not want to lose from one generation to another. So this film in 3-D, narrated by Tom Brokaw, I want to commend to the Senate family. It will be shown around the country now that it has opened on the west coast and here. It is a wonderful educational lesson of American history, of how we turned back an invader that was trying to change the world. Therefore, we were able to keep America free, as well as our allies. I commend it to the Senate.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. NELSON. Madam President, I ask unanimous consent that the Sen-

ate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORENO CONFIRMATION

Mrs. FEINSTEIN. Madam President, I come to the floor to congratulate Justice Carlos Moreno on his confirmation as U.S. Ambassador to Belize.

Justice Moreno has served on the Federal district court in Los Angeles and the California Supreme Court with distinction. I am confident he will continue to proudly serve his country as our Nation's representative to Belize.

I have strongly supported Justice Moreno's nomination because I know him very well. He has a powerful intellect. He has a good heart, and he has sound judgment.

The son of Mexican immigrants, Justice Moreno grew up in East Los Angeles. He was the first in his family to graduate from college, attending Yale on a scholarship and graduating in 1970. He earned his law degree from Stanford Law School in 1975.

He then worked at the city attorney's office, in private practice, and as a judge at two levels of our State's judicial system.

In 1997, I recommended him to President Clinton for appointment to the district court in Los Angeles.

I knew then that he was a "ten," and I was very proud to introduce him to my colleagues on the Judiciary Committee and to support his nomination on the floor of the Senate at that time.

In fact, I was not the only member to speak on Justice Moreno's behalf on the floor. Senator HATCH did so. Senator LEAHY did so. And he was confirmed 96-0.

The reason is, to quote a letter from then-Los Angeles County Sheriff Sherman Block, that Justice Moreno "is an extremely hard working individual of impeccable character and integrity."

In 2001, Justice Moreno was appointed by Governor Gray Davis to serve on the Supreme Court of California.

I was sorry to see him leave the Federal district court, but I knew Governor Davis had chosen an outstanding individual to serve on our State's highest court.

Anyone who has followed California law since then knows that Justice Moreno served with great distinction, writing with a clarity and passion that served as an inspiration to our State.

In 2008, I invited him to serve on my bipartisan Judicial Advisory Committee in Los Angeles. I use these committees to advise me on whom to recommend to the President for seats on the U.S. district courts.

Over the last 6 years, I have come to rely on Justice Moreno's fine judgment and sound advice in making these important appointments.

Unfortunately, his nomination to be an ambassador meant that Justice Moreno had to leave my Judicial Advisory Committee behind.

I will miss his advice on judicial appointments a great deal. But I believe very strongly that Justice Moreno's record shows he has the intellect, judgment, compassion, and temperament to serve our Nation very well as an ambassador.

I am very pleased my colleagues agreed to confirm Moreno's nomination. He is certain to make us very proud.

#### MARSHWOOD HIGH SCHOOL

Ms. COLLINS. Madam President, I rise today to recognize the impressive performance of students from Marshwood High School in South Berwick, ME, at the 27th annual "We the People: The Citizen and the Constitution" National Finals. These students, who are members of Marshwood's Advanced Placement U.S. Government and Politics class, earned first place for the Northeast Region during this competition that tested their knowledge of the Constitution and the Bill of Rights. I am so proud of them as I know how hard they worked to achieve this ranking.

Under the direction of their dedicated and talented teacher, Mr. Matt Sanzone, the class spent the school year studying the history and principles of American democracy in preparation for the competition. Each student developed a broad understanding of the Constitution. The class also divided into smaller units to analyze in depth specific constitutional concepts.

The Marshwood team met its first challenge in March when it won the State-level competition and earned the right to represent Maine in the National Finals. Through simulated Congressional hearings, they demonstrated their knowledge of the Constitution before a panel of Maine Supreme Judicial Court justices, constitutional scholars, lawyers, and public officials.

The team's keen interest in our democracy serves as an example to other students in Maine and around the country. I know that these students will use the lessons they have learned in the classroom and in competition to guide them throughout their lives, to inspire others, and to be grateful for the rights and freedoms we enjoy as Americans. I congratulate these talented students from Maine on their extraordinary achievement.

#### TRIBUTE TO EDWARD BLAU

Mrs. MURRAY. Madam President, I rise along with my colleague, the ranking member of the Budget Committee, Senator SESSIONS, to pay tribute to Edward Blau, who is retiring at the end of this month after more than 32 years of

distinguished service to the Congress at the Congressional Budget Office.

Since joining CBO's Scorekeeping Unit in 1982, Mr. Blau has worked side by side with the Budget Committee, helping us keep track of the status of legislation and committee allocations. As an all around expert on budget process and the Congress, Mr. Blau has been invaluable in helping the Budget Committee execute our responsibilities to the Senate.

Mr. Blau is well-regarded by both Democrats and Republicans for his tireless and diligent work—as well as his patient and easygoing manner. His attention to detail includes reviewing each and every CONGRESSIONAL RECORD to ensure that the database he maintains to help us with managing the Senate budget process is up-to-date at all times. It is an incredibly important task and one that we are grateful to Mr. Blau for his help in overseeing the past three decades.

In short, Mr. Blau exemplifies CBO's high standard of professionalism, objectivity, and nonpartisanship. In fact, he twice has received the CBO Director's Award, the agency's highest recognition for outstanding performance.

As chairman, I greatly appreciate the sacrifice that Mr. Blau has made in assisting the Budget Committee and the Congress. I wish him well in his future endeavors, including, as I understand it, a plan to spend more time following in person his beloved Nationals—the other Washington baseball team.

I would like to now turn to my colleague, Senator SESSIONS, for his remarks.

Mr. SESSIONS. I thank Chairman MURRAY and join her in commending Mr. Blau for his many years of dedicated and outstanding service to CBO, the Congress, and the American people. We wish him all the best in his well-deserved retirement.

We hope our colleagues will join us in thanking Mr. Blau—and really all of the hardworking employees at the Congressional Budget Office—for his and their service.

#### BROWN V. BOARD OF EDUCATION ANNIVERSARY

Mrs. MURRAY. Madam President, on May 17, 1954, U.S. Supreme Court Chief Justice Earl Warren delivered the unanimous ruling in the landmark civil rights case *Brown v. Board of Education of Topeka, Kansas*. The Court declared segregation of public schools unconstitutional under the equal protection guaranteed by the 14th amendment. In delivering the opinion, Chief Justice Warren stated that “in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.” May 17, 2014, marks the 60th anniversary of the Supreme Court's landmark decision. This his-

toric ruling began our great Nation down a path toward providing all children with equal access to education.

Education is a basic human right, and all students deserve equal access to education. I would like to acknowledge the courageous students who attended desegregated schools during the years following the ruling on *Brown v. Board of Education of Topeka, Kansas*. African-American students in the South endured verbal and physical abuse just for attending school. Their actions to attend desegregated schools not only demonstrate their remarkable bravery but also the importance of education.

Equal protection under the law is a fundamental right in our country. No one should suffer discrimination because of their race, religion, national origin, age, sex, disability, sexual orientation, or gender identity. Whether applying for a job, finding a home, eating in a restaurant, or attending school, we must ensure all citizens are treated fairly and equally. To me, the fight for equality is a fight for what it means to be American. That is why the 60th anniversary of the *Brown v. Board of Education of Topeka, Kansas*, decision is so important. May 17, 1954, was a momentous day for the civil rights movement and moved America a step closer toward justice and equality for all.

Sixty years later, thanks to the Supreme Court's decision, students from all walks of life are guaranteed equal access to public schools. Yet there is still more work to be done. Although 60 years have passed since the Court declared separate is never equal, many schools across our country remain divided by race and socioeconomic status. A child's access to a world-class education should not be determined by their ZIP code or parents' income. So, as our country reflects on the historic importance of the decision in *Brown v. Board of Education of Topeka, Kansas*, we must also look to the future, to continue the fight to ensure all children, regardless of race, have equal access to high quality education.

#### STRONG START FOR AMERICA'S CHILDREN ACT

Mr. ALEXANDER. Madam President, the question is not whether but how best to make early childhood education available to the largest number of children.

The approach that I am offering is quite different than the Democratic proposal.

Last year this time around, the Senate HELP Committee held a markup on another bill which was the Senate Democrats' proposal to reauthorize No Child Left Behind.

I said then that over the last decade, the combination of No Child Left Behind, Race to the Top, and the Obama administration's use of waivers has

created a congestion of Federal mandates and rules that amount, in effect, to a national school board for elementary and secondary education.

The proposal that the HELP committee approved last year on a partisan vote would have “doubled down” on those mandates by setting performance standards, giving the Secretary of Education the authority to tell 100,000 public schools what their standards and tests should look like, how to measure their students' progress, and how to evaluate their teachers. And I said, then too, that if we wanted anyone to serve as chairman of the national school board, Arne Duncan would be a terrific one but Congress has said repeatedly that we don't want a national school board.

Unfortunately, the bill that Senate Democrats are proposing today has a familiar ring to it. It would, in effect, create a national school board for 3- and 4-year-olds.

It would spend \$27 billion in new funding over 5 years with Washington making the decisions about how States should run their preschool programs.

For example, it includes a lot of requirements for States that I don't think the Federal Government has ever even attempted with elementary and secondary education, such as: determining teacher salaries—that all preschool teachers be paid at a rate that is comparable to K-12 school teachers; class sizes, student-teacher ratios—class sizes can't be larger than 20 children, the ratio of students to teachers may be no higher than 10 to 1; length of the school day—a minimum of 5 hours or as long as a typical day in the K-12 system.

Never before, not even in No Child Left Behind, has the Federal Government told school districts in Maryland or Murfreesboro or Memphis how to run their schools in such detail.

The bill also includes requirements that sound a lot like what hasn't worked so well under No Child Left Behind, Race to the Top, and waivers, such as: that States must ensure that preschool teachers have a bachelor's degree in early childhood education—sounds a lot like the Highly Qualified Teacher provision; that States must establish early learning and development standards and age appropriate standardized tests aligned to the State's academic standards under No Child Left Behind, which for more than 40 States now means Common Core.

Furthermore, that these standards, curriculum, and tests must be: developmentally-appropriate; culturally and linguistically appropriate; address all domains of school readiness, including physical well-being, et cetera.

Then there are an assortment of vague requirements on States, which will depend on the Department of Education issuing hundreds of pages of regulations and guidance of histories to

define and implement, such things as: vision, dental, and health services; mandatory family engagement such as parent conferences; nutritious meals and snack options—what they consist of; physical activity programs that are evidence-based according to guidelines; evidence-based health and safety standards; regular classroom observations and coaching for teachers.

Finally, the bill also includes new maintenance of effort standards. We know what happened with those in Medicaid, during the last 5 or 6 years.

As State economies tumbled, States were forced to continue to spend more on Medicaid by maintenance of effort requirements. And that resulted in less money for higher education and driving up tuition rates.

Washington would pay 90 percent of the program's cost for the first year for the Democratic proposal, but the required share of State spending will increase each year, eventually half the bill to Governors after 8 years. And that also has a familiar ring.

Sounds a lot like Medicaid, where the State average is about 43 percent and most of the rules are Federal, even though the States pay nearly half.

What has happened with that model? Well, when I was Governor in the 1980s in Tennessee, Medicaid was 8 percent of the State budget. Today it's 30 percent of the State budget.

Americans don't want a national school board. We'd like to move in a different direction. I'd like to take, as an example of why we should, the testimony of a witness at a HELP Committee hearing on this issue.

Superintendent John White of Louisiana testified that the "greatest barrier to achieving these conditions that we want in early childhood education—no less than financial resources themselves—is the fragmentation of our country's early childhood education system."

He went on to say: "You can't claim to be providing full access and full choice when you have separate centers, separate funding streams, separate sets of regulations that literally require no coordination in the offering of seats, even within the same neighborhood."

That's the situation in Louisiana, and the Government Accountability Office says it's true around the country.

Forty-five different programs support early education and child care. Thirty-three of those permit the use of funds to provide support or related services to children from birth through 5. Twelve programs have the explicit purpose to provide childhood and preschool or child care services.

Then there are 5 tax provisions that subsidize private expenditures in the area of early childhood and preschool programs.

This year, Congress appropriated roughly \$15 billion for the 12 programs

explicitly focused on early childhood, Head Start, Race to the Top, Individuals with Disabilities Education Act, and the Child Care and Development Block Grant.

And then there's another \$3 billion in tax credits.

An earlier witness before our committee estimated that when you add up the 33 programs, the total Federal spending in this area is now about \$22 billion.

So, we believe a better way to give all children the best early learning experience is to provide States with the flexibility to use some or all of the more than \$22 billion in Federal money that we already spend and allow States to use it in the way that best suits their needs.

Under my proposal, Superintendent White would be able to take Louisiana's share of the \$22 billion that the Federal Government spends on early childhood and preschool programs—about \$300 million—and do just that. In Tennessee, we'd have about \$440 million a year.

If we were given this kind of flexibility, we could increase the vouchers for child care from 39,000 to 139,000; or the State-funded voluntary preschool program, from 18,000 4-year-olds to 109,000. Or we could expand Head Start, from 17,000 children to 56,000 or some combination of that. We could create Centers of Excellence and otherwise leave to Tennessee to figure out what works best for Tennesseans.

So, the question is not whether, but how best to make early childhood education available to the largest possible number of children. The answer to that question is to not create a national school board for 3- and 4-year-olds to go along with the one we've effectively established for K-12 education.

That is why I opposed the Democratic proposal and instead offered a proposal to enable States to take responsibility for developing the early learning systems that best meet their needs and to use up to \$22 billion of existing federal dollars to help fund that.

#### BELARUS

Mr. MENENDEZ. Madam President, the 2014 Ice Hockey World Championship began on May 9 in Minsk, Belarus, one of the last vestiges of authoritarianism in Europe. By hosting a global sports competition that promotes integrity and observes uniform regulations, Belarus should take this opportunity to show the international community that it will follow suit and support the fundamental rights and freedoms of its citizens.

This year also marks the 20th year of President Lukashenka's iron-fisted Presidency whose elections have been marred by the detention of political opponents and civil society actors, as

well as the lack of an open and free press. During his rule, he has eliminated all political opposition, eroded the rule of law, and curtailed the freedoms of expression, assembly, and association.

President Lukashenka, the international community calls on you to support the right of every Belarusian citizen to be free. We call on you to take decisive steps towards making Belarus an open and democratic country where the rules of politics, as well as those of sports, are governed by free and fair standards.

#### NATIONAL TOURETTE SYNDROME AWARENESS MONTH

Mr. MENENDEZ. Madam President, I wish to recognize National Tourette Syndrome Awareness Month, which runs from May 15, 2014, through June 15, 2014. This annual observance is an opportunity for us to help the many Americans affected by Tourette syndrome by raising awareness and encouraging expanded investments in research.

Tourette syndrome, or TS, is a neurological disorder that typically develops during childhood. TS is characterized by repetitive, stereotyped, involuntary movements and vocalizations called tics, which can range from mild to severe and disabling. The National Institutes of Health, NIH, estimates that 200,000 Americans have the most severe form of TS and as many as 1 in 100 Americans exhibit milder symptoms such as chronic motor or vocal tics. Additionally, people with TS often have other co-occurring mental or behavioral health conditions. A child diagnosed with TS has a 79-percent chance of being diagnosed with another condition such as attention deficit hyperactivity disorder, ADHD, Obsessive Compulsive Disorder, OCD, anxiety or depression.

An often misunderstood and stigmatizing disorder, TS can have a profound and negative impact on the quality of life of those affected. Research indicates that TS may be hereditary and that abnormal signaling between brain circuits plays a casual role, but the cause of the disorder remains unknown. Treatments for TS are also limited, although several agents have proven effective in mitigating tics and improving social functioning.

Expanding our national research efforts on TS can help us to identify the cause, discover new treatments, and find a cure. Last session, I introduced the Collaborative Academic Research Efforts, CARE, for Tourette Syndrome Act, which builds upon our national research efforts in two major ways. First, the bill expands and intensifies data collection on the prevalence of TS and the availability of medical and social services for those with TS and their families. Second, the bill establishes

centers of excellence to conduct in depth, multidisciplinary research into the causes, treatments, diagnosis, and prevention of TS.

National Tourette Syndrome Awareness Month, which runs from May 15 to June 15, presents us with an opportunity to advocate for the passage of the Collaborative Academic Research Efforts, CARE, for Tourette Syndrome Act (S. 637). We must provide the NIH with the tools necessary to further our understanding of TS. Through greater awareness, expanded information, and enhanced therapies and treatments, it is my hope that we will improve the quality of life for all people touched by TS.

#### HARRISBURG REGIONAL CHAMBER ANNIVERSARY

Mr. TOOMEY. Madam President, I wish to recognize the Harrisburg Regional Chamber on its 100th anniversary.

The Harrisburg Regional Chamber was established in 1914 by a group of local businessmen whose goal was to promote and grow Harrisburg's manufacturing and distribution industries. Since then, the Harrisburg Regional Chamber has been a catalyst for smart public policy, job creation, and business growth in central Pennsylvania. Starting with 200 initial members, the Harrisburg Regional Chamber has grown to represent 1,300 members who employ nearly 100,000 people in the capital city region.

Over the course of its 100 years, the Harrisburg Regional Chamber has played a key role in the planning and development of numerous construction and infrastructure projects in the region. Without the chamber's assistance, historic structures such as the Penn-Harris Hotel may not have ever been built. The chamber was also instrumental in developing the region's first airport in 1930. Additionally, the chamber backed U.S. military construction projects at Olmstead Army Air Depot in Middletown, the U.S. Army General Depot at New Cumberland Army Depot, and at Carlisle Barracks.

Since 2001, the Harrisburg Regional Chamber has completed 355 projects, which have had an overall economic impact of \$416 million and assisted businesses throughout the region create and retain over 12,500 jobs.

The Harrisburg Regional Chamber is dedicated to the success of the community and the members it represents. It continues to strive toward the fulfillment of its core mission by adhering to a set of fundamental values: excellence, leadership, inclusion, innovation, and fun.

Today, I want to recognize the significant contributions that the Harrisburg Regional Chamber makes to the Commonwealth of Pennsylvania. I wish

the chamber all the best as it continues its efforts to lead by example with a vision for a better future for all and as it continues to grow and serve central Pennsylvania. Thank you.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO TECHNICAL SERGEANT MICHELE L. JONES

• Mr. BLUMENTHAL. Madam President, I wish to recognize TSgt Michele L. Jones, originally from Pawcatuck, CT, on the occasion of her retirement from the U.S. Air Force. Since enlisting in the Air Force on December 17, 1992, she has served honorably all over the world—Iraq, Japan, Qatar, Saudi Arabia, and Korea—while participating in and directly supporting Operation Iraqi Freedom and Operation Enduring Freedom.

Technical Sergeant Jones started her career as an information management apprentice at Offutt Air Force Base in Omaha, NE. Following that post, she was transferred in 1995 to Kunsan Air Force Base in the Republic of Korea, the first of many demanding overseas assignments. She then served at Maxwell Air Force Base in Alabama from 1997 to 1999.

Continuing her rise through the ranks, Technical Sergeant Jones served again in the Republic of Korea, at Osan Air Force Base, from 1999 to 2000. This was immediately followed by a 7-year tour in Japan with the 35th Civil Engineer Squadron at Misawa Air Force Base, where she served in the Big Sister Program and the Special Olympics.

As a noncommissioned officer, Technical Sergeant Jones was recognized as a top leader and expeditionary airman. While in Japan, she deployed to Saudi Arabia and Iraq and distinguished herself while serving with the Civilian Police Assistance Training Team in Baghdad. During this tour, she earned high praise from LTG David Petraeus, then the commanding general of Multi-National Security Transition Command—Iraq. In addition to the personal recognition she has received, Technical Sergeant Jones' hard work and leadership helped her units earn awards as top commands in Japan and the Air Force.

Following these demanding operational tours, Technical Sergeant Jones transferred to Nellis Air Force Base in Nevada in 2007. Assigned as the 563rd Rescue Group's information manager, she once again deployed to Iraq in 2008, serving as the noncommissioned officer-in-charge, Task Force 134 in Baghdad, Iraq. She returned to Nellis Air Force Base and served in the 53rd Test and Evaluation Group before deploying in 2010 to Qatar. There, she served as the noncommissioned officer in charge of protocol at Al Udeid Air Base, supporting Operations Enduring Freedom and New Dawn.

Finally, during Technical Sergeant Jones' long and exemplary career, she has interacted regularly with Congress. While deployed to MacDill Air Force Base, where she supported U.S. Central Command, or CENTCOM, Technical Sergeant Jones coordinated Congressional delegation visits to the CENTCOM Area of Responsibility, which included Iraq and Afghanistan. The able travel assistance she offered to Members of Congress and senior Defense Department leaders earned personal recognition from the Secretary of Defense, Secretary of State, and Vice President of the United States. Since 2012, Technical Sergeant Jones has provided additional outstanding support through her service in the Office of the Assistant Secretary of Defense for Legislative Affairs.

I am delighted to commend Technical Sergeant Jones for her more than two decades of distinguished service to our Nation. I wish her the best as she begins the next chapter of her life.●

##### TRIBUTE TO GIBB STEELE

• Mr. COCHRAN. Madam President, I am pleased to commend Mr. Gibb Steele of Longwood, MS, for his service and contributions to the State of Mississippi while serving as the 78th president of the Delta Council. On May 30, 2014, Mr. Steele will conclude his term as president. I am grateful for his leadership and dedication to improving the quality of life in the Mississippi Delta and the entire State. Since 1935, Delta Council has played an important role in the promotion of agriculture, flood control, and economic development in the delta, which is one of the most productive agricultural regions in the world.

Mr. Steele's tenure as council president coincided with the development and eventual enactment of the 2014 farm bill. Throughout that process, he provided beneficial input from Southern rice, cotton, corn, soybean, and catfish producers, which helped Congress craft a new, 5-year agriculture policy bill. He was committed to meeting the diverse needs of producers from various regions of the country who face different risks when providing food and fiber for the Nation. Mississippi has a rich agricultural history, and agriculture and related businesses support the livelihoods of thousands of Mississippi families and communities. Mr. Steele's leadership over the past year contributed to the overall success of the farm bill endeavor, and I appreciate his advice and counsel related to serving the interests of our State.

In addition to his role as president of Delta Council, Mr. Steele himself farms rice, soybeans, corn, and wheat on several thousand acres scattered throughout Washington County. He also holds leadership positions with the Mississippi Rice Promotion Board, the

Mississippi Rice Council, and the USA Rice Federation, and is a commissioner of the Washington County Drainage Commission and past president of the Hollandale Rotary Club.

Mr. Steele grew up on a small sheep farm in Greenwood. After earning a degree from Mississippi State University, he began farming with his father in Hollandale in 1973. Their farming operation has grown 20 times the size of the roughly 500 acres they first cultivated in the early 1970s. Gibb Steele has achieved great success in agriculture, and his willingness to give back to the Delta region by serving as president of Delta Council is commendable. I applaud Mr. Steele for his service to Mississippi, and share this appreciation with his wife Pam, his son Gibson, and his two grandchildren.●

#### CONGRATULATING RAYMONDE FIOLE

● Mr. HELLER. Madam President, I wish to congratulate Mrs. Raymonde Fiore for being named the 2014 Nevada Senior Citizen of the Year, an honor that is well deserved by this truly remarkable Nevadan.

Every year in May, Nevada celebrates Older Americans Month to recognize senior citizens for their contributions to our communities and to bring awareness on ways to continue a healthy, safe, and mobile lifestyle. Thirteen percent of Nevada's population is over the age of 65, and these individuals like Mrs. Fiore, who are dedicated to strengthening our communities, are why our State has much to celebrate this month.

The Nevada Delegation of the National Silver Haired Congress, in partnership with the Aging Services Directors Organization, established this award in 2013 to honor individuals who have selflessly worked to improve their community. Given Mrs. Fiore's remarkable life story and dedication during her many years of work to preserve the memory of the Holocaust, it is easy to see why she has been chosen. At the age of 3 years old, she was saved and sheltered when the Nazis invaded Paris. Both of her parents were murdered at the concentration camp in Auschwitz. Against all odds, Mrs. Fiore is now living in Las Vegas, NV, and using her days to spread a message of tolerance through her role as the president of the Holocaust Survivors Group of Southern Nevada and board member of the Governor's Advisory Council on Education Relating to the Holocaust. She also serves on the Coordinating Council of Generations of the Shoah International, the largest Holocaust survivor family organization in the world, and works to arrange social events for the Las Vegas community survivors.

When she is not volunteering on these boards, you can find Mrs. Fiore in

the classroom sharing her story with Nevada's youth or with UNLV's documentary filmmakers capturing her life and story, all with the noble goal of ensuring that the world will never again turn a blind eye to state-operated genocide of a culture. Mrs. Fiore is dedicated to making this world a better place and educating our youth about the hardships that people have had to endure and about a time in our world's history that we must never forget. Her strength serves as an example not only to the Silver State but to the entire Nation.

Mrs. Fiore's mission and commitment to helping all of those who were affected by the Holocaust and to educating Nevada's youth about one of the darkest times in international history is commendable, and I am both honored and humbled to congratulate her today. She is a remarkable woman who deserves our utmost praise and respect. It is with great honor that I ask my colleagues to join me in congratulating this extraordinary Nevadan.●

#### TRIBUTE TO KAY SCHALLENKAMP

● Mr. JOHNSON of South Dakota. Madam President, today I wish to pay tribute to Dr. Kay Schallenkamp for her well-deserved retirement. For the past 8 years she has served as the president of Black Hills State University, BHSU, and for the past four decades she has devoted her career to higher education.

Originally from Salem, SD, Dr. Schallenkamp began her career in higher education at Northern State University, NSU. Here, she started as an instructor of communication disorders and eventually served as dean of Graduate Studies and Research. Following her time at NSU she served as provost and vice chancellor for Academic Affairs at the University of Wisconsin-Whitewater and then as provost at Chadron State College in Nebraska.

Following these out-of-State experiences, Dr. Schallenkamp moved back to South Dakota and began working at BHSU. She spent the next 17 years dedicated to the university and in July of 2006 she became BHSU's ninth president and first female president.

During her tenure as president at BHSU, she has managed the expansion and upgrade of the university's infrastructure and curriculum and has continued to enhance the university's already well-known and well-regarded reputation in the State, region, nation and world. Under her guidance, she has continued to aggressively promote the school's mission as an institution of excellence in teaching and learning, support and enhance research opportunities and maintain an impressive array of high-quality undergraduate and graduate programs.

Dr. Schallenkamp has also been actively involved in the higher education

community nationwide. She is an active member of the American College & University Presidents' Climate Commitment Steering Committee and the board of directors for the Council for the Accreditation of Educator Preparation.

I commend Dr. Schallenkamp's lifetime of work and congratulate her on her success in numerous leadership positions. It is an honor for me to share Dr. Schallenkamp's accomplishments with my colleagues and publicly commend her for her hard work and many years of dedication. I wish Kay a happy and healthy retirement with her husband Ken and their four children and four grandchildren.●

#### GOLDEN LIVING 50 YEARS OF SERVICE

● Mr. PRYOR. Madam President, today I wish to recognize Golden Living for its 50 years of service to senior citizens.

Golden Living is a family of companies that specializes in recovery care with its mission to help people recover health and improve quality of life through a network of health care services. The Golden Living family of companies includes Golden Living Centers, Aegis Therapies, AseraCare, and 360 Healthcare Staffing.

Since the first facility opened its doors in 1964, Golden Living has helped to meet the health care needs of nearly 4 million patients and residents. Today that includes serving more than 60,000 patients per day. Golden Living has over 300 centers in 21 States and offers assisted living services in more than 40 locations. The 41,000 men and women employed by Golden Living provide quality health care day in and day out with passion, skill, commitment, and foresight.

Golden Living has succeeded for five decades because of its commitment to innovation. When the company began, it focused only on providing skilled nursing care to seniors. Golden Living now serves people of all ages with complex medical needs as well as providing skilled nursing services for seniors.

I want to offer my congratulations and thanks to Golden Living for its 50 years of service and wish them another 50 years of success.●

#### REMEMBERING CHARLES JORDAN

● Mr. WYDEN. Madam President, on April 4 of this year, Oregon, and the Nation, lost a champion of racial equality and environmental justice—and I lost a good friend. For more than four decades, Charles Jordan was the gold standard for civic participation. He was an inspired public servant, a determined community leader and a stalwart advocate for parks and what they mean to the quality of life in our cities.

As the first African American elected to the Portland City Council and later as the city's parks and recreation director, Charles was a tireless advocate for diversity and inclusion. His work to protect community landmarks and Portland's prized natural areas earned him national recognition, including being appointed by President Ronald Reagan to the President's Commission on Americans Outdoors and by President Bill Clinton to the American Heritage Rivers Initiative Advisory Committee. Charles also served on the board of The Conservation Fund for 20 years, and became the first African American to lead a national environmental organization when he served as chairman of the organization's board of directors.

Like me, Charles Jordan was a tall guy who went to school on a basketball scholarship but found his calling in public service. His passion for equality, fairness and positive change improved the lives of many. Under Charles' tenure, the Portland Parks and Recreation Department increased the impact that parks had on everyone's lives, particularly children. Thanks to his leadership, the number of parks and natural areas in the City of Portland increased from 184 to 228, creating the opportunity for more and more families of all income levels to enjoy the outdoors. His innovative work led to Portland's award of the National Gold Medal in 2011 as the best parks system in the Nation from the American Academy for Park and Recreation Administration and the National Recreation and Park Association, the Nation's leading public park and recreation organizations.

His dedication to providing open spaces for children to play, along with safe community centers for families to gather, were the result of his inherent belief that all people must be treated with respect and dignity. In 2012, one of Portland's most popular community centers was renamed the Charles Jordan Community Center, a fitting tribute to the advice he gave to many kids:

Model the way. You never know who is watching and wanting to be just like you.

In addition to all his hard work I have already mentioned, Charles also served as my go-to person on senior issues. His insight and advice always helped me see the right path forward. For that, and many other reasons, his loss has left a void.

Oregon commemorates his leadership in parks, conservation, providing access to the outdoors for all Americans, civic involvement and civil rights. My thoughts are with his wife Esther, his son Dion, and his daughter Trish. Charles was a true giant of our State, and he will be deeply missed.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceeding.)

#### MESSAGE FROM THE HOUSE

At 4:20 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 309. An act to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 685. An act to award a Congressional Gold Medal to the American Fighter Aces, collectively, in recognition of their heroic military service and defense of our country's freedom throughout the history of aviation warfare.

H.R. 1209. An act to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

H.R. 1726. An act to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

H.R. 2203. An act to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy.

H.R. 2939. An act to award the Congressional Gold Medal to Shimon Peres.

H.R. 3658. An act to grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

H.R. 4268. An act to amend title 23, United States Code, with respect to United States Route 78 in Mississippi, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2203. An act to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4268. An act to amend title 23, United States Code, with respect to United States Route 78 in Mississippi, and for other purposes; to the Committee on Environment and Public Works.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2363. A bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5800. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Washington; Modification of the Handling Regulations for Yellow Fleshed and White Type of Potatoes" (Docket No. AMS-FV-14-0026; FV14-946-1 IR) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5801. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amine salts of alkyl (C8-C24) benzenesulfonic acid (dimethylaminopropylamine, isopropylamine, mono-, di-, and triethanolamine); Exemption from the Requirement of a Tolerance" (FRL No. 9909-17) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5802. A communication from the Director of Congressional Activities (Intelligence), Office of the Under Secretary of Defense, transmitting, pursuant to law, a report of a delay in submission of a report relative to data mining; to the Committee on Armed Services.

EC-5803. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Eric E. Fiel, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-5804. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-5805. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Luxembourg; to the Committee on Banking, Housing, and Urban Affairs.

EC-5806. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources" ((RIN2060-AH23) (FRL No. 9909-98-OAR)) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Environment and Public Works.

EC-5807. A communication from the Director of the Regulatory Management Division,



Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa; Ambient Air Quality Standards, and Controlling Pollution" (FRL No. 9910-69-Region 7) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Environment and Public Works.

EC-5808. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan; Ventura County Air Pollution Control District; Reasonably Available Control Technology for Ozone" (FRL No. 9910-85-Region 9) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Environment and Public Works.

EC-5809. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa" (FRL No. 9910-67-Region 7) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Environment and Public Works.

EC-5810. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Florida: New Source Review—Prevention of Significant Deterioration" (FRL No. 9909-91-R04) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Environment and Public Works.

EC-5811. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Massachusetts; Reasonably Available Control Technology for the 1997 8-Hour Ozone Standard" (FRL No. 9908-52-Region 1) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Environment and Public Works.

EC-5812. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination to Defer Sanctions, State of California, Los Angeles-South Coast Air Basin" (FRL No. 9911-06-Region 9) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Environment and Public Works.

EC-5813. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District" (FRL No. 9909-71-Region 9) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Environment and Public Works.

EC-5814. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, a report relative to material violations or suspected material violations of regulations relating to Treasury auctions and other Treasury securities offerings for the period of January 1, 2013 through December 31, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-5815. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13405 of June 16, 2006 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-5816. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's 2013 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-5817. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2014-34) received in the Office of the President of the Senate on May 13, 2014; to the Committee on Finance.

EC-5818. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Treatment of Qualified Plan Payment of Accident or Health Insurance Premiums" ((RIN1545-BG12)(TD 9665)) received in the Office of the President of the Senate on May 13, 2014; to the Committee on Finance.

EC-5819. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "HHS Secretary's Efforts to Improve the Quality of Health Care for Adults Enrolled in Medicaid"; to the Committee on Finance.

EC-5820. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "United States-Panama Trade Promotion Agreement" (RIN1515-AD93) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Finance.

EC-5821. A communication from the Executive Analyst, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Secretary of Health and Human Services; to the Committee on Finance.

EC-5822. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Medicare National Coverage Determinations for Fiscal Year 2013"; to the Committee on Finance.

EC-5823. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Finalizing Medicare Rules under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) for Calendar Year (CY) 2013"; to the Committee on Finance.

EC-5824. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Procedures for Automatic Change in Method of Accounting for Sales-Based Royalties and Sales-Based Vendor Chargebacks" (Rev. Proc. 2014-33) received during adjournment of the Senate in the Office of the President of the Senate on May 16, 2014; to the Committee on Finance.

EC-5825. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: Retiree Health Benefits Provided Through Employer's Wholly-Owned Subsidiary" (Rev. Rul. 2014-15) received during adjournment of the Senate in the Office of the President of the Senate on May 16, 2014; to the Committee on Finance.

EC-5826. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "African Growth and Opportunity Act (AGOA) and Generalized System of Preferences and Trade Benefits under AGOA" (RIN1515-AD47 (formerly RIN1505-AB26) and RIN1515-AD50 (formerly RIN1505-AB38)) received during adjournment of the Senate in the Office of the President of the Senate on May 16, 2014; to the Committee on Finance.

EC-5827. A communication from the Assistant Secretary of Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, the annual report of the National Advisory Council on International Monetary and Financial Policies; to the Committee on Foreign Relations.

EC-5828. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14-056); to the Committee on Foreign Relations.

EC-5829. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14-012); to the Committee on Foreign Relations.

EC-5830. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-189); to the Committee on Foreign Relations.

EC-5831. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14-034); to the Committee on Foreign Relations.

EC-5832. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2014-0054—2014-0070); to the Committee on Foreign Relations.

EC-5833. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Financial Report for the Prescription Drug User Fee Act (PDUFA) for fiscal year 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-5834. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on May 19, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC-5835. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, reports entitled "The National Healthcare Quality Report 2013" and "The National Healthcare Disparities Report 2013"; to the Committee on Health, Education, Labor, and Pensions.

EC-5836. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Technical Updating Amendments to Executive Branch Financial Disclosure and Standards of Ethical Conduct Regulations" (RIN3209-AA00 and RIN3209-AA04) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-5837. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Sexual Orientation and the Federal Workplace: Policy and Perception"; to the Committee on Homeland Security and Governmental Affairs.

EC-5838. A communication from the President, Inter-American Foundation, transmitting, pursuant to law, the Foundation's fiscal year 2013 annual report relative to the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5839. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended" (RIN1400-AD52) received during adjournment of the Senate on May 19, 2014; to the Committee on the Judiciary.

EC-5840. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to Implement the Patent Term Adjustment Provisions of the Leahy-Smith America Invents Act Technical Corrections Act" (RIN0651-AC84) received in the Office of the President of the Senate on May 14, 2014; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2086. A bill to address current emergency shortages of propane and other home heating fuels and to provide greater flexibility and information for Governors to address such emergencies in the future (Rept. No. 113-162).

By Mr. MENENDEZ, from the Committee on Foreign Relations, with amendments and with an amended preamble:

S. Res. 412. A resolution reaffirming the strong support of the United States Government for freedom of navigation and other internationally lawful uses of sea and airspace in the Asia-Pacific region, and for the peaceful diplomatic resolution of outstanding territorial and maritime claims and disputes.

By Mr. MENENDEZ, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 421. A resolution expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and commending them for leadership and valor in an operation that helped bring an end to World War II.

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment and with an amended preamble:

S. Res. 426. A resolution supporting the goals and ideals of World Malaria Day.

By Mr. MENENDEZ, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 451. A resolution recalling the Government of China's forcible dispersion of those peaceably assembled in Tiananmen Square 25 years ago, in light of China's continued abysmal human rights record.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. MENENDEZ for the Committee on Foreign Relations.

Michael Anderson Lawson, of California, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

Paige Eve Alexander, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Michael W. Kempner, of New Jersey, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2015.

Nina Hachigian, of California, to be Representative of the United States of America to the Association of Southeast Asian Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Nina Hachigian.

Post: U.S. Representative to ASEAN, rank of Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

Self: \$2,500, 5/15/12, Clyde Williams for Congress (full \$2,500 refunded on 6/30/12); \$30,950, 6/30/12, Obama Victory Fund; \$5,000, 4/15/11, Obama Victory Fund; \$10,000, 6/14/11, Obama Victory Fund; \$20,650, 9/23/11, Obama Victory Fund; \$2,500, 12/20/11, Clyde Williams for Congress; \$9,200, 12/26/1, Swing State Victory Fund.

Spouse: None.

Children and Spouses: None.

Parents: Jack Hachigian—deceased: \$500, 10/9/12, Romney for President; \$250, 10/29/10, Carly for California; Margarete Hachigian—deceased; None.

Grandparents: All deceased for decades; None.

Brothers and Spouses: Garo Hachigian; \$1500, 10/02/12, Obama Victory Fund.

Sisters and Spouses: No sisters.

Mileydi Guilarte, of the District of Columbia, to be United States Alternate Executive Director of the Inter-American Development Bank.

Cassandra Q. Butts, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

Nominee: Cassandra Q. Butts.

Post: The Bahamas (Commonwealth)

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform

me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: \$250.00, 2004, Barack Obama (Senator); \$200.00, 2006, DCCC.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Mae A. Karim, \$500.00, 2008, Barack Obama.

5. Grandparents: N/A.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Frank & Deidra Abbott, \$200.00, 2008, Barack Obama.

Matthew T. McGuire, of the District of Columbia, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years.

Mark Sobel, of Virginia, to be United States Executive Director of the International Monetary Fund for a term of two years.

Andrew H. Schapiro, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic.

Nominee: Andrew H. Schapiro.

Post: U.S. Ambassador to the Czech Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$1,000, 1/15/10, Martha Coakley for Senate Cmte; \$2,000, 1/29/10, (Michael) Bennet for Colorado; \$500, 2/25/10, Gillibrand for Senate; \$250, 5/5/10, Mark Critz for Congress Cmte; \$250, 6/7/10, Bill Foster for Congress; \$2,400, 6/30/10, Alexi (Giannoulas) for Illinois; \$250, 8/4/10, (Michael) Bennet for Colorado; \$15,000, 8/4/10, DNC Services Corporation; \$500, 9/20/10, (Tom) Perriello for Congress; \$2,400, 9/21/10, Alexi (Giannoulas) for Illinois; \$500, 10/19/10, Friends for Harry Reid; \$500, 10/19/10, Chris Coons for Delaware; \$1,000, 3/30/11, Friends for (John) Atkinson; \$5,000, 4/13/11, Obama Victory Fund 2012; \$1,500, 5/18/11, (Tim) Kaine for Virginia; \$1,000, 6/30/11, Obama Victory Fund 2012; \$1,000, 9/1/11, (Tim) Kaine for Virginia; \$5,000, 9/19/11, Obama Victory Fund 2012; \$10,000, 12/13/11, Obama Victory Fund 2012; \$750, 2/28/12, McCaskill for Missouri; \$10,000, 3/6/12, Obama Victory Fund 2012; \$10,000, 3/19/12, Obama Victory Fund 2012; \$2,500, 4/16/12, Elizabeth (Warren) for MA; \$1,000, 5/14/12, Tammy Baldwin for Senate; \$10,000, 6/14/12, Obama Victory Fund 2012; \$5,000, 7/31/12, Obama Victory Fund 2012; \$500, 8/2/12, (Kathryn) Boockvar for Congress; \$2,500, 9/17/12, Obama Victory Fund 2012; \$2,500, 9/11/12, Obama Victory Fund 2012; \$1,000, 10/10/12, Obama Victory Fund 2012; \$250, 10/29/12, (Shelly) Berkley for Senate; \$1,000, 3/15/13, Cory Booker for Senate; \$1,000, 4/15/13, Chris Coons for Delaware.

2. Spouse: Tamar S. Newberger: \$250, 6/8/10, Melissa Bean for Congress; \$2,400, 6/30/10, Alexi (Giannoulas) for Illinois; \$2,400, 10/11/10, Alexi (Giannoulas) for Illinois; \$250, 6/8/12, Friends of David Gill; \$10,000, 8/7/12, Obama Victory Fund 2012; \$250, 6/30/13, (Brad) Schneider for Congress; \$1,000, 7/10/13, (Jan) Schakowsky for Congress; \$10,000, 9/9/13, DNC Services Corporation.

3. Children and Spouses: Alexander (age 10): None; Galia (age 13): None.

4. Parents: Raya C. Schapiro (deceased): None; Joseph S. Schapiro (deceased): \$250, 10/



23/10, DNC Services Corporation; \$1,000, 5/23/12, Obama Victory Fund 2012; \$1,000, 9/7/12, Obama Victory Fund 2012; \$300, 10/22/12, Obama Victory Fund 2012.

5. Grandparents: Harry Schapiro (deceased): None; Bess Schapiro (deceased): None; Max Czermer (deceased): None; Irma Czermer (deceased): None.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Tamar B. Schapiro: \$1,000, 9/7/12, Obama Victory Fund 2012; \$1,000, 11/13/13, DNC Services Corporation.

Thomas P. Kelly III, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

Nominee: Thomas Patrick Kelly, III.

Post: Djibouti.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: Thomas P. Kelly, III, None.

2. Spouse: Elsa Amaya-Kelly, None.

3. Children and Spouses: Sean Patrick Kelly, None;

4. Parents: Thomas P. Kelly, Jr., Virginia Therese Kelly, \$200, 2012, Democratic National Committee; \$200, 2012, DCCC; \$200, 2012, DSCC; \$100, 2010, DNC; \$100, 2010, DCCC; \$100, 2010, DSCC.

5. Grandparents: Thomas P. Kelly, Sr., None—deceased; Edna Kelly, None—deceased; Rose Gertrude Burns, None—deceased; Clarence Joseph Burns, None—deceased.

6. Brothers and Spouses: Joseph J. Kelly (Spouse Diana Kelly): \$200.00, 11/16/13, "Yes on Proposition 5" Campaign (Texas); \$150, 1/24/13, Jeb Hensarling; \$100-200, 2012, Leonard Lance; \$100-200, 2012, Republican National Committee; \$100-200, 2012, Romney for President Campaign; \$200, 2011, Michael Webb (CA-36); \$100-200, 2012, Leonard Lance; \$100-200, 2012, Republican National Committee; John Christopher Kelly: None; James Matthew Kelly (Spouse Lynn Hobson): None; William Frederick Kelly (Spouse Fannie Wilms Kelly): None.

7. Sisters and Spouses: Regina Ann Kelly: None; Elizabeth Therese Barone (Spouse Philip Barone): None.

Sunil Sabharwal, of California, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

Alice G. Wells, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

Nominee: Alice Gordon Wells.

Post: Ambassador to the Hashemite Kingdom of Jordan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children: Helen Anne Amend: Isabel Eneida Amend; Phoebe Wesson Amend: None.

4. Parents: Macon Wesson Wells; Heidi Goddard Wells: None.

5. Grandparents: Gordon Marshall Wells; Helen Wesson Wells; Gertrud Goddard: Philip Rohleder: Deceased.

6. Brothers and Spouses: Thomas Wesson Wells; Paula Bartholomew Wells: None.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARPER:

S. 2354. A bill to improve cybersecurity recruitment and retention; to the Committee on Homeland Security and Governmental Affairs.

By Ms. AYOTTE:

S. 2355. A bill to amend the Internal Revenue Code of 1986 to exclude certain compensation received by public safety officers and their dependents from gross income; to the Committee on Finance.

By Mr. HELLER (for himself, Mr. REID, and Mrs. FEINSTEIN):

S. 2356. A bill to adjust the boundary of the Mojave National Preserve; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 2357. A bill to provide for improvements in the consistency of data collection, reporting, and assessment in connection with the suicide prevention efforts of the Department of Defense; to the Committee on Armed Services.

By Mr. UDALL of Colorado (for himself and Mrs. McCASKILL):

S. 2358. A bill to amend title 10, United States Code, to authorize additional leave for members of the Armed Forces in connection with the birth of a child; to the Committee on Armed Services.

By Mr. FRANKEN (for himself, Mr. ROBERTS, Mr. HARKIN, and Mr. BARASSO):

S. 2359. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. WHITEHOUSE, Mr. ROCKEFELLER, Mr. CARDIN, Mrs. BOXER, Mr. NELSON, Mr. JOHNSON of South Dakota, Mrs. FEINSTEIN, Mr. KAINE, Ms. HIRONO, Mr. KING, Ms. STABENOW, Mr. SCHATZ, Ms. WARREN, Mr. REED, Mr. HARKIN, Mr. FRANKEN, Mr. DURBIN, Mr. WALSH, and Ms. KLOBUCHAR):

S. 2360. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to inverted corporations; to the Committee on Finance.

By Mr. NELSON (for himself, Ms. COLLINS, Mr. CARPER, Mr. GRASSLEY, and Mr. CASEY):

S. 2361. A bill to amend title XVIII of the Social Security Act to crack down on fraud in the Medicare program to protect seniors, people with disabilities, and taxpayers; to the Committee on Finance.

By Mrs. FISCHER (for herself and Mr. BURR):

S. 2362. A bill to prohibit the payment of performance awards in fiscal year 2015 to em-

ployees in the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. HAGAN (for herself, Ms. MURKOWSKI, Mr. PRYOR, Mr. HELLER, Mr. TESTER, Mr. HOEVEN, Mr. BEGICH, Mr. PORTMAN, Ms. LANDRIEU, Mr. BOOZMAN, Mr. MANCHIN, Mr. VITTER, Mr. UDALL of Colorado, Mr. CHAMBLISS, Mr. HEINRICH, Mr. ISAKSON, Ms. KLOBUCHAR, Mr. RUBIO, Mr. WARNER, Mr. GRAHAM, Mrs. MCCASKILL, Ms. AYOTTE, Mr. WALSH, Mr. BURR, Mr. DONNELLY, Mrs. FISCHER, Mr. FRANKEN, Mr. ROBERTS, Mr. BENNETT, Mr. MCCAIN, Mr. KING, Mr. THUNE, Mr. KAINE, and Mr. RISCH):

S. 2363. A bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; read the first time.

By Mr. BLUMENTHAL (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. WHITEHOUSE, and Mr. MARKEY):

S. 2364. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Ms. KLOBUCHAR:

S. 2365. A bill to prohibit the long-term storage of rail cars on certain railroad tracks unless the Surface Transportation Board has approved the rail carrier's rail car storage plan; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 452. A resolution to authorize testimony, documents, and representation in City of Lafayette v. Bryan Benoit; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 160

At the request of Mr. MERKLEY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 160, a bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes.

S. 162

At the request of Mr. FRANKEN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 162, a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

S. 226

At the request of Mr. TESTER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 226, a bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

S. 254

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey

(Mr. BOOKER) was added as a cosponsor of S. 254, a bill to amend title III of the Public Health Service Act to authorize and support the creation of cardiomyopathy education, awareness, and risk assessment materials and resources by the Secretary of Health and Human Services through the Centers for Disease Control and Prevention and the dissemination of such materials and resources by State educational agencies to identify more at-risk families.

S. 360

At the request of Mr. WALSH, his name was added as a cosponsor of S. 360, a bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.

S. 381

At the request of Mr. BROWN, the name of the Senator from Montana (Mr. WALSH) was added as a cosponsor of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 398

At the request of Ms. COLLINS, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 398, a bill to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes.

S. 403

At the request of Mr. CASEY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 403, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 539

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 539, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 917

At the request of Mr. CARDIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

S. 1033

At the request of Mr. HARKIN, the name of the Senator from Minnesota

(Mr. FRANKEN) was added as a cosponsor of S. 1033, a bill to authorize a grant program to promote physical education, activity, and fitness and nutrition, and to ensure healthy students, and for other purposes.

S. 1040

At the request of Mr. PORTMAN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1040, a bill to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy.

S. 1066

At the request of Mrs. GILLIBRAND, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 1066, a bill to allow certain student loan borrowers to refinance Federal student loans.

S. 1174

At the request of Mr. BLUMENTHAL, the names of the Senator from Colorado (Mr. UDALL), the Senator from Kansas (Mr. ROBERTS) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1232

At the request of Mr. LEVIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1232, a bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes.

S. 1235

At the request of Mr. TOOMEY, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1235, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1256, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antimicrobials used in the treatment of human and animal diseases.

S. 1332

At the request of Ms. COLLINS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1387

At the request of Mr. REED, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from

Montana (Mr. WALSH) were added as cosponsors of S. 1387, a bill to establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans.

S. 1406

At the request of Ms. AYOTTE, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1406, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 1462

At the request of Mr. THUNE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1462, a bill to extend the positive train control system implementation deadline, and for other purposes.

S. 1622

At the request of Ms. HEITKAMP, the names of the Senator from Colorado (Mr. UDALL), the Senator from Montana (Mr. WALSH) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1622, a bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 1691

At the request of Mr. TESTER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1691, a bill to amend title 5, United States Code, to improve the security of the United States border and to provide for reforms and rates of pay for border patrol agents.

S. 1700

At the request of Mr. MARKEY, the name of the Senator from Montana (Mr. WALSH) was added as a cosponsor of S. 1700, a bill to amend the Children's Online Privacy Protection Act of 1998 to extend, enhance, and revise the provisions relating to collection, use, and disclosure of personal information of children, to establish certain other protections for personal information of children and minors, and for other purposes.

S. 1759

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1759, a bill to reauthorize the teaching health center program.

S. 1823

At the request of Mr. RUBIO, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1823, a bill to amend part E of title IV of the Social Security Act to better enable State child welfare agencies to prevent human trafficking of children and serve the needs of children who are victims of human trafficking, and for other purposes.

S. 2009

At the request of Mr. UDALL of New Mexico, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2009, a bill to improve the provision of health care by the Department of Veterans Affairs to veterans in rural and highly rural areas, and for other purposes.

S. 2013

At the request of Mr. RUBIO, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2013, a bill to amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

S. 2036

At the request of Mr. HARKIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2036, a bill to protect all school children against harmful and life-threatening seclusion and restraint practices.

S. 2037

At the request of Mr. ROBERTS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2037, a bill to amend title XVIII of the Social Security Act to remove the 96-hour physician certification requirement for inpatient critical access hospital services.

S. 2082

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2082, a bill to provide for the development of criteria under the Medicare program for medically necessary short inpatient hospital stays, and for other purposes.

S. 2087

At the request of Mr. PRYOR, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2087, a bill to protect the Medicare program under title XVIII of the Social Security Act with respect to reconciliation involving changes to the Medicare program.

S. 2126

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2126, a bill to launch a national strategy to support regenerative medicine through the establishment of a Regenerative Medicine Coordinating Council, and for other purposes.

S. 2132

At the request of Mr. BARRASSO, the name of the Senator from Montana (Mr. WALSH) was added as a cosponsor of S. 2132, a bill to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes.

S. 2156

At the request of Mr. VITTER, the name of the Senator from Idaho (Mr.

CRAPO) was added as a cosponsor of S. 2156, a bill to amend the Federal Water Pollution Control Act to confirm the scope of the authority of the Administrator of the Environmental Protection Agency to deny or restrict the use of defined areas as disposal sites.

S. 2169

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2169, a bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax regarding the taxation of distilled spirits.

S. 2244

At the request of Mr. SCHUMER, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Indiana (Mr. DONNELLY), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 2244, a bill to extend the termination date of the Terrorism Insurance Program established under the Terrorism Insurance Act of 2002, and for other purposes.

S. 2270

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 2270, a bill to clarify the application of certain leverage and risk-based requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 2273

At the request of Mr. UDALL of Colorado, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2273, a bill to improve energy savings by the Department of Defense, and for other purposes.

S. 2276

At the request of Mr. BLUNT, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 2276, a bill to amend title 10, United States Code, to improve access to mental health services under the TRICARE program.

S. 2282

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2282, a bill to prohibit the provision of performance awards to employees of the Internal Revenue Service who owe back taxes.

S. 2291

At the request of Mrs. SHAHEEN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2291, a bill to require that Peace Corps volunteers be subject to the same limitations regarding coverage of abortion services as employees of the Peace Corps with respect to coverage of such services, and for other purposes.

S. 2292

At the request of Ms. WARREN, the name of the Senator from Missouri

(Mrs. MCCASKILL) was added as a cosponsor of S. 2292, a bill to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans, and for other purposes.

S. 2302

At the request of Mrs. SHAHEEN, the names of the Senator from New York (Mr. SCHUMER), the Senator from South Dakota (Mr. THUNE), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2302, a bill to provide for a 1-year extension of the Afghan Special Immigrant Visa Program, and for other purposes.

S. 2309

At the request of Mr. TOOMEY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2309, a bill to amend title 18, United States Code, to authorize the Director of the Bureau of Prisons to issue oleoresin capscicum spray to officers and employees of the Bureau of Prisons.

S. 2316

At the request of Mr. THUNE, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2316, a bill to require the Inspector General of the Department of Veterans Affairs to submit a report on wait times for veterans seeking medical appointments and treatment from the Department of Veterans Affairs, to prohibit closure of medical facilities of the Department, and for other purposes.

S. 2333

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2333, a bill to amend title 10, United States Code, to provide for certain behavioral health treatment under TRICARE for children and adults with developmental disabilities.

S. 2339

At the request of Mr. BARRASSO, the names of the Senator from Nebraska (Mrs. FISCHER) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 2339, a bill to amend the Patient Protection and Affordable Care Act to require States with failed American Health Benefit Exchanges to reimburse the Federal Government for amounts provided under grants for the establishment and operation of such Exchanges.

S. 2349

At the request of Mr. SANDERS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2349, a bill to establish a grant program to enable States to promote participation in dual enrollment programs, and for other purposes.

S. 2352

At the request of Mr. CORNYN, the names of the Senator from Illinois (Mr.

KIRK) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2352, a bill to re-impose sanctions on Russian arms exporter Rosoboronexport.

S.J. RES. 19

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 410

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 410, a resolution expressing the sense of the Senate regarding the anniversary of the Armenian Genocide.

S. RES. 412

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 412, a resolution reaffirming the strong support of the United States Government for freedom of navigation and other internationally lawful uses of sea and airspace in the Asia-Pacific region, and for the peaceful diplomatic resolution of outstanding territorial and maritime claims and disputes.

S. RES. 421

At the request of Mr. ISAKSON, his name was added as a cosponsor of S. Res. 421, a resolution expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and commending them for leadership and valor in an operation that helped bring an end to World War II.

At the request of Mr. RUBIO, his name was added as a cosponsor of S. Res. 421, *supra*.

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 421, *supra*.

At the request of Mr. SHELBY, his name was added as a cosponsor of S. Res. 421, *supra*.

S. RES. 445

At the request of Mrs. FEINSTEIN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Maine (Ms. COLLINS), the Senator from Illinois (Mr. DURBIN), the Senator from Maine (Mr. KING), the Senator from Kansas (Mr. MORAN), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. Res. 445, a resolution recognizing the importance of cancer research and the contributions of scientists, clinicians, and patient advocates across the United States who are dedicated to finding a cure for cancer, and designating May 2014 as "National Cancer Research Month".

S. RES. 451

At the request of Mr. BARRASSO, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 451, a resolution recalling the Government of China's forcible dispersion of those peaceably assembled in Tiananmen Square 25 years ago, in light of China's continued abysmal human rights record.

AMENDMENT NO. 3073

At the request of Mr. ROBERTS, the names of the Senator from Arizona (Mr. FLAKE), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Kentucky (Mr. McCONNELL), the Senator from Georgia (Mr. ISAKSON), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 3073 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 3119

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 3119 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 3144

At the request of Mr. BARRASSO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of amendment No. 3144 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 3165

At the request of Mr. HATCH, the names of the Senator from Kentucky (Mr. McCONNELL), the Senator from South Dakota (Mr. THUNE), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR) and the Senator from Arizona (Mr. FLAKE) were added as cosponsors of amendment No. 3165 intended to be proposed to H.R. 3474, a

bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 3166

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR) and the Senator from Arizona (Mr. FLAKE) were added as cosponsors of amendment No. 3166 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 3169

At the request of Mr. ENZI, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 3169 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 3177

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 3177 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 3203

At the request of Mr. CARDIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Rhode Island (Mr. REED) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 3203 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 3214

At the request of Ms. KLOBUCHAR, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of amendment No. 3214 intended to be proposed to H.R. 3474, a bill to

amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 2357. A bill to provide for improvements in the consistency of data collection, reporting, and assessment in connection with the suicide prevention efforts of the Department of Defense; to the Committee on Armed Services.

Ms. MURKOWSKI. Mr. President I have come to the floor today to introduce a piece of legislation that I feel is timely and critically necessary, the Department of Defense Suicide Tracking Act of 2014. As our Nation winds down involvement in the longest war in our history, it is incumbent on all of us to ensure that the men and women who have carried the burden of combat in Iraq, Afghanistan, and other parts of the world, as well as their family members, are taken care of to the fullest extent possible. That means we must address the tragic suicide epidemic in our military. While the services have focused on this problem for years, there still appears to be significant gaps, especially in reserve component and dependent tracking and analysis. This is a complex issue with no obvious solutions, but I intend to work with my colleagues in the Senate to develop comprehensive, meaningful ways to address this problem.

The DoD recently released its 2012 DoD Suicide Event Report, which concluded that there were a total of 319 active component suicides and 203 reserve component suicides in 2012. That equates to 22.7 and 24.2 for every 100,000 service members, respectively. Additionally, there were a total of 841 attempted suicides in 2012. While preliminary data suggests that 2013 had an 18 percent drop in suicides, this is still a significant and tragic problem in the military that we need to tackle head-on. The report doesn't include any data for dependent suicide or attempted suicide, because currently only the U.S. Army even tries to track that information, so there is no comprehensive assessment of how years of combat and readiness have impacted military dependents in that way.

The purpose of the DoD Suicide Tracking Act is to establish programs to consistently track and analyze information regarding suicides involving members of the reserve components and dependents of regular and reserve component members. Specifically, the bill would improve consistency in reserve component suicide prevention

and resiliency programs by requiring the Secretary of Defense to develop a standard method for collecting, reporting, and assessing suicide data and suicide attempt data involving members of the National Guard and Reserves. Alaskans are extremely proud of the contributions of our National Guard and Reserve members, both home and abroad. They have endured the stress of readiness, deployments and combat like the active component, making us all very proud. As such, it is time that we ensure the Department of Defense is tracking and addressing their mental well-being just like every other military member.

According to an annual survey by the Blue Star Families military family advocacy group, of 5,100 military family members surveyed in 2012, 9 percent of military spouses reported that they had considered suicide. Of those, nearly a quarter said they had not sought help. This bill would establish a Department of Defense suicide prevention program for military dependents that requires each service to implement programs to track, report and analyze information regarding suicides. We often talk about the burden placed on military family members, but when it comes to suicide we have simply cut them out of the conversation. This bill would ensure the DoD finally focuses on the hardship and emotional stress born by military dependents and keeps them in the picture when evaluating the problem and working towards a solution. Our military family members have endured countless deployments, cared for injured service members, and picked up the pieces when heroes have made the ultimate sacrifice. I intend to make sure our government cares for them and gives them options beyond suicide to recover from their pain and emotional stress.

Suicide among the active military, reserve and veteran populations continues to be a problem that doesn't appear to be improving. Sadly, the problem will likely get worse before it improves as the war in Afghanistan winds down and the services downsize, sending veterans with complex mental issues into the private sector without the military for support. That is why we need to improve our efforts now to proactively identify and care for these service members and their families as soon as possible and with the full resourcing of the Department of Defense. Our military men and women, and their families, have endured years of conflict across the world. They embody the proud tradition of selfless service to our Nation and I cannot thank them enough for everything they do. I call on all of my colleagues in the Senate to help those who have dedicated their lives to helping others and who, day in and day out, make the ultimate sacrifice in the defense of our freedoms.

I would like to thank Representative NIKI TSONGAS for her leadership on this issue and introduction of the House companion bill, H.R. 4504.

By Mr. LEVIN (for himself, Mr. WHITEHOUSE, Mr. ROCKEFELLER, Mr. CARDIN, Mrs. BOXER, Mr. NELSON, Mr. JOHNSON of South Dakota, Mrs. FEINSTEIN, Mr. KAINE, Ms. HIRONO, Mr. KING, Ms. STABENOW, Mr. SCHATZ, Ms. WARREN, Mr. REED, Mr. HARKIN, Mr. FRANKEN, Mr. DURBIN, Mr. WALSH, and Ms. KLOBUCHAR):

S. 2360. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to inverted corporations; to the Committee on Finance.

Mr. LEVIN. Mr. President, along with 16 cosponsors, I have introduced and am introducing today the Stop Corporate Inversions Act of 2014.

This legislation is designed to address a loophole which, unless we close it, will be used to unleash a flood of corporate tax avoidance that threatens to shove billions of dollars in tax burden from profitable multinational corporations onto the backs of their American competitors and other American taxpayers.

The issue we seek to address is known technically as corporate inversion. The details of inversion sound complex, but the principle is not. Inversion means avoiding potentially billions of dollars of U.S. taxes by changing a corporation's address for tax purposes to an offshore location. What we have is a tax avoidance scheme, an enormous loophole that allows companies to avoid billions in taxes without any significant change in where they operate, where their profits are generated, or where the location is of the executives who manage and control these corporations.

A recent prominent example involves Pfizer, a U.S. drug company, and AstraZeneca, a U.K.-based company. This proposed corporate takeover, which Pfizer makes abundantly clear is all about avoiding U.S. taxes, has gotten a lot of attention, and for good reason. It would cost the United States about \$1 billion a year in tax revenue. But this is not just about two companies. This is not just about one merger, even a merger that could shove billions of dollars of tax burden on other U.S. taxpayers. The Pfizer-AstraZeneca deal is the latest example of abusive inversion deals. You cannot pick up a newspaper's business section these days without reading about what Reuters calls "a wave of tax-driven overseas deal-making." Some companies that believe they are meeting their tax obligations are under competitive pressure to invert. It is clear dozens, perhaps scores, of companies are preparing to file their change-of-address cards and in doing so avoid billions in U.S. taxes. That burden doesn't just go away. Either our remaining constituents must

pick up the tab or the loss of Treasury revenue adds to the Federal deficit.

We tightened the rules regarding inversion schemes in 2004, and we did so promptly and on a bipartisan basis, but recent events show an enormous loophole remains, and so our bill seeks to address that loophole, and I hope once again we can do so promptly and on a bipartisan basis.

Essentially the problem we have today is that a U.S.-based multinational can file a change-of-address card with the IRS simply by acquiring an offshore company that is much smaller than the U.S. company. Our bill would ensure that any inversion would meet a much more stringent test.

Under current law, companies can pull off an inversion with a fraction of their stock, just over 20 percent, in the hands of the new stockholders overseas. Our bill would raise that threshold to 50 percent or more. In addition, it would stop tax-avoiding inversions in cases where management and control remain in the United States.

President Obama's 2014 budget included a similar proposal which one expert told the New York Times "essentially eliminates inversions as we know them."

Our bill provides for a 2-year moratorium of tax avoidance through the use of inversions. Why a 2-year moratorium? This is in response to a number of our colleagues who say this is an issue which should wait for comprehensive tax reform. We all believe in comprehensive tax reform—or most of us do—but it is going to take time and it is uncertain. These corporate inversions represent an immediate threat. Our Treasury is bleeding from these inversions and from other loopholes which corporations use to avoid paying taxes. This bill is first aid for the Tax Code. A 2-year moratorium on inversions that do not meet our tougher standard stops the bleeding while we debate the comprehensive tax reform that most of us believe is desirable.

As of this moment, however, there is no comprehensive tax reform legislation pending in either Chamber of Congress. There is no debate scheduled. There is, in fact, not a single comprehensive tax reform proposal that has been formally introduced as legislation. That is not because no one in Congress cares about tax reform; nearly everybody does. But broadly reforming taxes is a complicated and time-consuming process.

But we simply cannot wait. Multinationals are exploiting this loophole today. Meanwhile, hard-working American taxpayers and small business owners and even large corporations that have to compete with the tax avoiders but believe that inversion is wrong for their companies and for America see their tax burden rise while our national debt grows. How do we look

them in the eye and say, "We had a way to halt this gimmick, but we decided to wait for comprehensive reform that may or may not ever materialize?"

This is similar to what Congress did on a bipartisan basis a decade ago. Then Senators Baucus and GRASSLEY jointly declared they were working on legislation to stop abusive tax inversions. The bill, along with Chairman WYDEN's announcement 2 weeks ago, should make clear to companies that considering tax inversion is now a mistake, because they are now on notice that it is not going to gain anything if a bill that prohibits tax avoidance through tax inversion passes, because the chairman of the Finance Committee has made it clear such a bill is going to be effective as of May 8 of this year, regardless of when the bill passes.

So companies are on notice. There is no use rushing to the door to invert, or leaving the country to invert. It won't do them any good if the Finance Committee chairman has his way with either of these bills or other bills that set an appropriate date, such as May 8, to pass the Congress.

These multinational companies benefit from the safety and security the U.S. Government provides. Our troops protect them. Our intellectual property rights protections allow them to profit from their innovation. They benefit from federally funded research. They claim tax subsidies for their research and development. They raise capital in U.S. securities markets that are the envy of the world, thanks to the rule of law this government protects.

In the last 4 years, one of the companies at the center of this debate, Pfizer, received more than \$4.4 billion in taxpayer money for federal contracts. Last month the Centers for Disease Control and Prevention awarded Pfizer a \$1.1 billion contract.

Yet that company and others are now poised to shortchange Uncle Sam by billions of dollars simply by changing their address for tax purposes. I am sure most of our constituents wish they could do that. Michigan taxpayers cannot reduce their tax bill with the stroke of a pen. Michigan small businesses cannot pretend they are based offshore for tax purposes. There is no pretense that any of these corporate inversions make sense from any standpoint other than avoiding U.S. taxes. That is their motivation and these companies aren't shy about saying so. They will continue to operate in the United States. The executives who manage them will continue to live and work in the United States. They will live under the umbrella of protection that our men and women in uniform provide, at the same time that we are cutting support to those same men and women because of the deficit these tax avoidance schemes have helped to create.

Few even try to defend these inversions on principle. They are simply tax avoidance. Even the corporate executives who engineer them make little pretense as to any other purpose. So let us reform the Tax Code, yes. But while we craft and debate that reform, let us stop these transactions that add massively to our deficit and to the burden America's working families and small businesses must carry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2360

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Corporate Inversions Act of 2014".

#### SEC. 2. MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

"(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

"(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

"(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent', or

"(B) such corporation is an inverted domestic corporation.

"(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

"(A) the entity completes after May 8, 2014, and before May 9, 2016, the direct or indirect acquisition of—

"(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

"(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

"(B) after the acquisition, either—

"(i) more than 50 percent of the stock (by vote or value) of the entity is held—

"(I) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

"(II) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, or

"(ii) the management and control of the expanded affiliated group which includes the entity occurs, directly or indirectly, primarily within the United States, and such expanded affiliated group has significant domestic business activities.

"(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has



substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term ‘substantial business activities’ shall have the meaning given such term under regulations in effect on May 8, 2014, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.

“(4) MANAGEMENT AND CONTROL.—For purposes of paragraph (2)(B)(ii)—

“(A) IN GENERAL.—The Secretary shall prescribe regulations for purposes of determining cases in which the management and control of an expanded affiliated group is to be treated as occurring, directly or indirectly, primarily within the United States. The regulations prescribed under the preceding sentence shall apply to periods after May 8, 2014.

“(B) EXECUTIVE OFFICERS AND SENIOR MANAGEMENT.—Such regulations shall provide that the management and control of an expanded affiliated group shall be treated as occurring, directly or indirectly, primarily within the United States if substantially all of the executive officers and senior management of the expanded affiliated group who exercise day-to-day responsibility for making decisions involving strategic, financial, and operational policies of the expanded affiliated group are based or primarily located within the United States. Individuals who in fact exercise such day-to-day responsibilities shall be treated as executive officers and senior management regardless of their title.

“(5) SIGNIFICANT DOMESTIC BUSINESS ACTIVITIES.—For purposes of paragraph (2)(B)(ii), an expanded affiliated group has significant domestic business activities if at least 25 percent of—

“(A) the employees of the group are based in the United States,

“(B) the employee compensation incurred by the group is incurred with respect to employees based in the United States,

“(C) the assets of the group are located in the United States, or

“(D) the income of the group is derived in the United States,

determined in the same manner as such determinations are made for purposes of determining substantial business activities under regulations referred to in paragraph (3) as in effect on May 8, 2014, but applied by treating all references in such regulations to ‘foreign country’ and ‘relevant foreign country’ as references to ‘the United States’. The Secretary may issue regulations decreasing the threshold percent in any of the tests under such regulations for determining if business activities constitute significant domestic business activities for purposes of this paragraph.”.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking “after March 4, 2003,” inserting “after March 4, 2003, and before May 9, 2014, or after May 8, 2016,”.

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)(i)”, and

(ii) by inserting “or (b)(2)(A)” after “(a)(2)(B)(i)” in subparagraph (B),

(B) in paragraph (3), by inserting “or (b)(2)(B)(i), as the case may be,” after “(a)(2)(B)(ii)”,

(C) in paragraph (5), by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)(i)”, and

(D) in paragraph (6), by inserting “or inverted domestic corporation, as the case may be,” after “surrogate foreign corporation”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 8, 2014.

By Mr. NELSON (for himself, Ms. COLLINS, Mr. CARPER, Mr. GRASSLEY, and Mr. CASEY):

S. 2361. A bill to amend title XVIII of the Social Security Act to crack down on fraud in the Medicare program to protect seniors, people with disabilities, and taxpayers; to the Committee on Finance.

Mr. NELSON. Mr. President, I am joined today by my colleague Senator COLLINS to introduce legislation aimed at strengthening the government’s hand in stopping Medicare fraud. Senator COLLINS and I have tried to offer some decent leadership to the Senate Special Committee on Aging and in the process we have heard a lot about Medicare and Medicaid fraud. I want to thank Senators CARPER, GRASSLEY, and CASEY for partnering with us to sponsor this legislation we are introducing today.

Earlier in the year Senator COLLINS and I convened a hearing of the aging committee to examine what government was doing to prevent Medicare fraud. The committee heard from law enforcement that despite the recent increase in prosecutions, Medicare fraud continues to run rampant. It is especially true in my State of Florida, where South Florida remains, unfortunately, ground zero for Medicare fraud.

We also heard from the Medicare organization itself about what the program is doing to try to better detect and prevent con artists from defrauding the system.

Then we heard from victims such as Patricia Gresko, a former schoolteacher from Michigan. She testified about this unbelievable scam where her doctor talked her into spending thousands of dollars for treatments for an illness she later discovered she didn’t have. These treatments caused her to have chest pains and forced her to endure intravenous infusions that took hours.

Her doctor was arrested for bilking \$225 million from Medicare. This is what he did: falsely telling patients they had cancer—if you can believe that, that they had cancer—so he could bill for expensive chemotherapy treatments. Ms. Gresko did not have cancer, but she had to endure all of that.

Today we are losing about \$60 billion to \$90 billion a year in Medicare fraud. Just last week, Federal agents arrested 90 people—50 of them, you guessed it, from Miami—on charges they had stolen \$260 million from the Medicare Pro-

gram. Fortunately, when we passed the Affordable Care Act, we put in provisions—some, I might say, at my insistence, because of ground zero being in my State—such as background checks, site visits for prospective Medicare providers and suppliers, and another one being stronger criminal and civil penalties, with the authority to withhold payment in law where there is a credible allegation of fraud. Those are just a few of the weapons in law as a result of the ACA.

This recent set of arrests of 90 people on charges of Medicare fraud tells us something else: We have to stop playing the game of Whac-A-Mole with Medicare criminals in trying to stamp out the fraud one bad actor at a time. You know what Whac-A-Mole is. You whack this creature on a table, and once you have whacked it, it pops right back up. So naturally, we talked to Sylvia Burwell, the President’s nominee for Secretary of HHS. She echoed that last week at her confirmation hearing in the Finance Committee. She stated that we need to move away from the pay-and-chase model—which is what has happened. You have to chase them down. If you catch them, they pop back up again. So we need a better strategy.

While we are making strides by more aggressively pursuing this kind of fraud, obviously more needs to be done. That is why today Senator COLLINS and I are introducing the Stop SCAMS Act. It will require Medicare to verify that those wishing to bill Medicare have not owned a company that previously defrauded the government. It is going to also allow private insurers and Medicare to share information about the potential fraudulent operators in the system.

The bill also anticipates problems CMS may face in the future. It doesn’t delay the rollout of the 10 new medical codes in any way—or shall I say what they refer to as the ICD-10 medical codes; there are a lot more of those medical codes—but it takes some lessons learned from the costly delays that have occurred with these codes and uses them to make the process better in the future. The legislation also requires, for the new medical coding systems after the ICD-10, that the agency assess the impact on fraud-prevention systems and do appropriate testing.

Combating this fraud will continue to be one of the core missions of our Committee on Aging. We have taken a look at many types of fraud scams—Jamaican phone scams, identity theft, Social Security fraud, payday lending—and now we are continuing to focus on Medicare fraud and will continue to examine additional issues.

Every day, Senator COLLINS and I hear from seniors about scams, and they let us know on our committee’s hotline. I remind everybody: This hotline is there for you to report these

scams—1-855-303-9470—and we are going to keep this committee going after these scams.

In the meantime, Senator COLLINS and I hope our colleagues will join us in support of this legislation to try to further clamp down on Medicare fraud. I am so happy to have the partner I have in helping lead the Committee on Aging, Senator COLLINS.

In closing, I would say that we really have a broad array of folks supporting us on this legislation: the National Health Care Anti-Fraud Association, America's Health Insurance Plans, Blue Cross and Blue Shield Association, the National Coalition Against Insurance Fraud, the National Insurance Crime Bureau, and Humana Insurance Company. They are all supporters of this legislation.

Mr. President, I await the comments of my colleague.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am delighted to join my friend, the chairman of the Senate Committee on Aging, Senator NELSON, in introducing legislation to help combat fraud in the Medicare Program. We are introducing the Stop Schemes and Crimes Against Medicare and Seniors Act, or the Stop SCAMS Act.

As Senator NELSON has described, at our hearings earlier this year we heard absolutely appalling testimony from a woman who had to endure painful, 7-hour-long series of infusions for a disease she did not have just because her doctor was bilking the Medicare Program.

Imagine a physician who would do that, who would subject a vulnerable patient to the anxiety of thinking she had a disease she did not have and then treat her for a disease she did not have just to collect Medicare dollars. It really was appalling.

For decades the Government Accountability Office—GAO—has identified Medicare as being at high risk for improper payments, abuse, and fraud. In the year 2012 Medicare reported that it had lost more than \$44 billion in improper payments due to waste, fraud, abuse, and mismanagement—and that estimate may well be too low. Think what we could do with \$44 billion to improve the quality of health care and the coverage we are providing to our seniors or to reduce our unsustainable national debt. This is simply unacceptable.

The loss of these funds not only compromises the financial integrity and increases the costs of the Medicare Program, but it also undermines our ability to provide needed health care services to the more than 54 million older and disabled Americans who depend on this vital program.

Back in the late 1990s when I was chairman of the Permanent Subcommittee on Investigations, we held a

series of hearings to examine fraud in the Medicare Program. We identified the dangerous trend of an increasing number of completely bogus providers entering the system with the sole and explicit purpose of robbing it. One of our witnesses actually testified that he went into Medicare fraud because it was easier and safer than dealing in drugs; he could make a lot more money at far less risk of being caught.

Our hearings led to the adoption of some safeguards and better internal controls. But many years later what our continuing hearings have demonstrated is that unscrupulous individuals are always adopting and seeking out new ways to rip off the system. They seem to be always one step ahead of the authorities.

I do wish to emphasize an extremely important point; that is, the vast majority of medical professionals are caring, dedicated health care providers whose top priority is the welfare of their patients.

When we were investigating Medicare fraud in the late 1990s, what we found were a whole lot of individuals posing as health care providers who had no medical training whatsoever. I remember one memorable case where, had there been a site visit, it would have been discovered that this bogus provider had an office in the middle of the runway of the Miami airport. But, unfortunately, back then there were no site visits.

Health care providers—the true professionals—are the ones who are most appalled by the unscrupulous bandits who take advantage of weaknesses in the Medicare Program to bleed billions of dollars from the program.

As I indicated, we have made some progress over the years in the battle against Medicare fraud since I chaired those hearings. Unfortunately, however, there is no line item in the budget titled “waste, fraud, and abuse” that we can simply strike to eliminate this problem and solve it once and for all.

The task of ferreting out wasteful and fraudulent spending is made all the more difficult by the ingenuity of the scam artists, who continually adopt new methods of ripping off both the Medicare and the Medicaid Programs.

It is clear, as my distinguished chairman indicated, that we must do more than shift from a pay-and-chase strategy to combat Medicare fraud to one that prevents the harm from ever occurring in the first place. That is what the bipartisan bill we are introducing today would do.

Among other provisions, our legislation would require Medicare to verify health care provider ownership interests using other databases before new health care providers are allowed to enroll in the program. That is an upfront control that we can and should implement. Currently, Medicare relies on self-reported information. As a con-

sequence, providers who previously had an ownership interest in an organization that defrauded Medicare can potentially get back into the program by simply using different names and failing to disclose their interest in the previous organization or practice.

Our legislation would also allow private insurers to share information about potentially fraudulent providers with Medicare and with each other to prevent further health care fraud.

It would also allow the Medicare Payment Advisory Commission to make recommendations to us regarding fraud prevention, and our bill would require the Medicare Program to develop a strategy for more accurately and reliably estimating how many dollars are lost each year to fraud.

As the chairman indicated, our legislation is endorsed by a wide variety of organizations, including the National Health Care Anti-Fraud Association, the Blue Cross and Blue Shield Association, Humana, America's Health Insurance Plans, and the Coalition Against Insurance Fraud.

I urge all of my colleagues on both sides of the aisle to join us in cosponsoring this important bill—legislation that I believe really can make a difference. I hope this is a bill we can move quickly. It is a commonsense bill. It will save taxpayer and beneficiary dollars, and it will help to curb the excessive fraud, the unacceptable fraud that is depleting dollars from a program—the Medicare Program—that is already under financial strain.

So let's move this bill. Let's send it to the House and on to the President for his signature as soon as possible.

Mr. President, I again commend the Senator from Florida for his leadership. It has been a great pleasure to work with him on this important issue.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 452—TO AUTHORIZE TESTIMONY, DOCUMENTS, AND REPRESENTATION IN CITY OF LAFAYETTE V. BRYAN BENOIT

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

#### S. RES. 452

Whereas, in the case of City of Lafayette v. Bryan Benoit, Case No. CC201303991, pending in City Court in Lafayette, Louisiana, the prosecution has requested the production of testimony from two current employees in the Lafayette, Louisiana office of Senator David Vitter, and one former employee of that office;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current and former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;



Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Nicole Hebert and Kathy Manuel, current employees in the Office of Senator David Vitter, and Thomas Hebert, a former employee of that office, and any other employee of the Senator's office from whom relevant evidence may be necessary, are authorized to produce documents and provide testimony in the case of *City of Lafayette v. Bryan Benoit*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent current and former employees of Senator Vitter's office in connection with the production of evidence authorized in section one of this resolution.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3225. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table.

SA 3226. Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3225.** Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

##### **TITLE —OTHER PROVISIONS**

##### **SEC. —01. EXCLUSION OF CERTAIN COMPENSATION RECEIVED BY PUBLIC SAFETY OFFICERS AND THEIR DEPENDENTS.**

(a) IN GENERAL.—Subsection (a) of section 104 is amended by striking “and” at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “; and”, and by inserting after paragraph (5) the following new paragraph:

“(6) amounts received pursuant to—

“(A) section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796); or

“(B) a program established under the laws of any State which provides monetary com-

pensation for surviving dependents of a public safety officer who has died as the direct and proximate result of a personal injury sustained in the line of duty.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

**SA 3226.** Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

##### **TITLE —OTHER PROVISIONS**

##### **SEC. —01. EXCLUSION OF CERTAIN COMPENSATION RECEIVED BY PUBLIC SAFETY OFFICERS AND THEIR DEPENDENTS.**

(a) IN GENERAL.—Subsection (a) of section 104 is amended by striking “and” at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “; and”, and by inserting after paragraph (5) the following new paragraph:

“(6) amounts received pursuant to—

“(A) section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796); or

“(B) a program established under the laws of any State which provides monetary compensation for surviving dependents of a public safety officer who has died as the direct and proximate result of a personal injury sustained in the line of duty.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

#### NOTICE OF HEARING

##### COMMITTEE ON INDIAN AFFAIRS

Mr. TESTER. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, May 21, 2014, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct business meeting to consider the following bills: S. 1474, to encourage the State of Alaska to enter into intergovernmental agreements with Indian tribes in the State relating to the enforcement of certain State laws by Indian tribes, to improve the quality of life in rural Alaska, to reduce alcohol and drug abuse, and for other purposes; S. 1603, to reaffirm that certain land has been taken into trust for the benefit of the Match-E-Be-Nash-She-Wish Band of Pottawatami Indians, and for other purposes; S. 1622, to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes; S. 1818, to ratify a water settlement agreement affecting the Pyramid Lake Paiute Tribe, and for other pur-

poses; S. 2040, to exchange trust and fee land to resolve land disputes created by the realignment of the Blackfoot River along the boundary of the Fort Hall Indian Reservation, and for other purposes; S. 2132, to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes; H.R. 2388, to take certain Federal lands located in El Dorado County, California, into trust for the benefit of the Shingle Springs Band of Miwok Indians, and for other purposes. Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 20, 2014, at 10:15 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 20, 2014, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, on May 20, 2014, at 2:30 p.m. in room SD-430 of the Dirksen Senate Office Building, to conduct a hearing entitled “Economic Security for Working Women: A Roundtable Discussion.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 20, 2014, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Judicial Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 20, 2014, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON AIRLAND

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on May 20, 2014, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on May 20, 2014, at 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on May 20, 2014, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON SEAPOWER

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on May 20, 2014, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON STRATEGIC FORCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on May 20, 2014, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, on behalf of Senator JOHNSON of South Dakota, I ask unanimous consent that Krishna Patel and Dan Fichtler, detailees on the Banking Committee, be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that Dr. Andrea Buck, who is one of our detailees from the Department of HHS, the Office of Inspector General, be granted the privilege of the floor during the pendency of this session of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AWARDING CONGRESSIONAL GOLD MEDALS

Mr. NELSON. Madam President, I ask unanimous consent that the Sen-

ate proceed to the following bills to award Congressional Gold Medals en bloc, which were received from the House and are at the desk: H.R. 2939, H.R. 1209, H.R. 3658, and H.R. 685.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the measures en bloc.

Mr. NELSON. Madam President, I ask unanimous consent the bills be read three times and passed en bloc, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 2939, H.R. 1209, H.R. 3658, and H.R. 685) were ordered to a third reading, were read the third time, and passed.

## AUTHORIZING LEGAL REPRESENTATION

Mr. NELSON. Madam President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 452 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 452) to authorize testimony, documents, and representation in *City of Lafayette v. Bryan Benoir*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony in a criminal misdemeanor action pending in City Court in Lafayette, LA. In this action, the defendant is charged with disturbing the peace arising out of his appearance at Senator DAVID VITTER's Lafayette, LA office. A trial is scheduled for May 28, 2014.

The prosecution has sought testimony from two current employees of Senator VITTER's office, and one former employee of that office, who were witnesses to the charged event. Senator VITTER would like to cooperate by providing relevant testimony, and, if necessary, documents from his office. This resolution would authorize those current and former employees, and any other employee of the Senator's office from whom relevant evidence may be necessary, to testify and produce documents in this action, with representation by the Senate Legal Counsel.

Mr. NELSON. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 452) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

## MEASURE READ THE FIRST TIME—S. 2363

Mr. NELSON. Madam President, I understand that S. 2363, introduced earlier today by Senator HAGAN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2363) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Mr. NELSON. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

## REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 113-5

Mr. NELSON. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on May 20, 2014, by the President of the United States: Convention on Taxes with the Republic of Poland, Treaty Document No. 113-5.

I further ask that the treaty be considered as having been read for the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

*To the Senate of the United States:*

I transmit herewith, for the advice and consent of the Senate to its ratification, the Convention between the United States of America and the Republic of Poland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed on February 13, 2013, at Warsaw (the "proposed Convention"). I also transmit for the information of the Senate the report of the Department of State, which includes an overview of the proposed Convention.

The proposed Convention replaces the existing Convention, signed in 1974, and was negotiated to bring United States-Poland tax treaty relations into closer conformity with current U.S. tax treaty policies. For example, the proposed Convention contains provisions designed to address "treaty shopping," which is the inappropriate use of a tax treaty by residents of a third country, that the existing Convention does not. Concluding the proposed Convention with Poland has been a top priority for the tax treaty program at the Department of the Treasury.

I recommend that the Senate give early and favorable consideration to the proposed Convention and give its advice and consent to its ratification.

BARACK OBAMA.  
THE WHITE HOUSE, May 20, 2014.

#### ORDERS FOR WEDNESDAY, MAY 21, 2014

Mr. NELSON. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, May 21, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 12:15 p.m., with the time equally divided and controlled between the two leaders or their designees; and that at 12:15 p.m. the Senate proceed to executive session, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. NELSON. Madam President, there will be one vote at 12:15 p.m. on the confirmation of the Fischer nomination. Following that vote, the Senate will recess until 2 p.m. to allow for the Republican caucus meeting. There will be up to five rollcall votes related to nominations at 2:10 p.m. The first vote in the series will be a rollcall vote, and we expect the remaining votes to be voice votes.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NELSON. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Wednesday, May 21, 2014, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

GEOFFREY W. CRAWFORD, OF VERMONT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF VERMONT, VICE WILLIAM K. SESSIONS, III, RETIRING.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COLONEL FRANCIS M. BEAUDETTE  
COLONEL PAUL BONTRAGER  
COLONEL GARY M. BRITO  
COLONEL SCOTT E. BROWER  
COLONEL PATRICK W. BURDEN  
COLONEL JOSEPH R. CALLOWAY  
COLONEL PAUL T. CALVERT

COLONEL WELTON CHASE, JR.  
COLONEL BRIAN P. CUMMINGS  
COLONEL EDWIN J. DEEDRICK, JR.  
COLONEL JEFFREY W. DRUSHAL  
COLONEL RODNEY D. FOGG  
COLONEL ROBIN L. FONTES  
COLONEL KAREN H. GIBSON  
COLONEL DAVID C. HILL  
COLONEL MICHAEL D. HOSKIN  
COLONEL KENNETH D. HUBBARD  
COLONEL JAMES B. JARRARD  
COLONEL SEAN M. JENKINS  
COLONEL MITCHELL L. KILGO  
COLONEL RICHARD C. S. KIM  
COLONEL WILLIAM E. KING IV  
COLONEL RONALD KIRKLIN  
COLONEL JOHN S. KOLASHESKI  
COLONEL DAVID P. KOMAR  
COLONEL VIET X. LUONG  
COLONEL PATRICK E. MATLOCK  
COLONEL JAMES J. MINGUS  
COLONEL JOSEPH W. RANK  
COLONEL ERIC L. SANCHEZ  
COLONEL CHRISTOPHER J. SHARPSTEN  
COLONEL CHRISTOPHER L. SPILLMAN  
COLONEL MICHAEL J. TARSA  
COLONEL FRANK W. TATE  
COLONEL RICHARD M. TOY  
COLONEL WILLIAM A. TURNER  
COLONEL BRIAN E. WINSKI

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. DAVID H. BERGER

##### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be captain

ADDIE ALKHAS  
CALLIOPE E. ALLEN  
JOSEPH P. BARRION  
ROBERT V. BARTHEL  
RAYMOND R. BATZ  
LYNELLE M. BOAMAH  
DOUGLAS E. BROWN  
KEVIN J. BROWN  
RACHEL A. BURKE  
RALPH E. BUTLER  
HYUNMIN W. CHO  
VINCENT L. DECICCO  
ANDREA B. DONALTY  
FRANK M. DOSSANTOS  
JAMES E. DUNCAN  
REGINALD S. EWING III  
MAUREN E. FARRELL  
JEFFREY H. FEINBERG  
MARK E. FLEMING  
DAVID P. GALLUS  
KATERINA M. GALLUS  
AMY R. GAVRIL  
RICHARD S. GIST  
GREGORY H. GORMAN  
FRANCIS X. HALL  
DOUGLAS G. HAWK  
TUAN N. HOANG  
SUEZANE L. HOLTZCLAW  
ROBERT T. HOWARD  
SCOTT L. ITZKOWITZ  
TERENCE E. JOHNSON  
MICHAEL P. KEITH  
JAMES O. LESPERANCE  
HENRY LIN  
JEFFREY H. MCCLELLAN  
JAMES M. MCKEE  
GEORGE W. MIDDLETON  
KESHAV R. NAYAK  
TIFFANY S. NELSON  
KENNETH J. ORTIZ  
SAYJAL J. PATEL  
DENISE L. PEET  
THEODORE C. PRATT  
JAMES J. REEVES  
CAROLYN C. RICE  
MARK S. RIDDLE  
PAUL B. ROACH  
CARLOS J. RODRIGUEZ  
JOHN R. ROTRUCK  
KATHERINE I. SCHEXNEIDER  
DANIEL F. SEIDENSTICKER  
RICHARD P. SERIANNI  
SUNG W. SONG  
JEFFERY A. STONE  
ROBERT G. STRANGE, JR.  
SALLY G. TAMAYO  
KENNETH A. TERHAAR  
TRACY T. THOMPSON  
KIMBERLY P. TOONE  
SAM O. WANKO  
MICHAEL W. WENTWORTH  
JAMES C. WEST  
TIMOTHY J. WHITMAN  
CRAIG M. WOMELDORPH

JOHN D. YORK  
PATRICK E. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be captain

JEFFREY G. ANT  
LEWIS T. CARPENTER  
DAVID F. CHACON  
ALLISON A. CRAIN  
JOSEPH N. DEHOOGH  
LOUIS H. DELAGARZA  
JAY GEISTKEMPER  
GEORGE M. GUISE  
STEVEN P. HERNANDEZ  
SUSAN D. JOHNSON  
JEFF B. JORDEN  
GRACE L. KEY  
JOHN F. LEUNG  
PATRICK E. MCGROARTY  
JOHN P. MOON  
JOSE G. PEDROZA  
KOICHI SAITO  
DENNIS G. SAMPSON  
GEORGE D. SELLOCK  
FRANCISCO X. VERAY  
SAM J. WESTOCK  
DONNA M. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be captain

PAUL J. BROCHU  
MATTHEW CASE  
GREGORY W. COOK  
SIDNEY G. FOOSHEE  
KEITH R. GIVENS  
THOMAS C. HERZIG  
DAVID C. HICKS  
SHANNON J. JOHNSON  
MARTIN W. KERR  
KAREN P. LEAHY  
MARK G. LIEB  
KEVIN J. MCGOWAN  
DOUGLAS M. MONETTE  
SHERI B. PARKER  
JOE T. PATTERSON III  
PAUL W. PRUDEN  
DOUGLAS E. PUTTHOFF  
CYRUS N. RAD  
SHAWN A. RICKLEFS  
VALERIE J. RIEGE  
FREDRIK D. SCHMITZ  
JASON S. SPILLMAN  
RAYMOND D. STIFF  
MARK A. SWEARNGIN  
ERIC R. TIMMENS  
EDWARD G. VONBERG  
GARY D. WEST

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be captain

BRADLEY A. APPLEMAN  
TODD C. HUNTLEY  
PETER R. KOEBLER  
MARGARET A. LARREA  
ROBERT J. PASSERELLO  
WARREN A. RECORD  
JOSEPH ROMERO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be captain

JEFFREY W. BLEDSOE  
STACIA L. FRIDLEY  
ROBERT J. HAWKINS  
CAROL B. HURLEY  
JEFFERY S. JOHNSON  
SHARI F. JONES  
MICHELE A. KANE  
JEANA M. KANNE  
SHARI D. KENNEDY  
DEBORAH A. KUMAROO  
JEAN L. P. LORD  
BETH A. MOVINSKY  
ANDREA C. PETROVANYE  
NICOLE K. POLINSKY  
DALE D. RAMIREZ  
MICHAEL J. A. SERVICE  
SUSAN A. UNION

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be captain

KRISTIN ACQUAVELLA  
BRIAN R. BALDUS  
JASON A. BRIDGES  
PATRICK S. BROWN  
CHAD B. BURKE  
ANDREW R. DARNELL  
DANIEL D. DAVIDSON  
JUSTIN D. DEBORD  
BRADLEY E. EMERSON

DION D. ENGLISH  
BRIAN J. GINNANE  
PAUL A. HASLAM  
CODY L. HODGES  
ROBERT A. KEATING  
ERIC A. MORGAN  
HARRY X. NICHOLSON IV  
WILLIAM J. PARRISH  
JEFFREY W. RAGGHIANI  
NICKOLAS L. RAPLEY  
COLLEEN C. SALONGA  
BRIAN G. SCHORN  
EDWARD L. STEVENSON  
PAMELA S. THEORGOOD  
ROGELIO L. TREVINO  
JOSHUA L. TUCKER  
JEROME R. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*  
  
CHRISTOPHER G. ADAMS  
MATTHEW J. ANDERSON  
KEITH W. BARTON  
DONALD R. BRUS  
FRANK C. CERVASIO  
KEVIN K. JUNTUNEN  
JEFFREY J. KILIAN  
GILBERT B. I. MANALO  
SCOTT P. RAYMOND  
BRIAN L. WEINSTEIN  
NICOLAS D. I. YAMODIS

CONFIRMATIONS

Executive nominations confirmed by  
the Senate May 20, 2014:

MILLENNIUM CHALLENGE CORPORATION  
  
DANA J. HYDE, OF MARYLAND, TO BE CHIEF EXECUTIVE OFFICER, MILLENNIUM CHALLENGE CORPORATION.  
SUSAN MCCUE, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS.

THE JUDICIARY

GREGG JEFFREY COSTA, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

MILLENNIUM CHALLENGE CORPORATION  
  
MARK GREEN, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF TWO YEARS.

## HOUSE OF REPRESENTATIVES—Tuesday, May 20, 2014

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BENTIVOLIO).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 20, 2014.

I hereby appoint the Honorable KERRY L. BENTIVOLIO to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2014, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

### ESTABLISHING COHERENT FOREIGN POLICY

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. HOLDING) for 5 minutes.

Mr. HOLDING. Mr. Speaker, suffice it to say, there is no shortage of challenges across the globe, all of which test our Nation's foreign policy and resolve and pose a threat to our national security.

Lately, the world's attention has been focused on a myriad of issues that rightly deserve our attention: Russia's blatant violation of Ukraine's sovereignty, their continued meddling in the internal politics of our Eastern European allies, China's continued rhetoric and aggression in the East and South China Seas, the struggle for democracy in Venezuela, and the tragic events that continue to unfold in Nigeria and Syria, among other things.

Establishing a coherent foreign policy and ensuring our national security require the United States to maintain a fixed leadership role in all of these challenges that we face.

Mr. Speaker, while these and a host of other pressing issues test the United

States and our friends around the globe, I am concerned that we have let what I consider to be the greatest threat to our national security fall out of the center of the discussion. That, of course, Mr. Speaker, is the ongoing nuclear negotiations with Iran.

The success or failure of these talks will undoubtedly have a far-reaching impact on the safety and security of the Middle East and the international effort to prevent further nuclear proliferation. The ramifications can never be overstated.

Mr. Speaker, I am not suggesting that our efforts and those of our international partners—for example, to strengthen our alliances in the Baltics or to bring Boko Haram to justice—should cease. What I am suggesting is that we must always continue to stand strongly, shoulder to shoulder, with our allies to combat tyranny and terrorism. Those missions will never cease.

I firmly believe that Congress needs to, right now, continue the discussion and increase our oversight of the dealings with the regime in Tehran, especially as the July 20 deadline rapidly approaches.

I know that Chairman ROYCE of the House Foreign Affairs Committee has always made these negotiations and the precise details regarding inspection and verification a priority, and I certainly welcome his commitment to increasing the committee's efforts to hold the administration accountable as they try and reach a final deal.

What I fear is that the administration might accept and, worse, push for a final deal filled with concessions that endanger our national security just for the sake of getting a deal done.

What might even be worse, Mr. Speaker, would be an extension of the talks that fail to do anything of real consequence to stop Iran's march to a bomb. Time has shown us, again and again, Tehran's frequent use of manipulative negotiation tactics and their history of deceit when it comes to concealing their nuclear program.

Every day that passes during which concrete steps aren't put into place to prevent and to verify that Iran isn't maneuvering for the bomb is another day in which our security and the security of our allies is put in jeopardy.

Mr. Speaker, we all know that the world is a complex place. There will always be a new and emerging crisis right around the corner that threatens the delicate balance of global stability, but if we and our international part-

ners fail at the weighty task before us of ensuring Iran never has the breakout capacity to get the bomb in these negotiations, those emerging crises will always take the backseat to a threat created by a nuclear-armed Iran.

### CONGRATULATING WILLIAM EARL "BILL" MYERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUTTERFIELD) for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, I rise to recognize and honor William Earl "Bill" Myers who, today, will receive the 2014 Heritage Award from the North Carolina Arts Council. Bill Myers has dedicated his life to education and the arts.

Bill Myers was born 81 years ago in Greenville, North Carolina. From a very early age, Bill showed great musical ability. This talent prompted Bill's grandmother to enroll him in piano to develop his skills.

Over the years, Bill continued his quest for musical excellence, joining the high school band, while also playing piano for church Sunday school.

Recognizing his gift, Bill's Sunday school teacher took him to New York City to attend a convention. During the trip, Bill visited Radio City Music Hall, saw the Rockettes perform, went to the Apollo Theater, and saw Willis "Gator Tail" Jackson perform his saxophone. That performance proved to be life-changing and served as Bill's inspiration to pursue the saxophone.

Not long after the New York trip, Mr. Speaker, Mr. Bob Lewis was hired as the school's new band director. Bill idolized Bob Lewis. Everything he did impressed Bill, from his style of dress to his shined shoes, and Bob played the saxophone.

It was the tremendous influence of Bob Lewis and his piano teacher, Ms. Albright—both graduates of Virginia State University—that prompted Bill to attend that institution.

Since Bill didn't have the resources to attend college, he began performing his musical talents. He joined bands in Greenville that played at the Tropicana Club, the Blue Moon Club, and the Red Rose Club. Eventually, Bill was able to save enough money to attend Virginia State University, where he majored in music and mastered the saxophone.

In 1955, Bill graduated from Virginia State University and joined the United States Army as a second lieutenant.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

After his military service, Bill's father arranged an interview for him to teach at Frederick Douglass High School in Elm City, North Carolina. The school needed a new music teacher, and Bill was a perfect fit.

As a teacher, Bill was really disheartened by the students' lack of cultural exposure, so Bill made sure to expose them to the arts and other communities and to opportunities beyond their town.

Due to his work and commitment, Bill was eventually promoted to assistant principal before deciding to pursue a master's in education at East Carolina University.

After completing graduate school, Bill attended the Principal's Executive Program at the University of North Carolina, which led to him being named principal of the newly-integrated Elm City High School.

After the county's school systems merged, Bill became principal of Elm City Middle School and eventually became assistant superintendent of schools for personnel, becoming the first African American in the county to hold that position.

Throughout the course of his long life, Bill still manages to perform with his band of 60 years called The Monitors. The band often boasts that Roberta Flack was its first vocalist.

I would be remiss, Mr. Speaker, if I did not mention Bill's wife, the former Diana Davis—yes, my first cousin—the love of his life for 51 years. The two were married in 1963. I remember it so well. I was their wedding driver.

They have two wonderful children, Michael Earl and Michelle Earlisha; and they have, together, four grandchildren—William, Madison, Cameron, and Mikayla.

Bill is a devout member of the St. John AME Zion Church in Wilson, where he leads its powerful gospel choir.

Mr. Speaker, today, I ask my colleagues to join me in offering our heartfelt congratulations to a great North Carolinian, to a great American, Mr. William Earl "Bill" Myers.

#### THE MODDERN CURES ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today, I rise as a proud cosponsor of H.R. 3116, the MODDERN Cures Act.

As most know, amyotrophic lateral sclerosis, or ALS, also known as Lou Gehrig's disease, is a progressive, fatal neuromuscular disorder that causes the loss of voluntary muscle control, often resulting in paralysis.

As a former rehabilitation therapist and manager, I have witnessed firsthand the devastating impact that this

disease takes of individual lives and family members.

The life expectancy after a diagnosis with ALS is an average of 2 to 5 years. Veterans are twice as likely to experience and to die from ALS as the general public. What is even worse, Mr. Speaker, is there remains no cure.

The MODDERN Cures Act would speed up the development of new and better treatments for patients with chronic diseases and disabilities, including ALS, by removing barriers to medical innovation.

The legislation encourages research on treatments which, quite frankly, have been set aside in the lab, but hold promise for treating ALS and other chronic diseases and disabilities.

Mr. Speaker, I encourage all my colleagues to support this important piece of legislation.

#### IMMIGRATION REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIÉRREZ) for 5 minutes.

Mr. GUTIÉRREZ. Mr. Speaker, last week, Tom Donahue, the president of the U.S. Chamber of Commerce said that if House Republicans fail to pass an immigration bill this year, the Republican Party should "not bother to run a candidate in 2016."

Even with a majority of Republican voters supporting immigration reform—and yes, a majority of Tea Party voters in support—the positions Republican candidates feel they must take in order to win over their base make them unelectable when they face the American people in the general election.

Latino voters are repelled, and the loud but small contingent of immigration opponents have backed the Republican Party into a corner that they don't have the courage to break out of.

So, Mr. Speaker, I give you George W. Bush, the man who will go down history as the last Republican President in American history.

Tom Donahue is right. There is a demographic reality that will make Republicans a footnote in history, just like the Whigs and the Know-Nothings, unless they do something to get the immigration issue off the table.

Look, there are only 18 legislative days before the July 4 recess, before the campaign season takes over, but you still have time to change history.

If you do nothing on immigration, I guess you can take comfort in knowing that, from Abraham Lincoln to George W. Bush, you had a pretty good run. Freeing the slaves, winning the Civil War, interstate highway system, those all go in the highlight column; and there have been a few lowlights as well.

All our grandchildren will ever know of Republicans as a national party will be what they read in the history blogs, and they will look at 2014 as the year it all slipped away, unless you act soon.

With or without immigration reform, Latino voters are a force that is growing faster than Republicans can withstand and are tilting more towards the Democrats with each day Republicans stand in the way of stopping deportations that are breaking up immigrant families.

Today, Tuesday, 2,000 Latino citizens born and raised in the United States—right here in the United States of America—will turn 18 and become eligible to vote. That is 2,000 today and every day until Election Day 2016.

But wait a minute. That will continue for the next 30 years. That is 65,000 citizens a month, with or without immigration reform for the next 30 years.

□ 1015

Throw in women, younger voters, Asian voters, and others who are strongly in favor of immigration reform, and the Republican Party has dug quite a hole for themselves by standing with STEVE KING of Iowa.

Two million more Latinos voted in 2008 than in 2004 and tilted heavily to the Democrats after the Sensenbrenner bill, a Republican enforcement-only bill that criminalized immigrant families. Two million more Latinos voted in 2012 than in 2008 and tilted even farther to my side because of Romney's anti-immigrant message. And we aren't even registering the citizens in our community in the numbers we are capable of, but we are getting better at it with every passing year.

Right now, I think House Republicans are at a crossroads. Many, including the Speaker, I think, want to get the immigration issue resolved before the 2016 elections. They know that the next few weeks offer the only chance Republicans have to both solve a tough American issue and get some of the credit for doing so.

Others are already crouching in their anti-Obama bunkers and want to play it safe this year, regardless of the consequences for the future. Conservative columnist Juan Williams calls this the "trap" Obama is setting for the Republican Party. Williams knows, as I do, that President Obama can act with or without Congress, given the latitude he already has under existing immigration law. Williams wrote in Roll Call:

The House's lack of action could open the door for Obama to take unilateral action on immigration reform.

And I will tell you, he will take unilateral action.

He goes on to state:

The political result would be to make heroes of the President and his congressional allies while leaving Republicans to explain why the Tea Party element in the House refused to deal with the immigration crisis.

He further states:

Such an outcome would cement political loyalty between the growing Latino vote and Democrats. It would also stir the Democrats' liberal debate for the 2014 midterms.

Williams is right. You have 18 legislative days to write the policy, whip the votes, and pass the bill. That is not a lot of time.

Let us work together to put my 200 Democrats together with 60, 70, or 80 Republicans that we can get on board to get a bill—or a series of bills—passed, and let's get it done for the American people.

Mr. Speaker, I suggest to the Republican majority that they do it for Abraham, they do it for George. Do it for any little boy or any little girl in America who wants to grow up to be a Republican President. But most of all, do it for our country.

#### BREAKFAST AT THE BELL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I rise today to congratulate Donna Lombardi, the director of nutrition for the Worcester Public Schools in my hometown of Worcester, Massachusetts, for receiving the Healthy Start Leadership Award. This award is being presented by the EOS Foundation, a Massachusetts-based foundation that is committed to expanding universal free breakfasts in the classroom across the Commonwealth of Massachusetts.

I want to thank Donna for her tireless work at the Worcester Public Schools. She is a leader in our efforts to provide quality, nutritious meals to all kids in our school system. She recognizes the critical importance of not only providing nutritious meals to our kids, but also ensuring that every single child in our school system starts off the day with a healthy, nutritious meal.

The breakfast at the bell plan, where every child would receive a nutritious meal in the classroom after school starts, is an important part of the schoolday and should be implemented in every school across this country. There are two important reasons why universal free breakfasts, or breakfast at the bell, is the right policy for every school to implement.

First, we know that breakfast is the most important meal of the day. Kids physically and mentally develop better when they eat healthy meals. That is a simple fact. But we also know that kids learn better on a full stomach than they do on empty ones. Hungry kids do not learn. And that breakfast each morning is as essential to their ability to learn as a textbook.

Second, universal breakfast served at the beginning of school ensures that every kid gets to eat and not just the ones who get to school early. It removes a stigma that adults may not recognize but that children feel: it is that feeling that a child is different, that because they are poor, they need

to come in early to get the food that they don't have at home.

Donna Lombardi is a leader in breakfast at the bell, and I am proud of the fact that she is leading Worcester Public Schools in this direction, and I am proud to call her my friend.

Now, unfortunately, not everyone is on the same page. Many school districts and employees are opposed to this idea. There are some who think that it is too onerous on schools, that it creates too much waste, and that it isn't a good use of time in the morning. I think those are shortsighted excuses, and I am dismayed that there are those who continue to cling to these notions that have been disproven time and time again. We know what works, and we know what doesn't work; and we know that breakfast at the bell is one of those policies and programs that works.

I want to congratulate the EOS Foundation for its hard work and dedication on this issue.

Most importantly, I want to say that Donna Lombardi is an incredible individual with the passion and talent for providing nutritionally balanced meals for the children of Worcester. Sadly, as in every community in our country, too many of our children go to bed hungry in Worcester. Donna has made it her mission to feed them, to reach them first thing in the morning with a nutritious school breakfast and throughout the day with school snacks, school lunch, after-school meal programs, and summer meals too—school by school, classroom by classroom, child by child. The magnitude of her impact on the lives of thousands of children inspires me and inspires all of us, and I am delighted to congratulate Donna on this much-deserved recognition.

Finally, Mr. Speaker, I would say to my colleagues, let us learn from Donna's example and replicate what works all over this country, and let us be inspired by those who work to end hunger in our country and make that our mission as well. We can end hunger now.

#### HUMAN TRAFFICKING

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Dakota (Mr. CRAMER) for 5 minutes.

Mr. CRAMER. Mr. Speaker, in New Town, North Dakota, right in the heart of the Bakken oil patch, an elderly woman once told an FBI agent that she knew human trafficking was taking place in her community because she saw young girls taking different men back and forth to various rooms. And when the agent asked the woman for her name so they could investigate, she was too afraid to report it.

The horrific nature of this crime can shock individuals and communities to

such a degree that they are unable to conceive such heinous crimes are even possible, much less taking place right in their rural communities.

All around the country, law enforcement and public citizens are encountering difficulties in identifying human trafficking victims, and our justice system is too often ill-equipped to assign the appropriate penalties for a fast-growing international crime, such as human trafficking. And what is worse, too often, the victims are treated as criminals, dropped into a judicial system not equipped to provide the health and protective services that these women and young girls often need.

I held a roundtable with my friend and colleague, Representative ERIK PAULSEN from Minnesota, earlier this month in Williston, North Dakota. Along with being the fastest growing micropolitan in the Nation, Williston is newly dealing with an increase in human trafficking. It was encouraging to hear how local law enforcement and victims' advocates in Williston are working hard with Federal agents and officers to reverse the trend and to prevent trafficking while restoring the lives of victims, but they are very much in need of a series of Federal laws designed to aid the very important work that they are doing.

To show our commitment, Congress will enact legislation like the Stop Exploitation Through Trafficking Act, which ensures minors who are trafficked are treated as victims and not as defendants, and the SAVE Act of 2014, which helps address the root of the problem by making it a Federal crime to profit from knowingly advertising for the commercial exploitation of minors and trafficking victims.

Mr. Speaker, we know the most important work to stop human trafficking will be done on the ground by our State and local law enforcement, Federal agents, community members, victims' advocates, the faith-based community, and others, but they need our help to make laws to better support their efforts. So I urge all of my colleagues to support the five bills that will be on the floor tonight to help get our criminal justice and victim support systems caught up with a rapidly evolving international crime.

#### THE INFANT AND TODDLER CARE IMPROVEMENT ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Massachusetts (Ms. CLARK) for 5 minutes.

Ms. CLARK of Massachusetts. Mr. Speaker, today, as a country, we face many economic challenges: income disparity, stagnant wages, and an alarming rise of children living in poverty. Luckily, all available research points to a solution. High-quality early childhood education and care is as close to

a silver bullet as we are going to find. It supports working families, creates economic opportunities for women, and provides a great start for our youngest learners.

But today, hardworking families spend an extraordinary percentage of their income on child care. Even then, they are not always sure it meets the needs of their kids. Mr. Speaker, that is why I am introducing a bill today to help ensure quality care for infants and toddlers. As a mother of three, I understand that parents want nothing more than to make sure their kids are healthy, safe, and thriving.

More than 6 million children under the age of 3 will spend time in child care this week. At this tender age, when brain development is at its peak, when neuropathways are being formed every second by the millions, that is when quality child care matters most.

Today I encourage my colleagues to help these children and their families succeed by supporting the Infant and Toddler Care Improvement Act.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 26 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Reverend Charlie Martin, Bethel Baptist Church, Vilas, North Carolina, offered the following prayer:

Dear Heavenly Father, today, Lord, we enter Your gates with thanksgiving and enter Your courts with praise. Thank You for Your blessings for America, our home. I call on You, O Lord, to bless our land again.

In the Bible, we read, "If My people which are called by My name shall humble themselves and pray and seek My face and turn from their wicked ways, then will I hear from Heaven and will forgive their sin and will heal their land."

Father, You know that I trust You and Your holy Word. I call on You this morning to place Your great hand upon this Congress and upon this people.

Please grant Your wisdom in their decisions and leadership on behalf of all Americans. For all of us who love this land and call America home, we call on You together today.

In Jesus' name, amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING REVEREND CHARLIE MARTIN

The SPEAKER. Without objection, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 1 minute.

There was no objection.

Ms. FOXX. Mr. Speaker, Pastor Charlie Martin has preached the Gospel for 45 years.

Charlie Martin attended Trinity College of Florida and continues to serve as vice president of that institution. After college, he began working with youth at his home church in Arkansas.

In 1971, he was called to pastor First Baptist Church of Indian Rocks in Largo, Florida. The Lord blessed the 37 years he spent there, with the church growing from fewer than 100 to over 6,000 members under his care.

Largo is also where Pastor Martin met Stephanie, his wife of 38 years. Together, they have raised five children—Shannon, Christian, Somer, Samara, and Colt. All five children are grown and happily married, and the Martins delight in their 16 grandchildren.

For the past 7 years, Pastor Martin has led the good people of Bethel Baptist Church in Vilas, North Carolina. We are blessed to have this man of God living and working in our community in the mountains of North Carolina, and I want to thank him for opening the House with a prayer today.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FLEISCHMANN). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

#### COMMEMORATING THE 239TH ANNIVERSARY OF THE MECKLENBURG DECLARATION OF INDEPENDENCE

(Mr. HUDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUDSON. Mr. Speaker, I rise today to commemorate the 239th anniversary of the Mecklenburg Declaration of Independence.

This date marks an important moment in our Nation's history, when brave North Carolinians, bound by their common pursuit of freedom, became the first Americans to declare independence from the tyrannical crown of Great Britain. This courageous act of defiance paved the way for our great experiment in democracy.

It is no wonder that, with these type of bold leaders, British commander General Cornwallis was unable to hold his occupation of the city of Charlotte and was, therefore, prompted to write that it was a "hornet's nest of rebellion."

Mr. Speaker, it is also worth noting that, on this very day today, the Charlotte Bobcats—excuse me, the Charlotte Hornets—finally and rightfully get their buzz back.

I am so proud of our heritage and for the leadership that the State of North Carolina continues to provide this great Nation.

Mr. Speaker, on this festive day, I want to congratulate the city of Charlotte and all North Carolinians, and I welcome each and every one of my colleagues to join me in celebrating this important moment in our history.

#### THE EPIDEMIC OF AUTISM

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, I rise today to draw attention to an epidemic in our country. We have seen rates of autism rising rapidly in the past two decades. Today, 1 in 68 children is diagnosed with an autism spectrum disorder.

This weekend, I attended the Autism Speaks walk in Chicago. I was inspired by the stories of young men and women and the realization that there are opportunities for all those living with autism.

We, as a Congress, must come together and pass meaningful policy to understand this condition and find a cure. I remain committed to supporting Federal funding for autism research and helping families obtain appropriate therapies for children living with autism.

I know my colleagues share this passion with me.

#### THE OBAMA ADMINISTRATION CONTINUES CONCEALING OBAMACARE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, according to a recent article in The Wall Street Journal:



The Obama administration said Friday it would let States decide whether to implement a key part of the health care law's small business exchanges next year, extending an earlier delay.

The Department of Health and Human Services said, in rules released Friday, that it will be up to State insurance commissioners to decide whether employers and employees at small businesses using health exchanges for workers in 2015, if they can show it would be in the best interest of the insurance market of the State.

The lengthy list of implemented ObamaCare delays confirms the President knows his signature health care law is unworkable and destroys jobs. Changing the law without congressional approval also shows the President wants to conceal the true consequences of this failed law until after the midterm elections in November.

We must put politics aside and do what is best for the American people and repeal ObamaCare to promote jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### RECOGNIZING NATIONAL TOURETTE SYNDROME AWARE- NESS MONTH

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, I rise today to recognize National Tourette Syndrome Awareness Month. I commend advocates like the New Jersey Center for Tourette Syndrome and the National Tourette Syndrome Association for their untiring pursuit to improve the life of those individuals impacted by Tourette syndrome.

Tourette syndrome is an often misunderstood and stigmatized disorder that affects as many as 1 in 100 Americans.

While symptoms can be suppressed over time, too many individuals, particularly children, face the everyday challenge of trying to manage tics, whether at school or in various social settings. Once diagnosed, many families are at a loss for how to manage this disorder.

Organizations like the New Jersey Center and the National Association provide answers through referrals to an array of services and training for families and peers. Through extended research, we can learn more about the cause and treatment of the disorder.

I have introduced the CARE for Tourette Syndrome Act to assist individuals living with Tourette syndrome by expanding and coordinating efforts towards research for the disorder.

By collecting more data and increasing research efforts, we can better understand the cause of Tourette syndrome. It is my hope that, through a better understanding of Tourette syndrome, we can lift the veil of this disorder and enhance the lives of so many.

#### THE CLOCK IS TICKING FOR MERIAM IBRAHIM IN SUDAN

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, the clock is ticking for Meriam Ibrahim in Sudan.

It is 7 p.m. now in Khartoum, and a young, frightened Sudanese woman is shackled in a prison cell for refusing to renounce her Christian faith. Her husband, an American citizen, is seeking to draw attention to her plight and that of her 18-month-old son who languishes in jail with her.

Meriam Ibrahim is 8 months pregnant, and her draconian sentence of death by hanging is being delayed until she gives birth. The clock is ticking.

Congressman TRENT FRANKS has sought to shine a bright light on this injustice, and today, Senators BLUNT and AYOTTE of New Hampshire are urging the Secretary of State, John Kerry, to provide political asylum to Meriam.

The administration should urgently act to save this innocent woman's life. President Obama should immediately appeal for her release and offer her safe haven here in the United States.

#### MILITARY HAZING FOR FY 2015 NDAA

(Ms. CHU asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CHU. Mr. Speaker, 3 years ago, my nephew, Lance Corporal Marine Harry Lew, was a victim of military hazing while stationed in Afghanistan. After 3½ hours of a brutal beating and torment by fellow soldiers, he took his own life. Since then, I have dedicated myself to ensuring that the Department of Defense addresses hazing within its ranks.

Because of my bill, the Harry Lew Military Hazing Accountability Act, the 2013 National Defense Authorization Act, or NDAA, required each military branch to submit a report to Congress on what they are doing to address hazing.

The reports were inconsistent. We learned that most branches don't track allegations and incidents of hazing and that substandard tracking results in unreliable data.

That is why I urge support for my amendment to this year's NDAA. It requires the Government Accountability Office to provide Congress with a much more thorough and, most importantly, independent report.

We must protect the young people that we send off to war from abuse by their own soldiers.

#### HONORING COMMAND SERGEANT MAJOR WILLIAM E. HIGH, JR.

(Mr. CRAWFORD asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. CRAWFORD. Mr. Speaker, I rise today to recognize Command Sergeant Major William E. High, Jr., of the Joint Improvised Explosive Device Defeat Organization, or JIEDDO, who will retire from the United States Army on May 22, 2014, after 32 years of distinguished service.

Today, one of the greatest threats faced by our servicemen and -women is the IED. While serving at JIEDDO, Command Sergeant Major High worked tirelessly to ensure our men and women serving in harm's way have the necessary capabilities and training to protect them from this lethal threat.

His contributions made a profound difference and enabled the organization to achieve tremendous success in countering the IED threat.

Command Sergeant Major High's numerous awards and decorations include the Legion of Merit, Bronze Star Medal, Defense Meritorious Service Medal, Meritorious Service Medal, Joint Service Commendation, and Army Commendation Medal, among others; and he also served as a drill sergeant during his 32-year career.

I am proud to share in the celebration of Command Sergeant Major High's military career. I would also like to congratulate his wife, Ingrid, and his children—Brant, Jared, Nathaniel, and Gabriel—whose love and support has aided and strengthened Command Sergeant Major High as he served our great Nation.

I wish him all the best in his retirement.

#### SOUTHERN CALIFORNIA WILDFIRES

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Speaker, I rise to call attention to the wildfires that have ravaged southern California over the past week. Thanks to our brave first responders, these blazes are nearly contained, but not before destroying dozens of homes and forcing thousands to evacuate.

The sight of brush fires burning across the county has become all too familiar in the San Diego region in recent years, but this won't be an ordinary year. So far, we have seen twice as many fires as usual, and the worst months are yet to come.

Many who have been forced to leave their homes speak of how, in those moments when they fear they might lose everything, they realize what is most important to them.

Now, it is time for Congress to remember what is important, the vital programs that Americans rely on in times of crisis.

With natural disasters worsening across the country, it is more important than ever to ensure that agencies

like the Forest Service, the National Weather Service, and FEMA have the resources they need to keep Americans informed and safe.

This appropriations season, I urge my colleagues to come together, as I have watched San Diego County residents do, and prioritize these lifesaving services for all Americans.

□ 1215

#### THE \$4 BILLION INTEGRATED ELECTRONIC HEALTH RECORD PROJECT—HALTED

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Mr. Speaker, it was April 2009 when President Obama said that he was going to form an integrated electronic health record project to take the records between the DOD and Veterans Administration and, together, he said that it “would represent a huge step towards modernizing the way health care is delivered and benefits are administered for our Nation’s veterans. It would cut through red tape and reduce the number of administrative mistakes.”

Fast forward to February of 2013. The Department of Defense and the Veterans Administration announced that they were going to halt this program. It was a \$4 billion—not \$4 million, not \$40 million, not \$400 million—a \$4 billion project. Secretary Hagel, and I quote him: “I didn’t think we knew what the hell we were doing.”

So after all these years, \$4 billion later, they totally halted and abandoned this project that was going to improve the quality of health care for our veterans. It wasn’t for a lack of money, but there was a lack of leadership and management and dedication.

Mr. Speaker, this cannot stand. We do need to do better for our veterans. This has got to be a national priority.

#### PREPARE FOR EXTREME WEATHER

(Mr. CARTWRIGHT asked and was given permission to address the House for 1 minute.)

Mr. CARTWRIGHT. Mr. Speaker, for the first time ever, the threats posed by extreme weather were added to the GAO’s High Risk List, which lists the most pressing fiscal exposures our Federal Government faces. In the past 2 years alone, extreme weather events resulted in 109 Presidential major disaster declarations, 409 fatalities, and \$130 billion in economic losses to our Nation.

As somebody who firmly believes we must better prepare for extreme weather, protect government and private sector resources, and create a more resilient society, I have drafted legislation

that utilizes these recommendations of the GAO. The PREPARE Act requires agencies to implement government-wide resiliency, preparedness, and risk management priorities; improves regional coordination; and disseminates best practices and actionable data. And possibly even more important is the cost of this legislation: \$0, while having the possibility of saving taxpayers billions.

#### BRAND USA

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise today to support policies that will grow our economy.

The travel industry employs over 1 million Floridians. Recently, tourism to Florida has resulted in more than \$70 billion of revenue, and it has generated nearly \$900 billion nationally.

I recently introduced the Travel Promotion, Enhancement and Modernization Act, which would extend the activities of Brand USA, a public-private partnership that markets the U.S. as a tourism destination. This will continue to promote job growth in Florida.

Florida’s trend, however, is not reflected nationwide, unfortunately. Sadly, over 800,000 Americans gave up looking for work in April alone. This should not be the new normal.

The House has passed over 40 jobs-related bills that will promote private sector growth. The Brand USA reauthorization is another jobs bill that will get America working again. I urge support to grow our economy.

#### EXTEND UNEMPLOYMENT INSURANCE

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, I rise to speak out against the refusal to extend a critical lifeline for the unemployed. On December 28, the Republicans’ failure to extend Emergency Unemployment Compensation left 1.3 million jobless Americans out in the cold. Since then, more than 332,000 Californians have lost their benefits, including over 8,000 people in Alameda County, where my district is located.

And I would like to remind my colleagues across the aisle that the long-term unemployment rate is still at 35.3 percent, the highest it has been since World War II.

This Tea Party-controlled Congress has decided to turn their backs on these unemployed workers when their need is greatest. These workers paid into unemployment so that, in their time of need, it would be there.

This failure to act has already cost our economy nearly \$5 billion. This

failure to act is mean-spirited, it is economically foolish, and it is morally wrong. Republicans won’t support investments in job creation, infrastructure, or workforce training. They gut the safety net in the Ryan budget and won’t extend unemployment benefits. My goodness, what in the world are people going to do? This is not the American way.

I urge us to take up this unemployment compensation bill; and let’s pass it, and pass it right away.

#### HONORING ILLINOIS’ WINNERS OF THE EARLY CAREER RESEARCH PROGRAM FUNDING

(Mr. HULTGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HULTGREN. Mr. Speaker, I rise today to honor the recipients of the Early Career Research Program grants. Only the best and brightest in the country are chosen, and I am pleased to say that five out of the 35 winners are from Illinois. Two of the winners were Fermi scientists from the 14th District of Illinois, and another is a joint appointee with the lab and Northwestern University.

Under this program, scientists will receive at least \$150,000 per year to aid them with their research efforts in the next 5 years. I am confident that the continued work of all of the talented winners will lead to breakthroughs we cannot even predict.

Innovative minds like those at Fermilab are essential for the continuing success of our country. We should continue supporting their essential work and help show the next generation that there is a future for them in science.

#### EXTEND EMERGENCY UNEMPLOYMENT INSURANCE TODAY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, it has now been more than 4 months since Congress let emergency unemployment insurance expire. In that time, more than 2.8 million job seekers, including 200,000 veterans, have lost the ability to provide for their families. Another 72,000 Americans are losing critical unemployment benefits every week.

Let’s be clear: these are people actively looking for work who lost their jobs through no fault of their own. Both are requirements for receiving unemployment insurance. But by failing to extend emergency insurance, we are creating a new disaster on top of the hardships already facing millions of American families, and we are damaging our economy.

During just the first week that emergency unemployment insurance expired, our economy took a \$400 million

hit. Failure to extend that insurance could cost us 240,000 jobs this year due to lost buying power, exacerbating the difficulty for current job seekers and adding more to their ranks.

Mr. Speaker, this is not smart policy. It is coldhearted and shortsighted, and I urge my colleagues to join me in demanding a vote to extend emergency unemployment insurance today.

#### PRESIDENT OBAMA APPROVES "PRISON BREAK"

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, President Obama's lax immigration policies continue to put the lives of Americans at risk. Last year, administration officials released into our neighborhoods more than 36,000 criminal immigrants who had nearly 88,000 convictions. The crimes included hundreds of convictions for murder, rape, and kidnapping, and thousands of drug-related crimes. This would be considered the worst prison break in American history, except it was approved by the President and enabled by immigration officials.

The release of criminal and illegal immigrants into our communities already has killed or injured thousands of innocent Americans. The responsibility for this can only be laid at the doorstep of the White House.

If the President cannot be trusted to enforce current immigration laws, how can he be trusted to enforce future immigration laws?

#### OCEAN ACIDIFICATION

(Mr. KILMER asked and was given permission to address the House for 1 minute.)

Mr. KILMER. Mr. Speaker, I rise to discuss the threat of ocean acidification to my region and others. I live in the most glorious part of this world. As a dad, it is a joy to share the Pacific Northwest natural resources with my two little girls.

But those natural resources don't just contribute to our recreational experiences; they contribute to our economy, too. In Washington State alone, the shellfish industry contributes more than \$250 million to our economy and supports more than 3,200 jobs. Our coast depends on a strong fishing industry.

All of that is threatened by ocean acidification. Last week, in Tacoma, I listened to businesses, fishermen, and researchers detail how we are beginning to see the effects of our changing ocean chemistry. It has impacted shellfish—we know that—but we have not yet begun to comprehend how ocean acidification disrupts our larger marine ecosystem.

That is why this week I am introducing the Ocean Acidification Innovation Act, which would encourage Federal agencies to better leverage existing Federal dollars by creating incentives for the private sector and researchers to strengthen our ability to research, monitor, and mitigate the impacts of ocean acidification.

Mr. Speaker, we need to act now. Our economy depends on it.

#### MEMORIAL DAY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, Memorial Day is the day we set apart to honor those who have given the "last full measure of devotion" in service to our Nation. It is fitting that we quote Lincoln's Gettysburg Address to mark this day, because though Memorial Day was not federally recognized until 1967, its origins trace back to the Civil War, when observances of what was then called Decoration Day sprang up throughout the country.

This Nation has been blessed by periods when war is not a recent memory; and in those times, the significance of Memorial Day can get lost in the pleasures of early summer, travel, and family barbecues. But we should always set aside time to remember the sacrifices made to safeguard our Nation.

We are now well into our second decade of having troops continually in active theaters of combat, and many have experienced the loss of a loved one. Remember them in your thoughts and prayers, especially on Memorial Day.

#### THE VA HEALTH CARE SYSTEM

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, when our men and women in uniform take an oath to support and defend the Constitution, they enter into a contract with our government; and if they survive and return, they are veterans. Part of that contract entitles these veterans to quality health care through the Department of Veterans Affairs.

Recently, it seems as though we are failing to uphold our part of this agreement. More than 8 million veterans seek medical care through the VA each year. Yet each year, we hear the same complaints of long wait times, canceled appointments, and concerns about the quality of care being administered.

One of the largest VA facilities in District 30 of Texas, which is my district, has major problems that are not new and have been reported time and time again, year after year, with little change. This is simply unacceptable.

We owe it to our veterans to provide timely and quality health care. Anything less should be met with great criticism and responded to with much-needed reform.

Mr. Speaker, our Nation will be judged by how we treat our veterans. Our veterans put their lives at risk every day while deployed. Their lives should not be at risk while seeking medical care here at home.

#### CONGRATULATING JESSE ZHANG

(Mr. DAINES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAINES. Mr. Speaker, I rise today to recognize and congratulate Jesse Zhang, an eighth grader from Missoula, Montana, on winning the Montana State Geography Bee last month. This week, Jesse was one of 54 students from across the Nation to travel to Washington, D.C., to participate in the National Geographic Bee.

Jesse is a true example of the Montana work ethic. He studies geography for several hours each week and has a passion and commitment for learning that will continue to take him far in life.

Jesse, congratulations on this incredible achievement, and best of luck as you continue to pursue your goals. We appreciate your hard work. You make Montana proud.

□ 1230

#### THROUGH NO FAULT OF THEIR OWN

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, I have stood here at this podium many times speaking on the extension of unemployment insurance benefits for what is now about 2.8 million people, and the need for immigration reform, about 11 million undocumented workers, yet you have not acted. Both have very strong bipartisan support, yet you have not acted.

How about looking at this in a way that makes our country proud? That is to look at the concept of "through no fault of their own." We are a great country, and we are a compassionate nation. We understand "through no fault of their own."

Remember, Mr. Speaker, to qualify for unemployment benefits, you must be unemployed through no fault of your own. The DREAMers, those who were brought here to this country through no fault of their own, let's act for them, especially those with no benefits and no status through no fault of their own.

### DEEPENING THE PORT OF SAVANNAH

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, today, when the House passes the Water Resources Reform and Development Act, included in it will be the largest infrastructure project in the history of Georgia. Deepening the Savannah River from 42 to 47 feet will open up our port to lots of different countries and lots of different kinds of vessels from all over the world. 352,000 jobs are related to the Port of Savannah. The cost-benefit ratio is a dollar spent, five-and-a-half dollar return.

It has been studied by four different Federal agencies and signed off by four Federal agencies. In fact, there were 64 individual studies on environmental impact, historic impact, traffic impact, and nearly just about everything else under the sun.

It is a project that Georgia companies will greatly benefit from, as will all the Southeast, because 62 percent of what the port does is export goods and services. So it opens up the door to all kinds of new markets.

I have to thank the Transportation and Infrastructure Committee on a bipartisan basis for all that they have done and thank Mr. SHUSTER for coming to Savannah three different times to look at this project personally.

We are very excited about this. Let's pass this bill today. Let's get the Senate to pass it. Let's get the House and the Senate moving, and let's get Georgians and the whole Southeast back to work.

### PUNISHMENT FOR SEX TRAFFICKERS

(Ms. TITUS asked and was given permission to address the House for 1 minute.)

Ms. TITUS. Mr. Speaker, sex trafficking is a growing problem. According to the Polaris Project, some 27 million people worldwide are victims of sex trafficking, of which 1 million are children. Just last year in Nevada, 107 children were recovered after being victimized by traffickers. And we don't even know how many others wait for our help.

That is why I am pleased to vote today on several bills intended to strengthen the punishments for perpetrators, increase protections for potential victims, and ensure that victims are given the support they need to recover and rebuild their lives.

I am also encouraged that we are coming together to condemn the horrendous kidnapping of the girls in Nigeria, whose only crime was to seek an education.

Sex trafficking is horrific. It must be stopped. It denies the fundamental

rights and dignity of its victims. Today, we can take a step in that direction. We can take action to speak for those who have no voice. So I encourage my colleagues to join me with a resounding "aye" on this package of bills.

### THE DEPARTMENT OF VETERANS AFFAIRS MANAGEMENT ACCOUNTABILITY ACT

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, next week, our Nation will celebrate Memorial Day to remember those who have made the ultimate sacrifice in service to our Nation. May is also National Military Appreciation Month. We are grateful to those in our military for their service, and we strive to make sure they receive the benefits and the services they were promised and that they have earned.

Unfortunately, the quality of services for veterans does not always match our gratitude. Veterans often face long wait times in scheduling appointments, and a record backlog of cases continues to go unaddressed. Serious allegations of mismanagement are raising many questions.

This is why I am a cosponsor of H.R. 4031, the Department of Veterans Affairs Management Accountability Act, which will be considered tomorrow by the House. This legislation would allow the Secretary of the VA more personnel flexibility, resulting in more accountability.

This Memorial Day and Military Appreciation Month, it is an honor to serve the men and women in uniform who have given us so much.

### HARBOR MAINTENANCE

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, after a lot of hard work and collaborative effort, I am pleased that the Water Resources Reform and Development Act conference committee, which I was honored to serve on, was finally able to come to a fair, bipartisan agreement on the new water bill that will create jobs and keep our ports globally competitive.

As a representative of the Nation's busiest port complex in Los Angeles and Long Beach, and cofounder of our PORTS Caucus here in Congress, I have fought hard from my first day in Congress to increase funding for our Nation's ports by fully utilizing our Harbor Maintenance Trust Fund to ensure that money that is collected at our ports goes back to our ports.

They don't call me Ms. Harbor Maintenance Tax for nothing around here.

It has been a long journey, but I am thrilled that after countless hearings and meetings with my colleagues on both sides of the aisle and with the leadership from Chairman SHUSTER and Ranking Member RAHALL that our proposals to fully utilize our Harbor Maintenance Trust Fund and to allow ports to use these funds for expanded uses is included in this final water bill.

When we pass this bipartisan measure, it is a victory not just for the ports of Long Beach and Los Angeles, but for all our ports—our ports in Savannah and all those in this Nation. When our ports are strong, Mr. Speaker, our Nation is strong.

### SCANDAL AT THE DEPARTMENT OF VETERANS AFFAIRS

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise today to join the chorus drawing attention to the appalling situation with the Department of Veterans Affairs. We have learned of the death of 40 veterans due to drawn-out wait times for medical care at facilities in Arizona. Even more disturbing is the coverup to not allow scrutiny and awareness of these tragedies. This may just be the tip of the iceberg.

These men and women offered their lives defending the freedoms of our Nation, and yet our Nation can't afford them the decency of prompt medical care.

Even with these sad and tragic cases, there are still hundreds of thousands of veterans who are waiting in line for services, medical care, and compensation for disabilities they received while serving our great Nation.

It is time for Congress to take swift action to demand better results and greater accountability. It is time that Congress reform the veterans health care system to allow greater flexibility and more options so that veterans are not stuck waiting for care.

Mr. Speaker, these men and women have earned benefits through their service to our Nation. We must keep our promises, and we must honor these American heroes.

### HOUSE REPUBLICANS' PLAN TO RESTORE AMERICAN PROSPERITY

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, Americans are concerned. They are concerned about their jobs. They are concerned about their health and the economy. Last week, 37 percent of Americans ranked these as the most important issues facing our country.

House Republicans have a plan to replace ObamaCare, to create jobs, to

grow the economy, and to help hard-working Americans take home more of their paychecks.

While there are some difficult decisions ahead of us, there are some simple decisions that we can agree upon right now. Americans need the repeal and replacement of ObamaCare so they really can keep their doctor and their hospital. Americans need a simplified Tax Code, one that is fair to everyone. And Americans need the government to remove unnecessary red tape that is preventing economic growth.

We have a plan that can turn their concern into an America that works, an America they need.

#### RECOGNIZING M.A.R. POR CUBA'S 20TH ANNIVERSARY CELEBRATION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to recognize a pro-democracy civil society organization called M.A.R. Por Cuba, Mothers and Women Against Repression—M.A.R.

For 20 years, this Miami-based group of women has been advocating for freedom in Cuba, and it continues to be a voice for those being repressed under the brutal Castro regime.

The mission of M.A.R. Por Cuba is to help and advance causes like justice, liberty, and fundamental freedoms for the people of Cuba. This civic organization has been vital in educating the public about the reality of the atrocities committed on the island and has given a voice to those who put their lives on the line for a free Cuba.

I thank the organization's president, Sylvia Iriondo, for her endless commitment and dedication to the causes of liberty and free elections in Cuba. I commend the important work of the women of M.A.R. Por Cuba, who remind us that we must not ignore the brutal repression that takes place only 90 miles from our shores.

#### RESIGNATIONS AS MEMBER OF COMMITTEE ON THE BUDGET AND COMMITTEE ON FOREIGN AFFAIRS

The SPEAKER pro tempore laid before the House the following resignations as a member of the Committee on the Budget and the Committee on Foreign Affairs:

HOUSE OF REPRESENTATIVES,  
Washington, DC, May 20, 2014.

Hon. JOHN BOEHNER,  
Speaker, House of Representatives,  
Washington DC.

MR. SPEAKER: I am writing to resign my membership on the House Committees on the Budget and Foreign Affairs as a result of my appointment to the Financial Services Committee.

I am honored to be chosen to serve on the Committee on Financial Services. I regret,

however, that my membership on this Committee precludes me from serving on the Budget and Foreign Affairs Committees at this time. I have enjoyed serving on these committees and look forward to maintaining an active role on the issues under their jurisdiction.

Thank you for your attention to this matter.

Sincerely,

LUKE MESSER,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

#### ELECTING A MEMBER TO A STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Ms. FOXX. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 589

*Resolved*, That following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON FINANCIAL SERVICES: Mr. Messer.

Ms. FOXX (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### WATER RESOURCES REFORM AND DEVELOPMENT ACT OF 2014

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and agree to the conference report to the bill (H.R. 3080) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

The Clerk read the title of the conference report.

(For conference report and statement, see proceedings of the House of May 15, 2014, at page 7930.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the conference report to accompany H.R. 3080.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are on the floor passing the Water Resources Reform and Development Act's conference report. I am very proud it is a bipartisan bill. We have worked this out through the Senate, and I think what we have here is a jobs bill, a good jobs bill that is going to create not just construction jobs, but it is going to keep America competitive by investing in and upgrading our water infrastructure to keep us competitive in the world so that our companies and industries can go out into the world economies, gain market share, and then hire people on the factory floor in America. That is what this bill is all about.

I am proud that it is the most reform-driven water bill in the last 20 years—significant reforms. The name reflects that landmark legislation, Water Resources Reform and Development Act.

We should be proud that this is the most fiscally responsible WRRDA in history. We have deauthorized as much as we authorized in this bill, and there are no earmarks in this bill, Mr. Speaker.

Finally, it does not cede any of Congress' constitutional authority to the executive branch, which is one of the top priorities that I had in this bill, to make sure that Congress keeps its role front and center as we make sure that we are making those investments and upgrading the locks, the dams, the ports, the harbors, and the flood protection all across this country.

I would like to thank the original co-sponsors of the bill, Ranking Member RAHALL for his efforts, Water Subcommittee Chairman GIBBS from Ohio, and the Water Subcommittee ranking member, Mr. BISHOP of New York. Thank you all for your hard work.

I would also like to thank my Senate counterparts, the chair of the conference for the Senate Environment and Public Works Committee, Senator BOXER, and Ranking Member DAVID VITTER.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. SHUSTER. Mr. Speaker, I submit a list of supporters for H.R. 3080: the Water Resources Reform and Development Act.

America's Cement Manufacturers, American Gas Association, American Association of Port Authorities, American Council of Engineering Companies, American Concrete Pavement Association, American Concrete Pipe Association, American Concrete Pumping Association, American Concrete Pressure Pipe Association, American Farm Bureau Federation, American Iron and Steel Institute, American Public Power Association,

American Public Works Association, American Road and Transportation Builders Association, American Society of Civil Engineers, American Soybean Association, American Waterways Operators, Arkansas Waterways Commission, Associated Equipment Distributors, Associated General Contractors of America, Association of California Water Agencies, Association of Equipment Manufacturers, Association of State Dam Safety Officials, Big River Coalition, California State Assembly, CH2M HILL, City and Port of Los Angeles, City of Sacramento, Edison Electric Institute, Everglades Foundation, Everglades Trust, Friends of the North Natomas Library, Great Lakes Maritime Task Force, Harbor Maintenance Trust Fund Fairness Coalition, Heritage Park Owners Association, Hilton Fort Lauderdale Beach Resort, International Union of Operating Engineers, International Union of Painters and Allied Trades, Lake Carriers Association, LiUNA, National Asphalt Pavement Association, National Association of Clean Water Agencies, National Association of Flood & Stormwater Management Agencies, National Association of Home Builders, National Association of Manufacturers, National Committee on Levee Safety, National Governor's Association, National League of Cities, National Precast Concrete Association, National Ready Mixed Concrete Association, National Rural Electric Cooperative Association, National Rural Water Association, National Stone, Sand & Gravel Association, National Utilities Contractor Association, National Waterways Conference, Natomas Chamber of Commerce, Natomas Charter School, Natomas Community Association, Natomas Unified School District, Nature Conservancy, North Natomas Little League, Sabine Neches Navigation District, Sacramento Area Flood Control Agency, Santa Clara Valley Water District, Sutter Butte Flood Control Agency, Texas Department of Transportation, Tennessee River Valley Association, Transportation Construction Coalition, Transportation Trades Department, AFL-CIO, Portland Cement Association, United Association of Plumbers and Pipefitters, United States Society on Dams, U.S. Chamber of Commerce, Valley View Acres Community Association, Vinyl Institute, Water Infrastructure Network, Water Resource Coalition, Waterways Council, Inc., Westlake Master Association, Witter Ranch Community Alliance.

Mr. Speaker, I rise in support of the conference report. This legislation is a reminder, and unfortunately a stark reminder, that when given a chance to work together in a bipartisan fashion, we can produce results for the American people.

I salute the chairman of our T&I Committee, Mr. SHUSTER from Pennsylvania, for his tireless efforts in this regard, and as well our subcommittee chairman, Mr. GIBBS, and our ranking member on the full committee, Mr. TIM BISHOP.

One of the first acts of our Federal Government was to improve navigation. On August 7, 1789, the first Congress federalized the lighthouses built by the Colonies and appropriated funds for their operation and maintenance.

□ 1275

Today, in the 113th Congress, we keep faith with that fundamental premise of

government by advancing legislation that authorizes the U.S. Army Corps of Engineers to improve navigation on our inland waterways and our ports. This is an effort which has languished these past 7 years, and the results of that inactivity are evident.

In 1989, a book by the author John McPhee described the corps as follows:

In addition to all the things the corps actually does and does not do, there are infinite actions it is imagined not to do and infinite actions it is imaginable to be capable of doing because the corps has conceded the almighty role of God.

Indeed, the history of the Corps of Engineers is one of constructing incredible feats of engineering to assist navigation and to combat the ravages of flooding; yet, in recent times, we have fallen into deficit when it comes to this infrastructure.

Aging locks and dams hinder the efficient movement of waterborne commerce, and many of our coastal ports are ill-prepared to take advantage of the expansion of the Panama Canal because their harbors need to be dredged and, in some cases, deepened.

The pending legislation will revitalize our inland waterway system, so that bulk commodities such as coal can be transported more efficiently, and it provides a path forward to spending down the funds currently being held hostage in the Harbor Maintenance Trust Fund.

Further, it wrests back control to the Congress, to elected officials, decision-making authority over future corps endeavors, rather than ceding this responsibility to the administration, as is currently the case.

One aspect of this legislation, which I am especially pleased to see, is the application of the Buy American provisions for steel and iron that exist in the Federal Surface Transportation Program to projects constructed by the Corps of Engineers.

That provision further defines this legislation, as my good chairman has said, as being about jobs—jobs to construct flood control projects, jobs to expand our harbors, jobs to make improvements to our waterways, and American jobs in the production of iron and steel, which goes into these works.

I, again, commend our full committee chairman, Mr. SHUSTER, for the manner in which he has conducted himself and all members of our committee, both sides of the aisle, as well as our staffs for the transparency and openness and cooperation that has brought this legislation to where it is today.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. GIBBS), the subcommittee chairman on Waters Resources.

Mr. GIBBS. Mr. Speaker, now is the time for Congress to reengage in the development of the Nation's water re-

sources and play a bigger role in prioritizing projects and activities carried out by the Army Corps of Engineers.

Congress cannot continue to abdicate its constitutional responsibility in determining what projects should go forward and will reassert itself in the face of an administration that creates one-size-fits-all policy with little or no transparency.

The conference report of H.R. 3080, the Water Resources Reform and Development Act of 2014, is one of the most policy and reform-focused pieces of legislation related to the U.S. Army Corps of Engineers.

This is a bipartisan conference report that was developed by working across the aisle to achieve a common goal of investing in America's future.

This conference report contains no earmarks, cuts Federal red tape, streamlines the project delivery process, and strengthens our water transportation networks to promote competitiveness, prosperity, and economic growth in jobs now and well into the future.

This conference report is fiscally responsible by more than fully offsetting new project authorizations with deauthorizations of old, inactive projects. This conference report establishes a path forward for enacting a WRRDA bill every 2 years without conceding any congressional authority to the executive branch.

Just because a study is costly, complex, and long does not necessarily mean it will produce a better project. In fact, a large costly project with so many add-ons that it never gets funded is a benefit to no one.

In what used to take the corps 3 to 5 years to study, it has now become the norm for the corps to take 10, 12, or even 15 years to complete a study; and it is no wonder it is taking so much time, since the corps has to review in detail many different alternatives. Too often, we allow Federal agencies, including the Corps of Engineers, to literally study projects to death.

This conference report accelerates the Corps of Engineers study delivery process by limiting studies to 3 years and \$3 million.

In addition, we accelerate the study delivery process by requiring concurrent reviews by the district, division, and headquarters level personnel. Ultimately, the Federal taxpayer is on the hook for these studies for the length of time it takes to carry them out.

The corps reviews far too many alternatives and then sends to Congress a project request that far exceeds in scope and cost what was initially intended.

Too often, non-Federal interests and their contributions are forced to sit on the sidelines while our international competitors race past us. This conference report empowers non-Federal

interests and ensures projects will be completed faster and cheaper with local support.

Too often, resources from the Harbor Maintenance Trust Fund are diverted to activities unrelated to keeping U.S. ports competitive in a global marketplace. This conference report creates the incentive to spend the funds for their intended purpose.

One of the most important elements of this legislation is that it ensures the legislative branch engages in the Water Resources Development Act process at least once every Congress.

By working together, the conference committee has accomplished what many have said could not be done, produce an authorization bill for the Army Corps of Engineers without earmarks.

In order to get these needed reforms in place and to establish the new process for future authorizations, I urge all Members to support the conference report.

Mr. RAHALL. Mr. Speaker, I am happy to yield 2½ minutes to the gentleman from New York (Mr. BISHOP), our distinguished ranking member. Again, I thank him for his tremendous vision and superb knowledge which has brought this conference report to the floor today.

Mr. BISHOP of New York. Mr. Speaker, I thank my ranking member for his very kind words, and I rise today in strong support of the conference report for H.R. 3080, the Water Resources Reform and Development Act of 2014.

Today is a monumental occasion for our Nation's economy, for the creation of good-paying jobs, and for the health of our natural environment.

Thanks to the leadership of Chairman SHUSTER and Ranking Member RAHALL, we present this Chamber with a thoughtful, reasonable bill that renews this Congress' commitment to our Nation's water-related infrastructure.

In that light, I would like to personally thank our chairman, our ranking member, and the chairman of the Subcommittee on Water Resources, Mr. GIBBS, for the open and inclusive process with which our committee conducted negotiations with the other body on WRRDA and for their leadership in returning our committee to its long-standing traditions of bipartisanship and collaboration.

Today is also a monumental day because, while this bill is about many things, most importantly, it is about job creation, not only those good construction jobs that will come with the authorization of 34 Chief's Reports contained in the bill, but also the jobs that rely on a robust network of large and small ports and inland waterways to move goods throughout the United States.

I am especially pleased that this conference report provides a reasonable

path forward to the challenges facing the Harbor Maintenance Trust Fund. This legislation provides that, within 10 years, 100 percent of the fund proceeds are used for their intended purposes—harbor maintenance—while ensuring that any increase in harbor maintenance does not come at the expense of other critical corps programs.

I am also thankful that this conference report recognizes the critical importance of our Nation's small ports to our regional and local economies in establishing future funding priorities.

Finally, Mr. Speaker, today is a monumental day because, at long last, this WRRDA restores the Federal commitment to our other remaining water infrastructure challenges—our failing sewage and drinking water infrastructure.

This conference report includes legislation that has eluded this Congress for almost three decades, the reauthorization of the Clean Water State Revolving Fund. For decades, this critical and widely popular program has been the leading source of Federal funding to States and communities to address their ongoing water quality challenges.

I am pleased that much of this language is modeled after legislation that I have introduced over the last few Congresses, and I thank the chairman and the ranking member for their willingness to include this language in the conference report.

I am pleased at the process we have made together on improving water infrastructure in the United States. Again, I want to thank the leadership of our chairman and our ranking member for getting us to this point today, and I also want to thank the staff on both the majority and minority side who worked tirelessly and cooperatively to bring us to this point.

I urge support of the conference report.

Mr. Speaker, I rise today in strong support of the conference report for H.R. 3080, the Water Resources Reform and Development Act of 2014.

Today is a monumental occasion for our nation's economy, for the creation of good-paying jobs, and for the health of our natural environment.

Thanks to the leadership of Chairman SHUSTER and Ranking Member RAHALL, we present this Chamber with a thoughtful, reasonable, and optimistic bill that renews this Congress' commitment to our Nation's water-related infrastructure.

In that light, I would like to personally thank our Chairman, our Ranking Member, and the Chairman of the Subcommittee on Water Resources, Mr. GIBBS, for the open and inclusive process with which our Committee conducted negotiations with the other body on WRRDA, and for their leadership in returning our Committee to its long-standing traditions of bipartisanship and collaboration—as exemplified in the Chairmanships of the gentleman from Pennsylvania's father, the former Chairman Shuster, as well as the late-Chairman of this Committee, Chairman Oberstar.

These former Committee leaders knew that a successful outcome can only come from the valuable input from Members on both sides of the aisle, from constructive negotiation, and from mutual respect. That is what we have seen return to this Committee under our current Chairman, and if the final vote tally for this Conference report is as I expect, then this bill ought to serve as a model for how this Congress conducts the American people's business.

Today is also a monumental day, because while this bill is about many things, most importantly, it is about job creation—not only those good construction jobs that will come with the authorization of 34 Chiefs Reports contained in the bill, but also the jobs that rely on a robust network of large and small ports and inland waterways to move goods throughout the United States.

I am especially pleased that this Conference report provides a reasonable path forward to the challenges facing the Harbor Maintenance Trust Fund.

This legislation provides that, within 10 years, 100 percent of the fund proceeds are used for their intended purposes—harbor maintenance—while ensuring that any increase in harbor maintenance does not come at the expense of other critical Corps' programs. I am also thankful that this conference report recognizes the critical importance of our Nation's small ports to our regional and local economies in establishing future funding priorities.

Unfortunately, we could not solve all of the financial challenges facing the Harbor Maintenance Trust Fund, or the Inland Waterways Trust Fund. That will have to come from continued Congressional attention and future legislative efforts. However, today is a good first step in addressing the most pressing challenges facing each of these funds, and should be supported.

Mr. Speaker, today is also a monumental day because this new WRRDA creates a reasonable and workable process, developed by this chamber, to address the ongoing navigation, flood damage reduction, and environmental restoration challenges facing each of our Congressional districts. For the past few years, this Congress has, unfortunately, ceded our constitutional and representative duties to the Executive branch in deciding what is in the best interests of our Congressional districts. This Conference report rightly restores our Congressional discretion in establishing these priorities, as well as the balance between the Congress and the Executive branch in meeting the local challenges of our districts.

Finally, Mr. Speaker, today is a monumental day because, at long last, this WRRDA restores the Federal commitment to our other remaining water infrastructure challenges—our failing sewage and drinking water infrastructure.

First, this Conference Report includes legislation that has eluded this Congress for almost three decades—the reauthorization of the Clean Water State Revolving Fund. For decades, this critical, and widely-popular program has been the leading source of Federal funding to States and communities to address their ongoing water quality challenges. Today, we



recommit to this program, and provide additional tools to our States and to our communities to address local water quality challenges in a flexible, cost-effective, and environmentally sustainable manner. I am pleased that much of this language is modeled after legislation (H.R. 1877) that I have introduced over the last few Congresses, and thank the Chairman and Ranking Member for their willingness to include this language in the Conference Report.

Finally, this Conference report adopts a modified version of the Water Infrastructure Finance and Innovation Act (or WIFIA) that was approved by the other body. Many of the modifications made to this authority were to address a concern that I had raised about the potential impact of this new authority on the existing Clean Water SRF program. I am confident that these modifications send a clear message of Congressional support for both the existing SRF program, as well as for testing this new WIFIA pilot program, and commit that our Committee will need to revisit this issue in the near future.

Mr. Speaker, I am pleased at the progress we have made together on improving water infrastructure in the United States. Again, I thank the leadership of our Chairman and our Ranking Member for getting us to this point today.

I urge my colleagues to support the Conference Report to H.R. 3080.

Mr. SHUSTER. I yield 1 minute to the gentleman from New York (Mr. HANNA), a member of the committee, a true expert on infrastructure, and a conferee.

Mr. Speaker, I submit the following exchange of letters with the Committee on Rules:

COMMITTEE ON RULES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 15, 2014.

Hon. BILL SHUSTER,  
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: I am writing regarding section 7004 of the conference report to accompany H.R. 3080, the Water Resources Development Act of 2013. The provisions contained in section 7004 were in neither the House bill nor the Senate amendment. As you know, the provisions in that section constitute rules of the House of Representatives and Senate, respectively, and as such, fall within the jurisdiction of the Committee on Rules.

Because of your willingness to actively consult with my committee regarding this matter, I do not object to the inclusion of these provisions in the conference report. By agreeing to the inclusion of the section, the Rules Committee does not waive its jurisdiction over those provisions now or in the future. In addition, the Committee on Rules expects that it would receive a referral on any measure or matter addressing these provisions in the future.

I request that you include this letter and your response in the Congressional Record during consideration of the conference report on the House floor.

Thank you for your attention to these matters.

Sincerely,

PETE SESSIONS.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, May 15, 2014.

Hon. PETE SESSIONS,  
Chairman, Committee on Rules, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding section 7004 of the conference report to accompany H.R. 3080, the Water Resources Reform and Development Act of 2014. I appreciate your cooperation regarding this legislation.

I acknowledge that by agreeing to the inclusion of this section, the Committee on Rules does not waive its jurisdiction over this provision now or in the future.

I will include our letters on H.R. 3080 in the Congressional Record during consideration of the conference report on the House floor.

Sincerely,

BILL SHUSTER,  
Chairman.

Mr. HANNA. Mr. Speaker, I rise in support of the Water Resources Reform and Development Act conference report.

This fiscally responsible bill will create jobs by updating and reauthorizing water infrastructure projects across our Nation. It will make the American economy more globally competitive.

This bill is particularly good for the Great Lakes region, which I represent. For the first time, the Army Corps of Engineers will recognize and manage all Great Lakes ports, including the port of Oswego, as a single, comprehensive system.

This bill takes a long overdue step to ensure that the revenues in the Harbor Maintenance Trust Fund are eventually fully spent on their intended purpose, upgrading our harbors.

By approving this conference report, we can facilitate trade, keep products moving across America, and create jobs in our communities.

I thank Chairman SHUSTER, Ranking Member RAHALL, and Mr. GIBBS for their hard work on this bill.

Mr. RAHALL. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Oregon (Mr. DEFazio), the ranking member of the House Natural Resources Committee.

Mr. DEFazio. Mr. Speaker, I thank the gentleman for yielding.

Well, we are off to a good start. We are finally recognizing that the Federal Government has a critical interest in our harbors, our ports, our inland waterways, and we are actually going to begin to spend taxes collected to maintain those things on those things. That is tough in Washington, to tell the truth.

There is a great set-aside for small ports, who were zeroed out because of the Corps of Engineers' lack of funding. It doesn't deal meaningfully, unfortunately, with the Corps of Engineers' \$60 billion backlog of critical projects, including dams and spillways.

It didn't increase the tax or user fee on inland waterway users, even though they wanted it—they were begging for

it—and even though Grover Norquist gave it a green light because of intransigence on the Republican side. No new fees, no new taxes for anything, we are just going to start to spend existing tax collections on what they were originally intended for. That is good. That is progress around here.

What is going to happen in 2 months or a month and a half when the highway trust fund goes broke? It needs additional funds, and we are going to have to, at that point, suck it up and vote for a way to pay for our Nation's infrastructure, so we can continue to be a great Nation.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. BARLETTA), another member of the Transportation and Infrastructure Committee.

Mr. BARLETTA. Mr. Speaker, I rise in support of WRRDA and thank Chairman SHUSTER and subcommittee Chairman GIBBS for their leadership.

Critically for my district, WRRDA helps with flood risk management. It increases the roles of the private sector and local communities, and it creates opportunities for public-private partnerships.

WRRDA accommodates the expansion of the Panama Canal so markets far from the coastline, such as Carlisle, Pennsylvania, or Hazleton, can develop the economic engines of inland ports to support increased freight.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Florida (Ms. BROWN), a very valued member of our conference committee, and thank her for her help.

Ms. BROWN of Florida. Mr. Speaker, the Water Resources Reform and Development Act conference report is a perfect example of how government is supposed to work. I want to thank Senators BOXER and VITTER and Congressmen SHUSTER, GIBBS, and particularly RAHALL and BISHOP for their commitment to produce a comprehensive and bipartisan bill supported by all of the stakeholders.

I also want to thank President Obama for his leadership improving and expediting the process for completing projects at the Corps of Engineers and encouraging Congress to complete the WRRDA conference. I hope this bipartisanship continues as we reauthorize surface transportation programs.

This legislation includes a lot of positive provisions that are going to help improve, expand, and accelerate Corps of Engineers projects.

These projects will improve the safety of the American public, generate billions of dollars in economic activity, create hundreds of thousands of good-paying jobs, and benefit the Nation's economy as a whole.

We have a group of transportation stakeholders from Florida in the audience today, along with the Jacksonville mayor, Alvin Brown; chamber



president, Daniel Davis; port director, Brian Taylor; and Congressman ANDER CRENSHAW.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. RAHALL. I yield 15 seconds to the gentlewoman.

Ms. BROWN of Florida. They, along with other leaders, worked as a team to make sure that Florida was not left behind.

In closing, I encourage all of my colleagues to vote for this bill. It is an example of one team, one fight, and what we can do when we work together.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume, and I want to make a point of clarification regarding section 1036 of the conference report.

Section 1036 states that, when the locally preferred plan is chosen, the cost to the Federal Government shall be no more than the Federal share of the national economic development plan.

I want to clarify the intent of this provision. When the Corps of Engineers carries out a locally preferred plan, the non-Federal sponsor is responsible for all costs above the cost of the national economic development plan.

I yield 30 seconds to the gentleman from Oklahoma (Mr. MULLIN), another member of the committee and another expert on infrastructure and a conferee.

□ 1300

Mr. MULLIN. Mr. Speaker, for Oklahoma our water navigational system is an essential part of our economy, allowing our local farmers and manufacturers to ship goods all over the world.

This legislation with zero earmarks takes a historical step in supporting our Nation's waterway systems while making critical policy reforms. This bill does exactly what I came to Congress to do. It cuts red tape, reduces burdensome bureaucracy, increases transparency, and, most importantly, strengthens our economy.

Chairman SHUSTER and Ranking Member RAHALL have done an incredible job in helping shape this bipartisan legislation. I want to thank them and the rest of my colleagues on the Transportation and Infrastructure Committee for their hard work.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), a very important member of our conference committee.

Ms. EDDIE BERNICE JOHNSON. Mr. Speaker, let me thank the chairman and ranking member for bringing forth this report.

Mr. SHUSTER, Mr. RAHALL, the subcommittee chair, and the subcommittee ranking member, this really is a very special time. Since last year, conferees and staff have diligently been working to resolve the differences between the House and Senate measures.

It has been 6 years since Congress last passed a water resources bill, and the state of our water infrastructure has continued to decline. I am pleased, however, with this final product, as it provides for maintenance of our ports and waterways as well as critical flood control projects around the country. The bill provides new ways to maintain and protect our water infrastructure, ultimately creating jobs and shoring up our economy.

We have also addressed many important policy reforms in this bill, including reforming the Harbor Maintenance Trust Fund, encouraging the creation of jobs through targeted water resources infrastructure, and it goes on.

I am confident that the Senate will comply and pass it. Mr. Speaker, in closing, I urge my colleagues to join me in voting for it.

Mr. SHUSTER. Mr. Speaker, I yield 40 seconds to the gentleman from Georgia (Mr. GINGREY) for a colloquy.

Mr. GINGREY of Georgia. Mr. Chairman, the purpose of this colloquy is to clarify the intent of section 1051 of the conference report, Interstate Water Agreements and Compacts.

First, can you please confirm that this section does not alter any existing rights or obligations under current law?

My understanding is that this section acknowledges the difficulty that interstate water disputes present. Unfortunately, we have a longstanding dispute in our region that is centered on the operation of two Federal reservoirs located in Georgia—Allatoona Lake and Lake Lanier. Alabama and Florida have claimed for years that the Army was not authorized to provide water to Georgia from those two reservoirs. Having won the court case, Georgia has asked the Army to make some decisions decades overdue.

I want to make it clear that the congressional intent of section 1051 will not be interpreted as sending a message to the Army or to any reviewing court about how they should respond to a request from the State of Georgia.

Mr. SHUSTER. Mr. Speaker, I would like to engage in a colloquy, but first I yield 30 seconds to the gentleman from Georgia (Mr. WESTMORELAND) for a colloquy.

Mr. WESTMORELAND. Mr. Chairman, the differing House and Senate language in section 1051 should not be interpreted by the Army or any court as indicating that Georgia's request should be denied or delayed until States reach an agreement.

While the conference report specifically references the ACF and the ACT basins, the House-passed language does not. Certainly other regions of the country with water concerns should pay close attention to what has happened with this section.

What is your position regarding working out these disputes in future WRRDA legislation?

Mr. SHUSTER. I yield 20 seconds to the gentleman from Georgia (Mr. WOODALL) for a colloquy.

Mr. WOODALL. Mr. Chairman, I appreciate the colloquy.

As I understand section 1051, the Secretary may continue to be responsive to emerging industrial and municipal water supply needs through reallocation of storage consistent with existing laws.

In that regard, an open and transparent rulemaking by the Army with substantive input from those affected seems to represent the best process to support that outcome.

Is that also the chairman's understanding?

Mr. SHUSTER. I will engage in a colloquy, but I first must yield 15 seconds to the gentleman from Georgia (Mr. KINGSTON) for a colloquy.

Mr. KINGSTON. Mr. Speaker, I would like to echo my colleague's comments regarding the ACT and the ACF river basin language. This language does not change current law or interpretation of current law and should not be reviewed by the courts or the Corps as changing any current obligations.

We encourage the States to work amongst themselves to solve water use issues in this region. I would be remiss if I did not mention the Savannah River expansion project with its \$174 million net economic impact to this Nation. I hope that the PPA is signed soon.

Mr. SHUSTER. Mr. Speaker, I thank all of my colleagues, and at this point I will respond and yield myself such time as I may consume.

I thank the gentlemen from Georgia for raising these issues. The intent of this section is to encourage States to resolve interstate water disputes through interstate water compacts.

Section 1051 in no way alters any existing rights or obligations under law. Further, section 1051 places no limits on the Corps of Engineers' existing statutory authority to manage water projects under its control. This section is in no way intended to express a view on any pending request or to prohibit or interfere with the Corps of Engineers' ongoing efforts to update its water control plans and manuals for the ACF and the ACT basins.

Regarding future WRRDA legislation, interstate water disputes are most properly addressed through interstate water agreements or compacts that take into consideration the concerns of all affected States. I do not believe that WRRDA legislation is the appropriate vehicle for these issues to be adjudicated.

With that, I thank the gentlemen for engaging in the colloquy, and I reserve the balance of my time.

Mr. RAHALL. I yield 1 minute to the gentlewoman from California (Ms. NAPOLITANO) and thank her for her help on the conference committee as well.

Ms. NAPOLITANO. Mr. Speaker, I too rise in strong support of WRRDA and sincerely thank Chairmen SHUSTER and GIBBS and Ranking Members RAHALL and BISHOP and all the staff—let's not forget them—for the great bipartisan work.

We thank them for including quality provisions that are important to the Nation, especially to my district, home to Santa Fe Dam and adjacent to Whittier Narrows Dam, the two largest Corps reservoirs in L.A. county.

Generally, it also improves water supply and water capture at the dam. It changes levee vegetation policy not previously taken into account, local characteristics, habitats, or safety. It allows local funding of Corps projects to benefit the region. It improves invasive species management. It prioritizes Harbor Maintenance donor regions, allowing expanded use of funding, which is something I had fought for for many years.

I ask unanimous consent to revise and extend my remarks in clarifying that section 3013 of WRRDA will require the Corps to perform a new review and revision of levee vegetation policy engineering technical letters.

Thanks to Transportation and Infrastructure for their leadership, and please vote "yes."

Mr. Speaker, I rise to clarify the intent of Section 3013 of the Water Resources Reform and Development Conference Report regarding Vegetation Management policy. In 2009, the Army Corps of Engineers issued new levee vegetation policy through Engineering Technical Letter (ETL) 1110-2-571. Most states and local flood control districts, including the State of California Department of Water Resources and the Los Angeles County Flood Control District, strongly disagreed with this policy as not taking into account local characteristics and good science.

The 2009 ETL directed states and local agencies to remove all vegetation from their flood control levees. Our local engineers in California and Los Angeles believe this change could be damaging in the following ways:

1. It will lead to weaker levee systems since the roots of vegetation hold the levee material together.
2. It will displace the habitat for endangered and fragile species that use the vegetation.
3. It does not take into account the local geology and characteristics of our levees.
4. It will create massive costs on our flood control agencies that should be using those funds for urgent flood control projects.

Section 3013 of WRRDA will solve this problem by requiring the Secretary of the Army to reissue these regulations regarding vegetation on levees and incorporate regional characteristics, habitat for species of concern, and levee performance.

A minor issue has come to light in recent days since the Conference Report was filed because Section 3013 requires the Corps to re-issue levee vegetation policy based off of the 2009 ETL 1110-2-571. That 2009 ETL 1110-2-571 was set to expire soon, so the

Corps reissued a new Engineering Technical Letter ETL 1110-2-583 that addresses the same levee vegetation policy in the last few weeks. The new ETL is very similar to the 2009 ETL and does not make the changes required by Section 3013 of WRRDA.

Mr. Speaker, I would like to clarify for the record the intent of Congress that the Corps' new ETL 1110-2-583 does not satisfy the requirement of Section 3013. Section 3013 requires the Corps to revise its levee vegetation guidelines after performing a comprehensive review taking into account all regions of the United States and their unique habitats and levee structures.

Mr. SHUSTER. Mr. Speaker, at this time I yield 1 minute to the gentleman from Tennessee (Mr. FLEISCHMANN), the great advocate for the Chickamauga Lock in the Tennessee River.

Mr. FLEISCHMANN. Mr. Speaker, when I was elected by the great people of the 3rd District of Tennessee in 2010, I vowed to come to Washington, D.C., to fix broken systems. This bill today—and I thank Chairman SHUSTER—does that. The Inland Waterways Trust Fund is a flawed, broken system.

For those who might not know, all the funds have been going to one lock, starving out the other locks in the entire system. In my beloved city, my home city of Chattanooga, there sits a lock that has been mothballed because this system has been broken.

Finally, this great House has solved this problem. It is a huge step in the right direction, ladies and gentlemen, to make sure that we ultimately fund all of the locks in this system. The fixing of the Inland Waterways Trust Fund, which is so flawed and broken by this bill, ultimately will get the needed funds to Chickamauga Lock and other locks and infrastructure in this country.

I am proud to support this bill. I am so proud to be part of a body that after 4 years of tireless work has acknowledged this situation.

Thank you.

Mr. RAHALL. I yield 1 minute to the gentleman from Illinois (Mr. LIPINSKI), a member of the Transportation and Infrastructure Committee.

Mr. LIPINSKI. Mr. Speaker, I want to thank the ranking member for yielding.

As a cosponsor of WRRDA, I rise today in strong support of this conference report. I am pleased with the bipartisan cooperation in and between both the House and the Senate. I think this is a blueprint for how Congress can move forward together on the goals of protecting American jobs and investing in infrastructure.

I have been happy to work with Congressman WHITFIELD on the WAVE4 Act and appreciate that WRRDA includes provisions from that bill. These will allow the U.S. to make important additional investments in our Nation's aging inland waterways, including locks and dams such as the one in Lockport, Illinois.

The conference report also takes additional steps to control the threat of Asian carp to the Great Lakes. I am pleased that it includes language resolving concerns about a potential dredge spoils site, the Lucas-Berg CDF in Worth, Illinois.

Finally, I am very happy with the strong buy American provisions included in this bill that will help assure that we are creating American jobs.

By passing this conference report today, we will move forward a number of important national priorities: facilitating the movement of goods and freight, investing in infrastructure, creating jobs, and reducing red tape to get projects done. I commend Chairman SHUSTER, Ranking Member RAHALL, and the many others who worked very hard to get this bill done.

Mr. SHUSTER. I yield 30 seconds to the gentlewoman from West Virginia (Mrs. CAPITO), a member of the Transportation and Infrastructure Committee and also a conferee on the water resources bill.

Mrs. CAPITO. Mr. Speaker, I want to thank the chairman and the ranking member for their hard work on this bill.

As a member of the conference committee, I am in strong support of this report.

Really, there are two numbers that come to mind for me in this report, and that is 9,900. That is 9,900 local jobs in West Virginia are supported by West Virginia waterways. The next number is \$1.6 billion. That is how much the waterways industry contributes to our great State.

So this is important that we do this efficiently, well maintained, that we can move our goods and services, particularly our West Virginia coal, down the rivers to power America. I am in strong support of this bill, and I again congratulate the chairman and ranking member for moving this forward.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Ms. EDWARDS), a very valued member of our conference committee.

(Ms. EDWARDS asked and was given permission to revise and extend her remarks.)

Ms. EDWARDS. Mr. Speaker, I want to thank Chairman SHUSTER, Ranking Member RAHALL, and our subcommittee chairman, Mr. GIBBS, and ranking member, Mr. BISHOP, and congratulate them and all of our staff on the work on this conference report.

I rise in support of this bill. I just want to point out, however, that the environmental streamlining provisions in the House- and Senate-passed versions were based on an assumption that a significant number of project delays are due to environmental reviews. I could not disagree more.

I would prefer that the environmental provisions in the conference report were not included, but I believe we

have improved them significantly. We have also ensured that the public will still be able to participate effectively as part of the NEPA process on water projects that have a profound effect on health, safety, and well-being.

I also would like to commend the conference committee on adopting provisions of the State revolving fund for the first time since 1987 that includes innovative financing of water infrastructure projects. As part of both programs, I am proud to say that we will, for the first time, consider an idea that I championed, the use of innovative, green, and low-impact technologies.

I urge my colleagues to support this bipartisan bill.

Mr. SHUSTER. Mr. Speaker, I yield 90 seconds to the gentleman from Nebraska (Mr. TERRY), the champion of the Keystone pipeline.

Mr. TERRY. Mr. Speaker, I want to thank Chairman SHUSTER and his staff for their hard work and steadfast leadership that got something accomplished that took over 7 years to get to this point. Great job.

This is the way the Constitution was meant for Congress to work, by setting priorities in the light of day rather than an administration funding pet projects behind closed doors.

I am pleased the conferees included as a priority, based on the merits, the Western Sarpy-Clear Creek flood control project allowing it to be finished. With passage, the Western Sarpy-Clear Creek flood project will protect about 443 homes and buildings, 17,000 acres of agriculture and cropland, as well as the major drinking water pipelines and wells for Lincoln and Omaha and the Nebraska Army National Guard's training grounds and portions of Interstate 80 and Highway 6.

□ 1315

My constituents are all too familiar with the economic consequences that occur when flooding happens. But it is this kind of work the American people expect from this body and now is delivered. We need to take care of our infrastructure and look forward in planning for the future.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlelady from Florida (Ms. FRANKEL), a valued member of our WRRDA conference committee as well.

Ms. FRANKEL of Florida. Mr. Speaker, like many Americans, I have been often disappointed with the lack of cooperation in Washington, D.C. So today, I am happy to offer congratulations to the United States House and Senate for this very important bipartisan conference report that when passed and implemented will promote millions of jobs and mean billions of dollars of economic impact for our Nation.

As a proud Member of Congress from south Florida, I am especially excited to see the advancement of the widely

supported expansion of Port Everglades and the restoration of our most precious wetland known as the Everglades—the source of drinking water for 7 million people.

Although the bill is not perfect, we are today living up to the desire of the American people that we work together for the good of our country.

With that said, because of the apparent lack of community support for the expansion of the Port of Palm Beach, my vote should not be construed as support for that project. Moving forward, our first priority should be to first do no harm, without degradation of our environment or quality of life. It should be a local community decision as to what uses should dominate the intracoastal waterway in that area and I urge the Port of Palm Beach, Town of Palm Beach, County Commission and other interested stakeholders to come to a joint resolution.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE), the chairman of the Republican Study Committee.

Mr. SCALISE. Mr. Speaker, I want to thank the chairman for yielding, but especially I want to thank Chairman SHUSTER for the hard work that he put in to putting together a bill that—and I will just read *The Wall Street Journal* today: “A water bill shows what happens when Congress has to set priorities.” They go on to say: “This process puts House Members in control of spending decisions even as it requires them to choose on the basis of fact and analysis.”

Mr. Speaker, what this bill really does is ushers in some much-needed reforms, if you just look at the reforms to the Corps of Engineers process.

I want to also commend our Senator, DAVID VITTER, who was on that conference committee, for fighting for this, as Chairman SHUSTER did, to put those process reforms in place, because so often we hear that the Corps studies issues to death. Frankly, if you look at some of the limitations, the environmental review process, that can bog projects down, this bill contains important reforms that streamline the environmental review process so that we can finally focus on more building and less studying.

Let's actually put our money into building infrastructure, not on studying things to death and ultimately never getting anything done. This bill really ushers in some important reforms on that front.

The critical reforms to the Harbor Maintenance Trust Fund that the Speaker talked about are very important—long, long overdue—things that I think people all across the country will see great benefits from.

I know when we look at some of the things in Louisiana—just the ability to improve flood protection with the Morganza to the Gulf project that finally will be authorized, something that will protect not only homeowners

all throughout south Louisiana, but the important energy infrastructure that provides over 20 percent of the Nation's oil and gas. That is going to be an important reform.

Then, of course, if you look at the dredging component—to authorize 50 feet of dredging in the Mississippi River, as you see the Panama Canal widening. We don't want the United States to be left out of the great economic opportunities that are going to be involved in moving more commerce through the United States and then exporting—exporting more American goods that are produced and made here in America throughout the world.

All of the reforms that I mentioned, and so many others, are critical steps forward in finally getting a WRRDA bill that answers the needs of our Nation.

Again, I thank the chairman for his hard work.

Mr. RAHALL. Mr. Speaker, I am proud to yield 1 minute to the gentleman from California (Mr. GARAMENDI), a real champion of Buy American provisions in everything we do in this Congress.

Mr. GARAMENDI. Mr. Speaker, I thank Mr. RAHALL and I would like to also compliment the chair for the great work on getting this bill together—obviously, bipartisan.

For my district this is extremely important. First of all, one of the reforms that came out of this is a “3x3,” which is now going to move across the country so that projects get done—at least the early studies—\$3 million, 3 years done, and question then before the House whether we are going to move forward with that project.

The Sutter project, providing critical protection for Yuba City and that area. Also Notomas—I notice my colleague from Sacramento is here—providing critical protection for part of Sacramento.

The harbors, being able to use the Harbor Maintenance Trust Fund to deepen the harbors, all critically important.

This is an important bill. When we couple this with the Buy American/Make It In America, we have an opportunity to really move forward the American economy, not only with the infrastructure jobs, but also with the manufacturing that could follow along.

Congratulations to the chair and the ranking members and the subcommittee chair and ranking members.

Mr. SHUSTER. It is now my pleasure to yield 1 minute to the gentleman from Illinois (Mr. DAVIS), an important member of the committee and also a conferee.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I want to thank Chairman SHUSTER for his leadership on this very important piece of legislation.

I think when you saw the committee pass this bill by a voice vote and the

overwhelming margin with which it passed this House, that is a direct result of Chairman BILL SHUSTER's leadership. So, thank you, sir.

I obviously rise in support of this WRRDA conference report. As a member of both the farm bill and the WRRDA conference committees, it is really good to see Congress come together in a bipartisan way to pass very important pieces of legislation.

This agreement is going to create infrastructure jobs and provide opportunities that will make our country more competitive.

This WRRDA bill includes my public-private partnership language, which was introduced along with my colleague CHERI BUSTOS as an innovative way to fund water and navigation projects.

This agreement is also going to help us improve navigation along the Mississippi River in times of high and low water. I want to thank my colleague Mr. BILL ENYART for helping to propose that language with me too.

Finally, WRRDA includes policies that are going to help areas like the Metro East Region in southwest Illinois repair and recertify its levee system.

Vote "yes" on this conference report.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlelady from California (Ms. HAHN), another member of our conference committee, and thank her for her help on this bill.

Ms. HAHN. Mr. Speaker, I thank Ranking Member RAHALL. Thank you for your leadership. Thank you to Chairman SHUSTER for your leadership. What a joy and pleasure it was for me to serve on the conference committee as we worked together to bring forth this amazing water bill that will do so much in this country to create jobs.

I am most happy, of course, with the language in this bill that will finally allow us to fully utilize our Harbor Maintenance Trust Fund so that the ports across this country can be invested in with the taxes that we collect at the port, and that also, because of the leadership of Chairman SHUSTER and Ranking Member RAHALL, these ports will also be able to use this money for some expanded uses.

I believe with all my heart that when our ports are strong in this country, our country is strong. This bill does more to ensure the investment, the so important investment, in the critical infrastructure in our Nation's ports. My ports in Long Beach and Los Angeles are pleased with this, but really it is for all the ports in this country. Thank you for your leadership.

I think this is an excellent bill. I urge all my colleagues to vote "yes."

Mr. SHUSTER. Mr. Speaker, may I inquire as to how much time both sides have remaining.

The SPEAKER pro tempore. The gentleman from Pennsylvania has 4 min-

utes remaining. The gentleman from West Virginia has 5¼ minutes remaining.

Mr. SHUSTER. I am prepared to close. Could the gentleman from West Virginia let me know how many speakers you have.

Mr. RAHALL. I have three more.

Mr. SHUSTER. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I thank Ranking Member RAHALL.

I rise in strong support of this bipartisan WRRDA bill. This is a really good day.

I want to commend Chairman SHUSTER and Ranking Member RAHALL for their very, very strong leadership.

Mr. Speaker, Sacramento is the most at-risk metropolitan area for major flooding, as it lies at the confluence of the Sacramento and the American Rivers.

Since the last WRRDA in 2007, a number of key flood protection investments have been carefully studied by the Army Corps of Engineers. One such project that is included in this conference report and holds a Chief's Report is the Notomas levee improvement project.

The area to be protected by the project is home to over 100,000 people, two interstate highways, an international airport, dozens of schools, and hundreds of small businesses. If a levee broke, the damage would be similar to that experienced in New Orleans. This project is critical for Sacramento, and my constituents have waited too long for this day to come.

The conference report also includes language to require the Corps to shift from its one-size-fits-all approach to now consider regional variances to the national levee vegetation policy.

The conference report also includes language that accelerates flood protection projects by allowing Federal credit.

There is no question that this bipartisan congressional action puts our Nation's flood protection policy on the right path.

I urge my colleagues to support this conference report.

Mr. SHUSTER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I want to say thank you to Chairman SHUSTER and also Mr. RAHALL. You did a wonderful job on this piece of legislation. This is very important to the entire country. I hope the way that you have both worked together, along with subcommittee Chairman GIBBS and Ranking Member TIM BISHOP, is contagious because this would help this institu-

tion enormously. Thank you for bringing this bill to the floor.

I was an ironworker before I came to Congress, and I worked in the Port of Boston. So I know firsthand how important the ports and waterways are to our economy in this country.

I have the opportunity to jointly represent the Port of Boston with MIKE CAPUANO, my colleague. The Port of Boston generates \$2.4 billion in economic benefits annually and 34,000 jobs are connected with port activities. With the expected 2015 completion of the Panama Canal expansion project, those numbers will only increase as larger container ships utilize our ports on both coasts.

Mr. Speaker, the Boston Harbor Navigation Improvement Project, recommended and approved by the U.S. Army Corps of Engineers and supported by this bill, is very important.

I want to thank my colleagues from Massachusetts for putting up \$135 million to join with the Federal funding on this. It will help us keep pace with our global competitors.

Again, thank you, Mr. RAHALL, and thank you, Mr. SHUSTER, for your hard work.

Mr. SHUSTER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, I also want to thank the chairman and ranking member of the committee. It is an excellent example of how we can work together.

I want to rise in support of the conference report for WRRDA.

This report includes language to address the presence of invasive carp in the upper Mississippi River. It contains language to close the Upper Saint Anthony Falls lock and dam in Minneapolis—my hometown.

This would stop the spread of invasive carp which causes harm. Invasive carp decimates the fishing industry, invasive carp wipes out native fish species, and when a 60-pound silver carp jumps out of the water, needless to say, it limits recreational opportunities and causes injury to the people. This is a real picture—fish jumping all out. It is not a good thing.

The language provides for a proactive approach. It protects our vital fishing and recreational industry. It preserves tourism jobs in northern Minnesota. It prevents us from spending government dollars to manage carp if these fish invade northern Minnesota waters.

I want to thank the members of the Minnesota delegation who worked with me on a bipartisan basis to make sure the language was passed. I would also like to thank a staff member Anne Christianson—and you know who you are. You were tireless, you never gave up, and I am very grateful to you.

Mr. SHUSTER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RAHALL. How much time do I have remaining, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from West Virginia has 1 minute remaining.

Mr. RAHALL. Mr. Speaker, I assume the chairman has the right to close. Is that right?

The SPEAKER pro tempore. That is correct.

Mr. RAHALL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a good bill. There are a number of highlights that have been mentioned during the course of this debate. The important ones, of course, are reforms of bureaucracy, it accelerates project delivery, and it streamlines environmental reviews. It is a fiscally responsible bill—as our chairman has shown—and it strengthens our oversight, transparency, and accountability.

Mr. Speaker, as I conclude, I want to commend not only the Members on both sides of the aisle, but the staff on both sides of the aisle: on our side of the aisle particularly, Mr. Jim Zoia, who is our chief of staff on our Transportation and Infrastructure Committee; on the minority side, Mr. Ryan Seiger, Mr. Dave Wegner, and Mr. Ward McCarragher for their tremendous work. This has just been an example of how this body ought to operate. We got along very well on both sides of the aisle at the Member level and the staff level. The chairman's transparency, openness, and cooperation were above question. I again want to thank Chairman SHUSTER for his tremendous work and commend him on this legislation. I hope we have the vote we had when we initially passed this bill out of the House, which was 417-3.

I yield back the balance of my time.

□ 1330

Mr. SHUSTER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 4 minutes remaining.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I want to, again, thank my colleagues, my partners across the aisle—Mr. RAHALL and Mr. BISHOP—for working so closely with us on this bill to make it a truly bipartisan bill.

I want to thank some of the key staff on the other side of the aisle who were really instrumental in moving this forward—Jim Zoia, Ward McCarragher, Ryan Seiger, Dave Wegner, and Eddie Shimkus.

Thank you, guys, for all of your efforts. I really appreciate what you put into it, and we really were a team when negotiating with the Senate. I can't thank you enough.

I also thank Mr. GIBBS, the subcommittee chairman, who worked so

hard on this bill in working up to it, with the hearings he had not only this year, but last year. I thank him for his hard work.

I want to thank the staff on our side—Chris Bertram, Steve Martinko, Jennifer Hall, John Anderson, Geoff Bowman, Jon Pawlow, Tracy Zea, Clare Doherty, Beth Spivey, Denny Wirtz, Jim Billimoria, Justin Harclerode, Michael Marinaccio, and Joe Price, who worked with Mr. GIBBS.

All of them put in countless hours to make sure that this bill came together, and I can't thank them enough for all of their efforts.

To my colleagues, I thank you for the big vote that gave us the strength to go to conference with the Senate and to come back with a bill that is reform driven, that focuses on reform. There are no earmarks in it. It is fiscally responsible.

It does not yield Congress' constitutional authority to the executive branch, and it is going to strengthen our infrastructure, so that we can remain competitive. It is about economic growth. It is about jobs.

Congress has not enacted a WRRDA bill since 2007, but we can't afford to delay without improving our water system. It is becoming obsolete every day, and it becomes less competitive. That is what this bill, as I said, is all about.

It is about making America competitive so our businesses can be competitive, and it saves American taxpayers money when they are buying products in the stores in our communities.

Again, this is about economic growth, and this is about jobs. I encourage all Members to support the Water Resources Reform and Development Act.

With that, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of the Conference Report to H.R. 3080, the Water Resources Reform and Development Act. I support this conference report because it makes smart investments in water infrastructure that are critical to the nation's economic future and the economy of my home state of Texas.

I thank Chairman SHUSTER and Ranking Member RAHALL for their work in shepherding this legislation to this point, which is just one step away from presenting the bill to the President for signature.

Mr. Speaker, the last water resources bill signed into law was six years ago, making this one long overdue.

We need to keep America's economic recovery moving forward by ensuring that when American workers make products, we can efficiently move them through our ports to overseas markets.

American international trade accounts for more than one quarter of Gross Domestic Product. More than 99 percent of our overseas trade moves through America's seaports.

Cargo moving through our seaports is responsible for more than 13 million American jobs and generates in excess of \$200 billion

annually in federal, state, and local tax revenues.

Water infrastructure is critical to the Port of Houston, one of the major economic engines not only for my congressional district but also the nation.

The Port of Houston is home to more than 100 steamship lines offering services that link Houston with 1,053 ports in 203 countries. It is also home to a \$15 billion petrochemical complex, the largest in the nation and second largest worldwide.

For America to remain on top the global economy, we need to be competitive internationally so that global consumers increasingly purchase American-made goods.

This bill takes an important first step in addressing an issue of key concern to not only the Port of Houston and Galveston in Texas, but to all of our nations' ports, the collection and use of the federal Harbor Maintenance Tax.

Specifically, the Conference Report provides for increased expenditures from the Harbor Maintenance Trust Fund (HMTF) for harbor maintenance activities each year.

Under the agreement, the target expenditure for Fiscal Year 2015 is 67 percent of the funds collected in 2014, with the rate rising to 100 percent of the funds collected in 2024.

The conference report also requires the Army Corps of Engineers to assess the operation and maintenance needs of U.S. harbors and, to the maximum extent practicable, prioritize future trust fund spending on an equitable allocation among all harbor types.

The Conference Report also requires that any increase in annual Corps project operation and maintenance expenditures, which come from the HMTF, be accompanied by an equal increase in total appropriations provided for the Corps' civil works program.

Mr. Speaker, I am particularly pleased that the Conference Report retains the provision inserted by an amendment I offered and which was accepted during the initial House consideration of this legislation.

That Jackson Lee amendment provides that in making recommendations pursuant to Section 118 of the Act, the Secretary shall consult with key stakeholders, including State, county, and city governments, and, where applicable, State and local water districts, and in the case of recommendations concerning projects that substantially affect underrepresented communities the Secretary shall also consult with historically Black colleges and universities, Tribal Colleges and Universities, and other minority-serving institutions.

I also am pleased that the Conference Report retains the provision permitting non-federal entities to invest in their harbor maintenance and step in when the Army Corps of Engineers cannot.

This legislative provision particularly benefits ports like the Port of Houston which have invested substantial amounts of their own funds to complete critical infrastructure in order to provide for safe navigation of larger vessels, and to assure its terminals remain competitive in the world market.

I believe the WRRDA bill would be even better if an amendment I offered directing the Secretary of the Army to encourage the participation of minority and women-owned businesses in Corps projects and for GAO to submit a report to Congress within 2 years on the

participation of minority- and women-owned businesses in such projects.

Mr. Speaker, America's public ports and their private sector partners plan to invest more than \$46 billion in seaport infrastructure in the next five years.

Maintaining America's link to the global marketplace by creating and maintaining modern and efficient seaport and waterway infrastructure will provide significant benefits to our nation's economic vitality, job growth, and international competitiveness, as well as create sizable tax revenues from cargo and trade activities.

For these reasons, I support the Conference Report and urge my colleagues to support it.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of the conference report on H.R. 3080, the Water Resources Reform and Development Act. The provisions included in this conference report will enhance our water infrastructure and will help communities throughout our Nation.

When the House considered its version of this bill last year, it adopted my amendment to ensure that the Army Corps of Engineers could not carry out a new purpose under this bill without the consent of Congress. This amendment was offered in response to the Senate version's provision that allowed the Army Corps of Engineers to change dam operations irrespective of congressionally authorized purposes.

The conference report's Section 1046 before us today contains my provision to ensure that the Army Corps of Engineers cannot change dam operations without congressional consent. The provision simply authorizes a study to update and revise the 1992 report on Authorized and Operating Purposes of Corps of Engineers Reservoirs. Revisions to this report will correct erroneous entries, but it is important to acknowledge that a revision of a report does not amount to a de facto endorsement by Congress of a change to project operations. This is a fundamental requirement that must be honored for the entire federal power project and not just limited to the Army Corps of Engineers.

I would also note that Section 1046 requires the Government Accountability Office to conduct a review of the revision to the 1992 report to ensure consistency with existing law and regulations. This provision applies to the applicable regulations that are notice and comment type of regulations that require due process under the Administrative Procedures Act and enacted pursuant to a Congressional mandate. Internal policy pronouncements that are termed "engineers regulations" can be changed by the Army Corps of Engineers without notice to stakeholders. While engineers regulations are fundamentally important to the Army Corps of Engineers operations, they are predominantly policy statements that do not have the same authority as regulations adopted at the direction of Congress. The Government Accountability Review should bear this distinction in mind.

In conclusion, a review of an Army Corps of Engineers dam does not amount to a new authorization. Congress retains the authority and responsibility to adjust project purposes. A recommendation for a change, even if suggested by a report will still require action by the Congress.

Ms. SLAUGHTER. Mr. Speaker, I rise today in strong support of the Water Resources Reform and Development Act.

Not only will this bill create badly-needed jobs, as co-chair of the House Great Lakes Task Force, I'm especially pleased that this bill establishes the Great Lakes Navigation System.

The Great Lakes comprise nearly 20 percent of the world's fresh water and are a precious resource. They're responsible for nearly 130,000 jobs in the United States, and the economic activity they generate creates over \$18 billion in annual revenue; maintaining the Great Lakes truly maintains our Nation.

By joining ports and waterways throughout the Great Lakes and establishing the Great Lakes Navigation System, we will ensure that there is adequate funding to keep our infrastructure maintained and strong.

In fact, in my own district, we started dredging the Port of Rochester last week, and by establishing the Great Lakes Navigation System, funding to maintain the port and dredge in the future will be consistent and reliable through the Harbor Maintenance Fund.

With this bill, we make certain that the 145 million tons of commodities that are carried through the Great Lakes Navigation System every year can be transported efficiently and safely, and I commend everyone who worked on this tremendous achievement.

Mr. RYAN of Wisconsin. Mr. Speaker, the principles in the Federal Credit Reform Act of 1990 (FCRA, Title V of the Congressional Budget Act of 1974) provide a long-established structure for the budgetary treatment of federal credit programs. Unlike cash accounting, FCRA prescribes accounting principles that consider costs over the life of a loan or loan guarantee rather than just the cash flows in any given year. Unless there is a clear statutory exemption, the federal government's credit programs, e.g. the Federal Housing Administration's single-family mortgage program and the Department of Education's student loan programs, are budgeted for using FCRA methodology.

The Water Infrastructure Finance and Innovation Act of 2014 (Subtitle C of Title V) is a new federal credit program within the scope of FCRA. This new federal credit program and the Transportation Infrastructure Finance and Innovation Act on which it is modeled are both subject by statute to FCRA.

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today in strong support for the Conference Report for H.R. 3080, the Water Resources Reform and Development Act.

America is blessed with an extensive network of natural harbors and rivers. In Eastern Washington, the Columbia River and its tributaries are central to the region's culture and economy. Since the early 20th century, dams have been built across the Columbia and Snake River systems to provide navigation, irrigation, affordable and renewable hydropower, and flood control. Every year, agricultural products travel through the Columbia and Snake River systems from Eastern Washington and the Pacific Northwest to every corner of America and around the world. As such, it is crucial that Congress continues to strengthen and maintain the many ports, channels, locks, dams, and other infrastructure that

support maritime trade and provide flood protection for our homes and businesses.

The Conference Report for H.R. 3080, the Water Resources Reform and Development Act (WRRDA), ensures the continued flow of domestic and international commerce, while maintaining a strong transportation system. Additionally, through WRRDA, Congress has the opportunity to make much needed policy reforms including strengthening oversight, cutting federal red tape, and opening the door to new innovations in infrastructure development. This legislation also significantly strengthens our transportation network—creating jobs and increasing commerce throughout the Pacific Northwest and across our nation.

Important to Eastern Washington, WRRDA maximizes the ability of non-federal interests, like ports, to contribute funds to move authorized studies and projects forward. In addition, by consolidating studies, WRRDA will accelerate project delivery and promote growth. Through working with the House Transportation and Infrastructure Committee, I am pleased that the City of Asotin also received language that will transfer land owned by the U.S. Army Corps of Engineers to the City and allow for development of the area.

This pro-jobs legislation encourages growth, increases trade, and keeps Eastern Washington economically competitive. I urge all of my colleagues to support Conference Report for H.R. 3080, the Water Resources Reform and Development Act.

Mrs. MILLER of Michigan. Mr. Speaker, as the only member of Congress from Michigan appointed to the Water Resources Reform and Development Act (WRRDA) conference committee, my role was to be a steadfast advocate for the Great Lakes and I am pleased that our final bill includes provisions that will significantly benefit these national natural treasures.

For the first time, the Great Lakes will be designated as a single comprehensive navigation system, allowing the Great Lakes to present a unified front when competing against coastal regions for federal funding and resources. The designation will also increase equity for related projects within the Lakes themselves.

It also, for the first time, designates funds from the Harbor Maintenance Trust Fund specifically for projects within the Great Lakes and better allocates funds collected for harbor maintenance across the country so that by 2025, 100 percent of the funds collected from users of our ports for this purpose are actually used to improve and maintain America's maritime infrastructure essential to our economy.

Finally the legislation calls on the Fish and Wildlife Service, the Corps of Engineers, the National Park Service as well as the U.S. Geological Survey to work with state and local officials to slow the spread of Asian carp, which we all know pose a huge threat to the Great Lakes' ecosystem.

I have lived my entire life along the shores of the Great Lakes and I understand the threat these invaders pose not only to the multi-billion dollar recreation and tourism industries, but also to our very way of life.

I am so very pleased that my fellow conferees agreed that the Great Lakes are a national treasure worthy of the protections included in this bill. It is an important recognition

of the Lakes and their contribution to the national economy, and it takes the steps necessary to ensure they are maintained now and for generations to come.

Mr. COLLINS of Georgia. Mr. Speaker, I strongly commend Chairman SHUSTER and Ranking Member RAHALL for bringing conference report for the Water Resources and Reform Development Act to the floor. It represents a great bipartisan effort on one of Congress' true article one responsibilities, providing for America's infrastructure. In northeast Georgia, the Savannah Harbor Expansion Project (SHEP) means jobs. Georgia's 9th Congressional District shipped more than 10,780 tons of goods through Georgia ports in 2013 alone. As a member of the Georgia House of Representatives, I fought for Georgia's investment in SHEP to get the project moving, and now as a member of the United States House of Representatives, I'm proud to vote in favor of the federal government living up to its promise of matching funds. Deepening this harbor from 42 to 47 feet will allow new supertankers to use the port to transport Georgia products all over the world.

There are a number of good reforms in this bill that will increase efficiency and reduce the cost of upcoming projects. A provision of the bill will limit the length and cost of Army Corps of Engineers feasibility studies, so that projects can be completed on schedule and on budget. This bill deauthorizes over \$18 billion of old, inactive projects, more than offsetting the authorizations in this bill. WRRDA also sunsets the authorization of any project authorized by the bill after 7 years if construction has not begun.

Any piece of legislation aimed at reform has room for improvement. Language included in the underlying bill regarding the Apalachicola-Chattahoochee-Flint River (ACF) and the Alabama-Coosa-Tallapoosa River (ACT) Systems was far from perfect. No language in this bill implies any Congressional intent to interfere with states' work on this important issue. This dispute has been ongoing for a number of years, and Congress interjecting will not bring about a more favorable outcome to any of the parties involved. Water supply disputes are best handled at the state level, and I trust that the governors of the affected states will come together and resolve the issue without Congressional intervention.

Overall, I am very supportive of this bill and urge its adoption.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and agree to the conference report on the bill, H.R. 3080.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 4, not voting 15, as follows:

[Roll No. 220]

YEAS—412

Aderholt	Dingell	Kaptur
Amodei	Doggett	Keating
Bachmann	Duckworth	Kelly (IL)
Bachus	Duffy	Kelly (PA)
Barber	Duncan (SC)	Kennedy
Barletta	Duncan (TN)	Kildee
Barr	Edwards	Kilmer
Barrow (GA)	Ellison	Kind
Barton	Ellmers	King (IA)
Bass	Engel	King (NY)
Beatty	Enyart	Kingston
Becerra	Eshoo	Kinzinger (IL)
Benishek	Esty	Kirkpatrick
Bentivolio	Farenthold	Kline
Bera (CA)	Farr	Kuster
Bilirakis	Fattah	LaMalfa
Bishop (GA)	Fincher	Lamborn
Bishop (NY)	Fitzpatrick	Lance
Bishop (UT)	Fleischmann	Langevin
Black	Fleming	Lankford
Blackburn	Flores	Larsen (WA)
Blumenauer	Forbes	Larson (CT)
Bonamici	Fortenberry	Latham
Boustany	Foster	Latta
Brady (TX)	Fox	Lee (CA)
Braley (IA)	Frankel (FL)	Levin
Bridenstine	Franks (AZ)	Lewis
Brooks (AL)	Frelinghuysen	Lipinski
Brooks (IN)	Fudge	LoBiondo
Brown (FL)	Gabbard	Loeb
Brownley (CA)	Gallagher	Lofgren
Buchanan	Garamendi	Long
Bucshon	Garcia	Lowenthal
Burgess	Gardner	Lowey
Bustos	Garrett	Lucas
Butterfield	Gerlach	Luetkemeyer
Byrne	Gibbs	Lujan Grisham
Calvert	Gibson	(NM)
Camp	Gingrey (GA)	Lujan, Ben Ray
Campbell	Goodlatte	(NM)
Cantor	Gosar	Lummis
Capito	Gowdy	Lynch
Capps	Granger	Maffei
Capuano	Graves (GA)	Maloney
Cárdenas	Graves (MO)	Carolyn
Carney	Grayson	Maloney, Sean
Carson (IN)	Green, Al	Marino
Carter	Green, Gene	Massie
Cartwright	Griffin (AR)	Matheson
Cassidy	Griffith (VA)	Matsui
Castor (FL)	Grijalva	McAllister
Castro (TX)	Grimm	McCarthy (CA)
Chabot	Guthrie	McCarthy (NY)
Chaffetz	Gutiérrez	McCaul
Chu	Hahn	McClintock
Cicilline	Hall	McDermott
Clarke (NY)	Hanabusa	McGovern
Clay	Hanna	McHenry
Clyburn	Harper	McIntyre
Coble	Harris	McKeon
Coffman	Hartzler	McKinley
Cohen	Hastings (FL)	McMorris
Collins (GA)	Hastings (WA)	Rodgers
Collins (NY)	Heck (NV)	McNerney
Conaway	Heck (WA)	Meadows
Connolly	Hensarling	Meehan
Conyers	Herrera Beutler	Meeks
Cook	Higgins	Meng
Cooper	Himes	Messer
Costa	Hinojosa	Mica
Cotton	Holding	Michaud
Courtney	Holt	Miller (FL)
Cramer	Honda	Miller (MI)
Crawford	Horsford	Miller, George
Crenshaw	Hoyer	Moore
Crowley	Hudson	Moran
Cuellar	Huffman	Mullin
Culberson	Huizenga (MI)	Mulvaney
Cummings	Hultgren	Murphy (FL)
Daines	Hunter	Murphy (PA)
Davis (CA)	Hurt	Nadler
Davis, Danny	Israel	Napolitano
Davis, Rodney	Issa	Neal
DeFazio	Jackson Lee	Negrete McLeod
DeGette	Jeffries	Neugebauer
Delaney	Jenkins	Noem
DeLauro	Johnson (OH)	Nolan
DelBene	Johnson, E. B.	Nugent
Denham	Johnson, Sam	Nunes
Dent	Jolly	Nunnelee
DeSantis	Jones	O'Rourke
DesJarlais	Jordan	Olson
Diaz-Balart	Joyce	Owens

Palazzo	Royce	Thompson (CA)
Pallone	Ruiz	Thompson (PA)
Pascarella	Runyan	Thornberry
Pastor (AZ)	Ruppersberger	Tiberi
Paulsen	Ryan (OH)	Tierney
Payne	Ryan (WI)	Tipton
Pearce	Sánchez, Linda	Titus
Pelosi	T.	Tonko
Perlmutter	Sanchez, Loretta	Tsongas
Perry	Sanford	Turner
Peters (CA)	Sarbanes	Upton
Peters (MI)	Scalise	Valadao
Peterson	Schakowsky	Van Hollen
Petri	Schiff	Vargas
Pingree (ME)	Schneider	Veasey
Pittenger	Schock	Vela
Pitts	Schrader	Velázquez
Pocan	Schweikert	Visclosky
Poe (TX)	Scott (VA)	Wagner
Polis	Scott, Austin	Walberg
Pompeo	Scott, David	Walden
Posey	Sensenbrenner	Walorski
Price (GA)	Serrano	Walz
Price (NC)	Sessions	Wasserman
Quigley	Sewell (AL)	Schultz
Rahall	Shea-Porter	Waters
Rangel	Sherman	Waxman
Reed	Shimkus	Webster (TX)
Reichert	Shuster	Webster (FL)
Renacci	Simpson	Welch
Ribble	Sinema	Wenstrup
Rice (SC)	Sires	Westmoreland
Richmond	Slaughter	Whitfield
Riggle	Smith (MO)	Williams
Roby	Smith (NE)	Wilson (FL)
Roe (TN)	Smith (NJ)	Wilson (SC)
Rogers (AL)	Smith (TX)	Wittman
Rogers (KY)	Smith (WA)	Wolf
Rogers (MI)	Southerland	Womack
Rohrabacher	Speier	Woodall
Rokita	Stewart	Yarmuth
Rooney	Stivers	Yoder
Ros-Lehtinen	Stockman	Yoho
Roskam	Stutzman	Young (AK)
Ross	Swalwell (CA)	Young (IN)
Rothfus	Takano	
Roybal-Allard	Terry	

NAYS—4

Amash	Huelskamp
Gohmert	Salmon

NOT VOTING—15

Brady (PA)	Deutch	McCollum
Broun (GA)	Doyle	Miller, Gary
Clark (MA)	Johnson (GA)	Rush
Cleaver	Labrador	Schwartz
Cole	Marchant	Thompson (MS)

□ 1401

Mr. HUELSKAMP changed his vote from "yea" to "nay."

Mr. BARR changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CLEAVER. Mr. Speaker, due to an oversight, I missed the vote on Conference Report on H.R. 3080, the Water Resources Reform and Development Act on May 20th, 2014. I had intended to vote "aye" on rollcall vote 220, Agreeing to the Conference Report on H.R. 3080.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3717

Mr. CLAY. Madam Speaker, I ask unanimous consent to remove myself from H.R. 3717.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection



to the request of the gentleman from Missouri?

There was no objection.

**PROVIDING FOR CONSIDERATION OF H.R. 4660, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2015; AND PROVIDING FOR CONSIDERATION OF H.R. 4435, HOWARD P. "BUCK" MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015**

Mr. WOODALL. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 585 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 585

*Resolved*, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4660) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2015, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill, an amend-

ment in the nature of a substitute consisting of the text of Rules Committee Print 113-44 shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. After disposition of the further amendments printed in the report of the Committee on Rules, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

**GENERAL LEAVE**

Mr. WOODALL. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Madam Speaker, the reason it is hard to get order down here on the floor of the House is it is kind of a celebratory atmosphere down here. We just saw the Water Resources Development Act pass by a big bipartisan vote.

It has been not a year, not 2 years—it has been years since we have been able to come together and pass this very important bill that deals with waterways and water supply all across this district. We do things together on a regular basis, but the big things are hard, and we have gotten to do the big things today.

I will brag on my friend from Massachusetts just for a moment, Madam Speaker. I was at Crews Middle School in my district last Friday, and Crews Middle School, their eighth grade class, Megan Mendez runs that class, but they were talking about how it is that they could be effective, how they could make a difference.

The students came upon Mr. McGovern's bill, I think it is H.R. 1692, deal-

ing with Sudan and genocide, what we can do to come together to make a difference in other parts of the world.

Now, I represent Georgia, Madam Speaker. It is a rock-solid hardcore Republican constituency. Folks can surmise where Mr. MCGOVERN, out of the great State of Massachusetts, what kind of constituency he represents there.

His ideas about how we could come together to make a difference for people resonated all the way down the eastern seaboard into that class at Crews Middle School, such that Nathan, Madeleine, Keegan, Georgia, Lauren all put pen to paper and invited me to come and talk about it to see how it was that we could come together.

Now, we didn't have the entire cosponsorship discussion there in the classroom on that day. We were trying to talk about making a difference.

That is what I get to come down and do today, Madam Speaker, with this rule that the Clerk just read. This is a difference-making rule. It covers two bills today.

One is the Commerce-Justice-Science and related agencies bill. It is H.R. 4660, and the rule provides for an open rule, so that every single Member, no matter what their political stripe, no matter what their ideas, no matter where their constituency is located, any Member of this body can come to the House floor and offer their ideas to make that deal better.

It is a wonderful part of our process. It is a part of the process that gets used all too frequently, and I am very fortunate to be able to come and bring a rule today that does that.

Almost more fascinating, Madam Speaker, is that this rule makes in order the debate for the National Defense Authorization Act of 2015. It is H.R. 4435, and that bill—I am just going to consult my notes because it is almost unbelievable. That bill came out of committee 61-0, 61-0.

Here we are, the bill that is going to authorize our entire national defense infrastructure, in what constituents back home believe is a hyperpartisan U.S. House of Representatives, made that way by incredibly divergent views held by American voters; and when it comes to national security, we came together at the committee level and passed out a bill 61-0.

This bill is made in order for debate by the rule that is before us today. I hope I will be able to get my colleagues' support for that.

It is, again, an open rule for the Commerce-Justice-Science bill and a rule for debate on a bill that came out of committee 61-0.

Now, what is fascinating about this institution, Madam Speaker, it never ceases to amaze me. You hear about the arrogance of power in D.C., that somehow you get elected to Congress



and you get inside the Beltway, suddenly, you think you are the smartest guy in the room and only your ideas are the good ideas.

This bill that came out of committee 61-0 isn't done with the legislative process there. This rule that we are debating today makes in order seven more amendments to that bill, so that we can all have a voice on that here on the floor of the House.

My great expectation is the Rules Committee is going to continue to meet this afternoon, making even more amendments in order. Hundreds of amendments filed to this bill, and the Rules Committee is working through trying to get through each one of those amendments to determine what we can make in order.

It is just a—I call it a festival of democracy, Madam Speaker. It is a festival of democracy that we are having right here on the House floor, where you not only have open rules, where every Member's voice is able to be heard, where every constituent back home is able to give that advice and counsel to their Member, and they bring those ideas to the floor, but it is on issues as difficult as national security, issues that do bring us together, but that have components that pull us apart, and we are able to work through that.

Over 300 amendments have been filed for this National Defense Authorization Act, and the committee is working through them even as we speak.

□ 1415

I know that every Member of this body has a contribution that their constituency has asked them to make, a voice that their constituency has asked them to come and bring. Madam Speaker, there are times where all of those voices, whether it be because of a clock, whether it be because of timing, whatever the reason may be, where folks don't feel like those voices have been able to be heard. This day is not that day. This is a day where we have an opportunity to make sure that each and every idea is heard and heard fully. And I am proud that the Rules Committee has produced this product today.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I thank the gentleman from Georgia (Mr. WOODALL) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, this is not a normal rule, but it is a fair one. It is unusual because it combines two bills into one rule and makes in order several amendments for one of the bills. What might be unusual for my Republican friends is that I will support it.

The rule makes in order the fiscal year 2015 Commerce-Justice-Science appropriations bill under an open rule.

And although I wish the funding levels were higher, I believe it is a good thing to bring this bill to the floor under an open rule.

This rule also makes in order general debate on the annual defense authorization bill along with seven amendments. That is a little unusual. Normally, the Rules Committee reports two rules: one for general debate and one for consideration of amendments. Now, I don't have any problem with these amendments being made in order, but I will voice my strong concerns tomorrow if the Rules Committee fails to make in order many of the amendments submitted for consideration.

I would like to thank my distinguished colleagues, the chairman, Mr. MCKEON, and the ranking member, Mr. SMITH, of the Armed Services Committee for their leadership and their hard work in crafting this bill each year and for coming to a bipartisan agreement on so many of the serious matters contained in this bill.

This is a massive undertaking that touches on so many aspects of our defense and national security priorities and the health and the well-being of our military personnel and their families. But there are serious and substantive matters in this bill that we must debate over the next few days because they merit the attention of every single Member of this House.

First and foremost, H.R. 4435 fails to make many of the difficult choices required by our current budgetary constraints and fiscal reality. This is a half-trillion-dollar bill. That is trillion, with a t, Madam Speaker. It provides \$513.4 billion in discretionary budget authority. \$495.8 billion of that is for the Department of Defense base budget; another \$17.6 billion for defense-related activities, mainly nuclear, within the Department of Energy; and another whopping \$79.4 billion for the so-called overseas contingency operations, or OCO.

But according to the Congressional Budget Office, H.R. 4435 decreases direct spending by just \$1 million in FY 2015. In a \$500 billion bill, we can only find savings of \$1 million? There is probably \$1 million in the couch cushions at the Pentagon.

Madam Speaker, this Congress just cut \$8 billion in the farm bill for the SNAP program. That is an \$8 billion cut to help hungry families put food on their table. But we couldn't find more than \$1 million next year from the Pentagon budget? Give me a break.

And if sequestration remains the law of the land, these funding levels simply will not stand, and another round of arbitrary reductions will harm our troops, our military civilian workforce, their families, and our military readiness. That is also unacceptable.

So I oppose, and I have always opposed, sequestration for both defense and nondefense programs. But putting

forward a bill that fails to make any hard decisions on reducing spending authority is not a solution. In fact, it compounds the problem.

This brings me to Afghanistan, Madam Speaker, where we continue to squander lives and waste money. Since 2001, over 2,300 U.S. troops have been killed in Afghanistan. Nearly 20,000 have been wounded. We lost 127 brave soldiers just last year alone. Estimates are that around 30,000 Afghan civilians have been killed since 2001. And the VA estimates that approximately 22 veterans will die by suicide every day.

Since 2001, we have spent over \$700 billion on this war. In this current year, fiscal year 2014, we are spending \$7.1 billion every month in Afghanistan.

The President is committed to bringing most of our troops home by the end of the year, and I trust him to keep his word to America's families. But he has also said that he wants to keep some level of forces remaining there, 5,000, maybe 10,000. And he wants to keep them in Afghanistan for an extended period of time.

Whether you support keeping U.S. troops in Afghanistan after 2014 or whether you oppose it, as I do, I would hope that we can all agree that Congress should have a say in whether or not the longest war in American history continues. At a minimum, we owe the thousands of U.S. servicemen and -women who will be called upon to serve for years to come in Afghanistan a vote, and we owe it to their families, and we owe it to the American people.

Now, Congressmen WALTER JONES and ADAM SMITH and I have an amendment pending before the Rules Committee that would call for such a vote, and I hope the Rules Committee makes it in order so that one of the most important matters facing the American people can be debated and voted on.

Last year, 305 Members of this House voted in support of an amendment that we three offered, calling for just such a vote on any post-2014 deployment of U.S. troops in Afghanistan. If that vote is to have any meaning whatsoever, then those same Members and this House must support the McGovern-Jones-Smith amendment once again this year.

And this brings me to the overseas contingency operations, the OCO account. Madam Speaker, this bill authorized \$79.4 billion for the OCO account for fiscal year 2015. Now, the last time I looked, the war in Iraq was over; the war in Afghanistan is winding down, with nearly all our troops heading home by the end of the year; and only a much smaller residual force for training operations and some special operations might remain deployed in Afghanistan, depending on what the President asks for. But the OCO funds don't ever seem to go down. The OCO is just \$5 billion less than the current fiscal year. It certainly doesn't reflect

the changing circumstances on the ground in Afghanistan.

Where is all the money going? A February 28th Pentagon report concludes that the United States Government and its money “created an environment that fostered corruption” in Afghanistan. Maybe there are some lessons we need to learn here.

Many assert that the OCO account is nothing more than a slush fund for the Pentagon. If we want to save some money, one of the first places we should look is getting rid of the OCO, putting everything back into the Pentagon base budget, and then taking a long and clear-eyed look at where spending needs to be reduced.

Madam Speaker, there are many other problems with H.R. 4435: it continues to place restrictions on the transfer of inmates in Guantanamo; it undermines our nuclear security cooperation with Russia; it attempts to derail the multiparty negotiations with Iran; and it coddles the nuclear weapons budget. Foolish choices, wasteful spending, and wars without end.

I urge my colleagues to vote to change course, to end the war in Afghanistan, to cut the nuclear arsenal, face reality, and make the tough choices in overall defense spending.

With that, I reserve the balance of my time.

Mr. WOODALL. Madam Speaker, at this time, it is my great pleasure to yield 5 minutes to the gentleman from Florida (Mr. NUGENT), a member of both the Rules Committee and the Armed Services Committee.

Mr. NUGENT. Madam Speaker, I want to thank my friend from Georgia (Mr. WOODALL). We came in to this Congress together a couple of years back, and I have had the great opportunity to serve with him on the Rules Committee. And being placed on Armed Services last year was a great opportunity for me to be in the process of crafting how our military establishment moves forward.

Madam Speaker, in addition to providing an open rule for the Commerce, Justice, Science, and Related Agencies Appropriations Act, H. Res. 585 provides for 1 hour of general debate on this year's National Defense Authorization Act. It also makes in order the first of many amendments that are going to be coming forward in the debate over the next couple of days.

Because the Rules Committee traditionally does two rules, one for the underlying legislation and the second for the amendments, which I am going to bring forward tomorrow—as we have heard, we have had over 300 amendments come forward on the NDAA this year. My understanding is that is a record. Typically, it is around 200-and-some. This year, it was over 300.

So we are going to have the opportunity to hear arguments on both sides

as to why an amendment should pass or why an amendment should fail, and that is a good thing. That is what this body is designed to do, to have a dialogue and a discussion back and forth about the merits of a particular issue.

I have three sons who currently serve this Nation. One is in the National Guard, and two are in the Active Duty Army. So when we craft an NDAA, it is extremely important to me to make sure that our men and women have all the resources they need if they are called to go into harm's way. It is not their call to go. It is the President's call, the Commander in Chief's call in regards to whether or not our servicemen and -women go off to fight.

The gentleman from Georgia (Mr. WOODALL) mentioned earlier about all the partisanship in this place. The NDAA, when it passed through committee, had over 100 amendments within committee that passed and were attached to the NDAA, amendments from both sides of the aisle, Democrat and Republican alike, because there was great discussion within the committee about those amendments. Some didn't pass, but the vast majority, over 100, did pass, and you see it in the body of the National Defense Authorization Act today. That says an awful lot.

The National Defense Authorization Act has passed 52 times, 52 consecutive times, and we are hoping that this is the 53rd consecutive time that it passes in this body. Mr. WOODALL was correct. It passed out of committee 61-0. I would suggest to you, I don't think I have heard that number before in other committees.

While there are disagreements on how things should work in the NDAA, disagreements about priorities and how things should be moved around and where our money should be spent, at the end of the day, we came together as Democrats and Republicans and put forward a piece of legislation that we can be proud of, that was actually named after the chairman of the House Armed Services Committee, Chairman BUCK MCKEON.

Madam Speaker, I have had the opportunity to help craft the NDAA. I believe that it is a good step in the right direction. We have heard a lot of things about sequestration in the coming year, and we need to be very cognizant of what that will do to our military, our readiness, and our ability to meet the demands that this country could call upon our military to meet.

This legislation takes care of that 1 percent of Americans who step forward and raise their hand and say: If you need me, I am there; if you need me to fight your fight, I am there. That is why this legislation is so important. It protects the members of our military, the 1 percent of America, Americans who stand up and say: I am there to protect you. That is why this legislation is so important.

The benefit of this is that we have a strong, well-run military, that we have a military that is trained and equipped for the battles to come. And I will suggest to you that we have not done a very good job of figuring out what our next battle will be. As a matter of fact, we have had members of the military, flag officers, high-ranking folks that have been involved in the military for 30-plus years say we have never gotten it right once; not one time have we gotten it right in regards to what our future conflicts are going to look like. So I would suggest to you that we need to make sure that we are on top of it now.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WOODALL. Madam Speaker, Sheriff Nugent is the expert on these issues on the Rules Committee. I am proud to yield him an additional 3 minutes.

Mr. NUGENT. Well, I appreciate that. I don't know that I am expert, but I certainly have the heart. I have the heart to make sure that America is safe.

□ 1430

It is a constitutional responsibility that this body make sure that we have a strong defense for our homeland. It is a huge responsibility, and it is not one that is taken lightly. As you can see in the vote that was taken in the House Armed Services Committee—61-0—it is one that is shared by all Members.

We have seen the threats. Unfortunately, not everybody knows what the threats are. But if you look at and read the news, whether it is Russia today resurging its influence within Europe, whether it is China, or whether it is Iran or North Korea, there are so many players out there that have ill intentions to our people, to this Nation.

We have Africa, a continent that has seen a huge increase in violence that is associated with al Qaeda. We have threats around this world. To those who would say this world is safer than it was before, I would suggest to you it is not. So I will do anything that I can do to lend credence to our military fighting force to make sure we have the strongest, most-equipped, and best-trained force. It is what gave my wife and me solace when our older son was deployed to Afghanistan. It gave us solace when our two sons were deployed to Iraq, that we knew they were the best fighting force out there. That gave them the greatest opportunity to come home safe to us.

Last night in the Rules Committee, we had a young man, a double amputee, who is a proud, proud member of the 82nd Airborne's 4th Combat Brigade. Specialist Stefan LeRoy was in our midst last night as we talked about the NDAA in the Rules Committee. There is not a more powerful statement than that young man sitting

right in front of me at the dais looking at us to make sure that we provide for them, for that 1 percent I talked about earlier. That is what makes this all worthwhile, in my estimation, that we do the right thing.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, I thank the gentleman from Massachusetts for his leadership and as well the manager, the distinguished gentleman from Georgia, both distinguished members of the Rules Committee.

This is always a tough bill because many of us are aware of the extensive amendment process that occurred during the markup. But let me speak to one or two points that I think are very important. Our men and women in the United States military deserve our keenest support.

This is, in fact, Military Appreciation Month, and we want them to know that we truly appreciate them. We also know that they are fact-finders, and they are sometimes the front-line support on behalf of the United States without weapons to be helpful to countries that are in need.

I am introducing an amendment cosponsored by Congresswoman FREDERICA WILSON and Congresswoman BARBARA LEE to ask for a report on the status of the Boko Haram and the resources that our defense persons are using to help with respect to the girls that have been kidnapped, and as well report to the extent of the crimes against humanity with respect to Boko Haram in Nigeria. I just got through meeting with African ambassadors, and they have mentioned that this is a regional issue.

We have also introduced an amendment to make sure that the contractors that are utilized for intelligence gathering have oversight, to avoid some of the catastrophes that we saw in recent years of contractors not appropriately, for some, handling important information that they had and doing this through contractors.

As we support our military, every day we see soldiers coming home from places far away and the need for posttraumatic stress disorder treatment. And my amendment, as I have done, asked for an increase of \$5 million to be able to help those individuals. It is not throwing any bad money after good. It is recognizing that these symptoms and psychological problems may cause difficulty in providing provider-patient communication.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentle lady an additional 1 minute.

Ms. JACKSON LEE. They may appear later in time and not mostly at the time that these individuals will come home. So I think it is important that we have the opportunity for diag-

nosing at a later period of time. These numbers are going to grow. There are over 200,000 veterans of military service who live and work in Houston, more than 13,000 of whom are veterans of Operation Enduring Freedom.

Let me finally say that we must stand with the repair of the Veterans Administration health system. I know that it tracks this bill, but it is not this bill per se, but we want to support our troops. And then I want to make sure that we heighten again the Iran negotiations and that we have no gap in the time that Iran is to report on what they are doing to not have war nuclear weapons as opposed to civilian use.

Let us also get re-engaged in the discussions on the Palestinian peace discussions, with the discussions going forward with Israel and Palestine, in spite of the fact that there are some very difficult things that we have to overcome. I believe it is important that we stand ready and are ready, that our negotiations are going forward to secure this Nation.

Finally, Madam Speaker, if I might just indicate that we hope to keep at Ellington Field—keep our helicopter units in Texas, and we hope that the legislation provides that opportunity without closing out the National Guard without a further review. I think that is extremely important.

Madam Speaker, I rise to speak during House consideration of the rule for the Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015.

I thank Chairman MCKEON, and want to express my appreciation for his years of service to our nation as chair of the House Committee on Armed Services. This year’s appropriation bill’s title reflects the dedication you have shown to our men and women in uniform in defense of our nation.

I also thank Ranking Member SMITH of the Armed Services Committee for his work on this bill.

Thank you, Chairman WOODALL and Ranking Member MCGOVERN I appreciate for allowing me the opportunity to speak on the Rule for H.R. 4435.

This is the 53rd consecutive National Defense Authorization Act, which speaks to the long-term commitment of the Congress and successive Administrations to provide for National Defense. This bill encompasses a number of initiatives designed to modernize our nation’s military to combat threats defined by the last decade of war in Afghanistan and Iraq, while dealing with dramatic cuts in funding; along with sequestration; and the federal government shutdown last year.

The National Defense Authorization Act’s purpose is to address the threats our nation must deal with not just today, but in the future. This makes our work vital to our national interest and it should reflect our strong commitment to ensure that the men and women of our Armed Services receive the benefits and support that they deserve for their faithful service.

Our men and women in uniform are ending the longest military conflict in the history of our

nation. The lessons learned are hard, but solutions to improve our ability to provide the tools our troops will need to protect themselves were developed based on their experiences. Now it is our obligation to be sure that these new tools for the defense of our troops are available for their use when and where they are needed.

The bill will provide for resources to address the threats posed by improvised explosive devices, chemical agents, drug interdiction and dangerous drugs entering our nation.

The military needs the funding in the bill that would address munitions destruction, support the Joint Urgent Operational Needs Fund and support our work with the North Atlantic Treaty Organization (NATO) to make more efficient the work of protecting America and our interest.

We do live in a dangerous world, where threats are not always easily identifiable, and our enemies are not bound by borders. The Boston Terrorist Attack last year reminds us of how fragile our nation’s security could be without a well-trained and -equipped military.

The definition of war has changed and with it our understanding about what is needed to combat a unique type of enemy that fights under no flag or for any nation.

U.S. Special Operations Command, a vital part of our military, provides much of the special skills needed to defend our nation. This legislation continues to build on previous efforts to support their important work.

There are several Jackson Lee amendments before the Rules Committee for consideration. These amendments are simple, straightforward, and are intended to improve the underlying bill. I believe they would command the support of a majority of the House, and I urge the Rules Committee to make them in order.

JACKSON LEE-WILSON-LEE AMENDMENT (#65)

This amendment (#65), co-sponsored jointly by Congresswoman BARBARA LEE of California and Congresswoman FREDERICA WILSON of Florida, and Congresswoman KELLY of Illinois have joined efforts to make three important contributions to the bill: strongly condemns the ongoing violence and the systemic gross human rights violations against the people of Nigeria carried out by the militant organization Boko Haram, includes the cowardly kidnapping of the more than 200 young schoolgirls; expresses support for the people of Nigeria; and the Secretary of Defense to report to Congress on the nature and extent of the crimes against humanity committed by Boko Haram in Nigeria.

Since 2013, more than 4,400 men, women, and children have been slaughtered by Boko Haram.

JACKSON LEE-WILSON-LEE AMENDMENT (#186)

The second Jackson Lee Amendment (#186) directs the Secretary of Defense to conduct a study to ascertain the extent to which civilian contractors are used in the conduct of intelligence activities and the type of information to which such contractors are exposed or have access.

The amendment also requires the Secretary to submit to Congress a plan for reducing by 25 percent the number of civilian contractors with top secret security clearances that are engaged in intelligence gathering and analysis activities.

The disclosure of leaked and highly sensitive classified information to the Washington Post and the Guardian by a contract worker with a security clearance raises several very important and disturbing issues.

Something went very wrong in the conduct of this individual's security clearance background investigation, which is troubling enough in itself but particularly alarming given that more than 3.5 million persons hold a Confidential or Secret clearance.

The cost of government security classification in 2005 was \$7.66 billion and in 2011 the total was \$11.36 billion.

According to the Office of the Director of National Intelligence 2012 Report on Security Clearance Determinations there were 483,263 contractors with Top Secret security clearances.

In the previous year 133,493 contractors receive approval for Top Secret security clearances. At the time of the report over 1.4 million Federal government employees and private sector contractors held Top Secret security clearances.

These costs are not all encompassing, but were generated by 41 executive branch agencies including the Department of Defense.

Another consequence of contracting out national security work is the power it may extend to a private company over the most sensitive information our nation may hold.

For example, only the person with the Top Secret classification authority may classify information. Only original classifiers are authorized to decide what information if made public could cause harm to national security.

Between 2003 and 2004 original classification authorities increased the number of classified documents from 234,052 to 351,150. In 2011, the Department of Defense original classification activity generated 62,753 classifications.

The consequences for making more and more information Top Secret could lead to the government's need for more persons working for contractors receiving classifications to do this type of work. At some point the ability to manage the work absent contractors can become very difficult.

My amendment simply directs the Secretary of Defense to study the feasibility of implementing a modest reduction in that number consistent without jeopardizing the nation's security.

JACKSON LEE-WILSON-LEE AMENDMENT (#68)

The third and final Jackson Lee Amendment (#68) increases post-traumatic stress disorder (PTSD) funding by \$5,000,000.

Last year, the Rules Committee made in order the identical amendment to the FY14 NDAA, which was approved by the full House. I ask the Committee to make this amendment in order again this year.

Post traumatic stress disorder is one of the most prevalent and devastating psychological wounds suffered by the brave men and women fighting in far off lands to defend the values and freedom we hold dear.

PTSD symptoms and other psychosocial problems may cause difficulty in provider-patient communication, reduce patients' active collaboration in evaluation and treatment, increase the likelihood of somatization, and reduce patient adherence to medical regimens.

As with other anxiety disorders and depression, most patients with PTSD are not properly identified and are not offered education, counseling, or referrals for mental-health evaluation.

A suicide bomber, an IED, or an insurgent can obliterate their close friend instantaneously and right in front of their face.

Yet, as American soldiers, they are trained to suppress the agonizing grief associated with those horrible experiences and are expected to continue with their mission. And carry on they do, with courage and with patriotism.

According to surveys conducted of troops in Iraq, 15–20% of Army soldiers suffer PTSD symptoms, including nightmares, flashbacks, emotional detachment, dissociation, insomnia, loss of appetite, memory loss, clinical depression, and anxiety.

Approximately 35% of soldiers seeking some kind of mental health treatment within a year of returning from combat.

I am reminded of the continuing need to treat PTSD every time I return to my district because Houston is home to one of the largest populations of military service members and their families in the nation.

There are over 200,000 veterans of military service who live and work in Houston; more than 13,000 of whom are veterans of Operation Enduring Freedom (Afghanistan); and Operation Iraqi Freedom (Iraq).

Although some of a soldier's wounds are invisible to the naked eye they are still wounds that should be properly treated. One of the best ways to increase access to treatment is to increase the number of medical facilities and mental health professionals who are available to serve the needs of men and women currently serving and those who have become veterans.

We must continue to direct our efforts as a body to ensure that our troops remain the best equipped and prepared military force in the world. They are not just soldiers they are sons and daughters, husbands and wives, brothers and sisters—they are some of the people we represent as members of Congress. Support of them is a sacred obligation of Congress both to those who are at risk on battle fields and serving as the guard against threats around the world, but they are also those who have returned home from war.

I thank Chairman WOODALL and Ranking Member MCGOVERN for their work; to manage the debate on the rule for the NDAA Fiscal Year 2015 bill.

Mr. WOODALL. Madam Speaker, I would advise you and my friend from Massachusetts that I do not have any further speakers remaining, and I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself the remaining time.

Madam Speaker, as I indicated at the beginning of this debate, we have no objection to this rule. We are glad that the 2015 Commerce-Justice-Science appropriations bill is coming to the floor under an open rule. We have no problem with moving ahead on general debate or the amendments made in order on the Department of Defense authorization bill, and so we support this rule.

It is my hope, as I said earlier, that when the next rule in the defense bill comes to the floor that it will allow for there to be debate on a number of the important issues that Members of this House feel deserve that debate.

I have nothing but the highest regard for all those who serve on the House Armed Services Committee, but I have to say that this bill is too big. It is too big. We have not done a very good job, I don't believe, in this Congress of getting rid of the bloat, the waste, and the duplication within the Pentagon budget. For some reason, we have Members who think that the way you show you are tough in terms of the defense of our country is by supporting bills that add more and more and more money to the Pentagon's budget.

The bottom line is that strong defense doesn't mean wasteful defense. It doesn't mean weapons systems that are obsolete or that are not practical or that are not needed anymore. It doesn't mean a bloated bureaucracy.

Again, as I said earlier, this bill fails to make any of the tough choices. I want to make sure our troops get all the equipment and all the support that they need. I want to make sure that we are prepared for anything that might come at us in the future.

But wasteful defense spending doesn't help us at all. And so there are some significant problems with the underlying bill. In addition to being too big, this bill also fails to cut our nuclear arsenal. We are spending billions and billions and billions of dollars maintaining an arsenal way bigger than anybody believes that we need to, but we don't deal with that issue.

This bill continues to place restrictions on the transfer of inmates from Guantanamo, which is problematic. Again, this bill fails to face reality and make any of the tough choices in terms of overall defense spending.

Again, I will appeal to my colleagues on the Rules Committee to please make sure that we have the opportunity to debate the issue of Afghanistan on this floor. We are at war, and we very rarely discuss it in this Chamber. To those who say, well, it is up to the President to decide whether we stay or go, I will remind my colleagues that we have a role in that, too. Our indifference and our silence over the last several years means we are complicit in this war's continuing, the longest war in the history of our country.

As I said, I will offer an amendment, along with Mr. JONES of North Carolina and Mr. SMITH, the ranking member of the Armed Services Committee, to make it clear that if the President wants to continue the deployment of U.S. forces beyond 2014, which was his stated policy last year, then we ought to vote on it. We ought to vote on it. And if you believe we should stay longer, you can vote "yes." If you believe that enough is enough, then you

can vote “no.” But after that time, after all this time, we have an obligation in this Congress to speak up and speak out and make sure that our constituents know what we are doing. We cannot allow this war to go on forever on autopilot. We have a responsibility here.

I have heard the arguments of my friends who want to stay. They are compelling arguments. Make them on the House floor, and have the next Congress decide whether or not we should continue the war there.

I will just close with this. When people say to me that there is no place to cut in the Pentagon’s budget, I would urge them to talk to some of the men and women who serve in our Armed Forces or some of the men and women who serve in the Pentagon who, over the years, I have met with who talk freely of places where we could cut without sacrificing any of our national security, places we could cut, quite frankly, that will enhance our security, because they believe that wasteful defense spending has no place in our budget, especially during these tough fiscal times.

But I also believe when we talk about national defense it also means the quality of life in our country and whether or not people have a job, whether or not people have adequate health care, whether or not people have access to good education, and whether or not we end hunger and poverty in our country. All those things matter, as well.

So, again, I urge my colleagues to support the rule because, quite frankly, there is no reason to oppose it. And I would urge my friends on the Rules Committee to please be generous in offering and allowing Members to offer many amendments on this bill. This is an important bill not just for people on the Armed Services Committee but for all Members.

With that, Madam Speaker, I yield back the balance of my time.

Mr. WOODALL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it would be easy to close debate just by reminding my colleagues that the gentleman from Massachusetts plans to support this rule. That is reason enough when we can find agreement in the Rules Committee on moving forward. But I hate to stop it there just because it is worth celebrating. It is absolutely worth celebrating.

The gentleman from Massachusetts is absolutely certain we are spending too much on the Department of Defense. I am absolutely certain we are spending too little. The gentleman from Massachusetts is absolutely certain that waste has no place in the Department of Defense. I, too, am absolutely certain that waste has no place in the Department of Defense.

Madam Speaker, just because this bill came out of the Armed Services Committee 61-0 does not mean that we do not have differences in this Chamber. We do. But this rule provides us an opportunity to debate those differences and then provides an opportunity for the Members of this body to have their will done.

Whether you are talking about the National Defense Authorization Act, or whether you are talking about the Commerce-Justice-Science appropriations bill, these bills did not come down from on high dictated by a Speaker or dictated by a minority leader. These bills were both crafted by the membership of this body, and this rule allows them to be perfected by the membership of this body should it pass this afternoon.

I urge all of my colleagues to support this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1445

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### JUSTICE FOR VICTIMS OF TRAFFICKING ACT OF 2014

Mr. GOODLATTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3530) to provide justice for the victims of trafficking, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3530

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Justice for Victims of Trafficking Act of 2014”.

#### SEC. 2. AVAILABILITY OF SUMS IN CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended in subsection (d) by inserting before paragraph (2) the following:

“(1) A limitation on obligations is authorized to be provided with respect to fiscal years 2016 through 2020. Except in the case where a limitation on obligations is made by a continuing resolution, if such a limitation on obligations is less than—

“(A) \$805,000,000 in fiscal year 2016;

“(B) \$825,000,000 in fiscal year 2017;

“(C) \$845,000,000 in fiscal year 2018;

“(D) \$866,000,000 in fiscal year 2019; or

“(E) \$890,000,000 in fiscal year 2020;

then all sums deposited in the fund in prior fiscal years shall become available for obligation.”.

#### SEC. 3. VICTIM-CENTERED SEX TRAFFICKING DETERRENCE GRANT PROGRAM.

Section 203 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044b) is amended—

(1) by redesignating subsection (g) as subsection (j);

(2) by striking subsections (a) through (f), and inserting the following:

“(a) GRANTS AUTHORIZED.—The Attorney General may make grants to eligible entities to develop, improve, or expand comprehensive domestic child human trafficking deterrence programs that assist law enforcement officers, prosecutors, judicial officials, and qualified victims’ services organizations in collaborating to rescue and restore the lives of victims, while investigating and prosecuting offenses involving child human trafficking.

“(b) AUTHORIZED ACTIVITIES.—Grants awarded under subsection (a) may be used for—

“(1) the establishment or enhancement of specialized training programs for law enforcement officers, first responders, health care officials, child welfare officials, juvenile justice personnel, prosecutors, and judicial personnel to—

“(A) identify victims and acts of child human trafficking;

“(B) address the unique needs of victims of child human trafficking;

“(C) facilitate the rescue of victims of child human trafficking;

“(D) investigate and prosecute acts of child human trafficking, including the soliciting, patronizing, or purchasing of commercial sex acts from children, as well as training to build cases against complex criminal networks involved in child human trafficking; and

“(E) implement and provide education on safe harbor laws enacted by States, aimed at preventing the criminalization and prosecution of victims of child human trafficking for prostitution offenses;

“(2) the establishment or enhancement of dedicated anti-child human trafficking law enforcement units and task forces to investigate child human trafficking offenses and to rescue victims, including—

“(A) funding salaries, in whole or in part, for law enforcement officers, including patrol officers, detectives, and investigators, except that the percentage of the salary of the law enforcement officer paid for by funds from a grant awarded under this section shall not be more than the percentage of the officer’s time on duty that is dedicated to working on cases involving child human trafficking;

“(B) investigation expenses for cases involving child human trafficking, including—

“(i) wire taps;

“(ii) consultants with expertise specific to cases involving child human trafficking;

“(iii) travel; and

“(iv) other technical assistance expenditures;

“(C) dedicated anti-child human trafficking prosecution units, including the funding of salaries for State and local prosecutors, including assisting in paying trial expenses for prosecution of child human trafficking offenses, except that the percentage of the total salary of a State or local prosecutor that is paid using an award under this

section shall be not more than the percentage of the total number of hours worked by the prosecutor that is spent working on cases involving child human trafficking; and

“(D) the establishment of child human trafficking victim witness safety, assistance, and relocation programs that encourage cooperation with law enforcement investigations of crimes of child human trafficking by leveraging existing resources and delivering child human trafficking victims’ services through coordination with—

“(i) child advocacy centers;  
“(ii) social service agencies;  
“(iii) State governmental health service agencies;

“(iv) housing agencies;  
“(v) legal services agencies; and  
“(vi) non-governmental organizations and shelter service providers with substantial experience in delivering services to victims of child human trafficking;

“(3) the establishment or enhancement of problem solving court programs for child human trafficking victims that include—

“(A) continuing judicial supervision of victims of child human trafficking who have been identified by a law enforcement or judicial officer as a potential victim of child human trafficking, regardless of whether the victim has been charged with a crime related to human trafficking;

“(B) the development of specialized and individualized treatment programs for identified victims of child human trafficking, including—

“(i) State-administered outpatient treatment;

“(ii) life skills training;

“(iii) housing placement;

“(iv) vocational training;

“(v) education;

“(vi) family support services; and

“(vii) job placement; and

“(C) collaborative efforts with child advocacy centers, child welfare agencies, shelters, and non-governmental organizations to provide services to victims and encourage cooperation with law enforcement; and

“(4) the establishment or enhancement of victims’ services programs for victims of child human trafficking, which offer services including—

“(A) residential care, including temporary or long-term placement, as appropriate;

“(B) 24-hour emergency social services response systems; and

“(C) counseling and case management services.

“(c) APPLICATION.—

“(1) IN GENERAL.—An eligible entity shall submit an application to the Attorney General for a grant under this section in such form and manner as the Attorney General may require.

“(2) REQUIRED INFORMATION.—An application submitted under this subsection shall—

“(A) disclose—

“(i) any other grant funding from the Department of Justice or from any other Federal department or agency for purposes similar to those described in subsection (b) for which the eligible entity has applied, and which application is pending on the date of the submission of an application under this section; and

“(ii) any other such grant funding that the eligible entity has received during the 5 year period prior to the date of the submission of an application under this section;

“(B) describe the activities for which assistance under this section is sought;

“(C) include a detailed plan for the use of funds awarded under the grant; and

“(D) provide such additional information and assurances as the Attorney General determines to be necessary to ensure compliance with the requirements of this section.

“(3) PREFERENCE.—In reviewing applications submitted in accordance with paragraphs (1) and (2), the Attorney General shall give preference to grant applications if—

“(A) the application includes a plan to use awarded funds to engage in all activities described under paragraphs (1) and (2) of subsection (b); or

“(B) the application includes a plan by the State or unit of local government to continue funding of all activities funded by the award after the expiration of the award.

“(d) DURATION AND RENEWAL OF AWARD.—

“(1) IN GENERAL.—A grant under this section shall expire 1 year after the date of award of the grant.

“(2) RENEWAL.—A grant under this section shall be renewable not more than 3 times and for a period of not greater than 1 year.

“(e) EVALUATION.—The Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to child human trafficking and evaluation of grant programs to conduct an annual evaluation of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under this section, and shall submit any such evaluation to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

“(f) OVERSIGHT AND ACCOUNTABILITY.—An eligible entity that receives a grant under this section is subject to the requirements of section 10 of the Justice for Victims of Trafficking Act of 2014.

“(g) ADMINISTRATIVE CAP.—The cost of administering the grants authorized by this section shall not exceed 5 percent of the total amount appropriated to carry out this section.

“(h) FEDERAL SHARE.—The Federal share of the cost of a program funded by a grant awarded under this section may not exceed—

“(1) 70 percent in the first year;

“(2) 60 percent in the second year; and

“(3) 50 percent in the third year.

“(i) DEFINITIONS.—In this section—

“(1) the term ‘child’ means a person under the age of 18;

“(2) the term ‘child advocacy center’ means a center created under subtitle A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.);

“(3) the term ‘child human trafficking’ means 1 or more severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) involving a victim who is a child; and

“(4) the term ‘eligible entity’ means a State or unit of local government that—

“(A) has significant criminal activity involving child human trafficking;

“(B) has demonstrated cooperation between Federal, State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing child human trafficking; and

“(C) has developed a workable, multi-disciplinary plan to combat child human trafficking.”; and

(3) in subsection (j) (as so redesignated)—

(A) by striking “Secretary of Health and Human Services” and inserting “Attorney General, in consultation with the Secretary of Health and Human Services,”; and

(B) by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2015 through 2019”.

#### SEC. 4. AMENDMENTS TO THE VICTIMS OF CHILD ABUSE ACT OF 1990.

(a) REAUTHORIZATION OF VICTIMS OF CHILD ABUSE ACT OF 1990.—Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is amended—

(1) in subsection (a), by striking “fiscal years 2004 and 2005” and inserting “fiscal years 2015 through 2019”; and

(2) in subsection (b), by striking “fiscal years 2004 and 2005” and inserting “fiscal years 2015 through 2019”.

(b) DIRECT SERVICES FOR VICTIMS OF CHILD PORNOGRAPHY.—The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(1) in section 212(5) (42 U.S.C. 13001a(5)), by inserting “, including human trafficking and the production of child pornography” before the semicolon at the end; and

(2) in section 214 (42 U.S.C. 13002)—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a) the following:

“(b) DIRECT SERVICES FOR VICTIMS OF CHILD PORNOGRAPHY.—The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, may make grants to develop and implement specialized programs to identify and provide direct services to victims of child pornography.”.

(c) OVERSIGHT AND ACCOUNTABILITY.—

(1) LOCAL CHILDREN’S ADVOCACY CENTERS.—Section 214 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002), as amended by this Act, is further amended by inserting at the end the following:

“(f) OVERSIGHT AND ACCOUNTABILITY.—

“(1) ACCOUNTABILITY REQUIREMENT.—A grant recipient under this section is subject to the requirements of section 10 of the Justice for Victims of Trafficking Act of 2014.

“(2) DISCLOSURE OF ADDITIONAL SOURCES OF FEDERAL FUNDING.—An application for a grant under this section shall disclose—

“(A) any other grant funding from the Department of Justice or from any other Federal department or agency for purposes similar to those described in subsection (a) for which the entity has applied, and which application is pending on the date of the submission of an application under this section; and

“(B) any other such grant funding that the entity has received during the 5 year period prior to the date of the submission of an application under this section.”.

(2) GRANTS FOR SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—Section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) is amended by inserting at the end the following:

“(d) OVERSIGHT AND ACCOUNTABILITY.—

“(1) ACCOUNTABILITY REQUIREMENT.—A grant recipient under this section is subject to the requirements of section 10 of the Justice for Victims of Trafficking Act of 2014.

“(2) DISCLOSURE OF ADDITIONAL SOURCES OF FEDERAL FUNDING.—An application for a grant under this section shall disclose—

“(A) any other grant funding from the Department of Justice or from any other Federal department or agency for purposes similar to those described in subsection (a) for which the organization has applied, and which application is pending on the date of the submission of an application under this section; and

“(B) any other such grant funding that the organization has received during the 5 year period prior to the date of the submission of an application under this section.”.



## SEC. 5. STREAMLINING STATE AND LOCAL HUMAN TRAFFICKING INVESTIGATIONS.

Section 2516(2) of title 18, United States Code, is amended by inserting “human trafficking, child sexual exploitation, child pornography production,” after “kidnapping.”.

## SEC. 6. ENHANCING HUMAN TRAFFICKING REPORTING.

Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

(1) in paragraph (2), by striking “and” at the end; and

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking “paragraph (2)” and inserting “paragraph (3)”;

(B) in subparagraph (A), by inserting “and a photograph taken within the previous 180 days” after “dental records”;

(C) in subparagraph (B), by striking “and” at the end;

(D) by redesignating subparagraph (C) as subparagraph (D); and

(E) by inserting after subparagraph (B) the following:

“(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and”.

## SEC. 7. REDUCING DEMAND FOR SEX TRAFFICKING.

Section 1591 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking “or maintains” and inserting “maintains, patronizes, or solicits”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “or obtained” and inserting “obtained, patronized, or solicited”;

(B) in paragraph (2), by striking “or obtained” and inserting “obtained, patronized, or solicited”;

(3) in subsection (c)—

(A) by striking “or maintained” and inserting “, maintained, patronized, or solicited”;

(B) by striking “knew that the person” and inserting “knew, or recklessly disregarded the fact, that the person”.

## SEC. 8. USING EXISTING TASK FORCES TO TARGET OFFENDERS WHO EXPLOIT CHILDREN.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall ensure that all task forces and working groups within the Violent Crimes Against Children Program engage in activities, programs, or operations to increase the investigative capabilities of State and local law enforcement officers in the detection, investigation, and prosecution of persons who patronize, or solicit children for sex.

## SEC. 9. HOLDING SEX TRAFFICKERS ACCOUNTABLE.

Section 2423(g) of title 18, United States Code, is amended by striking “a preponderance of the evidence” and inserting “clear and convincing evidence”.

## SEC. 10. OVERSIGHT AND ACCOUNTABILITY.

(a) **AUDIT REQUIREMENT.**—In fiscal year 2015, and each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of covered grantees to prevent waste, fraud, and abuse of such funds. The Inspector General shall determine the appropriate number of covered grantees to be audited each year.

(b) **MANDATORY EXCLUSION.**—A covered grantee that is found to have an unresolved audit finding shall not be eligible for an allocation of grant funds from the covered grant

program from which it received a grant award during the first 2 fiscal years beginning after the end of the 12-month period described in subsection (g)(3).

(c) **REIMBURSEMENT.**—If a covered grantee is awarded funds under the covered grant program from which it received a grant award during the 2-fiscal year period during which the covered grantee is ineligible for an allocation of grant funds as a result of subsection (b), the Attorney General shall—

(1) deposit an amount equal to the amount of the grant funds that were improperly awarded to the covered grantee into the General Fund of the Treasury; and

(2) seek to recoup the costs of the repayment to the Fund from the covered grantee that was erroneously awarded grant funds.

## (d) NONPROFIT ORGANIZATION REQUIREMENTS.

(1) **DEFINITION.**—For purposes of this section, the term “nonprofit”, when used with respect to an organization, means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(2) **PROHIBITION.**—A nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986, shall not be eligible to receive, directly or indirectly, any funds from a covered grant program.

(3) **DISCLOSURE.**—Each nonprofit organization that is a covered grantee shall disclose in its application for such a grant, as a condition of receipt of such a grant, the compensation of its officers, directors, and trustees. Such disclosure shall include a description of the criteria relied upon to determine such compensation.

## (e) CONFERENCE EXPENDITURES.

(1) **LIMITATION.**—No amounts made available under a covered grant program may be used to host or support a conference that uses more than \$20,000 in funds made available by the Department of Justice unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy (as designated by the Deputy Attorney General) provides prior written approval that the funds may be expended to host or support such conference, except that a conference that uses more than \$20,000 in such funds, but less than \$500 in such funds for each attendee of the conference, shall not be subject to the limitation under this paragraph.

(2) **WRITTEN APPROVAL.**—Written approval under paragraph (1) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(3) **REPORT.**—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this subsection.

## (f) PROHIBITION ON LOBBYING ACTIVITY.

(1) **IN GENERAL.**—Amounts made available under a covered grant program may not be used by any covered grantee to—

(A) lobby any representative of the Department of Justice regarding the award of grant funding; or

(B) lobby any representative of the Federal Government or a State, local, or tribal government regarding the award of grant funding.

(2) **PENALTY.**—If the Attorney General determines that a covered grantee has violated paragraph (1), the Attorney General shall—

(A) require the covered grantee to repay the grant in full; and

(B) prohibit the covered grantee from receiving a grant under the covered grant program from which it received a grant award during at least the 5-year period beginning on the date of such violation.

(g) **DEFINITIONS.**—In this section, the following definitions apply:

(1) The term “covered grant program” means the following:

(A) The grant program under section 203 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044b).

(B) The grant programs under section 214 and 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002, 13003).

(2) The term “covered grantee” means a recipient of a grant from a covered grant program.

(3) The term “unresolved audit finding” means an audit report finding in a final audit report of the Inspector General of the Department of Justice that a covered grantee has used grant funds awarded to that grantee under a covered grant program for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved during the 12-month period beginning on the date on which the final audit report is issued.

## SEC. 11. CRIME VICTIMS' RIGHTS.

(a) **IN GENERAL.**—Section 3771 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

“(9) The right to be informed in a timely manner of any plea bargain or deferred prosecution agreement.

“(10) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice.”;

(2) in subsection (d)(3), in the fifth sentence, by inserting “, unless the litigants, with the approval of the court, have stipulated to a different time period for consideration” before the period; and

(3) in subsection (e)—

(A) by striking “this chapter, the term” and inserting the following: “this chapter:

“(1) **COURT OF APPEALS.**—The term ‘court of appeals’ means—

“(A) the United States court of appeals for the judicial district in which a defendant is being prosecuted; or

“(B) for a prosecution in the Superior Court of the District of Columbia, the District of Columbia Court of Appeals.

“(2) **CRIME VICTIM.**—

“(A) **IN GENERAL.**—The term”;

(B) by striking “In the case” and inserting the following:

“(B) **MINORS AND CERTAIN OTHER VICTIMS.**—In the case”;

(C) by adding at the end the following:

“(3) **DISTRICT COURT; COURT.**—The terms ‘district court’ and ‘court’ include the Superior Court of the District of Columbia.”.

(b) **APPELLATE REVIEW OF PETITIONS RELATING TO CRIME VICTIMS' RIGHTS.**—

(1) **IN GENERAL.**—Section 3771(d)(3) of title 18, United States Code, as amended by subsection (a)(2) of this section, is amended by inserting after the fifth sentence the following: “In deciding such application, the court of appeals shall apply ordinary standards of appellate review.”.

(2) **APPLICATION.**—The amendment made by paragraph (1) shall apply with respect to any petition for a writ of mandamus filed under

section 3771(d)(3) of title 18, United States Code, that is pending on the date of enactment of this Act.

#### SEC. 12. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) child human trafficking (as such term is defined in section 203(i) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044b), as added by this Act) has no place in a civilized society, and that persons who commit crimes relating to child human trafficking should be prosecuted to the fullest extent of the law;

(2) the United States, as a leader in monitoring and combating human trafficking throughout the world, must hold all nations to the same standards to which we hold our Nation;

(3) those who obtain, solicit, or patronize a victim of trafficking for the purpose of engaging in a commercial sex act with that person, are committing a human trafficking offense under Federal law; and

(4) the demand for commercial sex is a primary cause of the human rights violation of human trafficking, and the elimination of that human rights violation requires the elimination of that demand.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

#### GENERAL LEAVE

Mr. GOODLATTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3530, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume.

We are here on the floor today to talk about minor sex trafficking or, to put it more accurately, the rape of children, by adults, for profit. More importantly, though, we are here today for the victims—the survivors—of this terrible crime.

These include Ms. “T” Ortiz Walker Pettigrew, who testified so bravely before the Crime Subcommittee about her experiences under the control of a violent pimp after being failed by the foster care system; and Ms. Elizabeth Corey, who recently graduated from Virginia Commonwealth University, despite having been sexually prostituted by her family starting as young as 8 years old; and the dozens of other victims of this heinous crime who have been identified in just Virginia alone in recent years, as well as the many other victims and survivors that exist in all of our States.

The sale of children for sex sounds like something that could only happen in faraway places, but sadly, it is happening right here in the United States every single day. According to the FBI,

sex trafficking is the fastest-growing business of organized crime and the third largest criminal enterprise in the world.

Criminal organizations, including some of the most violent criminal street gangs like MS-13, have realized that selling children is oftentimes more profitable than selling drugs. This is because drugs can only be sold once, but minor children can be—and are—prostituted multiple times a day.

Sadly, the demand for commercial sex with children appears to be growing. Traditionally called johns, those who purchase sex with minors are the ones driving this illicit market. There is no single profile of a buyer of commercial sex with a minor.

Some may engage with sex with minors unknowingly, but many either seek out young children or decide to turn a blind eye to it.

One young victim, Tami, tried to escape her pimp by telling every man who purchased her that she was only 15 and needed to be taken to the police, but none of them did. It is time to send a clear message that this must stop.

The bill under consideration today, the Justice for Victims of Trafficking Act, is an important first step to make sure that the traffickers and purchasers who stole Tami’s childhood are brought to justice.

This legislation provides additional resources to law enforcement and service providers through a victim-centered grant program; helps to facilitate investigations by providing that minor sex trafficking and other similar crimes are predicate offenses for State wiretap applications; addresses the demand side of this crime by clarifying that it is a Federal crime to solicit or patronize child prostitutes or adult victims forced into prostitution; reauthorizes the funding stream for child advocacy centers, which are often the first line of service providers for the victims of this and other crimes; and strengthens the existing Federal criminal laws against trafficking through a number of clarifying amendments.

H.R. 3530 was introduced by Judiciary Committee member and former judge TED POE, who is a passionate voice for these young victims and others in need. I strongly commend him for his leadership on this issue.

I also commend Mr. FRANKS for his amendment to this bill, which helps to strengthen the rights of victims in the criminal justice process, including the victims of sex trafficking.

The bill was reported by the Judiciary Committee by voice vote and enjoys over 100 bipartisan cosponsors. I urge my colleagues to stand with me today to say our children are not for sale and to support this important bill.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we come together today at the end of Sexual Assault Awareness Month to address sexual assault in its most harrowing context, the rape of a child.

After our recent hearing on domestic minor sex trafficking, H.R. 3530, the Justice for Victims of Trafficking Act, is an important step in combating the crisis of child sex trafficking in our country and helping survivors begin their lives anew.

Victims of child sex trafficking have suffered the worst trauma imaginable. As a result, they require comprehensive and tailored services to assist their recovery, but funding for the comprehensive care that survivors need is lacking. For example, only 20 beds exist for more than 2,200 children trafficked annually in New York City.

This bill is a step in the right direction, providing \$5 million in grants for the comprehensive services that victims of trafficking need and correcting an administrative barrier that keeps domestic victims of trafficking from the services given to foreign victims.

While the rescue of trafficking victims is necessary, so is the prosecution of child rapists and traffickers. Federal courts have interpreted the existing statute to cover the acts of patronizing and soliciting.

Therefore, the addition of these terms under this bill is a mere clarification. Individuals who patronize and solicit already have been held criminally liable under the language of the existing law—specifically under the provision criminalizing those who obtain those services in the original section 1591.

The Justice for Victims Trafficking Act ensures that law enforcement receives funds necessary to train, investigate, and prosecute more cases, which will send the message that the rape of a child is a crime that can be punished by local, State, and Federal officials.

Child rapists will find refuge in no jurisdiction. This bill will aid in the coordination of investigations among Federal, State, and local law enforcement and enhance reporting data for missing children.

Human trafficking is the second fastest-growing criminal industry in the world, generating over \$32 billion annually, and H.R. 3530 is the most comprehensive piece of legislation to deal with this issue in years.

I want to commend our colleague, the gentleman from Texas (Mr. POE) for introducing the legislation and want to commend him and our full committee for working together across the aisle to reach compromise on the spending and foreign impacts of this legislation to streamline its passage.

Accordingly, I urge my colleagues to support H.R. 3530.

I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, it is now my pleasure to yield 5 minutes to the gentleman from Texas (Mr.



POE), the chief sponsor of this legislation and a member of the Judiciary Committee.

Mr. POE of Texas. Madam Speaker, I thank the chairman of the Judiciary Committee for yielding me this time and also for his support and work on this legislation, and I thank the ranking member as well.

Also, I want to thank my friend across the aisle, CAROLYN MALONEY from New York, for being the chief cosponsor of this legislation on the Democrat side.

Madam Speaker, Cheryl Briggs is one of many American children that got caught in the slave trade. When she was 12 years of age, she ran away from home because she was being assaulted by her father.

Not long after that, she was picked up as a hitchhiker by a trucker, and then soon after that, she was put in the slave trade where she was forced to have sex with men several times a day.

She also was forced to work at a strip club during the daytime, sold at night, and also was forced to do that work in the daytime. She was able to escape that trafficker because a patron at one of the clubs figured out she was a mere child and called the police.

Sex trafficking of minor children happens all over the world. It happens in America.

Recently, I was in South America. I went to a shelter in Peru, and I met several girls. One of them was named Lilly. At 10 years of age—she was 10—she was sold by her mother for a cell phone to a sex trafficker. Lilly gave me this bracelet when I was there, and she asked me to remember her and the other girls that were at the rescue shelter.

Madam Speaker, as the chairman and the ranking member pointed out, in the United States, there is not much help for minor sex traffic victims. There are approximately 300 beds—or less—in the whole country for children victims of sex trafficking. Compare that to animal shelters. We have over 3,000 animal shelters.

America needs to do better, and this bill will help America do better, so we can proclaim not only to the traffickers and the buyers of sex slaves that the victims of crime, the children, just aren't for sale.

They are not for sale here in America or anywhere because they are children. Children—the greatest resource any nation has are our children; no matter whether they are runaways, throwaways, or stowaways, they are not for sale.

This legislation enforces the law against the trafficker, the slave trader that buys and sells these children. It makes sure that they go to the penitentiary, and the law is very clear.

On the other end, it treats these victims of crime as victims of crime. They are not criminals. They are not child

prostitutes. There is no such thing as a child prostitute. Children cannot consent to sex. They are rape victims.

Society and the law are going to start treating them that way, rescuing them and giving resources to children assessment centers, to the police to recognize these children that have been captured and stolen—their youth stolen and they are in the slave trade.

Most importantly, this bill goes after the demand, those people in this country who buy these children for sex. The days of boys being boys are going to be over in this country because those people in the middle—they are not johns; they are child rapists.

They are going to be held accountable for their actions against these girls. The law is clear. It is clear that the law will prosecute those individuals. They will go to the same penitentiaries as the traffickers for stealing the soul of the youth of America's greatest resource, our children.

I am glad to see that this bill has so much bipartisan support that it came out of the Judiciary Committee unanimously. It is one of several bills that are coming to the House floor today to proclaim to the country and to victims of crime and to criminals that the days of the slave trade are going to end in the United States.

And that's just the way it is.

Mr. SCOTT of Virginia. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the lead cosponsor on the legislation who has introduced many bills on this issue and who has really been a fighter for those who have been trafficked.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I thank the gentleman for yielding and for his extraordinary work on this issue and so many others. I rise in very strong support of Congressman POE's work and his bill.

Human trafficking comes in many different forms, and all of them are awful. The most recent twist comes from the tragedy in Nigeria. Young girls kidnapped and terrorized were sold like objects into a lifetime of forcible rape. They say they are selling them into marriage. Nothing could be further from the truth. They are being sold into human bondage and into rape.

There is no crime on Earth more appalling, no offense as terrible, no act of depravity as harmful to the community of a nation and certainly to the individuals affected.

I want to express my gratitude to the gentleman from Texas (Mr. POE) for his outstanding work on this issue. He has been an incredible partner.

His groundbreaking work on sex trafficking is informed by his experience as a judge and as a prosecutor where he witnessed firsthand the tragic toll of human trafficking, coming face to face with both the victims and the perpetra-

tors of this terrible crime and knowing from his experience what it is we need to do to help law enforcement get convictions.

□ 1500

He has been unwavering in his efforts to pass the Justice for Victims of Trafficking Act, and I applaud his efforts.

Trafficking is one of the most profitable forms of organized crime, preceded only by the selling of drugs and the selling of illegal weapons. Unlike drugs and weapons which can only be sold once, the human body can be sold again and again and again until they die.

The bill before us today is crucial to helping the survivors of human trafficking, like Shandra Woworuntu, who put their lives back together here. She is supposed to be here in the Chamber with us today. She was with us in meetings earlier today. I want to thank her for her courage in coming forward.

The Justice for Victims of Trafficking Act will help ensure that other survivors do not find themselves in similar circumstances like Shandra. She was educated, a former manager in a bank. She came to the United States to become a manager at a hotel. She was immediately swiped, her passport taken, and thrown into a dungeon of trafficking, where she lived until she escaped.

When she escaped, there was no resources to help her. This bill will change this, with grants to States and localities to help them and to put the focus back on the demand side, to cut down on the demand for trafficking and the selling of our children. No child should be for sale in America, and this bill will help give law enforcement the tools to win convictions.

My time is up. I thank my colleagues on both sides of the aisle, and I urge unanimous support for this important bill.

Mr. GOODLATTE. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. MARINO), a member of the Judiciary Committee.

Mr. MARINO. Madam Speaker, I rise in support of this bill.

I was U.S. attorney for the middle district of Pennsylvania for several years. My staff and I prosecuted a prostitution ring. There were several defendants, all were convicted. Convictions were affirmed on appeal.

The victims were women and girls from their twenties down to their teens to their low teens. They were kidnapped, tortured, mentally and physically abused, and raped multiple times. Wiretaps revealed that the defendants, the pimps, were on the telephone complaining that their hands hurt so much from beating the girls into doing what the girls did not want to do.

The sentences of the defendants were lengthy. In fact, one of the ringleaders

who went by the name of William Sleazy T. Williams—the name is appropriate—received 45 years in prison.

This legislation must be passed.

Madam Speaker, I rise today to support this legislation.

I was a U.S. Attorney for several years.

My staff and I prosecuted a prostitution ring.

There were several defendants.

All the defendants were convicted.

The convictions were affirmed on appeal.

Women and girls from in their twenties down to their teens, low teens, were kidnapped, tortured mentally and physically, and raped, repeatedly.

A wire tap revealed that the defendants were on the phone complaining that their hands hurt so much from beating the victims to get them to do what they did not want to do.

The sentences of the defendants were lengthy.

In fact, one of the ring leaders, who went by the name William “Sleazy T” Williams, an appropriate name, received 45 years in prison.

This is the quintessential reason why we must pass this legislation.

Mr. SCOTT of Virginia. Madam Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a member of the Judiciary Committee, a former judge and hard worker on this issue.

Ms. JACKSON LEE. Madam Speaker, I thank my friend and colleague of the Judiciary Committee for managing this bill, and I acknowledge the ranking member, Mr. CONYERS, and our chairman, Mr. GOODLATTE, for the expeditious way in which we have moved forward on some very crucial bills.

I also thank both of my friends, my colleague, a former judge, TED POE from Texas and, as well, my colleague CAROLYN MALONEY from New York for their astute collaborative work which is so very important for really what we are trying to do here today.

Let me lay the groundwork for all that has been done, and that is that we want to stamp out human slavery that has been an epidemic and a plague and a cancer on this country and certainly around the world.

I am glad my friend mentioned the tragedy in Nigeria. Being in meetings on this issue today, it is obviously an epidemic and one that emphasizes a very special point, and that is young girls underage cannot consent to marriage, they cannot consent to be kidnapped or to be associated with someone that is going to do them harm on the basis that they are married. They are enslaved. They are being trafficked. They are being threatened unto their lives. Therefore, it is crucial for us to acknowledge what it is. Boko Haram is clearly a dastardly example of the tragic thugs that participate in human trafficking. They may be that group in Nigeria, but certainly we know that there are those here.

On the day that we had a Homeland Security field hearing on human traf-

ficking, the day before there was a massive finding of individuals who had been trafficked. Certainly it was a question of whether they had been trafficked or whether they were smuggled, but sometimes, our law enforcement says, it meshes together.

It says that one study estimates that over 290,000 American youth are at risk of becoming a victim of sex trafficking. The National Center for Missing and Exploited Children estimates that one of every seven endangered runaways reported to the center is likely a victim of minor sex trafficking.

I am glad the Judiciary Committee and the Homeland Security Committee are working together and, under this legislation initiated by Mr. POE, who does bring his experience as a man who has seen these victims come and cry out for help, that there are certain elements of this bill that are so very important, and that is the availability of sums in the Crime Victims Fund.

The testimony we heard in the Homeland Security field hearing in Houston indicated that victims go unnoticed sometimes in terms of getting help. I am glad to be able to have grants awarded to the establishment of the enhancement of specialized training programs for law enforcement officers, first responders, and health care officials to identify victims and the acts of child human trafficking.

I thank Mr. POE for looking forward to working with me for some additional training regarding visas. I am also grateful that we have a place of refuge for these individuals so that they are not the criminal, but they are in fact the victim.

We are going a long way to embrace these victims, to get their lives standing up, and to get those dastardly persons that would sex traffic, human traffic, child traffic, and, in essence, hold them in slavery. This is a very important step going forward.

I look forward to this body discussing our efforts going forward and more such bills coming to embrace those who need our help and to save lives. It is now long overdue, and I am very grateful the Judiciary Committee has taken this step forward. Congratulations to the sponsors of this bill. I am delighted to be a cosponsor.

Madam Speaker, I rise in strong support of H.R. 3530, The Justice For Victims of Human Trafficking Act of 2014.

Let me offer my appreciation and thanks to my colleague from Texas, Judge POE, for his work on this legislation and decades long commitment and advocacy on behalf of victims of crime, especially child victims, who are the most vulnerable and innocent victims.

Both Judge POE and I along with our colleagues on the House Homeland Security Committee held a field hearing in Houston on “Combating Human Trafficking in Our Major Cities.” It was a fitting venue because, regrettably, Houston is the human trafficking capital of the United States.

Trafficking in humans, and especially domestic child trafficking, has no place in a civilized society. Those who engage in this illicit trade should be prosecuted to the fullest extent of the law.

That is why I was pleased that my Judiciary Committee colleagues adopted my amendment during the markup of this important legislation last month.

My amendment stated what should seem obvious in a modern, open society which in many ways is benevolent:

It is the “Sense of Congress that child human trafficking has no place in a civilized society, and that persons who commit crimes relating to child human trafficking should be prosecuted to the fullest extent of the law.”

That means we need to ensure that state and local law enforcement agencies have the tools, resources, and training necessary to identify, apprehend, and prosecute criminals who ruthlessly traffic in children and young persons.

And one of the most effective resources in bringing criminals to justice is the cooperation and assistance of their victims.

Perpetrators of crime know that they are more likely to evade detection and punishment when their victims refuse to assist or cooperate with law enforcement. That is why they make it a point to instill fear in their victims—for their own safety or that of family and loved ones.

My second amendment offered during the Judiciary Committee Markup would have strengthened the bill’s enforcement regime but was withdrawn in an effort to further refine it. The amendment complements the bill by providing another tool in law enforcement’s arsenal to tip the balance in favor of victims so that they can utilize certain T and U visas.

In 2000, Congress passed the Victims of Trafficking and Violence Protection Act (VTVPA), which created the T-Visa, and reserved it for those who are or have been victims of human trafficking.

The Nonimmigrant Status (“T-Visa”) protects victims of human trafficking and helps law enforcement by allowing victims to remain in the United States to assist in the investigation or prosecution of human traffickers.

These non-immigrant visas were established by Congress to provide temporary legal status to victims of trafficking and enumerated crimes who assist with the investigations or prosecutions of the criminal activity in order to combat human trafficking.

The Jackson Lee Amendment simply provided that:

[T]he U.S. Attorney General shall provide training for State and local law enforcement agencies on the immigration law that may be useful for the investigation and prosecution of crimes related to trafficking in persons, including education on the availability of certain nonimmigrant visas for victims of trafficking who cooperate in the investigation or prosecution of the crime of which the individual was a victim.

The Jackson Lee amendment would have strengthened the ability of state and local law enforcement to identify, apprehend, and prosecute domestic child traffickers by requiring the Attorney General to make available the training and education that will empower them to gain the cooperation and active assistance

of victims of human trafficking who would otherwise refuse to cooperate out of fear of reprisal.

Unfortunately, many victims of crime and victims of human trafficking are unaware of the existence and availability of this temporary relief. And that is in part because many local and state law enforcement officers are not aware.

The Jackson Lee Amendment was intended to help fill this information gap by providing the informational resources to local law enforcement who will be able in turn to share that information with the victims.

It is important that state and local law enforcement officials receive continuous education and training that they may correctly apply the law and perform one of their most important duties—apprehending criminals. I am pleased that a number of my colleagues pledged their support of this important part of the law.

At that field hearing, me and my Texas colleagues—Judge POE, Congressman FARENTHOLD, Chairman MCCAUL—heard testimony from federal law officials about how just the day before, on March 19, they had discovered and rescued 115 people from a packed, rancid stash house on Alameda School Road in south Harris County.

Ninety-nine were men, 16 were women, one of whom was pregnant and 19 were juveniles.

All of them had been kidnapped or smuggled into the United States.

Who knows what those women and children may have faced had they not been rescued and the perpetrators caught?

By helping them, we will catch more human trafficking criminals. And we help rescue and save children from becoming victims.

I urge my colleagues to support this important legislation and I look forward to working with them on this critical problem.

Mr. GOODLATTE. Madam Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. WAGNER), who has been a real leader in combating sex trafficking and has legislation of her own which we will consider later this afternoon.

Mrs. WAGNER. Mr. Chairman and Madam Speaker, I rise today in support of H.R. 3530, the Justice for Victims of Trafficking Act.

H.R. 3530 is a comprehensive, multipronged approach to address the problem of human trafficking in the United States. The sponsor of this legislation, Congressman TED POE, is a friend, colleague, and kindred spirit to me on the issue of human trafficking. As a former judge, Congressman POE has drawn from his experience on the bench to craft a bill that would provide support and aid to victims of trafficking, as well as training for law enforcement and other first responders.

Madam Speaker, H.R. 3530 is one of the most comprehensive and inclusive human trafficking bills proposed to date. H.R. 3530 provides grants to help State and local governments offer services to victims in order to give the survivors of human trafficking the sanctuary and counseling they so des-

perately need after suffering through and surviving this brutal crime.

Perhaps most importantly, H.R. 3530 addresses the demand side of human trafficking by clarifying that buyers should be prosecuted along with pimps. Madam Speaker, for too long those who patronize child prostitutes have been overlooked. H.R. 3530 encourages law enforcement to target and punish persons who purchase illicit sexual activities from trafficking victims not as petty criminals but as serious offenders, the serious offenders that they are.

For these reasons and others, Madam Speaker, I support H.R. 3530, the Justice for Victims of Trafficking Act.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. BASS), who has been working to help these victims, particularly those in foster care.

Ms. BASS. Madam Speaker, I rise in strong support of the Justice for Victims of Trafficking Act. I am a proud cosponsor of this bill because I know it will play a vital role in our fight against child trafficking.

First, I would like to commend Judge POE for offering the bill and for his ongoing commitment to end child trafficking and fighting for victim rights. I would also like to commend Chairman GOODLATTE, the ranking member, and Representative MALONEY for their long work on this issue; and in the case of Representative MALONEY, she has worked on this issue for many, many years.

Unfortunately, hundreds of thousands of American children are trafficked each year. Our kids are robbed of their innocence and coerced into a life on the streets where they are repeatedly abused.

The Justice for Victims of Trafficking Act will provide much-needed grants to help provide necessary services to prevent exploitation and rebuild the lives of trafficking survivors. Specifically, the grants will be used to establish a variety of new programs, such as education, housing, job training, and placement for survivors; victims services programs, such as a 24-hour emergency social service response system and counseling; and specialized training programs for law enforcement officers, first responders, health care officials, and child welfare officials. Innovative and specialized courts with wraparound services like the STAR Court in Los Angeles County, which specifically focuses on girls and boys who are trafficked, will also be eligible for the grant funding.

By reinvigorating the Crime Victims Fund, this bill also helps survivors recover from their trauma and develop normal, productive lives.

Furthermore, the bill tackles demand by holding the buyers accountable for their actions. No longer will the perpetrators get away without a serious

punishment to fit their crime. I personally refuse to call them “johns,” a term which provides cover. Instead, they are child abusers who are committing rape. This bill will help to ensure their charges reflect the horrific nature of child trafficking.

Lastly, this bill will help protect our foster kids. It requires States to notify the National Center for Missing and Exploited Children.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. I yield the gentlewoman an additional 30 seconds.

Ms. BASS. It requires States to notify the National Center for Missing and Exploited Children about kids missing from foster care. This is important because foster children disappear into the shadows and no one tries to find them. Once these kids fall off the radar, they often become trafficking victims. Making sure that we are looking out for these kids is critical to protecting them from trafficking. We have to be vigilant, and we have to give these kids the care and attention they deserve.

Madam Speaker, I am a proud cosponsor of the Justice for Victims of Trafficking Act, and I urge my colleagues to support it.

Mr. GOODLATTE. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HULTGREN).

Mr. HULTGREN. Madam Speaker, I want to thank Chairman GOODLATTE, and I also want to thank Judge POE for your important work and so many others for coming together here.

Madam Speaker, I rise today in support of the Justice for Victims of Trafficking Act, H.R. 3530, and commend my colleague, Representative TED POE, for introducing this critical legislation.

I am a proud cosponsor of the Justice for Victims of Trafficking Act because it represents an all-encompassing approach to combating the scourge of human trafficking. It amends the Federal criminal code to impose penalties for crimes involving trafficking and preemptively provides for deterrence by reallocating existing grants for victim support. It affords additional enforcement and prosecution mechanisms for authorities fighting against traffickers.

Nearly 150 years ago, Congress ratified the 13th Amendment, setting in stone these timeless words:

Neither slavery nor involuntary servitude shall exist within the United States or any place subject to their jurisdiction.

Today, human trafficking is modern-day slavery. It is a global crisis that victimizes an estimated over 20 million children and women worldwide. Yet “global” doesn’t just mean overseas. Human trafficking remains prevalent here in the United States in our cities and our communities. Our country is the second highest destination for

women trafficked worldwide. An estimated 100,000 children are trafficked here every year.

In my home State of Illinois, the National Human Trafficking Resource Center estimates that 25,000 women and girls are exploited by sex trafficking every single year. This number continues to grow.

As a member of the Congressional Human Trafficking Task Force, we are working to coordinate the efforts of the congressional leadership and international antitrafficking groups to punish perpetrators, rescue and bring hope to victims, and assist nations in their fight against the global epidemic of trafficking in human beings.

□ 1515

Human trafficking targets the most vulnerable in society. The Justice for Victims of Trafficking Act reflects a comprehensive effort to strengthen opposition against culprits and offer hope to victims.

I support this bill and urge its passage.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. NOLAN).

Mr. NOLAN. Madam Speaker, I rise in support of the Justice for Victims of Trafficking Act as a proud original cosponsor of the legislation.

I want to join the chorus of people here in their praise for Judge POE and for Congresswoman MALONEY for the tremendous work that they have done over a number of years bringing this important legislation forward; and, of course, to Congressman GOODLATTE and Congressman SCOTT likewise for bringing this forward.

It is too troubling to know that there are 300,000-some children that are being sold into sex trafficking in this country, and that there are only some 300 beds for them when attempts are made to rescue, as Judge POE just pointed out. These children aren't in some foreign country. They are right here in our own backyards. These are our own children. We can do so much better.

While our national law enforcement officials are fighting this terrible scourge, there are many organizations like Men Against Trafficking in Duluth, Minnesota, in my own congressional district, who are out there providing safe harbor services for girls and boys that are rescued from this terrible scourge.

This legislation represents the fact that Congress recognizes that we can be of assistance in fighting this terrible scourge. We do so with this act—again, of which I am a proud cosponsor. But I am so proud of what Judge POE and CAROLYN MALONEY have done on this.

What the bill does, it says that these children are the victims, they are not the criminal, as they have so often been treated in our society. They are the victims of child abuse, they are the

victims of rape and violence and unmentionable crimes and terrible, terrible things. They are entitled to the protection, the medical services, the counseling, all that we can provide.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of Virginia. Madam Speaker, I yield an additional minute to the gentleman from Minnesota.

Mr. NOLAN. This bill establishes a Trafficking Victims' Fund, at no cost to the taxpayer, put on the backs of the real criminals in this: the johns, the rapists, the murderers.

Mr. Speaker and my colleagues, I strongly urge passage of this bill.

Mr. GOODLATTE. Madam Speaker, it is now my pleasure to yield 2 minutes to the gentlewoman from Indiana, Congresswoman WALORSKI.

Mrs. WALORSKI. Madam Speaker, I rise today and speak on the importance of combating human trafficking. I am grateful that the House is bringing forth five antitrafficking bills to the floor today.

Human trafficking, which includes labor and sex trafficking, is the second-largest and fastest-growing criminal industry in the world. Trafficking may seem like an international problem, but there are 300,000 children at risk of sex trafficking here in the U.S.

The State of Indiana has formed a cutting edge, antitrafficking task force that involves both public and private groups. This task force, called IPATH, has investigated more than 200 cases in Indiana, and continues to rescue children and adults from involuntary servitude in commercial sex trafficking. Great work is being done in the Hoosier State, but antitrafficking advocates agree that much more is needed.

That is why I am proud to cosponsor the Justice for Victims of Trafficking Act and proud to support the bills being voted on today.

This bill will provide law enforcement with necessary tools to address the problem of trafficking by helping tackle the demand issue itself and improve services for survivors. It also protects foster children by requiring that the National Center for Missing and Exploited Children be notified when children are missing from foster homes or child care institutions.

Madam Speaker, protecting people trapped in trafficking situations is not a partisan or a political issue. It is not an issue that only happens overseas. It happens on American soil, and it happens every day all across this country.

We must work together to fight this issue, to be the voice for those who are literally trapped, and to bring an end to this terrible crime.

I urge my colleagues to support the antitrafficking bills on the floor today.

Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, it is now my pleasure to yield 2 min-

utes to the gentleman from North Carolina (Mr. PITTENGER).

Mr. PITTENGER. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I rise in support of the Justice for Victims of Trafficking Act, and much other legislation that we will consider today.

I also rise in support of Antonia, Maria, and Rosa, three wonderful women from Charlotte who fell victim to human trafficking.

Maria was trapped when she answered an ad for aspiring actresses. Rosa was snatched from a local gas station while waiting for a ride. Antonia dreamed of owning a bakery before falling victim to human trafficking.

These women aren't statistics. They are individuals whom I know from Charlotte, ordinary women—someone's daughter, someone's granddaughter. Yet at a very young age they were forced into modern day slavery.

According to the Department of Homeland Security, trafficking is a \$32 billion a year industry, and the average age for a girl entering the commercial sex trade is just 12 to 14 years old.

Madam Speaker, this is one of the most heinous of crimes. As Members of Congress, we have a constitutional and moral obligation to protect the most vulnerable in our society from this horrific exploitation. Increased awareness and education is a critical first step in breaking the cycle of exploitation here in the United States and around the world.

Today, we have the opportunity to take legislative action, voting on five bills which will help people like Antonia, Maria, and Rosa. Today, we can vote to enhance the victim assistance programs, give law enforcement better tools to catch the scum whom we call traffickers and facilitators, and fix some of the loopholes exploited by traffickers.

Thank you to Mr. GOODLATTE, to Judge POE, to Mrs. MALONEY, to SUSAN BROOKS, and to many others who are involved in this very important effort. Thank you to the majority leader for his involvement, to all members of the trafficking task force, and thank you to each Member who will support this very important cause.

Thank you to Antonia Childs of Charlotte, who has dedicated her life to helping other women escape modern day slavery. Maria and Rosa wouldn't be on the road to recovery without you.

I urge my colleagues today to support the antitrafficking legislation before us today.

Mr. SCOTT of Virginia. Madam Speaker, I continue to reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, we have no further speakers, except for myself. We are prepared to close.

Mr. SCOTT of Virginia. Madam Speaker, I urge Members to support

H.R. 3530, and I yield back the balance of my time.

Mr. GOODLATTE. Madam Speaker, this is a great bipartisan bill dealing with a serious tragedy in this country.

I urge my colleagues to join together and support this very, very strongly, and I yield back the balance of my time.

Mr. COLLINS of Georgia. Madam Speaker, I rise in support of this important legislation and want to thank my Judiciary Committee colleague, Mr. POE, for all his work on this bill and this issue.

As a cosponsor of the Justice for Victims of Trafficking Act, I join the ever-growing number of Americans who are standing up to the abhorrent practice of human trafficking.

Worldwide awareness concerning the trade in persons has increased significantly in recent years, but awareness isn't enough.

With an estimated 27 million persons in slavery around the world and hundreds of thousands within our own nation, now is the time for action.

This legislation will help combat human trafficking by—boosting support and protection for domestic human trafficking victims, increasing and streamlining law enforcement resources, enhancing victims' services, and strengthening our laws to ensure that both buyers and sellers engaged in sex trafficking are held accountable for their crimes.

I hope this body will join the anti-trafficking movement by adopting this legislation with strong bipartisan support.

By doing so, we join those who have already taken action against modern-day slavery—folks like my constituent, Vicki Moore.

Ten years ago, Vicki was alarmed to read about the commercial sex trade in India.

But she wasn't just alarmed. She decided to do something about it.

Vicki founded a non-profit called Rahab's Rope.

Her organization gives hope and opportunity to women and girls who are at risk or have been forced into the commercial sex trade in India.

Women helped by Rahab's Rope in India have the opportunity to produce items that are then sold at the organization's store in Gainesville.

Proceeds from those sales go to help even more women and girls in India.

The Rahab's Rope store also serves the important function of raising awareness of the sex trade in India and worldwide.

In addition to its work overseas, Rahab's Rope works with local organizations in Georgia to help women break out of the cycle of poverty through education, skills and training, job coaching, and more.

As a long time supporter of Rahab's Rope, I commend Vicki and others who have been on the front lines of this battle.

And hope this body will do everything in its power to support their vital work of combating human trafficking.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3530, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOODLATTE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### STOP EXPLOITATION THROUGH TRAFFICKING ACT OF 2014

Mr. GOODLATTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3610) to stop exploitation through trafficking, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3610

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Stop Exploitation Through Trafficking Act of 2014".*

##### SEC. 2. SAFE HARBOR INCENTIVES.

*Part Q of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is amended—*

*(1) in section 1701(c), by striking "where feasible" and all that follows, and inserting the following: "where feasible, to an application—*

*"(1) for hiring and rehiring additional career law enforcement officers that involves a non-Federal contribution exceeding the 25 percent minimum under subsection (g); or*

*"(2) from an applicant in a State that has in effect a law that—*

*"(A) treats a minor who has engaged in, or has attempted to engage in, a commercial sex act as a victim of a severe form of trafficking in persons;*

*"(B) discourages the charging or prosecution of an individual described in subparagraph (A) for a prostitution or sex trafficking offense, based on the conduct described in subparagraph (A); or*

*"(C) encourages the diversion of an individual described in subparagraph (A) to appropriate service providers, including child welfare services, victim treatment programs, child advocacy centers, rape crisis centers, or other social services.";* and

*(2) in section 1709, by inserting at the end the following:*

*"(5) 'commercial sex act' has the meaning given the term in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102)."*

*"(6) 'minor' means an individual who has not attained the age of 18 years.*

*"(7) 'severe form of trafficking in persons' has the meaning given the term in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102)."*

##### SEC. 3. REPORT ON RESTITUTION PAID IN CONNECTION WITH CERTAIN TRAFFICKING OFFENSES.

*Section 105(d)(7)(Q) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(d)(7)(Q)) is amended—*

*(1) by inserting after "1590," the following: "1591,";*

*(2) by striking "and 1594" and inserting "1594, 2251, 2251A, 2421, 2422, and 2423";*

*(3) in clause (iv), by striking "and" at the end;*

*(4) in clause (v), by striking "and" at the end;*

*(5) by inserting after clause (v) the following:*

*"(vi) the number of individuals required by a court order to pay restitution in connection with a violation of each offense under title 18, United States Code, the amount of restitution required to be paid under each such order, and the amount of restitution actually paid pursuant to each such order; and*

*"(vii) the age, gender, race, country of origin, country of citizenship, and description of the role in the offense of individuals convicted under each offense; and".*

##### SEC. 4. NATIONAL HUMAN TRAFFICKING HOTLINE.

*Section 107(b)(2) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7105(b)(2)) is amended—*

*(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and*

*(2) by inserting after subparagraph (A) the following:*

*"(B) NATIONAL HUMAN TRAFFICKING HOTLINE.—Beginning in fiscal year 2017 and each fiscal year thereafter, of amounts made available for grants under this paragraph, the Secretary of Health and Human Services shall make grants for a national communication system to assist victims of severe forms of trafficking in persons in communicating with service providers. The Secretary shall give priority to grant applicants that have experience in providing telephone services to victims of severe forms of trafficking in persons."*

##### SEC. 5. JOB CORPS ELIGIBILITY.

*Section 144(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2884(3)) is amended by adding at the end the following:*

*"(F) A victim of a severe form of trafficking in persons (as defined in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102)). Notwithstanding paragraph (2), an individual described in this subparagraph shall not be required to demonstrate eligibility under such paragraph."*

##### SEC. 6. CLARIFICATION OF AUTHORITY OF THE UNITED STATES MARSHALS SERVICE.

*Section 566(e)(1) of title 28, United States Code, is amended—*

*(1) in subparagraph (B), by striking "and" at the end;*

*(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and*

*(3) by inserting after subparagraph (C), the following:*

*"(D) assist State, local, and other Federal law enforcement agencies, upon the request of such an agency, in locating and recovering missing children."*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

##### GENERAL LEAVE

Mr. GOODLATTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 3610, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume.

There is no more vulnerable segment of this country's population than its children. For far too long, jurisdictions across the country have failed to adequately protect and support minor victims of commercial sex trafficking by treating them as the criminals. This must stop.

Unfortunately, according to FBI statistics, the commercial sex trade is the fastest-growing activity of organized criminal groups. The number of children facing sexual exploitation, rape, emotional trauma, and in many cases criminal prosecution grows every day.

Despite the fact that Congress has long recognized that minor participants in commercial sex acts are victims, the majority of States maintain statutes criminalizing minor prostitution, directly conflicting, in many instances, with other State laws regarding statutory rape and child abuse.

Acknowledging this conflict, the Texas Supreme Court held in 2010, that "because a 13-year-old child cannot consent to sex as a matter of law, the child cannot be prosecuted as a prostitute." Further illustrating this inconsistency, one Dallas police officer observed that "if a 45-year-old man had sex with a 14-year-old girl and no money changed hands, she was likely to get counseling and he was likely to get jail time for statutory rape. If the same man left \$80 on the table after having sex with her, she would probably be locked up for prostitution and he would go home with a fine as a john."

The bill before us today, H.R. 3610, the Stop Exploitation Through Trafficking Act of 2014, is designed to encourage the States to treat victims as victims.

Recognizing the need for protection and support for the growing number of child victims of commercial sex trafficking, an increasing number of States have taken steps to establish so-called "safe harbor" provisions that either decriminalize minor prostitution or divert minor victims to the services and support needed for recovery.

H.R. 3610 attempts to continue that trend by encouraging States, through preferential treatment in the grant-making process, to enact safe harbor legislation, ensuring that these victims are treated as victims, not criminals, and are directed to support services, not detention facilities. The bill also codifies a National Human Trafficking Hotline, ensures young victims are eligible for enrollment in the Job Corps, requires the Attorney General to report on sex offender convictions, and clarifies the authority of the U.S. Marshals Service to provide assistance in sex trafficking cases.

The Judiciary Committee's Crime Subcommittee recently held a hearing titled "Innocence for Sale: Domestic Minor Sex Trafficking" in which we examined the effects of criminalizing mi-

nors under these circumstances. A victim of minor commercial sex trafficking, Ms. "T" Ortiz Walker Pettigrew, testified regarding her repeated traumatization at the hands of her trafficker and the criminal justice system:

Isolated, tired, and helpless at the age of 15, the concrete box that represented my cell in the largest of the juvenile facilities in Las Vegas, Nevada, seemed no less invasive than the horror of the streets. It wasn't all too different than the mental confinement I endured from my pimp.

The re-victimization of minors engaged in commercial sex trafficking by criminal justice systems must stop. Nelson Mandela once observed that:

There can be no keener revelation of a society's soul than the way it treats its children.

This legislation demonstrates that we choose to protect and support our children.

I would like to recognize the efforts of my colleagues, Mr. PAULSEN and Ms. MOORE, for the introduction of the original legislation, as well as the many Members who have signed on as bipartisan cosponsors. Additionally, I would like to acknowledge Chairman KLINE from the Education and the Workforce Committee for his support regarding the Job Corps provision of this bill.

This bill is an important tool in the fight against the growing scourge of minor sex trafficking.

I urge my colleagues to join me in support, and I reserve the balance of my time.

COMMITTEE ON EDUCATION AND THE  
WORKFORCE, HOUSE OF REPRESENTATIVES,

Washington, DC, May 13, 2014.

Hon. BOB GOODLATTE,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to H.R. 3610, the Stop Exploitation Through Trafficking Act of 2013. Thank you for consulting with the Committee on Education and the Workforce with regard to H.R. 3610 on those matters within the committees jurisdiction.

In the interest of expediting the House's consideration of H.R. 3610, the Committee on Education and the Workforce will forgo further consideration of this bill. However, I do so only with the understanding this procedural route will not be construed to prejudice my committee's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Education and the Workforce should this bill or a similar bill be considered in a conference with the Senate. I also request you include our exchange of letters on this matter in the Committee Report on H.R. 3610 and in the Congressional Record during consideration of this bill on the

House floor. Thank you for your attention to these matters.

Sincerely,

JOHN KLINE,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, May 14, 2014.

Hon. JOHN KLINE,  
Chairman, Committee on Education and the  
Workforce, Washington, DC.

DEAR CHAIRMAN KLINE: Thank you for your May 13 letter regarding H.R. 3610, the "Stop Exploitation Through Trafficking Act of 2013," which the Judiciary Committee ordered reported favorably to the House, as amended, on April 30, 2014.

I am most appreciative of your decision to forego consideration of H.R. 3610, as amended, so that it may move expeditiously to the House floor. I acknowledge that although you are waiving formal consideration of the bill, the Committee on Education and the Workforce is in no way waiving its jurisdiction over the subject matter contained in the bill. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I am pleased to include this letter and your May 13 letter in the Congressional Record during floor consideration of H.R. 3610.

Sincerely,

BOB GOODLATTE,  
Chairman.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Stop Exploitation Through Trafficking Act of 2014 is another weapon in the bipartisan war against sex trafficking in this country.

□ 1530

I commend my colleagues, Representative PAULSEN and Representative MOORE, for introducing the legislation, which contains important victim-based initiatives to combat sex trafficking.

One of the initiatives, the national safe harbor law, is essential to making sure that child victims of sex trafficking are not treated as prostitutes and criminalized, but, rather, are diverted into Child Protective Services. Only 12 States have passed safe harbor laws for minor victims of sex trafficking.

Now, Madam Speaker, as my colleague has pointed out, there is no such thing as a child prostitute. Children cannot consent to any sex act; therefore, any sexual act involving a child is child rape.

As my colleague, again, has pointed out, paying for the sex does not diminish the crime. Children who are bought and sold for these services are not prostitutes, but are victims. Those adults who sexually exploit them should not be called johns, but instead be called what they truly are: child rapists. We should punish those who prey on the vulnerable, and we cannot continue to criminalize the victims.



In an effort to help this recovery, H.R. 3610 empowers victims with a national hotline to request help, and it empowers them with restitution grants and with the eligibility for Job Corps programs.

The bill leads to an annual report by the Department of Justice on the amount of restitution ordered to victims in these cases. It will also include information about the number of convictions the Department has secured under all statutes that criminalize sex trafficking.

It will provide important information on the focus of investigative and prosecutorial efforts. It will ensure that victims of sex trafficking are treated as victims across all geographical and jurisdictional boundaries. So, Madam Speaker, I urge my colleagues to join me in supporting H.R. 3610.

I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, it is my pleasure to yield 4 minutes to the gentleman from Minnesota, Congressman PAULSEN, the chief sponsor of this legislation.

Mr. PAULSEN. Madam Speaker, I want to thank the gentleman for yielding and for his leadership as chair of the committee.

Members, it is really easy and comfortable to think that human trafficking or sex trafficking only happens outside of the United States. The truth is that it is happening right here, in our own communities and right in our own backyards.

Recently, I had the opportunity to talk to a girl named Dayanna. Dayanna tells me the story of how she is the oldest in a family of a single mother, with brothers and sisters, and her mother had no interest in caring or in giving her or her siblings love and attention.

So Dayanna is looking for love and attention, and she is seduced by a man who promises to treat her and to respect her the way she deserves. He even calls himself her boyfriend. At age 13, within days of running away, Dayanna finds herself in Philadelphia and in Chicago, being trafficked and separated from her family.

Sadly, this is happening to too many young girls in America, and I use the word "girls" for a reason. The majority of these victims are not old enough to have graduated from high school. They are not old enough to have voted in an election. They are not even old enough to have passed their drivers' tests because we are talking about 12- and 13- and 14-year-old girls.

Those most at risk of victimization are the vulnerable. They are lured under the false promise of better lives, and then they are forced into prostitution. These girls are victims, and they should be treated as victims, so that they come out of the shadows.

Right now, they fear coming out of the shadows because they view their

traffickers as the only means of survival or they fear retribution. They don't feel they can trust law enforcement because most States say they should be incarcerated instead of being treated as victims.

One of the best ways to help these young girls is to remove the fear of prosecution and provide an avenue for them to escape and then to get the services they need, to get the counseling they need. That is what the Stop Exploitation Through Trafficking Act does. It incentivizes States to adopt those safe harbor laws that have worked in other States.

This is not only the right thing to do to help these girls, but many in law enforcement will also tell you that treating them as victims makes them more likely to assist in investigations, resulting in longer sentences for the traffickers and the bad guys.

Now, while there are many issues that divide us here in Washington, this is an area in which there is agreement and in which there is bipartisan and bicameral work being done.

I really want to thank my colleague, GWEN MOORE from Wisconsin, for her work on this legislation. I want to thank LOUISE SLAUGHTER for her work on other legislation.

In the Senate, I want to thank Senator KLOBUCHAR for helping move this legislation forward. I also want to commend all of the Members who are working on these five bills that we will be voting on later today.

Most importantly, I want to thank law enforcement and victims' advocates, who have worked with us to share their thoughts and to share their expertise.

This isn't a problem that is going to be solved by one group that is working alone. It is going to take all of us working together, learning from each other, coordinating efforts, and then coming together as a community.

This legislation, by the way, is endorsed by the National Fraternal Order of Police, by the National Alliance to End Sexual Violence, and by the National Center for Missing and Exploited Children.

Madam Speaker, I would like to enter into the RECORD several letters of endorsement for this legislation.

NATIONAL FRATERNAL ORDER OF POLICE,  
Washington, DC, 20 May 2014.

Hon. ERIK PAULSEN,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE PAULSEN: I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for H.R. 3610, the "Stop Exploitation Through Trafficking Act."

The bill, which was favorably reported by the Committee on the Judiciary, would establish a national strategy for combating human trafficking and encourage integration of efforts among local, State, tribal and Federal agencies. The legislation includes the appointment of at least one U.S. Attorney in each district dedicated to this issue,

development of new strategies and district-specific plans as well as other efforts to train and educate all levels of law enforcement on human trafficking issues. This coordination and cooperation is essential to fighting this problem.

The bill also establishes a grant program to create a national hotline for victims of trafficking. The hotline will enable law enforcement officers to direct the victims of these crimes to a knowledgeable and compassionate service provider, as well as a way for victims to get help before coming into contact with law enforcement.

On behalf of the more than 330,000 members of the Fraternal Order of Police, I want to thank you for your leadership on this issue. We are proud to support this legislation. If I can be of any additional assistance, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,  
National President.

NATIONAL ALLIANCE TO  
END SEXUAL VIOLENCE,  
Washington, DC, November 25, 2013.

Hon. GWEN MOORE,  
Rayburn House Office Building,  
Washington, DC.

Hon. ERIK PAULSEN,  
Cannon House Office Building,  
Washington, DC.

DEAR CONGRESSWOMAN MOORE AND CONGRESSMAN PAULSEN: The National Alliance to End Sexual Violence (NAESV) is the voice in Washington for the 56 state and territorial coalitions and 1300 rape crisis centers working to end sexual violence and support survivors. NAESV and the state and local programs we work with are committed to advocating for all survivors of sexual violence especially underserved populations and this absolutely includes victims of domestic minor sex trafficking. NAESV commends your efforts as national leaders to craft an augmented federal response to the horrifying reality of the commercial sexual violence committed against our nation's most vulnerable children.

NAESV supports the Stop Exploitation Through Trafficking Act (SETT). While there is no single policy that will end the scourge of domestic minor sex trafficking, the Safe Harbor approach shows great promise in a number of states—pushing conversation and action forward to address the overcriminalization of these child victims of sexual violence and the need for specific services and supports for them. We additionally concur that a national strategy is needed to coordinate efforts to investigate and prevent human trafficking.

Please let us know how we may support your efforts moving forward.

Sincerely,

MONIKA JOHNSON HOSTLER,  
President.

NATIONAL CENTER FOR MISSING &  
EXPLOITED CHILDREN,  
Alexandria, VA, April 29, 2014.

Hon. ERIK PAULSEN,  
House of Representatives, Cannon House Office  
Building, Washington, DC.

DEAR REPRESENTATIVE PAULSEN: On behalf of the National Center for Missing & Exploited Children and the children we serve, I commend you for your efforts on the substitute amendment to H.R. 3610, the Stop Exploitation Through Trafficking Act of 2014. This amendment addresses several critical aspects of the problem of child sex trafficking in the U.S.



As the congressionally-designated resource center on child sexual exploitation, NCMEC has learned a great deal about child sex trafficking since our creation in 1984. We know that sex trafficking is not only a problem in other countries, it takes place in nearly every community in the U.S. Our children are being victimized by those who treat them as commodities, and they deserve to be treated as victims not as perpetrators. State laws that provide 'Safe Harbor' from prosecution offer these children a path to a life free from sexual exploitation.

A key component in the fight against trafficking is a federally-funded, trafficking victim-centered hotline which victims and others can call to report incidents and receive information about services available to them. Not only is this an important resource for trafficking victims, it also serves to raise awareness of the problem of child sex trafficking among the public.

This nation has made significant progress on the issue of domestic child sex trafficking in recent years. This amendment will enhance the current efforts and help child victims become survivors.

Thank you for your commitment to our nation's children.

Sincerely,

JOHN D. RYAN,  
*President and Chief Executive Officer.*

Mr. PAULSEN. Members, this is an opportunity to save lives and to give hope to thousands of sex trafficking victims in America. There is more work to be done, and in working together, we can put an end to the sex trafficking.

Mr. SCOTT of Virginia. Madam Speaker, I yield 3 minutes to the gentlelady from Wisconsin (Ms. MOORE), one of the chief sponsors of the legislation.

Ms. MOORE. I thank the gentleman from Virginia.

Madam Speaker, I rise today in support of H.R. 3610, the Stop Exploitation Through Trafficking Act.

Before I say anything, I want to thank Congressman ERIK PAULSEN of Minnesota, who has been a tremendous, superb partner throughout the process of putting this legislation together. I also want to thank the authors of all of the other four bills that are going to be considered today.

This bill really incentivizes States to put safe harbor laws into place, and that is the crux of this bill, but I can tell you that solving the problem of the sexual exploitation of children is going to require a lasting commitment and a bipartisan effort.

It is going to be very, very, very difficult, colleagues, because, as the FBI has told us, this is not just something that happens in Nigeria, but it is something that happens right here in the United States.

It is a \$9.5 billion annual business activity. There are 100,000 kids a year who are currently trafficked, and another 200,000 are at risk. A pimp can earn as much as \$250,000 a year in this booming business, so it is going to take all of us to stop this.

The victims are mostly girls, and on average, they are trafficked at age 13. I

am embarrassed and I regret to report that my own hometown of Milwaukee, Wisconsin, has become known as the sex trafficking hub for both children and adults.

As a matter of fact, the FBI reports that Milwaukee is the second highest in the Nation for recovered youth; yet trafficking is now common in communities all across the country, not just in urban, but in suburban, in rural, and from coast to coast.

Predators victimize vulnerable young people, such as those whom my colleague from California, Congresswoman BASS, will talk about in the foster care system. They prey upon those who are in poverty, but they seek out higher income kids, too, going after those who may have some problems at home.

They are predators against those who are LGBTQ. The victimization happens on our streets as well as online. The traffickers are everywhere, as are the consequences—social displacement, health issues, physical pain and disfigurement, infertility, PTSD, suicidal thoughts and attempts.

Thirteen-year-old children need support and not incarceration. The Stop Exploitation Through Trafficking Act would alter our laws and our thinking about this, which is that minors are to be treated like victims, rather than as perpetrators of crime. They need direction and support for entering programs like the Job Corps, rather than to be prosecuted.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. Madam Speaker, I yield the gentlelady an additional 1 minute.

Ms. MOORE. Madam Speaker, this legislation also officially establishes a national human trafficking hotline to help connect victims with the services that they need and to allow others to pass along crime tips to law enforcement.

I am so proud that this legislation has been amended to add trafficking victims to those eligible to receive Job Corps services, giving them access to job skills training that can lead them toward a better life, the Job Corps—a port in a very tumultuous storm. I am so pleased to cosponsor this legislation, and I would ask that all of my colleagues support its passage.

Mr. GOODLATTE. Madam Speaker, it is now my pleasure to yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the majority leader, and to thank him for his leadership on this series of bills that deals with this serious issue.

Mr. CANTOR. I thank the chairman, the gentleman from Virginia.

Madam Speaker, I rise today in strong support of the bipartisan antihuman trafficking bills being considered by the House today.

We recently were reminded of the horrors of human trafficking as news

reports broke from Nigeria that hundreds of school girls had been kidnapped with the threat that they would be sold into slavery or marriage.

These innocent young girls were simply trying to pursue an education and build a better life. While this problem may seem thousands of miles away, this horror is inflicted on millions of families every year, including here in the United States.

The Department of Homeland Security estimates that more than 20 million men, women, and children are victims of human trafficking around the world and that more slaves exist today than at any other time in history.

Many of these victims represent the most vulnerable people on Earth, including individuals with mental disabilities and children stolen from their homes—taken from their loving moms and dads—with very little chance of ever seeing their families again.

Domestically, our own Department of Justice estimates that as many as 100,000 to 300,000 American children are in danger of being trafficked for commercial sex every year.

Whether runaways or those kidnapped in our communities, our children are at risk of falling victim to determined criminal groups, violent gangs, and fear-mongering terror organizations. These children are then forced into sex or labor slavery, contributing to the second most profitable form of transnational crime.

An America that leads understands that we must do everything in our power to protect the vulnerable populations these groups prey upon. Fortunately, the House has an opportunity today to stand together and pass these five bipartisan bills under consideration, along with others, hopefully, later this year.

These bills aim to protect and help domestic and international victims, to capture their exploiters and to provide additional tools to prosecutors. We will do all of this in pursuit of our ultimate goal of ending human trafficking both domestically and abroad.

I want to thank not only Chairman GOODLATTE, but Representatives POE, PAULSEN, WAGNER, REICHERT, and SMITH, as well as other colleagues on both sides of the aisle, for their commitments and efforts to push forward in this noble cause. In addition to Chairman GOODLATTE, I would like to thank Chairmen ROYCE and CAMP for all of their work on the issue.

Madam Speaker, let's pass this important legislation with bipartisan strength, and let's show our constituents and the rest of the world that America chooses to lead this fight. I urge my colleagues to support today's bills.

Mr. SCOTT of Virginia. Madam Speaker, I yield 3 minutes to the gentlelady from California (Ms. BASS).

Ms. BASS. Madam Speaker, I rise today in strong support of the Stop Exploitation Through Trafficking Act.

Safe harbor legislation is the first step in ensuring that children who are forced into the sex trade are treated as victims and not as criminals.

First, as the lead authors of this bill, I would like to recognize my colleagues, Representatives PAULSEN and MOORE, for their commitment to preventing the exploitation of children.

In 2012, in my town of Los Angeles, 170 girls were arrested and detained by probation and were later identified as trafficking victims. The average age of trafficked victims was 12 years old. At such a young age, these girls have survived immense trauma that no child should ever experience. In most cities, a large number of the girls are connected to the foster care system.

We are supposed to be protecting these children. These are children we have removed from their homes, but far too often, instead of protecting these girls and finding them the right social services in order to get off the streets, our society continues to arrest them.

They should never be charged with a crime, since many are minors and cannot legally consent to sex. As has been said, the word "prostitute" should never be used. They are not criminals; they are victims.

Unfortunately, many of their troubles continue as they enter a juvenile justice system that often treats them as offenders and does not provide them with the resources they need in order to rebuild their lives.

Even after serving their time and turning their lives around, young adults routinely leave custody or probation with criminal records, preventing them from starting careers.

□ 1545

Simply put, the system sets them up for failure. To make matters worse, I have been told by leading judges in most States that a child must be arrested in order to attain many social services. Even in Los Angeles, where we have a model court and a probation department doing tremendous work to empower young survivors, we must arrest children before they receive intervention services. One can only imagine the emotional and psychological trauma that occurs when victims are continually told they are responsible for their own abuse. This must change.

The Stop Exploitation Through Trafficking Act addresses one of the most pressing issues facing child victims of trafficking. I look forward to working with States to ensure that the safe harbor legislation throughout the country is meaningful and that appropriate services are provided, even if the child is not "system-involved." I also look forward to identifying policies to ensure that the young people who have already been arrested have the opportunity to not only seal but completely expunge their records.

Mr. GOODLATTE. Madam Speaker, it is now my pleasure to yield 2 minutes to the gentlewoman from Missouri (Mrs. WAGNER).

Mrs. WAGNER. Thank you, Mr. Chairman, for yielding me time.

Madam Speaker, I rise today in support of H.R. 3610, the Stop Exploitation Through Trafficking Act. Congressman ERIK PAULSEN authored this important legislation in order to encourage States to adopt laws that treat trafficked minors as victims, not as criminals.

Madam Speaker, there is no such thing as a child prostitute. Minor participants should be considered victims of these heinous crimes and abuse, rather than criminals themselves. They are frequently coerced into prostituting themselves through a variety of methods, including physical and psychological manipulation.

Madam Speaker, these children have gone through a nightmare that we cannot even imagine. Their suffering should be at an end once they are under the protection of law enforcement. However, in many cases, these victims are treated as criminals or delinquents, which results in further traumatization.

Madam Speaker, the law should protect child victims of prostitution and punish the abusers. The law should define these sexually exploited children as victims of abuse and help them find the protection and support they need to begin to heal.

Madam Speaker, I support H.R. 3610 because it encourages States to enact safe harbor legislation aimed at ensuring that these children are treated as victims, not criminals, and are directed to support services, not detention facilities.

Mr. SCOTT of Virginia. Madam Speaker, I yield 3 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I thank the gentleman very much.

Madam Speaker, I rise in support of the Stop Exploitation Through Trafficking Act, and thank Mr. PAULSEN and the cosponsors for this legislation. I thank the Judiciary Committee for this historic day—and days to come. Because even as we speak on the floor of the House right now, there are children that are being trafficked. There are young girls who are being abused. There is human slavery.

I just want to give this example that I think is so much the story of what we are speaking of.

If a 45-year-old man had sex with a 14-year-old girl, and no money changes hands, she would likely get counseling and he would likely get jail time for statutory rape. But if the same man left \$80 on the table after having sex with her, she would probably be locked up for prostitution and he would probably go home. He is something called a word that I don't even want to use be-

cause he is involved in human trafficking, sex trafficking, abuse, and violation of a child that cannot give consent.

In a hearing that we held in Houston, what we determined was when those young girls are violated at that age, they are destined, in many instances, for a life of prostitution and to be trafficked and held by individuals who call themselves pimps, but are literally slaveholders.

So this is a very important initiative by providing the opportunity for the growing safe harbors and to be able to track community-oriented police services grants for those States that pass safe harbor statutes for victims of minor sex trafficking.

It is so very important to stamp out the scourge of minor sex trafficking and to also improve on the issue of restitution orders in order to give these girls back their lives. We listened to Kathryn Griffin, who now offers a refuge with a program called We've Been There Done That in Houston, Texas, inside the Harris County Jail, to get these women to turn their lives around, but wouldn't it be more important if we established that these girls now are victims?

They are being exploited. And we must stop it now. We must make sure that we find the safe harbor and also be able to have the restitution orders.

I also join in thanking my colleague for the opportunity with Job Corps, so they may turn their lives around. I think this is another step in the right direction to stamp out human trafficking, holding individuals as slaves and killing off their life and their future.

Let us rescue these girls, as we want to rescue the girls in Nigeria that are being held by the terrorist thugs, Boko Haram.

Mr. GOODLATTE. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. I thank the chairman. I also thank my friend from Minnesota for bringing this important bill to the House floor.

Madam Speaker, I live in Fort Bend County, Texas. Interstate 10 runs through the northern part of Fort Bend County. According to the Department of Justice, I-10 in Houston is "the most intense trafficking jurisdiction in America."

In March, a sex slave ring was broken up in Houston. Fifteen women from Latin America were in a tiny house with 94 men, wearing only their underwear when they were arrested. The women's first trip to America became a trip to hell.

And it is not just women from foreign countries. Young American girls are being tricked into lives as sex slaves—girls like Holly Smith, whose picture is to my left.

Holly's home life was not good. She worried about starting high school. She

was depressed. And she met a man at the local mall named Greg. Greg knew just what Holly needed. He convinced her to run away. So she laced up her size 5 sneakers and jumped in the car with a pimp of children. She was just 14. Within hours, she was being raped by a man who said that she looked like his granddaughter.

Holly escaped her captors by telling a police officer that she was a hooker so they would take her away from Greg. That admission brought her more pain. She was handcuffed and treated like a criminal instead of the victim she was.

I want to thank Holly for telling her story. Sadly, she and I both know that her story is being repeated all over America. And that is why passing this bill is so important.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlelady from New York (Mrs. CAROLYN B. MALONEY), one of the leaders on this issue.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I rise in strong support of Representative PAULSEN's important bill, H.R. 3610, which should have passed long ago, that encourages States to provide safe harbor laws that treat trafficked minors as victims, which they are—and provides services, support, counseling, and job training, rather than leading them into incarceration. It is the pimps and traffickers who should be put behind bars.

This important bill can help rescue more children from this shameful and shadowy underworld and lead them out of harm's way.

When I first started working in this area with the distinguished former member, Deborah Price, we were holding a hearing and listening to the stories of young women of how they were entrapped, stolen, beaten, tricked, and drugged into sex slavery. Deborah leaned over to me and said, Carolyn, as a former judge, I used to convict young girls as prostitutes. I never stopped to ask them, as we are today, how did this happen to you? How did you get into this trouble that is destroying your life and your health?

And that is what this bill is going to do. It will provide a safe harbor so that young people will be treated as young people. A trafficker is a criminal, a john is a child abuser, a pimp is someone who should be behind bars.

This starts to shift the focus away from the young, exploited people and harming them further with incarceration, protecting them and shifting more towards who is causing the problem: the demand side.

This is a tremendously important bill. We should put more traffickers where they belong—behind bars.

This change is long overdue. I look forward to working towards passing this in the House and the Senate.

I thank the leadership of both Houses, Leaders PELOSI and CANTOR, all

the authors, and everyone who has worked on these important bills.

I urge a "yes" vote.

Mr. GOODLATTE. It is my pleasure to yield 3 minutes to the gentlewoman from Indiana (Mrs. BROOKS).

Mrs. BROOKS of Indiana. Madam Speaker, I rise today in strong support of H.R. 3610, the Stop Exploitation Through Trafficking Act, and I want to thank the chairman and all of my colleagues who have worked so hard on a bipartisan basis to get the bills to this point.

Madam Speaker, there is a silent epidemic affecting all of our communities across the country that goes unnoticed and unpunished. Sex trafficking is one of the most misunderstood yet prevalent crimes occurring every day in every State in America.

According to the Trafficking in Persons Report produced by the State Department, 27 million men, women, and children are victims of some form of human trafficking. Sadly, it disproportionately affects young women between the age of 12 and 14, who fall victim to organized crime networks and are trafficked nationally.

Unfortunately, in my home State of Indiana, we are not immune to this problem. Just recently, a man was arrested after being stopped for a routine traffic violation in Hancock County. He was found to be transporting 12- and 13-year-olds to another community to work off a debt that their family owed.

In Indianapolis, earlier this year, a man was arrested for trafficking four victims, including three minors, into prostitution. One of them was a 12-year-old with mental disabilities.

I know of this nationwide problem firsthand because I was a U.S. attorney from 2001 to 2007. In 2006, we started a task force called IPATH, the Indiana Protection of Abused and Trafficked Humans task force. It is still led by Assistant United States Attorney Gayle Helart and Indiana Deputy Attorney General Abby Kuzma. It builds upon the premise that we have to combat human trafficking by integrating Federal, State, local, and nonprofit resources to make sure we do more on the enforcement side and help with services for the victims.

So I am very proud to be a sponsor of this bill, which does combat and bring together these holistic strategies.

In my time as U.S. attorney, what I learned is the hardest part of combating human trafficking is identifying the victims and getting them to come forward. Victims feel hopeless. And they are scared. It is the nature of the trafficker to prey upon their fears and threaten them and threaten their families' safety.

So I am pleased that we are coming together. These statutory changes are important. It does provide those safe harbor laws which makes sure these minors are victims rather than criminals.

I am particularly pleased with the human trafficking hotline. We have got to educate citizens in our communities to know what they are seeing so that they can report these crimes.

It is unacceptable that a country like ours actually almost harbors traffickers who are selling these people into modern-day slavery.

Our law enforcement and nonprofit organizations are working hard. They have come a long way to raise awareness. But Congress needs to act decisively today and provide these necessary tools. This bill, and others, which I am so pleased have bipartisan support, will do just that.

It is time that we hold these morally-depraved traffickers accountable.

□ 1600

Mr. SCOTT of Virginia. Madam Speaker, I continue to reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, at this time, it is my pleasure to yield 2 minutes to the gentleman from North Carolina (Mr. HOLDING), a member of the committee.

Mr. HOLDING. Madam Speaker, I rise in support of H.R. 3610, the Stop Exploitation Through Trafficking Act. I would like to thank Chairman GOODLATTE and the gentleman from Minnesota (Mr. PAULSEN) for their hard work and contributions to this important legislation.

As we have noted today, sex trafficking of minors is a terrible and, unfortunately, growing crime. According to the FBI, sex trafficking is the fastest-growing business organized crime and the third largest criminal enterprise in the world, with as many as 300,000 children at risk of being sexual exploited in the United States alone.

While I strongly support all efforts to stop this crime, especially those being considered today, it is also important for Congress to focus on the victims of minor sex trafficking. H.R. 3610 goes exactly to that.

Under this legislation, States are incentivized to put in place laws to clearly recognize that minors engaged in prostitution are not criminals, but, rather, victims who need to be protected from further trauma.

My own State of North Carolina is one of a handful of States that has passed similar legislation explicitly recognizing that the children involved in prostitution are victims involved in modern-day form of slavery. H.R. 3610 is an important step toward ensuring this becomes true nationwide.

The average age for a girl to enter the commercial sex trade is just 12 to 14 years old, and for boys, it is even younger, just 11 to 13 years old.

Contrary to what some might think, human trafficking isn't just happening in foreign countries; it is happening right here on U.S. soil every day and every hour. That is why Congress needs

to do everything that it can to protect our children and address this issue.

Thank you, Mr. Chairman, and I thank the majority leader for their leadership on this important issue.

Mr. SCOTT of Virginia. Madam Speaker, I continue to reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, now it is my pleasure to yield 1 minute to the gentlewoman from South Dakota (Mrs. NOEM).

Mrs. NOEM. Madam Speaker, I thank the chairman and our leadership and colleagues for helping to move these bills forward. Sex trafficking is an issue that I have always known has existed, but it wasn't until I learned more about it and realized how often it is happening right here in the United States and in our neighborhoods.

As a mom of two daughters and a 12-year-old son, I am so pleased that we are voting on these bills today. We are standing up to this illegal industry, and we are showing that Congress will not ignore this horrific problem.

This legislation is going to better support survivors. It gives law enforcement officers more tools to go after the criminals who are exploiting our children. These bills can make a difference for victims who are trying to get back on their feet.

We need to do all that we can to put an end to human trafficking. The bills we have here today are just the beginning. We need to talk to parents, teachers, hotel employees, anyone who will listen, so that they are aware of what is going on, and we can all work together to stop it.

I urge my colleagues to pass these bills, and I call on the Senate to do the same.

We should not quit. We must continue to fight together to ensure that this evil does not triumph.

Mr. SCOTT of Virginia. Madam Speaker, I continue to reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I have only one speaker remaining, myself, if the gentleman is prepared to close.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself the balance of the time and urge my colleagues to support H.R. 3610.

I yield back the balance of my time.

Mr. GOODLATTE. Madam Speaker, I yield myself the balance of the time.

I join the gentleman from Virginia in urging my colleagues to support this important legislation.

I want to congratulate Congressman PAULSEN and Congresswoman MOORE for their great work on this legislation.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BLACK). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3610, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### STOP ADVERTISING VICTIMS OF EXPLOITATION ACT OF 2014

Mr. GOODLATTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4225) to amend title 18, United States Code, to provide a penalty for knowingly selling advertising that offers certain commercial sex acts, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4225

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Advertising Victims of Exploitation Act of 2014" or the "SAVE Act of 2014".

#### SEC. 2. ADVERTISING THAT OFFERS CERTAIN COMMERCIAL SEX ACTS.

(a) IN GENERAL.—Section 1591 of title 18, United States Code, is amended in subsection (a)(1), by inserting after "obtains," the following: "advertises,".

(b) MENS REA REQUIREMENT.—Section 1591 of title 18, United States Code, is amended in subsection (a), by inserting after "knowing, or" the following: ", except where, in an offense under paragraph (2), the act constituting the violation of paragraph (1) is advertising,".

(c) CONFORMING AMENDMENTS.—Section 1591(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "or obtained" and inserting "obtained, or advertised"; and

(2) in paragraph (2), by striking "or obtained" and inserting "obtained, or advertised".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

GENERAL LEAVE

Mr. GOODLATTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4225, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume.

Unfortunately, while the growth of the Internet and smartphones has proved to be of great value in many aspects of our lives, it has also been used by criminals to facilitate the commercial exploitation of children and other

victims by providing an easy way for pimps or traffickers to market minor sex trafficking victims to potential purchasers who seek to do them harm.

With the click of a button, individuals can now use Web sites to advertise, schedule, and purchase sexual encounters with minors, just like they would use these services to rent a car or order a pizza.

The SAVE Act, introduced by Congresswoman WAGNER from Missouri, makes a technical correction to an existing Federal sex trafficking statute, 18 U.S.C., section 1591, to make clear that the law extends to traffickers who knowingly sell sex with minors and victims of force, fraud, or coercion through advertising, as well as to people or entities that knowingly benefit from the sale or distribution of such advertising.

While much of the growth in this terrible crime is on the Internet, this bill is technology-neutral and applies to all advertising of children for sex, regardless of the medium.

It is important to note that the bill clarifies the liability for the people or traffickers who place these ads, as well as the people and entities that knowingly profit from them.

It is also important to note that these advertisements, as with all ads and other speech promoting illegal activity, are not protected speech under the First Amendment.

Furthermore, in order to bring a case against a trafficker under this legislation, the government must prove that the defendant knew they were advertising and knew or recklessly disregarded the fact that the ad involved a minor or someone involved through force, fraud, or coercion.

However, this legislation raises the bar even higher for defendants who, while not directly placing the ads, do knowingly benefit from the placement of advertising. Specifically, the bill requires the government to show that these defendants knew the advertisement involved a minor or a coerced adult. Reckless disregard is not sufficient.

H.R. 4225 clarifies that people who advertise sex trafficking can face criminal liability. Under current law, there is the additional possibility of civil liability for defendants who violate the primary sex trafficking statute codified at section 1591.

However, under section 230 of the Communications Decency Act, online publishers of third-party advertisements are generally immune from civil liability for such advertisements. H.R. 4225 does nothing to disrupt or modify the immunity already provided by section 230.

While this legislation will help put more child traffickers in jail where they belong, this is not a precedent-setting bill. Congress has regulated advertisements, including online advertisements, many times.

There are hundreds of references to advertising or advertisements in the Federal code, including in criminal provisions. Congress has even explicitly criminalized advertising on the Internet.

Just last year, in a bill cosponsored by 127 bipartisan Members of Congress, Congress amended the Stolen Valor Act, which makes it a crime to "advertise for sale" certain fraudulent military medals.

During consideration of that bill, which passed the House by a vote of 390-3 and was signed into law, no Member raised a concern about the propriety of criminal advertising. Surely, saving young children from these horrors is no less deserving than fraudulent medals.

This legislation simply clarifies and modernizes Federal criminal law to keep pace with the evolving trend of exploiting the Internet for criminal gains. The bill has support from more than 90 bipartisan cosponsors and was reported out of the Judiciary Committee by a vote of 24-3.

I want to commend our colleague, Congresswoman WAGNER, for bringing forth this important legislation.

Madam Speaker, I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, while I support the bipartisan efforts we are taking today with several bills to enhance our effort to prevent, investigate, and prosecute acts of sex trafficking, I must raise serious concerns about H.R. 4225, the Stop Advertising Victims of Exploitation Act of 2014, which I cannot support in its present form.

To be sure, the bill has the laudable goal of prosecuting those who knowingly facilitate sex trafficking by advertising certain prohibited sex acts. However, I must object to the mandatory minimum sentencing provisions which this new offense would trigger under existing statutes.

Under the sex trafficking statute, as amended by this bill, a conviction for advertising of sex trafficking would result in a mandatory penalty of 10 or 15 years of imprisonment, depending on the age of the victim and other circumstances of the crime.

While the acts prohibited by the legislation will usually warrant such long sentences, mandatory minimum sentences are the wrong way to determine punishment under this or any other criminal statute.

Regardless of the nature or the circumstances surrounding the offense, the role of the offender in the particular crime or the history or characteristics of the offender, H.R. 4225 will require a judge to impose a 10- or 15-year sentence.

Even if everyone in the case, from the arresting officer, the prosecutor,

the judge, even the victim believes that the mandatory minimum would be an unjust sentence for a particular defendant in a case, this bill still requires the sentence to be imposed.

The imposition of a mandatory minimum sentence is particularly troublesome when one considers the possible scope of defendants who could be prosecuted under this bill.

Notably, the prohibition on advertising does not only apply to the sex trafficker who places the ad, but also applies to individuals and entities who facilitate or have a minor role in publishing the ad, such as someone who works for an Internet Web site which is involved.

Those who are employed by a venture that benefits financially from the ad, but whose role in the organization does not place them in the chain of command with respect to acceptance or publishing the illegal ads could therefore be prosecuted under the bill.

Specifically, there may be circumstances in which all of the employees of a communications company, including receptionists or computer maintenance workers, know that the venture publishes such advertising, but chose to look the other way.

They should be held liable under the provisions of this bill, but many of them would certainly not warrant a mandatory sentence, in certain circumstances, of 15 years, not all of them.

During the Judiciary Committee's markup of the bill, I offered an amendment to remove the application of the mandatory minimum provisions of this new bill and, instead, allow a judge to apply an appropriate sentence under the circumstances of the case, up to a statutory maximum of life imprisonment.

Given the complicated nature of the Internet communications networks and other forms of advertising which would be affected by this bill, the role of the judge in evaluating each case is particularly important. While long sentences may be appropriate under the facts of a particular case, Congress cannot know the facts of every case in advance.

Removing mandatory minimums, while still permitting the lengthy statutory maximum penalty of life imprisonment, as my amendment would have done, will provide the appropriate spectrum of sentences for culpability and proportionate punishment.

□ 1615

Mandatory minimum penalties are already a major issue of concern for our criminal justice system, and we should not make matters worse by passing a new one with this bill. Studies of mandatory minimums have concluded that they fail to reduce crime, they waste the taxpayers' money, and they often require judges to impose

sentences that simply violate common sense.

Therefore, I am pleased that the Judiciary Committee's bipartisan Over-Criminalization Task Force is working diligently to assess our Federal criminal code and make recommendations for improvements. The penalties, including mandatory minimums, in the Federal code are among the issues the task force will consider. And while these issues are under review, we should not be passing new mandatory minimum sentences. In fact, if we ever expect to eliminate mandatory minimums from the code, we must first stop passing new ones.

Now, mandatory minimums did not get into the code all at once but one at a time, each in a bill that otherwise made good sense. So if we are going to stop increasing the number of mandatory minimums, we must oppose bills that contain them.

So while I strongly support the efforts to do more to combat the serious problem of sex trafficking by taking steps such as strengthening our laws and providing additional resources for law enforcement and victims, I must, unfortunately, oppose this bill in its current form because it creates new mandatory minimums which can be expected to require a judge in the future to impose a sentence that violates common sense.

I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, it is now my pleasure to yield 6 minutes to the gentlewoman from Missouri (Mrs. WAGNER), the chief sponsor of this legislation.

Mrs. WAGNER. I thank the gentleman from Virginia, Chairman GOODLATTE, for his wonderful leadership on this issue and so many others.

Madam Speaker, I rise today in support of my bill, H.R. 4225, the Stop Advertising Victims of Exploitation, SAVE, Act. But, Madam Speaker, I also rise today in support of all the good work done by my colleagues here in Congress on the issue of human trafficking.

Madam Speaker, as a former United States Ambassador, I was exposed firsthand to the horrors of human trafficking on an international level. I reported on the devastating consequences of human trafficking, where innocent women and children were dragged into the dark abyss of sex slavery. But never in my darkest moments did I ever think that human trafficking was so rampant right here in the United States of America.

Madam Speaker, the faces behind me are photographs of actual victims of sex trafficking. These young women and children were forced into sexual slavery by ruthless traffickers. Madam Speaker, right now there are young women being forced into prostitution in virtually every district across the Nation. In fact, I was shocked to learn

that my own hometown of St. Louis, Missouri, has been identified as one of the top 20 areas for sex trafficking in the United States.

Madam Speaker, this problem is hiding, hiding in plain sight. However, there is hope. I take hope from the work done by the law enforcement professionals who are on the front lines every single day, protecting our Nation's children from those who would seek to exploit them; I take hope from those who work in victims' services and their tireless efforts to help survivors recover, heal, and forge new lives out of the horrors of sexual enslavement; but most importantly, I take hope from all the survivors of this hideous crime. Their strength gives us strength; their resolve gives us inspiration; and their steadfast commitment to ending sex trafficking gives us the courage to fight.

Madam Speaker, because of the efforts of many individuals and groups, I am happy to report that Congress has taken notice of this serious problem. Years of work by Representatives SMITH, POE, and PAULSEN, and my co-chair of the Human Trafficking Task Force, Congresswoman MALONEY, among the so many others who have raised awareness of this issue, have laid the foundation for the long overdue action for Congress that they are presently taking.

I am grateful that many of my colleagues have held events in their home districts to raise awareness and education of this crime. Representatives DAVIS, HUDSON, ROSKAM, COFFMAN, HUIZENGA, and HECK, along with so very many others, have all held human trafficking events in their districts to raise awareness and offer solutions to end sexual assault and human trafficking. I applaud these efforts and look forward to continuing this work for years to come.

However, Madam Speaker, there is much work to be done. As legislators, we have an obligation to come together and do something because we can, because we should, and because we must.

Over the last 10 years, prostitution has slowly but persistently migrated to an online marketplace. Classified services, like backpage.com and others, are the vehicles for advertising the victims of the child sex trade to the world. Pimps and traffickers blatantly advertise their victims' sexual services, with provocative photographs and unsavory messages, complete with per-hour pricing. The traffickers pay Web sites like Backpage to display their messages. These Web sites reportedly reap enormous profits at the expense of the victims of sex trafficking. Revenue from U.S. online prostitution advertising totaled \$45 million just in the year 2013. Many of these ads feature children and trafficking victims. This results in thousands of children every year being openly sold for sex on the Internet.

Madam Speaker, government intervention is necessary to end facilitation of sex trafficking by Web sites like Backpage and others who commercially advertise this criminal activity. Companies that base their business models off of the profits made by selling sex with children should not be allowed to operate. The SAVE Act seeks to criminalize this behavior, thereby dramatically reducing the victimization of vulnerable children and women forced into sexual slavery in the U.S.

The protections included in the SAVE Act apply to two classes of victims: underage children and those who are being forced to engage in commercial sex acts against their will. The offense created by the SAVE Act applies to any form of advertisement. Online postings, newspaper classifieds, even billboards would be considered unlawful if the advertiser knew it would lead to sex trafficking.

Madam Speaker, there is well-established precedent for Congress to criminalize the advertising of illegal goods or services, including the advertisement of child pornography, weapons of mass destruction, illegal narcotics, and animal fighting. Surely—surely—advertisements offering sex with children should also be subject to the same restrictions. The penalties are 15 years to life if the victim, the child victim, is younger than 14 years old, 10 years to life if the child victim is 14 to 18 years old.

The advertisement of victims is the key link in the human trafficking chain. Businesses make millions of dollars every month connecting johns with pimps and their victims. This link needs to be broken. Criminalizing the advertisement of trafficking victims will stem the flow of money, resulting in a reduction of both demand and supply.

The victims of sex trafficking are not nameless, faceless children. They are our daughters, granddaughters, nieces, and neighbors. They are the vulnerable youth of our society, the ones who should be protected the most, not exploited for money and greed.

I urge my colleagues to support the SAVE Act because it will provide the tools necessary for law enforcement to combat the sexual exploitation and enslavement of women and children in the United States.

Mr. SCOTT of Virginia. Madam Speaker, I yield 3 minutes to the gentlelady from New Hampshire (Ms. KUSTER).

Ms. KUSTER. Madam Speaker, I thank the gentlewoman from Missouri, Representative ANN WAGNER, for her friendship and her leadership, and I thank my colleagues, Representative MALONEY, Representative SCOTT, and others.

I am so proud to join my colleagues here on the floor of the House today in passing this commonsense bill to

strengthen and protect victims of sex trafficking. This legislation would penalize individuals who knowingly host and sell advertisements for the commercial exploitation of minors and trafficking victims.

Just last week, I hosted a roundtable in New Hampshire with advocates, prosecutors, and survivors who confirmed in harrowing detail that human trafficking is a crime that is being committed all too frequently across this country. It remains a serious problem both here and abroad.

Recently, I was proud to reach across the aisle and work with my colleagues to lead a letter that all House women Representatives signed urging the Obama administration to push the United Nations Security Council to add Boko Haram to the Al-Qaida Sanctions List, following the abduction of nearly 300 schoolgirls threatened to be sold into sexual slavery by this terrorist group. Through this effort, we became a powerful voice against the horrors of this and other instances of human trafficking that are taking place around the world.

Both Democrats and Republicans in this House understand that we must work together to protect our women, girls, boys, and men, and they know that trafficking isn't just a political issue; it is a human issue. And contrary to popular belief, it is one that is happening right here in our backyard.

Domestic child sex trafficking is a serious problem in the United States, with an estimated close to 300,000 American youth at risk of commercial sexual exploitation and trafficking. It is imperative that we help law enforcement officials rescue domestic victims, track down their exploiters, provide additional tools for prosecutors to treat trafficked minors as victims instead of criminals, and ensure that these victims can access protective services.

I applaud House leadership on both sides of the aisle for bringing these five bipartisan bills to the floor to prevent human trafficking and to provide support for victims, both here and abroad.

As a mother, I can't even imagine the pain and anguish that these families are going through as they fight to bring their loved ones back home. It is essential that we pass these bills today and do everything we can in Washington to support Jasmine in New Hampshire and victims all across this country, to support our States' and countries' efforts to eliminate human trafficking for good.

I thank the gentleman from Virginia for yielding.

Mr. GOODLATTE. Madam Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Madam Speaker, I want to thank Chairman GOODLATTE for his leadership, and the committee and all of



those who have stood before me and will stand after me to discuss this important issue.

I am proud to rise in support of the SAVE Act. It is one step that brings us closer to our goal of ending domestic and international trafficking, and protecting and helping the victims of trafficking.

Last week, I hosted a human trafficking summit in Champaign, Illinois, to give my constituents the opportunity to speak directly with and learn from experts on this important issue. It was humbling to hear the personal story of a survivor, Mrs. Aubrey Lloyd, and see the passion of those offering services to help victims of this horrible practice.

As a husband and the father of a 17-year-old daughter, this issue is deeply personal to me. Aubrey talked about how one night, she was doing her French homework, got in an argument with her mother, went to a friend's house and wasn't able to return home because she had become a victim of human trafficking. Aubrey was 16 at the time. That could be any child in America today who is held against their will.

Congress is choosing to look directly at this issue and do our part to raise awareness and offer concrete solutions to end this abhorrent practice.

Somebody else who joined us that day is Chris Baker. Chris has a ministry that removes tattoos, removes brandings of sex trafficking victims. Aubrey still had hers. Chris reminded me of a quote by William Wilberforce, where he said:

You may choose to look the other way, but you can never say again that you did not know.

Let's work together to end this abhorrent practice.

Mr. SCOTT of Virginia. Madam Speaker, I yield 5 minutes to the gentlelady from New York (Mrs. CAROLYN B. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I thank the gentleman for yielding and for his incredible, principled work in so many areas, and I want to note his hard work on combating mandatory sentences. I feel that he is right in many ways. But because this crime is so out of control, I am strongly supporting my colleague and cochair, Representative WAGNER's bill.

□ 1640

We cochair the caucus on antitrafficking in the women's caucus, and this bill is designed to stop the advertising of children for exploitation in sex trafficking. And we have tried over and over to stop it.

I will now place in the RECORD a letter that MARSHA BLACKBURN and I wrote addressing the online promotion of human trafficking, meetings, and letters. It went nowhere.

CONGRESS OF THE UNITED STATES  
Washington, DC., April 3, 2012.

LARRY PAGE,  
Chief Executive Officer, Google, Inc., Mountain View, CA.

DEAR MR. PAGE: As Members of Congress committed to combating all forms of human trafficking, we write to you with concerns about reports of Google's advertising practices. Recently, dozens of human rights groups called on the National Association of Attorneys General to investigate Google's advertising practices that these groups believe contribute to the problem of human trafficking in America and globally.

Whatever Google is doing or is not doing to prevent these sorts of advertisements from appearing on their properties, Google has not satisfied a significant number of human rights organizations who have a specialized understanding of how these ads contribute to the human trafficking of women and girls. We are particularly concerned that these human rights groups may have identified yet another area where Google profits from illicit activities such as Google's advertising of controlled substances for which your company paid a \$500,000,000 forfeiture to the United States last year.

Accordingly, we request that you provide us with answers to the following initial questions we have regarding these developments:

1. Apart from Google's donations to large human rights organizations, what is your company doing internally to ensure that sexually exploitative advertisements do not appear?

2. What is Google's stated internal policy regarding exploitative advertising? What evidence do you have that those policies are being complied with by both Google's internal and external advertising sales teams?

3. What steps does Google take to instruct its advertising sales managers, consultants, and other employees regarding the evaluation of advertisers of such exploitative marketing?

4. If Google were to determine that it profits from such advertising, what steps would you take to ensure those profits were publicly disclosed and then disgorged? Would that process require restating Google's earnings for past securities filings?

Online markets provide traffickers with the ability to reach untold customers across all political jurisdictions. As a global leader and innovator in internet technologies, Google is in a unique position to do its part to fight human exploitation and trafficking, and we would encourage the company to proactively address these concerns.

We look forward to your reply and to engaging with Google cooperatively to stop human trafficking in America and around the world.

Sincerely,

MARSHA BLACKBURN,  
Member of Congress.

CAROLYN MALONEY,  
Member of Congress.

REPS. MALONEY AND BLACKBURN JOIN EFFORTS TO ADDRESS ONLINE PROMOTION OF HUMAN TRAFFICKING

APRIL 4, 2012—ISSUES: HUMAN TRAFFICKING  
WOMEN'S ISSUES

(Press Contact: Jon Houston (202) 225-7944)

WASHINGTON.—Representatives Marsha Blackburn and Carolyn Maloney yesterday sent a bipartisan letter to Google questioning how the company's advertising practices addresses human trafficking.

Rep. Carolyn Maloney said: "As a leader in technology, I encourage Google also to lead

in the fight against online human trafficking. Too many people believe that human trafficking is a problem only in foreign countries but online advertising has opened new markets for the estimated 100,000 children in the United States—most of whom are American citizens—exploited through commercial sex every year, with the average age of first exploitation between 12–13 years old. These are our daughters, their schoolmates, and their friends; everyone—every company—must understand the reality: that sex trafficking is the slavery of the 21st century. I hope Google will look into its practices to make sure it does not contribute to web-based sex trafficking." Rep. Maloney is co-chair of the Congressional Human Trafficking Caucus, working to educate people about the reality of the trade in human lives and toward its elimination.

Rep. Marsha Blackburn stated: "Illicit online advertising threatens more than just the freedom of the Internet—it denies women and children their fundamental right to human dignity. I have no doubt that if Google was found to profit from online ads that promoted human trafficking, they would immediately stop the placement of those ads. Since Google has a unique ability to help thwart this modern-day form of human slavery, we are looking forward to learning how Google responds to various human rights critics on this issue and whether Google's advertising policies address the exploitation of vulnerable women and girls."

Text of the letter from Representatives Blackburn and Maloney, addressed to Google's CEO, Larry Page can be read here.

Last week, a group of anti-trafficking organizations called on the National Association of Attorneys General to investigate Google for profiting from the sale of online advertisements that contributes to human trafficking in a letter that can be seen here. Last month, 19 U.S. Senators sent a letter to the Village Voice, owner of the controversial website Backpage.com, calling for them to stop using online advertising to promote child prostitution on their website.

Mrs. CAROLYN B. MALONEY of New York. I will now place in the RECORD a letter that Congressman NADLER and I wrote to Web sites of the media trying to stop them from promoting our children as sex objects. They are still doing it.

MALONEY AND NADLER CALL ON VILLAGE VOICE MEDIA TO SHUT DOWN WEBSITE FREQUENTED BY SEX TRAFFICKERS—MAY 7, 2012

NEW YORK, NY.—U.S. Representatives Carolyn B. Maloney (D-NY) and Jerrold L. Nadler (D-NY) today sent a letter to Village Voice Media, LLC expressing concerns about the frequency with which that company's Backpage.com website is used to advertise minors and trafficked persons and urging it to shut down its notorious "adult services" section.

In a statement accompanying the release of the joint letter, whose full text is included below, Congresswoman Maloney said: "Law enforcement authorities and anti-trafficking advocates agree that the adult services section of Village Voice's Backpage.com is the single busiest online marketplace for the sexual trafficking of minors and trafficking victims anywhere in the United States. It is high time the Voice lived up to its reputation as a beacon of progressivism, and shut down this cesspool." Rep. Maloney serves as Co-Chair of the bipartisan Congressional Human Trafficking Caucus, which works to



educate people about the reality of the trade in human lives and toward its eradication.

Congressman Jerrold Nadler said, "The Village Voice must ensure that it is not in any way assisting in the horrific business of sex trafficking. Clearly Backpage.com has not done enough to prevent human trafficking on its site. They should shut down their adult services page immediately, before it is used by criminals to further promote human trafficking."

#### Background:

The sexual trafficking of minors, which is illegal under federal and New York State law, is on the rise in the United States and around the world, with most knowledgeable estimates of the number of domestic underage trafficking victims in the tens of thousands. The U.S. Department of Justice estimates the average age at which minors begin to be exploited by sex traffickers is between the ages of 12 and 14 for girls and between the ages of 11 and 13 for boys.

The William Wilberforce Trafficking Victims Protection Act of 2008 established criminal penalties for those found guilty of acting with "reckless disregard" for the sexual exploitation of minors. In New York City alone, the District Attorneys of Kings, Queens and Manhattan have all pressed charges against alleged traffickers who used Backpage.com to market sex to potential johns.

Nineteen United States Senators and 51 Attorneys General have joined the growing chorus of calls from non-profit advocates and organizations urging Village Voice Media to remove the adult services section from Backpage.com. On April 25, 2012, S. Res. 439 was introduced expressing the sense of the Senate that Village Voice Media Holdings, LLC should eliminate the "adult entertainment" section of the classified advertising website Backpage.com. A New York City Council hearing on human trafficking held last month included pointed questioning from several Council Members to representatives of Backpage.com, as well as testimony from local district attorneys about the use of the website by a large proportion of the traffickers they have prosecuted.

Text of Letter from Representatives Maloney and Nadler to Village Voice Media, LLC.

MAY 4, 2012.

Mr. JIM LARKIN,  
*Chairman and Chief Executive Officer, Village Voice Media Holdings, LLC, 1201 E. Jefferson St., Phoenix, AZ.*

DEAR MR. LARKIN: We are deeply troubled by information from members of law enforcement that Backpage.com, which is owned by Village Voice Media Holdings, LLC ("Village Voice"), is frequently being used to advertise the sexual exploitation of minors and trafficked persons. Backpage.com can create a significant impact on trafficking by shutting off a major source of advertising for these criminals—the adult services section of its website.

As you may know, estimates as to the number of children being sexually exploited in the United States vary widely; however, most estimates place the number in the tens or hundreds of thousands. Many of these young people are runaways, who were in foster care or from abusive homes. According to the Department of Justice, the estimated average age of entry into prostitution is 12-14 for girls, 11-13 for boys. Trafficking in children is illegal under federal law, and state law, and federal law makes clear that people who benefit from this trade cannot pretend to turn a blind eye. In 2008, the William Wil-

berforce Trafficking Victims Protection Act amended Title 18, Section 1591 of the United States Code to make it clear that a person can be found guilty for acting with "reckless disregard" of the fact that a child will be used for commercial sexual purposes. Courts have found that ignorance is deliberate if the defendants were presented with facts putting them on notice that criminal activity was particularly likely and yet intentionally failed to investigate. Over and over again, law enforcement has found a link between the sexual exploitation of minors or trafficking victims and Backpage.com.

The National Association of Attorneys General reports that its members have tracked more than 50 instances, in 22 states over three years, of charges filed against those trafficking or attempting to traffic minors on Backpage.com. In our area, on March 8, 2012, Queens District Attorney Richard Brown announced that he was prosecuting defendants in a case involving a 15-year-old Long Island girl who was kidnapped and taken to Queens where she was drugged and gang-raped by thugs who reportedly sold her on Backpage.com. Similarly, on March 13, 2012, Manhattan District Attorney Cyrus Vance announced the indictment of a man who was forcing a woman to work for him as a prostitute by physical violence, threats and psychological manipulation, and withholding her permanent resident card and birth certificate. The press release announcing the indictment specifically says the defendant "advertised multiple females for prostitution using online advertising on websites such as Backpage.com in order to locate potential clients."

On April 25, 2012, the New York City Council conducted a hearing on the connection between Backpage.com and sex trafficking. Brooklyn District Attorney Charles J. Hynes testified that, among the 40 cases his sex-trafficking unit has prosecuted in the past two years, "one website, above all, [was] most frequently used to exploit children and advertise trafficked victims—that website is Backpage.com." Similarly, Daniel Alonso, Chief Assistant District Attorney in Manhattan, testified that "ads placed on Backpage.com have played a part in nearly every other sex trafficking investigation and case seen by my office." He went on to say that "Backpage.com and web sites like it in effect serve to enable trafficking by providing a place for traffickers—who are, after all, criminals—to drum up demand for what they view as a product."

We are strong supporters of the First Amendment, but its free speech protections do not extend to the facilitation of criminal activity, such as the sexual exploitation of minors on the Internet. We are aware that Backpage.com argues that it cooperates with law enforcement and that its efforts have led to successful prosecutions of some traffickers; we also know, however, that countless other criminals have posted advertisements of minors and trafficked women without being brought to the attention of law enforcement.

If Backpage.com's procedures were sufficient to interdict the majority of cases in which minors are trafficked, then we would be more inclined to accept your protestations that Backpage.com serves a valuable function in assisting law enforcement in protecting minors. In fact, the 51 Attorneys General who have expressed their concern about Backpage.com argue that Backpage.com is "a hub for such activity," i.e., for the sexual exploitation of children and prostitution.

Backpage.com has argued that if it were to shut down its adult services section, the business would simply transfer to other, darker places on the Internet. While that may be true, it is also true that if the business transferred to a less prominent location, it might be harder for the casual user to find and, therefore, might make this business less lucrative. Furthermore, when a company like the Village Voice is engaged in selling children or trafficking victims for sex, it legitimizes the industry. Given the magnitude of the business done by Backpage.com involving trafficked persons, it is hard to believe that your controls are as comprehensive as you claim.

We join the 19 United States Senators, including New York Senator Kirsten Gillibrand, 51 Attorneys General, dozens of human rights and sexual assault organizations, faith leaders, elected officials and more than a quarter of a million Americans who contacted you or signed a petition on this issue, urging you to remove the adult services section from Backpage.com. Too many children and too many trafficking victims have been sold on your website for us to accept any more excuses.

We await your prompt response.

Very truly yours,

CAROLYN B. MALONEY,  
*Member of Congress.*  
JERROLD L. NADLER,  
*Member of Congress.*

Mrs. CAROLYN B. MALONEY of New York. I don't know how to do it unless we have a concrete law. And this law is not without precedent. Congress has passed laws to criminalize the advertising of illegal goods. They have passed laws to criminalize the advertising of child pornography, of weapons of mass destruction, and of narcotics. Surely, we can pass a law that criminalizes selling children as sex objects. We have tried meetings, we have tried letters, we have tried sanctions, and we have tried press. We have tried everything. I don't know how we stop it unless we pass a law that says it is illegal.

I want to tell a story. I first got involved in combating sex trafficking because a company in my district called Big Apple Tours was advertising online, publishing pamphlets of going to Thailand, to the Philippines or upstate New York with pictures of children. You can have as many as you want. I wrote a letter complaining. This is how brazen they were. They took my letter and put it on the Internet along with their advertising and made fun of it. Why is she complaining about the parties we are having?

So it has been out of control, and this is a step towards bringing it into control. The attorney general of New York went after them and took down their site. It no longer is up. But it shows how brazen these exploiters are. And it is big business. It is the third most profitable form of organized crime in our Nation preceded only by the selling of narcotics and the selling of illegal guns. But the selling of the human body can happen again and again until the person is sick and dies. You sell a gun once, and you sell a drug once. You

can sell a young child over and over again.

We really have to do everything we can to stop it. This act adds advertising to the types of conduct that constitutes sex trafficking. It is common sense that if they are advertising the selling of a young child, it is sex trafficking. And we can stop it. This is something we can do that will literally save lives.

The FBI ranks this type of rape as preceded only by murder in terms of the destruction of what it does to an individual, and often the inability of that individual to live a normal life afterwards. It is a horrific crime, the 21st century form of slavery. I can't think of anything more abusive. And it is what is happening now in Nigeria to those young women.

It is happening right here in our backyard. My colleagues on both sides of the aisle and the women's caucus have heard testimony of foster children—of American children—that have been captured, tricked, and drugged. We heard a story on the floor today of a constituent's child, a child in his neighborhood, that was exploited.

By passing this bill, we can stop this advertising. We can cut off this form of exploitation and this abuse. I think that it is an important bill, and I am supporting it with reservation on the mandatory sentencing, which I hope will be cut out in the Senate, but it is important that we take steps to prevent it.

If we pass laws to stop the advertising of child pornography, we can certainly pass a law that stops the selling of a child in sex abuse.

The SPEAKER *pro tempore*. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. I yield the gentlelady an additional 1 minute.

Mrs. CAROLYN B. MALONEY of New York. I could go on all day. My time is expired. I thank the gentleman for his leadership. I know that many others want to speak on this important issue.

I congratulate Congresswoman WAGNER on her persistence on this bill, and I am proud to support her.

Mr. GOODLATTE. Madam Speaker, at this time, I yield 1 minute to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. I thank the chairman.

Madam Speaker, I rise today in strong support of the Stop Advertising Victims of Exploitation Act, which will make the advertising of a trafficking victim for a commercial sex act a crime.

Human trafficking is despicable and unacceptable. It is horrific that millions of victims worldwide are trafficked each year, and it is happening in our local communities. Last month, I hosted a trafficking roundtable in Ross Township, Pennsylvania, with community organizations and law enforce-

ment agencies to discuss ways to combat trafficking in western Pennsylvania. Sadly, this problem exists in cities and towns across America, and together we can do something to eliminate it.

As a father of six, I cannot imagine the horrible situations to which trafficking victims are exposed. We must put a stop to these crimes, and today's bill is an important way to do this.

I thank my friend, Congresswoman WAGNER, for her efforts on the SAVE Act, as well as the sponsors of today's bills, as we work to raise awareness about and combat human trafficking.

Mr. SCOTT of Virginia. Madam Speaker, I yield 3 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I thank the gentleman very much.

Again, this is a historic day, Madam Speaker, and it is a day, tragically, when we wish we had been able to stamp out this dastardly act, if you will, collective act of trafficking of our children, the advertising and the sheer slavery of it all, holding people against their will, using them over and over again.

I, too, have had the opportunity to see firsthand the devastation of ones who have been trafficked and then ultimately feel that their life's career can only be in prostitution. These may be adults, but they started being abused and exploited as children. Just about a year or 2 ago, we had Attorney General Holder in my district, with all of those who were gathered around the issue of trafficking, human slavery, and had a meeting in the district, and the outpouring of the crisis was enormously overwhelming.

This morning in a markup in the Border and Maritime Security Subcommittee, of which I am the ranking member, Madam Miller is the chairwoman, we discussed unaccompanied minors coming across the border, victims-to-be, if you will, 60,000 coming across our border, children who are unaccompanied who are clearly potentially victims in this horrible human trafficking.

So I am a cosponsor of the Stop Advertising Victims of Exploitation Act and am well aware of the heinousness of depicting and advertising for these sex acts with children under 14 and those over 14. And I know for a fact that this is the beginning of the end of many of their lives. We know that there are ultimate acts that are so terrible that a child cannot overcome, that the sexual acts that are being advertised, in whatever means, are life-ending in many instances. And so the idea of making this the kind of crime that shows the concern of the American public is important.

I would also say to you that I am one that is concerned about mandatory minimums, and I hope that as we make our way through, there will be further

discussions of this legislation. But at this time I stand in support of it. I have always said that the weakness on the mandatory minimums for me is when you involve undermining, destroying, killing, using in an abusive sexual manner, trafficking, and holding against their will children. They are vulnerable. They are without the resources to help themselves. And let me say this. Many runaways in this country fall victim to this. Many unaccompanied children that come across the border fall victim to this. Many children who are in conditions where they do not have a family structure fall victim to this. But they fall victim to this because there are so many who will exploit.

The SPEAKER *pro tempore*. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. I yield the gentlelady an additional 1 minute.

Ms. JACKSON LEE. I thank the gentleman again for his leadership.

But there are many who exploit, continue to exploit from the comfort of their home. How terrible it is to go into workplaces and find that individuals are using their computers to engage in this. How horrible it is to go into homes and find computers filled with this kind of trash, and how horrible it is to see that people will profit from the advertising and the selling of commercial acts in whatever way they do.

So I would thank the sponsors of this legislation and recognize that we have opportunities to look at how we construct this kind of remedy for these tragic and horrible acts that ultimately result in the death of our children, either at their own hand, tragically, or by those who would abuse them through commercial sex acts. This should be something that we should stamp out of our society, out of our system, and out of this Nation. We need to begin to do it as we make our way through these bills today.

Madam Speaker, this bill, of which I am a cosponsor, the SAVE Act, has a commendable purpose and I am convinced that it will help in our efforts to end exploitation of children.

H.R. 4225, the "Stop Advertising Victims of Exploitation Act of 2014," amends title 18 of the United States Code to impose a criminal penalty for knowingly selling advertising that offers certain commercial sex acts.

Specifically, it provides for criminal liability for the advertisements of commercial sex acts that are prohibited under existing 18 U.S.C. § 1591 if the advertiser either: (a) benefits financially or receives anything of value from that advertising, or (b) distributes the advertising.

It provides for a statutory maximum of five years' imprisonment or a fine. It does not mandate a statutory minimum sentence or fine.

And while I strongly agree with the purpose of the bill—I do wish it had gone through regular order in the Judiciary Committee on which I serve.

It is critically important that the bill allows those who might have concerns because of certain unintended consequences to voice those issues before the full committee.

My wish is that going forward; we would assume regular order in the Judiciary Committee and yield to the conventions which have made our Committee a force and one with prestige and honor throughout its history.

I ask my colleagues to support this important legislation which helps end exploitation of our precious children.

Mr. GOODLATTE. Madam Speaker, at this time, it is my pleasure to yield 1 minute to the gentlewoman from North Carolina (Mrs. ELLMERS).

Mrs. ELLMERS. Madam Speaker, thank you to the chairman for bringing this very important legislation forward. I am pleased to be able to speak in strong support of the number of bills that we have today that will combat the problem of human sex trafficking.

I would like to emphasize the urgency that this issue requires. Just this morning, one of our local papers in Fayetteville, North Carolina, was reporting that a local mother and son have been arrested and charged with human trafficking of a child victim, sexual servitude of a child and promoting the prostitution of a minor. This issue is real, and it is happening in our own backyards and across our Nation and across the world.

This is only the beginning of this very important mission, and I, for one, will not rest until we find a way to stop this. This is just, again, the beginning of our fight, and I am proud to have cosponsored these bills today to stop this horrifying practice and help these victims. We will continue to do more until we eradicate this form of slavery in the United States and throughout the world.

Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, at this time, I yield 2 minutes to the gentleman from Florida (Mr. YOH).

Mr. YOH. I would like to thank Mr. GOODLATTE.

Madam Speaker, I rise in complete support of erasing human trafficking from the face of the Earth. I am a proud cosponsor of all the bipartisan bills before us today, bills that will give us, the courts, and law enforcement the tools and resources we need to combat the plague that is human trafficking.

It is unacceptable that today, in 2014, the 21st century, human beings are being sold, owned, and held against their will living a life that is, for lack of a better term, hell on Earth. Human trafficking is defined by the Department of Homeland Security as "a modern-day form of slavery involving the illegal trade of people for exploitation or commercial gain."

The victims of human trafficking are the most vulnerable among us: the

poor, immigrants in search of a better life—a better life for their families—women, and even children. These exploited persons are victimized by the traffickers who lure them in with false promises of a better life and then are coerced into unspeakable acts, domestic servitude, or other types of forced labor.

The traffickers only see the victims as a means to make a profit, no different from a commodity or livestock on a farm, and certainly not as the human beings that they are. Too often in our communities, there is a lack of pushback or even awareness that this terrible practice of modern-day servitude exists. It does, and it happens within our own neighborhoods, towns, and counties.

Even when the problem of trafficking is realized, law enforcement does not have the tools it needs to go after the criminals or take care of the victims.

Americans need to take a hard stance, lead on the issue, and let it be known that there is zero tolerance for this horrendous practice. The first step is educating entire communities, since a lack of awareness is our foremost threat. Second, we must provide the resources to law enforcement and make this a priority among the legal community. Finally, we need to recognize and treat the victims of trafficking not as criminals but as victims.

My office in Florida's Third District has been taking steps and will continue to do so to make north central Florida a zero tolerance zone for human trafficking. We have brought together representatives from the Department of Homeland Security. I just want to say that we stand in support of all of these bills, and we urge all of our Members to.

□ 1645

Mr. SCOTT of Virginia. Madam Speaker, I continue to reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, at this time, it is my pleasure to yield 1 minute to the gentlewoman from Washington (Ms. HERRERA BEUTLER).

Ms. HERRERA BEUTLER. Madam Speaker, I thank the chairman.

There is no faster growing form of organized crime in the world than human sex trafficking, and unfortunately, it is happening right here in the United States. More than 100,000 girls are caught up in sex trafficking every year in the United States. Just last month, my local paper reported on a couple being charged with prostituting a 17-year-old girl who was under their control. As you have heard today, that is hardly an isolated story.

We are here not just to discuss the problem, but the solutions. We are seeking to disable Web sites like backpage.com that advertise children for commercial sex and make it a Federal crime for a company to knowingly

post advertisements for sex with minors.

These bills will also increase funding for services to victims—these girls are victims—and give prosecutors better tools to go after the traffickers.

We cannot close our eyes and pretend this crime does not exist. We must take responsibility and be the voice for these children and defend those who cannot defend themselves.

Mr. SCOTT of Virginia. Madam Speaker, I continue to reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I am pleased to yield 1 minute to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Madam Speaker, the statistics associated with human trafficking are nothing short of staggering. Studies have estimated that it is a nearly \$10 billion industry in the United States, and it affects over 300,000 young men and women that are victims of human trafficking. The human toll is real and significant. The SAVE Act changes the idea that the Internet can be used as a marketplace for those purposes.

The SAVE Act does what 47 State attorneys general have done and asked us to do. The SAVE Act makes it a Federal crime to knowingly advertise for the sexual exploitation of minors and trafficking victims.

While this is not the end of human trafficking and sexual exploitation of minors, it is a necessary and long overdue step.

I want to commend my colleague, Mrs. WAGNER, for her leadership on this very important issue and for constructing a very thoughtful piece of legislation.

Mr. SCOTT of Virginia. I continue to reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I just have one speaker remaining, if the gentleman is prepared to close.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, mandatory minimums have resulted in bizarre sentences being imposed today. Girlfriends of drug dealers are serving decades behind bars because their sentences were based on the weight of the drugs involved in their boyfriend's drug dealings. Many other people are serving times clearly longer than required because of mandatory minimums.

Under this bill, if a Web site is raided, this bill could require the judge to impose 15-year sentences on each and every employee, from the receptionist to computer maintenance personnel, no discretion, no consideration of an individual's role in the enterprise, everybody gets 15 years.

So if a sentence violates common sense, mandatory minimums require the judge to impose it any way, so if we are ever going to try to address the

problems created by mandatory minimums, we have to stop passing bills like this one that can require sentences of at least 10–15 years, regardless of the facts in an individual case, even when the bill is otherwise worthy.

This is how so many mandatory minimums got into the code to begin with, one by one, each one in an otherwise worthy bill. The only way to begin to put an end to mandatory minimums is to stop passing new ones.

I yield back the balance of my time.

Mr. GOODLATTE. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. FITZPATRICK) to close the debate for our side of the aisle.

Mr. FITZPATRICK. Madam Speaker, I thank the chairman and Mrs. WAGNER for bringing about an increased awareness of the stark realities of human trafficking and modern day slavery in our world.

While these tragedies have focused us on the issue at hand, the terrible crime of human trafficking is sadly not a new phenomenon, nor is it a concern solely outside our borders.

During our fight against this heart-breaking epidemic, we must recognize and support the invaluable work of nonprofit groups and law enforcement agencies who are giving their all to prevent this crime and protect its victims.

I am proud to report that today, in my district in Pennsylvania, the Bensalem Police Department and the Bucks County District Attorney's Office are being presented with an award for their proactive pursuit of human trafficking crimes over the past year. We are all thankful for the persistent efforts of these organizations and law enforcement organizations.

A remarkable nonprofit in Pennsylvania known as Worthwhile Wear is opening an 83-acre property in the greater Philadelphia area, as a long-term housing and aftercare facility for sexually exploited and trafficked women. The work of this group sheds light on the importance of providing a compassionate environment for those affected by this deplorable crime.

We are all encouraged to see this work on both sides of the aisle, people coming together to address this growing problem. The passage of these bills will bring us closer to our goals of ending both domestic and international trafficking, an objective we should never abandon. I encourage passage of all these bills under suspension.

Madam Speaker, recent events have brought about an increased awareness of the stark realities of human trafficking and modern day slavery in our world.

While these tragedies have focused us on the issue at hand, the heinous crime of Human Trafficking is sadly not a new phenomenon—nor is it a concern solely outside our borders. As a member of the Victims' Rights Caucus, I've been monitoring the

growth of this problem in communities across the United States, including my home district in Pennsylvania.

During our fight against this heart-breaking epidemic, we must recognize and support the invaluable work of non-profit groups and law enforcement agencies who are giving their all to prevent this crime and protect its victims. I am honored to have the opportunity to work closely with organizations in my district such as the Network of Victims Assistance and the Bucks County Anti-Trafficking Coalition as they diligently formulate effective responses to local issues.

I am proud to report that today in Pennsylvania's 8th district, the Special Investigations Unit of the Bensalem Police Department and the Bucks County District Attorney's Office are being presented with a LEAD Award for their proactive pursuit of human trafficking crimes over the past year. As a legislator, a parent, and an active member of my community, I am grateful for their persistent efforts.

Additionally, a remarkable non-profit known as Worthwhile Wear, has announced that they will be opening a new 83 acre property in the Greater Philadelphia area, as a long-term housing and aftercare facility for sexually exploited and trafficked women. The honorable work of this group sheds light on the importance of providing a compassionate environment for those affected by this deplorable crime.

I am encouraged to see my colleagues on both sides of the aisle coming together to address this growing problem. The five bipartisan bills under consideration today will help provide support to trafficking victims, fortify law enforcement efforts, and codify prevention tactics. The passage of these bills will bring us closer to our goals of ending both domestic and international trafficking, an objective that we should never abandon.

I urge for quick passage of this legislation in both the House and Senate, and call on the President to sign these bills into law and join the House in making putting an end to human trafficking a priority.

Mr. HOLT. Madam Speaker, sex trafficking is one of the most appalling crimes of our time. It is a modern day form of slavery, and deserves our attention and resources so we can put an end to this hideous practice. This is why I support the intent of H.R. 4225, the Stop Advertising Victims of Exploitation Act of 2014. This bill targets the facilitators of sex trafficking by prohibiting anyone from benefiting financially from or distributing advertising that offers a commercial sex act in a manner that violates federal criminal code prohibitions against sex trafficking of children.

However, I could not support this bill because it adds these activities to a list of current crimes for which mandatory minimums jail sentences are required. Simply put, mandatory minimum penalties do not work. They discount factors in crimes, prevent judges from meting out punishments that are tailored to the criminal, and have been proven discriminatory to people of color.

Mandatory minimum sentences make legislators feel good, but have wrought terrible injustices in certain cases. They have been demonstrably shown not to reduce crime rates. Even the Judicial Conference, the group that

represents federal judges, has said that mandatory minimums violate common sense.

For this reason, I cannot support H.R. 4225—however well intended—because it prescribes mandatory jail sentences.

Mr. GOODLATTE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 4225, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. WAGNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### PREVENTING SEX TRAFFICKING AND IMPROVING OPPORTUNITIES FOR YOUTH IN FOSTER CARE ACT

Mr. REICHERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4058) to prevent and address sex trafficking of youth in foster care, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4058

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act”.

#### SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.

#### TITLE I—IDENTIFYING AND PROTECTING YOUTH AT RISK OF SEX TRAFFICKING

- Sec. 101. Identifying and screening youth at risk of sex trafficking.
- Sec. 102. Documenting and reporting instances of sex trafficking.
- Sec. 103. State plan requirement to locate and respond to children who run away from foster care.
- Sec. 104. Increasing information on youth in foster care to prevent sex trafficking.

#### TITLE II—IMPROVING OPPORTUNITIES FOR YOUTH IN FOSTER CARE AND SUPPORTING PERMANENCY

- Sec. 201. Supporting normalcy for children in foster care.
- Sec. 202. Improvements to another planned permanent living arrangement as a permanency option.
- Sec. 203. Empowering foster youth age 14 and older in the development of their own case plan and transition planning for a successful adulthood.
- Sec. 204. Ensuring foster youth have a birth certificate, Social Security card, health insurance information, medical records, and a bank account.

# TITLE III—IMPROVING DATA COLLECTION AND REPORTING ON CHILD SEX TRAFFICKING

Sec. 301. Including sex trafficking data in the Adoption and Foster Care Analysis and Reporting System.

Sec. 302. Information on children in foster care in annual reports using AFCARS data; consultation.

# TITLE IV—IMPROVING THE USE OF TECHNOLOGY TO INCREASE CHILD SUPPORT COLLECTIONS

Sec. 401. Required electronic processing of income withholding.

## SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) Recent reports on sex trafficking estimate that thousands of children are at risk for domestic sex trafficking.

(2) The risk is compounded every year for the up to 30,000 young people who are “emanipated” from foster care.

(3) The current child welfare system does not effectively identify, prevent, or intervene when a child presents as trafficked or at risk for trafficking.

(4) Within the foster care system, many young adults are housed in congregate care facilities or group homes, which often are targeted by traffickers.

(5) Within the foster care system, children are routinely denied the opportunity to participate in normal, age or developmentally-appropriate activities such as joining 4-H and other clubs, participating in school plays, playing sports, going to camp, and visiting a friend.

(6) A lack of normalcy and barriers to participation in age or developmentally-appropriate activities contribute to increased vulnerability to trafficking, homelessness, and other negative outcomes for children in foster care.

(7) The latest research in adolescent brain development indicates that young people learn through experience and through trial and error, and that as part of healthy brain development young people need to take on increasing levels of decisionmaking through their teenage years.

(8) In order to combat domestic sex trafficking and to improve outcomes for children in foster care, systemic changes need to be made to the child welfare system that focus on—

(A) the reduction of children in long-term foster care;

(B) greater child engagement in case planning while in foster care;

(C) improved efforts to locate and respond to children who have run away from foster care and to reduce the number of foster children who are on the run;

(D) improved policies and procedures that encourage age or developmentally-appropriate activities for children in foster care and that permit more opportunities for such children to make meaningful and permanent connections with caring adults; and

(E) with regard to domestic sex trafficking, improved identification, prevention, and intervention by the child welfare agency in collaboration with the courts, State and local law enforcement agencies, schools, juvenile justice agencies, and other social service providers.

## TITLE I—IDENTIFYING AND PROTECTING YOUTH AT RISK OF SEX TRAFFICKING

### SEC. 101. IDENTIFYING AND SCREENING YOUTH AT RISK OF SEX TRAFFICKING.

Section 471(a)(9) of the Social Security Act (42 U.S.C. 671(a)(9)) is amended—

(1) in subparagraph (A), by striking “and”;

(2) in subparagraph (B), by inserting “and” after the semicolon; and

(3) by adding at the end the following:

“(C) not later than—  
“(i) 1 year after the date of the enactment of this subparagraph, demonstrate to the Secretary that the State agency has developed, in consultation with organizations with experience in dealing with at-risk youth, policies and procedures for identifying and screening (including relevant training for caseworkers), and for determining appropriate State action and services with respect to—  
“(I) any child over whom the State agency has responsibility for placement, care, or supervision (including children for whom a State child welfare agency has an open case file but who have not been removed from the home and youth who are not in foster care but are receiving services under section 477 of this Act) who the State has reasonable cause to believe—  
“(aa) is a victim of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(10))) or a severe form of trafficking in persons described in section 103(9)(A) of such Act (22 U.S.C. 7102(9)(A)); or  
“(bb) is at risk of being a victim of either kind of trafficking; and  
“(II) at the option of the State, any individual, without regard to whether the individual is or was in foster care under the responsibility of the State, who has not attained 26 years of age; and  
“(ii) 2 years after such date of enactment, demonstrate to the Secretary that the State agency is implementing, in consultation with the child protective services agency or unit for the State, the policies and procedures referred to in clause (i).”

“(I) any child over whom the State agency has responsibility for placement, care, or supervision (including children for whom a State child welfare agency has an open case file but who have not been removed from the home and youth who are not in foster care but are receiving services under section 477 of this Act) who the State has reasonable cause to believe—  
“(aa) is a victim of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(10))) or a severe form of trafficking in persons described in section 103(9)(A) of such Act (22 U.S.C. 7102(9)(A)); or  
“(bb) is at risk of being a victim of either kind of trafficking; and  
“(II) at the option of the State, any individual, without regard to whether the individual is or was in foster care under the responsibility of the State, who has not attained 26 years of age; and  
“(ii) 2 years after such date of enactment, demonstrate to the Secretary that the State agency is implementing, in consultation with the child protective services agency or unit for the State, the policies and procedures referred to in clause (i).”

“(aa) is a victim of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(10))) or a severe form of trafficking in persons described in section 103(9)(A) of such Act (22 U.S.C. 7102(9)(A)); or  
“(bb) is at risk of being a victim of either kind of trafficking; and  
“(II) at the option of the State, any individual, without regard to whether the individual is or was in foster care under the responsibility of the State, who has not attained 26 years of age; and  
“(ii) 2 years after such date of enactment, demonstrate to the Secretary that the State agency is implementing, in consultation with the child protective services agency or unit for the State, the policies and procedures referred to in clause (i).”

“(bb) is at risk of being a victim of either kind of trafficking; and  
“(II) at the option of the State, any individual, without regard to whether the individual is or was in foster care under the responsibility of the State, who has not attained 26 years of age; and  
“(ii) 2 years after such date of enactment, demonstrate to the Secretary that the State agency is implementing, in consultation with the child protective services agency or unit for the State, the policies and procedures referred to in clause (i).”

“(II) at the option of the State, any individual, without regard to whether the individual is or was in foster care under the responsibility of the State, who has not attained 26 years of age; and  
“(ii) 2 years after such date of enactment, demonstrate to the Secretary that the State agency is implementing, in consultation with the child protective services agency or unit for the State, the policies and procedures referred to in clause (i).”

“(ii) 2 years after such date of enactment, demonstrate to the Secretary that the State agency is implementing, in consultation with the child protective services agency or unit for the State, the policies and procedures referred to in clause (i).”

### SEC. 102. DOCUMENTING AND REPORTING INSTANCES OF SEX TRAFFICKING.

(a) STATE PLAN REQUIREMENTS.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking “and” at the end of paragraph (32);

(2) by striking the period at the end of paragraph (33) and inserting a semicolon; and

(3) by adding at the end the following:

“(34) provides that, for each child over whom the State agency has responsibility for placement, care, or supervision (including any child for whom a State child welfare agency has an open case file but who has not been removed from the home, and any youth who is not in foster care but is receiving services under section 477), the State agency shall—  
“(A) not later than 2 years after the date of the enactment of this paragraph, identify and document appropriately in agency records each child who is identified as being a victim of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000) or as being a victim of severe forms of trafficking in persons described in section 103(9)(A) of such Act, as such a victim; and  
“(B) report immediately, and in no case later than 24 hours after receiving—  
“(i) information on children who have been identified as being victims of sex trafficking (as defined in subparagraph (A) of this paragraph) to the law enforcement authorities; and  
“(ii) information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursu-

“(A) not later than 2 years after the date of the enactment of this paragraph, identify and document appropriately in agency records each child who is identified as being a victim of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000) or as being a victim of severe forms of trafficking in persons described in section 103(9)(A) of such Act, as such a victim; and  
“(B) report immediately, and in no case later than 24 hours after receiving—  
“(i) information on children who have been identified as being victims of sex trafficking (as defined in subparagraph (A) of this paragraph) to the law enforcement authorities; and  
“(ii) information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursu-

“(B) report immediately, and in no case later than 24 hours after receiving—  
“(i) information on children who have been identified as being victims of sex trafficking (as defined in subparagraph (A) of this paragraph) to the law enforcement authorities; and  
“(ii) information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursu-

“(i) information on children who have been identified as being victims of sex trafficking (as defined in subparagraph (A) of this paragraph) to the law enforcement authorities; and  
“(ii) information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursu-

“(ii) information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursu-

ant to section 534 of title 28, United States Code, and to the National Center for Missing and Exploited Children; and

“(35) not later than 2 years after the date of the enactment of this paragraph, contains a regularly updated description, made available to the public on the Internet website of the State agency, of the specific measures taken by the State agency to protect and provide services to children who are victims of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000), or victims of severe forms of trafficking in persons described in section 103(9)(A) of such Act, including efforts to coordinate with State and local law enforcement, schools, juvenile justice agencies, and social service agencies such as runaway and homeless youth shelters and transitional and other supportive housing providers to serve that population.”

(b) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations implementing the amendments made by subsection (a) of this section and shall provide uniform definitions for States to use for the reports required under section 471(a)(34)(B) of the Social Security Act, as added by such subsection (a).

### SEC. 103. STATE PLAN REQUIREMENT TO LOCATE AND RESPOND TO CHILDREN WHO RUN AWAY FROM FOSTER CARE.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 102 of this Act, is amended—

(1) by striking “and” at the end of paragraph (34);

(2) by striking the period at the end of paragraph (35) and inserting “; and”; and

(3) by adding at the end the following:

“(36) provides that, not later than 1 year after the date of the enactment of this paragraph, the State shall develop and implement specific protocols for—  
“(A) expeditiously locating any child missing from foster care;

“(B) determining the primary factors that contributed to the child’s running away or otherwise being absent from care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements;

“(C) determining the child’s experiences while absent from care, including screening the child to determine if he or she is a possible victim of sex trafficking (as defined in paragraph (9)(C)); and  
“(D) reporting such related information as required by the Secretary.”

### SEC. 104. INCREASING INFORMATION ON YOUTH IN FOSTER CARE TO PREVENT SEX TRAFFICKING.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a written report which summarizes the following:

(1) Information on children who run away from foster care and their risk of becoming victims of sex trafficking, using data reported by States under section 479 of the Social Security Act and information collected by States related to section 471(a)(36) of such Act, including—

(A) characteristics of children who run away from foster care;

(B) potential factors associated with children running away from foster care (such as reason for entry into care, length of stay in care, type of placement, and other factors that contributed to the child’s running away);

(C) information on children’s experiences while absent from care; and

(D) trends in the number of children reported as runaways in each fiscal year (including factors that may have contributed to changes in such trends).

(2) Information on State efforts to provide specialized services, foster family homes, or child care institutions for children who are victims of sex trafficking.

(3) Information on State efforts to ensure children in foster care form and maintain long-lasting connections to caring adults, even when a child in foster care must move to another foster family home or when the child is placed under the supervision of a new caseworker.

## **TITLE II—IMPROVING OPPORTUNITIES FOR YOUTH IN FOSTER CARE AND SUPPORTING PERMANENCY**

### **SEC. 201. SUPPORTING NORMALCY FOR CHILDREN IN FOSTER CARE.**

(a) REASONABLE AND PRUDENT PARENT STANDARD.—

(1) DEFINITIONS RELATING TO THE STANDARD.—Section 475 of the Social Security Act (42 U.S.C. 675) is amended by adding at the end the following:

“(9)(A) The term ‘reasonable and prudent parent standard’ means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.

“(B) For purposes of subparagraph (A), the term ‘caregiver’ means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.

“(10) The term ‘age or developmentally-appropriate’ means—

“(A) activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and

“(B) in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.”.

(2) STATE PLAN REQUIREMENT.—Section 471(a)(24) of such Act (42 U.S.C. 671(a)(24)) is amended—

(A) by striking “include” and inserting “includes”;

(B) by striking “and that such preparation” and inserting “that the preparation”; and

(C) by inserting “, and that the preparation shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting 1 or more days, and to decisions involving the signing of permission slips and arranging of

transportation for the child to and from extracurricular, enrichment, and social activities” before the semicolon.

(3) TECHNICAL ASSISTANCE.—The Secretary of Health and Human Services shall provide assistance to the States on best practices for devising strategies to assist foster parents in applying a reasonable and prudent parent standard in a manner that protects child safety, while also allowing children to experience normal and beneficial activities, including methods for appropriately considering the concerns of the biological parents of a child in decisions related to participation of the child in activities (with the understanding that those concerns should not necessarily determine the participation of the child in any activity).

(b) NORMALCY FOR CHILDREN IN CHILD CARE INSTITUTIONS.—Section 471(a)(10) of such Act (42 U.S.C. 671(a)(10)) is amended to read as follows:

“(10) provides—

“(A) for the establishment or designation of a State authority or authorities that shall be responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for the institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, and which shall permit use of the reasonable and prudent parenting standard;

“(B) that the standards established pursuant to subparagraph (A) shall be applied by the State to any foster family home or child care institution receiving funds under this part or part B and shall require, as a condition of any contract entered into by the State agency and a child care institution, the presence on-site of at least 1 official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally-appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as prospective foster parents are provided the training pursuant to paragraph (24);

“(C) that the standards established pursuant to subparagraph (A) shall include policies related to the liability of foster parents and private entities under contract by the State involving the application of the reasonable and prudent parent standard, to ensure appropriate liability for caregivers when a child participates in an approved activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parent standard; and

“(D) that a waiver of any standards established pursuant to subparagraph (A) may be made only on a case-by-case basis for non-safety standards (as determined by the State) in relative foster family homes for specific children in care”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act, without regard to whether regulations to implement the amendments have been promulgated by that date.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of

the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

### **SEC. 202. IMPROVEMENTS TO ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT AS A PERMANENCY OPTION.**

(a) ELIMINATION OF THE OPTION FOR CHILDREN UNDER AGE 16.—

(1) IN GENERAL.—Section 475(5)(C)(i) of the Social Security Act (42 U.S.C. 675(5)(C)(i)) is amended by inserting “only in the case of a child who has attained 16 years of age” before “(in cases where”.

(2) CONFORMING AMENDMENT.—Section 422(b)(8)(A)(iii)(II) of such Act (42 U.S.C. 622(b)(8)(A)(iii)(II)) is amended by inserting “, subject to the requirements of sections 475(5)(C) and 475A(a)” after “arrangement”.

(b) ADDITIONAL REQUIREMENTS.—

(1) IN GENERAL.—Part E of title IV of such Act (42 U.S.C. 670 et seq.) is amended by inserting after section 475 the following:

#### **“SEC. 475A. ADDITIONAL CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.**

“(a) REQUIREMENTS FOR ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT.—In the case of any child for whom another planned permanent living arrangement is the permanency plan for the child, the following requirements shall apply for purposes of approving the case plan for the child and the case system review procedure for the child:

“(1) DOCUMENTATION OF INTENSIVE, ONGOING, UNSUCCESSFUL EFFORTS FOR FAMILY PLACEMENT.—At each permanency hearing held with respect to the child, the State agency documents the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the State agency to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for children in the child welfare system.

“(2) REDETERMINATION OF APPROPRIATENESS OF PLACEMENT AT EACH PERMANENCY HEARING.—The State agency shall implement procedures to ensure that, at each permanency hearing held with respect to the child, the court or administrative body appointed or approved by the court conducting the hearing on the permanency plan for the child does the following:

“(A) Ask the child about the desired permanency outcome for the child.

“(B) Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues to not be in the best interests of the child to—

“(i) return home;

“(ii) be placed for adoption;

“(iii) be placed with a legal guardian; or

“(iv) be placed with a fit and willing relative.

“(3) DEMONSTRATION OF SUPPORT FOR ENGAGING IN AGE OR DEVELOPMENTALLY-APPROPRIATE ACTIVITIES AND SOCIAL EVENTS.—At each permanency hearing held with respect to the child, the State agency shall document the steps the State agency is taking to



ensure the child's foster family home or child care institution is following the reasonable and prudent parent standard."

(2) CONFORMING AMENDMENTS.—

(A) STATE PLAN REQUIREMENTS.—

(i) PART B.—Section 422(b)(8)(A)(ii) of such Act (42 U.S.C. 622(b)(8)(A)(ii)) is amended by inserting "and in accordance with the requirements of section 475A" after "section 475(5)".

(ii) PART E.—Section 471(a)(16) of such Act (42 U.S.C. 671(a)(16)) is amended—

(I) by inserting "and in accordance with the requirements of section 475A" after "section 475(1)"; and

(II) by striking "section 475(5)(B)" and inserting "sections 475(5) and 475A".

(B) DEFINITIONS.—Section 475 of such Act (42 U.S.C. 675) is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting "meets the requirements of section 475A and" after "written document which"; and

(ii) in paragraph (5)(C)—

(I) by inserting ", as of the date of the hearing," after "compelling reason for determining"; and

(II) by inserting "subject to section 475A(a)," after "another planned permanent living arrangement,".

(C) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

**SEC. 203. EMPOWERING FOSTER YOUTH AGE 14 AND OLDER IN THE DEVELOPMENT OF THEIR OWN CASE PLAN AND TRANSITION PLANNING FOR A SUCCESSFUL ADULTHOOD.**

(a) IN GENERAL.—Section 475(1)(B) of the Social Security Act (42 U.S.C. 675(1)(B)) is amended by adding at the end the following: "With respect to a child who has attained 14 years of age, the plan developed for the child in accordance with this paragraph, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with up to 2 members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. A State may reject an individual selected by a child to be a member of the case planning team at any time if the State has good cause to believe that the individual would not act in the best interests of the child. One individual selected by a child to be a member of the child's case planning team may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child."

(b) CONFORMING AMENDMENTS TO INCLUDE CHILDREN 14 AND OLDER IN TRANSITION PLANNING.—Section 475 of such Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)(D), by striking "Where appropriate, for a child age 16" and inserting "For a child who has attained 14 years of age"; and

(2) in paragraph (5)—

(A) in subparagraph (C)—

(i) by striking "and" at the end of clause (ii); and

(ii) by adding at the end the following: "and (iv) if a child has attained 14 years of age, the permanency plan developed for the child, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with not more than 2 members of the permanency planning team who are selected by the child and who are not a foster parent of, or caseworker for, the child, except that the State may reject an individual so selected by the child if the State has good cause to believe that the individual would not act in the best interests of the child, and 1 individual so selected by the child may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent standard to the child"; and

(B) in subparagraph (I), by striking "16" and inserting "14".

(c) TRANSITION PLANNING FOR A SUCCESSFUL ADULTHOOD.—Paragraphs (1)(D), (5)(C)(i), and (5)(C)(iii) of section 475 of such Act (42 U.S.C. 675) are each amended by striking "independent living" and inserting "a successful adulthood".

(d) LIST OF RIGHTS.—Section 475A of such Act, as added by section 202(b)(1) of this Act, is amended by adding at the end the following:

"(b) LIST OF RIGHTS.—The case plan for any child in foster care under the responsibility of the State who has attained 14 years of age shall include a document that describes the rights of the child with respect to education, health, visitation, and court participation, and to staying safe and avoiding exploitation, and a signed acknowledgment by the child that the child has been provided with a copy of the document and that the rights contained in the document have been explained to the child in an age-appropriate way."

(e) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress regarding the implementation of the amendments made by this section. The report shall include—

(1) an analysis of how States are administering the requirements of paragraphs (1)(B) and (5)(C) of section 475 of the Social Security Act, as amended by subsections (a) and (b) of this section, that a child in foster care who has attained 14 years of age be permitted to select up to 2 members of the case planning team or permanency planning team for the child from individuals who are not a foster parent of, or caseworker for, the child; and

(2) a description of best practices of States with respect to the administration of the requirements.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of

the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

**SEC. 204. ENSURING FOSTER YOUTH HAVE A BIRTH CERTIFICATE, SOCIAL SECURITY CARD, HEALTH INSURANCE INFORMATION, MEDICAL RECORDS, AND A BANK ACCOUNT.**

(a) CASE REVIEW SYSTEM REQUIREMENT.—Section 475(5)(I) of the Social Security Act (42 U.S.C. 675(5)(I)) is amended—

(1) by striking "and receives assistance" and inserting "receives assistance"; and

(2) by inserting ", and, unless the child has been in foster care for less than 6 months or the child is being discharged from care to be reunited with the family of the child or to be adopted, is not discharged from care without being provided with an official birth certificate of the child, a social security card issued by the Commissioner of Social Security, health insurance information and medical records, and if the child has attained 18 years of age, a fee-free (or low-fee) transaction account (as defined in section 19(b)(1)(C) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(C))) established in the name of the child name at an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or an insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)), unless the child, after consultation with the members of the case planning team for the child selected by the child (if any), elects to not have such an account established" before the period.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this section, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

**TITLE III—IMPROVING DATA COLLECTION AND REPORTING ON CHILD SEX TRAFFICKING**

**SEC. 301. INCLUDING SEX TRAFFICKING DATA IN THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM.**

(a) IN GENERAL.—Section 479(c)(3) of the Social Security Act (42 U.S.C. 679(c)(3)) is amended—

(1) in subparagraph (C)(iii), by striking "and" after the comma; and

(2) by adding at the end the following:

"(E) the annual number of children in foster care who are identified as victims of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of



2000 (22 U.S.C. 7102(10))) or a severe form of trafficking in persons described in section 103(9)(A) of such Act—

“(i) who were such victims before entering foster care; and

“(ii) who were such victims while in foster care; and”.

(b) **REPORT TO CONGRESS.**—Beginning in fiscal year 2016, the Secretary of Health and Human Services shall submit an annual report to Congress that contains the annual aggregate number of children in foster care who are identified as victims of sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(10))) or a severe form of trafficking in persons described in section 103(9)(A) of such Act, together with such other information as the Secretary determines appropriate relating to the identification of, and provision of services for, that population of children.

**SEC. 302. INFORMATION ON CHILDREN IN FOSTER CARE IN ANNUAL REPORTS USING AFCARS DATA; CONSULTATION.**

Section 479A of the Social Security Act (42 U.S.C. 679b) is amended—

(1) by striking “The Secretary” and inserting the following:

“(a) **IN GENERAL.**—The Secretary”;

(2) in paragraph (5), by striking “and” after the semicolon;

(3) in paragraph (6)(C), by striking the period at the end and inserting a semicolon;

(4) by adding at the end the following:

“(7) include in the report submitted pursuant to paragraph (5) for fiscal year 2016 or any succeeding fiscal year, State-by-State data on children in foster care who have been placed in a child care institution or other setting that is not a foster family home, including—

“(A) the number of children in the placements and their ages, including separately, the number and ages of children who have a permanency plan of another planned permanent living arrangement;

“(B) the duration of the placement in the settings (including for children who have a permanency plan of another planned permanent living arrangement);

“(C) the types of child care institutions used (including group homes, residential treatment, shelters, or other congregate care settings);

“(D) with respect to each child care institution or other setting that is not a foster family home, the number of children in foster care residing in each such institution or non-foster family home;

“(E) any clinically diagnosed special need of such children; and

“(F) the extent of any specialized education, treatment, counseling, or other services provided in the settings; and

“(8) include in the report submitted pursuant to paragraph (5) for fiscal year 2016 or any succeeding fiscal year, State-by-State data on children in foster care who are pregnant or parenting.”; and

(5) by adding at the end the following:

“(b) **CONSULTATION ON OTHER ISSUES.**—The Secretary shall consult with States and organizations with an interest in child welfare, including organizations that provide adoption and foster care services, and shall take into account requests from Members of Congress, in selecting other issues to be analyzed and reported on under this section using data available to the Secretary, including data reported by States through the Adoption and Foster Care Analysis and Reporting System and to the National Youth in Transition Database.”.

**TITLE IV—IMPROVING THE USE OF TECHNOLOGY TO INCREASE CHILD SUPPORT COLLECTIONS**

**SEC. 401. REQUIRED ELECTRONIC PROCESSING OF INCOME WITHHOLDING.**

(a) **IN GENERAL.**—Section 454A(g)(1) of the Social Security Act (42 U.S.C. 654a(g)(1)(A)) is amended—

(1) by striking “, to the maximum extent feasible,”; and

(2) in subparagraph (A)—

(A) by striking “and” at the end of clause (i);

(B) by adding “and” at the end of clause (ii); and

(C) by adding at the end the following:

“(iii) at the option of the employer, using the electronic transmission methods prescribed by the Secretary.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2017.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. REICHERT) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

**GENERAL LEAVE**

Mr. REICHERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. REICHERT. Madam Speaker, I yield myself such time as I may consume.

I rise today to urge the support of H.R. 4058, the Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act.

This is a bipartisan bill that I strongly believe will help end sex trafficking, especially of children in foster care.

Madam Speaker, I don't know if you know or the other Members who may be listening today or anyone else who may be listening know that, if you are driving down the street and you see 10 young girls standing on the street corner, that six of those 10 young girls who are in human trafficking, six of those are in foster care—six out of 10—and those are young children that the State, that the taxpayers, that we as citizens of this community—of our communities—are responsible for, and they are on the street.

I am pleased to have worked with my colleague and ranking member on the Human Resources Subcommittee, Mr. DOGGETT. There are many colleagues who have also supported this legislation.

Today, I am here. This is the beginning of my 10th year in Congress. Prior to that, I was in law enforcement, for 33 years, in the King County Sheriff's Office in Seattle, Washington.

For 19 of those years, there was a team created to go after the most noto-

rious serial killer that this country has ever seen. His name was Ridgway. My quest in that case, to find Gary Ridgway, started in 1982. I was a 31-year-old detective.

One body on August 12, two more bodies on August 15; I found a third body on that same day, going down to the riverbank to recover the other two bodies. These were 16-year-old girls.

This is a topic that we should be talking about here in Congress.

When I was 32 in 1982 and I started working on this case—and we finally arrested Ridgway in 2001, so 1982 until 2001—Ridgway said he killed 60 to 70 women. He pled guilty to 49. We closed 51 cases. I collected the bodies. I collected the bodies of 15 and 16-year-old girls.

They were buried in shallow graves or thrown in a river to drift away. Madam Speaker, some of these victims were pregnant, thrown in a grave along with their unborn child, their life cut short and taken. In some weeks, we collected six bodies.

Can you imagine the horror of the children when they were abducted and drawn into this killer's car or taken to his home? They knew they were being killed. They were strangled, and they fought for their lives.

Can you imagine the horror of the parents, the grandparents, the aunts and uncles, the brothers and sisters, and the children lost forever, their life ripped away?

That is why we are here today. That is why we are discussing these bills. This is about life; it is about death, and we can save lives. Some Members here have mentioned that we can save lives today. I hope the Senate has the courage to follow through on these bills. We are doing our work here in the House of Representatives.

When I was on the banks of the Green River in 1982, I wondered who in the world is there who cares; and after 15 years of working the case, who cares, who cared about these young girls?

I can tell you, after talking to a number of those young women on the street and girls and children, they were wondering, too: Does anybody care? Does anybody even know I exist? Does anybody even know I am here and what I am going through? I need love. I need help.

One of those girls that I found in early 1982, that was found in 1982, was a young woman named Wendy Coffield. Wendy Coffield was a foster child. She had run away from home before; and this time, when she ran away from home, nobody was looking for her. No one cared. She disappeared, and no one cared, and then she was found, she was found dead.

These are the kids we have to help. My bill focuses on foster kids. Six out of 10 involved in human trafficking today are foster kids.

We had some hearings, of course, over the past few months, and there

were some courageous young women who came forward to tell their stories in our subcommittee, and I want to mention their names because it took a lot of courage to come forward and tell their stories about their lives and what they went through and the feeling of nobody caring.

Withelma "T" Ortiz Walker Pettigrew is a sex trafficking survivor who experienced 14 foster care placements and was exploited into the sex trafficking trade as a child. This year, though, she was recognized by Time magazine as one of the top 100 most influential people in 2014. Talk about turning around your life and having an impact and influence on other people. "T" Ortiz Pettigrew has done it.

Noel Gomez, Seattle Organization for Prostitution Survivors, Gomez survived 15 years in the sex trafficking trade and is working to help kids stay out and to get out of the sex trafficking trade.

□ 1700

Mandy Urwiler, she entered foster care at the age of 15 and had remained in care throughout her extended foster care program. She testified about her personal experience in foster care and her exposure to the sex trafficking world.

Talitha James, a former foster youth from California, was able to leave the system at age 14 after her aunt gave her a stable home.

After hearing from her and many other experts, Mr. DOGGETT and myself introduced bipartisan legislation to help every State better protect youth in foster care from sex trafficking. This bill requires States to identify victims and to provide them with the services they need to heal. It would also improve data on instances of child trafficking.

On a preventative front, the bill makes sure that the youth can participate in age appropriate activities so they are less vulnerable to trafficking. It encourages States to move forward, moving children out of foster care and into permanent, loving homes.

The approach we are taking is practical. It is bipartisan. It is based on the State's experience. This bill incorporates a wide range of ideas gleaned from bills introduced by members of the Ways and Means Committee like Mr. PAULSEN, as well as ideas from over 150 pages of public comments that we received from our December discussion draft.

I am confident that this legislation will ensure that all States take real steps to better understand the problem and keep kids safe while in foster care. I urge all Members to support this legislation.

I want to thank Mr. DOGGETT, who joins me on the floor today. I want to thank Chairman CAMP for his support, Ranking Member LEVIN for his support,

and all those others who have signed on to the bill.

We are here today, as I said, to protect vulnerable children in foster care and work to find them loving homes. That is why we are here. We are here to save lives. Both parties have worked together.

We have received support for this bill from the American Bar Association, the National Center for Missing and Exploited Children, the American Public Human Services Association, Children's Defense Fund, the Human Rights Project for Girls, National Children's Alliance, and eight others. They proudly indicated their support for this important legislation.

I invite all Members to join us in supporting this important bipartisan legislation, and I reserve the balance of my time.

Mr. DOGGETT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I join in supporting this bill to combat sex trafficking of children that are in the foster care system. When children come into foster care, they are at risk for exploitation because of the abuse and neglect that they have already suffered in their original family and because of the sense of isolation that they often feel when they have suddenly been removed from their home. Those who prey on children, especially sex traffickers, know this and they take advantage of these youth.

Children are removed from their home; they are bounced around from one place to another often; and then, in my State, when they reach 18, they are told they are on their own. That is a situation that invites, especially for young women, the dangerous sex trafficking in which they are exploited.

There is bipartisan support for this bill. It originated from a thoughtful hearing, with some very strong witnesses describing the problem. It is bipartisan. It is also a modest step forward. It is redirecting our welfare agencies, our child welfare agencies around the country, in what they do. I think that it will provide some modest help in saving lives.

It would do even more if, instead of just new requirements for these States, it were adding new resources. It adds very little in the way of resources, but I think it will be helpful in directing the attention of each of these agencies in the various States to focus on this very serious problem, to give us the data to make the argument to do more in the future.

Because so many of these young people will eventually age out of the system after having been moved around from one home to another, it is important that we help them be able to move into the workforce. In that regard, there was a problem with the bill when one particular provision was removed

from the bill because it cost about a million dollars in additional administrative expenses and there was apparently no way found to cover that cost.

I believe that providing a young person who ages out at age 18 from the foster care system with a birth certificate and a Social Security card is a worthwhile thing to do. Chairman REICHERT promised to work with us on this in committee. He has. That provision has fortunately been restored here in this bill. It has been restored, however, in a way that really borrows from another provision that is also important to our foster youth, and that is a provision called Family Connections.

The Family Connection grants program is designed to try to connect children with grandparents, with other family members to help in the search for relatives of the foster children who might provide them a home. It provides only about \$15 million a year, which is hardly enough to cover the need across the entire United States to provide better connection. If this measure were fully adopted, there would no longer, under the Republican budget rules, be a way to pay for the Family Connections program, which is another vital way that we protect these foster youth.

The Children's Defense Fund, which does support the bill, wrote to us in committee to find a way to restore the provision that cost about a million dollars a year and pointed out that the same day that the committee would not provide a million dollars extra per year, it did find a way under the same budget rules to find not a million, but \$310 billion to cover corporate tax breaks.

I believe that this measure is helpful. It is a good step forward. It is a modest step forward that would have benefited from not taking from one in order to help the other when it comes to foster children. We need to be doing more for our foster youth, not only on sex trafficking, but in other ways, more than we are able to accomplish under the strict budget rules today. There is a real inconsistency in saying we cannot find additional revenues to pay for something as serious as this when we can afford to borrow up to \$310 billion for various corporate tax breaks, the first of which has already been approved here in the House in our last week.

With that, I reserve the balance of my time.

Mr. REICHERT. Madam Speaker, I want to thank Mr. DOGGETT for his support.

Just as we were listening to each other and talking to each other regarding the issue that existed prior to bringing this bill to the floor, I am interested in continuing to work with Mr. DOGGETT on the other issues that he has mentioned in his opening statement.

Now I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. Madam Speaker, I rise today in strong support of H.R. 4058, the Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act, as well as each of the four additional bipartisan sex trafficking bills being discussed today.

The statistics about sex trafficking are shocking, and it is not just happening abroad. These heinous crimes are being committed right here at home. In fact, the Federal Government reports that some 17,500 people are trafficked into the United States annually, making this a \$9.5 billion industry each year. Worse, 50 percent of the victims that are trafficked into the United States are under the age of 18, with 60 percent of the trafficking happening in our foster care system.

Madam Speaker, these are children in our communities whose innocence is being stolen away by the horrors of human trafficking. In just one county in my district, there were more than 100 cases of sex trafficking involving a minor in 2011, according to the Tennessee Bureau of Investigation.

As a mother and a grandmother, my heart just breaks for those impacted by this epidemic. I believe we have a responsibility to reverse this unacceptable trend.

Madam Speaker, an act of Congress won't immediately stop all the forms of this human trafficking, but we can do something. We can make the penalty stiffer. We can put another wall between the innocent victims and those who victimize them. We can pass H.R. 4058 and each of those other bipartisan measures aimed at targeting sex trafficking today. We can and we should.

Mr. DOGGETT. I reserve the balance of my time.

Mr. REICHERT. Madam Speaker, I should have also mentioned that Mrs. BLACK is a member of the Ways and Means Committee.

Now I yield 2 minutes to the gentleman from Illinois (Mr. ROSKAM), also a member of the Ways and Means Committee.

Mr. ROSKAM. Madam Speaker, I thank the chairman and the ranking member.

It is not often that we get to see a major social movement bringing us, both sides of the aisle, together, but that is absolutely happening right now. There is a buoyancy to that, and there is a joy in that. The joy is not about us, but it is recognizing that we as Members of Congress and the communities that we represent can do an amazing amount of good right now. The amazing amount of good is reflected in what is happening all across the country.

In my constituency in the western suburbs of Chicago, there is an organization called the West Chicagoland Anti-Trafficking Coalition. These are people who have come together, fo-

cused in on this issue, trying to bring attention to what is actually happening.

We have heard speaker after speaker regale against the trafficking itself, but there is a brightness to us coming together. There is something very good that is happening in my home State in Illinois.

Cook County State's Attorney Anita Alvarez is a national leader in her office, along with a member of her staff, Jack Blakey, who is the chief of special prosecutions, who have come together to come up with something that is known as the Chicago model.

What is the Chicago model? What they are doing is they are coming in and they are saying that there has to be close coordination between victim services, law enforcement, and prosecutors to the point where victim service advocates are accompanying along on raids, coming alongside to make sure that these young people are rescued. The approach also uses evidentiary and prosecutorial methods that help minimize a victim's exposure in the courtroom itself to minimize her contact with her trafficker.

Did you hear that? There is something incredible that is happening in Chicago that is leading the way, and it is protecting people and minimizing the exposure that victims have to traffickers. In other words, building up a legal case that doesn't have the victim as the focal point in terms of testimony, but creating these types of evidentiary approaches.

We can do something significant. There is something significant that is happening today, and we are all reflecting the mood and the desire on the part of our constituents to be forthright and aggressive in taking on this scandal.

Mr. DOGGETT. Madam Speaker, I yield 3 minutes to our colleague from California (Ms. BASS), the chair of the Congressional Caucus on Foster Youth, who worked so diligently on this around the country.

Ms. BASS. Madam Speaker, I rise in strong support of H.R. 4058. I am proud to have worked with Chairman REICHERT and have become an original cosponsor of the bill. I also want to acknowledge the leadership of Chairman CAMP, as well as Ranking Members DOGGETT and LEVIN, to pass this important legislation, especially during National Foster Care Month.

As cochair of the Congressional Caucus on Foster Youth, I have traveled throughout the country as part of a national listening tour. It has been devastating to learn the children involved in the child welfare system, particularly those who experience multiple placements, are especially susceptible to coercion and manipulation by traffickers.

□ 1715

In Los Angeles, where I am from, the Probation Department reports that

hundreds of young people, all minors, have been identified as victims of sex trafficking. Sixty-one percent have been identified as foster youth. The Los Angeles STAR Court, which specializes in serving commercially sexually exploited youth, reports an even higher percentage: 80 percent of the young people have been foster youth.

Unfortunately, the child welfare system as a whole has not truly recognized trafficking as a crisis within the foster youth population, nor incorporated protocols and systems to address the problem. Few child welfare employees have been adequately trained and prepared to identify or respond to child victims of trafficking. Fewer still have incorporated policies, protocols, and case management techniques to serve this population. Child welfare agencies are not documenting the prevalence of trafficking within the foster care population. Therefore, the scope of the challenge nationwide is unknown.

To address these gaps, the Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act requires States to develop plans to provide services to child victims of trafficking, as well as to train case workers on how to identify victims and coordinate these services. The bill would also ensure that agencies using existing data collection mechanisms provide a national and State-by-State understanding of the prevalence of this problem.

These are tremendous steps forward, and I look forward to continuing working with my colleagues in a bipartisan fashion to move legislation that will further prevent exploitation and protect foster youth and all children from trafficking.

It is also significant that this bill helps to empower foster youth by giving foster parents more authority to make day-to-day decisions regarding their foster child's participation in age-appropriate activities. Many foster youth can never attend a prom, can't go to sleepovers—normal activities that all of our children do. The bill encourages States to more quickly move kids out of foster care and into permanent families, provide older children with a greater say in the development of their own case plans, and ensure that older foster youth have access to critical documents.

The SPEAKER pro tempore (Mrs. BLACK). The time of the gentlewoman has expired.

Mr. DOGGETT. I yield an additional minute to the gentlewoman from California.

Ms. BASS. I urge my colleagues to join me in supporting this bill, as well as next week welcoming nearly 70 foster youth to the Hill for the third annual Foster Youth Shadow Day.

Mr. REICHERT. Madam Speaker, I yield 2 minutes to the gentleman from

Minnesota (Mr. PAULSEN), who has introduced his own bill connected to this issue, H.R. 3610, Stop Exploitation Through Trafficking Act. Mr. PAULSEN is also a member of the Ways and Means Committee.

Mr. PAULSEN. Madam Speaker, I want to thank the chairman for his leadership, along with Ranking Member DOGGETT.

More than 100,000 children are at risk of being trafficked for commercial sex in America. That is just according to the National Center for Missing and Exploited Children, so it is probably a pretty conservative number. Those most at risk of victimization are the vulnerable, including children in our foster care system. These are young girls age 12, 13, 14, 15.

These youth who have been involved in the foster care system are more likely to become runaways or become homeless at a very early age. In fact, a vast large majority, large percentage of sexual trafficking victims are runaways. Law enforcement has said that. In fact, 60 percent of those runaways being trafficked were in the foster care system at some point.

Madam Speaker, in order to help prevent these youth from becoming victims—and that is what they are, victims, victims of sex trafficking—we need better information also as to what is happening, where, and to whom. We need to identify the trends and fill in the gaps. There are provisions in this legislation that address those shortfalls.

This bill is crucial for addressing the lack of reliable data and reporting to law enforcement as it relates to runaway youth from the child welfare system. The bottom line is we need to help these victims before they become trafficked.

I want to thank Chairman REICHERT for his leadership, along with Ranking Member DOGGETT, for their bipartisan efforts to move this legislation forward expeditiously.

I also want to thank Congresswoman SLAUGHTER for helping author with myself several of the provisions that were incorporated into this legislation.

The good news, Madam Speaker, is this legislation is bipartisan. Hopefully it is going to move forward bicamerally in the Senate as well. It is absolutely an opportunity to save lives.

Mr. DOGGETT. Madam Speaker, I continue to reserve the balance of my time.

Mr. REICHERT. Madam Speaker, I yield 1 minute to the gentlewoman from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Madam Speaker, I thank Mr. REICHERT and Mr. DOGGETT for bringing this legislation to the floor and for their leadership on this very, very important issue.

In 2013, the FBI conducted raids on sex trafficking operations in 70 U.S. cities. Perhaps the most startling find-

ing in the aftermath of these raids was that 60 percent of rescued child trafficking victims had lived in foster care or group homes.

This finding has taught us a very important lesson: to comprehensively address such horrific injustice, we must both improve the state of children and family services, and increase the efforts in the Justice Department.

This legislation works to address human trafficking by helping us to ensure that the over 400,000 youth currently in foster care have the security and resources they need to become fully integrated contributors to American society.

Though human trafficking is a global issue, we must remember that it is happening throughout America, sadly even in places like my home State of Missouri. Just last November in Jefferson City, a 28-year-old man was indicted for sex trafficking of a child under the age of 14. Also, earlier this year, a Springfield man pleaded guilty to trafficking of a 17-year-old girl with learning disabilities.

Stories like these remind us that this crime against humanity is a real threat all across the U.S., one that is not limited to big cities or high-crime areas.

Today's legislation proactively confronts one of the most disturbing threats to the liberty and dignity of the American people. We cannot afford to stand idly by while the innocent are being subjected to cruel and dehumanizing treatment right here in our own country. Madam Speaker, I urge the Members of this body to join this effort and help end this form of enslavement and keep kids safe.

Mr. DOGGETT. Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), who has already spoken eloquently this afternoon about this problem in connection with another bill, to address the issues raised by this bill and the serious problem of sex trafficking.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I rise in strong support of this bill. It is extremely important.

I would like to underscore that there is no politics in sex trafficking. This body is often described as being bitterly partisan. But today that is not the case as voices on both sides of the aisle and hard work on both sides of the aisle have joined to work to try to make it better and try to stop this abuse.

We have already heard and know that trafficking in human beings is nothing less than a modern form of slavery and that the incidence in foster children is tremendously high.

A foster child named Angela came to my office one day and told me the story that at 10 years old the boyfriend of her foster mother started selling her as a prostitute, and her younger brother. She was horrified one day when she saw a picture of herself and her younger brother in a magazine advertising

that they were for sale. She spoke out at school to her counselor and they didn't believe her. When the authorities from the welfare agency came to the home she told them she was being abused, and they told her to be grateful to her foster parents—why is she raising such problems.

So there is clearly a need for educating and involving States and agencies in being more sensitive and identifying the victims of child abuse and child sex trafficking. It is something we do not want to acknowledge that it exists in our own country. But every time you see a child on the street, a child prostitute, there is a tragic story behind that young girl or boy of intense abuse. Regrettably, too many of them come out of the American foster care system, a system that is supposed to protect them.

This bill is incredibly needed. I congratulate Mr. DOGGETT and Ms. BASS for their hard work on this.

Mr. REICHERT. Madam Speaker, I reserve the balance of my time.

Mr. DOGGETT. Madam Speaker, at this time, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), my colleague.

Ms. JACKSON LEE. Madam Speaker, I thank Mr. REICHERT and Mr. DOGGETT for this work, and the work of the Ways and Means Committee, which is a vital component to this holistic approach that we have now embraced dealing with human trafficking.

The foster care system that many of us have embraced that needs overhaul, as a member of the foster care task force and caucus, as a member and founder of the Congressional Children's Caucus, I have been dealing with foster care children for a number of years. In fact, I served as a cochair of the Foster Care Task Force in Houston, whose purpose was to give relief to what was then called Foster Care Grandparents, whose grandparents were involved in the foster care system. That is the friendly side of foster care.

But I think it is so very important to recognize that we are still facing that large gap of those youngsters who age out, along with youngsters who are 12, 13, and 14 who have been in the foster care system all of their life. We have heard the stories that they go from house to house, maybe some of them had 30 homes, places where they have lived, for a period of time that they have been in foster care.

What I have seen as I have been on the streets of Houston when we spend a night out on the streets going places where we knew children and young people would be sleeping, that these were children who had either aged out, who had in fact run away, or been in foster care on the streets of Houston. They are a number one target for the dastardly act of sex trafficking, child trafficking, and human trafficking.

So I rise today to support this legislation, again, as it adds to an overall

omnibus approach to going after anyone who wants to hide behind the vulnerability of a child and take advantage of them. This bill provides for full resources for foster care children so that they do not find the most welcoming track someone's ugly words that, in fact, are here to undermine them and to take them into this life.

I ask my colleagues to support this legislation because, in fact, it stops those children from going into a life that will ruin their life and to make them find a place where they can find solace.

Mr. REICHERT. Madam Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Washington has 3 minutes remaining. The gentleman from Texas has 7¾ minutes remaining.

Mr. REICHERT. Madam Speaker, at this time, I yield 1 minute to the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. Madam Speaker, we know a lack of normalcy and barriers to participation in sort of age-appropriate activities increases vulnerability of trafficking, homelessness, and other negative outcomes that kids that are in foster care experience. This bill—and I appreciate the authors of this bill—would ensure that youth and foster care can participate in more age-appropriate activities and they are going to be better connected with their communities and their friends and less vulnerable, therefore, to becoming victims of sex trafficking.

In all this nastiness, negativity, and ugliness, I get to talk about a little ray of hope, though, as well. Bethany Christian Services, which is located in west Michigan and has operations in my district, is an example of an effective child welfare organization that dramatically improves outcomes for children in foster care.

Bethany comes alongside families who will walk with these kids at this time of crisis and welcome them unconditionally into their loving, caring homes. It is also an organizational model that has proven successful. Foster parents work with staff from community agencies toward identified goals for the children in their care, empowering these foster parents to dramatically improve outcomes for those kids that are in their care.

I thank the author of this, who is going to give this same opportunity to all foster children.

Mr. DOGGETT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank Chairman REICHERT for his leadership on this measure.

In this place, we need to make what progress we can under the conditions that exist and make as much of it as possible. I hope that the Senate will respond to this measure. But in order to

provide an effective response, we need to have the revenues to provide the resources along with the requirements to meet the needs of our foster youth.

A few weeks ago, I met with a number of attorneys in San Antonio who work with foster youth, particularly those who are aging out, as well as a number of community service groups, religious and nonreligious in their orientation. They describe immense problems that our foster youth face. When they age out at age 18, only about 2 percent of those young people in the San Antonio area ever end up in college.

□ 1730

Many of them do get a substantial taxpayer subsidy over their lives. Unfortunately, it is a subsidy in our jails and in our penal system after they are engaged in some harmful conduct.

This bill is one step that we can take to address the exploitation of these young people, particularly of young women. There are broader problems out there that need our attention, but I favor moving forward with the progress that we can make today to address this one critical problem.

I yield back the balance of my time.

Mr. REICHERT. Madam Speaker, in closing, I do believe that this bill can help end sex trafficking, especially when partnered with all of the other legislation that we have been talking about today. It is a holistic approach, and it touches on almost every one of the intricate issues surrounding protecting young children from being victims of human trafficking.

After we are done today, there will still be another bill, presented by Mr. SMITH, that will add to the power of the movement that we are making today and that will add to the voice that we are expressing today in support of young children, in support of families—in support of protecting lives. We are going to save lives.

With these bills today, somebody does care. As I said in my opening statement, when I was 31 years old and was on the banks of the rivers, collecting the bodies of teenage girls, I wondered if anybody cared, and their families wondered.

Today, that question has been answered. We care. All the way to the United States Capitol, we care. We can make a difference. Our daughters are not for sale, and the time is now.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. REICHERT) that the House suspend the rules and pass the bill, H.R. 4058, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

# INTERNATIONAL MEGAN'S LAW TO PREVENT DEMAND FOR CHILD SEX TRAFFICKING

Mr. ROYCE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4573) to protect children from exploitation, especially sex trafficking in tourism, by providing advance notice of intended travel by registered child sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4573

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “International Megan’s Law to Prevent Demand for Child Sex Trafficking”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Angel Watch Center.
- Sec. 5. Sense of Congress provisions.
- Sec. 6. Enhancing the minimum standards for the elimination of trafficking.
- Sec. 7. Assistance to foreign countries to meet minimum standards for the elimination of trafficking.
- Sec. 8. Rules of Construction.

## SEC. 2. FINDINGS.

Congress finds the following:

(1) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in the State of New Jersey by a violent predator living across the street from her home. Unbeknownst to Megan Kanka and her family, he had been convicted previously of a sex offense against a child.

(2) In 1996, Congress adopted Megan’s Law (Public Law 104–145) as a means to encourage States to protect children by identifying the whereabouts of sex offenders and providing the means to monitor their activities.

(3) In 2006, Congress passed the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) to protect children and the public at large by establishing a comprehensive national system for the registration and notification to the public and law enforcement officers of convicted sex offenders.

(4) Law enforcement reports indicate that known child-sex offenders are traveling internationally, and that the criminal background of such individuals may not be known to local law enforcement prior to their arrival.

(5) The commercial sexual exploitation of minors in child sex trafficking and pornography is a global phenomenon. The International Labour Organization has estimated that 1.8 million children worldwide are victims of child sex trafficking and pornography each year.

(6) Child sex tourism, where an individual travels to a foreign country and engages in sexual activity with a child in that country, is a form of child exploitation and, where commercial, child sex trafficking.

(7) According to research conducted by The Protection Project of The Johns Hopkins University Paul H. Nitze School of Advanced International Studies, sex tourists from the United States who target children form a significant percentage of child sex tourists in some of the most significant destination countries for child sex tourism.

(8) In order to protect children, it is essential that United States law enforcement be able to identify child-sex offenders in the United States who are traveling abroad and child-sex offenders from other countries entering the United States. Such identification requires cooperative efforts between the United States and foreign governments. In exchange for providing notice of child-sex offenders traveling to the United States, foreign authorities will expect United States authorities to provide reciprocal notice of child-sex offenders traveling to their countries.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **CENTER.**—The term “Center” means the Angel Watch Center established pursuant to section 4(a).

(2) **CHILD-SEX OFFENDER.**—

(A) **IN GENERAL.**—The term “child-sex offender” means an individual who is a sex offender described in paragraph (3) or (4) of section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911) by reason of being convicted of a child-sex offense.

(B) **DEFINITION OF CONVICTED.**—In this paragraph, the term “convicted” has the meaning given the term in paragraph (8) of section 111 of such Act.

(3) **CHILD-SEX OFFENSE.**—

(A) **IN GENERAL.**—The term “child-sex offense” means a specified offense against a minor, as defined in paragraph (7) of section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911), including—

(i) an offense (unless committed by a parent or guardian) involving kidnapping;

(ii) an offense (unless committed by a parent or guardian) involving false imprisonment;

(iii) solicitation to engage in sexual conduct;

(iv) use in a sexual performance;

(v) solicitation to practice prostitution;

(vi) video voyeurism as described in section 1801 of title 18, United States Code;

(vii) possession, production, or distribution of child pornography;

(viii) criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct; and

(ix) any conduct that by its nature is a sex offense against a minor.

(B) **OTHER OFFENSES.**—The term “child-sex offense” includes a sex offense described in paragraph (5)(A) of section 111 of the Adam Walsh Child Protection and Safety Act of 2006 that is a specified offense against a minor, as defined in paragraph (7) of such section.

(C) **FOREIGN CONVICTIONS; OFFENSES INVOLVING CONSENSUAL SEXUAL CONDUCT.**—The limitations contained in subparagraphs (B) and (C) of section 111(5) of the Adam Walsh Child Protection and Safety Act of 2006 shall apply with respect to a child-sex offense for purposes of this Act to the same extent and in the same manner as such limitations apply

with respect to a sex offense for purposes of the Adam Walsh Child Protection and Safety Act of 2006.

(4) **JURISDICTION.**—The term “jurisdiction” means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided in, and subject to the requirements of, section 127 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16927), a federally recognized Indian tribe.

(5) **MINOR.**—The term “minor” means an individual who has not attained the age of 18 years.

### SEC. 4. ANGEL WATCH CENTER.

(a) **ESTABLISHMENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish within the Child Exploitation Investigations Unit of United States Immigration and Customs Enforcement (ICE) of the Department of Homeland Security a Center, to be known as the “Angel Watch Center”, to carry out the activities specified in subsection (d).

(b) **LEADERSHIP.**—The Center shall be headed by the Director of ICE, in collaboration with the Commissioner of United States Customs and Border Protection (CBP) and in consultation with the Attorney General.

(c) **MEMBERS.**—The Center shall consist of the following:

(1) The Director of ICE.

(2) The Commissioner of CBP.

(3) Individuals who are designated as analysts in ICE or CBP.

(4) Individuals who are designated as program managers in ICE or CBP.

(d) **ACTIVITIES.**—

(1) **IN GENERAL.**—The Center shall carry out the following activities:

(A) Receive information on travel by child-sex offenders.

(B) Establish a system to maintain and archive all relevant information, including the response of destination countries to notifications under subsection (e) where available, and decisions not to transmit notification abroad.

(C) Establish an annual review process to ensure that the Center is consistent in procedures to provide notification to destination countries or not to provide notification to destination countries, as appropriate.

(2) **INFORMATION REQUIRED.**—The United States Marshals Service's National Sex Offender Targeting Office shall make available to the Center information on travel by child-sex offenders in a timely manner for purposes of carrying out the activities described in paragraph (1) and (e).

(e) **NOTIFICATION.**—

(1) **TO COUNTRIES OF DESTINATION.**—

(A) **IN GENERAL.**—The Center may transmit notice of impending or current international travel of a child-sex offender to the country or countries of destination of the child-sex offender, including to the visa-issuing agent or agents in the United States of the country or countries.

(B) **FORM.**—The notice under this paragraph may be transmitted through such means as determined appropriate by the Center, including through an ICE attaché.

(2) **TO OFFENDERS.**—

(A) **GENERAL NOTIFICATION.**—

(i) **IN GENERAL.**—If the Center transmits notice under paragraph (1) of impending

international travel of a child-sex offender to the country or countries of destination of the child-sex offender, the Secretary of Homeland Security, in conjunction with any appropriate agency, shall make reasonable efforts to provide constructive notice through electronic or telephonic communication to the child-sex offender prior to the child-sex offender's arrival in the country or countries.

(ii) **EXCEPTION.**—The requirement to provide constructive notice under clause (i) shall not apply in the case of impending international travel of a child-sex offender to the country or countries of destination of the child-sex offender if such constructive notice would conflict with an existing investigation involving the child-sex offender.

(B) **SPECIFIC NOTIFICATION REGARDING RISK TO LIFE OR WELL-BEING OF OFFENDER.**—If the Center has reason to believe that to transmit notice under paragraph (1) poses a risk to the life or well-being of the child-sex offender, the Center shall make reasonable efforts to provide constructive notice through electronic or telephonic communication to the child-sex offender of such risk.

(C) **SPECIFIC NOTIFICATION REGARDING PROBABLE DENIAL OF ENTRY TO OFFENDER.**—If the Center has reason to believe that a country of destination of the child-sex offender is highly likely to deny entry to the child-sex offender due to transmission of notice under paragraph (1), the Center shall make reasonable efforts to provide constructive notice through electronic or telephonic communication to the child-sex offender of such probable denial.

(3) **SUNSET.**—The authority of paragraph (1) shall terminate with respect to a child-sex offender beginning as of the close of the last day of the registration period of such child-sex offender under section 115 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16915).

(f) **COMPLAINT REVIEW.**—The Center shall establish a mechanism to receive complaints from child-sex offenders affected by notifications of destination countries of such child-sex offenders under subsection (e).

(g) **CONSULTATIONS.**—The Center shall seek to engage in ongoing consultations with—

(1) nongovernmental organizations, including faith-based organizations, that have experience and expertise in identifying and preventing child sex tourism and rescuing and rehabilitating minor victims of international sexual exploitation and trafficking;

(2) the governments of countries interested in cooperating in the creation of an international sex offender travel notification system or that are primary destination or source countries for international sex tourism; and

(3) Internet service and software providers regarding available and potential technology to facilitate the implementation of an international sex offender travel notification system, both in the United States and in other countries.

(h) **TECHNICAL ASSISTANCE.**—The Secretary of Homeland Security and the Secretary of State may provide technical assistance to foreign authorities in order to enable such authorities to participate more effectively in the notification program system established under this section.

### SEC. 5. SENSE OF CONGRESS PROVISIONS.

(a) **BILATERAL AGREEMENTS.**—It is the sense of Congress that the President should negotiate memoranda of understanding or other bilateral agreements with foreign governments to further the purposes of this Act and the amendments made by this Act, including by—



(1) establishing systems to receive and transmit notices as required by title I of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); and

(2) establishing mechanisms for private companies and nongovernmental organizations to report on a voluntary basis suspected child pornography or exploitation to foreign governments, the nearest United States embassy in cases in which a possible United States citizen may be involved, or other appropriate entities.

(b) NOTIFICATION TO THE UNITED STATES OF CHILD-SEX OFFENSES COMMITTED ABROAD.—It is the sense of Congress that the President should formally request foreign governments to notify the United States when a United States citizen has been arrested, convicted, sentenced, or completed a prison sentence for a child-sex offense in the foreign country.

**SEC. 6. ENHANCING THE MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.**

Section 108(b)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)(4)) is amended by adding at the end before the period the following: “, including severe forms of trafficking in persons related to sex tourism”.

**SEC. 7. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.**

The President is strongly encouraged to exercise the authorities of section 134 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d) to provide assistance to foreign countries directly, or through nongovernmental and multilateral organizations, for programs, projects, and activities, including training of law enforcement entities and officials, designed to establish systems to identify sex offenders and provide and receive notification of child sex offender international travel.

**SEC. 8. RULES OF CONSTRUCTION.**

(a) DEPARTMENT OF JUSTICE.—Nothing in this Act shall be construed to preclude or alter the jurisdiction or authority of the Department of Justice under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.), including section 113(d) of such Act, or any other provision law, or to affect the work of the United States Marshals Service with INTERPOL.

(b) ANGEL WATCH CENTER.—Nothing in this Act shall be construed to preclude the Angel Watch Center from transmitting notice with respect to any sex offender described in paragraph (3) or (4) of section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911) or with respect to any sex offense described in paragraph (5) of such section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

**GENERAL LEAVE**

Mr. ROYCE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include any extraneous material for the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume.

International Megan's Law, to prevent demand for child sex trafficking, will bolster law enforcement efforts to combat a crime that is worldwide. It affects hundreds of thousands of young children every year. In particular, this bill addresses an issue of child sex tourism, by which adults travel overseas.

They do this to exploit children in countries that are currently struggling to deal with this influx of child predators, and part of that influx is of Americans who are child predators.

Many children victimized by this appalling crime have also been trafficked—trafficked into prostitution—recruited or transferred or sold in order to be used sexually for someone's profit.

This bill helps fight back. This bill takes care of a problem that exists at present, as there are multiple U.S. agencies seeking to combat child trafficking, but not with any coordination, and they are not doing it in time to prevent those who try to travel overseas. We could be much more effective.

This bill officially recognizes an Angel Watch Center within the Department of Homeland Security's Child Exploitation Investigations Center. Operation Angel Watch originated as a partnership with the U.S. Customs and Border Protection, and it currently collects and analyzes the foreign travel date of convicted child sex offenders to determine whether the notification to U.S. officials or foreign governments is warranted.

Last year alone, Angel Watch sent 1,700 leads to 100 countries as part of this effort to proactively and strategically alert international law enforcement. Angel Watch's work is time-sensitive. Travel data is sometimes not made available within the 24 hours before a flight, while other helpful information collected by the Department of Justice is, in fact, not even shared with Angel Watch or is not shared soon enough.

This bill solidifies the Angel Watch Center as an important part of the U.S. response to child sex tourism, and importantly, it improves the timeliness of the information the center receives by requiring the Justice Department to share its travel records promptly. This will allow Angel Watch to better detect and to report the travel of child predators.

I want to thank the bill's author, the gentleman from New Jersey (Mr. SMITH), for his persistent leadership and dedication to this issue. I would also like to recognize the chairman and ranking member of the Committee on the Judiciary, as well as the ranking member, Mr. ELIOT ENGEL from New York, for his assistance on this important measure.

Madam Speaker, I want to say something briefly about other bills that I

have been involved with in today's antitrafficking package. One is H.R. 3530, the Justice for Victims of Trafficking Act, introduced by Judge POE, our colleague from Texas.

I want to thank the Committee on the Judiciary for consulting with the Foreign Affairs Committee to ensure that the bill makes progress both at home and also abroad.

On the Human Trafficking Congressional Advisory Committee that I established last year in southern California, I hear directly from advocates and from law enforcement and from survivors, themselves, about the insufficient resources that law enforcement has as a tool available to rescue victims and available to prosecute traffickers here in the U.S.

By ensuring a victims center allocation of resources, enhancing deterrents, and prioritizing the protection of trafficking and child pornography victims, the Justice for Victims of Trafficking Act represents important progress in this struggle.

I also strongly support H.R. 4225, the Stop Advertising Victims of Exploitation, or SAVE Act, introduced by the gentleman from Missouri, Representative WAGNER.

In 2013, revenue from U.S. online prostitution advertising totaled an estimated \$45 million. As underscored by arrests in 22 States, those ads, such as on backpage.com, sometimes involve the marketing of children, of underage girls. This legislation will help stop this exploitation.

In March, more than 40 of us here in Congress wrote to urge Attorney General Eric Holder to take immediate action to end backpage.com's facilitation of the buying and selling of people, including of children. To date, we have not received a response. This legislation would produce that effect.

All five of the bills being considered today represent important steps towards abolishing the injustice of human trafficking, towards protecting vulnerable individuals, and towards restoring the dignity of those who have survived such exploitation. They deserve our strong support.

Madam Speaker, I submit for the RECORD an exchange of letters between me and Chairman GOODLATTE of the Judiciary Committee regarding this bill of which I am proud to be a cosponsor, and I would ask all Members here to support it.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, May 13, 2014.

Hon. ED ROYCE,  
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ROYCE: I am writing with respect to H.R. 4573, the “International Megan's Law to Prevent Demand for Child Sex Trafficking” which the Committee on Foreign Affairs ordered reported favorably



on May 9, 2014. As a result of your having consulted with us on provisions in H.R. 4573 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I agree to discharge our Committee from further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 4573 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 4573, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration of H.R. 4573.

Sincerely,

BOB GOODLATTE,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, May 15, 2014.

Hon. BOB GOODLATTE,  
*Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN GOODLATTE: Thank you for consulting with the Committee on Foreign Affairs on H.R. 4573, International Megan's Law to Prevent Demand for Child Sex Trafficking, and for agreeing to be discharged from further consideration of that bill. The suspension text contains edits to portions of the bill within the Rule X jurisdiction of the Committee on the Judiciary that were drafted in consultation with your committee.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of the Committee on the Judiciary, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will seek to place our letters on H.R. 4573 into the Congressional Record during floor consideration of the resolution. I appreciate your cooperation regarding this legislation and look forward to continuing to work with the Committee on the Judiciary as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,  
*Chairman.*

Mr. ENGEL. Madam Speaker, I rise in strong support of H.R. 4573, known as International Megan's Law, and I yield myself such time as I may consume.

Before I begin, I would first like to commend our colleague, Mr. CHRIS SMITH of New Jersey, for his leadership on human rights, on antitrafficking issues, and for his and his staff's hard work on H.R. 4573. I can't begin to tell our colleagues how relentless Mr.

SMITH has been and his staff has been. This has really been almost a personal crusade for him.

I know, if it weren't for the gentleman from New Jersey, we would not be this far on this legislation, so I really think our colleagues should know of his dedication and hard work on this matter.

I also want to thank the Judiciary Committee for its bipartisan input on this bill. I know all of the parties worked hard to make sure that the bill is a practical and effective mechanism which will help make a difference in the lives of those victimized by sexual predators.

We worked very closely with the Judiciary Committee on this bill as well. This is a really good product with many bipartisan inputs from several committees, primarily from Foreign Affairs and the Judiciary.

International Megan's Law aims to prevent child sex offenders and traffickers from exploiting vulnerable children when they cross an international border.

In many countries, extreme poverty and gaps in law enforcement create zones of impunity in which sex offenders exploit vulnerable children. Sometimes, local officials have no idea that this is going on. Sometimes, they turn a blind eye; and sometimes, unfortunately, officials are even complicit in this crime.

H.R. 4573 establishes an Angel Watch Center within Immigration and Customs Enforcement that would provide advance notice to foreign countries when a convicted child sex offender travels to that country.

The bill also calls on the President to negotiate agreements with foreign governments that would encourage information sharing on known child sex offenders.

Around the world, as many as 27 million people are victims of human trafficking, many of them children exploited in prostitution. These repugnant practices amount to modern slavery. They violate our deepest moral values, and they demand a timely and effective response.

Madam Speaker, we need to do all we can to encourage governments around the world to live up to their responsibilities and confront this crime. Protecting trafficked children requires timely victim identification, placing them in safe environments, and providing them with comprehensive support services—physical and mental health care, educational opportunities, legal assistance, and the reintegration with family and community.

No single government or single law will put an end to child sex tourism or to child sex trafficking, but every step we take strengthens our ability to prevent these crimes, to protect its victims, and to punish those responsible. So, Madam Speaker, I urge my colleagues to support H.R. 4573.

I reserve the balance of my time.

Mr. ROYCE. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), the chairman of the Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations. He is also the author of this bill.

Mr. SMITH of New Jersey. First of all, let me begin by thanking our distinguished chairman, ED ROYCE, for his leadership on combating human trafficking in general and for his strong support for this legislation today. To him and his staff, I am deeply, deeply grateful.

Then, to ELIOT ENGEL, the ranking member, we work as a team, and he works as a team, and it is one of the most bipartisan committees, probably, in the House.

Thank you for your leadership on this as well and for your kind words a moment ago. I do deeply appreciate it.

Madam Speaker, protecting women and children from violence and predatory behavior is among the highest duties and responsibilities of government.

□ 1745

So today is truly a historic day—a historic day in the struggle to end human trafficking and to protect the weakest and most vulnerable from modern-day slavery.

As prime author of the landmark Trafficking Victims Protection Act of 2000, as well as reauthorizations of that law in 2003 and 2005, I believe the five bills under consideration by the House today will significantly prevent the horrific crime of human trafficking, protect and assist victims, and prosecute those who exploit and abuse.

Madam Speaker, as we all know, legislative priorities in the U.S. House of Representatives don't happen by default, nor by happenstance. I especially want to single out Majority Leader ERIC CANTOR for his extraordinary leadership in ensuring that these five bills—and there will be others, I am sure, in their wake—were brought to the floor.

There were multiple referrals to committees and subcommittees. I know that our bill was referred to the Judiciary Committee—we worked very closely with the Judiciary Committee and their staff—as well as Homeland Security, which also was very supportive. It is that kind of coordination and leadership that makes what looks like an easy walk—and this has not been an easy walk for these bills; it never is—to come to the floor today with all of the differences of opinion.

We are united on the floor of the House of Representatives today in saying in a bipartisan way absolutely “no” to this crime of human trafficking.

So thank you ERIC CANTOR for that leadership. It is deeply, deeply appreciated.

Madam Speaker, H.R. 4573, the International Megan's Law to Prevent Demand for Child Sex Trafficking, is a serious attempt to mitigate child sex tourism by noticing countries of destination concerning the travel plans of convicted pedophiles. And to protect American children, the bill encourages the President of the United States and everyone else, like the Secretary of State, to use bilateral agreements and assistance to establish reciprocal notification so that we will know when a convicted child abuser comes to the United States.

Madam Speaker, in 1994, a young girl in my district, then my hometown of Hamilton Township, was lured into the home of a convicted pedophile who lived across the street from her home. Megan Kanka, 7 years old, was raped and murdered.

No one, including Megan Kanka's parents or any of the other neighbors, knew that their neighbor across the street had been convicted twice and jailed for child sexual assault.

The combination of concern for at-risk children and outrage towards those who abuse them led to enactment of Megan's Law—public sex offender registries—in every State in the country. In 2006, Chairman SENSENBRENNER nationalized the whole idea and concept of the registry as part of his historic law, the Adam Walsh Child Protection and Safety Act.

Madam Speaker, it is imperative that we take the lessons learned on how to protect our children from known child sex predators within our borders and expand those to children globally. Child predators thrive on secrecy, a secrecy that allows them to commit heinous crimes against children with impunity and without any meaningful accountability. Megan's Law, with its emphasis on notification, must go global to protect American children and children worldwide.

Let's not forget the prevalence or the size of this abuse. Nobody knows for sure exactly how many, but the International Labor Organization estimates that 1.8 million children are victims of commercial sexual exploitation around the world every year.

Madam Speaker, it is also worth noting that in 2010 the Government Accountability Office issued a report entitled, "Current Situation Results in Thousands of Passports Issued to Registered Sex Offenders." They found that at least 4,500 U.S. passports were issued to registered sex offenders in fiscal year 2008 alone. The GAO emphasized that this number is probably understated due to the limitations of the data that it was able to access and analyze.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROYCE. I yield the gentleman an additional 1 minute.

Mr. SMITH of New Jersey. Thank you, Chairman ROYCE.

Meanwhile, the law enforcement and media reports continue to document Americans on the U.S. sex offender registries who were caught sexually abusing children in East Asia and Central and South America and everywhere in the world. It is the same horror movie replayed over and over. We must do more to warn destination countries so that they can, in turn, protect their children from sex tourism. We have the information and technology that is employed to protect children.

Madam Speaker, I ask Members to support this legislation. It is the second time that we have brought this bill to the floor. It is slightly different than it was in 2010. It passed then. It got no action in the United States Senate.

I hope all five of these historic bills are taken up in a very timely fashion by the U.S. Senate because protecting the weakest and the most vulnerable—women, children, and especially the at-risk population—from this cruelty must be an imperative. And the Senate needs to act, as we are acting.

I would like to thank the National Center for Missing and Exploited Children for their support of the legislation.

Mr. ENGEL. I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I thank the gentleman, the ranking member of the Foreign Affairs Committee, for his leadership on so many issues of compassion and passion, and certainly this issue. I thank the chairman of the full committee, as well as the author of this bill, Mr. SMITH.

I was on the Judiciary Committee when Megan's Law was passed. Now I am on the Homeland Security Committee.

So I raise this paradoxical question: who equates sex trafficking and tourism? That is what is going on internationally around the world.

Individuals who may have been convicted here in the United States, may be labeled here in the United States, can secure passports and have a full and flourishing and horrific ongoing experience by utilizing and abusing the children in foreign countries.

Many times, these countries are developing nations. We can call the roll of names. Many times, law enforcement are collaborating with these sex tourists. There is an area set aside for these sex tourists. In fact, it is called that. They go there with impunity and abuse children—street children who have no other way to go.

This is an important initiative. Again, it is the round circle of addressing this question holistically.

Just today in the markup in the border security and maritime security committee we discussed, as I indicated in earlier debate, the 60,000 children that come across the border to the United States unaccompanied.

We also mentioned the need to provide enhanced training for our CBP officers at the border. That will complement this legislation, which establishes protocols to discern those individuals who are coming into our country who are convicted pedophiles.

It is Megan's Law International. It is Megan's Law relief for those who are being abused outside of our border.

I am very pleased that there is an Angel Watch Center to assist the CBP and that the effort has been made in this bill to ask our President to collaborate on bilaterals with countries to establish the link between their convicted sex predators and to be able to identify them, as we identify them here in the United States, to stop this dastardly act across and around the world.

So I congratulate the proponents of this legislation and I hope this will be one more step in saving some child's life. They may not be in our boundaries. They may not be within our borders, but they may be outside of them. And I can assure my colleagues that it is documented every day that sex tourism is a big business. Until we put a stop to it in some way, it will continue to grow.

With that, I ask my colleagues to support this legislation, H.R. 4573, and I thank the proponents of the legislation.

Mr. ROYCE. Madam Speaker, I yield 1½ minutes to the gentlewoman from Missouri (Mrs. WAGNER), a member of the Committee on Financial Services and author of the SAVE Act, an important antitrafficking measure that was debated earlier this afternoon.

Mrs. WAGNER. Madam Speaker, I thank the chairman for his leadership in this.

I rise today, Madam Speaker, in support of H.R. 4573, the International Megan's Law to Prevent Demand for Child Sex Trafficking.

My very good friend, Congressman CHRIS SMITH, a champion on all issues around human rights, antitrafficking, and taking care of the most vulnerable, has introduced this important legislation to protect children at home and abroad from the scourge of sex trafficking.

H.R. 4573 will provide advance notice of foreign travel by registered sex offenders to the government of the destination country.

Madam Speaker, this notice would allow the foreign government to identify and scrutinize the sex offenders' activity, ensuring that they do not engage in the ghastly practice of sex tourism.

Sex offenders often plan their trips by seeking out the locations where the most vulnerable children can be found, many times in countries where law enforcement is unable to effectively guard against the problem. Madam Speaker, sex offenders should not be allowed to use the anonymity provided

by foreign travel to help hide their hideous crimes.

The U.S. should take a leading role as a global defender of children from sexual abuse. This is why I support H.R. 4573, because it will give governments the information they need to prevent sexual offenders from taking advantage of gaps in law enforcement.

Mr. ENGEL. Madam Speaker, in closing, I want to once again thank Chairman ROYCE, Representative SMITH of New Jersey, and the Judiciary Committee for their hard work on this legislation.

Again, I want to single out Representative SMITH for being relentless in this bill.

I appreciate the willingness of all interested parties to make the compromises necessary to ensure that this is a truly bipartisan product. The result is an important tool in the fight against child sex tourism and trafficking.

I want to thank Chairman ROYCE as well.

Madam Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. ROYCE. Madam Speaker, you have heard today about the unconscionable child sex tourism industry which has been operating now for years overseas. There are child victims at home here, too.

Our proactive efforts to help countries identify incoming child predators will also encourage them to alert us when those foreigners convicted of sex offenses against children attempt to enter the United States, just as we are going to control the process on this side.

I thank Mr. CHRIS SMITH of New Jersey and Mr. ELIOT ENGEL of New York, and I encourage Members to support passage of the International Megan's Law to Prevent Demand for Child Sex Trafficking.

I yield back the balance of my time.

Mr. MCCAUL. Madam Speaker, I rise in support of H.R. 4573, the International Megan's Law to Prevent Child Sex Trafficking. This bill, along with the others under consideration this week, will dramatically improve our efforts to diminish the tragic effects of human trafficking and child exploitation.

I am especially pleased to speak in support of this particular legislation, which would curb child sexual exploitation. Recently I chaired a field hearing in Houston on the unconscionable issue of human trafficking and child exploitation in our major cities. In Houston, and in many other cities across the United States, women and children, some not even in their teens, are held against their will and forced into prostitution rings.

At our hearing, one of the witnesses spoke about entering the world of sex trafficking at age 12. Now, decades later, she is working to rescue girls in the same situation. As a father of five children, I cannot imagine what she went through.

As Chairman of the House Homeland Security Committee, I am pleased to highlight some

of the great work done by the Department of Homeland Security in this area.

One of the provisions of H.R. 4573 I helped work on and am pleased to highlight is a provision to authorize the Angel Watch Center. The Center is led by ICE's Homeland Security Investigations (HSI), in a joint effort with Customs and Border Protection to proactively identify registered sex offenders with an offense against a child, who are travelling abroad from the United States.

The Angel Watch program currently provides publicly available child sex offender information to notify and alert foreign law enforcement partners when a child sex offender may be travelling to engage in sex tourism with a minor.

Through the Angel Watch program, HSI has provided more than 1,700 leads to 100 countries as a preemptive notification in the fight against child sex tourism.

However, despite the great work done by DHS to alert foreign law enforcement partners, currently, only one country, Australia, sends reciprocal information to the United States. That is why I am pleased that the bill before us today includes language that will strengthen reciprocal efforts for the United States to also receive information from other foreign governments, so that our law enforcement officials are alerted when a child-sex offender may travel to the United States.

I want to thank Chairman SMITH, the sponsor of this bill, for his work on this important legislation, and I appreciate the opportunity to highlight the important role that the Department of Homeland Security plays in fighting sex trafficking.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 4573, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3530, by the yeas and nays;

H.R. 4225, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

#### JUSTICE FOR VICTIMS OF TRAFFICKING ACT OF 2014

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3530) to provide justice for the victims of trafficking, as amended,

on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 22, as follows:

[Roll No. 221]

YEAS—409

Aderholt	Cuellar	Hastings (WA)
Amash	Culberson	Heck (NV)
Amodei	Cummings	Heck (WA)
Bachmann	Daines	Hensarling
Bachus	Davis (CA)	Herrera Beutler
Barber	Davis, Danny	Higgins
Barletta	Davis, Rodney	Himes
Barr	DeFazio	Hinojosa
Barrow (GA)	DeGette	Holding
Barton	Delaney	Holt
Bass	DeLauro	Honda
Beatty	DelBene	Horsford
Becerra	Denham	Hoyer
Benishek	Dent	Hudson
Bentivolio	DeSantis	Huelskamp
Bera (CA)	DesJarlais	Huffman
Bilirakis	Diaz-Balart	Huizenga (MI)
Bishop (GA)	Dingell	Hultgren
Bishop (NY)	Doggett	Hurt
Bishop (UT)	Duckworth	Israel
Black	Duffy	Issa
Blackburn	Duncan (SC)	Jackson Lee
Blumenauer	Duncan (TN)	Jeffries
Bonamici	Edwards	Jenkins
Boustany	Ellison	Johnson (OH)
Brady (TX)	Ellmers	Johnson, E. B.
Braley (IA)	Engel	Johnson, Sam
Bridenstine	Enyart	Jolly
Brooks (AL)	Eshoo	Jones
Brooks (IN)	Esty	Jordan
Brown (FL)	Farenthold	Joyce
Brownley (CA)	Farr	Kaptur
Buchanan	Fattah	Keating
Bucshon	Fincher	Kelly (IL)
Burgess	Fitzpatrick	Kelly (PA)
Bustos	Fleischmann	Kennedy
Butterfield	Fleming	Kildee
Byrne	Flores	Kilmer
Calvert	Forbes	Kind
Camp	Fortenberry	King (IA)
Campbell	Foster	King (NY)
Cantor	Fox	Kinzinger (IL)
Capito	Frankel (FL)	Kirkpatrick
Capps	Franks (AZ)	Kline
Capuano	Frelinghuysen	Kuster
Cárdenas	Fudge	LaMalfa
Carney	Gabbard	Lamborn
Carson (IN)	Galleo	Lance
Carter	Garamendi	Langevin
Cartwright	Garcia	Lankford
Cassidy	Gardner	Larsen (WA)
Castor (FL)	Garrett	Larson (CT)
Castro (TX)	Gerlach	Latham
Chabot	Gibbs	Latta
Chaffetz	Gibson	Lee (CA)
Chu	Gohmert	Levin
Cicilline	Goodlatte	Lewis
Clark (MA)	Gosar	Lipinski
Clarke (NY)	Gowdy	LoBiondo
Clay	Granger	Loeb sack
Cleaver	Graves (MO)	Lofgren
Clyburn	Grayson	Long
Coble	Green, Al	Lowenthal
Coffman	Green, Gene	Lowe y
Cohen	Griffin (AR)	Lucas
Collins (NY)	Griffith (VA)	Luetkemeyer
Conaway	Grijalva	Lujan Grisham
Connolly	Grimm	(NM)
Conyers	Guthrie	Luján, Ben Ray
Cook	Gutiérrez	(NM)
Cooper	Hahn	Lynch
Costa	Hall	Maffei
Cotton	Hanabusa	Maloney,
Courtney	Hanna	Carolyn
Cramer	Harper	Maloney, Sean
Crawford	Harris	Marino
Crenshaw	Hartzler	Massie
Crowley	Hastings (FL)	Matheson

Matsui	Pocan	Sires
McAllister	Poe (TX)	Smith (MO)
McCarthy (CA)	Polis	Smith (NE)
McCarthy (NY)	Pompeo	Smith (NJ)
McCauley	Posey	Smith (TX)
McClintock	Price (GA)	Smith (WA)
McDermott	Price (NC)	Southerland
McGovern	Quigley	Speier
McHenry	Rahall	Stewart
McIntyre	Rangel	Stivers
McKeon	Reed	Stockman
McKinley	Reichert	Stutzman
McMorris	Renacci	Swalwell (CA)
Rodgers	Ribble	Takano
McNerney	Rice (SC)	Terry
Meadows	Richmond	Thompson (CA)
Meehan	Rigell	Thompson (PA)
Meeks	Roby	Thornberry
Meng	Roe (TN)	Tiberi
Messer	Rogers (AL)	Tierney
Mica	Rogers (KY)	Tipton
Michaud	Rogers (MI)	Titus
Miller (FL)	Rohrabacher	Tonko
Miller (MI)	Rokita	Tsongas
Miller, George	Rooney	Turner
Moore	Ros-Lehtinen	Upton
Moran	Roskam	Valadao
Mullin	Ross	Van Hollen
Mulvaney	Rothfus	Vargas
Murphy (FL)	Roybal-Allard	Veasey
Murphy (PA)	Royce	Vela
Nadler	Ruiz	Velázquez
Napolitano	Runyan	Visclosky
Neal	Ruppersberger	Wagner
Negrete McLeod	Ryan (OH)	Walberg
Neugebauer	Ryan (WI)	Walden
Noem	Salmon	Walorski
Nolan	Sánchez, Linda	Walz
Nugent	T.	Wasserman
Nunes	Sanchez, Loretta	Schultz
Nunnelee	Sanford	Weber (TX)
O'Rourke	Sarbanes	Webster (FL)
Olson	Scalise	Welch
Owens	Schakowsky	Wenstrup
Palazzo	Schiff	Whitfield
Pallone	Schneider	Williams
Pascrell	Schock	Wilson (FL)
Pastor (AZ)	Schrader	Wilson (SC)
Paulsen	Schweikert	Wittman
Payne	Scott (VA)	Wolf
Pearce	Scott, Austin	Womack
Pelosi	Scott, David	Woodall
Perlmutter	Sensenbrenner	Yarmuth
Perry	Serrano	Yoder
Peters (CA)	Sessions	Yoho
Peters (MI)	Sewell (AL)	Young (AK)
Peterson	Shea-Porter	Young (IN)
Petri	Sherman	
Pingree (ME)	Shimkus	
Pittenger	Simpson	
Pitts	Sinema	

## NOT VOTING—22

Brady (PA)	Hunter	Rush
Broun (GA)	Johnson (GA)	Schwartz
Cole	Kingston	Shuster
Collins (GA)	Labrador	Slaughter
Deutch	Lummis	Thompson (MS)
Doyle	Marchant	Westmoreland
Gingrey (GA)	McCollum	
Graves (GA)	Miller, Gary	

□ 1826

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## STOP ADVERTISING VICTIMS OF EXPLOITATION ACT OF 2014

The SPEAKER pro tempore (Mr. STEWART). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4225) to amend title 18, United States Code, to provide a penalty for knowingly selling advertising that offers certain com-

mercial sex acts, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 19, not voting 20, as follows:

[Roll No. 222]

## YEAS—392

Aderholt	Cummings	Herrera Beutler
Amash	Daines	Higgins
Amodei	Davis (CA)	Himes
Bachmann	Davis, Rodney	Hinojosa
Bachus	DeFazio	Holding
Barber	DeGette	Honda
Barietta	Delaney	Horsford
Barr	DeLauro	Hoyer
Barrow (GA)	DeBene	Hudson
Barton	Denham	Huelskamp
Bass	Dent	Huffman
Beatty	DeSantis	Huizenga (MI)
Becerra	DesJarlais	Hultgren
Benishiek	Diaz-Balart	Hunter
Bentivoglio	Dingell	Hurt
Bera (CA)	Doggett	Israel
Bilirakis	Duckworth	Issa
Bishop (GA)	Duffy	Jackson Lee
Bishop (NY)	Duncan (SC)	Jeffries
Bishop (UT)	Duncan (TN)	Jenkins
Black	Ellmers	Johnson (OH)
Blackburn	Engel	Johnson, E. B.
Blumenauer	Enyart	Johnson, Sam
Bonamici	Eshoo	Jolly
Boustany	Esty	Jones
Brady (TX)	Farenthold	Jordan
Braley (IA)	Farr	Joyce
Bridenstine	Fattah	Kaptur
Brooks (AL)	Fincher	Keating
Brooks (IN)	Fitzpatrick	Kelly (IL)
Brown (FL)	Fleischmann	Kelly (PA)
Brownley (CA)	Fleming	Kennedy
Buchanan	Flores	Kildee
Bucshon	Forbes	Kilmer
Burgess	Fortenberry	Kind
Bustos	Foster	King (IA)
Butterfield	Fox	King (NY)
Byrne	Frankel (FL)	Kinzing (IL)
Calvert	Franks (AZ)	Kirkpatrick
Camp	Frelinghuysen	Kline
Campbell	Gabbard	Kuster
Cantor	Gallego	LaMalfa
Capito	Garamendi	Lamborn
Capps	Garcia	Lance
Capuano	Gardner	Langevin
Cardenas	Garrett	Lankford
Carney	Gerlach	Larsen (WA)
Carter (IN)	Gibbs	Larson (CT)
Carter	Gibson	Latham
Cartwright	Gohmert	Latta
Cassidy	Goodlatte	Levin
Castor (FL)	Gosar	Lipinski
Castro (TX)	Gowdy	LoBiondo
Chabot	Granger	Loeb
Chaffetz	Graves (GA)	Lofgren
Chu	Graves (MO)	Long
Cicilline	Grayson	Lowenthal
Clark (MA)	Green, Al	Lowey
Clay	Green, Gene	Lucas
Cleaver	Griffin (AR)	Luetkemeyer
Coble	Griffith (VA)	Lujan Grisham
Coffman	Grijalva	(NM)
Cohen	Grimm	Lujan, Ben Ray
Collins (NY)	Guthrie	(NM)
Conaway	Gutiérrez	Lummis
Connolly	Hahn	Lynch
Cook	Hall	Maffei
Cooper	Hanabusa	Maloney,
Costa	Hanna	Carolyn
Cotton	Harper	Maloney, Sean
Courtney	Harris	Marino
Cramer	Hartzler	Matheson
Crawford	Hastings (FL)	Matsui
Crenshaw	Hastings (WA)	McAllister
Crowley	Heck (NV)	McCarthy (CA)
Cuellar	Heck (WA)	McCarthy (NY)
Culberson	Hensarling	McCauley

McClintock	Polis	Sires
McDermott	Pompeo	Smith (MO)
McGovern	Posey	Smith (NE)
McHenry	Price (GA)	Smith (NJ)
McIntyre	Price (NC)	Smith (TX)
McKeon	Quigley	Southerland
McKinley	Rahall	Speier
McMorris	Rangel	Stewart
Rodgers	Reed	Stivers
McNerney	Reichert	Stutzman
Meadows	Renacci	Stutzman
Meehan	Ribble	Swalwell (CA)
Meeks	Rice (SC)	Takano
Meng	Richmond	Terry
Messer	Rigell	Thompson (CA)
Mica	Roby	Thompson (PA)
Michaud	Roe (TN)	Thornberry
Miller (FL)	Rogers (AL)	Tiberi
Miller (MI)	Rogers (KY)	Tierney
Miller, George	Rogers (MI)	Tipton
Moran	Rohrabacher	Titus
Mullin	Rokita	Tonko
Mulvaney	Rooney	Tsongas
Murphy (FL)	Ros-Lehtinen	Turner
Murphy (PA)	Roskam	Upton
Nadler	Ross	Valadao
Napolitano	Rothfus	Van Hollen
Neal	Roybal-Allard	Vargas
Negrete McLeod	Royce	Veasey
Neugebauer	Ruiz	Vela
Noem	Runyan	Velázquez
Nolan	Ruppersberger	Visclosky
Nugent	Ryan (OH)	Wagner
Nunes	Ryan (WI)	Walden
Nunnelee	Salmon	Walorski
O'Rourke	Sánchez, Linda	Walz
Olson	T.	Wasserman
Owens	Sanchez, Loretta	Schultz
Palazzo	Sanford	Weber (TX)
Pallone	Sarbanes	Webster (FL)
Pascrell	Scalise	Welch
Pastor (AZ)	Schiff	Wenstrup
Paulsen	Schneider	Whitfield
Payne	Schock	Williams
Pearce	Schrader	Wilson (FL)
Pelosi	Schweikert	Wilson (SC)
Perlmutter	Scott, Austin	Wittman
Perry	Sensenbrenner	Wolf
Peters (CA)	Serrano	Womack
Peters (MI)	Sessions	Woodall
Peterson	Sewell (AL)	Yarmuth
Petri	Shea-Porter	Yoder
Pingree (ME)	Sherman	Yoho
Pittenger	Shimkus	Young (AK)
Pitts	Simpson	Young (IN)
	Sinema	

## NAYS—19

Clarke (NY)	Holt	Scott (VA)
Clyburn	Lee (CA)	Scott, David
Conyers	Lewis	Smith (WA)
Davis, Danny	Massie	Waters
Edwards	Moore	Waxman
Ellison	Pocan	
Fudge	Schakowsky	

## NOT VOTING—20

Brady (PA)	Johnson (GA)	Schwartz
Broun (GA)	Kingston	Shuster
Cole	Labrador	Slaughter
Collins (GA)	Marchant	Thompson (MS)
Deutch	McCollum	Walberg
Doyle	Miller, Gary	Westmoreland
Gingrey (GA)	Rush	

□ 1835

Messrs. HOLT and DANNY K. DAVIS of Illinois changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 3717

Mr. VEASEY. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 3717.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONDEMNING THE ABDUCTION OF  
FEMALE STUDENTS BY BOKO  
HARAM

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 573) condemning the abduction of female students by armed militants from the terrorist group known as Boko Haram in northeastern provinces of the Federal Republic of Nigeria, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 573

Whereas, on the night of April 14, 2014, 276 female students, most of them between 15 and 18 years old, were abducted by Boko Haram from the Government Girls Secondary School, a boarding school located in the northeastern province of Borno in the Federal Republic of Nigeria;

Whereas, all public secondary schools in Borno state were closed in March 2014 because of increasing attacks in the past year that have killed hundreds of students, but the young women at the Government Girls Secondary School were recalled to take their final exams;

Whereas, Boko Haram burned down several buildings before opening fire on soldiers and police who were guarding the Government Girls Secondary School and forcing the students into trucks;

Whereas, according to local officials in Borno state, 53 students were able to flee their captors, and the rest remain abducted;

Whereas, there are reports that the abducted girls have been sold as brides to Islamist militants for the equivalent of \$12 each;

Whereas, the group popularly known as “Boko Haram”, which loosely translates from the Hausa language to “Western education is sin”, is known to oppose the education of girls;

Whereas, on April 14, 2014, hours before the kidnapping in Borno state, and on May 2, 2014, Boko Haram bombed bus stations in Abuja, Nigeria, killing at least 94 people and wounding over 160, making it the deadliest set of attacks ever in Nigeria’s capital;

Whereas, Boko Haram has kidnapped girls in the past to use as cooks and sex slaves, and has claimed responsibility for the kidnapping in Borno state on April 14, 2014;

Whereas, late May 5, 2014, suspected Boko Haram gunmen kidnapped an additional 8 girls, ranging in age from 12 to 15, from a village in northeast Nigeria;

Whereas, reports estimate that more than 500 students and 100 teachers have been killed by Boko Haram and have destroyed roughly 500 schools in northern Nigeria, leaving more than 15,000 students without access to education;

Whereas, Boko Haram has targeted schools, mosques, churches, villages, and ag-

ricultural centers, as well as government facilities, in an armed campaign to create an Islamic state in northern Nigeria, prompting the President of Nigeria to declare a state of emergency in three of the country’s northeastern states in May 2013;

Whereas, human rights groups have indicated that the Nigerian state security forces should improve efforts to protect civilians during offensive operations against Boko Haram;

Whereas, according to nongovernmental organizations, more than 1,500 people have been killed in attacks by Boko Haram or reprisals by Nigerian security forces this year alone, and that almost 4,000 people have been killed in Boko Haram attacks since 2011;

Whereas, the enrollment, retention, and completion of education for girls in Nigeria remains a major challenge;

Whereas, according to the United Nations Children’s Emergency Fund (UNICEF), some 4,700,000 children of primary school age are still not in school in Nigeria, with attendance rates lowest in the north;

Whereas, studies have found that school children in Nigeria, particularly those in the northern provinces, are at a disadvantage in their education, with 37 percent of primary-age girls in the rural northeast not attending school, and 30 percent of boys not attending school;

Whereas, women and girls must be allowed to go to school without fear of violence and unjust treatment so that they can take their rightful place as equal citizens of and contributors to society;

Whereas United States security assistance to Nigeria has emphasized military professionalization, peacekeeping support and training, and border and maritime security;

Whereas, the Department of State designated Boko Haram as a Foreign Terrorist Organization in November 2013, recognizing the threat posed by the group’s large-scale and indiscriminate attacks against civilians, including women and children;

Whereas Boko Haram is one of a number of radical Islamist terrorist organizations and extremist groups that pose a growing threat to United States’ interests in the region as well as broader peace and security; and

Whereas these radical Islamist groups, which include Ansar al-Sharia, Al-Qaeda in the Islamic Maghreb, The National Movement for Unity and Jihad in West Africa, and others have carried out deadly attacks in the region and constitute a growing threat to North and West Africa: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses its strong support for the people of Nigeria, especially the parents and families of the girls abducted by Boko Haram in Borno state, and calls for the immediate, safe return of the girls;

(2) condemns Boko Haram for its violent attacks on civilian targets, including schools, mosques, churches, villages, and agricultural centers in Nigeria;

(3) encourages the Government of Nigeria to strengthen efforts to protect children seeking to obtain an education and to hold those who conduct such violent attacks accountable;

(4) commends efforts by the United States Government to hold terrorist organizations, such as Boko Haram, accountable;

(5) supports offers of United States assistance to the government of Nigeria in the search for these abducted girls and encourages the government of Nigeria to work with the United States and other concerned governments to resolve this tragic situation;

(6) recognizes that every individual, regardless of gender, should have the opportunity to pursue an education without fear of discrimination;

(7) encourages the Department of State and the United States Agency for International Development to continue their support for initiatives that promote the human rights of women and girls in Nigeria;

(8) urges the President to immediately strengthen United States security, law enforcement, and intelligence cooperation with appropriate Nigerian forces, including offering United States personnel to support operations to locate and rescue the more than 200 schoolgirls kidnapped by Boko Haram, and to support Nigerian efforts to counter this United States designated foreign terrorist organization; and

(9) calls on the President to provide to Congress a comprehensive strategy to counter the growing threat posed by radical Islamist terrorist groups in West Africa, the Sahel, and North Africa.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include any extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, Members of the House, the world is now fully aware of the absolute terror of Boko Haram. Over the last few months, there have been over 500 schools burned to the ground by Boko Haram.

Struck by the brazen abduction of nearly 300 innocent schoolgirls, people are now asking, “What is Boko Haram?” Sadly, for the communities in northern Nigeria, they know the answer to that. They know what Boko Haram means to them. They know that the definition of “Boko Haram” is “Western education is a sin,” and they know that, for this particular organization, of particularly great importance is that young women not be educated.

Sadly, for the communities in northern Nigeria, they know that Boko Haram believes that you can kidnap women, you can sell young girls, you can treat them as chattel, and you can enslave them, but the one great sin is should you try to educate them, because should you try to educate them, you will meet the fate of over 100 teachers who have been slaughtered in northern Nigeria for trying to educate young women.

Boko Haram in total has killed some 4,000 individuals now. The communities in northern Nigeria live in constant fear, losing any normalcy of life. Most

of the schools in whole regions have been shut down. Community centers, farms, and businesses have been boarded up and closed.

Even with the recent focus on rescuing these young women, Boko Haram has been able to continue its reign of terror. Its militants have relatively sophisticated weapons, they have ample funds, and they have advanced training. This group is the vanguard of a foreign-backed move to transform and radicalize Nigerian society, as many Nigerians have told me in the country.

Since the abduction of these 300 students, more girls have been kidnapped, and more Nigerian security units have been attacked. This group, my friends, is not going away.

Boko Haram lives up to its name. They have killed, as I say, over 100 teachers, but over 500 students. They have denied tens of thousands of young Nigerians an education, but they have a very alternative framework for education—or indoctrination—that they intend to supplant. Despite knowing the dangers, these young women were committed to their education, the ones that were abducted.

This resolution importantly puts the House on record saying that we are committed to getting them freed. The resolution supports U.S. assistance to the Nigerian Government in trying to rescue these girls and calls for a more active U.S. role. Tomorrow, we will hear from a young woman who herself was kidnapped by Boko Haram and escaped.

It is clear that the Nigerian security forces are facing an uphill battle in the fight against Boko Haram. Some of these problems are internal—some unprofessional and corrupt units that are poorly equipped and poorly trained. That has led some to say that we should not be involved. But, Mr. Speaker, it tells me that U.S. involvement is critical. Without U.S. expertise, including intelligence sharing, it is clear that the threat from the U.S.-designated terrorist group will grow, these girls will suffer, others girls will suffer, and the region will be destabilized.

U.S. forces are well positioned to advise and assist. They can advise and assist Nigerian forces in the search and rescue of these girls. In this role, U.S. forces—expertly trained to deal with hostage situations and trained in jungle environments—could help Nigerians with intelligence planning and logistics up until the point the operation is launched. And if some U.S. laws would hinder such assistance, the administration should use its waiver authority under these extraordinary circumstances.

An advise-and-assist operation would have the benefit of boosting morale and effectiveness of the Nigerian forces. It would ensure expert planning, and it would ensure the best chance of success of rescue. This isn't dissimilar to the

operation against the Lord's Resistance Army in eastern Africa, where U.S. forces have been embedded with local units, training and constraining Joseph Kony, and it has been used in the past to eliminate al Qaeda-linked terrorists in North Africa.

While these girls are foremost in our mind, there are larger considerations too.

□ 1845

Indeed, commanders at the Pentagon have stated that Boko Haram is a threat to Western interests, and one of the highest counterterrorism priorities in Africa, they tell us; and that is especially the case, given Nigeria's position as the continent's most populous country and biggest economy.

This resolution is a show of solidarity with these young kidnapped girls, with their families, and with the communities in northern Nigeria who have lived under constant fear of Boko Haram for far too long.

I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H. Res. 573.

I would like to begin by thanking our former committee colleague and our colleague, Ms. FREDERICA WILSON of Florida, for offering this important resolution. I would also like to thank our chairman of the Foreign Affairs Committee, Mr. ROYCE, for working with us on this piece of legislation in a bipartisan manner.

This resolution strongly condemns the abduction of nearly 300 schoolgirls by the Nigerian terrorist group Boko Haram and supports U.S. and international efforts to assist in their recovery.

On April 14, these schoolgirls were doing what young women and girls all over the world do every day, studying for tests, playing with friends, and building a future for themselves.

That day, Boko Haram—which roughly translates to “Western education is forbidden”—abducted these girls, tore them away from their families and their communities. Today, more than a month later, we still don't know where they are. Our thoughts are with their families, and we pray that they are safely reunited with their children as soon as possible.

This mass abduction is only the latest atrocity committed by Boko Haram. Since 2010, they have launched hundreds of attacks and murdered over 5,000 people. The group has burned schools and killed students, attacked churches and mosques, murdered Christian and Muslim religious leaders, and set off bombs in the capital city of Abuja.

The United States and other international partners have offered assistance to bring the schoolgirls home, and we all hope these efforts will prove successful, but we must also recognize

that Nigeria's approach to countering Boko Haram has not been effective. With its heavy-handed approach, the Nigerian military has often alienated the very population that could be providing valuable information about Boko Haram's activities.

Instead of fostering relationships with the community, the military has built a record of indiscriminate destruction, theft of personal property, arbitrary arrests, indefinite detention, torture, and extrajudicial killing of civilians—all this with impunity. This serves only to help Boko Haram recruit and radicalize new members.

I hope the Nigerian Government will see this kidnapping and the reaction of Nigerian citizens as a wake-up call to reevaluate their counterterrorism strategy and that we can work with them to develop a comprehensive strategy to combat Boko Haram, one that included civil society, development, and better civil-military relations.

Meanwhile, in the United States must do all we can to ensure that these girls are returned home to their families safely and soundly.

Mr. Speaker, I urge my colleagues to join me in supporting this important resolution.

I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH), the chairman of the Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organization.

Mr. SMITH of New Jersey. Mr. Speaker, I thank Chairman ROYCE for swiftly bringing this important resolution, H. Res. 573, to the floor. I thank Congresswoman FREDERICA WILSON for her sponsorship and also ELIOT ENGEL for the bipartisanship that has been exhibited on behalf of this very, very important and timely resolution.

Mr. Speaker, nearly 2 months ago, a large group of uniformed men, Boko Haram terrorists, kidnapped nearly 300 schoolgirls from the Chibok Government Girls Secondary School. This case has recently caught the attention of the international community, and people worldwide are now—and belatedly, I would suggest—calling for swift action to recover these innocent young women.

Unfortunately—and perversely—Boko Haram now basks in its international attention and continues to release videos to demonstrate the leverage they believe they have gained by this and other kidnappings. Meanwhile, boys caught by these terrorists are not kidnapped; they are summarily executed. Fifty-nine of them were killed in one school alone in Borno State just this past February.

Mr. Speaker, the Government of Nigeria continues to be slow to react to this outrageous situation, even after accepting much-needed international security assistance.

It is only since the uproar in Nigeria and outside the country that the Nigerian Government has asked for international assistance in addressing this situation. That request has triggered a U.S. interagency team consisting of personnel from the Departments of State, Defense, Justice, USAID, AFRICOM, and the FBI.

That team was led by AFRICOM commander General David Rodriguez and Under Secretary of State for Civilian Security, Democracy, and Human Rights Sarah Sewall, who will testify tomorrow at Chairman ROYCE's hearing.

This enhanced engagement is welcomed in light of weak efforts by the Nigerian Government and a police-military-security apparatus that we have found to operate in a very divided manner and make enemies among the Nigerian public by their clumsy and sometimes brutal response to Boko Haram terrorist attacks.

Mr. Speaker, it is worth noting here that, for years, many of us—and this has been bipartisan—have been calling on the Obama administration to declare Boko Haram a foreign terrorist organization.

I held a hearing back in 2012 and asked, rather pointedly, of then-Assistant Secretary of State Johnnie Carson why Boko Haram was not so designated, particularly in light of the killings that occurred at the U.N. facility in Abuja. There were no good answers. We tried again. I finally went on a factfinding trip in September of last year.

We went to Jos, Greg Simpkins, my staff director and I, and met with people who were the survivors of firebombing attacks that occurred in their churches while they were at mass or at church service on Sunday. We heard harrowing tales.

We even brought one of the survivors, a man named Ikenna Nzeribe, who came and told how an AK-47 was put to his jaw. He was told: You either renounce your faith in your Jesus or you die. He said: I am ready to see my Lord.

The trigger was pulled, and he lost half of his face and was left for dead.

I say that because the brutality of this organization—which now has some 300 young, innocent women that are probably being raped and abused in so many ways—just underscores the need for concerted action, first and foremost, by Nigeria and, secondly, by a full assist by the international communities.

Earlier today, five mutually reinforcing bills to combat human trafficking passed on this floor of the House of Representatives. This is another vivid, extraordinary, hard example of human trafficking, of stealing young girls right from their school, putting them in trucks, and then taking them into the bush where horrible things are being done to them.

We need to leave no stone unturned, and if that means lifting in the sense of only working with those troops that are human rights certified to assist the military of Nigeria, parts of the Leahy amendment may have to be waived, we have to provide that command and control and that ability for the Nigerian military to find and bring these young girls back to safety.

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey (Mr. SMITH) be yielded the remainder of my time, and that he may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SMITH of New Jersey. I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, it is now my pleasure to yield 1 minute to the gentlewoman from California (Ms. PELOSI), our Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding; and I thank my colleague from California, Mr. ROYCE, the chairman of the committee; and Mr. SMITH and others who have brought this resolution to the floor.

I am especially proud of the work of Congresswoman FREDERICA WILSON, for her work on the resolution before the House to condemn the abduction of female students by armed militants. Thank you, Congresswoman WILSON.

We have been fortunate to have the leadership of our Congressional Black Caucus, led by Congresswoman FUDGE—who I see on the floor right now—Congressman KEITH ELLISON and Congresswoman BARBARA LEE, among others who have come and gone in the course of the debate.

We have called the Congressional Black Caucus the conscience of the Congress, helping to rally our Nation to the cause of these abducted girls and working to address the broader threat to women and girls in Africa and around the world.

I associate myself with some of the remarks of my colleague, Mr. SMITH, about the fact that so many bills today on the floor address human trafficking, the trafficking of children, that passed earlier, and Congresswoman SHEILA JACKSON LEE was very much a part of that.

I rise this evening, Mr. Speaker, in support of the resolution introduced by Congresswoman FREDERICA WILSON and to stand in solidarity with the young Nigerian girls who are still held in captivity by Boko Haram.

Their kidnapping is outside the circle of civilized human behavior. It is a despicable and abhorrent crime that cries out for justice, nor is this the first time that Boko Haram has attacked young Nigerian students.

They have murdered dozens of young boys, shooting and burning more than 50 of them to death in their boarding

school. Their assault on communities is an affront to the human rights of men, women, and children everywhere.

I think it is important to note, Mr. Speaker, that we have a moral responsibility to help, certainly to find and rescue these girls. We must not and will not rest until we bring them back; bring back our girls.

But when we bring them back, we have to bring them back without the taboo, without the stigma that they have been kidnapped and assumptions made about their treatment. Whatever that has been, I know that their families want to welcome them back with open arms, and we have to be a party to that.

The worst thing, the most cruel form of torture for someone who has been kidnapped, as Mr. SMITH knows as a champion for human rights throughout the world, is to tell those who are kidnapped or abducted or imprisoned that nobody really cares about them anymore, that nobody knows that they are kidnapped and nobody cares about them anymore.

In this case of these young girls, to also say because you have been kidnapped and certain assumptions have been made about your treatment, you will no longer be welcomed home, even if you are freed, that is vicious. That is vicious, and I know it is a view not shared by the families of these girls and should not be shared by anyone.

As the resolution states, women and girls must be allowed to go to school without fear of violence and unjust treatment, so they can take their rightful place as equal citizens and contributors to society.

It is an outrage that women and girls in any part of the world face this kind of intimidation simply for seeking an education. It is an outrage that human trafficking continues to threaten communities anywhere, and I thank all of my colleagues, again, for the participation and the long debate about trafficking that preceded this debate now.

Today, we join together to say to those girls in captivity in Nigeria and around the world that we will not abandon you. We will stand up for you until justice is done. The thoughts and prayers of the world are with them, their families, and their communities.

As I have said, the capture and captivity of these girls challenges the conscience of the world in a very specific and different way, and perhaps that difference will make a difference in how we deal with it.

Again, I thank our colleagues for bringing this resolution to the floor. I commend Congresswoman WILSON for her leadership.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, it is now my pleasure to yield 5 minutes to the gentlewoman from Florida (Ms. WILSON), the author of this resolution.



Ms. WILSON of Florida. Thank you, Congressman ENGEL. I would like to thank the leadership of the Foreign Affairs Committee and the original co-sponsors of this bipartisan legislation, Congressman ENGEL, Congressman ROYCE, Congresswoman ROS-LEHTINEN, Congressman SMITH, Congresswoman BASS, and the support of Leader PELOSI.

□ 1900

I stand here today on the House floor demanding that we “bring back our girls.” I am outraged and heartbroken over the kidnapping of hundreds of female students in Nigeria by the terrorist group Boko Haram.

These girls have now been away from their home for more than a month. I cannot even begin to imagine what this is like for these girls, for their mothers, their fathers, their brothers, their entire village. We must end this nightmare.

The abduction of these girls was committed to keep them from getting an education. The girls knew the dangers they might encounter. Their school had previously been closed due to terrorist attacks, but they went to school anyway. They went because they were determined to get an education, determined to build a better life for themselves and for their families.

Women and girls have the right to go to school without fear of violence and unjust treatment. I believe that we must do everything in our power, Mr. Speaker, to ensure the safe return of these precious young girls. That is why I introduced H. Res. 573, to send a clear message to Nigeria and to the international community: women around the world have the right to be free and live without fear. Women should not be forced to risk their lives to get an education they want and deserve.

H. Res. 573 puts the U.S. House of Representatives firmly on record condemning the atrocious attack and Boko Haram’s violent attacks on civilian targets in Nigeria.

H. Res. 573 seeks to hold those who conduct violent attacks accountable.

H. Res. 573 reaffirms our support for the assistance that the President and the administration is providing to help Nigerians find the girls and calls for the development of a comprehensive strategy to counter the threat of radical terrorist groups like Boko Haram.

H. Res. 573 calls for the safe return of these girls to an environment that protects children seeking to obtain an education.

In these girls, I see our daughters, our sisters, our nieces. I see their hopes and their dreams. These girls are strong, determined, courageous, and understand the value of an education. As a past principal, I understand, and we must support them. We know that girls who are educated make higher wages, lead healthier lives, and have

healthier families. Education is truly a girl’s best chance for a brighter future, not just for herself, but for her family and her nation.

I have a large constituency of Nigerians in my district. On Saturday, I participated in a rally to encourage Nigerian President Goodluck Jonathan to do more to find the girls. My constituents were calling him “Badluck Jonathan” in their frustration because he is not doing enough to find these girls. “Badluck Jonathan is not doing enough” was the call and the rallying cry at the rally.

I walked away from the rally with this shirt that reads, “Nigeria,” and I walked away with my heart still full of worry, still full of concern, and I am puzzled. Are they hungry? Are they sheltered? Can they shower? Can they take care of their womanly needs? Have they been raped? Have they been beaten? Have they been sold? Are they still even alive?

God of our weary years. God of our silent tears. We are reliving the past. The past of the slave trade. The past of the torture and suffering that we endured as slaves. We should never, never relive the indignities of the past.

The SPEAKER pro tempore. The Chair would remind all Members to maintain proper decorum in the Chamber.

Mr. SMITH of New Jersey. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. FRANKEL).

Ms. FRANKEL of Florida. Mr. Speaker, Mr. ENGEL, thank you and Congresswoman WILSON for bringing this resolution.

Mr. Speaker, what we have seen take place in Nigeria, the crimes perpetrated by Boko Haram, is simply unthinkable and appalling.

There are some crimes against humanity that should not be tolerated regardless of where they occur in the world. The violent kidnapping of over 250 girls for the sole reason that they were seeking an education is one such crime, innocent girls who should be carefree but instead are prisoners enduring the unimaginable. In the 21st century, we cannot let this kind of horror against children go unanswered.

First, I want to thank President Obama for sending a multidisciplinary team to Nigeria where they are working with the United Kingdom, France, and Israel to help resolve this crisis.

I am proud to support this resolution condemning Boko Haram and calling for continued United States support to return these girls safely to their families and bring these terrorists to justice.

Mr. SMITH of New Jersey. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding and for his extraordinary leadership on this issue and so many others.

Great appreciation to the sponsor of this, my good friend FREDERICA WILSON, who spoke with great feeling on the floor. We appreciate so much your leadership in this area and other areas.

These young girls in Nigeria were kidnapped from their school in the middle of the night, terrorized and held captive, and may now be sold like so many inanimate objects into a lifetime of forcible rape. There is no kind of crime more appalling, no offense or worse, no act of depravity more harmful to the community of nations than this kind of barbarism.

As horrible as this crime is, this represents only a small fraction of the global trafficking in human beings. Just today, a report by the U.N. noted that trafficking, forced labor, and modern slavery are big businesses generating profits estimated at \$150 billion a year. It is a global enterprise that we must put out of business.

They committed this terrible act in part because they wanted to send a message. Well, let’s send one back to them today, a message that the nations of the West will spare no effort, no expense in helping to return these girls safely to their families. We will pursue the perpetrators of this atrocity by every legal and lawful means to the ends of this Earth or until the end of their days.

Let us declare that the children of this world here at home or in some far-flung corner of the world are not for sale. They are not to be used as slaves or as shields or as barter. All those who attempt to profit off this ancient evil will be considered the common enemies of humanity.

My time is up.

We will not stop until these girls are returned to their homes.

Mr. SMITH of New Jersey. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, allow me to thank the gentleman for the time. I thank my dear friend FREDERICA WILSON from Florida for bringing forth this important resolution.

Mr. Speaker, a number of people across the country who are of the Muslim faith contacted me and Congressman CARSON, who happen to be the two Members of that faith in this body, and expressed to us how outraged and offended they were by the actions of Boko Haram. What we did is said, well, you guys write a letter and we will draft it; we will get a lot of signatures on it, and we will send it to Nigeria. And that is what we have done.

It is written in English and in the Arabic language, and we are trying to get

it translated into Hausa right now. It has well over 30 leaders in the community. It just reads a little bit this way. I doubt I will have the time to read the entire letter, but it reads:

We urge you to immediately release the young children you have unconscionably taken. Your actions have shocked Muslims across the United States and the world and have disrespected our faith and the teachings of the Prophet (peace and blessings be upon Him.)

Your justification for stealing these children—that education for girls goes against Islam—has no basis whatsoever in our faith. The Prophet Muhammad (peace and blessings be upon Him) wisely emphasized that every Muslim man and woman has a duty to seek education. You have truly strayed from the path when your actions betray its first command “Iqra,” which means to read.

You do not represent Islam or what Muslims know to be the teachings of Islam. Your attempt to transform a central tenet of Islam into a vile lie used to kill and maim innocent Nigerians of all faiths is transparent.

You treat children like cattle. It is abhorrent and sinful to pretend to be a Prophet to whom Allah has spoken.

It goes on. The last sentence reads such as this:

If you would like to follow the teachings of Islam, listen to the global chorus.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ENGEL. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. “If you would like to follow the teachings of Islam, listen to the global chorus of voices that are enjoining you to do what is right: return these children to their families and replace the evil in your heart with peace and learning.”

It goes on to be signed by myself, Congressman CARSON, and many others.

We join our colleagues, both sides of the aisle, in the demand for the return of these precious children immediately.

Mr. SMITH of New Jersey. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, let me thank first of all my ranking member for yielding and for your leadership on so many issues, including this tragic issue that we are dealing with today, and also to Chairman ROYCE for continuing to ensure that these issues and these resolutions and bills continue to be bipartisan.

Also, I just have to thank my colleague Congresswoman FREDERICA WILSON for your steady and tremendous and clear and passionate leadership. This is such an important issue that yourself, Congresswoman JACKSON LEE, and others continue to bring to the forefront, and I just have to say once again thank you for this.

This resolution puts the United States Congress on record expressing

strong support for the people of Nigeria, especially the parents and families of the girls abducted by Boko Haram.

We join the international community in calling for the immediate and safe return of these innocent girls. The world is shouting, and we have seen this and heard this over and over again, “Bring back our girls.”

These girls were pursuing their education. These are crimes against humanity and cannot be tolerated.

Nigeria, in partnership with the international community, must do everything it can to protect all children and men and women against such violent attacks. Since 2013, more than 4,400 men, women, and children have been slaughtered by Boko Haram. These are terrorists who have gotten away with murder. Enough is enough. We must do everything we can to bring our girls home and to bring an end to Boko Haram’s reign of terror.

I want to commend and thank our administration for once again being on the right side of history. I think in this resolution, Congresswoman WILSON encourages and supports what has taken place now within our own executive branch, but we must do more. I believe both sides of the aisle have come together to support your legislation to say let’s do more, let’s bring our girls back, and let’s bring this reign of terror by Boko Haram to an end.

□ 1915

Mr. ENGEL. Mr. Speaker, may I inquire as to how much time both sides have remaining.

The SPEAKER pro tempore. The gentleman from New York has 3 minutes remaining. The gentleman from New Jersey has 9½ minutes remaining.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman from New York for his leadership, the chairman of the committee from California, and Mr. SMITH from New Jersey, who is managing the bill, and I thank very much the sponsor of this legislation, Ms. WILSON, who has brought us together around a very important statement. Members of the United States Congress will have the ability to stand and to take a very public view that the thugs of Boko Haram will no longer be able to run rampant without the attention of the United States and the people around the world.

I have, Mr. Speaker, the geographic area in which Nigeria is in, from Benin and Togo, to nearby Ghana and Niger, Chad, and Cameroon. We wonder where these girls are now. So it is very important that we are condemning this horrific act. We wonder where these children are.

We have used the term “girls” and we want to bring them home, but these are children who cannot consent to

leaving home, to marrying, to changing their religion. So in one sweep we have sex traffic girls, we have violated religious freedom, and we have taken children away from the bosom of their family.

So as I hold up in my hand these names, many whom we should call—these are real people. I would ask today as we stand to support this resolution that we push for a relief fund for these girls, we push for Nigeria to establish its own special ops so that they can safely find these girls, and we tell the Islamic world, we tell al Qaeda in particular, to stop funding these groups. And we thank Mr. ELLISON.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ENGEL. I yield an additional 10 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. Let me also indicate that it is important for the United Nations peacekeepers and the African Union and others to realize this is a much larger issue. Today I stand on the floor of the House and condemn Boko Haram, but ask that these girls be rescued and brought home safely.

Mr. Speaker, as an original co-sponsor, a senior member of the Homeland Security and Judiciary Committees, and, most important, a mother, I rise today in strong support of H. Res. 573, a resolution condemning the abduction of female students by armed militants from the terrorist group known as Boko Haram in northeastern provinces of the Federal Republic of Nigeria.

I thank my colleague from Florida, Congresswoman WILSON, for introducing this bipartisan resolution and urge all Members to support it because it is important for the House to go on record in opposition to the brutal and outrageous assaults on human dignity and freedom committed by the Boko Haram, a militant group that has no respect for the rights of women and girls.

Since 2013, more than 4,400 men, women, and children have been slaughtered by Boko Haram.

The victims include Christians, Muslims, journalists, health care providers, relief workers. And schoolchildren.

I urge our government, the United States of America, to assist the Government of Nigeria in developing its own capacity to deploy specialized police and army units rapidly to bring Boko Haram leader Abubakar Shekau to justice and to rescue the more than 200 schoolgirls who were kidnapped from the Chibok School for Girls in Borno State on April 15, and the 11 schoolgirls kidnapped last night in the Warabe community of Borno, and reunited them with their families and loved ones.

Boko Haram’s reign of terror must be brought to an end.

I also call upon our government to work with the African Union and the international community to detect, disrupt, and dismantle Boko Haram’s funding sources derived from other Islamist groups, including Al-Qaeda in the Islamic Maghreb (AQIM) and to Al-Qaeda in the Arabian Peninsula (AQAP), the Al Muntada Trust Fund, and the Islamic World Society.

I commend President Obama on his decision to deploy American security experts and equipment in Nigeria to help locate and rescue the abducted schoolgirls, and we applaud Nigerian President Goodluck Jonathan for accepting that assistance.

The leader of Boko Haram has threatened to ransom or sell the abducted schoolgirls into the human trafficking market for about twelve dollars each (\$12.00 USD).

I say to him: "Don't you dare."

Boko Haram's outrageous conduct will not be tolerated or overlooked for not only is it a violation of the girls' human rights, it is also contrary to United States policy, which supports and promotes equal access to education and economic opportunity for women and girls.

As the Rev. Dr. Martin Luther King, Jr. said, injustice anywhere is a threat to justice everywhere.

So we will not stand idly by.

But we do stand in solidarity with the good people of Nigeria and especially those beautiful and courageous schoolgirls who wanted nothing more than to get an education to make life better for themselves and their beloved country.

We will not forget or forsake you.

This is what I think we should do.

First, since we know that terrorist groups cannot operate effectively without reliable and steady funding to support their criminal acts, the United States should work with the international community to detect, disrupt, and dismantle the funding networks financing Boko Haram.

Published reports in the media indicate that Boko Haram has received as much as \$70 million from other Islamist groups, including Al-Qaeda in the Islamic Maghreb (AQIM) and Al-Qaeda in the Arabian Peninsula (AQAP), the Al Muntada Trust Fund, and the Islamic World Society.

Second, as I mentioned, the United States should work with the Government of Nigeria to develop its own capacity to deploy specialized police and army units rapidly to prevent and combat sectarian violence in cities and around the country where there has been a history of sectarian violence.

The creation and deployment of an elite highly trained rapid response unit was used to successful effect by the Indonesian Government in 2004 to neutralize the Laskar Jihad terrorist organization.

Third, the United States should also take appropriate action to help the Government of Nigeria establish a Victim's Fund to provide humanitarian relief and economic assistance to the victims of attacks by Boko Haram so that they can rebuild their lives and communities.

"People are the great issue of the 20th century," declared then-Senator Hubert Humphrey in 1948.

Mr. Speaker, the well-being of people remains the great issue of the 21st century.

And there is no better measure of any society than the way it treats its women and girls.

Boko Haram understands that when Nigerian girls are educated, Nigerian women can succeed; and when Nigerian women succeed, Nigeria succeeds.

And that is why it is so important that the United States help Nigeria ensure that Boko Haram fails.

Mr. Speaker, I ask unanimous consent to include in the record a copy of the May 8, 2014 letter to President Obama from myself and 15 Members of Congress commending his decision to deploy American security experts and equipment in Nigeria to help locate and rescue the kidnapped schoolgirls urging the Administration to work in concert with the Government of Nigeria and the African Union to bring Abubakar Shekau and other leaders of Boko Haram to justice.

Mr. SMITH of New Jersey. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would like to once again thank Congresswoman FREDERICA WILSON and Chairman ROYCE for helping to move this resolution forward in a timely manner. The Senate passed a similar resolution last week, and I am pleased that we will soon follow suit.

We must do all we can to hold Boko Haram accountable for the mass abduction of schoolgirls and the many other terrorist attacks it has committed.

Our thoughts and prayers remain with the families and friends of the abducted girls, and we will not rest until they are returned to their loved ones. We will do everything in our power to get them home safely and soundly.

I urge my colleagues to support this important resolution, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that we are really speaking with one voice tonight, and that is on behalf of the young women, the young girls, who have been abducted by Boko Haram. Thankfully, there is absolutely no divide between Republicans or Democrats, and really the world. The world is speaking out.

This is absolutely outrageous, but it is part of a trend and a surge that is happening in many parts of the world, including in Africa. Al-Shabaab in Somalia. We know the terrible killing spree that went on in Kenya, in Nairobi, not so long ago. Al-Qaeda in the Arabian Peninsula, al-Qaeda in the Islamic Maghreb. Ansar-al-Dine and Mujao in Mali. And then, of course, Seleka in the Central African Republic. And then, of course, Boko Haram.

Number nine of the whereas be it resolved "calls on the President to provide Congress a comprehensive strategy to counter the growing threat posed by radical Islamist terrorist groups in West Africa, the Sahel, and North Africa."

They are bad, Mr. Speaker, and they are getting worse. Many of us have been calling in a bipartisan way for years that Boko Haram be designated a foreign terrorist organization, and it was belated. It took years to designate this organization, this cruel, insensitive, and murderous organization.

Thankfully, at least now everyone gets it, but unfortunately there are many, many victims who are suffering.

The war on terrorism, Mr. Speaker, remains largely unfinished. My hope is that this resolution and the commitment of the U.S. Government, the French, and the European allies, and frankly people around the world, even the Chinese know because they were recently hit as well, will understand that Boko Haram has to be stopped. All means necessary have to be employed to mitigate—no, not mitigate—destroy this threat to children, to women.

Let's not forget: here is a group that targets schools, literally abducts children, kills the men, the boys, and abducts the young girls. Just in May and April they conducted the worst attack on bus stations throughout Abuja. The worst hit. It barely made the papers, Mr. Speaker.

Boko Haram is a murderous organization, and it is about time we all did our part to ensure that they end their reign of terror.

I yield back the balance of my time.

Mr. HOYER. Mr. Speaker, I rise in strong support of this bill, which I am proud to cosponsor, and I thank the Gentlelady from Florida, Congresswoman WILSON, for spearheading this effort.

It has now been over a month since over 230 girls and young women were kidnapped from their school in northeastern Nigeria. Boko Haram, the terrorist organization that has been attempting to impose its extremist views onto millions of people in Nigeria and in neighboring Niger and Cameroon, is a dangerous and destabilizing force in West Africa.

This is a region where millions of people are trying hard to overcome poverty and where national and local governments are focused on creating opportunities that can expand a growing middle class—ingredients for peace, prosperity, and democracy.

The very name of Boko Haram means a rejection of secular education and the democratic values it teaches. The girls who were kidnapped—in an action that is nearly unthinkable to those of us here in America in 2014—are courageous individuals who dared to go to school and pursue opportunities that generations of girls and women before them never had.

Congress ought to condemn Boko Haram forcefully and send a clear message not only that the world cannot—and will not—accept its brand of violent extremism, but also that the American people stand in solidarity with all the girls and young women of West Africa who are bravely pursuing an education or yearning to do so. West Africa faces many challenges, and it's time to marshal the resources of the U.S. government and our allies to help address those challenges and to ensure that all the girls and young women who were abducted can return safely home.

I urge all of my colleagues to join me in supporting this bill so we can bring our girls home.

Ms. WATERS. Mr. Speaker, I stand in support of H. Res. 573, condemning the abduction of female students by armed militants

from the terrorist group known as Boko Haram in northeastern provinces of the Federal Republic of Nigeria.

I am outraged by the abduction in April of over 270 innocent schoolgirls who were taken from their boarding school in Borno State, Nigeria. My thoughts and prayers remain with these students and their families as we seek their immediate safe return.

I was horrified to watch Abubakar Shekau, the leader of the extreme Islamist group Boko Haram, admit in a video message he was responsible for this horrendous act. It was painful to hear him refer to these young innocent girls as “slaves” and threaten “to sell them in the market.”

According to media reports, Boko Haram has destroyed many Nigerian schools and killed dozens of students. Boko Haram continues to show an immoral disregard for the most fundamental of human rights, thus we must do all we can to aid in the student's safe return.

No family should have to fear their children could be abducted and placed in the human trafficking market to be sold, raped or killed. Boko Haram has to be stopped and their leader Abubakar Shekau must be apprehended and brought to justice. The Nigerian government should use all means necessary to find the girls and return them to their families.

I am encouraged that the U.S. government is already providing counterterrorism support, logistics, technical expertise and training to Nigerian investigators in this effort. I am glad Nigeria and four neighboring countries will share intelligence and border surveillance to find the students as we must combine our efforts to ensure their safe return. Additionally, I encourage the Nigerian government and leadership to strengthen efforts to protect children who are seeking an education as no student should fear for their life in an effort to further their education. We must work swiftly in an effort to find the girls and assure their safe return to their families.

I have joined my colleagues in sending a letter to President Obama urging the Department of State to use every avenue possible to assist in the immediate recovery of the missing girls and to support the welfare and safety of all women and girls in Nigeria. I urge our international partners to join with us until the girls are safely reunited with their families and Boko Haram is brought to justice.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 573, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 685. An act to award a Congressional Gold Medal to the American Fighter Aces, collectively, in recognition of their heroic military service and defense of our country's freedom throughout the history of aviation warfare.

H.R. 1209. An act to award a Congressional Gold Medal to the World War II members of the “Doolittle Tokyo Raiders”, for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

H.R. 2939. An act to award the Congressional Gold Medal to Shimon Peres.

H.R. 3658. An act to grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

#### HOWARD P. “BUCK” MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015

##### GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 4435.

The SPEAKER pro tempore (Mr. FORBES). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 585 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4435.

The Chair appoints the gentleman from Utah (Mr. STEWART) to preside over the Committee of the Whole.

□ 1924

##### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, with Mr. STEWART in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015.

First, let me express my appreciation to Ranking Member SMITH for his leadership and friendship. He has been an

invaluable partner in upholding our committee's focus on providing for our men and women in uniform. I would also like to thank our colleagues on the Armed Services Committee for their professionalism and their hard work.

I am incredibly proud of the bipartisan, transparent, and inclusive process our committee undertakes each year. The bill under consideration today is a strong reflection of the bipartisan priorities and concerns shared by members of the committee, and is the result of diligent oversight that has been conducted throughout the year. It contains 154 amendments that were adopted during markup, and it passed out of committee with unanimous support.

The bill would authorize \$521 billion for national defense and an additional \$79 billion for overseas contingency operations, consistent with the 2013 bipartisan budget agreement and the House-passed budget.

While we do not yet have the details of the OCO request, our committee, the House Budget Committee, and the administration, all agree that these funds will be required to support a residual U.S. presence in Afghanistan; other ongoing operations, including in Africa; and the reset and retrograde of equipment for the active, Guard, and Reserve forces.

The bill contains no earmarks. It provides vital national security resources for our troops while also maintaining our stewardship over the taxpayer dollar.

The bill provides our warfighters, veterans, and their families with the care and support that they need, deserve, and have earned. It continues to advance the substantial reforms introduced in last year's NDAA aimed at preventing sexual assault in the military, and it takes several steps aimed at improving the military's suicide prevention programs. The bill would increase troop pay while rejecting cuts to TRICARE, housing allowances, and commissary benefits that would increase out-of-pocket expenses for military families.

The legislation would provide our warfighters with the resources and authorities they need to support an enduring mission in Afghanistan and to continue pressuring al Qaeda and its affiliates. It also maintains strong accountability and monitoring mechanisms for U.S. funds, ensures the development of sound plans tied to resources, and continues the prohibitions on the transfer of detainees to the United States.

I recently visited Afghanistan and was encouraged by the progress of coalition forces and developments within the Afghan society. Nearly 8 million kids are in school, and a large percentage of those are girls, compared to the 700,000 that were attending school

under Taliban rule. We need the President to signal his commitment and remove the uncertainty that persists among the Afghan people and our coalition partners, which al Qaeda and the Taliban continue to exploit. Afghanistan cannot return to being a safe haven for al Qaeda.

In this era of declining resources, the committee was faced with difficult choices as we sought to preserve key capabilities and to ensure our Armed Forces could meet current threats and prepare for future challenges. The bill identifies savings in less critical areas that do not permanently damage the force or harm recruiting and retention.

The legislation guards against achieving false short-term savings at the expense of vital long-term strategic capabilities.

□ 1930

For example, it supports the refueling of the USS *George Washington*—an aircraft carrier with 25 years of service life remaining—and it prohibits the early retirement of Navy cruisers, dock landing ships, and the Air Force U-2 spy planes.

These capabilities are vital to our commanders in the Pacific, as well as elsewhere across the globe. It also addresses shortfalls in readiness by resourcing several unmet requirements in equipment, training, and depot maintenance and by fully funding flying hour programs across the services.

We must also get more defense for the dollar, which is why the committee has initiated a comprehensive defense reform effort. This bill begins that process with a series of provisions on institutional, acquisition, security, and strategy reforms.

However, we must recognize that cost savings and reforms alone do not compensate for the significant cuts to defense in recent years. The Department of Defense has seen over \$1 trillion cut from its budget. This year's budget request is over \$30 billion less than last year's.

The padding has been cut, and the Department is now cutting into the bone—cutting end strength, force structure, and readiness—which is increasing risk to our forces and their core missions. While this bill makes tough choices, Congress will be called upon to make impossible choices in the years ahead if sequestration is not addressed.

For 52 straight years, the National Defense Authorization Act has been passed and signed into law. Congress has no higher responsibility than to provide for the common defense, and with that in mind, I look forward to passing this bill for the 53rd consecutive year, my last year as chairman and as a Member of Congress.

Serving as chairman has been the great honor of my career. I am humbled by the many soldiers, sailors, air-

men, and marines whom I have met over the years and by the sacrifices that they and their families make to keep America safe. I am thankful for my colleagues on both sides of the aisle, and I am very appreciative of our staff.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield myself such time as I may consume.

First of all, I want to join the chairman in thanking him for the working relationship that he and I have enjoyed now through 4 years and four national defense authorization acts. It is one of the main principles of our committee in that it is bipartisan, that we work together, and we produce a product every year—52 straight years, the National Defense Authorization Act.

That doesn't happen as a starting point, unless the chair of the committee takes the responsibility very seriously to make sure that our committee remains bipartisan. We have had a whole series of chairmen during my tenure who have done that, and Mr. McKEON has followed that tradition just as well as his predecessors. He has worked very closely with us.

We do not always agree, but we work closely together, understanding that, at the end of the day, we have to produce a bill. So I thank him for that, and I recognize that this will be his last NDAA. In fact, this is the Buck McKeon National Defense Authorization Act. Mr. THORNBERRY and I were proud to cosponsor the amendment in committee to name this after BUCK, for his great service to our committee.

As always, I also want to thank the staff. I can't thank them enough for the work that they do and for the hours that they put in. They spent yesterday going through 320 amendments.

Their expertise that they bring to this process is invaluable, and someday, I hope that the House Administration Committee recognizes that and actually gives us the amount of money we need to keep them. That is just a little sidenote on a different piece of legislation.

This is, by and large, a good bill with one significant problem, which I will get to in a minute.

First of all, as the chairman notes, we are still at war in Afghanistan. I would say that I think, at this point, our continuing commitment to Afghanistan is up to the Afghan people and, most importantly, is up to the next Afghan President. We need the bilateral security agreement to be signed. It has been agreed to.

President Karzai has refused to sign it, but hopefully, the next President will. We have troops in harm's way, and this bill prioritizes protecting them. Nothing is more important than what we do here today.

I am also pleased that this bill prioritizes Special Operations Com-

mand and cyber warfare, recognizing, as we heard in the previous piece of legislation about Boko Haram, that the main threat that we face going forward is from terrorism and asymmetric threats.

I think we reflect that in this bill by funding those portions in the Defense Department that deal with those issues, and I think that is incredibly important.

However, we do have a budget problem, and put simply, we have a lot less money now than we thought we were going to have. So that means that 3 years ago, when the Pentagon was planning what they were going to spend over the course of a decade, they had a much larger number than they have now.

There are a whole bunch of reasons that number has gotten smaller, but it has. It will get even smaller if 8 more years of sequestration come to pass.

Now, the administration put out a plan 3 years ago when they looked out 10 years and said: What should our strategy be? Then they looked out 10 years and said: What are the likely resources?

When they put that plan out, they said: we know we are going to have to live with, roughly, \$500 billion less than we thought we were. We can do it. Here is the strategy. Here is the plan that fits that.

Since then, the budget has been shredded. It has been cut by even more. The plan they put forward now recognizes the fact that it doesn't fund what they would like to fund because Congress passed a budget that cuts the Defense Department by more than they would like. In fact, the administration asked for an additional \$28 billion this year and an additional \$150 billion over 5 years, in order to fully fund that.

That, apparently, is not forthcoming, so what they did is they put forward a series of proposals to try as best as they could to save money in a way that protects our force, and they did it in a number of different areas.

They proposed a BRAC; they proposed about \$2 billion in savings over 5 years to various personnel accounts; they got rid of the A-10; they got rid of the U-2; they proposed laying up 14 ships. Those were the main proposals out.

I am sorry. I forgot that they proposed shifting air assets in the Guard and Reserve to save \$12 billion over 5 years. Those were the proposals they put on the table.

The problem with this bill is that it rejects every single one of those proposals. How do we make the money work on that? Primarily by creative accounting; with the Guard and Reserve, for instance, we say no changes can be made in 2015.

They weren't planning on making any changes in 2015 that were going to cost money, but if this stops them from

doing it going forward, they are put into a deep hole.

On the 14 ships that they wanted to lay up, we raid the modernization account to pay for keeping those 14 ships operational. So we get creative about it, but next year, the reckoning will come, frankly, sequestration or no sequestration. If sequestration happens, it is going to be really bad; but even if it doesn't, we still will not have addressed the long-term needs of our budget.

I will have a couple of amendments, one on BRAC and one on those 14 ships, that will give us an opportunity to, I think, make a better choice because the other way that we are able to preserve those programs is that we cut from the President's budget about \$1.8 billion in readiness.

\$1.2 billion is clear. The other 633 was to save the A-10, and it comes out of OCO. A good chunk of OCO goes to rebuild readiness; so basically, we take \$1.8 billion out of readiness, which puts us down the path to a hollow force that none of us wants. As we go forward to conference, we are going to need to make some of those tougher choices.

I do thank the chairman for his work and for what is contained in this bill. I look forward to debating the amendments, and I look forward to—knock on wood—passing for the 53rd straight year the National Defense Authorization Act, as is our primary responsibility.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY), my friend and colleague, who is the vice chairman of the Armed Services Committee and who is the chairman of the Intelligence, Emerging Threats, and Capabilities Subcommittee.

Mr. THORNBERRY. I thank the chairman for yielding.

Mr. Chairman, I want to start by commending the leadership of Chairman MCKEON and Ranking Member SMITH in getting this bill to the floor in such a timely way, especially after the President's budget was quite late, but also in getting this bill here on a unanimous vote by the committee.

None of us agrees with every provision that is in this bill, but members of the committee were able to put aside personal preferences on individual issues to support a bill that benefits the Nation overall, and I hope that the House will do likewise.

I think it is important to emphasize that it has been a bipartisan effort, working together with the chairman and the ranking member and also with the chairmen of the subcommittees and with the ranking members of the subcommittees, that has gotten us to this place.

I think it is especially appropriate for this bill to be named for Chairman MCKEON, not only in recognition for

his leadership on this bill, but for his leadership of the committee during some very challenging circumstances throughout his tenure.

Some of those challenges have included our own budget issues, as was just addressed by the ranking member, as well as a myriad of threats around the world, so this measure that does so much for our country's security will always be associated with the many contributions of Chairman MCKEON to our country's security.

Mr. Chairman, this bill meets the budget targets of the House-passed budget resolution and also of the Ryan-Murray budget agreement. I agree with the ranking member in that it does not solve our budget issues in the future—we still have to grapple with those—but this year, it meets those requirements, and it does so by making some difficult choices.

In addition, among the many provisions of this bill, there are those that start to make a modest start on some defense reforms that are being worked on by both the House and the Senate in coordination with the Pentagon and with private industry.

I think everyone recognizes that we have to find a way to get more defense out of the money we spend, and there are some small but important steps to enable us to make greater progress in that area in the future, both by reducing overhead and by improving the way we acquire goods and services.

This bill is also active in all areas of responsibility for the Subcommittee on Intelligence, Emerging Threats, and Capabilities, including military cyber, science and technology, information technology, defense intelligence, special operations, and counterterrorism and irregular warfare.

I agree with the ranking member on the importance, especially, of cyber and special operations. In addition, we have coordinated with other subcommittees on a number of provisions that touch on the areas I have mentioned. In fact, I think the work among the subcommittees has been closer than I have ever seen it.

In that regard, I want to express my appreciation for my partner on the IETC Subcommittee, the gentleman from Rhode Island (Mr. LANGEVIN), for all of his insights and cooperative spirit that make our work together so beneficial and rewarding. Like the chairman, I appreciate all of the work of the staffs of the subcommittee and the full committee.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), the ranking member of the Intelligence, Emerging Threats and Capabilities Subcommittee.

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015.

I would like to begin by thanking Chairman MCKEON for his leadership of the committee and for all of his years of dedication to national security. It is appropriate that this act is named after him.

I want to thank and recognize the ranking member, ADAM SMITH, for his leadership on the committee as well. He deeply cares about national security, and I appreciate the work that he has done on this mark.

I also want to thank Congressman MAC THORNBERRY, the chair of the Intelligence, Emerging Threats, and Capabilities Subcommittee. It has been a privilege working with him. As the ranking member of the IETC Subcommittee, I do appreciate his bipartisan work, and I am pleased with the bill that we have produced this year.

Mr. Chairman, the IETC portion of the bill authorizes approximately \$7.6 billion for the U.S. Special Operations Command. Authorities necessary for Special Operations Forces to combat terrorism are extended in the bill, which also provides an additional \$20 million for the Combating Terrorism Technical Support Office, which gives our Special Operations Forces the cutting-edge capabilities and technologies that they need.

The IETC Subcommittee also made investments in emerging technologies like electrical weapons, and I want to commend especially the Navy's efforts to move technologies like directed energy and railguns, in particular, out of the labs and into the field.

Getting this game-changing technology into the hands of the Nation's sailors and into the hands of all of our warfighters will ultimately serve to realize the promise of research investment.

In addition to our focus on research and development efforts, we must also put investments into education programs, so that there is a qualified science, technology, engineering, and mathematics—or STEM—talent pool to benefit the DOD.

I am particularly pleased that the bill provides a total of \$55.5 million for the National Defense Education Program. Additionally, the IETC portion of the bill includes provisions to strengthen the oversight of the intelligence community while ensuring that combat and commander intelligence, surveillance, and reconnaissance requirements are met.

The Acting CHAIR (Mr. RICE of South Carolina). The time of the gentleman has expired.

Mr. SMITH of Washington. I yield the gentleman an additional 1 minute.

Mr. LANGEVIN. I thank the ranking member.

Mr. Chairman, last but certainly not least, the bill also supports cyber operations and U.S. Cyber Command, while reducing redundant programs and increasing transparency and oversight.



□ 1945

As recent revelations of cyber incidents demonstrate, a trained and ready cyber force and robust defensive capabilities have never been more integral to our national security.

These are just but a few of the highlights in the bill. In the interest of time, I will end there. But I do want to again thank the chairman and the ranking member for their leadership, all the members of the Armed Services Committee, as well as the staff of the committee, for all the work that they have put into this mark.

I urge my colleagues to support the bill.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. FORBES), my friend and colleague and a member of the Armed Services Committee and chairman of the Seapower and Projection Forces Subcommittee.

Mr. FORBES. Thank you, Mr. Chairman.

Mr. Chairman, I rise in support of the Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015. With the chairman's leadership and stewardship, I believe that this bill provides the right authorities within the budget limits provided.

I continue to be impressed by Chairman McKEON's commitment to our national defense and particularly his leadership and zeal to complete the 54th annual National Defense Authorization Act. His inspirational determination and effort to provide for our national security will undoubtedly serve as a benchmark for our future.

I also want to recognize my friend and ranking member of the Seapower and Projection Forces Subcommittee on the occasion of his retirement from the House of Representatives. MIKE MCINTYRE has been a resolute supporter of the men and women in uniform. His departure after providing 18 years of support for our national defense and this institution will be sorely missed.

As to the National Defense Authorization Act for Fiscal Year 2015, I continue to be concerned about the trajectory of our national defense and believe that our national security will be irreparably harmed if we continue on our current path. History is full of examples of nation-states that underestimate the value of national security and the severe consequences of their failure. Our inability to change these trend lines will be measured in the sweat and blood of the men and women whom we collectively hold in such high esteem.

While we support these men and women in words, I fear that the real damage to our servicemembers is being caused by the benign neglect of this administration and, at times, Congress, in terms of funding and effort. We must not stand idly by watching the contin-

ued dismantling of the world's finest military.

As to the Seapower and Projection Forces Subcommittee mark, I am pleased that we were successful in reversing the administration recommendation to eliminate an aircraft carrier. By restoring \$796 million for the long lead item procurement and detailed planning for the refueling and complex overhaul of the USS *George Washington*, we are taking the right steps to retain strategic options for future Presidents.

I am also pleased that we funded two *Arleigh Burke* class destroyers, two *Virginia* class submarines, and two littoral combat ships. I want to especially highlight our incremental funding of the *San Antonio* class amphibious ship. This amphib will bring important support to our United States Marine Corps as we continue our strategic rebalance toward the Pacific.

I remain very pleased with the direction of our projection forces. This bill provides strategic Air Force investments in terms of procuring 13 C-130J military transport variants, six KC-46A tankers, and significant research and development investments in the long-range strike bomber.

While we have a long way to go to reverse some negative trends, I think this bill does a good job of supporting our forces within the budget constraints provided. However, we need to vigorously and resolutely seek another path to change our national security funding trajectory.

I think this bill is another positive step on a long road to adequately support our national security, and I would urge my colleagues to support the Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentlelady from California (Ms. LORETTA SANCHEZ), ranking member of the Tactical Air and Land Forces Subcommittee.

Ms. LORETTA SANCHEZ of California. Mr. Chair, I thank the ranking member and my colleague from California, Chairman McKEON, in particular, for all the work and guidance that he has given us as he leaves the Congress at the end of this year. I am sure we will fete you in better ways, but thank you for the work you have done.

I want to thank the chairman of the Tactical Air and Land Forces Subcommittee, Chairman MIKE TURNER, for his leadership this year.

We have worked in a bipartisan manner. We have had three critical goals in mind as we have done this: Supporting our troops with the equipment that they need, cutting wasteful spending, and investing in our future.

The subcommittee's portion of H.R. 4435 supports all of the high-priority

acquisition programs in the President's budget.

H.R. 4435 provides \$8.3 billion for the F-35 Joint Strike Fighter, \$3.8 billion for Army aviation upgrades, \$1.4 billion for the Ospreys, and \$997 million for U.S. Marine Corps ground equipment.

However, our subcommittee didn't just rubberstamp everything. We actually took a very careful look at what programs were working, which ones were slow, and what wasn't getting done. We were able to identify more than \$600 million in funding that we put in other places in the bill. They were used to increase funding in numerous areas in an effort to provide additional equipment for our military and preserve critical production capabilities for the future.

Specifically, the bill provides an additional \$450 million for the EA-18G Growler aircraft for the Navy, \$340 million for additional ground combat vehicles for the Army, \$80 million in additional funds for the procurement of body armor, \$250 million in funding for the National Guard and Reserve equipment account, and numerous other investments.

Finally, the chairman's mark includes important oversight legislation on numerous major DOD programs to ensure that the Congress has the information it needs to make future judgments.

Mr. Chair, for the past year, the House Armed Services Committee has conducted an "Oversight of the Asia Pacific Rebalance." This initiative was brought forth by the collective leadership of Chairman BUCK McKEON and Ranking Member ADAM SMITH. I would also recognize Chairman RANDY FORBES and Congresswoman COLLEEN HANABUSA for their great efforts on this critical committee engagement, culminating in their legislative contributions to the NDAA we consider here today.

Without question, the Asia Pacific Rebalance constitutes one of America's most important military and security policies. The Chairman and I both represent districts in a state with vast ties to the Asia Pacific—whether political, security, military, economic, cultural, social and even people-to-people exchange. We also have a vibrant Asian American community in our state that is an embodiment of our relationship with this critically important region.

It is within this context that I wish to raise an important issue and one that I feel is central to the Asia Pacific Rebalance. Let me be clear that I feel this issue is both germane to the jurisdiction of this committee and our consideration of the NDAA on the Floor.

As you and our colleagues on this committee are well aware, more than 200,000 young women and girls from throughout Asia and the Pacific, but mainly from Korea, were forced to become sex slaves during World War II by the Imperial Armed Forces of Japan. For over 70 years, these women endured unspeakable and nightmarish ordeals and have yet to receive a formal apology.

There are those who believe that the Comfort Women issue is a controversial historical dispute that is not germane to our committee's



jurisdiction or the NDAA. I fundamentally disagree. As a case in point, during President Obama's recent Asia trip a couple of weeks ago, he specifically brought up the Comfort Women issue. At a joint press conference with Korean President Park Geun-Hye, President Obama stated that what happened to the Comfort Women was "terrible and egregious," that these "women deserved to be heard and respected" and that "there should be an accurate and clear account of what happened." President Obama made these remarks in the context of U.S.-Korea-Japan relations and the Asia Rebalance.

The Comfort Women survivors are dying by the day. Of the over 200,000 survivors less than 100 are still alive today. As a matter of valuing women's rights and human rights, these Comfort Women survivors deserve the dignity of a formal apology by the Japanese Government. I further urge Japan to follow the recommendations set forth in H. Res. 121 that was authored by my friend and colleague, Representative MICHAEL HONDA and passed the House on June 30, 2007. Proper resolution to this issue yields the benefit of closer U.S.-Korea-Japan trilateral relations which is critical to countering the North Korean nuclear threat and enhancing security ties with our allies.

Mr. Chair, I wish to reiterate the importance of this issue to our committee, our constituents, our state, our nation and our allies. I urge my colleagues to also offer expressions of support for the Comfort Women survivors.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlelady an additional 1 minute.

Ms. LORETTA SANCHEZ of California. This is a good government bill. Please vote for it.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. WILSON), my friend and colleague and a member of the Armed Services Committee and chairman of the Military Personnel Subcommittee.

Mr. WILSON of South Carolina. Thank you, Chairman MCKEON, for your leadership. Congratulations on the deserved naming in your honor of the National Defense Authorization Act.

Mr. Chair, the military personnel provisions of H.R. 4435 are a product of an open, bipartisan process. H.R. 4435 provides our warfighters, veterans, and military families the care and support they need, deserve, and have earned.

Specifically, this year's proposal continues to refine the Department of Defense sexual assault and response program while at the same time actively monitoring the Department's implementation of the significant reforms enacted by Congress over the past 2 years.

In particular, the mark requires performance evaluations for commanding officers to include assessments of the command climate pertaining to sexual assault.

In addition, the mark would require the Secretary of Defense to conduct a

review, utilizing the services of an independent organization experienced in grocery retail analysis, of the defense commissary system and reverse some of the reductions to the commissary system.

The mark would express the sense of Congress that the United States has a responsibility to continue to search for missing or captured members of the Armed Forces, leaving no one behind.

Additionally, this would standardize the collection reporting and assessments of suicide data involving members of the Armed Forces and their family members.

Although the mark follows the administration's request for annual end strength reductions, I have serious reservations about the end strength and force structure reduction of our military. America remains at war today, and will continue a global conflict with murderous illegal enemy combatants.

We must not forget the attacks of September 11, 2001, and September 11, 2012, in the global war on terrorism.

This report does not include the administration's request for military retirees to pay more for health care. Congress established the Military Compensation and Retirement Modernization Commission, and we need to be informed of their analysis before proceeding with changes impacting military families.

In conclusion, I want to thank Ranking Member SUSAN DAVIS and her staff for their input in this process. We were joined by an active, informed, and dedicated group of subcommittee members supported by a professional staff in the tradition of the late John Chapla.

I urge my colleagues to support this legislation.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MCINTYRE), the ranking member on the Seapower and Projection Forces Subcommittee.

Mr. MCINTYRE. Mr. Chairman, the Seapower and Projection Forces portion of this bill continues this subcommittee's tradition of strong bipartisan support for our men and women in uniform. I would like to thank Subcommittee Chairman FORBES for working together in such an open and bipartisan manner.

This is a good bill. This is an extremely challenging time, we know, for the Department of Defense, given the fiscal constraints that it is being required to operate under.

With this bill, the Armed Services Committee has attempted to strike the difficult balance of providing for the current force while also looking forward to the requirements of the future force.

I am pleased in particular this bill includes provisions that restore funding for the refueling and complex overhaul of the USS *George Washington*, which is

the first step needed to ensure we maintain the requirement of 11 aircraft carriers. This bill also authorizes two *Virginia* class submarines, two *Arleigh Burke* destroyers, and an additional 96 Tomahawk missiles.

This bill creates a national sea-based deterrence fund that is designed to provide the Navy with some flexibility when it begins construction of the *Ohio* class replacement submarine.

With this being my last defense bill before retiring at the end of this term, I want to thank my good friend RANDY FORBES for his leadership as chairman of the subcommittee and his friendship through the years.

I also want to thank my friend and my classmate, ADAM SMITH, for his great leadership, and our gracious chairman, BUCK MCKEON, for the leadership that he has given our committee overall and for his friendship as well. I wish him well on his retirement.

I am glad that all of these gentlemen that I have named and those that I have served with on the subcommittee and the full committee have together shared that position for making sure we do right by our men and women in uniform.

With that, Mr. Speaker, I support the passage of this defense bill. I urge other Members here in the Congress to do the same.

I pray God's blessings be upon all of those who serve and will benefit from this bill.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. TURNER), my friend and colleague and a member of the Armed Services Committee and chairman of the Tactical Air and Land Forces Subcommittee.

Mr. TURNER. Mr. Chairman, I rise in strong support of H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015.

I want to begin by thanking Chairman MCKEON and Ranking Member SMITH for their leadership in this committee and this being truly a bipartisan effort.

This will be Chairman MCKEON's last bill. He has not only been a leader for our committee and in Congress, but he has been a tremendous mentor for so many of us in Congress. His legacy will leave a lasting impact not only in legislation affecting the Department of Defense, our national security, and our men and women in uniform, but the Members of Congress who serve. And certainly, as we look to the future of the Armed Services Committee, his legacy will be in his mentoring of the other members of the committee.

I serve as chairman of the Tactical Air and Land Forces Subcommittee as well as the cochair of the Military Sexual Assault Prevention Caucus. I first want to thank the subcommittee's ranking member, LORETTA SANCHEZ from California, for her support in completing the markup of this bill.

The committee's focus has been to support the men and women of the Armed Forces and their families, providing them the equipment they need and the support that they so deserve. This bill helps to retain defense technology superiority, sustains the defense industrial base, and maintains effective modernization for our military.

The committee bill includes additional funding for Abrams Tanks, Bradley Fighting Vehicles, Stryker Combat Vehicles, Tactical Wheeled Vehicles, body armor, and unmanned aerial systems.

I believe the committee bill strikes the appropriate balance between equipping our military to effectively carry out its mission while also providing aggressive oversight to ensure appropriate use of taxpayers' dollars.

The bill again this year takes a significant step in combating the issue of sexual assault in the military by incorporating the FAIR Military Act of 2014, a bipartisan bill first introduced by myself and Representative NIKI TSONGAS.

I would like to thank Representative TSONGAS, Military Personnel Subcommittee Chairman JOE WILSON, and Representative DAVIS, ranking member on the Personnel Subcommittee, for their leadership on this issue. I want to thank Chairman MCKEON and Ranking Member SMITH for their leadership that has allowed a bipartisan solution on sexual assault.

Under this bill, Congress limits the use of the "good soldier defense," which allows a defendant to cite unrelated, subjective factors during trial, such as military record. It requires commanders be assessed on their ability to create a climate where a victim can report a crime without fear of retaliation. It ensures that the changes and provisions regarding military sexual assault prevention from the FY14 defense authorization apply to the military service academies.

□ 2000

Finally, this bill provides the child custody protections that our military men and women deserve.

I, again, want to thank Chairman MCKEON for his help on protecting the custody rights of our men and women in uniform. No longer will our men and women face deployment while having to worry whether or not they have the custody of their children upon return.

I urge my colleagues on both sides of the aisle to support this bill and to vote "yes" on H.R. 4435.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS), ranking member of the Military Personnel Subcommittee.

Mrs. DAVIS of California. Mr. Chairman, I want to thank Mr. WILSON and the committee staff for working in a bipartisan manner to develop this bill.

The Buck McKeon NDAA continues the committee's focus on sexual assault and includes such provisions as requiring the judicial panel to assess the use of mental health records by the defense in preliminary hearings and to compare this with the civilian use of mental health records in criminal proceedings; clarifying that the service academies, including the Coast Guard Academy, are subject to the same sexual harassment and assault requirements; requiring an inspector general review of the separation records of servicemembers who made unrestricted reports and determining whether such separation was in retaliation for filing said report; requiring performance appraisals of a commanding officer to include whether a command climate has been established in which allegations of sexual assault are properly managed and victims feel free to report; and requiring the Secretary of Defense to modify rule 404 of the Military Rules of Evidence to clarify that general military character of an accused is not admissible, except in cases where the military character of the accused is relevant to the offense being charged.

Mr. Chairman, oversight of sexual assault in the military remains a priority of the committee, and we will continue to identify gaps that need to be addressed and to enable the Department of Defense to reduce these numbers.

We all want to get to the same place—safe working conditions and a harassment-free, sexual assault-free environment for all, and there are different views of how to get there; but the bill, as it is now, gives us the opportunity to create a military where change can and must occur.

On other personnel matters, our bill does not include the proposed legislative changes to the commissary system, housing allowances, and the health care modifications requested by the Department of Defense.

As a result of that, the Department will need to address the \$1.5 billion savings it already took in its fiscal year 2015 budget.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlewoman an additional 30 seconds.

Mrs. DAVIS of California. In addition, the restoration of the 1 percent COLA reduction that was in the budget agreement and restored earlier this year left the Department with an additional hole of \$500 million for fiscal year 2015, and these savings will need to be paid for from other Department of Defense accounts.

We must begin that discussion, and I hope that the Military Compensation and Retirement Modernization Commission will be the start of that.

We know these are difficult times, and difficult decisions need to be made to protect and sustain our All-Volun-

teer Force. It has already been stated that ignoring these issues will only lead the Department to take significant cuts to our end strength and readiness.

Despite these concerns though, Mr. Chairman, this bill deserves passage.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. ROGERS), my friend and colleague, a member of the Armed Services Committee and the chairman of the Strategic Forces Subcommittee.

Mr. ROGERS of Alabama. Mr. Chairman, I rise today in support of the Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015.

This is an important annual bill, not just because, as you have heard, it is the 53rd in a row; it is what is in the bill for our men and women in uniform and our national security that counts.

For example, we fully support the Israeli Cooperative programs, including Iron Dome, while also continuing to make progress on U.S.-based co-production to strengthen our ally, Israel.

We include increased resources for our GMD system, which is our only homeland missile defense capability.

We support critical nuclear weapons capabilities, including programs the President promised to support as a part of the deal to ratify the New START treaty, which are \$2 billion short of what was promised with several key programs years behind schedule.

We have initiated in this bill the development of a competitively sourced next-generation rocket engine. We will not permit the kleptocrats in charge of Russia to hold our national security space programs hostage. It is past time that we reinvigorate our rocket motor industrial base.

I am pleased that we also are able to begin a pilot program for a new and more commonsense public-private partnership acquisition approach for the procurement of commercial satellite communication services.

We also begin the same public-private partnership process to deal with the scores of obsolete, decrepit, non-nuclear facilities in the NNSA.

Mr. Chairman, in taking a look at the amendments that were filed with the Rules Committee, it is clear to me that plenty of our colleagues are not happy with the tough choices made by the 2-year budget deal reached last year, and I join them.

As we debate these amendments over the next couple of days, I think Members will see what those of us on the Armed Services Committee have been warning for about a year. There are no more easy choices. We are not just cutting into the muscle and bone; we are amputating vital limbs.

I have a warning for every Member of this body. If you think the choices that we made were tough this year, wait till next year, when sequestration returns.

I wish to thank the ranking member, the gentleman, and my friend from Tennessee, for his outstanding leadership on this subcommittee.

I wish to thank Chairman McKEON for all he has done over his long career for the men and women of our armed services. They may never know all he has done for them, but I know. If he had to do it here again, he would.

Mr. Chairman, I thank you for your service, and I look forward to working with you to see that the Howard P. "Buck" McKeon National Defense Authorization Act is signed into law later this year.

Mr. SMITH of Washington. Mr. Chairman, I now yield 2 minutes to the gentlewoman from Massachusetts (Ms. TSONGAS), the ranking member of the Oversight and Investigation Subcommittee.

Ms. TSONGAS. Mr. Chairman, I rise in support of H.R. 4435. I want to begin by thanking Chairman McKEON for his decades of service in the House and for his evenhanded tenure leading the Armed Services Committee.

I also want to thank Ranking Member SMITH for his leadership and his willingness to address the tough issues that face the United States military.

This year's NDAA takes further necessary steps toward eliminating sexual assault in our military ranks. I appreciate the efforts of Congressman WILSON and Congresswoman DAVIS to ensure the inclusion of the FAIR Military Act into this bill.

I would also like to thank my cochair of the Military Sexual Assault Prevention Caucus and coauthor of the FAIR Military Act, Congressman MIKE TURNER.

The fiscal year '15 NDAA ensures servicemembers at all levels are held to the highest standard, and no more will the so-called "good soldier defense" allow criminal behavior to go unpunished and prevent justice from prevailing.

This NDAA also makes strides toward addressing the epidemic of suicide surrounding our military. It requires the Department of Defense to establish a system to track all suicides and attempted suicides for Active Duty, Reserves, and Guard servicemembers, as well as military family members, so that we can better understand the full scope of this tragedy.

I would also like to highlight the important work that his bill does with regard to research and development. In this era of increasingly capable enemies and constrained budgets, the DOD must rapidly take advantage of technological advancements and deliver these capabilities to the field.

Key provisions in the NDAA will enhance the DOD's ability to recruit and retain the Nation's best talent, talent needed to develop the resources that are key to keeping servicemembers safe and successful around the globe.

Similarly, I was encouraged that this bill incorporates language creating opportunities for investment in critical R&D programs like the Combat Feeding program at Natick Soldier Systems. This center finds ways to make sure our servicemembers are fed and fed well in some of the world's most unforgiving climates.

Finally, I would like to thank the committee staff who worked closely with all of our staffs to include these important provisions in the bill.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. WITTMAN), my friend and colleague, a member of the Armed Services Committee and the chairman of the Readiness Subcommittee.

Mr. WITTMAN. Mr. Chairman, and Ranking Member SMITH, thank you so much for your leadership in leading this bill to the floor.

I rise in support of the Howard P. "Buck" McKeon National Defense Authorization Act, which provides funding for ongoing operations in Afghanistan and, most critically, for our men and women on the front lines, where they continue to fight and die on our behalf each and every day.

No one in this Chamber should forget that most of the decisions we make impact them first and foremost. It is our constitutional responsibility and should be our highest priority to ensure that they have the training and equipment they need to do their missions and come home safely. We must be committed to ensuring that our force is always ready to respond if a crisis arises.

This bill attempts to limit operational risk, while also balancing present and future readiness requirements with an unrealistic and ultimately damaging topline.

When we legislate to an arbitrary budget number rather than to a national security strategy, we inevitably make ill-advised choices that impact our capacity and capability to respond to global threats, such as the crisis in Ukraine, an emboldened and increasingly aggressive Russia, an increasingly aggressive China, and growing tensions in the Asia Pacific.

If circumstances demand that we call up our forces to respond at this point in time, our military options would be limited.

That is why I strongly oppose BRAC at this time. We just don't have the money to fund it, and we have higher priorities that directly impact the safety of our troops, and every effort and every dollar must be focused on them.

This means funding the Marine Corps Air-Ground Task Forces, or MAGTAFs, in SOUTHCOM and CENTCOM, which are needed to secure embassy and military installations across the globe, a requirement made clear after the terrorist attack at Benghazi; funding fly-

ing hour programs, training, and depot maintenance across the services; ensuring robust steaming days critical to fleet training; and restoring CVN-73 funding to retain its viability as a fleet asset.

These fixes, of course, don't alleviate my concerns about readiness shortfalls or risk to our warfighters. We here in Washington need to do all we can to decrease such risks.

We ask a lot of our men and women who serve. We must not ask them to go into a fight without the training and equipment they need to succeed.

When I took my oath of office to serve in Congress, I swore that I would abide by the principles laid out in the Constitution to ensure a robust national defense. While I believe this bill reflects that commitment, we cannot lose sight of the fact that FY16 is ominously looming, and sequestration remains the law of the land.

The short-term and often short-sighted choices we have been forced to make will only exacerbate our readiness levels.

We must continue to focus on restoring the readiness lost as a result of sequestration, but the fact remains that the national security requirements, as outlined in the defense strategy, far exceed the budget.

I remain deeply concerned about the overall readiness of our force, not just the men and women that are fighting in Afghanistan, but those stationed around the globe. We must ensure they are properly trained, equipped, and prepared to meet the challenges on the horizon with overwhelming strength and superiority.

It is time to fix sequestration and start budgeting to meet our defense strategy, not a senseless and arbitrary budget number.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI), a member of the committee.

Mr. GARAMENDI. Mr. Chairman, congratulations to the chair of the committee and the ranking member for putting together a unanimous bipartisan bill. There is much to say in this bill that is good, and I would like to say about two things. One, the ISR capabilities of the military, particularly the Air Force, are maintained in this bill. The U-2 and the Global Hawk will continue to operate and provide critical intelligence to our military, operating now in the Sahel of Africa, chasing off Boko Haram.

This bill also provides us with the continuability to get to where we need to go. The KC-10 will remain in the force for the foreseeable future, until it is fully replaced by the KC-46s.

All of this is good. You need to know what is going on around the world, and you need to be able to get there, and this bill provides for that.

However, there are issues in this bill that we need to spend some time working on. It has been some 20 years since we have taken a hard look at the nuclear triad, an extraordinarily expensive and extraordinarily dangerous part of our military apparatus.

We are talking nuclear weapons here and the triad—the bombers, the ICBMs, and the submarines.

□ 2015

How do they fit? What do we need? How much do we really need to spend upon them?

Also, the nuclear weapons that go with them. The rebuilding of our nuclear weapons is a 20- to 30-year process, and we are talking about tens of billions of dollars. Too much? Enough? Maybe. Too much? Probably.

We also have to dispose of some 43 tons of unnecessary plutonium. How is that going to be done at the Savannah facility? There is money in this budget to continue a dead-end process. We ought to take a new look at that. And there will be amendments that will be proposed.

And finally, the big elephant in the room. We are talking about Afghanistan. \$74 billion in this bill not debated, not discussed. We must do that. It is our obligation as Members of the House of Representatives and the representatives of the people of the United States to talk about what we are going to do in Afghanistan, and that needs to be done.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada, Dr. HECK, my friend and colleague, who is a member of the Armed Services Committee and is the chairman of the Oversight and Investigations Subcommittee.

Mr. HECK of Nevada. Mr. Chairman, I rise to thank the committee chairman, the gentleman from California, for his years of service to the Nation, this body, and for his mentorship, and also to voice my strong support for H.R. 4435, the National Defense Authorization Act of 2014.

The bill under consideration is the result of an open process that truly reflects the bipartisan nature of the House Armed Services Committee and the bipartisan support of our military men and women.

Although fiscal realities and constrained resources have forced us to make difficult trade-offs, the committee maintained its commitment to those currently serving in uniform as well as to our veterans and their families.

In last year's NDAA, Congress established the Military Compensation and Retirement Commission to evaluate and analyze potential reforms to pay and benefits. This report, expected to be delivered in February of 2015, will inform the debate on the future of military and retiree compensation. As

such, I am pleased that this bill rejects the Department's request to cut the pay and benefits of our troops, which would have included significant reforms to TRICARE and cuts to housing and commissary benefits.

Any attempts to change pay and benefits before Congress receives the commission's report are premature and ill-advised, and I applaud the committee for rejecting these proposals and for remaining steadfast in its support of our servicemembers, our veterans, and their families.

Mr. Chairman, H.R. 4435 also acknowledges the work that the Armed Services Committee has completed over the last year to address some of the deficiencies made evident by the tragedy in Benghazi. The Department of Defense has determined that being prepared for an uncertain, volatile, complex, and ambiguous security environment, especially at remote diplomatic outposts, is the new normal that confronts our Nation. This bill expresses concern that U.S. Africa Command does not have sufficient assigned military forces, including specialized military capabilities, which this new normal requires.

As such, this legislation requires the Secretary of Defense, in consultation with the Secretary of State and the Chairman of the Joint Chiefs of Staff, to submit a report on how this evolving security environment has changed AFRICOM's force posture and force structure requirements. This provision will help ensure that AFRICOM receives the resources it needs to protect posts in high-risk, high-threat areas and the capability to respond to future crises.

Mr. Chairman, H.R. 4435 is an important bill that strikes the appropriate balance between priorities in a fiscally constrained environment. I urge my colleagues to support the Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GALLEGU), a member of the committee.

Mr. GALLEGU. Mr. Chairman, I, too, would like to thank Chairman McKEON and Ranking Member SMITH for their leadership. I am glad to have had the opportunity to work with and learn from each of them, and I certainly wish the chairman well in his future endeavors.

This legislation marks more than 50 years of bipartisan agreements on national defense. Not many committees in the U.S. Congress can say that. As a new Member, I am proud to be part of that tradition.

However, the bill only buys us a little time. Unless Congress provides relief from sequestration, next year's decisions will be exponentially more difficult. Yet we must do everything to be sure that our sons and daughters have

what they need to be successful and safe, both at home and abroad. That means training or weapons or materials or supplies or equipment or machinery. Our sons and our daughters deserve the very best.

Texas is extremely proud of its connection to our military. Important installations like Fort Bliss, Laughlin Air Force Base, and Joint Base San Antonio are core parts of our economy and our communities. Texas is home to many of our warfighters—soldiers, sailors, airmen, and marines—and both the civilian and military personnel who support them.

I, too, am proud to support our men and women in uniform. Thus, I urge all of my colleagues to support this bill and, like today, work in a bipartisan fashion that ends sequestration tomorrow, and from here on out, work in that same bipartisan fashion.

May God's blessings be upon all the men and women in uniform who are impacted by this bill and their families.

I want to thank Chairman McKEON and Ranking Member SMITH. It was a pleasure working with them both on this bill.

Mr. McKEON. Mr. Chairman, I yield 1 minute to the gentlelady from Indiana (Mrs. WALORSKI), my friend and colleague, who is a member of the Armed Services Committee.

Mrs. WALORSKI. Mr. Chairman, we have the strongest and best military in the world.

Thanks to the hard work of Chairman McKEON and Ranking Member SMITH, this year's defense bill works within budgetary constraints to ensure that our military continues to have the best people, the best training, and the best hardware. This bill guards against irresponsible cuts to pay and benefits. It improves readiness, and it provides our men and women in uniform with the vital aircraft, ships, and ground vehicles they need to fight and win today's increasingly complex battle space.

We also included several bipartisan commonsense provisions that build on our important work last year to combat military sexual assault.

We hold Russia accountable for its aggression against Ukraine and its treaty violations.

Finally, we lay the groundwork for a comprehensive defense reform effort, including finding ways to stretch the taxpayer dollars for the defense of this Nation.

I urge my colleagues to support this bill.

Mr. SMITH of Washington. Mr. Chairman, I yield myself the balance of my time.

I just want to again thank the chairman for his leadership and thank all of the folks who have done so much hard work in pulling this bill together.

I will make two other quick points. One, to sort of reemphasize, we have

heard a couple of times that this bill makes the tough choices. I can't see one at this point. You know, we have sort of dodged and bobbed and weaved. Some of that I actually support. Some of it made sense.

One of the issues that we have to wrestle with on the committee is how do we preserve the industrial base? When you are talking about making submarines or tanks or jet fighters, if you don't keep making them, you can't say, well, we are going to shut it down for 3 years and then we are going to start making them again, because that workforce is gone, the plants are gone. Those decisions do have to be made.

I just think at this point, on balance, in this instance, every single hard choice that the administration laid out on compensation—I know health care is difficult. I think that the men and women who serve in our military should have the best health care while they are serving and after of anyone in this country, and they will. But there is an important statistic.

In 1996, your average servicemember paid 27 percent of the cost of his or her health care. This year, that number is 10 percent. Why? Because health care costs went through the ceiling, but we didn't raise a single penny in costs for anyone serving in the military. Is that sustainable?

They also make cuts in some of the subsidies for the commissaries, subsidies for housing. They looked for places where they could save some money. Again, no BRAC. Again, the A-10 we keep. The ships we keep. I understand those decisions, but they are building up an awful bow wave.

And the final thing I will say is that I will again bring my amendment on closing Guantanamo Bay. The one thing we are slowly learning is that as we, fortunately, get fewer and fewer inmates in Guantanamo, it becomes more and more expensive to maintain what was supposed to be a temporary facility. Aside from all the arguments about how the international community feels about Guantanamo, arguments that President George W. Bush made when he said he supported closing Guantanamo, it is the sheer cost of maintaining that prison in such an obscure place. So I will again offer that amendment, and again we will have a robust debate on it.

But the one point I want to make on that amendment—we have heard people say, well, gosh, we can't release these people in the United States. We are not going to release them in the United States. We are going to lock them up, as we currently lock up over 300 terrorists, countless mass murderers, and some of the worst, most violent people this country knows. They are locked up in secure facilities. We can do the same with the dangerous inmates who remain at Guantanamo. But keeping Guantanamo open is not intelligent,

both in terms of cost and in terms of our standing in the international community.

With that, I look forward to seeing how many of those 320 amendments the Rules Committee is going to throw at us, and I look forward to a robust debate starting this evening into the next couple of days.

I yield back the balance of my time.

Mr. McKEON. I yield myself the balance of my time.

Mr. Chairman, this has been a great opportunity for an American to serve his community, to be able to come to the Capitol of this great land and serve in the House of Representatives. It is something I had never, ever contemplated growing up. It is something I never had thought about. But it has been a tremendous education and a tremendous opportunity to serve. It has been a tremendous opportunity to meet some really good people.

You know, I have heard from the polls that the Congress has a rating of like 13 percent. That may be a little high. It may be lower than that. I heard somebody say that our rating was so low that it is just basically family and staff, and then after we cut the staff's health care, that it probably was just down to family. Fortunately, I have a large family.

But I have mentioned to members of this committee—and those who are probably watching tonight have seen members of the committee that have talked about this bill that we have been working on, and I hope that they have felt of their strength, of their commitment, of their desire to do the things that their constituents sent them here to do.

I told members of the committee recently that if people at home could sit in on the markup, if they could sit in on some of the discussions that members of the committee have had, I think our ratings would probably be much higher, because these things that we grapple with aren't easy. They are not simple “yes” and “no” answers to the things that we deal with.

For instance, I know many of us a couple of years ago voted for the Budget Control Act, which brought us sequestration. It also kept the government open, because that was one of the parts of the vote. If we had voted against it, the government would have been shut down. I think it was a bad choice that we had to make, but I was assured that sequestration would never happen. Well, we found out it happened, and it is causing us a lot of problems with our national defense.

You know, the beauty of being able to serve on this committee is we get to serve with men and women who really sacrifice much. The men and women and their families sacrifice much to look out for our interests both at home and abroad, and I want to thank them.

I want to thank all of the members of the committee. I want to thank all of

our staff for the tremendous work that they do. They spent hours last night just going through these amendments, and they have been there constantly. They are all people of great expertise and great understanding of the issues that we face.

With that, Mr. Chairman, I would like to ask all of my colleagues to follow this debate closely and support this bill as we come to final passage.

With that, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Chair, earlier this year, President Obama released his 2015 budget proposal that makes another attempt to eliminate the entire A-10 fleet, which is the most effective weapons system used to protect our combat forces on the ground. I know how effective the A-10s have been in support of our troops because the 107th Fighter Squadron of the Michigan Air National Guard fly A-10s out of Selfridge Air National Guard Base in my district.

This is not the first time that the Administration has attempted to eliminate the A-10s from the inventory. In 2012, the defense budget submitted by the Administration also included a proposal to retire several A10 units, particularly those flown by the Air Guard, without an acceptable alternative to provide the critical ground support mission. That proposal was beaten back by those of us who realize the value of the Warthog and, more importantly, by those who rely on its protection.

Two weeks ago, when testifying before the Senate Armed Services Committee, U.S. Army Chief of Staff Gen. Raymond Odierno told members of the committee that our ground troops “believe” in the A-10 “Warthog” and have confidence in its ability, above any other aircraft, to protect them in combat.

Throughout this debate, Members of the Senate and the House have reiterated their opposition to the proposed divestment by highlighting the cost efficiency of the A-10, which costs an estimated \$17,000 per hour to operate compared to one of its proposed replacements, the B-1, which costs \$54,000 per hour to fly, and most importantly, the support of those engaged in combat on the ground.

I am very pleased that during the House Armed Services Committee markup of the bill we are considering today, a bipartisan majority of that committee reaffirmed the importance of these aircraft with the adoption of an amendment that will preserve the fleet through 2015.

Our unwavering support for the A-10 is not based on a perceived reluctance to cut anything military, it is based on facts, the cost effective nature of these aircraft and the strong support of our soldiers who depend on the close air support provided by the Warthog.

I hear it time and time again from our troops who have served in combat in defense of freedom as well as those that operate A-10s out of Selfridge. They all agree that it is the most dependable aircraft. They use words like “proven, effective and reliable” to describe it. They say that it is the only weapon system that can do what it does, and what it does, is protect them in combat.

Our troops put their lives in harm's way for our liberty, and we need to make sure we do everything possible to protect them in battle. I

am glad that today a bi-partisan majority in the House agreed with me and so many across this nation about the importance of the A–10 to our national defense. It is my firm hope that the Senate will join us and pass similar protections as this process moves forward.

Mr. MCCAUL. Mr. Chair, I rise in support of H.R. 4435, the 2015 National Defense Authorization Act. I especially want to thank Chairman McKEON for working with my staff and I to include section 1072 in his Manager Amendment.

As we draw down our presence in Iraq and Afghanistan, military equipment used in theater can be used to enhance border security at home, and in the process, save taxpayer dollars.

Section 1072 modifies current law, last updated in 1996 before the creation of the Department of Homeland Security, which guides the transfer of excess military equipment to provide preference for “border security activities.”

This change puts border security, and the Department of Homeland Security, on equal footing with the Department of Justice and the Office of National Drug Control Policy so the Department’s border security components can readily tap into excess military equipment on a preferential basis.

In the past, United States Customs and Border Protection has missed out on thousands of articles of DoD excess gear because the equipment is distributed on a first-come first-serve basis, notwithstanding statutory preference in under current law.

Section 1072 will bring the law up to date and will allow the operators on the ground protecting our border to more effectively complete their mission.

Again, I want to thank Chairman McKEON and the staff of the Armed Services Committee for working with me to include this important provision in this year’s NDAA.

Ms. BORDALLO. Mr. Chair, I rise in support of H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. The bill provides critical authorities to support our men and women in uniform.

In particular, I appreciate the leadership of Readiness Chairman, Mr. ROB WITTMAN of Virginia, and the way we have worked together to address the readiness of our United States military. Our hearings this session have highlighted some serious challenges to readiness in the coming years if we do not solve the broader issue of sequestration, which I believe is achievable if we put everything on the table for discussion.

The Readiness title of the bill recommends additional funds to address particular readiness shortfalls, such as Pacific Command’s prepositioned munitions; corrosion control, prevention, and mitigation; Air Force training range improvements; depot-level maintenance; operational tempo; aviation readiness; and National Guard training, among other readiness priorities.

Additionally, the bill addresses policy issues such as prepositioned stocks, crisis response elements, regionally aligned forces, ship homeport designations and overseas maintenance, readiness metrics, and the rebalance to the Asia-Pacific region, including airlift and tanker capabilities in the Pacific.

But as much as we do to enhance readiness by authorizing increased funding by some \$1.6 billion in the areas mentioned earlier, I believe this bill goes too far in cutting the operation and maintenance accounts in order to find funding for items not requested in the President’s Budget in other titles of the bill.

The bill authorizes \$164.3 billion in operations and maintenance funding, which is \$1.4 billion below what the President’s Budget requested. I am particularly concerned about the \$2.5 billion in cuts from four areas: unobligated balances, civilian personnel, and contracts for facilities maintenance and for Other Services. The cuts in these areas far outstrip the \$455 million targeted reductions adjudicated by the committee staff on a bipartisan basis after careful consideration of the services’ operations and maintenance budgets.

I am not a fan of using expensive contractors for functions that could, and should, have been performed by civilian personnel, contracting is a fact of life and we are nearing the end of 13 years of two wars where we were heavily dependent on contractor support for execution of those wars.

The budget request had already reduced facility maintenance to 60–70% of the stated requirement in fiscal year 2015. A further reduction of \$419 million in this bill means the military services would forego repairs and upgrades to airfield runways, taxiways, and aprons; and to mission-critical facilities and infrastructure such as electrical systems, heating and air conditioning systems, and roofs. It would mean delays in renovations, consolidations, conversions, and demolitions to more efficiently use space and reduce operations and maintenance costs; deferral of repairs and upgrades to alleviate life, health, and safety deficiencies, including fire protection systems upgrades. And it would mean postponement of repairs, replacements, or reconfigurations of gates and other installation security components.

The \$399 million cut to the Other Services account could impact the quality of life for servicemembers by reducing or eliminating food service, tuition assistance, general training, family support programs, library support, physical fitness services, laundry services, testing, general and employee training, professional credentialing for health professionals, and ROTC scholarships instructor pay and textbooks.

Unlike the \$1.4 billion in cuts to unobligated balances which are taken in an undistributed manner at the military service level, the cuts in facility maintenance and Other Services are levied in every budget sub-activity group. This means we have hit almost every readiness account in operations and maintenance, including maneuver units, force readiness operations, depot maintenance, base operations, combatant commander mission support, strategic mobility, prepositioned stocks, industrial preparedness, ROTC, specialized skill training, professional development education, training support, logistic support, ammunition management, service-wide communications, manpower management, and classified programs.

Further, I would note that contracts for Other Services includes professional services the Pentagon purchases to research, compile, and publish the reports that this committee

and others require each year, including the hundreds of new reports required in this bill alone!

Because of hiring freezes, sequestration, furloughs, pay freezes, and legislative mandates, most Department of Defense components and defense agencies have been functioning at 80 percent of their authorized manpower for the past 2 to 3 years and were only starting to recover in this fiscal year. Along with the services contracts cuts, a \$315 million cut to civilian personnel funding in fiscal year 2015 makes a mockery of the Total Force Management concepts this committee adopted and endorsed just three years ago, as defense components have told me they could not shed people fast enough and would have to undertake arbitrary reductions in force without consideration of mission requirements.

Compounding these cuts is the \$2 billion military personnel-related funding hole the Department will have to fill resulting from other actions this committee is considering today. Those funds, most likely, will come out of the operations and maintenance accounts when the Department of Defense executes the fiscal year 2015 budget.

At a time when only 50% of Air Force pilots have returned to appropriate training levels; when the Navy has been forced to propose Phased Modernization of cruisers and amphibious warships to extend their service life, when the Marine Corps is establishing crisis response task forces without programming the full funding needed to resource them, and when the Army has identified \$1.7 billion in unfunded training needs, I believe it is unwise and extraordinarily risky to fund the readiness accounts at \$1.4 billion below the President’s budget request. These cuts essentially impose another level of sequestration on the operation and maintenance accounts.

As noted in a Readiness hearing this year, our top priority should be to ensure that no soldier, sailor, airman, or marine ever enters a fair fight. Our subcommittee has highlighted and documented the operations and maintenance shortfalls for the past three years and it is our duty and responsibility to ensure our men and women who serve have the necessary resources to dominate in any operational environment.

I am concerned that our bill does not address an issue that I and a number of other Members in the House of Representatives have concerns about regarding the transition of the Global Privately Owned Vehicle Contract (GPC) to a new contractor. The prior contractor performed well for the US government on the prior GPC contract. But a decision was made to change contractors to save some money, despite concerns being raised about the new contractor’s ability to perform and questions about whether there were any real cost savings. I raised some of those concerns during a recent Military Personnel Subcommittee hearing, and my colleagues have also made inquiries regarding the contractor change.

Guam receives a significant shipment of privately owned vehicles, and our service members rely on efficient and timely privately owned vehicle delivery to help integrate into their new units and to help their families cope with the difficulties associated with Permanent



Change in Station assignments. I ask that you work with me, along with others on the Committee who have expressed similar concerns, to closely monitor and provide greater oversight on the transition to the new contractor. The new contractor assumed responsibility on May 1, and I understand some facilities were still not fully operational at that time and the contractor's logistics IT network was not fully deployed. Unfortunately, it appears that many of our concerns regarding the new contractor's ability to perform may be coming into fruition.

Going forward, I hope the Committee will monitor the transition and ensure that the best value decision was made with respect to this important contract and in support of our service members and their families.

Finally, this bill continues a tradition of supporting the Department of Defense's efforts to support the Obama Administration's Asia-Pacific rebalance strategy. The bill fully funds military construction related to the realignment of Marines from Okinawa, Japan to Guam. The realignment is the most tangible aspect of the rebalance strategy and showing our commitment has a profoundly positive impact on the rebalance. Further, like the last several years, the bill eliminates restrictions on use of Government of Japan funds to support the realignment. Given the current budget constraints at the Department of Defense it is prudent that we free up Government of Japan direct contributions to support this endeavor.

I am concerned that this bill cuts over \$80 million requested in the President's Budget to support critical upgrades to civilian water and wastewater systems on Guam. I believe that these upgrades are needed to support a robust military presence on the island and are needed now. However, I appreciate that the bill does include language authorizing a \$13 million civilian infrastructure project that was appropriated in Fiscal Year 2012. Specifically, the project is for the development of a cultural repository which is needed to meet federal standards for the preservation of artifacts that are discovered during military construction activities. This project was agreed to in the Programmatic Agreement signed several years ago by Governor Calvo and various federal entities. Authorizing funds for this project keeps the U.S. Government's commitment to the people of Guam.

The bill also included an amendment adopted during full committee consideration of the National Defense Authorization Act for Fiscal Year 2015 that requires the Department of Defense and Department of State, working in coordination with other relevant federal agencies, to develop a clear strategy for the Asia-Pacific rebalance. I offered this amendment with Mr. FORBES of Virginia and Ms. HANABUSA of Hawaii. The provision outlines what the strategy should contain and is mirrored off Department of Defense East Asia Strategy Reviews from the 1990s. It is important that our allies clearly understand what the Asia-Pacific rebalance strategy is so that there are assurances about the United States' presence in this critical region of the world.

Moreover, this provision would also require the National Security Council, working with the Office of Management and Budget, to use the strategy to develop an implementation plan for budget development. Another concern that

has been articulated by a number of think tanks as well as allies in the region is about the commitment of the United States in putting real resources towards this rebalance strategy. It is important that the implementation plan give clear guidance to relevant agencies in what programs and projects they should fund to support the Asia-Pacific rebalance strategy. The rebalance to the Asia-Pacific is an important and wise strategic goal and the implementation plan should help to ensure that this effort lasts past any one Administration.

Again, I urge my colleagues to support H.R. 4435.

Mr. McKEON. Mr. Chair, I submit the following.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, May 9, 2014.

Hon. HOWARD P. "BUCK" McKEON,  
Chairman, House Armed Services Committee,  
Washington, DC.

DEAR MR. CHAIRMAN: I write to confirm our mutual understanding regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015, which contains substantial matter that falls within the Rule X legislative jurisdiction of the Foreign Affairs Committee. I appreciate the cooperation that allowed us to work out mutually agreeable text on numerous matters prior to your markup.

Based on that cooperation and our associated understandings, the Foreign Affairs Committee will not seek a sequential referral or object to floor consideration of the bill text approved at your Committee markup. However, this decision in no way diminishes or alters the jurisdictional interests of the Foreign Affairs Committee in this bill, any subsequent amendments, or similar legislation. I request your support for the appointment of House Foreign Affairs conferees during any House-Senate conference on this legislation.

Finally, I respectfully request that you include this letter and your response in your committee report on the bill and in the Congressional Record during consideration of H.R. 4435 on the House floor.

Sincerely,

EDWARD R. ROYCE,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, May 12, 2014.

Hon. EDWARD R. ROYCE,  
Chairman, Foreign Affairs Committee, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. I agree that the Foreign Affairs Committee has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Foreign Affairs Committee is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" McKEON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON AGRICULTURE,  
Washington, DC, May 9, 2014.

Hon. HOWARD "BUCK" McKEON,  
Chairman, Committee on Armed Services, Washington, DC.

DEAR CHAIRMAN McKEON: Thank you for the opportunity to review the relevant provisions of the text of H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. The Agriculture Committee has a valid claim to jurisdiction over H.R. 4435.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 4435 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into both the Congressional Record and the Committee Report during consideration of this measure on the House floor.

Thank you for your courtesy in this matter, and I look forward to continued cooperation between our respective committees.

Sincerely,

FRANK D. LUCAS,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, May 12, 2014.

Hon. FRANK D. LUCAS,  
Chairman, Agriculture Committee, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. I agree that the Agriculture Committee has a valid jurisdictional claim to a provision in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Agriculture Committee is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" McKEON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, May 9, 2014.

Hon. HOWARD "BUCK" McKEON,  
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. McKEON: I am writing to you concerning H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. This legislation contains a provision requiring a strategy to prioritize U.S. interests in the Asia-Pacific region that is within the jurisdiction of the Committee on Ways and Means.

In order to expedite floor consideration of this important legislation, the Committee will waive consideration of the bill. The Committee takes this action only with the understanding that the Committee's jurisdictional interests over this and similar legislation are in no way diminished or altered.

The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I



would appreciate your including this letter in the Congressional Record during consideration of H.R. 4435 on the House Floor. Thank you for your attention to this matter.

Sincerely,

DAVE CAMP,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, May 12, 2014.

Hon. DAVE CAMP,  
Chairman, Committee on Ways and Means,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. I agree that the Committee on Ways and Means has a valid jurisdictional claim to a provision in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Ways and Means is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, May 9, 2014.

Hon. HOWARD "BUCK" MCKEON,  
Chairman, Committee on Armed Services, Wash-  
ington, DC.

DEAR CHAIRMAN MCKEON: I write concerning H.R. 4435, National Defense Authorization Act for Fiscal Year 2015.

While the bill was referred to your Committee exclusively, there are several provisions that fall within the Rule X jurisdiction of the Committee on Energy and Commerce. However, so that it may proceed expeditiously to the House floor for consideration, the Committee on Energy and Commerce will not request a sequential referral on the bill.

This is done with our mutual understanding that the Committee on Energy and Commerce is not waiving any of its jurisdiction, will not be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on H.R. 4435 or similar legislation, and will be consulted and involved as the bill or similar legislation moves forward. The Committee on Energy and Commerce also reserves the right to seek the appointment of conferees to any House-Senate conference involving this or similar legislation, and requests your support for such a request.

Finally, I would appreciate your response to this letter, confirming this understanding, and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of H.R. 4435 on the House floor.

Sincerely,

FRED UPTON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, May 12, 2014.

Hon. FRED UPTON,  
Chairman, Committee on Energy and Commerce,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. I agree that the Committee on Energy and

Commerce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Energy and Commerce is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON EDUCATION AND THE  
WORKFORCE,  
Washington, DC, May 9, 2014.

Hon. HOWARD P. "BUCK" MCKEON,  
Chairman, Committee on Armed Services, Wash-  
ington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. Thank you for consulting with the Committee on Education and the Workforce with regard to H.R. 4435 on those matters within the committee's jurisdiction.

In the interest of expediting the House's consideration of H.R. 4435, the Committee on Education and the Workforce will forgo further consideration of this bill. However, I do so only with the understanding this procedural route will not be construed to prejudice my committee's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Education and the Workforce should this bill or a similar bill be considered in a conference with the Senate. I also request you include our exchange of letters on this matter in the Committee Report on H.R. 4435 and in the Congressional Record during consideration of this bill on the House floor. Thank you for your attention to these matters.

Sincerely,

JOHN KLINE,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, May 12, 2014.

Hon. JOHN KLINE,  
Chairman, Committee on Education and the  
Workforce, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. I agree that the Committee on Education and the Workforce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Education and the Workforce is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

Mr. MCKEON. Mr. Chair, I ask that the following exchange of letters be included as part of the RECORD during consideration of H.R. 4435:

PERMANENT SELECT COMMITTEE  
ON INTELLIGENCE,  
Washington, DC, May 9, 2014.

Hon. HOWARD "BUCK" MCKEON,  
Chairman, Committee on Armed Services, House  
of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In recognition of the importance of expediting the passage of H.R. 4435, the "Fiscal Year 2015 National Defense Authorization Bill," the Permanent Select Committee on Intelligence hereby waives further consideration of the bill. The Committee has jurisdictional interests in H.R. 4435, including intelligence and intelligence-related authorizations and provisions contained in the bill.

The Committee takes this action only with the understanding that this procedural route should not be construed to prejudice the House Permanent Select Committee on Intelligence's jurisdictional interest over this bill or any similar bill and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future, including in connection with any subsequent consideration of the bill by the House. In addition, the Permanent Select Committee on Intelligence will seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during the House debate on H.R. 4435. I appreciate the constructive work between our committees on this matter and thank you for your consideration.

Sincerely,

MIKE ROGERS,  
Chairman.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 12, 2014.

Hon. MIKE ROGERS,  
Chairman, Permanent Select Committee on In-  
telligence, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. I agree that the Permanent Select Committee on Intelligence has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Permanent Select Committee on Intelligence is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, May 9, 2014.

Hon. HOWARD P. "BUCK" MCKEON,  
Chairman, House Committee on Armed Services,  
Washington, DC.

DEAR CHAIRMAN MCKEON: I write to you regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. There are certain provisions of this legislation that fall within the Rule X jurisdiction of the Committee on Homeland Security.

In the interest of permitting the Committee on Armed Services to proceed expeditiously to the House floor, I will not seek a sequential referral of H.R. 4435. However, I

do so only with the mutual understanding that the jurisdiction of the Committee on Homeland Security over matters contained in this or similar legislation is in no way diminished or altered. I further request that you urge the Speaker to name Members of this Committee to any conference committee that is named to consider such provisions.

Finally, I request you include this letter and your response into the committee report on H.R. 4435 and into the Congressional Record. Thank you for your consideration.

Sincerely,

MICHAEL T. MCCAUL,  
Chairman.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 12, 2014.

Hon. MICHAEL T. MCCAUL,  
Chairman, Committee on Homeland Security,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. I am most appreciative of your support and interest in this important legislation. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON VETERANS' AFFAIRS,  
Washington, DC, May 9, 2014.

Hon. HOWARD "BUCK" MCKEON,  
Chairman, Committee on Armed Services,  
Washington, DC.

DEAR CHAIRMAN MCKEON: I write to confirm our mutual understanding regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. This legislation contains subject matter within the jurisdiction of the House Committee on Veterans' Affairs, however in order to expedite floor consideration of this important legislation, the Committee waives consideration of the bill.

The House Committee on Veterans' Affairs takes this action only with the understanding that the committee's jurisdictional interests over this and similar legislation are in no way diminished or altered.

The committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 4435 on the House Floor. Thank you for your attention to these matters.

With warm personal regards, I am

Sincerely,

JEFF MILLER,  
Chairman.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 12, 2014.

Hon. JEFF MILLER,  
Chairman, Committee on Veterans' Affairs,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. I agree that the Committee on Veterans' Affairs has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the

Committee on Veterans' Affairs is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, May 9, 2014.

Hon. HOWARD P. "BUCK" MCKEON,  
Chairman, Committee on Armed Services,  
Washington, DC.

DEAR CHAIRMAN MCKEON: I am writing to you concerning the jurisdictional interest of the Committee on the Judiciary in matters being considered in H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015.

Our committee recognizes the importance of H.R. 4435 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Judiciary Committee, and that a copy of this letter and your response acknowledging our jurisdictional interest will be included in the Committee Report and as part of the Congressional Record during consideration of this bill by the House.

The Judiciary Committee also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your consideration in this matter.

Sincerely,

BOB GOODLATTE,  
Chairman.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 12, 2014.

Hon. BOB GOODLATTE,  
Chairman, Committee on the Judiciary,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. I agree that the Committee on the Judiciary has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on the Judiciary is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, May 9, 2014.

Hon. HOWARD "BUCK" MCKEON,  
Chairman, Committee on Armed Services,  
Washington, DC.

DEAR MR. CHAIRMAN: I write to confirm our mutual understanding regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. This legislation contains subject matter within the jurisdiction of the Committee on Natural Resources, including:

Sec. 602. No fiscal year 2015 increase in basic pay for general and flag officers

Sec. 611. One-year extension of certain expiring bonus and special pay authorities

Sec. 2841. Land conveyance, Mt. Soledad Veterans Memorial, La Jolla, California

Sec. 2861. Memorial to the victims of the shooting attack at the Washington Navy Yard

Sec. 2864. Designation of Distinguished Flying Cross National Memorial in Riverside, California

Sec. 2865. Renaming site of Dayton Aviation Heritage National Historical Park, Ohio

Sec. 2866. Manhattan Project National Historical Park

Title 29, Subtitle A—Naval Air Station Fallon, Nevada

Sec. 2911. Redesignation of Johnson Valley Off-Highway Vehicle Recreation Area, California

Sec. 2921. Elimination of termination date for public land withdrawals and reservations under Military Lands Withdrawal Act of 1999

Title 29, Subtitle D—Naval Air Weapons Station China Lake, California

Title 29, Subtitle D—White Sands Missile Range, New Mexico

Sec. xxx. National security considerations for inclusion of federal property on National Register of Historic Places or designation as National Historic Landmark under the National Historic Preservation Act

To expedite floor consideration of this important legislation, and because of the extensive cooperation shown by you and your staff, the Committee will forego seeking a sequential referral of the bill. The Natural Resources Committee takes this action only with the understanding that the Committee's jurisdictional interests over this and similar legislation are in no way diminished or altered.

The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 4435 on the House Floor.

Thank you for your attention to these matters.

Sincerely,

DOC HASTINGS,  
Chairman.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 12, 2014.

Hon. DOC HASTINGS,  
Chairman, Committee on Natural Resources,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. I agree that the Committee on Natural Resources has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Natural Resources is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

Mr. GOODLATTE. Mr. Chair, I rise in support of language Representative DOUG LAMBORN offered when the Committee on Armed Services marked-up the National Defense Authorization Act.

Like most Americans, I remain concerned about Iran's state sponsorship of terrorism, its

horrendous human rights record, its efforts to destabilize its neighbors, its pursuit of intercontinental ballistic missiles, and its threats against our ally, Israel, as well as the fates of American citizens detained by Iran. I remain extremely alarmed by Iran's pursuit of uranium enrichment and plutonium separation efforts. In spite of Iran's statements to the contrary, I am concerned that these materials are in fact part of a nuclear weapons program. The pursuit of nuclear materials under the proclamation of peaceful energy initiatives raises some serious concerns when coming from a country with a terrible human rights record and ties to terrorist groups. It is both a necessity and a priority that the United States ensure that Iran does not have a nuclear weapon.

On November 24, 2013, Iran accepted the terms of an international proposal to temporarily halt further expansion of its nuclear program, in return for relief from economic sanctions. While this proposal would in theory limit Iran's nuclear enrichment program, it does nothing to prevent Iran from pursuing a warhead or nuclear delivery system for a nuclear weapon or curtailing other issues that are threats to U.S. security and the security of our allies. That is why I am supportive of Representative LAMBORN's amendment. This amendment makes it crystal clear, that it is the intent of the United States Congress that the U.S. should only agree to a comprehensive agreement on Iran's nuclear program if Iran ceases uranium enrichment, ceases all of their nuclear, chemical, biological, chemical weapon programs, ballistic missile program, and ballistic launch site technology and Iran has ceased providing support for international terrorist.

The United States government must use every tool possible to deter threats from Iran. Economic sanctions remain an important and necessary tool to deterring aggressive actions. Should the United States provide any relief from these Congressional mandated sanctions, it is imperative that Iran halt all activities that are threatening to our national interests. Mr. LAMBORN's amendment is an important and appropriate addition to the National Defense Authorization Act, and I look forward to seeing it included in law.

Mr. GRAVES of Missouri. Mr. Chair, I would like to thank Chairman MCKEON and the Members of the House Armed Services Committee for the Committee's work on the Fiscal Year 2015 National Defense Authorization Act. As the Chairman of the House Small Business Committee, I know very well that efforts of this magnitude take leadership, thoughtfulness and compromise. I support the final bill, and thank the Committee for continuing to make our Nation's security a top priority.

I want to draw attention to a key priority that the Committee helped address this year. Earlier this year, the United States Navy offered to the Committee its "unfunded priority" request of additional EA-18G Growlers, an electronic attack aircraft. Specifically, the Navy Chief of Naval Operations (CNO) Admiral Jonathan Greenert testified that there is an emerging requirement for more electronic attack, and he asked for 22 Growlers. The Growler is the only aircraft that can provide the full spectrum electronic attack that are needed for future operations.

In addition to a specific warfighting capability that the Growler provides, the men and women that work on the aircraft are part of America's aerospace industry that has undergone significant change over the last several decades. A vital part of this industry are the small businesses that have kept our military force on the cutting edge, armed with technologies and programs no other nation can match. The production of the Growler is no exception to this rule as there are 340 small businesses that are located across 32 states, including in my home state of Missouri, which support the program.

At a time when the small business sector is regaining its footing in the recovering economy, there should be a way to preserve the military industrial base. This bill supports that effort by adding 5 Growlers above the President's Budget Request and encouraging the Navy to keep the manufacturing line open. Closing the line would not only upend many small businesses that sustain the program, but would also lead to less competition and fewer innovative technology breakthroughs in tactical aviation. The Committee bill represents a good first step at meeting the dual needs of the Navy's requirements and the defense industrial base.

As the Fiscal Year 2015 bills move through the process, I look forward to working with the Committee to meet the needs of the warfighter and to protect the small businesses interests in our Nation.

Mr. MCKEON. Mr. Chair, I ask that the following exchange of letters be included as part of the RECORD during consideration of H.R. 4435:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON OVERSIGHT AND GOV-  
ERNMENT REFORM,  
Washington, DC, May 9, 2014.

Hon. HOWARD "BUCK" MCKEON,  
Chairman, Committee on Armed Services, House  
of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Oversight and Government Reform.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill the Committee on Oversight and Government Reform does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider such provisions.

Please place this letter into the committee report on H.R. 4435 and into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

DARRELL ISSA,  
Chairman.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 12, 2014.

Hon. DARRELL ISSA,  
Chairman, Committee on Oversight and Govern-  
ment Reform, House of Representatives,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. I agree that the Committee on Oversight and Government Reform has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Oversight and Government Reform is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SMALL BUSINESS,  
Washington, DC, May 9, 2014.

Hon. HOWARD P. "BUCK" MCKEON,  
Chairman, Committee on Armed Services, House  
of Representatives, Washington, DC.

DEAR CHAIRMAN MCKEON: I am writing to you concerning the bill H.R. 4435, the Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015. There are certain provisions in the legislation which fall within the jurisdiction of the Committee on Small Business pursuant to Rule X(q) of the House of Representatives.

In the interest of permitting the Committee on Armed Services to proceed expeditiously to floor consideration of this important bill, I am willing to waive the right of the Committee on Small Business to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Small Business does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X(q) jurisdiction, including future bills that the Committee on Armed Services will consider. I request that you urge the Speaker to appoint members of this Committee to any conference committee which is named to consider such provisions.

Please place this letter into the committee report on H.R. 4435 and into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this issue and others between our respective committees.

Sincerely,

SAM GRAVES,  
Chairman.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 12, 2014.

Hon. SAM GRAVES,  
Chairman, Committee on Small Business, House  
of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. I agree that the Committee on Small Business has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Small Business is not waiving

its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
*Chairman.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON SCIENCE, SPACE, AND  
TECHNOLOGY,

*Washington, DC, May 9, 2014.*

Hon. HOWARD "BUCK" MCKEON,  
*Chairman, Committee on Armed Services, House  
of Representatives, Washington, DC.*

DEAR MR. MCKEON: I write to confirm our mutual understanding regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. This legislation contains subject matter within the jurisdiction of the Committee on Science, Space, and Technology. However, in order to expedite jurisdiction of the Committee on Science, Space, and Technology. However, in order to expedite floor consideration of this important legislation, the committee waives consideration of the bill.

The Committee on Science, Space, and Technology takes this action only with the understanding that the committee's jurisdictional interests over this and similar legislation are in no way diminished or altered.

The committee also reserves the right to seek appointment to any conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 4435 on the House Floor. Thank you for your attention in these matters.

Sincerely,

LAMAR SMITH,  
*Chairman, Committee on Science,  
Space, and Technology.*

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 12, 2014.*

Hon. LAMAR SMITH,  
*Chairman, Committee on Science, Space, and  
Technology, House of Representatives,  
Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. I agree that the Committee on Science, Space, and Technology has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Science, Space, and Technology is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
*Chairman.*

COMMITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE, HOUSE OF REP-  
RESENTATIVES,

*Washington, DC, May 9, 2014.*

Hon. HOWARD P. "BUCK" MCKEON,  
*Chairman, Committee on Armed Services, House  
of Representatives, Washington, DC.*

DEAR CHAIRMAN MCKEON: I write concerning H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015, as amended. There are certain provisions in the legislation that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This, of course, is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. I request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the committee report on H.R. 4435 and into the Congressional Record during consideration of the measure on the House floor.

Sincerely,

BILL SHUSTER,  
*Chairman.*

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 21, 2014.*

Hon. BILL SHUSTER,  
*Chairman, Committee on Transportation and  
Infrastructure, House of Representatives,  
Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015. I agree that the Committee on Transportation and Infrastructure has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Transportation and Infrastructure is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
*Chairman.*

Mr. CALVERT. Mr. Chair, today I was proud to vote to approve H.R. 4435, the National Defense Authorization Act (NDAA) for Fiscal Year 2015. The NDAA is the key mechanism to provide necessary authorities and funding for America's military.

Even in an era of constrained taxpayer resources, it is essential that we find ways to ensure our military has the funding necessary to carry out its mission. The FY15 NDAA provides a responsible fiscal balance and prioritizes the critical tools our troops need to maintain and perform as the finest fighting force in the world. The bill also provides our warfighters, and their families, with the support and care that we have promised them.

One area that was minimally addressed was the size and growth of the civilian workforce at the Department of Defense (DoD). The NDAA tasks GAO to assess DoD's headquarter reduction efforts, building off its previous work conducted for the committee on examining growth in DOD headquarters. However, I believe Congress must go a step further in addressing the growth of the civilian workforce, especially as we draw down our uniformed personnel. It is important to note that:

From FY01 to FY14, the civilian staff has grown by 15 percent while total active military has declined by 4 percent;

The ratio of civilian workers to uniformed personnel is the highest in recent history despite the draw down in Iraq and Afghanistan;

There are currently 718,000 civilian personnel versus 1.3 million active duty, a ratio that is out of balance.

This imbalance is why I introduced the Rebalance for an Effective Defense Uniform and Civilian Employees Act (REDUCE Act, H.R. 4257). The REDUCE Act would require the Department of Defense to make necessary reductions in a systematic manner without compromising our ability to maintain a strong national defense over the long term.

The REDUCE Act would:

Reduce our defense civilian workforce by 15 percent by FY 2020. This percentage was recommended by the Defense Business Board, a trusted, authoritative, and independent source of expertise.

The Department of Defense civilian workforce would remain at or below this established cap of a 15 percent reduction for Fiscal Years 2021 through 2025.

The Department of Defense civilian Senior Executive Service career appointee workforce will be reduced to 1,000 by 2020 and remain at or below 1,000 employees for Fiscal Years 2021 through 2025.

Provide the Secretary of Defense the authority to use voluntary separation incentive payments and voluntary early retirement payments in order to achieve the required reductions in personnel.

Provide the Secretary of Defense the authority to assign greater weight to the performance factor, rather than other factors such as tenure, in a Reduction in Force.

There is no doubt that our DoD civilian workers play a vital role in numerous positions including logistics, acquisition, personnel management, and more. The mission of the civilian workforce at DoD is to support our uniformed personnel and their missions around the world. However, as we draw down our uniformed personnel, it makes no sense to not make commensurate reductions to the civilian workforce—a practice that has occurred in previous drawdowns.

As Members of Congress, we should not let parochial interests prevent us from doing what is right for the country. Simply stated, it is inconceivable, defies logic and tramples the lessons of experience that a federal civilian job, once created, must live on forever. If our uniformed services are being reduced because the wars are ending, then a significant portion of the civilian jobs created to support those warfighters should be eliminated—not become contractor positions. Those jobs must be eliminated and done so at the legislative mandate of the Congress and at the executive discretion of the Secretary of Defense.

In closing, I would like to mention that this was the last NDAA brought to the House floor by my good friend and the Chairman of the Armed Services Committee, Rep. BUCK MCKEON (CA-25). I want to thank Chairman MCKEON for all of the hard work and dedication he has demonstrated on behalf of our troops and their families throughout his service here in the House.

Mr. CLAY. Mr. Chair, I would like to commend the House Armed Services Committee and its Chairman, Honorable BUCK MCKEON, and Ranking Member, Honorable ADAM SMITH, on passage of the FY15 Defense Authorization Bill today that includes funding for additional Navy EA-18G "Growler" aircraft, as well

as language to continue the EA-18G and F/A-18 E/F lines in my district in St. Louis, Missouri.

The United States Chief of Naval Operations, Admiral Greenert, has testified to Congress numerous times this year about the growing need to control the electromagnetic spectrum to support the war fighter. He and the Navy have requested 22 additional EA-18G "Growler" aircraft, as part of an unfunded requirement, to meet these expanding electronic attack requirements.

I have a number of constituents that work on the EA-18G and F/A-18 production lines in St. Louis. Without additional aircraft from Congress this year, this production line will shut down, and we as a nation will lose a national asset—including thousands of dedicated and talented workers who make up this defense industrial base.

I look forward to working with my colleagues in the coming weeks, especially on the House Appropriations Subcommittee on Defense, to help address this clear Navy requirement. We need to support our war fighter, and the EA-18G "Growler" is vital to operating and prevailing in the important and growing airborne electronic attack environment.

Mr. CONNOLLY. Mr. Chair, I want to thank the Chairman and the Ranking Member of the Armed Services Committee and their staffs for working with me on several amendments to the National Defense Authorization Act for Fiscal Year 2015, H.R. 4435.

This legislation reaffirms our commitment to our men and women in uniform, ensuring they have the necessary tools to support our national defense. In addition to my amendments, which will help create savings and improve department management, the bill before the House preserves essential benefits that are important to the thousands of active and retired military personnel and their families living in my Northern Virginia district. It also sustains the critical collaboration with the private sector in my district which partners with the Department on a wide variety of defense priorities, including cybersecurity, logistics, and information technology services.

With respect to federal investments in IT, I was pleased to co-author a comprehensive reform proposal with Chairman ISSA of the Committee on Oversight and Government Reform. It is based on our bipartisan bill, known as the Federal Information Technology Acquisition Reform Act, or FITARA, which passed the House with unanimous support earlier this year. I also want to thank our Committee's Ranking Member, Mr. CUMMINGS, for his generosity and leadership on these issues.

In the 21st century, effective governance is inextricably linked with how well government leverages technology to serve its citizens. Yet our current laws governing Federal IT procurement are antiquated, cumbersome, and out of step with technological change.

Our bipartisan FITARA amendment addresses this by comprehensively streamlining and strengthening the Federal IT acquisition process. FITARA recognizes that effective Federal IT procurement reform must begin with leadership and accountability. It enhances CIO authorities to ensure agency heads have talented leaders to serve as their primary advisers on IT management; to recruit and retain

talented IT staff; and to oversee critical IT investments across the organization.

FITARA also accelerates data center optimization and strengthens the accountability and transparency of Federal IT programs. If enacted, 80 percent of the approximately \$80 billion spent annually on Federal IT investment would be required to be posted on the online IT Dashboard for the public to review, compared to the 50 percent or less that is available today. Fortunately, a bipartisan consensus is forming around the urgent need to streamline and strengthen how the Federal Government acquires and deploys information technology. Now is the time to ensure IT reforms are adopted government-wide and given the force of law.

I also was pleased to offer an amendment that will permanently authorize the use of simplified acquisition procedures for certain commercial items, which has the support of Department of Defense and other agencies, as well as industry partners, such as the Professional Services Council. This activity was originally authorized as a 3-year test program under the Clinger-Cohen Act of 1996. The program aimed to simplify the contracting process by providing contracting officers with additional discretion and flexibility for the acquisition of commercial items not exceeding \$5 million. Since being enacted, Congress has extended this authority eight separate times, and it is now set to expire on January 1, 2015.

Earlier this year, the Government Accountability Office (GAO) submitted a report to Congress, discussing the use of the test authority by the Departments of Defense, Homeland Security, and Interior. GAO found that the test program reduced contracting lead time and administrative burdens with manageable risks. In responding to the GAO report, DHS and DOI both stated that the temporary nature of the test program hindered its use and recommended the authority be made permanent.

The Department of Defense offered the following comments in support of preserving this authority: "The test program provides benefits in terms of reducing lead time and administrative workload and enables faster delivery of much needed supplies and equipment to the Warfighter. For example, the U.S. Army Contracting Command Rock Island Contracting Center, which provides reach-back support to the theater, used this authority to execute several contract requirements in direct support of the United States Central Command (CENTCOM) theater of operations in FY 2011. Without this authority, the procurement lead time would have doubled. This could have led to mission failure in contingency operations, particularly those in the CENTCOM theater of operations. In addition, this authority is extremely beneficial in responding to domestic crises such as Hurricane Katrina, Midwest flooding, and recent tornados."

In addition, I offered an amendment to extend for five years a successful hiring authority to allow Federal retirees to be temporarily rehired on a part-time basis to fill critical skills gaps, mentor and train younger workers, and stave off a "brain drain" as more and more Federal employees become eligible to retire. First adopted as part of the NDAA for FY2010, this authority allows the heads of federal agencies to bring back a limited number of

Federal retirees for a limited time without them incurring a penalty on the annuity.

Over the past five years, agency leaders report this has been a valuable tool in providing them with flexibility to address staffing needs as retirements have begun to increase. Nearly half of the management staff within some agencies is eligible to retire today, and agencies face further challenges as positions are being left vacant due to budget shortfalls and hiring freezes. Thanks to this re-hiring authority, agencies are able to bring back experienced staff to bridge knowledge gaps and help prepare future leaders. This program is limited in scope so as not to supplant the urgent need to hire and train new federal workers. I was pleased to have the support of the National Active and Retired Federal Employees Association and the Government Management Coalition, which called this a "good-government initiative."

I also worked with the Armed Services Committee on two foreign affairs-related amendments. The first is a bipartisan amendment that I was pleased to introduce with my fellow co-chairs of the Congressional Taiwan Caucus Reps. DIAZ-BALART (FL), SIRES (NJ), and CARTER (TX). Our amendment directs the President to sell F-16 C/D aircraft to Taiwan to modernize its aging air fleet. It is consistent with U.S. obligations to provide weapons for Taiwan's defense under the 1979 Taiwan Relations Act.

The Obama administration said two years ago that it would "seriously consider" selling the newer fighter jets to Taiwan. During the 112th Congress, 181 Members of the House sent a letter to the Administration urging it to "move quickly" to address Taiwan's critical need. Yet since then, it has only sold retrofit packages for Taiwan's older fighter models, some of which are decades old. Taiwan is a key strategic ally in the Pacific. It is America's 9th largest trading partner. Our amendment is critical to America's strategic economic and defense partnerships with Taiwan, and it reinforces our commitment to support a democratic Taiwan given the growing military gap and cyber security threat across the Taiwan Strait.

The other amendment builds on language already in the bill, the limit military contact and cooperation with the Russian Federation in the wake of its annexation of Crimea and its ongoing role in stoking unrest within eastern Ukraine. The bill already limits activity and funding under the Department of Defense and the National Security Administration with respect to Russia, including the purchase of Russian-made helicopters for the Afghanistan Security Force. My amendment would also prevent the integration of Russian missile systems into the missile defense systems of the United States if such integration undermines the security of the U.S. or NATO. It mirrors a similar prohibition already in the bill relating to the integration of Chinese missile defense systems.

The situation in Ukraine continues to deteriorate. We are witnessing open and armed clashes in the streets and pro-Russian militants are usurping the authority of local governments. Russia's repeated attempts to undermine the sovereign governments of former Soviet Republics by stoking the discontent of

ethnic minorities now constitutes Russia's modus operandi on foreign subterfuge. For countries seeking to shed authoritarian institutions, Western economic prosperity and democratic freedoms can be like a moth to flame. Cold War era geopolitics dictated that the endgame for the USSR was to extinguish that flame. In the post-Cold War era, Russia has its sights set on the moth. The President already has leveled sanctions against Russian political leaders and banks, and further economic sanctions are possible. To further pressure Russia to cease this aggression action and to reverse course, the U.S. and its allies should seek to limit all collaboration with the Russian Federation until and unless it withdraws troops from Crimea and Ukraine's eastern border.

Again, I thank the Chairman and the Ranking Member for working with me on these amendments. I am grateful for their inclusion in the final bill, and I urge my colleagues to support final passage.

Mr. VAN HOLLEN. Mr. Chair, I rise today in reluctant opposition to H.R. 4435, the National Defense Authorization Act for Fiscal Year 2014.

For the last 53 years, Congress has passed—and the President has signed into law—the annual Defense Authorization bill, allowing us to provide the critical resources the Armed Forces need to maintain the best military in the world. The NDAA has also allowed Congress to have an open dialogue about many of the difficult choices with which we are confronted, including the significant financial constraints that our military is operating under. While I appreciate the House Armed Services Committee's continued support of our servicemembers and our national defense, I have serious concerns with a number of misguided provisions in this year's NDAA.

This year's authorization bill authorizes \$513.4 billion in budget authority, including \$495.8 billion for the Department of Defense and \$79.4 billion in overseas contingency operations (OCO). Unfortunately, it rejects many cost saving measures recommended by the Pentagon and would eliminate more than \$50 billion in potential savings for our military over the next five years.

Of particular concern, H.R. 4435 prioritizes unrequested weapons systems and parochial interests over our military readiness. It slashes military readiness by \$1.2 billion from the President's FY15 request despite the fact that Secretary Hagel has consistently warned that if cuts to our military readiness persist, and we were confronted with an emerging threat, "the United States may not have enough ready forces to respond."

This year's NDAA also includes a provision to continue funding restrictions on the construction or modification of detention facilities in the United States to house Guantanamo detainees. I was particularly disappointed that an amendment offered by Ranking Member SMITH to provide a framework for closure of Guantanamo by the end of 2016 was rejected. As the President made clear in his State of the Union Address earlier this year, we cannot wait any longer to close down this facility.

I also share many of the other concerns that were outlined in the President's Statement of Administration Policy. This includes language

that restricts the Pentagon from retiring the A-10 aircraft and a provision that authorizes \$20 million in unrequested funding in FY15 for the planning and design of a missile field on the East Coast. I also oppose sections 314, 315, 316, and 317, which would prohibit the Department of Defense from using alternative fuels and would limit the ability of our military from developing alternative energy sources that have the potential to save money and enhance our energy security.

Despite my opposition to the overall legislation, I was pleased that a bipartisan amendment offered by Representative PATRICK MURPHY and Representative MICK MULVANEY to address the migration of base budget funding into the OCO budget was adopted. We have worked together to ensure that the OCO budget is no longer used as a mechanism to circumvent budget caps. I am also encouraged that this bill builds on a number of provisions passed in last year's NDAA and continues to address the problem of sexual assault in the military. In particular, it would eliminate the so-called "good soldier defense" in court-martial proceedings, prohibiting a soldier from using good military character as a defense in a sexual assault case. These proceedings should be based on the specific evidence presented in the case.

This bill does authorize much needed funding for our men and women in uniform but ultimately it ignores the current budget landscape that our military is facing. We have to budget based on reality, instead of writing a blank check and holding onto as "much of the stuff and the training as possible" and hoping that "some miracle happens and we get money next year that we don't have now," as Chairman MCKEON put it earlier this month. As a result of this line of thinking, this legislation avoids making many tough choices at the expense of our military readiness. It is my hope that many of my objections to this legislation will be resolved in Conference with the Senate and that I will be able to support its final passage.

Mrs. WAGNER. Mr. Chair, I would like to thank Chairman MCKEON and the Members of the House Armed Services Committee for the Committee's work on the Fiscal Year 2015 National Defense Authorization Act. I support the final bill; it is crafted thoughtfully and carefully to reflect the needs of the warfighter while enjoying bipartisan support from this body. Its passage is a testament to the Committee's leadership and hard work to support our men and women in uniform.

I am particularly thankful for the support of the United States Navy's "unfunded priority" request of additional EA-18G Growlers. Early in the budget cycle, following the release of the Administration's Department of Defense budget, the Navy Chief of Naval Operations (CNO) Admiral Jonathan Greenert testified that there is a growing demand for electronic attack capabilities. Specifically, he requested 22 additional EA-18G Growlers above the President's Budget request to meet that demand.

The EA-18G Growler provides the Navy and all Department of Defense forces with the ability to control the entire electromagnetic spectrum, the only aircraft in the entire inventory with that capability. With warfare increas-

ingly operating within the cyber, information and electronic domains, there is increasing importance in not just understanding, but dominating the electromagnetic spectrum. For this reason, CNO Greenert testified why he believes that the Growler is essential to the warfighter. From the Committee's work, we also understand that the Navy is undertaking further analysis this year to determine the final requirement for the airborne electronic attack (AEA) capability.

Without additional aircraft, the EA-18G Growler manufacturing line is likely to be shuttered before the Navy can fulfill its requirements for additional electronic attack. If this scenario is allowed to occur, the Department of Defense would also lose its ability to produce F/A-18E/F Super Hornet strike fighters, which are manufactured alongside the Growler in the same production line. Such a loss would affect our Nation's ability to surge strike fighters, meet increasing demand in electronic warfare, and provide competition in tactical aviation. The Growler program has been a model defense acquisition program, meeting all of its cost targets and delivering ahead of the Navy's schedule deadlines. Moreover, the F/A-18 and EA-18G production lines support 60,000 jobs, including 13,000 jobs in my home state of Missouri.

I am pleased that the Committee included support for 5 EA-18G Growlers above the President's Budget Request. While this overall increase will not meet the Navy's total unfunded priority, it demonstrates the Committee's position that the Growler is an essential resource that our Nation requires. Further, the Committee urged the Navy to take steps to keep the manufacturing line solvent until the Department can meet the basic needs of the warfighter in electronic attack. I will continue my work with the House Appropriations Committee to ensure that the Navy receives a sufficient number of Growlers to meet its emerging requirements and keep the manufacturing line open throughout Fiscal Year 2015.

My voice is not alone in trying to support the Navy's unfunded priority for additional Growlers. The request has strong support across Congress, as evidenced by a letter circulated earlier in the year that collected 109 House signatures in support of the Growler. This is a strong showing for any program, and one that received significant bipartisan validation. That letter is attached at the conclusion of my remarks.

In closing, the Nation faces many challenges as we send our sons and daughters into harm's way to defend our freedom and liberty. The Committee's bill is always a statement about its judgment on how best to serve those warfighters. I am glad that they have made EA-18G Growlers a high priority, and I look forward to working with them over the course of Fiscal Year 2015.

Additionally, I have included a support letter for the EA-18G Growler that I authored with Representative LACY CLAY that is signed by 109 Members of Congress.



CONGRESS OF THE UNITED STATES,  
Washington, DC, April 11, 2014.

Hon. HOWARD P. "BUCK" MCKEON,  
Chairman, House Armed Services Committee,  
Washington, DC.

Hon. ADAM SMITH,  
Ranking Member, House Armed Services Com-  
mittee, Washington, DC.

Hon. RODNEY FRELINGHUYSEN,  
Chairman, House Defense Appropriations Sub-  
committee, Washington, DC.

Hon. PETER VISCLOSKEY,  
Ranking Member, House Defense Appropria-  
tions Subcommittee, Washington, DC.

GENTLEMEN: It has come to our attention the Fiscal Year 2015 Budget Request of the President does not include funding for the United States Navy F/A-18 program, which includes the EA-18G Growler. If accepted by Congress, the result would be the premature end to this critical production line.

As you know, the EA-18G Growler is the Nation's only full spectrum airborne electronic attack (AEA) and protection aircraft. It provides this capability not just for the Navy but for joint forces as well. Deploying from both Navy aircraft carriers and joint force land bases, it is recognized as a key DoD element for our Nation's warfighting capability. As the Chief of Naval Operations Admiral Jonathan Greenert has stated, control of the electromagnetic spectrum is critical to the warfighting mission today and in the future.

Analysis demonstrates that additional Growlers would increase operational mission effectiveness more than any component of the Navy's carrier air wing, now and in the future. Recognizing this, the Navy has submitted an 'unfunded priority' for 22 additional Growlers. The Growler is the only DoD option for electronic attack, and limited capacity significantly impacts mission effectiveness against current and future threats.

The Navy and other joint warfighters will not have the opportunity to fulfill an emerging requirement, however, if the F/A-18 production line is not funded in the Fiscal Year 2015 budget. Without additional aircraft, a shutdown decision will need to be made this year. To avoid this, last year Congress added \$75 million in Advanced Procurement thuds for the F/A-18 in the Fiscal Year 2014 National Defense Authorization Act (NDAA) and the Defense Appropriations Act, Fiscal Year 2014—enough for 22 aircraft.

Another critical consideration is the Nation's defense industrial base for tactical aviation. Today, there are multiple providers for tactical aviation, sophisticated tactical radars, and strike fighter engines. With the end of the F/A-18 production, however, DoD will be left with only a single manufacturer in each one of these areas. This scenario limits warfighting surge capacity, eliminates competition that drives innovation and cost control, and imperils future development programs. Moreover, the F/A-18 program supports American manufacturing, including 60,000 jobs, 800 different suppliers and vendors, and provides \$3 billion in annual economic impact.

We ask you to support the Navy's unfunded priority of 22 additional EA-18G Growlers as you consider the Fiscal Year 2015 defense bills. If Congress does not support further Growler production, we will lose the only full spectrum electronic warfare aircraft production line.

Thank you very much for your attention to this request.

Sincerely,

Ann Wagner; Blaine Luetkemeyer; Pat Meehan; Rodney Davis; Wm. Lacy Clay;

Cheri Bustos; William L. Enyart; Robert R. Brady; Doug Lamborn; Paul Cook; Frank A. LoBiondo; Jason T. Smith; Joseph R. Pitts; Chris Collins.

Niki Tsongas; Carol Shea-Porter; Corrine Brown; Gerald E. Connolly; Emanuel Cleaver; Matt Cartwright; Sam Graves; Adam Kinzinger; Billy Long; Bill Posey; Gregg Harper; Leonard Lance; Tony Cárdenas; Sheila Jackson Lee.

Grace F. Napolitano; Allyson Y. Schwartz; Grace Meng; Bennie G. Thompson; Richard L. Hanna; Steve Chabot; Peter T. King; David W. Jolly; Devin Nunes; Keith J. Rothfus; Michelle Lujan Grisham; Louise McIntosh Slaughter; Marcia L. Fudge; David Loebsack.

Daniel Lipinski; Ann M. Kuster; George Holding; Michael K. Simpson; David G. Reichert; Michele Bachmann; David G. Valadao; Steve Stivers; John F. Tierney; Alan S. Lowenthal; Rosa L. DeLauro; Rick Larsen; Bill Pascrell, Jr.; Robin L. Kelly.

Gary G. Miller; Rob Bishop; Tom Rice; Michael G. Fitzpatrick; John J. Duncan, Jr.; Cory Gardner; Sanford D. Bishop, Jr.; Colleen W. Hanabusa; Derek Kilmer; Sean Patrick Maloney; Timothy H. Bishop; Steve Israel.

Jim Bridenstine; Stevan Pearce; Jon Runyan; Scott R. Tipton; Gus M. Bilirakis; Mike Rogers; John C. Carney, Jr.; Daniel B. Maffei; Suzan K. DelBene; Tulsi Gabbard; Ann Kirkpatrick; G.K. Butterfield.

□ 2030

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Armed Services, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee print 113-44 is adopted.

The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 4435

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

(a) *SHORT TITLE.*—This Act may be cited as the "Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015".

(b) *REFERENCES.*—Any reference in this or any other Act to the "National Defense Authorization Act for Fiscal Year 2015" shall be deemed to refer to the "Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015".

#### SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) *DIVISIONS.*—This Act is organized into four divisions as follows:

(1) *Division A—Department of Defense Authorizations.*

(2) *Division B—Military Construction Authorizations.*

(3) *Division C—Department of Energy National Security Authorizations and Other Authorizations.*

(4) *Division D—Funding Tables.*

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

#### DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

##### TITLE I—PROCUREMENT

##### Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of Appropriations.

##### Subtitle B—Army Programs

Sec. 111. Limitation on availability of funds for airborne reconnaissance low aircraft.

Sec. 112. Plan on modernization of UH-60A aircraft of Army National Guard.

##### Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for Tomahawk block IV missiles.

Sec. 122. Construction of San Antonio class amphibious ship.

Sec. 123. Additional oversight requirements for the undersea mobility acquisition program of the United States Special Operations Command.

Sec. 124. Limitation on availability of funds for moored training ship program.

Sec. 125. Limitation on availability of funds for mission modules for Littoral Combat Ship.

Sec. 126. Extension of limitation on availability of funds for Littoral Combat Ship.

##### Subtitle D—Air Force Programs

Sec. 131. Prohibition on cancellation or modification of avionics modernization program for C-130 aircraft.

Sec. 132. Prohibition on availability of funds for retirement of A-10 aircraft.

Sec. 133. Limitation on availability of funds for retirement of U-2 aircraft.

Sec. 134. Limitation on availability of funds for divestment or transfer of KC-10 aircraft.

Sec. 135. Limitation on availability of funds for divestment of E-3 airborne warning and control system aircraft.

##### Subtitle E—Defense-wide, Joint, and Multiservice Matters

Sec. 141. Comptroller General report on F-35 aircraft acquisition program.

#### TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

##### Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of Appropriations.

##### Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Preliminary design review of presidential aircraft recapitalization program.

Sec. 212. Limitation on availability of funds for armored multi-purpose vehicle program.

Sec. 213. Limitation on availability of funds for unmanned carrier-launched airborne surveillance and strike system.

Sec. 214. Limitation on availability of funds for airborne reconnaissance systems.

Sec. 215. Limitation on availability of funds for weather satellite follow-on system.

Sec. 216. Limitation on availability of funds for space-based infrared systems space data exploitation.

Sec. 217. Limitation on availability of funds for hosted payload and wide field of view testbed of the space-based infrared systems.



Sec. 218. Limitation on availability of funds for protected tactical demonstration and protected military satellite communications testbed of the advanced extremely high frequency program.

*Subtitle C—Other Matters*

Sec. 221. Revision to the service requirement under the Science, Mathematics, and Research for Transformation Defense Education Program.

Sec. 222. Revision of requirement for acquisition programs to maintain defense research facility records.

Sec. 223. Modification to cost-sharing requirement for pilot program to include technology protection features during research and development of certain defense systems.

**TITLE III—OPERATION AND MAINTENANCE**

*Subtitle A—Authorization of Appropriations*

Sec. 301. Operation and maintenance funding.

*Subtitle B—Energy and Environment*

Sec. 311. Elimination of fiscal year limitation on prohibition of payment of fines and penalties from the Environmental Restoration Account, Defense.

Sec. 312. Biannual certification by commanders of the combatant commands relating to the prohibition on the disposal of waste in open-air burn pits.

Sec. 313. Exclusions from definition of “chemical substance” under Toxic Substances Control Act and report on lead ammunition.

Sec. 314. Exemption of Department of Defense from alternative fuel procurement requirement.

Sec. 315. Congressional notice of bulk purchase of alternative fuels for operational use.

Sec. 316. Limitation on procurement of biofuels.

Sec. 317. Limitation on plan, design, refurbishing, or construction of biofuels refineries.

*Subtitle C—Logistics and Sustainment*

Sec. 321. Additional requirement for strategic policy on prepositioning of materiel and equipment.

Sec. 322. Comptroller General reports on Department of Defense prepositioning strategic policy and plan for prepositioned stocks.

Sec. 323. Pilot program on provision of logistic support for the conveyance of excess defense articles to allied forces.

*Subtitle D—Reports*

Sec. 331. Repeal of annual report on Department of Defense operation and financial support for military museums.

Sec. 332. Report on enduring requirements and activities currently funded through amounts authorized to be appropriated for overseas contingency operations.

Sec. 333. Army assessment of the regionally aligned force.

Sec. 334. Report on impacts of funding reductions on military readiness.

*Subtitle E—Limitations and Extensions of Authority*

Sec. 341. Limitation on authority to enter into a contract for the sustainment, maintenance, repair, or overhaul of the F117 engine.

*Subtitle F—Other Matters*

Sec. 351. Clarification of authority relating to provision of installation-support services through intergovernmental support agreements.

Sec. 352. Sense of Congress on access to training ranges within United States Pacific Command area of responsibility.

Sec. 353. Management of conventional ammunition inventory.

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

*Subtitle A—Active Forces*

Sec. 401. End strengths for active forces.

Sec. 402. Revisions in permanent active duty end strength minimum levels.

*Subtitle B—Reserve Forces*

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for reserves on active duty in support of the reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2015 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

*Subtitle C—Authorization of Appropriations*

Sec. 421. Military personnel.

**TITLE V—MILITARY PERSONNEL POLICY**

*Subtitle A—Officer Personnel Policy Generally*

Sec. 501. Authority to limit consideration for early retirement by selective retirement boards to particular warrant officer year groups and specialties.

Sec. 502. Relief from limits on percentage of officers who may be recommended for discharge during a fiscal year using enhanced authority for selective early discharges.

Sec. 503. Repeal of requirement for submission to Congress of annual reports on joint officer management and promotion policy objectives for joint officers.

Sec. 504. Options for Phase II of joint professional military education.

Sec. 505. Limitation on number of enlisted aides authorized for officers of the Army, Navy, Air Force, and Marine Corps.

Sec. 506. Required consideration of certain elements of command climate in performance appraisals of commanding officers.

*Subtitle B—Reserve Component Personnel Management*

Sec. 511. Retention on the reserve active-status list following nonselection for promotion of certain health professions officers and first lieutenants and lieutenants (junior grade) pursuing baccalaureate degrees.

Sec. 512. Chief of the National Guard Bureau role in assignment of Directors and Deputy Directors of the Army and Air National Guards.

Sec. 513. National Guard civil and defense support activities and related matters.

*Subtitle C—General Service Authorities*

Sec. 521. Procedures for judicial review of military personnel decisions relating to correction of military records.

Sec. 522. Additional required elements of Transition Assistance Program.

Sec. 523. Extension of authority to conduct career flexibility programs.

Sec. 524. Provision of information to members of the Armed Forces on privacy rights relating to receipt of mental health services.

Sec. 525. Protection of the religious freedom of military chaplains to close a prayer outside of a religious service according to the traditions, expressions, and religious exercises of the endorsing faith group.

Sec. 526. Department of Defense Senior Advisor on Professionalism.

Sec. 527. Removal of artificial barriers to the service of women in the Armed Forces.

*Subtitle D—Military Justice, Including Sexual Assault and Domestic Violence Prevention and Response*

Sec. 531. Improved Department of Defense information reporting and collection of domestic violence incidents involving members of the Armed Forces.

Sec. 532. Additional duty for judicial proceedings panel regarding use of mental health records by defense during preliminary hearing and court-martial proceedings.

Sec. 533. Applicability of sexual assault prevention and response and related military justice enhancements to military service academies.

Sec. 534. Consultation with victims of sexual assault regarding victims' preference for prosecution of offense by court-martial or civilian court.

Sec. 535. Enforcement of crime victims' rights related to protections afforded by certain Military Rules of Evidence.

Sec. 536. Minimum confinement period required for conviction of certain sex-related offenses committed by members of the Armed Forces.

Sec. 537. Modification of Military Rules of Evidence relating to admissibility of general military character toward probability of innocence.

Sec. 538. Confidential review of characterization of terms of discharge of members of the Armed Forces who are victims of sexual offenses.

Sec. 539. Consistent application of rules of privilege afforded under the Military Rules of Evidence.

*Subtitle E—Military Family Readiness*

Sec. 545. Earlier determination of dependent status with respect to transitional compensation for dependents of members separated for dependent abuse.

Sec. 546. Improved consistency in data collection and reporting in Armed Forces suicide prevention efforts.

Sec. 547. Protection of child custody arrangements for parents who are members of the Armed Forces.

*Subtitle F—Education and Training Opportunities*

Sec. 551. Authorized duration of foreign and cultural exchange activities at military service academies.

Sec. 552. Pilot program to assist members of the Armed Forces in obtaining post-service employment.

*Subtitle G—Defense Dependents' Education*

Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 562. Authority to employ non-United States citizens as teachers in Department of Defense overseas dependents' school system.

Sec. 563. Expansion of functions of the Advisory Council on Dependents' Education to include domestic dependent elementary and secondary schools.

Sec. 564. Support for efforts to improve academic achievement and transition of military dependent students.

Sec. 565. Amendments to the Impact Aid Improvement Act of 2012.

#### Subtitle H—Decorations and Awards

Sec. 571. Medals for members of the Armed Forces and civilian employees of the Department of Defense who were killed or wounded in an attack inspired or motivated by a foreign terrorist organization.

Sec. 572. Retroactive award of Army Combat Action Badge.

Sec. 573. Report on Navy review, findings, and actions pertaining to Medal of Honor nomination of Marine Corps Sergeant Rafael Peralta.

#### Subtitle I—Miscellaneous Reporting Requirements

Sec. 581. Secretary of Defense review and report on prevention of suicide among members of United States Special Operations Forces.

Sec. 582. Inspector General of the Department of Defense review of separation of members of the Armed Forces who made unrestricted reports of sexual assault.

Sec. 583. Comptroller General report regarding management of personnel records of members of the National Guard.

Sec. 584. Study on gender integration in defense operation planning and execution.

Sec. 585. Deadline for submission of report containing results of review of Office of Diversity Management and Equal Opportunity role in sexual harassment cases.

#### Subtitle J—Other Matters

Sec. 591. Inspection of outpatient residential facilities occupied by recovering service members.

Sec. 592. Working Group on Integrated Disability Evaluation System.

Sec. 593. Sense of Congress regarding fulfilling promise to leave no member of the Armed Forces unaccounted in Afghanistan.

### TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

#### Subtitle A—Pay and Allowances

Sec. 601. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.

Sec. 602. No fiscal year 2015 increase in basic pay for general and flag officers.

#### Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.

#### Subtitle C—Travel and Transportation

Sec. 621. Authority to enter into contracts for the provision of relocation services.

#### Subtitle D—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 631. Authority of nonappropriated fund instrumentalities to enter into contracts with other Federal agencies and instrumentalities to provide and obtain certain goods and services.

Sec. 632. Review of management, food, and pricing options for defense commissary system.

Sec. 633. Restriction on implementing any new Department of Defense policy to limit, restrict, or ban the sale of certain items on military installations.

#### Subtitle E—Other Matters

Sec. 641. Anonymous survey of members of the Armed Forces regarding their preferences for military pay and benefits.

### TITLE VII—HEALTH CARE PROVISIONS

#### Subtitle A—TRICARE and Other Health Care Benefits

Sec. 701. Mental health assessments for members of the Armed Forces.

Sec. 702. Clarification of provision of food to former members and dependents not receiving inpatient care in military medical treatment facilities.

#### Subtitle B—Health Care Administration

Sec. 711. Cooperative health care agreements between the military departments and non-military health care entities.

Sec. 712. Surveys on continued viability of TRICARE Standard and TRICARE Extra.

Sec. 713. Limitation on transfer or elimination of graduate medical education billets.

Sec. 714. Review of military health system modernization study.

#### Subtitle C—Reports and Other Matters

Sec. 721. Extension of authority for joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.

Sec. 722. Designation and responsibilities of senior medical advisor for Armed Forces Retirement Home.

Sec. 723. Research regarding Alzheimer's disease.

Sec. 724. Acquisition strategy for health care professional staffing services.

Sec. 725. Pilot program on medication therapy management under TRICARE program.

Sec. 726. Report on reduction of Prime Service Areas.

Sec. 727. Comptroller General report on transition of care for post-traumatic stress disorder or traumatic brain injury.

Sec. 728. Briefing on hospitals in arrears in payments to Department of Defense.

### TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

#### Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 801. Extension to United States Transportation Command of authorities relating to prohibition on contracting with the enemy.

Sec. 802. Extension of contract authority for advanced component development or prototype units.

Sec. 803. Amendment relating to authority of the Defense Advanced Research Projects Agency to carry out certain prototype projects.

Sec. 804. Extension of limitation on aggregate annual amount available for contract services.

#### Subtitle B—Industrial Base Matters

Sec. 811. Three-year extension of and amendments to test program for negotiation of comprehensive small business subcontracting plans.

Sec. 812. Improving opportunities for service-disabled veteran-owned small businesses.

Sec. 813. Plan for improving data on bundled and consolidated contracts.

Sec. 814. Authority to provide education to small businesses on certain requirements of Arms Export Control Act.

Sec. 815. Prohibition on reverse auctions for covered contracts.

Sec. 816. SBA surety bond guarantee.

#### Subtitle C—Other Matters

Sec. 821. Certification of effectiveness for Air Force information technology contracting.

Sec. 822. Airlift service.

Sec. 823. Compliance with requirements for senior Department of Defense officials seeking employment with defense contractors.

Sec. 824. Procurement of personal protective equipment.

Sec. 825. Prohibition on funds for contracts violating Executive Order No. 11246.

Sec. 826. Requirement for policies and standard checklist in procurement of services.

### TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

#### Subtitle A—Department of Defense Management

Sec. 901. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.

Sec. 902. Additional responsibility for Director of Operational Test and Evaluation.

Sec. 903. Assistant Secretary of Defense for Installations and Environment.

Sec. 904. Requirement for congressional briefing before divesting of Defense Finance and Accounting Service functions.

Sec. 905. Combatant command efficiency plan.

Sec. 906. Requirement for plan to reduce geographic combatant commands to four by fiscal year 2020.

Sec. 907. Office of Net Assessment.

Sec. 908. Amendments relating to organization and management of the Office of the Secretary of Defense.

Sec. 909. Periodic review of Department of Defense management headquarters.

#### Subtitle B—Total Force Management

Sec. 911. Modifications to biennial strategic workforce plan relating to senior management, functional, and technical workforce of the Department of Defense.

Sec. 912. Repeal of extension of Comptroller General report on inventory.

Sec. 913. Assignment of certain new requirements based on determinations of cost-efficiency.

Sec. 914. Prohibition on conversion of functions performed by civilian or contractor personnel to performance by military personnel.

Sec. 915. Notification of compliance with section relating to procurement of services.

#### Subtitle C—Other Matters

Sec. 921. Extension of authority to waive reimbursement of costs of activities for nongovernmental personnel at Department of Defense regional centers for security studies.

Sec. 922. Authority to require employees of the Department of Defense and Members of the Army, Navy, Air Force, and Marine Corps to occupy quarters on a rental basis while performing official travel.

Sec. 923. Single standard mileage reimbursement rate for privately owned automobiles of Government employees and members of the uniformed services.

### TITLE X—GENERAL PROVISIONS

#### Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. Repeal of limitation on Inspector General audits of certain financial statements.

Sec. 1003. Authority to transfer funds to the National Nuclear Security Administration to sustain nuclear weapons modernization and naval reactors.

Sec. 1004. Management of Defense information technology systems.

#### Subtitle B—Counter-Drug Activities

Sec. 1011. Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia.

Sec. 1012. Three-year extension of authority of Department of Defense to provide additional support for counterdrug activities of other governmental agencies.

Sec. 1013. Submittal of biannual reports on use of funds in the drug interdiction and counter-drug activities, defense-wide account on the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Sec. 1014. National Guard drug interdiction and counter-drug activities.

Sec. 1015. Sense of Congress on Mexico and Central America.

#### Subtitle C—Naval Vessels and Shipyards

Sec. 1021. Definition of combatant and support vessel for purposes of the annual plan and certification relating to budgeting for construction of naval vessels.

Sec. 1022. National Sea-Based Deterrence Fund.

Sec. 1023. Elimination of requirement that a qualified aviator or naval flight officer be in command of an inactivated nuclear-powered aircraft carrier before decommissioning.

Sec. 1024. Limitation on expenditure of funds until commencement of planning of refueling and complex overhaul of the U.S.S. George Washington.

Sec. 1025. Sense of Congress recognizing the anniversary of the sinking of U.S.S. Thresher.

Sec. 1026. Availability of funds for retirement or inactivation of Ticonderoga class cruisers or dock landing ships.

#### Subtitle D—Counterterrorism

Sec. 1031. Extension of authority to make rewards for combating terrorism.

Sec. 1032. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

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#### **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

In this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

##### **DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

##### **TITLE I—PROCUREMENT**

###### **Subtitle A—Authorization of Appropriations**

##### **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2015 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

###### **Subtitle B—Army Programs**

##### **SEC. 111. LIMITATION ON AVAILABILITY OF FUNDS FOR AIRBORNE RECONNAISSANCE LOW AIRCRAFT.**

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for aircraft procurement, Army, for the modernization of the communications intelligence subsystem of airborne reconnaissance low aircraft may be obligated or expended until the Secretary of the Army submits to the congressional defense committees a report that—

(1) specifies which such subsystem will be used to modernize such aircraft;

(2) explains how such subsystem was selected;

(3) identifies the alternatives to such subsystem that the Secretary considered during such selection; and

(4) details how such subsystem will be integrated into the signals intelligence modernization plan of the Army.

##### **SEC. 112. PLAN ON MODERNIZATION OF UH-60A AIRCRAFT OF ARMY NATIONAL GUARD.**

(a) PLAN.—Not later than March 15, 2015, the Secretary of the Army shall submit to the con-

gressional defense committees a prioritized plan for modernizing the entire fleet of UH-60A aircraft of the Army National Guard.

(b) ADDITIONAL ELEMENTS.—The plan under subsection (a) shall set forth the following:

(1) A detailed timeline for the modernization of the entire fleet of UH-60A aircraft of the Army National Guard.

(2) The number of UH-60L, UH-60L Digital, and UH-60M aircraft that the Army National Guard will possess upon completion of such modernization plan.

(3) The cost, by year, associated with such modernization plan.

###### **Subtitle C—Navy Programs**

##### **SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR TOMAHAWK BLOCK IV MISSILES.**

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

(1) IN GENERAL.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts for a period of not more than five years, beginning with the fiscal year 2015 program year, for the procurement of Tomahawk block IV missiles.

(2) SUBMISSION OF WRITTEN CERTIFICATION BY SECRETARY OF DEFENSE.—For purposes of carrying out subsection (i)(1) of such section 2306b with respect to a contract entered into under paragraph (1), the Secretary shall substitute “the date that is 45 days before the date on which the Secretary enters into a contract under section 121 of the Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015” for “March 1 of the year in which the Secretary requests legislative authority to enter into such contract”.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2015 is subject to the availability of appropriations for that purpose for such later fiscal year.

##### **SEC. 122. CONSTRUCTION OF SAN ANTONIO CLASS AMPHIBIOUS SHIP.**

(a) IN GENERAL.—The Secretary of the Navy may enter into a contract beginning with the fiscal year 2015 program year for the procurement of one San Antonio class amphibious ship. The Secretary may employ incremental funding for such procurement.

(b) CONDITION ON OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2015 is subject to the availability of appropriations for that purpose for such fiscal year.

##### **SEC. 123. ADDITIONAL OVERSIGHT REQUIREMENTS FOR THE UNDERSEA MOBILITY ACQUISITION PROGRAM OF THE UNITED STATES SPECIAL OPERATIONS COMMAND.**

(a) LIMITATION ON MILESTONE B DECISION.—The Commander of the United States Special Operations Command may not make any Milestone B acquisition decisions with respect to a covered element unless—

(1) the Commander has submitted to the congressional defense committees the transition plan under subsection (b)(2);

(2) the Under Secretary of Defense for Acquisition, Technology, and Logistics has submitted to such committees the certification under subsection (c)(1); and

(3) the Secretary of the Navy has completed the review under subsection (d)(1).

###### **(b) TRANSITION PLAN.—**

(1) IN GENERAL.—The Commander shall develop a transition plan for undersea mobility capabilities that includes the following:

(A) A description of the current capabilities provided by covered elements as of the date of the plan.

(B) An identification and description of the requirements of the Commander for future undersea mobility platforms.

(C) An identification of resources necessary to fulfill the requirements identified in subparagraph (B).

(D) A description of the technology readiness levels of any covered element currently under development as of the date of the plan.

(E) An identification of any potential gaps or projected shortfall in capability, along with steps to mitigate any such gap or shortfall.

(F) Any other matters the Commander determines appropriate.

(2) **SUBMISSION.**—The Commander shall submit to the congressional defense committees the transition plan under paragraph (1).

(c) **CERTIFICATION.**—

(1) **IN GENERAL.**—Except as provided by paragraph (2), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify an acquisition strategy for covered elements developed by the Commander if such strategy—

(A) is based on reasonable cost and schedule estimates to execute the product development and production plan;

(B) the technology in the program has been demonstrated in a relevant environment; and

(C) the program complies with all relevant policies, regulations, and directives of the Secretary of Defense.

(2) **WAIVER.**—The Secretary of Defense may waive the certification requirement in paragraph (1) if the Secretary—

(A) determines that such certification is not in the interests of the United States; and

(B) notifies the congressional defense committees of such determination, including justifications for making the waiver.

(d) **REVIEW.**—The Secretary of the Navy shall—

(1) review the transition plan under subsection (b)(1) and the acquisition strategy described in subsection (c)(1); and

(2) ensure that the development of requirements for the Navy and the acquisition plans of the Navy take into account such transition plan and acquisition strategy.

(e) **DEFINITIONS.**—In this section:

(1) The term “covered element” means any of the following elements of the undersea mobility acquisition program of the United States Special Operations Command:

(A) The dry combat submersible-light program.

(B) The dry combat submersible-medium program.

(C) The next-generation submarine shelter program.

(D) Any new dry combat submersible developed under the undersea mobility acquisition program of the United States Special Operations Command after the date of the enactment of this Act.

(2) The term “Milestone B approval” has the meaning given that term in section 2366(e) of title 10, United States Code.

(f) **CONFORMING REPEAL.**—Section 144 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1325) is repealed.

**SEC. 124. LIMITATION ON AVAILABILITY OF FUNDS FOR MOORED TRAINING SHIP PROGRAM.**

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for shipbuilding and construction, Navy, for design, conversion, modification, or construction relating to the moored training ship program of the Navy, not more than 80 percent may be obligated or expended until a period of 30 days has elapsed following the date on which the Secretary of Defense certifies to the congressional defense committees that—

(1) the Chairman of the Joint Requirements Oversight Council has reviewed and approved the need for two additional moored training ships;

(2) the Director of Cost Assessment and Program Evaluation has reviewed and certified the cost estimates of the moored training ship program; and

(3) the Under Secretary of Defense for Acquisition, Technology, and Logistics has reviewed and approved the budget, schedule, and construction plans for such two additional moored training ships.

**SEC. 125. LIMITATION ON AVAILABILITY OF FUNDS FOR MISSION MODULES FOR LITTORAL COMBAT SHIP.**

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the procurement of additional mission modules for the Littoral Combat Ship program may be obligated or expended until the Secretary of the Navy submits to the congressional defense committees each of the following:

(1) The Milestone B program goals for cost, schedule, and performance for each increment.

(2) Certification by the Director of Operational Test and Evaluation with respect to the total number for each module type that is required to perform all necessary operational testing.

**SEC. 126. EXTENSION OF LIMITATION ON AVAILABILITY OF FUNDS FOR LITTORAL COMBAT SHIP.**

Section 124(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 693) is amended by striking “this Act or otherwise made available for fiscal year 2014” and inserting “this Act, the Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015, or otherwise made available for fiscal years 2014 or 2015”.

**Subtitle D—Air Force Programs**

**SEC. 131. PROHIBITION ON CANCELLATION OR MODIFICATION OF AVIONICS MODERNIZATION PROGRAM FOR C-130 AIRCRAFT.**

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the Air Force may be used to—

(1) take any action to cancel or modify the avionics modernization program of record for C-130 aircraft; or

(2) initiate an alternative communication, navigation, surveillance, and air traffic management program for C-130 aircraft that is designed or intended to replace the avionics modernization program described in paragraph (1).

(b) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for operation and maintenance for the Office of the Secretary of the Air Force, not more than 75 percent may be obligated or expended until a period of 15 days has elapsed following the date on which the Secretary of the Air Force certifies to the congressional defense committees that the Secretary has obligated the funds authorized to be appropriated or otherwise made available for fiscal years prior to fiscal year 2015 for the avionics modernization program of record for C-130 aircraft.

**SEC. 132. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF A-10 AIRCRAFT.**

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the Department of Defense may be obligated or expended to retire A-10 aircraft.

(b) **COMPTROLLER GENERAL STUDY.**—

(1) **STUDY.**—The Comptroller General of the United States shall conduct a study evaluating

the platforms of the Air Force used, as of the date of the study, to conduct close air support missions.

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the study under paragraph (1), including—

(A) the cost per airframe carrying out the close air support missions described in such paragraph;

(B) the capabilities of each platform evaluated under such study; and

(C) a determination by the Comptroller General with respect to whether such airframes other than A-10 aircraft are able to successfully carry out such close air support missions.

**SEC. 133. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF U-2 AIRCRAFT.**

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the Department of Defense may be obligated or expended to make significant changes to retire, prepare to retire, or place in storage U-2 aircraft.

**SEC. 134. LIMITATION ON AVAILABILITY OF FUNDS FOR DIVESTMENT OR TRANSFER OF KC-10 AIRCRAFT.**

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the Air Force may be obligated or expended during such fiscal year to divest or transfer, or prepare to divest or transfer, KC-10 aircraft.

**SEC. 135. LIMITATION ON AVAILABILITY OF FUNDS FOR DIVESTMENT OF E-3 AIRBORNE WARNING AND CONTROL SYSTEM AIRCRAFT.**

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the Department of Defense may be obligated or expended to divest more than four E-3 airborne warning and control system aircraft, or disestablish any units of the active or reserve components associated with such aircraft, until a period of 15 days has elapsed following the date on which the Secretary of the Air Force submits to the congressional defense committees a report consisting of—

(1) a certification that the Secretary is able to meet all priority requirements of the commanders of the combatant commands relating to such aircraft with a planned force of 24 such aircraft; and

(2) a detailed explanation how the Secretary will meet such requirements with such planned force.

**Subtitle E—Defense-wide, Joint, and Multiservice Matters**

**SEC. 141. COMPTROLLER GENERAL REPORT ON F-35 AIRCRAFT ACQUISITION PROGRAM.**

(a) **ANNUAL REPORT.**—Not later than April 15, 2015, and each year thereafter until the F-35 aircraft acquisition program enters into full-rate production, the Comptroller General of the United States shall submit to the congressional defense committees a report reviewing such program.

(b) **MATTERS INCLUDED.**—Each report under subsection (a) shall include the following:

(1) The extent to which the F-35 aircraft acquisition program is meeting cost, schedule, and performance goals.

(2) The progress and results of developmental and operational testing.

(3) The progress of the procurement and manufacturing of F-35 aircraft.

(4) An assessment of any plans or efforts of the Secretary of Defense to improve the efficiency of the procurement and manufacturing of F-35 aircraft.



## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### Subtitle A—Authorization of Appropriations

#### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2015 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

### Subtitle B—Program Requirements, Restrictions, and Limitations

#### SEC. 211. PRELIMINARY DESIGN REVIEW OF PRESIDENTIAL AIRCRAFT RECAPITALIZATION PROGRAM.

The milestone decision authority (as defined in section 2366b(g) of title 10, United States Code) may not make a waiver under section 2366b(d) of title 10, United States Code, with respect to the presidential aircraft recapitalization program of the Air Force.

#### SEC. 212. LIMITATION ON AVAILABILITY OF FUNDS FOR ARMORED MULTI-PURPOSE VEHICLE PROGRAM.

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for research, development, test, and evaluation, Army, for the armored multi-purpose vehicle program, not more than 80 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees the report under subsection (b)(1).

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than March 1, 2015, the Secretary of the Army shall submit to the congressional defense committee a report on the armored multi-purpose vehicle program.

(2) **MATTERS INCLUDED.**—The report under paragraph (1) shall include the following:

(A) An identification of the existing capability gaps of the M-113 family of vehicles assigned, as of the date of the report, to units outside of combat brigades.

(B) An identification of the mission roles that are in common between—

(i) such vehicles assigned to units outside of combat brigades; and

(ii) the vehicles examined in the armor brigade combat team during the armored multi-purpose vehicle analysis of alternatives.

(C) The estimated timeline and the rough order of magnitude of funding requirements associated with complete M-113 family of vehicles divestiture within the units outside of combat brigades and the risk associated with delaying the replacement of such vehicles.

(D) A description of the requirements for force protection, mobility, and size, weight, power, and cooling capacity for the mission roles of M-113 family of vehicles assigned to units outside of combat brigades.

(E) A discussion of the mission roles of the M-113 family of vehicles assigned to units outside of combat brigades that are comparable to the mission roles of the M-113 family of vehicles assigned to armor brigade combat teams.

(F) A discussion of whether a one-for-one replacement of the M-113 family of vehicles assigned to units outside of combat brigades is likely.

(G) With respect to mission roles, a discussion of any substantive distinctions that exist in the capabilities of the M-113 family of vehicles that are needed based on the level of the unit to which the vehicle is assigned (not including combat brigades).

(H) A discussion of the relative priority of fielding among the mission roles.

(I) An assessment for the feasibility of incorporating medical wheeled variants within the armor brigade combat teams.

#### SEC. 213. LIMITATION ON AVAILABILITY OF FUNDS FOR UNMANNED CARRIER-LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE SYSTEM.

(a) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for research, development, test, and evaluation, Navy, for the unmanned carrier-launched airborne surveillance and strike system may be obligated or expended to award a contract for air vehicle segment development until a period of 15 days has elapsed following the date on which the Secretary of Defense submits the report under subsection (b).

(b) **REPORT.**—Not later than December 31, 2014, the Secretary of Defense shall submit to the congressional defense committees a report that—

(1) certifies that a review of the requirements for air vehicle segments of the unmanned carrier-launched surveillance and strike system is complete; and

(2) includes the results of such review.

#### SEC. 214. LIMITATION ON AVAILABILITY OF FUNDS FOR AIRBORNE RECONNAISSANCE SYSTEMS.

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for research, development, test, and evaluation, Air Force, for imaging and targeting support of airborne reconnaissance systems, not more than 25 percent may be obligated or expended until the date on which the Secretary of the Air Force submits to the appropriate congressional committees—

(1) a detailed plan regarding using such funds for such purpose during fiscal year 2015; and

(2) a strategic plan for the funding of advanced airborne reconnaissance technologies supporting manned and unmanned systems.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

#### SEC. 215. LIMITATION ON AVAILABILITY OF FUNDS FOR WEATHER SATELLITE FOLLOW-ON SYSTEM.

(a) **MANIFEST.**—The Secretary of the Air Force shall—

(1) place the last remaining satellite of the defense meteorological satellite program on the launch manifest for the evolved expendable launch vehicle program; and

(2) establish an additional launch, for acquisition during fiscal year 2015, under the evolved expendable launch vehicle program using full and open competition among certified providers.

(b) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for research, development, test, and evaluation, Air Force, for the weather satellite follow-on system, not more than 25 percent may be obligated or expended until the date on which the Secretary of the Air Force submits to the congressional defense committees the plan under subsection (c).

(c) **PLAN REQUIRED.**—The Secretary of the Air Force shall develop a plan to meet the meteorological and oceanographic collection requirements of the Joint Requirements Oversight Council. The plan shall include the following:

(1) How the Secretary will launch and use existing assets of the defense meteorological satellite program.

(2) How the Secretary will use other sources of data, such as civil, commercial satellite weather data, and international partnerships, to meet such requirements.

(3) An explanation of the relevant costs and schedule.

(4) The requirements of the weather satellite follow-on system.

#### SEC. 216. LIMITATION ON AVAILABILITY OF FUNDS FOR SPACE-BASED INFRARED SYSTEMS SPACE DATA EXPLOITATION.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for research, development, test, and evaluation, Air Force, for data exploitation under the space-based infrared systems, not more than 50 percent may be obligated or expended until the date on which the Secretary of the Air Force submits to the congressional defense committees certification that—

(1) such funds will be used in support of data exploitation of the current space-based infrared systems program of record, including the scanning and staring sensor; or

(2) the data from such program of record, including such scanning and staring sensor, is being fully exploited and no further efforts are warranted.

#### SEC. 217. LIMITATION ON AVAILABILITY OF FUNDS FOR HOSTED PAYLOAD AND WIDE FIELD OF VIEW TESTBED OF THE SPACE-BASED INFRARED SYSTEMS.

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for research, development, test, and evaluation, Air Force, for the hosted payload and wide field of view testbed of the space-based infrared systems program, not more than 50 percent may be obligated or expended on alternative approaches to the program of record of such program until—

(1) the completion of the ongoing analysis of alternatives for such program of record; and

(2) a period of 60 days has elapsed following the date on which the Secretary of the Air Force and the Commander of the United States Strategic Command jointly provide to the appropriate congressional committees a briefing on the findings and recommendations of the Secretary and Commander under such analysis of alternatives, including the cost evaluation of the Director of Cost Assessment and Program Evaluation.

(b) **EXCEPTION.**—The limitation in subsection (a) shall not apply to efforts to examine and develop technology insertion opportunities for the program of record specified in subsection (a).

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Select Committee on Intelligence of the Senate.

#### SEC. 218. LIMITATION ON AVAILABILITY OF FUNDS FOR PROTECTED TACTICAL DEMONSTRATION AND PROTECTED MILITARY SATELLITE COMMUNICATIONS TESTBED OF THE ADVANCED EXTREMELY HIGH FREQUENCY PROGRAM.

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for research, development, test, and evaluation, Air Force, for the protected tactical demonstration and protected military satellite communications testbed of the advanced extremely high frequency program, not more than 50 percent may be obligated or expended on alternative approaches to the program of record for such program until—

(1) the completion of the ongoing analysis of alternatives for such program of record; and

(2) a period of 60 days has elapsed following the date on which the Secretary of the Air Force and the Commander of the United States Strategic Command jointly provide to the congressional defense committees a briefing on the findings and recommendations of the Secretary and Commander under such analysis of alternatives,

including the cost evaluation of the Director of Cost Assessment and Program Evaluation.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to efforts to examine and develop technology insertion opportunities for the program of record specified in subsection (a).

#### Subtitle C—Other Matters

#### SEC. 221. REVISION TO THE SERVICE REQUIREMENT UNDER THE SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION DEFENSE EDUCATION PROGRAM.

Subparagraph (B) of section 2192a(c)(1) of title 10, United States Code, is amended to read as follows:

“(B) in the case of a person not an employee of the Department of Defense, the person shall enter into a written agreement to accept and continue employment for the period of obligated service determined under paragraph (2)—

“(i) with the Department of Defense; or

“(ii) with a public or private entity or organization outside the Department if the Secretary of Defense determines that employment of the person with such entity or organization for the purpose of such obligated service would provide a benefit to the Department.”.

#### SEC. 222. REVISION OF REQUIREMENT FOR ACQUISITION PROGRAMS TO MAINTAIN DEFENSE RESEARCH FACILITY RECORDS.

(a) REVISION OF FUNCTIONS OF DEFENSE RESEARCH FACILITIES.—Subsection (b) of section 2364 of title 10, United States Code, is amended—

(1) in paragraph (3), by adding “and” after the semicolon;

(2) in paragraph (4)—

(A) by adding “and issue” between “position” and “papers”;

(B) by striking “combatant commands” and inserting “components of the Department of Defense”; and

(C) by striking “; and” and inserting a period; and

(3) by striking paragraph (5).

(b) DEFINITIONS.—Subsection (c) of such section is amended to read as follows:

“(c) DEFENSE RESEARCH FACILITY DEFINED.—In this section, the term ‘defense research facility’ means a Department of Defense facility which performs or contracts for the performance of—

“(1) basic research; or

“(2) applied research known as exploratory development.”.

#### SEC. 223. MODIFICATION TO COST-SHARING REQUIREMENT FOR PILOT PROGRAM TO INCLUDE TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF CERTAIN DEFENSE SYSTEMS.

Section 243(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2358 note) is amended in the matter following paragraph (2) by striking “at least one-half of the cost of such activities” and inserting “an appropriate share of the cost of such activities, as determined by the Secretary”.

### TITLE III—OPERATION AND MAINTENANCE

#### Subtitle A—Authorization of Appropriations

#### SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2015 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

#### Subtitle B—Energy and Environment

#### SEC. 311. ELIMINATION OF FISCAL YEAR LIMITATION ON PROHIBITION OF PAYMENT OF FINES AND PENALTIES FROM THE ENVIRONMENTAL RESTORATION ACCOUNT, DEFENSE.

Section 2703(f) of title 10, United States Code, is amended—

(1) by striking “for fiscal years 1995 through 2010,”; and

(2) by striking “for fiscal years 1997 through 2010”.

#### SEC. 312. BIENNIAL CERTIFICATION BY COMMANDERS OF THE COMBATANT COMMANDS RELATING TO THE PROHIBITION ON THE DISPOSAL OF WASTE IN OPEN-AIR BURN PITS.

Paragraph (2) of subsection (a) of section 317 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C. 2701 note) is amended to read as follows:

“(2) COMPLIANCE.—

“(A) CERTIFICATION OF COMPLIANCE.—Except as provided under subparagraph (B), the commander of each combatant command that is engaged in a contingency operation shall submit to the Committees on Armed Services of the Senate and House of Representatives biannual certifications that covered waste under the jurisdiction of the commander has not been disposed of in violation of the regulations prescribed pursuant to paragraph (1) during the period covered by the certification.

“(B) NOTICE OF NONCOMPLIANCE.—If a commander determines that certification cannot be made under subparagraph (A) because, with respect to covered waste under the jurisdiction of the commander, no alternative disposal method was feasible for an open-air burn pit pursuant to regulations prescribed under paragraph (1), the commander shall notify the Secretary of Defense of such determination and the Secretary shall—

“(i) not later than 30 days after such determination is made, submit to the Committees on Armed Services of the Senate and House of Representatives notice of such determination, including the circumstances, reasoning, and methodology that led to such determination; and

“(ii) after notice is given under clause (i), for each subsequent 180-day-period during which covered waste is disposed of in the open-air burn pit covered by such notice, submit to the Committees on Armed Services of the Senate and House of Representatives the justifications of the Secretary for continuing to operate such open-air burn pit.”.

#### SEC. 313. EXCLUSIONS FROM DEFINITION OF “CHEMICAL SUBSTANCE” UNDER TOXIC SUBSTANCES CONTROL ACT AND REPORT ON LEAD AMMUNITION.

(a) IN GENERAL.—Section 3(2)(B)(v) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)(v)) is amended by striking “, and” and inserting “and any component of such an article (including, without limitation, shot, bullets and other projectiles, propellants when manufactured for or used in such an article, and primers), and”.

(b) ASSESSMENT AND REPORT.—Not later than September 30, 2015, the Secretary of the Army, in consultation with the Secretaries of the other military departments, shall submit to the congressional defense committees a report containing the results of an assessment conducted by the Secretary of each of the following:

(1) The total costs associated with the procurement of non-lead alternatives for small arms, broken down by type.

(2) The total costs associated with the qualification of non-lead alternatives for small arms, broken down by type.

(3) An assessment of the extent to which non-lead variants of ammunition exist for small arms, and to the extent such variants exist, the

extent to which such variants meet service requirements and specifications.

#### SEC. 314. EXEMPTION OF DEPARTMENT OF DEFENSE FROM ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142) is amended by adding at the end the following: “This section shall not apply to the Department of Defense.”.

#### SEC. 315. CONGRESSIONAL NOTICE OF BULK PURCHASE OF ALTERNATIVE FUELS FOR OPERATIONAL USE.

Not later than 60 days before making a bulk purchase of alternative fuels intended for operational use, the Secretary of Defense shall submit to the congressional defense committees notice of the intent to make such a purchase. Such notice shall include the total quantity of fuel, the cost, and the type of funding intended to be used to make the purchase.

#### SEC. 316. LIMITATION ON PROCUREMENT OF BIOFUELS.

(a) IN GENERAL.—Except as provided in subsection (b), none of the amounts authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be used to purchase or produce biofuels until the earlier of the following dates:

(1) The date on which the cost of the biofuel is equal to the cost of conventional fuels purchased by the Department.

(2) The date on which the Budget Control Act of 2011 (Public Law 112-25), and the sequestration in effect by reason of such Act, are no longer in effect.

(b) EXCEPTIONS.—The limitation under subsection (a) shall not apply to biofuels purchased—

(1) in limited quantities necessary to complete test and certification; or

(2) for the biofuel research and development efforts of the Department.

#### SEC. 317. LIMITATION ON PLAN, DESIGN, REFURBISHING, OR CONSTRUCTION OF BIOFUELS REFINERIES.

The Secretary of Defense may not enter into a contract for the planning, design, refurbishing, or construction of a biofuels refinery any other facility or infrastructure used to refine biofuels unless such planning, design, refurbishing, or construction is specifically authorized by law.

#### Subtitle C—Logistics and Sustainment

#### SEC. 321. ADDITIONAL REQUIREMENT FOR STRATEGIC POLICY ON PREPOSITIONING OF MATERIEL AND EQUIPMENT.

Section 2229(a)(1) of title 10, United States Code, is amended by inserting “support for crisis response elements,” after “service requirements,”.

#### SEC. 322. COMPTROLLER GENERAL REPORTS ON DEPARTMENT OF DEFENSE PREPOSITIONING STRATEGIC POLICY AND PLAN FOR PREPOSITIONED STOCKS.

Subsection (c) of section 321 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) is amended to read as follows:

“(c) COMPTROLLER GENERAL REPORTS.—

“(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall review the implementation plan submitted under subsection (b) and the prepositioning strategic policy required under section 2229(a) of title 10, United States Code, as amended by subsection (a), and submit to the congressional defense committees a report describing the findings of such review and including any additional information relating to the prepositioning strategic policy and plan that the Comptroller General determines appropriate.

“(2) FOLLOW-UP REPORTS.—Following the submission of the initial report required under paragraph (1), the Comptroller General shall conduct

annual reviews, for each of the subsequent three years, of the progress of the Department of Defense in implementing the strategic policy and the Department plan for prepositioned stocks, and submit to the congressional defense committees a report containing an assessment of such progress, including any additional information related to the management of prepositioned stocks that the Comptroller General determines appropriate.”.

**SEC. 323. PILOT PROGRAM ON PROVISION OF LOGISTIC SUPPORT FOR THE CONVEYANCE OF EXCESS DEFENSE ARTICLES TO ALLIED FORCES.**

(a) **IN GENERAL.**—The Secretary of Defense may establish a pilot program to provide logistic support for the conveyance of excess defense articles to allied forces participating in bilateral or multilateral training activities with the Armed Forces of the United States.

(b) **LIMITATION.**—In carrying out the pilot program under this section, the Secretary may only provide logistic support—

(1) in accordance with the Arms Export Control Act and other relevant export control laws of the United States;

(2) in accordance with section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j);

(3) in direct support of training activities—

(A) carried out in support of a contingency operation or a noncombat operation (including an operation in support of the provision of humanitarian or foreign disaster assistance, a country stabilization operation, or a peace-keeping operation under chapter VI or VII of the Charter of the United Nations); or

(B) if the Secretary determines that the provision of such support is in the best interest of the Armed Forces of the United States.

(c) **LIMITATION.**—The total value of logistic support provided under subsection (a)(1) in any fiscal year may not exceed \$10,000,000.

(d) **TERMINATION.**—The authority to carry out the pilot program under this section shall terminate on September 30, 2016.

(e) **REPORT.**—Not later than December 31 of each year during which the Secretary carried out a pilot program under this section, the Secretary shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on the pilot program under this section during the fiscal year preceding the fiscal year during which the report is submitted. Each such report shall contain each of the following for the fiscal year covered by the report:

(1) Each nation for which logistic support was provided under the pilot program.

(2) For each such nation, a description of the type and value of logistic support, and the excess defense article or articles conveyed.

(f) **DEFINITIONS.**—In this section:

(1) The term “logistics support” means—

(A) the use of military transportation and cargo-handling assets, including aircraft;

(B) materiel support in the form of fuel, petroleum, oil, or lubricants; and

(C) commercially contracted transportation.

(2) The term “excess defense article” has the meaning given such term in section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

**Subtitle D—Reports**

**SEC. 331. REPEAL OF ANNUAL REPORT ON DEPARTMENT OF DEFENSE OPERATION AND FINANCIAL SUPPORT FOR MILITARY MUSEUMS.**

(a) **IN GENERAL.**—Section 489 of title 10, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 489.

**SEC. 332. REPORT ON ENDURING REQUIREMENTS AND ACTIVITIES CURRENTLY FUNDED THROUGH AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR OVERSEAS CONTINGENCY OPERATIONS.**

(a) **REPORT REQUIRED.**—Not later than the date of the submission of the President’s budget for a fiscal year under section 1105 of title 31, United States Code, for fiscal year 2016, the Secretary of Defense shall submit to the congressional defense committees a report that includes each of the following:

(1) A list of enduring mission requirements, equipping, training, sustainment, and other operation and maintenance activities of the military departments, combat support agencies, and Department of Defense that are funded through amounts authorized to be appropriated for overseas contingency operations.

(2) The amounts appropriated for fiscal year 2014 for the activities described in paragraph (1).

(3) The amounts provided in the budget for fiscal year 2015 submitted to Congress by the President under section 1105(a) of title 31, United States Code.

(4) A three-year plan to migrate the requirements and activities on the list described in paragraph (1) to be funded other than through amounts authorized to be appropriated for overseas contingency operations.

(b) **DEFINITION OF ENDURING.**—For purposes of this section, the term “enduring” means planned to continue to exist beyond the last day of the period covered by the future-years defense program under section 221 of title 10, United States Code, in effect as of the date of the enactment of this Act.

**SEC. 333. ARMY ASSESSMENT OF THE REGIONALLY ALIGNED FORCE.**

At the same time as the President transmits to Congress the budget for fiscal 2016 year under section 1105 of title 31, United States Code, the Secretary of the Army shall submit to the congressional defense committees an assessment of how the Army has—

(1) captured and incorporated lessons learned through the initial employment of the regionally aligned force in the United States Africa Command area of responsibility;

(2) institutionalized and improved predeployment training;

(3) improved the coordination of activities between special operations forces, Army regionally aligned units, contractors of the Department of State, contractors of the Department of Defense, the geographic combatant commands, the Joint Staff, and international partners;

(4) accounted for all the various funding streams used to fund regionally aligned force activities, including the amount of funds expended from each account;

(5) assessed the impacts associated with long-term commitments of regionally aligned forces to meet security cooperation requirements;

(6) maintained high levels of core mission readiness while supporting geographic combatant commander requirements through regionally aligned force activities;

(7) planned for expansion of the regionally aligned force model; and

(8) planned to retain regional expertise within units habitually aligned to a specific region.

**SEC. 334. REPORT ON IMPACTS OF FUNDING REDUCTIONS ON MILITARY READINESS.**

(a) **REPORT REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall report to the congressional defense committees on the readiness and cost impacts, both immediate and long-term, for the military services, the Office of the Secretary of Defense, the Joint Chiefs of Staff, and the Defense Agencies, of the reductions in funding required in section 4301 of

this Act. Such report shall address each of the following categories:

(1) Reduction in contracts for Other Services, including—

(A) impacts on mission execution and effectiveness

(B) subsistence and support of persons, including submarine galley maintenance in support of the Navy fleets;

(C) the credentialing of health, legal, engineering, and acquisition professionals, including licenses, certifications, and national board examinations;

(D) continuing education for military service members and their families, including tuition assistance and completion of graduate degrees, including correspondence courses;

(E) scholarships, instructor pay, and textbooks for Reserve Officer Training Corps and Junior Reserve Officer Training Corps programs;

(F) installation family support programs;

(G) general training, including training outside normal occupational specialties such as cultural and language training for deploying forces;

(H) physical fitness services;

(I) the annual audit of financial records and annual review of acquisition programs;

(J) drivers for security details;

(K) foreign national indirect hires;

(L) port visit costs and port visit security;

(M) Defense Travel System afloat support;

(N) engineering readiness assessment teams;

(O) sexual assault and suicide prevention and response programs;

(P) student meal programs and educational assistance purchases;

(Q) employer support to the National Guard and Reserve;

(R) Yellow Ribbon Reintegration Program; and

(S) network programming activities, database sustainment, and improvement.

(2) Reductions in contracts for facility sustainment, restoration, and modernization, including—

(A) impacts to mission execution and effectiveness;

(B) impacts to life, health and safety, including fire and emergency services;

(C) impacts to training;

(D) deferrals of repairs or upgrades to mission-critical infrastructure, including roads, electrical systems, heating and air conditioning systems, and buildings;

(E) deferrals of repairs or upgrades to airfield runways, taxiways and aprons;

(F) installation security through the deferrals of repairs, replacements or reconfigurations of gates or other installation security components;

(G) base operations due to deferral of facility renovations, consolidations, conversions, or demolitions;

(H) operation of dining facilities;

(I) utility privatization;

(J) deferrals of repair and renovation of barracks;

(K) facilities engineering services;

(L) dredging of navigation channels;

(M) execution of the minimum six percent capital investment program required under section 2476 of title 10, United States Code; and

(N) maintenance, repairs, and modernization of Department of Defense dependent schools in Europe and the Pacific and defense domestic dependent elementary schools.

(3) Reductions in civilian personnel, including—

(A) mission execution and effectiveness;

(B) the ability to recruit, hire, and train civilian employees;

(C) the cost of overtime that will be generated as a result of unfilled civilian personnel billets;

(D) the morale of the civilian workforce; and

(E) the ability to execute reductions in force within the fiscal year.

(4) Reductions in unobligated balances of prior-year funding, including:

(A) mission execution and effectiveness; and

(B) the ability to execute reductions within the fiscal year.

(5) Any other information that the Under Secretary determines is relevant to enhancing the committees' understanding of the impacts of the required reductions in funding.

(b) **FORM OF REPORT.**—The Comptroller General may report to the congressional defense committees, as required by subsection (a), either by providing a briefing or a written report.

#### **Subtitle E—Limitations and Extensions of Authority**

#### **SEC. 341. LIMITATION ON AUTHORITY TO ENTER INTO A CONTRACT FOR THE SUSTAINMENT, MAINTENANCE, REPAIR, OR OVERHAUL OF THE F117 ENGINE.**

The Secretary of the Air Force may not enter into a contract for the sustainment, maintenance, repair, or overhaul of the F117 engine until the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees that the Secretary of the Air Force has structured the contract in such a way that provides the Secretary of the Air Force the required insight into all aspects of F117 system, subsystem, components, and subcomponents regarding historical usage rates, cost, price, expected and actual service-life, and supply chain management data sufficient to determine that the Secretary of the Air Force is paying a fair and reasonable price for F117 sustainment, maintenance, repair, and overhaul as compared to the PW2000 commercial-derivative engine sustainment price for sustainment, maintenance, repair, and overhaul in the private sector. The Secretary may waive the limitation in the preceding sentence to enter into a contract if the Secretary determines that such a waiver is in the interest of national security.

#### **Subtitle F—Other Matters**

#### **SEC. 351. CLARIFICATION OF AUTHORITY RELATING TO PROVISION OF INSTALLATION-SUPPORT SERVICES THROUGH INTERGOVERNMENTAL SUPPORT AGREEMENTS.**

(i) **TRANSFER OF SECTION 2336 TO CHAPTER 159.**—

(1) **TRANSFER AND REDESIGNATION.**—Section 2336 of title 10, United States Code, is transferred to chapter 159 of such title, inserted after section 2678, and redesignated as section 2679.

(2) **REVISED SECTION HEADING.**—The heading of such section, as so transferred and redesignated, is amended to read as follows:

**“§2679. Installation-support services: intergovernmental support agreements.”**

(b) **CLARIFYING AMENDMENTS.**—Such section, as so transferred and redesignated, is further amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “The Secretary concerned” and inserting “Notwithstanding any other provision of law, the Secretary concerned”; and

(B) in paragraph (2)—

(i) by striking “Notwithstanding any other provision of law, an” and inserting “An”;

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B) respectively; and

(2) by adding at the end of subsection (e) the following new paragraph:

“(4) The term ‘intergovernmental support agreement’ means a legal instrument reflecting a relationship between the Secretary concerned and a State or local government that contains

such terms and conditions as the Secretary concerned considers appropriate for the purposes of this section and necessary to protect the interests of the United States.”.

(c) **CLERICAL AMENDMENTS.**—

(1) The table of sections at the beginning of chapter 137 of such title is amended by striking the item relating to section 2336.

(2) The table of sections at the beginning of chapter 159 of such title is amended by inserting after the item relating to section 2678 the following new item:

“2679. Installation-support Services: intergovernmental support agreements.”.

#### **SEC. 352. SENSE OF CONGRESS ON ACCESS TO TRAINING RANGES WITHIN UNITED STATES PACIFIC COMMAND AREA OF RESPONSIBILITY.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Reliable access to military training ranges is an essential component of military readiness.

(2) The training opportunities provided by military training ranges are critical to maintaining the technical and operational superiority of the Armed Forces.

(3) The 2014 Quadrennial Defense Review states that the operational readiness of the Armed Forces hinges on unimpeded access to land, air, and sea training and test space.

(4) The 2014 Quadrennial Defense Review states that United States forces in the Asia-Pacific region “will resume regular bilateral and multilateral training exercises, pursue increased training opportunities to improve capabilities and capacity of partner nations, as well as support humanitarian, disaster relief, counterterrorism, and other operations that contribute to the stability of the region”.

(5) A number of critical military training ranges, including the Pohakuloa Training Center in Hawaii, are located within the United States Pacific Command area of responsibility providing units from all the military services, as well as allied and partner militaries with realistic joint and combined arms training opportunities.

(6) Due to the “tyranny of distance” in the Asia-Pacific region, there are significant challenges in transporting equipment and personnel to the various military training ranges within the United States Pacific Command area of responsibility.

(7) The Department of Defense continues a number of efforts aimed at preserving military training ranges, while also minimizing the environmental effects of training activities.

(8) The Department of Defense has a variety of authorities that may be used to mitigate encroachment on military testing and training missions.

(b) **SENSE OF CONGRESS.**—In light of the findings specified in subsection (a), it is the sense of Congress that the Secretary of Defense should—

(1) ensure that members of the Armed Forces continue to have reliable access to military training ranges;

(2) optimize the use of multilateral, joint training facilities overseas in order to increase readiness and interoperability with allies and partners of the United States;

(3) utilize a full range of assets, including both air- and sea-based assets, including inactive Joint High Speed Vessels, to improve accessibility to military training areas within the United States Pacific Command area of responsibility;

(4) provide stable budget authority for long-term investments in range and test center infrastructure to lower the cost of access to the ranges and training centers;

(5) take appropriate action to identify and leverage existing authorities and programs, as well as work with State and municipalities to le-

verage their authorities, to mitigate encroachment or other challenges that have the potential to impact future access or operations on military training ranges;

(6) maximize the use of the United States Pacific Command training ranges, including Pohakuloa Training Center in Hawaii, by the military departments and increase the use of such training ranges for bilateral and multilateral exercises with regional allies and partners; and

(7) take appropriate action to leverage existing authorities and programs, as well as work with local governments to leverage their authorities, to address any challenges that have the potential to impede future access to or operations on military training ranges.

#### **SEC. 353. MANAGEMENT OF CONVENTIONAL AMMUNITION INVENTORY.**

(a) **CONSOLIDATION OF DATA.**—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in conjunction with the Secretaries of the Army, Air Force, and Navy, shall issue Department-wide guidance and designate an authoritative database on conventional ammunition. Not later than 90 days after the date of the enactment of this Act, the Under Secretary shall notify the congressional defense committees on what database has been designated under this subsection.

(b) **ANNUAL REPORT.**—The Secretary of the Army will include in its annual ammunition inventory reports information on all available ammunition for use during the redistribution process, including ammunition that was unclaimed in a during a year before the year during which the report is submitted by another service and categorized for disposal.

### **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

#### **Subtitle A—Active Forces**

#### **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2015, as follows:

(1) The Army, 490,000.

(2) The Navy, 323,600.

(3) The Marine Corps, 184,100.

(4) The Air Force, 311,220.

#### **SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.**

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

“(1) For the Army, 490,000.

“(2) For the Navy, 323,600.

“(3) For the Marine Corps, 184,100.

“(4) For the Air Force, 310,900.”.

#### **Subtitle B—Reserve Forces**

#### **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2015, as follows:

(1) The Army National Guard of the United States, 350,200.

(2) The Army Reserve, 202,000.

(3) The Navy Reserve, 57,300.

(4) The Marine Corps Reserve, 39,200.

(5) The Air National Guard of the United States, 105,000.

(6) The Air Force Reserve, 67,100.

(7) The Coast Guard Reserve, 7,000.

(b) **END STRENGTH REDUCTIONS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other

than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) **END STRENGTH INCREASES.**—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

**SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2015, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 31,385.
- (2) The Army Reserve, 16,261.
- (3) The Navy Reserve, 9,973.
- (4) The Marine Corps Reserve, 2,261.
- (5) The Air National Guard of the United States, 14,704.
- (6) The Air Force Reserve, 2,830.

**SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

The minimum number of military technicians (dual status) as of the last day of fiscal year 2015 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

- (1) For the Army National Guard of the United States, 27,210.
- (2) For the Army Reserve, 7,895.
- (3) For the Air National Guard of the United States, 21,792.
- (4) For the Air Force Reserve, 9,789.

**SEC. 414. FISCAL YEAR 2015 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.**

(a) **LIMITATIONS.**—

(1) **NATIONAL GUARD.**—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2015, may not exceed the following:

- (A) For the Army National Guard of the United States, 1,600.
- (B) For the Air National Guard of the United States, 350.

(2) **ARMY RESERVE.**—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2015, may not exceed 595.

(3) **AIR FORCE RESERVE.**—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2015, may not exceed 90.

(b) **NON-DUAL STATUS TECHNICIANS DEFINED.**—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

**SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

During fiscal year 2015, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time

on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

- (1) The Army National Guard of the United States, 17,000.
- (2) The Army Reserve, 13,000.
- (3) The Navy Reserve, 6,200.
- (4) The Marine Corps Reserve, 3,000.
- (5) The Air National Guard of the United States, 16,000.
- (6) The Air Force Reserve, 14,000.

**Subtitle C—Authorization of Appropriations**  
**SEC. 421. MILITARY PERSONNEL.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal year 2015 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) **CONSTRUCTION OF AUTHORIZATION.**—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2015.

**TITLE V—MILITARY PERSONNEL POLICY**  
**Subtitle A—Officer Personnel Policy Generally**

**SEC. 501. AUTHORITY TO LIMIT CONSIDERATION FOR EARLY RETIREMENT BY SELECTIVE RETIREMENT BOARDS TO PARTICULAR WARRANT OFFICER YEAR GROUPS AND SPECIALTIES.**

Section 581(d) of title 10, United States Code, is amended—

- (1) by redesignating paragraph (2) as paragraph (3);
- (2) by designating the second sentence of paragraph (1) as paragraph (2); and
- (3) in paragraph (2), as so designated—  
(A) by striking “the list shall include each” and inserting “the list shall include—  
“(A) the name of each”;
- (B) by striking the period at the end and inserting “; or”; and
- (C) by adding at the end the following new subparagraph:

“(B) with respect to a group of warrant officers designated under subparagraph (A) who are in a particular grade and competitive category, only those warrant officers in that grade and competitive category who are also in a particular year group or specialty, or any combination thereof determined by the Secretary.”.

**SEC. 502. RELIEF FROM LIMITS ON PERCENTAGE OF OFFICERS WHO MAY BE RECOMMENDED FOR DISCHARGE DURING A FISCAL YEAR USING ENHANCED AUTHORITY FOR SELECTIVE EARLY DISCHARGES.**

Section 638a(d) of title 10, United States Code, is amended—

- (1) by striking paragraph (3); and
- (2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

**SEC. 503. REPEAL OF REQUIREMENT FOR SUBMISSION TO CONGRESS OF ANNUAL REPORTS ON JOINT OFFICER MANAGEMENT AND PROMOTION POLICY OBJECTIVES FOR JOINT OFFICERS.**

(a) **REPEAL OF ANNUAL REPORTS.**—

(1) **JOINT OFFICER MANAGEMENT.**—Section 667 of title 10, United States Code, is repealed.

(2) **PROMOTION POLICY OBJECTIVES FOR JOINT OFFICERS.**—Section 662 of such title is amended—

- (A) by striking “(a) QUALIFICATIONS.”; and
- (B) by striking subsection (b).

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 38 of such title is amended by striking the item relating to section 667.

**SEC. 504. OPTIONS FOR PHASE II OF JOINT PROFESSIONAL MILITARY EDUCATION.**

Section 2154(a)(2) of title 10, United States Code, is amended by striking “consisting of a

joint professional military education curriculum” and all that follows through the period at the end and inserting the following: “consisting of—

“(A) a joint professional military education curriculum taught in residence at the Joint Forces Staff College or a senior level service school that has been designated and certified by the Secretary of Defense as a joint professional military education institution; or

“(B) a senior level service course of at least ten months that has been designated and certified by the Secretary of Defense as a joint professional military education course.”.

**SEC. 505. LIMITATION ON NUMBER OF ENLISTED AIDES AUTHORIZED FOR OFFICERS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS.**

(a) **MODIFICATION OF CURRENT LIMITATION.**—Section 981 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “the sum of (1)” and all that follows through the period at end of the subsection and inserting the following: “the sum of—

“(1) two times the number of officers serving on active duty at the end of the preceding fiscal year in the grade of general or admiral; and

“(2) the number of officers serving on active duty at the end of the preceding fiscal year in the grade of lieutenant general or vice admiral.”; and

(2) in subsection (b), by striking “Not more than 300 enlisted members” and inserting “Not more than the lesser of 300 enlisted members or the number of enlisted members determined for a fiscal year under subsection (a)”.

(b) **ANNUAL REPORT.**—Such section is further amended by adding at the end the following new subsection:

“(c) Not later than March 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report specifying—

“(1) the total number of enlisted members assigned to duty at any time during the previous fiscal year as enlisted aides for officers of the Army, Navy, Air Force, and Marine Corps; and

“(2) the number of authorized enlisted aides by each general officer and flag officer position during the previous fiscal year.”.

**SEC. 506. REQUIRED CONSIDERATION OF CERTAIN ELEMENTS OF COMMAND CLIMATE IN PERFORMANCE APPRAISALS OF COMMANDING OFFICERS.**

The Secretary of a military department shall ensure that the performance appraisal of a commanding officer in an Armed Force under the jurisdiction of that Secretary indicates the extent to which the commanding officer has or has not established a command climate in which—

(1) allegations of sexual assault are properly managed and fairly evaluated; and

(2) a victim of criminal activity, including sexual assault, can report the criminal activity without fear of retaliation, including ostracism and group pressure from other members of the command.

**Subtitle B—Reserve Component Personnel Management**

**SEC. 511. RETENTION ON THE RESERVE ACTIVE-STATUS LIST FOLLOWING NON-SELECTION FOR PROMOTION OF CERTAIN HEALTH PROFESSIONS OFFICERS AND FIRST LIEUTENANTS AND LIEUTENANTS (JUNIOR GRADE) PURSUING BACCALAUREATE DEGREES.**

(a) **RETENTION OF CERTAIN FIRST LIEUTENANTS AND LIEUTENANTS (JUNIOR GRADE) FOLLOWING NONSELECTION FOR PROMOTION.**—Subsection (a)(1) of section 14701 of title 10, United States Code, is amended—

(1) by striking “A reserve officer of” and inserting “(A) A reserve officer of the Army, Navy,

Air Force, or Marine Corps described in subparagraph (B) who is required to be removed from the reserve active-status list under section 14504 of this title, or a reserve officer of";

(2) by striking "of this title may, subject to the needs of the service and to section 14509 of this title," and inserting "of this title, may";

(3) by adding at the end the following new subparagraphs:

"(B) A reserve officer covered by this subparagraph is a reserve officer of the Army, Air Force, or Marine Corps who holds the grade of first lieutenant, or a reserve officer of the Navy who holds the grade of lieutenant (junior grade), and who—

"(i) is a health professions officer; or  
 "(ii) is actively pursuing an undergraduate program of education leading to a baccalaureate degree.

"(C) The consideration of a reserve officer for continuation on the reserve active-status list pursuant to this paragraph is subject to the needs of the service and to section 14509 of this title."

(b) **RETENTION OF HEALTH PROFESSIONS OFFICERS.**—Such section is further amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) **CONTINUATION OF HEALTH PROFESSIONS OFFICERS.**—(1) Notwithstanding subsection (a)(6), a health professions officer obligated to a period of service incurred under section 16201 of this title who is required to be removed from the reserve active-status list under section 14504, 14505, 14506, or 14507 of this title and who has not completed a service obligation incurred under section 16201 of this title shall be retained on the reserve active-status list until the completion of such service obligation and then discharged, unless sooner retired or discharged under another provision of law.

"(2) The Secretary concerned may waive the applicability of paragraph (1) to any officer if the Secretary determines that completion of the service obligation of that officer is not in the best interest of the service.

"(3) A health professions officer who is continued on the reserve active-status list under this subsection who is subsequently promoted or whose name is on a list of officers recommended for promotion to the next higher grade is not required to be discharged or retired upon completion of the officer's service obligation. Such officer may continue on the reserve active-status list as other officers of the same grade unless separated under another provision of law."

**SEC. 512. CHIEF OF THE NATIONAL GUARD BUREAU ROLE IN ASSIGNMENT OF DIRECTORS AND DEPUTY DIRECTORS OF THE ARMY AND AIR NATIONAL GUARDS.**

(a) **RECOMMENDATION BY CHIEF OF THE NATIONAL GUARD BUREAU.**—Paragraph (1) of section 10506(a) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "selected by the Secretary of the Army" and inserting "recommended by the Chief of the National Guard Bureau, in consultation with the Secretary of the Army,"; and

(2) in subparagraph (B), by striking "selected by the Secretary of the Air Force" and inserting "recommended by the Chief of the National Guard Bureau, in consultation with the Secretary of the Air Force,".

(b) **ASSISTANCE TO CHIEF OF THE NATIONAL GUARD BUREAU.**—Paragraph (2) of such section is amended by striking "The officers so selected" and inserting "The Director and Deputy Director, Army National Guard, and the Director and Deputy Director, Air National Guard,".

(c) **CONDITION ON ASSIGNMENT AND CONFORMING AMENDMENTS.**—Paragraph (3) of such section is amended—

(1) in subparagraph (A), by striking "The President" and inserting "Consistent with paragraph (1), the President";

(2) in subparagraph (B), by striking "the Secretary of the military department concerned" and inserting "the Chief of the National Guard Bureau as provided in paragraph (1)";

(3) by striking subparagraph (D); and  
 (4) by redesignating subparagraph (E) as subparagraph (D).

**SEC. 513. NATIONAL GUARD CIVIL AND DEFENSE SUPPORT ACTIVITIES AND RELATED MATTERS.**

(a) **OPERATIONAL USE OF THE NATIONAL GUARD.**—

(1) **IN GENERAL.**—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

**"SEC. 116. OPERATIONAL USE OF THE NATIONAL GUARD.**

"(a) **IN GENERAL.**—This section authorizes the operational use of the National Guard and recognizes that the basic premise of both the National Incident Management System and the National Response Framework is that—

"(1) incidents are typically managed at the local level first; and

"(2) local jurisdictions retain command, control, and authority over response activities for their jurisdictional areas.

"(b) **ASSISTANCE TO CIVILIAN FIREFIGHTING ORGANIZATIONS.**—

"(1) **ASSISTANCE AUTHORIZED.**—Members and units of the National Guard shall be authorized to support firefighting operations, missions, or activities, including aerial firefighting employment of the Modular Airborne Firefighting System (MAFFS), undertaken in support of a civilian authority or a State or Federal agency.

"(2) **ROLE OF GOVERNOR AND STATE ADJUTANT GENERAL.**—For the purposes of paragraph (1)—

"(A) the Governor of a State shall be the principal civilian authority; and

"(B) the adjutant general of the State shall be the principal military authority, when acting in his or her State capacity, and has the primary authority to mobilize members and units of the National Guard of the State in any duty status under this title the adjutant general deems appropriate to employ necessary forces when funds to perform such operations, missions, or activities are reimbursed."

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"116. Operational use of the National Guard."

(b) **ACTIVE GUARD AND RESERVE (AGR) SUPPORT.**—Section 328(b) of title 32, United States Code, is amended—

(1) by inserting "duty as specified in section 116(b) of this title or may perform" after "subsection (a) may perform"; and

(2) by inserting "(A) and (B)" after "specified in section 502(f)(2)".

(c) **FEDERAL TECHNICIANS SUPPORT.**—Section 709(a)(3) of title 32, United States Code, is amended by inserting "duty as specified in section 116(b) of this title or" after "(3) the performance of".

**Subtitle C—General Service Authorities**

**SEC. 521. PROCEDURES FOR JUDICIAL REVIEW OF MILITARY PERSONNEL DECISIONS RELATING TO CORRECTION OF MILITARY RECORDS.**

(a) **AVAILABILITY OF JUDICIAL REVIEW; LIMITATIONS.**—

(1) **IN GENERAL.**—Chapter 79 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 1560. Judicial review of decisions relating to correction of military records**

"(a) **AVAILABILITY OF JUDICIAL REVIEW.**—

"(1) **IN GENERAL.**—Pursuant to sections 1346 and 1491 of title 28 and chapter 7 of title 5, any

person adversely affected by a records correction final decision may obtain judicial review of the decision in a court with jurisdiction to hear the matter.

"(2) **RECORDS CORRECTION FINAL DECISION DEFINED.**—In this section, the term 'records correction final decision' means any of the following decisions:

"(A) A final decision issued by the Secretary concerned pursuant to section 1552 of this title.

"(B) A final decision issued by the Secretary of a military department or the Secretary of Homeland Security pursuant to section 1034(g) of this title.

"(C) A final decision issued by the Secretary of Defense pursuant to section 1034(h) of this title.

"(D) A final decision issued by the Secretary concerned pursuant to section 1554a of this title.

"(b) **EXHAUSTION OF ADMINISTRATIVE REMEDIES.**—

"(1) **GENERAL RULE.**—Except as provided in paragraphs (3) and (4), judicial review of a matter that could be subject to correction under a provision of law specified in subsection (a)(2) may not be obtained under this section or any other provision of law unless—

"(A) the petitioner has requested a correction under sections 1552 or 1554a of this title (including such a request in a matter arising under section 1034 of this title); and

"(B) the Secretary concerned has rendered a final decision denying that correction in whole or in part.

"(2) **WHISTLEBLOWER CASES.**—When the final decision of the Secretary concerned is subject to review by the Secretary of Defense under section 1034(h) of this title, the petitioner is not required to seek such review before obtaining judicial review, but if the petitioner seeks such review, judicial review may not be sought until the earlier of the following occurs:

"(A) The Secretary of Defense makes a decision in the matter.

"(B) The period specified in section 1034(h) of this title for the Secretary to make a decision in the matter expires.

"(3) **CLASS ACTIONS.**—If judicial review of a records correction final decision is sought, and the petitioner for such judicial review also seeks to bring a class action with respect to a matter for which the petitioner requested a correction under section 1552 of this title (including a request in a matter arising under section 1034 of this title) and the court issues an order certifying a class in the case, paragraphs (1) and (2) do not apply to any member of the certified class (other than the petitioner) with respect to any matter covered by a claim for which the class is certified.

"(4) **TIMELINESS.**—Paragraph (1) shall not apply if the records correction final decision of the Secretary concerned is not issued by the date that is 18 months after the date on which the petitioner requests a correction.

"(c) **STATUTES OF LIMITATION.**—

"(1) **SIX YEARS FROM FINAL DECISION.**—A records correction final decision (other than in a matter to which paragraph (2) applies) is not subject to judicial review under this section or otherwise subject to review in any court unless petition for such review is filed in a court not later than six years after the date of the records correction final decision.

"(2) **SIX YEARS FOR CERTAIN CLAIMS THAT MAY RESULT IN PAYMENT OF MONEY.**—(A) In a case of a records correction final decision described in subparagraph (B), the records correction final decision (or the portion of such decision described in such subparagraph) is not subject to judicial review under this section or otherwise subject to review in any court unless petition for such review is filed in a court before the end of the six-year period that began on the date of



discharge, retirement, release from active duty, or death while on active duty, of the person whose military records are the subject of the correction request. Such period does not include any time between the date of the filing of the request for correction of military records leading to the records correction final decision and the date of the final decision.

“(B) Subparagraph (A) applies to a records correction final decision or portion of the decision that involves a denial of a claim that, if relief were to be granted by the court, would support, or result in, the payment of money either under a court order or under a subsequent administrative determination, other than payments made under—

“(i) chapter 61 of this title to a claimant who prior to such records correction final decision, was not the subject of a decision by a physical evaluation board or by any other board authorized to grant disability payments to the claimant; or

“(ii) chapter 73 of this title.

“(d) HABEAS CORPUS.—This section does not affect any cause of action arising under chapter 153 of title 28.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1560. Judicial review of decisions.”.

(b) EFFECT OF DENIAL OF REQUEST FOR CORRECTION OF RECORDS WHEN PROHIBITED PERSONNEL ACTION ALLEGED.—

(1) NOTICE OF DENIAL; PROCEDURES FOR JUDICIAL REVIEW.—Subsection (g) of section 1034 of such title is amended by adding at the end the following new paragraph:

“(7) In any case in which the final decision of the Secretary concerned results in denial, in whole or in part, of any requested correction of the record of the member or former member, the Secretary concerned shall provide the member or former member—

“(A) a concise written statement of the basis for the decision; and

“(B) a written notification of the availability of judicial review of the decision pursuant to section 1560 of this title and the time period for obtaining such review in accordance with the applicable statute of limitations.”.

(2) SECRETARY OF DEFENSE REVIEW; NOTICE OF DENIAL.—Subsection (h) of such section is amended—

(A) by inserting “(1)” before “Upon the completion of all”; and

(B) by adding at the end the following new paragraph:

“(2) The submittal of a matter to the Secretary of Defense by the member or former member under paragraph (1) must be made within 90 days of the receipt by the member or former member of the final decision of the Secretary of the military department concerned in the matter. In any case in which the final decision of the Secretary of Defense results in denial, in whole or in part, of any requested correction of the record of the member or former member, the Secretary of Defense shall provide the member or former member—

“(A) a concise written statement of the basis for the decision; and

“(B) a written notification of the availability of judicial review of the decision pursuant to section 1560 of this title and the time period for obtaining such review in accordance with the applicable statute of limitations.”.

(3) SOLE BASIS FOR JUDICIAL REVIEW.—Such section is further amended—

(A) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(B) by inserting after subsection (h) the following new subsection (i):

“(i) JUDICIAL REVIEW.—(1) A decision of the Secretary of Defense under subsection (h) shall

be subject to judicial review only as provided in section 1560 of this title.

“(2) In a case in which review by the Secretary of Defense under subsection (h) was not sought, a decision of the Secretary of a military department under subsection (g) shall be subject to judicial review only as provided in section 1560 of this title.

“(3) A decision by the Secretary of Homeland Security under subsection (g) shall be subject to judicial review only as provided in section 1560 of this title.”.

(c) EFFECT OF DENIAL OF OTHER REQUESTS FOR CORRECTION OF MILITARY RECORDS.—Section 1552 of such title is amended by adding at the end the following new subsections:

“(h) In any case in which the final decision of the Secretary concerned results in denial, in whole or in part, of any requested correction, the Secretary concerned shall provide the claimant—

“(1) a concise written statement of the basis for the decision; and

“(2) a written notification of the availability of judicial review of the decision pursuant to section 1560 of this title and the time period for obtaining such review in accordance with the applicable statute of limitations.

“(i) A decision by the Secretary concerned under this section shall be subject to judicial review only as provided in section 1560 of this title.”.

(d) JUDICIAL REVIEW OF CORRECTIONS RECOMMENDED BY THE PHYSICAL DISABILITY BOARD OF REVIEW.—Section 1554a of such title is amended—

(1) by redesignating subsection (f) as subsection (h); and

(2) by inserting after subsection (e) the following new subsections (f) and (g):

“(f) RECORD OF DECISION AND NOTIFICATION.—In any case in which the final decision of the Secretary concerned results in denial, in whole or in part, of any requested correction of the record of the member or former member, the Secretary shall provide to the member or former member—

“(1) a concise written statement of the basis for the decision; and

“(2) a written notification of the availability of judicial review of the decision pursuant to section 1560 of this title and the time period for obtaining such review in accordance with the applicable statute of limitations.

“(g) JUDICIAL REVIEW.—A decision by the Secretary concerned under this section shall be subject to judicial review only as provided in section 1560 of this title.”.

(e) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act, and shall apply to all final decisions of the Secretary of Defense under section 1034(h) of title 10, United States Code, and of the Secretary of a military department and the Secretary of Homeland Security under sections 1034(g), 1552, or 1554a of such title rendered on or after such date.

(2) TREATMENT OF EXISTING CASES.—This section and the amendments made by this section do not affect the authority of any court to exercise jurisdiction over any case that was properly before the court before the effective date specified in paragraph (1).

(f) IMPLEMENTATION.—The Secretary of the military department concerned and, in the case of the Coast Guard, the Secretary of the Department in which the Coast Guard is operating may prescribe regulations, and interim guidance before prescribing such regulations, to implement the amendments made by this section. Regulations or interim guidance prescribed by the Secretary of a military department may not take effect until approved by the Secretary of Defense.

## SEC. 522. ADDITIONAL REQUIRED ELEMENTS OF TRANSITION ASSISTANCE PROGRAM.

(a) INFORMATION ON EDUCATIONAL ASSISTANCE AND OTHER AVAILABLE BENEFITS.—Section 1144 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e), as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) ADDITIONAL ELEMENTS OF PROGRAM.—The mandatory program carried out by this section also shall include the following:

“(1) For any such member who plans to use the member's entitlement to educational assistance under title 38—

“(A) instruction providing an overview of the use of such entitlement; and

“(B) courses of post-secondary education appropriate for the member, courses of post-secondary education compatible with the member's education goals, and instruction on how to finance the member's post-secondary education.

“(2) Instruction in the benefits under laws administered by the Secretary of Veterans Affairs and in other subjects determined to be appropriate by the Secretary concerned.”.

(b) DEADLINE FOR IMPLEMENTATION.—The program carried out under section 1144 of title 10, United States Code, shall comply with the requirements of subsection (c) of such section, as added by subsection (a), by not later than April 1, 2016.

## SEC. 523. EXTENSION OF AUTHORITY TO CONDUCT CAREER FLEXIBILITY PROGRAMS.

(a) DURATION OF PROGRAM AUTHORITY.—Subsection (m) of section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. prec. 701 note), as amended by section 531(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1403) and redesignated by section 522(a)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1722), is amended by striking “December 31, 2015” and inserting “December 31, 2019”.

(b) CONFORMING AMENDMENTS TO REPORTING REQUIREMENTS.—Subsection (k) of section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, as amended by section 531(c) of the National Defense Authorization Act for Fiscal Year 2012, is amended—

(1) in paragraph (1), by striking “and 2017” and inserting “, 2017, and 2019”; and

(2) in paragraph (2), by striking “March 1, 2019” and inserting “March 1, 2020”.

## SEC. 524. PROVISION OF INFORMATION TO MEMBERS OF THE ARMED FORCES ON PRIVACY RIGHTS RELATING TO RECEIPT OF MENTAL HEALTH SERVICES.

(a) PROVISION OF INFORMATION REQUIRED.—The Secretaries of the military departments shall ensure that the information described in subsection (b) is provided—

(1) to each officer candidate during initial training;

(2) to each recruit during basic training; and

(3) to other members of the Armed Forces at such times as the Secretary of Defense considers appropriate.

(b) REQUIRED INFORMATION.—The information required to be provided under subsection (a) shall include information on the applicability of Department of Defense Directive 6025.18 and other regulations regarding privacy prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) to records regarding a member of the Armed Forces seeking and receiving mental health services.



**SEC. 525. PROTECTION OF THE RELIGIOUS FREEDOM OF MILITARY CHAPLAINS TO CLOSE A PRAYER OUTSIDE OF A RELIGIOUS SERVICE ACCORDING TO THE TRADITIONS, EXPRESSIONS, AND RELIGIOUS EXERCISES OF THE ENDORSING FAITH GROUP.**

(a) UNITED STATES ARMY.—Section 3547 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) If called upon to lead a prayer outside of a religious service, a chaplain shall have the prerogative to close the prayer according to the traditions, expressions, and religious exercises of the endorsing faith group.”.

(b) UNITED STATES MILITARY ACADEMY.—Section 4337 of such title is amended—

(1) by inserting “(a)” before “There”; and

(2) by adding at the end the following new subsection:

“(b) If called upon to lead a prayer outside of a religious service, the Chaplain shall have the prerogative to close the prayer according to the traditions, expressions, and religious exercises of the endorsing faith group.”.

(c) UNITED STATES NAVY AND MARINE CORPS.—Section 6031 of such title is amended by adding at the end the following new subsection:

“(d) If called upon to lead a prayer outside of a religious service, a chaplain shall have the prerogative to close the prayer according to the traditions, expressions, and religious exercises of the endorsing faith group.”.

(d) UNITED STATES AIR FORCE.—Section 8547 of such title is amended by adding at the end the following new subsection:

“(e) If called upon to lead a prayer outside of a religious service, a chaplain shall have the prerogative to close the prayer according to the traditions, expressions, and religious exercises of the endorsing faith group.”.

(e) UNITED STATES AIR FORCE ACADEMY.—Section 9337 of such title is amended—

(1) by inserting “(a)” before “There”; and

(2) by adding at the end the following new subsection:

“(b) If called upon to lead a prayer outside of a religious service, the Chaplain shall have the prerogative to close the prayer according to the traditions, expressions, and religious exercises of the endorsing faith group.”.

**SEC. 526. DEPARTMENT OF DEFENSE SENIOR ADVISOR ON PROFESSIONALISM.**

(a) INITIAL CONGRESSIONAL OVERSIGHT.—In the development of the roles, responsibilities, and goals of the Department of Defense Senior Advisor on Professionalism to strengthen professionalism programs in the Department of Defense, the Secretary of Defense shall communicate with the Committees on Armed Services of the Senate and the House of Representatives regarding the mission, goals, and metrics for the Senior Advisor on Professionalism.

(b) INITIAL REVIEW BY SENIOR ADVISOR ON PROFESSIONALISM.—Upon appointment of the Senior Advisor on Professionalism, the Senior Advisor on Professionalism shall—

(1) conduct a preliminary review of the effectiveness of current programs and controls of the Department of Defense and the military departments regarding professionalism; and

(2) submit, not later than September 1, 2015, to the Committees on Armed Services of the Senate and the House of Representatives recommendations to strengthen professionalism programs in the Department of Defense.

**SEC. 527. REMOVAL OF ARTIFICIAL BARRIERS TO THE SERVICE OF WOMEN IN THE ARMED FORCES.**

(a) VALIDATION AND OVERSIGHT OF GENDER-NEUTRAL OCCUPATIONAL STANDARDS.—

(1) VALIDATION; PURPOSE.—The Secretary of Defense shall direct the Secretary of each military department to validate the gender-neutral occupational standards used by the Armed

Forces under the jurisdiction of that Secretary for the purpose of ensuring that the standards—

(A) are consistent with section 543 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 113 note), as amended by section 523 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 756), which requires gender-neutral occupational standards, requiring performance outcome-based standards for the successful accomplishment of the necessary and required specific tasks associated with the qualifications and duties performed;

(B) accurately predict performance of actual, regular, and recurring duties of a military occupation; and

(C) are applied equitably to measure individual capabilities.

(2) ROLE OF INDEPENDENT RESEARCH ENTITY.—To comply with paragraph (1), the Secretaries of the military departments shall work with an independent research entity identified by the Secretaries.

(b) INFANTRY TRAINING COURSES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall provide the Committees on Armed Services of the Senate and the House of Representatives with a briefing on the Marine Corps research involving female members of the Marine Corps who volunteer for the Infantry Officers Course (IOC), the enlisted infantry training course (ITB), and the Ground Combat Element Experimental Task-Force (GCEXTF) for the purpose of—

(1) determining what metrics the Marine Corps used to develop the research requirements and elements for the Marine Corps Expanded Entry-Level Training Research;

(2) indicating what is being evaluated during these research studies, along with how long both research studies will last; and

(3) identifying how data gathered during the research studies will be used to open infantry and other closed occupations.

(c) FEMALE PERSONAL PROTECTION GEAR.—The Secretary of Defense shall direct each Secretary of a military department to take immediate steps to ensure that properly designed and fitted combat equipment is available and distributed to female members of the Armed Forces under the jurisdiction of that Secretary.

(d) REVIEW OF OUTREACH AND RECRUITMENT EFFORTS FOCUSED ON OFFICERS.—

(1) REVIEW REQUIRED.—The Comptroller General of United States shall conduct a review of Services' Outreach and Recruitment Efforts gauged toward women representation in the officer corps.

(2) ELEMENTS OF REVIEW.—In conducting the review under this subsection, the Comptroller General shall—

(A) identify and evaluate current initiatives the Armed Forces are using to increase accession of women into the officer corps;

(B) identify new recruiting efforts to increase accessions of women into the officer corps specifically at the military service academies, Officer Candidate Schools, Officer Training Schools, the Academy of Military Science, and Reserve Officer Training Corps; and

(C) identify efforts, resources, and funding required to increase military service academy accessions by women by an additional 20 percent.

(3) SUBMISSION OF RESULTS.—Not later than April 1, 2015, the Comptroller General shall submit to Congress a report containing the results of the review under this subsection.

**Subtitle D—Military Justice, Including Sexual Assault and Domestic Violence Prevention and Response**

**SEC. 531. IMPROVED DEPARTMENT OF DEFENSE INFORMATION REPORTING AND COLLECTION OF DOMESTIC VIOLENCE INCIDENTS INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) DATA REPORTING AND COLLECTION IMPROVEMENTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a comprehensive management plan to address deficiencies in the reporting of information on incidents of domestic violence involving members of the Armed Forces for inclusion in the Department of Defense database on domestic violence incidents required by section 1562 of title 10, United States Code, to ensure that the database provides an accurate count of domestic violence incidents and any consequent disciplinary action.

(b) CONFORMING AMENDMENT.—Section 543(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 1562 note) is amended by striking paragraph (1).

**SEC. 532. ADDITIONAL DUTY FOR JUDICIAL PROCEEDINGS PANEL REGARDING USE OF MENTAL HEALTH RECORDS BY DEFENSE DURING PRELIMINARY HEARING AND COURT-MARTIAL PROCEEDINGS.**

(a) REVIEW REQUIRED.—The independent panel established by the Secretary of Defense under section 576(a)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1758), known as the “judicial proceedings panel”, shall conduct a review and assessment of—

(1) the impact of the use of mental health records by the defense during the preliminary hearing conducted under section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), and during court-martial proceedings; and

(2) the use of mental health records in civilian criminal legal proceedings in order to identify any significant discrepancies between the two legal systems.

(b) SUBMISSION OF RESULTS.—The judicial proceedings panel shall include the results of the review and assessment in one of the reports required by section 576(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 2013.

**SEC. 533. APPLICABILITY OF SEXUAL ASSAULT PREVENTION AND RESPONSE AND RELATED MILITARY JUSTICE ENHANCEMENTS TO MILITARY SERVICE ACADEMIES.**

The Secretary of the military department concerned and, in the case of the Coast Guard Academy, the Secretary of the Department in which the Coast Guard is operating shall ensure that the provisions of title XVII of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 950), including amendments made by that title, apply to the United States Military Academy, the Naval Academy, the Air Force Academy, and the Coast Guard Academy.

**SEC. 534. CONSULTATION WITH VICTIMS OF SEXUAL ASSAULT REGARDING VICTIMS' PREFERENCE FOR PROSECUTION OF OFFENSE BY COURT-MARTIAL OR CIVILIAN COURT.**

(a) LEGAL CONSULTATION BETWEEN SPECIAL VICTIMS' COUNSEL AND VICTIM OF SEXUAL ASSAULT.—Subsection (b) of section 1044e of title 10, United States Code, is amended—

(1) by redesignating paragraphs (6), (7), (8), and (9) as paragraphs (7), (8), (9), and (10), respectively; and

(2) by inserting after paragraph (5) the following new paragraph (6):

“(6) Legal consultation regarding the advantages and disadvantages of prosecution of the

alleged sex-related offense by court-martial or by a civilian court with jurisdiction over the offense before the victim expresses a preference as to the prosecution authority pursuant to the process required by subsection (e)(3)."

(b) **PROCESS TO DISCERN VICTIM PREFERENCE.**—Subsection (e) of such section is amended by adding at the end the following new paragraph:

"(3) The Secretary concerned shall establish a process to ensure consultation with a victim of an alleged sex-related offense that occurs in the United States to discern the victim's preference regarding prosecution authority, regardless of whether the report of that offense is restricted or unrestricted."

**SEC. 535. ENFORCEMENT OF CRIME VICTIMS' RIGHTS RELATED TO PROTECTIONS AFFORDED BY CERTAIN MILITARY RULES OF EVIDENCE.**

Section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(e) **ENFORCEMENT BY COURT OF CRIMINAL APPEALS.**—(1) If the victim of an offense under this chapter believes that a court-martial ruling violates the victim's rights afforded by a Military Rule of Evidence specified in paragraph (2), the victim may petition the Court of Criminal Appeals for a writ of mandamus to require the court-martial to comply with the Military Rule of Evidence. The Court of Criminal Appeals may issue the writ on the order of a single judge and shall take up and decide the petition within 72 hours after the petition has been filed.

"(2) Paragraph (1) applies with respect to the protections afforded by the following:

"(A) Military Rule of Evidence 513, relating to the psychotherapist-patient privilege.

"(B) Military Rule of Evidence 412, relating to the admission of evidence regarding a victim's sexual background.

"(3) Court-martial proceedings may not be stayed or subject to a continuance of more than five days for purposes of enforcing this subsection. If the Court of Criminal Appeals denies the relief sought, the reasons for the denial shall be clearly stated on the record in a written opinion."

**SEC. 536. MINIMUM CONFINEMENT PERIOD REQUIRED FOR CONVICTION OF CERTAIN SEX-RELATED OFFENSES COMMITTED BY MEMBERS OF THE ARMED FORCES.**

(a) **MANDATORY PUNISHMENTS.**—Section 856(b)(1) of title 10, United States Code (article 56(b)(1) of the Uniform Code of Military Justice) is amended by striking "at a minimum" and all that follows through the period at the end of the paragraph and inserting the following: "at a minimum except as provided for in section 860 of this title (article 60)—

"(A) dismissal or dishonorable discharge; and

"(B) confinement for two years."

(b) **EFFECTIVE DATE.**—Subparagraph (B) of paragraph (1) of section 856(b) of title 10, United States Code (article 56(b) of the Uniform Code of Military Justice), as added by subsection (a), shall apply to offenses specified in paragraph (2) of such section committed on or after the date that is 180 days after the date of the enactment of this Act.

**SEC. 537. MODIFICATION OF MILITARY RULES OF EVIDENCE RELATING TO ADMISSIBILITY OF GENERAL MILITARY CHARACTER TOWARD PROBABILITY OF INNOCENCE.**

(a) **MODIFICATION GENERALLY.**—The Secretary of Defense shall modify the Military Rules of Evidence to clarify that the general military character of an accused is not admissible for the purpose of showing the probability of innocence of the accused, except when evidence of a trait of the military character of an accused is rel-

evant to an element of an offense for which the accused has been charged.

(b) **REVISION OF RULE 404(a) BY OPERATION OF LAW.**—Effective on and after the date of the enactment of this Act, Rule 404(a) of the Military Rules of Evidence does not authorize the admissibility of evidence regarding the good military character of an accused in the findings phase of courts-martial, except in the instance of the following military-specific offenses:

(1) Article 84 effecting unlawful enlistment, appointment, separation.

(2) Article 85 desertion.

(3) Article 86 absent without leave.

(4) Article 87 missing movement.

(5) Article 88 contempt towards officials.

(6) Article 89 disrespect toward superior commissioned officer.

(7) Article 90 assaulting, willfully disobeying superior commissioned officer.

(8) Article 91 insubordinate conduct toward warrant, noncommissioned, petty officer.

(9) Article 92 failure to obey order or regulation.

(10) Article 93 cruelty and maltreatment of subordinates.

(11) Article 94 mutiny and sedition.

(12) Article 95 resisting apprehension, flight, breach of arrest, escape.

(13) Article 96 releasing a prisoner without proper authority.

(14) Article 97 unlawful detention.

(15) Article 98 noncompliance with procedural rules.

(16) Article 99 misbehavior before enemy.

(17) Article 100 subordinate compelling surrender.

(18) Article 101 improper use of countersign.

(19) Article 102 forcing safeguard.

(20) Article 103 captured, abandoned property.

(21) Article 104 aiding the enemy.

(22) Article 105 misconduct as prisoner.

(23) Article 106a espionage.

(24) Article 107 false official statements.

(25) Article 108 loss, damage, destruction, disposition of military property.

(26) Article 109 loss, damage, destruction, disposition of property other than military property of the United States.

(27) Article 110 improper hazarding of vessel.

(28) Article 111 drunk or reckless operation of vehicle, aircraft, or vessel.

(29) Article 112 wrongful use, possession, manufacture or introduction of controlled substance.

(30) Article 113 misbehavior of sentinel or lookout.

(31) Article 114 dueling.

(32) Article 115 malingering.

(33) Article 116 riot.

(34) Article 117 provoking, speech, gestures.

(35) Article 133 conduct unbecoming an officer.

(36) Article 134 general article of the Uniform Code of Military Justice.

(37) Attempts, conspiracy, or solicitation to commit such offenses.

**SEC. 538. CONFIDENTIAL REVIEW OF CHARACTERIZATION OF TERMS OF DISCHARGE OF MEMBERS OF THE ARMED FORCES WHO ARE VICTIMS OF SEXUAL OFFENSES.**

(a) **CONFIDENTIAL APPEAL PROCESS THROUGH BOARDS FOR CORRECTION OF MILITARY RECORDS.**—The Secretaries of the military departments shall each establish a confidential process by which an individual who was the victim of a sex-related offense during service in the Armed Forces may appeal, through boards for the correction of military records of the military department concerned, the terms or characterization of the discharge or separation of the individual from the Armed Forces on the grounds that the terms or characterization were adversely affected by the individual being the victim of such an offense.

(b) **CONSIDERATION OF INDIVIDUAL EXPERIENCES IN CONNECTION WITH OFFENSES.**—In deciding whether to modify the terms or characterization of an individual's discharge or separation pursuant to the process required by subsection (a), the Secretary of the military department concerned shall instruct boards for the correction of military records to give due consideration to—

(1) the psychological and physical aspects of the individual's experience in connection with the sex-related offense; and

(2) what bearing such experience may have had on the circumstances surrounding the individual's discharge or separation from the Armed Forces.

(c) **PRESERVATION OF CONFIDENTIALITY.**—Documents considered and decisions rendered pursuant to the process required by subsection (a) shall not be made available to the public, except with the consent of the individual concerned.

(d) **SEX-RELATED OFFENSE DEFINED.**—In this section, the term "sex-related offense" means any of the following:

(1) Rape or sexual assault under subsection (a) or (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice).

(2) Forcible sodomy under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice).

(3) An attempt to commit an offense specified in paragraph (1) or (2) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

**SEC. 539. CONSISTENT APPLICATION OF RULES OF PRIVILEGE AFFORDED UNDER THE MILITARY RULES OF EVIDENCE.**

(a) **ELIMINATION OF EXCEPTION TO PSYCHOTHERAPIST-PATIENT PRIVILEGE.**—Effective on and after the date of the enactment of this Act, the exception granted by subparagraph (d)(8) of Military Rule of Evidence 513 to the privilege afforded to the patient of a psychotherapist to refuse to disclose, and to prevent any other person from disclosing, a confidential communication made between the patient and a psychotherapist or an assistant to the psychotherapist in a case arising under the Uniform Code of Military Justice shall be deemed to no longer apply or exist as a matter of law.

(b) **CONFORMING AMENDMENT REQUIRED.**—As soon as practicable after the date of the enactment of this Act, the Joint Service Committee on Military Justice of the Department of Defense shall amend Military Rule of Evidence 513 to reflect the elimination of the exception referred to in subsection (a) pursuant to such subsection.

**Subtitle E—Military Family Readiness**

**SEC. 545. EARLIER DETERMINATION OF DEPENDENT STATUS WITH RESPECT TO TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS SEPARATED FOR DEPENDENT ABUSE.**

Section 1059(d)(4) of title 10, United States Code, is amended by striking "as of the date on which the individual described in subsection (b) is separated from active duty" and inserting "as of the date on which the separation action is initiated by a commander of the individual described in subsection (b)".

**SEC. 546. IMPROVED CONSISTENCY IN DATA COLLECTION AND REPORTING IN ARMED FORCES SUICIDE PREVENTION EFFORTS.**

(a) **POLICY FOR STANDARD SUICIDE DATA COLLECTION, REPORTING, AND ASSESSMENT.**—The Secretary of Defense shall prescribe a policy for the development of a standard method for collecting, reporting, and assessing suicide data and suicide-attempt data involving members of the Armed Forces, including reserve components thereof, and their dependents in order to improve the consistency and comprehensiveness of—

(1) the suicide prevention policy developed pursuant to section 582 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239, 10 U.S.C. 1071 note); and

(2) the suicide prevention and resilience program for the National Guard and Reserves established pursuant to section 10219 of title 10, United States Code.

(b) **SUBMISSION OF POLICY AND CONGRESSIONAL BRIEFING.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit the policy developed under subsection (a) to the Committees on Armed Services of the Senate and the House of Representatives. At the request of the committees, the Secretary also shall brief such committees on the policy and the implementation status of the standardized suicide data collection, reporting and assessment method.

(c) **CONSULTATION AND IMPLEMENTATION.**—In the case of the suicide prevention and resilience program for the National Guard and Reserves—

(1) the Secretary of Defense shall develop the policy required by subsection (a) in consultation with the Chief of the National Guard Bureau; and

(2) the adjutants general of the States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands shall implement the policy within 180 days after the date of the submission of the policy under subsection (b).

(d) **DEPENDENT DEFINED.**—In this section, the term “dependent”, with respect to a member of the Armed Forces, means a person described in section 1072(2) of title 10, United States Code, except that, in the case of a parent or parent-in-law of the member, the income requirements of subparagraph (E) of such section do not apply.

**SEC. 547. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES.**

(a) **CHILD CUSTODY PROTECTION.**—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

**“SEC. 208. CHILD CUSTODY PROTECTION.**

“(a) **RESTRICTION ON TEMPORARY CUSTODY ORDER.**—If a court renders a temporary order for custodial responsibility for a child based solely on a deployment or anticipated deployment of a parent who is a servicemember, then the court shall require that, upon the return of the servicemember from deployment, the custody order that was in effect immediately preceding the temporary order shall be reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (b).

“(b) **LIMITATION ON CONSIDERATION OF MEMBER’S DEPLOYMENT IN DETERMINATION OF CHILD’S BEST INTEREST.**—If a motion or a petition is filed seeking a permanent order to modify the custody of the child of a servicemember, no court may consider the absence of the servicemember by reason of deployment, or the possibility of deployment, as the sole factor in determining the best interest of the child.

“(c) **NO FEDERAL JURISDICTION OR RIGHT OF ACTION OR REMOVAL.**—Nothing in this section shall create a Federal right of action or otherwise give rise to Federal jurisdiction or create a right of removal.

“(d) **PREEMPTION.**—In any case where State law applicable to a child custody proceeding involving a temporary order as contemplated in this section provides a higher standard of protection to the rights of the parent who is a deploying servicemember than the rights provided under this section with respect to such temporary order, the appropriate court shall apply the higher State standard.

“(e) **DEPLOYMENT DEFINED.**—In this section, the term ‘deployment’ means the movement or mobilization of a servicemember to a location for a period of longer than 60 days and not longer than 540 days pursuant to temporary or permanent official orders—

“(1) that are designated as unaccompanied;

“(2) for which dependent travel is not authorized; or

“(3) that otherwise do not permit the movement of family members to that location.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

“208. Child custody protection.”.

**Subtitle F—Education and Training Opportunities**

**SEC. 551. AUTHORIZED DURATION OF FOREIGN AND CULTURAL EXCHANGE ACTIVITIES AT MILITARY SERVICE ACADEMIES.**

(a) **UNITED STATES MILITARY ACADEMY.**—Section 4345a(a) of title 10, United States Code, is amended by striking “two weeks” and inserting “four weeks”.

(b) **NAVAL ACADEMY.**—Section 6957b(a) of such title is amended by striking “two weeks” and inserting “four weeks”.

(c) **AIR FORCE ACADEMY.**—Section 9345a(a) of such title is amended by striking “two weeks” and inserting “four weeks”.

**SEC. 552. PILOT PROGRAM TO ASSIST MEMBERS OF THE ARMED FORCES IN OBTAINING POST-SERVICE EMPLOYMENT.**

(a) **PROGRAM REQUIRED.**—The Secretary of Defense shall conduct the program described in subsection (c) to enhance the efforts of the Department of Defense to provide job placement assistance and related employment services to eligible members of the Armed Forces described in subsection (b) for the purposes of—

(1) assisting such members in obtaining post-service employment; and

(2) reducing the amount of “Unemployment Compensation for Ex-Servicemembers” that the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating pays into the Unemployment Trust Fund.

(b) **ELIGIBLE MEMBERS.**—Employment services provided under the program are limited to members of the Armed Forces, including members of the reserve components, who are being separated from the Armed Forces or released from active duty.

(c) **EVALUATION OF USE OF CIVILIAN EMPLOYMENT STAFFING AGENCIES.**—

(1) **PROGRAM DESCRIBED.**—The Secretary of Defense shall execute a program to evaluate the feasibility and cost-effectiveness of utilizing the services of civilian employment staffing agencies to assist eligible members of the Armed Forces in obtaining post-service employment.

(2) **PROGRAM MANAGEMENT.**—The program required by this subsection shall be managed by an civilian organization (in this section referred to as the “program manager”) whose principal members have experience—

(A) administering pay-for-performance programs; and

(B) within the employment staffing industry.

(3) **EXCLUSION.**—The program manager may not be a staffing agency.

(d) **ELIGIBLE CIVILIAN EMPLOYMENT STAFFING AGENCIES.**—The Secretary of Defense, in consultation with the program manager shall establish the eligibility requirements to be used by the program manager for the selection of civilian employment staffing agencies to participate in the program.

(e) **PAYMENT OF STAFFING AGENCY FEES.**—To encourage employers to employ an eligible member of the Armed Forces under the program, the program manager shall pay a participating ci-

vilian employment staffing agency a portion of its agency fee (not to exceed 50 percent above the member’s hourly wage). Payment of the agency fee will only be made after the member has been employed and paid by the private sector and the hours worked have been verified by the program manager. The staffing agency shall be paid on a weekly basis only for hours the member worked, but not to exceed a total of 800 hours.

(f) **OVERSIGHT REQUIREMENTS.**—In conducting the program, the Secretary of Defense shall establish—

(1) program monitoring standards; and

(2) reporting requirements, including the hourly wage for each eligible member of the Armed Forces obtaining employment under the program, the numbers of hours worked during the month, and the number of members who remained employed with the same employer after completing the first 800 hours of employment.

(g) **LIMITATION ON TOTAL PROGRAM OBLIGATIONS.**—The total amount obligated by the Secretary of Defense for the program may not exceed \$35,000,000 during a fiscal year.

(h) **REPORTING REQUIREMENTS.**—

(1) **REPORT REQUIRED.**—Not later than January 15, 2019, the Secretary of Defense shall submit to the appropriate congressional committees a report describing the results of the program, particularly whether the program achieved the purposes specified in subsection (a).

(2) **COMPARISON WITH OTHER PROGRAMS.**—The report shall include a comparison of the results of the program conducted under this section and the results of other employment assistant programs utilized by the Department of Defense. The comparison shall include the number of members of the Armed Forces obtaining employment through each program and the cost to the Department per member.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the congressional defense committees, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(i) **DURATION OF AUTHORITY.**—The authority of the Secretary of Defense to carry out programs under this section expires on September 30, 2018.

**Subtitle G—Defense Dependents’ Education**

**SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) **ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.**—Of the amount authorized to be appropriated for fiscal year 2015 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(b) **LOCAL EDUCATIONAL AGENCY DEFINED.**—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

**SEC. 562. AUTHORITY TO EMPLOY NON-UNITED STATES CITIZENS AS TEACHERS IN DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS’ SCHOOL SYSTEMS.**

Section 2(2)(A) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901(2)(A)) is amended by inserting

before the comma at the end the following: “or, in the case of a teaching position that involves instruction in the host-nation language, a local national when a citizen of the United States is not reasonably available to provide such instruction”.

**SEC. 563. EXPANSION OF FUNCTIONS OF THE ADVISORY COUNCIL ON DEPENDENTS' EDUCATION TO INCLUDE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.**

(a) **EXPANSION OF FUNCTIONS.**—Subsection (c) of section 1411 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 929) is amended—

(1) in paragraph (1), by inserting “, and of the domestic dependent elementary and secondary school system established under section 2164 of title 10, United States Code,” after “of the defense dependents' education system”; and

(2) in paragraph (2), by inserting “and in the domestic dependent elementary and secondary school system” before the comma at the end.

(b) **MEMBERSHIP OF COUNCIL.**—Subsection (a)(1)(B) of such section is amended—

(1) by inserting “and the domestic dependent elementary and secondary schools established under section 2164 of title 10, United States Code” after “the defense dependents' education system”; and

(2) by inserting “either” before “such system”.

**SEC. 564. SUPPORT FOR EFFORTS TO IMPROVE ACADEMIC ACHIEVEMENT AND TRANSITION OF MILITARY DEPENDENT STUDENTS.**

The Secretary of Defense may make grants to nonprofit organizations that provide services to improve the academic achievement of military dependent students, including those nonprofit organizations whose programs focus on improving the civic responsibility of military dependent students and their understanding of the Federal Government through direct exposure to the operations of the Federal Government.

**SEC. 565. AMENDMENTS TO THE IMPACT AID IMPROVEMENT ACT OF 2012.**

Section 563(c) of National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1748; 20 U.S.C. 6301 note) is amended—

(1) in paragraph (1)—

(A) by striking “2-year” and inserting “4-year”; and

(B) by inserting before the period at the end the following, “, except that amendment made by subsection (b) to subparagraph (B) of section 8002(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(b)(3)(B)) shall be effective for a 2-year period beginning on the date of enactment of this Act”; and

(2) in paragraph (4)—

(A) by striking “The amendments” and inserting the following:

“(A) **IN GENERAL.**—The amendments”;

(B) by inserting “and subparagraph (B) of this paragraph” after “subsection (b)”; and

(C) by striking “2-year” and inserting “4-year”;

(D) by inserting “and such subparagraph” after “such subsection” each place it appears; and

(E) by adding at the end the following:

“(B) **SPECIAL RULE.**—For the period beginning January 3, 2015, and ending January 2, 2017, subparagraph (B) of section 8002(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(b)(3)(B)) is amended to read as follows:

“(B) **SPECIAL RULE.**—In the case of Federal property eligible under this section that is within the boundaries of two or more local educational agencies that are eligible under this section, any of such agencies may ask the Secretary to calculate (and the Secretary shall calculate) the taxable value of the eligible Federal property that is within its boundaries by—

“(i) first calculating the per-acre value of the eligible Federal property separately for each eligible local educational agency that shares the Federal property, as provided in subparagraph (A)(i);

“(ii) then averaging the resulting per-acre values of the eligible Federal property from each eligible local educational agency that shares the Federal property; and

“(iii) then applying the average per-acre value to determine the total taxable value of the eligible Federal property under subparagraph (A)(iii) for the requesting local educational agency.”.

**Subtitle H—Decorations and Awards**

**SEC. 571. MEDALS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO WERE KILLED OR WOUNDED IN AN ATTACK INSPIRED OR MOTIVATED BY A FOREIGN TERRORIST ORGANIZATION.**

(a) **PURPLE HEART.**—

(1) **AWARD.**—

(A) **IN GENERAL.**—Chapter 57 of title 10, United States Code, is amended by inserting after section 1129 the following new section:

**“§1129a. Purple Heart: members killed or wounded in attacks inspired or motivated by foreign terrorist organizations**

“(a) **IN GENERAL.**—For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded as a result of an international terrorist attack against the United States.

“(b) **COVERED MEMBERS.**—A member described in this subsection is a member on active duty who was killed or wounded in an attack inspired or motivated by a foreign terrorist organization in circumstances where the death or wound is the result of an attack targeted on the member due to such member's status as a member of the armed forces, unless the death or wound is the result of willful misconduct of the member.

“(c) **FOREIGN TERRORIST ORGANIZATION DEFINED.**—In this section, the term ‘foreign terrorist organization’ means an entity designated as a foreign terrorist organization by the Secretary of State pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).”.

(B) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 57 of such title is amended by inserting after the item relating to section 1129 the following new item:

“1129a. Purple Heart: members killed or wounded in attacks inspired or motivated by foreign terrorist organizations.”.

(2) **RETROACTIVE EFFECTIVE DATE AND APPLICATION.**—

(A) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect as of September 11, 2001.

(B) **REVIEW OF CERTAIN PREVIOUS INCIDENTS.**—The Secretaries concerned shall undertake a review of each death or wounding of a member of the Armed Forces that occurred between September 11, 2001, and the date of the enactment of this Act under circumstances that could qualify as being the result of an attack described in section 1129a of title 10, United States Code (as added by paragraph (1)), to determine whether the death or wounding qualifies as a death or wounding resulting from an attack inspired or motivated by a foreign terrorist organization for purposes of the award of the Purple Heart pursuant to such section (as so added).

(C) **ACTIONS FOLLOWING REVIEW.**—If the death or wounding of a member of the Armed Forces reviewed under subparagraph (B) is determined

to qualify as a death or wounding resulting from an attack inspired or motivated by a foreign terrorist organization as described in section 1129a of title 10, United States Code (as so added), the Secretary concerned shall take appropriate action under such section to award the Purple Heart to the member.

(D) **SECRETARY CONCERNED DEFINED.**—In this paragraph, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

(b) **SECRETARY OF DEFENSE MEDAL FOR THE DEFENSE OF FREEDOM.**—

(1) **REVIEW OF THE NOVEMBER 5, 2009, ATTACK AT FORT HOOD, TEXAS.**—If the Secretary concerned determines, after a review under subsection (a)(2)(B) regarding the attack that occurred at Fort Hood, Texas, on November 5, 2009, that the death or wounding of any member of the Armed Forces in that attack qualified as a death or wounding resulting from an attack inspired or motivated by a foreign terrorist organization as described in section 1129a of title 10, United States Code (as added by subsection (a)), the Secretary of Defense shall make a determination as to whether the death or wounding of any civilian employee of the Department of Defense or civilian contractor in the same attack meets the eligibility criteria for the award of the Secretary of Defense Medal for the Defense of Freedom.

(2) **AWARD.**—If the Secretary of Defense determines under paragraph (1) that the death or wounding of any civilian employee of the Department of Defense or civilian contractor in the attack that occurred at Fort Hood, Texas, on November 5, 2009, meets the eligibility criteria for the award of the Secretary of Defense Medal for the Defense of Freedom, the Secretary shall take appropriate action to award the Secretary of Defense Medal for the Defense of Freedom to the employee or contractor.

**SEC. 572. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.**

(a) **AUTHORITY TO AWARD.**—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600-05-1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) **PROCUREMENT OF BADGE.**—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

**SEC. 573. REPORT ON NAVY REVIEW, FINDINGS, AND ACTIONS PERTAINING TO MEDAL OF HONOR NOMINATION OF MARINE CORPS SERGEANT RAFAEL PERALTA.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the Navy review, findings, and actions pertaining to the Medal of Honor nomination of Marine Corps Sergeant Rafael Peralta. The report shall account for all evidence submitted with regard to the case.

**Subtitle I—Miscellaneous Reporting Requirements**

**SEC. 581. SECRETARY OF DEFENSE REVIEW AND REPORT ON PREVENTION OF SUICIDE AMONG MEMBERS OF UNITED STATES SPECIAL OPERATIONS FORCES.**

(a) **REVIEW REQUIRED.**—The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness and the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, shall conduct a review of Department of Defense efforts regarding the prevention of suicide among members of United States Special Operations Forces and their dependents.

(b) **CONSULTATION.**—In conducting the review under subsection (a), the Secretary of Defense shall consult with, and consider the recommendations of, the Office of Suicide Prevention, the Secretaries of the military departments, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, and the United States Special Operations Command regarding the feasibility of implementing, for members of United States Special Operations Forces and their dependents, particular elements of the Department of Defense suicide prevention policy developed pursuant to section 533 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 1071 note) and section 582 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1071 note).

(c) **ELEMENTS OF REVIEW.**—The review conducted under subsection (a) shall specifically include an assessment of each of the following:

(1) Current Armed Forces and United States Special Operations Command policy guidelines on the prevention of suicide among members of United States Special Operations Forces and their dependents.

(2) Current and direct Armed Forces and United States Special Operations Command suicide prevention programs and activities for members of United States Special Operations Forces and their dependents, including programs provided by the Defense Health Program and the Office of Suicide Prevention and programs supporting family members.

(3) Current Armed Forces and United States Special Operations Command strategies to reduce suicides among members of United States Special Operations Forces and their dependents, including the cost of such strategies across the future years defense program.

(4) Current Armed Forces and United States Special Operations Command standards of care for suicide prevention among members of United States Special Operations Forces and their dependents, including training standards for behavioral health care providers to ensure that such providers receive training on clinical best practices and evidence-based treatments as information on such practices and treatments becomes available.

(5) The integration of mental health screenings and suicide risk and prevention efforts for members of United States Special Operations Forces and their dependents into the delivery of primary care for such members and dependents.

(6) The standards for responding to attempted or completed suicides among members of United States Special Operations Forces and their dependents, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.

(7) The standards regarding data collection for individual members of United States Special Operations Forces and their dependents, including related factors such as domestic violence and child abuse.

(8) The means to ensure the protection of privacy of members of United States Special Oper-

ations Forces and their dependents who seek or receive treatment related to suicide prevention.

(9) The need to differentiate members of United States Special Operations Forces and their dependents from members of conventional forces and their dependents in the development and delivery of the Department of Defense suicide prevention program.

(10) Such other matters as the Secretary of Defense considers appropriate in connection with the prevention of suicide among members of United States Special Operations Forces and their dependents.

(d) **SUBMISSION OF REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the review conducted under subsection (a).

**SEC. 582. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE REVIEW OF SEPARATION OF MEMBERS OF THE ARMED FORCES WHO MADE UNRESTRICTED REPORTS OF SEXUAL ASSAULT.**

(a) **REVIEW REQUIRED.**—The Inspector General of the Department of Defense shall conduct a review—

(1) to identify all members of the Armed Forces who, since January 1, 2002, were separated from the Armed Forces after making an unrestricted report of sexual assault;

(2) to determine the circumstances of and grounds for each such separation, including—

(A) whether the separation was in retaliation for or influenced by the identified member making an unrestricted report of sexual assault; and

(B) whether the identified member requested an appeal; and

(3) if an identified member was separated on the grounds of having a personality or adjustment disorder, to determine whether the separation was carried out in compliance with Department of Defense Instruction 1332.14 and any other applicable Department of Defense regulations, directives, and policies.

(b) **SUBMISSION OF RESULTS AND RECOMMENDATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the results of the review conducted under subsection (a), including such recommendations as the Inspector General of the Department of Defense considers necessary.

**SEC. 583. COMPTROLLER GENERAL REPORT REGARDING MANAGEMENT OF PERSONNEL RECORDS OF MEMBERS OF THE NATIONAL GUARD.**

(a) **REPORT REQUIRED.**—Not later than April 1, 2015, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report regarding the management of personnel records of members of the National Guard.

(b) **ELEMENTS OF REPORT.**—In preparing the report under subsection (a), the Comptroller General shall consider, at a minimum, the following:

(1) The appropriate Federal role and responsibility in the management of the records of National Guard members.

(2) The extent to which selected States have digitized the records of National Guard members.

(3) The extent to which those States and Federal agencies have entered into agreements to share the digitized records.

(4) The extent to which Federal agencies face any constraints in their ability to effectively manage National Guard records.

**SEC. 584. STUDY ON GENDER INTEGRATION IN DEFENSE OPERATION PLANNING AND EXECUTION.**

(a) **STUDY REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall conduct a study concerning the integration of gender into the planning and execution of foreign operations of the Armed Forces at all levels.

(b) **ELEMENTS OF STUDY.**—In conducting the study under subsection (a), the Chairman of the Joint Chiefs of Staff shall—

(1) identify those elements of defense doctrine, if any, that should be revised to address attention to women and gender;

(2) evaluate the need for a gender advisor training program, including the length of training, proposed curriculum, and location of training;

(3) determine how to best equip military leadership to integrate attention to women and gender across all lines of effort;

(4) determine the extent to which personnel qualified to advise on women and gender are available within the Department of Defense, including development of a billet description for gender advisors; and

(5) evaluate where to assign gender advisors within operational commands from the strategic to tactical levels, with particular attention paid to assigning advisors to combatant commanders and service chiefs.

(c) **SUBMISSION OF RESULTS.**—Not later than 270 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a). The report shall be submitted in unclassified form, but may include a classified annex.

**SEC. 585. DEADLINE FOR SUBMISSION OF REPORT CONTAINING RESULTS OF REVIEW OF OFFICE OF DIVERSITY MANAGEMENT AND EQUAL OPPORTUNITY ROLE IN SEXUAL HARASSMENT CASES.**

Not later than June 1, 2015, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the review conducted pursuant to section 1735 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 976).

**Subtitle J—Other Matters**

**SEC. 591. INSPECTION OF OUTPATIENT RESIDENTIAL FACILITIES OCCUPIED BY RECOVERING SERVICE MEMBERS.**

Section 1662(a) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking “inspected on a semiannual basis for the first two years after the enactment of this Act and annually thereafter” and inserting “inspected at least once every two years”.

**SEC. 592. WORKING GROUP ON INTEGRATED DISABILITY EVALUATION SYSTEM.**

(a) **ESTABLISHMENT.**—There is established within the Department of Veterans Affairs—Department of Defense Joint Executive Committee under section 320 of title 38, United States Code, a Working Group (in this section referred to as the “Working Group”) to evaluate and reform the Integrated Disability Evaluation System of the Department of Defense and the Department of Veterans Affairs. The Working Group shall be established under the Disability Evaluation System Working Group of the Joint Executive Committee.

(b) **PILOT PROGRAM.**—

(1) **IN GENERAL.**—The Working Group shall carry out a pilot program that will co-locate the services and personnel of the Department of Defense and the Department of Veterans Affairs to create an integrated model that continues the

improvement of the Integrated Disability Evaluation System process through—

(A) increased process efficiencies, as determined by the Working Group;

(B) the creation of a standardized form set described in subsection (c)(3);

(C) the elimination of redundancies;

(D) the improvement of existing process timelines of the Integrated Disability Evaluation System;

(E) increased service member satisfaction; and

(F) the establishment of an information technology bridging solution described in subsection (c)(4).

(2) **DURATION.**—The pilot program under paragraph (1) shall be carried for a period not exceeding three years.

(c) **GOALS OF PILOT PROGRAM.**—In carrying out the pilot program under subsection (b), the Working Group shall ensure the following:

(1) The period beginning on the date on which an eligible member begins to participate in the pilot program and ending on the date on which the Secretary of Veterans Affairs determines the disability rating of the member is not more than 295 days.

(2) Employees of the Department of Defense and the Department of Veterans Affairs who carry out the pilot program are co-located in the same facility, to the extent practicable, to determine the efficiencies provided by locating services of the Departments in the same location.

(3) The elimination of redundant forms by creating and using a standardized electronic form set with respect to information that the Secretary of Defense and the Secretary of Veterans Affairs both require for an eligible member participating in the pilot program.

(4) The establishment of an information technology bridging solution between the existing E-benefits program and the MYIDES dashboard to ensure that both such programs contain the information that is added to the claim of an eligible member participating in the pilot program.

(5) Using the solution established under paragraph (4), eligible members participating in the pilot program are able to use the existing identification number of the member used by the Department of Defense to—

(A) automatically track the status of the claim of the member, including with respect to the office of the Department of Defense or the Department of Veterans Affairs that is responsible for the evaluation as of the date of accessing such solution; and

(B) be informed of the estimated timeline of the evaluation of the claim.

(6) Using the solution established under paragraph (4), the Working Group and the Secretaries may—

(A) identify the office and employee of the Department of Defense or the Department of Veterans Affairs who are responsible for the evaluation of a claim at any given time; and

(B) track individual employees of the Department of Defense and the Department of Veterans Affairs with respect to statistics measuring quality and accuracy at the case level.

(7) Eligible members who participate in the pilot program have the opportunity to use an exit survey (approved by the Secretary of Defense and the Secretary of Veterans Affairs) that informs the Working Group of the satisfaction of the member with respect to the pilot program.

(d) **ELIGIBLE MEMBERS.**—A member of the Armed Forces who is being separated or retired from the Armed Forces for disability under chapter 61 of title 10, United States Code, is eligible to participate in the pilot program under subsection (b) if—

(1) the member is referred to the Integrated Disability Evaluation System beginning on or after the date of the commencement of the pilot

program by the specific medical authority of a military department; and

(2) the evaluation of the member under the Integrated Disability Evaluation System is processed at the disability rating activity site in Providence, Rhode Island.

(e) **TIMELINE.**—By not later than 120 days after the date of the first meeting of the Working Group, the Working Group shall—

(1) establish the pilot program under subsection (b); and

(2) establish standards for the products, software, personnel, approved standardized electronic form set described in subsection (c)(3), and other matters required to carry out the pilot program; and

(3) identify the security required for the information systems of the pilot program.

(f) **LOCATION.**—The pilot program established under subsection (b) shall be located at Walter Reed National Military Medical Center in Bethesda, Maryland.

(g) **COOPERATION.**—

(1) **ASSIGNMENT.**—The Secretary of Defense and the Secretary of Veterans Affairs shall assign employees of both Departments to the location specified in subsection (f) during the period in which the pilot program is carried out.

(2) **PRIORITIZATION.**—As determined appropriate by the Department of Veterans Affairs-Department of Defense Joint Executive Committee, employees of the Veterans Benefits Administration who rate claims for disability may be assigned to the pilot program under subsection (b) in a sufficient number to ensure that claims for disability that are approved are processed—

(A) for proposed rating decision not later than 15 days after such approval; and

(B) for notification of benefits and authorization of award not later than 30 days after separation from the Armed Forces.

(h) **TREATMENT IN CURRENT IDES.**—If an eligible member who is participating in the pilot program under subsection (b) elects to instead participate in the Integrated Disability Evaluation System, the Secretary of Defense and the Secretary of Veterans Affairs shall evaluate the eligible member under the Integrated Disability Evaluation System by recognizing the date of the original claim of the member and without any penalty with respect to the priority of the member in such system.

(i) **REPORTS.**—

(1) **QUARTERLY REPORTS.**—During each 90-day period during the period in which the Working Group carries out the pilot program under subsection (b), the Working Group shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the Department of Veterans Affairs-Department of Defense Joint Executive Committee a report on the status of the pilot program. The report shall include—

(A) the average number of days that an eligible member participates in the pilot program before the Secretary of Veterans Affairs determines the disability rating of the member;

(B) the extent to which forms have been eliminated pursuant to subsection (c)(3);

(C) the extent to which the information technology bridging solution established pursuant to subsection (c)(4) has improved information sharing between the Departments;

(D) the results of exit surveys described in subsection (c)(7);

(E) the extent to which employees of the Department of Defense and the Department of Veterans Affairs have been co-located in the same facility under the pilot program; and

(F) the determination of the Working Group, based on data collected during the course of the pilot program, with respect to the feasibility of increasing the efficiency of the program to decrease the number of days of the goal described in subsection (c)(1).

(2) **SUBMISSION OF QUARTERLY REPORTS.**—Not later than 30 days after the date on which the Working Group submits a report under paragraph (1), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate congressional committees such report.

(3) **FINAL REPORT.**—Not later than 180 days after the date on which the pilot program under subsection (b) is completed, the Working Group shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the Department of Veterans Affairs-Department of Defense Joint Executive Committee a report on the pilot program, including an analysis of the pilot program and any recommendations regarding whether the pilot program should be expanded.

(4) **SUBMISSION OF FINAL REPORT.**—Not later than 30 days after the date on which the Working Group submits the report under paragraph (3), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate congressional committees such report.

(j) **MEMBERSHIP.**—

(1) **NUMBER AND APPOINTMENT.**—The Working Group shall be composed of 15 members appointed by the Department of Veterans Affairs-Department of Defense Joint Executive Committee from among individuals who have subject matter expertise or other relevant experience in government, the private sector, or academia regarding—

(A) health care;

(B) medical records;

(C) logistics;

(D) information technology; or

(E) other relevant subjects.

(2) **DISQUALIFICATION.**—An individual may not be appointed to the Working Group if the individual has served on the Department of Veterans Affairs-Department of Defense Joint Executive Committee or any working group thereof.

(3) **EMPLOYEES OF DEPARTMENTS.**—Not more than a total of four individuals who are employed by either the Department of Defense or the Department of Veterans Affairs may be appointed to the Working Group to ensure that the efficiencies and best practices of the pilot program do not violate the policies of the Departments. Such an individual who is appointed may not serve as chairman of the Working Group or serve in any other supervisory or leadership role.

(4) **ADVISORS.**—The Working Group shall seek advice from experts from nongovernmental organizations (including veterans service organizations, survivors of members of the Armed Forces or veterans, and military organizations), the Internet technology industry, private sector hospital administrators, and other entities the Working Group determines appropriate.

(5) **CHAIRMAN.**—Except as provided by paragraph (3), the Department of Veterans Affairs-Department of Defense Joint Executive Committee shall designate a member of the Working Group to serve as chairman of the Working Group.

(6) **PERIOD OF APPOINTMENT.**—Members of the Working Group shall be appointed for the life of the Working Group. A vacancy shall not affect its powers.

(7) **VACANCY.**—A vacancy on the Working Group shall be filled in the manner in which the original appointment was made.

(8) **APPOINTMENT DEADLINE.**—The appointment of members of the Working Group established in this section shall be made not later than 60 days after the date of the enactment of this Act.

(9) **COMPENSATION OF MEMBERS.**—Each member of the Working Group who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent



of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Working Group. All members of the Working Group who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(k) MEETINGS.—

(1) INITIAL MEETING.—The Working Group shall hold its first meeting not later than 15 days after the date on which a majority of the members are appointed.

(2) MINIMUM NUMBER OF MEETINGS.—The Working Group shall meet not less than twice each year regarding the pilot program under subsection (b), including the progress, status, implementation, and execution of the pilot program.

(l) TERMINATION OF WORKING GROUP.—The Working Group shall terminate on the date on which the Working Group submits the report under subsection (i)(3).

(m) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means the following:

(A) The Committees on Veterans’ Affairs of the House of Representatives and the Senate.

(B) The Committees on Armed Services of the House of Representatives and the Senate.

(2) The term “Integrated Disability Evaluation System” means the disability evaluation system used jointly by the Secretary of Defense and the Secretary of Veterans Affairs.

**SEC. 593. SENSE OF CONGRESS REGARDING FULFILLING PROMISE TO LEAVE NO MEMBER OF THE ARMED FORCES UNACCOUNTED IN AFGHANISTAN.**

(a) FINDINGS.—Congress makes the following findings:

(1) The United States is a country of great honor and integrity.

(2) The United States has made a sacred promise to members of the Armed Forces deployed overseas in defense of the United States that their sacrifice and service will never be forgotten.

(3) The United States can never thank the proud members of the Armed Forces enough for their sacrifice and service on behalf of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) abandoning the search efforts for members of the Armed Forces who are missing or captured in the line of duty now or in the future is unacceptable;

(2) the United States has a responsibility to keep the promises made to members of the Armed Forces deployed overseas in defense of the United States, including the promise of the United States Soldier’s Creed and the Warrior Ethos, which state that “I will never leave a fallen comrade”; and

(3) while the United States continues to transition leadership roles in combat operations in Afghanistan to the people of Afghanistan, the United States must continue to fulfill these important promises to any member of the Armed Forces who is in a missing status or captured as a result of service in Afghanistan now or in the future.

**TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

**Subtitle A—Pay and Allowances**

**SEC. 601. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.**

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

**SEC. 602. NO FISCAL YEAR 2015 INCREASE IN BASIC PAY FOR GENERAL AND FLAG OFFICERS.**

Section 203(a)(2) of title 37, United States Code, shall be applied for rates of basic pay payable for commissioned officers in the uniformed services in pay grades O–7 through O–10 during calendar year 2015 by using the rate of pay for level II of the Executive Schedule in effect during 2014.

**Subtitle B—Bonuses and Special and Incentive Pays**

**SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2014” and inserting “December 31, 2015”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

**SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.**

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking “December 31, 2014” and inserting “December 31, 2015”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2014” and inserting “December 31, 2015”:

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

**SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2014” and inserting “December 31, 2015”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

**SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2014” and inserting “December 31, 2015”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps.

(7) Section 351(h), relating to hazardous duty pay.

(8) Section 352(g), relating to assignment pay or special duty pay.

(9) Section 353(i), relating to skill incentive pay or proficiency bonus.

(10) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

**SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2014” and inserting “December 31, 2015”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 316a(g), relating to incentive pay for members of precommissioning programs pursuing foreign language proficiency.

(6) Section 324(g), relating to accession bonus for new officers in critical skills.

(7) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(8) Section 327(h), relating to incentive bonus for transfer between branches of the Armed Forces.

(9) Section 330(f), relating to accession bonus for officer candidates.

**Subtitle C—Travel and Transportation**

**SEC. 621. AUTHORITY TO ENTER INTO CONTRACTS FOR THE PROVISION OF RELOCATION SERVICES.**

The Secretary of Defense may authorize the commander of a military base to enter into a contract with an appropriate entity for the provision of relocation services to members of the Armed Forces.

**Subtitle D—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations**

**SEC. 631. AUTHORITY OF NONAPPROPRIATED FUND INSTRUMENTALITIES TO ENTER INTO CONTRACTS WITH OTHER FEDERAL AGENCIES AND INSTRUMENTALITIES TO PROVIDE AND OBTAIN CERTAIN GOODS AND SERVICES.**

Section 2492 of title 10, United States Code, is amended by striking “Federal department,



agency, or instrumentality” and all that follows through the period at the end of the section and inserting the following: “Federal department, agency, or instrumentality—

“(1) to provide or obtain goods and services beneficial to the efficient management and operation of the exchange system or that morale, welfare, and recreation system; or

“(2) to provide or obtain food services beneficial to the efficient management and operation of the dining facilities on military installations offering food services to members of the armed forces.”.

**SEC. 632. REVIEW OF MANAGEMENT, FOOD, AND PRICING OPTIONS FOR DEFENSE COMMISSARY SYSTEM.**

(a) **REVIEW REQUIRED.**—The Secretary of Defense shall conduct a review, utilizing the services of an independent organization experienced in grocery retail analysis, of the defense commissary system to determine the qualitative and quantitative effects of—

(1) using variable pricing in commissary stores to reduce the expenditure of appropriated funds to operate the defense commissary system;

(2) implementing a program to make available more private label products in commissary stores;

(3) converting the defense commissary system to a nonappropriated fund instrumentality, and

(4) eliminating or at least reducing second-destination funding.

(b) **ADDITIONAL ELEMENTS OF REVIEW.**—The review required by this section also shall consider the following:

(1) The impact of changes to the operation of the defense commissary system on commissary patrons, in particular junior enlisted members and junior officers and their dependents, that would result from displacing current value and name-brand products with private-label products.

(2) The sensitivity of commissary patrons to pricing changes.

(3) The feasibility of generating net revenue from pricing and stock assortment changes.

(4) The relationship of higher prices and reduced patron savings to patron usage and accompanying sales, both on a national and regional basis.

(5) The impact of changes to the operation of the defense commissary system on industry support; such as vendor stocking, promotions, discounts, and merchandising activities and programs.

(6) The ability of the current commissary management and information technology systems to accommodate changes to the existing pricing and management structure.

(7) The product category management systems and expertise of the Defense Commissary Agency.

(8) The impact of changes to the operation of the defense commissary system on military exchanges and other morale, welfare, and recreation programs for members of the Armed Forces.

(9) The identification of management and legislative changes that would be required in connection with changes to the defense commissary system.

(10) An estimate of the time required to implement recommended changes to the current pricing and management model of the defense commissary system.

(c) **SUBMISSION.**—Not later than February 1, 2015, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the review required by this section.

**SEC. 633. RESTRICTION ON IMPLEMENTING ANY NEW DEPARTMENT OF DEFENSE POLICY TO LIMIT, RESTRICT, OR BAN THE SALE OF CERTAIN ITEMS ON MILITARY INSTALLATIONS.**

The Secretary of Defense and the Secretaries of the military departments may not take any action to implement any new policy that would limit, restrict, or ban the sale of any legal consumer product category sold as of January 1, 2014, in the defense commissary system or exchange stores system on any military installation, domestically or overseas, or on any Department of Defense vessel at sea.

**Subtitle E—Other Matters**

**SEC. 641. ANONYMOUS SURVEY OF MEMBERS OF THE ARMED FORCES REGARDING THEIR PREFERENCES FOR MILITARY PAY AND BENEFITS.**

(a) **SURVEY REQUIRED.**—The Secretary of Defense shall carry out a anonymous survey of random members of the Armed Forces regarding military pay and benefits for the purpose of soliciting information on the following:

(1) The value that members of the Armed Forces place on the following forms of compensation relative to one another:

(A) Basic pay.

(B) Allowances for housing and subsistence.

(C) Bonuses and special pays.

(D) Dependent healthcare benefits.

(E) Healthcare benefits for retirees under 65 years old.

(F) Healthcare benefits for Medicare-eligible retirees.

(G) Retirement pay.

(2) How the members value different levels of pay or benefits, including the impact of co-payments or deductibles on the value of benefits.

(3) Any other issues related to military pay and benefits as the Secretary of Defense considers appropriate.

(4) How information collected pursuant to a previous paragraph varies by age, rank, dependent status, and such other factors as the Secretary of Defense considers appropriate.

(b) **SUBMISSION OF RESULTS.**—Not later than March 1, 2015, the Secretary of Defense shall submit to Congress and make publicly available a report containing the results of the survey, including both the analyses and the raw data collected.

**TITLE VII—HEALTH CARE PROVISIONS**

**Subtitle A—TRICARE and Other Health Care Benefits**

**SEC. 701. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES.**

(a) **IN GENERAL.**—Section 1074m of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by redesignating subparagraph (B) and (C) as subparagraph (C) and (D), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) Once during each 180-day period during which a member is deployed.”; and

(2) in subsection (c)(1)(A)—

(A) in clause (i), by striking “; and” and inserting a semicolon;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

“(ii) by personnel in deployed units whose responsibilities include providing unit health care services if such personnel are available and the use of such personnel for the assessments would not impair the capacity of such personnel to perform higher priority tasks; and”.

(b) **CONFORMING AMENDMENT.**—Section 1074m(a)(2) of title 10, United States Code, is amended by striking “subparagraph (B) and (C)” and inserting “subparagraph (C) and (D)”.

**SEC. 702. CLARIFICATION OF PROVISION OF FOOD TO FORMER MEMBERS AND DEPENDENTS NOT RECEIVING INPATIENT CARE IN MILITARY MEDICAL TREATMENT FACILITIES.**

Section 1078b of title 10, United States Code, is amended—

(1) by striking “A member” each place it appears and inserting “A member or former member”; and

(2) in subsection (a)(2)(C), by striking “member or dependent” and inserting “member, former member, or dependent”.

**Subtitle B—Health Care Administration**

**SEC. 711. COOPERATIVE HEALTH CARE AGREEMENTS BETWEEN THE MILITARY DEPARTMENTS AND NON-MILITARY HEALTH CARE ENTITIES.**

Section 713 of the National Defense Authorization Act of 2010 (Public Law 111–84; 10 U.S.C. 1073 note) is amended—

(1) in subsection (a), by striking “Secretary of Defense” and inserting “Secretary concerned”; and

(2) in subsection (b)—

(A) by striking “Secretary shall” and inserting “Secretary concerned shall”; and

(B) in paragraph (1)(A), by inserting “if the Secretary establishing such agreement is the Secretary of Defense” before the semicolon; and

(C) in paragraph (3), by inserting “or the military department concerned” after “the Department of Defense”; and

(3) by adding at the end the following new subsection:

“(e) **SECRETARY CONCERNED DEFINED.**—In this section, the term ‘Secretary concerned’ means—

“(1) the Secretary of a military department; or

“(2) the Secretary of Defense.”.

**SEC. 712. SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.**

Section 711(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 1073 note) is amended in the matter preceding subparagraph (A)—

(1) by striking “on a biennial basis”; and

(2) by striking “paragraph (1)” and inserting the following: “paragraph (1) during 2017 and 2020, and at such other times as requested by such committees or as the Comptroller General determines appropriate”.

**SEC. 713. LIMITATION ON TRANSFER OR ELIMINATION OF GRADUATE MEDICAL EDUCATION BILLETS.**

The Secretary of Defense may not transfer or eliminate a graduate medical education billet from the military medical treatment facility to which the billet is assigned as of the date of the enactment of this Act unless the Secretary—

(1) conducts a Department-wide review of the implementation of the plan required by section 731 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1071 note) that is based on not less than two years of carrying out such implementation;

(2) conducts an examination of the most successful incentives for recruiting and retaining medical professionals to participate in the graduate medical education programs of the military departments;

(3) determines the assignment of such billets based on the review and examination conducted under paragraphs (1) and (2), respectively; and

(4) after the Secretary makes the determination under paragraph (3), certifies to the congressional defense committees that any proposed transfer or elimination of such billets—

(A) meets the needs of the military departments and the patient population; and

(B) takes into account the assignment interests of the members of the Armed Forces who are participating (or who will participate) in the graduate medical education programs of the military departments.

**SEC. 714. REVIEW OF MILITARY HEALTH SYSTEM MODERNIZATION STUDY.**

(a) **LIMITATION.**—

(1) *IN GENERAL.*—The Secretary of Defense may not restructure or realign a military medical treatment facility until a 120-day period has elapsed following the date on which the Comptroller General of the United States is required to submit to the congressional defense committees the report under subsection (b)(3).

(2) *REPORT.*—The Secretary shall submit to the congressional defense committees a report that includes the following:

(A) During the period from 2001 to 2012, for each military medical treatment facility considered under the modernization study directed by the Resource Management Decision of the Department of Defense numbered MP-D-01—

- (i) the average daily inpatient census;
- (ii) the average inpatient capacity;
- (iii) the top five inpatient admission diagnoses;
- (iv) each medical specialty available;
- (v) the average daily percent of staffing available for each medical specialty;
- (vi) the beneficiary population within the catchment area;
- (vii) the budgeted funding level;
- (viii) whether the facility has a helipad capable of receiving medical evacuation airlift patients arriving on the primary evacuation aircraft platform for the military installation served;

(ix) a determination of whether the civilian hospital system in which the facility resides is a Federally-designated underserved medical community and the effect on such community from any reduction in staff or functions or downgrade of the facility;

(x) if the facility serves a training center, a determination, made in consultation with the appropriate training directorate, training and doctrine command, and forces command of each military department, of the risk with respect to high tempo, live-fire military operations, and the potential for a mass casualty event if the facility is downgraded to a clinic or reduced in personnel or capabilities;

(xi) a site assessment by TRICARE to assess the network capabilities of TRICARE providers in the local area;

(xii) the inpatient mental health availability; and

(xiii) the average annual inpatient care directed to civilian medical facilities.

(B) For each military medical treatment facility considered under such modernization study—

(i) the civilian capacity by medical specialty in each catchment area;

(ii) the distance in miles to the nearest civilian emergency care department;

(iii) the distance in miles to the closest civilian inpatient hospital, listed by level of care and whether the facility is designated a sole community hospital;

(iv) the availability of ambulance service on the military installation and the distance in miles to the nearest civilian ambulance service, including the average response time to the military installation;

(v) an estimate of the cost to restructure or realign the military medical treatment facility, including with respect to bed closures and civilian personnel reductions; and

(vi) if the military medical treatment facility is restructured or realigned, an estimate of—

(I) the number of civilian personnel reductions, listed by series;

(II) the number of local support contracts terminated; and

(III) the increased cost of purchased care.

(C) The results of the study with respect to the recommendations of the Secretary to restructure or realign military medical treatment facilities.

(b) *COMPTROLLER GENERAL REVIEW.*—

(1) *REVIEW.*—The Comptroller General of the United States shall review the report under subsection (a)(2).

(2) *ELEMENTS.*—The review under paragraph (1) shall include the following:

(A) An assessment of the methodology used by the Secretary of Defense in conducting the study.

(B) An assessment of the adequacy of the data used by the Secretary with respect to such study.

(3) *REPORT.*—Not later than 180 days after the date on which the Secretary submits the report under subsection (a)(2), the Comptroller General shall submit to the congressional defense committees a report on the review under paragraph (1).

#### **Subtitle C—Reports and Other Matters**

#### **SEC. 721. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.**

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573) is amended by striking “September 30, 2015” and inserting “September 30, 2016”.

#### **SEC. 722. DESIGNATION AND RESPONSIBILITIES OF SENIOR MEDICAL ADVISOR FOR ARMED FORCES RETIREMENT HOME.**

(a) *DESIGNATION OF SENIOR MEDICAL ADVISOR.*—Subsection (a) of section 1513A of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413a) is amended—

(1) in paragraph (1), by striking “Deputy Director of the TRICARE Management Activity” and inserting “Deputy Director of the Defense Health Agency”; and

(2) in paragraph (2), by striking “Deputy Director of the TRICARE Management Activity” both places it appears and inserting “Deputy Director of the Defense Health Agency”.

(b) *CLARIFICATION OF RESPONSIBILITIES AND DUTIES OF SENIOR MEDICAL ADVISOR.*—Subsection (c)(2) of such section is amended by striking “health care standards of the Department of Veterans Affairs” and inserting “nationally recognized health care standards and requirements”.

#### **SEC. 723. RESEARCH REGARDING ALZHEIMER'S DISEASE.**

The Secretary of Defense may carry out research, development, test, and evaluation activities with respect to Alzheimer's disease.

#### **SEC. 724. ACQUISITION STRATEGY FOR HEALTH CARE PROFESSIONAL STAFFING SERVICES.**

(a) *ACQUISITION STRATEGY.*—

(1) *IN GENERAL.*—The Secretary of Defense shall develop and carry out an acquisition strategy with respect to entering into contracts for the services of health care professional staff at military medical treatment facilities.

(2) *ELEMENTS.*—The acquisition strategy under paragraph (1) shall include the following:

(A) Identification of the responsibilities of the military departments and elements of the Department of Defense in carrying out such strategy.

(B) Methods to analyze, using reliable and detailed data covering the entire Department, the amount of funds expended on contracts for the services of health care professional staff.

(C) Methods to identify opportunities to consolidate requirements for such services and reduce cost.

(D) Methods to measure cost savings that are realized by using such contracts instead of purchased care.

(E) Metrics to determine the effectiveness of such strategy.

(b) *REPORT.*—Not later than April 1, 2015, the Secretary shall submit to the congressional de-

fense committees a report on the status of implementing the acquisition strategy under paragraph (1) of subsection (a), including how each element under subparagraphs (A) through (E) of paragraph (2) of such subsection are being carried out.

#### **SEC. 725. PILOT PROGRAM ON MEDICATION THERAPY MANAGEMENT UNDER TRICARE PROGRAM.**

(a) *ESTABLISHMENT.*—In accordance with section 1092 of title 10, United States Code, the Secretary of Defense shall carry out a pilot program to evaluate the feasibility and desirability of including medication therapy management as part of the TRICARE program.

(b) *ELEMENTS OF PILOT PROGRAM.*—In carrying out the pilot program under subsection (a), the Secretary shall ensure the following:

(1) Patients who participate in the pilot program are patients who—

(A) have more than one chronic condition; and

(B) are prescribed more than one medication.

(2) Medication therapy management services provided under the pilot program are focused on improving patient use and outcomes of prescription medications.

(3) The design of the pilot considers best commercial practices in providing medication therapy management services, including practices under the prescription drug program under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.).

(4) The pilot program includes methods to measure the effect of medication therapy management services on—

(A) patient use and outcomes of prescription medications; and

(B) the costs of health care.

(c) *LOCATIONS.*—

(1) *SELECTION.*—The Secretary shall carry out the pilot program under subsection (a) in not less than three locations.

(2) *FIRST LOCATION CRITERIA.*—Not less than one location selected under paragraph (1) shall meet the following criteria:

(A) The location is a pharmacy at a military medical treatment facility.

(B) The patients participating in the pilot program at such location generally receive primary care services from health care providers at such facility.

(3) *SECOND LOCATION CRITERIA.*—Not less than one location selected under paragraph (1) shall meet the following criteria:

(A) The location is a pharmacy at a military medical treatment facility.

(B) The patients participating in the pilot program at such location generally do not receive primary care services from health care providers at such facility.

(4) *THIRD LOCATION CRITERION.*—Not less than one location selected under paragraph (1) shall be a pharmacy located at a location other than a military medical treatment facility.

(d) *DURATION.*—The Secretary shall carry out the pilot program under subsection (a) for a period determined appropriate by the Secretary that is not less than two years.

(e) *REPORT.*—Not later than 30 months after the date on which the Secretary commences the pilot program under subsection (a), the Secretary shall submit to the congressional defense committees a report on the pilot program that includes—

(1) information on the effect of medication therapy management services on—

(A) patient use and outcomes of prescription medications; and

(B) the costs of health care;

(2) the recommendations of the Secretary with respect to incorporating medication therapy management into the TRICARE program; and

(3) such other information as the Secretary determines appropriate.

(f) **DEFINITIONS.**—In this section:

(1) The term “medication therapy management” means professional services provided by qualified pharmacists to patients to improve the effective use and outcomes of prescription medications provided to the patients.

(2) The term “TRICARE program” has the meaning given that term in section 1072 of title 10, United States Code.

**SEC. 726. REPORT ON REDUCTION OF PRIME SERVICE AREAS.**

(a) **IN GENERAL.**—Section 732 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1816), as amended by section 701 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66), is further amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) **ADDITIONAL REPORT.**—

“(1) **IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2015, the Secretary shall submit to the congressional defense committees a report on the status of reducing the availability of TRICARE Prime in regions described in subsection (d)(1)(B).

“(2) **MATTERS INCLUDED.**—The report under paragraph (1) shall include the following:

“(A) Details regarding the impact to affected eligible beneficiaries with respect to the reduction of the availability of TRICARE Prime in regions described in subsection (d)(1)(B), including, with respect to each State—

“(i) the number of affected eligible beneficiaries who, as of the date of the report, are enrolled in TRICARE Standard;

“(ii) the number of affected eligible beneficiaries who, as of the date of the report; changed residences to remain eligible for TRICARE Prime in a new region; and

“(iii) the number of affected eligible beneficiaries who, as of the date of the report, have made an election described in subsection (c)(1).

“(B) The estimated increase in annual costs per each affected eligible beneficiary counted under subparagraph (A) as compared to the estimated annual costs if a contract described in subsection (a)(2)(A) did not affect the eligibility of the beneficiary for TRICARE Prime.

“(C) A description of the efforts of the Secretary to assess—

“(i) the impact on access to health care for affected eligible beneficiaries; and

“(ii) the satisfaction of such beneficiaries with respect to access to health care under TRICARE Standard.

“(D) A description of the estimated cost savings realized by reducing the availability of TRICARE Prime in regions described in subsection (d)(1)(B).”.

(b) **CONFORMING AMENDMENT.**—Subsection (b)(3)(A) of such section is amended by striking “subsection (c)(1)(B)” and inserting “subsection (d)(1)(B)”.

**SEC. 727. COMPTROLLER GENERAL REPORT ON TRANSITION OF CARE FOR POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.**

(a) **REPORT.**—Not later than April 1, 2015, the Comptroller General of the United States shall submit to the congressional defense committees and Committees on Veterans' Affairs of the House of Representatives and the Senate a report that assesses the transition of care for post-traumatic stress disorder or traumatic brain injury.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include the following:

(1) The programs, policies, and regulations that affect the transition of care, particularly

with respect to individuals who are taking or have been prescribed antidepressants, stimulants, antipsychotics, mood stabilizers, anxiolytic, depressants, or hallucinogens.

(2) Upon transitioning to care furnished by the Secretary of Veterans Affairs, the extent to which the pharmaceutical treatment plan of an individual changes, and the factors determining such changes.

(3) The extent to which the Secretary of Defense and the Secretary of Veterans Affairs have worked together to identify and apply best pharmaceutical treatment practices.

(4) A description of the off-formulary waiver process of the Secretary of Veterans Affairs, and the extent to which the process is applied efficiently at the treatment level.

(5) The benefits and challenges of combining the formularies across the Department of Defense and the Department of Veterans Affairs.

(6) Any other issues that the Comptroller General determines appropriate.

(c) **TRANSITION OF CARE DEFINED.**—In this section, the term “transition of care” means the transition of an individual from receiving treatment furnished by the Secretary of Defense to treatment furnished by the Secretary of Veterans Affairs.

**SEC. 728. BRIEFING ON HOSPITALS IN ARREARS IN PAYMENTS TO DEPARTMENT OF DEFENSE.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the process used by the Defense Health Agency to collect payments from non-Department of Defense hospitals. Such briefing shall include a list of each hospital that is more than 90 days in arrears in payments to the Secretary, including the amount of arrears (by 30-day increments) for each such hospital.

**TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

**Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations**

**SEC. 801. EXTENSION TO UNITED STATES TRANSPORTATION COMMAND OF AUTHORITIES RELATING TO PROHIBITION ON CONTRACTING WITH THE ENEMY.**

Section 831(i)(1) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 813) is amended by inserting “United States Transportation Command,” after “United States Southern Command.”.

**SEC. 802. EXTENSION OF CONTRACT AUTHORITY FOR ADVANCED COMPONENT DEVELOPMENT OR PROTOTYPE UNITS.**

(a) **EXTENSION OF TERMINATION.**—Subsection (b)(4) of section 819 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C. 2302 note) is amended by striking “September 30, 2014” and inserting “September 30, 2019”.

(b) **EXTENSION OF REPORT REQUIREMENT.**—Subsection (c) of such section is amended by striking “March 1, 2013” and inserting “March 1, 2018”.

**SEC. 803. AMENDMENT RELATING TO AUTHORITY OF THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.**

Section 845(a)(1) of Public Law 103-160 (10 U.S.C. 2371 note) is amended by striking “weapons or weapon systems proposed to be acquired or developed by the Department of Defense, or to improvement of weapons or weapon systems in use by the Armed Forces” and inserting the following: “enhancing the mission effectiveness of military personnel and the supporting platforms, systems, components, or materials pro-

posed to be acquired or developed by the Department of Defense, or to improvement of platforms, systems, components, or materials in use by the Armed Forces”.

**SEC. 804. EXTENSION OF LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.**

Section 808 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1489), as amended by section 802 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 804) is further amended—

(1) in subsections (a) and (b), by striking “or 2014” and inserting “2014, or 2015”;

(2) in subsection (c)(3), by striking “and 2014” and inserting “2014, and 2015”;

(3) in subsection (d)(4), by striking “or 2014” and inserting “2014, or 2015”; and

(4) in subsection (e), by striking “2014” and inserting “2015”.

**Subtitle B—Industrial Base Matters**

**SEC. 811. THREE-YEAR EXTENSION OF AND AMENDMENTS TO TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.**

(a) **THREE-YEAR EXTENSION.**—Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking “December 31, 2014” and inserting “December 31, 2017”.

(b) **ADDITIONAL REQUIREMENTS FOR COMPREHENSIVE SUBCONTRACTING PLANS.**—Subsection (b) of section 834 of such Act is amended—

(1) in paragraph (1), by striking “paragraph (3)” and inserting “paragraph (4)”;

(2) by redesignating paragraph (3) as paragraph (4), and in that paragraph by striking “\$5,000,000” and inserting “\$100,000,000”; and

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3) Each comprehensive subcontracting plan of a contractor shall require that the contractor report to the Secretary of Defense on a semi-annual basis the following information:

“(A) The amount of first-tier subcontract dollars awarded during the six-month period covered by the report to covered small business concerns, with the information set forth separately—

“(i) by North American Industrial Classification System code;

“(ii) by major defense acquisition program, as defined in section 2430(a) of title 10, United States Code;

“(iii) by contract, if the contract is for the maintenance, overhaul, repair, servicing, rehabilitation, salvage, modernization, or modification of supplies, systems, or equipment and the total value of the contract, including options, exceeds \$100,000,000; and

“(iv) by military department.

“(B) The total number of subcontracts active under the test program during the six-month period covered by the report that would have otherwise required a subcontracting plan under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

“(C) Costs incurred in negotiating, complying with, and reporting on comprehensive subcontracting plans.

“(D) Costs avoided by adoption of a comprehensive subcontracting plan.

“(E) Any other information required by the Department of Defense to complete the study required by subsection (f).”.

(c) **ADDITIONAL CONSEQUENCE FOR FAILURE TO MAKE GOOD FAITH EFFORT TO COMPLY.**—

(1) **AMENDMENTS.**—Subsection (d) of section 834 of such Act is amended—

(A) by striking “COMPANY-WIDE” and inserting “COMPREHENSIVE” in the heading;

(B) by striking “company-wide” and inserting “comprehensive subcontracting”; and

(C) by adding at the end the following: “In addition, any such failure shall be a factor considered as part of the evaluation of past performance of an offeror.”.

(2) REPEAL OF SUSPENSION OF SUBSECTION (D).—Section 402 of Public Law 101–574 (15 U.S.C. 637 note) is repealed.

(d) ADDITIONAL REPORT.—

(1) IN GENERAL.—Paragraph (1) of section 834(f) of such Act is amended by striking “March 1, 1994, and March 1, 2012” and inserting “September 30, 2015”.

(2) CORRECTION OF REFERENCE TO COMMITTEE.—Such paragraph is further amended by striking “Committees” and all that follows through the end of such paragraph and inserting the following: “Committees on Armed Services and on Small Business of the House of Representatives and the Committees on Armed Services and on Small Business and Entrepreneurship of the Senate”.

(e) ADDITIONAL DEFINITIONS.—

(1) COVERED SMALL BUSINESS CONCERN.—Subsection (g) of section 834 of such Act is amended to read as follows:

“(g) DEFINITIONS.—In this section, the term ‘covered small business concern’ includes each of the following:

“(1) A small business concern, as that term is defined under section 3(a) of the Small Business Act (15 U.S.C. 632(a));

“(2) A small business concern owned and controlled by veterans, as that term is defined in section 3(q)(3) of such Act (15 U.S.C. 632(q)(3)).

“(3) A small business concern owned and controlled by service-disabled veterans, as that term is defined in section 3(q)(2) of such Act (15 U.S.C. 632(q)(2)).

“(4) A qualified HUBZone small business concern, as that term is defined under section 3(p)(5) of such Act (15 U.S.C. 632(p)(5)).

“(5) A small business concern owned and controlled by socially and economically disadvantaged individuals, as that term is defined in section 8(d)(3)(C) of such Act (15 U.S.C. 637(d)(3)(C)).

“(6) A small business concern owned and controlled by women, as that term is defined under section 3(n) of such Act (15 U.S.C. 632(n)).”.

(2) CONFORMING AMENDMENT.—Subsection (a)(1) of section 834 of such Act is amended by striking “small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals” and inserting “covered small business concerns”.

## SEC. 812. IMPROVING OPPORTUNITIES FOR SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESSES.

(a) SMALL BUSINESS DEFINITION OF SMALL BUSINESS CONCERN CONSOLIDATED.—Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—The term ‘small business concern owned and controlled by service-disabled veterans’ means a small business concern—

“(A)(i) not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

“(ii) the management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran; or

“(B)(i) not less than 51 percent of which is owned by one or more veterans with service-connected disabilities that are permanent and total who are unable to manage the daily business operations of such concern or, in the case of a publicly owned business, not less than 51 percent of the stock of which is owned by one or more such veterans; and

“(ii) is included in the database described in section 8127(f) of title 38, United States Code.”; and

(2) by adding at the end the following:

“(6) TREATMENT OF BUSINESSES AFTER DEATH OF VETERAN-OWNER.—

“(A) IN GENERAL.—Subject to subparagraph (C), if the death of a service-disabled veteran causes a small business concern to be less than 51 percent owned by one or more such veterans, the surviving spouse of such veteran who acquires ownership rights in such small business concern shall, for the period described in subparagraph (B), be treated as if the surviving spouse were that veteran for the purpose of maintaining the status of the small business concern as a small business concern owned and controlled by service-disabled veterans.

“(B) PERIOD DESCRIBED.—The period referred to in subparagraph (A) is the period beginning on the date on which the service-disabled veteran dies and ending on the earliest of the following dates:

“(i) The date on which the surviving spouse remarries.

“(ii) The date on which the surviving spouse relinquishes an ownership interest in the small business concern.

“(iii) The date that is ten years after the date of the veteran’s death.

“(C) APPLICATION TO SURVIVING SPOUSE.—Subparagraph (A) only applies to a surviving spouse of a veteran with a service-connected disability if—

“(i) the veteran had a service-connected disability rated as 100 percent disabling or died as a result of a service-connected disability; and

“(ii) prior to the death of the veteran and during the period in which the surviving spouse seeks to qualify under this paragraph, the small business concern is included in the database described in section 8127(f) of title 38, United States Code.”.

(b) VETERANS AFFAIRS DEFINITION OF SMALL BUSINESS CONCERN CONSOLIDATED.—Section 8127 of title 38, United States Code, is amended—

(1) by striking subsection (h); and

(2) in subsection (l)(2), by striking “means” and all that follows through the period at the end and inserting the following: “has the meaning given that term under section 3(q) of the Small Business Act (15 U.S.C. 632(q)).”.

(c) SBA TO ASSUME CONTROL OF VERIFICATION OF OWNERSHIP AND CONTROL STATUS OF APPLICANTS FOR INCLUSION IN THE DATABASE OF SMALL BUSINESSES OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS AND VETERANS.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by section 815, is further amended by adding at the end the following new section: “SEC. 49. VETS FIRST PROGRAM.

“In order to increase opportunities for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans in the Federal marketplace, not later than 180 days after the effective date of this section, the Administrator shall enter into a memorandum of understanding with the Secretary of Veterans Affairs that transfers control and administration of the program under subsections (e) through (g) of section 8127 of title 38, United States Code, to the Administrator, consistent with the following:

“(1) Not later than 270 days after completing the memorandum of understanding, the Admin-

istrator shall make rules to carry out the memorandum. If the Administrator does not make such rules by such date, the Administrator may not exercise the authority under section 7(a)(25)(A) until such time as those rules are made.

“(2) The Administrator shall assume authority and responsibility for maintenance and operation of the database and for verifications under the program. Any verifications undertaken by the Administrator shall employ fraud prevention measures at the time of the initial application, through detection and monitoring processes after initial acceptance, by investigating allegations of potential fraud, removing firms that do not qualify from the database, and referring cases for prosecution when appropriate.

“(3) Any appeal by a small business concern, at the time that verification is denied or a contract is awarded, of any determination under the program shall be heard by the Office of Hearings and Appeals of the Small Business Administration.

“(4)(A) The Secretary shall, for a period of 6 years commencing on a date agreed to in the completed memorandum, reimburse to the Administrator of the Small Business Administration any costs incurred by the Administrator for actions undertaken pursuant to the memorandum from fees collected by the Secretary of Veterans Affairs under multiple-award schedule contracts. The Administrator and the Secretary shall endeavor to ensure maximum efficiency in such actions. Any disputes between the Secretary and the Administrator shall be resolved by the Director of the Office of Management and Budget.

“(B) The Secretary and the Administrator may extend the term of the memorandum of understanding, except for the reimbursement requirement under subparagraph (A). The Secretary and the Administrator may in a separate memorandum of understanding provide for an extension of such reimbursement.

“(5) Not later than 180 days after the date of enactment of this section, and every 180 days thereafter, the Secretary and the Administrator shall—

“(A) meet to discuss ways to improve collaboration under the memorandum to increase opportunities for service-disabled veteran-owned small businesses and veteran-owned small businesses; and

“(B) consult with congressionally chartered Veterans Service Organizations to discuss ways to increase opportunities for service-disabled veteran-owned small businesses and veteran-owned small businesses.

“(6) Not later than 180 days after the date of enactment of this section, and every 180 days thereafter, the Secretary and the Administrator shall report to the Committee on Small Business and the Committee on Veterans’ Affairs of the House of Representatives, and the Committee on Small Business and Entrepreneurship and the Committee on Veterans’ Affairs of the Senate on the progress made by the Secretary and the Administrator implementing this section.

“(7) In any meeting required under paragraph (5), the Secretary and the Administrator shall include in the discussion of ways to improve collaboration under the memorandum to increase opportunities for small businesses owned and controlled by service-disabled veterans who are women or minorities and small business concerns owned and controlled by veterans who are women or minorities.”.

(d) MEMORANDUM OF UNDERSTANDING.—Section 8127(f) of title 38, United States Code, is amended by adding at the end the following:

“(7) Not later than 180 days after the effective date of this paragraph, the Secretary shall enter into a memorandum of understanding with the

Administrator of the Small Business Administration consistent with section 48 of the Small Business Act, which shall specify the manner in which the Secretary shall notify the Administrator as to whether an individual is a veteran and if that veteran has a service-connected disability.”.

**SEC. 813. PLAN FOR IMPROVING DATA ON BUNDLED AND CONSOLIDATED CONTRACTS.**

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

“(s) DATA QUALITY IMPROVEMENT PLAN.—

“(1) IN GENERAL.—Not later than the first day of fiscal year 2016, the Administrator of the Small Business Administration, in consultation with the Small Business Procurement Advisory Council, the Administrator for Federal Procurement Policy, and the Administrator of the General Services Administration shall develop a plan to improve the quality of data reported on bundled and consolidated contracts in the Federal procurement data system.

“(2) PLAN REQUIREMENTS.—The plan shall—

“(A) describe the roles and responsibilities of the Administrator of the Small Business Administration, the Directors of the Offices of Small and Disadvantaged Business Utilization, the Small Business Procurement Advisory Council, the Administrator for Federal Procurement Policy, the Administrator of the General Services Administration, the senior procurement executives, and Chief Acquisition Officers in implementing the plan described in paragraph (1) and contributing to the annual report required by subsection (p)(4);

“(B) make necessary changes to policies and procedures on proper identification and mitigation of contract bundling and consolidation, and to training procedures of relevant personnel on proper identification and mitigation of contract bundling and consolidation;

“(C) establish consequences for failure to properly identify contracts as bundled or consolidated;

“(D) establish requirements for periodic and statistically valid data verification and validation; and

“(E) assign clear data verification responsibilities.

“(3) COMMITTEE BRIEFING.—Once finalized and by not later than 90 days prior to implementation, the plan described in this subsection shall be presented to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate.

“(4) IMPLEMENTATION.—Not later than the first day of fiscal year 2017, the Administrator of the Small Business Administration shall implement the plan described in this subsection.

“(5) CERTIFICATION.—The Administrator shall annually provide to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate certification of the accuracy and completeness of data reported on bundled and consolidated contracts.

“(6) GAO STUDY AND REPORT.—

“(A) STUDY.—Not later than the first day of fiscal year 2018, the Comptroller General of the United States shall initiate a study on the effectiveness of the plan described in this subsection that shall assess whether contracts were accurately labeled as bundled or consolidated.

“(B) CONTRACTS EVALUATED.—For the purposes of conducting the study described in subparagraph (A), the Comptroller General of the United States—

“(i) shall evaluate, for work in each of sectors 23, 33, 54, and 56 (as defined by the North American Industry Classification System), not fewer than 100 contracts in each sector;

“(ii) shall evaluate only those contracts—

“(I) awarded by an agency listed in section 901(b) of title 31, United States Code; and

“(II) that have a Base and Exercised Options Value, an Action Obligation, or a Base and All Options Value exceeding \$10,000,000; and

“(iii) shall not evaluate contracts that have used any set aside authority.

“(C) REPORT.—Not later than 12 months after initiating the study required by subparagraph (A), the Comptroller General of the United States shall report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate on the results from such study and, if warranted, any recommendations on how to improve the quality of data reported on bundled and consolidated contracts.

“(7) DEFINITIONS.—In this subsection the following definitions shall apply:

“(A) CHIEF ACQUISITION OFFICER; SENIOR PROCUREMENT EXECUTIVE.—The terms ‘Chief Acquisition Officer’ and ‘senior procurement executive’ have the meanings given such terms in section 44 of this Act.

“(B) FEDERAL PROCUREMENT DATA SYSTEM DEFINITIONS.—The terms ‘Base and Exercised Options Value’, ‘Action Obligation’, ‘Base and All Options Value’, and ‘set aside authority’ have the meanings given such terms by the Administrator for Federal Procurement Policy in the Federal procurement data system on October 1, 2013, or subsequent equivalent terms.”.

**SEC. 814. AUTHORITY TO PROVIDE EDUCATION TO SMALL BUSINESSES ON CERTAIN REQUIREMENTS OF ARMS EXPORT CONTROL ACT.**

(a) ASSISTANCE AT SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(c)(1) of the Small Business Act (15 U.S.C. 648(c)(1)) is amended by inserting at the end the following: “Applicants receiving grants under this section shall also assist small businesses by providing, where appropriate, education on the requirements applicable to small businesses under the regulations issued under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and on compliance with those requirements.”.

(b) PROCUREMENT TECHNICAL ASSISTANCE.—Section 2418 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) An eligible entity assisted by the Department of Defense under this chapter also may furnish education on the requirements applicable to small businesses under the regulations issued under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and on compliance with those requirements.”.

**SEC. 815. PROHIBITION ON REVERSE AUCTIONS FOR COVERED CONTRACTS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that, when used appropriately, reverse auctions may improve the Federal Government’s procurement of commercially available commodities by increasing competition, reducing prices, and improving opportunities for small businesses.

(b) USE OF REVERSE AUCTIONS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 47 as section 48; and

(2) by inserting after section 46 the following:

**“SEC. 47. REVERSE AUCTIONS PROHIBITED FOR COVERED CONTRACTS.**

“(a) IN GENERAL.—In the case of a covered contract described in subsection (c), reverse auction methods may not be used—

“(1) if the covered contract is suitable for award to a small business concern; or

“(2) if the award is to be made under—

“(A) section 8(a);

“(B) section 8(m);

“(C) section 15(a);

“(D) section 15(j);

“(E) section 31;

“(F) section 36; or

“(G) section 8127 of title 38, United States Code.

“(b) LIMITATIONS ON USING REVERSE AUCTIONS.—

“(1) NUMBER OF OFFERS; REVISIONS TO BIDS.—A Federal agency may not award a covered contract using a reverse auction method if only one offer is received or if offerors do not have the ability to submit revised bids throughout the course of the auction.

“(2) OTHER PROCUREMENT AUTHORITY.—A Federal agency may not award a covered contract under a procurement provision other than those provisions described in subsection (a)(2) if the justification for using such procurement provision is to use reverse auction methods.

“(c) DEFINITIONS.—In this section the following definitions apply:

“(1) COVERED CONTRACT.—The term ‘covered contract’ means a contract—

“(A) for services, including design and construction services; and

“(B) for goods in which the technical qualifications of the offeror constitute part of the basis of award.

“(2) DESIGN AND CONSTRUCTION SERVICES.—The term ‘design and construction services’ means—

“(A) site planning and landscape design;

“(B) architectural and interior design;

“(C) engineering system design;

“(D) performance of construction work for facility, infrastructure, and environmental restoration projects;

“(E) delivery and supply of construction materials to construction sites;

“(F) construction, alteration, or repair, including painting and decorating, of public buildings and public works; and

“(G) architectural and engineering services as defined in section 1102 of title 40, United States Code.

“(3) REVERSE AUCTION.—The term ‘reverse auction’ means, with respect to procurement by an agency, a real-time auction conducted through an electronic medium between a group of offerors who compete against each other by submitting offers for a contract or task order with the ability to submit revised offers throughout the course of the auction.”.

(c) CONTRACTS AWARDED BY SECRETARY OF VETERANS AFFAIRS.—Section 8127(j) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(3) The provisions of section 47(a) of the Small Business Act (15 U.S.C. 631 et seq.) (relating to the prohibition on using reverse auction methods to award a contract) shall apply to a contract awarded under this section.”.

**SEC. 816. SBA SURETY BOND GUARANTEE.**

Section 411(c)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(1)) is amended by striking “70” and inserting “90”.

**Subtitle C—Other Matters**

**SEC. 821. CERTIFICATION OF EFFECTIVENESS FOR AIR FORCE INFORMATION TECHNOLOGY CONTRACTING.**

(a) REVIEW REQUIRED.—The Chairman of the Joint Chiefs of Staff shall conduct a review of the Air Force Network-Centric Solutions II (NETCENTS II) contract to ensure that it can effectively meet the requirements of the joint force when providing time- and task-critical information technology resources for hardware, applications, and services related to the warfighting mission area. The review shall examine—

(1) the effectiveness of contracting for warfighting mission areas, such as nuclear command and control, space situational awareness, or integrated threat warning, with effectiveness

determined by the ability to consistently access domain experts and respond to emerging requirements in a timely manner; and

(2) the efficiency of contracting for the warfighting mission area, with efficiency measured by the amount of time to get new task orders on contract.

(b) **CERTIFICATION.**—Based on the findings of the review required by subsection (a), the Chairman of the Joint Chiefs of Staff shall provide a certification to the Committees on Armed Services of the Senate and the House of Representatives that the Air Force's NETCENTS II contract is effective in delivering information technology capabilities for the joint force. In providing this certification, the Chairman of the Joint Chiefs of Staff shall also provide the complete findings of the review required by subsection (a).

#### **SEC. 822. AIRLIFT SERVICE.**

(a) **IN GENERAL.**—Chapter 157 of title 10, United States Code, is amended by inserting after section 2631a the following new section:

##### **“§2631b. Airlift service**

“(a) **REQUIREMENT.**—Except as provided in subsections (b) and (c), the transportation of passengers or property by CRAF-eligible aircraft obtained by the Secretary of Defense or the Secretary of a military department through a contract for airlift service may only be provided by a covered air carrier.

“(b) **APPLICABILITY.**—The requirement under subsection (a) applies with respect to transportation that is—

“(1) interstate in the United States;  
“(2) between a place in the United States and a place outside the United States; or  
“(3) between two places outside the United States.

“(c) **WAIVER AUTHORITY.**—The Secretary of Defense may waive the requirement under subsection (a) if the Secretary determines that—

“(1) no covered air carrier is capable of providing, and willing to provide, the relevant transportation; or

“(2) use of a covered air carrier is otherwise unreasonable.

“(d) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **COVERED AIR CARRIER.**—The term ‘covered air carrier’ means an air carrier that—

“(A) has aircraft in the Civil Reserve Air Fleet or offers to place CRAF-eligible aircraft in that fleet; and

“(B) holds a certificate issued under section 41102 of title 49.

“(2) **CRAF-ELIGIBLE AIRCRAFT.**—The term ‘CRAF-eligible aircraft’ means an aircraft of a type that the Secretary of Defense has determined to be eligible to participate in the Civil Reserve Air Fleet.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2631a the following new item:

“2631b. Airlift service.”.

#### **SEC. 823. COMPLIANCE WITH REQUIREMENTS FOR SENIOR DEPARTMENT OF DEFENSE OFFICIALS SEEKING EMPLOYMENT WITH DEFENSE CONTRACTORS.**

Section 847 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1701 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) **COMPLIANCE.**—

“(1) **OFFICIAL.**—The Secretary of Defense shall designate an official of the Department of Defense to ensure the compliance of this section.

“(2) **REPORT.**—Not later than 180 days after the date of the enactment of this subsection,

such designated official shall submit to the congressional defense committees a report on the compliance of this section.”.

#### **SEC. 824. PROCUREMENT OF PERSONAL PROTECTIVE EQUIPMENT.**

(a) **REQUIREMENT.**—The Secretary of Defense shall use best value tradeoff source selection methods to the maximum extent practicable when procuring an item of personal protective equipment or critical safety items.

(b) **PERSONAL PROTECTIVE EQUIPMENT DEFINED.**—In this section, the term “personal protective equipment” includes the following:

(1) Body armor components.  
(2) Combat helmets.  
(3) Combat protective eyewear.  
(4) Environmental and fire resistant clothing.  
(5) Footwear.  
(6) Organizational clothing and individual equipment.

(7) Other items as determined appropriate by the Secretary.

#### **SEC. 825. PROHIBITION ON FUNDS FOR CONTRACTS VIOLATING EXECUTIVE ORDER NO. 11246.**

None of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be used to enter into any contract with any entity if such contract would violate Executive Order No. 11246 (relating to nonretaliation for disclosure of compensation information), as amended by the announcement of the President on April 8, 2014.

#### **SEC. 826. REQUIREMENT FOR POLICIES AND STANDARD CHECKLIST IN PROCUREMENT OF SERVICES.**

(a) **REQUIREMENT.**—Section 2330a of title 10, United States Code, is amended—

(1) by redesignating subsections (g), (h), (i), and (j) as subsections (h), (i), (j), and (k), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

“(g) **REQUEST FOR SERVICE CONTRACT APPROVAL.**—The Under Secretary of Defense for Personnel and Readiness shall—

“(1) issue policies implementing a standard checklist to be completed before the issuance of a solicitation for any new contract for services or exercising an option under an existing contract for services, including services provided under a contract for goods; and

“(2) ensure such policies and checklist are incorporated into the Department of Defense Supplement to the Federal Acquisition Regulation.”.

(b) **ARMY MODEL.**—In implementing section 2330a(g) of title 10, United States Code, as added by subsection (a), the Under Secretary of Defense for Personnel and Readiness shall model, to the maximum extent practicable, its policies and checklist on the policies and checklist relating to services contract approval established and in use by the Department of the Army (as set forth in the request for services contract approval form updated as of August 2012, or any successor form).

(c) **DEADLINE.**—The policies required under such section 2330a(g) shall be issued within 120 days after the date of the enactment of this Act.

(d) **REPORT.**—The Comptroller General of the United States shall submit to the congressional defense committees a report on the implementation of the standard checklist required under such section 2330a(g) for each of fiscal years 2015, 2016, and 2017 within 120 days after the end of each such fiscal year.

## **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

### **Subtitle A—Department of Defense Management**

#### **SEC. 901. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.**

(a) **REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.**—

(1) **REDESIGNATION OF MILITARY DEPARTMENT.**—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) **REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.**—

(A) **SECRETARY.**—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) **OTHER STATUTORY OFFICES.**—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) **CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.**—

(1) **DEFINITION OF “MILITARY DEPARTMENT”.**—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

“(8) The term ‘military department’ means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.”.

(2) **ORGANIZATION OF DEPARTMENT.**—The text of section 5011 of such title is amended to read as follows: “The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.”.

(3) **POSITION OF SECRETARY.**—Section 5013(a)(1) of such title is amended by striking “There is a Secretary of the Navy” and inserting “There is a Secretary of the Navy and Marine Corps”.

(4) **CHAPTER HEADINGS.**—

(A) The heading of chapter 503 of such title is amended to read as follows:

#### **“CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS”.**

(B) The heading of chapter 507 of such title is amended to read as follows:

#### **“CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS”.**

(5) **OTHER AMENDMENTS.**—

(A) Title 10, United States Code, is amended by striking “Department of the Navy” and “Secretary of the Navy” each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting “Department of the Navy and Marine Corps” and “Secretary of the Navy and Marine Corps”, respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking “Assistant Secretaries of the Navy” and inserting “Assistant Secretaries of the Navy and Marine Corps”.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting “and Marine Corps” after “of the Navy”, with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) **OTHER PROVISIONS OF LAW AND OTHER REFERENCES.**—



(1) **TITLE 37, UNITED STATES CODE.**—Title 37, United States Code, is amended by striking “Department of the Navy” and “Secretary of the Navy” each place they appear and inserting “Department of the Navy and Marine Corps” and “Secretary of the Navy and Marine Corps”, respectively.

(2) **OTHER REFERENCES.**—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (a)(2) shall be considered to be a reference to that office as redesignated by that section.

(d) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

**SEC. 902. ADDITIONAL RESPONSIBILITY FOR DIRECTOR OF OPERATIONAL TEST AND EVALUATION.**

(a) **ADDITIONAL RESPONSIBILITY.**—Section 139 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), (f), (g), (h), (i), (j), and (k) as subsections (d), (e), (f), (g), (h), (i), (j), (k), and (l), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) The Director shall consider the potential for increases in program cost estimates or delays in schedule estimates in the implementation of policies, procedures, and activities related to operational test and evaluation and shall take appropriate action to ensure that operational test and evaluation activities do not unnecessarily increase program costs or impede program schedules.”.

(b) **CONFORMING AMENDMENT.**—Section 196(c)(1)(A)(ii) of such title is amended by striking “section 139(i)” and inserting “section 139(k)”.

**SEC. 903. ASSISTANT SECRETARY OF DEFENSE FOR INSTALLATIONS AND ENVIRONMENT.**

(a) **ESTABLISHMENT OF POSITION.**—Section 138(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(11) One of the Assistant Secretaries is the Assistant Secretary of Defense for Installations and Environment. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Installations and Environment shall have the duties specified in section 138e of this title.”.

(b) **DUTIES.**—

(1) **IN GENERAL.**—Chapter 4 of such title is amended by inserting after section 138d the following new section:

**“§ 138e. Assistant Secretary of Defense for Installations and Environment**

“(a) The Assistant Secretary of Defense for Installations and Environment shall—

“(1) provide leadership and facilitate communication regarding, and conduct oversight to manage and be accountable for, military construction and environmental programs within the Department of Defense and the Army, Navy, Air Force, and Marine Corps;

“(2) coordinate and oversee planning and programming activities of the Department of Defense and the Army, Navy, Air Force, and Marine Corps;

“(3) establish policies and guidance, in coordination with the Army, Navy, Air Force and Marine Corps, regarding installation assets and services that are required to support defense missions.

“(b) The Assistant Secretary may communicate views on issues within the responsibility of the Assistant Secretary directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.”.

(2) **CLERICAL AMENDMENT.**—The table of sections for chapter 4 of such title is amended by inserting after the item relating to section 138c the following new item:

“138e. Assistant Secretary of Defense for Installations and Environment.”.

(c) **CONFORMING AMENDMENTS.**—

(1) **IN GENERAL.**—

(A) Section 2701(k)(3) of title 10, United States Code, is amended by striking “Deputy Under Secretary of Defense for Installations and Environment” and inserting “Assistant Secretary of Defense for Installations and Environment”.

(B) Section 2885(a)(3) of such title is amended by striking “Deputy Under Secretary of Defense (Installations and Environment)” and inserting “Assistant Secretary of Defense for Installations and Environment”.

(2) **REFERENCES IN OTHER LAWS.**—Any reference in any law, regulation, document, or other record of the United States to the Deputy Under Secretary of Defense for Installations and Environment shall be treated as referring to the Assistant Secretary of Defense for Installations and Environment.

(d) **NO ADDITIONAL FUNDS AUTHORIZED.**—No additional funds are authorized by this Act to accomplish the mission of the Assistant Secretary of Defense for Installations and Environment. Such mission shall be carried out using amounts otherwise authorized or appropriated.

(e) **RESTRICTION ON PERSONNEL.**—The number of positions for military and civilian personnel and the number of full-time equivalent positions for contractor personnel associated with the office of the Assistant Secretary of Defense for Installations and Environment shall not exceed the number of such positions that were associated with the Deputy Under Secretary of Defense for Installations and Environment as of the date of the enactment of this Act.

(f) **CONSTRUCTION.**—Nothing in this section or the amendments made by this section shall be construed as exempting the office of the Assistant Secretary of Defense for Installations and Environment from further reductions as part of headquarters efficiencies initiatives of the Department of Defense.

**SEC. 904. REQUIREMENT FOR CONGRESSIONAL BRIEFING BEFORE DIVESTING OF DEFENSE FINANCE AND ACCOUNTING SERVICE FUNCTIONS.**

No plan may be implemented by the Secretary of Defense, the Secretary of a military department, the Director of the Defense Finance and Accounting Service, or any other person to transfer financial management, bill paying, or accounting services functions from the Defense Finance and Accounting Service to another entity until the Secretary of Defense provides the congressional defense committees a briefing on the plan and the Secretary certifies to such committees that the plan would reduce costs, increase efficiencies, maintain the timeline for auditability of financial statements, and maintain the roles and missions of the Defense Finance and Accounting Service.

**SEC. 905. COMBATANT COMMAND EFFICIENCY PLAN.**

(a) **PLAN REQUIRED.**—The Secretary of Defense shall develop a plan to combine the back office functions of the headquarters of two or more combatant commands, including the subordinate component commands.

(b) **MATTERS TO BE CONSIDERED.**—The plan required by subsection (a) shall include the following:

(1) A detailed discussion of combining or otherwise sharing in whole or in part similar back office functions between two or more combatant command headquarters located in the same country.

(2) A detailed discussion of combining or otherwise sharing in whole or in part similar back office functions of the Joint Staff and some or all combatant command headquarters.

(3) A detailed discussion of establishing a new organization to manage similar back office functions of two or more combatant command headquarters located in the same country.

(4) A detailed discussion of the risks and capabilities lost by implementing such consolidations and efficiencies.

(5) A detailed discussion of how the efficiencies and consolidations in assigned personnel and resources are in support of the quadrennial defense review and the strategic choices and management review of the Department of Defense.

(6) Any other arrangements that the Secretary considers appropriate.

(c) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing—

(1) a summary of the plan required by subsection (a); and

(2) the potential cost savings of any arrangements the Secretary considers in conducting the study.

(d) **DEFINITIONS.**—In this section:

(1) **BACK OFFICE FUNCTIONS.**—The term “back office functions” means the administration and support functions of a headquarters of a combatant command, including human resources or other personnel functions, budgeting, and information technology support.

(2) **COMBATANT COMMAND.**—The term “combatant command” means a combatant command established pursuant to section 161 or 167 of title 10, United States Code.

(e) **LIMITATION.**—Of the amounts authorized to be appropriated for fiscal year 2015 for the Department of Defense for operations and maintenance, defense-wide, Joint Chiefs of Staff, as specified in the funding table for section 4301, not more than 85 percent may be obligated or expended until the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, provides the Committee on Armed Services of the House of Representatives the briefing on combatant command headquarters personnel and resources requirements as directed in the Report of the Committee on Armed Services on H.R. 1960 of the 113th Congress (House Report 113-102) under title X.

**SEC. 906. REQUIREMENT FOR PLAN TO REDUCE GEOGRAPHIC COMBATANT COMMANDS TO FOUR BY FISCAL YEAR 2020.**

(a) **PLAN REQUIRED.**—The Secretary of Defense shall develop a plan for reducing the number of geographic combatant commands to no more than four by the end of fiscal year 2020.

(b) **MATTERS COVERED.**—The plan required by subsection (a) shall include the following:

(1) A detailed discussion of the required reductions and consolidations in assigned personnel, resources, and infrastructure of the various geographic combatant commands, set forth separately by fiscal year, to achieve the goal of no more than four such commands by the end of fiscal year 2020.

(2) A detailed discussion of the changes to the Unified Command Plan if such reductions and consolidations are implemented.

(3) A detailed discussion and recommendations on the feasibility, risks, and capabilities lost by implementing such reductions and consolidations.

(c) **FUNCTIONAL COMMANDS NOT INCLUDED.**—Nothing in this section shall be construed as requiring the Department of Defense to include



changes to the functional combatant commands or reductions in the functional combatant commands in the plan required by subsection (a).

(d) **USE OF PREVIOUS STUDIES AND OUTSIDE EXPERTS.**—In developing the plan required by subsection (a), the Secretary may—

(1) use and incorporate previous plans or studies of the Department of Defense; and

(2) consult with and incorporate views of defense experts from outside the Department.

(e) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the plan required by subsection (a), including the feasibility and risks of such plan, and any recommendations to implement the plan as the Secretary considers appropriate.

(f) **CONSTRUCTION.**—Nothing in this section shall be construed as requiring the Secretary to develop a binding plan.

#### **SEC. 907. OFFICE OF NET ASSESSMENT.**

(a) **POLICY.**—It is the policy of the United States to maintain an independent organization within the Department of Defense to develop and coordinate net assessments of the standing, trends, and future prospects of the military capabilities and potential of the United States in comparison with the military capabilities and potential of other countries or groups of countries so as to identify emerging or future threats or opportunities for the United States.

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

##### **“SEC. 145. OFFICE OF NET ASSESSMENT.**

“(a) **IN GENERAL.**—There is in the Office of the Secretary of Defense an office known as the Office of Net Assessment.

“(b) **HEAD.**—(1) The head of the Office of Net Assessment shall be appointed by the Secretary of Defense. The head shall be a member of the Senior Executive Service.

“(2) The head of the Office of Net Assessment may communicate views on matters within the responsibility of the head directly to the Secretary without obtaining the approval or concurrence of any other official within the Department of Defense.

“(3) The head of the Office of Net Assessment shall report directly to the Secretary.

“(4) The Office is subject to the authority, direction, and control of the Secretary. The Secretary may not delegate the responsibility to exercise such authority, direction, and control over the Office.

“(c) **RESPONSIBILITIES.**—The Office of Net Assessment shall develop and coordinate net assessments with respect to the standing, trends, and future prospects of the military capabilities and potential of the United States in comparison with the military capabilities and potential of other countries or groups of countries to identify emerging or future threats or opportunities for the United States.

“(d) **BUDGET.**—In the budget materials submitted to the President by the Secretary of Defense in connection with the submittal to Congress, pursuant to section 1105 of title 31, of the budget for any fiscal year after fiscal year 2014, the Secretary shall ensure that a separate, dedicated program element is assigned for the Office of Net Assessment.

“(e) **NET ASSESSMENT DEFINED.**—In this section, the term ‘net assessment’ means the comparative analysis of military, technological, political, economic, and other factors governing the relative military capability of nations.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following new item:

“145. Office of Net Assessment.”

#### **SEC. 908. AMENDMENTS RELATING TO ORGANIZATION AND MANAGEMENT OF THE OFFICE OF THE SECRETARY OF DEFENSE.**

(a) **DEPUTY CHIEF MANAGEMENT OFFICER.**—Subsection (b) of section 132a of title 10, United States Code, is amended to read as follows:

“(b) **RESPONSIBILITIES.**—Subject to the authority, direction, and control of the Secretary of Defense, the Deputy Chief Management Officer shall perform such duties and exercise such powers as the Secretary may prescribe. The Deputy Chief Management Officer shall—

“(1) assist the Deputy Secretary of Defense in the Deputy Secretary’s capacity as Chief Management Officer of the Department of Defense under section 132(c) of this title and perform those duties assigned by the Secretary of Defense or delegated by the Deputy Secretary pursuant to section 904(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 132 note);

“(2) assist the Deputy Secretary of Defense in the Deputy Secretary’s capacity as the Chief Operating Officer of the Department of Defense under section 1123 of title 31;

“(3) establish policies for the strategic management and integration of the Department of Defense business operations and activities;

“(4) have the responsibilities specified for the Deputy Chief Management Officer for the purposes of section 2222 of this title; and

“(5) be the Performance Improvement Officer of the Department of Defense for the purposes of section 1124(a)(1) of title 31.”

(b) **CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE.**—

(1) **STATUTORY ESTABLISHMENT OF POSITION.**—Chapter 4 of title 10, United States Code, is amended by inserting after section 141 the following new section:

##### **“§ 142. Chief information officer**

“(a) There is a Chief Information Officer of the Department of Defense.

“(b)(1) The Chief Information Officer of the Department of Defense—

“(A) is the Chief Information Officer of the Department of Defense for the purposes of sections 3506(a)(2) and 3544(a)(3) of title 44;

“(B) has the responsibilities and duties specified in section 11315 of title 40; and

“(C) has the responsibilities specified for the Chief Information Officer in sections 2222, 2223(a), and 2224 of this title.

“(2) The Chief Information Officer shall perform such additional duties and exercise such powers as the Secretary of Defense may prescribe.

“(c) The Chief Information Officer takes precedence in the Department of Defense with the officials serving in positions specified in section 131(b)(4) of this title. The officials serving in positions specified in section 131(b)(4) and the Chief Information Officer of the Department of Defense take precedence among themselves in the order prescribed by the Secretary of Defense.”

(2) **PLACEMENT IN THE OFFICE OF THE SECRETARY OF DEFENSE.**—Section 131(b) of such title is amended—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively; and

(B) by inserting after paragraph (4) the following new paragraph (5):

“(5) The Chief Information Officer of the Department of Defense.”

(c) **REPEAL OF REQUIREMENT FOR DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.**—Section 186 of title 10, United States Code, is repealed.

(d) **ASSIGNMENT OF RESPONSIBILITY FOR DEFENSE BUSINESS SYSTEMS.**—Section 2222 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “and” at the end of paragraph (1);

(B) by striking “; and” at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3);

(2) in subsection (c)(1), by striking “Defense Business Systems Management Committee” and inserting “investment review board established under subsection (g)”; and

(3) in subsection (g)—

(A) in paragraph (1), by striking “, not later than March 15, 2012,”;

(B) in paragraph (2)(C), by striking “each” the first place it appears and inserting “the”; and

(C) in paragraph (2)(F), by striking “and the Defense Business Systems Management Committee, as required by section 186(c) of this title.”

(e) **DEADLINE FOR ESTABLISHMENT OF INVESTMENT REVIEW BOARD AND INVESTMENT MANAGEMENT PROCESS.**—The investment review board and investment management process required by section 2222(g) of title 10, United States Code, as amended by subsection (d)(3), shall be established not later than March 15, 2015.

(f) **AMENDMENTS RELATING TO CERTAIN PRESCRIBED ASSISTANT SECRETARY OF DEFENSE POSITIONS.**—Chapter 4 of title 10, United States Code, is further amended as follows:

(1) **ASSISTANT SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS.**—Paragraph (7) of section 138(b) is amended—

(A) by inserting after “Readiness” in the first sentence the following: “, who shall be appointed from among persons with an extensive background in the sustainment of major weapons systems and combat support equipment”; and

(B) by striking the second sentence;

(C) by transferring to the end of that paragraph (as amended by subparagraph (B)) the text of subsection (b) of section 138a of such title;

(D) by transferring to the end of that paragraph (as amended by subparagraph (C)) the text of subsection (c) of section 138a of such title; and

(E) by redesignating paragraphs (1) through (3) in the text transferred by subparagraph (D) of this paragraph as subparagraphs (A) through (C), respectively.

(2) **ASSISTANT SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.**—Paragraph (8) of such section is amended—

(A) by striking the second sentence and inserting the text of subsection (a) of section 138b;

(B) by inserting after the text added by subparagraph (A) of this paragraph the following: “The Assistant Secretary, in consultation with the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation, shall—”;

(C) by transferring paragraphs (1) and (2) of subsection (b) of section 138b to the end of that paragraph (as amended by subparagraphs (A) and (B) of this paragraph), indenting those paragraphs 2 ems from the left margin, and redesignating those paragraphs as subparagraphs (A) and (B), respectively;

(D) in subparagraph (A) (as so transferred and redesignated)—

(i) by striking “The Assistant Secretary” and all that follows through “Test and Evaluation, shall”; and

(ii) by striking the period at the end and inserting “; and”; and

(E) in subparagraph (B) (as so transferred and redesignated), by striking “The Assistant Secretary” and all that follows through “Test and Evaluation, shall”.

(3) **ASSISTANT SECRETARY OF DEFENSE FOR NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS.**—Paragraph (10) of such section is amended—

(A) by striking the second sentence and inserting the text of subsection (b) of section 138d; and

(B) by inserting after the text added by subparagraph (A) of this paragraph the text of subsection (a) of such section and in that text as so inserted—

(i) by striking “of Defense for Nuclear, Chemical, and Biological Defense Programs” and

(ii) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively.

(4) REPEAL OF SEPARATE SECTIONS.—Sections 138a, 138b, and 138d are repealed.

(g) CODIFICATION OF RESTRICTIONS ON USE OF THE DEPUTY UNDER SECRETARY OF DEFENSE TITLE.—

(1) CODIFICATION.—Section 137a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The officials authorized under this section shall be the only Deputy Under Secretaries of Defense.”

(2) CONFORMING REPEAL.—Section 906(a)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2426; 10 U.S.C. 137a note) is repealed.

(3) CONFORMING AMENDMENT FOR THE VACANCY REFORM ACT OF 1998.—Section 137a(b) of such title is amended by striking “is absent or disabled” and inserting “dies, resigns, or is otherwise unable to perform the functions and duties of the office”.

(h) CLARIFICATION OF ORDER OF PRECEDENCE FOR THE PRINCIPAL DEPUTY UNDER SECRETARIES OF DEFENSE AND THE ASSISTANT SECRETARIES OF DEFENSE.—

(1) Subsection (d) of section 137a of title 10, United States Code, is amended by striking “and the Deputy Chief Management Officer of the Department of Defense” and inserting “the Deputy Chief Management Officer of the Department of Defense, and the officials serving in the positions specified in section 131(b)(4) of this title and the Chief Information Officer of the Department of Defense”.

(2) Subsection (d) of section 138 of such title is amended by inserting “and the Chief Information Officer of the Department of Defense” after “section 131(b)(4) of this title”.

(i) CONFORMING AMENDMENT TO PRIOR REDUCTION IN THE NUMBER OF ASSISTANT SECRETARIES OF DEFENSE.—Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of Defense (16)” and inserting “Assistant Secretaries of Defense (14)”.

(j) CLERICAL AND CONFORMING AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 4 is amended—

(A) by striking the items relating to sections 138a, 138b, and 138d; and

(B) by inserting after the item relating to section 141 the following new item:

“142. Chief Information Officer.”

(2) Section 131(b)(8), as redesignated by subsection (b)(2)(A), is amended—

(A) by redesignating subparagraphs (A) through (H) as subparagraphs (B) through (I), respectively; and

(B) by inserting before subparagraph (B), as redesignated by subparagraph (A) of this paragraph, the following new subparagraph (A):

“(A) The two Deputy Directors within the Office of the Director of Cost Assessment and Program Evaluation under section 139a(c) of this title.”

(3) Section 132(b) is amended by striking “is disabled or there is no Secretary of Defense” and inserting “dies, resigns, or is otherwise unable to perform the functions and duties of the office”.

(4) The table of sections at the beginning of chapter 7 is amended by striking the item relating to section 186.

#### SEC. 909. PERIODIC REVIEW OF DEPARTMENT OF DEFENSE MANAGEMENT HEADQUARTERS.

(a) PLAN REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan for implementing a periodic review and analysis of the Department of Defense personnel requirements for management headquarters.

(b) ELEMENTS OF PLAN.—The plan required by subsection (a) shall include the following for each covered organization:

(1) A list of the key Department of Defense strategic guidance, policy, and mission requirements, including the quadrennial defense review, the Unified Command Plan, and the strategic choices and management review.

(2) A description of how current management headquarters are structured to execute the Department of Defense strategic guidance, policy, and mission requirements listed under paragraph (1).

(3) A description of the critical capabilities and skillsets required by management headquarters to execute Department of Defense strategic guidance in order to fulfill mission objectives.

(4) An identification and analysis of the factors that directly or indirectly influence or contribute to the expense of Department of Defense management headquarters.

(5) A description of the proposed timeline and required resources necessary to implement a permanent periodic review and analysis of Department of Defense personnel requirements for management headquarters.

(c) COVERED ORGANIZATION.—In this section, the term “covered organization” includes each of the following:

(1) The Office of the Secretary of Defense.

(2) The Joint Staff.

(3) The Defense Agencies.

(4) The Department of Defense field activities.

(5) The headquarters of the combatant commands.

(6) Headquarters, Department of the Army, including the Office of the Secretary of the Army, the Office of the Chief of Staff of the Army, and the Army Staff.

(7) The major command headquarters of the Army.

(8) The Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and Headquarters, United States Marine Corps.

(9) The major command headquarters of the Navy and the Marine Corps.

(10) Headquarters, Department of the Air Force, including the Office of the Secretary of the Air Force, the Office of the Air Force Chief of Staff, and the Air Staff.

(11) The major command headquarters of the Air Force.

(12) The National Guard Bureau.

(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the plan required by subsection (a).

(e) AMENDMENTS.—Section 904(d)(2) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 816; 10 U.S.C. 111 note) is amended—

(1) by striking “2016” and inserting “2017”;

(2) in subparagraph (B), by inserting “, consolidations,” after “through changes”;

(3) in subparagraph (C)—

(A) by inserting “, consolidations,” after “through changes”; and

(B) by inserting “, or other associated cost drivers, including a discussion of how the changes, consolidations, or reductions were prioritized,” after “programs and offices”;

(4) in subparagraph (E), by inserting “, including the risks of, and capabilities gained or lost by implementing, such modifications” before the period; and

(5) by adding at the end the following new subparagraphs:

“(F) A description of how the plan supports or affects current Department of Defense strategic guidance, policy, and mission requirements, including the quadrennial defense review, the Unified Command Plan, and the strategic choices and management review.

“(G) A description of the associated costs specifically addressed by the savings.”

#### Subtitle B—Total Force Management

#### SEC. 911. MODIFICATIONS TO BIENNIAL STRATEGIC WORKFORCE PLAN RELATING TO SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE OF THE DEPARTMENT OF DEFENSE.

(a) SENIOR MANAGEMENT WORKFORCE.—Subsection (c) of section 115b of title 10, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) Each strategic workforce plan under subsection (a) shall—

“(A) include a separate chapter to specifically address the shaping and improvement of the senior management workforce of the Department of Defense; and

“(B) include an assessment of the senior functional and technical workforce of the Department of Defense within the appropriate functional community.”; and

(2) in paragraph (2), by striking “such senior management, functional, and technical workforce” and inserting “such senior management workforce and such senior functional and technical workforce”.

(b) HIGHLY QUALIFIED EXPERTS.—Such section is further amended—

(1) in subsection (b)(2), by striking “subsection (f)(1)” in subparagraphs (D) and (E) and inserting “subsection (h)(1) or (h)(2)”;

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following new subsection (f):

“(f) HIGHLY QUALIFIED EXPERTS.—

“(1) Each strategic workforce plan under subsection (a) shall include an assessment of the workforce of the Department of Defense comprised of highly qualified experts appointed pursuant to section 9903 of title 5 (in this subsection referred to as the ‘HQE workforce’).

“(2) For purposes of paragraph (1), each plan shall include, with respect to the HQE workforce—

“(A) an assessment of the critical skills and competencies of the existing HQE workforce and projected trends in that workforce based on expected losses due to retirement and other attrition;

“(B) specific strategies for attracting, compensating, and motivating the HQE workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies;

“(C) any incentives necessary to attract or retain HQE personnel;

“(D) any changes that may be necessary in resources or in the rates or methods of pay needed to ensure the Department has full access to appropriately qualified personnel; and

“(E) any legislative changes that may be necessary to achieve HQE workforce goals.”

(c) DEFINITIONS.—Subsection (h) of such section (as redesignated by subsection (b)(2)) is amended to read as follows:

“(h) DEFINITIONS.—In this section:

“(1) The term ‘senior management workforce of the Department of Defense’ includes the following categories of Department of Defense civilian personnel:

“(A) Appointees in the Senior Executive Service under section 3131 of title 5.

“(B) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

“(2) The term ‘senior functional and technical workforce of the Department of Defense’ includes the following categories of Department of Defense civilian personnel:

“(A) Persons serving in positions described in section 5376(a) of title 5.

“(B) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398 (114 Stat. 1654A-315)).

“(C) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

“(D) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

“(3) The term ‘acquisition workforce’ includes individuals designated under section 1721 of this title as filling acquisition positions.”.

(d) CONFORMING AMENDMENT.—The heading of subsection (c) of such section is amended to read as follows: “SENIOR MANAGEMENT WORKFORCE; SENIOR FUNCTIONAL AND TECHNICAL WORKFORCE.—”.

**SEC. 912. REPEAL OF EXTENSION OF COMPTROLLER GENERAL REPORT ON INVENTORY.**

Section 803(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2402), as amended by section 951(b) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 839), is amended by striking “2013, 2014, and 2015” and inserting “and 2013”.

**SEC. 913. ASSIGNMENT OF CERTAIN NEW REQUIREMENTS BASED ON DETERMINATIONS OF COST-EFFICIENCY.**

(a) AMENDMENT.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2463 the following new section:

**“§2463a. Assignment of certain new requirements based on determinations of cost-efficiency**

“(a) ASSIGNMENTS BASED ON DETERMINATIONS OF COST-EFFICIENCY.—(1) Except as provided in paragraph (2) and subject to subsection (b), the assignment of performance of a new requirement by the Department of Defense to military personnel, civilian personnel, or contractor personnel shall be based on a determination of which sector of the Department’s workforce can perform the services in the most cost-efficient manner, based on an analysis of the costs to the Federal Government in accordance with Department of Defense Instruction 7041.04 (‘Estimating and Comparing the Full Costs of Civilian and Active Duty Military Manpower and Contract Support’) or successor guidance.

“(2) Paragraph (1) shall not apply in the case of a new requirement that is inherently governmental, closely associated with inherently governmental functions, critical, or required by law to be performed by military personnel or civilian personnel.

“(3) Nothing in this section may be construed as affecting the requirements of the Department of Defense under policies and procedures established by the Secretary of Defense under section 129a of this title for determining the most appropriate and cost-efficient mix of military, civilian, and contractor personnel to perform the mission of the Department of Defense.

“(b) WAIVER AUTHORITY.—(1) Notwithstanding subsection (a), the Secretary of a military department, the commander of a combatant command, or the head of a Defense Agency or activity may waive such subsection and assign

performance of a new requirement without a determination of cost-efficiency as required by such subsection if—

“(A) the Secretary, commander, or head certifies in writing to the congressional defense committees that the time required to conduct the determination of cost-efficiency would result in a gap in service that would significantly undermine performance of the mission of the Department of Defense or pose an unacceptable risk; and

“(B) a period of 30 days has expired after such certification is so submitted to the committees.

“(2) A waiver of subsection (a) may be in effect for a period of not greater than 180 days.

“(3) The waiver authority under this subsection may not be exercised after September 30, 2015.

“(c) PROVISIONS RELATING TO ASSIGNMENT OF CIVILIAN PERSONNEL.—If a new requirement is assigned to civilian personnel consistent with the requirements of this section—

“(1) the Secretary of Defense may not—

“(A) impose any constraint or limitation on the size of the civilian workforce in terms of man years, end strength, full-time equivalent positions, or maximum number of employees; or

“(B) require offsetting funding for civilian pay or benefits or require a reduction in civilian full-time equivalents or civilian end-strengths; and

“(2) the Secretary may assign performance of such requirement without regard to whether the employee is a temporary, term, or permanent employee.

“(d) NEW REQUIREMENT DESCRIBED.—For purposes of this section, a new requirement is an activity or function that is not being performed, as of the date of consideration for assignment of performance under this section, by military personnel, civilian personnel, or contractor personnel at a Department of Defense component, organization, installation, or other entity. For purposes of the preceding sentence, an activity or function that is performed at such an entity and that is re-engineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient but is still essentially providing the same service shall not be considered a new requirement.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2463 the following new item:

“2463a. Assignment of certain new requirements based on determinations of cost-efficiency.”.

**SEC. 914. PROHIBITION ON CONVERSION OF FUNCTIONS PERFORMED BY CIVILIAN OR CONTRACTOR PERSONNEL TO PERFORMANCE BY MILITARY PERSONNEL.**

Section 129a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) PROHIBITION ON PERFORMANCE OF CERTAIN FUNCTIONS BY MILITARY PERSONNEL.—(1) Except as provided in paragraph (2), no functions performed by civilian personnel or contractors may be converted to performance by military personnel unless—

“(A) there is a direct link between the functions to be performed and a military occupational specialty; and

“(B) the conversion to performance by military personnel is cost effective, based on Department of Defense instruction 7041.04 (or any successor administrative regulation, directive, or policy).

“(2) Paragraph (1) shall not apply to the following functions:

“(A) Functions required by law or regulation to be performed by military personnel.

“(B) Functions related to—

“(i) missions involving operation risks and combatant status under the Law of War;

“(ii) specialized collective and individual training requiring military-unique knowledge and skills based on recent operational experience;

“(iii) independent advice to senior civilian leadership in the Department of Defense requiring military-unique knowledge and skills based on recent operational experience; and

“(iv) command and control arrangements under chapter 47 of this title (the Uniform Code of Military Justice).”.

**SEC. 915. NOTIFICATION OF COMPLIANCE WITH SECTION RELATING TO PROCUREMENT OF SERVICES.**

(a) NOTIFICATION.—The Secretary of Defense shall ensure compliance with section 2330a of title 10, United States Code, and shall provide, in writing, notification of such compliance to the congressional defense committees not later than March 1, 2015.

(b) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall review the notification of compliance required by subsection (a) and report any findings or recommendations to the congressional defense committees not later than 120 days after the date on which the notification is provided.

**Subtitle C—Other Matters**

**SEC. 921. EXTENSION OF AUTHORITY TO WAIVE REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL AT DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.**

Section 941(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 184 note) is amended by striking “through 2014” and inserting “through 2019”.

**SEC. 922. AUTHORITY TO REQUIRE EMPLOYEES OF THE DEPARTMENT OF DEFENSE AND MEMBERS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS TO OCCUPY QUARTERS ON A RENTAL BASIS WHILE PERFORMING OFFICIAL TRAVEL.**

(a) DEFINITION.—Section 5911(a)(5) of title 5, United States Code, is amended by striking “Government; and” and inserting “Government or commercial lodging arranged through a Government lodging program; and”.

(b) AUTHORITY.—Section 5911(e) of title 5, United States Code, is amended—

(1) by striking “(e) The” and inserting “(e)(1) Except as provided in paragraph (2), the”; and

(2) by adding at the end the following:

“(2)(A) The Secretary of Defense may require an employee of the Department of Defense or a member of the uniformed services under the Secretary’s jurisdiction performing duty on official travel to occupy adequate quarters on a rental basis when available.

“(B) A requirement under subparagraph (A) with respect to an employee of the Department of Defense may not be construed to be subject to negotiation under chapter 71 or any other provision of this title.”.

**SEC. 923. SINGLE STANDARD MILEAGE REIMBURSEMENT RATE FOR PRIVATELY OWNED AUTOMOBILES OF GOVERNMENT EMPLOYEES AND MEMBERS OF THE UNIFORMED SERVICES.**

(a) IN GENERAL.—Section 5704(a)(1) of title 5, United States Code, is amended in the last sentence by striking all that follows: “the rate per mile” and inserting “shall be the single standard mileage rate established by the Internal Revenue Service.”.

(b) REGULATIONS AND REPORTS.—

(1) PROVISIONS RELATING TO PRIVATELY OWNED AIRPLANES AND MOTORCYCLES.—Paragraph (1)(A) of section 5707(b) of title 5, United States Code, is amended to read as follows:

“(1)(A) The Administrator of General Services shall conduct periodic investigations of the cost of travel and the operation of privately owned airplanes and privately owned motorcycles by employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year.”.

(2) PROVISIONS RELATING TO PRIVATELY OWNED AUTOMOBILES.—Clause (i) of section 5707(b)(2)(A) of title 5, United States Code, is amended to read as follows:

“(i) shall provide that the mileage reimbursement rate for privately owned automobiles, as provided in section 5704(a)(1), is the single standard mileage rate established by the Internal Revenue Service referred to in that section, and”.

## TITLE X—GENERAL PROVISIONS

### Subtitle A—Financial Matters

#### SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2015 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

#### SEC. 1002. REPEAL OF LIMITATION ON INSPECTOR GENERAL AUDITS OF CERTAIN FINANCIAL STATEMENTS.

Section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1204; 10 U.S.C. 113 note) is amended by striking subsection (d).

#### SEC. 1003. AUTHORITY TO TRANSFER FUNDS TO THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO SUSTAIN NUCLEAR WEAPONS MODERNIZATION AND NAVAL REACTORS.

(a) TRANSFER AUTHORIZED.—If the amount authorized to be appropriated for the weapons activities of the National Nuclear Security Administration under section 3101 or otherwise made available for fiscal year 2015 is less than \$8,700,000,000 (the amount projected to be required for such activities in fiscal year 2015 as specified in the report under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549)), the Secretary of Defense may transfer, from amounts authorized to be appropriated for the

Department of Defense for fiscal year 2015 pursuant to this Act, to the Secretary of Energy an amount, not to exceed \$150,000,000, to be available only for naval reactors or weapons activities of the National Nuclear Security Administration.

(b) NOTICE TO CONGRESS.—In the event of a transfer under subsection (a), the Secretary of Defense shall promptly notify Congress of the transfer, and shall include in such notice the Department of Defense account or accounts from which funds are transferred.

(c) TRANSFER MECHANISM.—Any funds transferred under this section shall be transferred in accordance with established procedures for reprogramming under section 1001 or successor provisions of law.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority provided under subsection (a) is in addition to any other transfer authority provided under this Act.

#### SEC. 1004. MANAGEMENT OF DEFENSE INFORMATION TECHNOLOGY SYSTEMS.

(a) IN GENERAL.—Section 2222 of title 10, United States Code, is amended to read as follows:

##### “§2222. Management of Defense information technology systems

“(a) CONDITIONS FOR OBLIGATION OF FUNDS FOR COVERED DEFENSE INFORMATION TECHNOLOGY SYSTEM PROGRAMS.—Funds available to the Department of Defense, whether appropriated or non-appropriated, may not be obligated for a defense information technology system program that will have a total cost in excess of \$1,000,000 over the period of the current future-years defense program submitted to Congress under section 221 of this title unless—

“(1) the appropriate pre-certification authority for the covered defense information technology system program has determined that—

“(A) the defense information technology system program is in compliance with the enterprise architecture developed under subsection (b) and appropriate business process re-engineering efforts have been undertaken to ensure that—

“(i) the business process supported by the defense information technology system program is or will be as streamlined and efficient as practicable; and

“(ii) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable;

“(B) the defense information technology system program is necessary to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

“(C) the defense information technology system program is necessary to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect; and

“(2) the covered defense information technology system program has been reviewed and certified by the investment review board established under subsection (e).

“(b) ENTERPRISE ARCHITECTURE FOR DEFENSE INFORMATION TECHNOLOGY SYSTEMS.—(1) The Secretary of Defense shall develop an enterprise architecture, known as the joint information technology enterprise architecture, to cover all defense information technology systems, and the functions and activities supported by defense information technology systems, which shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable defense information technology system solutions and consistent with the policies and procedures established by the Director of the Office of Management and Budget.

“(2) The Secretary of Defense shall delegate responsibility and accountability for the defense information technology enterprise architecture content, including unambiguous definitions of functional processes, business rules, and standards, as follows:

“(A) For the warfighting mission area, the Joint Staff shall be responsible and accountable for the content of those portions of the defense information systems enterprise architecture.

“(B) For the business systems mission area, the Deputy Chief Management Officer of the Department of Defense shall be responsible and accountable for the content of those portions of the defense information technology enterprise architecture.

“(C) For the Enterprise Information environment mission area, the Chief Information Officer of the Department of Defense shall be responsible and accountable for the content of those portions of the defense information technology enterprise architecture.

“(c) COMPOSITION OF ENTERPRISE ARCHITECTURE.—The defense information technology enterprise architecture developed under subsection (b)(1)(A) shall include the following:

“(1) An information infrastructure that, at a minimum, would enable the Department of Defense to comply with all applicable law.

“(2) Policies, procedures, data standards, performance measures, and system interface requirements that are to apply uniformly throughout the Department of Defense.

“(3) A target defense information technology systems computing environment, compliant with the defense information technology enterprise architecture, as determined by the Chief Information Officer of the Department of Defense.

“(d) DESIGNATION OF APPROPRIATE PRE-CERTIFICATION AUTHORITIES AND SENIOR OFFICIALS.—For purposes of subsections (a) and (e), the appropriate pre-certification authority for a defense information technology system program is as follows:

“(1) In the case of an Army program, the Secretary of the Army.

“(2) In the case of a Navy program, the Secretary of the Navy.

“(3) In the case of an Air Force program, the Secretary of the Air Force.

“(4) In the case of a program of a Defense Agency, the Director, or equivalent, of such Defense Agency, unless otherwise approved by the Secretary of Defense.

“(5) In the case of a program that will support the business processes of more than one military department or Defense Agency, an appropriate pre-certification authority designated by the Secretary of Defense.

“(e) DEFENSE INFORMATION TECHNOLOGY SYSTEM INVESTMENT REVIEW.—(1) The Secretary of Defense shall establish an investment review board and investment management process to review and certify the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost benefits and risks of covered defense information technology systems programs. The investment review board and investment management process so established shall specifically address the requirements of subsection (a).

“(2) The review of defense information technology systems programs under the investment management process shall include the following:

“(A) Review and approval by an investment review board of each covered defense information technology system program before the obligation of funds on the system in accordance with the requirements of subsection (a).

“(B) Periodic review of all covered defense information technology system programs, grouped in mission areas.

“(C) Representation on each investment review board by appropriate officials from among

the Office of the Secretary of Defense, the armed forces, the combatant commands, the Joint Chiefs of Staff, and the Defense Agencies, including representation from each of the following:

“(i) The appropriate pre-certification authority for the defense information technology system under review.

“(ii) The appropriate senior official of the Department of Defense for the functions and activities supported by the defense information technology system under review.

“(iii) The Chief Information Officer of the Department of Defense.

“(D) Use of threshold criteria to ensure an appropriate level of review within the Department of Defense of, and accountability for, defense information technology system programs depending on scope, complexity, and cost.

“(E) Use of procedures for making certifications in accordance with the requirements of subsection (a).

“(f) BUDGET INFORMATION.—In the materials that the Secretary submits to Congress in support of the budget submitted to Congress under section 1105 of title 31 for fiscal year 2015 and fiscal years thereafter, the Secretary of Defense shall include the following information:

“(1) Identification of each defense information technology system program for which funding is proposed in that budget.

“(2) Identification of all funds, by appropriation, proposed in that budget for each such program, including—

“(A) funds for current services (to operate and maintain the system covered by such program); and

“(B) funds for information technology systems modernization, identified for each specific appropriation.

“(3) For each such program, identification of the appropriate pre-certification authority and senior official of the Department of Defense designated under subsection (d).

“(4) For each such program, a description of each approval made under subsection (a)(3) with regard to such program, including—

“(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

“(B) specific actions on the defense information technology system programs submitted for certification under such subsection.

“(5) Identification of any covered defense information technology system program during the preceding fiscal year that was not approved under subsection (a), and the reasons for the lack of approval.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘enterprise architecture’ has the meaning given that term in section 3601(4) of title 44.

“(4) The terms ‘information system’ and ‘information technology’ have the meanings given those terms in section 11101 of title 40.

“(5) The term ‘national security system’ has the meaning given that term in section 3542(b)(2) of title 44.”

(b) CLERICAL AMENDMENT.—The item relating to section 2222 in the table of chapters at the beginning of chapter 131 of such title is amended to read as follows:

“2222. Management of Defense information technology systems.”

#### Subtitle B—Counter-Drug Activities

#### SEC. 1011. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

(a) EXTENSION.—Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section

1011 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66), is amended—

(1) in subsection (a), by striking “2014” and inserting “2015”; and

(2) in subsection (c), by striking “2014” and inserting “2015”.

(b) NOTICE TO CONGRESS ON ASSISTANCE.—Not later than 15 days before providing assistance under section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (as amended by subsection (a)) using funds available for fiscal year 2015, the Secretary of Defense shall submit to the congressional defense committees a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the anticipated completion date and duration of the provision of such assistance.

#### SEC. 1012. THREE-YEAR EXTENSION OF AUTHORITY OF DEPARTMENT OF DEFENSE TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note), as most recently amended by section 1005 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), is amended by striking “During fiscal years 2012 through 2014” and inserting “During fiscal years 2014 through 2017”.

#### SEC. 1013. SUBMITTAL OF BIENNIAL REPORTS ON USE OF FUNDS IN THE DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE ACCOUNT ON THE COMMITTEE ON FOREIGN AFFAIRS OF THE HOUSE OF REPRESENTATIVES AND THE COMMITTEE ON FOREIGN RELATIONS OF THE SENATE.

Consistent with section 481(b) of the Foreign Assistance Act (22 U.S.C. 2291b), section 1009(a) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1906) is amended by inserting “, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate” after “congressional defense committees”.

#### SEC. 1014. NATIONAL GUARD DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

Section 112 of title 32, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(4) The operation of regionally located National Guard Counter-drug Training Centers within the United States for the purposes of providing counter-drug related training to Federal, State, and local law enforcement personnel, as well as for foreign law enforcement personnel participating in the National Guard State Partnership Program.”; and

(2) in subsection (h)(1), by inserting “and activities that counter threats posed by local, State, and transnational criminal organizations drug smuggling and associated illicit activities within and on their borders, as” after “drug demand reduction activities”.

#### SEC. 1015. SENSE OF CONGRESS ON MEXICO AND CENTRAL AMERICA.

(a) FINDINGS.—Congress makes the following findings:

(1) The stability and security of Mexico and the nations of Central America have a direct impact on the stability and security of the United States.

(2) Over the past decade, a “balloon effect” has pushed increased violence and instability into Central America and Mexico from South America.

(3) Drug cartels and transnational criminal organizations have spread throughout the region, causing instability and lack of rule of law in many nations.

(4) Illicit networks are used in a variety of illegal activities including the movement of narcotics, humans, weapons, and money.

(5) According to the United Nations Office on Drugs and Crime, Honduras has the highest murder rate in the world with 92 murders per 100,000 people.

(6) Currently, Mexico is working to reduce violence created by transnational criminal organizations and address issues spurred by the emergence of internal self defense groups.

(7) United States Northern Command and United States Southern Command lead the efforts of the Department of Defense in combating illicit networking in Mexico and Central America.

(8) To combat these destabilizing threats, through a variety of authorities, the Department of Defense advises, trains, educates, and equips vetted troops in Mexico and many of the nations of Central America to build their militaries and police forces, with an emphasis on human rights and building partnership capacity.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense should continue to focus on combating illicit networking routes in Mexico and Central America;

(2) United States Northern Command and United States Southern Command should continue to work together to combat the transnational nature of these threats; and

(3) the Department of Defense should increase its maritime, aerial and intelligence, surveillance, and reconnaissance assets in the region in order to reduce the amount of illicit networking flowing into the United States.

#### Subtitle C—Naval Vessels and Shipyards

#### SEC. 1021. DEFINITION OF COMBATANT AND SUPPORT VESSEL FOR PURPOSES OF THE ANNUAL PLAN AND CERTIFICATION RELATING TO BUDGETING FOR CONSTRUCTION OF NAVAL VESSELS.

Section 231(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) The term ‘combatant and support vessel’ means any commissioned ship built or armed for naval combat or any naval ship designed to provide support to combatant ships and other naval operations. Such term does not include patrol coastal ships, non-commissioned combatant craft specifically designed for combat roles, or ships that are designated for potential mobilization.”

#### SEC. 1022. NATIONAL SEA-BASED DETERRENCE FUND.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF FUND.—Chapter 131 of title 10, United States Code, is amended by inserting after section 2218 the following new section:

#### “§2218a. National Sea-Based Deterrence Fund

“(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the ‘National Sea-Based Deterrence Fund’.

“(b) ADMINISTRATION OF FUND.—The Secretary of Defense shall administer the Fund consistent with the provisions of this section.

“(c) FUND PURPOSES.—(1) Funds in the Fund shall be available for obligation and expenditure only for the advanced procurement or construction of nuclear-powered strategic ballistic missile submarines.

“(2) Funds in the Fund may not be used for a purpose or program unless the purpose or program is authorized by law.

“(d) DEPOSITS.—There shall be deposited in the Fund all funds appropriated to the Department of Defense for fiscal years after fiscal year

2016 for the advanced procurement or construction of nuclear-powered strategic ballistic missile submarines.

“(e) EXPIRATION OF FUNDS AFTER 10 YEARS.—No part of an appropriation that is deposited in the Fund pursuant to subsection (d) shall remain available for obligation more than 10 years after the end of the fiscal year for which appropriated except to the extent specifically provided by law.

“(f) BUDGET REQUESTS.—Budget requests submitted to Congress for the Fund shall separately identify the amount requested for programs, projects, and activities for the construction (including the design of vessels) of nuclear-powered strategic ballistic missile submarines.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘Fund’ means the National Sea-Based Deterrence Fund established by subsection (a).

“(2) The term ‘nuclear-powered strategic ballistic missile submarine’ means any nuclear-powered submarine owned, operated, or controlled by the Department of Defense with the primary mission of launching nuclear-armed ballistic missiles.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2218 the following new item:

“2218a. National sea-based deterrence fund.”.

(b) TRANSFER AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), and to the extent provided in appropriations Acts, the Secretary of Defense may transfer to the National Sea-Based Deterrence Fund established by section 2218a of title 10, United States Code, as added by subsection (a)(1), amounts not to exceed \$3,500,000,000 from unobligated funds authorized to be appropriated for fiscal years 2014, 2015, or 2016 for the Navy for shipbuilding and conversion, Navy, for the advanced procurement or construction, purchase, or alteration of nuclear-powered strategic ballistic missile submarines. The transfer authority provided under this paragraph is in addition to any other transfer authority provided to the Secretary of Defense by law.

(2) AVAILABILITY.—Funds transferred to the National Sea-Based Deterrence Fund pursuant to paragraph (1) shall remain available for the same period for which the transferred funds were originally appropriated.

**SEC. 1023. ELIMINATION OF REQUIREMENT THAT A QUALIFIED AVIATOR OR NAVAL FLIGHT OFFICER BE IN COMMAND OF AN INACTIVATED NUCLEAR-POWERED AIRCRAFT CARRIER BEFORE DECOMMISSIONING.**

Section 5942(a) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(a)”; and

(2) by adding at the end the following new paragraph:

“(2) Paragraph (1) does not apply to command of a nuclear-powered aircraft carrier that has been inactivated for the purpose of permanent decommissioning and disposal.”.

**SEC. 1024. LIMITATION ON EXPENDITURE OF FUNDS UNTIL COMMENCEMENT OF PLANNING OF REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. GEORGE WASHINGTON.**

Not more than 50 percent of the funds authorized to be appropriated or otherwise made available under section 301 of this Act for the Office of the Secretary of Defense for fiscal year 2015 may be obligated or expended until the Secretary of Defense obligates funds to commence the planning and long lead time material procurement associated with the refueling and complex overhaul of the U.S.S. George Washington (CVN-73).

**SEC. 1025. SENSE OF CONGRESS RECOGNIZING THE ANNIVERSARY OF THE SINKING OF U.S.S. THRESHER.**

(a) FINDINGS.—Congress makes the following findings:

(1) U.S.S. Thresher was first launched at Portsmouth Naval Shipyard on July 9, 1960.

(2) U.S.S. Thresher departed Portsmouth Naval Shipyard for her final voyage on April 9, 1963, with a crew of 16 officers, 96 sailors, and 17 civilians.

(3) The mix of that crew reflects the unity of the naval submarine service, military and civilian, in the protection of the United States.

(4) At approximately 7:47 a.m. on April 10, 1963, while in communication with the surface ship U.S.S. Skylark, and approximately 220 miles off the coast of New England, U.S.S. Thresher began her final descent.

(5) U.S.S. Thresher was declared lost with all hands on April 10, 1963.

(6) In response to the loss of U.S.S. Thresher, the United States Navy instituted new regulations to ensure the health of the submariners and the safety of the submarines of the United States.

(7) Those regulations led to the establishment of the Submarine Safety and Quality Assurance program (SUBSAFE), now one of the most comprehensive military safety programs in the world.

(8) SUBSAFE has kept the submariners of the United States safe at sea ever since as the strongest, safest submarine force in history.

(9) Since the establishment of SUBSAFE, no SUBSAFE-certified submarine has been lost at sea, which is a legacy owed to the brave individuals who perished aboard U.S.S. Thresher.

(10) From the loss of U.S.S. Thresher, there arose in the institutions of higher education in the United States the ocean engineering curricula that enables the preeminence of the United States in submarine warfare.

(11) The crew of U.S.S. Thresher demonstrated the “last full measure of devotion” in service to the United States, and this devotion characterizes the sacrifices of all submariners, past and present.

(b) SENSE OF CONGRESS.—Congress—

(1) recognizes the 51st anniversary of the sinking of U.S.S. Thresher;

(2) remembers with profound sorrow the loss of U.S.S. Thresher and her gallant crew of sailors and civilians on April 10, 1963; and

(3) expresses its deepest gratitude to all submariners on “eternal patrol”, who are forever bound together by dedicated and honorable service to the United States of America.

**SEC. 1026. AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF TICONDEROGA CLASS CRUISERS OR DOCK LANDING SHIPS.**

(a) LIMITATION ON THE AVAILABILITY OF FUNDS.—Except as otherwise provided in this section, none of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2015 may be obligated or expended to retire, prepare to retire, inactivate, or place in storage a cruiser or dock landing ship.

(b) CRUISER UPGRADES.—As provided by section 8107 of the Consolidated Appropriations Act, 2014 (Public Law 113-76), the Secretary of the Navy shall begin the upgrade of two cruisers during fiscal year 2015, including—

(1) hull, mechanical, and electrical upgrades; and

(2) combat systems modernizations.

**Subtitle D—Counterterrorism**

**SEC. 1031. EXTENSION OF AUTHORITY TO MAKE REWARDS FOR COMBATING TERRORISM.**

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking “September 30, 2014” and inserting “September 30, 2015”.

**SEC. 1032. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2015, to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

**SEC. 1033. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

No amounts authorized to be appropriated or otherwise made available to the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2015, to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

**Subtitle E—Miscellaneous Authorities and Limitations**

**SEC. 1041. MODIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY FOR HUMANITARIAN DEMINING ASSISTANCE AND STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE PROGRAMS.**

(a) INCLUSION OF INFORMATION ABOUT INSUFFICIENT FUNDING IN ANNUAL REPORT.—Subsection (d)(3) of section 407 of title 10, United States Code, is amended by inserting “or insufficient funding” after “such activities”;

(b) DEFINITION OF STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE.—Subsection (e)(2) of such section is amended—

(1) by striking “and includes” and inserting the following: “small arms, and light weapons, including man-portable air-defense systems. Such term includes”; and

(2) by inserting before the period at the end the following: “, small arms, and light weapons, including man-portable air-defense systems”.

**SEC. 1042. AUTHORITY TO ACCEPT VOLUNTARY SERVICES OF LAW STUDENTS AND PERSONS STUDYING TO BE PARALEGALS.**

Section 1588(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(10) Internship or externship services provided by law students or persons studying to be



a paralegal, when such services are provided under the direct supervision of an attorney.”.

**SEC. 1043. EXPANSION OF AUTHORITY FOR SECRETARY OF DEFENSE TO USE THE DEPARTMENT OF DEFENSE REIMBURSEMENT RATE FOR TRANSPORTATION SERVICES PROVIDED TO CERTAIN NON-DEPARTMENT OF DEFENSE ENTITIES.**

(a) **ELIGIBLE CATEGORIES OF TRANSPORTATION.**—Subsection (a) of section 2642 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “The Secretary” and inserting “Subject to subsection (b), the Secretary”;

(2) in paragraph (3)—

(A) by striking “During the period beginning on October 28, 2009, and ending on September 30, 2019, for” and inserting “For”;

(B) by striking “of Defense” the first place it appears and all that follows through “military sales” and inserting “of Defense”; and

(C) by striking “, but only if” and all that follows through “commercial transportation industry”; and

(3) by adding at the end the following new paragraphs:

“(4) For military transportation services provided to foreign military sales.

“(5) For military transportation services provided to a State, local, or tribal agency (including any organization composed of State, local, or tribal agencies).

“(6) For military transportation services provided to a Department of Defense contractor when transporting supplies that are for, or destined for, a Department of Defense entity.”.

(b) **TERMINATION OF AUTHORITY FOR CERTAIN CATEGORIES OF TRANSPORTATION.**—Such section is further amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) **TERMINATION OF AUTHORITY FOR CERTAIN CATEGORIES OF TRANSPORTATION.**—The provisions of paragraphs (3), (4), (5), and (6) of subsection (a) shall apply only to military transportation services provided before October 1, 2024.”.

(c) **CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading of such section is amended to read as follows:

“**§2642. Transportation services provided to certain non-Department of Defense agencies and entities: Use of Department of Defense reimbursement rate.**”.

(2) **TABLE OF SECTIONS.**—The item relating to such section in the table of sections at the beginning of chapter 157 of such title is amended to read as follows:

“2642. Transportation services provided to certain non-Department of Defense agencies and entities: Use of Department of Defense reimbursement rate.”.

**SEC. 1044. REPEAL OF AUTHORITY RELATING TO USE OF MILITARY INSTALLATIONS BY CIVIL RESERVE AIR FLEET CONTRACTORS.**

(a) **REPEAL.**—Section 9513 of title 10, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 931 of such title is amended by striking the item relating to section 9513.

**SEC. 1045. CERTIFICATION AND LIMITATION ON AVAILABILITY OF FUNDS FOR AVIATION FOREIGN INTERNAL DEFENSE PROGRAM.**

(a) **CERTIFICATION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a certification regard-

ing the aviation foreign internal defense program that includes each of the following:

(A) An overall description of the program, included validated requirements from each of the geographic combatant commands and the Joint Staff, and statutory authorities used to support fixed and rotary wing aviation foreign internal defense programs within the Department of Defense.

(B) Program goals, proposed metrics of performance success, and anticipated procurement and operation and maintenance costs across the Future Years Defense Program.

(C) A comprehensive strategy outlining and justifying contributing commands and units for program execution, including the use of Air Force, Special Operations Command, Reserve, and National Guard forces and components.

(D) The results of any analysis of alternatives and efficiencies reviews for any contracts awarded to support the aviation foreign internal defense program.

(E) Any other items the Secretary of Defense determines appropriate.

(2) **FORM.**—The certification required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) **LIMITATIONS.**—

(1) **LIMITATIONS ON THE USE OF FUNDS.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 may be obligated or expended to support the aviation foreign internal defense program, or to retire, transfer, or divest any asset of such program, until the date that is 45 days after the date on which the Secretary of Defense provides to the congressional defense committees the certification required under subsection (a).

(2) **LIMITATION ON DISPOSITION OF AIRCRAFT.**—No aircraft that, as of the date of the enactment of this Act, is part of the aviation foreign internal defense program may be transferred into or maintained in a status that is considered excess to the requirements of the possessing command and awaiting disposition instructions.

**SEC. 1046. SUBMITTAL OF PROCEDURES AND REPORT RELATING TO SENSITIVE MILITARY OPERATIONS.**

Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, not more than 75 percent may be obligated or expended until the Secretary of Defense submits to the congressional defense committees—

(1) the procedures required to be submitted by section 130f(b)(1) of title 10, United States Code; and

(2) the report required to be submitted under section 1043 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 857).

**SEC. 1047. LIMITATION ON USE OF RUSSIAN-FLAGGED AIRLIFT AIRCRAFT TO SUPPORT THE AIRLIFT MOVEMENT REQUIREMENTS OF THE UNITED STATES TRANSPORTATION COMMAND.**

None of the funds authorized to be appropriated by this Act or otherwise made available to the Secretary of Defense for fiscal year 2015 may be used to fly any Russian-flagged airlift aircraft to support any airlift movement requirement of the United States Transportation Command until the commander of the United States Transportation Command certifies to the Committees on Armed Services of the Senate and House of Representatives that with respect to the airlift movement requirement, using the Russian-flagged airlift aircraft is the only means available to the commander to execute the requirement.

**SEC. 1048. PROHIBITION ON REDUCTION OF FORCE STRUCTURE AT LAJES AIR FORCE BASE UNTIL COMPLETION OF ASSESSMENTS BY SECRETARY OF DEFENSE AND GOVERNMENT ACCOUNTABILITY OFFICE.**

The Secretary of the Air Force may not reduce the force structure at Lajes Air Force Base, Azores, Portugal, below the force structure at such Air Force Base as of October 1, 2013, until 30 days after the following occur:

(1) The Secretary of Defense concludes the European Infrastructure Consolidation Assessment initiated by the Secretary on January 25, 2013.

(2) The Secretary briefs the congressional defense committees regarding such Assessment, including a specific assessment of the efficacy of Lajes Air Force Base in supporting the United States overseas force posture.

(3) The Comptroller General of the United States reviews and validates the results of such Assessment and conducts an independent assessment of the possible operational capabilities of Lajes Air Force Base.

**SEC. 1049. LIMITATION ON REMOVAL OF C-130 AIRCRAFT.**

The Secretary of the Air Force may not remove C-130 aircraft from a unit of the regular or reserve components of the Air Force that is tasked with the modular airborne fire fighting system mission, or from a unit that is formally associated with a unit that is tasked with such mission, until the date on which the Secretary of the Air Force certifies to the congressional defense committees that such mission will not be negatively affected by the removal of such aircraft.

**SEC. 1050. CONDITIONS ON ARMY NATIONAL GUARD AND ACTIVE ARMY FORCE STRUCTURE CHANGES PENDING COMPTROLLER GENERAL REPORT.**

(a) **CERTAIN REDUCTIONS PROHIBITED.**—During fiscal year 2015, the Secretary of Defense and the Secretary of the Army may not carry out any of the following actions:

(1) Reduce the end strength for active duty personnel of the Army for a fiscal year below 490,000.

(2) Reduce the end strength for Selected Reserve personnel of the Army National Guard of the United States for a fiscal year below 350,000.

(3) Transfer AH-64 Attack helicopters from the Army National Guard to the regular Army.

(b) **REPORT REQUIRED.**—Not later than March 1, 2015, the Comptroller General of the United States shall submit to the congressional defense committees a report containing a review of the analyses of any counter-proposals submitted to the Army by the Chief of the National Guard and conducted by the Army and the Department of Defense Cost Assessment Program Evaluation Office as the basis for the decision to determine the future force structure of the Army, including the appropriate mix between regular Army, the National Guard, and the Army Reserve.

(c) **ELEMENTS OF REPORT.**—The report required by subsection (b) shall include, at a minimum, the following:

(1) An assessment of the force structure model used to conduct the analysis and determination of whether proper assumptions were made based on the current budget program, the National Military Strategy, and Combatant Commanders’ operational requirements for the Army.

(2) An assessment of the cost analysis models used to make the determinations regarding which Army aviation platforms should be retained and in which component, including the projected costs and savings associated with the determinations.

(3) A comparison of the operational readiness rates for the past five years for the equipment platforms that comprise aviation brigades of the regular Army and the Army National Guard.



(4) An assessment of the manning levels required for combat aviation brigades in the regular Army and the Army National Guard, including whether the resources to fund full-time support of military technicians was properly applied to fill the authorized positions in States with aviation brigades.

(d) NO LIMITATION ON AVIATION TRAINING.—Nothing in subsection (a) shall be construed—

(1) to limit the provision of qualification training for military occupational specialties related to Army Aviation; or

(2) to prevent the Secretary of the Army from continuing flight training and advanced qualification courses for selected National Guard AH-64 personnel in accordance with current force structure and Army readiness requirements.

(e) SENSE OF CONGRESS REGARDING ADDITIONAL FUNDING FOR THE ARMY NATIONAL GUARD.—Congress is concerned with the planned reductions and realignments the Army has proposed with respect to aviation realignment of combat aviation aircraft in the Army National Guard as well as greater reductions in active component end strength and brigade combat teams.

#### Subtitle F—Studies and Reports

#### SEC. 1061. PROTECTION OF DEFENSE MISSION-CRITICAL INFRASTRUCTURE FROM ELECTROMAGNETIC PULSE AND HIGH-POWERED MICROWAVE SYSTEMS.

(a) CERTIFICATION REQUIRED.—Not later than June 1, 2015, the Secretary of Defense shall submit to the congressional defense committees certification that defense mission-critical infrastructure requiring electromagnetic pulse protection that receives power supply from commercial or other non-military sources is protected from the adverse effects of man-made or naturally occurring electromagnetic pulse and high-powered microwave weapons.

(b) FORM OF SUBMISSION.—The certification required by subsection (a) shall be submitted in classified form.

(c) DEFINITIONS.—In this section:

(1) The term “defense mission-critical infrastructure” means Department of Defense infrastructure of defense critical systems essential to project, support, and sustain the Armed Forces and military operations worldwide.

(2) The term “defense critical system” means a primary mission system or an auxiliary or supporting system—

(A) the operational effectiveness and operational suitability of which are essential to the successful mission completion or to aggregate residual combat capability; and

(B) the failure of which would likely result in the failure to complete a mission.

#### SEC. 1062. RESPONSE OF THE DEPARTMENT OF DEFENSE TO COMPROMISES OF CLASSIFIED INFORMATION.

(a) FINDINGS.—Congress makes the following findings:

(1) Compromises of classified information cause indiscriminate and long-lasting damage to United States national security and often have a direct impact on the safety of warfighters.

(2) In 2010, hundreds of thousands of classified documents were illegally copied and disclosed across the Internet.

(3) Classified information has been disclosed in numerous public writings and manuscripts endangering current operations.

(4) In 2013, nearly 1,700,000 files were downloaded from United States Government information systems, threatening the national security of the United States and placing the lives of United States personnel at extreme risk. The majority of the information compromised relates to the capabilities, operations, tactics, techniques, and procedures of the Armed Forces of the United States, and is the single greatest

quantitative compromise in the history of the United States.

(5) The Department of Defense is taking steps to mitigate the harm caused by these leaks.

(6) Congress must be kept apprised of the progress of the mitigation efforts to ensure the protection of the national security of the United States.

(b) REPORTS REQUIRED.—

(1) INITIAL REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on actions taken by the Secretary in response to significant compromises of classified information. Such report shall include each of the following:

(A) A description of any changes made to Department of Defense policies or guidance relating to significant compromises of classified information, including regarding security clearances for employees of the Department, information technology, and personnel actions.

(B) An overview of the efforts made by any task force responsible for the mitigation of such compromises of classified information.

(C) A description of the resources of the Department that have been dedicated to efforts relating to such compromises.

(D) A description of the plan of the Secretary to continue evaluating the damage caused by, and to mitigate the damage from, such compromises.

(E) A general description and estimate of the anticipated costs associated with mitigating such compromises.

(2) UPDATES TO REPORT.—During calendar years 2015 through 2018, the Secretary shall submit to the congressional defense committees semiannual updates to the report required by paragraph (1). Each such update shall include information regarding any changes or progress with respect to the matters covered by such report.

#### SEC. 1063. REPORT AND BRIEFING TO CONGRESS ON PROCUREMENT AND INSPECTION OF ARMORED COMMERCIAL PASSENGER-CARRYING VEHICLES TO TRANSPORT CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) civilian employees of the Department of Defense should be provided all reasonable protection while such employees are in hostile foreign areas, and such protection should include adequate armored commercial passenger-carrying vehicle transportation; and

(2) to ensure adequate protection of civilian employees, the Department of Defense should employ stringent, uniform standards for the procurement and inspection upon delivery of armored commercial passenger-carrying vehicles for use by civilian employees overseas.

(b) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall submit to the congressional defense committees a report on the policies and procedures of the Department of Defense for procuring and inspecting upon delivery armored commercial passenger-carrying vehicles for transporting civilian employees. Such report shall include—

(1) a description of the policies and procedures of the Department of Defense at the time of the report for procuring and inspecting upon delivery armored commercial passenger-carrying vehicles for transporting civilian employees in hostile or potentially hostile locations overseas;

(2) recommendations for any changes to such policies and procedures of the Department of Defense that the Secretary determines would increase the safety of civilian employees in hostile or potentially hostile locations overseas; and

(3) any other relevant matter the Secretary determines appropriate.

(c) BRIEFING REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall provide to the congressional defense committees a detailed briefing on the report required by subsection (b).

#### SEC. 1064. STUDY ON JOINT ANALYTIC CAPABILITY OF THE DEPARTMENT OF DEFENSE.

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall commission an independent assessment of the joint analytic capabilities of the Department of Defense to support strategy, plans, and force development and their link to resource decisions.

(b) CONDUCT OF ASSESSMENT.—The assessment required by subsection (a) may, at the election of the Secretary, be conducted by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs appropriate for the assessment.

(c) ELEMENTS.—The assessment required by subsection (a) should include, but not be limited to, the following:

(1) An assessment of the analytical capability of the Office of the Secretary of Defense and the Joint Staff to support force planning, defense strategy development, program and budget decisions, and the review of war plans.

(2) Recommendations on improvements to such capability as required, including changes to processes or organizations that may be necessary

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the entity selected for the conduct of the assessment required by subsection (a) shall provide to the Secretary an unclassified report, with a classified annex (if appropriate), containing its findings as a result of the assessment. Not later than 90 days after the date of receipt of the report, the Secretary shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

#### Subtitle G—Other Matters

#### SEC. 1071. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 10, UNITED STATES CODE, TO REFLECT ENACTMENT OF TITLE 41, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 2013(a)(1) is amended by striking “section 6101(b)–(d) of title 41” and inserting “section 6101 of title 41”.

(2) Section 2302 is amended—

(A) in paragraph (7), by striking “section 4 of such Act” and inserting “such section”; and

(B) in paragraph (9)(A)—  
(i) by striking “section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422)” and inserting “chapter 15 of title 41”; and  
(ii) by striking “such section” and inserting “such chapter”.

(3) Section 2306a(b)(3)(B) is amended by striking “section 4(12)(C)(i) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(C)(i))” and inserting “section 103(3)(A) of title 41”.

(4) Section 2314 is amended by striking “Sections 6101(b)–(d)” and inserting “Sections 6101”.

(5) Section 2321(f)(2) is amended by striking “section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))” and inserting “section 104 of title 41”.

(6) Section 2359b(k)(4)(A) is amended by striking “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and inserting “section 110 of title 41”.

(7) Section 2379 is amended—

(A) in subsections (a)(1)(A), (b)(2)(A), and (c)(1)(B)(i), by striking “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))” and inserting “section 103 of title 41”; and

(B) in subsections (b) and (c)(1), by striking “section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))” and inserting “section 104 of title 41”.

(8) Section 2410m(b)(1) is amended—

(A) in subparagraph (A)(i), by striking “section 7 of such Act” and inserting “section 7104(a) of such title”; and

(B) in subparagraph (B)(ii), by striking “section 7 of the Contract Disputes Act of 1978” and inserting “section 7104(a) of title 41”.

(9) Section 2533(a) is amended by striking “such Act” in the matter preceding paragraph (1) and inserting “chapter 83 of such title”.

(10) Section 2533b is amended—

(A) in subsection (h)—

(i) in paragraph (1), by striking “sections 34 and 35 of the Office of Federal Procurement Policy Act (41 U.S.C. 430 and 431)” and inserting “sections 1906 and 1907 of title 41”; and

(ii) in paragraph (2), by striking “section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))” and inserting “section 104 of title 41”; and

(B) in subsection (m)—

(i) in paragraph (2), by striking “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and inserting “section 105 of title 41”; and

(ii) in paragraph (3), by striking “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” and inserting “section 131 of title 41”; and

(iii) in paragraph (5), by striking “section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))” and inserting “section 104 of title 41”.

(11) Section 2545(1) is amended by striking “section 4(16) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(16))” and inserting “section 131 of title 41”.

(12) Section 7312(f) is amended by striking “Section 3709 of the Revised Statutes (41 U.S.C. 5)” and inserting “Section 6101 of title 41”.

(b) AMENDMENTS TO OTHER DEFENSE-RELATED STATUTES TO REFLECT ENACTMENT OF TITLE 41, UNITED STATES CODE.—

(1) The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended as follows:

(A) Section 846(a) (10 U.S.C. 2534 note) is amended—

(i) by striking “the Buy American Act (41 U.S.C. 10a et seq.)” and inserting “chapter 83 of title 41, United States Code”; and

(ii) by striking “that Act” and inserting “that chapter”.

(B) Section 866 (10 U.S.C. 2302 note) is amended—

(i) in subsection (b)(4)(A), by striking “section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422)” and inserting “chapter 15 of title 41, United States Code”; and

(ii) in subsection (e)(2)(A), by striking “section 4(13) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(13))” and inserting “section 110 of title 41, United States Code”.

(C) Section 893(f)(2) (10 U.S.C. 2302 note) is amended by striking “section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422)” and inserting “chapter 15 of title 41, United States Code”.

(2) The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(A) Section 805(c)(1) (10 U.S.C. 2330 note) is amended—

(i) in subparagraph (A), by striking “section 4(12)(E) of the Office of Federal Procurement

Policy Act (41 U.S.C. 403(12)(E))” and inserting “section 103(5) of title 41, United States Code”; and

(ii) in subparagraph (C)(i), by striking “section 4(12)(F) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F))” and inserting “section 103(6) of title 41, United States Code”.

(B) Section 821(b)(2) (10 U.S.C. 2304 note) is amended by striking “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))” and inserting “section 103 of title 41, United States Code”.

(C) Section 847 (10 U.S.C. 1701 note) is amended—

(i) in subsection (a)(5), by striking “section 27(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e))” and inserting “section 2105 of title 41, United States Code”; and

(ii) in subsection (c)(1), by striking “section 4(16) of the Office of Federal Procurement Policy Act” and inserting “section 131 of title 41, United States Code”; and

(iii) in subsection (d)(1), by striking “section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423)” and inserting “chapter 21 of title 41, United States Code”.

(D) Section 862 (10 U.S.C. 2302 note) is amended—

(i) in subsection (b)(1), by striking “section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)” and inserting “section 1303 of title 41, United States Code”; and

(ii) in subsection (d)(1), by striking “section 6(j) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(j))” and inserting “section 1126 of title 41, United States Code”.

(3) The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(A) Section 832(d)(3) (10 U.S.C. 2302 note) is amended by striking “section 8(b) of the Service Contract Act of 1965 (41 U.S.C. 357(b))” and inserting “section 6701(3) of title 41, United States Code”.

(B) Section 852(b)(2)(A)(ii) (10 U.S.C. 2324 note) is amended by striking “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))” and inserting “section 103 of title 41, United States Code”.

(4) Section 8118 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 10 U.S.C. 2533a note), is amended by striking “section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430)” and inserting “section 1906 of title 41, United States Code”.

(5) The National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) is amended as follows:

(A) Section 812(b)(2) (10 U.S.C. 2501 note) is amended by striking “section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A))” and inserting “section 1122(a)(4)(A) of title 41, United States Code”.

(B) Subsection (c) of section 1601 (10 U.S.C. 2358 note) is amended—

(i) in paragraph (1)(A), by striking “section 32A of the Office of Federal Procurement Policy Act, as added by section 1443 of this Act” and inserting “section 1903 of title 41, United States Code”; and

(ii) in paragraph (2)(B), by striking “Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b))” and inserting “Section 8703(a) of title 41, United States Code”.

(6) Section 8025(c) of the Department of Defense Appropriations Act, 2004 (Public Law 108–87; 10 U.S.C. 2410d note), is amended by striking “the Javits-Wagner-O’Day Act (41 U.S.C. 46–48)” and inserting “chapter 85 of title 41, United States Code”.

(7) Section 817(e)(1)(B) of the Bob Stump National Defense Authorization Act for Fiscal

Year 2003 (Public Law 107–314; 10 U.S.C. 2306a note) is amended by striking “section 26(f)(5)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(5)(B))” and inserting “section 1502(b)(3)(B) of title 41, United States Code”.

(8) Section 801(f)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2330 note) is amended by striking “section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3))” and inserting “section 1702(c) of title 41, United States Code”.

(9) Section 803(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 2306a note) is amended by striking “subsection (b)(1)(B) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b)” and inserting “section 3503(a)(2) of title 41, United States Code”.

(10) Section 848(e)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 2304 note) is amended by striking “section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428)” and inserting “section 1902 of title 41, United States Code”.

(11) Section 722(b)(2) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by striking “section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c))” and inserting “section 1303(a) of title 41, United States Code”.

(12) Section 3412(k) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note) is amended by striking “section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c))” and inserting “section 3304(a) of title 41, United States Code”.

(13) Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is amended—

(A) in subsection (a)(2)(A), by striking “section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))” and inserting “section 1702(c) of title 41, United States Code”; and

(B) in subsection (d)(1)(B)(ii), by striking “section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3))” and inserting “section 1702(c) of title 41, United States Code”;

(C) in subsection (e)(2)(A), by striking “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))” and inserting “section 103 of title 41, United States Code”; and

(D) in subsection (h), by striking “section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423)” and inserting “chapter 21 of title 41, United States Code”.

(14) Section 326(c)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2302 note) is amended by striking “section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c))” and inserting “section 1303(a) of title 41, United States Code”.

(15) Section 806 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2302 note) is amended—

(A) in subsection (b), by striking “section 4(12) of the Office of Federal Procurement Policy Act” and inserting “section 103 of title 41, United States Code”; and

(B) in subsection (c)—

(i) by striking “section 25(a) of the Office of Federal Procurement Policy Act” and inserting “section 1302(a) of title 41, United States Code”; and

(ii) by striking “section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C.

421(c)(1))" and inserting "section 1303(a)(1) of such title 41".

(16) Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510, 10 U.S.C. 2302 note) is amended—

(A) by designating the subsection after subsection (k), relating to definitions, as subsection (l); and

(B) in paragraph (8) of that subsection, by striking "the first section of the Act of June 25, 1938 (41 U.S.C. 46; popularly known as the 'Wagner-O'Day Act')" and inserting "section 8502 of title 41, United States Code".

(c) AMENDMENTS TO TITLE 10, UNITED STATES CODE, TO REFLECT RECLASSIFICATION OF PROVISIONS OF LAW CODIFIED IN TITLE 50, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Sections 113(b), 125(a), and 155(d) are amended by striking "(50 U.S.C. 401)" and inserting "(50 U.S.C. 3002)".

(2) Sections 113(e)(2), 117(a)(1), 118(b)(1), 118a(b)(1), 153(b)(1)(C)(i), 231(b)(1), 231a(c)(1), and 2501(a)(1)(A) are amended by striking "(50 U.S.C. 404a)" and inserting "(50 U.S.C. 3043)".

(3) Sections 167(g), 421(c), and 2557(c) are amended by striking "(50 U.S.C. 413 et seq.)" and inserting "(50 U.S.C. 3091 et seq.)".

(4) Section 201(b)(1) is amended by striking "(50 U.S.C. 403–6(b))" and inserting "(50 U.S.C. 3041(b))".

(5) Section 429 is amended—

(A) in subsection (a), by striking "Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1)" and inserting "section 102A of the National Security Act of 1947 (50 U.S.C. 3024)"; and

(B) in subsection (e), by striking "(50 U.S.C. 401a(4))" and inserting "(50 U.S.C. 3003(4))".

(6) Section 442(d) is amended by striking "(50 U.S.C. 404e(a))" and inserting "(50 U.S.C. 3045(a))".

(7) Section 444 is amended—

(A) in subsection (b)(2), by striking "(50 U.S.C. 403o)" and inserting "(50 U.S.C. 3515)"; and

(B) in subsection (e)(2)(B), by striking "(50 U.S.C. 403a et seq.)" and inserting "(50 U.S.C. 3501 et seq.)".

(8) Section 457 is amended—

(A) in subsection (a), by striking "(50 U.S.C. 431)" and inserting "(50 U.S.C. 3141)"; and

(B) in subsection (c), by striking "(50 U.S.C. 431(b))" and inserting "(50 U.S.C. 3141(b))".

(9) Sections 462, 1599a(a), and 1623(a) are amended by striking "(50 U.S.C. 402 note)" and inserting "(50 U.S.C. 3614)".

(10) Sections 491(c)(3), 494(d)(1), 496(a)(1), 2409(e)(1) are amended by striking "(50 U.S.C. 401a(4))" and inserting "(50 U.S.C. 3003(4))".

(11) Section 1605(a)(2) is amended by striking "(50 U.S.C. 403r)" and inserting "(50 U.S.C. 3518)".

(12) Section 2723(d)(2) is amended by striking "(50 U.S.C. 413)" and inserting "(50 U.S.C. 3091)".

(d) AMENDMENTS TO OTHER DEFENSE-RELATED STATUTES TO REFLECT RECLASSIFICATION OF PROVISIONS OF LAW CODIFIED IN TITLE 50, UNITED STATES CODE.—

(1) The following provisions of law are amended by striking "(50 U.S.C. 401a(4))" and inserting "(50 U.S.C. 3003(4))":

(A) Section 911(3) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2271 note).

(B) Sections 801(b)(3) and 911(e)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2304 note; 2271 note).

(C) Section 812(e) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2501 note).

(2) Section 901(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003

(Public Law 107–314; 10 U.S.C. 137 note) is amended by striking "(50 U.S.C. 401 et seq.)" and inserting "(50 U.S.C. 3001 et seq.)".

(e) DATE OF ENACTMENT REFERENCES.—Title 10, United States Code, is amended as follows:

(1) Section 1218(d)(3) is amended by striking "on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010" and inserting "on October 28, 2014".

(2) Section 1566a(a) is amended by striking "Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010 and under" and inserting "Under".

(3) Section 2275(d) is amended—

(A) in paragraph (1), by striking "before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013" and inserting "before January 2, 2013"; and

(B) in paragraph (2), by striking "on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013" and inserting "on or after January 2, 2013".

(4) Section 2601a(e) is amended by striking "after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012" and inserting "after December 31, 2011".

(5) Section 6328(c) is amended by striking "on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010" and inserting "on or after October 28, 2009".

(f) OTHER AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 3 is amended by striking the item relating to section 130f and inserting the following new item:

"130f. Congressional notification of sensitive military operations."

(2) The table of sections at the beginning of chapter 7 is amended by inserting a period at the end of the item relating to section 189.

(3) Section 189(c)(1) is amended by striking "139c" and inserting "2430(a)".

(4) Section 407(a)(3)(A) is amended by striking the comma after "as applicable".

(5) Section 429 is amended—

(A) in subsection (a), by striking "Section" in the second sentence and inserting "section"; and

(B) in subsection (c), by striking "act" and inserting "law".

(6) Section 674(b) is amended by striking "after" and inserting "after".

(7) Section 949i(b) is amended by striking ".,," and inserting a comma.

(8) Section 950b(B)(2)(A) is amended by striking "give" and inserting "given".

(9) Section 1040(a)(1) is amended by striking ".,," and inserting a period.

(10) Section 1044(d)(2) is amended by striking ".,," and inserting a period.

(11) Section 1074m(a)(2) is amended by striking "subparagraph" in the matter preceding subparagraph (A) and inserting "subparagraphs".

(12) Section 1154(a)(2)(A)(ii) is amended by striking "U.S.C.1411" and inserting "U.S.C. 1411".

(13) Section 2222(g)(3) is amended by striking "(A)" after "(3)".

(14) Section 2335(d) is amended—

(A) by designating the last sentence of paragraph (2) as paragraph (3); and

(B) in paragraph (3), as so designated—

(i) by inserting before "each of" the following paragraph heading: "OTHER TERMS.—"

(ii) by striking "the term" and inserting "that term"; and

(iii) by striking "Federal Campaign" and inserting "Federal Election Campaign".

(15) Section 2430(c)(2) is amended by striking "section 2366a(a)(4)" and inserting "section 2366a(a)(6)".

(16) Section 2601a is amended—

(A) in subsection (a)(1), by striking "issue" and inserting "prescribe"; and

(B) in subsection (d), by striking "issued" and inserting "prescribed".

(17) Section 2853(c)(1)(A) is amended by striking "can be still be" and inserting "can still be".

(18) Section 2866(a)(4)(A) is amended by striking "repayed" and inserting "repaid".

(19) Section 2884(c) is amended by striking "on evaluation" in the matter preceding paragraph (1) and inserting "an evaluation".

(20) Section 2792(d)(2) is amended by striking "section 1024(a)" and inserting "section 1018(a)".

(g) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—Effective as of December 23, 2013, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66) is amended as follows:

(1) Section 2712 (127 Stat. 1004) is repealed.

(2) Section 2809(a) (127 Stat. 1013) is amended by striking "subjection" and inserting "sub-section".

(3) Section 2966 (127 Stat. 1042) is amended in the section heading by striking "TITLE" and inserting "ADMINISTRATIVE JURISDICTION".

(4) Section 2971(a) (127 Stat. 1044) is amended—

(A) by striking "the map" and inserting "the maps"; and

(B) by striking "the mineral leasing laws, and the geothermal leasing laws" and inserting "and the mineral leasing laws".

(5) Section 2972(d)(1) (127 Stat. 1045) is amended—

(A) in subparagraph (A), by inserting "public" before "land"; and

(B) in subparagraph (B), by striking "public".

(6) Section 2977(c)(3) (127 Stat. 1047) is amended by striking "and" and inserting a period.

(h) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—Effective as of January 2, 2013, and as if included therein as enacted, section 604(b)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1774) is amended by striking "on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013" and inserting "on January 2, 2013".

(i) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.

#### SEC. 1072. SALE OR DONATION OF EXCESS PERSONAL PROPERTY FOR BORDER SECURITY ACTIVITIES.

Section 2576a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking "counterdrug and counter-terrorism activities" and inserting "counterdrug, counterterrorism, and border security activities"

(B) in paragraph (2), by striking "the Attorney General and the Director of National Drug Control Policy" and inserting "the Attorney General, the Director of National Drug Control Policy, and the Secretary of Homeland Security, as appropriate."; and

(2) in subsection (d), by striking "counterdrug and counter-terrorism activities" and inserting "counterdrug, counterterrorism, or border security activities".

#### SEC. 1073. REVISION TO STATUTE OF LIMITATIONS FOR AVIATION INSURANCE CLAIMS.

(a) IN GENERAL.—Section 44309 of title 49, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new sentence: "A civil action shall not be instituted against the United States under this chapter unless the claimant first presents the claim to the Secretary of Transportation and such claim is finally denied by the Secretary in writing and notice of the denial of such claim is sent by certified or registered mail."

(2) by striking subsection (c) and inserting the following new subsection (c):

"(c) **TIME REQUIREMENTS.**—(1) Except as provided under paragraph (2), an insurance claim made under this chapter against the United States shall be forever barred unless it is presented in writing to the Secretary of Transportation within two years after the date on which the loss event occurred. Any civil action arising out of the denial of such a claim shall be filed by not later than six months after the date of the mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary.

"(2)(A) For claims based on liability to persons with whom the insured has no privity of contract, an insurance claim made under the authority of this chapter against the United States shall be forever barred unless it is presented in writing to the Secretary of Transportation by not later than the earlier of—

"(i) the date that is 60 days after the date on which final judgment is entered by a tribunal of competent jurisdiction; or

"(ii) the date that is six years after the date on which the loss event occurred.

"(B) Any civil action arising out of the denial of such claim shall be filed by not later than six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary.

"(3) A claim made under this chapter shall be deemed to be administratively denied if the Secretary fails to make a final disposition of the claim before the date that is 6 months after the date on which the claim is presented to the Secretary, unless the Secretary makes a different agreement with the claimant when there is good cause for an agreement."

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply with respect to a claim arising after the date of the enactment of this Act.

#### **SEC. 1074. PILOT PROGRAM FOR THE HUMAN TERRAIN SYSTEM.**

(a) **PILOT PROGRAM REQUIRED.**—The Secretary of the Army shall carry out a pilot program under which the Secretary uses the Human Terrain System assets in the Pacific Command area of responsibility to support phase 0 shaping operations and the theater security cooperation plans of the Commander of the Pacific Command.

(b) **LIMITATION.**—Not more than 12 full-time equivalent personnel, or 12 full-time equivalent personnel for reach back support, may be deployed into the Pacific command area of responsibility to support the pilot program required by subsection (a). The limitation under the preceding sentence shall not apply to training or support functions required to prepare personnel for participation in the pilot program.

(c) **REPORTS.**—

(1) **BRIEFING.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall provide to the congressional defense committees a briefing on the plan of the Secretary to carry out the program required by subsection (a), including the milestones, metrics, deliverables, and resources needed to execute such a pilot program. In establishing the metrics for the pilot program, the Secretary shall include the ability to measure the value of the program in comparison to other analytic tools and techniques.

(2) **INITIAL REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the status of the pilot program. Such report shall include the independent analysis and recommendations of the Commander of the Pacific Command regarding the effectiveness of the program and how it could be improved.

(3) **FINAL REPORT.**—Not later than December 1, 2016, the Secretary of the Army shall submit to the congressional defense committees a final report on the pilot program. Such report shall include an analysis of the comparative value of human terrain information relative to other analytic tools and techniques, recommendations regarding expanding the program to include other combatant commands, and any improvements to the program and necessary resources that would enable such an expansion.

(d) **TERMINATION.**—The authority to carry out a pilot program under this section shall terminate on September 30, 2016.

#### **SEC. 1075. UNMANNED AIRCRAFT SYSTEMS AND NATIONAL AIRSPACE.**

(a) **MEMORANDA OF UNDERSTANDING.**—Notwithstanding any other provision of law, the Secretary of Defense may enter into a memorandum of understanding with a non-Department of Defense entity that is engaged in the test range program authorized under section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) to allow such entity to access nonregulatory special use airspace if such access—

(1) is used by the entity as part of such test range program; and

(2) does not interfere with the activities of the Secretary or otherwise interrupt or delay missions or training of the Department of Defense.

(b) **ESTABLISHED PROCEDURES.**—The Secretary shall carry out subsection (a) using the established procedures of the Department of Defense with respect to entering into a memorandum of understanding.

(c) **CONSTRUCTION.**—A memorandum of understanding entered into under subsection (a) between the Secretary and a non-Department of Defense entity shall not be construed as establishing the Secretary as a partner, proponent, or team member of such entity in the test range program specified in such subsection.

#### **SEC. 1076. SENSE OF CONGRESS ON THE LIFE AND ACHIEVEMENTS OF DR. JAMES R. SCHLESINGER.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Honorable Dr. James R. Schlesinger was born in New York, New York, on February 15, 1929, graduated summa cum laude from Harvard College in 1950 where he was elected Phi Beta Kappa and awarded the Frederick Sheldon Travel Fellowship, and subsequently received from Harvard University his master's degree in 1952 and doctoral degree in 1956.

(2) Dr. Schlesinger married Rachel Line Mellinger in 1954 and had eight children with her before she passed away in 1995.

(3) Dr. Schlesinger is survived by his children Cora Schlesinger, Charles Schlesinger, Ann Schlesinger, William Schlesinger, Emily Schlesinger, Thomas Schlesinger, Clara Schlesinger, and James Schlesinger, Jr., and eleven grandchildren.

(4) Dr. Schlesinger was a generous patron of the arts, including helping significantly to establish the Rachel M. Schlesinger Concert Hall and Arts Center in Arlington, Virginia.

(5) Dr. Schlesinger was a generous sponsor of higher education, serving on the International Council at Harvard University's Belfer Center, endowing the Julius Schlesinger Professorship of Operations Management at New York University's Stern School of Business and the James R.

Schlesinger Distinguished Professorship at the Miller Center of Public Affairs at the University of Virginia, and sponsoring an ongoing music scholarship at Harvard College in honor of his beloved wife.

(6) Dr. Schlesinger was a distinguished statesman-scholar of great integrity, intellect, and insight who dedicated his life to protecting the security of the United States and Western civilization and the liberty of all the people of the United States throughout his highly-decorated and distinguished career spanning seven decades—

(A) serving as a professor of economics at the University of Virginia from 1955 until 1963;

(B) authoring numerous important scholarly and policy-related publications, including *The Political Economy of National Security: A Study of the Economic Aspect of the Contemporary Power Struggle* (1960), *Defense Planning and Budgeting: The Issue of Centralized Control* (1968), *American Security and Energy Policy* (1980), *America at Century's End* (1989), and most recently, *Minimum Deterrence: Examining the Evidence* (2013);

(C) serving at the RAND Corporation from 1963 until 1969, including as the director of strategic studies;

(D) beginning service in the Federal Government in 1969, leading on defense matters as the assistant director and acting deputy director of the United States Bureau of the Budget;

(E) serving as a member and chairman of the Atomic Energy Commission from 1971 until 1973, working tirelessly to introduce extensive organization and management changes to strengthen the regulatory performance of the Commission;

(F) serving as Director of Central Intelligence in 1973, focusing on the agency's adherence to its legislative charter; and

(G) becoming the Secretary of Defense in 1973 at age 44, a position Dr. Schlesinger held until 1975, during which time he—

(i) authored the "Schlesinger Doctrine" that instituted important reforms to strengthen the flexibility and credibility of the United States nuclear deterrent to prevent war, assure United States allies, and protect the liberties all Americans enjoy; ensuring that the United States maintained "essential equivalence" with the Soviet Union's conventional military forces and surging nuclear capabilities;

(ii) led the successful development of the A-10 close-air support aircraft and the F-16 fighter; leading the Department of Defense with great skill and prescience during the 1973 Yom Kippur War in which he was key to the United States airlift that, according to Israeli Prime Minister Golda Meir, "meant life for our people";

(iii) led the Department of Defense during the 1974 Cyprus Crisis, the closing phase of the Indochina conflict, and the 1975 Mayaguez incident in which his actions helped save the lives of captured Americans,

(iv) consulted regularly with and was highly-regarded by the uniformed military; and working tenaciously to strengthen the morale of the military following the United States withdrawal from Vietnam and to stem the defense budget cuts in that challenging period.

(7) In light of his realistic views of the Soviet Union's power and intentions, Dr. Schlesinger was invited to China as a private citizen in 1975 at the personal request of Mao Zedong, Chairman of the Chinese Communist Party, and upon Mao's death, was the only foreigner invited by the Chinese leadership to lay a wreath at Mao's bier.

(8) In 1976, President-elect Jimmy Carter invited Dr. Schlesinger to serve as his special advisor on energy during the difficult period of oil embargoes and fuel shortages to establish a national energy policy and create the charter for

the Department of Energy and subsequently to serve President Carter as the first Secretary of Energy, successfully initiating new conservation standards, gradual oil and natural gas deregulation, and unifying the nation's approach to energy policy with national security considerations.

(9) Following his return to private life in 1979, Dr. Schlesinger continued serving tirelessly to the end of his life in a wide array of public service and civic positions, including as a member of President Ronald Reagan's Commission on Strategic Forces, a member of Virginia Governor Charles Robb's Commission on Virginia's Future, Chairman of the Board of Trustees for the Mitre Corporation, a member of the Defense Policy Board and co-chair of studies for the Defense Science Board, Chairman of the National Space-Based Positioning, Navigation, and Timing Board, a Director of Sandia Corporation, a Trustee of the Atlantic Council, Nixon Center, and Henry M. Jackson Foundation, and an original member of the Secretary of State's International Security Advisory Board.

(10) In the recent past, Dr. Schlesinger was appointed by President George W. Bush to the Homeland Security Advisory Board, invited by Secretary Robert Gates to lead the "Schlesinger Task Force" to recommend measures to ensure the highest levels of competence and control of the Nation's nuclear forces, and invited by Congress to serve as the Vice Chairman of the Congressional Commission on the Strategic Posture of the United States to produce the 2009 study, entitled "America's Strategic Posture", which served as the blueprint for the 2010 Nuclear Posture Review of the Department of Defense.

(11) In addition to Dr. Schlesinger's earned doctorate from Harvard University, he was awarded 13 honorary doctorates, and was the recipient of numerous prestigious medals and awards, including inter alia, the National Security Medal presented by President Carter, the Defense Science Board's Eugene G. Fubini Award, the United States Army Association's George Catlett Marshall Medal, the Air Force Association's H. H. Arnold Award, the Navy League's National Meritorious Citation, the Society of Experimental Test Pilots' James H. Doolittle Award, the Military Order of World Wars' Distinguished Service Medal, the Air Force Association's Lifetime Achievement Award, and the Henry M. Jackson Foundation's Henry M. Jackson Award for Distinguished Public Service.

(12) Dr. Schlesinger's monumental contributions to the security and liberty of the nation and Western civilization, and to the betterment of his local community should serve as an example to all people of the United States.

(b) SENSE OF CONGRESS.—Congress—

(1) has learned with profound sorrow and deep regret the announcement of the death of the Honorable Dr. James R. Schlesinger, former Secretary of Defense, Secretary of Energy, and Director of Central Intelligence;

(2) honors the legacy of Dr. Schlesinger's commitment to the liberty and security of this Nation and the Western community of nations, the betterment of his local community, and his loving family;

(3) extends its deepest condolences and sympathy to the family, friends, and colleagues of Dr. Schlesinger who have lost a beloved father, grandfather, and thoughtful leader;

(4) honors Dr. Schlesinger's wisdom, discernment, scholarship, and dedication to a life of public service that greatly benefitted his community, country, and Western civilization;

(5) recognizes with great appreciation that while serving as public servant under Presidents Nixon, Ford, and Carter, Dr. Schlesinger contributed significantly, thoughtfully, and directly to the betterment of United States policies and practices in the areas of national defense, energy, and intelligence;

(6) recognizes with great appreciation that after returning to private life, Dr. Schlesinger continued to serve the Nation selflessly until his passing through his numerous bipartisan contributions to the reasoned public discourse of issues and his leadership on numerous high-level studies sponsored by the White House, the Department of Defense, the Department of State, and the United States Congress;

(7) recognizes with great appreciation Dr. Schlesinger's exemplary life guided by his commitment to the continuing security and liberty of the United States, and by his honor, duty, and devotion to country and family, scholarship, and personal moral integrity; and

(8) expresses profound respect and admiration for Dr. Schlesinger and his exemplary legacy of commitment to the people of the United States, members of the Armed Forces, and all those who help safeguard the Nation.

#### SEC. 1077. REFORM OF QUADRENNIAL DEFENSE REVIEW.

(a) IN GENERAL.—

(1) REFORM.—Section 118 of title 10, United States Code, is amended to read as follows:

##### "§ 118. Defense Strategy Review

"(a) QUADRENNIAL NATIONAL SECURITY THREATS AND TRENDS REPORT.—

"(1) REPORT REQUIRED.—Each year following a year evenly divisible by four, on the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31, the Secretary of Defense shall submit to the congressional defense committees a report (to be known as the 'Quadrennial National Security Threats and Trends Report') on United States national security interests and threats and trends that could affect those interests. The report shall be developed in full consultation with the Chairman of the Joint Chiefs of Staff.

"(2) TIMEFRAMES.—The report shall consider the following three general timeframes:

"(A) Near-term (5 years).

"(B) Mid-term (10 to 15 years).

"(C) Far-term (20 years).

"(3) CONTENTS OF THE REPORT.—

"(A) The report required under this subsection shall include a discussion of United States national security interests consistent with the President's most recently submitted National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3043).

"(B) The report required under this subsection shall include a discussion of the current and future security environment, including assessed threats, trends, and possible developments that could affect the national security interests of the United States. Such areas of discussion shall include, at a minimum—

"(i) geopolitical changes;

"(ii) military capabilities;

"(iii) technology developments;

"(iv) demographic changes; and

"(v) other trends the Secretary considers to be significant.

"(C) The report required under this subsection shall include a list of current and possible future threats to United States national security interests. The threats included in the list shall be categorized by their likelihood, imminence, and potential severity, and shall include only those threats the Department of Defense would likely have a role in preventing, combating, or otherwise addressing.

"(4) FORM.—The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.

"(b) NATIONAL DEFENSE PANEL.—

"(1) ESTABLISHMENT.—Not later than February 1 of a year following a year evenly divisible by four, there shall be established an inde-

pendent panel to be known as the National Defense Panel (in this subsection referred to as the 'Panel'). The Panel shall have the duties set forth in this subsection.

"(2) MEMBERSHIP.—The Panel shall be composed of ten members from private civilian life who are recognized experts in matters relating to the national security of the United States. Eight of the members shall be appointed as follows:

"(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

"(B) Two by the chairman of the Committee on Armed Services of the Senate.

"(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

"(D) Two by the ranking member of the Committee on Armed Services of the Senate.

"(3) CO-CHAIRS OF THE PANEL.—In addition to the members appointed under paragraph (2), the Secretary of Defense shall appoint two members from private civilian life to serve as co-chairs of the panel.

"(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

"(5) DUTIES.—

"(A) QUADRENNIAL NATIONAL SECURITY THREATS AND TRENDS REPORT.—The Panel shall have the following duties with respect to a quadrennial national security threats and trends report submitted under subsection (a):

"(i) Review the report and suggest additional threats, trends, developments, opportunities, and challenges that should be addressed in the Defense Strategy Review required under subsection (c).

"(ii) Discuss the role of the United States in the world, with particular attention to the role of the United States military and the Department of Defense, including a prioritized list of United States national security interests.

"(iii) Outline a defense strategy to address the threats, trends, developments, opportunities, and challenges suggested under clause (i), in particular discussing prioritized ends and ways and means to address the threats so outlined.

"(iv) Determine the kind and degree of risk that is acceptable to the United States in undertaking the various military missions under the strategy outlined in clause (iii) and discuss ways of mitigating such risk.

"(v) Provide to Congress and the Secretary of Defense, in the report required by paragraph (7), any recommendations it considers appropriate for their consideration.

"(B) DEFENSE STRATEGY REVIEW.—The Panel shall have the following duties with respect to a Defense Strategy Review conducted under subsection (c):

"(i) Assess the report on the Defense Strategy Review submitted by the Secretary of Defense under subsection (c)(3).

"(ii) Assess the assumptions, strategy, findings, and risks of the report on the Defense Strategy Review submitted under subsection (c)(3).

"(iii) Consider alternative defense strategies.

"(iv) Consider alternatives in force structure and capabilities, presence, infrastructure, readiness, personnel composition and skillsets, organizational structures, budget plans, and other elements of the defense program of the United States to execute successfully the full range of missions called for in the Defense Strategy Review and in the alternative strategies considered under clause (iii).

"(v) Provide to Congress and the Secretary of Defense, in the report required by paragraph (7), any recommendations it considers appropriate for their consideration.

“(6) **FIRST MEETING.**—If the Secretary of Defense has not made the Secretary's appointments to the Panel under paragraph (3) by March 1 of a year in which a quadrennial national security threats and trends report is submitted under this section, the Panel shall convene for its first meeting with the remaining members.

“(7) **REPORTS.**—

“(A) Not later than July 1 of a year in which a Panel is established under paragraph (1), the Panel shall submit to the congressional defense committees a report on the Panel's review of the quadrennial national security threats and trends report, as required by paragraph (5)(A).

“(B) Not later than three months after the date on which the report on a Defense Strategy Review is submitted under subsection (c), the Panel shall submit to the congressional defense committees a report on the Panel's assessment of such Defense Strategy Review, as required by paragraph (5)(B).

“(8) **ADMINISTRATIVE PROVISIONS.**—

“(A) The Panel may request directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this subsection. The head of the department or agency concerned shall cooperate with the Panel to ensure that information requested by the Panel under this paragraph is promptly provided to the maximum extent practical.

“(B) Upon the request of the co-chairs, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

“(C) The Panel shall have the authorities provided in section 3161 of title 5 and shall be subject to the conditions set forth in such section.

“(D) Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

“(9) **TERMINATION.**—A Panel established under paragraph (1) shall terminate 45 days after the date on which the Panel submits its report on a Defense Strategy Review under paragraph (7)(B).

“(c) **DEFENSE STRATEGY REVIEW.**—

“(1) **REVIEW REQUIRED.**—The Secretary of Defense shall every four years, during a year following a year evenly divisible by four, conduct a comprehensive examination (to be known as a ‘Defense Strategy Review’) of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program. Each such Defense Strategy Review shall be conducted in consultation with the Chairman of the Joint Chiefs of Staff.

“(2) **CONDUCT OF REVIEW.**—Each Defense Strategy Review shall be conducted so as to—

“(A) delineate a national defense strategy consistent with the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

“(B) provide the mechanism for—

“(i) setting priorities, shaping the force, guiding capabilities and resources, and adjusting the organization of the Department of Defense to respond to changes in the strategic environment;

“(ii) ensuring that entities within the Department of Defense are working toward common goals; and

“(iii) engaging Congress, other United States Government stakeholders, allies and partners, and the private sector on such strategy;

“(C) provide a bridge between higher-level policy and strategy and other Department of Defense guidance and activities;

“(D) consider three general timeframes of the near-term (associated with the future-years defense program), mid-term (10 to 15 years), and far-term (20 years);

“(E) address the security environment, threats, trends, opportunities, and challenges;

“(F) define the force structure and capabilities, force modernization plans, presence, infrastructure, readiness, personnel composition and skillsets, organizational structures, and other elements of the defense program of the United States associated with that national defense strategy that would be required to execute successfully the full range of missions called for in that national defense strategy;

“(G) identify the budget plan that would be required to provide sufficient resources to execute successfully the full range of missions called for in that national defense strategy;

“(H) define the nature and magnitude of the strategic and operational risks associated with executing the national defense strategy; and

“(I) understand the relationships and tradeoffs between missions, risks, and resources.

“(3) **SUBMISSION OF REPORT ON DEFENSE STRATEGY REVIEW TO CONGRESSIONAL COMMITTEES.**—The Secretary shall submit a report on each Defense Strategy Review to the Committees on Armed Services of the Senate and the House of Representatives. The report shall be submitted not later than March 1 of the year following the year in which the review is conducted. If the year in which the review is conducted is in the second term of a President, the Secretary may submit an update to the Defense Strategy Review report submitted during the first term of that President.

“(4) **ELEMENTS.**—The report shall provide a comprehensive discussion of the Review, including the following:

“(A) The national defense strategy of the United States.

“(B) The assumed or defined prioritized national security interests of the United States that inform the national defense strategy defined in the Review.

“(C) The assumed strategic environment, including the threats, developments, trends, opportunities, and challenges that affect the assumed or defined national security interests of the United States, including those that were examined for the purposes of the Review and those that were considered in the development of the Quadrennial National Security Threats and Trends Report required under subsection (a).

“(D) The assumed steady state activities, crisis and conflict scenarios, military end states, and force planning construct examined in the review.

“(E) The prioritized missions of the armed forces under the strategy and a discussion of the roles and missions of the components of the armed forces to carry out those missions.

“(F) The assumed roles and capabilities provided by other United States Government agencies and by allies and partners.

“(F) The force structure and capabilities, presence, infrastructure, readiness, personnel composition and skillsets, organizational structures, and other elements of the defense program that would be required to execute successfully the full range of missions called for in the strategy.

“(G) An assessment of the gaps and shortfalls between the force structure, capabilities, and additional elements as required by subparagraph (F) and the current elements in the Department's existing program of record, and a prioritization of those gaps and shortfalls.

“(H) An assessment of the risks assumed by the strategy, including—

“(i) how the Department defines, categorizes, and measures risk, such as strategic and operational risk; and

“(ii) the plan for mitigating major identified risks, including the expected timelines for, and extent of, any such mitigation, and the rationale for where greater risk is accepted.

“(I) A sensitivity analysis, specifically to understand the relationships and tradeoffs between missions, risks, and resources.

“(J) Any other key assumptions and elements addressed in the review or that the Secretary considers necessary to include.

“(5) **CJCS REVIEW.**—(A) Upon the completion of each Review under this subsection, the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of risks under the defense strategy developed by the Review and a description of the capabilities needed to address such risk. In preparing such assessment, the Chairman of the Joint Chiefs of Staff shall consider the threats and trends contained in the Quadrennial National Security Threats and Trends Report required by subsection (a), any additional threats considered as part of the Review under this subsection (particularly those that are categorized as likely, imminent, or severe), and any additional threats the Chairman considers appropriate.

“(B) The Chairman's assessment shall be submitted to the Secretary in time for the inclusion of the assessment in the report on the Review under this subsection. The Secretary shall include the Chairman's assessment, together with the Secretary's comments, in the report in its entirety.

“(6) **FORM.**—The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.”

(2) **CLERICAL AMENDMENT.**—The item relating to section 118 at the beginning of chapter 2 of such title is amended to read as follows:

“118. Defense Strategy Review.”

(b) **REPEAL OF QUADRENNIAL ROLES AND MISSIONS REVIEW.**—

(1) **REPEAL.**—Chapter 2 of such title is amended by striking section 118b.

(2) **CONFORMING AMENDMENT.**—The table of sections at the beginning of such chapter is amended by striking the item relating to section 118b.

(c) **EFFECTIVE DATE.**—Section 118 of such title, as amended by subsection (a), and the amendments made by this section, shall take effect on October 1, 2015.

#### **SEC. 1078. RESUBMISSION OF 2014 QUADRENNIAL DEFENSE REVIEW.**

(a) **REQUIREMENT TO RESUBMIT 2014 QDR.**—Not later than October 1, 2014, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall, in accordance with this section, resubmit to the Committees on Armed Services of the Senate and the House of Representatives the report on the 2014 quadrennial defense review that was submitted to such committees as required by section 118(d) of title 10, United States Code.

(b) **MATTERS COVERED.**—The resubmitted report shall fully address the elements required in subsections (a), (b)(3), and (b)(4) of section 118 of such title, which specifically include the following:

(1) An articulation of a defense program for the next 20 years, consistent with the national defense strategy of the United States determined and expressed in the 2014 quadrennial defense review.

(2) An identification of (A) the budget plan that would be required to provide sufficient resources to execute successfully the full range of missions called for in that national defense strategy at a low-to-moderate level of risk, and (B) any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.



(3) Recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

(c) **LIMITATION ON FUNDS.**—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the Office of the Under Secretary of Defense for Policy, not more than 75 percent may be obligated or expended until the Secretary of Defense resubmits to the congressional defense committees the 2014 quadrennial defense report in accordance with this section.

**SEC. 1079. SENSE OF CONGRESS REGARDING COUNTER-IMPROVISED EXPLOSIVE DEVICES.**

It is the sense of Congress that—

(1) counter-improvised explosive device tactics, techniques, and procedures used in Iraq and Afghanistan have produced important technical data, lessons learned, and enduring technology critical to mitigating the devastating effects of improvised explosive devices, which have been the leading cause of combat fatalities in the United States Central Command area of operations since 2002, and whose use are now expanding to other Global Combatant Commands area of operations;

(2) without the preservation of knowledge about counter-improvised explosive devices, the Nation could fail to take full advantage of the hard earned lessons and investments of the past decade of counter-improvised explosive device operations to enhance warfighter readiness; and

(3) the Department of Defense should remain dedicated to retaining a knowledge base relating to counter-improvised explosive devices to ensure lessons learned and investments are maximized for future benefits.

**SEC. 1080. ENHANCING PRESENCE AND CAPABILITIES AND READINESS POSTURE OF UNITED STATES MILITARY IN EUROPE.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan that—

(1) identifies the capabilities and capacities, including with respect to cyber, special operations, and intelligence, required by the Armed Forces of the United States to counter or mitigate conventional, unconventional, and subversive activities of the Russian Federation within the area of responsibility of the United States European Command;

(2) identifies the required capabilities and capacities needed by the Armed Forces of the United States to meet operations plan requirements for a response under Article 5 of the North Atlantic Treaty;

(3) identifies any deficiencies in the readiness of the Armed Forces of the United States in the area of the responsibility of the United States European Command; and

(4) recommends actions, resources, and timelines with respect to correcting any deficiency identified under paragraphs (1), (2), or (3).

**SEC. 1081. DETERMINATION AND DISCLOSURE OF TRANSPORTATION COSTS INCURRED BY THE SECRETARY OF DEFENSE FOR CONGRESSIONAL TRIPS OUTSIDE THE UNITED STATES.**

(a) **DETERMINATION AND DISCLOSURE OF COSTS BY SECRETARY.**—In the case of a trip taken by a Member, officer, or employee of the House of Representatives or Senate in carrying out official duties outside the United States for which the Department of Defense provides transportation, the Secretary of Defense shall—

(1) determine the cost of the transportation provided with respect to the Member, officer, or employee;

(2) not later than 10 days after completion of the trip involved, provide a written statement of the cost—

(A) to the Member, officer, or employee involved, and

(B) to the Committee on Armed Services of the House of Representatives (in the case of a trip taken by a Member, officer, or employee of the House) or the Committee on Armed Services of the Senate (in the case of a trip taken by a Member, officer, or employee of the Senate); and

(3) upon providing a written statement under paragraph (2), make the statement available for viewing on the Secretary's official public website until the expiration of the 4-year period which begins on the final day of the trip involved.

(b) **EXCEPTIONS.**—This section does not apply with respect to any trip the sole purpose of which is to visit one or more United States military installations or to visit United States military personnel in a war zone (or both).

(c) **DEFINITIONS.**—In this section:

(1) **MEMBER.**—The term “Member”, with respect to the House of Representatives, includes a Delegate or Resident Commissioner to the Congress.

(2) **UNITED STATES.**—The term “United States” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(d) **EFFECTIVE DATE.**—This section shall apply with respect to trips taken on or after the date of the enactment of this Act, except that this section does not apply with respect to any trip which began prior to such date.

**TITLE XI—CIVILIAN PERSONNEL MATTERS**

**SEC. 1101. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.**

Effective January 1, 2015, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615), as most recently amended by section 1101 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66), is further amended by striking “through 2014” and inserting “through 2015”.

**SEC. 1102. ONE-YEAR EXTENSION OF DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.**

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616) and most recently amended by section 1102 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66), is further amended by striking “2015” and inserting “2016”.

**SEC. 1103. REVISION TO LIST OF SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.**

Section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2487; 10 U.S.C. 2358 note) is amended by adding at the end the following:

“(18) The Army Research Institute for the Behavioral and Social Sciences.

“(19) The Space and Missile Defense Command Technical Center.”.

**SEC. 1104. PERMANENT AUTHORITY FOR EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.**

(a) **IN GENERAL.**—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 5 U.S.C. 3104 note) is amended by striking subsections (e), (f) and (g).

(b) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in the section heading, by striking “EXPERIMENTAL” and inserting “ALTERNATIVE”;

(2) in subsection (a)—

(A) by striking “During the program period specified in subsection (e)(1), the” and inserting “The”; and

(B) by striking “experimental”; and

(3) in subsection (d)(1)—

(A) in the matter preceding subparagraph (A), by striking “12-month period” and inserting “calendar year”; and

(B) in subparagraph (A), striking “fiscal year” and inserting “calendar year”.

**SEC. 1105. TEMPORARY AUTHORITIES FOR CERTAIN POSITIONS AT DEPARTMENT OF DEFENSE RESEARCH AND ENGINEERING FACILITIES.**

Section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) **STUDENTS ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.**—The director of any STRL may appoint qualified candidates enrolled in a program of undergraduate or graduate instruction leading to a bachelor's or master's degree in a scientific, technical, engineering or mathematical course of study at an institution of higher education (as that term is defined in section 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001)) to positions described in paragraph (3) of subsection (b) as an employee in a laboratory described in that paragraph without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code (other than sections 3303 and 3328 of such title).”;

(2) in subsection (b), by adding at the end the following:

“(3) **CANDIDATES ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.**—The positions described in this paragraph are scientific and engineering positions that may be temporary or term in any laboratory designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2486; 10 U.S.C. 2358 note) as a Department of Defense science and technology reinvention laboratory.”; and

(3) in subsection (c), by adding at the end the following:

“(3) In the case of a laboratory described in subsection (b)(3), with respect to appointment authority under subsection (a)(3), the number equal to 5 percent of the total number of scientific and engineering positions in such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.”.

**SEC. 1106. JUDICIAL REVIEW OF MERIT SYSTEMS PROTECTION BOARD DECISIONS RELATING TO WHISTLEBLOWERS.**

(a) **IN GENERAL.**—Section 7703(b)(1)(B) of title 5, United States Code, is amended by striking “2-year” and inserting “5-year”.

(b) **DIRECTOR APPEAL.**—Section 7703(d)(2) of such title is amended by striking “2-year” and inserting “5-year”.



## TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

### Subtitle A—Assistance and Training

#### SEC. 1201. ONE-YEAR EXTENSION OF GLOBAL SECURITY CONTINGENCY FUND.

(a) REVISIONS TO GLOBAL SECURITY CONTINGENCY FUND.—Subsection (c)(1) of section 1207 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1625; 22 U.S.C. 2151 note) is amended by striking “the provision of equipment, supplies, and training.” and inserting the following: “the provision of the following:

“(A) Equipment.

“(B) Supplies.

“(C) With respect to amounts in the Fund appropriated or transferred into the Fund after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2015, small-scale construction not exceeding \$750,000 on a per-project basis.

“(D) Training.”.

(b) AVAILABILITY OF FUNDS.—Subsection (i) of such section is amended—

(1) by striking “Amounts” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), amounts”;

(2) by striking “September 30, 2015” and inserting “September 30, 2016”; and

(3) by adding at the end the following:

“(2) EXCEPTION.—Amounts appropriated or transferred to the Fund before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2015 shall remain available for obligation and expenditure after September 30, 2015, only for activities under programs commenced under subsection (b) before September 30, 2015.”.

(c) EXPIRATION.—Subsection (p) of such section, as amended by section 1202(e) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 894), is further amended—

(1) by striking “September 30, 2015” and inserting “September 30, 2016”;

(2) by striking “fiscal years 2012 through 2015” and inserting “fiscal years 2012 through 2016”; and

(3) by adding at the end before the period the following: “and subject to the requirements contained in paragraphs (1) and (2) of subsection (i)”.

#### SEC. 1202. NOTICE TO CONGRESS ON CERTAIN ASSISTANCE UNDER AUTHORITY TO CONDUCT ACTIVITIES TO ENHANCE THE CAPABILITY OF FOREIGN COUNTRIES TO RESPOND TO INCIDENTS INVOLVING WEAPONS OF MASS DESTRUCTION.

Section 1204(e) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 896; 10 U.S.C. 401 note) is amended by inserting after “congressional defense committees” the following: “and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives”.

#### SEC. 1203. ENHANCED AUTHORITY FOR PROVISION OF SUPPORT TO FOREIGN MILITARY LIAISON OFFICERS OF FOREIGN COUNTRIES WHILE ASSIGNED TO THE DEPARTMENT OF DEFENSE.

(a) ELIGIBILITY.—Subsection (a) of section 1051a of title 10, United States Code, is amended by striking “involved in a military operation” and all that follows and inserting “while such liaison officer is assigned temporarily to the headquarters of a combatant command, component command, or subordinate operational command of the United States”.

(b) LIMITATIONS.—Such section, as so amended, is further amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) LIMITATIONS.—The number of liaison officers supported under subsection (b)(1) may not exceed 60 at any one time, and the amount of unreimbursed support for any such liaison officer under that subsection in any fiscal year may not exceed \$200,000 (in fiscal year 2014 constant dollars).”.

(c) SECRETARY OF STATE CONCURRENCE.—Such section, as so amended, is further amended by inserting after subsection (d), as added by subsection (b)(2) of this section, the following new subsection (e):

“(e) SECRETARY OF STATE CONCURRENCE.—The authority of the Secretary of Defense to provide administrative services and support under subsection (a) for the performance of duties by a liaison officer of another nation may be exercised only with respect to a liaison officer of another nation whose assignment as described in that subsection is accepted by the Secretary of Defense with the concurrence of the Secretary of State.”.

(d) DEFINITION.—Subsection (f) of such section, as redesignated by subsection (d)(1) of this section, is further amended by inserting “training programs conducted to familiarize, orient, or certify liaison officers regarding unique aspects of the assignments of the liaison officers,” after “police protection.”.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later January 31, 2016, January 31, 2017, and January 31, 2018, the Secretary of Defense shall submit to the congressional defense committees a report that includes a summary of the expenses, by command and associated countries, incurred by the United States for those liaison officers of a developing country in connection with the assignment of that officer as described in subsection (a) of section 1051(a) of title 10, United States Code, as amended by subsection (a) of this section.

(2) DEFINITION.—The report required by paragraph (1) shall also include the definition of and criteria established to designate a country as a “developing country” for purposes of such paragraph.

(3) FORM.—The report required by paragraph (1) shall be submitted in an unclassified form, but may contain a classified annex.

#### SEC. 1204. ANNUAL REPORT ON HUMAN RIGHTS VETTING AND VERIFICATION PROCEDURES OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—The Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees for each of the fiscal years 2015 through 2019 a report on human rights vetting and verification procedures used to comply with the requirements of section 8057 of the Consolidated Appropriations Act, 2014 (Public Law 113–76) or any successor requirements.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) An accounting and description of all training, equipment, or other assistance that was approved or provided to foreign security forces for the prior fiscal year for which such vetting and verification procedures were required, itemized by country and event.

(2) An accounting and description of all training, equipment, or other assistance that was not approved or provided to foreign security forces for the prior fiscal year by reason of not complying with such vetting and verification procedures, itemized by country and event, including the reasons for such non-compliance.

(3) A description of any human rights, rule of law training, or other assistance that was provided to foreign security forces described in paragraph (2) for the prior fiscal year for purposes of seeking to comply with such vetting

and verification procedures in the future, itemized by country and event.

(4) A description of any interagency processes that were used to evaluate compliance with the requirements of section 8057 of the Consolidated Appropriations Act, 2014 or any successor requirements.

(5) In the event the Secretary of Defense exercises the authority under subsection (b) or (c) of section 8057 of the Consolidated Appropriations Act, 2014 or any successor authority, a justification for the exercise of such authority and an explanation of the specific benefits derived from the exercise of such authority.

(6) Any additional items the Secretary of Defense determines to be appropriate.

(c) SUBMISSION REQUIREMENTS.—

(1) IN GENERAL.—The report required by subsection (a) shall be submitted to the appropriate congressional committees at the same time as the budget of the President is submitted to Congress under section 1105 of title 31, United States Code.

(2) FORM.—The report shall be submitted in unclassified form and may include a classified annex if necessary.

(d) DEFINITION.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

### Subtitle B—Matters Relating to Afghanistan and Pakistan

#### SEC. 1211. EXTENSION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.

(a) ONE YEAR EXTENSION.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1211 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 904), is further amended by striking “fiscal year 2014” each place it appears and inserting “fiscal year 2015”.

(b) FUNDS AVAILABLE DURING FISCAL YEAR 2015.—Subsection (a) of such section, as so amended, is further amended by striking “for operation and maintenance” and inserting “by section 1503 of the National Defense Authorization Act for Fiscal Year 2015”.

#### SEC. 1212. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1213 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 905), is further amended by striking “fiscal year 2014 for overseas contingency operations” and inserting “by section 1503 of the National Defense Authorization Act for Fiscal Year 2015”.

(b) EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as most recently amended by section 1213(c) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 906), is further amended by striking “September 30, 2014” and inserting “September 30, 2015”.

(c) EXTENSION OF LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.—Subsection (d) of section 1227 of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 2000) is amended—

(1) in the subsection heading, by striking “IN FISCAL YEAR 2013”; and

(2) in paragraph (1), by striking “Effective as of the date of the enactment of this Act,” and all that follows through “remain available for obligation” and inserting “No amounts authorized to be appropriated for the Department of Defense for fiscal year 2015 or any prior fiscal year”.

**SEC. 1213. EXTENSION OF CERTAIN AUTHORITIES FOR SUPPORT OF FOREIGN FORCES SUPPORTING OR PARTICIPATING WITH THE UNITED STATES ARMED FORCES.**

(a) LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING UNITED STATES MILITARY OPERATIONS IN AFGHANISTAN.—Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 394), as most recently amended by section 1217(a) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 909), is further amended—

(1) in subsection (a), by striking “fiscal year 2014” and inserting “fiscal year 2015”;.

(2) in subsection (d), by striking “December 31, 2014” and inserting “December 31, 2015”; and

(3) in subsection (e)(1), by striking “December 31, 2014” and inserting “December 31, 2015”.

(b) USE OF ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND CERTAIN MILITARY EQUIPMENT TO CERTAIN FOREIGN FORCES FOR PERSONNEL PROTECTION AND SURVIVABILITY.—Section 1202(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2413), as most recently amended by section 1217(b) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 909), is further amended by striking “December 31, 2014” and inserting “December 31, 2015”.

**SEC. 1214. REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN UNDER OPERATION RESOLUTE SUPPORT.**

(a) REPORT REQUIRED.—Not later than April 1, 2015, and every 180 days thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report on progress toward security and stability in Afghanistan under the North Atlantic Treaty Organization's (NATO) Operation Resolute Support.

(b) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN UNDER OPERATION RESOLUTE SUPPORT.—The report required under subsection (a) shall include a description of the mission and a comprehensive strategy of the United States for security and stability in Afghanistan during Operation Resolute Support, including any changes to the mission and strategy over time. The description of such strategy shall consist of a general overview and a separate detailed section for each of the following:

(1) NATO.—The status of the train, advise, and assist mission under NATO's Operation Resolute Support.

(2) ANSF.—A description of the following:

(A) The strategy and budget, with defined objectives, for activities relating to strengthening and sustaining the resources, capabilities, and effectiveness of the Afghanistan National Army (ANA) and the Afghanistan National Police (ANP) of the Afghanistan National Security Forces (ANSF), with the goal of ensuring that a strong and fully-capable ANSF is able to independently and effectively conduct operations and maintain security and stability in Afghanistan by the end of Operation Resolute Support.

(B) Any actions of the United States and the Government of Afghanistan to achieve the following goals relating to sustaining the capacity of the ANSF and the results of such actions:

(i) Improve and sustain ANSF recruitment and retention, including through vetting and salaries for the ANSF.

(ii) Improve and sustain ANSF training and mentoring.

(iii) Strengthen the partnership between the Government of the United States and the Government of Afghanistan.

(iv) Ensure international commitments to support the ANSF.

(3) NATO BASES IN AFGHANISTAN.—A description of the following:

(A) The access arrangements, the specific locations, and the force protection requirements for bases that the United States has access to in Afghanistan.

(B) A summary of attacks against NATO bases or facilities and any challenges to force protection, such as “green-on-blue” attacks.

(4) PUBLIC CORRUPTION AND RULE OF LAW.—A description of any actions, and the results of such actions, by the United States, NATO, and the Government of Afghanistan to fight public corruption and strengthen governance and the rule of law at the local, provincial, and national levels.

(5) REGIONAL CONSIDERATIONS.—A description of any actions by the Government of Afghanistan to increase cooperation with countries geographically located around Afghanistan's border, with a particular focus on improving security and stability in the Afghanistan-Pakistan border areas, and the status of such actions.

(c) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS, MEASURES OF PROGRESS, AND ANY UNFULFILLED REQUIREMENTS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN UNDER OPERATION RESOLUTE SUPPORT.—

(1) IN GENERAL.—The report required under subsection (a) shall set forth a comprehensive set of performance indicators, measures of progress, and any unfulfilled requirements toward sustainable long-term security and stability in Afghanistan, as specified in paragraph (2), and shall include performance standards and goals, together with a notional timetable for achieving such goals.

(2) PERFORMANCE INDICATORS, MEASURES OF PROGRESS, AND ANY UNFULFILLED REQUIREMENTS SPECIFIED.—The performance indicators, measures of progress, and any unfulfilled requirements specified in this paragraph shall include, at a minimum, the following:

(A) An assessment of NATO train, advise, and assist mission requirements. Such assessments shall include—

(i) indicators of the efficacy of the train, advise, and assist mission, such as number of engagements with the ANSF per day, a description of the engagements with the ANSF, and trends in the marginal improvements in the functional areas of the ANSF support structure from the tactical to the ministerial level;

(ii) contractor support requirements for the train, advise, and assist mission and for the ANSF; and

(iii) any unfulfilled requirements.

(B) For the ANA, and separately for the ANP, an assessment and any changes over time for the following:

(i) Recruitment and retention numbers, rates of absenteeism, rates and overall number of any desertions, ANSF vetting procedures, and salary scale.

(ii) Numbers ANSF being trained and the type of training and mentoring.

(iii) Operational readiness status of ANSF units, including any changes to the type, number, size, and organizational structure of ANA and ANP units.

(iv) A description of any gaps in ANSF capacity and capability.

(v) Effectiveness of ANA and ANP senior officers and the ANA and ANP chain of command.

(vi) An assessment of the extent to which insurgents have infiltrated the ANA and ANP.

(vii) An assessment of the ANSF's ability to hold terrain in Afghanistan and any posture changes in the ANSF such that they no longer are providing coverage of certain areas in Afghanistan that the ANSF was providing coverage of prior to the reporting period.

(C) An assessment of the relative strength of the insurgency in Afghanistan and the extent to which it is utilizing weapons or weapons-related materials from countries other than Afghanistan.

(D) A description of all terrorist and insurgent groups operating in Afghanistan, including the number, size, equipment strength, military effectiveness, and sources of support.

(E) An assessment of security and stability, including terrorist and insurgent activity, in Afghanistan-Pakistan border areas and in Pakistan's Federally Administered Tribal Areas from groups, including, al-Qaeda, the Haqqani Network, and the Quetta Shura Taliban, and any attacks on NATO supply lines.

(F) A description of the counterterrorism mission and an assessment of the counterterrorism campaign within Operation Resolute Support, including—

(i) the ability of NATO and the ANSF to detain individuals for intelligence purposes and to prevent high-value detainees from returning to the battlefield; and

(ii) an assessment of whether the Government of Afghanistan is partnering effectively and conducting operations based on NATO intelligence information.

(G) An assessment of United States military requirements for the NATO train, advise, and assist mission, counterterrorism, and force protection requirements under Operation Resolute Support, including planned personnel rotations and the associated time period of deployment for the 1-year period beginning on the date of the submission of the report required under subsection (a).

(d) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex, if necessary.

(e) CONGRESSIONAL BRIEFINGS.—The Secretary of Defense shall supplement the report required under subsection (a) with regular briefings to the appropriate congressional committees on the subject matter of the report.

(f) THREE-MONTH EXTENSION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.—Section 1230(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385), as most recently amended by section 1218(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1632), is further amended by striking “the end of fiscal year 2014” and inserting “December 31, 2014”.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1215. REQUIREMENT TO WITHHOLD DEPARTMENT OF DEFENSE ASSISTANCE TO AFGHANISTAN IN AMOUNT EQUIVALENT TO 150 PERCENT OF ALL TAXES ASSESSED BY AFGHANISTAN TO EXTENT SUCH TAXES ARE NOT REIMBURSED BY AFGHANISTAN.**

(a) REQUIREMENT TO WITHHOLD ASSISTANCE TO AFGHANISTAN.—An amount equivalent to 150 percent of the total taxes assessed during fiscal year 2014 by the Government of Afghanistan on all Department of Defense assistance in violation of the status of forces agreement between the United States and Afghanistan (entered in

force May 28, 2003) shall be withheld by the Secretary of Defense from obligation from funds appropriated for such assistance for fiscal year 2015 to the extent that the Secretary of Defense certifies and reports in writing to the appropriate congressional committees that such taxes have not been reimbursed by the Government of Afghanistan to the Department of Defense or the grantee, contractor, or subcontractor concerned.

(b) **WAIVER AUTHORITY.**—The Secretary of Defense may waive the requirement in subsection (a) if the Secretary determines that such a waiver is necessary to achieve United States goals in Afghanistan.

(c) **REPORT.**—Not later than March 1, 2015, the Secretary of Defense shall submit to the appropriate congressional committees a report on the total taxes assessed during fiscal year 2014 by the Government of Afghanistan on any Department of Defense assistance.

(d) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) **DEPARTMENT OF DEFENSE ASSISTANCE.**—The term “Department of Defense assistance” means funds provided in a fiscal year to Afghanistan by the Department of Defense, either directly or through grantees, contractors, or subcontractors.

(e) **TERMINATION.**—This section shall terminate at the close of the date on which the Secretary of Defense submits to the appropriate congressional committees a notification that the United States and Afghanistan have signed a bilateral security agreement and such agreement has entered into force.

**SEC. 1216. UNITED STATES PLAN FOR SUSTAINING THE AFGHANISTAN NATIONAL SECURITY FORCES THROUGH THE END OF FISCAL YEAR 2018.**

(a) **PLAN REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report that contains a detailed plan for sustaining the Afghanistan National Army (ANA) and the Afghanistan National Police (ANP) of the Afghanistan National Security Forces (ANSF) through the end of fiscal year 2018, with the objective of ensuring that a strong and fully-capable ANSF will be able to independently and effectively conduct operations and maintain security and stability in Afghanistan.

(b) **MATTERS TO BE INCLUDED.**—The plan contained in the report required under subsection (a) shall include a description of the following matters:

(1) A comprehensive and effective strategy and budget, with defined objectives.

(2) A description of the commitment for contributions from the North Atlantic Treaty Organization (NATO) and non-NATO nations, including the plan to achieve such commitments for the ANSF.

(3) A mechanism for tracking funding, equipment, training, and services provided for the ANSF by the United States, countries participating in NATO, and other coalition forces that are not part of Operation Resolute Support.

(4) Any actions to assist the Government of Afghanistan or on its behalf to achieve the following goals and the results of such actions:

(A) Improve and sustain effective Afghan security institutions with fully capable senior leadership and staff, including logistics, intelligence, medical, and recruiting units.

(B) Any additional train and equip efforts, including for the Afghan Air Force, as necessary, and Afghan Special Mission Wing, such that these entities are fully-capable of conducting operations independently and in sufficient numbers.

(C) Establish strong ANSF-readiness assessment tools and metrics.

(D) Improve and sustain strong, professional ANSF officers at the junior-, mid-, and senior-levels

(E) Further strong ANSF communication and control between central command and regions, provinces, and districts.

(F) Develop and improve mechanisms for incorporating lessons learned and best practices into ANSF operations.

(G) Improve ANSF oversight mechanisms, including a strong record-keeping system to track ANSF equipment and personnel.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1217. SENSE OF CONGRESS ON UNITED STATES MILITARY COMMITMENT TO OPERATION RESOLUTE SUPPORT IN AFGHANISTAN.**

It is the sense of Congress that—

(1) the United States continues to have vital national security interests in ensuring that Afghanistan remains a stable, sovereign country and that groups like Al Qaeda, the Haqqani Network, and the Quetta Shura Taliban are not able to use Afghanistan as a safe haven from which to launch attacks;

(2) the United States should have a residual presence in Afghanistan to train, advise, and assist the ANSF, conduct counterterrorism operations, and support force protection requirements in order to maintain the gains achieved in Afghanistan;

(3) it is in the interests of both the United States and Afghanistan to sign the Bilateral Security Agreement as soon as practicable after the new President of Afghanistan is sworn in;

(4) the United States should provide financial, advisory, and other necessary support to the ANSF, at the authorized end-strength of 352,000 personnel, through 2018;

(5) the train, advise, and assist mission, following the end of the NATO mission on December 31, 2014, should be able to assist the ANSF in all parts of Afghanistan;

(6) uncertainty with the signing of the Bilateral Security Agreement with Afghanistan is threatening the gains achieved by the United States and coalition forces and the United States’ enduring vital national security interests in Afghanistan and the region;

(7) the President should announce the United States residual presence for Operation Resolute Support to reassure the people of Afghanistan and to provide a tangible statement of support for the future of Afghanistan;

(8) the United States should aggressively work with NATO and the Government of Afghanistan to achieve a status of forces agreement for NATO forces in support of the post-2014 mission; and

(9) NATO member countries pledged their support and long-term commitment to Afghanistan at the Lisbon, Chicago, and Tokyo conferences and should honor their commitments to Afghanistan and the ANSF.

**SEC. 1218. EXTENSION OF AFGHAN SPECIAL IMMIGRANT PROGRAM.**

Section 602(b)(3) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended by adding at the end the following:

“(E) FISCAL YEAR 2015.—

“(i) IN GENERAL.—Except as provided in subparagraph (D), for fiscal year 2015, the total number of principal aliens who may be provided special immigrant status under this section may not exceed 1,075. For purposes of status provided under this subparagraph—

“(I) the period during which an alien must have been employed in accordance with paragraph (2)(A)(ii) must terminate on or before December 31, 2015;

“(II) the principal alien seeking special immigrant status under this subparagraph shall apply to the Chief of Mission in accordance with paragraph (2)(D) not later than September 30, 2015; and

“(III) the authority to provide such status shall terminate on September 30, 2016.

“(ii) **CONSTRUCTION.**—Clause (i) shall not be construed to affect numerical limitations, or the terms for provision of status, under subparagraph (D).”.

**Subtitle C—Matters Relating to the Russian Federation**

**SEC. 1221. LIMITATION ON MILITARY CONTACT AND COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.**

(a) **LIMITATION.**—None of the funds authorized to be appropriated or otherwise made available for fiscal year 2015 for the Department of Defense may be used for any bilateral military-to-military contact or cooperation between the Governments of the United States and the Russian Federation until the Secretary of Defense, in consultation with the Secretary of State, certifies to the appropriate congressional committees that—

(1) the armed forces of the Russian Federation are no longer illegally occupying Ukrainian territory;

(2) the Russian Federation is respecting the sovereignty of all Ukrainian territory;

(3) the Russian Federation is no longer taking actions that are inconsistent with the INF Treaty;

(4) the Russian Federation is in compliance with the CFE Treaty and has lifted its suspension of Russian observance of its treaty obligations; and

(5) the Russian Federation has not sold or otherwise transferred the Club-K land attack cruise missile system to any foreign country or foreign person during fiscal year 2014.

(b) **WAIVER.**—The Secretary of Defense may waive the limitation in subsection (a) with respect to a certification requirement specified in paragraph (1), (2), (3), or (4) if—

(1) the Secretary of Defense, in coordination with the Secretary of State, submits to the appropriate congressional committees—

(A) a notification that such a waiver is in the national security interest of the United States and a description of the national security interest covered by the waiver; and

(B) a report explaining why the Secretary of Defense cannot make the certification under subsection (a); and

(2) a period of 30 days has elapsed following the date on which the Secretary of Defense submits the information in the report under subparagraph (B).

(c) **ADDITIONAL WAIVER.**—The Secretary of Defense may waive the limitation required by subsection (a)(5) with respect to the sale or other transfer of the Club-K land attack cruise missile system if—

(1) the United States has imposed sanctions against the manufacturer of such system by reason of such sale or other transfer; or

(2) the Secretary has developed and submitted to the appropriate congressional committees a plan to prevent the sale or other transfer of such system in the future.

(d) **EXCEPTION FOR CERTAIN MILITARY BASES.**—The certification requirement specified

in paragraph (1) of subsection (a) shall not apply to military bases of the Russian Federation in Ukraine's Crimean peninsula operating in accordance with its 1997 agreement on the Status and Conditions of the Black Sea Fleet Stationing on the Territory of Ukraine.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) BILATERAL MILITARY-TO-MILITARY CONTACT OR COOPERATION.—The term “bilateral military-to-military contact or cooperation”—

(A) means—

(i) reciprocal visits and meetings by high-ranking delegations;

(ii) information sharing, policy consultations, security dialogues or other forms of consultative discussions;

(iii) exchanges of military instructors, training personnel, and students;

(iv) exchanges of information;

(v) defense planning; and

(vi) military training or exercises; but

(B) does not include any contact or cooperation that is in support of United States stability operations.

(3) CFE TREATY.—The term “CFE Treaty” means the Treaty on Conventional Armed Forces in Europe, signed at Paris November 19, 1990, and entered into force July 17, 1992.

(4) INF TREATY.—The term “INF Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the Intermediate-Range Nuclear Forces (INF) Treaty, signed at Washington December 8, 1987, and entered into force June 1, 1988.

(f) EFFECTIVE DATE.—This section takes effect on the date of the enactment of this Act and applies with respect to funds described in subsection (a) that are unobligated as of such date of enactment.

**SEC. 1222. LIMITATION ON USE OF FUNDS WITH RESPECT TO CERTIFICATION OF CERTAIN FLIGHTS BY THE RUSSIAN FEDERATION UNDER THE TREATY ON OPEN SKIES.**

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or any other Act may be used to authorize or permit a certification by the United States of a proposal by the Russian Federation to change any sensor package of an aircraft for a flight by the Russian Federation under the Open Skies Treaty, unless—

(1) the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence jointly certify to the appropriate congressional committees that such proposal will not enhance the capability or potential of the Russian Federation to gather intelligence that poses an unacceptable risk to the national security of the United States or is not designed to be collected under such Treaty; and

(2) the Secretary of State certifies to the appropriate congressional committees that—

(A) the armed forces of the Russian Federation are no longer illegally occupying Ukrainian territory;

(B) the Russian Federation is no longer violating the INF Treaty; and

(C) the Russian Federation is in compliance with the CFE Treaty and has lifted its suspension of Russian observance of its treaty obligations.

(b) WAIVER.—The President may waive the requirement of the Secretary of State to make a

certification described in subsection (a)(2) with respect to a proposal by the Russian Federation if the President determines that it is in the national security interests of the United States to do so and submits to the appropriate congressional committees a report that contains the reasons for such determination.

(c) NOTICE AND WAIT REQUIREMENT.—The President may not authorize or permit a certification by the United States for which the certifications required by paragraphs (1) and (2) of subsection (a) are made until the expiration of a 90-day period beginning on the date on which the certification required by such paragraph (1) or the certification required by such paragraph (2) is submitted to the appropriate congressional committees, whichever occurs later.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate; and

(C) the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives.

(2) CFE TREATY.—The term “CFE Treaty” means the Treaty on Conventional Armed Forces in Europe, signed at Paris November 19, 1990, and entered into force July 17, 1992.

(3) INF TREATY.—The term “INF Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the Intermediate-Range Nuclear Forces (INF) Treaty, signed at Washington December 8, 1987, and entered into force June 1, 1988.

(4) OPEN SKIES TREATY.—The term “Open Skies Treaty” means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

**SEC. 1223. LIMITATIONS ON PROVIDING CERTAIN MISSILE DEFENSE INFORMATION TO THE RUSSIAN FEDERATION.**

(a) IN GENERAL.—Section 1246(c) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 923) is amended—

(1) in paragraph (1), by striking “2016” and inserting “2017”; and

(2) in paragraph (2), by inserting after “2014” the following: “or 2015”; and

(3) in paragraph (3), by inserting “and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives” after “congressional defense committees”.

(b) LIMITATIONS ON PROVIDING OTHER INFORMATION.—No funds authorized to be appropriated or otherwise made available for each of fiscal years 2015 through 2017 for the Department of Defense may be used to provide the Government of the Russian Federation or any Russian person with information relating to the velocity at burnout of United States missile defense interceptors or missile defense targets or related information.

**SEC. 1224. LIMITATION ON AVAILABILITY OF FUNDS TO TRANSFER MISSILE DEFENSE INFORMATION TO THE RUSSIAN FEDERATION.**

(a) IN GENERAL.—None of the funds authorized to be appropriated or otherwise made available for fiscal year 2015 or any subsequent fiscal year for the Department of Defense may be obligated or expended to transfer missile defense information to the Russian Federation unless, with respect to such fiscal year, the President submits to the congressional defense committees not later than October 31 of such fiscal year a report on discussions between the Russian Fed-

eration and the United States on missile defense matters during the immediately preceding fiscal year, including any discussions for cooperation between the two countries on missile defense matters.

(b) FISCAL YEAR 2015 REPORT.—The report submitted pursuant to subsection (a) with respect to fiscal year 2015 shall, in addition to including the information described in subsection (a) with respect to fiscal year 2014, include the information described in subsection (a) with respect to fiscal years 2007 through 2013.

**SEC. 1225. REPORT ON NON-COMPLIANCE BY THE RUSSIAN FEDERATION OF ITS OBLIGATIONS UNDER THE INF TREATY.**

(a) FINDINGS.—Congress finds that—

(1) the Russian Federation is in material breach of its obligations under the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the Intermediate-Range Nuclear Forces (INF) Treaty, signed at Washington December 8, 1987, and entered into force June 1, 1988; and

(2) such behavior poses a threat to the United States, its deployed forces, and its allies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should hold the Russian Federation accountable for being in material breach of its obligations under the INF Treaty;

(2) the President should demand the Russian Federation completely and verifiably eliminate the military systems that constitute the material breach of its obligations under the INF Treaty;

(3) the President should seriously consider not engaging in further reductions of United States nuclear forces generally and should seriously consider not engaging in nuclear arms reduction negotiations with the Russian Federation specifically until such complete and verifiable elimination of the military systems has occurred; and

(4) the President, in consultation with United States allies, should consider whether it is in the national security interests of the United States to unilaterally remain a party to the INF Treaty if the Russian Federation is still in material breach of the INF Treaty beginning one year after the date of the enactment of this Act.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees an unclassified report that includes the following:

(1) The status of the President's efforts, in cooperation with United States allies, to hold the Russian Federation accountable for being in material breach of its obligations under the INF Treaty and obtain the complete and verifiable elimination of its military systems that constitute the material breach of its obligations under the INF Treaty.

(2) The President's assessment as to whether it remains in the national security interests of the United States to remain a party to the INF Treaty, and other related treaties and agreements, while the Russian Federation is in material breach of its obligations under the INF Treaty.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(3) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 1226. SENSE OF CONGRESS REGARDING RUSSIAN AGGRESSION TOWARD UKRAINE.**

It is the sense of the Congress that—

(1) the continuing and long-standing pattern and practice by the Government of the Russian Federation of physical, diplomatic, and economic aggression toward neighboring countries is clearly intended to exert undue influence on the free will of sovereign nations and peoples to determine their own future;

(2) the Russian military build-up and aggressive posture on the eastern border of Ukraine represent a deliberate intent to intimidate Ukraine and to force its citizens to submit to Russian control;

(3) the Russian Federation should immediately cease all improper and illegal activities in Ukraine;

(4) the 1994 Budapest Memorandum on Security Assurances, which was executed jointly with the Russian Federation, Ukraine, and the United Kingdom, represents a commitment to respect the independence, sovereignty, and territorial integrity and borders of Ukraine, and Russian actions clearly violate the commitment made by the Russian Federation in that memorandum;

(5) the security cooperation with the Ukrainian military by the United States military is an important opportunity to support the continued professionalization of the Ukrainian military;

(6) an enhanced military presence and readiness posture of the United States military in Europe is key to deterring further Russian aggression and assuring allies and partners; and

(7) the treaty commitments under Article 5 of the North Atlantic Treaty signed at Washington, April 4, 1949, and entered into force August 24, 1949, are important and a cornerstone to international security.

**SEC. 1227. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.**

(a) **REPORT.**—Not later than June 1 of each year, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, on the current and future military power of the Russian Federation (in this section referred to as “Russia”). The report shall address the current and probable future course of military-technological development of the Russian military, the tenets and probable development of Russian security strategy and military strategy, and military organizations and operational concepts, for the 20-year period following submission of such report.

(b) **MATTERS TO BE INCLUDED.**—A report required under subsection (a) shall include the following:

(1) An assessment of the security situation in regions neighboring Russia.

(2) The goals and factors shaping Russian security strategy and military strategy.

(3) Trends in Russian security and military behavior that would be designed to achieve, or that are consistent with, the goals described in paragraph (2).

(4) An assessment of Russia’s global and regional security objectives, including objectives that would affect NATO, the Middle East, and the People’s Republic of China.

(5) A detailed assessment of the sizes, locations, and capabilities of Russian nuclear, special operations, land, sea, and air forces.

(6) Developments in Russian military doctrine and training.

(7) An assessment of the proliferation activities of Russia and Russian entities, as a supplier of materials, technologies, or expertise relating to nuclear weapons or other weapons of mass destruction or missile systems.

(8) Developments in Russia’s asymmetric capabilities, including its strategy and efforts to develop and deploy cyber warfare and electronic warfare capabilities, details on the number of malicious cyber incidents originating from Rus-

sia against Department of Defense infrastructure, and associated activities originating or suspected of originating from Russia.

(9) The strategy and capabilities of Russian space and counterspace programs, including trends, global and regional activities, the involvement of military and civilian organizations, including state-owned enterprises, academic institutions, and commercial entities, and efforts to develop, acquire, or gain access to advanced technologies that would enhance Russian military capabilities.

(10) Developments in Russia’s nuclear program, including the size and state of Russia’s stockpile, its nuclear strategy and associated doctrines, its civil and military production capacities, and projections of its future arsenals.

(11) A description of Russia’s anti-access and area denial capabilities.

(12) A description of Russia’s command, control, communications, computers, intelligence, surveillance, and reconnaissance modernization program and its applications for Russia’s precision guided weapons.

(13) In consultation with the Secretary of Energy and the Secretary of State, developments regarding United States-Russian engagement and cooperation on security matters.

(14) The current state of United States military-to-military contacts with the Russian Federation armed forces, which shall include the following:

(A) A comprehensive and coordinated strategy for such military-to-military contacts and updates to the strategy.

(B) A summary of all such military-to-military contacts during the one-year period preceding the report, including a summary of topics discussed and questions asked by the Russian participants in those contacts.

(C) A description of such military-to-military contacts scheduled for the 12-month period following such report and the plan for future contacts.

(D) The Secretary’s assessment of the benefits the Russians expect to gain from such military-to-military contacts.

(E) The Secretary’s assessment of the benefits the Department of Defense expects to gain from such military-to-military contacts, and any concerns regarding such contacts.

(F) The Secretary’s assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the Russian Federation.

(15) A description of Russian military-to-military relationships with other countries, including the size and activity of military attaché offices around the world and military education programs conducted in Russia for other countries or in other countries for the Russians.

(16) Other military and security developments involving Russia that the Secretary of Defense considers relevant to United States national security.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(d) **REPEAL OF SUPERSEDED AUTHORITY.**—Section 10 of the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (Public Law 113–95) is repealed.

(e) **SUNSET.**—This section shall terminate on June 1, 2021.

**Subtitle D—Matters Relating to the Asia-Pacific Region**

**SEC. 1231. STRATEGY TO PRIORITIZE UNITED STATES INTERESTS IN THE UNITED STATES PACIFIC COMMAND AREA OF RESPONSIBILITY AND IMPLEMENTATION PLAN.**

(a) **STRATEGY.**—

(1) **IN GENERAL.**—The Secretary of Defense, in coordination with the Secretary of State and the heads of other Federal departments and agencies specified in paragraph (4), shall develop a strategy to prioritize United States interests in the United States Pacific Command Area of Responsibility.

(2) **MATTERS TO BE INCLUDED.**—The strategy required by paragraph (1) shall address the following:

(A) Strengthening bilateral security alliances.

(B) Improving relationships with countries that are emerging powers.

(C) Engaging with regional multilateral institutions.

(D) Expanding trade and investment.

(E) Bolstering a capable military presence.

(F) Promoting democracy and human rights.

(G) Coordinating efforts to counter transnational threats.

(H) Maintaining a rules-based structure.

(I) Improving the current and future security environment.

(J) Prioritizing United States military and diplomatic missions within respective Federal department or agency planning and budgeting guidance.

(K) Coordinating a response framework to prepare for, respond to, and recover from emergencies.

(L) Prioritizing security cooperation initiatives, including military-to-military and military-to-civilian engagements.

(3) **ASIA REBALANCING STRATEGY.**—The strategy required by paragraph (1) shall be informed by the results of the integrated, multi-year planning and budget strategy for a rebalancing of United States policy in Asia submitted to Congress pursuant to section 7043(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of the Consolidated Appropriations Act, 2014 (Public Law 113–76)).

(4) **FEDERAL DEPARTMENTS AND AGENCIES SPECIFIED.**—The Federal departments and agencies specified in this paragraph are the Department of Homeland Security, the Department of Transportation, the Department of Commerce, the Department of the Interior, the Office of the United States Trade Representative, and any other relevant department or agency as specified by the Secretary of Defense.

(b) **IMPLEMENTATION PLAN.**—

(1) **IN GENERAL.**—The President, acting through the National Security Council and in coordination with the Director of the Office of Management and Budget, shall develop an implementation plan for the Department of Defense, the Department of State, and each Federal department and agency specified in subsection (a)(4) to support the strategy required by subsection (a). The implementation plan shall provide specific goals and areas of focus for each department and agency to prioritize funding in its annual budget submissions.

(2) **RELATION TO AGENCY PRIORITY GOALS AND ANNUAL BUDGET.**—

(A) **AGENCY PRIORITY GOALS.**—In identifying agency priority goals under section 1120(b) of title 31, United States Code, for the Department of Defense, the Department of State, and each Federal department and agency specified in subsection (a)(4), the President, acting through the Director of the Office of Management and Budget, shall take into consideration the strategy required by subsection (a) and the implementation plan of the department or agency required by paragraph (1).

(B) ANNUAL BUDGET.—The President, acting through the Director of the Office of Management and Budget, shall ensure that the annual budget submitted to Congress under section 1105 of title 31, United States Code, includes a separate section that clearly highlights programs and projects that are being funded in the annual budget that relate to the strategy required by subsection (a) and the implementation plan of the Department of Defense, the Department of State, and each Federal department and agency specified in subsection (a)(4).

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the President, acting through the National Security Council, shall submit to Congress a report that contains the strategy required by subsection (a) and each implementation plan required by subsection (b).

(2) FORM.—The report shall be submitted in unclassified form but may contain a classified annex if necessary.

**SEC. 1232. MODIFICATIONS TO ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.**

(a) MATTERS TO BE INCLUDED.—Subsection (b) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) by redesignating paragraphs (10) through (20) as paragraphs (11) through (21), respectively; and

(2) by inserting after paragraph (9) the following:

“(10) The developments in maritime law enforcement capabilities and organization of the People's Republic of China, focusing on activities in contested maritime areas in the South China Sea and East China Sea. Such analyses shall include an assessment of the nature of China's maritime law enforcement activities directed against United States allies and partners. Such maritime activities shall include activities originating or suspect of originating from China and shall include government and nongovernment activities that are believed to be sanctioned or supported by the Chinese government.”

(b) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act and apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

**SEC. 1233. REPORT ON GOALS AND OBJECTIVES GUIDING MILITARY ENGAGEMENT WITH BURMA.**

(a) REPORT REQUIRED.—Not later than December 1, 2014, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report on the goals and objectives guiding military-to-military engagement between the United States and the Union of Burma.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) a description of the specific goals and objectives of the United States that military-to-military engagement between the United States and Burma would facilitate;

(2) a description of how the United States measures progress toward such goals and objectives, and the implications of failing to achieve such goals and objectives;

(3) a description of the specific military-to-military engagement activities between the United States and Burma conducted during the period beginning on March 1, 2011, and ending on the close of the day before the date of the submission of the report, and of any planned military-to-military engagement activities between the United States and Burma that will be

conducted during the period beginning on the date of the submission of the report and ending on the close of February 29, 2020, including descriptions of associated goals and objectives, estimated costs, timeframes, and United States military organizations or personnel involved;

(4) a description and assessment of the political, military, economic, and civil society reforms being undertaken by the Government of Burma, including—

(A) protecting the individual freedoms and human rights of the Burmese people, including for all ethnic and religious minorities and internally displaced populations;

(B) establishing civilian control of the armed forces;

(C) implementing constitutional and electoral reforms;

(D) allowing access to all areas in Burma; and

(E) increasing governmental transparency and accountability; and

(5) a description and assessment of relationships of the Government of Burma with unlawful or sanctioned entities.

(c) UPDATE.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, shall submit on an annual basis to the appropriate congressional committees an update of the matters described in subsection (b)(4) and included in the report required under subsection (a).

(2) SUNSET.—The requirement to submit updates under paragraph (1) shall terminate at the end of the 5-year period beginning on the date of the enactment of this Act.

(d) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex, if necessary.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1234. REPORT ON DEPARTMENT OF DEFENSE MUNITIONS STRATEGY FOR UNITED STATES PACIFIC COMMAND.**

(a) REPORT REQUIRED.—Not later than April 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the munitions strategy for the United States Pacific Command, including an identification of munitions requirements, an assessment of munitions gaps and shortfalls, and necessary munitions investments. Such strategy shall cover the 10-year period beginning with 2015.

(b) ELEMENTS.—The report on munitions strategy required by subsection (a) shall include the following:

(1) An identification of current and projected munitions requirements, by class or type.

(2) An assessment of munitions gaps and shortfalls, including a census of current munitions capabilities and programs, not including ammunition.

(3) A description of current and planned munitions programs, including with respect to procurement, research, development, test and evaluation, and deployment activities.

(4) Schedules, estimated costs, and budget plans for current and planned munitions programs.

(5) Identification of opportunities and limitations within the associated industrial base.

(6) Identification and evaluation of technology needs and applicable emerging technologies, including with respect to directed energy, rail gun, and cyber technologies.

(7) An assessment of how current and planned munitions programs, and promising technologies, may affect existing operational concepts and capabilities of the military depart-

ments or lead to new operational concepts and capabilities.

(8) An assessment of programs and capabilities by other countries to counter the munitions programs and capabilities of the Armed Forces of the United States, not including with respect to ammunition, and how such assessment affects the munitions strategy of each military department.

(9) Any other matters the Secretary determines appropriate.

(c) FORM.—The report under subsection (a) may be submitted in classified or unclassified form.

**SEC. 1235. MISSILE DEFENSE COOPERATION.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Admiral Samuel Locklear, Commander of the United States Pacific Command, testified before the Committee on Armed Services of the House of Representatives on March 5, 2014, that in the spring of 2013, North Korea “conducted another underground nuclear test, threatened the use of a nuclear weapon against the United States, and concurrently conducted a mobile missile deployment of an Intermediate Range Ballistic Missile, reportedly capable of ranging our western most U.S. territory in the Pacific.”;

(2) General Curtis Scaparrotti, Commander of the United States Forces Korea, testified before such committee on April 2, 2014, that “CFC [Combined Forces Command] is placing special emphasis on missile defense, not only in terms of systems and capabilities, but also with regard to implementing an Alliance counter-missile strategy required for our combined defense.”; and

(3) increased emphasis and cooperation on missile defense among the United States, Japan, and the Republic of Korea, enhances the security of allies of the United States in Northeast Asia, increases the defense of forward-based forces of the United States, and enhances the protection of the United States.

(b) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment to identify opportunities for increasing missile defense cooperation among the United States, Japan, and the Republic of Korea, and to evaluate options for short-range missile, rocket, and artillery defense capabilities.

(c) ELEMENTS.—The assessment under subsection (b) shall include the following:

(1) Candidate areas for increasing missile defense cooperation, including greater information sharing, systems integration, and joint operations.

(2) Potential challenges and limitations to enabling such cooperation and plans for mitigating such challenges and limitations.

(3) An assessment of the utility of short-range missile defense and counter-rocket, artillery, and mortar system capabilities, including with respect to—

(A) the requirements for such capabilities to meet operational and contingency plan requirements in Northeast Asia;

(B) cost, schedule, and availability;

(C) technology maturity and risk; and

(D) consideration of alternatives.

(d) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the assessment under subsection (b).

**SEC. 1236. MARITIME CAPABILITIES OF TAIWAN AND ITS CONTRIBUTION TO REGIONAL PEACE AND STABILITY.**

(a) REPORT REQUIRED.—Not later than April 1, 2016, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report that contains the following:



(1) A description and assessment of the posture and readiness of elements of the Chinese People's Liberation Army expected or available to threaten the maritime or territorial security of Taiwan, including an assessment of—

(A) the undersea and surface warfare capabilities of the People's Liberation Army Navy in the littoral areas in and around the Taiwan Strait;

(B) the amphibious and heavy sealift capabilities of the People's Liberation Army Navy;

(C) the capabilities of the People's Liberation Army Air Force to establish air dominance over Taiwan; and

(D) the capabilities of the People's Liberation Army Second Artillery Corps to suppress or destroy the forces of Taiwan necessary to defend the security of Taiwan.

(2) A description and assessment of the posture and readiness of elements of the armed forces of Taiwan expected or available to maintain the maritime or territorial security of Taiwan, including an assessment of—

(A) the undersea and surface warfare capabilities of the navy of Taiwan;

(B) the land-based anti-ship cruise missile capabilities of Taiwan; and

(C) other anti-access or area-denial capabilities, such as mines, that contribute to the deterrence of Taiwan against actions taken to determine the future of Taiwan by other than peaceful means.

(b) **FORM.**—The report required by subsection (a) may be submitted in classified or unclassified form.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the United States, in accordance with the Taiwan Relations Act (Public Law 96–8), should continue to make available to Taiwan such defense articles and services as may be necessary to enable Taiwan to maintain a sufficient self-defense capability;

(2) the growth and modernization of the People's Liberation Army, including its focus on “preparing for potential conflict in the Taiwan Strait [which] appears to remain the principal focus and primary driver of China's military investment”, as noted in the 2013 Office of the Secretary of Defense Annual Report to Congress: Military and Security Developments Involving the People's Republic of China, requires greater attention to the needed defense capabilities of Taiwan; and

(3) the United States should consider opportunities to help enhance the maritime capabilities and nautical skills of the Taiwanese navy that can contribute to Taiwan's self-defense and to regional peace and stability, including extending an invitation to Taiwan to participate in the 2014 Rim of the Pacific international maritime exercise in non-combat areas such as humanitarian assistance and disaster relief operations.

**SEC. 1237. INDEPENDENT ASSESSMENT ON COUNTERING ANTI-ACCESS AND AREA-DENIAL STRATEGIES AND CAPABILITIES IN THE ASIA-PACIFIC REGION.**

(a) **ASSESSMENT REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall enter into an agreement with an independent entity to conduct an assessment of anti-access and area-denial strategies and capabilities that pose a threat to security in the Asia-Pacific region and strategies to mitigate such threats.

(2) **MATTERS TO BE INCLUDED.**—The assessment required under paragraph (1) shall include—

(A) identification of anti-access and area-denial strategies and capabilities;

(B) assessment of gaps and shortfalls in the ability of the United States to address anti-access and area-denial strategies and capabilities identified under subparagraph (A) and plans of the Department of Defense to address such gaps and shortfalls;

(C) assessment of Department of Defense strategies to counter or mitigate anti-access and area-denial strategies and capabilities identified under subparagraph (A); and

(D) any other matters the independent entity determines to be appropriate.

(b) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than March 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report that includes the assessment and strategies required under subsection (a) and any other matters the Secretary determines to be appropriate.

(2) **FORM.**—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex if necessary.

(c) **DEPARTMENT OF DEFENSE SUPPORT.**—The Secretary of Defense shall provide the independent entity described in subsection (a) with timely access to appropriate information, data, and analysis so that the entity may conduct a thorough and independent assessment as required under subsection (a).

**SEC. 1238. SENSE OF CONGRESS REAFFIRMING SECURITY COMMITMENT TO JAPAN.**

It is the sense of Congress that—

(1) the United States highly values its alliance with the Government of Japan as a cornerstone of peace and security in the region, based on shared values of democracy, the rule of law, free and open markets, and respect for human rights in order to promote peace, security, stability, and economic prosperity in the Asia-Pacific region;

(2) the United States welcomes Japan's determination to contribute more proactively to regional and global peace and security;

(3) the United States supports recent increases in Japanese defense funding, adoption of a National Security Strategy, formation of security institutions such as the Japanese National Security Council, and other moves that will enable Japan to bear even greater alliance responsibilities;

(4) the United States and Japan should continue to improve joint interoperability and collaborate on developing future capabilities with which to maintain regional stability in an increasingly uncertain security environment;

(5) the United States and Japan should continue efforts to strengthen regional multilateral institutions that promote economic and security cooperation based on internationally accepted rules and norms;

(6) the United States acknowledges that the Senkaku Islands are under the administration of Japan and opposes any unilateral actions that would seek to undermine such administration and remains committed under the Treaty of Mutual Cooperation and Security to respond to any armed attack in the territories under the administration of Japan; and

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation and Security that “[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes”.

**SEC. 1239. SENSE OF CONGRESS ON OPPORTUNITIES TO STRENGTHEN RELATIONSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA.**

It is the sense of Congress that—

(1) the alliance between the United States and Republic of Korea has served as an anchor for stability, security, and prosperity on the Korean Peninsula, in the Asia-Pacific region, and around the world;

(2) the United States and Republic of Korea continue to strengthen and adapt the alliance to

serve as a linchpin of peace and stability in the Asia-Pacific region, recognizing the shared values of democracy, human rights, and the rule of law as the foundations of the alliance;

(3) the United States and Republic of Korea share deep concerns that North Korea's nuclear and ballistic missiles programs and its repeated provocations pose grave threats to peace and stability on the Korean Peninsula and Northeast Asia and recognize that both nations are determined to achieve the peaceful denuclearization of North Korea, and remain fully committed to continuing close cooperation on the full range of issues related to North Korea;

(4) the United States supports the vision of a Korean Peninsula free of nuclear weapons, free from the fear of war, and peacefully reunited on the basis of democratic and free market principles, as articulated in President Park's Dresden address;

(5) the United States and Republic of Korea are strengthening the combined defense posture on the Korean Peninsula;

(6) the United States and Republic of Korea have decided that due to the evolving security environment in the region, including the enduring North Korean nuclear and missile threat, the current timeline to the transition of wartime operational control (OPCON) to a Republic of Korea-led defense in 2015 can be reconsidered; and

(7) the United States welcomes the Republic of Korea's ratification of a new five-year Special Measures Agreement, which establishes the framework for Republic of Korea contributions to offset the costs associated with the stationing of United States Forces Korea on the Korean Peninsula.

**Subtitle E—Other Matters**

**SEC. 1241. EXTENSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.**

Section 1208(h) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as most recently amended by section 1203(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1621), is further amended by striking “2015” and inserting “2017”.

**SEC. 1242. ONE-YEAR EXTENSION OF AUTHORIZATION FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.**

(a) **EXTENSION.**—Subsection (h) of section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4579), as most recently amended by section 1241 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 920), is further amended by striking “2015” and inserting “2016”.

(b) **CROSS-REFERENCE AMENDMENT.**—Subsection (f) of such section is amended by striking “413b(e)” and inserting “3093(e)”.

**SEC. 1243. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.**

Section 1215(f)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1631; 10 U.S.C. 113 note), as most recently amended by section 1214 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 906; 10 U.S.C. 113 note), is further amended—

(1) by striking “fiscal year 2014” and inserting “fiscal year 2015”;

(2) by striking “non-operational”; and

(3) by striking “in an institutional environment” and inserting “at a base or facility of the Government of Iraq”.



**SEC. 1244. MODIFICATION OF NATIONAL SECURITY PLANNING GUIDANCE TO DENY SAFE HAVENS TO AL-QAEDA AND ITS VIOLENT EXTREMIST AFFILIATES.**

(a) MODIFICATION.—Section 1032(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1571; 50 U.S.C. 3043 note) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraph (C), (D), and (E) as subparagraph (D), (E), and (F), respectively;

(B) by inserting after subparagraph (B) the following:

“(C) For each specified geographic area, a description of the following:

“(i) The feasibility of conducting multilateral programs to train and equip the military forces of relevant countries in the area.

“(ii) The authority and funding that would be required to support such programs.

“(iii) How such programs would be implemented.

“(iv) How such programs would support the national security priorities and interests of the United States and complement other efforts of the United States Government in the area and in other specified geographic areas.”; and

(C) in subparagraph (F) (as redesignated), by striking “subparagraph (C)” and inserting “subparagraph (D)”;

(2) in paragraph (3)(A), by striking “paragraph (2)(C)” and inserting “paragraph (2)(D)”.

(b) REPORT.—Section 1032(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1571; 50 U.S.C. 3043 note), as amended by subsection (a), is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

“(4) REPORT.—

“(A) IN GENERAL.—Not later than October 1, 2014, the President shall submit to the appropriate congressional committees a report that contains the national security planning guidance required under paragraph (1), including any updates thereto.

“(B) FORM.—The report may include a classified annex as determined to be necessary by the President.

“(C) DEFINITION.—In this paragraph, the term ‘appropriate congressional committees’ means—

“(i) the congressional defense committees; and

“(ii) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.”.

**SEC. 1245. ENHANCED AUTHORITY TO ACQUIRE GOODS AND SERVICES OF DJIBOUTI IN SUPPORT OF DEPARTMENT OF DEFENSE ACTIVITIES IN UNITED STATES AFRICA COMMAND AREA OF RESPONSIBILITY.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States forces should continue to be forward postured in Africa and in the Middle East;

(2) Djibouti is in a strategic location to support United States vital national security interests in the region;

(3) the United States should take definitive steps to maintain its basing access and agreements with the Government of Djibouti to support United States vital national security interests in the region;

(4) the United States should devise and implement a comprehensive governmental approach to engaging with the Government of Djibouti to reinforce the strategic partnership between the United States and Djibouti; and

(5) the Secretary of State and the Administrator of the United States Agency for Inter-

national Development, in conjunction with the Secretary of Defense, should take concrete steps to advance and strengthen the relationship between United States and the Government of Djibouti.

(b) AUTHORITY.—In the case of a good or service to be acquired in direct support of covered activities for which the Secretary of Defense makes a determination described in subsection (c), the Secretary may conduct a procurement in which—

(1) competition is limited to goods of Djibouti or services of Djibouti; or

(2) a preference is provided for goods of Djibouti or services of Djibouti.

(c) DETERMINATION.—

(1) IN GENERAL.—A determination described in this subsection is a determination by the Secretary of either of the following:

(A) That the good or service concerned is to be used only in support of covered activities.

(B) That it is vital to the national security interests of the United States to limit competition or provide a preference as described in subsection (b) because such limitation or preference is necessary—

(i) to reduce—

(I) United States transportation costs; or

(II) delivery times in support of covered activities; or

(ii) to promote regional security, stability, and economic prosperity in Africa.

(C) That the good or service is of equivalent quality of a good or service that would have otherwise been acquired.

(2) ADDITIONAL REQUIREMENT.—A determination under paragraph (1)(B) shall not be effective for purposes of a limitation or preference under subsection (b) unless the Secretary also determines that the limitation or preference will not adversely affect—

(A) United States military operations or stability operations in the United States Africa Command area of responsibility; or

(B) the United States industrial base.

(d) REPORTING AND OVERSIGHT.—In exercising the authority under subsection (b) to procure goods or services in support of covered activities, the Secretary of Defense—

(1) in the case of the procurement of services, shall ensure that the procurement is conducted in accordance with the management structure implemented pursuant to section 2330(a) of title 10, United States Code;

(2) shall ensure that such goods or services are identified and reported under a single, joint Department of Defense-wide system for the management and accountability of contractors accompanying United States forces operating overseas or in contingency operations (such as the synchronized predeployment and operational tracker (SPOT) system); and

(3) shall ensure that the United States Africa Command has sufficiently trained staff and adequate resources to conduct oversight of procurements carried out pursuant to subsection (b), including oversight to detect and deter fraud, waste, and abuse.

(e) DEFINITIONS.—In this section:

(1) COVERED ACTIVITIES.—The term “covered activities” means Department of Defense activities in the United States Africa Command area of responsibility.

(2) GOOD OF DJIBOUTI.—The term “good of Djibouti” means a good wholly the growth, product, or manufacture of Djibouti.

(3) SERVICE OF DJIBOUTI.—The term “service of Djibouti” means a service performed by a person that—

(A)(i) is operating primarily in Djibouti; or

(ii) is making a significant contribution to the economy of Djibouti through payment of taxes or use of products, materials, or labor of Djibouti, as determined by the Secretary of State; and

(B) is properly licensed or registered by authorities of the Government of Djibouti, as determined by the Secretary of State.

(f) TERMINATION.—The authority and requirements of this section expire at the close of September 30, 2018.

**SEC. 1246. STRATEGIC FRAMEWORK FOR UNITED STATES SECURITY FORCE ASSISTANCE AND COOPERATION IN THE EUROPEAN AND EURASIAN REGIONS.**

(a) STRATEGIC FRAMEWORK.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, shall develop a strategic framework for United States security force assistance and cooperation in the European and Eurasian regions.

(2) ELEMENTS.—The strategic framework required by paragraph (1) shall include the following:

(A) An evaluation of the extent to which the threat to security and stability in the European and Eurasian regions is a threat to the national security of the United States and the security interests of the North Atlantic Treaty Organization alliance.

(B) An identification of the primary objectives, priorities, and desired end-states of United States security force assistance and cooperation programs in such regions and of the resources required to achieve such objectives, priorities, and end states.

(C) A methodology for assessing the effectiveness of United States security force assistance and cooperation programs in such regions in making progress towards such objectives, priorities, and end-states, including an identification of key benchmarks for such progress.

(D) Criteria for bilateral and multilateral partnerships in such regions.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report on the strategic framework required by subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

(3) DEFINITION.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1247. REQUIREMENT OF DEPARTMENT OF DEFENSE TO CONTINUE IMPLEMENTATION OF UNITED STATES STRATEGY TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE GLOBALLY AND PARTICIPATION IN INTER-AGENCY WORKING GROUP.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the most dangerous places to be a woman are some of the most unstable and violent regions in the world and gender-based violence will impact one in three women worldwide and this in turn has a direct impact on United States national security, the stability of nations, the rule of law, democracy, and peace-building processes;

(2) combating violence against women and girls through the implementation and integration of gender-based violence prevention and response mechanisms throughout United States overseas operations is a critical step toward promoting regional and global stability and achieving sustainable peace and security;

(3) under the Joint Explanatory Statement of the Committee of Conference accompanying the Department of State, Foreign Operations, and

Related Programs Appropriations Act, 2012 (H.R. 2055, One Hundred Twelfth Congress), the Secretary of State and the Administrator of the United States Agency for International Development were directed in the matter relating to section 7061 to submit to Congress a multi-year strategy to prevent and respond to violence against women and girls in countries where it is common through achievable and sustainable goals, benchmarks for measuring progress, and expected results, including through regular engagement with men and boys as community leaders and advocates in ending such violence;

(4) Executive Order 13623 of August 10, 2012 (77 Fed. Reg. 49345) established the United States Strategy to Prevent and Respond to Gender-based Violence Globally (in this section referred to as the "Strategy"), the first such strategy submitted pursuant to the matter relating to section 7061 under the Joint Explanatory Statement of the Committee of Conference accompanying the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012;

(5) Executive Order 13623 required the Department of Defense to participate in an Interagency Working Group co-chaired by the Department of State and the United States Agency for International Development to implement the Strategy; and

(6) since the authority for the Strategy was established initially in the matter relating to section 7061 under the Joint Explanatory Statement of the Committee of Conference accompanying the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012, it is important for Congress to maintain its appropriate oversight over the implementation of the Strategy.

(b) BRIEFINGS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the appropriate congressional committees on efforts of the Department of Defense relating to participation in the Interagency Working Group to implement the Strategy.

(2) MATTERS TO BE INCLUDED.—As part of the briefings, the Secretary shall describe specifically efforts of the Department of Defense in the Interagency Working Group to implement international violence against women and girls prevention and response strategies, funding allocations, programming, and associated outcomes.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(c) REQUIREMENT TO CONTINUE IMPLEMENTATION OF STRATEGY AND PARTICIPATION IN INTERAGENCY WORKING GROUP.—The Secretary of Defense shall ensure that the Department of Defense—

(1) during the current period of the Strategy, continues to implement the Strategy as appropriate by reason of the role of the Department of Defense in the Interagency Working Group; and

(2) continues to participate in interagency collaborative efforts to prevent and respond to violence against women and girls.

**SEC. 1248. DEPARTMENT OF DEFENSE SITUATIONAL AWARENESS OF ECONOMIC AND FINANCIAL ACTIVITY.**

(a) FINDINGS.—Congress makes the following findings:

(1) There is a lack of situational awareness within the Department of Defense concerning how state and non-state adversaries and potential adversaries are interwoven into the inter-

national financial and trading systems via legal and licit activities and use such market activities to fund and equip themselves and advance their interests.

(2) There is a lack of capability within the Department of Defense to formulate policy options within the interagency process, or for consideration within the Department, concerning whether state and non-state adversaries and potential adversaries have key vulnerabilities associated with their positioning within the global economic and financial systems.

(3) The Department of Defense would benefit from having enhanced situational awareness regarding the commercial and strategic interactions of state and non-state adversaries and potential adversaries within the global economic and financial systems and integrating relevant findings into defense policy options, deterrence strategy, planning and preparedness.

(4) The state-owned enterprises and sovereign wealth funds of adversaries and potential adversaries represent, in some cases, strategic tools of their controlling governments and their global operations and therefore warrant increased scrutiny and knowledge.

(5) Without improved situational awareness of the business transactions and financial activities of state and non-state adversaries and potential adversaries, as well as entities they own and control, current efforts and deterrence strategies will continue to represent an underdeveloped defense requirement that lacks strategic direction.

(b) ENHANCED SITUATIONAL AWARENESS REQUIRED.—The Secretary of Defense shall take such steps as may be necessary to improve—

(1) the situational awareness capabilities of the Department of Defense regarding the legal and licit business transactions and global market positioning of adversaries and potential adversaries; and

(2) the ability of the Department to translate such situational awareness into the intelligence, planning, deterrence, and capabilities and strategies of the Department.

**SEC. 1249. TREATMENT OF THE KURDISTAN DEMOCRATIC PARTY AND THE PATRIOTIC UNION OF KURDISTAN UNDER THE IMMIGRATION AND NATIONALITY ACT.**

(a) DISCRETION TO EXCLUDE KURDISTAN DEMOCRATIC PARTY AND PATRIOTIC UNION OF KURDISTAN FROM TREATMENT AS TERRORIST ORGANIZATIONS.—The Secretary of State, after consultation with the Secretary of Homeland Security and the Attorney General, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may exclude the Kurdistan Democratic Party and the Patriotic Union of Kurdistan from the definition of terrorist organization in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) for the limited purpose of issuing a temporary visa to a member of the Kurdistan Democratic Party or the Patriotic Union of Kurdistan.

(b) PROHIBITION ON JUDICIAL REVIEW.—Notwithstanding any other provision of law (whether statutory or nonstatutory), section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), sections 1361 and 1651 of title 28, United States Code, section 2241 of such title, and any other habeas corpus provision of law, no court shall have jurisdiction to review any determination made pursuant to subsection (a).

**SEC. 1250. PROHIBITION ON INTEGRATION OF CERTAIN MISSILE DEFENSE SYSTEMS.**

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the Department of Defense or for United States contributions to the North Atlantic Treaty Organization may be obligated or expended to integrate missile defense

systems of the People's Republic of China into missile defense systems of the United States.

**Subtitle F—Reports and Sense of Congress Provisions**

**SEC. 1261. REPORT ON "NEW NORMAL" AND GENERAL MISSION REQUIREMENTS OF UNITED STATES AFRICA COMMAND.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Africa Command should have sufficient assigned military forces; intelligence, surveillance, and reconnaissance assets; crisis response forces; and enablers to support the crisis response forces to meet the "New Normal" and general mission requirements in the area of responsibility of the United States Africa Command;

(2) with the current force posture and structure of the United States Africa Command, the United States is accepting a high level of risk in defending United States posts that are "high risk, high threat" posts;

(3) the United States should posture forces forward and achieve the associated basing and access agreements to support such forces across the Continent of Africa in order to meet the "New Normal" and general mission requirements in the area of responsibility of the United States Africa Command;

(4) the Department of Defense should consider reassigning to the United States Africa Command enabler assets currently assigned to, and shared with, the United States European Command; and

(5) the United States Africa Command requires more intelligence, surveillance, and reconnaissance assets to meet the "New Normal" and general mission requirements in its area of responsibility.

(b) REPORT.—Not later than January 15, 2015, the Secretary of Defense, in consultation with the Secretary of State and the Chairman of the Joint Chiefs of Staff, shall submit to the appropriate congressional committees a report on the extent to which the "New Normal" requirements have changed the force posture and structure required of the United States Africa Command to meet the "New Normal" and general mission requirements in its area of responsibility.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A detailed description of the "New Normal" and general mission requirements in the area of responsibility of the United States Africa Command.

(2) A description of any changes required for the United States Africa Command to meet the "New Normal" and general mission requirements in its area of responsibility, including the gaps or shortfalls in capability, size, posture, agreements, basing, and enabler support of all crisis response forces and associated assets to access and defend posts that are "high risk, high threat" posts.

(3) An assessment of how the United States Africa Command could employ permanently assigned military forces to support all mission requirements of the United States Africa Command.

(4) An estimate of the annual intelligence, surveillance, and reconnaissance requirements of the United States Africa Command and the shortfall, if any, in meeting such requirements in fiscal year 2015.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(e) FORM.—The report required by subsection (b) may include a classified annex.

**SEC. 1262. REPORT ON CONTRACTORS WITH THE DEPARTMENT OF DEFENSE THAT HAVE CONDUCTED SIGNIFICANT TRANSACTIONS WITH IRANIAN PERSONS OR THE GOVERNMENT OF IRAN.**

(a) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for a period not to exceed 3 years, the Secretary of Defense shall submit to the appropriate congressional committees a report that contains the following:

(1) A list of each contractor with the Department of Defense (including any subcontractors at any tier of the contractor), and any person owned or controlled by the contractor or that owns or controls the contractor, that has conducted a significant transaction with an Iranian person (other than an Iranian person listed under paragraph (2)) or the Government of Iran.

(2) A list of each contractor with the Department of Defense (including any subcontractors at any tier of the contractor), and any person owned or controlled by the contractor or that owns or controls the contractor, that has conducted a significant transaction with an Iranian person whose property has been blocked pursuant to Executive Order 13224 (66 Fed. Reg. 49079) or Executive Order 13382 (70 Fed. Reg. 38567) during the 5-year period preceding the date of the submission of the report.

(3) The value of each significant transaction described in paragraphs (1) and (2).

(b) *APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.*—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1263. REPORTS ON NUCLEAR PROGRAM OF IRAN.**

(a) *IN GENERAL.*—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a report on the interim agreement relating to the nuclear program of Iran. Such report shall include—

(1) verification of whether Iran is complying with such agreement; and

(2) an assessment of the overall state of the nuclear program of Iran.

(b) *ADDITIONAL REPORTS.*—If the interim agreement described in subsection (a) is renewed or if a comprehensive and final agreement is entered into regarding the nuclear program of Iran, by not later than 90 days after such renewal or final agreement being entered into, the President shall submit to Congress a report on such renewed or final agreement. Such report shall include the matters described in paragraphs (1) and (2) of subsection (a).

**SEC. 1264. SENSE OF CONGRESS ON UNITED STATES PRESENCE AND COOPERATION IN THE ARABIAN GULF REGION TO DETER IRAN.**

It is the sense of Congress that—

(1) the United States should maintain a robust forward presence and posture in order to support United States allies and partners in the Arabian Gulf region, including Gulf Cooperation Council (GCC) countries and Israel, and to deter Iran;

(2) the United States should seek ways to support the security posture of GCC countries in the Arabian Gulf region to deter Iran;

(3) key strategic United States bases in the Arabian Gulf region that are used to deter Iran and would be used for any military operations in the Arabian Gulf region are entirely financed by funds for overseas contingency operations which is an unsustainable approach;

(4) such key strategic United States bases in the Arabian Gulf region should be funded

through the base budget of the Department of Defense;

(5) the United States does not have status of forces agreements and defense agreements with key GCC allies, which would support the defense of the Arabian Gulf region and would deter Iran, and the United States should seek to complete these agreements immediately;

(6) the interim agreement with Iran relating to Iran's nuclear program does not address key aspects of Iran's nuclear program, including the possible military dimensions of Iran's nuclear program;

(7) a comprehensive agreement with Iran relating to Iran's efforts to develop a nuclear weapons capability should address past and present issues of concern of the United States, the International Atomic Energy Agency, and the United Nations Security Council;

(8) the United States should continue to put significant pressure on Iran's network of organizations that conduct malign activities in the Arabian Gulf region, and around the globe, even while the United States engages in negotiations with Iran relating to Iran's nuclear program;

(9) the United States Government should not enter into a contract with any person or entity that is determined to have violated United States sanctions laws with respect to contracting with the Government of Iran and should encourage United States allies, partners, and other countries to maintain the same contracting standard; and

(10) a comprehensive agreement with Iran relating to Iran's efforts to develop or acquire a nuclear weapons capability should be agreed to by the United States only if—

(A) Iran ceases the enrichment of uranium;

(B) Iran has ceased the pursuit, acquisition, and development of, and has verifiably dismantled its nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology; and

(C) the Government of Iran has ceased providing support for acts of international terrorism.

**SEC. 1265. SENSE OF CONGRESS ON MODERNIZATION OF DEFENSE CAPABILITIES OF POLAND.**

(a) *FINDINGS.*—Congress finds the following:

(1) The efforts of Poland to modernize its defense capabilities and restructure its armed forces have the potential not only to enhance the national security of Poland but also to strengthen the North Atlantic Treaty Organization (NATO).

(2) The main priority of Poland with respect to such efforts is to procure anti-aircraft and missile defense systems.

(3) At a time when most NATO allies are cutting defense spending, Poland has maintained a steady defense budget and is making significant investment in procurement of new defense systems.

(4) The United States should recognize the efforts of Poland to modernize its defense capabilities and restructure its armed forces and promote such efforts as a positive example for other NATO allies to follow.

(5) The United States has enjoyed a close cultural, economic, political, and military relationship with Poland for many years and the efforts of Poland to modernize its defense capabilities and restructure its armed forces provide opportunities for the two countries to work together even more closely.

(b) *SENSE OF CONGRESS.*—It is the sense of Congress that—

(1) the President should seek to work with Poland to ensure that, as part of the efforts of Poland to modernize its defense capabilities and restructure its armed forces—

(A) Poland, to the maximum extent practicable, procures defense systems that are inter-

operable with NATO defense systems and will help fill critical NATO shortfalls; and

(B) Poland, to the maximum extent practicable and to the extent not inconsistent with the provisions of subparagraph (A), procures United States defense systems that—

(i) will strengthen the bilateral, strategic partnership between the two countries;

(ii) will provide Poland with proven defense systems capabilities; and

(iii) promote deeper and closer bilateral cooperation between the two countries; and

(2) the United States stands ready to assist Poland to achieve its goals to modernize its defense capabilities and restructure its armed forces.

**TITLE XIII—COOPERATIVE THREAT REDUCTION**

**SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.**

(a) *SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.*—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) *FISCAL YEAR 2015 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.*—As used in this title, the term “fiscal year 2015 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs.

(c) *AVAILABILITY OF FUNDS.*—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2015, 2016, and 2017.

**SEC. 1302. FUNDING ALLOCATIONS.**

(a) *FUNDING FOR SPECIFIC PURPOSES.*—Of the \$365,108,000 authorized to be appropriated to the Department of Defense for fiscal year 2015 in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, \$1,000,000.

(2) For chemical weapons destruction, \$15,720,000.

(3) For global nuclear security, \$17,703,000.

(4) For cooperative biological engagement, \$254,342,000.

(5) For proliferation prevention, \$46,124,000.

(6) For threat reduction engagement, \$2,375,000.

(7) For activities designated as Other Assessments/Administrative Costs, \$27,844,000.

(b) *REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.*—No fiscal year 2015 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2015 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) *LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.*—

(1) *IN GENERAL.*—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate

amounts appropriated for fiscal year 2015 for a purpose listed in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) **NOTICE-AND-WAIT REQUIRED.**—An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

**SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE THREAT REDUCTION ACTIVITIES WITH RUSSIAN FEDERATION.**

(a) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for Cooperative Threat Reduction may be obligated or expended for cooperative threat reduction activities with the Russian Federation until the date that is 30 days after the date on which the Secretary of Defense certifies, in coordination with the Secretary of State, to the appropriate congressional committees that—

(1) the armed forces of the Russian Federation are no longer illegally occupying Ukrainian territory;

(2) the Russian Federation is no longer acting inconsistently with the INF Treaty; and

(3) the Russian Federation is in compliance with the CFE Treaty and has lifted its suspension of Russian observance of its treaty obligations.

(b) **WAIVER.**—The Secretary of Defense may waive the limitation in subsection (a) if—

(1) the Secretary of Defense, in coordination with the Secretary of State, submits to the appropriate congressional committees—

(A) a notification that such a waiver is in the national security interest of the United States and a description of the national security interest covered by the waiver; and

(B) a report explaining why the Secretary of Defense cannot make the certification under subsection (a); and

(2) a period of 30 days has elapsed following the date on which the Secretary of Defense submits the information in the report under paragraph (1)(B).

(c) **EXCEPTION FOR CERTAIN MILITARY BASES.**—The certification requirement specified in paragraph (1) of subsection (a) shall not apply to military bases of the Russian Federation in Ukraine's Crimean peninsula operating in accordance with its 1997 agreement on the Status and Conditions of the Black Sea Fleet Stationing on the Territory of Ukraine.

(d) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(2) **CFE TREATY.**—The term “CFE Treaty” means the Treaty on Conventional Armed Forces in Europe, signed at Paris November 19, 1990, and entered into force July 17, 1992.

(3) **INF TREATY.**—The term “INF Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the Intermediate-Range Nuclear Forces (INF) Treaty, signed at Washington December 8, 1987 and entered into force June 1, 1988.

(e) **EFFECTIVE DATE.**—This section takes effect on the date of the enactment of this Act and applies with respect to funds described in subsection (a) that are unobligated as of such date of enactment.

**TITLE XIV—OTHER AUTHORIZATIONS**

**Subtitle A—Military Programs**

**SEC. 1401. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2015 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

**SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2015 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) **USE.**—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical Agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

**SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2015 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

**SEC. 1404. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2015 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

**SEC. 1405. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for fiscal year 2015 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

**Subtitle B—National Defense Stockpile**

**SEC. 1411. REVISIONS TO PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.**

(a) **FISCAL YEAR 1999 DISPOSAL AUTHORITY.**—Section 3303(a)(7) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 98d note), as most recently amended by section 1412(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4649), is further amended by striking “1,386,000,000 by the end of fiscal year 2016” and inserting “\$1,436,000,000 by the end of fiscal year 2019”.

(b) **FISCAL YEAR 2000 DISPOSAL AUTHORITY.**—Section 3402(b)(5) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 50 U.S.C. 98d note), as most recently amended by section 1412 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1654), is further amended by striking “\$830,000,000 by the end of fiscal year 2016” and inserting “\$850,000,000 by the end of 2019”.

**Subtitle C—Other Matters**

**SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.**

(a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the funds authorized to be appropriated by section 1406 and available for the Defense Health Program for operation and maintenance, \$146,857,000 may be transferred by the Secretary of Defense to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) **USE OF TRANSFERRED FUNDS.**—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500).

**SEC. 1422. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.**

There is hereby authorized to be appropriated for fiscal year 2015 from the Armed Forces Retirement Home Trust Fund the sum of \$63,400,000 for the operation of the Armed Forces Retirement Home.

**TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**

**Subtitle A—Authorization of Appropriations**

**SEC. 1501. PURPOSE.**

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2015 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

**SEC. 1502. PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2015 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities in the amount of \$6,180,000,000.

**SEC. 1503. OPERATION AND MAINTENANCE.**

Funds are hereby authorized to be appropriated for fiscal year 2015 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in the amount of \$64,040,000,000. In addition to the authorization of appropriations in the preceding sentence, funds are hereby authorized to be appropriated for fiscal year 2015 for the Department of the Air Force for the purpose of maintaining, operating, and upgrading the A-10 aircraft fleet in the amount of \$635,000,000.

**SEC. 1504. MILITARY PERSONNEL.**

Funds are hereby authorized to be appropriated for fiscal year 2015 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel in the amount of \$7,140,000,000.

**SEC. 1505. OTHER APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated

for the Department of Defense for fiscal year 2015 for expenses, not otherwise provided for, for the Other Authorizations in the amount of \$1,450,000,000.

(b) **DEFINITION.**—In this section, the term “Other Authorizations” means the Defense Health Program, Drug Interdiction and Counter-Drug Activities, Defense-wide, and National Guard and Reserve Equipment.

#### **Subtitle B—Financial Matters**

##### **SEC. 1511. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

##### **SEC. 1512. SPECIAL TRANSFER AUTHORITY.**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2015 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATIONS.**—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed \$3,000,000,000.

(b) **TERMS AND CONDITIONS.**—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) **ADDITIONAL AUTHORITY.**—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

#### **Subtitle C—Limitations, Reports, and Other Matters**

##### **SEC. 1521. CONTINUATION OF EXISTING LIMITATIONS ON THE USE OF FUNDS IN THE AFGHANISTAN SECURITY FORCES FUND.**

Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2015 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4424).

##### **SEC. 1522. USE OF AND TRANSFER OF FUNDS FROM JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**

Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2015.

#### **TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS**

##### **Subtitle A—Space Activities**

##### **SEC. 1601. DEPARTMENT OF DEFENSE SPACE SECURITY AND DEFENSE PROGRAM.**

(a) **SENSE OF CONGRESS.**—It is the Sense of Congress that—

(1) critical United States national security space systems are facing a serious growing foreign threat;

(2) the People's Republic of China and the Russian Federation are both developing capabilities to disrupt the use of space by the United

States in a conflict, as recently outlined by the Director of National Intelligence in testimony before Congress; and

(3) a fully-developed multi-faceted space security and defense program is needed to deter and defeat any adversaries' acts of space aggression.

(b) **REPORT ON ABILITY OF THE UNITED STATES TO DETER AND DEFEAT ADVERSARY SPACE AGGRESSION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an assessment of the ability of the Department of Defense to deter and defeat any act of space aggression by an adversary.

(c) **STUDY ON ALTERNATIVE DEFENSE AND DETERRENCE STRATEGIES IN RESPONSE TO FOREIGN COUNTERSPACE CAPABILITIES.**—

(1) **STUDY REQUIRED.**—The Secretary of Defense, acting through the Office of Net Assessment, shall conduct a study of potential alternative defense and deterrent strategies in response to the existing and projected counterspace capabilities of China and Russia. Such study shall include an assessment of the congruence of such strategies with the current United States defense strategy and defense programs of record, and the associated implications of pursuing such strategies.

(2) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the results of the study required under paragraph (1).

##### **SEC. 1602. EVOLVED EXPENDABLE LAUNCH VEHICLE NOTIFICATION.**

(a) **NOTIFICATION.**—The Secretary of the Air Force shall provide to the appropriate congressional committees notice of each change to the evolved expendable launch vehicle acquisition plan and schedule from the plan and schedule included in the budget submitted by the President under section 1105 of title 31, United States Code, for fiscal year 2015. Such notification shall include—

(1) an identification of the change;

(2) a national security rationale for the change;

(3) the impact of the change on the evolved expendable launch vehicle block buy contract;

(4) the impact of the change on the opportunities for competition for certified evolved expendable launch vehicle launch providers; and

(5) the costs or savings of the change.

(b) **APPLICABILITY.**—The requirement under subsection (a) shall apply to fiscal years 2015, 2016, and 2017.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) with respect to a change to the evolved expendable launch vehicle acquisition schedule for an intelligence-related launch, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

##### **SEC. 1603. SATELLITE COMMUNICATIONS RESPONSIBILITIES OF EXECUTIVE AGENT FOR SPACE.**

The Secretary of Defense shall, not later than 180 days after the date of the enactment of this Act, revise Department of Defense directives and guidance to require the Department of Defense Executive Agent for Space to ensure that in developing space strategies, architectures, and programs for satellite communications, the Executive Agent shall—

(1) conduct strategic planning to ensure the Department of Defense is effectively and efficiently meeting the satellite communications requirements of the military departments and commanders of the combatant commands;

(2) coordinate with the secretaries of the military departments and the heads of Defense

Agencies to eliminate duplication of effort and to ensure that resources are used to achieve the maximum effort in related satellite communication science and technology; research, development, test and evaluation; production; and operations and sustainment;

(3) coordinate with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department to ensure that effective and efficient acquisition approaches are being used to acquire military and commercial satellite communications for the Department, including space, ground, and user terminal integration; and

(4) coordinate with the chairman of the Joint Requirements Oversight Council to develop a process to identify the current and projected satellite communications requirements of the Department.

##### **SEC. 1604. LIQUID ROCKET ENGINE DEVELOPMENT PROGRAM.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Defense should develop a next-generation liquid rocket engine that—

(1) is made in the United States;

(2) meets the requirements of the national security space community;

(3) is developed by not later than 2019;

(4) is developed using full and open competition; and

(5) is available for purchase by all space launch providers of the United States.

(b) **DEVELOPMENT.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop a next-generation liquid rocket engine that enables the effective, efficient, and expedient transition from the use of non-allied space launch engines to a domestic alternative for national security space launches.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—Of the funds authorized to be appropriated by this Act for fiscal year 2015 for research, development, test, and evaluation, Air Force, as specified in the funding table in section 4201, \$220,000,000 shall be available for the Secretary of Defense to develop a next-generation liquid rocket engine.

(c) **COORDINATION.**—The Secretary shall coordinate with the Administrator of the National Aeronautics and Space Administration, to the extent practicable, to ensure that the rocket engine developed under subsection (b) meets objectives that are common to both the national security space community and the space program of the United States.

(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the Administrator, shall submit to the appropriate congressional committees a report that includes—

(1) a plan to carry out the development of the rocket engine under subsection (b), including an analysis of the benefits of using public-private partnerships;

(2) the requirements of the program to develop such rocket engine; and

(3) the estimated cost of such rocket engine.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(3) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

##### **SEC. 1605. PILOT PROGRAM FOR ACQUISITION OF COMMERCIAL SATELLITE COMMUNICATION SERVICES.**

(a) **PILOT PROGRAM.**—

(1) *IN GENERAL.*—The Secretary of Defense may develop and carry out a pilot program to determine the feasibility and advisability of expanding the use of working capital funds by the Secretary to effectively and efficiently acquire commercial satellite capabilities to meet the requirements of the military departments, Defense Agencies, and combatant commanders.

(2) *FUNDING.*—Of the funds authorized to be appropriated for any of fiscal years 2015 through 2020 for the Department of Defense for the acquisition of commercial satellite communications, not more than \$50,000,000 may be obligated or expended for such pilot program during such a fiscal year.

(3) *CERTAIN AUTHORITIES.*—In carrying out the pilot program under paragraph (1), the Secretary may not use the authorities provided in sections 2208(k) and 2210(b) of title 10, United States Code.

(b) *GOALS.*—In developing and carrying out the pilot program under subsection (a)(1), the Secretary shall ensure that the pilot program—

(1) provides a cost effective and strategic method to acquire commercial satellite services;

(2) incentivizes private-sector participation and investment in technologies to meet future requirements of the Department of Defense with respect to commercial satellite services;

(3) takes into account the potential for a surge or other change in the demand of the Department for commercial satellite communications access in response to global or regional events; and

(4) ensures the ability of the Secretary to control and account for the cost of programs and work performed under the pilot program.

(c) *DURATION.*—If the Secretary commences the pilot program under subsection (a)(1), the pilot program shall terminate on October 1, 2020.

(d) *REPORTS.*—

(1) *INITIAL REPORT.*—Not later than 150 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report that includes a plan and schedule to carry out the pilot program under subsection (a)(1).

(2) *FINAL REPORT.*—Not later than December 1, 2020, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a)(1). The report shall include—

(A) an assessment of expanding the use of working capital funds to effectively and efficiently acquire commercial satellite capabilities to meet the requirements of the military departments, Defense Agencies, and combatant commanders; and

(B) a description of—

(i) any contract entered into under the pilot program, the funding used under such contract, and the efficiencies realized under such contract;

(ii) the advantages and challenges of using working capital funds as described in subparagraph (A);

(iii) any additional authorities the Secretary determines necessary to acquire commercial satellite capabilities as described in subsection (a)(1); and

(iv) any recommendations of the Secretary with respect to improving or extending the pilot program.

#### **Subtitle B—Defense Intelligence and Intelligence-Related Activities**

#### **SEC. 1611. ASSESSMENT AND LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE ACTIVITIES AND PROGRAMS OF UNITED STATES SPECIAL OPERATIONS COMMAND AND SPECIAL OPERATIONS FORCES.**

(a) *ASSESSMENT.*—

(1) *REQUIREMENT.*—The Secretary of Defense, acting through the Under Secretary of Defense

for Intelligence, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, and the Director of the Defense Intelligence Agency, shall submit to the appropriate committees of Congress an assessment of the intelligence activities and programs of United States Special Operations Command and special operations forces.

(2) *INCLUSIONS.*—The assessment under paragraph (1) shall include each of the following elements:

(A) An overall strategy defining such intelligence activities and programs, including definitions of intelligence activities and programs unique to special operations.

(B) A validated strategy and roadmap of intelligence, surveillance, and reconnaissance programs and requirements for special operations across the future years defense program.

(C) A comprehensive description of current and anticipated future Joint Staff validated requirements for the intelligence activities and programs of each geographic combatant commander within the respective geographic area of such covered combatant commander to be fulfilled by special operations forces, including those that can only be addressed by special operations forces, programs, or capabilities.

(D) Validated present and planned United States Special Operations Command force structure requirements to meet current and anticipated special operations intelligence activities and programs of geographic combatant commanders.

(E) A comprehensive review and assessment of statutory authorities, and Department and interagency policies, including limitations, for special operations forces intelligence activities and programs.

(F) An independent, comprehensive cost estimate of special operations intelligence activities and programs by the Director of Cost Assessment and Program Evaluation of the Department of Defense, including an estimate of the costs of the period of the current future years defense program, including a description of all rules and assumptions used to develop the cost estimates.

(G) A copy of any memoranda of understanding or memoranda of agreement between the Department of Defense and other departments or agencies of the United States Government, or between components of the Department of Defense that are required to implement objectives of special operations intelligence activities and programs.

(H) Any other matters the Secretary considers appropriate.

(3) *FORM.*—The assessment required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) *LIMITATIONS.*—

(1) *IN GENERAL.*—Subject to paragraph (2), not more than 50 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for procurement, Defense-wide, or research, development, test, and evaluation, Defense-wide, for the major force program 11 of the United States Special Operations Command may be obligated until the assessment required under subsection (a) is submitted.

(2) *EXCEPTION.*—Paragraph (1) shall not apply with respect to funds authorized to be appropriated for Overseas Contingency Operations under title XV.

(c) *DEFINITIONS.*—In this section:

(1) *APPROPRIATE COMMITTEES OF CONGRESS.*—The term “appropriate committees of congress” means the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate.

(2) *FUTURE YEARS DEFENSE PROGRAM.*—The term “future years defense program” means the

future years defense program under section 221 of title 10, United States Code.

(3) *GEOGRAPHIC COMBATANT COMMANDER.*—The term “geographic combatant commander” means a commander of a combatant command (as defined in section 161(c) of title 10, United States Code) with a geographic area of responsibility.

#### **SEC. 1612. ANNUAL BRIEFING ON THE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE REQUIREMENTS OF THE COMBATANT COMMANDS.**

At the same time that the President's budget is submitted pursuant to section 1105(a) of title 31, United States Code, for each of fiscal years 2016 through 2020—

(1) the Chairman of the Joint Chiefs of Staff shall provide to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a briefing on—

(A) the intelligence, surveillance, and reconnaissance requirements, by specific intelligence capability type, of each of the combatant commands;

(B) for the year preceding the year in which the briefing is provided, the satisfaction rate of each of the combatant commands with the intelligence, surveillance, and reconnaissance requirements, by specific intelligence capability type, of such combatant command; and

(C) a risk analysis identifying the critical gaps and shortfalls in such requirements in relation to such satisfaction rate; and

(2) the Under Secretary of Defense for Intelligence shall provide to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a briefing on short-term, mid-term, and long-term strategies to address the critical intelligence, surveillance and reconnaissance requirements of the combatant commands.

#### **SEC. 1613. ONE-YEAR EXTENSION OF REPORT ON IMAGERY INTELLIGENCE AND GEOSPATIAL INFORMATION SUPPORT PROVIDED TO REGIONAL ORGANIZATIONS AND SECURITY ALLIANCES.**

Section 921(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1878) is amended by striking “2014 and 2015” and inserting “2014 through 2016”.

#### **SEC. 1614. TACTICAL EXPLOITATION OF NATIONAL CAPABILITIES EXECUTIVE AGENT.**

Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

##### **“§430. TENCAP executive agent**

“(a) *IN GENERAL.*—There is in the Department of Defense a Tactical Exploitation of National Capabilities Executive Agent who shall be appointed by the Under Secretary of Defense for Intelligence. The Executive Agent shall report directly to the Under Secretary of Defense for Intelligence. The Executive Agent shall be responsible for working with the combatant commands, military services, and the intelligence community to develop methods to increase warfighter effectiveness through the exploitation of national capabilities and to promote cross-domain integration of such capabilities into military operations, training, intelligence, surveillance, and reconnaissance activities.

“(b) *ANNUAL BRIEFING.*—At the same time as the budget materials are submitted to Congress in connection with the submission of the budget for each of fiscal years 2016 through 2020, pursuant to section 1105 of title 31, the Executive Agent, in coordination with the commanders of the combatant commands, the Secretaries of the



military departments, and the heads of the Department of Defense intelligence agencies and offices, shall provide to the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives a briefing on the investments, activities, challenges, and opportunities of the Executive Agent in carrying out the responsibilities under paragraph (1). The briefings shall be coordinated with each of the armed services, the Defense Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance office.”

#### SEC. 1615. AIR FORCE INTELLIGENCE ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) The Air Force National Air and Space Intelligence Center provides essential national expertise on foreign aerospace system capabilities, including cyber, space systems, missiles, and aircraft.

(2) The Air Force National Air and Space Intelligence Center is organizationally aligned to the Headquarters Air Staff, through the Air Force Intelligence, Surveillance, and Reconnaissance Agency.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) The Air Force National Air and Space Intelligence Center provides indispensable intelligence support to a variety of customers, including the Air Force, the Department of Defense, the intelligence community, and national policymakers; and

(2) to maintain operational effectiveness, the Air Force organizational reporting structure of the Air Force National Air and Space Intelligence Center should remain organizationally aligned to the Headquarters Air Staff with reporting through the Vice Chief of Staff.

(c) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a strategic plan for the intelligence organization of the Air Force, including maintaining the National Air and Space Intelligence Center alignment to the Headquarters Air Staff.

#### SEC. 1616. PROHIBITION ON NATIONAL INTELLIGENCE PROGRAM CONSOLIDATION.

(a) PROHIBITION.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2015, to execute—

(1) the separation of the National Intelligence Program budget from the Department of Defense budget;

(2) the consolidation of the National Intelligence Program budget within the Department of Defense budget; or

(3) the establishment of a new appropriations account or appropriations account structure for the National Intelligence Program budget.

(b) DEFINITIONS.—In this section:

(1) NATIONAL INTELLIGENCE PROGRAM.—The term “National Intelligence Program” has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) NATIONAL INTELLIGENCE PROGRAM BUDGET.—The term “National Intelligence Program budget” means the portions of the Department of Defense budget designated as part of the National Intelligence Program.

#### Subtitle C—Cyberspace-Related Matters

##### SEC. 1621. EXECUTIVE AGENT FOR CYBER TEST AND TRAINING RANGES.

(a) EXECUTIVE AGENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the executive agent for cyber and information technology test and training ranges.

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

(1) ESTABLISHMENT.—Not later than one year after the enactment of this Act, and in accordance with Directive 5101.1, the Secretary of Defense shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) SPECIFICATION.—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:

(A) Developing and maintaining a comprehensive list of cyber and information technology ranges, test facilities, test beds, and other means of testing, training, and developing software, personnel, and tools for accommodating the mission of the Department.

(B) Serving as a single entity to organize and manage designated cyber and information technology test ranges, including—

(i) establishing the priorities for cyber and information technology ranges to meet Department objectives;

(ii) enforcing standards to meet requirements specified by the United States Cyber Command, the training community, and the research, development, testing, and evaluation community;

(iii) identifying and offering guidance on the opportunities for integration amongst the designated cyber and information technology ranges regarding test, training, and development functions;

(iv) finding opportunities for cost reduction, integration, and coordination improvements for the appropriate cyber and information technology ranges;

(v) adding or consolidating cyber and information technology ranges in the future to better meet the evolving needs of the cyber strategy and resource requirements of the Department; and

(vi) coordinating with interagency and industry partners on cyber and information technology range issues.

(C) Defining a cyber range architecture that—

(i) may add or consolidate cyber and information technology ranges in the future to better meet the evolving needs of the cyber strategy and resource requirements of the Department;

(ii) coordinates with interagency and industry partners on cyber and information technology range issues;

(iii) allows for integrated closed loop testing in a secure environment of cyber and electronic warfare capabilities;

(iv) supports science and technology development, experimentation, testing and training; and

(v) provides for interconnection with other existing cyber ranges and other kinetic range facilities in a distributed manner.

(D) Certifying all cyber range investments of the Department of Defense.

(E) Performing such other roles and responsibilities as the Secretary of Defense considers appropriate.

(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—In accordance with Directive 5101.1, the Secretary of Defense shall ensure that the military departments, Defense Agencies, and other components of the Department of Defense provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) DEFINITIONS.—In this section:

(1) The term “designated cyber and information technology range” includes the National Cyber Range, the Joint Information Operations Range, the Defense Information Assurance Range, and the C4 Assessments Division of J6 of the Joint Staff.

(2) The term “Directive 5101.1” means Department of Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

(3) The term “executive agent” has the meaning given the term “DoD Executive Agent” in Directive 5101.1.

#### Subtitle D—Nuclear Forces

##### SEC. 1631. PREPARATION OF ANNUAL BUDGET REQUEST REGARDING NUCLEAR WEAPONS.

Section 179(f) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(3)(A) With respect to the preparation of a budget for a fiscal year to be submitted by the President to Congress under section 1105(a) of title 31, the Secretary of Defense may not agree to a proposed transfer of estimated nuclear budget request authority unless the Secretary of Defense submits to the congressional defense committees a certification described in subparagraph (B).

“(B) A certification described in this subparagraph is a certification that includes the following:

“(i) Certification that, during the fiscal year prior to the fiscal year covered by the budget for which the certification is submitted, the Secretary of Energy obligated or expended any amounts covered by a proposed transfer of estimated nuclear budget request authority made for such prior fiscal year in a manner consistent with a memorandum of agreement that was developed by the Nuclear Weapons Council and entered into by the Secretary of Defense and the Secretary of Energy.

“(ii) A detailed assessment by the Nuclear Weapons Council regarding how the Administrator for Nuclear Security implemented any agreements and decisions of the Council made during such prior fiscal year.

“(iii) An assessment from each of the Vice Chairman of the Joints Chiefs of Staff and the Commander of the United States Strategic Command regarding any effects to the military during such prior fiscal year that were caused by the delay or failure of the Administrator to implement any agreements or decisions described in clause (ii).

“(4) The Secretary of Defense shall include with the defense budget materials for a fiscal year the memorandum of agreement described in paragraph (3)(B)(i) that covers such fiscal year.

“(5)(A) Not later than 30 days after the President submits to Congress the budget for a fiscal year under section 1105(a) of title 31, the Commander of the United States Strategic Command shall submit to the Chairman of the Joint Chiefs of Staff an assessment of—

“(i) whether such budget allows the Federal Government to meet the nuclear stockpile and stockpile stewardship program requirements during the fiscal year covered by the budget and the four subsequent fiscal years; and

“(ii) if the Commander determines that such budget does not allow the Federal Government to meet such requirements, a description of the steps being taken to meet such requirements.

“(B) Not later than 30 days after the date on which the Chairman of the Joint Chiefs of Staff receives the assessment of the Commander of the United States Strategic Command under subparagraph (A), the Chairman shall submit to the congressional defense committees—

“(i) such assessment as it was submitted to the Chairman; and



“(ii) any comments of the Chairman.

“(6) In this subsection:

“(A) The term ‘budget’ has the meaning given that term in section 231(f) of this title.

“(B) The term ‘defense budget materials’ has the meaning given that term in section 231(f) of this title.

“(C) The term ‘proposed transfer of estimated nuclear budget request authority’ means, in preparing a budget, a request for the Secretary of Defense to transfer an estimated amount of the proposed budget authority of the Secretary to the Secretary of Energy for purposes relating to nuclear weapons.”.

**SEC. 1632. INDEPENDENT REVIEW OF THE PERSONNEL RELIABILITY PROGRAM OF THE DEPARTMENT OF DEFENSE AND THE HUMAN RELIABILITY PROGRAM OF THE DEPARTMENT OF ENERGY.**

(a) REVIEW.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly seek to enter into a contract with a federally funded research and development center to conduct an independent review of the personnel reliability program of the Department of Defense and the human reliability program of the Department of Energy.

(2) MATTERS INCLUDED.—The review under paragraph (1) shall include the following:

(A) An examination of the costs and benefits of each program described in paragraph (1).

(B) Examples of successes and failures for each such program.

(C) The reporting and administrative requirements of each such program.

(D) The authorities and responsibilities of the commanders and managers of each such program.

(E) Guidance for when certain positions must be included in each such program.

(F) Recommendations with respect to making each such program more effective, more efficient, and, to the extent appropriate, more consistent between the Departments.

(G) Any other matters the Secretaries jointly determine appropriate.

(b) REPORT.—Not later than October 1, 2015, the Secretaries shall jointly submit to the congressional defense committees such review.

**SEC. 1633. ASSESSMENT OF NUCLEAR WEAPON SECONDARY REQUIREMENT.**

(a) ASSESSMENT.—The Secretary of Defense, in coordination with the Secretary of Energy and the Commander of the United States Strategic Command, shall assess the annual secondary production requirement needed to sustain a safe, secure, reliable, and effective nuclear deterrent.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Energy and the Commander of the United States Strategic Command, shall submit to the congressional defense committees a report regarding the assessment conducted under subsection (a).

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) An explanation of the rationale and assumptions that led to the current 50 to 80 secondaries per year production requirement, including the factors considered in determining such requirement.

(B) An analysis of whether there are any changes to such 50 to 80 secondaries per year production requirement, including the reasons for any such changes.

(C) A description of how the secondary production requirement is affected by or related to—

(i) the demands of stockpile modernization, including the schedule for life extension programs;

(ii) the requirement for a responsive infrastructure, including the ability to hedge against technical failure and geopolitical risk; and

(iii) the number of secondaries held in reserve or the inactive stockpile, and the likelihood such secondaries may be reused.

(E) The proposed time frame for achieving such 50 to 80 secondaries per year production requirement.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1634. RETENTION OF MISSILE SILOS.**

(a) SENSE OF CONGRESS.—It is the Sense of Congress that recent authorization and appropriations Acts passed by Congress and signed by the President have promulgated a national policy that it is in the national security interests of the United States to retain the maximum number of land-based strategic missile silos and their associated infrastructure to ensure that billions of dollars in prior taxpayer investments for such silos and infrastructure are not lost through precipitous actions which may be budget-driven, cyclical, and not in the long-term strategic interests of the United States.

(b) REQUIREMENT.—The Secretary of Defense shall preserve each intercontinental ballistic missile silo that contains a deployed missile as of the date of the enactment of this Act in, at minimum, a warm status that enables such silo to—

(1) remain a fully functioning element of the interconnected and redundant command and control system of the missile field; and

(2) be made fully operational with a deployed missile.

(c) TERMINATION.—The requirement in subsection (b) shall terminate on February 5, 2021.

**SEC. 1635. CERTIFICATION ON NUCLEAR FORCE STRUCTURE.**

Not later than 90 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff, in coordination with the Commander of the United States Strategic Command, shall certify to the congressional defense committees that the plan for implementation of the New START Treaty (as defined in section 494(a)(2)(D) of title 10, United States Code) announced on April 8, 2014, will enable the United States to meet its obligations under such treaty in a manner that ensures the nuclear forces of the United States—

(1) are capable, survivable, and balanced; and

(2) maintain strategic stability, deterrence and extended deterrence, and allied assurance.

**Subtitle E—Missile Defense Programs**

**SEC. 1641. THEATER AIR AND MISSILE DEFENSE OF ALLIES OF THE UNITED STATES.**

(a) FINDINGS.—Congress finds the following:

(1) A Patriot battery of the United States providing a short-range air and missile defense capability has previously been rotationally deployed to Poland, pursuant to an agreement between the United States and the Government of Poland, during a period occurring between 2010 to 2012.

(2) The deployment of the Patriot battery did not include operational missiles and was not replaced with another short-range air and missile defense system upon completion of the deployment rotation in 2012.

(b) POLICY.—It is the policy of the United States that available short-range air and missile defense systems and terminal missile defense systems of the United States with operational missiles be rotationally deployed to central and eastern European allies, pursuant to agreements between the United States and such allies, to strengthen the air and missile defense capabilities of such allies, as appropriate.

(c) AEGIS ASHORE SYSTEM.—

(1) IN GENERAL.—Not later than December 31, 2016, and pursuant to an agreement between the

United States and the Government of Poland, the Secretary of Defense shall ensure the operational availability of the Aegis Ashore system site in Poland.

(2) RELOCATION OF ASSETS.—The Secretary may relocate the necessary assets of the Aegis weapon system between and within the DDG-51 Class Destroyer program and the Aegis Ashore program to meet mission requirements.

(3) BRIEFINGS.—The Secretary shall provide to the appropriate congressional committees quarterly briefings to update the status of the progress in carrying out paragraph (1).

(4) TRANSFER AUTHORITY.—The Secretary may use the authority provided under section 1001 to carry out this subsection.

(d) MISSILE DEFENSE CAPABILITY OF POLAND.—

(1) DEPLOYMENT.—Not later than December 31, 2014, and pursuant to an agreement between the United States and the Government of Poland, the Secretary of Defense shall deploy to Poland a system providing a short-range air and missile defense capability or terminal missile defense capability, or both, and the personnel required to operate and maintain such system.

(2) REMOVAL.—No action may be taken to effect or implement the removal of the system or the personnel described in paragraph (1) unless—

(A) at least 30 days before the removal, the Secretary of Defense notifies the appropriate congressional committees that such removal is in the national security interests of the United States; or

(B) the removal is requested by the Government of Poland in the manner provided in the agreement between the United States and the Government of Poland regarding the system and personnel.

(e) NOTIFICATION.—The Secretary of Defense shall notify the appropriate congressional committees by not later than 60 days after the date on which a NATO member state makes a request that communicates to the Secretary the interest of the member state in hosting missile defense capabilities described in subsection (b) and the plan of the Secretary for addressing such request.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1642. SENSE OF CONGRESS ON PROCUREMENT AND DEPLOYMENT OF CAPABILITY ENHANCEMENT II EXOATMOSPHERIC KILL VEHICLE.**

It is the sense of Congress that the Secretary of Defense should not procure an additional capability enhancement II exoatmospheric kill vehicle for deployment until after the date on which a successful intercept flight test of the capability enhancement II ground-based interceptor has occurred, unless such procurement is for test assets or to maintain a warm line for the industrial base.

**TITLE XVII—DEFENSE AUDIT ADVISORY PANEL ON DEPARTMENT OF DEFENSE AUDITABILITY**

**SEC. 1701. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) Congress remains steadfast in supporting the continuing efforts of the Department of Defense to produce auditable financial statements. Such efforts are essential to ensure taxpayers dollars are accounted for at the largest department of the Federal Government

(2) As the 2017 and 2019 statutory audit deadlines approach, Congress believes an advisory panel is necessary to better track the Department's progress.

(b) **PURPOSES.**—The purposes of the Advisory Panel are—

(1) to work on behalf of Congress to actively monitor the audit readiness work of the Department of Defense and, after September 30, 2017, the Department's 2018 audit; and

(2) to regularly providing interim findings and recommendations to the Committees on Armed Services of the Senate and the House of Representatives, with the purpose of making the Department auditable and aiding in oversight of the Department by such Committees.

**SEC. 1702. ESTABLISHMENT OF ADVISORY PANEL ON DEPARTMENT OF DEFENSE AUDIT READINESS.**

(a) **ESTABLISHMENT.**—There is established the Advisory Panel on Department of Defense Audit Readiness (in this title referred to as the "Advisory Panel").

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Advisory Panel shall be composed of 10 members, of whom—

(A) two shall be appointed jointly by the Chairman of the Committee on Armed Services of the Senate and the Chairman of the Committee on Armed Services of the House of Representatives, in consultation with the Ranking Member of each such Committee, from among members of different political parties from each such Committee, to serve as Co-Chairmen of the Advisory Panel;

(B) two shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) two shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) two shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) two shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) **APPOINTMENT DATE.**—The appointments of the members of the Advisory Panel shall be made not later than 30 days after the date of the enactment of this Act.

(3) **QUALIFICATIONS.**—Appointments to the Advisory Panel shall be made from among individuals who are certified public accountants and have work experience within the Department of Defense or private financial management sectors. An individual who is an officer or employee of the Federal Government may not be appointed to the Advisory Panel.

(c) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Advisory Panel. Any vacancy in the Advisory Panel shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) **INITIAL MEETING.**—Not later than 60 days after the date on which all members of the Advisory Panel have been appointed, the Advisory Panel shall hold its first meeting.

(e) **MEETINGS.**—The Advisory Panel shall meet regularly at the call of the Co-Chairmen.

(f) **QUORUM.**—Five members of the Advisory Panel shall constitute a quorum, but four members may hold hearings.

**SEC. 1703. DUTIES OF THE ADVISORY PANEL.**

(a) **IN GENERAL.**—The duties of the Advisory Panel are as follows:

(1) To provide the Secretary of Defense, through the Under Secretary of Defense (Comptroller), independent advice on the Department's financial management, including the financial reporting process, systems of internal controls, audit process, and processes for monitoring compliance with applicable laws and regulations.

(2) To identify, review, and evaluate the work of the Department of Defense (including the

work of each military department and Defense Agency) on auditability.

(3) To identify problem areas and recommend solutions in order to aid the Department in meeting the following statutory deadlines:

(A) By not later than September 30, 2017, validating the financial statements of the Department of Defense as ready for audit, as required by section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2222 note).

(B) By not later than March 31, 2019, auditing the financial statements of the Department of Defense for fiscal year 2018, as required by section 1003(a)(2)(a)(iii) of such Act (Public Law 111–84; 10 U.S.C. 2222 note)

(4) To provide briefings regularly to the Committees on Armed Services of the Senate and the House of Representatives on the Advisory Panel's findings, analysis, and recommendations.

(b) **REPORTS.**—Not later than March 31 and September 30 of each year during the life of the Advisory Panel, beginning with March 31, 2015, the Advisory Panel shall submit to the congressional defense committees findings and conclusions of the Advisory Panel as a result of its work under subsection (a) during the period covered by the report, together with such recommendations as it considers appropriate.

(c) **AUTHORITY OF UNDER SECRETARY OF DEFENSE (COMPTROLLER).**—In accordance with Department policy and procedures, the Under Secretary of Defense (Comptroller) is authorized to act upon the advice emanating from the Advisory Panel.

**SEC. 1704. POWERS OF THE ADVISORY PANEL.**

(a) **HEARINGS.**—The Advisory Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Advisory Panel considers advisable to carry out this title.

(b) **INFORMATION FROM DEPARTMENT OF DEFENSE.**—The Advisory Panel may secure directly from the Department of Defense such information as the Advisory Panel considers necessary to carry out this title. Upon request of the Co-Chairmen of the Advisory Panel, the Secretary of Defense shall furnish such information to the Advisory Panel.

(c) **POSTAL SERVICES.**—The Advisory Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

**SEC. 1705. ADVISORY PANEL PERSONNEL MATTERS.**

(a) **COMPENSATION OF MEMBERS.**—Members of the Advisory Panel shall serve without compensation for such service.

(b) **TRAVEL EXPENSES.**—Each member of the Advisory Panel shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(c) **STAFF.**—

(1) **DIRECTOR.**—The Advisory Panel may have a Director, who shall be appointed by the Co-Chairmen.

(2) **STAFF.**—The Co-Chairmen may appoint such additional staff as may be necessary to enable the Advisory Panel to perform its duties, except that the number of staff may not exceed the equivalent of five full-time employees.

(3) **COMPENSATION.**—The Co-Chairmen of the Advisory Panel may fix the compensation of the Director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay

rates, except that the rate of pay for the Director and other personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of such title.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Advisory Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Co-Chairmen of the Advisory Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

**SEC. 1706. TERMINATION OF THE ADVISORY PANEL.**

The Advisory Panel shall terminate April 30, 2019.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

**SEC. 2001. SHORT TITLE.**

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2015".

**SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) **EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.**—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2017; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018.

(b) **EXCEPTION.**—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2017; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2018 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

**SEC. 2003. EFFECTIVE DATE.**

Titles XXI through XXVII shall take effect on the later of—

(1) October 1, 2014; or

(2) the date of the enactment of this Act.

**TITLE XXI—ARMY MILITARY CONSTRUCTION**

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
California .....	Concord .....	\$15,200,000
	Fort Irwin .....	\$45,000,000
Colorado .....	Fort Carson .....	\$89,000,000
Hawaii .....	Fort Shafter .....	\$83,000,000
Kentucky .....	Blue Grass Army Depot .....	\$15,000,000
	Fort Campbell .....	\$23,000,000
New York .....	Fort Drum .....	\$27,000,000
Pennsylvania .....	Letterkenny Army Depot .....	\$16,000,000
South Carolina .....	Fort Jackson .....	\$52,000,000
Texas .....	Fort Hood .....	\$46,000,000
Virginia .....	Fort Lee .....	\$86,000,000
	Joint Base Langley-Eustis .....	\$7,700,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military construction projects out-

side the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out the military construction project for the instal-

lations or locations outside the United States, and in the amount, set forth in the following table:

**Army: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Guantanamo Bay .....	Guantanamo Bay .....	\$92,800,000
Japan .....	Kadena Air Base .....	\$10,600,000

**SEC. 2102. FAMILY HOUSING.**

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and

available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land ac-

quisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

**Army: Family Housing**

<b>State/Country</b>	<b>Installation</b>	<b>Units</b>	<b>Amount</b>
Illinois .....	Rock Island .....	Family Housing New Construction .....	\$19,500,000
Korea .....	Camp Walker .....	Family Housing New Construction .....	\$57,800,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$1,309,000.

**SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2014, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

**SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECT.**

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697) for Picatinny Arsenal, New Jersey, for construc-

tion of an Explosives Research and Development Loading Facility at the installation, the Secretary of the Army may use available unobligated balances of amounts appropriated for military construction for the Army to complete work on the project within the scope specified for the project in the justification data provided to Congress as part of the request for authorization of the project.

**SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECTS.**

(a) **FORT DRUM.**—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2119) for Fort Drum, New York, for construction of an Aircraft Maintenance Hangar at the installation, the Secretary of the Army may provide a capital contribution to a public or private utility company in order for the utility company to extend the utility company's gas line to the installation boundary. Such capital contribution is not a change in the scope of work of the project under section 2853 of title 10, United States Code.

(b) **FORT LEONARD WOOD.**—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2119) for Fort Leonard Wood, Missouri, for construction of Battalion Complex Facilities at the installation, the Secretary of the Army may construct the Battalion Headquarters with classrooms for a unit other

than a Global Defense Posture Realignment unit.

(c) **FORT MCNAIR.**—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2119) for Fort McNair, District of Columbia, for construction of a Vehicle Storage Building at the installation, the Secretary of the Army may construct up to 20,227 square feet of vehicle storage.

(d) **FORT BELVOIR.**—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2119) is amended in the item relating to Fort Belvoir, Virginia, by striking “\$94,000,000” in the amount column and inserting “\$183,000,000”.

**SEC. 2106. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2011 PROJECT.**

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4436), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (124 Stat. 4437) and extended by section 2109 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 988), shall remain in effect until October 1, 2015, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016, whichever is later:

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

**Army: Extension of 2011 Project Authorization**

<b>State</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Georgia .....	Fort Benning .....	Land Acquisition .....	\$12,200,000

**SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2012 PROJECTS.**

(a) *EXTENSION.*—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1660), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (125 Stat. 1661), shall remain in effect until October 1, 2015, or the

date of the enactment of an Act authorizing funds for military construction for fiscal year 2016, whichever is later:

(b) *TABLE.*—The table referred to in subsection (a) as follows:

**Army: Extension of 2012 Project Authorizations**

<b>State</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Georgia .....	Fort Benning .....	Land Acquisition .....	\$5,100,000
	Fort Benning .....	Land Acquisition .....	\$25,000,000
North Carolina .....	Fort Bragg .....	Unmanned Aerial Vehicle Maintenance Hanger.	\$54,000,000
	Fort Bliss .....	Applied Instruction Building .....	\$8,300,000
	Fort Bliss .....	Vehicle Maintenance Facility .....	\$19,000,000
	Fort Hood .....	Unmanned Aerial Vehicle Maintenance Hanger.	\$47,000,000
Virginia .....	Fort Belvoir .....	Road and Infrastructure Improvements ....	\$25,000,000

**TITLE XXII—NAVY MILITARY CONSTRUCTION****SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the author-

ization of appropriations in section 2204 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installa-

tions or locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Arizona .....	Yuma .....	\$16,608,000
California .....	Bridgeport .....	\$16,180,000
	San Diego .....	\$47,110,000
District of Columbia .....	Naval Support Activity .....	\$31,735,000
Florida .....	Jacksonville .....	\$30,235,000
	Mayport .....	\$20,520,000
Guam .....	Joint Region Marianas .....	\$50,651,000
Hawaii .....	Kaneohe Bay .....	\$53,382,000
	Pearl Harbor .....	\$9,698,000
Maryland .....	Annapolis .....	\$120,112,000
	Indian Head .....	\$15,346,000
	Patuxent River .....	\$9,860,000
Nevada .....	Fallon .....	\$31,262,000
North Carolina .....	Cherry Point Marine Corps Air Station .....	\$41,588,000
Pennsylvania .....	Philadelphia .....	\$23,985,000
South Carolina .....	Charleston .....	\$35,716,000
Virginia .....	Dahlgren .....	\$27,313,000
	Norfolk .....	\$39,274,000
	Portsmouth .....	\$9,743,000
	Quantico .....	\$12,613,000
	Yorktown .....	\$26,988,000
Washington .....	Bremerton .....	\$16,401,000
	Port Angeles .....	\$20,638,000
	Whidbey Island .....	\$24,390,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects out-

side the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installa-

tion or location outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Bahrain .....	South West Asia .....	\$27,826,000
Djibouti .....	Camp Lemonier .....	\$9,923,000

*Navy: Outside the United States—Continued*

Country	Installation or Location	Amount
Japan .....	Iwakuni .....	\$6,415,000
	Kadena Air Base .....	\$19,411,000
	Marine Corps Air Station Futenma .....	\$4,639,000
	Okinawa .....	\$35,685,000
Spain .....	Rota .....	\$20,233,000

(c) **UNSPECIFIED WORLDWIDE.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects at unspecified

worldwide locations as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified loca-

tions, and in the amount, set forth in the following table:

*Navy: Unspecified Worldwide Locations*

Country	Location	Amount
Unspecified Worldwide Locations .....	Unspecified Worldwide Locations .....	\$38,985,000

**SEC. 2202. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$472,000.

**SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$15,940,000.

**SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2014, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

**SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECTS.**

(a) **YUMA.**—In the case of the authorization contained in the table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666), for Yuma, Arizona, for construction of a Double Aircraft Maintenance Hangar, the Secretary of the Navy may construct up to approximately 70,000 square feet of additional apron to be utilized as a taxi-lane using amounts appropriated for this project pursuant to the authorization of appropriations in section 2204 of such Act (125 Stat. 1667).

(b) **CAMP PENDELTON.**—In the case of the authorization contained in the table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666), for Camp Pendleton, California, for construction of an Infantry Squad Defense Range, the Secretary of the Navy may construct up to 9,000 square feet of vehicular bridge using amounts appropriated for this project pursuant to the authorization of appropriations in section 2204 of such Act (125 Stat. 1667).

(c) **KINGS BAY.**—In the case of the authorization contained in the table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666), for Kings Bay, Georgia, for construction of a Crab Island Security Enclave, the Secretary of the Navy may expand the enclave fencing system to three layers of fencing and construct two elevated fixed fighting positions with associated supporting facilities using amounts appropriated for this project pursuant

to the authorization of appropriations in section 2204 of such Act (125 Stat. 1667).

**SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.**

In the case of the authorization contained in the table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 989), for Yorktown, Virginia, for construction of Small Arms Ranges, the Secretary of the Navy may construct 240 square meters of armory, 48 square meters of Safety Officer/Target Storage Building, and 667 square meters of Range Operations Building using appropriations available for the project pursuant to the authorization of appropriations in section 2204 of such Act (127 Stat. 990).

**SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2011 PROJECTS.**

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4436), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (124 Stat. 4441) and extended by section 2207 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 991), shall remain in effect until October 1, 2015, or the date of an Act authorizing funds for military construction for fiscal year 2016, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

*Navy: Extension of 2011 Project Authorizations*

State/Country	Installation or Location	Project	Amount
Bahrain .....	South West Asia .....	Navy Central Command Ammunition Magazines.	\$89,280,000
Guam .....	Naval Activities, Guam .....	Defense Access Roads Improvements .....	\$66,730,000

**SEC. 2208. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2012 PROJECTS.**

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1660), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (125 Stat. 1666), shall remain in effect until October 1, 2015, or the

date of an Act authorizing funds for military construction for fiscal year 2016, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

*Navy: Extension of 2012 Project Authorizations*

State/Country	Installation or Location	Project	Amount
California .....	Camp Pendleton .....	North Area Waste Water Conveyance .....	\$78,271,000

*Navy: Extension of 2012 Project Authorizations—Continued*

<i>State/Country</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
	Camp Pendelton .....	Infantry Squad Defense Range .....	\$29,187,000
	Twentynine Palms .....	Land Expansion .....	\$8,665,000
Florida .....	Jacksonville .....	P-8A Hangar Upgrades .....	\$6,085,000
Georgia .....	Kings Bay .....	Crab Island Security Enclave .....	\$52,913,000
	Kings Bay .....	WRA Land/Water Interface .....	\$33,150,000
Maryland .....	Patuxent River .....	Aircraft Prototype Facility Phase 2 .....	\$45,844,000

**TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION****SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the author-

ization of appropriations in section 2302 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installa-

tions or locations inside the United States, and in the amounts, set forth in the following table:

***Air Force: Inside the United States***

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
Alaska .....	Clear Air Force Base .....	\$11,500,000
Arizona .....	Luke Air Force Base .....	\$26,800,000
Guam .....	Joint Region Marianas .....	\$13,400,000
Kansas .....	McConnell Air Force Base .....	\$34,400,000
Massachusetts .....	Hanscom Air Force Base .....	\$13,500,000
Nevada .....	Nellis Air Force Base .....	\$53,900,000
New Jersey .....	Joint Base McGuire-Dix-Lakehurst .....	\$5,900,000
Oklahoma .....	Tinker Air Force Base .....	\$111,000,000
Texas .....	Joint Base San Antonio .....	\$5,800,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2302 and available for military construction projects out-

side the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installa-

tion outside the United States, and in the amount, set forth in the following table:

***Air Force: Outside the United States***

<i>Country</i>	<i>Installation</i>	<i>Amount</i>
United Kingdom .....	Croughton Royal Air Force Base .....	\$92,223,000

**SEC. 2302. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

(a) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2014, for military construction and land acquisition functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) *LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.*—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

**SEC. 2303. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.**

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 515), for Shaw Air Force Base, South Carolina, for base infrastructure at that location, the Secretary of the Air Force may acquire fee or lesser real property interests in approximately 11.5 acres of land contiguous to Shaw Air Force Base for the project using funds appropriated to the Department of the Air Force for construction in years prior to fiscal year 2015.

**SEC. 2304. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2011 PROJECT.**

(a) *EXTENSION.*—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4436), the authorization set forth in the table in subsection (b), as provided in section 2301 of that Act (124 Stat. 4444) and extended by section 2307 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 994), shall remain in effect until October 1, 2015, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016, whichever is later.

(b) *TABLE.*—The table referred to in subsection (a) is as follows:

***Air Force: Extension of 2011 Project Authorization***

<i>Country</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
Bahrain .....	Shaikh Isa Air Base .....	North Apron Expansion .....	\$45,000,000.

**SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2012 PROJECTS.**

(a) *EXTENSION.*—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1660), the authorizations set forth in the table in subsection (b), as provided in section 2301 of that Act (125 Stat. 1670), shall remain in effect until October 1, 2015, or the

date of the enactment of an Act authorizing funds for military construction for fiscal year 2016, whichever is later.

(b) *TABLE.*—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 2012 Project Authorizations**

<b>State/Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Alaska .....	Eielson AFB .....	Dormitory (168 RM) .....	\$45,000,000
Italy .....	Sigonella Naval Air Station .....	UAS SATCOM Relay Pads and Facility ....	\$15,000,000

**TITLE XXIV—DEFENSE AGENCIES  
MILITARY CONSTRUCTION****Subtitle A—Defense Agency Authorizations****SEC. 2401. AUTHORIZED DEFENSE AGENCIES  
CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the author-

ization of appropriations in section 2403 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Arizona .....	Fort Huachuca .....	\$1,871,000
California .....	Camp Pendelton .....	\$11,841,000
	Coronado .....	\$70,340,000
	Lemoore .....	\$52,500,000
Colorado .....	Peterson Air Force Base .....	\$15,200,000
Georgia .....	Hunter Army Airfield .....	\$7,692,000
	Robins Air Force Base .....	\$19,900,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	\$52,900,000
Kentucky .....	Fort Campbell .....	\$18,000,000
Maryland .....	Fort Meade .....	\$54,207,000
	Joint Base Andrews .....	\$18,300,000
Michigan .....	Selfridge Air National Guard Base .....	\$35,100,000
Mississippi .....	Stennis .....	\$27,547,000
Nevada .....	Fallon .....	\$20,241,000
New Mexico .....	Cannon Air Force Base .....	\$23,333,000
North Carolina .....	Camp Lejeune .....	\$52,748,000
	Fort Bragg .....	\$93,136,000
	Seymour Johnson AFB .....	\$8,500,000
South Carolina .....	Beaufort .....	\$40,600,000
South Dakota .....	Ellsworth Air Force Base .....	\$8,000,000
Texas .....	Joint Base San Antonio .....	\$38,300,000
Virginia .....	Craney Island .....	\$36,500,000
	Defense Distribution Depot Richmond .....	\$5,700,000
	Fort Belvoir .....	\$7,239,000
	Joint Base Langley-Eustis .....	\$41,200,000
	Joint Expeditionary Base Little Creek-Story .....	\$39,588,000
	Pentagon .....	\$15,100,000
CONUS Classified .....	Classified Location .....	\$53,073,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for military construction projects out-

side the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installa-

tions or locations outside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Australia .....	Geraldton .....	\$9,600,000
Belgium .....	Brussels .....	\$79,544,000
Guantanamo Bay .....	Guantanamo Bay .....	\$76,290,000
Japan .....	Misawa Air Base .....	\$37,775,000
	Okinawa .....	\$170,901,000
	Sasebo .....	\$37,681,000

**SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.**

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and

available for energy conservation projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects

under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:



**Energy Conservation Projects: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
California .....	Edwards Air Force Base .....	\$4,500,000
	Fort Hunter Liggett .....	\$13,500,000
	Vandenberg Air Force Base .....	\$7,197,000
Colorado .....	Fort Carson .....	\$3,000,000
Florida .....	Eglin Air Force Base .....	\$3,850,000
Georgia .....	Moody Air Force Base .....	\$3,600,000
Hawaii .....	Marine Corps Base Hawaii .....	\$8,460,000
Illinois .....	Great Lakes Naval Station .....	\$2,190,000
Maine .....	Portsmouth Naval Shipyard .....	\$2,740,000
Maryland .....	Fort Detrick .....	\$2,100,000
North Dakota .....	Offutt Air Force Base .....	\$2,869,000
Oklahoma .....	Tinker Air Force Base .....	\$3,609,000
Oregon .....	Oregon City Armory .....	\$6,600,000
Utah .....	Dugway Proving Ground .....	\$15,400,000
Virginia .....	Naval Station Norfolk .....	\$11,360,000
	Pentagon .....	\$2,120,000
Various Locations .....	Various Locations .....	\$23,679,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects out-

side the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United

States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Energy Conservation Projects: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Diego Garcia .....	Naval Support Facility .....	\$14,620,000
Japan .....	Fleet Activities Yokosuka .....	\$8,030,000
Germany .....	Spangdahlem .....	\$4,800,000
Various Locations .....	Various Locations .....	\$5,776,000

(c) **LIMITATION ON SET-ASIDE OF FACILITIES RESTORATION AND MODERNIZATION PROGRAM FUNDS FOR ENERGY PROJECTS.**—Amounts appropriated pursuant to the authorization of appropriation in section 301 for operation and maintenance and made available for facilities restoration and modernization may not be set-aside for the exclusive purpose of funding energy projects on military installations. Installation energy projects must compete in the normal process of determining installation requirements.

**SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated

for fiscal years beginning after September 30, 2014, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

**SEC. 2404. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2011 PROJECTS.**

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4436), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (124 Stat. 4446), shall remain in effect until October 1, 2015, or the date of an Act authorizing funds for military construction for fiscal year 2016, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

**Defense Agencies: Extension of 2011 Project Authorizations**

<b>State</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
District of Columbia .....	Bolling Air Force Base .....	Cooling Tower Expansion .....	\$2,070,000
		DIAC Parking Garage .....	\$13,586,000
		Electrical Upgrades .....	\$1,080,000

**SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2012 PROJECTS.**

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1660), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (125 Stat. 1672), shall remain in effect until October 1, 2015, or the

date of the enactment of an Act authorizing funds for military construction for fiscal year 2016, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

**Defense Agencies: Extension of 2012 Project Authorizations**

<b>State/Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
California .....	Coronado .....	SOF Support Activity Operations Facility .....	\$42,000,000
Germany .....	USAG Baumholder .....	Wetzel-Smith Elementary School .....	\$59,419,000
Italy .....	USAG Vicenza .....	Vicenza High School .....	\$41,864,000
Japan .....	Yokota Air Base .....	Yokota High School .....	\$49,606,000
Virginia .....	Pentagon Reservation .....	Heliport Control Tower and Fire Station ..	\$6,457,000
		Pedestrian Plaza .....	\$2,285,000

**SEC. 2406. LIMITATION ON PROJECT AUTHORIZATION TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECTS PENDING SUBMISSION OF REQUIRED REPORTS.**

(a) **LIMITATION.**—No amounts may be obligated or expended for the military construction projects described in subsection (b) and otherwise authorized by section 2401(a) until both of the reports described in subsection (c) have been submitted to the Committees on Armed Services of the Senate and the House of Representatives.

(b) **COVERED PROJECTS.**—The limitation imposed by subsection (a) applies to the following military construction projects:

(1) The construction of a human performance center facility at Joint Expeditionary Base Little Creek–Story, Virginia.

(2) The construction of a squadron operations facility at Cannon Air Force Base, New Mexico.

(c) **REPORTS DESCRIBED.**—The reports referred to in subsection (a) are—

(1) the report on the United States Special Operations Command Preservation of the Force and Families initiative requested under the heading “U.S. Special Operations Command Military Construction Requirements” in the Joint Explanatory Statement to Accompany the National Defense Authorization Act for Fiscal Year 2014, as printed in the Congressional Record on December 12, 2013 (page H7956); and

(2) the report on the review of Department of Defense efforts regarding the prevention of suicide among members of United States Special Operations Forces and their dependents required by section 581 of this Act.

**Subtitle B—Chemical Demilitarization Authorizations**

**SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2014, for military construction and land acquisition for chemical demilitarization, as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost vari-

ations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under subsection (a) may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

**SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.**

(a) **MODIFICATION.**—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), and section 2412 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4450), is amended—

(1) in the item relating to Blue Grass Army Depot, Kentucky, by striking “\$746,000,000” in the amount column and inserting “\$780,000,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$1,237,920,000”.

(b) **CONFORMING AMENDMENT.**—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), and section 2412 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124

Stat. 4450), is further amended by striking “\$723,200,000” and inserting “\$757,200,000”.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

**SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2014, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

**Subtitle A—Project Authorizations and Authorization of Appropriations**

**SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Army National Guard: Inside the United States**

State	Location	Amount
Delaware .....	Dagsboro .....	\$10,800,000
Maine .....	Augusta .....	\$30,000,000
Maryland .....	Havre De Grace .....	\$12,400,000
Montana .....	Helena .....	\$38,000,000
New Mexico .....	Alamogordo .....	\$5,000,000
North Dakota .....	Valley City .....	\$10,800,000
Vermont .....	North Hyde Park .....	\$4,400,000
Washington .....	Yakima .....	\$19,000,000

**SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606

and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction

projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Army Reserve**

State	Location	Amount
California .....	Fresno .....	\$22,000,000
Colorado .....	March Air Force Base .....	\$25,000,000
Illinois .....	Fort Carson .....	\$5,000,000
Mississippi .....	Arlington Heights .....	\$26,000,000
New Jersey .....	Starkville .....	\$9,300,000
New York .....	Joint Base McGuire-Dix-Lakehurst .....	\$26,000,000
	Mattytale .....	\$23,000,000

*Army Reserve—Continued*

<i>State</i>	<i>Location</i>	<i>Amount</i>
Virginia .....	Fort Lee .....	\$16,000,000

**SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606

and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps

Reserve locations inside the United States, and in the amounts, set forth in the following table:

*Navy Reserve and Marine Corps Reserve*

<i>State</i>	<i>Location</i>	<i>Amount</i>
Pennsylvania .....	Pittsburgh .....	\$17,650,000
Washington .....	Whidbey Island .....	\$27,755,000

**SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606

and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construc-

tion projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

*Air National Guard*

<i>State</i>	<i>Location</i>	<i>Amount</i>
Connecticut .....	Bradley International Airport .....	\$16,306,000
Iowa .....	Des Moines Municipal Airport .....	\$8,993,000
Michigan .....	W.K. Kellogg Regional Airport .....	\$6,000,000
New Hampshire .....	Pease International Trade Port .....	\$41,902,000
Pennsylvania .....	Willow Grove Air Reserve Field .....	\$5,662,000

**SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606

and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construc-

tion projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

*Air Force Reserve*

<i>State</i>	<i>Location</i>	<i>Amount</i>
Georgia .....	Robins Air Force Base .....	\$27,700,000
North Carolina .....	Seymour Johnson Air Force Base .....	\$9,800,000
Texas .....	Forth Worth .....	\$3,700,000

**SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2014, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

*Subtitle B—Other Matters***SEC. 2611. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECTS.**

(a) MODIFICATION.—

(1) KANSAS CITY.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1677), for Kansas City, Kansas, for construction of an Army Reserve Center at that location, the Secretary of the Army may construct a new facility in the vicinity of Kansas

City, Kansas, instead of constructing a new facility in Kansas City.

(2) ATTLEBORO.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1677), for Attleboro, Massachusetts, for construction of an Army Reserve Center at that location, the Secretary of the Army may construct a new facility in the vicinity of Attleboro, Massachusetts, instead of constructing a new facility in Attleboro.

(b) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1660), the authorizations set forth in subsection (a) shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

**SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.**

In the case of the authorization contained in the table in section 2601 of the Military Con-

struction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2133) for Stormville, New York, for construction of a Combined Support Maintenance Shop Phase I, the Secretary of the Army may instead construct the facility at Camp Smith, New York, and build a 53,760 square foot maintenance facility in lieu of a 75,156 square foot maintenance facility.

**SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2011 PROJECT.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4436), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act (124 Stat. 4452) and extended by section 2612 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1003), shall remain in effect until October 1, 2015, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

## Extension of 2011 National Guard and Reserve Project Authorization

State	Installation or Location	Project	Amount
Puerto Rico .....	Camp Santiago .....	Multipurpose Machine Gun Range .....	\$9,200,000

**TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES****Subtitle A—Authorization of Appropriations****SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2014, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2140)), as specified in the funding table in section 4601.

**Subtitle B—Prohibition on Additional BRAC Round****SEC. 2711. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.**

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

**Subtitle C—Other Matters****SEC. 2721. FORCE-STRUCTURE PLANS AND INFRASTRUCTURE INVENTORY AND ASSESSMENT OF INFRASTRUCTURE NECESSARY TO SUPPORT THE FORCE STRUCTURE.**

(a) PREPARATION AND SUBMISSION OF FORCE-STRUCTURE PLANS AND INFRASTRUCTURE INVENTORY.—As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2016, the Secretary of Defense shall include the following:

(1) Two force-structure plans for each of the Army, Navy, Air Force, and Marine Corps for the 20-year period beginning with fiscal year 2016, including the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet anticipated threats, and the anticipated levels of funding that will be available for national defense purposes during such period. One force-structure plan shall reflect the 2014 Quadrennial Defense Review and the other force-structure plan shall reflect the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), as amended by title I of the Budget Control Act of 2011 (Public Law 112-25) and section 101 of the Bipartisan Budget Act of 2013 (Public Law 113-67).

(2) A comprehensive inventory of military installations world-wide for each military department, with specifications of the number and type of facilities in the active and reserve forces of each military department.

(b) RELATIONSHIP OF PLANS AND INVENTORY.—Using the force-structure plans and infrastructure inventory prepared under subsection (a), the Secretary of Defense shall prepare (and include as part of the submission of such plans and inventory) the following:

(1) A description of the infrastructure necessary to support the force structure described in each force-structure plan.

(2) A discussion of categories of excess infrastructure and infrastructure capacity, and the Secretary's targets for the reduction of such excess capacity.

(3) An assessment of the excess infrastructure and the value of retaining certain excess infrastructure to support surge or reversibility requirements.

(4) An economic analysis of the effect of the closure or realignment of military installations to reduce excess infrastructure.

(c) SPECIAL CONSIDERATIONS.—In determining the level of necessary versus excess infrastructure under subsection (b), the Secretary of Defense shall consider the following:

(1) The anticipated continuing need for and availability of military installations outside the United States, taking into account current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations.

(2) Any efficiencies that may be gained from joint tenancy by more than one branch of the Armed Forces at a military installation or the reorganization or association of two or more military installations as a single military installation.

(d) CERTIFICATION OF NEED FOR FURTHER CLOSURES AND REALIGNMENTS.—

(1) CERTIFICATION REQUIRED.—On the basis of the force-structure plans and infrastructure inventory prepared under subsection (a) and the descriptions and economic analysis prepared under subsection (b), the Secretary of Defense shall include as part of the submission of the plans and inventory a certification regarding whether the need exists for the closure or realignment of additional military installations.

(2) ADDITIONAL CERTIFICATION.—As a condition on the certification under paragraph (1) that the need for an additional round of closures and realignments exists, the Secretary shall include an additional certification that every recommendation for the closure or realignment of military installations in the additional round of closures and realignments will result in annual net savings for each of the military departments within six years after the initiation of the additional round of closures and realignments.

(e) COMPTROLLER GENERAL EVALUATION.—

(1) EVALUATION REQUIRED.—If the certifications are provided under subsection (d), the Comptroller General of the United States shall prepare an evaluation of the following:

(A) The force-structure plans and infrastructure inventory prepared under subsection (a), including an evaluation of the accuracy and analytical sufficiency of the plans and inventory.

(B) The need for the closure or realignment of additional military installations.

(2) SUBMISSION.—The Comptroller General shall submit the evaluation to Congress not later than 60 days after the date on which the force-structure plans and infrastructure inventory are submitted to Congress.

**SEC. 2722. MODIFICATION OF PROPERTY DISPOSAL PROCEDURES UNDER BASE REALIGNMENT AND CLOSURE PROCEDURES.**

(a) REPORT ON EXCESS PROPERTY.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by inserting after subsection (e) the following new subsection:

“(f) REPORT ON DESIGNATION OF PROPERTY AS EXCESS INSTEAD OF SURPLUS.—(1) Not later than 180 days after the date on which real property located at a military installation closed or realigned under this part is declared excess, but not surplus, the Secretary of Defense shall submit to the congressional defense committees a report identifying the property and including the information required by paragraph (2). The Secretary shall update the report every 180 days thereafter until the property is either declared surplus or transferred to another Federal agency.

“(2) Each report under paragraph (1) shall include the following elements:

“(A) The reason for the excess designation.

“(B) The nature of the contemplated transfer.

“(C) The proposed timeline for the transfer.

“(D) Any impediments to completing the Federal agency screening process.”.

(b) EFFECT OF LACK OF RECOGNIZED REDEVELOPMENT AUTHORITY.—Section 2910(9) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) by striking “The term” and inserting “(A) The term”; and

(2) by adding at the end the following new subparagraph:

“(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to a military installation, the term shall include the following:

“(i) The local government in whose jurisdiction the military installation is wholly located.

“(ii) A local government agency or State government agency designated by the chief executive officer of the State in which the military installation is located under subparagraph (B) of section 2905(b)(3) for the purpose of the consultation required by subparagraph (A) of such section.”.

**SEC. 2723. FINAL SETTLEMENT OF CLAIMS REGARDING CARETAKER AGREEMENT FOR FORMER DEFENSE DEPOT OGDEN, UTAH.**

(a) SETTLEMENT OF CLAIMS.—Subject to the condition imposed by subsection (b), any claim by the United States against the City of Ogden, Utah, and the Ogden Local Redevelopment Authority (as the recognized redevelopment authority for former Defense Depot Ogden, Utah, which was closed pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note)) related to the terms or execution of the Caretaker Agreement originally signed and dated September 10, 1997, between the Department of the Army and the City of Ogden and the Ogden Local Redevelopment Authority is hereby declared to be settled, the City of Ogden and the Ogden Local Redevelopment Authority have no remaining financial obligation to the United States arising from that agreement, and the Defense Contract Management Agency shall cease any collection efforts with respect to any such claim.

(b) CONDITION.—The operation of subsection (a) is conditioned on release by the City of Ogden and the Ogden Local Redevelopment Authority of any remaining financial claim against the United States arising from the Caretaker Agreement described in subsection (a).

# **TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**

## **Subtitle A—Military Construction Program and Military Family Housing Changes**

### **SEC. 2801. PREVENTION OF CIRCUMVENTION OF MILITARY CONSTRUCTION LAWS.**

Subsection (a) of section 2802 of title 10, United States Code, is amended to read as follows:

“(a) Except as otherwise provided by this chapter, the Secretary concerned may carry out only such military construction projects, land acquisitions, and defense access road projects (as described under section 210 of title 23) as are specifically authorized in a Military Construction Authorization Act.”.

### **SEC. 2802. MODIFICATION OF AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION.**

(a) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECT DESCRIBED.—Subsection (a)(2) of section 2805 of title 10, United States Code, is amended—

(1) in the first sentence, by striking “\$2,000,000” and inserting “\$3,000,000”; and

(2) by striking the second sentence.

(b) INCREASED THRESHOLD FOR APPLICATION OF SECRETARY APPROVAL AND CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Subsection (b)(1) of such section is amended by striking “\$750,000” and inserting “\$1,000,000”.

(c) MAXIMUM AMOUNT OF OPERATION AND MAINTENANCE FUNDS AUTHORIZED TO BE USED FOR PROJECTS.—Subsection (c) of such section is amended by striking “\$750,000” and inserting “\$1,000,000”.

(d) ANNUAL LOCATION ADJUSTMENT OF DOLLAR LIMITATIONS.—Such section is further amended by adding at the end the following new subsection:

“(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LOCATION.—Each fiscal year, the Secretary concerned shall adjust the dollar limitations specified in this section applicable to an unspecified minor military construction project to reflect the area construction cost index for military construction projects published by the Department of Defense during the prior fiscal year for the location of the project.”.

### **SEC. 2803. USE OF ONE-STEP TURN-KEY CON- TRACTOR SELECTION PROCEDURES FOR ADDITIONAL FACILITY PROJECTS.**

Section 2862 of title 10, United States Code, is amended to read as follows:

#### **“§2862. Turn-key selection procedures**

“(a) AUTHORITY TO USE FOR CERTAIN PURPOSES.—The Secretary concerned may use one-step turn-key selection procedures for the purpose of entering into a contract for any of the following purposes:

“(1) The construction of an authorized military construction project.

“(2) A repair project (as defined in section 2811(e) of this title) with an approved cost equal to or less than \$4,000,000.

“(3) The construction of a facility as part of an authorized security assistance activity.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘one-step turn-key selection procedures’ means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary concerned.

“(2) The term ‘security assistance activity’ means—

“(A) humanitarian and civic assistance authorized by sections 401 and 2561 of this title;

“(B) foreign disaster assistance authorized by section 404 of this title;

“(C) foreign military construction sales authorized by section 29 of the Arms Export Control Act (22 U.S.C. 2769);

“(D) foreign assistance authorized under sections 607 and 632 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357, 2392); and

“(E) other international security assistance specifically authorized by law.”.

### **SEC. 2804. EXTENSION OF LIMITATION ON CON- STRUCTION PROJECTS IN EURO- PEAN COMMAND AREA OF RESPONSIBILITY.**

Section 2809 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1013) is amended—

(1) in subsection (a), by inserting “or the Military Construction Authorization Act for Fiscal Year 2015” after “this division”; and

(2) in subsection (b)(1), by striking “the date of the enactment of this Act” and inserting “December 27, 2013”.

## **Subtitle B—Real Property and Facilities Administration**

### **SEC. 2811. CONSULTATION REQUIREMENT IN CONNECTION WITH DEPARTMENT OF DEFENSE MAJOR LAND ACQUISI- TIONS.**

Section 2664(a) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “No military department”; and

(2) by inserting after the first sentence the following new paragraph:

“(2) If the real property acquisition is a major land acquisition inside a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States, the Secretary concerned shall consult with the chief executive officer of the State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or the territory or possession in which the land is located to determine options for completing the real property acquisition.”;

(3) by striking “The foregoing limitation” and inserting the following:

“(3) The limitations imposed by paragraphs (1) and (2); and

(4) by adding at the end the following new paragraph:

“(4) In this subsection, the term ‘major land acquisition’ means any land acquisition not covered by the authority to acquire low-cost interests in land under section 2663(c) of this title.”.

### **SEC. 2812. RENEWALS, EXTENSIONS, AND SUC- CEEDING LEASES FOR FINANCIAL IN- STITUTIONS OPERATING ON MILI- TARY INSTALLATIONS.**

Section 2667(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4)(A) Paragraph (1) does not apply to a renewal, extension, or succeeding lease by the Secretary concerned with a financial institution selected in accordance with the Department of Defense Financial Management Regulation providing for the selection of financial institutions to operate on military installations if each of the following applies:

“(i) The on-base financial institution was selected before the date of the enactment of this paragraph or competitive procedures are used for the selection of any new financial institutions.

“(ii) A current and binding operating agreement is in place between the installation commander and the selected on-base financial institution.

“(B) The renewal, extension, or succeeding lease shall terminate upon the termination of the operating agreement described in subparagraph (A)(ii) associated with that lease.”.

### **SEC. 2813. ARSENAL INSTALLATION REUTILIZA- TION AUTHORITY.**

Section 2667 of title 10, United States Code, is amended—

(1) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) ARSENAL INSTALLATION REUTILIZATION AUTHORITY.—(1) In the case of a military manufacturing arsenal, the Secretary concerned shall delegate, subject to paragraph (2), the authority provided by this section to the commander of the military manufacturing arsenal or, if part of a larger military installation, the installation commander for the purpose of—

“(A) helping to maintain the viability of military manufacturing arsenals and any installations on which they are located;

“(B) eliminating, or at least reducing, the cost of Government ownership of military manufacturing arsenals, including the costs of operations and maintenance, the costs of environmental remediation, and other costs; and

“(C) leveraging private investment at military manufacturing arsenals through long-term facility use contracts, property management contracts, leases, or other agreements that support and advance the preceding purposes.

“(2) The authority delegated under paragraph (1) does not include the authority to enter into a lease or contract under this section to carry out any activity covered by section 4544(b) of this title related to sale of articles manufactured by a military manufacturing arsenal or services performed by a military manufacturing arsenal or the performance of manufacturing work at the military manufacturing arsenal.

“(3) Both leases and contracts are authorized under this section for a military manufacturing arsenal, and, notwithstanding subsection (b)(1), the term of the lease or contract may be for up to 25 years if a lease or contract of that duration will promote the national defense or be in the public interest.

“(4) In this subsection, the term ‘military manufacturing arsenal’ means a Government-owned, Government-operated defense plant of the Department of the Defense that manufactures weapons, weapon components, or both.”.

### **SEC. 2814. DEPOSIT OF REIMBURSED FUNDS TO COVER ADMINISTRATIVE EXPENSES RELATING TO CERTAIN REAL PROP- ERTY TRANSACTIONS.**

(a) AUTHORITY TO CREDIT REIMBURSED FUNDS TO ACCOUNTS CURRENTLY AVAILABLE.—Section 2695(c) of title 10, United States Code, is amended—

(1) by striking the first sentence and inserting the following: “(1) Amounts collected by the Secretary of a military department under subsection (a) for administrative expenses shall be credited, at the option of the Secretary—

“(A) to the appropriation, fund, or account from which the expenses were paid; or

“(B) to an appropriate appropriation, fund, or account currently available to the Secretary for the purposes for which the expenses were paid.”; and

(2) in the second sentence, by striking “Amounts so credited” and inserting the following:

“(2) Amounts credited under paragraph (1).”.

(b) PROSPECTIVE APPLICABILITY.—The amendments made by subsection (a) shall not apply to administrative expenses related to a real property transaction referred to in section 2695(b) of title 10, United States Code, that were covered by the Secretary of a military department using amounts appropriated to the Secretary before the date of the enactment of this Act.

### **SEC. 2815. SPECIAL EASEMENT ACQUISITION AU- THORITY, PACIFIC MISSILE RANGE FACILITY, BARKING SANDS, KAUAI, HAWAII.**

(a) EASEMENT ACQUISITION AUTHORITY.—The Secretary of the Navy may use the authority provided by sections 2664 and 2684a of title 10,

United States Code, to enter into agreements with or acquire from willing sellers easements and other interests in real property in the vicinity of the Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii, for the purpose of—

(1) limiting encroachments on military training, testing, and operations at that installation; or

(2) facilitating such training, testing, and operations.

(b) **CONSIDERATION.**—As consideration for the acquisition of an easement or other interest in real property under subsection (a), the Secretary of the Navy may not pay an amount in excess of the fair market value of the interest to be acquired.

(c) **CONDITIONS ON USE OF AUTHORITY.**—

(1) **NO USE OF CONDEMNATION.**—An easement or other interest in real property may be acquired under subsection (a) only from a willing seller.

(2) **NO ACQUISITION OF COMPLETE TITLE.**—Nothing in this section shall be construed to permit the Secretary of the Navy to use this section as authority to acquire all right, title, and interest in and to real property in the vicinity of the Pacific Missile Range Facility, Barking Sands.

(d) **VICINITY DEFINED.**—In this section, the term “vicinity” means the area within 30 miles of the boundaries of the Pacific Missile Range Facility, Barking Sands.

**SEC. 2816. NATIONAL SECURITY CONSIDERATIONS FOR INCLUSION OF FEDERAL PROPERTY ON NATIONAL REGISTER OF HISTORIC PLACES OR DESIGNATION AS NATIONAL HISTORIC LANDMARK UNDER THE NATIONAL HISTORIC PRESERVATION ACT.**

Section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a)) is amended as follows:

(1) in paragraph (2)—

(A) in subparagraph (E), by striking “; and” and inserting a semicolon;

(B) in subparagraph (F), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(G) notifying the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the Senate if the property is owned by the Federal Government when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark, or for nomination to the World Heritage List.”.

(2) By redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively.

(3) By inserting after paragraph (6) the following:

“(7) If the head of the agency managing any Federal property objects to such inclusion or designation for reasons of national security, such as any impact the inclusion or designation would have on use of the property for military training or readiness purposes, that Federal property shall be neither included on the National Register nor designated as a National Historic Landmark until the objection is withdrawn.”.

(4) By adding after paragraph (9) (as so redesignated by paragraph (2) of this section) the following:

“(10) The Secretary shall promulgate regulations to allow for expedited removal of Federal property listed on the National Register of Historic Places if the managing agency of that Federal property submits to the Secretary a written request to remove the Federal property from the National Register of Historic Places for reasons of national security, such as any impact the inclusion or designation would have on use of the property for military training or readiness purposes.”.

**Subtitle C—Provisions Related to Asia-Pacific Military Realignment**

**SEC. 2831. REPEAL OR MODIFICATION OF CERTAIN RESTRICTIONS ON REALIGNMENT OF MARINE CORPS FORCES IN ASIA-PACIFIC REGION.**

Section 2822 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1016) is amended—

(1) by striking subsections (a), (b), (c), and (e);

(2) by redesignating subsections (d) and (f) as subsections (b) and (c), respectively; and

(3) by inserting before subsection (b), as redesignated, the following new subsection (a):

“(a) **RESTRICTION ON DEVELOPMENT OF PUBLIC INFRASTRUCTURE.**—

“(1) **RESTRICTION.**—If the Secretary of Defense determines that any grant, cooperative agreement, transfer of funds to another Federal agency, or supplement of funds available in fiscal year 2015 under Federal programs administered by agencies other than the Department of Defense will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure on Guam, the Secretary of Defense may not carry out such grant, transfer, cooperative agreement, or supplemental funding unless such grant, transfer, cooperative agreement, or supplemental funding directly supports an infrastructure project agreed upon in the March 2011 Programmatic Agreement signed by the Department of Defense, the Advisory Council on Historic Preservation, the Guam State Historic Preservation Officer, and the Commonwealth of the Northern Mariana Islands State Historic Preservation Officer Regarding the Military Relocation to the Islands of Guam and Tinian.

“(2) **PUBLIC INFRASTRUCTURE DEFINED.**—In this subsection, term “public infrastructure” means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.”.

**Subtitle D—Land Conveyances**

**SEC. 2841. LAND CONVEYANCE, MT. SOLEDAD VETERANS MEMORIAL, LA JOLLA, CALIFORNIA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of Defense may convey, without consideration, to the Mount Soledad Memorial Association, Inc. (in this section referred to as the “Association”), all right, title, and interest of the United States in and to the Mt. Soledad Veterans Memorial in La Jolla, California, for the purpose of permitting the Association to maintain the property for public purposes. Upon conveyance of all right, title, and interest of the United States in and to the property under this subsection, the United States severs all involvement with the property and, notwithstanding the condition imposed by subsection (c), does not retain a reversionary interest for the enforcement of such condition.

(b) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary of Defense shall require the Association to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) **CONDITIONS ON CONVEYANCE.**—The conveyance of the Mt. Soledad Veterans Memorial under subsection (a) shall be subject to the condition that a memorial shall be maintained and used as a veterans memorial in perpetuity.

(d) **DESCRIPTION OF PROPERTY.**—The legal description of the Mt. Soledad Veterans Memorial is provided in section 2(d) of Public Law 109–272 (120 Stat. 771; 16 U.S.C. 431 note).

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of Defense may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2842. LAND CONVEYANCE, FORMER WALTER REED ARMY HOSPITAL, DISTRICT OF COLUMBIA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to Children’s Hospital, nonprofit corporation organized under the laws of the District of Columbia with its principal place of business in the District of Columbia (in this section referred to as the “Children’s Hospital”), all right, title, and interest of the United States in and to a parcel of real property at former Walter Reed Army Hospital in the District of Columbia consisting of approximately 13.25 acres and including building 54 (The Armed Forces Institute of Pathology Building and former Military Medical Museum), building 53 (former post theater), building 52 (warehouse and outpatient clinic), and building 3 (attached parking structure) for the purpose of permitting Children’s Hospital to use the parcel for public-benefit purposes.

(b) **CONDITION ON USE OF REVENUES.**—If the property conveyed under subsection (a) is used for a public-benefit purpose that results in the generation of revenue for Children’s Hospital, Children’s Hospital shall agree to use the generated revenue only for medical research purposes by depositing the revenues in fund designated for medical research use.

(c) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary of the Army shall require Children’s Hospital to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from Children’s Hospital in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to Children’s Hospital.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to

be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(e) **RELATION TO OTHER LAWS.**—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and section 2696 of title 10, United States Code, shall not apply with respect to the real property authorized for conveyance under subsection (a).

(f) **REVERSIONARY INTEREST.**—If the Secretary of the Army determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in subsection (a) or that Children's Hospital has violated the condition on the use of revenues imposed by subsection (b), all right, title, and interest in and to such real property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2843. TRANSFERS OF ADMINISTRATIVE JURISDICTION, CAMP FRANK D. MERRILL AND LAKE LANIER, GEORGIA.**

(a) **TRANSFERS REQUIRED.**—

(1) **CAMP FRANK D. MERRILL.**—Not later than September 30, 2015, the Secretary of Agriculture shall transfer to the administrative jurisdiction of the Secretary of the Army for required Army force protection measures certain Federal land administered as part of the Chattahoochee National Forest, but permitted to the Secretary of the Army for Camp Frank D. Merrill in Dahlonega, Georgia, consisting of approximately 282.304 acres identified in the permit numbered 0018–01.

(2) **LAKE LANIER PROPERTY.**—In exchange for the land transferred under paragraph (1), the Secretary of the Army (acting through the Chief of Engineers) shall transfer to the administrative jurisdiction of the Secretary of Agriculture certain Federal land administered by the Army Corps of Engineers and consisting of approximately 10 acres adjacent to Lake Lanier at 372 Dunlap Landing Road, Gainesville, Georgia.

(b) **USE OF TRANSFERRED LAND.**—

(1) **CAMP FRANK D. MERRILL.**—Upon receipt of the land under subsection (a)(1), the Secretary of the Army shall continue to use the land for military purposes.

(2) **LAKE LANIER PROPERTY.**—Upon receipt of the land under subsection (a)(2), the Secretary of Agriculture shall use the land for administrative purposes.

(c) **PROTECTION OF THE ETOWAH DARTER AND HOLIDAY DARTER.**—Nothing in the transfer required by subsection (a)(1) shall affect the prior designation of lands within the Chattahoochee National Forest as critical habitat for the Etowah darter (*Etheostoma etowahae*) and the Holiday darter (*Etheostoma brevirostrum*).

(d) **LEGAL DESCRIPTION AND MAP.**—

(1) **PREPARATION AND PUBLICATION.**—The Secretary of the Army and the Secretary of Agriculture shall publish in the Federal Register a legal description and map of both parcels of land to be transferred under subsection (a).

(2) **FORCE OF LAW.**—The legal description and map filed under paragraph (1) for a parcel of land shall have the same force and effect as if included in this Act, except that the Secretaries may correct errors in the legal description and map.

(e) **REIMBURSEMENTS OF COSTS.**—The transfers required by subsection (a) shall be made without reimbursement, except that the Secretary of the Army shall reimburse the Secretary of Agriculture for any costs incurred by the Secretary of Agriculture to assist in the preparation of the legal description and maps required by subsection (d).

**SEC. 2844. LAND CONVEYANCE, JOINT BASE PEARL HARBOR-HICKAM, HAWAII.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy may convey, without consideration, to the Honolulu Authority for Rapid Transportation (in this section referred to as the “Honolulu Authority”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 1.2 acres at or in the nearby vicinity of Radford Drive and the Makalapa Gate of Joint Base Pearl Harbor-Hickam, for the purpose of permitting the Honolulu Authority to use the property for public purposes.

(b) **CONDITION ON USE OF REVENUES.**—If the property conveyed under subsection (a) is used, consistent with such subsection, for a public purpose that results in the generation of revenue for the Honolulu Authority, the Honolulu Authority shall agree to use the generated revenue only for passenger rail transit purposes by depositing the revenue in a fund designated for passenger rail transit use.

(c) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary of the Navy shall require the Honolulu Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Honolulu Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Honolulu Authority.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2845. MODIFICATION OF CONDITIONS ON LAND CONVEYANCE, JOLIET ARMY AMMUNITION PLANT, ILLINOIS.**

Section 2922(c)(2) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 605), as added by section 2842 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 863) is amended in the second sentence, by striking “23 years of operation” and inserting “38 years of operation”.

**SEC. 2846. LAND CONVEYANCE, ROBERT H. DIETZ ARMY RESERVE CENTER, KINGSTON, NEW YORK.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the City of Kingston, New York (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 4 acres and containing the Robert H. Dietz Army Reserve Center located at 144 Flatbush Avenue in Kingston, New York, for the purpose of permitting the City to use the parcel for public purposes.

(b) **REVERSIONARY INTEREST.**—If the Secretary of the Army determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in subsection (a), all right, title, and interest in and to such real property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) **ALTERNATIVE CONSIDERATION OPTION.**—

(1) **FAIR MARKET VALUE.**—In lieu of exercising the reversionary interest under subsection (b) if the Secretary of the Army determines that the conveyed property is not being used in accordance with the purpose of the conveyance, the Secretary may require the City to pay to the United States an amount equal to the fair market value of the property, as determined pursuant to paragraph (2).

(2) **APPRAISAL; ADJUSTMENT.**—The Secretary shall determine the fair market value of the property through an appraisal conducted by a licensed, independent appraiser acceptable to the Secretary and the City. The fair market value of the property shall be adjusted to exclude the value of any improvements on the property constructed by the City.

(d) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary of the Army shall require the City to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2847. EXERCISE OF REVERSIONARY INTEREST, CAMP GRUBER, OKLAHOMA.**

(a) **BUSINESS CASE ANALYSIS.**—Not later than March 31, 2015, the Secretary of the Army shall perform a business case analysis to consider the merits of seeking, for use as military maneuver



space, the reversion of former Camp Gruber, Oklahoma, which—

(1) consists of approximately 31,283.66 acres; and

(2) was conveyed to the Oklahoma Department of Wildlife in 1948 subject to a reversionary clause that gives the United States the right to reacquire the land if needed for national defense purposes.

(b) **EXERCISE OF REVERSIONARY RIGHT.**—If, as a result of the business case analysis required by subsection (a), the Secretary of the Army determines that reacquisition of former Camp Gruber is needed for national defense purposes, the Secretary shall exercise the reversionary right and request the Oklahoma Department of Wildlife to reconvey Camp Gruber to the United States.

(c) **CONVEYANCE TO OKLAHOMA MILITARY DEPARTMENT.**—If Camp Gruber is reacquired by the United States under subsection (b), the Secretary of the Army shall convey, without consideration, all right, title, and interest of the United States in and to Camp Gruber to the Oklahoma Military Department for the purpose of permitting the Oklahoma Military Department to use Camp Gruber as military maneuver space.

(d) **CONSULTATION REQUIREMENT.**—The Secretary of the Army shall conduct the business case analysis required by subsection (a) and make the determination under subsection (b) in consultation with the Adjutant General of the Oklahoma Military Department.

(e) **STRUCTURES AND IMPROVEMENTS.**—The reacquisition of Camp Gruber under this section shall include the improvements, structures, and fixtures located at Camp Gruber and related personal property.

(f) **COSTS.**—

(1) **COSTS OF EXERCISING REVERSION.**—The Secretary of the Army shall be responsible for all reasonable and necessary costs associated with exercising the reversionary interest under subsection (b) and reacquiring Camp Gruber, including real estate transaction and environmental documentation costs.

(2) **COSTS OF SUBSEQUENT CONVEYANCE.**—

(A) **PAYMENT REQUIRED.**—The Secretary of the Army shall require the Oklahoma Military Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (c), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Oklahoma Military Department in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Oklahoma Military Department.

(B) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under subparagraph (A) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(g) **PROHIBITION ON USE OF OPERATION AND MAINTENANCE FUNDS.**—Notwithstanding subsection (f), the Secretary of the Army may not use amounts appropriated for operation and maintenance for the Army for the purpose of establishing, reactivating, modernizing, or sustaining any portion of Camp Gruber reacquired by the United States under subsection (b).

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with

the conveyance under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2848. LAND CONVEYANCE, HANFORD SITE, WASHINGTON.**

(a) **CONVEYANCE REQUIRED.**—

(1) **IN GENERAL.**—Not later than December 31, 2014, the Secretary of Energy shall convey to the Community Reuse Organization of the Hanford Site (in this section referred to as the “Organization”) all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, consisting of approximately 1,341 acres and 300 acres, respectively, of the Hanford Reservation, as requested by the Organization on May 31, 2011, and October 13, 2011, and as depicted within the proposed boundaries on the map titled “Attachment 2-Revised Map” included in the October 13, 2011, letter.

(2) **MODIFICATION OF CONVEYANCE.**—Upon the agreement of the Secretary and the Organization, the Secretary may adjust the boundaries of one or both of the parcels specified for conveyance under paragraph (1).

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Organization shall pay to the United States an amount equal to the estimated fair market value of the conveyed real property, as determined by the Secretary of Energy, except that the Secretary may convey the property without consideration or for consideration below the estimated fair market value of the property if the Organization—

(1) agrees that the net proceeds from any sale or lease of the property (or any portion thereof) received by the Organization during at least the seven-year period beginning on the date of such conveyance will be used to support the economic redevelopment of, or related to, the Hanford Site; and

(2) executes the agreement for such conveyance and accepts control of the real property within a reasonable time.

(c) **EXPEDITED NOTIFICATION TO CONGRESS.**—Except as provided in subsection (d)(2), the enactment of this section shall be construed to satisfy any notice to Congress otherwise required for the land conveyance required by this section.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—The Secretary of Energy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary deems necessary to protect the interests of the United States.

(2) **CONGRESSIONAL NOTIFICATION.**—If the Secretary uses the authority provided by paragraph (1) to impose a term or condition on the conveyance, the Secretary shall submit to Congress written notice of the term or condition and the reason for imposing the term or condition.

**Subtitle E—Other Matters**

**SEC. 2861. MEMORIAL TO THE VICTIMS OF THE SHOOTING ATTACK AT THE WASHINGTON NAVY YARD.**

(a) **MEMORIAL AUTHORIZED.**—The Secretary of the Navy may establish on the grounds of the Washington Navy Yard in the District of Columbia a memorial dedicated to the victims of the shooting attack at the Washington Navy Yard that occurred on September 16, 2013.

(b) **ESTABLISHMENT, MAINTENANCE, AND REPAIR.**—The Secretary of the Navy shall be responsible for the establishment, maintenance, and repair of the memorial.

(c) **ACCEPTANCE OF CONTRIBUTIONS; USE.**—

(1) **ACCEPTANCE OF CONTRIBUTIONS.**—The Secretary of the Navy may solicit and accept monetary contributions and gifts of property for the purpose of establishing, maintaining, and repairing the memorial without regard to limitations contained in section 2601 of title 10, United States Code.

(2) **ESTABLISHMENT OF ACCOUNT.**—There is established on the books of the Treasury an account for the deposit of monetary contributions received pursuant to paragraph (1).

(3) **DEPOSIT AND AVAILABILITY OF CONTRIBUTIONS.**—The Secretary of the Navy shall deposit monetary contributions accepted under paragraph (1) in the account. The funds in the account shall be available to the Secretary, until expended and without further appropriation, but only for the establishment, maintenance, and repair of the memorial.

**SEC. 2862. REDESIGNATION OF THE ASIA-PACIFIC CENTER FOR SECURITY STUDIES AS THE DANIEL K. INOUE ASIA-PACIFIC CENTER FOR SECURITY STUDIES.**

(a) **REDESIGNATION.**—The Department of Defense regional center for security studies known as the Asia-Pacific Center for Security Studies is hereby renamed the “Daniel K. Inouye Asia-Pacific Center for Security Studies”.

(b) **CONFORMING AMENDMENTS.**—

(1) **REFERENCE TO REGIONAL CENTERS FOR STRATEGIC STUDIES.**—Section 184(b)(2)(B) of title 10, United States Code, is amended by striking “Asia-Pacific Center for Security Studies” and inserting “Daniel K. Inouye Asia-Pacific Center for Security Studies”.

(2) **ACCEPTANCE OF GIFTS AND DONATIONS.**—Section 2611(a)(2)(B) of such title is amended by striking “Asia-Pacific Center for Security Studies” and inserting “Daniel K. Inouye Asia-Pacific Center for Security Studies”.

(c) **REFERENCES.**—Any reference to the Department of Defense Asia-Pacific Center for Security Studies in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Daniel K. Inouye Asia-Pacific Center for Security Studies.

**SEC. 2863. REDESIGNATION OF POHAKULOA TRAINING AREA IN HAWAII AS POHAKULOA TRAINING CENTER.**

(a) **REDESIGNATION.**—The Pohakuloa Training Area in the State of Hawaii is hereby renamed the “Pohakuloa Training Center”.

(b) **REFERENCES.**—Any reference to the Pohakuloa Training Area in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Pohakuloa Training Center.

**SEC. 2864. DESIGNATION OF DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL IN RIVERSIDE, CALIFORNIA.**

(a) **FINDINGS.**—Congress finds the following:

(1) The most reliable statistics regarding the number of members of the Armed Forces who have been awarded the Distinguished Flying Cross indicate that 126,318 members of the Armed Forces received the medal during World War II, approximately 21,000 members received the medal during the Korean conflict, and 21,647 members received the medal during the Vietnam War. Since the end of the Vietnam War, more than 203 Armed Forces members have received the medal in times of conflict.

(2) The National Personnel Records Center in St. Louis, Missouri, burned down in 1973, and thus many more recipients of the Distinguished Flying Cross may be undocumented. Currently, the Department of Defense continues to locate and identify members of the Armed Forces who have received the medal and are undocumented.

(3) The United States currently lacks a national memorial dedicated to the bravery and sacrifice of those members of the Armed Forces who have distinguished themselves by heroic deeds performed in aerial flight.

(4) An appropriate memorial to current and former members of the Armed Forces is under construction at March Field Air Museum in Riverside, California.

(5) This memorial will honor all those members of the Armed Forces who have distinguished

themselves in aerial flight, whether documentation of such members who earned the Distinguished Flying Cross exists or not.

(b) **DESIGNATION.**—The memorial to members of the Armed Forces who have been awarded the Distinguished Flying Cross, located at March Field Air Museum in Riverside, California, is hereby designated as the Distinguished Flying Cross National Memorial.

(c) **EFFECT OF DESIGNATION.**—The national memorial designated by this section is not a unit of the National Park System, and the designation of the national memorial shall not be construed to require or permit Federal funds to be expended for any purpose related to the national memorial.

**SEC. 2865. RENAMING SITE OF THE DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.**

Section 101(b)(5) of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410uw(b)(5)) is amended by striking “Aviation Center” and inserting “National Museum”.

**SEC. 2866. MANHATTAN PROJECT NATIONAL HISTORICAL PARK.**

(a) **PURPOSES.**—The purposes of this section are—

(1) to preserve and protect for the benefit of present and future generations the nationally significant historic resources associated with the Manhattan Project and which are under the jurisdiction of the Department of Energy defense environmental cleanup program under this title;

(2) to improve public understanding of the Manhattan Project and the legacy of the Manhattan Project through interpretation of the historic resources associated with the Manhattan Project;

(3) to enhance public access to the Historical Park consistent with protection of public safety, national security, and other aspects of the mission of the Department of Energy; and

(4) to assist the Department of Energy, Historical Park communities, historical societies, and other interested organizations and individuals in efforts to preserve and protect the historically significant resources associated with the Manhattan Project.

(b) **DEFINITIONS.**—In this section:

(1) **HISTORICAL PARK.**—The term “Historical Park” means the Manhattan Project National Historical Park established under subsection (c).

(2) **MANHATTAN PROJECT.**—The term “Manhattan Project” means the Federal military program to develop an atomic bomb ending on December 31, 1946.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(c) **ESTABLISHMENT OF MANHATTAN PROJECT NATIONAL HISTORICAL PARK.**—

(1) **ESTABLISHMENT.**—

(A) **DATE.**—Not later than 1 year after the date of enactment of this section, there shall be established as a unit of the National Park System the Manhattan Project National Historical Park.

(B) **AREAS INCLUDED.**—The Historical Park shall consist of facilities and areas listed under paragraph (2) as determined by the Secretary, in consultation with the Secretary of Energy. The Secretary shall include the area referred to in paragraph (2)(C)(i), the B Reactor National Historic Landmark, in the Historical Park.

(2) **ELIGIBLE AREAS.**—The Historical Park may only be comprised of one or more of the following areas, or portions of the areas, as generally depicted in the map titled “Manhattan Project National Historical Park Sites”, numbered 540/108,834-C, and dated September 2012:

(A) **OAK RIDGE, TENNESSEE.**—Facilities, land, or interests in land that are—

(i) at Buildings 9204-3 and 9731 at the Department of Energy Y-12 National Security Complex;

(ii) at the X-10 Graphite Reactor at the Department of Energy Oak Ridge National Laboratory;

(iii) at the K-25 Building site at the Department of Energy East Tennessee Technology Park; and

(iv) at the former Guest House located at 210 East Madison Road.

(B) **LOS ALAMOS, NEW MEXICO.**—Facilities, land, or interests in land that are—

(i) in the Los Alamos Scientific Laboratory National Historic Landmark District, or any addition to the Landmark District proposed in the National Historic Landmark Nomination—Los Alamos Scientific Laboratory (LASL) NHL District (Working Draft of NHL Revision), Los Alamos National Laboratory document LA-UR 12-00387 (January 26, 2012);

(ii) at the former East Cafeteria located at 1670 Nectar Street; and

(iii) at the former dormitory located at 1725 17th Street.

(C) **HANFORD, WASHINGTON.**—Facilities, land, or interests in land on the Department of Energy Hanford Nuclear Reservation that are—

(i) the B Reactor National Historic Landmark;

(ii) the Hanford High School in the town of Hanford and Hanford Construction Camp Historic District;

(iii) the White Bluffs Bank building in the White Bluffs Historic District;

(iv) the warehouse at the Bruggemann’s Agricultural Complex;

(v) the Hanford Irrigation District Pump House; and

(vi) the T Plant (221-T Process Building).

(3) **WRITTEN CONSENT OF OWNER.**—No non-Federal property may be included in the Historical Park without the written consent of the owner.

(d) **AGREEMENT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this section, the Secretary and the Secretary of Energy (acting through the Oak Ridge, Los Alamos, and Richland site offices) shall enter into an agreement governing the respective roles of the Secretary and the Secretary of Energy in administering the facilities, land, or interests in land under the administrative jurisdiction of the Department of Energy that is to be included in the Historical Park under subsection (c)(2), including provisions for enhanced public access, management, interpretation, and historic preservation.

(2) **RESPONSIBILITIES OF THE SECRETARY.**—Any agreement under paragraph (1) shall provide that the Secretary shall—

(A) have decisionmaking authority for the content of historic interpretation of the Manhattan Project for purposes of administering the Historical Park; and

(B) ensure that the agreement provides an appropriate advisory role for the National Park Service in preserving the historic resources covered by the agreement.

(3) **RESPONSIBILITIES OF THE SECRETARY OF ENERGY.**—Any agreement under paragraph (1) shall provide that the Secretary of Energy—

(A) shall ensure that the agreement appropriately protects public safety, national security, and other aspects of the ongoing mission of the Department of Energy at the Oak Ridge Reservation, Los Alamos National Laboratory, and Hanford Site;

(B) may consult with and provide historical information to the Secretary concerning the Manhattan Project;

(C) shall retain responsibility, in accordance with applicable law, for any environmental remediation that may be necessary in or around the facilities, land, or interests in land governed by the agreement; and

(D) shall retain authority and legal obligations for historic preservation and general maintenance, including to ensure safe access, in connection with the Department’s Manhattan Project resources.

(4) **AMENDMENTS.**—The agreement under paragraph (1) may be amended, including to add to the Historical Park facilities, land, or interests in land within the eligible areas described in subsection (c)(2) that are under the jurisdiction of the Secretary of Energy.

(e) **PUBLIC PARTICIPATION.**—

(1) **IN GENERAL.**—The Secretary shall consult with interested State, county, and local officials, organizations, and interested members of the public—

(A) before executing any agreement under subsection (d); and

(B) in the development of the general management plan under subsection (f)(2).

(2) **NOTICE OF DETERMINATION.**—Not later than 30 days after the date on which an agreement under subsection (d) is entered into, the Secretary shall publish in the Federal Register notice of the establishment of the Historical Park, including an official boundary map.

(3) **AVAILABILITY OF MAP.**—The official boundary map published under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service. The map shall be updated to reflect any additions to the Historical Park from eligible areas described in subsection (c)(2).

(4) **ADDITIONS.**—Any land, interest in land, or facility within the eligible areas described in subsection (c)(2) that is acquired by the Secretary or included in an amendment to the agreement under subsection (d)(4) shall be added to the Historical Park.

(f) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall administer the Historical Park in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park System Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) **GENERAL MANAGEMENT PLAN.**—Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary, with the concurrence of the Secretary of Energy, and in consultation and collaboration with the Oak Ridge, Los Alamos and Richland Department of Energy site offices, shall complete a general management plan for the Historical Park in accordance with section 12(b) of Public Law 91-383 (commonly known as the National Park Service General Authorities Act; 16 U.S.C. 1a-7(b)).

(3) **INTERPRETIVE TOURS.**—The Secretary may, subject to applicable law, provide interpretive tours of historically significant Manhattan Project sites and resources in the States of Tennessee, New Mexico, and Washington that are located outside the boundary of the Historical Park.

(4) **LAND ACQUISITION.**—

(A) **IN GENERAL.**—The Secretary may acquire land and interests in land within the eligible areas described in subsection (c)(2) by—

(i) transfer of administrative jurisdiction from the Department of Energy by agreement between the Secretary and the Secretary of Energy;

(ii) donation; or

(iii) exchange.

(B) **NO USE OF CONDEMNATION.**—The Secretary may not acquire by condemnation any land or interest in land under this section or for the purposes of this section.

(5) **DONATIONS; COOPERATIVE AGREEMENTS.**—

(A) **FEDERAL FACILITIES.**—

(i) **IN GENERAL.**—The Secretary may enter into one or more agreements with the head of a Federal agency to provide public access to, and management, interpretation, and historic preservation of, historically significant Manhattan Project resources under the jurisdiction or control of the Federal agency.

(ii) **DONATIONS; COOPERATIVE AGREEMENTS.**—The Secretary may accept donations from, and enter into cooperative agreements with, State governments, units of local government, tribal governments, organizations, or individuals to further the purpose of an interagency agreement entered into under clause (i) or to provide visitor services and administrative facilities within reasonable proximity to the Historical Park.

(B) **TECHNICAL ASSISTANCE.**—The Secretary may provide technical assistance to State, local, or tribal governments, organizations, or individuals for the management, interpretation, and historic preservation of historically significant Manhattan Project resources not included within the Historical Park.

(C) **DONATIONS TO DEPARTMENT OF ENERGY.**—For the purposes of this section, or for the purpose of preserving and providing access to historically significant Manhattan Project resources, the Secretary of Energy may accept, hold, administer, and use gifts, bequests, and devises (including labor and services).

(g) **CLARIFICATION.**—

(1) **NO BUFFER ZONE CREATED.**—Nothing in this section, the establishment of the Historical Park, or the management plan for the Historical Park shall be construed to create buffer zones outside of the Historical Park. That an activity can be seen and heard from within the Historical Park shall not preclude the conduct of that activity or use outside the Historical Park.

(2) **NO CAUSE OF ACTION.**—Nothing in this section shall constitute a cause of action with respect to activities outside or adjacent to the established boundary of the Historical Park.

## **TITLE XXIX—MILITARY LAND TRANSFERS AND WITHDRAWALS TO SUPPORT READINESS AND SECURITY**

### **Subtitle A—Naval Air Station Fallon, Nevada**

#### **SEC. 2901. TRANSFER OF ADMINISTRATIVE JURISDICTION, NAVAL AIR STATION FALLON, NEVADA.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall transfer to the Secretary of the Navy, without consideration, the Federal land described in subsection (b).

(b) **DESCRIPTION OF FEDERAL LAND.**—The Federal land referred to in subsection (a) is the parcel of approximately 400 acres of land under the jurisdiction of the Secretary of the Interior that—

(1) is adjacent to Naval Air Station Fallon in Churchill County, Nevada; and

(2) was withdrawn under Public Land Order 6834 (NV-943-4214-10; N-37875).

(c) **MANAGEMENT.**—On transfer of the Federal land described under subsection (b) to the Secretary of the Navy, the Secretary of the Navy shall have full jurisdiction, custody, and control of the Federal land.

#### **SEC. 2902. WATER RIGHTS.**

(a) **WATER RIGHTS.**—Nothing in this subtitle shall be construed—

(1) to establish a reservation in favor of the United States with respect to any water or water right on lands transferred by this subtitle; or

(2) to authorize the appropriation of water on lands transferred by this subtitle except in accordance with applicable State law.

(b) **EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED WATER RIGHTS.**—This section shall not be construed to affect any water rights acquired or reserved by the United States before the date of the enactment of this Act.

#### **SEC. 2903. WITHDRAWAL.**

Subject to valid existing rights, the Federal land to be transferred under section 2901 is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geo-

thermal leasing laws, so long as the land remains under the administrative jurisdiction of the Secretary of the Navy.

### **Subtitle B—Marine Corps Air Ground Combat Center Twentynine Palms, California**

#### **SEC. 2911. REDESIGNATION OF JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA, CALIFORNIA.**

(a) **REDESIGNATION.**—The Johnson Valley Off-Highway Vehicle Recreation Area in California is hereby redesignated as the “Johnson Valley National Off-Highway Vehicle Recreation Area”.

(b) **CONFORMING AMENDMENTS.**—Subtitle C of title XXIX of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) is amended—

(1) in section 2942(c)(3) (127 Stat. 1037), by striking “Johnson Valley Off-Highway Vehicle Recreation Area” and inserting “Johnson Valley National Off-Highway Vehicle Recreation Area”; and

(2) in section 2945 (127 Stat. 1038)—

(A) in the section heading, by inserting “**NATIONAL**” after “**VALLEY**”; and

(B) in subsection (a), by inserting “National” after “Valley” in the matter preceding paragraph (1); and

(C) in subsections (b), (c), and (d), by inserting “National” after “Valley” each place it appears.

(c) **RELATION TO AUTHORIZED NAVY USE.**—The redesignation of the Johnson Valley Off-Highway Vehicle Recreation Area as the Johnson Valley National Off-Highway Vehicle Recreation Area does not alter or interfere with the rights and obligations of the Navy regarding the use of portions of the Recreation Area as provided in subtitle C of title XXIX of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 1034).

(d) **REFERENCES.**—Any reference in any law, regulation, document, record, map, or other paper of the United States to the Johnson Valley Off-Highway Vehicle Recreation Area is deemed to be a reference to the Johnson Valley National Off-Highway Vehicle Recreation Area.

### **Subtitle C—Bureau of Land Management Withdrawn Military Lands Efficiency and Savings**

#### **SEC. 2921. ELIMINATION OF TERMINATION DATE FOR PUBLIC LAND WITHDRAWALS AND RESERVATIONS UNDER MILITARY LANDS WITHDRAWAL ACT OF 1999.**

(a) **ELIMINATION OF TERMINATION DATE.**—Section 3015(a) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106-65; 113 Stat. 892) is amended by striking “shall” the first place it appears and all that follows through the period and inserting “shall not terminate other than by an election and determination of the Secretary of the military department concerned or until such time as the Secretary of the Interior can permanently transfer administrative jurisdiction of the lands withdrawn and reserved by this Act to the Secretary of the military department concerned.”.

(b) **CONFORMING AMENDMENT.**—Section 3016 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106-65; 113 Stat. 893) is repealed.

### **Subtitle D—Naval Air Weapons Station China Lake, California**

#### **SEC. 2931. WITHDRAWAL AND RESERVATION OF PUBLIC LAND FOR NAVAL AIR WEAPONS STATION CHINA LAKE, CALIFORNIA.**

(a) **PERMANENT WITHDRAWAL AND RESERVATION.**—Section 2979 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 1047) is amended to read as follows:

#### **“SEC. 2979. PERMANENT WITHDRAWAL AND RESERVATION.**

“The withdrawal and reservation of public land made by section 2971 shall not terminate, except pursuant to—

“(1) an election and determination by the Secretary of the Navy to relinquish the land under section 2922; or

“(2) a transfer by the Secretary of the Interior of permanent administrative jurisdiction over the land to the Secretary of the Navy.”.

(b) **WITHDRAWAL AND RESERVATION OF ADDITIONAL PUBLIC LAND.**—Section 2971(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 1044) is amended—

(1) by striking “The public land” and inserting the following:

“(1) **INITIAL WITHDRAWAL.**—The public land”; and

(2) by adding at the end the following new paragraph:

“(2) **ADDITIONAL WITHDRAWAL.**—Subject to valid existing rights, the public land (including interests in land) referred to in subsection (a) also includes the approximately 26,313 acres of public land in San Bernardino County, California, identified as ‘Proposed Navy Acquisition Area’ (but excluding the parcel identified as ‘AF Fee Simple’) on the map entitled ‘Cuddeback Land Area’ and dated April 1, 2014, and filed in accordance with section 2912, except that the withdrawal area specifically excludes any public land included within the Grass Valley Wilderness and all private lands otherwise located within the boundaries of the withdrawal area. The Secretary of the Navy shall ensure that the owners of the excluded private land continue to have reasonable access to their private land.”.

(c) **MANAGEMENT OF ADDITIONAL PUBLIC LAND.**—Section 2973 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 1045) is amended by adding at the end the following new subsection:

“(c) **ADDITIONAL MANAGEMENT CONSIDERATIONS FOR CERTAIN LANDS.**—Subject to existing laws and to the extent possible without compromising mission readiness, the Secretary of the Navy shall manage the additional lands withdrawn by section 2971(b)(2) to protect existing historic, economic, cultural, recreational, hunting, and scientific features and uses, including access to existing roadways and trails.”.

### **Subtitle E—White Sands Missile Range, New Mexico**

#### **SEC. 2941. ADDITIONAL WITHDRAWAL AND RESERVATION OF PUBLIC LAND TO SUPPORT WHITE SANDS MISSILE RANGE, NEW MEXICO.**

Section 2951(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 1039) is amended—

(1) by striking “The Federal land” and inserting the following:

“(1) **INITIAL WITHDRAWAL.**—The Federal land”; and

(2) by adding at the end the following new paragraph:

“(2) **NORTHERN EXTENSION AREA.**—The Federal land referred to in subsection (a) also includes the Federal land under the jurisdiction of the Bureau of Land Management located beneath the boundaries of the Special Use Airspace Areas designated as R-5107C and R-5107H for White Sands Missile Range, New Mexico, as described in Federal Aviation Administration Order JO 7400.8W dated February 16, 2014.”.

**DIVISION C—DEPARTMENT OF ENERGY  
NATIONAL SECURITY AUTHORIZATIONS  
AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY  
NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs  
Authorizations**

**SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2015 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 15-D-613, Emergency Operations Center, Y-12 National Security Complex, Oak Ridge, Tennessee, \$2,000,000.

Project 15-D-612, Emergency Operations Center, Lawrence Livermore National Laboratory, California, \$2,000,000.

Project 15-D-611, Emergency Operations Center, Sandia National Laboratories, New Mexico, \$4,000,000.

Project 15-D-302, TA-55 Reinvestment Project Phase III, Los Alamos National Laboratory, Los Alamos, New Mexico, \$16,062,000.

Project 15-D-301, High Explosive Science and Engineering Facility, Pantex Plant, Amarillo, Texas, \$11,800,000.

Project 15-D-904, NRF Overpack Storage Expansion 3, Naval Reactors Facility, Idaho, \$400,000.

Project 15-D-903, KL Fire System Upgrade, Knolls Atomic Power Laboratory, Schenectady, New York, \$600,000.

Project 15-D-902, KS Engineer Team Trainer Facility, Kesselring Site, West Milton, New York, \$1,500,000.

Project 15-D-901, KS Central Office and Prototype Staff Building, Kesselring Site, West Milton, New York, \$24,000,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2015 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant projects:

Project 15-D-401, KW Basin Sludge Removal Project, Hanford, Washington, \$26,290,000.

Project 15-D-402, Saltstone Disposal Unit #6, Savannah River Site, Aiken, South Carolina, \$34,642,000.

Project 15-D-405, Sludge Processing Facility Build Out, Oak Ridge, Tennessee, \$4,200,000.

Project 15-D-406, Hexavalent Chromium Pump and Treatment Remedy Project, Los Alamos National Laboratory, Los Alamos, New Mexico, \$28,600,000.

Project 15-D-409, Low Activity Waste Pretreatment System, Hanford, Washington, \$23,000,000.

**SEC. 3103. OTHER DEFENSE ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2015 for other defense activities in carrying out programs as specified in the funding table in section 4701.

**SEC. 3104. ENERGY SECURITY AND ASSURANCE.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal

year 2015 for energy security and assurance programs necessary for national security as specified in the funding table in section 4701.

**Subtitle B—Program Authorizations,  
Restrictions, and Limitations**

**SEC. 3111. DESIGN AND USE OF PROTOTYPES OF  
NUCLEAR WEAPONS FOR INTEL-  
LIGENCE PURPOSES.**

(a) **IN GENERAL.**—Subsection (a) of section 4509 of the Atomic Energy Defense Act (50 U.S.C. 2660) is amended to read as follows:

“(a) **PROTOTYPES.**—(1) Not later than the date on which the President submits to Congress under section 1105 of title 31, United States Code, the budget for fiscal year 2016, the directors of the national security laboratories shall jointly develop a multiyear plan to design and build prototypes of nuclear weapons to further intelligence estimates with respect to foreign nuclear weapons activities and capabilities.

“(2) Not later than the date on which the President submits to Congress under section 1105 of title 31, United States Code, the budget for an even-numbered fiscal year occurring after fiscal year 2017, the directors shall jointly develop an update to the plan developed under paragraph (1).

“(3)(A) The directors shall jointly submit to the Secretary of Energy the plan and each update developed under paragraphs (1) and (2), respectively.

“(B) Not later than 30 days after the date on which the directors submit the plan and each update under subparagraph (A), the Secretary of Energy shall submit to the congressional defense committees such plan and each such update, without change.

“(4)(A) The Secretary, in coordination with the directors of the nuclear weapons laboratories, shall carry out the plan developed under paragraph (1), including the updates to the plan developed under paragraph (2).

“(B) The Secretary may determine the manner in which the designing and building of prototypes of nuclear weapons is carried out under such plan.

“(C) The Secretary shall promptly submit to the congressional defense committees written notification of any changes the Secretary makes to such plan pursuant to subparagraph (B), including justifications for such changes.”.

(b) **MATTERS INCLUDED.**—Such section is further amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

“(b) **MATTERS INCLUDED.**—(1) The directors shall ensure that the plan developed and updated under subsection (a) provides increased information upon which to base intelligence assessments and emphasizes the competencies of the national security laboratories with respect to designing and building prototypes of nuclear weapons.

“(2) To carry out paragraph (1), the plan developed and updated under subsection (a) shall include the following:

“(A) Design and system engineering activities of full-scale engineering prototypes (using surrogate special nuclear materials), including weaponization features as required.

“(B) Design, system engineering, and experimental testing (using surrogate special nuclear materials) of above-ground experiment test hardware.

“(C) Design and system engineering of scaled or subcomponent experimental test articles (using special nuclear materials) for conducting experiments at the Nevada National Security Site.”.

(c) **CONFORMING AMENDMENT.**—Subsection (c) of such section, as redesignated by subsection (b), is amended by striking “subsection (a), the

Administrator” and inserting “this section, the Secretary”.

**SEC. 3112. AUTHORIZED PERSONNEL LEVELS OF  
NATIONAL NUCLEAR SECURITY AD-  
MINISTRATION.**

(a) **FULL-TIME EQUIVALENT PERSONNEL LEVELS.**—Subsection (a) of section 3241A of the National Nuclear Security Administration Act (50 U.S.C. 2441a) is amended—

(1) in paragraph (1)—

(A) by striking “2014” and inserting “2015”; and

(B) by striking “1,825” and inserting “1,650”; and

(2) in paragraph (2)—

(A) by striking “2015” and inserting “2016”; and

(B) by striking “1,825” and inserting “1,650”.

(b) **DEFINITION.**—Such section is further amended by adding at the end the following new subsection:

“(e) **OFFICE OF THE ADMINISTRATOR EMPLOYEES.**—In this section, the term ‘Office of the Administrator’, with respect to the employees of the Administration, includes employees whose funding is derived from an account of the Administration titled ‘Federal Salaries and Expenses’.”.

**SEC. 3113. COST CONTAINMENT FOR URANIUM  
CAPABILITIES REPLACEMENT  
PROJECT.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the April 2010 Nuclear Posture Review, a February 2011 letter from the President to the Senate, and many other policy statements and documents have identified the Uranium Capabilities Replacement Project as a critical nuclear modernization priority;

(2) the failure of the Department of Energy and the National Nuclear Security Administration to successfully and efficiently execute and oversee the Uranium Capabilities Replacement Project undermines national security and jeopardizes the long-term credibility of the nuclear deterrent;

(3) the April 8, 2014, testimony of the Acting Administrator for Nuclear Security that “close to half” of the \$1,200,000,000 taxpayers have spent on the design of such project has been wasted is a grievous misuse of limited taxpayer funds, and the appropriate officials of the Federal Government and contractors must be held accountable;

(4) the uranium capabilities and modern infrastructure that are to be provided by all three phases of the Uranium Capabilities Replacement Project are critical to national security and Congress fully supports efforts to deliver all of these capabilities efficiently and expeditiously;

(5) focused attention and robust leadership from the highest levels of the executive branch and Congress are required to ensure that such project delivers such critical national security capabilities; and

(6) the Secretary of Energy and the Administrator for Nuclear Security must ensure that lines of responsibility, authority, and accountability for such project are clear going forward.

(b) **COST AND OVERSIGHT OF PROJECT.**—Section 3123 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2178), as amended by section 3126 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 1063), is amended—

(1) by amending subsection (d) to read as follows:

“(d) **COST OF PHASE I.**—

“(1) **LIMITATION.**—The total cost of Phase I under subsection (a) of the project referred to in such subsection may not exceed \$4,200,000,000.

“(2) **ADJUSTMENT.**—If the Secretary determines the total cost of Phase I will exceed the

amount set forth in paragraph (1), the Secretary may adjust such amount if, by not later than March 1, 2015, the Secretary submits to the congressional defense committees a detailed justification for such adjustment, including—

“(A) the amount of the adjustment and the proposed total cost of Phase I;

“(B) a detailed justification for such adjustment, including a description of the changes that would be required to the project referred to in subsection (a) if Phase I were to not exceed the total cost set forth in paragraph (1);

“(C) a detailed description of the actions taken to hold appropriate contractors, employees of contractors, and employees of the Federal Government accountable for the repeated failures within the project;

“(D) a description of the clear lines of responsibility, authority, and accountability for the project as the project continues, including descriptions of the roles and responsibilities for each key Federal and contractor position; and

“(E) a detailed description of the structural reforms planned or implemented by the Secretary to ensure Phase I is executed on time and on schedule.

“(3) ANNUAL CERTIFICATION.—Not later than March 1 of each year through 2025, the Secretary shall certify in writing to the congressional defense committees and the Secretary of Defense that Phase I under subsection (a) of the project referred to in such subsection will meet—

“(A) the total cost set forth in paragraph (1) (as adjusted pursuant to paragraph (2) if so adjusted); and

“(B) a schedule that enables, by not later than 2025—

“(i) uranium operations in building 9212 to cease; and

“(ii) uranium operations in a new facility constructed under such project to begin.

“(4) REPORT.—If the Secretary of Energy does not make a certification by March 1 of any year in which a certification is required under paragraph (3), by not later than May 1 of such year, the Chairman of the Nuclear Weapons Council shall submit to the congressional defense committees a report that identifies the resources of the Department of Energy that the Chairman determines should be redirected to enable the Department of Energy to meet the total cost and schedule described in subparagraphs (A) and (B) of such paragraph.”;

(2) in subsection (e), by adding at the end the following new paragraph:

“(3) REPORT.—Not later than March 1, 2015, the Secretary of Energy and the Secretary of the Navy shall jointly submit to the congressional defense committees a report detailing the implementation of paragraphs (1) and (2), including—

“(A) a description of the program management, oversight, design, and other responsibilities for the project referred to in subsection (a) that are provided to the Commander of the Naval Facilities Engineering Command pursuant to paragraph (1); and

“(B) a description of the funding used by the Secretary under paragraph (2) to carry out paragraph (1).”; and

(3) by striking subsections (g) and (h).

#### **SEC. 3114. PLUTONIUM PIT PRODUCTION CAPACITY.**

(a) FINDINGS.—Congress finds the following:

(1) In 2008, the Department of Defense and the Department of Energy, acting through the Nuclear Weapons Council established by section 179 of title 10, United States Code, agreed on a strategy to balance cost, risk, and stockpile needs and established the requirement for the Department of Energy to produce 50 to 80 plutonium pits per year.

(2) In a memorandum of agreement dated May 3, 2010, entered into by the Secretary of Defense

and the Secretary of Energy, the Secretaries agreed that the Department of Energy would achieve a minimum pit production capacity of 50 to 80 pits per year by 2022.

(3) The current plans of the Secretary of Energy would achieve a pit production capacity of 50 to 80 pits per year by 2031, resulting in a delay of nearly a decade as compared to the agreement described in paragraph (2).

(4) In a report dated January 14, 2014, that the Secretary of Defense submitted to Congress, the Secretary stated that “the Department of Defense has revalidated its requirement for 50–80 pits per year based on the demands of stockpile modernization, the commitments to a modern physical infrastructure, and the ability to hedge against technical failure or geopolitical risk.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the requirement to create a modern, responsive nuclear infrastructure that includes the capability and capacity to produce, at minimum, 50 to 80 pits per year, is a national security priority;

(2) delaying creation of a modern, responsive nuclear infrastructure until the 2030s is an unacceptable risk to the nuclear deterrent and the national security of the United States; and

(3) timelines for creating certain capacities for production of plutonium pits and other nuclear weapons components must be driven by the requirement to hedge against technical and geopolitical risk and not solely by the needs of life extension programs.

(c) PIT PRODUCTION.—

(1) IN GENERAL.—Title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by inserting after the item relating to section 4218 the following new section:

#### **“SEC. 4219. PLUTONIUM PIT PRODUCTION CAPACITY.”**

“(a) REQUIREMENT.—Consistent with the requirements of the Secretary of Defense, the Secretary of Energy shall ensure that the nuclear security enterprise—

“(1) during 2023, produces not less than 30 war reserve plutonium pits;

“(2) during 2026, produces not less than 50 war reserve plutonium pits; and

“(3) during a pilot period of not less than 90 days during 2027, demonstrates the capability to produce war reserve plutonium pits at a rate sufficient to produce 80 pits per year.

“(b) ANNUAL CERTIFICATION.—Not later than March 1, 2015, and each year thereafter through 2027, the Secretary shall certify to the congressional defense committees and the Secretary of Defense that the programs and budget of the Secretary will enable the nuclear security enterprise to meet the requirements under subsection (a).

“(c) PLAN.—If the Secretary does not make a certification by March 1 of any year in which a certification is required under subsection (b), by not later than May 1 of such year, the Chairman of the Nuclear Weapons Council shall submit to the congressional defense committees a plan to enable the nuclear security enterprise to meet the requirements under subsection (b). Such plan shall include identification of the resources of the Department of Energy that the Chairman determines should be redirected to support the plan to meet such requirements.”.

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4218 the following new item:

“Sec. 4219. Plutonium pit production capacity.”.

#### **SEC. 3115. DEFINITION OF BASELINE AND THRESHOLD FOR STOCKPILE LIFE EXTENSION PROJECT.**

Section 4713 of the Atomic Energy Defense Act (50 U.S.C. 2753) is amended—

(1) in subsection (a)(1)(A), by adding after the period the following new sentence: “In addition to the requirement under subparagraph (B), the cost and schedule baseline of a nuclear stockpile life extension project established under this subparagraph shall be the cost and schedule as determined by the weapon design and cost report required prior to the project entering into the development engineering phase.”; and

(2) in subsection (b)(2), by striking “200” and inserting “150”.

#### **SEC. 3116. PRODUCTION OF NUCLEAR WARHEAD FOR LONG-RANGE STANDOFF WEAPON.**

(a) FIRST PRODUCTION UNIT.—The Secretary of Energy shall deliver a first production unit for a nuclear warhead for the long-range standoff weapon by not later than September 30, 2025.

(b) PLAN.—

(1) DEVELOPMENT.—The Secretary of Energy and the Secretary of Defense shall jointly develop a plan to carry out subsection (a).

(2) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Secretaries shall jointly submit to the congressional defense committees the plan developed under paragraph (1).

(c) NOTIFICATION AND ASSESSMENT.—

(1) NOTIFICATION.—If at any time the Secretary of Energy determines that the Secretary will not deliver a first production unit for a nuclear warhead for the long-range standoff weapon by not later than September 30, 2025, the Secretary shall notify the congressional defense committees, the Secretary of Defense, and the Commander of the United States Strategic Command of such determination, including an explanation for why the delivery will be delayed.

(2) ASSESSMENT.—If the Secretary of Energy makes a notification under paragraph (1), the Commander of the United States Strategic Command shall submit to the congressional defense committees an assessment of the delay described in the notification, including—

(A) the effects of such delay to national security and nuclear deterrence and assurance; and

(B) any mitigation options available.

(d) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Commander of the United States Strategic Command, shall provide to the congressional defense committees a briefing on the justification of the long-range standoff weapon, including—

(1) why such weapon is needed, including any potential redundancies with existing weapons;

(2) the cost of such weapon; and

(3) what warhead, existing or otherwise, is planned to be used for such weapon.

#### **SEC. 3117. DISPOSITION OF WEAPONS-USABLE PLUTONIUM.**

(a) MIXED OXIDE FUEL FABRICATION FACILITY.—

(1) IN GENERAL.—Of the funds described in paragraph (2), the Secretary of Energy shall carry out construction and program support activities relating to the MOX facility.

(2) FUNDS DESCRIBED.—The funds described in this paragraph are the following:

(A) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the National Nuclear Security Administration for the MOX facility for construction and program support activities.

(B) Funds authorized to be appropriated for a fiscal year prior to fiscal year 2015 for the National Nuclear Security Administration for the MOX facility for construction and program support activities that are unobligated as of the date of the enactment of this Act.

(b) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall seek to enter into a contract with a

federally funded research and development center to conduct a study to assess and validate the analysis of the Secretary of Energy with respect to surplus weapon-grade plutonium options.

(2) **SUBMISSION.**—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center conducting the study under paragraph (1) shall submit to the Secretary the study, including any findings and recommendations.

(c) **REPORT.**—

(1) **PLAN.**—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study conducted under subsection (b)(1).

(2) **ELEMENTS INCLUDED.**—The report under paragraph (1) shall include the following:

(A) The study conducted by the federally funded research and development center under subsection (b)(1), without change.

(B) Identification of the alternatives to the MOX facility considered by the Secretary, including a life-cycle cost analysis for each such alternative.

(C) Identification of the portions of such life cycle cost analyses that are common to all such alternatives.

(D) Discussion on continuation of the MOX facility, including a future funding profile or a detailed discussion of selected alternatives determined appropriate by the Secretary for such discussion.

(E) Discussion of the issues regarding implementation of such selected alternatives, including all regulatory and public acceptance issues, including interactions with affected States.

(F) Explanation of how the alternatives to the MOX facility conform with the Plutonium Disposition Agreement, and if an alternative does not so conform, what measures must be taken to ensure conformance.

(G) Identification of steps the Secretary would have to take to close out all MOX facility related activities, as well as the associated cost.

(H) Any other matters the Secretary determines appropriate.

(d) **DEFINITIONS.**—In this section:

(1) The term “MOX facility” means the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina.

(2) The term “Plutonium Disposition Agreement” means the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Management and Disposition of Plutonium Designated As No Longer Required for Defense Purposes and Related Cooperation, as amended.

(3) The term “program support activities” means activities that support the design, long-lead equipment procurement, and site preparation of the MOX facility.

**SEC. 3118. LIMITATION ON AVAILABILITY OF FUNDS FOR OFFICE OF THE ADMINISTRATOR FOR NUCLEAR SECURITY.**

(a) **LIMITATION.**—Of the funds authorized to be appropriated for fiscal year 2015 by section 3101 and available for the Office of the Administrator as specified in the funding table in section 4701, or otherwise made available for that Office for that fiscal year, not more than 75 percent may be obligated or expended until—

(1) the President transmits to Congress the matters required to be transmitted during 2015 under section 4205(f)(2) of the Atomic Energy Defense Act (50 U.S.C. 2525(f)(2));

(2) the President transmits to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives the matters—

(A) required to be transmitted during 2015 under section 1043 of the National Defense Au-

thorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1576); and

(B) with respect to which the Secretary of Energy is responsible;

(3) the Secretary submits to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives the report required to be submitted during 2015 under section 3122(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1710); and

(4) the Administrator for Nuclear Security submits to the congressional defense committees the detailed report on the stockpile stewardship, management, and infrastructure plan required to be submitted during 2015 under section 4203(b)(2) of the Atomic Energy Defense Act (50 U.S.C. 2523(b)(2)).

(b) **OFFICE OF THE ADMINISTRATOR DEFINED.**—In this section, the term “Office of the Administrator”, with respect to accounts of the National Nuclear Security Administration, includes any account from which funds are derived for “Federal Salaries and Expenses”.

**SEC. 3119. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR OFFICE OF THE ADMINISTRATOR FOR NUCLEAR SECURITY.**

(a) **LIMITATION.**—In addition to the limitation in section 3118, of the funds authorized to be appropriated for fiscal year 2015 by section 3101 and available for the Office of the Administrator as specified in the funding table in section 4701, or otherwise made available for that Office for that fiscal year, not more than 90 percent may be obligated or expended until the date on which the Administrator for Nuclear Security submits to the congressional defense committees a report on the efficiencies proposed by the study titled “2012 Joint DOE/DoD Study on Potential NNSA Management and Work Force Prioritization Efficiencies” conducted jointly by the Administrator and the Director of Cost Assessment and Program Evaluation. Such report shall include details on how the Administrator will carry out during fiscal year 2015 each efficiency measure proposed by such joint study.

(b) **REPORT.**—Not later than March 1, 2015, the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall submit to the congressional defense committees a report that includes the following:

(1) The efficiencies that the Council recommends the Administrator to carry out during fiscal year 2016.

(2) An assessment by the Council of—

(A) the report submitted by the Administrator under subsection (a)(1) of section 3123 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1711);

(B) the report submitted by the Comptroller General of the United States under subsection (b) of such section; and

(C) each of the matters described in subparagraphs (A) through (E) of subsection (a)(2) of such section.

(c) **OFFICE OF THE ADMINISTRATOR DEFINED.**—In this section, the term “Office of the Administrator”, with respect to accounts of the National Nuclear Security Administration, includes any account from which funds are derived for “Federal Salaries and Expenses”.

**SEC. 3120. LIMITATION ON AVAILABILITY OF FUNDS FOR NONPROLIFERATION ACTIVITIES BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.**

(a) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the National Nuclear Security Administration may be used for any contact, cooperation, or transfer of technology between the United States and the Russian Federation until the Secretary of En-

ergy, in consultation with the Secretary of State and the Secretary of Defense, certifies to the appropriate congressional committees that—

(1) the armed forces of the Russian Federation are no longer illegally occupying Ukrainian territory;

(2) the Russian Federation is respecting the sovereignty of all Ukrainian territory;

(3) the Russian Federation is no longer acting inconsistently with the INF Treaty; and

(4) the Russian Federation is in compliance with the CFE Treaty and has lifted its suspension of Russian observance of its treaty obligations.

(b) **WAIVER.**—The Secretary of Energy may waive the limitation in subsection (a) if—

(1) the Secretary of Energy, in coordination with the Secretary of State and the Secretary of Defense, submits to the appropriate congressional committees—

(A) a notification that such a waiver is in the national security interests of the United States and a description of the national security interests covered by the waiver; and

(B) a report explaining why the Secretary of Energy cannot make a certification for such under subsection (a); and

(2) a period of 30 days has elapsed following the date on which the Secretary submits the information in the report under paragraph (1)(B).

(c) **EXCEPTION FOR CERTAIN MILITARY BASES.**—The certification requirement specified in paragraph (1) of subsection (a) shall not apply to military bases of the Russian Federation in Ukraine’s Crimean peninsula operating in accordance with its 1997 agreement on the Status and Conditions of the Black Sea Fleet Stationing on the Territory of Ukraine.

(d) **APPLICATION.**—The limitation in subsection (a) applies with respect to funds described in such subsection that are unobligated as of the date of the enactment of this Act.

(e) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means the following:

(A) The congressional defense committees.

(B) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) The term “CFE Treaty” means the Treaty on Conventional Armed Forces in Europe, signed at Paris November 19, 1990, and entered into force July 17, 1992.

(3) The term “INF Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the Intermediate-Range Nuclear Forces (INF) Treaty, signed at Washington December 8, 1987, and entered into force June 1, 1988.

**SEC. 3121. LIMITATION ON AVAILABILITY OF FUNDS FOR DEFENSE NUCLEAR NONPROLIFERATION ACTIVITIES AT SITES IN THE RUSSIAN FEDERATION.**

(a) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for defense nuclear nonproliferation activities may be obligated or expended for such activities at sites in the Russian Federation until a period of 30 days has elapsed following the date on which the Secretary of Energy certifies to the appropriate congressional committees that such sites are not actively engaged in Russian nuclear weapons, intelligence, or defense activities.

(b) **WAIVER.**—The President, without delegation, may waive the limitation in subsection (a) if a period of 30 days has elapsed following the date on which the President submits to the appropriate congressional committees—

(1) notification that such a waiver is in the national security interest of the United States; and

(2) certification that none of the funds described in subsection (a) will be contributed to the nuclear weapons program of Russia.



(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

- (1) The congressional defense committees.
- (2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

#### **Subtitle C—Plans and Reports**

##### **SEC. 3131. COST ESTIMATION AND PROGRAM EVALUATION BY NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

Section 3221(h) of the National Nuclear Security Administration Act (50 U.S.C. 2411) is amended by adding at the end the following new paragraph:

“(3) **ADMINISTRATION.**—The term ‘Administration’, with respect to any authority, duty, or responsibility provided by this section, does not include the Office of Naval Reactors.”.

##### **SEC. 3132. ANALYSIS AND REPORT ON W88 ALT 370 PROGRAM HIGH EXPLOSIVES OPTIONS.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy, the Administrator for Nuclear Security, and the Chairman of the Nuclear Weapons Council shall jointly submit to the congressional defense committees a report on the W88 Alt 370 program that contains analyses of the costs, benefits, risks, and feasibility of each of the following options:

(1) Incorporating a refresh of the conventional high explosives of the W88 warhead as part of such program.

(2) Not incorporating such a refresh as part of such program.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include, for each option described in paragraphs (1) and (2) of subsection (a), an analysis of the following:

(1) Near-term and lifecycle cost estimates, including costs to both the Navy and the National Nuclear Security Administration.

(2) Potential cost avoidance.

(3) Operational effects to the Navy and to the capacity and throughput of the nuclear security enterprise (as defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501) of the National Nuclear Security Administration.

(4) The expected longevity of the W88 warhead.

(5) Near-term and long-term safety and security risks and potential risk-mitigation measures.

(6) Any other matters the Secretary, the Administrator, or the Chairman considers appropriate.

##### **SEC. 3133. ANALYSIS OF EXISTING FACILITIES.**

(a) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report containing an analysis of using or modifying existing facilities across the nuclear security enterprise (as defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)) to support the plutonium strategy of the National Nuclear Security Administration.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include the following:

(1) An analysis of the costs, benefits, cost-savings, risks, and effects of using or modifying existing facilities of the nuclear security enterprise as compared to the current plan of the Administrator for supporting the plutonium strategy of the Administration, including all phases of the plan.

(2) Such other matters as the Administrator determines appropriate.

#### **Subtitle D—Other Matters**

##### **SEC. 3141. TECHNICAL CORRECTIONS TO ATOMIC ENERGY DEFENSE ACT.**

(a) **DEFINITIONS.**—Section 4002(3) of the Atomic Energy Defense Act (50 U.S.C. 2501(3)) is

amended by striking “Executive Order No. 12333 of December 4, 1981 (50 U.S.C. 401 note), Executive Order No. 12958 of April 17, 1995 (50 U.S.C. 435 note),” and inserting “Executive Order No. 12333 of December 4, 1981 (50 U.S.C. 3001 note), Executive Order No. 12958 of April 17, 1995 (50 U.S.C. 3161 note), Executive Order No. 13526 of December 29, 2009 (50 U.S.C. 3161 note),”.

(b) **MANAGEMENT STRUCTURE.**—Section 4102(b)(3) of such Act (50 U.S.C. 2512(b)(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking “for improving the”;

(2) in subparagraph (A), by inserting “for improving the” before “governance”; and

(3) in subparagraph (B), by inserting “relating to” before “any other”.

(c) **STOCKPILE STEWARDSHIP.**—Section 4203(d)(4)(A)(i) of such Act (50 U.S.C. 2523(d)(4)(A)(i)) is amended by striking “50 U.S.C. 404a” and inserting “50 U.S.C. 3043”.

(d) **REPORTS ON STOCKPILE.**—Section 4205(b)(2) of such Act (50 U.S.C. 2525(b)(2)) is amended by striking “commander” and inserting “Commander”.

(e) **ADVICE ON RELIABILITY OF STOCKPILE.**—Section 4218 of such Act (50 U.S.C. 2538) is amended—

(1) in subsection (d), by striking “commander” and inserting “Commander”; and

(2) in subsection (e)(1), by striking “representatives” and inserting “a representative”.

(f) **DISPOSITION OF CERTAIN PLUTONIUM.**—Section 4306 of such Act (50 U.S.C. 2566) is amended—

(1) in subsection (b)(6)(C), by striking “paragraph (A)” and inserting “subparagraph (A)”; and

(2) in subsection (c)(2), by striking “2002” and inserting “2002,”; and

(3) in subsection (d)(3), by inserting “of Energy” after “Department”.

(g) **LIMITATION ON USE OF FUNDS IN RELATION TO F-CANYON FACILITY.**—Section 4454 of such Act (50 U.S.C. 2638) is amended in paragraphs (1) and (2) by inserting “of” after “assessment”.

(h) **INSPECTIONS OF CERTAIN FACILITIES.**—Section 4501(a) of such Act (50 U.S.C. 2651(a)) is amended by striking “nuclear weapons facility” and inserting “national security laboratory or nuclear weapons production facility”.

(i) **NOTICE RELATING TO CERTAIN FAILURES.**—Section 4505 of such Act (50 U.S.C. 2656) is amended—

(1) in subsection (b), by striking the subsection heading and inserting the following: “SIGNIFICANT ATOMIC ENERGY DEFENSE INTELLIGENCE LOSSES”; and

(2) in subsection (e)(2), by striking “50 U.S.C. 413” and inserting “50 U.S.C. 3091”.

(j) **REVIEW OF CERTAIN DOCUMENTS BEFORE DECLASSIFICATION AND RELEASE.**—Section 4521(b) of such Act (50 U.S.C. 2671(b)) is amended by striking “Executive Order 12958” and inserting “Executive Order No. 13526 (50 U.S.C. 3161 note)”.

(k) **PROTECTION AGAINST RELEASE OF RESTRICTED DATA.**—Section 4522 of such Act (50 U.S.C. 2672) is amended—

(1) in subsection (a), by striking “Executive Order No. 12958 (50 U.S.C. 435 note)” and inserting “Executive Order No. 13526 (50 U.S.C. 3161 note)”;

(2) in subsection (b)(1), by striking “Executive Order No. 12958” and inserting “Executive Order No. 13526”;

(3) in subsection (f)(2), by striking “Executive Order No. 12958” and inserting “Executive Order No. 13526”.

(l) **IDENTIFICATION OF DECLASSIFICATION ACTIVITIES IN BUDGET MATERIALS.**—Section 4525(a) of such Act (50 U.S.C. 2675(a)) is amended by striking “Executive Order No. 12958 (50 U.S.C. 435 note)” and inserting “Executive Order No. 13526 (50 U.S.C. 3161 note)”.

(m) **WORKFORCE RESTRUCTURING PLAN.**—Section 4604(f)(3) of such Act (50 U.S.C. 2704(f)(3)) is amended by striking “Nevada and” and inserting “Nevada, and”.

(n) **AVAILABILITY OF FUNDS.**—Section 4709(b) of such Act (50 U.S.C. 2749(b)) is amended by striking “authorization” and inserting “authorization”.

(o) **TRANSFER OF DEFENSE ENVIRONMENTAL CLEANUP FUNDS.**—Section 4710(b)(3)(B) of such Act (50 U.S.C. 2750(b)(3)(B)) is amended by striking “management” and inserting “cleanup”.

(p) **RESTRICTION ON USE OF FUNDS TO PAY CERTAIN PENALTIES.**—Section 4722 of such Act (50 U.S.C. 2762) is amended—

(1) by inserting an em dash after “Department of Energy if”;

(2) by realigning paragraphs (1) and (2) so as to be indented two ems from the left margin; and

(3) in paragraph (1), by striking “, or” and inserting “; or”.

(q) **RESEARCH AND DEVELOPMENT BY CERTAIN FACILITIES.**—Section 4832(a) of such Act (50 U.S.C. 2812(a)) is amended by striking “for Nuclear Security”.

(r) **REPORT ON HANFORD TANK SAFETY.**—Section 4441 of such Act (50 U.S.C. 2621) is amended by striking subsection (d).

(s) **CRITICAL TECHNOLOGY PARTNERSHIPS.**—Section 4813(a) of such Act (50 U.S.C. 2794(a)) is amended by striking “that atomic energy defense activities research on, and development of, any dual-use critical technology” and inserting “that research on and development of dual-use critical technology carried out through atomic energy defense activities”.

(t) **TABLE OF CONTENTS.**—The table of contents for such Act is amended by striking the item relating to section 4710 and inserting the following:

“Sec. 4710. Transfer of defense environmental cleanup funds.”.

##### **SEC. 3142. TECHNICAL CORRECTIONS TO NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT.**

(a) **STATUS OF CERTAIN PERSONNEL.**—Section 3220(c) of the National Nuclear Security Administration Act (50 U.S.C. 2410(c)) is amended—

(1) by inserting an em dash after “activities between”;

(2) by realigning paragraphs (1) and (2) so as to be indented two ems from the left margin; and

(3) in paragraph (1), by striking “, and” and inserting “; and”.

(b) **CONGRESSIONAL OVERSIGHT OF CERTAIN PROGRAMS.**—Section 3236(a)(2)(B)(iv) of such Act (50 U.S.C. 2426(a)(2)(B)(iv)) is amended—

(1) by inserting an em dash after “program for”;

(2) by realigning subclauses (I), (II), and (III) so as to be indented six ems from the left margin; and

(3) in subclause (I), by striking “year,” and inserting “year;” and

(4) in subclause (II), by striking “, and” and inserting “; and”.

#### **TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

##### **SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2015, \$30,150,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

##### **SEC. 3202. INSPECTOR GENERAL OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.**

Subsection (a) of section 322 of the Atomic Energy Act of 1954 (42 U.S.C. 2286k(a)) is amended to read as follows:

“(a) **IN GENERAL.**—The Inspector General of the Nuclear Regulatory Commission shall serve as the Inspector General of the Board, in accordance with the Inspector General Act of 1978 (5 U.S.C. App.).”.



**SEC. 3203. NUMBER OF EMPLOYEES OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.**

(a) *IN GENERAL.*—Section 313(b)(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2286b(b)(1)(A)) is amended by striking “150 full-time employees” and inserting “120 full-time employees”.

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall take effect on October 1, 2015.

**TITLE XXXIV—NAVAL PETROLEUM RESERVES****SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

(a) *AMOUNT.*—There are hereby authorized to be appropriated to the Secretary of Energy \$19,950,000 for fiscal year 2015 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) *PERIOD OF AVAILABILITY.*—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

**TITLE XXXV—MARITIME ADMINISTRATION****SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2015.**

Funds are hereby authorized to be appropriated for fiscal year 2015, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$79,790,000, of which—

(A) \$65,290,000 shall remain available until expended for Academy operations;

(B) \$14,500,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$17,650,000, of which—

(A) \$2,400,000 shall remain available until expended for student incentive payments;

(B) \$3,600,000 shall remain available until expended for direct payments to such academies;

(C) \$11,300,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels; and

(D) \$350,000 shall remain available until expended for improving the monitoring of graduates' service obligation.

(3) For expenses necessary to support Maritime Administration operations and programs, \$50,960,000.

(4) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, \$4,800,000, to remain available until expended.

(5) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$186,000,000.

(6) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, \$73,100,000, of which \$3,100,000 shall remain available until expended for administrative expenses of the program.

**SEC. 3502. SPECIAL RULE FOR DD-17.**

(a) *IN GENERAL.*—A vessel of the Navy transported in DD-17 (formerly known as USN-YFD-17) in the waters of the State of Alabama shall not be treated as merchandise for purposes of section 55102 of title 46, United States Code.

(b) *LIMITATION.*—If DD-17 (formerly known as USN-YFD-17) is sold after the date of the enactment of this Act, subsection (a) shall cease to have effect unless the purchaser of DD-17 is an eligible owner described in section 12103(b) of title 46, United States Code.

**SEC. 3503. SENSE OF CONGRESS ON THE ROLE OF DOMESTIC MARITIME INDUSTRY IN NATIONAL SECURITY.**

(a) *FINDINGS.*—Congress finds that—

(1) the United States domestic maritime industry carries hundreds of million of tons of cargo annually, supports nearly 500,000 jobs, and provides nearly 100 billion in annual economic output;

(2) the Nation's military sealift capacity will benefit from one of the fastest growing segments of the domestic trades, 14 domestic trade tankers that are on order to be constructed at United States shipyards as of February 1, 2014;

(3) the domestic trades' vessel innovations that transformed worldwide maritime commerce include the development of containerships, self-unloading vessels, articulated tug-barges, trailer barges, chemical parcel tankers, railroad-on-barge carfloats, and river flotilla towing systems;

(4) the national security benefits of the domestic maritime industry are unquestioned as the Department of Defense depends on United States domestic trades' fleet of container ships, roll-on/roll-off ships, and product tankers to carry military cargoes;

(5) the Department of Defense benefits from a robust commercial shipyard and ship repair industry and current growth in that sector is particularly important as Federal budget cuts may reduce the number of new constructed military vessels; and

(6) the domestic fleet is essential to national security and was a primary source of mariners needed to crew United States Government-owned sealift vessels activated from reserve status during Operations Enduring Freedom and Iraqi Freedom in the period 2002 through 2010.

(b) *SENSE OF CONGRESS.*—It is the sense of Congress that United States coastwise trade laws promote a strong domestic trade maritime industry, which supports the national security and economic vitality of the United States and the efficient operation of the United States transportation system.

**DIVISION D—FUNDING TABLES****SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.**

(a) *IN GENERAL.*—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) *MERIT-BASED DECISIONS.*—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) *RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.*—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) *APPLICABILITY TO CLASSIFIED ANNEX.*—This section applies to any classified annex that accompanies this Act.

(e) *ORAL AND WRITTEN COMMUNICATIONS.*—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

**TITLE XLI—PROCUREMENT****SEC. 4101. PROCUREMENT.****SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)**

Line	Item	FY 2015 Request	House Authorized
<b>AIRCRAFT PROCUREMENT, ARMY</b>			
<b>FIXED WING</b>			
002	UTILITY F/W AIRCRAFT .....	13,617	13,617
003	AERIAL COMMON SENSOR (ACS) (MIP) .....	185,090	185,090
004	MQ-1 UAV .....	190,581	239,581
	Extended range modifications Per Army UFR .....		[49,000]
005	RQ-11 (RAVEN) .....	3,964	3,964
<b>ROTARY</b>			
006	HELICOPTER, LIGHT UTILITY (LUH) .....	416,617	416,617
007	AH-64 APACHE BLOCK IIIA REMAN .....	494,009	494,009
008	ADVANCE PROCUREMENT (CY) .....	157,338	157,338
012	UH-60 BLACKHAWK M MODEL (MYP) .....	1,237,001	1,335,401
	ARNG Modernization-6 additional UH-60M aircraft .....		[98,400]
013	ADVANCE PROCUREMENT (CY) .....	132,138	132,138
014	CH-47 HELICOPTER .....	892,504	892,504
015	ADVANCE PROCUREMENT (CY) .....	102,361	102,361
<b>MODIFICATION OF AIRCRAFT</b>			
016	MQ-1 PAYLOAD (MIP) .....	26,913	26,913

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
018	GUARDRAIL MODS (MIP) .....	14,182	14,182
019	MULTI SENSOR ABN RECON (MIP) .....	131,892	131,892
020	AH-64 MODS .....	181,869	181,869
021	CH-47 CARGO HELICOPTER MODS (MYP) .....	32,092	32,092
022	UTILITY/CARGO AIRPLANE MODS .....	15,029	15,029
023	UTILITY HELICOPTER MODS .....	76,515	83,315
	ARNG Modernization-UH-60A to UH-60L conversions .....		[6,800]
025	NETWORK AND MISSION PLAN .....	114,182	114,182
026	COMMS, NAV SURVEILLANCE .....	115,795	115,795
027	GATM ROLLUP .....	54,277	54,277
028	RQ-7 UAV MODS .....	125,380	125,380
	<b>GROUND SUPPORT AVIONICS</b>		
029	AIRCRAFT SURVIVABILITY EQUIPMENT .....	66,450	98,850
	Army requested realignment .....		[32,400]
030	SURVIVABILITY CM .....		7,800
	Army requested realignment .....		[7,800]
031	CMWS .....	107,364	60,364
	Army requested reduction .....		[-47,000]
	<b>OTHER SUPPORT</b>		
032	AVIONICS SUPPORT EQUIPMENT .....	6,847	6,847
033	COMMON GROUND EQUIPMENT .....	29,231	29,231
034	AIRCREW INTEGRATED SYSTEMS .....	48,081	48,081
035	AIR TRAFFIC CONTROL .....	127,232	127,232
036	INDUSTRIAL FACILITIES .....	1,203	1,203
037	LAUNCHER, 2.75 ROCKET .....	2,931	2,931
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b> .....	<b>5,102,685</b>	<b>5,250,085</b>
	<b>MISSILE PROCUREMENT, ARMY</b>		
	<b>SURFACE-TO-AIR MISSILE SYSTEM</b>		
002	LOWER TIER AIR AND MISSILE DEFENSE (AMD) .....	110,300	110,300
003	MSE MISSILE .....	384,605	384,605
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>		
004	HELLFIRE SYS SUMMARY .....	4,452	4,452
	<b>ANTI-TANK/ASSAULT MISSILE SYS</b>		
005	JAVELIN (AAWS-M) SYSTEM SUMMARY .....	77,668	77,668
006	TOW 2 SYSTEM SUMMARY .....	50,368	50,368
007	ADVANCE PROCUREMENT (CY) .....	19,984	19,984
008	GUIDED MLRS ROCKET (GMLRS) .....	127,145	127,145
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR) .....	21,274	21,274
	<b>MODIFICATIONS</b>		
012	PATRIOT MODS .....	131,838	131,838
013	STINGER MODS .....	1,355	1,355
014	AVENGER MODS .....	5,611	5,611
015	ITAS/TOW MODS .....	19,676	19,676
016	MLRS MODS .....	10,380	10,380
017	HIMARS MODIFICATIONS .....	6,008	6,008
	<b>SPARES AND REPAIR PARTS</b>		
018	SPARES AND REPAIR PARTS .....	36,930	36,930
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
019	AIR DEFENSE TARGETS .....	3,657	3,657
020	ITEMS LESS THAN \$5.0M (MISSILES) .....	1,522	1,522
021	PRODUCTION BASE SUPPORT .....	4,710	4,710
	<b>TOTAL MISSILE PROCUREMENT, ARMY</b> .....	<b>1,017,483</b>	<b>1,017,483</b>
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>		
	<b>TRACKED COMBAT VEHICLES</b>		
001	STRYKER VEHICLE .....	385,110	385,110
	<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>		
002	STRYKER (MOD) .....	39,683	89,683
	Unfunded requirement-Fourth DVH Brigade Set .....		[50,000]
003	FIST VEHICLE (MOD) .....	26,759	26,759
004	BRADLEY PROGRAM (MOD) .....	107,506	107,506
005	HOWITZER, MED SP FT 155MM M109A6 (MOD) .....	45,411	45,411
006	PALADIN INTEGRATED MANAGEMENT (PIM) .....	247,400	247,400
007	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) .....	50,451	50,451
008	ASSAULT BRIDGE (MOD) .....	2,473	2,473
009	ASSAULT BREACHER VEHICLE .....	36,583	36,583
010	M88 FOV MODS .....	1,975	73,975
	Unfunded requirement-Industrial Base Initiative .....		[72,000]
011	JOINT ASSAULT BRIDGE .....	49,462	49,462
012	M1 ABRAMS TANK (MOD) .....	237,023	237,023
013	ABRAMS UPGRADE PROGRAM .....		120,000
	Industrial Base initiative .....		[120,000]
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
014	PRODUCTION BASE SUPPORT (TCV-WTCV) .....	6,478	6,478
	<b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>		
016	MORTAR SYSTEMS .....	5,012	5,012
017	XM320 GRENADE LAUNCHER MODULE (GLM) .....	28,390	28,390
018	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM .....	148	148

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
019	CARBINE .....	29,366	20,616
	Army requested realignment .....		[-8,750]
021	COMMON REMOTELY OPERATED WEAPONS STATION .....	8,409	8,409
022	HANDGUN .....	3,957	1,957
	Funding ahead of need .....		[-2,000]
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>		
024	M777 MODS .....	18,166	18,166
025	M4 CARBINE MODS .....	3,446	6,446
	Army requested realignment .....		[3,000]
026	M2 50 CAL MACHINE GUN MODS .....	25,296	25,296
027	M249 SAW MACHINE GUN MODS .....	5,546	5,546
028	M240 MEDIUM MACHINE GUN MODS .....	4,635	2,635
	Army requested realignment .....		[-2,000]
029	SNIPER RIFLES MODIFICATIONS .....	4,079	4,079
030	M119 MODIFICATIONS .....	72,718	72,718
031	M16 RIFLE MODS .....	1,952	0
	Army requested realignment .....		[-1,952]
032	MORTAR MODIFICATION .....	8,903	8,903
033	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV) .....	2,089	2,089
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
034	ITEMS LESS THAN \$5.0M (WOCV-WTCV) .....	2,005	2,005
035	PRODUCTION BASE SUPPORT (WOCV-WTCV) .....	8,911	8,911
036	INDUSTRIAL PREPAREDNESS .....	414	414
037	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) .....	1,682	1,682
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</b> .....	<b>1,471,438</b>	<b>1,701,736</b>
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>		
	<b>SMALL/MEDIUM CAL AMMUNITION</b>		
001	CTG, 5.56MM, ALL TYPES .....	34,943	34,943
002	CTG, 7.62MM, ALL TYPES .....	12,418	12,418
003	CTG, HANDGUN, ALL TYPES .....	9,655	8,155
	Funding ahead of need .....		[-1,500]
004	CTG, .50 CAL, ALL TYPES .....	29,304	29,304
006	CTG, 25MM, ALL TYPES .....	8,181	8,181
007	CTG, 30MM, ALL TYPES .....	52,667	52,667
008	CTG, 40MM, ALL TYPES .....	40,904	40,904
	<b>MORTAR AMMUNITION</b>		
009	60MM MORTAR, ALL TYPES .....	41,742	41,742
010	81MM MORTAR, ALL TYPES .....	42,433	42,433
011	120MM MORTAR, ALL TYPES .....	39,365	39,365
	<b>TANK AMMUNITION</b>		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....	101,900	101,900
	<b>ARTILLERY AMMUNITION</b>		
013	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES .....	37,455	37,455
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES .....	47,023	47,023
015	PROJ 155MM EXTENDED RANGE M982 .....	35,672	35,672
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL .....	94,010	74,010
	Precision Guided Kits Schedule Delay .....		[-20,000]
	<b>ROCKETS</b>		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....	945	945
020	ROCKET, HYDRA 70, ALL TYPES .....	27,286	27,286
	<b>OTHER AMMUNITION</b>		
021	DEMOLITION MUNITIONS, ALL TYPES .....	22,899	22,899
022	GRENADES, ALL TYPES .....	22,751	22,751
023	SIGNALS, ALL TYPES .....	7,082	7,082
024	SIMULATORS, ALL TYPES .....	11,638	11,638
	<b>MISCELLANEOUS</b>		
025	AMMO COMPONENTS, ALL TYPES .....	3,594	3,594
027	CAD/PAD ALL TYPES .....	5,430	5,430
028	ITEMS LESS THAN \$5 MILLION (AMMO) .....	8,337	8,337
029	AMMUNITION PECULIAR EQUIPMENT .....	14,906	14,906
030	FIRST DESTINATION TRANSPORTATION (AMMO) .....	14,349	14,349
031	CLOSEOUT LIABILITIES .....	111	111
	<b>PRODUCTION BASE SUPPORT</b>		
032	PROVISION OF INDUSTRIAL FACILITIES .....	148,092	146,192
	Unjustified request .....		[-1,900]
033	CONVENTIONAL MUNITIONS DEMILITARIZATION .....	113,881	113,881
034	ARMS INITIATIVE .....	2,504	2,504
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b> .....	<b>1,031,477</b>	<b>1,008,077</b>
	<b>OTHER PROCUREMENT, ARMY</b>		
	<b>TACTICAL VEHICLES</b>		
001	TACTICAL TRAILERS/DOLLY SETS .....	7,987	7,987
002	SEMITRAILERS, FLATBED: .....	160	160
004	JOINT LIGHT TACTICAL VEHICLE .....	164,615	164,615
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....		50,000
	Additional FMTVs - Industrial Base initiative .....		[50,000]
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP .....	8,415	8,415
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....	28,425	78,425

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
	Additional HEMTT ESP Vehicles-Industrial Base initiative .....		[50,000]
008	PLS ESP .....	89,263	89,263
013	TACTICAL WHEELED VEHICLE PROTECTION KITS .....	38,226	38,226
014	MODIFICATION OF IN SVC EQUIP .....	91,173	83,173
	Early to need .....		[-8,000]
015	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS .....	14,731	14,731
	<b>NON-TACTICAL VEHICLES</b>		
016	HEAVY ARMORED SEDAN .....	175	175
017	PASSENGER CARRYING VEHICLES .....	1,338	1,338
018	NONTACTICAL VEHICLES, OTHER .....	11,101	11,101
	<b>COMM—JOINT COMMUNICATIONS</b>		
019	WIN-T—GROUND FORCES TACTICAL NETWORK .....	763,087	638,087
	Unobligated balances .....		[-125,000]
020	SIGNAL MODERNIZATION PROGRAM .....	21,157	21,157
021	JOINT INCIDENT SITE COMMUNICATIONS CAPABILITY .....	7,915	7,915
022	JCSE EQUIPMENT (USREDCOM) .....	5,440	5,440
	<b>COMM—SATELLITE COMMUNICATIONS</b>		
023	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS .....	118,085	118,085
024	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS .....	13,999	13,999
025	SHF TERM .....	6,494	6,494
026	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) .....	1,635	1,635
027	SMART-T (SPACE) .....	13,554	13,554
028	GLOBAL BRDCST SVC—GBS .....	18,899	18,899
029	MOD OF IN-SVC EQUIP (TAC SAT) .....	2,849	2,849
030	ENROUTE MISSION COMMAND (EMC) .....	100,000	100,000
	<b>COMM—COMBAT COMMUNICATIONS</b>		
033	JOINT TACTICAL RADIO SYSTEM .....	175,711	125,711
	Unobligated balances .....		[-50,000]
034	MID-TIER NETWORKING VEHICULAR RADIO (MNVF) .....	9,692	4,692
	Unobligated balances .....		[-5,000]
035	RADIO TERMINAL SET, MIDS LVT(2) .....	17,136	17,136
037	AMC CRITICAL ITEMS—OPA2 .....	22,099	22,099
038	TRACTOR DESK .....	3,724	3,724
039	SPIDER APLA REMOTE CONTROL UNIT .....	969	969
040	SOLDIER ENHANCEMENT PROGRAM COMME/ELECTRONICS .....	294	294
041	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM .....	24,354	24,354
042	UNIFIED COMMAND SUITE .....	17,445	17,445
043	RADIO, IMPROVED HF (COTS) FAMILY .....	1,028	1,028
044	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE .....	22,614	22,614
	<b>COMM—INTELLIGENCE COMM</b>		
046	CI AUTOMATION ARCHITECTURE .....	1,519	1,519
047	ARMY CAMISO GPF EQUIPMENT .....	12,478	12,478
	<b>INFORMATION SECURITY</b>		
050	INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....	2,113	2,113
051	COMMUNICATIONS SECURITY (COMSEC) .....	69,646	69,646
	<b>COMM—LONG HAUL COMMUNICATIONS</b>		
052	BASE SUPPORT COMMUNICATIONS .....	28,913	28,913
	<b>COMM—BASE COMMUNICATIONS</b>		
053	INFORMATION SYSTEMS .....	97,091	97,091
054	DEFENSE MESSAGE SYSTEM (DMS) .....	246	246
055	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM .....	5,362	5,362
056	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM .....	79,965	79,965
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>		
060	JTT/CIBS-M .....	870	870
061	PROPHET GROUND .....	55,896	55,896
063	DCGS-A (MIP) .....	128,207	128,207
064	JOINT TACTICAL GROUND STATION (JTAGS) .....	5,286	5,286
065	TROJAN (MIP) .....	12,614	12,614
066	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) .....	3,901	3,901
067	CI HUMINT AUTO REPRTING AND COLL(CHARCS) .....	7,392	7,392
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>		
068	LIGHTWEIGHT COUNTER MORTAR RADAR .....	24,828	24,828
070	AIR VIGILANCE (AV) .....	7,000	7,000
072	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	1,285	1,285
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>		
075	SENTINEL MODS .....	44,305	44,305
076	NIGHT VISION DEVICES .....	160,901	160,901
078	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF .....	18,520	18,520
080	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS .....	68,296	68,296
081	FAMILY OF WEAPON SIGHTS (FWS) .....	49,205	34,205
	Early to need .....		[-15,000]
082	ARTILLERY ACCURACY EQUIP .....	4,896	4,896
083	PROFILER .....	3,115	3,115
084	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....	4,186	4,186
085	JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....	97,892	87,892
	Schedule delay .....		[-10,000]
086	JOINT EFFECTS TARGETING SYSTEM (JETS) .....	27,450	27,450
087	MOD OF IN-SVC EQUIP (LLDR) .....	14,085	14,085
088	MORTAR FIRE CONTROL SYSTEM .....	29,040	29,040

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
089	COUNTERFIRE RADARS .....	209,050	159,050
	Excessive LRIP/concurrency costs .....		[-50,000]
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>		
092	FIRE SUPPORT C2 FAMILY .....	13,823	13,823
095	AIR & MSL DEFENSE PLANNING & CONTROL SYS .....	27,374	27,374
097	LIFE CYCLE SOFTWARE SUPPORT (LCSS) .....	2,508	2,508
099	NETWORK MANAGEMENT INITIALIZATION AND SERVICE .....	21,524	21,524
100	MANEUVER CONTROL SYSTEM (MCS) .....	95,455	95,455
101	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A) .....	118,600	118,600
102	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP) .....	32,970	32,970
104	RECONNAISSANCE AND SURVEYING INSTRUMENT SET .....	10,113	10,113
	<b>ELECT EQUIP—AUTOMATION</b>		
105	ARMY TRAINING MODERNIZATION .....	9,015	9,015
106	AUTOMATED DATA PROCESSING EQUIP .....	155,223	155,223
107	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM .....	16,581	16,581
108	HIGH PERF COMPUTING MOD PGM (HPCMP) .....	65,252	65,252
110	RESERVE COMPONENT AUTOMATION SYS (RCAS) .....	17,631	17,631
	<b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>		
112	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT) .....	5,437	5,437
	<b>ELECT EQUIP—SUPPORT</b>		
113	PRODUCTION BASE SUPPORT (C-E) .....	426	426
	<b>CLASSIFIED PROGRAMS</b>		
114A	CLASSIFIED PROGRAMS .....	3,707	3,707
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>		
115	FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....	937	937
116	BASE DEFENSE SYSTEMS (BDS) .....	1,930	1,930
117	CBRN DEFENSE .....	17,468	17,468
	<b>BRIDGING EQUIPMENT</b>		
119	TACTICAL BRIDGE, FLOAT-RIBBON .....	5,442	5,442
120	COMMON BRIDGE TRANSPORTER (CBT) RECAP .....	11,013	11,013
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>		
121	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS) .....	37,649	33,249
	Early to need .....		[-4,400]
122	HUSKY MOUNTED DETECTION SYSTEM (HMDS) .....	18,545	18,545
123	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS) .....	4,701	4,701
124	EOD ROBOTICS SYSTEMS RECAPITALIZATION .....	6,346	6,346
125	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....	15,856	15,856
126	REMOTE DEMOLITION SYSTEMS .....	4,485	4,485
127	\$5M, COUNTERMINE EQUIPMENT .....	4,938	4,938
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>		
128	HEATERS AND ECU'S .....	9,235	9,235
130	SOLDIER ENHANCEMENT .....	1,677	1,677
131	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) .....	16,728	16,728
132	GROUND SOLDIER SYSTEM .....	84,761	84,761
134	FIELD FEEDING EQUIPMENT .....	15,179	15,179
135	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....	28,194	28,194
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS .....	41,967	41,967
138	ITEMS LESS THAN \$5M (ENG SPT) .....	20,090	20,090
	<b>PETROLEUM EQUIPMENT</b>		
139	QUALITY SURVEILLANCE EQUIPMENT .....	1,435	1,435
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	40,692	40,692
	<b>MEDICAL EQUIPMENT</b>		
141	COMBAT SUPPORT MEDICAL .....	46,957	46,957
	<b>MAINTENANCE EQUIPMENT</b>		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	23,758	23,758
143	ITEMS LESS THAN \$5.0M (MAINT EQ) .....	2,789	2,789
	<b>CONSTRUCTION EQUIPMENT</b>		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE) .....	5,827	5,827
145	SCRAPERS, EARTHMOVING .....	14,926	14,926
147	COMPACTOR .....	4,348	4,348
148	HYDRAULIC EXCAVATOR .....	4,938	4,938
149	TRACTOR, FULL TRACKED .....	34,071	34,071
150	ALL TERRAIN CRANES .....	4,938	4,938
151	PLANT, ASPHALT MIXING .....	667	667
153	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPAP .....	14,924	14,924
154	CONST EQUIP ESP .....	15,933	15,933
155	ITEMS LESS THAN \$5.0M (CONST EQUIP) .....	6,749	6,749
	<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>		
156	ARMY WATERCRAFT ESP .....	10,509	10,509
157	ITEMS LESS THAN \$5.0M (FLOAT/RAIL) .....	2,166	2,166
	<b>GENERATORS</b>		
158	GENERATORS AND ASSOCIATED EQUIP .....	115,190	105,190
	Cost savings from new contract .....		[-10,000]
	<b>MATERIAL HANDLING EQUIPMENT</b>		
160	FAMILY OF FORKLIFTS .....	14,327	14,327
	<b>TRAINING EQUIPMENT</b>		
161	COMBAT TRAINING CENTERS SUPPORT .....	65,062	65,062
162	TRAINING DEVICES, NONSYSTEM .....	101,295	101,295
163	CLOSE COMBAT TACTICAL TRAINER .....	13,406	13,406

**SEC. 4101. PROCUREMENT**  
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<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
164	AVIATION COMBINED ARMS TACTICAL TRAINER .....	14,440	14,440
165	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....	10,165	10,165
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>		
166	CALIBRATION SETS EQUIPMENT .....	5,726	5,726
167	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....	37,482	37,482
168	TEST EQUIPMENT MODERNIZATION (TEMOD) .....	16,061	16,061
	<b>OTHER SUPPORT EQUIPMENT</b>		
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....	2,380	2,380
171	PHYSICAL SECURITY SYSTEMS (OPA3) .....	30,686	30,686
172	BASE LEVEL COMMON EQUIPMENT .....	1,008	1,008
173	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....	98,559	83,559
	Early to need—watercraft C4ISR .....		[-15,000]
174	PRODUCTION BASE SUPPORT (OTH) .....	1,697	1,697
175	SPECIAL EQUIPMENT FOR USER TESTING .....	25,394	25,394
176	AMC CRITICAL ITEMS OPA3 .....	12,975	12,975
	<b>OPA2</b>		
180	INITIAL SPARES—C&E .....	50,032	50,032
	<b>TOTAL OTHER PROCUREMENT, ARMY</b> .....	<b>4,893,634</b>	<b>4,701,234</b>
	<b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>		
	<b>STAFF AND INFRASTRUCTURE</b>		
004	OPERATIONS .....	115,058	0
	Transfer of JIEDDO to Overseas Contingency Operations .....		[-65,558]
	Unjustified request .....		[-49,500]
	<b>TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b> .....	<b>115,058</b>	<b>0</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>		
	<b>COMBAT AIRCRAFT</b>		
001	EA-18G .....	43,547	493,547
	Additional EA-18G aircraft .....		[450,000]
005	JOINT STRIKE FIGHTER CV .....	610,652	610,652
006	ADVANCE PROCUREMENT (CY) .....	29,400	29,400
007	JSF STOVL .....	1,200,410	1,200,410
008	ADVANCE PROCUREMENT (CY) .....	143,885	143,885
009	V-22 (MEDIUM LIFT) .....	1,487,000	1,487,000
010	ADVANCE PROCUREMENT (CY) .....	45,920	45,920
011	H-1 UPGRADES (UH-1Y/AH-1Z) .....	778,757	778,757
012	ADVANCE PROCUREMENT (CY) .....	80,926	80,926
013	MH-60S (MYP) .....	210,209	210,209
015	MH-60R (MYP) .....	933,882	880,482
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[-53,400]
016	ADVANCE PROCUREMENT (CY) .....	106,686	106,686
017	P-8A POSEIDON .....	2,003,327	2,003,327
018	ADVANCE PROCUREMENT (CY) .....	48,457	48,457
019	E-2D ADV HAWKEYE .....	819,870	819,870
020	ADVANCE PROCUREMENT (CY) .....	225,765	225,765
	<b>OTHER AIRCRAFT</b>		
023	KC-130J .....	92,290	92,290
026	ADVANCE PROCUREMENT (CY) .....	37,445	37,445
027	MQ-8 UAV .....	40,663	40,663
	<b>MODIFICATION OF AIRCRAFT</b>		
029	EA-6 SERIES .....	10,993	10,993
030	AEA SYSTEMS .....	34,768	34,768
031	AV-8 SERIES .....	65,472	65,472
032	ADVERSARY .....	8,418	8,418
033	F-18 SERIES .....	679,177	679,177
034	H-46 SERIES .....	480	480
036	H-53 SERIES .....	38,159	38,159
037	SH-60 SERIES .....	108,850	108,850
038	H-1 SERIES .....	45,033	45,033
039	EP-3 SERIES .....	32,890	50,890
	Obsolescence issues .....		[5,000]
	SIGINT Architecture Modernization Common Configuration .....		[13,000]
040	P-3 SERIES .....	2,823	2,823
041	E-2 SERIES .....	21,208	21,208
042	TRAINER A/C SERIES .....	12,608	12,608
044	C-130 SERIES .....	40,378	40,378
045	FEWSG .....	640	640
046	CARGO/TRANSPORT A/C SERIES .....	4,635	4,635
047	E-6 SERIES .....	212,876	212,876
048	EXECUTIVE HELICOPTERS SERIES .....	71,328	71,328
049	SPECIAL PROJECT AIRCRAFT .....	21,317	21,317
050	T-45 SERIES .....	90,052	90,052
051	POWER PLANT CHANGES .....	19,094	19,094
052	JPATS SERIES .....	1,085	1,085
054	COMMON ECM EQUIPMENT .....	155,644	155,644
055	COMMON AVIONICS CHANGES .....	157,531	157,531
056	COMMON DEFENSIVE WEAPON SYSTEM .....	1,958	1,958
057	ID SYSTEMS .....	38,880	38,880

**SEC. 4101. PROCUREMENT**  
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<i>Line</i>	<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
058	P-8 SERIES .....	29,797	29,797
059	MAGTF EW FOR AVIATION .....	14,770	14,770
060	MQ-8 SERIES .....	8,741	8,741
061	RQ-7 SERIES .....	2,542	2,542
062	V-22 (TILT/ROTOR ACFT) OSPREY .....	135,584	135,584
063	F-35 STOVL SERIES .....	285,968	285,968
064	F-35 CV SERIES .....	20,502	20,502
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
065	SPARES AND REPAIR PARTS .....	1,229,651	1,226,651
	Program decrease .....		[-3,000]
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>		
066	COMMON GROUND EQUIPMENT .....	418,355	418,355
067	AIRCRAFT INDUSTRIAL FACILITIES .....	23,843	23,843
068	WAR CONSUMABLES .....	15,939	15,939
069	OTHER PRODUCTION CHARGES .....	5,630	5,630
070	SPECIAL SUPPORT EQUIPMENT .....	65,839	65,839
071	FIRST DESTINATION TRANSPORTATION .....	1,768	1,768
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b> .....	<b>13,074,317</b>	<b>13,485,917</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>		
	<b>MODIFICATION OF MISSILES</b>		
001	TRIDENT II MODS .....	1,190,455	1,190,455
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
002	MISSILE INDUSTRIAL FACILITIES .....	5,671	5,671
	<b>STRATEGIC MISSILES</b>		
003	TOMAHAWK .....	194,258	276,258
	Minimum sustaining rate increase .....		[82,000]
	<b>TACTICAL MISSILES</b>		
004	AMRAAM .....	32,165	22,165
	Program decrease .....		[-10,000]
005	SIDEWINDER .....	73,928	73,928
006	JSOW .....	130,759	130,759
007	STANDARD MISSILE .....	445,836	445,836
008	RAM .....	80,792	80,792
011	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM) .....	1,810	1,810
012	AERIAL TARGETS .....	48,046	48,046
013	OTHER MISSILE SUPPORT .....	3,295	3,295
	<b>MODIFICATION OF MISSILES</b>		
014	ESSM .....	119,434	119,434
015	HARM MODS .....	111,739	111,739
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
016	WEAPONS INDUSTRIAL FACILITIES .....	2,531	2,531
017	FLEET SATELLITE COMM FOLLOW-ON .....	208,700	199,700
	Excess to need .....		[-9,000]
	<b>ORDNANCE SUPPORT EQUIPMENT</b>		
018	ORDNANCE SUPPORT EQUIPMENT .....	73,211	73,211
	<b>TORPEDOES AND RELATED EQUIP</b>		
019	SSTD .....	6,562	6,562
020	MK-48 TORPEDO .....	14,153	14,153
021	ASW TARGETS .....	2,515	2,515
	<b>MOD OF TORPEDOES AND RELATED EQUIP</b>		
022	MK-54 TORPEDO MODS .....	98,928	98,928
023	MK-48 TORPEDO ADCAP MODS .....	46,893	46,893
024	QUICKSTRIKE MINE .....	6,966	6,966
	<b>SUPPORT EQUIPMENT</b>		
025	TORPEDO SUPPORT EQUIPMENT .....	52,670	52,670
026	ASW RANGE SUPPORT .....	3,795	3,795
	<b>DESTINATION TRANSPORTATION</b>		
027	FIRST DESTINATION TRANSPORTATION .....	3,692	3,692
	<b>GUNS AND GUN MOUNTS</b>		
028	SMALL ARMS AND WEAPONS .....	13,240	13,240
	<b>MODIFICATION OF GUNS AND GUN MOUNTS</b>		
029	CIWS MODS .....	75,108	75,108
030	COAST GUARD WEAPONS .....	18,948	18,948
031	GUN MOUNT MODS .....	62,651	62,651
033	AIRBORNE MINE NEUTRALIZATION SYSTEMS .....	15,006	15,006
	<b>SPARES AND REPAIR PARTS</b>		
035	SPARES AND REPAIR PARTS .....	74,188	74,188
	<b>TOTAL WEAPONS PROCUREMENT, NAVY</b> .....	<b>3,217,945</b>	<b>3,280,945</b>
	<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>		
	<b>NAVY AMMUNITION</b>		
001	GENERAL PURPOSE BOMBS .....	107,069	107,069
002	AIRBORNE ROCKETS, ALL TYPES .....	70,396	70,396
003	MACHINE GUN AMMUNITION .....	20,284	20,284
004	PRACTICE BOMBS .....	26,701	26,701
005	CARTRIDGES & CART ACTUATED DEVICES .....	53,866	53,866
006	AIR EXPENDABLE COUNTERMEASURES .....	59,294	59,294
007	JATOS .....	2,766	2,766



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<i>Line</i>	<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
008	LRLAP 6" LONG RANGE ATTACK PROJECTILE .....	113,092	113,092
009	5 INCH/54 GUN AMMUNITION .....	35,702	35,702
010	INTERMEDIATE CALIBER GUN AMMUNITION .....	36,475	36,475
011	OTHER SHIP GUN AMMUNITION .....	43,906	43,906
012	SMALL ARMS & LANDING PARTY AMMO .....	51,535	51,535
013	PYROTECHNIC AND DEMOLITION .....	11,652	11,652
014	AMMUNITION LESS THAN \$5 MILLION .....	4,473	4,473
	<b>MARINE CORPS AMMUNITION</b>		
015	SMALL ARMS AMMUNITION .....	31,708	31,708
016	LINEAR CHARGES, ALL TYPES .....	692	692
017	40 MM, ALL TYPES .....	13,630	13,630
018	60MM, ALL TYPES .....	2,261	2,261
019	81MM, ALL TYPES .....	1,496	1,496
020	120MM, ALL TYPES .....	14,855	14,855
022	GRENADES, ALL TYPES .....	4,000	4,000
023	ROCKETS, ALL TYPES .....	16,853	16,853
024	ARTILLERY, ALL TYPES .....	14,772	14,772
026	FUZE, ALL TYPES .....	9,972	9,972
027	NON LETHALS .....	998	998
028	AMMO MODERNIZATION .....	12,319	12,319
029	ITEMS LESS THAN \$5 MILLION .....	11,178	11,178
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC</b> .....	<b>771,945</b>	<b>771,945</b>
	<b>SHIPBUILDING &amp; CONVERSION, NAVY</b>		
	<b>OTHER WARSHIPS</b>		
001	CARRIER REPLACEMENT PROGRAM .....	1,300,000	1,300,000
002	VIRGINIA CLASS SUBMARINE .....	3,553,254	3,553,254
003	ADVANCE PROCUREMENT (CY) .....	2,330,325	2,330,325
004	CVN REFUELING OVERHAULS .....		483,600
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[483,600]
006	DDG 1000 .....	419,532	365,532
	DDG-1000 .....		[-54,000]
007	DDG-51 .....	2,671,415	2,671,415
008	ADVANCE PROCUREMENT (CY) .....	134,039	134,039
009	LITTORAL COMBAT SHIP .....	1,427,049	977,049
	Reduction of 1 LCS .....		[-450,000]
009A	ADVANCE PROCUREMENT (CY) .....		100,000
	Program requirement .....		[100,000]
	<b>AMPHIBIOUS SHIPS</b>		
010	LPD-17 .....	12,565	812,565
	Incremental funding for LPD-28 .....		[800,000]
014	ADVANCE PROCUREMENT (CY) .....	29,093	29,093
015	JOINT HIGH SPEED VESSEL .....	4,590	4,590
	<b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>		
016	MOORED TRAINING SHIP .....	737,268	517,268
	Moored Training Ship .....		[-220,000]
017	ADVANCE PROCUREMENT (CY) .....	64,388	64,388
018	OUTFITTING .....	546,104	546,104
019	SHIP TO SHORE CONNECTOR .....	123,233	123,233
020	LCAC SLEP .....	40,485	40,485
021	COMPLETION OF PY SHIPBUILDING PROGRAMS .....	1,007,285	1,007,285
	<b>TOTAL SHIPBUILDING &amp; CONVERSION, NAVY</b> .....	<b>14,400,625</b>	<b>15,060,225</b>
	<b>OTHER PROCUREMENT, NAVY</b>		
	<b>SHIP PROPULSION EQUIPMENT</b>		
001	LM-2500 GAS TURBINE .....	7,822	7,822
002	ALLISON 501K GAS TURBINE .....	2,155	2,155
003	HYBRID ELECTRIC DRIVE (HED) .....	22,704	15,704
	Hybrid Electric Drive .....		[-7,000]
	<b>GENERATORS</b>		
004	SURFACE COMBATANT HM&E .....	29,120	22,120
	Surface Combatant HM&E .....		[-7,000]
	<b>NAVIGATION EQUIPMENT</b>		
005	OTHER NAVIGATION EQUIPMENT .....	45,431	45,431
	<b>PERISCOPES</b>		
006	SUB PERISCOPES & IMAGING EQUIP .....	60,970	52,670
	Submarine Periscopes and Imaging Equipment .....		[-8,300]
	<b>OTHER SHIPBOARD EQUIPMENT</b>		
007	DDG MOD .....	338,569	338,569
008	FIREFIGHTING EQUIPMENT .....	15,486	15,486
009	COMMAND AND CONTROL SWITCHBOARD .....	2,219	2,219
010	LHA/LHD MIDLIFE .....	17,928	17,928
011	LCC 19/20 EXTENDED SERVICE LIFE PROGRAM .....	22,025	22,025
012	POLLUTION CONTROL EQUIPMENT .....	12,607	12,607
013	SUBMARINE SUPPORT EQUIPMENT .....	16,492	16,492
014	VIRGINIA CLASS SUPPORT EQUIPMENT .....	74,129	74,129
015	LCS CLASS SUPPORT EQUIPMENT .....	36,206	36,206
016	SUBMARINE BATTERIES .....	37,352	37,352
017	LPD CLASS SUPPORT EQUIPMENT .....	49,095	49,095

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
018	ELECTRONIC DRY AIR .....	2,996	2,996
019	STRATEGIC PLATFORM SUPPORT EQUIP .....	11,558	11,558
020	DSSP EQUIPMENT .....	5,518	5,518
022	LCAC .....	7,158	7,158
023	UNDERWATER EOD PROGRAMS .....	58,783	53,783
	Underwater EOD programs .....		[-5,000]
024	ITEMS LESS THAN \$5 MILLION .....	68,748	68,748
025	CHEMICAL WARFARE DETECTORS .....	2,937	2,937
026	SUBMARINE LIFE SUPPORT SYSTEM .....	8,385	8,385
	<b>REACTOR PLANT EQUIPMENT</b>		
027	REACTOR POWER UNITS .....		298,200
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[298,200]
028	REACTOR COMPONENTS .....	288,822	288,822
	<b>OCEAN ENGINEERING</b>		
029	DIVING AND SALVAGE EQUIPMENT .....	10,572	10,572
	<b>SMALL BOATS</b>		
030	STANDARD BOATS .....	129,784	80,784
	Standard Boats .....		[-49,000]
	<b>TRAINING EQUIPMENT</b>		
031	OTHER SHIPS TRAINING EQUIPMENT .....	17,152	17,152
	<b>PRODUCTION FACILITIES EQUIPMENT</b>		
032	OPERATING FORCES IPE .....	39,409	39,409
	<b>OTHER SHIP SUPPORT</b>		
033	NUCLEAR ALTERATIONS .....	118,129	118,129
034	LCS COMMON MISSION MODULES EQUIPMENT .....	37,413	37,413
035	LCS MCM MISSION MODULES .....	15,270	15,270
036	LCS ASW MISSION MODULES .....	2,729	2,729
037	LCS SUW MISSION MODULES .....	44,208	44,208
038	REMOTE MINEHUNTING SYSTEM (RMS) .....	42,276	42,276
	<b>SHIP SONARS</b>		
040	SPQ-9B RADAR .....	28,007	28,007
041	AN/SQQ-89 SURF ASW COMBAT SYSTEM .....	79,802	79,802
042	SSN ACOUSTICS .....	165,655	165,655
043	UNDERSEA WARFARE SUPPORT EQUIPMENT .....	9,487	9,487
044	SONAR SWITCHES AND TRANSDUCERS .....	11,621	11,621
	<b>ASW ELECTRONIC EQUIPMENT</b>		
046	SUBMARINE ACOUSTIC WARFARE SYSTEM .....	24,221	24,221
047	SSTD .....	12,051	12,051
048	FIXED SURVEILLANCE SYSTEM .....	170,831	170,831
049	SURTASS .....	9,619	9,619
050	MARITIME PATROL AND RECONNAISSANCE FORCE .....	14,390	14,390
	<b>ELECTRONIC WARFARE EQUIPMENT</b>		
051	AN/SLQ-32 .....	214,582	214,582
	<b>RECONNAISSANCE EQUIPMENT</b>		
052	SHIPBOARD IW EXPLOIT .....	124,862	124,862
053	AUTOMATED IDENTIFICATION SYSTEM (AIS) .....	164	164
	<b>SUBMARINE SURVEILLANCE EQUIPMENT</b>		
054	SUBMARINE SUPPORT EQUIPMENT PROG .....	45,362	45,362
	<b>OTHER SHIP ELECTRONIC EQUIPMENT</b>		
055	COOPERATIVE ENGAGEMENT CAPABILITY .....	33,939	33,939
056	TRUSTED INFORMATION SYSTEM (TIS) .....	324	324
057	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) .....	18,192	18,192
058	ATDLS .....	16,768	16,768
059	NAVY COMMAND AND CONTROL SYSTEM (NCCS) .....	5,219	5,219
060	MINESWEEPING SYSTEM REPLACEMENT .....	42,108	42,108
062	NAVSTAR GPS RECEIVERS (SPACE) .....	15,232	15,232
063	AMERICAN FORCES RADIO AND TV SERVICE .....	4,524	4,524
064	STRATEGIC PLATFORM SUPPORT EQUIP .....	6,382	6,382
	<b>TRAINING EQUIPMENT</b>		
065	OTHER TRAINING EQUIPMENT .....	46,122	46,122
	<b>AVIATION ELECTRONIC EQUIPMENT</b>		
066	MATCALS .....	16,999	16,999
067	SHIPBOARD AIR TRAFFIC CONTROL .....	9,366	9,366
068	AUTOMATIC CARRIER LANDING SYSTEM .....	21,357	21,357
069	NATIONAL AIR SPACE SYSTEM .....	26,639	26,639
070	FLEET AIR TRAFFIC CONTROL SYSTEMS .....	9,214	9,214
071	LANDING SYSTEMS .....	13,902	13,902
072	ID SYSTEMS .....	34,901	34,901
073	NAVAL MISSION PLANNING SYSTEMS .....	13,950	13,950
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>		
074	DEPLOYABLE JOINT COMMAND & CONTROL .....	1,205	1,205
075	MARITIME INTEGRATED BROADCAST SYSTEM .....	3,447	3,447
076	TACTICAL/MOBILE C4I SYSTEMS .....	16,766	16,766
077	DCGS-N .....	23,649	23,649
078	CANES .....	357,589	357,589
079	RADIAC .....	8,343	8,343
080	CANES-INTELL .....	65,015	65,015
081	GPETE .....	6,284	6,284
082	INTEG COMBAT SYSTEM TEST FACILITY .....	4,016	4,016

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
083	EMI CONTROL INSTRUMENTATION .....	4,113	4,113
084	ITEMS LESS THAN \$5 MILLION .....	45,053	45,053
	<b>SHIPBOARD COMMUNICATIONS</b>		
085	SHIPBOARD TACTICAL COMMUNICATIONS .....	14,410	14,410
086	SHIP COMMUNICATIONS AUTOMATION .....	20,830	20,830
088	COMMUNICATIONS ITEMS UNDER \$5M .....	14,145	14,145
	<b>SUBMARINE COMMUNICATIONS</b>		
089	SUBMARINE BROADCAST SUPPORT .....	11,057	11,057
090	SUBMARINE COMMUNICATION EQUIPMENT .....	67,852	67,852
	<b>SATELLITE COMMUNICATIONS</b>		
091	SATELLITE COMMUNICATIONS SYSTEMS .....	13,218	13,268
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[50]
092	NAVY MULTIBAND TERMINAL (NMT) .....	272,076	272,076
	<b>SHORE COMMUNICATIONS</b>		
093	JCS COMMUNICATIONS EQUIPMENT .....	4,369	4,369
094	ELECTRICAL POWER SYSTEMS .....	1,402	1,402
	<b>CRYPTOGRAPHIC EQUIPMENT</b>		
095	INFO SYSTEMS SECURITY PROGRAM (ISSP) .....	110,766	110,766
096	MIO INTEL EXPLOITATION TEAM .....	979	979
	<b>CRYPTOLOGIC EQUIPMENT</b>		
097	CRYPTOLOGIC COMMUNICATIONS EQUIP .....	11,502	11,502
	<b>OTHER ELECTRONIC SUPPORT</b>		
098	COAST GUARD EQUIPMENT .....	2,967	2,967
	<b>SONOBUOYS</b>		
100	SONOBUOYS—ALL TYPES .....	182,946	182,946
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>		
101	WEAPONS RANGE SUPPORT EQUIPMENT .....	47,944	47,944
103	AIRCRAFT SUPPORT EQUIPMENT .....	76,683	76,683
106	METEOROLOGICAL EQUIPMENT .....	12,575	12,875
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[300]
107	DCRS/DPL .....	1,415	1,415
109	AIRBORNE MINE COUNTERMEASURES .....	23,152	23,152
114	AVIATION SUPPORT EQUIPMENT .....	52,555	52,555
	<b>SHIP GUN SYSTEM EQUIPMENT</b>		
115	SHIP GUN SYSTEMS EQUIPMENT .....	5,572	5,572
	<b>SHIP MISSILE SYSTEMS EQUIPMENT</b>		
118	SHIP MISSILE SUPPORT EQUIPMENT .....	165,769	165,769
123	TOMAHAWK SUPPORT EQUIPMENT .....	61,462	61,462
	<b>FBM SUPPORT EQUIPMENT</b>		
126	STRATEGIC MISSILE SYSTEMS EQUIP .....	229,832	229,832
	<b>ASW SUPPORT EQUIPMENT</b>		
127	SSN COMBAT CONTROL SYSTEMS .....	66,020	66,020
128	ASW SUPPORT EQUIPMENT .....	7,559	7,559
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>		
132	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....	20,619	20,619
133	ITEMS LESS THAN \$5 MILLION .....	11,251	11,251
	<b>OTHER EXPENDABLE ORDNANCE</b>		
137	TRAINING DEVICE MODS .....	84,080	84,080
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		
138	PASSENGER CARRYING VEHICLES .....	2,282	2,282
139	GENERAL PURPOSE TRUCKS .....	547	547
140	CONSTRUCTION & MAINTENANCE EQUIP .....	8,949	8,949
141	FIRE FIGHTING EQUIPMENT .....	14,621	14,621
142	TACTICAL VEHICLES .....	957	957
143	AMPHIBIOUS EQUIPMENT .....	8,187	8,187
144	POLLUTION CONTROL EQUIPMENT .....	2,942	2,942
145	ITEMS UNDER \$5 MILLION .....	17,592	17,592
146	PHYSICAL SECURITY VEHICLES .....	1,177	1,177
	<b>SUPPLY SUPPORT EQUIPMENT</b>		
147	MATERIALS HANDLING EQUIPMENT .....	10,937	10,937
148	OTHER SUPPLY SUPPORT EQUIPMENT .....	10,374	10,374
149	FIRST DESTINATION TRANSPORTATION .....	5,668	5,668
150	SPECIAL PURPOSE SUPPLY SYSTEMS .....	90,921	90,921
	<b>TRAINING DEVICES</b>		
151	TRAINING SUPPORT EQUIPMENT .....	22,046	22,046
	<b>COMMAND SUPPORT EQUIPMENT</b>		
152	COMMAND SUPPORT EQUIPMENT .....	24,208	24,208
153	EDUCATION SUPPORT EQUIPMENT .....	874	874
154	MEDICAL SUPPORT EQUIPMENT .....	2,634	2,634
156	NAVAL MIP SUPPORT EQUIPMENT .....	3,573	3,573
157	OPERATING FORCES SUPPORT EQUIPMENT .....	3,997	3,997
158	C4ISR EQUIPMENT .....	9,638	9,638
159	ENVIRONMENTAL SUPPORT EQUIPMENT .....	21,001	21,001
160	PHYSICAL SECURITY EQUIPMENT .....	94,957	94,957
161	ENTERPRISE INFORMATION TECHNOLOGY .....	87,214	87,214
	<b>OTHER</b>		
164	NEXT GENERATION ENTERPRISE SERVICE .....	116,165	116,165
	<b>CLASSIFIED PROGRAMS</b>		
164A	CLASSIFIED PROGRAMS .....	10,847	10,847

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
	<b>SPARES AND REPAIR PARTS</b>		
165	SPARES AND REPAIR PARTS .....	325,084	325,134
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[50]
	<b>TOTAL OTHER PROCUREMENT, NAVY</b> .....	<b>5,975,828</b>	<b>6,198,128</b>
	<b>PROCUREMENT, MARINE CORPS</b>		
	<b>TRACKED COMBAT VEHICLES</b>		
001	AAV7A1 PIP .....	16,756	16,756
002	LAV PIP .....	77,736	77,736
	<b>ARTILLERY AND OTHER WEAPONS</b>		
003	EXPEDITIONARY FIRE SUPPORT SYSTEM .....	5,742	642
	Per Marine Corps excess to need .....		[-5,100]
004	155MM LIGHTWEIGHT TOWED HOWITZER .....	4,532	4,532
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....	19,474	19,474
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....	7,250	7,250
	<b>OTHER SUPPORT</b>		
007	MODIFICATION KITS .....	21,909	21,909
008	WEAPONS ENHANCEMENT PROGRAM .....	3,208	3,208
	<b>GUIDED MISSILES</b>		
009	GROUND BASED AIR DEFENSE .....	31,439	31,439
010	JAVELIN .....	343	343
011	FOLLOW ON TO SMAW .....	4,995	4,995
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H) .....	1,589	1,589
	<b>OTHER SUPPORT</b>		
013	MODIFICATION KITS .....	5,134	5,134
	<b>COMMAND AND CONTROL SYSTEMS</b>		
014	UNIT OPERATIONS CENTER .....	9,178	9,178
015	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C .....	12,272	12,272
	<b>REPAIR AND TEST EQUIPMENT</b>		
016	REPAIR AND TEST EQUIPMENT .....	30,591	30,591
	<b>OTHER SUPPORT (TEL)</b>		
017	COMBAT SUPPORT SYSTEM .....	2,385	2,385
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>		
019	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....	4,205	4,205
020	AIR OPERATIONS C2 SYSTEMS .....	8,002	8,002
	<b>RADAR + EQUIPMENT (NON-TEL)</b>		
021	RADAR SYSTEMS .....	19,595	19,595
022	U .....	89,230	89,230
023	RQ-21 UAS .....	70,565	70,565
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>		
024	FIRE SUPPORT SYSTEM .....	11,860	11,860
025	INTELLIGENCE SUPPORT EQUIPMENT .....	44,340	44,340
028	RQ-11 UAV .....	2,737	2,737
030	DCGS-MC .....	20,620	20,620
	<b>OTHER COMMELEC EQUIPMENT (NON-TEL)</b>		
031	NIGHT VISION EQUIPMENT .....	9,798	9,798
	<b>OTHER SUPPORT (NON-TEL)</b>		
032	NEXT GENERATION ENTERPRISE NETWORK (NGEN) .....	2,073	2,073
033	COMMON COMPUTER RESOURCES .....	33,570	33,570
034	COMMAND POST SYSTEMS .....	38,186	38,186
035	RADIO SYSTEMS .....	64,494	64,494
036	COMM SWITCHING & CONTROL SYSTEMS .....	72,956	72,956
037	COMM & ELEC INFRASTRUCTURE SUPPORT .....	43,317	43,317
	<b>CLASSIFIED PROGRAMS</b>		
037A	CLASSIFIED PROGRAMS .....	2,498	2,498
	<b>ADMINISTRATIVE VEHICLES</b>		
038	COMMERCIAL PASSENGER VEHICLES .....	332	332
039	COMMERCIAL CARGO VEHICLES .....	11,035	11,035
	<b>TACTICAL VEHICLES</b>		
040	5/4T TRUCK HMMWV (MYP) .....	57,255	37,255
	Early to need .....		[-20,000]
041	MOTOR TRANSPORT MODIFICATIONS .....	938	938
044	JOINT LIGHT TACTICAL VEHICLE .....	7,500	7,500
045	FAMILY OF TACTICAL TRAILERS .....	10,179	10,179
	<b>OTHER SUPPORT</b>		
046	ITEMS LESS THAN \$5 MILLION .....	11,023	11,023
	<b>ENGINEER AND OTHER EQUIPMENT</b>		
047	ENVIRONMENTAL CONTROL EQUIP ASSORT .....	994	994
048	BULK LIQUID EQUIPMENT .....	1,256	1,256
049	TACTICAL FUEL SYSTEMS .....	3,750	3,750
050	POWER EQUIPMENT ASSORTED .....	8,985	8,985
051	AMPHIBIOUS SUPPORT EQUIPMENT .....	4,418	4,418
052	EOD SYSTEMS .....	6,528	6,528
	<b>MATERIALS HANDLING EQUIPMENT</b>		
053	PHYSICAL SECURITY EQUIPMENT .....	26,510	26,510
054	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE) .....	1,910	1,910
055	MATERIAL HANDLING EQUIP .....	8,807	8,807
056	FIRST DESTINATION TRANSPORTATION .....	128	128
	<b>GENERAL PROPERTY</b>		

**SEC. 4101. PROCUREMENT**  
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<i>Line</i>	<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
058	TRAINING DEVICES .....	3,412	3,412
059	CONTAINER FAMILY .....	1,662	1,662
060	FAMILY OF CONSTRUCTION EQUIPMENT .....	3,669	3,669
	<b>OTHER SUPPORT</b>		
062	ITEMS LESS THAN \$5 MILLION .....	4,272	4,272
	<b>SPARES AND REPAIR PARTS</b>		
063	SPARES AND REPAIR PARTS .....	16,210	16,210
	<b>TOTAL PROCUREMENT, MARINE CORPS</b> .....	<b>983,352</b>	<b>958,252</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>TACTICAL FORCES</b>		
001	F-35 .....	3,553,046	3,553,046
002	ADVANCE PROCUREMENT (CY) .....	291,880	291,880
	<b>TACTICAL AIRLIFT</b>		
003	KC-46A TANKER .....	1,582,685	1,356,585
	LRIP 1 Ramp Rate .....		[-226,100]
	<b>OTHER AIRLIFT</b>		
004	C-130J .....	482,396	482,396
005	ADVANCE PROCUREMENT (CY) .....	140,000	140,000
006	HC-130J .....	332,024	332,024
007	ADVANCE PROCUREMENT (CY) .....	50,000	50,000
008	MC-130J .....	190,971	190,971
009	ADVANCE PROCUREMENT (CY) .....	80,000	80,000
	<b>MISSION SUPPORT AIRCRAFT</b>		
012	CIVIL AIR PATROL A/C .....	2,562	2,562
	<b>OTHER AIRCRAFT</b>		
013	TARGET DRONES .....	98,576	98,576
016	RQ-4 .....	54,475	44,475
	MPRTIP Sensor Trainer reduction .....		[-10,000]
017	AC-130J .....	1	1
018	MQ-9 .....	240,218	360,218
	Program increase .....		[120,000]
	<b>STRATEGIC AIRCRAFT</b>		
020	B-2A .....	23,865	23,865
021	B-1B .....	140,252	140,252
022	B-52 .....	180,148	180,148
023	LARGE AIRCRAFT INFRARED COUNTERMEASURES .....	13,159	13,159
	<b>TACTICAL AIRCRAFT</b>		
025	F-15 .....	387,314	387,314
026	F-16 .....	12,336	12,336
027	F-22A .....	180,207	180,207
028	F-35 MODIFICATIONS .....	187,646	187,646
029	ADVANCE PROCUREMENT (CY) .....	28,500	28,500
	<b>AIRLIFT AIRCRAFT</b>		
030	C-5 .....	14,731	14,731
031	C-5M .....	331,466	281,466
	Program execution delay .....		[-50,000]
033	C-17A .....	127,494	127,494
034	C-21 .....	264	264
035	C-32A .....	8,767	8,767
036	C-37A .....	18,457	18,457
	<b>TRAINER AIRCRAFT</b>		
038	GLIDER MODS .....	132	132
039	T-6 .....	14,486	14,486
040	T-1 .....	7,650	7,650
041	T-38 .....	34,845	34,845
	<b>OTHER AIRCRAFT</b>		
044	KC-10A (ATCA) .....	34,313	34,313
045	C-12 .....	1,960	1,960
048	VC-25A MOD .....	1,072	1,072
049	C-40 .....	7,292	7,292
050	C-130 .....	35,869	109,671
	8.33kHz radios .....		[-7,447]
	C-130 8-Bladed Propeller upgrade .....		[30,000]
	C-130 AMP .....		[35,800]
	CVR/DVR .....		[-7,151]
	T-56 3.5 Engine Mod .....		[22,600]
051	C-130J MODS .....	7,919	7,919
052	C-135 .....	63,568	63,568
053	COMPASS CALL MODS .....	57,828	57,828
054	RC-135 .....	152,746	152,746
055	E-3 .....	16,491	29,348
	Program increase .....		[12,857]
056	E-4 .....	22,341	22,341
058	AIRBORNE WARNING AND CONTROL SYSTEM .....	160,284	160,284
059	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS .....	32,026	32,026
060	H-1 .....	8,237	8,237
061	H-60 .....	60,110	60,110
062	RQ-4 MODS .....	21,354	21,354

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<i>Line</i>	<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
063	HC/MC-130 MODIFICATIONS .....	1,902	1,902
064	OTHER AIRCRAFT .....	32,106	32,106
065	MQ-1 MODS .....	4,755	1,555
	Program reduction .....		[-3,200]
066	MQ-9 MODS .....	155,445	155,445
069	CV-22 MODS .....	74,874	74,874
069A	EJECTION SEAT RELIABILITY IMPROVEMENT PROGRAM .....		7,000
	Initial aircraft installation .....		[7,000]
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
070	INITIAL SPARES/REPAIR PARTS .....	466,562	424,532
	Program decrease .....		[-42,030]
	<b>COMMON SUPPORT EQUIPMENT</b>		
071	AIRCRAFT REPLACEMENT SUPPORT EQUIP .....	22,470	22,470
	<b>POST PRODUCTION SUPPORT</b>		
074	B-2A .....	44,793	44,793
075	B-52 .....	5,249	5,249
077	C-17A .....	20,110	15,110
	Program execution delay .....		[-5,000]
078	CV-22 POST PRODUCTION SUPPORT .....	16,931	16,931
080	C-135 .....	4,414	4,414
081	F-15 .....	1,122	1,122
082	F-16 .....	10,994	10,994
083	F-22A .....	5,929	5,929
084	OTHER AIRCRAFT .....	27	27
	<b>INDUSTRIAL PREPAREDNESS</b>		
085	INDUSTRIAL RESPONSIVENESS .....	21,363	21,363
	<b>WAR CONSUMABLES</b>		
086	WAR CONSUMABLES .....	82,906	82,906
	<b>OTHER PRODUCTION CHARGES</b>		
087	OTHER PRODUCTION CHARGES .....	1,007,276	1,007,276
	<b>CLASSIFIED PROGRAMS</b>		
087A	CLASSIFIED PROGRAMS .....	69,380	69,380
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE</b> .....	<b>11,542,571</b>	<b>11,419,900</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>		
	<b>MISSILE REPLACEMENT EQUIPMENT—BALLISTIC</b>		
001	MISSILE REPLACEMENT EQ-BALLISTIC .....	80,187	80,187
	<b>TACTICAL</b>		
003	JOINT AIR-SURFACE STANDOFF MISSILE .....	337,438	337,438
004	SIDEWINDER (AIM-9X) .....	132,995	132,995
005	AMRAAM .....	329,600	329,600
006	PREDATOR HELLFIRE MISSILE .....	33,878	33,878
007	SMALL DIAMETER BOMB .....	70,578	70,578
	<b>INDUSTRIAL FACILITIES</b>		
008	INDUSTR'L PREPAREDNS/POL PREVENTION .....	749	749
	<b>CLASS IV</b>		
009	MM III MODIFICATIONS .....	28,477	28,477
010	AGM-65D MAVERICK .....	276	276
011	AGM-88A HARM .....	297	297
012	AIR LAUNCH CRUISE MISSILE (ALCM) .....	16,083	16,083
013	SMALL DIAMETER BOMB .....	6,924	6,924
	<b>MISSILE SPARES AND REPAIR PARTS</b>		
014	INITIAL SPARES/REPAIR PARTS .....	87,366	87,366
	<b>SPACE PROGRAMS</b>		
015	ADVANCED EHF .....	298,890	298,890
016	WIDEBAND GAPFILLER SATELLITES(SPACE) .....	38,971	35,971
	Unjustified growth .....		[-3,000]
017	GPS III SPACE SEGMENT .....	235,397	235,397
018	ADVANCE PROCUREMENT (CY) .....	57,000	57,000
019	SPACEBORNE EQUIP (COMSEC) .....	16,201	16,201
020	GLOBAL POSITIONING (SPACE) .....	52,090	52,090
021	DEF METEOROLOGICAL SAT PROG(SPACE) .....	87,000	87,000
022	EVOLVED EXPENDABLE LAUNCH VEH (INFRAST.) .....	750,143	750,143
023	EVOLVED EXPENDABLE LAUNCH VEH(SPACE) .....	630,903	765,903
	DMSP 20 launch/Additional competition launch .....		[135,000]
024	SBIR HIGH (SPACE) .....	450,884	450,884
	<b>SPECIAL PROGRAMS</b>		
028	SPECIAL UPDATE PROGRAMS .....	60,179	60,179
	<b>CLASSIFIED PROGRAMS</b>		
028A	CLASSIFIED PROGRAMS .....	888,000	888,000
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b> .....	<b>4,690,506</b>	<b>4,822,506</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>		
	<b>ROCKETS</b>		
001	ROCKETS .....	4,696	4,696
	<b>CARTRIDGES</b>		
002	CARTRIDGES .....	133,271	133,271
	<b>BOMBS</b>		
003	PRACTICE BOMBS .....	31,998	31,998

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
004	GENERAL PURPOSE BOMBS .....	148,614	148,614
005	JOINT DIRECT ATTACK MUNITION .....	101,400	101,400
	<b>OTHER ITEMS</b>		
006	CAD/PAD .....	29,989	29,989
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....	6,925	6,925
008	SPARES AND REPAIR PARTS .....	494	494
009	MODIFICATIONS .....	1,610	1,610
010	ITEMS LESS THAN \$5 MILLION .....	4,237	4,237
	<b>FLARES</b>		
011	FLARES .....	86,101	86,101
	<b>FUZES</b>		
012	FUZES .....	103,417	103,417
	<b>SMALL ARMS</b>		
013	SMALL ARMS .....	24,648	24,648
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b> .....	<b>677,400</b>	<b>677,400</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>		
	<b>PASSENGER CARRYING VEHICLES</b>		
001	PASSENGER CARRYING VEHICLES .....	6,528	2,528
	Program reduction .....		[-4,000]
	<b>CARGO AND UTILITY VEHICLES</b>		
002	MEDIUM TACTICAL VEHICLE .....	7,639	2,639
	Program reduction .....		[-5,000]
003	CAP VEHICLES .....	961	961
004	ITEMS LESS THAN \$5 MILLION .....	11,027	5,027
	Program reduction .....		[-6,000]
	<b>SPECIAL PURPOSE VEHICLES</b>		
005	SECURITY AND TACTICAL VEHICLES .....	4,447	4,447
006	ITEMS LESS THAN \$5 MILLION .....	693	693
	<b>FIRE FIGHTING EQUIPMENT</b>		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES .....	10,152	10,152
	<b>MATERIALS HANDLING EQUIPMENT</b>		
008	ITEMS LESS THAN \$5 MILLION .....	15,108	5,108
	Program reduction .....		[-10,000]
	<b>BASE MAINTENANCE SUPPORT</b>		
009	RUNWAY SNOW REMOV & CLEANING EQUIP .....	10,212	6,212
	Program reduction .....		[-4,000]
010	ITEMS LESS THAN \$5 MILLION .....	57,049	32,049
	Program reduction .....		[-25,000]
	<b>COMM SECURITY EQUIPMENT(COMSEC)</b>		
011	COMSEC EQUIPMENT .....	106,182	106,182
012	MODIFICATIONS (COMSEC) .....	1,363	1,363
	<b>INTELLIGENCE PROGRAMS</b>		
013	INTELLIGENCE TRAINING EQUIPMENT .....	2,832	2,832
014	INTELLIGENCE COMM EQUIPMENT .....	32,329	32,329
016	MISSION PLANNING SYSTEMS .....	15,649	15,649
	<b>ELECTRONICS PROGRAMS</b>		
017	AIR TRAFFIC CONTROL & LANDING SYS .....	42,200	42,200
018	NATIONAL AIRSPACE SYSTEM .....	6,333	6,333
019	BATTLE CONTROL SYSTEM—FIXED .....	2,708	2,708
020	THEATER AIR CONTROL SYS IMPROVEMENTS .....	50,033	40,033
	Program reduction .....		[-10,000]
021	WEATHER OBSERVATION FORECAST .....	16,348	16,348
022	STRATEGIC COMMAND AND CONTROL .....	139,984	139,984
023	CHEYENNE MOUNTAIN COMPLEX .....	20,101	20,101
026	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN) .....	9,060	9,060
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		
027	GENERAL INFORMATION TECHNOLOGY .....	39,100	39,100
028	AF GLOBAL COMMAND & CONTROL SYS .....	19,010	19,010
029	MOBILITY COMMAND AND CONTROL .....	11,462	11,462
030	AIR FORCE PHYSICAL SECURITY SYSTEM .....	37,426	37,426
031	COMBAT TRAINING RANGES .....	26,634	26,634
032	MINIMUM ESSENTIAL EMERGENCY COMM N .....	1,289	1,289
033	C3 COUNTERMEASURES .....	11,508	11,508
034	GCSS-AF FOS .....	3,670	3,670
035	DEFENSE ENTERPRISE ACCOUNTING AND MGMT SYSTEM .....	15,298	15,298
036	THEATER BATTLE MGT C2 SYSTEM .....	9,565	9,565
037	AIR & SPACE OPERATIONS CTR-WPN SYS .....	25,772	25,772
	<b>AIR FORCE COMMUNICATIONS</b>		
038	INFORMATION TRANSPORT SYSTEMS .....	81,286	112,586
	Air Force requested program transfer from AFNET .....		[31,300]
039	AFNET .....	122,228	90,928
	Air Force requested program transfer to BITI .....		[-31,300]
041	USCENTCOM .....	16,342	16,342
	<b>SPACE PROGRAMS</b>		
042	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS .....	60,230	60,230
043	SPACE BASED IR SENSOR PGM SPACE .....	26,100	26,100
044	NAVSTAR GPS SPACE .....	2,075	2,075
045	NUDET DETECTION SYS SPACE .....	4,656	4,656



**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
046	AF SATELLITE CONTROL NETWORK SPACE .....	54,630	54,630
047	SPACELIFT RANGE SYSTEM SPACE .....	69,713	69,713
048	MILSATCOM SPACE .....	41,355	41,355
049	SPACE MODS SPACE .....	31,722	31,722
050	COUNTERSPACE SYSTEM .....	61,603	61,603
	<b>ORGANIZATION AND BASE</b>		
051	TACTICAL C-E EQUIPMENT .....	50,335	50,335
053	RADIO EQUIPMENT .....	14,846	14,846
054	CCTV/AUDIOVISUAL EQUIPMENT .....	3,635	3,635
055	BASE COMM INFRASTRUCTURE .....	79,607	79,607
	<b>MODIFICATIONS</b>		
056	COMM ELECT MODS .....	105,398	105,398
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
057	NIGHT VISION GOGGLES .....	12,577	12,577
058	ITEMS LESS THAN \$5 MILLION .....	31,209	31,209
	<b>DEPOT PLANT+MTRLS HANDLING EQ</b>		
059	MECHANIZED MATERIAL HANDLING EQUIP .....	7,670	7,670
	<b>BASE SUPPORT EQUIPMENT</b>		
060	BASE PROCURED EQUIPMENT .....	14,125	14,125
061	CONTINGENCY OPERATIONS .....	16,744	16,744
062	PRODUCTIVITY CAPITAL INVESTMENT .....	2,495	2,495
063	MOBILITY EQUIPMENT .....	10,573	10,573
064	ITEMS LESS THAN \$5 MILLION .....	5,462	5,462
	<b>SPECIAL SUPPORT PROJECTS</b>		
066	DARP RC135 .....	24,710	24,710
067	DCGS-AF .....	206,743	206,743
069	SPECIAL UPDATE PROGRAM .....	537,370	537,370
070	DEFENSE SPACE RECONNAISSANCE PROG. ....	77,898	77,898
	<b>CLASSIFIED PROGRAMS</b>		
070 A	CLASSIFIED PROGRAMS .....	13,990,196	13,990,196
	<b>SPARES AND REPAIR PARTS</b>		
072	SPARES AND REPAIR PARTS .....	32,813	32,813
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE</b> .....	<b>16,566,018</b>	<b>16,502,018</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT, DCAA</b>		
001	ITEMS LESS THAN \$5 MILLION .....	1,594	1,594
	<b>MAJOR EQUIPMENT, DCMA</b>		
002	MAJOR EQUIPMENT .....	4,325	4,325
	<b>MAJOR EQUIPMENT, DHRA</b>		
003	PERSONNEL ADMINISTRATION .....	17,268	17,268
	<b>MAJOR EQUIPMENT, DISA</b>		
008	INFORMATION SYSTEMS SECURITY .....	10,491	10,491
010	TELEPORT PROGRAM .....	80,622	80,622
011	ITEMS LESS THAN \$5 MILLION .....	14,147	14,147
012	NET CENTRIC ENTERPRISE SERVICES (NCES) .....	1,921	1,921
013	DEFENSE INFORMATION SYSTEM NETWORK .....	80,144	80,144
015	CYBER SECURITY INITIATIVE .....	8,755	8,755
016	WHITE HOUSE COMMUNICATION AGENCY .....	33,737	33,737
017	SENIOR LEADERSHIP ENTERPRISE .....	32,544	32,544
018	JOINT INFORMATION ENVIRONMENT .....	13,300	13,300
	<b>MAJOR EQUIPMENT, DLA</b>		
020	MAJOR EQUIPMENT .....	7,436	7,436
	<b>MAJOR EQUIPMENT, DMACT</b>		
021	MAJOR EQUIPMENT .....	11,640	11,640
	<b>MAJOR EQUIPMENT, DODEA</b>		
022	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS .....	1,269	1,269
	<b>MAJOR EQUIPMENT, DSS</b>		
024	VEHICLES .....	1,500	1,500
025	MAJOR EQUIPMENT .....	1,039	1,039
	<b>MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY</b>		
026	VEHICLES .....	50	50
027	OTHER MAJOR EQUIPMENT .....	7,639	7,639
	<b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>		
028	ADVANCE PROCUREMENT (CY) .....	68,880	68,880
029	THAAD .....	464,424	464,424
030	AEGIS BMD .....	435,430	435,430
031	BMDS AN/TPY-2 RADARS .....	48,140	48,140
032	AEGIS ASHORE PHASE III .....	225,774	225,774
034	IRON DOME .....	175,972	351,972
	Program increase for Iron Dome .....		[176,000]
	<b>MAJOR EQUIPMENT, NSA</b>		
041	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....	3,448	3,448
	<b>MAJOR EQUIPMENT, OSD</b>		
042	MAJOR EQUIPMENT, OSD .....	43,708	43,708
	<b>MAJOR EQUIPMENT, TJS</b>		
044	MAJOR EQUIPMENT, TJS .....	10,783	10,783
	<b>MAJOR EQUIPMENT, WHS</b>		
046	MAJOR EQUIPMENT, WHS .....	29,599	29,599

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
	<b>CLASSIFIED PROGRAMS</b>		
046 A	CLASSIFIED PROGRAMS .....	540,894	540,894
	<b>AVIATION PROGRAMS</b>		
047	MC-12 .....	40,500	40,500
048	ROTARY WING UPGRADES AND SUSTAINMENT .....	112,226	112,226
049	MH-60 MODERNIZATION PROGRAM .....	3,021	3,021
050	NON-STANDARD AVIATION .....	48,200	48,200
052	MH-47 CHINOOK .....	22,230	22,230
053	RQ-11 UNMANNED AERIAL VEHICLE .....	6,397	6,397
054	CV-22 MODIFICATION .....	25,578	25,578
056	MQ-9 UNMANNED AERIAL VEHICLE .....	15,651	15,651
057	STUASL0 .....	1,500	1,500
058	PRECISION STRIKE PACKAGE .....	145,929	145,929
059	AC/MC-130J .....	65,130	65,130
061	C-130 MODIFICATIONS .....	39,563	39,563
	<b>SHIPBUILDING</b>		
063	UNDERWATER SYSTEMS .....	25,459	25,459
	<b>AMMUNITION PROGRAMS</b>		
065	ORDNANCE ITEMS <\$5M .....	144,336	144,336
	<b>OTHER PROCUREMENT PROGRAMS</b>		
068	INTELLIGENCE SYSTEMS .....	81,001	81,001
070	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	17,323	13,423
	Reduction of PED Ground Systems .....		[-3,900]
071	OTHER ITEMS <\$5M .....	84,852	84,852
072	COMBATANT CRAFT SYSTEMS .....	51,937	51,937
074	SPECIAL PROGRAMS .....	31,017	31,017
075	TACTICAL VEHICLES .....	63,134	63,134
076	WARRIOR SYSTEMS <\$5M .....	192,448	192,448
078	COMBAT MISSION REQUIREMENTS .....	19,984	19,984
081	GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	5,044	5,044
082	OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	38,126	38,126
088	OPERATIONAL ENHANCEMENTS .....	243,849	243,849
	<b>CBDP</b>		
095	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS .....	170,137	170,137
096	CB PROTECTION & HAZARD MITIGATION .....	150,392	150,392
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE</b> .....	<b>4,221,437</b>	<b>4,393,537</b>
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
001	JOINT URGENT OPERATIONAL NEEDS FUND .....	20,000	0
	Unjustified request .....		[-20,000]
	<b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND</b> .....	<b>20,000</b>	<b>0</b>
	<b>PRIOR YEAR RESCISSIONS</b>		
001	PRIOR YEAR RESCISSIONS .....	-265,685	0
	Denied Prior Year Rescission request .....		[265,685]
	<b>TOTAL PRIOR YEAR RESCISSIONS</b> .....	<b>-265,685</b>	<b>0</b>
	<b>UNDISTRIBUTED GENERAL PROVISIONS</b>		
001	UNDISTRIBUTED GENERAL PROVISIONS .....		-265,685
	Undistributed FY15 reduction .....		[-265,685]
	<b>TOTAL UNDISTRIBUTED GENERAL PROVISIONS</b> .....		<b>-265,685</b>
	<b>TOTAL PROCUREMENT</b> .....	<b>89,508,034</b>	<b>90,983,703</b>

**TITLE XLII—RESEARCH, DEVELOPMENT,  
TEST, AND EVALUATION**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND  
EVALUATION.**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>		
		<b>BASIC RESEARCH</b>		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	13,464	13,464
002	0601102A	DEFENSE RESEARCH SCIENCES .....	238,167	238,167
003	0601103A	UNIVERSITY RESEARCH INITIATIVES .....	69,808	69,808
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS .....	102,737	102,737
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>424,176</b>	<b>424,176</b>
		<b>APPLIED RESEARCH</b>		
005	0602105A	MATERIALS TECHNOLOGY .....	28,006	28,006
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY .....	33,515	33,515
007	0602122A	TRACTOR HIP .....	16,358	16,358
008	0602211A	AVIATION TECHNOLOGY .....	63,433	63,433

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
009	0602270.A	ELECTRONIC WARFARE TECHNOLOGY .....	18,502	18,502
010	0602303.A	MISSILE TECHNOLOGY .....	46,194	46,194
011	0602307.A	ADVANCED WEAPONS TECHNOLOGY .....	28,528	28,528
012	0602308.A	ADVANCED CONCEPTS AND SIMULATION .....	27,435	27,435
013	0602601.A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....	72,883	72,883
014	0602618.A	BALLISTICS TECHNOLOGY .....	85,597	85,597
015	0602622.A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY .....	3,971	3,971
016	0602623.A	JOINT SERVICE SMALL ARMS PROGRAM .....	6,853	6,853
017	0602624.A	WEAPONS AND MUNITIONS TECHNOLOGY .....	38,069	38,069
018	0602705.A	ELECTRONICS AND ELECTRONIC DEVICES .....	56,435	56,435
019	0602709.A	NIGHT VISION TECHNOLOGY .....	38,445	38,445
020	0602712.A	COUNTERMINE SYSTEMS .....	25,939	25,939
021	0602716.A	HUMAN FACTORS ENGINEERING TECHNOLOGY .....	23,783	23,783
022	0602720.A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	15,659	15,659
023	0602782.A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY .....	33,817	33,817
024	0602783.A	COMPUTER AND SOFTWARE TECHNOLOGY .....	10,764	10,764
025	0602784.A	MILITARY ENGINEERING TECHNOLOGY .....	63,311	63,311
026	0602785.A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....	23,295	23,295
027	0602786.A	WARFIGHTER TECHNOLOGY .....	25,751	28,330
		Joint Service Combat Feeding Technology .....		[2,579]
028	0602787.A	MEDICAL TECHNOLOGY .....	76,068	76,068
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>862,611</b>	<b>865,190</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
029	0603001.A	WARFIGHTER ADVANCED TECHNOLOGY .....	65,139	65,813
		Joint Service Combat Feeding Tech Demo .....		[674]
030	0603002.A	MEDICAL ADVANCED TECHNOLOGY .....	67,291	67,291
031	0603003.A	AVIATION ADVANCED TECHNOLOGY .....	88,990	88,990
032	0603004.A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY .....	57,931	57,931
033	0603005.A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY .....	110,031	110,031
034	0603006.A	SPACE APPLICATION ADVANCED TECHNOLOGY .....	6,883	6,883
035	0603007.A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY .....	13,580	13,580
036	0603008.A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY .....	44,871	44,871
037	0603009.A	TRACTOR HIKE .....	7,492	7,492
038	0603015.A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....	16,749	16,749
039	0603020.A	TRACTOR ROSE .....	14,483	14,483
041	0603125.A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT .....	24,270	24,270
042	0603130.A	TRACTOR NAIL .....	3,440	3,440
043	0603131.A	TRACTOR EGGS .....	2,406	2,406
044	0603270.A	ELECTRONIC WARFARE TECHNOLOGY .....	26,057	26,057
045	0603313.A	MISSILE AND ROCKET ADVANCED TECHNOLOGY .....	44,957	44,957
046	0603322.A	TRACTOR CAGE .....	11,105	11,105
047	0603461.A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....	181,609	181,609
048	0603606.A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY .....	13,074	13,074
049	0603607.A	JOINT SERVICE SMALL ARMS PROGRAM .....	7,321	7,321
050	0603710.A	NIGHT VISION ADVANCED TECHNOLOGY .....	44,138	44,138
051	0603728.A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS .....	9,197	9,197
052	0603734.A	MILITARY ENGINEERING ADVANCED TECHNOLOGY .....	17,613	17,613
053	0603772.A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY .....	39,164	39,164
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b> .....	<b>917,791</b>	<b>918,465</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
054	0603305.A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION .....	12,797	12,797
055	0603308.A	ARMY SPACE SYSTEMS INTEGRATION .....	13,999	13,999
058	0603639.A	TANK AND MEDIUM CALIBER AMMUNITION .....	29,334	29,334
060	0603747.A	SOLDIER SUPPORT AND SURVIVABILITY .....	9,602	11,189
		Food Advanced Development .....		[1,587]
061	0603766.A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV .....	8,953	8,953
062	0603774.A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT .....	3,052	3,052
063	0603779.A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL .....	7,830	7,830
065	0603790.A	NATO RESEARCH AND DEVELOPMENT .....	2,954	2,954
067	0603804.A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....	13,386	13,386
069	0603807.A	MEDICAL SYSTEMS—ADV DEV .....	23,659	23,659
070	0603827.A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....	6,830	9,830
		Army requested realignment—Caliber Config Study .....		[3,000]
072	0604100.A	ANALYSIS OF ALTERNATIVES .....	9,913	9,913
073	0604115.A	TECHNOLOGY MATURATION INITIATIVES .....	74,740	74,740
074	0604120.A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT) .....	9,930	9,930
076	0604319.A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2—INTERCEPT (IFPC2) .....	96,177	71,177
		Schedule delay .....		[–25,000]
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> .....	<b>323,156</b>	<b>302,743</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
079	0604201.A	AIRCRAFT AVIONICS .....	37,246	37,246
081	0604270.A	ELECTRONIC WARFARE DEVELOPMENT .....	6,002	6,002
082	0604280.A	JOINT TACTICAL RADIO .....	9,832	9,832
083	0604290.A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR) .....	9,730	9,730
084	0604321.A	ALL SOURCE ANALYSIS SYSTEM .....	5,532	5,532
085	0604328.A	TRACTOR CAGE .....	19,929	19,929

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
086	0604601A	INFANTRY SUPPORT WEAPONS .....	27,884	34,586
		Army requested realignment .....		[6,702]
087	0604604A	MEDIUM TACTICAL VEHICLES .....	210	210
088	0604611A	JAVELIN .....	4,166	4,166
089	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES .....	12,913	12,913
090	0604633A	AIR TRAFFIC CONTROL .....	16,764	16,764
091	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV) .....	6,770	6,770
092	0604710A	NIGHT VISION SYSTEMS—ENG DEV .....	65,333	65,333
093	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....	1,335	1,897
		Military Subsistence Systems .....		[562]
094	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV .....	8,945	8,945
096	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV .....	15,906	15,906
097	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....	4,394	4,394
098	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....	11,084	11,084
099	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV .....	10,027	10,027
100	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....	42,430	42,430
101	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION .....	105,279	105,279
102	0604802A	WEAPONS AND MUNITIONS—ENG DEV .....	15,006	15,006
103	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV .....	24,581	24,581
104	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV .....	4,433	4,433
105	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV .....	30,397	30,397
106	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV .....	57,705	57,705
108	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE .....	29,683	29,683
109	0604820A	RADAR DEVELOPMENT .....	5,224	5,224
111	0604823A	FIREFINDER .....	37,492	37,492
112	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL .....	6,157	6,157
113	0604854A	ARTILLERY SYSTEMS—EMD .....	1,912	1,912
116	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT .....	69,761	69,761
117	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A) .....	138,465	138,465
118	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV) .....	92,353	92,353
119	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC) .....	8,440	8,440
120	0605031A	JOINT TACTICAL NETWORK (JTN) .....	17,999	17,999
121	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM) .....	145,409	145,409
122	0605350A	WIN-T INCREMENT 3—FULL NETWORKING .....	113,210	113,210
123	0605380A	AMF JOINT TACTICAL RADIO SYSTEM (JTRS) .....	6,882	6,882
124	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	83,838	83,838
125	0605456A	PAC-3/MSE MISSILE .....	35,009	35,009
126	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD) .....	142,584	142,584
127	0605625A	MANNED GROUND VEHICLE .....	49,160	49,160
128	0605626A	AERIAL COMMON SENSOR .....	17,748	17,748
129	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP) .....	15,212	15,212
130	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH. ....	45,718	45,718
131	0605830A	AVIATION GROUND SUPPORT EQUIPMENT .....	10,041	10,041
132	0210609A	PALADIN INTEGRATED MANAGEMENT (PIM) .....	83,300	83,300
133	0303032A	TROJAN—RH12 .....	983	983
134	0304270A	ELECTRONIC WARFARE DEVELOPMENT .....	8,961	8,961
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>1,719,374</b>	<b>1,726,638</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
135	0604256A	THREAT SIMULATOR DEVELOPMENT .....	18,062	18,062
136	0604258A	TARGET SYSTEMS DEVELOPMENT .....	10,040	10,040
137	0604759A	MAJOR T&E INVESTMENT .....	60,317	60,317
138	0605103A	RAND ARROYO CENTER .....	20,612	20,612
139	0605301A	ARMY KWAJALEIN ATOLL .....	176,041	176,041
140	0605326A	CONCEPTS EXPERIMENTATION PROGRAM .....	19,439	19,439
142	0605601A	ARMY TEST RANGES AND FACILITIES .....	275,025	275,025
143	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS .....	45,596	45,596
144	0605604A	SURVIVABILITY/LETHALITY ANALYSIS .....	33,295	33,295
145	0605606A	AIRCRAFT CERTIFICATION .....	4,700	4,700
146	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES .....	6,413	6,413
147	0605706A	MATERIEL SYSTEMS ANALYSIS .....	20,746	20,746
148	0605709A	EXPLOITATION OF FOREIGN ITEMS .....	7,015	7,015
149	0605712A	SUPPORT OF OPERATIONAL TESTING .....	49,221	49,221
150	0605716A	ARMY EVALUATION CENTER .....	55,039	55,039
151	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG .....	1,125	1,125
152	0605801A	PROGRAMWIDE ACTIVITIES .....	64,169	64,169
153	0605803A	TECHNICAL INFORMATION ACTIVITIES .....	32,319	32,319
154	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY .....	49,052	49,052
155	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT .....	2,612	2,612
156	0605898A	MANAGEMENT HQ—R&D .....	49,592	49,592
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,000,430</b>	<b>1,000,430</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
158	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM .....	17,112	17,112
159	0607141A	LOGISTICS AUTOMATION .....	3,654	3,654
160	0607664A	BIOMETRIC ENABLING CAPABILITY (BEC) .....	1,332	1,332
161	0607865A	PATRIOT PRODUCT IMPROVEMENT .....	152,991	152,991
162	0102419A	AEROSTAT JOINT PROJECT OFFICE .....	54,076	29,076

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
		<i>Unobligated balances</i> .....		[–25,000]
163	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM .....	22,374	22,374
164	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCs) .....	24,371	24,371
165	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS .....	295,177	321,177
		<i>Stryker ECP risk mitigation</i> .....		[26,000]
166	0203740A	MANEUVER CONTROL SYSTEM .....	45,092	45,092
167	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS .....	264,887	264,887
168	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	381	381
169	0203758A	DIGITIZATION .....	10,912	10,912
170	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM .....	5,115	5,115
171	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS .....	49,848	44,848
		<i>Contract delay for ATACMS</i> .....		[–5,000]
172	0203808A	TRACTOR CARD .....	22,691	22,691
173	0205402A	INTEGRATED BASE DEFENSE—OPERATIONAL SYSTEM DEV .....	4,364	4,364
174	0205410A	MATERIALS HANDLING EQUIPMENT .....	834	834
175	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY—OPERATIONAL SYSTEM DEV .....	280	280
176	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM .....	78,758	78,758
177	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS) .....	45,377	45,377
178	0208053A	JOINT TACTICAL GROUND SYSTEM .....	10,209	10,209
181	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	12,525	12,525
182	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM .....	14,175	14,175
183	0303141A	GLOBAL COMBAT SUPPORT SYSTEM .....	4,527	4,527
184	0303142A	SATCOM GROUND ENVIRONMENT (SPACE) .....	11,011	11,011
185	0303150A	WWWCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	2,151	2,151
187	0305204A	TACTICAL UNMANNED AERIAL VEHICLES .....	22,870	22,870
188	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	20,155	20,155
189	0305219A	MQ-1C GRAY EAGLE UAS .....	46,472	46,472
191	0305233A	RQ-7 UAV .....	16,389	16,389
192	0307665A	BIOMETRICS ENABLED INTELLIGENCE .....	1,974	1,974
193	0310349A	WIN-T INCREMENT 2—INITIAL NETWORKING .....	3,249	3,249
194	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES .....	76,225	76,225
194A	9999999999	CLASSIFIED PROGRAMS .....	4,802	4,802
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>1,346,360</b>	<b>1,342,360</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b> .....	<b>6,593,898</b>	<b>6,580,002</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>		
		<b>BASIC RESEARCH</b>		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES .....	113,908	118,908
		<i>DURIP program increase</i> .....		[5,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	18,734	18,734
003	0601153N	DEFENSE RESEARCH SCIENCES .....	443,697	443,697
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>576,339</b>	<b>581,339</b>
		<b>APPLIED RESEARCH</b>		
004	0602114N	POWER PROJECTION APPLIED RESEARCH .....	95,753	95,753
005	0602123N	FORCE PROTECTION APPLIED RESEARCH .....	139,496	139,496
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY .....	45,831	45,831
007	0602235N	COMMON PICTURE APPLIED RESEARCH .....	43,541	43,541
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....	46,923	46,923
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....	107,872	107,872
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....	45,388	65,388
		<i>Service Life extension for the AGOR ships</i> .....		[20,000]
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....	5,887	5,887
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH .....	86,880	86,880
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH .....	170,786	170,786
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....	32,526	32,526
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>820,883</b>	<b>840,883</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY .....	37,734	37,734
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY .....	25,831	25,831
017	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....	64,623	64,623
018	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....	128,397	128,397
019	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....	11,506	11,506
020	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT .....	256,144	256,144
021	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....	4,838	4,838
022	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY .....	9,985	9,985
023	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS .....	53,956	53,956
024	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY .....	2,000	2,000
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b> .....	<b>595,014</b>	<b>595,014</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
025	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....	40,429	40,429
026	0603216N	AVIATION SURVIVABILITY .....	4,325	4,325
027	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL .....	2,991	2,991
028	0603251N	AIRCRAFT SYSTEMS .....	12,651	12,651
029	0603254N	ASW SYSTEMS DEVELOPMENT .....	7,782	7,782
030	0603261N	TACTICAL AIRBORNE RECONNAISSANCE .....	5,275	5,275

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<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
031	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY .....	1,646	1,646
032	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES .....	100,349	100,349
033	0603506N	SURFACE SHIP TORPEDO DEFENSE .....	52,781	52,781
034	0603512N	CARRIER SYSTEMS DEVELOPMENT .....	5,959	5,959
035	0603525N	PILOT FISH .....	148,865	148,865
036	0603527N	RETRACT LARCH .....	25,365	25,365
037	0603536N	RETRACT JUNIPER .....	80,477	80,477
038	0603542N	RADIOLOGICAL CONTROL .....	669	669
039	0603553N	SURFACE ASW .....	1,060	1,060
040	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	70,551	70,551
041	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS .....	8,044	8,044
042	0603563N	SHIP CONCEPT ADVANCED DESIGN .....	17,864	17,864
043	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....	23,716	23,716
044	0603570N	ADVANCED NUCLEAR POWER SYSTEMS .....	499,961	499,961
045	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS .....	21,026	21,026
046	0603576N	CHALK EAGLE .....	542,700	542,700
047	0603581N	LITTORAL COMBAT SHIP (LCS) .....	88,734	88,734
048	0603582N	COMBAT SYSTEM INTEGRATION .....	20,881	20,881
049	0603595N	OHIO REPLACEMENT .....	849,277	849,277
050	0603596N	LCS MISSION MODULES .....	196,948	196,948
051	0603597N	AUTOMATED TEST AND RE-TEST (ATRT) .....	8,115	8,115
052	0603609N	CONVENTIONAL MUNITIONS .....	7,603	7,603
053	0603611M	MARINE CORPS ASSAULT VEHICLES .....	105,749	190,849
		Acceleration of the ACV Increment 1.1 Program .....		[85,100]
054	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....	1,342	1,342
055	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	21,399	21,399
056	0603658N	COOPERATIVE ENGAGEMENT .....	43,578	43,578
057	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....	7,764	7,764
058	0603721N	ENVIRONMENTAL PROTECTION .....	13,200	13,200
059	0603724N	NAVY ENERGY PROGRAM .....	69,415	69,415
060	0603725N	FACILITIES IMPROVEMENT .....	2,588	2,588
061	0603734N	CHALK CORAL .....	176,301	176,301
062	0603739N	NAVY LOGISTIC PRODUCTIVITY .....	3,873	3,873
063	0603746N	RETRACT MAPLE .....	376,028	376,028
064	0603748N	LINK PLUMERIA .....	272,096	272,096
065	0603751N	RETRACT ELM .....	42,233	42,233
066	0603764N	LINK EVERGREEN .....	46,504	46,504
067	0603787N	SPECIAL PROCESSES .....	25,109	25,109
068	0603790N	NATO RESEARCH AND DEVELOPMENT .....	9,659	9,659
069	0603795N	LAND ATTACK TECHNOLOGY .....	318	318
070	0603851M	JOINT NON-LETHAL WEAPONS TESTING .....	40,912	40,912
071	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL .....	54,896	27,896
		Program delay .....		[-27,000]
073	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS .....	58,696	58,696
074	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80) .....	43,613	43,613
075	0604122N	REMOTE MINEHUNTING SYSTEM (RMS) .....	21,110	21,110
076	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM) .....	5,657	5,657
077	0604279N	ASE SELF-PROTECTION OPTIMIZATION .....	8,033	8,033
078	0604454N	LX (R) .....	36,859	36,859
079	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW) .....	15,227	15,227
081	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT .....	22,393	22,393
082	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT .....	202,939	202,939
083	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH. ....	11,450	11,450
084	0303354N	ASW SYSTEMS DEVELOPMENT—MIP .....	6,495	6,495
085	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP .....	332	332
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>4,591,812</b>	<b>4,649,912</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
086	0603208N	TRAINING SYSTEM AIRCRAFT .....	25,153	25,153
087	0604212N	OTHER HELO DEVELOPMENT .....	46,154	46,154
088	0604214N	AV—8B AIRCRAFT—ENG DEV .....	25,372	25,372
089	0604215N	STANDARDS DEVELOPMENT .....	53,712	53,712
090	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....	11,434	11,434
091	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING .....	2,164	2,164
092	0604221N	P-3 MODERNIZATION PROGRAM .....	1,710	1,710
093	0604230N	WARFARE SUPPORT SYSTEM .....	9,094	9,094
094	0604231N	TACTICAL COMMAND SYSTEM .....	70,248	70,248
095	0604234N	ADVANCED HAWKEYE .....	193,200	193,200
096	0604245N	H-1 UPGRADES .....	44,115	44,115
097	0604261N	ACOUSTIC SEARCH SENSORS .....	23,227	23,227
098	0604262N	V-22A .....	61,249	61,249
099	0604264N	AIR CREW SYSTEMS DEVELOPMENT .....	15,014	15,014
100	0604269N	EA-18 .....	18,730	18,730
101	0604270N	ELECTRONIC WARFARE DEVELOPMENT .....	28,742	28,742
102	0604273N	EXECUTIVE HELO DEVELOPMENT .....	388,086	388,086
103	0604274N	NEXT GENERATION JAMMER (NGJ) .....	246,856	246,856
104	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY) .....	7,106	7,106
105	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....	189,112	189,112

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106	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION .....	376	376
107	0604329N	SMALL DIAMETER BOMB (SDB) .....	71,849	71,849
108	0604366N	STANDARD MISSILE IMPROVEMENTS .....	53,198	53,198
109	0604373N	AIRBORNE MCM .....	38,941	38,941
110	0604376M	MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION ..	7,832	7,832
111	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING .....	15,263	15,263
112	0604404N	UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM. Program delay .....	403,017	200,017
				[-203,000]
113	0604501N	ADVANCED ABOVE WATER SENSORS .....	20,409	20,409
114	0604503N	SSN-688 AND TRIDENT MODERNIZATION .....	71,565	71,565
115	0604504N	AIR CONTROL .....	29,037	29,037
116	0604512N	SHIPBOARD AVIATION SYSTEMS .....	122,083	122,083
118	0604522N	ADVANCED MISSILE DEFENSE RADAR (AMDR) SYSTEM .....	144,706	144,706
119	0604558N	NEW DESIGN SSN .....	72,695	72,695
120	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM .....	38,985	38,985
121	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E .....	48,470	48,470
122	0604574N	NAVY TACTICAL COMPUTER RESOURCES .....	3,935	3,935
123	0604580N	VIRGINIA PAYLOAD MODULE (VPM) .....	132,602	132,602
124	0604601N	MINE DEVELOPMENT .....	19,067	19,067
125	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT .....	25,280	25,280
126	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	8,985	8,985
127	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .....	7,669	7,669
128	0604727N	JOINT STANDOFF WEAPON SYSTEMS .....	4,400	4,400
129	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL) .....	56,889	56,889
130	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....	96,937	96,937
131	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....	134,564	134,564
132	0604761N	INTELLIGENCE ENGINEERING .....	200	200
133	0604771N	MEDICAL DEVELOPMENT .....	8,287	8,287
134	0604777N	NAVIGATION/ID SYSTEM .....	29,504	29,504
135	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD .....	513,021	513,021
136	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD .....	516,456	516,456
137	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT .....	2,887	2,887
138	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT .....	66,317	66,317
139	0605212N	CH-53K RDTE .....	573,187	573,187
140	0605220N	SHIP TO SHORE CONNECTOR (SSC) .....	67,815	67,815
141	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	6,300	6,300
142	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) .....	308,037	323,037
		Wideband Communication Development .....		[15,000]
143	0204202N	DDG-1000 .....	202,522	202,522
144	0304231N	TACTICAL COMMAND SYSTEM—MIP .....	1,011	1,011
145	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS .....	10,357	10,357
146	0305124N	SPECIAL APPLICATIONS PROGRAM .....	23,975	23,975
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>5,419,108</b>	<b>5,231,108</b>
		<b>MANAGEMENT SUPPORT</b>		
147	0604256N	THREAT SIMULATOR DEVELOPMENT .....	45,272	45,272
148	0604258N	TARGET SYSTEMS DEVELOPMENT .....	79,718	79,718
149	0604759N	MAJOR T&E INVESTMENT .....	123,993	123,993
150	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION .....	4,960	4,960
151	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY .....	8,296	8,296
152	0605154N	CENTER FOR NAVAL ANALYSES .....	45,752	45,752
154	0605804N	TECHNICAL INFORMATION SERVICES .....	876	876
155	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT .....	72,070	72,070
156	0605856N	STRATEGIC TECHNICAL SUPPORT .....	3,237	3,237
157	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT .....	73,033	73,033
158	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT .....	138,304	138,304
159	0605864N	TEST AND EVALUATION SUPPORT .....	336,286	336,286
160	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY .....	16,658	16,658
161	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....	2,505	2,505
162	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .....	8,325	8,325
163	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT .....	17,866	17,866
		<b>SUBTOTAL MANAGEMENT SUPPORT .....</b>	<b>977,151</b>	<b>977,151</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
168	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT.	35,949	35,949
169	0604766M	MARINE CORPS DATA SYSTEMS .....	215	215
170	0605525N	CARRIER ONBOARD DELIVERY (COD) FOLLOW ON .....	8,873	8,873
172	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....	96,943	96,943
173	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM .....	30,057	30,057
174	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....	4,509	4,509
175	0101402N	NAVY STRATEGIC COMMUNICATIONS .....	13,676	13,676
176	0203761N	RAPID TECHNOLOGY TRANSITION (RTT) .....	12,480	12,480
177	0204136N	F/A-18 SQUADRONS .....	76,216	76,216
179	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL) .....	27,281	27,281
180	0204228N	SURFACE SUPPORT .....	2,878	2,878
181	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) .....	32,385	32,385
182	0204311N	INTEGRATED SURVEILLANCE SYSTEM .....	39,371	39,371



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183	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT) .....	4,609	4,609
184	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR) .....	99,106	89,106
		Unjustified cost growth .....		[-10,000]
185	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....	39,922	39,922
186	0204574N	CRYPTOLOGIC DIRECT SUPPORT .....	1,157	1,157
187	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT .....	22,067	22,067
188	0205601N	HARM IMPROVEMENT .....	17,420	17,420
189	0205604N	TACTICAL DATA LINKS .....	151,208	151,208
190	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION .....	26,366	26,366
191	0205632N	MK-48 ADCAP .....	25,952	25,952
192	0205633N	AVIATION IMPROVEMENTS .....	106,936	106,936
194	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS .....	104,023	104,023
195	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	77,398	77,398
196	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S) .....	32,495	32,495
197	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS .....	156,626	156,626
198	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	20,999	20,999
199	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....	14,179	14,179
200	0207161N	TACTICAL AIM MISSILES .....	47,258	47,258
201	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	10,210	10,210
206	0303109N	SATELLITE COMMUNICATIONS (SPACE) .....	41,829	41,829
207	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES) .....	22,780	22,780
208	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM .....	23,053	23,053
209	0303150M	WWWCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	296	296
212	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC) .....	359	359
213	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....	6,166	6,166
214	0305204N	TACTICAL UNMANNED AERIAL VEHICLES .....	8,505	8,505
216	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	11,613	11,613
217	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	18,146	18,146
218	0305220N	RQ-4 UAV .....	498,003	530,403
		Triton Sensor Development Acceleration .....		[32,400]
219	0305231N	MQ-8 UAV .....	47,294	47,294
220	0305232M	RQ-11 UAV .....	718	718
221	0305233N	RQ-7 UAV .....	851	851
222	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....	4,813	4,813
223	0305239M	RQ-21A .....	8,192	8,192
224	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT .....	22,559	22,559
225	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP) .....	2,000	2,000
226	0308601N	MODELING AND SIMULATION SUPPORT .....	4,719	4,719
227	0702207N	DEPOT MAINTENANCE (NON-IF) .....	21,168	21,168
228	0708011N	INDUSTRIAL PREPAREDNESS .....	37,169	37,169
229	0708730N	MARITIME TECHNOLOGY (MARITECH) .....	4,347	4,347
229A	9999999999	CLASSIFIED PROGRAMS .....	1,162,684	1,162,684
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>3,286,028</b>	<b>3,308,428</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b> .....	<b>16,266,335</b>	<b>16,183,835</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>		
		<b>BASIC RESEARCH</b>		
001	0601102F	DEFENSE RESEARCH SCIENCES .....	314,482	314,482
002	0601103F	UNIVERSITY RESEARCH INITIATIVES .....	127,079	127,079
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES .....	12,929	12,929
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>454,490</b>	<b>454,490</b>
		<b>APPLIED RESEARCH</b>		
004	0602102F	MATERIALS .....	105,680	105,680
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES .....	105,747	105,747
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH .....	81,957	81,957
007	0602203F	AEROSPACE PROPULSION .....	172,550	369,550
		RD-180 replacement .....		[220,000]
		Reduction for liquid engine combustion technologies and advanced liquid engine technologies .....		[-23,000]
008	0602204F	AEROSPACE SENSORS .....	118,343	118,343
009	0602601F	SPACE TECHNOLOGY .....	98,229	98,229
010	0602602F	CONVENTIONAL MUNITIONS .....	87,387	87,387
011	0602605F	DIRECTED ENERGY TECHNOLOGY .....	125,955	125,955
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS .....	147,789	147,789
013	0602890F	HIGH ENERGY LASER RESEARCH .....	37,496	37,496
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>1,081,133</b>	<b>1,278,133</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS .....	32,177	42,177
		Metals Affordability Initiative .....		[10,000]
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....	15,800	15,800
016	0603203F	ADVANCED AEROSPACE SENSORS .....	34,420	34,420
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO .....	91,062	91,062
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY .....	124,236	124,236
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY .....	47,602	47,602
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY .....	69,026	69,026
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....	14,031	14,031
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT .....	21,788	21,788

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023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY .....	42,046	42,046
024	0603605F	ADVANCED WEAPONS TECHNOLOGY .....	23,542	33,542
		Program increase .....		[10,000]
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM .....	42,772	42,772
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION .....	35,315	35,315
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>593,817</b>	<b>613,817</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
027	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT .....	5,408	5,408
031	0603438F	SPACE CONTROL TECHNOLOGY .....	6,075	6,075
032	0603742F	COMBAT IDENTIFICATION TECHNOLOGY .....	10,980	10,980
033	0603790F	NATO RESEARCH AND DEVELOPMENT .....	2,392	2,392
034	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D .....	833	833
035	0603830F	SPACE SECURITY AND DEFENSE PROGRAM .....	32,313	32,313
037	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL .....	30,885	30,885
039	0603859F	POLLUTION PREVENTION—DEM/VAL .....	1,798	1,798
040	0604015F	LONG RANGE STRIKE .....	913,728	913,728
042	0604317F	TECHNOLOGY TRANSFER .....	2,669	2,669
045	0604422F	WEATHER SYSTEM FOLLOW-ON .....	39,901	5,001
		Realigned to DMSF-20 launch .....		[-34,900]
049	0604800F	F-35—EMD .....	4,976	4,976
050	0604857F	OPERATIONALLY RESPONSIVE SPACE .....		30,000
		ORS Office and ORS-5 Competition Launch .....		[30,000]
051	0604858F	TECH TRANSITION PROGRAM .....	59,004	59,004
054	0207110F	NEXT GENERATION AIR DOMINANCE .....	15,722	15,722
055	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR) .....	88,825	88,825
056	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....	156,659	156,659
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>1,372,168</b>	<b>1,367,268</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
059	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....	13,324	13,324
060	0604270F	ELECTRONIC WARFARE DEVELOPMENT .....	1,965	1,965
061	0604281F	TACTICAL DATA NETWORKS ENTERPRISE .....	39,110	39,110
062	0604287F	PHYSICAL SECURITY EQUIPMENT .....	3,926	3,926
063	0604329F	SMALL DIAMETER BOMB (SDB)—EMD .....	68,759	68,759
064	0604421F	COUNTERSPACE SYSTEMS .....	23,746	23,746
065	0604425F	SPACE SITUATION AWARENESS SYSTEMS .....	9,462	19,462
		Program increase .....		[10,000]
066	0604426F	SPACE FENCE .....	214,131	214,131
067	0604429F	AIRBORNE ELECTRONIC ATTACK .....	30,687	30,687
068	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....	319,501	319,501
069	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT .....	31,112	31,112
070	0604604F	SUBMUNITIONS .....	2,543	2,543
071	0604617F	AGILE COMBAT SUPPORT .....	46,340	46,340
072	0604706F	LIFE SUPPORT SYSTEMS .....	8,854	8,854
073	0604735F	COMBAT TRAINING RANGES .....	10,129	10,129
075	0604800F	F-35—EMD .....	563,037	563,037
078	0604932F	LONG RANGE STANDOFF WEAPON .....	4,938	4,938
079	0604933F	ICBM FUZE MODERNIZATION .....	59,826	59,826
080	0605030F	JOINT TACTICAL NETWORK CENTER (JTNC) .....	78	78
081	0605213F	F-22 MODERNIZATION INCREMENT 3.2B .....	173,647	173,647
082	0605214F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....	5,332	5,332
083	0605221F	KC-46 .....	776,937	776,937
084	0605223F	ADVANCED PILOT TRAINING .....	8,201	8,201
086	0605278F	HC/MC-130 RECAP RDT&E .....	7,497	7,497
087	0605431F	ADVANCED EHF MILSATCOM (SPACE) .....	314,378	314,378
088	0605432F	POLAR MILSATCOM (SPACE) .....	103,552	103,552
089	0605433F	WIDEBAND GLOBAL SATCOM (SPACE) .....	31,425	31,425
090	0605458F	AIR & SPACE OPS CENTER 10.2 RDT&E .....	85,938	85,938
091	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM .....	98,768	98,768
092	0101125F	NUCLEAR WEAPONS MODERNIZATION .....	198,357	198,357
094	0207701F	FULL COMBAT MISSION TRAINING .....	8,831	8,831
095	0307581F	NEXTGEN JSTARS .....	73,088	73,088
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>3,337,419</b>	<b>3,347,419</b>
		<b>MANAGEMENT SUPPORT</b>		
097	0604256F	THREAT SIMULATOR DEVELOPMENT .....	24,418	24,418
098	0604759F	MAJOR T&E INVESTMENT .....	47,232	47,232
099	0605101F	RAND PROJECT AIR FORCE .....	30,443	30,443
101	0605712F	INITIAL OPERATIONAL TEST & EVALUATION .....	12,266	12,266
102	0605807F	TEST AND EVALUATION SUPPORT .....	689,509	689,509
103	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....	34,364	34,364
104	0605864F	SPACE TEST PROGRAM (STP) .....	21,161	21,161
105	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT .....	46,955	46,955
106	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT .....	32,965	32,965
107	0606017F	REQUIREMENTS ANALYSIS AND MATURATION .....	13,850	13,850
108	0606116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT .....	19,512	19,512
110	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE .....	181,727	181,727
111	0308602F	ENTREPRISE INFORMATION SERVICES (EIS) .....	4,938	4,938

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112	0702806F	ACQUISITION AND MANAGEMENT SUPPORT .....	18,644	18,644
113	0804731F	GENERAL SKILL TRAINING .....	1,425	1,425
114	1001004F	INTERNATIONAL ACTIVITIES .....	3,790	3,790
114A	XXXXXX-XF	EJECTION SEAT RELIABILITY IMPROVEMENT PROGRAM .....		3,500
		Initial Aircraft Qualification .....		[3,500]
		<b>SUBTOTAL MANAGEMENT SUPPORT</b> .....	<b>1,183,199</b>	<b>1,186,699</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
115	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT .....	299,760	299,760
116	0604445F	WIDE AREA SURVEILLANCE .....		2,000
		Implementation of the Secretary's Cruise Missile Defense Program .....		[2,000]
118	0604618F	JOINT DIRECT ATTACK MUNITION .....	2,469	2,469
119	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) .....	90,218	90,218
120	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....	34,815	34,815
122	0101113F	B-52 SQUADRONS .....	55,457	55,457
123	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM) .....	450	450
124	0101126F	B-1B SQUADRONS .....	5,353	5,353
125	0101127F	B-2 SQUADRONS .....	131,580	102,180
		Flexible Strike execution delay .....		[-29,400]
126	0101213F	MINUTEMAN SQUADRONS .....	139,109	139,109
127	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM .....	35,603	35,603
128	0101314F	NIGHT FIST—USSTRATCOM .....	32	32
130	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM .....	1,522	1,522
131	0105921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES .....	3,134	3,134
133	0205219F	MQ-9 UAV .....	170,396	170,396
136	0207133F	F-16 SQUADRONS .....	133,105	133,105
137	0207134F	F-15E SQUADRONS .....	261,969	261,969
138	0207136F	MANNED DESTRUCTIVE SUPPRESSION .....	14,831	14,831
139	0207138F	F-22A SQUADRONS .....	156,962	156,962
140	0207142F	F-35 SQUADRONS .....	43,666	43,666
141	0207161F	TACTICAL AIM MISSILES .....	29,739	29,739
142	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	82,195	82,195
144	0207171F	F-15 EPAWSS .....	68,944	53,444
		EPAWSS contract delays .....		[-15,500]
145	0207224F	COMBAT RESCUE AND RECOVERY .....	5,095	5,095
146	0207227F	COMBAT RESCUE—PARARESCUE .....	883	883
147	0207247F	AF TENCAP .....	5,812	15,812
		Program increase .....		[10,000]
148	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT .....	1,081	1,081
149	0207253F	COMPASS CALL .....	14,411	14,411
150	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	109,664	109,664
151	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) .....	15,897	15,897
152	0207410F	AIR & SPACE OPERATIONS CENTER (AOC) .....	41,066	41,066
153	0207412F	CONTROL AND REPORTING CENTER (CRC) .....	552	552
154	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) .....	180,804	180,804
155	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS .....	3,754	3,754
157	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES .....	7,891	7,891
158	0207444F	TACTICAL AIR CONTROL PARTY-MOD .....	5,891	5,891
159	0207448F	C2ISR TACTICAL DATA LINK .....	1,782	1,782
161	0207452F	DCAPES .....	821	821
163	0207590F	SEEK EAGLE .....	23,844	23,844
164	0207601F	USAF MODELING AND SIMULATION .....	16,723	16,723
165	0207605F	WARGAMING AND SIMULATION CENTERS .....	5,956	5,956
166	0207697F	DISTRIBUTED TRAINING AND EXERCISES .....	4,457	4,457
167	0208006F	MISSION PLANNING SYSTEMS .....	60,679	60,679
169	0208059F	CYBER COMMAND ACTIVITIES .....	67,057	67,057
170	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS .....	13,355	13,355
171	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS .....	5,576	5,576
179	0301400F	SPACE SUPERIORITY INTELLIGENCE .....	12,218	12,218
180	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) .....	28,778	28,778
181	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	81,035	81,035
182	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM .....	70,497	70,497
183	0303141F	GLOBAL COMBAT SUPPORT SYSTEM .....	692	692
185	0303601F	MILSATCOM TERMINALS .....	55,208	55,208
187	0304260F	AIRBORNE SIGINT ENTERPRISE .....	106,786	106,786
190	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....	4,157	4,157
193	0305110F	SATELLITE CONTROL NETWORK (SPACE) .....	20,806	20,806
194	0305111F	WEATHER SERVICE .....	25,102	25,102
195	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS) .....	23,516	23,516
196	0305116F	AERIAL TARGETS .....	8,639	8,639
199	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES .....	498	498
200	0305145F	ARMS CONTROL IMPLEMENTATION .....	13,222	13,222
201	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	360	360
206	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER .....	3,674	3,674
207	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT .....	2,480	2,480
208	0305179F	INTEGRATED BROADCAST SERVICE (IBS) .....	8,592	8,592
209	0305182F	SPACELIFT RANGE SYSTEM (SPACE) .....	13,462	13,462
210	0305202F	DRAGON U-2 .....	5,511	5,511

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Line	Program Element	Item	FY 2015 Request	House Authorized
212	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS .....	28,113	38,113
		Per Air Force UFR .....		[10,000]
213	0305207F	MANNED RECONNAISSANCE SYSTEMS .....	13,516	13,516
214	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	27,265	27,265
215	0305219F	MQ-1 PREDATOR A UAV .....	1,378	1,378
216	0305220F	RQ-4 UAV .....	244,514	244,514
217	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING .....	11,096	11,096
218	0305236F	COMMON DATA LINK (CDL) .....	36,137	36,137
219	0305238F	NATO AGS .....	232,851	232,851
220	0305240F	SUPPORT TO DCGS ENTERPRISE .....	20,218	20,218
221	0305265F	GPS III SPACE SEGMENT .....	212,571	212,571
222	0305614F	JSPOC MISSION SYSTEM .....	73,779	73,779
223	0305881F	RAPID CYBER ACQUISITION .....	4,102	4,102
225	0305913F	NUDET DETECTION SYSTEM (SPACE) .....	20,468	20,468
226	0305940F	SPACE SITUATION AWARENESS OPERATIONS .....	11,596	11,596
227	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT .....	4,938	4,938
228	0308699F	SHARED EARLY WARNING (SEW) .....	1,212	1,212
230	0401119F	C-5 AIRLIFT SQUADRONS (IF) .....	38,773	38,773
231	0401130F	C-17 AIRCRAFT (IF) .....	83,773	83,773
232	0401132F	C-130J PROGRAM .....	26,715	26,715
233	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRC) .....	5,172	5,172
234	0401219F	KC-10S .....	2,714	2,714
235	0401314F	OPERATIONAL SUPPORT AIRLIFT .....	27,784	27,784
236	0401318F	CV-22 .....	38,719	38,719
237	0401319F	PRESIDENTIAL AIRCRAFT REPLACEMENT (PAR) .....	11,006	11,006
238	0408011F	SPECIAL TACTICS / COMBAT CONTROL .....	8,405	8,405
239	0702207F	DEPOT MAINTENANCE (NON-IF) .....	1,407	1,407
241	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT) .....	109,685	109,685
242	0708611F	SUPPORT SYSTEMS DEVELOPMENT .....	16,209	16,209
243	0804743F	OTHER FLIGHT TRAINING .....	987	987
244	0808716F	OTHER PERSONNEL ACTIVITIES .....	126	126
245	0901202F	JOINT PERSONNEL RECOVERY AGENCY .....	2,603	2,603
246	0901218F	CIVILIAN COMPENSATION PROGRAM .....	1,589	1,589
247	0901220F	PERSONNEL ADMINISTRATION .....	5,026	5,026
248	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY .....	1,394	1,394
249	0901279F	FACILITIES OPERATION—ADMINISTRATIVE .....	3,798	3,798
250	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT .....	107,314	107,314
250A	9999999999	CLASSIFIED PROGRAMS .....	11,441,120	11,363,920
		Classified program increase .....		[25,000]
		Classified program reduction .....		[-102,200]
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>15,717,666</b>	<b>15,617,566</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b> .....	<b>23,739,892</b>	<b>23,865,392</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>		
		<b>BASIC RESEARCH</b>		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE .....	37,778	37,778
002	0601101E	DEFENSE RESEARCH SCIENCES .....	312,146	312,146
003	0601110D8Z	BASIC RESEARCH INITIATIVES .....	44,564	34,564
		National Security Science and Engineering Faculty Fellowship program .....		[-10,000]
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE .....	49,848	49,848
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM .....	45,488	55,488
		Pre-Kindergarten to 12th Grade STEM Programs .....		[10,000]
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS .....	24,412	34,412
		Historically Black Colleges and Universities .....		[10,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	48,261	48,261
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>562,497</b>	<b>572,497</b>
		<b>APPLIED RESEARCH</b>		
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY .....	20,065	20,065
009	0602115E	BIOMEDICAL TECHNOLOGY .....	112,242	112,242
011	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM .....	51,875	51,875
012	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES .....	41,965	41,965
013	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY .....	334,407	334,407
015	0602383E	BIOLOGICAL WARFARE DEFENSE .....	44,825	44,825
016	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	226,317	226,317
018	0602668D8Z	CYBER SECURITY RESEARCH .....	15,000	15,000
020	0602702E	TACTICAL TECHNOLOGY .....	305,484	305,484
021	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY .....	160,389	160,389
022	0602716E	ELECTRONICS TECHNOLOGY .....	179,203	179,203
023	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES .....	151,737	151,737
024	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH .....	9,156	9,156
025	1160401BB	SOF TECHNOLOGY DEVELOPMENT .....	39,750	39,750
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>1,692,415</b>	<b>1,692,415</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
026	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY .....	26,688	26,688
027	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT .....	8,682	8,682
028	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT .....	69,675	89,675

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Line	Program Element	Item	FY 2015 Request	House Authorized
		Program emphasis for CT and Irregular Warfare Programs .....		[20,000]
029	0603133D8Z	FOREIGN COMPARATIVE TESTING .....	30,000	24,000
		Program decrease .....		[-6,000]
030	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT .....	283,694	283,694
032	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT .....	8,470	8,470
033	0603177C	DISCRIMINATION SENSOR TECHNOLOGY .....	45,110	45,110
034	0603178C	WEAPONS TECHNOLOGY .....	14,068	27,416
		MDA DE Ballistic Missile Kill Capability Development .....		[13,348]
035	0603179C	ADVANCED C4ISR .....	15,329	15,329
036	0603180C	ADVANCED RESEARCH .....	16,584	16,584
037	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT .....	19,335	19,335
038	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY .....	2,544	2,544
039	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY .....	51,033	51,033
040	0603286E	ADVANCED AEROSPACE SYSTEMS .....	129,723	129,723
041	0603287E	SPACE PROGRAMS AND TECHNOLOGY .....	179,883	179,883
042	0603288D8Z	ANALYTIC ASSESSMENTS .....	12,000	12,000
043	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS .....	60,000	50,000
		Program decrease .....		[-10,000]
044	0603294C	COMMON KILL VEHICLE TECHNOLOGY .....	25,639	25,639
045	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT .....	132,674	132,674
046	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY .....	10,965	10,965
047	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	131,960	121,960
		Program decrease .....		[-10,000]
052	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM .....	91,095	91,095
053	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT .....	33,706	33,706
054	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS .....	16,836	16,836
055	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY .....	29,683	29,683
056	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....	57,796	57,796
057	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT .....	72,144	72,144
058	0603727D8Z	JOINT WARFIGHTING PROGRAM .....	7,405	7,405
059	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES .....	92,246	92,246
060	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....	243,265	243,265
062	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY .....	386,926	386,926
063	0603767E	SENSOR TECHNOLOGY .....	312,821	312,821
064	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT .....	10,692	10,692
065	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE .....	15,776	15,776
066	0603826D8Z	QUICK REACTION SPECIAL PROJECTS .....	69,319	64,319
		Program decrease .....		[-5,000]
068	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE .....	3,000	3,000
071	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY .....	81,148	81,148
072	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT .....	31,800	31,800
073	0303310D8Z	CWMD SYSTEMS .....	46,066	46,066
074	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT .....	57,622	57,622
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>2,933,402</b>	<b>2,935,750</b>
		<b>ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES</b>		
077	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P .....	41,072	41,072
079	0603600D8Z	WALKOFF .....	90,558	90,558
080	0603714D8Z	ADVANCED SENSORS APPLICATION PROGRAM .....	15,518	15,518
081	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM .....	51,462	51,462
082	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT .....	299,598	299,598
083	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT .....	1,003,768	1,043,768
		BMD program increase .....		[40,000]
084	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL .....	179,236	179,236
085	0603884C	BALLISTIC MISSILE DEFENSE SENSORS .....	392,893	392,893
086	0603890C	BMD ENABLING PROGRAMS .....	410,863	410,863
087	0603891C	SPECIAL PROGRAMS—MDA .....	310,261	310,261
088	0603892C	AEGIS BMD .....	929,208	929,208
089	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM .....	31,346	31,346
090	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS .....	6,389	6,389
091	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI. ....	443,484	443,484
092	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT .....	46,387	46,387
093	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC) .....	58,530	58,530
094	0603906C	REGARDING TRENCH .....	16,199	16,199
095	0603907C	SEA BASED X-BAND RADAR (SBX) .....	64,409	64,409
096	0603913C	ISRAELI COOPERATIVE PROGRAMS .....	96,803	268,803
		Program increase for Israeli Cooperative Programs .....		[172,000]
097	0603914C	BALLISTIC MISSILE DEFENSE TEST .....	386,482	386,482
098	0603915C	BALLISTIC MISSILE DEFENSE TARGETS .....	485,294	485,294
099	0603920D8Z	HUMANITARIAN DEMINING .....	10,194	10,194
100	0603923D8Z	COALITION WARFARE .....	10,139	10,139
101	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM .....	2,907	2,907
102	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES .....	190,000	170,000
		Program decrease .....		[-20,000]
103	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT. ....	3,702	3,702
104	0604445J	WIDE AREA SURVEILLANCE .....	53,000	53,000
107	0604787J	JOINT SYSTEMS INTEGRATION .....	7,002	7,002

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108	0604828J	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM .....	7,102	7,102
109	0604880C	LAND-BASED SM-3 (LBSM3) .....	123,444	123,444
110	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT .....	263,695	263,695
113	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION .....	12,500	12,500
114	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM .....	2,656	2,656
115	0305103C	CYBER SECURITY INITIATIVE .....	961	961
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES .....</b>	<b>6,047,062</b>	<b>6,239,062</b>
		<b>SYSTEM DEVELOPMENT AND DEMONSTRATION</b>		
116	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD .....	7,936	7,936
117	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT .....	70,762	70,762
118	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD .....	345,883	345,883
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO) .....	25,459	25,459
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) .....	17,562	17,562
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES .....	6,887	6,887
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT .....	12,530	12,530
123	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE .....	286	286
124	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM .....	3,244	3,244
125	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES .....	6,500	6,500
126	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION .....	15,326	15,326
127	0605075D8Z	DCMO POLICY AND INTEGRATION .....	19,351	19,351
128	0605080S	DEFENSE AGENCY INTIATIVES (DAI)—FINANCIAL SYSTEM .....	41,465	41,465
129	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS) .....	10,135	10,135
130	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES .....	9,546	9,546
131	0303141K	GLOBAL COMBAT SUPPORT SYSTEM .....	14,241	14,241
132	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM) .....	3,660	3,660
		<b>SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION .....</b>	<b>610,773</b>	<b>610,773</b>
		<b>MANAGEMENT SUPPORT</b>		
133	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS) .....	5,616	5,616
134	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT .....	3,092	3,092
135	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP) .....	254,503	254,503
136	0604942D8Z	ASSESSMENTS AND EVALUATIONS .....	21,661	21,661
138	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) .....	27,162	27,162
139	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....	24,501	24,501
142	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO) .....	43,176	43,176
145	0605142D8Z	SYSTEMS ENGINEERING .....	44,246	44,246
146	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD .....	2,665	2,665
147	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY .....	4,366	4,366
148	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION .....	27,901	27,901
149	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) .....	2,855	2,855
150	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	105,944	105,944
156	0605502KA	SMALL BUSINESS INNOVATIVE RESEARCH .....	400	400
159	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER .....	1,634	1,634
160	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS .....	12,105	12,105
161	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....	50,389	50,389
162	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION .....	8,452	8,452
163	0605804D8Z	DEVELOPMENT TEST AND EVALUATION .....	15,187	19,187
		Program increase .....		[4,000]
164	0605898E	MANAGEMENT HQ—R&D .....	71,362	71,362
165	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS .....	4,100	4,100
166	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI) .....	1,956	1,956
167	0204571J	JOINT STAFF ANALYTICAL SUPPORT .....	10,321	10,321
170	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES .....	11,552	11,552
172	0305193D8Z	CYBER INTELLIGENCE .....	6,748	6,748
174	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2) .....	44,005	44,005
175	0901598C	MANAGEMENT HQ—MDA .....	36,998	36,998
176	0901598D8W	MANAGEMENT HEADQUARTERS WHS .....	612	612
177A	9999999999	CLASSIFIED PROGRAMS .....	44,367	44,367
		<b>SUBTOTAL MANAGEMENT SUPPORT .....</b>	<b>887,876</b>	<b>891,876</b>
		<b>OPERATIONAL SYSTEM DEVELOPMENT</b>		
178	0604130V	ENTERPRISE SECURITY SYSTEM (ESS) .....	3,988	3,988
179	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA. .....	1,750	1,750
180	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHAIS) .....	286	286
181	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT .....	14,778	14,778
182	0607310D8Z	OPERATIONAL SYSTEMS DEVELOPMENT .....	2,953	2,953
183	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS). .....	10,350	10,350
184	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT) .....	28,496	28,496
185	0607828J	JOINT INTEGRATION AND INTEROPERABILITY .....	11,968	11,968
186	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS) .....	1,842	1,842
187	0208045K	C4I INTEROPERABILITY .....	63,558	63,558
189	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING .....	3,931	3,931
193	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT .....	924	924
194	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION .....	9,657	9,657
195	0303126K	LONG-HAUL COMMUNICATIONS—DCS .....	25,355	25,355

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<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
196	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	12,671	12,671
197	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI) .....	222	222
198	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI) .....	32,698	32,698
199	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM .....	11,304	11,304
200	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM .....	125,854	145,854
		Accelerate SHARKSEER deployment .....		[20,000]
202	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	33,793	33,793
203	0303153K	DEFENSE SPECTRUM ORGANIZATION .....	13,423	13,423
204	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES) .....	3,774	3,774
205	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO) .....	951	951
206	0303610K	TELEPORT PROGRAM .....	2,697	2,697
208	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES .....	19,294	19,294
212	0305103K	CYBER SECURITY INITIATIVE .....	3,234	3,234
213	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP) .....	8,846	8,846
217	0305186D8Z	POLICY R&D PROGRAMS .....	7,065	7,065
218	0305199D8Z	NET CENTRICITY .....	23,984	23,984
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	5,286	5,286
224	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	3,400	3,400
229	0305327V	INSIDER THREAT .....	8,670	8,670
230	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM .....	2,110	2,110
239	0708011S	INDUSTRIAL PREPAREDNESS .....	22,366	22,366
240	0708012S	LOGISTICS SUPPORT ACTIVITIES .....	1,574	1,574
241	0902298J	MANAGEMENT HQ—OJCS .....	4,409	4,409
242	1105219BB	MQ-9 UAV .....	9,702	9,702
243	1105232BB	RQ-11 UAV .....	259	259
245	1160403BB	AVIATION SYSTEMS .....	164,233	164,233
247	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT .....	9,490	9,490
248	1160408BB	OPERATIONAL ENHANCEMENTS .....	75,253	75,253
252	1160431BB	WARRIOR SYSTEMS .....	24,661	24,661
253	1160432BB	SPECIAL PROGRAMS .....	20,908	20,908
259	1160480BB	SOF TACTICAL VEHICLES .....	3,672	3,672
262	1160483BB	MARITIME SYSTEMS .....	57,905	57,905
264	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	3,788	3,788
265	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	16,225	16,225
265A	999999999	CLASSIFIED PROGRAMS .....	3,118,502	3,113,502
		Classified adjustment .....		[-5,000]
		<b>SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT</b> .....	<b>4,032,059</b>	<b>4,047,059</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b> .....	<b>16,766,084</b>	<b>16,989,432</b>
		<b>OPERATIONAL TEST &amp; EVAL, DEFENSE MANAGEMENT SUPPORT</b>		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION .....	74,583	74,583
002	0605131OTE	LIVE FIRE TEST AND EVALUATION .....	45,142	45,142
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES .....	48,013	53,013
		Information Assurance Testing and Exercises .....		[5,000]
		<b>SUBTOTAL MANAGEMENT SUPPORT</b> .....	<b>167,738</b>	<b>172,738</b>
		<b>TOTAL OPERATIONAL TEST &amp; EVAL, DEFENSE</b> .....	<b>167,738</b>	<b>172,738</b>
		<b>TOTAL RDT&amp;E</b> .....	<b>63,533,947</b>	<b>63,791,399</b>

**TITLE XLIII—OPERATION AND MAINTENANCE**

**SEC. 4301. OPERATION AND MAINTENANCE.**

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY OPERATING FORCES</b>		
010	MANEUVER UNITS .....	969,281	1,069,281
	Restore Critical Operations Tempo .....		[100,000]
020	MODULAR SUPPORT BRIGADES .....	61,990	61,990
030	ECHELONS ABOVE BRIGADE .....	450,987	450,487
	Reduction in contracts for Other Services .....		[-500]
040	THEATER LEVEL ASSETS .....	545,773	543,773
	Reduction in contracts for Other Services .....		[-1,000]
	Reduction in service contracts for facilities maintenance .....		[-1,000]
050	LAND FORCES OPERATIONS SUPPORT .....	1,057,453	1,046,453
	Reduction in contracts for Other Services .....		[-10,000]
	Reduction in service contracts for facilities maintenance .....		[-1,000]
060	AVIATION ASSETS .....	1,409,347	1,547,947
	Restore Critical Aviation Readiness .....		[100,000]
	UH-60A to UH-60L Conversions/ARNG Modernization .....		[38,600]



**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
070	FORCE READINESS OPERATIONS SUPPORT .....	3,592,334	3,567,334
	Reduction in contracts for Other Services .....		[-19,500]
	Reduction in service contracts for facilities maintenance .....		[-5,500]
080	LAND FORCES SYSTEMS READINESS .....	411,388	411,388
090	LAND FORCES DEPOT MAINTENANCE .....	1,001,232	1,100,732
	Reduction in service contracts for facilities maintenance .....		[-500]
	Restore Critical Depot Maintenance .....		[100,000]
100	BASE OPERATIONS SUPPORT .....	7,428,972	7,346,972
	Reduction in contracts for Other Services .....		[-27,000]
	Reduction in service contracts for facilities maintenance .....		[-55,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	2,066,434	1,976,434
	Reduction in contracts for Other Services .....		[-7,000]
	Reduction in service contracts for facilities maintenance .....		[-58,000]
	Transfer to Arlington National Cemetery .....		[-25,000]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	411,863	411,363
	Reduction in service contracts for facilities maintenance .....		[-500]
130	COMBATANT COMMANDERS CORE OPERATIONS .....	179,399	178,899
	Reduction in contracts for Other Services .....		[-500]
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT .....	432,281	429,781
	Reduction in contracts for Other Services .....		[-2,500]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>20,018,734</b>	<b>20,142,834</b>
	<b>MOBILIZATION</b>		
180	STRATEGIC MOBILITY .....	316,776	315,776
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-500]
190	ARMY PREPOSITIONED STOCKS .....	187,609	186,109
	Reduction in contracts for Other Services .....		[-1,500]
200	INDUSTRIAL PREPAREDNESS .....	6,463	86,463
	Industrial Base Initiative-Body Armor .....		[80,000]
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>510,848</b>	<b>588,348</b>
	<b>TRAINING AND RECRUITING</b>		
210	OFFICER ACQUISITION .....	124,766	123,766
	Reduction in contracts for Other Services .....		[-1,000]
220	RECRUIT TRAINING .....	51,968	51,468
	Reduction in contracts for Other Services .....		[-500]
230	ONE STATION UNIT TRAINING .....	43,735	43,735
240	SENIOR RESERVE OFFICERS TRAINING CORPS .....	456,563	456,063
	Reduction in service contracts for facilities maintenance .....		[-500]
250	SPECIALIZED SKILL TRAINING .....	886,529	876,029
	Reduction in contracts for Other Services .....		[-8,500]
	Reduction in service contracts for facilities maintenance .....		[-2,000]
260	FLIGHT TRAINING .....	890,070	890,070
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	193,291	190,291
	Reduction in contracts for Other Services .....		[-2,500]
	Reduction in service contracts for facilities maintenance .....		[-500]
280	TRAINING SUPPORT .....	552,359	551,359
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-500]
290	RECRUITING AND ADVERTISING .....	466,927	461,427
	Reduction in contracts for Other Services .....		[-5,500]
300	EXAMINING .....	194,588	194,588
310	OFF-DUTY AND VOLUNTARY EDUCATION .....	205,782	197,782
	Reduction in contracts for Other Services .....		[-8,000]
320	CIVILIAN EDUCATION AND TRAINING .....	150,571	149,071
	Reduction in contracts for Other Services .....		[-1,500]
330	JUNIOR RESERVE OFFICER TRAINING CORPS .....	169,784	162,784
	Reduction in contracts for Other Services .....		[-7,000]
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>4,386,933</b>	<b>4,348,433</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>		
350	SERVICEWIDE TRANSPORTATION .....	541,877	541,877
360	CENTRAL SUPPLY ACTIVITIES .....	722,291	722,291
370	LOGISTIC SUPPORT ACTIVITIES .....	602,034	604,034
	Corrosion Mitigation Activities .....		[5,000]
	Reduction in contracts for Other Services .....		[-2,500]
	Reduction in service contracts for facilities maintenance .....		[-500]
380	AMMUNITION MANAGEMENT .....	422,277	419,777
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-2,000]
390	ADMINISTRATION .....	405,442	404,942
	Reduction in contracts for Other Services .....		[-500]
400	SERVICEWIDE COMMUNICATIONS .....	1,624,742	1,622,742
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-1,500]
410	MANPOWER MANAGEMENT .....	289,771	289,271
	Reduction in contracts for Other Services .....		[-500]
420	OTHER PERSONNEL SUPPORT .....	390,924	385,424

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
	Reduction in contracts for Other Services .....		[-5,500]
430	OTHER SERVICE SUPPORT .....	1,118,540	1,117,040
	Reduction in contracts for Other Services .....		[-1,500]
440	ARMY CLAIMS ACTIVITIES .....	241,234	239,734
	Reduction in contracts for Other Services .....		[-1,500]
450	REAL ESTATE MANAGEMENT .....	243,509	242,509
	Reduction in contracts for Other Services .....		[-1,000]
460	FINANCIAL MANAGEMENT AND AUDIT READINESS .....	200,615	199,115
	Reduction in contracts for Other Services .....		[-1,500]
470	INTERNATIONAL MILITARY HEADQUARTERS .....	462,591	462,091
	Reduction in contracts for Other Services .....		[-500]
480	MISC. SUPPORT OF OTHER NATIONS .....	27,375	27,375
520A	CLASSIFIED PROGRAMS .....	1,030,411	1,029,411
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-500]
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES</b> .....	<b>8,323,633</b>	<b>8,307,633</b>
	<b>UNDISTRIBUTED</b>		
530	UNDISTRIBUTED .....		-516,200
	Civilian personnel underexecution .....		[-80,000]
	Foreign Currency adjustments .....		[-48,900]
	Unobligated balances .....		[-387,300]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-516,200</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY</b> .....	<b>33,240,148</b>	<b>32,871,048</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RES</b>		
	<b>OPERATING FORCES</b>		
020	MODULAR SUPPORT BRIGADES .....	15,200	15,200
030	ECHELONS ABOVE BRIGADE .....	502,664	532,164
	Reduction in contracts for Other Services .....		[-500]
	Restore Critical Operations Tempo .....		[30,000]
040	THEATER LEVEL ASSETS .....	107,489	107,489
050	LAND FORCES OPERATIONS SUPPORT .....	543,989	543,989
060	AVIATION ASSETS .....	72,963	72,963
070	FORCE READINESS OPERATIONS SUPPORT .....	360,082	358,082
	Reduction in contracts for Other Services .....		[-1,500]
	Reduction in service contracts for facilities maintenance .....		[-500]
080	LAND FORCES SYSTEMS READINESS .....	72,491	72,491
090	LAND FORCES DEPOT MAINTENANCE .....	58,873	93,873
	Restore Critical Depot Maintenance .....		[35,000]
100	BASE OPERATIONS SUPPORT .....	388,961	386,461
	Reduction in contracts for Other Services .....		[-2,500]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	228,597	219,097
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-9,000]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	39,590	39,590
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>2,390,899</b>	<b>2,441,399</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
130	SERVICEWIDE TRANSPORTATION .....	10,608	10,608
140	ADMINISTRATION .....	18,587	18,587
150	SERVICEWIDE COMMUNICATIONS .....	6,681	6,681
160	MANPOWER MANAGEMENT .....	9,192	9,192
170	RECRUITING AND ADVERTISING .....	54,602	54,102
	Reduction in contracts for Other Services .....		[-500]
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>99,670</b>	<b>99,170</b>
	<b>UNDISTRIBUTED</b>		
180	UNDISTRIBUTED .....		-38,700
	Unobligated balances .....		[-38,700]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-38,700</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES</b> .....	<b>2,490,569</b>	<b>2,501,869</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG</b>		
	<b>OPERATING FORCES</b>		
010	MANEUVER UNITS .....	660,648	909,748
	National Guard combat training center rotations activities .....		[70,000]
	National Guard critical operations tempo activities .....		[99,600]
	Reduction in contracts for Other Services .....		[-500]
	Restore Critical Operations Tempo .....		[80,000]
020	MODULAR SUPPORT BRIGADES .....	165,942	165,942
030	ECHELONS ABOVE BRIGADE .....	733,800	733,800
040	THEATER LEVEL ASSETS .....	83,084	83,084
050	LAND FORCES OPERATIONS SUPPORT .....	22,005	22,005
060	AVIATION ASSETS .....	920,085	920,085
070	FORCE READINESS OPERATIONS SUPPORT .....	680,887	673,887
	Reduction in contracts for Other Services .....		[-5,000]

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
	Reduction in service contracts for facilities maintenance .....		[-2,000]
080	LAND FORCES SYSTEMS READINESS .....	69,726	69,726
090	LAND FORCES DEPOT MAINTENANCE .....	138,263	185,863
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-1,500]
	Restore Critical Depot Maintenance .....		[49,600]
100	BASE OPERATIONS SUPPORT .....	804,517	792,017
	Reduction in contracts for Other Services .....		[-2,500]
	Reduction in service contracts for facilities maintenance .....		[-10,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	490,205	471,705
	Reduction in service contracts for facilities maintenance .....		[-18,500]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	872,140	871,140
	Reduction in contracts for Other Services .....		[-1,000]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>5,641,302</b>	<b>5,899,002</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
130	SERVICEWIDE TRANSPORTATION .....	6,690	6,690
140	REAL ESTATE MANAGEMENT .....	1,765	1,765
150	ADMINISTRATION .....	63,075	65,075
	National Guard State Partnership Program .....		[2,000]
160	SERVICEWIDE COMMUNICATIONS .....	37,372	37,372
170	MANPOWER MANAGEMENT .....	6,484	6,484
180	OTHER PERSONNEL SUPPORT .....	274,085	269,585
	Reduction in contracts for Other Services .....		[-4,500]
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>389,471</b>	<b>386,971</b>
	<b>UNDISTRIBUTED</b>		
190	UNDISTRIBUTED .....		-72,400
	Unobligated balances .....		[-72,400]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-72,400</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG</b> .....	<b>6,030,773</b>	<b>6,213,573</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	4,947,202	5,002,202
	FHP Unit Level Maintenance .....		[56,000]
	Reduction in contracts for Other Services .....		[-1,000]
020	FLEET AIR TRAINING .....	1,647,943	1,659,443
	FHP Unit Level Maintenance .....		[12,000]
	Reduction in contracts for Other Services .....		[-500]
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	37,050	37,050
040	AIR OPERATIONS AND SAFETY SUPPORT .....	96,139	95,639
	Reduction in contracts for Other Services .....		[-500]
050	AIR SYSTEMS SUPPORT .....	363,763	362,763
	Reduction in contracts for Other Services .....		[-1,000]
060	AIRCRAFT DEPOT MAINTENANCE .....	814,770	935,870
	Aviation Depot Maintenance .....		[111,000]
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[10,100]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	36,494	36,494
080	AVIATION LOGISTICS .....	350,641	473,141
	Aviation Logistics .....		[123,000]
	Reduction in contracts for Other Services .....		[-500]
090	MISSION AND OTHER SHIP OPERATIONS .....	3,865,379	3,959,879
	Joint High Speed Vessel Operations .....		[10,000]
	CLF steaming days .....		[13,000]
	Corrosion Mitigation Activities .....		[5,000]
	Reduction in contracts for Other Services .....		[-5,500]
	T-AKES to Full Operational Status .....		[72,000]
100	SHIP OPERATIONS SUPPORT & TRAINING .....	711,243	709,743
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-1,000]
110	SHIP DEPOT MAINTENANCE .....	5,296,408	5,327,608
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[33,700]
	Reduction in contracts for Other Services .....		[-2,000]
	Reduction in service contracts for facilities maintenance .....		[-500]
120	SHIP DEPOT OPERATIONS SUPPORT .....	1,339,077	1,335,877
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[300]
	Reduction in contracts for Other Services .....		[-3,500]
130	COMBAT COMMUNICATIONS .....	708,634	706,634
	Reduction in contracts for Other Services .....		[-2,000]
140	ELECTRONIC WARFARE .....	91,599	91,099
	Reduction in contracts for Other Services .....		[-500]
150	SPACE SYSTEMS AND SURVEILLANCE .....	207,038	206,538
	Reduction in contracts for Other Services .....		[-500]
160	WARFARE TACTICS .....	432,715	431,715
	Reduction in contracts for Other Services .....		[-1,000]
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	338,116	337,616
	Reduction in contracts for Other Services .....		[-500]

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
180	COMBAT SUPPORT FORCES .....	892,316	891,316
	Reduction in contracts for Other Services .....		[-1,000]
190	EQUIPMENT MAINTENANCE .....	128,486	128,486
200	DEPOT OPERATIONS SUPPORT .....	2,472	2,472
210	COMBATANT COMMANDERS CORE OPERATIONS .....	101,200	100,700
	Reduction in contracts for Other Services .....		[-500]
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	188,920	186,420
	Reduction in contracts for Other Services .....		[-2,500]
230	CRUISE MISSILE .....	109,911	109,911
240	FLEET BALLISTIC MISSILE .....	1,172,823	1,172,823
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	104,139	104,139
260	WEAPONS MAINTENANCE .....	490,911	490,411
	Reduction in contracts for Other Services .....		[-500]
270	OTHER WEAPON SYSTEMS SUPPORT .....	324,861	323,861
	Reduction in contracts for Other Services .....		[-1,000]
290	ENTERPRISE INFORMATION .....	936,743	934,243
	Reduction in contracts for Other Services .....		[-2,500]
300	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	1,483,495	1,422,995
	Reduction in service contracts for facilities maintenance .....		[-60,500]
310	BASE OPERATING SUPPORT .....	4,398,667	4,364,167
	Reduction in service contracts for facilities maintenance .....		[-34,500]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>31,619,155</b>	<b>31,941,255</b>
	<b>MOBILIZATION</b>		
320	SHIP PREPOSITIONING AND SURGE .....	526,926	526,926
330	READY RESERVE FORCE .....	195	195
340	AIRCRAFT ACTIVATIONS/INACTIVATIONS .....	6,704	6,704
350	SHIP ACTIVATIONS/INACTIVATIONS .....	251,538	205,538
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[-46,000]
360	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	124,323	124,323
370	INDUSTRIAL READINESS .....	2,323	2,323
380	COAST GUARD SUPPORT .....	20,333	20,333
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>932,342</b>	<b>886,342</b>
	<b>TRAINING AND RECRUITING</b>		
390	OFFICER ACQUISITION .....	156,214	155,714
	Reduction in contracts for Other Services .....		[-500]
400	RECRUIT TRAINING .....	8,863	8,963
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[100]
410	RESERVE OFFICERS TRAINING CORPS .....	148,150	148,150
420	SPECIALIZED SKILL TRAINING .....	601,501	604,201
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[7,200]
	Reduction in contracts for Other Services .....		[-4,500]
430	FLIGHT TRAINING .....	8,239	8,239
440	PROFESSIONAL DEVELOPMENT EDUCATION .....	164,214	165,362
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[1,000]
	Naval Sea Cadets .....		[1,148]
	Reduction in contracts for Other Services .....		[-1,000]
450	TRAINING SUPPORT .....	182,619	183,019
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[900]
	Reduction in contracts for Other Services .....		[-500]
460	RECRUITING AND ADVERTISING .....	230,589	230,089
	Reduction in contracts for Other Services .....		[-500]
470	OFF-DUTY AND VOLUNTARY EDUCATION .....	115,595	114,095
	Reduction in contracts for Other Services .....		[-1,500]
480	CIVILIAN EDUCATION AND TRAINING .....	79,606	79,106
	Reduction in contracts for Other Services .....		[-500]
490	JUNIOR ROTC .....	41,664	39,664
	Reduction in contracts for Other Services .....		[-2,000]
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>1,737,254</b>	<b>1,736,602</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
500	ADMINISTRATION .....	858,871	852,871
	Reduction in contracts for Other Services .....		[-6,000]
510	EXTERNAL RELATIONS .....	12,807	12,807
520	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT .....	119,863	119,863
530	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	356,113	353,013
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[900]
	Reduction in contracts for Other Services .....		[-4,000]
540	OTHER PERSONNEL SUPPORT .....	255,605	255,105
	Reduction in contracts for Other Services .....		[-500]
550	SERVICEWIDE COMMUNICATIONS .....	339,802	337,802
	Reduction in contracts for Other Services .....		[-2,000]
570	SERVICEWIDE TRANSPORTATION .....	172,203	172,203
590	PLANNING, ENGINEERING AND DESIGN .....	283,621	282,621
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-500]
600	ACQUISITION AND PROGRAM MANAGEMENT .....	1,111,464	1,110,464
	Reduction in contracts for Other Services .....		[-500]

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
	Reduction in service contracts for facilities maintenance .....		[-500]
610	HULL, MECHANICAL AND ELECTRICAL SUPPORT .....	43,232	43,232
620	COMBAT/WEAPONS SYSTEMS .....	25,689	25,689
630	SPACE AND ELECTRONIC WARFARE SYSTEMS .....	73,159	72,659
	Reduction in contracts for Other Services .....		[-500]
640	NAVAL INVESTIGATIVE SERVICE .....	548,640	548,140
	Reduction in contracts for Other Services .....		[-500]
700	INTERNATIONAL HEADQUARTERS AND AGENCIES .....	4,713	4,713
720A	CLASSIFIED PROGRAMS .....	531,324	530,324
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-500]
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>4,737,106</b>	<b>4,721,506</b>
	<b>UNDISTRIBUTED</b>		
730	UNDISTRIBUTED .....		-402,900
	Civilian personnel underexecution .....		[-80,000]
	Foreign Currency adjustments .....		[-74,200]
	Unobligated balances .....		[-248,700]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-402,900</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY</b> .....	<b>39,025,857</b>	<b>38,882,805</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>		
	<b>OPERATING FORCES</b>		
010	OPERATIONAL FORCES .....	905,744	944,044
	Corrosion Mitigation Activities .....		[5,000]
	Crisis Response Operations Unfunded Requirement .....		[33,800]
	Reduction in contracts for Other Services .....		[-500]
020	FIELD LOGISTICS .....	921,543	920,543
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-500]
030	DEPOT MAINTENANCE .....	229,058	280,058
	Restore Critical Depot Maintenance .....		[51,000]
040	MARITIME PREPOSITIONING .....	87,660	87,660
050	SUSTAINMENT, RESTORATION & MODERNIZATION .....	573,926	556,926
	Reduction in contracts for Other Services .....		[-1,000]
	Reduction in service contracts for facilities maintenance .....		[-16,000]
060	BASE OPERATING SUPPORT .....	1,983,118	1,977,618
	Reduction in contracts for Other Services .....		[-1,500]
	Reduction in service contracts for facilities maintenance .....		[-4,000]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>4,701,049</b>	<b>4,766,849</b>
	<b>TRAINING AND RECRUITING</b>		
070	RECRUIT TRAINING .....	18,227	18,227
080	OFFICER ACQUISITION .....	948	948
090	SPECIALIZED SKILL TRAINING .....	98,448	98,448
100	PROFESSIONAL DEVELOPMENT EDUCATION .....	42,305	42,305
110	TRAINING SUPPORT .....	330,156	328,156
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-1,500]
120	RECRUITING AND ADVERTISING .....	161,752	161,752
130	OFF-DUTY AND VOLUNTARY EDUCATION .....	19,137	18,637
	Reduction in contracts for Other Services .....		[-500]
140	JUNIOR ROTC .....	23,277	23,277
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>694,250</b>	<b>691,750</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
150	SERVICEWIDE TRANSPORTATION .....	36,359	36,359
160	ADMINISTRATION .....	362,608	352,508
	Marine Museum Unjustified Growth .....		[-9,100]
	Reduction in contracts for Other Services .....		[-1,000]
180	ACQUISITION AND PROGRAM MANAGEMENT .....	70,515	70,515
180A	CLASSIFIED PROGRAMS .....	44,706	44,706
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>514,188</b>	<b>504,088</b>
	<b>UNDISTRIBUTED</b>		
190	UNDISTRIBUTED .....		-109,900
	Foreign Currency adjustments .....		[-28,400]
	Unobligated balances .....		[-81,500]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-109,900</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS</b> .....	<b>5,909,487</b>	<b>5,852,787</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	565,842	573,742
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[7,900]
020	INTERMEDIATE MAINTENANCE .....	5,948	5,948
040	AIRCRAFT DEPOT MAINTENANCE .....	82,636	84,936

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<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
	CVN 73 Refueling and Complex Overhaul (RCOH) .....		[2,300]
050	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	353	353
060	AVIATION LOGISTICS .....	7,007	7,007
070	MISSION AND OTHER SHIP OPERATIONS .....	8,190	8,190
080	SHIP OPERATIONS SUPPORT & TRAINING .....	556	556
090	SHIP DEPOT MAINTENANCE .....	4,571	4,571
100	COMBAT COMMUNICATIONS .....	14,472	14,472
110	COMBAT SUPPORT FORCES .....	119,056	119,056
120	WEAPONS MAINTENANCE .....	1,852	1,852
130	ENTERPRISE INFORMATION .....	25,354	25,354
140	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	48,271	46,271
	Reduction in service contracts for facilities maintenance .....		[-2,000]
150	BASE OPERATING SUPPORT .....	101,921	101,421
	Reduction in service contracts for facilities maintenance .....		[-500]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>986,029</b>	<b>993,729</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
160	ADMINISTRATION .....	1,520	1,520
170	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	12,998	12,998
180	SERVICEWIDE COMMUNICATIONS .....	3,395	3,395
190	ACQUISITION AND PROGRAM MANAGEMENT .....	3,158	3,158
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>21,071</b>	<b>21,071</b>
	<b>UNDISTRIBUTED</b>		
210	UNDISTRIBUTED .....		-10,500
	Unobligated balances .....		[-10,500]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-10,500</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES</b> .....	<b>1,007,100</b>	<b>1,004,300</b>
	<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	OPERATING FORCES .....	93,093	93,093
020	DEPOT MAINTENANCE .....	18,377	18,377
030	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	29,232	27,732
	Reduction in service contracts for facilities maintenance .....		[-1,500]
040	BASE OPERATING SUPPORT .....	106,447	105,447
	Reduction in service contracts for facilities maintenance .....		[-1,000]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>247,149</b>	<b>244,649</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
050	SERVICEWIDE TRANSPORTATION .....	914	914
060	ADMINISTRATION .....	11,831	11,831
070	RECRUITING AND ADVERTISING .....	8,688	8,688
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>21,433</b>	<b>21,433</b>
	<b>UNDISTRIBUTED</b>		
080	UNDISTRIBUTED .....		-100
	Unobligated balances .....		[-100]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-100</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RESERVE</b> .....	<b>268,582</b>	<b>265,982</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>		
	<b>OPERATING FORCES</b>		
010	PRIMARY COMBAT FORCES .....	3,163,457	3,256,557
	Corrosion Prevention .....		[5,000]
	Cyber Weapon System Ops .....		[50,000]
	Cyberspace Defense Weapon System and Cyber Mission Forces .....		[30,000]
	Nuclear Force Improvement Program—Security Forces .....		[8,600]
	Reduction in contracts for Other Services .....		[-500]
020	COMBAT ENHANCEMENT FORCES .....	1,694,339	1,686,339
	Reduction in contracts for Other Services .....		[-8,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	1,579,178	1,574,678
	Reduction in contracts for Other Services .....		[-2,000]
	Reduction in service contracts for facilities maintenance .....		[-2,500]
040	DEPOT MAINTENANCE .....	6,119,522	6,111,522
	RC/OC-135 Contractor Logistics Support Unjustified Growth .....		[-8,000]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	1,453,589	1,447,989
	Nuclear Force Improvement Program—Installation Surety .....		[3,400]
	Reduction in service contracts for facilities maintenance .....		[-9,000]
060	BASE SUPPORT .....	2,599,419	2,587,419
	Reduction in contracts for Other Services .....		[-2,000]
	Reduction in service contracts for facilities maintenance .....		[-10,000]
070	GLOBAL C3I AND EARLY WARNING .....	908,790	919,861
	Program increase .....		[14,571]
	Reduction in contracts for Other Services .....		[-1,500]
	Reduction in service contracts for facilities maintenance .....		[-2,000]
080	OTHER COMBAT OPS SPT PROGRAMS .....	856,306	862,906

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<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
	Nuclear Force Improvement Program—ICBM Training Hardware .....		[9,600]
	Reduction in contracts for Other Services .....		[-3,000]
090	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....	800,689	800,189
	Reduction in contracts for Other Services .....		[-500]
100	LAUNCH FACILITIES .....	282,710	282,710
110	SPACE CONTROL SYSTEMS .....	397,818	397,318
	Reduction in contracts for Other Services .....		[-500]
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	871,840	884,440
	PACOM Prepositioned Munition Shortfall Mitigation .....		[19,100]
	Reduction in contracts for Other Services .....		[-6,000]
	Reduction in service contracts for facilities maintenance .....		[-500]
130	COMBATANT COMMANDERS CORE OPERATIONS .....	237,348	237,348
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>20,965,005</b>	<b>21,049,276</b>
	<b>MOBILIZATION</b>		
140	AIRLIFT OPERATIONS .....	1,968,810	1,966,310
	Reduction in contracts for Other Services .....		[-2,500]
150	MOBILIZATION PREPAREDNESS .....	139,743	139,243
	Reduction in service contracts for facilities maintenance .....		[-500]
160	DEPOT MAINTENANCE .....	1,534,560	1,534,560
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	173,627	171,627
	Reduction in service contracts for facilities maintenance .....		[-2,000]
180	BASE SUPPORT .....	688,801	686,301
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-2,000]
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>4,505,541</b>	<b>4,498,041</b>
	<b>TRAINING AND RECRUITING</b>		
190	OFFICER ACQUISITION .....	82,396	82,396
200	RECRUIT TRAINING .....	19,852	19,852
210	RESERVE OFFICERS TRAINING CORPS (ROTC) .....	76,134	73,134
	Reduction in contracts for Other Services .....		[-3,000]
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	212,226	208,726
	Reduction in service contracts for facilities maintenance .....		[-3,500]
230	BASE SUPPORT .....	759,809	754,309
	Reduction in contracts for Other Services .....		[-1,000]
	Reduction in service contracts for facilities maintenance .....		[-4,500]
240	SPECIALIZED SKILL TRAINING .....	356,157	356,157
250	FLIGHT TRAINING .....	697,594	694,594
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-2,500]
260	PROFESSIONAL DEVELOPMENT EDUCATION .....	219,441	218,441
	Reduction in contracts for Other Services .....		[-1,000]
270	TRAINING SUPPORT .....	91,001	91,001
280	DEPOT MAINTENANCE .....	316,688	316,688
290	RECRUITING AND ADVERTISING .....	73,920	73,920
300	EXAMINING .....	3,121	3,121
310	OFF-DUTY AND VOLUNTARY EDUCATION .....	181,718	174,218
	Reduction in contracts for Other Services .....		[-7,500]
320	CIVILIAN EDUCATION AND TRAINING .....	147,667	147,167
	Reduction in contracts for Other Services .....		[-500]
330	JUNIOR ROTC .....	63,250	60,250
	Reduction in contracts for Other Services .....		[-3,000]
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>3,300,974</b>	<b>3,273,974</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
340	LOGISTICS OPERATIONS .....	1,003,513	1,044,013
	Reduction in service contracts for facilities maintenance .....		[-500]
	SDT Program .....		[41,000]
350	TECHNICAL SUPPORT ACTIVITIES .....	843,449	841,449
	Reduction in contracts for Other Services .....		[-2,000]
360	DEPOT MAINTENANCE .....	78,126	78,126
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	247,677	244,177
	Reduction in service contracts for facilities maintenance .....		[-3,500]
380	BASE SUPPORT .....	1,103,442	1,096,442
	Reduction in contracts for Other Services .....		[-1,500]
	Reduction in service contracts for facilities maintenance .....		[-5,500]
390	ADMINISTRATION .....	597,234	596,234
	Reduction in contracts for Other Services .....		[-500]
	Reduction in service contracts for facilities maintenance .....		[-500]
400	SERVICEWIDE COMMUNICATIONS .....	506,840	506,840
410	OTHER SERVICEWIDE ACTIVITIES .....	892,256	889,256
	Reduction in contracts for Other Services .....		[-2,000]
	Reduction in service contracts for facilities maintenance .....		[-1,000]
420	CIVIL AIR PATROL .....	24,981	24,981
450	INTERNATIONAL SUPPORT .....	92,419	91,919
	Reduction in contracts for Other Services .....		[-500]
450A	CLASSIFIED PROGRAMS .....	1,169,736	1,159,236
	Reduction in contracts for Other Services .....		[-9,500]



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<i>Line</i>	<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
	Reduction in service contracts for facilities maintenance .....		[-1,000]
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>6,559,673</b>	<b>6,572,673</b>
	<b>UNDISTRIBUTED</b>		
460	UNDISTRIBUTED .....		-242,900
	Civilian personnel underexecution .....		[-80,000]
	Foreign Currency adjustments .....		[-51,900]
	Readiness support .....		[221,500]
	Unobligated balances .....		[-332,500]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-242,900</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE</b> .....	<b>35,331,193</b>	<b>35,151,064</b>
	<b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	PRIMARY COMBAT FORCES .....	1,719,467	1,719,467
020	MISSION SUPPORT OPERATIONS .....	211,132	211,132
030	DEPOT MAINTENANCE .....	530,301	530,301
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	85,672	84,672
	Reduction in service contracts for facilities maintenance .....		[-1,000]
050	BASE SUPPORT .....	367,966	365,466
	Reduction in service contracts for facilities maintenance .....		[-2,500]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>2,914,538</b>	<b>2,911,038</b>
	<b>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b>		
060	ADMINISTRATION .....	59,899	59,899
070	RECRUITING AND ADVERTISING .....	14,509	14,509
080	MILITARY MANPOWER AND PERS MGMT (ARPC) .....	20,345	20,345
090	OTHER PERS SUPPORT (DISABILITY COMP) .....	6,551	6,551
	<b>SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b> .....	<b>101,304</b>	<b>101,304</b>
	<b>UNDISTRIBUTED</b>		
110	UNDISTRIBUTED .....		-13,400
	Unobligated balances .....		[-13,400]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-13,400</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RESERVE</b> .....	<b>3,015,842</b>	<b>2,998,942</b>
	<b>OPERATION &amp; MAINTENANCE, ANG</b>		
	<b>OPERATING FORCES</b>		
010	AIRCRAFT OPERATIONS .....	3,367,729	3,366,729
	Reduction in contracts for Other Services .....		[-1,000]
020	MISSION SUPPORT OPERATIONS .....	718,295	717,295
	Reduction in contracts for Other Services .....		[-1,000]
030	DEPOT MAINTENANCE .....	1,528,695	1,528,695
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	137,604	133,604
	Reduction in service contracts for facilities maintenance .....		[-4,000]
050	BASE SUPPORT .....	581,536	569,036
	Reduction in service contracts for facilities maintenance .....		[-12,500]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>6,333,859</b>	<b>6,315,359</b>
	<b>ADMINISTRATION AND SERVICE-WIDE ACTIVITIES</b>		
060	ADMINISTRATION .....	27,812	27,812
070	RECRUITING AND ADVERTISING .....	31,188	30,688
	Reduction in contracts for Other Services .....		[-500]
	<b>SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES</b> .....	<b>59,000</b>	<b>58,500</b>
	<b>UNDISTRIBUTED</b>		
080	UNDISTRIBUTED .....		-800
	Unobligated balances .....		[-800]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-800</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG</b> .....	<b>6,392,859</b>	<b>6,373,059</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>		
	<b>OPERATING FORCES</b>		
010	JOINT CHIEFS OF STAFF .....	462,107	460,607
	Reduction in contracts for Other Services .....		[-1,500]
020	SPECIAL OPERATIONS COMMAND/OPERATING FORCES .....	4,762,245	4,707,945
	MSV—USSOCOM Maritime Support Vessel .....		[-20,300]
	NCR—USSOCOM National Capitol Region Office .....		[-5,000]
	POTFF—Human Performance .....		[-23,300]
	Reduction in contracts for Other Services .....		[-26,000]
	Reduction in service contracts for facilities maintenance .....		[-5,000]
	RSCC—Regional Special Operations Forces Coordination Centers .....		[-3,600]
	USSOCOM Flight Operations (Flight Hours) .....		[31,460]
	USSOCOM Joint Special Operations University .....		[-2,560]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>5,224,352</b>	<b>5,168,552</b>

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<b>Line</b>	<b>Item</b>	<b>FY 2015 Request</b>	<b>House Authorized</b>
<b>TRAINING AND RECRUITING</b>			
030	DEFENSE ACQUISITION UNIVERSITY .....	135,437	135,437
040	NATIONAL DEFENSE UNIVERSITY .....	80,082	80,082
050	SPECIAL OPERATIONS COMMAND/TRAINING AND RECRUITING .....	371,620	371,620
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>587,139</b>	<b>587,139</b>
<b>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b>			
060	CIVIL MILITARY PROGRAMS .....	119,888	140,888
	STARBASE .....		[21,000]
080	DEFENSE CONTRACT AUDIT AGENCY .....	556,493	556,493
090	DEFENSE CONTRACT MANAGEMENT AGENCY .....	1,340,374	1,339,874
	Reduction in contracts for Other Services .....		[-500]
100	DEFENSE HUMAN RESOURCES ACTIVITY .....	633,300	613,300
	Reduction in contracts for Other Services .....		[-20,000]
110	DEFENSE INFORMATION SYSTEMS AGENCY .....	1,263,678	1,258,678
	Reduction in contracts for Other Services .....		[-4,000]
	Reduction in service contracts for facilities maintenance .....		[-1,000]
130	DEFENSE LEGAL SERVICES AGENCY .....	26,710	26,710
140	DEFENSE LOGISTICS AGENCY .....	381,470	380,470
	Reduction in contracts for Other Services .....		[-1,000]
150	DEFENSE MEDIA ACTIVITY .....	194,520	183,020
	Program decrease .....		[-10,000]
	Reduction in contracts for Other Services .....		[-1,500]
160	DEFENSE POW/MIA OFFICE .....	21,485	21,485
170	DEFENSE SECURITY COOPERATION AGENCY .....	544,786	523,786
	Global Security Contingency Fund .....		[-30,000]
	Reduction in contracts for Other Services .....		[-1,000]
	Warsaw Initiative Fund/Partnership For Peace .....		[10,000]
180	DEFENSE SECURITY SERVICE .....	527,812	527,312
	Reduction in contracts for Other Services .....		[-500]
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION .....	32,787	32,787
230	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	2,566,424	2,551,924
	Reduction in contracts for Other Services .....		[-6,000]
	Reduction in service contracts for facilities maintenance .....		[-8,500]
240	MISSILE DEFENSE AGENCY .....	416,644	415,144
	Reduction in contracts for Other Services .....		[-1,000]
	Reduction in service contracts for facilities maintenance .....		[-500]
260	OFFICE OF ECONOMIC ADJUSTMENT .....	186,987	106,391
	Office of Economic Adjustment .....		[-80,596]
265	OFFICE OF NET ASSESSMENT .....		18,944
	Program increase .....		[10,000]
	Transfer from line 270 .....		[8,944]
270	OFFICE OF THE SECRETARY OF DEFENSE .....	1,891,163	1,790,419
	BRAC 2015 Round Planning and Analyses .....		[-4,800]
	Corrosion Prevention Program Office .....		[5,000]
	DOD Rewards Program Underexecution .....		[-4,000]
	Reduction in contracts for Other Services .....		[-51,500]
	Reduction in service contracts for facilities maintenance .....		[-36,500]
	Transfer funding for Office of Net Assessment to new line 265 .....		[-8,944]
280	SPECIAL OPERATIONS COMMAND/ADMIN & SVC-WIDE ACTIVITIES .....	87,915	87,915
290	WASHINGTON HEADQUARTERS SERVICES .....	610,982	609,982
	Reduction in contracts for Other Services .....		[-1,000]
290A	CLASSIFIED PROGRAMS .....	13,983,323	13,987,323
	Classified adjustment .....		[10,000]
	Reduction in contracts for Other Services .....		[-6,000]
	<b>SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES .....</b>	<b>25,386,741</b>	<b>25,172,845</b>
<b>UNDISTRIBUTED</b>			
300	UNDISTRIBUTED .....		-280,400
	Civilian personnel underexecution .....		[-75,000]
	Foreign Currency adjustments .....		[-17,500]
	Impact Aid .....		[25,000]
	Unobligated balances .....		[-212,900]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-280,400</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE .....</b>	<b>31,198,232</b>	<b>30,648,136</b>
<b>MISCELLANEOUS APPROPRIATIONS</b>			
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....	13,723	13,723
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....	100,000	104,500
	Humanitarian Mine Action .....		[5,000]
	Reduction in contracts for Other Services .....		[-500]
030	COOPERATIVE THREAT REDUCTION .....	365,108	354,608
	Reduction in contracts for Other Services .....		[-10,500]
040	ACQ WORKFORCE DEV FD .....	212,875	209,375
	Reduction in contracts for Other Services .....		[-3,500]
050	ENVIRONMENTAL RESTORATION, ARMY .....	201,560	201,560
060	ENVIRONMENTAL RESTORATION, NAVY .....	277,294	277,294
070	ENVIRONMENTAL RESTORATION, AIR FORCE .....	408,716	408,716

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
080	ENVIRONMENTAL RESTORATION, DEFENSE .....	8,547	8,547
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....	208,353	208,353
100	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND .....	5,000	0
	Program decrease .....		[-5,000]
110	SUPPORT OF INTERNATIONAL SPORTING COMPETITIONS, DEFENSE .....	10,000	5,200
	Reduction in contracts for Other Services .....		[-500]
	Unjustified program increase .....		[-4,300]
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS</b> .....	<b>1,811,176</b>	<b>1,791,876</b>
	<b>TOTAL MISCELLANEOUS APPROPRIATIONS</b> .....	<b>1,811,176</b>	<b>1,791,876</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE</b> .....	<b>165,721,818</b>	<b>164,555,441</b>

**TITLE XLIV—MILITARY PERSONNEL**

**SEC. 4401. MILITARY PERSONNEL.**

**SEC. 4401. MILITARY PERSONNEL**  
(In Thousands of Dollars)

<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
<b>Military Personnel Appropriations</b> .....	<b>128,957,593</b>	<b>129,007,023</b>
Air Force airborne warning and control system personnel .....		12,200
CVN 73 Refueling and Complex Overhaul (RCOH) .....		[48,000]
Foreign Currency Adjustments .....		[-193,200]
Military Personnel unobligated balances .....		[-360,470]
Recalculation from CPI-1 to CPI .....		[534,900]
Special training and exercises for National Guard State Partnership Program .....		[8,000]
<b>Medicare-Eligible Retiree Health Fund Contributions</b> .....	<b>6,236,092</b>	<b>6,237,092</b>
CVN 73 Refueling and Complex Overhaul (RCOH) .....		[1,000]

**TITLE XLV—OTHER AUTHORIZATIONS**

**SEC. 4501. OTHER AUTHORIZATIONS.**

**SEC. 4501. OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
<b>WORKING CAPITAL FUND, ARMY</b>		
PREPOSITIONED WAR RESERVE STOCKS .....	13,727	13,727
<b>TOTAL WORKING CAPITAL FUND, ARMY</b> .....	<b>13,727</b>	<b>13,727</b>
<b>WORKING CAPITAL FUND, AIR FORCE</b>		
SUPPLIES AND MATERIALS (MEDICAL/DENTAL) .....	61,717	61,717
<b>TOTAL WORKING CAPITAL FUND, AIR FORCE</b> .....	<b>61,717</b>	<b>61,717</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>		
DEFENSE LOGISTICS AGENCY (DLA) .....	44,293	44,293
<b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE</b> .....	<b>44,293</b>	<b>44,293</b>
<b>WORKING CAPITAL FUND, DECA</b>		
WORKING CAPITAL FUND, DECA .....	1,114,731	1,214,731
Working Capital Fund, DECA .....		[100,000]
<b>TOTAL WORKING CAPITAL FUND, DECA</b> .....	<b>1,114,731</b>	<b>1,214,731</b>
<b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>		
OPERATION & MAINTENANCE .....	222,728	222,728
RDT&E .....	595,913	595,913
PROCUREMENT .....	10,227	10,227
<b>TOTAL CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b> .....	<b>828,868</b>	<b>828,868</b>
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	719,096	719,096
DRUG DEMAND REDUCTION PROGRAM .....	101,591	101,591
<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b> .....	<b>820,687</b>	<b>820,687</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>		
OPERATION AND MAINTENANCE .....	310,830	310,830
PROCUREMENT .....	1,000	1,000
<b>TOTAL OFFICE OF THE INSPECTOR GENERAL</b> .....	<b>311,830</b>	<b>311,830</b>
<b>DEFENSE HEALTH PROGRAM</b>		
<b>OPERATION &amp; MAINTENANCE</b>		
IN-HOUSE CARE .....	8,799,086	8,884,386
Implementation of Benefit Reform Proposal .....		[-30,000]

**SEC. 4501. OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

<i>Item</i>	<i>FY 2015 Request</i>	<i>House Authorized</i>
Restoration of MHS Modernization .....		[92,000]
USSOCOM Behavioral Health and Warrior Care Management Program .....		[23,300]
PRIVATE SECTOR CARE .....	15,412,599	15,354,599
Implementation of Benefit Reform Proposal .....		[-58,000]
CONSOLIDATED HEALTH SUPPORT .....	2,462,096	2,462,096
INFORMATION MANAGEMENT .....	1,557,347	1,557,347
MANAGEMENT ACTIVITIES .....	366,223	366,223
EDUCATION AND TRAINING .....	750,866	750,866
BASE OPERATIONS/COMMUNICATIONS .....	1,683,694	1,683,694
<b>RESEARCH &amp; DEVELOPMENT</b>		
R&D RESEARCH .....	10,317	20,317
Surgical Critical Care Research .....		[10,000]
R&D EXPLORATORY DEVELOPMENT .....	49,015	49,015
R&D ADVANCED DEVELOPMENT .....	226,410	226,410
R&D DEMONSTRATION/VALIDATION .....	97,787	97,787
R&D ENGINEERING DEVELOPMENT .....	217,898	217,898
R&D MANAGEMENT AND SUPPORT .....	38,075	38,075
R&D CAPABILITIES ENHANCEMENT .....	15,092	15,092
<b>PROCUREMENT</b>		
PROC INITIAL OUTFITTING .....	13,057	13,057
PROC REPLACEMENT & MODERNIZATION .....	283,030	283,030
PROC THEATER MEDICAL INFORMATION PROGRAM .....	3,145	3,145
PROC IEHR .....	9,181	9,181
<b>UNDISTRIBUTED</b>		
UNDISTRIBUTED .....	-161,857	-586,557
Foreign Currency adjustments .....		[-13,100]
Unobligated balances .....		[-411,600]
<b>TOTAL DEFENSE HEALTH PROGRAM</b> .....	<b>31,833,061</b>	<b>31,445,661</b>
<b>TOTAL OTHER AUTHORIZATIONS</b> .....	<b>35,028,914</b>	<b>34,741,514</b>

**TITLE XLVI—MILITARY CONSTRUCTION**

**SEC. 4601. MILITARY CONSTRUCTION.**

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Agreement</i>
Army	California			
Army	Concord	Access Control Point .....	9,900	9,900
Army	Concord	General Purpose Maintenance Shop .....	5,300	5,300
Army	Fort Irwin	Unmanned Aerial Vehicle Hangar .....	45,000	45,000
Army	Colorado			
Army	Fort Carson, Colorado	Aircraft Maintenance Hangar .....	60,000	60,000
Army	Fort Carson, Colorado	Unmanned Aerial Vehicle Hangar .....	29,000	29,000
Army	Guantanamo Bay, Cuba			
Army	Guantanamo Bay	Dining Facility .....	12,000	12,000
Army	Guantanamo Bay	Health Clinic .....	11,800	11,800
Army	Guantanamo Bay	High Value Detainee Complex .....	0	69,000
Army	Hawaii			
Army	Fort Shafter	Command and Control Facility (Scif) .....	96,000	83,000
Army	Japan			
Army	Kadena Ab	Missile Magazine .....	10,600	10,600
Army	Kentucky			
Army	Blue Grass Army Depot	Shipping and Receiving Building .....	0	15,000
Army	Fort Campbell, Kentucky	Unmanned Aerial Vehicle Hangar .....	23,000	23,000
Army	New York			
Army	Fort Drum, New York	Unmanned Aerial Vehicle Hangar .....	27,000	27,000
Army	U.S. Military Academy	Cadet Barracks, Incr 3 .....	58,000	58,000
Army	Pennsylvania			
Army	Letterkenny Army Depot	Rebuild Shop .....	16,000	16,000
Army	South Carolina			
Army	Fort Jackson	Trainee Barracks Complex 3, Ph1 .....	52,000	52,000
Army	Texas			
Army	Fort Hood	Simulations Center .....	0	46,000
Army	Virginia			
Army	Fort Lee	Adv. Individual Training Barracks Complex, Phase 3 .....	0	86,000
Army	Joint Base Langley-Eustis	Tactical Vehicle Hardstand .....	7,700	7,700
Army	Worldwide Unspecified			
Army	Unspecified Worldwide Loca- tions	Host Nation Support Fy15 .....	33,000	33,000
Army	Unspecified Worldwide Loca- tions	Minor Construction Fy15 .....	25,000	25,000

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/Country and Installation			Project Title	Budget Request	House Agreement
Army	Unspecified	Worldwide	Loca-	Planning and Design Fy15 .....	18,127	18,127
	tions					
<b>Total Military Construction, Army .....</b>					<b>539,427</b>	<b>742,427</b>
Navy	Arizona					
	Yuma			Aviation Maintenance and Support Complex .....	16,608	16,608
Navy	Bahrain Island					
	Sw Asia			P-8a Hangar .....	27,826	27,826
Navy	California					
	Bridgeport			E-Lmr Communications Towers .....	16,180	16,180
Navy	San Diego			Steam Distribution System Decentralization .....	47,110	47,110
Navy	District of Columbia					
	District of Columbia			Electronics Science and Technology Laboratory .....	31,735	31,735
Navy	Djibouti					
	Camp Lemonier, Djibouti			Entry Control Point .....	9,923	9,923
Navy	Florida					
	Jacksonville			Mh60 Parking Apron .....	8,583	8,583
Navy	Jacksonville			P-8a Runway Thresholds and Taxiways .....	21,652	21,652
Navy	Mayport			Lcs Operational Training Facility .....	20,520	20,520
Navy	Guam					
	Joint Region Marianas			Gse Shops at North Ramp .....	21,880	21,880
Navy	Joint Region Marianas			Muss Facilities at North Ramp .....	28,771	28,771
Navy	Hawaii					
	Kaneohe Bay			Facility Modifications for Vmu, Mwds, & Ch53e .....	51,182	51,182
Navy	Kaneohe Bay			Road and Infrastructure Improvements .....	2,200	2,200
Navy	Pearl Harbor			Submarine Maneuvering Room Trainer Facility .....	9,698	9,698
Navy	Japan					
	Iwakuni			Security Mods Dpri Mc167-T (Cvw-5 E2d Ea-18g) .....	6,415	6,415
Navy	Kadena Ab			Aircraft Maint Hangar Alterations and Sap-F .....	19,411	19,411
Navy	MCAS Futenma			Hangar & Rinse Facility Modernizations .....	4,639	4,639
Navy	Okinawa			Lhd Practice Site Improvements .....	35,685	35,685
Navy	Maryland					
	Annapolis			Center for Cyber Security Studies Building .....	120,112	100,112
Navy	Indian Head			Advanced Energetics Research Lab Complex Ph 2 .....	15,346	15,346
Navy	Patuxent River			Atlantic Test Range Facility .....	9,860	9,860
Navy	Nevada					
	Fallon			Air Wing Training Facility .....	27,763	27,763
Navy	Fallon			Facility Alteration for F-35 Training Mission .....	3,499	3,499
Navy	North Carolina					
	Cherry Point Marine Corps Air Station			Water Treatment Plant Replacement .....	41,588	41,588
Navy	Pennsylvania					
	Philadelphia			Ohio Replacement Power & Propulsion Facility .....	23,985	23,985
Navy	South Carolina					
	Charleston			Nuclear Power Operational Support Facility .....	35,716	35,716
Navy	Spain					
	Rota			Ship Berthing Power Upgrades .....	20,233	20,233
Navy	Virginia					
	Dahlgren			Missile Support Facility .....	27,313	27,313
Navy	Norfolk			EOD Consolidated Ops & Logistics Facilities .....	39,274	39,274
Navy	Portsmouth			Submarine Maintenance Facility .....	9,743	9,743
Navy	Quantico			Ammunition Supply Point Expansion .....	12,613	12,613
Navy	Yorktown			Bachelor Enlisted Quarters .....	19,152	19,152
Navy	Yorktown			Fast Company Training Facility .....	7,836	7,836
Navy	Washington					
	Bremerton			Integrated Water Treatment Syst. Dd 1, 2, & 5 .....	16,401	16,401
Navy	Kitsap			Explosives Handling Wharf #2 (Inc) .....	83,778	83,778
Navy	Port Angeles			Tps Port Angeles Forward Operating Location .....	20,638	20,638
Navy	Whidbey Island			P-8a Aircraft Apron and Supporting Facilities .....	24,390	24,390
Navy	Worldwide Unspecified					
	Unspecified	Worldwide	Loca-	F-35c Facility Addition and Modification .....	16,594	16,594
Navy	Unspecified	Worldwide	Loca-	F-35c Operational Training Facility .....	22,391	22,391
Navy	Unspecified	Worldwide	Loca-	Mcon Design Funds .....	33,366	33,366
Navy	Unspecified	Worldwide	Loca-	Unspecified Minor Construction .....	7,163	7,163
	tions					
<b>Total Military Construction, Navy .....</b>					<b>1,018,772</b>	<b>998,772</b>
AF	Alaska					
	Clear AFS			Emergency Power Plant Fuel Storage .....	11,500	11,500
AF	Arizona					
	Luke AFB			F-35 Aircraft Mx Hangar—Sqdn #2 .....	11,200	11,200
AF	Luke AFB			F-35 Flightline Fillstands .....	15,600	15,600
AF	Guam					
	Joint Region Marianas			Guam Strike Fuel Systems Maint.hangar Inc 2 .....	64,000	64,000

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>House Agreement</b>
AF	Joint Region Marianas	Prtc—Combat Comm Infrastr Facility .....	3,750	3,750
AF	Joint Region Marianas	Prtc—Red Horse Logistics Facility .....	3,150	3,150
AF	Joint Region Marianas	Prtc—Satellite Fire Station .....	6,500	6,500
	<b>Kansas</b>			
AF	Mcconnell AFB	KC-46a Adal Mobility Bag Strg Expansion .....	2,300	2,300
AF	Mcconnell AFB	KC-46a Adal Regional Mx Tng Facility .....	16,100	16,100
AF	Mcconnell AFB	KC-46a Alter Composite Mx Shop .....	4,100	4,100
AF	Mcconnell AFB	KC-46a Alter Taxiway Fortrot .....	5,500	5,500
AF	Mcconnell AFB	KC-46a Fuselage Trainer .....	6,400	6,400
	<b>Maryland</b>			
AF	Fort Meade	Cybercom Joint Operations Center, Increment 2 .....	166,000	166,000
	<b>Massachusetts</b>			
AF	Hanscom AFB	Dormitory (72 Rm) .....	13,500	13,500
	<b>Nebraska</b>			
AF	Offutt AFB	Usstratcom Replacement Facility- Incr 4 .....	180,000	180,000
	<b>Nevada</b>			
AF	Nellis AFB	F-22 Flight Simulator Facility .....	14,000	14,000
AF	Nellis AFB	F-35 Aircraft Mx Unit—4 Bay Hangar .....	31,000	31,000
AF	Nellis AFB	F-35 Weapons School Facility .....	8,900	8,900
	<b>New Jersey</b>			
AF	Joint Base Mcguire-Dix-Lakehurst	Fire Station .....	5,900	5,900
	<b>Oklahoma</b>			
AF	Tinker AFB	KC-46a Depot Maint Complex Spt Infrastr .....	48,000	48,000
AF	Tinker AFB	KC-46a Two-Bay Depot Mx Hangar .....	63,000	63,000
	<b>Texas</b>			
AF	Joint Base San Antonio	Fire Station .....	5,800	5,800
	<b>United Kingdom</b>			
AF	Croughton Raf	Jiac Consolidation—Phase 1 .....	92,223	92,223
	<b>Worldwide Unspecified</b>			
AF	Various Worldwide Locations	Planning and Design .....	10,738	10,738
AF	Various Worldwide Locations	Unspecified Minor Military Construction .....	22,613	22,613
<b>Total Military Construction, Air Force .....</b>			<b>811,774</b>	<b>811,774</b>
	<b>Arizona</b>			
Def-Wide	Fort Huachuca	Jitc Building 52120 Renovation .....	1,871	1,871
	<b>Australia</b>			
Def-Wide	Geraldton	Combined Communications Gateway Geraldton .....	9,600	9,600
	<b>Belgium</b>			
Def-Wide	Brussels	Brussels Elementary/High School Replacement .....	41,626	41,626
Def-Wide	Brussels	NATO Headquarters Facility .....	37,918	37,918
	<b>California</b>			
Def-Wide	Camp Pendleton, California	SOF Comm/Elec Maintenance Facility .....	11,841	11,841
Def-Wide	Coronado	SOF Logistics Support Unit 1 Ops Facility #1 .....	41,740	41,740
Def-Wide	Coronado	SOF Support Activity Ops Facility #2 .....	28,600	28,600
Def-Wide	Lemoore	Replace Fuel Storage & Distribution Fac. ....	52,500	52,500
	<b>Colorado</b>			
Def-Wide	Peterson AFB	Dental Clinic Replacement .....	15,200	15,200
	<b>Conus</b>			
Def-Wide	Various Locations	East Coast Missile Site Planning and Design .....	0	20,000
	<b>Conus Classified</b>			
Def-Wide	Classified Location	SOF Skills Training Facility .....	53,073	53,073
	<b>Georgia</b>			
Def-Wide	Hunter Army Airfield	SOF Company Operations Facility .....	7,692	7,692
Def-Wide	Robins AFB	Replace Hydrant Fuel System .....	19,900	19,900
	<b>Germany</b>			
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Incr 4 .....	259,695	189,695
	<b>Guantanamo Bay, Cuba</b>			
Def-Wide	Guantanamo Bay	Replace Fuel Tank .....	11,100	11,100
Def-Wide	Guantanamo Bay	W.t. Sampson E/M and Hs Consolid./Replacement .....	65,190	65,190
	<b>Hawaii</b>			
Def-Wide	Joint Base Pearl Harbor-Hickam	Replace Fuel Tanks .....	3,000	3,000
Def-Wide	Joint Base Pearl Harbor-Hickam	Upgrade Fire Supression & Ventilation Sys. ....	49,900	49,900
	<b>Japan</b>			
Def-Wide	Misawa Ab	Edgren High School Renovation .....	37,775	37,775
Def-Wide	Okinawa	Killin Elementary Replacement/Renovation .....	71,481	71,481
Def-Wide	Okinawa	Kubasaki High School Replacement/Renovation .....	99,420	99,420
Def-Wide	Sasebo	E.j. King High School Replacement/Renovation .....	37,681	37,681
	<b>Kentucky</b>			
Def-Wide	Fort Campbell, Kentucky	SOF System Integration Maintenance Office Fac .....	18,000	18,000
	<b>Maryland</b>			
Def-Wide	Fort Meade	NSAW Campus Feeders Phase 1 .....	54,207	54,207
Def-Wide	Fort Meade	NSAW Recapitalize Building #1/Site M Inc 3 .....	45,521	45,521
Def-Wide	Joint Base Andrews	Construct Hydrant Fuel System .....	18,300	18,300
	<b>Michigan</b>			
Def-Wide	Selfridge ANGB	Replace Fuel Distribution Facilities .....	35,100	35,100
	<b>Mississippi</b>			
Def-Wide	Stennis	SOF Applied Instruction Facility .....	10,323	10,323

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>House Agreement</b>
Def-Wide	Stennis	SOF Land Acquisition Western Maneuver Area .....	17,224	17,224
Def-Wide	Nevada			
	Fallon	SOF Tactical Ground Mob. Vehicle Maint Fac. ....	20,241	20,241
Def-Wide	New Mexico			
	Cannon AFB	SOF Squadron Operations Facility (Sts) .....	23,333	23,333
Def-Wide	North Carolina			
	Camp Lejeune, North Carolina	Lejeune High School Addition/Renovation .....	41,306	41,306
Def-Wide	Camp Lejeune, North Carolina	SOF Intel/Ops Expansion .....	11,442	11,442
Def-Wide	Fort Bragg	SOF Battalion Operations Facility .....	37,074	37,074
Def-Wide	Fort Bragg	SOF Tactical Equipment Maintenance Facility .....	8,000	8,000
Def-Wide	Fort Bragg	SOF Training Command Building .....	48,062	48,062
Def-Wide	Seymour Johnson AFB	Replace Hydrant Fuel System .....	8,500	8,500
Def-Wide	South Carolina			
	Beaufort	Replace Fuel Distribution Facilities .....	40,600	40,600
Def-Wide	South Dakota			
	Ellsworth AFB	Construct Hydrant System .....	8,000	8,000
Def-Wide	Texas			
	Fort Bliss	Hospital Replacement Incr 6 .....	131,500	201,500
Def-Wide	Joint Base San Antonio	Medical Clinic Replacement .....	38,300	38,300
Def-Wide	Virginia			
	Craney Island	Replace & Alter Fuel Distribution Facilities .....	36,500	36,500
Def-Wide	Def Distribution Depot Richmond	Replace Access Control Point .....	5,700	5,700
Def-Wide	Fort Belvoir	Parking Lot .....	7,239	7,239
Def-Wide	Joint Base Langley-Eustis	Hospital Addition/Cup Replacement .....	41,200	41,200
Def-Wide	Joint Expeditionary Base Little Creek—Story	SOF Human Performance Center .....	11,200	11,200
Def-Wide	Joint Expeditionary Base Little Creek—Story	SOF Indoor Dynamic Range .....	14,888	14,888
Def-Wide	Joint Expeditionary Base Little Creek—Story	SOF Mobile Comm Det Support Facility .....	13,500	13,500
Def-Wide	Pentagon	Redundant Chilled Water Loop .....	15,100	15,100
Def-Wide	Worldwide Unspecified			
	Unspecified Worldwide Locations	Contingency Construction .....	9,000	0
Def-Wide	Unspecified Worldwide Locations	Ecip Design .....	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program .....	150,000	150,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction .....	8,581	8,581
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	745	745
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	38,704	18,704
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	1,183	1,183
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	42,387	42,387
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	599	599
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	24,425	4,425
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	5,932	5,932
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	6,846	6,846
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	10,334	10,334
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	2,700	2,700
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	2,000	2,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	4,100	4,100
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Milcon .....	2,994	2,994
Def-Wide	Various Worldwide Locations	Planning and Design .....	24,197	24,197
<b>Total Military Construction, Defense-Wide .....</b>			<b>2,061,890</b>	<b>2,032,890</b>
Chem Demil	Kentucky			
	Blue Grass Army Depot	Ammunition Demilitarization Ph Xv .....	38,715	38,715
<b>Total Chemical Demilitarization Construction, Defense .....</b>			<b>38,715</b>	<b>38,715</b>
NATO	Worldwide Unspecified			
	NATO Security Investment Program	NATO Security Investment Program .....	199,700	199,700



**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/Country and Installation</i>	<i>Project Title</i>	<i>Budget Request</i>	<i>House Agreement</i>
<b>Total NATO Security Investment Program .....</b>			<b>199,700</b>	<b>199,700</b>
Army NG	Delaware Dagsboro	National Guard Vehicle Maintenance Shop .....	0	10,800
Army NG	Maine Augusta	National Guard Reserve Center .....	30,000	30,000
Army NG	Maryland Havre DE Grace	National Guard Readiness Center .....	12,400	12,400
Army NG	Montana Helena	National Guard Readiness Center Add/Alt .....	38,000	38,000
Army NG	New Mexico Alamogordo	National Guard Readiness Center .....	0	5,000
Army NG	North Dakota Valley City	National Guard Vehicle Maintenance Shop .....	10,800	10,800
Army NG	Vermont North Hyde Park	National Guard Vehicle Maintenance Shop .....	4,400	4,400
Army NG	Washington Yakima	Enlisted Barracks, Transient Training .....	0	19,000
Army NG	Worldwide Unspecified			
Army NG	Unspecified Worldwide Loca- tions	Planning and Design .....	17,600	17,600
Army NG	Unspecified Worldwide Loca- tions	Unspecified Minor Construction .....	13,720	13,720
<b>Total Military Construction, Army National Guard .....</b>			<b>126,920</b>	<b>161,720</b>
Army Res	California Fresno	Army Reserve Center/AMSA .....	22,000	22,000
Army Res	March (Riverside)	Army Reserve Center .....	0	25,000
Army Res	Colorado Fort Carson, Colorado	Training Building Addition .....	5,000	5,000
Army Res	Illinois Arlington Heights	Army Reserve Center .....	0	26,000
Army Res	Mississippi Starkville	Army Reserve Center .....	0	9,300
Army Res	New Jersey Joint Base Mcguire-Dix- Lakehurst	Army Reserve Center .....	26,000	26,000
Army Res	New York Mattydale	Army Reserve Center/AMSA .....	23,000	23,000
Army Res	Virginia Fort Lee	Tass Training Center .....	16,000	16,000
Army Res	Worldwide Unspecified			
Army Res	Unspecified Worldwide Loca- tions	Planning and Design .....	8,337	8,337
Army Res	Unspecified Worldwide Loca- tions	Unspecified Minor Construction .....	3,609	3,609
<b>Total Military Construction, Army Reserve .....</b>			<b>103,946</b>	<b>164,246</b>
N/MC Res	Pennsylvania Pittsburgh	Reserve Training Center—Pittsburgh, PA .....	17,650	17,650
N/MC Res	Washington Whidbey Island	C-40 Aircraft Maintenance Hangar .....	27,755	27,755
N/MC Res	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Loca- tions	Mcnr Planning & Design .....	2,123	2,123
N/MC Res	Unspecified Worldwide Loca- tions	Mcnr Unspecified Minor Construction .....	4,000	4,000
<b>Total Military Construction, Navy and Marine Corps Reserve .....</b>			<b>51,528</b>	<b>51,528</b>
Air NG	Connecticut Bradley IAP	Construct C-130 Fuel Cell and Corrosion Contr .....	16,306	16,306
Air NG	Iowa Des Moines Map	Remotely Piloted Aircraft and Targeting Group .....	8,993	8,993
Air NG	Michigan W. K. Kellogg Regional Airport	Rpa Beddown .....	6,000	6,000
Air NG	New Hampshire Pease International Trade Port	KC-46a Adal Airfield Pavements & Hydrant Syst .....	7,100	7,100
Air NG	Pease International Trade Port	KC-46a Adal Fuel Cell Building 253 .....	16,800	16,800
Air NG	Pease International Trade Port	KC-46a Adal Maint Hangar Building 254 .....	18,002	18,002
Air NG	Pennsylvania Willow Grove Arf	Rpa Operations Center .....	5,662	5,662
Air NG	Worldwide Unspecified			
Air NG	Various Worldwide Locations	Planning and Design .....	7,700	7,700
Air NG	Various Worldwide Locations	Unspecified Minor Construction .....	8,100	8,100

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/Country and Installation				Project Title	Budget Request	House Agreement
Total Military Construction, Air National Guard .....						94,663	94,663
AF Res	Georgia						
	Robins AFB			Afrc Consolidated Mission Complex, Ph I .....	27,700	27,700	
AF Res	North Carolina						
	Seymour Johnson AFB			KC-135 Tanker Parking Apron Expansion .....	9,800	9,800	
AF Res	Texas						
	Fort Worth			EOD Facility .....	3,700	3,700	
AF Res	Worldwide Unspecified						
	Various Worldwide Locations			Planning and Design .....	6,892	6,892	
AF Res	Various Worldwide Locations			Unspecified Minor Military Construction .....	1,400	1,400	
Total Military Construction, Air Force Reserve .....						49,492	49,492
FH Con Army	Illinois						
	Rock Island			Family Housing New Construction .....	19,500	19,500	
FH Con Army	Korea						
	Camp Walker			Family Housing New Construction .....	57,800	57,800	
FH Con Army	Worldwide Unspecified						
	Unspecified	Worldwide	Loca-	Family Housing P & D .....	1,309	1,309	
Total Family Housing Construction, Army .....						78,609	78,609
FH Ops Army	Worldwide Unspecified						
	Unspecified	Worldwide	Loca-	Furnishings .....	14,136	14,136	
FH Ops Army	tions						
	Unspecified	Worldwide	Loca-	Leased Housing .....	112,504	112,504	
FH Ops Army	tions						
	Unspecified	Worldwide	Loca-	Maintenance of Real Property Facilities .....	65,245	65,245	
FH Ops Army	tions						
	Unspecified	Worldwide	Loca-	Management Account .....	43,480	43,480	
FH Ops Army	tions						
	Unspecified	Worldwide	Loca-	Management Account .....	3,117	3,117	
FH Ops Army	tions						
	Unspecified	Worldwide	Loca-	Military Housing Privatization Initiative .....	20,000	20,000	
FH Ops Army	tions						
	Unspecified	Worldwide	Loca-	Miscellaneous .....	700	700	
FH Ops Army	tions						
	Unspecified	Worldwide	Loca-	Services .....	9,108	9,108	
FH Ops Army	tions						
	Unspecified	Worldwide	Loca-	Utilities .....	82,686	82,686	
FH Ops Army	tions						
Total Family Housing Operation & Maintenance, Army .....						350,976	350,976
FH Ops AF	Worldwide Unspecified						
	Unspecified	Worldwide	Loca-	Furnishings Account .....	38,543	38,543	
FH Ops AF	tions						
	Unspecified	Worldwide	Loca-	Housing Privatization .....	40,761	40,761	
FH Ops AF	tions						
	Unspecified	Worldwide	Loca-	Leasing .....	43,651	43,651	
FH Ops AF	tions						
	Unspecified	Worldwide	Loca-	Maintenance .....	99,934	99,934	
FH Ops AF	tions						
	Unspecified	Worldwide	Loca-	Management Account .....	47,834	47,834	
FH Ops AF	tions						
	Unspecified	Worldwide	Loca-	Miscellaneous Account .....	1,993	1,993	
FH Ops AF	tions						
	Unspecified	Worldwide	Loca-	Services Account .....	12,709	12,709	
FH Ops AF	tions						
	Unspecified	Worldwide	Loca-	Utilities Account .....	42,322	42,322	
FH Ops AF	tions						
Total Family Housing Construction, Air Force .....						327,747	327,747
FH Con Navy	Worldwide Unspecified						
	Unspecified	Worldwide	Loca-	Design .....	472	472	
FH Con Navy	tions						
	Unspecified	Worldwide	Loca-	Improvements .....	15,940	15,940	
FH Con Navy	tions						
Total Family Housing Construction, Navy and Marine Corps .....						16,412	16,412
FH Ops Navy	Worldwide Unspecified						
	Unspecified	Worldwide	Loca-	Furnishings Account .....	17,881	17,881	
FH Ops Navy	tions						

**SEC. 4601. MILITARY CONSTRUCTION**  
**(In Thousands of Dollars)**

Account	State/Country and Installation				Project Title	Budget Request	House Agreement
FH Ops Navy	Unspecified	Worldwide	Loca-	Leasing	.....	65,999	65,999
FH Ops Navy	Unspecified	Worldwide	Loca-	Maintenance of Real Property	.....	97,612	97,612
FH Ops Navy	Unspecified	Worldwide	Loca-	Management Account	.....	55,124	55,124
FH Ops Navy	Unspecified	Worldwide	Loca-	Miscellaneous Account	.....	366	366
FH Ops Navy	Unspecified	Worldwide	Loca-	Privatization Support Costs	.....	27,876	27,876
FH Ops Navy	Unspecified	Worldwide	Loca-	Services Account	.....	18,079	18,079
FH Ops Navy	Unspecified	Worldwide	Loca-	Utilities Account	.....	71,092	71,092
Total Family Housing Operation & Maintenance, Navy and Marine Corps						354,029	354,029
FH Ops DW	Unspecified	Worldwide	Loca-	Furnishings Account	.....	3,362	3,362
FH Ops DW	Unspecified	Worldwide	Loca-	Furnishings Account	.....	20	20
FH Ops DW	Unspecified	Worldwide	Loca-	Furnishings Account	.....	746	746
FH Ops DW	Unspecified	Worldwide	Loca-	Leasing	.....	11,179	11,179
FH Ops DW	Unspecified	Worldwide	Loca-	Leasing	.....	42,083	42,083
FH Ops DW	Unspecified	Worldwide	Loca-	Maintenance of Real Property	.....	2,128	2,128
FH Ops DW	Unspecified	Worldwide	Loca-	Maintenance of Real Property	.....	344	344
FH Ops DW	Unspecified	Worldwide	Loca-	Management Account	.....	378	378
FH Ops DW	Unspecified	Worldwide	Loca-	Services Account	.....	31	31
FH Ops DW	Unspecified	Worldwide	Loca-	Utilities Account	.....	170	170
FH Ops DW	Unspecified	Worldwide	Loca-	Utilities Account	.....	659	659
Total Family Housing Operation & Maintenance, Defense-Wide						61,100	61,100
FHIF	Unspecified	Worldwide	Loca-	Family Housing Improvement Fund	.....	1,662	1,662
Total DOD Family Housing Improvement Fund						1,662	1,662
BRAC	Base Realignment & Closure, Army			Base Realignment and Closure	.....	84,417	84,417
BRAC	Base Realignment & Closure, Navy			Base Realignment & Closure	.....	57,406	57,406
BRAC	Unspecified	Worldwide	Loca-	Dod BRAC Activities—Air Force	.....	90,976	90,976
BRAC	Unspecified	Worldwide	Loca-	Don-100: Planing, Design and Management	.....	7,682	7,682
BRAC	Unspecified	Worldwide	Loca-	Don-101: Various Locations	.....	21,416	21,416
BRAC	Unspecified	Worldwide	Loca-	Don-138: NAS Brunswick, ME	.....	904	904
BRAC	Unspecified	Worldwide	Loca-	Don-157: Mcsa Kansas City, MO	.....	40	40
BRAC	Unspecified	Worldwide	Loca-	Don-172: NWS Seal Beach, Concord, CA	.....	6,066	6,066
BRAC	Unspecified	Worldwide	Loca-	Don-84: JRB Willow Grove & Cambria Reg Ap	.....	1,178	1,178
Total Base Realignment and Closure Account						270,085	270,085
PYS	Unspecified	Worldwide	Loca-	42 Usc 3374	.....	0	-100,000
PYS	Unspecified	Worldwide	Loca-	Army	.....	0	-79,577
PYS	Unspecified	Worldwide	Loca-	NATO Security Investment Program	.....	0	-25,000

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	House Agreement
<b>Total Prior Year Savings</b> .....			<b>0</b>	<b>-204,577</b>
GR	Worldwide Unspecified Unspecified Worldwide Loca- tions tions	General Reductions .....	0	-69,000
<b>Total General Reductions</b> .....			<b>0</b>	<b>-69,000</b>
<b>Total Military Construction</b> .....			<b>6,557,447</b>	<b>6,532,970</b>

**TITLE XLVII—DEPARTMENT OF ENERGY  
NATIONAL SECURITY PROGRAMS**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL  
SECURITY PROGRAMS.**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2015 Request	House Authorized
<b>Discretionary Summary By Appropriation</b>		
<b>Energy And Water Development, And Related Agencies</b>		
<b>Appropriation Summary:</b>		
<b>Energy Programs</b>		
Nuclear Energy .....	104,000	104,000
<b>Atomic Energy Defense Activities</b>		
<b>National nuclear security administration:</b>		
Weapons activities .....	8,314,902	8,462,602
Defense nuclear nonproliferation .....	1,555,156	1,565,156
Naval reactors .....	1,377,100	1,387,100
Federal salaries and expenses .....	410,842	386,842
<b>Total, National nuclear security administration</b> .....	<b>11,658,000</b>	<b>11,801,700</b>
<b>Environmental and other defense activities:</b>		
Defense environmental cleanup .....	5,327,538	4,870,538
Other defense activities .....	753,000	758,300
<b>Total, Environmental &amp; other defense activities</b> .....	<b>6,080,538</b>	<b>5,628,838</b>
<b>Total, Atomic Energy Defense Activities</b> .....	<b>17,738,538</b>	<b>17,430,538</b>
<b>Total, Discretionary Funding</b> .....	<b>17,842,538</b>	<b>17,534,538</b>
<b>Nuclear Energy</b>		
Idaho sitewide safeguards and security .....	104,000	104,000
<b>Weapons Activities</b>		
<b>Directed stockpile work</b>		
<b>Life extension programs</b>		
B61 Life extension program .....	643,000	643,000
W76 Life extension program .....	259,168	273,768
W88 Alt 370 .....	165,400	166,600
Cruise missile warhead life extension program .....	9,418	17,018
<b>Total, Life extension programs</b> .....	<b>1,076,986</b>	<b>1,100,386</b>
<b>Stockpile systems</b>		
B61 Stockpile systems .....	109,615	109,615
W76 Stockpile systems .....	45,728	45,728
W78 Stockpile systems .....	62,703	66,403
W80 Stockpile systems .....	70,610	70,610
B83 Stockpile systems .....	63,136	63,136
W87 Stockpile systems .....	91,255	91,255
W88 Stockpile systems .....	88,060	88,060
<b>Total, Stockpile systems</b> .....	<b>531,107</b>	<b>534,807</b>
<b>Weapons dismantlement and disposition</b>		
Operations and maintenance .....	30,008	30,008
<b>Stockpile services</b>		
Production support .....	350,942	363,242
Research and development support .....	29,649	29,649
R&D certification and safety .....	201,479	212,479
Management, technology, and production .....	241,805	241,805
Plutonium sustainment .....	144,575	172,875
Tritium readiness .....	140,053	140,053
<b>Total, Stockpile services</b> .....	<b>1,108,503</b>	<b>1,160,103</b>
<b>Total, Directed stockpile work</b> .....	<b>2,746,604</b>	<b>2,825,304</b>

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2015 Request</i>	<i>House Author- ized</i>
<b>Campaigns:</b>		
<b>Science campaign</b>		
Advanced certification .....	58,747	58,747
Primary assessment technologies .....	112,000	112,000
Dynamic materials properties .....	117,999	117,999
Advanced radiography .....	79,340	79,340
Secondary assessment technologies .....	88,344	88,344
<b>Total, Science campaign</b> .....	<b>456,430</b>	<b>456,430</b>
<b>Engineering campaign</b>		
Enhanced surety .....	52,003	54,403
Weapon systems engineering assessment technology .....	20,832	20,832
Nuclear survivability .....	25,371	25,371
Enhanced surveillance .....	37,799	41,399
<b>Total, Engineering campaign</b> .....	<b>136,005</b>	<b>142,005</b>
<b>Inertial confinement fusion ignition and high yield campaign</b>		
Ignition .....	77,994	77,994
Support of other stockpile programs .....	23,598	23,598
Diagnostics, cryogenics and experimental support .....	61,297	61,297
Pulsed power inertial confinement fusion .....	5,024	5,024
Joint program in high energy density laboratory plasmas .....	9,100	9,100
Facility operations and target production .....	335,882	335,882
<b>Total, Inertial confinement fusion and high yield campaign</b> .....	<b>512,895</b>	<b>512,895</b>
Advanced simulation and computing campaign .....	610,108	610,108
Nonnuclear Readiness Campaign .....	125,909	125,909
<b>Total, Campaigns</b> .....	<b>1,841,347</b>	<b>1,847,347</b>
<b>Readiness in technical base and facilities (RTBF)</b>		
<b>Operations of facilities</b>		
Kansas City Plant .....	125,000	125,000
Lawrence Livermore National Laboratory .....	71,000	71,000
Los Alamos National Laboratory .....	198,000	198,000
Nevada National Security Site .....	89,000	89,000
Panther .....	75,000	75,000
Sandia National Laboratory .....	106,000	106,000
Savannah River Site .....	81,000	81,000
Y-12 National security complex .....	151,000	151,000
<b>Total, Operations of facilities</b> .....	<b>896,000</b>	<b>896,000</b>
Program readiness .....	136,700	136,700
Material recycle and recovery .....	138,900	138,900
Containers .....	26,000	26,000
Storage .....	40,800	40,800
Maintenance and repair of facilities .....	205,000	220,000
Recapitalization .....	209,321	248,321
<b>Subtotal, Readiness in technical base and facilities</b> .....	<b>756,721</b>	<b>810,721</b>
<b>Construction:</b>		
15-D-613 Emergency Operations Center, Y-12 .....	2,000	2,000
15-D-612 Emergency Operations Center, LLNL .....	2,000	2,000
15-D-611 Emergency Operations Center, SNL .....	4,000	4,000
15-D-301 HE Science & Engineering Facility, PX .....	11,800	11,800
15-D-302, TA-55 Reinvestment project, Phase 3, LANL .....	16,062	16,062
12-D-301 TRU waste facilities, LANL .....	6,938	6,938
11-D-801 TA-55 Reinvestment project Phase 2, LANL .....	10,000	10,000
07-D-220 Radioactive liquid waste treatment facility upgrade project, LANL .....	15,000	15,000
06-D-141 PED/Construction, Uranium Capabilities Replacement Project Y-12 .....	335,000	335,000
<b>Total, Construction</b> .....	<b>402,800</b>	<b>402,800</b>
<b>Total, Readiness in technical base and facilities</b> .....	<b>2,055,521</b>	<b>2,109,521</b>
<b>Secure transportation asset</b>		
Operations and equipment .....	132,851	132,851
Program direction .....	100,962	100,962
<b>Total, Secure transportation asset</b> .....	<b>233,813</b>	<b>233,813</b>
Nuclear counterterrorism incident response .....	173,440	182,440
Counterterrorism and Counterproliferation Programs .....	76,901	76,901
<b>Site stewardship</b>		
Environmental projects and operations .....	53,000	53,000
Nuclear materials integration .....	16,218	16,218
Minority serving institution partnerships program .....	13,231	13,231
<b>Total, Site stewardship</b> .....	<b>82,449</b>	<b>82,449</b>

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2015 Request</i>	<i>House Author- ized</i>
<b>Defense nuclear security</b>		
Operations and maintenance .....	618,123	618,123
<b>Total, Defense nuclear security</b> .....	<b>618,123</b>	<b>618,123</b>
Information technology and cybersecurity .....	179,646	179,646
Legacy contractor pensions .....	307,058	307,058
<b>Total, Weapons Activities</b> .....	<b>8,314,902</b>	<b>8,462,602</b>
<b>Defense Nuclear Nonproliferation</b>		
<b>Defense Nuclear Nonproliferation Programs</b>		
Global threat reduction initiative .....	333,488	413,488
<b>Defense Nuclear Nonproliferation R&amp;D</b>		
Operations and maintenance .....	360,808	430,808
Nonproliferation and international security .....	141,359	177,759
International material protection and cooperation .....	305,467	129,067
<b>Fissile materials disposition</b>		
<b>U.S. surplus fissile materials disposition</b>		
Operations and maintenance		
U.S. plutonium disposition .....	85,000	85,000
U.S. uranium disposition .....	25,000	25,000
<b>Total, Operations and maintenance</b> .....	<b>110,000</b>	<b>110,000</b>
<b>Construction:</b>		
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC .....	196,000	196,000
99-D-141-02 Waste Solidification Building, Savannah River, SC .....	5,125	5,125
<b>Total, Construction</b> .....	<b>201,125</b>	<b>201,125</b>
<b>Total, U.S. surplus fissile materials disposition</b> .....	<b>311,125</b>	<b>311,125</b>
<b>Russian surplus fissile materials disposition</b>		
<b>Total, Fissile materials disposition</b> .....	<b>311,125</b>	<b>311,125</b>
<b>Total, Defense Nuclear Nonproliferation Programs</b> .....	<b>1,452,247</b>	<b>1,462,247</b>
Legacy contractor pensions .....	102,909	102,909
<b>Total, Defense Nuclear Nonproliferation</b> .....	<b>1,555,156</b>	<b>1,565,156</b>
<b>Naval Reactors</b>		
Naval reactors operations and infrastructure .....	412,380	422,380
Naval reactors development .....	425,700	425,700
Ohio replacement reactor systems development .....	156,100	156,100
S8G Prototype refueling .....	126,400	126,400
Program direction .....	46,600	46,600
<b>Construction:</b>		
15-D-904 NRF Overpack Storage Expansion 3 .....	400	400
15-D-903 KL Fire System Upgrade .....	600	600
15-D-902 KS Engineroom team trainer facility .....	1,500	1,500
15-D-901 KS Central office building and prototype staff facility .....	24,000	24,000
14-D-901 Spent fuel handling recapitalization project, NRF .....	141,100	141,100
13-D-905 Remote-handled low-level waste facility, INL .....	14,420	14,420
13-D-904 KS Radiological work and storage building, KSO .....	20,100	20,100
10-D-903, Security upgrades, KAPL .....	7,400	7,400
08-D-190 Expended Core Facility M-290 receiving/discharge station, Naval Reactor Facility, ID .....	400	400
<b>Total, Construction</b> .....	<b>209,920</b>	<b>209,920</b>
<b>Total, Naval Reactors</b> .....	<b>1,377,100</b>	<b>1,387,100</b>
<b>Federal Salaries And Expenses</b>		
Program direction .....	410,842	386,842
<b>Total, Office Of The Administrator</b> .....	<b>410,842</b>	<b>386,842</b>
<b>Defense Environmental Cleanup</b>		
<b>Closure sites:</b>		
Closure sites administration .....	4,889	4,889
<b>Hanford site:</b>		
River corridor and other cleanup operations .....	332,788	332,788
<b>Central plateau remediation:</b>		
Central plateau remediation .....	474,292	474,292
<b>Construction:</b>		
15-D-401 Containerized sludge (RI-0012) .....	26,290	26,290
<b>Total, Central plateau remediation</b> .....	<b>500,582</b>	<b>500,582</b>
Richland community and regulatory support .....	14,701	14,701
<b>Total, Hanford site</b> .....	<b>848,071</b>	<b>848,071</b>

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2015 Request</i>	<i>House Author- ized</i>
<b>Idaho National Laboratory:</b>		
Idaho cleanup and waste disposition .....	364,293	364,293
Idaho community and regulatory support .....	2,910	2,910
<b>Total, Idaho National Laboratory</b> .....	<b>367,203</b>	<b>367,203</b>
<b>NNSA sites</b>		
Lawrence Livermore National Laboratory .....	1,366	1,366
Nevada .....	64,851	64,851
Sandia National Laboratories .....	2,801	2,801
Los Alamos National Laboratory .....	196,017	196,017
<b>Construction:</b>		
15-D-406 Hexavalent chromium D & D (VI-LanI-0030) .....	28,600	28,600
<b>Total, NNSA sites and Nevada off-sites</b> .....	<b>293,635</b>	<b>293,635</b>
<b>Oak Ridge Reservation:</b>		
<b>OR Nuclear facility D &amp; D</b>		
OR Nuclear facility D & D .....	73,155	73,155
<b>Construction:</b>		
14-D-403 Outfall 200 Mercury Treatment Facility .....	9,400	9,400
<b>Total, OR Nuclear facility D &amp; D</b> .....	<b>82,555</b>	<b>82,555</b>
U233 Disposition Program .....	41,626	41,626
<b>OR cleanup and disposition:</b>		
OR cleanup and disposition .....	71,137	71,137
<b>Construction:</b>		
15-D-405—Sludge Buildout .....	4,200	4,200
<b>Total, OR cleanup and disposition</b> .....	<b>75,337</b>	<b>75,337</b>
OR reservation community and regulatory support .....	4,365	4,365
Solid waste stabilization and disposition, Oak Ridge technology development .....	3,000	3,000
<b>Total, Oak Ridge Reservation</b> .....	<b>206,883</b>	<b>206,883</b>
<b>Office of River Protection:</b>		
<b>Waste treatment and immobilization plant</b>		
01-D-416 A-D/ORP-0060 / Major construction .....	575,000	575,000
01-D-16E Pretreatment facility .....	115,000	115,000
<b>Total, Waste treatment and immobilization plant</b> .....	<b>690,000</b>	<b>690,000</b>
<b>Tank farm activities</b>		
Rad liquid tank waste stabilization and disposition .....	522,000	522,000
<b>Construction:</b>		
15-D-409 Low Activity Waste Pretreatment System, Hanford .....	23,000	23,000
<b>Total, Tank farm activities</b> .....	<b>545,000</b>	<b>545,000</b>
<b>Total, Office of River protection</b> .....	<b>1,235,000</b>	<b>1,235,000</b>
<b>Savannah River sites:</b>		
Savannah River risk management operations .....	416,276	416,276
SR community and regulatory support .....	11,013	11,013
<b>Radioactive liquid tank waste:</b>		
Radioactive liquid tank waste stabilization and disposition .....	553,175	553,175
<b>Construction:</b>		
15-D-402—Saltstone Disposal Unit #6 .....	34,642	34,642
05-D-405 Salt waste processing facility, Savannah River .....	135,000	135,000
<b>Total, Construction</b> .....	<b>169,642</b>	<b>169,642</b>
<b>Total, Radioactive liquid tank waste</b> .....	<b>722,817</b>	<b>722,817</b>
<b>Total, Savannah River site</b> .....	<b>1,150,106</b>	<b>1,150,106</b>
Waste isolation pilot plant .....	216,020	216,020
Program direction .....	280,784	280,784
Program support .....	14,979	14,979
<b>Safeguards and Security:</b>		
Oak Ridge Reservation .....	16,382	16,382
Paducah .....	7,297	7,297
Portsmouth .....	8,492	8,492
Richland/Hanford Site .....	63,668	63,668
Savannah River Site .....	132,196	132,196
Waste Isolation Pilot Project .....	4,455	4,455
West Valley .....	1,471	1,471
Technology development .....	13,007	19,007
<b>Subtotal, Defense environmental cleanup</b> .....	<b>4,864,538</b>	<b>4,870,538</b>
Uranium enrichment D&D fund contribution .....	463,000	0



**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2015 Request</i>	<i>House Author- ized</i>
<b>Total, Defense Environmental Cleanup</b> .....	<b>5,327,538</b>	<b>4,870,538</b>
<b>Other Defense Activities</b>		
Specialized security activities .....	202,152	207,452
<b>Environment, health, safety and security</b>		
Environment, health, safety and security .....	118,763	118,763
Program direction .....	62,235	62,235
<b>Total, Environment, Health, safety and security</b> .....	<b>180,998</b>	<b>180,998</b>
<b>Independent enterprise assessments</b>		
Independent enterprise assessments .....	24,068	24,068
Program direction .....	49,466	49,466
<b>Total, Independent enterprise assessments</b> .....	<b>73,534</b>	<b>73,534</b>
<b>Office of Legacy Management</b>		
Legacy management .....	158,639	158,639
Program direction .....	13,341	13,341
<b>Total, Office of Legacy Management</b> .....	<b>171,980</b>	<b>171,980</b>
<b>Defense-related activities</b>		
<b>Defense related administrative support</b>		
Chief financial officer .....	46,877	46,877
Chief information officer .....	71,959	71,959
<b>Total, Defense related administrative support</b> .....	<b>118,836</b>	<b>118,836</b>
Office of hearings and appeals .....	5,500	5,500
<b>Subtotal, Other defense activities</b> .....	<b>753,000</b>	<b>758,300</b>
<b>Total, Other Defense Activities</b> .....	<b>753,000</b>	<b>758,300</b>

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in House Report 113-455. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for the division of the question.

AMENDMENT NO. 1 OFFERED BY MR.  
BLUMENAUER

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 113-455.

Mr. BLUMENAUER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle D of title I, add the following new section:

**SEC. 136. PROCUREMENT OF CERTAIN RADARS FOR F-15C/D AIRCRAFT.**

(a) IN GENERAL.—The Secretary of the Air Force shall procure not fewer than 10 active electronically scanned array radars for F-15C/D aircraft of the Air National Guard.

(b) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for aircraft procurement, Air Force, as specified in the corresponding funding table in section 4101, for F-15 APG-63(V)3 upgrades (Line 025) is hereby increased by \$100,000,000.

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amounts authorized to be appropriated in division C for atomic energy defense activities, as specified in the corresponding funding table in section 4701, are reduced for the following purposes relating to weapons activities by the following amounts:

(A) W76 Life extension program, by \$7,900,000.

(B) W88 Alt 370, by \$1,200,000.

(C) Cruise missile warhead life extension program, by \$7,600,000.

(D) W78 Stockpile systems, by \$3,700,000.

(E) Production support, by \$12,300,000.

(F) Plutonium sustainment, by \$28,300,000.

(G) Recapitalization, by \$39,000,000.

The Acting CHAIR. Pursuant to House Resolution 585, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, as I have been listening to the debate this evening following the process, I, too, would offer my congratulations to the chair of the committee and the committee itself dealing with a very difficult situation. There are lots of pressures. They are not just faceless special interests, but we are dealing with businesses, with unions, with the military itself, concerns for their family, the armed services, and the traditions. All of these things make for a very complicated situation.

But I relate to something Mr. SMITH said a moment ago, the ranking member, talking about the really hard questions are not really being addressed.

We are sort of pushing them down the road when the administration and the Pentagon offered them forward.

I am concerned that we have yet to come to grips with the costs of between a half-trillion and two-thirds of a trillion dollars for our nuclear capacity over the next 10 years. Well, I am offering tonight an easy opportunity to deal with something that can make a big difference to support thousands of brave men and women who make up the Air National Guard, who have proven themselves, especially over the last 13 years, answering the call of duty in Iraq and Afghanistan. In addition to protecting the homeland without wavering, they have responded time and time again when disaster strikes.

But I want to focus on one particular area dealing with the Air Guard and Reserves' capacity to be able to meet their challenges. My amendment would call the question of whether the House is ready to make a modest change in other funding levels to support the Air Guard.

The amendment would authorize the Secretary of the Air Force to procure 10 Active Electronically Scanned Array radar upgrades for the Air Guard's F-15 fleet. We have around the country people who are relying upon a variation of the oldest radars, which are late 1970s technology that went out of production in 1986. It limits their capacity to meet even the most basic of threats and has serious maintenance—not just capacity—but maintenance and operational problems.

I would like to include for the RECORD this letter of support from the National Guard Association of the United States, which shows why they so strongly support this amendment.

NATIONAL GUARD ASSOCIATION  
OF THE UNITED STATES,  
Washington, DC, May 19, 2014.

Hon. EARL BLUMENAUER,  
Longworth House Office Building,  
Washington, DC.

DEAR CONGRESSMAN BLUMENAUER: On behalf of the members of the National Guard Association of the United States (NGAUS), I would like to thank you for introducing an amendment to the National Defense Authorization Act of 2015 to increase funding for Air National Guard (ANG) F-15 Active Electronic Scanned Array (AESA) radar upgrade.

As you may know, the Air Force currently possesses 248 F-15C/D aircraft worldwide, with the ANG maintaining 130 (52 percent) of those aircraft. Of the 130 F-15 aircraft the ANG maintains, 74 possess the oldest APG-63(V)0 radar system. This V(0) radar is a mechanically scanned system and has significant limitations in capability against most threats across the globe.

Upgrading the F-15 with the APG-63(V)3 AESA radar provides a significant technological advantage for both homeland defense and world-wide operations.

Additionally, the V(3) is dramatically easier and cheaper to maintain due to its solid state electronics. Studies indicate that the AESA radar generates approximately 800 percent more reliability than the V(0) radar. It also allows for true and effective multi-track and attack capability and increased capability against advanced electronic attack and small radar cross section targets.

Though the President's budget this year provides for \$32.5 million for ANG radar upgrades, NGAUS believes additional funding on top of this request will help to maintain parity amongst the Combat Air Force's F-15 in the Active and the National Guard. Considering the Air Force will have to maintain F-15s for the foreseeable future, we believe it is paramount to ensure additional upgrades to the ANG fleet.

NGAUS supports your efforts in the House to increase funding for ANG F-15 AESA radar upgrades.

Thank you for your leadership and strong support on this issue and of our National Guard.

Sincerely,

GUS HARGETT,  
Major General, USA, (Ret),  
NGAUS President.

Mr. BLUMENAUER. Mr. Chairman, an upgrade for these 10 operating systems would not only provide significant technological advantage for both homeland defense and worldwide operation, but it would—and this is very important—it is actually going to save money over the next 10 years. It is much easier and cheaper than to maintain the current outmoded radars. A small, upfront investment makes our F-15 fighter pilots safer and more effective and saves money in the long run.

Looking for offsets is obviously difficult to do, but what we have done is identify modest reductions in areas that are already far in excess of what the President has requested. In some cases, they are even an additional increment above that which has been offered by the committee in its proposal.

I would hope that the House would approve this modest reduction in these seven accounts. It is not going to undercut our nuclear deterrent, but it will make a huge difference for the men and women who serve in the Air National Guard in terms of their safety, their effectiveness, and in the long run will save money.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Alabama. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment is part of a long running effort to reduce funding for an already chronically underfunded nuclear deterrent. Advocates of unilateral U.S. disarmament try unsuccessfully each year to cut nuclear weapons funding. We see it on the NDAA, we see it on the appropriations bills, and we see it in stand-alone bills.

For instance, in February, the gentleman from Oregon introduced H.R. 4107, the REIN-IN Act. The bill would devastate our nuclear deterrent by mandating the following: reducing the number of ICBMs from 450 to 150 and delay development of follow-on systems, cutting the number of ballistic missile submarines from 12 to eight, delaying development of the nuclear-capable, long-range bomber, prohibiting the F-35 from being nuclear capable, and terminating several nuclear infrastructure modernization construction projects.

The amendment we are considering today is part of the broader effort that you will see reflected in that bill. It is part of the Disarm-America agenda that is so dangerous to U.S. nuclear security and our international stability. Let's call this amendment what it is: a sly attempt to undercut and undermine our nuclear deterrent by pitting us against the Air National Guard. It is a unilateral disarmament, and I stand here in firm opposition.

The offset of this amendment is also bad policy. Over the last 3 years, the Department of Energy's nuclear weapons program is already a total of \$2 billion short of the funding the administration committed in 2010. The administration committed to this funding to win ratification of the New START treaty. Now that it is a treaty, it is unwilling to request the money the nuclear deterrent needs.

We must hold the administration to its commitment, provide the money, and oppose this amendment. I strongly urge my colleagues to vote "no" on this amendment, and I reserve the balance of my time.

Mr. BLUMENAUER. May I inquire as to the amount of time I have remaining?

The Acting CHAIRMAN. The gentleman from Oregon has 1 minute remaining.

Mr. BLUMENAUER. Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Alabama. I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), my friend and colleague.

Mr. TURNER. I want to join Chairman ROGERS in his effort to oppose this amendment.

Mr. Chair, as we know, this is one of the annual reoccurring Representative BLUMENAUER's reductions of nuclear weapons efforts. And I would support reducing spending on nuclear weapons if we were talking about Mr. Putin's reducing his funding on nuclear weapons or Russia reducing their funding on nuclear weapons, which we know they are not going to do.

So this is a continued unfortunate exercise of discussing unilateral reductions in the United States' funding its nuclear weapon deterrent, which is a dangerous thing to do, especially as Mr. Putin is continuing his efforts to escalate conflict throughout the world and also is looking to increase his overall nuclear weapons capability.

Now, the other thing is, this isn't even needed. The bill already provides the budget request level of \$117.5 million to purchase 17 of these radars that would be purchased under this amendment, 15 of which will go to the Air Guard, and it is certainly a prudent and efficient investment, but, additionally, the HASC bill also funds the National Guard and Reserve equipment account, which, if the Air Guard really thought they needed these radars, they could go buy them from that without turning to our nuclear deterrent.

So why would this be damaging? Well, already, the DOD nuclear activities are \$2 billion short of their 2010 commitment, and our deferred maintenance across the DOD, the deferred maintenance—stuff that we need to be fixing that we are not fixing—has a backlog of \$3.5 billion, and this amendment would take another \$39 million out of that effort to satisfy that backlog.

This should, as Chairman ROGERS said, be seen exactly for what it is, another effort to unilaterally reduce the nuclear deterrent of the United States. I think this would be a better focus if it was focused on Russia, and it certainly does nothing to improve the overall capability of our Air National Guard. They have all the resources that they would need.

Mr. BLUMENAUER. It is laughable to say that our Air National Guard has all the resources they need. It is not true. And I have entered into the RECORD argument to the contrary from the people who are actually administering it.

I am happy to debate our REIN-IN legislation, which would be \$100 billion. We have far more than we need and can afford. But what I am talking about is \$100 million for items that are specified that are modest reductions that aren't

going to cripple us and will give the Air National Guard a modern, updated radar system that makes them safer and more efficient.

This is an example of the tradeoffs, sadly, that are not part of this bill that we do need to make. Sooner or later, the day of reckoning will come. In the meantime, this is a small gesture to help approve the capacity of the Air National Guard, and I urge its adoption.

I yield back the balance of my time.

Mr. ROGERS of Alabama. Mr. Chairman, I would like to yield 15 seconds to the gentleman from Ohio (Mr. TURNER) to respond.

Mr. TURNER. As Mr. BLUMENAUER knows, my comment is that they have all the resources they need to make a decision to purchase these radars. Everyone knows that this bill is underfunded, and it certainly underfunded nuclear weapons, and your bill, your amendment would only further reduce our nuclear weapons capability.

Mr. ROGERS of Alabama. I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I thank the gentleman for yielding.

Mr. Chairman, the centerpiece of our national security is our nuclear deterrent, and we have neglected it terribly for years, both in the administration and in Congress, and we have got a lot of catching up to do.

So as the gentleman from Ohio said and the administration itself says, we have a \$3.5 billion maintenance backlog on our facilities. Thirty percent of the facilities we are using were built during the Manhattan Project, and 50 percent of the facilities we are using are more than 40 years old.

Now, we are fortunate that we have got some engineers and other highly skilled workers who are willing to work in those conditions, but they are not going to be willing to work in it forever. And so this bill doesn't solve that problem by any stretch of the imagination, but at least this extra \$39 billion helps it from getting too much worse. It takes a step in the right direction.

These nuclear weapons are aging machines, just like the facilities are aging machines, and they require care and trading out parts if the people who have to work around them are going to be safe. That is why it is a mistake to take away from this central element of our facility.

Mr. ROGERS of Alabama. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

□ 2045

AMENDMENT NO. 2 OFFERED BY MR. GOHMERT

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 113-455.

Mr. GOHMERT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle C of title V, add the following new section:

**SEC. 5. —. AUTHORIZING COMMANDERS TO PERMIT MEMBERS OF THE ARMED FORCES TO CARRY A FIREARM ON A MILITARY INSTALLATION.**

(a) GENERAL AUTHORIZATION.—Notwithstanding any other provision of law, regulation, or directive, the Secretary of Defense shall—

(1) authorize DoD personnel to openly carry a loaded firearm for the purpose of providing 24-hour security monitoring in order to ensure the safety of DoD military and civilian personnel and their dependents who reside on military installations; or

(2) establish and carry out a procedure to permit qualified military personnel to openly carry a loaded firearm on a military installation for personal protection.

(b) COMMANDER CONTROL OVER AUTHORIZATION.—Commanders at all levels will exercise sufficient control over authorizations involving the carrying of firearms in accordance with subsection (a).

(c) SECURITY MONITORING DUTY ROSTER PROGRAM.—The authorization described in subsection (a)(1)—

(1) is in addition to other programs that permit DoD personnel to perform law enforcement and security duties;

(2) shall be carried out as a program on the duty roster; and

(3) at a minimum, include placing security personnel at all points of entry into barracks and multi-family residences on military installation.

(d) QUALIFIED MILITARY PERSONNEL DEFINED.—For purposes of subsection (a)(2), the term “qualified military personnel” means a member of the armed forces on active duty who—

(1) has passed a gun safety course that is certified by any State, the District of Columbia, or any territory or possession of the United States as providing adequate training to enable the member to carry a concealed handgun in such State, the District of Columbia, or such territory or possession;

(2) is not the subject of any disciplinary action under the Uniform Code of Military Justice for an assaultive offense that could result in incarceration or separation from the Armed Forces under other than honorable conditions;

(3) meets annual eligibility requirements for use of any military firearm, as established by the Secretary of the military department concerned;

(4) passes a background check, as established by the Secretary of the military department concerned;

(5) passes a psychological evaluation, as established by the Secretary of the military department concerned;

(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) is not prohibited by Federal law from receiving a firearm.

The Acting CHAIR. Pursuant to House Resolution 585, the gentleman from Texas (Mr. GOHMERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GOHMERT. Mr. Chairman, at this time, I yield to the gentleman from California (Mr. McKEON), the chairman of the committee, for a colloquy.

Mr. McKEON. Mr. Chairman, I want to thank the gentleman. We just had a little discussion. The amendment he plans on presenting tonight is something that we have not in the committee been able to hold hearings on and to really discuss fully in the committee.

It didn't come up at the full committee or the subcommittee level, but he has an issue that is very important to him, it is very important to his State, it is very important to many people around this Nation.

What I told him is that this is the start of a process. It is a continuation of a process that we started in January with hearings, with subcommittee hearings, with subcommittee markups, and full committee markups, but we are not even halfway through the process yet.

After we pass our bill on the floor, the Senate is marking their bill up this week, and at some point, they will mark it on the floor, and then there will be a conference, so there is much to do between now and the end.

Mr. GOHMERT. Reclaiming my time, my concern has been when we had a second shooting without the administration having done anything after the first Fort Hood shooting and then we have a second Fort Hood shooting 4½ years later, it made no sense not to do something.

My own feeling was we should just allow all of our military members, they may be carrying automatic weapons, they may be authorized to shoot RPGs, drop bombs, all kinds of weapons in a foreign theater, why shouldn't they be able to carry weapons on military installations here in the United States?

So my first amendment was simply to just allow every military member to carry, and then the issue came open or concealed. There are some commanders that have an issue both ways.

In talking to other commanders, some commanders have said: look, there are some people overseas we don't let carry weapons, and we know from experience that some have returned where you have someone suffering potentially from PTSD that needs to be checked out.

So commanders have encouraged that: gee, if that is going to happen, we ought to be able to check them out.

Everybody knows nobody stands stronger for Second Amendment rights than me, but when you are in the military, you do give up certain rights, including free speech and freedom of assembly; and so it shouldn't be inappropriate to have someone go through an extra check before they were allowed to carry.

Then bowing further to current commanders and former commanders like Jerry Boykin—former Delta Force—thought, gee, we can give them a choice, either have a duty roster where people walk around with weapons, and that would discourage further shooting because, clearly, as an article by Arthur Berg says in *The Wall Street Journal*, these people want to conclude it themselves. If they are afraid someone will shoot them before they conclude it, then that would not be—they wouldn't be going through it.

So those are all things that motivate my amendment being filed, and the chairman here tells me that this is an issue that they would like to push in conference with the Senate bill that will be brought through.

Since there is an ongoing concern about what would be the best way to do this, as I have experienced with commanders I have talked to, I have been encouraged—and not in a bad way—that this would be a way that we could do it, I would be consulted on what was being done in conference and that it would be brought up there.

As a result, based on the assurances of my friend, the chairman, I ask unanimous consent to withdraw my amendment at this time.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

Mr. SMITH of Washington. Reserving the right to object, I just want to talk for a moment or two. I hear all that, and I am happy to have the amendment withdrawn. I think this is a bad idea from our side of the aisle. I have talked to a lot of people in the military, and they are deeply concerned about the notion of allowing people to be armed on base at all times. The command structure issues that you mentioned and the rights that are given up, this is something that we would strongly oppose.

I just want to make sure for the RECORD a colloquy doesn't put something in conference, okay? I don't know what the Senate is going to do. There is nothing in our bill on this. If there is nothing in the Senate bill, it ain't in conference. So, if you want to withdraw it and keep working on the Senate, that is fine. I just want to make sure that we don't have some record here that thinks that, with this colloquy, it makes this a conference issue.

The Acting CHAIR. Does the gentleman from Washington withdraw his reservation?

#### PARLIAMENTARY INQUIRY

Mr. SMITH of Washington. Mr. Chairman, point of parliamentary inquiry, a colloquy does not put an issue in a position to be in conference, does it? It has to be in either the House or the Senate bill?

The Acting CHAIR. That is a matter for debate.

Mr. SMITH of Washington. All right. Well, if the purpose is to withdraw the amendment, I will withdraw my reservation of objection.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

#### AMENDMENT NO. 3 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 113-455.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 270, line 11, strike “**REACTORS.**” and insert “**REACTORS, AND DEFENSE NUCLEAR NONPROLIFERATION.**”

Page 270, line 20, insert “or for other national security purposes,” before “the Secretary of Defense may”.

Page 270, line 25, insert “, defense nuclear nonproliferation programs,” before “or weapons activities”.

The Acting CHAIR. Pursuant to House Resolution 585, the gentlewoman from California (Ms. LORETTA SANCHEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, every day, the United States faces an extremely urgent and dangerous threat, and this threat goes beyond the traditional dangers of states possessing nuclear weapons.

What I am talking about right now is the very real possibility of these dangerous materials landing in the hands of terrorist organizations. Because of this real threat, I know that there is no one in this Chamber who will deny the importance of nonproliferation programs and how effective they are in combating one of the greatest threats to the United States' security.

For example, just imagine if Ukraine still had its nuclear materials today. Imagine the disaster we would be in as the administration endeavored to accelerate the removal of nuclear materials from Ukraine, but the Global Threat Reduction Initiative, an incredibly important nonproliferation program, could not adequately respond because it required additional funds, but the Department of Defense could not transfer those necessary funds.

This is exactly the type of situation we are trying to avoid by passing my

amendment. Fortunately, the United States removed over 235 kilograms of highly enriched uranium over 2 years from the two remaining sites in Ukraine in 2012. This is enough highly enriched uranium to develop more than nine nuclear weapons.

We do not have the ability to predict the future, especially with challenges and threats we will face. This is why we need the ability to be flexible. This is essential, and that is exactly what my amendment provides.

The Department of Defense has been transferring approximately \$1 billion per year to NNSA weapons programs, and over the next 5 years, DOD will be providing around \$1.5 billion annually for NNSA weapons and Naval Reactor programs.

What the Sanchez amendment would do is to allow the Department of Defense to have the option of transferring funds to nonproliferation programs. It does not remove funding from weapons programs or Naval Reactor Program, but it provides DOD the flexibility to allocate funding to areas which they believe will effectively secure dangerous nuclear material and to respond to emergencies and threats as they may arise.

Nuclear weapons materials remain dangerously vulnerable, so terrorist groups continue to seek these weapons and material every day.

I would like to ask my colleagues from both sides of the aisle, if there was a loose nuclear weapon or missing fissile material or the risk of these materials landing in the hands of terrorists, why would we not want the Department of Defense to have the flexibility to engage nuclear weapons experts from NNSA? That is exactly what my amendment provides.

Once again, my amendment doesn't take any funding away from weapons nor from Naval Reactors, but it simply removes the barriers and provides the Department of Defense the flexibility to use all of its resources to effectively address such nuclear threats.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Alabama. Mr. Chairman, this is the fourth year in a row this amendment or something similar to it has been offered. Once again, I am going to ask that this be rejected.

The DOD has asked for the authority to transfer funds to NNSA's nuclear weapons activities and Naval Reactors. It has not asked to move limited resources to pay for NNSA nonproliferation activities.

The Navy may need to utilize authority in FY 2015 to support Naval Reactors, which has taken major funding cuts in recent years, including 23 percent in FY 2014.

As Admiral Richardson, director of Naval Nuclear Propulsion Programs at NNSA said at our hearing on April 8:

A 23 percent shortfall in my operations and infrastructure requirements resulted in insufficient funds to do required maintenance on one of my land-based prototypes, and without relief, I will have no choice but to shut down that reactor, resulting in 450 nuclear-trained operators not reporting to the fleet, putting a greater burden on sailors and families that are already sustaining 9- to 10-month deployments.

Keeping the underlying language sends a clear message to NNSA that nuclear weapons activities and Naval Reactors are the NNSA's primary mission and that it must prioritize those missions and deliver what the military needs.

Any defense funds transferred out of DOD should only be used for activities in line with DOD priorities, so I urge opposition to the gentlelady's amendment.

I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, may I ask how much time I have left?

The Acting CHAIR. The gentlewoman from California has 1½ minutes remaining.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I reserve my time to close.

Mr. ROGERS of Alabama. I yield such time as he may consume to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Chair, I thank the subcommittee chairman for yielding, and I do want to applaud my friend and colleague from California for her desire to fund nonproliferation.

That is a worthy goal that we all agree with, but right now, NNSA is going to be spending in the bill that we are debating \$1.6 billion for that worthy goal, and to allow the Department of Defense to go in that direction also would dilute the money that they need so badly for readiness and training, paying our men and women in uniform, providing them the food and weapons that they need.

So for that reason, I, too, oppose this amendment and ask for a "no" vote.

Nuclear nonproliferation efforts simply don't need more money, and if you don't believe me, believe General Dempsey, Chairman of the Joint Chiefs of Staff. At our March 16 hearing, he said, in response to a question of my colleague from California, Ms. SANCHEZ:

I speak in this regard on behalf of the Joint Chiefs because, of course, we have discussed and debated this among ourselves, and I think we have allocated an appropriate and adequate amount of money into nonproliferation in our budget.

So simply put, our senior military officials agree that the nonproliferation budget is already sufficient, and therefore, this amendment is unnecessary.

This is the fourth year in a row we have debated it, and I would just ask

that we stop the debate on this amendment and vote "no."

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I would like to correct my colleague. It was not the fourth year in a row we have debated it. For example, we didn't debate this last year.

I would further like to say that one of the reasons we have asked for Naval Reactor moneys is because of the shortfall that they had this past year that they weren't able to react to because they didn't have the flexibility.

So with all of these issues going on with terrorists, in particular looking for nuclear arms or material, I think that it is important for us to give the Department of Defense that flexibility.

The same type of thing that they found themselves in a bind for with the reactors this past year, it would be important not to find ourselves in a bind if we would need it for this year.

□ 2100

And I would also like to remind my colleagues that yes, we put some more money into nonproliferation this year after many years of cutting it, but we put a significantly more amount of money into the nuclear armament piece.

Mr. Chairman, I would just ask my colleagues to vote for the flexibility for the Department of Defense. I have no further speakers, and I urge my colleagues to support my amendment with the underlying bill.

Mr. Chair, I yield back the balance of my time.

Mr. ROGERS of Alabama. Mr. Chair, I respect my friend from California. She is very knowledgeable on the subject, but she is wrong on this amendment, and I urge a "no" vote.

Mr. Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. LORETTA SANCHEZ of California. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. LAMBORN

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 113-455.

Mr. LAMBORN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 1215, redesignate subsections (d) and (e) as subsections (e) and (f), respectively.

In section 1215, insert after subsection (c) the following:

(d) PROCESS FOR REIMBURSEMENT.—

(1) IN GENERAL.—The Secretary of Defense shall request submission of claims for reimbursement, including full documentation, from each grantee, contractor, or subcontractor that paid to the Government of Afghanistan taxes assessed on Department of Defense assistance during fiscal year 2014 for an amount equal to the amount the grantee, contractor, or subcontractor paid to the Government of Afghanistan in such taxes.

(2) PLAN FOR REIMBURSEMENT.—The Secretary of Defense shall seek to establish a plan in conjunction with the Government of Afghanistan to address claims for reimbursement described in paragraph (1) and to provide for reimbursement by the Government of Afghanistan of such claims. The Secretary shall submit any such plan established under this paragraph to the congressional defense committees in a timely manner.

(3) REIMBURSEMENT.—If the Secretary of Defense does not submit the plan described in paragraph (2) to the congressional defense committees by not later than March 1, 2015, any funds withheld from the Government of Afghanistan pursuant to subsection (a) shall be used to reimburse each grantee, contractor, or subcontractor that submits a claim for reimbursement under paragraph (1) by the amount specified in such claim and verified by the Secretary.

The CHAIR. Pursuant to House Resolution 585, the gentleman from Colorado (Mr. LAMBORN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Mr. Chairman, when our soldiers, sailors, airmen, marines, and Defense civilians deploy overseas, the Department of Defense enters into agreements with the host nation to prohibit the taxation of the assistance provided by U.S. companies to support their missions.

We have entered into such agreements with Afghanistan, but in the last 6 years, the Afghan Government has chosen to ignore these agreements. It has levied more than \$1 billion in illegal taxes against our U.S. businesses which are supporting our warfighters.

Last year we took action to withhold assistance funding in response to this illegal taxation, yet the Afghan Government continues to submit tax bills to our companies. If the firms refuse to pay, Afghan officials threaten to deny them permits and visas, to arrest company workers, and to prohibit them from moving mission essential equipment into and throughout the country. Though our committee has now increased the amount of funding to be withheld, I propose this amendment to hopefully end this wrong practice altogether.

This amendment would require two important steps forward: first the Secretary of Defense would take a full account of illegal taxes levied by the Afghan Government against American companies; second, the Secretary will establish a plan for the Afghan Government to reimburse the illegally levied taxes.

In short, no U.S. company should be threatened or financially punished for supporting our troops and Department of Defense civilians in Afghanistan. This amendment strikes at the root of the problem, and I urge its adoption.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Chair, I am very sympathetic to the problem. This is certainly something that the Afghan Government should not be doing. As I understand the amendment, however, this would require the U.S. Government to reimburse those private companies and then seek reimbursement from the Afghan Government.

At the end of the day, that is the problem and concern that we have on our side is that if we want to take all the deliberate steps that we can to try and require the Afghans to repay this money, that is great—I can see the little gathering of staff over there that disagrees with me, so maybe we will have to work on this. But as I understand it, if that reimbursement cannot be achieved from the Afghan Government, this would require the U.S. Government, the U.S. taxpayers to reimburse these companies. For that reason, I would be opposed unless someone can convince me otherwise.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, in response, and I appreciate the gentleman's comments, the bookkeeping trouble that this would involve is first put on the Afghan Government in an attempt to save the trouble to our own Department of Defense folks.

On your second point, I don't believe U.S. taxpayer dollars would be at risk because this would only be money withheld that would otherwise go to the Afghan Government and is committed for that purpose is my understanding.

So you raise good questions, but I think both of those objections are satisfied by this amendment.

At this point, Mr. Chairman, I would like to yield as much time as he may consume to the gentleman from California, Representative MCKEON, the chairman of the full committee.

Mr. MCKEON. Mr. Chairman, I want to thank the gentleman for his concern and for bringing this issue to the floor.

We did address this in the underlying bill. DOD contractors are providing very important services. It supports the ISAF mission in Afghanistan, and they should not be illegally taxed.

We need to address this. I think the gentleman's amendment will move the process forward. I think we have time between now and the Senate passage and conference to resolve the issue. Also, hopefully there will be a new President in Afghanistan that will have a whole different way of address-

ing the situation. So what I would ask is that we do continue to work together on this as we move the process forward through conference.

Mr. LAMBORN. Mr. Chairman, how much time is left on our side of the issue?

The CHAIR. The gentleman from Colorado has 2 minutes remaining.

Mr. LAMBORN. I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chair, I yield myself the balance of my time.

The problems are there in the drafting of this amendment. Yes, first it does ask for the Afghan Government to step up and find money and do this; but if they don't, it does put DOD in the position of reimbursing them. You can say that would just come from money that they would give to Afghanistan anyway, but that money they are giving to Afghanistan, I am not sure if that is true, first of all. Second of all, whatever money we are giving Afghanistan, we are giving it to them for a reason. So I think there is a problem here.

There is also the problem of do we have a list of these contractors who have been illegally taxed versus legally taxed? How do we sort through all of that?

I am not going to belabor the point. I am going to oppose the amendment. I know how this works. I am going to lose. We will work it out in conference. I do have serious concerns about this amendment and the way it is written and urge a "no" vote.

I yield back the balance of my time.

Mr. LAMBORN. Mr. Chairman, to summarize, these are legitimate questions that the ranking member has raised. I appreciate his comments, and there are valid issues in that it is not a clean or perfect situation. But the trouble is a billion dollars is a lot of money to our defense contractors, and to not try to address it would do a really big disservice to them. So I think it is worth tackling the difficulty that might be entailed in getting the paperwork done properly because the goal is worth doing. A billion dollars is a lot of money. Some of these companies might be big contractors; some of them might be small contractors.

So I would urge the adoption of this amendment, and Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. GARAMENDI

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 113-455.

Mr. GARAMENDI. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the appropriate place in subtitle E of title XII of division A, insert the following:

# SEC. —. MATTERS RELATING TO COMBATING WILDLIFE TRAFFICKING.

(a) ADDITIONAL REQUIREMENTS UNDER EXECUTIVE ORDER 13648.—

(1) IN GENERAL.—If the President continues to implement Executive Order 13648 (78 Fed. Reg. 40619; relating to combating wildlife trafficking), or any related or successor executive order, on or after the date of the enactment of this Act, the President shall take the actions described in paragraphs (2) and (3) with respect to such Executive Order.

(2) CO-CHAIRS OF TASK FORCE.—The President shall direct the addition of the Secretary of Defense as a Co-Chair of the Task Force.

(3) FUNCTIONS.—The President shall direct the Task Force to perform the following functions:

(A) Address the important role the military can play in fulfilling the goals of the Strategy and address the national security concerns presented by wildlife trafficking networks.

(B) Coordinate with the Department of Defense to evaluate the effectiveness and distribution of funds to foreign countries for wildlife trafficking assistance.

(C) Update the 2012 strategy of the Department of State and the United States Agency for International Development to integrate information systems from the Department of Defense and other relevant Federal agencies that can provide further expertise on transnational crime networks involved in wildlife trafficking.

(D) Carry out a follow-up initiative on the National Intelligence Estimate regarding wildlife trafficking security threats that incorporates the Department of Defense and the potential role of the military and intelligence community in combating wildlife trafficking.

(E) Combine data from the Department of Defense, the Department of State, the United States Agency for International Development, the Fish and Wildlife Service of the Department of the Interior, and the National Marine Fisheries Service of the Department of Commerce for a more successful international information system relating to wildlife trafficking.

(F) Investigate technologies that the Department of Defense can supply to foreign governments to combat poaching and submit to the President a report on progress to achieve this objective.

(4) DEFINITIONS.—In this subsection:

(A) STRATEGY.—The term "Strategy" means the National Strategy for Combating Wildlife Trafficking developed and implemented pursuant to Executive Order 13648 (78 Fed. Reg. 40619; relating to combating wildlife trafficking).

(B) TASK FORCE.—The term "Task Force" means Presidential Task Force on Wildlife Trafficking established pursuant to section 2 of Executive Order 13648.

(C) WILDLIFE TRAFFICKING.—The term "wildlife trafficking" has the meaning given the term in section 1 of Executive Order 13648.

(b) INCORPORATING WILDLIFE TRAFFICKING AS A UNITED STATES NATIONAL SECURITY CONCERN.—The President shall take such actions as may be necessary to—

(1) expand the Strategy to Combat Transnational Organized Crime (July 2011) to cover wildlife trafficking terrorist and insurgent networks and authorize the consideration of such networks as a security priority;

(2) authorize the Department of Defense to evaluate wildlife trafficking as a non-traditional security issue that threatens United



States national security and require the Department of Defense to submit to Congress a report regarding progress during and the results after evaluating the threat of wildlife trafficking as a non-traditional human security issue;

(3) authorize the Department of Defense to establish and carry out a grant program to transfer excess defense articles to allied countries that are combating wildlife trafficking;

(4) authorize the Department of Defense to target financial and asset flows of organized criminal syndicates, insurgents, and terrorist networks that are involved in any aspect of wildlife trafficking; and

(5) authorize the expansion of security cooperation programs to include funds for wildlife trafficking training and equipment.

(C) ADDITIONAL PROGRAMS UNDER TRAINING AND EDUCATION.—

(1) REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.—The Secretary of Defense shall ensure that the Regional Defense Combating Terrorism Program includes instruction on targeting the security threats of terrorist groups engaged in illegal wildlife trafficking.

(2) PARTNERSHIP FOR INTEGRATED LOGISTICS OPERATIONS AND TACTICS.—The Secretary of Defense shall expand the Partnership for Integrated Logistics Operations and Tactics to build long-term operational logistics between the Armed Forces of the United States and the Afghan Security Forces to include cooperation for operations combating wildlife trafficking networks.

MODIFICATION TO AMENDMENT NO. 5 OFFERED  
BY MR. GARAMENDI

Mr. GARAMENDI. Mr. Chairman, I ask unanimous consent that my amendment be modified with what I have placed at the desk.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. GARAMENDI to amendment No. 5:

On page 5, line 14 replace "Afghan Security Forces" with "African Union Standby Force (ASF)"

The CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIR. The amendment is modified.

Pursuant to House Resolution 585, the gentleman from California (Mr. GARAMENDI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, for some time, like more than an hour today, this House debated and discussed the issue of Boko Haram and the terror that they are enacting throughout Nigeria and the southern Sahel of Africa. This is not a new issue. This is an issue that has been ongoing among several violent extreme organizations operating in that area. We have seen this in Sudan. We have heard about the Lord's Resistance Army. We know this problem also of violent extreme organizations in the Somalia area.

The question arises: How do these organizations finance themselves? Well,

over the years previously it was blood diamonds and things of that sort. In recent years, it has now become an issue of killing elephants and selling their tusks.

This amendment deals with the violent extreme organizations and attempts to deal with the way in which they have been able to finance themselves, that is, illegally poaching animals, particularly elephants in Africa.

If we are going to deal with this, we are going to have to use some of the assets that are available through the American military. AFRICOM has shown that they can provide ISR assets. This happened in Mali with the violent extreme organization that eventually was dealt with in Mali. AFRICOM provided the use of the ISR Global Hawk to identify and to support the French troops.

What this amendment would do would be to authorize the military, the Department of Defense, to work with African countries to provide support as they attempt to deal with these violent extreme organizations that are illegally poaching animals and using that revenue from that poaching, particularly the sale of ivory, to support themselves.

The amendment also provides for the opportunity for the African Union forces to receive assistance from the American military in how to position themselves to have the correct military units in place, how to use various intelligence sources that are available. It also provides for the Department of Defense to become part of the organization that we now have in place to deal with illegal poaching throughout Africa. That is basically what it is.

Had this been in place for the last couple of years, would Boko Haram have been successful? Well, they would be less successful. They would have less opportunity to poach the very valuable elephants and their tusks.

So I ask for support of this amendment, and I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chair, I claim the time in opposition.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. Mr. Chair, I yield myself 2 minutes.

Mr. Chairman, this issue has been a longstanding concern of the gentleman from California as well as other Members. There is certainly evidence that terrorists and criminal organizations use a variety of illegal methods to fund their organizations. That includes wildlife trafficking. It includes human trafficking. It includes drug trafficking. It includes kidnapping for ransom. A whole variety of illegal methods are used to fund these organizations.

Now, in last year's NDAA, we expanded the authority of the military to deal with Ministries of Interior so that

in fighting terrorism they can have more options available to them. It is also those Ministries of Interior that deal with these wildlife trafficking issues.

Last year's bill also added 15 countries in Africa to the list of those countries with which DOD can partner on transnational criminal organizations involving drugs.

□ 2115

For Boko Haram they already designated a terrorist organization. For them or for drugs those authorities already exist.

The question is: Do we want to make it a priority of the military to focus on this illegal poaching as a priority in itself? My concern is that the military is already stretched thin. If it is terrorism, fine. If it is these transnational organizations, fine. But to give the military poaching as a priority would be a mistake.

The other point I would make is that the President's budget for the State Department cut funding for this very purpose this year. Last year, they spent about \$54 billion. This year the President asked for less than \$30 million.

So my suggestion to the Member is that perhaps he could focus on the President's budget request for the State Department, the Department of the Interior, law enforcement agencies, all of which are engaged in this, and that would be a better use of resources.

I reserve the balance of my time.

Mr. GARAMENDI. Mr. Chairman, the gentleman from Texas makes a very useful and interesting argument, but neglects to focus on one of the principal ways in which these organizations do support themselves, and that is with illegal poaching, particularly of elephants, and the use of their tusks to support themselves. It is about an \$8 billion business.

This does not in any way deter the current power that the Department of Defense has, but rather, it allows them to engage with those organizations in these governments that deal specifically with the conservation of the species in those countries. It does not prioritize. It simply gives an additional role and augments the military's use of their equipment, particularly the ISR equipment, to focus specifically, but not only, on the poaching issue.

It is very clear from studies that have been done by conservation organizations throughout the Sahel of Africa and in other parts of Africa, that this is a significant source of revenue for these violent extreme organizations. We ought not ignore that.

I would ask for a positive vote on this matter in that it does not deter in any way from what the gentleman from Texas says the military is already doing, but adds to it.

With that, I yield back the balance of my time.



Mr. THORNBERRY. Mr. Chairman, I yield 2 minutes to the gentlelady from Indiana (Mrs. WALORSKI), a valuable member of the Armed Services Committee.

Mrs. WALORSKI. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, I rise to oppose the amendment. While I appreciate the good intention of the gentleman from California, I believe we have immense security challenges in Africa and limited defense resources.

Defense has been cut over \$1 trillion in recent years, the military is facing shortfalls in readiness, and terrorism threats across Africa are evolving and expanding.

Given that the military cannot meet our current requirements in Africa, I don't think it is wise to add new requirements at this time. Military commanders in Africa have testified about shortfalls in intelligence, crisis response forces, and enablers to meet the "new normal" security requirements in Africa.

No military commander has highlighted wildlife trafficking as a key issue in their area of responsibility, nor have they recommended it be prioritized before this committee.

Combating wildlife trafficking should not be a core DOD mission. DOD and the administration recognize that combating wildlife trafficking is not a core DOD function, and thus the national strategy for combating wildlife trafficking does not set forth any DOD requirements.

In an era of declining budgets, the DOD should not be duplicating efforts that are already occurring within the interagency, including the intelligence community, the law enforcement community, and the State Department, all of which are already working on and collecting information on this issue.

Mr. THORNBERRY. Mr. Chairman, the bottom line is if there is a terrorism connection to this illegal poaching, the military has full authority to go after it and try to stop it, just like other forms of terrorist financing. But as an independent objective for the military, we are stretched too thin already, and for that reason I recommend that the Members reject this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment, as modified, offered by the gentleman from California (Mr. GARAMENDI).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. GARAMENDI. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment, as modified, offered by the gentleman from California will be postponed.

#### AMENDMENT NO. 6 OFFERED BY MR. DAINES

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 113-455.

Mr. DAINES. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 515, strike lines 19 and 20.

The CHAIR. Pursuant to House Resolution 585, the gentleman from Montana (Mr. DAINES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Montana.

Mr. DAINES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our country's intercontinental ballistic missiles make the world safer. They are an integral part of the nuclear triad that advances the cause of peace and promotes our national security interests around the world.

The Defense Department recently put forward a nuclear force structure plan under the New START Treaty. It is committed to maintaining 450 nuclear launchers in at least a warm status. In doing so, the Pentagon recognized the strategic value of preserving our robust nuclear deterrent capability.

The base bill would sunset the warm status requirement in 2021. I believe this is unwise and it is premature.

First and foremost, we don't know what the future holds and whether it will be in our strategic and security interests to shut down some of our silos 7 years from now.

On the other hand, what we do know is that maintaining our nuclear launchers provides our commanders with maximum flexibility to respond to potential nuclear threats against the American people and our allies. And we know that preserving this capability complicates our adversaries' ability to target our nuclear assets.

Further, we know that maintaining our current silos is in the best interest of taxpayers because rebuilding them would be very expensive.

In short, there is simply no justification for deciding today how many silos will be needed to safeguard our security interests in 2021.

I urge House passage of my amendment to strike the ill-advised sunset provision in the underlying.

I reserve the balance of my time.

Mr. COOPER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COOPER. Mr. Chairman, this amendment violates a bipartisan agreement that was reached in the House Armed Services Committee.

I wish that the gentleman would focus on the fact that micromanaging our Nation's nuclear defenses is really not in the best interest of our country.

I also urge the gentleman to realize that this is a highly technical issue. We have some 450 Minuteman-III missile silos. This would change the status of about 50 of those 450.

These are probably the least survivable of all our nuclear weapons. They have been targeted by the Russians and probably others for decades. It is very important that we have an appropriate and flexible and survivable nuclear deterrent. As I mentioned, these land-based missiles are probably the least survivable.

It is also important to recognize that, as I understand the way the amendment is drafted, this could even prevent testing and routine maintenance of these silos. I know that is not the gentleman's intent, but we need to make sure that we are not overreaching here and hamstringing our military and their nuclear defenses.

It is no secret that the sponsors of this amendment happen to be from the States of North Carolina, Montana, and Wyoming, and also a gentleman from Colorado. That leads one to think that this might perhaps be a parochial amendment more than a nuclear defense amendment. I hope that is not the case, but it does lead one to think in that direction.

Mr. Chairman, I reserve the balance of my time.

Mr. DAINES. Mr. Chairman, while the President is the Commander in Chief—this is the issue of micromanaging—the Constitution gives Congress the power to raise and support armies and to provide and maintain a Navy. It is our duty and responsibility to help shape our Nation's defense policy.

Regarding the ICBMs, they are deployed in hardened silos. That would tend to force an opponent to exhaust his own nuclear forces to disarm U.S. ICBMs, leaving the opponent vulnerable to a U.S. retaliatory strike. Without ICBMs, as few as five nuclear warheads could successfully disarm the U.S.

Now I yield 1 minute to the gentleman from North Dakota, KEVIN CRAMER, my friend.

Mr. CRAMER. Mr. Chairman, I thank the gentleman for yielding.

With regard to the claims of parochialism, there is no question that those of us from the States that host these ICBMs are technical experts in the field. It only makes sense that we would know a lot about it.

Mr. Chairman, while I am content with the Department of Defense's recent force structure announcement on complying with the New START Treaty to maintain 454 ICBM silos in warm status, I too strongly oppose the hard stop date that maintains these missile silos in warm status no later than 2021. Members of this body, Members of the Senate, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and many others have said the

sustainment of our nuclear triad is essential and that any further reductions ought not be done in unilateral fashion.

Maintaining and investing in the modernization of this weapon system is just as important as any other leg of the nuclear triad. From what I can tell and from what the people of North Dakota know, it is a lot cheaper to maintain them than to rebuild them should we err in our judgment currently.

I urge passage of the amendment.

Mr. COOPER. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. SMITH), the distinguished ranking member of the committee.

Mr. SMITH of Washington. Mr. Chairman, I strongly oppose this amendment. It really doesn't make any sense whatsoever.

What the bill does is it says you can't touch these things since until 2021. Now, we don't like that in the first place because this is micromanaging, again, DOD's ability to make decisions about how best to make sure that we maintain our nuclear deterrence. This is a fine example of why DOD is going to be in so much trouble down the road. Any effort they make to save money is going to be blocked by parochial interest. The people who are from there will rise up and say: No, you can't do that, basically because it negatively impacts my constituents.

The thing that is truly awful about this one is it doesn't negatively impact constituents. It says 2021 sunset. And it is not a hard stop date, regrettably. It is 2021 when it sunsets, and any Congress that wants to extend it between now and, I guess that is 7 years from now, can go ahead and extend it.

DOD should not be forced into a position of saying if a silo exists it has to be maintained forever, which is basically what this amendment says. It says it is completely impossible that under any set of circumstances might it be in the best interest of the Department of Defense and the national security of this Nation to get rid of even one silo. That doesn't make any sense.

The underlying bill more than protects the parochial interests of the sponsors here by making sure that DOD can't touch it until 2021. But that is not enough. They have got to offer an amendment to strip it out so that it goes on forever. That simply doesn't make any sense. This is, again, micromanaging for parochial interests. It is just like when DOD wants to move five C-130s from somewhere. The people from there rise up and say we have to stop them. No, we don't. We have to let DOD make intelligent decisions to spend money wisely to best protect national security. At a minimum, we ought to be able to have a sunset 7 years from now without having to remove even that tiny little possibility that a sensible decision might be allowed to be made by the Department of Defense.

I urge opposition of the amendment.

Mr. DAINES. Mr. Chairman, I continue to reserve the balance of my time.

Mr. COOPER. May I inquire as to how much time I have remaining, Mr. Chairman.

The CHAIR. The gentleman from Tennessee has 1½ minutes remaining.

Mr. COOPER. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Chairman, I took up an amendment a moment ago and people were talking about how we use our resources to keep these missile silos open when they are not needed and questioning whether missiles are needed. We are talking about billions and billions of dollars. So if we are really, really concerned about how we deploy our precious money, then we ought not be doing this amendment.

□ 2130

Mr. DAINES. Mr. Chairman, I continue to reserve the balance of my time.

Mr. COOPER. Mr. Chairman, I urge my colleagues to oppose this amendment.

As I mentioned, it is poorly drafted, and it probably prevents even the routine testing and maintenance of the silos, which could not possibly be an intention of the authors. It also micromanages the Defense Department.

For them to renege on the deal that was made in committee—the bipartisan deal—in order to give you 7 more years of leeway is really a pretty remarkable thing. This sets a new level for parochialism and greed, unfortunately, in this body. I hope the Members will reject this amendment.

I yield back the balance of my time.

Mr. DAINES. Mr. Chairman, I am prepared to close.

Again, I urge support for my amendment, which is to protect our country's nuclear deterrent capability by striking this unwise and premature sunset language in the underlying bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Montana (Mr. DAINES).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. COOPER. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Montana will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. LAMBORN

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 113-455.

Mr. LAMBORN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle B of title XXVIII, add the following new section:

**SEC. 28. SENSE OF CONGRESS ON NATIONAL SECURITY AND PUBLIC LANDS.**

It is the sense of Congress that—

(1) national defense should be the top priority for all aspects of the Federal Government; and

(2) national security functions, such as military training and exercises, should be the top priority, particularly with regard to the use of land owned by the United States.

The CHAIR. Pursuant to House Resolution 585, the gentleman from Colorado (Mr. LAMBORN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Mr. Chairman, most Americans do not realize that 28 percent of the land across our great country is owned by the Federal Government. In the 11 most western States, the Federal Government owns a staggering 47 percent of all land.

In my State of Colorado, the Federal Government owns 36 percent of the land. Over one-third of all land in Colorado is owned and operated here, out of Washington, D.C.

The management of these lands is often controversial, particularly when the Federal Government owns such a significant portion of the land of a State or of a locality. There are often situations where there are competing and conflicting uses of this publicly-owned land.

This Federal ownership of public land is administered through a variety of Federal agencies and bureaus, making things potentially even more difficult for States and localities.

This public land serves many functions, including, in some cases, as a prime training ground for the U.S. military. In Colorado, for example, the new Combat Aviation Brigade at Fort Carson flies their helicopters up into the mountains around Colorado Springs for training.

To practice high altitude landings in rugged terrain, which is a crucial skill for combat in countries like Afghanistan, the Army must get permission from the various parts of the Federal Government that own the land.

Over the last few years, the Forest Service and the Bureau of Land Management and other agencies have reduced the number of landing sites that are permissible. In the latest permit, they told the Army that Congress has not made national security a priority for public lands.

Unfortunately, this is not just isolated to Colorado. Across the country, military bases are continually fighting with other government agencies to maintain their access to public lands.

Today, my amendment will help set the record straight. National security should be the top priority for our government, and that most certainly includes the ownership of public land—land owned and operated by the Federal Government. We should apply the rule of common sense.

Unless there is an obvious reason not to, public land should, of course, be available so that men and women in uniform can receive realistic, effective training that will save lives in combat. As we stand here tonight, we must remember that the first job of the Federal Government is to protect our Nation.

I urge support for my amendment, resolving that national security should be a top priority for public lands.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Chairman, there are a lot of competing interests for public lands. Certainly, national security is one of them, but it is not the only one. There is domestic aviation, and there are all kinds of considerations.

This is not terribly binding, as it is a sense of Congress, and so it does not change the law. I do, however, think it sets a bad precedent that, somehow, the Department of Defense is going to hold sway over public lands over all of their interests, regardless of what they are.

We have had many, many interests in our public lands. Certainly, defense is one of them. I don't think it should be paramount. Therefore, I oppose the amendment.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, I just don't want it to happen again that the Forest Service or any other bureaucracy can tell the men and women who are training to protect our country that they can't train and that Congress has never even addressed this situation.

I at least want to have a resolution on record expressing the sense of Congress that national defense is a priority. That is the way our Constitution is written. I think this makes all kinds of sense, and I would urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield myself such time as I may consume.

It sort of depends on why the Forest Service wants to limit that use. If there are other legitimate interests in the area and if the Forest Service doesn't want them test-firing whatever it is they are test-firing, I think we need to have a balance between those interests.

It is conceivable that the Forest Service might have something they are trying to protect that the DOD has not thought about, and I think a balance of those interests is better than making one agency paramount over others.

The Forest Service does not know much about the Department of De-

fense, but I would submit that the Department of Defense doesn't know much about what the Forest Service is trying to protect. It is a matter of both sides doing their jobs and striking the proper balance, so I would simply urge a "no" vote.

I yield back the balance of my time. Mr. LAMBORN. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIR. The gentleman from Colorado has 2 minutes remaining.

Mr. LAMBORN. Mr. Chairman, in conclusion, I would just say that there are balancing interests and that there are competing interests that should be, many times, debated and weighed. That is, actually, what the Army at Fort Carson does.

They have entered into the permitting agreements with the Forest Service and with the Bureau of Land Management, agreeing with the concerns raised by those two bureaucracies, so they have worked together in a cooperative fashion.

What I am addressing, though, is when the Forest Service comes out and says that Congress has never addressed this issue. I think that that is wrong. Now is the time to set the record straight, and this amendment does set the record straight.

We are expressing that national security is a priority. That is what the Constitution says, and that is what we are stating right here. I ask for an "aye" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

The amendment was agreed to.

Mr. LAMBORN. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DAINES) having assumed the chair, Mr. STEWART, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, had come to no resolution thereon.

#### THE DEVASTATION OF ALZHEIMER'S DISEASE

The SPEAKER pro tempore (Mr. STEWART). Under the Speaker's announced policy of January 3, 2013, the gentleman from California (Mr. GARAMENDI) is recognized until 10 p.m. as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, recently, The Sacramento Bee wrote a three-page article on Alzheimer's and the effect that it has.

I would like to quote from that newspaper:

Gasps were audible as the images flashed before the gathering scientists at a recent U.C. Davis Alzheimer's Disease Center pathology conference. On the screen before them were photos of a brain, severely wasted with age, with what looked like silver rivers of atrophy cutting deeply through the tissues. Even for the experts, it can be shocking to see the damage that Alzheimer's disease inflicts on the aging brain.

What can stop the devastation of Alzheimer's?

Without better answers from researchers, the degenerative brain disease—already the Nation's sixth leading cause of death—will be diagnosed in as many as 16 million aging baby boomers by 2050. Unchecked, it will rob millions of their memories and lives, of their pasts and futures, even as it threatens to overwhelm the health care system.

Tonight, in a bipartisan 1-hour session, we are going to talk about Alzheimer's. Unfortunately, our time is being cut short, but we will take this up again in the weeks ahead as we deal with one of the most profound and expensive and damaging issues Americans face.

I have here a diagram that explains what is going to happen with Alzheimer's cost to Medicare and Medicaid in the years ahead. Right now, it is \$122 billion, and it will rise in 2020 to \$195 billion, to \$346 billion in 2030, and by 2050, it will be approaching \$1 trillion.

We have a problem. Americans—every family is facing this issue. My family has, and I suspect every other family in this Nation at one time or another already has faced this issue, and they will in the years ahead.

This is not a new issue for the Congress. It is an issue that has been dealt with. There has been legislation introduced, and in a few moments, I will talk about some of the bills that have been introduced by my colleagues here in the Congress, both on the Democratic and on the Republican sides of the aisle.

This issue has to be addressed, and the principal thing we need to do is to provide research and care and support for the families that have this issue in their midsts.

I want to take up a couple of other charts and then turn to my colleague from Kentucky.

This chart deals with the issue of what is going to happen with the funding. If we are going to solve this problem, we are going to have to increase the funding. We are, fortunately, spending around \$5.5 billion a year on cancer through the National Institutes of Health.

HIV/AIDS is close to \$3 billion a year. Cardiovascular issues are around \$2 billion. Alzheimer's is down here at just over \$566 million. We are not yet at \$1 billion on this. As we can see here, this is going to be the most expensive illness facing the Medicare and Medicaid populations in the future years.

We also know of the deaths from the illnesses that have the greatest funding—breast cancer down 2 percent, prostate cancer down 8 percent, heart disease down 16 percent, stroke down 23 percent, and HIV—a remarkable success—with deaths now declining by 42 percent.

□ 2145

On the other hand, deaths from Alzheimer's are increasing at a rate of 68 percent.

So we are seeing this extraordinary shift occurring in the illnesses that are facing Americans and their families. We are seeing this extraordinary increase in Alzheimer's deaths as we see, thankfully, success. Often, that success is a direct result of what is happening with the research that is going on.

I would like now to turn to Mr. GUTHRIE, my colleague from Kentucky, as he discusses this issue from his perspective. And then we will spend the next 15 minutes in a dialog about this problem.

Mr. GUTHRIE. I want to thank my friend from California for yielding.

I rise today, Mr. Speaker, to talk about this devastating disease that impacts nearly every family in America: Alzheimer's disease.

According to the Alzheimer's Association, Alzheimer's is the costliest disease in America, with a direct cost of roughly \$200 billion—most of which is paid by Medicare and Medicaid, and accounts for 20 percent of Medicare spending. These numbers will only continue to increase, making the discovery of a cure, or a way to delay onset, critical to our health care economy.

Across the United States, more than 5 million Americans are living with Alzheimer's today. In addition, the Alzheimer's Association estimates that someone will develop this disease every 67 seconds. Eleven percent of Kentucky's seniors are currently living with Alzheimer's. It is the sixth-leading cause of death in the United States.

But it is not the financial drain that is the most devastating.

My family has been personally touched by Alzheimer's. My great uncle suffered from the disease. I will never forget as a little boy hearing my grandmother talk to my mother about my uncle getting lost and trying to find his way home from the grocery store. Nobody really understood it. I remember as a young boy being confused about how this uncle I knew could be so confused and lose his way.

I also experienced it in my family with my wife's grandfather. I will never forget when my wife and I went to visit him the first time he didn't recognize her. The devastation on her face that someone she loved so much didn't know who she was has still stuck with me today.

This disease is emotionally wrenching for families who are impacted.

Beyond the direct emotional and physical impact, family members serving as primary caregivers are stretched to their limits. Many spouses and grown children work full time-jobs and then come home to care for their family member.

Finding a cure or treatment for Alzheimer's is of the utmost importance. I was pleased to introduce H.R. 4351 with my colleague, Representative PAUL TONKO of New York.

H.R. 4351, the Alzheimer's Accountability Act, seeks to ensure that the research and resources needed to find a cure for Alzheimer's are properly conveyed to Congress. By receiving a professional judgment budget directly, Congress will be in a better position to see the needs and promise of researchers and use that information to make critical decisions, especially during difficult budgetary situations.

Today, H.R. 4351 is bipartisan. My friend PAUL TONKO and myself filed this legislation. We have 80 cosponsors. There is also a Senate companion bill, and it is gaining momentum.

Again, I want to thank my colleague for organizing this evening and for allowing me to be part of this effort to shine a light on Alzheimer's disease. I would also like to encourage all of my colleagues to cosponsor H.R. 4351, and help make fighting Alzheimer's a top priority.

Mr. GARAMENDI. Thank you so very, very much. Thank you for being part of what, to my knowledge, is the first bipartisan hour. We ought to do this more.

This issue isn't a Democratic or Republican issue, a left or right issue. This is a true American tragedy—and one that is also going to be a true American financial as well as a family problem.

One of the gentlemen that has been involved in this from the very early days is my friend from New York (Mr. TONKO).

Thank you for joining us, Mr. TONKO. I know you have had a very difficult evening with one of our colleagues who lost her spouse this evening. Thank you for caring for her and joining us this evening.

Mr. TONKO. Well, we all love LOUISE SLAUGHTER. We extend our condolences for the loss of her beloved Bob, who was part of this institution. He was here so much and intellectually invested himself in the business of the House.

Representative GARAMENDI, let me thank you for bringing us together in such a meaningful and bipartisan-spirited way to address the issue of Alzheimer's disease.

It is my honor to sponsor the measure, the Alzheimer's Accountability Act, with Representative GUTHRIE. Alzheimer's knows no boundaries—political, geographic, age, whatever. It is so important for us to come together in a

spirit of unity and support for the Alzheimer's community.

Recently, I joined the many advocates that came to the Hill here in Washington from around the country. Around a thousand people gathered for a breakfast. I heard of folks being diagnosed in their twenties. I heard of a gentleman diagnosed in his thirties and who died in his forties. It seems to be penetrating deeper and deeper into the younger age category.

So it is important for us to make an all-out effort to invest in research and respite care and all sorts of developments that respond to the individuals and families who live with Alzheimer's on a day-to-day basis.

The Alzheimer's Accountability Act is, I think, is so sound an approach because it addresses a professionally inspired budget that will have the scientists, the clinicians, those most in the front lines of addressing Alzheimer's, and their patients, forecasting what the needs are. As you know, we have set up a national project that requires planning from now to the year 2025.

I think what is so good about the measure introduced by Representative GUTHRIE and myself is that it will require this professional judgment that will name the pricetag for each year as we go to 2025. It won't be left to us as a political force, but rather to the clinical health care provider community that will have the best estimates of what is needed.

As I gather at the town halls that we have so that we can know of the progress or lack thereof, you hear heart-wrenching stories. People tell you they go to work because their spouse is struggling with Alzheimer's. They search employment so as to pull themselves out of that day-to-day routine because it is wearing on their relationship. And they spend every dollar earned to go toward respite. But they do it to save their relationship.

People have acknowledged to me that they mourn twice. First, when the diagnosis happens and they have lost their loved one somewhat. They lost their personality or whatever. And then they mourn again with the physical departure.

And others have said to me—one who comes to mind, a high school buddy—My husband knows my voice; he doesn't know my name.

It doesn't get more heart-wrenching than that.

So this is an immediate need, a priority, an urgency. Let's go forward and let's in a bipartisan-spirited way, bicameral, and working with the executive branch, get it done. Let's make certain the planning is there, that the resources are there for research, for respite care, for the entire continuum of services that are required so as to address the dignity and deliver hope to the doorsteps of individuals and families who face this constant struggle,

who live with it on a daily basis and who have really seen the entire persona be lost in their mid.

So it is an honor to be on the floor this evening with both of you gentleman and to work with you in tandem, in partnership, in a spirited way to make things happen.

Mr. GARAMENDI. Thank you very much, Mr. TONKO.

I know Mr. GUTHRIE may have some additional remarks. We have got about 7 minutes. I am going to take maybe 3 minutes and talk about some of the legislation that is here. I am going to go through this very quickly.

Mr. MARKEY, who is now a senator, introduced H.R. 1507 when he was here in the House. This deals with the Social Security and Medicare diagnosis.

Of course, we have the Accountability Act you have introduced, Mr. GUTHRIE.

There is H.R. 489, the Global Alzheimer's Resolution. Next month is Global Alzheimer's Month. This will be part of that effort to talk about this issue around the world.

We have H.R. 4543, the PACE Pilot Act, to keep elderly people in their homes, which was introduced by CHRIS SMITH, who will join us the next time we come out on this issue.

And also, H.R. 2975, the Alzheimer's Caregiver Support Act, was introduced by Representative MAXINE WATERS and, again, deals with the kind of support that you and Mr. GUTHRIE were talking about.

One more. We have H.R. 2976, the Missing Alzheimer's Disease Patient Alert Program, dealing with the issue both of you have talked about with elderly or people with Alzheimer's that wander off.

All of these are bipartisan pieces of legislation. All of them in one way or another deal with this problem.

The one thing that is not among these is specific money for research, which I would hope comes from our efforts to talk about this and make this a major issue.

Mr. GUTHRIE, I know you have some additional comments.

Mr. GUTHRIE. I will just take a couple of minutes. Thank you for yielding.

I thank Representative TONKO for co-sponsoring and working on this legislation together.

I will have to give also my sympathies to Ms. SLAUGHTER. She took me in when I first got here. I know she is from upstate New York, but if you listen to her accent, it has got a little bit of Kentucky mountain in it.

Mr. TONKO. More than a little.

Mr. GUTHRIE. She is from our beloved mountains. We had that connection. She has been special to me. So my prayers are with her.

The one thing I want to share, because we are short of time, is we are doing research into this. The Alzheimer's Association said by 2050, Alz-

heimer's disease will cost the Federal treasury a trillion dollars.

So I remember thinking, Well, by 2050 my great grandkids would have to take care of that. Then I did the math. I am going to be 86 in 2050. So the generation that will be in that category is me. It is not some long-off issue. So my children will be dealing with it, as well as me and people my age.

I am the end of the Baby Boom. I was born in 1964. So by the time I am 86, the entire Baby Boom will be older than me. At least my age, or older. And that will be not just a stress on the Federal budget, but as I said, the dignity of the person with the disease and the stress on the family dealing with the disease and the emotion of it is why it is so important.

I saw it with my great uncle, with the early onset of Alzheimer's when I was a young boy and didn't quite understand what was going on. And later on in life, we figured out what was happening. Our whole family didn't really understand what was going on in the 1970s. But we do now. And I think it is something we need to put the efforts of both parties together on—as you see, we are standing here together—the effort to move forward. It is when my generation is retired, our children aren't going to be able to sustain it financially or emotionally. Therefore, it is something we need to do today.

Mr. GARAMENDI. Mr. TONKO.

Mr. TONKO. Representative GARAMENDI, as Representative GUTHRIE said, we are at the \$200 billion-plus mark today. And the tragedy of the situation is that for every dollar spent on Alzheimer's today, less than a penny of every dollar is spent on research to find a cure.

We have to do better than that. The hope and the miracle lies in research. We have trained clinicians, we have a medical community that is raring to go. We need to invest in a far more significant way. It was a message we heard from our advocates when they came to the Hill.

Again, I think it goes without saying that we all commit to that research budget.

So, again, it was an honor to join you this evening in this very special caucus.

Mr. GARAMENDI. I would like to close with a statement of hope and a statement of opportunity. Here is what happens when you spend money on research and on treatment. Breast cancer is down 2 percent, as well as deaths from these other cancers. Prostate cancer is down, heart disease is down, stroke is down, and HIV has a 42 percent decline. That is what research and treatment will do.

Alzheimer's is up 68 percent. That is what happens when you spend this kind of money.

Cancer, over \$5 billion a year. The result, a decline in cancer. HIV/AIDS, al-

most \$3 billion a year. You see the extraordinary success of that. Cardiovascular illnesses, \$2 billion.

Again, a decline in each and every one of these causes of death. With Alzheimer's, right around half a billion dollars. The result is this: increased deaths.

So we have a way of answering this question of what to do with this, and that is turn our focus on the research and the care and the support for the families. That should be our watch word.

I think that is a bipartisan way of going at this. That is something that we can focus on as 435 Members of this House and our colleagues over in the Senate. This is a bipartisan issue, a bicameral issue, with a known path to a solution.

With that, we are out of time this evening. I want to thank my two colleagues in a bipartisan hour, my Republican colleague from Kentucky and my friend who is often on the floor with me, Mr. TONKO.

We are going to come back and do this for another hour in the last half of the month of June. I know that there are several of our Republican colleagues that wanted to be here tonight. And I know the Democrats do, also. We will see if we can go move forward with a solution.

Mr. Speaker, I yield back the balance of my time.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 p.m.), the House stood in recess.

□ 0144

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 1 o'clock and 44 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4435, HOWARD P. "BUCK" MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015; AND PROVIDING FOR CONSIDERATION OF H.R. 3361, USA FREEDOM ACT

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 113-460) on the resolution (H. Res. 590) providing for further consideration of the bill (H.R. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for

other purposes; and providing for consideration of the bill (H.R. 3361) to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. THOMPSON of Mississippi (at the request of Ms. PELOSI) for today on account of attending a funeral in district.

#### ADJOURNMENT

Mr. NUGENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 45 minutes a.m.), under its previous order, the House adjourned until today, Wednesday, May 21, 2014, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5710. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Chronic Wasting Disease Herd Certification Program and Interstate Movement of Farmed or Captive Deer, Elk, and Moose [Docket No.: 00-108-11] (RIN: 0579-AB35) received April 30, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5711. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Clauses with Alternates-Contract Financing (DFARS Case 2013-D014) (RIN: 0750-AI02) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5712. A letter from the Senior Procurement Executive, GSA, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Positive Law Codification of Title 41 [FAC 2005-73; FAR Case 2011-018; Item I; Docket 2011-0018, Sequence 1] (RIN: 9000-AM30) received May 1, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5713. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Air China Cargo Company Limited (Air China Cargo) of Beijing, China; to the Committee on Financial Services.

5714. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — alpha-Alkyl-w-Hydroxypoly

(Oxypropylene) and/or Poly (Oxyethylene) Polymers Where the Alkyl Chain Contains a Minimum of Six Carbons etc.; Exemption from the Requirement of a Tolerance; Technical Correction [EPA-HQ-OPP-2013-0210; FRL-9907-59] received May 1, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5715. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determination of Attainment of the 2006 24-Hour Fine Particulate Matter Standard for the Pittsburgh-Beaver Valley Nonattainment Area [EPA-R03-OAR-2012-0753; FRL-9910-32-Region 3] received May 1, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5716. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; California San Francisco Bay Area and Chico Nonattainment Areas; Fine Particulate Matter Emissions Inventories; Correction [EPA-R09-OAR-2013-0599; FRL-9909-16-Region 9] received May 1, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5717. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Delaware; Regional Haze Five-Year Progress Report State Implementation Plan [EPA-R03-OAR-2014-0005; FRL-9910-33-Region 3] received May 1, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5718. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Region 4 States; Visibility Protection Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R04-OAR-2012-0814; FRL-9910-42-Region 4] received May 1, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5719. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Virginia; Regional Haze Five-Year Progress Report State Implementation Plan [EPA-R03-OAR-2014-0006; FRL-9910-34-Region 3] received May 1, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5720. A letter from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Frequency Response and Frequency Bias Setting Reliability Standard [Docket No.: RM13-11-000; Order No. 794] received April 11, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5721. A letter from the Principal Deputy Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Timing Requirements for the Submission of a Site Assessment Plan (SAP) or General Activities Plan (GAP) for a Renewable Energy Project on the Outer Continental Shelf (OCS) [Docket ID: BOEM-2012-0077] (RIN: 1010-AD77) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5722. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 14; Correction [Docket No.: 100120035-4085-03] (RIN: 0648-AY26) received April 28, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5723. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report providing an estimate of the dollar amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of free clinic health professionals will be paid for in 2015; to the Committee on the Judiciary.

5724. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2013-0542; Directorate Identifier 2011-NM-162-AD; Amendment 39-17785; AD 2014-05-12] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5725. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2013-0327; Directorate Identifier 2011-NM-161-AD; Amendment 39-17794; AD 2014-05-21] (RIN: 2120-AA64) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5726. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Revisions to Passenger Train Emergency Preparedness Regulations [Docket No.: FRA-2011-0062, Notice No. 2] (RIN: 2130-AC33) received April 16, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UPTON: Committee on Energy and Commerce. H.R. 1098. A bill to amend the Public Health Service Act to reauthorize certain programs relating to traumatic brain injury and to trauma research; with an amendment (Rept. 113-456). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 1528. A bill to amend the Controlled Substances Act to allow a veterinarian to transport and dispense controlled substances in the usual course of veterinary practice outside of the registered location; with an amendment (Rept. 113-457 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 3548. A bill to amend title XII of the Public Health Service Act to expand the definition of trauma to include thermal, electrical, chemical, radioactive, and other extrinsic agents; with an amendment (Rept. 113-458). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 4080. A bill to amend title XII of the Public Health Service Act to reauthorize certain trauma care programs, and for other purposes; with an amendment (Rept. 113-459). Referred to the Committee of the Whole House on the state of the Union. [May 21, 2014 (legislative day of May 20, 2014)]

Mr. NUGENT: Committee on Rules. House Resolution 590. Resolution providing for further consideration of the bill (H.R. 4453) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes; and providing for consideration of the bill (H.R. 3361) to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism and criminal purposes, and for other purposes (Rept. 113-460). Referred to the House Calendar.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 1528 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RENACCI (for himself, Mr. CARNEY, Mr. OWENS, Mr. KELLY of Pennsylvania, Mr. JOYCE, Mr. CAMPBELL, Mr. BUCSHON, Mr. WEBSTER of Florida, Mr. RIBBLE, Mr. KILMER, Mr. COOPER, Mr. CONAWAY, Mr. STIVERS, Mr. DELANEY, and Mr. WELCH):

H.R. 4678. A bill to establish the Federal Accounting Standards Advisory Board as an independent establishment to develop Federal financial accounting concepts and standards and provide guidance to users of Federal financial information, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. RANGEL, Mr. McDERMOTT, Mr. NEAL, Mr. DOGGETT, Mr. LARSON of Connecticut, Mr. DANNY K. DAVIS of Illinois, Mr. VAN HOLLEN, Ms. DeLAURO, and Ms. SCHAKOWSKY):

H.R. 4679. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to inverted corporations; to the Committee on Ways and Means.

By Ms. CLARK of Massachusetts (for herself, Ms. MOORE, Ms. DeLAURO, Mr. VAN HOLLEN, Mr. McGOVERN, Ms. SPEIER, Mr. TIERNEY, Mrs. DAVIS of California, Mr. LANGEVIN, Ms. MENG, Mrs. MCCARTHY of New York, and Mr. SCHIFF):

H.R. 4680. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve the quality of infant and toddler care; to the Committee on Education and the Workforce.

By Mr. ROGERS of Michigan:

H.R. 4681. A bill to authorize appropriations for fiscal years 2014 and 2015 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. STEWART (for himself and Ms. GABBARD):

H.R. 4682. A bill to provide for coordination between the TRICARE program and eligibility for making contributions to a health savings account; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN:

H.R. 4683. A bill to amend title XXIX of the Public Health Service Act to reauthorize the program under such title relating to lifespan respite care; to the Committee on Energy and Commerce.

By Mr. STUTZMAN:

H.R. 4684. A bill to provide for a notice and comment period before the Bureau of Consumer Financial Protection issues guidance, and for other purposes; to the Committee on Financial Services.

By Mrs. CAPPS (for herself, Ms. BROWNLEY of California, and Mr. FARR):

H.R. 4685. A bill to designate certain Federal lands in California as wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. FARENTHOLD:

H.R. 4686. A bill to remove from the John H. Chafee Coastal Barrier Resources System an area included in Unit TX-15P in Texas, and for other purposes; to the Committee on Natural Resources.

By Ms. HAHN:

H.R. 4687. A bill to amend title 49, United States Code, to provide for the inspection of pipeline facilities that are transferred by sale and pipeline facilities that are abandoned, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KEATING:

H.R. 4688. A bill to amend title 10, United States Code, to provide appropriate recognition for the survivors of members of the Armed Forces who die while serving on certain active or reserve duty, to expand the availability of the Gold Star Installation Access Card for survivors of deceased members of the Armed Forces, and to extend commissary store and exchange store and other MWR retail facility benefits to the parents of such members; to the Committee on Armed Services.

By Mr. KLINE:

H.R. 4689. A bill to require a plan approved by the Surface Transportation Board for the long-term storage of rail cars on certain railroad tracks; to the Committee on Transportation and Infrastructure.

By Mr. LYNCH:

H.R. 4690. A bill to authorize the National Emergency Medical Services Memorial Foundation to establish a memorial in the District of Columbia and its environs, and

for other purposes; to the Committee on Natural Resources.

By Mr. PAULSEN (for himself and Mr. DANNY K. DAVIS of Illinois):

H.R. 4691. A bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations; to the Committee on Ways and Means.

By Ms. PINGREE of Maine:

H.R. 4692. A bill to direct the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to conduct coastal community vulnerability assessments related to ocean acidification, and for other purposes; to the Committee on Science, Space, and Technology.

By Ms. TSONGAS (for herself, Mr. SAM JOHNSON of Texas, Mr. TIBERI, and Mr. McGOVERN):

H.R. 4693. A bill to award a gold medal on behalf of the Congress to the U.S. Air Forces Escape and Evasion Society, in recognition of the ceaseless efforts of American aircrew members to escape captivity and evade capture by the enemy forces in occupied countries during our foreign wars, and the brave resistance organizations and patriotic nationals of those foreign countries who assisted them; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McMORRIS RODGERS:

H. Res. 589. A resolution electing a Member to a standing committee of the House of Representatives; considered and agreed to.

#### MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

205. The SPEAKER presented a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 440 urging the Congress to reauthorize federally provided terrorism reinsurance for insurers; to the Committee on Financial Services.

206. Also, a memorial of the Legislature of the State of Nebraska, relative to legislative Resolution No. 399 recommending that the Nebraska congressional delegation take affirmative action to enact comprehensive immigration reform; to the Committee on the Judiciary.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. RENACCI:

H.R. 4678.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.



Article 1, Section 9, Clause 7: No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Mr. LEVIN:

H.R. 4679.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the United States Constitution

By Ms. CLARK of Massachusetts:

H.R. 4680.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Constitution of the United States of America

By Mr. ROGERS of Michigan:

H.R. 4681.

Congress has the power to enact this legislation pursuant to the following:

The intelligence and intelligence-related activities of the United States government are carried out to support the national security interests of the United States, to support and assist the armed forces of the United States, and to support the President in the execution of the foreign policy of the United States.

Article I, section 8 of the Constitution of the United States provides, in pertinent part, that "Congress shall have power . . . to pay the debts and provide for the common defense and general welfare of the United States"; ". . . to raise and support armies . . ."; "To provide and maintain a Navy"; "To make Rules for the Government and Regulation of the land and naval Forces"; and "To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. STEWART:

H.R. 4682.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 18 of the U.S. Constitution.

By Mr. LANGEVIN:

H.R. 4683.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, "to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

Article I, Section 8, Clause 1, "to provide for the common Defense and general Welfare of the United States."

By Mr. STUTZMAN:

H.R. 4684.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution which gives Congress the authority to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mrs. CAPPS:

H.R. 4685.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 and Article I, Section 8

By Mr. FARENTHOLD:

H.R. 4686.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United State Constitution

By Mr. HAHN:

H.R. 4687.

Congress has the power to enact this legislation pursuant to the following:

According to Article 1: Section 8: Clause 18: of the United States Constitution, seen below, this bill falls within the Constitutional Authority of the United States Congress.

Article 1: Section 8: Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. KEATING:

H.R. 4688.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. KLINE:

H.R. 4689.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 (Commerce Clause)

By Mr. LYNCH:

H.R. 4690.

Congress has the power to enact this legislation pursuant to the following:

Article 1 section 8 Clause 3 of the United States Constitution.

By Mr. PAULSEN:

H.R. 4691.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. PINGREE:

H.R. 4692.

Congress has the power to enact this legislation pursuant to the following:

Clause III of Section 8 of Article 1 of the U.S. Constitution

By Ms. TSONGAS:

H.R. 4693.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 6: Mrs. LUMMIS.

H.R. 36: Mrs. MCMORRIS RODGERS.

H.R. 148: Mr. KENNEDY.

H.R. 274: Mr. RYAN of Ohio and Mr. VISCLOSKEY.

H.R. 341: Ms. BASS.

H.R. 411: Mr. GIBSON.

H.R. 460: Mrs. CAROLYN B. MALONEY of New York, Mr. GENE GREEN of Texas, Mr. HIGGINS, and Mr. PETERS of California.

H.R. 482: Mrs. CAROLYN B. MALONEY of New York.

H.R. 485: Mr. VARGAS.

H.R. 494: Mr. PEARCE, Mrs. BLACK, and Mr. MASSIE.

H.R. 517: Mr. PETERS of California.

H.R. 543: Mr. SMITH of Washington, Mr. REICHERT, Mr. KEATING, and Mr. SIMPSON.

H.R. 630: Ms. MICHELLE LUJAN GRISHAM of New Mexico and Mr. RUNYAN.

H.R. 710: Ms. LOFGREN.

H.R. 713: Mr. HECK of Washington and Mr. ROTHFUS.

H.R. 721: Mr. CICILLINE.

H.R. 809: Mr. ROKITA, Mr. GIBSON, and Mr. BEN RAY LUJÁN of New Mexico.

H.R. 831: Mr. MCGOVERN and Mr. WOLF.

H.R. 842: Mr. BROOKS of Alabama.

H.R. 855: Mr. MULLIN.

H.R. 942: Mr. KENNEDY, Mrs. CAROLYN B. MALONEY of New York, Mr. KING of Iowa, Mr. TONKO, Mr. JOLLY, Ms. SHEA-PORTER, and Mr. ROSS.

H.R. 958: Mr. ELLISON.

H.R. 997: Mr. HARPER.

H.R. 1020: Mr. HIMES.

H.R. 1179: Mr. JEFFRIES.

H.R. 1199: Mr. MCINTYRE.

H.R. 1250: Mr. PEARCE.

H.R. 1254: Mr. CHABOT.

H.R. 1310: Mr. WILSON of South Carolina.

H.R. 1313: Mr. ROSS and Mr. SCHNEIDER.

H.R. 1339: Mr. NOLAN.

H.R. 1354: Mrs. BEATTY and Mr. DUNCAN of Tennessee.

H.R. 1416: Ms. DELBENE, Mr. WOMACK, and Mr. JOLLY.

H.R. 1428: Mr. QUIGLEY.

H.R. 1449: Ms. ROS-LEHTINEN, Mr. STEWART, and Mr. POCAN.

H.R. 1500: Mr. RUSH.

H.R. 1508: Mr. THOMPSON of California and Mr. LEVIN.

H.R. 1518: Mr. RYAN of Ohio.

H.R. 1527: Mr. PETERSON.

H.R. 1553: Mr. ROE of Tennessee, Mr. GUTIÉRREZ, Mr. VEASEY, Mr. HULTGREN, and Mr. PETERSON.

H.R. 1563: Ms. DELBENE and Mr. TAKANO.

H.R. 1663: Mr. CICILLINE.

H.R. 1666: Mr. BEN RAY LUJÁN of New Mexico.

H.R. 1699: Mr. FATTAH and Mr. LANGEVIN.

H.R. 1717: Ms. FRANKEL of Florida, Mr. BYRNE and Mr. PETRI.

H.R. 1761: Mr. COURTNEY, Mr. FARR, and Mr. BEN RAY LUJÁN of New Mexico.

H.R. 1763: Mr. THOMPSON of California, Mrs. BACHMANN, and Ms. MATSUI.

H.R. 1801: Mrs. BEATTY and Mr. SENSENBRENNER.

H.R. 1827: Mr. RUSH, Ms. SHEA-PORTER and Mr. RYAN of Ohio.

H.R. 1830: Mrs. MCCARTHY of New York, Mr. ROSS, Ms. DELBENE, Mr. KINZINGER of Illinois, Mr. O'ROURKE, Mr. HUIZENGA of Michigan, and Mr. MCHENRY.

H.R. 1852: Mr. GARCIA.

H.R. 1875: Mr. HOLT.

H.R. 1921: Ms. TSONGAS.

H.R. 1998: Ms. HAHN.

H.R. 2020: Ms. JACKSON LEE.

H.R. 2041: Mr. PAULSEN.

H.R. 2146: Mr. HORSFORD.

H.R. 2164: Mr. FORTENBERRY, Mr. LAMBORN, and Mr. HUELSKAMP.

H.R. 2291: Mr. SCHIFF, Mr. VARGAS, and Mr. MEEKS.

H.R. 2315: Mr. ROTHFUS.

H.R. 2453: Mr. MARINO.

H.R. 2536: Mr. STIVERS.

H.R. 2662: Mr. COLLINS of New York.

H.R. 2663: Mr. ROE of Tennessee and Mr. COLLINS of New York.

H.R. 2673: Mr. HULTGREN.

H.R. 2692: Mr. GRIJALVA.

H.R. 2725: Mr. ROTHFUS.

H.R. 2734: Mr. MCINTYRE.

H.R. 2801: Ms. KUSTER.

H.R. 2807: Mr. MURPHY of Pennsylvania, Mr. PASCRELL, Mr. REICHERT, Mr. SAM JOHNSON of Texas, and Mr. UPTON.

H.R. 2874: Ms. DELAULO and Mr. BEN RAY LUJÁN of New Mexico.

H.R. 2917: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 2918: Mr. ADERHOLT.

H.R. 2969: Mr. LOEBSACK.

H.R. 2975: Mr. GARAMENDI.

H.R. 2976: Mr. GARAMENDI.

H.R. 3112: Mrs. BACHMANN.

H.R. 3116: Mr. MORAN, Mr. BISHOP of Georgia, and Mr. NUNES.

H.R. 3211: Mrs. WAGNER.  
 H.R. 3303: Mr. JEFFRIES and Mr. AUSTIN SCOTT of Georgia.  
 H.R. 3320: Mr. BYRNE.  
 H.R. 3322: Mr. HECK of Washington.  
 H.R. 3327: Mrs. KIRKPATRICK.  
 H.R. 3374: Mr. YOUNG of Indiana.  
 H.R. 3461: Mr. RYAN of Ohio.  
 H.R. 3485: Mr. MCHENRY and Mrs. NOEM.  
 H.R. 3494: Mr. RANGEL and Mr. NOLAN.  
 H.R. 3549: Mr. STOCKMAN.  
 H.R. 3560: Ms. MENG.  
 H.R. 3571: Mr. FITZPATRICK, Mr. QUIGLEY, Ms. MCCOLLUM, and Mr. PAYNE.  
 H.R. 3698: Mr. KING of Iowa, Mr. ROTHFUS, Mr. ELLISON, and Mr. THOMPSON of California.  
 H.R. 3717: Ms. BASS, Mr. DUNCAN of Tennessee, Mr. DAVID SCOTT of Georgia, and Mr. BILIRAKIS.  
 H.R. 3723: Mrs. MCMORRIS RODGERS.  
 H.R. 3770: Mrs. WAGNER.  
 H.R. 3833: Mr. HECK of Washington.  
 H.R. 3836: Mrs. BUSTOS and Ms. CLARK of Massachusetts.  
 H.R. 3929: Mr. KINZINGER of Illinois.  
 H.R. 3930: Mr. DEFAZIO, Mr. REICHERT, Mr. LONG, Mr. COURTNEY, Mr. CASSIDY, and Mr. CAPUANO.  
 H.R. 3963: Mr. BEN RAY LUJÁN of New Mexico and Mr. WELCH.  
 H.R. 3988: Mr. MCNERNEY and Mr. PETERS of California.  
 H.R. 3991: Mr. BEN RAY LUJÁN of New Mexico, Mr. GIBSON, and Mr. NOLAN.  
 H.R. 4020: Mr. TONKO.  
 H.R. 4031: Mr. KINZINGER of Illinois, Mr. PRICE of Georgia, Mr. WEBER of Texas, Mr. GIBSON, Mr. SCALISE, Mr. MURPHY of Florida, and Ms. HERRERA BEUTLER.  
 H.R. 4079: Ms. BASS.  
 H.R. 4080: Mr. ELLISON, Mr. MORAN, Mr. GUTHRIE, Mr. PALLONE, Mr. ROE of Tennessee, Mr. GRIMM, Mr. POCAN, Mr. BUTTERFIELD, and Mr. DENT.  
 H.R. 4122: Mr. BLUMENAUER.  
 H.R. 4135: Mrs. LUMMIS and Mr. CARTER.  
 H.R. 4143: Mr. PALAZZO and Mr. KEATING.  
 H.R. 4148: Mr. MCNERNEY, Mr. BISHOP of New York, Mr. WELCH, and Ms. SPEIER.  
 H.R. 4158: Mr. SCHOCK and Mr. ROKITA.  
 H.R. 4166: Ms. GABBARD, Mr. BERA of California, Mr. VISCLOSKEY, Mr. WELCH, Ms. JACKSON LEE, Ms. SEWELL of Alabama, Ms. DELAURO, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. FATTAH, Mr. RYAN of Ohio, Mr. WALZ, Mr. ELLISON, Mr. MCGOVERN, Mr. BRALEY of Iowa, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. LOEBSACK, Ms. SHEA-PORTER, Mr. BRADY of Pennsylvania, Mr. SIRES, Mr. RICHMOND, Mr. DOYLE, Mr. TIERNEY, Ms. CASTOR of Florida, Mrs. LOWEY, Mr. BEN RAY LUJÁN of New Mexico, Mr. PASTOR of Arizona, Ms. TITUS, Ms. MENG, Ms. MOORE, Mr. MCINTYRE, Mr. GRAYSON, Mr. SERRANO, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Ms. BROWN of Florida, Ms. WILSON of Florida, Ms. CLARKE of New York, Ms. EDWARDS, Mr. POCAN, and Mr. MEEKS.  
 H.R. 4186: Mr. STOCKMAN.

H.R. 4190: Mr. DANNY K. DAVIS of Illinois, Mr. GRIFFIN of Arkansas, and Mr. COLLINS of Georgia.  
 H.R. 4216: Ms. MOORE.  
 H.R. 4285: Mr. BEN RAY LUJÁN of New Mexico.  
 H.R. 4299: Mr. BUTTERFIELD.  
 H.R. 4304: Mr. JORDAN.  
 H.R. 4305: Mr. HASTINGS of Florida and Mr. GIBSON.  
 H.R. 4306: Mr. SARBANES.  
 H.R. 4317: Mr. SMITH of Missouri and Mr. FRANKS of Arizona.  
 H.R. 4320: Mr. COFFMAN.  
 H.R. 4326: Mr. OWENS.  
 H.R. 4351: Mr. DUNCAN of Tennessee, Mr. COFFMAN, Mr. HOLT, and Mr. QUIGLEY.  
 H.R. 4361: Mr. DEFAZIO.  
 H.R. 4365: Mr. PASCRELL and Mr. DAINES.  
 H.R. 4380: Mr. BROUN of Georgia.  
 H.R. 4383: Mr. SHERMAN.  
 H.R. 4385: Mr. BLUMENAUER and Mr. BEN RAY LUJÁN of New Mexico.  
 H.R. 4395: Mr. BUTTERFIELD and Mr. MEADOWS.  
 H.R. 4421: Mr. PETERS of Michigan.  
 H.R. 4443: Mr. REED, Mr. GRIMM, Mr. JEFFRIES, Mr. SEAN PATRICK MALONEY of New York, Mr. BISHOP of New York, Mr. NADLER, Mrs. LOWEY, and Mrs. CAROLYN B. MALONEY of New York.  
 H.R. 4450: Mr. HARPER, Mr. MARINO, and Mrs. ELLMERS.  
 H.R. 4466: Mr. MCHENRY, Mr. COTTON, and Mr. ROSS.  
 H.R. 4480: Mr. LEWIS, Mr. RANGEL, and Mr. SCOTT of Virginia.  
 H.R. 4507: Ms. MENG, Mr. BLUMENAUER, and Mr. SIRES.  
 H.R. 4510: Mr. RENACCI, Mr. HIMES, Mr. TIBERI, and Mr. HECK of Washington.  
 H.R. 4515: Ms. ESHOO, Mr. VARGAS, and Mr. PETERS of California.  
 H.R. 4524: Mr. GRIJALVA and Mr. QUIGLEY.  
 H.R. 4525: Mr. POLIS, Mr. FARR, and Mr. MCNERNEY.  
 H.R. 4543: Mr. GARAMENDI.  
 H.R. 4557: Mr. ROSS and Mr. LUETKEMEYER.  
 H.R. 4573: Mr. LATTI, Mr. MEEHAN, Mr. FITZPATRICK, Mrs. HARTZLER, Mr. FLORES, Mr. CRAMER, Mr. LANKFORD, Mr. FRELINGHUYSEN, Mr. WEBSTER of Florida, Ms. HERRERA BEUTLER, and Mrs. CAROLYN B. MALONEY of New York.  
 H.R. 4584: Ms. SHEA-PORTER.  
 H.R. 4589: Mr. LARSEN of Washington.  
 H.R. 4604: Mr. PEARCE.  
 H.R. 4611: Mr. SABLAN.  
 H.R. 4612: Mr. JORDAN.  
 H.R. 4613: Mr. MURPHY of Florida.  
 H.R. 4629: Ms. SINEMA, Mr. GRIJALVA, and Mr. CARNEY.  
 H.R. 4631: Mr. QUIGLEY.  
 H.R. 4636: Ms. WILSON of Florida, Mr. POCAN, Mr. HONDA, Ms. MOORE, Mr. POLIS and Mr. LOWENTHAL.  
 H.R. 4643: Mr. BUTTERFIELD.  
 H.R. 4653: Mr. SMITH of New Jersey, Mr. FORTENBERRY, and Mr. LOWENTHAL.  
 H.J. Res. 50: Mr. POMPEO.

H.J. Res. 56: Mr. SCHNEIDER.  
 H.J. Res. 113: Ms. FUDGE.  
 H. Con. Res. 27: Mr. PAYNE and Mr. VEASEY.  
 H. Con. Res. 52: Mr. CRAMER.  
 H. Con. Res. 86: Ms. JENKINS and Mr. FLORES.  
 H. Con. Res. 98: Mr. HUDSON.  
 H. Res. 30: Mr. WHITFIELD.  
 H. Res. 72: Mr. RYAN of Ohio.  
 H. Res. 412: Mr. STEWART.  
 H. Res. 456: Mr. SCHRADER.  
 H. Res. 457: Mrs. CAROLYN B. MALONEY of New York.  
 H. Res. 489: Mr. GARAMENDI.  
 H. Res. 547: Mr. JORDAN.  
 H. Res. 561: Mr. GARCIA, Mr. RIGELL, and Mr. CARSON of Indiana.  
 H. Res. 570: Mr. AL GREEN of Texas.  
 H. Res. 573: Ms. HERRERA BEUTLER.  
 H. Res. 577: Mr. SERRANO, Mr. COURTNEY, Mr. KIND, Mr. GARAMENDI, Mr. HUFFMAN, Mr. NOLAN, Ms. ESHOO, and Mr. GEORGE MILLER of California.  
 H. Res. 587: Mr. LANCE.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

##### OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 4058, the Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 3717: Mr. CLAY and Mr. VEASEY.

#### PETITIONS, ETC.

Under clause 3 of rule XII:

81. The SPEAKER presented a petition of the City of Brockton, Massachusetts, relative to a resolved urging Fannie Mae and Freddie Mac to cease all no-fault evictions and foreclosures until the new FHFA director has time to review all policies of Fannie Mae and Freddie Mac; to the Committee on Financial Services.

## EXTENSIONS OF REMARKS

CONGRATULATING SHRI  
NARENDRA MODI ON HIS  
RECORD-BREAKING VICTORY AS  
INDIA'S NEW PRIME MINISTER

**HON. ENI F. H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to congratulate India's next Prime Minister Narendra Modi on his resounding and historic victory. The Bharatiya Janata Party's (BJP) victory on May 16, 2014 is the first time after Independence that a non-Congress party has got absolute majority on its own, and Narendra Modi is the reason why.

His victory is India's victory and, while history will remember India's 2014 elections as unprecedented, I will remember the 2014 elections as a triumph. The people of India have triumphed, and I join with them in this momentous celebration of new development for all.

As a token of friendship and in commemoration of the fulfillment of his destiny to lift up the masses, assure social justice, and bring new hope for any and all who, like him, step forward and transform challenges into opportunities by sheer strength of character and courage, a flag was flown over the United States Capitol at my request in honor of him on April 7, 2014, to mark victory's dawn.

I pay tribute to Shri Modi for his clarion call for change, to save a nation from ruin. I applaud his leadership and recognize his victory—the people's victory—in the CONGRESSIONAL RECORD. A statement in the CONGRESSIONAL RECORD becomes part of U.S. history and I firmly believe Shri Narendra Modi should be included not only in the annals of India's history but U.S. history, too, because he was elected with a resounding victory despite the United States using every recourse it could to disrupt his destiny.

The U.S.-India partnership should be, could be, one of the most defining of the 21st century. But, I am disappointed that the United States failed to develop a strong friendship and comprehensive partnership with Shri Narendra Modi when it mattered most. U.S.-India relations matter strategically, politically, and economically. And even if they didn't matter, the United States should be a fair and honest broker about human rights. Regrettably, in the case of India, the United States missed the mark by responding one way to the 2002 Gujarat riots, another way to the Godhra train burning which led up to the riots, and still another way to the largest ethnic cleansing since the partition of India in which between 300,000 to 500,000 Kashmiri Hindus since 1990 have migrated due to persecution.

Nonetheless, despite the United States getting it wrong with India, Shri Narendra Modi is looking ahead. He is dedicated. He is determined. He is dynamic. He is different. He is

the leader of the world's largest democracy. And he is the key player for improved relations between the U.S. and India. As Shri Narendra Modi assumes his mantle as India's next Prime Minister, I have every confidence he will cut across caste, creed and religion and bring alive the dreams of over a billion Indians, and a world that needs his leadership.

As he promised, "Good days are coming." And so, they are. I have personally met with Shri Modi as far back as 2010 and I know him to be a sincere man who stands against corruption and for inclusive growth and development. Shri Modi is a man of vision and he, together with each and every citizen of India, will create something special—an India that will assume its destined role.

Without a doubt, Prime Minister Modi will usher in India's new era. He will make the 21st century India's century. This is his destiny. And so, once more, I congratulate Shri Narendra Modi on his path-breaking campaign, and I praise BJP Party President Rajnath Singh for working shoulder-to-shoulder with Shri Modi to ensure that the spirit of democracy has triumphed. I also commend Mr. Sanjay Puri, Founder and President of USINPAC, for championing the cause and work of Shri Narendra Modi early on in the U.S. Congress when India's next Prime Minister was Chief Minister of Gujarat.

Above all, I praise Prime Minister Modi's parents who gave rise to him, especially his mother whose blessings he sought. From his beginnings as a son of a tea seller to a landslide and ground-breaking victor, I wish Shri Modi godspeed on his poetic journey forward as India's next Prime Minister.

TRIBUTE TO DR. E. DEWEY SMITH, JR.

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Dr. E. Dewey Smith, Jr., is celebrating ten years (10) in pastoral leadership this year and has provided stellar leadership to his church on an international level; and

Whereas, Dr. Smith, under the guidance of God has pioneered and sustained Greater Travelers Rest Missionary Baptist Church, as an instrument in our community that uplifts the spiritual, physical and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God has given hope to the hopeless, fed the hungry and is a beacon of light to those in need; and

Whereas, Dr. Smith is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who

has shared not only with his Church, but with our District and the world his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Dr. E. Dewey Smith, Jr., as he celebrates ten years in pastoral leadership at Greater Travelers Rest Missionary Baptist Church; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim March 23, 2014 as Dr. E. Dewey Smith, Jr. Day in the 4th Congressional District.

Proclaimed, this 23rd day of March, 2014.

HONORING MS. MARY ANN TYLER

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor an outstanding young lady making a difference in her school and her life. She is a student at West Tallahatchie High School in Tallahatchie County, MS, Ms. Mary Ann Tyler.

Ninth grade is a time when most fourteen year olds are just entering their first year of high school and getting acclimated to it. Ms. Tyler's life changed in the ninth grade. She became a teenage mother. But she did not let that change define her future.

Ms. Tyler said she started believing in herself and taking steps to define and construct her future. She started by attending class more often, turning those absentees into presents; she began joining school organizations and clubs. Those among other changes have been the turning point of life.

There is a saying that "attitude can help determine your altitude." Well, Ms. Tyler has embraced that philosophy which has yielded her some positive returns. During her tenth grade year, she joined the Future Business Leaders of America (FBLA), and the Student Government Association (SGA) where she did more than just join, she was elected by her peers as the secretary. Organization and reliability is a great attribute.

As a member of the Future Business Leaders of America she progressed to the state competition to represent her school and there she placed third in the Community Service Project division of the FBLA competition.

The years just kept getting better and the growth and development in Ms. Tyler was starting to take notice. She rejoined the FBLA and SGA school organizations in her junior year of high school. This time she served as the Vice-President of both organizations, a position bestowed upon her through the voting process of peer election. She was also inducted into the Beta Club and voted the "Most Improved Student."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

By the time Ms. Tyler was a senior in high school, leadership was natural and parenting was a role that she did not take for granted. She not only wanted to challenge herself to reach higher ground but, she also wanted to use her climb as an example for her child, knowing that someday she would tell her story of being a teen mom but not letting that define her future. During her senior year, Ms. Tyler became the president of SGA and the treasurer of the Beta Club.

Her grade point average has soared to 3.79, which was commendable, given her responsibilities.

Ms. Tyler's plans beyond high school include college with her sights set on a degree in Business Administration, then on to graduate school to pursue her MBA. You see all those years in FBLA and SGA have paid off because they have motivated her to think about her future. She has a dream of owning her own business. I am proud to have Ms. Tyler as a citizen of the Second Congressional District of Mississippi.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Mary Ann Tyler, an amazing student for her dedication to succeed.

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COMMEMORATING MT. VERNON'S  
ZIP CODE DAY

**HON. BRUCE L. BRALEY**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 2014*

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to honor Mt. Vernon, Iowa, as they commemorate May 23, 2014 (5-23-14) as zip code day.

Historic Mount Vernon, Iowa, is home to 4,500 residents, including 1,200 college students enrolled at Cornell College. Located in Eastern Iowa, the city boasts a vibrant uptown business community with numerous antique and specialty stores, restaurants, coffee houses, commercial art galleries, and three National Historic Districts.

Mt. Vernon also has a proud history of firsts in our nation's history including having one of the country's first curbside recycling programs and first community-designed and built playgrounds.

I am proud to have the opportunity to represent 52314 in Congress and applaud Mt. Vernon for achieving so much in the proud 177 years since the first settlers arrived in 1837.

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HONORING THE 2014 AMHERST  
CHAMBER OF COMMERCE SMALL  
BUSINESS AWARD RECIPIENTS

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. HIGGINS. Mr. Speaker, it is my honor to recognize the honorees of the Amherst Chamber of Commerce's Small Business Awards Luncheon and Showcase here today. Each business/business leader has done their part

to lead by example, demonstrating leadership in the business community and a shared dedication to improving the economic conditions of our region. As small businesses, they are in a unique position to not only push the community forward through job growth, but also to test drive new products and ways of doing business that will no doubt have a lasting impact in the world around us.

With a motto of "We Want Better", Block Club has been working on improving not only their customers' brands, but also strengthening the brand of the entire Western New York (WNY) area. Being featured in such publications as the Boston Herald and the Washington Post, Block Club has demonstrated to the rest of the country some of the outstanding work accomplished right here at home. I commend this year's Trailblazer Award recipient, Patrick Finan, Founder & Principal of Block Club.

Another individual being honored today is Maureen Munzert from Key Bank. Maureen has utilized her expertise in financing and the banking industries to better serve her clients and her strong record of accomplishments have led her to being recognized here today. Maureen's ability to go beyond a banking role and truly become a financial partner to her clients is exemplary. Her dedication to guidance and leadership is expressed not only in leading junior members of her team, but also her being a champion of the Key4Women sub-organization. I am pleased to recognize this year's Small Business Advocate of the Year, Maureen Munzert.

Dr. Lavigne is another individual who has had a great impact on the community. As a leader of many business support programs in the WNY region, not to mention her stewardship of the NYS Center of Excellence in Bioinformatics and Life Sciences, Dr. Lavigne has driven economic returns of over 60:1. This incredible stewardship of governmental funding has seen hundreds of new jobs created and demonstrated Dr. Lavigne's excellence in utilizing public funds for the public good. It is my honor to recognize Dr. Marnie Lavigne as this year's Community Stewardship Award recipient.

EnergyMark is a company which is leading the way in being an active business community member. Through model leadership, EnergyMark has helped countless aspiring community leaders through internships at both the undergraduate and master's level programs. Furthermore, in creating their space in the market, EnergyMark is allowing its customer to grow faster through innovative savings that have kept over 5 million dollars in the hands of local business for their own growth and development. I commend this year's Award of Excellence recipient, Energy Mark, LLC.

One of the newest additions to our city will be the HARBORCENTER facility opening later this year. The culmination of many proud accomplishments, the HARBORCENTER will provide 2 NHL sized hockey rinks and numerous support facilities around the venue including a hotel, restaurants, and training facilities which will compliment the development occurring on our waterfront. This project will be an attraction for families in our region and beyond and will boost the economic conditions of

Downtown Buffalo. Under the leadership of John Koelmel, the HARBORCENTER is likely to generate nearly 2,000 jobs and a projected \$48 million dollars in state and local taxes. I applaud the work of all those involved with the HARBORCENTER project and congratulate you on your Sponsor's Award from the Amherst Chamber of Commerce.

Lougen Valenti Bookbinder & Weintraub LLP are actively working to redefine how a CPA firm can be a part of the community. Balancing an approach of personal attention and national firm level resources, LVBW has pooled over 100 collective years of experience to serve clients from single employee businesses to multi-national corporations. While this alone is a tremendous accomplishment, the team at LVBW pushes further, encouraging employee volunteerism and providing assistance to such notable local charities as the WNY Foodbank, United Way Day of Caring, and Journey's End. I am pleased to recognize Lougen Valenti Bookbinder & Weintraub, LLP as the recipient of the Small Business of the Year Award.

Sweet Jenny's chocolates and ice cream has been a great story of success here in WNY and will soon reach its 30th year in business. In using a "charity based business model" Sweet Jenny's has utilized corporate giving to promote their brand on a local level and to provide ice cream and products to charity organizations and local food banks. I had the pleasure of visiting Sweet Jenny's and can attest the strength of their business and outreach in the community. It is my honor to commend this year's At Your Service Award recipient, Sweet Jenny's.

This impressive list of Small Businesses being honored at this year's Luncheon and Showcase deserve the extra recognition and I thank the Amherst Chamber of Commerce for bringing these distinguished business leaders together. It is through your actions that other business leaders have a guidepost for exemplary action. I wish you all continued success in the years to come.

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RECOGNIZING HONORABLE JAMES  
D. GREGG FOR 27 YEARS OF  
SERVICE AS A BANKRUPTCY  
JUDGE

**HON. BILL HUIZENGA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. HUIZENGA of Michigan. Mr. Speaker, I rise today to recognize the Honorable James D. Gregg and his commendable service to Michigan's Western District as a bankruptcy judge.

Judge Gregg served Michigan's Western District as a United States bankruptcy judge for 27 years. Further, his service to the state has been a long time commitment, as he has worked for Michigan communities for over 30 years.

After graduating from Wayne State University with his Juris Doctor, Judge Gregg chose to remain in Michigan to practice. He served as a partner of Varnum, Riddering, and Schmidt & Howlett in Grand Rapids, Michigan.

In 1987, Judge Gregg was designated in The Best Lawyers in America. From 1995 to 2003, Judge Gregg worked with the National Conference of Bankruptcy Judges, ultimately serving as the organizations president from 2002–2003.

Throughout his career, Judge Gregg has been committed to educating students and practitioners about bankruptcy law. From 1994–1997, Judge Gregg served as an adjunct professor and taught bankruptcy law courses at The Thomas Cooley Law School. He has also been an education chair, a speaker, or a panelist at more than one hundred and fifty educational seminars for bar associations and professional organizations throughout the United States. In 2013, the Bankruptcy Section of the Federal Bar Association for the Western District of Michigan inaugurated the “James D. Gregg Bankruptcy Education Award” to be given out to members of the local bar or bench who have done outstanding work to further the education among bankruptcy practitioners in the district. While Judge Gregg will no longer sit on the bench, he still plans to continue teaching bankruptcy law.

#### HONORING REDAN HIGH SCHOOL

### HON. HENRY C. “HANK” JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, in the Fourth Congressional District of Georgia, only a few schools excel in competition on a State level that ignites a community; and

Whereas, under the leadership and guidance of Coach Jerry Jackson, The Redan High School Girls Basketball team has won its second State Championship for the school, the city of Stone Mountain and our beloved Fourth Congressional District; and

Whereas, these Magnificent Lady Raiders of Redan have demonstrated the will to win, the courage to win, the mechanics of teamwork and the astounding spirit of triumph from a mental and physical battle; and

Whereas, the 6th day of March, 2014 will go down in history as the Day that our Redan High School Girls Basketball team became the AAAA Champions of Georgia, completing a perfect season with a 33–0 record; and

Whereas, the team has exhibited great moral character on and off the basketball court and through the halls of Redan High; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Redan High School Basketball Team for its victory for our District; now therefore, I, HENRY C. “HANK” JOHNSON, JR., do hereby proclaim March 21, 2014 as Redan High School Day in the 4th Congressional District.

Proclaimed, this 21st day of March, 2014.

#### RECOGNITION FOR KENNY JOWERS

### HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. HUFFMAN. Mr. Speaker, it is my pleasure to recognize Kenny Jowers, owner of Physical Gym in Gualala, California, and a dedicated community member as he is honored for his community service on May 8 and May 15 in Mendocino County.

Mr. Jowers has worked to integrate the “South Coast” from Timber Cove to Irish Beach which spans Mendocino and Sonoma Counties into a single cohesive unit. He has brought forums on health care and other timely issues to the residents of the South Coast and has supported the Senior Center and other community issues with care, compassion, and a focus on improving community service for the many groups in the region.

Mr. Jowers’ commitment to civic engagement and leadership in the community are worthy of high commendation. He has used his tireless energy to promote civic engagement and educate the community about important issues and it is appropriate to thank him for his volunteer efforts and generosity of spirit.

#### A PICTURE TELLS A THOUSAND WORDS—IN HONOR OF THE G.I. FILM FESTIVAL

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. SESSIONS. Mr. Speaker, I rise today in honor of GIFF, The G.I. Film Festival and its co-founders Brandon and Laura Law-Millet. Darin Selnick is also the VP of Development. In 2007 the Millets created one of the most moving and important film festivals in our Nation, GIFF. Through their efforts it has blossomed into one of the most powerful events called the G.I. Film Festival, to tell the stories of America’s heroes which must be told to educate and preserve these priceless moments and events of the past for future generations to come. All hearts are moved and inspired by these works of art which honor America’s greatest, the men and women and their families of the Armed Forces. I ask that this poem penned in honor of them by Albert Carey Caswell be placed in the RECORD.

#### A PICTURE TELLS A THOUSAND WORDS

(By Albert Carey Caswell)

War is hell, and Hell is War . . .  
Things that men and women dare not speak  
of the more!

For the only glory found in this story,  
is all of those magnificent’s who pay the self-  
less price of freedom sure!

Who for all their Brothers and Sisters In  
Arms,

fight for each other but to live one day more!  
As the greatest stories ever told,  
to warm our hearts as we grow old . . .

All in their most magnificent hue . . .  
Are of those who in hearts of honor who find  
such valor true!

Are of all of those so who heroically go off to  
war,

all for me and you!  
And come back home without arms and legs  
. . .

With scars all upon their faces!  
With holes all in their hearts,  
as all of those demons they so face this . . .  
And the doctors and nurses who death so  
race this!

And withstand all of the heartache,  
to rebuild them in all such places!  
Is but the grave price of war so cold!

And the ultimate,  
are all of those who come back home incased  
in wood . . .

Who so gave their lives and fought but for  
the greater good!

As these are the stories to which our chil-  
dren must be told!

Of all of those who burdens bore!  
So we will remember back into the days of  
yore!

Because . . .

A . . .  
Because a picture tells a thousand words . . .  
Gives voice to all of those moments and  
things which we’ve not heard . . .

Brings light to all of those who have not so  
lived these words . . .

Teaching us all what must so be learned!  
Bringing inspiration in what is seen and  
heard!

And that freedom is not free!

But bought and paid for by all of these!

And but lies at the very height of what a  
human being can be!

And that in the darkest of all nights!

There are but all of those who but bring  
their light!

The men and women of the Armed Forces,  
and their families who fight the fight!

So to all of you,

and your sacrifice . . .

We honor you with this light!

Because a picture tells a thousand words!

#### HONORING DETECTIVE MIKE MITCHELL

### HON. JON RUNYAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. RUNYAN. Mr. Speaker, I stand here today to honor the outstanding career of Detective Mike Mitchell, who is retiring after 25 years with the Barnegat Police Department.

Detective Mitchell is beloved within the Barnegat community and he is best known for starting and running the D.A.R.E. (Drug Abuse Resistance and Education) program in the Barnegat Township Schools, which is currently in its 20th year. The D.A.R.E. program has graduated over 6,000 5th grade students and has had a tremendous impact in helping raise awareness on drug abuse.

Mike is an active volunteer in the community, particularly with Challenger Baseball and Basketball.

Mr. Speaker, I urge my colleagues to join me in honoring the amazing career and community service of Detective Mike Mitchell.

TRIBUTE TO JIM HAMILTON AND  
PROCOATERS, INC.

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, On April 18, 1974, Mr. Jim Hamilton founded ProCoaters, Inc., (PCI) specializing in contract painting services for the OEM industry; and

Whereas, by 1978 PCI expanded services to include sheet metal fabrication and made it their mission to produce competitively priced sheet metal products, while providing timely delivery and exceptional customer service; and

Whereas, in 1992 PCI moved into their current 65,000 sq. ft. home on Minola Drive in Lithonia, Georgia and have subsequently expanded their capabilities through the use of laser technology fulfilling their mission of providing excellent service to their many metro Atlanta customers and beyond; and

Whereas, after the passing of Mr. Hamilton, his wife and sons continue to operate PCI, keeping this jewel of a company in Lithonia, with a stellar team of managers and employees; and

Whereas, PCI is a great example of the American Dream writ large, a family owned operation providing excellent service, employment opportunities and a product that "keeps America moving" and thus contributing to the local and national economies; and

Whereas, the U.S. Representative of the Fourth District of Georgia is today, officially honoring, recognizing and congratulating ProCoaters, Inc., on their forty (40th) year anniversary as a business anchor in our District; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim April 18, 2014 as ProCoaters, Inc. Day in the 4th Congressional District of Georgia.

Proclaimed, this 18th day of April, 2014.

PERSONAL EXPLANATION

**HON. ROBERT PITTENGER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. PITTENGER. Mr. Speaker, on rollcall votes Nos. 218 and 219, I am not recorded because I was absent from the U.S. House of Representatives. Had I been present, I would have voted in the following manner.

On rollcall No. 218. Had I been present, I would have voted "yea."

On rollcall No. 219. Had I been present, I would have voted "yea."

HONORING MRS. DESTINY KYLES-JONES

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable, well-

rounded, and highly driven young woman, Mrs. Destiny Kyles-Jones. Born to Mr. Dennis Kyles, Sr. and Ms. Mabelle Shelby Kyles on April 25, 1991, Destiny was raised in the small, close-knit town of Bolton, Mississippi.

As a child, Destiny was an outstanding young woman who was deeply involved in her community and church home. She regularly attended Holy Ghost Missionary Baptist Church in Clinton, Mississippi and was active in Sunday school and various other auxiliaries.

Destiny is not only a well-mannered young woman, but also exceptionally bright. Her academic ambitions were accomplished and exceeded during her matriculation at Clinton High School, where she graduated in May 2009. She furthered her education at Tougaloo College in Tougaloo, Mississippi, ultimately receiving her B.A. in Business Administration.

During her time at Tougaloo College, Destiny was well known among her peers, faculty, and administrators. She was a highly prestigious scholarly student, graduating Sum Cum Laude in May 2013.

Among her extra-curricular activity involvements included Dazzling Divas Dance Team, Toast Masters, Pre-Alumni Council, Vice President of Alpha Lambda Delta Honor Society, Financial Secretary of Delta Sigma Theta Sorority, Incorporated, and Tougaloo Ambassadors of Meritorious Scholars.

While Destiny was heavily involved in student government and served in several positions, among them were Miss Freshman, Junior Class Representative, and Miss Tougaloo College.

As Miss Tougaloo College, Destiny embodied the noble qualities of her beloved college. Her kind spirit and positive attitude was highly infectious, affording her the opportunity to be featured with First Lady Michelle Obama on CNN and in Ebony Magazine as one of the nation's Top Ten HBCU Campus Queens in 2013.

Currently, Destiny attends Texas A&M University, where she is pursuing her Masters degree in Business Administration. She also is employed with the Department of Justice through an opportunity afforded her via the Homeland Security Initiative at Tougaloo College. She resides in Rockwell, Texas with her husband Jarred Jones.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Destiny Kyles-Jones for her remarkable academic and extra-curricular performance as a young adult.

A TRIBUTE TO THE FIRST AFRICAN BAPTIST CHURCH OF PHILADELPHIA

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the First African Baptist Church of Philadelphia, the oldest African American founded Baptist congregation in Pennsylvania.

The First African Baptist Church of Philadelphia was established in 1809. Since then, it

has helped establish many other churches and institutions, including the Downingtown Industrial School. The First African Baptist Church of Philadelphia has also played an integral role in helping to promote equality in Pennsylvania by establishing the first African American savings and loans bank and the first mortgage company for African Americans.

Throughout its rich history, thirteen pastors have held the honor of leading its distinguished congregation. Currently, The Reverend Terrence D. Griffith serves as the church's pastor. At its centennial celebration in 1909, the church welcomed Booker T. Washington as its keynote speaker. In 2009, both Ed Rendell and Arlen Specter joined the church to celebrate its bicentennial anniversary. This year, the church will be celebrating its 205th anniversary, which I am personally attending.

I invite you and all of my colleagues to join me in commemorating The First African Baptist Church of Philadelphia's 205th anniversary. May its success and commitment to helping the City of Philadelphia be an inspiration to all of us in the years to come.

HONORING THE NEWTON COUNTY LEADERSHIP COLLABORATIVE

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, the Newton County Leadership Collaborative is celebrating a milestone 10th Anniversary; and

Whereas, the Leadership Collaborative brings together representatives from Newton County, the city governments of Covington, Oxford, Porterdale, Newborn and Mansfield, the Water and Sewer Authority, Board of Education and the Covington-Newton Chamber of Commerce; and

Whereas, these elected and appointed officials are guided by the statement, "We plan together and work together"; and

Whereas, this group meets monthly at the Center for Community Preservation and Planning (The Center) using four guiding principles—Protect Clean Water, Create Communities, Create Interconnected Corridors and Coordinate Public Investment, and

Whereas they have developed the 2050 Plan, which is Newton County's roadmap to a sustainable future; and

Whereas, the 2050 Plan was recently awarded the prestigious Excellence in Small Town and Rural Planning Award by the American Planning Association; and

Whereas, the Center has been a pillar of strength for Newton County ensuring that each generation has a sense of history; a strong sense of identity and an appreciation for a vibrant community; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and laud the Center for their nationally recognized work on behalf of the citizens of Newton County now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby

proclaim March 7th and 8th, 2014 as Newton County Leadership Collaborative Days in the 4th Congressional District of Georgia.

Proclaimed, this 7th day of March, 2014.

**HONORING ELAINE THANAY  
SCHREIBER**

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Ms. MOORE. Mr. Speaker, I rise today to congratulate and pay tribute to Elaine Thaney Schreiber, a teacher, wife, mother and former First Lady of the State of Wisconsin. The Silver Spring Neighborhood Center recently honored her through its dedication of the Elaine Schreiber Child Development Center.

Elaine served at Silver Spring Neighborhood Center for over 20 years as an early childhood teacher, board member, donor and campaign leader; she led the Center's successful 2001–03 capital campaign which resulted in doubling the size of the Center and greatly expanding their services. While serving as First Lady of the State of Wisconsin, she championed early childhood immunizations. Thousands of children in Milwaukee and throughout the state have benefited as a result of her advocacy.

Elaine Schreiber was born and raised in Milwaukee. She earned a degree in education from the University of Wisconsin-Milwaukee, as well as a graduate degree in early childhood education. She has been married to Martin Schreiber, former Governor of Wisconsin since 1961 and together they have 4 children and thirteen grandchildren. She is the adored aunt to her many nieces and nephews. Elaine is beloved for her graciousness, kindness and deep love of children.

Mr. Speaker, for these reasons, I am honored to pay tribute to Elaine Thaney Schreiber for her contributions to the Fourth Congressional District. I am proud to call Elaine Schreiber my friend; she has acquired a lifetime record of accomplishment and contributed much to the greater Milwaukee community and the State of Wisconsin.

**MOURNING THE LOSS OF  
CONGRESSMAN JIM OBERSTAR**

**HON. COLLIN C. PETERSON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. PETERSON. Mr. Speaker, this week there are so many of us mourning the loss of Congressman Jim Oberstar. He was a great leader for transportation and infrastructure, and did many good things for his district and all over the country. For years, I looked to him for his tremendous knowledge on transportation and water issues. We were fortunate to both serve at the same time as Chairmen of the Transportation and Agriculture Committees, respectively, but we used to jokingly say that he was my "Secretary of Transportation" and I was his "Secretary of Agriculture". I also used to tell him that when he was done paving

over his district, he could get to work paving mine.

But Congressman Oberstar was about so much more than transportation. He cared deeply about his district and the people who lived there. Countless times I would personally watch him bring 8th District issues directly to the leadership and to the caucus. He never forgot his roots, his passion was contagious, and his love for his family was deep. Jim Oberstar leaves a remarkable legacy in Minnesota and across the country.

**RECOGNITION OF RUTH  
VALENZUELA**

**HON. JARED HUFFMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. HUFFMAN. Mr. Speaker, it is my pleasure to recognize Ruth Valenzuela, who has served as field representative for California State Assemblymember Patty Berg from 2005 to 2008 and Wesley Chesbro for six years thereafter as she is being honored for her civic engagement on May 8 and May 15 in Mendocino County—from the coast to the inland valleys.

Ruth's commitment to improving the quality of life for the residents of Mendocino County and California's Second Assembly District serves a model for public servants. Well-respected and appreciated for her ability to assist constituents with local and state matters in a calm and efficient manner, she has served the community with intelligence, patience and the highest caliber of professionalism with a variety of vexing issues.

Acting as California State Assemblymember Wesley Chesbro's eyes and ears in Mendocino County, as a volunteer for the Area Council on Aging and many other community organizations, Ruth is a trusted public resource and an indispensable asset to Mendocino.

Please join me in expressing deep appreciation to Ruth Valenzuela for her invaluable service to Mendocino County and the people of California.

**HONORING PASTOR JAMES C.  
WARD**

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Pastor James C. Ward is celebrating today nineteen (19) years as Pastor of Antioch Lithonia Baptist Church; and

Whereas, Pastor Ward, under the guidance of God has pioneered and sustained Antioch Lithonia Baptist Church, as an instrument in our community that uplifts the spiritual, physical and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God has given hope to the hopeless, fed the hungry and is a beacon of light to those in need; and

Whereas, Pastor Ward is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who has shared not only with his Church, but with our District and the world his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Pastor James C. Ward as he celebrates his nineteenth Pastoral Anniversary at Antioch Lithonia Baptist Church; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim March 9, 2014 as Pastor James C. Ward Day in the 4th Congressional District of Georgia.

Proclaimed, this 9th day of March, 2014.

**HONORING COACH O'KEEFE  
HENDERSON**

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Coach O'Keefe Henderson.

Coach Henderson is a proud product of Canton and a 1999 graduate of Canton High School. He attended Holmes Community College on a football scholarship. He received a football and track scholarship at Mississippi Valley State from 2002–2004.

After receiving ALL-SWAC honors in both sports he played two years of professional football in Laredo and Killeen, Texas. He graduated Summa Cum Laude from Jackson State University in 2009 receiving a bachelor's degree in Health Physical Education and Recreation (HPER).

Mr. Speaker, I ask my colleagues to join me in recognizing Coach O'Keefe Henderson.

**PERSONAL EXPLANATION**

**HON. ROGER WILLIAMS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. WILLIAMS. Mr. Speaker, on rollcall No. 217, on final passage of H.R. 10, the Success and Opportunity through Quality Charter Schools Act, I would have voted "aye", which is consistent with my position on this legislation.

On rollcall No. 211, on final passage of H.R. 4438, the American Research and Competitiveness Act of 2014, I would have voted "aye", which is consistent with my position on this legislation.

**MARK PAULEY RETIREMENT**

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. GRAVES of Missouri. Mr. Speaker, it is with great pride and pleasure that I rise today



to recognize the outstanding service of Mark Pauley on the occasion of his retirement to the State of Missouri and our veterans.

Mark began his career as a Local Veterans Employment Representative for the Division of Workforce Development in 2007 and in the seven years that have passed since then, he has worked tirelessly to help our veterans find employment. In 2009, Mark was presented the "2009 Governor's Conference Outstanding Service to Veterans Award" at the Missouri Governor's Conference, which also included a trip to Washington DC.

In 2010, Governor Jay Nixon launched the "Show Me Heroes" initiative to help Missouri's veterans reconnect with meaningful careers, and to showcase Missouri employers who have pledged to do so. Mark has since presented 20 Flag of Freedom awards to local employers who have hired veterans in our area, and has had 31 employers take pledges to consider hiring a Missouri veteran when job openings arise.

Mark is also a veteran himself. Before he began his work for the Missouri Career Center, he served in the United States Navy between 1980–1996. He was a natural fit for this position because while in the Navy, Mark worked as a personnelman and retired as a Petty Officer First Class. His life's dedication and hard work should serve as an example of how we can better serve each other and our great nation. Now that Mark will be retired, I hope he will have more time to spend with his family including his wife, Mary; his kids, Kyra, Shawna and Bobby; and his grandkids, Kyler, Kyrstyn, Bryson and Jack.

Mr. Speaker, I ask my colleagues to join with me in commending Mark Pauley for his dedicated service to Missouri's veterans. I know Mark's colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his retirement.

#### HONORING MAYPORT NAVAL STATION COMMISSARY

#### HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. CRENSHAW. Mr. Speaker, I rise to pay tribute to the fine men and women who lead and operate the Commissary at Naval Station Mayport in Jacksonville, Florida.

The Defense Commissary Agency (DeCA) has honored the Mayport Commissary with the Bill Nichols Award for the Best Large Commissary in the United States for the year 2013. The DeCA awards are named in honor of American statesmen who protected the commissary benefit and championed quality-of-life issues for the military community.

DeCA Director and Chief Executive Officer Joseph H. Jeu stated, "Achieving this honor has never been easy . . . To win, a store has to exceed our normal criteria for customer service, accountability, safety, operations, and sales . . . These awards highlight the best of what our stores do every day for our service members and their families." Additionally, this award demonstrates the importance of the

commissary as a benefit to our service members who protect our freedom around the globe.

It is a pleasure and honor to represent the great men and women who serve at the Mayport Commissary and to see them recognized for their service and dedication. The hard work of the men and women who serve in and around Jacksonville illustrate the importance of the First Coast to national defense, and reiterate that our community's efforts to be an anchor of national security.

#### TRIBUTE TO REVEREND LOUIS L. FERGUSON

#### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, this year, Reverend Louis L. Ferguson is celebrating his third year in pastoral leadership as Pastor of Greater Friendship Missionary Baptist Church in Decatur, Georgia, he has provided stellar leadership to his church and community; and

Whereas, Reverend Louis L. Ferguson under the guidance of God has pioneered and sustained Greater Friendship Missionary Baptist Church as an instrument in our community that uplifts the spiritual, physical and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God has given hope to the hopeless and is a beacon of light to those in need; and

Whereas, Reverend Ferguson is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who has shared not only with his Church, but with our state and the nation his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Reverend Louis L. Ferguson, as he celebrates his anniversary in pastoral leadership; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim March 15, 2014 as Reverend Louis L. Ferguson Day in the 4th Congressional District.

Proclaimed, this 15th day of March, 2014.

#### HONORING CADET/LIEUTENANT COLONEL DE'AHNERA MANYFIELD

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Cadet/Lieutenant Colonel De'Ahnera Manyfield who is the daughter of Mr. Timothy and Mrs. Angela Manyfield, and she is a senior at Jim Hill High School.

Cadet/Lieutenant Colonel Manyfield currently serves as her unit's Commanding Officer. She is a member of the National Honor Society and is actively involved on the student council, varsity softball team, varsity soccer

team, JROTC academic bowl, JROTC sabre team, and JROTC drill team. Her leadership ability has been recognized with a number of awards including three Superior Cadet Awards.

She attended Girls' State at the University of Southern Mississippi, where she was appointed County Lawyer; the Hugh O'Brian Youth Leadership Symposium at Millsaps University; and the Military Order of World Wars (MOWW) Leadership Symposium in Huntsville, Alabama. She has performed over 800 service learning and community service hours. She has been accepted to the Air Force Academy's Preparatory School.

Mr. Speaker, I ask my colleagues to join me in recognizing Cadet/Lieutenant Colonel De'Ahnera Manyfield.

#### IN RECOGNITION OF DR. ANN STUART

#### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. BURGESS. Mr. Speaker, I rise today to honor a person very important to our district. Ann Stuart, Ph.D., personifies the American dream that education is access to opportunity. She was born as an only child into a middle class family of loving parents, Frank and Laura Stuart. They were determined to make possible for their child a college education, so she completed her Bachelor's degree in Education at the University of Florida, her Master's in English at the University of Kentucky, and her Ph.D. in English at Southern Illinois University. Ann began her teaching career first as a middle school teacher, then taught high school, and later became a tenured Professor of English at the university level. She is a published scholar in the field of English Literature and technical communication. Her administrative career began as Dean of Arts and Sciences at East Stroudsburg University in Pennsylvania. She then became Provost and Vice President of Academic Affairs at Alma College in Michigan followed by the Presidency of Rensselaer Polytechnic Institute's Graduate School in Connecticut.

Dr. Stuart was named Chancellor and President of Texas Woman's University in 1999 and still currently serves in that position. Her administrative leadership during her time at TWU has brought transformational change: Enrollment has grown by 80%. TWU has produced during her tenure more than 20,000 graduates in critical fields. The university has received national recognition for its quality, value and diversity. Dr. Stuart has raised more than \$220 million for facilities, scholarships and faculty development and led the implementation of advanced technology and teaching tools that mirror the workplace and improve learning.

She led the construction of new facilities that position TWU at the forefront of workplace development. The TWU Institute of Health Sciences-Houston Center (2006)—located in the renowned Texas Medical Center—was built at no cost to the state. The TWU T. Boone Pickens Institute of Health Sciences—

Dallas Center (2011)—located in the heart of the Southwestern Medical District—brings together to one location health care programs previously located at separate sites enabling TWU to emphasize the team approach to patient care. The Ann Stuart Science Complex in Denton (2011), which doubled the university's science laboratory and classroom space, is helping meet the state's need for skilled professionals in the STEM fields (science, technology, engineering and mathematics). TWU students are high achievers in their academic fields and are successful graduates in critical professions that return value to this state and its citizens.

Through her vision, innovation and leadership, TWU is well-positioned for a strong future. Business and community leaders throughout the state and members of the legislature call upon her and her administration to serve as experts on boards and to testify on issues critical to higher education.

Dr. Stuart will leave a lasting legacy as a private citizen at TWU, in Denton, and in Dallas. She and her late husband Ray Poliakoff, who were first generation graduates of higher education, both said often it was their education that enabled them to pursue the opportunities that enriched their lives.

To honor Ray's memory and their shared commitment to providing educational opportunities for young people, Chancellor Stuart has established and funded the following at TWU:

The Ann Stuart and Ray R. Poliakoff endowed scholarship for undergraduate students with high academic achievement and financial need.

The Chancellor's Alumni Excellence Award, through a 20-year program of funding, annually brings exceptional graduates back to the university to share their expertise with faculty and students.

The Ann Stuart and Ray R. Poliakoff Celebration of Science Series, through a commitment of two decades of funding, provides the opportunity for the TWU Departments of Biology and Chemistry/Biochemistry to develop a sustained program of promoting and celebrating the wonders, truths, and mysteries of science.

In Denton, Dr. Stuart in her husband's memory, made a lead gift for the construction of a new Animal Care and Adoption Center. She also underwrites a weekly adoption program for dogs and cats from the current shelter.

As a private citizen in Dallas, Dr. Stuart provided funds for a courtyard garden at the Dallas Arboretum and Botanical Garden. Furthermore, she has made a multi-year commitment to a dog therapy program at Baylor Scott & White Health as well as an animal nutrition program at the Dallas Zoo. Additionally, she has given a sustained gift of funding to KERA programming.

Dr. Stuart exemplifies the profile of those selected for the Texas Women's Hall of Fame. She clearly has improved the institution she now leads while at the same time contributed to the larger discussion of improving higher education in the state of Texas. Through board appointments, legislative and Coordinating Board involvement and workforce impact, her service clearly has benefitted the state of Texas.

## TRIBUTE TO HAGOP AND KNAR MANJIKIAN

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Hagop Jack Manjikian and Knar Rita Manjikian for the books they have published on the Armenian Genocide. An estimated 1.5 million Armenians perished between 1915 and 1923, but the statistics only tell part of the story. The first person accounts of the Genocide published by the Manjikian put a human face on the violence and suffering experienced by the Armenians, as well as their unflagging will to survive.

"The Fatal Night" (Volume 2)—Mikayel Shamtanchian was among the hundreds of Armenian intellectuals rounded up on the night of April 24, 1915, and deported to the interior of Turkey, where the Turkish genocide of Armenians began. The author beat the odds and survived the first genocide of the 20th century. His memoir, *The Fatal Night*, is a detailed account of the extermination of Turkey's Armenian cultural and civic leadership in 1915. Shamtanchian recorded the fates of the innocent Armenian luminaries who perished in Anatolia—the echoes of "Lord, Have Mercy," the last hymn sung by the Armenian priest and music ethnologist Komitas and a throng of exiles held in a Turkish military fort, and the pangs of authors Daniel Varuzhan and Sevak as they were slaughtered in the field of death called Ayash. The book provides a partial list of the Armenian intellectuals, civic leaders and priests who were martyred during the Genocide.

"Death March" (Volume 3)—Shahen Derderian was barely eight years old when the Ottoman Turkish government deported his family, along with the entire Armenian community of his native Sebastia (now Sivas). The uprooting was part of an elaborate Turkish plan to exterminate the Armenian population of Anatolia. In the ensuing forced marches, the Sebastia caravan—one among countless others—was subjected by the Turkish police and hired criminals to a systematic spree of murder, robbery, rape, and death by starvation and disease. Young Shahen Derderian survived the carnage through sheer miracle. In *Death March*, he tells a harrowing story of dehumanization and loss, whose enormity would eventually be matched only by the Armenian survivors' spirit of renewal.

"The Crime of the Ages" (Volume 4)—In 1919 Sebuh Aguni chronicled the large-scale plunder, deportations, and massacres that were systematically perpetrated by the Turkish government in its effort to exterminate the Armenian population of Turkey. *The Crime of the Ages*—the first English translation of Aguni's study—is an invaluable work of historiography as it encompasses not only firsthand victim accounts of the Turkish atrocities, but a wealth of evidential information culled from Turkish, European, and American official sources. Brimming with the eloquent, vivid narrative of a journalist and survivor, *The Crime of the Ages* portrays, in prodigious documentary detail, one of history's most heinous crimes, the Genocide of the Armenians.

"Defying Fate" (Volume 5)—For the fifth volume of the Genocide Library, we chose the memoirs of Mr. and Mrs. Aram and Dirouhi Avedian, both of whom were survivors of the Genocide of Armenians by the Turks. Aram Avedian's writing consisted of a small book of handwritten notes titled "The dark days I've lived." Dirouhi Avedian's memoirs comprised a relatively longer, though still compact, handwritten diary titled "My life." Originally written in Armenian and translated to English, their memoirs reveal a childhood of sorrow and anguish as they relate how they lost their families and how they survived thanks to the kindness of strangers. Their infrangible faithfulness toward their cultural identity leads them to risk their lives and escape their circumstances. Amidst the tragedy, a happy ending emerges.

"Our Cross" (Volume 6)—Our Cross is a collection of autobiographical short stories about survivors of Mets Yeghern, the 1915 Genocide of the Armenians. M. Salpi (Aram Sahakian) was a medical officer in the Turkish army during the First World War. In the course of his service, he met many Armenian soldiers and officers who recounted to him the plight of their families following the deportations and massacres of their communities by the Turkish government. After his capture by the British, Sahakian was appointed resident doctor at an Armenian refugee camp in Port Said, Egypt. Here, as well as during his sojourns in Syria and Lebanon, he met numerous Genocide survivors who struggled to rebuild their lives. Sahakian found their experiences at turns heartbreaking and inspiring, and went on to portray them in his writings. Complementing the laser-sharp observations of a man of science with the compassion and sensitivity of someone who himself had walked the path of devastation, Sahakian's stories pulsate with unforgettable images and characters, each a microcosm of a nation's cataclysm but also its irrepressible will to endure.

I hereby ask all Members to join me in honoring Hagop Jack Manjikian and Knar Rita Manjikian for their efforts to keep the memories of those who experienced the Armenian Genocide alive.

## IN REMEMBRANCE OF JOHN VILLA FRANCO

### HON. PETE P. GALLEGO

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. GALLEGO. Mr. Speaker, I rise today in remembrance of John Villafranco, of San Antonio, Texas.

John graduated in 2007 from Ronald Reagan High School in the city's Northside. He would have been 25 on May 31, 2014. John was a drummer with a band called Northern Nights and they played at several venues in San Antonio. He met his wife, Lydia Marlow, of Watertown, New York, four years ago at one of the band's shows. Shortly after, they began a relationship and John moved to New York.

John drowned on April 21, 2014, while fishing with his wife, Lydia, in New York State. The two lived on the Black River in Watertown. John loved to take a canoe out to go

fishing. On that day, the water levels of the river were high, and the water was cold. The couple dropped an anchor to fish; and shortly after the boat capsized. John and Lydia then swam towards a group of soldiers from nearby Fort Drum.

John was swimming well, but went back to save his wife's life when he noticed Lydia was having trouble swimming and keeping up. John kept his wife above water and then, with all the strength he had, he threw Lydia towards the soldiers. She was transported to a nearby hospital where she was hospitalized for hypothermia. Lydia survived. Days after the tragic event, local police and firefighters continued to search for John to no avail. Since then, the search has been called off and John's body was recovered. He did not have life insurance and was about to start working at a car wash in New York.

John is survived by his wife, Lydia; parents, Gilbert and Blanche Villafranco; sisters and their spouses, Natalia Villafranco and Andrew Fetzner, and Monica Villafranco and Rene Treviño; nephews, Joshua and Nicholas; grandmother, Aurora Garza; his pet fur babies, Otto, Leo and Skynard; and numerous aunts, uncles, cousins and friends.

It is with great sadness that I tell this story on the floor of the U.S. House of Representatives today. We lost a fellow Texan and San Antonian in a very tragic way. May his memories, joy and stories live in our lives forever. I pray that God may comfort his family, friends and loved ones during these very tough times. I also pray for John and that he may be resting in peace.

#### TRIBUTE TO WHITE'S CHAPEL UNITED METHODIST CHURCH

### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, White's Chapel United Methodist Church has been and continues to be a beacon of light to our district for the past one hundred forty-four years; and

Whereas, Pastor Harold Cobb and the members of the White's Chapel United Methodist Church family today continues to uplift and inspire those in our district; and

Whereas, the White's Chapel United Methodist Church family has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our district; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the past one hundred forty-four (144) years, being organized in 1870 after Captain White donated two acres of land to a small group of former slaves in order for them to continue to worship together as a congregation; and

Whereas, White's Chapel has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and

servants to all, but most of all visionaries who have shared not only with their Church, but with Rockdale County their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the White's Chapel United Methodist Church family for their leadership and service to our District on this the 144th Anniversary of their founding; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim March 2, 2014 as White's Chapel United Methodist Church Day in the 4th Congressional District of Georgia.

Proclaimed, this 2nd day of March, 2014.

#### PERSONAL EXPLANATION

### HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Ms. HAHN. Mr. Speaker, due to flight delays, I was unavoidably absent on May 19, 2014. Had I been present I would have voted as follows:

On rollcall No. 218, I would have voted "aye" (May 19) (H.R. 2203—To provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy (Representative TIBERI)).

On rollcall No. 219, I would have voted "aye" (May 19) (H.R. 685—To award a Congressional Gold Medal to the American Fighter Aces, collectively, in recognition of their heroic military service and defense of our country's freedom throughout the history of aviation warfare. (Representative SAM JOHNSON)).

#### PERSONAL EXPLANATION

### HON. ROBERT HURT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. HURT. Mr. Speaker, I submit the following regarding rollcall No. 210, No. 211, No. 212, No. 213, No. 214, No. 215, No. 216, and No. 217—recorded votes On a Motion to Re-commit with instructions, On passage of H.R. 4438, the American Research and Competitiveness Act of 2014, On agreeing to the Castor (FL) amendment to H.R. 10, On agreeing to the Jackson Lee amendment to H.R. 10, On agreeing to the Wilson (FL) amendment to H.R. 10, On agreeing to the Langevin amendment to H.R. 10, On agreeing to the Bonamici amendment to H.R. 10, and On passage of H.R. 10, the Success and Opportunity through Quality Charter Schools Act.

I was not present for rollcall vote No. 210. Had I been present, I would have voted "no."

I was not present for rollcall vote No. 211. Had I been present, I would have voted "yes."

I was not present for rollcall vote No. 212. Had I been present, I would have voted "no."

I was not present for rollcall vote No. 213. Had I been present, I would have voted "no."

I was not present for rollcall vote No. 214. Had I been present, I would have voted "yes."

I was not present for rollcall vote No. 215. Had I been present, I would have voted "yes."

I was not present for rollcall vote No. 216. Had I been present, I would have voted "yes."

I was not present for rollcall vote No. 217. Had I been present, I would have voted "yes."

#### HONORING MARY MAHER

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Mary Maher, the recipient of the Napa Valley Grap growers 2014 Grower of the Year award. Ms. Maher is a leader in the wine industry and has dedicated her career to advancing the Napa Valley as a premiere wine region, which is both admirable and deserving of recognition.

Ms. Maher was born and raised in Glenn County, California. She attended California State University, Chico, where she received a Bachelor of Science in Plant Science and Biology. After managing vineyards for seventeen years throughout the Napa Valley, she made her way to her current position as Vineyard Manager for Harlan Estate, where she has worked for the past twelve years.

As Vineyard Manager, Ms. Maher established Harlan's in-house vineyard farming and development company, which today employs more than fifty people in the area. However, her involvement in the community does not end at Harlan. Ms. Maher has been a member of the Napa Valley Grap growers Board of Directors, the Industry Issues and Harvest STOMP committees and the Napa County Pest & Disease District Board. She has even served as President of the Cameros Quality Alliance and the Napa Valley Vineyard Technical Group. Remarkably, Ms. Maher was one of only two female vineyard managers in Napa when she began her career. Since then, she has worked with the International Women in Cabernet Association and St. Helena Ag Boosters, serving as a role model for her fellow women in the grape growing industry.

Mr. Speaker, it is appropriate at this time that we honor and thank Ms. Maher not only for her excellent grape growing, but for her commitment to our community. Mary Maher's unyielding dedication to excellence in growing is greatly appreciated by the entire Napa community and we wish her further success in an already distinguished career.

#### PERSONAL EXPLANATION

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. NADLER. Mr. Speaker, I had to depart for a meeting at the White House, and as a result, I missed one vote on May 19, 2014. Had I been present, I would have voted "aye" on rollcall vote No. 219, awarding a Congressional Gold Medal to the American Fighter Aces.

HONORING SAMUEL D. FOSTER,  
JR.

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. THOMPSON of Mississippi. Mr. Speaker, I am very proud to honor a tremendous student Mr. Samuel D. Foster, Jr., who is a Wingfield High School Senior graduating in the top five of his senior class.

Mr. Foster, throughout his high school career, was always a shy and timid young man who valued the opportunities given to him by his school. No matter the challenge, Mr. Foster strived to maintain good grades and also value knowledge.

Mr. Foster was inducted into both the National Honor Society and the Entergy Scholars, which displays a group of students who have expressed an enhanced interest in being the best that they can be. Being a part of the National Honor Society, he has been very helpful volunteering for his school's annual college fairs. Mr. Foster is also an active volunteer at his church, the New Galilean M.B. Church, where he helps out mostly during the holidays.

Mr. Foster is the son of Samuel and Anita Foster and has shown great accomplishments throughout his whole life, but now being a high school senior; he has advanced up the ladder of excellence and is now given the title of Valedictorian, holding over a 3.5 grade point average at Wingfield High School.

Along with being Valedictorian, Mr. Foster has even had the honor of being voted Mr. Wingfield of his high school for the 2013–2014 school years.

In addition to being Mr. Wingfield, he has also won first place in the district reading fair, being able to make it to the regional reading fair to represent the high school Division-F for Jackson Public Schools.

Mr. Foster plans to attend Jackson State University on a full scholarship, where he plans to double major in Manufacturing and Design Technology and Art.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Samuel D. Foster, Jr.

HONORING THE CONYERS ROTARY  
CLUB

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, The Conyers Rotary Club is a beacon of light to our district; and

Whereas, today, The Conyers Rotary Club, in concert with thousands of clubs across the nation and the world, has launched a campaign to help eradicate hunger; and

Whereas, club President Neal Sanford, the "Rotary Has Heart" Chair Diane Adoma and the entire local Rotary membership are stepping up with funding for the local Food Bank; and

Whereas, this remarkable organization is showing it's heart by giving hope to the hopeless, feeding the hungry and empowering our community; and

Whereas, The Conyers Rotary Club has for many years produced, people of compassion, people of great courage, fearless leaders and most of all visionaries who have shared their resources with citizens throughout Rockdale County; and

Whereas, the U.S. Representative has set aside this day to honor and recognize the Conyers Rotary Club for their leadership on this day of heartwarming community service; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim February 13, 2014 as Rotary Has Heart Day in the 4th Congressional District of Georgia.

Proclaimed, this 13th day of February, 2014.

IN RECOGNITION OF THE ROTARY  
CLUB OF SACRAMENTO'S 100TH  
ANNIVERSARY

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Ms. MATSUI. Mr. Speaker, I rise today to recognize the Rotary Club of Sacramento as they celebrate the 100th anniversary of their founding. As members and supporters of this fine organization gather, I ask all my colleagues to join me in recognizing the Rotary Club of Sacramento for a hundred years of incredible service to the Sacramento region.

For a century, the members of the Rotary Club of Sacramento have stayed true to their mission, which is to "encourage and foster the ideal of service." They have successfully done this by providing Rotarian's time, talent and fundraising abilities to improve the quality of life for groups and individuals throughout the Sacramento area. One of the greatest things anyone can do for their community is to invest in the future of our youth. The Rotary Club of Sacramento understands the importance of offering a hand of service to youth organizations and they have worked with over 250 non-profit organizations that include the Boy Scouts, Girls Scouts, Boys and Girls Club, Sacramento Children's Receiving Home, Sacramento Children's Home, WIND Youth Services, Society for the Blind, BloodSource, YMCA, Sacramento Zoo, Sacramento Library and Powerhouse Science Center. Additionally, the club sponsors the Burt Chapell Golf for Kids Golf Tournament which benefits orthopedically handicapped children. The golf tournament had its inaugural tournament in 1927 and is the longest continuous event in all of Rotary.

Much of the world has changed over the last 100 years, but one constant has been the Rotary Club of Sacramento's service to our community. The Rotary Club of Sacramento has the distinction of being the 85th oldest club in all of Rotary International and it has grown to be one of the twenty largest clubs in the world. The club started with 34 members and now has over 500 members. Members of the Rotary Club of Sacramento come from a wide variety of careers, backgrounds and cul-

tures, which has given the club a unique perspective and a shared passion for service.

Mr. Speaker, as they gather for their Centennial Gala, I am pleased to honor the Rotary Club of Sacramento and its members for their longstanding commitment and service to the entire Sacramento region. I ask my colleagues to join me in wishing the club continued success in creating a positive, lasting change in the Sacramento area.

INTRODUCTION OF THE PIPELINE  
INSPECTION ENFORCEMENT ACT  
OF 2014

**HON. JANICE HAHN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Ms. HAHN. Mr. Speaker, today, I am introducing the Pipeline Inspection Enforcement Act of 2014 to prevent oil pipeline leaks like the one that greatly damaged the community of Wilmington, CA.

Los Angeles is home to one of the most vast pipeline networks in the United States. Both oil and gas pipelines connect the Port of Los Angeles and the Port of Long Beach with the refineries in the area. Therefore, pipeline safety is a very important topic for me and the communities which make up the neighborhoods surrounding the Port of Los Angeles—including Wilmington, a primarily working class community. I have represented Wilmington for over 10 years—first on the Los Angeles City Council, and now as a Member of Congress.

Because Wilmington sits on top of one of the largest oil fields in the nation and a complex system of pipelines, this community lives with a heightened threat of a pipeline leaking or exploding. This became an unfortunate reality for many residents of Wilmington this March when an idle pipeline burst, causing thousands of gallons of crude oil to spill onto a residential street reeking havoc on the lives of families who live in the community.

The legislation I am introducing today would have prevented the damage these families experienced by forcing companies like Phillip 66 to simply have firsthand knowledge of what their pipelines contain and empowering our state regulatory agencies to be engaged in pipeline inspections.

These basic improvements to federal policy would protect countless communities like Wilmington at no additional cost. I look forward to working with my colleagues in Congress to make this legislation law.

IN HONOR OF SUE MARIE  
THOMPSON TURNER

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart and solemn remembrance that I rise today to pay tribute to an outstanding citizen and servant of humankind, Mrs. Sue Marie Thompson Turner. Sadly, Mrs.

Turner passed away on Thursday, May 8, 2014. Funeral services were held on Saturday, May 10, 2014 at 11:00 a.m. at St. Luke Methodist Church in Columbus, Georgia.

A Columbus native, Mrs. Turner was born on August 28, 1929 to Dr. John Barkwell Thompson and Mildred Marie Dykes Thompson. She graduated from Columbus High School and attended Wesleyan College in Macon, Georgia. In 1948, she returned to Columbus to marry the love of her life, William "Bill" B. Turner. During their remarkable sixty-five years of marriage, Mrs. Turner was the epitome of a loving wife, mother, grandmother and great-grandmother. A strong-willed woman, she was fiercely committed to raising a loving family by instilling in each of them the good values and morals that she and her husband embodied. Known as "Precious" to her family, she showed her support for her six children, 21 grandchildren, 20 great-grandchildren, and countless friends at hundreds of ball games, dance recitals and birthday parties.

One of the things I admired most about Mrs. Turner was her ability to make each person she met feel special because he or she was indeed special to her. No person was ever a stranger to her because she could make anyone feel like part of the family from the moment they met.

Mrs. Turner loved her community dearly and was constantly working to improve it. She was active in the Bradley-Turner Foundation, a charitable non-profit organization that has given millions of dollars to various projects in Columbus and the Chattahoochee Valley region. The Turner family also helped launch the Pastoral Institute forty years ago. The organization provides counseling and educational resources to assist people who are going through difficult and traumatic times in their lives. The Pastoral Institute established the Sue Marie and Bill Turner Servant Leadership Award to honor couples who have made significant contributions to the community. The Turners received the first award in 2012. In addition, the Turner family has long supported St. Francis Hospital. The new Women's Hospital was named in Mrs. Turner's honor last fall.

George Washington Carver once said, "No individual has any right to come into the world and go out of it without leaving behind distinct and legitimate reasons for having passed through it." We are all so blessed that Mrs. Sue Marie Turner passed this way and during her life's journey did so much for so many for so long. She leaves behind a great legacy in service to her beloved family and to all those whose lives she touched and brightened with her radiant smile and rich laughter. She will truly be missed.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me, my wife, Vivian, and the Columbus, Georgia community in paying tribute to Mrs. Sue Marie Turner for her outstanding contributions to her community. We extend our deepest sympathies to her family, friends and loved ones during this difficult time and we pray that they will be consoled and comforted by an abiding faith and the Holy Spirit in the days, weeks and months ahead.

IN RECOGNITION OF COLONEL  
JOSEPH A. SIMONELLI, JR.

### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. HUNTER. Mr. Speaker, I rise today in recognition of the meritorious service of Colonel Joseph A. Simonelli, Jr., who will transfer in June from the Secretary of Defense's Office of Legislative Affairs.

Prior to his tenure in Legislative Affairs, Colonel Simonelli has already had a long and distinguished career in the United States Army. Upon graduation from the United States Military Academy, he received his commission in 1987 as an Air Defense Artillery officer. He served 27 years with great distinction in the field and in command. Prior to his work in the Secretary's office, he was the Garrison Commander at Fort Bliss, Texas. He also served as the Director of Operations for the Multi-National Security Transition Command (Iraq) and the Executive Assistant to the Vice Director of the Joint Staff's Director of Operations.

Colonel Simonelli is no stranger to the halls and offices of Capitol Hill, having spent the last two years in Legislative Affairs as the Director of House Affairs and Acting Deputy Assistant Secretary of Defense for House Affairs, Office of the Assistant Secretary of Defense for Legislative Affairs (OASD-LA).

His character, capabilities, and good humor enabled him to interact effectively with Members of Congress and their staffs and other Executive agencies under the most strenuous circumstances. Colonel Simonelli's work ultimately led to successful legislative outcomes on a wide range of issues critical to our national defense and to the enhancement of the lives of the country's military men and women.

Colonel Simonelli represents what our military seeks in a congressional liaison and officer in uniform. His dedication to service, commitment to excellence, and performance of duty have been extraordinary throughout his career and most recently in the Office of Legislative Affairs. I am proud to share in the celebration of Colonel Simonelli's tour on Capitol Hill, and I join his colleagues in honoring his distinguished service.

Colonel Simonelli was supported, encouraged, and nurtured by a strong and loving wife, I would like to recognize his wife, Bettye Marie. As he goes on to pursue new endeavors and challenges as the Chief of Staff of the Arlington National Military Cemeteries, I wish Colonel Simonelli and his family well.

### HONORING SARAH KING

### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, one hundred five years ago a virtuous woman of God was born in Moreland, Georgia on February 11, 1909; and

Whereas, Ms. Sarah King was born to Mr. John King and Mrs. Elizabeth King, she was

educated in the local school system in Georgia; and

Whereas, this Phenomenal Proverbs 31 woman has shared her time and talents as a Community Advocate and Motivator, giving the citizens of Georgia a person of great worth, a fearless leader and a servant to all who wants to advance the lives of others; and

Whereas, Ms. King has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Ms. King along with her family and friends are celebrating this day a remarkable milestone, her 105th Birthday, we pause to acknowledge a woman who is a cornerstone in our community in DeKalb County, Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. King on her birthday and to wish her well and recognize her for an exemplary life which is an inspiration to all; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim February 11, 2014 as Ms. Sarah King Day in the 4th Congressional District of Georgia.

Proclaimed, this 11th day of February, 2014.

### HONORING TOMMIE MABRY

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mr. Tommie Mabry, a native of Jackson, Mississippi.

Mr. Mabry has four brothers and one sister, and he's the first person in his family to finish high school.

Mr. Mabry graduated from Bailey Magnet High School and went on to attend Missouri State University. While there he played on the school's basketball team as a small forward. He also attended Lawson State University, playing on that basketball team, as a small forward, as well. From there, he transferred to Tougaloo College, where he studies to obtain an Undergraduate Degree in Health and Recreation Education and also played for the nationally ranked basketball team.

Having quickly acclimated into the Tougaloo family, Mr. Mabry was elected Mr. Tougaloo by vote of his peers for the 2010-2011 school years. Mr. Mabry now speaks to kids all around the world hoping to provide inspiration with his story. Mr. Mabry graduated from Tougaloo College in May 2011 with a degree in education and is currently a teacher at Whitten Middle School.

Mr. Mabry published his first book titled "A Dark Journey to A Light Future", which made him one of the youngest authors in the state of Mississippi at the age of 24.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Tommie Mabry.

TRIBUTE TO ISRAEL'S  
INDEPENDENCE DAY

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. SCHIFF. Mr. Speaker, since its establishment in 1948, Israel has been one of America's closest allies. Today, we celebrate Israeli Independence Day, or Yom Ha'atzmaut, to honor the proclamation of State of Israel. As a strong supporter of Israel, I join millions of my fellow Americans in wishing Israelis a Happy Independence Day.

Zionism, the movement to create a Jewish homeland, emerged in the 1800s as a response to centuries of anti-Semitism. Theodore Herzl, a Zionist pioneer, created the World Zionist Organization to initiate the preliminary steps to attaining a Jewish state free from persecution. Waves of immigrants flowed towards the region over the next half century, culminating in European Jewry's attempts to flee Hitler in the 1930s.

After World War II, the desire for a Jewish state became even stronger and world wide support for Zionism grew as the truth of the Holocaust was revealed in all its horror. On May 14, 1948, the Jewish Agency declared the creation of the State of Israel.

Conflicts with the countries surrounding Israel meant that Israel was not the safe haven the Jewish people had envisioned. Nonetheless, and despite the dangers, Israel has thrived as an oasis of idealism, technological wonder, and democracy in the midst of the desert. Strong support for Israel is a core national security interest of the United States, as well as an expression of the decades-long alliance between our two nations.

I ask all Members to join me in commemorating the 66th anniversary of Israel's Independence.

HONORING THE GRADUATES OF  
THE CONGRESSIONAL YOUTH AD-  
VISORY COUNCIL

**HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to ask my fellow colleagues to join me in congratulating the 2013-2014 Congressional Youth Advisory Council. This year 53 students from public, private, and home schools in grades 9 through 12 made their voices heard and made a difference in their community, their country and their Congress. These students volunteered their time, effort, and talent to inform me about the important issues facing their generation.

Each year, the students in CYAC exceed my expectations ten-fold. They share innovative, inspiring, and impacting ideas on how to build a better America now and in the future. Their impressive and diverse credentials speak for themselves. Participating in student government, community service, honor societies, athletics, fine arts, and language clubs

exemplifies their educational excellence and steadfast commitment to our community.

Over the past year, we met twice to discuss the most current issues of the day, such as the national debt, balancing the budget, and tax reform. But let me tell you, these students have done much more than just attend meetings. They have filled out surveys, done homework on current events, and engaged in policy conversations impacting their future.

More specifically, they have interacted with community leaders, such as John Schomburger, First Assistant District Attorney for Collin County, who discussed his work at the Veterans court. They also toured the Collin County Threat Fusion Center with Kelly Stone, Director of Homeland Security for Collin County to learn how to respond to a terrorist attack and how the Department of Homeland Security and Department of Justice work together to prevent them in the first place.

Lastly, to ensure that the blessing of freedom is passed from one generation to the next, the members of the CYAC spent time interviewing a veteran and documenting their experience for the "Preserving History Project." As President Ronald Reagan said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free." I thank them for learning about the patriotic service of our dedicated veterans who sacrificed so much so we could live free. We are forever indebted to them.

To each member of the Congressional Youth Advisory Council, thank you for making this year and this group a success. You are the voices of the future and know I am very proud of you. God bless you and God bless America. I salute you.

Amit Banerjee, Andre Bergstein, Connor Bresnahan, Julia Bristol, Richard Chen, Bridget Colliton, John Copley, Brock Crawford, Mark Douglass, Alicia D'Souza, William Elliott, Audrey Fisher, Rakshana Govindarajan, Aayush Goyal, Grace Han, Kathryn Hawley, Brent He, Lauren Hebig, Sarah Hossain, Sydney House, Spencer Humphrey.

MacKenzie Jenkins, Thomas Kim, Justin Kong, Candice Lee, Paul Lim, Connor Madden, Daniel Madden, Soumya Mandava, Hollis Meachum, Anthony Niedzielski, Jacob Przada, Regan Railey, Jason Randoing, Sam Schell, Ryan Snitzer, Connor Spencer, Anjali Sridharan, Brennan Stewart, Makenzie Stuard, William Su, Jessica Todd, Amelia Trotter, Simic Tuan, Victoria Van de Kop, Faith Wada, Andrew Wicker.

CONGRATULATING MEGAN  
MAUREEN KORCZYNSKI AND  
KEVIN P. GOW, JR. ON THEIR  
MARRIAGE

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. QUIGLEY. Mr. Speaker, my esteemed colleagues, please join me in recognizing

Megan Maureen Korczynski and Kevin P. Gow, Jr. as they celebrate their devotion to each other and to their future together.

They are to celebrate their commitment to each other on Saturday, May 24, 2014 at Saint Andrew's Catholic Church in Delavan, Wisconsin.

Megan Maureen has been living and working in Chicago receiving her Bachelor degree of Fine Arts in Interior Design from the Chicago International Academy of Design and Technology while her fiancé, Kevin P. Gow, Jr. has also been living and working in Chicago receiving his Master's Degree from DePaul University.

The union of these two individuals, Megan Maureen Korczynski, daughter of Edwin J., Major, United States Air Force/CAP, and Diane M., mother of 5 daughters and a teacher of special education for 25 years; and Kevin P. Gow, Jr. son of Kevin Gow, Sr. Captain USMC and the late Lynne Dwight Gow, mother of 3 and nursing advisor for Met Life Long Term Care.

As George Elliot once said, "What greater thing is there for two human souls that to feel that they are joined together to strengthen each other in all labor, to minister to each other in all sorrow, to share with each other in all gladness, to be one with each other in the silent unspoken memories?"

It is with great excitement and anticipation that both families share in the happiness of this union. Their commitment to each other is one to be celebrated and commended and one in which I offer my congratulations and wish them well as they begin their new life together.

RECOGNIZING THE ASIAN BUSI-  
NESS DIVISION OF THE GRAND  
PRAIRIE, TEXAS CHAMBER OF  
COMMERCE

**HON. JOE BARTON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. BARTON. Mr. Speaker, I rise today to recognize the newly formed Asian Business Division of the Grand Prairie, Texas Chamber of Commerce. I was honored to speak at this unique group's first meeting on May 13, 2014.

The Asian population is the fastest growing community in this already diverse city. The Chamber's new division will focus on reaching out to this demographic to make sure they have the tools and resources to build a strong business community in Grand Prairie.

It is based in a complex known as Asia Times Square. The shopping development is already home to dozens of Asian businesses—with plans to add dozens more.

The Asian Business Division plans to drive economic growth in the city by continuing to lure businesses and jobs to the area, taking a strategic approach to building the groups' brand, improving the overall value of the Grand Prairie Chamber of Commerce in the area, and creating a dynamic business development plan that assists a diverse employer base.

This unique partnership wouldn't be possible without the hard work of countless people, including leadership of the Chamber of Commerce and the Loh Family (which owns and operates Asia Times Square).

I am confident that this new relationship will benefit everyone in the area and ensure that it competes successfully for new businesses, new jobs and only makes Grand Prairie a more attractive place to live, work, play and raise a family.

CHARLENE FARRELL—HOSPICE OF  
HUNTINGTON RETIREMENT

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. RAHALL. Mr. Speaker, tonight, Hospice of Huntington will honor one of its long time stalwarts and earliest leaders. This great organization is distinguished by the respect and gratitude of the larger community it so ably, and with so much empathy, serves so faithfully. One daughter, whose father had been a hospice patient, wrote with her "sincere and heartfelt appreciation" about the "graceful care and gentle mercy shown to my father in his last days." Indeed, there is much to be thankful for this evening.

In fact, it is no overstatement to say, that for countless families, Hospice of Huntington has helped answer many prayers for relief and the joy of comfort.

According to a local news account, this Hospice—with 140 employees and more than 300 volunteers, an annual budget of about \$12 million a year, of which more than 80 percent goes directly to patient services—serves about 1,000 patients a year in Cabell, Wayne, Lincoln and Mason Counties in West Virginia, as well as Lawrence County, Ohio.

Tonight, there will be much talk—and rightly so—of references to angels and angelic acts here on earth. Through my work with constituents, in getting them the government services they need and deserve, I know for a fact that Hospice of Huntington harbors a host of the better angels among us.

And if there is one on this earth who has guided and grown, directed and expanded and led and served the resources, services and programs for that host of angels to employ, it is none other than the archangel we so thankfully have in Charlene Farrell. Not only does Charlene trumpet the potential and possibilities of Hospice's many programs, echoing the skills and talents of Gabriel himself, but like Michael, she never fails to unsheathe her sword to defend those programs and the people who make them possible for the families they serve.

It is my honor to share these comments about Hospice of Huntington and its champion, Charlene, with my colleagues and our Nation. Ours is a blessed Nation because we are a giving Nation. Charlene Farrell's body of work, her spirit of giving will live on and grow long after she has turned the keys and passwords into the able hands of Melanie Hall.

As Sarah Denman, Chairwoman of the Hospice Board has said, Charlene "has created a

team that will be able to carry that legacy into the future. That's the greatest gift—when you step away, the organization will continue at the same level with the same values and the same vision."

All this, Mr. Speaker, will continue to contribute to the greater benefit of the People of the United States.

Mr. Speaker, I close my remarks honoring Charlene with these lines from Beethoven's Ninth Symphony, the "Ode to Joy":

Your magic brings together what custom has sternly divided.

All men shall become brothers, wherever your gentle wings hover.

To Charlene, and her husband, Judge Paul Farrell, may your next symphony, the one with those seven loving grandchildren, be just as complete.

### HONORING JANE SNOWDEN

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Jane Snowden, who after thirty years and at the age of eighty-eight, is retiring as an Ombudsman for residents of both nursing homes and assisted living facilities in Napa County, California. I thank Mrs. Snowden for her thirty years of dedicated service to the senior citizens of Napa County, during which time her advocacy for the rights of seniors living in facilities helped to improve the quality of care for thousands.

Mrs. Snowden began working as an Ombudsman in 1985, first as a volunteer and then later as a member of staff. Initially, the Ombudsman Program was coordinated through the Volunteer Center, before it became a direct service offered by the Area Agency on Aging Serving Napa and Solano. In addition to her work as an Ombudsman, Mrs. Snowden has volunteered and worked extensively in the Napa area. She worked as a Quality Control Supervisor for Christian Brothers Winery for fifteen years and was also a Medical Technologist. She has worked at the Blood Bank and as a hospital aide. Mrs. Snowden is a devoted member of St. Mary's Episcopal Church in Napa, where she serves on the Altar Guild.

In addition to her work on behalf of the Napa community, Mrs. Snowden is a devoted mother; together with her late husband, Red, she raised four sons in Napa. She is admired by friends for her elegance, tenacity and capacity to teach and mentor others. Mrs. Snowden is known not only for her love of flowers, but also for her talent to create wonderful floral arrangements.

Mr. Speaker, it is appropriate at this time that we honor and thank Mrs. Snowden for her invaluable service to the senior citizens of Napa. Her unyielding dedication to protecting and improving the quality of care that our seniors receive is greatly appreciated by the entire Napa community and we wish her a most enjoyable retirement.

SINISE NAVIDAD—IN HONOR OF  
GARY SINISE AND HIS CAREER  
AND DEDICATION TO OUR  
TROOPS

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. SESSIONS. Mr. Speaker, I rise today to honor one of Blue Island, Illinois and our Nation's best, Gary Sinise.

Gary is one of America's finest actors, but it pales in comparison to his tireless dedication to America's military and their families. Following in the steps of like men like Bob Hope, Bing Crosby and Rich Little, he is a true patriot. He's got their back.

I ask that this poem entitled "SINISE NAVIDAD," penned in his honor by Albert Carey Caswell, be placed in the RECORD.

SINISE NAVIDAD

(By Albert Carey Caswell)

In Blue Island Illinois a little boy is born

not to be The Forgotten one . . .  
For he was no Imposter my son!  
"Houston, we've got a problem" this one!  
as a youth,  
like A Rebel Without A Cause . . .  
until something inside him gave pause,  
as The Big Bounce had so begun!  
His problems, but could he solve them?  
Because life can be like The Green Mile,  
leaving The Human Stain all the while . . .  
like Snake Eyes you just can't run!  
To find your passion!  
Your life's direction . . .  
your SINISE NAVIDAD,  
and your life's quest and satisfaction . . .  
From out of The Grapes of Wrath,  
as Gary was looking for his path!  
As so was Gary's past,  
for there can be no greater blessing one  
could ask . . .  
then like a Truman to fin your path!  
It's like having Christmas everyday to last!  
As out there on the road of life,  
as out there when you don't think twice!  
As when you so find your future dreams to  
cast!  
Playing in Bands,  
as Gary so thought school was just a bunch  
of rules . . .  
and Reindeer Games until he turned the  
page!  
And like a true West Side Story,  
Gary so soon found out where lie his true  
life's glory . . .  
Was but up on a stage . . .  
As so soon he became All The Rage!  
Like a Albino Alligator he said I'll see you  
later.  
And someday, to The West, The True West  
. . .  
to Hollywood his heart would make its way!  
First, on his magic carpet ride . . .  
founding Steppenwolf Theater Company he  
would glide!  
While, gaining stature on Broadway!  
But he wasn't just,  
Being John Malkovich . . .  
he was being his true self ovich!  
While, getting such great results ovich . . .  
of the likes of which,  
like a Mission To Mars such greatness was  
conveyed!  
For Gary was a real C.S.I. New York kind of  
guy,  
detecting all those great projects as they  
came by!



With The Stand he so took,  
all in those roles he so played which made  
people take a second look!  
You see, Hollywood is a tough town . . .  
as most of us have found!  
With The Quick and Dead lying all around,  
and no Ransom to be found!  
But for all of the right reasons,  
Gary's career was became so pleasing . . .  
In his life . . . That Championship Season

Yea the bastard's got such talent now!  
As in our throats we all so got lumps while  
watching Forrest Gump!  
As it we quote . . .  
As Lt Dan so took command,  
showing us all Of Mice and Men,  
making all of our hearts pound!  
Like George Wallace,  
he didn't pussyfoot or find solace in Bruno  
on A Midnight Clear . . .  
As we all found what was inside of his heart  
which appeared!

That this man with such great talent,  
career was taking off like Apollo 13 here . . .  
Thrusting forth into such bright new worlds  
and future dreams,  
with his most brilliant career unfurled so as  
seen!

Making us so all believe,  
from My Name Is Bill Wild to Jack The Bear,  
that it's A Gentleman's Game where a Fallen  
Angel could not be saved!

And now over the years,  
we have all so become The Witness so clear!  
That Gary has such great talent here!  
For there are no Family Secrets,  
Gary is such a man of heart who so seeks it!  
With the kind of characters that he plays  
bringing our hearts to tears!

Because he is,  
The Caretaker of his craft . . .  
And his Road to Nirvana was to act!  
As The Landscape of The Body of his work is  
to be revered!

Getting Out from all of those Loose Ends as  
a teenager . . .

Acting would so help him to mend . . .  
sending Streamers to his heart!  
Giving him his passion,  
at what his star studded career would so  
fashion . . .

As Orphans so made it happen when upon a  
stage he got his start!

But, ROCK AND ROLL was always part of  
his very soul!

So he plays in a band called The Lt. Dan  
Band,

in the states or whenever he can go overseas  
to do his part!

Home or abroad,  
it's his love for our Military that's really in  
his heart!

For there's one thing for sure,  
he bleeds RED, WHITE, BLUE all the more  
. . .

Because GARY is a PATRIOTIC AMERICAN  
through and through!

Traveling through battle zones,  
as he's so fast becoming Bob Hope's clone!

All in harm's way for all those all alone with  
his Band,

with the Honor of bringing our Troops and  
all our Heroes back home!

For we know not our final end,  
as all of those tears of joy to which he brings  
our finest of all women and men . . .

A respite for weary TROOPS,  
giving something for them to hold onto and  
homesickness the boot!

In life, are we listening?  
While, all in those moments which lie before  
us are so glistening?

What we should do?

For we all have only moments here in time,  
for we all have just minutes in these our  
short lifetimes!

So what is it which makes all of our hearts  
shine true?

If only we are lucky enough to find,  
our true love and our life's passion so fine!  
Then everyday is like Christmas . . .  
like "SINISE NAVIDAD" we will find!

Written in honor of A Great American Actor  
and Patriot, who has touched so many hearts,  
bringing comfort to all our Troops and their  
families—Gary Sinise.

#### TRIBUTE TO THE BURBANK COMMUNITY YMCA

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. SCHIFF. Mr. Speaker, I rise today to  
honor the Burbank Community YMCA upon its  
ninetieth anniversary.

The YMCA is an extraordinary organization  
that has been strengthening communities  
across the nation since 1851 and has mem-  
bers of all ages and backgrounds. The YMCA  
invented volleyball, brought the Boy Scouts or-  
ganization to the U.S., was instrumental with  
helping launch organizations such as the Red  
Cross, and is the nation's largest provider of  
child care.

The Burbank Community YMCA, founded in  
1924, began in a single room and now boasts an  
impressive 57,000 square foot health and  
activities center and an 18,000 square foot  
Child Development Center. In 1932, through  
fundraising and capital campaigns, the Bur-  
bank Y membership purchased the First Bap-  
tist Church, which served as an all-purpose  
building, and also received its charter as an  
independent YMCA association. Throughout  
the years, the Burbank Y has significantly ex-  
panded the facilities, by adding the aquatics  
center and indoor pool in 1957, a three-story  
physical fitness facility in 1976, and the Y's  
Choice Cafe in 2008, to provide healthy re-  
freshments as well as a social gathering area.

The Burbank Community YMCA has a wide  
array of programs to help individuals, families,  
and children reach their full potential, and be-  
come stronger in spirit, mind and body. Pro-  
grams include family, adult and senior fitness,  
youth sports such as basketball, aquatics,  
martial arts and gymnastics, and classes in  
the arts, such as music and dance. Offering  
the opportunity to build strength of character  
and body in an encouraging environment is  
what makes the Burbank YMCA such an es-  
sential and beloved institution.

For the past 90 years, the Burbank Y has  
provided members of the community the op-  
portunity to become stronger mentally and  
physically and has helped people make a  
positive difference in their own lives. The res-  
idents of Burbank are fortunate to have such a  
venerable institution in their community.

I ask all Members to join me in commending  
the Burbank Community YMCA for ninety  
years of care and dedication to the greater  
Burbank area.

HONORING JUDGE HORACE T.  
WARD

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I  
submit the following Proclamation.

Whereas, Judge Horace T. Ward is a tena-  
cious man of many gifts, talents and much  
wisdom who has served this nation nobly as  
private citizen, soldier, lawyer, state senator  
and federal judge; and

Whereas, Judge Horace T. Ward rose from  
humble beginnings in LaGrange, Georgia  
showing unusual academic achievement from  
an early age by graduating as Valedictorian of  
his high school class, matriculating to More-  
house College and Atlanta University where  
he eventually earned the Master's Degree;  
and

Whereas, he demonstrated an interest in  
studying law at a young age when he met one  
of the few African American lawyers in Geor-  
gia at the time, the great A. T. Walden, and  
set his sights on the University of Georgia Law  
School in an era of strict segregation; and

Whereas, he continued his fight to study at  
UGA for more than six long years and in the  
interim received his law degree from North-  
western University in Illinois and honorably  
served his country in the Korean war, he then  
returned to Georgia and made history as part  
of a legal team that successfully adjudicated  
the desegregation of the University of Georgia,  
thus opening educational opportunities to suc-  
ceeding generations of African American stu-  
dents; and

Whereas, Judge Ward again made history  
in 1979 when President Jimmy Carter ap-  
pointed him as the first African American to  
serve on the U.S. Federal bench in Georgia  
as a District Court Judge for the Northern Dis-  
trict where he served honorably and well; and

Whereas, the Seventh Day Adventist  
Church is today honoring Judge Ward, an  
elder in the church, the U.S. Representative of  
the Fourth District of Georgia has also set  
aside this day to honor and recognize Judge  
Horace T. Ward for his outstanding leadership  
and service to all citizens in the state of Geor-  
gia, including and especially the citizens of our  
district; now therefore, I, HENRY C. "HANK"  
JOHNSON, JR., do hereby proclaim February 8,  
2014 as Judge Horace T. Ward Day in the 4th  
Congressional District.

Proclaimed, this 8th day of February, 2014.

HONORING THE LATE MOSE  
"BILBO" ALLEN, SR.

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. THOMPSON of Mississippi. Mr. Speak-  
er, I rise today to honor a remarkable veteran,  
the late Mose "Bilbo" Allen, Sr. Mr. Allen has  
shown what can be done through hard work,  
setting goals, and aiming high.

Mose "Bilbo" Allen, Sr. was born August 27,  
1922, in Murphy, Mississippi, to the late Sarah

and Richard Allen. He was a humble and caring man who was always in good spirit. He accepted Christ on July 1, 2013 at the Goodwill M.B. Church.

Mr. Allen was a veteran of World War II from December 1942 until January 1946, where he earned several medals, including the ATO Medal, APTO Medal, Philippine LIB Ribbon with two bronze stars, and the World War II Victory Medal.

He met and married Ruby Allen on December 25, 1946, in Rolling Fork, Mississippi and to that union, 13 children were born and he loved them with all his soul.

Mr. Speaker, I ask my colleagues to join me in recognizing the late Mr. Mose "Bilbo" Allen, Sr. for his dedication to serving our great Country and his community.

# LITTLE SOLDIERS—IN HONOR OF TAPS AND ALL THE CHILDREN OF THE FALLEN AND THEIR FAMILIES

## HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. SESSIONS. Mr. Speaker, on this up and coming Memorial Day I rise today in honor of all the children of the fallen and their families of TAPS. The ones who have lost their greatest loves, their most precious mothers and fathers. Out prayers go out to them, as we see their parents in their faces each day as they grow up. And we are reminded of them as they warm our hearts. I ask that this poem penned in their honor by Albert Carey Caswell be placed in the RECORD.

### LITTLE SOLDIERS

(By Albert Caswell)

Attention . . . Little Soldiers . . .  
Boys and Girls . . .  
Strengthen your hearts,  
for you were once your parent's world!  
Remember you were your parents greatest joy!  
For all in you we see their faces girls and boys . . .  
As all their love for you their hearts conveyed this!  
And you are America's future,  
her most important part this!  
But Heroes you should not have to be!  
But, sometimes this must be!  
Remember this my dear child,  
our Lord watches over you the while!  
And all the Angels too high up above,  
watch over you all in their love!  
So wipe away all those tears,  
and be happy while you are here!  
Because the greatest thing your parents wanted to see!  
Was for you to grow up strong like a tree . . .  
And be happy . . .  
And be all that you could be!  
My Little Women!  
My Little Men!  
Just like your Mothers or Fathers it's time for you to begin!  
Its time to so take a stand!  
It's time for you to march on once again!  
It's time To Be A Champion!  
Just like all of them . . .  
Your parents your best friends!  
Your Moms and Dads who were Heaven sent!

Who were our Nation's greatest of heroes and friends!

For it's time for you to be strong!

It's time for you to lift up your little heads and hearts and march on . . .

Just like your Mothers and Fathers to take command!

For you were the Best Thing they ever had! And the Best Part of Them be glad!

As you carry them with you every each step you take!

So leave all of that sorrow all in your wake! Mount up Little Soldiers!

Just like your parents there is a war to be won . . .

there are hills to so take!

Mount Up,  
there's so much more to be done!

To defeat the sadness,  
for yourself and your Moms and Dads you must win this one!

Yea, I know you miss them so!  
And it hurts you wherever you go!

And I know it makes you cry,  
another day together you will not realize!

It too makes me cry!  
But remember you and carry your most heroic parents deep down inside!

It's time for you to march on and try . . .  
Just like the greatest loves you'll ever have!

To Be A Hero and a Champion,  
just like your Mom's and Dad's!

And Be A Kid,  
a do all of those happy things which made them glad!

For you still have brothers and sisters,  
moms and dads,  
enjoy the time together you have . . .

And remember as you lay your heads down to sleep . . .

An Angel watches over you so to keep!  
To protect and love you from way up on high,

your Moms and Dads try not to weep!  
As they are with you every step, every heart beat!

To protect you so try not to weep!  
Can't you feel their Angel's breath surrounding you so very deep!

For you will hear them on the wind!  
And as you awake feeling them holding you as were they've been!

So hush little babies children don't you cry!  
For your parents are Angel's now,  
and one day in Heaven you will look into their eyes!

But you all so have a life to live!  
You have so much to our world to give!  
Little Soldiers,

your new mission so is this . . .  
To march on and tell heartfelt goodbye!

And that's a direct order coming from above!  
Your Mothers and Fathers who are Angels all in their love!

So put a smile on your face!  
And dream all those dreams your Moms and Dads knew that you'd create!

And make them all up in Heaven so proud this day!

Because on the day you were born . . .  
The one wish all in their hearts so warmed!

Was that you would grow up to be happy and strong!

So make all of parents dreams come true . . .

Be happy and live a long life for all of them and all of you!

For you were all your parent's greatest love songs!

The ones who prayed for you all day and night long!

And when you smile,  
remember your parents smile too!

As up in Heaven they so smile so all along with you!

And remember the rest of your family too so needs you!

And just like your Moms and Dads,  
Little Soldiers you all must be heroes too!

So be happy,  
and do all those things that children do!

Now there's an Angel up in Heaven with this direct order for you!

Be happy and live long and march on!  
And when their comes a gentle rain,  
their tears of love shall wash down upon you to ease your pain!

And you won't have to cry no more!  
Little Soldiers!

My dent boys and girls,  
you are the future of our world . . .

As Heroes our children should not have to be . . .

For yourself and your Mom's and Dad's I ask you please,

find the grace and the peace!  
And catch that smiling disease!

At Ease!  
Dismissed!

## HONORING MR. SEAN MCCOMB

## HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. RUPPERSBERGER. Mr. Speaker, it is with great honor that I rise before you today to congratulate Baltimore resident and Second District constituent Sean McComb for being chosen as the 2014 National Teacher of the Year. Just 30 years old and with only eight years of experience, Mr. McComb is one of the youngest teachers ever to be selected for this incredible honor.

The National Teacher of the Year is chosen from among the State Teachers of the Year by a national selection committee representing the major national education organizations organized by the Council of Chief State School Officers. It is one of the highest honors which an educator can receive and, as such, Mr. McComb will travel around the country and represent his colleagues in the teaching profession for the next year. He was chosen among four finalists after earning the top spot in Baltimore County and, then, Maryland.

An English teacher at Patapsco High School and Center for the Arts, Mr. McComb inspires his students to turn their challenges into opportunities for excellence, drawing on his own experiences as a student who struggled in school and at home.

Mr. McComb's colleagues describe him as deeply compassionate. He describes his teaching philosophy as "kids before content and love before all." He likes to say that he does not teach English, but rather teaches students English.

Mr. McComb has been instrumental in encouraging middle-achieving students to improve their work habits and academic skills as the coordinator of the school's Advancement Via Individual Determination (AVID) program. Remarkably, 98 percent of AVID students in the last two of Patapsco's graduating classes were admitted to 4-year colleges. The program helped Patapsco, for the first time in its 50-year history, receive recognition as a top high school from The Washington Post and U.S. News and World Report. McComb also

teaches the value of service, working on projects with students that help feed the hungry in the community.

Mr. Speaker, education is about more than textbooks and syllabuses. The best teachers give us much more—like inspiration, confidence, and compassion. Teachers like Mr. McComb touch the lives of young people and provide them with the knowledge and support they need to become future leaders. I ask you to join me in congratulating Mr. Sean McComb on this remarkable achievement and wish him many more years of success.

# HONORING THE FORT SNELLING MEMORIAL RIFLE SQUAD ON THE OCCASION OF ITS 35TH AN- NIVERSARY

**HON. JOHN KLINE**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. KLINE. Mr. Speaker, I rise today to commemorate the 35th Anniversary of Minnesota's own Fort Snelling Memorial Rifle Squad.

Thirty-five years ago this June, six Minnesota veterans volunteered to provide the Memorial Rifle Squad's inaugural burial honors for a fellow Minnesotan at Fort Snelling Memorial Cemetery. Inspired by these six men, 20 more veterans answered the call to duty in 1979 and became the Rifle Squads' charter members.

Over the last 35 years, the Memorial Rifle Squad has seen its ranks swell to a roster of 123 active members, 114 retired members, and 156 eternal members. Among its active members are veterans of World War II, the Korean war, Vietnam war, Gulf war, and Peacetime Veterans.

Mr. Speaker, volunteer members of the Memorial Rifle Squad selflessly brave Minnesota's frigid winter blasts and scorching summer heat to provide burial honors for as many as sixteen veterans a day. Since its inception, members of the Memorial Rifle Squad have provided burial honors for more than 64,000 deceased veterans without missing a single scheduled funeral for 34 years.

As a former Marine Colonel, and fellow veteran, I have been proud to support the efforts of the Memorial Rifle Squad. In 2012, the Department of the Army announced it would reduce the availability of ceremonial rifles to Memorial Rifle Squads. This action would have greatly reduced the ability of Memorial Rifle Squads to honor our veterans being laid to rest. I was proud to introduce bipartisan legislation—now law—that stopped the Army from moving forward with this misguided policy and allowed ceremonial units in Minnesota and across the country to continue to perform burial honors.

Mr. Speaker, on behalf of the United States Congress, I want to recognize the dedicated service of all those who have served and continue to serve on the Fort Snelling Memorial Rifle Squad. I congratulate them on 35 years of selfless dedication to their fellow veterans.

# COMMENDING AMERICAN CHRISTIAN LEADERS FOR STANDING IN SOLIDARITY WITH CHRISTIANS AND OTHER SMALL RELIGIOUS COMMUNITIES IN EGYPT, IRAQ AND SYRIA

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. WOLF. Mr. Speaker, yesterday I submitted the full text of the Pledge of Solidarity and Call to Action on Behalf of Christians and Other Small Religious Communities in Egypt, Iraq and Syria, signed by well over 200 U.S. Christian leaders. These individuals, representing the American church, have recognized the gravity of the situation facing religious minorities in these countries, and by signing the pledge have agreed to speak out on behalf of these ancient faith communities. Below is the full list of signatories to the Pledge:

Fr. Tateos R. Abdalian; Rt. Rev. Keith L. Ackerman, Bishop Vicar of the Diocese of Quincy, Anglican Church in North America; Susan Agel, Resurrection Free Methodist Church; Charles P. Ajalat; Jhonny Alicea-Baez, Director of Global Missions, Reformed Church in America; Rt. Rev. Kevin Bond Allen, Bishop, Diocese of Cascadia, Anglican Church in North America; Rt. Rev. Roger C. Ames, Diocese of the Great Lakes, Anglican Church in North America; Melodee Andersen, Wooddale Church; Rt. Rev. David Craig Anderson, Sr., American Anglican Council; Dr. Leith Anderson, National Association of Evangelicals; Fr. Bishoy Andrawes, St. Mark Coptic Orthodox Church, Washington, DC; Auday P. Arabo, Associated Food and Petroleum Dealers; Don Argue, EdD, Ambassador at Large, Convoy Of Hope; Maged Atiya, Physicist, Businessman; Rt. Rev. Will G. Atwood, III, Bishop, International Diocese, Anglican Church in North America; Toufic Baaklini, In Defense of Christians; Wade Baho, Syriacs Assembly Movement; Dr. Mark L. Bailey, Dallas Theological Seminary; Dr. Ryan Baker, Redeemer Presbyterian Church (USA), Louisville, KY.

Bashir Bakoz, Syriacs Assembly Movement; Rt. Rev. Thad Barnum, Bishop, PEARUSA, Anglican Church in North America; Gary Bauer, American Values; Rt. Rev. Dr. Foley Beach, Bishop, Diocese of the South, Anglican Church in North America; Chorbishop Seely Beggiani, Professor of Theology, Catholic University of America; Mindy Belz, Editor, World Magazine; Rt. Rev. David Bena, Assisting Bishop, Diocese of CANA East Anglican Church in North America; William Bennett; Prof Thomas E. Bird, CUNY; Joel Boot, Christian Reformed Church in North America; Gerard V. Bradley, Professor of Law, University of Notre Dame; Rt. Rev. Dr. Steven Breedlove, Presiding Bishop, PEARUSA, Anglican Church in North America; Douglas Britton, Missionary, Global Outreach Mission; Kurt Brown, Pastor, Living Springs Community Church; Most Rev. Tod Brown, Bishop Emeritus of the Roman Catholic Diocese of Orange; Rt. Rev. David C. Bryan, Bishop, PEARUSA, Anglican Church in North America; Dwight Burchett, Pastor, Centerpoint Community Church; Paolo Carozza, University of Notre Dame; Bishop Kenneth H. Carter, Jr., Resident Bishop, Florida Conference, United Methodist Church; Joseph Cella,

Founder, National Catholic Prayer Breakfast; Most Rev. Charles J. Chaput, O.F.M. Cap., Archbishop of the Roman Catholic Archdiocese of Philadelphia; Bishop Abner Chauke, Free Methodist Church; Most Rev. David R. Choby, Catholic Diocese of Nashville; Archbishop Oshagan Cholyan, Armenian Apostolic Church of America; Evan Alevizatos Chriss, Baltimore, MD; John E. Chowning, Vice President for Church & External Relations, Campbellsville University.

Betty Clark, Wooddale Church, Eden Prairie, MN; Luis Cortes, Esperanza; Janice Shaw Crouse, The Beverly LaHare Institute; Jim Daly, Focus on the Family; Dr. Ramsay F. Dass, American Middle East Christians Congress; Wendy J. Deichmann, United Theological Seminary; Greg Delamarter, Free Methodist Church; Most Rev. Gerald N. Dino, Bishop of the Holy Protection of Mary Byzantine Catholic Eparchy of Phoenix; Rev. Dr. Gilbert Doan; Rt. Rev. Julian Dobbs, Bishop, Diocese of CANA East, Anglican Church in North America; Dr. James Dobson, Family Talk; Bill Donohue, Catholic League for Religious and Civil Rights; Andrew Doran, In Defense of Christians; Hon. Michael S. Dukakis, former Governor of Massachusetts; W. Cole Durham, Jr., International Center for Law and Religion Studies, Brigham Young University; Most Rev. Robert Duncan, Archbishop, Anglican Church in North America; Dr. John Eibner, Christian Solidarity International (CSI-USA); Prof. John P. Entelis, Chair, Department of Political Science, Fordham University; Gregory R. Erlandson, Our Sunday Visitor Publishing; Jonathan Falwell, Senior Pastor, Thomas Road Baptist Church; Fr. Athanasius K. Farag; John Farina, Associate Professor of Religious Studies, George Mason University.

Thomas Farr, Religious Freedom Project, Georgetown University; Armando Fernandez, Pastor, The Rock Church; Harold Fickett, Aletheia America; David F. Forte, Professor of Law, Cleveland State University; A.J. French, Sacred Creations; Rt. Rev. Alphonza Gadsden, Sr., Bishop, Diocese of the Southeast, Reformed Episcopal Church, Anglican Church in North America; Edward McGlynn Gaffney, Prof. of International Law and Genocide Studies, Valparaiso, IN; Mr. Joseph Gamero; Gerry Garbis; Richard W. Garnett, Program on Church, State & Society, Notre Dame Law School; Most Rev. John R. Gaidos, Bishop of the Roman Catholic Diocese of Jefferson City; Mimi Geerges, Focal Point Radio; Robert P. George, McCormick Professor of Jurisprudence, Princeton University; Dr. Timothy George, Beeson Divinity School, Samford University; Amb. Joseph Ghougassian; Scott Gibbons, Pastor, Big Rapids Free Methodist Church; Lela Gilbert, writer; Rt. Rev. R. Charles Gillin, Suffragan Bishop, Diocese of the Northeast & Mid-Atlantic and Eastern Canada, Reformed Episcopal Church Anglican Church in North America; Amb. Mary Ann Glendon; Rt. Rev. Terrell Glenn, Bishop of the Anglican Church in North America; Katharine Cornell Gorka, Council on Global Security; Franklin Graham, Samaritan's Purse and Billy Graham Evangelistic Association; David E. Greer, American Foundation for Relief and Reconciliation in the Middle East; Rev. Marcel Guarnizo, Educational Initiative for Central and Eastern Europe; Rt. Rev. John A. M. Guernsey, Diocese of the Mid-Atlantic, Anglican Church in North America; Os Guinness, Author; Mary Habeck, Visiting Scholar, American Enterprise Institute; Lee Habeeb, Vice President of Content, Salem Radio Network; John Hajjar, Middle East

Christian Committee MECHRIC USA; Joseph Hakim, International Christian Union; Ambassador Tony Hall; William Hamel, Evangelical Free Church of America; George Hankhe, Suryoyo American Association; Joseph W. Handley, Jr., Asian Access; Jeff Hanna, Pastor, Living Hope Free Methodist Church; Dr. Samir Hanna; Tom Harb, American Maronite Union; Rev. Jose Hernandez, Free Methodist Church—USA; Allen D. Hertzke, David Ross Boyd Professor of Political Science at the University of Oklahoma.

Rt. Rev. David L. Hicks, Bishop of the Diocese of the Northeast & Mid-Atlantic and Eastern Canada, Reformed Episcopal Church Anglican Church in North America; Alec Hill, InterVarsity Christian Fellowship; Wael Afram Hindo, Professor; Dennis P. Hollinger, Gordon Conwell Theological Seminary; Rev. Dr. Joel C. Hunter, Senior Pastor, Northland—A Church Distributed; Bill Hybels, Founder and Senior Pastor, Willow Creek Community Church; Lynne Hybels, Advocate for Global Engagement, Willow Creek Community Church; Rt. Rev. Jack L. Iker, Bishop of Fort Worth, Anglican Church in North America; Rt. Rev. William H. Ilgenfritz, Bishop of the Missionary Diocese of All Saints Anglican Church in North America; Bassam Ishak; Wally Jadan, MEA TV and Radio; Ned Jalou, United Christians Organization; Dr. Jerry A. Johnson, National Religious Broadcasters; Dr. Douglas M. Johnston, International Center for Religion & Diplomacy; Rt. Rev. Derek Jones, Bishop of the Armed Forces and Chaplaincy, Anglican Church in North America; Kristine Kalanges, Associate Professor of Law, University of Notre Dame; Asaad Kalasho, Iraqi American Christian Language Association; George Karcazes, Executive Board Member, Orthodox Christian Laity; Joseph T. Kassab, Iraqi Christians Advocacy and Empowerment Institute; Ismat Karmo, Nineveh Council of America; Bishop David W. Kendall, Free Methodist Church—USA; Magdi Khalil, Coptic Solidarity International; Dr. Audisho Khoshaba, US Rep. of the Chaldean Syriac Assyrian Popular Council; Sami Khoury, World Maronite Union; Rev. Dr. Walter Kim, Park Street Church; Rev. Mrs. Martha Kirkpatrick, Free Methodist Church; Melanie Kirkpatrick, author; Rev. Mr. Virgil (Jim) Eugene Kirkpatrick, Free Methodist Church.

Msgr. John E. Kozar, Catholic Near East Welfare Association; Sami Kurter, Suryoyo American Association; Daniel Kurtz, Vice-President, The Free Methodist Foundation; Dr. Richard Land, Southern Evangelical Seminary; Cheryl Laske, Green Oak Free Methodist Church; Rt. Rev. Dr. Quigg Lawrence, Bishop, PEARUSA, Anglican Church in North America; Rt. Rev. Neil G. Lebbhar, Bishop of the Gulf Atlantic Diocese, Anglican Church in North America; Most Rev. Peter Libasci, Bishop of the Roman Catholic Diocese of Manchester; Rt. Rev. Richard Lipka, Suffragan Bishop of the Missionary Diocese of All Saints Anglican Church in North America; Jim Liske, Fellowship Ministries; Rt. Rev. Clark W. P. Lowenfield, Bishop of the Anglican Diocese of the Western Gulf Coast Anglican Church in North America; Michael Lunceford; Michael Lundberg, Valley Baptist Church; Jo Anne Lyon, General Superintendent, Wesleyan Church; Rt. Rev. Frank Lyons, Assistant Bishop, Diocese of Pittsburgh, Anglican Church in North America; Most Rev. Denis Madden, Auxiliary Bishop of the Roman Catholic Archdiocese of Baltimore; Beverly Maier, Pastor, Free Methodist Church; Martin Manna, Chaldean American Chamber of Commerce; Most Rev. Gregory John

Mansour, Bishop of the Eparchy of Saint Maron of Brooklyn; Dr. Noon i Mansour, United Chaldean Democratic Forum; Rt. Rev. Peter Manto, Suffragan Bishop, Diocese of the Central States, Reformed Episcopal Church Anglican Church in North America; His Eminence Archbishop Moushegh Mardirossian, Armenian Apostolic Church of the Western United States; John Marks; Michael J. Marks; Nikki Marks; George J. Marlin, Aid to the Church in Need-USA; Paul Marshall, Senior Fellow, Hudson Institute, Center for Religious Freedom; Peter Marudas; George Matsoukas, Executive Director, Orthodox Christian Laity; Kevin McBride, Pastor, Raymond Baptist Church; Rt. Rev. Dorsey W. M. McConnell, D.D., Bishop, Episcopal Diocese of Pittsburgh; Prof. Michael W. McConnell, Stanford University.

Bill Mefford, Director of Civil and Human Rights, United Methodist Church General Board of Church and Society; Margaret B. Melady, Ph.D.; Rt. Rev. Dr. Eric Vawter Menees, Bishop of the Diocese of San Joaquin, Anglican Church in North America; His Eminence Metropolitan Methodios of Boston, Greek Orthodox Archdiocese of America; Fr. Christopher Metropoulos, Orthodox Christian Network; Rt. Rev. John E. Miller, III, Bishop of the Anglican Church in North America; Myron M. Miller, Retired Professor, Michigan State University; David Moberg, Professor of Sociology Emeritus, Marquette University; Dr. R. Albert Mohler, Jr., Southern Baptist Theological Seminary; Johnnie Moore, Senior Vice President, Liberty University; Dr. Russell D. Moore, Southern Baptist Ethics & Religious Liberty Commission; W. Allen Morris, The Allen Morris Company; Anne Morse, The Chuck Colson Center for Christian Worldview; Rt. Rev. Dan Morse, Bishop, Diocese of the Central States, Reformed Episcopal Church Anglican Church in North America; Rt. Rev. Winfield Mott, Bishop of the Diocese of the West, Anglican Church in North America; Most Rev. Mikael Mouradian, Bishop of the Eparchy of Our Lady of Nareg for Armenian Catholics in the USA and Canada; Mark L. Movesian, Center for Law and Religion, St. John's University School of Law; Jimmy Mulla, Voices for Sudan Inc.; Rt. Rev. William L. Murdoch, Bishop of the Anglican Diocese in New England, Anglican Church in North America; Brian C. Murphy, Member of the Board of Trustees, American Foundation for Relief and Reconciliation in the Middle East; Most Rev. William F. Murphy, Bishop of the Roman Catholic Diocese of Rockville Center; William J. Murray, Religious Freedom Coalition; Penny Young Nance, Concerned Women for America; George P. Nassos, Sts Peter & Paul Greek Orthodox Church, Glenview, IL; Andrew Natsios, Executive Professor, Texas A&M University.

Jerry Newcombe, Truth in Action Ministries; George Nicholaou, Downers Grove, IL; Gerry Nicholaou, Downers Grove, IL; Tamer Nicola, businessperson; Dave Nona, Chaldean Federation of America; Michael Novak, US Ambassador to the Human Rights Commission of the UN 1981-83 and the Helsinki Commission Bern Round 1985; Archdeacon David Oancea, Chancellor, Romanian Diocese, Orthodox Church in America; Most Rev. Thomas J. Olmsted, Bishop of the Roman Catholic Diocese of Phoenix; Rt. Rev. Dr. Felix Orji, Bishop of the Missionary Diocese of the West, Anglican Church in North America; Robert Özgün, Head of Foreign Affairs, Suryoyo American Association; Most Rev. Richard E. Pates, Bishop of the Roman Catholic Diocese of Des Moines; Doug Per-

kins, Teaching Elder, Heritage Presbytery; Tony Perkins, Family Research Council; Dr. Walid Phares, Professor; Daniel Philpott, Center for Civil and Human Rights, University of Notre Dame; Pepper Pike, Vice President, Orthodox Christian Laity; Lee Poteracki, Deer Park, IL; Kirsten Powers, Columnist; Dr. Elizabeth H. Prodromou, Visiting Assoc. Prof., Fletcher School of Law and Diplomacy, Tufts University; Bob Poydasheff, Col. (Ret.) USA., Former Mayor of Columbus, GA; Samira Qasguargis, Iraqi Human Rights Society; Grover Joseph Rees, U.S. Amb. (Retired); Steve Rembert, Pastor, Presbyterian Church; Nermien Riad, Coptic Orphans; Most Rev. Leonard W. Riches, Presiding Bishop, Reformed Episcopal Church Anglican Church in North America; Rev. Protobryther Martin Ritsi, Orthodox Christian Mission Center; Senior Pastor Ed Rob, The Woodlands United Methodist Church of Texas; Rev. Ronald G. Roberson, Secretariat for Ecumenical and Interreligious Affairs, United States Conference of Catholic Bishops; Larry Roberts, Chief Operating Officer, Free Methodist Church—USA; Bishop David Roller, Free Methodist Church; Rt. Rev. Ken Ross, Bishop, PEARUSA, Anglican Church in North America.

Ronald D. Rotunda, Doy & Dee Henley Chair and Distinguished Professor of Jurisprudence, Chapman University; Nabil Roumayah, Iraqi Democratic Union of America; Emanuel L. Rouvelas, Washington, DC; Marilyn Rouvelas, Arlington, VA; Mar Awa Royel, Bishop of California & Secretary of the Holy Synod, Assyrian Church of the East; Most Rev. Mitchell Rozanski, Seton Vicar, Vicar for Hispanic Ministries of the Roman Catholic Archdiocese of Baltimore; Rt. Rev. Stewart E. Ruch II, Bishop of the Anglican Diocese of the Upper Midwest Anglican Church in North America; Dr. Zina Salem, Chaldean and Middle Eastern Social Services; Gabriel Salguero, National Latino Evangelical Coalition; Most Rev. Nicholas J. Samra, Eparchial Bishop of Newton, Melkite Catholic Church in the USA; William Saunders, Human Rights Lawyer, Washington, DC; Mark Schlechty, Pastor, Free Methodist; Most Rev. Katharine Jefferts Schori, Presiding Bishop and Primate, The Episcopal Church; Rt. Rev. Sam Seamans, Assisting Bishop, Diocese of Mid-America, Reformed Episcopal Church Anglican Church in North America; Stacy Sennott; Timothy Samuel Shah, Berkley Center for Religion, Peace & World Affairs, Georgetown University; Jane Shallal, Chaldean American Ladies of Charity; Linda Shea, West Orange, New Jersey.

Nina Shea, Hudson Institute's Center for Religious Freedom; Peter J. Shea, New York, New York; Dr. Ronald J. Sider, Evangelicals for Social Action; William Simon, Jr., Co-Chairman, William E. Simon and Sons; Most Rev. William Skylstad, Bishop Emeritus of the Roman Catholic Diocese of Spokane; David M. Stanley, United Methodist Action Steering Committee/Director and Treasurer, Institute on Religion and Democracy; Jean Leu Stanley, United Methodist Action Steering Committee; Paul R. Stanley, Political Opinion Editor, The Christian Post; Rt. Rev. James M. Stanton, Bishop of Dallas; Peter Steinfelds, University Professor Emeritus, Fordham University; Rev. Columba Stewart, Hill Museum & Manuscript Library, Collegeville, Minnesota; Dave Stone, Senior Pastor, Southeast Christian Church, Louisville, Kentucky; Helen Rhea Stumbo, Institute on Religion and Democracy; Rt. Rev. Ray R. Sutton, Bishop Coadjutor, Diocese of Mid-America, Reformed Episcopal Church Anglican Church in North America; Msgr.

Stuart W. Swetland, Archbishop Flynn Professor of Christian Ethics, Mount St. Mary's University; Very Rev. Archimandrite Dr. Nathanael Symeonides; Dr. L. Roy Taylor, Stated Clerk of the General Assembly, Presbyterian Church in America; Very Rev. Dr. Justyn Terry, Trinity School for Ministry; Alan B. Terwilliger, Chuck Colson Center for Christian Worldview; Helen Theodoropoulos, Skokie, IL; Bishop Matthew Thomas, Free Methodist Church—USA; Rev. Clancy Thompson, Free Methodist Church of NA.

Rt. Rev. William A. Thompson, Bishop of the Diocese of Western Anglicans, Anglican Church in North America; Peter Tremblay, Pastor, Free Methodist Church; Mark Tooley, Institute on Religion and Democracy; Fr. Joseph Varghese, Malankara Archdiocese of the Syrian Orthodox Church; Rt. Rev. William C. Wantland, Assisting Bishop of Fort Worth, Anglican Church in North America; Mark L. Wasef, Esq.; Jim Wallis, Sojourners; John P. Walters, Hudson Institute; Todd Watkins, Pastor, Liveoak Bible Church; Bishop Mark Webb, Upper New York Episcopal Area of the United Methodist Church; George Weigel, Ethics and Public Policy Center, Washington, DC; Deacon Greg Wilson, Covenant Presbyterian Church, Austin, Texas; Rt. Rev. Steve Wood, Bishop, Diocese of the Carolinas, Anglican Church in North America; His Eminence, Cardinal Donald Wuerl; The Rev Dr John W Yates II; Robert R. Yohanan; Nabby Yono, Arab American and Chaldean Council; Sam Yono, Chaldean National Party; Pastor Ed Young, Second Baptist Church, Houston; Most Rev. Elias Abdallah Zaidan, Bishop of the Maronite Eparchy of Our Lady of Lebanon; Linda Zimmerman, Calvary Lutheran Golden Valley; Rt. Rev. J. Mark Zimmerman, Bishop, Diocese of the Southwest Anglican Church in North America; Dr. James J. Zogby, Arab American Institute.

#### LYNN COOK RETIREMENT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. GRAVES of Missouri. Mr. Speaker, it is with great pride and pleasure that I rise today to recognize the outstanding service of Mr. Lynn Cook on the occasion of his retirement after nearly 40 years of Federal service.

Mr. Cook began his career as an investigator for the personnel security program of the Civil Service Commission, now the U.S. Office of Personnel Management, in 1974. In the nearly 40 years that have passed since then, he has worked tirelessly to conduct investigations that support national security. In his position as a Special Agent with the Office of Personnel Management, he conducted background investigations that have directly supported Federal, military, and defense contractor assets in the Kansas City Metro and Northwest Missouri areas. A large number of these investigations have been for military men and women who are nobly serving their country.

Lynn's lifetime dedication and hard work should serve as an example of how we can better serve each other and our great nation.

Mr. Speaker, I ask my colleagues to join with me in commending Mr. Lynn Cook for his dedicated service to our national security. I

know Lynn's colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his retirement.

#### RECOGNIZING THE 25TH ANNIVERSARY OF ADVOCATES FOR HIGHWAY AND AUTO SAFETY

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize Advocates for Highway and Auto Safety on the occasion of its 25th anniversary. I want to congratulate Advocates and thank its wonderful president, Jackie Gillan, for her leadership and guidance.

Each year, auto accidents claim the lives of tens of thousands of Americans and injure millions of others. Founded in 1989, Advocates brings together consumer, medical, public health, and safety groups to fight for safer roads and automobiles. Advocates is dedicated to protecting lives, preventing injuries, and reducing costs. Some Americans may be unfamiliar with its name, but we all benefit greatly from its efforts.

Advocates works at the federal and state levels on issues such as impaired and distracted driving, teen driving, speed limits, vehicle crashworthiness, road safety, motor carrier safety, and many others. It combines technical expertise with policy knowhow and the passion needed to win safety improvements.

Advocates was instrumental in the passage of H.R. 1216, the Cameron Gulbransen Kids Transportation Safety Act, which was signed into law in 2008. I was the sponsor of that legislation, and I had the privilege of working closely with Jackie Gillan and Advocates to get it passed and implemented. Earlier this year, the National Highway Traffic Safety Administration finalized a rule called for in the law to require visibility behind new model cars, trucks, and buses—a rule that will save 58 to 69 lives each year, according to NHTSA. Many of the lives saved will be children, who have been the victims of unintentional backovers. Advocates played a central role in helping us avoid these senseless tragedies by raising public awareness, helping enact the law, and urging NHTSA to finalize its rule.

I know that Advocates will continue its efforts to improve the lives and safety of all Americans, and I look forward to working together with them in the future.

#### CONGRATULATING HEATHER SHAKE

### HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. OLSON. Mr. Speaker, I rise today to congratulate Heather Shake for becoming the first woman golfer at the University of Houston-Victoria to earn a conference title. As a freshman, Heather won the Association of

Independent Institutions Conference Women's Golf Championship where she posted the low rounds of the day, 75–74 for a 7-over 149.

With this win, the former Dawson High School student earned an automatic bid to the National Association of Intercollegiate Athletics (NAIA) Women's Golf Championship in May. As only a freshman, I'm excited to see Heather's next accomplishments in both her educational and athletic endeavors.

I wish Heather the best of luck at the NAIA Women's Golf Championship. On behalf of all residents of the Twenty-Second Congressional District of Texas, I congratulate Heather Shake on earning the University of Houston-Victoria's first conference title.

#### HONORING COACH GARY WILLIAMS

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. HOYER. Mr. Speaker, I rise to recognize Coach Gary Williams, who has been selected as an inductee to the National Collegiate Basketball Hall of Fame for 2014.

For twenty-two years, Gary Williams coached the men's basketball team at the University of Maryland. As head coach of the Terrapins, Gary Williams led the team to a National Championship in 2002, an Atlantic Coast Conference (ACC) Tournament Championship in 2004, as well as eleven consecutive National Collegiate Athletic Association (NCAA) Tournament appearances.

During his time at the University of Maryland, he compiled an overall coaching record of 668–380, led the Terps to seven 25-win seasons with twenty-two appearances in the postseason, and was named ACC Coach of Year in both 2002 and 2010. He was also recently voted as a member of the Naismith Memorial Basketball Hall of Fame.

While Gary Williams retired from coaching basketball in 2011, we have been lucky enough that he has remained with the Maryland athletic department as Assistant Athletic Director and Special Assistant to the Athletic Director. On January 26, 2012, the University of Maryland honored him by renaming the basketball court at the Comcast Center, "Gary Williams Court."

His hard work and dedication has brought great pride and distinction to the University, as well as to the State of Maryland, and I ask my colleagues to join me in celebrating Coach Gary Williams' latest, much-deserved honor.

#### ALZHEIMER'S AND BRAIN AWARENESS MONTH

### HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Ms. WATERS. Mr. Speaker, I thank my colleague from California, Congressman JOHN GARAMENDI, for the time, and I congratulate him for organizing this evening's Special Order Hour on Alzheimer's Disease in preparation

for Alzheimer's and Brain Awareness Month (June).

As the Co-Chair of the Congressional Task Force on Alzheimer's Disease, I know how devastating this disease can be on patients, families, and caregivers. The Task Force works on a bipartisan basis to increase awareness of Alzheimer's, strengthen the federal commitment to improving the lives of those affected by the disease, and assist the caregivers who provide their needed support. I am pleased that Congressman GARAMENDI has decided to take an active role in the work of the Task Force.

Alzheimer's disease is the sixth leading cause of death in the United States. One in nine Americans age 65 and older has Alzheimer's, and one in three Americans age 85 and older suffers from this disease. Furthermore, these numbers will grow substantially in the coming years. The Alzheimer's Association estimates that more than 7 million Americans over age 65 will have Alzheimer's by the year 2025. Every 68 seconds, another person in the United States develops Alzheimer's.

Caregiving for patients with Alzheimer's disease and other forms of dementia is especially difficult. More than 15 million Americans provide unpaid care for a person with dementia. Caregivers include spouses, children, and grandchildren. Caregivers face a variety of challenges, ranging from assisting patients with feeding, bathing, and dressing, to helping them take their medications, managing their finances, and making legal decisions.

Last year, I introduced two bills to address the needs of patients with Alzheimer's disease, their families and caregivers. The Alzheimer's Caregiver Support Act (H.R. 2975) authorizes grants to public and non-profit organizations to expand training and support services for families and caregivers of Alzheimer's patients. The Missing Alzheimer's Disease Patient Alert Program Reauthorization Act (H.R. 2976) helps Alzheimer's patients who wander away from their homes and are unable to tell people in the community who

they are or where they live. Both of these bills have more than 30 bipartisan cosponsors, including Congressman CHRISTOPHER SMITH (R-NJ), my friend and fellow Co-Chair of the Congressional Task Force on Alzheimer's Disease.

Finally, I am working hard to pass H.R. 1508, a bill to provide for the issuance of an Alzheimer's Disease Research Semipostal Stamp. This bill was originally introduced by now-Senator ED MARKEY, prior to his election to the Senate, and now has more than 40 bipartisan cosponsors. It requires the U.S. Postal Service to issue and sell an Alzheimer's Disease Research Semipostal Stamp. These stamps would cost more than regular postage stamps, with the extra funds going to the National Institutes of Health (NIH) to search for new treatments and a cure for Alzheimer's disease. Participation by individual postal patrons would be voluntary, and only those who choose to buy the Alzheimer's stamp would pay more for postage. This would be similar to the popular and successful Breast Cancer Research Semipostal Stamp.

Once again, I thank my colleague from California for organizing tonight's Special Order. I look forward to coordinating the activities of the Congressional Task Force on Alzheimer's Disease more closely with him as we rededicate ourselves to Alzheimer's research, treatment and caregiver support so that we can help all of the patients and families affected by this tragic disease.

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RECOGNIZING THE 100TH ANNIVERSARY OF FLEETWOOD VOLUNTEER FIRE COMPANY #1

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2014*

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Fleetwood Volunteer Fire Com-

pany #1 of Berks County, Pennsylvania on its 100th anniversary of exemplary service to the Borough of Fleetwood by setting the gold standard for personnel training, emergency services, and community involvement. This is a great milestone and a considerable accomplishment and I take great pleasure in being able to honor the men and women of the Company for their dedication and outstanding service.

For 100 years, the men and women of the Fleetwood Volunteer Fire Company have proudly and capably served and protected the thousands of citizens of the Borough of Fleetwood and Berks County. The nearly 70 active members of the Company bear the responsibility for firefighting, rescue and EMS services for the Borough of Fleetwood and surrounding areas. These courageous volunteers have received extensive training in fire suppression, automobile extrication, general rescue, first aid, hazardous materials, aerial operations, and fire police duties.

In addition to training and serving the community during emergencies, Fleetwood Volunteer Fire Company is also extremely active in various community events, including funding high school graduation scholarships, providing fire prevention programs at local schools, assisting in traffic control during special events, Drug Abuse Resistance Education (DARE), and the Prom Night Out program.

Mr. Speaker, in light of its 100 years of outstanding service to the greater Fleetwood area, I ask my colleagues to join me today in recognizing Fleetwood Volunteer Fire Company #1 for its invaluable contributions to the quality of life and safety of the citizens of Berks County, Pennsylvania.

**SENATE—Wednesday, May 21, 2014**

The Senate met at 9:30 a.m. and was called to order by the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Thank you, dear God, for the gift of this day and for the opportunity to serve both You and country. We are not worthy of the least of Your blessings, yet You give us the privilege of working to keep our Nation strong.

As our lawmakers this day seek to be responsible stewards of their high calling, make them salt and light to this generation. May, as salt, they help make our world safer and more palatable. May, as light, they eliminate the dark corridors of disunity and contention, replacing them with harmony and civility.

Our Father, this is the day that You have given us to seek to leave our world better than we found it. Use us as instruments of Your glory.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 21, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. MARKEY thereupon assumed the Chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**CHAPLAIN BARRY BLACK**

Mr. REID. Mr. President, I have heard the good Chaplain talk about some of the things we should not do, and one of them is be envious. I try not to be, but I have to admit that every morning I hear his speech I am envious of his voice. I have what I have. It is not much in the way of a voice. Boy, it would be great if I could stand here and give that Dr. Barry Black voice, but I cannot do that. Even though I know it is not the right thing to do, I am still envious of his voice and I will always be.

**JUSTICE AND MENTAL HEALTH COLLABORATION ACT OF 2013—MOTION TO PROCEED**

Mr. REID. Mr. President, I move to proceed to Calendar No. 92, the Franken Mentally Ill Offender Treatment and Crime Reduction Act.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 92, S. 162, a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

**SCHEDULE**

Mr. REID. Mr. President, following my remarks and those of the Republican leader, if any, the Senate will be in a period of morning business until 12:15 today.

Because of a change in schedule, the Republicans will have their caucus today rather than yesterday as we normally do.

The time until 12:15 will be equally divided and controlled between the two leaders or their designees.

At 12:15 there will be a rollcall vote on the confirmation of the Fischer nomination to be a member of the Federal Reserve Board of Governors. I am happy we are going to get this good man confirmed, but, as I will talk about in a minute, this obstruction is unbelievable. Fischer is going to now be a member of the Federal Reserve Board. He also has been chosen to be the Vice Chair of the Federal Reserve Board.

Janet Yellen, the Chairman of the Federal Reserve Board, has called many of my colleagues saying: Why do we need another vote? I need him here. There are administrative duties—this is a huge organization—waiting to be done.

But we are going to have to go through the cloture process all over again on this man. What a waste of our time—our time—the people's time.

Anyway, that is what we are going to do. We are going to vote to confirm him today and then come back at some later time and confirm him to be the Vice Chair. We could not confirm him as Vice Chair first because he is not a member of the Board.

Following that vote, the Senate will be in recess until 2 p.m. today, allowing for the Republican caucus meeting.

At 2:10 there will be up to five rollcall votes in relation to several nominations: cloture on the Barron nomination to be a circuit court judge for the First Circuit; confirmation of the Cook nomination as a member of the Privacy and Civil Liberty Oversight Board; confirmation of the Daly nomination to be U.S. attorney in Connecticut; confirmation of the Green nomination to be U.S. attorney for Louisiana; and confirmation of the Martinez nomination to be U.S. attorney in New Mexico.

**MEASURE PLACED ON THE CALENDAR—S. 2363**

I am told that S. 2363 is due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2363) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Mr. REID. I would object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

**HARD WORKING SENATORS**

Mr. REID. Mr. President, my good friend the Democratic whip, the assistant leader, is seated next to me. He and I came to Washington at the same time many years ago. Judging from what he does, I think he works very hard. The Presiding Officer served with us in the House of Representatives. It is a hard job, the jobs we have. We seek these jobs. They are the choice of our lives. It is an extreme honor to be a Member of the House of Representatives or the Senate, but we have traditionally worked very hard. I have seen it. Our families recognize how hard we work. It is not uncommon for us to wake up in the middle of the night: I should have done that. Then you write yourself a note. This has been going on since we have had a Senate, I am sure.

I have seen Members of Congress work themselves to exhaustion. But I confess, I have never seen some Senators—those Senators on the other side of the aisle—work so hard to do nothing, so little. My Republican colleagues



have exerted so much effort to cause nothing to get done. They prefer it that way. They have broken their backs ensuring that nothing happens here on the Senate floor.

Last week was another example of the Democrats' fruitless hard work. The Republicans blocked debate on the bill that would reinstate important and expired tax provisions—tax cuts. This legislation extends tax cuts and helps American families and American businesses as they recover from the recession.

The bill they stopped last week extends current tax provisions that have bolstered students, teachers, workers and employers, American families and businesses, saving money and growing our economy.

Listen to this. Now the Republicans are against tax breaks. They have been against extended unemployment benefits in recent weeks. They have been against raising the minimum wage. They have been against pay equity. They deny climate change. Now they have added a new one to that. They are against tax cuts. It is hard to comprehend how hard they work to get nothing done.

Stunningly—listen to this one—stunningly, some of the very Republicans who helped craft the legislation that they killed helped filibuster the bill. The primary Republican who negotiated this, the ranking member of the Finance Committee, voted against his own bill. That is what I said. It is true. Republicans are voting against their own legislation again. For what? To stop President Obama from accomplishing anything. That is what they set out to do 5½ years ago. They have stuck to that, to the detriment of the American people.

We have a letter signed by 152 different organizations—152. That is pretty stunning. There are so many names on this, it takes three or four pages to get all of the names. I ask unanimous consent to have this list printed in the RECORD at the conclusion of my remarks. There are conservative organizations such as the U.S. Chamber of Commerce, the National Association of Manufacturers—two of the most conservative organizations in the world, certainly in our country, but they are joined by 150 others saying: We want tax breaks. Everybody in America wants them. Democrats want them. Independents want them. Republicans want them; that is, Republicans who are located everywhere except in the Congress of the United States.

Now we have a new one. The Republicans in Congress are against tax breaks. So what have they accomplished? Nothing but bringing anxiety to the American people, businesses, individuals, and certainly hurting our economy. They continue to obstruct. They have broken my legislative heart so many times.

Yesterday afternoon, in a couple of conversations here with the Republicans, they said they are going to try to do this. They are going to meet with their caucus today. Well, that caucus has ruined a lot of legislation. I hope the people I talked to are strong and emphatic in saying: It is not good for the country, and it is certainly not good for this body. We need to move forward and get certain things done, some things done.

So I hope that my legislative heart is not broken again, that I can respond to the people of Nevada that we are going to have a tax deduction and subsidies for transit. We have a lot of transit now. In the wisdom of the Congress, we created a tax break for those people who take the trains, subways, monorails, and buses.

The Presiding Officer has worked really his entire career to do something about the environment. That tax break I talked about is part of what the Presiding Officer has always advocated: Let's do what we can to get people off the highways to reduce pollution.

We have in this bill something for Nevada that gives—it is not for Nevada; it is for everybody—that sales tax is a deductible item.

We have not been able to bring up these tax breaks. There are many other things all across this country.

Tax cuts—that is what the Republicans have stopped. So I hope the few Republicans I talked to yesterday will be extremely strong in their caucus and say: This is the right thing for the country. We have done enough to try to embarrass the President. Let's try to do something that helps our people in all 50 States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 20, 2014.

U.S. SENATE,  
Washington, DC.

DEAR SENATOR: The undersigned organizations urge the U.S. Senate to pass the EXPIRE Act as soon as possible. The EXPIRE Act will extend the tax provisions that expired at the end of 2013. These tax provisions benefit a wide range of taxpayers, including associations, businesses, individuals, community development organizations and nonprofit organizations and are important to U.S. jobs and the broader economy.

The lack of timely action to extend these provisions injects instability and uncertainty into the economy and weakens confidence in the employment marketplace. Moreover, the extension of the expired provisions should not be delayed until the end of the year since companies are making decisions right now related to taxes that will have an immediate impact on the economy.

We urge you to pass these important tax provisions as soon as possible.

Sincerely,

Advanced Biofuels Association (ABFA), Advanced Energy Economy, Advanced Ethanol Council (AEC), Aerospace Industries Association, Affordable Housing Tax Credit Coalition, Algae Biomass Organization, Alter-

native Simplified R&D Credit Coalition, American Apparel & Footwear Association, American Beverage Association, American Biogas Council, American Chemistry Council, American Coatings Association, American Council of Life Insurers, American Farm Bureau Federation, American Foundry Society, American Institute of Architects, American Iron and Steel Institute, American Wind Energy Association, Arizona Manufacturers Council, Arizona Technology Council.

Asphalt Roofing Manufacturers Association (ARMA), Associated Equipment Distributors, Association of Equipment Manufacturers (AEM), Austin Technology Council, Automation Alley, Biotechnology Industry Organization, BSA | The Software Alliance, Business Roundtable, California Manufacturers & Technology Association, California Taxpayers Association, California Wind Energy Association, Chesapeake Regional Tech Council, Colorado Cleantech Industries Association (CCIA), Colorado Technology Association, Composite Lumber Manufacturers Association (CLMA), Connecticut Technology Council, Council for Affordable and Rural Housing.

CSH (formerly Corporation for Supportive Housing), CTIA—The Wireless Association, Extruded Polystyrene Foam Association (XPSA), Feeding America, Fiber to the Home Council Americas, Financial Executives International, General Aviation Manufacturers Association, Geothermal Energy Association, Growth Energy, Housing Advisory Group, ICPI, the Interlocking Concrete Pavement Institute, Idaho Technology Council, Illinois Technology Association (ITA), INDA, Association of the Nonwoven Fabrics Industry, Independent Sector, Information Technology Industry Council (ITI), International Franchise Association, International Sign Association, Interwest Energy Alliance, ISSA—the Worldwide Cleaning Industry Association.

ITTA—the Voice of Mid-Size Telecommunications Carriers, Kcnext—The Technology Council of Greater Kansas City, Land Trust Alliance, LIHTC Working Group, Local Initiatives Support Corporation (LISC), Massachusetts Housing Investment Corporation, Massachusetts Technology Leadership Council (MassTLC), Metals Service Center Institute, Metroplex Technology Business Council, Minnesota High Tech Association (MHTA), Motor & Equipment Manufacturers Association, National Air Transportation Association, National Association of Electrical Distributors, National Association of Home Builders, National Association of Manufacturers, National Association of State and Local Equity Funds (NASLEF), National Association of State Energy Officials, National Automatic Merchandising Association (NAMA).

National Automobile Dealers Association, National Biodiesel Board, National Business Aviation Association, National Cable & Telecommunication Association, National Council of State Housing Agencies, National Development Council, National Employment Opportunity Network, National Farmers Union, National Foreign Trade Council, National Housing and Rehabilitation Association.

National Housing Conference, National Housing Trust, National Hydropower Association, National Lime Association (NLA), National Marine Manufacturers Association, National Multi Housing Council, National Propane Gas Association, National Restaurant Association, National Retail Federation, National Rural Housing Coalition, National School Transportation Association,

National Shooting Sports Foundation, National Tooling and Machining Association, Natural Resources Defense Council, New Jersey Technology Council, New Markets Tax Credit Coalition, New Mexico Technology Council, NMTC Working Group, North American Die Casting Association, North Carolina Technology Association, Northeast Ohio Software Association, Northeast Pennsylvania Manufacturers and Employers Association, Northern Virginia Technology Council (NVTC), NPES, The Association for Suppliers of Printing, Publishing and Converting Technologies, Outdoor Power Equipment Institute, Pharmaceutical Research and Manufacturers of America, Pittsburgh Technology Council, Precision Machined Products Association.

Precision Metalforming Association, R&D Credit Coalition, Renewable Northwest, Research!America, Rhode Island Manufacturers Association, Roof Coatings Manufacturers Association (RCMA), Securities Industry and Financial Markets Association (SIFMA), Semiconductor Equipment & Materials International (SEMI), Semiconductor Industry Association, Silicon Valley Leadership Group, Silicon Valley Tax Directors Group, Software and Information Industry Association, Software Finance and Tax Executives Council, SPI: The Plastics Industry Trade Association, Tech Council of Maryland, TechAmerica, powered by CompTIA, TechMaine, TechNet, Technology Association of Georgia, Technology Association of Iowa.

Technology Association of Louisville Kentucky, Technology Association of Oregon, Telecommunications Industry Association, The National Pasta Association, The Plastic Pipe and Fittings Association, The State Chamber of Oklahoma, The Wind Coalition, U.S. Chamber of Commerce, Union of Concerned Scientists, United Motorcoach Association, United States Council for International Business, United States Telecom Association, United Way Worldwide, Utah Technology Council, Volunteers of America, Washington Technology Industry Association (WTIA), West Virginia Manufacturers Association, Wisconsin Technology Council, Work Opportunity Tax Credit Coalition.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 12:15 p.m., with the time equally divided and controlled between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. The majority whip.

#### HEALTH CARE

Mr. DURBIN. Mr. President, yesterday I was visited by several hospitals from Chicago. Mount Sinai is an amazing hospital. It originally—you can tell by its name—was founded by Jewish families living in a section of Chicago. The families have moved on. The remaining population is largely African American and Hispanic. It is a very poor neighborhood. It is a violence-ridden

neighborhood. But in an amazing show of magnanimity and charity, many of the Jewish families whose ancestors and predecessors predated them and founded this hospital continue to support Mount Sinai. It is a beacon of quality medical care in one of the toughest, meanest neighborhoods in that great city.

They came to speak yesterday, to meet with me. They just merged with another extraordinary hospital, Holy Cross Hospital in Marquette Park. I have a special affection for this hospital because for decades it was run by the Sisters of St. Casimir, a Lithuanian Catholic order of nuns who devoted their lives first to the Lithuanian population that lived in that neighborhood and then, after that population left, to those who came after them, many of them very poor people.

Mount Sinai and Holy Cross merged, and between the two of them, I can't think of better examples of hospitals with a mission to help the poorest people and to make certain they have care that all of us would like to have for our families. They came yesterday to talk to me about the Affordable Care Act.

There are so many speeches on the floor about the Affordable Care Act. Most of them from the other side of the aisle are entirely negative. But there are some things about the Affordable Care Act which were brought to my attention from these two intercity hospitals which I think we should all look at carefully.

First, they are telling me that at these hospitals more people are showing up and paying. In days gone by, many of those who came in for services were charity cases. The cost of their service was passed on to everyone else. Now, under the Affordable Care Act, many of these lower-income families have health insurance for the first time in their lives.

I have met some of these families, and I know what it means to them. It was several years ago when I was approached by the chairman of the Cook County board, Toni Preckwinkle, the president, and we asked for a waiver from the Obama administration to enroll families in Cook County in the Medicaid portion of the Affordable Care Act before it actually went into effect.

We were given that waiver. We now have 100,000 individuals in Cook County—low-income individuals—who have Medicaid protection.

This Medicaid protection has allowed them to have quality health insurance for the first time in their lives, in many cases, and also it means when they present themselves for care in hospitals, they are paying. They are paying through the Medicaid program rather than coming in as charity cases.

What we are finding as well is that as more and more Americans have the option of health insurance through the

Affordable Care Act, the percentage of Americans who are uninsured has gone down. The share of adults without health insurance declined to 13.4 percent last month from 15.6 percent just a few months before. It is an indication of more and more people in America having the peace of mind that comes with health insurance coverage.

I see the Senator from Kentucky is here, and I know he reserved the floor this morning, and I don't want to take his time.

I also want to make the point as well that as we are bringing in more cost savings in health care through the Affordable Care Act, we are seeing the overall increase in health care costs starting to decline and slow down. That is what we were shooting for—more and more accessibility in coverage, more affordability for those who have that coverage and the overall cost in health care systems starting to come down. It is an experiment which is starting to show good results.

Let me add that as proud as I am to have supported this law, it is not perfect. There are things we need to do to improve it and to refine it. We should do those on a bipartisan basis. That is what we are waiting for.

The House of Representatives has now voted—I believe the number is 50 times—to repeal the Affordable Care Act. I hope they have gotten it out of their system and now will sit down with us and work on a bipartisan basis to make it a better law. We can do that and we should do it together.

So I commend this effort to both sides of the aisle—in the Senate as well as in the House—and I hope that we can achieve something that will make a difference.

I would like to close by mentioning two of my constituents in Illinois before I turn the floor over to the Senator from Kentucky.

Philosophy Walker is a 28-year-old graduate student in biblical studies at the University of Chicago. Her husband Adam is 31 years old and a part-time youth minister. Philosophy's school provides health insurance, but it is \$900 per month for her and her husband. That would require them to take out additional student loans to pay their health insurance while they are in school.

Before moving to Chicago, they were paying \$700 per month for health insurance through COBRA, which is an option for those who have lost health insurance—but an expensive one. The \$700 payment depleted their savings because her husband struggled to find a full-time job. Going without health insurance wasn't an option because Philosophy Walker has some severe allergy problems.

Last November they signed up through the Affordable Care Act exchange and purchased a plan comparable to the COBRA coverage that

had cost them \$700 a month, but the plan also included dental insurance, which they never had before.

Philosophy and her husband Adam, under this Affordable Care Act plan, pay \$200 a month. It went from \$700 to \$200. Philosophy also receives her monthly allergy medication for free, rather than the previous \$10 monthly copay.

If we listen to some of the stories on the floor of the Senate, you would never believe this story, but it is true.

I wish also to talk about Laurel Tyler, who runs a small business with her husband in Illinois. Because they have two employees and one of the children of one of their employees has asthma, the policies they were sold in the past were extremely expensive.

Because of the Affordable Care Act and the Illinois marketplace, Laurel's business is going to save 20 percent on health care costs, and the 22-year-old son with asthma can stay on the employee's plan. That, to me, is a success story.

Let's build on that success. Let's work together to make this law even stronger.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

#### BARRON NOMINATION

Mr. PAUL. I rise today in opposition to the killing of American citizens without trials. I rise today to oppose the nomination of anyone who would argue that the President has the power to kill an American citizen not involved in combat and without a trial.

I rise today to say that there is no legal precedent for killing American citizens not involved in combat, and that any nominee who rubber stamps and grants such power to a President is not worthy of being placed one step away from the Supreme Court.

It isn't about just seeing the Barron memos. Some seem to be placated by the fact that: Oh, they can read these memos.

I believe it is about what the memos themselves say. I believe the Barron memos, at their very core, disrespect the Bill of Rights.

The Bill of Rights isn't so much for the American Idol winner, the Bill of Rights isn't so much for the prom queen or the high school football quarterback. The Bill of Rights is especially for the least popular among us. The Bill of Rights is especially for minorities, whether you are a minority by virtue of the color of your skin or the shade of your ideology. The Bill of Rights is especially for unpopular people, unpopular ideas, and unpopular religions.

It is easy to argue for trials for prom queens. It is easy to argue for trials for the high school quarterback or the American Idol winner. It is hard to

argue for trials for traitors and for people who would wish to harm our fellow Americans. But a mature freedom defends the defenseless, allows trials for the guilty, and protects even speech of the most despicable nature.

After 9/11, we all recoiled in horror at the massacre of thousands of innocent Americans. We fought a war to tell other countries we would not put up with this and we would not allow this to happen again.

As our soldiers began to return from Afghanistan, I asked them to explain in their own words what they had fought for. To a soldier, they would tell me they fought for the American way. They fought to defend the Constitution, and they fought for our Bill of Rights.

It is a disservice to their sacrifice not to have an open and full-throated public debate about whether an American citizen should get a trial before they are killed.

Let me be perfectly clear. I am not referring to anybody involved in a battlefield, anybody shooting against our soldiers. Anybody involved in combat gets no due process.

What we are talking about is the extraordinary concept of killing American citizens who are overseas but not involved in combat. It doesn't mean that they are not potentially—and probably are—bad people, but we are talking about doing it with no accusation, no trial, no charge, and no jury. The nomination before us is about killing Americans not involved in combat.

The nominee, David Barron, has written a defense of executions of American citizens not involved in combat. Make no mistake, these memos do not limit drone executions to one man. These memos become historic precedent for killing Americans abroad.

Some have argued that releasing these memos is sufficient for his nomination. This is not a debate about transparency. This is a debate about whether or not American citizens not involved in combat are guaranteed due process.

Realize that during the Bush years, most of President Obama's party—including the President himself—argued against the detention—not the killing—of American citizens without a trial. Yet now the President and the vast majority of his party will vote for a nominee who advocates the killing of American citizens without trial. How far have we come? How far have we gone? We were once talking about detaining American citizens and objecting that they would get no accusation and no trial. Now we are condoning killing American citizens without a trial.

During President Obama's first election, he told the Boston Globe:

No. I reject the Bush administration's claim that the President has plenary authority under the Constitution to detain U.S.

citizens without charges as unlawful combatants.

As President, not only has he signed legislation to detain American citizens without trial, but he has now approved of killing American citizens without a trial. Where has candidate Obama gone?

President Obama now puts forward David Barron, whose memos justify killing Americans without a trial. I can't tell you what he wrote in the memos; the President forbids it. I can tell you what Barron did not write. He did not write or cite any legal case to justify killing an American without a trial because no such legal precedent exists. It has never been adjudicated. No court has ever looked at this. There has been no public debate because it has been held secret from the American people.

Barron creates out of whole cloth a defense for executing American citizens without trial. The cases he cites—which I am forbidden from talking about, which I am forbidden from citing today—are unrelated to the issues of killing American citizens because no such cases have ever occurred. We have never debated this in public. We are going to allow this to be decided by one branch of government in secret.

Yet the argument against the Barron memo, the argument against what Barron proposes should be no secret and should be obvious to anyone who looks at this issue. No court has ever decided such a case. So Barron's secret defense of drone executions relies on cases which, upon critical analysis, have no pertinence to the case at hand.

Am I the only one who thinks that something so unprecedented as an assassination of an American citizen should not be discussed, that we should discuss this in the light of day. Am I the only one who thinks that a question of such magnitude should be decided in the open by the Supreme Court?

Barron's arguments for the extrajudicial killing of American citizens challenges over 1,000 years of jurisprudence. Trials based on the presumption of innocence are an ancient rite. The Romans wrote that the burden of proof is on he who declares, he who asserts that you are guilty, not on he who denies. The burden is on the government.

We describe this principle as the principle of being considered innocent until guilty. This is a profound concept. This is not something we should quietly acquiesce to having it run roughshod on or diluted and eventually destroyed.

In many nations the presumption of innocence is a legal right to the accused, even in the trial. In America we go one step further to protect the accused. We place the burden of proof on the prosecution. We require the government to collect and present enough

compelling evidence to a jury—not to one person who works for the President, not to a bunch of people in secret, but to a public jury. The evidence must be presented.

But then we go even further to protect the possibility of innocence. We require that the accused be guilty beyond reasonable doubt. If reasonable doubt remains, the accused is to be acquitted.

We set a very high bar for conviction and an extremely high bar for execution, and even doing all of the most appropriate things, we still sometimes have done it wrong and have executed people after jury trials mistakenly, erroneously. But now we are talking about not even having the protection of a trial. We are talking about only accusations.

Are we comfortable killing American citizens no matter how awful or heinous the crime they are accused of? Are we comfortable killing them based on accusations that no jury has reviewed?

Innocent until proven guilty—the concept—is tested. We are being tested. It is being tested when the consensus is that the accused is very likely guilty in this case. The traitor who was killed, in all likelihood, was guilty. The evidence appears to be overwhelming. Yet why can't we do the American thing—have a public trial, accuse them, and convict them in a court?

It is more difficult to believe in the concept of innocent until proven guilty when the accused is unpopular or hated. The principle of innocent until proven guilty is more difficult when the accused is charged with treason. The Bill of Rights is easy to defend when we like the speech or sympathize with the defendant. Defending the right of trial for people we fear or dislike is more difficult. It is extremely hard. But we have to defend the Bill of Rights or it will slip away from us.

It is easy to support a trial for someone who looks like you, for someone who has the same color skin, or for someone who has the same religion. It is easy. Presumption of innocence is, however, much harder when the citizen practices a minority religion, when the citizen resides in a foreign land or sympathizes with the enemy. Yet our history is replete with examples of heroes who defended the defenseless, who defended the unpopular, who sometimes defended the guilty.

We remember John Adams, when he defended the British soldiers—the ones who were guilty of the Boston massacre. We remember fondly people who defend the unpopular, even when they end up being declared guilty, because that is something we take pride in—our system. We remember his son John Quincy Adams when he defended the slaves who took over the *Amistad*. We remember fondly Henry Selden who de-

fended the unpopular when he represented Susan B. Anthony, who voted illegally as a woman. We remember fondly Eugene Debs who defended himself when he was accused of being against the draft and against World War I and was given 10 years in prison.

We defend the unpopular. That is what the Bill of Rights is especially important for. We remember fondly Clarence Darrow who defended the unpopular in the Scopes monkey trial. We remember fondly Thurgood Marshall who defended the unpopular when he convinced the Supreme Court to strike down segregation.

Where would we be without these champions? Where would we be without applying the Bill of Rights to those we don't like, to those we don't associate with, to those who we actually think are guilty?

Where would the unpopular be without the protection of the Bill of Rights?

One can almost argue that the right to trial is more precious the more unpopular the defendant. We cannot and we should not abandon this cherished principle.

Critics will argue these are evil people who plot to kill Americans. I don't dispute that. My first instinct is, like most Americans, to recoil in horror and want immediate punishment for traitors. I can't stand the thought of Americans who consort with and advocate violence against Americans. I want to punish those Americans who are traitors. But I am also conscious of what these traitors have betrayed. These traitors are betraying a country that holds dear the precept that we are innocent until proven guilty. Aren't we, in a way, betraying our country's principles when we relinquish this right to a trial by jury?

The maxim that we are innocent until proven guilty is in some ways like our First Amendment which presumes that speech is okay. It is easy to protect complimentary speech. It is easy to protect speech you agree with. It is harder to protect speech you abhor. The First Amendment is not so much about protecting speech that is easily agreed to; it is about tolerating speech that is an abomination. Likewise, the Fourth, the Fifth, and the Sixth Amendments are not so much about protecting majorities of thought, religion or ethnicity. Due process is about protecting everyone, especially minorities.

Unpopular opinions change from generation to generation. While today it may be burqa-wearing Muslims, it has, at times, been yarmulke-wearing Jews. It has, at times, been African Americans. It has, at times, been Japanese Americans. It is not beyond belief that someday evangelical Christians could be a persecuted minority in our own country.

The process of determining guilt or innocence is an incredibly important

one and a difficult one. Even with a jury, justice is not always easily discovered. One has only to watch the jurors deliberate in "Twelve Angry Men" to understand that finding justice, even with a jury, is not always straightforward. Today, virtually everyone sympathizes with Tom Robinson who was unfairly accused in "To Kill a Mockingbird" because the reader knows that Robinson is innocent, because the reader knows his accusation was based on race. It is a slam dunk. It is easy for all of us to believe that he should get a trial.

It is easy to object to vigilante justice when you know the accused is innocent. When the mob attempts an extrajudicial execution, we stand with Atticus Finch. We stand for the rule of law. But what of an American citizen who, by all appearances, is guilty; what of an American citizen who, by all appearances, is a traitor, who we all agree deserves punishment? Are we strong enough as a country to believe still that this person should get a trial?

Do we have the courage to denounce drone executions as nothing more than sophisticated vigilantism? How can it be anything but vigilantism? Due process can't exist in secret. Checks and balances can't exist in one branch of government. Whether it be upon advice of 1 lawyer or 10,000 lawyers, if they all work for one man—the President—how can it be anything but a verdict outside the law—a verdict that could conceivably be subject to the emotions of prejudice and fear; a verdict that could be wrong? This President, above all other Presidents, should fear allowing so much power to gravitate to one man.

It is admittedly hard to defend the right to a trial for an American citizen who becomes a traitor and appears to aid and abet the enemy, but we must. If we cannot defend the right to trial for the most heinous crimes, then where will the slippery slope lead us? The greatness of American jurisprudence is that everyone gets his or her day in court, no matter how despicable the crime they are accused of.

Critics say: How would we try these Americans? They are overseas. They won't come home. The Constitution holds the answer. They should be tried for treason. If they refuse to come home, they should be tried in absentia. They should be given the right to a legal defense. It should be provided. There should be an independent legal defense that does not work for the government. If they are found guilty, the method of punishment is not the issue. The issue is, and always has been, the right to a trial, the presumption of innocence, and the guarantee of due process to everyone.

For these reasons I cannot support the nomination of David Barron. Even if the administration releases a dozen Barron memos, I cannot support Barron. The debate is not about partisan

politics. I have supported many of the President's nominees. The debate is not about transparency. It is about the substance of the memos. I cannot and will not support the lifetime appointment of someone who believes it is OK to kill an American citizen not involved in combat without a trial.

Some will argue and say: The President, yesterday, has now changed his mind. He is going to release these memos to the public. Well, if that is true, why don't we wait on the vote and let the public read the memos? Why don't we have a full-throated debate over this? Why don't we actually see what the public thinks about the right to trial by jury? One would think that something we have had for over a thousand years deserves a bit of debate. Wouldn't you think we would at least take the time? Realize, this is not the position of the administration, this is the position of the administration now that it is relenting to the verdict of the Second Circuit Court. They are releasing this memo under duress. My guess is they are releasing this memo because they need a few more votes, and they will get a few more votes by releasing these memos to the public—or promising to release these memos. They will not be released—the memos justifying the killing of an American without a trial—will not be released before the vote takes place.

So the question is, Is this transparency good enough for you to cast aside the whole concept of presumption of innocence, the whole concept that an accusation is different than a conviction?

There has been much discussion of what due process is, and as we have looked at this debate there are some valid questions and some good writings on this. Conor Friedersdorf has written extensively on this, and he writes about the lawyer who enabled the extrajudicial killing of an American. He asks the question, Should the Constitution be entrusted to a man—and this is essentially what happens; the Constitution will be entrusted to an appellate court judge—should the Constitution be entrusted to a man who thinks Americans can be killed without due process?

The Fifth Amendment, Conor Friedersdorf says, is very clear. No person shall be held to answer for a capital or otherwise infamous crime unless upon the presentment or indictment of a grand jury. It doesn't say except or on presentment of an accusation by the executive branch without a trial. The Fifth Amendment actually says, "Nor shall any person be deprived of life, liberty or property without due process."

The question is, What is due process? One would think this would be pretty clear and there wouldn't be much dispute over due process. But listen to some of these descriptions. This is the description Glenn Greenwald writes

about in describing both the Bush and the Obama administrations. He says:

The core of the distortion on the war on terror under both Bush and Obama is the Orwellian practice of equating government accusation of terrorism with proof of guilt.

Realize what we are talking about. There is a big difference between an accusation and a conviction. If we want to realize how important this is, there are Senators on the other side of the aisle who have called Senators on this side of the aisle terrorists on multiple occasions. Who are we potentially going after with these directives toward killing? People who are either senior operatives of Al-Qaeda—of which there are no membership cards, so that is somewhat open to debate—but we are also going after people who are associated with terrorism.

The definition of terrorism—since on some occasions we have been accused of terrorism by the other side—can be somewhat loose. The Bureau of Justice put out a memo describing some of the characteristics of people who might be terrorists—which might alarm you, if you are traveling overseas: people who are missing fingers, people who have stains on their clothing, people who have changed the color of their hair, people who have multiple weapons in their house, people who have more than 7 days worth of food in their house.

These are people you should be suspicious of, according to the government; these are people who might be terrorists; and these are people you should talk to and inform the government about these people.

If these are the definitions of someone who might be a terrorist, wouldn't we kind of want to have a lawyer before the accusation becomes a conviction?

When we talk about conviction, we talk about the conviction or the bar for conviction being beyond a reasonable doubt. One can pretty much think—you can be in a jury pool and pretty much think someone killed someone—you have a suspicion, you have an inclination they are probably guilty, but you are supposed to be so convinced that it is beyond a reasonable doubt. In these memos there is a different standard.

Realize what the standard is of the person whom we will now be appointing to a lifetime appointment—one step away from the Supreme Court. That standard is an assassination is justified when an informed high-level official of the U.S. Government has determined that the targeted individual poses an imminent threat of violent attack against the United States.

We are not talking here about beyond a reasonable doubt anymore. That standard is gone. We are talking about an informed, unnamed high-level official in secret deciding an imminent attack is going to occur.

The interesting thing about an imminent attack is we don't go much by the plain wording of what one would think would be imminent anymore. The memo expressly states it is inventing—this is also from Glenn Greenwald—the memo expressly states it is inventing a broader concept of innocence that is typically not used.

Specifically, the President's assassination power does not require that the United States have clear evidence that a specific attack will take place in the immediate future. So you wonder about a definition of "imminence" that no longer includes the word "immediate."

The ACLU's Jameel Jaffer, as quoted by Glenn Greenwald, explains that the memo redefines the word "imminence" in a way that deprives the word of its ordinary meaning.

When we talk about due process, it is important to understand where due process can occur. Due process has to occur in the open. It has to occur in an adversarial process. If you don't have a lawyer on your side who is your advocate, you can't have due process. Due process cannot occur in secret, but it also can't occur in one branch of government. This is a fundamental misconception of the President.

The President, with regard to either privacy in the fourth amendment or killing American citizens with regard to the fifth amendment, believes that if he has some lawyers review this process, that is due process. This is appalling because this has nothing to do with due process and can in no way be seen as due process.

Some have said: Well, this is a judicial opinion. Barron has written an opinion; he has justified the President's actions. People have also said with regard to the NSA spying case that 15 judges have approved it. Well, the majority of the judges were in secret in the FISA Court, and that is not due process.

But the memo written by David Barron as recounted by Glenn Greenwald is not a judicial opinion. It was not written by anyone independent of the President. On multiple occasions they have justified and the memo argues that due process can be decided by internal deliberations of the executive branch.

The comedian Stephen Colbert mocked this and presented:

Trial by jury, trial by fire, rock, paper scissors, who cares? Due process just means that there is a process that you do.

The current process is apparently, first the president meets with his advisers and decides who he can kill. Then he kills them.

It is actually called "Terror Tuesday" with flashcards and powerpoint presentation.

Noah Feldman, a colleague of David Barron, writes:

... no precedent for the idea that due process could be satisfied by some secret, internal process within the executive branch.

So to those of my colleagues who will come on down here today and just

stamp "approval" on someone who I believe disrespects the Bill of Rights, realize that other esteemed professors, other esteemed colleagues at Harvard disagree and that you cannot have due process by a secret internal process within the executive branch.

To those who say, oh, the memos are now not secret, are we going to be promised that from now on this is going to be a public debate and that there will be some form of due process? No. I suspect it will be done in secret by the executive branch because that is the new norm. You are voting for someone who has made this the historic precedent for how we will kill Americans overseas—in secret, by one branch of the administration, without representation based upon an accusation. We have gone from having to be proven guilty beyond a reasonable doubt to an accusation being enough for an execution. I am horrified that this is where we are.

To my colleagues, I would say that to make an honest judgment, you should look at this nomination as if it came from the opposite party. I can promise—and this would absolutely be my opinion, and this isn't the most popular opinion to take in the country—that I would oppose this nomination were it coming from a Republican President.

But what I would ask of my Democratic colleagues is to look deeply within their soul, to look deeply within their psyche and say: How would I vote if this were a Bush nominee? If this were a Bush nominee who had written legal opinions justifying torture in 2007, 2006, 2005, how would I have voted?

I think 90 percent would have voted against and would now vote against a Bush nominee.

This has become partisan and this body has become too partisan. There was a time when there were great believers in the Constitution in this body, and we have degenerated into a body of partisanship. There was a time when the filibuster actually could have stopped this nomination. There was a time when there would have been compromise. There was a time in this body when we would get people more toward the mainstream of legal thought because those on each extreme would be excluded from holding office.

The people who have argued so forcefully for majority vote, for not having the filibuster, are the ones who are responsible now for allowing this nomination to go forward. This nomination would not go forward were it not for the elimination of the filibuster.

Some say about the filibuster: Oh, that was obstructionism.

The filibuster was also in many cases about trying to prevent extremists from getting on the bench. We will now allow someone who has an extreme point of view, someone who has questioned whether guilt must be deter-

mined beyond a reasonable doubt, someone who now says that an accusation is enough for the death penalty. Now, that person may say: Only if you are overseas. Well, some consolation if you are a traveler.

What I would say is we need to think long and hard and examine this nomination objectively as if this were a nomination from a President of the opposite party. We need to ask ourselves: How precious is the concept of presumption of innocence? How precious are our Bill of Rights?

We need to examine—and it is hard when you know someone is guilty, when you have seen the evidence and you feel that this person deserves punishment. I sympathize with that and think that this person did deserve punishment. But I also sympathize so greatly with the concept of having a jury trial, so greatly that an accusation is different from a conviction, that I can't allow this to go forward without some objection. I hope this body will consider this and will reconsider this nomination.

At the appropriate time I will offer a unanimous consent request to delay the David Barron nomination until the public has had a chance to read his memo. I will return at an appropriate time, and we will offer that as a unanimous consent.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. PAUL. I ask unanimous consent that the cloture motion on the nomination of David Barron to be U.S. circuit judge be delayed until such time that the public can review documents that are now being promised to be revealed by the President, that have not yet been revealed. So I ask that we delay until such time that the public can review the text of his memos on the use of targeted force against Americans.

The PRESIDING OFFICER. Is there objection?

Mr. MARKEY. Objection.

The PRESIDING OFFICER. The objection is heard.

The PRESIDING OFFICER. The Senator from Oregon.

#### BARRON NOMINATION

Mr. WYDEN. Madam President, it wasn't very long ago when the Senator

from Kentucky and I were on the floor talking about drones, and I want to make sure it is understood that Senator PAUL's passion, intellectual rigor, and devotion to these issues of liberty and security—which he and I have worked on together now for a number of years—is much appreciated.

I come to the floor today to address the issue Senator PAUL and I have discussed in the past, and that is how vigorous oversight—and particularly vigorous oversight over the intelligence field—needs more attention. It is not something we can minimize. It goes right to the heart of the values the Senator from Kentucky and I and others have talked about, and that is liberty and security are not mutually exclusive. We can have both.

The Senator from Kentucky and I often joke about how the Senate would benefit from a Ben Franklin caucus. Ben Franklin famously said, in effect, that anybody who gives up their liberty for security doesn't deserve either.

The Senator from Kentucky and I have certainly had some disagreements from time to time on a particular judicial nomination, but I thank him for his time this morning, and I thank him for the opportunity we have had over the years to make the case about how important these issues are. The American people ought to insist that their elected officials put in place policies which ensure we have both liberty and security. I thank the Senator from Kentucky for that, and I have some brief remarks this morning.

Of course, the Senate is going to vote on the nomination of David Barron to serve as a judge for the First Judicial Circuit. His nomination has been endorsed by a wide variety of Americans, including respected jurists from across the political spectrum.

Mr. Barron has received particularly vocal endorsements from some of our country's most prominent civil rights' groups. Of course, the aspect of his record that has perhaps received the closest scrutiny in recent weeks is his authorship of a legal opinion regarding the President's authority to use military force against an individual who is both a U.S. citizen and senior leader of Al-Qaeda. I am quite familiar with this particular memo.

The executive branch first acknowledged its existence 3 years ago in response to a question I asked at an open hearing of the Senate Select Committee on Intelligence. I followed up by working with my colleagues and pressing the executive branch to provide this memo to the intelligence committee.

This month, of course, the administration made this memo available to all Members of the Senate. Executive branch officials have now said they will provide this memo to the American people as well. This is clearly, in my view, a very constructive step, and I



am going to vote yes on Mr. Barron's nomination.

I want to take a minute to outline that this whole matter is about much more than a single memo. It drives home how incredibly important vigorous congressional oversight is, which is, of course, the mission of the intelligence committee, and it is the mission of all of us.

In his classic work on democratic government, Woodrow Wilson wrote that conducting oversight was one of the most important functions of Congress. He suggested it might be more important than passing legislation. Woodrow Wilson wrote:

It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees.

He added that Congress must examine "the acts and disposition" of the executive branch and "scrutinize and sift them by every form of discussion." Woodrow Wilson said if the Congress failed in this duty, then the American people would remain ignorant "of the very affairs which it is most important that [they] understand and direct."

Woodrow Wilson might not have been able to anticipate the size and scale of the modern national security apparatus, but I believe his words are as true today as they were a century ago.

As the elected representative of nearly 4 million Americans, I have spent years now working from the theory that all of us in the Senate have an obligation to understand how the executive branch is interpreting the President's authority to use military force against Americans who have taken up arms against our Nation. I have long believed it is my obligation to make sure that those I am honored to represent in Redmond, Troutdale, and Dallas, and all across Oregon, understand that as well. I believe every American has the right to know when their government believes it is allowed to kill them.

In the case in question, as I have said before, I believe the President's decision to authorize a military strike in those particular circumstances was legitimate and lawful. I have detailed my views on this case in a letter to the Attorney General that is posted on my Web site.

I agree with the conclusion Mr. Barron reached in what has now certainly become a famous memo. To be clear, while I agree with the conclusion, this is not a memo I would have written. It contains, in effect, some analytical leaps I would not endorse. It jumps to several conclusions, and it certainly leaves a number of important questions unanswered.

I am hopeful that making this memo public will help generate the public pressure that is needed to get those additional questions answered. I am talking here about fundamental questions,

such as: How much evidence does the President need to determine that a particular American is a legitimate target for military action? Can the President strike an American anywhere in the world? What does it mean to say that capture must be "infeasible"? And exactly what other limits and boundaries apply to this authority?

Mr. Barron was not asked to answer these questions, but it is my view it is vitally important that the American people get answers to those questions. In my view, those questions are essential to understanding how Americans' constitutional rights will be protected in the age of 21st century warfare, and I am going to stay at it until the American people get answers to those questions.

In addition to getting detailed public answers to these matters, another important step will be for the Congress to review the other Justice Department memos regarding the President's authority to use military force outside of an active war zone. Clearly, the most important memos on this topic are the ones the Congress has now seen regarding the use of lethal force against Americans, but it is also going to be important for the Senate to review the memos on other aspects of this authority as well.

The past few years have shown when the public is allowed to see and debate how our government interprets the law, it has led to meaningful changes in terms of ensuring that there are additional protections for privacy and civil liberties without sacrificing our country's security at a dangerous time.

It is unfortunate that it took Mr. Barron's nomination for the Justice Department to make these memos public. I will say it has been frustrating over the past few years to see the Justice Department's resistance to providing Congress with memos that outline the executive branch's official understanding of the law. When Mr. Barron was the head of the Justice Department's Office of Legal Counsel, I believe congressional requests to see particular classified memos and legal opinions were appropriately granted. However, in the years since Mr. Barron moved on from that position, congressional requests to see memos and opinions have frequently been stonewalled—and I use those words specifically—frequently stonewalled.

The executive branch often makes the argument that these memos constitute confidential, predecisional legal advice to the President. Here is the problem with that argument: The President has to be able to get confidential legal advice before he makes a decision, but once a decision has been made and the legal memo from the Justice Department has been sent to the agencies that will carry out the President's decision, that memo is no longer predecisional advice; it is the govern-

ment's official legal basis for actual acts of war, and as such, in my view, it is entirely unacceptable to withhold it from the Congress.

Congress has the power to declare war, and Congress votes on whether to continue funding wars, so it is vital for the Congress to understand what the executive branch believes the President's war powers actually are. In that classic work I have discussed from Woodrow Wilson, he said:

It is even more important to know how the house is being built than to know how the plans of the architect were conceived.

As a former basketball player, I often say that sections of the playbook for combating terrorism will often need to be secret, but the rule book the United States follows should always be available to the American people—all of the American people. Our military intelligence agencies often need to conduct secret operations, but they should never be placed in the position of relying on secret law.

I am very pleased this morning that we know the executive branch is going to provide this memo to the American people, and I believe this constructive step must lead to additional steps that are equally important. This episode is an object lesson in how the U.S. Congress can use the leverage it has to fulfill one of the most important functions of government. As my colleagues and I engage in our personal discussions about how to make Congress more functional, I hope this is an experience we will remember.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

#### HEALTH CARE

Mr. BLUNT. Madam President, I want to talk a little bit about the continuing concerns we see in our office and hear from Missourians about what is happening with the implementation of the health care plan. The more people know about the path we are on with health care, the more concerned they appear to become.

I know the White House has suggested that somehow the numbers would reflect that people have responded to this program in a positive way. When you take away the health insurance people have and there is only one place they can go to get the insurance they think they need, obviously they are going to go there, but that doesn't mean they like it.

In fact, there is a new political poll that suggests nearly half of the American voters say they are for outright repeal of this law, and nearly 90 percent say it will be important to them in determining how they will vote this year.

Another point in terms of why we want to start over again is everybody knows what the consequences are when



you make a bad decision about people's health care in a way that I think most Americans would not have anticipated in 2009 and 2010. When you fundamentally get involved in issues that impact people and their families, such as health care, and do things that fundamentally impact the way their money is going to be spent, and that decision is made by the Federal Government instead of by that family whose only decision might be to pay a penalty or not have insurance at all or pay a whole lot more than they were paying, the government has involved itself in an area where the government should have looked for better choices, more options, more ways to seek coverage, and better ways to be sure you can have coverage if you had a pre-existing condition. All of those, by the way, were proposed. These are not ideas that weren't out there a few years ago, but they would be taken much more seriously today if we did what nearly half of the American voters say we should be doing, and let's just see what would happen if we start all over.

Several States have announced that their Web sites will not work. This includes Oregon and Massachusetts. There is a report that four of the failed State exchanges cost \$474 million of taxpayer money, spent in Nevada, Massachusetts, Maryland, Oregon—just those four—for systems that then wouldn't work.

Many of these systems around the country that now are being abandoned were put in place partially, if not totally, with grants from the Federal Government. If a State gets a grant from the Federal Government to do something and then it doesn't do it, every other grantee has to give the money back. A State can't say it is going to take millions of dollars from Federal taxpayers to put together an exchange and then announce it didn't work out very well and then have no obligation to give that money back. There was a time when there appeared to be great concern in Washington that States weren't putting an exchange in place. Now we find out that States with this particular plan, ill-conceived as it was, can't put a system in place apparently that works. The State of Oregon, one of the earliest advocates of adopting this system, my belief is and I have read, wasn't able to sign up one single person from October 1 until they abandoned their Web site just a few days ago—not one person.

Subsidies appear to be incorrect. The Washington Post reported last weekend that 1 million Americans who have enrolled in the plan may be getting incorrect health care subsidies because the Web site was defective and didn't appropriately calculate what the subsidy would be. If people get too much of a subsidy, they have to pay it back. If they get too little of a subsidy, they

may decide they are not going to take the health insurance available because they are not getting the assistance they had hoped for. Potentially hundreds of thousands of Americans are, according to that article, receiving bigger subsidies than they deserve and will be required to return the excess next year.

Under Federal rules, consumers are notified if there is a problem with their application and asked to send in or upload pay stubs or other proof of their income. Apparently, only a fraction have done what they are supposed to do. Whose fault is that? If the government allocates the subsidy and if a person hasn't complied with the law, is that the person's fault or the government's fault? It is the government's job to comply with the law and to insist that people comply if they are going to be part of a Federal program. It is not a person's absolute obligation to say, I need to send that final piece of paper in, if the government is saying we are going to give you this subsidy. Don't worry about sending this in, we are going to do this anyway. But there will be a reconciliation moment where people find out their subsidy was more than they deserved and suddenly they have to pay it back.

The processing centers. KMOV, a television station in St. Louis, recently broke a story regarding the claims of workers at a Wentzville, MO, facility that was one of a handful of facilities the Federal Government financed around the country to handle paper applications. Not only, on one side, did the applications not appear to work coming in on the Web site—the easiest thing one would have thought possible—the easier thing, I guess, suddenly we find out, would have been to fill out the paper application and send it to one of these locations that was set up.

Contract costs of over \$1 billion, 600 people working at the Wentzville site, and the allegations from people working there are that there is just nothing to do. They are told to refresh their computers once every 10 minutes—hit the refresh button—so it appears they are doing something, so 600 people don't process more than one or two applications a month and that way everybody has a chance to process one application. My belief is these are the kinds of applications people would have assumed every individual would have easily processed dozens a day. Yet they are told not to process more than one or two a month because there just aren't that many people making applications at these centers.

The television station KMOV did a Freedom of Information Act request to CMS on April 8. They are 2 weeks past the 20 days the government is supposed to have to comply. I wonder what would happen if a taxpayer had an EPA penalty and the taxpayer was a couple

of weeks late in complying with whatever that penalty is.

Last week I joined Senator ALEXANDER, who is the ranking member of the Senate Committee on Health, Education, Labor & Pensions, in a letter to the CMS Administrator expressing my concerns and his concerns and requesting answers to a number of questions no later than the end of this month. Hopefully, they will do better complying with us than they did with the Freedom of Information Act and the St. Louis reporter.

The full 5-year contract has a balance of up to \$1.25 billion. The Wentzville facility reportedly employs about 600 people. We are now hearing from a couple of the other facilities that they have exactly the same problem. They are going to work, they have a library with books stacked on the table so people can read a book during the day so they can wait for what I guess they think eventually will be this onslaught of applications coming in, but so far it hasn't happened. We have passed October 1, November 1, December 1, January 1, February 1, March 1, April 1, May 1, and soon June 1. One would think these would be coming in because we are paying these people to do this.

Frankly, people need jobs, so it is hard to fault them for showing up every day until somebody says: The truth is there is no work here for maybe 590 of the 600 employees; maybe we need to eliminate these particular jobs which were supposedly to help implement this system. Facilities in Missouri, Kentucky, Arkansas, Oklahoma—there are lots of indications that everybody is having the same experience.

The American part of this company, Serco, is based in Reston, VA, but this is a British company. They were already in trouble with the British Government, I have read, for not providing the services they guaranteed to provide. It is amazing to me that to do the work to implement this program, we get a Canadian company to design the Web site, which is already in trouble with the Canadian Government for failure to do what they said they would do, but we hired that company anyway. One would think there would be American companies that aren't in trouble with anybody's government that could design the Web site. Then we got a British company that is in trouble with the British Government to operate these centers for the written applications. No wonder taxpayers are wondering, Who is minding the store? Who is managing the government? Who is doing this work that would make common sense anywhere else?

I continue to hear from Missouri families every week about the problems they have. We talk to them and we verify these problems. We then try to find a solution, including going

through the Affordable Care Act, trying to find assistance so they can afford to pay for a policy that costs more than they ever thought they would pay, but we are not finding those solutions.

I have a few letters, one from a retired substitute teacher who is no longer able to work the substitute hours they were able to work because of the unintended consequences of the Affordable Care Act. Thirty hours, the law says, is when employers have to provide full-time benefits. Different companies had different rules in the past. If we go back to the 40-hour workweek, a lot of people would be working 35, 36, and 38 hours. Now they are working 25 and 26 and 28 hours.

Another letter is from a student, Stephanie, in Jackson, MO. The schoolteacher was in Kansas City. Stephanie in Jackson is trying to go to school and trying to do everything she can to pay her own way through school, but her hours have been cut at work. She was working in the past more than 30 hours to try to do what kids used to do. What is one of the solutions to not having a lot of debt when you get out of college? Work your way through school. What is one of the things the Affordable Care Act has made it harder to do? Work your way through school. So Stephanie, the student, says she is looking for a second part-time job now that would give her the hours she used to have in her other part-time job because of the consequences of the Affordable Care Act.

Just a couple more examples. Rich from Portageville, MO, his rates have increased from \$412 a month to \$732 a month. Rick says he is 49 years old. His policy covers him and his son who is 22 years old. They are both healthy, but their insurance went up \$320 a month.

Roy from Oak Ridge, MO, says his deductible has gone from \$250 to \$650, and if his wife wasn't a veteran and couldn't get her medications through the Veterans' Administration, they would have real health care problems.

Just one last example. Rodney from New Franklin, MO, says his rates have jumped. He says: My health insurance for my wife and myself has jumped from \$320 per month to over \$700 per month, and now there is a \$5,000 deductible, despite the fact that we are both in great health. It doesn't include eye or dental coverage. I am self-employed, Rodney says. So it makes a very big difference to him whether he can continue to pay well over two times what he was paying before, with a higher deductible.

Problems with implementing the system appear to not be dealt with in the right way, and then what happens when people do get coverage. It turns out for them not to be coverage they can afford. Of course, whether they had a policy they liked, almost nobody has been able to keep the policy they had, par-

ticularly if they had it as an individual. I think we are going to see fewer and fewer people having the policies they have had at work.

I will go back to the almost 50 percent of Americans who say: Why don't we start over and do this the common-sense way and solve these problems in a way that benefits families and their health care rather than benefiting more government employees and more government regulations?

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### BARRON NOMINATION

Mr. CRUZ. Madam President, I rise to discuss the nomination of David Barron to be a Federal court of appeals judge. I commend my friend Senator RAND PAUL for his excellent remarks earlier today and his leadership against Mr. Barron's nomination.

I have known Mr. Barron for a long time. He and I were classmates in law school. He is a smart man. He is a talented man. He is a professor at Harvard Law School and he is a well-respected professor. However, Mr. Barron is an unabashed judicial activist. He is an unapologetic and vocal advocate for judges applying liberal policy from the bench and disregarding the terms of the Constitution and the laws of the land. If the Members of this body vote to confirm him, we will bear responsibility for undermining liberty and undermining the rule of law in this country.

It is well known that Mr. Barron, as a senior official in the Obama Justice Department, authored memos allowing the U.S. Government to use drones to kill American citizens abroad who were known and suspected to be terrorists, without any trial, without any due process. To date, we still don't have the details of all of those memos. A number of us, including myself, have called for releasing the memos that would allow the U.S. Government to use lethal force against U.S. citizens. I am pleased to say the administration has, in part, complied, but we don't have all of those memos. Yet this body is being asked to proceed with giving Mr. Barron a lifetime appointment without knowing the full context of the advice he gave.

I would note that Mr. Barron previously, in 2006, joined a group of legal scholars calling for more transparency in the OLC opinions that he subsequently wrote and that the administration is now keeping secret.

But beyond that, beyond Mr. Barron providing the legal basis for the targeted killings of American citizens abroad without judicial process, Mr. Barron, both in law school and in his writings as a law professor, has been an enthusiastic advocate of judicial activism. It has become de rigueur for judi-

cial nominees to forswear activism, to say—even if their record is to the contrary—no, no, no, Senator, I will comply with the law. To Mr. Barron's credit, his writings have a degree of candor that are unusual.

So, for example, he has argued that courts should override elected State legislatures and enforce leftwing policies. Mr. Barron, in one particular law review, wrote:

State supreme Courts, not state legislatures, have also led the revolution in school financing equality, though judicial actions have catalyzed political responses.

He went on to say that liberals should not object to conservative court decisions because "progressive constitutionalists enamored of the Anti-Court rhetoric rarely take account of its potential downstream effects on state-court interpretation and legitimacy."

In other words, he is worried that people on the left might be arguing that courts should follow the law because that would constrain the ability of courts to instead impose a far-left political policy agenda.

Likewise, in a different article, he argues:

It is precisely because the Anti-Court strain singles out conservative judicial activism as the problem that it threatens to work progressive constitutional theory into a corner: it needlessly rejects the progressive potential of a significant wielder of power—the courts. . . .

Let me underscore that. Every Member of this body who votes to confirm Mr. Barron is voting for a candidate who has stated he intends to use the courts as a "significant wielder of power." Indeed, what is the agenda that he would embrace? He has elsewhere written:

We contend that the constitutional argument favoring preclusive executive power necessarily rests on a strong form of living constitutionalism.

There are Members of this body—Democratic Members of this body—who are campaigning right now in their home State saying they do not support judicial activism, they do not support a so-called living constitution, judges imposing far-left policies and disregarding the law. Well, let me say, any Democratic Member of this body who votes for Mr. Barron is on record in support of judicial activism and living constitutionalism.

Beyond that, Mr. Barron has explicitly written his opposition to federalism. Indeed, he says, "There is precious little in the Constitution's text or the history of its adoption that compels the particular conservative allocation of national local powers favored by the Rehnquist Court."

He has made clear his agenda to overturn or ignore Supreme Court precedents. When he says there is "little in the . . . text or the history," it seems somehow that he has not read or focused on the Tenth Amendment or the

Federalist Papers or the debates on ratification.

Beyond that, he is an emphatic advocate of the takings clause, of government power taking private property, such as the Kelo decision—big money interests going to government and using government power to condemn your private land. He is an emphatic advocate of that and of courts facilitating and expanding that.

He has written that the executive branch should be able to waive laws with which it disagrees—a lawlessness that, sadly, has run rampant in this administration.

Anyone who cares about property rights should be dismayed by this nomination and should vote against it if you do not want to see overly aggressive takings jurisprudence that allows the government to take your private property.

Anyone concerned about free speech should be concerned about this nomination if you do not want to see expansive government power taking away the rights of citizenry to free speech.

Anyone who cares about local control and federalism and the ability of local school boards and legislatures to make policy decisions should be concerned.

Anyone concerned about our right to life should be concerned about drones having the power to take our life without judicial process.

Anyone concerned about liberty and the rule of law should be deeply concerned about a judicial nominee who embraces courts as a tool of power and the President disregarding the law.

I urge my colleagues to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, what is the order?

The PRESIDING OFFICER. The Senate is in morning business until 12:15 p.m.

Mrs. BOXER. Madam President, I ask unanimous consent that I be able to speak for as much time as I may consume until that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, Senator CRUZ makes an impassioned plea against a nominee who is considered by some to be exemplary. It is his right to do that, but let me say before my friend leaves the floor, as impassioned as he is, calling Mr. Barron a liberal, I have heard many call Mr. Barron a conservative. So he must be doing something right. I think it is interesting. So let's keep politics out of this and look at someone's record.

#### WRRDA

Mrs. BOXER. Madam President, with all the arguments and debate that go on around here in a very legitimate

way—it is fair. The parties have grown very far apart—whether you look at the minimum wage, with the Democrats wanting to raise it, with some Republicans who say do away with it altogether; with extended unemployment benefits, where we can barely get a handful of them to go along with us—I could go on through the list. We are going to have a chance to make sure students have a fair shot at refinancing their student loans. We do not know where they are, but so far I have not seen them join Senator WARREN in her very important move to allow students to refinance their student loans. I could go through a list longer than I am tall. I am not that tall, but still it is 5 feet of differences.

We finally have come together in a way that I am very proud. As chairman of the Environment and Public Works Committee, we have two sides of our committee—the environment side, which tends to be very difficult, very difficult, with big splits; and then we have the public works side. By putting aside our differences—our deep differences—on the environment and focusing on the other side, we have been able to come up with a couple of really good bills.

The first one is the Water Resources Reform and Development Act called WRRDA. It is so important to our Nation, whether you are a coastal port or an inland port, and it is crucial that this get done.

The last WRDA bill was nearly 7 years ago. I was proud to be involved in that at that time. This one—7 years later—is long overdue. I am going to talk to you more about it. We also voted out a highway bill out of our committee. We are very proud of that. Senator VITTER and I worked very closely, and Senator BARRASSO, Senator CARPER, and all the Members on both sides and their wonderful staffs.

So tomorrow, I believe, we are going to vote on WRRDA, we are going to vote on the water bill. I know we have a very hectic day tomorrow, so rather than take the time then, I am going to take the time now, and I am hoping to be joined by some colleagues today. But if not, I will lay out why we need to do this bill.

First, I want to say a wonderful thing happened in the House yesterday when the conference report passed over in the House 412 to 4. That was really pretty terrific. Everyone pretty much rose above partisan politics. I am very pleased that Senator REID is moving forward with this report and all colleagues on both sides want us to pass that conference report and send it to the President. He will sign this bill.

Let me tell you what is at stake: at least half a million jobs—half a million jobs.

First of all, we deal with ports and waterways. The conference agreement makes important investments in re-

forms related to our Nation's ports. Our Nation's ports and waterways move over 2.3 billion tons of goods—that is amazing—every year; 2.3 billion tons of goods. So we need to keep our ports modernized. We need to invest in our ports. So in this bill we do.

We include a project in Texas, for example, to widen and deepen the Sabine-Neches waterway, which will have over \$115 million in annual benefits. This critical waterway transports over 100,000 tons of goods every year. It is the Nation's top port for movement of commercial military goods. And it is vital to our Nation's energy security.

This bill will allow the Corps to address dangerous cross currents at the Port of Jacksonville, FL—that is another example—that creates safety concerns for ships entering and exiting the port. It also allows the deepening of this vital hub of commerce.

The bill also authorizes a project to deepen the Boston Harbor to 50 feet. This will prevent heavier road traffic in the busy Northeastern corridor by allowing larger vessels coming through the newly deepened Panama Canal to transport cargo all the way north to Boston Harbor. Without the access to Boston, these vessels would have to off-load in other ports and put the cargo on trucks to their final destinations in the Northeast.

Madam President, what I would like to do now is yield to my friend, the Senator from Louisiana, Ms. LANDRIEU.

I just want to say—and I will finish my remarks when she has completed hers because she has a very hectic schedule and I am able to stay on the floor for a while—whenever I see Senator LANDRIEU she talks to me about her State. And her State is magnificent. I have been there. I was there after Katrina, at her urging. I have been there since to see some of the progress we have made. But Louisiana is a special place. And this special Senator never forgets what needs to be done, and part of it is playing a big role in a bill like the Water Resources Reform and Development Act.

So at this time I will yield, if it is all right, through the Chair. Am I permitted to do this? Can I yield the time that I took to my friend for as much time as she may consume?

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I thank you, Madam President.

I thank the courtesy of the chairwoman from California and for her really extraordinary leadership to bring such an important infrastructure bill to the floor of the Senate.

Without her dogged determination, we would not be here today and Louisiana and so many other States that are benefiting from the projects authorized and green-lighted in this bill would simply still be waiting, with jobs not being created, people not being employed, and the future looking a lot

less bright than it does today. I thank the Senator so very much.

Mrs. BOXER. You're welcome.

Ms. LANDRIEU. Not only has she given attention to her home State of California, but she has been very mindful of several other States in the Union that have particularly difficult water challenges. Louisiana would be one such State. Louisiana is not our largest State. It is not small. It is in the medium size. It has 4.5 million people. But yet our State is positioned geographically in the country, in the Lower 48, that we drain almost 50 percent of the continent. The water of this continent comes through this extraordinary delta almost without peer on the planet. It is the seventh largest delta on Earth.

While some States are struggling to find water, we normally have too much of it in the wrong places—or at times we have too much of it in the wrong places, such as when Lake Pontchartrain breached the drainage project program. The project collapsed and two-thirds of the city of New Orleans went under water—some neighborhoods 14 feet. When Isaac hit or Ike or other hurricanes, we had really been bombarded with tremendous challenges to the southern part of the United States.

Every region has their challenges. But the southern part of the United States, what I like to call America's energy coast—Texas, Louisiana, Mississippi, and Alabama—has particular challenges that need addressing in this bill. I thank Senator BOXER for addressing some of them, particularly as it relates to Louisiana's challenges because our challenge is not only to keep commerce open for everyone so the entire country can benefit—especially when the Panama Canal opens; larger ships are going to be moving across the oceans into our ports. The Mississippi River port system combines all the four southern ports of the Mississippi River, and it is the largest port system in the world—not second; the largest port system in the world—so we have a responsibility to make sure this commerce continues to move.

So we have to have rivers and bodies of water that are open for commerce but protected with the right kinds of levees that protect the people who live there so we do not drown every time it rains heavily. We are not talking about category 4 and 5 hurricanes. We are talking about highways that go underwater in a heavy rain because the delta is sinking due to several factors. The waters are rising due to several factors. This WRRDA bill is one of the only answers to build a resilient and sustainable coast. That is why the Louisiana delegation fights so hard for it, why we are so anxious for this bill, why we do not like to wait 7 years for a WRDA bill, because we need new authorizations every 2 to 3 years.

In fact, we need a whole new way of funding some of these projects, which is a work in progress. I look forward to continuing to work with Senator BOXER. As an appropriator, I am very anxious to find a new, more expedited way. I have proposed revenue sharing and will continue to propose revenue sharing as a way for not only Louisiana but coastal States to redirect a portion of offshore oil and gas revenues to come back to the coastal communities, America's energy coast, America's working coast, and build the infrastructure that helps our economy continue to grow, create jobs and, most importantly or equally importantly, protect the people that have to live close to the water for those jobs and for those jobs to be made real and for the economy to benefit.

Not everybody can live in Vail, CO, and commute to the coast every day to work. It is not going to happen. We have to live along these rivers, and we have been living there an awfully long time—300 years as far as Natchitoches, Baton Rouge, and New Orleans. They will be celebrating—just three cities in our State—their 300th birthday.

We did not move there in the 1980s to sunbathe. We have been down there for hundreds of years building the economy of this country. We are proud to do it. We are happy to do it. But we need help every now and then. This bill helps us. The WRRDA bill is important.

There are a couple of projects—I am going to finish in about 3 or 4 minutes, and turn it back over to Senator BOXER. First, there is Morganza to the Gulf, which was originally authorized over 20 years ago. That is going to provide levee and flood control protection to one of the fastest growing, most dynamic cities in this country—Houma, LA. It is an energy epicenter. It is an energy powerhouse for the people of Houma, the fabrication, the supply companies—such as in North Dakota—which is really one of the fastest growing communities in our country.

The Presiding Officer can appreciate this. We are like that on the coast, except that when the hurricanes come, it literally threatens to wash away the whole place because there are no levees around Houma.

The Presiding Officer had terrible flooding in her State, so she can appreciate what happens when the levee system fails. But we are not only along rivers, we are also along the coast, and we are also a strong energy center. It is not just the people and the companies, which range from very small mom-and-pop businesses to some of the largest international energy companies in the world, but it is international fabricators that have billions of dollars of infrastructure along this coast that are at risk.

So this Morganza project, it was not originally in the House bill. I fought

very hard to make sure that it was in the Senate version. I want to give Senator VITTER a good bit of credit for his leadership on the committee. I do not want to underestimate the role that he played in securing all of these projects. But we worked together as a team to make sure that Morganza to the Gulf was included.

I am very proud that it was in the final conference report, a \$10.3 billion authorization. The Louisiana coastal area for \$2.1 billion is also included. It is one of the only new starts in the President's budget. It is authorized at a higher level in this bill. Again, we are going to have to find some additional funding, which is where revenue sharing comes in. I hope to convince my colleagues to move in that direction for the benefit of not just our State but for many coastal States in the country.

Building this coastal protection for Louisiana, Mississippi, Texas, Alabama, and Florida is critical, but so are the east coast and the west coast in great need as well. One of the projects—and I have two more to talk about that I am particularly proud of—is the authorization for us to get about the work of dredging the New Iberia port. I have tried to explain it on this floor because we only think about ports such as the traditional big cargo ports.

You think about Long Beach, you think about the Port of Seattle or you think about New York and New Jersey. That is what people think when they think ports. Those are big cargo ports and big container ports. They are very important. But also tucked along our coasts are energy ports that people completely forget about. They do not even know what an energy port looks like. I am very proud to be taking Secretary Moniz to his first energy port next week in Louisiana. These energy ports are not bringing in big containers and big cargo ships, but they are bringing in liquefied natural gas, or taking it out, or they are bringing in oil imported from the rest of the world or exporting—when we can export. But right now they are bringing crude oil in. They are manufacturing the huge platforms and fabricating the huge platforms that go out into the Gulf of Mexico.

Without the proper dredging of those ports, without the proper security of these ports, America cannot be an energy powerhouse. We just cannot do it. We have to have that port infrastructure. So one of my big pushes since I have been a Senator is to try to get the Federal Government to understand that one size does not fit all. There are certain projects that work well for these big container ports and big cargo ports, but there are other important ports in our country, particularly along America's energy coast, which is the Texas, Louisiana, Mississippi, and Alabama coast, the only coast that allows offshore oil and gas drilling, to

allow that industry to continue to grow, so that the country prospers and all the States are benefited by the work that goes on there.

So the New Iberia port channel will be dredged deeper. Fabricators will be able to have more projects domestically here and not have to do so much work in Korea and other places around the world. We can produce using American steel, American workers, American fabrication techniques to create jobs right here at home.

Finally, Senator BOXER was so helpful in pressing for the Inland Waterways Trust Fund, to authorize the trust fund, to basically say that monies that are collected will stay in the trust fund and be used and authorized to help our dams and inland waterways around the country.

Senator CASEY and I have an amendment pending on the floor that would make sure that the increases in user fees could potentially be applied this year so that it is not just an authorization but so there is actually funding in the trust fund to pay for these projects which are so important to keep our maritime industry moving and growing, which is a real feather in our cap right now.

The maritime industry is expanding. It pays much above the average wage. They are really high-paying jobs. Instead of stymieing their growth, we need to be expanding that part of our economy.

So this WRRDA bill, because of Senator BOXER's leadership, first of all, has gotten to the floor for a vote. It never would have happened without her dogged determination. There are wonderful projects, necessary projects for the whole country, but particularly for Louisiana, a State that has an awful lot of water. We are happy to have it, but it has to be directed correctly or it can cause many disasters and much heartache and pain.

So getting our rivers dredged correctly, getting our levees built so they do not fail, and continuing to be diligent in helping our people live safely along the coast is something that I know Senator BOXER shares with me. The people of California have some similar challenges that she is well aware of in the Sacramento Valley. So I want to thank Senator BOXER. I appreciate her help and her several visits to Louisiana, particularly after the storm, helping to make a firm imprint on her about the importance of this. I am excited about looking into the Netherlands for a possible partner with building even stronger infrastructure using really first class technology for our States.

I yield the floor.

THE PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I reclaim my time. I want to again say to the Senator that she has made this case. This WRRDA

bill is life and death. It truly is in so many of our States. We all saw Katrina. We all saw Superstorm Sandy. I can tell you—I know it sounds like an overstatement, but I can assure you it is not—if we have a situation like that in the Sacramento area, because of the businesses located there and how many people are there—our State has 38 million people—the devastation would be worse than we have ever seen because of the number of people.

This bill takes care of that problem too so we can fix our levees. That is critical. Our levees are falling apart. The Senator has made the case so forcefully for her State, but also she calls attention to the fact that we are experiencing extreme weather. We cannot put our heads in the sand. I was thinking the other day that if you put your head in the sand, you are going to get sand in your eye and you will never be able to see too well.

We have got to get our heads out of the sand. Extreme weather is here. It is here because of climate change. We have to deal with it. My preference is to do what we can to avoid climate change. But it is late in the game even now. So we have to adapt. My friend from Louisiana, I have to say, has been a stalwart in protecting her State.

We have heard from the Senator from Louisiana as to why WRRDA is so important. You have heard a little bit from me. I was talking about the important projects across this Nation. I discussed the one in Texas, through which they move so many military goods. I discussed the one in Florida where they have these cross currents that are dangerous. I began to discuss a project to deepen Boston Harbor to 50 feet. This will prevent heavier road traffic in the busy Northeast corridor by allowing the larger vessels coming through from the newly deepened Panama Canal to transport cargo all the way north to Boston Harbor.

Without that access to Boston, these vessels would have to offload in other ports and put the cargo on trucks to their final destination in the Northeast. We really have to think about our ports as the alternative, in many cases, to putting cars on the road. In our State, we call it kind of the "sea highway." Our idea in California is to tie our ports together so there can be a seamless way to transport cargo.

In addition to authorizing crucial port projects, the bill reforms the harbor maintenance trust fund to increase port investment. Despite significant maintenance needs at our Nation's ports, only roughly half of the fees collected in the harbor maintenance trust fund go to port activities. These are user funds. They ought to be used for the purpose for which they were intended. This conference report calls for a full expenditure of all revenues collected in the trust fund by 2025.

I want to say, I have had some very good talks with the appropriators,

Chairman MIKULSKI and Ranking Member SHELBY. They have ports in their great States. They know the need to utilize these funds at the ports. We collect funds for the harbor maintenance trust fund, and then they are going to every other kind of use. It does not make sense. It is not right. I believe in user funds, whether it is the highway trust fund, the harbor maintenance trust fund, whether it is Social Security, Medicare—they are targeted funds. They should stay and be used for those purposes.

We do set priorities for our larger ports, smaller ports, for the Great Lakes, the seaports that are large donors. We say, if you are a large donor port, you ought to deserve to have some attention. I can tell you, I represent the Ports of Long Beach and Los Angeles, through which 40 percent of U.S. container imports pass.

They put so much money in the trust fund and they get so little back. There are many cases like that. I am particularly familiar with these because I hear from the folks from those particular ports.

We also have very important inland waterway systems, and this conference report makes important reforms to those. It is essential for transporting goods throughout the country. These include efforts to expedite project delivery and better prepare for future floods and droughts that can slow or even stop navigation at our inland waterways.

We talked a little bit about extreme weather. In the Presiding Officer's State, I will never forget, just before your arrival in the Senate, seeing pictures of what was happening in North Dakota with floods and fires. It was just the most apocalyptic scene that Senator Conrad had photos of. It was shocking.

We are seeing more and more of this extreme weather. We need to get ahead of it. We need to do much needed flood control and coastal hurricane protection projects around the country.

We talked a little bit about Sacramento, our State capital. It faces some of the Nation's most severe flood risks.

The bill contains flood protection measures that will allow the port to strengthen the levees in the Natomas Basin in Sacramento. Here is how many people will be safeguarded: 100,000 people will be safeguarded and \$8 billion worth of property.

The bill also focuses on lifesaving flood protection for more than 200,000 residents of Fargo, ND, and Moorhead, MN.

We are talking about States all across our great Nation that have to protect their people.

The bill will restore the reliability of the levee system that protects Topeka, KS. These levees protect thousands of homes and businesses in the city, and

this project will return over \$13 in benefits for every \$1 invested.

The bill will provide lifesaving protection for coastal communities in coastal Louisiana. We heard from Senator LANDRIEU. Senator VITTER was very strong on this as we worked together.

When we are chairmen, we have to do what is right for the country and also do what is right for our States. The conference report is going to improve our responses to extreme weather events whether they occur in Fargo, Sacramento, or New Orleans.

After the devastation caused by Hurricane Katrina and Superstorm Sandy, it became clear that communities needed assistance to protect lives, property, and to improve infrastructure resiliency. What does “resiliency” mean? It means that you build your infrastructure in a resilient way so that it lasts and doesn’t collapse when you need that protection.

For the first time, this bill allows the Corps to conduct immediate assessments of affected watersheds following an extreme weather event. In the old days, before all this extreme weather, the Corps would come back and fix places and make them just the way they were before the event. Now we are saying: If there is an extreme weather event, please, Corps, identify and look at the ability to construct small flood-control and ecosystem restoration projects, such as levees and floodwalls, and restore wetlands without going through the full study process and receiving additional congressional authorization.

We don’t waive any environmental laws. We just say: When you have an emergency and you can show us there are small projects that can work, just go do it because we want people to have their communities back.

The conference report calls for the Corps to use resilient construction techniques that are far more durable. I remember I was in a big debate with a Republican Senator when we had a bridge collapse after an earthquake—an approach to a bridge—and he said: Well, why are you spending more money than it cost to build it?

I said: Because we don’t want to rebuild it the same way because it didn’t withstand an earthquake.

It is kind of a “duh” moment. You don’t want to spend taxpayer money rebuilding a flawed piece of infrastructure. Make it strong, and make it resilient. That is what we have to do. For the first time, we are going to make sure this happens.

We require the National Academy of Sciences and the GAO to evaluate options for reducing risk. It is not only the Corps going out there. They are going to depend upon the scientists and they are going to depend upon the GAO, the Government Accountability Office.

The bill authorizes investment in vital ecosystem restoration projects across this Nation. These projects not only preserve our precious natural heritage, they also provide essential benefits to local communities, such as improved flood protection and a boost to local tourism.

A lot of people don’t understand the function of a wetland. You see a stretch of wetland and you say: Wow, that is flat land. I can go build on it.

Frankly, over the course of our great Nation’s history, that is what we used to do. We filled in those wetlands. We ignored the fact that they were a gift for us to protect. Not only were they beautiful, a place for wildlife, and they helped the air quality, but they acted as natural flood control. When we hear Senator LANDRIEU discuss this—I went to Louisiana, and I saw how critical that was. The wetlands restoration is critical to absorbing the floodwaters so they don’t destroy property and lives.

WRRDA continues the commitment to restoring one of the Nation’s greatest environmental treasures—the Florida Everglades.

If you have never seen the Florida Everglades, you need to see the Florida Everglades. It is called a river of grass. It is extraordinary. I will never forget it. Senator NELSON invited my husband and me. He, his wife, my husband, and I went out, saw this river of grass, flora and fauna, and deer jumping from a little patch of grass in the water. It is a miracle from God.

What we do is we allow four Everglades restoration projects to move forward.

We also reauthorize important restoration programs in the Chesapeake Bay and the Columbia River Basin. I thank Senator CARDIN for his amazing leadership and, of course, Senator MIKULSKI as well.

We enable the Corps to work with the States along the North Atlantic coast to restore vital coastal habitats from Virginia to Maine, and we allow the Corps to implement projects to better prepare for extreme weather in the Northern Rocky Mountain States of Montana and Idaho.

If you have been following this speech, I think what you will recognize is how broad a swath we cut with the WRRDA bill. We truly tried to step back and help everybody. This is one Nation, and we need to take care of our heritage. That means we have to protect it from floods and hurricanes, we have to make sure commerce can move forward from our ports, and we want to restore this God-given environment we are supposed to protect.

We direct the Corps to give priority to ecosystem restoration projects that will also provide benefits for public health. This ensures that projects such as the restoration of the Salton Sea—where I live—which both restores vital habitat and addresses serious air-quality concerns, can move forward.

The Salton Sea is amazing. It is an incredible lake. It is the stop-off point for the most amazing array of wildlife. It is drying up. If it continues to go this way, it will not only be a disaster for the wildlife, but it will be a disaster for the people because the odors that are coming from this drying-up sea float all the way to Los Angeles, where we have millions of people. And the jobs we could create there with clean energy and other types of development—we have to move on that.

So I was excited to see that everyone agrees that if you have a body of water that is deteriorating, that, if you don’t pay attention to it, could cause a public health crisis, then it should have some kind of a priority.

The conference report also addresses important ocean and coastal resiliency issues, allowing the Corps to carry out ocean and coastal resiliency projects in coordination with a broad range of stakeholders, including States, Federal agencies, and NGOs.

I compliment SHELDON WHITEHOUSE for the work he put into this provision. It is very important. Our oceans and our coasts are not only magnificent gifts, but they truly are important to our economy.

People who come to California like to see the whole State, but people gravitate to the coast. It is so magnificent, and we have to make sure we treat our coasts and oceans right. That means making sure that if they are endangered, we do something about it.

This is a first. This is exciting for SHELDON WHITEHOUSE, and I am very thrilled to have been able to help him.

I have to give a shout-out to Senator REID, without whom this provision wouldn’t have made it in the bill. We were down to that one issue. We had taken care of 150 issues, but we were down to that one issue. Leader REID was able to help us. And I thank the House for working with us.

I don’t know how many of you have heard of TIFIA, which is a program we expanded in the highway bill. What it does is it leverages funds. So if our States or localities in our States passed a half-cent sales tax to build transportation, the Federal Government now has a way, through the TIFIA Program, to come around up front, take a project that has, say, 20 years of revenue coming in, pay that up-front cost right there, and build that project quickly.

We did the same for water. We call it WIFIA, and it is a new initiative. We hope that it will be interesting to folks and that they will use it. We will assist localities in need of loans for flood control or wastewater and drinking water infrastructure to receive those loans from this new funding mechanism, the Water Infrastructure Finance and Innovation Act.

WIFIA will allow localities an opportunity to move forward with water infrastructure projects in the same way

TIFIA does in transportation. Where there is a local source of funding, the Federal Government can front those funds.

The TIFIA Program is working so well. I just went to an amazing press conference with the folks from Los Angeles. They have been given an \$800 million TIFIA loan that is enabling them to build a subway. It is very exciting, and the Federal Government has no risk—almost zero risk—because the funds will be paid back from the sales tax.

These new WIFIA funding arrangements supplement existing programs to help leverage more investment in our Nation's aging infrastructure. The conference report also updates the Clean Water State Revolving Fund to ensure that our existing sources of water infrastructure funding are able to continue to meet pressing needs.

Chief's reports: The conference report authorizes 34 critical Army Corps projects where the Chief of Engineers has completed a comprehensive study.

This was an absolute necessity for the Senate. The House and Senate came at this in a very different way. Their priority was making sure they could hold hearings on all the chief's reports. Our priority was saying: Look, we are not going to go ahead with any project that doesn't have a completed chief's report. So that is the "r" for reform—their reform, making sure Congress holds the hearings; our reform, making sure that we include completed chief's reports.

We are very happy about these chief's reports. They are all over the Nation. I gave some examples in the beginning of my statement. These projects will restore vital ecosystems, preserve our natural heritage, and maintain navigation routes for commerce and movement of goods.

In the future, looking forward, how are we going to continue, because these WRDA bills come every 7 years. It is very slow. What is a better way to deal with the future needs of our States?

We developed a system with the House that allows local sponsors—such as someone from the State of the Presiding Officer, a flood control agency in the State—to make their case now directly to the Army Corps, and then the Corps would recommend those projects to Congress.

It is interesting that we took ourselves—because of the earmark ban—out of the picture. It allows people from Fargo, from Los Angeles, from Humboldt—wherever they are from—to go and see the Corps and make the case for their project. Then the Corps would say: We sat down with these local officials. There are 10 or 15 projects we think are important.

That is going to be a new way we are going to give more local input.

I am very excited and happy to be standing on the floor today on this

issue because it was 1 year ago almost to the day that the Senate passed the Boxer-Vitter WRDA bill by a vote of 83 to 14. It was just over 1 year ago. It has been 1 year—1 year of being in conference; 1 year of struggling with issue after issue; 1 year of people saying: That is it, we are done, we are walking out the door—wait, come back. It has been a year. When you read how a bill becomes a law, it sounds so simple. It says the House passes a bill, then the Senate passes a bill, then there are conferees and they get together and they work it out, and then it comes back and everyone is smiling and happy and they pass it, and then the bill goes to the President. Well, it is not exactly that way. It is a lot of give and take.

Sometimes you do have a bill that is not as complex as these here, and it can go smoothly. But how a bill becomes a law depends on who is in the room, it depends on what is happening nationwide, it depends on who the President is, and so many different things. But we were able to do this.

So 1 year ago we passed it in the Senate, and tomorrow, I believe, we are going to pass the conference report. The agreement will cost roughly the same as the Senate-passed bill and well below the last WRDA bill. One might ask why? Well, it is because as we authorized new projects, we deauthorized old projects. And that is important. We were able to go better than one-for-one in deauthorizing and authorizing.

Also, we had a very good talk with the CBO—the Congressional Budget Office. It is rare I have ever said a "good talk" with the CBO, because while the Presiding Officer is very good at accounting—a genius at that—I can tell you they do not make any sense to me. But Senator VITTER and I were actually able to persuade them on this bill to be realistic in the way we score it. If a State isn't going to be able to come up with their matching funds for 10 years, don't put this in as a cost in the first year. So the CBO was very open to working with us, and for that I thank them. It is a rarity, putting common sense on the table.

In closing, I thank all of the staff on both sides of the aisle who put in countless hours to develop this bipartisan, bicameral agreement. They didn't just work until midnight, 3 a.m., they worked on it 24/7 for all these months. I thank Bettina Poirier, my incredible chief of staff of the EPW Committee, my chief counsel, our guiding light, our guiding star; Jason Albritton, who is here with me today, who has worked nonstop, and will continue to do it until it is over, right, and get it ready for the President to sign; and Ted Illston, who is on the floor and is a wonderful, wonderful staffer; and Tyler Rushforth.

These are the key people on my staff. One would think it would be 20 or 30

more, but it is not. It is this handful of people who made this happen for all of us.

I have to say I got to know Senator VITTER's staff so well, and we laughed at times. There was some irony involved in all of this. I would like to thank Zak Baig, Charles Brittingham, Chris Tomassi on Senator VITTER's staff. And Senator VITTER himself. Again, we were able to set aside a lot of differences we have on climate, on environment, on clean air, clean water, safe drinking water, where we go at it—nuclear power safety. We go at it. But we were able to say for the good of the people, we have to show people we can set aside our differences and come together. We did it here, we did it on the highway bill, and now it is time for the Senate to show the American people we can truly come together and pass this bill.

I do want to show one more thing before I leave the floor, and that is some of the organizations that have supported us and that support this bill. I can't read them all; it would take too long, but I will highlight some of these: the AFL-CIO, Transportation Trades Department, the American Association of Port Authorities, the American Concrete Pavement Association—I am passing over a lot of these—the Associated General Contractors of America, the Association of California Water Agencies, the Association of State Dam Safety Officials, the American Road and Transportation Builders Association, the American Farm Bureau Federation.

Let me give a few more. These are the supporters. The Arkansas Waterways Commission, the Big River Coalition, the City of Sacramento, the City of Los Angeles, Concrete Reinforcing Steel Institute, the Harbor Maintenance Trust Fund Fairness Coalition, the International Union of Operating Engineers, the International Union of Painters and Allied Trades, the National League of Cities, the National Governors Association, the National Asphalt Paving Association, and the National Association of Clean Water Agencies.

The list goes on. Here are a few more, in case anyone is interested. The National Ready Mix Concrete Association, the National Rural Electric Cooperative Association, the National Stone, Sand, and Gravel Association, the Santa Clara Valley Water District, The Nature Conservancy, the Texas Department of Transportation, the United Association of Plumbers and Pipefitters, the U.S. Society of Dams, the U.S. Chamber of Commerce, the Vinyl Institute, the Water Resources Coalition, the Waterways Council, Inc.

I ask unanimous consent to have printed in the RECORD the entire list of these supporters.

Mrs. BOXER. To those who are listening as I read from this list, it did include the U.S. Chamber of Commerce,



it did include the AFL-CIO, Transportation Trades Department, which is so encouraging, and the National Governors Association. And I guess I will read this one:

The nation's governors applaud Congress for reaching an agreement that provides states with the resources to address their critical water infrastructure needs . . . governors urge the House and Senate to pass the WRRDA conference report and send it to the President for signature as soon as possible.

I want to say how much I endorse what the Governors said. Send this bill to the President as soon as possible.

I would be remiss if I didn't mention Congressman SHUSTER, who heads my counterpart committee in the House. Congressman SHUSTER was a delight to work with, even when it got tough for me. We had some tough, tough disagreements, but he stuck with it.

I also want to congratulate him on his victory yesterday, and I want to tell him, through this statement, how much I look forward to working with him on the Transportation bill. If we can do this, we can do that. That is important because we have to keep America moving. We are the greatest Nation on Earth, but you can't be the greatest Nation on Earth if you don't have modern water infrastructure, if your cities are flooding, if your ports can't move products. You can't. And you certainly can't have a great nation when you cannot have a highway system that functions, a transportation system that functions. You can't. There is no such thing. Because if you can't move commerce, if you can't move people, you can't move America forward.

I will say again, my deepest thanks to staff, my deepest thanks to Senator VITTER, my deepest thanks to Senator CARPER, to my entire committee, Senator BARRASSO, to Congressman SHUSTER, to Senator REID, to all of you, because this was one of those labors of love in which we all engage. We all wanted a bill, and we put away our little side arguments, came together, and now we have a bill that is a multibillion-dollar bill that will build our Nation and that is going to help our commerce and it is going to put 500,000 people to work. I couldn't be happier. I look forward to this vote tomorrow.

One more person I will thank: Congressman NICK RAHALL, who worked as the ranking member with Mr. SHUSTER. The two of them were a great team, and we were able to cut across the partisan divide, cut across the House-Senate divide, tough as it was.

It is a great day. It is a great day in the U.S. Senate and in the Congress, and I look forward to the President's signing this bill.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

## EXECUTIVE SESSION

### NOMINATION OF STANLEY FISCHER TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Stanley Fischer, of New York, to be a Member of the Board of Governors of the Federal Reserve System for a term of four years.

Mr. JOHNSON of South Dakota. Mr. President, I wish to speak in support of Dr. Stanley Fischer to be a member of the Board of Governors of the Federal Reserve System. While we are only voting on Dr. Fischer's nomination to be a member of the Board today, he has also been nominated to be Vice Chair of the Board of Governors, which we will need to vote on in the near future.

As you all know, Dr. Fischer is a distinguished economist who is immensely qualified to serve on the Federal Reserve Board. In his two decades on the MIT faculty, he was primary adviser for 49 Ph.D. students, including former Fed Chairman Ben Bernanke, and current European Central Bank President Mario Draghi. In addition, he has previously served on the frontlines in making public policy decisions during periods of financial crisis—including as the head of the Bank of Israel during the last financial crisis. He is supported by experts from both sides of the aisle and respected by leaders throughout the world. His wisdom on the economy, monetary policy, and banking would be extremely valuable to the Board.

It is important that we move quickly to confirm Dr. Fischer to the Board. Next week, the Federal Reserve Board will only have 3 out of 7 confirmed Board members. In addition to Dr. Fischer, the Senate needs to quickly confirm Dr. Lael Brainard and Mr. Jerome Powell. There is a lot of work to do at the Board, including conducting monetary policy, drafting rules implementing Wall Street reform, and taking other actions to improve financial stability and economic growth, so it is important we fill the Board vacancies with highly qualified nominees like Dr. Fischer as soon as possible.

I urge my colleagues to support Dr. Fischer.

Mrs. BOXER. Mr. President, we yield back all of our time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Stanley Fischer, of Texas, to be a Member of the Board of Governors of the Federal Reserve System?

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. McCASKILL) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), and the Senator from Indiana (Mr. COATS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 27, as follows:

[Rollcall Vote No. 160 Ex.]

### YEAS—68

Alexander	Franken	Murkowski
Baldwin	Gillibrand	Murphy
Begich	Hagan	Murray
Bennet	Harkin	Nelson
Blumenthal	Hatch	Portman
Booker	Heinrich	Pryor
Boxer	Heitkamp	Reed
Brown	Hirono	Reid
Burr	Isakson	Rockefeller
Cantwell	Johanns	Sanders
Cardin	Johnson (SD)	Schatz
Carper	Kaine	Schumer
Casey	King	Stabenow
Chambliss	Kirk	Tester
Coburn	Klobuchar	Udall (CO)
Collins	Landrieu	Udall (NM)
Coons	Leahy	Walsh
Corker	Levin	Warner
Cornyn	Manchin	Warren
Donnelly	Markey	Whitehouse
Durbin	Menendez	Wicker
Feinstein	Merkley	Wyden
Flake	Mikulski	

### NAYS—27

Barrasso	Heller	Risch
Blunt	Hoeven	Roberts
Cochran	Inhofe	Rubio
Crapo	Johnson (WI)	Scott
Cruz	Lee	Sessions
Enzi	McCain	Shelby
Fischer	McConnell	Thune
Graham	Moran	Toomey
Grassley	Paul	Vitter

### NOT VOTING—5

Ayotte	Coats	Shaheen
Boozman	McCaskill	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

## EXECUTIVE SESSION

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided in the usual form prior to a vote on the motion to invoke cloture on the Barron nomination.

The Senator from Louisiana.

## GREEN NOMINATION

Ms. LANDRIEU. Madam President, the Senate is about to proceed to several votes on important nominees, and I wanted to put in a strong word of support for James Walter Green, who has been nominated by the President to serve as U.S. attorney for the Middle District of Louisiana.

I was very pleased to recommend Mr. Green to the President for his consideration. I strongly urge my colleagues to vote with me to confirm him today. He has served our country in a variety of capacities, most notably 20 years of military service. He has been involved in multiple deployments, is the recipient of numerous military awards, including the Defense Meritorious Service Medal, the Navy and Marine Corps Commendation Medal, the Combat Action Ribbon, and the Iraq Campaign Medal.

Not only is he a strong patriot who has been of extraordinary service to our country, he has also served for an additional 15 years in a variety of capacities in this office and supported their work through Republican and Democratic administrations.

He comes highly recommended by a broad cross section of individuals in my State, and I am pleased I was able to recommend this kind of high-caliber person to continue to serve in the full capacity as U.S. attorney.

Mr. Green will bring a wealth of legal experience to his role as U.S. Attorney for the Middle District of Louisiana. He has served in a variety of roles within the U.S. Attorney's office in both the Baton Rouge and Las Vegas offices, including as a trial attorney, trial section supervisor, acting criminal chief, acting administrative officer and first assistant U.S. Attorney.

He is currently the acting U.S. Attorney for the Middle District of Louisiana and a member of the U.S. Marine Corps Reserves.

I have every confidence that James Walter Green will be exceptional in his role as the chief Federal law enforce-

ment official in the Middle District of Louisiana.

I thank Senator DURBIN for his courtesy. I wanted to put in a strong word for this nominee. He is supported by both Senator VITTER and myself, and I hope to get a strong vote on him today.

I ask that the time be equally divided between the majority and minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, before we vote on the Barron nomination, I want my colleagues to know the White House continues to keep the Senate in the dark. Yesterday I called upon the White House to state once and for all whether it has provided to the Senate any and all materials written by this nominee on the drone program. The White House refuses to answer that simple question.

One hour after I spoke, the White House Press Secretary refused for a third time to confirm that the Senate has been provided all of this nominee's writings on the drone program. Why is that? Why will this White House not give us a simple, straightforward answer? We still don't know how much more is out there on this subject that this nominee has been involved with.

After this vote, my colleagues still will not be able to tell their constituents that the White House has provided all of this nominee's materials on the drone program because we simply don't know that is true.

Finally, I wish to emphasize one more point about that court order requiring the administration to make a redacted copy of one memo public. Senators should know the court also ordered the trial court to take a second look at the other additional secret documents to see whether any of those additional documents should be made public in redacted form.

If some of those documents were written by this nominee, and if the court orders them to be made public, Senators' constituents are going to ask why they didn't stand today to get that information. Their constituents are going to ask why they didn't stand up to this White House and demand to see any and all memos this nominee wrote on this subject before this vote.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. PAUL. Madam President, I ask unanimous consent for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. PAUL. Madam President, I rise to oppose the nomination of anyone who advocates for the executive branch killing American citizens not involved in combat without trial. I strongly believe any nominee who rubberstamps and grants such power to a President is not worthy of being placed one step away from the Supreme Court. It isn't about seeing the memos, it is about what they say and how they disrespect the Bill of Rights.

Due process can't exist in secret. Checks and balances can't exist in one branch of government. Whether it be upon the advice of one lawyer or 10,000 lawyers, if they all work for one man, the President, how can there be anything but a verdict outside the law, a verdict that could conceivably be subject to the emotions of prejudice and fear, a verdict that could be wrong?

The nomination before us is about a nominee who supports killing American citizens not engaged in combat without a trial. These memos don't limit drone executions to one individual, they become historic precedent for killing citizens abroad.

Barron's arguments for extrajudicial killing of American citizens challenges over 1,000 years of jurisprudence. It is quite simple; an accusation is different from a conviction, and due process is different from internal deliberations. The executive can accuse, but it cannot try and it cannot convict someone.

Critics will argue, but these are evil people who plot against and plan to kill Americans. I understand that. My first instinct is—similar to most Americans—to immediately want to punish these traitors. The question is, How do we decide guilt? Aren't we, in a way, betraying our country's principles when we relinquish the right to trial by jury?

Due process can't exist in secret. Checks and balances can't exist within one branch of government. If we can't defend the right to a trial for the most heinous crimes, then where will the slippery slope lead us?

Critics ask how we will try these people overseas. The Constitution holds the answer. They should be tried for treason. If they refuse to return home, they should be tried in absentia and provided a legal defense. If they are found guilty, the method of punishment is not the issue. The issue is, and always has been, the right to a trial, the presumption of innocence, and the guarantee of due process to everyone no matter how heinous the crime.

For these reasons I cannot support the nomination of David Barron. I cannot and will not support a lifetime appointment for someone who believes it is OK to kill American citizens not involved in combat without a trial.

I yield back my time.

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will state.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit.

Harry Reid, Patrick J. Leahy, Mazie Hirono, Dianne Feinstein, Al Franken, Amy Klobuchar, Sheldon Whitehouse, Tom Harkin, Barbara Boxer, Richard Blumenthal, Elizabeth Warren, Debbie Stabenow, Edward J. Markey, Richard J. Durbin, Carl Levin, Charles E. Schumer, Patty Murray.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Court Judge for the First Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Indiana (Mr. COATS), and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 43, as follows:

[Rollcall Vote No. 161 Ex.]

## YEAS—52

Baldwin	Harkin	Pryor
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Hirono	Rockefeller
Booker	Johnson (SD)	Sanders
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Markey	Udall (NM)
Coons	McCaskill	Walsh
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	
Hagan	Nelson	

## NAYS—43

Alexander	Corker	Grassley
Barrasso	Cornyn	Hatch
Blunt	Crapo	Heller
Burr	Cruz	Hoeven
Chambliss	Enzi	Inhofe
Coburn	Fischer	Isakson
Cochran	Flake	Johanns
Collins	Graham	Johnson (WI)

Kirk	Murkowski	Shelby
Landrieu	Paul	Thune
Lee	Portman	Toomey
Manchin	Risch	Vitter
McCain	Roberts	Wicker
McConnell	Scott	
Moran	Sessions	

## NOT VOTING—5

Ayotte	Coats	Shaheen
Boozman	Rubio	

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 43. The motion to invoke cloture is agreed to.

## NOMINATION OF DAVID JEREMIAH BARRON TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit.

## NOMINATION OF ELISEBETH COLLINS COOK TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

## NOMINATION OF JAMES WALTER FRAZER GREEN TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA

## NOMINATION OF DEIRDRE M. DALY TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT

## NOMINATION OF DAMON PAUL MARTINEZ TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nominations, which the clerk will report.

The legislative clerk read the nominations of Elisebeth Collins Cook, of Virginia, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2020; James Walter Frazer Green, of Louisiana, to be United States Attorney for the Middle District of Louisiana for the term of four years; Deirdre M. Daly, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years; and Damon Paul Martinez, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

## VOTE ON COOK NOMINATION

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate prior to a vote on the Cook nomination.

Mr. SESSIONS. Madam President, I wish to express my support for the confirmation of my former staffer, Elisebeth Collins Cook, to serve on the Privacy and Civil Liberties Oversight Board. Ms. Cook loves her country. She is a true patriot, and a person of character, courage, and integrity.

Ms. Cook has had a distinguished legal career. She received her undergraduate degree from the University of Chicago in 1997 and her law degree from Harvard Law School in 2000. She graduated from both prestigious schools with honors. Following law school, Ms. Cook served as law clerk to Judge Lee Rosenthal of the Southern District of Texas, and Judge Laurence Silberman of the D.C. Circuit.

In 2002, she joined the prominent law firm Cooper & Kirk here in Washington, DC. After working for the firm for 3 years, Ms. Cook was appointed Special Counsel to the Office of Legal Policy at the Department of Justice. In 2008, she was confirmed by the Senate without opposition to be assistant attorney general for OLP.

In 2009, Ms. Cook joined my staff as chief counsel for the Supreme Court nomination of now-Associate Justice Sonia Sotomayor. Her work was superb. She helped me to examine the important issues raised by that nomination on a high level without resorting to personal attacks on the nominee.

In 2010, she returned to private practice as a partner with Freeborn & Peters in Chicago, before returning to Washington, where she is currently counsel at the well-regarded law firm Wilmer Hale.

Ms. Cook has had a wide-ranging law practice, including general civil litigation, policy initiatives, and Federal criminal investigations. The quality of her work has not gone unnoticed. Among her more recent accolades are the Intelligence Community Legal Award, multiple attorney general awards, and recognition as one of Legal Times' "40 Under 40." In 2008, she received the Edmund J. Randolph Award for Service to the Department of Justice, the Department's highest award for public service and leadership.

Ms. Cook combines a powerful legal mind, broad experience, good judgment, and a strong interest in serving her country. She has excellent people skills and works well with others, even when she disagrees with them. Her tenure on the board thus far proves as much.

I have nothing but praise for Ms. Cook's abilities, and am confident she will continue to acquit herself as a member of the Privacy and Civil Liberties Oversight Board. I am pleased to recommend Ms. Cook to my colleagues and I hope they will support her confirmation to this important position.

Ms. KLOBUCHAR. Madam President, we yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Elisabeth Collins Cook, of Virginia, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2020?

The nomination was confirmed.

#### VOTE ON GREEN NOMINATION

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the Green nomination.

Ms. KLOBUCHAR. We yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of James Walter Frazer Green, of Louisiana, to be United States Attorney for the Middle District of Louisiana?

The nomination was confirmed.

#### VOTE ON DALY NOMINATION

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the Daly nomination.

Ms. KLOBUCHAR. We yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Deirdre M. Daly, of Connecticut, to be United States Attorney for the District of Connecticut?

The nomination was confirmed.

#### VOTE ON MARTINEZ NOMINATION

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on the Martinez nomination.

Ms. KLOBUCHAR. We yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Damon Paul Martinez, of New Mexico, to be United States Attorney for the District of New Mexico?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

#### NOMINATION OF DAVID JEREMIAH BARRON TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

#### IMMIGRATION REFORM

Mr. MENENDEZ. Madam President, a year ago the Senate Judiciary Committee reported out a piece of legislation that would do more than increase the gross domestic product, do more than reduce the deficit, do more than promote prosperity, and do more than create jobs. It passed legislation that

would take 11 million people out of the shadows in America, prevent anyone from becoming a second-class citizen in this country, and finally establish comprehensive, commonsense immigration reform.

Today, 1 year later, it sits languishing in the House of Representatives and 11 million people wait and wait and wait. While they wait, while they hope that we come to our senses and govern as we should, the toll from inaction compounds: families suffer, children suffer, deportations continue, and injustice prevails.

There is a cost to our inaction, a cost those in the House of Representatives are forcing upon us, as we wait for them to act, that accrues every day. They claim they are for fiscal responsibility. Yet their inaction is costing us each year, on average, \$80 billion of real GDP, \$40 billion in higher deficits, 40,000 STEM grads who earn a Master's or a Ph.D. in STEM fields from U.S. universities, 50 million in the Social Security trust fund, over 50,000 fewer jobs, and \$13.5 billion in lost revenue.

I hope our Republican colleagues in the House understand exactly what the cost of inaction is. I hope they understand that every minute we waste passing commonsense immigration reform is costing American taxpayers more and more, and the cost is on them, and the losses I view as Republican losses.

The fact is Republicans are acting as if nothing is at stake, as if there is no cost, as if the lives of people and families are not in the balance, and they could not be more wrong. Besides the economic cost of inaction, there is a very real human cost. Franklin Roosevelt once said, citing Dante, that, "Better the occasional faults of a government that lives in a spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference."

Let us not be frozen in the ice of our own indifference. Let us act, govern. I call on my Republican colleagues to warm their hearts and think about the costs of inaction not only in dollars and cents but in the lives of families and the future of this Nation. The legislation we are waiting for is a comprehensive way to tackle our immigration problem.

We are on the verge of historic change. I am proud to have been part of the Gang of 8 that hammered out a strong bipartisan effort that passed this institution with 67 votes. That is not usual these days for questions of great controversy.

I say to my friends in the other body: Do the right thing for America and, by the way, for your own party. Find common ground, lean away from the extreme, opt for reason, and govern with us.

In my view, the leadership in the other body has a chance to be American heroes, a chance to bring both

sides together in an alliance that will ensure passage of this bill. I believe, based on poll after poll, that a vast majority of Americans want immigration reform to pass, and will thank them for doing the right thing. I hope they have the political will. I hope they have the political courage to unite the Nation and send this bill to the President's desk. I hope they will pass a bill that will increase the gross domestic product, reduce the deficit, promote prosperity, and create jobs.

As I have pointed out on this floor many times, this chart shows cumulative economic gains of the legalization process over 10 years after passage of this legislation. Fixing the broken immigration system would increase America's gross domestic product by over \$800 billion over the next 10 years; it would increase the wages of all Americans by \$470 billion over 10 years, and increase jobs by 121,000 per year for 10 years. That is over 1.2 million jobs.

What do we ever get to do here that increases the gross domestic product, reduces the deficit, raises the wages of all Americans, and creates 120,000-plus jobs per year? Very little. This legislation does that, not just simply because I say it but because the Congressional Budget Office said many of these figures were, in fact, a reality. Immigrants will start small businesses, they will create jobs for American workers, and it is time to harness that economic power.

The CBO report also tells us we reduce direct spending and the deficit by \$158 billion over the next decade, and by another \$685 billion more from 2024 through 2033. Let's remember, we are talking about almost \$1 trillion in deficit spending that we can lift off the backs of the next generation, exactly what our Republican friends demand. Yet they are balking in the face of achieving one of their very fundamental principles. What other single piece of legislation increases GDP growth, increases wages, increases jobs, and lowers the deficit?

The Center for American Progress found that fixing the broken immigration system would increase wages of all Americans by \$470 billion over 10 years and increase jobs by 121,000 per year. What we realize now and what the numbers tell us is that giving 11 million people a clear and defined earned pathway to citizenship is, in effect, an economic growth strategy that lowers the deficit and creates jobs. That is exactly what we are looking to do to move this economy forward.

New Americans who follow this pathway we lay out will have to play by rules. They will have to pass criminal background checks, they will have to pay a fine, they will have to pay their taxes. But if they do, there will be no obstacle they cannot overcome to the day when they raise their right hand and pledge allegiance to the United

States and become a naturalized citizen.

Too many families have waited too long for that day. Too many have waited too long to say those words that will change their lives forever. They changed my mother's life, and, in turn, gave me a chance to stand here today and vote for a pathway to citizenship that can change the lives of millions of others.

But it is not just the economics of the legislation that creates the urgency of now, it is the human toll, the toll on millions living in the shadows. That can be pretty dark and frightening. Last year over 150,000 people were deported just for paperwork violations. Hundreds of thousands have been deported despite having U.S. citizen children. They are not criminals; they are hard-working families trying to make ends meet.

For many years I have asked the administration to stop deporting fathers and mothers, stop separating families, stop taking away parents from their U.S. citizen resident children. Let me tell you about one of these cases, the case of Carlos Oliva-Guillen who was about to be deported away from his three U.S. citizen children, including his 7-month-old infant son who is suffering from a life-threatening disorder. The baby was on the verge of a coma and facing potential brain damage while his dad was in detention about to be deported.

The doctors needed to do a blood test on Carlos, the baby's dad, to see if the baby's illness is genetic. Thank God that Carlos was released and brought back to New Jersey so doctors could pursue these lifesaving tests and treatment.

Those tragedies continue as long as we do not have comprehensive immigration reform. With all of these economic benefits and the tremendous human suffering at stake, what are we waiting for? We are waiting for the House leadership to stand up to a minority—to a minority. We are waiting for Speaker BOEHNER to schedule a vote. We are waiting for reason to prevail, for our Republican friends in the other body to once and for all do what is right and think about the cost of inaction, not only in dollars and cents but in the lives of the families and the future of this Nation.

We are waiting for the Speaker to stop letting the most radical voices, such as STEPHEN KING, dictate the future of immigration reform. Speaker BOEHNER himself has publicly denounced Congressman KING for his "hateful language." Yet the only—the only—immigration-related vote the Speaker of the House of Representatives has allowed in the past year was for radical proposals to end DACA and deport our Nation's DREAMers. It is time for Speaker BOEHNER to stand for the majority of the Republican Party

and of the Congress in the House of Representatives and remove STEPHEN KING's undeserved carte blanche on immigration policy.

If we had a vote in the House, the Senate bill as passed would pass. It would pass today. It would pass with both Democratic and Republican votes. We have the votes in the House to pass the Senate bill. We just need the will of a Republican leadership behind a bill that reduces the deficit, increases the GDP, creates jobs. I cannot understand, for the life of me, why they cannot break the stranglehold by a few against the will of the many.

Considering that there are enough votes in the House to pass the Senate bill and send it to the President, we deserve action. Eleven million people deserve, at the very least, the political courage to face down the extreme minority and do what is right and govern from the commonsense center.

Time is not on our side. There is a limited window of opportunity. We only have about another 2 months at most for the Speaker to act. So it is in the Speaker's hands. Does he want reform or doesn't he? I know I hear him say he does. I want to believe that. I will be the first to applaud him.

Speaker BOEHNER, however, on the one side said he wants to get immigration reform. The next thing I hear is that he questions the President's commitment to enforce the law as the reason why they are not moving forward on immigration reform, even as this President is deporting more people than the Bush administration. This administration has deported almost 2 million people. I do not understand. When the Speaker says, "We can't trust the President to enforce the law," it seems to me what he is calling for is even greater deportations than the greatest deportations that have taken place over the last Republican administration.

So saying the President isn't enforcing enough, the Speaker is really arguing for more deportations and has done nothing to stop those deportations.

The only conclusion we can draw is that my friends on the other side support the current dysfunctional system, and they do so at a cost to the country. They do so at a cost to families, and I also believe that beyond all the policy arguments that I have talked about—the GDP, the reduction in the deficit, the creation of jobs, the raising of wages, helping our agricultural industry through the ag jobs provision, helping our high-tech industries through the provisions of the legislation, and so many others—not only do they risk all of that and risk the families, but I believe they risk their political futures.

The road to the White House goes through the barrio, as my friend in the House of Representatives, Congressman GUTIÉRREZ, says. If we look at States across the country in which there are

large immigrant populations who vote, who are U.S. citizens, and who look at this as the civil rights issue of their time, you cannot win the electoral votes of those States if you cannot find a way to a commonsense immigration reform. So their own futures, politically speaking, are at risk.

But even more than that political risk, our country is at risk—a risk that will hinder our own economic growth and leave millions in the shadows as second-class citizens, a risk that deportations will continue to tear parents away from their infants, despite the parents desperately seeking to register, get right with the law, and pay their taxes.

I thought that so many of my colleagues talk about the family values. Well, family values isn't about ripping families asunder. Family values isn't about ultimately saying that someone has a paperwork violation, so you rip them apart from their three American children—a risk that we will address as one of the greatest civil rights' issues of our time.

I have cases in my office of U.S. citizens and legal permanent residents of the United States unlawfully detained in immigration raids because of the happenstance of where they live or what they look like or how they speak.

Who among us, who have the privilege of serving in this institution, is ready to become a second-class citizen because of the happenstance of where you live, what you look like or how you speak, when you are a U.S. citizen or a legal permanent resident? This includes among others, in one case, an Iraq war veteran who was detained while his status was determined.

My first and foremost focus is on getting the House Republican leadership, after 1 year of this body's having passed an immigration bill, to either consider the Senate legislation or their own comprehensive version. That is the ultimate solution. Everything else is a bandaid. But let me be clear. There is a limited window of opportunity we have open to us until the end of July.

If Republicans do not act, they will have forced the President to ultimately use his executive powers on enforcement questions and on deportation relief.

Either they are tone deaf to the priorities of the Nation's largest-growing and fastest-growing minority or they are ignoring the will and interests of their own party and acting against their own stated goal of reducing the deficit.

They can keep finding excuses for inaction, but there are no more excuses. Enough is enough.

The community across the country is riveted in their attention as to what is going to happen in the House of Representatives. I hope that attention will ultimately be a joyful one if the House acts. But if it does not, it will reap the

wrath of a community who sees this as the critical civil rights issue of their time and the consequences will be longstanding. I hope they meet the better angels that are within them and ultimately produce the comprehensive immigration reform the Nation needs for its security, for its economy, for doing the right thing as a nation of immigrants, by doing the right thing for those families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

KOCH BROTHERS

Mr. ROBERTS. Madam President, as the ranking member of the Rules Committee, I take no pleasure in making these remarks, but the circumstances have given me absolutely no choice.

Our distinguished majority leader recently came to this floor and declared that his minority colleagues—that would be us on this side of the aisle, Republicans—were “addicted to Koch.”

To those who regularly watch our proceedings, however, it is clear who is suffering from this addiction.

Practically every morning our leader starts our session by giving a speech personally attacking David and Charles Koch and their families. The only thing he seems to do more often than block Republican amendments is attack the Kochs.

As distasteful as that is, it is apparently no longer sufficient. The problem with addiction, of course, is that as a tolerance develops, more and more of the drug is needed to satisfy the craving.

So now we have learned that not only does the majority leader spend his mornings attacking the Kochs, but he spends his evenings doing so as well.

Last night, the majority leader attended an event in the Capitol Visitor Center—the CVC in the Capitol building—to promote a movie attacking the Kochs. Never mind that the regulations prohibit—prohibit—the use of the CVC space for any “campaign, commercial, promotional or profit-making purpose.”

As House Administration Committee Chairman CANDICE MILLER said:

We cannot hold partisan political rallies or fundraisers on the grounds of the Capitol, or within its walls. Our work in this hallowed building must solely be in the interests of the American people and not in the interest of any political cause.

This event is just the latest demonstration of an apparent belief that the rules do not apply to the Democratic leadership. We now have another new precedent: a majority leader appearing in and then promoting a movie in the Capitol.

It also further demonstrates the hypocrisy of the majority’s quest to stifle dissent. They celebrate and promote films that attack their opponents but want to outlaw films that criticize the majority Members and their agenda.

The irony of promoting a film to advance their campaign to restrict speech is apparently lost on the majority. So it is worth reminding them what the Citizens United case was really all about. It was about a movie—“Hillary: The Movie,” to be precise. “Hillary: The Movie” was made in the wake of “Fahrenheit 9/11.” Anyone who saw “Fahrenheit 9/11” knows that the purpose of the film was to convince people that George W. Bush was not worthy of the Presidency and should not be given a second term.

Anyone who saw “Hillary: The Movie” knows the purpose was to convince people that Hillary Clinton should not be elected President of the United States. I suspect that many of the people who went to see the movie in the CVC last night thought that “Fahrenheit 9/11” was great and “Hillary: The Movie” was terrible.

The point of the Citizens United case was that it really doesn’t matter. It doesn’t matter which film a majority in Congress might prefer. The producers have the right to make and distribute either one, and they can raise the money necessary to do so as they see fit, not subject to any restrictions or limitations imposed by the Congress. They are guaranteed that right by the First Amendment to the Constitution of the United States. This Congress cannot take that away.

Is that too difficult a concept to grasp? Isn’t it obvious? Of course it is.

Yet the majority has spent the last 4 years misrepresenting it, and now it even wants to amend the Constitution to reverse it. That is just incredible.

In a press release announcing an upcoming hearing on the majority’s amendment to the First Amendment, it was declared that it was necessary to “build support for amending the Constitution to ensure that all Americans can exercise their First Amendment rights.”

It is not necessary to amend the First Amendment to ensure that all Americans can exercise their First Amendment rights. Those rights are already guaranteed by the First Amendment as written. The amendment the majority wants to impose would allow them to once again curtail those rights. Why can’t we just be honest about this. Because of the Citizens United decision, people of all points of view now have the opportunity to make their views widely known. Even people who disagree with the majority in the Senate have that right, and we should all be very grateful.

I know the majority preferred a system where those who wished to criticize them were restrained in their ability to do so. They want to reimpose those restraints. I do not think they will succeed, but we should make clear what they want to do.

In their view, a corporation that happens to own a network, such as NBC or

CNN, should be able to broadcast the movie they promoted last night as much as they want. If the networks wanted to show the movie every night of the week for 2 hours, that would be just fine with the majority.

But if somebody wanted to buy a 30-second ad during the airing of the movie to present an alternative point of view, that would be unacceptable. A 2-hour movie? No problem. A 30-second ad? Terrible. It can’t be allowed.

That is simply absurd, but that was the reality before the Citizens United decision. Media corporations could do or say whatever they wanted. Other corporations, however, could not. Citizens United ended that ridiculous distinction and the majority has been trying to reinstate it ever since.

The majority claims they are concerned about wealthy donors. No, they are not. They are concerned about wealthy conservative donors.

According to the Los Angeles Times, the very film they promoted last night received financing from foundations and large individual donations. But those donations were OK, I suppose, because they went to promote a cause the majority supports—attacking the Koch family.

Likewise, billionaires who support the causes of the majority are not targeted. Billionaire former hedge fund manager Tom Steyer has indicated he intends to spend over \$100 million to influence the midterm elections.

Does the majority have any problem with that? Of course not.

Spending huge amounts of money in politics only concerns them if it is spent against them or on behalf of their opponents, but if it is spent to promote the majority and their agenda—no problem.

The majority leader has convinced himself, however, and seeks to convince the rest of us, that the Kochs are somehow unique, that the Koch brothers present some kind of evil threat, if you will, that other billionaires with different points of view do not pose. He seems to think that for everything bad that happens the Kochs are to blame.

Recently he claimed that they were one of the main causes of climate change. He said: “Not a cause, one of the main causes.”

What do we make of such a statement? Could anything be more absurd? There are over 7 billion people on Earth, but our majority leader believes two men, Charles and David Koch, are a main cause of climate change.

What is that all about?

Just yesterday, the majority leader blamed the Kochs for the wildfires in California. What is next? Maybe the Kochs are to blame for the planes lost in the Bermuda Triangle? How about the volcanic eruption at Pompeii years ago or even the futility of the Chicago Cubs? That has to be the Koch family.

The majority leader convinces himself that his Koch obsession is justified

because he believes their political involvement is motivated only by their own financial interest.

It is inconceivable to him that people might exist who simply disagree with him and his agenda and want to see the country take a different path. The reality is that there are millions of Americans who want to see this country take a different path, and the Koch family proudly supports that goal and has made donations to help achieve just that.

You will never hear it from the majority leader, but it is time someone presented the rest of the story about the Koch family. This family has pledged or contributed more than \$1 billion to cancer research, medical centers, education, the arts, and to assist public policy organizations—\$1 billion. Is that the act of a family motivated solely by financial interests? I don't think so. Of course not.

Consider a few of these gifts: \$100 million as a prime contributor for cancer research at MIT; \$100 million to the New York-Presbyterian Hospital to build a new ambulatory care center, plus \$28 million to other research causes; \$20 million to Johns Hopkins University for a cancer research center; \$30 million to the Memorial Sloan-Kettering Cancer Center in New York; \$26 million to the M.D. Anderson Cancer Center in Houston; \$26 million to the Hospital for Special Surgery in New York City for the Building on Success campaign and other causes; and \$35 million to the Smithsonian's National Museum of Natural History to renovate what is called dinosaur hall, which will include one of the largest and most complete *T. rex* specimens in the world; \$20 million to the Museum of Natural History; and \$65 million to the Metropolitan Museum of Art. Likewise, the David H. Koch Charitable Foundation gave \$100 million for the preservation and renovation of Lincoln Center, home to the New York City Ballet and the New York City Opera.

All these acts of extraordinary generosity are completely ignored by the majority leader. They are ignored because the Koch family has committed one unforgivable sin: They have opposed him and the Democratic majority and President Obama. They present a threat to the Democrats' hold on power. That is why they are being demonized. That is why they are being attacked. That is why they are being vilified. That is why they have become his obsession.

They have had the temerity to challenge the agenda of this majority and its leader, and the leader is not happy about it and he wants it to stop. And it looks as if he will do anything he can to make it stop, up to and including amending the Constitution of the United States. I think that is a disgrace. It has demeaned this institution. It should stop. The first amendment

doesn't exist to protect those of us in this body. It exists to protect the people. It is there to prevent us from silencing our critics. And thank God for that.

I wish the majority would recognize that they do not have the power to silence their critics. The first amendment denies them that power. I wish the majority leader would stop engaging in character assassination against citizens who choose to exercise their first amendment rights. And I wish he would stop acting as though he is the only person on Earth who can say whatever he wants. He isn't. We all have the right to express ourselves—all of us—from Michael Moore to Citizens United, from Tom Steyer to the Koch family. All of us have that right. All of us. Let's stop trying to deny it. Let's stop trying to change it. It is beneath us. It demeans this body, and it is wrong.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as in morning business, followed by the Senator from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORKFORCE INNOVATION AND OPPORTUNITY ACT

Mrs. MURRAY. Madam President, I came to the floor today to take a few minutes and talk about a piece of legislation I have been working on, along with seven of my colleagues from this Chamber and from the House of Representatives. That legislation is called the Workforce Innovation and Opportunity Act. This is a long-overdue bill that will reauthorize and improve the Workforce Investment Act—or WIA, as we call it—which includes dozens of critical workforce development programs in all 50 of our States.

This is an issue I have been working on for more than a decade. For several years now I have been very proud to work here in the Senate to reauthorize WIA, so I am very glad we are finally on a strong bipartisan path to get this done for families and businesses in Washington State and across the country who have been telling me how important effective workforce programs are for them and their communities.

The reason we were able to introduce such a strong bill this morning—and a bill that I think has a real chance to become law—is the incredible bipartisan process we have had over the last few months to reach a compromise between both parties and both Chambers. So I would like to thank each of the

Members who helped me introduce the legislation this morning by name: in the House of Representatives, Representative JOHN KLINE, Republican from Minnesota; Representative GEORGE MILLER, Democrat from California; Representative VIRGINIA FOXX, Republican from North Carolina; and Representative RUBÉN HINOJOSA, Democrat from Texas; and here in the Senate, Senator TOM HARKIN, Democrat from Iowa and the great chairman of our HELP Committee; Senator LAMAR ALEXANDER, Republican from Tennessee; and finally my close partner and cohort in this process, who is here with me today, Senator JOHNNY ISAKSON from Georgia.

None of us got everything we wanted in the bill we introduced this morning, but all of us got legislation we believe in. It is a bill that will help our workers, and it will help our businesses and the economy for years to come.

I am as strong a supporter of our Federal workforce development program as anyone. I have seen firsthand in my home State of Washington workers who were laid off and who were able to get new training and new skills and new jobs. I have seen many of our Washington State businesses, from aerospace companies to video game design firms, that were able to access workers with the new skills they needed to grow and compete.

But the fact is that we have been relying on Federal workforce development programs that were written in the 1990s, and with millions of new jobs that will require postsecondary education and advanced skills in the coming years, we will fall behind in the world if we do not modernize our workforce development now. We have to make sure that when high-tech jobs of the 21st century are created, Americans are ready to fill them. That is what we have done in this bill. We have doubled down on the programs that work, we have improved the programs that have become outdated, and we have created a workforce system that is more nimble and adaptable and better aligned with what businesses need and more accountable so we can continue to make it better. That is what we were sent here to do—work with our colleagues across the aisle for the American people. We had a House proposal and we had a Senate proposal and we met in the middle.

I can't count how many times Senator ISAKSON, my Republican colleague, and I have talked about the importance of getting this done. His office happens to be right next door to mine. So whether we were at a committee hearing or on a train to the Capitol, we were always focused on how we could work together and find a path to a deal.

We are not done yet. I am going to be working with my colleagues in the Senate—Democrats and Republicans—



to get their support for this compromise, and our colleagues will be doing the same in the House of Representatives.

This is an all-too-rare opportunity for all of us to get behind a strong, bipartisan, bicameral bill that will help our workers and get our economy back on track. I am very proud of the work that went into this.

I yield to my colleague, Senator ISAKSON. This would not be on the floor today without his tremendous work and his work ethic and his willingness to work across the aisle to get this done. I sincerely thank him.

I yield the floor.

Mr. ISAKSON. I thank the Senator from Washington for her overly kind remarks with regard to my participation. To reiterate and underline what is in fact true, we were a team for 8 years when we both chaired and were ranking member of the Subcommittee on Employment and Workplace Safety in the HELP Committee. We time and again had gotten it to a point we thought we could pass it and then everything was falling apart.

We were at a huge divide and chasm at the beginning of this year. The House had passed the SKILLS Act; we had passed an act. They didn't think we did anything; we thought they did too much. It looked like a chasm too far to bridge, but because of the work of Senator MURRAY, my office, and Senator ALEXANDER's office—VIRGINIA FOXX, for whom I cannot say enough. She was the original author of the SKILLS Act. She came to the table with us, and we sat down one floor below this building, this floor right now. We sat down around a long table, and we started talking about the art of the possible, not the art of the impossible.

Here are the high points I wish to focus on: first of all, consolidation of programs that were not working to empower programs that were working; flexibility for Governors, both on what they can do with their one-stop shops, as well as their ability to transfer money for unemployed programs and underemployed programs; 100 percent transferability on the behalf of the Governors; 15 percent total flexibility of the appropriations that come to them through the WIA—Workforce Investment Act—and workforce investment program.

We skinned down the board so you don't have these huge boards. Instead, you have boards that can work. We reduced their size by about 61 percent. We included management as a majority but labor at the table, to make sure all facets of work were there.

Most important, we empowered the States to write the kind of curriculum for the kind of training their State needed. We have 4 million unfilled jobs in America. We sometimes talk about all the unemployment—and we all hate

the unemployment—but we have some underqualified people who are underemployed who can take better and bigger jobs available in America right now if we train them for these jobs.

So this new Workforce Innovation and Opportunity Act is just what it portends. It is an innovation in the WIA Program, and it is an opportunity for millions of Americans to find the training and skills necessary to find a job and keep a job, which is, in turn, good for our economy and good for our country.

But this is something that happened because people of good will on both sides of the aisle and both sides of the Capitol got together and said let's figure out what we can do rather than argue about what we can't do.

Chairman KLINE and Ranking Member MILLER in the House—whom I served with on that committee years ago—did a tremendous job. VIRGINIA FOXX was very willing to work and TIM SCOTT, the Senator from South Carolina, who was the author of the SKILLS version of Virginia's bill in the Senate. Chairman HARKIN deserves a lot of credit, particularly for his focus on those with disabilities, and we preserve the programs that make sense for people with disabilities, retraining them and giving them the training they need to have meaningful and skillful employment in the future.

But, most important of all, LAMAR ALEXANDER, the ranking member, kind of steered the ship. He was the rudder in the water who helped guide us to the point we got to today.

I am pleased both the Senate and the House Republican conferences have all had presentations. The feedback we have gotten to date is extremely favorable. We hope this is going to be one of those rare occasions in 2014 where Republicans and Democrats come together for the benefit of the American people to address the No. 1 problem we face in America; that is, unemployment and underemployment, and empower people through innovation and opportunity for jobs in the 21st century.

I will end where I began. It would not have happened without Senator MURRAY. I am grateful for her help and assistance and I am proud to be her partner.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. ISAKSON. Madam President, would the gentleman yield for 1 second?

Mr. DURBIN. I would be happy to yield.

Mr. ISAKSON. To Senator MURRAY, if I could talk about our staff. Tom Nguyen is behind me. I could not have done what I did in this bill without Tom Nguyen, and Senator MURRAY has an outstanding staff who worked for us. I wish to have the RECORD include the

tremendous staff work both of us received.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I would like to extend a gracious thank you to staff from my office, senior advisor Scott Cheney; my chief of staff Mike Spahn; my Budget Committee staff director Evan Schatz; Stacy Rich and Emma Fulkerson from my floor and leadership staff; my communications team, especially Eli Zupnick and Sean Coit; and everyone else from my team, who have all worked very hard to move this bill forward.

I would like to thank the wonderful staff from Senator ISAKSON's office: Tommy Nguyen, staff director of the HELP Subcommittee on Employment and Workplace Safety; as well as Brett Layson and Michael Black.

I thank Chairman HARKIN's Health, Education, Labor and Pensions Committee team: senior education policy advisor Crystal Bridgeman; chief education counsel Mildred Otero; disability policy staff director Michael Gamel-McCormick; disability policy advisor Lee Perselay; Derek Miller, staff director of the HELP Committee; deputy staff director of the HELP committee Lauren McFerren; and labor policy advisor Liz Weiss; and many more who have helped.

I also thank the staff for Senator ALEXANDER: senior education policy advisor Patrick Murray; education policy director Peter Oppenheim; Bill Knudsen; and HELP Committee staff director David Cleary.

Finally I would be remiss if I didn't thank the professionals in the Senate Legislative Counsel's office, specially Liz King, Amy Gaynor, Kristin Romero, and Katie Grendon.

The PRESIDING OFFICER. The Democratic whip.

#### VETERANS HEALTH CARE

Mr. DURBIN. Madam President, I am honored to represent the 12.5 million people living in the State of Illinois, and it is a special honor to represent 745,000 veterans who live in my State. These men and women have served their country honorably. Many of them are leading great lives and making great contributions to our State. Some are struggling, returning from war with wounds—visible and invisible.

I came to speak to the issue involving the so-called VA scandal at the Arizona Hospital. What I have been told is troubling. What I have been told is that there were secret waiting lists of veterans who were being unnecessarily delayed when they needed critical medical care. The allegations suggest that some of them may have died while on the waiting list. That is as cruel an allegation as anyone could make about anybody and particularly cruel when it applies to our veterans.

We are trying to investigate this, as we should. The President sent his Deputy Chief Rob Nabors, a person I know,

to Arizona today, but we are not going to stop with that. We are going to do everything we can to make sure every veterans facility across America is serving our veterans in a timely and professional way. That includes, of course, those in the State of Illinois.

Tomorrow I will be meeting with General Shinseki in my office. He is the head of the Veterans' Administration. We are going to focus on Illinois, because in Illinois we have five VA medical centers, 30 outpatient clinics, and 11 veterans centers. I want to make certain there are no secret waiting lists at any of those facilities, and I want to make certain we are doing everything in our power to serve our veterans in a timely professional way.

We know the stories—the stories that have come out of these wars we are concluding now. The war in Afghanistan is winding down to a close. Iraq was over just a few months, maybe 1 year ago, but despite the end of these wars, it is not the end of the war for many veterans. They come home with needs—serious needs: post-traumatic stress disorder, traumatic brain injury, amputations, serious problems that will haunt them for some time.

We promised these men and women, if they would volunteer to serve our Nation, if they were willing to serve and even die for our Nation, we would never quit on them; that when they came home, we would stand by them.

We passed a GI bill on the floor of the Senate several years ago. Jim Webb was the Senator from Virginia, a Marine Corps veteran himself of the Vietnam war. He brought in a modern GI bill for those men and women currently serving, and it passed overwhelmingly with both political parties supporting it, as they should. In a place where we don't agree on much, we sure agreed on that. When it comes to veterans and the GI bill, we stood together. We have to do it again on a bipartisan basis.

I read the comments from President Obama this morning. I thought they were unsparing in terms of his personal concern over what has been reported.

I know we all honor the contribution made to America by General Shinseki, a disabled veteran himself from the Vietnam war. He is an extraordinarily good man. The question is whether he can fix this problem if one exists.

I don't know about the Arizona situation. We will wait until those facts come together. But this much I do know: Our Veterans' Administration has been overwhelmed by disability claims coming in at rates that surpass this country's experience in any previous war. Almost half, almost 50 percent of Iraq and Afghanistan veterans are filing for disability benefits when they come home.

The backlog at the VA is 300,000 cases—applications for disability. They have been pending for more than 125 days—4 months. Some have been in the

process for more than 1 year. It is an improvement—300,000 from 611,000, which was the case last year—but not good enough.

Illinois has cut its backlog in half as well. But when I read some of the delay times in making a decision at the VA, we will understand why we find this still unacceptable.

Seven years ago the average processing time for an Illinois veteran claim was 1 year, maybe 18 months. Appeals sometimes took 2 years. Today veterans tell us the claim will easily take 2 years to process, maybe longer, and an appeal may take 3 or 4 years. Compared to the numbers of 7 years ago, the numbers are much worse today. I understand there are more veterans who are applying, but it just means we need to put the resources in place to serve this surge of veterans looking for help.

The veterans who call my office are just asking for updates and accurate information about the claims and medical care. They want to know if somebody—anybody—at the VA is taking a look at their application. They get conflicting information from the VA.

Sometimes the VA calls them back and says: You have to send such and such a document.

The veteran says: I have already sent it.

That kind of frustration for someone who is coping with illness or problems is unacceptable, and it is certainly unacceptable when it comes to our veterans.

Even when claims are processed, there are cases of mistaken identity. A bad address leads to canceled benefits and checks, and it takes months to fix it. I am trying to help. As chair of the Appropriations Defense Subcommittee, I put \$3.6 million in the Defense Department to speed up the program that allows servicemembers' records to be transferred to the VA electronically so we can have at least a quicker response from the VA. I directed the DOD inspector general in my bill to work with the VA inspector general to streamline the transfer of records between the Departments.

Another way we tried to step up support for veterans is by creating the Caregiver Program at the Veterans' Administration. I will be the first to tell you this was not my idea. It was the idea of Senator Hillary Clinton of New York. She used to sit back there, and she came up with an idea: If members of a disabled veteran's family will stay home with them and help them get through, we ought to help those members of the family. She called it the caregivers act. It didn't pass while she was here, but when she left I liked it enough to call her and say to the Secretary of State, Hillary Clinton: Do you mind if I steal your idea and try to pass it? She invited me to be her guest, and I did. With the support of Senator

Danny Akaka, Senator PATTY MURRAY, and others, we made the caregivers act the law of the land, and now across America hundreds of spouses and parents who care for disabled veterans are getting a helping hand. We provide them medical training, nurses training so they can take care of their veteran. We give them respite care of up to 2 weeks a year so they can have some time off, a vacation to recharge their batteries. If they have a financial hardship, we provide a modest amount of money to help them get by. It is the right thing to do. These veterans get to stay home with families who love them. That is where they want to be. From our point of view as a government, just to put it down to dollars and cents, it is a lot cheaper when they stay home. So we do well and the veterans do well. That is a great outcome.

We have to expand the reach of caregivers assistance through the VA so at every veterans center there is a source of information to tell that veteran and the veteran's family: The Caregiver Program is there if you want to stay home. We want to help you stay home and be healthy as you do.

I think that is a good thing to offer the veterans. The ones I have met, there are some amazing stories in Chicago that truly warm your heart to know that those veterans, after what they have been through, can stay home with their families and be there with the people they love and who love them too.

There is another area I wish to mention. Our committee has pushed the Veterans' Administration to focus on the sustainability of orthotics and prosthetics. We are worried about the professional workforce that deals with these important parts of restoring a veteran's life.

Twenty percent of the orthotics and prosthetics workforce, about 7,000 clinicians, will retire over the next 5 years. We have never needed these specialists more than we need them today: 1,715 servicemembers lost limbs in Iraq and Afghanistan. Many have lost multiple limbs. The United States has 5 quadruple amputees and 40 triple amputees from these wars. The VA serves 40,000 people with limb loss every year. That is why I am focused on this—to get the professionals in the orthotics and prosthetics fields of medicine to be trained and ready to help these veterans in the years to come while others are retiring.

There are 745,000 veterans in my State, and not a single one of them should be deceived about what they can receive for their service nor delayed when it comes to seeing a doctor or having their claims processed. Not one of them should wait 2 years before they start getting disability benefits. We have 5 VA Medical Centers, 30 outpatient clinics, and 11 Veterans Centers across Illinois, and we have to be there to serve them in a timely way.

None of these facilities has the right to mislead or lie to the veterans about what doctors they can see or what services they can receive. The Senate just added \$5 million to the budget of the inspector general at the Veterans Administration, and the Inspector General is now investigating 26 facilities.

One of the toughest votes that a Member of Congress is called on to cast is whether we should go to war. It has happened a few times in my career. You don't sleep well the night before, wondering how you are going to vote, and knowing that at the end of the day, even if this is a just and necessary war, innocent people will die, including innocent Americans. What I have come to learn over the years is that it is not just a matter of that simple decision to go to war, but it is the cost of war—the cost in human lives. Over 4,000 died in the war in Iraq, and over 2,000 have died in the war in Afghanistan. There are thousands and thousands who come home with injuries, and, of course, there are the expenses and budget costs that come along with each and every one these conflicts.

It really helps when you make these decisions and reflect on them to also be aware and honest about the real cost of war. The real cost of war in human life and human suffering can't be calculated, but we did make a promise that those who would stand for our country in those wars would have our help when they came home.

The scandal that has been reported in Arizona—the problems at the VA centers—is unacceptable in a Nation as great as America, and we owe it to these veterans and their families to stand by them. I promise I will, not just for veterans facilities in Illinois, which is my first priority, but for those across the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### LEGISLATING

Mr. ENZI. Madam President, I thank the Senator from Illinois for his comments about a problem—and how extensive it is—we are seeing across the United States. I don't think there is a Senator who is not looking into that and ensuring that something is done. I looked at the resources that have been allocated, and noticed that we increased the resources 60 percent in the last 5 years. I think there is a severe management problem, and after reading some of the emails I have received, I am very concerned about that.

I want to talk about a different subject today. A recent headline from a Capitol Hill newspaper declared that our current Congress could be the "worst ever." Another said negotiating political agreements is a "lost art." The whole country knows something is wrong with our government. The problem is that Senators are being prevented from doing their job. Common

sense is ignored because bills are being made in a political vacuum. This results in more lengthy, complex, incomprehensible laws that defy logic.

Former House Speaker NANCY PELOSI famously said that Congress would first have to pass a bill in order to find out what was in it. That is a problem. Legislation is often hundreds, if not thousands, of pages long. One bill could contain provisions affecting everything from health care to housing and increase the debt by hundreds of billions of dollars.

I recently introduced a bill with Senator JOHN BARRASSO, also from Wyoming, that would take a page from Wyoming's State legislature handbook. In order to stop Congress from passing bills with countless, unrelated measures, S. Res. 351 would require any legislation considered by the Senate to be limited to a single issue. One topic per bill will help get things done. It means more understandable and manageable bills. This is not a flashy concept, but I have found people of both parties are receptive to it. It makes sense to them.

Change is hard and those who control the Senate now like the system we have. Most Members of Congress have no opportunity to weigh in, and neither does the public—directly or indirectly. This is a very tidy arrangement for those who are in power now, especially in the Senate. Nothing is approved unless the majority leader allows it to come out.

Dissenting opinions are rarely considered. The majority leader uses procedural tactics to prohibit amendments to improve bills in order to control the legislation and to prevent his party from taking politically difficult votes. He has done this more than any other majority leader—perhaps more than all the previous leaders. Political motivations and consolidation of power should not be used to deny Senators from either party the right to represent their people.

Last week the majority leader used procedural tactics to prevent us from voting on tax amendments important to Wyoming, such as the permanent State and local sales tax deduction amendment offered by my friend on the other side of the aisle, the Senator from Washington. We were also prevented from voting on amendments that would be important to all of us, such as preventing waste of taxpayers' dollars by stopping the IRS from giving bonuses to employees who have not paid their taxes. Amendments were filed by Members from across the country. By my count, more than 60 amendments to the tax package were filed by Senators from the other side of the aisle. Nobody is being represented by amendments. At some point we need to actually vote on the issues that are important to our constituents, and Members on both sides of the aisle who support these amendments need to insist on that.

Last week Politico's Huddle claimed "Senate GOP Filibusters \$85B Tax Extenders," but there is no opportunity to filibuster when the debate is cut off before it ever begins. That is what the majority leader did by filing cloture on the tax extenders package. Cloture is a political tactic designed to bring debate to a close after a supermajority of the Senate is satisfied that a matter has received adequate consideration.

In recent years this majority leader has often filed a cloture motion immediately—before there is an opportunity to debate or introduce amendments, not after adequate consideration. The number of same-day cloture filings has more than doubled compared to when Republicans last controlled the Senate. We are not even being given a chance to debate, much less offer amendments, and that is why I have joined Senator GRASSLEY, a Republican from Iowa, in cosponsoring his Stop Cloture Abuse Resolution. It would amend the Senate rules to prohibit filing cloture until there has been at least 24 hours of debate.

Another telling statistic is the number of amendments the current majority has blocked from being considered in the Senate. As this chart shows, in 2005 and 2006, the Senate voted on almost 700 amendments on the Senate floor. Since the Senate has been controlled by the current majority, the number has dwindled. In 2011 and 2012, there were about 350 amendments, and since July of last year, the majority leader has allowed votes on only 9 Senate Republican amendments. The House—where debate is very limited and controlled by the majority—had 132 votes on Democrat minority amendments.

Let's see. The minority in the Senate—the cooling saucer for the country where there is supposed to be open debate—had nine amendments. The House—always controlled by the majority in a very strict way with a rules committee—had 132 Democratic minority votes on amendments.

The leader has used the tactic of filling the amendment tree to prevent amendments from being introduced, and because of that tactic, the amendment to prevent wasting taxpayers' dollars by stopping the IRS from giving bonuses to employees who have not paid their taxes doesn't get to come up. That is just one example of many that has happened. In the last 8 years, he has used this tactic 86 times, and of course, we are still counting. By contrast, the last six majority leaders combined only filled the tree 40 times.

What is filling the tree? It is a political tactic of setting up a few amendments that cannot be taken down, that have to be voted on before the bill can be done, and filing cloture even prevents those from getting done.

The chart shows that there have been 86, and still counting, and the six previous leaders only filed cloture 40 times.

Filling the amendment tree has become a routine way to prevent any Senator—majority or minority—from exercising their right to offer an amendment because once the tree is filled, no Senator can offer an amendment.

Almost half of the Senate has been here less than 6 years. Yes, 45 of the 100 Senators are in their first term. They don't realize that there is a better way. They have not seen how it could work, how it did work, and how it should work.

I know how this can hurt. I once had a bill that would have been the first step of 10 for solving health care in this country, and it was a small business health plan. It would have allowed small businesses across the country to join together through their association to get a big enough block to effectively negotiate with the insurance company or even set up their own selfinsurance pool.

The majority leader was willing to bring it up and then filled the tree and filed cloture. I had 2 people that would have made the 60 votes necessary to get that passed, but each had 1 amendment to the bill, and they would have been good amendments. They were not allowed to bring up their amendments, and consequently I wound up being just short to pass a very important bill that would have brought down health care costs for this country and might have encouraged people to do the other nine steps in the plan that Senator Kennedy and I put together and provided more in the way of insurance than what we have now, and it would have been paid for.

Committees should have the first opportunity to shape legislation. It is there that Members are able to iron out unintended consequences and craft better legislation before it goes to the floor. There is a lot of flexibility in the committee process. I used to sit down and go through all the amendments. There might be 200 amendments on a bill we were working on, and we would put them into piles according to what we covered. We would look to see who was involved in that particular pile and send that bipartisan group off to come up with a solution to these multiple solutions that had been presented. They were usually able to craft something out of that and bring it back as another amendment that would make the bill better and eliminate unintended consequences and perform a real service for our country.

Most of the bills now don't go to committee first. After a bill goes to committee, then it comes to the floor. All 100 Members of the Senate should have an opportunity to improve the legislation. The reason we have so

many people in Congress—100 here and 435 at the other end of the building—is to bring together 535 different backgrounds that can suggest improvements to bills. Different Members may know something from their background that others may not have noticed, and that is why we do amendments. Rarely is that happening in today's Senate. More often than not, committees are ignored and massive legislation is the result of a few people behind closed doors deal making for the more than 535 Members of Congress. We need to get away from deal making and start legislating again, and that is apparent, especially in our spending. The job of Congress is to decide how much the Federal Government should spend and on what priorities. That is not being done under the Senate's current management. Deals are made.

In fact, last January, the legislation we voted on was a deal between one Member of the House and one Member of the Senate. Do you know how many amendments we got on that? Nobody had an amendment to it. The debate was very limited. There was \$1.1 trillion spent on one vote that was put together by two people. That is deal making, not legislating, and that is what is costing this country so much money and what stifles things.

A couple of weeks ago we had a bill that was allowed to have amendments, and in 2 days we covered the amendments and passed the bill unanimously because it had been improved significantly. That is what we need to get back to. More time is spent on negotiating not to have amendments than it would take to vote on 75 amendments on a bill. Yes, a lot of them would fail, and that is typical, but at least a Senator could feel that his constituents have been heard but he just didn't have the votes for it. At least they have been heard, and that is what we are missing right now.

We are not getting to cover the amendments, and they can be covered relatively quickly. So deals are made and then spending bills are all packaged into one massive "take it or leave it" bill and the deficit has increased.

In 2013, the Senate didn't pass a single appropriations bill. We were supposed to do 12 of them right after April 15. We didn't do any of them. We only considered 1 of the 12 bills on the Senate floor, and that bill was shut down because the first amendment the majority leader didn't like, so he pulled it off of the floor and he never brought it up again, nor did he bring up any other spending bill. Is it any wonder that since January 2009 the total Federal debt stood at \$10.6 trillion and now it is over \$17 trillion? We don't budget; we don't appropriate; we just deal-make. It has never risen so high so fast in our country's history.

Similar to legislation on one topic per bill, we should look at each spend-

ing bill individually. The committees should be able to look closely at each branch and each agency. That is how it used to work before the power shift, but we can make some changes now to encourage more spending scrutiny. We could switch to a biennial appropriations process. That means once every 2 years for each agency. I have introduced S. 625, the Biennial Appropriations Act, and I am cosponsoring Senator JOHNNY ISAKSON's version of the legislation.

My bill would require the President to submit a 2-year budget resolution at the beginning of each Congress. Congress would then adopt a budget resolution. Following adoption of a budget resolution, Congress would focus on appropriations bills. Each Congress would debate the Defense appropriations bill; however, the other appropriations bills would be split into two groups. The more controversial bills would be debated in the first year after an election and the easy ones would be done the year before an election. Of course the bill would mandate at least one joint oversight hearing with the authorization committee and the Appropriations Committee in the off-appropriations year for those particular bills.

When you are spending a trillion dollars, it is so much money that nobody can look at the details. I don't even remember the last time we looked at something as small as a billion dollars, let alone a million dollars, and a million is a lot of money out where I live. We have to get back to where we can have some scrutiny on the appropriations, not a one-time deal.

Congress has 535 elected representatives. When each of us looks at every proposal, lots of viewpoints and experience get put into the decisions we make for our country, but if all decisions are made by the majority leader, the vast majority of Americans get shortchanged. Shortcuts are taken, committees are skipped. Legislation is long, cumbersome, and it is not easily read and understood. If you skip all the process to do that, then spending will reach all-time highs and we will get less for our money. That has to change.

These are some ideas on how we can solve those problems. This won't change unless those who are here exercise our rights. That may not happen until those outside Washington demand that these and other ideas get considered. Demand your Senators be allowed to represent you.

I yield the floor.

THE PRESIDING OFFICER (Mr. BROWN). The Senator from Alaska is recognized.

Mr. BEGICH. I wish to speak as if in morning business to talk about one issue, IRS overreach.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEGICH. Before I do that, I do want to say to my friend who just

spoke, I am one of those who loves biennial budgets. I think it is a great idea and one we should continue to work toward. It makes work a little bit better and we also get a little bit longer planning horizon.

#### IRS OVERREACH

Mr. President, I come to the floor because there has been a lot of talk recently in different areas about the IRS, and virtually none of it is good. Let me be clear. The IRS going after taxpayers for debts allegedly incurred by their dead relatives is shocking. Tax-delinquent employees with IRS bonuses are offensive. Targeting individuals or groups for their political beliefs is unacceptable. But today I want to talk about a different issue: a vital industry in my State crushed by overbearing IRS enforcement of their own incomprehensible regulations.

Folks who have been to Alaska know we have some of the most beautiful terrain in the world. Most of the best sights, however, are off the road system. What does that mean? That means you cannot drive to them. That means if you want to visit a remote part of the Denali National Park or try to spot some bears or go to a great fishing area, the easiest way to do that is by airplane.

Companies that provide these sightseeing services are overwhelmingly small businesses, mom-and-pop operators. They aren't tax attorneys. They aren't CPAs. They are pilots. They live to fly. As you can see right here, this is an incredible view right outside of a glacier where a small plane has just landed. That is why it is so devastating that at least one of these businesses had to sell its plane to pay the IRS and close up shop forever. Countless others live under the cloud of uncertainty because the IRS goes to extraordinary lengths to find them liable for taxes. In fact, one company received this massive tax bill, including penalties, even after they had negotiated with the IRS and received a favorable resolution. In other words, this bill came after they had agreed with the IRS to get rid of these penalties and these interest charges and everything else. The IRS said there was a little mixup, and maybe for them that is all it was, but for a small business it could mean financial ruin. Also, getting a bill like this would drive you crazy after you just had a conversation with the IRS and resolved this.

Let me give a little history. Air transportation is usually subject to excise taxes, which go to a trust fund for airports, much like the gas tax pays for the highway trust fund. But since 1970 Congress has made it crystal clear that these excise taxes shouldn't apply to small aircraft, the type shown in the first photo.

Here is another example. These types of planes have not been subject to excise taxes since 1970, unless they are

flying regularly scheduled routes, such as the route I take going back home to Alaska. I fly from the airport in Washington, DC, to Seattle and then to Anchorage. Those are regularly scheduled flights.

But the IRS brought down the enforcement hammer on some businesses in Nevada and Alaska. Those companies sued the IRS and eventually lost. So Congress came back again in 2005 and said, look, we meant what we said in 1970. Small aircraft used for sightseeing are supposed to be exempt from excise tax—pretty simple, pretty clear, not complicated.

But the IRS doesn't get it. The IRS still won't listen to Congress. The IRS still thinks it can ignore the plain meaning of the law backed by clear congressional intent. A lot of folks around here talk about Federal overreach. This is a perfect example of Federal overreach. Congress told the IRS not once but twice: Small aircraft offering sightseeing services should not have to collect excise taxes, and still the IRS thumbed its nose at Congress and says, "We'll do whatever we like," in clear contradiction to the plain meaning of the statute that was supposed to be upheld.

That is not the way this country is supposed to work. Agencies such as the IRS don't get to go it alone. They are bound by the Constitution to enforce and follow the laws that Congress writes.

I was pleased about a recent letter that was written to the Alaska Air Carriers Association in which the IRS acknowledged their guidance was unclear and inappropriately enforced. They offered to give refunds to companies flying small aircraft on sightseeing tours. While it is a step in the right direction to recognize they got it wrong, they refused to back down completely. The IRS is still reserving the right to go after these same companies in the future.

That is why I called the IRS Commissioner into my office last week and that is why I am here today, to make it clear to the IRS that I will not stand idly by while they send Alaskan small businesses into bankruptcy. I will keep coming here as long as I have to, until the IRS lets Alaskan small businesses do what they do best: Fly and share all of the beautiful sights my great State of Alaska has to offer to all Alaskans and all Americans.

It is happening in Alaska. It is starting to happen in other States. My guess is this will go anywhere there are sightseeing planes to be determined from the IRS perspective that they know what is best. The law is clear. The IRS in their letter made it clear that their interpretation of the law may be unclear and inappropriately enforced. Well, if it is wrong, don't enforce it, or enforce it the way it was set out in 1970 and 2005. If you put someone

in a plane and take them out for sightseeing, they are exempt. There is no rate or schedule.

Here is what is also amazing about this. I will go to this first photo again, the one with the glacier. They are restricted as to where they can go. So when the IRS says they flew from point A to point B on a regular basis, that is because they are regulated by the Federal Government to go to that location. I think this visitor would love to fly all around the glaciers, but they are not allowed to by Federal law. So they are sightseeing, and the law is clear about this. But, once again, the IRS has determined what they think the law is. The FAA, which regulates the air industry, makes it clear who is sightseeing and who is regularly scheduled. So I would plead with the IRS to do the right thing here, settle this issue once and for all and make it crystal clear. The law has been passed by Congress—not once but twice. It is time to get off the backs of these small businesses, small business people, not only in my State but across this country. Ensure they can do their business, and make sure the great sights of Alaska can be seen by anybody anytime through these great tour operators who operate in my State and the operators all around the country.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WRRDA

Mr. BARRASSO. Mr. President, I rise today in support of the 2013 Water Resources Reform and Development Act conference report. I agree with my colleagues who have spoken about this and who believe that passing this conference report is important for our communities. As ranking member of the Subcommittee on Transportation and Infrastructure and as one of the members of the conference committee that came out with this report, I believe the agreement we have today addresses the issues facing the Army Corps of Engineers and facing our country.

We have problems in this country with aging infrastructure, we have problems with a lack of transparency, and we have problems with fiscal accountability—all of which impact public health, public safety, as well as the

environmental welfare of our communities. As a conferee, I and my staff have worked with our colleagues on both sides of the aisle and both sides of the building, House and Senate, to create a bipartisan product to address these real concerns. We may have our differences on some key issues, but the bulk of what we have accomplished is about protecting our States. It is about protecting our constituents. It is not about partisan politics.

For example, issues such as flood mitigation are very important to my home State of Wyoming. Predicting floods and being able and better prepared for them is a major component in keeping Wyoming and other western communities safe. That is why we have successfully included language in this bill for the authorization of the Upper Missouri Basin flood and drought monitoring. This program will restore the stream gauges and the snowpack monitors through the Upper Missouri Basin at all elevations. These gauges are used to monitor snow depth and soil moisture to help inform agencies such as the Corps of Engineers as to potential flooding as well as drought in the future. This type of monitoring will help protect communities and will save lives.

We also included language in this bill for technical assistance to help rural communities comply with environmental regulations. Rural communities often don't have the expertise or the funding to make important upgrades to their water systems. Dedicated professionals, such as the folks at the Wyoming Rural Water Association, use this funding to go into those communities and provide the critical assistance these people need.

We also secured an agreement that establishes a 5-year pilot program known as the Water Infrastructure Finance and Innovation Act. This program will allow the Corps of Engineers and the Environmental Protection Agency to provide loans and loan guarantees for flood control, for community water systems, for aging water distribution facilities, and for wastewater infrastructure projects. It also includes language that makes tribes eligible for the loans.

As I mentioned, transparency and fiscal responsibility are also important components to tackling the issues that need to be addressed with the Army Corps of Engineers. That is why we have included language in the conference report to create an Army Corps project deauthorization process. Under this process, the Army Corps would identify projects for deauthorization based on established criteria. Then, after taking public input, they would submit those projects as a single package for an up-or-down vote in the Congress.

Many of these projects are on the books and have been on the books for

extended periods of time, and they authorize the expenditure of millions of taxpayer dollars. Yet these are projects that are going nowhere. Under this conference report, the Corps would have to propose a list of the projects to cut. The list would total \$18 billion and would be sent to Congress for this up-or-down vote. And \$18 billion is more than enough to offset the entire total authorization of this piece of legislation.

It truly is time for the Corps of Engineers and for Congress to clean the books, cut the waste, and bring fiscal responsibility to this WRDA process.

I wish to thank my colleagues, including Chairman BOXER, Ranking Member VITTER, and former Senator and subcommittee ranking member Max Baucus for the bipartisan process under which this bill was considered.

The conference report is not perfect, but I believe we have achieved a product that is substantive, effective, and in the public interests. It is a product that will save lives, maintain the flow of commerce, and protect communities for years to come. Therefore, I urge my colleagues on both sides of the aisle to support this conference report.

Once again, I thank the Presiding Officer and my committee colleagues for their willingness to work together on this bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to give this speech in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TAX EXTENDERS

Mr. HATCH. Mr. President, I want to take a few moments this afternoon to correct the record on something very important.

In his opening remarks this morning, the distinguished Senate majority leader made a number of claims and accusations relating to the tax extenders legislation.

As you will recall, last week the Senate voted not to invoke cloture on the substitute amendment to the tax extenders bill. Since that time, the Senate majority leader has been accusing Republicans of voting against tax relief. He said we are obstructionists and that we "work so hard to do nothing." This is, as we know, par for the course.

When the majority leader is not calling out American citizens by name and attacking them for getting involved in the political process, he is usually accusing Senate Republicans of one thing

or another, and doing it so unjustifiably.

Today, he attacked me personally for my vote against cloture on the tax extenders substitute, saying: "The primary Republican who negotiated this, the ranking member of the Senate Finance Committee, voted against his own bill."

It is true that I negotiated. It is true that I helped to get it through the committee. It is true that I got our side to agree to a voice vote.

Needless to say, I cannot let this go unanswered. I am here now to set the record straight.

First and foremost, I want to make clear that I support the tax extenders legislation, and everybody in this body knows it, and if they do not, then they better go take an IQ test. I want to see that bill passed, and I believe we should pass it sooner rather than later.

I do not want to speak for anyone else, but I suspect that the majority of Senate Republicans feel the same way. But there are serious and legitimate process issues at stake here.

At the time of last week's cloture vote, the substitute amendment had been available to the full Senate for little more than a day. Although there were 167 amendments filed—including about 70 Democratic Party amendments—the distinguished majority leader blocked the consideration of any and all amendments.

This, unfortunately, has become the norm here in the Senate, where we have voted for a grand total of 9 Republican amendments in the past 10 months—9. By contrast, in the House of Representatives, where the Republicans are in complete control, where the Rules Committee is 9 to 4 in favor of Republicans—the committee that decides what comes to the floor—the Democrats, who are in the minority, have had votes on 242 of their amendments in that same timeframe.

SHEILA JACKSON LEE, for instance, a single Democratic House Member, has received votes on 22 separate amendments in the same timeframe that all Republican Senators have, combined, received votes on only 9.

So, yes, I, along with almost all of my Republican colleagues, voted against cloture—in fact, all but one voted against cloture—on the tax extenders substitute. But I made it clear before and after the vote that my vote against cloture was a vote to allow Senators—both Republicans and Democrats, especially those who do not serve on the Senate Finance Committee—an opportunity to amend the tax extenders legislation, something you would think every Senator in this body would want to justify and would want to support.

As I said, at the time of the cloture vote, there were a total of 167 amendments filed. Yet the Senate majority attempted to close off debate on the



bill without considering or voting on a single amendment—on a bill costing \$85 billion so far. That is no way to operate the Senate, particularly on a bill as broad and as consequential as the tax extenders bill.

There are a lot of interests at stake with the expired or expiring tax provisions, a number of voices that deserve to be heard. Why, then, would we want to rush through the debate without considering a single solitary amendment? It does not make sense.

My vote against cloture was never intended to kill this legislation, as the majority leader claimed this morning. As I made clear last week, my vote was for a fair, open, and cooperative process—a bipartisan process, if you will, something we have not had much of around here lately. I would have thought the majority leader would have been listening last week when Republicans, including myself, made it very clear why we were voting against cloture. But either he was not listening or he forgot everything we said because this morning he came to the floor to attack us, once again, claiming that somehow our votes against cloture on the tax extenders legislation were related to President Obama.

So let me make it clear for our distinguished majority leader and anyone else who may be misunderstanding what is going on with the tax extenders bill. This has nothing to do with President Obama. There is only one person who is stopping the tax extenders bill from moving forward. It is not me. It is not the minority leader. It is not anyone on the Republican side or caucus.

The distinguished majority leader could solve this impasse today if he would simply allow the Senate to operate in a way it always has. He knows—and he knew then when he made these comments because we chatted the day before—he knew that my job is to try and winnow down the total number of amendments on this bill, approaching almost 100 for each side, and get it to where we basically could pass this bill.

He can come to the floor as often as he wants to attack Republican Senators or anyone else, but that does not change the fact that he is the one in control here. He is the one who will decide if the Senate will live up to its legacy of being the greatest deliberative body in the world or if it will continue to be what it has become—a graveyard of ideas.

Once again, I stand willing and able to work with the Democrats to get this bill across the finish line. I do want this legislation to pass. It is important legislation. But I do think we ought to have the Senate operate as it always has in the past, where each side has at least a reasonable opportunity to bring up amendments that they consider to be important. It is important that the Senate operate in that way, and not in the way it is currently being operated. As I said, it is not up to me.

#### CALIFORNIA DROUGHT RELIEF

I would like to take a moment to address the California drought relief bill Senator FEINSTEIN has been working so hard on for the past several months. There is no question that we are facing some very serious conditions across the West. We need to be doing all we can to provide relief to the farmers in California and elsewhere. But it does not make any sense that this drought has gotten to the point that it has when it could have been avoided. This is a man-made crisis. The water that should have been and could have been stored behind the dams in California's Central Valley during the past several years has instead been flushed downstream to create fish habitat for the endangered delta smelt. Now, do not get me wrong, protecting our natural resources is important. But there is a problem with our system when we put the needs of fish—and especially this fish—ahead of the needs of people.

This is happening in other States too. We are seeing the needs of people made secondary to the regulatory requirements that may or may not even be benefiting the species they are designed to help.

I think we have some of the stupidest people in the environmental movement that you can possibly imagine. They consistently place these trumped-up situations against human beings and humankind. It is getting real old to me.

Senator BARRASSO has an amendment to Senator FEINSTEIN's bill that would bring some common sense into this situation by allowing for some flexibility for communities that are facing dire situations as the result of Federal regulatory requirements.

I support the Barrasso amendment and would have liked to have seen it included in the California drought relief bill. I also recognize that the farmers and farm workers in California cannot afford to have Congress playing games with their livelihood. For that reason, I am not going to object to this bill.

To have California, where some of the greatest, most productive farmlands in the world are, basically shut down for really what are stupid approaches when there could be an accommodation to help both sides on those issues is hard for me to understand.

When the members of the California delegation sit down with the committees of jurisdiction to work out the differences between the Feinstein bill and the bill that has already passed the House, I would urge them to implement Senator BARRASSO's proposal into the final bill. This will help rural communities across America avoid getting into potentially disastrous situations that are caused by out-of-date, out-of-touch regulations.

The economy and job creation do not have to be at odds with conservation.

This is the perfect opportunity to create some badly needed flexibility to make sure they are not. I, for one, would like to see that for a change in the Senate.

I sure would like to see us depoliticize this place so we can work together again. I have been here only 38 years, but I have to tell you, there were many times in that 38 years where we worked together, we solved the problems of America together, and we had the country running well. Frankly, we all walked out of here feeling pretty good.

Most people in the Senate right now do not feel all that good—first of all, because of the way it is being run; secondly, because there is a partisan divide that exists—on both sides, by the way; thirdly, because we have a rough time getting people together in a bipartisan way; and last but not least, because we do not spend much time together anymore. It used to be that Senators got together and cared more for each other and cared less about attacking each other and cared less about some of the ridiculous, stupid things that have been going on over the last few years.

I would suggest to my Democratic friends that they start thinking this over because the Senate has really gone downhill. We have to stop it and start working together for the best interests of our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 2366 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. MURRAY. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WICKER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

#### WATER RESOURCES REFORM AND DEVELOPMENT ACT

Mr. WICKER. I rise this afternoon to express my strong support for a new Water Resources Reform and Development Act, which we can send to the



President this very week, and it will be a great bipartisan accomplishment. It will be a major win for economic development also.

I am proud to have worked on this legislation as a member of the Environment and Public Works Committee, and I am excited about the potential the WRRDA bill has to make a difference in States such as my home State of Mississippi.

Like many States, we routinely depend on water infrastructure. In Mississippi, our ports and waterways are crucial to commerce, and our system of levees protects us from natural disasters. These modernized ports and commercial waterways are critical to maintaining competitiveness in a global economy. They are essential to boosting trade and job growth across the Nation.

The House-Senate agreement on this new water resources bill—the first in 7 years, I might add—would accomplish a number of goals, from restructuring the inland waterway system to completing storm protection projects. It would help ensure that U.S. industries have a reliable, navigable, and cost-effective transportation network to do business.

In particular, I am encouraged by reforms to the harbor maintenance trust fund which promise to help our ports with much needed dredging. The fund, which was established for port improvements, is currently underutilized. Using this money for its intended purpose would help facilitate critical port upgrades—an especially important investment in preparation for the upcoming completion of the Panama Canal expansion.

The U.S. Army Corps of Engineers has estimated that America's busiest ports, including the Port of Pascagoula in Mississippi, are operating at their full capacity only 35 percent of the time or less. This is unacceptable. As a matter of fact, for other ports around the country, the situation is worse than that.

A lapse in maintenance can become a vicious cycle, impairing a port's ability to secure future maintenance dredging. Coastal ports, such as Mississippi's Port of Gulfport, have been disadvantaged as a result. We haven't received the maintenance. We have less traffic. Therefore, we are entitled to less future maintenance dredging.

I am pleased to report to my colleagues that thanks to an amendment by Senator THAD COCHRAN of Mississippi on crediting authority for navigation projects, ports such as the Port of Gulfport would have greater flexibility in making dredging upgrades.

Other provisions in the new water resources bill seek to ensure fiscal responsibility by streamlining project requirements and timelines. This means allowing greater private contributions to infrastructure repairs and

deauthorizing projects no longer in the national interest.

Mississippians understand why water resource infrastructure matters. In recent years we have faced very different challenges because of extreme conditions on the Mississippi River. First, historic flooding put flood control mechanisms such as the Mississippi River and Tributaries Project to the test. Then the very next year severe drought turned large stretches of the river into nothing more than sandy beaches. These situations can have a big impact. Any disruption in the movement of goods along the Mississippi River has the potential to affect staple products such as corn, grain, and petroleum. When that happens, consumers are often left with higher costs. The Mississippi River alone is responsible for more than \$100 billion of America's gross domestic product.

For our coastal communities, this Water Resources Reform and Development Act would also advance beneficial storm protection projects. Many of these projects, developed after Hurricane Katrina under the Mississippi Coastal Improvements Program, have been left unfinished. Their completion would help create more resilient coastal communities and lower the risk of future hurricane and storm damage.

Of course, our work is not finished. Implementing this legislation will require oversight, and more can be done to improve our inland waterway trust fund and to protect medium-use ports. I hope in a couple of years we will be considering another Water Resources Development Act. In other words, I hope we don't wait another 7 years for a WRDA. But today and tomorrow we have an opportunity for a great step forward, demonstrating the strong bipartisan cooperation that exists in the House and Senate for America's future vitality and competitiveness.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Ohio.

CHINA

Mr. BROWN. I rise to discuss the growing problem with U.S.-China relations.

Earlier this week we saw another example of how the Chinese Communist government will do everything it can—anything—to get ahead. The United States of America, in something that rarely happens, charged five Chinese military officers and accused them of hacking into American nuclear, metal, and solar companies to steal trade secrets.

This is not only a national security concern, it is an economic concern. Two who were allegedly hacked are U.S. Steel and the United Steelworkers union—organizations with which I have helped to file unfair trade practice cases against Chinese state-owned companies. It is not only a cause-and-effect,

but these two entities, a steel company and a steelworkers union, filed unfair trade practices against China, and now the U.S. Government is filing legal charges against them for going after these two companies—against the Chinese.

We won these trade cases because we held China's feet to the fire and used our trade laws to level the playing field for our steel companies and our steelworkers. Jobs were saved and factories stayed open because of these trade cases, and that is precisely why China is targeting these companies.

We know the Chinese will do just about anything to get ahead economically. Fair enough. We also know that China will cheat and spy. The best example is currency manipulation, which makes Chinese exports more competitive.

When you manipulate the currency—when China sells products into the United States, the price is less, basically subsidizing Chinese exports into the United States, putting American workers out of jobs. When U.S. companies export to China, because China has manipulated the currency, it means that the prices are higher for these American goods, making them significantly less than competitive, if you will, in China. So when China cheats on currency, our workers at U.S. Steel in Lorain, Wheatland Tube in Warren, Vallourec Star in Youngstown, and TMK IPSCO in Brookfield lose out, and when our workers suffer, our economy suffers.

A December 2012 report by the Peterson Institute—a conservative think tank—found that currency manipulation by foreign governments costs the government between—quite a range—1 million and 5 million jobs, increasing the U.S. trade deficit by \$200 to \$500 billion a year. These are manufacturing jobs that are about export or competing with imports. They are almost always pretty good-paying jobs.

In 2012 our trade deficit with China broke \$300 billion for the first time, and then in 2013 for the second time it broke \$300 billion.

An Economic Policy Institute report notes that “addressing currency manipulation is the single most important policy change for U.S. workers.” EPI argues that up to 5.8 million American jobs—40 percent of them in manufacturing—would be created if currency manipulation were eliminated by next year. It would reduce the goods deficit by at least \$200 billion. For my home State of Ohio, EPI found that eliminating global currency manipulation by next year would create 254,000 jobs—up to 75,900 in manufacturing; reduce Ohio's unemployment rate by nearly 3 percentage points; increase Ohio's GDP by up to \$17.4 billion; and improve the fiscal position of Ohio's State and local governments altogether by up to \$3.7 billion. That is only Ohio. It doesn't

count Connecticut; it doesn't count Arizona; it doesn't count the other 47 States. That is why we are urging the administration to be more aggressive and level the playing field for American workers and businesses.

We should pass my bipartisan legislation with Senators SESSIONS, GRAHAM, STABENOW, HAGAN, and others, which would treat currency manipulation as an unfair trade subsidy and require the Commerce Department to investigate currency manipulation.

It is also why we must urge China to comply with the World Trade Organization commitments and fully and faithfully implement all the WTO rulings against it.

The U.S. Trade Representative's report paints a sobering picture of the Chinese state's efforts to intervene in the economy and unfairly help China's businesses despite its WTO commitments that it wouldn't do that. China still has not agreed to the procurement agreement from WTO. By not doing so, our businesses miss out on the opportunity to compete for potentially \$100 billion a year in contracts. In other words, China won't let us sell into their country in many cases because they don't follow the WTO procurement agreement.

Another issue noted by the USTR is China's imposition of retaliatory duties against countries bringing WTO cases against it. One case involving grain-oriented electrical steel—and I was speaking to an executive at AK Steel, David Horn, an executive at AK Steel in southwest Ohio—China not only lost in a WTO challenge but now appears to not comply with the ruling. The continued imposition of these duties even after WTO ruled against it has caused significant harm to companies such as AK Steel, as I mentioned, which is based in West Chester, OH.

The issue of retaliation figured prominently in the latest cyber espionage cases brought by the Department of Justice. Several American companies and the steelworkers union that were targeted were taking part in trade cases to challenge China's unfair trade practices.

China tries to intimidate our companies and they try to intimidate the U.S. Government from holding them accountable to international and U.S. laws. Living up to their trade obligations and promoting the rule of law in China not only benefits American companies, American workers, and American local communities, it also benefits the Chinese people.

There are already examples of Chinese companies willing to play by the rules. I applaud the announcement that Fuyao Glass Industry Group, a Chinese producer of auto safety items, has finalized its agreement to buy the former General Motors plant in Moraine, OH, a Dayton suburb. It is an example of how fair trade and foreign di-

rect investment going both ways can benefit the Chinese, a Chinese company, and create 800 new jobs in Ohio. But to truly have a fair trading relationship, there must be a level playing field. That means playing by international rules.

This brings me to my final point. If China continues to manipulate its currency, cheating American workers, cheating American businesses, refuses to abide by WTO rules, is now accused of stealing trade secrets from American companies and unions, why in the world would this Senate even consider and why would the President consider entering into a bilateral investment treaty with China? Have we not learned?

In 1999, the year 2000, we passed permanent normal trade relations with China. Many of these issues were aired then. China said they would follow the rule of law. China said they would do it right. China hasn't followed the rule of law. China hasn't done it right. China hasn't played fair. So we are considering entering into a bilateral investment treaty with China? I don't think so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 394

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 88, S. 394, the Metal Theft Prevention Act; that the bill be read a third time and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, the theft of valuable metal is a serious crime, one that can damage valuable infrastructure—sometimes government infrastructure—and it can cause serious harm to businesses and to the owners of the infrastructure at issue. For this reason, many States, including my own State of Utah, have enacted measures that deter such criminal activity and punish harshly those who engage in this type of criminal activity. These measures are generally appropriate, but where the Federal Government enacts legislation creating criminal penalties, we as lawmakers must be careful to respect the Constitution's enumerated powers and the constitutionally ordained structure of federalism.

I have heard concerns expressed regarding people who steal valuable metal and cross State lines to sell stolen metal. While I would support Federal legislation addressed to such truly interstate, unavoidably national circumstances, I cannot support legislation that more broadly regulates intrastate conduct.

Because this bill exceeds Congress's power under the commerce clause and

imposes a Federal regulatory scheme in an area of the law the Constitution properly reserves to the States, I must object to the Senate passing it by unanimous consent.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I appreciate hearing Senator LEE's objection. I do believe this is an issue that has been delayed for too long. The bill passed the Judiciary Committee by voice vote last June. Yet businesses, communities, and individuals continue to be victimized.

This is a bipartisan bill. This is legislation that has been introduced with Senator GRAHAM of South Carolina, with Senator HOEVEN of North Dakota—two Republicans—as well as Senator SCHUMER and Senator COONS. As I noted, it passed the Judiciary Committee. Yet we still have objections from the other side—people who are holding up this bill. At the same time, metal theft continues to rise across the country.

This bill does not create the kind of burdens my friend mentioned. This bill is very narrow. The only crime it creates for a Federal crime is a crime of theft of critical infrastructure—critical infrastructure, something that could threaten the national security—and this is not a far reach, given we have seen people stealing copper pipes, given we have seen houses blow up. So it is not a far reach at all.

Secondly, what does this bill do? It leaves it to States to decide what metal theft laws they want. In the end, it does not preempt those laws. If States have laws that are on point, if they have laws relating to metal theft that create some kind of a requirement that not everything can be paid for by cash so law enforcement can actually track this, then we have a situation where that State law would govern.

It is not an overly burdensome law. In fact, many States are adopting these kinds of laws. Our problem is there are some States that refuse to adopt these kinds of laws. So people are stealing metal from places such as Minnesota and bringing it to those States—to scrap metal dealerships that are accepting that metal and that don't have to report any kind of information to the police and don't have to have any recordkeeping.

We have a national problem. If you don't believe me, listen to this story. Just last week, in my home State, metal thieves robbed dozens of veterans' graves—veterans' graves as we are approaching Memorial Day. What did they do? They took the brass rods that hold their symbol of service.

People want to tell me this isn't a problem? People are stealing stars on veterans' graves and they are stealing the brass rods that hold their symbols of service. Just when families are gathered for Memorial Day, we have metal

thieves wreaking havoc because they can go to some scrap metal dealer that isn't following the law and sell it and no one is going to keep track of who they are.

This is a crime. This is a crime, and it is not the first time. On Memorial Day in 2012, thieves stole more than 200 Bronze Star markers from veterans' graves in Isanti County, MN.

So I ask my colleagues who are holding up the bill how they explain defending this kind of practice and allowing it to continue, when this metal is being taken because it is valuable and it can be brought to scrap metal dealers that aren't following the law.

Metal thieves have become infamous for shameless acts such as this. These thieves will stop at nothing to get this high-priced metal and make a quick buck. Last month thieves stole the aluminum wheelchair ramp from the front steps of a man's house in Washington, stranding the man inside.

Enough is enough. Are our friends going to be listening to some scrap metal dealers when most of them follow the law, but clearly some don't want to follow the law; is that what we are listening to in this Chamber? Are we going to listen to the veterans of this country? Are we going to listen to the police groups?

By the way, this bill has been endorsed by the Major Cities Chiefs of Police, the Fraternal Order of Police, and the Major County Sheriffs' Association. So I ask, are we going to listen to those groups or are we going to listen to the scrap metal lobby?

In Minneapolis, thieves have targeted the city's oldest continuously used church. First, they stole the copper downspouts. Then they came back to steal two air-conditioners and gut the copper supply lines to the kitchen freezers. Before the church even had time to replace the stolen air-conditioners, the thieves came back a third time to steal a third air-conditioner and gut the newly replaced copper lines. Replacing the stolen items and installing security fixtures has cost the parish thousands of dollars that could have otherwise been spent on the good work of the church.

These thefts have cost the parish more than money, it has also cost a tradition. This church has been serving French meat pies since the late 1800s, but this year they had to cancel it because of the thieves.

Last winter at a recreation center in St. Paul, MN, thieves stole \$20,000 worth of pipe from the outdoor ice rink, causing the center to close until local businesses donated labor and materials to make the repairs—\$20,000 worth of pipe. The problem is the replacement is much more than \$20,000. It was hundreds of thousands of dollars because they have to repair the whole ice rink.

In Rochester, MN, I met with local businesses that have been robbed by

metal thieves—one local business 12 times in just the past 2 years and has suffered more than \$150,000 in losses, similar to the story Senator HOEVEN and I heard when we met with electric companies in Fargo and in Moorhead. During one of the robberies in Rochester, thieves even stole a truck with the company logo on it and then used the truck to rob other construction sites without raising suspicion.

Across the country, copper thieves have targeted construction sites, power and phone lines, retail stores and vacant houses. They have caused explosions in vacant buildings by stealing metal from gas lines, and they have caused blackouts by stealing copper wiring from street lights and electrical substations. Do you know why? Because they have a willing buyer. They have people who are willing to buy their stuff and will not even take the care of keeping records and taking checks so law enforcement can later investigate who they are.

These next examples show how dangerous metal thefts can be. Last October four people were injured in an explosion at a University of California-Berkeley electrical station. Officials blamed it on copper theft that occurred 2 hours before the explosion. The copper is stolen, the pipes don't work, the workers turn it on, and there is an explosion and four people injured.

Georgia Power was having a huge problem with thieves targeting a substation that feeds the entire Atlanta airport—one of the busiest airports in the world, the Delta hub. The airport was getting hit two to three times a week and surveillance didn't lead to any arrests.

This is a crime that knows no borders, no boundaries. It happens in cities, it happens in suburbs, and it happens certainly in rural areas. Depending on the case, it threatens public safety, weakens our infrastructure, and undermines our businesses.

The impact is staggering. In one study, the U.S. Department of Energy found the total cost to industries affected by copper theft would exceed over \$900 million every single year—\$900 million every single year. Between 2010 and 2012 the National Insurance Crime Bureau identified nearly 34,000 insurance claims related to metal theft. To put that number in perspective, it marked a 36-percent increase from the 25,000 claims reported between 2009 to 2011. That 25,000 number was more than an 80-percent increase from the previous reporting period.

Listen to who is supporting this bill, and then I ask my colleague: Are you going to listen to these businesses or are you going to listen to the scrap metal dealers?

Air Conditioning Contractors of America, supporting the bill, American Public Power Association, supporting the bill, American Supply Association,

Associated Builders and Contractors, CenturyLink, Edison Electric Institute, Heating, Air-Conditioning & Refrigeration Distributors, the Home Depot, International Council of Shopping Centers, Independent Electrical Contractors, Independent Telephone and Telecommunications Alliance, Lowe's Companies, Inc., National Association of Electrical Distributors, National Association of Home Builders, National Electrical Contractors Association, National Retail Federation, National Rural Electric Cooperative Association, Retail Industry Leaders Association, Sheet Metal and Air Conditioning Contractors' National Association, Inc., United States Telecom Association, Windstream Corporation, XO Communications.

I could go on and on. These are mainstream businesses on Main Street that support this bill because they are getting ripped off.

So what can we do about it? We know why it is happening; that is, because there is a global demand for copper, especially from China and India, and higher prices encourage thieves to steal copper and other metals. We all know the vast majority of scrap metal dealers are legitimate and law-abiding. They do not want to buy stolen property. I have worked extensively with the scrap metal industry in my legislation. We have made some changes they suggested in order to improve the effectiveness of the bill and lessen the burden on scrap metal dealers wherever possible.

Given the scale of the problem, I believe we have to take strong steps to fight these crimes and give law enforcement the tools they need. I worry that at some point we are going to have a major break in our Federal infrastructure and everyone will look back and wonder why they listened to some lobbyist representing the scrap metal dealers instead of all these businesses I mentioned and instead of the police. They will look back to this moment.

Maybe they could at least listen to the beer dealers. They support this bill because their kegs are getting stolen all over the country.

What does our bill do? First of all, it puts modest recordkeeping requirements on the recyclers that buy scrap metal, limiting the value of cash transactions, and requiring sellers in certain States to prove they actually own the metal.

The bill also makes it a Federal crime to steal metals from critical infrastructure and directs the U.S. Sentencing Commission to review relevant penalties.

Our intention is not to preempt State laws, so if a State already has laws on the books regarding metal theft, they would still apply and the Federal law would not.

These criminals work across State lines—we know that—and they take

advantage of States without this type of law. This bill is intended to fill the gap in States that don't have these protections. My people are getting ripped off in Minnesota because some States don't have laws. This is a Federal crime, and it is a Federal problem.

The shameless—shameless—robberies of veterans' graves make clear we can't just let this go anymore. It is time to pass this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### EARMARKS

Mr. FLAKE. Mr. President, there has been a great deal of talk lately about earmarks. Some Members are even talking about bringing them back.

I grew up earmarking. I grew up on a ranch, where we earmarked cattle. That is where earmarking gets its name. I didn't think much of the practice then. We already had a brand on the critter. An earmark seemed to be redundant. After a while, we didn't do it any more.

Then I came to Congress—first in the House and now in the Senate—and I had hoped not to be earmarking any more. But when I got to the House I found out the practice was not just prolific but rampant, so I come here today, after hearing some people want to bring the practice back—after we had the moratorium placed a couple years ago—and urge caution. Let me explain a few reasons why.

One reason we lamented the absence of earmarks was the saying: Earmarks are the glue that helps legislation get passed.

I would say it is a little more accurate to say: Earmarks usually represent the lard that allows earmarks to squeeze through the door and get through to the President's desk.

Senator TOM COBURN has spoken often about earmarks. I think he at one point said the best statement ever made about earmarks: They are the gateway drug to spending addiction.

Earmarks are usually small items, but they lead to massive spending overall. They leverage greater spending. Once you get an earmark in a bill, you usually vote for that bill no matter how big it becomes. We had years and years of that, and we shouldn't return to it.

But now earmark fans have a new argument—spending oversight. They say we can provide better oversight when we earmark; we will keep better track of that spending.

They argue that Congress is derelict in its article 1 constitutional responsibilities, the power-of-the-purse argument: By not allowing earmarks, we are somehow derelict in our duty. That is an interesting argument which we ought to explore for a minute.

The same people who will defend earmarking as a constitutional right and responsibility will also note: Don't

worry, it is only 1 percent or less than 1 percent of all Federal spending.

But think about that for a minute. If it is our constitutional responsibility, why would we stop at 1 percent? That is not a valid argument at all. If it is constitutional, for our constitutional responsibility, shouldn't more than 1 percent be earmarked?

When we look at when earmarks were here, they were never evenly spaced. Every Member of Congress in the House and the Senate has the same constitutional right, I would assume. But with earmarks, committee chairs or those on the appropriate committees get the lion's share of the earmarks when rank-and-file members get far fewer. So the constitutional argument is specious at best.

I do share a concern that Congress has ceded to agency bureaucrats and administration officials much of our discretion over spending decisions. The culprit is not a lack of earmarks but the lack of oversight opportunities. The problem is we haven't gone through regular order for a long time.

Right here in the Senate is the perfect example. We have only had nine votes on Republican amendments in this Senate Chamber since July. Nine votes. This is the most deliberative body in the world. The hallmark of this body is an open amendment process, open debate—unlimited debate. Yet we have only had nine Republican amendments rollcalled in the Senate Chamber since last July. That is no way to provide oversight. We have to get back to regular order if we want to have oversight.

We have a pretty dismal record lately on appropriations bills. We have become addicted to continuing resolutions, so-called CRs.

According to the Congressional Research Service, between fiscal year 1977 and fiscal year 2014, in all that 30-year period there were only 4 years where all appropriations bills were enacted on time, and in only one other year were more than half of them completed on time. The last year Congress actually moved through all the appropriations bills and did it on time was 1997. That is the problem we are having with oversight: When we don't authorize and pass appropriations bills one by one, we lose the ability to conduct oversight over the Federal agencies and over Federal spending in general. Since then, there has been an average of six CRs per year. This year will be no different.

I will consider some of the arguments.

We are often told this is a way we can have a check on the agencies. But what we have seen in the past is that when we earmark, the bulk of the time spent by the Appropriations Committee is not spent in doing oversight but is spent in doling out earmarks.

The last year we had earmarks, 2009, there were 9,000 earmarks in 1 Omnibus

appropriations bill. What was the Appropriations Committee doing for months prior to that? Most of their time and staff's time—time that should have been spent on the other 99 percent of Federal spending—was spent securing that 1 percent of Federal spending that constituted earmarks for the Members. So we are not exercising oversight with earmarks. We are abdicating our responsibility and spending far too much time on these earmarks.

There are 43 Members of the Senate who are in their first 6 years in this body, myself included. I happened to have spent some time in the House, so I have some perspective there. For those who haven't seen the appropriations process with earmarks, I think it is useful to take a little walk down memory lane and see what it was like in years past.

Jack Abramoff, who spent some time in prison for working the appropriations process pretty well, called the Appropriations Committee the earmark favor factory. That I don't think has been seriously refuted by anyone. That is what the Appropriations Committees became during that time—earmark favor factories.

It is worth remembering some of the earmarks that finally galvanized the country against them: the Bridge to Nowhere; the indoor rainforest in Iowa. We could go on and on. I went to the House floor myself several hundred times over the period of a couple of years to challenge these individual spending projects.

In 2008, there was a lobbying firm founded by a former Appropriations Committee staffer that specialized in getting particularly defense earmarks from the Appropriations Committee. The FBI finally got wind of some of this and started to investigate. Politico reported that sources within the FBI indicated they were "conducting research on earmarks and campaign contributions." While they did so, this investigation commenced and within weeks the firm imploded.

According to analysis by Taxpayers for Common Sense, clients of the firm received at least \$299 million in earmarks. The firm or individuals from the firm made campaign contributions of more than \$3 million to nearly 300 elected officials.

ABC News said at the time of the firm's operation: Millions out to lawmakers, hundreds of millions back in the form of earmarks for clients, have made it for many observers the poster child for tacit pay-to-play politics.

I don't think we want to go back to that time. News reports every day were looking at the link between earmarks and campaign contributions. There was a smack of corruption there.

As I said, as soon as the FBI turned its attention to this firm doing a lot of this earmarking, it imploded almost overnight and went away. There was

great public distrust in the process, and well there should have been.

At that time I remember going to the House floor and offering over a series of weeks nine separate privileged resolutions asking for the Ethics Committee to look at that relationship between campaign contributions and earmarks.

Let me take this time to say this is not a partisan issue. Republicans as well as Democrats over years past participated in this process of earmarking with equal abandon. I am not pointing the finger at either party. There are Members of both parties who seek to return to the practice. But we ought to remember that it wasn't good for this institution. For those who say we ought to go back to it, I don't understand. I would argue it doesn't give us any better oversight because we spend all of our time actually earmarking projects rather than providing oversight over the other 99 percent of government funding.

There is no constitutional requirement. And, frankly, if it is just 1 percent of all spending, how can we argue it is our constitutional responsibility? Why wouldn't we be earmarking more of it? I don't know how the corruption that comes with it is avoided.

Members may say it will be better now than it was before—names will be attached to earmarks. We will have total transparency. The investigation of this firm and others happened when there was transparency, when names were attached to earmarks. That didn't help. The corruption continued. There is no way to police this process adequately when we earmark in that way.

I encourage my colleagues, when we hear Members pining for the old days when we earmarked, remember that Congress went for decades and decades with maybe one here or one there on the margins. It was only in those last couple of decades, the 1990s through about 2010, where we had a rampant corrupt process which I would argue we wouldn't want to return to. So let's think twice before doing that.

WRRDA

Mr. President, I rise today to talk about the Water Resources Reform and Development Act before the Senate for a vote tomorrow. To call WRRDA, as it is called, an expansive bill is an understatement.

This single piece of legislation would impact the Nation's harbors, waterways, shorelines, infrastructure, and of course it will impact the budget for many years to come. Yet all the talk around the bill before us today seems to focus on what has thankfully been left out of its pages—the very topic I have just been discussing—earmarks.

No doubt this reform-minded WRRDA is a step in the right direction, and I applaud my colleagues in the House and in the Senate who have been able to move a bill without earmarks. It is a real accomplishment, as it should be done.

That said, I do have many concerns about the bill. My chief concern is the process by which infrastructure projects will be authorized. Simply put, just because it doesn't have earmarks doesn't mean it will be a good process for the taxpayers.

Under this legislation, non-Federal interests will have authority to propose projects that meet broadly defined goals to the U.S. Army Corps of Engineers. Once the Corps confirms that these projects have met these broadly defined goals, they will be included in a report to Congress that will serve as a de facto authorization bill for feasibility studies, and then on the conveyor belt to the chief's report and ultimately to construction.

It seems to me that, in order to be effective, this process relies on things that are either entirely unlikely or things we haven't seen before. It relies on State and local governments, for example, on being judicious on what they request from the Corps. Instead, I suspect we will see a virtual tsunami of requests flooding in.

It requires the Corps to be selective in what it ultimately embraces as worthy projects.

This again is an agency that has a reputation of never meeting a project that it didn't want to build.

It will require Members of Congress to ultimately be willing to cross projects off a list to prevent taxpayer dollars from going to them. I think we can all be realistic about the chances of that happening.

During the process of this bill moving forward, I suggested Congress ought to give the process some statutory sidebars to ensure that only worthy projects make it through the stringent cost-benefit ratio requirement and tight criteria for what will and will not be reviewed. In addition to making sure the projects themselves are actually worth constructing, a limited budget means that some prioritization will be necessary. I believe it would be prudent to include statutory priorities. Unfortunately, these were not included.

So my concern remains that this process will put us in the same position we have been in recently: Faced with sizable backlogs of authorized Corps projects for varying worthiness, appropriators will be in the position to pick and choose which of those get funded. Again, just because something isn't earmarked doesn't mean it benefits taxpayers. My hope is that once we see how it plays out, Congress will be willing to adjust this process. As it stands now, while I sincerely congratulate those involved for working diligently to move forward in a manner consistent with the earmark moratorium we have, I will not be supporting the WRRDA conference report.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I have come directly to the Senate floor from a terrific event in the Dirksen building where hundreds of people who are concerned about what the carbon pollution is doing to our atmosphere and oceans gathered to wake up Congress. At 5 o'clock a whole bunch of alarms went off down there, and it was a very exciting, very enthusiastic moment with more than 40 members of Congress showing up to reflect our commitment to getting this done.

One of the things I told people at the rally was that we are close to turning this issue around. The barricade of special interest propaganda that has surrounded Congress is eroding. The denial castle is built on sand and the sand is eroding the foundations for that propaganda, washing out from underneath it, and it will collapse soon. Why do I say that? I say that for several reasons.

The first reason that I believe we are close to a win is that for a long time the big polluters have had a free shot at the atmosphere and oceans. Pollution costs them nothing, and that has created a mindset of entitlement and it created a mindset in which pollution was viewed as of no consequence. Thankfully, the President of the United States has required the EPA to promulgate regulations that will for the first time put a price on the carbon pollution that is emitted from our biggest power plants, and the 50 biggest power plants in America put out more carbon than Korea. They put out more carbon than Canada. So this is a very serious situation. When they are faced with the regulation, I think that is not just going to reduce their emissions, but it is going to change the way they see the problem, and they will be motivated in a new way to think: "Wait a minute; what is the best way to solve this problem?" Once they are no longer free to pollute, once the advantage is taken away, the whole equation changes for them, and I suspect that it will not take long between a polluter change in point of view and a change in point of view on the other side of the aisle in the Senate.

The second reason is the politics on this. We have seen a recent poll that I have talked about on the floor before that points out that Republican voters—self-identified Republican voters—if they are under the age of 35 think that climate denial is—not my words, but in the words in the poll—ignorant, out of touch or crazy.

So if you are a modern political party and you have built your climate change policy on a theory of denial that your own youth cohort, your own young voters under 35 think is ignorant, out of touch, or crazy, that is what I mean by a castle that is built on sand and that is doomed to fall.

The third reason I want to mention here is there is a very significant role

for America's corporations because what you get in this body from the so-called self-appointed corporate mouthpieces—the Wall Street Journal editorial page, the so-called U.S. Chamber of Commerce, the National Association of Manufacturers—what you get from all of them is flat out climate denial, the absolute hard stuff—just complete denial, absolute ignorance and ignoring of the science, totally in the tank with the polluters and the oil and coal industry. What is interesting is that actually doesn't represent the views of America's corporate community, and it doesn't represent them by a lot.

If you look at big brand name American corporations, if you look at Coke and Pepsi, if you look at Apple and Google, if you look at WalMart and Target, if you look at Mars and Nestle, UPS and Federal Express, GM and Ford, look at the entire casualty property insurance industry, look at the bulk of the electric utility industry, look at the entire green energy sector, all of them know that climate change is a real problem, understand the undeniable science of what carbon pollution does to the Earth's atmosphere and to our oceans, and they are doing things about it.

They have sustainability policies. They have climate policies. WalMart has probably done more to get rid of the incandescent bulb than any other force on the planet. They are very strong on this issue. But within those great corporations, it tends to be cabined into their corporate business and sustainability divisions. It hasn't really influenced yet the way they communicate with the public, and it certainly hasn't influenced much their government relations. So there is a huge mismatch between the so-called voice of the corporate community, which is really a polluter-paid propaganda effort coming through the Wall Street Journal, coming through the U.S. Chamber of Commerce, and coming through the National Association of Manufacturers—a huge difference between that and what the underlying leaders of what regular Americans think of as the American corporate community believe. That difference is eventually—like these other forces—going to tear apart the foundation of the denial castle.

We have the chance to make this happen and to make this happen soon, and we need to. We absolutely need to. The Presiding Officer is the senior Senator from Connecticut, a State which borders mine. Connecticut and Rhode Island share a critical factor, which is coastline. If you follow the logic, such logic as exists in the denial machinery, they will take you off into distant and complex computer models of what the temperature is going to be and what the atmosphere is going to be like 30 or 40 years from now. And yes, that is complicated. In that area there is room to sow confusion.

Come to the coast. At the coastline you see sea levels rising because of an immutable law of nature called the law of thermal expansion. The ocean is warming because it has caught more than 90 percent of the excess heat that the carbon has trapped, and when it warms, it expands.

It is as simple as that. That means when you go to my State to the Newport tide gauge off the Naval Station Newport, you see it is 10 inches higher than it was in the 1930s. That is a big deal because in the 1930s we had the hurricane of 1938. And if you look back at the devastation that hurricane caused to our coastline and you adjust for what 10 additional inches of sea would do and adjust again for stacking up that 10 inches in what a storm surge would do, you end up with a truly apocalyptic vision of the Rhode Island shore, and it is not deniable.

You cannot quarrel about a tide gauge. It is in effect a yardstick nailed to a dock, and the water has gone up 10 inches. To deny that is not just to deny science; it is to deny measurement. I think it is a bit of a stretch for even the most ardent of my denier colleagues to deny measurement. With a thermometer you measure that Narragansett Bay is nearly 4 degrees warmer in mean winter water temperature, and that means a lot for fishermen who used to fish for winter flounder. It doesn't take a very complicated test to determine what the acidity of the ocean is and to measure just the way you would measure the acidity in an aquarium. Our oceans are acidifying at the fastest rate that has been measured in 50 million years.

Remember we are a species that has been on this planet as *Homo sapiens* for a little over 200,000 years. So when you are talking about the steepest rate of acidification in millions of years, that is a dramatic shift in the habitability of our planet. If you want to know who that matters to, go to the west coast, go to the oyster fisheries and look at the wipe-out of young oyster species that took place when acidified ocean water got into the growing oysters and killed them all off. It was simply too acidic for their little shells to survive.

These are the harbingers of things to come. These are the undeniable facts. These are the truths the oceans tell us and our coastlines tell us. For all those reasons, I am confident that we will be at serious business to address climate change a lot sooner than the deniers think. The American public simply is not going to put up with a Congress that has become the prisoner to a barricade of special interest propaganda when they know better. Now the American people do, indeed, know better.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VETERANS HEALTH CARE

Mr. MORAN. Mr. President, there has been a lot of conversation among many of us here in the Senate and last week in the Veterans' Affairs Committee about the circumstances we find ourselves in at the Department of Veterans Affairs and its ability to provide the necessary care and benefits for our military men and women who have become and are becoming veterans.

What we heard last week at the Veterans' Affairs Committee was very disturbing to me because it still appears that the Department of Veterans Affairs has no plan to solve circumstances our veterans find themselves in. Who in this country would we expect to have access in the most timely fashion to the highest quality of care other than those who served our country and who were promised that? A commitment was made to them to make certain that those benefits would be made available. They were told that would be the case.

I went home this weekend. Part of our job is to help people. Every week at the end of the week I get what is called a weekly State report. I and other members of the Senate have staff who spend significant amounts of time trying to solve people's problems with government. We call it case work.

Every week I get a report of people who called my office to tell me something they want me to know, people who contacted me asking for help with a variety of federal agencies. But it struck me as so evident in reading my report from my State staff about the circumstances that our veterans find themselves in. So every week there is a report that I read generally at the end of the week, on the weekend. It is really page after page of things that have happened involving me and my staff and our relationship with Kansans who have a story to tell, who have a concern to raise, who have a request for how I vote. This week's staff report I thought I would highlight for my colleagues. My guess is that the circumstances that Kansan veterans find themselves in is probably no different for me than it is for my other colleagues here in the Senate.

These are just reports from Kansans who called or stopped by my office or wrote to us this week at home looking for help, asking me to help them solve their problem and telling a story about their relationship with the Department of Veterans Affairs.

A veteran from Hutchinson, KS, called to tell us that he filed a claim



with the VA. It has been filed for 6 months, and he is still awaiting a decision. Unfortunately, that is all too common. A veteran from Norton, KS, filed a claim for service due to Agent Orange. He has been diagnosed with cancer and is seeking treatment through the VA. He has been informed that it could take 7 to 8 months before the VA will examine his claim, and while his cancer is not curable, it is treatable. And yet he has a 7- to 8-month waiting period before he can receive benefits.

A veteran from Salina, KS, in the central part of our State indicates that he received double vaccinations before he was deployed to Desert Storm due to the fact that his predeployment package had been lost. He indicates he now suffers from several health conditions as a result and has been informed that the VA denies his benefits.

A veteran from Hutchinson, north of Wichita, indicated he has been fighting with the VA for 7 years on appeal. He has something pending with VA. They provided him an answer that was unsatisfactory, and he is appealing that decision. He claims the VA has continued dragging out his appeal process, and he has difficulty finding updates on his appeal when he contacts the VA. That is an example of someone who called the office and asked for help.

A veteran from Wichita said his doctors discovered a mass on his brain, and it will require an MRI to determine what the mass is. The earliest appointment available for him is on June 30. He, of course, as all of us would be, is concerned over that long wait. This is a veteran who has been diagnosed with a mass on his brain, doesn't know what it is, needs an MRI—exactly what a doctor would order to get additional diagnostic information—and cannot get the MRI until June 30.

A veteran from Junction City—which is a community that is adjacent to Fort Riley where a significant number of veterans and military retirees reside—indicates that he is living in a nursing home. He is 100-percent service connected with a disability and the VA is currently paying for his nursing home services. He has recently been informed that his physical therapy will no longer be covered by the VA and they are discontinuing payment but offer no explanation as to why. He filed an appeal late last year and has not received a response or status update from the VA since that request.

A veteran from Lawrence has had an appeal pending with the VA for over 1½ years and wants our help because he has received no communication from the VA in more than a year.

A veteran from Overland Park, KS—a suburb of Kansas City—is the primary caregiver for his wife who suffers from Alzheimer's. He has had tremendous difficulty in working with the VA to schedule appointments when he can

be away from her to receive his treatments from the VA.

A daughter of a veteran from Wichita who passed away in the Wichita VA is concerned about the events that took place while he was in the care of the VA.

A veteran who lives north of Bird City, KS, is a category 1 disabled marine veteran due to a service-connected disability. He indicates that he has had two heart attacks and is now paying for stress tests and his own medical bills out of pocket because the VA has denied him fee basis. What that means is if you are a veteran in Bird City, KS, which is the very northwest corner of our State, access to a VA hospital is a long way away, and that fee basis allows the veteran to receive care and treatment from a doctor and hospital closer to their hometown or neighborhood.

My point is that the people who are most deserving of care and attention are not receiving the care and attention they need. The Department of Veterans Affairs is supposed to provide the services and benefits earned and promised to those veterans. This is not anything that is out of the ordinary.

This report is something I read every week, and the reports that I convey to my colleagues here on the floor of the Senate are not unusual. I suppose what is unusual is that the number is increasing. What used to be a shorter list of problems with the VA has grown over time to be a longer and longer list.

I have been asking for a plan by the Department of Veterans Affairs from its top leadership, Secretary Shinseki, to explain to me, the Senate, the American people, and veterans what the Department of Veterans Affairs is going to do to meet the needs of these and other veterans across our country.

As I have indicated on the Senate floor before on this topic, if we are incapable of caring for our veterans today, how are we going to be capable of taking care of veterans in the future as more and more military men and women return from our wars in Iraq and Afghanistan? The physical and mental circumstances those veterans will find themselves in will be even more difficult and challenging.

We have an aging veteran population from World War II and now Vietnam veterans will most likely be needing more care and treatment from the Department of Veterans Affairs. What we need is the leadership that is necessary to meet the needs of these veterans and a commitment that the status quo is unacceptable and that the bureaucratic culture at the Department of Veterans Affairs is not something that is going to remain. There is going to be a concerted effort to make certain that the Department meets the needs of those who served and sacrificed for our country.

Again, who, other than those who served our country, would we expect to be at the top of the list to receive the most timely and highest quality of care than those who served our Nation? It seems to me that as these issues are raised, we have a Department of Veterans Affairs that is doing damage control. What we need is a Department of Veterans Affairs that reduces the damage being done to the veterans—the men and women who served our country—in Kansas and across our Nation.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BROWN V. BOARD OF EDUCATION ANNIVERSARY

Mr. LEAHY. Mr. President, last Saturday we celebrated the 60th Anniversary of Brown v. Board of Education. In that unanimous opinion, the U.S. Supreme Court held that the State-sanctioned segregation of public schools was a violation of the Fourteenth Amendment and therefore unconstitutional. The Court "concluded that," in the field of public education, the doctrine of separate but equal' has no place. Separate educational facilities are inherently unequal." This landmark decision is rightly celebrated every year.

The case of Hernandez v. State of Texas, however, decided by the Supreme Court just 2 weeks before the Brown decision, is an often overlooked and yet momentous advancement of civil rights in our country. In that case, the Supreme Court held that the Fourteenth Amendment protects those beyond the racial classes of white or black, and extends to all racial groups in the United States. Fortunately, we are only left to imagine a world without the Hernandez decision, a world that would have blocked Hispanics and other racial groups from the promise of equality made in the Constitution.

Taken together, the Brown and Hernandez decisions stand as landmarks of progress in our country. We have come far in the march towards equality; yet, we must recognize that we can and must achieve more. Six decades after



the Brown and Hernandez decisions, our country must continue to confront social, economic, and racial inequalities throughout this country.

Racial inequality is not an issue that our society can just wish away in the 21st century. It still exists in our criminal justice system, educational, and voting systems, and in our housing and lending markets. As chairman of the Senate Judiciary Committee, and as a member of the Senate for nearly 40 years, I have fought to uphold the promise of equality in our fundamental charter.

The anniversary of these civil rights cases is a moment to reflect on our past, and to evaluate and commit to the next steps that we need to take as we strive to build a more perfect Union. As many families across the Nation celebrate the graduation of hard-working students who have earned their degrees, it is important to also celebrate all who helped in the journey traveled. As former Supreme Court Justice Thurgood Marshall once said:

None of us got where we are solely by pulling ourselves up by our bootstraps. We got here because somebody—a parent, a teacher, an Ivy League crony or a few nuns—bent down and helped us pick up our boots.

Let us rejoice as a nation that in 60 years we have made great strides. We must not forget that the promise of our founding charter is aspirational, and we are all made better by the fight to bring greater liberty and equality to the Nation.

#### VOTE EXPLANATION

Mrs. SHAHEEN. Mr. President, I was necessarily absent from the Senate earlier today. Along with Senator AYOTTE, I was in New Hampshire this morning and afternoon attending memorial services for Officer Steve Arkell of the Brentwood Police Department, who was tragically killed in the line of duty on May 14, 2014.

I missed rollcall votes in relation to the confirmation of Stanley Fischer to be a Member of the Board of Governors of the Federal Reserve System, and the motion to invoke cloture on the nomination of David Barron to be U.S. circuit judge for the First Circuit.

I support both the Fischer and Barron nominations, and would have voted yes if I were present during these votes.

#### TRIBUTE TO DR. JERRY BEHRENS

Mr. BARRASSO. Mr. President, on June 6, 2014, the Wyoming Medical Center in Casper will dedicate its new Orthopedic, Spine and Surgery Center to an American patriot, Jerry Behrens, M.D.

For years, patients in Wyoming have known Jerry to be a compassionate, thorough, and trusted surgeon. He has cared for thousands of patients in Cas-

per and around the State. What they may not know is that his character was shaped by the courage and determination he displayed half a world away in Vietnam.

Dr. Behrens always knew he wanted to help others. For that reason, he completed his medical degree and internship at the University of Wisconsin-Madison. Although he was excited about beginning a family and a new career, he felt a calling to serve a higher cause. It was this desire which pushed him to volunteer as a medical doctor in the U.S. Navy during the Vietnam Conflict.

Attached to the 3rd Battalion, 9th Marine Regiment, Dr. Behrens performed surgery in very dangerous and difficult conditions. Jerry was assigned to Delta Med, a forward casualty receiving facility in Dong Ha. Soldiers with fragment wounds, lost limbs, and severe blood loss were triaged, treated, and transported to hospital ships for additional care. It was not unusual for incoming rounds of fire to interrupt surgeries. Yet amidst the chaos and confusion, Jerry kept a level head and performed his duties with precision and professionalism.

Jerry later became the battalion surgeon for the Rockpile, Ca Lu and Khe Sanh Combat Bases. During this time, his courage was tested when his convoy was ambushed as they were making their way to Ca Lu. Of the 200 men in his unit, 70 were wounded, and 18 were killed. Jerry stabilized the injured while waiting for reinforcements. It was a harrowing experience, but it would not be the last time he risked his life to serve his battalion. Just a month later, his bunker at the Rockpile took a direct hit. Though he was uninjured, ten of his corpsmen were lost. Jerry was ultimately awarded the Bronze Star Medal with a V for Valor for his bravery and devotion to duty.

Upon the completion of his distinguished service to our Nation, Jerry returned home and completed his orthopedic residency at the University of Wisconsin-Madison. It was Wyoming's great fortune that Jerry decided to move his family to Casper to begin his orthopedic practice. I was lucky enough to be invited to join Jerry in his growing practice in Casper, WY, where his family and career thrived.

In 1991, Jerry's son Michael deployed with the U.S. Marine Corps as part of Operation Desert Storm. Jerry once again showed his patriotism and desire to serve. He contacted Secretary of Defense Dick Cheney and asked to be reactivated so he could provide medical attention to Americans serving overseas. Jerry was commissioned as a lieutenant commander in January 1991, after a 4-day whirlwind of paperwork, physicals, and phone calls. He put his practice aside to once again wear the uniform. He was deployed within 3 weeks to Saudi Arabia and went

through the breach with the Marines into Kuwait.

Certainly his experiences, both in Vietnam and Desert Storm, shaped his character—and his career. As a fellow in the American Academy of Orthopedic Surgeons and a board certified physician, he has devoted his life to providing high quality care and service to his patients. With every surgery he performs, he demonstrates integrity and precision. In addition to his contributions to the medical community, Jerry also volunteers his free time to serve as a teacher, mentor, and friend to our servicemen and women. He is actively involved with veterans' organizations around the country and continues to stay in touch with the Marines who served with him in Desert Storm.

Jerry is particularly proud of his work with Semper Fi Odyssey. This is a week-long transition assistance program which helps prepare individuals for life after military service. Participants work in teams and learn valuable skills that help them achieve their personal and professional goals. Jerry has served as a team leader for Semper Fi Odyssey on eight separate occasions and continues to mentor the former servicemembers he met through this work. Needless to say, Jerry is a positive force within the community and we are fortunate for his remarkable contributions.

After practicing in Casper for 41 years, the community is honoring this patriot by unveiling the Jerry Behrens, M.D. Orthopedic, Spine, and Surgery Center at the Wyoming Medical Center. Hundreds will gather to pay their respects to this accomplished surgeon. At his side will be his wife Mary, his children Kelly, Mike, and Ingrid, and his two grandchildren Erik and Jasper. Bobbi and I will be honored to stand with him on this special occasion. I invite my colleagues to join me in congratulating Dr. Jerry Behrens and thanking him for a life and career devoted to service and the care of others.

#### WORLD WAR II VETERANS VISITS

Mr. MANCHIN. Mr. President, today I am incredibly honored to recognize a group of 30 heroic military veterans who have traveled from southern West Virginia to visit our Nation's capital as part of the fourth Always Free Honor Flight. On the occasion of their visit, in which they will see for the first time the monuments built in their honor, I want to express my utmost gratitude to these special men and women for their extraordinary bravery and patriotism, and for their noble sacrifice to help keep our country free.

I have said this time and time again—West Virginia is one of the most patriotic States in this great Nation. With one of the country's highest per capita rates of military servicemembers and veterans, we are so proud of

the many citizens who have served and who are actively serving in the military. The 30 veterans participating in today's Always Free Honor Flight truly embody the Mountain State's history and contributions to the safeguard of our American freedoms.

Our special West Virginians visiting today represent three generations of warriors—5 served in World War II, 9 served in the Korean War, and 16 served in the Vietnam War. They range from 63–90 years of age, and have traveled from all parts of our great State—from New Martinsville to Bluefield, Huntington to Princeton to Beckley, and many places in between. In addition to our Mountain State vets, two veterans from bordering Bland and Tazewell Counties in Virginia have accompanied their West Virginia neighbors on the day-long adventure.

I especially want to recognize our two women veterans who joined today's honor flight, both of whom are the first women to make the Always Free Honor Flight trip. Helen "J" Wheby served in the Korean war as an office worker in the Navy. Vanda Jane Butcher served in the Vietnam war with the rank of a seaman as a part of an air flight crew in the Navy. Despite the challenges, sacrifices, and hardships they faced while defending this Nation, these women voluntarily stepped forward and put service above self to preserve our freedoms. We cannot thank them enough for their tremendous courage and their sacrifices.

Showing our appreciation to those who have served is something that we should do each and every day, but today is a special day to pay tribute and thank those who have volunteered to put their lives on the line for our freedoms. The memorials our Honor Flight participants will visit today serve as an important reminder to us all that our freedoms and liberties come at a steep cost. However, I know our veterans will find special meaning and potentially long-lost emotions when they tour such touching sites.

The brave West Virginia heroes today have all served this country in a variety of ways, working both at home and abroad. They have engaged in combat all over the world, traveling to the Panama Canal, working on the docks of Saigon, and serving in historic events such as the Cuban Missile Crisis. One of our visiting Vietnam veterans, Stephen Douglas Phillips of New Martinsville, earned not just one, but two Purple Hearts. Another, Gary Curtis Harold of Shady Spring has received both a Purple Heart and a Bronze Star.

But regardless of their rank or duty, each and every one of these veterans answered our Nation's call and has served with incredible pride and valor.

Additionally, I would like to recognize the nine volunteers, or so-called "guardians," who have accompanied the veterans during their trip today.

These guardians have selflessly given their time to travel alongside our veterans all the way from Princeton, WV to Washington, DC to share this very special journey with them.

I am also tremendously grateful for all those involved in the Always Free Honor Flight Network, especially the president of the Denver Foundation and owner of Little Buddy Radio in Princeton—Dreama Denver. Along with coordinator and executive assistant, Dreama launched the Always Free Honor Flight and has planned four trips within a 2-year span for our West Virginia veterans. I commend Dreama, Pam, and all the Denver Foundation staff for their dedication and commitment to West Virginia's large veteran population. They have offered the people in West Virginia just one more way to say 'thank you' to our veterans for their service and sacrifice.

I am filled with pride every time I meet the patriots who have served our country, and I am so pleased to welcome West Virginia's most courageous veterans, who are all heroes, to Washington, DC. I encourage all of my colleagues to join me in saluting them. They truly inspire us all as we are reminded of their selfless service. It is because of their bravery that all Americans enjoy the greatest liberties and freedoms in the world.

God bless all our servicemembers and veterans, God bless the great State of West Virginia, and God bless the United States of America.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO DR. CHARLES MONELL

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring Dr. Charles Monell as he retires from the Rancho Mirage Library Advisory Commission after two decades of service and dedication to the library and the community it serves.

Throughout a long and distinguished career in medicine, including as the chief of surgery at the Beverly Glen Hospital in Los Angeles, Dr. Monell also gave generously of his time to a variety of charitable causes, especially those supporting music and education. Being particularly devoted to supporting public libraries, Dr. Monell served on the California State Library Commission for 14 years prior to retiring from medicine in 1992 and becoming a full-time resident of Rancho Mirage, which was working to establish its first public library.

In 1993, Dr. Monell was appointed to the Rancho Mirage Public Library Planning Committee, and led the effort to convert a former bank building into the first library. On January 6, 1996, as chairman of the new Rancho Mirage Public Library Commission, he intro-

duced President Gerald Ford for the ribbon-cutting ceremony and formal opening of the Rancho Mirage Public Library.

The library was up and running, but Dr. Monell did not stop there. In 2003, he secured a gift of \$2 million from the Annenberg Foundation to purchase land for a new and larger Rancho Mirage Public Library, which opened on January 6, 2006—10 years to the day after the first library opening.

Dr. Monell has shared his lifelong love of music with the library and the community. With his personal contributions and fundraising efforts, he helped the library purchase a Steinway concert grand piano and sponsored concert performances by the acclaimed musicians of the Idyllwild Arts Academy. He has also donated his personal Civil War library to the Rancho Mirage Library, and generously made possible a private study room in the library for the community to use.

On May 12, the Library Advisory Commission honored Dr. Monell for his extraordinary devotion to the library and his 18 years of service on the commission. On June 5, Mayor Iris Smotrich will present Dr. Monell with a proclamation from the City of Rancho Mirage in appreciation of his distinguished service.

I am pleased to join them in saluting Dr. Charles Monell for his dedicated and inspiring service to the community of Rancho Mirage.●

#### JOHNSTOWN FLOOD ANNIVERSARY

• Mr. CASEY. Mr. President, today I wish to recognize the 125th Anniversary of the Johnstown Flood, one of the most unforgettable tragedies in our Nation's history. This anniversary reminds us of the delicacy of human life, the great importance of caring for others, and the true resilience that was demonstrated by those who endured the catastrophe.

At approximately 3:00 p.m. on Friday, May 31, 1889, the South Fork Dam, built to hold back a portion of the Conemaugh River, gave way, releasing 20 million tons of water into the valley below. The wall of water rushed towards the City of Johnstown, 15 miles to the southwest, picking up large quantities of debris and sweeping away whole towns. It finally hit Johnstown just after 4:00 p.m.

The flood event and ensuing typhoid outbreak claimed 10 percent of Johnstown's citizens; 2,209 people lost their lives, including 396 children and 99 whole families, resulting in the largest loss of civilian life in a single day until the September 11, 2001 terrorist attacks.

The tragedy left our Nation and larger global family in shock. The Johnstown Flood was the largest news story of its day and resulted in the single largest international humanitarian

fundraising effort to date, with donations contributed from 13 countries. Clara Barton and five Red Cross workers arrived from Washington, DC, on June 5, 1889, making the Johnstown Flood the first major peacetime relief effort for the American Red Cross. Barton stayed until October 24, 1889, supervising the distribution of supplies and helping more than 25,000 people.

The Governor of Pennsylvania called on his constituents to rebuild and reopen the rail lines that had been wiped away. Within 14 days, 20 miles of railway reopened ensuring access to the lifesaving supplies arriving from the surrounding region.

During this anniversary we can recall these examples as just a few of countless stories of heroism. The survivors lived on to rebuild Johnstown. More importantly, they established a spirit of endurance that would live on in future generations.

The flood is a part of the history of Johnstown that will not be forgotten. The people of Johnstown and the Conemaugh Valley exhibit an indescribable human strength that rises above devastation and exhibits a true example of hope and determination during difficult times.●

#### CONGRATULATING CREEKVIEW HIGH SCHOOL

● Mr. CHAMBLISS. Mr. President, today I congratulate the Creekview High School rocketry team from Canton, GA who outperformed hundreds of their peers from across the country on Saturday, May 10, 2014, to earn 1st place at the 12th annual Team America Rocketry Challenge. Champions Amanda Semler, 18; Andrew White, 16; Nick Dimos, 16; Austin Bralick, 16; and Bailey Robertson, 15, bested more than 700 other teams representing 48 states, the District of Columbia and the U.S. Virgin Islands to earn the national title. These students will now go on to represent the United States in London at the Farnborough International Airshow.

Team America Rocketry Challenge, TARC, is the world's largest student rocket contest and the aerospace and defense industry's flagship program designed to encourage students to pursue study and careers in science, technology, engineering and math, STEM. Sponsored by the Aerospace Industries Association, the National Association of Rocketry and more than 20 industry partners, TARC provides middle and high school students the opportunity to design, build and launch model rockets in a competition among more than 5,000 students nationwide.

I cannot express how proud I am of these students whose achievement represents tremendous dedication and unwavering commitment. It is equally encouraging to see young people with such a strong commitment to STEM

education and fields of study. I wish these Creekview High School students and teachers the best as they go on to represent our Nation in London.●

#### POWESHIEK COUNTY, IOWA

● Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Poweshiek County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Poweshiek County worth over \$1.2 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$11.1 million to the local economy.

Of course my favorite memories of working together have to include the community's tremendous success with using farm bill funds for important local projects such as remodeling and expanding St. Francis Manor, which received a direct loan of \$1 million from the U.S. Department of Agriculture Community Facilities Program.

Among the highlights:

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updat-

ing fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Poweshiek County has received \$556,624 in Harkin grants. Similarly, schools in Poweshiek County have received funds that I designated for Iowa Star Schools for technology totaling \$151,108.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Poweshiek County has received more than \$3.2 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Poweshiek County's fire departments have received over \$628,329 for firefighter safety and operations equipment.

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Poweshiek County has recognized this important issue by securing more than \$360,000 for community wellness activities.

Disability Rights: Growing up, I loved and admired my brother Frank,

who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Poweshiek County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Poweshiek County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Poweshiek County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### WAPELLO COUNTY, IOWA

● **Mr. HARKIN.** Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Wapello County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Wapello County worth over \$10.5 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$43.5 million to the local economy.

Of course my favorite memories of working together have to include the establishment and funding of both a Job Corps center and a community health center, working with the Ottumwa Regional Health Center on renovations and equipment, working with Indian Hills Community College on biotechnology and other programs, expanding the Des Moines to Burlington highway, and working with local law enforcement to combat methamphetamine and other dangerous drugs in the community.

Among the highlights:

Investing in Iowa's economic development through targeted community projects: In Southeast Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Wapello County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole ripple effect of positive, creative changes. For example, working with mayors, city council members, and local economic development officials in Wapello County, I have fought for funding to separate the combined sewers which would overflow during rain events. Over the years, I have appropriated over \$4.3 million to this project, which reduces the cost of these improvements to residents and businesses, helping to create jobs and expand economic opportunities. I also worked with leaders throughout the region to build a four lane highway from Des Moines to Burlington. I was pleased to have been able to acquire nearly \$52 million worth of Congressionally directed funding for various segments of this project. Thanks to our years of partnership, this highway will result in a more jobs and a better economy for the entire area.

Main Street Iowa: One of the greatest challenges we face—in Iowa and all across America—is preserving the character and vitality of our small towns and rural communities. This is not just about economics. It is also about maintaining our identity as Iowans. Main Street Iowa helps preserve Iowa's heart

and soul by providing funds to revitalize downtown business districts. This program has allowed towns like Ottumwa to use that money to leverage other investments to jumpstart change and renewal. I am so pleased that Wapello County has earned \$120,000 through this program. These grants build much more than buildings. They build up the spirit and morale of people in our small towns and local communities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Wapello County has received \$3,301,391 in Harkin grants. Similarly, schools in Wapello County have received funds that I designated for Iowa Star Schools for technology totaling \$57,315.

Disaster mitigation and prevention: In 1993, when historic floods ripped through Iowa, it became clear to me that the national emergency-response infrastructure was woefully inadequate to meet the needs of Iowans in flood-ravaged communities. I went to work dramatically expanding the Federal Emergency Management Agency's hazard mitigation program, which helps communities reduce the loss of life and property due to natural disasters and enables mitigation measures to be implemented during the immediate recovery period. Disaster relief means more than helping people and businesses get back on their feet after a disaster, it means doing our best to prevent the same predictable flood or other catastrophe from recurring in the future. The hazard mitigation program that I helped create in 1993 provided critical support to Iowa communities impacted by the devastating floods of 2008. Wapello County has received over \$12.2 million to remediate and prevent widespread destruction from natural disasters.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have

championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Wapello County has received more than \$9.9 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Wapello County's fire departments have received over \$1.4 million for firefighter safety and operations equipment.

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Wapello County has recognized this important issue by securing over \$2 million for the community health center and for community wellness programs.

Disability Rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes

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#### MILITARY ACADEMY APPOINTMENTS

● Mr. LEE. Mr. President, this fall, seven remarkable Utahns will enter three of our prestigious military academies, and I would like to take this opportunity to officially congratulate them and to recognize their individual achievements.

Dexter Chayton Clark will be attending the U.S. Naval Academy. A graduate of Brighton High School, Dexter has maintained a 4.0 GPA, he is an AP Scholar with Honor, a member of the National Honor Society, a National Academic League Champion, a gifted swimmer, and an Eagle Scout.

Jillian Lemay Combs will be attending the U.S. Air Force Academy. She graduated from the Waterford School with academic high honors; she is an accomplished violinist and a member of the National Charities League with over 400 hours of service. She was the captain of Waterford's debate team as well as the swimming, diving, and water polo teams, and she is a Girl Scout Gold Award recipient.

Amy Noelle Johnston will be attending the U.S. Military Academy at West Point. A graduate from Brighton High School and a member of the National Honor Society, Amy was captain of the Brighton lacrosse and tennis teams. She served her community with the Red Cross and also performed volunteer service on the Northern Cheyenne and Coeur d'Alene Reservations.

Carson Eugene Nuttall will be returning to study at the U.S. Military Academy at West Point. Carson displayed commitment to his faith by resigning from West Point to serve a full-time mission for the Church of Jesus Christ of Latter-day Saints for 2 years in Chile. He has been recognized consistently as a natural leader and one who is committed to honor and service.

Zerek Douglas Olson will be attending the U.S. Naval Academy. A grad-

uate from Layton High School and a JROTC Captain, Zerek was captain of his football, wrestling, and track & field teams. He is a member of the National Honor Society, attended Boy's State, and served our veterans at the VA hospital and VA homes in Utah.

Seth Lawrence White will be attending the U.S. Naval Academy. A graduate of Sky View High School, Seth served as one of its student body officers, the captain of both the debate team and the football team, and a Dwight D. Eisenhower People to People European Representative. Seth also helped in organizing the Don't Drive Stupid program to discourage drunk and distracted driving.

Keven Shin Yeh will be attending the U.S. Naval Academy. Keven graduated from Brighton High School with a 4.0 GPA. He is a member of the Governor's Honors Academy and the captain of both Brighton's cross country and track & field teams. He has given over 100 hours of dedicated service to our veterans at the VA hospital in Salt Lake City.

It appears that the future of our military is in good hands. I challenge these praiseworthy appointees to continue the tradition of honor, sacrifice, and courage that has been so exceptionally demonstrated by so many throughout the great history of our military. I should like to close with a quote from Lincoln, which I hope we will all remember as we strive to do what is right for our country. Of the brave soldiers who were then fighting to preserve the Union, he wrote:

Honor to the Soldier, and Sailor everywhere, who bravely bears his country's cause. Honor also to the citizen who cares for his brother in the field, and serves, as he best can, the same cause—honor to him, only less than to him, who braves, for the common good, the storms of heaven and the storms of battle.●

#### REMEMBERING SAMUEL SMITH, SR.

● Mr. UDALL of New Mexico. Mr. President, on April 14, 2014, our Nation lost a great hero, Mr. Samuel "Jesse" Smith, Sr. Mr. Smith was one of the few remaining Navajo Code Talkers, who defended our country with such ingenuity and valor during World War II.

As the number of these legendary warriors decreases year by year, our respect and gratitude for their remarkable service only increases with time. My State of New Mexico is proud to be the home of many of these extraordinary men, and we mourn their passing.

Samuel Smith was a student at the Albuquerque Indian School on December 7, 1941, when news arrived of the Japanese bombing of Pearl Harbor. He and two of his fellow students knew, very quickly, what they must do. They resolved, without hesitation, and despite their youth, to defend their country. All three joined the U.S. Marine

Corps, determined to go wherever they were needed. Samuel Smith dreamed of being a pilot, but fate would have other plans. He would never fly a plane, but he would serve with particular distinction as a Navajo Code Talker.

Mr. Smith possessed the determination, intelligence, and language proficiency that was essential to the Code Talkers. He was assigned to the 4th Marine Division and was responsible for transmitting messages for Gen. Clifton Cates, the commander of the Marine landings in Saipan and Tinian.

In the course of his military service, Samuel Smith fought at the battle of Roi-Namur, the battles of Saipan and Tinian to retake the Marianas Islands, and the battle of Iwo Jima. He and his fellow Code Talkers turned their language into an unbreakable code. They used the language of the Navajo people as a weapon to defend our freedoms. In battle after battle, in ferocious combat, that code helped secure Allied victory. Their courage and patriotism is all the more remarkable in that they fought so bravely for freedom in a world that did not always accord freedom to them.

It would be many years after World War II before the story of the Navajo Code Talkers, and the pivotal role they played, could be told. The true purpose of their service was not revealed until over 20 years later. In 2001, Congress honored Samuel Smith and his fellow Code Talkers with Congressional Gold Medals. This recognition and honor was richly deserved. The simple words on their medals told the heroic story: "The Navajo language was used to defeat the enemy."

After the war, Mr. Smith returned home. He married Rena Smith, and together they started a family. They moved to the Pueblo of Acoma, where they raised ten children. Later, at Fort Defiance Navajo Nation, Mr. Smith served as a law enforcement officer and was appointed chief ranger of the Navajo Nation Rangers. He also served as director of Transportation and Water Resources for the Navajo Nation.

Samuel Smith lived a long and eventful life, until the age of 89. He leaves behind more than 150 direct descendants. His life is a testament of service to others, in war and in peacetime. For his family, his community, and his Nation, he set an example of courage and commitment. Those who knew him will long recall his steady presence. As his son Michael said:

We were very fortunate to have one of the wisest and gentlest men in our lives. He could warm your heart with his smile, let you know you had to straighten up with his gaze, and always had something clever to say. He is our hero. He is our dad.

I extend my sincere sympathy to Mr. Smith's family. He will be deeply missed, and he will be forever remembered by a grateful nation.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 12:34 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3530. An act to provide justice for the victims of trafficking.

H.R. 3610. An act to stop exploitation through trafficking.

H.R. 4058. An act to prevent and address sex trafficking of youth in foster care.

H.R. 4225. An act to amend title 18, United States Code, to provide a penalty for knowingly selling advertising that offers certain commercial sex acts.

H.R. 4573. An act to protect children from exploitation, especially sex trafficking in tourism, by providing advance notice of intended travel by registered child-sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child-sex offender is seeking to enter the United States, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3080) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

## ENROLLED BILLS SIGNED

At 2:01 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 309. An act to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

H.R. 685. An act to award a Congressional Gold Medal to the American Fighter Aces, collectively, in recognition of their heroic military service and defense of our country's freedom throughout the history of aviation warfare.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

## ENROLLED BILL SIGNED

At 6:15 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1209. An act to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2363. A bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 21, 2014, she had presented to the President of the United States the following enrolled bill:

S. 309. An act to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5841. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Commercial Groundfish Fishery Management Measures; Rockfish Conservation Area Boundaries for Vessels Using Bottom Trawl Gear" (RIN0648-BD37) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5842. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Fishing Year 2014; Recreational Management Measures" (RIN0648-BE00) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5843. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XD261) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5844. A communication from the Assistant Secretary for Export Administration,



Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations (EAR): Control of Spacecraft Systems and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML)" (RIN0694-AF87) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5845. A communication from the President of the United States to the President Pro Tempore of the United States Senate, transmitting, consistent with the War Powers Resolution, a report relative to the deployment of certain U.S. forces to Chad; to the Committee on Foreign Relations.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CARPER, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 1036. A bill to designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the "National Park Ranger Margaret Anderson Post Office".

H.R. 1228. A bill to designate the facility of the United States Postal Service located at 123 South 9th Street in De Pere, Wisconsin, as the "Corporal Justin D. Ross Post Office Building".

H.R. 1451. A bill to designate the facility of the United States Postal Service located at 14 Main Street in Brockport, New York, as the "Staff Sergeant Nicholas J. Reid Post Office Building".

H.R. 2391. A bill to designate the facility of the United States Postal Service located at 5323 Highway N in Cottleville, Missouri as the "Lance Corporal Phillip Vinnedge Post Office".

H.R. 3060. A bill to designate the facility of the United States Postal Service located at 232 Southwest Johnson Avenue in Burses, Texas, as the "Sergeant William Moody Post Office Building".

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Col. William P. Robertson, to be Brigadier General.

Army nomination of Maj. Gen. Anthony G. Crutchfield, to be Lieutenant General.

Army nomination of Maj. Gen. James C. McConville, to be Lieutenant General.

Air Force nomination of Lt. Gen. Gregory A. Biscone, to be Lieutenant General.

Air Force nomination of Col. Kathleen A. Cook, to be Brigadier General.

Air Force nomination of Col. Jeffrey A. Rockwell, to be Major General.

Navy nominations beginning with Captain Brian J. Brakke and ending with Captain Jesse A. Wilson, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2014.

Navy nomination of Capt. Timothy C. Galaudet, to be Rear Admiral (lower half).

Navy nomination of Capt. Steven L. Parode, to be Rear Admiral (lower half).

Navy nomination of Capt. Johnny R. Wolfe, Jr., to be Rear Admiral (lower half).

Air Force nomination of Maj. Gen. Samuel A. Greaves, to be Lieutenant General.

Air Force nomination of Brig. Gen. Warren D. Berry, to be Major General.

Air Force nomination of Brig. Gen. Jon A. Norman, to be Major General.

Air Force nomination of Col. Roosevelt Allen, Jr., to be Major General.

Air Force nomination of Col. Richard W. Kelly, to be Brigadier General.

Air Force nomination of Maj. Gen. Carlton D. Everhart II, to be Lieutenant General.

Air Force nomination of Maj. Gen. Darryl L. Roberson, to be Lieutenant General.

Air Force nomination of Lt. Gen. Ellen M. Pawlikowski, to be Lieutenant General.

Army nomination of Maj. Gen. Karen E. Dyson, to be Lieutenant General.

Air Force nomination of Brig. Gen. Christopher F. Burne, to be Lieutenant General.

Air Force nomination of Maj. Gen. Marshall B. Webb, to be Lieutenant General.

Army nomination of Lt. Gen. Raymond A. Thomas III, to be Lieutenant General.

Army nomination of Maj. Gen. Stephen G. Fogarty, to be Lieutenant General.

Navy nomination of Rear Adm. Thomas S. Rowden, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) John F. Kirby, to be Rear Admiral.

Marine Corps nomination of Lt. Gen. Jon M. Davis, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Kenneth F. McKenzie, Jr., to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Robert B. Neller, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. John A. Toolan, Jr., to be Lieutenant General.

Marine Corps nominations beginning with Col. Patrick J. Hermesmann and ending with Col. Helen G. Pratt, which nominations were received by the Senate and appeared in the Congressional Record on May 1, 2014.

Air Force nomination of Lt. Gen. James M. Holmes, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Scott A. Raber, to be Lieutenant Colonel.

Air Force nomination of Mark D. Levin, to be Major.

Air Force nominations beginning with Jeremy P. Garlick and ending with Derick A. Sager, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2014.

Air Force nomination of Tonya Y. White, to be Major.

Air Force nomination of Daniel L. Rosera, to be Major.

Air Force nominations beginning with Jason E. Obrien and ending with Erik D. Rudiger, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2014.

Air Force nomination of Robert J. Trainer, to be Major.

Air Force nominations beginning with Kenneth G. Crooks and ending with James D. Tims, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Air Force nominations beginning with Kim L. Bowen and ending with Daniel K. Waterman, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Air Force nominations beginning with Victoria M. Aglewilson and ending with Deborah L. Willis, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Air Force nominations beginning with Heather A. Bodwell and ending with Christian L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Air Force nominations beginning with Erich M. Gauger and ending with Timothy J. Zielicke, which nominations were received by the Senate and appeared in the Congressional Record on May 15, 2014.

Air Force nominations beginning with Anthony F. Fontenos and ending with Vu T. Nguyen, which nominations were received by the Senate and appeared in the Congressional Record on May 15, 2014.

Air Force nominations beginning with Peter G. Bailey and ending with Kevin R. Windsor, which nominations were received by the Senate and appeared in the Congressional Record on May 15, 2014. (minus 2 nominees: Taft Owen Aujero; Jeffery Lynn Richard).

Army nomination of Randolph S. Wardle, to be Colonel.

Army nomination of Stanley F. Zezotarski, to be Colonel.

Army nomination of Eric S. Comette, to be Major.

Army nomination of William D. Swenson, to be Major.

Army nomination of Gregory R. Shepard, to be Major.

Army nominations beginning with David F. Caporicci and ending with Eric G. Wishart, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2014.

Army nomination of Philander Pinckney, to be Major.

Army nomination of Elizabeth Joyce, to be Major.

Army nomination of Jasmine T. Daniels, to be Colonel.

Army nominations beginning with Jan S. Sunde and ending with Himanshu Pathak, which nominations were received by the Senate and appeared in the Congressional Record on May 1, 2014.

Army nomination of Joseph L. Craver, to be Colonel.

Army nominations beginning with Maribeth A. Affeldt and ending with R10045, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Army nominations beginning with Miguel Aguilar and ending with Mark A. Zinser, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014. (minus 1 nominee: Kimberly Derouenslaven)

Army nominations beginning with Jeffrey M. Abel and ending with Deborah A. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Army nominations beginning with Bobby L. Christine and ending with James K. Massengill, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Army nominations beginning with Ronald W. Burkett II and ending with Brian J. Melton, which nominations were received by



the Senate and appeared in the Congressional Record on May 15, 2014.

Marine Corps nominations beginning with William B. Allen IV and ending with James L. Zepko, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2014.

Marine Corps nomination of Richard P. Owens, to be Lieutenant Colonel.

Marine Corps nomination of Robert M. Manning, to be Lieutenant Colonel.

Marine Corps nominations beginning with James P. Edmunds III and ending with Paul B. Webb, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2014.

Marine Corps nominations beginning with Leonard F. Anderson IV and ending with Konstantin E. Zoganas, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2014.

Navy nomination of William A. Garren, to be Captain.

Navy nomination of Leander J. Sackey, to be Commander.

Navy nomination of Christopher M. Davis, to be Lieutenant Commander.

Navy nomination of Charles E. Varsogea, to be Commander.

Navy nomination of Louis J. Lazzara, to be Lieutenant Commander.

Navy nomination of Tara M. McArthur-Milton, to be Captain.

Navy nomination of Todd W. Boehm, to be Captain.

Navy nominations beginning with John I. Atkinson and ending with Justin R. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on May 5, 2014.

Navy nomination of Robert J. Polvino, to be Captain.

Navy nomination of Victor Sorrentino, to be Commander.

Navy nomination of Jeffrey P. Martin, to be Commander.

Navy nomination of Richard D. McCormick, to be Commander.

Navy nominations beginning with David W. Atwood and ending with Anna H. Woodard, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Navy nomination of William S. Switzer, to be Captain.

Navy nomination of Joshua L. Keever, to be Commander.

Navy nomination of Rustin J. Dozeman, to be Lieutenant Commander.

Navy nomination of Lori L. Cody, to be Lieutenant Commander.

By Mr. WYDEN for the Committee on Finance.

\*Stefan M. Selig, of New York, to be Under Secretary of Commerce for International Trade.

\*Darci L. Vetter, of Nebraska, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

\*Sylvia Mathews Burwell, of West Virginia, to be Secretary of Health and Human Services.

By Mr. CARPER for the Committee on Homeland Security and Governmental Affairs.

\*Steven M. Wellner, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

\*Tony Hammond, of Missouri, to be a Commissioner of the Postal Regulatory Commission for a term expiring October 14, 2018.

\*Nanci E. Langley, of Hawaii, to be a Commissioner of the Postal Regulatory Commission for a term expiring November 22, 2018.

\*Julia Akins Clark, of Maryland, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 2366. A bill to amend the Richard B. Russell National School Lunch Act to establish a permanent, nationwide summer electronic benefits transfer for children program; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself, Mr. BENNET, and Mrs. GILLIBRAND):

S. 2367. A bill to authorize the Secretary of the Interior to carry out programs and activities that connect the people of the United States, especially children, youth, and families, with the outdoors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 2368. A bill to establish an online significant event tracker (SET) system for tracking, reporting, and summarizing exposures of members of the Armed Forces, including members of the reserve components thereof, to traumatic events, and for other purposes; to the Committee on Armed Services.

By Mr. BURR:

S. 2369. A bill to require the Director of the Office of Management and Budget to consider Brunswick County, North Carolina to be part of the same metropolitan statistical area as Wilmington, North Carolina; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COBURN (for himself and Mrs. McCASKILL):

S. 2370. A bill to rescind unused earmarks provided for the Department of Transportation, and for other purposes; to the Committee on Appropriations.

By Mr. PORTMAN (for himself, Mr. GRAHAM, Mr. KIRK, Mr. CHAMBLISS, Mr. FLAKE, Mr. BLUNT, Mr. JOHANNES, Mr. INHOFE, Mr. CRAPO, Mr. RUBIO, Mr. BARRASSO, Mr. THUNE, Mr. SCOTT, Mr. VITTER, Ms. AYOTTE, Mr. LEE, Mr. BURR, and Mrs. FISCHER):

S. 2371. A bill to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of major revenue legislation; to the Committee on the Budget.

By Mr. BENNET (for himself and Mr. PORTMAN):

S. 2372. A bill to provide additional oversight and guidance to the Department of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MARKEY (for himself, Mr. SCHATZ, Mrs. GILLIBRAND, and Ms. WARREN):

S. 2373. A bill to authorize the appropriation of funds to the Centers for Disease Control and Prevention for conducting or sup-

porting research on firearms safety or gun violence prevention; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself and Ms. HIRONO):

S. 2374. A bill to improve college affordability; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 2375. A bill to amend the Communications Act of 1934 to facilitate paid television service in certain counties, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. 2376. A bill to designate the buildings occupied by the Department of Transportation located at 1200 New Jersey Avenue, Southeast, and 1201 4th Street, Southeast, in the District of Columbia as the "James L. Oberstar United States Department of Transportation Building Complex"; to the Committee on Environment and Public Works.

By Ms. AYOTTE:

S. 2377. A bill to amend the Internal Revenue Code of 1986 to exclude certain compensation received by public safety officers and their dependents from gross income; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2378. A bill to establish a regulatory framework for the comprehensive protection of personal data for individuals under the aegis of the Federal Trade Commission, to amend the Children's Online Privacy Protection Act of 1998 to improve provisions relating to collection, use, and disclosure of personal information of children, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2379. A bill to approve and implement the Klamath Basin agreements, to improve natural resource management, support economic development, and sustain agricultural production in the Klamath River Basin in the public interest and the interest of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOOKER:

S. 2380. A bill to amend title 49, United States Code, to improve the national freight policy of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RUBIO (for himself, Mr. COONS, Mr. MENENDEZ, Mr. INHOFE, Mrs. FISCHER, Mr. CRUZ, Mr. MCCAIN, Mr. VITTER, Mr. MORAN, Mrs. SHAHEEN, Mr. BOOZMAN, Ms. AYOTTE, Mr. DURBIN, Mr. ROBERTS, Mr. JOHNSON of Wisconsin, Mr. ISAKSON, Mr. BURR, Ms. MIKULSKI, and Mr. COBURN):

S. Res. 453. A resolution condemning the death sentence against Meriam Yahia Ibrahim Ishag, a Sudanese Christian woman accused of apostasy; to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself, Ms. MIKULSKI, Ms. WARREN, and Ms. COLLINS):

S. Res. 454. A resolution recognizing that cardiovascular disease continues to be an overwhelming threat to women's health and the importance of providing basic, preventive heart screenings to women wherever they seek primary care; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 209

At the request of Mr. PAUL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 209, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

S. 495

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 495, a bill to amend title 38, United States Code, to require Federal agencies to hire veterans, to require States to recognize the military experience of veterans when issuing licenses and credentials to veterans, and for other purposes.

S. 709

At the request of Ms. STABENOW, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 709, a bill to amend title XVIII of the Social Security Act to increase diagnosis of Alzheimer's disease and related dementias, leading to better care and outcomes for Americans living with Alzheimer's disease and related dementias.

S. 948

At the request of Mr. BEGICH, his name was added as a cosponsor of S. 948, a bill to amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program.

S. 1011

At the request of Mr. JOHANNIS, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1011, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 1040

At the request of Mr. PORTMAN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1040, a bill to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy.

S. 1066

At the request of Mrs. GILLIBRAND, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1066, a bill to allow certain student loan borrowers to refinance Federal student loans.

S. 1174

At the request of Mr. BLUMENTHAL, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1184

At the request of Mr. BEGICH, his name was added as a cosponsor of S. 1184, a bill to amend title XVIII of the Social Security Act to include information on the coverage of intensive behavioral therapy for obesity in the Medicare and You Handbook and to provide for the coordination of programs to prevent and treat obesity, and for other purposes.

S. 1349

At the request of Mr. MORAN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1349, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1431

At the request of Mr. WYDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1445

At the request of Mr. BEGICH, his name was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to provide for the participation of optometrists in the National Health Service Corps scholarship and loan repayment programs, and for other purposes.

S. 1507

At the request of Ms. HEITKAMP, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1507, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of general welfare benefits provided by Indian tribes.

S. 1577

At the request of Mr. MANCHIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1577, a bill to amend the Truth in Lending Act to improve upon the definitions provided for points and fees in connection with a mortgage transaction.

S. 1700

At the request of Mr. MARKEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1700, a bill to amend the Children's Online Privacy Protection Act of 1998 to extend, enhance, and revise the provisions relating to collection, use, and disclosure of personal information of children, to establish certain other protections for personal information of children and minors, and for other purposes.

S. 1708

At the request of Mr. MERKLEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1708, a bill to amend title 23, United States Code, with respect to the establishment of performance measures for the highway safety improvement program, and for other purposes.

S. 1733

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1733, a bill to stop exploitation through trafficking.

S. 1968

At the request of Mr. ALEXANDER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1968, a bill to allow States to let Federal funds for the education of disadvantaged children follow low-income children to the accredited or otherwise State-approved public school, private school, or supplemental educational services program they attend.

S. 2004

At the request of Mr. BEGICH, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2004, a bill to ensure the safety of all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, as they travel on and across federally funded streets and highways.

S. 2013

At the request of Mr. RUBIO, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from South Carolina (Mr. SCOTT), the Senator from Nebraska (Mr. JOHANNIS), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Idaho (Mr. RISH) were added as cosponsors of S. 2013, a bill to amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

S. 2125

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2125, a bill to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

S. 2141

At the request of Mr. REED, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 2141, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide an alternative process for review of safety and effectiveness of nonprescription sunscreen active ingredients and for other purposes.

S. 2152

At the request of Ms. HEITKAMP, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2152, a bill to direct Federal investment in carbon capture and storage and other clean coal technologies, and for other purposes.

S. 2154

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2154, a bill to amend the Public Health Service Act to reauthorize the Emergency Medical Services for Children Program.

S. 2162

At the request of Mrs. MURRAY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2162, a bill to amend the Internal Revenue Code of 1986 to establish a deduction for married couples who are both employed and have young children and to increase the earned income tax credit for childless workers, and to provide for budget offsets.

S. 2270

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2270, a bill to clarify the application of certain leverage and risk-based requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 2295

At the request of Mr. LEAHY, the names of the Senator from Florida (Mr. RUBIO), the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. HOEVEN), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Massachusetts (Ms. WARREN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2295, a bill to establish the National Commission on the Future of the Army, and for other purposes.

S. 2302

At the request of Mrs. SHAHEEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2302, a bill to provide for a 1-year extension of the Afghan Special Immigrant Visa Program, and for other purposes.

S. 2304

At the request of Ms. LANDRIEU, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2304, a bill to amend the charter school program under the Elementary and Secondary Education Act of 1965.

S. 2316

At the request of Mr. THUNE, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2316, a bill to require the Inspector General of the Department of Veterans Affairs to submit a report on wait times for veterans seeking medical appointments and treatment from the Department of Veterans Affairs, to

prohibit closure of medical facilities of the Department, and for other purposes.

S. 2335

At the request of Mr. RISCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2335, a bill to exempt certain 16 and 17 year-old children employed in logging or mechanized operations from child labor laws.

S. 2349

At the request of Mr. SANDERS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2349, a bill to establish a grant program to enable States to promote participation in dual enrollment programs, and for other purposes.

S. RES. 348

At the request of Mr. BURR, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. Res. 348, a resolution expressing support for the internal rebuilding, resettlement, and reconciliation within Sri Lanka that are necessary to ensure a lasting peace.

S. RES. 412

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 412, a resolution reaffirming the strong support of the United States Government for freedom of navigation and other internationally lawful uses of sea and airspace in the Asia-Pacific region, and for the peaceful diplomatic resolution of outstanding territorial and maritime claims and disputes.

S. RES. 421

At the request of Mr. CORNYN, his name was added as a cosponsor of S. Res. 421, a resolution expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and commending them for leadership and valor in an operation that helped bring an end to World War II.

S. RES. 451

At the request of Mr. BARRASSO, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 451, a resolution recalling the Government of China's forcible dispersion of those peaceably assembled in Tiananmen Square 25 years ago, in light of China's continued abysmal human rights record.

AMENDMENT NO. 3161

At the request of Mr. TOOMEY, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of amendment No. 3161 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage

under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 3167

At the request of Mr. TOOMEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 3167 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 3174

At the request of Mr. TOOMEY, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of amendment No. 3174 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY:

S. 2366. A bill to amend the Richard B. Russell National School Lunch Act to establish a permanent, nationwide summer electronic benefits transfer for children program; to the Committee on Finance.

Mrs. MURRAY. Mr. President, I know that many students across the country are waiting on the edge of their seats and looking forward to school letting out shortly for their summer break. But for many of those kids who participate in school meal programs, the summer can be a pretty uncertain time—not knowing when or where they are going to get their next meal. It can be a stressful time for those kids' parents as well, who have to stretch every dollar they have to feed their family today.

That is a struggle Nicole, a single mom from my home State of Washington, knows all too well. She has been unemployed now for about a year. She has two kids. She has a daughter who is finishing kindergarten and a son who is just finishing fifth grade. They have relied on SNAP benefits to help pay for their groceries and school meals to get help during the school year. But Nicole says that last summer, without school-provided meals, it was particularly difficult to put enough food on the table to feed her kids.

Today I am here introducing a bill that will help families like Nicole's and many across the country. It is a bill to make sure more children can get the nutrition they need during the summer break. When school is in session, millions of kids from low-income families can get free or reduced-price meals through our National School Lunch Program. But during the summer, hunger goes up in this country about 34 percent for families with school-aged kids, according to a study.

Right now we do have a Federal congregate summer meals program, of which I have long been supportive. It is called the Summer Food Service Program. It is very successful in some areas of our country. I always look forward to working with my colleagues to strengthen and expand that program to make sure it is reaching as many children as possible.

But in a study from 2012, summer congregate meals programs only reached about 14 percent of the students who qualified for free or reduced-priced meals during the school year. That adds up to tens of millions of kids across our country who do not have access to meal programs in the summer.

In my home State of Washington, just 9.8 percent of those kids participated in 2012. That means those kids are more likely to deal with hunger or food insecurity. That is unacceptable to me. When it comes to ensuring that our kids grow up with the nutrition they need to learn and to thrive, there are no excuses.

We have to do more to fight summer hunger. That is why I am here today introducing legislation called the Stop Child Summer Hunger Act. The bill is pretty simple. It provides families with an EBT card that will help them afford groceries during the summer months to replace the meals those kids would otherwise have gotten at school. It is based on a very successful pilot program that has proven now to decrease hunger by 33 percent. Some of the demonstration projects had participation rates as high as 90 percent. Scaling up that program with the Stop Child Summer Hunger Act will help more children get the nutrition they need in the summer months.

The bill is fully paid for. We do that by closing a tax loophole that actually encourages U.S. companies to shift our jobs and profits offshore. From my perspective, that is a pretty fair trade. It will encourage companies to keep jobs and profits here in America. At the same time, it will help kids get the nutrition they need during the summer.

Fighting hunger, especially among kids, is an issue that is extremely important to me. I have told this body before that when I was just a teenager—15 years old—my dad, who fought in World War II, was diagnosed with multiple sclerosis. Within a few years he could not work any longer. My mom

had to go to work and find a job. It did not pay anywhere near enough to support seven kids and a husband who had a growing stack of medical bills. So for several months when I was young, we had to rely on food stamps. It was not much, but I remember it helping to get my family by during a very tough time. So I know how hard it is for families who are struggling to put food on the table.

As adults, I believe it is our moral responsibility to take care of our children, to make sure they can grow up healthy and to make sure they have every opportunity to thrive and learn. I hope we can live up to this responsibility by tackling this problem and helping more kids get the nutrition they need to live healthy lives. I hope this body can work with me to make sure that kids who are now looking forward to their summer break can enjoy it free from hunger.

By Mr. WYDEN (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2379. A bill to approve and implement the Klamath Basin agreements, to improve natural resource management, support economic development, and sustain agricultural production in the Klamath River Basin in the public interest and the interest of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I rise to introduce a bill that would authorize the implementation of the landmark agreements that settle some of our country's most complex and contentious water allocation and species preservation issues. Water management crises this century have made the Klamath Basin nationally known, with all interests having experienced devastating water years. Overcoming that adversity, the parties in the basin have spent years coming together to hammer out solutions—essentially giving up their right to obstruct in the name of the greater good. With this bill the basin should now be known for the dedicated and enduring collaborative efforts that have honed in on a sustainable and more economically certain future for the basin—an example that other regions can emulate for their watershed challenges. It is time for Congress to place its seal of approval and set about implementing these agreements to restore the basin by passing the Klamath Water Recovery and Economic Restoration Act of 2014.

I am pleased to be joined by three colleagues on this bill. Senator MERKLEY has tirelessly worked to support the collaborative approach undertaken by two states, four Tribes, multiple Federal agencies, and countless stakeholders. Senators FEINSTEIN and Boxer have answered the call for communities reeling from unprecedented

drought, and the Klamath Basin—spanning Oregon and California—is yet another illustration of their efforts to assist communities in need while supporting fish and wildlife. Together, we are committed to working with our colleagues in the Senate and House to advance this bill and get it signed by the President.

The story of the Klamath Basin revolves around water. Congress authorized a federal irrigation project for the basin in 1905. Now the Klamath Project provides water service to roughly 210,000 acres of productive farmland—producing such crops as potatoes, cereal grains, sugar beets, alfalfa and other hay, and irrigated pastures for beef cattle. The Klamath Hydroelectric Project supports power needs in the basin with seven dams, the last of which was built more than 50 years ago. Water needs for irrigation have increasingly come into conflict with the needs of fish and wildlife. In 1908, President Teddy Roosevelt established the nation's first waterfowl refuge, Lower Klamath National Wildlife Refuge. The importance of the basin for migratory birds along the Pacific Flyway saw the later creation of the Clear Lake, Tule Lake, Upper Klamath, Bear Valley, and Klamath Marsh National Wildlife Refuges. The basin is also home to 13 species of anadromous fish. Three of these species are listed under the Endangered Species Act, including the endangered listing of the Lost River and shortnose suckers in 1988, the threatened listing of coho salmon in 1997, and the threatened listing of bull trout in 1999. These fisheries—particularly salmon and suckers—are important to the six federally recognized tribes in the basin. Water demand often far exceeds the amount of water in a given year, setting up a situation ripe for conflict.

That conflict grew to a head in the early 2000s. In 2001, biological opinions about the water necessary for endangered fish resulted in the Bureau of Reclamation of the Department of the Interior withholding much of the water that would have normally gone to Klamath Project irrigators. Researchers for Oregon State estimated that the water curtailment would have, in the absence of public and private emergency mitigation efforts, reduced agricultural output in the Upper Basin by \$82 million, about 20 percent, and regional employment by almost 2,000 jobs. Then in 2002, low water flows and poor water health caused the death of as many as 70,000 fall chinook before they could navigate up the Klamath and spawn, in an event known as the "2002 fish kill." The rancor and legal conflicts only intensified with these events, creating uncertainty in the basin that has impeded overall growth and prosperity.

Instead of accepting a future determined by acrimonious and costly legal battles over the water, stakeholders in

the basin came together to chart a different path. They recognized that their respective interests could be better met through cooperative efforts designed to enhance species recovery, the certainty of agricultural operations, and stability in the basin for economic growth and civic relations. Years of complex and challenging work culminated in two historic agreements in 2010—the Klamath Basin Restoration Agreement, KBRA, and the Klamath Hydroelectric Settlement Agreement, KHSA. The KBRA settles water disputes in exchange for greater water certainty for farmers and ranchers, water for fish and wildlife needs, reduced power costs for irrigators, and restoration efforts for fisheries. The KHSA sets out a process whereby four hydroelectric dams may be removed, at no federal cost, should removal be in interest of fish restoration and the public interest considering local community impacts. Together these cooperative efforts can achieve more for the basin than asserting individual interests could. The collective efforts will promote economic stability and growth, while ensure a full suite of restoration efforts are in place for the recovery of listed fish species.

The latest agreement in the basin became final just this year, the Upper Basin Comprehensive Agreement, UBA. I am especially proud of the work that produced the UBA, having helped convene the special task force that worked mightily to find agreement on the key remaining issues in the basin. The task force came about after a June 2013 Senate Energy and Natural Resources Committee hearing on water issues in the basin that I chaired. The Committee heard from 17 diverse witnesses and received roughly 4,000 comments via email prior to the hearing. Most acknowledged the clear impetus for a comprehensive solution given that the Oregon Water Resources Department found in March 2013 that the Klamath Tribes held a time immemorial water right, making them the most senior water right holder in the basin. And after months of arduous work on the task force, members including irrigators, environmentalists, and tribes found common ground on habitat protection and restoration and swallowed hard to reduce the federal expenditures needed as I had called for in the Senate. The UBA lays out specific water management and restoration measures for the Upper Basin, including 30,000 acre feet of increased stream flows into Upper Klamath Lake. The agreement provides crucial economic certainty to small business in the basin who sell equipment to farmers growing the crops, certainty for the cattle ranchers who manage their herds, certainty for the tribes who want to pursue promising opportunities in forestry, like biomass and other economic development.

The Klamath Basin Water Recovery and Economic Restoration Act of 2014 authorizes these historic agreements and paves the way for the restoration work needed to achieve their goals. In so doing, it sets out a new cooperative management plan that the Bureau of Reclamation will administer. For the first time, the Klamath Reclamation Project will include fish, wildlife, and National Wildlife Refuges as authorized purposes for the project. This will allow water managers to increase in-stream flows and lake levels. Private landowners and others will undertake permanent protections for riparian areas and other enhancements that will help restore hundreds of miles of fish habitat. Fish biologists estimate that these efforts will boost annual production of adult Chinook salmon by 80 percent. Additional water and flexible releases for the National Wildlife refuges means greater numbers of migratory waterfowl, non-game water birds, wintering bald eagles, and other sensitive species.

Achieving these benefits for fish and wildlife correspond to economic benefits to the basin. The restoration efforts will also produce jobs. The Department of the Interior calculates that more than 4,000 farming, ranching, commercial and recreational fishing, construction, and other jobs will be created or preserved. The water management plan provides for more predictable water for farmers and ranchers to ensure irrigated agriculture continues in the basin. A drought management plan assists in navigating the challenges created by drought and climate change in the basin. To deal with the escalating electric costs faced by irrigators, the bill lays out a path to affordable power including renewable energy development. There are also economic benefits to tribes, beyond what a water right alone can achieve. The legislation sets up an economic development fund for the Klamath Tribes so they can create tribal jobs while sustainably managing their natural resources. By modifying some parties' interests for the greater good, the basin can move beyond years of polarizing debate and create a stable future from which to plan and prosper.

These historic agreements didn't happen by osmosis. They represent years of hard work among parties who have stood up to incredible pressures and made very real sacrifices to better their communities and the associations they represent. I have thanked many parties for their dedication over the course of these agreements and want to again express my deepest thanks to the members of the task force and those who went before them to tee up the work for Congress. With this bill, it is now time for Congress to step up and deliver on this package of agreements. The spirit of compromise on these thorny water issues has a message for

not just Congress, but provides an example of how other vexing water situations across the Nation can sit down to work out their differences.

By Mr. BOOKER:

S. 2380. A bill to amend title 49, United States Code, to improve the national freight policy of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BOOKER. Mr. President, I rise today to introduce the Freight Priorities Act, which takes an all-of-the-above approach to addressing our Nation's freight needs. We must improve the movement of freight and strengthen our economic competitiveness by examining a comprehensive, multimodal, national network that includes not just our major highways, but our rail, seaports, local roads and intermodal facilities. This bill would authorize the Department of Transportation to broaden our approach to freight policy, set goals for reducing air pollution, and creates a pilot program to study the disproportionate impacts on urban communities that can be caused by the movement of freight.

In 2011, 17.6 billion tons of goods were transported throughout the United States, valued at more than \$16.8 trillion. The Federal Highway Administration estimates there will be a 60 percent increase of freight being moved over the next 30 years.

In New Jersey, hundreds of millions of tons of freight are annually shipped through our ports, by rail, and highways. The port of New York and New Jersey, as of 2012, supported over 296,000 jobs and 28.9 billion in business income. This major economic engine drives New Jersey's economy and boosts U.S. economic competitiveness. However, too often, our lack of investment and our limited focus on the highway network causes our freight to get stuck in congested, heavily trafficked urban areas. Extended truck, rail and ship idling negatively impacts the health and air quality of local urban communities. With a slight adjustment of our priorities and a strong national commitment to investing in our infrastructure, we can dramatically reduce congestion, improve the health of American communities, make sure goods get where they need to go faster and cheaper, strengthen our economy and create jobs.

The Freight Priorities Act sets goals for increasing efficiencies. It outlines goals to reduce air pollution and congestion, and requires the inclusion of port authorities in freight infrastructure investment decisions. The bill requires DOT to meet performance measures for all modes of freight movement, and establishes a pilot program that will help find ways to reduce the impact on local communities and help create access to jobs at ports and other multimodal facilities.

By refocusing our priorities, we will ensure that the smartest, most-cost effective projects secure funding. In New Jersey this could mean investing in the Raritan intermodal hub project in Essex, Union and Middlesex counties, which would create a direct connection for freight cars to access the port of New York and New Jersey. The project would relieve congestion on the roads and shift freight off of Amtrak's passenger lines. This bill would also prioritize investments that reduce air pollution, such as shore power technology at the port of Newark, which would help reduce emissions by allowing major cargo vessels to plug into the electric grid while at port.

Rather than finding ways to merely skate by on the limited infrastructure funds we have each year, the conversation we should be having in Congress is how we can dramatically increase investments in our infrastructure and improve the safety and functionality of our entire network that transports both people and goods. This bill is a strong step in that direction. I urge my colleagues to join me in supporting this important piece of legislation, and look forward to working with my colleagues on the Senate Commerce Committee to carry these priorities as we draft our portion of the Surface Transportation Reauthorization bill.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 453—CON-DEMNING THE DEATH SENTENCE AGAINST MERIAM YAHIA IBRAHIM ISHAG, A SUDANESE CHRISTIAN WOMAN ACCUSED OF APOSTASY

Mr. RUBIO (for himself, Mr. COONS, Mr. MENENDEZ, Mr. INHOFE, Mrs. FISCHER, Mr. CRUZ, Mr. MCCAIN, Mr. VITTER, Mr. MORAN, Mrs. SHAHEEN, Mr. BOOZMAN, Ms. AYOTTE, Mr. DURBIN, Mr. ROBERTS, Mr. JOHNSON of Wisconsin, Mr. ISAKSON, Mr. BURR, Ms. MIKULSKI, and Mr. COBURN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 453

Whereas, on May 15, 2014, a Sudanese court affirmed a sentence of death by hanging for 27-year old Meriam Yahia Ibrahim Ishag, a Christian woman accused of apostasy for refusing to recant her Christian faith, and ordered her to receive 100 lashes for adultery because under Sudan's Shari'ah law such inter-religious marriages are illegal;

Whereas Ibrahim is eight months pregnant and being held in the Omdurman Federal Women's Prison with her 20-month old son;

Whereas the Department of State has designated Sudan as a "Country of Particular Concern" under the International Religious Freedom Act of 1998 (Public Law 105-292) based on the government's systematic, ongoing, and egregious violations of religious freedom since 1999;

Whereas the Sudanese 1991 Criminal Code allows for death sentences for apostasy,

stoning for adultery, cross-amputations for theft, prison sentences for blasphemy, and floggings for undefined acts of "indecentcy";

Whereas, according to the United States Commission on International Religious Freedom (USCIRF), the Government of Sudan, led by President Omar Hassan al-Bashir, continues to engage in systematic, ongoing, and egregious violations of religious freedom or belief, imposes a restrictive interpretation of Shari'ah law on Muslims and non-Muslims alike and, along with other National Congress Party leaders, President al-Bashir has stated that Sudan's new constitution, when drafted, will be based on its interpretation of Shari'ah;

Whereas, according to USCIRF, since South Sudan's independence from Sudan in 2011, the number and severity of harsh Shari'ah-based judicial decisions in Sudan has increased, including sentences of amputation for theft and sentences of stoning for adultery;

Whereas the United States Government has designated Sudan as a State Sponsor of Terrorism since August 12, 1993, for repeatedly providing support for acts of international terrorism;

Whereas the Sudanese 2005 Interim Constitution states that "[t]he State shall respect the religious rights to (a) worship or assemble in connection with any religion or belief";

Whereas the International Covenant on Civil and Political Rights, which the Government of Sudan has acceded, provides that "everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others, and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.";

Whereas the Pew Research Center's Forum on Religion & Public Life found that, as of 2011, 10 percent of the 198 countries surveyed had apostasy laws which can, and have been, used to punish both Muslims and non-Muslims in countries such as Afghanistan, Pakistan, Morocco, and Sudan; and

Whereas people have the right to practice their faith without fear of death or persecution: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the charge of apostasy and death sentence of Meriam Yahia Ibrahim Ishag and calls for immediate and unconditional release of her and her son;

(2) encourages efforts by the United States Government to support religious freedom within Sudan, including by requiring, before normalizing relations or lifting sanctions under the International Religious Freedom Act of 1998 (Public Law 105-292) and the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), that the Government of Sudan abide by international standards of freedom of religion or belief;

(3) urges the Government of Sudan to ensure that, when drafting the country's new constitution, the process is transparent and inclusive of civil society leaders and representatives of all major political parties, to ensure that the new constitution includes protections for freedom of religion or belief, respect for international human rights commitments, and recognition of Sudan as a multireligious, multiethnic, and multicultural nation;

(4) recognizes that every individual regardless of religion should have the opportunity to practice his or her religion without fear of discrimination;

(5) reaffirms the commitment of the United States Government to end religious discrimination and to pursue policies that guarantee the basic human rights of all individuals worldwide; and

(6) encourages the Department of State and the United States Agency for International Development to continue their support for initiatives worldwide that support religious freedom.

##### SENATE RESOLUTION 454—RECOGNIZING THAT CARDIOVASCULAR DISEASE CONTINUES TO BE AN OVERWHELMING THREAT TO WOMEN'S HEALTH AND THE IMPORTANCE OF PROVIDING BASIC, PREVENTIVE HEART SCREENINGS TO WOMEN WHEREVER THEY SEEK PRIMARY CARE

Ms. MURKOWSKI (for herself, Ms. MIKULSKI, Ms. WARREN, and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 454

Whereas heart disease remains the leading cause of death for women in the United States, causing 1 in 4 female deaths and more female deaths than all forms of cancer combined;

Whereas since 1984, the number of women who have died from heart disease exceeds the number of men who have died from heart disease;

Whereas the rate of cardiovascular death is increasing by 1 percent each year among women ages 35 to 44;

Whereas heart disease claims the lives of nearly 422,000 women each year;

Whereas almost half of African American women have some form of cardiovascular disease, and African American women are more likely to die from heart disease than white women;

Whereas heart disease and stroke account for \$312,600,000,000 in health care expenditures and lost productivity annually;

Whereas only 54 percent of women recognize that heart disease is the leading cause of death for women, and almost 2/3 of women who unexpectedly die of heart disease have no previous symptoms of disease;

Whereas many women, especially younger women, may not be aware of their risk for heart disease because they have never gotten a basic, preventive heart screening and have no symptoms;

Whereas studies show that nearly 1 in 5 women rely solely on their obstetrician and gynecologist ("OB/GYN") for primary care, yet only 35 percent of women recall having even discussed heart disease with their OB/GYN;

Whereas early identification of cardiovascular disease risk factors such as high blood pressure, smoking, excessive weight and obesity, high cholesterol, and diabetes allows for more effective intervention and treatment, and can dramatically lower a woman's overall risk of heart disease and heart attack;

Whereas the burden of women's heart disease can be reduced in the United States by encouraging primary care providers to offer women basic, preventative heart disease screenings;

Whereas experts recommend and encourage that a basic, preventive heart screening be a routine part of a woman's visit to a primary care practitioner; and



Whereas once women understand their risk, they still need follow-up information, support, and incentives to maintain cardiovascular health and make the most informed decisions: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that, despite improved education and awareness, heart disease remains the number 1 killer of women in the United States;

(2) recognizes the importance of making basic, preventive cardiovascular screening available for women as recommended, so that all women can know the risks they face and what can be done to reduce them;

(3) recognizes that basic, preventive heart disease screenings are recommended to be a routine part of women's health care; and

(4) commits to improving the heart health of all women, tearing down the barriers that prevent women from getting screened for heart disease, ensuring women are provided with personalized lifestyle modification recommendations and support, and ensuring every woman has a healthy heart.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 21, 2014, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 21, 2014, at 2:30 p.m. in room SR-253 of the Russell Senate Office Building to conduct a hearing entitled "Delivering Better Health Care Value to Customers: the First Three Years of the Medical Loss Ratio".

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 21, 2014, at 2 p.m. in room SD-215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 21, 2014, at 10 a.m., to hold a hearing entitled "Authorization For Use of Military Force After Iraq And Afghanistan."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Com-

mittee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 21, 2014, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 21, 2014, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled "Indian Education Series: Ensuring the Bureau of Indian Education has the Tools Necessary to Improve."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 21, 2014, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight of the Federal Bureau of Investigation."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON AFRICAN AFFAIRS AND SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 21, 2014, at 2:15 p.m., to hold an African Affairs and East Asian and Pacific Affairs subcommittee hearing entitled, "The Escalating International Wildlife Trafficking Crisis: Ecological, Economic and National Security Issues."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON PERSONNEL

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on May 21, 2014, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON SOCIAL SECURITY, PENSIONS, AND FAMILY POLICY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Social Security, Pensions, and Family Policy of the Committee on Finance be authorized to meet during the session of the Senate on May 21, 2014, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Strengthening Social Security to Meet the Needs of Tomorrow's Retirees."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RELIABLE HOME HEATING ACT

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 379.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2086) to address current emergency shortages of propane and other home heating fuels and to provide greater flexibility and information for Governors to address such emergencies in the future.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science & Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Reliable Home Heating Act".*

##### SEC. 2. AUTHORITY TO EXTEND EMERGENCY DECLARATIONS FOR PURPOSES OF TEMPORARILY EXEMPTING MOTOR CARRIERS PROVIDING EMERGENCY RELIEF FROM CERTAIN SAFETY REGULATIONS.

(a) *DEFINED TERM.*—In this Act, the term "residential heating fuel" includes—

- (1) heating oil;
- (2) natural gas; and
- (3) propane.

(b) *AUTHORIZATION.*—If the Governor of a State declares a state of emergency caused by a shortage of residential heating fuel and, at the conclusion of the initial 30-day emergency period (or a second 30-day emergency period authorized under this subsection), the Governor determines that the emergency shortage has not ended, any extension of such state of emergency by the Governor, up to 2 additional 30-day periods, shall be recognized by the Federal Motor Carrier Safety Administration as a period during which parts 390 through 399 of chapter III of title 49, Code of Federal Regulations, shall not apply to any motor carrier or driver operating a commercial motor vehicle to provide residential heating fuel in the geographic area so designated as under a state of emergency.

(c) *RULEMAKING.*—The Secretary of Transportation shall amend section 390.23(a)(1)(ii) of title 49, Code of Federal Regulations, to conform to the provision set forth in subsection (b).

(d) *SAVINGS PROVISION.*—Nothing in this section may be construed to modify the authority granted to the Federal Motor Carrier Safety Administration's Field Administrator under section 390.23(a) of title 49, Code of Federal Regulations, to offer temporary exemptions from parts 390 through 399 of such title.

##### SEC. 3. ENERGY INFORMATION ADMINISTRATION NOTIFICATION REQUIREMENT.

*The Administrator of the Energy Information Administration, using data compiled from the Administration's Weekly Petroleum Status Reports, shall notify the Governor of each State in a Petroleum Administration for Defense District if the inventory of residential heating fuel within such district has been below the most recent 5-year average for more than 3 consecutive weeks.*

##### SEC. 4. REVIEW.

*Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a study of, and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report on the impacts of safety from the extensions issued by*



Governors according to this Act. In conducting the study, the Secretary shall review, at a minimum—

(1) the safety implications of extending exemptions; and

(2) a review of the exemption process to ensure clarity and efficiency during emergencies.

Mr. REID. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be considered made and laid upon the table, and there be no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following items, which are post office-naming bills: Calendar Nos. 385, 386, 387, 388, and 389, and that we do those en bloc.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent the bills be read a third time and passed and the motions to reconsider be laid upon the table, with no intervening action or debate on any one of the five.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL PARK RANGER MARGARET ANDERSON POST OFFICE

The bill (H.R. 1036) to designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the "National Park Ranger Margaret Anderson Post Office," was ordered to a third reading, was read the third time, and passed.

#### CORPORAL JUSTIN D. ROSS POST OFFICE BUILDING

The bill (H.R. 1228) to designate the facility of the United States Postal Service located at 123 South 9th Street in De Pere, Wisconsin, as the "Corporal Justin D. Ross Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### STAFF SERGEANT NICHOLAS J. REID POST OFFICE BUILDING

The bill (H.R. 1451) to designate the facility of the United States Postal Service located at 14 Main Street in Brockport, New York, as the "Staff Sergeant Nicholas J. Reid Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### LANCE CORPORAL PHILLIP VINNEDGE POST OFFICE

The bill (H.R. 2391) to designate the facility of the United States Postal Service located at 5323 Highway N in Cottleville, Missouri, as the "Lance Corporal Phillip Vinnedge Post Office," was ordered to a third reading, was read the third time, and passed.

#### SERGEANT WILLIAM MOODY POST OFFICE BUILDING

The bill (H.R. 3060) to designate the facility of the United States Postal Service located at 232 Southwest Johnson Avenue in Burleson, Texas, as the "Sergeant William Moody Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### EXPRESSING GRATITUDE AND APPRECIATION TO MEMBERS OF THE UNITED STATES ARMED FORCES AT NORMANDY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 381, S. Res. 421.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 421) expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and commending them for leadership and valor in an operation that helped bring an end to World War II.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 421) was agreed to.

The preamble was agreed to.  
(The resolution, with its preamble, is printed in the RECORD of April 10, 2014, under "Submitted Resolutions.")

#### NATIONAL CANCER RESEARCH MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 445 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 445) recognizing the importance of cancer research and the contributions of scientists, clinicians, and patient advocates across the United States who are dedicated to finding a cure for cancer, and designating May 2014 as "National Cancer Research Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 445) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of May 14, 2014, under "Submitted Resolutions.")

#### RECOGNIZING THE THREAT OF CARDIOVASCULAR DISEASE TO WOMEN'S HEALTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 454.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 454) recognizing that cardiovascular disease continues to be an overwhelming threat to women's health and the importance of providing basic preventive heart screenings to women wherever they seek primary care.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 454) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### ORDERS FOR THURSDAY, MAY 22, 2014

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, May 22, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate will be in a period of morning business until 1:45 p.m., with the time equally divided and

controlled between the two leaders or their designees, with the majority controlling the first 30 minutes, the Republicans controlling the second 30 minutes, and the final 10 minutes equally divided and controlled between Senators LEAHY and PAUL or their designees, with Senator LEAHY controlling the final 5 minutes; and that at 1:45 p.m. the Senate vote on confirmation of the Barron nomination, with all other provisions of previous order remaining in effect; further, that upon disposition of the Barron nomination, the Senate resume legislative session, and pursuant to the previous order, the Chair lay before the Senate the message with respect to the conference report to accompany H.R. 3080; that there be 2 minutes of debate equally divided and controlled in the usual form prior to the adoption of the conference report, with all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, there will be two rollcall votes at 1:45 p.m. tomorrow.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Thursday, May 22, 2014, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

ARMANDO ORMAR BONILLA, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE EDWARD J. DAMICH, TERM EXPIRED.

PATRICIA M. MCCARTHY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE EMILY CLARK HEWITT, RETIRED.

JERI KAYLENE SOMERS, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE GEORGE W. MILLER, RETIRED.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be major general*

BRIGADIER GENERAL DANIEL R. AMMERMAN  
BRIGADIER GENERAL SCOTTIE D. CARPENTER  
BRIGADIER GENERAL PHILLIP M. CHURN, SR.  
BRIGADIER GENERAL ALLAN W. ELLIOTT  
BRIGADIER GENERAL A.CJR. ROPER  
BRIGADIER GENERAL TRACY A. THOMPSON

##### *To be brigadier general*

COLONEL SANDRA L. ALVEY

COLONEL JAMES A. BLANKENHORN  
COLONEL DAVID E. ELWELL  
COLONEL STEVEN T. EVEKER  
COLONEL CARLTON FISHER, JR.  
COLONEL LEEA J. GRAY  
COLONEL DARRELL J. GUTHRIE  
COLONEL MARY-KATE LEAHY  
COLONEL FREDERICK R. MAIOCCO, JR.  
COLONEL JONATHAN J. MCCOLUMN  
COLONEL GREGORY J. MOSSER  
COLONEL BARBARA L. OWENS  
COLONEL JOE D. ROBINSON  
COLONEL ALBERTO C. ROSENDE  
COLONEL RICHARD C. STAATS  
COLONEL CHRISTOPHER W. STOCKEL  
COLONEL KELLY E. WAKEFIELD  
COLONEL JASON L. WALRATH  
COLONEL DONNA R. WILLIAMS

#### CONFIRMATIONS

Executive nominations confirmed by the Senate May 21, 2014:

##### DEPARTMENT OF JUSTICE

DAMON PAUL MARTINEZ, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS.

##### FEDERAL RESERVE SYSTEM

STANLEY FISCHER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2006.

##### PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

ELISEBETH COLLINS COOK, OF VIRGINIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2020.

##### DEPARTMENT OF JUSTICE

DEIRDRE M. DALY, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS.

JAMES WALTER FRAZER GREEN, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

## HOUSE OF REPRESENTATIVES—Wednesday, May 21, 2014

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. JOLLY).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 21, 2014.

I hereby appoint the Honorable DAVID W. JOLLY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2014, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

### CELEBRATING MEMORIAL DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFazio) for 5 minutes.

Mr. DEFazio. Mr. Speaker, next Monday is Memorial Day, one of the most solemn holidays in America. We remember those who gave their lives in ultimate sacrifice to our country, those who were wounded, those who are veterans, and those who are still serving our country in dangerous occupations around the world to defend our freedoms.

This is a day that should be solemnly celebrated, and it will be in many places. It could be better solemnly celebrated if the United States Congress would exert a little more oversight and get a little more funding to the VA, so that we don't have veterans dying on waiting lists. We have got to get to the bottom of that scandal, and we have got to adequately fund that agency and give them permanent funding.

Beyond that, there is another group in America who have a very special Memorial Day celebration every year, and that is the United States oil industry. They are, of course, very patriotic.

They don't pay much in taxes in the U.S. They have over \$100 billion stashed overseas because they don't want to pay U.S. taxes, even though they pay a higher rate many places overseas.

They are very patriotic, and so every year, they have a special celebration where they run up the price.

Now, the oil companies and their handmaidens on the Republican side of the aisle will say: It is all about shortage. All we need is to drill in sensitive areas offshore. All we need to do is build the XL pipeline, and your prices will come down.

Well, that is pretty amazing except, of course, it is a huge lie. Today, the United States of America will export more than 450,000 barrels of gasoline, while they are running the price up on Americans, saying: Hey, don't you know there is a shortage?

Funny thing, I haven't seen any little red flags or yellow flags like they used to have at gas stations saying they have got no gas. No, they have got gas, but they have got it at an exorbitant price, so this is the annual celebration.

Now, ExxonMobil, last year, they were hurting. They only made \$32.6 billion. Their last CEO, when he retired, they gave him a \$500 million bonus. They are hurting. He went out and bought oil fields with it in Africa. That is pretty cute.

There is a shortage, and that is why you are paying over four bucks a gallon in many places, particularly in my district and in the Western United States, over four bucks a gallon because of this extraordinary shortage.

So here we are, it is Memorial Day. Wouldn't it be nice if we reined in the oil companies? Wouldn't it be nice if we stopped subsidizing them with tax breaks?

Well, not on the Republican side of the aisle, they think that is patriotic to subsidize the oil companies' tax rates because they need them because there is a shortage. Well, no, there isn't a shortage, but, hey, they still need and want those tax breaks, and they want to price gouge people at the pump.

So I, for one, will celebrate Memorial Day appropriately, remembering those who have served our country, but for one Member of Congress, I would like to do something about what is going on with oil and gas prices.

I would like to take away their subsidies. I would like to get the speculators on Wall Street out of the oil and

gas business. They are driving up the price.

Even according to ExxonMobil, 75 cents a gallon you pay at the pump today, 75 cents of that dollar—\$4—that is going to Wall Street speculators, something that didn't use be to be allowed and a bill that I voted against which deregulated that commodities markets, which was supposed to be re-regulated under Dodd-Frank, but the Republicans are opposing any and every effort to re-regulate the commodities market.

Unfortunately, there are few on my side of the aisle who are in the pockets of the oil industry, too, so we could do better. We could do better for our veterans, and we could do better for the American consumers. Let's do it.

### RECOGNIZING CHANCELLOR MARK A. NORDENBERG, UNIVERSITY OF PITTSBURGH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today, I rise to recognize Mark A. Nordenberg, chancellor of the University of Pittsburgh, which includes regional campuses in the Pennsylvania Fifth Congressional District, in Bradford, McKean County, Pennsylvania, and Titusville, Crawford County, Pennsylvania.

This August, Chancellor Nordenberg will step down after 19 years as chancellor, but will remain at the university that he has served for over 37 years.

During Chancellor Nordenberg's tenure, the university experienced tremendous growth. Annual applications for admission climbed from 7,825 to 27,626. Overall enrollments have steadily increased. Average SAT scores for incoming students are now 185 points higher, and the university continues to expand and to modernize.

Today, the University of Pittsburgh is ranked nationally and competing for the best students in the region, the country, and the world.

Chancellor Nordenberg joined the faculty of Pitt's School of Law in 1977, eventually serving as dean and interim provost of the university. In 1995, he was elected interim chancellor by the university's board of trustees, and in 1996, he was elected chancellor.

Through Chancellor Nordenberg's vision and leadership, the University of Pittsburgh now has an outstanding

foundation for success which will last for years to come.

Tomorrow, Chancellor Nordenberg will receive Pitt-Bradford's highest honor, the Presidential Medal of Distinction, which recognizes individuals who have demonstrated outstanding long-term service to the university.

It is my honor to join Dr. Alexander, president of Pitt-Bradford, and the entire University of Pittsburgh team, in offering my congratulations on receiving this important distinction.

Mr. Speaker, we thank Chancellor Nordenberg for his commitment to educational excellence, for his drive and passion to build the University of Pittsburgh into a renowned institution of higher learning.

#### FREE AMIR HEKMATI

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. KILDEE) for 5 minutes.

Mr. KILDEE. Mr. Speaker, this week, I and many others were in Lafayette Park joining the family of Amir Hekmati, my constituent, to commemorate a very sad anniversary.

For 1,000 days, Amir Hekmati, a young man born in the United States, grew up in my hometown of Flint, Michigan. His parents emigrated to the United States long before Amir was born, in the late 1970s, from Iran. Amir Hekmati has been sitting in a prison—in Evin Prison in Tehran, for 1,000 days.

He traveled to Iran for the first time in August of 2011 because, like many other young men and young women, he wanted to explore his own roots. He had served in the United States Marine Corps, came home; and, before enrolling in school, he wanted to go visit family that he had never met and, in fact, wanted to meet his grandmother whom he had never seen before.

He was there for about 2 weeks before he was arrested. For months, nobody knew where he was, and then soon it was revealed that he had been arrested, tried, and convicted of espionage. Because he was an American who had served in the Marine Corps, he was convicted of espionage.

That death sentence that was initially executed on him was set aside, and that death sentence was suspended. Apparently, there had been a new trial, and he is now, according to a New York Times report, serving a 10-year sentence.

This is a young man who simply went to visit his family, traveled with permission, in a transparent fashion, and is now caught up in the geopolitical struggle as Iran, apparently, seeks to rejoin the international community.

One thousand days in prison—holidays have passed; we experience every one of these days, the changing of seasons. For all of us, we take these moments, these passages for granted.

For Amir Hekmati, every day is the same. Every day, he is in a cell, for many, many months, in a 3 by 3 cell, unable to even sit down for all but 10 minutes of every day.

If Iran truly seeks to rejoin the international community—of course, there are the P5+1 negotiations taking place right now. If Iran seeks to join the global community, and if this Congress is to take any agreement that might be struck seriously, Iran must now free Amir Hekmati. If they expect to be taken seriously, they cannot hold political prisoners.

Now, for most of us, we don't think there is much that we can do about this, but I think every American citizen, every Member of Congress—especially those who have joined me in a bipartisan fashion in calling upon Iran to release Amir Hekmati—can do something. We all can.

For those of you that use Twitter, #FreeAmir. Believe me, it sends a message. It sends a message across the globe. It sends a message to the Iranian people, to the Iranian Government. It sends a message to the friends and the family of Amir Hekmati that our country stands with him.

During those 1,000 days, Amir Hekmati's father has fallen ill. He has brain cancer. It is time, even if for just humanitarian purposes, it is time, long past time, for Iran to do what is right and to release Amir Hekmati, so he can come home and be with his family.

#### SUPPORT OUR AIR NATIONAL GUARD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, today's congressional business is to deal with the defense authorization legislation. This is a critical bill, a real opportunity to balance our needs for a strong defense and care for our men and women in uniform, with the hard budget realities and unsustainable trend lines that we are seeing across the budget categories.

But because we are ducking the hard tradeoffs in this Defense Authorization, tradeoffs that at least the administration—to its credit—and the Pentagon laid before Congress with their recommendations. We are going to have to resort to an amendment process on the floor to use these areas of opportunity to make longer-term savings and to use part of that money to address key priorities that are short-changed.

□ 1015

Now, I have an amendment that would help support our Air National Guard. The Guard and Ready Reserves are a cost-effective way to provide support for our military establishments.

They have proven their worth time and time again overseas, like in Iraq and Afghanistan, and here at home as they help us deal with natural disasters.

The Air National Guard also operates a fleet of 130 F-15 fighter jets in installations across America, but more than half these planes rely on an outmoded, limited radar technology from the 1970s. That means that for many of our pilots, their radar is older than they are. It went out of production in 1986. It limits their capacity, and it breaks down more frequently. It is less reliable. That is why my amendment will actually save money over the next 10 years.

Soon we will be voting on whether or not we will do the right thing to support this vital work of the Air National Guard. Now, during the debate last night, the opponents couldn't argue against the wisdom of making the Air Guard more effective by upgrading this outmoded radar technology that is unreliable and limits their capacity. In fact, they admitted that the little bit that the budget will do to upgrade some of them actually was helpful. They had no good reason to continue to shortchange the Guard.

Instead, during the debate, they tried to make this modest proposal into a larger debate about the one-half to two-thirds of \$1 trillion we will be spending over the next 10 years for our whole nuclear weapons program. Now, that is a debate I will welcome on the floor of the House.

In fact, I have legislation that would save \$100 billion over the next 10 years and would start us on a much different path to rein in the bloated, expensive, unnecessary, and redundant nuclear deterrent that is many times more than we can afford or that we need. How many times do we have to completely destroy a country from how many different platforms in order to meet our objective of deterrence? We are spending more in inflation-adjusted terms than we spent at the height of the cold war with the Soviet Union. Not only is the program more than we need, but the costs are out of control.

I am pleased that later today we will debate an amendment that the Rules Committee made in order to make last year's Congressional Budget Office report on the reliability of the weapons costs an annual event. That is important because the first report that was issued in December showed that there is a \$150 billion underestimation from the administration's current program projections, and that is before the committee added more money and changed the timelines.

By all means, let's have that debate on the floor of the House, on how many of these weapons we need. We have never used these weapons in 69 years and are too expensive and actually, in and of themselves, are dangerous. Let's have the debate sooner rather than

later so that we can set our priorities. In the meantime, let's not confuse the tiny reallocation under my amendment with a larger question that is 1,000 times greater.

What it does show is that the money is there to help the Air Guard do their job right. It would be a shame if we let them down and did not approve the Blumenauer amendment.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 18 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

We pause now in Your presence and acknowledge our dependence on You.

We ask Your blessing upon the men and women of this, the people's House. Keep them aware of Your presence as they face the tasks of this day, that no burden be too heavy, no duty too difficult, and no work too wearisome.

Help them and, indeed, help us all to obey Your law, to do Your will, and to walk in Your way. Grant that they might be good in thought, gracious in word, generous in deed, and great in spirit.

Make this a glorious day in which all are glad to be alive, eager to work, and ready to serve You, our great Nation, and all our fellow brothers and sisters.

May all that is done this day be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Arizona (Mrs. KIRKPATRICK) come forward and lead the House in the Pledge of Allegiance.

Mrs. KIRKPATRICK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

#### NATIONAL DEFENSE AUTHORIZATION ACT

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute.)

Mr. WILLIAMS. Mr. Speaker, as we approach Memorial Day to honor and remember the fallen heroes who paid the ultimate price while serving in the Armed Forces, it is vital for Congress to ensure appropriate funding for our troops.

With crises around the world and constant threats to our national defense, we ask a lot of those who wear the uniform. They shouldn't have to ask for anything in return.

In November 2009, an Islamic extremist opened fire on troops at Fort Hood, killing 14 and injuring dozens of others. The victims and survivors have been denied the benefits and honors granted to injured troops in combat zones because the President considers the massacre workplace violence, rather than a terrorist attack.

Nobody in America, but this administration, believes this was workplace violence. The men and women dressed in Army fatigues that day were targets simply because they were American soldiers.

H.R. 4435, the National Defense Authorization Act, brings the victims of the Fort Hood shooting one step closer to receiving the Purple Heart medal, giving them the benefits they earned and the recognition they deserve.

They were victims of terrorism, and it is time for them to be recognized as such. I urge every Member to vote in favor of our troops. Vote for H.R. 4435.

In God we trust.

#### EXTEND UNEMPLOYMENT BENEFITS

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, it is just wrong. It is wrong that we have 2.8 million hardworking Americans who have lost their jobs and are looking every day for their next job.

They stand to lose everything that they have worked for, and this Congress has within its power the ability to act to save them from losing decades of hard work, losing their house, losing their car, losing the roof over their head; but this Congress fails to bring up a bill that has passed the Senate,

that the President would sign, that would extend unemployment benefits to 2.8 million Americans who work hard every day.

There is one reason that this Congress has failed to act, and it is because the Speaker and the Republican leadership will not bring this bill to the floor.

This bill would not increase the deficit. It is paid for, but it would end the misery and the suffering of so many hardworking people who get up every day, wondering if today is the day that the foreclosure notice will come, if today is the day that the car will be repossessed.

We are all Americans. We have always stood together. We have always helped one another when times are tough. For 2.8 million people, times are tough.

Congress needs to act. I call on this House to bring up H.R. 4415. Let's do this now.

#### REVITALIZING THE CITY OF MORAINE, OHIO

(Mr. TURNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TURNER. Mr. Speaker, in 2008, during the depths of the recession, a former General Motors plant closed in the city of Moraine, Ohio. The plant was set for demolition, which would have ended any hope of jobs returning to the site.

Moraine Mayor Elaine Allison, City Manager David Hicks, and Economic Director Michael Davis all worked very diligently to preserve this resource and make certain this plant was not a parking lot. Their tireless efforts paid off.

Last Thursday, the city of Moraine officially welcomed Fuyao, a thriving auto parts manufacturer, back to the former GM facility, creating hundreds of new jobs throughout the region.

I want to congratulate the mayor, city council and city manager and economic director of Moraine for this great accomplishment and teamwork. They rallied the community behind this resource.

Congratulations to the leadership in Moraine. It was great working with you on this project.

#### ACCOUNTABILITY IS NEEDED IN THE DEPARTMENT OF VETERANS AFFAIRS

(Mrs. KIRKPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIRKPATRICK. Mr. Speaker, I rise today to talk about the need for accountability and action in the Department of Veterans Affairs. I urge my colleagues to sign on to a letter I

have written the Secretary that follows up my call on May 6 for a nationwide audit of all veteran medical facilities.

While the VA has stated that an audit is currently under way, I am very concerned about testimony in last week's Senate Veterans Affairs hearing. In that hearing, it was suggested that the audit under way may not be as thorough and comprehensive as what I called for.

I do not believe that a thorough, in-depth examination of patient scheduling in every VA facility can be accomplished in just a few weeks.

Mr. Speaker, if we are dealing with a serious, systemic problem, then this audit is critical. We need a thorough and comprehensive review of scheduling practices at every VA medical facility. Anything less would be a disservice to our veterans who deserve a health care system they can trust.

#### CONGRATULATING THE RUN NOW RELAY TEAM OF CLEVELAND, TENNESSEE

(Mr. DESJARLAIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DESJARLAIS. Mr. Speaker, I rise today to congratulate the Run Now Relay team of Cleveland, Tennessee. Run Now Relay ran more than 1,000 miles—from Cleveland to Boston—to support and raise money for the victims of the Boston bombings.

These extraordinary men and women ran nonstop through eight States in just over a week. Together, they surpassed their goal of \$50,000, raising more than \$63,000 for those impacted by the tragedy in Boston last year.

The Run Now Relay team pledged 100 percent of the funds to the One Step Ahead Foundation, which aids the children who underwent amputation because of the bombing; and Dream Big, a nonprofit dedicated to helping underprivileged girls through sports.

The team stopped in Washington last week, and my office had the pleasure of meeting with these remarkable folks. Thank you for sharing your mission with us.

Run Now Relay truly exemplifies the great volunteer tradition that defines the State of Tennessee, and I commend the group on their spirit and commitment to honor the victims of the Boston bombings.

They certainly illustrate the best of our great country. We are one Nation.

#### EXTEND UNEMPLOYMENT BENEFITS

(Mr. HORSFORD asked and was given permission to address the House for 1 minute.)

Mr. HORSFORD. Mr. Speaker, I come to the floor today to remind my Repub-

lican colleagues that there are over 2.8 million Americans who have been cut off from unemployment insurance benefits since December 28, 2013.

We are back here in session for 2 weeks, the Senate has worked and passed a measure to renew unemployment insurance, yet Speaker BOEHNER refuses to bring up a bill.

Why, Mr. Speaker?

One of those 2.8 million Americans is Mitch from Nevada. He is 55 and lost his job of 8 years in March of 2013. Since his unemployment insurance ended, he has sold many of his belongings just to stay in his house and to feed his family.

Mitch is a Republican, but more importantly, he is an American, and he is pleading for congressional leaders to not turn their backs on him.

For all struggling Nevadans, I want you to know that we have not forgotten about you.

Mr. Speaker, schedule a vote to extend unemployment insurance benefits to the 2.8 million Americans, the 37,000 Nevadans.

My time may have expired, but it is more important that the unemployment insurance benefits that has expired be extended.

#### IMPRISONMENT OF SONIA GARRO

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to speak out for Sonia Garro, a member of the pro-democracy group, Las Damas de Blanco—the Ladies in White—who has languished in one of Castro's prisons for over 2 years.

Her case is one of many that demonstrates the dismal condition of human rights under the Castro tyranny in my native homeland of Cuba.

In 2012, Sonia and the Ladies in White sought an audience with the Pope, but, unfortunately, were imprisoned in the wave of repression leading up to the visit of His Holiness.

I, along with many of our congressional colleagues, have asked Amnesty International to designate Sonia as a prisoner of conscience. The Castros cannot tolerate dissent and use violence to silence calls for democracy by beating and imprisoning dissenting voices.

The Cuban people are courageous, Mr. Speaker, and they will continue to fight for liberty, for human rights; and we must help them in their struggle for freedom.

#### 21ST CENTURY BUY AMERICA ACT

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, tomorrow, I will introduce the 21st Century

Buy America Act with Senator CHRIS MURPHY, to modernize decades-old Buy American standards and help create new manufacturing jobs in the United States.

Congress should make sure that American taxpayer dollars are used to buy goods manufactured here at home, not overseas, whenever we can.

Our bill will strengthen existing Buy America standards and make a number of important changes to support our domestic manufacturing base. For example, it will make manufacturers of items in short supply here at home eligible for resources to help them compete against foreign manufacturers for U.S. government contracts.

In addition, this bill increases transparency requirements for agencies that provide waivers, and it increases the domestic content percentage requirement so that, to qualify as American-made, you have to prove that a majority of the materials are actually made right here in America.

Most importantly, this legislation will help grow our manufacturing sector and create new jobs by providing an increased demand for American-made products by the Federal Government.

It is time to bring manufacturing back to America and to support existing manufacturing, and the United States Government should lead by example.

#### VETERANS DESERVE BETTER FROM THE VA

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today, not only as a Member of Congress, but as a veteran and former prisoner of war, demanding answers on behalf of my fellow veterans.

Recently, reports surfaced that regional VA employees had secret lists to hide the lengthy wait times for patients, which may have resulted in the loss of lives of some of our veterans. This is unacceptable.

Our men and women in uniform serve their country admirably, risking their lives to keep us safe and protect our freedoms. They deserve the highest standards of medical care available.

Last week, I urged the VA inspector general to investigate alleged misconduct at three VA clinics in Texas. We need answers and accountability for any wrongdoing.

A fellow POW in Vietnam etched the following on a prison cell. He said:

Freedom has a taste to those who fight and almost die that the protected will never know.

Veterans know that. That is why we owe them our deepest gratitude and the best possible care.

□ 1215

**BROWN V. BOARD OF EDUCATION  
ANNIVERSARY: MENDEZ V.  
WESTMINSTER**

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in honor of the 60th anniversary of Brown v. Board of Education and the incredible impact it had on our Nation.

The ruling of Brown v. Board of Education ended segregation in schools across the United States, and it declared the doctrine "separate but equal" unconstitutional. It is truly something to be proud of, as Americans.

But as we celebrate, let us not forget the precedent case to that; and that was about a young Mexican American student who, along with her family and others in their community, truly set the stage in the fight to end segregation in all of our schools. This happened in my county, in my district, in my home. The case was Mendez v. Westminster.

In 1945, when Sylvia Mendez was not allowed to go to an all-white school in Orange County, California, her parents, Gonzalo and Felicitas Mendez, fought for integration. And guess what. They won. Segregation in Orange County ended, and the rest of our State followed, and 7 years later the entire country followed.

So as we commemorate the grand case of Brown v. Board of Education, let us also remember Mendez v. Westminster, two historic achievements that opened the doors for a better education for all our children throughout this great Nation.

**HOLDING VA EXECUTIVES  
ACCOUNTABLE**

(Mr. DAINES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAINES. Mr. Speaker, like many Montanans, I am outraged by reports that a number of VA clinics have failed to give our veterans the care and honor they deserve. These clinics deliberately covered up delays that may have led to the preventable deaths of at least 40 veterans, yet the VA executives at these troubled facilities are more likely to be given a bonus than face any sort of accountability. This is disgraceful, and I stand with the millions of Americans who are demanding accountability from the VA.

The Department of Veterans Affairs Management Accountability Act will ensure the VA is able to remove career appointees who are failing to do their jobs. And this is common sense. If you fail to do your job and fail the men and

women you serve, you shouldn't be getting bonuses. You should be held accountable. Our veterans deserve nothing less.

**CELEBRATING THE 50TH  
ANNIVERSARY OF NETJETS INC.**

(Mrs. BEATTY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BEATTY. Mr. Speaker, today, NetJets Inc., a worldwide leader in aviation, is celebrating its 50th anniversary at its headquarters in Columbus, Ohio, in my congressional district. NetJets has made notable contributions to our community in central Ohio by providing transportation services during medical emergencies and natural disasters.

Through the generous efforts of the aircraft owners, the hardworking employees, and intuitive management, NetJets has become the industry standard, by having flown more hours than all other fractional aircraft companies combined. This organization has thrived in meeting the complex transportation needs of American business through safe, reliable jet service, while creating jobs and contributing to central Ohio's economy.

The legacy that NetJets continues to build will enrich the lives of generations to come and shape a bright future in aviation. I commend NetJets on its 50th anniversary.

**BOKO HARAM STRIKES**

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, last month, over 200 Nigerian girls went to school and they never came home. They were stolen in the middle of the day by radical Islamic terrorists, the Boko Haram, and sold into sex slavery.

What is the Boko Haram? Mr. Speaker, this is a foreign terrorist organization, and it reigns terror over parts of Nigeria, primarily in the north. They get their funds by forcing people in areas they control to pay a tax to them, like a protection racket. They also get money from al Qaeda.

Boko Haram means "western education is sinful." They kill, rape, and pillage in the name of radical religion. They are not only a threat to Nigeria, but the rest of us as well.

This al Qaeda-affiliated group is a bunch of thugs, bandits, and outlaws, but they are to be reckoned with. Remember the name "Boko Haram." They are not going away. Boko Haram is determined to continue their terrorist lifestyle and steal little girls.

And that's just the way it is.

**A TRIBUTE TO REVEREND FRANK  
MCRAE**

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, this past week, the city of Memphis lost one of its greatest sons and leaders, Reverend Frank McRae.

Reverend McRae was a Memphian who took urban ministry to a new position in the city of Memphis. Before Dr. King was assassinated April 4, 1968, he marched with the sanitation workers and Dr. King. After Dr. King was assassinated, he led a group of ministers to city hall to urge the mayor to settle the strife.

He knew that the church needed to do good deeds and help people in a changing South and a changing America, and he helped found Friends for Life that dealt with people with HIV and AIDS. He helped found the Memphis Interfaith Association that provided food and clothing to people in need. And he turned his church into a place where they had soup kitchens and pantries, rather than a church of the most blessed and most privileged. He was a great man who made Memphis the "city of good abode," as it is well known.

He will be greatly missed. He leaves his wife, two children, and three stepchildren. I am fortunate to have known Frank McRae, and Memphis is fortunate he came our way.

**JUSTICE FOR VICTIMS OF  
TRAFFICKING ACT**

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, I rise today in support of my colleague from Texas (Mr. POE) and also as a proud cosponsor of the Justice for Victims Trafficking Act, which this House has passed. I join the ever-growing number of Americans who are standing up to the abhorrent practice of human trafficking.

Worldwide awareness concerning the trade in persons has increased significantly in recent years, but awareness is not enough. With an estimated 27 million persons in slavery around the world and hundreds of thousands within our own Nation, now is the time for action.

By doing so, we join those who have already taken action against modern-day slavery, folks like my constituent Vicki Moore. Ten years ago, Vicki was alarmed to read about the commercial sex trade in India. But she wasn't just alarmed; she decided to do something about it. She founded a nonprofit called Rahab's Rope. Her organization gives hope and opportunity to women and girls who are at risk or have been forced into the commercial sex trade in India.



Women helped by Rahab's Rope in India have the opportunity to produce items that are then sold at the organization's store in Gainesville. Proceeds from those sales go to help even more women and girls in India. The Rahab's Rope store also serves an important function of raising awareness of the sex trade in India and worldwide.

In addition to its work overseas, Rahab's Rope works with local organizations in Georgia to help women break out of the cycle of poverty through education, skills and training, job coaching, and more.

As a longtime supporter of Rahab's Rope, I commend Vicki and others who have been on the front lines of the battle, and I hope that everyone in this body will continue to not only raise awareness of sex trafficking, but will do something about it.

#### JUSTICE FOR OUR MEN AND WOMEN IN UNIFORM

(Ms. GABBARD asked and was given permission to address the House for 1 minute.)

Ms. GABBARD. Mr. Speaker, I stand here disappointed and heartbroken today as an American and as a soldier because Congress has missed an opportunity to stand up and fight for our troops, especially those who have been victims and survivors of violent sexual crimes that have occurred within our ranks.

These are the less than 1 percent of people in our country who have voluntarily put their lives on the line for us, yet what are we doing for them? It is our responsibility to hear the voices coming from within the ranks of our uniformed services and to let them know that we have their back.

The House this week had a chance to finally take action on a bipartisan effort to remove the chain of command from the decisionmaking process to prosecute a violent sexual crime that occurs within our ranks, but this legislation was blocked from even getting an up-or-down vote on the House floor.

This fight for justice is far from over because we will keep pushing for meaningful change that best serves our men and women in uniform, ensuring them justice and honoring their selfless service to our country.

#### HUMAN TRAFFICKING

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to highlight the human trafficking legislation that was passed by the House yesterday. These five bills will ensure justice for millions of victims and further the fight to end this vicious crime.

In the United States alone, human trafficking rakes in \$9.8 billion for the

use and abuse of victims, many of whom are children. The National Center for Missing and Exploited Children estimates that each year 100,000 children are falling victim to this vile industry within our own borders.

Human trafficking isn't something that is occurring in other countries or other continents; it is happening here in America. I will be holding a summit later this week in West Virginia, in my district to bring together stakeholders to discuss how we can protect our most vulnerable.

These bills are a call to action: to prosecute offenders, to protect victims, to prevent future cases, and to educate. By passing these important bills, the House stood up for those whose voices have been silenced and have said, "No more." I urge the Senate to join us in passing these important bills.

#### THE ENLIST ACT

(Mr. TAKANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAKANO. Mr. Speaker, I rise today to express my disappointment in the House Republican leadership for blocking the ENLIST Act.

The ENLIST Act is the type of legislation that should receive support from both parties, as it allows undocumented immigrants who enter the United States before they turned the age of 15 to join the military. After their service, they would become legal permanent residents and would be eligible to apply for citizenship. This legislation was introduced by a Republican Member and has 24 Republican cosponsors, including House Majority Whip MCCARTHY.

There are thousands of young people willing to serve and potentially die for our country, and the House Republican leadership has no desire to help them become citizens. This shows the depths of the dysfunction of the Republican Caucus. It must stop, and we must allow a path to citizenship to those who want to serve our country.

#### RECOGNIZING ABATE AND MOTORCYCLE AWARENESS MONTH

(Mr. HULTGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HULTGREN. Mr. Speaker, I rise to recognize Motorcycle Awareness Month and Kane County's support of motorcycle safety initiatives and education. I also want to thank my great friends at ABATE, A Brotherhood Aimed Towards Education, for their efforts to promote motorcycle safety and education for the last 27 years. Their enthusiasm and dedication to the well-being of the citizens of Illinois deserves the attention and praise of Kane Coun-

ty, the 14th Congressional District, and surrounding areas.

Keeping my constituents and streets safe is one of my highest priorities. With more than 350,000 licensed motorcyclists in Illinois, practicing proper road safety will significantly reduce the risk of an accident. ABATE recognizes this need and has played an essential role in providing motorcycle awareness programs to more than 100,000 participants in Illinois over the last 5 years.

Let's keep up the good work and continue our joint efforts to make our roads safer and more efficient.

#### PORT OF PALM BEACH

(Ms. FRANKEL of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FRANKEL of Florida. Mr. Speaker, an expansion of the Port of Palm Beach was included in the bipartisan Water Resources Reform and Development Act, due to it receiving a timely chief's report. This port shares the Lake Worth Inlet with a popular recreational area known as Peanut Island as well as the internationally renowned town of Palm Beach.

Due to this proximity and feared damage to the environment, marine life, and dramatic change in the character of the waterway, the expansion is mired in controversy and a threatened lawsuit.

So I want to make it unequivocal that my positive vote for WRRDA is because it moved many, many important infrastructure projects forward for Florida and should not be construed as advocating for the Port of Palm Beach expansion. And I will not support Federal funding unless and until there is a clear community consensus of approval.

#### A HEARTFELT THANK YOU

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, this past week, I had an opportunity to tour the newly opened 9/11 Memorial Museum. It stands as a moving tribute to all those who lost their lives at the World Trade Center, in Pennsylvania, and at the Pentagon.

The experience is a powerful one. The sights and sounds bring back memories, and tears, as well. But not just tears for the terrible losses, but also tears of pride for the numberless acts of courage, tears of gratitude for the acts of human compassion, and tears of pride for the way this country stood—this body stood—united and determined to rebuild.

We in this body do not say thank you to each other as often as we should. So

I rise to say thank you to all of the Members of this body on both sides of the aisle and across this country for all you did to support my incredible city during its darkest hour.

Thanks to each and every one of you most humbly from the bottom of my heart. Thank you.

#### A CALL FOR A VOTE REGARDING ENDING THE WAR IN AFGHANISTAN

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, last night in the Rules Committee, we witnessed the very definition of political cowardice. For the second time in 3 years, the Republican leadership of this House refused to make a thoughtful, germane, and bipartisan amendment on Afghanistan in order to the defense authorization bill.

The rule we will debate later today makes in order 162 amendments—162. There were amendments on everything from deferred retirement for military chaplains to charging admission to air shows and to ensuring public access to Rattlesnake Mountain.

But we can't have a debate and a vote on holding the administration accountable for ending the war in Afghanistan?

Because we are at war, Mr. Speaker. I know that we don't like to talk about it around here, and I know that some of my colleagues would rather bury their heads in the sand and hope it goes away, but our troops and their families deserve a debate, and Congress has the responsibility to give it to them.

But no. But no. I don't know what the Republican leadership is afraid of, but this is outrageous, and I am not going to stand for it.

#### MOTION TO ADJOURN

Mr. MCGOVERN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 7, nays 381, not voting 43, as follows:

[Roll No. 223]

#### YEAS—7

Honda  
Jones  
Lee (CA)

Moore  
Pingree (ME)  
Velázquez

#### NAYS—381

Aderholt  
Amash  
Amodei  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Beatty  
Becerra  
Benishak  
Bentivolio  
Bera (CA)  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Brown (FL)  
Brownley (CA)  
Buchanan  
Bucshon  
Burgess  
Bustos  
Butterfield  
Byrne  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Carter  
Cartwright  
Cassidy  
Castro (TX)  
Chabot  
Chu  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman  
Cohen  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Conyers  
Cook  
Costa  
Cotton  
Courtney  
Cramer  
Crawford  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Daines  
Davis (CA)  
Davis, Danny  
Davis, Rodney  
DeFazio  
DeGette  
Delaney

DeLauro  
DelBene  
Dent  
DeSantis  
DesJarlais  
Deutch  
Diaz-Balart  
Doggett  
Duckworth  
Duffy  
Duncan (SC)  
Edwards  
Ellison  
Ellmers  
Engel  
Enyart  
Eshoo  
Esty  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxo  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Guthrie  
Gutiérrez  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Hensarling  
Herrera Beutler  
Himes  
Hinojosa  
Holding  
Horsford  
Hoyer  
Hudson  
Huizenga (MI)  
Hultgren  
Hunter  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jolly

#### Waters

Jordan  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Kuster  
LaMalfa  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Latham  
Latta  
Levin  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren  
Long  
Lowenthal  
Lowey  
Lucas  
Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Lummis  
Lynch  
Maffei  
Maloney  
Carolyn  
Marchant  
Marino  
Massie  
Matheson  
Matsui  
McAllister  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meadows  
Meehan  
Meeks  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Neugebauer  
Noem  
Nolan  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Owens  
Palazzo  
Pallone

Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pittenger  
Pitts  
Pocan  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Roybal-Allard  
Royce

Ruiz  
Runyan  
Rush  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sánchez, Linda T.  
Sanchez, Loretta  
Sanford  
Sarbanes  
Scalise  
Schiff  
Schneider  
Schock  
Schrader  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell (AL)  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Speier  
Stewart  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Takano

Terry  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Titus  
Tonko  
Tsongas  
Turner  
Upton  
Valadao  
Van Hollen  
Vargas  
Veasey  
Vela  
Visclosky  
Walberg  
Walden  
Walorski  
Walz  
Wasserman  
Schultz  
Waxman  
Weber (TX)  
Webster (FL)  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Yoho  
Young (IN)

#### NOT VOTING—43

Bass  
Bridenstine  
Castor (FL)  
Chaffetz  
Cooper  
Denham  
Dingell  
Doyle  
Duncan (TN)  
Foster  
Frankel (FL)  
Grijalva  
Grimm  
Higgins  
Holt

Huelskamp  
Huffman  
Hurt  
Johnson (GA)  
Kingston  
Labrador  
Lankford  
Larson (CT)  
Lewis  
Luetkemeyer  
Maloney, Sean  
McIntyre  
Meng  
Miller, Gary  
Miller, George

□ 1256

Messrs. SCHNEIDER, NUNES, Ms. LOFGREN, Messrs. CROWLEY, MCNERNEY, RANGEL, Ms. TSONGAS, Mr. KEATING, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. NADLER, CONYERS, ELLISON, and Ms. CLARKE of New York changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. GEORGE MILLER of California. Mr. Speaker, I was unavoidably detained today and missed roll No. 223. Had I been present, I would have voted "yea."

Stated against:

Mr. HURT. Mr. Speaker, I was not present for rollcall vote No. 223. Had I been present, I would have voted "no."

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

#### DEPARTMENT OF VETERANS AFFAIRS MANAGEMENT ACCOUNTABILITY ACT OF 2014

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4031) to amend title 38, United States Code, to provide for the removal of the Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4031

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Veterans Affairs Management Accountability Act of 2014”.

#### SEC. 2. REMOVAL OF SENIOR EXECUTIVE SERVICE EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS FOR PERFORMANCE.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

##### “§ 713. Senior Executive Service: removal based on performance

“(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may remove any individual from the Senior Executive Service if the Secretary determines the performance of the individual warrants such removal. If the Secretary so removes such an individual, the Secretary may—

“(1) remove the individual from Federal service; or

“(2) transfer the individual to a General Schedule position at any grade of the General Schedule the Secretary determines appropriate.

“(b) NOTICE TO CONGRESS.—Not later than 30 days after removing an individual from the Senior Executive Service under paragraph (1), the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives notice in writing of such removal and the reason for such removal.

“(c) MANNER OF REMOVAL.—A removal under this section shall be done in the same manner as the removal of a professional staff member employed by a Member of Congress.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“713. Senior Executive Service: removal based on performance.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

□ 1300

#### GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 4031.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the past 3 years, the House Committee on Veterans’ Affairs has uncovered, and continues to uncover, numerous instances of gross negligence and incompetence by senior VA officials that have led to delays in care, growing patient wait times, and lengthy backlogs of disability claims. Regrettably, some of these instances have resulted in lack of proper care for veterans and for preventable deaths.

Despite repeated promises of accountability and change, the committee has received nothing but disturbing silence from the White House and only one excuse after another from the Department of Veterans Affairs.

Mr. Speaker, we have all seen the heartbreaking news or spoken personally to family after family coming forward, sharing their stories of how the VA has failed to fulfill their promise to our veterans. The time is past due for us, as the House of Representatives, to take action.

The troubling stories that have come out of Phoenix, Arizona, where whistleblowers allege that as many as 40 veterans died while waiting for care and alleged secret waiting lists are unconscionable if in fact proven true. We would not be doing our sworn duty if we sat idly by and allowed these preventable deaths of those who made sacrifices for this great country to become the status quo at the VA.

Unfortunately, Mr. Speaker, these incidents do not seem to be isolated. They are under the watch of not just one senior VA manager. Similar stories of mismanagement and negligence have arisen in Fort Collins, Colorado; San Antonio, Texas; Augusta, Georgia; Atlanta, Georgia; Memphis, Tennessee; Columbia, South Carolina; Pittsburgh, Pennsylvania; Chicago, Illinois, with news stories being covered almost every single day.

Mr. Speaker, these stories were crystallized for me and other Members at a recent hearing that we had on patient wait times on April 9. Mr. Barry Coates, a veteran from Columbia, South Carolina, informed the committee that he waited almost a year to receive a colonoscopy at VA. When he finally received his appointment, it was revealed that he had stage IV colon cancer.

Mr. Coates testified: “The gross negligence and crippling backlog epidemic

of the VA health care system has not only handed me a death sentence, but ruined my quality of life.”

Mr. Speaker, the need for accountability to help veterans like Mr. Coates is the reason why H.R. 4031 is so critically important. The VA Management Accountability Act of 2014 would give the Secretary the authority to fire or to demote VA Senior Executive Service or equivalent employees based on performance at any time. The current system is so calcified in bureaucratic red tape that it is easier for someone to get a bonus than it is to be given some type of discipline at the Department of Veterans Affairs.

Is this what our citizens want? Is this what our veterans deserve? I don’t think so, and neither do the 150 bipartisan cosponsors of this piece of legislation or the leading VSOs that support it.

Now, the actions of these few senior executives do not tarnish the hard work of 300,000 frontline VA employees who come to work every day and by and large provide excellent care and services to our veterans. Too many of these employees have in fact been continually let down by poor-performing senior executives. It is time to restore their trust and America’s trust in the leadership at VA.

Look, General Shinseki is a good man. He wants to hold others accountable, but he is being held back by a failed civil service that makes it nearly impossible to remove SES employees. If this bill becomes law, he and his successors will have no excuse. He will have every tool to hold managers accountable and restore faith in the VA.

I am truly grateful to the 150 sponsors from both sides of the aisle of this vital piece of legislation.

I also want to thank the following VSOs, veterans service organizations, who have tirelessly advocated on behalf of this bill, including the American Legion, Concerned Veterans for America, IAVA, AMVETS, the Reserve Officers, Vietnam Veterans of America, and the Military Officers Association of America.

Finally, I thank Leader CANTOR and Speaker BOEHNER for their help in bringing this bill to the floor.

Mr. Speaker, it is time that VA’s status quo is upended, which is why I believe this bill, the House’s earlier action this year to suspend VA bonuses for 5 years, and my call on President Obama to establish a bipartisan VA medical care access commission is crucial to getting a resolution to this problem.

I believe the question presented before each Member here today is very clear: Do you stand with our veterans or do you stand with a bureaucratic-entrenched failing system?

I urge all of my colleagues to support H.R. 4031 and maintain our promises to our veterans and their families.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of our Nation's veterans and in support of action that will fundamentally address the systematic failures that are clearly occurring across the Department of Veterans Affairs. I reluctantly support this legislation because I believe we owe it to the brave men and women who have sacrificed so much for our Nation to do everything in our power to ensure the VA is accountable for its performance.

I share with the gentleman from Florida (Mr. MILLER), my good friend and colleague, fundamental goals of addressing shortcomings in VA leadership. I am proud of our bipartisan working relationship. Not only does our working together usually allow us to get more done, but I believe it makes our efforts better.

I am disappointed, however, that the House Committee on Veterans' Affairs was not given the opportunity to consider this bill. I believe that members of the committee, Republicans and Democrats, could have improved this bill before it was brought to the floor. I believe this bill would be stronger and more reflective of the substantive reforms necessary in the Department if it had been allowed to go through the committee markup process.

H.R. 4031 has been put forth as an accountability bill, but it falls short of providing substantive beneficial changes in the VA's executive performance management system.

The Secretary of the Department of Veterans Affairs already has the authority to fire any employee, including executives who are not doing their job. This bill will simply turn approximately 400 senior executive civil service positions across the VA into essentially at-will positions, of which 165 are in the Veterans Health Administration.

More importantly, H.R. 4031 does not adequately address the performance metrics of VA executives. It doesn't provide any framework for ensuring problems and failures don't occur in the first place.

I introduced H.R. 4399, which the American Legion also supports, which establishes upfront organizational goals and expected outcomes for veterans that every single VA senior leader must deliver. It would require these goals and their outcomes to be the driving factor in performance assessment for these executives and the basis for any awards or bonuses.

This bill before us today does not address the senior physicians and dentists, known as title 38 employees, who receive executive-level pay and have organizational-level responsibility for veteran care and services. This is important because one of the executives implicated in manipulating the wait

times in Phoenix was a title 38 employee, which this bill does not cover that we are voting on today. So the very individual responsible for the catastrophic failures that we have seen across the VA recently may not even be impacted by the current legislation that we are dealing with.

My bill, H.R. 4399, does address title 38 physicians and dentists, which covers approximately 80,000 employees within the VA, title 38 employees, mandating standardized, rigorous performance management tools that hold employees accountable and justifies any performance pay.

Finally, my bill would prohibit one of the most egregious examples of the failure of the current system as it applies to title 38 employees. A doctor was provided partial performance pay even though he had failed to maintain a current license. That is correct. He received partial performance pay even though he failed to maintain a current license, because maintaining a valid license was not one of his performance objectives. This bill that we are dealing with today does not address that issue.

Good policy, good legislation comes from conversation, collaboration, and compromise. I am supporting moving this bill forward today because I believe we need to begin this discussion as how to best ensure VA employees are held accountable when they fail to perform.

Let me be clear. We can and we must do more to ensure that our veterans get the quality services that they deserve and have earned. I am hopeful that we can have the necessary dialogue in conference to ensure that any bill that we send to the President is a more comprehensive reform measure that is well-considered and actually has the desired and needed impact of changing the VA and ensuring the best outcomes for our Nation's veterans.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. The best way to reform the VA is to get rid of the deadwood, and that is what this bill actually gives the Secretary the opportunity to do, and that is to fire the people that aren't doing their job, especially—especially—those that are at the senior level.

With that, I yield 1 minute to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, I rise today on behalf of my constituents and veterans who are alarmed at recent reports of preventable deaths, manipulated records, and secret waiting lists within the VA health care system. These allegations span the country and have recently arisen in Colorado at the Fort Collins VA clinic. If these allegations are found to be true, the responsible individuals must be held accountable. It is unacceptable for individuals who have presided over negligence and mismanagement to go unscathed.

Astonishingly, past instances of similar failures have not only seen responsible individuals remain employed by the VA, but they have even been rewarded for their leadership failures in the form of bonuses and positive performance reviews. This only promotes the continuation of poor management, negligence, and possible preventable deaths.

This bill would help ensure that these trends do not continue by giving the Secretary of the VA the authority to remove or transfer senior executives of the VA. I ask for support of this bill.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. DAVID SCOTT).

Mr. DAVID SCOTT of Georgia. Mr. Speaker, the issue here before us on this bill—and first let me say I am a proud cosponsor of this bill to replace and be able to fire people. The problem is the first person we need to fire is the Secretary of Veterans Affairs, Mr. Shinseki himself. Now, we respect him; we respect his sacrifice for this country and everything else, but the buck stops at the top.

□ 1315

Here are the facts: 5,600 veterans are committing suicide every year. That is almost 20 every day under his watch—under his watch. In my own hospital in Atlanta, four of our soldiers committed suicide in the hospital, and the inspector general of the VA laid the blame directly at the foot of the VA administration for the lack of management of the death of these soldiers.

When Chairman MILLER and I went down and visited them, we asked: Is there one more, are there any more that have committed suicide? No, there have been no more. And they told a damn lie, because the very next day it was exposed there was another soldier that committed suicide and they covered it up.

This has been a pattern that has been going on ever since General Shinseki has been the chairman there. I respect a sacrifice, I respect what he did, but it is under his watch that we are in this situation in the hospital out in the western part of this country where The Washington Post has accurately reported that 40 of our soldiers lost their lives, died because they couldn't get service. Our veterans are the heart and soul of this country, they are precious, and we must not turn our back on them.

I listened to the President today, and I was very disappointed with President Obama today. There was no urgency. Mr. President, we need urgency. We need you to roll up our sleeves and get into these hospitals. We need you to set a pattern that if the VA hospitals can't handle it, let's give partnerships to some of the Republicans and the other public hospitals.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MICHAUD. I yield 30 seconds to the gentleman from Georgia.

Mr. DAVID SCOTT of Georgia. God bless you, because there are things I want to say.

Reports are out that the taxpayers are going to have to pay or have paid \$1 billion for medical malpractice. A reputable news organization, Cox Media's WSB Television down in Atlanta, it went all over this country: \$1 billion the taxpayer paying because the VA cut off the wrong arm, cut off the wrong leg, the wrong testicle, the wrong kidney.

Let me tell you all something, folks. Time—that is what I was just so disturbed about—we don't have time for any more investigations. The reports are in.

Jesus Christ Himself said: There is no more greater sacrifice than to give your life for your friend. Our soldiers have given their lives on the battlefield for them. We need to give our lives up here and give our veterans the respect that they deserve.

The SPEAKER pro tempore. All Members are reminded to refrain from using profanity in debate.

Mr. MILLER of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Michigan, Dr. BENISHEK, a former doctor within the Department of Veterans Affairs, somebody who serves his subcommittee as chairman of the Health Subcommittee very well.

Mr. BENISHEK. Mr. Speaker, I thank the chairman.

Mr. Speaker, in the real world, if you fail to do your job, you get fired. Not at the VA.

Today, I rise in support of H.R. 4031, the Department of Veterans Affairs Management Accountability Act. I am proud to be an original cosponsor of this bill because it simply allows the Secretary to fire senior VA executives when they fail to do their job.

I am sick and tired of hauling VA officials in front of the committee to hear tired excuses and explanations. President Obama has allowed the VA leadership to operate without accountability. Veterans are dying. The time for excuses has passed. The time for taking action to fix these problems is now.

This legislation is just the beginning. Severe mismanagement at the VA will not be tolerated by me or this Congress. We will overturn every rock and use every tool at our disposal in the pursuit of the truth of what is happening at the VA.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentlelady from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, as a senior member of the House Veterans' Affairs Committee, I have been on this committee for 21 years. I strongly support Secretary Shinseki and his leadership of the Department of Veterans Affairs.

It is very important as we go into Memorial Day that we let the veterans know that we appreciate their service. We also need to let them know that we are going to do all we can to make sure they have the quality health care that they deserve.

The VA operates 1,700 sites of care and conducts 85 million appointments each year, which comes to 236,000 health care appointments each day.

The latest American Customer Satisfaction Index, an independent customer service survey, ranked VA customer satisfaction at 95 percent among VA patients, among the best in the Nation and equal to or better than any private sector hospital.

Since its peak in March of 2013, the VA has reduced the benefits claims backlog by 50 percent, on track to eliminate the backlog in 2015. VA also implemented an automatic electric claims processing system to better serve veterans into the future. In 2013, VA paid out \$66 billion in compensation claims to 4.5 million eligible veterans. Under the leadership of the Secretary, we also expand access to earned benefits for veterans of all eras.

In addition, VA granted presumption of service connection for three Agent Orange-related conditions. Let me just say that for years the veterans in this category have been trying to get assistance from the VA and they were denied. This Secretary stepped up to the plate and let all of those veterans come in, millions of additional veterans.

Since 2009, VA has reduced the estimated number of homeless veterans. We have been trying to get them to do that since day one over 22 years ago, but this Secretary has reduced it by 24 percent. They have conducted over 6 million clinical visits with over 600,000 veterans who were homeless or at risk of homelessness, including the formerly homeless. In 2013 alone, VA served more than 240,000 veterans who were homeless.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MICHAUD. I yield an additional 30 seconds to the gentlewoman.

Ms. BROWN of Florida. In closing, the VA is like a big ship, one that I have been working on for 22 years—slow to turn. But under the leadership, the Democratic leadership and the Republican leadership, we have funded the largest VA budget increase in the history of the United States. Like the first President said: We must make sure that the VA does what it can to serve those veterans and give them the service we demand. God bless America and continue to bless the veterans who have served America.

Mr. MILLER of Florida. Mr. Speaker, I would add another statistic to those that my colleague from Florida just said. There have been 23—at least 23 preventable deaths within the Department of Veterans Affairs.

I yield 1 minute to the gentleman from Colorado (Mr. COFFMAN), my friend, the chairman of the O&I Subcommittee.

Mr. COFFMAN. Mr. Speaker, I rise in strong support of H.R. 4031 because I believe that systemic failures of the VA exist far beyond the issue of appointment wait times.

My subcommittee on VA Oversight and Investigations continues to uncover countless failures of leadership at the VA. This lack of leadership is the driving force behind the unacceptable delays and cost overruns in major VA construction projects, the tremendous backlog of veterans' disability claims, and the horrendous patient care practices that have resulted in preventable patient deaths.

The individuals with responsibility and authority in the VA are unable to lead and, as a result, our veterans have suffered.

It is time to usher in a new era of accountability at the VA, and I urge my colleagues to support the Department of Veterans Affairs Management Accountability Act of 2014.

Mr. MICHAUD. Mr. Speaker, at this time, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, it is an honor to stand on this floor in the midst of Military Appreciation Month and be from a State that had the highest numbers of young men and women returning from Afghanistan and Iraq, comparing to States like California and certainly some others. We are grateful for all, in all States, who have gone and put on the uniform unselfishly and stood in the line of danger for us.

Let me thank the Veterans' Affairs Committee of this Congress. I have never seen a more bipartisan and dedicated group of men and women. If the committee was opened up to all of us, we would all stand up and serve.

Today, as a family in the United States Congress, we have a problem. We have a disease problem, whether it is a heart attack or stroke or cancer, or whether or not it is the terrible injuries of war, posttraumatic stress disorder, or those who have lost limbs, who have suffered traumatic brain injury. We have men and women who have worked, and our veterans have now come in their later years who suffer the illnesses of age.

All of us will take our fist and bang on this podium to be able to say that they are first and our priority. No one counters or accepts the death of those that may have died in Texas, died in Arizona, or places elsewhere.

If this is a measure to begin that healing, to give the Secretary the ability to be able to focus in on those beyond the surgeons that are in the operating rooms, the nurses that I visit with along the hallways when I go to the veterans hospital in my area, then we should go forward.

I stand with this legislation working toward making the system work. I want to make it work by curing the systemic and the problematic way that we have veterans wait on services. Let's cut it out, cut the red tape out. Embrace them this weekend, one of the most emotional days we serve with our veterans, and tell them we will not rest until we answer the concerns of families, until we pray over those who have lost their lives, until we cure this, not by one person or another. They may have to go, but let's fix the system that they will have no waiting time when they come with lung cancer or last stage, with their life to be extended if they just get in the door. I want all of them to be able to get in the door and to use those resources that we have expended, those large numbers that my colleague and friend from Florida, both from Florida, and from Maine, have spoken about, and we use those resources to break the barrier of confusion and red tape, and when they walk through those doors someone says: Come in, we are ready to serve.

Mr. Speaker, I rise to speak in support of our nation's veterans and express my views regarding H.R. 4031, the Department of Veterans Affairs Management Accountability Act of 2014.

This weekend the nation will mark the occasion of Memorial Day the time our nation pauses to recognize the valor, and self-sacrifice of our nation's veterans.

We must remember that freedom is not free.

That is why the timing of the disclosure is especially troubling regarding accusations made by a whistleblower about the treatment of veterans seeking healthcare at the Phoenix Veterans medical facility.

Now, more than ever, we must renew our commitment to keep our promises to the nation's more than 2 million troops and reservists, their families, and 23 million veterans.

The Michael E. DeBakey VA Medical Center located in Houston, Texas serves the 32,477 veterans who I have the privilege of representing in my Congressional District.

The Michael E. DeBakey VA Medical Center serves as the primary healthcare provider for almost 130,000 veterans in southeast Texas.

Veterans from around the country are referred to the DeBakey VA Medical Center for specialized diagnostic care, radiation therapy, surgery, and medical treatment including cardiovascular surgery, gastrointestinal endoscopy, nuclear medicine, ophthalmology, and treatment of spinal cord injury and diseases.

DeBakey VA Medical Center provide vital healthcare services to Veterans in the Houston area and through the nation. The Medical Center houses:

- A Post-Traumatic Stress Disorder Clinic;
- Network Polytrauma Center;

- An award-winning Cardiac and General Surgery Program;
- Liver Transplant Center;

- VA Epilepsy and Cancer Centers of Excellence;

- VA Substance Abuse Disorder Quality Enhancement Research Initiative;

- Health Services Research & Development Center of Innovation;

- VA Rehabilitation Research of Excellence focusing on mild to moderate traumatic brain injury;

- Mental Illness Research, Education and Clinical Center; and one of the VA's six Parkinson's Disease Research, Education, and Clinical Centers.

In late 2012, the MEDVAMC received official designation as a Kidney Transplant Center. Including the outpatient clinics in Beaumont, Conroe, Galveston, Houston, Katy, Lufkin, Richmond, Tomball and Texas City, MEDVAMC outpatient clinics log more than a million outpatient visits annually.

Earlier this week I joined other members of the Congressional Women's Caucus for the Wreath Laying Ceremony at Arlington National Cemetery to remember the contributions of women who served our nation proudly in uniform.

Veterans are told that the care that they need can be found at Veteran medical facilities around the nation and we must be certain that they have access to the care that is provided.

The veterans who have served our nation deserve better than what we have been made aware of due to the disclosures related to the Arizona VA facility in Phoenix.

It has been reported that physicians at the Phoenix Veterans Hospital ignored mandates to prioritize treatment of Iraq and Afghanistan veterans.

The placement of veterans on secret waiting lists who later died is unconscionable and should be criminally investigated if proven to be true.

The Veterans facilities serving veterans in Houston, to my knowledge, are not under investigation regarding these terrible reports related to accusations of mistreatment of our nation's veterans.

I know that there are concerns regarding the implications of H.R. 4031 on civil service protection for federal employees at the Veterans Administration.

I am mindful of those concerns, but I am also very focused on making sure that our veterans receive the healthcare that they need.

Should this bill become law, I will make sure that veterans received the care they need, while monitoring how the authority provided under this bill is used.

The intent of this bill should not be solely for the removal of people from federal service unless there is cause for such action—like in the case of the Phoenix reports if proven to be true.

Falsifying federal records that may lead to the deaths or further degradation of health of our nation's veterans if true should disqualify a person from federal employment and the receipt of bonuses.

Our nation's veterans need help now—not later.

The work that Congress along with the Administration can do today to make sure that the promises made to our veterans and their families are kept should be done.

The bill would authorize the Secretary of Veterans Affairs to remove any individual from the Senior Executive Service upon determining that such individual's performance war-

rants removal, and remove such individual from federal service or transfer the individual to a General Schedule position at any grade that the Secretary deems appropriate.

A part of the important job of our Nation's Secretary of Veterans Affairs is to administer a national hospital system for our nation's veterans.

The Secretary of Veterans Affairs needs more than just the power to fire, but the authority and means to hire hospital and facility administrators at competitive rates when compared to the private sector.

The Secretary of Veterans Affairs needs the ability to make decisions regarding distribution of resources and facility management.

The Secretary must have the ability to make decisions and the power to act on whether to open additional facilities or enter into agreements with private or other public hospital systems to meet the healthcare needs of returning Iraq and Afghanistan war veterans along with the needs of our aging veteran population who have increased need for healthcare.

The Veterans Administration needs Congressional intervention by making sure that the Secretary can be held fully accountable for how the Department functions because they have the authority and the means to manage the agency as it should be managed.

The Secretary of Veterans Affairs would always be ultimately accountable to the oversight of Congressional Committees, and must provide greater transparency to veterans and their families on what the agency is doing to meet the needs of veterans.

But it is within our power as Members of Congress to make sure that our nation's veterans receive the best medical care that modern medicine has to offer to them and their families.

In the State of Texas we have over a million Veterans under the age of 65 and nearly a half million who are over the age of 65.

I believe that a message of unity is critical to the wellbeing of our men and women in uniform and those transitioning out of uniformed service to our nation.

Veterans share a kinship in ways that too few Americans who have not served can understand.

Our men and women in the military have fulfilled a commitment to this nation and to each other that we should imitate in our actions to work to provide for veterans now that their military service has ended.

Today, I want to renew my commitment to our nation's veterans by encouraging my colleagues to act to keep the nation's promises to them.

Congress must communicate its wholehearted support for the security of the nation by addressing mindless cuts created by sequestration.

I firmly believe that Congress must act to care for our soldiers, sailors, airmen, Marines, and Coast Guardsmen, both on and off the battlefield.

I believe that the nation's concern for their wellbeing must be more than in words, but must be reflected in deeds.

Veterans demonstrate a love of country and a measure of devotion making us proud as their Representatives, but we must offer to each veteran a level of comfort that the promises made to them will be kept.

Their quiet dignity sets aside concerns for self because their vision is broader than the moments of partisanship that we see too often in Washington, DC.

I ask that my colleagues remember the damage done to the budget of the Veterans Administration through cuts, sequestration, and the government shutdown.

Mr. Speaker, it is my hope that the passion that I see in the actions and words of fellow Members of the House will translate into a long-term commitment to mend what is broken at the VA and strengthen what is working well.

We should recognize the great work being done by a majority of doctors, nurses, therapists, and medical aides at the dozens of veterans medical facilities around the nation.

We must remember that the leadership at Veterans Affairs needs the funding and authority to make decisions regarding implementing solutions to overcome challenges of providing the best care possible to our nation's veterans.

We should seek reports on the ability of the VA to meet the challenge of the returning veterans from Afghanistan and Iraq as well as the needs of Veterans from previous wars with the current level of funding, personnel, offices, and medical facilities.

I am in support of our veterans and seek a bipartisan solution to resolving the problems with VA backlogs and the treatment of veterans and their families.

Mr. MILLER of Florida. Mr. Speaker, I yield 1 minute to the gentlelady from Indiana (Mrs. WALORSKI), a very capable member of the VA committee.

Mrs. WALORSKI. Mr. Speaker, I want to thank Chairman MILLER for his work to reform this mismanaged Department.

Our Nation's veterans and their families never hesitated to respond to the call to serve their country. Recent news reports of VA mismanagement across this country are disgusting and disgraceful. We know of dozens of wrongful deaths that were due to VA negligence, including 13 in my State of Indiana.

Senior executives who oversee this negligence are more likely to receive a bonus than to receive punishment. We cannot let this continue.

This bill would give the VA Secretary authority to fire senior employees responsible for failures within the Department.

I urge my colleagues to vote "yes" on this bill, and I will continue to do my part on the oversight and fighting for the Nation's 23 million veterans.

I also call on the Senate today to bring greater accountability and transparency to the VA by passing the numerous bipartisan bills that have left this House, including this one, that could be stalled in the Senate. Our veterans deserve nothing but the best.

□ 1330

Mr. MICHAUD. May I inquire from the Speaker how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Maine has 5½ minutes re-

maining, and the gentleman from Florida has 10 minutes remaining.

Mr. MICHAUD. Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, it is now my pleasure to yield 1 minute to the gentleman from Florida (Mr. JOLLY). He is the newest member on the VA Committee, somebody who just came to Congress, but who, as a staff member, had been an advocate for veterans prior to his arrival here.

Mr. JOLLY. Thank you, Mr. Chairman.

Mr. Speaker, I rise today in support of this legislation, but also out of great concern for the shocking developments that we have learned of within the VA health care system. Perhaps more importantly today, after hearing the President's press conference, I rise out of concern over the complete failure of our President to address this issue.

The VA health care system is experiencing an historic crisis; yet, today, the President's solution seems to be business as usual bureaucracy. The President has done nothing to ensure that we, as a Nation, immediately address the systemic problems within the VA system or to address the threat to human life that has been created by incidents of bureaucratic incompetence.

Earlier today, the President spoke rhetorically about unacceptable wait times for veterans, but he did nothing to address the American people's wait time for this administration to solve this problem now. It has been 23 days, and there is no sense of urgency.

What we heard today was of more bureaucracy, more investigations, more studying of the issue, and ultimately, a continuation of business as usual until the President and his Secretary determine in due time when they will act.

He spoke of holding personnel accountable, but he never once spoke of terminating personnel. That is why I rise today to support this legislation.

Mr. MICHAUD. Mr. Speaker, I now yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I rise in opposition to this legislation, and I urge my Members to vote against it. I don't know that they will, but I urge them to do so.

All of us in this body need to be for accountability. None of us in this body, however, ought to be for turning a civil service system into a patronage system. None of us ought to be for turning a civil service system—one of the best in the world, if not the best in the world—into a system which allows for no reason that needs to be articulated to turn senior executives into at-will employees.

I am disappointed that this bill has been brought to the floor with little notice and with no markup in committee. We talk about considered judgment. We talk about thoughtfulness. We talk about reading the bills. Then

we bring them to the floor without hearings.

We must ensure that those who serve our veterans in the VA system do so with accountability and oversight. All of us are outraged at the allegations that have been made. Not one of us should step back and say we should not respond vigorously to the offenses that have allegedly taken place because, if the allegations are true, heads ought to roll, period; but that is not what this legislation is about.

This legislation is about a knee-jerk reaction to a bad situation, painted with a very broad brush, and undermining a system that can work, has worked, and has the mechanism to work.

I cannot support this bill as written, and I believe it opens the door to a slippery slope of undoing the careful civil service protections that have been in place for decades. This is about due process.

Now, due process is put under stress at critical times. Pursuing due process at times when there is no stress is not difficult. The test of a society is whether, at times of stress, it can follow due process and the law. This bill does not provide for that.

With regard to protections that have been put in place for decades to ensure that politically appointed managers cannot fire nonpolitical senior executives in Federal service without proper cause, neither party ought to be for that. The civil service reforms adopted decades ago were there for a purpose.

As a result, Mr. Speaker, I rise in opposition, and I urge my colleagues to vote against this premature and not-thought-out piece of legislation.

Mr. Speaker, I am disappointed that Republicans brought this bill to the floor with little notice and no markup in committee.

We must ensure that those who serve our veterans in the VA system do so with accountability and oversight, especially in light of recent allegations of misconduct at certain VA offices.

However, I cannot support this bill as written, and I believe it opens the door to a slippery slope of undoing the careful civil service protections that have been in place for decades to ensure that politically appointed managers cannot fire non-political senior executives in federal service without proper cause.

Already, the Secretary has the power to remove employees who are not performing their jobs properly—and it is a power he employs whenever called for.

I will continue to stand up for our Nation's veterans and work to ensure they receive the benefits and care they have earned through their service.

I hope that the Congress and Administration can work together in a bipartisan way over the coming weeks to ensure the egregious behavior that has been reported is never repeated and that any VA officials proven to have acted inappropriately continue to be held accountable—without undermining the Civil Service System that has served us so well for so long.



Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

We have just been told that this is a knee-jerk reaction to a crisis. It is the only action to a crisis.

The President, for 3 weeks, has said nothing until today. He still said nothing today. The Secretary has not been involved. We have to take care of the veterans we have fighting for our freedoms every single day.

Nothing in this bill takes away the recruitment process through SES, and if the Secretary does fire somebody or demote somebody because of this law, he has to provide notice to Congress within 30 days. If you don't do your job, you get fired.

I yield 1 minute to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. I thank the chairman.

Mr. Speaker, let me tell you that, when I first got here, people said: KELLY, you expect the government to work as a business. I said: No, no, no, that is not true because there is no way any business can work as the government works.

This bill is a commonsense way of taking care of people who don't perform at a level that is expected. The taxpayers—the citizens of this country—should expect nothing less and to be constantly told that, gee, you can't touch these folks even if they perform so badly—and, instead of doing that, we give them a bonus—that doesn't make sense.

Accountability is absolutely needed at this time. We give people authority. We give people responsibility. When they don't do their jobs, they need to be held accountable for it.

I represent not only the State of Pennsylvania, but over 1 million Pennsylvanians who are veterans. If we can't fix this now with a commonsense approach, then—my goodness—what are we doing on the floor of this great House?

This just makes sense. I thank the chairman for bringing it forward. It is long overdue, and it needs to be done now.

Mr. MICHAUD. Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I now yield 1 minute to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Thank you, Mr. Chairman.

Mr. Speaker, I join my colleagues today in supporting H.R. 4031, which brings sorely needed accountability to the Department of Veterans Affairs.

The President said, today, that he would hold those accountable who are responsible for the wrongdoing at the VA, but we have heard that tune before. As a candidate, the President denounced delays and poor care at VA facilities.

He pledged to build a 21st century VA and to confront what he called the bro-

ken bureaucracy of the VA. We can hope to hear more than platitudes here in the near future, but I am a little skeptical.

The President has done very little to hold this VA staff accountable, and now, we have seen the deadly consequences of the broken VA system in Arizona. Like other administration staff who have violated the law, those responsible for these acts are simply on paid leave.

Unfortunately, the VA's problems are not unique to Arizona. With VA employees actually coming forward in helping us to expose these problems, we have learned of similar efforts to conceal huge problems at the Oakland VA regional office, including cooked books, hidden files, and a refusal to meet veterans' needs.

Some bureaucrats seem more interested in receiving bonuses than in serving our veterans. It is time for that to end. Mr. Speaker, we need to do this now. Pass H.R. 4031.

Mr. MICHAUD. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, at this time, I yield 1 minute to the gentleman from the 12th District of Pennsylvania (Mr. ROTHFUS), who has been very involved in issues as they relate to Pittsburgh.

Mr. ROTHFUS. Mr. Speaker, in having stepped forward to defend our country with their very lives, our veterans deserve a health care system and a claims process that are both of high quality and that are accountable. Unfortunately, the VA has failed veterans in Pittsburgh, Phoenix, and across the Nation.

William Nicklas, a World War II veteran from western Pennsylvania, survived Guam, Saipan, and Okinawa, but fell victim to Legionnaires' disease at the Pittsburgh VA. It has been 1½ years since Mr. Nicklas died, and the Nicklas family is still waiting for answers and accountability, so are the families of John Ciarolla, Clark Compston, John McChesney, Lloyd Wanstreet, and Frank "Sonny" Calcagno.

Unfortunately, the world now knows that these are not isolated incidents. Significant changes in accountability must be made at the VA to solve these problems. I urge all of my colleagues to support the Department of Veterans Affairs Management Accountability Act. This bill is an important step in that direction.

Thank you to Chairman MILLER for conducting the oversight necessary to bring these issues into the light.

Mr. MICHAUD. Mr. Speaker, may I inquire, is the gentleman from Florida ready to close?

Mr. MILLER of Florida. Mr. Speaker, I have one more speaker I have been told is on his way, but he is not here at this point, so we are prepared to close.

Mr. MICHAUD. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Maine has 2½ minutes remaining, and the gentleman from Florida has 5¼ minutes remaining.

Mr. MICHAUD. Mr. Speaker, I yield myself the balance of my time.

I want to thank the chairman, but I will reiterate that the Secretary currently does have the authority to fire any Senior Executive Servicemember if he is not performing his job. This bill does not address the problem systematically within the VA. We are dealing with the Veterans Health Administration. This bill only covers 165 SES's who work in the Veterans Health Administration, but there are 400 throughout the VA.

The legislation that I would much prefer voting on today deals with not only the SES's, but also with the title 38 employees.

The reason it is important to deal with the title 38 employees—and it is important to note—is that one of the executives implicated in manipulating the wait times in Phoenix is a title 38 employee. This bill does not address that employee.

The bill also does not address some of the most egregious examples of failure in the system within the Department. As I mentioned earlier, a doctor was provided partial performance pay, even though he had let his license expire, because that was not part of the performance objective.

I will be supporting this legislation, so we can move it through the process and so we can go to conference to actually address some of these issues. I hope that we will be able to address these issues. They are very serious issues, and they are issues that are important to our veterans.

It is important for us on the committee that we deal with this, and I hope, Mr. Chairman, that we will work together like we have in the past, but I am disappointed that this bill is before us, as we were not able to improve upon the bill.

I would also hope that the President would look very seriously at the performance evaluations within the Department of Veterans Affairs and that he would immediately issue an executive order, similar to the legislation that I have submitted, which will address a lot of the systemic problems within the Department of Veterans Affairs. This is unacceptable, and we must move forward to deal with this issue.

With that, Mr. Speaker, I would encourage my colleagues to support the legislation.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I have a request of the gentleman from Maine.

My speaker has now shown up. May I yield him 1 minute?

Mr. MICHAUD. Yes.

Mr. MILLER of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Gainesville, Florida, Dr. YOHO, who has a facility that, in fact, is in question at this point and from which several people have been put on administrative leave.

Mr. YOHO. I would like to thank my colleague, Mr. MILLER.

Mr. Speaker, I rise today in support of H.R. 4031, the Department of Veterans Affairs Management Accountability Act of 2014.

For far too long, problems of patient neglect have persisted at the VA. These problems will continue to persist until the employees there can be held accountable for their poor performances. In recent weeks, the full extent of staff incompetence has begun to be made clear.

Serious allegations have arisen that lengthy wait times and secret waiting lists at the three Phoenix VA medical centers have led to the deaths of 40 or more of our Nation's veterans. This is unacceptable. There are stories of secret waiting lists and of employee negligence at the VA that are popping up all over the news.

As these reports are investigated, it is necessary that we give the Secretary of the VA the power to not only reprimand, but to remove the negligent employees. If we do not, then the problem will persist.

□ 1345

For these reasons and more, I have cosponsored Chairman MILLER's bill, which will authorize the Secretary of Veterans Affairs to remove or demote any senior executive employee whose performance has been found lacking.

Mr. Speaker, caring for our veterans is of paramount importance. I urge my colleagues to stand up for our veterans and vote to pass the Department of Veterans Affairs Management Accountability Act of 2014.

Mr. MILLER of Florida. First, I want to say thank you very much to the gentleman from Maine, who in fact has been very bipartisan in the way that we have approached this. Our committee has in fact worked in a very bipartisan way in trying to get to the bottom of the issue that lays out there.

I would like to say that it has been said on the floor that there were no hearings on this bill. In fact, it has been heard in subcommittee. It has also been said that the Secretary has the tools that he needs in order to hold people accountable.

Folks, here is where we are.

Back in January, I went to Augusta, Georgia, and Columbia, South Carolina, at the request of Congressman JOE WILSON and Congressman JOHN BARROW. We know—and VA has said—that there were deaths that occurred. There were some 5,000 veterans that were on waiting lists for colonoscopies.

I talked about one of those veterans who testified before our committee today.

Shortly after that, I wrote a letter to the Secretary and I asked him to please provide me the names of the people, what their positions were, and what type of accountability, what disciplinary actions have you taken.

We are now in the closing weeks of the month of May, and I have heard absolutely nothing out of the Department of Veterans Affairs. He may have the tools, but he won't use the tools that he has at his disposal to get rid of or to discipline the very people who are at the crux of the problem that we are talking about all across this Nation today.

Let me tell you something else.

The very director of the Phoenix hospital that is now on administrative leave, according to the Department of Veterans Affairs today, got an \$8,500 bonus in April of this year, even though they knew that there was an open Office of Inspector General investigation ongoing at the time. He got a bonus while there was an ongoing investigation.

In Pittsburgh, Pennsylvania, where the director of the health care system up there knew that there was Legionella inside the water system that led to the death of at least six veterans—they knew it for a year—that person got a \$63,000 Presidential bonus.

It is easier to get rewarded at VA than it is to be disciplined.

That is why I urge my colleagues to vote in favor of H.R. 4031, and I yield back the balance of my time.

Mr. FLORES. Mr. Speaker, I rise today in support of H.R. 4031, The Department of Veterans Affairs Management Accountability Act of 2014. This bill would give the Secretary of Veterans Affairs (VA) complete authority to fire or demote senior leaders based on performance.

This bill originated from an increasing amount of evidence supporting a lack of management accountability in the department's efforts to curb the disability benefits backlog. Now with the devastating discovery of a growing number of preventable deaths at VA medical centers across the country, this legislation has become more essential.

The department is failing to do its primary job, which is to provide the best health care and benefit services to our veterans. Sadly, the recent reports of mismanagement at VA medical centers only add to the growing list of problems that have plagued the VA. It is time that underperforming senior leaders are held accountable and punished for their poor performance, as opposed to the status quo of ignoring mismanagement practices and rewarding misconduct. Our nation's heroes deserve better.

With the passage of H.R. 4031, this bill would allow for the VA secretary to cut through the mounds of red tape to discipline and remove senior leaders. As an original cosponsor of the bill, I was pleased to see the House take action and pass it with an over-

whelming majority. By giving the secretary the direct authority to reprimand leaders, it sends a clear message that mismanagement will no longer be tolerated.

The culture at the VA has clearly lost its way and is in need of leadership that can bring back the focus towards its core values of Integrity, Commitment, Advocacy, Respect and Excellence. These core values have been ignored for too long. It is time to put the interests of America's veterans ahead of the interests of federal bureaucrats so that we keep our promises to the brave men and women who have protected so much for our freedom and liberty.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in opposition to H.R. 4031, the Department of Veterans Affairs Management Accountability Act.

First and foremost, let me address the serious allegations that employees at a number of VA hospitals around the country placed veterans on secret waiting lists and manipulated backlog data. This is absolutely shameful and if the VA Inspector General determines those claims to be true, we must hold those individuals accountable and swiftly remove and punish all employees who were part of this alleged wrongdoing.

Unfortunately, the bill before us today is a fake solution and provides no real fix to the fundamental problems at the VA. Its stated purpose is to hold senior level employees accountable by giving the VA Secretary the authority to terminate them at-will. However, current law already allows for Senior Executives to be terminated for poor performance. Moreover, the VA has broad tools to remove individuals from the SES who are rated unsatisfactory, while providing them no right of appeal. In the last two years, fourteen Senior Executives have been removed.

This legislation is an impulsive political reaction to an awful situation, and has many unintended consequences that could ultimately jeopardize the quality and care that our veterans receive. It would dismantle civil service protections that have been in place for decades and would open the door for political abuse and witch-hunts, effectively creating a mechanism where career federal employees could be removed because of their views or political affiliation. If passed, it would turn 400 Senior Executives at the VA—including many who served in the armed services and are veterans themselves—into at-will employees.

Mr. Speaker, there is nothing more important than providing for the men and women who have made so many sacrifices for our country. However, this bill merely provides a knee-jerk public relations response to a serious problem, and glosses over the real systemic issues we need to address at the Veterans' Administration.

Mr. HOLT. Mr. Speaker, our veterans have served our Nation with pride and honor since our country was founded over 200 years ago, and we owe them and their families a debt that we can never fully repay.

One of the things we can do, however, is ensure that veterans receive the benefits they have earned, and providing high-quality health care must be our foremost priority. If a person is ill, his or her entire quality of life is affected.

The revelations we have learned about the gross negligence at the Phoenix hospital are

shocking and deplorable and should be condemned—and should never happen again. But H.R. 4031 does not get to the root of the matter and it does not fix the issue.

Clearly there are serious problems at the VA that must be addressed, and those that allowed this travesty must be held accountable. However, this bill does not address this problem.

This bill would allow Senior Executive Service employees to be fired without cause—for absolutely no reason, including political reasons. Under current law, Senior Executive Service employees can already be fired for poor performance. An SES employee must, not can, but must be removed should they receive even one unsatisfactory rating.

I strongly support holding all federal employees accountable for the job they are hired to do, no matter what position they hold in government. The American people must have faith in their government. While an investigation of the problems at the Phoenix VA is ongoing, the negligence and indifference is inexcusable. We must get to the bottom of what happened, and make sure it, or anything like it, never happens again.

We should be looking for answers, not using time and energy on this bill, and instead focus on the real problem of why these horrendous actions were allowed to occur.

Mr. WAXMAN. Mr. Speaker, I rise today to express my opposition to H.R. 4031, the Department of Veterans Affairs Management Accountability Act of 2014.

I represent the VA West Los Angeles Medical Center, which is the largest VA medical facility in the Nation. I am outraged by the recent allegations of serious misconduct and mismanagement at VA hospitals. I understand the urgency my colleagues feel to act, but this legislation will not solve the problems plaguing the Department of Veterans Affairs because it doesn't address the systemic deficiencies that are preventing our veterans from getting the care they so deserve.

H.R. 4031 has been brought to the floor without a committee hearing or markup. It gives the Secretary of the VA the authority to fire Senior Executive Service (SES) employees at will. The Secretary already has the authority to fire SES employees for cause. The legislation is not only unnecessary; it is harmful because it would allow political appointees to fire nonpolitical senior federal executives for any reason. It would set a bad precedent and jeopardize the Department's ability to recruit the most talented individuals to the VA.

I want to work with my colleagues to draft sensible legislation that will actually solve the problems at the VA with a new metric for accountability and executive performance.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 4031.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. MILLER of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this motion will be postponed.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4435, HOWARD P. "BUCK" MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015; AND PROVIDING FOR CONSIDERATION OF H.R. 3361, USA FREEDOM ACT

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 590 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 590

*Resolved*, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SEC. 2. (a) No further amendment to the bill, as amended, shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(b) Each further amendment printed in part A of the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(c) All points of order against the further amendments printed in part A of the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part A of the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 5. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3361) to reform the authorities of the Federal Government to require the pro-

duction of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes. All points of order against consideration of the bill are waived. In lieu of the amendments in the nature of a substitute recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence now printed in the bill, the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit with or without instructions.

SEC. 6. The Committee on Appropriations may, at any time before 5 p.m. on Tuesday, May 27, 2014, file privileged reports to accompany measures making appropriations for the fiscal year ending September 30, 2015.

POINT OF ORDER

Mr. MCGOVERN. Mr. Speaker, pursuant to section 426 of the Congressional Budget and Impoundment Control Act of 1974, I make a point of order against consideration of the rule, House Resolution 590.

Section 426 of the Budget Act specifically states that the Rules Committee may not waive the point of order prescribed by section 425 of that same act. House Resolution 590 waives all points of order against further amendments printed in part A of the report of the Committee on Rules.

Therefore, I make a point of order, pursuant to section 426, that this rule may not be considered.

The SPEAKER pro tempore. The gentleman from Massachusetts makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule, and the gentleman from Massachusetts and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, last night, a bipartisan group, Congressman WALTER JONES of North Carolina; Congressman ADAM SMITH, the ranking member of the Armed Services Committee from Washington State; Congressman GARAMENDI; and Congresswoman LEE from California; and I, offered an amendment to be able to have

a debate on a vote on our policy in Afghanistan—the longest war in American history.

It seemed odd to me that a bill like the Department of Defense authorization bill would come to the floor without the ability for Members to have a vote on Afghanistan. We are at war, and you would never know it by the actions of this House.

I am ashamed of this House that a bill like this would come to the floor and the leadership would block any attempt to be able to have a debate and a vote on what our policy should be in Afghanistan.

The rule that we are going to debate later today makes in order 162 amendments. There are amendments on everything from deferred retirement for military chaplains to charging admission to air shows to public access to Rattlesnake Mountain. I am sure public access to Rattlesnake Mountain is a big deal, but it is not as big a deal as the war in Afghanistan, where we have brave men and women in harm's way because we put them there.

The question is whether or not our policies should remain the same or whether it should change.

The President of the United States has said that he wants to draw down American forces in 2014. I hope he does. But there are also reports that we may be there for a considerably longer period of time.

I don't know what the policy is going to be, but let me read to you what this amendment that the Republican leadership blocked says. This is basically what we are asking here. It says:

In the event that the United States Armed Forces remained deployed in Afghanistan after December 31, 2014, then no later than March 31, 2015, the President shall send to Congress a determination describing the purpose and expected duration of such deployment and the projected number of troops to be deployed.

Who could possibly object to that? Basically, it is having the White House inform us of what the policy is. Where is the problem?

The second part of it goes as follows:

No later than 30 days following the receipt of the President's determination, Congress shall enact a joint resolution to improve the content of the President's determination.

Should Congress vote against the President's determination, the President is directed to remove all troops not required to protect United States diplomatic facilities and personnel in a safe, orderly, expeditious redeployment from Afghanistan.

Does anybody really object to that? Does anybody object to doing what we are supposed to do—to have a say on issues like war? It astounds me that Members of Congress would want to hide behind the Rules Committee blocking bringing this to the floor as though it is a way to avoid a serious debate and a vote on this policy.

By the way, the sponsors of this amendment have different opinions on

Afghanistan. Some of us believe we should get out of there right now. That is where I am. Some of those who co-sponsored this amendment believe that we should be there and have at least a small force in Afghanistan beyond 2014.

So this is not about right now saying we want to get out of Afghanistan. What this is saying is that if the President decides to change his promise of keeping us there no later than December 2014, then we ought to have a vote. We ought to be informed of what is going on and we ought to have a vote. Who could object to that?

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Speaker, I thank the gentleman from Massachusetts.

I could not agree more. How in the world can the Congress of the United States, which has an obligation to declare war, continue to abdicate its right to debate our young men and women going to Afghanistan to die?

We have already spent over \$1.5 trillion in Iraq and Afghanistan. Iraq was an unnecessary war.

□ 1400

The previous administration intentionally manufactured the justification. It was absolutely unnecessary. And all we are asking—and that is why I will vote against the rule. There is much in this bill that I will vote for.

But as the gentleman from Massachusetts says, this is a bipartisan amendment.

I have signed over 11,000 letters to families and extended families who lost loved ones in Iraq and Afghanistan. This past weekend I signed four letters. I am not trying to single myself out, but I feel the pain of my mistake of giving the authority to the previous President to bypass Congress to send our young men and women to die in Iraq and Afghanistan.

Mr. MCGOVERN is right. If President Obama believes it is necessary in the next couple of years to increase the numbers, then let him come to Congress so that we can meet our constitutional responsibility and vote either "yes" or "no," and then, with pride, know that we did what the Constitution required.

Next Wednesday, I will go to Walter Reed at Bethesda to see three marines who were severely injured in Afghanistan in the last month. I don't know how severely they are. It might be legs are gone. It might be brain injuries.

Yet, we, in Congress, continue to abdicate our constitutional responsibility to these young men and young women. I will tell you that the marines down at Camp Lejeune and Cherry Point, which is in my district, are sick and tired of this involvement in Afghanistan.

One last point. The former Commandant of the Marine Corps has been

my adviser for the last 5 years on Afghanistan, and he has said: Why doesn't Congress understand history? You will never change Afghanistan. No matter how much blood or money you send to Afghanistan, you will never change it.

I am disappointed in the Rules Committee. So many, and every one of them, Republican and Democrat, I have the greatest respect for. But not to allow us to debate whether a young man or young woman from America should die or lose their legs, their arms, or their mind is a disappointment and a failure of this House of Representatives not to follow the Constitution.

I thank the gentleman from Massachusetts for the time.

Mr. NUGENT. Mr. Speaker, I rise in opposition to the point of order and in favor of consideration of the resolution.

The SPEAKER pro tempore (Mr. POE of Texas). The gentleman from Florida is recognized for 10 minutes.

Mr. NUGENT. Mr. Speaker, I yield myself such time as I may consume.

The question before the House is, Should the House now consider H. Res. 590?

While the resolution waives all points of order against consideration of the bill, the committee is not aware of any point of order.

The Congressional Budget Office has stated that, while the two underlying bills contained in the rule would impose intergovernmental and private sector mandates as defined by the Unfunded Mandates Reform Act, the mandates would fall well below the threshold in that act.

That said, I know my friend is using this point of order to debate a very important issue that he cares passionately about. I am glad he has had the opportunity to bring it forward because we tend to agree on a lot of what he has said, and he knows that. We have talked on numerous occasions.

But in order to allow this House to continue its scheduled business of the day, I urge our Members to vote "yes" on the question of consideration of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, may I inquire how much time I have left?

The SPEAKER pro tempore. The gentleman from Massachusetts has 2¾ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I want my colleagues to understand one thing. The amendment that we are talking about is germane. I spent a great deal of time working with the Parliamentarian to make sure that the concerns that the Republican majority had about the germaneness of this amendment were addressed. It is a germane amendment. There is absolutely

no reason at all for this not to be on the floor.

Let me just say that it doesn't take any courage to praise the troops and then hide from the vote. It is an act of cowardice, quite frankly. The fact that we are debating a Defense Department authorization bill, we are at war, and we are not allowed to be able to consider an amendment about what our policy should be in Afghanistan, well, what do you tell the troops? What do you tell their families? This war is on auto-pilot and we will just let it go?

I mean, we have a responsibility. This Chamber voted to send young men and women into harm's way. We have a responsibility and we are not living up to it. There is no reason in the world why this amendment should not be made in order. It is germane. It complies with all the rules.

The only reason why it isn't made in order is because someone in the Republican leadership said, no, we are not going to have a debate; we are not going to have a vote. Maybe they are afraid they are going to lose. I heard last night that they don't want to embarrass the President.

Really?

I mean, select committees on Benghazi, 53 votes to overturn the Affordable Care Act. They don't want to embarrass the President? Well, with friends like you, the President doesn't need any enemies.

The bottom line is this an important issue, and how dare we come to the floor on the defense bill and be silent and indifferent when it comes to Afghanistan.

I am ashamed of this process. There is no reason in the world why we shouldn't be debating this issue. We owe it to those young men and women who are over there, those who have sacrificed their lives, those who are at Walter Reed Hospital.

How dare we bring a bill like this to the floor without addressing this most important issue. We are at war, and no one in this place seems to want to talk about it.

Well, it is our responsibility just as much as it is the President's responsibility. To do nothing means we are complicit in continuing this war. I have had enough, and I think Members of this Chamber who agree with us ought to stand with us and vote against this rule.

This process stinks. We played by the rules, we did everything right, and we got nothing—nothing on this issue.

Mr. Speaker, I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, like I said before, I don't disagree with a lot of what my friend from Massachusetts said. As we voted last time, we are not going to have the opportunity to do that this time.

But I urge Members to vote "yes" on the question of consideration of this

resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

A motion to reconsider was laid on the table.

#### POINT OF ORDER

Mr. MCGOVERN. Mr. Speaker, I make a point of order against the consideration of the rule, House Resolution 590.

Clause 9(c) of rule XXI of the rules of the House specifically states that the Rules Committee may not waive the earmark disclosure rule prescribed by paragraphs (a) or (b) of clause 9 of rule XXI. House Resolution 590 waives all points of order against consideration of H.R. 3361.

Therefore, I make a point of order pursuant to clause 9(c) of rule XXI that this rule may not be considered.

The SPEAKER pro tempore. The gentleman from Massachusetts makes a point of order that the resolution violates clause 9(c) of rule XXI.

Under clause 9(c) of rule XXI, the gentleman from Massachusetts and a Member opposed each will control 10 minutes of debate on the question of consideration.

Following that debate, the Chair will put the question of consideration as follows: "Will the House now consider the resolution?"

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

What I found interesting about the exchange that we have just had is that nobody can explain to me why we cannot have a vote on the bipartisan amendment that Mr. JONES and Mr. SMITH, Mr. GARAMENDI, Ms. LEE and myself have brought before the House. Nobody can give us a reason why, other than it is not in order because they have the power to not make it in order.

I want my colleagues to understand a few facts. 2,320 U.S. troops have been killed in Afghanistan since 2001.

19,718 U.S. troops have been wounded in Afghanistan since 2001.

127 soldiers were killed in 2013.

1,687 have been killed since the surge of 2009.

An estimated 30,000 Afghan civilians have been killed since 2001.

The VA estimates that approximately 22 veterans will die by suicide every day. At least 30 percent of veterans have contemplated suicide.

Mr. Speaker, the American people deserve a say in the future of America's longest war. We all know that there is no military solution in Afghanistan. The American public is sick and tired of war. American interests are not advanced by another decade of war.

And yet, what does this House of Representatives do when we consider

the Department of Defense authorization bill? We do nothing. We do nothing. The only thing that happens is we bring germane amendments to the Rules Committee to be able to debate this issue so the Members will have a say when the President outlines his policy for Afghanistan beyond 2014.

But it seems that the leadership of this House is perfectly satisfied just sitting back and just being okay with whatever happens.

All we are asking for is that if we are going to stay beyond 2014, the President has to tell us what his plan is. That is not radical. That is not out there. He needs to tell us what his plan is, and we need to vote on it. That is our job. And if you don't want to take responsibility for issues like this, maybe you ought to think about retiring because it is an insult to the men and women who are serving our country for us to be silent and indifferent, to not do the proper oversight, to not debate these issues.

It is an insult to the American taxpayer that we are letting the most corrupt government in the world—that is how the Karzai government has been rated, the most corrupt government in the world—continue to steal our money.

We cut food stamps for poor people. We don't have enough money to take care of our veterans in the VA facilities. We are cutting back on moneys for roads and bridges. We can't extend Unemployment Compensation for people who have lost their jobs, and yet we just hand over millions and millions and millions of dollars.

Let me just tell you this, Mr. Speaker. Right now, we authorized in FY13 spending \$87.2 billion for Afghanistan. We authorized in FY14 spending \$85.2 billion. Proposed FY15 spending, \$79.4 billion. Total since 2001, \$778 billion. And when you add in the cost of the veterans care that will be needed and all the other associated costs, the total cost of the war in Afghanistan and Iraq are about \$4- to \$6 trillion. And we are not even paying for most of it. We are borrowing it. It is going on our credit card.

My friends wail about the deficit and the debt, but when it comes to just dumping money into this money pit called Afghanistan, they say nothing.

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

You know, it is kind of amazing that many of us on my side are considered conservatives. I hope that I am considered a conservative.

Pat Buchanan has written so many articles about the new war party. The new war party is the Republican Party. It is the Republican Party because of the reason that Mr. MCGOVERN is talking about today.

We sit here and we allow all these other spending issues involving our military, and much of it they deserve: pay increases, taking care of their families, doing the good things for our military.

But when it comes to sending our young men and women to give their life and limbs, we don't debate it. We just don't debate it.

I don't know if the military industrial complex that Eisenhower warned the Congress about—do they control Congress? I don't know. I haven't checked the campaign finance donations from the military industrial complexes.

But something has changed my party from understanding our constitutional responsibilities. Nothing is more important—nothing in the House of Representatives is more important than sending a young man or woman to die for this country. If this amendment allows us to have a debate on whether that young man or young woman should give their life, then we owe it to the families of America.

□ 1415

This amendment that Mr. MCGOVERN and myself and Ms. LEE and Mr. SMITH and Mr. GARAMENDI offered is very simple. It just says that after 2014, if the President decides that he needs to increase the number of troops in Afghanistan, then we will vote on it.

Do you know how pathetic this is that we are asking for this?

A few years ago, President Obama proposed to the Afghan Government—President Karzai, who is a crook—that we will have an agreement, that we will stay there 10 more years, and that we will send them \$2 billion or \$3 billion a month just to take care of their needs in Afghanistan. This, when we are cutting food programs for children, senior citizens, and we can't even fix the potholes and can't fix the bridges in America.

And then you will not allow us to have a debate on our responsibility, based on the Constitution, that a young man or a young woman who would die for this country or lose a leg, an arm, or their mind, that we can't have a debate? What a pathetic time for the House of Representatives.

Mr. NUGENT. Mr. Speaker, I rise in opposition to the point of order and in favor of consideration of the resolution.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 10 minutes.

Mr. NUGENT. Mr. Speaker, the question before the House is: Should the House now consider H. Res. 590?

While the resolution waives all points of order against consideration of the bill, the committee is not aware of any points of order. All of the relevant committees have included earmark statements in their reports filed with

the House, so there is no violation of the House earmark rule.

That said, I know my friend is using this point of order to debate an important issue—and I have said this earlier—that he passionately cares about. So I am glad that he has had that opportunity.

But in order to allow this House to continue with the scheduled business for the day, I urge Members to vote “yes” on the question of consideration, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, when Speaker BOEHNER became the Speaker of the House, he made a pledge that he would allow the House to work its will on major issues.

This is a major issue. This is a major issue. If my friends want to know why the majority of the American people think that this place is dysfunctional, this is the reason: we can't get a vote on an issue as important as the war in Afghanistan.

Now, there is really no excuse. It is germane. We spent a lot of time working with the Parliamentarian to make sure it is germane to satisfy the concerns of the majority. We did that. It is bipartisan. It is bipartisan. And of people who are cosponsors of the amendment, some want to end the war now and some believe that we need to keep troops there for a period beyond 2014. I mean, we have jumped through every hoop. What else can we possibly do?

And for some reason, somebody in the leadership here said, no, the House of Representatives will not be able to work its will when it comes to Afghanistan.

Mr. Speaker, I would like to insert into the RECORD an article entitled “CNN Poll: Afghanistan war arguably most unpopular in U.S. history.”

[From CNN Political Ticker]

CNN POLL: AFGHANISTAN WAR ARGUABLY MOST UNPOPULAR IN U.S. HISTORY

(Posted by CNN Political Unit)

WASHINGTON (CNN).—Support for the war in Afghanistan has dipped below 20%, according to a new national poll, making the country's longest military conflict arguably its most unpopular one as well. The CNN/ORC International survey released Monday also indicates that a majority of Americans would like to see U.S. troops pull out of Afghanistan before the December 2014 deadline.

Just 17% of those questioned say they support the 12-year-long war, down from 52% in December 2008. Opposition to the conflict now stands at 82%, up from 46% five years ago. “Those numbers show the war in Afghanistan with far less support than other conflicts,” CNN Polling Director Keating Holland said. “Opposition to the Iraq war never got higher than 69% in CNN polling while U.S. troops were in that country, and while the Vietnam War was in progress, no more than six in 10 ever told Gallup's interviewers that war was a mistake.”

The U.S. timetable for Afghanistan calls for the removal of nearly all troops by roughly this time next year, and that can't come fast enough for the vast majority of Americans. Just over half would rather see U.S. troops withdrawn earlier than Decem-

ber 2014. Only a quarter say that America should still have boots on the ground in Afghanistan after that deadline.

Fifty-seven percent say the conflict is going badly for the U.S. and only a third say America is winning the war in Afghanistan.

“Independents have a much gloomier view of the war in Afghanistan than Republicans or Democrats,” Holland said. “That may be because a Republican president started the war and a Democratic president has continued it, so there may be some residual support among people who identify with either party.” Some 2,300 U.S. troops have been killed in Afghanistan since the war began in the autumn of 2001. The U.S. is quickly drawing down its forces in Afghanistan. If a bilateral security agreement that would keep up to 10,000 U.S. troops in Afghanistan after the end of 2014 isn't signed in the near future, the U.S. could withdraw all forces from Afghanistan at the end of next year.

The poll was conducted for CNN by ORC International between December 16 and 19, with 1,035 adults nationwide questioned by telephone. The survey's overall sampling error is plus or minus three percentage points.

The discontent evident in the CNN poll is also seen in two other national surveys conducted earlier this month.

Two-thirds of those questioned in an ABC News/Washington Post poll said the war has not been worth fighting, and an Associated Press/GfK survey showed 57% saying the U.S. did the wrong thing in going to war in Afghanistan.

Mr. MCGOVERN. The American people deserve better than what is on display here.

Mr. Speaker, I want to appeal not just to Democrats but to Republicans. I want to appeal to the fairness of Members in this Chamber. I want to appeal to their sense of making sure that what we do here is right.

On this issue, we ought to have a vote, and the only way to get a vote is if you vote down the rule so we can go back to the Rules Committee and insert this amendment, that is totally germane, into the Department of Defense authorization bill.

Mr. Speaker, I am going to close by simply saying, it is moments like this where I feel a great sadness for this institution. Again, there are a lot of things in this Defense Department bill that we are going to debate that really, I think, one would fairly characterize as somewhat trivial, and I mentioned some of them earlier.

The fact that we are at war and we can't vote on this war—we are being told that we can't have a say on what the future of our policy is—that is shameful. I am ashamed of this place for running such a closed system on the war.

This is the defense bill. We are not talking about the education bill. We are not talking about the small business bill. This is the Department of Defense authorization bill. This is where we should have the debate. It is germane, and it should be made in order.

I will just finish, Mr. Speaker, by saying that we are approaching Memorial Day. We are all going to go home



and give great speeches. When people ask, What are you doing for our troops in Afghanistan, what are you doing to try to get them home, you will be able to say, nothing, because that is exactly what we are going to do if we can't consider this amendment. Nothing. What a shame. What a tragedy. What an insult to those men and women who are serving. What an insult to their families. What an insult to the American people.

When you are in charge, you can do whatever you want, but I would urge my colleagues, on a bipartisan basis, to reject this rule.

I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, so much has been said. As I said earlier, I agree with a lot of what has been said.

I will be honest with you, I am disappointed. I have sons that have been sent off to war for this Nation: two of them in Iraq at the same time and one in Afghanistan. They didn't ask to go. They went because, long before I got here, a majority of the Members here voted for it.

Now, you can have disagreements about whether or not we should have been involved in Iraq. I have some serious reservations. Or about what our continued involvement in Afghanistan should be. I actually voted for an amendment that the gentleman from Massachusetts (Mr. McGOVERN) put up last year in regards to getting out of Afghanistan.

Listen, what I say is not hallowed words. I have had blood and flesh of my own in those countries. And I agree, there is nothing we can do to change where Afghanistan is going to go in the future. You can't change history, as has been brought up here.

But I will tell you that if you don't vote for the underlying rule, then we won't have the opportunity to support our troops. We won't have an opportunity to override what the President is doing in regards to cutting the COLA for our troops and adding additional costs to our troops that they have to bear out of their own pockets.

So you want to make a statement. Let's not forget about what the NDAA is all about. It is about supporting our troops and giving our warfighters the equipment and the training and the compensation that they and their families richly deserve for what that 1 percent gives to this Nation, the freedom to stand down here and have a difference of opinion.

But, Mr. Speaker, in order to allow this House to continue with its scheduled business for the day, I urge all Members to vote "yes" on the question of consideration of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. NUGENT. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. NUGENT. Mr. Speaker, House Resolution 590 provides for House consideration of two separate pieces of legislation. The first of these bills, H.R. 3361, the USA FREEDOM Act, will be considered for 1 hour under a closed rule. This legislation will prohibit the bulk collection of all tangible things, not just telephone records. It will end a practice that, in my sincere belief and in the belief of so many other Americans, violated our privacy and our constitutional rights. This isn't the end of the issue for me and, I suspect, for a lot of our Members as well.

And secondly, the reason I am proud to be here to sponsor this particular rule is because it provides further consideration of this year's National Defense Authorization Act. The NDAA passed for 52 consecutive years, and I am confident that this will be the 53rd consecutive year that it passes.

Mr. Speaker, this is the very definition of a bipartisan effort. This year's NDAA was reported out of the House Armed Services Committee with unanimous support, 61-0.

For all the infighting that exists in Congress, it is nice to know that we can unite around the common cause of supporting our troops and fulfilling our constitutional responsibility of providing for the common defense of our homeland.

Part of the reason this legislation received so much support is that so many Members have had input into the process, from the committee to the floor. The committee alone, this bill was amended 155 times in committee. And the rule will allow for the consideration of over 160 more amendments, with over 70 of those amendments coming from my colleagues on the other side of the aisle.

Of course, no piece of legislation is perfect to each Member. Even as a member of the House Armed Services Committee, I didn't get everything I wanted in this legislation. But I am extremely proud of the work that we have done and the product that we have put forward.

One of the things I would like to highlight in this bill is the 1.8 percent pay raise for our troops. It is definitely more modest than I had hoped, but it is still a good step. And I think we all know our brave men and women have earned it.

We have also rejected, for 4 years in a row now, the President's proposed benefit cuts to our warfighters and their families. In the President's FY12 budget request, he proposed cuts to TRICARE. In the NDAA that year, the committee fully restored those cuts. In the President's FY13 budget proposal, he proposed compensation cuts once again. And, once again, our NDAA restored much of the funding and required the President to find other sources for the remaining funds.

Fiscal year '14 was no different. This President proposed TRICARE cuts and actually reduced the military's pay raise from 1.8 to just 1 percent. Congress again rejected those TRICARE cuts and worked to restore the program with other resources.

Mr. Speaker, I am disappointed to say the President's proposed cuts this year were the most sweeping to date. Those cuts would have included TRICARE, housing allowances, and commissary benefits. These cuts add costly out-of-pocket expenses to those military families, that 1 percent who protect our freedoms, and he was willing to cut that. Our warfighters deserve better, and the NDAA before us ensures that those damaging cuts will not happen.

This NDAA also rejects the administration's insistence on one or more rounds of base closure to conserve resources. It is our opinion that Base Realignment and Closure, BRAC, is an ineffective way to produce true savings. Instead, they add large up-front costs. And so in this year's NDAA, we have prohibited another round of BRAC.

We have also expanded sexual assault prevention by reviewing the discharge status for victims who separate from the military. And this is so important to all of us. What we want to do is to ensure that no servicemembers were prosecuted for reporting a crime, and we want to make sure that we hold those responsible for the crime to the highest level that we can.

Finally, the underlying bill ensures the preservation of the National Guard. In every State and territory in this Union, guardsmen are exceptionally well trained and must retain equipment to respond to disasters in their States.

□ 1430

These brave men and women are critical to the operational Reserve of this country—ready to deploy to combat zones in defense of the entire Nation, as they have proudly done over the last 12 years. These are active members of our community who risk their own



safety to come to our rescue when we are in need the most.

The Guard also provides for some of the most effective and efficient dollars spent, and that is why it is always frustrating to see proposals that could dramatically cut from their budget.

The NDAA recognizes the importance of the National Guard and the Reserves and preserves their capability to protect us here at home and abroad.

I support the rule and the underlying legislation, and I urge my colleagues to do the same. I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

I agree completely with my colleague from Massachusetts (Mr. MCGOVERN). How can we possibly be having a meaningful debate about our national defense policy when we are not even allowed to have a vote or a debate on the war that this country happens to be engaged in at this given time? It is a pretense for a discussion that while still important is omitting the single largest public policy issue that our constituents are interested in and that men and women are putting their lives at risk for related to defense.

There were 131 germane amendments, including the amendment offered by my colleagues, Mr. MCGOVERN and Mr. JONES, relating to the war in Afghanistan, and 130 others that are rejected under this rule—not even allowed a minute of discussion on the floor, no less a vote. What would it take to allow a full discussion of those issues? Well, 131 amendments, and customarily, even if we gave each 10 minutes, that is just 2 or 3 days of legislative time about our entire national defense policy. Isn't that what we owe this country as our Nation's deliberative body here, as Representatives of the United States Congress, to discuss for 2 or 3 days all the issues that Members on both sides of the aisle have brought forward relating to defense? I am including, first and foremost, the obvious issue of the war that we are currently engaged in and the demands from our constituents that whatever side prevails in that vote—and in the past, I have joined my colleagues, Mr. MCGOVERN and Mr. JONES, on that issue—at least we should be able to debate and discuss whether an ongoing American presence in Afghanistan is in our national security interests.

The process under which these bills have come to the floor prevents open dialogue and debate, and, frankly, continues to undermine the reputation of this body, the United States Congress, as a deliberative and representative body. One need not wonder why congressional approval ratings are so low. Here we are having a debate for a day on national defense, and we are prohib-

ited from debating and voting on the single largest issue relating to national defense.

In addition, this bill brings up a very weakened form of the USA FREEDOM Act. Not only was this bill weakened in the Judiciary Committee, but, in addition, it was weakened just 24 hours ago before the Rules Committee. Nonetheless, Members from both sides of the aisle submitted amendments to improve the bill, but, unfortunately, every single one of those 20 amendments are blocked under this rule. So we block 131 amendments by Members on both sides of the aisle from debate and from a vote, and we blocked 20 amendments for Members on both sides of the aisle with regard to the USA FREEDOM Act.

Look, this underlying rule also blocked amendments relating to military preparedness. It blocked a widely popular amendment that I think would have more than enough votes on the floor of the House, according to its chief sponsor, Mr. DENHAM, that would allow our aspiring Americans to enlist in the military to ensure that we have the very best and most capable aspiring men and women to defend our country. Absent that amendment, the military will have to essentially go to the next best person on their list, have a harder time meeting their recruitment goals, and have to accept something less than the very best to defend our country and protect our national security. The majority blocked this important bipartisan amendment that would allow aspiring Americans who seek to serve our country and know no other country and owe no other allegiance to any other country to earn their legal status through military service.

The majority also blocked an amendment by Mr. CASTRO that would have allowed aspiring Americans who are DACA-qualified to become eligible to attend, train, and serve at U.S. service academies. I have had the deep honor of having been appointed by then-Speaker and now-leader Pelosi to serve on the board of governors along with my colleague, Mr. LAMBORN of Colorado, of the Air Force Academy in Colorado Springs.

Members from across the country undergo—like we do in our office—a selection process where we interview the very best and brightest young men and women from across our districts for appointment to that academy, and one of the greatest honors I have as a Representative is being able to make the phone calls to the talented young individuals that our panelists have chosen to say, yes, we are providing you an appointment to one of our officer universities, and you will be able to serve as an officer in the United States military, one of the U.S. service academies. However, again, as a result of the failure of this rule to allow for even a de-

bate or a vote on the Castro amendment, once again, our military academies are being forced to accept the next best, the less prepared student, rather than the most prepared and the very best officer that we need in today's and tomorrow's military to keep our Nation's national security interests safe.

Both the Denham and Castro amendments would strengthen our service morale, our national defense, and our military preparedness. And those are an example of the 131 amendments to this bill that are blocked from discussion or votes under this restrictive rule.

In addition, this rule makes in order H.R. 3361, the USA FREEDOM Act. Now, this bill was supposed to rein in the NSA's illegal and far-reaching wiretapping programs. Though I have never in my time here supported the PATRIOT Act, even many of my colleagues on both sides of the aisle who have believe that the interpretation of that act was overly broad, and therefore, it is desirable for Congress to assert itself on behalf of the American people and rein in some of the worst excesses. But I am dismayed to find that the final text on the floor was not only weakened in the committee process but was weakened just 24 hours ago behind closed doors with less than just about 24 hours for Members of this body to even read the new version of the weakened USA FREEDOM Act.

Mr. Speaker, last year's revelations that the NSA had been collecting detailed information about our communication patterns have undermined the trust that my constituents and Americans across the country have in our government. It has created conflicts with our allies abroad, threatening jobs in our country by sully the reputation of American companies and rifling our international trade waters. The NSA collection of metadata is a clear violation of our constitutional guarantee against unreasonable search and seizure, and it simply can't continue.

Now, while I am pleased that the Chamber is finally taking up legislation that is aimed at reining in the NSA's activities, however, while this bill does take baby steps towards restoring some of Americans' freedoms that are so inherently part of our constitutional system, I am very disappointed that it doesn't require the government to fully meet the standard, nor does it resolve this issue in any way, shape, or form to the American people.

The USA FREEDOM Act curtails the NSA's ability to monitor Americans' private communications under section 215 of the PATRIOT Act. And the legislative intent is clear: to prohibit the collection of bulk data such as the type that was occurring under the secret program revealed by Edward Snowden. However, the language in the bill falls

short of accomplishing that, and none of the amendments that were designed to improve this bill and make it work to secure our privacy rights were even allowed to be discussed under this rule here on the floor of the House, which is another reason that this rule simply must be brought down.

This legislation amended the definition of “specific selection term,” which is required to conduct surveillance under FISA in a way that creates the possibility that the NSA could misuse the bill. Now, again, a secret government agency that we have acknowledged has had oversight problems in the past, having overly broad discretion, has shown and demonstrated that it has been unable to provide the proper oversight.

So the bill’s new definition of “specific selection term” can be read to create a loophole permitting intelligence agencies to use selection terms that could permit the collection of large segments of data associated with the particular email domain or IP address.

The American people have seen how broadly in the past the intelligence community has interpreted their authority under surveillance law. Fool me once, shame on you; fool me twice, shame on me. The new definitions provided in the underlying bill provide a potential loophole almost as wide as the initial loophole in the PATRIOT bill itself and fails to address the privacy concerns of the American people.

In addition, the new language eliminated provisions that strengthened and clarified the ban on reverse targeting in 702 and the minimization provisions for both the 215-based CDR program and the FISA pen register statute.

The language is a major departure from the bill that passed out of two committees. So you might hear Members on both sides of the aisle say, oh, the bill passed by voice on committee. To be clear, this is not the bill that passed in committee. This bill was changed 24 hours ago and severely weakened. Were the proponents of these changes hesitant to bring these changes forward in committee because they knew they would engender bipartisan opposition? Perhaps. But let it not be said without refutation that these bills have passed committee by a voice vote unanimously. The bill has changed significantly since it passed committee.

Again, while I am encouraged that this Congress is finally taking up a bill designed with the intent of reining in the excesses of the NSA, this process is flawed. Twenty amendments were offered; none are allowed under this rule. If we can defeat this rule, Members from both sides of the aisle will be able to move forward to improve upon the USA FREEDOM Act to ensure that it can be examined and that Congress can engage in their proper oversight role with regard to this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. FORBES) whom I serve with on the Armed Services Committee, but he also serves on the Judiciary Committee.

Mr. FORBES. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of the rule and the underlying bill.

Mr. Speaker, if you listen to some of the debate on this rule, you would not realize that both the underlying pieces of legislation here were enormously bipartisan.

I want to thank my colleagues on the Judiciary Committee—Chairman GOODLATTE, Ranking Member CONYERS, Congressman NADLER, Congressman SCOTT, and Congressman SENSENBRENNER, the original author—for their hard work in bringing this bipartisan bill to the floor.

The bill passed out of the Judiciary Committee by a vote of 32-0 and as amended passed the Intel Committee by a voice vote.

The underlying bill takes important steps toward reforming our Nation’s intelligence-gathering programs by banning the bulk collection of data. The bill enhances civil liberty protections for all Americans while at the same time preserving our ability to protect the national security of this country.

National security and international terrorism investigation will now be conducted on a case-by-case basis, using specific selection terms and with permission from the FISA court, thereby ending the vacuuming up of data by the NSA.

Finally, the bill creates more transparency and provides more information to the American people. Companies will now be able to publicly report on the requests for information they receive from the government. The bill also requires new comprehensive reviews and extensive public disclosure.

The act includes legislation that I offered with my colleagues, the Intelligence Oversight and Accountability Act, which requires the government to provide to Congress, within 45 days, a copy of each FISA court decision, order, or opinion that includes a significant construction or interpretation of FISA.

The Federal Government has the responsibility to ensure that the intelligence community is taking appropriate action to root out threats to the security of the American people within the boundaries of the U.S. Constitution.

Today, we are striking this balance between safeguarding privacy and protecting Americans from terrorist threats in today’s post-9/11 world.

Also, Mr. Speaker, we have heard talk about the NDAA bill and amendments that weren’t allowed. What you

did not hear is that from 10 o’clock in the morning until 12:30 the next morning, the amendments were offered—over 155—and the chairman of that committee was so gracious he continued to ask, “Are there any additional amendments?” until there were none, when we finally passed on a bipartisan basis the NDAA bill.

Mr. Speaker, I will tell you that is a good bill that strengthens and supports our men and women in uniform. I hope that my colleagues will support the rule and support the underlying bills.

Mr. POLIS. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), my distinguished colleague on the Rules Committee.

Mr. MCGOVERN. Mr. Speaker, I, once again, rise in strong opposition to this rule, which fails to make in order the bipartisan McGovern-Jones-Smith-Garamendi-Lee amendment on Afghanistan, and I will include the text of my amendment following my remarks.

Mr. Speaker, ours is a very straightforward amendment. We worked very hard to make it thoughtful, bipartisan, and germane. It reiterates the President’s commitment to complete the transition of U.S. combat, military, and security operations to Afghan authorities by the end of this year.

□ 1445

It requires the President to send to Congress by the end of March next year a determination that describes the mission, duration, and level of troops of any post-2014 deployment of U.S. troops in Afghanistan, and the Congress then has 30 days to enact a joint resolution to approve the President’s determination.

In the event that Congress votes against the President’s determination, then the remaining U.S. troops in Afghanistan would be withdrawn in a safe, orderly, and expeditious manner, taking into consideration the security of U.S. diplomatic facilities and personnel.

Last year, 305 Members of this House voted in support of an amendment calling for just such a vote, but under this rule, those same Members will be denied the opportunity to make sure that the President presents clearly to Congress what he intends our troops to do in Afghanistan after the end of this year and for how long. Under this rule, Congress is denied the opportunity to vote on whether they approve the President’s plan or not.

I don’t know how a vote on our amendment would turn out, and I certainly have no idea how a vote next year on keeping our troops in Afghanistan would turn out, but here is what I do know: I know that the men and women who will be asked to serve and perhaps to die in Afghanistan deserve a debate and a vote. I know their families deserve a debate and a vote.

I know that the American people, who have spent billions and billions and billions of dollars on this war, deserve a debate and a vote; and I know that this Congress has not only the right but the responsibility to make our views known on this important issue.

We are at war, Mr. Speaker. I know that some of my colleagues would rather not think about that. They would rather the issue of Afghanistan just go away, but wishing and hoping doesn't make it so.

This is already the longest war in American history. The American people are tired of it. Our troops and their families have been stretched to their very limits. We have lost over 2,000 servicemembers and spent over \$700 billion.

What in the world is the Republican leadership afraid of, Mr. Speaker?

Last night, some of my Republican colleagues told me that they were refusing to make this amendment in order because they didn't want to upset the President. Are you kidding me? Since when does this leadership care one iota about upsetting the President?

We can vote to repeal the Affordable Care Act over 50 times. We can have investigation after investigation after investigation about Benghazi, but we can't take 10 minutes to debate the war in Afghanistan? Give me a break.

Besides, this amendment doesn't upset any plans or negotiations the President is currently carrying out on Afghanistan—not a one. It doesn't interfere with funding for the war, and it doesn't interrupt the deployment of our troops.

I know, in their hearts, that many of my Republican colleagues agree with me, so I am going to give them one more chance to do the right thing. I urge you to support the McGovern-Jones-Smith-Garamendi-Lee amendment on Afghanistan.

Strike section 1217 and insert the following:

**SEC. 1217. COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN; REQUIREMENTS TO CONTINUE DEPLOYMENT OF ARMED FORCES IN AFGHANISTAN TO CARRY OUT MISSIONS AFTER DECEMBER 31, 2014.**

(a) COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.—In coordination with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, the President shall—

(1) complete the accelerated transition of United States combat operations to the Government of Afghanistan by not later than December 31, 2014;

(2) complete the accelerated transition of United States military and security operations to the Government of Afghanistan and redeploy United States Armed Forces from Afghanistan (including operations involving military and security-related con-

tractors) by not later than December 31, 2014; and

(3) pursue robust negotiations leading to a political settlement and reconciliation of the internal conflict in Afghanistan, to include the Government of Afghanistan, all interested parties within Afghanistan and with the observance and support of representatives of donor nations active in Afghanistan and regional governments and partners in order to secure a secure and independent Afghanistan and regional security and stability.

(b) REQUIREMENTS OF PRESIDENTIAL DETERMINATION AND CONGRESSIONAL AUTHORIZATION TO CONTINUE DEPLOYMENT OF UNITED STATES ARMED FORCES IN AFGHANISTAN TO CARRY OUT MISSIONS AFTER DECEMBER 31, 2014.—

(1) PRESIDENTIAL DETERMINATION.—In the event that United States Armed Forces remain deployed in Afghanistan after December 31, 2014, then no later than March 31, 2015, the President shall send to Congress a determination describing the purpose and expected duration of such deployment, and the projected number of troops to be deployed.

(2) CONGRESSIONAL ACTION.—No later than 30 days following the receipt of the President's determination, Congress shall enact a joint resolution to approve the content of the President's determination. Should Congress vote against the President's determination, the President is directed to remove all troops not required to protect United States diplomatic facilities and personnel in a safe, orderly and expeditious redeployment from Afghanistan.

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent to amend the rule to include my amendment calling for a vote on keeping troops in Afghanistan after 2014, and that this amendment receive 10 minutes total debate like every other germane amendment made in order under the rule.

The SPEAKER pro tempore. All time has been yielded for the purpose of debate by the gentleman from Florida. Does the gentleman from Florida yield for this unanimous consent request?

Mr. NUGENT. I do not.

The SPEAKER pro tempore. The gentleman from Florida does not yield. Therefore, the unanimous consent request cannot be entertained.

**MOTION TO ADJOURN**

Mr. MCGOVERN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 23, nays 361, not voting 47, as follows:

[Roll No. 224]

**YEAS—23**

Castor (FL)	Israel	Moore
Chu	Johnson, E. B.	Nadler
Clarke (NY)	Jones	O'Rourke
Dingell	Kelly (IL)	Pallone
Fudge	Lee (CA)	Pingree (ME)
Hastings (FL)	McGovern	Pocan
Hinojosa	Meeks	Velázquez
Honda	Miller, George	

**NAYS—361**

Aderholt	Diaz-Balart	Kilmer
Amash	Doggett	Kind
Amodel	Doyle	King (IA)
Bachus	Duckworth	King (NY)
Barber	Duncan (SC)	Kinzinger (IL)
Barletta	Duncan (TN)	Kirkpatrick
Barr	Edwards	Kline
Barrow (GA)	Ellison	Kuster
Barton	Ellmers	Labrador
Beatty	Enyart	LaMalfa
Benishek	Eshoo	Lamborn
Bentivolio	Esty	Lance
Bera (CA)	Farenthold	Langevin
Bilirakis	Farr	Larson (CT)
Bishop (NY)	Fattah	Latham
Bishop (UT)	Fincher	Latta
Black	Fitzpatrick	Levin
Blackburn	Fleischmann	Lewis
Blumenauer	Fleming	Lipinski
Bonamici	Flores	LoBiondo
Boustany	Forbes	Loebuck
Brady (PA)	Fortenberry	Lofgren
Braley (IA)	Foster	Long
Bridenstine	Fox	Lowenthal
Brooks (AL)	Franks (AZ)	Lowe
Brooks (IN)	Frelinghuysen	Lucas
Broun (GA)	Gabbard	Luetkemeyer
Brown (FL)	Galleo	Lujan, Ben Ray
Brownley (CA)	Garamendi	(NM)
Buchanan	Garcia	Lummis
Bucshon	Gardner	Lynch
Burgess	Garrett	Maffei
Bustos	Gerlach	Maloney
Butterfield	Gibbs	Carolyn
Byrne	Gibson	Maloney, Sean
Calvert	Gohmert	Marchant
Campbell	Goodlatte	Marino
Capito	Gosar	Massie
Capps	Gowdy	Matheson
Capuano	Granger	Matsui
Cárdenas	Graves (GA)	McAllister
Carney	Graves (MO)	McCarthy (CA)
Carson (IN)	Grayson	McCarthy (NY)
Cartwright	Green, Al	McCauley
Castro (TX)	Green, Gene	McClintock
Chabot	Griffin (AR)	McCollum
Chaffetz	Griffith (VA)	McHenry
Cicilline	Grijalva	McIntyre
Clark (MA)	Grimm	McKeon
Cleaver	Guthrie	McKinley
Clyburn	Gutiérrez	McMorris
Coble	Hahn	Rodgers
Coffman	Hall	McNerney
Cohen	Hanabusa	Meadows
Cole	Harper	Meehan
Collins (NY)	Harris	Mica
Connolly	Hartzler	Michaud
Conyers	Hastings (WA)	Miller (FL)
Cook	Heck (NV)	Miller (MI)
Cooper	Hensarling	Moran
Costa	Higgins	Mullin
Cotton	Himes	Mulvaney
Courtney	Holding	Murphy (FL)
Cramer	Horsford	Murphy (PA)
Crawford	Huffman	Napolitano
Crenshaw	Huizenga (MI)	Neal
Crowley	Hultgren	Negrete McLeod
Cuellar	Hunter	Neugebauer
Culberson	Hurt	Noem
Cummings	Issa	Nolan
Daines	Jackson Lee	Nugent
Davis (CA)	Jeffries	Nunes
Davis, Danny	Jenkins	Nunnelee
Davis, Rodney	Johnson (OH)	Olson
DeFazio	Johnson, Sam	Owens
DeGette	Jolly	Palazzo
Delaney	Jordan	Pascarelli
DeLauro	Kaptur	Pastor (AZ)
Dent	Keating	Paulsen
DeSantis	Kelly (PA)	Payne
DesJarlais	Kennedy	Pearce
Deutch	Kildee	Pelosi

Perlmutter	Ruppersberger	Terry
Perry	Ryan (WI)	Thompson (CA)
Peters (CA)	Salmon	Thompson (MS)
Peters (MI)	Sánchez, Linda	Thompson (PA)
Peterson	T.	Thornberry
Petri	Sanchez, Loretta	Tiberi
Pittenger	Sanford	Tierney
Pitts	Sarbanes	Tipton
Poe (TX)	Scalise	Titus
Polis	Schiff	Tonko
Pompeo	Schneider	Tsongas
Posey	Schock	Turner
Price (GA)	Schrader	Upton
Price (NC)	Schweikert	Valadao
Quigley	Scott (VA)	Van Hollen
Rahall	Scott, Austin	Veasey
Rangel	Scott, David	Vela
Reed	Sensenbrenner	Visclosky
Reichert	Serrano	Wagner
Renacci	Sessions	Walberg
Ribble	Sewell (AL)	Walden
Rice (SC)	Shea-Porter	Walorski
Richmond	Sherman	Walz
Rigell	Shimkus	Wasserman
Roby	Shuster	Schultz
Roe (TN)	Sinema	Weber (TX)
Rogers (AL)	Sires	Webster (FL)
Rogers (KY)	Smith (MO)	Welch
Rogers (MI)	Smith (NE)	Wenstrup
Rohrabacher	Smith (NJ)	Westmoreland
Rokita	Smith (TX)	Whitfield
Rooney	Smith (WA)	Williams
Ros-Lehtinen	Southerland	Wilson (SC)
Roskam	Speier	Wittman
Ross	Stewart	Wolf
Rothfus	Stivers	Womack
Roybal-Allard	Stockman	Yarmuth
Royce	Stutzman	Yoder
Ruiz	Swalwell (CA)	Yoho
Runyan	Takano	Young (IN)

## NOT VOTING—47

Bachmann	Frankel (FL)	McDermott
Bass	Gingrey (GA)	Meng
Becerra	Hanna	Messer
Bishop (GA)	Heck (WA)	Miller, Gary
Brady (TX)	Herrera Beutler	Rush
Camp	Holt	Ryan (OH)
Cantor	Hoyer	Schakowsky
Carter	Hudson	Schwartz
Cassidy	Huelskamp	Simpson
Clay	Johnson (GA)	Slaughter
Collins (GA)	Joyce	Vargas
Conaway	Kingston	Waters
DelBene	Lankford	Waxman
Denham	Larsen (WA)	Wilson (FL)
Duffy	Lujan Grisham	Woodall
Engel	(NM)	Young (AK)

## □ 1511

Mses. McCOLLUM, BROWN of Florida, Mrs. McMORRIS RODGERS, Messrs. BARTON, STIVERS, GARCIA, and Ms. CLARK of Massachusetts changed their vote from “yea” to “nay.”

Ms. CHU and Mr. PALLONE changed their vote from “nay” to “yea.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, on rollcall No. 224, had I been present, I would have voted “no.”

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4435, HOWARD P. “BUCK” MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015; AND PROVIDING FOR CONSIDERATION OF H.R. 3361, USA FREEDOM ACT

The SPEAKER pro tempore. The gentleman from Florida (Mr. NUGENT) has

21½ minutes remaining. The gentleman from Colorado (Mr. POLIS) has 16 minutes remaining.

The Chair recognizes the gentleman from Florida.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I appreciate the gentleman yielding me time to address the subject of this rule.

Mr. Speaker, this House is considering a combined rule. It is a rule that addresses the NDAA and it is a rule that addresses the USA FREEDOM Act wrapped up together.

Mr. Speaker, I would reiterate the point that we are addressing a combined rule between the National Defense Authorization Act and the USA FREEDOM Act.

The first component that I would like to address with the time that I have is an expression of appreciation to the Rules Committee for going through all the amendments of the NDAA, taking a look at that and coming down with a rule that recognizes that the jurisdiction of the Judiciary Committee is immigration policy, not Armed Services.

## □ 1515

Mr. Speaker, I commend the Rules Committee for the decision that they made on the NDAA. Even though there were dozens and dozens, actually scores of amendments to consider last year, there was an amendment that addressed the immigration issue that was made in order on the bill. That brought about a debate and a discussion here on the floor.

Instead, that debate took place this time in the Rules Committee and the Rules Committee declined to approve essentially amendment number 58 that dealt with the immigration issue. It is the proper jurisdiction of the Judiciary Committee. Additionally, it was bad policy.

So I rise to thank the Rules Committee for that decision and transition into a discussion about the USA FREEDOM Act, which I am troubled by; and that is the process of regular order in this Congress, and the idea that, as the Congress put together a bill that blocked the Federal Government from collecting metadata on telephone bills, there was a negotiation that took place over the weekend, a substitute amendment was delivered, announced at 12:35 p.m. on a Monday, we took up the bill I believe the next day quickly, no amendments were accepted, we didn't have an opportunity to have a serious discussion about the national defense, national security implications of a bill that addressed the civil liberties.

I support the underlying bill, I support the effort to protect the civil liberties of the American people.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUGENT. Mr. Speaker, I yield an additional minute to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentleman.

The amendment that I offered, even though it was voted on, the debate really didn't consider this proposal that the head of an element of the intelligence community may enter into an agreement to compensate for retaining call detail records for a period of time.

What the underlying bill does in section 215 is it limits the amount of time that we can get a FISA warrant to do a query of existing records in the private hands of the telecommunications companies to the 18 months that is required by the FCC. We need to have the opportunity for this Commander in Chief, the intelligence community, or a subsequent Commander in Chief to be able to expand that period of time while still protecting that data within the possession of the private sector companies, which we have confidence in.

That is an issue that I would like to see before this Congress. It is not going to be voted on in this bill. I am troubled by the national security implications of it, which brings me to the floor. I will support this rule. I do thank the Rules Committee. But I wanted to make that point that when national security issues come up, somebody has got to put the marker down.

I urge all to consider the point I have made here today.

Mr. POLIS. Once again, Mr. Speaker, this rule does not even allow a discussion of the war that we are currently engaged in in Afghanistan. How can we have a discussion about our national defense when being prohibited from any amendments relating to the war in Afghanistan?

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, I rise in strong opposition to this rule.

First, the underlying National Defense Authorization Act continues wasteful spending at the Pentagon and won't allow, as Congressman POLIS said, a full debate on the longest war in American history.

This bill continues the overseas contingency operations slush fund, and it is a slush fund at a time when the administration still hasn't decided on how much the Afghanistan war is going to cost or how many troops will be there.

Yet the Republican leadership of this House has failed to allow the American people to have a say in the future of America's longest war, while maybe, quite frankly, some of these amendments probably would pass.

Finally, we would be reflecting the views of the majority of the American people.

For many years, we have known that there is simply no military solution in Afghanistan, and our constituents are sick and tired of war. This bill simply ignores 82 percent of the Americans who oppose the war and 74 percent favoring all U.S. troops out by 2014.

I want to just read the authorization that we are talking about today. The Authorization for Use of Military Force was passed sorrowfully. Let me tell you, after the horrific events of 9/11—some were not here during that period—it was passed September 14, and we had probably about maybe 1 hour of debate, maybe 1 hour of debate.

That resolution said—which is what we are talking about today, which is what we are insisting on a debate on—it said:

That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. I yield 30 seconds to the gentlewoman.

Ms. LEE of California. We are 13 years into this war without end.

So, Mr. Speaker, I authored H.R. 4608. I had an amendment to come here on this bill that would really get us back to the drawing board so that we could have this full debate to determine whether or not this resolution, the one of 9/14/2001, should still hold. Minimally, we should have a full debate on this.

I am really pleased though to see that the administration finally agreed to release a secret drones memo. That is a good thing. That is happening I think today. But we need to have a debate on this resolution, and we need to have it today.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. BISHOP), whom I have the honor of serving not only on the Rules Committee with, but also in Armed Services.

Mr. BISHOP of Utah. Mr. Speaker, I thank the gentleman from Florida.

The underlying defense authorization bill is a good bill. This is a good rule with maybe one caveat that there are too many amendments that are in here.

Henry Clay, as the first Speaker of the House who went from the Senate over here and was elected Speaker on the first day and served as Speaker every day he served in the House, he is given credit for starting the standing committee process where people with expertise discuss all these issues before they actually come to the floor. Some of these amendments we have had have not gone through that process and will

be given 10 minutes of debate time on the floor, which is rather small when you compare it to the process of each subcommittee on the Armed Services Committee: having established their bill, going to the full committee, with a full day of debate on the bill before it comes here.

There is, for example, one amendment that is made in order, has a great sponsor, a wonderful Member of this body, but it has untold side consequences that probably need that experience of being explored. Let me give you a simple example. It starts with the words "notwithstanding any other provision of law." That should be something that scares someone. It means this bill, except for section B, which it exempts, takes precedence over everything else that already exists in law, and not only for the military issue, but also in every element of Federal Government.

I am only going to talk about the military side because that is the only expertise I actually have. The one part that is not exempt deals with the concept known as "inherent governmental functions." Unfortunately, the reference this makes is to title 31. Most of the military stuff, especially dealing with our depots, is in title X. There is a reason those are in different titles—because they have a different substance and a different purpose.

At the end of this reference, there is also the provision put in there—actually, it is in the first of this reference—that what is an inherent governmental function can be changed by any official of OMB, the Office of Management and Budget, which simply means, I assume, that is one of the reasons the Defense Department is opposed to this particular amendment, because it removes decisions from the Defense Department over to the President through OMB. That is not the way we wish to go.

When it deals with programs, weapons, and systems that we have, there is an acquisition side and a sustainment side. On the acquisition side, often competition is extremely important to driving down cost. When it comes to sustainment, the maintenance of those provisions, sometimes that saving has a detrimental effect that is an unintended consequence because the maintenance is directly tied to the readiness issue, which is why we define in title X what is a core workload, which would be overturned by the very first phrase in this particular piece of legislation, this particular amendment.

Core workload by law has to be brought into the depots for work once every 4 years, or at least at one time in the initial 4 years of operating capability. Prior to that time, maintenance is usually done by the contractor.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUGENT. I yield an additional minute to the gentleman.

Mr. BISHOP of Utah. But after that, it goes into what is known as an endangered mission readiness that is determined by the military, and should be determined by the military.

What it simply means is we have military depots for a military reason. There is a direct extension, or these depots are a direct extension, of the soldier on the field. Civilian workers at these depots cannot go on strike, they cannot undertake a work stoppage. Sometimes, especially in times of war, Federal civilian employees have been ordered to work around-the-clock or do other kinds of dangers.

All of these things which have been worked out traditionally in title X are overturned by the first phrase in this amendment: A wonderful amendment in its purpose and goal, has a wonderful sponsor, but it has unintended consequences. As we go through this bill, as we go through these amendments, we should consider what those unintended consequences may or may not be. It is one of the reasons why the Committee process was so wisely established by Henry Clay back in the 1800s and should be respected today.

Mr. POLIS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Speaker, I appreciate the rather elucidating discussion on the way in which the committee system is supposed to work.

Unfortunately, in the Armed Services Committee, the most expensive single project was never allowed to be discussed, and that is the war in Afghanistan—\$79 billion in the NDAA for Afghanistan and not 1 second of discussion about the role of America in Afghanistan and about the ongoing war.

The committee structure did not work. Therefore it is to this floor, it is to the membership of this House to take up this critical issue of what is the role of America in Afghanistan. Are we to continue this war or not? If we are to continue it, how are we going to do that? That is our business. That is the business that we were elected to do, and we have been prevented by the actions of the majority in the committee and on this floor to even deal with this issue, to even discuss it for one moment, except in this issue of how the rule is to be written.

This is not right, it is not fair to those of us who want to have a legitimate debate on the role of America in Afghanistan, and it is not in the interest of this country that this House forsake and forgo its responsibilities.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank my good colleague for yielding.

I rise in support of the rule, as well as the underlying bill, the National Defense Authorization Act.

One of the provisions in there is the addition of a defense audit advisory

panel. It comes as no shock to anyone in this room that the Department of Defense is unauditible, or their financial statements are unauditible. There are Herculean efforts going on across the river at the Pentagon and throughout the entire system to try to correct this issue. There are millions and millions of dollars being spent to try to make this happen and try to get to a point, in fact, where they can.

The current law requires that the Defense Department be auditable by the end of 2017 and that the fiscal 2018 books and records be audited and a report provided to Congress by 2018. There will be important decisions going on throughout that timeframe. We need a canary in the coal mine. We need an early warning system in this House that tracks that process, and this panel will do that. I was pleased that it was included in the underlying bill. It is important that Congress watch this process throughout.

The Department of Defense gives us a report every 6 months, but we need better insight, we need a line of sight into what is going on on a much more relevant basis quicker so that we don't wait until the end of 2017 and suddenly discover that the Department is not achieving that goal, or we don't get to the end of 2018 and can't, in fact, audit the books and records of the Department of Defense.

This is a stunningly difficult problem to fix. For decades, the Department of Defense has had an accounting system that was set up to meet its needs and the needs of providing the mission support. It was not set up to be audited. Consequently, in order to be able to audit something, they have got to go back and rebuild all these legacy systems that are out there. This is hard work and a lot of it.

The Department of Defense, as my colleague earlier said, this is one of the largest enterprises on the face of Earth. It is not easy, and it takes good hardworking people to get it done, and that is what has been going on.

□ 1530

Our Congress, though, needs to have the insight into that process to make sure that they get it right. This effort doesn't fall, really, within the structure of the committee or of the subcommittees, naturally, so this defense audit panel will correct that oversight, and it will allow us to see the progress in as real time a basis as we can get.

If we do need to take corrective actions and if we do need to do something to make that happen, then this will give us a quicker insight into that.

For this reason and for a whole lot of others, I support the underlying bill, and I support this rule. I urge my colleagues to vote in favor of this rule and, when it comes time for the bill itself, to vote "yes" on the National Defense Authorization Act, which

would be the Howard P. "Buck" McKeon National Defense Authorization Act.

Mr. POLIS. Mr. Speaker, it is critical that this House reject this rule because it is impossible to have a discussion about meeting our national security needs and defense without this body's being able to issue any guidance or to even debate the ongoing war in which this Nation is engaged in Afghanistan.

Mr. Speaker, I yield 1 minute and 15 seconds to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. Mr. Speaker, I rise today to express my support for two amendments I am submitting to the National Defense Authorization Act.

The first I am offering would require the Secretary of Defense to report to Congress no later than 30 days after the enactment of this law on the barriers to implementing audit reporting requirements and recommendations in order to ensure reporting deadlines are met. This would ensure that taxpayer money is being well spent.

The second, offered by me and Mr. COOK, would create a pilot program to take the California National Guard's Work for Warriors job placement program nationwide.

Since the State of California created the program in 2012, more than 2,500 Guard members have been placed in jobs and at only \$500 per placement, far cheaper than any other employment programs, which can cost as much as \$10,000 per placement.

Placing 2,500 California guardsmen in jobs is a great start, but I know that that number can multiply many times over if the Work for Warriors program is expanded nationwide.

I urge my colleagues to support these amendments.

Mr. NUGENT. Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 1 minute and 15 seconds to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, there are few greater threats to the security of American families than those which could arise from the failure of the ongoing nuclear negotiations with Iran.

Parts of this bill seek to disrupt the administration's tough, persistent diplomacy. Some would even assign to Israel the job of starting what could become World War III. Even the Bush-Cheney administration rejected that approach.

Iranian Revolutionary Guard hardliners may ultimately doom these negotiations. Our responsibility is to ensure that hardliners here don't do the obstruction for them.

Our arsenal of democracy includes more than bombs. It includes tough negotiations and strong sanctions to reach a carefully monitored, verifiable agreement that will protect our families and our allies.

Given the high cost of failure, we certainly cannot afford to surrender to de-

featists, who capitulate on the negotiations before they are even completed. It is too soon to wave the white flag and give up in favor of war.

The obstinate objections raised last year to the interim agreement were proven to be unjustified. The International Atomic Energy Agency has determined that Iran has taken verifiable actions to halt the progress of its nuclear program.

Let's give peace a chance.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield a minute and 15 seconds to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Thank you so very much.

Mr. Speaker, let me indicate that there are many reasons to be concerned about the rule. I am certainly concerned that we are not able to debate a very important issue dealing with Afghanistan.

Having spent almost a decade-plus in dealing with provision 215 under the PATRIOT Act and in helping to construct the Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act, it is imperative that we move the USA FREEDOM Act forward.

For example, I introduced H.R. 2440, the FISA Court in the Sunshine Act of 2013. Specifically, my bill would require the Attorney General to expose the FISA Court, allowing Americans to know the broad, illegal authority it had, even having an advocate for the American people in sections 402 and 604. This is in the bill.

In addition, I strongly support this act because section 301 of the bill continues the prohibition against reverse targeting, which is an amendment that I had in the RESTORE Act; then, of course, it goes forward with ensuring that this megadata—this bulk collection—does not occur.

I am grateful that the Jackson Lee-Wilson-Lee amendment that deals with Boko Haram is in this national defense bill because we have to stop the tragedy that is going on, but more importantly, the devastation of Boko Haram.

Finally, I would have wanted the amendment that deals with the contracting out of our intelligence services. I believe it is too extensive. I believe that my amendment would have been effective in determining how much we use outside contractors. This is a rule that is, unfortunately, without a lot of point to it.

Mr. Speaker, I rise in strong support of H. Res. 590, the rule governing debate on H.R. 3361, the "USA Freedom Act," and amendment to H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015.

Regarding H.R. 3361, I support the rule and am a co-sponsor of the underlying bill, the



USA Freedom Act, which stands for “Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act.”

The USA Freedom Act is the House’s unified response to the unauthorized disclosures and subsequent publication in the media in June 2013 regarding the National Security Agency’s collection from Verizon of the phone records of all of its American customers, which was authorized by the FISA Court pursuant to Section 215 of the Patriot Act.

Public reaction to the news of this massive and secret data gathering operation was swift and negative.

There was justifiable concern on the part of the public and a large percentage of the Members of this body that the extent and scale of this NSA data collection operation, which exceeded by orders of magnitude anything previously authorized or contemplated, may constitute an unwarranted invasion of privacy and threat to the civil liberties of American citizens.

In response, many Members of Congress, including the Ranking Member CONYERS, and Mr. SENSENBRENNER, and myself, introduced legislation in response to the disclosures to ensure that the law and the practices of the executive branch reflect the intent of Congress in passing the USA Patriot Act and subsequent amendments.

For example, I introduced H.R. 2440, the “FISA Court in the Sunshine Act of 2013,” bipartisan legislation, that much needed transparency without compromising national security to the decisions, orders, and opinions of the Foreign Intelligence Surveillance Court or “FISA Court.”

Specifically, my bill would require the Attorney General to disclose each decision, order, or opinion of a Foreign Intelligence Surveillance Court (FISC), allowing Americans to know how broad of a legal authority the government is claiming under the PATRIOT Act and Foreign Intelligence Surveillance Act to conduct the surveillance needed to keep Americans safe.

I am pleased that these requirements are incorporated in substantial part as Sections 402 and 604 of the USA Freedom Act, which requires the Attorney General to conduct a declassification review of each decision, order, or opinion of the FISA court that includes a significant construction or interpretation of law and to submit a report to Congress within 45 days.

Significantly, the USA Freedom Act contains an explicit prohibition on bulk collection of tangible things pursuant to Section 215 authority. Instead, the USA Freedom Act provides that Section 215 may only be used where a specific selection term is provided as the basis for the production of tangible things.

Finally, I strongly support the USA Freedom Act because Section 301 of the bill continues the prohibition against “reverse targeting,” which became law when an earlier Jackson Lee Amendment was included in H.R. 3773, the RESTORE Act of 2007.

“Reverse targeting” is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

The Jackson Lee Amendment, codified in Section 301 of the USA Freedom Act, reduces

even further any such temptation to resort to reverse targeting by requiring the Administration to obtain a regular, individualized FISA warrant whenever the “real” target of the surveillance is a person in the United States.

I support the USA Freedom Act because it will help keep us true to the Bill of Rights and strikes the proper balance between liberty and security.

I urge my colleagues to support the rule and the underlying USA Freedom Act.

Finally, I am pleased that the rule also makes in order the Jackson Lee-Wilson-Lee Amendment to H.R. 4435, the National Defense Authorization Act for FY2015.

This amendment makes three important contributions to the bill:

1. First, it strongly condemns the ongoing violence and the systematic gross human rights violations against the people of Nigeria carried out by the militant organization Boko Haram, especially the kidnapping of the more than 200 young schoolgirls kidnapped from the Chibok School by Boko Haram;

2. Second, it expresses support for the people of Nigeria who wish to live in a peaceful, economically prosperous, and democratic Nigeria; and

3. Third, it requires that not later than 90 days after the date of the enactment, the Secretary of Defense shall report to Congress on the nature and extent of the crimes against humanity committed by Boko Haram in Nigeria.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 1 minute to the gentlelady from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I rise to express my serious concern about the USA FREEDOM Act.

First, it is important for all of the Members to know that what is being considered is not the bill that was marked up by the House Judiciary Committee. After it was reported out unanimously by the House Judiciary Committee, certain key elements of this bill were changed.

I think it is ironic that a bill that was intended to increase transparency was secretly changed between the committee markup and its floor consideration, and it was altered in worrisome ways.

The definition of “selector,” rather than being narrowed, has been defined in such a way that it would allow for the large-scale acquisition of data. This is a concern that has been expressed to me by both Republicans and Democrats.

The way the definition is lodged, you could get first the southern half of the United States, then the eastern half of the United States, then Missouri. Those could be the selectors.

I offered nine amendments. None were put in order. We should insist that we do better than this.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, as Ms. LOFGREN said, the bill under consideration is not the bill that passed committee. It is a different bill that was changed 24 hours ago in secret, behind closed doors.

Mr. Speaker, I yield 1 minute to the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Speaker, I rise to highlight my amendment, which will be considered later today, to improve TRICARE for our military moms and their families.

Doctors are now recommending that new moms exclusively breastfeed their babies, but we know that, despite their intentions, far too many women who want to breastfeed these infants find the cost of lactation supplies and support to be a barrier to that choice. While most women covered by private health insurance have access to these services, women with TRICARE do not.

That is why I introduced the TRICARE Moms Improvement Act, which will be on the floor today as an amendment. My amendment would end this discrepancy—this disparity—and would create a parity of access to health care for servicemembers, along with private civilians.

I urge my colleagues to join the many medical groups, women’s organizations, and military family associations which support this effort.

Please vote “yes” on this amendment.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 1 minute to the gentlelady from Maine (Ms. PINGREE).

Ms. PINGREE of Maine. Mr. Speaker, I rise today in opposition to this rule.

This legislation would authorize over \$520 billion to the Department of Defense, not including over \$79 billion in war funding, which I oppose; yet, for such a large bill, there are many amendments that my colleagues wanted to offer that will never see the House floor because of this very limited rule.

One issue that, I think, deserves discussion is the inclusion of an \$800 million authorization for an unbudgeted 12th LPD-17 class ship. While we are still addressing the effects of the sequester, which I voted against, I have concerns about this provision.

In particular, I am concerned that the committee does not address the fact that there is a Navy shipbuilding agreement in place regarding the DDG-51s and the LPDs.

This agreement requires that the Navy obligate funding and support for another DDG-51 destroyer if another LPD is awarded. Under a different rule, we may have been able to have had an open discussion about this issue and about so many others.



I urge my colleagues to oppose this rule.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 1 minute to the gentlelady from California (Ms. SPEIER).

Ms. SPEIER. Thank you.

Mr. Speaker, I rise in opposition to this rule.

Here are the facts, Members: We have a crisis in the military when it comes to sexual assault cases. We have a 50 percent increase in the number of persons filing claims for sexual assault in the military as a result of the most recent study.

Here are the facts, Members: There are more than 200 Members in this House right now who support taking sexual assault cases out of the chain of command, and yet we do not have the ability to have a vote on the floor of this House on whether or not Members of this House support taking sexual assault cases out of the chain of command and putting them in the hands of a chief prosecutor, who has legal training.

Members, the elephant is in this room. It is time for us to have the guts to stand up and be counted on whether or not we want all members of the military to be safe or only those who do not file claims for sexual assault.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 1 minute to the gentleman from Illinois (Mr. ENYART).

Mr. ENYART. Mr. Speaker, I rise in opposition to this rule and in support of Representative SPEIER's amendment.

I am unique in this Chamber. I have served as a military prosecutor, a military defense attorney, a staff judge advocate; and, indeed, before coming to Congress, I served as a commanding general. I understand the impact of sexual violence in the military.

Justice needs to be properly served to victims of sexual assault and to all members of our military. Decades ago, military defense attorneys were taken out of the chain of command. We must do the same with the prosecution. It is the only way that justice can be properly served, without influence, perceived or real.

My fellow colleagues, I urge you to join us in ending the appearance of undo influence in military prosecutions.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Colorado has 3¾ minutes remaining, and the gentleman from Florida has 12 minutes remaining.

Mr. POLIS. I would like to inquire of the gentleman from Florida if he has any additional speakers.

Mr. NUGENT. I do not.

Mr. POLIS. I thought, perhaps, they had been holding their tongues all along, wanting to speak after ours. Very well then. I am prepared to close.

Mr. Speaker, I yield myself the balance of my time.

I am grateful that this rule does include several of the amendments that I have had the opportunity to work on.

One is a bipartisan amendment with my colleagues Mr. PERLMUTTER and Mr. WHITFIELD, with regard to Rocky Flats in my district, which will help increase transparency to ensure that cold war nuclear workers will have their benefit applications reviewed expeditiously.

There are many survivors in my district who have been exposed to radiation and who are suffering from severe health effects. If they had been on the military side, they would have been taken care of. They are on the civilian side, but have put their lives in harm's way, and they deserve to be taken care of for their service to our country.

I am also pleased with my amendment with Mr. BLUMENAUER, which would defund the midlife nuclear refueling and overhaul of the *George Washington* aircraft carrier, which would save \$5 billion. The administration released a statement of administrative policy, expressing concern about this unneeded reoverhaul of an aircraft carrier that we do not need as we shrink our carrier fleet permanently to 10 vessels.

Finally, I am pleased with my amendment with Representative NADLER, which is to encourage the Department of Defense to ensure that our ground-based missile defense systems actually work and that there are operational, realistic tests before additional purchases are made of systems that do not keep Americans safe.

This will also be permitted on the floor of the House today.

□ 1545

However, 131 ideas—good, bad, and other—from my colleagues on both side of the aisle are not even allowed to be debated or voted on under this bill.

The single biggest issue, the pressing national issue of the ongoing war in which this Nation is engaged is not even able to have 10 minutes or 1 minute of floor debate, as it has that very same issue, the ongoing presence in Afghanistan. And I have my opinions; my colleague, Mr. MCGOVERN, has his; and folks on the other side and both sides of the aisle have theirs.

This is not a partisan issue. It is simply one that we as representatives of the American people deserve to be able to be their voice on: How long and in what capacity should we continue to send American men and women to Afghanistan?

The only way that we can ensure that this body is allowed to have their voice—Democrats, Republicans, people who want us to stay there, people who don't—is to bring down this rule and to bring forward a rule that allows a debate of the single most significant pressing national policy issue.

In addition, there are a number of amendments around military preparedness and making sure our military has the very best and brightest aspiring Americans to draw from to keep our country safe that is not even allowed to be discussed under the rules of the bill.

And finally, the USA FREEDOM Act, which is no longer the USA FREEDOM Act but a bill that has a loophole as wide as the Grand Canyon that was not in the original USA FREEDOM Act, passed on a bipartisan basis on a voice vote out of committee, and yet 20 amendments—again, good, bad, indifferent, some of which would have addressed the flaws—not even allowed 10 minutes, not allowed 1 minute, not allowed 30 seconds, not allowed 10 seconds, not allowed a vote.

Why are we scared of letting the Members of this body, Republican and Democrat, have a voice in addressing the very legitimate privacy concerns about the NSA?

If people think this bill will somehow address the concerns and they are gone, they are wrong.

I plan on voting against this stripped version, which is no longer the USA FREEDOM Act, to show that it no longer even comes remotely close to addressing the concerns that my constituents have about the NSA overreach with regard to their privacy.

We need to reject this rule to ensure that this body, representatives of the American people, Republican and Democratic, can bring forward the issues that pertain to national defense and our privacy.

I urge my colleagues to vote "no" on the rule, and I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, the rule today, before us today, continues the process of allowing Members to provide input on the NDAA. That process is important.

This rule makes in order 162 amendments to the NDAA. I know some of the other side don't think that is enough. Remember, in committee, we were there from 10 o'clock in the morning until after midnight, and we heard another 155 amendments from both sides of the aisle. And 155 amendments were considered in order and were voted on or added to the NDAA.

So it is not like there hasn't been any input. It is just the opposite. It has been impressive this year as compared to other years, and unprecedented.

It is also important to stress that both of these underlying pieces of legislation are bipartisan agreements.

They include the input of Members on both sides of the aisle. Any time you get agreements like this, no one is going to get everything they want. I sure didn't. But it doesn't have to be all or nothing. That approach doesn't work, not for this body and not for the American people.

But what this rule allows is for debate on both of these issues. On the USA FREEDOM Act there will be a separate hour of debate to debate the merits of that particular piece of legislation, and we are going to have debate on the remaining amendments that have been made in order that we are bringing forward today as relate to the NDAA.

That is a lot of input. Is it ever enough? It probably could never be enough. But for this body, it is kind of unprecedented the amount of debate that we have had already on the NDAA.

I have only been here 3 years, but it is long enough to know that if you insist on all or nothing 99 percent of time, you know what you are going to get? You are going to get nothing. And that is not what we want.

We have an opportunity here to debate the USA FREEDOM Act and the merits of it or not, but we also have the ability to debate amendments to the NDAA that support our troops.

We need to recognize that when this happens, the American people win when this body works its will in committee. They are American people, and this body has a voice in regard to what occurs in the future.

We have made significant progress on issues central to American rights and freedoms. Trust me; I have been the biggest opponent of the massive collection of metadata that was going on in the United States. I thought it was unconstitutional and a violation of our privacy rights. I absolutely do.

What we have today is a vast improvement on what we have now. I wish we would come together more often and we wouldn't let our differences outweigh our common goals.

Like I said before, is the USA FREEDOM Act perfect? By no means. But it is certainly better than what we have today when this government has the right—and is doing it up to this moment—and is collecting an unprecedented amount of data, metadata, on all of us, which I believe is directly against the Constitution.

But I am particularly encouraged once again that we are united around our constitutional requirement as it relates to the NDAA on common defense. That is one of the responsibilities this body has is the common defense of this country, and nothing more. That is paramount. Because if we don't have common defense, we don't have anything that we enjoy today, whether it is back home or here in Washington, D.C. We don't have the ability to have freedom of speech. We

don't have the ability to sit here and debate back and forth and have differing opinions. But at the end of the day, we move forward, and that is what makes America great. What has made America great is that 1 percent that protect us today.

Mr. Speaker, like I said, I have three sons. They all currently serve. They do it willingly and not just because Mom or Dad wanted them to. Probably just the opposite. Because when we had them deploy to Iraq and Afghanistan—and now our youngest just came back from a deployment to Africa—we would rather them not be in harm's way.

But they have made a decision that this country is worth it. Those that have led the way before them made that decision, and some have paid the ultimate sacrifice. We owe it to them to finish up the NDAA and move this rule forward so we can have a common debate, particularly as it relates to the USA FREEDOM Act.

I don't know how we can look our servicemen and -women in the eye. I hear this all the time. We have a debt we can never repay. They are looking at what we do today. They are looking at what we do on the NDAA, in how we are supporting them.

If you think back to the Armed Services Committee, it was 61-0 in support of this particular piece of legislation. That is pretty good coming out of this place that is dysfunctional, to say the least.

But we can unite on one singular cause, and we have. We have the ability to continue to support our troops. We have the ability to continue to support the families that support our troops.

Let me tell you, they listen and they watch. They wonder where we are in the whole process. Do we really support them or is it just lip service. Do we just give speeches and say how much we appreciate their service and sacrifice, or is it lip service?

I would suggest to you that the Armed Services Committee stepped up to the plate, and it is not lip service from them. They went above and beyond what the President requested to support our troops, our warfighters, and that is the right thing to do.

I would hope that we would do this now and in the future. We want to make sure that they have the best possible equipment and the best possible training.

When my kids were in Iraq and Afghanistan, the one thing that gave my wife, Wendy, and me solace was the fact that we knew they were the best equipped, best fighting force on the face of the Earth that give them the best opportunity to come home. And that is what we want. It is as simple as that. These are real people.

So I strongly urge my colleagues to support the rule and the underlying legislation.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### APPOINTMENT OF MEMBERS TO SELECT COMMITTEE ON THE EVENTS SURROUNDING THE 2012 TERRORIST ATTACK IN BENGHAZI

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 2(a) of House Resolution 567, 113th Congress, and the order of the House of January 3, 2013, of the following Members to the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi: Mr. CUMMINGS, Maryland; Mr. SMITH, Washington; Mr. SCHIFF, California; Ms. LINDA T. SANCHEZ, California; Ms. DUCKWORTH of Illinois.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 56 minutes p.m.), the House stood in recess.

□ 1701

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BENTIVOLIO) at 5 o'clock and 1 minute p.m.

#### HOWARD P. "BUCK" McKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015

The SPEAKER pro tempore. Pursuant to House Resolution 585 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4435.

Will the gentleman from Georgia (Mr. COLLINS) kindly take the chair.

□ 1702

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe

military personnel strengths for such fiscal year, and for other purposes, with Mr. COLLINS of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, May 20, 2014, amendment No. 7 printed in House report 113-455 offered by the gentleman from Colorado (Mr. LAMBORN) had been disposed of.

VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT NO. 5 OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. Mr. Chair, I ask unanimous consent to withdraw my request for a recorded vote on amendment No. 5 to the end that the amendment stand rejected by the earlier voice vote.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. Without objection, the request for a recorded vote is withdrawn, and the amendment, as modified, stands rejected in accordance with the previous voice vote thereon.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113-455 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. BLUMENAUER of Oregon.

Amendment No. 3 by Ms. LORETTA SANCHEZ of California.

Amendment No. 6 by Mr. DAINES of Montana.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. BLUMENAUER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 229, not voting 10, as follows:

[Roll No. 225]

AYES—192

Bachmann	Blumenauer	Cárdenas
Barber	Bonamici	Carney
Beatty	Brady (PA)	Carson (IN)
Becerra	Braley (IA)	Cartwright
Benishek	Brown (FL)	Castor (FL)
Bentivolio	Brownley (CA)	Castro (TX)
Bera (CA)	Bustos	Chu
Bishop (GA)	Capps	Cicilline
Bishop (NY)	Capuano	Clark (MA)

Clarke (NY)	Huffman	Perlmutter
Cleaver	Israel	Peters (CA)
Clyburn	Jeffries	Peters (MI)
Cohen	Johnson (GA)	Pingree (ME)
Connolly	Johnson, E. B.	Pocan
Conyers	Jones	Poe (TX)
Costa	Kaptur	Polis
Courtney	Keating	Price (NC)
Crowley	Kelly (IL)	Quigley
Cuellar	Kennedy	Rahall
Cummings	Kildee	Rangel
Davis (CA)	Kind	Richmond
Davis, Danny	Kirkpatrick	Roybal-Allard
DeFazio	Kuster	Ruiz
DeGette	Langevin	Ruppersberger
Delaney	Larsen (WA)	Ryan (OH)
DeLauro	Larson (CT)	Sánchez, Linda T.
DelBene	Lee (CA)	Sanchez, Loretta
Deutch	Levin	Sarbanes
Dingell	Lewis	Schakowsky
Doggett	Lipinski	Schiff
Doyle	Loeb sack	Schneider
Duckworth	Lowenthal	Schrader
Duncan (TN)	Lowey	Scott (VA)
Edwards	Lynch	Scott, David
Ellison	Maffei	Serrano
Engel	Maloney,	Sewell (AL)
Enyart	Carolyn	Shea-Porter
Eshoo	Maloney, Sean	Sherman
Esty	Marchant	Sinema
Farr	Massie	Sires
Fattah	Matsui	Smith (WA)
Foster	McCarthy (NY)	Speier
Frankel (FL)	McCollum	Takano
Fudge	McDermott	Thompson (CA)
Gabbard	McGovern	Thompson (MS)
Gallego	McNerney	Tierney
Garamendi	Meeks	Titus
Garcia	Meng	Tonko
Grayson	Michaud	Tsongas
Green, Al	Miller, George	Van Hollen
Green, Gene	Moore	Vargas
Griffith (VA)	Moran	Veasey
Grijalva	Murphy (FL)	Vela
Gutiérrez	Nadler	Velázquez
Hahn	Napolitano	Visclosky
Hanabusa	Neal	Walden
Hastings (FL)	Negrete McLeod	Walz
Heck (WA)	Nolan	Wasserman
Herrera Beutler	O'Rourke	Schultz
Higgins	Owens	Waters
Himes	Pallone	Waxman
Hinojosa	Pascrell	Welch
Honda	Pastor (AZ)	Wilson (FL)
Horsford	Payne	Yarmuth
Hoyer	Pelosi	

NOES—229

Adersholt	Conaway	Gosar
Amash	Cook	Gowdy
Amodei	Cooper	Granger
Bachus	Cotton	Graves (GA)
Barletta	Cramer	Graves (MO)
Barr	Crawford	Griffin (AR)
Barrow (GA)	Crenshaw	Grimm
Barton	Culberson	Guthrie
Bilirakis	Daines	Hall
Bishop (UT)	Davis, Rodney	Hanna
Black	Denham	Harper
Blackburn	Dent	Harris
Boustany	DeSantis	Hartzler
Brady (TX)	DesJarlais	Hastings (WA)
Bridenstine	Diaz-Balart	Heck (NV)
Brooks (AL)	Duffy	Hensarling
Brooks (IN)	Duncan (SC)	Holding
Broun (GA)	Ellmers	Hudson
Buchanan	Farenthold	Huizenga (MI)
Bucshon	Fincher	Hultgren
Burgess	Fitzpatrick	Hunter
Butterfield	Fleischmann	Hurt
Byrne	Fleming	Issa
Calvert	Flores	Jackson Lee
Camp	Forbes	Jenkins
Campbell	Fortenberry	Johnson (OH)
Capito	Fox	Johnson, Sam
Carter	Franks (AZ)	Jolly
Cassidy	Frelinghuysen	Jordan
Chabot	Gardner	Joyce
Chaffetz	Garrett	Kelly (PA)
Clay	Gerlach	Kilmer
Coble	Gibbs	King (IA)
Coffman	Gibson	King (NY)
Cole	Gingrey (GA)	Kinzingler (IL)
Collins (GA)	Gohmert	Kline
Collins (NY)	Goodlatte	Labrador

LaMalfa	Olson	Shimkus
Lamborn	Palazzo	Shuster
Lance	Paulsen	Simpson
Latham	Pearce	Smith (MO)
Latta	Perry	Smith (NE)
LoBiondo	Peterson	Smith (NJ)
Lofgren	Petri	Smith (TX)
Long	Pittenger	Southerland
Lucas	Pitts	Stewart
Luetkemeyer	Pompeo	Stivers
Lujan Grisham	Posey	Stockman
(NM)	Price (GA)	Stutzman
Luján, Ben Ray	Reed	Swalwell (CA)
(NM)	Reichert	Terry
Lummis	Renacci	Thompson (PA)
Marino	Ribble	Thornberry
Matheson	Rice (SC)	Tiberi
McAllister	Rigell	Tipton
McCarthy (CA)	Roby	Turner
McCaul	Roe (TN)	Upton
McClintock	Rogers (AL)	Valadao
McHenry	Rogers (KY)	Wagner
McIntyre	Rogers (MI)	Walberg
McKeon	Rohrabacher	Walorski
McKinley	Rokita	Weber (TX)
McMorris	Rooney	Webster (FL)
Rodgers	Ros-Lehtinen	Wenstrup
Meadows	Roskam	Westmoreland
Meehan	Ross	Whitfield
Messer	Rothfus	Williams
Mica	Royce	Wilson (SC)
Miller (FL)	Runyan	Wittman
Miller (MI)	Ryan (WI)	Wolf
Mullin	Salmon	Womack
Mulvaney	Sanford	Woodall
Murphy (PA)	Scalise	Yoder
Neugebauer	Schock	Yoho
Noem	Schweikert	Young (AK)
Nugent	Scott, Austin	Young (IN)
Nunes	Sensenbrenner	
Nunnelee	Sessions	

NOT VOTING—10

Bass	Kingston	Schwartz
Cantor	Lankford	Slaughter
Holt	Miller, Gary	
Huelskamp	Rush	

□ 1737

Mrs. ELLMERS, Messrs. WOLF and MCINTYRE changed their vote from “aye” to “no.”

Messrs. JONES, CLEAVER, FATTAH, Ms. CLARKE of New York, Mr. CARSON of Indiana, Ms. PINGREE of Maine, Mr. POE of Texas, Ms. MCCOLLUM, Messrs. MURPHY of Florida, MICHAUD, CUELLAR, and RUIZ changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 227, not voting 10, as follows:

[Roll No. 226]

## AYES—194

Amash Garcia Napolitano  
 Barber Grayson Neal  
 Beatty Green, Al Negrete McLeod  
 Becerra Green, Gene Nolan  
 Bera (CA) Grijalva O'Rourke  
 Bishop (GA) Gutiérrez Owens  
 Bishop (NY) Hahn Pallone  
 Blumenauer Hanabusa Pascrell  
 Bonamici Hanna Pastor (AZ)  
 Brady (PA) Hastings (FL) Payne  
 Braley (IA) Heck (WA) Pelosi  
 Brown (FL) Herrera Beutler Perlmutter  
 Brownley (CA) Higgins Peters (CA)  
 Bustos Himes Peters (MI)  
 Butterfield Hinojosa Peterson  
 Capps Honda Pingree (ME)  
 Capuano Horsford Pocan  
 Cárdenas Hoyer Polis  
 Carney Huffman Price (NC)  
 Carson (IN) Israel Quigley  
 Cartwright Jackson Lee Rahall  
 Castor (FL) Jeffries Rangel  
 Castro (TX) Johnson (GA) Richmond  
 Chu Johnson, E. B. Roybal-Allard  
 Cicilline Kaptur Ruiz  
 Clark (MA) Keating Ruppersberger  
 Clarke (NY) Kelly (IL) Ryan (OH)  
 Clay Kennedy Sánchez, Linda  
 Cleaver Kildee T.  
 Clyburn Kilmer Sanchez, Loretta  
 Cohen Kind Sarbanes  
 Connolly Kirkpatrick Schakowsky  
 Conyers Kuster Schiff  
 Cooper Langevin Schneider  
 Costa Larsen (WA) Schrader  
 Courtney Larson (CT) Scott (VA)  
 Crowley Lee (CA) Scott, David  
 Cuellar Levin Serrano  
 Cummings Lewis Sewell (AL)  
 Davis (CA) Lipinski Shea-Porter  
 Davis, Danny Loebsock Sherman  
 DeFazio Lofgren Sinema  
 DeGette Lowenthal Sires  
 Delaney Lowey Smith (WA)  
 DeLauro Luján, Ben Ray Speier  
 DelBene (NM) Swalwell (CA)  
 Deutch Lynch Takano  
 Dingell Maffei Thompson (CA)  
 Doggett Maloney, Carolyn Thompson (MS)  
 Doyle Carolyn Tierney  
 Duckworth Maloney, Sean Titus  
 Edwards Matheson Tonko  
 Ellison Matsui Tsongas  
 Engel McCarthy (NY) Van Hollen  
 Enyart McCollum Vargas  
 Eshoo McDermott Veasey  
 Esty McGovern Vela  
 Farr McNeerney Velázquez  
 Fattah Meeks Visclosky  
 Fortenberry Meng Walz  
 Foster Michaud Wasserman  
 Frankel (FL) Miller, George Schultz  
 Fudge Moore Waters  
 Gabbard Moran Waxman  
 Gallego Murphy (FL) Wilson (FL)  
 Garamendi Nadler Yarmuth

## NOES—227

Aderholt Calvert DeSantis  
 Amodei Camp DesJarlais  
 Bachmann Campbell Diaz-Balart  
 Bachus Capito Duffy  
 Barletta Carter Duncan (SC)  
 Barr Cassidy Duncan (TN)  
 Barrow (GA) Chabot Ellmers  
 Barton Chaffetz Fincher  
 Benishek Coble Fitzpatrick  
 Bentivolio Coffman Fleischmann  
 Bilirakis Cole Fleming  
 Bishop (UT) Collins (GA) Flores  
 Black Collins (NY) Forbes  
 Blackburn Conaway Foxx  
 Boustany Cook Franks (AZ)  
 Brady (TX) Cotton Frelinghuysen  
 Bridenstine Cramer Gardner  
 Brooks (AL) Crawford Garrett  
 Brooks (IN) Crenshaw Gerlach  
 Broun (GA) Culberson Gibbs  
 Buchanan Daines Gibson  
 Buchanan Buchson Davis, Rodney  
 Burgess Denham  
 Byrne Dent

Goodlatte McCarthy (CA) Royce  
 Gosar McCaul Runyan  
 Gowdy McClintock Ryan (WI)  
 Granger McHenry Salmon  
 Graves (GA) McIntyre Sanford  
 Graves (MO) McKeon Scalise  
 Griffin (AR) McKinley Schock  
 Griffith (VA) McMorris Schweikert  
 Grimm Rodgers Scott, Austin  
 Guthrie Meadows Sensenbrenner  
 Hall Meehan Sessions  
 Harper Messer Shimkus  
 Harris Mica Shuster  
 Hartzler Miller (FL) Simpson  
 Hastings (WA) Miller (MI) Smith (MO)  
 Heck (NV) Mullin Smith (NE)  
 Hensarling Mulvaney Smith (NJ)  
 Holding Murphy (PA) Smith (TX)  
 Hudson Neugebauer Southerland  
 Huizenga (MI) Noem Stewart  
 Hultgren Nugent Stivers  
 Hunter Nunes Stockman  
 Hurt Nunnelee Stutzman  
 Issa Olson Terry  
 Jenkins Palazzo Thompson (PA)  
 Johnson (OH) Paulsen Thornberry  
 Johnson, Sam Pearce  
 Jolly Perry  
 Jones Petri  
 Jordan Pittenger  
 Joyce Pitts  
 Kelly (PA) Poe (TX)  
 King (IA) Pompeo  
 King (NY) Posey  
 Kinzinger (IL) Price (GA)  
 Labrador Kline  
 LaMalfa Reed  
 Lamborn Reichert  
 Lance Renacci  
 Latham Ribble  
 Latta Rice (SC)  
 LoBiondo Rigell  
 Long Roby  
 Lucas Roe (TN)  
 Luetkemeyer Rogers (AL)  
 Lujan Grisham Rogers (KY)  
 (NM) Rogers (MI)  
 Lummis Rohrabacher  
 Marchant Rooney  
 Marino Roskam  
 Massie Ross  
 McAllister Rothfus

## NOT VOTING—10

Bass Kingston Schwartz  
 Cantor Lankford Slaughter  
 Holt Miller, Gary  
 Huelskamp Rush

ANNOUNCEMENT BY THE ACTING CHAIR  
 The Acting CHAIR (during the vote).  
 There is 1 minute remaining.

□ 1744

So the amendment was rejected.  
 The result of the vote was announced  
 as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. DAINES  
 The Acting CHAIR. The unfinished  
 business is the demand for a recorded  
 vote on the amendment offered by the  
 gentleman from Montana (Mr. DAINES)  
 on which further proceedings were  
 postponed and on which the ayes pre-  
 vailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
 minute vote.

The vote was taken by electronic de-  
 vice, and there were—ayes 222, noes 196,  
 not voting 13, as follows:

[Roll No. 227]

## AYES—222

Griffith (VA) Pittenger  
 Grimm Pitts  
 Guthrie Poe (TX)  
 Hanna Pompeo  
 Harper Posey  
 Harris Price (GA)  
 Hartzler Reed  
 Hastings (WA) Reichert  
 Heck (NV) Renacci  
 Bilirakis Hensarling  
 Bishop (UT) Herrera Beutler  
 Black Rigell  
 Blackburn Hudson  
 Boustany Huizenga (MI)  
 Brady (TX) Hultgren  
 Bridenstine Hunter  
 Brooks (AL) Hurt  
 Brooks (IN) Issa  
 Broun (GA) Jenkins  
 Buchanan Johnson (OH)  
 Buchson Johnson, Sam  
 Byrne Jolly  
 Calvert Jordan  
 Camp Joyce  
 Campbell Kelly (PA)  
 Capito King (IA)  
 Carter King (NY)  
 Cassidy Kinzinger (IL)  
 Chabot Kline  
 Chaffetz Labrador  
 Coble LaMalfa  
 Coffman Lamborn  
 Cole Lance  
 Collins (GA) Latham  
 Collins (NY) Latta  
 Conaway LoBiondo  
 Cook Long  
 Cotton Lucas  
 Cramer Luetkemeyer  
 Crawford Lujan Grisham  
 Crenshaw (NM)  
 Culberson Luján, Ben Ray  
 Daines (NM)  
 Davis, Rodney Lummis  
 Denham Marchant  
 Dent Marino  
 DeSantis McAllister  
 DesJarlais McCarthy (CA)  
 Diaz-Balart McCaul  
 Duffy McClintock  
 Duncan (SC) McHenry  
 Ellmers McKeon  
 Farenthold McKinley  
 Fincher McMorris  
 Fitzpatrick Rodgers  
 Fleischmann Meadows  
 Fleming Meehan  
 Flores Messer  
 Forbes Mica  
 Fortenberry Miller (FL)  
 Foxx Miller (MI)  
 Franks (AZ) Mullin  
 Frelinghuysen Mulvaney  
 Gardner Murphy (PA)  
 Garrett Neugebauer  
 Gerlach Noem  
 Gibbs Nugent  
 Gohmert Nunes  
 Goodlatte Nunnelee  
 Gosar Olson  
 Gowdy Palazzo  
 Granger Paulsen  
 Graves (GA) Pearce  
 Graves (MO) Perry  
 Griffin (AR) Petri

## NOES—196

Bustos Cleaver  
 Butterfield Clyburn  
 Capps Cohen  
 Capuano Connolly  
 Cárdenas Conyers  
 Carney Cooper  
 Carson (IN) Costa  
 Cartwright Courtney  
 Castor (FL) Crowley  
 Castro (TX) Cuellar  
 Chu Cummings  
 Cicilline Davis (CA)  
 Clark (MA) Davis, Danny  
 Clarke (NY) DeFazio  
 Clay DeGette

Delaney	Kildee	Pingree (ME)
DeLauro	Kilmer	Pocan
DelBene	Kind	Polis
Deutch	Kirkpatrick	Price (NC)
Dingell	Kuster	Quigley
Doggett	Langevin	Rahall
Doyle	Larsen (WA)	Rangel
Duckworth	Larson (CT)	Richmond
Duncan (TN)	Lee (CA)	Roybal-Allard
Edwards	Levin	Ruppersberger
Ellison	Lewis	Ryan (OH)
Engel	Lipinski	Sánchez, Linda T.
Enyart	Loeb sack	Sanchez, Loretta
Eshoo	Lofgren	Sanbanes
Esty	Lowenthal	Schakowsky
Farr	Lowey	Schiff
Fattah	Lynch	Schneider
Foster	Maffei	Schrader
Frankel (FL)	Maloney,	Scott (VA)
Fudge	Carolyn	Serrano
Gabbard	Maloney, Sean	Sewell (AL)
Gallego	Massie	Shea-Porter
Garamendi	Matheson	Sherman
Garcia	Matsui	Sinema
Gibson	McCarthy (NY)	Sires
Grayson	McCollum	Smith (WA)
Green, Al	McDermott	Speier
Green, Gene	McGovern	Swalwell (CA)
Grijalva	McIntyre	Takano
Gutiérrez	McNerney	Thompson (CA)
Hahn	Meeks	Thompson (MS)
Hall	Meng	Tierney
Hanabusa	Michaud	Titus
Hastings (FL)	Moore	Tonko
Heck (WA)	Moran	Tsongas
Higgins	Murphy (FL)	Van Hollen
Himes	Nadler	Vargas
Hinojosa	Napolitano	Veasey
Honda	Neal	Nolan
Horsford	Negrete McLeod	O'Rourke
Hoyer	Nolan	Owens
Huffman	O'Rourke	Pallone
Israel	Pallone	Pascarell
Jackson Lee	Pascarell	Pastor (AZ)
Jeffries	Pastor (AZ)	Payne
Johnson (GA)	Payne	Pelosi
Johnson, E. B.	Pelosi	Perlmutter
Jones	Perlmutter	Peters (CA)
Kaptur	Peters (CA)	Peters (MI)
Keating	Peters (MI)	Peterson
Kelly (IL)	Peterson	
Kennedy		

## NOT VOTING—13

Bass	Kingston	Schwartz
Cantor	Lankford	Slaughter
Gingrey (GA)	Miller, Gary	Stivers
Holt	Miller, George	
Huelskamp	Rush	

□ 1749

Mrs. ELLMERS changed her vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. McKEON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HULTGREN) having assumed the chair, Mr. COLLINS of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, had come to no resolution thereon.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HULTGREN). Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adopting House Resolution 590;  
Suspending the rules and passing H.R. 4031.

Each electronic vote will be conducted as a 5-minute vote.

## PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4435, HOWARD P. “BUCK” McKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015; AND PROVIDING FOR CONSIDERATION OF H.R. 3361, USA FREEDOM ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 590) providing for consideration of the bill (H.R. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 190, not voting 10, as follows:

[Roll No. 228]

YEAS—231

Aderholt	Cotton	Graves (GA)
Amash	Cramer	Graves (MO)
Amodei	Crawford	Griffin (AR)
Bachmann	Crenshaw	Griffith (VA)
Bachus	Culberson	Grimm
Barber	Daines	Guthrie
Barletta	Davis, Rodney	Hall
Barr	Denham	Hanna
Barton	Dent	Harper
Benish	DeSantis	Harris
Bentivolio	DesJarlais	Hartzler
Bilirakis	Diaz-Balart	Hastings (WA)
Bishop (UT)	Duckworth	Heck (NV)
Black	Duffy	Hensarling
Blackburn	Duncan (SC)	Herrera Beutler
Boustany	Duncan (TN)	Holding
Brady (TX)	Ellmers	Hudson
Bridenstine	Farenthold	Huizenga (MI)
Brooks (AL)	Fincher	Hultgren
Brooks (IN)	Fitzpatrick	Hunter
Buchanan	Fleischmann	Hurt
Bucshon	Fleming	Issa
Burgess	Flores	Jenkins
Byrne	Forbes	Johnson (OH)
Calvert	Fortenberry	Johnson, Sam
Camp	Fox	Jolly
Campbell	Franks (AZ)	Jordan
Capito	Frelinghuysen	Joyce
Carter	Gardner	Kelly (PA)
Cassidy	Garrett	King (IA)
Chabot	Gerlach	King (NY)
Chaffetz	Gibbs	Kinzing (IL)
Coble	Gibson	Kline
Coffman	Gingrey (GA)	Labrador
Cole	Gohmert	LaMalfa
Collins (GA)	Goodlatte	Lamborn
Collins (NY)	Gosar	Lance
Conaway	Gowdy	Latham
Cook	Granger	Latta

LoBiondo	Pittenger	Shimkus
Long	Pitts	Shuster
Lucas	Poe (TX)	Simpson
Luetkemeyer	Pompeo	Smith (MO)
Lummis	Posney	Smith (NE)
Marchant	Price (GA)	Smith (NJ)
Marino	Reed	Smith (TX)
McAllister	Reichert	Southerland
McCarthy (CA)	Renacci	Stewart
McCauley	Ribbie	Stivers
McClintock	Rice (SC)	Stutzman
McHenry	Rigell	Terry
McIntyre	Roby	Thompson (PA)
McKeon	Roe (TN)	Thornberry
McKinley	Rogers (AL)	Tiberi
McMorris	Rogers (KY)	Tipton
Rodgers	Rogers (MI)	Turner
Meadows	Rohrabacher	Upton
Meehan	Rokita	Valadao
Messer	Rooney	Wagner
Mica	Ros-Lehtinen	Walberg
Miller (FL)	Roskam	Walden
Miller (MI)	Ross	Walorski
Mullin	Rothfus	Weber (TX)
Mulvaney	Royce	Webster (FL)
Murphy (FL)	Runyan	Wenstrup
Murphy (PA)	Ruppersberger	Westmoreland
Neugebauer	Ryan (WI)	Whitfield
Noem	Salmon	Williams
Nugent	Sánchez, Linda T.	Wilson (SC)
Nunes	Sanchez, Loretta	Wittman
Nunnelee	Sanford	Wolf
Olson	Scalise	Womack
Owens	Schock	Woodall
Palazzo	Schweikert	Yoder
Paulsen	Scott, Austin	Yoho
Pearce	Sensenbrenner	Young (AK)
Perry	Sessions	Young (IN)
Petri		

## NAYS—190

Barrow (GA)	Eshoo	Lujan Grisham
Beatty	Esty	(NM)
Becerra	Farr	Luján, Ben Ray
Bera (CA)	Fattah	(NM)
Bishop (GA)	Foster	Lynch
Bishop (NY)	Frankel (FL)	Maffei
Blumenauer	Fudge	Maloney,
Bonamici	Gabbard	Carolyn
Brady (PA)	Gallego	Maloney, Sean
Braley (IA)	Garamendi	Massie
Broun (GA)	Garcia	Matheson
Brown (FL)	Grayson	Matsui
Brownley (CA)	Green, Al	McCarthy (NY)
Bustos	Green, Gene	McCollum
Butterfield	Grijalva	McDermott
Capps	Gutiérrez	McGovern
Capuano	Hahn	McNerney
Cárdenas	Hanabusa	Meeks
Carney	Hastings (FL)	Meng
Carson (IN)	Heck (WA)	Michaud
Cartwright	Higgins	Miller, George
Castor (FL)	Himes	Moore
Castro (TX)	Hinojosa	Moran
Chu	Honda	Nadler
Ciilline	Horsford	Napolitano
Clark (MA)	Hoyer	Neal
Clarke (NY)	Huffman	Negrete McLeod
Clay	Israel	Nolan
Cleaver	Jackson Lee	O'Rourke
Clyburn	Jeffries	Pallone
Cohen	Johnson (GA)	Pascarell
Connolly	Johnson, E. B.	Pastor (AZ)
Conyers	Jones	Payne
Cooper	Kaptur	Pelosi
Costa	Keating	Perlmutter
Courtney	Kelly (IL)	Peters (CA)
Crowley	Kennedy	Peters (MI)
Cuellar	Kildee	Peterson
Cummings	Kilmer	Pingree (ME)
Davis (CA)	Kind	Pocan
Davis, Danny	Kirkpatrick	Polis
DeFazio	Kuster	Price (NC)
DeGette	Langevin	Quigley
Delaney	Larsen (WA)	Rahall
DeLauro	Larson (CT)	Rangel
DelBene	Lee (CA)	Richmond
Deutch	Levin	Roybal-Allard
Dingell	Lewis	Ruiz
Doggett	Lipinski	Ryan (OH)
Doyle	Loeb sack	Sarbanes
Edwards	Lofgren	Schakowsky
Ellison	Lowenthal	Schiff
Engel	Lowey	Schneider
Enyart		Schrader

Scott (VA)	Swalwell (CA)	Vela
Scott, David	Takano	Velázquez
Serrano	Thompson (CA)	Visclosky
Sewell (AL)	Thompson (MS)	Walz
Shea-Porter	Tierney	Wasserman
Sherman	Titus	Schultz
Sinema	Tonko	Waters
Sires	Tsongas	Waxman
Smith (WA)	Van Hollen	Welch
Speier	Vargas	Wilson (FL)
Stockman	Veasey	Yarmuth

## NOT VOTING—10

Bass	Kingston	Schwartz
Cantor	Lankford	Slaughter
Holt	Miller, Gary	
Huelskamp	Rush	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1758

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. HOLT. Mr. Speaker, I missed the following votes on May 21, 2014: on rollcall vote 223, a motion to Adjourn, I would have voted “no;” on rollcall vote 224, a motion to Adjourn, I would have voted “no;” on rollcall vote 225, on agreeing to the Blumenauer Amendment to H.R. 4435, I would have voted “yes;” on rollcall vote 226, on agreeing to the Loretta Sanchez Amendment Number 3 to H.R. 4435, I would have voted “yes;” on rollcall vote 227, on agreeing to the Daines Amendment, I would have voted “no;” on rollcall vote 228, on passage of H. Res. 590, I would have voted “no.”

## MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER pro tempore. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our country in Iraq and Afghanistan and their families and of all who serve in our Armed Forces and their families.

## DEPARTMENT OF VETERANS AFFAIRS MANAGEMENT ACCOUNTABILITY ACT OF 2014

The SPEAKER pro tempore (Mr. COLINS of Georgia). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4031) to amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 33, not voting 8, as follows:

[Roll No. 229]

## YEAS—390

Aderholt	Cummings	Himes
Amash	Daines	Hinojosa
Amodei	Davis (CA)	Holding
Bachmann	Davis, Danny	Honda
Bachus	Davis, Rodney	Horsford
Barber	DeFazio	Hudson
Barletta	DeGette	Huffman
Barr	Delaney	Huizenga (MI)
Barrow (GA)	DeLauro	Hultgren
Barton	DeBene	Hunter
Beatty	Denham	Hurt
Benish	Dent	Israel
Bentivolio	DeSantis	Issa
Bera (CA)	DesJarlais	Jackson Lee
Billirakis	Deutch	Jeffries
Bishop (GA)	Diaz-Balart	Jenkins
Bishop (NY)	Doggett	Johnson (OH)
Bishop (UT)	Doyle	Johnson, E. B.
Black	Duckworth	Johnson, Sam
Blackburn	Duffy	Jolly
Blumenauer	Duncan (SC)	Jones
Bonamici	Duncan (TN)	Jordan
Boustany	Ellmers	Joyce
Brady (PA)	Engel	Keating
Brady (TX)	Enyart	Kelly (IL)
Braley (IA)	Eshoo	Kelly (PA)
Bridenstine	Esty	Kennedy
Brooks (AL)	Farenthold	Kildee
Brooks (IN)	Farr	Kilmer
Broun (GA)	Fattah	Kind
Brownley (CA)	Fincher	King (IA)
Buchanan	Fitzpatrick	King (NY)
Bucshon	Fleischmann	Kinzing (IL)
Burgess	Fleming	Kirkpatrick
Bustos	Flores	Kline
Butterfield	Forbes	Kuster
Byrne	Fortenberry	Labrador
Calvert	Foster	LaMalfa
Camp	Fox	Lamborn
Campbell	Frankel (FL)	Lance
Cantor	Franks (AZ)	Langevin
Capito	Frelinghuysen	Larsen (WA)
Capps	Gabbard	Larson (CT)
Capuano	Gallego	Latham
Cárdenas	Garamendi	Latta
Carney	Garcia	Levin
Carson (IN)	Gardner	Lewis
Carter	Garrett	Lipinski
Cartwright	Gerlach	LoBiondo
Cassidy	Gibbs	Loeb
Castor (FL)	Gibson	Loeffler
Castro (TX)	Gingrey (GA)	Long
Chabot	Gohmert	Lowenthal
Chaffetz	Goodlatte	Lowey
Chu	Gosar	Lucas
Cicilline	Gowdy	Luetkemeyer
Clark (MA)	Granger	Lujan Grisham
Clay	Graves (GA)	(NM)
Cleaver	Graves (MO)	Lujan, Ben Ray
Coble	Grayson	(NM)
Coffman	Green, Al	Lummis
Cohen	Green, Gene	Lynch
Cole	Griffin (AR)	Maffei
Collins (GA)	Griffith (VA)	Maloney,
Collins (NY)	Grijalva	Carolyn
Conaway	Grimm	Maloney, Sean
Connolly	Guthrie	Marchant
Conyers	Hahn	Marino
Cook	Hall	Massie
Cooper	Hanna	Matheson
Costa	Harper	Matsui
Cotton	Harris	McAllister
Courtney	Hartzler	McCarthy (CA)
Cramer	Hastings (WA)	McCarthy (NY)
Crawford	Heck (NV)	McCaul
Crenshaw	Heck (WA)	McClintock
Crowley	Hensarling	McCollum
Cuellar	Herrera Beutler	McGovern
Culberson	Higgins	McHenry

McIntyre	Quigley	Smith (WA)
McKeon	Rahall	Southerland
McKinley	Rangel	Speier
McMorris	Reed	Stewart
Rodgers	Reichert	Stivers
McNerney	Renacci	Stockman
Meadows	Ribble	Stutzman
Meehan	Rice (SC)	Swalwell (CA)
Meeks	Richmond	Takano
Meng	Rigell	Terry
Messer	Roby	Thompson (CA)
Mica	Roe (TN)	Thompson (MS)
Michaud	Rogers (KY)	Thompson (PA)
Miller (FL)	Rogers (KY)	Thornberry
Miller (MI)	Rogers (MI)	Tiberi
Moore	Rohrabacher	Tierney
Mullin	Rokita	Tipton
Mulvaney	Rooney	Titus
Murphy (FL)	Ros-Lehtinen	Tonko
Murphy (PA)	Roskam	Tsongas
Napolitano	Ross	Turner
Neal	Rothfus	Upton
Negrete McLeod	Roybal-Allard	Valadao
Neugebauer	Royce	Vargas
Noem	Ruiz	Veasey
Nolan	Runyan	Vela
Nugent	Ruppersberger	Visclosky
Nunes	Ryan (OH)	Wagner
Nunnelee	Ryan (WI)	Walberg
O'Rourke	Salmon	Walden
Olson	Sanchez, Loretta	Walorski
Owens	Sanford	Walz
Palazzo	Scalise	Wasserman
Pallone	Schiff	Schultz
Pascarella	Schneider	Weber (TX)
Paulsen	Schock	Webster (FL)
Pearce	Schrader	Welch
Pelosi	Schweikert	Wenstrup
Perlmutter	Scott, Austin	Westmoreland
Perry	Scott, David	Whitfield
Peters (CA)	Sensenbrenner	Williams
Peters (MI)	Sessions	Wilson (FL)
Peterson	Sewell (AL)	Wilson (SC)
Petri	Shea-Porter	Wittman
Pingree (ME)	Sherman	Wolf
Pittenger	Shimkus	Womack
Pitts	Shuster	Woodall
Poe (TX)	Simpson	Yarmuth
Polis	Sinema	Yoder
Pompeo	Smith (MO)	Yoho
Posey	Smith (NE)	Young (AK)
Price (GA)	Smith (NJ)	Young (IN)
Price (NC)	Smith (TX)	

## NAYS—33

Becerra	Hoyer	Sánchez, Linda
Brown (FL)	Johnson (GA)	T.
Clarke (NY)	Kaptur	Sarbanes
Clyburn	Lee (CA)	Schakowsky
Dingell	McDermott	Scott (VA)
Edwards	Miller, George	Serrano
Ellison	Moran	Sires
Fudge	Nadler	Van Hollen
Gutiérrez	Pastor (AZ)	Velázquez
Hanabusa	Payne	Waters
Hastings (FL)	Pocan	Waxman
Holt		

## NOT VOTING—8

Bass	Lankford	Schwartz
Huelskamp	Miller, Gary	Slaughter
Kingston	Rush	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1808

Mr. CROWLEY and Mr. ENGEL changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR MEMBER TO BE  
CONSIDERED AS FIRST SPONSOR  
OF H.R. 1189

Mr. HOLT. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 1189, a bill originally introduced by Representative MARKEY of Massachusetts, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Mr. HULTGREN). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 4286

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 4286.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

HOWARD P. "BUCK" MCKEON NA-  
TIONAL DEFENSE AUTHORIZA-  
TION ACT FOR FISCAL YEAR 2015

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 590 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4435.

Will the gentleman from Illinois (Mr. HULTGREN) kindly take the chair.

□ 1811

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, with Mr. HULTGREN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 6 printed in House Report 113-455 pursuant to House Resolution 585 offered by the gentleman from Montana (Mr. DAINES) had been disposed of.

Pursuant to House Resolution 590, no further amendment to the bill, as amended, shall be in order except those printed in part A of House Report 113-460 and amendments en bloc described in section 3 of House Resolution 590.

Each further amendment printed in part A of the report shall be considered only in the order printed in the report, may be offered only by a Member des-

ignated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part A of the report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 113-460.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle B of title III, insert the following:

**SEC. 318. PROHIBITION ON USE OF FUNDS TO IM-  
PLEMENT CERTAIN CLIMATE  
CHANGE ASSESSMENTS AND RE-  
PORTS.**

None of the funds authorized to be appropriated or otherwise made available by this Act may be used to implement the U.S. Global Change Research Program National Climate Assessment, the Intergovernmental Panel on Climate Change's Fifth Assessment Report, the United Nation's Agenda 21 sustainable development plan, or the May 2013 Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866.

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, this amendment would prohibit the Department of Defense from spending money on climate change policies forced upon them by the Obama administration.

We shouldn't be diverting our financial resources away from the primary missions of our military and our national security in pursuit of an ideology.

For example, earlier this year, the President diverted crucial funding on rural sewer and water line grants to promote his climate change initiatives.

□ 1815

Let's make it clear. I acknowledge that climate change is occurring. The climate has always been changing. The question is whether or not, given the global unrest from these rogue nations

and our war on terrorism, whether we should be diverting our funds to support an ideology instead of maximizing our investments in national security.

Now, climate change alarmists contend that man-made CO<sub>2</sub> is the cause of climate change. Most people may not realize that 96 percent of all the CO<sub>2</sub> emissions occur naturally, and America's CO<sub>2</sub> emissions' contribution to the global community is actually less than 1 percent, Mr. Chairman. But even with these facts, decarbonizing America's economy is still a long-term goal of the climate alarmists. But to what end?

If America totally stopped burning coal—I mean this, Mr. Chairman. If every coal-fired powerhouse, factory, school, institution, if every institution in America stopped burning coal today, we would reduce the emissions of CO<sub>2</sub> in the globe around the world by 0.2 percent. Think about that, Mr. Chair, 0.2 percent. Within 5 years, the rest of the world's CO<sub>2</sub> emissions would make up the difference while our entire economy would have been turned upside down. We would have gained nothing in America at considerable cost to our country's economy.

Yesterday, Secretary of State John Kerry was quoted saying: "If we make the necessary efforts to address climate change, and supposing we are wrong, what's the worst that can happen?"

"What's the worst that can happen?" What about spending trillions of dollars, the loss of millions of jobs, more expensive electric bills, and making our economy less competitive?

People like this talk about these issues as if there is no downside or cost to what they are advocating. Mr. Chairman, you and I know that is not the case.

Germany is switching back to coal-fired power, and China and India are building coal-fired power plants every week. America is the only industrialized nation discouraging the use of coal and other fossil fuels.

Leadership expert John Maxwell once said: "He who thinks he leads but has no followers is only taking a walk."

The President should look around. He is alone on this issue. We shouldn't be putting our funds for the military and our defense at risk by diverting funds for an ideologically motivated agenda.

If this administration truly wishes to address the problem of CO<sub>2</sub> emissions, they should help the rest of the world tackle the deforestation of our tropical rain forests.

Al Gore and the Sierra Club acknowledge that deforestation in Africa and the Amazon is five to six times more of a polluter than the combination of every coal-fired powerhouse in America—five to six times worse. These tropical forests are being destroyed because developing nations don't have access to affordable electricity for heating and cooking and clean water.



Unfortunately, the debate on this issue has turned to name-calling. One of my colleagues today has called those of us who disagree with the President over this issue “irresponsible,” “Republican science deniers,” and “members of the Flat Earth Society.” Al Gore called people who question climate change policies “immoral, unethical, and despicable.”

Mr. Chairman, you and I are old enough to know that bullying and name-calling are just childish tactics and don't have a place in this debate. Let's stop the name-calling. It is time for an adult conversation.

We should not sacrifice our economy and our national security by diverting funds in pursuit of an ideological crusade. This is not the time to divert our financial resources from our military for climate change purposes when we are confronting Syria, Iran, Russia, Libya, and other rogue nations around the world. In addition, we have Boko Haram, Hamas, al Qaeda, and other terrorist groups promoting instability and threatening liberty and freedom around the world.

Consequently, this amendment will ensure we maximize our military might without diverting funds for a politically motivated agenda. I urge all of my colleagues to support this amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I yield myself 3 minutes.

Mr. Chairman, the McKinley amendment provides that the Department of Defense may not make decisions based on science. Imagine, the Department of Defense should not make decisions based on science. They should ignore that there may be a cost from climate change. This amendment waves a magic wand and decrees that climate change imposes no costs at all. Therefore, they would block the Defense Department from recognizing the damage caused by climate change.

This is incredible, because the 2010 Quadrennial Defense Review called climate change “an accelerant of instability or conflict” that “could have significant geopolitical impacts around the world, contributing to poverty, environmental degradation, and the further weakening of fragile governments.” But the McKinley amendment tells the DOD to ignore these impacts.

Numerous national security experts with unimpeachable credentials—Democrats and Republicans alike—have warned that climate change threatens our national security. Just this month, a panel of retired three- and four-star generals and admirals released a report calling for action to address this problem.

It will be too late for action when they see some of their facilities being overwhelmed by the increase in rising seas or by storms that may destroy some of our defense installations. But according to this amendment, they can't look at that. They can't make decisions based on the science that may come from these governmental and other scientific agencies.

Well, I think that is science denial at its worst to say that the Defense Department cannot recognize damage caused by climate change. It looks like it is trying to overturn the laws of nature.

So we would tie the hands of the Defense Department and tell them that even though we might have exacerbated heat waves, droughts, wildfires, floods, water- and vector-borne diseases, diseases which will pose greater risk to human health and lives around the world, and wheat and corn yields are already experiencing the negative impact and we have a larger risk of food security globally and regionally, if scientists tell us that, we are not allowed to have our Defense Department pay any heed to it.

Well, Mr. Chairman, I am not going to call anybody names, but I think this is a seriously flawed amendment, and I urge my colleagues to oppose it.

And I now yield the balance of my time to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Chairman, the Catholic Church is still trying to live down condemning Galileo for suggesting that the Sun, instead of the Earth, was the center of the universe. But fortunately, our military and our President is on the right side of history and science.

Our military is listening to the facts and acting on the fact of climate change by ensuring that its assets are capable of withstanding more frequent and severe weather conditions, building resiliency in their command and control structures, planning military response contingencies that recognize the effects climate change is having on people, countries, and organizations around the world that may wish us harm. That is what this amendment would prevent the military from doing, because they are now reacting to the facts from these studies.

Climate change is a national security concern. It is a new form of stress on military readiness. The Navy, for example, just last week identified 128 naval installations that are going to be underwater in the near future if we don't take steps now to deal with it. It is a catalyst for instability and conflict around the world.

As my friend from California mentioned, the military's Quadrennial Defense Review states that “the pressures caused by climate change will influence resource competition while placing additional burdens on economies,

societies, and governance institutions around the world.”

The results will be a higher demand for American troops abroad, even as we struggle to deal with the devastating impacts caused by flooding and extreme weather events at home. We have volatile regions around the world that are going to be driven to desperation and resort to terrorist activity in response to the impacts of climate change and the resulting resource competition.

This is what the military is telling us. Climate change's “effects are threat multipliers that will aggravate stressors abroad, such as poverty, environmental degradation, political instability, and social tensions.” It is a catalyst for conflict.

For the sake of our military, for the sake of our national security, we have got to oppose this amendment.

Mr. WAXMAN. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia will be postponed.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to House Resolution 590, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 consisting of amendment Nos. 2, 3, 5, 12, 16, 18, 19, 20, 22, 23, 32, 33, 60, 72, 82, 86, 100, 113, and 147 printed in part A of House Report No. 113-460, offered by Mr. MCKEON of California:

AMENDMENT NO. 2 OFFERED BY MR. GOSAR OF ARIZONA

At the end of subtitle B of title III, add the following new section:

**SEC. 3. OFF-INSTALLATION DEPARTMENT OF DEFENSE NATURAL RESOURCES PROJECTS COMPLIANCE WITH INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.**

Section 103A of the Sikes Act (16 U.S.C. 670c-1) is amended by adding at the end the following new subsection:

“(d) COMPLIANCE WITH INTEGRATED NATURAL RESOURCE MANAGEMENT PLAN.—In the case of a cooperative agreement or interagency agreement under subsection (a) for the maintenance and improvement of natural resources located off of a military installation or State-owned National Guard installation, funds referred to in subsection (b) may be used only pursuant to an approved integrated natural resources management plan.”

AMENDMENT NO. 3 OFFERED BY MR. WELCH OF VERMONT

At the end of subtitle B of title III of division A, add the following:

**SEC. 3. RECOMMENDATION ON AIR FORCE ENERGY CONSERVATION MEASURES.**

Congress recommends that the Secretary of the Air Force take action on identified energy conservation measures in a comprehensive and timely manner using an array of available funding mechanisms.

AMENDMENT NO. 5 OFFERED BY MR. LAMBORN OF COLORADO

At the end of subtitle C of title V, add the following new section:

**SEC. 5. REVISED REGULATIONS FOR RELIGIOUS FREEDOM.**

(a) REVISION OF DEPARTMENT OF DEFENSE INSTRUCTION 1300.17.—

(1) REVISION REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue a revised instruction to replace Department of Defense Instruction 1300.17.

(2) PURPOSE.—The revision of Department of Defense Instruction 1300.17 shall address the Congressional intent and content of section 533 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1727; 10 U.S.C. prec. 1030 note), as amended by section 532 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 759), to ensure that verbal and written expressions of an individual's religious beliefs are protected by the Department of Defense as an essential part of a the free exercise of religion by a member of the Armed Forces.

(b) REVISION OF AIR FORCE INSTRUCTION 1-1.—

(1) REVISION REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall issue a revised instruction to replace Air Force Instruction 1-1.

(2) PURPOSE.—The revision of Air Force Instruction 1-1 shall reflect the protections for religious expressions contained in—

(A) section 533 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1727; 10 U.S.C. prec. 1030 note), as amended by section 532 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 759); and

(B) the revised Department of Defense instruction referenced in subsection (a) if revision of that instruction is completed before the revision of Air Force Instruction 1-1.

(3) TERMINATION.—If, before the date of the enactment of this Act, the Secretary of the Air Force issues a revised instruction to replace Air Force Instruction 1-1 and such revision is consistent with the purpose specified in paragraph (2), the requirement imposed by paragraph (1) shall no longer apply.

AMENDMENT NO. 12 OFFERED BY MR. CLEAVER OF MISSOURI

At the end of title X, add the following new subtitle:

**Subtitle H—World War I Memorials****SEC. 1091. SHORT TITLE.**

This subtitle may be cited as the “World War I Memorial Act of 2014”.

**SEC. 1092. DESIGNATION OF NATIONAL WORLD WAR I MUSEUM AND MEMORIAL IN KANSAS CITY, MISSOURI.**

(a) DESIGNATION.—The Liberty Memorial of Kansas City at America's National World War I Museum in Kansas City, Missouri, is hereby designated as the “National World War I Museum and Memorial”.

(b) CEREMONIES.—The World War I Centennial Commission (in this subtitle referred to as the “Commission”) may plan, develop, and execute ceremonies to recognize the designation of the Liberty Memorial of Kansas

City as the National World War I Museum and Memorial.

**SEC. 1093. REDESIGNATION OF PERSHING PARK IN THE DISTRICT OF COLUMBIA AS THE NATIONAL WORLD WAR I MEMORIAL AND ENHANCEMENT OF COMMEMORATIVE WORK.**

(a) REDESIGNATION.—Pershing Park in the District of Columbia is hereby redesignated as the “National World War I Memorial”.

(b) CEREMONIES.—The Commission may plan, develop, and execute ceremonies for the rededication of Pershing Park, as it approaches its 50th anniversary, as the National World War I Memorial and for the enhancement of the General Pershing Commemorative Work as authorized by subsection (c).

(c) AUTHORITY TO ENHANCE COMMEMORATIVE WORK.—

(1) IN GENERAL.—The Commission may enhance the General Pershing Commemorative Work by constructing on the land designated by subsection (a) as the National World War I Memorial appropriate sculptural and other commemorative elements, including landscaping, to further honor the service of members of the United States Armed Forces in World War I.

(2) GENERAL PERSHING COMMEMORATIVE WORK DEFINED.—The term “General Pershing Commemorative Work” means the memorial to the late John J. Pershing, General of the Armies of the United States, who commanded the American Expeditionary Forces in World War I, and to the officers and men under his command, as authorized by Public Law 89-786 (80 Stat. 1377).

(d) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—

(1) IN GENERAL.—Except as provided in paragraph (2), chapter 89 of title 40, United States Code, applies to the enhancement of the General Pershing Commemorative Work under subsection (c).

(2) WAIVER OF CERTAIN REQUIREMENTS.—

(A) SITE SELECTION FOR MEMORIAL.—Section 8905 of such title does not apply with respect to the selection of the site for the National World War I Memorial.

(B) CERTAIN CONDITIONS.—Section 8908(b) of such title does not apply to this subtitle.

(e) NO INFRINGEMENT UPON EXISTING MEMORIAL.—The National World War I Memorial may not interfere with or encroach on the District of Columbia War Memorial.

(f) DEPOSIT OF EXCESS FUNDS.—

(1) USE FOR OTHER WORLD WAR I COMMEMORATIVE ACTIVITIES.—If, upon payment of all expenses for the enhancement of the General Pershing Commemorative Work under subsection (c) (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for such purpose, the Commission may use the amount of the balance for other commemorative activities authorized under the World War I Centennial Commission Act (Public Law 112-272; 126 Stat. 2448).

(2) USE FOR OTHER COMMEMORATIVE WORKS.—If the authority for enhancement of the General Pershing Commemorative Work and the authority of the Commission to plan and conduct commemorative activities under the World War I Centennial Commission Act have expired and there remains a balance of funds received for the enhancement of the General Pershing Commemorative Work, the Commission shall transmit the amount of the balance to a separate account with the National Park Foundation, to be available to the Secretary of the Interior following the process provided in section 8906(b)(4) of title 40, United States Code, for

accounts established under section 8906(b)(3) of such title, except that funds in such account may only be obligated subject to appropriation.

(g) AUTHORIZATION TO COMPLETE CONSTRUCTION AFTER TERMINATION OF COMMISSION.—Section 8 of the World War I Centennial Commission Act (Public Law 112-272) is amended—

(1) in subsection (a), by striking “The Centennial Commission” and inserting “Except as provided in subsection (c), the Centennial Commission”; and

(2) by adding at the end the following new subsection:

“(c) EXCEPTION FOR COMPLETION OF NATIONAL WORLD WAR I MEMORIAL.—The Centennial Commission may perform such work as is necessary to complete the rededication of the National World War I Memorial and enhancement of the General Pershing Commemorative Work under section 1093 of the World War I Memorial Act of 2014, subject to section 8903 of title 40, United States Code.”.

**SEC. 1094. ADDITIONAL AMENDMENTS TO WORLD WAR I CENTENNIAL COMMISSION ACT.**

(a) EX OFFICIO AND OTHER ADVISORY MEMBERS.—Section 4 of the World War I Centennial Commission Act (Public Law 112-272; 126 Stat. 2449) is amended by adding at the end the following new subsection:

“(e) EX OFFICIO AND OTHER ADVISORY MEMBERS.—

“(1) POWERS.—The individuals listed in paragraphs (2) and (3), or their designated representative, shall serve on the Centennial Commission solely to provide advice and information to the members of the Centennial Commission appointed pursuant to subsection (b)(1), and shall not be considered members for purposes of any other provision of this Act.

“(2) EX OFFICIO MEMBERS.—The following individuals shall serve as ex officio members:

“(A) The Archivist of the United States.

“(B) The Librarian of Congress.

“(C) The Secretary of the Smithsonian Institution.

“(D) The Secretary of Education.

“(E) The Secretary of State.

“(F) The Secretary of Veterans Affairs.

“(G) The Administrator of General Services.

“(3) OTHER ADVISORY MEMBERS.—The following individuals shall serve as other advisory members:

“(A) Four members appointed by the Secretary of Defense in the following manner: One from the Navy, one from the Marine Corps, one from the Army, and one from the Air Force.

“(B) Two members appointed by the Secretary of Homeland Security in the following manner: One from the Coast Guard and one from the United States Secret Service.

“(C) Two members appointed by the Secretary of the Interior, including one from the National Parks Service.

“(4) VACANCIES.—A vacancy in a member position under paragraph (3) shall be filled in the same manner in which the original appointment was made.”.

(b) PAYABLE RATE OF STAFF.—Section 7(c)(2) of such Act (Public Law 112-272; 126 Stat. 2451) is amended—

(1) in subparagraph (A), by striking the period at the end and inserting “, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.”; and

(2) in subparagraph (B), by striking “level IV” and inserting “level II”.

(c) LIMITATION ON OBLIGATION OF FEDERAL FUNDS.—

(1) LIMITATION.—Section 9 of such Act (Public Law 112-272; 126 Stat. 2453) is amended to read as follows:

**“SEC. 9. LIMITATION ON OBLIGATION OF FEDERAL FUNDS.**

“No Federal funds may be obligated or expended for the designation, establishment, or enhancement of a memorial or commemorative work by the World War I Centennial Commission.”.

(2) CONFORMING AMENDMENT.—Section 7(f) of such Act (Public Law 112-272; 126 Stat. 2452) is repealed.

(3) CLERICAL AMENDMENT.—The item relating to section 9 in the table of contents of such Act (Public Law 112-272; 126 Stat. 2448) is amended to read as follows:

“Sec. 9. Limitation on obligation of Federal funds.”.

AMENDMENT NO. 16 OFFERED BY MR. RUNYAN OF NEW JERSEY

At the end of title XI, add the following:

**SEC. 1107. PAY PARITY FOR DEPARTMENT OF DEFENSE EMPLOYEES EMPLOYED AT JOINT BASES.**

(a) DEFINITIONS.—For purposes of this section—

(1) the term “joint military installation” means 2 or more military installations reorganized or otherwise associated and operated as a single military installation;

(2) the term “locality” or “pay locality” has the meaning given that term by section 5302(5) of title 5, United States Code; and

(3) the term “locality pay” refers to any amount payable under section 5304 or 5304a of title 5, United States Code.

(b) PAY PARITY AT JOINT BASES.—Whenever 2 or more military installations are reorganized or otherwise associated as a single joint military installation, but the constituent installations are not all located within the same pay locality, all Department of Defense employees of the respective installations constituting the joint installation (who are otherwise entitled to locality pay) shall receive locality pay at a uniform percentage equal to the percentage which is payable with respect to the locality which includes the constituent installation then receiving the highest locality pay (expressed as a percentage).

(c) REGULATIONS.—The Office of Personnel Management shall prescribe regulations to carry out this section.

(d) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—This section shall be effective with respect to pay periods beginning on or after such date (not later than 1 year after the date of enactment of this section) as the Secretary of Defense shall determine in consultation with the Office of Personnel Management.

(2) APPLICABILITY.—This section shall apply to any joint military installation created as a result of the recommendations of the Defense Base Closure and Realignment Commission in the 2005 base closure round.

AMENDMENT NO. 18 OFFERED BY MR. TURNER OF OHIO

At the appropriate place in subtitle D of title XII, insert the following:

**SEC. \_\_. SENSE OF CONGRESS ON FUTURE OF NATO AND ENLARGEMENT INITIATIVES.**

(a) STATEMENT OF POLICY.—Congress declares that—

(1) the North Atlantic Treaty Organization (NATO) has been the cornerstone of transatlantic security cooperation and an enduring instrument for promoting stability in

Europe and around the world for over 65 years;

(2) the incorporation of the Czech Republic, Poland, Hungary, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia, Albania, and Croatia has been essential to the success of NATO in this modern era;

(3) these countries have over time added to and strengthened the list of key European allies of the United States;

(4) since joining NATO, these member states have remained committed to the collective defense of the Alliance and have demonstrated their will and ability to contribute to transatlantic solidarity and assume increasingly more responsibility for international peace and security;

(5) since joining the alliance, these NATO members states have contributed to numerous NATO-led peace, security, and stability operations, including participation in the International Security Assistance Force's (ISAF) mission in Afghanistan;

(6) these NATO member states have become reliable partners and supporters of aspiring members and the United States recognizes their continued efforts to aid in further enlargement initiatives; and

(7) the commitment by these NATO member states to Alliance principles and active participation in Alliance initiatives shows the success of NATO's Open-Door Policy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) at the September 2014 NATO Summit in Wales and beyond, the United States should—

(A) continue to work with aspirant countries to prepare such countries for entry into NATO;

(B) seek NATO membership for Montenegro;

(C) continue supporting a Membership Action Plan (MAP) for Georgia;

(D) encourage the leaders of Macedonia and Greece to find a mutually agreeable solution to the name dispute between the two countries;

(E) seek a Dayton II agreement to resolve the constitutional issues of Bosnia and Herzegovina;

(F) work with the Republic of Kosovo to prepare the country for entrance into the Partnership for Peace (PfP) program;

(G) take a leading role in working with NATO member states to identify, through consensus, the current and future security threats facing the Alliance; and

(H) take a leading role to work with NATO allies to ensure the alliance maintains the required capabilities, including the gains in interoperability from combat in Afghanistan, necessary to meet the security threats to the Alliance.

(2) NATO member states should review defense spending to ensure sufficient funding is obligated to meet NATO responsibilities; and

(3) the United States should remain committed to maintaining a military presence in Europe as a means of promoting allied interoperability and providing visible assurance to NATO allies in the region.

AMENDMENT NO. 19 OFFERED BY MR. HUNTER OF CALIFORNIA

At the end of subtitle E of title XII of division A, insert the following:

**SEC. \_\_. REPORT, DETERMINATION, AND STRATEGY REGARDING THE TERRORISTS RESPONSIBLE FOR THE ATTACK AGAINST UNITED STATES PERSONNEL IN BENGHAZI, LIBYA, AND OTHER REGIONAL THREATS.**

(a) FINDINGS.—Congress finds the following:

(1) On September 11, 2012, United States facilities in Benghazi, Libya were attacked by an organized group of armed terrorists, killing United States Ambassador Chris Stevens, Sean Smith, Glen Doherty, and Tyrone Woods.

(2) On September 14, 2012, President Obama stated that: “We will bring to justice those who took them from us. . . making it clear that justice will come to those who harm Americans.”.

(3) On May 1, 2014, White House spokesman Jay Carney stated that: “I can assure you that the President's direction is that those who killed four Americans will be pursued by the United States until they are brought to justice. And if anyone doubts that, they should ask...friends and family members of Osama bin Laden.”.

(4) In testimony before Congress in October 2013, the Chairman of the Joint Chiefs of Staff, General Martin Dempsey, asserted that the President lacks the authority to use military force to find and kill the Benghazi attackers.

(5) Since the Benghazi attacks, the President has not requested authority from Congress to use military force against the Benghazi attackers.

(6) No terrorist responsible for the Benghazi attacks has been brought to justice.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the persons and organizations who carried out the attacks on United States personnel in Benghazi, Libya on September 11 and 12, 2012, pose a continuing threat to the national security of the United States;

(2) the failure to hold any individual responsible for these terrorist attacks is a travesty of justice, and undermines the national security of the United States; and

(3) the uncertainty surrounding the authority of the President to use force against the terrorists responsible for the attack against United States personnel in Benghazi, Libya, undermines the President as Commander-in-Chief of the Armed Forces of the United States.

(c) REPORT AND DETERMINATION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress—

(A) a report that contains—

(i) the identity and location of those persons and organizations that planned, authorized, or committed the attacks against the United States facilities in Benghazi, Libya that occurred on September 11 and 12, 2012; and

(ii) a detailed and specific description of all actions that have been taken to kill or capture any of the persons described in clause (i); and

(B) a determination regarding whether the President currently possesses the authority to use the Armed Forces of the United States against all persons and organizations described in subparagraph (A)(i).

(2) FORM.—The report and determination described in this subsection shall be submitted in unclassified form to the maximum extent possible, and may contain a classified annex.

(d) STRATEGY TO COMBAT REGIONAL TERRORIST THREATS.—

(1) TIMING AND CONTENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a comprehensive strategy to counter the growing threat posed by radical Islamist terrorist groups in North Africa, West Africa, and the

Sahel, which shall include, among other things—

(A) a strategy to bring to justice those persons who planned, authorized, or committed the terrorist attacks against the United States facilities in Benghazi, Libya that occurred on September 11 and 12, 2012;

(B) a description of the radical Islamist terrorist groups active in North Africa, West Africa, and the Sahel, including an assessment of their origins, strategic aims, tactical methods, funding sources, leadership, and relationships with other terrorist groups or state actors;

(C) a description of the key military, diplomatic, intelligence, and public diplomacy resources available to address these growing regional terrorist threats; and

(D) a strategy to maximize the coordination between, and the effectiveness of, United States military, diplomatic, intelligence, and public diplomacy resources to counter these growing regional terrorist threats.

(2) **FORM.**—The strategy described in this subsection shall be submitted in unclassified form to the maximum extent possible, and may contain a classified annex.

(3) **DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO. 20 OFFERED BY MR. RIGELL OF VIRGINIA

At the end of subtitle E of title XII of division A, add the following new section:

**SEC. 12. WAR POWERS OF CONGRESS.**

(a) **FINDINGS.**—Congress finds the following:

(1) In 1793, George Washington said, “The constitution vests the power of declaring war in Congress; therefore no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject and authorized such a measure.”

(2) In a letter to Thomas Jefferson in 1798, James Madison wrote: “The constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care vested the question of war to the Legislature.”

(3) In 1973, Congress passed the War Powers Resolution which states in section 2: “The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) national emergency created by attack upon the United States, its territories or possessions, or its armed forces.”

(4) With respect to United States military intervention in Syria, President Obama said, “But having made my decision as Commander-in-Chief based on what I am convinced is our national security interests, I’m also mindful that I’m the President of the world’s oldest constitutional democracy. I’ve long believed that our power is rooted not just in our military might, but in our example as a government of the people, by the

people, and for the people. And that’s why I’ve made a second decision: I will seek authorization for the use of force from the American people’s representatives in Congress.”

(b) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to authorize any use of military force.

AMENDMENT NO. 22 OFFERED BY MS. JACKSON LEE OF TEXAS

At the end of subtitle F of title XII insert the following new section:

**SEC. 1266. REPORT ON ACCOUNTABILITY FOR CRIMES AGAINST HUMANITY IN NIGERIA.**

(a) **SENSE OF CONGRESS.**—Congress—

(1) strongly condemns the ongoing violence and the systematic gross human rights violations against the people of Nigeria carried out by the jihadist organization Boko Haram;

(2) expresses its support for the people of Nigeria who wish to live in a peaceful, economically prosperous, and democratic Nigeria; and

(3) calls on the President to support Nigerian and International Community efforts to ensure accountability for crimes against humanity committed by Boko Haram against the people of Nigeria, particularly young girls kidnapped from educational institutions by Boko Haram.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on crimes against humanity committed by Boko Haram in Nigeria.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) A description of initiatives undertaken by the Department of Defense to assist the Government of Nigeria to develop its own capacity to deploy specialized police and army units rapidly to bring Boko Haram leader Abubakar Shekau to justice and to prevent and combat sectarian violence in cities and areas in Nigeria where there has been a history of sectarian violence.

(B) A description of violations of internationally recognized human rights and crimes against humanity perpetrated by Boko Haram in Nigeria, including a description of the conventional and unconventional weapons used for such crimes and, where possible, the origins of the weapons.

(C) A description of efforts by the Department of Defense to ensure accountability for violations of internationally recognized human rights and crimes against humanity perpetrated against the people of Nigeria by Boko Haram and al-Qaeda affiliates and other jihadists in Nigeria, including—

(i) a description of initiatives that the United States has undertaken to train Nigerian investigators on how to document, investigate, and develop findings of crimes against humanity; and

(ii) an assessment of the impact of those initiatives.

AMENDMENT NO. 23 OFFERED BY MR. DAINES OF MONTANA

At the end of subtitle D of title XVI, add the following new section:

**SEC. 1636. FINDINGS AND STATEMENT OF POLICY ON THE NUCLEAR TRIAD.**

(a) **FINDINGS.**—Congress finds the following:

(1) The April 2010 Nuclear Posture Review stated—

(A) “After considering a wide range of possible options for the U.S. strategic nuclear

posture, including some that involved eliminating a leg of the Triad, the NPR concluded that for planned reductions under New START, the United States should retain a smaller Triad of SLBMs [submarine launched ballistic missiles], ICBMs [intercontinental ballistic missiles], and heavy bombers. Retaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities.”;

(B) “ICBMs provide significant advantages to the U.S. nuclear force posture, including extremely secure command and control, high readiness rates, and relatively low operating costs.”;

(C) “a survivable U.S. response force requires continuous at-sea deployments of SSBNs [ballistic missile submarines] in both the Atlantic and Pacific oceans, as well as the ability to surge additional submarines in crisis.”; and

(D) nuclear-capable bombers—

(i) “[provide] a rapid and effective hedge against technical challenges with another leg of the Triad, as well as geopolitical uncertainties”; and

(ii) “are important to extended deterrence of potential attacks on U.S. allies and partners.”

(2) In a letter to the Senate on February 2, 2011, regarding the New START Treaty, President Obama stated that “I intend to modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM.”

(3) In the Resolution Of Advice And Consent To Ratification of the New START Treaty, the Senate stated that “it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems.”

(4) On June 19, 2013, the Secretary of Defense, Chuck Hagel, stated, “First, the U.S. will maintain a ready and credible deterrent. Second, we will retain a triad of bombers, ICBMs, and ballistic missile submarines. Third, we will make sure that our nuclear weapons remain safe, secure, ready and effective.”

(5) Section 1062 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 495 note) states that—

(A) “It is the policy of the United States to modernize or replace the triad of strategic nuclear delivery systems”; and

(B) “Congress supports the modernization or replacement of the triad of strategic nuclear delivery systems consisting of a heavy bomber and air-launched cruise missile, an intercontinental ballistic missile, and a ballistic missile submarine and submarine launched ballistic missile”.

(6) On March 6, 2014, the Chairman of the Joint Chiefs of Staff, General Martin Dempsey, testified to the Committee on Armed Services of the House of Representatives that the Joint Chiefs of Staff have determined that “our recommendation is to remain firmly committed to the triad, the three legs of the nuclear capability, and that any further reduction should be done only through negotiations, not unilaterally, and that we should commit to modernizing the stockpile while we have it.”

(7) On April 2, 2014, the Commander of United States Strategic Command, Admiral

Cecil Haney, testified to the Committee on Armed Services of the House of Representatives that “First and foremost, I think it is important that we as a country realize just how important and foundational our strategic deterrent is today for us and well into the future. As you have mentioned, there is a need for modernization in a variety of areas. When you look at the credible strategic deterrent we have today, that includes everything from the indications and warning, to the command and control and communication structure that goes all the way from the President down to the units, and to what frequently we talk about as the triad involving the intercontinental ballistic missiles, the submarines, and the bombers—each providing its unique aspect of deterrence.”

(8) In the June 2013 Report on Nuclear Employment Strategy of the United States required by section 491 of title 10, United States Code, the Secretary of Defense, on behalf of the President, stated that “the United States will maintain a nuclear Triad, consisting of ICBMs, SLBMs, and nuclear-capable heavy bombers. Retaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities. These forces should be operated on a day-to-day basis in a manner that maintains strategic stability with Russia and China, deters potential regional adversaries, and assures U.S. Allies and partners.”

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to operate, sustain, and modernize or replace the triad of strategic nuclear delivery systems consisting of—

(A) heavy bombers equipped with nuclear gravity bombs and air-launched nuclear cruise missiles;

(B) land-based intercontinental ballistic missiles equipped with nuclear warheads that are capable of carrying multiple independently targetable reentry vehicles; and

(C) ballistic missile submarines equipped with submarine launched ballistic missiles and multiple nuclear warheads.

(2) to operate, sustain, and modernize or replace a capability to forward-deploy nuclear weapons and dual-capable fighter-bomber aircraft;

(3) to deter potential adversaries and assure allies and partners of the United States through strong and long-term commitment to the nuclear deterrent of the United States and the personnel, systems, and infrastructure that comprise such deterrent; and

(4) to ensure the members of the Armed Forces that operate the nuclear deterrent of the United States have the training, resources, and national support required to execute the critical national security mission of the members.

AMENDMENT NO. 32 OFFERED BY MR. RIGELL OF VIRGINIA

Page 53, after line 9, insert the following:

**SEC. 318. ENVIRONMENTAL RESTORATION AT FORMER NAVAL AIR STATION, CHINCOTEAGUE, VIRGINIA.**

(a) ENVIRONMENTAL RESTORATION PROJECT.—Notwithstanding the administrative jurisdiction of the Administrator of the National Aeronautics and Space Administration over the Wallops Flight Facility, Virginia, the Secretary of Defense may undertake an environmental restoration project in a manner consistent with chapter 160 of title 10, United States Code, at the property constituting that facility in order to provide necessary response actions for contamination from a release of a hazardous substance

or a pollutant or contaminant that is attributable to the activities of the Department of Defense at the time the property was under the administrative jurisdiction of the Secretary of the Navy or used by the Navy pursuant to a permit or license issued by the National Aeronautics and Space Administration in the area formerly known as the Naval Air Station Chincoteague, Virginia. Any such project may be undertaken jointly or in conjunction with an environmental restoration project of the Administrator.

(b) INTERAGENCY AGREEMENT.—The Secretary and the Administrator may enter into an agreement or agreements to provide for the effective and efficient performance of environmental restoration projects for purposes of subsection (a). Notwithstanding section 2215 of title 10, United States Code, any such agreement may provide for environmental restoration projects conducted jointly or by one agency on behalf of the other or both agencies and for reimbursement of the agency conducting the project by the other agency for that portion of the project for which the reimbursing agency has authority to respond.

(c) SOURCE OF DEPARTMENT OF DEFENSE FUNDS.—Pursuant to section 2703(c) of title 10, United States Code, the Secretary may use funds available in the Environmental Restoration, Formerly Used Defense Sites, account of the Department of Defense for environmental restoration projects conducted for or by the Secretary under subsection (a) and for reimbursable agreements entered into under subsection (b).

AMENDMENT NO. 33 OFFERED BY MR. KILMER OF WASHINGTON

Page 66, after line 11, insert the following:

**SEC. 342. LIMITATION ON FURLOUGH OF CERTAIN WORKING-CAPITAL FUND EMPLOYEES.**

Section 2208 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(s) The Secretary of Defense, or the Secretary of the military department concerned, as appropriate, may not carry out a non-disciplinary furlough (as defined in section 7511(a)(5) of title 5) of a civilian employee of the Department of Defense whose performance is charged to a working-capital fund unless the Secretary—

“(1) determines that failure to furlough the employee will result in a violation of subsection (f); and

“(2) submits to Congress, by not later than 45 days before initiating a furlough, notice of the furlough that includes a certification that, as a result of the proposed furlough, none of the work performed by any employee of the Government will be shifted to any Department of Defense civilian employee, contractor, or member of the Armed Forces.”

AMENDMENT NO. 60 OFFERED BY MR. SMITH OF WASHINGTON

Add at the end of title V the following new section:

**SEC. 5 \_\_\_\_ . AUTHORITY FOR REMOVAL FROM NATIONAL CEMETERIES OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES WHO HAVE NO KNOWN NEXT OF KIN.**

(a) REMOVAL AUTHORITY.—Section 1488 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) REMOVAL WHEN NO KNOWN NEXT OF KIN.—(1) The Secretary of the Army may authorize the removal of the remains of a member of the armed forces who has no known next of kin and is buried in an Army National Military Cemetery from the Army Na-

tional Military Cemetery for transfer to any other cemetery.

“(2) The Secretary of the Army, with the concurrence of the Secretary of Veterans Affairs, may authorize the removal of the remains of a member of the armed forces who has no known next of kin and is buried in a cemetery of the National Cemetery System from that cemetery for transfer to any Army National Military Cemetery.

“(3) In this section, the term ‘Army National Military Cemetery’ means a cemetery specified in section 4721(b) of this title.”

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by inserting before “If a cemetery” the following:

“(a) REMOVAL UPON DISCONTINUANCE OF INSTALLATION CEMETERY.—”;

(2) by striking “his jurisdiction” and inserting “the jurisdiction of the Secretary concerned”; and

(3) by inserting before “With respect to” the following:

“(b) REMOVAL FROM TEMPORARY INTERMENT OR ABANDONED GRAVE OR CEMETERY.—”.

AMENDMENT NO. 72 OFFERED BY MS. SPEIER OF CALIFORNIA

At the appropriate place in title VII, insert the following:

**SEC. 7 \_\_\_\_ . RESEARCH REGARDING BREAST CANCER.**

In carrying out research, development, test, and evaluation activities with respect to breast cancer, the Secretary of Defense shall implement the recommendations of the Interagency Breast Cancer and Environmental Research Coordinating Committee to prioritize prevention and increase the study of chemical and physical factors in breast cancer.

AMENDMENT NO. 82 OFFERED BY MS. SPEIER OF CALIFORNIA

At the appropriate place in title VIII, insert the following new section:

**SEC. 8 \_\_\_\_ . SOLE SOURCE CONTRACTS FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.**

(a) IN GENERAL.—Subsection (m) of section 8 of the Small Business Act (15 U.S.C. 637(m)) is amended by adding at the end the following new paragraphs:

“(7) AUTHORITY FOR SOLE SOURCE CONTRACTS FOR ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.—A contracting officer may award a sole source contract under this subsection to any small business concern owned and controlled by women meeting the requirements of paragraph (2)(A) if—

“(A) such concern is determined to be a responsible contractor with respect to performance of the contract opportunity;

“(B) the anticipated award price of the contract (including options) will not exceed—

“(i) \$6,500,000, in the case of a contract opportunity assigned a standard industrial code for manufacturing; or

“(ii) \$4,000,000, in the case of any other contract opportunity; and

“(C) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price.

“(8) AUTHORITY FOR SOLE SOURCE CONTRACTS FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN IN SUBSTANTIALLY UNDERREPRESENTED INDUSTRIES.—A contracting officer may award a sole source contract under this subsection to any small business concern owned and controlled by women that meets the requirements of paragraph (2)(E) and is in an industry in which

small business concerns owned and controlled by women are substantially underrepresented (as determined by the Administrator) if—

“(A) such concern is determined to be a responsible contractor with respect to performance of the contract opportunity;

“(B) the anticipated award price of the contract (including options) will not exceed—

“(i) \$6,500,000, in the case of a contract opportunity assigned a standard industrial code for manufacturing; or

“(ii) \$4,000,000, in the case of any other contract opportunity; and

“(C) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price.”.

(b) REPORTING ON GOALS FOR SOLE SOURCE CONTRACTS FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.—Clause (viii) of subsection 15(h)(2)(E) of such Act is amended—

(1) in subclause (IV), by striking “and” after the semicolon;

(2) by redesignating subclause (V) as subclause (VIII); and

(3) by inserting after subclause (IV) the following new subclauses:

“(V) through sole source contracts awarded using the authority under subsection 8(m)(7);

“(VI) through sole source contracts awarded using the authority under section 8(m)(8);

“(VII) by industry for contracts described in subclause (III), (IV), (V), or (VI); and”.

(c) DEADLINE FOR REPORT ON SUBSTANTIALLY UNDERREPRESENTED INDUSTRIES ACCELERATED.—Paragraph (2) of section 29(o) of such Act is amended by striking “5 years after the date of enactment” and inserting “2 years after the date of enactment”.

AMENDMENT NO. 86 OFFERED BY MS. SPEIER OF CALIFORNIA

At the end of title IX, insert the following new section:

**SEC. 924. PUBLIC RELEASE BY INSPECTORS GENERAL OF REPORTS OF MISCONDUCT.**

(a) RELEASE OF INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE ADMINISTRATIVE MISCONDUCT REPORTS.—Section 141 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) Within 60 days after issuing a final report, the Inspector General of the Department of Defense shall publicly release any reports of administrative investigations that confirm misconduct, including violations of Federal law and violations of policies of the Department of Defense, of any member of the Senior Executive Service, political appointee, or commissioned officer in the Armed Forces in pay grades O-6 or above. In releasing the reports, the Inspector General shall ensure that information that would be protected under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), section 552a of title 5 (commonly known as the ‘Privacy Act of 1974’), or section 6103 of the Internal Revenue Code of 1986 is not disclosed.

“(2) In this subsection, the term ‘political appointee’ means any individual who is—

“(A) employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

“(B) a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code; or

“(C) employed in a position of a confidential or policy-determining character under

schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.”.

(b) RELEASE OF INSPECTOR GENERAL OF THE ARMY ADMINISTRATIVE MISCONDUCT REPORTS.—Section 3020 of such title is amended by adding at the end the following new subsection:

“(f)(1) Within 60 days after issuing a final report, the Inspector General of the Army shall publicly release any reports of administrative investigations that confirm misconduct, including violations of Federal law and violations of policies of the Department of Defense, of any member of the Senior Executive Service, political appointee, or commissioned officer in the Armed Forces in pay grades O-6 or above. In releasing the reports, the Inspector General shall ensure that information that would be protected under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), section 552a of title 5 (commonly known as the ‘Privacy Act of 1974’), or section 6103 of the Internal Revenue Code of 1986 is not disclosed.

“(2) In this subsection, the term ‘political appointee’ means any individual who is—

“(A) employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

“(B) a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code; or

“(C) employed in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.”.

(c) RELEASE OF NAVAL INSPECTOR GENERAL ADMINISTRATIVE MISCONDUCT REPORTS.—Section 5020 of such title is amended by adding at the end the following new subsection:

“(e)(1) Within 60 days after issuing a final report, the Naval Inspector General shall publicly release any reports of administrative investigations that confirm misconduct, including violations of Federal law and violations of policies of the Department of Defense, of any member of the Senior Executive Service, political appointee, or commissioned officer in the Armed Forces in pay grades O-6 or above. In releasing the reports, the Naval Inspector General shall ensure that information that would be protected under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), section 552a of title 5 (commonly known as the ‘Privacy Act of 1974’), or section 6103 of the Internal Revenue Code of 1986 is not disclosed.

“(2) In this subsection, the term ‘political appointee’ means any individual who is—

“(A) employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

“(B) a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code; or

“(C) employed in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.”.

(d) RELEASE OF INSPECTOR GENERAL OF THE AIR FORCE ADMINISTRATIVE MISCONDUCT REPORTS.—Section 8020 of such title is amended by adding at the end the following new subsection:

“(f)(1) Within 60 days after issuing a final report, the Inspector General of the Air

Force shall publicly release any reports of administrative investigations that confirm misconduct, including violations of Federal law and violations of policies of the Department of Defense, of any member of the Senior Executive Service, political appointee, or commissioned officer in the Armed Forces in pay grades O-6 or above. In releasing the reports, the Inspector General shall ensure that information that would be protected under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), section 552a of title 5 (commonly known as the ‘Privacy Act of 1974’), or section 6103 of the Internal Revenue Code of 1986 is not disclosed.

“(2) In this subsection, the term ‘political appointee’ means any individual who is—

“(A) employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

“(B) a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code; or

“(C) employed in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.”.

AMENDMENT NO. 100 OFFERED BY MR. TURNER OF OHIO

Section 1075 is amended by adding at the end the following:

(d) UAS TEST RANGE CLARIFICATION.—For purposes of this section, the test range program authorized under section 332(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) shall include test ranges selected by the Administrator of the Federal Aviation Administration and any additional test range not initially selected by the Administration if such range enters into a partnership or agreement with a selected test range.

AMENDMENT NO. 113 OFFERED BY MR. KILMER OF WASHINGTON

At the end of title XI, add the following:

**SEC. 11—. RATE OF OVERTIME PAY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK ABOARD OR DOCKSIDE IN SUPPORT OF THE NUCLEAR AIRCRAFT CARRIER FORWARD DEPLOYED IN JAPAN.**

Section 5542(a)(6)(B) of title 5, United States Code, is amended by striking “2014” and inserting “2015”.

AMENDMENT NO. 147 OFFERED BY MR. POLIS OF COLORADO

Page 519, line 23, insert “operationally realistic” before “intercept flight test”.

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from California (Mr. McKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. RIGELL), my friend and colleague, who is a member of the Armed Services Committee.

Mr. RIGELL. I thank my friend from California, Chairman McKEON, for yielding.



Mr. Chairman, in 1793, George Washington said: "The Constitution vests the power of declaring war in Congress; therefore, no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject and authorized such a measure."

In a letter to Thomas Jefferson in 1798, James Madison wrote: "The Constitution supposes what the history of all governments demonstrate, that the executive is the branch of power most interested in war, and prone to it. It has accordingly with studied care vested the question of war to the legislature."

That is why it is right for President Obama to announce in the Rose Garden that he would seek congressional authorization before taking any military action against Syria. He said: "I've long believed that our power is rooted not just in our military might, but in our example as a government of the people, by the people, and for the people. And that's why I've made a second decision: I will seek authorization for the use of force from the American people's representatives in Congress."

It is deeply encouraging tonight, Mr. Chairman, to see such strong bipartisan support for my amendment, which advances the just cause of ensuring that the Obama administration and future administrations adhere to the Constitution and the grave matter of engaging U.S. forces in hostilities.

Mr. SMITH of Washington. Mr. Chair, I yield 2 minutes to the gentleman from Washington (Mr. KILMER).

Mr. KILMER. I thank the gentleman for yielding.

Mr. Chairman, this amendment includes two provisions that I authored. The first provision ensures that Navy employees, like those in Puget Sound Naval Shipyard, can continue to earn the overtime pay that they deserve when working overseas.

This amendment supports our national security and ensures that we are standing up for our civilian workforce. It allowed nuclear engineers to earn the same amount of money when they work in Japan as they would when they work in the United States.

Without that authorization to pay overtime to the civilian personnel serving the mission, we will lose the ability to attract and retain qualified and experienced men and women to step up and serve in this capacity. The inclusion of this provision helps ensure our Navy's readiness and fairness to our civilian employees.

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I am honored to have worked with Representative FORBES on this provision, but I would also like to thank Chairman ISSA for his cooperation.

Mr. Chairman, this package also includes a provision that is aimed at saving taxpayer money, improving mili-

tary readiness, and preventing needless delays and cost overruns that could harm our servicemen and -women.

Simply put, working capital fund employees should not be furloughed due to a lack of appropriated funds. They are not dependent on direct appropriations from Congress. As a result, furloughing working capital fund employees would save no money. Furloughing working capital fund employees would delay critical maintenance, drive up costs, and delay the availability of ships, planes, and other necessary tools that are critical to our national defense.

I am honored to have worked with Representative COLE on this provision.

Mr. Chairman, I ask my colleagues' support for this package and the underlying bill.

Mr. McKEON. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. LAMBORN), my friend and colleague and a member of the Armed Services Committee.

Mr. LAMBORN. Mr. Chairman, religious freedom and defending freedom should not be mutually exclusive. America was founded on religious liberty, and it is part of what makes our country so great. The men and women in uniform who have volunteered to keep our country safe and to protect our Constitution should not see their own liberties violated.

My amendment ensures that all servicemembers—no matter their religion or rank or leadership—are afforded their constitutional right to free exercise of religion.

One of the driving factors behind recent violations of religious freedom in the military is simply bad rules. My amendment requires the Pentagon to rewrite their rules on free exercise of religion, both for the whole Department of Defense, and particularly for the Air Force.

I would like to thank Chairman McKEON for supporting this amendment, as well as Mr. FORBES and Mr. FLEMING, who are cosponsors.

Mr. SMITH of Washington. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, before you is a picture, a contemporary picture of the World War I monument in Kansas City, Missouri, the tallest and most majestic of the World War I monuments. Today, we are here in an unprecedented show of bipartisanship on this amendment, the World War I Memorial Act. This is the product of both sides of the aisle working together to do what is right to honor the memory of veterans who served long ago.

I especially want to thank Congressman TED POE, Representative ELEANOR HOLMES NORTON, the National Park Service, and the entire Missouri delegation for their work on this amendment.

As you know, this summer marks the 100th anniversary of the start of World

War I. The United States formally joined the war in April of 1917. During that time, more than 4.7 million Americans served, and of those brave men and women, more than 116,000 soldiers made the ultimate sacrifice. It is our job as Members of Congress to honor their memory and show our appreciation to the veterans of that Great War.

This amendment would honor that service by redesignating Pershing Park here in Washington, D.C., as the National World War I Memorial and will designate the Liberty Memorial as America's National World War I Museum in Kansas City, Missouri.

Mr. McKEON. Mr. Chairman, at this time, I yield 2 minutes to the gentleman from Florida (Mr. MICA) for the purpose of a colloquy.

Mr. MICA. I want to thank you, Chairman McKEON, Ranking Member SMITH, and the Armed Services Committee staff for your fine efforts in bringing this important measure to the floor for our military.

I also want to take a moment, and this opportunity, to highlight the importance of modeling and simulation and the role it plays in maintaining our military readiness while being, of course, most cost effective.

Last year, in fact, in the National Defense Authorization Act, we put in language, report language, that highlighted modeling and simulation as a cost-effective tool in maintaining a high level of readiness for our military. In response, our armed services have followed suit in utilizing modeling and simulation effectively and continue to do so in current and future programs.

While that report language does not appear in this bill, it is important that our military continue utilizing this most cost-effective tool for manpower training.

As our Nation faces future threats, it is also critical that we are able to meet those threats with a force that is more capable and more ready for the challenge. Modeling and simulation enables our Nation's fighting men and women to do so, while decreasing costs during a time of budget uncertainty.

Mr. Chairman, finally, I would just like to ask that you join me in support of utilizing this vital tool that saves taxpayer dollars and assists our Nation's heroes in training for our defense.

Mr. McKEON. Will the gentleman yield?

Mr. MICA. I yield to the gentleman from California.

Mr. McKEON. I want to assure my good friend from Florida that I look forward to working with you to ensure that modeling and simulation remains an essential part in maintaining our military readiness.

Mr. MICA. Thank you, Mr. Chairman, Mr. SMITH, and staff. I look forward to working with the committee and you and others ensuring that modeling and



simulation remains being utilized as a cost-effective tool for our military readiness.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentlelady from California (Ms. SPEIER).

Ms. SPEIER. Thank you to the ranking member and to Chairman McKEON for this opportunity.

Mr. Chairman, I just want to highlight three amendments that have been accepted en bloc. One is the public release of substantiated reports of misconduct. These reports that show substantiated misconduct by the highest-ranking officials in the Department of Defense are only released when there is a leak or there are tips to reporters. It is incumbent upon us to make sure that the public knows when the Department's highest level officials commit misconduct and shouldn't depend on leaks for accountability.

The second amendment is a significant amendment for women-owned businesses in this country. For 20 years now, we have set a governmentwide goal of 5 percent. For 20 years, we have not met that 5 percent. This particular amendment takes away the extra obstacle that is imposed on women-owned businesses and not on others when sole-source contracting is provided.

The third amendment provides for breast cancer research. The Interagency Breast Cancer and Environmental Research Coordinating Committee has recommended prioritizing prevention and intensifying the study of chemical and physical factors. This amendment urges that implementation.

A 2009 study at Walter Reed Medical Center found that breast cancer rates among military women are significantly higher—in fact, 20 to 40 percent higher—than they are in women in similar age groups. This is also a problem at Camp Lejeune, where we found that 85 men also were impacted by breast cancer because of contaminated drinking water.

Mr. McKEON. Mr. Chairman, at this time, I yield 2 minutes to the gentlewoman from North Carolina for the purpose of a colloquy.

Mrs. ELLMERS. Mr. Chairman, I thank the gentleman for yielding time as well.

Mr. Chairman, I want to thank Chairman McKEON for allowing me to come before you today to speak on the necessity of preserving Pope Airfield's 440th Airlift Wing.

I introduced this amendment because of the incredible support the 440th Airlift Wing provides to our military and the necessity of its mission in maintaining readiness. The Department of Defense repeatedly says that they need flexibility, certainty, and time to complete their missions and maintain readiness. The 440th provides all of these, yet the Pentagon is attempting to deactivate the very unit that provides these three crucial elements.

Fort Bragg is home to the airborne and special operation forces. The proposal to remove every C-130 from this base contradicts its important mission. And even our President, Mr. Chairman, noted that we will be shifting more of our focus to special operations.

I thank the chairman for his continued support to address this ongoing issue and look forward to working with the committee to address this very important issue.

Mr. McKEON. I thank the gentlelady for her passionate and well articulated arguments supporting the 440th Airlift Wing which provides airlift to our Nation's paratroopers, including the storied 82nd Airborne. The 1,200 men and women who comprise the 440th Airlift Wing do an incredible job each and every day providing the airlift necessary to do their complex and challenging missions.

This provision highlights the difficulty we face as the top line budget has decreased and sequestration remains the law of the land.

We have been forced to make choices as we consider the defense bill that were far from ideal, but attempted to balance competing interests and minimize risk to the greatest extent possible.

That being said, the budget simply doesn't provide sufficient funding to meet the requirements identified in our Nation's defense strategy. I will continue to work with Representative ELLMERS and others to preserve assets like the 440th Airlift Wing, and most critically, on the true cost of our problem, sequestration.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Washington. I now yield 1 minute to the gentlelady from Texas (Ms. JACKSON LEE) to talk about her very important amendment dealing with Boko Haram, as we all know, a significant problem that needs to be addressed.

Ms. JACKSON LEE. I thank both the distinguished ranking member and the distinguished chairman for their courtesies and as well my fellow cosponsors of this amendment, Congresswoman BARBARA LEE from California and Congresswoman FREDERICA WILSON from Florida.

This is a crisis. A couple of weeks ago, as you well know, across America we were stating these words, to find the girls, bring the girls back, #bringthegirlsback. Now we come some weeks later and we recognize that Boko Haram has to be a priority for the world.

This amendment causes this issue to be a priority listed in the Defense Department to determine the extent of the crimes against humanity committed by Boko Haram in Nigeria. But as you can see, this is a larger issue, and now we face the idea of where these girls might be. So, in essence,

this amendment expands the opportunity for the United States to work with clean battalions and Rangers that we know are established in Nigeria but also other resources around to rescue the girls but to also deal with the emerging terrorism of Boko Haram.

This is a crucial issue. And if anyone knows many of the stories, one that I know of is where a little girl was placed between two dead bodies.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlelady an additional 30 seconds.

Ms. JACKSON LEE. A little girl that I met today tells her story all the way from Nigeria, where her father was killed refusing to deny his faith, the brother was killed because they thought he might become a pastor, and the little girl was placed between the two bodies.

The killing is going on, 300, 118—this amendment will focus our Nation and allow and continue the resources to collaborate with Nigeria and these other nations to bring the girls back to their families.

It is a crisis. It is a crisis for the United States as it is for this entire region because Boko Haram is a terrorist group, and they must be brought to justice. The girls must be found. My amendment establishes that priority today, and I ask my colleagues to support it.

Mr. Chair, I thank Chairman McKEON and Ranking Member SMITH for their work on this bill and their devotion to the men and women of the Armed Forces.

I also thank them for including in En Bloc Amendment No. 1 the Jackson Lee-Wilson-Lee Amendment, which makes three important contributions to the bill:

1. First, it strongly condemns the ongoing violence and the systematic gross human rights violations against the people of Nigeria carried out by the militant organization Boko Haram, especially the kidnapping of the more than 200 young schoolgirls kidnapped from the Chibok School by Boko Haram;

2. Second, it expresses support for the people of Nigeria who wish to live in a peaceful, economically prosperous, and democratic Nigeria; and

3. Third, it requires that not later than 90 days after the date of the enactment, the Secretary of Defense shall report to Congress on the nature and extent of the crimes against humanity committed by Boko Haram in Nigeria.

Since 2013, more than 4,400 men, women, and children have been slaughtered by Boko Haram.

The victims include Christians, Muslims, journalists, health care providers, relief workers and schoolchildren.

I am confident that the international community working with the African Union will assist the Government of Nigeria in bringing an end to Boko Haram's reign of terror and ensuring that its crimes against humanity are documented so its leaders can be held accountable.

Mr. Chair, I ask unanimous consent to include in the RECORD a letter to President Obama from myself and 15 House colleagues commending his decision to deploy American security experts and equipment in Nigeria to help locate and rescue the more than 200 Nigerian kidnapped schoolgirls and to work in concert with the Government of Nigeria and the African Union to bring Abubakar Shekau and other leaders of Boko Haram to justice.

The Jackson Lee-Wilson-Lee Amendment affirms that the United States stands with the civilized world in solidarity with the people of Nigeria.

The Jackson Lee-Wilson-Lee Amendment affirms that the United States is fully committed to the fundamental principle that women everywhere have a right to be free, to live without fear, and should not be forced to risk their lives to get the education they want and deserve.

I thank the Chairman and Ranking Member for including this amendment in En Bloc Amendment #1 and all Members to support it.

CONGRESS OF THE UNITED STATES  
Washington, DC, May 8, 2014.

President BARACK OBAMA  
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to commend your decision to deploy American security experts and equipment in Nigeria to help locate and rescue the more than 200 Nigerian schoolgirls kidnapped by the terrorist group, Boko Haram. We support your action and we strongly urge you to work in concert with the Government of Nigeria and the African Union to achieve this objective and to bring Abubakar Shekau and other leaders of Boko Haram to justice.

Boko Haram, a militant group designated by the State Department in November 2013 as a Foreign Terrorist Organization, has been conducting a reign of terror against innocent Nigerian women, children, and men since 2009, when it killed hundreds of persons during a raid of a police station in Maiduguri. In the last four years, Boko Haram has carried out more than 480 violent attacks against a broad array of targets: Christian and Muslim communities, government installations, schools, hospitals and medical facilities, aid workers and journalists. Since the beginning of 2013, more than 4,400 innocent persons have been killed and thousands more left homeless.

According to media reports, the leader of Boko Haram has threatened to ransom or sell the girls into the human trafficking market for about twelve dollars each (\$12.00 USD). This outrageous conduct cannot be tolerated or overlooked. Not only is it a violation of the girls' human rights, it is also contrary to United States policy supporting and promoting equal access to education and economic opportunity for women and girls.

We know that terrorist groups cannot operate effectively without reliable and steady funding to support its criminal acts. Therefore, we urge you to work with the international community to detect, disrupt, and dismantle the funding networks financing Boko Haram, which published reports indicate has received as much as \$70 million from other Islamist groups, including Al-Qaeda in the Islamic Maghreb (AQIM) and Al-Qaeda in the Arabian Peninsula (AQAP), the Al Muntada Trust Fund, and the Islamic World Society.

Additionally, we urge you to consider working with the Government of Nigeria to develop its own capacity to deploy special-

ized police and army units rapidly to rescue the schoolgirls and bring Boko Haram leader Abubakar Shekau to justice. Such units also can be deployed to prevent and combat sectarian violence in cities and around the country where there has been a history of sectarian violence. The creation of an elite highly-trained rapid response unit would appear to be a sound short-term strategy that the Government of Nigeria should employ in dealing with violent groups like Boko Haram. This approach was used to successful effect by the Indonesia Government in 2004 to neutralize the Laskar Jihad terrorist organization.

Finally, we call upon you to take appropriate action to help the Government of Nigeria establish a Victim's Fund to provide humanitarian relief and economic assistance to the victims of attacks by Boko Haram so that they can rebuild their lives and communities.

"People are the great issue of the 20th century," declared, then-Senator Hubert Humphrey in 1948. The well-being of people remains the great issue of the 21st century. And there is no better measure of any society than the way it treats its women and girls. Boko Haram understands that when Nigerian girls are educated, Nigerian women can succeed; and when Nigerian women succeed, Nigeria succeeds. And that is why it is so important that the United States help Nigeria ensure that Boko Haram fails.

Thank you for your leadership and your consideration of our recommendations. We stand ready to work with you to bring about the safe rescue of the kidnapped Nigerian schoolgirls and to reunite them with their families and loved ones.

Sincerely,

#### LIST OF SIGNATORIES

Marcia L. Fudge, Karen E. Bass, Donald Payne, Jr., John Lewis, Yvette D. Clarke, Robin Kelly, Janice Hahn, Sheila Jackson Lee, Terri A. Sewell, Corrine Brown, Frederica Wilson, Gregory W. Meeks, Barbara Lee, Marc Veasey, Members of Congress.

MR. McKEON. Mr. Chairman, I yield 1 minute to the gentleman from Montana (Mr. DAINES), my friend and colleague.

MR. DAINES. Mr. Chairman, "If America is going to approach adversaries with a dove of peace in one hand, we must have a sword in the other."

That is what President Reagan wrote when he used U.S. military strength to hasten the demise of the Soviet Union.

The nuclear triad is our country's most lethal sword. It makes the world safer by deterring our rivals and reassuring our allies.

The commander coin of Montana's Malmstrom Air Force Base expresses why nuclear deterrence works. It says:

Scaring the hell out of America's enemies since 1962.

My amendment reaffirms support for the nuclear triad, the airmen, and the sailors who work this mission because there is no greater asset for peace than an unrivaled U.S. military.

MR. SMITH of Washington. Mr. Chairman, I now yield 1 minute to the gentlelady from California (Ms. LEE).

Ms. LEE of California. I want to thank the chairman and ranking member for including such an important amendment from Congresswoman SHEI-

LA JACKSON LEE, Congresswoman WILSON, and myself. I want to thank Congresswoman JACKSON LEE for her relentless effort—her relentless effort—to make sure that we put the United States on record expressing very strong support for the people of Nigeria, especially the parents and families of the girls abducted by Boko Haram, and also in condemning these despicable—mind you, despicable—crimes against humanity in the strongest way.

Since 2013, more than 4,400 men, women and children have been slaughtered by Boko Haram, and we join with the international community in saying bring our girls back.

Earlier this month, Congresswomen JACKSON LEE and WILSON, along with Congressman HONDA, I, and 150 Members—bipartisan, both sides of the aisle—wrote a letter calling for the United States to work with the U.N., the African Union, and the Government of Nigeria to find these girls and bring the perpetrators to justice.

This amendment would give Congress a clear understanding of the nature and extent of the crimes committed by this terrorist organization and help us bring an end to Boko Haram's reign of terror.

The Acting CHAIR. The time of the gentlewoman has expired.

MR. SMITH of Washington. I yield the gentlelady an additional 30 seconds.

□ 1845

Ms. LEE of California. Let me conclude by saying that the girls should be able to pursue their education and live free from the threats of slavery, kidnapping, and violence. This resolution, in no uncertain terms, says enough is enough.

So thank you, Congresswoman JACKSON LEE and Congresswoman WILSON, for making sure that, once again, we come together in a bipartisan way to insist that this terrorist organization is brought to justice and insist that we do everything we can do to bring our girls home.

MR. McKEON. Mr. Chairman, I continue to reserve the balance of my time.

MR. SMITH of Washington. Mr. Chairman, I have no further speakers, and I yield back the balance of my time.

MR. McKEON. Mr. Chairman, I encourage our colleagues to support the amendments en bloc.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. McKEON).

The en bloc amendments were agreed to.

AMENDMENT NO. 4 OFFERED BY MR. WESTMORELAND

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 113-460.

Mr. WESTMORELAND. Mr. Chairman, I have an amendment at the desk. The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 341 of subtitle E of title III of the bill.

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from Georgia (Mr. WESTMORELAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WESTMORELAND. Mr. Chairman, I rise today to offer my amendment to ensure that the C-17 aircraft stays in flight and provides our troops with the same reliability it has provided for the last 20 years.

Tonight, I join my friend, Mr. COURTNEY from Connecticut, in offering this amendment. We want to ensure that this program is sustained and will continue in the best possible way, and right now, I seek a colloquy with the chairman of the Armed Services Committee, the gentleman from California.

Mr. Chairman, the F-117 engine has a history of successful performance through a performance-based contract, and I believe that it is important that we keep these successful tenets available as we move forward in the next phase of a sustainment contract.

While I support cost visibility in this performance-based contract, I believe it is important that we do no harm to the success of the program.

Mr. MCKEON. Will the gentleman yield?

Mr. WESTMORELAND. I yield to the chairman of the Armed Services Committee.

Mr. MCKEON. Mr. Chairman, I thank the gentleman, and I appreciate the gentleman's concern. We agree that we must ensure the successful sustainment of this critical engine.

I look forward to working with the gentleman as we move forward to conference with the Senate on this bill to ensure that we achieve both improved visibility and cost-efficiency for the government, as well as keeping a successful model for engine sustainment.

Mr. WESTMORELAND. I thank the chairman for that.

Mr. BISHOP of Georgia. Mr. Chair, I rise in support of the Westmoreland amendment to the fiscal year 2015 National Defense Authorization Act. It strikes section 341 which would negatively impact the venerable and highly effective F117 engine that powers the Air Force workhorse personnel and cargo transport, the C-17 aircraft. The existing language requires disclosure of proprietary information which would hamper contract negotiations, having the potential of posing a detrimental impact to the readiness of the fleet.

Today, F117 engines are sustained through an award-winning performance-based logistics contract that minimizes life cycle costs with fixed fees based on flight cycles. This contract

type requires comprehensive understanding and investment by the service provider along with the engineering design expertise to develop and implement improvements in response to actual mission experience. It is vital that we use every practical means of providing for the defense of this country and the protection of our warfighters, including the appropriate use of competition and any other contracting method.

In fact, the Air Force has already taken steps to ensure these outcomes are achieved on the C-17 sustainment contract. Just last year, the Air Force held an open and transparent bidding process for the F117 and there was only one bidder. Under the current structure, the F117 service provider is incentivized to reduce total maintenance cost by improving reliability, increasing time on wing, and controlling shop visit cost. All of these factors have been good for the Air Force by minimizing operational disruption and reducing maintenance crew requirements and logistics infrastructure.

Section 341 of this bill jeopardizes the efficiencies and success the F117 performance-based logistics contract has achieved. This language could be interpreted as requiring the Air Force to significantly change contract structure for maintenance instead of requesting a robust price reasonableness assessment as is already required by procurement regulations. Changes in the F117 maintenance structure could be less effective in supporting the C-17 and may result in higher sustainment costs and lower readiness. For these reasons, I urge my colleagues to support this amendment.

Mr. WESTMORELAND. Mr. Chair, I now ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AMENDMENT NO. 6 OFFERED BY MR. SHIMKUS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 113-460.

Mr. SHIMKUS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 370, after line 23, insert the following:  
**SEC. 1082. NTIA RETENTION OF DNS RESPONSIBILITIES PENDING GAO REPORT.**

(a) RETENTION OF RESPONSIBILITIES.—Until the Comptroller General of the United States submits the report required by subsection (b), the Assistant Secretary of Commerce for Communications and Information may not relinquish or agree to any proposal relating to the relinquishment of the responsibility of the National Telecommunications and Information Administration (in this section referred to as the “NTIA”) over Internet domain name system functions, including responsibility with respect to the authoritative root zone file, the Internet Assigned Numbers Authority functions, and related root zone management functions.

(b) REPORT.—Not later than 1 year after the date on which the NTIA receives a proposal relating to the relinquishment of the responsibility of the NTIA over Internet do-

main name system functions that was developed in a process convened by the Internet Corporation for Assigned Names and Numbers at the request of the NTIA, the Comptroller General of the United States shall submit to Congress a report on the role of the NTIA with respect to the Internet domain name system. Such report shall include—

(1) a discussion and analysis of—

(A) the advantages and disadvantages of relinquishment of the responsibility of the NTIA over Internet domain name system functions, including responsibility with respect to the authoritative root zone file, the Internet Assigned Numbers Authority functions, and related root zone management functions;

(B) any principles or criteria that the NTIA sets for proposals for such relinquishment;

(C) each proposal received by the NTIA for such relinquishment;

(D) the processes used by the NTIA and any other Federal agencies for evaluating such proposals; and

(E) any national security concerns raised by such relinquishment; and

(2) a definition of the term “multistakeholder model”, as used by the NTIA with respect to Internet policymaking and governance, and definitions of any other terms necessary to understand the matters covered by the report.

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from Illinois (Mr. SHIMKUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SHIMKUS. Mr. Chairman, for over two decades, U.S. oversight of the Internet's domain name system has kept the global Internet free and open.

Though dismissed by NTIA as merely a clerical role of assigning and matching domain names with IP addresses, U.S. stewardship of these basic functions has prevented authoritarian governments from censoring content or restricting access to Web sites beyond their borders.

That all could change, Mr. Chairman, if the administration's announced intention to relinquish our oversight role to an undefined multistakeholder community is not carefully considered.

This isn't a hypothetical concern. Russia and China have already tried to put domain name authority in the hands of the United Nations' International Telecommunication Union, the ITU; and while the administration says it won't accept a proposal that puts the Internet in the hands of another government or government-led entity, there is no guarantee that won't happen after the initial transfers takes place. One thing is for sure: once our authority is gone, it is gone for good.

Now, some of my friends across the aisle will tell you, in a few minutes, that this Chamber voted in support of a transition to a multistakeholder model in the past. I voted for that resolution because I didn't—and I still don't—have an objection to the concept

of a multistakeholder Internet governance, but that structure must be insulated from government influence.

We know bad actors will certainly try to interfere with whatever overseer takes our place, so that is why I am offering this trust but verify amendment today.

My amendment will simply require the GAO to review the proposals NTIA receives to replace our oversight. What is the harm, Mr. Chairman, in taking this slow, deliberate process and making sure that we get this right? I urge my colleagues to support this amendment.

I yield 1 minute to the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. Mr. Chairman, I thank the gentleman from Illinois and the gentlelady from Tennessee for allowing me to help write this important amendment.

The President's unilateral handoff of key Internet functions to a multistakeholder community, without the consent of Congress, lacks a clear plan for how and what that community would look like and what authority it would have.

Now, we can debate later about whether Congress would actually ever give such consent, but for now, we are offering this amendment because Americans deserve to know that due diligence has occurred and that a clear plan exists for such matters.

America has proven, throughout history, that we are the vanguards of freedom, and we have an obligation to protect the Internet. The Internet is an unsurpassed vehicle for the free exchange of ideas; but it is more than just freedom. It is also about American interests.

The Internet is the single greatest economic machine created in the last 50 years—and perhaps ever—and its full potential is yet to be realized. America's role in its success is a shining example of our American exceptionalism.

It is not in our national interest to relinquish control of such a resource, especially without a clear path that will protect Internet freedom and American interests, but against the interest of individuals in the world who can't appreciate such freedom and the blessing, really, that this technology is.

So pass this amendment, I urge my colleagues, so we can give this issue the due diligence it deserves. The self-professed "most transparent administration ever" should want nothing less when it comes to this important issue.

Mr. WELCH. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Vermont is recognized for 5 minutes.

Mr. WELCH. Mr. Chairman, I rise in strong opposition to the Shimkus amendment. The amendment is identical to H.R. 4342, the DOTCOM Act of

2014. It would arbitrarily delay the transition of the United States' role in the management of the global Internet domain name system to the multistakeholder community.

It really does represent a very drastic departure from the support Members of this body have expressed for the multistakeholder model of Internet governance. In fact, despite the House of Representatives already voting unanimously three times in the past 2 years calling on the Obama administration to commit to a global Internet free from government control, the Shimkus amendment sends the exact opposite message by raising doubts about the strength and credibility of the multistakeholder approach.

NTIA's recent transition announcement will complete our 16-year-long effort to move management of the domain name system away from governments and into the private sector.

This objective has been the linchpin of U.S. policy, bipartisan through the Clinton, Bush, and Obama administrations, and the entire rationale for having ICANN, a private U.S.-based nonprofit organization created in 1998 to assume key responsibilities for Internet functions on behalf of the Internet's multistakeholder community.

Some of my colleagues raise the specter of Russia or China taking over the Internet as a reason for supporting this amendment. These threats against Internet openness are real, but claiming this amendment does anything to address them is false.

In fact, by creating an artificial delay in the implementation of the consensus transition plan produced by ICANN, the Shimkus amendment suggests governmental meddling in the multistakeholder process is entirely appropriate.

The reverse is true. Authoritarian regimes are already using the U.S. Government's stewardship of technical Internet functions as evidence for a need to move these functions to another governmental or intergovernmental entity like the United Nations.

This amendment further plays into the hands of these antidemocratic nations by emboldening their efforts to seize control of the Internet.

So I would say to my colleagues to support this amendment or the DOTCOM Act, they either show a lack of understanding of what our government's role actually is or a lack of confidence in the multistakeholder model and its ability to resist governmental control. Both serve to weaken our role in the global stage, not strengthen it.

The best defense we have against a governmental takeover of the domain system is to empower our allies in the multistakeholder community. Our diplomats, who have fought hard to preserve an Internet free from governmental control in global forums, tell us that having this transition is a critical

continuation of our efforts to build upon the success of the multistakeholder model.

Now is the time to continue our unwavering support of that model. I strongly urge my colleagues to oppose the Shimkus amendment.

I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I yield myself such time as I may consume.

Let me just say, as I try to wait for a few more colleagues, I would ask my colleague to define multistakeholder. They can't. The Internet community says it is us. The international community, the Russias and the Chinas say it is us.

So all we are asking is for a Government Accountability Office, the IG, nonpartisan, to whatever the agreement comes from NTIA, to say look at it. Do some due diligence. Make sure that this is in our national interest.

This is the most curious debate I have ever seen. Go slow. ICANN and NTIA say they want to go slow. What is the harm of having additional eyes on this process?

So the real debate is define multistakeholder. No one can do that because they don't know what that is. The Internet community says it is us, and we are going to have control, and all our net folks are going to drive this, and it is going to be okay. While our friends—or not friends—Vladimir Putin and China say: this is a way in.

I would rather make sure that, when we relinquish this, we know what the agreement actually is.

I reserve the balance of my time.

Mr. WELCH. Mr. Chairman, I thank the gentleman from Illinois.

You know, we are pretty proud of the Internet. We want to keep it free and nongovernmental control. Multistakeholder basically means all of the stakeholders who have a stake in the Internet are going to be at the table having a discussion about how we are going to resolve this situation.

There is an apprehension that I don't think is well-founded that is reflected in this amendment. It is really, essentially, about delaying the process of these ongoing negotiations that have to occur in a very complicated global system which is called the Internet.

So the House has voted on this three times before. It has indicated its support through the Clinton, the Bush, and the Obama administrations. Every one of those Presidents, I think, shares the concern that every one of us in this House have about maintaining a free and open Internet. We have got to get on with the job.

Our view is that the Shimkus amendment would create confusion and delay and impede our ability to get to an end result that will make the Internet more secure, more free, and more open.

I yield back the balance of my time.

Mr. SHIMKUS. Mr. Chairman, the Shimkus amendment would require the

Government Accountability Office to look at this agreement, to make sure it is in our national interest.

The Shimkus amendment would ask the Government Accountability Office to look at this agreement to ensure that it is in our national interest. That is what this amendment does.

The world has significantly changed since our vote of last year, and for anyone to say it has not is not reading the paper. You have got Russia, you have got China, you have got Iran, you have got Turkey—all meddling and trying to usurp and get involved in the World Wide Web. We should not relinquish this unless it is in our national interest.

I yield back the balance of my time.

Ms. ESHOO. Mr. Chair, I rise today in opposition to the Shimkus amendment and efforts to undermine the continued success of the Internet.

The Internet has always been driven by consensus decision-making, or multistakeholder governance. This model brings together industry, civil society, government, technical and academic experts, as well the general public, to tackle issues around the design and operation of the Internet.

Three times in the past two years, this body has voted to reaffirm our commitment to the multistakeholder model, including last May when Democrats and Republicans joined together to unanimously pass H.R. 1580, a bill stating that “it is the policy of the United States to preserve and advance the successful multistakeholder model that governs the Internet.”

So what exactly is the problem with the amendment before us today? It's a U-turn. The Shimkus amendment would restrict NTIA's authority to continue what has been U.S. policy since 1998—transitioning the government's role in administering the domain name system to the multistakeholder global community. Although supporters of the amendment characterize it as a stand against anti-democratic nations seeking a greater government role in Internet management, the amendment could have the opposite effect of emboldening efforts by authoritarian regimes to seize control of the global Internet. Specifically, authoritarian regimes point to the U.S. government's continued oversight of technical Internet functions as evidence that global Internet governance and management should be under the control of a governmental or intergovernmental entity such as the United Nations.

The Shimkus Amendment lacks a fundamental understanding of the U.S. government's role in the management of the global Internet domain name system. Contrary to assertions that the United States “controls” the Internet through an ongoing contract that the Administration is now proposing to terminate, NTIA's role has always been ministerial and largely symbolic. Simply put, the U.S. government has never had any legal or statutory responsibility to manage the domain name system.

The world is watching and now is not the time to turn our backs on a governance model that has enabled the Internet to flourish. I urge

my colleagues to take a stand for a global Internet free from government control and vote “no” on the Shimkus amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SHIMKUS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WELCH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

□ 1900

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 113-460.

It is now in order to consider amendment No. 8 printed in part A of House Report 113-460.

It is now in order to consider amendment No. 9 printed in part A of House Report 113-460.

AMENDMENT NO. 10 OFFERED BY MR. SMITH OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part A of House Report 113-460.

Mr. SMITH of Washington. Mr. Chair, I offer the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike sections 1032 and 1033 and insert the following:

**SEC. 1032. GUANTANAMO BAY DETENTION FACILITY CLOSURE ACT OF 2014.**

(a) **SHORT TITLE.**—This section may be cited as the “Guantanamo Bay Detention Facility Closure Act of 2014”.

(b) **USE OF FUNDS.**—Notwithstanding any other provision of law, amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be used to—

(1) construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment; and

(2) transfer, or assist in the transfer, to or within the United States, its territories, or possessions of any individual detained at Guantanamo;

(c) **NOTICE TO CONGRESS.**—Not later than 30 days before transferring any individual detained at Guantanamo to the United States, its territories, or possessions, the President shall submit to Congress a report about such individual that includes—

(1) notice of the proposed transfer; and

(2) the assessment of the Secretary of Defense and the intelligence community (under the meaning given such term section 3(4) of the National Security 18 Act of 1947 (50 U.S.C. 3003(4)) of any risks to public safety that could arise in connection with the proposed transfer of the individual and a description of any steps taken to address such risks.

(d) **PROHIBITION ON USE OF FUNDS.**—No amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be used after De-

cember 31, 2016, for the detention facility or detention operations at United States Naval Station, Guantanamo Bay, Cuba.

(e) **PERIODIC REVIEW BOARDS.**—The Secretary of Defense shall ensure that each periodic review board established pursuant to Executive Order No. 13567 or section 1023 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1564; 10 U.S.C. 801 note) is completed by not later than 60 days after the date of the enactment of this Act.

(f) **PRESIDENTIAL PLAN.**—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a plan describing each of the following:

(1) The locations to which the President seeks to transfer individuals detained at Guantanamo who have been identified for continued detention or prosecution.

(2) The individuals detained at Guantanamo whom the President seeks to transfer to overseas locations, the overseas locations to which the President seeks to transfer such individuals, and the conditions under which the President would transfer such individuals to such locations.

(3) The proposal of the President for the detention and treatment of individuals captured overseas in the future who are suspected of being terrorists.

(4) The proposal of the President regarding the disposition of the individuals detained at the detention facility at Parwan, Afghanistan, who have been identified as enduring security threats to the United States.

(5) For any location in the United States to which the President seeks to transfer such an individual or an individual detained at Guantanamo, estimates of each of the following costs:

(A) The costs of constructing infrastructure to support detention operations or prosecution at such location.

(B) The costs of facility repair, sustainment, maintenance, and operation of all infrastructure supporting detention operations or prosecution at such location.

(C) The costs of military personnel, civilian personnel, and contractors associated with the detention operations or prosecution at such location, including any costs likely to be incurred by other Federal departments or agencies or State or local governments.

(D) Any other costs associated with supporting the detention operations or prosecution at such location.

(6) The estimated security costs associated with trying such individuals in courts established under Article III of the Constitution or in military commissions conducted in the United States, including the costs of military personnel, civilian personnel, and contractors associated with the prosecution at such location, including any costs likely to be incurred by other Federal departments or agencies, or State or local governments.

(7) A plan developed by the Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Director of National Intelligence, and the heads of other relevant departments and agencies, identifying a disposition, other than continued detention at United States Naval Station, Guantanamo Bay, Cuba, for each individual detained at Guantanamo as of the date of the enactment of this Act, who is designated for continued detention or prosecution. Such a disposition may include transfer to the United States for trial or detention pursuant to the law of war, transfer to a foreign country, or release.

(g) **INDIVIDUAL DETAINED AT GUANTANAMO.**—In this section, the term “individual

detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(h) FUNDING.—

(1) REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4601 for military construction, Army, as specified in the corresponding funding table in section 4601, for a high value detainee facility at Guantanamo Bay is hereby reduced by \$69,000,000.

(2) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4601 for military construction, Defense-wide, as specified in the corresponding funding table in section 4601, for planning and design for the Missile Defense Agency is hereby increased by \$20,000,000.

(3) REDUCTION OF GENERAL REDUCTIONS.—Notwithstanding the amounts set forth in the funding tables in division D, the amount specified in section 4601 for General Reductions, as specified in the corresponding funding table in section 4601, is hereby reduced by \$49,000,000.

(4) REDUCTION IN AMOUNT FOR GUANTANAMO BAY.—In the item relating to Guantanamo Bay in the table in section 2101(b), strike "\$92,800,000" and insert "\$23,800,000".

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from Washington (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. SMITH of Washington. Mr. Chair, this is the amendment that will enable us to eventually close the Guantanamo Bay prison. There are several compelling reasons to do this.

First of all, we have reached a point where we are now spending \$2.7 million per inmate at Guantanamo Bay. To contrast that, an inmate at a supermax Federal prison facility here in the U.S. costs roughly \$78,000 a year. This is only going to become more expensive as the temporary facility at Guantanamo Bay is forced to last longer and longer. So the cost alone is reason, I believe, to close it.

Also, we have the larger issue. President George W. Bush wanted to close Guantanamo Bay, as did Secretary Gates, as did Senator McCain. Many very conservative Republicans came out in favor of closing Guantanamo back in 2008. Why? Because the military told them that it was harming our ability to effectively fight al Qaeda and affiliated forces, that the presence of Guantanamo Bay was recognized as an international eyesore that undermined U.S. credibility with our allies abroad as we tried to prosecute that fight. There is no need for Guantanamo. So

argument number one is all of the problems with it.

Argument number two is that there is no need for it, because what we could do would be—154 inmates who are in Guantanamo Bay, first of all, some number of them, I think it is roughly half, have been deemed not to be a threat to the United States. We just don't have anyplace to send them. So we can do foreign transfers, which we are beginning to work on. The rest of them that are a threat can be housed in supermax facilities in the United States of America.

Now, we constantly hear the argument that we can't bring terrorists to the United States. The way that argument is stated, it is like we are bringing them here and setting them free. We are not. We are going to lock them up and hold them. In fact, there was a recent ruling of the courts that made it clear those inmates would not be freed in the United States under any set of circumstances.

In addition to that, we have the ability in the United States of America to hold dangerous people. I will submit to you that if we didn't have that ability, we would be in a whole lot of trouble regardless of the people at Guantanamo Bay.

We currently house over 300 terrorists here in the U.S., including Ramzi Yousef, The Blind Sheikh, and a number of others. We have been able to successfully hold terrorists in the United States. We also hold mass murderers and gang leaders and mobsters. We have the ability to safely hold these people in the United States of America. So there is no downside to doing this.

The upside is to finally do what President George W. Bush recognized back in 2007 and 2008 that we needed to do, to close down Guantanamo Bay because of the international perception that it goes against our values and because of the very fact that it does go against our values to have people locked away in a prison that was originally set up under the hopes that somehow we would be able to avoid habeas corpus. Well, the Supreme Court said no, Guantanamo Bay is effectively under U.S. control, so habeas corpus applies anyway, so same amount of rights, same everything. It is simply an international eyesore that we keep open for no good reason.

This bill has prohibitions on closing it. My amendment would put in place a plan to close Guantanamo Bay by the end of 2016 and enable the steps necessary to accomplish that.

With that, I reserve the balance of my time.

Mr. WENSTRUP. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. WENSTRUP. I yield myself 2 minutes at this time.

Mr. Chair, I rise in strong opposition to this amendment. The Guantanamo

facility is safe and the most appropriate location for detainees to be held. Detainees at Guantanamo are held there because they were engaged in dangerous acts threatening the United States of America and its allies. Some orchestrated and celebrated the murders of thousands of innocent Americans.

As in previous conflicts, it is entirely appropriate to hold detainees until enemy forces are defeated. In this case, it is al Qaeda and their associates.

The Guantanamo facility is ideal for this purpose. It is secure. It is relatively distant from the United States. It is difficult to attack. I can promise you that the Cubans have no interest in freeing the prisoners there, but there are people in this world that want to do that. We saw it at Abu Ghraib prison last year where many members of al Qaeda were freed. That prison was attacked, and they were freed.

So the Guantanamo facility is ideal for this purpose. It is secure and it is safe. It also provides humane conditions for the detainees. They have access to health care, recreational activities, cultural and religious materials. Also, Members of the House of Representatives routinely visit Guantanamo, and they have seen the humane conditions in which dangerous detainees are held.

Based upon these facts and the nature of the character of those held at Guantanamo, the cost already incurred in accommodating them, there is no reason to move the Guantanamo detainees to facilities in the United States.

At this time, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chair, may I inquire as to how much time is remaining on each side?

The Acting CHAIR. The gentleman from Washington has 1½ minutes remaining. The gentleman from Ohio has 3½ minutes remaining.

Mr. SMITH of Washington. I reserve the balance of my time.

Mr. WENSTRUP. Mr. Chair, I yield 1 minute to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chair, I thank the gentleman from Ohio, and I want to also thank the chairman, the gentleman from California, for his leadership in bringing the NDAA bill to the floor. Again, I want to salute Chairman McKEON on the tremendous work that he has displayed here and all that he has done in support of the men and women in uniform of our country. So I do rise today, Mr. Chairman, in support of the National Defense Authorization Act for Fiscal Year 2015.

Mr. Chairman, regrettably, events of the past year have demonstrated that the forces that threaten America's national security, the stability of our allies, and seek to subject millions to a



tyranny that violates the most basic of human rights are on the rise.

A desperate dictator in Syria has used chemical weapons, a strong man in Venezuela is consolidating power, and Iran is inching closer to nuclear weapons and funding terrorism. North Korea continues to threaten America and our Pacific allies, and Russia recently invaded Ukraine. Now is not the time for the United States to recede from the global arena. Now is the time to lead and to project the strength that has protected America's interests for over half a century.

An America that leads is an America with military power that cannot be matched, because at all times we must be prepared to meet and confront challenges so that our homeland is protected, our allies are defended, and our enemies are defeated.

On a congressional delegation I led to Asia last month, I saw firsthand just how important it is for America to be engaged on the world stage. While in Japan, we toured the aircraft carrier the *USS George Washington*. While aboard the ship, we met with its crew and heard directly from its Naval commanders that the U.S. needs to have a constant carrier presence in the region.

America provides our allies with much-needed security and stability to a region that is threatened by a madman in North Korea and has seen China become more provocative and aggressive with its neighbors, particularly in the South China Sea.

The presence of our aircraft carrier is a vital part of guaranteeing that security which, in turn, guarantees America's security. One of the admirals even stated: "In the world we are going to be operating in, we simply must have the *USS George Washington*." That is why I am so pleased that this bill begins to fund the refuel of the *USS George Washington*. Failing to do so would leave our allies in the region and throughout the world feeling vulnerable and embolden our enemies.

In hundreds of other ways, today's bill will provide our military with the resources it needs to remain the greatest fighting force in the world and keep America as a leader on the world stage.

Since the time of the revolution, my home State of Virginia has been a leader in contributing to our Nation's security. In addition to the thousands of Virginians who wear the uniform and those members of the military stationed in Virginia, tens of thousands of Virginians work in industries directly tied to supporting our Armed Forces and our national defense. I am pleased that this bill recognizes their efforts.

So today, let us stand together, pass this bill in a bipartisan fashion, and show the world that we are committed to being an America that leads.

Again, I want to thank the gentleman from California, Chairman BUCK McKEON, for all of his hard work

on this issue, along with his members of the Armed Services Committee.

I urge my colleagues in the House to support this important bill.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, we are told in opposition to this amendment that terrorists have no constitutional rights. That is like saying rapists or murderers have no constitutional rights. But accused rapists and accused murders do have rights until it is proven that they are guilty, and then their rights are taken away from them. The same must be true of accused terrorists.

Ever since Magna Carta, we have denied the government the power to imprison and punish people on mere accusation. That is tyranny. The government's labeling someone a terrorist doesn't make him one. The government must prove the accusation in court. That was always a bedrock American value until we opened Guantanamo. Now we imprison people indefinitely without trial. This must stop.

Guantanamo should be closed, and its inmates should be tried or released. Our Federal courts work. They have repeatedly tried, convicted, and sentenced terrorists to long prison terms. Prosecuting and imprisoning terrorists on U.S. soil has proven to be safer, less expensive, and less harmful to our national security.

I urge my colleagues to support our amendment to close the detention facility at Guantanamo Bay, end indefinite detention, and restore our national honor.

Mr. WENSTRUP. I yield 1 minute to the gentlewoman from Indiana (Mrs. WALORSKI).

Mrs. WALORSKI. Mr. Chairman, I rise to oppose the amendment as well.

Transferring detainees to our homeland would require expensive new construction or renovation of existing facilities in the U.S. Current facilities at Gitmo already accommodate the detainees, their guards, all associated medical, recreational, and legal needs. Estimates for constructing or renovating similar facilities in the U.S. have ranged from \$300 million to \$500 million.

Meanwhile, the dangers are also clear. Moving detainees to the U.S. would make the facility housing them a terrorist target. For example, in 2010, New York City estimated it would cost \$200 million a year to provide security when it was proposed some Gitmo detainees be moved to New York for trial.

In conclusion, there are no advantages of moving detainees to the U.S.; there are clear disadvantages.

I urge my colleagues to oppose this amendment.

Mr. SMITH of Washington. Mr. Chair, how much time is left in the debate on both sides?

The Acting CHAIR. The gentleman from Washington has 30 seconds remaining. The gentleman from Ohio has 1½ minutes remaining. The gentleman from Ohio has the right to close.

Mr. SMITH of Washington. I yield the balance of my time to the gentleman from Virginia (Mr. MORAN).

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Mr. MORAN. Mr. Chair, Guantanamo is a rallying cry for extremists around the world. Until we transfer and try these detainees, it is hurting our national security, and Gitmo is expensive. We are spending about \$2.7 million per detainee per year at Guantanamo compared to \$34,000 per inmate at a high security prison in the United States. In fact, the Pentagon is going to spend \$435 million this year in operations and personnel costs for this facility.

The reality is we have 300 individuals convicted of crimes related to international terrorism that are currently incarcerated in 98 Federal prisons with no escapes or attacks in attempts to free them.

When the Authorization for Use of Military Force in Afghanistan expires, we have no plans. What are we going to do with these prisoners of war?

The Smith amendment should be passed.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WENSTRUP. Mr. Chairman, at this time, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, if the gentleman's amendment merely required the President to come up with a plan that Congress and the American people could look at on exactly what he would do and how he would do it to close Guantanamo, including what the costs would be, where he would move them, what the cost of security wherever he would move them would be, I might support that.

The truth of the matter is in all the time since the President has been in office, he has not come up with a specific plan that has gotten the support of the American people or this Congress. Even when Democrats controlled both Houses of Congress, they were not able to pass any legislation to close Guantanamo.

So if he can put a plan together that gets the support of the Congress, support of the American people, I think that may be a step forward. But to say we are going to close it and, oh, by the way, along the way you can tell us what you are doing and how you are doing it, that is putting the cart before the horse.

The President needs to get the support of the American people. So far he has not done that. The American people have been clear: they are uncomfortable with those detainees coming here. Therefore, it is premature to



close it, and this amendment should be rejected.

Mr. WENSTRUP. Mr. Chairman, I have heard Members from both sides of the aisle speak out against this very notion that they do not want these types of detainees coming to their State or territory.

I will remind them that, as in previous conflicts, it is entirely appropriate and lawful to hold detainees until our enemy forces are defeated. I have not seen that. If al Qaeda is on the run, I think it is toward us, as we have seen so many actions taken by them in recent times.

I ask for your support in defeating this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. SMITH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SMITH of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. SMITH OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part A of House Report 113-460.

Mr. SMITH of Washington. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 294, after line 21, insert the following:  
**SEC. 1034. DISPOSITION OF COVERED PERSONS DETAINED IN THE UNITED STATES PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.**

(a) **SHORT TITLE.**—This section may be cited as the “Due Process and Military Detention Amendments Act”.

(b) **DISPOSITION.**—Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1562; 10 U.S.C. 801 note) is amended—

(1) in subsection (c), by striking “The disposition” and inserting “Except as provided in subsection (g), the disposition”; and

(2) by adding at the end the following new subsections:

“(g) **DISPOSITION OF PERSONS DETAINED IN THE UNITED STATES.**—

“(1) **PERSONS DETAINED PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE OR THE FISCAL YEAR 2012 NATIONAL DEFENSE AUTHORIZATION ACT.**—In the case of a covered person who is detained in the United States, or a territory or possession of the United States, pursuant to the Authorization for Use of Military Force or this Act, disposition under the law of war shall occur immediately upon the person coming into custody of the Federal Government and shall only mean the immediate transfer of the person for trial and proceedings by a court established under Article III of the Constitution of the United States or by an appropriate State court. Such trial and proceedings shall

have all the due process as provided for under the Constitution of the United States.

“(2) **PROHIBITION ON TRANSFER TO MILITARY CUSTODY.**—No person detained, captured, or arrested in the United States, or a territory or possession of the United States, may be transferred to the custody of the Armed Forces for detention under the Authorization for Use of Military Force or this Act.

“(h) **RULE OF CONSTRUCTION.**—This section shall not be construed to authorize the detention of a person within the United States, or a territory or possession of the United States, under the Authorization for Use of Military Force or this Act.”.

(c) **REPEAL OF REQUIREMENT FOR MILITARY CUSTODY.**—

(1) **REPEAL.**—Section 1022 of the National Defense Authorization Act for Fiscal Year 2012 is hereby repealed.

(2) **CONFORMING AMENDMENT.**—Section 1029(b) of such Act is amended by striking “applies to” and all that follows through “any other person” and inserting “applies to any person”.

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from Washington (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. SMITH of Washington. Mr. Chairman, I yield myself 2 minutes.

This amendment would eliminate indefinite detention in the United States and its territories. So basically anybody who we captured who we suspected of terrorist activity would no longer be subject to indefinite detention, as is now currently the law.

The basic reason for this is our Constitution works, and we ought to value it and we ought to let the Constitution work. We have gone through article III courts to try, convict, and incarcerate terrorists successfully for decades. Yet, because of the 2001 AUMF, we still have on the books a law that would allow the President, any President now or in the future, to indefinitely detain any person in the United States if they determine that that person is affiliated with al Qaeda or affiliated forces. If they are acting in support of those organizations, they would be subject to indefinite detention and would not be allowed to due process rights that are in our Constitution.

That is an enormous amount of power to give the Executive: to take someone and lock them up without due process. It is not necessary. This President has not used the authority. President George W. Bush did not use it after about 2002 and then only in a couple of instances. It is not necessary. It is an enormous amount of power to grant the Executive, and I believe places liberty and freedom at risk in this country.

We need to eliminate indefinite detention in the United States. This amendment would do that clearly and unequivocally, and I urge support.

I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. McKEON), the distinguished chairman of the committee.

Mr. McKEON. Mr. Chairman, I thank the gentleman for yielding.

I have a great amount of respect for my colleague and friend, the ranking member, but I strongly oppose this amendment.

My friend talks a lot about how we shouldn't limit the President's options with regard to Guantanamo. I don't think that we should be limiting our options in dealing with terrorists, and I can't imagine anything more fundamental than taking away the option to question al Qaeda terrorists bent on killing American citizens in whatever is the most effective way possible, and consistent with the law, to stop future attacks.

In the fiscal year 2013 NDAA, we addressed any misconceptions about the detention authority provided by the Authorization for Use of Military Force. We included the following language in the conference report:

Nothing in the Authorization for Use of Military Force or the National Defense Authorization Act for Fiscal Year 2012 shall be construed to deny the availability of the writ of habeas corpus or to deny any constitutional rights in a court ordained or established by or under article III of the Constitution to any person inside the United States who would be entitled to the availability of such writ or to such rights in the absence of such laws.

The NDAA has changed nothing with regard to the laws of war, our values, or our traditions. Our Supreme Court has agreed that appropriate detention and interrogation of al Qaeda terrorists is entirely lawful. It is false to imply that this is not the case or to something not in line with our values.

In fact, our courts have gone well beyond the traditional attachment of rights to our enemies and has extended the constitutional right of habeas corpus to foreign detainees held at Guantanamo Bay.

This amendment would be the first time we self-imposed such a sweeping change to the conduct of war and our ability to gather intelligence.

Despite what any of us may want, al Qaeda has not surrendered. Far from it. The threat is evolving, but unfortunately for all of us, it continues.

We must oppose this amendment and preserve every lawful option in our arsenal.

Mr. SMITH of Washington. Mr. Chairman, I yield myself 1 minute.

The language within the NDAA about preserving rights is very confusing. I think it is very clear that the President does have the power right now to indefinitely detain people. So arguing that rights are protected, they are not. Indefinite detention is the law of the land. The President has the power to

do that. Habeas corpus is one right. It is not due process. This law currently allows for due process to be ignored and for the Executive to indefinitely detain people.

The other big problem with this is it goes on forever. We have at different points in our Nation's history suspended habeas corpus—during the Civil War and other times of extreme danger. But in this case, al Qaeda and terrorism have been with us for a while. They are going to be with us for a long time to come in some form or another.

So to grant the President the power to indefinitely detain people is a long, long-term issue. Again, it is not necessary. Our article III courts have arrested, tried, convicted, and incarcerated hundreds of terrorists. It works. We don't need to give the President the power to throw out portions of the Constitution.

I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment has previously been defeated in the House. Members have voted on it before, and I think it should be defeated again.

This is the underwear bomber case. A foreign terrorist flies into the U.S. in order to kill as many Americans as possible. The bomb malfunctions, the terrorist is captured, he is immediately given under the amendment American constitutional rights, including the right to remain silent.

Now, in fact, the underwear bomber was questioned for about 50 minutes before the FBI gave him his Miranda rights and he quit talking. But meanwhile, when he knows he has the right to remain silent, he quits talking, we have no idea how many more bombers there are, where they may be, or how we may be attacked again.

Actually, this amendment goes further than the Obama administration even wants to, because the administration has admitted that there are several dozen terrorists in Guantanamo that cannot be tried in article III courts and are too dangerous to release. So what happens to them under this amendment? If they can't be tried, they are released.

Especially if you put this amendment with the previous amendment, they come here to the United States, they can't be tried in article III courts because it reveals too much information, so what do you do with them? That is part of the problem. We need this flexibility for indefinite detention.

Secondly, the Supreme Court has held that this right of detention goes hand-in-hand with an authorization for the use of force. I believe probably constitutionally the President has that authority when he has the authority to use military force. So trying to take it away not only limits the options, it is impractical in this case.

It is, of course, true that everybody detained has that right of habeas cor-

pus to contest their detention in front of an article III court, as the gentleman said, even those foreigners held in Guantanamo. But to say that everybody immediately goes into the court system I think would be compromising our security.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield myself the balance of our time.

First of all, Guantanamo Bay would not apply in this case. None of the people being held at Guantanamo Bay were captured in the United States, so this would have nothing to do with that. That is a vexing and difficult question. This applies to people captured from this point forward in the United States. It would not apply to Guantanamo Bay inmates.

Second, I want to deal with this argument about intelligence. It is an argument that has been made repeatedly that does not make any sense. This notion that somehow under the normal judicial process, under the normal law enforcement model you cannot collect any intelligence. Well, that would be a surprise to the FBI. It would be a surprise to every law enforcement agency in the United States of America that has been giving suspects Miranda rights, investigating crimes, and gathering intelligence for decades. Just because you tell someone they have the right to remain silent doesn't mean that they will, first of all.

Second of all, even if you don't tell them, everybody is aware of the fact that they don't have to talk. We have used Miranda successfully to gather intelligence in a variety of different ways repeatedly. You will not lose that ability if you go through article III courts using Miranda rights.

Again, I want to emphasize, the idea that when you capture a terrorist, it never occurs to them that they don't have to give up information until you give them Miranda rights makes no sense whatsoever, number one.

Number two, over and over and over again domestic law enforcement officials have been able to give Miranda rights and gather an enormous amount of intelligence. That is a red herring in this argument.

Again, we come back to what the law does. The law gives the President of the United States the power to indefinitely detain people without due process. The Republican Party is always talking about freedom from government intrusion. They are concerned about the health care law, they are concerned about all manner of different things. This is a law that gives the President the power to lock you up and take away your basic freedom without due process. It strikes me that nothing could be more fundamental to those basic freedoms from government intrusion that we always hear about from the other side of the aisle than this issue.

I urge Republicans and Democrats alike to support this amendment. Take away the President's ability to lock people up indefinitely without due process. That is a gross, gross violation and an individual right that none of us in this country should stand for any longer.

I yield back the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, admittedly, there are some difficult issues involved in detention, particularly with this war against terrorists that we are involved in.

But you have got to look at the bigger picture, and part of what one needs to look at is how one is going to deal with these situations. We just debated an amendment where the argument was close Guantanamo. Now we have an amendment on the other hand that says everybody that is here, including the people presumably that we would bring back from Guantanamo when it was closed, automatically and immediately goes to article III courts.

It is not my argument that some of the people in Guantanamo cannot be tried in article III courts. That is what the administration tells us.

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So how does this fit together?

It doesn't, not without releasing very dangerous people out into society or into the world.

Secondly, when it is clear that you have greater rights when you come to the United States, rather than if you attack us from some other place, the incentive is to come to the United States because that is where you are given the greater rights. That is the perverse incentive under this amendment. It would be a mistake.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. SMITH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SMITH of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. HECK OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part A of House Report 113-460.

Mr. HECK of Washington. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title X, add the following:

**SEC. 1011. MILITARY COMMUNITY INFRASTRUCTURE PROGRAM.**

(a) INFRASTRUCTURE PROGRAM.—

(1) **ESTABLISHMENT.**—Not later than 6 months after the date of enactment of this section, the Secretary shall establish a Military Community Infrastructure Program under which the Secretary may provide grants to eligible entities for transportation infrastructure improvement projects in military communities.

(2) **APPLICATION.**—To be eligible for a grant under the Program, an eligible entity shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

(3) **ELIGIBLE PROJECTS.**—

(A) **IN GENERAL.**—Grants awarded under the Program may be used for transportation infrastructure improvement projects, including—

- (i) the construction of roads;
- (ii) the construction of mass transit;
- (iii) the construction of, or upgrades to, pedestrian access and bicycle access; and
- (iv) upgrades to public transportation systems.

(B) **LOCATION.**—To be eligible for a grant under the Program, a project described in subparagraph (A) shall be—

(i) related to improving access to a military installation, as determined by the Secretary; and

(ii) in a location that is—

- (I) within or abutting an urbanized area (as designated by the Bureau of the Census); and
- (II) designated as a growth community by the Office of Economic Adjustment.

(4) **CONSIDERATIONS.**—In awarding grants under the Program, the Secretary shall give consideration to—

(A) the magnitude of the problem addressed by the project;

(B) the proportion of the problem addressed by the project that is caused by military installation growth since the year 2000;

(C) the number of service members affected by the problem addressed by the project;

(D) the size of the community affected by the problem addressed by the project;

(E) the ability of the relevant eligible entity to execute the project; and

(F) the extent to which the project resolves the transportation problem addressed.

(5) **FEDERAL SHARE.**—The Federal share of the cost of a project carried out using grant amounts made available under the Program may not exceed 80 percent.

(b) **TRAFFIC IMPACT STUDY.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this section, the Secretary shall conduct a traffic impact study for any urbanized area (as designated by the Bureau of the Census) that expects a significant increase in traffic related to a military installation within or abutting the urbanized area.

(2) **CONTENTS.**—A traffic impact study under paragraph (1) shall determine any transportation improvements needed because of an increase in the number of military personnel, including study of commute sheds affected by installation-related traffic.

(3) **CONSULTATION.**—In developing a traffic impact study under paragraph (1), the Secretary shall consult with—

(A) the metropolitan planning organization or regional transportation planning organization with jurisdiction over the urbanized area; and

(B) the commander of the appropriate military installation.

(c) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a State or political subdivision thereof;

(B) an owner or operator of public transportation;

(C) a local governmental authority (as such term is defined in section 5302 of title 49, United States Code);

(D) a metropolitan planning organization; or

(E) a regional transportation planning organization.

(2) **METROPOLITAN PLANNING ORGANIZATION AND REGIONAL TRANSPORTATION PLANNING ORGANIZATION.**—The terms “metropolitan planning organization” and “regional transportation planning organization” have the meanings given those terms in section 134(b) of title 23, United States Code.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Defense, acting through the Director of the Office of Economic Adjustment.

(4) **STATE.**—The term “State” means each of the several States, the District of Columbia, and any territory or possession of the United States.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated, to carry out this section, \$200,000,000 for fiscal year 2015.

(e) **FUNDING.**—Notwithstanding the amounts set forth in the funding tables in division D, to carry out this section during fiscal year 2015—

(1) the amount authorized to be appropriated in section 301 for operation and maintenance, as specified in the corresponding funding table in division D, is hereby increased by \$200,000,000, with the amount of the increase allocated to administrative and servicewide activities, as set forth in the table under section 4301, to carry out this section; and

(2) the amount authorized to be appropriated in section 301 for operation and maintenance, Defense-wide, as specified in the corresponding funding table in section 4301, is hereby reduced by \$200,000,000.

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from Washington (Mr. HECK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HECK of Washington. Mr. Chairman, as a Member of Congress for the brandnew 10th Congressional District in Washington State, I have the privilege to represent Joint Base Lewis-McChord, which is the largest joint operating base in America.

In the vicinity of Joint Base Lewis-McChord is Interstate 5, which is the most heavily traveled north-south freight corridor in our State. Nearly 80 percent of the traffic to and from JBLM relies on that interstate freeway.

Local travelers in neighboring cities have absolutely no other option except to use I-5 as an arterial, and when incidents occur, trust me, it can take hours to recover.

Around the country, military installations like JBLM are still adapting to base realignment and short-term growth caused by troops passing through before being deployed. Installation growth has had a significant effect on regional transportation, particularly when an installation is located in or near an urban area.

Even acknowledging the potential for drawdowns on military bases, those re-

ductions would not nearly come close to alleviating the problem—not nearly.

Surrounding roads play an important role in preserving military readiness. Our Armed Forces need to instantly deploy, and we need functional roads in order to do that. If military personnel are caught in a jam and if nobody moves, efficiency goes out the window.

The domino effect of delays due to congestion, therefore, literally impairs our national security. This leaves not only military activities on base stranded, but also commerce in the congested area, and when we don't have a reliable roadway, economic activity halts. Goods don't move, and companies can't make money.

It is a cascading inaction, which affects our productivity and balance sheets, and it puts a strain on businessowners.

To be clear, the military is not to blame for this. Bases have come up with innovative approaches to ease the pain, but the problem remains severe and unavoidable without more investment. It is a Band-Aid over a wound that needs stitches.

The only existing DOD program that provides funding for public highway improvements is the Defense Access Roads Program. However, the DAR Program is limited by outdated and restrictive eligibility criteria and was designed when bases were only expected to be located in relatively undeveloped areas, which is clearly no longer the case.

DAR needs to be replaced with a separate DOD program to fund the transit services necessary to meet military needs.

I know being stuck in traffic is not something unknown to most Americans. We are all too familiar with the horrible feeling of approaching an unexpected slow crawl on the road, but when this affects our military's ability to get to base, to do the job, and to be ready for anything, that is when we can't just sit and wait for it to get better. We can and should do more.

Mr. Chairman, I plan to withdraw my amendment, but I will soon introduce a bill that embodies its concept, entitled the “COMMUTE Act,” and it will address these issues.

I hope, beyond hope, that I can look forward to working with the members and my colleagues on the Armed Services Committee on this plan to meet this very important need.

Mr. SMITH of Washington. Will the gentleman yield?

Mr. HECK of Washington. I yield to the gentleman.

Mr. SMITH of Washington. Mr. Chairman, I just want to quickly agree with Congressman HECK.

I used to represent Joint Base Lewis-McChord. It is the worst traffic in the State of Washington. The base more than doubled over the course of 7 to 8 years. It is a significant quality of life

issue for our men and women and their families who are serving on Joint Base Lewis-McChord, and I am sure this is a situation that is repeated around many bases across the country.

So I strongly support his efforts to try and deal with this. This is something that directly impacts our troops and their families. I thank him for his effort.

Mr. McKEON. Will the gentleman yield?

Mr. HECK of Washington. I yield to the gentleman from California.

Mr. McKEON. I, likewise, would be interested in working with you on this.

In southern California, I know a major highway runs right through Camp Pendleton, and there is a lot of traffic. With Congressman SMITH, I was able to visit Lewis-McChord, and I think you would find that a lot of people on both sides of the aisle would be willing to work with you on this bill, and I hope to be able to.

Mr. HECK of Washington. Thank you, sir.

As is characteristic to both of you, thank you for your graciousness and for your positive remarks.

Mr. Chairman, let me just conclude by saying that there are some estimates that the Interstate 5 corridor around Joint Base Lewis-McChord—remember, I-5 extends from Canada to Tijuana—is the most congested chokepoint.

With that, Mr. Chairman, I withdraw my amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part A of House Report 113-460.

AMENDMENT NO. 15 OFFERED BY MS. JENKINS

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part A of House Report 113-460.

Ms. JENKINS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title XI, add the following:

**SEC. 1107. PROHIBITION ON CONVERTING THE PERFORMANCE OF CERTAIN FUNCTIONS FROM CONTRACTOR PERFORMANCE TO PERFORMANCE BY FEDERAL EMPLOYEES.**

(a) **PROHIBITION.**—Notwithstanding any other provision of law, except as provided under subsection (b), no Federal department or agency may implement or carry out a guideline, regulation, circular, policy, or other instrument to enable a Federal department or agency to convert to performance by Federal employees any function that, before the date of the enactment of this Act, was performed by contractor employees.

(b) **EXCEPTIONS.**—The prohibition in this section shall not apply to a function that is an inherently governmental function as that term is defined in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note).

(c) **PUBLIC-PRIVATE COMPETITION REQUIRED.**—Before any Federal department or agency may convert any function from performance by a contractor to performance by a civilian employee of the department or agency, the department or agency shall conduct a public-private competition similar to a public-private competition under Office of Management and Budget Circular A-76 that examines the cost of performance of the function by civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by civilian employees will result in savings to the Government over the life of the contract. Upon completion of the competition, the Federal department or agency shall select the option that is determined pursuant to the competition to result in the most savings to the Government.

The Acting CHAIR. Pursuant to House Resolution 590, the gentlewoman from Kansas (Ms. JENKINS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Kansas.

Ms. JENKINS. Mr. Chairman, I yield myself such time as I may consume.

In 2008, Congress passed legislation to suspend public-private competitions at the DOD through the OMB Circular A-76. That moratorium remains in place today. In 2009, the OMB issued a memorandum which regulated the move to insourcing at the DOD.

Today, nearly half of the Federal Government owns and operates thousands of activities that are commercial in nature. These functions are not inherent or unique to government; rather, they can be found in small and Main Street businesses across the Nation. Not only are these Federal agencies duplicating private business, but many engage in unfair government competition with the private sector.

My amendment seeks to place a moratorium on the insourcing of previously contracted activities within the DOD. Exceptions would be made, number one, if the activity were inherently governmental and, thereby, should never have been contracted out in the first place; or, number two, if the DOD would employ a reverse A-76 to itemize specific costs saved to the taxpayer, should the DOD be able to perform the commercial activity more efficiently for the taxpayer.

According to the OMB, the act of conducting the A-76 competition alone can generate a savings of 10 to 40 percent on average. That is just the average savings generated from simply going through the process.

While the A-76 process is not perfect, it is the best opportunity we have for a cost comparison. As an accountant, I understand the importance of a cost comparison. This amendment is just the first step. Studies also show that utilizing the A-76 public-private cost comparisons can save up to \$27 billion per year. Again, this is just by implementing the cost comparison tool.

In 2011, the Department of Defense completed a report in response to section 325 of the NDAA for fiscal year 2010, which concluded with two major recommendations to Congress, the first of which is to lift the suspension on A-76 competitions. This is the recommendation from the DOD.

This amendment will provide the DOD with the flexibility to use the private sector for commercial activities and save valuable taxpayer money. I encourage a “yes” vote on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LOEBSACK. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LOEBSACK. Mr. Chairman, I yield myself such time as I may consume.

I rise this evening in strong opposition to this amendment.

Put simply, this amendment would cost taxpayers. It would not be in the best interests of our military readiness, and it is not supported by the Department of Defense. This amendment is extreme in its intention.

It overrides every other law on the books in terms of the management of the national defense workload by prohibiting the transfer of the workload from the private sector to the public sector.

For years now, Congress and the DOD have established statutes, regulations, and policies for determining the correct mix of the workforce between military contractor and civilian.

As the cochair of the Depot and Arsenal Caucus, I am deeply concerned that this amendment would put back into place a severely flawed system that would do significant damage to our organic industrial base, including to our arsenals and depots, at a time when it is critical that we maintain these facilities' capabilities to equip our troops.

I proudly represent the Rock Island Arsenal, where thousands of highly skilled people work every day to equip our troops. Our organic industrial base has, time and again, shown its critical importance to our men and women in uniform.

When our troops on the ground needed improved armor on their vehicles, it was the Rock Island Arsenal that was able to rapidly produce and field that lifesaving armor to protect our troops; and as a military parent, I am personally thankful that the workforce at Rock Island Arsenal and organic industrial base facilities across our country are there to equip our men and women in uniform.

This amendment would starve our critical organic industrial base, sending it into a death spiral, undermining key elements of our national security infrastructure, and reducing our ability to meet our national security strategy.

In addition to the impact on military operations, this amendment would also not produce the best value for the Department of Defense and for our servicemen and servicewomen. Again, it is not wanted by our Nation's military leaders.

For these reasons, I oppose this amendment, and I urge my colleagues to join me in voting against it.

I reserve the balance of my time.

Ms. JENKINS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. LOEBSACK. Mr. Chairman, at this time, I would like to yield 1 minute to the gentleman from Georgia (Mr. AUSTIN SCOTT).

Mr. AUSTIN SCOTT of Georgia. Mr. Chairman, I also rise in opposition to the amendment of my colleague's from Kansas.

Our military has three workforces. We have the uniformed, we have the civilian, and we have the contractor. All three are vital to the national security of this country. The defense workforce must be managed in what makes the most long-term sense for both the mission of national security and the taxpayer.

This amendment would prohibit the insourcing of contracted services, even when it would make sense for the taxpayer and would save money. By disrupting the Department of Defense's management practice, this amendment would impair military readiness. The Department did not ask for this proposed change, and it is against this amendment.

I believe that this amendment is bad for the long-term security of the Nation, and I would ask that you oppose it.

Ms. JENKINS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. LOEBSACK. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Chairman, I have enormous respect for my friends from Kansas. We usually agree, but in this case, we don't.

I represent Tinker Air Force Base, which has 15,000 Federal civilian defense employees, along with thousands of private employees, working in contract facilities on and around the base. Usually, they work together, but sometimes, they compete for work. When they do, that work should go to whomever can do the work better and cheaper.

This amendment overrides every other law in the book, in terms of managing the defense workload by prohibiting the transfer of the workload from the private to the public sector, even when the public sector can do it better and cheaper.

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That, in my view is inefficient, it is counterproductive, and ultimately it is

unfair. We should allow the work to flow to those best able to complete it, and we should rely on the services to actually make the decisions in this regard.

So I urge the rejection of the amendment.

Ms. JENKINS. Mr. Chairman, opponents may argue that this is a burden to place on the DOD when they are seeking to insource, but I believe that ensuring taxpayer dollars are well spent and that taxpayers are getting the best value for their money is hardly a burden.

A formal, documented process which shows the cost savings will make sure that this is fair for the small businesses who depend on these contracts to thrive.

The American Legion approves of this proposed amendment. They stated:

The practice of converting functions and services that have been performed by contractors with government employees limits the amount of contracts that can go to the private sector to stimulate and grow the veteran small business industrial base. When the government takes a couple of positions away from a small business, they are essentially crippling the small business' ability to succeed in the private sector. These practices primarily affect small businesses, as large contractors are rarely affected by insourcing policy because of their size and number of employees.

Mr. Chairman, I reserve the balance of my time.

Mr. LOEBSACK. Mr. Chairman, I yield the balance of my time to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, this chart—for those with keen eyesight—kind of puts this in perspective.

The blue is what we spend on the civilian workforce. The green is what has been spent over the last decade on military personnel. The yellow is on contract services. And the white is the rest of it.

The premise of this amendment is that the blue is too big.

There are times when competition, especially on acquisition, is extremely helpful. There are also times where competition on sustainment or maintenance has a habit of unintentionally hurting our readiness, at least that was the result of the GAO study in 2010.

So the committee has wisely tried to strike a balance between those two, making sure that there is competition when it makes sense, all of which is defined in title X of our code, which demands a core workload be established by the military of what our needs are and what is most cost-effective.

Unfortunately, the first line of the amendment which says that "notwithstanding any other provision of law" simply turns all of that on its head. This takes precedence over the entire code, which I am assuming is the reason DOD communicated the Defense Department does not want this amendment.

Mr. LOEBSACK. I yield back the balance of my time.

Ms. JENKINS. Mr. Chairman, my amendment is also supported by the TRSA, MAPPS, the Business Coalition for Fair Competition, and the American Conservative Union.

Mr. Chairman, I will submit their statements in support for the RECORD.

SUBMITTED FOR THE RECORD IN SUPPORT OF  
JENKINS AMENDMENT #135

Textile Rental Services Association (TRSA): In its 1996 examination of the issue, the Center for Naval Analyses likewise found benefits of competing work. The visibility and identification of alternate providers were beneficial aspects of the process identified by the Center. As a bottom line, the Center for Naval Analyses determined a 30% average savings resulted from this beneficial focus on competition, with savings persisting over time. A leaner, more efficient government is a worthy goal, and Rep. Jenkins (KS) Amendment #135 is a means to achieve this goal.

MAPPS: We have seen insourcing take place beyond 'inherently governmental' activities such as commercial activities like mapping and geospatial activities. The Jenkins Amendment is the fairest approach by helping defend business opportunities for the private sector, including small business.

Business Coalition for Fair Competition (BCFC): The Jenkins Amendment is the 'yellow pages test' personified. This amendment 1) prevents the outright conversion of "commercial activities" from private sector firms into DOD performance; 2) requires an official cost accounting be performed and documented to identify whether DOD performance is more cost effective than the private sector contractor; and 3) helps protect private sector firms, including small business, from losing contracts taken away unfairly by the Federal government.

American Conservative Union (ACU): The Jenkins Amendment is essential to stopping the government goliath from gobbling up jobs that belong in the private sector. Rather than wringing our hands over slow growth and the lack of good paying jobs, we should start by protecting existing private sector jobs from further 'insourcing' by this Administration. This amendment will help do that.

Mr. Chair, I submit the following statements in support of Jenkins Amendment #15 to H.R. 4435.

National Veteran Small Business Coalition (NVSBC): "The National Veteran Small Business Coalition (NVSBC) has seen the negative effect of Insourcing on veteran and service disabled veteran small businesses over the last few years. Veterans who have fought for this government should not have to compete for business opportunities with the same government who ordered them in harm's way.

Competitive Enterprise Institute (CEI): A leaner, more efficient government is a worthy goal. Competitive sourcing provides important, demonstrable benefits for our business workforce, our economy, and our government's efficiency. The Competitive Enterprise Institute supports Rep. Lynn Jenkins' insourcing-and-outsourcing-related amendment to achieve that goal.

In closing, my amendment seeks to strike a balance. If the service is inherently governmental, it should be contracted out. If it is a commercial activity, the Federal Government owes it to

the American taxpayer to get the best value, the most efficiency, and the best service available.

We owe this to our warfighters to ensure they are receiving the best possible services as they protect us. This cannot be assured without the use of a fair competitive processes. With a debt of more than \$17 trillion, calls for reductions that will erode the end strength of our military and a stagnant private-sector job market, we must find ways to reduce spending and find efficiencies at DOD while boosting job creation in our communities.

This amendment is an opportunity to vote for small business, break up Federal monopolies, ensure more efficient services, empower the warfighter, and maintain funding for DOD.

I urge my colleagues to vote “yes,” and I yield back the balance of my time.

Ms. SHEA-PORTER. Mr. Chair, due to sequester cuts, the Department of Defense (DoD) needs to increase efficiency and lower costs wherever it can, but this costly amendment prevents DoD from hiring the most cost-efficient workforce. It also would prevent DoD from ever correcting, through insourcing, any contract that costs too much or is poorly performed, period—regardless of the increased costs to taxpayers.

According to the Government Accountability Office, DoD reports savings of almost \$1 trillion through insourcing in FY10 alone. In 2013, the DoD Comptroller acknowledged in a Senate hearing that civilian employees are significantly cheaper than contractors, particularly for the performance of long-term functions. So why would anyone want to make it impossible for DoD to save money by correcting overly costly or poorly-performed contracts, especially in a time of shrinking defense budgets? DoD can't afford this amendment, and neither can American taxpayers. Please join me in opposing this costly and wasteful amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Kansas (Ms. JENKINS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. LOEBSACK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Kansas will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. LAMBORN

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in part A of House Report 113-460.

Mr. LAMBORN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the appropriate place in subtitle C of title XII, insert the following:

**SEC. . LIMITATION ON FUNDS FOR IMPLEMENTATION OF THE NEW START TREATY.**

(a) LIMITATION.—None of the funds authorized to be appropriated or otherwise made

available for fiscal year 2015 for the Department of Defense may be used for implementation of the New START Treaty until the Secretary of Defense, in consultation with the Secretary of State, certifies to the appropriate congressional committees that—

(1) the armed forces of the Russian Federation are no longer illegally occupying Ukrainian territory;

(2) the Russian Federation is respecting the sovereignty of all Ukrainian territory;

(3) the Russian Federation is no longer taking actions that are inconsistent with the INF Treaty;

(4) the Russian Federation is in compliance with the CFE Treaty and has lifted its suspension of Russian observance of its treaty obligations; and

(5) there have been no inconsistencies by the Russian Federation with New START Treaty requirements.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) CFE TREATY.—The term “CFE Treaty” means the Treaty on Conventional Armed Forces in Europe, signed at Paris November 19, 1990, and entered into force July 17, 1992.

(3) INF TREATY.—The term “INF Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the Intermediate-Range Nuclear Forces (INF) Treaty, signed at Washington December 8, 1987, and entered into force June 1, 1988.

(4) NEW START TREATY.—The term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

(c) EFFECTIVE DATE.—This section takes effect on the date of the enactment of this Act and applies with respect to funds described in subsection (a) that are unobligated as of such date of enactment.

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from Colorado (Mr. LAMBORN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Mr. Chairman, my amendment is very simple. The United States should not be spending money to disarm ourselves—to dramatically cut our strategic nuclear deterrent under the New START Treaty—if the other party to the treaty is not trustworthy.

At the moment, the Russian Federation is clearly not trustworthy.

Let me remind us all of Russia's current record on observing treaties and agreements.

In 1994, Russia, Ukraine, the United Kingdom, and the United States signed the Budapest Memorandum. This agreement included a commitment to “respect the independence and sov-

ereignty and the existing borders of Ukraine.” But this agreement did not keep Putin from invading Ukrainian territory.

Strike one.

In January, The New York Times revealed that the Russian Federation was cheating on another treaty—the Intermediate-Range Nuclear Forces Treaty, or INF Treaty. According to the story, our State Department has been raising the INF cheating issue with the Russians for about a year now, with no response.

Strike two.

In 2007, President Putin announced that he was suspending Russian participation in the Conventional Forces in Europe Treaty, or CFE. This came after years of Russian violations of the CFE Treaty.

Strike three.

Is the Russian government trustworthy?

The answer is clearly no.

The question for us tonight under my amendment is whether it makes sense for us to spend money on reducing our nuclear deterrent when the other party to the New START Treaty is not trustworthy. If you trust Vladimir Putin and the Russian government, vote against this amendment. But if you, like me, don't want to put our national security in the hands of a serial treaty violator, please vote for this amendment.

We should not be spending money implementing the New START Treaty, which reduces our nuclear forces, unless and until Russia makes it clear that they are a responsible actor and will abide by the agreements they make.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Chairman, I yield myself 2 minutes.

First of all, on the trust issue, you wouldn't have to negotiate with people that you trusted.

Unfortunately, regrettably, we have to negotiate with people all the time who are not entirely trustworthy. That is why Ronald Reagan always said, “Trust but verify,” which I think was wrong. Let's verify. Trust is a very difficult thing.

Obviously, Russia has proven itself untrustworthy, but they have consistently reduced their nuclear weapons arsenal as a result of treaties that were first negotiated by Ronald Reagan, and many others.

They have also worked cooperatively with us to contain nuclear material, which has been enormously important. They would be a huge terrorist threat if they were to ever get their hands on nuclear material. Outside of the United



States, the former Soviet Union—and now Russia—is the number one place where you have that nuclear material.

So having some measure of cooperation with them to contain and reduce that material is enormously important. That is the goal of the START Treaty.

It is not a matter of whether or not you trust Putin or Russia. I don't trust many people, just in general, and I certainly don't trust them. The question is: is the START Treaty, an effort to reduce the number of nuclear weapons that Russia has and to contain and control the fissile material that they have, is that in our best interest?

It is. And we should negotiate that.

Certainly, what Putin is doing in the Ukraine is reprehensible and violates all manner of treaties. I support the President and the efforts of others to condemn and sanction them as a result.

But to walk away from an effort to contain nuclear weapons I don't believe is in the best interest of the U.S. It is not a matter of whether you trust Russia; it is a matter of what it is in our best interest. I believe it is in our best interest to try to contain the nuclear fissile material available out there in the world. START is one way to do that. Walking away from this just because we don't trust Putin—and we don't—is not sound policy.

I urge opposition to this amendment, and I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, I want to respond to my colleague by saying there is a flaw in the New START Treaty, in my opinion, in that it originally called for reductions in U.S. nuclear forces and allowed Russia to increase its nuclear forces.

So that right there I think is a problem. But when you have serial violations by the Russian Federation invading Ukraine, in violation of the 1994 Budapest Memorandum, the INF Treaty, and the CFE Treaty, they are not a reliable partner in these treaties.

And so to reduce our forces, how can that be in our interest when the other party to the treaty is not someone who is performing on these other treaties? There could be questions on whether they are even fully complying with the New START Treaty.

Mr. Chairman, I will enter into the RECORD an article from The New York Times dated January 29 of this year detailing some of their violations of the INF Treaty.

[From the New York Times, Jan. 29, 2014]

U.S. SAYS RUSSIA TESTED MISSILE, DESPITE TREATY

(By Michael R. Gordon)

WASHINGTON.—The United States informed its NATO allies this month that Russia had tested a new ground-launched cruise missile, raising concerns about Moscow's compliance with a landmark arms control accord.

American officials believe Russia began conducting flight tests of the missile as

early as 2008. Such tests are prohibited by the treaty banning medium-range missiles that was signed in 1987 by President Ronald Reagan and Mikhail S. Gorbachev, the Soviet leader at the time, and that has long been viewed as one of the bedrock accords that brought an end to the Cold War.

Beginning in May, Rose Gottemoeller, the State Department's senior arms control official, has repeatedly raised the missile tests with Russian officials, who have responded that they investigated the matter and consider the case to be closed. But Obama administration officials are not yet ready to formally declare the tests of the missile, which has not been deployed, to be a violation of the 1987 treaty.

With President Obama pledging to seek deeper cuts in nuclear arms, the State Department has been trying to find a way to resolve the compliance issue, preserve the treaty and keep the door open to future arms control accords.

"The United States never hesitates to raise treaty compliance concerns with Russia, and this issue is no exception," Jen Psaki, the State Department spokeswoman, said. "There's an ongoing review process, and we wouldn't want to speculate or prejudge the outcome."

Other officials, who asked not to be identified because they were discussing internal deliberations, said there was no question the missile tests ran counter to the treaty and the administration had already shown considerable patience with the Russians. And some members of Congress, who have been briefed on the tests on a classified basis for well over a year, have been pressing the White House for a firmer response.

A public dispute over the tests could prove to be a major new irritant in the already difficult relationship between the United States and Russia. In recent months, that relationship has been strained by differences over how to end the fighting in Syria; the temporary asylum granted to Edward J. Snowden, the former National Security Agency contractor; and, most recently, the turmoil in Ukraine.

The treaty banning the testing, production and possession of medium-range missiles has long been regarded as a major step toward curbing the American and Russian arms race. "The importance of this treaty transcends numbers," Mr. Reagan said during the treaty signing, adding that it underscored the value of "greater openness in military programs and forces."

But after President Vladimir V. Putin rose to power and the Russian military began to re-evaluate its strategy, the Kremlin developed second thoughts about the accord. During the administration of President George W. Bush, Sergei B. Ivanov, the Russian defense minister, proposed that the two sides drop the treaty.

Though the Cold War was over, he argued that Russia still faced threats from nations on its periphery, including China and potentially Pakistan. But the Bush administration was reluctant to terminate a treaty that NATO nations regarded as a cornerstone of arms control and whose abrogation would have enabled the Russians to increase missile forces directed at the United States' allies in Asia.

Since Mr. Obama has been in office, the Russians have insisted they want to keep the agreement. But in the view of American analysts, Russia has also mounted a determined effort to strengthen its nuclear abilities to compensate for the weakness of its conventional, nonnuclear forces.

At the same time, in his State of the Union address last year, Mr. Obama vowed to "seek further reductions in our nuclear arsenals," a goal American officials at one point hoped might form part of Mr. Obama's legacy.

But administration officials and experts outside government say Congress is highly unlikely to approve an agreement mandating more cuts unless the question of Russian compliance with the medium-range treaty is resolved.

"If the Russian government has made a considered decision to field a prohibited system," Franklin C. Miller, a former defense official at the White House and the Pentagon, said, "then it is the strongest indication to date that they are not interested in pursuing any arms control, at least through the remainder of President Obama's term."

It took years for American intelligence to gather information on Russia's new missile system, but by the end of 2011, officials say it was clear that there was a compliance concern.

There have been repeated rumors over the last year that Russia may have violated some of the provisions of the 1987 treaty. But the nature of that violation has not previously been disclosed, and some news reports have focused on the wrong system: a new two-stage missile called the RS-26. The Russians have flight-tested it at medium range, according to intelligence assessments, and the prevailing view among Western officials is that it is intended to help fill the gap in Russia's medium-range missile capabilities that resulted from the 1987 treaty. The treaty defines medium-range missiles as ground-launched ballistic or cruise missiles capable of flying 300 to 3,400 miles.

But because Russia has conducted a small number of tests of the RS-26 at intercontinental range, it technically qualifies as a long-range system and will be counted under the treaty known as New Start, which was negotiated by the Obama administration. So it is generally considered by Western officials to be a circumvention, but not a violation, of the 1987 treaty.

One member of Congress who was said to have raised concerns that the suspected arms control violation might endanger future arms control efforts was John Kerry. As a senator and chairman of the Foreign Relations Committee, he received a classified briefing on the matter in November 2012 that dealt with compliance concerns, according to a report in The Daily Beast.

As secretary of state, Mr. Kerry has not raised concerns over the cruise missile tests with his Russian counterpart, Sergey V. Lavrov, but he has emphasized the importance of complying with arms accords, a State Department official said.

Republican lawmakers, however, have urged the administration to be more aggressive.

"Briefings provided by your administration have agreed with our assessment that Russian actions are serious and troubling, but have failed to offer any assurance of any concrete action to address these Russian actions," Representative Howard McKeon, Republican of California and chairman of the Armed Services Committee, and Representative Mike Rogers, the Michigan Republican who leads the Intelligence Committee, said in an April letter to Mr. Obama.

And Senator Jim Risch, Republican of Idaho, and 16 other Republican senators recently proposed legislation that would require the White House to report to Congress on what intelligence the United States has shared with NATO allies on suspected violations of the 1987 treaty.



Republican members of the Senate Foreign Relations Committee have also cited the issue in holding up Ms. Gottemoeller's confirmation as under secretary of state for arms control and international security.

It was against this backdrop that the so-called deputies committee, an interagency panel led by Antony Blinken, Mr. Obama's deputy national security adviser, decided that Ms. Gottemoeller should inform NATO's 28 members about the compliance issue.

On Jan. 17, Ms. Gottemoeller discussed the missile tests in a closed-door meeting of NATO's Arms Control, Disarmament and Non-Proliferation Committee that she led in Brussels.

The Obama administration, she said, had not given up on diplomacy. There are precedents for working out disputes over arms control complaints, and Ms. Gottemoeller said American officials would continue to engage the Russians to try to resolve the controversy.

But even with the best of intentions, establishing what the Russians are doing may not be easy. The elaborate network of verification provisions created under the medium-range missile treaty is no longer in effect, since all the missiles that were believed to be covered by the agreement were long thought to have been destroyed by May 1991.

Mr. LAMBORN. At this point I yield 1 minute to the gentleman from Utah (Mr. BISHOP), my colleague.

Mr. BISHOP of Utah. Mr. Chairman, again, I am pleased to join my friend from Colorado on this particular issue.

When you have a partner, which is Russia, who is already engaged in a cyberattack against Estonia, they have invaded and declared independent the two northern provinces of Georgia, and they also have done everything we know about in the Ukraine right now, and, in addition, have violated the existing INF Treaty—and we can talk about that classified material because it was quoted on the front page of *The New York Times*; they have violated that—it is in the best interest of the United States to wait until we have a more profitable, reliable partner before launching into another endeavor.

With that, I actually support this amendment. I think it is well-timed, well-placed.

Mr. SMITH of Washington. Mr. Chairman, I yield myself 1½ minutes.

First of all, just for everybody's information, you cannot actually reveal classified information, even if it has showed up in the newspaper, because then you are confirming it. So you are not supposed to do that.

Second of all, if you don't like the START Treaty, that is one thing. We can have that debate. We had that debate in the Senate and a bipartisan group of senators confirmed the treaty and then passed it. That is a separate debate. If you are trying to still reopen that, that is something that the Senate has already determined.

Again, it is not a matter of Russia being trustworthy. I don't think of them as a partner. I think of them as a reality that we have to deal with.

In the one area where they have been fairly consistent, again, starting with

the treaty negotiated under Ronald Reagan, is they have reduced their nuclear forces and worked with us to contain their fissile material after the breakup of the Soviet Union. This has reduced the amount of nuclear weapons in the world, which is a positive step.

So, again, yes, what they are doing in the Ukraine, we ought to oppose that. But when it comes to trying to contain nuclear material for the protection of both of our countries and the world, that is not something that I think we should walk away from.

I am sure there are other opportunities, other ways we can punish Russia for their misdeeds that would make a great deal more sense. This hurts us, it does not help us.

Again, I urge opposition to the amendment, and I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from Colorado has 1 minute remaining. The gentleman from Washington has 1½ minutes remaining.

Mr. LAMBORN. Mr. Chairman, I can't see how it would be in our interest to keep complying with a treaty when the other party to that treaty is not in compliance with so many other things it is supposed to be doing.

This amendment merely calls for a halt in the spending until such time as they come into compliance with all of these other treaties.

We are talking about reducing our nuclear forces. That is a guarantee against the main and only existential threat against the United States: a devastating nuclear attack, God forbid. But why in the world would we want to give up further nuclear forces when the party that is supposed to be working with us on this is not reliable?

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I do not understand that. I would ask adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield myself the balance of my time.

Again, I want to emphasize, the START Treaty, if you don't like the START Treaty, that is a separate debate. That is not the purpose of where we are at here in the House.

With regards to violating treaties, on this START Treaty, the Russians are in compliance with it. There has been no evidence brought forward that they are not. This is the treaty that we are talking about.

If they have violated other treaties, we can talk about that and deal with that.

I will also point out that they are not alone. The U.S. abrogated the anti-ballistic missile treaty that we had signed with the Soviet Union because we thought it was in our own interest,

so there are different reasons for doing those things.

Again, let me just emphasize the point. If we have an agreement with Russia that enables us to better control nuclear weapons, I think that is a good thing.

Don't trust them. Don't think of them as a partner. Whatever evil things you want to say about Russia, that is fine, but let's not do things that are contrary to our own best interest.

There are other ways to punish Russia for the treaties that they have violated, for the horrible things that they are doing in Ukraine.

Walking away from the START Treaty undermines our interests. That is why, again, a bipartisan group of United States Senators voted for and put into the law the START Treaty because it is in the United States' best interest.

So, as much as I am opposed to what Russia is doing in many areas and agree with the gentleman on that, this amendment is the wrong way to go about dealing with those changes, and I urge opposition.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. SMITH of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 21 OFFERED BY MR. SCHIFF

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in part A of House Report 113-460.

Mr. SCHIFF. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the appropriate place in subtitle E of title XII, insert the following:

**SEC. —. SUNSET OF AUTHORIZATION FOR USE OF MILITARY FORCE.**

(a) IN GENERAL.—The Authorization for Use of Military Force (50 U.S.C. 1541 note; Public Law 107-40) is hereby repealed.

(b) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. SCHIFF. Mr. Chairman, when Congress passed the Authorization for Use of Military Force just days after 9/11, it provided the President with the

broad authority to strike against those who “planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored” them.

That authorization no longer properly encompasses the scope of military action that we are taking in the ongoing fight against terrorism. While the AUMF was originally directed at a fairly narrow range of actors, it has been used to sanction targeted strikes against groups and militants with little relation to the individuals who actually planned, authorized, and perpetrated the attacks on 9/11.

Article I, section 8 of the Constitution invests Congress with the power to declare war. It is our most awesome responsibility, and it is central to the success of our military efforts overseas. We owe it to the men and women we send into combat to properly define and authorize their mission.

This amendment would not immediately repeal the 2001 AUMF. Instead, it would sunset one year from the date of enactment, providing time for Congress and the administration to consider what authorities are needed to protect the Nation.

I think a more narrow authorization, constrained in focus and duration, may very well be necessary, but let's be clear. Even in the absence of an AUMF, the administration would retain the necessary authority to respond to threats from al Qaeda.

At a hearing in the Senate Foreign Relations Committee this morning, Stephen Preston, General Counsel for the Department of Defense, testified:

The AUMF is not the only authority the President has to use force to keep us safe. The President has authority, under the Constitution, to use military force as needed to defend the Nation against armed attacks and imminent threat of armed attack.

Over the course of the last year, there has been a growing recognition of the outdated nature of the current AUMF. In Syria, for example, one of the most violent groups on the ground is the Islamic State of Iraq and the Levant, ISIL, which grew out of al Qaeda in Iraq.

Though originally part of the al Qaeda brand, ISIL has since been excommunicated from al Qaeda, and recent months have seen intense fighting between ISIL and the Nusra Front, al Qaeda's preferred jihadi group.

That raises the question of whether action against ISIL would be covered by the current AUMF, and if it is not, do we really want to be in a situation where Ayman al-Zawahiri is able to choose which groups are subject to the authorization for the use of force by the United States and which are not? That is not something I think we want to delegate to our enemies.

Last year, during consideration of the defense appropriations bill, I offered a similar amendment that gained

the bipartisan support of 185 Members of the House, indicating strong support on both sides of the aisle, for bringing our actions into conformity with the law.

Since then, the legally precarious nature of our military actions under the AUMF has only become more pronounced. This amendment will force Congress and the administration to do something about it.

Madam Chair, I reserve the balance of my time

Mr. THORNBERRY. Madam Chair, I claim the time in opposition.

The Acting CHAIR (Ms. FOXX). The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. Madam Chair, I yield myself 3 minutes.

Madam Chair, as the gentleman indicates, he offered this amendment last year, and it failed, and I believe it should fail again.

As the gentleman knows, I believe very strongly that the AUMF should be updated. In fact, this House has voted twice to update it, but then the Senate failed to take any action whatsoever, and I don't think there is any reason to believe that there is any more likely prospect of the Senate acting now than before.

So what this amendment would do, it would be to repeal the AUMF against terrorists, without anything, anything at all to replace it and, frankly, without any prospect of having anything to replace it, at least in this Congress, so we would be left with no authority to take action against terrorists bent on killing Americans.

I can't help but note, Madam Chair, that they just opened the 9/11 museum in New York in the last few days. Have we forgotten so quickly about what this AUMF is all about?

One other factor, the President has made some comments about engaging Congress on this issue, but he has exercised absolutely no leadership whatsoever in doing so. What does the President propose, if he proposes an update to the AUMF?

We have no idea. Unfortunately, that lack of leadership is all too common for this administration.

Meanwhile, what is happening in the world? Well, terrorism is growing, and it is getting more dangerous. I note there was a New York Times story just 3 days ago, where the new director of the FBI says that, before he was sworn in and got access to the latest information, he underestimated the terrorist threat.

“I didn't have anywhere near the appreciation I got after I came into this job just how virulent those affiliates had become,” Mr. Comey said. “There are many more than I appreciated, and they are stronger than I appreciated.”

Yet the Obama administration, Madam Chairman, wants us to believe that terrorism is done; we have got

them on the run. Everybody's going to live happily ever after. That sort of wishful thinking is not only unrealistic, it is dangerous.

As a matter of fact, Richard Haass, the president of the Council on Foreign Relations, has written within the last month that:

American foreign policy is in troubling disarray.

David Brooks wrote in *The New York Times*:

All around, the fabric of peace and order is fraying.

I would suggest that a substantial part of that disarray and fraying is the sort of wishful thinking that we can wish terrorism and other problems away and go along and the world is not going to bother us.

In other words, short-term political messaging is taking precedence over longer-term strategic interests; so repealing the current authority that helps the military protect us against terrorism, without something to take its place, is exactly that kind of wishful thinking.

Madam Chair, I reserve the balance of my time.

Mr. SCHIFF. Madam Chair, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Madam Chair, let me thank Congressman SCHIFF for offering this amendment.

As this body knows, I have been offering an amendment to repeal the Authorization for Use of Military Force for many, many years. Congressman SCHIFF, this is such an important—a very important amendment, which is critical to stopping this endless war.

Unfortunately, the Rules Committee refused to allow my bipartisan amendment, taken from my bill, the War Authorization Review and Determination Act, to even be considered.

For those who were not here on that sorrowful day, just 3 days after 9/11, let me just read from that short sentence—one sentence, mind you—that passed the House with just 1 hour of debate, with 420 ayes and one no.

The President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.

I voted against this resolution. Of course, it was the most difficult vote of my career, but I knew then what I know now. It was too broad, and it is open-ended.

Unfortunately, the Republican leadership has allowed a mere—what is it—10 minutes now to debate this serious and dangerous authorization.

Supporting this amendment would be an important step to ensuring that the President does not have a blank check to conduct endless war.

Congress must exercise its constitutional authority.

Mr. THORNBERRY. Madam Chair, I reserve the balance of my time to close.

Mr. SCHIFF. Madam Chair, I want to respond to a couple of the points that have been made in opposition, the first, that if the sunset goes into effect and nothing is enacted, subsequently, there will be no authority to take action against our enemies.

That ignores the President's authority under article II, or it is a very, very constrained view of the President's authority under article II as Commander in Chief, one not shared by this President, one certainly not shared by President Bush and, indeed, one not shared by any President, I think, in U.S. history.

This is not an effort to legislate away the threats that we face. That cannot be done, but it is an effort to compel Congress and the administration to bring our use of force into conformity with the laws passed by Congress and to restore our responsibility as the body with the power to declare war and to define the scope of any conflict.

Without a sunset, I am convinced that, a year from now, we will be exactly where we are today, continuing to rely on an increasingly legally unreliable AUMF, and I have confidence that, spurred on by the necessity of acting—and we are not requiring that we act tomorrow, we give a deadline of a year from an enactment—that should not be too much to ask of this Congress. Congress will step up to its responsibility.

The Acting CHAIR. The time of the gentleman has expired.

Mr. THORNBERRY. Madam Chair, I yield myself the balance of my time.

Madam Chair, the gentleman argues that, oh, we don't really need these authorities, that there are other authorities.

Well, either they are important, or they are not. Either article I, section 1 makes a difference in what the President can do to defend the country, or it is all superfluous, and I don't know why we continue to have these debates and declare war.

Obviously, there are different views about how far a President's power under article II goes, but most people believe article I, section 8 means something and that for the Congress to authorize the use of military force means something.

I would say, parenthetically, the last thing we need is to get all balled up in court arguing about this after we have repealed the AUMF, but have nothing to take its place.

Secondly, the gentleman argues that: well, we are not going to do anything unless we make a deadline.

I hate to remind us all, but we have had deadlines before that we have not exactly met. Unfortunately, repealing something this serious without something to take its place is a dangerous game, I think, to play.

The evolution of al Qaeda is a very serious issue, Madam Chair. We should be having a conversation about how to update the Authorization for Use of Military Force, but we still have to protect the country while we are having that discussion.

Unfortunately, this puts the cart before the horse, deciding to repeal before we know what will be used to replace it.

This amendment is not about Afghanistan, Yemen, Mali, Somalia, or anywhere else. This amendment is about us. This is about protecting Americans, and when the President and the military have the authority that the Constitution allows us to give them to protect the country, we should not abandon that lightly.

The world is still dangerous. The terrorists are still coming for us. We need to keep this in place unless and until there is a more updated AUMF to replace it.

Madam Chairman, I oppose the amendment and yield back the balance of my time.

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The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SCHIFF. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 24 OFFERED BY MR. BLUMENAUER

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in part A of House Report 113-460.

Mr. BLUMENAUER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle D of title XVI, add the following new section:

**SEC. 1636. ANNUAL CONGRESSIONAL BUDGET OFFICE REVIEW OF COST ESTIMATES FOR NUCLEAR WEAPONS.**

Section 1041(b) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1931) is amended—

- (1) in the subsection heading, by inserting "ANNUAL" before "CBO"; and
- (2) by inserting "and annually thereafter," after "this Act."

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Madam Chair, we all agree that transparency and nonpartisan oversight strengthens our

democracy and promotes greater efficiency and effectiveness in government, especially in monitoring government spending. This amendment provides every Member with an opportunity to promote this efficiency and effectiveness through increased transparency. The amendment would simply require the Congressional Budget Office to update, each year, their report on the projected costs of the United States' nuclear forces over the 10-year budget window.

This report initially was required in the last reauthorization as a one-time look at U.S. spending on our nuclear forces. It was released last December and has since proven to be incredibly valuable for Members, staff, and civil society organizations. I am sure it was referenced by many people on the committee as this bill before us was crafted.

The CBO's report provided an unbiased and more realistic forecast of spending. It found that the administration's own estimates for the costs of our nuclear weapons over the next decade were understated by nearly \$150 billion. With tight budgets, we can't afford to rely on partial or inaccurate information, let alone such a significant disparity.

If the United States is likely committing—at some level—to refurbishing the nuclear triad, we all deserve to know the long-term costs to make the strategic, effective decisions and to appreciate any trade-offs that might be required.

Despite everyone's best intentions, these projects have a history of egregious cost overruns. No one is better suited to help Congress monitor these projected costs as they change and fluctuate than the Congressional Budget Office. The amendment provides Congress with the information that we need to make the difficult decisions.

We are scheduled to spend between one-half and two-thirds of a trillion dollars over the next 10 years for our nuclear forces and related programs. This spending, adjusted for inflation, is higher than we spent at the height of the cold war.

But we can and should debate the merits of that spending. There should be no objection from anyone about knowing how much the projects will cost. It will be valuable if you want to increase the programs. It will be valuable if you want to decrease them. It will be valuable if you just want to fund the existing program.

This amendment focuses on increased transparency and oversight. I urge my colleagues to adopt it, and I reserve the balance of my time.

Mr. ROGERS of Alabama. Madam Chair, I rise in opposition to his amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Alabama. Madam Chair, the Blumenauer amendment is a

continuation of the gentleman's efforts to suggest that this Nation cannot afford its nuclear deterrence requirements, which are actually the Obama administration's requirements based on the President's personal promises.

The gentleman, notwithstanding the views of the Obama administration, the military leadership, and the senior civilian leadership, wants to unilaterally cut our nuclear forces. He has earlier offered a proposal to try to put Members of this body at odds with the National Guard in an attempt to cut nuclear weapons funding. He has offered the REIN-IN Act to gut the U.S. nuclear deterrent, which is relied upon by 31 American allies, despite the expanding nuclear weapons programs of Russia, China, Iran, North Korea, Pakistan, and others.

It is as if the gentleman missed Vladimir Putin's massive and unplanned nuclear weapons exercise just over a week ago and his invasion of Ukraine and his violation of the INF Treaty and his questionable implementation of the New START Treaty.

Perhaps the gentleman should have heard Secretary Hagel's testimony before the Armed Services Committee this March when he said: "Most everybody agrees that our ability to possess nuclear weapons and the capability that has brought us has probably done as much to deter aggression—nuclear deterrence and the start of World War III as any one thing."

Or Chairman Dempsey's testimony when he was asked if, despite the disarmament echo chamber in this town, the debate about the U.S. nuclear posture and our strategic triad is over, he said: "For the record, I can speak for myself and the Joint Chiefs, and you are correct."

But here we are again today and again this year with a new effort to disarm this country's deterrent. It looks harmless: Let's ask for a CBO report.

Has the gentleman asked the CBO if it can do this annual report? I did. They don't have the resources to do such a report.

Is the gentleman aware of the current annual reports we receive? We have the Obama administration submit an annual report detailing these costs. It is called the section 1043 report. We get it every year. We then have the GAO audit that report each and every year.

These are hundreds and thousands of man-hours to produce and at great expense each and every year. Yet let's add a third report, the gentleman says. Why? Because maybe this report will tell us something different than the other two reports?

What have they all shown us? They have all shown us that, by any reasonable and informed estimate, we are spending less than 5 percent of the defense budget on our nuclear forces—

less than 5 percent. It is a historical low.

We will spend approximately \$6 trillion on defense spending over the next 10 years. We will spend over \$30 trillion, including the whole Federal Government. How much on our nuclear forces? According to these reports, approximately \$300 billion.

I am happy to debate the gentleman on the merits of our nuclear forces. What I am not prepared to accept is wasteful, unnecessary annual reports just so the nuclear disarmament crowd can throw another argument against the wall in hopes that maybe something will finally stick that supports its lonely position that we should be unilaterally reducing U.S. nuclear forces without regard to this Nation's security interests or those of our allies. I urge the defeat of this amendment and the return to common sense.

With that, I yield back the balance of my time.

Mr. BLUMENAUER. Madam Chair, I am listening to my good friend from Alabama, and I don't know if he has actually read my amendment.

I, too, am happy to have a debate on the level of our nuclear spending. That is not what this amendment says. The amendment says that we ought to have a report every year from the CBO that shows what the accurate projections are going to be for the next 10 years.

The gentleman didn't dispute what I said, that the report that the committee requested last year showed that it is underestimated by \$150 billion.

Why don't you want the American people to know good information every year? I am mystified by this.

If you want to increase nuclear spending, you should know the facts. If you want to decrease nuclear spending, you deserve to have the facts. If you just want to fund what we have got, you need to have the facts.

The CBO showed that the Obama administration's plan for maintaining and upgrading the nuclear arsenal is likely to cost some 66 percent more over the next decade than senior Pentagon officials have predicted. Virtually every major project under the National Nuclear Security Administration's oversight is behind schedule and over budget.

I am sorry if the facts are inconvenient for the gentleman, but he should know that if he supports the nuclear program, there will be a day of reckoning. There is no excuse not to have the best information available. This would simply make sure that we are requesting it from the CBO.

And when we are talking about sums on this order of magnitude, to pretend that the CBO can't do this analysis is silly. Of course they can, and there is no reason they shouldn't do it. And if we approve this amendment, it is more likely that we will have it.

I respectfully request that this amendment be approved, whether you

want to cut nuclear weapons, reduce nuclear weapons, or just fund what we have got. I look forward to the day that we have a robust debate on the floor of the House about what course we should take, but in the meantime, there is no excuse not to have good information.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. BLUMENAUER. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. MCKEON

Mr. MCKEON. Madam Chairman, pursuant to House Resolution 2, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 2 consisting of amendment Nos. 14, 25, 29, 30, 31, 34, 35, 36, 37, 38, 39, 43, 68, 81, 97, 105, 122, 140, 143, 144, 146, 148, and 161 printed in part A of House Report No. 113-460, offered by Mr. MCKEON of California:

AMENDMENT NO. 14 OFFERED BY MR. KILDEE OF MICHIGAN

At the end of subtitle G of title X, add the following new section:

**SEC. 1082. IMPROVEMENT OF FINANCIAL LITERACY.**

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a training program to increase and improve financial literacy training for incoming and outgoing military personnel.

(b) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4301 for operation and maintenance, as specified in the corresponding funding table in section 4301, for each military department (including the Marine Corps) is hereby increased by \$2,500,000.

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D—

(A) the amounts authorized to be appropriated in section 101 for shipbuilding and conversion, Navy, as specified in the corresponding funding table in section 4101, is hereby reduced by \$5,000,000; and

(B) the amounts authorized to be appropriated in division C for weapons activities, as specified in the corresponding funding table in section 4701, for the B61 life extension program and the W76 life extension program are each hereby reduced by \$2,500,000.

AMENDMENT NO. 25 OFFERED BY MR. ROGERS OF ALABAMA

Page 520, after line 2, insert the following:  
**SEC. 1643. PROCUREMENT AUTHORITY FOR SPECIFIED FUZES.**

(a) IN GENERAL.—The Secretary of the Air Force may enter into contracts for the life-of-type procurement of covered parts of the intercontinental ballistic missile fuze.

(b) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United

States Code, of the amounts authorized to be appropriated for fiscal year 2015 by section 101 and available for Missile Procurement, Air Force, as specified in the funding table in section 4101, \$4,500,000 shall be available for the procurement of covered parts pursuant to contracts entered into under subsection (a).

(c) COVERED PARTS DEFINED.—In this section, the term “covered parts” means commercial off-the-shelf items as defined in section 104 of title 41, United States Code.

AMENDMENT NO. 29 OFFERED BY MS. LINDA T. SÁNCHEZ OF CALIFORNIA

At the end of subtitle D of title XXVIII, add the following new section:

**SEC. 28. LAND CONVEYANCE, FORMER AIR FORCE NORWALK DEFENSE FUEL SUPPLY POINT, NORWALK, CALIFORNIA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Norwalk, California (in this section referred to as the “City”), all right, title, and interest of the United States in and to the real property, including any improvements thereon, consisting of approximately 15 acres at the former Norwalk Defense Fuel Supply Point for public purposes.

(b) APPLICATION OF ENVIRONMENTAL LAWS.—Nothing in this section shall affect the applicability of Federal, State, or local environmental laws and regulations, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), to the Department of the Air Force.

(c) PAYMENT OF COST OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation related to the conveyance, and any other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—

(A) Subject to subparagraph (B), amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance or, if the period of availability for obligations for that appropriation has expired, to the appropriations or fund that is currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(B) Amounts received as reimbursement under paragraph (1) are subject to appropriations.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force.

(e) ADDITIONAL TERMS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 30 OFFERED BY MR. YOUNG OF ALASKA

Add at the end of subtitle E of title I of division A the following:

**SEC. 142. SENSE OF CONGRESS REGARDING THE OCONUS BASING OF THE F-35A.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense has begun its process of permanently stationing the F-35 at installations in the Continental United States (in this section referred to as “CONUS”) and forward-basing Outside the Continental United States (in this section referred to as “OCONUS”).

(2) The Secretary of the Air Force is assessing operating bases for the F-35A to support Pacific Air Forces, which includes two United States candidate bases in Alaska and three foreign OCONUS candidate bases.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that the Secretary of the Air Force, in the strategic basing process for the F-35A, should place emphasis on the benefits derived from sites that—

(1) are capable of hosting fighter-based bilateral and multilateral training opportunities with international partners;

(2) have sufficient airspace and range capabilities and capacity to meet the training requirements;

(3) have existing facilities to support personnel, operations, and logistics associated with the flying mission;

(4) have limited encroachment that would adversely impact training or operations; and

(5) minimize the overall construction and operational costs.

AMENDMENT NO. 31 OFFERED BY MR. MCKINLEY OF WEST VIRGINIA

Page 47, after line 22, insert the following:—

**SEC. 302. INCREASE IN FUNDING FOR CIVIL MILITARY PROGRAMS.**

(a) FUNDING.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4301 for operation and maintenance, Defense-wide, as specified in the corresponding funding table in section 4301, for Civil Military Programs, is hereby increased by \$55,000,000.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4301 for operation and maintenance, as specified in the corresponding funding table in section 4301, for the Office of the Secretary of Defense is hereby reduced by \$55,000,000.

AMENDMENT NO. 34 OFFERED BY MR. BISHOP OF UTAH

At the end of title III, add the following new section:

**SEC. 3. AGREEMENTS WITH LOCAL CIVIC ORGANIZATIONS TO SUPPORT CONDUCTING A MILITARY AIR SHOW OR OPEN HOUSE.**

(a) AGREEMENTS AUTHORIZED.—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

**“§2616. Military air show or open house: agreements with local civic organization; authority to charge nominal admission fee**

“(a) AGREEMENTS AUTHORIZED.—The Secretary concerned may enter into a contract or agreement with a non-Federal civic organization to conduct or support an air show or open house to feature any unit, aircraft, vessel, equipment, or members of the armed forces under the jurisdiction of that Secretary.

“(b) NOMINAL FEES AUTHORIZED.—The Secretary concerned may charge, or authorize a

civic organization with which the Secretary has entered into a contract or agreement under subsection (a) to charge, the public a nominal admission fee (to be determined by the Secretary) to attend a military air show or open house.

“(c) TREATMENT OF FEES.—Amounts collected as admission fees under subsection (b) for an air show or open house may be retained to cover costs associated with the air show or open house, including costs associated with parking for the air show or open house or the provision of temporary shuttle-bus service for air show or open house visitors. If costs are incurred and covered in advance of the collection of the fees, amounts collected shall be credited to the fund or account that was used to cover those costs. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account. Any amounts so credited under this subsection shall be subject to the Appropriations process of the United States Congress.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2616. Military air show or open house: agreements with local civic organization; authority to charge nominal admission fee.”.

AMENDMENT NO. 35 OFFERED BY MR. SWALWELL OF CALIFORNIA

Page 72, after line 21, insert the following:

**SEC. 354. GIFTS MADE FOR THE BENEFIT OF MILITARY MUSICAL UNITS.**

Section 974(d)(1) of title 10, United States Code, is amended by striking “The Secretary concerned may” and inserting “The Secretary concerned shall”.

AMENDMENT NO. 36 OFFERED BY MR. CONAWAY OF TEXAS

At the end of subtitle A of title V, add the following new section:

**SEC. 5. DEFERRED RETIREMENT OF CHAPLAINS.**

Section 1253 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) DEFERRED RETIREMENT OF CHAPLAINS.—(1) The Secretary of the military department concerned may, subject to paragraphs (2) and (3), defer the retirement under subsection (a) of an officer who is appointed or designated as a chaplain if the Secretary determines that such deferral is in the best interest of the military department concerned.

“(2) Except as provided in paragraph (3), a deferment under this subsection may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

“(3) The Secretary of the military department concerned may extend a deferment under this subsection beyond the day referred to in paragraph (2) if the Secretary determines that extension of the deferment is necessary for the needs of the military department concerned. Such an extension shall be made on a case-by-case basis and shall be for such period as the Secretary considers appropriate.”.

AMENDMENT NO. 37 OFFERED BY MR. GRIFFITH OF VIRGINIA

At the end of subtitle A of title V, insert the following:

**SEC. 514. COMPLIANCE WITH EFFICIENCIES DIRECTIVE.**

By not later than December 31, 2015, the Secretary of Defense shall ensure that the

number of flag officers and generals are reduced to comply with the Department of Defense efficiencies directive dated March 14, 2011.

AMENDMENT NO. 38 OFFERED BY MR. MCKINLEY  
OF WEST VIRGINIA

At the end of subtitle B of title V, add the following new section:

**SEC. 5. ELECTRONIC TRACKING OF CERTAIN RESERVE DUTY.**

The Secretary of Defense shall establish an electronic means by which members of the Ready Reserve of the Armed Forces can track their operational active-duty service performed after January 28, 2008, under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, United States Code. The tour calculator shall specify early retirement credit authorized for each qualifying tour of active duty, as well as cumulative early reserve retirement credit authorized to date under section 12731(f) of such title.

AMENDMENT NO. 39 OFFERED BY MR. ISRAEL OF  
NEW YORK

At the end of subtitle B of title V, add the following new section:

**SEC. 5. NATIONAL GUARD CYBER PROTECTION TEAMS.**

(a) **PROGRESS REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Chief of the National Guard Bureau shall submit to the congressional defense committees a report on the progress made by the Army National Guard to establish 10 Cyber Protection Teams composed of members of the National Guard to perform duties relating to analysis and protection in support of programs to prepare for and respond to emergencies involving an attack or natural disaster impacting a computer, electronic, or cyber network.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A timeframe of when stationing of the Cyber Protection Teams will be finalized.

(2) A timeframe of activation of the Cyber Protection Teams and whether the teams will be activated at the same time or staggered over time.

(3) A description of what manning and basing requirements have been established.

(4) The number and location of nominations received for a Cyber Protection Team and the activation date estimate provided in each nomination.

(5) An assessment of the range of stated cost projections included in the nominations.

(6) An assessment of any identified patterns regarding ease or difficulty of staffing individuals with required credentials within particular regions.

(7) Any additional information deemed relevant by the Chief of the National Guard Bureau.

(c) **FORM OF REPORT.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 43 OFFERED BY MR. GRAYSON  
OF FLORIDA

At the end of subtitle D of title V, add the following new section:

**SEC. 5. REVISION TO REQUIREMENTS RELATING TO DEPARTMENT OF DEFENSE POLICY ON RETENTION OF EVIDENCE IN A SEXUAL ASSAULT CASE TO ALLOW RETURN OF PERSONAL PROPERTY UPON COMPLETION OF RELATED PROCEEDINGS.**

Section 586 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1435; 10 U.S.C. 1561 note) is amended by adding at the end the following new subsection:

“(f) **RETURN OF PERSONAL PROPERTY UPON COMPLETION OF RELATED PROCEEDINGS.**—Notwithstanding subsection (c)(4)(A), personal property retained as evidence in connection with an incident of sexual assault involving a member of the Armed Forces may be returned to the rightful owner of such property after the conclusion of all legal, adverse action, and administrative proceedings related to such incident.”.

AMENDMENT NO. 68 OFFERED BY MR. ISRAEL OF  
NEW YORK

Page 195, after line 7, add the following new section:

**SEC. 729. SENSE OF CONGRESS REGARDING ACCESS TO MENTAL HEALTH SERVICES BY MEMBERS OF THE ARMED FORCES.**

It is the sense of Congress that—

(1) mental health and substance use disorders, traumatic brain injury, and suicide are being experienced at alarming levels among members of the Armed Forces;

(2) members of the Armed Forces should have adequate access to the support and care they need;

(3) public-private mental health partnerships can provide the Department of Defense with an enhanced and unique capability to treat members of the Armed Forces;

(4) the Department of Defense should fully implement the pilot program authorized under section 706 of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 10101 note; Public Law 112-239) for purposes of enhancing the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and traumatic brain injury in members of the National Guard and Reserves.

AMENDMENT NO. 81 OFFERED BY MR. GRAYSON  
OF FLORIDA

At the end of title VIII, add the following new section:

**SEC. 827. DEBARMENT REQUIRED OF PERSONS CONVICTED OF FRAUDULENT USE OF “MADE IN AMERICA” LABELS.**

(a) **DEBARMENT REQUIRED.**—Subsection (a) of section 2410f of title 10, United States Code, is amended by striking “the Secretary shall” and all that follows through the period and inserting “the person shall be debarred from contracting with the Department of Defense unless the Secretary waives the debarment under subsection (b).”.

(b) **WAIVER AUTHORITY AND NOTIFICATION REQUIREMENT.**—Section 2410f of such title is further amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by inserting after subsection (a) the following new subsections:

“(b) **WAIVER FOR NATIONAL SECURITY.**—The Secretary may waive a debarment required by subsection (a) if the Secretary determines that the exercise of such a waiver would be in the national security interests of the United States.

“(c) **NOTIFICATION.**—The Secretary shall notify the congressional defense committees annually, not later than March 1 of each year, of any exercise of the waiver authority under subsection (b).”.

(c) **TECHNICAL AMENDMENTS.**—Section 2410f of such title is further amended—

(1) in subsection (a), by inserting “‘DEBARMENT REQUIRED.’” after “(a)” ; and

(2) in subsection (d), as redesignated by subsection (b), by inserting “DEFINITION.” before “In this section”.

AMENDMENT NO. 97 OFFERED BY MR. YOUNG OF  
ALASKA

At the end of subtitle F of title X, insert the following:

**SEC. 1065. BUSINESS CASE ANALYSIS OF THE CREATION OF AN ACTIVE DUTY ASSOCIATION FOR THE 68TH AIR REFUELING WING.**

(a) **BUSINESS CASE ANALYSIS.**—The Secretary of the Air Force shall conduct a business case analysis of the creation of a 4-PAA (Personnel-Only) KC-135R active association with the 168th Air Refueling Wing. Such analysis shall include consideration of—

(1) any efficiencies or cost savings achieved assuming the 168th Air Refueling Wing meets 100 percent of current air refueling requirements after the active association is in place;

(2) improvements to the mission requirements of the 168th Air Refueling Wing and Air Mobility Command; and

(3) effects on the operations of Air Mobility Command.

(b) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the business case analysis conducted under subsection (a).

AMENDMENT NO. 105 OFFERED BY MR. ROGERS OF  
ALABAMA

At the appropriate place in title X, insert the following new section:

**SEC. . REPORT ON CERTAIN INFORMATION TECHNOLOGY SYSTEMS AND TECHNOLOGY AND CRITICAL NATIONAL SECURITY INFRASTRUCTURE.**

(a) **NOTIFICATION REQUIRED.**—The Secretary of Defense and the Director of National Intelligence shall each submit to the appropriate congressional committees a notification of each instance in which the Secretary or the Director determine through analysis or reporting that an information technology or telecommunications component from a company suspected of being influenced by a foreign country, or a suspected affiliate of such a company, is competing for or has been awarded a contract to include the technology of such company or such affiliate into a covered network.

(b) **TIME OF NOTIFICATION.**—Each notification required under subsection (a) shall be submitted not later than 30 days after the date on which the Secretary or the Director makes a determination described in such subsection.

(c) **ELEMENTS OF NOTIFICATION.**—Each notification submitted under subsection (a) shall include—

(1) a description of the instance described in subsection (a), including an identification of the company of interest and the covered network affected;

(2) an analysis of the potential risks and the actions that can be taken to mitigate such risks; and

(3) a description of any follow up or other response actions to be taken.

(d) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Permanent Select Committee on Intelligence of the House of Representatives; and

(C) the Select Committee on Intelligence of the Senate.

(2) **COVERED NETWORK.**—The term “covered network” includes—

(A) information technology or telecommunications networks of the Department of Defense or the intelligence community; and

(B) information technology or telecommunications networks of network operators supporting systems in proximity to Department of Defense or intelligence community facilities.



(3) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

AMENDMENT NO. 122 OFFERED BY MR. ROGERS OF ALABAMA

At the end of subtitle C of title XII of division A, add the following:

**SEC. \_\_. PLAN TO REDUCE RUSSIAN FEDERATION NUCLEAR FORCE DEPENDENCIES ON UKRAINE.**

(a) FINDINGS.—Congress finds the following:

(1) The Russian Federation relies on the Ukrainian defense industry for certain elements of its land-based nuclear ballistic missile force, the Russian Strategic Rocket Force.

(2) Press reports indicate that Ukraine's Yuzhnoye Design Bureau played a prominent role during the Soviet era in producing heavy silo-based Intercontinental Ballistic Missiles.

(3) These land-based missiles include the RS-20 ICBM, known by the North Atlantic Treaty Organization Designator, SATAN.

(4) This missile has been reported to be deployed with as many as 10 independently targetable nuclear reentry vehicles.

(5) In a press conference on May 13, 2014, Russian Federation Deputy Prime Minister Dmitry Rogozin stated that his country would discontinue the sale of Russia-made rocket engines to the United States if they will be used for military purposes.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should promptly enter into discussions with the Government of Ukraine to ensure a halt to the activities of the Yuzhnoye Design Bureau and any other Ukrainian industry that supports the military or military industrial base of the Russian Federation while Russia is violating its commitments under the Budapest Memorandum, illegally occupying Ukrainian territory and supporting groups that are inciting violence and fomenting secessionist movements in Ukraine.

(c) PLAN.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in conjunction with the Secretary of State, shall submit to the congressional defense committees a plan on how the United States Government intends to work with the Government of Ukraine to accomplish the goals expressed in subsection (b) and any recommendations it has for how the United States and its allies could benefit from the capability of the Yuzhnoye Design Bureau.

AMENDMENT NO. 140 OFFERED BY MR. GRAYSON OF FLORIDA

At the end of subtitle A of title XVI, add the following new section:

**SEC. \_\_. SPACE PROTECTION STRATEGY.**

Section 911(d) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2271 note) is amended by adding at the end the following new paragraph:

“(4) Fiscal years 2026 through 2030.”.

AMENDMENT NO. 143 OFFERED BY MR. ROGERS OF ALABAMA

Page 516, after line 10, insert the following:

**SEC. 1636. IMPROVEMENT TO BIENNIAL ASSESSMENT ON DELIVERY PLATFORMS FOR NUCLEAR WEAPONS AND THE NUCLEAR COMMAND AND CONTROL SYSTEM.**

Section 492(a)(1) of title 10, United States Code, is amended by inserting “, and the ability to meet operational availability requirements for,” after “military effectiveness of”.

AMENDMENT NO. 144 OFFERED BY MR. ROGERS OF ALABAMA

At the end of subtitle D of title XVI, add the following new section:

**SEC. 1636. REPORTS AND BRIEFINGS OF STRATEGIC ADVISORY GROUP.**

Not later than 30 days after the date on which the President submits to Congress, under section 1105 of title 31, United States Code, a budget for a fiscal year after fiscal year 2015, the Commander of the United States Strategic Command shall submit to the congressional defense committees each report and briefing provided by the Strategic Advisory Group established pursuant to the Federal Advisory Committee Act (5 U.S.C. App.), including any subgroup thereof and any successor advisory group, to the Commander during the one-year period preceding the date of such submission. The Commander may include with each such submission any additional views the Commander determines appropriate.

AMENDMENT NO. 146 OFFERED BY MR. ISRAEL OF NEW YORK

Page 508, after line 9, add the following new section:

**SEC. 1622. SENSE OF CONGRESS REGARDING ROLE OF NATIONAL GUARD IN DEFENSE OF UNITED STATES AGAINST CYBER ATTACKS.**

It is the sense of Congress that—

(1) members of the National Guard may possess knowledge of critical infrastructure in the States in which the members serve that may be of value for purposes of defending such infrastructure against cyber threats;

(2) traditional members of the National Guard and National Guard technicians may have experience in both the private and public sector that could benefit the readiness of the Department of Defense's cyber force and the development of cyber capabilities;

(3) the long-standing relationship the National Guard has with local and civil authorities may be beneficial for purposes of providing for a coordinated response to a cyber attack and defending against cyber threats;

(4) the States are already working to establish cyber partnerships with the National Guard; and

(5) the National Guard has a role in the defense of the United States against cyber threats and consideration should be given to how the National Guard might be integrated into a comprehensive national approach for cyber defense.

AMENDMENT NO. 148 OFFERED BY MR. BROOKS OF ALABAMA

At the end of subtitle E of title XVI, add the following new section:

**SEC. 1643. PLAN TO COUNTER CERTAIN GROUND-LAUNCHED BALLISTIC MISSILES AND CRUISE MISSILES.**

(a) FINDINGS.—Congress finds the following:

(1) On March 5, 2014, the Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy testified before the Committee on Armed Services of the Senate that “[w]e are concerned about Russian activity that appears to be inconsistent with the Intermediate Range Nuclear Forces Treaty. We've raised the issue with Russia. They provided an answer that was not satisfactory to us, and we will, we told them that the issue is not closed, and we will continue to raise this.” Congress shares this concern regarding Russian behavior that is “inconsistent with” or in violation or circumvention of the INF Treaty.

(2) The Commander of the U.S. European Command, and Supreme Allied Commander Europe, stated on April 2, 2014, that “a weapon capability that violates the INF, that is introduced into the greater European land mass is absolutely a tool that will have to be dealt with. . . I would not judge how the alliance will choose to react, but I would say they will have to consider what to do about it. . . It can't go unanswered.”.

(3) The Director of the Missile Defense Agency stated on March 25, 2014, that Aegis Ashore missile defense sites, including those to be deployed in the Republic of Poland and the Republic of Romania, could be reconfigured to deal with the threat of intermediate-range ground launched cruise missiles with modest changes to “the software, [and] with a minor hardware addition.”.

(4) The “Report on Conventional Prompt Global Strike Options if Exempt from the Restrictions of the Intermediate-Range Nuclear Forces Treaty Between the United States of America and the Union of Soviet Socialist Republics” provided to the Committee on Armed Services of the House of Representatives in September 2013 by the Chairman of the Joint Chiefs of Staff stated, “[i]n the absence of the INF Treaty, four types of weapons systems could assist in closing the existing JROC-validated capability gap: (1) Modifications to existing short range or tactical weapon systems to extend range; (2) Forward-based, ground-launched cruise missiles (GLCMs); (3) Forward-based, ground-launched intermediate-range ballistic missiles (IRBMs); and (4) Forward-based, ground-launched intermediate-range missiles with trajectory shaping vehicles (TSVs).”.

(5) The report further stated that, “[b]ecause of INF restrictions, examination of prohibited concepts has not been performed by industry or the Services. Trade studies regarding capability, affordability, and development timelines would have to be completed prior to providing an accurate estimate of cost, technology risk, and timeline advantages that could be achieved with respect to these concepts. Extensive knowledge could be leveraged from past and current land- and sea-based systems to assist in potential development and deployment of these currently prohibited concepts.”.

(6) President Obama stated in Prague in April 2009 that “Rules must be binding. Violations must be punished. Words must mean something.”.

(7) The Nuclear Posture Review of 2010 stated, “it is not enough to detect non-compliance; violators must know that they will face consequences when they are caught.”.

(8) The July 2010 Verifiability Assessment released by the Department of State on the New START Treaty, and as quoted in a hearing of the Committee on Armed Services of the Senate, stated: “[t]he costs and risks of Russian cheating or breakout, on the other hand, would likely be very significant” and that the Russian Federation would be unlikely to cheat because of the “financial and international political costs of such an action.”.

(b) PLAN FOR TESTING OF AEGIS ASHORE.—

(1) IN GENERAL.—The Director of the Missile Defense Agency shall develop a plan to test, by not later than December 31, 2015, the capability of the Aegis Ashore system, including pursuant to any appropriate modifications to the hardware or software of such system, to counter intermediate-range ground launched cruise missiles.

(2) SUBMISSION.—Not later than 120 days after the date of the enactment of this Act,



the Director shall submit to the congressional defense committees the plan under paragraph (1), including, if determined appropriate by the Director, whether the Director determines that such plan should be implemented.

(C) **PLAN TO DEVELOP CERTAIN GROUND-LAUNCHED BALLISTIC MISSILES AND CRUISE MISSILES.**—If, as of the date of the enactment of this Act, the Russian Federation is not in complete and verifiable compliance with its obligations under the INF Treaty, the Secretary of Defense shall—

(1) develop a plan for the research and development of intermediate range ballistic and cruise missiles, including through trade studies regarding capability, affordability, and development timelines, for which there are validated military requirements; and

(2) by not later than 120 days after the date of the enactment of this Act, submit to the congressional defense committees the plan developed under paragraph (1), including, if determined appropriate by the Secretary, whether the Secretary determines that such plan should be implemented.

(d) **INF TREATY DEFINED.**—The term “INF Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the Intermediate-Range Nuclear Forces (INF) Treaty, signed at Washington December 8, 1987, and entered into force June 1, 1988.

AMENDMENT NO. 161 OFFERED BY MR. KILDEE OF MICHIGAN

At the end of subtitle C of title VII, add the following new section:

**SEC. 729. EVALUATION OF WOUNDED WARRIOR CARE AND TRANSITION PROGRAM.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that gaining new ideas and an objective perspective are critical to addressing issues regarding the treatment of wounded warriors.

(b) **EVALUATION.**—The Secretary of Defense shall seek to enter into a contract with a private organization to evaluate the wounded warrior care and transition program of the Department of Defense. Such evaluation shall identify deficiencies in the treatment of wounded warriors and offer recommendations to the Secretary of Defense and Congress to improve such treatment. The Secretary may not award a contract to a private organization to carry out such evaluation unless the private organization received less than 20 percent of the annual revenue of the organization during the previous five years from contracts with the Department of Defense or the Department of Veterans Affairs.

(c) **FUNDING.**—

(1) **INCREASE.**—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 1405 for the Defense Health Program, as specified in the corresponding funding table in section 4501, is hereby increased by \$20,000,000.

(2) **OFFSET.**—Notwithstanding the amounts set forth in the funding tables in division D—

(A) the amounts authorized to be appropriated in section 101 for shipbuilding and conversion, Navy, as specified in the corresponding funding table in section 4101, is hereby reduced by \$10,000,000; and

(B) the amounts authorized to be appropriated in division C for weapons activities, as specified in the corresponding funding table in section 4701, for the B61 life extension program and the W76 life extension program are each hereby reduced by \$5,000,000.

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from California (Mr. McKEON) and the gentleman from California (Mr. SWALWELL) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. McKEON).

Mr. McKEON. Madam Chair, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

At this time, I yield 3 minutes to the gentleman from Florida (Mr. DESANTIS) for the purpose of a colloquy.

Mr. DESANTIS. Madam Chair, I rise to commend the Armed Services Committee for their hard work. There is a lot going on, and they deserve a lot of credit.

I just wanted to take the opportunity to highlight an aircraft that is a vital component of our national security, and particularly to our Navy. That is the E-2D Hawkeye, which is the Navy's carrier-based airborne early warning and battle management command and control system. It provides theater air and missile defense, synthesizing information from multiple onboard and off-board sensors, making complex tactical decisions, and disseminating actionable information to Joint Forces.

Our ability to take an aircraft carrier and move that anywhere in the world and then project power from there is critical to our national security, and the E-2D serves as the eyes of the fleet, protecting our assets and our forces. I just want to say that I think it is vitally important that our fleet is equipped with these.

There is no better person that I know of in this body to speak to the importance of the E-2D than my colleague from Oklahoma, JIM BRIDENSTINE, who is also a lieutenant commander in the Navy Reserve and is a former E-2 pilot himself. So I will yield to my friend from Oklahoma to discuss the importance of this aircraft.

Mr. BRIDENSTINE. Well, I thank my good friend, the gentleman from Florida, who is championing a cause that is near and dear to my heart, a platform that I have spent many hours in. I flew combat off of an aircraft carrier in the Persian Gulf and the north Arabian Sea. In the E-2 Hawkeye, I flew combat in Afghanistan, flew combat in Iraq.

□ 2030

I can tell you that the missions that we did, airborne battle space command and control, and control of the assets that provide close air support to our troops on the ground, was critically important to the mission in both theaters. I can tell you that we did air intercept control in order to have dominance of the skies. We provided airborne early warning.

It is not without reason that the E-2 Hawkeye is the first aircraft that

comes off of the aircraft carrier when we launch a mission, and it is the last aircraft to come back. We are the first ones to the fight, and we are the last ones home.

It is also not without reason that when the E-2 gets airborne, when the rest of the air wing is on the deck and the ship is steaming across the ocean, the Hawkeye is always working because we are that airborne early warning asset that can provide threat recognition to the carrier battle group.

The Hawkeye is a critical node in America's force structure, and I would say that I was also involved in generating the requirements for the next generation Hawkeye, the E-2D. And Congress has recognized the value of the E-2D by providing the Navy with multiyear procurement authority. Multiyear procurement drives down costs by enabling block buys, improving supplier surety, and stabilizing production lines. As my friend from Florida knows, the Navy requested four E-2Ds for the fiscal year 15 budget request, which is one less anticipated.

I would just like to thank the chairman of the committee for being able to work with us on ensuring that we can get another E-2D Hawkeye.

Mr. SWALWELL of California. Madam Chairman, I yield 2 minutes to the gentlelady from Oregon (Ms. BONAMICI).

Ms. BONAMICI. I thank the gentleman for yielding.

Madam Chairman, I rise today to express support for strong Buy American provisions within the Department of Defense procurement policy. I would like to thank Chairman McKEON, Ranking Member SMITH, and Ranking Member SWALWELL for engaging in this colloquy to discuss our shared goal to promote increased procurement of domestically manufactured solar devices for use by the Department of Defense.

The Buy American Act is especially important when it comes to supporting nascent American industries, and strong Buy American policies can assist development of domestic manufacturing capability with regard to renewable energy. Currently, the Department of Defense is required to comply with Buy American Act provisions for procurement of energy produced from solar panels if those panels are located on government property and the electricity produced by the panels is reserved exclusively for use by the Department.

Recently, we have witnessed the development of large-scale solar installations that are not located on government property, though the electricity produced is still exclusively used by the Department of Defense. I support a minor language change that would require DOD's procurement process to comply with the Buy American Act for electricity that is exclusively used by

the Department of Defense or is generated from solar devices located on government property.

This small change is worthy of support. The Congressional Budget Office has scored this proposal as costing \$2 million over a 10-year budget window, and my amendment was not made in order because of this score. I understand CBO rules, but I strongly submit that this investment in domestic manufacturing not only strengthens our energy independence, but also strengthens our industrial base. I hope the chairman and ranking member will work with me to advance this important issue.

Mr. McKEON. Madam Chair, I thank the gentlewoman for her work in this area, and I appreciate her efforts to advance U.S. manufacturing and our industrial base, and I thank her, again, for her hard work on this issue. I look forward to working with you as we move forward on this.

I reserve the balance of my time.

Mr. SWALWELL of California. Madam Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Madam Chairman, I thank my good friend for yielding.

Madam Chairman, I would like to address two amendments that I offered that are included in the en bloc amendment, one that deals with expanding financial resources and tools for servicemembers and one that funds an independent study to improve wounded warrior care.

For too long, unscrupulous lenders have targeted servicemembers on military bases with financial products that could have long-term negative impacts on their family's financial security. Inadequate financial understanding or literacy training on some of these financial products can lead to financial difficulty for servicemembers. Many servicemembers often require security clearances to perform their duties, and financial difficulties and the loss of a clearance can have an enormous impact on military combat readiness.

This first amendment that I offer would allocate \$10 million to expand financial literacy resources for incoming and transitioning servicemembers to ensure that they are not unfairly targeted by predatory lenders.

The other amendment that is included is an important one to fund an independent study to improve wounded warrior care. While the DOD is still confronting significant challenges and issues regarding its care and transition of wounded warriors, and while improvements have been made, it is obvious that wounded warriors are still failing to receive the care that they need and that they deserve. Caring for these individuals who have served honorably should—and I know always will be—one of our most solemn duties.

For this reason, a review, a comprehensive review, an independent and

comprehensive review and study of this type should be awarded to an entity that is free of any current obligation; 20 percent of its revenues in the last several years should not have come from contracts from the DOD or the VA, ensuring independence. It is really important that we take a close look at how we are providing services to these servicemembers, and this independent study would do so.

Mr. McKEON. Madam Chairman, I will continue to reserve the balance of my time.

Mr. SWALWELL of California. Madam Chair, I yield 1 minute to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Madam Chairman, I rise today in support of my amendment to H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015.

It facilitates the transfer of a portion of the U.S. Air Force Norwalk Defense Fuel Supply Point, also known as the Norwalk Tank Farm, to the city of Norwalk. If enacted, it would allow 15 acres of the 51-acre area to be designated for public purposes and transferred to city hands. City officials have worked tirelessly for over a decade, and this amendment is a reflection of the compromise reached by the U.S. Air Force and the city of Norwalk.

My amendment is of significant importance for my district. Once this land is transferred, this currently blighted property will mean real opportunity for the city of Norwalk and the surrounding communities. This property is currently located next to an elementary school and a child care learning center. Once the land has been completely cleaned and remediated and the park is built, children will have somewhere safe to go after school and on weekends.

I urge my colleagues to vote "yes" on my amendment.

Mr. McKEON. Madam Chair, I continue to reserve the balance of my time.

Mr. SWALWELL of California. Madam Chair, I yield 2 minutes to the gentleman from New Mexico (Mr. BEN RAY LUJÁN).

Mr. BEN RAY LUJÁN of New Mexico. Madam Chairman, the ability of our national labs to meet their mission relies on the strength of their foundational capabilities. I submitted an amendment that would give the Directors of our national laboratories the authority to accept grant funding from nonprofits and foundations for scientific research that supports the core missions of these labs.

After discussion with the committee staff, rather than offering this amendment tonight, I look forward to working with Chairman ROGERS of the Strategic Forces Subcommittee and Chairman McKEON and Ranking Member SMITH of the Armed Services Com-

mittee to find an acceptable solution on this issue.

I also want to thank Mr. McKEON for his service and his time. It has really been an honor to get to know him, and I continue to look forward to working with him for many years to come.

Mr. ROGERS of Alabama. Will the gentleman yield?

Mr. BEN RAY LUJÁN of New Mexico. I yield to the gentleman.

Mr. ROGERS of Alabama. I thank the gentleman from New Mexico. I agree with the importance of the national labs. I look forward to working with you to find ways to strengthen their capabilities and meet their important missions. I expect we will be able to find a way to ensure nonprofits have access to our national laboratories without using defense funding to subsidize such work.

Mr. BEN RAY LUJÁN of New Mexico. Madam Chairman, I appreciate all the staff's time on this.

Mr. McKEON. Madam Chairman, I continue to reserve the balance of my time.

Mr. SWALWELL of California. Madam Chair, I yield 1 minute to the gentleman from Minnesota (Mr. NOLAN).

Mr. NOLAN. Madam Chairman, my amendment prohibits construction of any projects in Afghanistan over \$500,000—unless the U.S. Government can conduct proper audits, inspection, and oversight.

Up to \$79 billion has been authorized for new projects in this bill, most of which are outside the area in which our personnel can travel and operate safely and therefore will most likely go uninspected and unaudited. To date, \$60 billion of the \$100 billion of these so-called nation-building projects are completely unaccounted for.

The blue area here in this first chart shows where our military and civilian personnel were allowed to travel and operate safely in the year 2009. The blue area in the second chart shows how dramatically the safe areas have been reduced.

Moreover, since traditional banking services do not exist in these non-blue, non-safe areas, contracts are financed with truckloads of cash. It is the perfect recipe for fraud, graft, and abuse. It is time to stop it. Our Nation's taxpayers and our soldiers deserve better.

Madam Chairman, Members of the House, I urge adoption of the amendment.

Mr. McKEON. Madam Chairman, I reserve the balance of my time.

Mr. SWALWELL of California. Madam Chairman, I yield back the balance of my time.

Mr. McKEON. Madam Chair, I encourage our colleagues to support the en bloc amendment, and I yield back the balance of my time.

Mr. SWALWELL of California. Madam Chair, I rise in support of my amendment to fix the

Department of Defense (DoD) policy with respect to military bands.

I want to thank my friend, Congressman PATRICK MEEHAN, for cosponsoring this important amendment. I also want to thank Chairman McKEON and Ranking Member SMITH for their support.

For decades, military musical units have accepted assistance from community organizations to travel and perform at public events such as ceremonies and parades at no cost to taxpayers.

Last April, the DoD decided to no longer accept such support, forcing military bands to cancel numerous public performances across the country.

We learned that this new policy was issued because gifts from community organizations were not credited to the appropriate account.

To combat this problem, last year Congressman MEEHAN and I sponsored an amendment to the National Defense Authorization Act for Fiscal Year 2014 (NDAA) in order to credit these contributions to the appropriate accounts, and thus, allow military bands to perform at community events. Our amendment was adopted. A version was included as Section 351 of NDAA, as enacted into Public Law 133–66.

Despite the intent of the amendment, it has come to our attention that, although the Secretary of Defense is allowed to accept outside donations, his office likely will continue the status quo and prevent military musical units from receiving assistance from outside organizations.

It is hard to believe that during a time of tight budgets DoD would reject assistance from community organizations to facilitate band performances.

It would be in the financial interest of DoD to continue to allow military bands, such as the Marine bands, to travel with the assistance of community organizations.

Additionally, public performances by military bands bring a sense of patriotism and community to our cities and towns.

It also increases goodwill and helps to enliven community events, increasing attendance and economic activity.

The intent behind Section 351 of Public Law 133–66 is clear—to allow bands, like the Marine Band, to perform at community events when the expenses are fully covered by a private organization.

In early May, Congressman MEEHAN and I sent a letter to DoD expressing our frustration with it continuing the current policy. We have not yet received a response from DoD on this issue.

Since DoD apparently is choosing not to abide by the intent of our original amendment, we offered this new amendment to require DoD to accept gifts for military bands. Our amendment removes the discretion of DoD.

This simple amendment will once again allow military musical units to travel and perform at community events at no cost to taxpayers.

I urge all Members to support the amendment.

Mr. GRAYSON. Madam Chair, I rise to thank Chairman McKEON and Ranking Member SMITH for agreeing to include three of my amendments into this en bloc package. Those

amendments are numbered “43”, “81”, and “140”, respectively.

Grayson Amendment No. 43 will reinsert a worthwhile provision from the introduced version of H.R. 4435, requested by the Department of Defense, that was omitted from the bill text marked up in committee.

This amendment provides the authority and discretion necessary to return personal property that is retained as evidence in connection with an investigation into a sexual assault involving a member of the Armed Forces.

After the conclusion of all legal, adverse action, and administrative proceedings related to an incident, should a victim desire to have certain personal belongings returned to him or her, our Armed Forces will now have the ability to fulfill that request.

As we all know, one of the primary goals of the American judicial system is to produce outcomes that will “make the victim whole.” Sometimes, Madam Chair, one important thing that we can offer a victim is to return items that he or she may cherish, which may have been confiscated as evidence during the course of an investigation.

Let me be clear—this amendment is not intended to provide any new privileges to any perpetrator of a sexual assault. I am offering this amendment today to provide victims an opportunity to reclaim those items that are important to them.

It was good policy when this bill was introduced, and it is good policy now.

Grayson Amendment No. 81 will prohibit the Department of Defense from contracting with entities convicted of using “Made in America” labels fraudulently.

The current law governing this issue can be found at 10 U.S.C. 2410f. It states very clearly that if a person is convicted of intentionally affixing a label bearing a “Made in America” inscription, then the Secretary of Defense has the discretion not to debar that person from contracting with the Department of Defense.

Madam Chair, if we are going to put laws on the books to address an issue, they should mean something. We, the Members of this body, should make our intent clear. If someone purposely misrepresents an item as being “Made in America”, and he is convicted of that crime—he does not get the benefit of securing contracts with our Armed Forces.

My amendment accomplishes that goal. It requires debarment of the entities outlined above, while at the same time allowing the Secretary of Defense a narrow national security exception, which should be used only in the most extreme circumstances.

This amendment makes good sense. It protects American businesses, and appropriately punishes those who have the audacity to claim that a product has been “Made in America” when it has not.

I’d be remiss at this time, if I did not thank my good friend, Representative CAROL SHEA-PORTER from the great state of New Hampshire. She has been discussing the idea of this amendment with me at least since February, and she was integral in its drafting and securing the support of her colleagues on the House Armed Services Committee. For that I am grateful—thank you again, Representative SHEA-PORTER for all of your hard work in support of this amendment.

Finally, Madam Chair, Grayson Amendment No. 140 will extend the current United States Space Protection Strategy by an additional five-year period—until 2030.

In the 2008 NDAA, Congress required that a greater priority be put on the protection of national security space systems. It directed the Secretary of Defense, in conjunction with the Director of National Intelligence, to develop a strategy for the development of capabilities that are necessary to ensure freedom of action in space for the United States.

The strategy, which is outlined in the notes to 10 U.S.C. 2271, is required to cover fiscal years 2008 through 2013; 2014 through 2019; and 2020 through 2025. My amendment, recognizing that the first five-year covered period has lapsed, simply requires an additional five-year period—2026 through 2030.

I am proud that this amendment will still be in force when my nine-year-old sons have grown into adults. This amendment will protect not just the United States’ position in space, but also their physical well-being.

Madam Chair, again, I thank Chairman McKEON and Ranking Member SMITH for agreeing to include all three of these amendments in this en bloc package. I believe these amendments make America not only a safer place, but a better place.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. McKEON).

The en bloc amendments were agreed to.

The Acting CHAIR. The Chair understands that amendment No. 26 will not be offered.

The Chair understands that amendment No. 27 will not be offered.

#### AMENDMENT NO. 28 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 28 printed in part A of House Report 113–460.

Mr. HASTINGS of Washington. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle D of title XXXI, add the following new section:

#### SEC. 3143. BUDGET INCREASE FOR DEFENSE ENVIRONMENTAL CLEANUP.

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 3102 for defense environmental cleanup, as specified in the corresponding funding table in section 4701, is hereby increased by \$20,000,000.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amounts authorized to be appropriated in this title for weapons activities, as specified in the corresponding funding table in section 4701, for Inertial confinement fusion ignition and high yield campaign is hereby reduced by \$20,000,000.

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Madam Chair, I yield myself 2 minutes.

Madam Chair, our nuclear weapons production programs played a pivotal role in our Nation's defense for decades. It helped end World War II, and it helped end the cold war. But these programs created a large amount of radioactive nuclear waste, and the Federal Government has a legal responsibility to clean up this waste.

This amendment restores a portion of the proposed reduction for the Department of Energy's environmental management program, which is tasked with cleaning up the nuclear defense waste at sites across our country.

Hanford's Richland Operations Office in my district is one of the defense nuclear waste sites, and it is facing a cut of over \$100 million, putting cleanup progress and legally enforceable cleanup commitments at risk.

Even at a time of tight budget constraints, the Federal Government must meet existing legal obligations to clean up its defense nuclear waste. Existing legal obligations of the Federal Government, like cleanup of its nuclear waste sites, must be met before funding optional activities, regardless of how valuable those other activities may be.

By adding back \$20 million for the defense environmental management program—a small portion of the overall cut—this amendment helps to ensure that cleanup can move forward safely, efficiently, and in a timely manner.

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It would help ensure that the Richland Operations Office can complete the successful and nearly complete River Corridor Closure Project and meet cleanup commitments.

I might add that the river I am talking about that this River Corridor Closure Project abuts is the Columbia River, which is a main waterway through central Washington, so I ask my colleagues to support this amendment.

Madam Chair, I reserve the balance of my time.

Mr. SWALWELL of California. Madam Chair, I claim the time in opposition on behalf of the ranking member.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SWALWELL of California. Madam Chair, I yield myself 2 minutes.

I rise in opposition to the Hastings amendment, and while I understand and appreciate the gentleman from Washington's interest in environmental cleanup, I am afraid that it does so at the expense of research.

Inertial confinement fusion is critical to our national security. It keeps our nuclear weapons safe and ready at a time of growing threats across the globe.

This amendment does not just target research at the National Ignition Facility—which is in my congressional district, which includes Livermore, California—it also tries to cut the whole budget for inertial confinement fusion.

It ropes in the Z facility at Sandia National Laboratories in New Mexico and the OMEGA laser at the University of Rochester in New York.

Budgets right now are tight, and I know all Members would welcome the chance to add more money to priorities they believe in, but it is a mistake to try to fund such priorities by short-changing critical science that helps us in our national security mission, as well as meet our future energy needs.

This science keeps us safe. It will also eventually revolutionize how we think about and produce energy, and we can't let ourselves fall behind or cede leadership to other nations who are making large investments in inertial confinement fusion, including France, Russia, and China.

I ask all Members to reject this amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chair, I am prepared to close, and so I reserve the balance of my time.

Mr. SWALWELL of California. Madam Chair, I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Chair, I yield myself the balance of my time.

I simply want to say, Madam Chair, that the environmental management program is a program that is the result of our war efforts going back to the Second World War. As I mentioned in my opening statement, we won the Second World War because of this activity and won the cold war largely because of this activity, but developing nuclear weapons creates a tremendous amount of waste, and that is the responsibility of the Federal Government.

I mentioned Hanford, and I mentioned one of the projects at Hanford, and I want to remind my colleagues of how much nuclear waste is stored underground at Hanford.

Fifty-six million gallons of radioactive/hazardous waste is stored underground on the upper plateau at Hanford. If you were to quantify how much 56 million gallons would be, it would fill up over 20 House chambers.

This amendment does not address particularly that program, but I just want to remind my colleagues that cleaning up this waste is a massive, massive undertaking, and it must be done, simply because what the programs did initially by ending the war, so I urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gen-

tleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. MCKEON

Mr. MCKEON. Madam Chairman, pursuant to House Resolution 590, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 3 consisting of amendment Nos. 40, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 130, 133, 139, and 141 printed in part A of House Report No. 113-460, offered by Mr. MCKEON of California:

AMENDMENT NO. 40 OFFERED BY MR. COFFMAN OF COLORADO

At the end of subtitle C of title V, add the following new section:

**SEC. 5. ENHANCEMENT OF PARTICIPATION OF MENTAL HEALTH PROFESSIONALS IN BOARDS FOR CORRECTION OF MILITARY RECORDS AND BOARDS FOR REVIEW OF DISCHARGE OR DISMISSAL OF MEMBERS OF THE ARMED FORCES.**

(a) **BOARDS FOR CORRECTION OF MILITARY RECORDS.**—Section 1552 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

“(g) Any medical advisory opinion issued to a board established under subsection (a)(1) with respect to a member or former member of the armed forces who was diagnosed while serving in the armed forces as experiencing a mental health disorder shall include the opinion of a clinical psychologist or psychiatrist if the request for correction of records concerned relates to a mental health disorder.”

(b) **BOARDS FOR REVIEW OF DISCHARGE OR DISMISSAL.**—

(1) **REVIEW FOR CERTAIN FORMER MEMBERS WITH PTSD OR TBI.**—Subsection (d)(1) of section 1553 of such title is amended by striking “physician, clinical psychologist, or psychiatrist” the second place it appears and inserting “clinical psychologist or psychiatrist, or a physician with training on mental health issues connected with post traumatic stress disorder or traumatic brain injury (as applicable)”.

(2) **REVIEW FOR CERTAIN FORMER MEMBERS WITH MENTAL HEALTH DIAGNOSES.**—Such section is further amended by adding at the end the following new subsection:

“(e) In the case of a former member of the armed forces (other than a former member covered by subsection (d)) who was diagnosed while serving in the armed forces as experiencing a mental health disorder, a board established under this section to review the former member's discharge or dismissal shall include a member who is a clinical psychologist or psychiatrist, or a physician with special training on mental health disorders.”

AMENDMENT NO. 42 OFFERED BY MR. THOMPSON OF PENNSYLVANIA

Page 108, after line 17, insert the following:  
**SEC. 528. PRELIMINARY MENTAL HEALTH ASSESSMENTS.**

(a) **IN GENERAL.**—Chapter 31 of title 10, United States Code, is amended by adding at the end the following new section:

“§520d. **Preliminary mental health assessments**

“(a) **PROVISION OF MENTAL HEALTH ASSESSMENT.**—Before any individual enlists in an

armed force or is commissioned as an officer in an armed force, the Secretary concerned shall provide the individual with a mental health assessment. The Secretary shall use such results as a baseline for any subsequent mental health examinations, including such examinations provided under sections 1074f and 1074m of this title.

“(b) USE OF ASSESSMENT.—The Secretary may not consider the results of a mental health assessment conducted under subsection (a) in determining the assignment or promotion of a member of the Armed Forces.

“(c) APPLICATION OF PRIVACY LAWS.—With respect to applicable laws and regulations relating to the privacy of information, the Secretary shall treat a mental health assessment conducted under subsection (a) in the same manner as the medical records of a member of the armed forces.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 520c the following new item:

“520d. Preliminary mental health assessments.”.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the National Institute of Mental Health of the National Institutes of Health shall submit to Congress and the Secretary of Defense a report on preliminary mental health assessments of members of the Armed Forces.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) Recommendations with respect to establishing a preliminary mental health assessment of members of the Armed Forces to bring mental health screenings to parity with physical screenings of members.

(B) Recommendations with respect to the composition of the mental health assessment, best practices, and how to track assessment changes relating to traumatic brain injuries, post-traumatic stress disorder, and other conditions.

(3) COORDINATION.—The National Institute of Mental Health shall carry out paragraph (1) in coordination with the Secretary of Veterans Affairs, the Director of the Centers for Disease Control and Prevention, the surgeons general of the military departments, and other relevant experts.

AMENDMENT NO. 44 OFFERED BY MS. VELÁZQUEZ OF NEW YORK

At the end of subtitle D of title V, add the following new section:

**SEC. 5. ESTABLISHMENT OF PHONE SERVICE FOR PROMPT REPORTING OF HAZING INVOLVING A MEMBER OF THE ARMED FORCES.**

(a) ESTABLISHMENT REQUIRED.—The Secretary concerned (as defined in section 101(a)(9) of title 10, United States Code) shall develop and implement a phone service through which an individual can anonymously call to report incidents of hazing in that branch of the Armed Forces.

(b) HAZING DESCRIBED.—For purposes of carrying out this section, the Secretary of Defense (and the Secretary of the Department in which the Coast Guard operates) shall use the definition of hazing contained in the August 28, 1997, Secretary of Defense Policy Memorandum, which defined hazing as any conduct whereby a member of the Armed Forces, regardless of branch or rank, without proper authority causes another member to suffer, or be exposed to, any activity which is cruel, abusive, humiliating, oppressive, demeaning, or harmful. Soliciting or coercing another person to perpetrate any such activity is also considered

hazing. Hazing need not involve physical contact among or between members of the Armed Forces. Hazing can be verbal or psychological in nature. Actual or implied consent to acts of hazing does not eliminate the culpability of the perpetrator.

AMENDMENT NO. 45 OFFERED BY MRS. MCMORRIS RODGERS OF WASHINGTON

At the end of subtitle E of title V, add the following new section:

**SEC. 548. ROLE OF MILITARY SPOUSE EMPLOYMENT PROGRAMS IN ADDRESSING UNEMPLOYMENT AND UNDEREMPLOYMENT OF SPOUSES OF MEMBERS OF THE ARMED FORCES AND CLOSING THE WAGE GAP BETWEEN MILITARY SPOUSES AND THEIR CIVILIAN COUNTERPARTS.**

(a) FINDINGS.—Congress makes the following findings:

(1) Members of the Armed Forces and their families make enormous sacrifices in defense of the United States.

(2) Military spouses face a unique lifestyle marked by frequent moves, increased family responsibility during deployments, and limited career opportunities in certain geographic locations.

(3) These circumstances present significant challenges to military spouses who desire to build a portable career commensurate with their skills, including education and experience.

(4) According to a recent Department of Defense survey, the unemployment rate for civilians married to a military member is 25 percent, but the unemployment rate is 33 percent for spouses of junior enlisted members. The same survey revealed that 85 percent of military spouses want or need to work.

(5) A recent Military Officers Association of American (MOAA)/Institute for Veterans and Military Families' (IVMF) Military Spouse Employment Report revealed that an overwhelming ninety percent of female military spouses are underemployed.

(6) The Department of Defense has demonstrated its commitment to helping military spouses obtain employment by creating the Military Spouse Employment Partnership (MSEP), the Military Spouse Career Center, and the Military Spouse Career Advancement Accounts (MyCAA). More than 61,000 military spouses have been hired as part of the Military Spouse Employment Partnership (MSEP) since the MSEP launch in June 2011.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should continue to work to reduce the unemployment and underemployment of spouses of members of the Armed Forces (in this section referred to as “military spouses”) and support closing the wage gap between military spouses and their civilian counterparts;

(2) in this process, the Secretary should prioritize efforts that assist military spouses in pursuing portable careers that match their skill set, including education and experience; and

(3) in evaluating the effectiveness of military spouse employment programs, the Secretary should collect information that provides a comprehensive assessment of the program, including whether program goals are being achieved.

(c) DATA COLLECTION RELATED TO EFFORTS TO ADDRESS UNDEREMPLOYMENT OF MILITARY SPOUSES.—

(1) DATA COLLECTION REQUIRED.—In addition to monitoring the number of military spouses who obtain employment through military spouse employment programs, the

Secretary of Defense shall collect data to evaluate the effectiveness of military spouse employment programs in addressing the underemployment of military spouses and in closing the wage gap between military spouses and their civilian counterparts. Information collected shall include whether positions obtained by military spouses through military spouse employment programs match their education and experience.

(2) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the progress of military spouse employment programs in reducing military spouse unemployment, reducing the wage gap between military spouses and their civilian counterparts, and addressing the underemployment of military spouses.

(d) MILITARY SPOUSE EMPLOYMENT PROGRAMS DEFINED.—In this section, the term “military spouse employment programs” means the Military Spouse Employment Partnership (MSEP).

AMENDMENT NO. 46 OFFERED BY MR. MCNERNEY OF CALIFORNIA

Page 127, line 10, insert after the period the following: “In establishing the eligibility requirements to be used by the program manager for the selection of the civilian employment staffing agencies, the Secretary of Defense shall also take into account civilian employment staffing agencies that are willing to work and consult with State and county Veterans Affairs offices and State National Guard offices, when appropriate.”.

AMENDMENT NO. 47 OFFERED BY MR. COOK OF CALIFORNIA

At the end of subtitle F of title V, add the following new section:

**SEC. 553. DIRECT EMPLOYMENT PILOT PROGRAM FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.**

(a) PROGRAM AUTHORITY.—The Secretary of Defense may carry out a pilot program to enhance the efforts of the Department of Defense to provide job placement assistance and related employment services directly to members in the National Guard and Reserves.

(b) ADMINISTRATION.—The pilot program shall be offered to, and administered by, the adjutants general appointed under section 314 of title 32, United States Code.

(c) COST-SHARING REQUIREMENT.—As a condition on the provision of funds under this section to a State to support the operation of the pilot program in the State, the State must agree to contribute an amount, derived from non-Federal sources, equal to at least 30 percent of the funds provided by the Secretary of Defense under this section.

(d) DIRECT EMPLOYMENT PROGRAM MODEL.—The pilot program should follow a job placement program model that focuses on working one-on-one with a member of a reserve component to cost-effectively provide job placement services, including services such as identifying unemployed and under employed members, job matching services, resume editing, interview preparation, and post-employment follow up. Development of the pilot program should be informed by State direct employment programs for members of the reserve components, such as the programs conducted in California and South Carolina.

(e) EVALUATION.—The Secretary of Defense shall develop outcome measurements to evaluate the success of the pilot program.

(f) REPORTING REQUIREMENTS.—

(1) REPORT REQUIRED.—Not later than March 1, 2019, the Secretary of Defense shall

submit to the congressional defense committees a report describing the results of the pilot program. The Secretary shall prepare the report in coordination with the Chief of the National Guard Bureau.

(2) **ELEMENTS OF REPORT.**—A report under paragraph (1) shall include the following:

(A) A description and assessment of the effectiveness and achievements of the pilot program, including the number of members of the reserve components hired and the cost-per-placement of participating members.

(B) An assessment of the impact of the pilot program and increased reserve component employment levels on the readiness of members of the reserve components.

(C) A comparison of the pilot program to other programs conducted by the Department of Defense and Department of Veterans Affairs to provide unemployment and underemployment support to members of the reserve components.

(D) Any other matters considered appropriate by the Secretary.

(g) **LIMITATION ON TOTAL FISCAL-YEAR OBLIGATIONS.**—The total amount obligated by the Secretary of Defense to carry out the pilot program for any fiscal year may not exceed \$20,000,000.

(h) **DURATION OF AUTHORITY.**—

(1) **IN GENERAL.**—The authority to carry out the pilot program expires September 30, 2018.

(2) **EXTENSION.**—Upon the expiration of the authority under paragraph (1), the Secretary of Defense may extend the pilot program for not more than two additional fiscal years.

AMENDMENT NO. 48 OFFERED BY MR. LAMBORN OF COLORADO

At the end of subtitle F of title V, add the following new section:

**SEC. 553. ENHANCEMENT OF AUTHORITY TO ACCEPT SUPPORT FOR UNITED STATES AIR FORCE ACADEMY ATHLETIC PROGRAMS.**

Section 9362 of title 10, United States Code, is amended by striking subsections (e), (f), and (g) and inserting the following new subsections:

“(e) **ACCEPTANCE OF SUPPORT.**—

“(1) **SUPPORT RECEIVED FROM THE CORPORATION.**—Notwithstanding section 1342 of title 31, the Secretary of the Air Force may accept from the corporation funds, supplies, equipment, and services for the support of the athletic programs of the Academy.

“(2) **FUNDS RECEIVED FROM OTHER SOURCES.**—The Secretary may charge fees for the support of the athletic programs of the Academy. The Secretary may accept and retain fees for services and other benefits provided incident to the operation of its athletic programs, including fees from the National Collegiate Athletic Association, fees from athletic conferences, game guarantees from other educational institutions, fees for ticketing or licensing, and other consideration provided incidental to the execution of the athletic programs of the Academy.

“(3) **LIMITATION.**—The Secretary shall ensure that contributions accepted under this subsection do not reflect unfavorably on the ability of the Department of the Air Force, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or compromise the integrity or appearance of integrity of any program of the Department of the Air Force, or any individual involved in such a program.

“(f) **LEASES AND LICENSES.**—

“(1) **SUPPORT RECEIVED FROM THE CORPORATION.**—In accordance with section 2667 of this

title, the Secretary of the Air Force may enter into leases or licenses with the corporation for the purpose of supporting the athletic programs of the Academy. Consideration provided under such a lease or license may be provided in the form of funds, supplies, equipment, and services for the support of the athletic programs of the Academy.

“(2) **SUPPORT TO THE CORPORATION.**—The Secretary may provide support services to the corporation without charge while the corporation conducts its support activities at the Academy. In this section, the term ‘support services’ includes the providing of utilities, office furnishings and equipment, communications services, records staging and archiving, audio and video support, and security systems in conjunction with the leasing or licensing of property. Any such support services may only be provided without any liability of the United States to the corporation.

“(g) **CONTRACTS AND COOPERATIVE AGREEMENTS.**—The Secretary of the Air Force may enter into contracts and cooperative agreements with the corporation for the purpose of supporting the athletic programs of the Academy. Notwithstanding section 2304(k) of this title, the Secretary may enter such contracts or cooperative agreements on a sole source basis pursuant to section 2304(c)(5) of this title. Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property, services, or travel for the direct benefit or use of the Academy athletic programs.

“(h) **TRADEMARKS AND SERVICE MARKS.**—

“(1) **LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.**—Consistent with section 2260 (other than subsection (d)) of this title, an agreement under subsection (g) may authorize the corporation to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Academy, subject to the approval of the Secretary of the Air Force.

“(2) **LIMITATIONS.**—No such licensing, marketing, or sponsorship agreement may be entered into if it would reflect unfavorably on the ability of the Department of the Air Force, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or if the Secretary determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Department of the Air Force, or any individual involved in such a program.”

AMENDMENT NO. 49 OFFERED BY MS. BONAMICI OF OREGON

Add at the end of subtitle F of title V the following (and conform the table of contents accordingly):

**SEC. 553. REPORT ON TUITION ASSISTANCE.**

(a) **IN GENERAL.**—The Secretary of the Army shall, not later than 90 days after the date of the enactment of this Act, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the requirement of the Army, effective January 1, 2014, that members of the Army may become eligible for the Army's tuition assistance program only after serving a period of 1 year after completing certain training courses, such as advance individual training, officer candidate school, and the basic officer leader course.

(b) **CONTENTS.**—The report under subsection (a) shall include the Secretary's—

(1) evaluation of the potential savings in costs resulting from requiring all service members to wait a period of 1 year after

training described in subsection (a) before becoming eligible for the Army's tuition assistance program;

(2) evaluation of the impact that the 1-year waiting period described in subsection (a) will have on recruitment for the National Guard; and

(3) explanation of the extent to which the qualities of the National Guard, including the role of college students and college-bound students in the National Guard, were considered before reaching the decision to require all service members to wait a period of 1 year before becoming eligible for the Army's tuition assistance program.

AMENDMENT NO. 50 OFFERED BY MR. SEAN PATRICK MALONEY OF NEW YORK

Page 132, lines 18 and 19, strike “4-year” and insert “5-year”.

Page 133, lines 9 and 10, strike “4-year” and insert “5-year”.

AMENDMENT NO. 51 OFFERED BY MR. GERLACH OF PENNSYLVANIA

At the end of subtitle H of title V, add the following new section:

**SEC. 5. RECOGNITION OF WERETH MASSACRE OF 11 AFRICAN-AMERICAN SOLDIERS OF THE UNITED STATES ARMY DURING THE BATTLE OF THE BULGE.**

Congress officially recognizes the dedicated service and ultimate sacrifice on behalf of the United States of the 11 African-American soldiers of the 333rd Field Artillery Battalion of the United States Army who were massacred in Wereth, Belgium, during the Battle of the Bulge on December 17, 1944.

AMENDMENT NO. 52 OFFERED BY MRS. BUSTOS OF ILLINOIS

At the end of subtitle H of title V, add the following new section:

**SEC. 574. REPORT ON ARMY REVIEW, FINDINGS, AND ACTIONS PERTAINING TO MEDAL OF HONOR NOMINATION OF CAPTAIN WILLIAM L. ALBRACHT.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall—

(1) conduct a review of the initial review, findings, and actions undertaken by the Army in connection with the Medal of Honor nomination of Captain William L. Albracht; and

(2) submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the results of the review required by this section, including an accounting of all evidence submitted with regard to the nomination.

AMENDMENT NO. 53 OFFERED BY MS. CHU OF CALIFORNIA

At the end of subtitle I of title V, add the following new section:

**SEC. 5. COMPTROLLER GENERAL AND MILITARY DEPARTMENT REPORTS ON HAZING IN THE ARMED FORCES.**

(a) **COMPTROLLER GENERAL REPORT.**—

(1) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the designated congressional committees a report on the policies to prevent hazing, and systems initiated to track incidents of hazing, in each of the Armed Forces, including reserve components, officer candidate schools, military service academies, military academy preparatory schools, and basic training and professional schools for enlisted members.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) An evaluation of the definition of hazing by the Armed Forces.



(B) A description of the criteria used, and the methods implemented, in the systems to track incidents of hazing in the Armed Forces.

(C) An assessment of the following:

(i) The scope of hazing in each Armed Force.

(ii) The policies in place and the training on hazing provided to members throughout the course of their careers for each Armed Force.

(iii) The available outlets through which victims or witnesses of hazing can report hazing both within and outside their chain of command, and whether or not anonymous reporting is permitted.

(iv) The actions taken to mitigate hazing incidents in each Armed Force.

(v) The effectiveness of the training and policies in place regarding hazing.

(vi) The number of alleged and substantiated incidents of hazing over the last five years for each Armed Force, the nature of these cases and actions taken to address such matters through non-judicial and judicial action.

(D) An evaluation of the additional actions, if any, the Secretary of Defense and the Secretary of Homeland Security propose to take to further address the incidence of hazing in the Armed Forces.

(E) Such recommendations as the Comptroller General considers appropriate for improving hazing prevention programs, policies, and other actions taken to address hazing within the Armed Forces.

(3) DESIGNATED CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “designated congressional committees” means—

(A) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Commerce, Science and Transportation of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) MILITARY DEPARTMENT REPORTS.—

(1) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, each Secretary of a military department, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an update to the hazing reports required by section 534 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1726).

(2) ELEMENTS.—Each report on an Armed Force required by paragraph (1) shall include the following:

(A) A discussion of the policies of the Armed Force for preventing and responding to incidents of hazing, including discussion of any changes or newly implemented policies since the submission of the reports required by section 534 of the National Defense Authorization Act for Fiscal Year 2013.

(B) A description of the methods implemented to track and report, including report anonymously, incidents of hazing in the Armed Force.

(C) An assessment by the Secretary submitting such report of the following:

(i) The scope of the problem of hazing in the Armed Force.

(ii) The effectiveness of training on recognizing, reporting and preventing hazing provided members of the Armed Force.

(iii) The actions taken to prevent and respond to hazing incidents in the Armed

Force since the submission of the reports under such section.

(D) A description of the additional actions, if any, the Secretary submitting such report and the Chief of Staff of the Armed Force propose to take to further address the incidence of hazing in the Armed Force.

AMENDMENT NO. 54 OFFERED BY MR. LANGEVIN  
OF RHODE ISLAND

At the end of subtitle I of title V, add the following new section:

**SEC. 5. NATIONAL INSTITUTE OF MENTAL HEALTH STUDY OF RISK AND RESILIENCY OF UNITED STATES SPECIAL OPERATIONS FORCES AND EFFECTIVENESS OF PRESERVATION OF THE FORCE AND FAMILIES PROGRAM.**

(a) STUDY REQUIRED.—The Director of the National Institute of Mental Health shall conduct a study of the risk and resiliency of the United States Special Operations Forces and effectiveness of the United States Special Operations Command's Preservation of the Force and Families Program on reducing risk and increasing resiliency.

(b) ELEMENTS OF THE STUDY.—The study conducted under subsection (a) shall specifically include an assessment of each of the following:—

(1) The mental, behavioral, and psychological health of the United States Special Operations Force, the United States Special Operations Command's Preservation of the Force and Families Program's focus on physical development to address the mental, behavioral, and psychological health of the United States Special Operations Force, including measurements of effectiveness on reducing suicide and other mental, behavioral and psychological risks, and increasing resiliency of the United States Special Operations Forces.

(2) The United States Special Operations Command's Human Performance Program, including measurements of effectiveness on reducing risk and increasing resiliency of United States Special Operations Forces.

(3) Such other matters as the Director of the National Institute of Mental Health considers appropriate.

(c) SUBMISSION OF REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Institute of Mental Health shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a).

AMENDMENT NO. 55 OFFERED BY MR. LA MALFA  
OF CALIFORNIA

At the end of subtitle J of title V, insert the following:

**SEC. 594. ACCESS OF CONGRESSIONAL CASEWORKERS TO INFORMATION ABOUT DEPARTMENT OF VETERANS AFFAIRS CASEWORK BROKERED TO OTHER OFFICES OF THE DEPARTMENT.**

If Department of Veterans Affairs casework is brokered out to another office of the Department from its original submission site, a caseworker in a congressional office may contact the brokered office to receive an update on the constituent's case, and that office of the Department is required to update the congressional staffer regardless of their thoughts on jurisdiction.

AMENDMENT NO. 56 OFFERED BY MR. WALBERG  
OF MICHIGAN

At the end of subtitle J of title V (page 162, after line 18) add the following:

**SEC. . PILOT PROGRAM ON PROVISION OF CERTAIN INFORMATION TO STATE VETERANS AGENCIES TO FACILITATE THE TRANSITION OF MEMBERS OF THE ARMED FORCES FROM MILITARY SERVICE TO CIVILIAN LIFE.**

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing the information described in subsection (b) on members of the Armed Forces who are separating from the Armed Forces to State veterans agencies as a means of facilitating the transition of members of the Armed Forces from military service to civilian life.

(b) COVERED INFORMATION.—The information described in this subsection with respect to a member is as follows:

- (1) Department of Defense Form DD 214.
- (2) A personal email address.
- (3) A personal telephone number.
- (4) A mailing address.

(c) VOLUNTARY PARTICIPATION.—The participation of a member in the pilot program shall be at the election of the member.

(d) FORM OF PROVISION OF INFORMATION.—Information shall be provided to State veterans agencies under the pilot program in digitized electronic form.

(e) USE OF INFORMATION.—Information provided to State veterans agencies under the pilot program may be shared by such agencies with appropriate county veterans service offices in such manner and for such purposes as the Secretary shall specify for purposes of the pilot program.

(f) REPORT.—Not later than 15 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the pilot program. The report shall include a description of the pilot program and such recommendations, including recommendations for continuing or expanding the pilot program, as the Secretary considers appropriate in light of the pilot program.

AMENDMENT NO. 58 OFFERED BY MR. BISHOP OF  
NEW YORK

Page 162, after line 18, insert the following:

**SEC. 594. SENSE OF CONGRESS REGARDING THE RECOVERY OF THE REMAINS OF CERTAIN MEMBERS OF THE ARMED FORCES KILLED IN THURSTON ISLAND, ANTARCTICA.**

(a) FINDINGS.—Congress makes the following findings:

(1) Commencing August 26, 1946, though late February 1947 the United States Navy Antarctic Developments Program Task Force 68, codenamed “Operation Highjump” initiated and undertook the largest ever-to-this-date exploration of the Antarctic continent.

(2) The primary mission of the Task Force 68 organized by Rear Admiral Richard E. Byrd Jr. USN, (Ret) and led by Rear Admiral Richard H. Cruzen, USN, was to do the following:

(A) Establish the Antarctic research base Little America IV.

(B) In the defense of the United States of America from possible hostile aggression from abroad - to train personnel test equipment, develop techniques for establishing, maintaining and utilizing air bases on ice, with applicability comparable to interior Greenland, where conditions are similar to those of the Antarctic.

(C) Map and photograph a full two-thirds of the Antarctic Continent during the classified, hazardous duty/volunteer-only operation involving 4700 sailors, 23 aircraft and 13 ships including the first submarine the



U.S.S. *Sennet*, and the aircraft carrier the U.S.S. *Philippine Sea*, brought to the edge of the ice pack to launch (6) Navy ski-equipped, rocket-assisted R4Ds.

(D) Consolidate and extend United States sovereignty over the largest practicable area of the Antarctic continent.

(E) Determine the feasibility of establishing, maintaining and utilizing bases in the Antarctic and investigating possible base sites.

(3) While on a hazardous duty/all volunteer mission vital to the interests of National Security and while over the eastern Antarctica coastline known as the Phantom Coast, the PBM-5 Martin Mariner "Flying Boat" "George 1" entered a whiteout over Thurston Island. As the pilot attempted to climb, the aircraft grazed the glacier's ridgeline and exploded within 5 seconds instantly killing Ensign Maxwell Lopez, Navigator and Wendell "Bud" Hendersin, Aviation Machinists Mate 1st Class while Frederick Williams, Aviation Radioman 1st Class died several hours later. Six other crewmen survived including the Captain of the "George 1's" seaplane tender U.S.S. *Pine Island*.

(4) The bodies of the dead were protected from the desecration of Antarctic scavenging birds (Skuas) by the surviving crew wrapping the bodies and temporarily burying the men under the starboard wing engine nacelle.

(5) Rescue requirements of the "George-1" survivors forced the abandonment of their crewmates' bodies.

(6) Conditions prior to the departure of Task Force 68 precluded a return to the area to the recover the bodies.

(7) For nearly 60 years Navy promised the families that they would recover the men: "If the safety, logistical, and operational prerequisites allow a mission in the future, every effort will be made to bring our sailors home."

(8) The Joint POW/MIA Accounting Command twice offered to recover the bodies of this crew for Navy.

(9) A 2004 NASA ground penetrating radar overflight commissioned by Navy relocated the crash site three miles from its crash position.

(10) The Joint POW/MIA Accounting Command offered to underwrite the cost of an aerial ground penetrating radar (GPR) survey of the crash site area by NASA.

(11) The Joint POW/MIA Accounting Command studied the recovery with the recognized recovery authorities and national scientists and determined that the recovery is only "medium risk".

(12) National Science Foundation and scientists from the University of Texas, Austin, regularly visit the island.

(13) The crash site is classified as a "perishable site", meaning a glacier that will calve into the Bellingshausen Sea.

(14) The National Science Foundation maintains a presence in area - of the Pine Island Glacier.

(15) The National Science Foundation Director of Polar Operations will assist and provide assets for the recovery upon the request of Congress.

(16) The United States Coast Guard is presently pursuing the recovery of 3 WWII air crewmen from similar circumstances in Greenland.

(17) On Memorial Day, May 25, 2009, President Barack Obama declared: "...the support of our veterans is a sacred trust. . .we need to serve them as they have served us. . .that means bringing home all our POWs and MIAs. . .".

(18) The policies and laws of the United States of America require that our armed service personnel be repatriated.

(19) The fullest possible accounting of United States fallen military personnel means repatriating living American POWs and MIAs, accounting for, identifying, and recovering the remains of military personnel who were killed in the line of duty, or providing convincing evidence as to why such a repatriation, accounting, identification, or recovery is not possible.

(20) It is the responsibility of the Federal Government to return to the United States for proper burial and respect all members of the Armed Forces killed in the line of duty who lie in lost graves.

(b) SENSE OF CONGRESS.—In light of the findings under subsection (a), Congress—

(1) reaffirms its support for the recovery and return to the United States, the remains and bodies of all members of the Armed Forces killed in the line of duty, and for the efforts by the Joint POW-MIA Accounting Command to recover the remains of members of the Armed Forces from all wars, conflicts and missions;

(2) recognizes the courage and sacrifice of all members of the Armed Forces who participated in Operation Highjump and all missions vital to the national security of the United States of America;

(3) acknowledges the dedicated research and efforts by the US Geological Survey, the National Science Foundation, the Joint POW/MIA Accounting Command, the Fallen American Veterans Foundation and all persons and organizations to identify, locate, and advocate for, from their temporary Antarctic grave, the recovery of the well-preserved frozen bodies of Ensign Maxwell Lopez, Naval Aviator, Frederick Williams, Aviation Machinist's Mate 1ST Class, Wendell Hendersin, Aviation Radioman 1ST Class of the "George 1" explosion and crash; and

(4) encourages the Department of Defense to review the facts, research and to pursue new efforts to undertake all feasible efforts to recover, identify, and return the well-preserved frozen bodies of the "George 1" crew from Antarctica's Thurston Island.

AMENDMENT NO. 59 OFFERED BY MR. FARR OF CALIFORNIA

Page 162, after line 18, insert the following:  
**SEC. 594. NAME OF THE DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE JOINT OUTPATIENT CLINIC, MARINA, CALIFORNIA.**

(a) DESIGNATION.—The Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed at the intersection of the proposed Ninth Street and the proposed First Avenue in Marina, California, shall be known and designated as the "Major General William H. Gourley VA-DOD Outpatient Clinic".

(b) REFERENCES.—Any reference in a law, regulation, map, document, record, or other paper of the United States to the Department of Veterans Affairs and Department of Defense joint outpatient clinic referred to in subsection (a) shall be deemed to be a reference to the "Major General William H. Gourley VA-DOD Outpatient Clinic".

AMENDMENT NO. 130 OFFERED BY MR. KELLY OF PENNSYLVANIA

At the appropriate place in subtitle E of title XII of division A, insert the following:

**SEC. . LIMITATION ON AVAILABILITY OF FUNDS TO IMPLEMENT THE ARMS TRADE TREATY.**

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for

the Department of Defense may be obligated or expended to implement the Arms Trade Treaty, or to make any change to existing programs, projects, or activities as approved by Congress in furtherance of, pursuant to, or otherwise to implement the Arms Trade Treaty, unless the Arms Trade Treaty has received the advice and consent of the Senate and has been the subject of implementing legislation, as required, by the Congress.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the Department of Defense from assisting foreign countries in bringing their laws and regulations up to United States standards.

AMENDMENT NO. 133 OFFERED BY MR. KELLY OF PENNSYLVANIA

At the end of subtitle F of title XII of division A, add the following:

**SEC. . SENSE OF CONGRESS REGARDING THE NAVAL CAPABILITIES OF THE RUSSIAN FEDERATION.**

It is the sense of Congress that—

(1) Mistral class amphibious assault warships, each of which has the capacity to carry 16 helicopters, up to 700 soldiers, four landing craft, 60 armored vehicles, and 13 tanks, would significantly increase the the naval capabilities of the Russian navy;

(2) Mistral class warships would allow the Russian navy to expand its naval presence in the region, thereby augmenting its capabilities against Ukraine, Georgia, and Baltic member states of the North Atlantic Treaty Organization;

(3) France should not proceed with its sale of two Mistral class warships to the Russian Federation; and

(4) the President, the Secretary of State, and the Secretary of Defense should use diplomatic means to urge their counterparts in the Government of France not to proceed with its sale of two Mistral class warships to the Russian Federation.

AMENDMENT NO. 139 OFFERED BY MR. WALBERG OF MICHIGAN

At the end of subtitle C of title XV, insert the following:

**SEC. 1523. LIMITATION ON USE OF FUNDS FOR THE AFGHANISTAN INFRASTRUCTURE FUND.**

None of the funds authorized to be appropriated or otherwise made available by this Act may be used for the Afghanistan Infrastructure Fund until all funds appropriated for the Afghanistan Infrastructure Fund before the date of the enactment of this Act are obligated or expended.

AMENDMENT NO. 141 OFFERED BY MR. LAMBORN OF COLORADO

At the appropriate place in subtitle B of title 16, insert the following new section:

**SEC. 16 . . . REPORT ON GOVERNANCE AND CORRUPTION IN THE RUSSIAN FEDERATION.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report on the status of governance and democratization in the Russian Federation.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a description of the extent of political and economic corruption among the senior leadership of the Russian Federation; and

(2) an analysis of the assets of the senior leadership of the Russian Federation, with a particular focus on the illegal attainment

and movement of those assets, including the use of family or friends to hide assets.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) PUBLIC AVAILABILITY.—The Director of National Intelligence shall make publicly available on the Internet the unclassified portion of the report required under subsection (a).

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from California (Mr. McKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. Madam Chair, I urge the committee to adopt the amendments en bloc, all of which have been examined by the majority and the minority.

At this time, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. Madam Chair, I thank the chairman.

I rise in strong support of my amendment to H.R. 4435, the FY15 NDAA, to renew a 1-year ban on the Obama administration from using any Department of Defense funds to implement the United Nations Arms Trade Treaty.

This language is identical to the version of my amendment that was enacted into law FY14 NDAA and reflects the consistent will of the American people and the unified position of Congress in opposition to this misguided and dangerous treaty.

Renewal of this ban is timely and necessary. In January, the Obama administration, unexpectedly and without consultation, issued a new arms export control policy, which has not been changed since 1995.

The administration's new policy clearly seeks to implement the ATT and is based on the most dangerous part of the treaty, the international human rights law/international humanitarian law standard, that can be readily politicized by bad actors to stop the U.S. from providing arms to our friends and allies, including Israel.

The Obama administration has been so brazen about this that, in a speech to CSIS on April 23, Assistant Secretary of State Thomas Countryman openly stated:

We're already implementing the treaty.

Amazingly, in that same speech, Mr. Countryman stated:

We don't have to change any laws to implement the treaty.

That is not up to him or the administration to decide. It is up to the Senate to provide its advice and consent on the treaty, and the House and Senate to pass the necessary implementing legislation.

This President's assertion is deeply disrespectful to the Senate and the House and to the Constitution he is sworn to uphold. I urge my colleagues

to stand with me in support of the Second Amendment, our Nation's sovereignty, and vote in support of this amendment to renew the annual ban on funding the ATT.

The Acting CHAIR. The time of the gentleman has expired.

Mr. McKEON. I yield an additional 2 minutes to the gentleman.

Mr. KELLY of Pennsylvania. Madam Chair, I rise in strong support of my amendment to H.R. 4435 to express the sense of Congress against France's impending sale of Mistral class helicopter amphibious assault warships to Russia and urging the President and the Secretaries of State and Defense to seek to stop this sale.

Zoos often have signs posted that say don't feed the bears because it is just common sense. Similarly, I would like to say now, especially, don't feed the Russian bear; but with the sale of these advanced warships, France isn't just feeding the Russian bear, it is serving up fine dining on a silver plate.

A Mistral is no mere civilian hull, as France's Defense Minister claims. Just one Mistral class warship has the capacity to carry 16 helicopters, up to 700 soldiers, four landing craft, 60 armored vehicles, and 13 tanks and has the advanced communications capabilities that make it capable of operating as a command and control vessel.

France wants to send Russia two of them—Vladivostok and Sevastopol—which just happens to be the name of the naval base in Crimea, which Russia has just annexed from Ukraine.

These warships would allow the Russian navy to expand its naval presence in the region, augmenting its capabilities against Ukraine, Georgia, and Baltic members of NATO, but don't take my word for it. Admiral Vysotsky, former head of Russia's navy, boasted that Russia would have won its war against Georgia in 2008 in just 40 minutes, instead of 26 hours, if it just had these ships back then.

It makes no sense for France to provide these warships to Russia when it is occupying Georgia and amassing troops on Ukraine's border. France's support of Russia's navy is unbecoming of a close NATO ally, and it has got to stop.

I urge my colleagues to stand with me in support of this commonsense amendment for the sake of our allies and our friends in Europe.

Mr. SMITH of Washington. I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Madam Chair, I thank the ranking member for yielding, and I rise in support of the en bloc amendment, which includes the amendment I offered with the gentleman from Oregon (Mr. WALDEN), to call attention to an important issue facing the Army National Guard.

Soldiers join the National Guard to serve their country. Often, they choose

the National Guard because they want to balance service with civilian careers or postsecondary education. The Army's tuition assistance program is a valuable benefit for soldiers who want to pursue opportunities for professional growth or attend college while off duty.

In January of 2014, the Army changed its tuition assistance program, and now, all soldiers must wait one full year after initial training before becoming eligible for tuition assistance. This change affects all soldiers, but it may disproportionately harm those in the National Guard.

Nonprior service soldiers in the National Guard, some of whom attend college full time, will have to wait at least a year, and perhaps much longer, depending on the availability of training courses before they get help paying for their education.

The Bonamici-Walden amendment asks the Secretary of the Army to evaluate how this one-size-fits-all change to tuition assistance could affect citizens-soldiers enrolled in education programs.

I would like to thank Chairman McKEON, Ranking Member SMITH, and their staffs for their willingness to accept this important amendment to help protect education benefits and ensure a strong citizen-soldier force.

Mr. McKEON. Madam Chair, I yield 2 minutes to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Madam Chair, first of all, I want to thank Chairman McKEON for his service on this committee and in this body as a colleague; and quite frankly, on behalf of my wife Penny and I, as military parents, thank you for your service to those who serve.

I want to thank you, also, for allowing me to discuss my amendment and have it as part of this en bloc. My amendment will institute a preliminary mental health assessment for all incoming military recruits. A recent Army study found:

Nearly one in five Army soldiers enters the service with a mental disorder, and nearly half of all soldiers who have tried suicide first attempted it before enlisting.

In March, Representative TIM RYAN of Ohio, and I introduced the bipartisan H.R. 4305, the Medical Evaluation Parity for Service Members Act of 2014, which is the exact language of this amendment.

This small but subsequent change to current law will bring mental health to parity with physical health during entrance screenings. A preliminary evaluation will also have the purpose of serving as a baseline to identify changes in behavioral health, including traumatic brain injury and/or posttraumatic stress injury throughout an individual's military career.

Protecting individual privacy was taken into the utmost consideration

when putting this amendment together. While the MEPS Act is not a cure-all, it will be a significant step in further understanding a well-documented gap in behavioral health information that exists among our service branches; and of equal importance, it will assist with the mental wellness of our servicemembers and veterans.

Since introduction, the MEPS Act has garnered over 35 bipartisan cosponsors and the support of over 40 major military, veteran, and health advocacy groups.

I thank all those who supported this legislation and worked with me and my staff to put this together. I ask for your support as we pass this important piece of legislation.

Mr. SMITH of Washington. Madam Chair, I yield 1 minute to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Madam Chair, I want to thank Rules Committee Chairman PETE SESSIONS for making this amendment in order, and I want to thank Chairman McKEON for his service and for allowing this amendment to be part of the en bloc package.

My amendment adds the voice of the House to those of many Americans, including Navy Secretary Ray Mabus, who would like to see the names of the 74 sailors lost aboard the USS *Frank E. Evans* added to the Vietnam Memorial.

The USS *Frank Evans*, a destroyer, was launched near the end of World War II and was recommissioned for the Korea and Vietnam conflicts. After participating in combat off the coast of Vietnam, the *Evans* was deployed for the Operation Sea Spirit training exercise in the South China Sea.

On the morning of June 3, 1969, the *Evans* was training with an Australian navy carrier when the two ships collided.

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The *Melbourne* ripped the American destroyer in two. The bow sank in just 3 minutes, leaving only a stern section afloat. Seventy-four sailors perished.

Although they were in the South China Sea, these sailors' names have been excluded from the Vietnam Memorial because the *Evans* was outside the designated combat zone which determines inclusion on the wall.

Although these men did not die in direct combat, they were instrumental in advancing military objectives in Vietnam and participated in the conflict just days before the collision.

I thank the chairman for allowing this amendment which would encourage the addition of their names to the wall.

My amendment adds the voice of this House to those of many Americans, including Navy Secretary Ray Mabus, who would like to see the names of the 74 sailors lost aboard the USS *Frank E. Evans* added to the Vietnam Memorial.

The USS *Frank E. Evans*, a destroyer, was launched near the end of World War II and

was recommissioned for the Korea and Vietnam conflicts. After participating in combat off the coast of Vietnam, the *Evans* was deployed for the "Operation Sea Spirit" training exercises in the South China Sea.

On the morning of June 3, 1969, the *Evans* was training with the Australian Navy carrier HMAS *Melbourne*, when the two ships collided. The *Melbourne* ripped the American destroyer in two. The bow sank in just three minutes, leaving only the stern section afloat. Seventy-four sailors perished.

Although they were in the South China Sea, these sailors' names have been excluded from the Vietnam Veterans Memorial because the *Evans* was outside the designated combat zone which determines inclusion on the Wall. Although these men did not die in direct combat, they were instrumental in advancing American military objectives in Vietnam and had participated in the conflict just days before the collision. This happenstance should not obscure their valor, patriotism, and ultimate sacrifice for their country, especially as other exceptions to the stated policy have been made, including by Ronald Reagan, who waived the combat zone criteria to add 68 names of U.S. Marines who were killed when a "rest and recreation" flight to Hong Kong crashed.

It has been nearly 45 years to the day since that June night in 1969, and the passage of time has made duller and less distinct, boundaries and criteria that may have seemed reasonable and clear back then. The 74 sailors from the *Evans* belong with the other 58,000 Americans who gave their lives in Vietnam—on the Wall—where Americans from every corner of this great nation can give our silent thanks for their having given the "last full measure of devotion."

Mr. McKEON. I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG), my friend and colleague.

Mr. WALBERG. Madam Chair, I want to thank the chairman for including this amendment en bloc.

As our men and women transition out of the Armed Forces, they are confronted with a number of challenges as they reintegrate into civilian life. My amendment offers a simple change to current DOD policy that I believe will greatly benefit our servicemembers as they return home.

Based on bipartisan legislation I have introduced, the Servicemembers Transition Improvement Act, this amendment would require a pilot program at DOD to transmit a comprehensive copy of a servicemember's information to State veterans agencies.

Veterans service agencies are a powerful resource, helping veterans through job assistance programs and navigating the benefits they have earned. This legislation will enable veterans service offices to assist separating servicemembers who reside in their communities and confirms that caring for our men and women in uniform does not end when they leave military service.

Also, Madam Chairman, I rise today in support of my bipartisan amend-

ment with Mr. COHEN of Tennessee to prohibit new funds for the Afghanistan infrastructure fund and ensure American tax dollars are invested wisely.

We have already spent billions of dollars toward rebuilding the infrastructure of Afghanistan, and Congress has appropriated over \$1.2 billion alone to the Afghanistan infrastructure fund since it was created in 2011.

In their most recent report, SIGAR reported that only \$229 million of the \$1.2 billion Congress has appropriated has actually been disbursed for projects. More importantly, SIGAR has repeatedly found that the projects which are underway are behind schedule and years away from completion.

Without any assurance that these projects are needed or can be completed, let's focus these funds on growing our economy, investing in American infrastructure, and paying off our debt.

I want to thank Chairman McKEON for accepting this amendment in the en bloc and would encourage my colleagues to vote in support of it.

Mr. SMITH of Washington. Madam Chair, I yield 2 minutes to the gentlewoman from Illinois (Ms. DUCKWORTH).

Ms. DUCKWORTH. Madam Chair, I rise in support of the en bloc package, including my amendment which will strengthen our military families.

Madam Chair, last Mother's Day I traveled to Afghanistan with a bipartisan group of Members of Congress. We heard firsthand about the difficult mental and physical challenges our brave servicemen and -women must overcome. One such challenge was their maternity leave policy, which is not in line with the Family and Medical Leave Act.

Currently, the Department of Defense permits Active Duty mothers to take 6 weeks of maternity leave. This is 6 weeks less than mandated by the Family and Medical Leave Act.

My amendment, which is based on my widely supported bipartisan bill, the Military Opportunities for Mothers, or MOM, Act, would give servicemembers the option of extending leave to the same amount that is guaranteed to their civilian sisters. It has received widespread support because my colleagues have heard from female servicemembers and veterans on how bad this policy of just 6 weeks is for the retention of talented women, morale, and mental health.

I urge my colleagues to support this amendment and give our military mothers a chance at a healthier, stronger future for their families and our country. Extending maternity leave for these women is the least we can do for those who sacrifice so much for our country.

Mr. McKEON. Madam Chair, I yield 2 minutes to the gentleman from Colorado (Mr. COFFMAN), my friend and colleague, a member of the Committee on Armed Services.

Mr. COFFMAN. Mr. Chairman, thank you for your service to our Nation as the chairman of the House Armed Services Committee. As a veteran, I deeply appreciate all you have done and will do until the end of your term.

Madam Chairman, I rise in support of this en bloc amendment to the National Defense Authorization Act because it contains an amendment I offered which provides servicemembers diagnosed with a mental health condition who have been discharged access to a physician with special mental health training to provide an additional level of expert review on appeal.

According to the Congressional Research Service, from 2001 to 2011, well over 900,000 servicemembers were diagnosed with at least one mental health condition. While the majority of those diagnosed were able to continue serving, many were ultimately discharged from the military either directly for their mental health issues or for conduct linked to those diagnoses.

Current law insufficiently equips servicemembers diagnosed with a mental health disorder during appeal of a discharge. My amendment corrects this injustice and ensures fairness for those suffering from mental health issues as a result of their service to our Nation.

I urge my colleagues to support this en bloc amendment.

Mr. SMITH of Washington. Madam Chair, I now yield 1 minute to the gentleman from Florida (Mr. MURPHY).

Mr. MURPHY of Florida. Madam Chair, I want to thank the gentleman from Washington for yielding. I want to thank the chairman for his efforts on this evening's work.

I rise today in support of my amendment to improve mental health and suicide prevention for our Nation's veterans.

Every day our country loses 22 of our Nation's heroes to suicide. This heart-breaking statistic remains a devastating reality that should shake every Member in this House. Truly providing our heroes with the respect and care they have earned means treating not only physical, but invisible wounds as well.

With damning reports about the VA failing our veterans and our country, my amendment would insist on more accountability by requiring an independent third-party evaluation of existing suicide prevention efforts to improve coordination and integration between the DOD and the VA.

Outcomes of servicemember and veteran suicide prevention programs are too important to be left to government agencies, particularly ones embroiled in scandal.

I urge my colleagues to support my amendment. Our Nation must not continue to fail those who served us so bravely.

The Acting CHAIR. The gentleman from California has 1 minute remain-

ing. The gentleman from Washington has 5 minutes remaining.

Mr. MCKEON. Madam Chair, I continue to reserve the balance of my time.

Mr. SMITH of Washington. Madam Chair, I yield 1 minute to the gentleman from Illinois (Ms. DUCKWORTH).

Ms. DUCKWORTH. Madam Chair, I rise in support of my amendment which is included in the next en bloc amendment, which will strengthen small business participation in government contracts.

In my district and across the country, small businesses are the backbone of our economy. They innovate, know how to operate on a tight budget, and create good-paying jobs. My small businesses in Elgin, Illinois, should be able to win government contracts from the Department of Defense because I know they will do more with taxpayer dollars and provide superior products and services for our military.

This amendment would raise the small business prime contracting goal from 23 percent to 25 percent and establish a subcontracting goal of 40 percent. It would allow small businesses to reap \$10 billion annually in new work. These steps will ensure small businesses are able to compete, remain a powerful employment source, and save taxpayers money.

Small businesses are a vital part of Illinois' Eighth Congressional District. That is why last year I came to the House floor to speak on behalf of small business amendments that I offered in the past. This time I am happy to partner with my colleague, the chairman of the Small Business Committee, to fight for this critical pillar of our country.

I urge my colleagues to support this amendment.

Mr. MCKEON. I reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Madam Chair, I rise in strong support of the en bloc package that is before us tonight, which includes my amendment that will finally recognize the valiant service of merchant mariners who operated domestically during World War II.

Ensuring that individuals who sacrifice so much in service to our country receive the recognition they deserve is one of the most important jobs we have as Members of Congress.

I am grateful for the bipartisan support my amendment has received from colleagues like my good friends JANICE HAHN from California and WALTER JONES from North Carolina. With support for my amendment coast to coast, I am proud to stand here today one step closer to correcting an injustice that has remained for over 70 years. Madam Chair, after 70 long years, these mariners deserve to receive recognition for their service to our country.

I thank the chairman, I thank the ranking member for including this amendment in the en bloc package this evening, and I ask my colleagues to support final passage.

Mr. SMITH of Washington. Madam Chair, I have no further speakers, and I yield back the balance of my time.

Mr. MCKEON. Madam Chair, I encourage our colleagues to support the en bloc amendment, and I yield back the balance of my time.

Mrs. MCMORRIS RODGERS. Madam Chair, I rise today in strong support of the McMorris Rodgers/Bishop amendment to the National Defense Authorization Act. As co-chairs of the Congressional Military Family Caucus, we are committed to supporting military families. Our amendment highlights a growing issue for military spouses: that of unemployment and underemployment.

Military spouses face a unique lifestyle marked by frequent moves, increased family responsibility during deployments, and limited career opportunities in certain geographic locations. These circumstances make it especially tough for those who want to build a portable career that matches their skills, including their education and experience.

According to a recent DoD survey, the unemployment rate for civilians married to a military member is 25 percent—and climbs to 33 percent for spouses of junior enlisted members. In contrast, the average unemployment rate for individuals 20 years and over is 6.1 percent. A recent Military Officers Association of America (MOAA)/Institute for Veterans and Military Families' (IVMF) Military Spouse Employment Report looked beyond unemployment, finding that 9 out of 10 female military spouses who are employed possess more formal education or experience than is needed in their current position. Many spend years obtaining a degree or developing an area of expertise, only to find that they must be relicensed or recertified each time they move across state lines. For medical professionals, nurses, attorneys, teachers, and numerous others, the financial and emotional burden is too much. Their circumstances make it difficult to build a retirement fund, or get the promotion or tenure they would obtain in civilian life.

DoD has demonstrated its commitment to helping military spouses obtain employment by establishing several programs, including the Military Spouse Employment Partnership (MSEP), a computer portal that connects companies with military spouses seeking employment. Since MSEP's launch in June 2011, more than 61,000 military spouses have obtained jobs through the program. DoD presently collects data on the number of businesses participating in MSEP and the number of military spouses placed in a job through the program. However, information is not available on the types of jobs obtained and whether they are commensurate with an applicant's experience or education.

Our amendment would require DoD to begin gathering this data, which will equip us to better address the complex employment challenges of military spouses.

I applaud DoD for its significant progress in addressing military spouse unemployment. Yet, we have a continuing responsibility to

make sure our programs are as effective as possible. I urge my colleagues to support our amendment to enhance efforts to address military spouse unemployment and underemployment.

Ms. VELÁZQUEZ. Madam Chair, in 2011, all of New York's Chinatown suffered a profound loss when Private Danny Chen died in Afghanistan. We did not lose this young man through combat with the enemy. Rather, Danny passed away after enduring horrific abuse and hazing at the hands of others in his unit. After months of being forced to do push-ups while holding water in his mouth, being kicked, called racial slurs and having rocks thrown at him, Danny died while on guard duty.

One of the great tragedies of this case is that Danny's superiors—both enlisted troops and officers—were either complicit with his hazing or turned a blind eye, allowing his abuse to continue. We have to wonder, if Danny Chen had somewhere to turn whether he would still be alive today. If someone else in Danny's unit had been able to speak out—without fear of repercussions—might things have ended differently? Would Danny's parents, Szu Chen and Yao Ten, still have their son?

Unfortunately, hazing remains too common in the military—and often goes unreported. By requiring every branch of the military to establish a tip line where these incidents could be reported, this amendment would help create a zero-tolerance environment for hazing. Not only will this provide help for the servicemember suffering abuse, but it can serve as a powerful deterrent. When potential bullies know inappropriate behavior can be anonymously and safely reported, they will be more cautious.

Madam Chair, no family should have to endure what the Chens have. The brave men and women who serve our Nation risk everything on our behalf. We owe it to them to ensure they operate in a professional environment where everyone is afforded dignity and respect, regardless of background. I urge my colleagues to vote yes on the amendment.

Mr. MCNERNEY. Madam Chair, I want to thank Chairman McKEON and Ranking Member SMITH for their work on this critical legislation, The National Defense Authorization Act.

I believe that it is our sacred obligation to help the men and women who served our country find good-paying jobs in today's economy and transition seamlessly from active duty to the civilian labor market. The men and women in the U.S. Armed Forces receive first class training in the military and develop skills that are valuable in the civilian workforce. Too often, they return home and find it challenging to obtain employment.

The underlying bill authorizes a pilot program to connect civilian employing agencies with service members who are leaving the military and entering the civilian workforce. I offered an amendment that requires the Secretary of Defense to consider how those agencies will work with state and county Veterans Affairs offices, as well as National Guard offices.

Some of the most valuable resources and information that troops and veterans receive come from their local VA and National Guard offices. Their dedicated professionals have ex-

perience and expertise on the front lines and understand the unique needs of service members and veterans.

By coordinating these services, we can more fully assist veterans in a seamless transition from military service to civilian life—and we can start that by helping them find good wage jobs.

Our veterans have earned the thanks of a grateful nation when they return home, and employers can and will benefit from the skills, discipline, and professionalism veterans possess.

I want to thank the Chairman and Ranking Member for including my amendment in this en bloc package.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. McKEON).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 4 OFFERED BY MR. McKEON

Mr. McKEON. Madam Chair, pursuant to House Resolution 590, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 4 consisting of amendment Nos. 41, 61, 62, 63, 64, 66, 69, 70, 71, 73, 74, 75, 76, 110, 112, 125, 138, 156, 157, and 160 printed in part A of House Report No. 113-460, offered by Mr. McKEON of California:

AMENDMENT NO. 41 OFFERED BY MS. DUCKWORTH OF ILLINOIS

At the end of subtitle C of title V, add the following new section:

**SEC. 5. AVAILABILITY OF ADDITIONAL LEAVE FOR MEMBERS OF THE ARMED FORCES IN CONNECTION WITH THE BIRTH OF A CHILD.**

Section 701(j) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by inserting after “(j)” the following new paragraph (1):

“(1) Under regulations prescribed by the Secretary concerned, a member of the armed forces who gives birth to a child shall receive 42 days of convalescent leave to be used in connection with the birth of the child. At the discretion of the member, the member shall be allowed up to 42 additional days in a leave of absence status in connection with the birth of the child upon the expiration of the convalescent leave, except that—

“(A) a member who uses this additional leave is not entitled to basic pay for any day on which such additional leave is used, but shall be considered to be on active duty for all other purposes; and

“(B) the commanding officer of the member may recall the member to duty from such leave of absence status when necessary to maintain unit readiness.”; and

(3) in paragraph (3), as redesignated, by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”.

AMENDMENT NO. 61 OFFERED BY MR. BILIRAKIS OF FLORIDA

At the end of subtitle C of title VI, add the following new section:

**SEC. 6. TRANSPORTATION ON MILITARY AIRCRAFT ON A SPACE-AVAILABLE BASIS FOR DISABLED VETERANS WITH A SERVICE-CONNECTED, PERMANENT DISABILITY RATED AS TOTAL.**

(a) AVAILABILITY OF TRANSPORTATION.—Section 2641b of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) SPECIAL PRIORITY FOR CERTAIN DISABLED VETERANS.—(1) The Secretary of Defense shall provide, at no additional cost to the Department of Defense and with no aircraft modification, transportation on scheduled and unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Air Mobility Command on a space-available basis for any veteran with a service-connected, permanent disability rated as total.

“(2) Notwithstanding subsection (d)(1), in establishing space-available transportation priorities under the travel program, the Secretary shall provide transportation under paragraph (1) on the same basis as such transportation is provided to members of the armed forces entitled to retired or retainer pay.

“(3) The requirement to provide transportation on Department of Defense aircraft on a space-available basis on the priority basis described in paragraph (2) to veterans covered by this subsection applies whether or not the travel program is established under this section.

“(4) In this subsection, the terms ‘veteran’ and ‘service-connected’ have the meanings given those terms in section 101 of title 38.”.

(b) EFFECTIVE DATE.—Subsection (f) of section 2641b of title 10, United States Code, as added by subsection (a), shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

AMENDMENT NO. 62 OFFERED BY MR. ROSS OF FLORIDA

At the end of subtitle D of title VI, insert the following:

**SEC. 634. PROHIBITION ON THE USE OF FUNDS TO CLOSE COMMISSARY STORES.**

None of the funds authorized to be appropriated or otherwise made available by this Act may be used to close any commissary store.

AMENDMENT NO. 63 OFFERED BY MR. HANNA OF NEW YORK

Page 175, after line 12, insert the following new section:

**SEC. 642. AVAILABILITY FOR PURCHASE OF DEPARTMENT OF VETERANS AFFAIRS MEMORIAL HEADSTONES AND MARKERS FOR MEMBERS OF RESERVE COMPONENTS WHO PERFORMED CERTAIN TRAINING.**

Section 2306 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(i)(1) The Secretary shall make available for purchase a memorial headstone or marker for the marked or unmarked grave of an individual described in paragraph (2) or for the purpose of commemorating such an individual whose remains are unavailable.

“(2) An individual described in this paragraph is an individual who—

“(A) as a member of a National Guard or Reserve component performed inactive duty training or active duty for training for at least six years but did not serve on active duty; and

“(B) is not otherwise ineligible for a memorial headstone or marker on account of

the nature of the individual's separation from the Armed Forces or other cause.

“(3) A headstone or marker for the grave of an individual may be purchased under this subsection by—

“(A) the individual;

“(B) the surviving spouse, child, sibling, or parent of the individual; or

“(C) an individual other than the next of kin, as determined by the Secretary of Veterans Affairs.

“(4) In establishing the prices of the headstones and markers made available for purchase under this section, the Secretary shall ensure the prices are sufficient to cover the costs associated with the production and delivery of such headstones and markers.

“(5) No person may receive any benefit under the laws administered by the Secretary of Veterans Affairs solely by reason of this subsection.

“(6) This subsection does not authorize any new burial benefit for any person or create any new authority for any individual to be buried in a national cemetery.

“(7) The Secretary shall coordinate with the Secretary of Defense in establishing procedures to determine whether an individual is an individual described in paragraph (2).”.

AMENDMENT NO. 64 OFFERED BY MRS. CAPPS OF CALIFORNIA

Page 177, after line 12, insert the following:  
**SEC. 703. AVAILABILITY OF BREASTFEEDING SUPPORT, SUPPLIES, AND COUNSELING UNDER THE TRICARE PROGRAM.**

Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(18) Breastfeeding support, supplies (including breast pumps and associated equipment), and counseling shall be provided as appropriate during pregnancy and the postpartum period.”.

AMENDMENT NO. 66 OFFERED BY MRS. ELLMERS OF NORTH CAROLINA

Page 184, after line 13, insert the following:  
**SEC. 715. PROVISION OF WRITTEN NOTICE OF CHANGE TO TRICARE BENEFITS.**

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097c the following new section:  
**“§ 1097d. TRICARE program: notice of change to benefits**

“(a) PROVISION OF NOTICE.—(1) If the Secretary makes a significant change to any benefits provided by the TRICARE program to covered beneficiaries, the Secretary shall provide individuals described in paragraph (2) with written notice explaining such changes.

“(2) The individuals described by this paragraph are covered beneficiaries and providers participating in the TRICARE program who may be affected by a significant change covered by a notification under paragraph (1).

“(3) The Secretary shall provide notice under paragraph (1) through electronic means.

“(b) TIMING OF NOTICE.—The Secretary shall provide notice under paragraph (1) of subsection (a) by the earlier of the following dates:

“(1) The date that the Secretary determines would afford individuals described in paragraph (2) of such subsection adequate time to understand the change covered by the notification.

“(2) The date that is 90 days before the date on which the change covered by the notification becomes effective.

“(3) The effective date of a significant change that is required by law.

“(c) SIGNIFICANT CHANGE DEFINED.—In this section, the term ‘significant change’ means a system-wide change—

“(1) in policy regarding services provided under the TRICARE program (not including the addition of new services or benefits); or  
“(2) in payment rates of more than 20 percent.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1097c the following new item:

“1097d. TRICARE program: notice of change to benefits.”.

AMENDMENT NO. 69 OFFERED BY MR. MURPHY OF FLORIDA

At the end of subtitle C of title VII, insert the following:

**SEC. . . . IMPROVEMENT OF MENTAL HEALTH CARE.**

(a) EVALUATIONS OF MENTAL HEALTH CARE AND SUICIDE PREVENTION PROGRAMS.—

(1) IN GENERAL.—Not less than once each year, the Secretary concerned (as defined in section 101(a)(9) of title 10, United States Code) shall contract with a third party unaffiliated with the Department of Veterans Affairs or the Department of Defense to conduct an evaluation of the mental health care and suicide prevention programs carried out under the laws administered by such Secretary.

(2) ELEMENTS.—Each evaluation conducted under paragraph (1) shall—

(A) use metrics that are common among and useful for practitioners in the field of mental health care and suicide prevention;

(B) identify the most effective mental health care and suicide prevention programs conducted by the Secretary concerned;

(C) propose best practices for caring for individuals who suffer from mental health disorders or are at risk of suicide; and

(D) make recommendations to improve the coordination and integration of mental health and suicide prevention services between the Department of Veterans Affairs and the Department of Defense to improve the delivery and effectiveness of such services.

AMENDMENT NO. 70 OFFERED BY MR. PASCRELL OF NEW JERSEY

At the end of subtitle C of title VII, add the following:

**SEC. 7 . . . PRIMARY BLAST INJURY RESEARCH.**

The peer-reviewed Psychological Health and Traumatic Brain Injury Research Program shall conduct a study on blast injury mechanics covering a wide range of primary blast injury conditions, including traumatic brain injury, in order to accelerate solution development in this critical area.

AMENDMENT NO. 71 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

At the end of subtitle C of title VII, add the following new section:

**SEC. 729. REPORT ON EFFORTS TO TREAT INFERTILITY OF MILITARY FAMILIES.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on what steps the Secretary is taking to ensure that members of the Armed Forces and the dependents of such members have access to reproductive counseling and a full spectrum of treatments for infertility, including in vitro fertilization.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) An assessment of treatment options available at military medical treatment facilities throughout the military health system.

(2) An identification of factors that might disrupt treatment, including availability of

options, lack of timely access to treatment, change in duty station, or overseas deployments.

(3) The number of members of the Armed Forces who have used specific treatment options, including in vitro fertilization.

(4) The number of dependents of members who have used specific treatment options, including in vitro fertilization.

(5) An identification of non-Department of Defense treatment options for infertility that could benefit members and the dependents of members.

(6) Any other matters the Secretary determines appropriate.

AMENDMENT NO. 73 OFFERED BY MR. MULVANEY OF SOUTH CAROLINA

Page 197, after line 16, insert the following new section (and amend the table of contents accordingly):

**SEC. 805. MAXIMIZING COMPETITION IN DESIGN-BUILD CONTRACTS.**

(a) PUBLIC DESIGN-BUILD CONSTRUCTION PROCESS IMPROVEMENT.—Section 3309 of title 41, United States Code, is amended—

(1) in subsection (a), by inserting “and the contract is in an amount of \$1,000,000 or greater” after “appropriate for use”; and

(2) by striking the second sentence of subsection (d) and inserting the following: “The maximum number specified in the solicitation shall not exceed 5 unless the head of the agency approves the contracting officer’s justification with respect to the solicitation that a number greater than 5 is in the Federal Government’s interest. The contracting officer shall provide written documentation of how a maximum number exceeding 5 is consistent with the purposes and objectives of the two-phase selection procedures.”; and  
(3) by adding at the end the following new subsection:

“(f) REPORT.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget shall require the head of each agency to appoint an individual who shall provide to the Director an annual compilation of each instance the agency awarded a contract pursuant to this section in which—

“(A) more than 5 offerors were selected to submit competitive proposals pursuant to subsection (c)(4); or

“(B) the contract was awarded without using the two-phase selection procedures described in subsection (c).

“(2) PUBLICATION.—The Director shall prepare an annual report containing the information provided by each executive agency under subparagraph (A). The report shall be accessible to the public through electronic means, and the Director shall publish a notice of availability in the Federal Register.

“(3) FISCAL YEARS COVERED; DEADLINE.—The Director shall submit to Congress the report prepared under subparagraph (B) for the fiscal year during which this subsection is enacted, and each of the next 4 fiscal years, not later than 60 days after the end of each such fiscal year.”.

(b) DEFENSE DESIGN-BUILD CONSTRUCTION PROCESS IMPROVEMENT.—Section 2305a of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “and the contract is in an amount of \$1,000,000 or greater” after “appropriate for use”; and

(2) by striking the second sentence of subsection (d) and inserting the following: “The maximum number specified in the solicitation shall not exceed 5 unless the head of the agency approves the contracting officer’s justification with respect to an individual solicitation that a number greater than 5 is in the Federal Government’s interest. The



contracting officer shall provide written documentation of how a maximum number exceeding 5 is consistent with the purposes and objectives of the two-phase selection procedures.”; and

(3) by adding at the end the following new subsection:

“(g) REPORT.—(1) The Director of the Office of Management and Budget shall require the head of each agency to appoint an individual who shall provide to the Director an annual compilation of each instance the agency awarded a contract pursuant to this section in which—

“(A) more than 5 offerors were selected to submit competitive proposals pursuant to subsection (c)(4); or

“(B) the contract was awarded without using the two-phase selection procedures described in subsection (c).

“(2) The Director shall prepare an annual report containing the information provided by each executive agency under subparagraph (A). The report shall be accessible to the public through electronic means, and the Director shall publish a notice of availability in the Federal Register.

“(3) The Director shall submit to Congress the report prepared under subparagraph (B) for the fiscal year during which this subsection is enacted, and each of the next 4 fiscal years, not later than 60 days after the end of each such fiscal year”.

(c) GAO REPORT.—Not later than the end of fiscal year 2021, the Comptroller General of the United States shall issue a report analyzing the extent to which Federal agencies are in compliance with the reporting requirements in section 2305a(f) of title 10, United States Code, and section 3309(g) of title 41, United States Code.

AMENDMENT NO. 74 OFFERED BY MR. CONNOLLY OF VIRGINIA

At the end of subtitle A of title VIII (page 197, after line 16), insert the following new section:

**SEC. 805. PERMANENT AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.**

Section 4202 of the Clinger-Cohen Act of 1996 (division D of Public Law 104-106; 10 U.S.C. 2304 note) is amended by striking subsection (e).

AMENDMENT NO. 75 OFFERED BY MS. MENG OF NEW YORK

Page 214, line 9, insert after “terms.” the following:

“(C) DEFINITION.—For purposes of this section, the term ‘a contract awarded as part of the Federal Strategic Sourcing Initiative’ shall mean a contract award pursuant to the process established by the Interagency Strategic Sourcing Leadership Council that was created by the Office of Management and Budget pursuant to Memorandum M-13-02 issued on December 5, 2012.

“(8) STUDY OF STRATEGIC SOURCING.—

“(A) STUDY.—Not later than the last day of fiscal year 2015, the Comptroller General of the United States shall initiate a study on the affect of contracts awarded as part of the Federal Strategic Sourcing Initiative on the small business industrial base.

“(B) SCOPE.—For each North American Classification System Code assigned to a contract awarded as part of the Federal Strategic Sourcing Initiative, the Comptroller General of the United States shall examine the following:

“(i) The number of small business concerns participating as prime contractors in that North American Industrial Classification System code in the federal procurement

marketplace prior to the award of a contract awarded as part of the Federal Strategic Sourcing Initiative.

“(ii) The number of small business concerns participating as prime contractors in that North American Industrial Classification System code in the federal procurement marketplace after the award of a contract awarded as part of the Federal Strategic Sourcing Initiative.

“(iii) The number of small business concerns anticipated to be participating as prime contractors in that North American Industrial Classification System code in the federal procurement marketplace at the time that the a contract awarded as part of the Federal Strategic Sourcing Initiative expires.

“(iv) The affect of any changes between subsection (a)(1), (a)(2), and (a)(3) on the health of the small business industrial base, and the sustainability of any savings achieved by contract awarded as part of the Federal Strategic Sourcing Initiative.

“(C) REPORT.—Not later than 12 months after initiating the study required by subparagraph (A), the Comptroller General of the United States shall report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate on the results from such study and, if warranted, any recommendations on how to mitigate any negative affects ont eh small business industrial base or the sustainability of savings.”.

Page 218, insert after line 20 the following (and conform the table of contents accordingly):

**SEC. 817. PUBLICATION OF REQUIRED JUSTIFICATION THAT CONSOLIDATION OF CONTRACT REQUIREMENTS.**

Section 44(c)(2)(A) of the Small Business Act (15 U.S.C. 657q(c)(2)(A)) is amended by adding at the end the following: “This justification shall be published prior to the issuance of a solicitation.”.

AMENDMENT NO. 76 OFFERED BY MR. HANNA OF NEW YORK

Page 218, strike lines 17 through 20 and insert the following (and conform the table the contents accordingly):

**SEC. 816. IMPROVING FEDERAL SURETY BONDS.**

(a) SURETY BOND REQUIREMENTS.—Chapter 93 of subtitle VI of title 31, United States Code, is amended—

(1) by adding at the end the following:

**“SEC. 9310. INDIVIDUAL SURETIES.**

“If another applicable law or regulation permits the acceptance of a bond from a surety that is not subject to sections 9305 and 9306 and is based on a pledge of assets by the surety, the assets pledged by such surety shall—

“(1) consist of eligible obligations described under section 9303(a); and

“(2) be submitted to the official of the Government required to approve or accept the bond, who shall deposit the assets with a depository described under section 9303(b).”; and

(2) in the table of contents for such chapter, by adding at the end the following:

“9310. Individual sureties”.

(b) SBA SURETY BOND GUARANTEE.—Section 411(c)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(1)) is amended by striking “70” and inserting “90”.

(c) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall carry out a study on the following:

(A) All instances during the 10-year period prior to the date of enactment of the Act in

which a surety bond proposed or issued by a surety in connection with a Federal project was—

(i) rejected by a Federal contracting officer; or

(ii) accepted by a Federal contracting officer, but was later found to have been backed by insufficient collateral or to be otherwise deficient or with respect to which the surety did not perform.

(B) The consequences to the Federal Government, subcontractors, and suppliers of the instances described under paragraph (1).

(C) The percentages of all Federal contracts that were awarded to new startup businesses (including new startup businesses that are small disadvantaged businesses or disadvantaged business enterprises), small disadvantaged businesses, and disadvantaged business enterprises as prime contractors in the 2-year period prior to and the 2-year period following the date of enactment of this Act, and an assessment of the impact of this Act and the amendments made by this Act upon such percentages.

(2) REPORT.—Not later than the end of the 3-year period beginning on the date of the enactment of this Act, the Comptroller General shall issue a report to the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Government Affairs of the Senate containing all findings and determinations made in carrying out the study required under subsection (a).

(3) DEFINITIONS.—For purposes of this section:

(A) DISADVANTAGED BUSINESS ENTERPRISE.—The term “disadvantaged business enterprise” has the meaning given that term under section 26.5 of title 49, Code of Federal Regulations.

(B) NEW STARTUP BUSINESS.—The term “new startup business” means a business that was formed in the 2-year period ending on the date on which the business bids on a Federal contract that requires giving a surety bond.

(C) SMALL DISADVANTAGED BUSINESS.—The term “small disadvantaged business” has the meaning given that term under section 124.1002(b) of title 13, Code of Federal Regulations.

AMENDMENT NO. 110 OFFERED BY MS. MENG OF NEW YORK

At the end of subtitle G of title X, add the following new section:

**SEC. 1082. ANNUAL REPORT ON PERFORMANCE OF REGIONAL OFFICES OF THE DEPARTMENT OF VETERANS AFFAIRS.**

Section 7734 of title 38, United States Code, is amended—

(1) in the first sentence, by inserting before the period the following: “and on the performance of any regional office that fails to meet its administrative goals”; and

(2) in paragraph (2), by striking “and”; and

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph (3):

“(3) in the case of any regional office that, for the year covered by the report, did not meet the administrative goal of no claim pending for more than 125 days and an accuracy rating of 98 percent—

“(A) a signed statement prepared by the individual serving as director of the regional office as of the date of the submittal of the report containing—

“(i) an explanation for why the regional office did not meet the goal;



“(ii) a description of the additional resources needed to enable the regional office to reach the goal; and

“(iii) a description of any additional actions planned for the subsequent year that are proposed to enable the regional office to meet the goal; and

“(B) a statement prepared by the Under Secretary for Benefits explaining how the failure of the regional office to meet the goal affected the performance evaluation of the director of the regional office; and”.

AMENDMENT NO. 112 OFFERED BY MR. CONNOLLY OF VIRGINIA

At the end of title XI, add the following:

**SEC. 1107. EXTENSION OF PART-TIME REEMPLOYMENT AUTHORITY.**

(a) CSRS.—Section 8344(1)(7) of title 5, United States Code, is amended by strike “5 years” and inserting “10 years”.

(b) FERS.—Section 8468(i)(7) of such title is amended by striking “5 years” and inserting “10 years”.

AMENDMENT NO. 125 OFFERED BY MR. CONNOLLY OF VIRGINIA

At the end of subtitle D of title XII of division A, add the following:

**SEC. . SALE OF F-16 AIRCRAFT TO TAIWAN.**

The President shall carry out the sale of no fewer than 66 F-16C/D multirole fighter aircraft to Taiwan.

AMENDMENT NO. 138 OFFERED BY MR. MULVANEY OF SOUTH CAROLINA

Page 484, after line 12, insert the following:

**SEC. 1523. CODIFICATION OF OFFICE OF MANAGEMENT AND BUDGET CRITERIA.**

The Secretary of Defense shall implement the following criteria in requests for overseas contingency operations:

(1) Geographic Area Covered – For theater of operations for non-classified war overseas contingency operations funding, the geographic areas in which combat or direct combat support operations occur are: Iraq, Afghanistan, Pakistan, Kazakhstan, Tajikistan, Kyrgyzstan, the Horn of Africa, Persian Gulf and Gulf nations, Arabian Sea, the Indian Ocean, the Philippines, and other countries on a case-by-case basis.

(2) Permitted Inclusions in the Overseas Contingency Operation Budget

(A) Major Equipment

(i) Replacement of losses that have occurred but only for items not already programmed for replacement in the Future Years Defense Plan (FYDP), but not including accelerations, which must be made in the base budget.

(ii) Replacement or repair to original capability (to upgraded capability if that is currently available) of equipment returning from theater. The replacement may be a similar end item if the original item is no longer in production. Incremental cost of non-war related upgrades, if made, should be included in the base.

(iii) Purchase of specialized, theater-specific equipment.

(iv) Funding for major equipment must be obligated within 12 months.

(B) Ground Equipment Replacement

(i) For combat losses and returning equipment that is not economical to repair, the replacement of equipment may be given to coalition partners, if consistent with approved policy.

(ii) In-theater stocks above customary equipping levels on a case-by-case basis.

(C) Equipment Modifications

(i) Operationally-required modifications to equipment used in theater or in direct support of combat operations and that is not already programmed in FYDP.

(ii) Funding for equipment modifications must be able to be obligated in 12 months.

(D) Munitions

(i) Replenishment of munitions expended in combat operations in theater.

(ii) Training ammunition for theater-unique training events.

(iii) While forecasted expenditures are not permitted, a case-by-case assessment for munitions where existing stocks are insufficient to sustain theater combat operations.

(E) Aircraft Replacement

(i) Combat losses by accident that occur in the theater of operations.

(ii) Combat losses by enemy action that occur in the theater of operations.

(F) Military Construction

(i) Facilities and infrastructure in the theater of operations in direct support of combat operations. The level of construction should be the minimum to meet operational requirements.

(ii) At non-enduring locations, facilities and infrastructure for temporary use.

(iii) At enduring locations, facilities and infrastructure for temporary use.

(iv) At enduring locations, construction requirements must be tied to surge operations or major changes in operational requirements and will be considered on a case-by-case basis.

(G) Research and development projects for combat operations in these specific theaters that can be delivered in 12 months.

(H) Operations

(i) Direct War costs:

(I) Transport of personnel, equipment, and supplies to, from and within the theater of operations.

(II) Deployment-specific training and preparation for unites and personnel (military and civilian) to assume their directed missions as defined in the orders for deployment into the theater of operations.

(ii) Within the theater, the incremental costs above the funding programmed in the base budget to:

(I) Support commanders in the conduct of their directed missions (to include Emergency Response Programs).

(II) Build and maintain temporary facilities.

(III) Provide food, fuel, supplies, contracted services and other support.

(IV) Cover the operational costs of coalition partners supporting US military missions, as mutually agreed.

(iii) Indirect war costs incurred outside the theater of operations will be evaluated on a case-by-case basis.

(I) Health

(i) Short-term care directly related to combat.

(ii) Infrastructure that is only to be used during the current conflict.

(J) Personnel

(i) Incremental special pays and allowances for Service members and civilians deployed to a combat zone.

(ii) Incremental pay, special pays and allowances for Reserve Component personnel mobilized to support war missions.

(K) Special Operations Command

(i) Operations that meet the criteria in this guidance.

(ii) Equipment that meets the criteria in this guidance.

(L) Prepositioned Supplies and equipment for resetting in-theater stocks of supplies and equipment to pre-war levels.

(M) Security force funding to train, equip, and sustain Iraqi and Afghan military and police forces.

(N) Fuel

(i) War fuel costs and funding to ensure that logistical support to combat operations is not degraded due to cash losses in the Department of Defense's baseline fuel program.

(ii) Enough of any base fuel shortfall attributable to fuel price increases to maintain sufficient on-hand cash for the Defense Working Capital Funds to cover seven days disbursements.

(3) Excluded items from Overseas Contingency Funding that must be funded from the base budget

(A) Training vehicles, aircraft, ammunition, and simulators, but not training base stocks of specialized, theater-specific equipment that is required to support combat operations in the theater of operations, and support to deployment-specific training described above.

(B) Acceleration of equipment service life extension programs already in the Future Years Defense Plan.

(C) Base Realignment and Closure projects.

(D) Family support initiatives

(i) Construction of childcare facilities.

(ii) Funding for private-public partnerships to expand military families' access to childcare.

(iii) Support for service members' spouses professional development.

(E) Programs to maintain industrial base capacity including “war-stoppers.”

(F) Personnel

(i) Recruiting and retention bonuses to maintain end-strength.

(ii) Basic Pay and the Basic allowances for Housing and Subsistence for permanently authorized end strength.

(iii) Individual augmentees on a case-by-case basis.

(G) Support for the personnel, operations, or the construction or maintenance of facilities, at U.S. Offices of Security Cooperation in theater.

(H) Costs for reconfiguring prepositioned supplies and equipment or for maintaining them.

(4) Special Situations – Items proposed for increases in reprogrammings or as payback for prior reprogrammings must meet the criteria above.

AMENDMENT NO. 156 OFFERED BY MR. PIERLUISI OF PUERTO RICO

At the end of subtitle B of title XXVIII, add the following new section:

**SEC. 28. . USE OF FORMER BOMBARDMENT AREA ON ISLAND OF CULEBRA, PUERTO RICO.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the statutory prohibition restricting environmental cleanup of the former bombardment area on the island of Culebra, Puerto Rico, is a unique anomaly for the Department of Defense and its formerly used defense sites.

(b) MODIFICATION OF RESTRICTION ON FEDERAL DECONTAMINATION AUTHORITY.—Section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93-166; 87 Stat. 668) is amended by adding at the end the following new sentence: “The first sentence of this subsection shall not apply to the portions of the former bombardment area that were identified as having regular public access in the Department of Defense study entitled ‘Study Relating to the Presence of Unexploded Ordnance in a Portion of the Former Naval Bombardment Area of Culebra Island, Commonwealth of Puerto Rico’ and dated April 20, 2012, which was prepared in accordance with section 2815 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4464).”.

AMENDMENT NO. 157 OFFERED BY MR. CONNOLLY  
OF VIRGINIA

At the end of the bill, add the following new division:

**DIVISION E—FEDERAL INFORMATION  
TECHNOLOGY ACQUISITION REFORM**

**SEC. 5001. SHORT TITLE.**

This division may be cited as the “Federal Information Technology Acquisition Reform Act”.

**SEC. 5002. TABLE OF CONTENTS.**

The table of contents for this division is as follows:

**DIVISION E—FEDERAL INFORMATION  
TECHNOLOGY ACQUISITION REFORM**

Sec. 5001. Short title.

Sec. 5002. Table of contents.

Sec. 5003. Definitions.

**TITLE LI—MANAGEMENT OF INFORMA-  
TION TECHNOLOGY WITHIN FEDERAL  
GOVERNMENT**

Sec. 5101. Increased authority of agency Chief Information Officers over information technology.

Sec. 5102. Lead coordination role of Chief Information Officers Council.

Sec. 5103. Reports by Government Accountability Office.

**TITLE LII—DATA CENTER OPTIMIZATION**

Sec. 5201. Purpose.

Sec. 5202. Definitions.

Sec. 5203. Federal data center optimization initiative.

Sec. 5204. Performance requirements related to data center consolidation.

Sec. 5205. Cost savings related to data center optimization.

Sec. 5206. Reporting requirements to Congress and the Federal Chief Information Officer.

**TITLE LIII—ELIMINATION OF DUPLICA-  
TION AND WASTE IN INFORMATION  
TECHNOLOGY ACQUISITION**

Sec. 5301. Inventory of information technology software assets.

Sec. 5302. Website consolidation and transparency.

Sec. 5303. Transition to the cloud.

Sec. 5304. Elimination of unnecessary duplication of contracts by requiring business case analysis.

**TITLE LIV—STRENGTHENING IT  
ACQUISITION WORKFORCE**

Sec. 5411. Expansion of training and use of information technology acquisition cadres.

Sec. 5412. Plan on strengthening program and project management performance.

Sec. 5413. Personnel awards for excellence in the acquisition of information systems and information technology.

**TITLE LV—ADDITIONAL REFORMS**

Sec. 5501. Maximizing the benefit of the Federal strategic sourcing initiative.

Sec. 5502. Governmentwide software purchasing program.

Sec. 5503. Promoting transparency of blanket purchase agreements.

Sec. 5504. Additional source selection technique in solicitations.

Sec. 5505. Enhanced transparency in information technology investments.

Sec. 5506. Enhanced communication between government and industry.

Sec. 5507. Clarification of current law with respect to technology neutrality in acquisition of software.

Sec. 5508. No additional funds authorized.

**SEC. 5003. DEFINITIONS.**

In this division:

(1) **CHIEF ACQUISITION OFFICERS COUNCIL.**—The term “Chief Acquisition Officers Council” means the Chief Acquisition Officers Council established by section 1311(a) of title 41, United States Code.

(2) **CHIEF INFORMATION OFFICER.**—The term “Chief Information Officer” means a Chief Information Officer (as designated under section 3506(a)(2) of title 44, United States Code) of an agency listed in section 901(b) of title 31, United States Code.

(3) **CHIEF INFORMATION OFFICERS COUNCIL.**—The term “Chief Information Officers Council” or “CIO Council” means the Chief Information Officers Council established by section 3603(a) of title 44, United States Code.

(4) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.

(5) **FEDERAL AGENCY.**—The term “Federal agency” means each agency listed in section 901(b) of title 31, United States Code.

(6) **FEDERAL CHIEF INFORMATION OFFICER.**—The term “Federal Chief Information Officer” means the Administrator of the Office of Electronic Government established under section 3602 of title 44, United States Code.

(7) **INFORMATION TECHNOLOGY OR IT.**—The term “information technology” or “IT” has the meaning provided in section 11101(6) of title 40, United States Code.

(8) **RELEVANT CONGRESSIONAL COMMITTEES.**—The term “relevant congressional committees” means each of the following:

(A) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.

**TITLE LI—MANAGEMENT OF INFORMA-  
TION TECHNOLOGY WITHIN FEDERAL  
GOVERNMENT**

**SEC. 5101. INCREASED AUTHORITY OF AGENCY  
CHIEF INFORMATION OFFICERS  
OVER INFORMATION TECHNOLOGY.**

(a) **PRESIDENTIAL APPOINTMENT OF CIOs OF CERTAIN AGENCIES.**—

(1) **IN GENERAL.**—Section 11315 of title 40, United States Code, is amended—

(A) by redesignating subsection (a) as subsection (e) and moving such subsection to the end of the section; and

(B) by inserting before subsection (b) the following new subsection (a):

“(a) **PRESIDENTIAL APPOINTMENT OR DESIGNATION OF CERTAIN CHIEF INFORMATION OFFICERS.**—

“(1) **IN GENERAL.**—There shall be within each agency listed in section 901(b)(1) of title 31 an agency Chief Information Officer. Each agency Chief Information Officer shall—

“(A)(i) be appointed by the President; or

“(ii) be designated by the President, in consultation with the head of the agency; and

“(B) be appointed or designated, as applicable, from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in, information technology management practices in large governmental or business entities.

“(2) **RESPONSIBILITIES.**—An agency Chief Information Officer appointed or designated under this section shall report directly to the head of the agency and carry out, on a full-time basis, responsibilities as set forth in this section and in section 3506(a) of title

44 for Chief Information Officers designated under paragraph (2) of such section.”.

(2) **CONFORMING AMENDMENTS.**—Section 3506(a)(2) of title 44, United States Code, is amended—

(A) by striking “(A) Except as provided under subparagraph (B), the head of each agency” and inserting “The head of each agency, other than an agency with a Presidentially appointed or designated Chief Information Officer as provided in section 11315(a)(1) of title 40,”; and

(B) by striking subparagraph (B).

(b) **AUTHORITY RELATING TO BUDGET AND PERSONNEL.**—Section 11315 of title 40, United States Code, is further amended by inserting after subsection (c) the following new subsection:

“(d) **ADDITIONAL AUTHORITIES FOR CERTAIN CIOs.**—

“(1) **BUDGET-RELATED AUTHORITY.**—

“(A) **PLANNING.**—Notwithstanding any other provision of law, the head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31 and in section 102 of title 5 shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology or programs that include significant information technology components.

“(B) **ALLOCATION.**—Notwithstanding any other provision of law, amounts appropriated for any agency listed in section 901(b)(1) or 901(b)(2) of title 31 and in section 102 of title 5 for any fiscal year that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

“(2) **PERSONNEL-RELATED AUTHORITY.**—Notwithstanding any other provision of law, the head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31 shall ensure that the Chief Information Officer of the agency has the authority necessary to approve the hiring of personnel who will have information technology responsibilities within the agency and to require that such personnel have the obligation to report to the Chief Information Officer in a manner considered sufficient by the Chief Information Officer.”.

(c) **SINGLE CHIEF INFORMATION OFFICER IN EACH AGENCY.**—

(1) **REQUIREMENT.**—Section 3506(a)(3) of title 44, United States Code, is amended—

(A) by inserting “(A)” after “(3)”; and

(B) by adding at the end the following new subparagraph:

“(B) Each agency shall have only one individual with the title and designation of ‘Chief Information Officer’. Any bureau, office, or subordinate organization within the agency may designate one individual with the title ‘Deputy Chief Information Officer’, ‘Associate Chief Information Officer’, or ‘Assistant Chief Information Officer’.”.

(2) **EFFECTIVE DATE.**—Section 3506(a)(3)(B) of title 44, United States Code, as added by paragraph (1), shall take effect as of October 1, 2014. Any individual serving in a position affected by such section before such date may continue in that position if the requirements of such section are fulfilled with respect to that individual.

**SEC. 5102. LEAD COORDINATION ROLE OF CHIEF INFORMATION OFFICERS COUNCIL.**

(a) **LEAD COORDINATION ROLE.**—Subsection (d) of section 3603 of title 44, United States Code, is amended to read as follows:

“(d) **LEAD INTERAGENCY FORUM.**—

“(1) **IN GENERAL.**—The Council is designated the lead interagency forum for improving agency coordination of practices related to the design, development, modernization, use, operation, sharing, performance, and review of Federal Government information resources investment. As the lead interagency forum, the Council shall develop cross-agency portfolio management practices to allow and encourage the development of cross-agency shared services and shared platforms. The Council shall also issue guidelines and practices for infrastructure and common information technology applications, including expansion of the Federal Enterprise Architecture process if appropriate. The guidelines and practices may address broader transparency, common inputs, common outputs, and outcomes achieved. The guidelines and practices shall be used as a basis for comparing performance across diverse missions and operations in various agencies.

“(2) **REPORT.**—Not later than December 1 in each of the 6 years following the date of the enactment of this paragraph, the Council shall submit to the relevant congressional committees a report (to be known as the ‘CIO Council Report’) summarizing the Council’s activities in the preceding fiscal year and containing such recommendations for further congressional action to fulfill its mission as the Council considers appropriate.

“(3) **RELEVANT CONGRESSIONAL COMMITTEES.**—For purposes of the report required by paragraph (2), the relevant congressional committees are each of the following:

“(A) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

“(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.”.

(b) **REFERENCES TO ADMINISTRATOR OF E-GOVERNMENT AS FEDERAL CHIEF INFORMATION OFFICER.**—

(1) **REFERENCES.**—Section 3602(b) of title 44, United States Code, is amended by adding at the end the following: “The Administrator may also be referred to as the Federal Chief Information Officer.”.

(2) **DEFINITION.**—Section 3601(1) of such title is amended by inserting “or Federal Chief Information Officer” before “means”.

**SEC. 5103. REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE.**

(a) **REQUIREMENT TO EXAMINE EFFECTIVENESS.**—The Comptroller General of the United States shall examine the effectiveness of the Chief Information Officers Council in meeting its responsibilities under section 3603(d) of title 44, United States Code, as added by section 5102, with particular focus on whether agencies are actively participating in the Council and heeding the Council’s advice and guidance.

(b) **REPORTS.**—Not later than 1 year, 3 years, and 5 years after the date of the enactment of this Act, the Comptroller General shall submit to the relevant congressional committees a report containing the findings and recommendations of the Comptroller General from the examination required by subsection (a).

**TITLE LII—DATA CENTER OPTIMIZATION****SEC. 5201. PURPOSE.**

The purpose of this title is to optimize Federal data center usage and efficiency.

**SEC. 5202. DEFINITIONS.**

In this title:

(1) **FEDERAL DATA CENTER OPTIMIZATION INITIATIVE.**—The term “Federal Data Center Optimization Initiative” or the “Initiative” means the initiative developed and implemented by the Director, through the Federal Chief Information Officer, as required under section 5203.

(2) **COVERED AGENCY.**—The term “covered agency” means any agency included in the Federal Data Center Optimization Initiative.

(3) **DATA CENTER.**—The term “data center” means a closet, room, floor, or building for the storage, management, and dissemination of data and information, as defined by the Federal Chief Information Officer under guidance issued pursuant to this section.

(4) **FEDERAL DATA CENTER.**—The term “Federal data center” means any data center of a covered agency used or operated by a covered agency, by a contractor of a covered agency, or by another organization on behalf of a covered agency.

(5) **SERVER UTILIZATION.**—The term “server utilization” refers to the activity level of a server relative to its maximum activity level, expressed as a percentage.

(6) **POWER USAGE EFFECTIVENESS.**—The term “power usage effectiveness” means the ratio obtained by dividing the total amount of electricity and other power consumed in running a data center by the power consumed by the information and communications technology in the data center.

**SEC. 5203. FEDERAL DATA CENTER OPTIMIZATION INITIATIVE.**

(a) **REQUIREMENT FOR INITIATIVE.**—The Federal Chief Information Officer, in consultation with the chief information officers of covered agencies, shall develop and implement an initiative, to be known as the Federal Data Center Optimization Initiative, to optimize the usage and efficiency of Federal data centers by meeting the requirements of this division and taking additional measures, as appropriate.

(b) **REQUIREMENT FOR PLAN.**—Within 6 months after the date of the enactment of this Act, the Federal Chief Information Officer, in consultation with the chief information officers of covered agencies, shall develop and submit to Congress a plan for implementation of the Initiative required by subsection (a) by each covered agency. In developing the plan, the Federal Chief Information Officer shall take into account the findings and recommendations of the Comptroller General review required by section 5205(e).

(c) **MATTERS COVERED.**—The plan shall include—

(1) descriptions of how covered agencies will use reductions in floor space, energy use, infrastructure, equipment, applications, personnel, increases in multiorganizational use, server virtualization, cloud computing, and other appropriate methods to meet the requirements of the initiative; and

(2) appropriate consideration of shifting Federally owned data center workload to commercially owned data centers.

**SEC. 5204. PERFORMANCE REQUIREMENTS RELATED TO DATA CENTER CONSOLIDATION.**

(a) **SERVER UTILIZATION.**—Each covered agency may use the following methods to achieve the maximum server utilization possible as determined by the Federal Chief Information Officer:

(1) The closing of existing data centers that lack adequate server utilization, as determined by the Federal Chief Information Officer. If the agency fails to close such data

centers, the agency shall provide a detailed explanation as to why this data center should remain in use as part of the submitted plan. The Federal Chief Information Officer shall include an assessment of the agency explanation in the annual report to Congress.

(2) The consolidation of services within existing data centers to increase server utilization rates.

(3) Any other method that the Federal Chief Information Officer, in consultation with the chief information officers of covered agencies, determines necessary to optimize server utilization.

(b) **POWER USAGE EFFECTIVENESS.**—Each covered agency may use the following methods to achieve the maximum energy efficiency possible as determined by the Federal Chief Information Officer:

(1) The use of the measurement of power usage effectiveness to calculate data center energy efficiency.

(2) The use of power meters in facilities dedicated to data center operations to frequently measure power consumption over time.

(3) The establishment of power usage effectiveness goals for each data center.

(4) The adoption of best practices for managing—

(A) temperature and airflow in facilities dedicated to data center operations; and

(B) power supply efficiency.

(5) The implementation of any other method that the Federal Chief Information Officer, in consultation with the Chief Information Officers of covered agencies, determines necessary to optimize data center energy efficiency.

**SEC. 5205. COST SAVINGS RELATED TO DATA CENTER OPTIMIZATION.**

(a) **REQUIREMENT TO TRACK COSTS.**—

(1) **IN GENERAL.**—Each covered agency shall track costs resulting from implementation of the Federal Data Center Optimization Initiative within the agency and submit a report on those costs annually to the Federal Chief Information Officer. Covered agencies shall determine the net costs from data consolidation on an annual basis.

(2) **FACTORS.**—In calculating net costs each year under paragraph (1), a covered agency shall use the following factors:

(A) Energy costs.

(B) Personnel costs.

(C) Real estate costs.

(D) Capital expense costs.

(E) Maintenance and support costs such as operating subsystem, database, hardware, and software license expense costs.

(F) Other appropriate costs, as determined by the agency in consultation with the Federal Chief Information Officer.

(b) **REQUIREMENT TO TRACK SAVINGS.**—

(1) **IN GENERAL.**—Each covered agency shall track realized and projected savings resulting from implementation of the Federal Data Center Optimization Initiative within the agency and submit a report on those savings annually to the Federal Chief Information Officer. Covered agencies shall determine the net savings from data consolidation on an annual basis.

(2) **FACTORS.**—In calculating net savings each year under paragraph (1), a covered agency shall use the following factors:

(A) Energy savings.

(B) Personnel savings.

(C) Real estate savings.

(D) Capital expense savings.

(E) Maintenance and support savings such as operating subsystem, database, hardware, and software license expense savings.

(F) Other appropriate savings, as determined by the agency in consultation with the Federal Chief Information Officer.

(3) **PUBLIC AVAILABILITY.**—The Federal Chief Information Officer shall make publicly available a summary of realized and projected savings for each covered agency. The Federal Chief Information Officer shall identify any covered agency that failed to provide the annual report required under paragraph (1).

(c) **REQUIREMENT TO USE COST-EFFECTIVE MEASURES.**—Covered agencies shall use the most cost-effective measures to implement the Federal Data Center Optimization Initiative, such as using estimation to measure or track costs and savings using a methodology approved by the Federal Chief Information Officer.

(d) **GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.**—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall examine methods for calculating savings from the Initiative and using them for the purposes identified in subsection (d), including establishment and use of a special revolving fund that supports data centers and server optimization, and shall submit to the Federal Chief Information Officer and Congress a report on the Comptroller General's findings and recommendations.

**SEC. 5206. REPORTING REQUIREMENTS TO CONGRESS AND THE FEDERAL CHIEF INFORMATION OFFICER.**

(a) **AGENCY REQUIREMENT TO REPORT TO CIO.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), each covered agency each year shall submit to the Federal Chief Information Officer a report on the implementation of the Federal Data Center Optimization Initiative, including savings resulting from such implementation. The report shall include an update of the agency's plan for implementing the Initiative.

(2) **DEPARTMENT OF DEFENSE.**—The Secretary of Defense shall comply with paragraph (1) each year by submitting to the Federal Chief Information Officer a report with relevant information collected under section 2867 of Public Law 112-81 (10 U.S.C. 2223a note) or a copy of the report required under section 2867(d) of such law.

(b) **FEDERAL CHIEF INFORMATION OFFICER REQUIREMENT TO REPORT TO CONGRESS.**—Each year, the Federal Chief Information Officer shall submit to the relevant congressional committees a report that assesses agency progress in carrying out the Federal Data Center Optimization Initiative and updates the plan under section 5203. The report may be included as part of the annual report required under section 3606 of title 44, United States Code.

**TITLE LIII—ELIMINATION OF DUPLICATION AND WASTE IN INFORMATION TECHNOLOGY ACQUISITION**

**SEC. 5301. INVENTORY OF INFORMATION TECHNOLOGY SOFTWARE ASSETS.**

(a) **PLAN.**—The Director shall develop a plan for conducting a Governmentwide inventory of information technology software assets.

(b) **MATTERS COVERED.**—The plan required by subsection (a) shall cover the following:

(1) The manner in which Federal agencies can achieve the greatest possible economies of scale and cost savings in the procurement of information technology software assets, through measures such as reducing the procurement of new software licenses until such time as agency needs exceed the number of existing and unused licenses.

(2) The capability to conduct ongoing Governmentwide inventories of all existing software licenses on an application-by-application basis, including duplicative, unused, overused, and underused licenses, and to assess the need of agencies for software licenses.

(3) A Governmentwide spending analysis to provide knowledge about how much is being spent for software products or services to support decisions for strategic sourcing under the Federal strategic sourcing program managed by the Office of Federal Procurement Policy.

(c) **AVAILABILITY.**—The inventory of information technology software assets shall be available to Chief Information Officers and such other Federal officials as the Chief Information Officers may, in consultation with the Chief Information Officers Council, designate.

(d) **DEADLINE AND SUBMISSION TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Director shall complete and submit to Congress the plan required by subsection (a).

(e) **IMPLEMENTATION.**—Not later than two years after the date of the enactment of this Act, the Director shall complete implementation of the plan required by subsection (a).

(f) **REVIEW BY COMPTROLLER GENERAL.**—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall review the plan required by subsection (a) and submit to the relevant congressional committees a report on the review.

**SEC. 5302. WEBSITE CONSOLIDATION AND TRANSPARENCY.**

(a) **WEBSITE CONSOLIDATION.**—The Director shall—

(1) in consultation with Federal agencies, and after reviewing the directory of public Federal Government websites of each agency (as required to be established and updated under section 207(f)(3) of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note)), assess all the publicly available websites of Federal agencies to determine whether there are duplicative or overlapping websites; and

(2) require Federal agencies to eliminate or consolidate those websites that are duplicative or overlapping.

(b) **WEBSITE TRANSPARENCY.**—The Director shall issue guidance to Federal agencies to ensure that the data on publicly available websites of the agencies are open and accessible to the public.

(c) **MATTERS COVERED.**—In preparing the guidance required by subsection (b), the Director shall—

(1) develop guidelines, standards, and best practices for interoperability and transparency;

(2) identify interfaces that provide for shared, open solutions on the publicly available websites of the agencies; and

(3) ensure that Federal agency Internet home pages, web-based forms, and web-based applications are accessible to individuals with disabilities in conformance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(d) **DEADLINE FOR GUIDANCE.**—The guidance required by subsection (b) shall be issued not later than 180 days after the date of the enactment of this Act.

**SEC. 5303. TRANSITION TO THE CLOUD.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that transition to cloud computing offers significant potential benefits for the implementation of Federal information technology projects in terms of flexibility, cost, and operational benefits.

(b) **GOVERNMENTWIDE APPLICATION.**—In assessing cloud computing opportunities, the Chief Information Officers Council shall define policies and guidelines for the adoption of Governmentwide programs providing for a standardized approach to security assessment and operational authorization for cloud products and services.

(c) **ADDITIONAL BUDGET AUTHORITIES FOR TRANSITION.**—In transitioning to the cloud, a Chief Information Officer of an agency listed in section 901(b) of title 31, United States Code, may establish such cloud service Working Capital Funds, in consultation with the Chief Financial Officer of the agency, as may be necessary to transition to cloud-based solutions. Any establishment of a new Working Capital Fund under this subsection shall be reported to the Committees on Appropriations of the House of Representatives and the Senate and relevant Congressional committees.

**SEC. 5304. ELIMINATION OF UNNECESSARY DUPLICATION OF CONTRACTS BY REQUIRING BUSINESS CASE ANALYSIS.**

(a) **PURPOSE.**—The purpose of this section is to leverage the Government's buying power and achieve administrative efficiencies and cost savings by eliminating unnecessary duplication of contracts.

(b) **REQUIREMENT FOR BUSINESS CASE APPROVAL.**—

(1) **IN GENERAL.**—Chapter 33 of title 41, United States Code, is amended by adding at the end the following new section:

**“§ 3312. Requirement for business case approval for new Governmentwide contracts.**

“(a) **IN GENERAL.**—An executive agency may not issue a solicitation for a covered Governmentwide contract unless the agency performs a business case analysis for the contract and obtains an approval of the business case analysis from the Administrator for Federal Procurement Policy.

“(b) **REVIEW OF BUSINESS CASE ANALYSIS.**—

“(1) **IN GENERAL.**—With respect to any covered Governmentwide contract, the Administrator for Federal Procurement Policy shall review the business case analysis submitted for the contract and provide an approval or disapproval within 60 days after the date of submission. Any business case analysis not disapproved within such 60-day period is deemed to be approved.

“(2) **BASIS FOR APPROVAL OF BUSINESS CASE.**—The Administrator for Federal Procurement Policy shall approve or disapprove a business case analysis based on the adequacy of the analysis submitted. The Administrator shall give primary consideration to whether an agency has demonstrated a compelling need that cannot be satisfied by existing Governmentwide contract in a timely and cost-effective manner.

“(c) **CONTENT OF BUSINESS CASE ANALYSIS.**—The Administrator for Federal Procurement Policy shall issue guidance specifying the content for a business case analysis submitted pursuant to this section. At a minimum, the business case analysis shall include details on the administrative resources needed for such contract, including an analysis of all direct and indirect costs to the Federal Government of awarding and administering such contract and the impact such contract will have on the ability of the Federal Government to leverage its purchasing power.

“(b) **DEFINITIONS.**—In this section:

“(1) **COVERED GOVERNMENTWIDE CONTRACT.**—The term ‘covered Governmentwide contract’ means any contract, blanket purchase agreement, or other contractual instrument for acquisition of information

technology or other goods or services that allows for an indefinite number of orders to be placed under the contract, agreement, or instrument, and that is established by one executive agency for use by multiple executive agencies to obtain goods or services. The term does not include—

“(A) a multiple award schedule contract awarded by the General Services Administration;

“(B) a Governmentwide acquisition contract for information technology awarded pursuant to sections 11302(e) and 11314(a)(2) of title 40;

“(C) orders under Governmentwide contracts in existence before the effective date of this section; or

“(D) any contract in an amount less than \$10,000,000, determined on an average annual basis.

“(2) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning provided that term by section 105 of title 5.”

(2) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 41, United States Code, is amended by adding after the item relating to section 3311 the following new item:

“3312. Requirement for business case approval for new Governmentwide contracts.”

(c) REPORT.—Not later than June 1 in each of the next 6 years following the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the relevant congressional committees a report on the implementation of section 3312 of title 41, United States Code, as added by subsection (b), including a summary of the submissions, reviews, approvals, and disapprovals of business case analyses pursuant to such section.

(d) GUIDANCE.—The Administrator for Federal Procurement Policy shall issue guidance for implementing section 3312 of such title.

(e) REVISION OF FAR.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to implement section 3312 of such title.

(g) EFFECTIVE DATE.—Section 3312 of such title is effective on and after 180 days after the date of the enactment of this Act.

#### **TITLE LIV—STRENGTHENING IT ACQUISITION WORKFORCE**

##### **SEC. 5411. EXPANSION OF TRAINING AND USE OF INFORMATION TECHNOLOGY ACQUISITION CADRES.**

(a) PURPOSE.—The purpose of this section is to ensure timely progress by Federal agencies toward developing, strengthening, and deploying personnel with highly specialized skills in information technology acquisition, including program and project managers, to be known as information technology acquisition cadres.

(b) REPORT TO CONGRESS.—Section 1704 of title 41, United States Code, is amended by adding at the end the following new subsection:

“(j) STRATEGIC PLAN ON INFORMATION TECHNOLOGY ACQUISITION CADRES.—

“(1) FIVE-YEAR STRATEGIC PLAN TO CONGRESS.—Not later than June 1 following the date of the enactment of this subsection, the Director shall submit to the relevant congressional committees a 5-year strategic plan (to be known as the ‘IT Acquisition Cadres Strategic Plan’) to develop, strengthen, and solidify information technology acquisition cadres. The plan shall include a timeline for implementation of the plan and identification of individuals responsible for specific elements of the plan during the 5-year period covered by the plan.

“(2) MATTERS COVERED.—The plan shall address, at a minimum, the following matters:

“(A) Current information technology acquisition staffing challenges in Federal agencies, by previous year’s information technology acquisition value, and by the Federal Government as a whole.

“(B) The variety and complexity of information technology acquisitions conducted by each Federal agency covered by the plan, and the specialized information technology acquisition workforce needed to effectively carry out such acquisitions.

“(C) The development of a sustainable funding model to support efforts to hire, retain, and train an information technology acquisition cadre of appropriate size and skill to effectively carry out the acquisition programs of the Federal agencies covered by the plan, including an examination of inter-agency funding methods and a discussion of how the model of the Defense Acquisition Workforce Development Fund could be applied to civilian agencies.

“(D) Any strategic human capital planning necessary to hire, retain, and train an information acquisition cadre of appropriate size and skill at each Federal agency covered by the plan.

“(E) Governmentwide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal information technology acquisition cadre within the Federal agencies covered by the plan.

“(F) New and innovative approaches to workforce development and training, including cross-functional training, rotational development, and assignments both within and outside the Government.

“(G) Appropriate consideration and alignment with the needs and priorities of the acquisition intern programs.

“(H) Assessment of the current workforce competency and usage trends in evaluation technique to obtain best value, including proper handling of tradeoffs between price and nonprice factors.

“(I) Assessment of the current workforce competency in designing and aligning performance goals, life cycle costs, and contract incentives.

“(J) Assessment of the current workforce competency in avoiding brand-name preference and using industry-neutral functional specifications to leverage open industry standards and competition.

“(K) Use of integrated program teams, including fully dedicated program managers, for each complex information technology investment.

“(L) Proper assignment of recognition or accountability to the members of an integrated program team for both individual functional goals and overall program success or failure.

“(M) The development of a technology fellows program that includes provisions for recruiting, for rotation of assignments, and for partnering directly with universities with well-recognized information technology programs.

“(N) The capability to properly manage other transaction authority (where such authority is granted), including ensuring that the use of the authority is warranted due to unique technical challenges, rapid adoption of innovative or emerging commercial or noncommercial technologies, or other circumstances that cannot readily be satisfied using a contract, grant, or cooperative agreement in accordance with applicable law and the Federal Acquisition Regulation.

“(O) The use of student internship and scholarship programs as a talent pool for

permanent hires and the use and impact of special hiring authorities and flexibilities to recruit diverse candidates.

“(P) The assessment of hiring manager satisfaction with the hiring process and hiring outcomes, including satisfaction with the quality of applicants interviewed and hires made.

“(Q) The assessment of applicant satisfaction with the hiring process, including the clarity of the hiring announcement, the user-friendliness of the application process, communication from the hiring manager or agency regarding application status, and timeliness of the hiring decision.

“(R) The assessment of new hire satisfaction with the onboarding process, including the orientation process, and investment in training and development for employees during their first year of employment.

“(S) Any other matters the Director considers appropriate.

“(3) ANNUAL REPORT.—Not later than June 1 in each of the 5 years following the year of submission of the plan required by paragraph (1), the Director shall submit to the relevant congressional committees an annual report outlining the progress made pursuant to the plan.

“(4) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF THE PLAN AND ANNUAL REPORT.—

“(A) Not later than 1 year after the submission of the plan required by paragraph (1), the Comptroller General of the United States shall review the plan and submit to the relevant congressional committees a report on the review.

“(B) Not later than 6 months after the submission of the first, third, and fifth annual report required under paragraph (3), the Comptroller General shall independently assess the findings of the annual report and brief the relevant congressional committees on the Comptroller General’s findings and recommendations to ensure the objectives of the plan are accomplished.

“(5) DEFINITIONS.—In this subsection:

“(A) The term ‘Federal agency’ means each agency listed in section 901(b) of title 31.

“(B) The term ‘relevant congressional committees’ means each of the following:

“(i) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

“(ii) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.”

##### **SEC. 5412. PLAN ON STRENGTHENING PROGRAM AND PROJECT MANAGEMENT PERFORMANCE.**

(a) PLAN ON STRENGTHENING PROGRAM AND PROJECT MANAGEMENT PERFORMANCE.—Not later than June 1 following the date of the enactment of this Act, the Director, in consultation with the Director of the Office of Personnel Management, shall submit to the relevant congressional committees a plan for improving management of IT programs and projects.

(b) MATTERS COVERED.—The plan required by subsection (a) shall include, at a minimum, the following:

(1) Creation of a specialized career path for program management.

(2) The development of a competency model for program management consistent with the IT project manager model.

(3) A career advancement model that requires appropriate expertise and experience for advancement.

(4) A career advancement model that is more competitive with the private sector and that recognizes both Government and private sector experience.

(c) COMBINATION WITH OTHER CADRES PLAN.—The Director may combine the plan required by subsection (a) with the IT Acquisition Cadres Strategic Plan required under section 1704(j) of title 41, United States Code, as added by section 5411.

**SEC. 5413. PERSONNEL AWARDS FOR EXCELLENCE IN THE ACQUISITION OF INFORMATION SYSTEMS AND INFORMATION TECHNOLOGY.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall develop policy and guidance for agencies to develop a program to recognize excellent performance by Federal Government employees and teams of such employees in the acquisition of information systems and information technology for the agency.

(b) ELEMENTS.—The program referred to in subsection (a) shall, to the extent practicable—

- (1) obtain objective outcome measures; and
- (2) include procedures for—

(A) the nomination of Federal Government employees and teams of such employees for eligibility for recognition under the program; and

(B) the evaluation of nominations for recognition under the program by 1 or more agency panels of individuals from Government, academia, and the private sector who have such expertise, and are appointed in such a manner, as the Director of the Office of Personal Management shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES AND OTHER INCENTIVES.—In carrying out the program referred to in subsection (a), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall establish policies and guidance for agencies to reward any Federal Government employee or teams of such employees recognized pursuant to the program—

(1) with a cash bonus, to the extent that the performance of such individual or team warrants the award of such bonus and is authorized by any provision of law;

(2) through promotions and other non-monetary awards;

(3) by publicizing—

(A) acquisition accomplishments by individual employees; and

(B) the tangible end benefits that resulted from such accomplishments, as appropriate; and

(4) through other awards, incentives, or bonuses that the head of the agency considers appropriate.

**TITLE LV—ADDITIONAL REFORMS**

**SEC. 5501. MAXIMIZING THE BENEFIT OF THE FEDERAL STRATEGIC SOURCING INITIATIVE.**

Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall prescribe regulations providing that when the Federal Government makes a purchase of services and supplies offered under the Federal Strategic Sourcing Initiative (managed by the Office of Federal Procurement Policy) but such Initiative is not used, the contract file for the purchase shall include a brief analysis of the comparative value, including price and nonprice factors, between the services and supplies offered under such Initiative and services and supplies offered under the source or sources used for the purchase.

**SEC. 5502. GOVERNMENTWIDE SOFTWARE PURCHASING PROGRAM.**

(a) IN GENERAL.—The Administrator of General Services, in collaboration with the

Department of Defense, shall identify and develop a strategic sourcing initiative to enhance Governmentwide acquisition, shared use, and dissemination of software, as well as compliance with end user license agreements.

(b) EXAMINATION OF METHODS.—In developing the initiative under subsection (a), the Administrator shall examine the use of realistic and effective demand aggregation models supported by actual agency commitment to use the models, and supplier relationship management practices, to more effectively govern the Government's acquisition of information technology.

(c) GOVERNMENTWIDE USER LICENSE AGREEMENT.—The Administrator, in developing the initiative under subsection (a), shall allow for the purchase of a license agreement that is available for use by all executive agencies as one user to the maximum extent practicable and as appropriate.

**SEC. 5503. PROMOTING TRANSPARENCY OF BLANKET PURCHASE AGREEMENTS.**

(a) PRICE INFORMATION TO BE TREATED AS PUBLIC INFORMATION.—The final negotiated price offered by an awardee of a blanket purchase agreement shall be treated as public information.

(b) PUBLICATION OF BLANKET PURCHASE AGREEMENT INFORMATION.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall make available to the public a list of all blanket purchase agreements entered into by Federal agencies under its Federal Supply Schedules contracts and the prices associated with those blanket purchase agreements. The list and price information shall be updated at least once every 6 months.

**SEC. 5504. ADDITIONAL SOURCE SELECTION TECHNIQUE IN SOLICITATIONS.**

Section 3306(d) of title 41, United States Code, is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period and inserting “; or” at the end of paragraph (2); and

(3) by adding at the end the following new paragraph:

“(3) stating in the solicitation that the award will be made using a fixed price technical competition, under which all offerors compete solely on nonprice factors and the fixed award price is pre-announced in the solicitation.”

**SEC. 5505. ENHANCED TRANSPARENCY IN INFORMATION TECHNOLOGY INVESTMENTS.**

(a) PUBLIC AVAILABILITY OF INFORMATION ABOUT IT INVESTMENTS.—Section 11302(c) of title 40, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) PUBLIC AVAILABILITY.—

“(A) IN GENERAL.—The Director shall make available to the public the cost, schedule, and performance data for all of the IT investments listed in subparagraph (B), notwithstanding whether the investments are for new IT acquisitions or for operations and maintenance of existing IT.

“(B) INVESTMENTS LISTED.—The investments listed in this subparagraph are the following:

“(i) At least 80 percent (by dollar value) of all information technology investments Governmentwide.

“(ii) At least 60 percent (by dollar value) of all information technology investments in each Federal agency listed in section 901(b) of title 31.

“(iii) Every major information technology investment (as defined by the Office of Management and Budget) in each Federal agency listed in section 901(b) of title 31.

“(C) QUARTERLY REVIEW AND CERTIFICATION.—For each investment listed in subparagraph (B), the agency Chief Information Officer and the program manager of the investment within the agency shall certify, at least once every quarter, that the information is current, accurate, and reflects the risks associated with each listed investment. The Director shall conduct quarterly reviews and publicly identify agencies with an incomplete certification or with significant data quality issues.

“(D) CONTINUOUS AVAILABILITY.—The information required under subparagraph (A), in its most updated form, shall be publicly available at all times.

“(E) WAIVER OR LIMITATION AUTHORITY.—The applicability of subparagraph (A) may be waived or the extent of the information may be limited—

“(i) by the Director, with respect to IT investments Governmentwide; and

“(ii) by the Chief Information Officer of a Federal agency, with respect to IT investments in that agency;

if the Director or the Chief Information Officer, as the case may be, determines that such a waiver or limitation is in the national security interests of the United States.”

(b) ADDITIONAL REPORT REQUIREMENTS.—Paragraph (3) of section 11302(c) of such title, as redesignated by subsection (a), is amended by adding at the end the following: “The report shall include an analysis of agency trends reflected in the performance risk information required in paragraph (2).”

**SEC. 5506. ENHANCED COMMUNICATION BETWEEN GOVERNMENT AND INDUSTRY.**

Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe a regulation making clear that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry, so long as those exchanges are consistent with existing law and regulation and do not promote an unfair competitive advantage to particular firms.

**SEC. 5507. CLARIFICATION OF CURRENT LAW WITH RESPECT TO TECHNOLOGY NEUTRALITY IN ACQUISITION OF SOFTWARE.**

(a) PURPOSE.—The purpose of this section is to establish guidance and processes to clarify that software acquisitions by the Federal Government are to be made using merit-based requirements development and evaluation processes that promote procurement choices—

(1) based on performance and value, including the long-term value proposition to the Federal Government;

(2) free of preconceived preferences based on how technology is developed, licensed, or distributed; and

(3) generally including the consideration of proprietary, open source, and mixed source software technologies.

(b) TECHNOLOGY NEUTRALITY.—Nothing in this section shall be construed to modify the Federal Government's long-standing policy of following technology-neutral principles and practices when selecting and acquiring information technology that best fits the needs of the Federal Government.

(c) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director, in consultation with the Chief Information Officers Council, shall issue



guidance concerning the technology-neutral procurement and use of software within the Federal Government.

(d) **MATTERS COVERED.**—In issuing guidance under subsection (c), the Director shall include, at a minimum, the following:

(1) Guidance to clarify that the preference for commercial items in section 3307 of title 41, United States Code, includes proprietary, open source, and mixed source software that meets the definition of the term “commercial item” in section 103 of title 41, United States Code, including all such software that is used for non-Government purposes and is licensed to the public.

(2) Guidance regarding the conduct of market research to ensure the inclusion of proprietary, open source, and mixed source software options.

(3) Guidance to define Governmentwide standards for security, redistribution, indemnity, and copyright in the acquisition, use, release, and collaborative development of proprietary, open source, and mixed source software.

(4) Guidance for the adoption of available commercial practices to acquire proprietary, open source, and mixed source software for widespread Government use, including issues such as security and redistribution rights.

(5) Guidance to establish standard service level agreements for maintenance and support for proprietary, open source, and mixed source software products widely adopted by the Government, as well as the development of Governmentwide agreements that contain standard and widely applicable contract provisions for ongoing maintenance and development of software.

(e) **REPORT TO CONGRESS.**—Not later than 2 years after the issuance of the guidance required by subsection (b), the Comptroller General of the United States shall submit to the relevant congressional committees a report containing—

(1) an assessment of the effectiveness of the guidance;

(2) an identification of barriers to widespread use by the Federal Government of specific software technologies; and

(3) such legislative recommendations as the Comptroller General considers appropriate to further the purposes of this section.

**SEC. 5508. NO ADDITIONAL FUNDS AUTHORIZED.**

No additional funds are authorized to carry out the requirements of this division and the amendments made by this division. Such requirements shall be carried out using amounts otherwise authorized or appropriated.

AMENDMENT NO. 160 OFFERED BY MR. CONNOLLY OF VIRGINIA

Page 459, line 15, strike “None” and insert “(a) PEOPLE’S REPUBLIC OF CHINA.—None”.

Page 459, after line 21, insert the following new subsection:

(b) **RUSSIAN FEDERATION.**—

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that missile defense systems of the Russian Federation should not be integrated into the missile defense systems of the United States or the North Atlantic Treaty Organization if such integration undermines the security of the United States or NATO.

(2) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the Department of Defense or for United States contributions to the North Atlantic Treaty Organization may be obligated or expended to integrate missile defense systems of the Russian Federation into missile defense systems of the United States if such integration undermines the security of the United States or NATO.

(3) **WAIVER.**—The Secretary of Defense may waive the prohibition in paragraph (2) if the Secretary, in consultation with the Secretary of State, determines that the Russian Federation—

(A) has withdrawn military forces and assets from Ukraine’s Crimean peninsula, other than at those operating in accordance with its 1997 agreement on the Status and Conditions of the Black Sea Fleet Stationing on the Territory of Ukraine; and

(B) has ceased aggressive actions, particularly along Ukraine’s eastern border, that have led to a destabilization of the Ukrainian government and the safety of its residents.

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from California (Mr. McKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. Madam Chair, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

I reserve the balance of my time.

Mr. SMITH of Washington. Madam Chair, I yield myself such time as I may consume.

I agree with the chairman we should adopt the en bloc amendments.

I did want to take a moment here—we don’t have any speakers on this—to make a couple comments about some Rules Committee decisions that I have not had a chance to speak about before.

Overall, I applaud the product that we have crated here in a bipartisan way. I thank the chairman for doing that.

I do think it is unfortunate the Rules Committee ruled out of order a number of amendments. Two of them were mine. One was to offer a BRAC amendment to give Members of Congress a chance to vote on it. The other was to offer up the administration’s proposal to lay up 14 Navy vessels as an effort to save money.

There are several problems with the fact that these amendments were ruled out of order, and the biggest one is one of the arguments that I have made of concern about this bill from the very beginning, because even though I support the product and there are a lot of very good things in this bill, I think the weakness of it and the thing that we are going have to confront when we go to conference is the fact that it delays every single difficult decision.

During the debate and during general debate yesterday, a couple of people commented that they liked the bill for a variety of different reasons and said that it made some tough choices. I asked a couple of times to name one. I don’t believe we did make a tough choice. When you look at the issues that we face in terms of the budget, we ducked every single one of them. We have both sequestrations for another 8 years. Even if sequestration doesn’t come, we also have substantial cuts

coming to the defense budget as a result of sequestration in fiscal year 2013 and a series of CRs and a series of cuts to the defense budget that we did not anticipate.

□ 2115

We are going to have substantially less money over the course of the next 10 years for defense than we thought we were going to have.

That is true even if sequestration goes away. If sequestration happens, we really face a challenge. So the question is how are we going to restructure our defense plans to deal with the fact that we are going to have substantially less money than we had going forward. The answer in this bill is we are not going to deal with it this year, and we are going to hope things get better and maybe deal with it next year.

The administration confronted this problem in a number of areas. I will walk through them. Number one, in the very controversial and difficult area of personnel costs, they found savings in health care by expanding what servicemembers would have to pay for their health care, they reduced somewhat the subsidy to our commissaries, they reduced the housing subsidy, and they also reduced the pay raise down to 1 percent and got rid of it for senior officers.

Except for the last part of that, we ducked all of those. That is \$2 billion over 5 years that the administration was able to save. Nothing was offered, nothing was done on our part to deal with that.

In the Guard and Reserve, the Army has put together a plan to restructure their helicopters in a way that is way too complicated to explain, but that saves \$12 billion over the course of 5 years. We put into our bill an amendment saying they can’t do that at all in 2015. Also added in one of the en bloc amendments was an amendment now that says we are going to study it for a longer period of time even beyond that—that is another \$12 billion—and we don’t make it up anywhere because that is over 5 years, so we can get away with that in 2015.

I mentioned the Navy issue: 14 ships that the Navy has said they will lay up in order to save money. That is roughly \$3.5 billion that they will save. Again, we got rid of that in order to pay for it in the short-term. We didn’t come up with more money or cut something else. We raided the ship modernization accounts to fund that in the short term, which again does not deal or address the problem. DOD also proposed getting rid of the A-10 and getting rid of the U-2. We stopped them from doing both of those things.

We have at every turn blocked just about every single proposal the administration has made to save money over the long-term. In each one of those isolated incidents, there are strong arguments that tend to be mostly parochial. In other words, if it is in your



district or in your neighborhood then you rise up in furious anger against it, but there may be arguments as to why that isn't the best choice. But there was no alternative proposed. We simply got creative in our accounting to get through 2015. These are mostly 5-year savings, so we can sort of stagger our way through 2015 and create a massive bow wave down the road that we are not at all prepared to deal with.

I am sorry I left out the big one: BRAC. It is estimated we are wasting \$6 billion a year on facilities that we don't need. Absolutely the only argument that exists against doing another BRAC round, given how much we have drawn down our force structure and the fact that the military estimates that they are 25 percent over capacity in terms of their facilities, is that Members don't want to run the risk of having a base be closed in their district. I get that. There are a ton of bases in the State of Washington. But we have to confront these issues because the money is not going to magically appear.

So the amendments that were disallowed, I was hoping to have the opportunity on those two amendments to have the broader debate about making the choices now. I don't think we should simply rubberstamp what the White House has done. If we don't like those cuts, let's come up with another one. This is the conversation I had with my adjutant general in the State of Washington, who was concerned about the cuts to the Army Guard and the Air Force Guard. He was talking about everything he didn't like about it. I said: Look, present me an alternative, give us an alternative that says here is how we are going to save \$12 billion instead, and I am happy to look at it. But just to say: We don't like the cuts, I get that. Nobody—well, there are some. Most people don't like the cuts, but they are there. We passed the Budget Control Act, we shut down the government, we passed the budget agreement last year that set the levels for FY14 and FY15, and we still have on the books 8 more years of sequestration.

If Congress doesn't want the administration to wind up making all these choices, then we have got to step up and make the decisions now rationally about where we are going to be in terms of the budget.

The final point I will make on that is that what happens when we don't make those decisions is that readiness gets cut. In this bill, readiness is cut by \$1.2 billion from the President's request. Plus, there is another \$633 billion that we take out of OCO to fund the A-10. That is probably readiness as well, because they use the OCO account to backfill some of the cuts in readiness. So that is \$1.8 billion out of the readiness account that was already depleted because of the shutdowns, because of the CRs.

Well, what is readiness? We had an interesting discussion about this in committee. Readiness is not the size of the force. Readiness is the capability of the force. Are the troops trained and equipped to perform the missions that we have asked them to do?

The chairman has quite eloquently on a number of occasions pointed to past wars: the Korean war and World War II, where we had to ramp up in a hurry and we sent troops over who were not ready to fight, and many of them were killed and injured because they were not ready to fight.

If we raid readiness accounts to protect personnel, to stop BRAC, to stop the Pentagon from cutting the U-2 or the A-10, or from shutting down a Guard unit, if we do that they've got to raid readiness, because that is the easiest thing to do. You spend less on fuel, you don't repair some equipment that is out there, you fly less, you drive less, you train less. What we wind up with is the hollow force that nobody wants.

So as we go into conference and as we go forward, it is an obligation of this Congress to say: What is our plan? Right now our plan is hope. I didn't serve in the military, but I heard very early on in my time on the Armed Services Committee one of the sayings in the military is "hope is not a strategy." We are hoping that the money will appear, we are hoping that somehow we magically won't have to make those decisions.

I think we are past that point. The decisions are going to get made. They are either going to get made poorly if we ignore them, or preferably they will get made well so that we do our best to put together a force that no matter the size is at least capable and ready to perform the missions that we might ask of them.

So ruling those amendments out of order I think was most unfortunate—that we weren't able to have that debate. But rest assured, as the chairman has pointed out, this is his last term, so I would say there is no ducking this, but I guess you can retire. You won't be here. But the country will have to deal with those decisions one way or the other, and we thus far have not made them.

So I would urge us to start looking at this and saying if we are not going to do a BRAC, then what are we going to do. If we are not going to shrink the Guard this way, then what are we going to do.

Let's get some concrete proposals on the table that are something other than, don't cut anything in my backyard, and closing our eyes and hoping that the problem will go away.

With that, I yield back the balance of my time.

Mr. McKEON. Madam Chair, at this time, I yield 2 minutes to the gentleman from Indiana (Mrs. WALORSKI), my

friend and colleague, a member of the Armed Services Committee.

Mrs. WALORSKI. Madam Chair, I want to thank Chairman McKEON for including this amendment that I co-sponsor with Congressman ROSKAM.

Israel and the United States face common threats in the Middle East, from the ongoing civil war in Syria, continued rocket fire from terrorist organizations in the Gaza Strip, and the looming threat of a nuclear-armed Iran.

In particular, Iran's brazen quest for nuclear weapons poses an existential threat to our ally Israel. A nuclear Iran would trigger an arms race in the Middle East, further destabilizing a region plagued by persistent volatility and, in the process, threatening U.S. national security and international stability.

Military action against Iran is an absolute last resort, only after we exhaust all peaceful options. However, it would be irresponsible not to prepare for a worst-case scenario.

This amendment would require the administration to certify that Israel maintains an independent capability to remove existential threats to its own security. Specifically, this report would ensure the smooth transfer to Israel of aerial refueling tankers, advanced bunker-buster munitions, and other capabilities and platforms critical to Israel's self-defense.

This is an important amendment for the security of both the U.S. as well as our ally Israel.

Mr. McKEON. Madam Chair, I encourage our colleagues to support the en bloc amendment, and I yield back the balance of my time.

Mr. PIERLUISI. Madam Chair, I rise in support of my amendment to enable DOD to remove unexploded ordnance from certain areas on the island of Culebra, Puerto Rico, which was used as a military training range for decades.

Under the FUDS program, the Army Corps of Engineers is decontaminating limited areas of Culebra. However, DOD asserts that a 1974 law prohibits the use of Federal funds to decontaminate land that constituted the bombardment zone. Approximately 400 acres of this land were conveyed to the government of Puerto Rico in 1982 for use as a public park. DOD contends that the 1974 law has not been superseded by Federal cleanup authorities enacted in 1986.

As a result of this rigid interpretation, Culebra is the only former defense site of several thousand across the United States that DOD claims it is barred by statute from decontaminating. The resulting state of affairs poses a direct threat to public safety, since this land encompasses popular beaches, campgrounds and a trail. In a congressionally-required study, DOD reported that there have been many incidents where members of the public encountered unexploded munitions that could have caused serious harm.

My amendment would authorize the Corps of Engineers to decontaminate those areas

within the 400-acre parcel where the risk to public safety is the greatest. It will ensure that the 1974 Act ceases to serve as an obstacle to implementation of current Federal policy, which provides that the federal government is responsible for cleaning lands that were contaminated as a result of its actions. The amendment ensures that Culebra will be treated the same—no better and no worse—than other formerly used defense sites.

The U.S. citizens living in Culebra sacrificed so that our military could receive the training it required. Congress, in turn, should now take this small step to enable DOD to remove unexploded munitions from the island.

I thank the Committee leadership and, in particular, the gentleman from Virginia, Mr. WITTMAN, for working with me on this issue.

Mr. CONNELLY. Madam Chair, I want to thank the Chairman and Ranking Member of the Armed Services Committee and their staff for working with me on a number of amendments to this bill.

In particular, I am proud to have worked with the Chairman of the Oversight Committee, Mr. ISSA, to co-author the Federal Information Technology Acquisition Reform Act, or FITARA.

In the 21st century, effective governance is inextricably linked with how well government leverages technology to serve its citizens.

Yet current laws governing Federal IT procurement are antiquated and cumbersome.

Our bipartisan amendment would comprehensively streamline and strengthen the process.

It enhances CIO authorities to ensure agency heads have talented leaders to recruit and retain talented IT staff and to oversee critical IT investments.

It accelerates data center optimization and strengthens the accountability and transparency of Federal IT programs.

If enacted, 80 percent of the approximately \$80 billion spent annually on Federal IT investment would be posted online for public review, compared to the 50 percent or less today.

Again, I thank the Chair and Ranking Member for their support.

Mr. ISSA. Madam Chair, this amendment is a modified version of language that was incorporated in the House-passed NDAA authorization bill last year, and that was adopted again by the House earlier this year as a standalone bill, H.R. 1232, the Federal Information Technology Acquisition Reform Act.

The amendment reforms—Government-wide—the process by which federal information technology is acquired and deployed.

It takes a streamlined and precise approach to solving a huge problem in Federal IT—the broken system by which the government procures and deploys critical IT infrastructure.

President Barack Obama, on Nov. 14, 2013, stated “One of the things [the federal government] does not do well is information technology procurement. This is kind of a systematic problem that we have across the board.” I agree.

I commend the Administrations’ recent steps to strengthen IT management by strengthening the eGov office and focusing on duplications via what is called PortfolioStat reviews.

In its annual reports to Congress, GAO has identified duplicative IT investments as a sig-

nificant problem. Our oversight hearings confirmed that despite spending more than \$600 billion over the past decade, too often Federal IT investments run over budget, become behind schedule, or never deliver on the promised solution or functionality.

Indeed, industry experts have estimated that as much as 25 percent of the annual \$80 billion spent on IT is attributable to mismanaged or duplicative IT investments.

In terms of potential cost savings, some in the industry have estimated that more than one trillion dollars could be saved over the next ten years if the government adopted the “proven” IT best practices currently in use by the private sector.

We need to enhance the best value to the taxpayer by aligning the cumbersome federal acquisition process to major trends in the IT industry.

FITARA accomplishes this by—

1. Creating a clear line of responsibility, authority, and accountability over IT investment and management decisions by empowering agency CIOs;

2. Accelerating the consolidation and optimization of the Federal Government’s proliferating data centers;

3. Increasing the accuracy and transparency of IT investment scorecards by requiring 80 percent of Government-wide IT spending be covered by a public website called the IT Dashboard; and

4. Ensuring procurement decisions give due consideration to all technologies—including open source—and that contracts are awarded based on long-term best value proposition.

This is a significant and timely reform that will enhance both defense and non-defense procurement. I urge all members to support this amendment.

Mr. PASCRELL. Madam Chair, I rise today to discuss an important issue facing our troops—primary blast injury and its connection to traumatic brain injury.

TBI has become the “signature wound” of the wars in Iraq and Afghanistan, with 20% soldiers deployed are estimated to have experienced a brain injury. I would like to thank Chairman MCKEON and Ranking Member SMITH for their commitment to this issue in recent authorizations.

As Co-Chair and Co-Founder of the Congressional Brain Injury Task Force, I have spent the last thirteen years fighting for patients with brain injuries, both on and off the battlefield. We all know that traumatic brain injury (TBI) is the signature wound of the conflicts in Iraq and Afghanistan, and while we made great progress on ensuring our soldiers have the best care, there is still more work to be done.

The high rate of TBI and blast-related concussion events resulting from current combat operations directly impacts the health and safety of individual service members, and subsequently the level of unit readiness and troop retention. The Department of Defense (DoD) is actively seeking strategies to prevent, mitigate, and treat blast-related injuries, including TBI.

Since I began working on this issue, our knowledge of the brain has expanded at an incredible pace. In recent years, we have made strong investments in TBI research. The

DoD’s Peer-Reviewed Psychological Health and TBI Research Program conducts extensive research on TBI; however, little is known about primary blast injury and its connection to TBI. Primary blast injury occurs when an explosion generates a blast wave traveling faster than sound and creating a surge of high pressure immediately followed by a vacuum. Studies show that the blast wave shoots through armor and soldiers’ skulls and brains, even if it doesn’t draw blood. Researchers still do not know the exact mechanisms by which primary blast injuries damages the brain’s cells and circuits. However, the blast wave’s pressure has been shown to compress the torso, impacting blood vessels, which then send damaging energy pulses into the brain. The pressure can also be transferred partially through the skull, interacting with the brain.

My amendment would direct the Department of Defense to conduct a study on blast injury mechanics covering a wide range of primary blast injury conditions, including TBI. Understanding how a primary blast injury affects the brain is imperative to developing appropriate prevention measures, including ensuring proper equipment. I was glad to see this amendment pass the House last night, and I hope that it will be adopted in the final bill after negotiations with the Senate.

Mr. BILIRAKIS. Madam Chair, I rise today in support of my amendment, which would allow disabled veterans with service connected permanent disability rated as total to travel on military aircraft on a space-available basis.

The Space-Available program is administered by the Department of Defense (DOD), which allows active duty service members, their families, retirees and certain other individuals to fill empty seats on DOD flights.

Unfortunately, veterans who are 100 percent disabled do not qualify to participate in this program. My amendment will correct this unintentional oversight and provide equality to service members who were severely injured while serving their country honorably.

Had they not been medically discharged with a service connected disability in the line of duty, these veterans were likely to have served until retirement. At no fault of their own, these deserving individuals did not have the opportunity to continue their military careers. It is an injustice that they would be penalized from this benefit due to their bravery and valor.

I would also like to note that under current DOD guidelines for Air Transportation Eligibility, it states, “Every effort shall be made to transport passengers with disabilities who are otherwise eligible to travel. Passenger service personnel and crew members shall provide assistance in loading, seating, and unloading the disabled passenger.” There is already guidance in place to address passengers with disabilities, and my amendment will codify our commitment for their sacrifice.

This initiative has strong bi-partisan support, which has over 230 current cosponsors to the stand alone bill I introduced, H.R. 164. Moreover, this initiative has support in the Senate with the companion bill S. 346 offered by Senator JON TESTER from Montana.

While I was very pleased to see my amendment accepted in last year’s National Defense Authorization Act (NDAA) for fiscal year 2014,

it was unfortunate it was not accepted in the Senate process during consideration for the bill's passage.

The National Federation of the Blind has been very active in both the House and the Senate in its advocacy for our nations' disabled veterans. I submit a support letter for this amendment by the National Federation of the Blind (NFB).

While active duty members and their families will remain the primary beneficiaries of this program in order to assist them with the rigors of military life, my amendment simply allows these veterans the opportunity to fill available seats, a benefit I believe they have earned through their personal sacrifice.

Madam Chair, I urge my colleagues to end the inequality for our nation's wounded warriors by voting in favor of my amendment. I thank the committees and their staff for their assistance through this process

NATIONAL FEDERATION OF THE BLIND,

Baltimore, MD, May 19, 2014.

Subject: Support for H.R. 164

Hon. GUS M. BILIRAKIS,

House of Representatives, 2313 Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN BILIRAKIS: The National Federation of the Blind is the Nation's oldest and largest consumer group of blind Americans. We are composed of blind individuals who come from many different backgrounds, and we work to ensure that the concerns of all blind Americans are met.

Included in our organization is the National Association of Blinded Veterans. Recently these men and women who served our country brought to our attention a policy that we believe needs to be changed. The Space Available program is a program that allows a number of military personnel to fly on military transport planes if there is space remaining. This may include members of the Active Military, Family members of the Active Military, some components of Reserve Forces, individuals who are responding to emergency situations, such as the Red Cross, and retirees. We believe that individuals who have become disabled in the service of our country should be allowed to participate in this program.

Shortly after being made aware of this issue by blinded veterans, we learned that you introduced legislation to solve this problem in the last Congress. We are pleased that you reintroduced this legislation, H.R. 164, early in this session of Congress. The National Federation of the Blind stands firmly in support of this legislation, and will dedicate our support and our efforts to ensure its passage in this session of Congress.

Last June, thanks to your leadership, the United States House of Representatives voted to include this language in the 2014 National Defense Authorization Act. Unfortunately our Senate companion amendment was not allowed to be considered during Senate consideration in December. We appreciate the support shown by the House of Representatives, and urge the House to continue to fight for Service Disabled Veterans, by joining with you to include this language in the 2015 National Defense Authorization Act.

We thank you for your leadership to support these men and women who have given service to defend our rights, and we now join with you to defend their rights to participate in the Space Available program.

JOHN G. PARÉ, JR.,

Executive Director for  
Advocacy and Policy.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. McKEON).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 5 OFFERED BY MR. McKEON

Mr. McKEON. Madam Chair, pursuant to House Resolution 590, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 5 consisting of amendment Nos. 77, 78, 79, 80, 83, 84, 85, 87, 88, 89, 90, 91, 98, 107, 108, 109, 111, 116, and 135 printed in part A of House Report No. 113-460, offered by Mr. McKEON of California:

AMENDMENT NO. 77 OFFERED BY MR. GRAVES OF MISSOURI

Page 218, after line 20, insert the following new section (and amend the table of contents accordingly):

**SEC. 817. SMALL BUSINESS PRIME AND SUB-CONTRACT PARTICIPATION GOALS RAISED; ACCOUNTING OF SUB-CONTRACTORS.**

(a) PRIME CONTRACTING GOALS.—Section 15(g)(1)(A) of the Small Business Act (15 U.S.C. 644(g)(1)(A)) is amended—

(1) in clause (i), by striking “23 percent” and inserting “25 percent”; and

(2) by adding at the end the following new clause:

“(vi) The Governmentwide goal for participation by small business concerns in subcontract awards shall be established at not less than 40 percent of the total value of all subcontract dollars awarded pursuant to section 8(d) of this Act for each fiscal year.”

(b) DELAYED EFFECTIVE DATE.—The amendment made by subsection (a)(2) of this section shall take effect only beginning on the date on which the Administrator of the Small Business Administration has promulgated any regulations necessary, and the Federal Acquisition Regulation has been revised, to implement section 1614 of the National Defense Authorization Act for Fiscal Year 2014 and the amendments made by such section.

(c) REPEAL OF CERTAIN PROVISION PERTAINING TO ACCOUNTING OF SUBCONTRACTORS.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking paragraph (3).

AMENDMENT NO. 78 OFFERED BY MR. CÁRDENAS OF CALIFORNIA

Page 218, insert after line 20 the following (and conform the table of contents accordingly):

**SEC. 817. SMALL BUSINESS CYBER EDUCATION.**

The Secretary of Defense, in consultation with the Administrator of the Small Business Administration, may make every reasonable effort to promote an outreach and education program to assist small businesses (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) contracted by the Department of Defense to assist such businesses to—

(1) understand the gravity and scope of cyber threats;

(2) develop a plan to protect intellectual property; and

(3) develop a plan to protect the networks of such businesses.

AMENDMENT NO. 79 OFFERED BY MR. COLLINS OF NEW YORK

At the end of title VIII, add the following new section:

**SEC. 827. INNOVATIVE APPROACHES TO TECHNOLOGY TRANSFER.**

Section 9(jj) of the Small Business Act (15 U.S.C. 638(jj)) is amended to read as follows:

“(jj) INNOVATIVE APPROACHES TO TECHNOLOGY TRANSFER.—

“(1) GRANT PROGRAM.—

“(A) IN GENERAL.—Each Federal agency required by subsection (n) to establish an STTR program shall carry out a grant program to support innovative approaches to technology transfer at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), nonprofit research institutions and Federal laboratories in order to improve or accelerate the commercialization of federally funded research and technology by small business concerns, including new businesses.

“(B) AWARDED OF GRANTS AND AWARDS.—

“(i) IN GENERAL.—Each Federal agency required by subparagraph (A) to participate in this program, shall award, through a competitive, merit-based process, grants, in the amounts listed in subparagraph (C) to institutions of higher education, technology transfer organizations that facilitate the commercialization of technologies developed by one or more such institutions of higher education, Federal laboratories, other public and private nonprofit entities, and consortia thereof, for initiatives that help identify high-quality, commercially viable federally funded research and technologies and to facilitate and accelerate their transfer into the marketplace.

“(ii) USE OF FUNDS.—Activities supported by grants under this subsection may include—

“(I) providing early-stage proof of concept funding for translational research;

“(II) identifying research and technologies at institutions that have the potential for accelerated commercialization;

“(III) technology maturation funding to support activities such as prototype construction, experiment analysis, product comparison, and collecting performance data;

“(IV) technical validations, market research, clarifying intellectual property rights position and strategy, and investigating commercial and business opportunities;

“(V) programs to provide advice, mentoring, entrepreneurial education, project management, and technology and business development expertise to innovators and recipients of technology transfer licenses to maximize commercialization potential; and

“(VI) conducting outreach to small business concerns as potential licensees of federally funded research and technology, and providing technology transfer services to such small business concerns.

“(iii) SELECTION PROCESS AND APPLICATIONS.—Qualifying institutions seeking a grant under this subsection shall submit an application to a Federal agency required by subparagraph (A) to participate in this program at such time, in such manner, and containing such information as the agency may require. The application shall include, at a minimum—

“(I) a description of innovative approaches to technology transfer, technology development, and commercial readiness that have the potential to increase or accelerate technology transfer outcomes and can be adopted by other qualifying institutions, or a demonstration of proven technology transfer and commercialization strategies, or a plan to implement proven technology transfer and commercialization strategies, that can

achieve greater commercialization of federally funded research and technologies with program funding;

“(II) a description of how the qualifying institution will contribute to local and regional economic development efforts; and

“(III) a plan for sustainability beyond the duration of the funding award.

“(iv) PROGRAM OVERSIGHT BOARDS.—

“(I) IN GENERAL.—Successful proposals shall include a plan to assemble a Program Oversight Board, the members of which shall have technical, scientific, or business expertise three-fifths of whom shall be drawn from industry, start-up companies, venture capital or other equity investment mechanism, technical enterprises, financial institutions, and business development organizations with a track record of success in commercializing innovations. Proposals may use oversight boards in existence on the date of the enactment of the Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 that meet the requirements of this subclause.

“(II) PROGRAM OVERSIGHT BOARDS RESPONSIBILITIES.—Program Oversight Boards shall—

“(aa) establish award programs for individual projects;

“(bb) provide rigorous evaluation of project applications;

“(cc) determine which projects should receive awards, in accordance with guidelines established under subparagraph (C)(ii);

“(dd) establish milestones and associated award amounts for projects that reach milestones;

“(ee) determine whether awarded projects are reaching milestones; and

“(ff) develop a process to reallocate outstanding award amounts from projects that are not reaching milestones to other projects with more potential.

“(III) CONFLICT OF INTEREST.—Program Oversight Boards shall be composed of members who do not have a conflict of interest. Boards shall adopt conflict of interest policies to ensure relevant relationships are disclosed and proper recusal procedures are in place.

“(C) GRANT AND AWARD AMOUNTS.—

“(i) GRANT AMOUNTS.—Each Federal agency required by subparagraph (A) to carry out a grant program may make grants up to \$3,000,000 to a qualifying institution.

“(ii) AWARD AMOUNTS.—Each qualifying institution that receives a grant under subparagraph (B) shall provide awards for individual projects of not more than \$100,000, to be provided in phased amounts, based on reaching the milestones established by the qualifying institution's Program Oversight Board.

“(D) AUTHORIZED EXPENDITURES FOR INNOVATIVE APPROACHES TO TECHNOLOGY TRANSFER GRANT PROGRAM.—

“(i) PERCENTAGE.—The percentage of the extramural budget for research, or research and development, each Federal agency required by subsection (n) to establish an STTR program shall expend on the Innovative Approaches to Technology Transfer Grant Program shall be—

“(I) 0.05 percent for each of fiscal years 2014 and 2015; and

“(II) 0.1 percent for each of fiscal years 2016 and 2017.

“(ii) TREATMENT OF EXPENDITURES.—Any portion of the extramural budget expended by a Federal agency on the Innovative Approaches to Technology Transfer Grant Program shall apply towards the agency's expenditure requirements under subsection (n).

“(2) PROGRAM EVALUATION AND DATA COLLECTION AND DISSEMINATION.—

“(A) EVALUATION PLAN AND DATA COLLECTION.—Each Federal agency required by paragraph (1)(A) to establish an Innovative Approaches to Technology Transfer Grant Program shall develop a program evaluation plan and collect annually such information from grantees as is necessary to assess the Program. Program evaluation plans shall require the collection of data aimed at identifying outcomes resulting from the transfer of technology with assistance from the Innovative Approaches to Technology Transfer Grant Program. Such data may include—

“(i) specific follow-on funding identified or obtained, including follow-on funding sources, such as Federal sources or private sources, within 3 years of the completion of the award;

“(ii) number of projects which, within 5 years of receiving an award under paragraph (1), result in a license to a start-up company or an established company with sufficient resources for effective commercialization;

“(iii) the number of invention disclosures received, United States patent applications filed, and United States patents issued within 5 years of the award;

“(iv) number of projects receiving a grant under paragraph (1) that secure Phase I or Phase II SBIR or STTR awards;

“(v) available information on revenue, sales or other measures of products that have been commercialized as a result of projects awarded under paragraph (1), within 5 years of the award;

“(vi) number and location of jobs created resulting from projects awarded under paragraph (1); and

“(vii) other data as deemed appropriate by a Federal agency required by this subparagraph to develop a program evaluation plan.

“(B) EVALUATIVE REPORT TO CONGRESS.—The head of each Federal agency that participates in the Innovative Approaches to Technology Transfer Grant Program shall submit to the Committee on Science, Space, and Technology and the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate an evaluative report regarding the activities of the program. The report shall include—

“(i) a detailed description of the implementation of the program;

“(ii) a detailed description of the grantee selection process;

“(iii) an accounting of the funds used in the program; and

“(iv) a summary of the data collected under subparagraph (A).

“(C) DATA DISSEMINATION.—For the purposes of program transparency and dissemination of best practices, the Administrator shall include on the public database under subsection (k)(1) information on the Innovative Approaches to Technology Transfer Grant Program, including—

“(i) the program evaluation plan required under subparagraph (A);

“(ii) a list of recipients by State of awards under paragraph (1); and

“(iii) information on the use of grants under paragraph (1) by recipient institutions.”.

AMENDMENT NO. 80 OFFERED BY MR. POE OF TEXAS

Page 370, after line 23, insert the following:  
**SEC. 1082. SENSE OF CONGRESS REGARDING THE TRANSFER OF USED MILITARY EQUIPMENT TO FEDERAL, STATE, AND LOCAL AGENCIES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense

should make every reasonable effort, by not later than one year after the date on which a piece of eligible equipment returns to the United States, to transfer such eligible equipment to a Federal, State, or local agency in accordance with subsections (b) and (c) of section 2576a of title 10, United States Code.

(b) PREFERENCE.—In considering applications for the transfer of eligible equipment under section 2576a of title 10, United States Code, the Secretary of Defense may give a preference to Federal, State, and local agencies that plan to use such eligible equipment primarily for the purpose of strengthening border security along the international border between the United States and Mexico.

(c) ELIGIBLE EQUIPMENT.—For purposes of this section, the term “eligible equipment” means equipment of the Department of Defense that—

(1) was used in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn;

(2) the Secretary of Defense determines would be suitable for use by a Federal, State, or local agency in law enforcement activities, including—

(A) intelligence surveillance and reconnaissance equipment;

(B) night-vision goggles; and

(C) tactical wheeled vehicles; and

(3) the Secretary determines is excess to military requirements.

AMENDMENT NO. 83 OFFERED BY MR. THOMPSON OF CALIFORNIA

At the end of title VIII, add the following new section:

**SEC. 827. REQUIREMENT TO BUY AMERICAN FLAGS FROM DOMESTIC SOURCES.**

Section 2533a(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) A flag of the United States of America (within the meaning of chapter 1 of title 4).”.

AMENDMENT NO. 84 OFFERED BY MR. FORTENBERRY OF NEBRASKA

At the end of subtitle A of title IX, add the following new section:

**SEC. 910. REPORT RELATED TO NUCLEAR FORCES, DETERRENCE, NON-PROLIFERATION, AND TERRORISM.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report discussing how the Department of Defense will manage its mission with respect to issues related to nuclear forces, deterrence, nonproliferation, and terrorism.

AMENDMENT NO. 85 OFFERED BY MR. NUGENT OF FLORIDA

At the end of title IX, add the following new section:

**SEC. 923. MODIFICATIONS TO REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.**

(a) DESIGNATION OF OFFICER.—Section 1501(a) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “PERSONNEL” and inserting “PERSONS”;

(2) by striking paragraph (2);

(3) by designating the second sentence of paragraph (1) as paragraph (2); and

(4) by striking the first sentence of paragraph (1) and inserting the following:

“(A) The Secretary of Defense shall designate a single organization within the Department of Defense to have responsibility for Department of Defense matters relating

to missing persons, including accounting for missing persons and persons whose remains have not been recovered from the conflict in which they were lost.

“(B) The organization designated under this paragraph shall be a Defense Agency or other entity of the Department of Defense outside the military departments and is referred to in this chapter as the ‘designated Defense Agency’.

“(C) The head of the organization designated under this paragraph is referred to in this chapter as the ‘designated Agency Director’.”

(b) **RESPONSIBILITIES.**—Paragraph (2) of such section, as designated by subsection (a)(3), is amended—

(1) in the matter preceding subparagraph (A), by striking “the official designated under this paragraph shall include—” and inserting “the designated Agency Director shall include the following:”

(2) by capitalizing the first letter of the first word of each of subparagraphs (A), (B), (C), and (D);

(3) by striking the semicolon at the end of subparagraph (A) and inserting a period;

(4) in subparagraph (B)—

(A) by inserting “responsibility for” after “as well as the”; and

(B) by striking “; and” at the end and inserting a period; and

(5) by adding at the end the following new subparagraph:

“(E) The establishment of a means for communication between officials of the designated Defense Agency and family members of missing persons, veterans service organizations, concerned citizens, and the public on the Department’s efforts to account for missing persons, including a readily available means for communication of their views and recommendations to the designated Agency Director.”

(c) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in paragraph (3), by striking “the official designated under paragraphs (1) and (2)” and inserting “the designated Agency Director”; and

(2) in paragraphs (4) and (5), by striking “The designated official” and inserting “The designated Agency Director”.

(d) **RESOURCES.**—Such section is further amended by striking paragraph (6).

(e) **PUBLIC-PRIVATE PARTNERSHIPS AND OTHER FORMS OF SUPPORT.**—Chapter 76 of such title is amended by inserting after section 1501 the following new section:

**“§ 1501a. Public-private partnerships; other forms of support**

“(a) **PUBLIC-PRIVATE PARTNERSHIPS.**—The Secretary of Defense may enter into arrangements known as public-private partnerships with appropriate entities outside the Government for the purposes of facilitating the activities of the designated Defense Agency. The Secretary may only partner with foreign governments or foreign entities with the concurrence of the Secretary of State. Any such arrangement shall be entered into in accordance with authorities provided under this section or any other authority otherwise available to the Secretary. Regulations prescribed under subsection (e)(1) shall include provisions for the establishment and implementation of such partnerships.

“(b) **ACCEPTANCE OF VOLUNTARY PERSONAL SERVICES.**—The Secretary of Defense may accept voluntary services to facilitate accounting for missing persons in the same manner as the Secretary of a military department may accept such services under section 1588(a)(9) of this title.

“(c) **SOLICITATION OF GIFTS.**—Under regulations prescribed under this chapter, the Secretary may solicit from any person or public or private entity, for the use and benefit of the activities of the designated Defense Agency, a gift of information and data, books, manuscripts, other documents, and artifacts.

“(d) **USE OF DEPARTMENT OF DEFENSE PERSONAL PROPERTY.**—The Secretary may allow a private entity to use, at no cost, personal property of the Department of Defense to assist the entity in supporting the activities of the designated Defense Agency.

“(e) **REGULATIONS.**—

“(1) **IN GENERAL.**—The Secretary of Defense shall prescribe regulations to implement this section.

“(2) **LIMITATION.**—Such regulations shall provide that solicitation of a gift, acceptance of a gift (including a gift of services), or use of a gift under this section may not occur if the nature or circumstances of the solicitation, acceptance, or use would compromise the integrity, or the appearance of integrity, of any program of the Department of Defense or any individual involved in such program.”

(f) **SECTION 1505 CONFORMING AMENDMENTS.**—Section 1505(c) of such title is amended—

(1) in paragraph (1), by striking “the office established under section 1501 of this title” and inserting “the designated Agency Director”; and

(2) in paragraphs (2) and (3), by striking “head of the office established under section 1501 of this title” and inserting “designated Agency Director”.

(g) **SECTION 1509 AMENDMENTS.**—Section 1509 of such title is amended—

(1) by striking “**PREENACTMENT**” in the section heading;

(2) in subsection (b)—

(A) in the subsection heading, by striking “**PROCESS**”;

(B) in paragraph (1), by striking “POW/MIA accounting community” and inserting “through the designated Agency Director”;

(C) by striking paragraph (2); and

(D) by adding at the end the following new paragraph (2):

“(2)(A) The Secretary shall assign or detail to the designated Defense Agency on a full-time basis a senior medical examiner from the personnel of the Armed Forces Medical Examiner System. The primary duties of the medical examiner so assigned or detailed shall include the identification of remains in support of the function of the designated Agency Director to account for unaccounted for persons covered by subsection (a).

“(B) In carrying out functions under this chapter, the medical examiner so assigned or detailed shall report to the designated Agency Director.

“(C) The medical examiner so assigned or detailed shall—

“(i) exercise scientific identification authority;

“(ii) establish identification and laboratory policy consistent with the Armed Forces Medical Examiner System; and

“(iii) advise the designated Agency Director on forensic science disciplines.

“(D) Nothing in this chapter shall be interpreted as affecting the authority of the Armed Forces Medical Examiner under section 1471 of this title.”

(3) in subsection (d)—

(A) by inserting “; **CENTRALIZED DATABASE**” in the subsection heading after “**FILES**”; and

(B) by adding at the end the following new paragraph:

“(4) The Secretary of Defense shall establish and maintain a single centralized database and case management system containing information on all missing persons for whom a file has been established under this subsection. The database and case management system shall be accessible to all elements of the Department of Defense involved in the search, recovery, identification, and communications phases of the program established by this section.”; and

(4) in subsection (f)—

(A) in paragraph (1)—

(i) by striking “establishing and”; and

(ii) by striking “Secretary of Defense shall coordinate” and inserting “designated Agency Director shall ensure coordination”;

(B) in paragraph (2)—

(i) by inserting “staff” after “National Security Council”; and

(ii) by striking “POW/MIA accounting community”; and

(C) by adding at the end the following new paragraph:

“(3) In carrying out the program, the designated Agency Director shall coordinate all external communications and events associated with the program.”

(h) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **CROSS-REFERENCE CORRECTION.**—Section 1513(1) of such title is amended by striking “subsection (b)” in the last sentence and inserting “subsection (c)”.

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 76 of such title is amended—

(A) by inserting after the item relating to section 1501 the following new item:

“1501a. Public-private partnerships; other forms of support.”; and

(B) in the item relating to section 1509, by striking “preenactment”.

AMENDMENT NO. 87 OFFERED BY MR. BURGESS  
OF TEXAS

Add at the end of subtitle A of title X the following new section:

**SEC. 1005. REPORT ON AUDITABLE FINANCIAL STATEMENTS.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report ranking all military departments and Defense Agencies in order of how advanced they are in achieving auditable financial statements as required by law. The report should not include information otherwise available in other reports to Congress.

AMENDMENT NO. 88 OFFERED BY MR. TAKANO OF  
CALIFORNIA

At the end of subtitle A of title X, add the following new section:

**SEC. 1005. REPORT ON IMPLEMENTING AUDIT REPORTING REQUIREMENTS.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the barriers to implementing audit reporting requirements contained in section 1003 of Public Law 111-84 and recommendations to ensure reporting deadlines are met.

AMENDMENT NO. 89 OFFERED BY MR. MILLER OF  
FLORIDA

At the end of subtitle C of title X, insert the following:

**SEC. 1027. PROHIBITION ON USE OF FUNDS FOR CERTAIN PERMITTING ACTIVITIES UNDER THE SUNKEN MILITARY CRAFT ACT.**

None of the funds authorized to be appropriated by this Act may be used to issue a regulation for permitting activities set forth

in section 1403 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2907; 10 U.S.C. 113 note).

AMENDMENT NO. 90 OFFERED BY MR. ROSS OF FLORIDA

At the end of subtitle D of title X, insert the following:

**SEC. 1034. PROHIBITION ON THE USE OF FUNDS FOR RECREATIONAL FACILITIES FOR INDIVIDUALS DETAINED AT GUANTANAMO.**

None of the funds authorized to be appropriated or otherwise available to the Department of Defense may be used to provide additional or upgraded recreational facilities for individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

AMENDMENT NO. 91 OFFERED BY MR. BRIDENSTINE OF OKLAHOMA

Page 300, line 12, strike "None of the" and insert "Not more than 50 percent of the".

Page 301, line 2, insert before the period the following: "until the date that is 30 days after the date on which the Secretary delivers the certification required by subsection (a) to the congressional defense committees".

AMENDMENT NO. 98 OFFERED BY MR. BRALEY OF IOWA

Add at the end of subtitle F of title X the following:

**SEC. 1065. REPORT ON LONG-TERM COSTS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.**

(a) **REPORT REQUIREMENT.**—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of Veterans Affairs, shall submit to Congress a report containing an estimate of previous costs of Operation New Dawn (the successor contingency operation to Operation Iraqi Freedom) and the long-term costs of Operation Enduring Freedom for a scenario, determined by the President and based on current contingency operation and withdrawal plans, that takes into account expected force levels and the expected length of time that members of the Armed Forces will be deployed in support of Operation Enduring Freedom.

(b) **ESTIMATES TO BE USED IN PREPARATION OF REPORT.**—In preparing the report required by subsection (a), the President shall make estimates and projections through at least fiscal year 2024, adjust any dollar amounts appropriately for inflation, and take into account and specify each of the following:

(1) The total number of members of the Armed Forces expected to be deployed in support of Operation Enduring Freedom, including—

(A) the number of members of the Armed Forces actually deployed in Southwest Asia in support of Operation Enduring Freedom;

(B) the number of members of reserve components of the Armed Forces called or ordered to active duty in the United States for the purpose of training for eventual deployment in Southwest Asia, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation Enduring Freedom; and

(C) the break-down of deployments of members of the regular and reserve components and activation of members of the reserve components.

(2) The number of members of the Armed Forces, including members of the reserve components, who have previously served in support of Operation Iraqi Freedom, Oper-

ation New Dawn, or Operation Enduring Freedom and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been used and are expected to be used during the course of Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom.

(4) The number of veterans currently suffering and expected to suffer from post-traumatic stress disorder, traumatic brain injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during service in support of Operation Iraqi Freedom, Operation New Dawn, or Operation Enduring Freedom.

(6) The current number of pending Department of Veterans Affairs claims from veterans of military service in Iraq and Afghanistan, and the total number of such veterans expected to seek disability compensation from the Department of Veterans Affairs.

(7) The total number of members of the Armed Forces who have been killed or wounded in Iraq or Afghanistan, including noncombat casualties, the total number of members expected to suffer injuries in Afghanistan, and the total number of members expected to be killed in Afghanistan, including noncombat casualties.

(8) The amount of funds previously appropriated for the Department of Defense, the Department of State, and the Department of Veterans Affairs for costs related to Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom, including an account of the amount of funding from regular Department of Defense, Department of State, and Department of Veterans Affairs budgets that has gone and will go to costs associated with such operations.

(9) Previous, current, and future operational expenditures associated with Operation Enduring Freedom and, when applicable, Operation Iraqi Freedom and Operation New Dawn, including—

(A) funding for combat operations;

(B) deploying, transporting, feeding, and housing members of the Armed Forces (including fuel costs);

(C) activation and deployment of members of the reserve components of the Armed Forces;

(D) equipping and training of Iraqi and Afghani forces;

(E) purchasing, upgrading, and repairing weapons, munitions, and other equipment consumed or used in Operation Iraqi Freedom, Operation New Dawn, or Operation Enduring Freedom; and

(F) payments to other countries for logistical assistance in support of such operations.

(10) Past, current, and future costs of entering into contracts with private military security firms and other contractors for the provision of goods and services associated with Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom.

(11) Average annual cost for each member of the Armed Forces deployed in support of Operation Enduring Freedom, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of calling or ordering members of the reserve components

to active duty in support of Operation Enduring Freedom.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support members of the Armed Forces serving in Afghanistan.

(16) Current and future cost of providing health care for veterans who served in support of Operation Iraqi Freedom, Operation New Dawn, or Operation Enduring Freedom, including—

(A) the cost of mental health treatment for veterans suffering from post-traumatic stress disorder and traumatic brain injury, and other mental problems as a result of such service; and

(B) the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of such service.

(17) Current and future cost of providing Department of Veterans Affairs disability benefits for the lifetime of veterans who incur disabilities while serving in support of Operation Iraqi Freedom, Operation New Dawn, or Operation Enduring Freedom.

(18) Current and future cost of providing survivors' benefits to survivors of members of the Armed Forces killed while serving in support of Operation Iraqi Freedom, Operation New Dawn, or Operation Enduring Freedom.

(19) Cost of bringing members of the Armed Forces and equipment back to the United States upon the conclusion of Operation Enduring Freedom, including the cost of demobilization, transportation costs (including fuel costs), providing transition services for members of the Armed Forces transitioning from active duty to veteran status, transporting equipment, weapons, and munitions (including fuel costs), and an estimate of the value of equipment that will be left behind.

(20) Cost to restore the military and military equipment, including the equipment of the reserve components, to full strength after the conclusion of Operation Enduring Freedom.

(21) Amount of money borrowed to pay for Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom, and the sources of that money.

(22) Interest on money borrowed, including interest for money already borrowed and anticipated interest payments on future borrowing, for Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom.

AMENDMENT NO. 107 OFFERED BY MR. BUTTERFIELD OF NORTH CAROLINA

At the end of subtitle G of title X, add the following new section:

**SEC. 1082. METHODS FOR VALIDATING CERTAIN SERVICE CONSIDERED TO BE ACTIVE SERVICE BY THE SECRETARY OF VETERANS AFFAIRS.**

(a) **IN GENERAL.**—For the purposes of verifying that an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seaman who is recognized pursuant to section 401 of the GI Bill Improvement Act of 1977 (Public Law 95-202; 38 U.S.C. 106 note) as having performed active duty service for the purposes described in subsection (c)(1), the Secretary of Homeland Security shall accept the following:

(1) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom no applicable Coast Guard shipping or discharge form, ship log-book, merchant mariner's document or Z-

card, or other official employment record is available, the Secretary shall provide such recognition on the basis of applicable Social Security Administration records submitted for or by the individual, together with validated testimony given by the individual or the primary next of kin of the individual that the individual performed such service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(2) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom the applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner's document or Z-card, or other official employment record has been destroyed or otherwise become unavailable by reason of any action committed by a person responsible for the control and maintenance of such form, logbook, or record, the Secretary shall accept other official documentation demonstrating that the individual performed such service during period beginning on December 7, 1941, and ending on December 31, 1946.

(3) For the purpose of determining whether to recognize service allegedly performed during the period beginning on December 7, 1941, and ending on December 31, 1946, the Secretary shall recognize masters of seagoing vessels or other officers in command of similarly organized groups as agents of the United States who were authorized to document any individual for purposes of hiring the individual to perform service in the merchant marine or discharging an individual from such service.

(b) TREATMENT OF OTHER DOCUMENTATION.—Other documentation accepted by the Secretary of Homeland Security pursuant to subsection (a)(2) shall satisfy all requirements for eligibility of service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(c) BENEFITS ALLOWED.—

(1) BURIAL BENEFITS ELIGIBILITY.—Service of an individual that is considered active duty pursuant to subsection (a) shall be considered as active duty service with respect to providing burial benefits under chapters 23 and 24 of title 38, United States Code, to the individual.

(2) MEDALS, RIBBONS, AND DECORATIONS.—An individual whose service is recognized as active duty pursuant to subsection (a) may be awarded an appropriate medal, ribbon, or other military decoration based on such service.

(3) STATUS OF VETERAN.—An individual whose service is recognized as active duty pursuant to subsection (a) shall be honored as a veteran but shall not be entitled by reason of such recognized service to any benefit that is not described in this subsection.

(d) DETERMINATION OF COASTWISE MERCHANT SEAMAN.—The Secretary of Homeland Security shall verify that an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seaman pursuant to this section without regard to the sex, age, or disability of the individual during the period in which the individual served as such a coastwise merchant seaman.

(e) DEFINITIONS.—In this section:

(1) The term "coastwise merchant seaman" means a mariner that served on a tug boat, towboat, or seagoing barge that transported war materials to and from ports located in the territorial seas of the United States in support of the war effort during the period beginning December 7, 1941, and ending December 31, 1946.

(2) The term "primary next of kin" with respect to an individual seeking recognition

for service under this section means the closest living relative of the individual who was alive during the period of such service.

(f) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act.

AMENDMENT NO. 108 OFFERED BY MR. LEWIS OF GEORGIA

At the end of title X, add the following new section:

#### SEC. 10. COST OF WARS.

The Secretary of Defense, in consultation with the Commissioner of the Internal Revenue Service and the Director of the Bureau of Economic Analysis, shall post on the public Web site of the Department of Defense the costs, including the relevant legacy costs, to each American taxpayer of each of the wars in Afghanistan and Iraq.

AMENDMENT NO. 109 OFFERED BY MR. LYNCH OF MASSACHUSETTS

At the end of title X, insert the following:

#### SEC. 1046. OBSERVANCE OF VETERANS DAY.

(a) TWO MINUTES OF SILENCE.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following new section:

##### "§ 145. Veterans Day

"The President shall issue each year a proclamation calling on the people of the United States to observe two minutes of silence on Veterans Day in honor of the service and sacrifice of veterans throughout the history of the Nation, beginning at—

- "(1) 3:11 pm Atlantic standard time;
- "(2) 2:11 pm eastern standard time;
- "(3) 1:11 pm central standard time;
- "(4) 12:11 pm mountain standard time;
- "(5) 11:11 am Pacific standard time;
- "(6) 10:11 am Alaska standard time; and
- "(7) 9:11 am Hawaii-Aleutian standard time."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 36, United States Code, is amended by adding at the end the following new item:

"145. Veterans Day."

AMENDMENT NO. 111 OFFERED BY MR. SCHIFF OF CALIFORNIA

At the end of title X, add the following new section:

#### SEC. 10. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The Vietnam Veterans Memorial continues to be a popular and important place of reflection and healing for a generation.

(2) The simple inscriptions of the names of the Nation's dead bear mute testimony to the sacrifice of more than 58,000 Americans, serving as a deep source of comfort and pride for the families of those who were lost.

(3) 74 sailors were lost aboard the USS Frank E. Evans, which sank after colliding with the HMAS Melbourne on June 3, 1969, during a Southeast Asia Treaty Organization exercise just outside the designated combat zone.

(4) The Frank Evans had been providing support fire for combat operations in Vietnam before the exercise that resulted in the accident and was scheduled to return after the exercise.

(5) The families of the 74 men lost aboard the USS Frank E. Evans have been fighting for decades to have their loved ones added to the Memorial.

(6) Exceptions have been granted to inscribe the names on the Vietnam Veterans Memorial for other servicemembers who were killed outside of the designated combat zone, including in 1983 when President Ron-

ald Reagan ordered that 68 Marines who died on a flight outside the combat zone be added to the wall.

(7) Secretary of the Navy Ray Mabus, in a letter dated December 15, 2010, expressed support for the addition of the 74 names of the men lost aboard the USS Frank E. Evans to the Vietnam Veterans Memorial.

(8) The heroism and sacrifice should never go unrecognized because of an arbitrary line on a map.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should order that the names of the 74 military personnel lost aboard the USS Frank E. Evans on June 3, 1969, be added to the Vietnam Veterans Memorial.

AMENDMENT NO. 116 OFFERED BY MR. POE OF TEXAS

At the appropriate place in subtitle B of title XII, insert the following:

#### SEC. . INDEPENDENT ASSESSMENT OF UNITED STATES EFFORTS TO DISRUPT, DISMANTLE, AND DEFEAT AL-QAEDA, ITS AFFILIATED GROUPS, ASSOCIATED GROUPS, AND ADHERENTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) al-Qaeda, its affiliated groups, associated groups, and adherents continue to pose a significant threat to United States national security interests;

(2) al-Qaeda continues to evolve and reorganize to adapt to United States counterterrorism measures; and

(3) al-Qaeda has become more decentralized and less hierarchical over the past decade.

(b) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the conduct of an independent assessment of the United States efforts to disrupt, dismantle, and defeat al-Qaeda, including its affiliated groups, associated groups, and adherents since May 2, 2011.

(2) ELEMENTS.—The assessment required by paragraph (1) shall include the following:

(A) An assessment of al-Qaeda core's relationship with any and all affiliated groups, associated groups, and adherents.

(B) An assessment of the aims, objectives, and capabilities of al-Qaeda core and any and all affiliated groups, associated groups, and adherents.

(C) An assessment of the Administration's efforts to combat al-Qaeda core and any and all affiliated groups, associated groups, and adherents.

(D) An assessment of the Authorization for Use of Military Force (Public Law 107-40) and its relevance to the current structure and objectives of al-Qaeda core, its affiliated groups, associated groups, and adherents.

(E) A comprehensive order of battle for al-Qaeda core, its affiliated groups, associated groups, and adherents.

(3) REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity selected for the conduct of the assessment required by paragraph (1) shall provide to the Secretary and the appropriate committees of Congress a report containing its findings as a result of the assessment.

(B) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and



(3) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO. 135 OFFERED BY MR.  
BRIDENSTINE OF OKLAHOMA

At the end of subtitle F of title XII, add the following:

**SEC. 12. REPORT ON COLLECTIVE AND NATIONAL SECURITY IMPLICATIONS OF CENTRAL ASIAN AND SOUTH CAUCASUS ENERGY DEVELOPMENT.**

(a) FINDINGS.—Congress finds the following:

(1) Assured access to stable energy supplies is an enduring concern of both the United States and the North Atlantic Treaty Organization (NATO).

(2) Adopted in Lisbon in November 2010, the new NATO Strategic Concept declares that “[s]ome NATO countries will become more dependent on foreign energy suppliers and in some cases, on foreign energy supply and distribution networks for their energy needs”.

(3) The report required by section 1233 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) reaffirmed the Strategic Concept’s assessment of growing energy dependence of some members of the NATO alliance and also noted there is value in the assured access, protection, and delivery of energy.

(4) Development of energy resources and transit routes in the areas surrounding the Caspian Sea can diversify sources of supply for members of the NATO alliance, particularly those in Eastern Europe.

(b) REPORT.—

(1) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Secretary of Energy, submit to the appropriate congressional committees a detailed report on the implications of new energy resource development and distribution networks, both planned and under construction, in the areas surrounding the Caspian Sea for energy security strategies of the United States and NATO.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the dependence of NATO members on a single oil or natural gas supplier or distribution network.

(B) An assessment of the potential of energy resources of the areas surrounding the Caspian Sea to mitigate such dependence on a single supplier or distribution network.

(C) Recommendations, if any, for ways in which the United States can help support increased energy security for NATO members.

(3) SUBMISSION OF CLASSIFIED INFORMATION.—The report under this subsection shall be submitted in unclassified form, but may contain a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from California (Mr. McKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. Madam Chair, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority, and I reserve the balance of my time.

Mr. SMITH of Washington. Madam Chair, I concur with the chairman that we should pass the en bloc amendment. I have no speakers, so I yield back the balance of my time.

Mr. McKEON. Madam Chair, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), my friend and colleague.

Mr. SHIMKUS. Madam Chair, it is great to be here. I know it is at the end of the debate.

First, let me thank BUCK McKEON for doing a great job as the chairman, and I know as Adam will do, will recognize his years of service, and this is a great bill. Adam, thank you for your friendship and support.

Part of this en bloc amendment is the Black Ribbon Day. I worked really closely with Congressman ENGEL to make sure that it was vetted and cleared.

The basic premise is the country has to understand the importance of knowing the past to survive in the world of the present.

Shimkus is ethnically Lithuanian. I deal with the Baltic issues and Eastern European causes, and the world has significantly changed, as I said earlier in this debate, about the threat from Russia.

So the Black Ribbon Day recognizes the victims of communism and the Holocaust and the gulags and the deportation and the Russification. So when Vladimir Putin makes a claim protecting the Russian minority, it is because what they did post-World War II was they removed forcefully to Siberia ethnics and moved in Russians.

The world is not a safer place today. It is important for us to remember the events of the past so we can defend the freedoms of the future.

Mr. Chairman, thank you for including this in your en bloc amendment.

To my friend Adam from Washington State, thank you for your support. I don’t get a chance to talk about defense and NDAA. As you all know, I served in the military. I have great respect for what you have done in trying to strengthen the force and protect freedom. So thank you for the work you do. It is just an honor to get a chance to work with both of you.

Mr. McKEON. Madam Chair, I encourage our colleagues to support the en bloc amendment, and I yield back the balance of my time.

Mr. POE of Texas. Madam Chair, I would like to thank Chairman McKEON for supporting my amendment and allowing it to come to the floor.

This Amendment requires the Secretary of Defense to get an independent assessment of U.S. efforts to disrupt, dismantle, and defeat

al-Qaeda, its affiliates, and other associated groups.

Al-Qaeda continues to threaten the security of the U.S. and our allies, both at home and abroad.

Our intelligence services and our military have scored some real gains against al-Qaeda, but al-Qaeda in Afghanistan and Pakistan is still able to provide tactical and ideological direction to its affiliates around the world.

Al-Qaeda has gone from “on the verge of strategic defeat” to a serious and growing threat, depending on who you ask in the Administration or intelligence services.

Today al-Qaeda controls more territory than ever. The fight against al-Qaeda is far from over.

This amendment is necessary so we can have outside experts evaluate this Administration’s efforts against al-Qaeda and what we should do about it.

Mr. POE of Texas. Madam Chair, first, I would like to thank Chairman McKEON for supporting my amendment and allowing it to come to the floor.

The amendment is simple, it urges the Secretary of Defense to make a reasonable effort to make excess intelligence surveillance and reconnaissance equipment, night vision goggles, and tactical wheeled vehicles returning from abroad available to State, Federal, and local law enforcement agencies for the purpose of strengthening border security along the international border between the United States and Mexico.

This amendment is common sense—why not allow excess military equipment to be used by state, local, and federal law enforcement for border security?

Our border sheriffs say they are outmanned, outgunned and out-financed by the drug cartels.

This is not a new idea. DOD already has a program for distribution of surplus DOD equipment. This program has transferred 6 used Humvees to Texas Border Sheriffs in 2010. The purpose of this amendment is to urge DOD to make more equipment available through this existing program.

So let’s put that veteran equipment to work on the border to help fight the drug cartels. America has done our part over the past 10 years to bring safety and security to the people of Iraq and Afghanistan, and now it is time to bring that same safety and security to Americans living along our southern border.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. McKEON).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 6 OFFERED BY MR.  
McKEON

Mr. McKEON. Madam Chair, pursuant to House Resolution 590, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 6 consisting of amendment Nos. 92, 93, 94, 95, 96, 99, 101, 102, 103, 104, 115, 118, 119, 120, 121, 123, 124, 128, 136, 145, and 155 printed in part A of House Report No. 113-460, offered by Mr. McKEON of California:

AMENDMENT NO. 92 OFFERED BY MR. NUNES OF CALIFORNIA

Page 302, line 22, add the following after the period: "Such assessment shall address the efficacy of Lajes Air Force Base modifying its United States Air Force mission to support a permanent force structure for the United States Special Operations Command, the United States Africa Command, and other overseas United States forces in both the European and African regions, at a force structure at or above the force structure at such Air Force Base as of October 1, 2013."

Page 302, strike line 23 and all that follows through page 303, line 7, and insert the following:

(2) The Secretary of Defense includes in the Assessment under paragraph (1) an analysis of how, with respect to the use and force structure of the Lajes Air Force Base, the United States is honoring the goals of the U.S.-Portugal Permanent Bilateral Commission, particularly how the systematic reduction in force structure at such Air Force Base is within the goals of the commission and the bilateral cooperation between the 2 countries in the fight against terrorism.

(3) The Secretary briefs the congressional defense committees regarding the results of the Assessment under paragraph (1).

AMENDMENT NO. 93 OFFERED BY MR. SESSIONS OF TEXAS

At the end of subtitle E of title X, add the following new section:

**SEC. 1051. MODIFICATIONS TO OH-58D KIOWA WARRIOR HELICOPTERS.**

(a) IN GENERAL.—Notwithstanding section 2244A of title 10, United States Code, the Secretary of the Army may implement engineering change proposals on OH-58D Kiowa Warrior helicopters.

(b) MANNER OF MODIFICATIONS.—The Secretary shall carry out subsection (a) in a manner that ensures—

(1) the safety and survivability of the crews of the OH-58D Kiowa Warrior helicopters by expeditiously replacing or integrating, or both, the mast-mounted sight engineering change proposals to the current OH-58D fleet;

(2) the safety of flight; and

(3) that the minimum requirements of the commanders of the combatant commands are met.

(c) ENGINEERING CHANGE PROPOSALS DEFINED.—In this section, the term "engineering change proposals" means, with respect to OH-58D helicopters, engineering changes relating to the following:

- (1) Mast mounted sight laser pointer.
- (2) Two-card system processor.
- (3) Diode pump laser.

AMENDMENT NO. 94 OFFERED BY MR. BROWN OF GEORGIA

At the appropriate place in subtitle E of title X, insert the following new section:

**SEC. \_\_\_\_ . PROHIBITION ON USE OF DRONES TO KILL UNITED STATES CITIZENS.**

(a) PROHIBITION.—No officer or employee of, or detailee or contractor to, the Department of Defense may use a drone to kill a citizen of the United States.

(b) EXCEPTION.—The prohibition under subsection (a) shall not apply to the use of a drone to kill an individual who is actively engaged in combat against the United States.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create any authority, or expand any existing authority, for the Federal Government to kill any person.

(d) DRONE DEFINED.—In this section, the term "drone" means an unmanned aircraft

(as defined in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)).

AMENDMENT NO. 95 OFFERED BY MR. PALAZZO OF MISSISSIPPI

At the end of subtitle F of title X, insert the following:

**SEC. 1065. REPORT ON FORCE STRUCTURE LAYDOWN OF TACTICAL AIRLIFT ASSETS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the strategic laydown of tactical airlift forces following the withdrawal of combat forces from Afghanistan is cause for concern.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the five-year plan of the Secretary for the force structure laydown of the tactical airlift.

(c) LIMITATION; REPORT.—The Secretary of the Air Force shall brief the congressional defense committees prior to implementing any movements.

AMENDMENT NO. 96 OFFERED BY MR. SCHWEIKERT OF ARIZONA

At the end of subtitle F of title X, insert the following:

**SEC. 1065. REPORT ON THERMAL INJURY PREVENTION.**

The Director of the United States Army Tank Automotive Research, Development, and Engineering Center shall submit to the congressional defense committees a report addressing thermal injury prevention needs to improve occupant centric survivability systems for combat and tactical vehicles against over matching ballistic threat.

AMENDMENT NO. 99 OFFERED BY MR. COLE OF OKLAHOMA

Page 340, line 11, insert "either" after "is".  
Page 340, line 14, insert ", or participating in the Robotic Aircraft for Public Safety program or other activities of similar nature conducted by the Department of Homeland Security," before "to allow".

Page 340, beginning on line 16, strike "test range program" and insert in its place "a program".

Page 341, beginning on line 5, strike "test range".

AMENDMENT NO. 101 OFFERED BY MR. GIBSON OF NEW YORK

At the end of subtitle G of title X, add the following new section:

**SEC. 1082. REVIEW OF OPERATION OF CERTAIN SHIPS DURING THE VIETNAM ERA.**

(a) REVIEW REQUIRED.—By not later than one year after the date of the enactment of this Act, the Secretary of Defense shall review the logs of each ship under the authority of the Secretary of the Navy that is known to have operated in the waters near Vietnam during the Vietnam Era (as that term is defined in section 101(29) of title 38, United States Code) to determine—

(1) whether each such ship operated in the territorial waters of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975; and

(2) for each such ship that so operated—

(A) the date or dates when the ship so operated; and

(B) the distance from the shore of the location where the ship operated that was the closest proximity to shore.

(b) PROVISION OF INFORMATION TO THE SECRETARY OF VETERANS AFFAIRS.—Upon a determination that any such ship so operated, the Secretary of Defense shall provide such

determination, together with the information described in subsection (a)(2) about the ship, to the Secretary of Veterans Affairs.

(c) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary of Veterans Affairs shall make publicly available all unclassified information provided to the Secretary under subsection (b).

AMENDMENT NO. 102 OFFERED BY MR. LATTA OF OHIO

At the end of title X, add the following:

**SEC. 10 \_\_\_\_ . SENSE OF CONGRESS RECOGNIZING THE 70TH ANNIVERSARY OF THE ALLIED AMPHIBIOUS LANDING ON D-DAY, JUNE 6, 1944, AT NORMANDY, FRANCE.**

(a) FINDINGS.—Congress makes the following findings:

(1) June 6, 2014, marks the 70th anniversary of the Allied assault at Normandy, France, by American, British, and Canadian troops, which was known as Operation Overlord.

(2) Before Operation Overlord, the German Army still occupied France and the Nazi government still had access to the raw materials and industrial capacity of Western Europe.

(3) The naval assault phase on Normandy was code-named "Neptune", and the June 6th assault date is referred to as D-Day to denote the day on which the combat attack was initiated.

(4) The D-Day landing was the largest single amphibious assault in history, consisting of approximately 31,000 members of the United States Armed Forces, 153,000 members of the Allied Expeditionary Force, 5,000 naval vessels, and more than 11,000 sorties by Allied aircraft.

(5) Soldiers of 6 divisions (3 American, 2 British, and 1 Canadian) stormed ashore in 5 main landing areas on beaches in Normandy, which were code-named "Utah", "Omaha", "Gold", "Juno", and "Sword".

(6) Of the approximately 10,000 Allied casualties incurred on the first day of the landing, more than 6,000 casualties were members of the United States Armed Forces.

(7) The age of the remaining World War II veterans and the gradual disappearance of any living memory of World War II and the Normandy landings make it necessary to increase activities intended to pass on the history of these events, particularly to younger generations.

(8) The young people of Normandy and the United States have displayed unprecedented commitment to and involvement in celebrating the veterans of the Normandy landings and the freedom that they brought with them in 1944.

(9) The significant material remains of the Normandy landing, such as shipwrecks and various items of military equipment found both on the Normandy beaches and at the bottom of the sea in French territorial waters, bear witness to the remarkable material resources used by the Allied Armed Forces to execute the Normandy landings.

(10) 5 Normandy beaches and a number of sites on the Normandy coast, including Pointe du Hoc, were the scene of the Normandy landings, and constitute both now and for all time a unique piece of humanity's world heritage, and a symbol of peace and freedom, whose unspoiled nature, integrity, and authenticity must be protected at all costs.

(11) The world owes a debt of gratitude to the members of the "greatest generation" who assumed the task of freeing the world from Nazi and Fascist regimes and restoring liberty to Europe.

(b) SENSE OF CONGRESS.—Congress—

(1) recognizes the 70th anniversary of the Allied amphibious landing on D-Day, June 6, 1944, at Normandy, France, during World War II;

(2) expresses gratitude and appreciation to the members of the United States Armed Forces who participated in the D-Day operations;

(3) thanks the young people of Normandy and the United States for their involvement in recognizing and celebrating the 70th Anniversary of the Normandy landings with the aim of making future generations aware of the acts of heroism and sacrifice performed by the Allied forces;

(4) recognizes the efforts of the Government of France and the people of Normandy to preserve, for future generations, the unique world heritage represented by the Normandy beaches and the sunken material remains of the Normandy landing, by inscribing them on the United Nations Educational, Scientific, and Cultural Organization (UNESCO) World Heritage List; and

(5) requests the President to issue a proclamation calling on the people of the United States to observe the anniversary with appropriate ceremonies and programs to honor the sacrifices of their fellow countrymen to liberate Europe.

AMENDMENT NO. 103 OFFERED BY MR. POSEY OF FLORIDA

At the end of title X, add the following:

**SEC. 10 . TRANSPORTATION OF SUPPLIES TO MEMBERS OF THE ARMED FORCES FROM NONPROFIT ORGANIZATIONS.**

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 402 the following new section:

**“§ 403. Transportation of supplies from nonprofit organizations**

“(a) AUTHORIZATION OF TRANSPORTATION.—Notwithstanding any other provision of law, and subject to subsection (b), the Secretary of Defense may transport to any country, without charge, supplies that have been furnished by a nonprofit organization and that are intended for distribution to members of the armed forces. Such supplies may be transported only on a space available basis.

“(b) LIMITATIONS.—(1) The Secretary may not transport supplies under subsection (a) unless the Secretary determines that—

“(A) the transportation of the supplies is consistent with the policies of the United States;

“(B) the supplies are suitable for distribution to members of the armed forces and are in usable condition;

“(C) there is a legitimate need for the supplies by the members of the armed forces for whom they are intended; and

“(D) adequate arrangements have been made for the distribution and use of the supplies.

“(2) PROCEDURES.—The Secretary shall establish procedures for making the determinations required under paragraph (1). Such procedures shall include inspection of supplies before acceptance for transport.

“(3) PREPARATION.—It shall be the responsibility of the nonprofit organization requesting the transport of supplies under this section to ensure that the supplies are suitable for transport.

“(c) DISTRIBUTION.—Supplies transported under this section may be distributed by the United States Government or a nonprofit organization.

“(d) DEFINITION OF NONPROFIT ORGANIZATION.—In this section, the term ‘nonprofit organization’ means an organization described in section 501(c)(3) of the Internal Revenue

Code of 1986 and exempt from tax under section 501(a) of such Code.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by inserting after the item relating to section 402 the following new item:

“403. Transportation of supplies from nonprofit organizations.”.

AMENDMENT NO. 104 OFFERED BY MR. POSEY OF FLORIDA

At the end of subtitle G of title X insert the following new section:

**SEC. 1082. SENSE OF CONGRESS ON AIR FORCE FLIGHT TRAINING AIRCRAFT.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Air Force uses the T-1A aircraft to train Air Force pilots to operate tanker and transport aircraft.

(2) The Air Force is seeking a replacement aircraft for the T-1A which is experiencing obsolescence issues and high costs.

(3) An effective way to mitigate the T-1A's cost, obsolescence, and complexity issues until a permanent replacement aircraft enters service, is to utilize contractor-owned, contractor-operated modern aircraft in the very light jet category.

(4) Conducting very light jet training via a contractor-owned, contractor-operated contract vehicle could provide increased flexibility and reduce unnecessary ownership costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force should formally assess the operational feasibility, costs, potential savings, and readiness implications of utilizing contractor-owned, contractor-operated, very light jet aircraft for interim flight instruction until a permanent replacement for the T-1A enters service.

AMENDMENT NO. 115 OFFERED BY MR. CICILLINE OF RHODE ISLAND

In section 1216(b), add at the end the following:

(5) A description of efforts of the Secretary of Defense and the Secretary of State to engage United States manufacturers in procurement opportunities related to equipping the ANSF.

AMENDMENT NO. 118 OFFERED BY MRS. DAVIS OF CALIFORNIA

At the end of subtitle B of title XII, add the following:

**SEC. . SENSE OF CONGRESS.**

(a) FINDINGS.—Congress finds the following:

(1) The people of Afghanistan have taken the lead in providing for the security of their country and the successful elections are a positive step in the self-determination of the future of Afghanistan.

(2) However, no country can be successful in the long-term if a majority of its population is not included in the dialogue and decision-making of such country.

(3) The women of Afghanistan have made historic strides in the last several years and the elections prove that the women need and have a right to have a voice in the future of Afghanistan.

(4) To that end, the women of Afghanistan are vital to the development of Afghanistan and the national security of Afghanistan;

(5) Women are needed to serve Afghanistan in the Afghan National Security Forces (ANSF), not just for the future standing of women in society, but for cultural reasons.

(6) Therefore, it is important that Afghanistan move forward in increasing the number of women in the ANSF with the current fa-

cilities and capacity to meet the requirements Afghanistan has proposed to achieve.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the allocation of \$25,000,000 for fiscal year 2014 for the ANSF should be prioritized for the recruitment, retention, and training of women in the ANSF;

(2) current facilities to support women in the ANSF should be fully utilized before additional infrastructure is constructed;

(3) the Government of Afghanistan should ensure that the fund provided prioritize efforts to increase the number of women serving in the ANSF, as proposed in the Master Ministerial Development Plan for Afghan National Army (ANA) Gender Integration;

(4) as part of such plan, the conversion of the 13,000 women that were trained to support the elections is an important step in increasing the number of women in the ANSF;

(5) the United Nations Assistance Mission in Afghanistan's report, “A Way to Go: An Update on Implementation of the Law on Elimination of Violence Against Women in Afghanistan”, should be integrated into efforts to enable women to serve in the ANSF; and

(6) the United States should continue to advocate for the rights and participation of women in Afghanistan in all levels of government and society.

AMENDMENT NO. 119 OFFERED BY MR. JOHNSON OF GEORGIA

At the end of subtitle B of title XII, add the following new section:

**SEC. 12 . LIMITATION ON FUNDS TO ESTABLISH PERMANENT MILITARY INSTALLATIONS OR BASES IN AFGHANISTAN.**

None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

AMENDMENT NO. 120 OFFERED BY MR. NOLAN OF MINNESOTA

At the end of subtitle B of title XII, add the following:

**SEC. . REVIEW PROCESS FOR USE OF UNITED STATES FUNDS FOR CONSTRUCTION PROJECTS IN AFGHANISTAN THAT CANNOT BE PHYSICALLY ACCESSED BY UNITED STATES GOVERNMENT CIVILIAN PERSONNEL.**

(a) PROHIBITION.—

(1) IN GENERAL.—None of the funds authorized to be appropriated by this Act may be obligated or expended for a construction project in Afghanistan in excess of \$500,000 that cannot be audited and physically inspected by authorized United States Government civilian personnel or their designated representatives, in accordance generally-accepted auditing guidelines.

(2) APPLICABILITY.—Paragraph (1) shall apply only with respect to a project that is initiated on or after the date of the enactment of this Act.

(b) WAIVER.—The prohibition in subsection (a) may be waived with respect to a project if not less than 15 days prior to the obligation of funds for the project, the agency responsible for such funds submits to the relevant authorizing committees a plan outlining how the agency will monitor the use of the funds—

(1) to ensure the funds are used for the specific purposes for which the funds are intended; and

(2) to mitigate waste, fraud, and abuse.

AMENDMENT NO. 121 OFFERED BY MS. TSONGAS  
OF MASSACHUSETTS

At the appropriate place in subtitle B of title XII, insert the following:

**SEC. . ACTIONS TO SUPPORT HUMAN RIGHTS, PARTICIPATION, PREVENTION OF VIOLENCE, EXISTING FRAMEWORKS, AND SECURITY AND MOBILITY WITH RESPECT TO WOMEN AND GIRLS IN AFGHANISTAN.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that promoting women's meaningful inclusion and participation in conflict prevention, management, and resolution, as well as in post-conflict relief and recovery, advances core United States national interests of peace, national security, economic and social development, and international cooperation.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to promote and support the security of women and girls in conflict-affected and post-conflict regions and ensure their protection from sexual and gender-based violence;

(2) to promote and support the security of women and girls in Afghanistan during the security transition process and recognize that promoting security for Afghan women and girls must remain a priority of United States foreign policy; and

(3) to maintain and improve the gains of women and girls in Afghanistan made since 2002, including in terms of their political participation and integration in security forces.

**(c) ACTIONS REQUIRED.—**

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State and the Administrator of the United States Agency for International Development, shall take such actions as may be necessary to ensure the indicators of success of the security transition process and establishment of an independent Afghanistan as described in paragraph (2) are achieved.

(2) INDICATORS OF SUCCESS.—The indicators of success referred to in paragraph (1) are the following:

(A) Support for human rights of women and girls in Afghanistan.

(B) Participation of women in Afghanistan at all levels of decision-making and governance in Afghanistan.

(C) Strategic integration of women in the Afghan National Security Forces.

(D) Support for initiatives to prevent sexual and gender-based violence, including implementation of Afghanistan's Elimination of Violence Against Women law and support for the Ministry of Interior's Family Response Units in the Afghan National Police.

(E) Support for existing frameworks, including the National Action Plan for the Women of Afghanistan, the Afghanistan National Development Strategy, and the Tokyo Mutual Accountability Framework.

(F) Recognition of the ability of women in Afghanistan to move freely and securely throughout Afghanistan.

**(d) REPORT.—**

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall jointly submit to the appropriate congressional committees a report on efforts by the United States Government to support the human rights, participation, prevention of violence, existing frameworks, and security and mobility with respect to women and girls in Afghanistan.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

AMENDMENT NO. 123 OFFERED BY MS. DELAURO  
OF CONNECTICUT

At the end of subtitle C of title XII, add the following:

**SEC. 1228. PROHIBITION ON USE OF FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

(a) PROHIBITION.—None of the funds authorized to be appropriated for the Department of Defense for fiscal year 2015 may be used to enter into a contract (or subcontract at any tier under such a contract), memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, certifies in writing to the congressional defense committees, to the best of the Secretary's knowledge, the following:

(1) Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic.

(2) The armed forces of the Russian Federation have withdrawn from Crimea, other than armed forces present on military bases subject to agreements in force between the Government of the Russian Federation and the Government of Ukraine.

(3) The Government of the Russian Federation has withdrawn substantially all of the armed forces of the Russian Federation from the immediate vicinity of the eastern border of Ukraine.

(4) Agents of the Russian Federation have ceased taking active measures to destabilize the control of the Government of Ukraine over eastern Ukraine.

**(c) DEPARTMENT OF DEFENSE INSPECTOR GENERAL REVIEW.—**

(1) IN GENERAL.—The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport with respect to which a waiver is issued by the Secretary of Defense pursuant to subsection (b).

(2) ELEMENTS.—A review conducted under paragraph (1) shall assess the accuracy of the factual and legal conclusions made by the Secretary of Defense in the waiver covered by the review, including—

(A) whether there is any viable alternative to Rosoboronexport for carrying out the functions for which funds will be obligated;

(B) whether the Secretary has previously used an alternative vendor for carrying out the same functions regarding the military equipment in question, and what vendor was previously used;

(C) whether other explanations for the issuance of the waiver are supportable; and

(D) any other matter with respect to the waiver the Inspector General considers appropriate.

(3) REPORT.—Not later than 90 days after the date on which a waiver is issued by the Secretary of Defense pursuant to subsection (b), the Inspector General shall submit to the congressional defense committees a report containing the results of the review con-

ducted under paragraph (1) with respect to such waiver.

AMENDMENT 124 OFFERED BY MR. ENGEL OF NEW YORK

At the end of subtitle C of title XII of division A, add the following:

**SEC. . REQUIREMENTS RELATING TO CERTAIN DEFENSE TRANSFERS TO THE RUSSIAN FEDERATION.**

(a) STATEMENT OF POLICY.—It is the policy of the United States to oppose the transfer of defense articles or defense services (as defined in the Arms Export Control Act) from any country that is a member of the North Atlantic Treaty Organization (NATO) to, or on behalf of, the Russian Federation, during any period in which the Russian Federation forcibly occupies the territory of Ukraine or of a NATO member country.

(b) NATO POLICY.—The President shall use the voice and vote of the United States in NATO to seek the adoption of a policy by NATO that is consistent with the policy of the United States specified in subsection (a).

**(c) IDENTIFICATION OF CERTAIN DEFENSE TRANSFERS.—**

(1) IN GENERAL.—The President shall direct the appropriate departments and agencies of the United States to monitor all transfers of defense articles or defense services from NATO member countries to the Russian Federation and identify those transfers that are contrary to the policy of the United States specified in subsection (a).

**(2) REPORT.—**

(A) IN GENERAL.—The President shall submit a written report to the chairmen and ranking members of the appropriate committees of Congress within 5 days of the receipt of information indicating that a transfer described in paragraph (1) has occurred.

(B) FORM.—The report required under subparagraph (A) may be submitted in classified form.

(C) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term "appropriate committees of Congress" means—

(i) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**(d) LICENSING POLICY FOR CERTAIN DEFENSE TRANSFERS.—**

(1) IN GENERAL.—If a NATO member country transfers, or allows a transfer by a person subject to its national jurisdiction of, a defense article or defense service on or after the date of the enactment of this Act that is contrary to the policy of the United States specified in subsection (a) and is identified pursuant to subsection (c), an application for a license or other authorization required under the Arms Export Control Act for the transfer of any defense article or service to, or on behalf of, that NATO member country shall be subject to a presumption of denial.

(2) EFFECTIVE PERIOD.—A presumption of denial shall apply to an application for a license or other authorization under paragraph (1) only during a period in which the Russian Federation forcibly occupies the territory of Ukraine or of a NATO member country.

(3) AMENDMENT TO ITAR.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall amend the International Trafficking in Arms Regulations for purposes of implementing this subsection.

AMENDMENT NO. 128 OFFERED BY MR. GIBSON OF NEW YORK

At the appropriate place in subtitle E of title XII of division A, add the following:

**SEC. . RULE OF CONSTRUCTION.**

Nothing in this Act shall be construed as authorizing the use of force against Syria or Iran.

AMENDMENT NO. 136 OFFERED BY MR. ENGEL OF NEW YORK

At the end of subtitle F of title XII, add the following:

**SEC. 1266. FINDINGS AND SENSE OF CONGRESS.**

(a) FINDINGS.—Congress finds the following:

(1) Protecting cultural property abroad is a vital part of United States cultural diplomacy, showing the respect of the United States for other cultures and the common heritage of humanity.

(2) Cultural property abroad has been lost, damaged, or destroyed due to political instability, armed conflict, natural disasters, and other threats.

(3) In Egypt, political instability has led to the ransacking of its museums, resulting in the destruction of countless ancient artifacts that will forever leave gaps in humanity's knowledge of the ancient Egyptian civilization.

(4) In Syria, the ongoing civil war has resulted in the shelling of medieval cities, damage to World Heritage Sites, and the looting of museums and archaeological sites. Archaeological and historic sites and artifacts in Syria date back more than six millennia, and include some of the earliest examples of writing.

(5) In Mali, the Al-Qaeda-affiliated terrorist group Ansar Dine destroyed tombs and shrines in the ancient city of Timbuktu, once a major center for Islamic learning and scholarship in the 15th and 16th centuries, and threatened collections of ancient manuscripts.

(6) In Afghanistan, the Taliban decreed that the Bamiyan Buddhas, ancient statues carved into a cliff side in central Afghanistan, were to be destroyed. In 2001 the Taliban carried out their threat and destroyed the statues, leading to worldwide condemnation.

(7) In Iraq, after the fall of Saddam Hussein, thieves looted the Iraq Museum in Baghdad, resulting in the loss of approximately 15,000 items. These included ancient amulets, sculptures, ivories, and cylinder seals. Many of these items remain unrecovered.

(8) The destruction of these and other cultural properties represents an irreparable loss to humanity's common cultural heritage, and therefore to all Americans.

(9) The Armed Forces have played important roles in preserving and protecting cultural property. On June 23, 1943, President Franklin D. Roosevelt established the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas to provide expert advice to the military on the protection of cultural property. The Commission formed Monuments, Fine Arts, and Archives (MFAA) teams which became part of the Civil Affairs Division of Military Government Section of the Allied armies. The individuals serving in the MFAA were known as the "Monuments Men" and have been credited with securing, cataloguing, and returning hundreds of thousands of works of art stolen by the Nazis during World War II.

(10) The U.S. Committee of the Blue Shield was founded in 2006 to support the implementation of the 1954 Hague Convention for the

Protection of Cultural Property in the Event of Armed Conflict, and to coordinate with the Armed Forces, other branches of the United States Government, and other cultural heritage nongovernmental organizations in preserving cultural property abroad threatened by political instability, armed conflict, or natural or other disasters.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Armed Forces play an important role in preserving and protecting cultural property in countries at risk of destruction due to political instability, armed conflict, or natural or other disasters; and

(2) the United States must protect cultural property abroad pursuant to its obligations under the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and customary international law in all conflicts to which the United States is a party.

(c) REPORT ON ACTIVITIES OF THE DEPARTMENT OF DEFENSE IN REGARDS TO PROTECTING CULTURAL PROPERTY ABROAD.—The Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on efforts of the Department of Defense to protect cultural property abroad, including activities undertaken pursuant to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, other cultural protection statutes, and international agreements, including—

(1) directives, policies, and regulations the Department has instituted to protect cultural property abroad at risk of destruction due to political instability, armed conflict, or natural or other disasters;

(2) actions the Armed Forces have taken to protect cultural property abroad, including efforts made to avoid damage, to the extent possible, to cultural property through construction activities, training to ensure deploying military personnel are able to identify, avoid, and protect cultural property abroad, and other efforts made to inform military personnel about the protection of cultural property as part of the law of war; and

(3) the status and number of specialist personnel in the Armed Forces assigned to secure respect for cultural property abroad and to cooperate with civilian authorities responsible for safeguarding cultural property abroad, as required by existing treaty obligations under Article 7 of the 1954 Hague Convention.

AMENDMENT NO. 145 OFFERED BY MR. TURNER OF OHIO

At the end of subtitle D of title XVI, add the following new section:

**SEC. 1636. LIMITATION ON AVAILABILITY OF FUNDS FOR REMOVAL OR CONSOLIDATION OF DUAL-CAPABLE AIRCRAFT FROM EUROPE.**

(a) LIMITATION.—

(1) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the Department of Defense may be used for the removal or consolidation of dual-capable aircraft from the area of responsibility of the United States European Command until the Secretary of Defense, in consultation with the Secretary of State, certifies to the appropriate congressional committees that—

(A) the armed forces of the Russian Federation are no longer illegally occupying Ukrainian territory;

(B) the Russian Federation is no longer violating the INF Treaty; and

(C) the Russian Federation is in compliance with the CFE Treaty and has lifted its suspension of Russian observance of its treaty obligations.

(2) EXCEPTION.—The limitation in paragraph (1) shall not apply in instances where a dual-capable aircraft is being replaced by an F-35 aircraft.

(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a)(1) if—

(1) the Secretary of Defense, in coordination with the Secretary of State, submits to the appropriate congressional committees—

(A) a notification that such a waiver is in the national security interest of the United States and a description of the national security interest covered by the waiver;

(B) certification that such consolidation is consistent with the policy established in the NATO Deterrence and Defense Posture Review of 2012 concerning reciprocal non-strategic nuclear weapons reductions by the Russian Federation; and

(C) a report, in unclassified form, explaining why the Secretary of Defense cannot make the certification under subsection (a)(1); and

(2) a period of 30 days has elapsed following the date on which the Secretary of Defense submits the information in the report under paragraph (1)(C).

(c) REPORT.—The Secretary of Defense shall provide a report on the cost and burden sharing arrangements of forward-deployed nuclear weapons in place with the North Atlantic Treaty Organization and its members and any recommendations for changes to these arrangements.

(d) DEFINITIONS.—In this section:

(1) The term "CFE Treaty" means the Treaty on Conventional Armed Forces in Europe, signed at Paris November 19, 1990, and entered into force July 17, 1992.

(2) The "dual-capable aircraft" means tactical fighter aircraft that can perform both conventional and nuclear missions.

(3) The term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the Intermediate-Range Nuclear Forces (INF) Treaty, signed at Washington December 8, 1987 and entered into force June 1, 1988.

AMENDMENT NO. 155 OFFERED BY MR. LARSEN OF WASHINGTON

At the end of subtitle C of title XXXI, add the following new section:

**SEC. 3134. PLAN FOR VERIFICATION AND MONITORING OF PROLIFERATION OF NUCLEAR WEAPONS AND FISSILE MATERIAL.**

(a) PLAN.—The President, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, and the Director of National Intelligence, shall develop an interagency plan for verification and monitoring relating to the potential proliferation of nuclear weapons, components of such weapons, and fissile material.

(b) ELEMENTS.—The plan developed under subsection (a) shall include the following:

(1) An interagency plan and road map for verification and monitoring, with respect to policy, operations, and research, development, testing, and evaluation, including—

(A) identifying requirements (including funding requirements) for such verification and monitoring; and

(B) identifying and integrating roles, responsibilities, and planning for such verification and monitoring.

(2) An engagement plan for building cooperation and transparency to improve inspections and monitoring.

(3) A research and development program to—

(A) improve monitoring, detection, and in-field inspection and analysis capabilities, including persistent surveillance, remote monitoring, rapid analysis of large data sets, including open-source data; and

(B) coordinate technical and operational requirements early in the process.

(4) Engagement of relevant departments and agencies of the Federal Government and the military departments (including the Open Source Center and the U.S. Atomic Energy Detection System), national laboratories, industry, and academia.

(c) SUBMISSION.—

(1) IN GENERAL.—Not later than September 1, 2015, the President shall submit to the appropriate congressional committees the plan developed under subsection (a).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term appropriate congressional committees means the following:

(A) The congressional defense committees.

(B) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(D) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(E) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from California (Mr. McKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

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Mr. McKEON. Madam Chair, I urge the Committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

I reserve the balance of my time.

Mr. SMITH of Washington. Madam Chair, I concur. We should adopt the en bloc amendments.

I yield back the balance of my time.

Mr. McKEON. Madam Chair, I encourage our colleagues to support the en bloc amendments.

I yield back the balance of my time.

Mr. ENGEL. Madam Chair, this en bloc includes two of my amendments. The first amendment provides an incentive for NATO member countries to align their policies on defense exports to Russia with the restrictions that the United States has imposed.

As of March 1st, the United States stopped approving licenses of munitions and dual-use items to Russia if they would be used by the Russian military. The U.S. restrictions would apply to any defense items of other countries if they contain U.S. components.

While several European governments have imposed restrictions similar to ours, neither

NATO nor the European Union has moved to restrict defense exports to Russia that are not covered by the U.S. restrictions.

This raises the disturbing prospect that a NATO member could transfer military items to Russia during this dangerous period when Russia forcibly occupies Ukrainian territory in Crimea or, worse, could seize territory in the Baltics, the Balkans or elsewhere in Eastern Europe.

The risk is real. For example, France has a contract to provide Russia with two Mistral-class helicopter assault ships, the first one to be delivered as early as this October. These warships would significantly strengthen Russia's ability to launch an amphibious attack.

Under my amendment, if a NATO member country transfers significant defense items to Russia, inconsistent with the restrictions that the U.S. has imposed, then there would be a "presumption of denial" for applications to export U.S. defense items to that NATO country. This policy would be in effect during any period when Russia either occupies Ukrainian territory or the territory of a NATO member.

A "presumption of denial" is a well-established concept in U.S. export controls. It provides sufficient flexibility to the Executive Branch to approve defense transfers, if the presumption of denial is over-ridden by U.S. security interests.

If NATO countries continue to arm Russia at this dangerous time, we have to ask ourselves: "what kind of alliance is NATO?" My amendment is not a sanction, but it is a warning to our NATO allies that we have to stand together against Russian aggression, or risk arming a country that might become an adversary.

The en bloc also includes my amendment requiring the Secretary of Defense to do a one-time report on activities of the Department of Defense with regards to protecting cultural property abroad, including activities undertaken pursuant to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

War is inherently destructive, and all too often it results in the ruin of irreplaceable artifacts, monuments, and archeological sites.

In Egypt, political instability has led to the ransacking of its museums and destruction of countless ancient artifacts that will forever leave gaps in humanity's knowledge of the ancient Egyptian civilization.

In Syria, the ongoing civil war has resulted in the shelling of medieval cities, damage to World Heritage Sites, and the looting of museums and archaeological sites. Historic sites and artifacts in Syria date back more than six millennia and include some of the earliest examples of writing.

In Mali, the al-Qaeda affiliated terrorist group Ansar Dine destroyed tombs and shrines in the ancient city of Timbuktu—once a major center for Islamic learning and scholarship in the 15th and 16th centuries—and threatened collections of ancient manuscripts.

In Afghanistan, the Taliban destroyed the Bamiyan Buddhas, ancient statues carved into a cliff, leading to worldwide condemnation.

In Iraq, after the fall of Saddam Hussein, thieves looted the Iraq Museum in Baghdad, resulting in the loss of approximately 15,000 items. These included ancient amulets, sculp-

tures, ivories, and cylinder seals. Many of these items remain unrecovered.

Threats to cultural property are not new. Just as Adolf Hitler and the Nazis aimed to eliminate entire groups of people from the planet, they also sought to erase culture by stealing or destroying Europe's great works of art and other cultural property.

Protecting cultural property abroad is a vital part of United States cultural diplomacy, showing the respect of the United States for other cultures and the common heritage of humanity.

The Armed Forces have played and continue to play an important role in preserving and protecting cultural property in countries at risk of destruction due to political instability, armed conflict, or natural or other disasters.

On June 23, 1943, President Franklin D. Roosevelt established the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas to provide expert advice to the military on the protection of cultural property. The Commission formed Monuments, Fine Arts, and Archives (MFAA) teams which became part of the Civil Affairs Division of Military Government Section of the Allied armies. The individuals serving in the MFAA were known as the "Monuments Men" and have been credited with securing, cataloguing, and returning hundreds of thousands of works of art stolen by the Nazis during World War II.

The amendment included in the en bloc requires the Secretary of Defense to do a one-time report on all Department of Defense activities related to the protection of cultural property abroad—including those taken pursuant to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

This report will not only highlight the Defense Department's critical role in protecting cultural property and sites, but will also help us determine what more the United States can do to ensure that priceless work produced over the ages will remain with us for generations to come.

I thank the managers for including both of my amendments in the en bloc.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. McKEON).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 7 OFFERED BY MR. McKEON

Mr. McKEON. Madam Chairman, pursuant to House Resolution 590, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 7 consisting of amendment Nos. 57, 65, 67, 106, 114, 117, 126, 127, 129, 131, 132, 134, 137, 142, 149, 150, 151, 152, 153, 154, 158, 159, and 162 printed in part A of House Report No. 113-460, offered by Mr. McKEON of California:

AMENDMENT NO. 57 OFFERED BY MR. GINGREY OF GEORGIA

At the end of title V, add the following new section:



**SEC. 5. SENSE OF CONGRESS REGARDING PRESERVATION OF SECOND AMENDMENT RIGHTS OF ACTIVE DUTY MILITARY PERSONNEL STATIONED OR RESIDING IN THE DISTRICT OF COLUMBIA.**

(a) FINDINGS.—Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) Approximately 40,000 servicemen and women across all branches of the Armed Forces either live in or are stationed on active duty within the Washington, D.C., metropolitan area. Unless these individuals are granted a waiver as serving in a law enforcement role, they are subject to the District of Columbia's onerous and highly restrictive laws on the possession of firearms.

(3) Military personnel, despite being extensively trained in the proper and safe use of firearms, are therefore deprived by the laws of the District of Columbia of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has one of the highest per capita murder rates in the Nation, which may be attributed in part to previous local laws prohibiting possession of firearms by law-abiding persons who would have otherwise been able to defend themselves and their loved ones in their own homes and businesses.

(5) The Gun Control Act of 1968 (as amended by the Firearms Owners' Protection Act) and the Brady Handgun Violence Prevention Act provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws that only affect and disarm law-abiding citizens.

(6) On June 26, 2008, the Supreme Court of the United States in the case of *District of Columbia v. Heller* held that the Second Amendment protects an individual's right to possess a firearm for traditionally lawful purposes, and thus ruled that the District of Columbia's handgun ban and requirements that rifles and shotguns in the home be kept unloaded and disassembled or outfitted with a trigger lock to be unconstitutional.

(7) On July 16, 2008, the District of Columbia enacted the Firearms Control Emergency Amendment Act of 2008 (D.C. Act 17-422; 55 DCR 8237), which places onerous restrictions on the ability of law-abiding citizens from possessing firearms, thus violating the spirit by which the Supreme Court of the United States ruled in *District of Columbia v. Heller*.

(8) On February 26, 2009, the United States Senate adopted an amendment on a bipartisan vote of 62-36 by Senator John Ensign to S. 160, the District of Columbia House Voting Rights Act of 2009, which would fully restore Second Amendment rights to the citizens of the District of Columbia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that active duty military personnel who are stationed or residing in the District of Columbia should be permitted to exercise fully their rights under the Second Amendment to the Constitution of the United States and therefore should be exempt from the District of Columbia's restrictions on the possession of firearms.

**AMENDMENT NO. 65 OFFERED BY MR. LARSON OF CONNECTICUT**

At the end of subtitle A of title VII, add the following new section:

**SEC. 703. BEHAVIORAL HEALTH TREATMENT OF DEVELOPMENTAL DISABILITIES UNDER THE TRICARE PROGRAM.**

(a) BEHAVIORAL HEALTH TREATMENT OF DEVELOPMENTAL DISABILITIES UNDER TRICARE.—Section 1077 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g)(1) Subject to paragraph (4), in providing health care under subsection (a), the treatment of developmental disabilities (as defined by section 102(8) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002(8))), including autism spectrum disorder, shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician or psychologist.

“(2) In carrying out this subsection, the Secretary shall ensure that—

“(A) except as provided by subparagraph (B), behavioral health treatment is provided pursuant to this subsection—

“(i) in the case of such treatment provided in a State that requires licensing or certification of applied behavioral analysts by State law, by an individual who is licensed or certified to practice applied behavioral analysis in accordance with the laws of the State; or

“(ii) in the case of such treatment provided in a State other than a State described in clause (i), by an individual who is licensed or certified by a State or an accredited national certification board; and

“(B) applied behavior analysis or other behavioral health treatment may be provided by an employee, contractor, or trainee of a person described in subparagraph (A) if the employee, contractor, or trainee meets minimum qualifications, training, and supervision requirements as set forth in applicable State law, by an appropriate accredited national certification board, or by the Secretary.

“(3)(A) This subsection shall not apply to a medicare eligible beneficiary (as defined in section 1111(b) of this title).

“(B) Nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a covered beneficiary under—

“(i) this chapter;

“(ii) title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or

“(iii) any other law.

“(4) In addition to the requirement under section 1100(c)(1) of this title, with respect to retired members of the Coast Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service, or dependents of any such retired members, treatment shall be provided under this subsection in a fiscal year only to the extent that amounts are specifically provided in advance in appropriations Acts for the Defense Health Program Account for the provision of such treatment for such fiscal year.”.

(b) FUNDING MATTERS.—

(1) IN GENERAL.—Section 1100 of title 10, United States Code, is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

“(c) BEHAVIORAL HEALTH TREATMENT OF DEVELOPMENTAL DISABILITIES.—(1) Funds for treatment under section 1077(g) of this title

may be derived only from the Defense Health Program Account. Notwithstanding any other provision of law, such funds may not be reimbursed from any account that would otherwise provide funds for the treatment of retired members of the Coast Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service, or dependents of any such retired members.

“(2) As provided for in paragraph (4) of section 1077(g), with respect to retired members of the Coast Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service, or dependents of any such retired members, treatment under such section shall be provided in a fiscal year only to the extent that amounts are specifically provided in advance in appropriations Acts for the Defense Health Program Account for the provision of such treatment for such fiscal year.”.

(2) INCREASE AND OFFSET.—

(A) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 1405 for the Defense Health Program, as specified in the corresponding funding table in section 4501, for Private Sector Care is hereby increased by \$20,000,000.

(B) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4301 for operation and maintenance, as specified in the corresponding funding table in section 4301, for the Office of the Secretary of Defense (Line 270) is hereby reduced by \$20,000,000.

(c) SENSE OF CONGRESS.—It is the sense of Congress that amounts should be appropriated for behavioral health treatment of TRICARE beneficiaries, pursuant to the amendments made by this section, in a manner to ensure the appropriate and equitable access to such treatment by all such beneficiaries.

**AMENDMENT NO. 67 OFFERED BY MR. JONES OF NORTH CAROLINA**

At the end of subtitle C of title VII, add the following new section:

**SEC. 729. SENSE OF CONGRESS ON USE OF HYPERBARIC OXYGEN THERAPY TO TREAT TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.**

(a) FINDINGS.—Congress finds the following:

(1) Traumatic brain injury and post-traumatic stress disorder are the signature injuries of the wars in Iraq and Afghanistan.

(2) Post-traumatic stress disorder is prevalent throughout the regular component of the Armed Forces.

(3) For example, with respect to Camp Lejeune, North Carolina, which has a base population of 41,753 active duty personnel, including 38,020 marines and 3,533 sailors—

(A) 6,616 patients with a principal diagnosis of post-traumatic stress disorder had at least one visit for post-traumatic stress disorder between February 2013 and April 2014; and

(B) the Naval Hospital Camp Lejeune, which had a total of approximately 600,000 outpatient visits during 2013, recorded 15,043 outpatient visits for which post-traumatic stress disorder was the primary reason for the visit between February 2013 and April 2014.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) hyperbaric oxygen therapy is a medical treatment that can be used to treat active



duty members of the Armed Forces for traumatic brain injury and post-traumatic stress disorder if—

(A) such treatment is prescribed by a military medical doctor; and

(B) a hyperbaric chamber that is owned by the Department of Defense and cleared for clinical use is locally available; and

(2) the Secretary of Defense should increase awareness among members of the Armed Forces, including military medical doctors, of hyperbaric oxygen therapy to treat traumatic brain injury and post-traumatic stress disorder.

AMENDMENT NO. 106 OFFERED BY MR. WHITFIELD OF KENTUCKY

At the end of subtitle G of title X, add the following new section:

**SEC. 1082. SENSE OF CONGRESS ON ESTABLISHMENT OF AN ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.**

It is the sense of Congress that the President should establish an Advisory Board on Toxic Substances and Worker Health, as described in the report of the Comptroller General of the United States titled "Energy Employees Compensation: Additional Independent Oversight and Transparency Would Improve Program's Credibility", numbered GAO-10-302, to—

(1) advise the President concerning the review and approval of the Department of Labor site exposure matrix;

(2) conduct periodic peer reviews of, and approve, medical guidance for part E claims examiners with respect to the weighing of a claimant's medical evidence;

(3) obtain periodic expert review of evidentiary requirements for part B claims related to lung disease regardless of approval;

(4) provide oversight over industrial hygienists, Department of Labor staff physicians, and Department of Labor's consulting physicians and their reports to ensure quality, objectivity, and consistency; and

(5) coordinate exchanges of data and findings with the Advisory Board on Radiation and Worker Health to the extent necessary (under section 3624 the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384o).

AMENDMENT NO. 114 OFFERED BY MR. ROHRBACHER OF CALIFORNIA

Page 384, line 21, strike "and".

Page 385, line 2, strike the period at the end and insert "; and".

Page 385, after line 2, add the following:

(3) in paragraph (1), by adding at the end the following:

"(C) That Pakistan is not using its military or any funds or equipment provided by the United States to persecute minority groups for their legitimate and nonviolent political and religious beliefs, including the Balochi, Sindhi, and Hazara ethnic groups and minority religious groups, including Christian, Hindu, and Ahmadiyya Muslim."

AMENDMENT NO. 117 OFFERED BY MR. ROHRBACHER OF CALIFORNIA

At the end of subtitle B of title XII of division A, add the following:

**SEC. . SENSE OF CONGRESS RELATING TO DR. SHAKIL AFRIDI.**

(a) FINDINGS.—Congress finds the following:

(1) The attacks of September 11, 2001, killed approximately 3,000 people, most of whom were Americans, but also included hundreds of individuals with foreign citizenships, nearly 350 New York Fire Department personnel, and about 50 law enforcement officers.

(2) Downed United Airlines flight 93 was reportedly intended, under the control of the al-Qaeda high-jackers, to crash into the White House or the Capitol in an attempt to kill the President of the United States or Members of the United States Congress.

(3) The September 11, 2001, attacks were largely planned and carried out by the al-Qaeda terrorist network led by Osama bin Laden and his deputy Ayman al Zawahiri, after which Osama bin Laden enjoyed safe haven in Pakistan from where he continued to plot deadly attacks against the United States and the world.

(4) The United States has obligated nearly \$30 billion between 2002 and 2014 in United States taxpayer money for security and economic aid to Pakistan.

(5) The United States very generously and swiftly responded to the 2005 Kashmir Earthquake in Pakistan with more than \$200 million in emergency aid and the support of several United States military aircraft, approximately 1,000 United States military personnel, including medical specialists, thousands of tents, blankets, water containers and a variety of other emergency equipment.

(6) The United States again generously and swiftly contributed approximately \$150 million in emergency aid to Pakistan following the 2010 Pakistan flood, in addition to the service of nearly twenty United States military helicopters, their flight crews, and other resources to assist the Pakistan Army's relief efforts.

(7) The United States continues to work tirelessly to support Pakistan's economic development, including millions of dollars allocated towards the development of Pakistan's energy infrastructure, health services and education system.

(8) The United States and Pakistan continue to have many critical shared interests, both economic and security related, which could be the foundation for a positive and mutually beneficial partnership.

(9) Dr. Shakil Afridi, a Pakistani physician, is a hero to whom the people of the United States, Pakistan and the world owe a debt of gratitude for his help in finally locating Osama bin Laden before more innocent American, Pakistani and other lives were lost to this terrorist leader.

(10) Pakistan, the United States and the international community had failed for nearly 10 years following attacks of September 11, 2001, to locate and bring Osama bin Laden, who continued to kill innocent civilians in the Middle East, Asia, Europe, Africa and the United States, to justice without the help of Dr. Afridi.

(11) The Government of Pakistan's imprisonment of Dr. Afridi presents a serious and growing impediment to the United States' bilateral relations with Pakistan.

(12) The Government of Pakistan has leveled and allowed baseless charges against Dr. Afridi in a politically motivated, spurious legal process.

(13) Dr. Afridi is currently imprisoned by the Government of Pakistan, a deplorable and unconscionable situation which calls into question Pakistan's actual commitment to countering terrorism and undermines the notion that Pakistan is a true ally in the struggle against terrorism.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Dr. Shakil Afridi is an international hero and that the Government of Pakistan should release him immediately from prison.

AMENDMENT NO. 126 OFFERED BY MS. ROS-LEHTINEN OF FLORIDA

At the end of subtitle E of title XII, add the following new section:

**SEC. 1259. COMBATING CRIME THROUGH INTELLIGENCE CAPABILITIES.**

The Secretary of Defense is authorized to deploy assets, personnel, and resources to the Joint Interagency Task Force South, in coordination with SOUTHCOM, to combat the following by supplying sufficient intelligence capabilities:

- (1) Transnational criminal organizations.
- (2) Drug trafficking.
- (3) Bulk shipments of narcotics or currency.
- (4) Narco-terrorism.
- (5) Human trafficking.
- (6) The Iranian presence in the Western Hemisphere.

AMENDMENT NO. 127 OFFERED BY MS. ROS-LEHTINEN OF FLORIDA

At the end of subtitle E of title XII of division A, add the following:

**SEC. . STATEMENT OF POLICY.**

It shall be the policy of the United States to undertake a whole-of-government approach to bolster regional cooperation with countries throughout the Western Hemisphere, with the exception of Cuba, to counter narcotics trafficking and illicit activities in the Western Hemisphere.

AMENDMENT NO. 129 OFFERED BY MR. GOSAR OF ARIZONA

At the appropriate place in subtitle E of title XII, insert the following:

**SEC. . DECLARATION OF POLICY REGARDING ISRAEL'S LAWFUL EXERCISE OF SELF-DEFENSE.**

Congress declares that it is the policy of the United States to fully support Israel's lawful exercise of self-defense, including actions to halt regional aggression.

AMENDMENT NO. 131 OFFERED BY MR. ROSKAM OF ILLINOIS

At the end of subtitle E of title XII of division A, add the following new section:

**SEC. 12 . STATEMENT OF POLICY AND REPORT ON THE INHERENT RIGHT OF ISRAEL TO SELF-DEFENSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The United States-Israel Enhanced Security Cooperation Act of 2012 (22 U.S.C. 8601 et seq.) established the policy of the United States to support the inherent right of Israel to self-defense.

(2) The United States-Israel Enhanced Security Cooperation Act of 2012 (22 U.S.C. 8601 et seq.) expressed the sense of Congress that the Government of the United States should transfer to the Government of Israel defense articles and defense services such as air refueling tankers, missile defense capabilities, and specialized munitions.

(3) The inherent right of Israel to self-defense necessarily includes the possession and maintenance by Israel of an independent capability to remove existential threats to its security and defend its vital national interests.

(b) POLICY OF THE UNITED STATES.—It is the policy of the United States to take all necessary steps to ensure that Israel possesses and maintains an independent capability to remove existential threats to its security and defend its vital national interests.

(c) SENSE OF CONGRESS.—It is the sense of Congress that air refueling tankers and advanced bunker-buster munitions should immediately be transferred to Israel to ensure our democratic ally has an independent capability to remove any existential threat

posed by the Iranian nuclear program and defend its vital national interests.

(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for a period not to exceed four years, the President shall submit to the House and Senate Armed Services committees, the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the House and Senate Appropriations committees a report that—

(1) identifies all aerial refueling platforms, bunker-buster munitions, and other capabilities and platforms that would contribute significantly to the maintenance by Israel of a robust independent capability to remove existential security threats, including nuclear and ballistic missile facilities in Iran, and defend its vital national interests;

(2) assesses the availability for sale or transfer of items necessary to acquire the capabilities and platforms described in paragraph (1) as well as the legal authorities available for making such transfers; and

(3) describes the steps the President is taking to immediately transfer the items described in paragraph (1) pursuant to the policy described in subsection (b).

AMENDMENT NO. 132 OFFERED BY MR. FRANKS OF ARIZONA

Add at the end of subtitle F of title XII of division A the following:

**SEC. 1266. SENSE OF CONGRESS ON NIGERIA AND BOKO HARAM.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In recent years, Boko Haram has furthered violence and instability in Nigeria and bordering countries.

(2) The terrorist group known as “Boko Haram,” which translates to “Western education is forbidden,” perpetrates violent attacks in Nigeria and has grown in strength and sophistication since its founding in 2002.

(3) Boko Haram kidnapped over 200 female students on April 14, 2014, killed over 50 male students on February 25, 2014, and continues to violently attack innocent civilians throughout Nigeria.

(4) Boko Haram has previously attacked Western interests, bombing the United Nations building in Abuja on August 26, 2011, and was affiliated with taking Western hostages in Bauchi on February 16, 2013, and later killing seven hostages.

(5) As stated by United States Ambassador to Nigeria Terrence P. McCulley in 2012, the threat of Boko Haram is growing: “We’ve seen an increase in sophistication, we’ve seen increased lethality. We saw at least a part of the group has decided it’s in their interest to attack the international community.”

(6) In June 2012, the Department of State added three leaders of Boko Haram, Abubakar Shekau, Abubakar Adam Kamar, and Khalid al-Barnawi, to the Specially Designated Global Terrorist list.

(7) In November 2013, the Department of State designated Boko Haram and its splinter group, Ansaru, as Foreign Terrorist Organizations.

(8) Boko Haram shares the ideological designs of al Qaeda, and has made public pledges of support to Osama bin Laden, al-Qaeda, and al-Shabaab.

(9) Boko Haram poses a broader threat to interests in Nigeria, the Sahel, Europe, and the United States.

(b) **SENSE OF CONGRESS.**—In light of the findings specified in subsection (a), it is the sense of Congress that the Secretary of Defense should—

(1) take appropriate action with allies and partners of the United States to fight Boko Haram’s violence and ideology;

(2) partner with Nigeria’s regional neighbors to counter Boko Haram’s cross-border activity and respond to emerging threats; and

(3) develop a long-term, interagency strategy to combat Boko Haram and Ansaru, reassess United States assistance to Nigeria, and brief Congress on this strategy.

AMENDMENT NO. 134 OFFERED BY MR. SHIMKUS OF ILLINOIS

At the end of subtitle F of title XII insert the following new section:

**SEC. 1266. RECOGNITION OF VICTIMS OF SOVIET COMMUNIST AND NAZI REGIMES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) On August 13, 1941, President Franklin D. Roosevelt and Prime Minister Winston Churchill issued a joint declaration “of certain common principles in the national policies of their respective countries on which they based their hopes for a better future for the world” and “the right of all peoples to choose the form of government under which they will live and self government restored to those who have been forcibly deprived of them” and that the people of countries may live in freedom.

(2) The United States Government has actively advocated for and continues to support the principles of the United Nations Universal Declaration of Human Rights and the United Nations General Assembly resolution 260 (III) of December 9, 1948.

(3) Captive Nations Week, signed into law by President Dwight D. Eisenhower in 1959, raised public awareness of the oppression of nations under the control of Communist and other nondemocratic governments.

(4) The European Parliament resolution on European conscience and totalitarianism of April 2, 2009, and the “Black Ribbon Day” resolution adopted by the Parliament of Canada on November 30, 2009, establish a day of remembrance for victims of Communist and Nazi regimes to remember and commemorate their victims.

(5) The extreme forms of totalitarian rule practiced by the Soviet Communist and Nazi regimes led to premeditated and vast crimes committed against millions of human beings and their basic and inalienable rights on a scale unseen before in history.

(6) Fleeing the Nazi and Soviet Communist crimes, hundreds of thousands of people sought and found refuge in the United States.

(7) August 23 would be an appropriate date to designate as “Black Ribbon Day” to remember and never forget the terror millions of citizens in Central and Eastern Europe experienced for more than 40 years by ruthless military, economic, and political repression of the people through arbitrary executions, mass arrests, deportations, the suppression of free speech, confiscation of private property, and the destruction of cultural and moral identity and civil society, all of which deprived the vast majority of the peoples of Central and Eastern Europe of their basic human rights and dignity, separating them from the democratic world by means of the Iron Curtain and the Berlin Wall.

(8) The memories of Europe’s tragic past cannot be forgotten in order to honor the victims, condemn the perpetrators, and lay the foundation for reconciliation based on truth and remembrance.

(b) **RECOGNITION.**—Congress supports the designation of “Black Ribbon Day” to recog-

nize the victims of Soviet Communist and Nazi regimes.

AMENDMENT NO. 137 OFFERED BY MS. KELLY OF ILLINOIS

At the end of title XII, insert the following:

**SEC. \_\_\_\_ . REPORT RELATING TO RESCUE EFFORTS IN NIGERIAN KIDNAPPING.**

Not later than 90 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall transmit to Congress a report on the findings of U.S. military personnel assisting in the search and rescue efforts of the more than 200 girls and young women who were abducted from the Government Secondary School in Chibok, Nigeria by Boko Haram. Such report shall include—

(1) the location, health, and safety of the abducted girls, to the extent such information is ascertainable;

(2) recommendations on what the Nigerian government can do to protect the girls and similarly situated girls moving forward;

(3) an assessment of the threat of Boko Haram to Nigeria and other countries in the region;

(4) information regarding efforts by the Department of Defense and Department of State to build the capacity of the Nigerian security forces to combat the threat of Boko Haram;

(5) information regarding efforts underway to address poverty and governance in Nigeria to improve the stability of that nation; and

(6) an assessment of the efforts of the government of Nigeria to address security challenges and the willingness of that government to cooperate with the efforts of the United States, including efforts to address human rights abuses by the security forces of the government of Nigeria.

AMENDMENT NO. 142 OFFERED BY MR. POMPEO OF KANSAS

At the end of subtitle C of title XVI, insert the following new section:

**SEC. 1622. DIRECTOR OF NATIONAL INTELLIGENCE CERTIFICATION WITH RESPECT TO THE MISSION ANALYSIS FOR CYBER OPERATIONS OF DEPARTMENT OF DEFENSE.**

Section 933 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 830) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “before the submittal of” and all that follows and inserting “or 2015 before the Secretary submits the report required by subsection (d) and the Director of National Intelligence submits a certification described in subsection (g).”; and

(B) in paragraph (2), by striking the period at the end and inserting “and the Director of National Intelligence submits a certification described in subsection (g).”; and

(2) by adding at the end the following new subsection:

“(g) **DIRECTOR OF NATIONAL INTELLIGENCE CERTIFICATION.**—The Director of National Intelligence shall submit to the congressional defense committees a certification that the recommendations of the report required under subsection (d) are consistent with the cyber operations capability needs of the United States.”

AMENDMENT NO. 149 OFFERED BY MR. FOSTER OF ILLINOIS

At the end of subtitle E of title XVI, add the following new section:

**SEC. 1643. STUDY ON TESTING PROGRAM OF GROUND-BASED MIDCOURSE MISSILE DEFENSE SYSTEM.**

(a) **STUDY.**—The Secretary of Defense shall enter into an arrangement with the Institute for Defense Analyses under which the Institute shall carry out a study on the testing program of the ground based midcourse missile defense system.

(b) **ELEMENTS.**—The study under subsection (a) shall include the following:

(1) An assessment of whether the testing program described in subsection (a) has established, as of the date of the study, that the ground-based midcourse missile defense system will perform reliably and effectively under realistic operational conditions, including an explanation of the degree of confidence supporting such assessment.

(2) An assessment of whether the currently planned testing program, if implemented, is sufficient to establish that the ground-based midcourse missile defense system will perform both reliably and effectively against current and plausible near- and medium-term ballistic missile threats under realistic operational conditions, and if any gaps are identified, an evaluation of what improvements could be made to the testing program to achieve reasonable confidence that the system would be reliable and effective under realistic operational conditions.

(3) Any necessary recommendations to improve the effectiveness and reliability of the ground-based midcourse missile defense system.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the study.

AMENDMENT NO. 150 OFFERED BY MR. SABLON OF NORTHERN MARIANA ISLANDS

In title XXIII, insert after section 2303 the following new section (and redesignate subsequent sections accordingly):

**SEC. 2304. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.**

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 992) relating to Saipan for the construction of a maintenance facility, a hazardous cargo pad, or an airport storage facility in the Commonwealth of the Northern Mariana Islands, the Secretary of the Air Force may carry out such construction at any suitable location in the Northern Mariana Islands.

AMENDMENT NO. 151 OFFERED BY MS. CASTOR OF FLORIDA

At the end of subtitle A of title XXVIII, insert the following new section:

**SEC. 2805. REPORT ON PREVALENCE OF BLACK MOLD IN BUILDINGS LOCATED ON MILITARY INSTALLATIONS.**

(a) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall report to Congress on the prevalence of black mold in buildings located on military installations.

(b) **ACTION REQUIRED.**—Based on the report required under subsection (a), buildings identified in such report as containing black mold shall be added to the appropriate branch's construction priority list for building replacement or renovation.

AMENDMENT NO. 152 OFFERED BY MS. BORDALLO OF GUAM

At the end of subtitle C of title XXVIII, add the following new section:

**SEC. 2832. ESTABLISHMENT OF SURFACE DANGER ZONE, RITIDIAN UNIT, GUAM NATIONAL WILDLIFE REFUGE.**

(a) **AGREEMENT TO ESTABLISH.**—In order to accommodate the operation of a live-fire training range complex on Andersen Air Force Base-Northwest Field and the management of the adjacent Ritidian Unit of the Guam National Wildlife Refuge, the Secretary of the Navy and the Secretary of the Interior, notwithstanding the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), may enter into an agreement providing for the establishment and operation of a surface danger zone which overlays the Ritidian Unit or such portion thereof as the Secretaries consider necessary.

(b) **ELEMENTS OF AGREEMENT.**—The agreement to establish a surface danger zone over all or a portion of the Ritidian Unit of the Guam National Wildlife Refuge shall include—

(1) measures to maintain the purposes of the Refuge; and

(2) as appropriate, measures, funded by the Secretary of the Navy from funds appropriated after the date of enactment of this Act and otherwise available to the Secretary, for the following purposes:

(A) Relocation and reconstruction of structures and facilities of the Refuge in existence as of the date of the enactment of this Act.

(B) Mitigation of impacts to wildlife species present on the Refuge or to be reintroduced in the future in accordance with applicable laws.

(C) Use of Department of Defense personnel to undertake conservation activities within the Ritidian Unit normally performed by Department of the Interior personnel, including habitat maintenance, maintaining the boundary fence, and conducting the brown tree snake eradication program.

(D) Openings and closures of the surface danger zone to the public as may be necessary.

AMENDMENT NO. 153 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of subtitle E of title XXVIII, add the following new section:

**SEC. 2867. ENSURING PUBLIC ACCESS TO THE SUMMIT OF RATTLESNAKE MOUNTAIN IN THE HANFORD REACH NATIONAL MONUMENT.**

(a) **IN GENERAL.**—The Secretary of the Interior, acting as the administrator of land owned by the Office of Environmental Management of the Department of Energy known as the "Hanford Reach National Monument", shall provide public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes, including—

(1) motor vehicle access; and

(2) pedestrian and other nonmotorized access.

(b) **COOPERATIVE AGREEMENTS.**—The Secretary of the Interior may enter into cooperative agreements to facilitate access to the summit of Rattlesnake Mountain—

(1) with the Secretary of Energy, the State of Washington, or any local government agency or other interested persons, for guided tours, including guided motorized tours to the summit of Rattlesnake Mountain; and

(2) with the Secretary of Energy, and with the State of Washington or any local government agency or other interested persons, to maintain the access road to the summit of Rattlesnake Mountain.

AMENDMENT NO. 154 OFFERED BY MR. HASTINGS OF WASHINGTON

Page 649, after line 10, insert the following new subsection (and redesignate the subsequent subsection accordingly):

(d) **EXCLUSION OF CERTAIN OPTIONS.**—

(1) **IN GENERAL.**—The study under subsection (b)(1) and the report under subsection (c)(1) shall not include any assessment or discussion of options that involve moving plutonium to a State where the Federal Government—

(A) is not meeting all legally binding deadlines and milestones required under the Tri-Party Agreement and the Consent Decree;

(B) has provided notification that any element of the Tri-Party Agreement or the Consent Decree is at risk of being breached; or

(C) is in dispute resolution with the State regarding the Tri-Party Agreement or the Consent Decree.

(2) **DEFINITIONS.**—In this subsection:

(A) The term "Tri-Party Agreement" means the comprehensive cleanup and compliance agreement between the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the State of Washington entered into on May 15, 1989.

(B) The term "Consent Decree" means the legal agreement between the Secretary of Energy and the State of Washington finalized in 2010.

AMENDMENT NO. 158 OFFERED BY MR. GRAVES OF MISSOURI

At the end of title X, add the following:

**Subtitle H—National Commission on the Future of the Army****SEC. 1091. NATIONAL COMMISSION ON THE FUTURE OF THE ARMY.**

(a) **ESTABLISHMENT.**—There is established the National Commission on the Future of the Army (in this subtitle referred to as the "Commission").

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Commission shall be composed of eight members, of whom—

(A) four shall be appointed by the President;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) **APPOINTMENT DATE.**—The appointments of the members of the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(3) **EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.**—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), or (E) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(4) **EXPERTISE.**—In making appointments under this subsection, consideration should

be given to individuals with expertise in reserve forces policy.

(c) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) **CHAIR AND VICE CHAIR.**—The Commission shall select a Chair and Vice Chair from among its members.

(e) **INITIAL MEETING.**—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its initial meeting.

(f) **MEETINGS.**—The Commission shall meet at the call of the Chair.

(g) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(h) **ADMINISTRATIVE AND PROCEDURAL AUTHORITIES.**—The following provisions of law do not apply to the Commission:

(1) Section 3161 of title 5, United States Code.

(2) The Federal Advisory Committee Act (5 U.S.C. App.).

#### **SEC. 1092. DUTIES OF THE COMMISSION.**

(a) **STUDY ON STRUCTURE OF THE ARMY.**—

(1) **IN GENERAL.**—The Commission shall undertake a comprehensive study of the structure of the Army, and policy assumptions related to the size and force mixture of the Army, to—

(A) determine the proper size and force mixture of the regular component of the Army and the reserve components of the Army, and

(B) make recommendations on how the structure should be modified to best fulfill current and anticipated mission requirements for the Army in a manner consistent with available resources and anticipated future resources.

(2) **CONSIDERATIONS.**—In undertaking the study required by subsection (a), the Commission shall give particular consideration to the following:

(A) An evaluation and identification of a structure for the Army that—

(i) has the depth and scalability to meet current and anticipated requirements of the combatant commands;

(ii) achieves a cost-efficiency balance between the regular and reserve components of the Army, taking advantage of the unique strengths and capabilities of each, with a particular focus on fully burdened and lifecycle cost of Army personnel;

(iii) ensures that the regular and reserve components of the Army have the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States;

(iv) provides for sufficient numbers of regular members of the Army to provide a base of trained personnel from which the personnel of the reserve components of the Army could be recruited; and

(v) maximizes and appropriately balances affordability, efficiency, effectiveness, capability, and readiness.

(B) An evaluation and identification of force generation policies for the Army with respect to size and force mixture in order to best fulfill current and anticipated mission requirements for the Army in a manner consistent with available resources and anticipated future resources, including policies in connection with—

(i) readiness;

(ii) training;

(iii) equipment;

(iv) personnel; and

(v) maintenance of the reserve components in an operational state in order to maintain the level of expertise and experience developed since September 11, 2001.

(b) **FINAL REPORT.**—Not later than February 1, 2016, the Commission shall submit to the President and the congressional defense committees a report setting forth a detailed statement of the findings and conclusions of the Commission as a result of the study required by subsection (a), together with its recommendations for such legislation and administrative actions as the Commission considers appropriate in light of the results of the study.

#### **SEC. 1093. POWERS OF THE COMMISSION.**

(a) **HEARINGS.**—The Commission shall hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this Act.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under this Act. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

#### **SEC. 1094. COMMISSION PERSONNEL MATTERS.**

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) **COMPENSATION.**—The Chair of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable

for level V of the Executive Schedule under section 5316 of such title.

(c) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

#### **SEC. 1095. TERMINATION OF THE COMMISSION.**

The Commission shall terminate 90 days after the date on which the Commission submits its final report under section 1092(b).

#### **SEC. 1096. FUNDING.**

Amounts authorized to be appropriated for fiscal year 2015 and available for operation and maintenance for the Army may be available for the activities of the Commission under this subtitle.

AMENDMENT NO. 159 OFFERED BY MR. FRANKS OF ARIZONA

At the end of subtitle E of title XVI, add the following new section:

#### **SEC. 1643. BUDGET INCREASE FOR AEGIS BALLISTIC MISSILE DEFENSE.**

(a) **INCREASE.**—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for procurement, Defense-wide, as specified in the corresponding funding table in section 4101, for Aegis BMD (Line 030) is hereby increased by \$99,000,000.

(b) **OFFSET.**—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amounts authorized to be appropriated in section 101 for aircraft procurement, Army, as specified in the corresponding funding table in section 4101, for Aerial Common Sensor (Line 003) is hereby reduced by \$75,300,000; and

(2) the amounts authorized to be appropriated in section 101 for procurement, Marine Corps, as specified in the corresponding funding table in section 4101, for RQ-21 UAS (line 023) is hereby reduced by \$23,700,000.

AMENDMENT NO. 162 OFFERED BY MR. YOUNG OF INDIANA

At the end of subtitle B of title XXVIII, add the following new section:

#### **SEC. 28. INDEMNIFICATION OF TRANSFEREES OF PROPERTY AT MILITARY INSTALLATIONS CLOSED SINCE OCTOBER 24, 1988, THAT REMAIN UNDER THE JURISDICTION OF THE DEPARTMENT OF DEFENSE.**

Section 330(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2687 note) is amended—

(1) in paragraph (1)—

(A) by striking “paragraph (3)” and inserting “paragraph (4)”; and

(B) by striking “paragraph (2)” and inserting “paragraph (3)”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) in paragraph (4), as redesignated, by striking “paragraph (2) contributed to any such release or threatened release, paragraph (1)” and inserting “paragraph (3) contributed to any such release or threatened release, paragraph (1) or (2)”; and

(4) by inserting after paragraph (1) the following new paragraph (2):

“(2) The responsibility of the Secretary of Defense to hold harmless, defend, and indemnify in full certain persons and entities described in paragraph (3) also applies with respect to any military installation (or portion thereof) that—

“(A) was closed during the period beginning on October 24, 1988, and ending on the date of the enactment of this paragraph, other than pursuant to a base closure law; and

“(B) remains under the jurisdiction of the Department of Defense as of the date of the enactment of this paragraph.”.

MODIFICATION TO AMENDMENT NO. 134 OFFERED  
BY MR. MCKEON

Mr. MCKEON. Madam Chair, I ask unanimous consent that amendment No. 134 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

The amendment as modified is as follows:

At the end of subtitle F of title XII insert the following new section:

**SEC. 1266. RECOGNITION OF VICTIMS OF SOVIET COMMUNIST AND NAZI REGIMES.**

(a) FINDINGS.—Congress makes the following findings:

(1) On August 13, 1941, President Franklin D. Roosevelt and Prime Minister Winston Churchill issued a joint declaration “of certain common principles in the national policies of their respective countries on which they based their hopes for a better future for the world” and “the right of all peoples to choose the form of government under which they will live and self government restored to those who have been forcibly deprived of them” and that the people of countries may live in freedom.

(2) The United States Government has actively advocated for and continues to support the principles of the United Nations Universal Declaration of Human Rights and the United Nations General Assembly resolution 260 (III) of December 9, 1948.

(3) Captive Nations Week, signed into law by President Dwight D. Eisenhower in 1959, raised public awareness of the oppression of nations under the control of Communist and other nondemocratic governments.

(4) The European Parliament resolution on European conscience and totalitarianism of April 2, 2009, and the “Black Ribbon Day” resolution adopted by the Parliament of Canada on November 30, 2009, establish a day of remembrance for victims of Communist and Nazi regimes to remember and commemorate their victims.

(5) On the 70th anniversary of the formal adoption by the Nazi leadership of the “Final Solution of the Jewish Problem”, members of the European Parliament and the national parliaments of the European Union rejected attempts to obfuscate the Holocaust by persons who sought to diminish the uniqueness of the Holocaust by deeming the Holocaust to be equal, similar, or equivalent to Communism.

(6) Extreme forms of totalitarian rule have led to premeditated and vast crimes committed against millions of human beings and their basic and inalienable rights on a scale unseen before in history.

(7) The Nazi regime committed mass genocide during the Holocaust, killing millions of Jews, political opponents, and minority populations.

(8) August 23 would be an appropriate date to designate as “Black Ribbon Day” to remember and never forget the terror millions

of citizens in Central and Eastern Europe experienced for more than 40 years by ruthless military, economic, and political repression of the people through arbitrary executions, mass arrests, deportations, the suppression of free speech, confiscation of private property, and the destruction of cultural and moral identity and civil society, all of which deprived the vast majority of the peoples of Central and Eastern Europe of their basic human rights and dignity, separating them from the democratic world by means of the Iron Curtain and the Berlin Wall.

(9) The memories of Europe's tragic past cannot be forgotten in order to honor the victims, condemn the perpetrators, and lay the foundation for reconciliation based on truth and remembrance.

(b) RECOGNITION.—Congress supports the designation of “Black Ribbon Day” to recognize the victims of Soviet Communist and Nazi regimes.

Mr. MCKEON (during the reading). Madam Chair, I ask unanimous consent that the reading of the modification be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Is there objection to the modification?

There was no objection.

MODIFICATION TO AMENDMENT NO. 159 OFFERED  
BY MR. MCKEON

Mr. MCKEON. Madam Chair, I ask unanimous consent that amendment No. 159 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

The amendment as modified is as follows:

At the end of subtitle E of title XVI, add the following new section:

**SEC. 1643. BUDGET INCREASE FOR AEGIS BALLISTIC MISSILE DEFENSE.**

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for procurement, Defense-wide, as specified in the corresponding funding table in section 4101, for Aegis BMD (Line 030) is hereby increased by \$99,000,000.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amounts authorized to be appropriated in section 101 for aircraft procurement, Army, as specified in the corresponding funding table in section 4101, for Aerial Common Sensor (Line 003) is hereby reduced by \$75,300,000; and

(2) the amounts authorized to be appropriated in section 1405 for the Defense Health Program, as specified in the corresponding funding table in section 4501, for operation and maintenance pertaining to implementation of benefit reform proposals, is hereby reduced by \$23,700,000.

Mr. MCKEON (during the reading). Madam Chair, I ask unanimous consent that the reading of the modification be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Is there objection to the modification?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 590, the gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Madam Chair, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

I reserve the balance of my time.

Mr. SMITH of Washington. Madam Chair, I yield myself such time as I may consume.

Again, I concur in support for the en bloc amendments. This is the last amendment, and I just want to say thank you again to Chairman MCKEON. I think it is right that this bill is named after him. As I have said, he has done a fabulous job on our committee. I appreciate his hard work and for, once again, putting together this product.

I also want to thank the staff. This is a very large bill. Lots of amendments are offered both on the committee level and on the House level. Staff has to pour through all of that and make sense of it and keep us informed. They do an incredible job and an incredible service to our country and to the men and women who serve in the military by making sure that this bill gets done every year, so I very much appreciate that.

I want to particularly recognize Debra Wada from the HASC staff, who will soon be leaving us. She has been promoted to be the Assistant Secretary of the Army for Manpower and Reserve Affairs. Debra has served for 15 years as staff on this committee and as an invaluable source of knowledge on personnel and on many, many other issues. It has been great working with her. We congratulate her on her appointment and wish her the best. Again, she is but one example of an absolutely fantastic staff and of the great work that they do to put this product together every single year.

So we thank you.

With that, I yield back the balance of my time.

Mr. MCKEON. Madam Chair, I yield 2 minutes to the gentleman from Indiana (Mr. YOUNG), my friend and colleague.

Mr. YOUNG of Indiana. Madam Chair, I rise today in support of my simple amendment to ensure fairness in how we treat military installations after they are closed.

Most military installations are closed through the BRAC process. As such, they are granted certain legal protections, including indemnification from claims arising from environmental hazards created by previous DOD operations. However, some installations can be closed unilaterally by the Defense Secretary outside of the normal BRAC process. In these instances, the facilities are not granted

the same protections. As it turns out, many former Army ammunition plants were closed outside the normal procedure. As you might imagine, facilities where chemicals for ammunition production were once mixed and discarded tend to pose some risk to the environment, and yet, merely because of the way they were closed down, cities and towns which later try to redevelop that property must assume the risk for any lingering environmental hazards.

My amendment would simply extend the same protection enjoyed by most closed installations to all closed installations.

Two years ago, I offered a similar amendment that was added to the House-passed NDAA, but it was not included in the Senate-passed version nor was it included in the conference report. That version would have retroactively applied this protection to properties which have already been transferred.

I have heard the concerns from the DOD and from others about adding this benefit on top of previously negotiated contracts. I am sensitive to those concerns, so this updated language only applies to those properties which are still under DOD's control today. I think this adequately addresses those concerns, and it still ensures that there is equity in how we handle these properties in the future.

I would like to thank the gentleman from California, Chairman McKEON, for his work once again in putting together this NDAA. I would also like to thank him and his staff for working with our office to draft this amendment and include it as part of this amendment package.

Mr. McKEON. Madam Chair, I yield 1 minute to the gentleman from Pennsylvania (Mr. PERRY), my friend and colleague.

Mr. PERRY. Madam Chair, I would like to thank Mr. GRAVES from Missouri for taking the lead on this amendment, and I would like to thank Chairman McKEON for including this amendment in this en bloc package.

After 12 years of combat coming to a close and shifting security priorities, a commission to evaluate Army force structure is, indeed, appropriate. The Pentagon is still operating with assumptions, metrics and policies from the early 2000s. What we need to be doing is looking at shaping the force of the future. What the future missions and force mixture between active-guard-reserve should be is a question that should be thoroughly assessed.

To determine how the future of our total Army will be shaped for decades to come, we should select the more comprehensive commission and take the additional few months to do a comprehensive analysis with the best personnel and minds available.

Madam Chairman, the security of the Nation depends upon it.

Mr. McKEON. Madam Chair, I think we are about done.

At this time, I would like to thank my partner. For 4 years, we have had the opportunity of leading this committee, and I could not have had a better person to be working with than Mr. SMITH from Washington. He is straightforward; he is honest; he is hard-working, and we just, I think, have had a really good working relationship. I consider him—and I will always consider him—a friend.

Likewise, I want to echo the things he said about the committee. I want to thank them. We get all of the plaudits. People get up and thank us and say we have done a great job, but it is these people behind us—our committee, our staff—that make it easy to do this. I mean, we could have been here until 1 or 2 o'clock this morning, but to make it look kind of easy, kind of smooth, they have been working on it for hours, for days, for weeks, and for months leading up to this point.

I don't know much more to say other than "thank you." You are great Americans.

People like to beat up on government workers. All I can say is that they are not paid enough for what they do. They can't be paid enough. They are patriots. They are dedicated to this work and to our men and women in uniform and their families, and I thank them for that.

With that, Madam Chair, I encourage our colleagues to support the en bloc amendments, and I yield back the balance of my time.

Ms. CASTOR of Florida. Madam Chair, I rise today in support of my amendment to the National Defense Authorization Act (NDAA) which requires a report to Congress on the prevalence of black mold in buildings located on military installations. Additionally, once the report is complete, buildings identified as containing black mold shall be added to the appropriate branch's construction priority list for building replacement or renovations. I would like to thank Mr. NUGENT and Chairman McKEON and Ranking Member SMITH for their support and agreeing to include my language in an en bloc amendment.

Taking care of our troops is one of our country's top priorities. After these brave men and women have put themselves in harm's way on the battlefield, it is essential that we ensure once they are back on base they are living and working in a safe nonhazardous environment. We must root out dangerous health hazards—like black mold—on military installations to protect the health of military personnel on base.

One example of where this is an issue is at MacDill Air Force Base in Tampa, Florida. MacDill is home to the 6th Air Mobility Wing and 39 Mission Teammates, including the United States Central Command, United States Special Operations Command. MacDill is home to over 13,000 military and civilian personnel and approximately 170,000 retirees live in the Tampa area and depend on the base for many necessary services. Black mold

has been found on the first floor of the Mission Support Facility located on base. This building houses the mission support squadron and the ID services. Employees working in the Mission Support Facility supply all employees—military, civilian and contractor—and veterans with their ID credentialing and they assist veterans with additional paperwork that will help them obtain the benefits they have earned during service. Imagine how many of our active duty personnel, military retirees and civilians have visited this facility over the years. The Defense Department must keep a critical eye out not only for this facility at MacDill, but on all bases so we can maintain a high standard for our military men and women.

In addition to being a health hazard, the mold in the Mission Support Facility takes up valuable workspace and is cordoned off. Base personnel are doing the best they can and they have found a way to ensure that no service member or their family member has suffered, but they should not have to.

As you may know, black mold thrives in indoor spaces where there is moisture and humidity. As any tourist or native Floridian, like me, can tell you, Florida is well known for its humidity. It likely is happening at other bases located in humid areas. If we do not maintain these facilities defense-wide, issues like black mold can lead to expensive and harmful consequences down the road. We have seen examples over the years of black mold being found in homes where military families live and the horrendous stories centered around mold that came out of Walter Reed less than 10 years ago. We need to make certain our servicemembers, veterans, their families and civilians live and work in a healthy environment and that is why I have introduced my amendment to NDAA.

I would like to thank my friend and fellow Tampa Bay member, Representative RICH NUGENT, for his partnership on this amendment. His tireless dedication to the men and women serving in the Armed Forces at MacDill and around the globe are laudable. Active duty personnel and veterans throughout the Tampa Bay area are fortunate to have such a strong leader serving on the House Armed Services Committee and I am fortunate to call him a colleague.

Madam Chair, again, I would like to thank Mr. NUGENT, Chairman McKEON and Ranking Member SMITH for their hard work on this legislation and for including my amendment en bloc. Protecting the health of our servicemembers and all individuals who work, live or visit any military installations is imperative. I urge my colleagues to support my amendment.

Mr. BARLETTA. Madam Chair, I rise in support of the Graves Amendment to the National Defense Authorization bill.

My home state of Pennsylvania is proud of its National Guard—the fourth largest in the country and part of the fabric of our community.

We need the Guard—particularly in times of disaster.

After Hurricane Irene and Tropical Storm Lee in 2011, many of our citizens simply would not have made it without the help of our National Guard.



I support ensuring that the National Guard is appropriately protected in any force restructuring.

Ms. BORDALLO. Madam Chair, I rise in support of my amendment number 129 as part of en-bloc package 7. The overall intent of this amendment is to address potential legal impediment of allowing a surface danger zone (SDZ) over the Ritidian unit of the Guam National Wildlife Refuge. My amendment would allow the Secretary of the Navy and the Secretary of Interior to enter into agreement over the establishment of an SDZ over the refuge. It would also outline areas that would need to be mitigated if an SDZ were located over the Ritidian Unit. The amendment is similar to compromise language developed by Navy and Fish and Wildlife Service following an April 29, 2014 hearing in the House Committee on Natural Resources on this bill.

I believe this amendment will keep the Navy and the Fish and Wildlife Service talking about the potential impacts of a firing range on Northwest Field. In fact, I believe this amendment is important to keep the National Environmental Policy Act (NEPA) process on track so that these two agencies can discuss potential mitigations should this location ultimately be chosen as the location for a firing range on Guam. The Navy has just commenced the draft supplemental environmental impact statement hearings (SEIS) so there is ample time to review all alternatives. The amendment does not prejudge the outcome of this NEPA process, indeed it is intended to keep the process on track so we do not suffer any unnecessary delays in the realignment of Marines from Okinawa, Japan to Guam. As the Navy has testified and stated publicly, without H.R. 4402 in the National Defense Authorization Act for Fiscal Year 2015 the military build-up would likely suffer significant delays and could significant consequences for our bilateral relationship with Japan.

I fully respect and appreciate the Guam community's close engagement on these issues and their participation during the draft SEIS public meetings this past week. I was able to hear directly from our community on this amendment over the past week, and community feedback is absolutely critical to the process. It provides the Navy and other stakeholders with important viewpoints to consider when final decisions are made for the Record of Decision.

I would also like to underscore the importance of training to the overall readiness of Marines in the Asia-Pacific region. This importance is highlighted by Secretary of Defense Chuck Hagel in a letter to Congress, stating a live-fire training range is critical to, "maintain the military training and readiness of Marine Corps personnel relocating to the island". I have been and remain a staunch advocate for the military build-up on Guam. I believe that this bill keeps the process moving forward and ensures that we have no further unnecessary delays. The bottom line and undeniable fact is that without a live-fire training range on Guam, we will not have a military build-up.

I thank the Chairman and Ranking Member for agreeing to put this amendment in en-bloc package 7 and urge its immediate adoption.

Mr. HASTINGS of Washington. Madam Chair, I rise to speak in favor of my amend-

ment, which directs the Department of the Interior to provide the American public with reasonable motorized, non-motorized, and pedestrian access to the summit of Rattlesnake Mountain, located in the Hanford Reach National Monument. This 195,000-acre monument, designated by President Clinton in 2000, is near the Hanford Nuclear Site and is the only one in the continental United States managed by the U.S. Fish and Wildlife Service. Although administered by the U.S. Fish and Wildlife Service, the site itself remains under the ownership of the Department of Energy's Office of Environmental Management.

At 3,600 feet, Rattlesnake Mountain is the highest point in the region, and it provides unparalleled views for miles around the monument, including the Hanford Site, the Snake River, the Columbia River, and the Yakima River. Unfortunately, it took the Fish and Wildlife Service eight years to write a management plan that effectively closed Rattlesnake Mountain to public access, despite the vast majority of public comments favoring just the opposite.

After I first introduced this bill in 2010, the Fish and Wildlife Service offered two public tours for selected individuals and then suddenly reneged on the offer just days before the tours were to occur. During a 2011 committee hearing on the bill, the Interior Department's testimony suggested that the Fish and Wildlife Service supports tours of Rattlesnake, but very carefully didn't go the extra step of ensuring the Service would allow public access to the summit.

Finally, last summer, the Fish and Wildlife Service granted a few dozen people the opportunity to access the Rattlesnake Mountain summit over two tours. These were the first two public tours offered since the monument was designated. The seats for the 2013 tours were snapped up online in just 21 seconds of being made available.

This year, the Fish and Wildlife Service is proposing tours on six days, and used a lottery system to distribute the tickets. While I appreciate the Interior Department's tentative steps in recent years toward allowing the public access to this area, it's clearly not enough, and even the limited opportunities being offered now can be reversed at any time.

My amendment is necessary to ensure reasonable and regular public access can be guaranteed by law to the citizens of that area. This language is supported by many stakeholders in the local area including the Benton County Commissioners, the Tri-Cities Development Council (TRIDEC), the Tri-City Regional Chamber of Commerce, the Tri-Cities Visitor and Convention Bureau, and the Back Country Horsemen of Washington.

I would also note that this amendment has passed this chamber previously as stand-alone legislation. Last year, and in the previous Congress, this body approved this language on strong bipartisan votes with no votes in opposition.

I appreciate the Chairman and Ranking Member of the Armed Services Committee and their staff for allowing this amendment to be adopted en bloc today. Hopefully, this will move us closer to ensuring the American people have access to special places on their public lands, like Rattlesnake Mountain.

Mr. RAHALL. Madam Chair, I strongly support the passage of the Graves amendment,

of which I am a cosponsor, to establish a National Commission on the Future of the Army.

Last December, I joined with 142 of my colleagues in expressing to Defense Secretary Hagel my deep concerns about Army cost-saving proposals that would impose draconian cuts on the Army National Guard. Congress rightly rejected similar proposals that would have reduced end strength and force structure for the Air National Guard, and I am pleased that the Armed Services Committee chose to reject such proposals for the Army National Guard too.

I question the wisdom of making such cuts, considering the cost-effectiveness of the Army National Guard as a dual use force, and cost-savings that could be achieved in the Total Army by better leveraging the Operational Reserve. Blending Active and Reserve Component Army units, as the Air Force is doing, could ensure long-term budgetary savings to maintain a robust Total Army. As the Reserve Forces Policy Board (RFPB) has noted, a blended Total Army composition means more combat capability at about one-third the cost.

I believe we need to take a harder look at the future force structure of the Army, which is why a Commission is absolutely necessary. The House should fully consider and be fully informed about how the Army's proposed cuts fit into a long-term national security strategy.

With the operational reserve being rebuilt since September 11, 2001, this generation of Army National Guardsmen and Reservists has proven every bit as effective, committed, and capable as their active counterparts. These men and women have served with distinction and honor overseas, and our Nation cannot afford to lose their service. We must not go blindly down a path that would inhibit our Army's ability to respond to world events and domestic emergencies.

Mr. GINGREY of Georgia. Mr. Chair, I rise today to urge my colleagues to support my commonsense amendment included in En Bloc Amendment #7 that would express the Sense of Congress that active duty military personnel who live in or are stationed in Washington, DC should be exempt from existing District of Columbia firearms restrictions.

It is no secret that the District of Columbia has historically had some of the most restrictive firearm regulations in the nation even after the victory for Second Amendment rights in the 2008 ruling by the Supreme Court in *District of Columbia v. Heller*. With approximately 40,000 service men and women across all branches of the Armed Forces either living in or stationed on active duty within the Washington, DC metropolitan area, these individuals are subject to the very laws of the District of Columbia that make the lawful possession of firearms nearly impossible.

Mr. Chair, my amendment would recognize that the DC handgun law, especially in regard to trained service men and women, punishes individuals well-equipped to protect themselves and others while emboldening perpetrators of violent crime. I urge my colleagues on both sides of the aisle to support this amendment.

Mr. LARSON of Connecticut. Mr. Chair, I rise today to thank Chairman McKEON and Ranking Member SMITH for including an



amendment that I offered with Rep. TOM ROONEY in en bloc amendment #7 and I urge my colleagues to support its passage.

Mr. Speaker, Mr. ROONEY and I, along with other colleagues like Rep. WALTER JONES have been engaged in an effort for several years now to ensure that children with developmental disabilities that are covered by TRICARE, can access the behavioral health treatment that they require. It was an issue that was brought to my attention by a constituent whose husband is in the military and who has a child with a developmental disability. The challenges her family faces however, are also unfortunately experienced by numerous military families across the country.

While TRICARE does provide access to a multitude of services for families, there are limitations on them from fully accessing the appropriate level of care for their children for a behavioral health treatment known as applied behavior analysis (ABA). Currently families must navigate a complicated web of programs within TRICARE, each with eligibility or coverage limitations, in order to get access to treatment. In addition, children with developmental disabilities do not have access. Our amendment simply seeks to streamline coverage for these services as a medical benefit under TRICARE Basic, which would ensure access to these services for the dependents of both active duty and non-active duty beneficiaries.

These are families that have sacrificed a great deal in the service of our nation, and it is our obligation to make sure that their children get the health care services that they need. This amendment is designed to do just that. Many children with developmental disabilities require other types of treatment such as habilitative and rehabilitative services like speech, occupational, and physical therapy that are already covered by TRICARE. However, because of the current restrictions, there are cases where some of these children are not able to access the prescribed level of ABA treatment. I want to make it clear that this amendment will not, nor is intended to, alter any services that a child's team of health providers deem necessary and are currently covered, like those already mentioned, but simply ensures that they can get the ABA services that they've been prescribed. In addition, as mentioned in the amendment we believe that amounts should be appropriated to ensure that all TRICARE beneficiaries have appropriate and equitable access to behavioral health treatment, including ABA.

This is just simply the right thing to do for our military families who have sacrificed so much in the service of our country. Once again, I thank my colleagues for their support on this important issue on behalf of military families across this country.

The Acting CHAIR. The question is on the amendments en bloc, as modified, offered by the gentleman from California (Mr. McKEON).

The en bloc amendments, as modified, were agreed to.

Mr. McKEON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

PERRY) having assumed the chair, Ms. FOXX, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, had come to no resolution thereon.

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#### HOOR OF MEETING ON TOMORROW

Ms. FOXX. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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#### AMERICA'S DEFENSE POLICY

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute.)

Mr. FORTENBERRY. Mr. Speaker, we just heard an extensive debate about the future of America's defense policy. I want to commend the chairman for including an important amendment that I offered that does address a serious, serious issue.

It is very hard to react to something that has not happened yet. Frankly, we are in a race between collaboration or catastrophe in regards to nuclear security and the threat of nuclear proliferation around the world. This technology is spreading very, very rapidly.

With the Department's effort at cost savings and reorganization, it is important that our nonproliferation efforts not slip, not become a second priority. It may be easy to do that because, again, when things don't happen, it appears that we are secure. This is one of the most grave difficulties facing not only the United States, but all of humanity.

So I am very grateful that in this bill we now have an effort to demand that the Department explain its important reorganization efforts and how it is going to address the future of nonproliferation issues as we work toward nuclear security, robust force strength, and deterrence. Nonproliferation goes hand-in-hand with those important national security elements.

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#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUELSKAMP (at the request of Mr. CANTOR) for today on account of attending a family obligation.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1209. An act to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

H.R. 685. An act to award a Congressional Gold Medal to the American Fighter Aces, collectively, in recognition of their heroic military service and defense of our country's freedom throughout the history of aviation warfare.

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#### SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 309. An act to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

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#### BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on May 21, 2014, she presented to the President of the United States, for his approval, the following bill:

H.R. 685. To award a Congressional Gold Medal to the American Fighter Aces, collectively, in recognition of their heroic military service and defense of our country's freedom throughout the history of aviation warfare.

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#### ADJOURNMENT

Mr. FORTENBERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 22, 2014, at 9 a.m.

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#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5727. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Decreased Assessment Rate [Doc. No.: AMS-FV-13-0093; FV14-945-1 FR] received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5728. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Cape Gooseberry From Colombia Into the United States [Docket No.: APHIS-2012-0038] (RIN: 0579-AD79) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5729. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Washington: Puget Sound Ozone Maintenance Plan [EPA-R10-OAR-2008-0122; FRL-9910-02-Region 10] received May 1, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5730. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenoxaprop-ethyl; Pesticide Tolerances [EPA-HQ-OPP-2012-0588; FRL-9909-72] received May 1, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5731. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particle (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS) and 2006 PM<sub>2.5</sub> NAAQS [EPA-HQ-OAR-2013-0694; FRL-9909-93-OAR] (RIN: 2060-AS12) received May 1, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5732. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: 2013 Cellulosic Biofuel Standard [EPA-HQ-OAR-2012-0546; FRL-9910-18-OAR] (RIN: 2060-AS21) received May 1, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5733. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tebuconazole; Pesticide Tolerances [EPA-HQ-OPP-2013-0653; FRL-9909-31] received May 1, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5734. A communication from the President of the United States, transmitting a letter informing the Congress that approximately 80 U.S. Armed Forces personnel were deployed to Chad as part of the U.S. efforts to locate and support the safe return of over 200 schoolgirls who are reported to have been kidnapped in Nigeria; (H. Doc. No. 113-115); to the Committee on Foreign Affairs and ordered to be printed.

5735. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Naval Base Point Loma; Naval Mine Anti Submarine Warfare Command; San Diego Bay, San Diego, CA [Docket No.: USCG-2013-0580] (RIN: 1625-AA87) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5736. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Fireworks Display, Patapsco River, Northwest Harbor (East Channel) Baltimore, MD [Docket Number: USCG-2014-0236] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5737. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Giants Enterprises Fireworks Display, San Francisco Bay, San Francisco, CA [Docket No.: USCG-2014-0174] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5738. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 803.5 to 804.5 Henderson, KY [USCG-2014-0186] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5739. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Eighth Coast Guard District Annual and Recurring Safety Zones Update [Docket No.: USCG-2013-1060] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5740. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Xterra Swim, Myrtle Beach, SC [Docket Number: USCG-2014-0161] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5741. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BWRC West Coast Nationals; Parker, AZ [Docket No.: USCG-2014-0140] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5742. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lucas Oil Drag Boat Racing Series; Thompson Bay, Lake Havasu City, AZ [Docket No.: USCG-2014-0153] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5743. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Lucas Oil Drag Boats Racing Series; Lake Havasu City, AZ [Docket No.: USCG-2014-0058] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5744. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; The Boat Show Marathon; Lake Havasu, AZ [Docket No.: USCG-2014-0102] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5745. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Sea World San Diego Fireworks, Mission Bay; San Diego, CA [Docket No.: USCG-2014-0015] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5746. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones, Delaware River, Pea Patch Island Anchorage No. 5 and Reedy Point South Anchorage No. 3 [Docket No.: USCG-2014-0051] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5747. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Helicopter Lift Operations, Main Branch Chicago River, Chicago, IL [Docket

No.: USCG-2014-0128] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5748. A letter from the Adjutant General, Veterans of Foreign Wars of the U.S., transmitting proceedings of the 114th National Convention of the Veterans of Foreign Wars of the United States, held in Louisville, Kentucky, July 21-24, 2013, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 113-114); to the Committee on Veterans' Affairs and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 4121. A bill to amend the Small Business Act to provide for improvements to small business development centers; with an amendment (Rept. 113-461). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 776. A bill to amend title 31, United States Code, to revise requirements related to assets pledged by a surety, and for other purposes; with an amendment (Rept. 113-462, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 776. A bill to amend title 31, United States Code, to revise requirements related to assets pledged by a surety, and for other purposes; with an amendment (Rept. 113-462, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DEFAZIO (for himself and Ms. HANABUSA):

H.R. 4694. A bill to amend the Claims Resolution Act of 2010 to authorize the Secretary of the Interior to contract with eligible Indian tribes to manage land buy-back programs, to require that certain amounts be deposited into interest bearing accounts, and for other purposes; to the Committee on Natural Resources.

By Mr. BURGESS (for himself and Mr. RUSH):

H.R. 4695. A bill to amend title XVIII of the Social Security Act to add sleep apnea screening to the initial preventive physical examination under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH (for himself, Mr. KIND, Mr. KELLY of Pennsylvania, and Mr. PETERS of Michigan):

H.R. 4696. A bill to amend the Internal Revenue Code of 1986 to provide for startup businesses to use a portion of the research and development credit to offset payroll taxes; to the Committee on Ways and Means.

By Mr. MCCARTHY of California:

H.R. 4697. A bill to require the Securities and Exchange Commission to revise the definition of a well-known seasoned issuer to reduce the worldwide market value threshold under the definition; to the Committee on Financial Services.

By Mr. PALAZZO (for himself, Mr. HARPER, Mr. FRANKS of Arizona, Mrs. BACHMANN, Mr. JONES, Mr. GOWDY, Mr. LONG, Mr. KELLY of Pennsylvania, Mr. POMPEO, Mr. HUIZENGA of Michigan, Mr. MILLER of Florida, Mr. NUNNELEE, Mrs. BLACK, Mr. FLEMING, Mr. BRADY of Texas, Mr. SCALISE, Mr. PITTS, Mr. LIPINSKI, Mr. WOODALL, Mr. STOCKMAN, Mr. STUTZMAN, Mr. HARRIS, Mr. WEBER of Texas, Mr. MARINO, Mr. FLORES, Mr. SMITH of New Jersey, Mr. HUELSKAMP, Mr. PITTENGER, Mr. BARTON, Mr. CONAWAY, Mr. LAMBORN, Mr. CHABOT, and Mr. MCHENRY):

H.R. 4698. A bill to prohibit recovery of damages in certain wrongful birth and wrongful life civil actions, and for other purposes; to the Committee on the Judiciary.

By Ms. DELBENE (for herself, Ms. MCCOLLUM, and Mr. REICHERT):

H.R. 4699. A bill to amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000 to require the Secretary of Commerce to prepare and submit to Congress a report and recommendations to promote the sustained economic development of Indian tribes and Indian lands; to the Committee on Natural Resources.

By Mr. GARDNER:

H.R. 4700. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on the deduction for student loan interest; to the Committee on Ways and Means.

By Mr. GIBSON (for himself, Mr. COURTNEY, Mr. PETERSON, Mr. SMITH of New Jersey, Mr. WOLF, and Mr. BARLETTA):

H.R. 4701. A bill to provide for scientific frameworks with respect to vector-borne diseases; to the Committee on Energy and Commerce.

By Mr. GRAYSON:

H.R. 4702. A bill to extend until 2030 the time period required to be covered by the United States Space Protection Strategy; to the Committee on Armed Services, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULTGREN (for himself and Mr. SMITH of New Jersey):

H.R. 4703. A bill to amend the Trafficking Victims Protection Act of 2000 relating to determinations with respect to efforts of foreign countries to reduce demand for commercial sex acts under the minimum standards for the elimination of trafficking; to the Committee on Foreign Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. LANGEVIN):

H.R. 4704. A bill to expand the PROTECT Our Children Act of 2008 to include combating the transfer of permanent custody or control of a minor in contravention of a required legal procedure, and for other purposes; to the Committee on the Judiciary.

By Mr. PIERLUISI:

H.R. 4705. A bill to amend the Military Construction Authorization Act, 1974 to authorize the Secretary of Defense to decontaminate certain portions of the former bom-

bardment area on the island of Culebra, Puerto Rico; to the Committee on Armed Services.

By Mr. KIND (for himself, Mr. CONNOLLY, and Mr. PRICE of North Carolina):

H.R. 4706. A bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. MORAN, Ms. NORTON, Ms. SHEA-PORTER, Ms. SCHWARTZ, Ms. TSONGAS, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. ESTY, Mr. HIMES, Ms. LEE of California, Mr. GRIJALVA, Mr. LYNCH, Ms. MCCOLLUM, Ms. BROWN of Florida, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. COURTNEY, Mr. HOLT, Ms. MENG, and Mr. HINOJOSA):

H.R. 4707. A bill to authorize the appropriation of funds to the Centers for Disease Control and Prevention for conducting or supporting research on firearms safety or gun violence prevention; to the Committee on Energy and Commerce.

By Mrs. CAROLYN B. MALONEY of New York (for herself and Mr. POE of Texas):

H.R. 4708. A bill to provide for the establishment of an office within the Internal Revenue Service to focus on violations of the internal revenue laws by persons who are under investigation for conduct relating to the promotion of commercial sex acts and trafficking in persons crimes, and to increase the criminal monetary penalty limitations for the underpayment or overpayment of tax due to fraud; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARINO (for himself, Mrs. BLACKBURN, Mr. WELCH, and Ms. CHU):

H.R. 4709. A bill to improve enforcement efforts related to prescription drug diversion and abuse, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. NEGRETE MCLEOD (for herself and Mr. COOK):

H.R. 4710. A bill to amend the Payments in Lieu of Taxes Program to include all lands owned by the United States Government that are under the jurisdiction of the Department of Defense within the definition of entitlement lands for which payments are made, and for other purposes; to the Committee on Natural Resources.

By Mr. SIREs:

H.R. 4711. A bill to establish a regulatory framework for the comprehensive protection of personal data for individuals under the aegis of the Federal Trade Commission, to amend the Children's Online Privacy Protection Act of 1998 to improve provisions relating to collection, use, and disclosure of personal information of children, and for other

purposes; to the Committee on Energy and Commerce.

By Ms. TITUS (for herself, Mr. BISHOP of Utah, Mr. STEWART, Mr. CRAMER, and Mr. SIMPSON):

H.R. 4712. A bill to amend title 38, United States Code, to provide priority for the establishment of new national cemeteries by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WOMACK:

H.R. 4713. A bill to amend the Child Nutrition Act of 1966 to exempt school-based enterprises from nutrition standards; to the Committee on Education and the Workforce.

By Mr. BISHOP of Utah (for himself, Mr. WALBERG, Mrs. LUMMIS, Mr. LAMBORN, Mr. CHAFFETZ, Mr. CAMPBELL, Mr. BROUN of Georgia, Mr. DUNCAN of South Carolina, Mr. WEBER of Texas, Mr. HUIZENGA of Michigan, Mrs. BLACKBURN, Mr. SCHWEIKERT, Mr. JORDAN, Mr. MULVANEY, Mr. YOHO, Mr. GOHMERT, Mr. GRIFFITH of Virginia, Mr. STEWART, Mr. MCCLINTOCK, Mr. SALMON, and Mr. GRAVES of Georgia):

H.J. Res. 115. A joint resolution proposing an amendment to the Constitution of the United States to give States the right to repeal Federal laws and regulations when ratified by the legislatures of two-thirds of the several States; to the Committee on the Judiciary.

By Mr. PERLMUTTER (for himself, Ms. MOORE, Mr. COSTA, Ms. MCCOLLUM, Mr. ELLISON, Mr. HONDA, Ms. BORDALLO, Mr. POCAN, Mr. KIND, and Mr. DUFFY):

H. Con. Res. 99. Concurrent resolution expressing support for designation of a "National Lao-Hmong Recognition Day"; to the Committee on Oversight and Government Reform.

By Mr. GRAYSON:

H. Res. 591. A resolution commending the Government of Afghanistan for certifying the results of the national election held on April 5, 2014, and urging the Government of Afghanistan to continue to pursue a "transparent, credible, and inclusive" run-off presidential election on June 14, 2014, while ensuring the safety of voters and candidates; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR (for herself, Mr. GERLACH, Mr. LEVIN, and Mr. QUIGLEY):

H. Res. 592. A resolution calling for free and fair elections in Ukraine, and for other purposes; to the Committee on Foreign Affairs.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives; the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DEFAZIO:

H.R. 4694.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, sec. 8, cl. 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes;

U.S. Cont. art. IV, sec. 3, cl. 2, sen. a

The Congress shall have Power to dispose of and make all needful Rule and Regulations respecting the Territory of other Property belonging to the United States;

By Mr. BURGESS:

H.R. 4695.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1—The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. GERLACH:

H.R. 4696.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. MCCARTHY of California:

H.R. 4697.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. PALAZZO.

H.R. 4698.

Congress has the power to enact this legislation pursuant to the following:

(1) Article I Section 8—The Commerce Clause, granting Congress the power to regulate commerce among the several States;

(2) Article I, Section 8—The Necessary and Proper Clause, granting Congress the power to make all laws which are necessary and proper for carrying into Execution the powers vested by the Constitution of the United States; and

(3) The 14th Amendment, granting Congress the power to ensure equal protection under the laws.

By Ms. DELBENE:

H.R. 4699.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the U.S. Constitution: The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

By Mr. GARDNER:

H.R. 4700.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GIBSON:

H.R. 4701.

Congress has the power to enact this legislation pursuant to the following:

Clause I, of section 8, of article I.

By Mr. GRAYSON:

H.R. 4702.

Congress has the power to enact this legislation pursuant to the following:

Article I, Clause 8 of the Constitution of the United States.

By Mr. HULTGREN:

H.R. 4703.

Congress has the power to enact this legislation pursuant to the following:

“clause 3 of section 8 of article 1 of the Constitution”—to regulate Commerce with Nations and among the several States, and with Indian Tribes.

and

“clause 18 of section 8 of article 1 of the Constitution”—to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers. . .

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 4704.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the Constitution

By Mr. PIERLUISI:

H.R. 4705.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of the Congress to provide for the general welfare of the United States, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution; to make all laws which shall be necessary and proper for carrying into execution such power, as enumerated in Article I, Section 8, Clause 18 of the Constitution; and to make rules and regulations respecting the U.S. territories, as enumerated in Article IV, Section 3, Clause 2 of the Constitution.

By Mr. KIND:

H.R. 4706.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mrs. CAROLYN B. MALONEY of New York:

H.R. 4707.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mrs. CAROLYN B. MALONEY of New York:

H.R. 4708.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution which provides Congress with the power to lay and collect taxes and regulate commerce among the several states.

By Mr. MARINO:

H.R. 4709.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution. The Constitution's Commerce Clause allows Congress to enact laws when reasonably related to the regulation of interstate commerce.

By Mrs. NEGRETE McLEOD:

H.R. 4710.

Congress has the power to enact this legislation pursuant to the following:

As enumerated in Article 1, Section 8, Clause 18 of the United States Constitution.

By Mr. SIRE:

H.R. 4711.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

By Ms. TITUS:

H.R. 4712.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Amendment XVI, of the United States Constitution

By Mr. WOMACK:

H.R. 4713.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Mr. BISHOP of Utah:

H.J. Res. 115.

Congress has the power to enact this legislation pursuant to the following:

Amendment X:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 6: Mr. THOMPSON of Pennsylvania.  
 H.R. 259: Mr. GOHMERT.  
 H.R. 269: Mr. KENNEDY.  
 H.R. 401: Ms. SLAUGHTER.  
 H.R. 447: Mr. JOLLY.  
 H.R. 702: Mr. DELANEY.  
 H.R. 708: Mr. BEN RAY LUJÁN of New Mexico and Mr. ELLISON.  
 H.R. 920: Mr. TIPTON.  
 H.R. 956: Mr. GINGREY of Georgia.  
 H.R. 988: Ms. SLAUGHTER.  
 H.R. 997: Mr. BROOKS of Alabama and Mr. WITTMAN.  
 H.R. 1125: Mr. HARPER.  
 H.R. 1250: Ms. ROS-LEHTINEN.  
 H.R. 1317: Mr. FARR.  
 H.R. 1515: Mr. KILMER.  
 H.R. 1527: Mr. DUNCAN of Tennessee, Mr. BUTTERFIELD, and Mr. PERLMUTTER.  
 H.R. 1566: Mr. SCHWEIKERT.  
 H.R. 1617: Mr. MCGOVERN.  
 H.R. 1761: Mr. MCHENRY.  
 H.R. 1767: Ms. SEWELL of Alabama.  
 H.R. 1771: Mr. KING of Iowa.  
 H.R. 1801: Ms. CLARK of Massachusetts and Mr. COURTNEY.  
 H.R. 1812: Mr. UPTON.  
 H.R. 1840: Mr. CAPUANO.  
 H.R. 1861: Mr. PETERS of Michigan.  
 H.R. 1915: Mr. HECK of Washington.  
 H.R. 1998: Mr. POLIS.  
 H.R. 2000: Mr. HINOJOSA.  
 H.R. 2366: Mr. PRICE of North Carolina.  
 H.R. 2415: Mr. CONNOLLY.  
 H.R. 2417: Mr. HARRIS.  
 H.R. 2607: Mr. MICHAUD and Mr. KENNEDY.  
 H.R. 2652: Mr. MULVANEY.  
 H.R. 2663: Mr. SMITH of Nebraska.  
 H.R. 2673: Mr. GRIFFIN of Arkansas.  
 H.R. 2827: Mr. HUFFMAN.  
 H.R. 2933: Mr. PETERS of California.  
 H.R. 2945: Mr. MCGOVERN, Ms. BASS, and Mr. BISHOP of New York.  
 H.R. 2959: Mr. BENTIVOLIO, Ms. ROS-LEHTINEN, Mr. PETERSON, Mr. WEBSTER of Florida, and Mr. SALMON.  
 H.R. 2994: Mr. HINOJOSA, Mr. SEAN PATRICK MALONEY of New York, Mr. MORAN, Ms. CLARK of Massachusetts, Mr. FRELINGHUYSEN, Mr. MESSER, and Mr. TIBERI.  
 H.R. 3116: Mr. PASTOR of Arizona.  
 H.R. 3135: Mr. ELLISON.  
 H.R. 3137: Mr. WAXMAN.  
 H.R. 3382: Mr. PRICE of North Carolina.  
 H.R. 3426: Mr. JOHNSON of Ohio.

H.R. 3707: Mr. WELCH and Mr. CASTRO of Texas.  
 H.R. 3709: Mr. HUFFMAN.  
 H.R. 3717: Mr. BACHUS.  
 H.R. 3722: Mr. TIPTON, Mr. FINCHER, and Mr. O'ROURKE.  
 H.R. 3740: Ms. HANABUSA.  
 H.R. 3747: Mr. KLINE.  
 H.R. 3774: Mrs. CAROLYN B. MALONEY of New York.  
 H.R. 3877: Mr. LARSEN of Washington and Mr. SENSENBRENNER.  
 H.R. 3905: Mr. JOYCE and Mr. RUSH.  
 H.R. 3929: Ms. DUCKWORTH.  
 H.R. 3935: Mr. ELLISON.  
 H.R. 3982: Ms. CLARK of Massachusetts.  
 H.R. 3991: Mr. LATTI, Mr. KILMER, and Mr. SMITH of Missouri.  
 H.R. 4031: Mr. SIMPSON.  
 H.R. 4060: Mr. GARCIA, Mr. MCINTYRE, and Mr. SCHWEIKERT.  
 H.R. 4079: Mrs. BLACK and Mr. PRICE of Georgia.  
 H.R. 4086: Mrs. LOWEY and Ms. VELÁZQUEZ.  
 H.R. 4119: Mr. FATTAH.  
 H.R. 4158: Mr. MEEHAN.  
 H.R. 4187: Mr. GERLACH.  
 H.R. 4200: Mr. SCHNEIDER.  
 H.R. 4205: Mr. FOSTER and Mr. BEN RAY LUJÁN of New Mexico.  
 H.R. 4221: Mr. LANCE and Mr. BEN RAY LUJÁN of New Mexico.  
 H.R. 4236: Mr. PETERS of California.  
 H.R. 4351: Mrs. MORRIS RODGERS, Mr. SCHIFF, and Ms. BROWN of Florida.  
 H.R. 4365: Mr. PETERSON and Mr. DANNY K. DAVIS of Illinois.  
 H.R. 4383: Mr. DAINES.  
 H.R. 4387: Mr. ROTHFUS and Mr. FINCHER.  
 H.R. 4395: Mr. MICHAUD, Mr. VARGAS, Ms. MOORE, Mr. DUNCAN of Tennessee, Mr. CONYERS, and Mr. PERLMUTTER.  
 H.R. 4399: Mrs. NEGRETE MCLEOD.  
 H.R. 4406: Mr. CASSIDY.

H.R. 4411: Mr. AUSTIN SCOTT of Georgia, Mr. MICA, Mr. HUELSKAMP, Ms. CASTOR of Florida, Mrs. HARTZLER, Ms. WILSON of Florida, Mr. BEN RAY LUJÁN of New Mexico, Mr. STEWART, Mr. KILDEE, Ms. DELBENE, Mr. FITZPATRICK, Mr. HALL, Mr. FOSTER, Mr. HIMES, Mr. REICHERT, Mr. PALLONE, Mr. PITTS, Mr. MEEHAN, Mr. PERRY, Mr. SMITH of Missouri, Mr. KLINE, Mr. WALDEN, Mr. SCHRADER, Mr. BARBER, Mr. HARPER, Ms. BROWNLEY of California, Mr. TURNER, Mrs. WALORSKI, Mr. JEFFRIES, Ms. BONAMICI, Mr. GIBSON, Mr. CONAWAY, Mr. PAULSEN, Mr. HARRIS, Mr. DAINES, Mr. SERRANO, Mrs. CAPITO, Mr. CHAFFETZ, Mr. SARBANES, Mr. BARR, Mr. POMPEO, Mr. NUNES, Ms. HANABUSA, Mr. BACHUS, Mr. YODER, Mr. COLLINS of New York, Mr. HANNA, Ms. KELLY of Illinois, Mr. LUETKEMEYER, Mr. BRIDENSTINE, Mr. UPTON, Mrs. MCCARTHY of New York, Ms. LOFGREN, Mrs. KIRKPATRICK, Mr. O'ROURKE, Mrs. BUSTOS, and Mr. PETERS of Michigan.  
 H.R. 4421: Mr. CONYERS.  
 H.R. 4430: Mr. ENYART and Mr. CRAMER.  
 H.R. 4447: Mr. OLSON.  
 H.R. 4498: Mr. LOWENTHAL.  
 H.R. 4510: Mr. HURT, Mr. MATHESON, Mr. PAULSEN, Mr. RANGEL, Mr. RODNEY DAVIS of Illinois, and Ms. SINEMA.  
 H.R. 4511: Mr. PETERS of California and Mr. YARMUTH.  
 H.R. 4515: Mr. LOWENTHAL.  
 H.R. 4521: Mr. GRIFFIN of Arkansas.  
 H.R. 4526: Ms. FUDGE.  
 H.R. 4569: Mr. HULTGREN.  
 H.R. 4571: Mr. BACHUS, Mr. FITZPATRICK, Mr. GARRETT, Mr. HURT, Mr. MULVANEY, Mr. ROSS, and Mr. STIVERS.  
 H.R. 4577: Mr. COLLINS of Georgia, Mr. BRALEY of Iowa, and Mr. HARPER.  
 H.R. 4582: Mr. RICHMOND and Mr. SCHNEIDER.  
 H.R. 4590: Mr. SIMPSON.  
 H.R. 4612: Mr. COTTON.

H.R. 4619: Mr. REICHERT and Mr. REED.  
 H.R. 4622: Mr. ENYART, Mr. ELLISON, Mr. HINOJOSA, Mr. SEAN PATRICK MALONEY of New York, Mrs. BEATTY, Mr. CONYERS, and Mr. NADLER.  
 H.R. 4630: Mr. DOYLE, Mr. MORAN, Mr. COURTNEY, Mr. RAHALL, Mr. KING of New York, Mr. PASCRELL, and Mr. TIBERI.  
 H.R. 4631: Mrs. CAPITO, Mr. HUFFMAN, Mr. FATTAH, Mr. MCINTYRE, Mr. LIPINSKI, Mr. PETERSON, and Mr. BILIRAKIS.  
 H.R. 4635: Mr. MCINTYRE, Mr. MULLIN, and Mr. SMITH of Nebraska.  
 H.R. 4636: Mr. FARENTHOLD, Mrs. CAROLYN B. MALONEY of New York, and Mr. CONYERS.  
 H.R. 4641: Ms. VELÁZQUEZ.  
 H.R. 4647: Mr. WOMACK.  
 H.R. 4653: Mr. VAN HOLLEN.  
 H.R. 4664: Mr. GARCIA, Mr. ENGEL, Mr. CAPUANO, and Mr. HIGGINS.  
 H.J. Res. 24: Mr. STOCKMAN.  
 H.J. Res. 40: Mr. GENE GREEN of Texas.  
 H.J. Res. 68: Mr. MCGOVERN.  
 H. Con. Res. 97: Mr. BISHOP of Georgia.  
 H. Con. Res. 98: Mr. STIVERS.  
 H. Res. 72: Mr. PASTOR of Arizona.  
 H. Res. 112: Mr. RYAN of Ohio.  
 H. Res. 153: Mr. JORDAN.  
 H. Res. 169: Mr. KELLY of Pennsylvania.  
 H. Res. 190: Mr. CÁRDENAS and Mr. JEFFRIES.  
 H. Res. 456: Mr. COLLINS of New York and Mr. MCCAUL.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 4286: Mr. CRAMER.

## EXTENSIONS OF REMARKS

## TRIBUTE TO KUDER, INC.

## HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and honor Kuder, Inc. of Adel, Iowa for being named a 2014 recipient of the President's "E" Award by the United States Department of Commerce.

On December 5, 1961, the prestigious "E" Award program was created by President Kennedy through Executive Order to properly recognize American citizens and organizations who significantly contribute to increasing United States exports. United States exports are a crucial part of our economy and support nearly 10 million jobs across the country.

Kuder, Inc. is a growing career and education planning company with an increasing focus on evidence-based career guidance overseas. From Adel, Iowa, Kuder has acquired multiple government contracts in the Middle East and Asia as well as fostering collaboration with private organizations and government agencies in Europe, South America, Asia, and Africa. In total, Kuder has helped more than 150 million people discover their career aspirations. In addition to Kuder, Inc.'s national recognition for its outstanding efforts, Kuder was also recently selected as the Iowa Small Business Exporter of the Year for 2014 by the U.S. Small Business Administration for their outstanding leadership in our state's business community. It is clear that Iowa's own Kuder, Inc. truly represents the spirit of American business and the renowned Iowa work ethic.

Mr. Speaker, the great work done every day by the men and women of the Kuder, Inc. provides a crucial service to their community and our nation as a whole. I invite my colleagues in the House to join me in congratulating Kuder, Inc. for receiving this coveted award and thanking them for their invaluable efforts. It is an honor to represent the people who comprise this leading organization in the United States Congress, and I look forward to many more years of Kuder's innovative and positive impact in Iowa.

## HONORING MATTHEW HARTMANN

## HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Matthew Hartmann. Matt is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 175, and

earning the most prestigious award of Eagle Scout.

Matt has been very active with his troop, participating in many scout activities. Over the many years Matt has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Matt has earned the rank of Firebuilder in the Tribe of Mic-O-Say and led his troop as the Assistant Senior Patrol Leader. Matt has also contributed to his community through his Eagle Scout project. Matt led a team in designing and constructing 30 new signs and replacing 28 burlap targets at the James A. Reed Conservation Area archery range in Lee's Summit, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Matthew Hartmann for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## CAPTAIN KYNNIE MARTIN

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Captain Kynnie Martin for her service to our country.

Captain Martin served in the United States Army from December 2002 to December 2010. She was assigned to the 3rd Infantry Division Artillery at Ft. Stewart, Georgia, as the Assistant Intelligence Officer. She was subsequently deployed in support of Iraqi Freedom as the 3rd Infantry Division's first Shadow Tactical Unmanned Aerial Vehicle Company Executive Officer and Platoon Leader, Camp Taji, Iraq, and as Battalion Intelligence Officer for 703rd Forward Support Battalion, 4th Brigade.

Captain Martin continues her work on behalf of veterans in her civilian career as Senior Recruiter for Veterans and Diversity for Xcel Energy and as Treasurer on the Board of Directors for Women Veterans of Colorado.

Through her courageous service, Captain Martin charted the path for future generations of women to serve in the military. I extend my deepest appreciation to Captain Kynnie Martin for her dedication, integrity and outstanding service to the United States of America.

HONORING THETA PHI SIGMA  
CHRISTIAN SORORITY, INC.

## HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, since 2009, Theta Phi Sigma Christian Sorority, Inc., has been and continues to be a worthy instrument for good; and

Whereas, the 2014 "Theta Phi Sigma Christian Sorority, Inc., Proverbs Alpha Kingdom Celebration Weekend," is being held this year in Lithonia, Georgia; and

Whereas, Theta Phi Sigma Christian Sorority, Inc., was founded by Dr. Jessica Martin, in Montgomery, Alabama, to promote Christian standards, values and the creative and artistic ideals of the modern woman; and

Whereas, its members give of themselves tirelessly and unconditionally to serve our community through projects such as voter registration, health walks, mentorships and scholarships; and

Whereas, the lives of many in our district are touched by the leadership and service given by the ladies of Theta Phi Sigma Christian Sorority, Inc., our nation and the world is a better place due to their commitment to excellence in all of their endeavors; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize their outstanding service to our District; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim January 18, 2014 as Theta Phi Sigma Christian Sorority, Inc., Day in the 4th Congressional District.

Proclaimed, this 18th day of January, 2014.

HONORING REVEREND CLAUDE E.  
WILSON

## HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary life of Reverend Claude E. Wilson. Known as a prominent leader in our community and as a devoted husband, father and friend, Reverend Wilson has left an indelible mark on our community. With his passing on May 9, 2014, we look to Reverend Wilson's personal legacy of spiritual service, the joy he inspired and the outstanding quality of his life's work.

Born on June 11, 1932 in Hattiesburg, Mississippi, Reverend Wilson moved to Seattle, Washington with his family at the age of eight. After graduating from Simpson College in San Francisco in 1956, Reverend Wilson went to pursue his Master's degree at the Golden Gate Baptist Theological Seminary in Mill Valley. He obtained a Masters of Religious Education and a Masters of Divinity. In 1980, Reverend Wilson completed his Doctor of Ministry at the Jesuit School of Theology in Berkeley.

Throughout the 1960s, Reverend Claude Wilson served as a minister of Christian education and assistant to the pastor at McGee Avenue Baptist Church. In 1969, he became

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the pastor at Havenscourt Community Church, where he served his community for over 44 years. In addition, Reverend Wilson instructed at different institutes and universities, including the Bible Fellowship Institute, Fuller Seminary, and he was a Professor of Pastoral Care for Patten University.

Among Reverend Wilson's many accomplishments, he was also an active community leader and organizer. He served as the President of the Interdenominational Ministerial Alliance of the East Bay, one of the oldest Black ministerial alliances in Northern California. Reverend Wilson also served as the President of the Northern California Council of Churches. In addition, he was a member of Pastors of Oakland and Love Fellowship of Churches, and was the Intern Chaplain at San Quentin Prison.

Reverend Claude Wilson has left a lasting imprint on our society and communities of faith. Reverend Wilson dedicated more than half of his life to ministry and will be remembered for his wisdom and compassion. In recognition for all of his achievements, a groundbreaking ceremony was held in Monrovia, Liberia naming a building after him: The Doctor Claude E. Wilson Academy.

On a personal note, I will always remember the confidence Reverend Wilson had in me when he endorsed me during my first campaign in 1989 for the California Assembly. He encouraged me and helped me win election after election. I was so proud to list him on my literature as a supporter. More importantly, however, I was proud to call him my friend. Reverend Wilson's smile, his kind words and his prayers reassured me to keep fighting the good fight. He was always there for me and for that, I am forever grateful.

Today, California's 13th Congressional District salutes and honors an outstanding community leader and individual, Reverend Claude E. Wilson. His dedication and efforts have impacted so many lives throughout the Bay Area. I join all of Claude's loved ones in celebrating his incredible life. He will be deeply missed.

CHIEF MASTER SERGEANT  
DOROTHY HOLMES

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2014

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Chief Master Sergeant Dorothy Holmes for her service to our country.

Chief Holmes served in the United States Air Force from May 1949 to May 1979. During her distinguished career, she was assigned to numerous locations worldwide, including Europe, Puerto Rico, two tours in Asia and several posts throughout the United States. Chief Holmes was assigned to the United States Air Force Academy in 1976, specifically to serve as a role model and mentor for the first class of female cadets. She distinguished herself by being the first female Chief Master Sergeant assigned to the Air Force Academy.

Chief Holmes was the first African American woman in the United States Air Force to

achieve the rank of Chief Master Sergeant, and she was the first woman to retire with 30 years continuous service.

Through her courageous service, Chief Holmes charted the path for future generations of women to serve in the military. I extend my deepest appreciation to Chief Master Sergeant Dorothy Holmes for her dedication, integrity and outstanding service to the United States of America.

#### PERSONAL EXPLANATION

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2014

Mr. COLLINS of Georgia. Mr. Speaker, on rollcall No. 220 on H.R. 3080—"To provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes," I am not recorded because I was absent due to a district issue. Had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 221 on H.R. 3530—"Justice for Victims of Trafficking Act," I am not recorded because I was absent due to a district issue. Had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 222 on H.R. 4225—"Stop Advertising Victims of Exploitation (SAVE) Act of 2014," I am not recorded because I was absent due to a district issue. Had I been present, I would have voted "aye."

#### HONORING THE NEW CRJ900 BOMBARDIER/AMERICAN AIRLINES PARTNERSHIP

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2014

Mr. MARCHANT. Mr. Speaker, yesterday a new plane debuted in the skies above Dallas/Ft. Worth International Airport. From the outside it may have resembled other aircraft you've seen, on the inside this state-of-the-art bird offers passengers a better travel experience, with more leg room, bigger overhead bins, and a brighter cabin.

This plane is the CRJ900 NextGen aircraft, a new regional jet built by Bombardier, the world's only manufacturer of both planes and trains. American Airlines will be the first carrier to fly these aircraft, and will begin adding them to their fleet next month.

American Airlines has been an operator of Bombardier's CRJ family of aircraft for a long time. And though we are all familiar with American, our DFW-based airline, you may not be as familiar with Bombardier who also has strong presence in our hometown.

Bombardier employs more than 8,500 people in the U.S., whether at their manufacturing facilities that build aircraft and rail equipment for both domestic and export markets, at their network of service centers that maintain the products they build, or at their flight test, engi-

neering and training centers that are an extension of their core manufacturing operations.

Bombardier has four facilities in the North Texas area alone, including two in the 24th district: Bombardier built and currently operates the Skylink automated people mover at DFW, the free system that swiftly connects passengers to all five airport terminals. Bombardier also has a pilot and technician training facility at DFW, which I had the pleasure to visit last year, where six full-sized, state-of-the-art aircraft simulators train pilots and maintenance technicians on Bombardier aircraft. Pilots and technicians from around the world come to this training facility in my district.

Bombardier is a key employer in the 24th district, and I am excited for American to be the first to take delivery of this sophisticated new regional jet. I congratulate them both on this partnership and look forward to flying on the new CRJ900 in the near future.

#### HONORING THE GENESIS PHILANTHROPY GROUP

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2014

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to commemorate the Genesis Philanthropy Group (GPG) and their mission to develop programs focused on ensuring that Jewish culture, heritage, and values are preserved in Jewish communities throughout the world.

This year, this organization is honoring Michael Bloomberg on his selection as the inaugural Genesis Prize Laureate. The goal of the Genesis Prize, awarded by the Genesis Philanthropy Group, is to instill in the younger generations of the Jewish Diaspora a sense of belonging—both to a collective future and to a collective past. This \$1 million award is endowed by the Genesis Philanthropy group and is annually presented by the Prime Minister of Israel to an individual who has attained excellence and international renown in their chosen professional field, and whose actions and achievements embody the character of the Jewish people. This award is the result of a unique partnership between the Israeli Prime Minister's office, the Genesis Philanthropy Group, and the Office of the Chairman of the Executive of the Jewish Agency for Israel.

The Jewish people have celebrated and relied on the strength of their shared identity throughout history. In today's society there is an increasing emphasis on finding a "global identity", and technology has allowed people to be interconnected in new and fascinating ways. However, it is important to remember the past, and for younger generations to reaffirm their Jewish identity and assert pride in their Jewish heritage by highlighting the inherent Jewish values that inspire the laureates' achievements.

Mr. Speaker, let us stand by the Genesis Philanthropy Group and its important mission of advancing and celebrating Jewish peoplehood.



INTRODUCTORY STATEMENT: GUN  
VIOLENCE RESEARCH LEGISLA-  
TION

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, today I am proud to introduce legislation to end the misguided freeze on public health research about firearm safety and gun violence.

For too long, this Congress has put political talking points ahead of real solutions, and our country is a more dangerous place because of it. Every day, 32 Americans are murdered with guns, and a recent study conducted by researchers at New York University's Langone Medical Center and St. Luke's Medical Center found the U.S. has the highest rate of gun-related deaths among a group of 27 developed countries, including four times higher than Canada.

Because of past riders on Appropriations legislation, federal funding for gun violence research came to a halt in the mid-1990s. As a result policymakers and community leaders lack the authoritative public health research they need to address the horrifying persistence of gun violence.

The bill I introduce today, with companion legislation introduced by Senator MARKEY, would right this wrong and authorize \$10 million in annual funding for the Centers for Disease Control and Prevention (CDC) through Fiscal Year 2020. This funding will allow the CDC to begin the research agenda outlined in a report issued last year by the Institute of Medicine to identify areas in need of study to better understand the underlying causes of gun violence and best implement strategies for prevention.

We know that public health research can save lives and prevent tragedies. For example, the National Highway Traffic Safety Administration funds research to make our roads and cars safer—and car fatalities have decreased 36 percent in the last 20 years. Other public health crises cannot be left ignored, and I'm proud to introduce this legislation that addresses the epidemic of gun violence and develops best strategies to prevent future incidents.

COLONEL MARY MILLER

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Colonel Mary Miller for her service to our country.

Colonel Miller served in the United States Army from June 1981–June 2011, for a total of 30 years—10 of which were on active duty and 20 years in the Army Reserve. She retired at the rank of colonel. During her distinguished career, Colonel Miller served in a variety of military intelligence assignments worldwide. She was deployed to Iraq in support of Oper-

ation Iraqi Freedom at the Multi National Forces Headquarters in Baghdad where she served as the commander of the 208th Army Liaison Team, 96th Regional Readiness Command.

Colonel Miller continues to serve our nation as a civilian employee at the U.S. Army Space and Missile Defense Battle Lab in Colorado Springs, Colorado, as the Chief of Operations Division.

Through her courageous service, Colonel Miller charted the path for future generations of women to serve in the military. I extend my deepest appreciation to Colonel Mary Miller for her dedication, integrity and outstanding service to the United States of America.

INTRODUCTION OF A HOUSE RESO-  
LUTION CALLING FOR FREE AND  
FAIR ELECTIONS IN UKRAINE

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Ms. KAPTUR. Mr. Speaker, I rise today to introduce a House Resolution Calling for Free and Fair Elections in Ukraine. Ukraine will hold a presidential election this Sunday, May 25, 2014, with the goal of once again reinforcing a democratic legitimacy within the country.

On February 22, 2014, the Ukrainian Parliament voted to remove Victor Yanukovich from the post of President of Ukraine. This election to replace the former president is planned amidst political upheaval that has included violent street protests, Russia's invasion and illegitimate annexation of Crimea, and Russian-instigated separatist rebellions throughout the eastern portions of the country.

The prospects this presidential election hold cannot be overstated. It is a decisive marker for a fresh start for Ukraine. Free and fair elections are fundamental for regaining economic and political stability throughout the nation.

The importance of free and fair elections is not lost on the American people. With this resolution we are reaffirming the commitment of the United States' support of the expression of freedom, human rights, civil liberties, and the rule of law in Ukraine, embodied through elections that are free and fair. Further, we condemn the interference of foreign agitators in pre-election activities and behavior that could adversely impact voter participation during polling.

In the remaining days prior to the election, the focus of the international community will remain on supporting the preparations and ensuring the Ukrainian people understand they are supported in these democratic efforts. Promoting access and participation in free and fair democratic processes must be a priority for America. I encourage my colleagues to support these ideals through this resolution.

No nation across our world suffered more or endured more in the last century's bloody European wars than did Ukraine. Freedom loving people hold a moral obligation to right the wrongs of the past in the present for Ukraine through these historic elections.

May they occur peaceably as thousands of election monitors from across our globe travel

to Ukraine to assure that nation a better future.

This weekend in our own Nation, as Memorial Day commemorations ensue, including the 10th Anniversary ceremony here in Washington, D.C. of the dedication of the World War II Memorial, in which I will gratefully participate, let us remember those whose sacrifices made our freedoms possible. And let us pray for those who dream of opportunities America is blessed to enjoy, like the people of Ukraine who have yet known full freedom and whose moment is now.

HONORING DYLAN N. STRAUGHN

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Dylan N. Straughn. Dylan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 251, and earning the most prestigious award of Eagle Scout.

Dylan has been very active with his troop, participating in many scout activities. Over the many years Dylan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Dylan has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Dylan N. Straughn for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

**HON. ROBERT J. WITTMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. WITTMAN. Mr. Speaker, unfortunately I missed rollcall vote 217, on H.R. 10, Success and Opportunity through Quality Charter Schools Act. Had I been present, I would have voted "yea."

PASTOR JOE CATANI

**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. BARLETTA. Mr. Speaker, I rise to honor Pastor Joe Catani of Dubois, Pennsylvania for 50 years of service to his community.

Pastor Catani has served as the pastor for three different churches over the span of his fifty year career. From 1971–1997, he served at the Jonestown Bible Church, followed by The Grace Fellowship Church in Wilkes Barre (1997–1999), and finally, the Bressler Bible

Church (1999–2014). In addition to his work with the church, he has volunteered as a chaplain for rest homes and has served on mission agency boards. Pastor Catani's efforts have enriched his community, and his selfless service has touched thousands of people, in the states and abroad.

Mr. Speaker, for over 50 years of exemplary pastoral service, I commend Pastor Catani and wish him the best in his future endeavors.

COMMANDER KATHLEEN NOLL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2014

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Commander Kathleen Noll for her service to our country.

Commander Kathleen Noll served in the United States Navy Nurse Corps and Navy Reserve from 1972 to 1993 for a total of 21 years. Commander Noll served at Subic Bay, Philippines, when South Vietnam surrendered to North Vietnam, effectively ending the Vietnam War. During her tour in the Philippines, she was part of the Grand Island clinic caring for the civilian Vietnamese refugees and active duty military personnel.

Commander Noll later activated and deployed to the Persian Gulf in Bahrain in support of Operation Desert Storm where they built a fully functioning, fully staffed field hospital in three days. Commander Noll continues her nursing career as a Pediatric Nurse Practitioner for Kaiser Permanente.

Through her courageous service, Commander Noll charted the path for future generations of women to serve in the military. I extend my deepest appreciation to Commander Kathleen Noll for her dedication, integrity and outstanding service to the United States of America.

HONORING DR. MONTE DEAN  
BUTLER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2014

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Dr. Monte Dean Butler for his 18 years of service to Pacific Union College's Department of Psychology and Social Work. Mr. Butler has dedicated his career to preparing students for a career in social work and to providing social services to the Napa County community, which is both admirable and deserving of recognition.

Mr. Butler was born and raised in Dinuba, California. He attended Pacific Union College, where he received a Bachelor of Science in Interdisciplinary Studies. Mr. Butler then continued his studies at the University of Utah, where he received a Graduate Certificate of Gerontology, a Master of Social Work, and a Ph.D. in Social Work. He returned to Pacific Union College, where he has taught social work courses for 18 years, including 10 years

as the Bachelor of Social Work Field Coordinator, 8 years as the Program Director, and 7 years as the chair of the Psychology and Social Work Department.

As Program Director, Dr. Butler managed the Bachelor of Social Work Program's reaffirmation process, which resulted in the program receiving the highest level of affirmation from the Council on Social Work Education (CSWE). Outside of Pacific Union College, Dr. Butler continues to serve the Napa community through his work with numerous organizations. He developed the Angwin Food Pantry in 2006 and he started the Christmas Tree Family Project to help families in need in the Napa community. Dr. Butler has also served as the Volunteer Coordinator for ALDEA Treat Foster Care Program's "Foster Parent University" and he has served as a volunteer for the Get Out the Vote: General Election and Shuttle Service Project and as a home visitor for the COPE Family Resource Center.

Mr. Speaker, it is appropriate at this time that we honor and thank Mr. Butler not only for his commitment to social work, but for his commitment to our community. Dr. Butler's unyielding dedication to educating students and providing social services is greatly appreciated by the Napa County community and we wish him further success in an already distinguished career.

THE NECESSITY OF TESTIMONY  
FROM SECRETARY OF STATE  
JOHN KERRY TO EXPLAIN HIS  
DEPARTMENT'S FAILURE TO  
COMPLY WITH A CONGRES-  
SIONAL SUBPOENA

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2014

Mr. ISSA. Mr. Speaker, as the House's Select Committee on Benghazi stands up and takes ownership of an investigation that has been conducted jointly by standing committees since the fall of 2012, the Oversight and Government Reform Committee has, with your support, one final bit of business scheduled for May 29: subpoenaed testimony from Secretary of State John Kerry about his Department's failure to produce critical documents subject to a lawful subpoena.

On April 17, 2014, the State Department sent a letter informing the Committee that it was producing previously unreleased e-mails subject to prior requests and subpoenas. In this letter the State Department acknowledged that these documents were responsive to a September 20, 2012, request and an August 1, 2013, subpoena. These subpoenaed documents had been willfully withheld from the Committee and were only turned over after a federal judge ruled against the administration's efforts to block a Freedom of Information Act request from the organization Judicial Watch.

One e-mail in this production showed that White House official Ben Rhodes coordinated talking points for then Ambassador Susan Rice, encouraging an emphasis that the attack was "rooted in an Internet video, and not a failure of policy." This exposed false White

House claims that inaccurate statements made by then Ambassador Susan Rice on national television were solely the product of bad information from the intelligence community even though the intelligence community talkers made no reference to an Internet video.

Undaunted, earlier this month, White House Press Secretary Jay Carney argued at a White House press briefing that the Internet video reference in the Ben Rhodes' e-mail was the result of a, "connection between the protests in Cairo and what happened in Benghazi, that's drawn directly from talking points produced by the intelligence community, as testified to by the deputy director of the CIA on multiple occasions."

New evidence obtained by the Oversight Committee, however, contradicts this explanation. An e-mail sent at 9:11 pm eastern time on September 11, 2012, (3:11 am September 12 in Libya) to the Diplomatic Security Command Center under the subject line "Update on response actions—Libya" recounts items discussed in a Secure Video Teleconference attended by senior Administration officials. Among the items noted in this e-mail, one states: "White House is reaching out to U-Tube to advise ramifications of the posting of the Pastor Jon Video." Among descriptions of actions from different agencies, the e-mail says nothing else about what the White House was doing that night. This information is troubling for a number of reasons.

First, it contradicts White Press Secretary Jay Carney's claim this month that White House assertions about an Internet video were "drawn directly from talking points produced by the intelligence community." The intelligence community talking points that were used, in part, to brief Ambassador Rice were not even requested until September 14—three days after the attack and the White House's decision to embrace its storyline.

Second, former Libya Deputy Chief of Mission Gregory Hicks—who spoke to Ambassador Christopher Stevens on the phone during the attack—indicated that it was immediately clear to him that the assault on the Benghazi diplomatic compound was a terrorist attack and not a protest of a YouTube video gone awry. Retired Brigadier General Robert Lovell, who had served as Deputy Director for Intelligence and Knowledge Development at U.S. Africa Command the night of the attack also testified that the assault on the Benghazi compound was clearly identifiable as a terrorist attack and not a protest gone awry. Former Deputy CIA Director Mike Morrell publicly testified that incorrect conclusions by his agency that there had been a protest were made as a result of analysis that took place after, not during, the attack. In fact, reports and evidence collected during the attack and embraced by some Administration officials specifically pointed to Al Qaeda linked militia Ansar al-Sharia. A State Department draft memo for Secretary Clinton from September 12 about a condolence letter to the mother of slain American Sean Smith actually references both the White House assertion of a YouTube video and the involvement of Ansar al-Sharia.

Third and finally, the e-mail shows the White House had hurried to settle on a false narrative—one at odds with the conclusions reached by those on the ground—before

Americans were even out of harm's way or the intelligence community had made an impartial examination of available evidence. According to the e-mail, the White House—at 3:11 am Libya time—had resolved to call YouTube owner Google about an Internet video being responsible for violence more than two hours before Americans Tyrone Woods and Glen Doherty were killed by militants at 5:15 am.

Unfortunately Secretary Kerry and the State Department continue to try to keep this information from the public, only turning this document over to Congress last month. While the information I have cited from this e-mail is clearly unclassified, the State Department has attempted to obstruct its disclosure by not providing Congress with an unclassified copy of this document that redacted only classified portions outlining what the Department of Defense and the Secretary of State were doing in response to the attack in Benghazi that night. This tactic prevents the release of the e-mail itself. In advance of Secretary Kerry's testimony, I intend to request that the State Department declassify this e-mail in its entirety. I will also request that a small sample of other documents be declassified and the removal of redactions from other material occur so that the Oversight Committee can have a more meaningful discussion with Secretary Kerry about information that has been inappropriately withheld from Congress.

In conclusion Mr. Speaker, I appreciate your support for this hearing and view it as an appropriate conclusion to the transition the House of Representatives has decided to make to a Select Committee. By discussing these issues with Secretary Kerry in a public forum on May 29 at the Oversight Committee, the Select Committee will benefit from an examination of tactics this Administration has employed to obstruct the investigation into the Benghazi terrorist attacks. Oversight is a constitutional responsibility of Congress, but we can only do our job when the executive branch, one way or another, meets its legal responsibilities.

#### PERSONAL EXPLANATION

##### HON. TULSI GABBARD

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Ms. GABBARD. Mr. Speaker, on May 7, 2014, I was unavoidably detained and was unable to record my vote for rollcall No. 198. Had I been present I would have voted "no" on agreeing to H. Res. 568.

#### HONORING THE W.N. GRIFFIN, JR., GOSPEL CHOIR

##### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, in the Fourth Congressional District of Georgia, many organizations strive to

bring awareness and enlightenment to our community; and

Whereas, the W.N. Griffin, Jr., Gospel Choir formed in November, 1944 presents the gospel through songs of praise and inspiration touching the lives of thousands throughout the world; and

Whereas, today we celebrate the 70th Anniversary of not only a choir, but a ministry that started with the leadership of Reverend J.S. Roddy and seven (7) choir members which has now grown to one hundred twenty (120) members; and has been and continues to be a great gift by witnessing the gospel through music; and

Whereas, our beloved District has a jewel in this choir that touches the hearts, minds and souls of so many; and

Whereas, our community has been strengthened, our lives have been touched and our spirits uplifted by this anointed choir that shares so freely of themselves; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the W.N. Griffin, Jr., Gospel Choir of Saint Philip A.M.E. Church for its outstanding service to our District; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim February 9, 2014 as The W.N. Griffin, Jr. Gospel Choir Day in the 4th Congressional District.

Proclaimed, this 9th day of February, 2014.

#### FIRST LIEUTENANT DIANNE WOLF

##### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor First Lieutenant Dianne Wolf for her service to our country.

Lieutenant Wolf served in the United States Army Nurse Corps from September 1969 to August 1971. During her service as an Army Nurse, she served a year of duty in Vietnam with the 91st Evacuation Hospital, Republic of Vietnam. She is most proud of having had the opportunity to serve as a nurse while on active duty, including her tour in Vietnam.

After her service, Lieutenant Wolf was hired by the U.S. Department of Veteran Affairs where she continued to serve for over 30 years, caring for veterans from various wars and conflicts.

Through your courageous service, Lieutenant Wolf charted the path for future generations of women to serve in the military. I extend my deepest appreciation to First Lieutenant Dianne Wolf for her dedication, integrity and outstanding service to the United States of America and the Veterans she has served.

#### PERSONAL EXPLANATION

##### HON. VICKY HARTZLER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mrs. HARTZLER. Mr. Speaker, on Monday, May 19, 2014, due to a family funeral, I was

unable to vote. Had I been present, I would have voted as follows: on rollcall No. 218, "yea;" on rollcall No. 219, "yea."

#### PERSONAL EXPLANATION

##### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. SHUSTER. Mr. Speaker, on rollcall No. 222, I was unable to vote. Had I been present, I would have voted "yea."

#### BUSINESS WOMEN'S FORUM

##### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. BARLETTA. Mr. Speaker, I rise to honor the Business Women's Forum which is celebrating 20 years of supporting female professionals in South Central Pennsylvania.

Since its founding in 1994, the Business Women's Forum has brought together businesswomen and leaders from the South Central region of Pennsylvania for a one day event where they can meet with and learn from other women with a variety of backgrounds and organizations. Today, in partnership with more than nine Central Pennsylvania Chambers of Commerce, it is the largest one-day professional development and tradeshow event in the Central Pennsylvania region. By offering women with opportunities to develop their professional skills and plan for the future, the Business Women's Forum provides an invaluable resource to the businesswomen of South Central Pennsylvania and to the economic vitality of the region.

Mr. Speaker, for their efforts in creating a strong workforce of skilled and developed businesswomen, I thank the Business Women's Forum for their contributions to our state and congratulate them on reaching the momentous milestone of their 20th anniversary.

#### A TRIBUTE TO HAGOP AND KNAR MANJIKIAN

##### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Hagop Jack Manjikian and Knar Rita Manjikian for the books they have published on the Armenian Genocide. An estimated 1.5 million Armenians perished between 1915 and 1923, but the statistics only tell part of the story. The first person accounts of the Genocide, which the Manjikian had translated to English in order to reach a broad audience, put a human face on the violence and suffering experience by the Armenians, as well as their unflagging will to survive.

"The Fatal Night"—(Volume 2) Mikayel Shamtanchian was among the hundreds of Armenian intellectuals rounded up on the night

of April 24, 1915, and deported to the interior of Turkey, where the Turkish genocide of Armenians began. The author beat the odds and survived the first genocide of the 20th century. His memoir, *The Fatal Night*, is a detailed account of the extermination of Turkey's Armenian cultural and civic leadership in 1915. Shamtanchian recorded the fates of the innocent Armenian luminaries who perished in Anatolia—the echoes of “Lord, Have Mercy,” the last hymn sung by the Armenian priest and music ethnologist Komitas and a throng of exiles held in a Turkish military fort, and the pangs of authors Daniel Varuzhan and Sevak as they were slaughtered in the field of death called Ayash. The book provides a partial list of the Armenian intellectuals, civic leaders and priests who were martyred during the Genocide.

“Death March” (Volume 3)—Shahen Derderian was barely eight years old when the Ottoman Turkish government deported his family, along with the entire Armenian community of his native Sebastia (now Sivas). The uprooting was part of an elaborate Turkish plan to exterminate the Armenian population of Anatolia. In the ensuing forced marches, the Sebastia caravan—one among countless others—was subjected by the Turkish police and hired criminals to a systematic spree of murder, robbery, rape, and death by starvation and disease. Young Shahen Derderian survived the carnage through sheer miracle. In *Death March*, he tells a harrowing story of dehumanization and loss, whose enormity would eventually be matched only by the Armenian survivors' spirit of renewal.

“The Crime of the Ages” (Volume 4)—In 1919 Sebuhan Aguni chronicled the large-scale plunder, deportations, and massacres that were systematically perpetrated by the Turkish government in its effort to exterminate the Armenian population of Turkey. *The Crime of the Ages*—the first English translation of Aguni's study—is an invaluable work of historiography as it encompasses not only firsthand victim accounts of the Turkish atrocities, but a wealth of evidential information culled from Turkish, European, and American official sources. Brimming with the eloquent, vivid narrative of a journalist and survivor, *The Crime of the Ages* portrays, in prodigious documentary detail, one of history's most heinous crimes, the Genocide of the Armenians.

“Defying Fate” (Volume 5)—For the fifth volume of the Genocide Library, we chose the memoirs of Mr. and Mrs. Aram and Dirouhi Avedian, both of whom were survivors of the Genocide of Armenians by the Turks. Aram Avedian's writing consisted of a small book of handwritten notes titled “The dark days I've lived.” Dirouhi Avedian's memoirs comprised a relatively longer, though still compact, handwritten diary titled “My life.” Originally written in Armenian and translated to English, their memoirs reveal a childhood of sorrow and anguish as they relate how they lost their families and how they survived thanks to the kindness of strangers. Their infrangible faithfulness toward their cultural identity leads them to risk their lives and escape their circumstances. Amidst the tragedy, a happy ending emerges.

“Our Cross” (Volume 6)—Our Cross is a collection of autobiographical short stories about survivors of Mets Yeghern, the 1915

Genocide of the Armenians. M. Salpi (Aram Sahakian) was a medical officer in the Turkish army during the First World War. In the course of his service, he met many Armenian soldiers and officers who recounted to him the plight of their families following the deportations and massacres of their communities by the Turkish government. After his capture by the British, Sahakian was appointed resident doctor at an Armenian refugee camp in Port Said, Egypt. Here, as well as during his sojourns in Syria and Lebanon, he met numerous Genocide survivors who struggled to rebuild their lives. Sahakian found their experiences at turns heartbreaking and inspiring, and went on to portray them in his writings. Complementing the laser-sharp observations of a man of science with the compassion and sensitivity of someone who himself had walked the path of devastation, Sahakian's stories pulsate with unforgettable images and characters, each a microcosm of a nation's cataclysm but also its irrepressible will to endure.

I hereby ask all Members to join me in honoring Hagop Jack Manjikian and Knar Rita Manjikian for their efforts to keep the memories of those who experienced the Armenian Genocide alive.

#### HONORING JOE CAPPUZZELLO

##### HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. RYAN of Ohio. Mr. Speaker, I rise today to honor the career of an exemplary public servant, Joe Cappuzzello from Girard, Ohio. After 39 years working in the school system, Mr. Cappuzzello will be retiring from Girard High School as athletic director.

Under his guidance as assistant Athletic Director, Girard won the 1992–93 state Division II boys' basketball championship. Joe later became Girard High School's first full-time athletic director.

A Girard native, Joe is truly a leader in our community and has proven this by his dedication to educational values. Joe has advocated the importance of balancing athletics and education in schools today and has personally worked toward achieving this objective through his work as Athletic Director and teacher at Girard High School.

I want to extend my warm and sincere thanks to Joe Cappuzzello for his lifelong devotion to educating and coaching students in Trumbull County. I would like to wish him congratulations on all he has accomplished and all the best in his well-deserved retirement.

REMEMBERING THE LIFE OF LT. COL. BILLIE OLIN LENDERMAN, JR.

##### HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. KINGSTON. Mr. Speaker, I rise today to commemorate the life of Lt. Col. Billie

Lenderman. Billie was born on May 19, 1949 in Atlanta, Georgia, attended Auburn University, and earned an MBA from Georgia College and State University. He served in the United States Air Force for twenty years. He fought during Desert Storm, served as a command pilot and instructor pilot in the KC-135, and retired in 1992 after acting as the Commander of the 912th Air Refueling Squadron. After his retirement, Billie worked as a program manager for TRW and as Chief Instructor Pilot of JSTARS training for the Air Force.

Billie served our country with honor and courage. His service to our country and his contributions to our community can never be quantified. His generation gave us the freedom that we've enjoyed all our lives. I am confident that his distinguished service record and many accolades do not even come close to telling his story. Like so many of his fellow soldiers, he returned home to start a family, raise his children, and pursue the American dream he fought for. Besides being the consummate American hero, Billie was a loving husband, devoted father, and doting grandfather.

My thoughts and prayers are with Billie's family during this difficult time. It's heroes and family men like Billie that make our country great. They will continue to bless us, and their memory will carry on. I feel honored to stand today and recognize the memory of Billie Lenderman. He will be truly missed.

#### LUCILE WISE, WOMEN AIRFORCE SERVICE PILOT

##### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Women Airforce Service Pilot (WASP) Lucile Wise for her service to our country.

Lucile served in the Women Air Service Pilots (WASP) from May 1943–December 1944. She joined the military because she loved to fly and wanted to help the war effort. After an intense six months' training, Lucile received her flying wings and was assigned to the Air Force Weather Regional Office where she carried weather officers on inspection trips and to meetings. Lucile felt her WASP experience was important, because it gave the opportunity to show women could fly military aircraft just as well as men.

Lucile became a strong advocate for the WASP organization, and in 1988 she was elected their president. She was instrumental in the organization's efforts to obtain Congressional military recognition and veterans' benefits for the WASP. In 2010, along with the other remaining WASP women, Lucile was awarded the Congressional Gold Medal.

Through her courageous service, Lucile charted the path for future generations of women to serve in the military. I extend my deepest appreciation to Women Airforce Service Pilot Lucile Wise for her dedication, integrity and outstanding service to the United States of America.

## PERSONAL EXPLANATION

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. SMITH of Washington. Mr. Speaker, on Monday, May 19, 2014, I was unable to be present for the last vote in a series of recorded votes. I would have voted "yes" on rollcall vote No. 219 (on the motion to suspend the rules and pass H.R. 685, as amended).

HONORING UNITED ASSOCIATION  
LOCAL 342**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Ms. LEE of California. Mr. Speaker, I rise today with my colleagues, Congressman GEORGE MILLER, Congressman MIKE THOMPSON, and Congressman ERIC SWALWELL to honor the United Association (UA2 Local Union 342, which is celebrating its 100 anniversary. For 100 years, UA Local 342 has trained and represented qualified journeymen and apprentices in the trades of plumbing, pipefitting and heating, ventilation, air conditioning and refrigerating (HVACR) across Alameda and Contra Costa Counties in Northern California.

Chartered on May 1, 1914, UA Local 342 started with just over 21 members, working tirelessly in support of the rights of workers in the pipe trades industries. Today, they represent over 3,200 members. Over the years, Local 342 has been essential in leading various projects and ongoing maintenance of regional infrastructure including at four refineries, two chemical plants, and ten cogeneration plants in Alameda and Contra Costa Counties. In addition, their work has positively impacted major hospitals in the area, including Sutter Hospital, Highland Hospital, and Kaiser Hospital in both Oakland and San Leandro.

United Association Local 342 promotes a high standard of excellence, focusing on worker safety and providing rigorous training for each union member. The apprenticeship program has been recognized at the national level for its quality training. Many apprentices have competed and won in state, regional and national level competitions.

Moreover, UA Local 342 is dedicated to supporting and giving back to their community. Among the many donations to local high schools and community colleges, Local 342 members also participate in local food drives at Alameda and Contra Costa County Food Banks. In addition, members of Local 342 have volunteered their services to improve Shepherd's Gate, a safe haven for abused women, by installing plumbing in their facility.

We commend the United Association Local 342 for leading the charge in the fight for worker's rights. In addition, we applaud the men and women of Local 342 for their dedication to preparing and training their membership for the advancements in technology and

the challenges of today's expanding and diverse industry.

On behalf of the residents of Alameda and Contra Costa Counties, we congratulate the United Association Local 342 on this important milestone and thank you for the invaluable service you provide to our community. We wish you all the best as you forge ahead toward another 100 years of protecting the rights of workers.

IN HONOR OF MAYOR JULIE  
SCHRECK**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. PALLONE. Mr. Speaker, I rise today in commemoration of the life of former Bradley Beach Mayor Julie Schreck. Mayor Schreck passed away on May 4, 2014 after a life filled with numerous personal and professional accomplishments.

Prior to serving as the first female mayor of Bradley Beach, Mayor Schreck worked in the corporate communications and training field for 25 years. She began her career in public service as a councilwoman for the Borough of Bradley Beach. After four years as mayor, she became the Admissions Director at Voyagers' Community School, where her daughter is a student.

During her tenure as mayor of Bradley Beach, Mayor Schreck promoted her interest in the environment and the arts. Her administration focused on sustainability, community-building and equity and supported an open and accountable government.

The daughter of Pat and Ray Schreck, Mayor Schreck was born in New Haven, Connecticut on July 27, 1962. She was a scholar and an athlete in high school and college, graduating Fordham University with a Bachelor's degree in English. Mayor Schreck leaves behind a loving family, including her husband Joseph West and 8 year-old daughter Molly West, her parents and siblings Rachel Schreck, Kristina Ellis and Rich Schreck.

Mr. Speaker, I sincerely hope that my colleagues will join me in honoring Mayor Schreck for her dedication to her family, leadership to the Bradley Beach community and her commitment to each endeavor she undertook.

SUPPORT OF OUR STRATEGIC  
ALLY, ISRAEL**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. GENE GREEN of Texas. Mr. Speaker, rise today in support of our strategic ally, and the only democracy in the Middle East, Israel.

Over 65 years ago, the Nation of Israel was founded and the Jewish people returned to their long-promised homeland.

In the Middle East, it is vital that Israel and the United States continue to protect our

shared values including our commitment to liberty, equality and religious freedom.

I am pleased to see that the House Armed Services Committee restored funding to joint U.S.-Israeli missile defenses.

Israel's security should be our first priority but this includes more than just weapons funding.

I support the talks and negotiations currently taking place with Iran.

As the Obama Administration continues talks with Iran, we, in Congress, have a responsibility to continue considering additional sanctions in case the talks fail.

The Iranians must understand that weapons grade uranium enrichment will not be tolerated and that the United States and Israel's security will be protected.

We will continue to monitor the negotiations closely and Congress will not hesitate to act should further sanctions become necessary.

## PRIVATE SHIRLEY BROWN

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Private Shirley Brown for her service to our country.

Private Brown heard the call to join the military after President Roosevelt's speech to the country in the aftermath of Pearl Harbor. She was only 18 at the time and had to wait until she turned 20 to join the service. On her 20th birthday, Shirley and her mother took the bus to the recruiting station where she joined the United States Marine Corps and served from March 1944 to December 1945.

Private Brown's most memorable times during her military service was learning to drive in a convoy and repairing military trucks.

Private Brown served courageously, and she charted the path for future generations of women to serve in the military. I extend my deepest appreciation to Private Shirley Brown for her dedication, integrity and outstanding service to the United States of America.

THE CENTENNIAL OF THE HAM-  
TRAMCK POLICE DEPARTMENT**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. PETERS of Michigan. Mr. Speaker, I rise today to mark an important milestone in the City of Hamtramck as the community comes together to celebrate the 100th Anniversary of the Hamtramck Police Department.

When Hamtramck first incorporated as a village in 1901, the tight-knit community was served by a single Marshall, Charles Johnson. For the first twelve years of its existence, Hamtramck was served by one law enforcement officer. On November 14, 1914, under the leadership of Marshall Bernard Whalen, the Hamtramck Village Police Force was formed. As the Hamtramck community entered

the 1920s, the police force began to develop and take shape.

Hailed as a progressive organization for its time, the Hamtramck Police Department employed multiple African American officers beginning in the 1920s. When Officer Harry Wurmuskerken became chief in 1922, he oversaw the specialization of the department into bureaus to better serve the people of Hamtramck. Just two years later, the Hamtramck Police added a Women's Division to the department under the direction of Mrs. Susan Glinski. This division provided significant support to women and families living in the community. Thanks to its efforts, Hamtramck had one of the lowest juvenile delinquency rates in Michigan.

Over the decades that followed, the department grew along with the City of Hamtramck, reaching its peak of 120 officers in the 1940s. The department implemented many new technologies that helped increase responsiveness and public safety, including new patrol cars, a Teletype machine, a fire signal system, and a Western Electric one way radio system. During this time, thanks to the efforts and sacrifices of its officers in uniform, Hamtramck was named Safest City in America by AAA in 1946.

Following the peak of Hamtramck's population, the police department, just as its counterparts in neighboring municipalities, faced a period of tribulation where its officers faced increasing crime rates coupled with decreasing population and resources. In spite of these challenges, the men and women of the Hamtramck Police Department have been vigilant to protect their vibrant and diverse community. Their efforts are an important part of revitalizing the Southeast Michigan region and I commend the officers of the Hamtramck Police Department for their bravery and service to the community. The 100th Anniversary of the police department is a great milestone in the history of Hamtramck and I wish the officers of the department continued success and safety in their ongoing endeavors to protect their community.

**CELEBRATING THE 50TH ANNIVERSARY OF THE JEWISH COUNCIL ON URBAN AFFAIRS**

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to congratulate the Jewish Council on Urban Affairs, JCUA, on the occasion of its 50th Anniversary.

From its inception in 1964, the enduring mission of JCUA has always been to combat poverty, racism, and anti-Semitism, working in partnership with Chicago's diverse communities. Guided by the Jewish principles of "tzedek" (justice) and "tikkun olam" (repairing the world), JCUA has reached across faith, race, and class to pursue social and economic justice for those most affected by poverty and discrimination.

JCUA has been an active and leading voice in Chicago for five decades. During that time,

JCUA has facilitated the development and preservation of thousands of units of affordable housing, advocated for public policies that address the root causes of poverty, and educated and mobilized a Jewish constituency to create a more just Chicago.

During JCUA's 50 years of working in Chicago's diverse communities, it has also fostered deep relationships and built an understanding and trust with the organizations with which they partner. By bringing Jewish voices and Jewish participation to their issues—as partners and allies—JCUA continues to tackle root causes of injustice to create positive systemic change.

While the specific campaigns, issues, and challenges in Chicago have changed, poverty and racism continue as modern day plagues, creating enormous obstacles and threatening the humanity of everyone. Today, JCUA pursues social and economic justice through issue-based campaigns, community investment, and building bridges between the Jewish community and communities challenged by poverty and discrimination.

JCUA's Community Ventures Program provides zero-interest loans to spur the creation of affordable housing and economic development projects. One loan recently allowed St. Leonard's Ministries to help open the doors of Gracie's Café in partnership with St. Leonard's Ministry, providing jobs and training for formerly incarcerated men and women.

Through ongoing solidarity and partnership with grassroots community groups, JCUA demonstrates that effectively addressing the root causes of social injustice in partnerships and in coalitions with those directly impacted is the most effective way to combat systemic oppression.

JCUA's Jewish Muslim Community Building Initiative, in partnership with Muslim groups, continues to build strong bridges between Jewish and non-Jewish communities. These relationships help to dissolve barriers of potential bigotry and ignorance and to foster a culture of genuine understanding and respect.

And finally, JCUA plants seeds for a better future through its teen social justice program, Or Tzedek, engaging youth as active leaders and organizers in current social justice campaigns. Or Tzedek provides teens with inspiration and the know-how to be powerful and effective agents of social change.

The Jewish Council on Urban Affairs remains as relevant today as it was 50 years ago—serving as an essential Jewish voice for social justice. I join others in the Chicago area offering my gratitude for JCUA's five decades of service.

**HONORING KEVIN BAKER**

**HON. BILLY LONG**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. LONG. Mr. Speaker, I rise today to recognize and honor Kevin Baker, an American History teacher from Springfield, Missouri, who led his 30th annual school trip to Washington, D.C., this spring.

On March 11, 2014, Kevin completed his 30th school trip to Washington with a group of

nearly 100 students from Pershing Middle School in Springfield, Missouri. While in Washington, the students visited the Capitol, Library of Congress, Smithsonian museums, and the many monuments along the National Mall celebrating our heritage.

It is no easy task to plan and coordinate a trip involving such a large number of students and parents, but the support of the Springfield community helps make these trips a continued success, including the help of Anne Lanzilotta, the group's tour guide for the last 28 years, and his fellow teachers Scott Corn and Cale McAninch who have assisted him on the annual trips for the last 15 years.

Kevin's passion for American history runs through his family. His wife Valerie and two sons Tristan and Trevor have attended multiple trips and not only encourage his efforts, they enjoy them. Kevin continues the tour of the capital because he wants all of his students to experience the history of our country through the monuments, museums, and memorials, as well as to share that love for country, that awe-struck feeling he received every time he traveled to Washington. He credits his work ethic to the examples set by his parents, Luther and Joyce, and the support he received growing up from his younger brother Dwight.

Kevin hopes that these annual trips will motivate or inspire some of his young students to return to Washington as elected officials and embrace new ideas for the future of our great nation. He credits the Springfield community for making so many of these trips possible. The education of a child is a once in a lifetime experience, and the immersion into our history and political process makes the efforts well worth it.

**RECOGNIZING JOHNNY HARRIS' 90TH ANNIVERSARY**

**HON. JACK KINGSTON**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. KINGSTON. Mr. Speaker, I rise today to recognize Johnny Harris Restaurant of Savannah, which will celebrate the 90th anniversary of its founding this May. This barbeque joint has been a mainstay for the people of Savannah since it opened its doors as a simple roadside establishment on May 1, 1924, and it has always been one of my favorite spots in Savannah.

The Johnny Harris Restaurant is one of the oldest food service providers in the city. Much to the amusement of native Savannahians, the restaurant has a long history of serving its customers with entertainment in addition to excellent food and legendary barbeque sauce. When Johnny Harris, founder and namesake of the restaurant, first moved to the Victory Drive location, there was a small zoo directly behind the property. His wife, Mrs. Harris, often took of the zoo's monkeys on carriage rides around the neighborhood to the delight of local children.

For Johnny Harris, the customer has always been the number one priority. It was the first restaurant in Savannah to install an air conditioning system for its dance floor as well as a

revolving bandstand. It remained in business through the Great Depression and is exemplary of hard work, perseverance, and hospitality of Savannians. I am proud to congratulate Johnny Harris Restaurant as it celebrates this historic milestone.

#### CONDOLENCES REGARDING MINE EXPLOSION IN TURKEY

#### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. SESSIONS. Mr. Speaker, I was saddened to learn of the recent mining disaster in Soma, Turkey, which has now claimed 301 lives, and I extend my deepest condolences to the people of Turkey who struggle to make sense of this unfortunate accident. My thoughts and prayers are with both the families mourning the loss of their loved ones, and with the injured as they begin their long journeys to recovery.

Turkey is a longstanding friend and ally of the United States. From the Cold War to the fight against international terror, we have stood together against challenges and threats and we stand again in solidarity with our Turkish friends at this very difficult time. On behalf of myself and my constituents, I wish to offer the people of Soma, and the people of Turkey, our deepest sympathies.

#### RECOGNITION OF EXEMPLARY ACT PERFORMANCE

#### HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. FINCHER. Mr. Speaker, I rise today to congratulate 10 outstanding high school seniors from Carroll County, Tennessee. These scholars were recently recognized by the Carroll County Chamber of Commerce for their academic excellence in scoring a 29 or better on the national ACT test. This accomplishment ranks the students among the top seven percent in the nation of all the students who took the ACT exam.

I commend—Brandon Barker, Micah Bullock, Dan Hoffman, Joshua Howell, Corey Kleppe, Joshua Malley, Robert Medford, Katelyn Ridley, Lucas Simmons and Kelsey Wallace—for their academic achievement, commitment to high standards, and as a shining example of the educational quality found throughout West Tennessee.

The American College Testing (ACT) is a standardized test for high school achievement and college admission. The test consists of four concentrations: English, mathematics, reading and science reasoning, with an optional writing component. The main four tests are scored individually on a scale of 1 to 36.

On behalf of Tennessee's 8th Congressional District, I congratulate all these individuals and wish them the best of luck for all future endeavors. I am extremely proud of you all.

SERGEANT JENNIFER LATINI

#### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Sergeant Jennifer Latini for her service to our country.

Sergeant Latini served in the United States Army and Army National Guard from 1989 to 1995. She was assigned to the Defense Intelligence Agency where she used her Arabic language and knowledge of Arabic culture during her deployment to Riyadh, Saudi Arabia. She continues to use her skills and passion for veterans' issues by serving as the Secretary for the United Veterans Committee of Colorado.

Through her courageous service, Sergeant Latini charted the path for future generations of women to serve in the military. I extend my deepest appreciation to Sergeant Jennifer Latini for her dedication, integrity and outstanding service to the United States of America.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,479,199,305,480.74. We've added \$6,852,322,256,567.70 to our debt in 5 years. This is over \$6.8 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### PERSONAL EXPLANATION

#### HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Ms. MCCOLLUM. Mr. Speaker, earlier this week I attended the funeral of a family member and missed votes on May 19, 2014 and May 20, 2014. Had I been present, I would have voted in support of the following bills:

1. H.R. 2203—To provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy

2. H.R. 685—American Fighter Aces Congressional Gold Medal

3. Agreeing to the Conference Report on H.R. 3080—Water Resources Reform and Development Act

4. H.R. 3530—Justice for Victims of Trafficking Act

5. H.R. 4225—Stop Advertising Victims of Exploitation (SAVE) Act

PAYING TRIBUTE TO COLONEL  
TONY KROGH'S DEDICATED MILITARY SERVICE TO OUR NATION

#### HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. BACHUS. Mr. Speaker, let me commend the attention of the House to Colonel Tony Krogh, United States Army, for his extraordinary dedication to duty and selfless service to the United States of America. Colonel Krogh is retiring after an exemplary 28 year career in service to his country. He has been recognized with numerous awards, including the Legion of Merit Award, the Defense Meritorious Service Medal, the Global War on Terrorism Service and Expeditionary Medal, and the Humanitarian Service Medal.

A native of Birmingham, Alabama, Tony earned his commission as an Officer in the United States Army from the ROTC program at the University of Alabama, where he was recognized as a Distinguished Military Graduate. He served first as an engineer and later as a Models and Simulations Officer with numerous operational assignments in Germany; Fort Drum, NY; Fort McPherson, GA; and Saudi Arabia. His combat deployments include Operation Desert Shield/Desert Storm and Operation Iraqi Freedom, where he served as the chief of current operations for Joint Task Force 7. He also excelled as the lead for a Partnership for Peace military exercise that involved planning, coordination, and execution with 42 countries. Because of his demonstrated superior understanding of Corps operations, he was selected by the Corps Commander as the interim Deputy G-3 and Deputy Chief of Operations.

In recognition of his superior performance, Tony was specifically chosen in 2005 to lead the Army's effort to integrate mission command systems. He skillfully led a Combat Identification effort that for the first time allowed common operating pictures across all services, reducing the risk of accidental deaths for U.S. and Coalition forces. Simultaneously, Tony led the effort for the Army's first "Battle Command Strategy," published in 2006, which created a service wide battle command architecture that is still in use today.

Immediately after his training at the Industrial College of the Armed Forces in 2008, Tony was appointed as the Director of Simulation at the Aviation Center of Excellence. He leveraged his extensive technical background and operational experience to produce realistic training exercises that readied 21 aviation brigades for deployment to Iraq and Afghanistan. He provided the leadership and strategic vision for Aviation simulators and simulation programs across the U.S. Army, while managing a \$1.8 billion service contract and the largest collection of high fidelity, full motion simulators in the world.

In 2010, having been recognized as the Army's foremost authority on training simulations, Tony became the first Colonel centrally selected to be the Director of the National Simulation Center (NSC). In that capacity, he provided the U.S. Army with state-of-the-art training simulation capabilities from individual



soldier to theater level command exercises. Simultaneously, he was given the responsibility for the Army's efforts with Live, Virtual, and Constructive (LVC) Integrated Training. His direct involvement created the most realistic and affordable training across camps, posts and stations the Army has ever known.

In July of 2012, Colonel Krogh was selected to serve as the Executive Officer for the Deputy Chief of Staff for Programs (G-8) where he swiftly established much needed procedures and high standards. After an extremely successful first year, he rebuilt the G-8's Initiatives Group and as Director, focused efforts on shaping and promoting Army equities across numerous communities at the strategic level.

Throughout his successful career, Colonel Krogh has been anchored by the strength of his wife and partner, Kim. Through her generous spirit and loving support, she has selflessly stood by Tony's side, taking care of their family through countless moves and stressful deployments. At every step of the way, Mrs. Krogh has sought community leadership and volunteer positions within military and local communities. Her endeavors include major fundraising for scholarships, Toys for Tots, and renovating youth sports facilities; volunteering for school programs, local animal rescues, and animal therapy for hospital patients and the elderly; and establishing community websites to link family members. In fact, Kim was selected as "Community Volunteer of the Year" in Heidelberg, Germany. Mrs. Krogh embodies the ideals we cherish: strength, loyalty, commitment and selfless service. Her sacrifices and accomplishments as well have earned our admiration.

Mr. Speaker, it has been my honor to recognize Colonel Tony Krogh and his nearly three decades of dignified and distinguished service. On behalf of a grateful nation, I join my colleagues today in recognizing and commending his contributions and the mark he has made on the United States Army. We wish Tony, his wife Kim, and their two children, Mary Ashley and Erickson, all the best as they embark on their next journey.

#### PERSONAL EXPLANATION

#### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. SHUSTER. Mr. Speaker, on rollcall No. 221, I was unable to vote. Had I been present, I would have voted "yea."

#### HONORING THE SERVICE OF EULESS MAYOR MARY LIB SALEH

#### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. MARCHANT. Mr. Speaker, I am proud to recognize the Honorable Mary Lib Saleh who is retiring from her position as the Mayor of Euless, Texas, after 21 years of service.

Mayor Saleh has been an instrumental leader in the successful growth of Euless and the greater North Texas region. Throughout her tenure, the City of Euless has developed into a premiere location where families want to live, businesses want to operate, and people want to visit.

Mayor Mary Lib Saleh was elected as the first female mayor of Euless in 1993 after serving two years as a council member and two years as mayor pro tem. Prior to her service on the council, Mayor Saleh was an at-home mother of five children. She was active in church, scouts, school activities, and the PTA where she holds a Texas Lifetime Membership. All five of her children are now married, and her family has grown to include seven grandchildren.

During Mayor Saleh's time in office, the City of Euless has greatly developed its infrastructure. Some of the developments that have occurred over the last two decades include an outstanding library, which has been voted the best in Northeast Tarrant County; a State recognized municipal golf course; a premier park with great baseball stadiums; a state-of-the-art police and courts facility; new public works and parks buildings; a new fire station; revitalization of all city buildings, including City Hall; and Veterans Park, complete with a beautiful Eagle and Liberty Bell sculpture.

Mayor Saleh serves on a number of local boards that address healthcare, business, and transportation. She has also founded community organizations such as the Women in Government organization for Tarrant County elected women and directed the formation of the Mayor's Roundtable as a branch of the Northeast Leadership Forum.

Mayor Saleh is a proponent of public art, historical preservation, and education; furthermore, she has been instrumental in bringing talented people together who have been successful in documenting the history of the city through photographs, written histories, and historical markers.

Mayor Saleh spearheaded an art program with the mission of sharing original artwork at public facilities. The art program has most notably impacted the community with ten beautiful original bronze statues created by a Texas artist. In addition to public art around the city, Mayor Saleh formed the Euless Library Foundation to enhance the artistic image of the library and provide educational programs. As a result, the Foundation has provided two bronze statues for the library grounds.

Under Mayor Saleh's leadership, the City of Euless won the prestigious U.S. Conference of Mayors City Livability Award in 2006 for a composting program developed for its citizens. In 2008, Euless was also selected by Business Week as the Best Small City in Texas to Raise Children, and Money Magazine rated the Euless as one of the Best Small Cities in the United States. In 2009, Euless, Bedford, and Hurst jointly received the North Texas Council of Governments Regional Cooperation Award, and in 2012, Euless received the award again alongside Arlington, Fort Worth, and Dallas/Fort Worth International Airport.

Many organizations have recognized Mayor Saleh for her contributions and leadership. The distinctions Mayor Saleh has earned in-

clude the Clyde Mooney and the Gertrude Tarpley Spirit Award from the HEB Chamber of Commerce, Legacy of Women Honoree for Volunteerism from the Women's Shelter, and the prestigious title of Tarrant County's Most Influential Woman in 1998.

Mayor Saleh has also been a terrific partner with my congressional office. With her assistance, my office has been able to host numerous events for the constituents of the 24th District such as town halls, Congressional Art Competition ceremonies, community casework meetings, and veterans fairs.

Mayor Saleh has enjoyed much success during her time in public office. Her impact on the City of Euless, as well as North Texas, has been tremendous. Mayor Saleh's presence on the Euless City Council will be sorely missed, but her legacy in the area will never be forgotten.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in thanking the Honorable Mary Lib Saleh for her years of service on the Euless City Council.

HONORING DR. HELEN J.H.  
STEPHENS

#### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary life of Dr. Helen J.H. Stephens. Known throughout the Bay Area and the Nation as a great gospel singer, community leader and as a dedicated mother, grandmother and great-grandmother, Dr. Stephens has left an indelible mark on our community. With her passing on May 3, 2014, we look to the outstanding quality of her life's work and the inspiring role she played in many lives through gospel music and as a spiritual leader.

Born in New Orleans, Louisiana, Dr. Helen Stephens began performing at a young age. While attending Booker T. Washington High School, Dr. Stephens played the piano for weekly assembly programs, sang in the school choir, performed in operettas and was active in the school band. After she obtained a music degree from Dillard University, she married Arnold E. Stephens in 1950, and then moved to Oakland, California three years later.

Once in California, Dr. Stephens quickly began organizing many successful vocal groups, including the "Stephens Singers" in 1965 and "The Voices of Christ" in 1969. "The Voices of Christ" began with 23 members and quickly grew to 92 within a year. The choir has recorded eight albums and has received numerous awards. "The Voices of Christ" was inducted into the Bay Area Gospel Academy Awards Hall of Fame.

Among Dr. Helen Stephens' many accomplishments, she was an active community leader and organizer. She founded the Northern California Chapter of the Gospel Workshop of America and was the chapter representative. In addition, she taught at several colleges, including the College of Marin in Kentfield and at Dominican College, and she

introduced and incorporated gospel music into the curriculum for California State University, East Bay.

Dr. Helen Stephens has left a lasting imprint on our society and communities of faith. In 1992, Dr. Stephens was appointed to the National Board of Directors of the Gospel Music Workshop of America in Chicago, Illinois. In addition, she served on the Marin Arts Council in Marin County, serving two one-year terms. For her extraordinary work, Dr. Stephens was recognized with an Honorary Degree of Doctor of Music Ministry from the Belle Grove Theological Seminary in 2004.

Today, California's 13th Congressional District salutes and honors an outstanding individual and gospel leader, Dr. Helen J.H. Stephens. Her dedication and efforts have helped to spread the inspiration of gospel music and have impacted so many lives throughout the nation. I join all of Helen's loved ones in celebrating her incredible life. She will be deeply missed.

#### TRIBUTE TO LAURA AGLE

### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, twenty five years ago, Ms. Laura Agle accepted a calling to serve others by becoming a staff member with the South DeKalb YMCA; and

Whereas, she has served the citizens of our District with great care, concern and professionalism, by inspiring, educating and motivating; giving a boost to those aspiring to be in the best physical shape of their lives; and

Whereas, she has shared her time and talents, giving the citizens of our District a friend, a community leader and an inspiring servant, who ensured that physical fitness and wellness opportunities are available to all; and

Whereas, Ms. Agle is a cornerstone in our community enhancing the lives of many for the betterment of our District and our Nation; and

Whereas, on her retirement from the South DeKalb YMCA, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Laura Agle for exemplary service and to wish her well in her new endeavors; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim January 31, 2014 as Ms. Laura Agle Day in the 4th Congressional District of Georgia.

Proclaimed, this 31st day of January, 2014.

#### SERGEANT NORA MUND

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Sergeant Nora Mund for her service to our country.

Sergeant Mund served in the United States Marine Corps from August 2006 to November

2012. She was the first female assigned to serve as the senior armor-small arms repair technician for the Marine Corps Infantry Officer's Course, Quantico, Virginia.

Sergeant Mund volunteered to deploy to Iraq with Operation Enduring Freedom and was selected to serve on the Marine Corps' first Female Engagement Team. She worked directly with the Afghan population and on foot patrol. During her deployment she was assigned to the 1st Battalion 6th Marines, Charlie Company, and 2nd Battalion 6th Marines, Golf Company. She was medically retired due to injuries sustained during her tour in Afghanistan, and she is currently a full time student at the University of Colorado—Denver. She is participating in a research internship with "Canines Providing Assistance to Wounded Warriors."

Through her courageous service, Sergeant Mund charted the path for future generations of women to serve in the military. I extend my deepest appreciation to Sergeant Nora Mund for her dedication, integrity and outstanding service to the United States of America.

#### CONGRATULATING THE 2014 U.S. PRESIDENTIAL SCHOLARS

### HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. FINCHER. Mr. Speaker, I rise today to congratulate the 141 high school seniors across the country that have been named a part of the 50th class of U.S. Presidential Scholars as a result of their academic success, leadership, community service, and commitment to excellence.

I am particularly proud students from my District, William P. Lamb of Memphis University School and Kevin J. Sun of Collierville High School, have been selected as two of the four students from Tennessee for this prestigious honor. I commend them both for being positive role models to young people across our great state, and the country through their commitment to academic excellence and community service.

The White House Commission on Presidential Scholars selected the members of this year's Presidential Scholars class from 3,900 qualified candidates who are among the three million students expected to graduate high school this year.

Once again, congratulations to Mr. Lamb and Mr. Sun for their outstanding accomplishments. I am very proud of you both.

#### HONORING KENNETH J. HAMMOND

### HON. JULIA BROWNLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Ms. BROWNLEY of California. Mr. Speaker, today I rise in recognition of Yeoman First Class Kenneth J. Hammond, an Enlisted Surface Warfare Specialist (ESWS), and an exemplary community volunteer for Food For-

ward, an organization dedicated to promoting food justice and making change around hunger in our community.

Born in Ukiah, California, YN1 Hammond graduated from Temecula Valley High School and joined the United States Navy on July 16, 1996. Over the years, YN1 Hammond has had a distinguished career in the Navy. YN1 Hammond is currently serving the sailors and officers of U.S. Naval Mobile Construction Battalion FIVE (NMCB 5) as the Administrative Department Leading Petty Officer. His work has earned him many accolades and awards that demonstrate his personal vigor and professional work ethic.

In addition to his honorable service in the Navy, YN1 Hammond is equally as dedicated and selfless in his community. As a Pick Leader, Neighborhood Captain, and Board Advisor for Food Forward, YN1 Hammond has volunteered over 787 hours, has picked over 40,000 pounds of fruit, and has recruited over 160 volunteers to help at various events. These accomplishments are indicative of YN1 Hammond's unwavering commitment and dedication to both his community and to the ideologies of philanthropy.

YN1 Hammond is dedicated to the mission of Food Forward and inspires others through his work. With great enthusiasm, YN1 Hammond encourages others to take part in the fight against hunger through his continuous and successful recruitment of new pick leaders.

YN1 Hammond has impacted the lives of those in our community by spearheading the "picking" events with volunteer recruitment, fundraising and building awareness of the Food Forward mission. In 2013 alone, YN1 Hammond's positive attitude and determined spirit of volunteerism has helped the Ventura County branch of Food Forward harvest over 120,000 pounds or 480,000 servings of fresh fruit that would have otherwise gone to waste to help feed our hungry neighbors.

It is with sincere appreciation that I would like to recognize YN1 Kenneth Hammond and commend him on his steadfast dedication to his country and, especially, to his community.

#### LT. COL. JOHN MCCARTHY, USMC, RET.

### HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. FITZPATRICK. Mr. Speaker, Lt. Col. John J. McCarthy retired from the U.S. Marine Corps in 1975 after 29 years of outstanding service and leadership. He is the recipient of the Distinguished Flying Cross, which was awarded to him in 1969 citing his courage, superior airmanship and unwavering devotion to duty in the face of great personal danger in Vietnam. He also was awarded the Bronze Star and 19 Air Medals. Lt. Col. McCarthy was 17 years old when he joined the U.S. Navy in 1946, subsequently earning a college degree from Temple University. Because of his longstanding interest in flying, in 1952 he was commissioned a Second Lieutenant in the U.S. Marine Corps and entered flight school.

In 1964, he was deployed to Vietnam, where he flew 180 missions. He would return to Vietnam in 1968 as the commanding officer at Chu-Lai and flew another 130 combat missions. He will be honored by his fellow members of the Jesse W. Soby American Legion Post, 148 in his home County of Bucks, Pennsylvania, on Memorial Day, 2014—a ceremony he will attend in full uniform. It is with deep gratitude that we acknowledge the exemplary service of a courageous leader who has honorably served his country and set an example for others to follow.

**HONORING GIRLS INCORPORATED  
OF SHELBYVILLE AND SHELBY  
COUNTY, INDIANA**

**HON. LUKE MESSER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. MESSER. Mr. Speaker, I rise today to recognize the extraordinary achievements of Girls Incorporated of Shelbyville and Shelby County, Indiana.

This organization recently was recognized by the National Girls Incorporated organization with the 2014 Outstanding Affiliate of the Year Award, the highest honor an affiliate can receive.

The Girls Incorporated movement has been helping girls obtain the skills and knowledge needed to successfully navigate the challenges women face in life for more than 150 years. The network of local Girls Incorporated organizations serves over 136,000 girls across the United States and Canada. The dedicated professionals of Girls Incorporated lead programs ranging from money management to fitness and health. They also work to foster an interest in science, technology, engineering and math.

The first Girls Club in Shelbyville was formed in October 1971. Since then, the club has gone through a reorganization, name change and relocation. Through it all, the girls club has been an asset for the greater Shelbyville community touching the lives of thousands of area girls and their families. In 2014, Girls Inc. of Shelbyville and Shelby County was also recognized by the National Girls Incorporated organization as "An Affiliate Who Grew." This growth in membership and impact in the community is a testament to the hard work and the dedication of the organization's local leaders.

I ask the entire 6th Congressional District to join me in congratulating Girls Incorporated of Shelbyville and Shelby County for their outstanding achievements and dedication to the community. I look forward to seeing what this incredible group will achieve in the future.

**HONORING DR. WILLIAM  
COTTINGHAM**

**HON. JASON T. SMITH**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor Dr. William Cottingham of

Rolla, Missouri, who retired on April 30th of this year after working 36 years as a physician at the Mercy Clinic Internal Medicine in Rolla.

Dr. Cottingham has tirelessly worked to improve his community and provide excellent healthcare for nearly four decades. Throughout his career, Dr. Cottingham became known for making those around him laugh. Patients that entered the hospital sick or injured would leave with a sense of comfort and a smile. He held a deep connection with each of his patients. He was not just their doctor; he was their teacher, confidant and friend. I am confident his passion for helping others and making people laugh will come in handy during his retirement. He plans to stay in Rolla and spend more time with his wife, as well as travel to see his five grandchildren. I would like to thank Dr. Cottingham for his service to the Rolla community and wish him a long and happy retirement.

**SUPPORTING EFFORTS TO  
COMBAT HUMAN TRAFFICKING**

**HON. LOIS FRANKEL**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Ms. FRANKEL of Florida. Mr. Speaker, I rise today in support of the House's legislative efforts to combat human trafficking, a form of modern-day slavery. The sickening fact is that human trafficking is a big, booming business—trafficking a child for sex is more lucrative than drug trafficking. That is why I am glad to join my colleagues, Democrats and Republicans, in taking additional steps to protect our sons and daughters from this horrible crime. This legislation makes many important changes to current law, and would help us provide additional resources to victims, strengthen law enforcement's ability to punish those who purchase sex from minors, and protect girls who are victims of commercial sexual exploitation from being treated as criminals. This bipartisan legislation will help to protect our most vulnerable children, including those in the foster care system, who are victimized through no fault of their own. These children need our help which is why I urge my colleagues to vote yes on this legislation.

**IN HONOR OF 52 YEARS OF SERVICE  
TO INDIANAPOLIS PUBLIC  
SCHOOLS**

**HON. ANDRÉ CARSON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mr. CARSON of Indiana. Mr. Speaker, I rise today to honor Mrs. Patricia Ann Payne, who recently retired after 52 dedicated years of teaching and mentoring in the Indianapolis Public Schools system.

Mrs. Payne, a proud graduate of Indianapolis Public Schools and Indiana University in Bloomington, began her five-decade career in education and public service as an elementary school teacher. In the first 25 years of her ca-

reer, she brought her inspirational teaching style to young students at three different schools.

Mrs. Payne has long been a devoted advocate for teaching African American history in our schools. In 1987, she was assigned the special responsibility of designing and directing the IPS Office of African Centered/Multicultural Education. In 1998, she became Director of the Crispus Attucks Museum of African/African American History on the campus of Crispus Attucks Medical Magnet High School. She continued this important work until her retirement, and it will be a key part of her lasting legacy in Indianapolis.

Mrs. Payne's exemplary career is reflected in the many awards and accolades she has received. Chief among her many well-deserved honors was being named 1984 IPS Teacher of the Year and a finalist for Indiana Teacher of the Year the following year. In 2010, she received the Living Legend Award from Community Action of Greater Indianapolis. In 2012, she was the recipient of the Congresswoman Julia Carson Community Service Award. Most recently, in 2013, she received the Distinguished Alumni Award from Indiana University.

Throughout her career, Mrs. Payne opened the hearts and minds of our children, encouraging them to have a positive effect in their community and the world. Mrs. Payne embodies all that Hoosiers stand for—a strong work ethic, a commitment to public service and a desire to better the community. Today, I ask my colleagues to join me in honoring Mrs. Payne for her years of service to Indianapolis Public Schools, the City of Indianapolis and all Hoosiers.

**INTRODUCTION OF THE HUMAN  
TRAFFICKING FRAUD ENFORCE-  
MENT ACT OF 2014**

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2014*

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I am pleased to introduce bipartisan legislation with my colleague Rep. TED POE.

In March of 1931 the infamous gangster, Al Capone, was indicted for tax fraud. Today the IRS Criminal Investigations division continues to play a vital role in proving criminal activity and fraud, and I believe they can play an even stronger role in cracking down on human trafficking and prostitution.

This bill is meant to enhance the Internal Revenue Service's ability to crack down on sex trafficking by authorizing \$4,000,000.00 to establish an office within the IRS to prosecute sex traffickers for violations of tax laws. The office would focus on the willful failure of traffickers to file returns, supply information, or pay tax where the taxpayer is an "aggravated" non-filer. In addition, the office would coordinate closely with existing task forces focused on sex trafficking offenders in the Department of Justice.

The bill also amends the Internal Revenue Code to increase criminal monetary and other

penalties for attempts to: evade or defeat tax, willful failure to file a tax return, supply information, or pay tax, aggravated failure to file tax returns, fraud and false statements, and underpayment or overpayment of tax due to fraud. This offense will carry a maximum sentence of 10 years and a maximum fine of \$50,000.00.

The Human Trafficking Fraud Enforcement Act of 2014 the bill also establishes a new felony offense for an aggravated failure to file to include failure to file with respect to income or payments derived from activity which is criminal under Federal or State law. This will target conduct committed by those involved in the promotion of commercial sex acts—pimps and traffickers—and not conduct of exploited persons in prostitution.

Last, this bill directly benefits those that are victimized by the traffickers by revising current IRS Whistleblower provisions so that women and girls who choose to participate in the investigation will be eligible to participate in the whistleblower program and may ultimately be granted up to 15% of any fines levied against the trafficker.

While important strides have been made to address trafficking, we must still use every tool possible to take down the traffickers. I urge my colleagues to cosponsor this important legislation.

#### PERSONAL EXPLANATION

#### HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2014

Mr. COLE. Mr. Speaker, on Monday, May 19 and Tuesday, May 20, 2014, I regret I missed votes. Had I been present, I would have voted "aye" on rollcall votes 218, 219, 220, 221, and 222.

I was in my hometown of Moore, Oklahoma on the first anniversary of the devastating tornado that tore through the Fourth District. Even though the storms last May were some of the worst we've experienced in years, we are pulling through and showing that disaster cannot crush our spirits or break our communities. That is and always will be the Oklahoma way.

#### HONORING WWII VETERANS AND RESIDENTS OF BELMONT VILLAGE SENIOR LIVING

#### HON. JULIA BROWNLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2014

Ms. BROWNLEY of California. Mr. Speaker, today I rise in recognition of the 17 World War II veterans and residents of Belmont Village Senior Living in Thousand Oaks, CA. For their service to our country, I would like to express my sincere appreciation to the following individuals:

Corporal Keith Balkwill, Corporal Leslie Bedding, Bill Bouch, Daphne Forst, Harold Hertzberg, Private Don Matson, Aviation Machinist Mate 2nd Class Paul McAlister, Captain Frank McCarter, Lieutenant JG Grant Olweiler, Tech 5 Sergeant Willis Peterson, Senior Assistant Surgeon Dr. John Phelan, Robert Roth, Private 1st Class Cyril Shepro, Seaman 1st Class Bill Smith, Tech 4 Sergeant Dorothy Weems, Sergeant John Weems, Master Sargent Alex Weinper, Private First Class Robert "Bob" Yanchus.

On May 21, 2014, the Belmont Village Gallery will open and showcase the captivating stories, memoirs, and pictures of these iconic heroes. The depth and richness of each veteran's story is indicative of the valor and sacrifice that has come to define this chapter in American history.

These men and women are members of the Greatest Generation—a generation that overcame multiple challenges of adversity and embodied the definition of resilience. These brave men and women fought heroically, inspired our nation and put us on the path to victory. They remind us that no challenge is too great when we as a nation stand together as one.

Today, as we face new and profound challenges, we must look to our past and be encouraged to carry on their legacy of keeping our country strong and free and prosperous. It is incumbent on this generation to remember the challenges of our history and reaffirm our commitment to our veterans for their bravery and sacrifice. Without their selfless service to our nation, America would not have the liberties so many of us enjoy and often take for granted.

This is why our nation has an obligation to ensure that each veteran, who fought so

bravely to defend our country and our freedoms, receives all of the services they need and deserve and have so honorably earned.

It is with deep appreciation and admiration that I recognize each of these veterans for their patriotism and service to our country during World War II. As a nation, we will be forever grateful for their service.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 22, 2014 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### MAY 23

9:30 a.m.

Committee on Armed Services

Closed business meeting to continue to markup the proposed National Defense Authorization Act for fiscal year 2015.

SR-222

##### JUNE 4

3 p.m.

Committee on Small Business and Entrepreneurship

To hold hearings to examine military service to small business owner, focusing on supporting America's veteran entrepreneurs.

SR-428A

## HOUSE OF REPRESENTATIVES—Thursday, May 22, 2014

The House met at 9 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Almighty God of the universe, we give You thanks for giving us another day.

We pray for the gift of wisdom to all with great responsibility in this House for the leadership of our Nation.

As the Members disperse to their various districts and our Nation enters a week which celebrates Memorial Day, may we all retreat from the busyness of life to remember our citizen ancestors who served our Nation in the armed services.

Grant that their sacrifice of self, and for so many, of life, would inspire all of America's citizens to step forward, in whatever their path of life, to make a positive contribution to the strength of our democracy.

Bless us this day and every day, and may all that is done within these hallowed halls be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kansas (Mr. POMPEO) come forward and lead the House in the Pledge of Allegiance.

Mr. POMPEO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### AMERICA'S VETERANS DESERVE QUALITY HEALTH CARE

(Mr. POMPEO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMPEO. Mr. Speaker, what is taking place today in America's Veterans Administration may be the most egregious case of friendly fire in the history of the United States of America.

This harm to our veterans from our team is coming not from firearms, but from an enormous bureaucracy that is incapable of dealing with providing health care to our Nation's warriors. It is unacceptable.

Words alone, Mr. President, I have to say, are not enough. We need action, not anger. We need results. We need delivery of health care to our warriors now, and whether that health care comes from inside the Veterans Administration or from outside, we need to get folks off our waiting lists, out of lines, and in to see doctors and folks who are prepared to take care of them.

The sacrifices these men and women made are enormous. As a veteran, I certainly understand that.

As a Member of Congress, I understand that it is my responsibility to make sure we fix this challenge, this bureaucratic mess that our Nation has put these veterans in now for years and years.

As we approach Memorial Day, we need to all take this seriously. I would urge this House to continue to work to perform its function of oversight and to correct this most egregious situation and get these veterans the care that they need.

The SPEAKER pro tempore (Mr. AMODEI). Members are reminded to direct their remarks to the Chair.

### BRING BACK OUR GIRLS

(Ms. KELLY of Illinois asked and was given permission to address the House for 1 minute.)

Ms. KELLY of Illinois. Mr. Speaker, it is with great concern for the safety of over 200 kidnapped Nigerian girls that I urge my colleagues to vote for the National Defense Authorization Act.

This bill includes an en bloc amendment I offered requiring the Department of Defense, in consultation with the Department of State, to report on the efforts to assist in the search and rescue of the young women who were abducted in Nigeria last month.

There is more that our government can do to address the threat that Boko Haram poses to international security. By Congress knowing more about this terrorist group, their movements, the safety of the girls, and what the U.S.

and Nigerian Governments can do to protect these girls and others like them, we will be in a better position to end Boko Haram's reign of terror.

Families weep in Nigeria. The global community holds vigil for these children.

I thank the chairman for including my amendment in the en bloc package and urge my colleagues to vote to help "bring back our girls."

In regard to Memorial Day, I want to thank those who gave up their tomorrow, so we could have today.

### JOB WELL DONE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker and my colleagues, today we will take up the NSA reform bill.

I rise today to thank Chairman ROGERS, Chairman GOODLATTE, Mr. CONYERS, and all, in a bipartisan way, who have come to address this very critical reform at a time when America still is under the threat of terrorism.

There is another group of people that I think it is appropriate to thank today, and that is the tens of thousands of Federal employees who work for these agencies that go out there every single day to help make America secure and Americans secure elsewhere around the world.

Job well done.

### P5+1 NEGOTIATIONS

(Mr. LOWENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENTHAL. Mr. Speaker, the United States is currently in negotiations with our P5+1 partners and Iran over the fate of Tehran's illicit nuclear program. I support the President's efforts to negotiate an agreement to end Iran's nuclear weapons question, and I am hopeful, but I am also concerned, that this goal may or may not be achieved.

As the initial 6-month period for negotiations comes to an end on July 20 and as we debate the NDAA, it is crucial for Congress to speak out on what a good deal with Iran would look like.

Congress must insist that final agreement ensures that Tehran has no pathway to a nuclear weapon. As the President and Secretary Kerry have repeatedly said, no deal is better than a bad deal.

Any agreement must include an inspection and verification regime that provides for anytime, anywhere inspections to ensure that Iran is complying with a deal.

#### OUR VETERANS DESERVE THE BEST MEDICAL TREATMENT

(Mr. DUNCAN of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the number of veterans has declined by several millions in recent years, due to deaths and decreases in the numbers of our military, yet the problems in the VA and complaints by veterans about poor treatment and long delays have grown by leaps and bounds.

It is definitely not a money problem because no department or agency has received the megabillions and high percentage increases that the Congress has given to the VA; yet, despite years of criticism for Members of Congress and the media, the problems have grown worse.

The only effective solution is competition. I said in a speech to a veterans group many years ago that eligible veterans should be given a card and allowed to go to any hospital they choose, including those considered to be the best in the Nation. In this way, VA hospitals would be forced to provide better service, or Congress could and should close the ones with rapidly declining and/or very low occupancy rates.

Mr. Speaker, our veterans deserve the very best medical treatment possible.

#### UNITED STATES AIR FORCES ESCAPE AND EVASION SOCIETY

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, I rise today, in advance of Memorial Day weekend, to recognize the brave men and women of the U.S. Air Forces Escape and Evasion Society, or AFEES, whose bravery and ingenuity in the face of danger is surpassed only by their dedication to this country.

Formed in 1964, AFEES is an organization created by aircrew members who evaded capture by enemy forces during foreign wars, with the assistance of resistance organizations and patriotic nationals of foreign countries. This organization includes downed aircrew members and people who directly aided them in escape and evasion.

In recognition of these heroic efforts, I introduced the U.S. Air Forces Escape and Evasion Society Recognition Act of 2014 this week to award this deserving organization the Congressional Gold Medal. Awarding this medal will serve to recognize a group of veterans whose names are synonymous with service, selflessness, and fortitude.

I invite every Member of this Chamber to join me in cosponsoring this legislation.

#### NIGERIA AND BOKO HARAM

(Mr. FRANKS of Arizona asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Arizona. Mr. Speaker, last night, the House passed an amendment encouraging our regional partners and allies to develop an inter-agency strategy to counter the vicious terror attacks perpetrated by Boko Haram.

Boko Haram is the terrorist group that recently kidnapped over 300 innocent young Nigerian girls.

Mr. Speaker, it is impossible for any of us to imagine the fear and heartbreak these children and their families are experiencing.

For some time, it has been known that these groups have extensive links between Boko Haram and al Qaeda affiliates; yet, despite my multiple pleas 2 years ago to former Secretary of State Hillary Clinton, she would not even consider acknowledging Boko Haram's religious ideology and list them as a foreign terrorist organization.

Consequently, Boko Haram is stronger today than ever before. This Islamist group continues their rampage of terror because the administration—this administration—as they have so many times before, refused to look at the facts as they were.

I hope now we will face Boko Haram for the terrorist group that it is and defeat it and, somehow, bring these innocent young girls home.

#### NATIONAL DEFENSE AUTHORIZATION ACT

(Mr. BARBER asked and was given permission to address the House for 1 minute.)

Mr. BARBER. Mr. Speaker, I rise today in strong support of the National Defense Authorization Act, which we will vote on today. The act supports a strong national defense and gives our men and women in uniform the tools and resources that they need to do the often-dangerous jobs that we ask them to take on.

Southern Arizona is home to Fort Huachuca, the 162nd Wing of the Air National Guard, and a strong defense industry, all of which are vital to our Nation's security.

We are also the proud home of Davis-Monthan Air Force Base and the A-10 Thunderbolt. This heavily armed plane we call the Warthog may be ugly, but it flies slow and low and provides close air support and protection to our troops like no other aircraft we have today.

This bill includes a provision I offered with my Republican colleagues,

Representatives HARTZLER and SCOTT, to keep the A-10 flying. It passed with overwhelming bipartisan support in the Armed Services Committee.

Today, I urge my colleagues on both sides of the aisle to pass this critical legislation for our servicemembers and their families and the security of our Nation.

#### THE NATIONAL SECURITY AGENCY AND SNOOPING ON AMERICA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, the NSA is out of control. It seizes massive amounts of data on Americans without their consent, without their knowledge. This action violates the Fourth Amendment and the PATRIOT Act.

The USA FREEDOM Act is supposed to halt these literally unwarranted intrusions. The bill, in which I am a cosponsor, passed the Judiciary Committee unanimously.

However, this bill that deals with secret surveillance and mischief by the NSA was recently changed at the Rules Committee. These changes appear to allow multiple interpretations as to what the NSA can and cannot do. The bill now confuses what it intended to make clear. It seems we are back where we started.

The NSA has shown it will misinterpret the law in a manner most favorable to the seizure by the NSA, seizure of information without a warrant.

These new changes, unfortunately, may not adequately solve the problems of spying, snooping, and surveillance by the NSA on Americans.

And that's just the way it is.

#### NATIONAL MILITARY APPRECIATION MONTH

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, I rise today to recognize National Military Appreciation Month and to honor the service and sacrifice of the men and women of our military.

I am proud to represent countless inspiring veterans who have served our country and continue to serve in our communities—veterans like Carlos Cruz, who served in the Army during Vietnam and regularly volunteers with disabled veterans whenever he is able; Dr. Anthony Atwood, who served in the Navy for over 20 years and, today, works to preserve the history of Miami veterans as executive director of the Miami Military Museum and Memorial; Clifton Riley, an Army veteran who served during Desert Storm and started his own business, where he strives to hire veterans.

Carlos, Anthony, and Clifton are just three examples of the many veterans

who remind us of the responsibility to uphold promises we made to our veterans as they have upheld their promises to us.

□ 0915

## USA FREEDOM ACT

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 590, I call up the bill (H.R. 3361) to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes, as amended, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 590, in lieu of the amendments in the nature of a substitute recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence printed in the bill, the amendment in the nature of a substitute printed in part B of House Report 113-460 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3361

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “USA FREEDOM Act”.

(b) **Table of Contents.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to the Foreign Intelligence Surveillance Act of 1978.

#### TITLE I—FISA BUSINESS RECORDS REFORMS

Sec. 101. Additional requirements for call detail records.

Sec. 102. Emergency authority.

Sec. 103. Prohibition on bulk collection of tangible things.

Sec. 104. Judicial review of minimization procedures for the production of tangible things.

Sec. 105. Liability protection.

Sec. 106. Compensation for assistance.

Sec. 107. Definitions.

Sec. 108. Inspector general reports on business records orders.

Sec. 109. Effective date.

Sec. 110. Rule of construction.

#### TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE REFORM

Sec. 201. Prohibition on bulk collection.

Sec. 202. Privacy procedures.

#### TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE THE UNITED STATES REFORMS

Sec. 301. Minimization procedures.

Sec. 302. Limits on use of unlawfully obtained information.

#### TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS

Sec. 401. Appointment of amicus curiae.

Sec. 402. Declassification of decisions, orders, and opinions.

#### TITLE V—NATIONAL SECURITY LETTER REFORM

Sec. 501. Prohibition on bulk collection.

#### TITLE VI—FISA TRANSPARENCY AND REPORTING REQUIREMENTS

Sec. 601. Additional reporting on orders requiring production of business records.

Sec. 602. Business records compliance reports to Congress.

Sec. 603. Annual reports by the Government on orders entered.

Sec. 604. Public reporting by persons subject to FISA orders.

Sec. 605. Reporting requirements for decisions of the Foreign Intelligence Surveillance Court.

Sec. 606. Submission of reports under FISA.

#### TITLE VII—SUNSETS

Sec. 701. Sunsets.

### SEC. 2. AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

#### TITLE I—FISA BUSINESS RECORDS REFORMS

##### SEC. 101. ADDITIONAL REQUIREMENTS FOR CALL DETAIL RECORDS.

(a) **APPLICATION.**—Section 501(b)(2) (50 U.S.C. 1861(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “a statement” and inserting “in the case of an application other than an application described in subparagraph (C) (including an application for the production of call detail records other than in the manner described in subparagraph (C)), a statement”; and

(B) in clause (iii), by striking “; and” and inserting a semicolon;

(2) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (D), respectively; and

(3) by inserting after subparagraph (B) (as so redesignated) the following new subparagraph:

“(C) in the case of an application for the production on a daily basis of call detail records created before, on, or after the date of the application relating to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to protect against international terrorism, a statement of facts showing that—

“(i) there are reasonable grounds to believe that the call detail records sought to be produced based on the specific selection term required under subparagraph (A) are relevant to such investigation; and

“(ii) there are facts giving rise to a reasonable, articulable suspicion that such specific selection term is associated with a foreign power or an agent of a foreign power; and”.

(b) **ORDER.**—Section 501(c)(2) (50 U.S.C. 1861(c)(2)) is amended—

(1) in subparagraph (D), by striking “; and” and inserting a semicolon;

(2) in subparagraph (E), by striking the period and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(F) in the case of an application described in subsection (b)(2)(C), shall—

“(i) authorize the production on a daily basis of call detail records for a period not to exceed 180 days;

“(ii) provide that an order for such production may be extended upon application under subsection (b) and the judicial finding under paragraph (1);

“(iii) provide that the Government may require the prompt production of call detail records—

“(I) using the specific selection term that satisfies the standard required under subsection (b)(2)(C)(ii) as the basis for production; and

“(II) using call detail records with a direct connection to such specific selection term as the basis for production of a second set of call detail records;

“(iv) provide that, when produced, such records be in a form that will be useful to the Government;

“(v) direct each person the Government directs to produce call detail records under the order to furnish the Government forthwith all information, facilities, or technical assistance necessary to accomplish the production in such a manner as will protect the secrecy of the production and produce a minimum of interference with the services that such person is providing to each subject of the production; and

“(vi) direct the Government to—

“(I) adopt minimization procedures that require the prompt destruction of all call detail records produced under the order that the Government determines are not foreign intelligence information; and

“(II) destroy all call detail records produced under the order as prescribed by such procedures.”.

##### SEC. 102. EMERGENCY AUTHORITY.

(a) **AUTHORITY.**—Section 501 (50 U.S.C. 1861) is amended by adding at the end the following new subsection:

“(i) **EMERGENCY AUTHORITY FOR PRODUCTION OF TANGIBLE THINGS.**—

“(I) Notwithstanding any other provision of this section, the Attorney General may require the emergency production of tangible things if the Attorney General—

“(A) reasonably determines that an emergency situation requires the production of tangible things before an order authorizing such production can with due diligence be obtained;

“(B) reasonably determines that the factual basis for the issuance of an order under this section to approve such production of tangible things exists;

“(C) informs, either personally or through a designee, a judge having jurisdiction under this section at the time the Attorney General requires the emergency production of tangible things that the decision has been made to employ the authority under this subsection; and

“(D) makes an application in accordance with this section to a judge having jurisdiction under this section as soon as practicable, but not later than 7 days after the Attorney General requires the emergency production of tangible things under this subsection.

“(2) If the Attorney General authorizes the emergency production of tangible things under paragraph (1), the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

“(3) In the absence of a judicial order approving the production of tangible things under this subsection, the production shall terminate when the information sought is obtained, when the



application for the order is denied, or after the expiration of 7 days from the time the Attorney General begins requiring the emergency production of such tangible things, whichever is earliest.

“(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

“(5) If such application for approval is denied, or in any other case where the production of tangible things is terminated and no order is issued approving the production, no information obtained or evidence derived from such production shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such production shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(6) The Attorney General shall assess compliance with the requirements of paragraph (5).”.

(b) CONFORMING AMENDMENT.—Section 501(d) (50 U.S.C. 1861(d)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “pursuant to an order” and inserting “pursuant to an order issued or an emergency production required”;

(B) in subparagraph (A), by striking “such order” and inserting “such order or such emergency production”;

(C) in subparagraph (B), by striking “the order” and inserting “the order or the emergency production”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “an order” and inserting “an order or emergency production”;

(B) in subparagraph (B), by striking “an order” and inserting “an order or emergency production”.

#### SEC. 103. PROHIBITION ON BULK COLLECTION OF TANGIBLE THINGS.

(a) APPLICATION.—Section 501(b)(2) (50 U.S.C. 1861(b)(2)), as amended by section 101(a) of this Act, is further amended by inserting before subparagraph (B), as redesignated by such section 101(a) of this Act, the following new subparagraph:

“(A) a specific selection term to be used as the basis for the production of the tangible things sought;”.

(b) ORDER.—Section 501(c) (50 U.S.C. 1861(c)) is amended—

(1) in paragraph (2)(A), by striking the semicolon and inserting “, including each specific selection term to be used as the basis for the production;”;

(2) by adding at the end the following new paragraph:

“(3) No order issued under this subsection may authorize the collection of tangible things without the use of a specific selection term that meets the requirements of subsection (b)(2).”.

#### SEC. 104. JUDICIAL REVIEW OF MINIMIZATION PROCEDURES FOR THE PRODUCTION OF TANGIBLE THINGS.

Section 501(c)(1) (50 U.S.C. 1861(c)(1)) is amended by inserting after “subsections (a) and (b)” the following: “and that the minimization procedures submitted in accordance with subsection (b)(2)(D) meet the definition of minimization procedures under subsection (g)”.

#### SEC. 105. LIABILITY PROTECTION.

Section 501(e) (50 U.S.C. 1861(e)) is amended to read as follows:

“(e)(1) No cause of action shall lie in any court against a person who—

“(A) produces tangible things or provides information, facilities, or technical assistance pursuant to an order issued or an emergency production required under this section; or

“(B) otherwise provides technical assistance to the Government under this section or to implement the amendments made to this section by the USA FREEDOM Act.

“(2) A production or provision of information, facilities, or technical assistance described in paragraph (1) shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.”.

#### SEC. 106. COMPENSATION FOR ASSISTANCE.

Section 501 (50 U.S.C. 1861), as amended by section 102 of this Act, is further amended by adding at the end the following new subsection:

“(j) COMPENSATION.—The Government shall compensate a person for reasonable expenses incurred for—

“(1) producing tangible things or providing information, facilities, or assistance in accordance with an order issued with respect to an application described in subsection (b)(2)(C) or an emergency production under subsection (i) that, to comply with subsection (i)(1)(D), requires an application described in subsection (b)(2)(C); or

“(2) otherwise providing technical assistance to the Government under this section or to implement the amendments made to this section by the USA FREEDOM Act.”.

#### SEC. 107. DEFINITIONS.

Section 501 (50 U.S.C. 1861), as amended by section 106 of this Act, is further amended by adding at the end the following new subsection:

“(k) DEFINITIONS.—In this section:

“(1) CALL DETAIL RECORD.—The term ‘call detail record’—

“(A) means session identifying information (including originating or terminating telephone number, International Mobile Subscriber Identity number, or International Mobile Station Equipment Identity number), a telephone calling card number, or the time or duration of a call; and

“(B) does not include—

“(i) the contents of any communication (as defined in section 2510(8) of title 18, United States Code);

“(ii) the name, address, or financial information of a subscriber or customer; or

“(iii) cell site location information.

“(2) SPECIFIC SELECTION TERM.—The term ‘specific selection term’ means a discrete term, such as a term specifically identifying a person, entity, account, address, or device, used by the Government to limit the scope of the information or tangible things sought pursuant to the statute authorizing the provision of such information or tangible things to the Government.”.

#### SEC. 108. INSPECTOR GENERAL REPORTS ON BUSINESS RECORDS ORDERS.

Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting “and calendar years 2012 through 2014” after “2006”;

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3) (as so redesignated)—

(i) by striking subparagraph (C) and inserting the following new subparagraph:

“(C) with respect to calendar years 2012 through 2014, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures adequately protect the constitutional rights of United States persons;”;

(ii) in subparagraph (D), by striking “(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))”;

(2) in subsection (c), by adding at the end the following new paragraph:

“(3) CALENDAR YEARS 2012 THROUGH 2014.—Not later than December 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audit conducted under subsection (a) for calendar years 2012 through 2014.”;

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following new subsection:

“(d) INTELLIGENCE ASSESSMENT.—

“(1) IN GENERAL.—For the period beginning on January 1, 2012, and ending on December 31, 2014, the Inspector General of the Intelligence Community shall assess—

“(A) the importance of the information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) to the activities of the intelligence community;

“(B) the manner in which that information was collected, retained, analyzed, and disseminated by the intelligence community;

“(C) the minimization procedures used by elements of the intelligence community under such title and whether the minimization procedures adequately protect the constitutional rights of United States persons; and

“(D) any minimization procedures proposed by an element of the intelligence community under such title that were modified or denied by the court established under section 103(a) of such Act (50 U.S.C. 1803(a)).

“(2) SUBMISSION DATE FOR ASSESSMENT.—Not later than 180 days after the date on which the Inspector General of the Department of Justice submits the report required under subsection (c)(3), the Inspector General of the Intelligence Community shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 through 2014.”;

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking “a report under subsection (c)(1) or (c)(2)” and inserting “any report under subsection (c) or (d)”;

(ii) by striking “Inspector General of the Department of Justice” and inserting “Inspector General of the Department of Justice, the Inspector General of the Intelligence Community, and any Inspector General of an element of the intelligence community that prepares a report to assist the Inspector General of the Department of Justice or the Inspector General of the Intelligence Community in complying with the requirements of this section”; and

(B) in paragraph (2), by striking “the reports submitted under subsections (c)(1) and (c)(2)” and inserting “any report submitted under subsection (c) or (d)”;

(6) in subsection (f), as redesignated by paragraph (3)—

(A) by striking “The reports submitted under subsections (c)(1) and (c)(2)” and inserting “Each report submitted under subsection (c)”;

(B) by striking “subsection (d)(2)” and inserting “subsection (e)(2)”;

(7) by adding at the end the following new subsection:

“(g) **DEFINITIONS.**—In this section:

“(1) **INTELLIGENCE COMMUNITY.**—The term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

“(2) **UNITED STATES PERSON.**—The term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).”.

#### SEC. 109. EFFECTIVE DATE.

(a) **IN GENERAL.**—The amendments made by sections 101 through 103 shall take effect on the date that is 180 days after the date of the enactment of this Act.

(b) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to alter or eliminate the authority of the Government to obtain an order under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) as in effect prior to the effective date described in subsection (a) during the period ending on such effective date.

#### SEC. 110. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to authorize the production of the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication from an electronic communication service provider (as such term is defined in section 701(b)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881(b)(4)) under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

### TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE REFORM

#### SEC. 201. PROHIBITION ON BULK COLLECTION.

(a) **PROHIBITION.**—Section 402(c) (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by striking “; and” and inserting a semicolon;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

“(3) a specific selection term to be used as the basis for selecting the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied; and”.

(b) **DEFINITION.**—Section 401 (50 U.S.C. 1841) is amended by adding at the end the following new paragraph:

“(4) The term ‘specific selection term’ has the meaning given the term in section 501.”.

#### SEC. 202. PRIVACY PROCEDURES.

(a) **IN GENERAL.**—Section 402 (50 U.S.C. 1842) is amended by adding at the end the following new subsection:

“(h) The Attorney General shall ensure that appropriate policies and procedures are in place to safeguard nonpublicly available information concerning United States persons that is collected through the use of a pen register or trap and trace device installed under this section. Such policies and procedures shall, to the maximum extent practicable and consistent with the need to protect national security, include protections for the collection, retention, and use of information concerning United States persons.”.

(b) **EMERGENCY AUTHORITY.**—Section 403 (50 U.S.C. 1843) is amended by adding at the end the following new subsection:

“(d) Information collected through the use of a pen register or trap and trace device installed under this section shall be subject to the policies and procedures required under section 402(h).”.

### TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE THE UNITED STATES REFORMS

#### SEC. 301. MINIMIZATION PROCEDURES.

Section 702(e)(1) (50 U.S.C. 1881a(e)(1)) is amended—

(1) by striking “that meet” and inserting the following: “that—

“(A) meet”;

(2) in subparagraph (A) (as designated by paragraph (1) of this section), by striking the period and inserting “; and”;

(3) by adding at the end the following new subparagraph:

“(B) consistent with such definition—

“(i) minimize the acquisition, and prohibit the retention and dissemination, of any communication as to which the sender and all intended recipients are determined to be located in the United States at the time of acquisition, consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information; and

“(ii) prohibit the use of any discrete communication that is not to, from, or about the target of an acquisition and is to or from an identifiable United States person or a person reasonably believed to be located in the United States, except to protect against an immediate threat to human life.”.

#### SEC. 302. LIMITS ON USE OF UNLAWFULLY OBTAINED INFORMATION.

Section 702(i)(3) (50 U.S.C. 1881a(i)(3)) is amended by adding at the end the following new subparagraph:

“(D) **LIMITATION ON USE OF INFORMATION.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), to the extent the Court orders a correction of a deficiency in a certification or procedures under subparagraph (B), no information obtained or evidence derived pursuant to the part of the certification or procedures that has been identified by the Court as deficient concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired pursuant to such part of such certification shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of the United States person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(ii) **EXCEPTION.**—If the Government corrects any deficiency identified by the order of the Court under subparagraph (B), the Court may permit the use or disclosure of information obtained before the date of the correction under such minimization procedures as the Court shall establish for purposes of this clause.”.

### TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS

#### SEC. 401. APPOINTMENT OF AMICUS CURIAE.

Section 103 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

“(i) **AMICUS CURIAE.**—

“(1) **AUTHORIZATION.**—A court established under subsection (a) or (b), consistent with the requirement of subsection (c) and any other statutory requirement that the court act expeditiously or within a stated time—

“(A) shall appoint an individual to serve as amicus curiae to assist such court in the consideration of any application for an order or review that, in the opinion of the court, presents a novel or significant interpretation of the law, unless the court issues a written finding that such appointment is not appropriate; and

“(B) may appoint an individual to serve as amicus curiae in any other instance as such court deems appropriate.

“(2) **DESIGNATION.**—The presiding judges of the courts established under subsections (a) and (b) shall jointly designate not less than 5 individuals to be eligible to serve as amicus curiae.

Such individuals shall be persons who possess expertise in privacy and civil liberties, intelligence collection, telecommunications, or any other area that may lend legal or technical expertise to the courts and who have been determined by appropriate executive branch officials to be eligible for access to classified information.

“(3) **DUTIES.**—An individual appointed to serve as amicus curiae under paragraph (1) shall carry out the duties assigned by the appointing court. Such court may authorize the individual appointed to serve as amicus curiae to review any application, certification, petition, motion, or other submission that the court determines is relevant to the duties assigned by the court.

“(4) **NOTIFICATION.**—The presiding judges of the courts established under subsections (a) and (b) shall notify the Attorney General of each exercise of the authority to appoint an individual to serve as amicus curiae under paragraph (1).

“(5) **ASSISTANCE.**—A court established under subsection (a) or (b) may request and receive (including on a non-reimbursable basis) the assistance of the executive branch in the implementation of this subsection.

“(6) **ADMINISTRATION.**—A court established under subsection (a) or (b) may provide for the designation, appointment, removal, training, or other support for an individual appointed to serve as amicus curiae under paragraph (1) in a manner that is not inconsistent with this subsection.”.

#### SEC. 402. DECLASSIFICATION OF DECISIONS, ORDERS, AND OPINIONS.

(a) **DECLASSIFICATION.**—Title VI (50 U.S.C. 1871 et seq.) is amended—

(1) in the heading, by striking “**REPORTING REQUIREMENT**” and inserting “**OVERSIGHT**”; and

(2) by adding at the end the following new section:

#### “SEC. 602. DECLASSIFICATION OF SIGNIFICANT DECISIONS, ORDERS, AND OPINIONS.

“(a) **DECLASSIFICATION REQUIRED.**—Subject to subsection (b), the Director of National Intelligence, in consultation with the Attorney General, shall conduct a declassification review of each decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review (as defined in section 601(e)) that includes a significant construction or interpretation of any provision of this Act, including a construction or interpretation of the term ‘specific selection term’, and, consistent with that review, make publicly available to the greatest extent practicable each such decision, order, or opinion.

“(b) **REDACTED FORM.**—The Director of National Intelligence, in consultation with the Attorney General, may satisfy the requirement under subsection (a) to make a decision, order, or opinion described in such subsection publicly available to the greatest extent practicable by making such decision, order, or opinion publicly available in redacted form.

“(c) **NATIONAL SECURITY WAIVER.**—The Director of National Intelligence, in consultation with the Attorney General, may waive the requirement to declassify and make publicly available a particular decision, order, or opinion under subsection (a) if—

“(1) the Director of National Intelligence, in consultation with the Attorney General, determines that a waiver of such requirement is necessary to protect the national security of the United States or properly classified intelligence sources or methods; and

“(2) the Director of National Intelligence makes publicly available an unclassified statement prepared by the Attorney General, in consultation with the Director of National Intelligence—

“(A) summarizing the significant construction or interpretation of a provision under this Act; and

“(B) that specifies that the statement has been prepared by the Attorney General and constitutes no part of the opinion of the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review.”.

(b) TABLE OF CONTENTS AMENDMENTS.—The table of contents in the first section is amended—

(1) by striking the item relating to title VI and inserting the following new item:

“TITLE VI—OVERSIGHT”; and

(2) by inserting after the item relating to section 601 the following new item:

“Sec. 602. Declassification of significant decisions, orders, and opinions.”.

#### **TITLE V—NATIONAL SECURITY LETTER REFORM**

##### **SEC. 501. PROHIBITION ON BULK COLLECTION.**

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709(b) of title 18, United States Code, is amended in the matter preceding paragraph (1) by striking “may” and inserting “may, using a specific selection term as the basis for a request”.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114(a)(2) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(2)) is amended by striking the period and inserting “and a specific selection term to be used as the basis for the production and disclosure of financial records.”.

(c) DISCLOSURES TO FBI OF CERTAIN CONSUMER RECORDS FOR COUNTERINTELLIGENCE PURPOSES.—Section 626(a) of the Fair Credit Reporting Act (15 U.S.C. 1681u(a)) is amended by striking “that information,” and inserting “that information that includes a specific selection term to be used as the basis for the production of that information.”.

(d) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES OF CONSUMER REPORTS.—Section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)) is amended by striking “analysis,” and inserting “analysis and a specific selection term to be used as the basis for the production of such information.”.

(e) DEFINITIONS.—

(1) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(g) SPECIFIC SELECTION TERM DEFINED.—In this section, the term ‘specific selection term’ has the meaning given the term in section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).”.

(2) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended by adding at the end the following new subsection:

“(e) In this section, the term ‘specific selection term’ has the meaning given the term in section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).”.

(3) DISCLOSURES TO FBI OF CERTAIN CONSUMER RECORDS FOR COUNTERINTELLIGENCE PURPOSES.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by adding at the end the following new subsection:

“(m) SPECIFIC SELECTION TERM DEFINED.—In this section, the term ‘specific selection term’ has the meaning given the term in section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).”.

(4) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES OF CONSUMER

REPORTS.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by adding at the end the following new subsection:

“(g) SPECIFIC SELECTION TERM DEFINED.—In this section, the term ‘specific selection term’ has the meaning given the term in section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).”.

#### **TITLE VI—FISA TRANSPARENCY AND REPORTING REQUIREMENTS**

##### **SEC. 601. ADDITIONAL REPORTING ON ORDERS REQUIRING PRODUCTION OF BUSINESS RECORDS.**

Section 502(b) (50 U.S.C. 1862(b)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (5), (6), and (7), respectively; and

(2) by inserting before paragraph (5) (as so redesignated) the following new paragraphs:

“(1) the total number of applications described in section 501(b)(2)(B) made for orders approving requests for the production of tangible things;

“(2) the total number of such orders either granted, modified, or denied;

“(3) the total number of applications described in section 501(b)(2)(C) made for orders approving requests for the production of call detail records;

“(4) the total number of such orders either granted, modified, or denied.”.

##### **SEC. 602. BUSINESS RECORDS COMPLIANCE REPORTS TO CONGRESS.**

Section 502(b) (50 U.S.C. 1862(b)), as amended by section 601 of this Act, is further amended—

(1) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

“(1) a summary of all compliance reviews conducted by the Federal Government of the production of tangible things under section 501.”.

##### **SEC. 603. ANNUAL REPORTS BY THE GOVERNMENT ON ORDERS ENTERED.**

(a) IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.), as amended by section 402 of this Act, is further amended by adding at the end the following new section:

##### **“SEC. 603. ANNUAL REPORT ON ORDERS ENTERED.**

“(a) REPORT BY DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—The Director of the Administrative Office of the United States Courts shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and, subject to a declassification review by the Attorney General and Director of National Intelligence, make publicly available on an Internet website—

“(1) the number of orders entered under each of sections 105, 304, 402, 501, 702, 703, and 704;

“(2) the number of orders modified under each of those sections;

“(3) the number of orders denied under each of those sections; and

“(4) the number of appointments of an individual to serve as amicus curiae under section 103, including the name of each individual appointed to serve as amicus curiae.

“(b) REPORT BY DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall annually make publicly available a report that identifies, for the preceding 12-month period—

“(1) the total number of orders issued pursuant to titles I and III and sections 703 and 704 and the estimated number of targets affected by such orders;

“(2) the total number of orders issued pursuant to section 702 and the estimated number of targets affected by such orders;

“(3) the total number of orders issued pursuant to title IV and the estimated number of targets affected by such orders;

“(4) the total number of orders issued pursuant to applications made under section 501(b)(2)(B) and the estimated number of targets affected by such orders;

“(5) the total number of orders issued pursuant to applications made under section 501(b)(2)(C) and the estimated number of targets affected by such orders; and

“(6) the total number of national Security letters issued and the number of requests for information contained within such national security letters.

“(c) NATIONAL SECURITY LETTER DEFINED.—The term ‘national security letter’ means any of the following provisions:

“(1) Section 2709 of title 18, United States Code.

“(2) Section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)).

“(3) Subsection (a) or (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u(a), 1681u(b)).

“(4) Section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)).”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section, as amended by section 402 of this Act, is further amended by inserting after the item relating to section 602, as added by such section 402, the following new item:

“Sec. 603. Annual report on orders entered.”.

##### **SEC. 604. PUBLIC REPORTING BY PERSONS SUBJECT TO FISA ORDERS.**

(a) IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.), as amended by section 603 of this Act, is further amended by adding at the end the following new section:

##### **“SEC. 604. PUBLIC REPORTING BY PERSONS SUBJECT TO ORDERS.**

“(a) REPORTING.—A person may semiannually publicly report the following information with respect to the preceding half year using one of the following structures:

“(1) Subject to subsection (b), a report that aggregates the number of orders or national security letters the person was required to comply with in the following separate categories:

“(A) The number of national security letters received, reported in bands of 1000 starting with 0-999.

“(B) The number of customer accounts affected by national security letters, reported in bands of 1000 starting with 0-999.

“(C) The number of orders under this Act for content, reported in bands of 1000 starting with 0-999.

“(D) With respect to content orders under this Act, in bands of 1000 starting with 0-999, the number of customer accounts affected under orders under title I;

“(E) The number of orders under this Act for non-content, reported in bands of 1000 starting with 0-999.

“(F) With respect to non-content orders under this Act, in bands of 1000 starting with 0-999, the number of customer accounts affected under orders under—

“(i) title IV;

“(ii) title V with respect to applications described in section 501(b)(2)(B); and

“(iii) title V with respect to applications described in section 501(b)(2)(C).

“(2) A report that aggregates the number of orders, directives, or national security letters the person was required to comply with in the following separate categories:

“(A) The total number of all national security process received, including all national security letters and orders or directives under this Act, reported as a single number in a band of 0-249 and thereafter in bands of 250.

“(B) The total number of customer selectors targeted under all national security process received, including all national security letters and orders or directives under this Act, reported as a single number in a band of 0-249 and thereafter in bands of 250.

“(3) Subject to subsection (b), a report that aggregates the number of orders or national security letters the person was required to comply with in the following separate categories:

“(A) The number of national security letters received, reported in bands of 500 starting with 0-499.

“(B) The number of customer accounts affected by national security letters, reported in bands of 500 starting with 0-499.

“(C) The number of orders under this Act for content, reported in bands of 500 starting with 0-499.

“(D) The number of customer selectors targeted under such orders, in bands of 500 starting with 0-499.

“(E) The number of orders under this Act for non-content, reported in bands of 500 starting with 0-499.

“(F) The number of customer selectors targeted under such orders, reported in bands of 500 starting with 0-499.

“(b) PERIOD OF TIME COVERED BY REPORTS.—With respect to a report described in paragraph (1) or (3) of subsection (a), such report shall only include information—

“(1) except as provided in paragraph (2), for the period of time ending on the date that is at least 180 days before the date of the publication of such report; and

“(2) with respect to an order under this Act or national security letter received with respect to a platform, product, or service for which a person did not previously receive such an order or national security letter (not including an enhancement to or iteration of an existing publicly available platform, product, or service), for the period of time ending on the date that is at least 2 years before the date of the publication of such report.

“(c) OTHER FORMS OF AGREED TO PUBLICATION.—Nothing in this section shall be construed to prohibit the Government and any person from jointly agreeing to the publication of information referred to in this subsection in a time, form, or manner other than as described in this section.

“(d) NATIONAL SECURITY LETTER DEFINED.—The term ‘national security letter’ has the meaning given the term in section 603.”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section, as amended by section 603 of this Act, is further amended by inserting after the item relating to section 603, as added by section 603 of this Act, the following new item:

“Sec. 604. Public reporting by persons subject to orders.”

#### **SEC. 605. REPORTING REQUIREMENTS FOR DECISIONS OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.**

Section 601(c)(1) (50 U.S.C. 1871(c)) is amended to read as follows:

“(1) not later than 45 days after the date on which the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review issues a decision, order, or opinion, including any denial or modification of an application under this Act, that includes a significant construction or interpretation of any provision of this Act or results in a change of application of any provision of this Act or a new application of any provision of this Act, a copy of such decision, order, or opinion and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion; and”

#### **SEC. 606. SUBMISSION OF REPORTS UNDER FISA.**

(a) ELECTRONIC SURVEILLANCE.—Section 108(a)(1) (50 U.S.C. 1808(a)(1)) is amended by

striking “the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, and the Committee on the Judiciary of the Senate,” and inserting “the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate”.

(b) PHYSICAL SEARCHES.—Section 306 (50 U.S.C. 1826) is amended—

(1) in the first sentence, by striking “Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and the Committee on the Judiciary of the Senate,” and inserting “Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate”; and

(2) in the second sentence, by striking “and the Committee on the Judiciary of the House of Representatives”.

(c) PEN REGISTER AND TRAP AND TRACE DEVICES.—Section 406(b) (50 U.S.C. 1846(b)) is amended—

(1) in paragraph (2), by striking “; and” and inserting a semicolon;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(4) each department or agency on behalf of which the Government has made application for orders approving the use of pen registers or trap and trace devices under this title; and

“(5) for each department or agency described in paragraph (4), a breakdown of the numbers required by paragraphs (1), (2), and (3).”

(d) ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS.—Section 502(a) (50 U.S.C. 1862(a)) is amended by striking “Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate” and inserting “Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Committees on the Judiciary of the House of Representatives and the Senate”.

### **TITLE VII—SUNSETS**

#### **SEC. 701. SUNSETS.**

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (50 U.S.C. 1805 note) is amended by striking “June 1, 2015” and inserting “December 31, 2017”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking “June 1, 2015” and inserting “December 31, 2017”.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes. The gentleman from Michigan (Mr. ROGERS) and the gentleman from Maryland (Mr. RUPPERSBERGER) each will control 10 minutes.

The Chair recognizes the gentleman from Virginia.

#### **GENERAL LEAVE**

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3361.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

From the founding of the American Republic, this country has been engaged in a profound debate about the limits of government. In the Federalist Papers, the Founders argued passionately for a Federal Government that would protect the American people from foreign threats.

At the same time, the Founders struggled to create a structure to contain and control that government in order to protect the God-given rights of the American people. They carefully crafted the Constitution and Bill of Rights to accomplish these two different, yet complementary, goals.

In essence, this debate has illuminated the exceptionality of the United States. The ceaseless effort to restrain the reach of government is in our DNA as Americans. And for 225 years, we have refused to accept the idea that in order to have national security, we must sacrifice our personal freedoms.

Some, however, think these goals are in conflict with one another following last year's unauthorized disclosure of the National Security Agency's data collection programs operated under the Foreign Intelligence Surveillance Act, or FISA.

Today, the House will consider legislation that once again proves that American liberty and security are not mutually exclusive. We can protect both Americans' civil liberties and our national security without compromising either one.

For nearly a year, the House Judiciary Committee has studied this issue in detail. We have held multiple hearings, consulted the Obama administration, and worked across party lines to produce bipartisan legislation to ensure these programs protect our national security and our individual freedoms.

This bill, the USA FREEDOM Act, was unanimously approved by both the House Judiciary Committee and the House Permanent Select Committee on Intelligence. The USA FREEDOM Act makes clear that the government cannot indiscriminately acquire Americans' call detail records and creates a new, narrowly tailored process for the collection of these records.

Specifically, the USA FREEDOM Act ends bulk collection by keeping Americans' phone records in the hands of providers and requiring the government to

get the permission of the court to request information from providers, using a specific selection term in their request to the court. That limits the scope of information collected. For example, the government would have to identify a specific person or account as part of any request for information or tangible things.

Furthermore, the USA FREEDOM Act bans bulk collection not just for the controversial telephone metadata program, but for all of section 215 authorities, as well as NSL letters and pen register, trap and trace devices. These limitations will protect Americans' records of all types, including medical records, email records, telephone records, and firearms purchase records, among many others.

At the same time, the USA FREEDOM Act ensures that the Federal Government will continue to have the tools it needs to identify and intercept terrorist attacks. The bill preserves the traditional operational use of these important authorities by the FBI and other intelligence agencies. It provides needed emergency authority to national security officials if there is an immediate national security threat, but still requires the government to obtain Court approval of an application within 7 days.

The USA FREEDOM Act increases the transparency of our intelligence-gathering programs by creating an amicus curiae in the FISA Court. This amicus will be chosen from a panel of legal experts to help ensure the court adequately considers privacy concerns and the constitutional rights of Americans when reviewing the government's request for records.

It also requires the Director of National Intelligence and the Attorney General to conduct a declassification review of each decision, order, or opinion of the court that includes a significant construction or interpretation of the law and mandates that the government report the number of orders issued, modified, or denied by the court annually.

Last year's national security leaks have also had a commercial and financial impact on American technology companies that have provided these records. They have experienced backlash from both American and foreign consumers and have had their competitive standing in the global marketplace damaged. In January of this year, the Justice Department entered into a settlement with several companies to permit new ways to report data concerning requests for customer information under FISA. The USA FREEDOM Act builds on upon this settlement, allowing tech companies to publicly report national security requests from the government to inform their American and foreign customers.

From beginning to end, this is a carefully crafted, bipartisan bill.

I would like to thank the sponsor of this legislation, Crime Subcommittee Chairman JIM SENSENBRENNER, full committee Ranking Member JOHN CONYERS, Intellectual Property Subcommittee Ranking Member JERRY NADLER, and Crime Subcommittee Ranking Member BOBBY SCOTT for working together with me on this important bipartisan legislation. I also want to thank the staff of these Members for the many hours, weeks, and months of hard work they put into this effort.

Furthermore, I would like to thank my staff—Caroline Lynch, the chief counsel of the Crime Subcommittee, and Sam Ramer—for their long hours and steadfast dedication to this legislation. And I might add that Sam Ramer is going to be missed by the committee as he moves on to take a new responsibility in the private sector, but he wanted to be sure that he could be present today for the completion of the passage of this legislation through the House. I thank Sam and Caroline for their long and dedicated hours put into making sure that this was a finely crafted piece of legislation.

I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the USA FREEDOM Act. The version of the bill pending before us today is not a perfect vehicle. There is more that we can do and must do to ensure, as the Fourth Amendment requires, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

But let me be clear. The compromise bill before us today is a significant improvement over the status quo. It is a good bill. Now, with this legislation, we stand poised to end domestic bulk collection across the board—in section 215 of the PATRIOT Act, in the pen register authority, and in the national security letter statutes—by requiring the use of a "specific selection term" before the government may obtain information or tangible things.

This legislation will create a panel of experts from which the Foreign Intelligence Surveillance Court can draw expertise and questions involving privacy, civil liberties, and technology. It will also require the court to disclose every significant opinion it issues, because in this country there should be no such thing as secret law. And we have accomplished all these things while providing President Obama with his requested authority for the limited, prospective collection of call detail records.

Any bill we might have offered on this subject would have been imperfect, but we have been careful to include the critical safeguards in this legislation. With the additional reporting, declassification, and transparency requirements laid out in the measure before us, we believe the government would be hard-pressed to attempt to expand its surveillance authorities beyond the narrow intent of this legislation.

As the administration stated yesterday in a formal statement of policy, the USA FREEDOM Act "prohibits bulk collection." This is our intent, and we will hold the current and future administrations to this intent.

In closing, I want to thank Chairman GOODLATTE, Mr. SENSENBRENNER of Wisconsin, Mr. NADLER of New York, and Mr. SCOTT of Virginia for their tireless leadership on this issue. I also want to express appreciation to Chairman ROGERS and Ranking Member RUPPERSBERGER for their willingness to work with us to reach this point.

The House is poised to approve the first significant rollback of any aspect of government surveillance since the passage of the Foreign Intelligence Surveillance Act in 1978. We must seize this opportunity, and so I urge my colleagues to support H.R. 3361.

I reserve the balance of my time.

Mr. Speaker, H.R. 3361, the USA FREEDOM Act, is intended to provide strong, concrete limits that prevent mass and untargeted collection of records and information using domestic intelligence authorities, Section 215 of the PATRIOT Act, the intelligence pen/trap statute, and national security letters. The USA FREEDOM Act is designed to prevent bulk collection on a nationwide scale and other broad collection of information that pertains to large numbers of people who share an identifier. The substitute amendment's definition of "specific selection term" is an integral part of our effort to end, and prevent, such broad collection. The identifiers that fit this definition should be narrowly construed to further this goal.

Under the bill, a specific selection term is defined as, "a discrete term, such as a term specifically identifying a person, entity, account, address, or device, used by the Government to limit the scope of the information or tangible things sought pursuant to the statute authorizing the provision of such information or tangible thing to the government."

This definition includes a non-exclusive list of discrete identifiers—person, entity, account, address, device—that are associated with a specific person or a very small group of people. The list is non-exclusive because there may be other discrete identifiers that pertain only to a specific person or a small group. Using an illustrative list rather than an exhaustive list provides necessary flexibility in choosing selection terms that identify particular people or small groups, and is not intended to permit collection of information about large numbers of people who may have some tie to an identifier. For example, a "specific selection term" includes the phone number associated with a target's cell phone and the phone number of his home landline he shares with the rest of his family, but not an area code shared by thousands or millions.

The substitute amendment includes "device" and "address" among the illustrative examples of specific selection terms. Use of

these examples is not intended to permit large scale collection. They were added to broaden the type of specific identifiers that could be employed, not to permit broad collection of information that pertains to vast numbers of people. In both cases, these terms apply to a personal identifier—a personal device or address—in which the “device” or “address” takes the place of another unique identifier, such as a name or account.

For example, the IMEI number of cell phone identifies that “device” and is an appropriate selection term because the device is associated with a specific person. However, the IP address of an Internet router that acts as a hub for thousands of email users, while it identifies a specific device, does not qualify as a specific selection term because the records associated it with pertain to so many people. Similarly, an “address” could serve as a selection term permitting the government to name the physical address of a home, but not an IP address shared by thousands of Internet users. To use a selection term in a manner that would sweep up the records that pertain to dozens, hundreds, or thousands of individuals is exactly the type of mass surveillance that this legislation is designed to prevent.

The USA FREEDOM Act is intended to stop both bulk and “bulky” collection, and I expect it to fulfill this function as a critical safeguard to Americans’ privacy.

Mr. GOODLATTE. Mr. Speaker, I yield myself 15 seconds.

I neglected to add another key member of the committee, Congressman RANDY FORBES of Virginia, a member of the Judiciary Committee who has also been a key bipartisan member of this negotiation.

At this time, it is my pleasure to yield 6 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Crime, Terrorism, Homeland Security, and Investigations Subcommittee and the chief sponsor of this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I want to thank the House for bringing the USA FREEDOM Act to the floor today.

I was the chairman of the Judiciary Committee on September 11, 2001. In the wake of that tragedy, the committee passed the PATRIOT Act with unanimous, bipartisan support. The bill easily passed in both the House and the Senate, and President George W. Bush signed it into law.

I believe the PATRIOT Act made America safer by enhancing the government’s ability to find and stop terrorist attacks. We were careful to maintain the civil liberties that distinguish us from our enemies. We are here today because the government misapplied the law and upset the balance between privacy and security that we had fought to preserve 13 years ago.

In a feat of legal gymnastics, the administration convinced the FISA Court that, because some records in the universe of every phone call Americans made might be relevant to counterterrorism, the entire universe of calls

must be relevant. That decision opened the floodgates to a practice of bulk collection that Congress never intended when the PATRIOT Act was passed.

□ 0930

Senator LEAHY and I introduced the USA FREEDOM Act to end bulk collection, increase transparency, and to reestablish a proper balance between privacy and security. After months of input and negotiations—in a historic echo of its vote on the PATRIOT Act—the Judiciary Committee unanimously passed the FREEDOM Act.

The challenge we faced was to draft legislation that was tight enough to avoid abuse without infringing on the core functions of law enforcement and intelligence collection. Perfect is rarely possible in politics, and this bill is no exception.

In order to preserve core operations of the intelligence and law enforcement agencies, the administration insisted on broadening certain authorities and lessening certain restrictions. Some of the changes raise justifiable concerns, and I don’t blame people for losing trust in their government, because the government has violated their trust.

Let me be clear: I wish this bill did more. To my colleagues who lament the changes, I agree with you. To privacy groups who are upset about lost provisions, I share your disappointment. The negotiations for this bill were intense, and we have to make compromises, but this bill still does deserve support. Don’t let the perfect become the enemy of the good. Today, we have the opportunity to make a powerful statement: Congress does not support bulk collection.

The days of the NSA indiscriminately vacuuming up more data than it can store will end with the USA FREEDOM Act. After the FREEDOM Act passes, we will have a law that expresses Congress’ unambiguous intent to end bulk collection of Americans’ data across all surveillance authorities.

The bill requires that, in addition to existing restrictions, the government must use a specific selection term as the basis for collecting foreign intelligence information. And maybe more importantly, after this bill becomes law, we will have critical transparency provisions to ensure that, if the government again violates our trust, Congress and the public will know about it and will be able to do something about it.

The FREEDOM Act gives private companies greater discretion to disclose their cooperation with the government. These disclosures give the companies increased autonomy and will alert the public to the extent of data collection. The bill also requires public notification of any FISC decision that contains a significant con-

struction of law—expressly including interpretations of the “specific selection term.” This is the end of secret laws. If the administration abuses the intent of the bill, everyone will know.

That is why the FREEDOM Act will succeed. It bans bulk collection and ensures disclosure of attempts to dilute it. Today’s vote is a first vote is the first step—and not a final step—in our efforts to reform surveillance. It gives us the tools to ensure that Congress and the public can provide an adequate check on the government. In a post-FREEDOM Act world, we have turned the tables on the NSA and can say to them: “We are watching you.” And we will.

I want to thank Chairman GOODLATTE, Ranking Member CONYERS and Congressmen SCOTT, NADLER and FORBES of Virginia for all their hard work. I also want to thank the staff for so many long hours. I cannot overstate the amount of collective sweat and tears that my chief of staff, Bart Forsyth, Caroline Lynch, Sam Ramer, Aaron Hiller, Heather Sawyer, and Joe Graupensperger put into this bill.

But most of all, I want to thank my wife, Cheryl. Cheryl has always been the world’s largest and loudest advocate for the preservation of civil rights. She encouraged, supported—and some might say demanded—that I lead this effort. There is no question that we would not be here today for this historic vote on the USA FREEDOM Act if it weren’t for her.

I urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2½ minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Intellectual Property Subcommittee.

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, today we have the first chance in more than a decade to finally place some real limits on the sweeping, unwarranted—and at times unlawful—government surveillance that many of us have fought against for years.

First and foremost—and as the administration acknowledges in its Statement of Administration Policy—this bill will end bulk collection under section 215 of the USA PATRIOT Act, and will ensure that the government is also prohibited from using its National Security Letter authority, or pen registers and trap-and-trace devices, for bulk collection. It does so by requiring the government to identify a specific selection term—something like a person’s name, or an account or telephone number—as the basis for obtaining information. This term must limit the scope of records collected to those that are “relevant” to an authorized investigation, which requires a reasonable relationship between the particular records and the subjects of a terrorism investigation.



I share the concerns that the current definition of “specific selection term” may still allow overbroad collection. But given the “presumptively relevant” categories that Congress has already identified in section 215—and because the bill will now require participation of an amicus in the FISA Court who can argue against an overly broad reading of the law—the government would not be permitted to, for example, use an entire telephone area code or an Internet router to collect and warehouse records just because a terrorist suspect might be using a phone in that area code or sending communications that might traverse that router.

Moreover, to the extent the FISA Court ever construes a specific selection term too broadly, other reforms in the bill ensure that Congress and the American people would know about it immediately and could rein them in.

These changes are quite significant, as are the new restrictions to the use of FISA section 702, which allows the NSA to target persons located outside the United States.

The USA FREEDOM Act on the floor today certainly does not give us everything we want or need. It is the product of heated negotiations across party and committee lines and with the intelligence community. It is far from perfect, but it is an important step forward, and we will work to fix remaining problems and strengthen the bill as it moves through the Senate. But a “no” vote on this bill today may mean no reform at all, thus leaving in place the framework that could lead to the continued dragnet surveillance of our citizens. This must end. This still makes critically important changes that we should all support. That is why I will vote for it and why I urge everyone else to vote for it.

With that, I want to thank Congressmen SENSENBRENNER, GOODLATTE, CONYERS, SCOTT, and FORBES, and all the staff members who worked on this bill.

This is a signal occasion. It is the first real progress we will have made—not enough—but a really good first step.

Mr. GOODLATTE. Mr. Speaker, at this time, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT) who has worked so hard on this.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding. I join the author of the bill, the gentleman from Wisconsin and chair of the Judiciary Committee’s Subcommittee on Crime, Mr. SENSENBRENNER; my colleague from Virginia, the chair of the full committee, Mr. GOODLATTE; the gentleman from Michigan and ranking member, Mr. CONYERS; Mr. NADLER; and my colleague from Virginia (Mr. FORBES) for proposing this amended version of the USA FREEDOM Act. I

commend my colleagues for working together to develop a bipartisan approach to addressing some of the shortcomings in our foreign intelligence surveillance statutes.

As recent revelations about the way that some of these statutes have been used have come to light, members of the Judiciary Committee, which has primary jurisdiction over the statutes, studied the issues, proposed solutions, and worked together to find a way forward. We have also worked with our colleagues from the Intelligence Committee to find common ground in order to bring meaningful surveillance reform to the floor today.

The bill, as amended, addresses abuses, enhances privacy protections, provides more rigorous review of critical questions of legal interpretation, and increases transparency so our citizens will know what is being decided and done in their name.

While the administration has already indicated that it will change its procedures, to paraphrase President Reagan, I think the best course is to “trust but codify.”

While this version of the USA FREEDOM Act does not accomplish all that we had hoped for, it is, in fact, a significant step in the right direction. I therefore urge my colleagues to support the legislation.

Mr. GOODLATTE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CONYERS. I am pleased now to yield 2 minutes to the gentlelady from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I certainly respect the role that Mr. SENSENBRENNER has played in this and honor him and his wife, Cheryl, for their commitment to freedom. But I must oppose the FREEDOM Act that is on the floor today.

This is not the bill that was reported out of the Judiciary Committee unanimously. I voted for that bill not because it was perfect but because it was a step in the right direction. After the bill was reported out, changes were made without the knowledge of the committee members, and I think the result is a bill that actually will not end bulk collections, regrettably.

As Mr. SCOTT has said, our job is not to trust, but to codify. And if you take a look at the selection changes made in the bill, it would allow for bulk collection should the NSA do so. Further, I would note that the transparency provisions have also been weakened. The 702 section would no longer be reportable by companies who receive orders, and instead of the Attorney General noting decisions that change the law, it is now sent over to the Director of National Intelligence.

Regrettably, we have learned that if we leave any ambiguity in the law, the intelligence agency will run a truck right through that ambiguity. And I

think that is why all the civil liberties groups have withdrawn their support from this bill: the ACLU, the Electronic Frontier Foundation, CDT, Open Technology. I would add that FreedomWorks and other libertarian groups have also pulled their support. Companies like Facebook and Google have also pulled their support of the bill.

Now, I hope that we will defeat this bill and come back together—because we do work together well here in the Judiciary Committee—and fix the problems that were created, I think, at the insistence of the administration and give honor to Mr. SENSENBRENNER’s original bill that had 151 members cosponsoring it.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds simply to point out two things. First of all, as the gentleman from Wisconsin has noted, this legislation is an effort to bring together widely disparate points of view about how to both maximize our national security and our civil liberties. And there are those outside groups that were just referenced who would like to see more than the language that they were able to obtain in this bill. But I think it is very important for everyone to know that while those groups—some groups—have withdrawn their support for the bill, they do not oppose the bill, and that is a very important distinction for Members to understand.

Mr. Speaker, at this time, it is my pleasure to yield 2 minutes to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I want to thank the chairman of the Judiciary Committee for yielding to me, and I want to also thank the efforts of the Judiciary Committee and the Select Committee on Intelligence for the broad and intense work they have done on this bill.

The USA FREEDOM Act starts with the right concept, and that is that the civil liberties of Americans were at risk. Even though we have very few examples of people being victimized by it, there is not a level of comfort in this country. And so the move to block the Federal Government from storing metadata and still allow for them to be able to set up under a FISA warrant a query through privately held data is the right way to go. It is a conclusion that I drew early on in the many hearings that I have been to, both classified and unclassified hearings.

I quizzed the witnesses, and I put my mark down on those committee hearings, but what happened was the process moved quickly, and over a weekend there was an intense job to write a bill that turned into a substitute amendment, and a debate in the Judiciary Committee referred over to the Select Committee on Intel. Both committees acted quickly. I offered an amendment



before the Judiciary Committee. It was voted on. But I have to say that, in my opinion, it was not considered in a fashion that would have allowed for the full judgment of the Judiciary Committee to weigh in.

My amendment is set up so it allows for the intelligence community to negotiate with the telecoms—the telecommunications providers—for a period of time longer than is today required by the FCC.

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I think it is not possible for anyone who supports this bill to argue that it makes us safer. It protects our civil liberties more, but there is a window beyond the FCC requirements that I would like to see be available on something other than a voluntary basis.

I wanted to come here to this floor and put my marker down on that concern, that we should not sacrifice the security in America and we should protect the civil liberties of Americans. We can do that at the same time. I think this bill falls somewhat short; although the underlying concept of the bill, I do support.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a very active member of the Judiciary Committee.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the ranking member and the chairman for this work.

I also thank Mr. SENSENBRENNER, who we have worked with from the first stages of the PATRIOT Act, when the Judiciary Committee passed it out on a bipartisan basis after that terrible and heinous act of terror. Unfortunately, it was changed.

Today, I want to announce that megadata collection as we know it has ended. That is a major tribute to the American people, and the Judiciary Committee and the Intelligence Committee heard them.

More importantly, the Intelligence Committee and the Judiciary Committee stand united. Can we do more? Should there have been an open rule or a number of other amendments that Members wanted? Yes. I believe in participatory democracy.

Today, we end bulk collection under the PATRIOT Act section 215. We can always do better. Today, we prevent the bulk collection under FISA pen register and National Security Letter authorities and vow to the American people that we increase the transparency.

Let me make it very clear, when we first discussed and debated the PATRIOT Act, reverse targeting, to me, was heinous. It means that it captured an innocent American person as we were looking for someone who happened to be a terrorist.

Today, in this bill, we have any communications as to which the sender and all intended recipients are determined to be located in the United States and prohibit the use of any discrete, non-target communication that is determined to be to or from a United States person or a person who appears to be located in the United States, except to protect against an immediate threat to harm. It is eliminated. Reverse targeting is no longer.

In addition, I introduced a bill some time ago called the FISA Court and Sunshine Act of 2013. In that bill, it required the Attorney General to disclose each decision, order, or opinion of the FISA Court, allowing Americans to know how broad of a legal authority the government is claiming under the PATRIOT Act and the Foreign Intelligence Surveillance Act to conduct surveillance needed to keep Americans safe.

I am pleased that, in section 402 and 604 of the USA FREEDOM Act, it requires the Attorney General to conduct a declassification review of each decision, order, or opinion. It opens it up to the American people. That includes a significant construction of interpretation of the law and to submit to Congress within 45 days.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield an additional 30 seconds to the gentlelady.

Ms. JACKSON LEE. I thank the gentleman.

As indicated, the bill specifically contains an explicit prohibition on bulk collection of tangible things pursuant to section 215. The FREEDOM Act provides that section 215 may be used only where specific selection term is provided as the basis for the production of tangible things.

Clearly, we worked very hard to contain what was an amoeba that would not end. Finally, I believe section 301 of the bill, as I indicated, was included, as it was in my amendment in H.R. 3773.

Let me conclude by simply saying that the Bill of Rights lives. The Bill of Rights is for the American people, both the right to freedom, both the right in essence to privacy, and our respect for the gathering of intelligence to protect us from terrorists.

This bill, the USA FREEDOM Act, is indeed an enormous step forward. Let us work together to move us even more, but today, we end megadata collecting as we know it.

Mr. Speaker, I believe we have made a giant step forward for civil liberties, respect for the integrity of the American people, and their right to freedom, as well as for the protecting of all of us from terror.

Mr. Speaker, as a senior member of the Judiciary Committee and a co-sponsor, I rise in strong support of H.R. 3361, the "USA Freedom Act," which is short for "Uniting and Strengthening America by Fulfilling Rights and

Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act."

The USA Freedom Act is the House's unified response to the unauthorized disclosures and subsequent publication in the media in June 2013 regarding the National Security Agency's collection from Verizon of the phone records of all of its American customers, which was authorized by the FISA Court pursuant to Section 215 of the Patriot Act.

Public reaction to the news of this massive and secret data gathering operation was swift and negative.

There was justifiable concern on the part of the public and a large percentage of the Members of this body that the extent and scale of this NSA data collection operation, which exceeded by orders of magnitude anything previously authorized or contemplated, may constitute an unwarranted invasion of privacy and threat to the civil liberties of American citizens.

To quell the growing controversy, the Director of National Intelligence declassified and released limited information about this program. According to the DNI, the information acquired under this program did not include the content of any communications or the identity of any subscriber.

The DNI stated that "the only type of information acquired under the Court's order is telephony metadata, such as telephone numbers dialed and length of calls."

The assurance given by the DNI, to put it mildly, was not very reassuring.

In response, many Members of Congress, including the Ranking Member CONYERS, and Mr. SENSENBRENNER, and myself, introduced legislation in response to the disclosures to ensure that the law and the practices of the executive branch reflect the intent of Congress in passing the USA Patriot Act and subsequent amendments.

For example, I introduced H.R. 2440, the "FISA Court in the Sunshine Act of 2013," bipartisan legislation, that much needed transparency without compromising national security to the decisions, orders, and opinions of the Foreign Intelligence Surveillance Court or "FISA Court."

Specifically, my bill would require the Attorney General to disclose each decision, order, or opinion of a Foreign Intelligence Surveillance Court (FISC), allowing Americans to know how broad of a legal authority the government is claiming under the PATRIOT Act and Foreign Intelligence Surveillance Act to conduct the surveillance needed to keep Americans safe.

I am pleased that these requirements are incorporated in substantial part as Sections 402 and 604 of the USA Freedom Act, which requires the Attorney General to conduct a declassification review of each decision, order, or opinion of the FISA court that includes a significant construction or interpretation of law and to submit a report to Congress within 45 days.

I also am pleased that the bill before us contains an explicit prohibition on bulk collection of tangible things pursuant to Section 215 authority. Instead, the USA Freedom Act provides that Section 215 may only be used where a specific selection term is provided as the basis for the production of tangible things.

Another important improvement is that the bill's prohibition on domestic bulk collection, as

well as its criteria for specifying the information to be collected, applies not only to Section 215 surveillance activities but also to other law enforcement communications interception authorities, such as national security letters.

Finally, I strongly support the USA Freedom Act because Section 301 of the bill continues the prohibition against "reverse targeting," which became law when an earlier Jackson Lee Amendment was included in H.R. 3773, the RESTORE Act of 2007.

"Reverse targeting," a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the main concerns of libertarians and classical conservatives, as well as progressives and civil liberties organizations, in giving expanded authority to the executive branch was the temptation of national security agencies to engage in reverse targeting may be difficult to resist in the absence of strong safeguards to prevent it.

The Jackson Lee Amendment, codified in Section 301 of the USA Freedom Act, reduces even further any such temptation to resort to reverse targeting by requiring the Administration to obtain a regular, individualized FISA warrant whenever the "real" target of the surveillance is a person in the United States.

In retaining the prohibition on reverse targeting, Section 301 achieves honors the Constitution by requiring the government to obtain a regular FISA warrant whenever a "significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States."

I should that nothing in Section 301 requires the Government to obtain a FISA order for every overseas target on the off chance that they might pick up a call into or from the United States.

Rather, a FISA order is required only where there is a particular, known person in the United States at the other end of the foreign target's calls in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications.

Mr. Speaker, while the bill before is a good bill, it is not perfect. No legislation ever is.

In particular, my preference would have been to retain the provision in the bill as originally introduced establishing an Office of the Special Advocate to vigorously advocate in support of legal interpretations that protect individual privacy and civil liberties.

As initially contemplated, the Office of the Special Advocate would be authorized to participate in proceedings before the FISA Court and the Foreign Intelligence Surveillance Court of Review, and to request reconsiderations of FISA Court decisions and participate in appeals and reviews.

Regrettably, the provision establishing the Office of the Special Advocate fell victim to a compromise and replaced with a provision authorizing both the FISA court and the FISA Court of Review, if they deem it necessary, to appoint an individual to serve as *amicus curiae* in a case involving a novel or significant interpretation of law.

Under this arrangement, the presiding judges of the courts must designate five individuals eligible to serve in that position who possess expertise in privacy and civil liberties, intelligence collection, telecommunications or any other area that may lend legal or technical expertise to the courts.

The Office of the Special Advocate arrangement in my opinion is superior because it provides for mandatory participation of the public advocate rather than the discretionary involvement of court designated *amicus curiae* provided in the bill before us.

Mr. Speaker, as I noted in an op-ed published way back in October 2007, nearly two centuries ago, Alexis DeTocqueville, who remains the most astute student of American democracy, observed that the reason democracies invariably prevail in any military conflict is because democracy is the governmental form that best rewards and encourages those traits that are indispensable to success: initiative, innovation, courage, and a love of justice.

I ask unanimous consent to include in the RECORD a copy of that op-ed.

I support the USA Freedom Act because it will help keep us true to the Bill of Rights and strikes the proper balance between our cherished liberty and smart security.

I urge my colleagues to support the USA Freedom Act.

#### NSA REFORM TAKES ITS FIRST STEPS

The USA FREEDOM Act takes steps to:

End bulk collection under Patriot Act Section 215. The bill requires the government to show the Foreign Intelligence Surveillance Court that the specific records it seeks from phone companies pertain to a specific email address, account number or other "selection term" before it can demand a customer's personal information. It creates a new collection authority for call records but takes meaningful steps to ensure that such records are not vacuumed up wholesale, as was happening under the secret programs revealed by Edward Snowden.

Prevent bulk collection under FISA pen register and National Security Letter authorities. The bill also requires the government to use a "selection term" that uniquely describes its surveillance target and serves as the basis for collecting information from a telephone line, facility, or other account. This would help ensure that the government won't use pen registers and National Security Letters as convenient substitutes for the 215 program.

Increase transparency. Finally, the bill requires the government to provide to Congress and to the public additional reporting on its surveillance programs, while enabling companies who receive national security informational requests to more fully inform customers about the extent to which the government is collecting their data. Additional governmental reporting requirements and more particularized third party reporting authorities, however, are needed in order to ensure that Congress and the public have the information they need to perform truly robust oversight.

While the bill makes significant reforms to U.S. surveillance law, Congress clearly chose not to let the perfect be the enemy of the good. And, to be clear, more work needs to be done. Some of the additional reforms we are calling for, which were in the original USA FREEDOM Act, include:

Ensuring that judges in the Foreign Intelligence Surveillance Court (FISC) have the

authority to determine whether an application passes legal muster and do not return to being mere rubber stamps.

Limiting the circumstances under which the government can gather records more than one "hop" out from a target to help ensure Americans' information is not unnecessarily swept up.

Closing the "back door" search loophole in the FISA Amendments Act to prevent the government from searching information collected under Section 702 of FISA for the U.S. persons' communications content.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from North Carolina (Mr. HOLDING), a member of the Judiciary Committee.

Mr. HOLDING. Mr. Speaker, on Wednesday, the State Department acknowledged that terrorist attacks worldwide have increased by more than 43 percent last year, killing nearly 18,000 people. The odds are rising that we will be hit here in the United States. That is why balanced legislation that protects civil liberties and keeps Americans safe is so important, and the USA FREEDOM Act does just that.

I rise in support of the passage of the USA FREEDOM Act, bipartisan legislation that reforms our intelligence-gathering programs while, importantly, preserving operational capabilities that protect national security.

This legislation will make sure that Americans are protected at a time when the world is a more dangerous place than when the PATRIOT Act itself was enacted into law.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I want to add my thanks to the work that has been done up to now. I became an original cosponsor of the USA FREEDOM Act because I was disturbed about the revelations of surveillance programs.

The bill was a good step toward balancing security and privacy, but this amendment does not. It leaves open the possibility that bulk surveillance could still continue, and it no longer protects the public through a special advocate in the FISA Court.

I am disappointed that this popular, bipartisan bill has been so drastically weakened. I can no longer support it.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman, and I recognize the work that Mr. SENSENBRENNER, Mr. CONYERS, Mr. GOODLATTE, Mr. SCOTT, and others have put into this, but it still falls woefully short.

This legislation still allows the government to collect everything they want against Americans, to treat Americans as suspects first and citizens second.

It still allows decisions about whom to target and how aggressively to go after acquaintances of acquaintances of targets, to be made by mid-level employees, not Federal judges.

Most important, the fundamental decisions under this will be made against a weak, inferior standard that does not reach probable cause, so that the government can spy on people based on weak suspicions and not on legally established probable cause. Now, my friends say: don't let the perfect be the enemy of the good.

The perfect? How can anyone here vote for legislation that doesn't uphold the constitutional standard of probable cause? Probable cause has been well-established in law for two centuries, to keep Americans secure by keeping intelligence and enforcement officers focused on real threats, not on vague suspicions or wild-goose chases.

A decade ago, there was a major change in the relationship between Americans and their government. This bill does not correct it.

Mr. Speaker, I recognize the work that Mr. SENSENBRENNER, Mr. CONYERS, Mr. GOODLATTE, Mr. SCOTT, and others have put into this, but the bill before us still falls woefully short of what is required to correct the abuses brought to light over the last year.

This legislation still allows the government to collect everything they want against Americans—to treat Americans as suspects first and citizens second. It still allows decisions about whom to target, and how aggressively to go after acquaintances of acquaintances of targets, to be made by mid-level intelligence community employees, not federal judges. This so-called “two-hops” surveillance casts a very wide net that can reach millions of people.

Most important, the fundamental decisions made under the authorities provided in this bill will be made using a weak, inferior standard that does not reach the probable cause standard. In other words, the government can spy on people based on weak suspicions and not on legally established probable cause.

Now, my friends say, “Don't let the perfect be the enemy of the good.” The perfect? How could anyone here vote for legislation that doesn't uphold the constitutional standard of probable cause?

Probable cause has been well established in law for two centuries to keep Americans secure by keeping intelligence and enforcement officers focused on real threats, not on vague suspicions or wild-goose chases. Indeed, the debate over adding a Bill of Rights to the Constitution was about raising the standard for the government's legal interaction with its citizens, not lowering it as we are now. That standard for the behavior of intelligence and law enforcement officers is not archaic. The power of the government to oppress individuals based on false suspicions is not less, but greater, than when the Constitution and Bill of Rights were written.

The bill also fails to deal with some of the most important abuses revealed over the last year. It provides no protection for national security whistleblowers, whose revelations over

the last decade are the only reason why we are finally having such a public debate on this issue. The secrecy of the Intelligence Community is so complete that Congress will never be able to have meaningful oversight without whistleblowers from within the community, and rarely will they speak up without some protection against firing or worse. And human nature has not changed. The propensity for investigators to let their suspicions get the better of them is as great as it ever was—even well intentioned investigators.

The bill also allows the government to continue surreptitiously to compromise encryption and privacy technology built into American electronics and software products, putting at direct risk America's hi-tech business sector and the jobs it provides.

A decade ago there was a major change in the relationship between Americans and their government. This bill does not correct it. Members should reject this badly flawed bill and the House leadership should allow an open debate on a real surveillance reform bill.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from New Jersey.

A number of the things the gentleman has stated are simply not accurate. First of all, the selectors all have to be approved by court order.

Secondly, it is important for everyone to understand that the information gathered is targeted to foreign nationals, not to American citizens.

Thirdly, the increased transparency that is created by this legislation, both in the FISA Court itself and with the fact that the data is now going to be required to be retained by the companies that own the data and not held by the government, provides extra assurance that, if some kind of massive data collection grab were attempted by the government, it would be exposed, as Mr. NADLER pointed out earlier.

Finally, the special selectors language that was carefully worked out in a bipartisan manner carefully limits the ability of people to gather data. It has to be based upon discrete requests, and discretion has a meaning in the law.

It has to be limited to identifiable persons or things, and it has to be done in such a way that the court approves it.

Mr. HOLT. Will the gentleman yield?

Mr. GOODLATTE. I would be happy to yield.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOODLATTE. I yield myself 30 seconds and yield to the gentleman.

Mr. HOLT. Is it not correct that this bill does not invoke the probable cause standard?

Mr. GOODLATTE. This is not a search under the Fourth Amendment, and probable cause has never applied. It has never applied. The gentleman is attempting to change the law if he thinks that.

Mr. HOLT. Will the gentleman yield further?

Mr. GOODLATTE. I yield further to the gentleman.

Mr. HOLT. Is there any American who doesn't think that this is a search, when it comes to gathering, by any common understanding?

Mr. GOODLATTE. Reclaiming my time, Mr. Speaker, when it comes to gathering information about foreign nationals who are deemed to pose a national security threat to the United States, the Fourth Amendment does not apply, and a court must still order the particular selectors that are used.

The gentleman's characterization is inaccurate.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield an additional 1 minute to the gentleman from New York (Mr. NADLER), a senior member of the committee.

Mr. NADLER. Mr. Speaker, I have heard arguments against this bill, and all of them amount to one argument: the bill doesn't go far enough.

I agree. It doesn't, but it is rarely a good argument against a bill to say it doesn't go far enough, if it goes a long way towards solving a real problem.

This bill will end bulk collection. It will end it under section 215. It will end it under trace and trap, and it will end it under NSLs. Without this bill—and I hope it is strengthened in the Senate—we will have no chance to end bulk collection, and the current framework which allows the dragnet surveillance of our citizens will continue.

I wish this bill were stronger, but it is what we are able to get now. It is a major step forward, and not to pass this bill now would be to say to the NSA: Continue what you are doing, we are placing no restrictions on you beyond what the law already has.

Mr. GOODLATTE. Mr. Speaker, I continue to reserve my time.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

I wanted to take this opportunity to thank staff on both sides of the aisle for the hard work that went into drafting the bill and the many compromises that were reached when we went into the final product.

In addition to Caroline Lynch and Sam Ramer with Chairman GOODLATTE, Bart Forsyth with Mr. SENSENBRENNER, our own staff, Aaron Hiller, Joe Graupensperger, Heather Sawyer, all deserve appropriate credit and praise for the many late nights and long weekends that they spent working on the public's behalf on this critical legislation.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time, I have only one speaker remaining, and I am prepared to close our portion of the remarks if the gentleman is prepared to close.

Mr. CONYERS. Mr. Speaker, I yield myself an additional 1 minute, and it is to clarify the term “specific selection term” because the definition of specific

selection term that appears in the compromise bill is imperfect, but the USA FREEDOM Act still ends bulk collection. That is why we are here.

Under the act, the government may not obtain information or tangible things under section 215, the FISA pen register authority, or the National Security Letter statutes without using a "specific selection term" as the basis for production.

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Critics are correct. This is not as clean or straightforward as the definition approved by both the Intelligence Committee and Judiciary Committee. Nothing in the definition explicitly prohibits the government from using a very broad selection term like "area code 202" or "the entire eastern seaboard." But that concern is largely theoretical; the type of collection is not likely to be of use to the government.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. I continue to reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Michigan has 3 minutes remaining. The gentleman from Virginia has 2¼ minutes remaining.

Mr. CONYERS. Mr. Speaker, the definition of "specific selection term" includes a phrase pursuant to the statute authorizing the provision of information, and that is intended to keep the definition within the four corners of the statute.

There will now be an amicus in the court to argue that expansive readings of this text—like the reading that took "relevance" in section 215 to mean "all call detail records"—are inconsistent with the plain meaning of the law.

Under this bill, any FISA Court opinion that interprets this definition must be declassified and released to the public within 45 days. If the government tries to expand this authority, the public will know it in short order.

The House is poised to approve the first significant rollback of any aspect of government surveillance since the passage of the Foreign Intelligence Surveillance Act in 1978. We must seize this opportunity. If this bill is not approved today, we are giving our intelligence people and NSA a green light to go ahead, and I cannot imagine that happening in this body.

I support H.R. 3361 and yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

Eighty-six years ago, Justice Louis Brandeis wrote, in his dissent in *Olmstead v. United States*: "The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature,

of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men."

After the horrific attacks on September 11, 2001, the country was determined not to allow such an attack to occur again. The changes we made then to our intelligence laws helped keep us safe from implacable enemies. Today, we renew our commitment to our Nation's security and to the safety of the American people.

We also make this pledge: that the United States of America will remain a nation whose government answers to the will of the people. This country must be what it always has been: a beacon of freedom to the world; a place where the principles of the Founders, including the commitment to individual liberties, will continue to live, protected and nourished for future generations.

I urge my colleagues to support this bipartisan legislation, and I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself as much time as I might consume.

I would like to begin by recognizing Chairman GOODLATTE, Mr. SENSENBRENNER, the other judiciary committee sponsors, and Leader CANTOR for all their hard work and continuing to forge a compromise with the Intelligence Committee that enacts meaningful change to FISA while preserving operational capabilities.

It is commendable that we have found a responsible legislative solution to address concerns about the bulk telephone metadata program so that we may move forward on other national security legislative priorities. Our obligation to protect this country should not be held hostage by the actions of a traitor or traitors who leaked classified information that puts our troops in the field at risk or those who fearmonger and spread mistruth and misinformation to further their own misguided agenda.

Following the criminal disclosures of intelligence information last June, the section 215 telephone metadata program has been the subject of intense and often inaccurate criticism. The bulk telephone metadata program is legal, overseen, and effective at saving American lives. No review has found anything other than that. All three branches of government oversee this program, including Congress, the FISC, inspectors general and internal compliance and privacy and civil liberties offices in the executive branch agencies.

Despite the effectiveness of the program and immense safeguards on the

data, many Americans and many Members of this body still have concerns about a potential for abuse. Remember, the whole debate here has been about the potential for abuse, not that abuse had occurred. The legislation we are considering today is designed to address those concerns and reflect hundreds of hours of Member and staff work to negotiate a workable compromise.

In March, the Intelligence Committee ranking member, Mr. RUPPERSBERGER, and I introduced legislation that was designed to accomplish these main priorities. We committed to ending bulk metadata collection for communications and other types of records. We committed to providing more targeted, narrow authorities so as not to put America at risk. We committed to provide an even more robust judicial review than exists today and process for that program. We committed to providing more transparency into the FISA process and the decisions of the Foreign Intelligence Surveillance Court. The revised USA FREEDOM Act accomplishes the same goals as well.

The USA FREEDOM Act provides the meaningful change to the telephone metadata that Members of the House have been seeking. If we had the fortune of having a Commander in Chief firmly dedicated to the preservation of this program, we may have been able to protect it in its entirety. With that not being the case, and I believe this is a workable compromise that protects the core function of a counterterrorism program we know has saved lives around the world, I urge Members to support this legislation.

I want to thank all of those who came together to forge something that has been certainly a difficult process along the way. At the end of the day, something important happened here: a better understanding of the threats by, I think, more Members of Congress that pose every single day to the lives of American citizens by terror groups around the world. That rise in threat level is getting worse. The matrix for that threat level is getting worse.

It was important as we forged and, I think, met the concerns of so many and educated, I think, many on the misinformation that was out there, that we protect the core capability to detect if a foreign terrorist on foreign soil is making a call to the United States to further advance their goals of killing Americans. I think we accomplished that today. It is not the bill I would have written completely, but I think we protected those operational concerns and met the concerns for those who had a mistrust of that metadata being locked away with the National Security Agency.

With that, I look forward to a thoughtful debate and reserve the balance of my time, Mr. Speaker.

Mr. Speaker, I would like to begin by thanking Chairman GOODLATTE, Mr. SENSENBRENNER, the other Judiciary Committee sponsors, and Leader CANTOR for all of their hard work coming to a compromise with the Intelligence Committee that enacts meaningful change to FISA while preserving operational capabilities.

It is commendable that we have found a responsible legislative solution to address concerns about the bulk telephone metadata program so that we may move forward on other national security legislative priorities. Our obligation to protect this country should not be held hostage by the actions of traitors who leak classified information that puts our troops in the field at risk or those who fear-monger and spread mistruth to further their own misguided agenda.

Following the criminal disclosures of intelligence information last June, the Section 215 telephone metadata program has been the subject of intense, and often inaccurate, criticism. The bulk telephone metadata program is legal, overseen, and effective at saving American lives. All three branches of government oversee this program, including Congress, inspectors general, and internal compliance and privacy and civil liberties offices in executive branch agencies.

Despite the effectiveness of the program, and the immense safeguards on the data, many Americans and many Members of this body still have concerns about a potential for abuse. The legislation we are considering today is designed to address those concerns and reflects hundreds of hours of Member and staff work to negotiate a workable compromise.

In March, Intelligence Committee Ranking Member RUPPERSBERGER and I introduced legislation that was designed to accomplish these main priorities: We committed to ending bulk metadata collection of communications and other types of records. We committed to providing more targeted, narrow authorities so as not to put America at risk. We committed to providing an even more robust judicial review process for the program. And we committed to providing more transparency into the FISA process and the decisions of the Foreign Intelligence Surveillance Court. The revised USA Freedom Act accomplishes the same goals, as well.

This legislation is intended to prohibit “bulk” collection activities under the authorities in question. “Bulk” collection means the indiscriminate acquisition of information or tangible things. It does not mean the acquisition of a large number of communications records or other tangible things. Rather, the prohibition applies to the use of these authorities to engage in indiscriminate or “bulk” data collection. These changes are intended to respond to concerns that these authorities could be used to permit a bulk data collection “loop-hole.”

The bill bans bulk collection by introducing the requirement for a “specific selection term.” The ban on bulk collection, however, is not intended to limit acquisition of information through the traditional, targeted types of FISA or National Security Letters. The list of examples of what may constitute a specific selection term is non exhaustive, and we anticipate

there will be other forms of discriminants than those contained in the legislation.

The legislation also creates a new mechanism for obtaining call detail records on a continuing basis for up to 180 days to protect against international terrorism. The legislation is not intended to affect any current uses of Section 501 outside of the bulk context, including for records related to foreign intelligence information not concerning a U.S. person and clandestine intelligence activities.

We also assured that the language we are considering today permits a return of two hops to include using records identified by the government as the basis for the second hop. Additionally, it is important that when records are produced to the government they are produced in a form that will be useful—meaning that the government can set conditions on their production, including by determining the format and manner for production. This does not, however, mandate that companies change their business practices to store data in any particular form.

The USA Freedom Act provides the meaningful change to the telephone metadata program that Members of the House have been seeking. If we had the fortune of having a Commander in Chief firmly dedicated to the preservation of this program as is, we may have been able to protect it in its entirety. With that not being the case, I believe this is a workable compromise that protects the core function of a counterterrorism program we know has saved lives around the world.

I urge Members to support this legislation.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in strong support of the USA FREEDOM Act, and I yield myself as much time as I may consume.

On May 8, the House Intelligence Committee passed out of the committee the bipartisan USA FREEDOM Act, the identical bill that the Judiciary Committee passed out of committee on May 7.

I especially want to thank Chairman ROGERS for his years of leadership on the House Intelligence Committee. I also want to thank Chairman GOODLATTE and Ranking Member CONYERS, and also Congressman SENSENBRENNER and the staff of our Intelligence and Judiciary Committees for the hard work they did on this bill. We have worked together in a bipartisan manner, and we have come a long way.

After our committee markups, Chairman ROGERS and I have continued to work with the Judiciary Committee and the administration to iron out some remaining issues, which we have done and which is represented in the current bill.

The bill represents the productive efforts of bipartisanship and working together for the American people. Just yesterday, the administration stated that it “strongly supports” passage of our bill. Again, the administration said that it “strongly supports” passage of our bill. It also stated that the USA FREEDOM Act “ensures our intelligence and law enforcement professionals have the authorities they need

to protect the Nation, while further ensuring that individuals’ privacy is appropriately protected.”

The USA FREEDOM Act contains important measures to increase transparency and enhance privacy while maintaining an important national security tool.

First, we have ended bulk collection of telephone metadata and ensured the court reviews each and every search application. The big database up at the National Security Agency that contains phone numbers of millions of Americans will go away. It will be replaced with a tailored, narrow process that allows the government to search only for specific connections to suspected terrorists to keep us safe here at home. There is an important emergency exception when there isn’t time to get prior approval from the Foreign Intelligence Surveillance Court, also known as FISC.

Second, we have required expanded reporting for court decisions to improve transparency without threatening sources and methods.

Third, we are creating an advocate to provide outside expertise for significant matters before the FISA Court.

Fourth, we have established a declassification review process of court opinions to ensure the public has access to our national security legal rulings in a manner that still protects our sources and methods.

The USA FREEDOM Act is critical to our country’s safety and our intelligence community. It is a focused, logical bill that will let us protect our citizens from terrorist attacks through important legal tools while strengthening civil liberties.

I was opposed to the original USA FREEDOM Act because it set too high a standard for intelligence collection. In short, it would have threatened America’s safety by cutting off the building blocks of foreign intelligence investigations. We have worked together in a bipartisan manner and created a solid bill.

Now, it ends bulk collection of all metadata by the government. Those that say this bill will legalize bulk collection are wrong. They are trying to scare you by making you think there are monsters under the bed. There aren’t. We end all collection of metadata records. I am again saying read the bill. That is what the bill says. There is nothing else in the bill. It is direct, and it states that we will end all bulk collection by the government.

The USA FREEDOM Act includes the necessary checks and balances across all three branches of government. It protects our Nation while also protecting Americans’ privacy and civil liberties.

Mr. Speaker, I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. Speaker, I rise in strong support of the USA FREEDOM Act. I yield myself as much time as I may consume.

On May 8th, the House Intelligence Committee favorably reported the bipartisan USA FREEDOM Act—the same bill that the Judiciary Committee favorably reported on May 7th.

I especially want to thank Chairman ROGERS for his years of leadership here on the House Intelligence Committee. I also want to thank Chairman GOODLATTE and Ranking Member CONYERS, and the staff of our Intelligence and Judiciary Committees. We have worked together in a bipartisan manner, and we have come a long way.

After our Committee markups, Chairman ROGERS and I have continued to work with the Judiciary Committee and the Administration to iron out some remaining issues, which we have done, and which is represented in the current bill. This bill represents the productive efforts of bipartisanship and working together for the American people.

Just yesterday, the Administration stated that it “strongly supports” passage of our bill. As the Administration further stated, our bill “ensures our intelligence and law enforcement professionals have the authorities they need to protect the Nation, while further ensuring that individuals’ privacy is appropriately protected when these authorities are employed.”

The USA FREEDOM Act contains important measures to increase transparency and enhance privacy while maintaining an important national security tool.

First, we have ended bulk collection of telephone metadata. “Bulk” collection means the indiscriminate acquisition of information or tangible things. It does not mean the acquisition of a large number of communications records or other tangible things. Rather, the prohibition applies to the use of these authorities to engage in indiscriminate or “bulk” data collection.

There is also an emergency exception when there isn’t time to get prior approval from the Foreign Intelligence Surveillance Court—also known as the FISC.

Second, we have required expanded reporting for FISC decisions to improve transparency to the Intelligence and Judiciary Committees without threatening sources and methods.

Third, we are creating an advocate to provide the FISC with outside expertise for matters before the FISC Court. Importantly, we are doing this without infringing on any constitutional provisions or operational processes.

Fourth, we have established a declassification review process of FISC opinions, to ensure that the public has access to our national security legal rulings, while having procedures in place to ensure that our sources and methods continue to be protected.

The USA FREEDOM Act is critical to our Intelligence Community and to our country’s safety.

It is a focused, logical bill that will let us protect our citizens from terrorist attacks and protect their civil liberties while maintaining important legal tools.

For instance, our bill is not intended to impact the current scope or use of FISA or National Security Letters, outside the context of bulk data collection, that are traditionally used

for national security investigations. Notably, the introduction of the term “specific selection term” is not intended to limit the types of information and tangible things that the government is currently able to collect under FISA or National Security Letter statutes. These changes are prophylactic and intended to respond to concerns that these authorities could be used to permit bulk data collection.

Furthermore, the legislation is not intended to limit the government to use a single “specific selection term” in an application under FISA or a National Security Letter. The government may use multiple “specific selection terms” in a single FISA application or a National Security Letter. For example, the government may request in a single FISA application or National Security Letter information or tangible things relating to multiple persons, entities, accounts, addresses or devices that are relevant to a pending investigation. Similarly, the government may, in a single FISA application or National Security Letter, use multiple “specific selection terms”—such as date and premises—to further narrow the scope of production by a provider.

Our bill also ensures that America can protect Americans’ privacy interests while at the same time being able to adapt to evolving national security threats and terrorists’ use of ever-changing technology and capabilities to evade detection.

In particular, Section 501(c)(2)(F)(iii) provides for two hops—in other words, the Government will be able to obtain the call detail records in direct contact with a reasonable, articulable suspicion (or, RAS)-approved seed—this is the first hop—and then, using those call detail records or ones the Government identifies itself, obtain the second hop call detail records.

The legislation also creates a new mechanism for obtaining call detail records on a continuing basis for up to 180 days when there are reasonable grounds to believe that the records are relevant to an authorized investigation to protect against international terrorism and there is a reasonable and articulable suspicion that the records are associated with a foreign power or the agent of a foreign power. The legislation is not intended to affect any current uses of Section 501 outside the bulk collection context, including the use of Section 501 to obtain specified call detail records related to foreign intelligence information not concerning a U.S. person, clandestine intelligence activities, or international terrorism.

I believe that our bill has made real improvements in the way our intelligence collection operates and in improving FISA to achieve even greater privacy and civil liberties protections.

I was opposed to the original USA FREEDOM Act because it put up too many legal hurdles that would have impeded our national security. In short, it would have threatened America’s safety by effectively cutting off the building blocks of foreign intelligence investigations.

But we have worked together in a bipartisan manner, and we have come a long way. Additionally, since our Committee markups, Chairman ROGERS and I have continued to work with the Judiciary Committee and the Adminis-

tration to iron out some remaining issues, which we have done, and which is represented in the current bill.

The USA FREEDOM Act includes the necessary checks and balances across all three branches of government and strikes the correct balance that is so critical to protecting our nation, while also protecting Americans’ privacy and civil liberties.

□ 1015

Mr. ROGERS of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. LOBIONDO), who has been incredibly important, not only on forming this piece of legislation to find the right balance, but his work across North Africa on Boko Haram before it was even popular in bringing attention and resources to important intelligence problems around the world in difficult places, a good friend, a great Member, and a great patriot.

Mr. LOBIONDO. Mr. Speaker, let me start out by thanking my colleagues for bringing together an incredibly complicated, difficult issue that probably as recently as a couple of months ago no one thought possible. Tremendous, tremendous accolades to Chairman ROGERS, to Mr. RUPPERSBERGER, to Mr. SENSENBRENNER, to Mr. CONYERS on a whole host of issues that, again, are critically important to our Nation.

You have heard the chairman and Mr. RUPPERSBERGER outline some of the key portions of this, but I think it is critically important to stress that the protection of Americans civil liberties must always be a top priority and always will be a top priority. This bipartisan bill underscores the importance of that while keeping our Nation safe.

The USA FREEDOM Act increases transparency. That is something that people have demanded: increased transparency to the American people, and it allows for greater oversight, something else that we listened to that people wanted to see.

It firmly, as Mr. RUPPERSBERGER and Mr. ROGERS have stated, ends bulk collection of records. This is critically important.

It reforms the Foreign Intelligence Surveillance Court, or FISC, to ensure greater checks and balances are placed in such sensitive national security programs.

But as we discuss this, let’s not miss the bigger picture. I have had the opportunity to see firsthand in some pretty dark and remote places on the Earth how our enemies are plotting not just on a daily basis, but on a minute-by-minute basis of how to find a chink in our armor, how can they find some gap which will allow them to attack our homeland, to attack our citizens. This is a constant and ongoing threat.

This bill strikes a balance to allow that transparency for civil liberties while it underscores the ability of our



intelligence community to be able to do their job. And having been, as Mr. ROGERS indicated, firsthand in some very remote places on the Earth, we have got some incredibly dedicated people who are putting their lives at risk every day to protect this country.

This is a good bill. Let's pass it.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois, Ms. JAN SCHAKOWSKY, a very important member of our Intelligence Committee, who focuses very strongly on issues of privacy and constitutional rights and people's rights.

Ms. SCHAKOWSKY. Mr. Speaker, as a cosponsor of the USA FREEDOM Act and a member of Permanent Select Committee on Intelligence, I have been committed to reforming these laws.

No bill is perfect, including this one. The USA FREEDOM Act we are voting on today is quite different from the original bill I cosponsored. It has changed significantly from the version recently passed by the House Intelligence and Judiciary Committees.

On its path to the floor, several of the bills' proposed reforms have been watered down and many of us would like to see stronger more meaningful change.

However, we must not let the perfect be the enemy of the good, and I want to congratulate all those who have been part of this bipartisan compromise.

The bill we are considering today includes real reforms, and the intent of Congress is clear: we are putting an end to the bulk collection of metadata, establishing meaningful prior judicial review, and ensuring that important FISA Court decisions are declassified for public consumption. These reforms are important, and future interpretations of FISA must reflect our intentions here today.

I support the act, and I look forward to the opportunity to continue to work with my colleagues to make even more improvements in the future.

Mr. ROGERS of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. REED) to engage in a colloquy.

Mr. REED. Mr. Chairman, I rise today to commend your efforts, along with those of the Judiciary Committee, in bringing this legislation to the floor of the House. As you and I have met and discussed on numerous occasions, along with my good friend from Indiana (Mr. STUTZMAN), this issue is important to not only many of my constituents back in western New York, but also to our country.

Provisions in this bill, such as the reforms made to bulk data collection and enhanced declassification requirements, are specific ideas that were shared with me by constituents in western New York and brought to here, Washington, D.C.

As you know, I am happy to report, through our work with you, these pro-

visions were incorporated into this legislation.

Mr. Chairman, as this bill moves forward, I hope I have your commitment to continue to work together to assure that a balance between national security and the protection of our personal freedoms is achieved.

Mr. ROGERS of Michigan. Mr. Speaker, I would like to thank the gentleman from New York for his diligent work on this issue since last summer. Mr. REED's work, along with that of Mr. STUTZMAN from Indiana, was critical to ensuring that we struck the right balance on this legislation. We would not have been able to find that sweet spot that got us to such a strong bipartisan agreement without input from these and other Members interested in finding a solution. Again, I want to thank the gentleman from New York for his interest, his time, and his effort to help be a part of the forging of this important piece of legislation.

With that, I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN), an expert in cybersecurity. For the years I have been in Congress, I have worked with Mr. LANGEVIN on this issue.

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the USA FREEDOM Act.

I want to thank and congratulate all those who had a hand in crafting the legislation before us, particularly Chairman ROGERS and Ranking Member RUPPERSBERGER.

Changes to our national security program should not be taken lightly, and this compromise legislation is the result of vigorous debate and careful consideration. As Chairman ROGERS pointed out, with all the reviews and investigations that have taken place with respect to the bulk collection program, no violations of law were found. But there was concern that there could be abuses in the future, and the American people wanted a better balance to be struck between national security and protecting privacy and civil liberties and more accountability. Many of my constituents have expressed concerns about the sanctity of their civil liberties, and I share their concern. I firmly believe that this legislation protects that privacy by ending bulk metadata collection while still safeguarding our national security.

I am particularly pleased that this legislation includes provisions very similar to those that I championed in the Intelligence Committee which allow the Foreign Intelligence Surveillance Court to appoint an independent advocate with legal or technical expertise in the field, such as privacy and civil liberties, intelligence collection, telecommunication, cyber, or any other area of law necessary in order to

ensure independent checks on government surveillance within the court's process.

With that, I urge my colleagues to support the bill.

Mr. ROGERS of Michigan. Mr. Speaker, I want to briefly thank Mr. LANGEVIN, who has done not only incredible work on this particular bill, but his work on cybersecurity should make Americans proud of his effort to move that ball down the field. Without his expertise on these matters, the United States would be a little worse off when it comes to national security. I want to thank the gentleman for his work on this bill and his work on cyber and other national security issues.

I continue I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SCHIFF), a very important member of our committee who does his homework and has really helped me a lot and advised me on a lot of issues that are important to our committee.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the USA FREEDOM Act. This bill ends the bulk collection of American's telephone records and puts in place reforms to surveillance authorities to protect privacy and increased transparency.

I have long advocated that the telephone metadata program should end in favor of a system in which telecommunications providers retain their own records so they can be queried based on a court-approved, reasonable, articulable suspicion standard. That is precisely what this bill puts in place. It allows us to keep the capabilities that we need to protect the Nation from terrorist plots while protecting privacy and civil liberties.

There are remaining ways that the bill can be improved, and I hope as it heads to the Senate there will be opportunities to do so. In particular, I would like to see provisions to introduce an adversarial process in the FISA Court. The FISA Court and the public trust would benefit from an independent advocate in the limited number of cases that call for significant statutory interpretation or novel legal issues. I hope that the Senate will include such provisions, which would be both wise and constitutionally sound.

With that, I urge a "yes" vote, and I compliment my chair and ranking member on the extraordinary job they have done.

Mr. ROGERS of Michigan. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GALLEGO).

Mr. GALLEGO. Mr. Speaker, I serve on the House Armed Services Committee, and through that assignment I



have had the opportunity to spend a lot of time with soldiers, airmen, marines, sailors, and their families.

Like all Americans, I certainly want our sons and daughters to be safe when we send them into harm's way. We want to take as much care of them as we possibly can.

The media has talked some about some of the documents that were released by Mr. Snowden, but there were at one point 7 million documents that were released. Many of these documents didn't even relate to the NSA. When those files are disclosed in the press and they are disclosed to our adversaries that naturally puts our sons and daughters in harm's way. It should say something that the first place you go is China and the second place you go is Russia. That should say something to the American people.

This Memorial Day, I want the American people to focus on those men and women, our country's sons and daughters, who have honorably served our Nation and have stood by their brothers in arms and protected one another as we have asked them to fight for us.

Mr. Chairman and Mr. Ranking Member, thank you for your work on this legislation.

Mr. ROGERS of Michigan. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I am prepared to close, and I yield myself such time as I may consume.

The USA FREEDOM Act is a bipartisan compromise that is strongly supported by the administration.

Our bill protects privacy and civil liberties while also protecting national security.

I urge members to support the USA FREEDOM Act. Nothing in this bill will legalize bulk collection. Unfortunately, there are those Members that are saying this will legalize bulk collection. It is clear that this bill—read the bill—states: there will be no more bulk collection by the government. That is what the bill says, end of story.

This bill balances the issue of taking care and protecting our country from people and individuals who want to kill us and attack us and our allies. But yet it also does what is so important to Americans: to make sure that we protect our constitutional rights and our privacy. It is a balance—it is Republicans, Democrats, left, right, in the middle—coming together and doing what is right for this country. This is what this body should do. We are asking for a “yes” vote on the USA FREEDOM Act.

Also, in closing, I want to acknowledge the leadership of Chairman ROGERS and his important leadership that has allowed us to get to this level, the Judiciary Committee, Chairman GOODLATTE, Ranking Member CONYERS, and also Mr. SENSENBRENNER.

I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

In the comity of the moment, with all the love extended and the group hugs and the high fives, I think it is important to America to understand how much effort—how proud I think they should be about the intensity of the debate and discussion over what this bill looks like because I believe everybody involved in this cares about civil liberties and privacy; they do, wherever you fall on it. And I do believe that everybody who is involved in this cares about our national security.

□ 1030

This debate—this fierce, intense debate—that happened off of this floor in committees, in negotiations over every word and every paragraph and every period, resulted in the bill that you see before us today that did get bipartisan support and buy-in for a very critical issue: at the end of the day, the national security of the United States and the public's trust in the intelligence agencies, which have the responsibility each and every day, in some very dangerous places around the world, to collect the information that keeps America safe.

At the end of this, I hope that people take away from this debate that those who believed that the first round of negotiations meant that our national security was in peril and those who believed in the first round of negotiations that our civil liberties and privacy were in peril found that right balance today. It is that important for our country.

Mr. Speaker, I only bring that up, and I thank all of those involved—the Republicans and Democrats on the Judiciary, the Republicans and Democrats on the Intel Committee, and all of those who were involved in this negotiation.

I think they have done America a favor today, and they have brought back the institutional notion of negotiation and intensity of debate that brings us to a better place today. I think this bill is a result of that. America should be proud.

Now, we can move forward on other national security priorities that will serve to protect Americans' and our allies' lives around the world.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I reluctantly vote for H.R. 3361. I do so because I recognize that important authorities which help keep our people safe expire next year and that there is a significant chance that those authorities may not be renewed. I also recognize that the abuse of government power by the Obama Administration has damaged the trust that the American people have even in the military and civilian professionals at the National Security Agency. An orchestrated campaign of distortions and half-truths has

called NSA's trustworthiness into question for too many Americans.

That is unfortunate and unfair. The men and women at NSA have had more than a decade of remarkable success, not only in protecting our country from another 9/11-type attack, but supporting our warfighters on the ground in Iraq, Afghanistan, and around the world. While few Americans will ever learn the details of their accomplishments, we all benefit from their hard work, dedication to their mission, and professionalism.

We should be clear-eyed about the effects of this bill. It makes it harder to gather the information necessary to stop terrorism; it means that it will take longer to find the essential connections of terrorist networks; and this bill makes it less likely, hopefully only slightly less likely, that we will stop future terrorist attacks. But there is no doubt that America will be less safe from terrorist attack after this bill takes effect than it is today.

Apparently, that result is inevitable if we are to prevent even worse damage to our country's security and our people's safety. So, I vote today to minimize the damage to our national security while maintaining respect and gratitude for the men and women in the military, intelligence community, and law enforcement who dedicate their lives to keeping us all safe.

Mr. ISSA. Mr. Speaker, government should protect our liberties, not violate them. Individuals and businesses alike must be able to trust their government to work for them—not spy on them. The NSA's bulk collection of Americans' phone records threatens our constitutional liberties.

We have the opportunity to pass legislation that both limits the reach of the NSA and provides the transparency to lawmakers and the American people necessary to prevent abusive practices from happening again. We have the opportunity to begin to restore the trust of the American people.

The original and committee-passed versions of the USA FREEDOM Act struck a careful balance between our liberty and our security, providing the reforms necessary to restore trust. I was proud to be an original co-sponsor of this bill, and commend Representative JIM SENSENBRENNER and Chairman BOB GOODLATTE for their work to protect our civil liberties.

Unfortunately, the floor-version of the USA FREEDOM Act falls short of our goal.

This legislation would still allow for the mass collection of information. The committee-passed legislation required court orders to be based on “specific-selection terms”—which was defined as a “person, entity or account.” The floor version broadens the scope of “specific-selection term” by defining it as a “discrete term.” This ambiguous legal phrase does not have defined limitations, and could capture millions of individuals' information.

The existing data collection programs that were revealed to the American people within the last year are unacceptable, and we must not only legislate stronger safeguards for intelligence gathering but must vigorously conduct oversight to prevent constitutional intrusions by big government. Of the few transparency

requirements left in the bill, significant construction of law made by the Foreign Intelligence Surveillance Court (FISC) would be reviewed for declassification to the American people. However, the floor version of the bill transfers the authority to conduct declassification to the Director of National Intelligence, James Clapper. Last year, Director Clapper lied under oath to Congress when asked about the existence of programs that collect data on millions of Americans. I cannot in good conscious support legislation that would place the responsibility of transparency with a government official who has already violated the trust of the American people.

For these reasons, I will not support the floor version of the USA FREEDOM Act. I hope that my colleagues and I will be able to come together to enact reforms the American people deserve.

Mr. THOMPSON of Mississippi. Mr. Speaker, today, I rise in reluctant opposition to H.R. 3361, the USA FREEDOM Act, which I cosponsored at introduction. I am troubled by the changes that were made to the bill behind closed doors that stripped key protections and opened the door to bulk collection. The Privacy and Civil Liberties Oversight Board found the NSA's bulk collection of metadata to be illegal and called for it to be stopped. The legislation before us today includes language that raises the specter of the programs continuing in some limited form. This is not what the law or the American people demand.

I had intended to support the USA FREEDOM Act, which at introduction would have brought an end to the NSA's bulk metadata program, however, changes that were made to the measure, outside of the committee process, behind closed doors, at the insistence of the NSA undercut the bill. In its current form, the ban on bulk collection is watered down and potentially exploitable by proponents of these programs. In the original bill, the phrase "specific selection term" was narrowly-defined as "a term used to uniquely describe a person, entity or account." In the version before us today, that definition was significantly rewritten to allow the list of potential selection terms to be so open-ended as to encompass whole area codes or ZIP codes. In effect, bulk collection could continue under this definition.

I am also troubled that H.R. 3361 no longer includes language to establish an independent public advocate. Such a position is essential to give voice to ordinary Americans in the Foreign Intelligence Surveillance Court (FISC), which sets the legal parameters for NSA surveillance. The absence of such a position means that the FISC will continue to hear only from the government. There would be no one to stand up before the court and challenge the government's legal positions on what surveillance is permissible and represent the American public, whose data is being collected.

The arguments for ending the NSA's bulk metadata programs are strong one. Since it came to light last year that the NSA had assembled a database that includes calls made by nearly every American since 2007, many of us have asked tough questions about whether it was constitutional or even effective as a counterterrorism tool. A January 2014 Pew Research poll found that 70 percent of Americans believe they should not have to give up

their privacy in order to be safe from terrorism with a majority expressing disapproval of the NSA surveillance program outright. The record on the effectiveness of these programs is scant. Before his recent retirement, NSA Director General Keith Alexander testified before Congress that these bulk collection programs foiled "one or perhaps two" terrorist plots against the United States but provided no further detail. The Director of National Intelligence, James Clapper, has stated that the number of prevented plots is not an appropriate metric to measure whether the programs are necessary or useful.

I had hoped we could come together and act on the recommendations of the independent Privacy and Civil Liberties Oversight Board (PCLOB) and end what the Board determined to be illegal programs. Unfortunately, what we have before us does not bring about the changes in the law that would be necessary. I appreciate that some of my colleagues will vote for this measure to move the ball forward and get the issue before the Senate. There's certainly a case to be made for such an approach but given that the proponents of these programs have repeatedly exploited ambiguities in the law to advance their own ambitions, I cannot stand by and let the measure pass, in its current form.

For these reasons, I reluctantly oppose H.R. 3361.

Ms. BONAMICI. Mr. Speaker, I rise in opposition to H.R. 3361, the USA FREEDOM Act, as amended. Although I was a cosponsor of the USA Freedom Act as originally written, the bill we voted on today was changed substantially before being brought to the floor. I am very concerned with the short time frame members had to consider this sweeping legislation, which was negotiated behind closed doors and would not do enough to protect Americans from government surveillance.

I support ending the bulk collection of Americans' communications, secret interpretations of law by the FISA Court, and "reverse targeting" of Americans by the intelligence agencies. Although H.R. 3361 is an improvement over current law, the House should negotiate a stronger bill in a transparent process through regular order that will do more to protect Americans' privacy.

I encourage the Senate to make much needed changes to this bill and send back a real reform package that does a better job of protecting privacy and is consistent with the expectations of our constituents.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of H.R. 3361, the USA Freedom Act.

I want to commend Chairman GOODLATTE, Chairman ROGERS, Ranking Member CONYERS, and Ranking Member RUPPERSBERGER for crafting a compromise bill—and taking into account many of the recommendations offered by the Presidents' Review Group on Intelligence and Communications Technologies—that will strengthen the privacy and civil liberties of all Americans. At the same time, the USA Freedom Act will ensure that our nation continues to have the necessary and appropriate tools to protect our country from those who would seek to do us harm.

This legislation represents an important first step in reforming many of the powers that the

National Security Agency (NSA) currently has at its disposal. Specifically, it would end the government's bulk collection of phone metadata and other tangible records through the use of Section 215, Foreign Intelligence Surveillance Act (FISA) pen registers, and National Security letters. It would also increase transparency and oversight within our surveillance operations by requiring the government to disclose the number of requests made for call records under the new collection process and provide Congress a summary of compliance records related to the use of Section 215.

Another significant change is that for the first time, every request made by the NSA for specific call records must be reviewed on a case-by-case basis by the FISA court. This improved oversight is something I have advocated for and I am pleased it was included in this bill.

While this bill is an improvement over current practices, it still falls short of what is needed to ensure adequate privacy protections. I am disappointed that the bill does not establish a Citizens Advocate to represent citizens' privacy interests at the secret FISA Court proceedings. Last December, Representative JIM JORDAN and I introduced bipartisan legislation to create such a position. I was pleased when the earlier versions of this bill adopted a similar provision. Unfortunately, Section 401 of H.R. 3361 has since been weakened and only provides for a panel of advisors to be employed at the discretion of the FISC.

I also have concerns that last minute changes have the potential to create a backdoor loophole where the government can continue to collect vast amounts of phone metadata under certain circumstances. It is my hope that the Senate will strengthen the bill we voted on today by reinstituting the Special Advocate under Section 401, and more narrowly defining what constitutes a "discrete term".

Despite these reservations, the USA Freedom Act represents real progress and a departure from the untenable status quo. It ensures that the intelligence and law enforcement community have the necessary tools they need to protect our nation, but it does so in a manner that is consistent with the fundamental principles in our Constitution to protect the civil liberties of all Americans.

Mr. KILDEE. Mr. Speaker, although I ultimately voted in favor of this bill, H.R. 3361, the USA Freedom Act, like all legislation, it is not perfect. I, however, recognize that that without the reforms in H.R. 3361, the government's bulk collection of phone metadata and other records would continue absent necessary modifications. More reforms to these programs are necessary, and I am looking forward to continuing to implement them to protect individual liberties as well as national security.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 590, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 303, nays 121, not voting 7, as follows:

[Roll No. 230]

YEAS—303

Aderholt	Deutch	LaMalfa
Amodei	Diaz-Balart	Lamborn
Bachmann	Dingell	Lance
Bachus	Duckworth	Langevin
Barber	Duncan (TN)	Lankford
Barletta	Ellmers	Larsen (WA)
Barr	Engel	Larson (CT)
Barrow (GA)	Enyart	Latham
Beatty	Esty	Latta
Benish	Farenthold	Levin
Bera (CA)	Fincher	Lipinski
Bilirakis	Fleischmann	LoBiondo
Bishop (GA)	Flores	Loeb
Bishop (NY)	Forbes	Long
Bishop (UT)	Fortenberry	Lowe
Black	Fox	Lucas
Blackburn	Frankel (FL)	Luetkemeyer
Boustany	Franks (AZ)	Lujan Grisham
Brady (TX)	Frelinghuysen	(NM)
Braley (IA)	Fudge	Lujan, Ben Ray
Bridenstine	Gallego	(NM)
Brooks (AL)	Garamendi	Lynch
Brooks (IN)	Garcia	Maloney
Brown (FL)	Gerlach	Carolyn
Brownley (CA)	Gibbs	Maloney, Sean
Buchanan	Gingrey (GA)	Marino
Bucshon	Goodlatte	Matheson
Bustos	Gowdy	McAllister
Butterfield	Granger	McCarthy (CA)
Byrne	Graves (MO)	McCarthy (NY)
Calvert	Green, Al	McCaul
Camp	Green, Gene	McDermott
Cantor	Griffin (AR)	McHenry
Capito	Grimm	McIntyre
Capps	Guthrie	McKeon
Carney	Gutiérrez	McKinley
Carson (IN)	Hall	McMorris
Carter	Harper	Rodgers
Cassidy	Hartzler	McNerney
Castor (FL)	Hastings (WA)	Meehan
Castro (TX)	Heck (NV)	Meeks
Chabot	Heck (WA)	Meng
Chaffetz	Hensarling	Messer
Chu	Herrera Beutler	Mica
Ciilline	Higgins	Michaud
Clay	Himes	Miller (FL)
Cleaver	Holding	Miller (MI)
Clyburn	Hoyer	Moore
Coble	Hudson	Moran
Coffman	Huffman	Mullin
Cohen	Huizenga (MI)	Murphy (FL)
Cole	Hultgren	Murphy (PA)
Collins (GA)	Hunter	Nadler
Collins (NY)	Hurt	Napolitano
Conaway	Israel	Neugebauer
Connolly	Jackson Lee	Noem
Conyers	Jenkins	Nugent
Cook	Johnson (GA)	Nunes
Cooper	Johnson (OH)	Nunnelee
Costa	Johnson, E. B.	Olson
Cotton	Johnson, Sam	Palazzo
Courtney	Jolly	Pascarella
Cramer	Joyce	Pastor (AZ)
Crawford	Kelly (IL)	Paulsen
Crenshaw	Kelly (PA)	Payne
Cuellar	Kennedy	Pearce
Culberson	Kildee	Pelosi
Davis (CA)	Kilmer	Perlmuter
Davis, Rodney	Kind	Peters (CA)
Delaney	King (NY)	Peters (MI)
DeLauro	Kinzinger (IL)	Peterson
Denham	Kirkpatrick	Petri
Dent	Kline	Pittenger
DeSantis	Kuster	Pitts

Pocan	Scalise	Titus
Pompeo	Schakowsky	Tsongas
Price (GA)	Schiff	Turner
Price (NC)	Schneider	Upton
Quigley	Schock	Valadao
Rahall	Schrader	Van Hollen
Rangel	Scott (VA)	Vargas
Reed	Scott, Austin	Veasey
Reichert	Scott, David	Vela
Renacci	Sensenbrenner	Wagner
Rice (SC)	Sessions	Walberg
Rigell	Sewell (AL)	Walden
Roby	Sherman	Wasserman
Rogers (AL)	Shimkus	Schultz
Rogers (KY)	Shuster	Waters
Rogers (MI)	Simpson	Webster (FL)
Rooney	Sinema	Wenstrup
Ros-Lehtinen	Sires	Westmoreland
Roskam	Smith (MO)	Whitfield
Ross	Smith (NE)	Williams
Roybal-Allard	Smith (NJ)	Wilson (FL)
Royce	Smith (TX)	Wilson (SC)
Ruiz	Southerland	Wittman
Ryunan	Stewart	Wolf
Ruppersberger	Stivers	Womack
Ryan (WI)	Thompson (CA)	Woodall
Sanchez, Linda	Thompson (PA)	Yoder
T.	Thornberry	Young (AK)
Sarbanes	Tiberius	Young (IN)

NAYS—121

Amash	Grayson	Owens
Barton	Griffith (VA)	Pallone
Becerra	Grijalva	Perry
Bentivolio	Hahn	Pingree (ME)
Blumenauer	Hanabus	Poe (TX)
Bonamici	Hanna	Polis
Brady (PA)	Harris	Posey
Broun (GA)	Hastings (FL)	Ribble
Burgess	Hinojosa	Roe (TN)
Campbell	Holt	Rohrabacher
Capuano	Honda	Rokita
Cardenas	Horsford	Rothfus
Cartwright	Huelskamp	Ryan (OH)
Clark (MA)	Issa	Salmon
Clarke (NY)	Jeffries	Sanchez, Loretta
Crowley	Jones	Sanford
Cummings	Jordan	Schweikert
Daines	Kaptur	Serrano
David, Danny	Keating	Shea-Porter
DeFazio	King (IA)	Smith (WA)
DeGette	Kingston	Speier
DelBene	Labrador	Stockman
DesJarlais	Lee (CA)	Stutzman
Doggett	Lewis	Swalwell (CA)
Doyle	Lofgren	Takano
Duncan (SC)	Lowenthal	Terry
Edwards	Lummis	Thompson (MS)
Ellison	Maffei	Tierney
Eshoo	Marchant	Tipton
Farr	Massie	Tonko
Fattah	Matsui	Velázquez
Fitzpatrick	McClintock	Visclosky
Fleming	McCollum	Walorski
Foster	McGovern	Walz
Gabbard	Meadows	Waxman
Gardner	Miller, George	Weber (TX)
Garrett	Mulvaney	Welch
Gibson	Neal	Yarmuth
Gohmert	Negrete McLeod	Yoho
Gosar	Nolan	
Graves (GA)	O'Rourke	

NOT VOTING—7

Bass	Richmond	Slaughter
Duffy	Rush	
Miller, Gary	Schwartz	

□ 1103

Messrs. DANNY DAVIS of Illinois, ROHRABACHER, ISSA, BRADY of Pennsylvania, WELCH, TONKO, FITZPATRICK, SERRANO, CUMMINGS, MAFFEI, ELLISON, and LOWENTHAL changed their vote from “yea” to “nay.”

Mrs. CAROLYN B. MALONEY of New York, Messrs. HIMES, COLE, LYNCH, Ms. MOORE, Messrs. LAMALFA and DESANTIS changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1036. An act to designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the “National Park Ranger Margaret Anderson Post Office”.

H.R. 1228. An act to designate the facility of the United States Postal Service located at 123 South 9th Street in De Pere, Wisconsin, as the “Corporal Justin D. Ross Post Office Building”.

H.R. 1451. An act to designate the facility of the United States Postal Service located at 14 Main Street in Brockport, New York, as the “Staff Sergeant Nicholas J. Reid Post Office Building”.

H.R. 2391. An act to designate the facility of the United States Postal Service located at 5323 Highway N in Cottleville, Missouri, as the “Lance Corporal Phillip Vinnedge Post Office”.

H.R. 3060. An act to designate the facility of the United States Postal Service located at 232 Southwest Johnson Avenue in Burleson, Texas, as the “Sergeant William Moody Post Office Building”.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2086. An act to address current emergency shortages of propane and other home heating fuels and to provide greater flexibility and information for Governors to address such emergencies in the future.

#### HOWARD P. “BUCK” MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015

The SPEAKER pro tempore. Pursuant to House Resolution 590 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4435.

Will the gentleman from Arkansas (Mr. WOMACK) kindly take the chair.

□ 1105

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, with Mr. WOMACK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, May 21, 2014, the seventh set of en

bloc amendments, as modified, offered by the gentleman from California (Mr. McKEON) had been disposed of.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 113-460 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. McKINLEY of West Virginia.

Amendment No. 6 by Mr. SHIMKUS of Illinois.

Amendment No. 10 by Mr. SMITH of Washington.

Amendment No. 11 by Mr. SMITH of Washington.

Amendment No. 15 by Ms. JENKINS of Kansas.

Amendment No. 17 by Mr. LAMBORN of Colorado.

Amendment No. 21 by Mr. SCHIFF of California.

Amendment No. 24 by Mr. BLUMENAUER of Oregon.

The Chair will reduce to 2 minutes the time for any electronic vote in this series.

#### AMENDMENT NO. 1 OFFERED BY MR. McKINLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. McKINLEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 192, not voting 8, as follows:

[Roll No. 231]

#### AYES—231

Aderholt	Campbell	Duncan (SC)
Amash	Cantor	Duncan (TN)
Amodei	Capito	Ellmers
Bachmann	Carter	Farenthold
Bachus	Cassidy	Fincher
Barletta	Chabot	Fitzpatrick
Barr	Chaffetz	Fleischmann
Barrow (GA)	Coble	Fleming
Barton	Coffman	Flores
Benishek	Cole	Forbes
Bentivolio	Collins (GA)	Fortenberry
Bilirakis	Collins (NY)	Foxx
Bishop (UT)	Conaway	Franks (AZ)
Black	Cook	Frelinghuysen
Blackburn	Cotton	Gardner
Boustany	Cramer	Gerlach
Brady (TX)	Crawford	Gibbs
Bridenstine	Crenshaw	Gingrey (GA)
Brooks (AL)	Cuellar	Gohmert
Brooks (IN)	Culberson	Goodlatte
Broun (GA)	Daines	Gosar
Buchanan	Davis, Rodney	Gowdy
Bucshon	Denham	Granger
Burgess	Dent	Graves (GA)
Byrne	DeSantis	Graves (MO)
Calvert	DesJarlais	Griffin (AR)
Camp	Diaz-Balart	Griffith (VA)

Grimm	McIntyre
Guthrie	McKeon
Hall	McKinley
Hanna	McMorris
Harper	Rodgers
Harris	Meadows
Hartzler	Meehan
Hastings (WA)	Messer
Heck (NV)	Mica
Hensarling	Miller (FL)
Herrera Beutler	Miller (MI)
Holding	Mullin
Hudson	Mulvaney
Huelskamp	Murphy (PA)
Huizenga (MI)	Neugebauer
Hultgren	Noem
Hunter	Nugent
Hurt	Nunes
Issa	Nunnelee
Jenkins	Olson
Johnson (OH)	Palazzo
Johnson, Sam	Paulsen
Jolly	Pearce
Jones	Perry
Jordan	Petri
Joyce	Pittenger
Kelly (PA)	Pitts
King (IA)	Poe (TX)
King (NY)	Pompeo
Kingston	Posey
Kinzinger (IL)	Price (GA)
Kline	Rahall
Labrador	Reed
LaMalfa	Reichert
Lamborn	Renacci
Lance	Ribble
Lankford	Rice (SC)
Latham	Rigell
Latta	Roby
Long	Roe (TN)
Lucas	Rogers (AL)
Luetkemeyer	Rogers (KY)
Lummis	Rogers (MI)
Marchant	Rohrabacher
Marino	Rokita
Massie	Rooney
McAllister	Ros-Lehtinen
McCarthy (CA)	Roskam
McCauley	Ross
McClintock	Rothfus
McHenry	Royce

#### NOES—192

Barber	DeLauro
Beatty	DeBene
Becerra	Deutch
Bera (CA)	Dingell
Bishop (GA)	Doggett
Bishop (NY)	Doyle
Blumenauer	Duckworth
Bonamici	Edwards
Brady (PA)	Ellison
Braley (IA)	Engel
Brown (FL)	Enyart
Brownlee (CA)	Eshoo
Bustos	Esty
Butterfield	Farr
Capps	Fattah
Capuano	Foster
Cárdenas	Frankel (FL)
Carney	Fudge
Carson (IN)	Gabbard
Cartwright	Galleo
Castor (FL)	Garamendi
Castro (TX)	Garcia
Chu	Garrett
Cicilline	Gibson
Clark (MA)	Grayson
Clarke (NY)	Green, Al
Clay	Green, Gene
Cleaver	Grijalva
Clyburn	Gutiérrez
Cohen	Hahn
Connolly	Hanabusa
Conyers	Hastings (FL)
Cooper	Heck (WA)
Costa	Higgins
Courtney	Himes
Crowley	Hinojosa
Cummings	Holt
Davis (CA)	Honda
Davis, Danny	Horsford
DeFazio	Hoyer
DeGette	Huffman
Delaney	Israel

Runyan	Jeffries
Ryan (WI)	Johnson (GA)
Salmon	Johnson, E. B.
Sanford	Kaptur
Scalise	Keating
Schock	Kelly (IL)
Schweikert	Kennedy
Scott, Austin	Kildee
Sensenbrenner	Kilmer
Sessions	Kind
Shimkus	Kirkpatrick
Shuster	Kuster
Simpson	Langevin
Smith (MO)	Larsen (WA)
Smith (NE)	Larson (CT)
Smith (NJ)	Lee (CA)
Smith (TX)	Levin
Southerland	Lewis
Stewart	Lipinski
Stivers	LoBiondo
Stockman	Loeb
Stutzman	Lofgren
Terry	Lowenthal
Thompson (PA)	Lowey
Thornberry	Lujan Grisham
Tiberi	(NM)
Tipton	Lujan, Ben Ray
Turner	(NM)
Upton	Lynch
Valadao	Maffei
Wagner	Maloney
Walberg	Carolyn
Walden	Maloney, Sean
Walorski	Matheson
Weber (TX)	Matsui
Webster (FL)	McCarthy (NY)
Wenstrup	McCollum
Westmoreland	McDermott
Whitfield	McGovern
Williams	McNerney
Wilson (SC)	Meeks
Wittman	Meng
Wolf	
Womack	
Woodall	
Yoder	
Yoho	
Young (AK)	
Young (IN)	

Michaud	Price (NC)	Speier
Miller, George	Quigley	Swalwell (CA)
Moore	Rangel	Takano
Moran	Roybal-Allard	Thompson (CA)
Murphy (FL)	Ruiz	Thompson (MS)
Nadler	Ruppersberger	Tierney
Napolitano	Ryan (OH)	Titus
Neal	Sánchez, Linda T.	Tonko
Negrete McLeod	Sanchez, Loretta	Tsongas
Nolan	Sarbanes	Van Hollen
O'Rourke	Schakowsky	Vargas
Owens	Schiff	Veasey
Pallone	Schneider	Vela
Pascarella	Schrader	Velázquez
Pastor (AZ)	Scott (VA)	Visclosky
Payne	Scott, David	Walz
Pelosi	Serrano	Wasserman
Perlmutter	Sewell (AL)	Schultz
Peters (CA)	Shea-Porter	Waters
Peters (MI)	Sherman	Waxman
Peterson	Sinema	Welch
Pingree (ME)	Sires	Wilson (FL)
Pocan	Smith (WA)	Yarmuth
Polis		

#### NOT VOTING—8

Bass	Miller, Gary	Schwartz
Duffy	Richmond	Slaughter
Jackson Lee	Rush	

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1111

So the amendment was agreed to.  
The result of the vote was announced as above recorded.

#### AMENDMENT NO. 6 OFFERED BY MR. SHIMKUS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. SHIMKUS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 177, not voting 9, as follows:

[Roll No. 232]

#### AYES—245

Aderholt	Camp	Dent
Amash	Campbell	DeSantis
Amodei	Cantor	DesJarlais
Bachmann	Capito	Diaz-Balart
Barletta	Capuano	Duncan (SC)
Barr	Carter	Duncan (TN)
Barrow (GA)	Cassidy	Ellmers
Barton	Chabot	Enyart
Benishek	Chaffetz	Farenthold
Bentivolio	Coble	Fincher
Bilirakis	Coffman	Fitzpatrick
Bishop (UT)	Cole	Fleischmann
Black	Collins (GA)	Fleming
Blackburn	Collins (NY)	Flores
Boustany	Conaway	Forbes
Brady (TX)	Cook	Fortenberry
Bridenstine	Cotton	Foster
Brooks (AL)	Cramer	Foxx
Brooks (IN)	Crawford	Franks (AZ)
Broun (GA)	Crenshaw	Frelinghuysen
Buchanan	Cuellar	Gabbard
Bucshon	Culberson	Garcia
Burgess	Daines	Gardner
Byrne	Davis, Rodney	Garrett
Calvert	Denham	Gerlach

Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jolly  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
Lipinski  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis

Maffei  
Marchant  
Marino  
Massie  
McAllister  
McCarthy (CA)  
McCauley  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Rahall  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam

Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sánchez, Linda T.  
Sanford  
Scalise  
McIntyre  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NOES—177

Barber  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley

Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Eshoo  
Esty  
Farr  
Fattah  
Frankel (FL)  
Fudge  
Gallego  
Garamendi  
Green, Al  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt

Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Loebsack  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney

Maloney, Sean  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne

Bachus  
Bass  
Duffy

Maloney, Sean  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne

Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rangel  
Roybal-Allard  
Ruiz  
Ruppersberger  
Ryan (OH)  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman

Sires  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—9

Bachus  
Bass  
Duffy

LaMalfa  
Miller, Gary  
Richmond

Rush  
Schwartz  
Slaughter

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1116

Ms. SINEMA, Messrs. HALL and COFFMAN changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 10 OFFERED BY MR. SMITH OF WASHINGTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 247, not voting 7, as follows:

[Roll No. 233]

## AYES—177

Amash  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney

Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley

Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley

Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Duncan (TN)  
Edwards  
Ellison  
Engel  
Enyart

Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Garamendi  
Gibson  
Gohmert  
Grayson  
Green, Al  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kuster  
Langevin  
Larsen (WA)

Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Loebsack  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Lynch  
Maloney,  
Carolyn  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Pingree (ME)  
Pocan  
Polis

Price (NC)  
Quigley  
Rangel  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda T.  
Sanford  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Sherman  
Sires  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOES—247

Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duncan (SC)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallego  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter

Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jolly  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
Lipinski  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Maffei  
Maloney, Sean  
Marchant  
Marino  
Massie  
Matheson  
McAllister  
McCarthy (CA)  
McCauley  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)

Mullin	Rogers (AL)	Stewart	Cummings	Kaptur	Petri	LoBiondo	Pearce	Sewell (AL)
Mulvaney	Rogers (KY)	Stivers	Davis (CA)	Keating	Pingree (ME)	Long	Perry	Shinkus
Murphy (FL)	Rogers (MI)	Stockman	Davis, Danny	Kelly (IL)	Pocan	Lucas	Peterson	Shuster
Murphy (PA)	Rohrabacher	Stutzman	DeFazio	Kennedy	Polis	Luetkemeyer	Pittenger	Simpson
Neugebauer	Rokita	Terry	DeGette	Kildee	Price (NC)	Lummis	Pitts	Smith (MO)
Noem	Rooney	Thompson (PA)	Delaney	Kilmer	Quigley	Lynch	Poe (TX)	Smith (NE)
Nugent	Ros-Lehtinen	Thornberry	DeLauro	Kind	Rahall	Maloney, Sean	Pompeo	Smith (NJ)
Nunes	Roskam	Tiberi	DelBene	Kirkpatrick	Rangel	Marchant	Posey	Smith (TX)
Nunnelee	Ross	Tipton	Deutch	Kuster	Ribble	Marino	Price (GA)	Southerland
Olson	Rothfus	Turner	Dingell	Labrador	Roybal-Allard	Matheson	Reed	Stewart
Owens	Royce	Upton	Doggett	Langevin	Ruiz	McAllister	Reichert	Stivers
Palazzo	Ruiz	Valadao	Doyle	Larsen (WA)	Ryan (OH)	McCarthy (CA)	Renacci	Stutzman
Paulsen	Runyan	Vela	Duckworth	Larson (CT)	Sánchez, Linda T.	McCaul	Rice (SC)	Terry
Pearce	Ryan (WI)	Wagner	Duncan (TN)	Lee (CA)	Sanford	McClintock	Rigell	Thompson (PA)
Perry	Salmon	Walberg	Edwards	Lewis	Sarbanes	McHenry	Roby	Thornberry
Peters (MI)	Sanchez, Loretta	Walden	Ellison	Loebsock	McIntyre	McIntyre	Roe (TN)	Tiberi
Peterson	Scalise	Walorski	Engel	Loftgren	McKeon	McKeon	Rogers (AL)	Turner
Petri	Schneider	Weber (TX)	Enyart	Lowenthal	McKinley	McKinley	Rogers (KY)	Upton
Pittenger	Schock	Webster (FL)	Eshoo	Lowey	McMorris	McMorris	Rogers (MI)	Valadao
Pitts	Schweikert	Wenstrup	Esty	Lujan Grisham (NM)	Rodgers	Rodgers	Rohrabacher	Wagner
Poe (TX)	Scott, Austin	Westmoreland	Farr	Luján, Ben Ray (NM)	Meadows	Meadows	Rokita	Walberg
Pompeo	Sensenbrenner	Whitfield	Fattah	Maffei	Meehan	Meehan	Rooney	Walden
Posey	Sessions	Williams	Foster	Maloney, Carolyn	Messer	Messer	Ros-Lehtinen	Walorski
Price (GA)	Shea-Porter	Wilson (SC)	Frankel (FL)	Massie	Mica	Mica	Roskam	Weber (TX)
Rahall	Shinkus	Wittman	Fudge	Matsui	Miller (FL)	Miller (FL)	Ross	Webster (FL)
Reed	Shuster	Wolf	Gabbard	McCarthy (NY)	Miller (MI)	Miller (MI)	Rothfus	Wenstrup
Reichert	Simpson	Womack	Gallego	McCollum	Mullin	Mullin	Royce	Westmoreland
Renacci	Sinema	Woodall	Garcia	McDermott	Mulvaney	Mulvaney	Runyan	Whitfield
Ribble	Smith (MO)	Yoder	Gibson	McGovern	Murphy (PA)	Murphy (PA)	Ruppersberger	Williams
Rice (SC)	Smith (NE)	Yoho	Gosar	McNerney	Neugebauer	Neugebauer	Ryan (WI)	Wilson (SC)
Rigell	Smith (NJ)	Young (AK)	Grayson	Meeks	Noem	Noem	Salmon	Wittman
Roby	Smith (TX)	Young (IN)	Green, Al	Meng	Nugent	Nugent	Sanchez, Loretta	Wolf
Roe (TN)	Southerland		Griffith (VA)	Michaud	Nunes	Nunes	Scalise	Womack
			Grijalva	Miller, George	Nunnelee	Nunnelee	Schock	Woodall
			Gutiérrez	Moore	Olson	Olson	Schweikert	Yoder
			Hahn	Moran	Owens	Owens	Scott, Austin	Yoho
			Hanabusa	Murphy (FL)	Palazzo	Palazzo	Sensenbrenner	Young (AK)
			Hastings (FL)	Nadler	Paulsen	Paulsen	Sessions	Young (IN)
			Heck (WA)	Napolitano				
			Higgins	Neal				
			Himes	Negrete McLeod				
			Hinojosa	Nolan				
			Holt	O'Rourke				
			Honda	Pallone				
			Horsford	Pascarell				
			Hoyer	Pastor (AZ)				
			Huelskamp	Payne				
			Huffman	Pelosi				
			Israel	Perlmuter				
			Jackson Lee	Peters (CA)				
			Jeffries	Peters (MI)				
			Johnson (GA)					
			Johnson, E. B.					
			Jones					

## NOT VOTING—7

Bass  
Duffy  
Miller, Gary

Richmond  
Rush  
Schwartz

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1121

Mr. LEVIN changed his vote from  
“no” to “aye.”

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. SMITH OF  
WASHINGTON

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Washington (Mr.  
SMITH) on which further proceedings  
were postponed and on which the noes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 191, noes 230,  
not voting 10, as follows:

[Roll No. 234]

## AYES—191

Amash  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Brady (IA)  
Broun (GA)  
Brown (FL)

Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu

Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Courtney  
Crowley

Aderholt  
Amodei  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Bucshon  
Burgess  
Byrne  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway

## NOES—230

Cook  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duncan (SC)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gohmert  
Goodlatte  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Gene

Griffin (AR)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jolly  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
Levin  
Lipinski

## NOT VOTING—10

Bass  
Duffy  
Garamendi  
Gingrey (GA)

Miller, Gary  
Richmond  
Rush  
Schwartz

□ 1124

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

## AMENDMENT NO. 15 OFFERED BY MS. JENKINS

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentlewoman from Kansas (Ms. JEN-  
KINS) on which further proceedings  
were postponed and on which the ayes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 179, noes 244,  
not voting 8, as follows:

[Roll No. 235]

## AYES—179

Amash  
Amodei  
Bachmann  
Bachus  
Barr  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Black  
Blackburn  
Boustany  
Brady (TX)  
Brooks (AL)

Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Byrne  
Calvert  
Camp  
Campbell  
Cantor  
Carter  
Cassidy  
Chabot  
Coble

Coffman  
Collins (NY)  
Conaway  
Cotton  
Cramer  
Crawford  
Cuellar  
Culberson  
Daines  
Denham  
DeSantis  
DesJarlais  
Duncan (SC)  
Duncan (TN)

Ellmers	Lamborn	Rogers (MI)	Lynch	Payne	Sinema	Carter	Issa	Renacci
Fincher	Lance	Rohrabacher	Maffei	Pearce	Sires	Cassidy	Jenkins	Ribble
Fleischmann	Rokita	Maloney,	Maloney,	Pelosi	Smith (NJ)	Chabot	Johnson (OH)	Rice (SC)
Fleming	Latta	Rooney	Carolyn	Perlmutter	Smith (WA)	Chaffetz	Johnson, Sam	Rigell
Flores	Long	Roskam	Maloney, Sean	Peters (CA)	Speler	Coble	Jolly	Roby
Fox	Luetkemeyer	Ross	Marino	Peters (MI)	Stewart	Coffman	Jordan	Roe (TN)
Franks (AZ)	Lummis	Rothfus	Matheson	Peterson	Swalwell (CA)	Cole	Joyce	Rogers (AL)
Frelinghuysen	Marchant	Royce	Matsui	Pingree (ME)	Takano	Collins (GA)	Kelly (PA)	Rogers (KY)
Gardner	Massie	Runyan	McAllister	Pocan	Thompson (CA)	Collins (NY)	King (IA)	Rogers (MI)
Garrett	McCarthy (CA)	Ryan (WI)	McCarthy (NY)	Polis	Thompson (MS)	Conaway	King (NY)	Rokita
Gerlach	McCaul	Salmon	McCollum	Price (NC)	Thompson (PA)	Cook	Kingston	Rooney
Gibbs	McClintock	Sanford	McDermott	Quigley	Tierney	Cotton	Kinzinger (IL)	Ros-Lehtinen
Gingrey (GA)	McHenry	Scalise	McGovern	Rahall	Tipton	Cramer	Kline	Roskam
Goodlatte	McKeon	Schock	McIntyre	Rangel	Titus	Crawford	Labrador	Ross
Gosar	McMorris	Schweikert	McKinley	Reed	Tonko	Crenshaw	LaMalfa	Rothfus
Gowdy	Rodgers	Sensenbrenner	McNerney	Rogers (AL)	Tsongas	Culberson	Lamborn	Royce
Granger	Meadows	Sessions	Meehan	Ros-Lehtinen	Turner	Daines	Lance	Runyan
Graves (GA)	Messer	Shinkus	Meeks	Roybal-Allard	Valadao	Davis, Rodney	Lankford	Ryan (WI)
Graves (MO)	Mica	Shuster	Meng	Ruiz	Vela	Denham	Latham	Salmon
Griffin (AR)	Miller (FL)	Simpson	Michaud	Ruppersberger	Vargas	Dent	Latta	Sánchez, Linda T.
Griffith (VA)	Miller (MI)	Smith (MO)	Miller, George	Ryan (OH)	Veasey	DeSantis	Lipinski	Sanford
Guthrie	Mulvaney	Smith (NE)	Moore	Sánchez, Linda T.	Vela	DesJarlais	LoBiondo	Scalise
Harper	Neugebauer	Smith (TX)	Moran	Sanchez, Loretta	Velázquez	Diaz-Balart	Long	Schock
Harris	Noem	Southerland	Mullin	Sarbanes	Visclosky	Duncan (SC)	Lucas	Luetkemeyer
Hartzler	Nugent	Stivers	Murphy (FL)	Schakowsky	Walz	Duncan (TN)	Lummis	Schweikert
Hastings (WA)	Nunes	Stockman	Murphy (PA)	Schiff	Wasserman	Ellmers	Maffei	Scott, Austin
Heck (NV)	Nunnelee	Stutzman	Nadler	Schneider	Schultz	Farenthold	Marchant	Sensenbrenner
Hensarling	Olson	Terry	Napolitano	Schrader	Waters	Fincher	Marino	Sessions
Herrera Beutler	Palazzo	Thornberry	Neal	Scott (VA)	Waxman	Fitzpatrick	McAllister	Shinkus
Holding	Paulsen	Tiberi	Negrete McLeod	Scott, Austin	Welch	Fleischmann	McCarthy (CA)	Shuster
Hudson	Perry	Upton	Nolan	Scott, David	Westmoreland	Fleming	McCaul	Simpson
Huelskamp	Petri	Wagner	O'Rourke	Serrano	Wilson (FL)	Flores	McClintock	Smith (MO)
Huizenga (MI)	Pittenger	Walberg	Owens	Sewell (AL)	Wittman	Forbes	McHenry	Smith (NE)
Hultgren	Pitts	Walden	Pallone	Shea-Porter	Wolf	Fox	McIntyre	Smith (NJ)
Hunter	Poe (TX)	Walorski	Pascrell	Sherman	Yarmuth	Franks (AZ)	McKeon	Smith (TX)
Hurt	Pompeo	Weber (TX)	Pastor (AZ)		Young (AK)	Frelinghuysen	McKinley	Southerland
Jenkins	Posey	Webster (FL)				Gardner	McMorris	Stewart
Johnson (OH)	Price (GA)	Wenstrup	Bass	Miller, Gary	Schwartz	Garrett	Rodgers	Stivers
Johnson, Sam	Reichert	Whitfield	Duffy	Richmond	Slaughter	Gerlach	Meadows	Stockman
Jolly	Renacci	Williams	Gohmert	Rush		Gibbs	Meehan	Stutzman
Jordan	Ribble	Wilson (SC)				Gibson	Messer	Terry
Kelly (PA)	Rice (SC)	Womack				Gingrey (GA)	Mica	Thompson (PA)
Kingston	Rigell	Woodall				Gohmert	Miller (FL)	Thornberry
Kline	Roby	Yoder				Goodlatte	Miller (MI)	Tiberi
Labrador	Roe (TN)	Yoho				Gosar	Mullin	Tipton
LaMalfa	Rogers (KY)	Young (IN)				Gowdy	Mulvaney	Turner

## NOES—244

Aderholt	Cummings	Heck (WA)
Barber	Davis (CA)	Higgins
Barletta	Davis, Danny	Himes
Barrow (GA)	Davis, Rodney	Hinojosa
Beatty	DeFazio	Holt
Becerra	DeGette	Honda
Bera (CA)	Delaney	Horsford
Bishop (GA)	DeLauro	Hoyer
Bishop (NY)	DelBene	Huffman
Bishop (UT)	Dent	Israel
Blumenauer	Deutch	Issa
Bonamici	Diaz-Balart	Jackson Lee
Brady (PA)	Dingell	Jeffries
Braley (IA)	Doggett	Johnson (GA)
Bridenstine	Doyle	Johnson, E. B.
Brown (FL)	Duckworth	Jones
Brownley (CA)	Edwards	Joyce
Bustos	Ellison	Kaptur
Butterfield	Engel	Keating
Capito	Enyart	Kelly (IL)
Capps	Eshoo	Kennedy
Capuano	Esty	Kildee
Cárdenas	Farenthold	Kilmer
Carney	Farr	Kind
Carson (IN)	Fattah	King (IA)
Cartwright	Fitzpatrick	King (NY)
Castor (FL)	Forbes	Kinzinger (IL)
Castro (TX)	Fortenberry	Kirkpatrick
Chaffetz	Foster	Kuster
Chu	Frankel (FL)	Langevin
Cicilline	Fudge	Lankford
Clark (MA)	Gabbard	Larsen (WA)
Clarke (NY)	Galleo	Larson (CT)
Clay	Garamendi	Lee (CA)
Cleaver	Garcia	Levin
Clyburn	Gibson	Lewis
Cohen	Grayson	Lipinski
Cole	Green, Al	LoBiondo
Collins (GA)	Green, Gene	Loeb sack
Connolly	Grijalva	Lofgren
Conyers	Grimm	Lowenthal
Cook	Gutiérrez	Lowe
Cooper	Hahn	Lucas
Costa	Hall	Lujan Grisham
Courtney	Hanabusa	(NM)
Crenshaw	Hanna	Luján, Ben Ray
Crowley	Hastings (FL)	(NM)

## NOT VOTING—8

Miller, Gary  
Richmond  
Rush

Schwartz  
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1128

Mr. HALL changed his vote from “aye” to “no.”  
So the amendment was rejected.  
The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. LAMBORN  
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. LAMBORN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.  
The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.  
The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 191, not voting 7, as follows:

[Roll No. 236]

## AYES—233

Aderholt	Bentivolio	Broun (GA)
Amash	Billirakis	Buchanan
Amodei	Bishop (UT)	Bucshon
Bachmann	Black	Burgess
Bachus	Blackburn	Byrne
Barletta	Boustany	Calvert
Barr	Brady (TX)	Camp
Barrow (GA)	Bridenstine	Campbell
Barton	Brooks (AL)	Cantor
Benishhek	Brooks (IN)	Capito

## NOES—191

Barber	Clark (MA)	Doyle
Beatty	Clarke (NY)	Duckworth
Becerra	Clay	Edwards
Bera (CA)	Cleaver	Ellison
Bishop (GA)	Clyburn	Engel
Bishop (NY)	Cohen	Enyart
Blumenauer	Connolly	Eshoo
Bonamici	Conyers	Esty
Brady (PA)	Cooper	Farr
Braley (IA)	Costa	Fattah
Brown (FL)	Courtney	Fortenberry
Brownley (CA)	Crowley	Foster
Bustos	Cuellar	Frankel (FL)
Butterfield	Cummings	Fudge
Capps	Davis (CA)	Gabbard
Capuano	Davis, Danny	Galleo
Cárdenas	DeFazio	Garamendi
Carney	DeGette	Garcia
Carson (IN)	Delaney	Grayson
Cartwright	DeLauro	Green, Al
Castor (FL)	DelBene	Green, Gene
Castro (TX)	Dingell	Grijalva
Chu	Doggett	Gutiérrez
Cicilline		Hahn



Hanabusa	Maloney,	Ruiz	Capuano	Holt	Nolan	Hunter	Mullin	Sewell (AL)
Hastings (FL)	Carolyn	Ruppersberger	Cárdenas	Honda	O'Rourke	Hurt	Murphy (PA)	Sherman
Heck (WA)	Maloney, Sean	Ryan (OH)	Carney	Horsford	Owens	Issa	Neugebauer	Shimkus
Higgins	Massie	Sanchez, Loretta	Carson (IN)	Hoyer	Pallone	Jenkins	Noem	Shuster
Himes	Matheson	Sarbano	Cartwright	Huelskamp	Pascarell	Johnson (OH)	Nugent	Simpson
Hinojosa	Matsui	Schakowsky	Castor (FL)	Huffman	Pastor (AZ)	Johnson, Sam	Nunes	Sinema
Holt	McCarthy (NY)	Schiff	Castro (TX)	Israel	Payne	Jolly	Nunnelee	Smith (MO)
Honda	McCollum	Schneider	Chu	Jackson Lee	Pelosi	Jordan	Olson	Smith (NE)
Horsford	McDermott	Schrader	Cicilline	Jeffries	Perlmutter	Joyce	Palazzo	Smith (NJ)
Hoyer	McGovern	Scott (VA)	Clark (MA)	Perry	Johnson (GA)	Kelly (PA)	Paulsen	Smith (TX)
Huffman	McNerney	Scott, David	Clarke (NY)	Peters (MI)	Johnson, E. B.	King (IA)	Pearce	Smith (WA)
Israel	Meeks	Serrano	Clay	Petri	Jones	King (NY)	Peters (CA)	Southerland
Jackson Lee	Meng	Sewell (AL)	Cleaver	Pingree (ME)	Kaptur	Kingston	Peterson	Stewart
Jeffries	Michaud	Shea-Porter	Clyburn	Pocan	Keating	Kinzinger (IL)	Pittenger	Stivers
Johnson (GA)	Miller, George	Sherman	Cohen	Polis	Keating	Kirkpatrick	Pitts	Stutzman
Johnson, E. B.	Moore	Sinema	Connolly	Posey	Kelly (IL)	Kline	Poe (TX)	Terry
Jones	Moran	Sires	Conyers	Price (NC)	Kennedy	LaMalfa	Pompeo	Thompson (PA)
Kaptur	Murphy (FL)	Smith (WA)	Cooper	Quigley	Kildee	Lamborn	Price (GA)	Thornberry
Keating	Nadler	Speier	Courtney	Rahall	Kilmer	Lance	Reed	Tiberi
Kelly (IL)	Napolitano	Swalwell (CA)	Cummins	Rangel	Kind	Langevin	Reichert	Tipton
Kennedy	Neal	Takano	Davis, Danny	Rohrabacher	Kuster	Lankford	Renacci	Turner
Kildee	Negrete McLeod	Thompson (CA)	DeFazio	Rooney	Kustler	Latham	Ribble	Upton
Kilmer	Nolan	Thompson (MS)	DeGette	Roybal-Allard	Larsen (WA)	Latta	Rice (SC)	Valadao
Kind	O'Rourke	Tierney	DeLauro	Ruiz	Larson (CT)	Lipinski	Rigell	Vela
Kirkpatrick	Owens	Titus	DelBene	Ryan (OH)	Lee (CA)	LoBiondo	Roby	Vela
Kuster	Pallone	Tonko	DesJarlais	Sanchez, Linda	Levin	Long	Roe (TN)	Wagner
Langevin	Pascarell	Tsongas	Deutch	T.	Lewis	Lucas	Rogers (AL)	Walberg
Larsen (WA)	Pastor (AZ)	Van Hollen	Dingell	Sanford	Loeb	Luetkemeyer	Rogers (KY)	Walden
Larson (CT)	Payne	Vargas	Doggett	Sarbano	Loeb	Marchant	Rogers (MI)	Walorski
Lee (CA)	Pelosi	Veasey	Doyle	Schakowsky	Lowey	Marino	Rokita	Wasserman
Levin	Peters (CA)	Vela	Duncan (TN)	Schiff	Lujan Grisham	McAllister	Ros-Lehtinen	Schultz
Lewis	Peters (MI)	Velázquez	Edwards	Schweikert	(NM)	McCarthy (CA)	Roskam	Weber (TX)
Loeb	Pingree (ME)	Visclosky	Ellison	Scott (VA)	Luñán, Ben Ray	McCarthy (NY)	Ross	Webster (FL)
Lofgren	Pocan	Walz	Engel	Scott, David	(NM)	McCaul	Rothfus	Wenstrup
Lowenthal	Polis	Wasserman	Enyart	Sensenbrenner	Lummis	McHenry	Royce	Westmoreland
Lowey	Price (NC)	Schultz	Eshoo	Serrano	Lynch	McIntyre	Runyan	Whitfield
Lujan Grisham	Quigley	Waters	Maffei	Shea-Porter	(NM)	McKeon	Ruppersberger	Williams
(NM)	Rahall	Waxman	Maloney,	Sires	Luñán, Ben Ray	McKinley	Ryan (WI)	Wilson (SC)
Luñán, Ben Ray	Rangel	Welch	Carolyn	Speier	(NM)	McMorris	Salmon	Wittman
(NM)	Rohrabacher	Wilson (FL)	Maloney, Sean	Stockman	Yarmuth	Rodgers	Sanchez, Loretta	Wittman
Lynch	Roybal-Allard	Yarmuth	Massie	Swalwell (CA)		Meadows	Scalise	Wolf
			Matheson	Takano		Meehan	Schneider	Womack
			Matsui	Thompson (CA)		Messer	Schock	Yoder
			McClintock	Thompson (MS)		Mica	Schrader	Yoho
			McCollum	Tierney		Miller (FL)	Scott, Austin	Young (AK)
			Gibson	Titus		Miller (MI)	Sessions	Young (IN)
			Gohmert	Tonko				
			Grayson	Tsongas				
			Green, Al	Van Hollen				
			Green, Gene	Vargas				
			Griffith (VA)	Veasey				
			Grijalva	Velázquez				
			Gutiérrez	Visclosky				
			Hahn	Walz				
			Hanabusa	Waters				
			Hastings (FL)	Waxman				
			Heck (WA)	Welch				
			Higgins	Wilson (FL)				
			Himes	Woodall				
			Hinojosa	Yarmuth				
			Negrete McLeod					

## NOT VOTING—7

Bass  
Duffy  
Miller, Gary

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1132

Mr. COFFMAN changed his vote from  
“no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced  
as above recorded.

## AMENDMENT NO. 21 OFFERED BY MR. SCHIFF

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from California (Mr. SCHIFF)  
on which further proceedings were  
postponed and on which the noes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 191, noes 233,  
not voting 7, as follows:

[Roll No. 237]

AYES—191

Amash  
Bachmann  
Beatty  
Becerra  
Benishak

Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)

Broun (GA)  
Brownley (CA)  
Burgess  
Butterfield  
Capps

Aderholt  
Amodei  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Bentivoglio  
Bera (CA)  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Brown (FL)  
Buchanan  
Bucshon  
Bustos  
Byrne  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Chabot

## NOES—233

Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis (CA)  
Davis, Rodney  
Delaney  
Denham  
Dent  
DeSantis  
Diaz-Balart  
Duckworth  
Duncan (SC)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes

Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallego  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzer  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huizenga (MI)  
Hultgren

## NOT VOTING—7

Bass  
Duffy  
Miller, Gary

□ 1136

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

Stated against:

Mr. PERRY. Mr. Chair, on rollcall No. 237,  
I inadvertently voted in the affirmative when I  
intended to vote in the negative. Had I been  
present, I would have voted “no.”

## AMENDMENT NO. 24 OFFERED BY MR. BLUMENAUER

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Oregon (Mr. BLU-  
MENAUER) on which further proceedings  
were postponed and on which the noes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 224, noes 199,  
not voting 8, as follows:

[Roll No. 238]

## AYES—224

Amash Gohmert Napolitano  
 Barber Gosar Neal  
 Barrow (GA) Grayson Negrete McLeod  
 Beatty Green, Al Nolan  
 Becerra Green, Gene O'Rourke  
 Bera (CA) Griñth (VA) Owens  
 Bishop (GA) Grijalva Pallone  
 Bishop (NY) Gutiérrez Pascrell  
 Blumenauer Hahn Pastor (AZ)  
 Bonamici Hanabusa Payne  
 Brady (PA) Hanna Pelosi  
 Braley (IA) Hastings (FL) Perlmutter  
 Bridenstine Heck (WA) Peters (CA)  
 Broun (GA) Higgins Peters (MI)  
 Brown (FL) Himes Petri  
 Brownlee (CA) Hinojosa Pingree (ME)  
 Burgess Holt Pocan  
 Bustos Honda Poe (TX)  
 Butterfield Horsford Polis  
 Campbell Hoyer Price (NC)  
 Capps Huelskamp Quigley  
 Capuano Rahall Huffman  
 Cardenas Israel Rangel  
 Carney Jackson Lee Renacci  
 Carson (IN) Jeffries Rohrabacher  
 Cartwright Johnson (GA) Roybal-Allard  
 Castor (FL) Johnson, E. B. Ruiz  
 Castro (TX) Jones Ruppersberger  
 Chu Joyce Ryan (OH)  
 Cicilline Kaptur Salmon  
 Clark (MA) Keating Sánchez, Linda  
 Clarke (NY) Kelly (IL) T.  
 Clay Kennedy Sanchez, Loretta  
 Cleaver Sarbanes Sarbanes  
 Clyburn Kilmer Schakowsky  
 Cohen Kind Schiff  
 Connolly Kirkpatrick Schneider  
 Conyers Kuster Schrader  
 Cooper Labrador Scott (VA)  
 Costa Langevin Scott, David  
 Courtney Larsen (WA) Serrano  
 Crowley Larson (CT) Sewell (AL)  
 Cuellar Lee (CA) Shea-Porter  
 Cummings Levin Sherman  
 Davis (CA) Lewis Sinema  
 Davis, Danny Lipinski Sires  
 DeFazio LoBiondo Smith (NJ)  
 DeGette Loebach Smith (WA)  
 Delaney Lofgren Speier  
 DeLauro Wenthal Stockman  
 DelBene Lowey Swallow (CA)  
 Dent Lujan Grisham Takano  
 Deutch (NM) Thompson (CA)  
 Dingell Lujan, Ben Ray Thompson (MS)  
 Doggett (NM) Tiberi  
 Doyle Lynch Tierney  
 Duckworth Maffei Titus  
 Duncan (TN) Maloney, Sean Tonko  
 Edwards Massie Tsongas  
 Ellison Matheson Upton  
 Engel Matsui Van Hollen  
 Enyart McCarthy (NY) Vargas  
 Eshoo McCollum Veasey  
 Esty McDermott Vela  
 Farr McGovern Velázquez  
 Fattah McNerney Visclosky  
 Foster Meeks Walden  
 Frankel (FL) Meng Walz  
 Fudge Messer Wasserman  
 Gabbard Michaud Schultz  
 Gallego Miller, George Waters  
 Garamendi Moore Waxman  
 Garcia Moran Welch  
 Garrett Mulvaney Whitfield  
 Gerlach Murphy (FL) Wilson (FL)  
 Gibson Nadler Yarmuth

## NOES—199

Aderholt Brady (TX) Coble  
 Amodei Brooks (AL) Coffman  
 Bachmann Brooks (IN) Cole  
 Bachus Buchanan Collins (GA)  
 Barletta Bucshon Collins (NY)  
 Barr Byrne Conaway  
 Barton Calvert Cook  
 Benishek Camp Cotton  
 Bentivolio Cantor Cramer  
 Bilirakis Capito Crawford  
 Bishop (UT) Carter Crenshaw  
 Black Cassidy Culberson  
 Blackburn Chabot Daines  
 Boustany Chaffetz Davis, Rodney

Denham Kline Rogers (AL)  
 DeSantis LaMalfa Rogers (KY)  
 DesJarlais Lamborn Rogers (MI)  
 Diaz-Balart Lance Rokita  
 Duncan (SC) Lankford Rooney  
 Ellmers Latham Ros-Lehtinen  
 Farenthold Latta Roskam  
 Fincher Long Ross  
 Fitzpatrick Lucas Rothfus  
 Fleischmann Luetkemeyer Royce  
 Fleming Lummis Runyan  
 Flores Marchant Ryan (WI)  
 Forbes Marino Sanford  
 Fortenberry McAllister Scalise  
 Fox McCarthy (CA) Schock  
 Franks (AZ) McCaul Schweikert  
 Frelinghuysen McClintock Scott, Austin  
 Gardner McHenry Sensenbrenner  
 Gibbs McIntyre Sessions  
 Gingrey (GA) McKeon Shimkus  
 Goodlatte McKinley Shuster  
 Gowdy McMorris Simpson  
 Granger Rodgers Smith (MO)  
 Graves (GA) Meadows Smith (NE)  
 Graves (MO) Meehan Smith (TX)  
 Griffin (AR) Mica Southerland  
 Grimm Miller (FL) Stewart  
 Guthrie Miller (MI) Stivers  
 Hall Mullin Stutzman  
 Harper Murphy (PA) Terry  
 Harris Neugebauer Thompson (PA)  
 Hartzler Noem Thornberry  
 Hastings (WA) Nugent Tipton  
 Heck (NV) Nunes Turner  
 Hensarling Nunnelee Valadao  
 Herrera Beutler Olson Wagner  
 Holding Palazzo Walberg  
 Hudson Paulsen Walorski  
 Huizenga (MI) Pearce Weber (TX)  
 Hultgren Perry Webster (FL)  
 Hunter Peterson Wenstrup  
 Hurt Pittenger Westmoreland  
 Issa Pitts Williams  
 Jenkins Pompeo Wilson (SC)  
 Johnson (OH) Posey Wittman  
 Johnson, Sam Price (GA) Wolf  
 Jolly Reed Womack  
 Jordan Reichert Woodall  
 Kelly (PA) Ribble Yoder  
 King (IA) Rice (SC) Yoho  
 King (NY) Rigell Young (AK)  
 Kingston Roby Young (IN)  
 Kinzinger (IL) Roe (TN)

## NOT VOTING—8

Bass Miller, Gary Slaughter  
 Duffy Richmond  
 Maloney, Rush  
 Carolyn Schwartz

□ 1140

Mr. MULVANEY changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCINTYRE. Mr. Chair, during rollcall vote No. 238, Blumenauer Amendment No. 24 to H.R. 4435, I mistakenly recorded my vote as “no” when I should have voted “yes.”

The Acting CHAIR. No further amendments being in order, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. WOMACK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, and, pursuant to House

Resolution 590, he reported the bill, as amended by House Resolution 585, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. PETERS of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PETERS of California. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Peters of California moves to recommit the bill H.R. 4435 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At end of title X, add the following new section:

**SEC. 1082. PROVISIONS RELATING TO WAGES, DISCRIMINATION, OUTSOURCING JOBS, STUDENT LOANS, AND BAGGAGE FEES.**

(a) PAYING A FAIR WAGE.—None of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be used to enter into any contract with any entity if such contract would violate Executive Order No. 13658 (relating to payment of the minimum wage by contractors).

(b) PROHIBITING DISCRIMINATION AGAINST WOMEN.—The Secretary of Defense shall ensure that women service members do not face gender discrimination in combat or in any other form of military service.

(c) PROHIBITION ON CONTRACTING WITH COMPANIES THAT DENY EQUAL PAY OR THAT OUTSOURCE AMERICAN JOBS.—

(1) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be used to enter into any contract with an entity if the entity—

(A) does not provide equal pay for equal work for women employees; or

(B) has outsourced work previously performed in the United States.

(2) OUTSOURCED DEFINED.—In this section, the term “outsourced”, with respect to an entity with employees performing work in the United States, means having fewer full-time equivalent employees in the United States and a larger number of such employees outside the United States on the last day of the calendar year compared to the first day of such calendar year.

(3) WAIVER.—The Secretary of Defense may waive the prohibition in paragraph (1) if necessary for national security purposes.

(d) PROTECTING STUDENT LOANS.—

(1) INSPECTOR GENERAL INVESTIGATION.—The Inspector General of the Department of Defense shall investigate the factors surrounding the deceptive practices and excessive interest and fees charged on student loans made to members of the Armed Forces.

(2) REGULATIONS.—The Secretary of Defense shall prescribe regulations to better inform such members of their rights as borrowers and the proper documentation required to qualify for student loans under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.).

(e) NO BAGGAGE FEES FOR MEMBERS OF THE ARMED FORCES.—

(1) No air carrier may charge any fee for the transport of 4 or fewer items of baggage checked by a member of the Armed Forces who is—

(A) traveling in scheduled air transportation on official military orders; and

(B) being deployed on or returning from an overseas contingency operation.

(2) For purposes of this section, the term “baggage” does not include an item whose weight exceeds 80 pounds.

Mr. McKEON (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. PETERS) is recognized for 5 minutes.

□ 1145

Mr. PETERS of California. Mr. Speaker, this is the final amendment to H.R. 4435, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

As a member of the House Armed Services Committee, I am proud of the bipartisan work we did this year to craft the 2015 National Defense Authorization Act, and I want to thank Chairman McKEON, in his last year leading the committee, for his leadership and commitment to bipartisanship.

Mr. Speaker, in San Diego, Coronado, and Poway, we are proud of the role our region plays in national security. My district alone is home to seven military installations, including MCAS Miramar, the Marine Corps Recruit Depot, Navy Region Southwest, Naval Base Coronado, and Naval Base Point Loma.

San Diego County is home to more than 235,000 veterans, and this year, we launched the national model Military Transition Support Project, which will provide nonprofit and volunteer help for servicemembers transitioning to the workplace and private sector. San Diego is a military town, and we are proud of it.

Defense is also a big part of our economy, responsible for more than 300,000 jobs in the region, accounting for almost \$25 billion in direct spending last year, and we were the home port of 53 ships, with an economic impact of \$4 billion.

It is fair to say, when the government makes investments in our mili-

tary or sharp cuts like sequestration, we feel it locally.

This amendment would ensure that, as we make our investments in national security of nearly \$600 billion, in San Diego and across the country, we use that money to foster economic opportunity and equality here at home.

My amendment ensures that the jobs we are creating are good jobs and pay the same minimum wage standard of \$10.10 an hour as we are moving to statewide in California.

Those working full time to support our national security mission shouldn't be in poverty, struggling with the choice of food for their children, or keeping the lights on in the house.

My amendment would also ensure pay equity. It is not news, Mr. Speaker, that women across the country continue to face pay inequity. In San Diego, women still make 75 cents for every dollar earned by their male counterparts on average.

This amendment would prohibit defense contracts to companies that don't provide equal pay for equal work. That is not a women's issue; it is a family issue. Families in San Diego and across the country increasingly rely on women's wages to pay bills, educate their children, and save for retirement.

Along with working to close the wage gap for women, this amendment codifies into law a Department of Defense policy that is already in effect to allow women in combat, and this amendment keeps our promise to servicemembers through the GI Bill.

Recently, Sallie Mae agreed to pay \$97 million to settle allegations that military servicemembers were charged excessive interest and fees on their student loans. That is absolutely appalling and unacceptable.

The amendment would require an investigation of these deceptive scam practices, ensure that they are stopped, and would require in the future that borrowers are informed of their rights.

Our men and women in uniform and our veterans deserve our protection against fraud and to see that their GI Bill supports a high-quality education that leads to a high-quality job and nothing less.

Finally, with the drawdown in Afghanistan and the rebalance to the Pacific, many of our servicemembers are traveling extensive distances to and from deployments.

During this travel, many in uniform are being charged excessive baggage fees by commercial airlines. The amendment would prohibit airlines from collecting these fees, much of which is being charged on lifesaving equipment that servicemembers are buying and bringing in on their own because the Department doesn't supply what is necessary.

While it may seem like a small change, it will ease the burden on serv-

icemembers. Charging baggage fees is not the way we should be sending off or welcoming home our troops.

In today's bill, we are authorizing nearly \$600 billion. As we support our national security and defense abroad, we have the chance to promote economic opportunity and equal rights here at home. Our warfighters and all Americans who work to support them deserve nothing less.

Mr. Speaker, I yield back the balance of my time.

Mr. McKEON. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. McKEON. Mr. Speaker, I thank my colleagues for their warm round of applause. It was great to hear their feelings.

We, on the Armed Services Committee and here in Congress, have the responsibility to provide for our national defense for our interests around the world and the commitments we have made to our friends and allies. We do not have a defense to provide jobs.

We have a defense to provide for our national security. Fortunately, the jobs that are provided through defense are good jobs. With the cuts that we have had in our defense, a lot of those jobs have gone away, and our defense has been weakened.

Colleagues, we have had a vigorous debate on this measure. This bill was marked up by six different subcommittees, then the full Armed Services Committee considered the legislation. One hundred ninety-five amendments were offered during our markup alone, 95 by Democrats and 100 by Republicans. We adopted 154 of those, and the bill passed out of committee with unanimous support, 61-0.

Then we moved the bill to the floor following regular order. One hundred sixty-nine more amendments were made in order, 39 bipartisan amendments, 57 by Democrats, and 73 by Republicans.

Nobody can say we haven't had ample opportunity to consider everybody's ideas, discuss them, and vote. To everyone, I say thank you for your help, your support. It is important to get this 53rd consecutive NDAA passed because of the important authorities that are in the bill. Let's oppose this motion to recommit and pass the bill.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. PETERS of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by a 5-minute vote on passage of the bill, if ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 227, not voting 10, as follows:

[Roll No. 239]

AYES—194

Barber	Green, Al	Neal
Barrow (GA)	Green, Gene	Negrete McLeod
Beatty	Grijalva	Nolan
Becerra	Gutiérrez	O'Rourke
Bera (CA)	Hahn	Owens
Bishop (GA)	Hanabusa	Pallone
Bishop (NY)	Hastings (FL)	Pascarell
Blumenauer	Heck (WA)	Pastor (AZ)
Bonamici	Higgins	Payne
Brady (PA)	Himes	Pelosi
Braley (IA)	Hinojosa	Perlmutter
Brown (FL)	Holt	Peters (CA)
Brownley (CA)	Honda	Peters (MI)
Bustos	Horsford	Peterson
Butterfield	Hoyer	Pingree (ME)
Capps	Huffman	Pocan
Capuano	Israel	Polis
Cárdenas	Jackson Lee	Price (NC)
Carney	Jeffries	Quigley
Carson (IN)	Johnson (GA)	Rahall
Cartwright	Johnson, E. B.	Rangel
Castor (FL)	Kaptur	Roybal-Allard
Castro (TX)	Keating	Ruiz
Chu	Kelly (IL)	Ruppersberger
Ciçilline	Kennedy	Ryan (OH)
Clark (MA)	Kildee	Sánchez, Linda
Clarke (NY)	Kilmer	T.
Clay	Kind	Sanchez, Loretta
Cleaver	Kirkpatrick	Sarbanes
Clyburn	Kuster	Schakowsky
Cohen	Langevin	Schiff
Connolly	Larsen (WA)	Schneider
Conyers	Larson (CT)	Schrader
Cooper	Lee (CA)	Scott (VA)
Costa	Levin	Scott, David
Courtney	Lewis	Serrano
Crowley	Lipinski	Sewell (AL)
Cuellar	Loeb	Shea-Porter
Cummings	Lofgren	Sherman
Davis (CA)	Lowenthal	Sinema
Davis, Danny	Lowey	Sires
DeFazio	Lujan Grisham	Smith (WA)
DeGette	(NM)	Speier
Delaney	Luján, Ben Ray	Swalwell (CA)
DeLauro	(NM)	Takano
DelBene	Lynch	Thompson (CA)
Deutch	Maffei	Thompson (MS)
Dingell	Maloney,	Tierney
Doggett	Carolyn	Titus
Doyle	Maloney, Sean	Tonko
Duckworth	Matheson	Tsongas
Edwards	Matsui	Van Hollen
Ellison	McCarthy (NY)	Vargas
Engel	McCollum	Veasey
Enyart	McDermott	Vela
Eshoo	McGovern	Velázquez
Esty	McIntyre	Visclosky
Farr	McNerney	Walz
Fattah	Meeks	Wasserman
Foster	Meng	Schultz
Frankel (FL)	Michaud	Waters
Fudge	Miller, George	Waxman
Gabbard	Moore	Welch
Galleo	Moran	Wilson (FL)
Garamendi	Murphy (FL)	Yarmuth
Garcia	Nadler	
Grayson	Napolitano	

NOES—227

Aderholt	Black	Calvert
Amash	Blackburn	Camp
Amodel	Boustany	Campbell
Bachmann	Brady (TX)	Cantor
Bachus	Bridenstine	Capito
Barletta	Brooks (AL)	Carter
Barr	Brooks (IN)	Cassidy
Barton	Broun (GA)	Chabot
Benishke	Buchanan	Chaffetz
Bentivolio	Buchon	Coffman
Bilirakis	Burgess	Cole
Bishop (UT)	Byrne	Collins (GA)

Collins (NY)	Johnson (OH)	Renacci
Conaway	Johnson, Sam	Ribble
Cook	Jolly	Rice (SC)
Cotton	Jones	Rigell
Cramer	Jordan	Roby
Crawford	Joyce	Rogers (AL)
Crenshaw	Kelly (PA)	Rogers (KY)
Culberson	King (IA)	Rogers (MI)
Daines	King (NY)	Rohrabacher
Davis, Rodney	Kingston	Rokita
Denham	Kinzing (IL)	Rooney
Dent	Kline	Ros-Lehtinen
DeSantis	Labrador	Roskam
DesJarlais	LaMalfa	Ross
Diaz-Balart	Lamborn	Rothfus
Duncan (SC)	Lance	Royce
Duncan (TN)	Lankford	Runyan
Ellmers	Latham	Ryan (WI)
Farenthold	Latta	Salmon
Fincher	LoBiondo	Sanford
Fitzpatrick	Long	Scalise
Fleischmann	Lucas	Schock
Fleming	Luetkemeyer	Schweikert
Flores	Lummis	Scott, Austin
Forbes	Marchant	Sensenbrenner
Fortenberry	Marino	Sessions
Fox	Massie	Shimkus
Franks (AZ)	McAllister	Shuster
Frelinghuysen	McCarthy (CA)	Simpson
Gardner	McCaul	Smith (MO)
Garrett	McClintock	Smith (NE)
Gerlach	McHenry	Smith (NJ)
Gibbs	McKeon	Smith (TX)
Gibson	McKinley	Southerland
Gingrey (GA)	McMorris	Stewart
Gohmert	Rodgers	Stivers
Goodlatte	Meadows	Stockman
Gosar	Meehan	Stutzman
Gowdy	Messer	Terry
Granger	Mica	Thompson (PA)
Graves (GA)	Miller (FL)	Thornberry
Graves (MO)	Miller (MI)	Tiberi
Griffin (AR)	Mullin	Tipton
Griffith (VA)	Mulvaney	Turner
Grimm	Murphy (PA)	Upton
Guthrie	Neugebauer	Valadao
Hall	Noem	Wagner
Hanna	Nugent	Walberg
Harper	Nunes	Walden
Harris	Nunnelee	Walorski
Hartzler	Olson	Weber (TX)
Hastings (WA)	Palazzo	Webster (FL)
Heck (NV)	Paulsen	Wenstrup
Hensarling	Pearce	Westmoreland
Herrera Beutler	Perry	Whitfield
Holding	Petri	Williams
Hudson	Pittenger	Wilson (SC)
Huelskamp	Pitts	Wittman
Huizenga (MI)	Poe (TX)	Womack
Hultgren	Pompeo	Woodall
Hunter	Posey	Yoder
Hurt	Price (GA)	Yoho
Issa	Reed	Young (AK)
Jenkins	Reichert	Young (IN)

NOT VOTING—10

Bass	Richmond	Slaughter
Coble	Roe (TN)	Wolf
Duffy	Rush	
Miller, Gary	Schwartz	

□ 1158

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 325, noes 98, not voting 8, as follows:

[Roll No. 240]

AYES—325

Flores	Maloney,
Forbes	Carolyn
Fortenberry	Maloney, Sean
Foster	Marchant
Fox	Marino
Frankel (FL)	Matheson
Franks (AZ)	McAllister
Frelinghuysen	McCarthy (CA)
Gabbard	McCarthy (NY)
Gallego	McCaul
Garamendi	McClintock
Garcia	McHenry
Gardner	McIntyre
Garrett	McKeon
Gerlach	McKinley
Gibbs	McMorris
Gibson	Rodgers
Gingrey (GA)	McNerney
Goodlatte	Meadows
Gowdy	Meehan
Granger	Meeks
Graves (GA)	Messer
Graves (MO)	Mica
Green, Al	Michaud
Green, Gene	Miller (FL)
Griffin (AR)	Miller (MI)
Grimm	Mullin
Guthrie	Mulvaney
Hall	Murphy (FL)
Hanabusa	Murphy (PA)
Hanna	Neugebauer
Harper	Noem
Harris	Nolan
Hartzler	Nugent
Hastings (WA)	Nunes
Heck (NV)	Nunnelee
Heck (WA)	O'Rourke
Hensarling	Olson
Herrera Beutler	Owens
Higgins	Palazzo
Holding	Pascarell
Horsford	Paulsen
Hoyer	Pearce
Hudson	Perlmutter
Huelskamp	Perry
Huizenga (MI)	Peters (CA)
Hultgren	Peters (MI)
Hunter	Peterson
Hurt	Petri
Israel	Pittenger
Issa	Pitts
Jackson Lee	Poe (TX)
Jenkins	Pompeo
Johnson (GA)	Price (GA)
Johnson (OH)	Rahall
Johnson, E. B.	Reed
Johnson, Sam	Reichert
Jolly	Renacci
Jordan	Ribble
Joyce	Rice (SC)
Kaptur	Rigell
Kelly (IL)	Roby
Kelly (PA)	Roe (TN)
Kilmer	Rogers (AL)
King (IA)	Rogers (KY)
King (NY)	Rogers (MI)
Kingston	Rokita
Kinzing (IL)	Rooney
Kirkpatrick	Ros-Lehtinen
Kline	Roskam
Kuster	Ross
LaMalfa	Rothfus
Lamborn	Royce
Lance	Ruiz
Langevin	Runyan
Lankford	Ruppersberger
Larsen (WA)	Ryan (OH)
Larson (CT)	Ryan (WI)
Latham	Salmon
Latta	Sanchez, Loretta
Lipinski	Sanford
LoBiondo	Scalise
Loeb	Schneider
Long	Schock
Lowey	Schweikert
Lucas	Scott (VA)
Luetkemeyer	Scott, Austin
Lujan Grisham	Scott, David
(NM)	Sensenbrenner
Luján, Ben Ray	Sessions
(NM)	Sewell (AL)
Lynch	Shea-Porter
Maffei	Sherman

Shimkus	Thornberry	Waters
Shuster	Tiberi	Waxman
Simpson	Tipton	Webster (FL)
Sinema	Titus	Wenstrup
Smith (MO)	Tsongas	Westmoreland
Smith (NE)	Turner	Whitfield
Smith (NJ)	Upton	Williams
Smith (TX)	Valadao	Wilson (SC)
Smith (WA)	Vargas	Wittman
Southerland	Veasey	Wolf
Stewart	Vela	Womack
Stivers	Visclosky	Woodall
Stutzman	Wagner	Yoder
Takano	Walberg	Yoho
Terry	Walden	Young (AK)
Thompson (MS)	Walorski	Young (IN)
Thompson (PA)	Walz	

## NOES—98

Amash	Himes	Pelosi
Becerra	Hinojosa	Pingree (ME)
Blumenauer	Holt	Pocan
Bonamici	Honda	Polis
Capps	Huffman	Posey
Capuano	Jeffries	Price (NC)
Chu	Jones	Quigley
Ciilline	Keating	Rangel
Clark (MA)	Kennedy	Rohrabacher
Clarke (NY)	Kildee	Roybal-Allard
Cohen	Kind	Sánchez, Linda
Conyers	Labrador	T.
Crowley	Lee (CA)	Sarbanes
Cummings	Levin	Schakowsky
DeFazio	Lewis	Schiff
DeGette	Lofgren	Schrader
Deutch	Lowenthal	Serrano
Doyle	Lummis	Sires
Duncan (TN)	Massie	Speier
Edwards	Matsui	Stockman
Ellison	McCollum	Swell (CA)
Engel	McDermott	Thompson (CA)
Eshoo	McGovern	Tierney
Farr	Meng	Tonko
Fattah	Miller, George	Van Hollen
Fudge	Moore	Velázquez
Gohmert	Moran	Wasserman
Gosar	Nadler	Schultz
Grayson	Napolitano	Weber (TX)
Griffith (VA)	Neal	Welch
Grijalva	Negrete McLeod	Wilson (FL)
Gutiérrez	Pallone	Yarmuth
Hahn	Pastor (AZ)	
Hastings (FL)	Payne	

## NOT VOTING—8

Bass	Miller, Gary	Schwartz
Coble	Richmond	Slaughter
Duffy	Rush	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MEADOWS) (during the vote). There are 2 minutes remaining.

□ 1216

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes."

A motion to reconsider was laid on the table.

# AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 4435, HOWARD P. "BUCK" MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that the Clerk be

authorized to make technical corrections in the engrossment of H.R. 4435, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings, and that the amendatory instructions for amendment No. 35 be changed from "after line 21" to "after line 9."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## ANNOUNCEMENT REGARDING CLASSIFIED SCHEDULE OF AUTHORIZATIONS AND CLASSIFIED ANNEX ACCOMPANYING INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEARS 2014 AND 2015

Mr. ROGERS of Michigan. Mr. Speaker, I wish to announce to all Members of the House that the Permanent Select Committee on Intelligence has ordered the bill H.R. 4681, the Intelligence Authorization Act for Fiscal Years 2014 and 2015, reported favorably to the House today with an amendment, and will file its report on the bill in the House next week. The bill is currently expected to be considered in the House next week.

Mr. Speaker, the classified schedules of authorizations and the classified annexes accompanying the bill are available for review by Members at the offices of the Permanent Select Committee on Intelligence in Room HVC-304 of the Capitol Visitors Center. The committee office will be open during regular business hours for the convenience of any Member who wishes to review this material prior to its consideration of the House.

I recommend that Members wishing to review the classified annex contact the committee's director of security to arrange a time and date for that viewing. This will assure the availability of committee staff to assist Members who desire assistance during their review of these classified materials.

I urge interested Members to review these materials in order to better understand the committee's recommendations. The classified annexes to the committee's report contain the committee's recommendations on the intelligence budget for fiscal years 2014 and 2015 and related classified information that cannot be disclosed publicly.

It is important that Members keep in mind the requirements of clause 13 of House rule XXIII, which only permits access to classified information by those Members of the House who have signed the oath provided for in the rules.

If a Member has not yet signed that oath but wishes to review the classified annexes and schedules of authorizations, the committee staff can admin-

ister the oath and see to it that the executed form is sent to the Clerk's office. In addition, the committee's rules require that Members agree in writing to a nondisclosure agreement. The agreement indicates that the Member has been granted access to the classified annexes and that they are familiar with the rules of the House and the committee with respect to the classified nature of that information and the limitations on the disclosure of that information.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend from Virginia (Mr. CANTOR), the majority leader, for the purpose of inquiring of the schedule of the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, the House is not in session in observation of Memorial Day.

On Tuesday, the House will meet in pro forma session at noon and no votes are expected.

On Wednesday, the House will meet at noon for morning hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m.

On Thursday, the House will meet at 10 a.m. for morning hour and noon for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

Mr. Speaker, the House will consider a few suspensions next week, a complete list of which will be announced at the close of business tomorrow.

In addition, the House will consider H.R. 4660, the Fiscal Year 2015 Commerce, Justice, and Science Appropriations Act, sponsored by subcommittee Chairman FRANK WOLF. Members are advised that general and amendment debate to the bill is expected after the 6 p.m. vote series on Wednesday night.

Finally, Mr. Speaker, the House will consider H.R. 4661, the Fiscal Years 2014 and 2015 Intelligence Authorization Act authored by Chairman MIKE ROGERS. Providing the tools and the oversight of the intelligence community is a vital role of Congress, as we have shown earlier today. We should remember the intelligence community serves a vital role in warning senior policymakers about looming threats, and is absolutely essential to meeting the needs of our military. Sustaining our military and intelligence capabilities are core interests of the United States. I look forward to swift passage of this bill in the House.

Mr. HOYER. I thank the gentleman for his information.

I note that an appropriations bill and the CJS bill will be on the floor next week.

Let me pursue, if I can, Mr. Speaker, the progress that the Appropriations Committee will be making.

Am I correct, Mr. Leader, that this will be an open rule on the CJS bill?

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that the Rules Committee has already done its work and the House has already passed the bill, the rule bill, which provides for an open rule.

Mr. HOYER. I thank the gentleman for that information.

I understand, in addition, that the Appropriations Committee continues to mark up bills this week to pass their fourth bill, the Transportation-HUD bill, out of committee.

The question I would propound to the majority leader, Mr. Speaker, is whether or not we anticipate completing the markup of the 12 appropriation bills before the August break?

I yield to the majority leader.

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that the committee certainly has expressed its desire, as our conference has, as the Speaker has, to move all 12 appropriations bills, and we will move towards that goal in an expeditious nature as much as we can.

Mr. HOYER. I thank the gentleman, Mr. Speaker, for the information.

Obviously, one of the bills that I am particularly concerned about is the Labor, Health, and Education investments that we have been making. There is a substantial cut proposed in the 302(b) allocations, which is the allocations of the larger number to the 12 subcommittees, a substantial cut in the Labor-Health bill, well below historic levels. I hope that as we continue to work through the appropriations process, we can address that issue and not double down on the cuts that have already occurred in what I think the Leader and I both believe is a very critical bill, which includes funding for the National Institutes of Health.

We have 31 days left to go before the August break, legislative days, 43 days until our break in October, so time is of the essence. I would hope that we could address these bills and debate the priorities that these bills represent before we leave for the August break.

I yield to my friend if he wants to comment on that.

Mr. CANTOR. I would say to the gentleman just briefly, there is a \$1 billion cut to a \$155 billion bill. That represents a 0.9 percent decrease, according to what the committee has set forth as far as the 302(b)s are concerned.

Mr. HOYER. Mr. Speaker, the \$155 billion, of course, is a gross figure and includes items beyond discretionary figures in that bill.

The fact of the matter is that NIH has been cut by a very substantially

higher percentage than that, somewhere in the neighborhood of 6 percent, maybe 5 percent. So it is a substantial decrease in the ability to pursue grants, both external grants and internal research by the NIH, on the afflictions that confront our people, whether it be heart disease, cancer, pediatric research, diabetes, Alzheimer's. All of those will be affected to a much larger extent than would be projected by the gross figure of \$155 billion to which the majority leader responds.

Mr. CANTOR. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I certainly will yield.

Mr. CANTOR. I thank the gentleman.

Just to clarify, the amount of the \$155 billion is the 302(b). That is the discretionary amount. So I would just underscore the fact that the \$1 billion cut applies to the \$155 billion discretionary amount.

But the gentleman knows—he has worked on issues of NIH funding—he knows that I am very committed to making a priority out of funding medical research at NIH. We have been successful in the House. The President signed into law the Gabriella Miller Kids First Research Act, which is just the first step towards making a priority out of medical research, in this instance, for pediatrics, and to doing away with spending in other areas that are not as much of a priority.

I believe, Mr. Speaker, that leadership is about assessing priorities and making sure taxpayer dollars are being allocated as such.

We also passed bills out of the House having to do with graduate medical education and making sure that pediatrics and the need for more pediatricians to deal with children is there.

I share the gentleman's overall concern that we make a commitment long term to finding cures so that we can ultimately save lives, but also save taxpayer dollars, as we would like to arrest the increase in health care costs.

Mr. HOYER. I thank the gentleman, Mr. Speaker, for his remarks, and I will look forward to debating what he says is an important responsibility of this House, and that is to set priorities. When the Labor-Health bill comes before us—and the \$155 billion is the gross number that goes to that committee; the \$30 billion-plus is what NIH has, and the \$1.5 billion that I am talking about is a cut to NIH, not to the gross figure of \$155 billion, so I understand the figures. But we will have an opportunity to debate that when we come to the floor on the Labor-Health bill, if, in fact, we ever come to the floor on the Labor-Health bill. We didn't come to it last year or the year before. Hopefully, we will come to it this year.

Two additional things I would like to ask the leader, Mr. Speaker.

□ 1230

Earlier this week, I had an opportunity to meet with a number of

DREAMers who want to join the Armed Forces of the United States. There is a bill called the ENLIST Act, introduced by one of our Republican Members, that essentially says that we are going to allow DREAMers to enlist, and through their service, they could establish their paths to citizenship.

Mr. Speaker, that is an important bill for me because my father came from Denmark. He came here in 1934, at the age of 32. He served in the Armed Forces of the United States, and he became a citizen through his service during World War II in the Armed Forces of the United States.

The sponsor of the ENLIST Act wanted to offer it to the defense authorization bill that we just passed. Last year, when the House considered the defense authorization bill, an amendment similar to the ENLIST Act was made in order.

Unfortunately, it was not made in order this time, so we didn't get an opportunity to vote on that one way or the other. The majority leader knows, Mr. Speaker, that I have been asking in almost every colloquy when we are going to consider legislation that will deal with the broken immigration system that confronts us. This was one opportunity. It was, again, rejected. It was not missed—rejected.

So many colleagues on the Republican side of the aisle—Mr. SCHOCK—said that we need a clear path to citizenship for workers who are already here. ADAM KINZINGER said that, through commonsense policies, we have the opportunity to grow our economy, and we must work hard to come to an agreement on how to bring undocumented workers out of the shadows.

JOHN SHIMKUS said that we have to address the 12 million undocumented immigrants who are already here by moving them legally into the workforce. The Chamber of Commerce, the AFL-CIO, growers, farmworkers, and faith groups across the spectrum are all urging us to pass immigration reform; yet, frankly, we are not addressing it in any way even on this. I think, surely, we could have gotten a consensus on the ENLIST Act, but it was itself rejected.

I would urge the majority leader, Mr. Speaker, to perhaps give us some sense beyond “we don't trust the President.” We know that hardly anybody on that side of the aisle trusts the President.

If the issue is simply trusting the President, let's shut down. Let's not do anything, which, essentially, is what we have done, as a matter of fact, as I say that. Let's not do anything. Let's not pass any new laws. That is not what the American people expect, but that seems to be the premise.

Now, presumably, we passed the Defense Authorization Act because we expect the President to pass it; but if we simply don't trust him, why pass the bill?

That is not an excuse. That is not a reason. In fact, it is a derogation of our responsibility, Mr. Speaker. I would hope that the majority leader would tell me when, if ever, we are going to address the broken system that he and I agree is a broken system.

I yield to my friend, the majority leader.

Mr. CANTOR. The gentleman knows that I am one who consistently says that the system of immigration is broken. I have also said that I am mindful and support the fact that, if a kid who is brought here by his or her parents—unbeknownst to that child—has never lived anywhere else or remembers living anywhere else and wants to serve in our military, he should be able to do so. It is my position that that child should have a path to citizenship after such service.

However, the NDAA bill was not the appropriate place for the discussion on that issue. I have been consistent with that position over the last several weeks and months. I remain committed to what the intent of the ENLIST Act is trying to achieve. There are Members involved who are working on the necessary language to see whether it is possible for us to move forward on that measure.

Beyond that, on the issue of the comprehensive bill that the gentleman refers to, he knows—we have stood here many times before—we are opposed to the Senate bill. I have had discussions with the White House, and I continue to say we are opposed to a comprehensive bill.

Whether the gentleman likes or doesn't like the fact that there is not a lot of trust on the part of this House or of this majority in the President, frankly, it is about the American people. What they have seen is unilateral action being taken by this White House and the President on bills passed by Congress.

It is, at a minimum, frustrating for us in the House to watch what goes on and the flouting of Congress—the ignoring of Congress—when it comes to decisions made to implement a law according to what the White House thinks it is, not according to the statute. This is the fundamental problem, and I have expressed that myself to the President.

If we could see our way towards discrete, incremental steps toward strengthening law enforcement at the border and toward doing things like the green card on the diploma or the ENLIST Act without the introduction of the insistence on a comprehensive attempt, then I believe we may be able to make progress, but to this day, it has been my way or the highway, all or nothing. That is not going to work.

I have told that to the gentleman publicly and privately, Mr. Speaker, and I would just say so again.

Mr. HOYER. I thank the gentleman for his comments.

Very frankly, we can't impose my way or the highway in this House, Mr. Speaker, as you well know. The Republicans are in the majority. We can't impose any way. We can simply ask for some way for it to be brought to the floor. It can be brought forth individually, the ENLIST Act.

I would ask, Mr. Speaker, whether the majority leader believes the ENLIST Act is going to be brought to the floor. I would ask him whether any of the bills that are passed out of the Republican Judiciary Committee are going to be brought to the floor. They passed out over 6 months ago.

A bill out of the Homeland Security Committee to deal with border security passed out of the committee some 4-plus months ago, and it has not been brought to this floor.

We are not looking for my way. We are looking for any way—some way. We are looking for a path—a way—to get to addressing this issue, and there has been no way. He is correct, but it is not we who are imposing no way.

It is the failure to bring a bill to the floor, Mr. Speaker, that we can consider. In a transparent way, the House can work its will, which, of course, was the commitment that Speaker BOEHNER made when he became the Speaker of this House.

That is the problem. It is not what the President does, and it is not what the Senate does, but it is what we are not doing on this House floor, and that is bringing options to the floor, so that we can vote up or down, and maybe we will lose.

There were four bills out of the Judiciary Committee that we didn't largely support, but the Republican leadership on the committee supported those bills, and the majority of the Republicans supported those bills. They are not to the floor. So it is a question of not doing it your way. We are doing it no way.

I continue to be frustrated when the majority leader, Mr. Speaker, responds to me that, somehow, they don't trust the President. Presumably, they trust their committee chairs. Presumably, you trust yourselves, and presumably, if you bring something to the floor, you trust that you will vote the way you believe as we will do on this side of the aisle.

Maybe some on our side of the aisle will agree with you, and maybe some on your side will agree with us, but if we don't bring it to the floor, it is no way, and we are not going to get much progress there.

There are two other issues I will discuss briefly, unless the majority leader wants to respond to that. The Voting Rights Act, he and I have had brief discussions about that. I know he has expressed himself publicly.

Mr. Leader, is there any possibility of our making progress on the Voting Rights Act between now and the August break?

Mr. Speaker, I yield to the majority leader.

Mr. CANTOR. Mr. Speaker, as the gentleman knows, I am committed and remain committed to upholding the very sacred right to vote for all American citizens, and I see the Voting Rights Act as something that has historically afforded that ability.

The recent actions of the Supreme Court have raised some issues, obviously, in the minds of some in the House. We have been working with our Members on our side of the aisle, as well as on the gentleman's.

I know the Senate is undertaking hearings across the way, and it is still my hope to try and resolve this in an acceptable manner. I do know that there are still a lot of differences and that the gentleman knows as well, but I remain committed, again, to making sure that we uphold that sacred right to vote for all American citizens.

Mr. HOYER. Mr. Speaker, I want to thank the majority leader for his continuing positive comments with respect to assuring that every American not only has the right to vote, but has the access to vote and that we facilitate one's casting of that vote.

I look forward and my office looks forward to continuing to work with him towards that objective. Time, of course, is of the essence on this, so I am hopeful that we can move forward sooner, rather than later.

The last subject I would bring up—and we have also had brief discussions on this, Mr. Speaker, with the majority leader—is that the Export-Import Bank authority will expire in the not too distant future.

We believe on this side of the aisle that this is a very, very important piece of legislation. We have an agenda called Make It In America. One of the things that is important for the Make It In America agenda is to encourage and to facilitate the exporting of goods overseas. We think the Export-Import Bank does exactly that.

I would ask the majority leader, Mr. Speaker, if there is any prospect of bringing that to the floor. I might observe that the majority leader and I worked very, very closely and effectively, in a bipartisan way, when we authorized the Export-Import Bank the last time. I am hopeful that we can continue to do the same.

I yield to my friend, the majority leader.

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that I have said to the chairman of the Financial Services Committee, Mr. HENSARLING, that I will look to him and his leadership on that issue as the committee works its way through the varying issues and the Member positions that are out there, and I will look to see what the Financial Services Committee does.



Mr. HOYER. I understand that comment. I also understand that the chairman of the Financial Services Committee is opposed to the Export-Import Bank. He has said that publicly.

So I would hope, at some point in time, again, that the majority of the House could work its will because I do not believe that the chairman of the Financial Services Committee represents the majority of this House in this instance.

Therefore, I am hopeful that we can move forward and that I can work with the majority leader's office, as we did with the last authorization, to reach that objective.

Mr. Speaker, unless the majority leader asks me to yield, I yield back the balance of my time.

#### --- **HOOR OF MEETING ON TOMORROW**

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 3 p.m. tomorrow; when the House adjourns on that day, it adjourn to meet at noon on Tuesday, May 27, 2014; and when the House adjourns on that day, it adjourn to meet at noon on Wednesday, May 28, 2014, for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### --- **NATIONAL SULLIVAN CUP ARMOR COMPETITION**

(Mr. PERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERRY. Mr. Speaker, I rise to congratulate four members of the Pennsylvania National Guard who placed among the top four teams in the national Sullivan Cup armor competition, held on May 11-15 of this year, in Fort Benning, Georgia.

Sergeant First Class Bryan Bailey, Sergeant Michael Schultz, Specialist Timothy Humpal, and Specialist Zachary Zondory represented the 3-103rd Armor Battalion, 55th Armored Brigade, 28th Infantry Division, who came in fourth out of only 17 U.S. Army, Marine Corps, and Canadian tank crews.

The toughness, skill level, and experience demonstrated by our Guard soldiers is further proof that the 55th Armored Brigade not only is one of the elite brigades in the entire U.S. Army, but that the Guard is—absolutely is—ready, trained, and capable.

□ 1245

#### --- **REBUILDING THE VA**

(Mr. BARROW of Georgia asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. BARROW of Georgia. Mr. Speaker, I rise today to continue to call for action to address problems we face at VA clinics all across the country. This issue hits home for the folks I represent in Georgia, where three veterans have died and many more have seen their condition worsen because of inadequate health care.

This isn't going to go anywhere until we get serious about holding someone accountable. Regrettably, that should start with Secretary Eric Shinseki. General Shinseki has done a tremendous service for this country, and while he has tried to do some good things at the VA during his time, other veterans aren't getting the most basic benefits they have earned.

Literally, months have passed, and to this day no one has been held responsible, no solution has been found, and getting information from the VA is like pulling teeth.

The folks I represent want answers, and Secretary Shinseki stepping down should be the start of a nationwide effort to rebuild the VA, because that is what our veterans deserve.

#### --- **HOUSE PASSAGE OF MEPS ACT**

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I am proud to say that last night, the language that Representative TIM RYAN of Ohio and I introduced in March, H.R. 4305, the Medical Evaluation Parity for Servicemembers Act, or MEPS Act, was included as an amendment in the National Defense Authorization Act. This bipartisan legislation passed the full House this morning.

While our military has made great strides to address issues of mental illness, large gaps exist in this response that we must fill. Given these challenges and in light of the tragic events such as those at Fort Hood, we must and can do more.

Today, military recruits must undergo comprehensive physical evaluations. But what some are surprised or even shocked to hear is that currently no similar exam exists for mental competency.

The MEPS Act institutes a preliminary mental health assessment for all incoming recruits. This bill will offer our military an important tool and move us to a more comprehensive and effective approach to suicide prevention and detection.

I applaud my colleagues for joining us in support of this bill and encourage the Senate to take action on this important reform.

#### --- **NATIONAL MARITIME DAY**

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, I rise today to recognize National Maritime Day, an opportunity for us to celebrate and salute our mariners who have protected this great Nation.

Since the early days of this Nation, the United States Merchant Marine has been the foundation of our economic security, serving as our "fourth arm of defense" in both peace and war. They have been essential in bringing food to the world's hungry and delivering supplies to our brave men and women overseas in times of war. They have done so much for our Nation.

Today, on National Maritime Day, we take this opportunity to honor their service and sacrifice.

Over 200,000 Merchant Mariners served in World War II, and more than 8,000 lost their lives in enemy waters, a rate higher than any uniformed service. Unfortunately, these brave men were not eligible for the GI Bill that helped millions of veterans go to college and buy a home.

That is why I have introduced the Honoring our World War II Merchant Mariners Act of 2013. This bill would provide just \$1,000 in monthly benefits to the nearly 10,000 surviving World War II Mariners.

I would like to give a shout out to the American Merchant Marine Veterans Memorial Committee in San Pedro that is honoring our Merchant Mariners.

#### --- **DOTCOM ACT**

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I rise to thank Chairman MCKEON for supporting Congressmen SHIMKUS, ROKITA, and me, in support of adding the DOTCOM Act as an amendment to our National Defense Authorization Act.

I support a free market multistakeholder model of Internet governance. In a perfect world, ICANN AND IANA would be free of government control and fully privatized. However, we don't live in a perfect world, and we know full well that China and Russia have a different view of perfection and are willing to aggressively pursue it. Their end goal is to have ICANN and IANA functions migrate to the U.N.'s ITU.

Passage of today's NDAA and inclusion of DOTCOM gives the multistakeholder model a chance to succeed, but it does so with congressional oversight. However, if we begin to sense—even for a minute—that that model isn't working, I will be the first Member to call on this body to taken stronger actions.

Again, I thank the chairman and my colleagues for bringing this about today.

#### ENDING THE WAR IN AFGHANISTAN

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, after more than a decade of war, the loss of 2,178 American heroes, thousands seriously injured, and the expenditure of nearly \$2 trillion, we must end our military presence in Afghanistan now, safely bring our troops home, and begin to focus on the urgent challenges we face here in America.

A sustainable, long-term peace can only be accomplished when the people of Afghanistan assume responsibility for their own security.

Yesterday, our colleague JIM MCGOVERN offered an amendment that directed the President to rapidly accelerate the transition of U.S. combat operations in Afghanistan to the Afghan government by December, and would have required congressional approval if the President sought to keep U.S. military forces in Afghanistan after that. Unfortunately, we were denied the right to have a debate and vote on this amendment.

We owe the brave men and women in uniform a clear plan to bring them home safely and soon and to end this war now.

After more than 12 years of war and the killing of Osama bin Laden, it is time to end the war in Afghanistan and instead focus our attention on creating jobs, rebuilding our infrastructure, providing care for our veterans, and focusing on the serious fiscal challenges facing our Nation.

#### HONORING DOUGLAS H. CAREY

(Mr. JOLLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOLLY. Mr. Speaker, I rise today to extend my deepest condolences—and those of Florida's 13th Congressional District—to the family, friends, and fellow police officers of Mr. Douglas H. Carey, who tragically lost his life earlier this week.

Officer Carey began his service with the Clearwater Police Department as a patrolman on December 9, 1968. For nearly two decades, he assisted the people of Clearwater as a patrolman, a field training officer, and eventually as a detective. But his retirement from police work in 1987 was hardly the end of service.

Following his retirement, Officer Carey served on the security staff of Morton Plant Hospital. In 2010, he rejoined his brothers and sisters within the police department as a school crossing guard.

Officer Carey lost his life while doing what he loved and what he did best: protecting and serving his community. He was 70 years old.

Mr. Speaker, I wish to honor the life and service today of Officer Carey, who is survived by his loving wife of 42 years, Jean; his son, Brian; his daughter, Toni; and his young grandson, Dylan.

Officer Carey will be greatly missed, but his spirit lives on through the many, many lives he has touched in our community of Pinellas County, Florida.

#### TOURETTE SYNDROME AWARENESS MONTH

(Mr. BEN RAY LUJÁN of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, last week, I had the opportunity to meet with a bright young boy who was diagnosed with Tourette syndrome and is working to bring attention to this disorder. His passion is an inspiration, and I want to share his own words about the importance of raising awareness.

Dear Congressman Luján. My name is Alexander Dennis. I live in Rio Rancho, New Mexico, and am 14 years old.

I grew up with a neurological disorder called Tourette syndrome. It causes me and about 200,000 others in the United States to make sudden movements and uncontrollable sounds. This disorder affects me daily and is a lifelong condition. There is no cure for Tourette syndrome.

I have to live daily with painful neck and full-body jerks. Others with this disorder have different severity levels and different types of movement. It is noticeable to others, but I do not know I am doing the movements sometimes.

There are not many doctors that are experienced with Tourette syndrome, and it took me 4 years to be properly diagnosed.

May 15 through June 15 is Tourette Syndrome Awareness Month, and I am writing to you because I am working to raise awareness to the challenges people face that have this syndrome. Any help that you can give will be greatly appreciated to me and all that suffer from this disorder.

Thank you, Alexander, for your voice and your efforts. I look forward to working with you on this issue.

#### BUDGET IMPACTS ON OUR MILITARY

(Mr. NUNNELEE asked and was given permission to address the House for 1 minute.)

Mr. NUNNELEE. Mr. Speaker, the most important function of our government is to provide for the common defense. That is why I am pleased that the National Defense Authorization Act blocks the administration's end strength reduction proposal, as well as redistribution of important National Guard aviation assets. But I do have some specific concerns.

Of specific concern of this misguided and shortsighted proposal is the impact on the Mississippi National Guard's 155th Heavy Brigade Combat Team. This unit has a proven history of defending freedom abroad. But recently, when our State was hit by devastating tornados, these were the first responders. They provided vital security and search and rescue. I commend these men and women that make up the 155th and express my concern for the support of their mission.

Congress cannot balance our budget on the backs of the men and women voluntarily serving our country, nor expect their families, who already give so much, to make further sacrifices.

To find areas within our Federal Government to responsibly cut, we must look at all forms of Federal spending, not just the discretionary spending alone.

#### VETERANS ADMINISTRATION

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITZPATRICK. Mr. Speaker, our veterans risked their lives in service of our Nation. When they come home, they deserve to be treated with dignity and respect, especially by those they count on to provide them with essential medical care.

The disturbing reports about the unethical treatment of our military men and women by the VA is not only an affront to those that we count on to protect our freedoms and our liberties, it highlights a systemic lack of accountability, starting at the top and permeating throughout the agency.

Mr. Speaker, no veteran should pass away waiting for the care they need or the benefits that they deserve. The ineptitude of the VA is an affront to the sacrifice of the veterans who are turning to this agency for assistance and the taxpayers whose hard-earned dollars should be funding this worthy cause.

While this week the House took action to empower the VA to rid itself of those who fail to meet their responsibilities with the passage of the Department of Veterans Affairs Management Accountability Act, there is still much work to be done.

I firmly believe that sunlight is the best disinfectant, and I will continue to work to shine a bright light on the situation until we can assure that the VA provides the service and respect that our veterans deserve.

#### HISTORIC PRAYER SERVICE

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise today to celebrate the inspiring prayer

service between Pope Francis and Ecumenical Patriarch Bartholomew this Sunday at the Church of the Holy Sepulcher in Jerusalem.

These two spiritual leaders of 1.5 billion Christians worldwide are celebrating the 50th anniversary of the first historic meeting in Jerusalem between their predecessors: Pope Paul VI and Ecumenical Patriarch Athenagoras in 1964.

Sunday's meeting in the Holy Land serves to recognize mutual respect and admiration between the two churches that was reignited 50 years ago. It is fitting that it takes place at the birthplace of Christianity: Jerusalem.

I commend the leadership of Pope Francis and Ecumenical Patriarch Bartholomew, who both glorify God and demonstrate that Christianity is characterized by love, peace, and compassion.

#### HONORING OUR VETERANS

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, all that we do and all that America does is owed to the greatness of our Constitution and to men and women whom we will honor this coming Monday, Memorial Day.

I call today upon Americans, wherever they may be, to stop for a moment to honor them.

A few years ago, I passed unanimous legislation on this floor to honor all of those who had ever served in combat. But we honor those who fell in the line of duty. This coming week, we will remember them, as we should every year.

As I go home, I will be visiting one of my veterans hospitals to be reminded of those who still stand, and to commit that we will fix every problem that denies or undermines the health care system of our veterans.

I have introduced the Heroes Act to ensure that veterans who have gained many good skills in service can equate those skills to civilian work, that they are treated with respect and dignity as managers and leaders, because that is what they were when they served in the United States military.

And so we honor our fallen soldiers and their families. We will gather today as Americans this weekend. We will stand united under the flag, saying thank you, for you have told all of us that freedom is not free.

□ 1300

#### NATIONAL DEFENSE AUTHORIZATION ACT AND CURRENT EVENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 min-

utes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, I wanted to comment about the work done on the National Defense Authorization Act. I know Chairman McKEON has done a tremendous amount of work. I know, from dealing with him during this work on the defense budget, it has been extremely difficult for him.

I remain concerned where we have an administration that has kept our people in Afghanistan with less than favorable rules of engagement, where we have people in harm's way and constantly being called on to be alert, be in positions where they may be in harm's way; and, yet, the authorization ends up being \$45 billion less than the President's own projection for fiscal year 2014 budget request, and \$30.7 billion less than that, that was enacted for fiscal year 2014 in the NDAA Public Law 113-66.

Back in the summer of 2011, I told our leadership that the deficit was a major problem, of course, as all of our conference realizes, as those on the other side of the aisle used to talk about until they got into the majority and blew the lid off the deficit.

To raise the debt ceiling, set up a supercommittee that I knew was going to fail, said it was going to fail because the Senate Democrats would never allow an agreement because they wanted to be able to blame Republicans for not getting a deal.

The mainstream media always buys whatever they said, even when they shut down the government, as HARRY REID did last September 30th, by refusing to take up even the most extreme compromises that this House was willing to make.

So they know they will get coverage from the mainstream media, and even some amazing examples of complete abandonment of any type of journalistic integrity. They knew they would be protected.

So they did refuse to allow an agreement. Even when Senators—Republican Senators reached out, indications were they thought they could get a deal, but I knew they were not going to allow the supercommittee to reach an agreement, no matter how far they bent over backwards, and that is what happened.

That meant the sequestration would occur. I had no problem with the amount of cuts in the sequestration. I had a problem with the number one job of the Federal Government, being to provide for the common defense, taking the biggest devastating hit in the sequestration. That was the problem.

So, because of that, I am still very concerned about the massive cuts to our defense when we are more hated than ever, trusted less than ever. Our previous friends are now reaching out to China and Russia because they can't trust us.

In trips abroad—I know the administration doesn't like Members of Congress to go abroad because we end up talking directly to people and finding out what they really think, so we don't get indirect misrepresentation, and you find out around the world, people don't trust this administration.

Our allies are saying: Are we going to be the next ally that you throw away, as you have been doing in recent years under this administration?

As I have said before, the elderly African in West Africa who told me how excited they were when we elected our first African American President, but ever since he had been President, he said, the United States keeps getting weaker and weaker, and you have got to stop. Please tell the people in Washington to stop allowing the United States to get weaker.

As Christians, they knew, they said, where they would go when this life was over, but their hope, he said, for a more safe and free life here, even for a West African, would be when the United States does not get weaker, but stands against tyranny and stands against any threat.

Like Boko Haram, that threatens innocent Christians anywhere, it will ultimately be a threat to Christians everywhere.

I am also very concerned, as one who believes, as Abraham Lincoln says, as is inscribed in the north wall of the Lincoln Memorial, as part of his second inaugural address, that, as he quoted from scripture:

The judgments of the Lord are just and righteous altogether.

I am very concerned that, when our Nation is the most powerful Nation in the world, at the time when Christian persecutions, by number—not necessarily by percentage, but by number—are probably the greatest they have ever been in the history of the world, since Jesus was on earth, and we do nothing except watch the persecutions grow and grow, there will ultimately be some accountability if, as Abraham Lincoln said, as he and I believe, the judgments of the Lord are just and righteous altogether.

When someone is given much, of them, much is expected. We have an obligation. We have been put in a position where we can stand up for righteousness.

It did take a while for this Nation to get to the point where the Constitution meant exactly what it said, but what helped us get there was what was originally in the Declaration of Independence, a belief that we are endowed by our Creator, not endowed by government, not endowed by a monarch, but we are endowed by our Creator with certain unalienable rights.

When we fail to acknowledge that Creator, when we fail to stand up for those who acknowledge the Creator, when we fail to stand up and provide

for the common defense, then there will be a price to pay.

Israel is feeling it. The mainstream media doesn't talk about it. Israel doesn't want to be considered a whiner, but they are being constantly under attack from rockets. Why? Because they are Jews and because they are in the Middle East, in the same location that was called the Promised Land where, around 1,600 years or so before Muhammad lived, King David was ruling in the land where they now are, and in the location, in Hebron, for example, where he ruled the first 7 years as King of Israel.

Some say, well, clearly, that is not Israeli land. People that worship Muhammad that came along 1,600 years after Christ—I'm sorry—after King David was ruling in that town or 600 years or so after Christ, then, surely, they have a better claim; yet we tell Israel that they have to constantly be giving up and even to have our Secretary of State saying that they are guilty of apartheid, they are risking that guilt if they don't do everything that our Secretary of State says, where he has previously warned that, if they don't do what Secretary Kerry said, they may bring another wave of murder upon themselves. It sounded like a threat.

There are consequences for leaders who put our friends in jeopardy, and for those that think, well, just because we have leaders making bad statements, making bad decisions, doesn't mean it will reflect on us in the country, but for those who believe what is in the Bible, as the huge majority did, of our Founders, those who wrote translations of the Bible, those who taught Sunday school—one of the Founders started the Sunday school movement in America.

It is amazing the strength of ties. Even though some teach today that Ben Franklin was a Deist, his statements make clear that was not the case. As he, himself, said and then recorded in his own handwriting of the speech he gave, he said:

I have lived, sir, a long time, but the longer I live, the more convincing proofs I see of this truth. God governs in the affairs of men, and if a sparrow cannot fall to the ground without his notice, is it possible an empire could rise without His aid?

Franklin said to the Constitutional Convention, as he went on:

We have been assured, sir, in the sacred writing that, unless the Lord build the house, they labor in vain that build it.

He said:

I also firmly believe that without His concurring aid, we shall succeed in our political building no better than the builders of Babel.

When God was telling Hosea why he was mad at the Children of Israel, I looked at different translations. One basically had him saying: because they have chosen leaders who are not my choice.

A Nation is responsible for the leaders they select, and it doesn't matter that John Kerry was rejected by the Nation to be the national spokesperson and national President because, when he is Secretary of State and he makes statements that hurt our dearest allies, then we, as a Nation, will be accountable for his missteps and mistakes in judgment.

We have an obligation to demand better from our leaders. It is a scandal with regard to the Veterans Administration, and for anyone to stand up and say, wow, I had no idea that these problems were going on, stretches the bounds of credibility when that same person said, back in 2008, in condemnation of the Bush administration, that they were not doing enough for our veterans, and condemned the Bush administration and made clear that: when I get in office, I will clear up these problems, I will take care of our veterans.

So as a former judge, those statements—prior statements against interest—would be allowed into evidence to show that something that was said yesterday was not truthful because the mental awareness was shown in 2008, was also shown by statements in 2009, 2010, and then we find out there was a document reflecting that there were these problems with the Veterans Administration.

Our veterans deserve better. I was in the Army for 4 years. I don't deserve better. I never saw combat.

I still think we should have, in 1979—I still feel guilty that, because we were not sent to respond at all to an act of war, in 1979, that thousands of Americans have died because we didn't take a stand in '79, so they got stronger and stronger and stronger until they have gotten to the place that the Taliban takes over Afghanistan.

□ 1315

You have a renegade regime in Iran that President Carter welcomed in, the Ayatollah Khomeini, as a man of peace. And, of course, it makes sense that the policies of this administration are as they are, when you have someone who is a featured speaker at the great tribute to Ayatollah Khomeini as the man of vision and peace.

Well, he is one of the top advisers, even as I speak, at the Department of Homeland Security. He is giving advice, as are others who were named as being members of the Muslim Brotherhood by a periodical in Egypt in December of 2012 in which they were bragging about the top officials in the Obama administration who are members of the Muslim Brotherhood.

Perhaps that explains why this administration has remained so loyal to the Muslim Brotherhood abroad, such that moderate Muslims, as you travel abroad, ask you: Why are you supporting your enemy? The Muslim

Brotherhood wants to eliminate everything but radical Islam in America and in the world. Why are you helping them? They are your enemy. They are behind the attacks that have been made on the United States. Why are you helping them?

Mr. Speaker, in Libya, where a former terrorist supporter had reigned since 2003—and, as some Israelis had said: He was the best help you had, besides us, on identifying and eliminating radical Islam and terrorism, but yet you took him out. And we did that with our air cover and the provision of weapons to rebels that we knew had al Qaeda in them. It turns out that they were far stronger than we knew, which was why some of us were saying don't be helping the rebels in Libya. We know they have got al Qaeda in them. Yet we helped them.

As you travel abroad, you find people saying: You are still helping your enemy. We are worried you are going to turn on us next. You turn on your allies. You punish your allies, and you reward your enemies. What kind of foreign policy is that? It never works. You will not win over people that hate you by giving them money and arms. They don't think you are a wonderful country because you have given them money and arms. They know you are crazy and you need to be wiped off the planet because you don't deserve to be a superpower. You are too stupid. And you give your people too much freedom, which allows them to choose some other religion than radical Islam.

Moderate Muslims around the world do not want radical Islam reigning over them, and that is why the people of Egypt rose up. And if this administration would do anything to show a powerful support for the nearly double the millions of people that allegedly voted for Morsi to be President, that came out and signed a petition, the two or three times as many millions came to the street demanding his removal as he said voted for him. There were fraud allegations. But from talking to the Egyptians, apparently Morsi had made it clear that if anybody objected to his win of the election, they would, as they said, "burn Egypt down."

The people who are in charge in Egypt don't want radical Islam's return. But when you talk to them, you find out that one of their biggest problems—well, two of their biggest problems—is on their west, in the eastern area of Libya, since this administration made sure Qadhafi was eliminated. Now terrorist training camps, like the Taliban had in Afghanistan, are now in Libya. And they come in and out of Egypt. And because of this administration's support for Morsi, he was able to militarize and weaponize the Sinai like it had never been weaponized before, making it more of a threat to Israel and making it more of a threat to the lovers of peace in Egypt.

There are consequences, even for those in this country who object to what the administration has done when they don't rise up and use their voices to make clear to this administration, through elections and through vocal objections, that they are making a huge mistake, and if they don't support lovers of liberty and Christian allies and Jewish allies that there will be a great amount to pay in the next election. And when that is made clear, I find my friends across the aisle get very responsive to the American people because—apparently, something that is a truth in America, as in other places—when someone is elected to a position they pursued, they like to stay in that position.

Some of us wonder at times if it is worth it. But as I have been told before: You have got to stay; this is where the fight is.

Well, I would also submit the fight is across America, for people to wake up, stop the apathy, and make it clear to those in this administration, to those in charge, that you are not going to stand for the kind of things that are going on. And when it is made clear that we will not, as a Nation, tolerate what this administration has been allowing and looking the other way on, in the Veterans Administration, then things will change. But not until then. And when it is made clear to this administration that ObamaCare is a threat to seniors—it did cut \$716 billion from Medicare, which means they are not going to get the health care they need—when you are spending billions of dollars to hire IRS agents and navigators, more bureaucrats, then that is billions of dollars that will not be saving the lives of people that need lifesaving medications, need lifesaving procedures. Americans have got to wake up and demand better; and when they do, they will get it.

But I also want to touch on the USA FREEDOM Act, as it was labeled. I had an amendment. Though I applauded the work that was done by my friend from Wisconsin (Mr. SENSENBRENNER) to negotiate an agreement, I still had the same concern I had back in 2005 and 2006 as a freshman. At that time, I brought it to the attention of the Gonzales Justice Department. I brought it to the attention of the Bush administration that I am concerned about this part in the PATRIOT Act where it says, like in section 215, that you can go after anybody in “an investigation to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism.”

So in both of those cases, they have to involve a foreign entity, a foreign agent, a foreign country, a foreign group of some kind, international terrorism. Those have to be involved for the PATRIOT Act to apply because as, apparently, Congress was told when the

PATRIOT Act was passed back in desperation after 9/11/2001, we have got to protect against international terrorism, foreign agents, people who are dealing with foreign agents. That is what it was for.

So this third part concerned me because it says, or to protect against “clandestine intelligence activities.” “Clandestine intelligence activities,” what does that mean? It is very vague. And it doesn't say “foreign.” It doesn't say “international.” And since we were told that we are not allowed to just go gather information about American citizens, then this should have the word “foreign” or “international” in there.

So my amendment to the USA FREEDOM Act that would amend this put that in there. It dealt with that, the amendment that was fought against by my friend from Wisconsin (Mr. SENSENBRENNER). They had too perfect of a cake that they had baked, and they, as MacArthur Park says, “may never have the recipe again. Oh, no.” They couldn't allow a change to their recipe. So they didn't allow any reference to “foreign” or “international.”

And the other references within the PATRIOT Act and the other references, like in 18 U.S.C. 1842 talks about to obtain “foreign intelligence information not concerning a United States person” or “to protect against international terrorism or clandestine intelligence activities.” So it needed the word “foreign” or “international” somehow in there. I provided that, but the proponents of the USA FREEDOM Act did not want it in.

Although my amendment originally passed in committee, it was revoted on a voice vote quickly after we were coming back from a vote on the floor and taken out. And although a majority of those in the Rules Committee said that my amendment needed to be in the law to protect it and to protect American citizens, when the rule came out, the rule said that my amendment was not going to be allowed to have a vote.

So I had to vote against the USA FREEDOM Act because this is a gaping hole that allows the Federal Government to go after and spy on American citizens who have no contact with any foreign government, any foreign agent, have no ties at all to international terrorism, haven't necessarily ever even thought about terrorism. But with this, if they can be alleged to have engaged in any type of clandestine intelligence activities, you can go after them and spy on them.

And what does that mean? Well, I have asked the question, and I have not gotten any satisfactory answer—any answer, really. Well, does that mean, if somebody looks over a fence into a Federal enclave, that that is trying to get intelligence and that might invoke

this provision of the PATRIOT Act? Or how about if someone mistakenly goes to a Web site, does that invoke this provision that allows you to go after them? And I haven't gotten a good answer, and I haven't been told how this has been applied. I was hoping to get an answer that it has never been used, but I haven't gotten that either.

As a result, I had to vote against the USA FREEDOM Act because I didn't want my name on a bill that leaves a hole this large, allowing the Federal Government to go after American citizens who have never even thought about terrorism and have never had any contact with a foreign agent.

So, Mr. Speaker, I wanted to reiterate again that I think we will suffer if, having been given so much more freedom, more assets than any nation in the history of the world, we do not stand up for Jews and Christians being persecuted around the world.

We have clearly gone to war and lost human life and limb on behalf of protecting Muslims in the world. It is time that we also stood for Christians and Jews around the world.

I never thought I would see anti-Semitism arise in my lifetime like it has. On our college campuses in the name of open-mindedness, they have become anti-Semitic and racist, anti-Israeli. We have got to demand better from this administration, and we have got to stand up for those Jews and Christians who are being persecuted and oppressed in greater numbers than ever before.

And with that, I yield back the balance of my time.

#### VETERANS' BENEFITS SCANDAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from California (Mr. LAMALFA) is recognized for the balance of the hour as the designee of the majority leader.

Mr. LAMALFA. Mr. Speaker, this is a conversation that has been a long time coming. I am in my first term here in the House of Representatives, and soon after becoming a Federal Representative, it became very apparent to me that our veterans in California, in our districts, and all across the country really need a lot more of our help, as Members of Congress, as our staff both in our districts and even in D.C. can do for us for the veterans.

You have seen the revelations here lately that have finally gotten the attention of the American public, with what has been going on in Arizona, previously Pittsburgh with Legionnaires' disease, and the many other revelations about how poorly our veterans are being treated in this country once they have served for us and have come home, expecting the things that they were promised before they made that service for us.

□ 1330

For example, revelations about secret waiting lists in the Veterans Administration as we have seen in Arizona. They have shocked most Americans here in recent weeks.

Today, I speak out on an even bigger crisis within the VA system, and that is the monumental failure of the Oakland, California, Veterans Benefits Administration.

Most of our veterans must run through this nightmarish gauntlet before they can even hope to be added to the secret waiting list at a Veterans Administration medical facility.

Here on the floor we talk a lot about claims backlogs often, and we have seen mountains of paper files. Our inevitable solution always seems to be to give them more money to fix the problem. Well, the Congress, with the American taxpayers' dollars, has funded VA pretty adequately. We have made an effort here recently to try to help catch up with the backlog with the funding required. We were then issued cheerful responses of decreases in processing times that are systematically manipulated by upper level officials at VA in order to show progress to make us go away.

Right now, the Oakland office boasts that they have no claims over 125 days old. In reality, tens of thousands of the Oakland VA are trapped in a cycle many veterans call "delay, deny and wait until they die."

One main trick is to omit key information that would help the veteran in his or her claim, whether it be the exams, timelines, what have you, then deny the claim, ship it off for 2 or 3 years' worth of review and appeal process. In the meantime, we will deem it processed.

The management is more interested in the open number of claims stats on the reports than processing them accurately or in a timely fashion, and then reaping bonuses by posting a savings to the government—to the taxpayers—by denying these claims and these payments.

How many veterans are homeless because their claims for benefits have been sitting on a cart or in a janitor's closet or in the hallway by the director's office for years—or even decades? Benefits that would help them to not be homeless, to have shelter, to have better health, to even be in a place where they could then seek employment and be in a much better way?

How many veterans have suffered and died waiting years for their claim to be handled so they could seek medical treatment? Some of it needs to be very timely to have exams and treatment.

How many of our veterans have given up hope and committed suicide out of desperation and despair that comes with years of waiting, because they don't feel like anybody cares about them anymore and that they don't have any value to our society?

Yet, on weekends like we have coming up, we glorify them—as we should, those that have fallen—on Memorial Day and later in the year on Veterans Day. Yet this is what our government does to them. We know that we have veterans that take this ultimate step of suicide. We know they exist.

I submit that many of our Nation's veterans are part of a backlog that exceeds the most extraordinary numbers we currently have on file. For example, for this past year, my own office has been assisting for a full year a veteran with a 36-year-old claim. Due to management practices—if you call them practices—at the Oakland Regional Office, this veteran still suffers this day from not having his claim properly handled. Remember, he is not even eligible yet after 36 years to make it on to the secret waiting list for medical care, as in Arizona, to then finally graduate to the real list. Hasn't even made that in 36 years yet.

The Veterans Affairs Department's mission declares:

Our values are more than just words—they affect outcomes in our daily interactions with veterans and eligible beneficiaries and with each other. Taking the first letter of each word—integrity, commitment, advocacy, respect, excellence—creates a powerful acronym, "I CARE," that reminds each VA employee of the importance of their role in this Department. These core values come together as five promises we make as individuals and as an organization to those we serve.

Now, let me underscore we know there are many, many very hard-working and caring VA employees out there that want to get results for the veterans. Many of them have been veterans themselves. So this isn't to impugn all of them. This is about upper management—on a topic that has been even one the President has focused on this week—not getting the job done and trying to snow us here in the Congress and the American people about the results they have been claiming.

Thanks to a growing group of employees who understands these core values I just mentioned and now feel empowered to step forward because they see there are people who really want to get behind them, I have been given a number of multiple signed, sworn statements by employees on what is happening behind the curtain at the Oakland Veterans Benefits Administration office.

Right here on this easel is a statement I received from one of them in the letter. It is just one of the few examples that I will read for you:

I am an employee of the Veterans Administration Regional Office in Oakland. I took a photo on May 19, 2014, showing stacks of paper piled on a cart. This paper is actually informal claims going back to the late '90s and 2000s. These claims were not reviewed until November of 2012. These claims continue, to this day, to be a pile of paper on a cart that no one wants to deal with. I was part of the initial project reviewing these

claims. My initials are on them from November, 2012.

Again, this is an employee from the Oakland center.

Congressman LaMalfa, I want you to know that I am a proud Navy veteran of 10-plus years and looked at the opportunity to work at the Veterans Administration as a chance to really help veterans. In the 5 years I have worked there, I know I have helped people, but there is so much more that could be done. The management at the Oakland Regional Office is concerned about the numbers and not the veterans. Terminal and homeless veterans wait for too long for the help that they need. I believe that there are a lot of wonderful employees that truly want to help but are being directed by management to worry about number control.

What I don't understand is why they can't be more transparent about the number of claims and the need for more resources. We need more employees to do the job; we don't need new carpet and desks like they just gave us when veterans die waiting for us to do our job. This job is literally made me sick. I go to work knowing that during my day, I will have to help the veterans in a low-key way and not what I am being told is needed to get the veterans numbers down. This makes me physically ill. I think about all the letters begging for help and we seem to do so little.

I believe Oakland needs new eyes. I believe we need more oversight. I believe far too many veterans die each day while we worry about what our numbers look like. These veterans go home with me each night in my thoughts and regrets of the day because we seem to do so little.

This is a small sample of what is happening here, and we have additional statements, as well, about what is going on inside the Oakland VA, and maybe an example of many of them across the country.

In this photograph is an example of the files. Right now these are waiting in the hallway, and before that, they were found in a broom closet where they had been stashed for years. Some of these claims go back to the mid-1990s, untouched, only recently discovered, yet they still get walked past and not handled. Stacks of them, the filing cabinet.

The next letter is from an Oakland VA employee—a real employee. We are keeping their names back for now because we want people to know that we are going to help them if they come forward with this information:

In November 2012, myself and several other individuals were given a special project to work. The project consisted of approximately 14,000 claims dating back to 1994 that had never been worked. These claims are considered informal claims because they did not come in on a prescribed form. Informal claims are worked differently. A letter is sent with the correct form later for the veteran to fill out, and when the form is returned, the claim is actually opened to work. If the form is returned within 1 year, if the veteran receives compensation, their benefits then would go back to the date of his first correspondence, the informal.

We were given these claims to analyze, and very quickly we began to realize that these were not all informal claims but actionable

ones, not to mention how old some of them were. So many of the letters that came in were from veterans, or their surviving spouses, who were begging for help at the end of their life, and they never got a reply because they had died by the time we got them. I went home so many nights crying because a veteran or widow had begged for help, and we stuck the request in a four-drawer lateral cabinet—kind of like so—with 14,000 other ones. Each day we were required to report back to our supervisor on the numbers and how they were broken down. If the veteran had already died, it is considered non-actionable and put aside. Whether it actually made it to the veteran's folder is unknown to me.

Again, this is an Oakland employee:

If it was an informal claim and the claimant was still alive, those were put in another pile to eventually review again and maybe do the letters. If the document received came from a veteran who had already filed a formal claim, then these would be considered actual claims and be reviewed by another person before being acted upon. So each day we would report our numbers and separate out the documents. We began to speak up about how old these were and why hadn't we acted sooner on them, and we were very quickly removed from the project for speaking out.

These claims were within feet of the assistant service center manager; she literally walked by them each day, and yet they remained untouched until November 2012. Word was that a staff member from VA headquarters had actually been the one to find them while she was there doing an onsite inspection. And yet several long-term employees have told me that management knew they were there. Either way, most were very old.

I don't know how many veterans or spouses died before we responded, but, I personally know of several hundreds that got nothing, and the thought of us doing nothing to help these men and women in their most desperate times is haunting to me.

Again, signed by an Oakland VA employee.

A third letter addressed to me states:

Dear Congressman LaMalfa: I cannot thank you enough for the work you and your staff have done—

a big credit to my staff who worked very hard on this—

for the veterans in the northern California area. One particular case should have been decided with the evidence on hand last year. I read the examination today and found that the exams have been in the system, and there has been no action on that claim for what the system states is waiting for the examinations. The information is there, and the rating should be completed based on the evidence on hand. Please keep advocating for the veterans. I cannot thank you enough. I am a veteran myself who served honorably for over 9 years and was not provided the benefits from the VA per the law until I—the veteran who is now an Oakland employee—started working for the DVA myself and found out everything I was not informed on.

□ 1345

I left the U.S. Marine Corps, after serving honorably as a military police K-9 officer and member of the SWAT team. I worked hard and, as a result of my disabilities, required several surgeries and, recently, due to the hostile work environment at work, have become progressively worse.

I have tried to report this to management, but they did not like hearing the truth and started to make my life at work miserable 2 years ago. The news is starting to pick up on what I have tried, myself, to report regarding unethical conduct in the VA. Prior to the news picking up on the real problems at the VA, I have been reporting this information to the Senate and Congress Members in the Bay Area's district.

I have reported this to the VA Office of Inspector General on two different occasions. I have reported this to the GAO. I have reported problems at the Oakland VA to the Federal Labor Relations Office of the General Counsel for 2 years, with no assistance.

I have three EEO claims, with one more in the works, that have not been processed by the VA ethically or morally, according to the applicable laws, up to and including the OEDCA in Washington, D.C.

I am begging you to please open a formal investigation into the unethical conduct of the VA Oakland regional office.

The unethical conduct I know of is the fact that the Oakland VA management has not been held accountable for the misconduct or several felony violations that has been recently reported by me.

Since coming out as a whistleblower, I have had many employees discretely discuss some extremely disturbing information with me regarding what is actually going on in the VA and why the management is trying to stop me at all costs.

The unethical conduct goes far beyond my employment difficulties at the VA Oakland regional office. I have come to find out that the Oakland regional office is not only lying to Congress about their numbers, but the Oakland office is hiding claims that were received in 1999.

I have seen these claims in the office as late as May 20, 2014. These claims should be in the claims files if there is not action because the veteran has died in the process, not still sitting around the office for over 15 years.

There are a number of claims that are over a year old. There are many more that have been "lost in transit" to the scan sites, often in some other State. The VA is ethically challenged, but this is unacceptable, to lose a veteran's claim and not tell them or try to make the situation right, just ignore them and hope they go away or to not process a claim properly for over 15 years.

This is a real letter from a real Oakland VA employee. It continues:

The claims have been sitting for over a year, after having been screened last by a group of VSRs and no action taken because they were sitting in someone's office, then in some storage closet by the director's office on the 17th floor of the Oakland Federal building.

Again, I have made multiple statements to many agencies of the U.S. Government in hopes that the illegal and unprofessional conduct from the management would stop, but the parties who I have reported to this, with ample amounts of evidence provided, have explained that the corruption cannot be stopped without some sort of ethical investigation conducted.

Please initiate some type of ethical investigation by an agency that is not going to try to cover up what they find, rather report the truth and do the right thing.

I have been a law enforcement officer in the U.S. Marine Corps, and I know that what is going on at the Oakland regional office with me and other veterans. It is wrong per the law, not my opinion.

Please, Congressman LaMalfa, assist us in whatever you can do. The veterans deserve better.

Semper Fi, USMC Disabled.

This is what it looks like. There are unfinished files sitting in the hallways, previously found in a broom closet.

Lastly, in a letter from yet another person who stepped forward when they finally saw somebody fighting back at different levels, our Veterans' Committee and other offices around the country, they see the shame being brought upon our veterans and, with that, our country.

This letter says:

There are huge amounts of these claims that are quite old, but because they are reclassified, are not worked expeditiously. Lots of these claims go back several years, but they are being worked as if they are only 2 or 3 years old because they are in a different group, and that is not considered a priority.

A lot of these claims, the 930 series, are review claims created because they found something wrong that we did. Usually, it is not logging in evidence in time before the claim is closed.

I personally logged in evidence on May 16, 2014, that was received by our regional office and date-stamped August 1, 2013. The claim had been closed months before, but because this evidence had not been logged in, it had also not been considered in the decision, which was a denial of benefits. Things like this happen every day.

Now, we open a review claim that will not get worked for months and, sometimes, a year or more. We have veterans that are terminal and asking for aid and attendants, and you would think that these claims, along with the older date of claims of the homeless, would be worked first, but a lot of the times, they are not.

If the regional office can do several easy claims, like hearing loss, tinnitus, then they will do that because then more claims are taken off the books, even though these may not be the veterans with the most need.

So, there, you see manipulation of statistics, manipulation of timing, making the numbers look better, and not making the veterans feel better.

I hope that image is one that will stay with you, all who have seen this or will see this all across our country. Much more needs to be done, not just pretty words, not just press conferences, not we will look into it or that we will throw money at it.

Congress does stand prepared to ensure that there is adequate funding to do it right, but we also expect that the dollars that taxpayers send to the government are used wisely and efficiently and not for bonuses for people that are acting not just ineptly, but, I believe, corruptly.

It is time to stop rewarding this bad behavior with more accountability. Americans have seen these stories. These horror stories are demanding a fix for the veterans health care system and their benefits. We must also demand an end to the phony claims, phony numbers, decades of waiting. It isn't just ineptness or miscues or errors. Someone is very deliberate and, I think, worthy of prosecution as fraud.



I thank those VA employees who have been bold enough to step forward and let us know about what is going on in the backrooms behind the scenes. They are good employees who just want to see veterans served all across the country, so we want to hear more of these stories from anybody who might be watching or see this all across the country.

Contact your own Congressman, contact us, contact whoever will listen and seek remedies that mean something as we celebrate our fallen veterans this weekend. It isn't just about barbecues and skiing and picnics. Let's remember and honor these people.

The system is broken, but it doesn't have to be if we are willing to demand accountability and demand it immediately. That is what I am about, what my office will be about, my staff, but also many of my colleagues that either serve on the Veterans' Affairs Committee or don't.

We will continue to spotlight this and make sure that the stories are heard all across the country, and those who are doing this to our veterans, these criminal acts, ultimately will be held responsible.

So I thank the whistleblowers, those VA employees who do care. We know there are many, many of you and thank you for your effort. God bless our veterans who have suffered and are still waiting and know that you have allies in this place who will see this through and get you the service you deserve.

God bless you all. God bless America.

Mr. Speaker, I yield back the balance of my time.

#### ADDRESSING SENATORS' COMMENTS

The SPEAKER pro tempore (Mr. VALADAO). Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Iowa (Mr. KING) for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, it is my honor and privilege to address you here on the floor of the United States House of Representatives, and I come to the floor this afternoon, Mr. Speaker, to address you and bring up the topic of the dialogue that has been—I will say flowing forth on the floor of the United States Senate over the last few weeks.

As I listened to that dialogue and listened to the way they have taken Saul Alinsky's "Rules for Radicals" and decided that they are going to implement them and deploy them on the floor of the United States Senate, it occurs to me that when, out of the mouths of people like Senator SCHUMER and Senator REID and Senator DURBIN come these allegations—and sometimes allegations that name and target Members of the House of Representatives, it occurs to me that, when I came to this

Congress, Mr. Speaker, in 2003, there was a rule that existed here that prevented a Member of the House of Representatives from naming a United States Senator here on the floor.

It was kind of a shield of protectionism, so that the Senators could not be directly criticized in the dialogue that we have here on the floor.

My good friend and then-Member of Congress, Tom Feeney from Florida, read through the rules, as a good, honest lawyer, newly elected to the United States Congress would, and he saw that rule and wondered: Why can't we utter the name of a United States Senator on the floor of the House of Representatives?

He could come up with no reason why we shouldn't be able to do that, and so he brought an amendment to the rules that struck that prohibition, and thereafter, thanks to then-Congressman Tom Feeney of Orlando, the rule is gone. It was amended, and that is a good thing because, now, I can actually name the people who are attacking me on the floor of the United States Senate, and let you know, Mr. Speaker, what is going on in that other body, that body that constantly calls for bipartisan work and bipartisan cooperation.

This is what I get from Senator CHUCK SCHUMER, New York, May 1, 2014, on the floor of the United States Senate. He decided he would target me and blame me for the things that he believes are failures of the entire House of Representatives.

Here are some of the quotes that CHUCK SCHUMER uttered on that day of May 1 from the floor of the United States Senate. He called me "an extreme outlier on the issue of immigration reform."

I would direct CHUCK SCHUMER to the Republican Party platform. You will find there language in the Republican Party platform that supports the position I have long held on immigration, and that position that I hold is this: We need to respect the rule of law. We need to secure our borders. We need to have an immigration policy that is designed to enhance the economic, the social, and the cultural well-being of the United States of America.

It can't be for the Democratic Party of the United States of America because they are so closely aligned—in fact, they have enveloped the entire Progressive Party. The Progressive Party comes to this floor on a regular basis and gives speeches and presents their position.

Their position, at one time, could be found on the Democratic Socialists of America Web site, dsausa.org. There, socialism is celebrated. As Progressives celebrate socialism, they are wrapped up inside the Democratic Party.

We don't adhere to that on my side. We adhere to the rule of law and the

Constitution, a secure border, a sovereign United States of America, and a policy for immigration that is designed to enhance the economic, social, and cultural well-being of the United States of America.

We have enough common sense, Mr. Speaker, to know that our country is limited in size and scope. It is a large country, but we cannot be the relief valve for all of the poverty in the world.

There are 7 billion people on the planet, and if they all have good sense, they would all want to live here. We need some of them in those countries to rebuild those countries and establish American principles, so that they can enjoy the prosperity that we enjoy, reconstructed around first principles, in the other countries of the world.

□ 1400

We need to lead the world. We don't need to necessarily bring all the world here to feed the world here in the United States. And so, an extreme outlier, not so. CHUCK SCHUMER represents the extreme outliers, and they are socialists, Marxists, progressives, liberal Democrats. I am sure that one of those labels will be one that he has already embraced, Mr. Speaker.

Second quote, Senator CHUCK SCHUMER of me, STEVE KING:

The rhetoric of Steve King is beyond the pale. I am certain that the majority of Republicans in the House have their stomachs churn when they see Steve King spew that kind of rhetoric.

That is not exactly collegial dialogue, Mr. Speaker, to see that kind of thing. What I wonder is why would CHUCK SCHUMER think that he would know when the stomachs of Republicans might churn. I think they might churn when they hear him say those things. Although, rest easy, Mr. Speaker, mine doesn't.

I take this all with good humor because I understand that it is a tactic. It is an Alinsky tactic, and it is designed to bring out a goal. It is not necessarily to raise me up to the point where he assigns me with the full sense of responsibility and authority to determine immigration policy here in the House of Representatives. Oh, I wish it were so, Mr. Speaker. I don't believe it is so. Yes, there is some influence there. History will decide how much—not me, not CHUCK SCHUMER.

Here is his goal: I believe that Senator SCHUMER has concluded that he could taunt the leadership and the House of Representatives, and that includes our Speaker of the House, into bringing amnesty legislation to the floor of the House because, if it does and if it should pass, the Senate would conform with any amnesty legislation because they are controlled by Democrats.

I have long known and long been restrained by people in my own party,

Mr. Speaker, from laying out the argument as to why almost every Democrat I know wants open borders and amnesty and a never-ending supply of illegal aliens in the United States of America.

It is a pretty easy formula to figure out, especially if you sit here for 10 or a dozen years engaged in hearings and debate on a weekly basis, you begin to hear the thread of their conversation and you begin to understand the real truth behind their motives. It works out to be this:

Of course there are a large number of illegal immigrants in the United States. We have been using the number 11 million since we stopped using the number 12 million, but they didn't stop coming into America. I don't quite understand why we would think that there are fewer illegal aliens in America today than there were 10 years ago. I believe there are more.

If they come across the border at the rates that the witnesses from the Border Patrol and other witnesses in the hearings have been testifying, they will say that they will stop perhaps 25 percent that try. When I go down to the border and ask them, they will say, well, 10 percent has to come first. It is probably not 10. Some will say, with a little smirk, 3 percent is maybe what we stop.

If I take the 25 percent, 25 percent effectiveness on our border and you look at those whom they do interdict on the border and you do the calculation, that turns out to be a number that is equivalent to 11,000 a night—on average, 11,000 a night coming across our southern border. That would be at some of the peak levels that we have, Mr. Speaker. I would think it is more objective for us to dial that number back down to somewhere in the neighborhood of about half of that. So half of 11,000, 5,500 a night is pretty close to the last reliable information that I found on how many are coming across our border illegally.

Well, so I asked this question: What was the size of Santa Anna's army? About that, about 5,500 or 6,000. So it gives you a sense, the size of Santa Anna's army coming across our southern border every night, on average. I don't say day and night. Most of it is at night. I have sat down on the border at night multiple times. I have traveled the border and done multiple trips down there to monitor what is going on on our southern border. It has gotten a little better in Arizona, and it has gotten worse in Texas.

We don't have control of this border, but that doesn't trouble most Democrats, because they recognize that the millions of people that are coming into this country illegally are counted in the census. And so, if you would go to a district in California like MAXINE WATERS' district, she only needs about 40,000 to 50,000 votes in her district to

get reelected to the United States Congress. If you go to my district, it is well over 120,000 votes for me to be reelected to the United States Congress. The difference in that is two things. One is I have a very, very high percentage of real American citizens that do vote in my district; she has a lower percentage. And I have a higher turnout of people who are responsible enough to vote; she has a lower percentage.

Illegal aliens are counted in the census all over America, and when new district lines are drawn, those district lines treat people the same as citizens. The Constitution doesn't say count the citizens and then reapportion; it says count the people.

And so Democrats are happy enough to see the country filling up with people that they get to count when they do a district, because they get a Democrat district that is another vote here in the House of Representatives, Mr. Speaker. They want to turn this country into a single-party country.

When you think of what happened in California, they are trying to bring about the same kind of transition in Texas. If they can turn Texas from a red State into a blue State, there will never be another conservative elected to a national office in this country again. They know that. That is why they have thousands of their operatives working in Texas, trying to turn Texas over into a blue State.

They know that illegal immigration is an essential key. Back in 2007 or so when they bussed in tens of thousands of demonstrators, many of them self-professed illegal aliens in America, many of them wearing identical T-shirts that were issued to them apparently on the bus, then-alive Senator Teddy Kennedy stepped out to the west lawn of the Capitol and stepped up to the microphone and, through an interpreter, said to that group of people, who was interpreting to them in Spanish, he said:

Some say, report to be deported; I say, report to become an American citizen.

That was the Democrats' clarion call, the call out to illegal aliens in America to migrate toward the Democrat Party, to those that are outside of America to come into America and migrate towards the Democrat Party. They operate in those neighborhoods doing voter registration drives and signups and organizations, a lot of it funded by Federal dollars that matriculates down into their organizations. They do know what they are doing. They have built a cultural edifice around much of the minority community in America, and much of it has been because, Mr. Speaker, they have been telling them lies. They have been telling them lies about the political opponents of the leftists that are engaged in those neighborhoods; and we have seen this flow, Mr. Speaker, as far as the White House.

The divisions that have been driven between Americans, divisions driven down the line of race, ethnicity, gender, sexual orientation, national origin, prosperity, those wedges have been driven in a calculated way for the political gain of the people that sit over on this side of this Chamber. I have seen too much of it to believe that I could be off by 1 degree in the statement that I have made, Mr. Speaker.

I am continuing onward, Senator SCHUMER of myself:

Steve King, a far right, way out of the mainstream outlier doesn't just spew hatred; he calls the shots.

Hmm, I don't think that he could point to any hatred that I have spoken to and identified as spewing. Calling the shots? No, I hear the wisdom of the Republican Conference. I have to hear what they say and what they think and where they anchor their thoughts. We have coalesced on this, Mr. Speaker: whatever we might do to change immigration law, we can't trust the President of the United States to enforce anything he doesn't like. It doesn't just have to be immigration law; it can be anything.

The President of the United States picks and chooses the laws that he will enforce. He essentially tells us: I am not going to enforce this series of laws because I don't like them, and I am not going to enforce these series of laws because I don't like them. It is not just immigration; although, that was some of the first examples and some of the most egregious examples, Mr. Speaker.

And we saw them come through as the Morton memos, and I will circle back to that in a moment. We saw the President, by executive edict, not always in executive order, sometimes a third-tier notice on a Web site of the United States Treasury, sometimes a verbal statement that he makes before a press conference in the Rose Garden at noon on a Friday. The President of the United States will step up and say, for example, when he was speaking to the churches who objected to their religious freedom being taken from them, their conscience protection that was to be assured to them, written into the ObamaCare law, after they took that religious freedom, conscience protection away from our people of faith, and in particular the Catholic churches that filed multiple lawsuits, and other religious organizations did the same, the President was taking 2 weeks of heat and criticism as the faith communities rose up, and he decided to put an end to that. So he held a press conference at the White House at noon on a Friday, and with the Presidential seal in front of the podium, he stood there and said: I am going to make an accommodation to the religious organizations in America, and now I am going to require the insurance companies to provide these things for free.

Well, these things were contraceptives, abortifacients, and sterilizations.

Contraceptives, Mr. Speaker, we understand what they are. Abortifacients are pills that bring about the abortion of a little, innocent, unborn baby. Sterilizations are those things that might come with tubal ligations or vasectomies. Those were the things that were in ObamaCare that are particularly egregious to the principles of the Catholic church.

And so the President decided he would make an accommodation written in the rules, by the way—not the bill, but in the rules. The President said: I am going to make an accommodation to the religious organizations, and now I am going to require the insurance companies to provide these things for free. He repeated himself. He said: Provide these things for free. For free.

I thought, hmm, how is it that the President can step up and give a press conference and change a law or change a rule that has been published by Kathleen Sebelius' Health and Human Services? How does the President have the authority to simply speak and make those changes? Surely there must be a rule that is amended. Surely there must be a bill that has been introduced that has a lot of responsible cosponsors, that has a prospect of being passed. Maybe he has got an agreement with our Speaker and majority leader here and HARRY REID over in the Senate.

So we went back and scoured the rule, Mr. Speaker. The rule didn't change, not one i dotted differently, not one t crossed differently. There was no change in any written document, the written document that required the religious organizations to provide contraceptives, abortifacients, and sterilizations.

The President said now the insurance companies have to do this for free. Not one word changed in print anywhere. The insurance companies stepped up to that verbal directive from the President of the United States. That should be appalling to any American citizen that took an eighth grade civics course to understand that the President doesn't write the laws. The President doesn't have the authority to change them. Congress has granted to the executive branch the authority to write rules, an Administrative Procedure Act that directs how those rules that are proposed by the executive branch are published for open public hearing. There is a process they must go through.

The President is not the king. The President doesn't get to issue edicts verbally from the podium and have the force and effect of law to change that policy without any print being changed anywhere in a rule or in the Federal Register or in the Federal Code. That is what he did with that particular case, Mr. Speaker. I use that as an example to tell you how far this President has overreached from his constitutional authority.

So the President has first imposed contraceptives, abortifacients, and sterilizations on our religious organizations, then lifted the imposition verbally by telling the insurance companies: Now you are going to have to do this for free. What did they do? They complied. They listened to the President's press conference and decided, okay, we are going to do what he tells us. They didn't go back and check the text—well, maybe the text of the press conference, maybe the text of his speech, but there was no rule. There was no law.

The President also suspended welfare-to-work. The temporary assistance to needy families was written that required welfare-to-work. It was written so that then Bill Clinton couldn't circumvent it. It was written tightly and with the idea that a President would stretch it. What happens? This President simply suspended welfare-to-work under TANF.

What else happened? How about President Bush's No Child Left Behind on education?

□ 1415

President Obama has now issued so many waivers that No Child Left Behind no longer exists. These were acts of the United States Congress nullified by executive acts of the President of the United States.

We will accept it if the court over across the street will nullify a law that is passed by the Congress and signed by the President, if they rule it unconstitutional. Most of the time we accept that. Sometimes we reject their judgment because we take an oath to the Constitution too, Mr. Speaker.

But we should be appalled at the constitutional violations of the President of the United States, who has continually overreached on immigration, on education, on welfare-to-work, on ObamaCare itself: the bill with his name and his signature. There are more than 30 changes that the President has brought about on that. Some of them are clearly unconstitutional. Most of them are difficult to litigate to a successful conclusion.

Who calls the shots here? Well, I make recommendations like anybody else does. Each Member follows their own conscience. It is nice to get the assignment—Senator SCHUMER, he says: They listen to me. Well, yes, and we listen to each other.

Here is another quote from Senator SCHUMER. He said that I am winning:

Steve King has three wins, the rest of the Republican Party and the rest of America is winless. Good for him, terrible for us. King is in the driver's seat of immigration reform and as long as he sits there, things will continue to be stuck in a rut.

Stuck in a rut, in the driver's seat, the rest of America is winless. No, the rest of America is winning each day that we can protect the rule of law,

each day that we have something left that we can use to secure our borders, each day that we can deploy some type of law enforcement at the local government, State government, and the Federal Government too, out on the streets of America, that at least slows down this influx of illegal immigration that we have.

America is not winless when that happens. America would be wiped out from a perspective of the rule of law and the future and the destiny for our country if we allowed people like CHUCK SCHUMER, HARRY REID, and DICK DURBIN to set the policy for immigration. If they did that, the rule of law, at least with regard to immigration, would be destroyed, be gone. We couldn't reconstruct it again in our lifetime. Not just our lifetime, Mr. Speaker, but the lifetime of this Republic.

I would ask this question, Mr. Speaker: Has anybody read the Senate Gang of Eight immigration bill? I have. I have read through that entire bill, and I come to this conclusion. They have sent to us from the United States Senate a bill on immigration. It is expansive. It covers all kinds of things. But it is this: it is instantaneous amnesty for almost everybody that is in America illegally, instantaneous amnesty. It is prospective amnesty to the extent that it does not address how we might address people who get into America after the bill might be enacted. So the prospects are that it would be the next wave of those who would be, according to their description, living in the shadows.

So if we are not going to enforce the law in the future or if we are going to pass a Senate version of the bill—and we are not, but the Senate version of the bill, if it becomes law, doesn't do anything to bring about enforcement for those who would violate our immigration laws in the future, nothing. It may do something on the border. A \$40 billion Corker amendment blows the budget substantially without a guarantee that it is going to be functional. But is instantaneous amnesty for those that are here. It is prospective amnesty for those who would come here. And, Mr. Speaker, it is retroactive amnesty. And that means it goes back to those who have been deported in the past and says: We really didn't mean it. Why don't you apply to come back to America, you all come back now, you hear, because we really can't have deported you in the past and let people stay in America under the same conditions that we deported you in the past. That is the Senate version of the bill. It is ludicrous from a commonsense heart of the heartland middle America viewpoint, where we respect and love the rule of law.

So Mr. SCHUMER, Senator SCHUMER, went on: He called for my expulsion from the Republican Party. I am pretty

sure they are not going to listen to CHUCK SCHUMER on that. He says:

They can show some courage and say that the Steve Kings in the world can say whatever they want, but they have no place in a modern Republican Party.

Imagine a leftist activist, deploying Alinsky tactics on the floor of the United States Senate, who would tell the Republican Party that they should expel me, who in a lot of ways has stood with the entire platform consistently for a long time. I would have to go change the platform first. It would be easier just to become a Democrat. However, their ranks are not swelling as fast as ours are. Commonsense is prevailing, and we are seeing Republican majorities in the States, a likely Republican majority expanded here in the House of Representatives, and a real good shot at a Republican majority in the United States Senate. What does that say about who is calling the shots in America? It is not CHUCK SCHUMER, it is not HARRY REID, it is not DICK DURBIN.

So he continues. Two weeks later—he hadn't had enough—two weeks later he comes to the floor of the Senate again and goes through a series of some of the same things, which I will skip down through a little bit more quickly:

Far-right extremists, such as Congressman Steve King.

Another:

What has the House actually done on immigration these past 2 years?

This is CHUCK SCHUMER:

Nothing. Look it up. This is what Steve King wants, he wants the House to do nothing. He is winning and America is losing.

Well, no, the House has done something. In the appropriations bill last year, June 6, 2013, Department of Homeland Security Appropriations bill, I brought an amendment, an amendment that shut off all funding to implement or enforce the President's unconstitutional actions and exert constitutional actions that had to do with DACA, the Deferred Action for Childhood Arrivals, and for prosecutorial discretion known as the Morton Memos.

The President's action is unconstitutional. He has no prosecutorial discretion to identify classes or groups of people and then exempt them from the law. Prosecutorial discretion must be on an individual basis; it cannot be on a group. They violated that. They know it. I read their material and debated with them and initiated a lawsuit. We are somewhat sidetracked right now on that. It is the nature of the thing.

My amendment passed this Congress 224 to 201. That is not nothing. That is restoring the rule of law and the Constitution immigration policy after it has been violated by the President of the United States. We sent that out of the House of Representatives, Mr. Speaker. We set it on HARRY REID's

desk, and there it likely went into his drawer and he took no action on it. So it is not that the House isn't doing anything, it is that the Senate did something really illogical: the Gang of Eight's bill for instantaneous, perpetual, and retroactive amnesty.

And then we have the number three-ranking Democrat in the Senate trying to taunt the Speaker of the House into doing something equally as foolish: bring amnesty to the floor of the House. This place would blow up and the American people would arrive here in short order because they love the rule of law. Not only natural born Americans, not only naturalized Americans, green card holders that come here to achieve the American Dream. That means from any country they came from and every country they came from, those who came here to love America and respect and appreciate the American Dream.

But what is happening is it is being eroded by destruction of the rule of law for political motivation on the part of people like Barack Obama, HARRY REID, CHUCK SCHUMER, and DICK DURBIN.

There is another quote here by CHUCK SCHUMER that says:

Enough is enough. We will not let our party be hijacked by extremists whose xenophobia causes them to prefer maintaining a broken system over achieving a tough, fair, and practical long-term solution.

Xenophobia. I had to look that up when we came to this Congress. We don't use that in the streets where I come from, but I have known its definition for a long time: being afraid of something that you don't know. Well, I don't often get accused of being afraid of anything, so when I am I pay a little bit of attention to that.

I would say this. CHUCK SCHUMER is not like me. I am not afraid of him so it is not xenophobia. HARRY REID is not like me. I am not afraid of HARRY REID, so that is not xenophobia. DICK DURBIN is not like me. I am not afraid of him. That is not xenophobia. What xenophobia are they talking about, Mr. Speaker, is my question?

So if we are going to have some kind of a challenge of rhetoric bouncing back and forth between the House and the Senate, let's do it face to face, let's do it eye to eye. Let's have that duel, not like Aaron Burr and Alexander Hamilton—I would be the one standing on the high ground on that—but let's do it like real men do it today, not dueling pistols at 50 paces, let's do this with microphones within arm's reach, Mr. Speaker. Maybe we could get to the bottom of this and we could determine who exactly had the xenophobia.

I yield back the balance of my time.

The SPEAKER pro tempore. The Chair would remind Members that while debate may include policy criticisms of the President and Members of the Senate, it is not in order to engage in personalities toward those parties.

## STOP THE FRANK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 30 minutes.

Mr. WOODALL. Mr. Speaker, I appreciate the time this afternoon.

I am sorry you are not going to get the benefit of the posters I brought down here with me because I am talking about a topic that is not one we bring up a lot in this Chamber. It is the use of the congressional frank.

I will wager that when you were elected to Congress, the only thing you knew about the frank is that perhaps you cursed it from time to time when it showed up in your mailbox. I brought a copy down here because I am sure there are going to be staff and folks back in the office who hadn't seen one before, folks walking around the office building today.

But the frank, the congressional frank—why they call it the frank I do not know—is that signature that you and I put up in the top right-hand corner of our envelopes so that we can send mail.

I will tell you, Mr. Speaker, if you have gone to town hall meetings where this hasn't come up, I would be interested to know. Because on that list of congressional perks—and you know the ones I am talking about, ones like you get free health care for life, which of course is not true, ones like if you serve one term in Congress you get a free pension for life, also not true—but among those perks is the free mail perk, the congressional frank. It drives me crazy, Mr. Speaker, it drives my constituents crazy, and we have the power to fix it here in this Chamber. I want to stop the frank.

Now, folks might say if you want to stop the frank, why not just stop using the frank. Fair enough. It is because the law requires us to use it. I am going to get to that later, Mr. Speaker, because I will bet you have not seen that code section before.

Here is an article from Bloomberg, Mr. Speaker, lest you think this is something that you and I just hear at town hall meetings. This is something that is out, and you see it in newspaper after newspaper after newspaper. A headline—this is two summers ago, Bloomberg: "Lawmakers Intent on Dictating How the U.S. Postal Service Cuts Billions From Its Spending Are Among Those Helping Themselves to a Favorite Congressional Perk: Free Mail."

I want to be clear: there is no free mail, there is no free mail in the United States Congress today. This frank that I am talking about, Mr. Speaker, every time you sign your name to the top of a letter you are paying the full freight on that letter. You are absolutely going to pay for it when it hits the Postal Service. Sometimes

it is on the honor system that you are reporting it, sometimes the mail house here at the Capitol is counting it. There is no free mail.

But even a group as reputable as Bloomberg believes that there is. I know with certainty, because I hear it from my folks back home, our constituents believe that there is. In this time where trust is the commodity that is in the tightest supply in this town, we must do those things to restore trust with men and women back home. We must end this favorite of congressional perks.

Now, this is Bloomberg 2012, Mr. Speaker. I don't want you to think this is something that we have just started talking about. You can't see it from where you sit. But I also brought The New York Times from March of 1875. That is right. March of 1875, The New York Times is chronicling a vote that was taken right here in the U.S. House of Representatives. Well, not right here in this building on this floor. It was taken through those doors and into the next Chamber. But it says this. It says:

By a vote of 113 to 65, the House concurred in the Senate amendment of the postal appropriations bill to restore the franking privilege.

Now, the franking privilege, this signing of your name on a letter, it came from England, and it came in the early days of the Postal Service, where maybe you had an important governmental responsibility, maybe you needed to communicate with folks on the other side of the country and there was no local post office close by. You could be living out on the frontier, you could be far away, you just might not have had a coin in your pocket. So it allowed in the name of government efficiency for Members of Congress to sign their name at the top of a letter and drop that into the postal stream.

□ 1430

I promise you there is not a man or a woman who serves in Congress today who does not know where his local post office is. There is not a man or woman who serves in Congress today who struggles to get over to the grocery store where there are stamps for sale.

We do not need to be able to sign our names at the top of an envelope today to get it done, but in 1875, after Congress had abolished the frank, in the name of abolishing congressional perks, the Senate passed a bill to bring it back into being. The House concurred.

The New York Times says this:

So far as our observation goes, there has never been any demand for the restoration of the franking nuisance, except on the part of Congressmen.

I want you to think about this. Where does this sense that Congress gets free mail privileges come from, Mr. Speaker? It comes from the fact that, once upon a time, Congress actually got free mail privileges.

Again, the Postal Service was in its infancy, and in order to conduct the people's business, the franking privilege was adopted from what folks had seen at play in England, but in 1875, Congress was still trying to grapple with the distrust that the franking privilege created amongst its constituencies.

The New York Times, March 1875:

So far as our observation goes, there has never been any demand for the restoration of the franking nuisance, except on the part of Congressmen.

Mr. Speaker, what I hope you will help me carry to our colleagues is that we no longer need that franking nuisance.

There will be men and women in this Chamber who will say: ROB, what is the big deal? Don't we have bigger problems to struggle with?

Of course we do, but this one is easy for us to fix. There are those men and women out there who believe that there is a congressional perk that exists in this Chamber—at a time of record budget deficits—that no other American has access to, and we can abolish it with the stroke of our pen right here in the House.

This is something that has plagued me and my conscience in a way that I just wanted to stop using it. I just wanted to start buying stamps. I want you to think about the micromanagement in this institution, Mr. Speaker.

My plan—my radical plan—was that I was going to buy a stamp and send a letter. Whoa. Lo and behold, Mr. Speaker, it turns out that that is against the rules. I have a copy here of the Members' Congressional Handbook from this Congress.

It says:

Postal expenses can be incurred only when the frank is insufficient.

That means, for the whole code section that tells you what the frank can be used for, only if you are outside of that code section can you put a stamp on.

I have highlighted it here, Mr. Speaker:

Postage may not be used in lieu of the frank.

Here it is, Mr. Speaker, in large print, with my name at the top of a letter. It embarrasses me every time it goes out the door because I know, even when I am doing the people's business—which I am doing with each and every letter that goes out the door in responding to constituents' concerns and in answering constituents' questions—that folks do not feel served on the other end.

They feel reminded that, perhaps, there is one set of rules for Congress and one set of rules for everybody else, but the rules that we have agreed to live by in this body prohibit me from buying a stamp and sending that letter out instead.

The good news, Mr. Speaker, is that it turns out, when the law is not writ-

ten the way the law ought to be written, my constituents have empowered me with a voting card with which to change it.

I have partnered with my friend, TAMMY DUCKWORTH from Illinois, a Democrat on the other side of the aisle; and, together, we are going to stop the frank. We are going to abolish this so-called congressional perk—this free mailing privilege, this bane and stain in this Chamber—that folks have been fighting to get rid of for over 100 years. We are going to do it.

I am not optimistic enough to believe that this can be done alone. That is why I have a fantastic partner on the Democratic side of the aisle, and that is why she and I, together, are going to those groups around this town who care about congressional accountability in order to make them our partners in this effort. I have quotes from two of them.

If you sit on the right-hand side of the aisle, Mr. Speaker, the National Taxpayers Union is certainly a group that you know and respect. Their appeal is certainly bipartisan, but I know it has credibility on the right.

The National Taxpayers Union says this:

Repealing the so-called "franking privilege" is a fair and simple reform that will introduce pay-as-you-go budgeting to one of the most basic units of government—the congressional office. Check there "on board."

Now, if you are on the other side of the aisle, Mr. Speaker, I know Public Citizen is a bipartisan group. They speak to folks on both sides of the aisle, and public integrity is their mission.

Public Citizen says this:

Public Citizen heartily supports the Woodall-Duckworth legislation to rein in the abuse of taxpayer-funded frank mail for Members of Congress, and it applauds your work of making this commonsense legislation come from across party lines.

We can do this.

Here is my frustration as a 3-year Member of this House, Mr. Speaker, and I know it is your frustration, too. You can't do the big things without each other, and it is tough to find one another when you haven't been able to do the little things together that build the trust.

Trust is the commodity that is missing. It is not just missing between our constituents and this Chamber. Mr. Speaker, you know it is often missing within this Chamber. We must seize upon opportunities, big and small, to come together to do those things that we know are the right things to do.

I will say to my colleagues, Mr. Speaker—because I know there are going to be folks back in their offices who are watching and who are saying: Hey, wait a minute. Don't we have a whole list of rules about the dos and don'ts of sending mail from a congressional office?

We do. Those rules and regulations are housed in what is called the Franking Commission today, which is actually the Committee on Mailing Standards.

I don't propose to abolish a single one of those. Those rules, for folks who don't know, are designed to prevent people from campaigning on the taxpayer dime out of their official offices.

Now, there are folks in this Chamber who might like to abolish those rules, too. That is not my fight. The standards that prevent Members from abusing the mail in their offices, that prevent them from campaigning out of their offices—all of those standards to try to make sure that taxpayer dollars are being targeted only at those taxpayer-required needs—will remain in place.

This, this signature at the top of a letter, suggests to every American that, somehow, when you get elected to Congress, the rules no longer apply to you, big rules and small rules, like licking a stamp. Now, you don't even have to lick the stamps anymore. You can just peel them off—they are self-stick now—and stick them right on.

We can do this. There is a low opinion that folks often hold of Members of Congress, Mr. Speaker, but I believe we can buy stamps and stick them on letters. I believe that we can—but wait. There is nothing in what I propose that requires you to lick your own stamps or to even stick on your own stamps.

If you want to get a postal permit device like every business in America has, by golly, run your office like a business. If we want to change the rules, so that we use the penalty mail system, which is what the executive branch uses—what the White House would use, what the IRS would use, what the Justice Department would use, which is the same as a postage-paid marker from a business, except that it is a postage-paid marker from a government—fair game.

We are the only folks who run the show this way, and it is time for that to stop.

I don't think folks understand how far it goes. The franking privilege exists in statute. If I were to pass on my franking privilege, Mr. Speaker, it goes to my wife. Did you know that, if Members of Congress were to pass on, suddenly, their spouses would be allowed to start signing their names to letters and dropping them into the postal stream? Why is that? Why is this something that I can deed on after my demise? In fact, why is it something that exists at all?

The answer is, once upon a time, it was difficult to find a stamp. Can't we agree that those days are behind us?

Public Citizen can agree, and the National Taxpayers Union can agree, and TAMMY DUCKWORTH from Illinois can agree, and ROB WOODALL from Georgia can agree. I know this is something that we can do together.

Mr. Speaker, I don't claim that this is going to be the proposal that saves the world. It is not; yet, for every taxpayer who opens up the newspaper every day and does not find news about how his taxpayer dollars are being invested transformatively in the lives of children, invested transformatively for men and women harmed in the defense of this Nation, but instead, opens up the newspaper and finds story after story of waste, of fraud and of abuse, our role here in this Chamber is to root that out and to stop it wherever we may find it.

Don't you believe, before we can help someone else clean up his house, we must clean up our own house?

Mr. Speaker, I encourage you to visit my Web page—which is [woodall.house.gov/stopthefrank](http://woodall.house.gov/stopthefrank)—because if you and I don't push this amongst our colleagues, it is not going to rise to the level of action. It is just something that we can do. We can do it. We can do it right away. There is no need to delay. We can begin restoring faith one bit at a time.

Let's restore faith with this today, with another bill tomorrow and with another bill the day after that, and one of these days, we might find that the American people have trust and confidence in their Congress again. It wasn't true in 1875, and it may be optimistic to believe it could be true in 2015, but I am certain of this: if we know that we have opportunities and if we fail to seize those opportunities, we will never earn and, I dare say, deserve the trust of our constituencies back home.

Mr. Speaker, send any of your constituents who are interested to [woodall.house.gov/stopthefrank](http://woodall.house.gov/stopthefrank), and in fact, encourage the folks that you see and interact with from other parts of the country to visit Stop the Frank. Then encourage their Congressmen and their Congresswomen to be a part of this effort.

This does not have to be a partisan issue because it is not a partisan issue. This does not have to be a wait-and-see issue because it is an issue we have been looking at for more than 100 years.

What this can be is a get-it-done-together issue that, again, with one small step at a time, begins to earn the trust of the American people that I know each and every Member of this Chamber wants to earn.

With that, Mr. Speaker, I yield back the balance of my time.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2086. An act to address current emergency shortages of propane and other home heating fuels and to provide greater flexi-

bility and information for Governors to address such emergencies in the future; to the Committee on Transportation and Infrastructure; in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### ADJOURNMENT

Mr. WOODALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, May 23, 2014, at 3 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5749. A letter from the General Counsel, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5750. A letter from the Acting Director, Office of Financial Management, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period October 1, 2014 through March 31, 2014; (H. Doc. No. 113—116); to the Committee on House Administration and ordered to be printed.

5751. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 130925836-4174-02] (RIN: 0648-XD236) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5752. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No.: 120814338-2711-02] (RIN: 0648-BE10) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5753. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2014 Commercial Accountability Measure and Closure for South Atlantic Vermilion Snapper [Docket No.: 130312235-3658-02] (RIN: 0648-XD173) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5754. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 130925836-4174-02] (RIN: 0648-



XD182) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5755. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [Docket No.: 130214139-3542-02] (RIN: 0648-XD222) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5756. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Akadama Fireworks Display, Richmond Inner Harbor, Richmond, CA [Docket No.: USCG-2014-0133] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5757. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Lake Havasu Gran Prix; Lake Havasu, AZ [Docket No.: USCG-2014-0177] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5758. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Pago Pago Harbor, American Samoa [Docket No.: USCG-2014-0014] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5759. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations and Safety Zones; Recurring Events in Northern New England [Docket No.: USCG-2013-0904] (RIN: 1625-AA08; AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5760. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events, Tred Avon River; Between Bellevue, MD and Oxford, MD [Docket No.: USCG-2013-1059] (RIN: 1625-AA08) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5761. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Eighth Coast Guard District Annual and Recurring Marine Events Update [Docket No.: USCG-2013-1061] (RIN: 1625-AA08) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5762. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Revolution 3 Triathlon, Lake Erie, Sandusky Bay, Sandusky, OH [Docket No.: USCG-2012-0730] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5763. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Barnegat Inlet; Barnegat Light, NJ [Docket No.: USCG-2014-0145] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5764. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special

Local Regulation, Rotary Club of Fort Lauderdale New River Raft Race, New River; Fort Lauderdale, FL [Docket No.: USCG-2014-0001] (RIN: 1625-AA08) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5765. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Great Egg Harbor Bay, (Ship Channel and (Beach Thorofare NJICW)), Somers Point and Ocean City, NJ [Docket No.: USCG-2014-0121] (RIN: 1625-AA09) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5766. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Broad Creek, Laurel, DE [Docket No.: USCG-2013-0778] (RIN: 1625-AA09) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5767. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bat Mitzvah Celebration Fireworks Display; Joshua Cove; Guilford, CT [Docket Number: USCG-2014-0158] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5768. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Military Munitions Recovery, Raritan River, Raritan, NJ [Docket No.: USCG-2012-1045] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5769. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Texas City Channel, Texas City, TX [Docket Number: USCG-2014-0034] (RIN: 1625-AA00) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself, Ms. WATERS, Mr. WELCH, Ms. SLAUGHTER, Mr. SCOTT of Virginia, Mr. CUMMINGS, Mr. WAXMAN, Mr. CONYERS, Mr. TIERNEY, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. BISHOP of New York, Mr. SABLAN, Ms. WILSON of Florida, Ms. BONAMICI, Mr. POCAN, Mr. TAKANO, Mr. ELLISON, Mr. CARTWRIGHT, Ms. CLARKE of New York, Mr. JEFFRIES, Mr. McDERMOTT, Mr. NADLER, Ms. PINGREE of Maine, Mr. HUFFMAN, Mr. THOMPSON of California, Ms. LEE of California, Ms. LOFGREN, Ms. CHU, Mrs. NAPOLITANO, Mr. LOWENTHAL, Ms. BROWNLEY of California, Mr. SCHIFF, Ms. BASS, Mr. ENYART, Ms. NORTON, Ms. SHEA-PORTER, Mr. RANGEL, Mrs. MCCARTHY of New York, Mr. BUTTERFIELD, Ms. ESHOO, Mr. MEEKS, Mr. SARBANES, Mr. HINOJOSA, Mr. FARR, Ms. MATSUI, Mr. DANNY K. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. CARSON of Indiana, Ms. SPEIER, Ms. BROWN of Florida,

Mr. VAN HOLLEN, Mr. HONDA, Mr. CLAY, Mr. DEFAZIO, Ms. FRANKEL of Florida, Ms. FUDGE, Mr. GENE GREEN of Texas, Mr. YARMUTH, Mr. BRALEY of Iowa, Mr. RUSH, and Mr. GARAMENDI):

H.R. 4714. A bill to amend the Higher Education Act of 1965 to establish requirements for preferred banking arrangements, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANKFORD:

H.R. 4715. A bill to rescind unused earmarks provided for the Department of Transportation, and for other purposes; to the Committee on Appropriations, and in addition to the Committees on Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARDNER (for himself, Mr. BISHOP of Utah, Mrs. LUMMIS, Mr. STEWART, Mr. CHAFFETZ, Mr. TIPTON, Mr. AMODEI, and Mr. DAINES):

H.R. 4716. A bill to require the Secretary of the Interior and the Secretary of Agriculture to provide certain Western States assistance in the development of statewide conservation and management plans for the protection and recovery of sage grouse species, and for other purposes; to the Committee on Natural Resources.

By Mr. TIBERI (for himself, Mr. NEAL, Mr. GERLACH, Mr. PASCARELL, Mr. NUNES, Mr. RANGEL, Mr. PAULSEN, Mr. CROWLEY, Ms. JENKINS, Mr. RENACCI, Mr. KIND, Mr. GRIFFIN of Arkansas, Mr. BLUMENAUER, Mr. SCHOCK, Mr. McDERMOTT, Mr. REED, Mr. LARSON of Connecticut, Mr. REICHERT, Mr. DANNY K. DAVIS of Illinois, Mr. MARCHANT, Mr. KELLY of Pennsylvania, Mr. BOUSTANY, Mr. YOUNG of Indiana, Mr. GIBBS, and Ms. LOFGREN):

H.R. 4717. A bill to amend the Internal Revenue Code of 1986 to make permanent and expand the temporary minimum credit rate for the low-income housing tax credit program; to the Committee on Ways and Means.

By Mr. TIBERI (for himself, Mr. SCHOCK, Mr. YOUNG of Indiana, Mr. REED, Mr. PAULSEN, Mr. GRIFFIN of Arkansas, Mr. NUNES, Mr. KELLY of Pennsylvania, Mr. BRADY of Texas, Ms. JENKINS, Mr. BOUSTANY, Mr. MARCHANT, Mrs. BLACK, Mr. BUCHANAN, Mr. RENACCI, Mr. GERLACH, Mr. REICHERT, Mr. HUIZENGA of Michigan, and Mr. ROSKAM):

H.R. 4718. A bill to amend the Internal Revenue Code of 1986 to modify and make permanent bonus depreciation; to the Committee on Ways and Means.

By Mr. REED (for himself and Mr. GERLACH):

H.R. 4719. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; to the Committee on Ways and Means.

By Mr. WALBERG (for himself, Mr. WILSON of South Carolina, Mr. WEBER of Texas, Mr. ROE of Tennessee, Mr. SCHNEIDER, Mr. CONNOLLY, and Mr. TONKO):



H.R. 4720. A bill to amend title 38, United States Code, to increase the priority for enrollment of medal of honor recipients in the health care system of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska:

H.R. 4721. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions of real property for conservation purposes by Native Corporations; to the Committee on Ways and Means.

By Mr. BISHOP of New York:

H.R. 4722. A bill to clarify that for purposes of all Federal laws governing marine fisheries management, the landward boundary of the exclusive economic zone between areas south of Montauk, New York, and Point Judith, Rhode Island, and for other purposes; to the Committee on Natural Resources.

By Mr. CASTRO of Texas (for himself and Ms. ROS-LEHTINEN):

H.R. 4723. A bill to amend title 10, United States Code, to authorize aliens who have been granted deferred action and work authorization under the Deferred Action for Childhood Arrivals program of the Department of Homeland Security and who otherwise satisfy the requirements for admission to a military service academy to be appointed to and attend a military service academy and, upon graduation, to be appointed as a commissioned officer in the Armed Forces; to the Committee on Armed Services.

By Mr. CICILLINE:

H.R. 4724. A bill to amend chapter 83 of title 41, United States Code (popularly referred to as the Buy American Act) and certain other laws with respect to certain waivers under those laws, to provide greater transparency regarding exceptions to domestic sourcing requirements, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS of New York:

H.R. 4725. A bill to amend title 38, United States Code, to ensure that all veterans are eligible to participate in hospice care programs of the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. RODNEY DAVIS of Illinois (for himself and Ms. TITUS):

H.R. 4726. A bill to amend title 23, United States Code, to direct the Secretary of Transportation to establish an innovation in surface transportation program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DUNCAN of Tennessee (for himself, Mr. RODNEY DAVIS of Illinois, and Mr. PAULSEN):

H.R. 4727. A bill to enhance interstate commerce by creating a National Hiring Standard for Motor Carriers; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FINCHER (for himself and Mrs. BLACK):

H.R. 4728. A bill to direct the Office of the Actuary of the Centers for Medicare & Medicaid Services and the Comptroller General of the United States to study the impact of the Patient Protection and Affordable Care

Act on small businesses; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Energy and Commerce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAYSON (for himself and Ms. SHEA-PORTER):

H.R. 4729. A bill to require debarment of persons convicted of fraudulent use of "Made in America" labels; to the Committee on Armed Services.

By Mr. GRAYSON:

H.R. 4730. A bill to allow the return of personal property to victims of sexual assault incidents involving a member of the Armed Forces upon completion of proceedings related to the incident; to the Committee on Armed Services.

By Mr. JORDAN (for himself, Mr. SMITH of Missouri, Mrs. BACHMANN, Mr. HUELSKAMP, Mrs. BLACKBURN, Mr. WEBER of Texas, Mrs. LUMMIS, Mr. DESANTIS, Mr. SALMON, Mr. PRICE of Georgia, and Mr. DUNCAN of South Carolina):

H.R. 4731. A bill to help individuals receiving assistance under means-tested welfare programs obtain self-sufficiency, to provide information on total spending on means-tested welfare programs, to provide an overall spending limit on means-tested welfare programs, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Ways and Means, the Budget, Rules, Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILMER (for himself, Ms. HERRERA BEUTLER, Mrs. CAPPS, Mr. HECK of Washington, Mr. HUFFMAN, Mr. PETERS of California, and Mr. REICHERT):

H.R. 4732. A bill to authorize Federal agencies to establish prize competitions for innovation or adaptation management development relating to ocean acidification; to the Committee on Science, Space, and Technology.

By Mr. LARSON of Connecticut:

H.R. 4733. A bill to amend the Internal Revenue Code of 1986 to increase, expand, and extend the credit for hydrogen-related alternative fuel vehicle refueling property and to increase the investment credit for more efficient fuel cells; to the Committee on Ways and Means.

By Mr. MCHENRY:

H.R. 4734. A bill to repeal the authority of the Bureau of Consumer Financial Protection to restrict mandatory pre-dispute arbitration; to the Committee on Financial Services.

By Mr. NOLAN (for himself and Mr. MCKINLEY):

H.R. 4735. A bill to amend the Patient Protection and Affordable Care Act to provide for a temporary shift in the scheduled collection of the transitional reinsurance program payments; to the Committee on Energy and Commerce.

By Mr. NOLAN (for himself, Mr. WELCH, Mr. PETERSON, Mr. WALZ, Mr. PETRI, Mr. ELLISON, Ms. MCCOLLUM, and Mr. PAULSEN):

H.R. 4736. A bill to revise the authorized route of the North Country National Scenic

Trail in northeastern Minnesota and to extend the trail into Vermont to connect with the Appalachian National Scenic Trail, and for other purposes; to the Committee on Natural Resources.

By Mr. PALAZZO:

H.R. 4737. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to grant to States on the Gulf of Mexico jurisdiction over fisheries out to 9 nautical miles from shore, and for other purposes; to the Committee on Natural Resources.

By Mr. PAYNE:

H.R. 4738. A bill to ensure the safety of DOT-111 tank cars by improving standards for new tank cars and upgrading existing tank cars, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REED (for himself and Mr. MURPHY of Florida):

H.R. 4739. A bill to provide assistance to communities affected by total maximum daily loads established by the Administrator of the Environmental Protection Agency, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REED (for himself, Mr. PASCRELL, Mr. NUNES, and Mr. LARSON of Connecticut):

H.R. 4740. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems; to the Committee on Ways and Means.

By Mr. TIERNEY:

H.R. 4741. A bill to amend title 38, United States Code, to provide for an increase in the amount of monthly dependency and indemnity compensation payable to surviving spouses by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. FUDGE:

H. Con. Res. 100. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony to commemorate the 50th anniversary of the enactment of the Civil Rights Act of 1964; to the Committee on House Administration.

By Mr. CARTWRIGHT (for himself, Ms. NORTON, and Mr. GRIJALVA):

H. Res. 593. A resolution expressing the sense of the House of Representatives that in order to better understand water availability, sustainability, and security at a national scale, the United States should prioritize the assessment of the quality and quantity of surface water and groundwater resources, and produce a national water census with the same sense of urgency that was incorporated in the "Man on the Moon" project to address the inevitable challenges of "Peak Water"; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BONAMICI (for herself and Mrs. BROOKS of Indiana):

H. Res. 594. A resolution recognizing Older Americans Month; to the Committee on Education and the Workforce.

By Ms. DELAURO (for herself, Mrs. CAROLYN B. MALONEY of New York, Mr. CONYERS, Mr. GRIJALVA, Ms. NORTON, Mr. DEUTCH, Mr. MCGOVERN, Ms. MCCOLLUM, Mr. LOWENTHAL, Ms. WASSERMAN SCHULTZ, Mr. MEEKS, Ms. BASS, Ms. MENG, and Mr. MCDERMOTT):

H. Res. 595. A resolution supporting the goals and ideals of May 23 as the "International Day to End Obstetric Fistula" to significantly raise awareness and intensify actions towards ending obstetric fistula; to the Committee on Oversight and Government Reform.

By Mr. DUFFY (for himself, Mr. PETRI, Mr. COOK, and Mr. PERLMUTTER):

H. Res. 596. A resolution recognizing the Khmer and Lao/Hmong Freedom Fighters of Cambodia and Laos for supporting and defending the United States Armed Forces during the conflict in Southeast Asia and for their continued support and defense of the United States; to the Committee on Foreign Affairs.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Mr. GEORGE MILLER of California:

H.R. 4714.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of Constitution of the United States

By Mr. LANKFORD:

H.R. 4715.

Congress has the power to enact this legislation pursuant to the following:

Section 8, Clause 1: "The Congress shall have Power To . . . provide for the common Defence and general Welfare of the United States"

By Mr. GARDNER:

H.R. 4716.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 18 of the United States Constitution:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof

By Mr. TIBERI:

H.R. 4717.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 7 and Article 1, Section 8

By Mr. TIBERI:

H.R. 4718.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 7 and Article 1, Section 8

By Mr. REED:

H.R. 4719.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. WALBERG:

H.R. 4720.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 12, 14 and 18 of the Constitution of the United States; the authority to raise and support an army, to make rules for the government and regulation of the land and naval forces and to make all laws which shall be necessary and

proper carrying into execution the foregoing powers.

By Mr. YOUNG of Alaska:

H.R. 4721.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

Article I, Section 8, Clause 1

By Mr. BISHOP of New York:

H.R. 4722.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. CASTRO of Texas:

H.R. 4723.

Congress has the power to enact this legislation pursuant to the following:

THE U.S. CONSTITUTION

ARTICLE I, SECTION 8: POWERS OF CONGRESS

CLAUSE 18

The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. CICILLINE:

H.R. 4724.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. COLLINS of New York:

H.R. 4725.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution.

By Mr. DAVIS of Illinois:

H.R. 4726.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, Clause 7, and Clause 18.

By Mr. DUNCAN of Tennessee:

H.R. 4727.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

By Mr. FINCHER:

H.R. 4728.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8.

By Mr. GRAYSON:

H.R. 4729.

Congress has the power to enact this legislation pursuant to the following:

Article I, Clause 8 of the Constitution of the United States.

By Mr. GRAYSON:

H.R. 4730.

Congress has the power to enact this legislation pursuant to the following:

Article I, Clause 8 of the Constitution of the United States.

By Mr. JORDAN:

H.R. 4731.

Congress has the power to enact this legislation pursuant to the following:

The bill makes specific changes to existing law in a manner that returns power to the States and to the people, in accordance with Amendment X of the United States Constitution.

By Mr. KILMER:

H.R. 4732.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

Article 1, Section 8, Clause 3

Article 1, Section 8, Clause 18

By Mr. LARSON of Connecticut:

H.R. 4733.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8, Article I

By Mr. McHENRY:

H.R. 4734.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause, Article I, Section 8, Clause 3 of the Constitution states that Congress shall have power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. NOLAN:

H.R. 4735.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. NOLAN:

H.R. 4736.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

By Mr. PALAZZO:

H.R. 4737.

Congress has the power to enact this legislation pursuant to the following:

(1) Article I Section 8—The Commerce Clause, granting Congress the power to regulate commerce among the several States;

(2) Article I, Section 8—The Necessary and Proper Clause, granting Congress the power to make all laws which are necessary and proper for carrying into Execution the powers vested by the Constitution of the United States; and

(3) Article IV, Section 3—The Federal Property Power Clause, granting Congress the power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.

By Mr. PAYNE:

H.R. 4738.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution

By Mr. REED:

H.R. 4739.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. REED:

H.R. 4740.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. TIERNEY:

H.R. 4741.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 164: Mr. HANNA.

H.R. 303: Ms. DeLAURO.

- H.R. 494: Mr. DELANEY.  
H.R. 508: Ms. MCCOLLUM.  
H.R. 713: Mr. FARENTHOLD.  
H.R. 942: Mr. YOUNG of Indiana and Mr. LUETKEMEYER.  
H.R. 961: Ms. DUCKWORTH and Ms. CLARK of Massachusetts.  
H.R. 1009: Mr. FINCHER.  
H.R. 1020: Mr. LARSEN of Washington.  
H.R. 1146: Mrs. BEATTY and Mr. BERA of California.  
H.R. 1150: Mr. SCHIFF.  
H.R. 1180: Mr. THOMPSON of California, Mr. DUNCAN of Tennessee, Mr. DAVID SCOTT of Georgia, and Mr. GRAYSON.  
H.R. 1201: Mr. GRAYSON.  
H.R. 1250: Mr. SCALISE.  
H.R. 1254: Mr. KING of New York.  
H.R. 1274: Mr. BISHOP of Georgia and Mr. HARPER.  
H.R. 1502: Mr. ISSA, Mr. FLORES, Mr. MULVANEY, Mr. STUTZMAN, Mr. WEBER of Texas, Mr. WOODALL, Mrs. BLACKBURN, Mr. BROOKS of Alabama, and Mrs. BACHMANN.  
H.R. 1507: Mr. GEORGE MILLER of California.  
H.R. 1563: Mr. GRIFFIN of Arkansas.  
H.R. 1732: Ms. ROS-LEHTINEN.  
H.R. 1771: Mr. LATHAM.  
H.R. 1801: Mr. BENISHEK.  
H.R. 1851: Ms. KELLY of Illinois, Mr. ELLISON, and Mr. PIERLUISI.  
H.R. 1920: Mr. TAKANO.  
H.R. 2028: Ms. SHEA-PORTER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, and Mr. SCHNEIDER.  
H.R. 2156: Mr. FOSTER.  
H.R. 2429: Mr. SMITH of New Jersey, Mr. HUNTER, and Mr. GARY G. MILLER of California.  
H.R. 2500: Mr. BENISHEK.  
H.R. 2692: Ms. CLARK of Massachusetts.  
H.R. 2772: Mr. SENSENBRENNER and Mr. COBLE.  
H.R. 2807: Mr. RENACCI and Mr. COLLINS of New York.  
H.R. 2825: Ms. ROYBAL-ALLARD.  
H.R. 2827: Mr. DELANEY, Mr. PASTOR of Arizona, and Mr. GENE GREEN of Texas.  
H.R. 2841: Mr. PASCRELL and Mr. RYAN of Ohio.  
H.R. 2852: Ms. BONAMICI and Ms. MOORE.  
H.R. 2870: Ms. CASTOR of Florida.  
H.R. 2959: Mr. UPTON and Mr. MCKINLEY.  
H.R. 3022: Mr. ENYART.  
H.R. 3116: Mr. BUTTERFIELD.  
H.R. 3279: Mr. AMASH and Mr. CRENSHAW.  
H.R. 3377: Mr. CONAWAY.  
H.R. 3471: Mr. CONYERS.  
H.R. 3662: Mr. DOGGETT and Mr. GALLEG0.  
H.R. 3676: Ms. HAHN.  
H.R. 3708: Mr. BUCHANAN and Mr. BRALEY of Iowa.  
H.R. 3717: Mr. HUNTER.  
H.R. 3836: Mr. WALZ, Mr. LOBIONDO, Mr. WESTMORELAND, Mr. BOUSTANY, Mr. ROONEY, Mr. HECK of Nevada, Mr. KINZINGER of Illinois, Mr. NEUGEBAUER, Mr. THORNBERRY, Mr. WEBSTER of Florida, Mr. CARTER, Mr. NUNNELEE, Mr. SOUTHERLAND, Mr. PERRY, Mr. LANCE, Mr. CAPUANO, Mr. TIERNEY, Mr. DUNCAN of South Carolina, Mr. NUGENT, Mr. CUMMINGS, Mr. MURPHY of Pennsylvania, Ms. KELLY of Illinois, Ms. BROWN of Florida, Mr. BLUMENAUER, Mr. NADLER, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, Mr. WILSON of South Carolina, Mr. HORSFORD, Mr. LOWENTHAL, Mr. ROGERS of Kentucky, Mr. MULLIN, Mr. UPTON, Mr. ROHRABACHER, Mr. MILLER of Florida, Mr. FORBES, Mr. REICHERT, Mr. PEARCE, Mr. THOMPSON of Pennsylvania, Mr. KELLY of Pennsylvania, Mr. GIBBS, Mr. POE of Texas, Mrs. CAROLYN B. MALONEY of New York, and Mr. MEADOWS.  
H.R. 3978: Ms. CLARK of Massachusetts and Mr. TAKANO.  
H.R. 3991: Mr. AMODEI.  
H.R. 3992: Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. RYAN of Ohio, Mr. REICHERT, and Mr. LATHAM.  
H.R. 4041: Mr. LOWENTHAL.  
H.R. 4069: Mr. COFFMAN.  
H.R. 4086: Mrs. KIRKPATRICK and Ms. SEWELL of Alabama.  
H.R. 4106: Mr. BACHUS and Mr. PITTENGER.  
H.R. 4135: Mr. COLLINS of New York.  
H.R. 4156: Mr. SCHRADER and Ms. WILSON of Florida.  
H.R. 4172: Mr. CAPUANO.  
H.R. 4190: Mr. ROONEY and Mr. COFFMAN.  
H.R. 4213: Ms. KUSTER.  
H.R. 4216: Mr. HOLT, Ms. BASS, Mr. ELLISON, Ms. NORTON, Ms. SPEIER, and Mr. PASTOR of Arizona.  
H.R. 4217: Mr. PETERS of Michigan, Mr. BROUN of Georgia, and Mr. THOMPSON of Pennsylvania.  
H.R. 4240: Ms. SLAUGHTER.  
H.R. 4250: Mr. MURPHY of Pennsylvania.  
H.R. 4257: Mr. RYAN of Wisconsin.  
H.R. 4262: Mr. WESTMORELAND and Mrs. WAGNER.  
H.R. 4295: Mr. TAKANO.  
H.R. 4315: Mr. JONES, Mr. HUELSKAMP, Mr. TIPTON, Mr. SMITH of Missouri, and Mr. FRANKS of Arizona.  
H.R. 4325: Mr. CARNEY.  
H.R. 4328: Mr. HUFFMAN.  
H.R. 4351: Mrs. BACHMANN, Mr. LATHAM, and Mr. COOPER.  
H.R. 4352: Mr. JONES.  
H.R. 4365: Ms. FRANKEL of Florida.  
H.R. 4417: Mr. CLAY.  
H.R. 4426: Mr. PETERS of Michigan.  
H.R. 4437: Mr. COFFMAN.  
H.R. 4450: Mr. WHITFIELD, Mr. COLE, Mr. SMITH of New Jersey, Mr. LANCE, and Mr. RICE of South Carolina.  
H.R. 4491: Mr. FITZPATRICK and Mr. DESANTIS.  
H.R. 4507: Mr. COBLE and Mr. TAKANO.  
H.R. 4544: Mr. SWALWELL of California and Ms. TSONGAS.  
H.R. 4558: Mr. SCALISE.  
H.R. 4577: Mr. SHUSTER.  
H.R. 4582: Mr. PETERS of Michigan.  
H.R. 4590: Mrs. ROBY and Mr. COTTON.  
H.R. 4622: Mr. SWALWELL of California.  
H.R. 4628: Mr. NADLER, Mr. DENHAM, Ms. MENG, Mr. QUIGLEY, Mr. LANGEVIN, Ms. NORTON, Ms. WATERS, and Mr. COURTNEY.  
H.R. 4629: Mr. O'ROURKE, Ms. BASS, and Mrs. DAVIS of California.  
H.R. 4630: Ms. DELAURO.  
H.R. 4631: Mr. SHIMKUS, Mr. ROSKAM, Mr. BURGESS, Mr. GERLACH, Ms. SCHWARTZ, Mr. HOLDING, and Mrs. CAROLYN B. MALONEY of New York.  
H.R. 4636: Ms. JACKSON LEE and Ms. NORTON.  
H.R. 4637: Mr. STEWART.  
H.R. 4644: Mr. CARSON of Indiana, Ms. HAHN, Mr. GARAMENDI, Ms. EDWARDS, Mr. PASCRELL, Mrs. KIRKPATRICK, Mr. ENGEL, Ms. ESTY, Mrs. BUSTOS, Mr. LARSEN of Washington, Ms. BROWN of Florida, Mr. MCGOVERN, Mr. BISHOP of New York, Mrs. NAPOLITANO, Mr. YOUNG of Alaska, Ms. SPEIER, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. GEORGE MILLER of California, Mr. RYAN of Ohio, Mr. LOEBSACK, Mr. DELANEY, Mr. HONDA, and Ms. JACKSON LEE.  
H.R. 4645: Mr. NADLER.  
H.R. 4653: Mr. PITTS.  
H.R. 4672: Mr. FARR.  
H.R. 4698: Mr. PEARCE, Mr. DUFFY, and Mr. BENISHEK.  
H.R. 4701: Mr. WELCH.  
H.R. 4712: Mr. HORSFORD.  
H. Con. Res. 97: Mrs. LUMMIS.  
H. Res. 30: Mr. GRIFFIN of Arkansas.  
H. Res. 109: Mr. WALDEN, Mrs. CAROLYN B. MALONEY of New York, Mr. LAMALFA, and Ms. SHEA-PORTER.  
H. Res. 153: Mr. COOK.  
H. Res. 204: Ms. DELBENE.  
H. Res. 283: Ms. JACKSON LEE.  
H. Res. 538: Mr. VAN HOLLEN, Mr. BUTTERFIELD, and Mr. DENT.  
H. Res. 571: Mr. COLLINS of New York.  
H. Res. 572: Ms. CLARK of Massachusetts.  
H. Res. 587: Mr. STIVERS.

## SENATE—Thursday, May 22, 2014

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator, redeemer, sustainer, You called us out of darkness into Your marvelous light. Dispel the shadows of confusion in our lives, replacing them with charity and peace. What we do not know, teach us. What we can't see, show us. What we don't have, give us. What we aren't, make us.

Abide with our Senators in their labors, using them as vessels for Your service. Lord, keep them on the path of integrity, strengthened and sustained by Your grace. Bless and keep them. Make Your face shine upon them and be gracious to them. Lift the light of Your countenance upon them and give them Your peace.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### TO PROTECT AND ENHANCE OPPORTUNITIES FOR RECREATIONAL HUNTING, FISHING, AND SHOOTING—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 384, S. 2363, which is the Hagan sportsmen's legislation.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The bill clerk read as follows:

Motion to proceed to S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in a period of morning business until 1:45 today, with the time until then equally divided and controlled between the two leaders or our designees, with the majority controlling the first 30 minutes

and the Republicans the second 30 minutes. Additionally, Senator LEAHY will control the final 5 minutes and Senator PAUL will control the 5 minutes prior to that.

At 1:45 p.m. there will be two rollcall votes. The first vote will be on confirmation of the nomination of David Barron to be U.S. circuit judge for the First Circuit, and the second vote will be on the adoption of the conference report to accompany H.R. 3060, the WRRDA bill.

### TAX EXTENDERS

This week Senate Republicans voted against tax cuts that most of them have said they like. The legislation is widely applauded around the country. I have a letter from 152 different entities that say they love this legislation, and they said it should pass, two of which are the Chamber of Commerce, which is certainly no leftwing group, and the National Association of Manufacturers—the same—and there are scores of others. It seems the only Republicans who do not want this tax cut are the Republicans in Congress. Republicans around the country want these tax cuts, Democrats want these tax cuts, and so do Independents.

This legislation is very important because it would bolster nearly every segment of our society. It helps students and teachers, workers and employers, American families and businesses, all while saving money and growing our economy.

These 152 organizations that signed this letter to me are pleading with the Senate to extend these tax provisions because not doing so would "inject instability and uncertainty into our economy."

Republicans say the reason they voted against the bill is because they want to vote on amendments. Yet the only amendment they have identified was a poison pill amendment. Of course, what was the subject matter? Their favorite subject—ObamaCare. It has nothing to do with the extenders.

But we have seen this game play out before. The Senate is not going to vote on "gotcha" amendments designed to score political points. This legislation is too important. I have said all along that I am willing to undertake reasonable, germane amendments. That is certainly appropriate. That is what they did in the Finance Committee. They had an extended markup of this bill in the Finance Committee. The rule they have there is that amendments have to be germane. That rule applied to this bill, as it should, and that is what should be applied here on the floor.

So if Republican Senators can come up with a list of reasonable, germane amendments, I am more than happy to return to the tax extenders bill. Those are amendments I would not pick. They always say: Well, REID is picking our amendments.

Those are their amendments. They can file reasonable, germane amendments. There are a multitude of amendments they could offer.

So let's see if Republicans want to get something done on this legislation. We can debate back and forth on the finer points of Senate procedure endlessly, as has happened around here in the last 5½ years. But at the end of the day it comes down to a simple question: Do you want to get something done for the middle class? Do you want to get something done for business? Or do you want to impose more gridlock and obstruction and delay for the sake of delay?

We are here because we want to get something done for the middle class. That is how we feel on this side of the aisle. It is a shame my Republican colleagues cannot say the same.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. WALSH). Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 1:45, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

The PRESIDING OFFICER. The Senator from Vermont.

### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, later today we are going to vote on the confirmation of David Barron, who has been nominated for a vacancy on the U.S. Court of Appeals for the First Circuit.

Yesterday, we were able to overcome the unjustified Republican filibuster of this extraordinary nominee. Now, I have had the privilege of serving longer in this body than any other Senator here. I have never seen so many filibusters of judicial nominees by any President, Republican or Democratic. In fact, Republicans filibustered the very first judge President Obama sent to this body, a judge who was strongly

supported by the Senators from his State, one of whom was the most senior Republican in this body, the other a moderate Democrat. Fortunately, enough Senators joined together to overcome that filibuster.

David Barron is currently a professor at Harvard Law School. He is a nationally recognized expert in constitutional law and the separation of powers, administrative law, and federalism. He clerked on the U.S. Supreme Court for Justice John Paul Stevens. In fact, I recall that Justice Stevens had so much regard for him that he attended Mr. Barron's nomination hearing.

I am in full support of Mr. Barron's nomination. It is almost as if he was sent to central casting for who should be a court of appeals judge. I have not seen any judicial nominee with better qualifications by either a Republican or Democratic President.

Let me respond to some of the criticisms levied against him with respect to the so-called drone memos as well as allegations that he would not be an independent judge who adheres to the rule of law. I reject both of those criticisms.

Over the last few weeks, I have spoken extensively about the issue of the drone materials and would refer specifically to my statement of May 14 of this year. While Senators may disagree with the administration's policies regarding the use of drones for lethal counterterrorism operations—and I have raised concerns about some of those operations—it is important not to conflate the confirmation of David Barron with the disclosure of Justice Department memoranda over which he had no control. He wrote an analysis of the law. Others make the decision of what they will do.

Yesterday the Justice Department made the right decision by agreeing to publicly release the redacted version of the legal justification for the government's potential use of lethal force against U.S. citizens in counterterrorism operations. I welcome the administration's additional step toward greater transparency.

Incidentally, these materials have been available to all Senators in recent weeks. We have had them in the unredacted form in a secure room here in the Capitol. We did that so that nobody could claim: Well, if only I knew what was in those memos, I could make up my mind. Every single Senator has had an opportunity to read them before today's vote.

We have heard some Senators argue that the Justice Department legal analysis provides the government with a blank check to use lethal force against Americans in places such as Germany or Canada. Oh my God, talk about grasping at straws. We are dealing with reality here, not Alice in Wonderland. Such a claim is simply inaccurate, inconsistent with the under-

standing anybody would have reading these materials.

In any event, the Attorney General has confirmed that Anwar al-Awlaki is the only American who was specifically targeted and killed since 2009. Awlaki was a senior operational leader of all of Al Qaeda in the Arab Peninsula, located in Yemen. He directed the failed attempt to blow up an airliner over Detroit on Christmas Day 2009. He was continuing to plot attacks against the United States when he was killed, according to the Attorney General.

I am glad a number of Senators share my deep regard for the constitutional rights of Americans and have spoken about that on the floor. I hope that after Mr. Barron is confirmed, they will show they really believe what they have been saying by joining me and 21 other Senators in cosponsoring the USA FREEDOM Act to help restore America's constitutional and privacy rights.

Finally, both Mr. Barron and a long list of bipartisan supporters have forcefully refuted any indication that he views the role of a judge as that of a policymaker. In a response to a question from Senator GRASSLEY, Mr. Barron stated the following under oath:

The judicial obligation is to set aside whatever personal views one may have and to decide the particular case at issue. A judge must base the decision in any case solely on the facts and the law, while respectfully considering the arguments of the litigants. I would take that obligation to be an inexorable one, just as I felt obliged to set aside any personal views I may have had in providing legal advice within the executive branch while serving as the Acting Assistant Attorney General for the Office of Legal Counsel and as a career lawyer in that Office. I believe the best way to ensure one honors that obligation is to immerse oneself fully in the particular facts of the case and the law relevant to it and then to apply the law faithfully to those facts.

Mr. Barron's respect for the rule of law was recently reaffirmed by Stanford Law Professor Michael McConnell, a well-respected conservative scholar and former George W. Bush appointee to the Tenth Circuit. In a letter dated May 7, 2014 in support of Mr. Barron's nomination, Professor McConnell stated:

I suspect that on particular controversial issues, Barron and I disagree more often than not. But I have read much of his academic work, and followed his performance as acting head of the Office of Legal Counsel. In my opinion, his writings and opinions have demonstrated not only intelligence (even where we disagree) but respect for the rule of law. In the Office of Legal Counsel, whose functions closely resemble those of a judge, Barron's publicly released opinions indicated that he was consistently a force for legal regularity and respect for the constitution and laws of the United States. That is an important and precious thing.

I ask unanimous consent that Professor McConnell's letter be printed in the RECORD at the conclusion of my remarks.

It should be clear from Mr. Barron's testimony and Professor McConnell's letter that David Barron would faithfully discharge his duty as a judge in a manner consistent with the Constitution. Senator GRASSLEY cited yesterday to some statements made by Mr. Barron in his academic writings, but as Professor McConnell noted in his letter:

It is important to bear in mind that academic legal writing in constitutional law is often exploratory and provocative. No one should assume that an academic would take the same approach toward deciding cases that he does in writing about cases.

Professor McConnell should know, as he is a prolific academic who was similarly able to discharge his duty as a judge faithfully and consistently with the Constitution when he served on the bench. As a reminder to Republicans who are currently opposing Mr. Barron's nomination on these grounds, I will note that the Senate unanimously confirmed Professor McConnell's nomination to the Tenth Circuit by voice vote in 2002 during the George W. Bush administration.

Mr. Barron is truly an outstanding nominee. So outstanding, in fact, that Professor McConnell called him "one of President Obama's two or three best nominations to the appellate courts." I would urge all Senators to vote to confirm Mr. Barron to the First Circuit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STANFORD LAW SCHOOL,  
May 7, 2014.

Hon. Senator HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. Senator MITCH MCCONNELL,  
Republican Leader, U.S. Senate, Washington,  
DC.

Hon. Senator PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary, U.S.  
Senate, Washington, DC.

Hon. Senator CHARLES GRASSLEY,  
Ranking Member, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

Re Letter of support for David Barron.

DEAR SENATORS REID, MCCONNELL, LEAHY, AND GRASSLEY: I do not often interject myself into the politics of judicial confirmations, but in the case of David Barron I make an exception. In my opinion, David Barron is one of President Obama's two or three best nominations to the appellate courts. Based on his scholarship and record of public service, he has the potential to be one of this nation's outstanding jurists.

It should be obvious that my assessment does not stem from political agreement. Barron has described himself as an advocate of "progressive constitutionalism"; I believe the Constitution should be interpreted without a partisan lens, in terms of the principles reflected in its text and history. I suspect that on particular controversial issues, Barron and I disagree more often than not. But I have read much of his academic work, and followed his performance as acting head of the Office of Legal Counsel. In my opinion, his writings and opinions have demonstrated not only intelligence (even where we disagree) but respect for the rule of law. In the

Office of Legal Counsel, whose functions closely resemble those of a judge, Barron's publicly released opinions indicated that he was consistently a force for legal regularity and respect for the constitution and laws of the United States. That is an important and precious thing.

Some groups have described Barron as "an unabashed proponent of judicial activism." That characterization, frankly, demonstrates a lack of familiarity with the tone of much academic debate over constitutional issues. Within that framework, Barron stands out as an advocate of lawyerly restraint. It is important to bear in mind that academic legal writing in constitutional law is often exploratory and provocative. No one should assume that an academic would take the same approach toward deciding cases that he does in writing about cases.

In ordinary times, Barron's legal ability and professional integrity would suffice to ensure his confirmation. But unfortunately, in recent decades, and especially during President George W. Bush's presidency, the opposition party has taken a more ideological and adversarial posture toward judicial nominations than the framers of our Constitution intended. It is understandable that Republicans today would apply the same adversarial standards to President Obama's nominations as the Democrats applied to exemplary nominees of his predecessor. It is my hope that eventually, this process of mutually assured destruction will pass, for nominees of both parties. That cannot be expected to occur without mutual accommodation and confidence that the same standards apply to nominees from both sides.

Nonetheless, David Barron's nomination should be supported by Senators of both parties. Perhaps the most significant constitutional questions of our time arise from the unilateral use of executive power in both the domestic and international arenas. David Barron has written powerfully on this subject, demonstrating a balance between the need for an energetic executive and the centrality of law and the legislative branch. He has supported efforts to adopt laws to enable judicial review of executive actions that might otherwise escape judicial review because of lack of standing, and has written powerfully about the need for constitutional limits on executive excesses.

Some may wonder whether Barron's defense of separation of powers against executive unilateralism, which he articulated in the context of the Bush presidency, will survive intact in a presidency he supports. That is a legitimate question. No one knows the answer. But speaking as a fellow legal academic and sometime nominee, I believe that David Barron is a straight shooter and will not trim the sails of his deep-felt constitutional convictions on account of the different direction of political winds. One of this nation's proudest claims is that the limitations of constitutionalism hold firm without regard to which party is in power. I believe David Barron will carry on that tradition.

Beyond generalizations about judicial philosophy, this nomination has encountered resistance because of Barron's authorship of opinions in the Office of Legal Counsel justifying drone attacks by American forces on specified individuals abroad. The Administration's public legal defense of these strikes, especially by Attorney General Eric Holder, have been less than convincing as a legal matter. It is important for Congress to consider the legality of these strikes, but I strongly urge that Barron's nomination to

the First Circuit not be collateral damage to this debate.

The pertinent question for this nomination cannot be whether any Senator agrees or disagrees with the practice of drone strikes. Barron was not Commander in Chief and he did not order the strikes. He has not been nominated to a position with authority over drone strikes, so his view of those strikes is relevant only to the more general question of his suitability to be an appellate judge on a court of broad jurisdiction. His job as acting head of the Office of Legal Counsel was to advise the President based on the traditional legal authorities of text, history, and precedent. He must be evaluated in light of that role.

Of course, neither I nor anyone else can evaluate the legal arguments made in Barron's OLC opinions until they are released. But whatever their content, it is difficult to imagine that they would place Barron outside the mainstream of professional legal judgment. The question of drone strikes is novel and much debated, and the authoritative legal sources are scant. It is far from clear that the Due Process Clause even applies to military attacks on targets in places abroad where American law does not run. If it does, it is equally unclear what kind of process is required when split-second decisions are made that could save countless innocent lives. These are discussions that should occur in the proper place, but a judicial nomination is not the forum for their resolution.

Ultimately, this confirmation requires a judgment about judicial character. The most important characteristic of a great judge is not brainpower or empathy, but the willingness to apply rules of law dispassionately and unflinchingly to all cases, regardless of the political context. My sense from long conversations with David Barron, and review of his writings and legal opinions, is that he is such a person. I urge members of the Senate to give their advice and consent.

Best regards,

MICHAEL W. MCCONNELL.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### EXPIRE ACT

Mr. WYDEN. I wish to speak for a few minutes about the urgency of passing the tax extender bill and describe to our colleagues all the bipartisanship that has gone into this important effort.

This bill is truly urgent because America's employers file their taxes quarterly, which means they are paying higher taxes today without this tax extender package, which means less money for hiring and training workers, less money for buying new equipment, and less money for investing in innovation and growing jobs at home.

For example, a restaurant owner who needs to replace a walk-in freezer to keep their business running is going to pay higher taxes because they can't, in effect, hold down the costs through the provision in the tax bill. That means they will be cutting shifts and cutting workers.

This bill is just as urgent for millions of other American families; for exam-

ple, a family with a college student who is registering for summer school this week and is going to lose a tuition tax break and homeowners whose place is now worth less than they paid for it. They finally caught a break recently from their lender, and without this legislation they will now face a real tax increase on phantom income. So that is why this bill is so timely, so urgent.

I am going to spend a few minutes talking about the extraordinary bipartisan team effort that went into putting this legislation together, getting it through the Finance Committee, and sending it to the Senate floor. The process began almost immediately after Chairman Baucus went to China, when my staff and I began working with Senator HATCH and his staff, as well as other committee members on both sides of the aisle.

We recognized that this would not be an easy bill to write, so Senator HATCH and I agreed to limit the focus of the legislation to tax extenders, the stop-and-go tax policies that we both think should end with comprehensive tax reform. After a lot of sweat equity put in by Democrats and Republicans on the committee, I introduced the EXPIRE Act, and that was the beginning of the bipartisan odyssey to make sure this bill was passed—and passed quickly—so as to deal with those urgent needs I described.

Before the committee met for markup, Senators offered 93 amendments, including 36 from Republicans. My team and I worked with both sides of the committee to incorporate 13 amendments into a modified bill. Eleven of them had Republican sponsors or cosponsors.

Then when the committee got together for markup, there were additional amendments—seven more approved, including three from Republicans.

This bill is thoroughly bipartisan. The committee held to the agreement Senator HATCH and I struck to keep the focus on tax extender policies, and I want to make one thing very clear. Those bipartisan amendments—the ones we have already included—have made the legislation better. If you want the best proof, look at the amendment offered by our colleagues Senator ROBERTS and Senator SCHUMER, a Democrat and a Republican. It did important work to strengthen the tax credit for research and development. By the way, this bipartisan amendment built on another bipartisan idea, a first-rate idea from Senator COONS and Senator ENZI to improve the credit; in particular, to make it more attractive for the small businesses, those businesses across the country starting in a garage. It would allow innovative startups to use the R&D credit to help pay their employees' wages.

This is smart policy—not Democratic policy or Republican policy—because it

encourages American innovation, the engine of economic progress, and makes that engine stronger than it is today. It is going to make it easier for young companies to hire new workers, and it is exactly the kind of bipartisanship that the country is making it clear it is hungry for.

There are other bipartisan examples I could cite that all prove the same point, but I wish to wrap up by saying now the Senate has the chance, using exactly that procedure, to make the bill even stronger. It was made clear last week by the majority leader, by myself, and others that we are open to amendments that build on what went on in the committee. By the way, there are lots of them.

I was here on Friday until late week and through the weekend talking to colleagues, an equal number of Democrats and Republicans. It would be one thing if there weren't a lot of germane issues, relevant issues, to choose from. That is not the case. There are dozens of amendments from Senators on both sides of the aisle that directly relate to the topic in question—these stop-and-go provisions that have expired—and if we don't move to renew them, our economy is going to get hurt in ways I have described.

Our goal all along on the Senate floor has been to replicate exactly the kind of bipartisanship that went on in the Finance Committee. I absolutely believe that is still possible. That is why I described it.

As soon as the vote was cast last week, I spent the weekend looking for a bipartisan pathway. We had encouraging calls over the weekend indicating that both sides of the aisle wanted to work together to make progress. We had additional conversations about this through the week. Some Senators were concerned they wouldn't have a chance to offer any amendments whether they focused on tax extenders or not. But as I said then, and I repeat now, I am open to hearing from colleagues on both sides of the aisle about their amendments. I can keep repeating it again and again, but I hope the point is getting through.

If I had brought a billboard to the floor, as sometimes people do, the billboard would say: "BRING ON THE AMENDMENTS" in big capital letters.

I will wrap up by saying I know the bill is not the legislation that every Senator wants, and—if I had my first choice—we would be working on comprehensive tax reform rather than the extenders, but it hasn't been possible to do that. Today the Senate needs to focus on the urgent business at hand; that is, making sure our people don't get punished.

If the Senate doesn't act on this bill, we would be punishing veterans coming home looking for jobs, we would punish innovators, we would be punishing small businesses, punishing those

homeowners who are underwater on their mortgages, and punishing students with the mountains of debt.

I close by saying any colleague who is for that let me know because I don't know of a single Senator, not one, who thinks that is a good idea—when our economy is so fragile—to weigh it down with a tax hike. There aren't any Senators who are telling me they want to subject American families and business to yet more uncertainty about their tax bill.

So our legislation, our bipartisan legislation, would keep that from happening. It is absolutely essential that the Senate come together in a bipartisan way, build on exactly what we did in the Senate Finance Committee, and get this legislation across the goal line.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. First, let me compliment our new chairman of the Finance Committee. He is doing a great job on this bill. He is keeping the tenor bipartisan as he has done throughout his whole career. He has only been there a short while, but he is taking to the chairmanship like a fish to water.

I wish to follow up. There is so much that is bipartisan in this bill. It was a bipartisan bill that passed out of committee unanimously. I worked on an amendment with Senator ROBERTS that Senator COONS had originated for the R&D credit with Senators CARDIN, ISAKSON, and BLUNT to improve the section 181 live production incentive so we keep the film industry here, not London or Canada; Senators PORTMAN and CARDIN worked on energy efficiency; Senators BROWN and PORTMAN on disadvantaged workers; and CANTWELL and ROBERTS on low-income housing tax credit. The list goes on and on. As a result, this bill has broad support: the Business Roundtable, Grover Norquist, as well as the NEA and Feeding America.

So where are we. And I would like to further elaborate on what the chairman has said. We are willing to vote on amendments.

I always think of my dear friend from Tennessee, LAMAR ALEXANDER, who remembers how the place used to work and constantly reminds us—and that is a very good and salutary thing in this body. He would say on most bills there would be bipartisan support in the committee. The ranking member and the chair would get together with a list of amendments, each for his or her side, and they would come up with the list.

We are willing to do that. In fact, Leader REID has been extremely generous. He said we are not going to decide it should be this one and not that one, as long as the amendments are germane to this extenders bill. Of course we can't open the whole Tax Code for debate or debate the merits of

the ACA on this bill. This is not the type of bill to do that.

It is a bipartisan bill, as Chairman WYDEN outlined, that is very necessary. So we would plead, almost, with our colleagues on the other side of the aisle, for the sake of the country, come up with some amendments, a list. If it is 100, obviously Senators WYDEN and HATCH will have to whittle it down. If it is five or six from your side and five or six from our side and they are germane to extenders, we will have to vote them up or down.

But the cry from the other side—which I have sympathy with, even though I don't agree that they tell the whole story—is let us do amendments. We are answering that plea. Leader REID has made it clear, Chairman WYDEN has made it clear we are not going to pick and say we will do this one and not that one.

The only two limits that I can tell are time—we can't do 100 or 200 of these, but as the Senator from Tennessee constantly reminds us, that is not going to happen—nor can we go far afield way beyond the bounds of this bill. Germaneness makes sense in such a bipartisan and important bill, but other than that, let's let it rip.

I know my colleagues on the other side of the aisle are discussing this. I know they are very serious about it. I have talked to colleagues on the floor, in the gym, and in the corridors of these bodies about getting this done.

It is so important for the country. Even beyond that, if we can't work in a bipartisan way on this bill, which was put together by Senators WYDEN and HATCH in such a bipartisan way, which has so much input from both sides of the aisle and where the offer is let's do amendments, not picking and choosing—we will pick this one, not that one—simply limited to what the bill is all about, germaneness, then we will not get anything done.

I want my colleagues on both sides of the aisle—on my side of the aisle, so many Members—and I sympathize with them—who desire to legislate and do amendments, we have made that offer. HARRY, the leader, the chairman, and I am fully part of this, have made the offer to let's do amendments.

We hope the folks on the other side—it is sort of a little bit of a test. I am not throwing down any kind of gauntlet, but if we can't come up with a way to legislate on this bill, a bipartisan bill that has the support of the left, right, and center, that everyone agrees with, as Senator WYDEN outlined how much America needs them, what are we going to be able to be legislate?

We have a little time. We have 1 week where we can discuss this while we are in our districts working away. Let's get this done. I plead with my colleagues—"plead" is the right word, the right verb—come up with a list. We will come up with our list, and then



let's roll up our sleeves, get to work on the floor, and pass this bill.

I believe if we do, the other body will. The other body—one other point—has different ideas. They want to make a few of these permanent. That is a legitimate amendment in the bounds that Leader REID has talked about. Let's vote on it. Let's debate it and vote on it. That is what we are supposed to do. If the other body's wisdom prevails, it will make it easier to pass the bill. Even if the other body's wisdom doesn't prevail, they will see that our body has a chance to debate it and decide on it.

Again, we are willing not to pick amendments—I know there is a complaint on the other side of the aisle that our leadership picks which amendments. We are not doing that. All we are saying is they ought to be germane to tax extenders, focused on the issue at hand, which is the extenders. This is not a bill that came out of a figment of the imagination of four Democratic Senators with no Republican input.

If we can't legislate on this bill, then what bill can we? I would ask my colleagues on the other side of the aisle, ask them to get us the list they come up with of amendments they wish to vote on.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WRRDA CONFERENCE REPORT

Mr. COBURN. Mr. President, I wanted to spend a moment or two talking about the Water Resources Reform and Development Act conference report, and I want to say to my colleagues, both in this Chamber and in the House, some improvement in the WRRDA reauthorization has happened, but it is not nearly enough.

From 1986 to 2010, the average new authorizations were over \$3 billion a year, and the average amount of money was \$1.8 billion a year. So we have been going backwards all that time. In this report, they did deauthorize less than 10 percent of the \$80 billion in backlog projects. Their attempt to take some of the political nature out of it is a good attempt, but it is not nearly complete and will be gamed, just as we have seen in the past.

What really hasn't happened in the WRRDA bill, and partly because they do not have the authority to do it, is to change the Corps of Engineers. There has never been a project the Corps of Engineers doesn't want to build, and there has never been a study they do

not want to do, because what that means is their budget continues and their jobs continue. So we do not have that distinct independent voice we can rely upon because bureaucratic malaise and self-interest trumps it every time.

There is another critical problem with this report. The inland waterways trust fund is out of money. We steal it every year. Like Social Security, the money has been stolen and spent. Yet they change the requirement for inland waterway repairs. It used to be if it was under \$8 million, we would pay for it out of the general fund—not the trust fund—but now they have moved that to \$20 million. In essence, what that says is we are going to do things that are the responsibility of the trust fund but we are going to charge the American taxpayer rather than the users of the inland waterway to do these repairs. We have a lot of those in need of repair on the McClellan-Kerr waterway in Oklahoma.

So there is a little sleight of hand, another smoke and mirrors set from the Congress of the United States to the American people about not being truthful about what they are doing. We need a priority of projects. We need discipline within the Corps of Engineers. There is none. There is no discipline. It is turf protection and bureaucratic excess continued as normal.

What we should have done is to deauthorize about \$40 billion worth of the projects that are presently in line and really put a priority on what is most important for the Nation, not what is most important for a certain Congressman or a certain Senator to look good at home. Unfortunately, we didn't have the courage to do that. We didn't have the strength of character to do that. We wouldn't stand and defend that. So what we did is make minimal progress—and there is some progress; I will admit it—but it is certainly not enough to get my vote. When we fix symptoms of disease rather than fixing the real disease, all we do is delay the onset of the cure, and that is exactly what we have done with the water resources conference report.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. I ask unanimous consent to address the Senate for up to 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR VETERANS

Mr. ISAKSON. Mr. President, on the last Monday of every May our country

pauses to commemorate Memorial Day and honor the men and women who died in wars around the world in defense of freedom, liberty, peace, and the United States of America.

This coming Monday is no exception. I urge my fellow Members of the Senate, all Georgians, and all Americans, to take a moment sometime over this weekend to pause and give thanks for the sacrifices made so we can do what we are doing here today, and so Georgians and Americans can do what they do on the lakes, beaches, and mountains of our country as they celebrate Memorial Day.

I was honored and pleased to travel to eight of the American cemeteries in Europe—in Italy, Luxembourg, Great Britain, and France, particularly Normandy, on the 70th anniversary of D-day, which is coming up—and pay tribute to the thousands of graves of Americans who went overseas in World War I or World War II and gave their life—sacrificed and died—so we can live in freedom and peace today.

Our Armed Forces are a great gift to us. They never ask for anything in return. They always give their service to our country. They swear their allegiance to protect and defend our domestic tranquility, and every single time they do the job.

Today we know they are deployed in Afghanistan, we know they are deployed in Africa, we know they are at sea—both on top of the sea and under the sea—and in the air, always looking to see that America is safe and free from harm.

I encourage all of my fellow citizens to say a special prayer of thanks this weekend for the men and women who sacrificed and died on behalf of our country, and on behalf of freedom, liberty, and peace for all mankind.

There is no secret that there is a scandal at the Veterans' Administration. We don't know how pervasive and we don't know how deep. But it surrounds the appointments and the cooking of the books in terms of appointments and services to our veterans and the VA health care system.

I know they have a hard job, but their first job and their main responsibility is to see to it our veterans get the health care they deserve, the health care we promised them, and the health care we are going to see to it they get.

I want the President to exhibit leadership and make sure we have a rudder in the water so we sail the ship of state in the right direction in terms of the VA, and let the chips fall where they may—including if the Department of Justice should be involved in case there is any criminal intent or criminal activity. To cook the books or lie to the Federal Government would, in my opinion, be a crime and people should be held accountable. But to call for the head of just one person without going through the entire VA is wrong.

Last August I held a hearing in Atlanta because we had three untimely deaths in the Atlanta VA—two by suicide, one by drug overdose. All three were determined to be the fault of the VA in terms of the mental health ward in particular and the lack or failure to follow up on appointments. That was the beginning of my awareness of what was happening in Georgia.

To Georgia's and Secretary Shinseki's credit, we replaced the Director in Georgia with Ms. Wiggins. Ms. Wiggins now meets with me on an every-other-month basis to go over the activities in the VA—and when we had an incident 6 weeks ago, she was the first to call me before the news media, saying a mistake had been made and punishment had been issued, and she was going to see to it that VA had a 100-percent record of service to the veterans. We need that attitude and approach in every single VA hospital, VA clinic, and VA medical facility in the country.

I hope the President will exhibit the leadership necessary to call on every element of government—from the inspector general, to the Justice Department, to the VA itself—to get to the bottom of what has gone wrong, because it is intolerable, it is unacceptable, and it is wrong, here on the doorstep of a holiday where we celebrate those who sacrificed their life for our freedom, if there are veterans losing their life because of our inability to serve them in the VA hospitals.

I hope the President will exhibit that leadership. I hope we get to the bottom of it. As one member of the veterans committee, I pledge my commitment to get to the bottom of it. Our veterans deserve no less.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BOOKER). The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INTERNET TAX FREEDOM

Mr. THUNE. Mr. President, I rise today to speak about the Internet Tax Freedom Forever Act, legislation I introduced on a bipartisan basis with my colleague Senator RON WYDEN to make the expiring Internet tax moratorium permanent. Because of the moratorium Americans have not been taxed on Internet access for 16 years, but this is going to change and new taxes will be levied starting in November if Congress doesn't act soon.

I am proud to work with Senator WYDEN on this bill, the lead Senate

sponsor of the original Internet Tax Freedom Act that passed in 1998. This landmark law known as ITFA imposed a Federal moratorium that stopped State and local governments from placing taxes on Internet access. This moratorium has been extended three times, and it has been critical to the rapid growth of the Internet.

As we all know, the Internet provides unprecedented economic and social benefits. Mom and pop businesses in places such as South Dakota, Oregon, and across America found access to consumers and new business opportunities that are only possible through the Internet. Job seekers and entrepreneurs are finding opportunities that were once difficult to discover. Educators are exploring innovative tools and techniques that are powered by the Internet to equip students with the skills they will need for the 21st Century, and health care professionals are remotely providing services that are saving lives in rural areas. The idea behind the moratorium is straightforward. By not taxing Internet access we encourage broadband adoption and investment, which spurs all of the exciting activities that I just mentioned.

The Internet is a gateway to tremendous societal benefits. It is, frankly, astounding when you consider that it wasn't very long ago that the Internet was considered a novelty and only for the tech savvy. Today it is a must-have resource, the existence of which we almost take for granted. We cannot take for granted, however, that the moratorium on Internet access taxes has contributed to the Internet being accessed by hundreds of millions of Americans every single day. Thanks to the 16-year ban, consumer access to the Internet is free from State and local taxation for nearly all Americans. This gives consumers a welcome break on their monthly bills.

In the commerce committee we talk a lot about finding ways to encourage greater broadband deployment across all of America, and as cochair of the Congressional Internet Caucus, I worked with colleagues on both sides of the aisle to find ways to promote the Internet as an engine of economic growth and economic freedom. One of the ways that we can do that is by making broadband more affordable.

State taxation of Internet service will make broadband more expensive, which is at cross-purposes with our goal of encouraging Internet access and deployment. This doesn't make a lot of sense. The moratorium also benefits consumers by prohibiting multiple and discriminatory taxes on goods and services sold over the Internet. This means consumers won't be taxed by multiple States on the same sale and States won't tax Internet sales more than mail order or telephone sales.

Unfortunately, the Internet tax moratorium is set to expire on November 1.

Because of this, many Internet service providers are planning to send out notices to their customers informing them that they may have to start paying taxes on Internet access if Congress fails to act. I expect that many millions of Americans who use the Internet will not be happy when they realize that their phone or Internet bill is going to suddenly increase. Two things are for sure: Expiration of ITFA will not encourage more Americans to get online to do commerce, civic engagement, or social media; and countless Americans will be calling Congress demanding that we keep taxes off of Internet access.

Rather than wait for angry constituents, let us be proactive and pass the Internet Tax Freedom Forever Act without delay. My bill with Finance Committee Chairman WYDEN provides for a permanent extension of the moratorium. By passing a permanent extension we will provide certainty to Internet consumers in every State. Making the moratorium permanent also means that Congress won't have to waste time and energy passing yet another extension, year after year, into the future. There are plenty of other areas for Congress to focus on.

Our bill also eliminates the grandfather clause that currently allows 6 States to tax Internet access. Eliminating the moratorium's grandfather provision will provide consumers and businesses with a tax break. This includes consumers and businesses in my State of South Dakota, where our legislation will make Internet access less expensive, thus helping to encourage broadband deployment.

The Internet Tax Freedom Forever Act currently has 46 cosponsors, nearly half of the Senate. The bipartisan cosponsors of the legislation understand the tremendous benefits provided by ensuring Internet access is not taxed and the discriminatory taxes are not applied to the Internet. I strongly encourage my colleagues in the Senate to join Senator WYDEN and me and the 46 other cosponsors in this fight. When the Senate reconvenes after the Memorial Day recess, we should move quickly to extend the tax moratorium and to ensure that Americans don't wake up on November 2 with new, unexpected taxes.

In the coming weeks and months, I plan to continue raising the need to pass our bipartisan legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### WRRDA CONFERENCE REPORT

Mr. CARDIN. Mr. President, later today we are going to have the opportunity to pass a very important bill, the Water Resources Reform and Development Act, the WRRDA bill. The Presiding Officer knows firsthand the

importance of this legislation to our ports of New Jersey and Maryland. This is a very important bill, and it is going to get passed. It is going to get signed by the President. It is a bipartisan bill.

I congratulate Senator BOXER and Senator VITTER, our chair and ranking member of the Environment and Public Works Committee, for developing a process where Democrats and Republicans, all members of the Senate, could work to develop the very best water resources bill for our country. This follows in the best traditions of the last Congress, when we were able to pass MAP-21, the surface transportation reauthorization that provided for the building of our roads, our bridges, our transit systems, and the FAA, which dealt with our air highways, dealing with the most modern air system that we could have. We are now moving forward with the Water Resources Reform and Development Act that deals with our Nation's locks, levees, dams, ports, channels, and harbors. There is something in common with both this bill and the two other bills I talked about, the highway and Transportation bill, and the aviation bill. They all involve economic progress and growth, planning for our future, creating the types of job opportunities we need, and having a modern infrastructure in order to carry that out.

This bill is vitally important for my State of Maryland. The Port of Baltimore is an economic engine for the State of Maryland. We have the ninth busiest port in the Nation in Baltimore. The port is No. 1 in the country as far as the roll-on/roll-off automobile and truck import-export service. We are also ranked No. 1 on ores, sugar, and gypsum—the bulk products. Our port is critically important to this country, critically important to our national economy, and vitally important to the Maryland economy.

Last summer the Port of Baltimore entered into a new contract with several car manufacturers—including Mazda—in order to increase its traffic within the Port of Baltimore.

My point is that there are tens of thousands of jobs in my community directly and indirectly related to the activities of the port.

Why is this legislation so important? I will give many reasons, but the primary reason is that we need to make sure we have acceptable sites to deal with the dredge material in order to maintain our harbor's depth so that the big cargo ships can come into our port. That has been a continuous struggle for many years.

Several years ago in Maryland we developed the Poplar Island solution. Poplar Island is a barrier island that was disappearing in the Chesapeake. At one time it was habitable, but it is no longer habitable. It was just about

gone. Before Poplar Island, the popular thought was to just pick a site and dump the material and not worry about it. But Poplar Island is not only a site where we can put the dredge material, it is an environmental restoration. It provides a haven or wildlife, birds, and habitat. It offers the original purpose for a barrier island, and that is to protect against the extreme effects of storms. So this is a win-win situation. It gives us a dredge site for the materials so we can keep the harbor at the proper depth, it gives us an environmental plus so we can deal with wildlife in the Chesapeake, and it protects against the extreme weather conditions that occur too often.

It was absolutely essential to change the authorization in order to be able to continue to use Poplar Island as a site for dredge material. In this legislation, we get that done. We accelerated the Army Corps' reports, we got it back in time, and now that location will be available for many years to come in order to accept the dredge materials so we can keep the harbor dredged at the appropriate level.

There is also authorization in this bill to make sure our harbor is maintained at its current depth. We have gone even further than that. We have planned far into the future by now authorizing Mid Bay, the next Poplar Island for the Chesapeake. It is a barrier island that is disappearing, and it will be restored and used for economic purposes and dredge material, and it will also be converted into a positive for the environment and protect us against storms.

That is what this bill means to my State, and that is just one example. We could mention examples all over the country.

With regard to the Chesapeake Bay, I have taken to the floor many times to talk about it. Mr. President, \$1 trillion of our economy comes from the bay. Watermen, fisheries, tourists, commerce, and real estate values are all affected by the quality of the Chesapeake Bay.

We made commonsense reforms to the environmental restoration program in the bill we will be voting on this afternoon. There is a lot in here.

I thank Senator WARNER, my colleague from Virginia. The oyster restoration program is also in this bill, which is vital in order to restore the oyster crops in the Chesapeake Bay. We are making progress on oysters in the bay, and we need to continue that effort. The bill we will have a chance to vote on this afternoon will allow us to continue to make progress on oyster restoration in the Chesapeake Bay.

There is a continuing authorities program—reforms to those programs. I mention that because some people may not pick this up, the legal significance of the changes we are making on the continuing authorization programs.

Those programs will help our smaller communities.

In Maryland and New Jersey there are a lot of smaller communities that very much depend upon projects which may not be as big as Poplar Island or Mid Bay, but they are very important for the local community.

For example, in Cumberland we have a dam that needs to be removed. As a result of the enactment of the legislation we are going to be taking up this afternoon, it is going to be easier to get that type of project accomplished.

We have barrier island restorations off Crisfield on the lower Eastern Shore which will be assisted by the changes we make in this legislation. We deauthorize certain portions of two channels of the lower shore. That is important because the community needs and wants to have boat slips in that area. By deauthorizing, they can do that, and that will improve the community.

Those are the commonsense changes we have made as a result of the legislation we will be voting on this afternoon.

I want to mention one other provision that is in this bill, and I really want to thank the conferees. I was proud to be a part of the conference committee. Senator BOXER and Senator VITTER conferred with us frequently, and we came out with a good, bipartisan, bicameral bill. This is a responsible bill that will help the economy.

We also put in the report reauthorization of the State revolving fund. We have not reauthorized the State revolving fund since 1993. This is a program that is critical to our State and local governments in dealing with how we treat our waste. The wastewater treatment facility plants get their funding from the State revolving fund. It is important to get it authorized, and that is in the bill we will be taking up this afternoon.

I introduced the reauthorization bill in 2009. In that bill I would have liked to have seen the program more robust than it is today. This is a reauthorization that allows us to at least make some significant improvements in the State revolving fund.

We deal with green infrastructure and make it easier for green infrastructure in our wastewater treatment plants. We address water recapture and reuse. Water is a valuable commodity. We take steps in this bill to do that.

As to energy efficiency, we waste a lot of energy in our water infrastructure. This bill makes us more energy efficient, which helps our country and helps our environment. It helps economically disadvantaged communities have a better shot at dealing with wastewater issues.

There is a lot in here that will help everything from the smallest to the largest community and our economy. This is a good day for our Nation because we are going to pass the bill. The

bill passed with over 400 votes in the House of Representatives. We are going to pass this bill and the President is going to sign it. This is a good day. Our water infrastructure will have a brighter future. The modernization of our water infrastructure gives us a brighter future for our economy.

I was proud to be on the conference committee that developed the bill and proud to join the Presiding Officer from New Jersey in moving this bill forward, and I look forward to the vote this afternoon.

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I rise today in strong support of the Water Resources Reform and Development Act. We are going to be considering the final conference report on that legislation and voting on it in a few hours. This WRRDA bill is a strong, bipartisan bill. It is a jobs bill. It is very much needed in our weak economy. That is why we need to move forward and finally pass this into law. It is also a pretty good example of how this place should work, how we can work in a bipartisan, constructive way, how we can move forward as an institution and find common ground on these sorts of important matters.

Earlier this week the House passed the WRRDA bill 412 to 4. That is pretty much unheard of. I am not sure resolutions expressing admiration for Mother Teresa passed by that vote in the House, so that is a strong testament to the broad, bipartisan, pro-jobs nature of the bill. Again, it is because WRRDA has a sharp focus on what our country desperately needs right now: job creation, as well as improved storm and flood protection, and enhanced national commerce, particularly in our maritime sector.

This bill invests in our Nation's waterborne assets and landside infrastructure to grow jobs and to keep us competitive in global markets. Ensuring our ports and waterways are operated and maintained, thereby improving the flow of commerce in that way, will create jobs. Being prepared for the Panama Canal expansion will increase imports and exports, and that will create jobs. Providing flood and storm damage protection for communities large and small and businesses all along our Nation's coasts and waterways is necessary, it is important, and will also create jobs. So let me underscore: The WRRDA bill will not only grow our

economy, it will directly put Americans back to work.

Let me mention some of the specifics of the bill. Before I talk about what the bill does, let me start with what it doesn't do. It absolutely does not increase the deficit. It absolutely does not contain any earmarks as defined under our rules or the House rules. In fact, the Wall Street Journal recently editorialized in strong support of the bill as a fiscally responsible way to address infrastructure needs. In fact, the bill even has a deauthorization provision—a mechanism to provide authorization offsets for the important and necessary positive authorizations the bill contains.

Now what does the bill do? Well, Corps of Engineers reform and accountability, No. 1. That is very important. It includes commonsense solutions to streamline project delivery and environmental decisionmaking.

The bill went to great lengths in making the Corps transparent and accountable to Congress and their non-Federal partners. For instance, this WRRDA requires the Corps to open their financial ledgers to show how taxpayer dollars are being spent and mandates timeframes and costs for feasibility studies which have taken several years and millions of dollars to complete. So it narrows those issues and constrains them.

To strengthen the project delivery timeline, the bill includes language to speed up the environmental review process to ensure there are not unreasonable delays in getting projects built.

The bill will also implement, for the first time ever, monetary penalties on the Corps for missed deadlines and reports. Failure to provide a specific report means funds from the general expenses account of the Civil Works Program are subtracted from that part of the Corps, and they go to the division of the Corps with responsibility for getting the work done. So there is appropriate penalty and incentive to make sure the work is done.

WRRDA also authorizes 34 Corps projects for navigation, flood protection, and ecosystem restoration. But, as I said, it also includes a real deauthorization process to decrease the nearly \$60 billion construction backlog and offset these new authorizations with equal or greater deauthorizations. I thank Senator BARRASSO for this key provision. He authored it. It was refined and expanded by our colleagues in the House. I think it is a very important initiative.

We also include a provision that began as a stand-alone bill by myself and Senator NELSON last year. It puts significant project management control in the hands of State, local, and private entities to try that on a pilot basis and to see if it leads to reduced delays and reduced costs. That is what

we do with most highway projects. The Federal Highway Administration is not the project manager of those projects. It doesn't take the lead. That is what we should do with water projects as well and not demand that an already overburdened Corps of Engineers has to be the lead project manager on all of those projects.

The second important category in this bill is the harbor maintenance trust fund. In order to advance our Nation's waterborne commerce and help drive our Nation's economy, this bill makes sweeping reforms to that trust fund. It is no secret that the harbor maintenance trust fund is grossly mismanaged and that in a good year half of the revenue going into that so-called trust fund is stolen—taken out—for completely unrelated purposes, even though that revenue is supposed to be dedicated for the purposes of the trust fund. We have to stop that. So WRRDA changes that status quo and requires a ramp-up in annual funding, incremental increases over 10 years to get to a full spend-out of trust fund revenue in 2025. Additional yearly harbor maintenance trust fund monies will be prioritized with ports which move 99 percent of our Nation's commerce—those high- and medium-use ports getting the highest prioritization. But there is also a limited but important low-use and underserved port set-aside to ensure adequate maintenance there and economic growth.

WRRDA also adds additional metrics to the harbor maintenance trust fund, in addition to commercial tonnage. We now include oil and gas activity, commercial fishing, and transportation of persons—important metrics that were ignored previously in an unfair way.

Without the full utilization of the harbor maintenance trust fund, negative impacts will be felt by manufacturers, producers, shippers, and carriers throughout America. They ultimately contribute to this trust fund to get dredging and other work done. We need to live up to our end of the deal and make sure that money is used for its intended purpose. That has never been more important than now with the expansion of the Panama Canal. We need to do the dredging. We need to be prepared for that economic opportunity.

A third important category in the bill is the inland waterways trust fund—another trust fund also with significant but different problems. WRRDA looks beyond our harbors to address serious concerns related to the delivery of projects on that inland waterway system and helps accelerate the construction of aging locks and dams, many of which have far exceeded their project design life. According to the American Society of Civil Engineers, the average age of our locks is over 60 years old and that continues to cause unwanted delays in the shipment of

goods. By the year 2020, more than 80 percent of these locks will be functionally obsolete. This is extremely concerning, considering that more than 70 percent of our imports and exports travel this inland waterway system.

Again, the American Society of Civil Engineers estimates that underinvestment in this inland waterway system cost our businesses \$33 billion in 2010, and that could rise to \$49 billion in 2020 unless we act. This WRRDA bill takes action in the inland waterway trust fund, clears out some of the backlog and clears out some of the things preventing important projects under that trust fund from getting done.

Another very important category which I certainly deeply care about, considering the State I represent, is flood protection and levee safety. Not only does WRRDA authorize critical flood protection projects, but it also strengthens levee safety initiatives to provide critical funds to State and local agencies to make sure levees and flood protection systems stay up to par. There are over 15,000 miles of Federal levees and almost 100,000 miles of non-Federal levees protecting communities all around the country. However, many are graded as in unsatisfactory condition. These levees protect nearly 43 percent of the Nation's population, so we need to make sure they are strong and adequate. This levee safety initiative will provide national and local leadership the resources they need to promote sound technical practices and to keep up with aging levee and protection systems.

Most important for this program is levee rehabilitation funding. It is imperative that our non-Federal sponsors have the ability, both technical and financial, to repair and rehabilitate levees. Storm surge and floodwaters are damaging to our economy. We must address this. In the experience of Hurricane Katrina, for instance, about 80 percent of the catastrophic flooding of the city of New Orleans was due directly to breaches in the levee system due to inadequate design or maintenance—flawed design at the beginning and inadequate maintenance continuing. Literally 80 percent of that catastrophic flooding was completely avoidable, completely manmade—that part of the disaster. We need to make sure that never happens again.

Certainly, in all of these categories I am talking about, there are major benefits to Louisiana. I thank all of my Louisiana partners who have done so much to give me the information and the expertise we needed to address these important areas, including Morganza to the gulf, which is very important to Lafourche and Terrebonne Parishes, as well as our ecosystem restoration projects under the Louisiana Coastal Area Program, and many other important Louisiana priorities. Again, we could only address those properly

with the full help and partnership of those Louisiana partners.

In closing, I wish to thank many folks, and I will start with those Louisiana partners. As I said, they were instrumental in helping us get the Louisiana piece right, and I thank them, and that work will continue and that partnership will continue.

I thank Chairman BARBARA BOXER, a Washington, DC, partner on this bill. As she has said many times, the two of us don't agree on a whole lot of things, but we do agree on infrastructure needs and we do agree on this WRRDA bill, and we came together, as a result, very constructively, very productively on this infrastructure work, as we are doing right now on the next highway bill. Certainly that has been an important tradition at the EPW Committee, which we are continuing. The crucial element there is the will and determination to do it, and she always provided that will and determination, as did I. I thank her for being such a great partner.

We also had great House partners: Chairman SHUSTER and Ranking Member RAHALL. They exhibited real leadership in getting a House bill done to begin with and then working with us on a productive conference committee. I thank them and their staffs for all of their work.

Speaking of staffs, I am deeply indebted to all of the staff work that went into this bill. It was very significant. The chair and I personally dealt with probably a couple dozen issues and semicrises that would crop up over time. Our staffs, in contrast, did that multiple times over—hundreds and hundreds of problems and issues before they developed to the Member level, literally hundreds and hundreds.

I thank both staffs, but I am particularly indebted to my staff for all of their hard work, particularly Charles Brittingham, Zak Baig, Chris Tomassi, Sarah Veatch, Rebecca Louviere, Jill Landry, Luke Bolar, and Cheyenne Steel. They put enormous hours into this bill and I truly appreciate their work.

I certainly want to also recognize and thank Chairman BOXER's staff, particularly Bettina Poirier, Jason Albritton, Ted Illston, Mary Kerr, and Kate Gilman.

In closing, I strongly commend this WRRDA bill to the Senate. It is a strong bipartisan jobs and infrastructure bill. It is what we need to do more of, and it is the model we need to adopt more in the Senate: working together on important projects across party lines. One key reason we were able to do it successfully is we had a strong bipartisan process and an open process that invited participation from all sides, including significant floor amendments to the Senate bill. That was absolutely crucial to moving the bill in a productive way through the process.

We will try to implement the same approach with the highway bill. We reported a strong bipartisan highway bill out of our committee unanimously last week, but we need to bring it to the Senate floor. We need to act well in advance of the highway trust fund running out of money around August. I hope we expand on this work. I hope we use this model, including an open-floor process, in many other areas on many other bills.

I urge all of my colleagues to support this WRRDA bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I come to the floor to speak in support of the Water Resources Reform and Development Act, also known as the WRRDA bill.

I thank Senator VITTER for his work on this bill. Of course, I also thank Chairman BOXER for her leadership in shepherding this bill through, when I think many people thought it would be a very difficult year to get a major infrastructure bill done. She was able to do it, work with Senator VITTER, work with the House most significantly, and we are very pleased with this bill.

I support this legislation because it will keep invasive carp out of Minnesota's northern lakes. It will help towns across the country advance critical flood protection projects. It will address overdue port and harbor maintenance on the Great Lakes. It will also ensure that navigation will remain strong on the inland waterways system, including the powerful and important Mississippi River, which of course starts in my State in Itasca State Park, where one can literally walk over the mighty Mississippi.

Minnesota's fishing and boating industries contribute around \$4 billion to our State's economy every single year. For Minnesotans, being on the water is more than just a way of life. It is also part of our State's culture, part of our heritage, and it is certainly part of our economic engine, but that way of life is under threat right now because of invasive species of carp, also called Asian carp. They were imported and accidentally released into the Mississippi River years ago. How I would love to reverse that moment when they were accidentally released in the Southern States into the Mississippi River, but it happened, and years later we are still stuck with the consequences.

Anyone who has not seen the YouTube video, I would suggest you view it—of these Asian carp literally jumping out of the water, hitting fishermen in the head because they eat so much every single day, and of course they are eating the fish we have come to rely on in our State for great food and also great recreation.

As these invasive carp have worked their way farther upstream, we have

learned they are not deterred by cold winters, which was once thought to be the case. Today invasive species of carp are knocking on our doorstep. They have been found around Winona, MN, and they are already in the St. Croix River.

Minnesotans know we cannot simply wish the problem away. The problem is literally swimming and jumping into our lives. That is why I authored the Upper Mississippi CARP Act, which would close the Upper St. Anthony Falls Lock in Minneapolis. My lock closure provision included in the Water Resources Reform and Development Act conference report will simply require the Army Corps of Engineers to close the Upper St. Anthony Falls Lock within 1 year following the date of enactment.

The language is a product of years of working with State and local stakeholders, and today, with the passage of this provision, we will take a significant step forward in the fight against invasive species to make sure they do not move up into Minnesota's northern lakes.

This provision has the support of Senator FRANKEN and also Representatives ELLISON, PAULSEN, WALZ, and NOLAN in the House. It was bipartisan. It was supported by Governor Dayton and the City of Minneapolis, as well as a large number of environmental and wildlife organizations, including Minnesota Trout Unlimited, the National Wildlife Federation, the Mississippi River Fund, the Minnesota Izaak Walton League, the National Parks Conservation Association, and the Friends of the Mississippi River, just to name a few.

It is also supported by countless anglers across Minnesota, and I appreciate the broad support we have had. It is not easy closing a lock, and we know there were some limited uses of the lock by certain businesses that during the winter do not use the lock but use barges, and we know the city will be working with them. We also know the kayaking community was using the lock, and I truly appreciate their support in closing down this lock. We had a tour boat that was using this lock, and they no longer use it.

Then of course we had the Army Corps there. We worked with them. It was not easy at first, but I have appreciated their work. We know in an emergency the lock could be opened again. But this is not just a study; this closes down this lock in 1 year.

I also want to thank my colleagues who worked with me on this provision who may have similar locks and dams and were concerned about what precedent this would set. We were able to make this a very focused provision, so we did not get resistance in the end, and they actually worked with me on compromise language, got it in the Senate, and I thank my colleagues in

the House for using this exact provision in the House bill.

Closing this lock is supported by many people. I remember meeting with a group of kayakers who, despite being impacted by the lock closure, told me: "We're with you on this!"

Recreational users of the Upper St. Anthony Falls Lock have taken voluntary steps, as I mentioned, to limit their use of the lock to reduce the chance of allowing invasive carp to spread upstream, but we knew we had to go further, and that is what we are doing today with the passage of this provision.

Although making the decision to close the lock was not done lightly, it is right for our State. We know invasive species of carp can dominate the environment and make up an astounding 90 percent of the biomass in the river. They outcompete prized sport fish. They make waterskiing unsafe for families, and they make boating in our lakes and rivers smelly and even dangerous.

In Minnesota, the Department of Natural Resources and the Metropolitan Council studied the economic impact of closing the Upper St. Anthony Falls Lock and also the economic value of recreation activities upstream of this lock. They found that for every one job dependent on the lock staying open, over eight jobs rely on recreational boat trips upstream of the Upper St. Anthony Falls Lock.

Closing the Upper St. Anthony Falls Lock is a key part of a strategy to protect Minnesota's waters for future generations, but the fight against invasive carp does not end here. I will continue to fight for an "all of the above" solution to this challenge that includes closing this lock while also supporting research and carp barriers to protect other bodies of water in Minnesota.

Solving this problem will require the continued cooperation of Federal, State, and local stakeholders all working together, and the passage of the lock closure provision is a leap forward, but of course it only helps with Minnesota's northern lakes. We are already seeing problems in the southern rivers, and we need to develop that research.

There must be a way to eliminate these carp—by giving them food that will not kill other fish, by doing things with bubble barriers, and other ideas that have been brought forward. I know the State of Minnesota is working on that. I know the State of Wisconsin is working on that—and people all over the country. The Federal Government must play a role, and we must protect our Great Lakes, but we also must not forget our waterways.

The WRRDA bill also advances critical flood protection projects, including the Fargo-Moorhead—or as I like to call it, being from Minnesota: the Moorhead-Fargo—diversion project

which will protect Moorhead, MN, and Fargo, ND, from flooding caused by the Red River of the North.

I have seen firsthand how hard people in the Red River Valley work to prepare for a potential flood. The Presiding Officer knows what this is like in New Jersey with his hurricanes, but I can tell you in Minnesota we literally have to plan for it every single year. They literally have warehouses for people putting sand in bags, anticipating this flooding. In a number of years we nearly lost these two major cities.

This is not the way to do this, as much as we love our volunteers—our seniors, our school kids, and everyone else—who have gathered together to get this project done and have stopped their lives for weeks. It would be much better to have permanent flood protection.

I have worked with Senator HOEVEN, of course, and Senator HEITKAMP. They have both taken a lead, as well as Senator FRANKEN, to get this done.

The region avoided flooding this year. The river has been, however, in major flood stage 6 out of the last 8 years. In 2009—the year of the record flood—the river rose to more than 40 feet. In Minnesota and North Dakota, the Red River does not divide us. Working together, it actually brings us together and unites us, and it is that spirit of solidarity that drives our efforts in the Red River Basin.

Floods damage homes, destroy crops, and hold entire cities hostage. The Fargo-Moorhead flood diversion project is critical to safety and economic development in the region, and finding a permanent solution to the issue makes much more economic sense than continuing to fight the flooding and repair damages year after year.

The WRRDA bill also helps address flood protection for Roseau, MN. Roseau has recovered from a flood in 2002 that caused widespread damage, but the area needs flood protection to reduce the flood stages in the city. The next phase of the Roseau diversion project will reduce future flood damages by nearly 86 percent. I thank COLLIN PETERSON, the Representative who represents Roseau, for his work on getting this funding. The families and businesses of Roseau have waited too long for flood protection, and the WRRDA bill ensures the project will be completed.

But the WRRDA bill does not just protect property; it also strengthens our economy. The competitiveness of our economy is directly tied to the strength of our infrastructure. This includes upgrading and modernizing our ports, our harbors, and our waterways.

The harbor maintenance trust fund collects \$700 million more each year than it spends on dredging and maintenance. Meanwhile, our ports and navigation channels wait for basic maintenance.

Coming from New Jersey, the Presiding Officer may think of New Jersey as having ports. Well, we have a major port—one of the biggest ports—in Duluth, MN, that connects goods from the Midwest—not just from Minnesota, from all over the Midwest—to the Great Lakes through the St. Lawrence Seaway. It is a major port and brings goods in from the rest of the world.

The backlog of sediment due to insufficient dredging is more than 18 million cubic yards and is estimated to cost \$200 million. The WRRDA bill helps correct this disparity and ensures that funds are spent to address the needs of shippers and that the Great Lakes system does not fall into further disrepair.

When ships on the Great Lakes have to light load—which means they have about 10 percent less cargo than they should have—when they have to reduce their cargo because channels are not deep enough, our whole economy suffers, not just the shippers, not just the people who are producing the goods. Our whole economy suffers when we have to ship 10 percent less than we could on these ships and instead we are bringing it in from other parts of the world. This does not make any sense at all.

That is why I cosponsored an amendment with Senator LEVIN that establishes the Great Lakes ports as a single navigation system and sets aside additional funding for the Great Lakes ports.

This provision will help ensure maintenance and dredging is done throughout the Great Lakes system. We are so excited about this. It is finally warming up in Duluth. In northern Minnesota, it is no longer colder than Mars. Our ships are ready to go and transport goods. We want them to be at their full capacity. The only way we can achieve this is by dredging some of these areas where we have seen some major problems.

The bill also makes critical reforms to our Nation's rivers and waterways. The inland waterways system in this country spans 38 States and handles approximately one-half of all inland freight. With many maintenance and construction projects years overdue, the inland waterways are in dire need of major rehabilitation.

The inland waterways trust fund, which funds these projects, is in steady decline. If we do not strengthen it, the industries that so heavily depend on the inland waterways system and the people that work for these industries—critical jobs—will suffer. That is why I cosponsored the RIVER Act with Senators CASEY and LANDRIEU to help move forward major construction projects on the inland waterways system, including much-needed rehabilitation of the locks and dams on the Mississippi River.

A number of the provisions of the RIVER Act are included in the final

WRRDA bill, including reforms to the project management process that will help ensure waterways projects are completed on time and cost overruns are minimized.

I also supported Senator CASEY's amendment to increase the inland waterways user fee. Let me emphasize that the user who pays this fee asked for it. They agreed to pay this fee. We have a case of a win-win situation where the businesses that use these locks and dams want to actually pay more money to upgrade them because they need to carry their goods to market.

I think the Presiding Officer knows the only way we are going to advance here in this economy on an international basis is if we are making stuff, inventing things, and sending them overseas instead of everyone sending their goods to America. We are not going to do that without a modern transportation system. Here we have businesses that are employing tens of thousands of people, hundreds of thousands of people, that are willing to pay extra money to upgrade our locks and dams. That is all this is about.

Industry partners, from farmers to shippers to companies such as Cargill in my State, strongly support this user fee increase. The increase was their idea. They know this modest change will go a long way to ensuring that our Nation's rivers are viable for years to come. The fee increase did not make it into the WRRDA bill because it is a tax provision. There are some good things in this bill for locks and dams. I do appreciate how the industry worked so well with me on allowing this provision of the closure of the one lock in Minnesota to stop the invasive species from going up into our northern lakes.

But I also am continuing to work with them to upgrade our locks and dams throughout the country. One aspect that would truly help is this fee that businesses are willing to pay. It is exactly what we want—private money going to upgrade our infrastructure. So we need to get this done. I will work with them in the future to get it on any bill we can so we can upgrade this country's locks and dams.

Again, I commend Chairman BOXER and Ranking Member VITTER and all of the WRRDA conferees for putting together this bipartisan legislation. From keeping invasive carp out of our waters, to fighting to protect towns from flooding, investing in critical waterway infrastructure, to making sure our harbors are at 100 percent, this legislation is vital to the economy, our environment, our cities and towns. I will be proud to vote for it today.

I yield the floor.

#### UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. MENENDEZ. I thank the distinguished Senator from Arizona and a

distinguished member of the Senate Foreign Relations Committee for his courtesy. I know he will be making comments in which I share his concerns and for which he has been very outspoken. I will try to condense my effort here.

On Monday, the Department of Justice announced that Swiss bank Credit Suisse pled guilty to the criminal charge of helping American citizens cheat on their taxes, and agreed to pay a \$2.6 billion fine. The bank admitted to using bogus entities to disguise undeclared U.S. accounts from American tax authorities, and it admitted to helping its clients arrange large cash transactions to skirt U.S. reporting requirements.

The guilty plea means that the bank will be punished for its transgressions, and it serves as a warning to others who would engage in or enable tax evasion. But astoundingly, Credit Suisse will not be required to disclose additional names of U.S. citizens who hired the bank to help them cheat on their taxes and evade prosecution by U.S. authorities.

As the Permanent Subcommittee on Investigations reported earlier this year, the Justice Department has only been able to obtain the names of 238 Credit Suisse customers out of 22,000 U.S.-owned accounts at the bank. The reason for this is simple. Swiss bank secrecy laws forbid Credit Suisse and other Swiss banks from sharing information about their clients with U.S. tax authorities, even if those clients are actively violating U.S. tax laws.

Luckily, we have a simple solution, one which we could enact right now with the agreement from this body. On April 1, the Foreign Relations Committee, with strong bipartisan support, reported out favorably a new protocol amending our tax treaty with Switzerland. For decades, tax treaties have played a key role in facilitating greater and more transparent trade and investment. They have helped protect American companies from double taxation and made it easier for them to explore new markets and business opportunities.

They do this all while simultaneously protecting U.S. taxpayer privacy and information confidentiality. They enhance our efforts to prevent tax avoidance or evasion. The new protocol with Switzerland would not permit Swiss banks, like Credit Suisse, to withhold information on U.S. individuals who have, for years, hidden behind Swiss bank secrecy laws to avoid paying U.S. taxes.

The protocol brings our tax treaty with Switzerland into conformity with both the entire internationally accepted standards on the information exchange as well as the most recent U.S. model tax treaty. It includes an arbitration provision to ensure that when disputes arise between the U.S. and



Swiss tax authorities over issues like the exchange of information, these disputes will be resolved expeditiously, rather than dragging on and frustrating cross-border tax enforcement.

The Swiss government has already ratified the protocol. We should do the same. Credit Suisse pled guilty to abetting tax evasion—a criminal charge. But they were not forced to disclose the names of actual tax evaders because doing so would violate Swiss bank secrecy laws. Ratifying the treaty with Switzerland is therefore necessary.

It will enable U.S. authorities to obtain information about these and other tax evaders who are still taking advantage of bank secrecy laws to avoid paying their fair share.

I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 9, treaty document No. 112-1; that the treaty be considered as having advanced through the various parliamentary stages up to and including the presentation of resolutions of ratification; that any committee declarations be agreed to as applicable; that any statements be printed in the RECORD as if read; that if the resolution of ratification is agreed to, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER (Ms. BALDWIN). Is there objection?

Mr. PAUL. Madam President, reserving the right to object, as you know, I have been a critic of these treaties for some time. This discussion has gone on for quite a while. I disagree with many of the implications of where these treaties would take us. But I realize there are some beneficial aspects of the treaties.

But because of the critical invasion of privacy that these treaties would allow, I cannot support them. These treaties are an encroachment on our privacy and our constitutional right to privacy. Many of the previous treaties that we have had in the past focused on information specific to tax fraud.

I am not opposed to getting the information of those who have committed fraud or broken the law, but you must have an accusation, you must submit some proof.

We are going to have bulk collection of records without suspicion.

As previously stated in the previous treaties, the information that was exchanged in the past under the current treaties had to show that they were for preventing tax fraud. The new treaty, though, is going to change the standard from looking for tax fraud—which seems to be what everybody is talking about—to saying that we will look for

financial information that may be relevant.

What we are doing is taking the standard down to something “may be relevant,” which could be a dragnet for getting everyone's information. It will be a deterrent to foreign investors both in our country as well as in other countries. I think at the very least every American, whether at home or abroad, deserves the right to the fourth amendment protections guaranteed by the Constitution.

I want the record to be very clear. I certainly do not condone Americans who have not followed the letter of the law, but I can't support a law that endangers regular foreign investment and punishes every American regardless of whether there is suspicion that they have committed a crime.

While I want the important benefits included in the tax treaties to be ratified, I cannot support a treaty that would pave the way for a law that would permit the IRS to share information of customers at U.S. banks with foreign governments. Imagine, we will be conceivably sharing information about customers here with governments that may well not even be our friends. Also, I cannot support a treaty that may facilitate the bulk collection of private financial data for all U.S. citizens living abroad. For those reasons, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. MENENDEZ. Very briefly, I am disappointed because basically what we are going to do—those of us who are law-abiding and pay our taxes have to suffer the consequences of those who cheat and go abroad to do so. When they do that, they undermine the ability of this government to have the resources to arm the men and women who serve us abroad, protect them, take care of their health care, and deal with the challenges of educating the next generation of Americans.

Let me just say that this question that the treaty somehow infringes—first of all, if Switzerland is not a friendly country, I don't know what is. It is not a question of a country that isn't friendly, so let's remove that objection.

The treaty supposedly infringes on the fourth amendment rights of U.S. citizens. Look, these bilateral tax treaties only permit the exchange of information that is foreseeably relevant to the collection of taxes.

The proposed treaty also provides protection against fishing expeditions. To exchange information, the requesting country must demonstrate that the individuals targeted have engaged in activities that suggested they are engaging in fraud.

The existing treaty with Switzerland requires the requesting country to establish tax fraud or fraudulent mis-

conduct as a basis for the exchange. That standard has clearly proven to be too narrow for the purposes of prosecuting tax evasion, as demonstrated by the outcome of this Credit Suisse settlement, where the bank still does not have to hand over the names of individuals who use Credit Suisse accounts to hide their income.

Now the wages and U.S. bank account interests of Americans are both reported to the IRS. There is no reason why people with foreign bank accounts should be able to hide their money from the IRS in a way that average, hard-working Americans cannot. It boggles my mind that we are going to treat average, hard-working Americans in a different way than those who have the money to cheat and ultimately avoid their responsibility to our collective society, so we will continue to raise this issue.

I won't expound upon it any more—I have plenty to say—in deference to the Senator from Arizona, who was gracious enough to yield the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask unanimous consent to address the Senate as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SYRIA

Mr. MCCAIN. The Middle East today is engulfed in an escalating regional conflict. The space for moderate politics in country after country is collapsing, and a process of radicalization is increasingly destabilizing the entire region. At the center of this growing conflict stands Syria, where for over 3 years now the Syrian people have faced an onslaught of unspeakable violence from President Bashar al-Assad and his forces.

As of today more than 160,000 Syrians have been killed, over half of the population is in urgent need of humanitarian assistance, and 9.3 million people have been driven from their homes in what the United Nations has described “as the greatest humanitarian tragedy of our times.” To give some sense for the scale of the growing refugee crisis, there are now 1 million registered Syrian refugees in Lebanon. That makes up one-fourth of the total population of the country. This does not include the thousands who are living there unofficially and unregistered. This is as if the entire population of Canada were uprooted and became refugees in the United States of America—twice over.

Without understanding the scale, it is hard to comprehend the stress on resources and the escalating tensions that these refugees have caused in neighboring countries. Can you imagine what we would do as Americans if

we were dealing with the entire population of Canada living as refugees in our country? Inside Syria, they are confronted with the inhumane cruelty of Mr. Assad and his forces every day.

We have seen evidence of this systematic abuse, torture, starvation, and killing of approximately 100,000 detainees, in what clearly amounts to war crimes and crimes against humanity. The United Nations has detailed the further arrest, detention, torture, and sexual abuse of thousands of children by government forces. Human Rights Watch has documented how Syrian authorities have deliberately used explosives and bulldozers to demolish entire neighborhoods for no military reason whatsoever, just as a form of collective punishment of Syrian civilians.

The United Nations has also documented the toll of the Syrian government's air strike campaign, and, in particular, the regime's use of crude cluster munitions that have become known as barrel bombs. Their sole purpose is to maim, kill, and terrorize as many civilians as possible when indiscriminately dropped on schools, bakeries, and mosques.

Worse yet, evidence is piling up that Assad's forces have been equipping these barrel bombs with chlorine gas. Just last week French Foreign Minister Laurent Fabius said that France has evidence of at least 14 chlorine-based chemical attacks carried out by Syrian Government forces since 2013, adding, "The regime is still capable of producing chemical weapons and is determined to use them."

Around the same time, a senior Israeli defense official stated that "from the day that he signed the deal, Assad has used chemical weapons over thirty times, and in every case citizens were killed."

The State Department has further verified these reports, stating there were "indications" of the use of chlorine—though it was quick to point out that this is not one of the chemicals Syria was obliged to surrender.

So it appears that we are faced with a situation in which the Assad regime has agreed to give up certain chemical weapons after using them to murder nearly 1,400 civilians last year, but it is also using other chemicals—less lethal but nonetheless effective—to continue gassing civilians to death, and the world does nothing about it. Why? Because technically this is permitted under the chemical weapons agreement. That is shameful and outrageous.

What is more, months after the deadline for removing all of its chemical weapons stockpiles, the Syrian Government has yet to fulfill its obligations under the treaty and is using its remaining stockpiles to bargain over the terms of the original agreement in the hopes of retaining its storage and production facilities.

As we are once again faced with images of men, women, and children writhing on the ground and gasping for breath, Assad appears to be disregarding some of his chemical weapons commitments and continuing to commit mass atrocities. Again, redlines are tested and crossed, and the United States of America and the world do nothing.

These are just some of the many reasons our Director of National Intelligence referred to the Syria crisis as "an apocalyptic disaster." But this apocalyptic disaster in Syria is no longer just a humanitarian tragedy for one country; it is a regional conflict and an emerging national security threat to us all. No one should believe that we will be immune to what is happening in Syria. None of us are.

For those of you who look at these far-away events and say what Neville Chamberlain once told himself about a different problem from Hell in an earlier time—that this is "a quarrel in a far away country between people of whom we know nothing"—don't think that events in Syria won't have repercussions much closer to home. The terrorist sanctuary that Al Qaeda and its associated forces now enjoy in Syria and Iraq increasingly pose a direct threat to U.S. national security and that of our closest allies and partners. Indeed, the Secretary of Homeland Security, Mr. Jeh Johnson, has said, "Syria is now a matter of homeland security." The Director of National Intelligence, James Clapper, has also repeatedly warned that Al Qaeda-affiliated terrorists in Syria now aspire to attack the homeland.

If the September 11 attacks should have taught us anything, it is that global terrorists who occupy ungoverned spaces and seek to plot and plan attacks against us can pose a direct threat to our national security. That was Afghanistan on September 10, 2001, and that is what top officials in this administration are now warning us Syria is becoming today.

The latest U.S. intelligence estimates say that more than 100 Americans have traveled to fight in Syria alongside extremists, joining some of the most dangerous terrorist organizations in the world today.

Earlier this month, FBI Director James Comey stated:

All of us with a memory of the '80s and '90s saw the line drawn from Afghanistan to September 11. We see Syria as that, but an order of magnitude worse in a couple of respects: Far more people are going there, and far easier to travel to and back from.

Already, senior intelligence officials believe that between 6 and 12 Americans who have gone to Syria to fight have now returned to America, possibly with the intention to carry out attacks here. "We know where some are," stated one senior U.S. intelligence official. Some? But what about the others? Does that reassure you?

The sheer scale of foreign fighters with Western passports traveling to fight in Syria has our senior-most intelligence officers worrying about how easy it would be for these people to slip through the cracks. In March the Director of the National Counterterrorism Center, Matthew Olsen, testified that the NSA simply does not have the ability to track the thousands of jihadists now flocking to Syria. He testified:

This raises our concern that radicalized individuals with extremist contacts and battlefield experience could return to their home countries to commit violence on their own initiative or participate in al Qaeda-directed plots aimed at Western targets outside of Syria.

First indoctrinated, then trained and equipped, the foreign fighters now joining groups such as the Islamic State of Iraq and Syria, known as ISIS—a group who proved too radical even for Al Qaeda's senior leadership—presents a challenge that rises above a mere counterterrorism problem. ISIS no longer exists in small, concentrated cells, conducting operations limited in nature and scope. It has become a real nascent state actor, similar in organization and power to the Taliban of the late 1990s and possessing a real army of foreign recruits capable of carrying out attacks across the world. The territory it possesses is no longer a safe haven within a state. It has become a de facto state that serves as a safe haven and an even more vibrant incubator for international terrorism than did pre-9/11 Afghanistan. It is a saddening irony that as our efforts to eradicate the Al Qaeda safe haven in Afghanistan are proving successful, we see an even more dangerous terrorist sanctuary emerging on the border of Europe between Damascus and Baghdad.

My friends, here is the tragic reality of the war in Syria. After more than 3 years of horror, suffering, devastation, and growing threats to international security, the conflict in Syria continues to get worse and worse both for Syria and for the world. But the United States and the international community have no effective policy to help bring this conflict to a responsible end. The Geneva peace talks have failed entirely, as predicted. Ambassador Brahimi, the U.N. Special Representative, has himself given up on the process and resigned last week. This should surprise no one. The United States and the international community have been reluctant to provide the opposition with much needed material support. Meanwhile, Assad has the active support of Hezbollah, Iran, and Russia and is using nearly every weapon in his arsenal to kill his way to victory, and he is winning. So why would he want to negotiate himself out of power now?

Can we finally stop hiding behind the fantasy of Geneva and admit what has been painfully obvious from the start:

that there is no hope for a negotiated solution until the momentum on the battlefield changes against the Assad regime. And that will only happen through greater international intervention of some sort.

After painful and costly experiences in Iraq and Afghanistan, a war-weary American public does not appear eager for an active, internationalist foreign policy, and President Obama has sought to give the American people what they want. While it is understandable and unsurprising that the American public has been reluctant to get more engaged with events in Syria and the wider Middle East, the tide of war does not recede simply because we wish it so.

The outcome of the administration's disengagement has been a consistent failure to support more responsible forces in Syria when that support would have mattered—the descent of Syria into chaos and growing international instability, the use of Syria as a training ground for Al Qaeda affiliates and other terrorist organizations, the ceding of regional leadership to our international adversaries, and the tolerance of war crimes and crimes against humanity. In short, all of the awful things that critics said would happen if we got more involved in Syria have happened because we have not gotten more involved.

We continue to hear from the administration that there are no good options in Syria—as if there ever were good options in the real world—and that the only alternative to our current disengagement is a full-scale ground invasion and war without end. The President frequently has said as much, recently stating:

It is very difficult to imagine a scenario in which our involvement in Syria would have led to a better outcome, short of us being willing to undertake an effort in size and scope similar to what we did in Iraq.

But this claim has been directly contradicted by other administration officials who recognize that our inaction in Syria is not because we lack options or capability but, rather, the will.

In an April 30 speech at the Holocaust Museum in Washington, our own Ambassador to the United Nations, Samantha Power, said:

To those who would argue that a head of state or government has to choose only between doing nothing and sending in the military—I maintain that is a constructed and false choice, an accompaniment only to disengagement and passivity.

French Foreign Minister Laurent Fabius has also highlighted this false choice, recently expressing his regrets that Western nations did not carry out threatened airstrikes against the regime following the August 2013 chemical attack and that more had not been done to stop the abominable behavior of the Assad regime. He stated:

We regret it [not carrying out threatened airstrikes] because we think it would have changed everything.

That is a French Foreign Minister who regrets that we didn't carry out the airstrikes because "we think it would have changed everything." In his comments he made it clear that a limited surgical strike would have made all the difference in Syria and would have stopped the chemical attacks that continue today, saved the lives of thousands of people, and prevented the devastating consequences that have reverberated around the world since that red line was crossed.

It is true our options to help end the conflict in Syria were never good, and they are much worse and fewer now. But as Mr. Fabius pointed out, as bad as our options in Syria may be, we still have options. No one should believe that doing something meaningful to help in Syria requires total war or invasion. Literally no one is calling for that, and it is intellectually dishonest to suggest so. This is not a question of options or costs or capabilities but a question of will.

The continued violence in Syria is expected to kill tens of thousands more and produce millions of refugees by the year's end. This is a humanitarian tragedy, to be sure, but one with immediate strategic consequences. The longer the devastation goes on, the more difficult it will be to put Syria back together again. Failing to do so will leave a dangerous conflagration in the heart of the Middle East—a failed state at war with itself where extremism and instability will fester and terrorists of all brands will find ample space, resources, and recruits to menace the region and eventually attack the United States.

If ever there was a case that should remind us that our interests are indivisible from our values, it is Syria. We cannot afford to go numb to this human tragedy. I have seen my fair share of suffering and death in the world, but the images and stories coming out of Syria haunt me most. In the time I have been speaking, at least two Syrians have been killed, 45 Syrians have become refugees, and 15 Syrian families have been forced from their homes. In another 15 minutes from now, two more will be killed, 45 more will become refugees, and 15 more families will be forced from their homes. Is that acceptable to us?

Neither the United States, Europe, nor the Syrian people can afford the cost of defeatism. The price of abandonment includes not only a failed state in Syria but an entire region teetering on the brink of disaster, and it means emboldening our adversaries and conceding a safe haven and a state to the world's most dangerous terrorist groups. While these are the real, tangible consequences we face, it also means conceding the moral sources of our great power and giving up on every principle our Nation was built on.

All of us, Americans and Europeans, must recognize that our power confers

a responsibility on us. If the most powerful nations in the world have the capabilities and the options to help bring to an end one of the most horrific mass atrocities in modern times, what does it say about us that we have not done so? History will render a bitter and scathing judgment on America and the world for our failure in Syria, and I pray we will finally recognize that and take the necessary actions to help the Syrian people write a better end to this sad chapter of world affairs.

Madam President, I ask unanimous consent to have printed in the RECORD two articles, one entitled "FBI Director: Number of Americans traveling to fight in Syria increasing," and the other entitled "Exclusive: Al Qaeda's American Fighters Are Coming Home—and U.S. Intelligence Can't Find Them."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 2, 2014]

FBI DIRECTOR: NUMBER OF AMERICANS TRAVELING TO FIGHT IN SYRIA INCREASING  
(By Sari Horwitz and Adam Goldman)

FBI Director James B. Comey said Friday that the problem of Americans traveling to Syria to fight in the civil war there has worsened in recent months and remains a major concern to U.S. law enforcement and intelligence officials.

In a wide-ranging interview with reporters at FBI headquarters, Comey said the FBI is worried that the Americans who have joined extremist groups allied with al-Qaeda in Syria will return to the United States to carry out terrorist attacks.

"All of us with a memory of the '80s and '90s saw the line drawn from Afghanistan in the '80s and '90s to Sept. 11," Comey said. "We see Syria as that, but an order of magnitude worse in a couple of respects. Far more people going there. Far easier to travel to and back from. So, there's going to be a diaspora out of Syria at some point and we are determined not to let lines be drawn from Syria today to a future 9/11."

Comey declined to give a precise figure for Americans believed to be involved in the Syrian struggle but said the numbers are "getting worse."

"I said dozens last time," said Comey, referring to an interview with reporters four months ago. "It's still dozens, just a couple more dozen."

A senior U.S. counterterrorism official estimated this year that 60 to 70 Americans have traveled to fight in Syria. Comey said that Americans in Syria are actively recruiting other Americans to join the fight.

Comey said the threat associated with foreign fighters in Syria is of concern not only to the United States but also is "a huge focus" of European intelligence officials.

"It's the first thing we talk about when I go visit a counterpart," said Comey, who has visited 13 FBI legal attache offices abroad since he became director in September.

Comey said thousands of fighters are traveling to Syria from European countries, and they are a focus for the FBI because many of them could easily get into the United States.

"They're visa-waiver countries," Comey said. "If someone flows out of Syria, they can flow in here very easily."

Comey said the al-Qaeda affiliate in Yemen remains the greatest threat to the United

States. He said the terrorist group is bent on attacking America and that he was very concerned about the group's bombmaking expertise.

[From the Daily Beast, May 20, 2014]

EXCLUSIVE: AL QAEDA'S AMERICAN FIGHTERS ARE COMING HOME—AND U.S. INTELLIGENCE CAN'T FIND THEM

(By Eli Lake)

The number of American extremists who have flocked to Syria is higher than previously understood, American intelligence sources say. And some of the fighters are coming home.

Western intelligence services have been warning that European and American jihadists have been flocking to Syria to fight. But they've been reluctant to say how many Americans have joined the extremist forces there—until now. The latest U.S. intelligence estimates say that more than 100 Americans have joined the jihad in Syria to fight alongside Sunni terrorists there.

Senior American intelligence officials tell The Daily Beast that they believe between six and 12 Americans who have gone to Syria to fight Assad have now returned to America. "We know where some are," one senior U.S. intelligence official told The Daily Beast. "The concern is the scale of the problem we are dealing with."

The scale of that problem by all accounts has gotten worse. Last fall, the official U.S. estimate on Americans specifically who have joined the jihad in Syria was in the low double digits. In January, the New York Times reported that at least 70 Americans have either traveled or attempted to travel to Syria. Earlier this month FBI Director James Comey told reporters that he believed "dozens" of Americans were suspected to be foreign fighters in Syria, but declined to give a more precise number.

In recent months, the U.S. intelligence community has made the tracking of all Westerners going to fight into Syria a top priority. Speaking in March before the Senate Foreign Relations Committee, Matthew Olsen, the director of the National Counter-Terrorism Center, described in vague terms an effort by the whole government to find Western citizens traveling to Syria and to track their travel.

"In light of the large foreign fighter component in Syria crisis, we are working together to gather every piece of information we can about the identity of these individuals," he said at the time.

More recently, the issue of Western foreign fighters came up in top-level meetings between the Syrian opposition delegation and the Obama administration last week to Washington, D.C.

"We view all foreign fighters as a threat and they are not welcome. There is a convergence of interests between the moderate Syrian opposition and the international community in fighting these foreign fighters and insuring they do not use Syria as a launching pad for external attacks," said Oubai Shabandar, a strategic communications adviser to the Syrian opposition's foreign mission in Washington. "This was a major topic of conversation this month in meetings with the Syrian opposition delegation and top U.S. officials."

The problem, U.S. counter-terrorism and intelligence officials tell The Daily Beast, is that there are just so many jihadists with Western passports traveling to fight in Syria that they worry some of them may slip back into the United States without being detected.

"The NSA does not have the ability to track thousands of bad guys—and on the human intelligence side, this is even more difficult," another senior U.S. intelligence official told The Daily Beast. "So we are worried that people are slipping through the cracks."

Olsen in his March testimony said there were thousands of foreign fighters in Syria and that hundreds of those fighters held Western passports.

"This raises our concern that radicalized individuals with extremist contacts and battlefield experience could return to their home countries to commit violence on their own initiative or participate in al Qaeda-directed plots aimed at Western targets outside of Syria," he said. Olsen also said that a group of "al Qaeda veterans" from Afghanistan and Pakistan have gone to Syria, making the prospect of recruiting new members for the organization even more likely.

Aaron Zelin, a senior fellow at the Washington Institute for Near East Policy who closely tracks the flow of foreign fighters into Syria, said, "In the past when we've seen Americans go abroad to fight in foreign countries and a number of individuals have been trained to go back to attempt attacks on the homeland." The best example he said is Faisal al-Shahzad, the Pakistani American who traveled to Taliban training camps in Pakistan and then attempted to set off a bomb in Times Square in 2010. Al-Shahzad failed to properly detonate his bomb and was reported to the New York police by a Muslim-American street vendor.

"It's not just Americans who are going to Syria, but there are up to 3,000 European citizens from countries that have visa waivers with the United States who have also joined the jihad in Syria," Zelin said. "This is why so many Western counter-terrorism officials are so worried, it's much easier to get into our country with a Western passport."

Those Americans that have gone off to fight in Syria also do not fit the typical terrorist profile. Last May, the Detroit Free Press reported that Nicole Lynn Mansfield, a convert to Islam, was killed in fighting in Syria fighting Assad. In April of 2013, a federal court charged Eric Harroun, a former U.S. Army private, with firing a rocket-propelled grenade while fighting alongside al-Nusra, al Qaeda's official affiliate in Syria. If U.S. intelligence estimates are correct, these cases could be unfortunate harbingers of things to come.

Mr. MCCAIN. Madam President, I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

#### VETERANS HEALTH CARE

Mr. MCCONNELL. Madam President, this weekend Americans will gather to remember all who have fought and perished so that we might live in freedom. Memorial Day is our chance to honor their extraordinary sacrifices.

Of course, Kentucky has long played a proud and vital role in the defense of our Nation. I am honored to represent so many Kentuckians in the Armed Forces, including those stationed at

Fort Knox, Fort Campbell, the Blue Grass Army Depot, and members of the Reserves and Kentucky National Guard.

One of the reasons Memorial Day is so important to me is because it allows Americans to reflect and give thanks for all that we have—to recognize that none of it would have been possible without so many Americans we have never met putting everything on the line for us. That is why the men and women who protect us deserve our full support when they are deployed, when they are training, and when they return home. Most Americans certainly agree with that statement.

Yet as we have recently learned, that is not what is happening. So many Americans now turn on the evening news just to be sickened by the steady drip, drip from the Obama administration's growing veterans scandal. The denial of care to our veterans is a national disgrace and the scandal only seems to increase in scope by the day.

We first heard about 1 hospital in Phoenix, then we heard about 10 medical centers across the Nation, now there are at least 2 dozen VA facilities under investigation. It all leads to an obvious question: How widespread is this failure to treat our veterans?

We need answers from the President and his administration. The White House claims the President didn't even know about the latest scandal until hearing about it on the news, even though a top official testified he knew of inappropriate scheduling practices at VA health care clinics as far back as 2010. It sure raises a lot of questions.

It is a curious thing. President Obama, the most powerful man in the free world, always seems to be the last to know about what is going on in his own administration. From the Obama administration's IRS scandal to its ObamaCare Web site fiasco, just about every time, the President claims to be in the dark until the wrongdoing surfaces on its own—usually in the press. The pattern is incredibly worrying.

If it is true he learns so much through the press—if he knows that little about what is going on in his own administration—then I recommend he get reengaged. Right now. Right now. Because American Presidential leadership is needed today. This scandal appears to be a failure of huge magnitude, and the people we represent are demanding he rise to the challenge.

Our veterans are counting on him to work with both parties to get to the truth and to pursue solutions that can make things better—solutions such as the VA reform bill that passed the House yesterday with strong bipartisan support. That legislation, which I have cosponsored and which Senator RUBIO has been the leader on, would make it easier to remove high-level VA employees for performance failures. It is a smart idea. There is no reason for us

not to pass it quickly right here in the Senate. The President should call for its passage right away too. That would be one positive step forward for him—a small one, but a positive one, even though, for some reason, the White House has been ambivalent about the bill.

Look, we all remember how engaged the President was when healthcare.gov flopped. He was very engaged. He didn't just send a staffer out to Phoenix; he didn't just give a secretary a stern talking to; he didn't say he wouldn't stand for it. He pulled out all the stops. He made it his No. 1 priority to get that Web site running, even if that is still not done. What I am saying is the President should put more effort into helping our veterans than his attempt to fix a Web site. Only he can work with us to get to the truth. Our veterans deserve it. They deserve answers. They deserve accountability, and they deserve solutions.

As we look ahead to Memorial Day, I hope the President will work constructively with us to give them just that—to prove how grateful we are to the brave men and women who protect us every single day.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### BARRON NOMINATION

Mr. MARKEY. Madam President, I rise today to speak in favor of the confirmation of David Barron to the First Circuit Court of Appeals.

As a Harvard Law professor, he has broad bipartisan support from those who know him best—his colleagues. Larry Tribe and Charles Fried—two professors at Harvard who could not be further apart politically—both agree—and this is the joint quote—“Barron is a brilliant lawyer who will make an excellent judge. What is clear to us is that Barron will decide cases based solely on the relevant sources of legal authority, including binding precedent, and that his political views would in no way distort his legal judgment.”

This is the kind of unequivocal support we want for a judicial nominee, and David Barron is just the kind of judge we should confirm.

I stand alongside those of my colleagues who believe transparency is paramount and that we need a public debate on drone policy. Indeed, I support a robust debate on our entire drone policy, not simply the use of a drone to kill an American citizen who was plotting the annihilation of his fellow Americans.

Importantly, the White House just announced that it will release to the general public the key memo Professor Barron wrote, so all Americans will be able to take part in this debate.

But let us be clear: David Barron is not responsible for the administra-

tion's delay in releasing the memos he and others in the Office of Legal Counsel were directed to produce. He is certainly not responsible for the administration's drone policy or the decision to authorize an attack. He is a lawyer who was asked to do legal analysis for his client, the President of the United States.

Entangling David Barron's nomination with the policy of drone deployment is unfair to him and unfair to the people of Massachusetts, Maine, New Hampshire, Rhode Island, and Puerto Rico who need the vacancy on the First Circuit filled by someone as qualified as David Barron.

I believe David Barron will be an excellent judge, and that is why he has my support.

#### WRRDA CONFERENCE REPORT

Mr. MARKEY. Madam President, I commend the Senate on taking final action on the Water Resources Reform and Development Act, known as WRRDA. Today's bill includes the \$310 million Boston Harbor dredging project which will deepen Boston Harbor's main navigation channels.

Boston Harbor is an economic anchor for the entire New England region, and this investment will help ensure its future as a port of world class distinction. Improving the harbor to accommodate more and larger ships will bring more jobs, more investments, and more economic activity to the harbor, extending Boston's position as a shining city upon a hill as well as on the shore.

Dredging the harbor will double the number of containers on ships coming into Boston. The project will also allow the port to accommodate ships being built to serve the expanded Panama Canal, which is planned to open next year.

The Army Corps projects that for every dollar spent on construction, there will be \$9 returned in increased economic activity, resulting in a \$2.7 billion economic benefit for the entire New England region.

I thank Chairman BOXER and Ranking Member VITTER for their hard work getting this bill over the finish line. I also thank Senator WARREN and Congressman CAPUANO, Congressman LYNCH, and the entire Massachusetts congressional delegation for their leadership and commitment in securing this vital funding.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask the courtesy of the Senator from Nevada to do a brief unanimous consent request.

Mr. HELLER. Madam President, that is fine with me.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 3080

Mr. REID. Madam President, I ask unanimous consent that following the vote on H.R. 3080, the WRRDA legislation, the Senate proceed to the consideration of Executive Calendar No. 638, the Frank nomination, and vote on confirmation thereof; further, that there be 2 minutes for debate prior to the vote, equally divided in the usual form; further, that if confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action of debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, with this agreement, at 1:45 p.m., there could be as many as three rollcall votes; however, we expect only two rollcall votes.

I appreciate again the courtesy of my friend from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

#### VETERANS HEALTH CARE

Mr. HELLER. Madam President, on Monday, May 26, our Nation will pause to remember all those who paid the ultimate price while serving in the U.S. Armed Forces. It is a solemn day on which we recognize these brave heroes for their valor, their courage, and their commitment to our country.

As we honor and remember those who died fighting for our freedom, Congress must also remember we still have a promise to fulfill to the veterans who thankfully returned home—many with visible and invisible wounds of war. Our Nation has a proud history of caring for its wounded and disabled servicemembers and their families.

When these men and women volunteered their service, the United States guaranteed they would be cared for. As a member of the Senate Veterans' Affairs Committee, I believe that promise has not been kept.

It is no secret the Department of Veterans Affairs is facing a significant challenge with accountability at all levels of their agency. This failure of responsibility has an impact on the hundreds of thousands of veterans in my home State of Nevada.

Last month I was honored to have a number of veterans join me for a roundtable in Las Vegas. This was an opportunity for me to listen and hear their concerns. By far, nearly every veteran in attendance expressed frustrations with the VA's claims backlog and the health care they are receiving.

These veterans told me they feel discouraged and hopeless, that the VA does not and will not keep its promise.

They told me about the negative impact delays in benefits and care have on veterans and their families. Such comments should come as no surprise given the difficulties Nevada veterans are facing. Look no further than the problem of the claims backlog here in Nevada.

Although the Secretary of the VA promised there would be changes to address this problem, Nevada veterans are still waiting the longest in the Nation—up to 352 days on average—for their disability benefits claims to be processed. This is nearly three times the VA's deadline of 125 days to complete a claim.

These issues in Nevada and the allegations raised across the country are causing veterans to lose faith in the VA, and I have raised all these concerns to the Secretary in a letter I sent 2 weeks ago. I asked for immediate answers about the lack of accountability on the local level and whether VA leadership finally plans to do something about it. Although I requested a response by Wednesday, May 21, the VA still has not responded. What these problems ultimately amount to is a lack of accountability in the VA leadership.

When I questioned the Secretary at a Senate Veterans' Affairs Committee hearing last week, he agreed he was ultimately responsible for the problems with VA care and health benefits. Despite this admission and admitting that veterans are not receiving the care they were promised, he said he does not plan to resign. So my question is: If the Secretary does not plan to resign, who is held accountable in the VA?

The VA has been given enough chances to change and do better, but these were empty promises that have not produced any results. It is now up to Members of Congress to take action. That is why I have already taken a number of steps to exert oversight, demand transparency, and develop solutions to the problems facing the VA.

During last week's hearing I asked the Secretary for assurances that the audits being conducted by the VA at its medical facilities would include all of Nevada's hospitals and clinics and the results would be shared with me and the rest of our delegation. As promised by the Secretary, I look forward to receiving these results as soon as possible, and I expect substantive immediate action should Nevada have any reports of mistreatment or delayed care of veterans.

I also visited again with Las Vegas hospital officials last Friday to ensure veterans at this facility are receiving the care they have earned and that the facility is properly handling its appointment waiting times.

It is critical that the Las Vegas VA hospital constantly work to improve its services and follows recommendations from the VA inspector general so that patients do not endure long waits—like the blind female VA veteran who waited for 5 hours before being seen in the emergency room.

I believe the Senate Veterans' Affairs Committee should continue to exert oversight and hold hearings to keep VA officials accountable and transparent to Congress, veterans, and the American public.

Furthermore, I believe, now more than ever, it is time for Congress to take legislative action to fix one of the biggest challenges at the VA—the disability claims backlog.

Despite opportunities for improvement, 293,000 veterans Nationwide and 3,700 veterans in Nevada have waited over 125 days for their claims to be processed so they can get the compensation they have earned and the VA medical care they desperately need.

To address this issue I introduced the VA Backlog Working Group March 2014 Report, along with a bipartisan group of Senators, including Senators CASEY, MORAN, HEINRICH, VITTER, and TESTER. This report outlines the claims process, explains the history of the VA's claims backlog, and offers targeted solutions to help the VA develop an efficient and accurate benefits delivery system that will ensure our veterans will never again have to wait more than 125 days to receive a decision on their claims.

What our working group found was that the process is not only complex, but the backlog has been a consistent problem for more than two decades, largely because the VA is using a 1945 process in the 21st century. I sent every Member of this Chamber a copy of this report and encourage my colleagues to take a look at it to understand how we got to where we are today and what it will take to fix the claims process permanently.

To put this report's targeted solutions into action, our working group introduced the 21st Century Veterans Benefit Delivery Act. This comprehensive, bipartisan piece of legislation addresses three areas of the claims process: claims submission, VA regional office practices, and Federal agency responses to VA requests.

I thank my colleagues—Senators CASEY, MORAN, HEINRICH, VITTER, TESTER, MURKOWSKI, CARDIN, WARREN, KLOBUCHAR, WARNER, TOOMEY, THUNE, ROBERTS, and PRYOR—for joining me to address this very critical issue.

I recognize because the claims process is complex and there is no silver bullet that is going to solve this problem overnight, the VA's current efforts will not eliminate this backlog. It is commonsense, targeted solutions from Congress that will address some of the inefficiencies keeping veterans from receiving a timely decision.

That is why this bill has been endorsed by a number of veterans service organizations, including the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Iraq and Afghanistan Veterans of America, Military Officers Association of America, and the Association of the United States Navy. I thank these VSOs for their support and collaborating with the working group to develop solutions to fix this problem.

Time and again we have asked our men and women in uniform to answer the call of duty, and they do so without hesitation. Ensuring veterans receive disability benefits and quality VA medical care in a timely manner is the least we can do to thank them for their service.

As a member of the Senate Veterans' Affairs Committee, it is my role and responsibility to get answers for Nevada's veterans, and I will uphold that commitment to oversight.

In the coming weeks I will be watching the VA closely for changes and improvements to mitigate the very serious lapse in care and services that have occurred. If the VA continues on the course it is currently on, then I think it is time to look for changes at the highest level.

Again, I thank all of our veterans—including the nearly 300,000 that call Nevada home—for defending this country and for preserving Americans' liberties. Their commitment and sacrifice will not be forgotten nor taken for granted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

#### LETTER TO THE NFL

Ms. CANTWELL. Madam President, I come to the floor this afternoon to thank my colleagues who have signed on to a letter to the NFL asking that they change the name of the Washington football team. I also thank Leader REID for his leadership on this issue and for trying to accentuate the care and concern he has for 22 tribes in the State of Nevada and their interest in seeing the dignity and respect of those tribes with the name change as well.

I also come to the floor and ask my colleagues who have not signed to sign on to a letter asking the NFL to take action as aggressively as the NBA took action and to move on this issue. I will be sending a letter to each of my colleagues asking them to either sign on to this letter or to write their own letter, as one of our colleagues did. I am convinced that if each Member of this body speaks on this issue and is forceful in their resolve, we can help initiate change.

I know not everybody in America may understand why this is so important. Having personally worked with 29



tribes in the State of Washington, and for a short period of time having served as the chair of the Senate Indian Affairs Committee, and having been a Member of that my entire time in the Senate—this may not even be the top issue in Indian Country. We certainly have understaffed hospitals, challenging school situations, decaying infrastructure challenges, and concerns about fishing rights—whether they are the challenges that ocean acidification has to our fishing ability in the Pacific Northwest or whether it is in Alaska making sure that Alaska Natives who are on subsistence fishing are able to continue to do what they do.

There are many issues in what we refer to as Indian Country that are about the health, safety, and welfare of those individuals. Yet this issue is a reminder to all of us that intolerance in our communities is a problem.

We are here to say that we respect these tribal entities that have requested this name change. We are saying that we have a trust responsibility with these organizations and these individual tribes.

So when the National Congress of American Indians—an organization that represents millions of Americans with Native American backgrounds—calls for a change, the fact that we ignore that is a disrespect to those tribal entities.

There are many organizations across the United States of America who have joined this battle as well: the NAACP, the Anti-Defamation League, the League of United Latin American Citizens, the New York State Assembly, the National Congress of American Indians, the DC city council, the Prince George's County council. Even the President of the United States has spoken out on this issue.

So what is it going to take to get the name of this team changed? I say to my colleagues that even the Patent Office—the Federal agency determining whether a word can be protected in commerce—has said this term is derogatory slang and is disparaging to Native Americans.

We believe Commissioner Goodell should act; that he needs to do what the NBA did and make sure that one of their owners puts an end to the wrong use of a football term and to join the right side of history. We are not going to give up this battle.

Similarly, like organizations who have a Web site on [changethemascot.org](http://changethemascot.org)—which is a great 2-minute to 3-minute video of why Native Americans care so much about this issue—we need to continue to respect the dignity of these individuals, and it is time to update the relationship.

Yesterday at the White House there was an unbelievable ceremony, of which I am of course very proud of—the welcoming of the world champion

Seahawks football team. They were walking into the White House where many Native Americans from the State of Washington were all decked out in Seahawks gear. I don't know if it was protocol for the White House. Even though they said nobody was to take pictures, telling a crowd from Seattle not to use digital devices is pretty hard to accomplish.

But there they were—Native Americans from our State who are partners with the Seattle Seahawks. They are advertising partners. They are suite owners. They advertise and participate together. The logo of the Seahawks was designed by a Native American. That is the relationship of the NFL and Native Americans today in the Pacific Northwest. Juxtapose that to here in the Washington, DC, area where many people have spoken out and yet the owner remains in opposition of changing a name that has been clear to him is found to be racially offensive to Native Americans.

So we are here today to ask our colleagues on the other side of the aisle to join us. Join us because it was hard to unite our side, but I know with a few of their voices we can move this issue further.

Why is tolerance so important? In the words of Kofi Annan, the Secretary General of the United Nations:

Tolerance, intercultural dialogue, and respect for diversity are more essential than ever in a world where people are becoming more and more closely interconnected.

While that is a global view of the challenge we face, we need to practice that in reality here. That is why I was so happy we passed the Violence Against Women Act with a provision in it making sure that women in Indian Country would also be protected. We have to ask ourselves why did it take us so long to get that provision.

Even the U.N. Special Envoy on Indigenous Rights for Peoples around the world, James Anaya, also said that the NFL should change, basically saying it is a hurtful reminder and represents a long history of mistreatment in the United States of America. He cited the U.N. Declaration on the Rights of Indigenous Peoples:

They use stereotypes to obscure the understanding and reality of Native Americans today and instead help to keep alive a racially discriminatory attitude.

So even the U.N., the world community, is calling on this community to deal with this issue and we should act. I hope my colleagues will help us in this effort to get the NFL to do the right thing.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### BARRON NOMINATION

Mr. WHITEHOUSE. There has been considerable discussion on the floor

about the nominee to the First Circuit, David Barron, that has hinged around his tenure in the Office of Legal Counsel and an opinion he wrote specifying the outer bounds of Presidential authority in the area of defending our national security against Americans who have signed up with organizations that do us harm. I wish briefly to bring to the attention of this Chamber that it is not the only issue with respect to David Barron and the Office of Legal Counsel.

The Office of Legal Counsel has indeed had a scandal, and it is indeed related to David Barron, but it is related to David Barron in the best possible way, in that he is the one who cleaned up the scandal. The scandal in question—the Presiding Officer is a former attorney general of her State and she will understand this very clearly—the scandal in question related to the shabby opinions that were written by the Office of Legal Counsel to justify the torture program that was run by the Bush administration. When I say shabby, these were awful opinions. They were hidden from most peer scrutiny because they would not have stood up to peer scrutiny. They made errors as basic as failing to cite Fifth Circuit Court of Appeals decisions right on point.

There actually had been an incident in which the Department of Justice, where the Office of Legal Counsel is located, prosecuted a Texas sheriff for waterboarding victims in order to get confessions out of them. He was prosecuted as a criminal. He was convicted. The case went to the Fifth Circuit on appeal and in the course of their written decision on appeal, the Fifth Circuit Court of Appeals of the United States—one row below the U.S. Supreme Court—described the technique of water torture that was used, the waterboarding, and on a dozen separate occasions used the word “torture” to describe what was being done.

Look for that case in the Office of Legal Counsel. Look for that case in the opinion of Office of Legal Counsel about whether torture is accomplished by waterboarding, whether waterboarding is torture. It is not there. They didn't even cite the case. It was a case they could have found in their own files because the Department of Justice was the organization that had prosecuted this sheriff as a criminal for that act.

If you wanted to bring it up as a case and try to find a way to distinguish it, I could accept that. I probably would disagree with that analysis, but the failure to even cite the case, knowing how difficult it would be for the torture program to go forward, I think is a sign of either the worst kind of incompetence or a deliberate fix being put into the opinion of the Office of Legal Counsel.

Having served as a U.S. attorney as well, I think the Department of Justice



should have the best lawyers in the country, and within the Department of Justice the OLC prides itself on being the best of the best. It was a disgraceful departure of that standard when the torture opinions were allowed to pass. They simply don't meet any reasonable test of adequacy. So on April 15, 2009, the Department of Justice withdrew the Office of Legal Counsel's CIA interrogation opinions. The memorandum for the Attorney General effecting that withdrawal was signed by none other than David Barron. This was the instance of a man who absolutely did the right thing. He helped clean up a terrible mess that had been left at the Department of Justice. We should be proud of the conduct of David Barron at the Office of Legal Counsel.

I ask unanimous consent that the 1-page memorandum for the Attorney General signed by David Barron be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WITHDRAWAL OF OFFICE OF LEGAL COUNSEL  
CIA INTERROGATION OPINIONS

Four previous opinions of the Office of Legal Counsel concerning interrogations by the Central Intelligence Agency are withdrawn and no longer represent the views of the Office.

APRIL 15, 2009.

MEMORANDUM FOR THE ATTORNEY GENERAL

Sections 3(a) and 3(b) of Executive Order 13491 (2009) set forth restrictions on the use of interrogation methods. In section 3(c) of that Order, the President further directed that "unless the Attorney General with appropriate consultation provides further guidance, officers, employees, and other agents of the United States Government may not, in conducting interrogations, rely upon any interpretation of the law governing interrogation . . . issued by the Department of Justice between September 11, 2001, and January 20, 2009." That direction encompasses, among other things, four opinions of the Office of Legal Counsel: Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency, from Jay S. Bybee, Assistant Attorney General, Office of Legal Counsel, Re: Interrogation of al Qaeda Operative (Aug. 1, 2002); Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Re: Application of 18 U.S.C. §§2340-2340A to Certain Techniques That May Be Used in the Interrogation of a High Value al Qaeda Detainee (May 10, 2005); Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Re: Application of 18 U.S.C. §§234-2340A to the Combined Use of Certain Techniques in the Interrogation of High Value al Qaeda Detainees (May 10, 2005); and Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May be Used in the Interrogation of High Value al Qaeda Detainees (May 30, 2005).

In connection with the consideration of these opinions for possible public release, the Office has reviewed them and has decided to withdraw them. They no longer represent the views of the Office of Legal Counsel.

DAVID J. BARRON,  
*Acting Assistant Attorney General.*

Mr. WHITEHOUSE. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Ms. HEITKAMP). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RUBIO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUESTS—  
H.R. 4031 and S. 1982

Mr. RUBIO. Thank you, Madam President.

I am here on the floor today to talk about an issue that has received a tremendous amount of attention, and rightfully so, in the last few weeks and it is the outrage of what is happening at the Veterans' Administration.

Let me start by saying certainly people need to be held accountable. This should not be and it surely is not a partisan issue. I think we all have a deep commitment to helping our veterans, the men and women who spend time away from their families and put their lives on the line to defend this country, to whom were made promises that when they come back home they will be taken care of, especially those who have been harmed when serving their country.

We are heartbroken and outraged at the news that, in fact, the agency that is supposed to take care of them is not doing so. I think what is even more troubling is that this appears to be a systemic problem. This is not simply an isolated incident in Phoenix or some other institution in the country. This is now rearing its ugly head in every part of this country that we look into. You can imagine not just as an American am I deeply concerned about this but as a Floridian. Florida is a State with an enormous veterans population, including my brother—men and women who have served our country and have done so with great courage and dignity who now have health care needs that require immediate and urgent attention.

Just a moment ago on a television interview it was brought to my attention the story of a young man, a gulf war veteran who has a brain injury, who has been waiting for weeks to even be able to see anyone, in fact has been waiting for months with no end in sight as to when that is going to end. This needs to be addressed.

Yesterday we all watched with great attention as the President addressed this issue and expressed outrage, rightfully so, of what is occurring. What the

President said is that over the next week there will be an initial report and ultimately a report at the end of the month about what needs to be done to improve the system and, more importantly, who needs to be held accountable. I think that is critical here, because one of the things we are learning is not simply that there is a systemic problem in the Veterans' Administration, but that there has been a deliberate effort by some within the Veterans' Administration to cover it up or to make things look better than they actually are. That should trouble us even more because the immediate reaction when an agency is confronted with a problem should be "we need to fix this" and instead the reaction by some seems to be "we need to cover this. We need to make this look better than it really is. We need to diminish this."

This is completely unacceptable and people need to be held accountable for this. If in the Senate among the men and women who serve and work here for us some were derelict in their duties, they would lose their job. If in the private sector someone did not do their job, they would lose that job. In the military chain of command, if a commanding officer of a unit did not do his or her job, they would lose their job, and their superiors would have the ability to immediately discipline them.

So I think many Americans would be shocked to learn that even if the Secretary wanted today to fire executive managers within the agency, he cannot. Instead, he has to institute a long and drawn-out process, leading to this absurd conclusion that you are more likely to receive a bonus or promotion than you are to have been fired because of mismanagement and dereliction of duty. That is completely unacceptable.

We have to remember that the vast majority of the VA's more than 300,000 employees and executives are dedicated and hard-working people. Their Department's well-documented reluctance to ensure that leaders are being held accountable for mistakes is not only tarnishing its reputation, it unfortunately is impacting many of these hard-working men and women who are doing their jobs within the agency.

What I did a few weeks ago, in conjunction with my colleague from Florida, JEFF MILLER, is file a bill. It is a very simple and straightforward bill. The bill states that the VA Management Accountability Act of 2014 would simply give the VA Secretary the power to fire or demote senior executive service employees based on their performance. It is a power similar to the power the Secretary of Defense already has, for example, to remove military general officers from command, and, of course, it is the same power any one of our 100 Senators has to remove a member of their staff.

This bill passed yesterday in the House of Representatives, and it is sitting here on the desk in the Senate. It

passed yesterday with an overwhelming bipartisan majority of Members of both parties who are outraged by what is occurring and want to bring accountability.

In a press conference yesterday, the White House indicated that they are very open to this concept and that they were interacting with leaders on it. We called the White House and asked them about it. They also indicated an openness to it, although they shared that they did have some concerns. They didn't make any suggested edits to the bill. They simply said they had some concerns, but in general they were supportive of this concept.

Earlier today during an Appropriations Committee meeting, Senator MORAN offered this very bill as an amendment, and it was adopted by voice vote without a single objection.

Here is where we stand: I have come to the floor today to give my colleagues the opportunity to send this to the President before we leave for the Memorial Day recess. We have an opportunity right now to take up the bill that the House just passed by an overwhelming bipartisan majority, enact it into law by unanimous consent, and send it to the President so he can sign it. So when the results of that investigation come to his desk in a week or month from now, and that of the Secretary, they can discipline and/or fire the people who have not done their jobs and put our veterans in harm's way with regard to services the VA is supposed to offer. That is all this bill does—nothing more and nothing less.

We are giving the Secretary—appointed by this President and confirmed by this Senate—the opportunity to be able to fire employees of his agency who are not doing their jobs. That is all we are asking for. It is not more complicated than that. I do not understand why anyone would not support that concept.

It is right here for us. To everyone around here who is talking about how we need to quickly act, here is your chance. This is a very straightforward bill. My hope is that it will pass unanimously so we can truly say it is bipartisan.

We are not telling them whom they need to fire; we are giving the Secretary the power to hold the people who work under him accountable. This will also apply to future Secretaries as well. That is all this bill does. I hope we will be able to do that today.

I think if it were put to a rollcall vote on the floor, it would pass by an overwhelming majority. That is why, Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4031, which was received from the House, and I further ask consent that the bill be read a third time and passed and that the motion to reconsider be considered made and laid upon the table,

without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SANDERS. Reserving the right to object, Madam President, I thank Senator RUBIO for his remarks, and I think many of us share the exact same concerns he has raised. When men and women put their lives on the line to defend our country, they are entitled to the best quality health care we can provide to them.

In my view and I think in the view of virtually every veterans organization, the VA does provide good-quality health care to those people who access the VA system, but there are very serious problems in terms of access, there are serious problems regarding waiting lists, there are serious problems regarding the possibility of hospitals keeping two sets of books, and we are going to get to the root of those issues.

The one thing we do not want to do is politicize the well-being of America's heroes.

I have a quote from an editorial in the Washington Post:

The men and women who have served their country in uniform deserve better than delay or denial of the medical care they need and have earned. So it is crucial to get to the bottom of allegations of misconduct at the nation's veterans hospitals. America's veterans also deserve not to be treated as so many pawns in election-years gamesmanship—but that sadly is proving to be the case in Congress's increasingly hyperbolic response.

It goes on:

That the extent of wrongdoing is unclear doesn't seem to matter much to those more interested in scoring political points. How else to explain the knee-jerk calls, mainly by Republicans in the House and Senate, for the ouster of Veterans Affairs Secretary Eric K. Shinseki or the ill-advised and punitive legislation aimed at VA workers?

I will just make this point: I happen to think the bill that was passed in the House yesterday has many important provisions with which I happen to agree. But as the Senator from Florida knows, we have not held a hearing on this legislation, and some of us are old-fashioned enough to know that maybe folks in the Senate might want to know what is in the bill before we vote on it.

The Senator from Florida is right—it passed with very strong support in the House. In my view, a similar bill containing some of the salient provisions in the House bill will pass the Senate, but it is important that we discuss that bill.

One of the concerns I have is that I do not want to see the VA politicized. It is one thing to say—which I agree with—that if a hospital administrator is incompetent, the Secretary should be able to get rid of that administrator without a whole lot of paperwork. I agree with that. It is another thing to say that if a new administration comes

in—whether it is Democratic or Republican—somebody sitting in the Secretary's office can say: I want to get rid of 20 or 30 or 50 hospital administrators because we have other people we want in there. We can just get rid of them, and they don't have a right to defend themselves.

I worry about that.

Clearly we have to discuss the issue. I suggest that the Senator from Florida understands that it is probably a good idea to discuss an issue before we vote on it.

The bottom line for me is, yes, every top administrator at the VA has to be held accountable. I do not want to see an enormous amount of paperwork and obstruction go forward before we can get rid of incompetent people. But before we vote on legislation, it might be a good idea to understand the full implications of that legislation, and there are some aspects of it with which I think some of us have concerns.

I have a few more points on that issue. I hope the Senator from Florida agrees with me that we have to be certain the VA is able to recruit and retain high-quality leaders and managers, especially when the VA is in competition with other Federal agencies for those leaders. To that end it is vital to ensure we are fostering an environment at the VA where individuals feel as if they are protected from the political whims of their leaders. That is the point I made earlier.

There are other areas that concern me in terms of setting precedents that may not be a good idea, but the bottom line is I think there are important provisions in the bill that passed the House. I want to work with Senator RUBIO on this matter, and I think the administration wants to work with him.

If I might, I will make another point, which is that I was very happy to see so much concern being paid to veterans' needs over the last few weeks. As chairman of the committee, I am very happy to see that.

I say to the Senator from Florida and others that he is well aware that the veterans community faces many serious problems above and beyond what we have been hearing over the last few weeks with regard to the VA. We have 200,000 men and women who have come back from Iraq and Afghanistan either with PTSD or TBI. I would assume my friend from Florida agrees they need to get the quality care they deserve.

An hour or so ago I had the privilege of being honored by the Gold Star Wives. They are the widows of men who died in action. I brought legislation to the floor that would have made it possible for Gold Star Wives to be able to get a college education under the post-9/11 GI bill. That bill received 56 votes. One Senator was absent; otherwise, we would have had 57 votes. Only two Republicans supported that bill. I suspect

that Senator RUBIO and many others support that. That is in the bill I brought to the floor.

Right now we have—as I am sure Senator RUBIO knows because the problem exists in Vermont, so it most likely exists in Florida as well—70-year-old women, in most cases, who are taking care of disabled vets, and they don't get the support they need. They are on duty 24/7, and they save the government money because those wounded veterans are staying at home. They need some help. I want to see them get help, and I hope Senator RUBIO will work with me to make sure they get that help.

Senator RUBIO is aware, as is the Presiding Officer, that there is great concern not only in the military—the VA and DOD—but in the civilian sector that there is too much use of opiates to treat problems. We have a very serious problem in that area. We have language in our overall provision that extends help to the VA to move forward to give our veterans alternative treatments other than opiates, and we think that is a very important piece of legislation.

We have legislation which has passed which provides 5 years of free health care in the VA for those who served in Iraq and Afghanistan. We think it is important to extend that to 10 years.

Many veterans out there do not have access to decent-quality dental care. It is a problem in Vermont, and I suspect it is a problem in Florida. We want veterans to get that care as well. There is bipartisan support for advanced appropriations for VA, and we have that in our legislation.

While the VA is making good progress in cutting back the backlog and moving from paper to a digital system, I want to see them do better. We have language in there that would push them to do better.

Just this morning, Senator BURR and I were at a hearing that dealt with the educational problems facing veterans who come back from the battlefield. There are problems when they go to college. Most of us think veterans should be able to take advantage of in-state tuition in the State in which they are living.

Sexual assault has been a very serious problem in the military, and we want the VA to do better. Et cetera, et cetera.

I thank Senator HELLER and Senator MORAN for voting for this bill, along with every Democrat. I am very glad my Republican colleagues are now beginning to focus on veterans issues, and we need to step to the plate to help not only our veterans but their families, and that is the legislation I have offered.

I say to Senator RUBIO through the Chair that your legislation has many important provisions with which I happen to agree. There are some that I

think need work, and we are going to hold a hearing on that legislation and other legislation in early June.

I respectfully object to that legislation right now, but I ask unanimous consent that the Senate proceed to Calendar No. 297, S. 1950, with the Sanders amendment, which is at the desk and is the text of S. 1982, the Comprehensive Veterans Health and Benefits Military Retirement Pay Restoration Act. That is the comprehensive legislation supported by virtually every veterans organization in the country, millions of veterans, and the American people. It says “thank you” to the veterans who put their lives on the line to defend this country, and we are going to be there for you.

I ask unanimous consent that this legislation be passed.

The PRESIDING OFFICER. Objection is heard to the request from the Senator from Florida.

Is there objection?

The Senator from Florida.

Mr. RUBIO. Reserving the right to object, I wish to address a couple of points. The first is on the issue of politicizing this. I agree. In fact, that is why I have not come forward and said that the Secretary should resign. There are times in this process when that is important. There are people who were appointed by the President who are clearly not doing their jobs, and it is our job as overseers of the executive branch of the government to step forward and say that.

I have said let's give the Secretary a chance to see what happens here. I may end up asking for his resignation at some point as more information comes out, but at a minimum I think he deserves an opportunity—and his successors, whoever they may be—to hold the people underneath him accountable. They don't have the power to do that now.

Also notice when I came to the floor today, I have said absolutely nothing of a partisan nature. I am not claiming this is a crisis created by Democrats or by another party. On the contrary, I said this is a solution that has had strong bipartisan support in the House and strong bipartisan support in the committee today. This issue may become politicized in the sense that it seems all of the reluctance to move forward is coming from one side of the equation, but that does not necessarily have to be. In fact, I will tell my colleagues right now that I believe if this came to a vote, the overwhelming majority of the Members of the majority would support this legislation I have put forward today.

Two other points that were raised, one being that there have been no hearings. I would respectfully disagree. There was a hearing on it today. This was offered. This specific language was offered in the committee, and with little debate and no dissent, it passed by

voice vote. For those watching at home, here is what voice vote means: They don't even call the roll. They basically ask Members: Is anyone against this? No one said they were. This language was adopted today in a committee.

Here is my second problem. I am glad to hear there are going to be hearings with regard to this issue, and I think that is important because I am not claiming the bill I am asking us to take up today and pass would solve all of the problems. There are still serious systemic problems within that agency, and a hearing needs to address this and find responsible solutions to those problems. So a hearing is called for.

What I am asking for is very simple: Give the Secretary, appointed by a President of a party different than my own, the power to fire employees underneath him who are not doing their jobs, so they know they are being held accountable. That is all I am asking. That is all this bill does. It is that straightforward. I don't think any of us want to go home for the Memorial Day recess and when we are asked: What are you doing on this issue, our answer is: Well, in about 15 days we are going to have a hearing on this crisis.

Meanwhile, the list goes on and on of the outrages that are coming out of this agency. Every single day more cases are coming out about veterans who are not being treated fairly and appropriately, and in some cases, in my opinion, criminally, by this incompetence we see out of some in the Veterans' Administration. This is a matter of urgency, because while we are gone on our recess, the President next week is going to get a preliminary report on what is going on. It may very well be that he wants to see some people fired, and it may very well be the Secretary will want to fire some people in senior executive positions and he will not be able to do that. All I am asking for is not to give us the power to fire them but to give the administration the power to fire them and hold them accountable.

Regarding the bill the chairman has offered on the floor, this bill has already been debated, and there are problems with this bill, which is an extensive piece of legislation with many good elements in it, but it also has a cost issue at a time when our Nation owes close to \$18 trillion. That was the reason so many on my side of the aisle objected to it, and that is why I object to the motion made today by the Senator from Vermont.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. SANDERS. Madam President, let me reiterate. When I quoted the Washington Post and when I talked about politicalization, I wasn't suggesting the Senator from Florida was being political on the floor today. What I was

suggesting about politicizing the VA is if we have a situation, for example, where a new Secretary comes in or a new administration comes in and can fire wholesale hospital administrators, without the ability to defend themselves, I think that is not the kind of system the Senator from Florida would want or certainly I would want.

So how we address this issue is important. I would suspect that while this issue may have been taken up in committee today, I doubt very much there were any witnesses who testified about this bill.

Second of all, I found it interesting that the Senator from Florida said—and he is right that other Republicans have raised this point. The legislation I introduced, which again has the support of the American Legion, DAV, Vietnam Vets, Veterans of Foreign Wars, Iraq-Afghanistan Veterans of America, Paralyzed Veterans of America—he is right—it costs money. He is right. This country has a deficit. He would be right if he said that going to war in Iraq and Afghanistan has cost us trillions of dollars, which is one of the reasons we have the deficit we have. But I believe from the bottom of my heart that if we go to war, if we spend trillions of dollars on that war, that when our men and women come home from war, some wounded in body, some wounded in spirit—I don't want to hear people telling me it is too expensive to take care of those wounded veterans. I don't accept that. If we think it is too expensive to take care of veterans, don't send them to war.

So let me reiterate my view, as the Senator from Florida has raised an important issue. We are going to address it as quickly as we can, and we are going to address other issues facing our veterans who on this Memorial Day need to know we are there for them and their families.

Mr. RUBIO. Madam President, how much time remains?

The PRESIDING OFFICER. Under the previous order, the time until 1:40 is reserved for the Senator from Kentucky.

Mr. RUBIO. Not seeing the Senator from Kentucky, I ask for 1 minute of that time to make the following point—

Mr. SANDERS. Madam President, who has control of the time right now? Do I have the time?

The PRESIDING OFFICER. The time of the Senate is controlled by the Senator from Kentucky or his designee.

Mr. SANDERS. Madam President, let me suggest to the Senator from Florida that we divide the remaining time, if he wishes to take a minute or two and I will take a minute or two; how is that?

Mr. RUBIO. That is fine with me.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Madam President, a bunch of issues were raised about the

cost of the war in Iraq, how much money we spent, and how good we are at spending that money for the veterans. I think that is a valid debate and it is a debate we should have and should continue to have in this country. If we need to spend more money on these agencies, there are plenty of other places in the budget to find it, and we should work to make sure cost is not an issue.

But right now the central debate on the issue of what is happening in the VA has not centered around the fact that there are costs getting in the way. The central debate—and my colleagues know the President yesterday, in his press conference he held, said the central focus is on the management, the operations of this agency. Critical to the effectiveness of any agency is accountability; the ability to hold people accountable, including by taking away their jobs.

Think about this for a moment. The argument that has been made today about a new director can come in and fire the people who work underneath him or her, that argument could be made about virtually any organization on the planet. One could make that argument for staffers in the Senate, that we want to protect them, so if a new Senator is elected from a State, they can't hire their own staff.

The point I am trying to make—this is very simple. I get there are a lot of other issues we can talk about. There is one issue I want us to focus on, and that is this: We have a chance today, before we leave for the Memorial Day recess, to pass a bill that gives the Secretary that President Obama appointed the power to fire executives underneath him if they haven't done their job—a power he doesn't have right now. We have the chance to pass it on the floor. All we have to do is agree to it and it goes to the President to sign. We can then go home and say we have taken an important step in instituting accountability on this important issue, which the whole country is talking about, and we are walking away from that opportunity.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. We are not going to walk away from anything, but we are going to do it right. Again, the argument that when you run a health care system which has 151 medical centers, has some 900 community-based outreach clinics, has 300,000 employees that a new President can start wiping out, without necessarily giving people the right to defend themselves, does not make any sense to me.

So we are going to look at the positive provisions in Senator RUBIO's bill, and I think there are some. I would say to the Senator from Florida, I think we are going to reach an agreement. I think the Senator from Florida is going to be happy. I think it will be a

good bill and we will reach consensus around it and I think we have to do that.

On the other hand, I wish to reiterate the point I made about money. Senator RUBIO is right, that one of the reasons we only had two Republican votes for a comprehensive piece of legislation that addresses the issues that the veterans communities brought to us—it is not a Bernie Sanders bill, it is a bill that listened to the needs of veterans and we said we hear you.

Once again, I would just say to the Senator from Florida, I don't think—I was just literally an hour ago at a function of the Gold Star Wives organization. These are women who have lost their husbands in battle. I think that under the post-9/11 GI bill, a very good and important piece of legislation, wives should have the right to use that legislation to go to college, get an education, so they can get better jobs. If I brought that bill to the floor today, I suspect I would have unanimous support, and I think that out of our committee the bill I brought forth, many provisions had unanimous support and many provisions were Republican provisions—good provisions, bipartisan provisions.

So what I say to my friend from Florida is thank you. The Senator's bill is an important bill and it is going to be dealt with and it will be dealt with in the very near future.

Mrs. FEINSTEIN. Madam President, I support the nomination of David Barron to serve on the U.S. Court of Appeals for the First Circuit.

There is no question that David Barron has the background and qualifications for this position.

Consider his credentials: over a decade as a Harvard law professor; 3 years at the Office of Legal Counsel, OLC, in the Clinton administration, and another 2 years at OLC under President Obama as the Acting Assistant Attorney General in charge of that office—during which time he was awarded the Office of the Secretary of Defense Medal for Exceptional Public Service and the National Intelligence Exceptional Achievement Medal from the Office of the Director of National Intelligence; he clerked for Justice John Paul Stevens and Ninth Circuit Judge Stephen Reinhardt; he earned his bachelor's and law degrees from Harvard; and a substantial majority of the ABA Committee found him to be "well qualified," their highest rating.

In sum, David Barron's record shows that he will be a jurist of the highest caliber.

He also has a strong record of standing up for what is right on many issues, whether it is campaign finance or gay rights.

Many distinguished individuals in both parties have written to the Judiciary Committee to support Professor Barron. Among them are: Jack Goldsmith, a Harvard Law professor and

former head of OLC under President George W. Bush, Michael McConnell, conservative law professor and former Tenth Circuit judge, who described Barron as “one of President Obama’s two or three best nominations to the appellate courts;” Charles Fried, law professor and former Solicitor General under President Reagan; 15 former career attorneys at OLC who served in administrations of both parties; and Ron George, former chief justice of California and someone I deeply respect.

Chief Justice George wrote:

As a person who served for 38 years in a state court system, the last 14 years as chief justice of California, I have been particularly impressed by Mr. Barron’s understanding and respect for the critical role played by the states and their courts in our federal system.

I respected the strong desire of some of my colleagues to have access to the two OLC memos related to the targeted killing of an American named Anwar al-Awlaki. Those memos were authored while Barron was Acting Assistant Attorney General at OLC.

However, I regret that even though the administration made those two opinions available to all Senators and even though the administration has recently decided to make the OLC analysis public, some still insist on delaying a vote on Professor Barron’s nomination.

Let’s contrast David Barron’s nomination with that of another former head of the Office of Legal Counsel, Jay Bybee, who led the office from 2001 to 2003.

He was in charge of OLC when it produced an opinion saying waterboarding and nine other so-called enhanced interrogation techniques were not torture. On August 1, 2002, Mr. Bybee signed an opinion that set an unconscionably high bar for torture by saying that “physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.” That opinion was withdrawn during the Bush administration by Bybee’s successor, Harvard Law Professor Jack Goldsmith.

Under Bybee, OLC also produced opinions about President Bush’s Terrorist Surveillance Program that contain very troubling legal analysis. Because those opinions remain classified, I will not describe them here other than to note that they authorized a secret surveillance program that involved the collection of the content of communications without a court order and was in clear violation of the Foreign Intelligence Surveillance Act. Those OLC opinions also were withdrawn by Bybee’s successor, Professor Goldsmith.

Despite the fact that those opinions were produced when he was head of

OLC, Jay Bybee was nominated by the Bush administration to a Nevada seat on the Ninth Circuit. He was confirmed 74 to 19 in March 2003. I was one of 19 voting no.

Why would we confirm the man who approved the so-called “torture memos” and led OLC when it approved President Bush’s surveillance program but delay David Barron, who produced superior legal work as head of OLC? The only reason I have heard is that Senators may believe that the two OLC opinions on Anwar al-Awlaki should be made public. Let me address that.

First, this week the Department of Justice took steps to ensure that the OLC analysis will be made public. The Justice Department has decided not to appeal a court order from the Second Circuit Court of Appeals requiring the OLC analysis to be made public. So this will happen in the near future.

Second, Professor Barron left OLC in 2010—well before the strike killed Awlaki in Yemen in September 2011. Since 2010, Professor Barron has been in academia.

It wasn’t Barron’s decision to withhold the OLC memos from Congress or from the public.

Let me quote from Professors Laurence Tribe and Charles Fried, both legal experts often on opposite sides of issues. They wrote an op-ed together about Barron in the Boston Globe. It reads, in part:

[Barron] has not advocated, much less ordered, the withholding of any documents. His job as acting head of the Office of Legal Counsel was to provide thorough, accurate, and unvarnished legal opinions to the president and other executive officials, based on the traditional legal authorities of text, history, and precedent. We have every reason to believe that is precisely what he did, and there is absolutely no evidence to the contrary.

In fact, Professor Barron implemented policies that have made OLC more rigorous, professional, and transparent.

First, when he was acting head of OLC, Barron ordered the withdrawal of several opinions related to coercive interrogation that had been issued during the Bush administration.

Second, on July 16, 2010, Professor Barron wrote a memo entitled “Re: Best Practices for OLC Legal Advice and Written Opinions” that updated previous OLC guidance. It said that OLC “operates from the presumption that it should make its significant opinions fully and promptly available to the public. This presumption furthers the interests of Executive Branch transparency, thereby contributing to accountability and effective government, and promoting public confidence in the legality of government action.” This presumption did not exist in the Bush administration; David Barron was responsible for establishing it as OLC policy. Given Barron’s impressive record and his shift of OLC toward

more transparency, it simply is wrong to oppose his nomination because a classified OLC opinion on drone strikes has not been made public yet, a decision that was not even his to make.

Since the OLC opinions on Anwar al-Awlaki that Professor Barron wrote seem to have become the issue holding up this nomination, let me close with a reminder of the specific plotting Awlaki was involved in before he was killed in 2011.

True, Awlaki was a dual U.S.-Yemeni citizen, but he served as chief of external operations for Al Qaeda in the Arabian Peninsula, AQAP. In that position, he planned and directed attacks against the United States, making him an imminent and continuing threat.

Awlaki played a significant operational role in AQAP. In 2010, the United States designated Awlaki a “Specially Designated Global Terrorist” for “supporting acts of terrorism and for acting for or on behalf of AQAP.”

Awlaki publicly urged attacks against U.S. persons and interests worldwide. He worked with another American named Samir Khan to publish AQAP’s Inspire Magazine to encourage terrorist attacks against innocent men, women, and children in the United States and elsewhere. As a reminder, Inspire Magazine provided the Tsarnaev brothers in Boston with the instructions for making the bomb they used at the Boston Marathon last year.

Let me offer just a few examples of Awlaki’s direct involvement in terrorist operations:

**Christmas Day Attack**—In December 2009, Awlaki directed operative Umar Faruk Abdulmutallab, who attempted to detonate an explosive device aboard a Northwest Airlines flight to Detroit on Christmas Day. Awlaki instructed Abdulmutallab to detonate the device while over U.S. airspace to maximize casualties.

**Fort Hood Attack**—Fort Hood shooter Nidal Hasan attended al-Awlaki’s sermons in Virginia and corresponded at least 18 times with him through email. After the attack, Awlaki posted on his blog praising Hasan’s actions and calling him his “student and brother.”

**Times Square Bombing Attempt**—Faisal Shahzad, who pleaded guilty to the 2010 Times Square car bombing attempt, told interrogators in early 2010 that he was “inspired by” Awlaki and communicated with him.

**Package Bomb Plot**—In October 2010, Awlaki had a direct role in supervising and directing AQAP’s failed attempt to bring down two U.S. cargo aircraft by detonating explosives concealed inside two packages mailed to Chicago-area synagogues.

In sum, there is no doubt that Awlaki was chief of external operations for Al Qaeda in the Arabian Peninsula, AQAP, and a continuing and imminent threat to the United States.

David Barron's legal analysis of whether the United States can target Awlaki is cogent, careful legal analysis and reflects the kind of consideration of due process that we should applaud, not punish.

Barron certainly should not be disqualified because he was the head of OLC when that targeting decision—a targeting decision Barron did not advocate for—was being contemplated and analyzed by the Obama administration.

Let me conclude by saying this: David Barron is an impressive lawyer and scholar with a strong record. Nobody doubts that. Distinguished lawyers on both sides of the aisle have endorsed him wholeheartedly.

The reason for this is simple: His qualifications are first rate, and he has under his belt many years of commendable scholarship and service to this nation.

Simply put, he will be an outstanding jurist for the people of the First Circuit, and I very much hope my colleagues will support him.

#### WRRDA CONFERENCE REPORT

##### ECOSYSTEM RESILIENCY

Mr. WHITEHOUSE. Madam President, I am joined by the chair and ranking member of the Environment and Public Works Committee to discuss a provision of the Water Resources Reform and Development Act conference report, which we will vote on shortly in the Senate. I thank them for their leadership on this important legislation, and rise with them today to discuss one of its provisions.

Section 4014 of the conference report, Ocean and Coastal Resiliency, creates a new Army Corps authority to address ocean and coastal ecosystem resiliency.

Subject to appropriations, this authority requires the Army Corps of Engineers to work with the heads of other Federal agencies, like the National Oceanic and Atmospheric Administration and the Fish and Wildlife Service, State governors and other State officials, and nonprofit organizations, to conduct a study identifying projects in coastal zones to enhance ocean and coastal ecosystem resiliency. State and local leaders often have the best information about the changing conditions of their oceans and coastal zones, and participation by them in the Army Corps' study process is intended to ensure the most effective resiliency projects are identified in the study.

In Rhode Island there are numerous entities, from our Coastal Zone Management Agency to our National Estuary Program, the University of Rhode Island, and Save the Bay that would bring important information and expertise to the process for identifying coastal resiliency projects in Rhode Island. In other States I know there will be similar interest.

Subject to appropriations, the study and project list will be updated every 5 years, to ensure that best available science and policies are informing project identification and selection.

When funding is provided for this program through the appropriations process, the Army Corps may carry out identified projects in accordance with the criteria for existing Corps Continuing Authority Program authorities.

Mrs. BOXER. I thank Senator WHITEHOUSE. As chair of the conference committee for WRRDA, a committee on which the Senator from Rhode Island and Senator VITTER also served, I agree with the Senator's understanding of section 4014. Like Rhode Island, California also has strong leadership on coastal and oceans issues and will benefit from increased collaboration with the Corps of Engineers on coastal and ocean resiliency issues.

Mr. VITTER. I share Chairman BOXER's and Senator WHITEHOUSE's understanding of section 4014, and will address subsection (d) of that provision, "Request for Projects." Subsection (d) is an important provision because it requires approval by the governor or chief executive officer of a State before the Corps can carry out any project identified under this section.

Mr. WHITEHOUSE. The conference committee's deliberations were informed by a legal analysis prepared by the Corps of Engineers Counsel regarding the interpretation of Section 4014.

I ask unanimous consent that the legal analysis prepared by Scott Murphy, Senior Counsel for Project Agreements and Reports in the Office of the Chief Counsel of the U.S. Army Corps of Engineers Headquarters, which describes how the Corps would implement this provision, be printed in the RECORD at the end of this colloquy.

The legal analysis, dated May 8, 2014, states that Section 4014 authorizes "an independent coastal zone resiliency study and follow-on construction authority for projects to the extent they satisfy criteria for projects carried out under four named CAP authorities." In other words, Section 4014 relies on the terms and conditions of four pre-existing authorities but it is not limited by the authorized levels in those authorities.

Mrs. BOXER. The Army Corps was clear that when a project is identified in the study associated with Section 4014, it may be carried out in accordance with the criteria for one of the four existing CAPs referenced in the section, but it will be not funded through or authorized by those CAP authorities. Section 4014 provides its own funding authorization, and accordingly any project authorized by Section 4014 would be funded by appropriations for that authority.

Mr. WHITEHOUSE. I thank the chairman. I look forward to supporting

this program in the future and during the appropriations process.

Resiliency is important in our estuaries, bays, and barrier islands, because we cannot just restore things the way they were and expect to reap the benefits. These systems are changing too much. Resiliency requires planning for future threats from extreme weather, from rising sea levels and warming temperatures, from development pressure, and from pollution. Coastal ecosystems act as filters, improving water quality so we can swim and fish off our docks; they act as barriers protecting property and lives from storms and storm surges; and they provide habitat for commercially valuable fish, shellfish, and other wildlife.

Coastal ecosystems support coastal economies, and I will continue looking for avenues to support restoration and research in this area.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

##### LEGAL ANALYSIS—MAY 8, 2014

I've looked at the language and agree that it authorizes an independent coastal zone resiliency study and follow-on construction authority for projects to the extent they satisfy criteria for projects carried out under four named CAP authorities. Like other free standing study and construction authorities, I'd expect us to carry projects following the study to the extent they were separately funded. In other words, to the extent the language cites to CAP authorities, I would read that language as requiring merely that we apply the same rules for those projects for purposes of implementing projects (requiring agreement, cost sharing, etc.) following this study, but not as an actual direct expansion of those particular CAP program authorities themselves that might thereby subject our implementation of coastal zone resiliency projects after the study somehow subject to the Corps discretionary use of its overall CAP funding.

N. SCOTT MURPHY,  
Senior Counsel for  
Project Agreements  
and Reports Office  
of the Chief Counsel  
Headquarters, U.S.  
Army Corps of Engi-  
neers.

##### PORT AND HARBOR MAINTENANCE

Mrs. BOXER. Madam President, I am joined by the ranking member of the Environment and Public Works Committee to discuss a provision of the Water Resources Reform and Development Act conference report, which we will vote on shortly in the Senate.

Title II, subtitle B includes a number of important provisions related to port and harbor maintenance. In addition to setting annual spending goals for funds from the harbor maintenance trust fund, HMTF, and providing a set-aside for spending on emerging ports, the section now authorizes new expanded uses of the HMTF. The expanded use authority, which includes dredging of berths and disposal of contaminated dredge material, is limited to those ports that collect more HMTF taxes than they receive in HMTF spending.



I also want to note that these new uses are prioritized for the ports that collect much larger amounts of the HMTF fees than they receive in return because the many industries that pay these fees to access American ports deserve to have some of those funds used to improve the facilities they depend on for movement of goods.

These ports have unmet needs that shippers into these ports expect to be addressed. In my home State, we have two large ports—Los Angeles and Long Beach. These two ports collect over a quarter of all revenue for the HMTF, but because of the natural conditions at these ports, they require little to almost no traditional dredging to maintain the federally authorized channels. They do have needs related to berth dredging and disposal of some contaminated sediments.

These expanded use authorities are new and separate from the traditional uses of the HMTF. These new, expanded uses are not limited to the traditional HMTF focus—dredging of the Federal navigation channel. Instead, these are designed to meet additional maintenance needs beyond traditional cost-shared dredging projects.

Specifically, the conference agreement authorizes dredging of berths that are accessible to a Federal navigation channel and that benefit commercial navigation at the harbor. This permits expenditure of HMTF revenues for maintenance of non-Federal berthing areas to a depth required to access the federally authorized channel. The conference agreement does not place any other restriction on the use of these funds; therefore, these funds are eligible for maintenance dredging of berths to any depths necessary to access the federally authorized navigation channel as long as the berth is in a harbor that is accessible to a Federal navigation channel and the dredging benefits commercial navigation.

The conference report also authorizes dredging and disposal of contaminated sediments if such activities provide a benefit to commercial navigation and affect navigation of a Federal navigation project or are located in a berth that is accessible to a Federal navigation project. This provision will enable the HMTF to fund the disposal of legacy-contaminated sediment and sediment unsuitable for open water disposal that affect navigation at a Federal navigation project. This could include a range of cost-effective contaminated sediment removal and disposal activities as long as they provide a benefit to commercial navigation. No limitation beyond the benefit to commercial navigation and the linkage to a Federal navigation project is included.

Mr. VITTER. I thank Senator BOXER for the discussion of expanded uses of the HMTF. I agree with her understanding of the berth dredging and con-

taminated sediment disposal eligibilities, which are important to many of our Nation's major commercial ports. Expanding the uses of the HMTF is critical to those ports that are major contributors to the HMTF, yet receive minimal expenditures; therefore, the conference agreement establishes specific criteria for use of this authority. I look forward to working with the Senator more in the future on the implementation of the HMTF provisions in this conference report, including the expanded use provision we are discussing as well as increased expenditures of harbor maintenance trust fund revenues and prioritization of dredging at other key ports, such as the Port of New Orleans.

Mrs. BOXER. I thank Senator VITTER for that response. It is important that we are clear on how these new authorities should be implemented.

I also want to highlight how these authorities will benefit my home State of California. In the case of the Port of Los Angeles, the main channels and turning basins are authorized to at least 53-foot depth and have been recently dredged to such depths. Most adjacent container berths were also federally authorized at 53 feet and have been dredged to that depth. As shoaling/siltation occurs, maintenance dredging must be performed in order to keep adequate depth for the large container ships. The new expanded use for berth dredging will permit the maintenance dredging of these berth areas, down to the federally authorized depth.

This new use for disposal of contaminated sediment is also important for the Port of Los Angeles because legacy sediment contamination from the Consolidated Slip at the port will migrate during storm events down the Dominguez Channel and into the newly deepened Federal turning basin and main channel. This new expanded use will now allow the HMTF to fund the removal of this sediment.

I am glad that the conference agreement could address this important need for California ports as well as many other ports around the country. I am also very pleased with all of the other important reforms to the harbor maintenance trust fund included in the conference report. The proper and full maintenance of our nation's ports is of vital importance as we seek to compete in the global economy. The HMTF provisions and other important elements in the WRRDA 2014 help support American jobs, while maintaining America's ability to compete in the global economy.

#### DAM OPTIMIZATION

Mr. CORNYN. Madam President, I am joined by the chair and ranking member of the Environment and Public Works Committee to discuss section 1046 of the Water Resources Reform and Development Act conference report, which we will vote on shortly in

the Senate. I would like to thank the chair and ranking member for their leadership on this important legislation and rise with them today to discuss the provision and address my concerns about the effects on Army Corps of Engineers' reservoirs in Texas.

It is important to remember that the long-term reliability of the Corps' multipurpose reservoirs remains a critical economic issue for many regions of our country. Cities, water districts, businesses, and other users depend on these reservoirs both for hydropower generation and to meet their larger water supply needs. That is especially true in arid States such as Texas.

Indeed, the reservoirs have helped our States—and many others—to mitigate the effects of serious droughts. For that matter, Texas suffered the most intense drought in recorded State history just a few years ago, and water levels at a number of reservoirs remain dangerously low. Statewide, reservoirs are only at 64 percent of their capacity, according to the Texas Water Development Board.

As one of America's fastest growing States, water supply management is becoming more and more important to individual Texans and their communities. Thankfully, local and State leaders have worked hard to devise effective strategies.

Similar to other States, Texas has very specific laws on water rights and environmental flows. Since 2007, we have had a legal process that provides for a basin-specific scientific assessment, a formal review, and then recommendations by interested stakeholders. The State government oversees this process by working with stakeholders to balance environmental flow needs with other public interests, such as water needs.

It is crucial to understand that the water stored in these reservoirs belongs to Texas and has been allocated to users in accordance with Federal and State law. It is also crucial to understand that the non-Federal sponsors of the reservoirs pay for storage, operations, and maintenance. Any changes to the operations that affect the authorized purposes of the reservoirs should never be made without their involvement.

Section 1046(a) in the conference report requires the Corps to update its operations of reservoirs report, and to include a plan for reviewing the operations of individual projects, including a detailed schedule for future reviews of project operations. In carrying out these reviews, the Corps must coordinate with the appropriate Federal, State, and local agencies, along with any public and private entities that could be affected.

Going forward, during the deliberations over a project-specific review, the Secretary must carefully weigh the use of limited Federal operations and



maintenance funding and may accept funds from other agencies or non-Federal entities if necessary.

Furthermore, the Secretary must ensure that all recommendations offered at the conclusion of the review, one, do not impinge on State water rights; two, are consistent with State water plans, and, three, do not affect any authority of a State to manage water resources within that State.

The language is explicit: It does not change the authorized purpose of any Corps dam or reservoir, and the Secretary may only carry out recommendations and activities pursuant to existing law. Let me repeat: There is no new authority to modify reservoir operations granted to the Corps of Engineers.

Of course, the Secretary has always had the authority to review the operations of these reservoirs and to improve their efficiency. As they undertake these reviews and carry out activities, this conference report language is clear that all authorized project purposes are maintained.

Mr. VITTER. Madam President, I would like to thank my friend from Texas, Senator CORNYN. As the top Senate Republican member of the conference committee for WRRDA, I agree with his understanding and interpretation of the language in section 1046(a) of the WRRDA conference report. Multipurpose dams and reservoirs in Texas are crucial to the well-being and economic viability of Texas, particularly in areas that have experienced severe droughts over the past several years. This provision is explicit in that the Secretary shall coordinate with appropriate Federal, State, and local agencies, as well as public and private entities that may be affected by those reviews and activities. This provision also prohibits any changes to the authorized purposes of any Corps dam or reservoir and only allows the Secretary to carry out recommendations or activities pursuant to existing law. As the Corps implements this provision, I will work with my colleague from Texas to monitor the Corps' activities and ensure there are no adverse effects to dams and reservoirs in his State.

Mrs. BOXER. Madam President, I thank Ranking Member VITTER and Senator CORNYN for the discussion of section 1046(a) in the WRRDA conference report. I agree with their understanding and interpretation of this section and wish to address the importance of this provision. In my home State, which is currently facing a historic drought, it is critical that the Corps examine its reservoir operations to increase flexibility so that it can better meet all of the State's water needs, including agriculture, municipal uses, and the environment. Unfortunately, in California, the Corps does not look often enough at how it can better operate its reservoirs to meet

multiple needs. This provision does not change the authorized purpose of any reservoir and paragraph (6), "Effects of subsection," makes this clear. The provision simply creates a more transparent process under existing law so that Congress and local communities can work with the Corps to improve management of Federal reservoirs that provide important benefits to local communities.

#### ACF AND ACT RIVER SYSTEMS

Mr. SESSIONS. Madam President, I am joined by the chair and ranking member of the Environment and Public Works Committee to discuss section 1051 of the Water Resources Reform and Development Act—WRRDA—conference report, which we will vote on shortly in the Senate. I thank the chair and ranking member for their leadership on this bipartisan and important legislation. I rise today to discuss a provision within the legislation pertaining to a long-running regional dispute in the Southeastern United States over the U.S. Army Corps of Engineers' operations within the Apalachicola-Chattahoochee-Flint, ACF and Alabama-Coosa-Tallapoosa, ACT, river systems. At the heart of the conflict are concerns from downstream stakeholders about the amount of water withdrawals—and the legal authority for those withdrawals—from Lake Allatoona and Lake Lanier.

A similar provision was included in the Senate-passed version of this bill, S. 601, which was reported favorably out of the Environment and Public Works Committee after careful consideration. Part of that consideration was a July 22, 2013, hearing focused on this dispute among the Army Corps and other stakeholders in the region. That hearing examined issues related to the withdrawal of water from Lake Allatoona and Lake Lanier; the authorized purposes of those two reservoirs; the Corps' actions in light of the 1958 Water Supply Act; the legislative history of the reservoirs; and the Corps' management of water storage contracts in the river systems.

While it highlighted a number of concerns related to Army Corps of Engineers authority under the Water Supply Act, the hearing brought to light a point of agreement that all stakeholders share. The best way to resolve the conflict is through a negotiated interstate water compact.

Section 1051 highlights Congress's concerns with the Corps' actions under the Water Supply Act related to the allocation of storage at Corps projects to local water supply without congressional approval. While it notes these concerns, it urges the agreed-upon best resolution to the conflict: an interstate water compact negotiated by the Governors of Georgia, Alabama, and Florida. The provision adds that the committees of jurisdiction should consider further legislation on the issue absent such an agreement.

Mr. VITTER. I thank my friend from Alabama, Senator SESSIONS, for his work on the WRRDA conference report and on this long-running dispute in the Southeastern United States. As the top Republican on the Committee on Environment and Public Works and the lead Republican Senate conferee on the conference committee for WRRDA, I agree with his understanding and interpretation of the language in section 1051 of the WRRDA conference report. Senator SESSIONS' work through the development of the Senate version of this bill to investigate and document this conflict provided useful clarity throughout the conference committee's deliberations. As we await the development of a water compact that is satisfactory to Georgia, Alabama, and Florida, I will work with my friend from Alabama to continue oversight of the Corps' implementation of the Water Supply Act.

Mr. MCCAIN. Madam President, today the Senate is considering the conference agreement for the Water Resources Reform and Development Act of 2014, WRRDA. This bill contains roughly \$12.3 billion in additional authorized spending for a variety of water projects that fall under the jurisdiction of the U.S. Army Corps of Engineers civil works division. This bill supports the construction and maintenance of many of our Nation's dams, levees, harbors, ports, and river ways to name a few.

For being such an important bill, the American people may wonder why the last time Congress passed a WRDA law was 7 years ago in 2007.

The reason is that it took Congress 7 straight years to finally respond to public pressure demanding Army Corps reform. As my colleagues know, the Corps has long been criticized by government auditors, taxpayer watchdogs and environmental groups for employing highly questionable economic models and environmental studies to justify its construction projects. A large number of Army Corps projects have been pegged as government boondoggles flush with waste, fraud, and abuse due to cost-overruns and cut-corner construction. Perhaps the best known example is the flooding of New Orleans during the Hurricane Katrina disaster that was traced back to substandard Corps levees, poor planning, and gutted coastal wetlands. Years later an independent study by the American Society of Engineers commissioned by the Corps concluded that, "a large portion of the destruction from Hurricane Katrina was caused by . . . engineering and engineering-policy failures made over many years at almost all levels of responsibility."

But as much as the Corps' bad management practices are to blame, the truth is that we in Congress are not without fault. For decades, Congress has used each WRDA bill to pile on construction project on top of construction project as a way for members

to “bring home the bacon” in their States. Layers of these pork projects have created a \$60 billion construction backlog, and the Army Corps simply can not complete them all with their \$2 billion annual construction appropriation. Cutting corners and cooking their books is simply one way they bend to political priorities set by Congress.

I appreciate that the conference agreement implements some modest Corps reforms, particularly addressing the agency’s \$60 billion construction backlog. This bill requires the Army Corps to “de-authorize” up to \$18 billion in Corps projects, most of which have never received construction funding to begin with. This is a step in the right direction, but unfortunately this bill’s “savings” are washed away by the \$12 billion in new authorized spending included in this bill. Additionally, the conference agreement makes it impossible to de-authorize \$28 billion in projects that were authorized in the 2007 WRDA law—a bill that was vetoed by President Bush for containing too much government waste but was subsequently overridden by Congress.

This bill also falls short by not giving the Army Corps clear parameters on what projects should be treated as national priorities. The conferees even eliminated a law that requires the Corps to send their most costly and controversial projects to undergo an “Independent Peer Review” process. All of this means there will be less transparency and oversight into the Corps decision making process. So I am sorry to say I must question the veracity of “reform” in this conference agreement.

I worry that ultimately this WRRDA conference agreement means that Army Corps projects of lower-priority will continue to supersede projects that address serious, life-threatening issues across the Nation and in my home State of Arizona. This lack of prioritization with Corps projects comes at a real cost to the American taxpayer. Take for example the Rio de Flag Flood Control Project in Flagstaff, AZ. The Army Corps knows that a single large flood event along the Rio de Flag River could easily wipe out the city’s downtown area and Northern Arizona University, affecting half their population and causing \$93 million in economic damage. After undergoing the appropriate feasibility studies, Congress authorized \$24 million in 2000 to construct a 1.6-mile flood water channel and a detention basin to redirect the water away from the community. For 14 years, this project—again, just 1.6 miles—has languished partially because of the Corps’ \$60 billion construction backlog. The Corps spends less than \$3 million a year on Rio de Flag while Congress plays favorites with other projects on their plate. This approach of funding Army Corps projects piecemeal over the years has

inflated the total estimated cost of Rio de Flag from \$24 million to \$101.5 million.

Rio de Flag is a serious public safety project and yet it is behind schedule and way over budget. In fact, the only completed portion of the project is a 4,000-foot levee, which is cracked due to shoddy construction by an Army Corps contractor. I am told that the Army Corps recently ordered the contractor to repair the broken levee, of course at the added expense of the American taxpayer and the City of Flagstaff. Now the project faces more delays because the Army Corps has been slowly dragging out its “updated economic analysis” for Rio De Flag for the past 3 years, leaving the city unnecessarily vulnerable to disaster and causing the project’s price tag to rise even higher.

I have a longstanding practice of abstaining from legislating projects to WRDA bills out of principle that each project should be prioritized based on national need, but it’s hard to argue that Flagstaff isn’t one of these national priorities, or that the current practice of piling on Army Corps projects isn’t contributing to the mismanagement across the entire agency. Ultimately, this conference agreement does little to change the Corps’ culture of bad decisions that affect Rio de Flag and similar projects. Congress will not be blameless if a flood event larger than what Flagstaff occasionally sees inundates the city, destroys property, or claims innocent lives.

I appreciate the need to pass a WRDA bill after 7 years, but I am concerned that this bill is just a new coat of paint on the same broken system. I urge my colleagues to oppose this conference agreement.

Mr. NELSON. Madam President, I am here to speak in support of the conference report for the Water Resources Reform and Development Act or WRRDA. I congratulate Senator BOXER and Senator VITTER for their combined leadership and their working together to send this bill to the President’s desk. The last time Congress passed a WRDA bill was in 2007.

Gridlock and controversy over earmarks have delayed action on the WRRDA bill. This inaction puts our ports, beaches, and massive environmental restoration projects, like the Everglades, in jeopardy.

I support WRRDA because it moves forward with port construction, new flood protection, navigation, and environmental restoration projects, while instituting a number of reforms to the Army Corps of Engineers.

Our ports provide good jobs and are critical the economy, facilitating trade and commerce. These projects have been vetted, studied, and recommended by the Army Corps. Now, it is time for Congress to do its part and pass the WRRDA bill.

The WRRDA bill means good news for Florida’s beaches, waterways,

ports, and the Everglades. Not only does Florida have nine projects with a chief’s report that are ready to go, but we also have several coastal communities anxiously waiting for the reauthorization of beach nourishment programs.

The WRRDA bill extends the authorization for beach renourishment projects so that the Corps can continue repairing and restoring Florida’s coastlines. The WRRDA bill authorizes a 3-year extension of coastal storm damage projects which are scheduled to expire in the next 5 years. This means that the Treasure Island project in Pinellas County will now be authorized through 2022. In addition, it creates a process by which projects can be extended by up to 15 years with the help of Federal funds. Strengthening the coastline by replenishing eroding sand will help defend against sea-level rise and storm surge.

Congress made a promise 14 years ago to restore the Everglades, and WRRDA puts us on the path to finally fulfill the promise of Everglades restoration. The Everglades are a national treasure, and together, Congress and President Harry Truman recognized it when they dedicated Everglades National Park back in 1947. But it took another major act of Congress to fund Everglades restoration to repair and restore the natural sheet flow of water into the park and into Florida Bay.

The original Everglades Restoration legislation, also known as the Comprehensive Everglades Restoration Plan, or CERP, was the result of years of work and study, was authorized in 2000 and was written with the intent of frequent WRDA bills.

However, only one WRDA bill has been enacted since—in 2007. The first era of Everglades restoration is underway. We have been able to fund construction and make significant progress on three major projects, build a bridge over the Tamiami Trail, create jobs, and provide fresh water for urban and agricultural water supply.

As we restore the Everglades, we create jobs and improve the water quality for a critical habitat. In fact, a Mather Economics study found that restoring the Everglades will result in the creation of over 440,000 jobs in sectors like real estate, tourism, fishing, and agriculture—many of those permanent jobs. This study also concluded that there is a \$4 return on investment for every dollar spent restoring the Everglades.

This bill contains four new project authorizations that are part of the Comprehensive Everglades Restoration Plan. For example, the C-43 Reservoir near La Belle, FL, will help store water during the rainy season along the Caloosahatchee River and protect our coastal areas from too much freshwater, which can drastically disrupt the delicate salinity balance in the

Caloosahatchee Estuary. In addition, the C-111 Spreader Canal will redirect water into Everglades National Park that will eventually make its way down to benefit Florida Bay.

The first era of Everglades restoration projects, including the Indian River Lagoon and the Picayune Strand, increase water quality and preserve the natural areas to reverse the draining and bulldozing that happened decades ago. This is one of the last areas of the State where the Florida panther has the land it needs to roam and hunt. In addition, Picayune Strand restores habitat and ecological connections that will directly affect the Florida Panthers National Wildlife Refuge, the Belle Meade State Conservation and Recreation Lands Project Area, and the Fakahatchee Strand State Preserve.

All of this works toward the goal of moving water through the historic River of Grass. But progress has been delayed because the second era of projects has been waiting for the WRDA bill for several years. I know Florida is not alone with this type of complaint. The lack of project authorizations has caused delays and significant cost overruns for too long. For this very reason, I have introduced a bill called the Everglades for the Next Generation Act. This legislation provides a programmatic authorization for 5 years for all projects associated with the Comprehensive Everglades Restoration Plan. It authorizes projects that the Army Corps has completed the planning, engineering, and design work for and allows the Corps to expedite the process on other projects that would provide greater ecosystem or water supply benefits when done soon-er.

The WRRDA bill updates our ports and makes them more economically competitive. WRRDA authorizes a number of projects for ports in Florida and other States. These authorizations are a crucial step forward for the improvements our ports need to attract more ships and cargo and take full advantage of the Panama Canal expansion. For example, WRRDA authorizes \$600.9 million for a project to deepen Jacksonville Harbor. This will economically transform Jacksonville into a major port that can receive big ships from Asia through an expanded Panama Canal. Projects for Port Canaveral and the Port of Palm Beach that will create new jobs were also included in WRRDA. Overall, I am very pleased that the WRRDA bill accomplishes so much for ports in Florida. Improving and updating our ports will be an economic boon for the country that will create new jobs and opportunities for people across the country.

Mr. President, it is clear that without the WRRDA bill, Florida is in trouble. It is important not just to Florida but for this entire Nation. I urge my colleagues to support the bill.

Mr. LEVIN. Madam President, I will support this legislation to strengthen our Nation's water infrastructure. For Michigan, the Water Resources Reform and Development Act, WRRDA, means that harbors, channels, breakwaters, and locks in the Great Lakes will be better maintained; Federal assistance for wastewater system upgrades will be more flexible and affordable; and the Great Lakes fishery will be better protected from destructive invasive species. Surrounded by water on all but one side, Michigan is a water state and our waters fuel our economy, create jobs, offer a vast array of recreational opportunities, and provide drinking water to millions. I am pleased this bill will help protect our waters and improve their navigability.

The report makes progress on increasing funding for harbor maintenance, with the goal of aligning revenues collected in the harbor maintenance trust fund with those expended for this purpose. Over 5 years have passed since I led a bipartisan and multiregional group of Senators to call to the attention of the Senate Environment and Public Works Committee the imbalance in collections and spending for harbor maintenance. I am pleased the committee worked with us to reduce this disparity. This conference report aims to increase spending on harbor maintenance so that it is more in line with the fees collected for maintaining our Nation's navigation infrastructure. I am also pleased the Great Lakes navigation system is prioritized for the increased funds through a specific set-aside of 10 percent. Also, Great Lakes projects are eligible for other types of prioritized funds, which will position us to compete for this additional assistance.

The conference report authorizes the Great Lakes as a single navigational system, recognizing the interconnectedness of its 140 harbor projects. During Senate consideration of the water resources bill, I entered into a colloquy with Chairman BOXER to discuss the system's interdependence. I am pleased the conference committee included this Great Lakes authorization, as it should help allow all of our harbors—both large and small—to be recognized for Federal assistance.

While the harbor maintenance provisions in the report are good, we will still need to continue to fight for appropriations and ensure that budget requests reflect the true needs of the Great Lakes Navigation System. This vital transportation network carries about 130 million tons of critical commodities to supply raw materials to our manufacturing sector, power homes and businesses, build roads and bridges, and provide food for people around the world. Surely it should be maintained so that it can carry these critical commodities effectively and efficiently.

In addition to carrying millions of tons of goods, the Great Lakes also boast a \$7 billion fishery. To protect this significant resource, destructive invasive species need to be kept out of the lakes. I am pleased the conferees retained an important provision I worked with my colleagues to include in the Senate bill, an authorization for the Corps of Engineers to implement emergency measures to prevent invasive species, including the destructive Asian carp, from dispersing into the Great Lakes. This authorization makes clear that such emergency authority can be implemented at any hydrologic connection between the Great Lakes and Mississippi River basins which will provide important flexibility to the Corps to respond to emergencies.

Our Nation's economy, health, and well-being depend on a strong water infrastructure. WRRDA makes progress in authorizing programs to strengthen our navigation systems, flood control, drinking water and wastewater systems, and natural resources. We now need to make sure that appropriations are provided for these improvements to be made real.

Mr. DURBIN. Madam President, today the Senate will act to make major improvements to our water infrastructure for commercial and recreational navigation while protecting and maintaining many environmental treasures for future generations.

The Water Resources Reform and Development Act—which the House passed 412 to 4—is one of the few bipartisan accomplishments of this Congress. I wish there were more.

Nevertheless, I would like to thank Chairman BARBARA BOXER and Senator VITTER of the Senate Environment and Public Works Committee and Chairman BILL SHUSTER and Congressman NICK RAHALL on the House side for their hard work in getting this bill to us today.

I would also like to thank my Illinois delegation colleagues on both sides of the Capitol and on both sides of the aisle for their assistance in advancing Illinois priorities in this bill.

I am pleased that in the final bill there are many provisions that will benefit our home State.

It was just a little over a year ago that we dealt with a major drought in the Midwest that caused record low water levels on the Mississippi River and threatened to disrupt the crucial transport of millions of dollars in goods and commodities on the river.

After the initial threat had passed, thanks to better-than-expected rainfall and quick action by the Army Corps of Engineers at the behest of Congress, Representative BILL ENYART and I introduced the Mississippi River Navigation Sustainment Act. The major provisions of this measure are included in the bill we will pass today.

These provisions will improve water level and river forecasting abilities along the Mississippi and give the Corps greater flexibility to respond to low water events that threaten navigation. The bill also authorizes the Corps to conduct, for the first time, a study of the entire Mississippi River Basin—which spans 40 percent of the continental United States—to determine how we can better manage the system during extreme weather. Finally, we create an environmental management program for the middle Mississippi—recognizing the importance of preserving and restoring fish and wildlife habitats while undertaking important navigation improvements.

River commerce in America's heartland depends on the system of locks and dams on the Mississippi and Illinois Rivers.

I was pleased to work with my colleagues in the 2007 reauthorization of the Water Resources Development Act to authorize modernization and expansion of the locks on these important Illinois waterways.

These improvements make commerce more efficient and guard against catastrophic failures of current locks and dams as most of them reach 80 or so years old. At the same time, with current project delivery schedules and the tight Federal budget, these improvements are not expected to be realized until 2090 by some estimates.

With that in mind, Senator MARK KIRK and I, along with our colleagues Representatives CHERI BUSTOS and RODNEY DAVIS in the House, introduced the Water Infrastructure Now Public Private Partnership Act or WIN-P3. A version of our proposal is included in the final conference report.

It includes a pilot program that would decentralize project planning, design, and construction from the Corps and provide an opportunity for private financing to come to the table. We are hopeful that it will speed project delivery of nationally significant water infrastructure projects like the locks and dams on the Mississippi and Illinois Rivers.

Along with the economic and recreational benefits of the Mississippi River comes the annual threat of devastating floods for many Illinois communities.

In Illinois' Metro East region the community has stepped up to improve flood protection after their levees were decertified. They have taxed themselves to help pay for this improved protection and have endured a long and often frustrating partnership with the Army Corps.

My hope is that the provisions we secured in this bill will go a long way to improving their situation.

The bill would combine several separately authorized levee projects into one. That means that the money Congress appropriates for these projects

will be more flexible and can be used where it is most needed.

Additionally, the bill would allow the Metro East levee projects to qualify for work-in-kind credit with the Army Corps. This will help make the work the locals are doing go farther towards the completion of the final levels of protection.

The conference report will also allow much needed restoration of the Chicago shoreline along Lake Michigan to continue. The project was facing delay as it got closer to hitting its original authorization cap. This bill increased that authorization.

I would like to thank again all those who worked on this bill. I look forward to this bipartisan accomplishment being soon signed into law by President Obama.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

##### NOMINATION OF DAVID JEREMIAH BARRON TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit?

Mr. ISAKSON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Indiana (Mr. COATS).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN) would have voted "nay."

The PRESIDING OFFICER (Ms. HIRONO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 162 Ex.]

#### YEAS—53

Baldwin	Harkin	Pryor
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Hirono	Rockefeller
Booker	Johnson (SD)	Sanders
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Markey	Udall (CO)
Coons	McCaskill	Udall (NM)
Donnelly	Menendez	Walsh
Durbin	Merkley	Warner
Feinstein	Mikulski	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Hagan	Nelson	

#### NAYS—45

Alexander	Flake	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Paul
Burr	Heller	Portman
Chambliss	Hoeven	Risch
Coburn	Inhofe	Roberts
Cochran	Isakson	Rubio
Collins	Johanns	Scott
Corker	Johnson (WI)	Sessions
Cornyn	Kirk	Shelby
Crapo	Landrieu	Thune
Cruz	Lee	Toomey
Enzi	Manchin	Vitter
Fischer	McCain	Wicker

#### NOT VOTING—2

Boozman Coats

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President shall be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

##### WATER RESOURCES REFORM AND DEVELOPMENT ACT OF 2014—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the conference report to accompany H.R. 3080, which the clerk will report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3080), to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings in the RECORD of May 15, 2014.)

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Colleagues, I am going to take 25 seconds. This is a great day for the Senate, for every single Member in this body, and our States, for jobs, for business, for ecosystem restoration, for our oceans. It is a great bill. I hope we will have a great vote on this bill.

Senator VITTER and I agree. I will yield my remaining time to him.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I urge a "yes" vote also. This is a strong bipartisan bill. There were only four "no" votes in the House and a strong positive editorial in the Wall Street Journal. Vote for infrastructure and jobs.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the conference report to accompany H.R. 3080.

Mr. CORKER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Indiana (Mr. COATS).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN) would have voted "yea."

The PRESIDING OFFICER (Ms. WARREN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 7, as follows:

[Rollcall Vote No. 163 Leg.]

#### YEAS—91

Alexander	Grassley	Nelson
Ayotte	Hagan	Paul
Baldwin	Harkin	Portman
Barrasso	Hatch	Pryor
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Heller	Risch
Blunt	Hirono	Rockefeller
Booker	Hoeven	Rubio
Boxer	Inhofe	Sanders
Brown	Isakson	Schatz
Cantwell	Johanns	Schumer
Cardin	Johnson (SD)	Scott
Carper	Kaine	Sessions
Casey	King	Shaheen
Chambliss	Kirk	Shelby
Cochran	Klobuchar	Stabenow
Collins	Landrieu	Tester
Coons	Leahy	Thune
Corker	Levin	Toomey
Cornyn	Manchin	Udall (CO)
Crapo	Markey	Udall (NM)
Cruz	McCaskey	Vitter
Donnelly	McConnell	Walsh
Durbin	Menendez	Warner
Enzi	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Fischer	Moran	Wicker
Franken	Murkowski	Wyden
Gillibrand	Murphy	
Graham	Murray	

#### NAYS—7

Burr	Johnson (WI)	Roberts
Coburn	Lee	
Flake	McCain	

#### NOT VOTING—2

Boozman	Coats
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The conference report was agreed to.

### EXECUTIVE SESSION

#### NOMINATION OF RICHARD G. FRANK TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Richard G. Frank, of Massachusetts, to be an Assistant Secretary of Health and Human Services.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form.

The Senator from Delaware.

Mr. COONS. Madam President, I ask unanimous consent to yield back all remaining time on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Richard G. Frank, of Massachusetts, to be an Assistant Secretary of Health and Human Services?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

### LEGISLATIVE SESSION

#### TO PROTECT AND ENHANCE OPPORTUNITIES FOR RECREATIONAL HUNTING, FISHING, AND SHOOTING—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Texas.

Mr. CORNYN. Madam President, I want to speak briefly on three topics this afternoon: human trafficking; the terrorist attack at Fort Hood, TX, in 2009; and finally, the way the Senate has become a killing ground for good ideas because of the practices of the majority leader.

#### HUMAN TRAFFICKING

Starting with human trafficking, we know that while slavery was formally abolished in the United States years ago, it continues today in the form of human trafficking. Tragically, too

many children are victims of modern-day slavery—literally tens of thousands right here in America. That is why in recent years I have joined with colleagues on both sides of the aisle—obviously, this is not a political or partisan issue—to work together in a bipartisan way to introduce a series of bills aimed at accomplishing three things: No. 1, shedding light on this tragic reality. Most people in their communities around the country are not even aware of the scourge of human trafficking that is happening right under their nose. No. 2, we have tried to do everything we can to save children—minors—from the sex trade. And No. 3, we have tried hard to bring these traffickers to justice.

I was proud to be one of the cosponsors of the 2012 Child Protection Act, which gave law enforcement agencies better tools with which to protect children and apprehend criminals. More recently, I joined with the senior Senator from Oregon, Mr. WYDEN; the senior Senator from Minnesota, Ms. KLOBUCHAR; and the junior Senator from Illinois, Mr. KIRK, to introduce something we call the Justice for Victims of Trafficking Act.

Our bill would establish a domestic trafficking victims fund that doesn't come from tax dollars but, rather, from fees and fines paid by people who commit law enforcement offenses. It would allocate tens of millions of dollars to both fight human trafficking and, just as importantly, to help victims get the sorts of services they need in order to heal and to become productive citizens once again. It would also give law enforcement officials more tools to crack down on human trafficking and the broader criminal networks that support them.

The bill would streamline human trafficking task force investigations by giving investigators access to better technologies and enhance cooperation between Federal and State law enforcement partnerships. It would also allow law enforcement officials to prosecute each and every member of a human trafficking organization, as opposed to merely the on-the-ground managers, and it would increase the penalties for criminals who prey on children through sex slavery.

Finally, it would improve the availability of restitution and witness assistance for trafficking victims by allowing for a larger portion of forfeited Federal criminal assets to go directly to the victims.

To be clear, as I said a moment ago, this bill would be funded by the fines imposed on the people who commit the crimes of child pornography, child prostitution, sexual exploitation, human trafficking, and commercial human smuggling offenses at the Federal level, and it would not increase the Federal deficit.

Earlier this week, the House of Representatives acted by passing its own

version of the Justice for Victims of Trafficking Act, and I would urge the majority leader and the chairman of the Senate Judiciary Committee to bring the Senate version up for a vote in the committee and on the floor of the Senate as soon as possible. After all, during a time when politics seems to pervade everything here in Washington, DC, and we are approaching a midterm election where it seems so hard to do things that should be easy, this is one thing we ought to be able to do together.

#### FORT HOOD

I would also urge the majority leader to allow a vote on separate legislation that has already been approved by the House Armed Services Committee as an amendment to the national defense authorization bill, and is now being introduced as an amendment to the Senate bill by my colleague Senator CRUZ of Texas, who sits on the Armed Services Committee.

This legislation I am referring to I first introduced several years ago following the terrorist attack on American soil at Fort Hood, TX, when MAJ Nidal Hasan killed 13 people and injured dozens more. These individuals who lost their lives deserve the same sort of recognition on the field of battle as people who lost their lives in other parts of the world—perhaps overseas. The same benefits should be available to the families of those who survive terrorist attacks anywhere in the world.

There is no doubt about the fact that what happened at Fort Hood on November 5, 2009, was a terrorist attack. The shooter happened to be a lone-wolf terrorist, happened to be an American citizen, and happened to be a member of the U.S. Army, but he was also a radicalized Islamist who reportedly exchanged at least 20 emails with a senior Al-Qaeda member before committing this massacre. The Al-Qaeda leader with whom he corresponded is someone who has since become more notorious and even better known—a man named Anwar al-Awlaki. This person was also the one who maintained a relationship with a terrorist who tried to blow up Northwest Airlines flight 253 on Christmas day in 2009, less than 2 months after the Fort Hood attack.

We have just had a vote on one of the lawyers who wrote the memo by which President Obama authorized a drone attack on Anwar al-Awlaki on September 2011 overseas, so there is no question the Fort Hood shooter believed he was acting on behalf of Al-Qaeda. There is no one who can deny he shouted “Allah akbar” before opening fire, and no one who can deny he has since described the act as an act of jihad.

Yesterday I had the chance to question FBI Director James Comey, and I asked him whether he agreed with the assessment that this incident was

“workplace violence,” which some have amazingly called this, or whether he thought this was an Al-Qaeda-inspired attack of terrorism here on America soil. His response—something I thought would have been painfully obvious—was yes, it was a terrorist attack in 2009.

Was the shooter a card-carrying member of Al-Qaeda? Well, I am not sure exactly what that is, but to me that is the wrong question entirely. We have to remember that Al-Qaeda leaders, such as Ayman al-Zawahiri has called upon his terrorist followers to commit dispersed, small-scale attacks exactly like the one that occurred at Fort Hood in 2009. We do know, from the rich evidence that was discovered during the prosecution of Major Hasan, that the Fort Hood shooter was most certainly a disciple of Anwar al-Awlaki.

The awarding of Purple Hearts should not be contingent on geography. In other words, if an Al-Qaeda-inspired terrorist kills a group of our brave men and women in uniform overseas, it shouldn't be treated any differently than if one of their inspired terrorists kills one of our members of the military here at home as well. The soldiers who were killed or wounded at Fort Hood were casualties of a global war on terror, period, and they deserve to be treated as such by the U.S. Government. They deserve the exact same recognition that military victims of Al-Qaeda's terrorist attack in New York on September 11, 2001, received—the same recognition they received—nothing more and nothing less.

Awarding them the Purple Heart is a matter of justice, a matter of honor, and a matter of honesty.

The House of Representatives has shown great leadership on these issues that should unite us both on the huge trafficking front and on the Purple Heart recognition I just mentioned. It is time now for the Senate to follow suit, and I hope the majority leader will help us get this legislation up, move it across the floor, pass it, and send it to the President so he can sign it into law.

#### SENATE OPERATION

The third point is that I cannot let the remarks of the majority leader this morning pass without comment—the remarks majority leader HARRY REID made on the floor this morning about how the Senate is being operated.

The majority leader came to the floor this morning and called the legislative process a game. He accused Republicans of stalling important pieces of legislation, such as the 55 provisions of the tax extenders bill that died last week in the Senate. But we need to be clear about exactly who is responsible and what has happened.

This is the third time in 2 weeks the majority leader has killed legislation which enjoys broad bipartisan support.

First, it was the energy efficiency bill known as the Shaheen-Portman bill. The majority leader killed that piece of legislation when he refused any opportunity—either for Democrats or Republicans—to offer any amendments and get votes on those amendments. If he had simply done that, that legislation would be on its way to President Obama today, if not already signed into law.

Then last week we saw these 55 expiring tax provisions, some of which enjoy broad bipartisan support, such as the research and development tax credit and the deduction for State sales tax, which is important to my State because income taxes paid at the State level are deducted from the Federal income tax bill of people who live in those States and pay State income tax.

As a matter of fairness and parity, I support a number of the provisions in the tax extenders bill. But when the majority leader brought it to the floor and he refused to allow any amendments whatsoever to this legislation, the minority, of which I am a member, had no choice but to stop that legislation in its tracks because that is the only leverage we had to wake up the majority leader and say it is important for the minority and the people we represent to have a voice in what happens on the Senate floor.

Our Founding Fathers decided that each State would get two Senators. But when one or maybe both of those Senators are in the minority party and if they are shut out of the legislative process entirely because all amendments and even constructive suggestions are denied, then my constituents—the 26 million people I represent in the State of Texas—have been shut out of the process and denied the constitutional representation they are guaranteed under our founding documents.

There is a theme that resulted in these bills killed by the majority leader; that is, since the 113th Congress, the majority leader's utter refusal to allow debate and votes on amendments by Members of both parties—both parties.

While I am not happy about the fact that my constituents have been shut out of this process, I would think my Democratic friends' constituents can't be happy about the fact that they have been shut out of the process as well.

Here is an amazing statistic. Our Democratic Senators have introduced 676 amendments to bills on the floor since last July. That is 676 amendments not by the minority party but by the majority party that controls this body. Do we know how many votes they got on Democratic amendments? They got 7 votes on Democratic amendments since the beginning of the 113th Congress.

During that same period of time, Republicans have filed hundreds of

amendments too. That used to be the way the Senate worked. Both parties participate, we represent our States, and we have full and open debate and an amendment process. Then we vote, the majority rules, and then bills get passed and sent to the President for signature. But no more under this majority leader. Now, during this same time frame, while Democrats only got 7 rollcall votes, the minority got 9 rollcall votes since last July.

So I find it a little ironic that, both on the energy efficiency bill and the tax extenders bill, it was Senate Republicans who stood up—not only for the right of minority party Senators to get votes on amendments they had filed, but also for the right of our Democratic colleagues in the majority party who have basically been frozen out of the process as well.

It might be true that constituents back home in those States where Democratic Senators were elected would be asking the question: Look. My Senator who I voted for, whom I support, is a Member of the majority party. But you're telling me that they can't participate in the legislative process by offering good ideas to make legislation better and to get votes? How ineffectual can you be?

I happen to know from talking to many of my Democratic colleagues that they are not happy about the process either. And it is not just about process. It is not just about the prerogatives of individual Senators. This is about the constitutional guarantees of representation by two Senators for each State, and the rights of the minority to participate in the process and the people that I represent back home in Texas being shut out of the process altogether.

So the Senate has become a virtual killing floor for good bipartisan ideas because of the way the majority leader has run the Senate.

Then there is what happened yesterday on the patent reform bill. I have been a member of the Judiciary Committee since the time I got to the Senate, and we have been working very hard to try to deal with the problem of patent trolls.

Patent trolls are big a problem in industries we wouldn't even suspect, including real estate, restaurants—not to mention high tech, pharmaceutical manufacturers, and the like. But what happens is people buy patents, not for the purpose of making something, not for the purpose of being productive, but for the purpose of having a basis upon which to file a lawsuit. Then they shake down small startups, the innovators, the people who we are depending upon to create new products that will make our lives better, make us healthier and make us all live longer, and help grow our economy to create jobs. These people are either being snuffed out altogether or are

very much prejudiced in terms of their ability to grow because of all of this patent troll activity.

I have been working closely with the chairman of the Judiciary Committee, Senator LEAHY, who has been working hard on this issue; Senator SCHUMER, the Senator from New York, a Democrat; Senator HATCH, who is a senior Member of the Judiciary Committee; and Senator GRASSLEY from Iowa, who is the ranking Republican on the Judiciary Committee. We were in a pretty good place yesterday where we thought, as a result of hard negotiations and good bipartisan work, we were going to be in the position for the chairman of the Judiciary Committee to mark up and to vote on a patent reform bill in the Senate Judiciary Committee this morning, only to be told last night that the majority leader basically killed that bill before it could even be acted on in the Judiciary Committee.

So this is the third time in 3 weeks the majority leader has basically been responsible for killing good bipartisan legislation—the energy efficiency bill, the tax extenders bill, and now the patent reform bill.

It is the majority leader's imperial leadership, where he is not just the floor leader for his party, he is not just the traffic cop for the Senate, but he is the one who wants to pick and choose who gets to participate in the legislative process. In the process, he has shut out not just Republicans but Democrats too, and he has turned this institution which used to be known as the world's greatest deliberative body into a pale imitation of what it used to be.

I continue to hope, maybe because I am an optimist by nature, that the majority leader will see the error of his ways and realize he is not only hurting my constituents but he is hurting the constituents of every Member of the Senate by denying us an opportunity for an open legislative process where everyone's voice can be heard, where the American people can watch and listen, where they can reach their own conclusions about the merits of each argument, and where they can hold us accountable for how we vote. That is what elections are supposed to be about.

So I hope some day the majority leader will change his attitude about an open legislative process and will help restore the Senate's status as the world's greatest deliberative body. I predict if he does not do that, the voters may well do that in November by changing the hands of the majority from the Democratic party to the current minority party. Then things will change, and this body will return to its status as the world's greatest deliberative body.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

#### CLIMATE CHANGE

Mr. WALSH. Madam President, I served 33 years in the National Guard. When I joined the Guard, I swore an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic. I have taken a similar oath as a Senator.

Former Chief of Staff of the U.S. Army Gordon Sullivan famously wrote, "Hope is not a method."

I didn't come to Congress to hope. I approach my work here with the lessons I learned in the military: Find solutions and work together to overcome challenges.

Unfortunately, that approach is not how it works in Washington. Too many people here don't care about solutions, and many ignore the problems.

There is no greater proof than climate change. Here we are in 2014, almost 50 years after President Johnson warned that "by burning fossil fuels humanity is unwittingly conducting a vast geophysical experiment."

Yet irresponsible leaders in Washington pretend that climate change isn't real. They pretend that humans aren't causing it. They hope they can go along with the status quo. But Montanans know better.

Here are the facts:

Carbon dioxide levels in the atmosphere are now higher than at any time in human history.

The 12 hottest years on record have been in the last 15 years.

The average temperature in Montana is 2.5 degrees higher than in 1900.

And spring runoff now occurs 1 week to 4 weeks earlier.

In Montana, climate change has contributed to the worst mountain pine beetle epidemic in recorded history. The combination of mild weather and stressed trees has allowed beetles to spread further and longer. Their legacy is red trees, then dead trees, then wildfires like we have never seen before.

Fire season is now 11 weeks longer than when I was a kid. The amount of forest that burns in the West has doubled. Fires are burning longer and burning more trees each and every year.

The best guess from America's scientists is that 3 to 4 times more forest will burn each year by the middle of this century, devastating rural communities that rely on timber and tourism.

In 2000, I led the response of the Montana National Guard to the historic wildfires in Montana. We activated over 1,800 of Montana's soldiers and airmen. That year, about 1 million acres of Montana were burned. Businesses and landowners lost over \$3 million a day.

Suppressing wildfires now consumes up to 40 percent of the Forest Service's budget. This is unsustainable. It reduces the agency's ability to fund other programs like hazardous fuel reduction and trail maintenance.



In Montana we have a saying that if you don't like the weather, stick around for an hour and it will change. But under climate change, it is changing across a wider range. Rains are falling more intensely, increasing erosion and runoff. The trend of more frequent and more intense rainfall is likely to continue. Heat waves and drought have also become more intense. What all of this means for Montana's agriculture is hard to predict, but without a doubt our biggest industry faces big uncertainty. The uncertainty in agriculture is especially true for water delivery, both for livestock and irrigated crops. As snow in the winter shifts to rain and extreme weather gets worse, it is becoming harder to run irrigation systems that were designed for the climate of 100 years ago.

We saw one of the worst droughts in history hit Montana ranchers and farmers in 2012. The year before Montana experienced a 500-year flood in the Missouri River Basin. Across the Great Plains the floods caused \$2 billion in damage. Across the Nation we are paying out of our nose for extreme weather and natural disasters—\$110 billion in damage in 2012 alone.

Climate change will also damage our tourism, which is Montana's second biggest industry. Glacier National Park itself is losing its namesake. Its ecosystem will change. Its cold water, which supports unique species and a strong trout fishery, will no longer be fed by melting ice. The communities in the Milk River Basin which receive 70 percent of their water from glaciers will also be impacted. Snowpack across the Rockies has already decreased 20 percent on average since 1980. In parts of Montana it may decrease by 50 percent in my lifetime.

Winter tourism in Montana is also big business, generating over \$150 million in income and supporting over 4,500 jobs. But less snow means fewer jobs. Skiing and snowmobiling contribute \$265 million to the Montana economy. During the low snowfall winters of 2002 and 2005, Montana ski resorts lost \$16 million in revenue compared to heavy snow years.

Warmer temperatures also harm hunting, fishing, and our booming outdoor industry, which supports more than 64,000 jobs and attracts 11 million visitors to Montana each year. Warmer streams and fewer trout translate to direct reduction in Montana jobs. Stream closures in recent years because of warm water are the first proof of this threat. Nearly 50 percent of habitat for the bull trout and cutthroat trout could be lost in the West this century. Big game species such as moose and elk face similar threats with a warmer climate.

Rural communities across Montana are especially vulnerable to climate change. Many of them rely on single sectors tied to the land, from timber to

grain to outfitting, and are less able to adapt to a changing economy.

I know what resource development looks like. My hometown of Butte was once known as "the Richest Hill on Earth." The copper mined on that hill helped us win World War II, but today it is part of the largest Superfund site in America, including the Berkeley Pit. Mining continues to be an important industry in Montana, and Butte still churns out copper that is used around the world. Fortunately, Butte has also diversified. It now has good paying jobs in manufacturing and aerospace. One lesson I took from growing up there is we cannot afford another Berkeley Pit anywhere. Climate change is the equivalent of a Berkeley Pit: Ignore first; ask questions later.

Montanans understand the dilemma we are facing. We are the Treasure State. Our history is the history of resource development: from beaver trapping to the gold rush, copper mining to railroads and the open range, the homestead movement to the timber and fossil fuel booms. But along with the booms came a lot of busts.

In Montana we had to spend tons of money on fixing our past mistakes. Over \$1.5 billion has been spent at our Superfund sites alone. Each year we spend another \$13 million to clean up abandoned mine lands. If only our resources had been developed the right way the first time, all that money could have been spent on drinking water or better roads or lower student loans or researching cures for disease.

I know there are no easy solutions to the challenges we face today. Today 82 percent of energy used in the United States comes from fossil fuels. I am proud to represent a State with more than \$1.6 billion in investment in wind energy since 2005. Renewable energy does have a bright future. A 2009 study ranked Montana's wind resources as the second best in the Nation. Montana also has potential for solar energy and is one of only 13 States with the potential to produce commercial geothermal energy. Renewables, including wind, are not always the right answer. Our current power grid has real physical limitations. I will continue supporting renewable energy and upgrades to the grid because we need to reduce our carbon emissions. But we cannot ignore today's reality.

Look at me standing here. I flew here on a plane that burns jet fuel. I am wearing cotton, and I eat wheat and corn, all of which depend on fertilizers, were irrigated using power from coal and natural gas, and were transported by diesel. I am speaking into a microphone and a camera that need electricity. In the United States in the year 2014, we either dig up or pipe up five-sixths of our entire energy. I couldn't do my job and visit Montanans without fossil fuel—and I understand that—and many of them wouldn't have jobs either.

Montana is one of about a dozen States that is a net exporter of energy. The oil and gas industry directly employs over 4,000 workers. Our unemployment rate in Montana is currently at 4.8 percent, in part because of the good jobs in the Bakken. We have 2,000 workers directly in the coal industry, from mining it to burning it to maintaining the boilers that burn it. Coal alone is responsible for over \$100 million of revenue each year in the State and local economy. I don't agree with some people who want to just pull the plug on coal. The United States burns only 11 percent of the coal consumed globally each year. The less we invest in cleaning up coal, the less likely we are to make a dent in climate change. We cannot just take our ball and go home. That simply outsources our pollution problem to countries such as China.

I know firsthand of the value of domestic energy. In 2004 and 2005 I led the largest deployment of Montana men and women to war in 60 years, more than 700 of Montana's finest went with me to Iraq. Some of them didn't return home with me; some of them returned severely injured. The debate leading up to the war focused on weapons of mass destruction and the connection of Saddam Hussein to the war on terrorism, but since World War II our strategic interest in the Middle East has been oil. Our dependence on foreign oil should never again be a reason for war. I don't want countries forced to make military decisions or tempted to put soldiers on the ground because they are afraid that their economy will freeze up without energy from other countries. That means I want more oil responsibly produced here in the United States from places such as the Bakken. It means that I support a project like the Keystone XL Pipeline, which will make us more energy secure and strengthen the economy of eastern Montana, while ensuring precautions are taken to guarantee pipeline safety and reliability and protect private property rights. Private industry jump-started by government-funded research and development has already provided part of the solution. The access to tight oil and gas has made us more energy secure. The trend is in the right direction. Less than half of the oil consumed by Americans now comes from other countries.

Yet even if we continue to increase domestic production by displacing foreign oil, we are still exposed as a country to two risks. First, oil remains a necessary ingredient in our economy. Second, the oil market continues to be a global one, exposing us to price swings that can seriously harm our own economy. Therefore, in addition to more domestic oil production, we need to diversify our transportation fuels. The growth of advanced biofuels in America is the way to do that. I support diversifying our fuel sources by

developing homegrown alternatives such as biodiesel, jet fuel from camelina, and ethanol from wheat and barley to reduce demand for foreign oil.

I also support the military's continued investment in renewable energy. The impacts of climate change also have a strong national security connection. The Defense Department's Quadrennial Defense Review has found a direct link between climate change and national security threats like terrorism. Climate change is a threat multiplier. Higher sea levels and extreme weather increase poverty, humanitarian crises, and political instability.

I know what political instability abroad can mean. It can mean our servicemembers, our sons and daughters, will be put in harm's way in order to protect our way of life. As a veteran and someone who has sworn an oath to this country, these impacts concern me because they make us less safe.

Today despite all the evidence that climate change is harming us and will hurt our children and grandchildren even more, we seem stuck. Congress is handcuffed by folks who have their heads in the sand. Instead of taking responsibility to solve this problem, they are choosing to ignore it. The Clean Air Act has helped Americans tackle pollution for over 40 years because it was written to last. The Supreme Court has spoken and the law is clear. But using a section of the law drafted when the Beatles were still recording is not the ideal way to tackle climate change, given how much our understanding has evolved since then on pollution control. Ninety-seven percent of climate scientists agree that climate change is a human-caused problem. In the military 97 percent is about as certain as a mission can get. But that is not good enough here in Washington.

Climate change is another example of why Washington is broken. We have an agency writing regulations with enormous impact on all Montanans, using congressional directions written when I was a child. We have an agency trying to put out a fire with a trowel because that is the only tool it has. I am committed to putting the fire out because we cannot afford inaction. The benefits of acting are clear, but I would prefer to use the right tool for that job. Yet Washington is so broken that the alternative is to do nothing. Plan B is repeal. Plan B ignores reality. I cannot accept that.

I will be watching the EPA's Clean Air Act regulations closely to keep the agency accountable to Montanans and make any final rules workable for Montana. Members of Congress should be taking responsibility and upholding the oaths we all swore to. We should agree that climate change is a clear enemy and take steps to stop it.

I strongly support a bigger investment in securing a responsible future

for coal: tax credits, loans, loan guarantees, and grants for carbon capture as well as sequestration. I have cosponsored bills and signed letters. I have pressed Senators to maintain existing incentives for coal. Coal does have a future, but it needs to lower its emissions. Montana is already leading the way with cutting-edge research in carbon sequestration. Beyond fossil fuels, our forests are a carbon sink, absorbing about 12 percent of U.S. greenhouse gas emissions each year. But climate change itself threatens this important service provided by our forests. More active management, especially under the new farm bill authority to address beetle-killed forests is critical. Getting the biogenic emissions rule right, on the largest possible geographic scale, is critical for forests to continue absorbing CO<sub>2</sub> emissions.

I support other energy options to reduce carbon emissions, including reduced energy demand overall and retrofitting nonpowered dams. Whatever rule the EPA proposes under the Clean Air Act for existing power plants, Montana and other States must take the lead role in implementation.

The United States has always led the way with innovative technology, from the first oil wells and nuclear reactors to the first solar cells and hydraulic fracturing. In fact, access to tight natural gas formations in the last decade has already helped lower our carbon-related emissions by 10 percent. Despite the serious challenges imposed by climate change, I am confident that America can innovate solutions while creating good paying jobs and new technology. But as a first step we cannot put our heads in the sand and continue with business as usual. The reason is simple. If we continue with business as usual, the people left with the mess will be the next generation.

The people left taking responsibility for our emissions will be my granddaughter Kennedy and all of our grandchildren. If we don't act now, Kennedy will grow up in a Montana that burns every summer. She won't be able to fly-fish because the rivers are too hot for trout. Kennedy will have to explain to her kids what glaciers were. When I took office, I swore an oath to make the right choice, and I am committed to solving climate change for Kennedy and for future generations.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded, and to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WRRDA PASSAGE

Mr. CHAMBLISS. Madam President, today the Senate passed the Water Re-

sources Reform and Development Act. It has been too long since Congress last addressed our water infrastructure, and I want to applaud Chairwoman BOXER and Ranking Member VITTER for their diligent work and unswerving commitment to making this bill a reality.

The fact that an infrastructure bill of this magnitude can be passed without earmarks and with a balance of reforms and authorizations for critical projects is a testament to good leadership and a desire by Members of Congress on both sides of the Capitol to better our Nation.

One of the projects this bill advances is crucial to not only my State of Georgia but to the entire country. Passage of this bill, with the enhanced authorization it contains for the Savannah Harbor Expansion Project, will be the culmination of years of work for the State of Georgia and project stakeholders—and my entire time serving in the Georgia congressional delegation.

The idea to expand the Port of Savannah was in its infancy when I first came to Congress in 1994. The Port of Savannah had just been deepened, and we realized then that it was not enough; more and bigger ships were coming in. In 1996 a reconnaissance study was authorized to determine whether the port should be deepened even further. While the need to deepen the channel to accommodate larger ships has been a constant issue, the port itself has been able to operate and grow through its own innovation—Georgia ingenuity at its best. In fact, between 2000 and 2005, the Port of Savannah was recognized as the fastest growing seaport in the country. The port continues to grow and is consistently breaking its own records.

In 2006, the Panama Canal expansion was approved by a national referendum in Panama, officially kicking off the race in Savannah to get this project under construction. The people of Georgia told us this project needed to happen. All levels of the government—local, State, and Federal—from all political persuasions agreed and have given their utmost to this project. It has been my No. 1 economic priority for Georgia the entire time I have been in office.

The WRDA bill in 1999 gave the authorization to expand the port, and while there were cheers all around from those of us in the congressional delegation, little did we know of the tremendous battles yet to come. All the way until the present, every step has been a struggle. We have jumped 15 years of hurdles to bring this project to fruition.

I even recall one instance where we thought we had things taken care of from the standpoint of all the mitigation that needed to be done with the port, which is located on the Savannah River. We then found out there was an endangered species that needed to be

protected because the city of Augusta, which is 136 miles upstream, is also located on the Savannah River. We then had to go back, have another study done, and after months and months we finally came up with a fish ladder project that was to be installed in Augusta, 136 miles north of the Savannah Port, but we got that done.

We still may face more obstacles as we guide this project to completion, but the fact remains that for every \$1 invested in the project, the Nation will see a nearly \$6 return. For Georgia, the value of SHEP is almost immeasurable. The port already supports some 300,000 jobs across our State, and when post-Panamax vessels start rolling into Savannah, the economic benefits will increase dramatically.

Georgia has always been a great place to do business, and a big reason for that is we have had strong leadership at the State level—leaders who understand that making investments in economic development projects can give great returns.

In this case the Port of Savannah is an epicenter of worldwide commercial traffic. The imports and exports associated with this port expansion mean that jobs will be created not only in my home State but all throughout the country.

Congress has once again agreed with us that SHEP is a vital project for our country. Now that we have completed our work, it is imperative that the administration carry through with its commitments.

The Project Partnership Agreement, which is a document that details the construction plans for a Corps of Engineers project, needs to be finalized and signed immediately. I have complete faith in the ability of the Corps and the Georgia Ports Authority to get that document finished as soon as possible—based on their commitments to me and Senator ISAKSON.

We didn't close the book on this project today, but we did jump forward by several chapters. Ensuring the appropriate language was included in this bill to move SHEP forward and voting today for this bill have been the highlight of my final year in Congress and represent the culmination of years of work by me, Senator ISAKSON, as well as many others.

I want to state my thanks once more to Chairwoman BOXER and Ranking Member VITTER for working with us on this matter. Their tireless efforts have done more for this country and for Georgia than they may realize.

The work of those Senators and their staffs as well as the work of Chairman SHUSTER and Ranking Member RAHALL and their staffs on the House side will be felt by users of waterways on rivers and lakes, by barge operators, commercial and recreational boaters, by cities, counties, and States, and by everyone in this country who uses and consumes water.

This bill represents the fulfillment of a commitment I made to my constituents to see the harbor deepening through, and I look forward to the day when I am in Savannah and watch a big shovel go underwater to start deepening that port once again.

I suggest the absence of a quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CHINESE TRADE PRACTICES

Mr. CASEY. Madam President, I rise this afternoon to speak about the impact of this week's announcement that members of China's People's Liberation Army hacked into the computer systems owned by Pennsylvania companies to steal trade secrets on our trade policy.

As we all know, a grand jury in Pittsburgh indicted five individuals for hacking into several companies' computers and a labor organization, United Steelworkers, in western Pennsylvania. The companies included Westinghouse Electric, Alcoa, U.S. Steel and, as I mentioned, the United Steelworkers union. According to reports, the individuals in the indictment are accused of stealing trade secrets to benefit Chinese industry, which is heavily sponsored by the Chinese Government.

This is just the latest example of the unlevel playing field to which our domestic firms are subjected. To give an example, Pennsylvania, as are many areas around the United States, is experiencing an energy renaissance—Pennsylvania natural gas—which stands to greatly benefit the Commonwealth's economy. For the steel industry, it means the opportunity to sell a lot of pipe to natural gas drilling sites. Our foreign competitors also see this opportunity and have responded by aggressively pursuing our market. This competition is expected and would be OK if—if it was fair. Of course, in this instance it is not.

In fact, our domestic steel industry is facing a new crisis. After successfully beating back unfair competition from the Chinese, our domestic producers are facing a surge of imports from around the globe. According to a recent report by the Economic Policy Institute, domestic steel imports increased by almost 13 percent from 2011 to 2013. Without action, we stand to lose half a million jobs around the United States and some 35,000 in Pennsylvania alone. Just from this action, just from them flooding our markets in a way that is illegal and unfair, half a million jobs could be lost. We can't afford to send these good-paying jobs overseas.

We should act to level the playing field for our domestic steel industry by aggressively enforcing our trade laws and providing essential relief to this critical industry. For too long unfair trade practices and economic policies have cost jobs in the Commonwealth of Pennsylvania and across the country.

I will return now to the recent indictment I mentioned at the outset of my remarks.

This move is further evidence of China's anticompetitive trade practices. What I just said is an understatement. These trade practices have taken a dramatic toll on Pennsylvania businesses and pose a threat to our national security.

The Obama administration has taken steps to crack down on China, but we must also pursue congressional action. We know that currency manipulation continues to take a huge toll on U.S. businesses. Last Congress, the Senate passed a tough bill to help level the playing field for our companies by holding countries that undervalue their currency accountable. The House failed to take up this important bill. We must take action.

I am an original cosponsor of the Currency Exchange Rate Oversight Reform Act of 2013. I call on all Senators to turn our attention to this bill to send a strong message to the Chinese Government that they cannot continue to cheat our companies. When China cheats, we lose jobs. It is that simple. The evidence is overwhelming. Our bipartisan bill will help American manufacturers and workers by clarifying that our trade enforcement laws can and should be used to address currency undervaluation. More broadly, the bill would improve oversight by establishing objective criteria to identify misaligned currencies. Also, it would impose tough consequences for offenders.

I believe strongly that before proceeding with our busy trade agenda, as some might want to do, and passing additional trade agreements or fast-track legislation, we should take a close look at our trade enforcement policies first, including aggressively addressing currency manipulation.

Pennsylvania companies are some of the best in the world, and I am committed to cracking down on unfair trade practices that hurt their ability to compete.

Madam President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARKEY). Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to finish this speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RELIGIOUS LIBERTY

Mr. HATCH. Mr. President, I rise today to speak about our Nation's first freedom—religious liberty.

Last week a court in Sudan sentenced a woman to death for converting from Islam to Christianity and gave her just days to recant. Sadly, this sort of tragic oppression is common across the globe.

The Pew Research Center says that three-quarters of the world's people live where restrictions on religion are high or very high and that religious hostilities have been increasing for years.

In the last 10 years the number of countries on the Commission on International Religious Freedom's watch list has grown by 150 percent. Simply put, religious freedom is increasingly in peril around the globe.

When compared to the rest of the world, some might think that religious liberty in America is alive and well. But, in truth, basic religious freedom is under attack here at home. Professor Thomas Berg writes that "establishing freedom of religion as both constitutional principle and social reality is among America's greatest contributions to the world." But we have to ask ourselves whether meaningful religious liberty is still such a reality in American society and whether our Nation is still making that essential contribution to a world that needs it now more than ever.

Hundreds of books, studies, papers, articles, and court decisions have explored various aspects, nuances, and implications of religious freedom. In the coming days and weeks, I will explore some of these issues in greater detail. Today I wish to speak about the definition and importance of religious freedom in America as seen both in history and in four important documents.

For 170 years before Thomas Jefferson penned the Declaration of Independence, one religious society after another came to America so that they could live their faith. Puritans, Congregationalists, Roman Catholics, Jews, Quakers, Baptists, Presbyterians, and Methodists had all found refuge in the British Colonies by the time the United States was born. Roger Williams founded Rhode Island as a haven for religious dissenters. William Penn established religious liberty in the colony that bears his name.

From its earliest days, religious freedom in America has been freedom not only of belief but also of behavior. In addition to our Nation's early heritage, four key documents establish the same understanding of religious freedom as encompassing both belief and behavior in both private and public spheres.

The first document is the U.S. Constitution. The First Amendment protects the free exercise of religion, a

phrase that on its face plainly includes conduct as well as belief. It is a phrase that had been in use for more than a century when America's Founders placed it in the First Amendment. The plain meaning of this phrase, as well as its history, is simply incompatible with the view that our constitutional freedom of religion is limited to the profession of belief and somehow excludes religious conduct.

As Professor Michael McConnell, director of the Constitutional Law Center at Stanford and perhaps America's leading scholar of religious liberty has shown, such an artificial and cramped view is unsupportable. By its own terms our First Amendment protects both religious faith and action.

The second document is the Universal Declaration of Human Rights, which the United States signed in 1948. Article 18 states that every person has the fundamental "right to freedom of thought, conscience and religion," and that "this right includes . . . freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

Plainly stated, religious liberty by its very nature encompasses both belief and behavior. In articulating broad principles of basic human rights, the authors of the Universal Declaration of Human Rights acknowledge that it is meaningless to have one without the other.

The third document is the Religious Freedom Restoration Act. In 1990, the U.S. Supreme Court held that government needs only a rational basis for laws that burden but do not target the free exercise of religion. That decision changed decades of Supreme Court precedent that had required a compelling reason for laws that burden the exercise of religion.

This shift was not just some legalistic or semantic exercise. If government needs only a rational justification for burdening the exercise of religion, it could do so essentially at will, but if government must have a compelling reason, it must respect the fundamental liberty and may burden it only when absolutely necessary.

By shifting from one standard to the other, the Supreme Court made it dramatically easier for government to burden the free exercise of religion. Congress responded to the Supreme Court's decision with the Religious Freedom Restoration Act, or RFRA, which established the compelling standard. It passed the House unanimously by voice vote and the Senate by a vote of 97 to 3.

I was the primary Republican cosponsor of the Religious Freedom Restoration Act in the Senate. In all of our discussions about RFRA, both Democrats and Republicans were united on one fundamental principle, the right of all Americans to the free exercise of religion should be equally protected.

I remember when I went to Ted Kennedy, I said: You are going to be on this bill with me.

He said: No, I am not.

I said: Yes, you are.

To his credit, he came on the bill. By the time we articulated on the floor and afterward when it was signed by President Clinton at the White House, on the White House south lawn, one of the biggest boosters was my friend Ted Kennedy.

The fact is I will make that point again. As the primary sponsor of the Religious Freedom Restoration Act in the Senate, in all of our discussions about RFRA, both Democrats and Republicans were united on one fundamental principle: the right of all Americans to the free exercise of religion should be equally protected.

Each religious claim should be judged by the same standard as every other, a standard that reflects the true importance of religious freedom. We rejected amendments that would have excluded some religious claims or favored others.

In October 1993 I spoke in favor of RFRA on the Senate floor, explaining that the bill would restore to all Americans protections of the free exercise of their religious conviction. In fact, I stated directly that exempting anyone from the basic principle of free exercise would set a dangerous precedent.

The fourth and final document is the International Religious Freedom Act enacted in 1998. The House passed it by an overwhelming bipartisan majority. The Senate followed suit by a vote of 98 to 0. This law established the U.S. Commission on International Religious Freedom, and declared that "the right to freedom of religion undergirds the very origin and existence of the United States."

It cited the Universal Declaration of Human Rights and reaffirmed yet again that religious freedom necessarily includes both belief and practice, individually or collectively, in public or in private. As the U.S. Commission on International Religious Freedom has explained, by its very nature religious liberty is "a broad, inclusive right, sweeping in scope, embracing the full range of thought, belief, and behavior."

It is central to human identity and dignity. It is essential to individual and social well-being. It is beneficial to political, economic, and civic life. Religious freedom is a fundamental constitutional liberty as well as a universal human right.

In America religious liberty has always included both the freedom to believe and the freedom to act on that belief, the protection to do so collectively as well as individually, and the right to do so publicly as well as privately. Those basic tenets form the only proper standard by which to assess the state of religious freedom in America today.

Unfortunately, there is much cause for concern. Let me share a few disturbing examples. The equal and universal application of religious liberty is now in doubt. Congress was united when enacting the Religious Freedom Restoration Act that the right to exercise religion freely belongs to everyone and should be protected by the same rigorous standard in each case.

When balanced against important government interests, some religious claims would win and others would lose, but a rigorous legal standard that creates a high hurdle for government action that burdens religion must be applied universally, since the free exercise of religion is a fundamental right of all Americans.

That conviction, however, is unraveling. This year marks the 50th anniversary of the Civil Rights Act of 1964. Title VII of that landmark law prohibits workplace discrimination based on religion and requires that employers reasonably accommodate the religious practices of employees. The Supreme Court, however, interpreted the “reasonably” so broadly that the exception swallowed the rule and workers have been without this legal protection ever since.

Legislation called the Workplace Religious Freedom Act was introduced to reestablish legal protection and accommodation for religious workers. Originally, it applied this protection to all religious claims, just as RFRA required. It would balance the right to religious exercise with the legitimate needs of employers, but the most recent version of this legislation introduced in the 112th Congress abandoned universal applicability and instead would protect some religious claims but not others.

Rather than allowing religious claims of all varieties to stand or fall under the same standard, some claims were covered and others were excluded from that standard altogether. This is not the only example of religious liberty under attack. Among its many other maladies, ObamaCare likewise struck a blow to the free religious exercise of religion.

Although President Obama has called religious freedom a universal human right, his administration apparently paid that fundamental liberty no regard when drafting ObamaCare. Likewise, the Religious Freedom Restoration Act plainly states that its basic religious protections apply to every future Federal statute. Yet the Obama administration gave no consideration whatsoever to such religious freedom in formulating the President’s signature law, ObamaCare.

As a result, dozens of lawsuits have challenged ObamaCare’s requirement that employers provided no-cost health insurance coverage for abortifacient drugs and devices as a violation of RFRA’s plain protections. Two of those

cases are before the Supreme Court, one from the U.S. Court of Appeals for the Tenth Circuit and one from the Third Circuit.

In the face of its clearly universal requirement, the Obama administration nevertheless argued that the Religious Freedom Restoration Act does not apply to these plaintiffs. Despite the statute’s plain text, Obama officials insist that the law does not apply to all cases after all. One step at a time, they seek to exclude classes of citizens from the basic protections of religious liberty.

My final two examples involve recent Supreme Court decisions. In *Hosanna-Tabor v. EEOC*, the Supreme Court unanimously held that the First Amendment’s protection for the free exercise of religion allows a church to choose its own ministers. The Obama administration argued instead that civil rights statutes trump the Constitution and allow judges to dictate to churches who may serve as ministers.

In fact, as the Supreme Court described it, Obama administration lawyers were so dismissive of religious freedom that they argued churches were no different in this regard than labor unions or social clubs. Can you imagine that? To the Obama administration, the First Amendment and its protection for the free exercise of religion apparently offers no real protection at all. Thankfully, the Supreme Court responded this way: “We cannot accept the remarkable view that the Religion Clauses have nothing to say about a religious organization’s freedom to select its own ministers.”

Finally, just 2 weeks ago, the Supreme Court held that allowing citizens to offer a prayer of their choice to open a town meeting is not an establishment of religion, but four Justices joined a dissenting opinion arguing that only certain prayers, using certain language, in a certain pattern, would achieve a certain level of diversity and therefore be permissible. Four Justices actually believe Federal judges may dictate the content and presentation of prayers offered by private citizens.

I can offer many more examples of how our Nation’s cherished religious freedom is under attack, with forces seeking to limit, regulate, manipulate, and undermine the most basic natural and constitutional rights we possess.

I mentioned at the outset that three-quarters of the world’s population lives under substantial religious restriction. Here at home, the same percentage of Americans believes that religion is losing its influence in American life. Liberal politicians, secular activists, and even some judges are seeking to reduce religion to what Justice Antonin Scalia described as “a purely personal avocation that can be indulged entirely in secret, like pornography, in the privacy of one’s room.”

It is no wonder that nearly one-quarter of Americans say religious freedom is more threatened than any other First Amendment freedom. These recent efforts mark a radical departure from the religious freedom that took root in our colonial experience, was nourished by the Declaration of Independence, earned a primary place among our constitutional liberties, and has been generously applied by generations of Americans.

The notion that religious freedom belongs only to some, even then only in private, stands in direct opposition to our traditions, our laws, and our beloved Constitution. Some peoples throughout the world may be bound by oppressive governments that strictly regulate who may express their religious faith, when they may practice the tenets of their faith, and where they may act according to their religious convictions.

But that is not America’s heritage, and it must not be our future. Instead, America must once again be a beacon of religious freedom for all—protecting rights of conscience at home and promoting religious liberty throughout the world—and I expect it to be that.

I am hopeful our courts will come to their senses—the ones that aren’t there—and realize this was listed as the first freedom in the Bill of Rights for a very good reason; that is, because our Founding Fathers knew how important religion is to a nation that wants to be free.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. There have been a number of inquiries and statements made today, one by the Chamber of Commerce, saying the reason that Stanley Fischer, the Vice Chair of the Board of Governors of the Federal Reserve System, hasn’t been done is because of me. Try that one on for size.

That is what happens around here. Here is a man who has been approved with a very strong vote, a strong vote, bipartisan vote, to be a member of the Board of Governors of the Federal Reserve System. He is eminently qualified, nationally and internationally. You can’t become vice chair until you become a member of the board.

Janet Yellen has called, the Chairman of the Federal Reserve, and said: It would really be important. He has administrative duties that we need his help with.

So I have made inquiry with my Republican colleagues: Why don’t we do

him? We have already approved him. But we have a situation around here where no one gets approved. We will eat up time, this will take hours—wasted time—and then we will approve him. In the meantime, all we do is eat up the taxpayers' time.

Anyway, without further dialog from me, I would simply say that the Chamber of Commerce and others should understand every person on this side of the aisle would approve him in a second. I would do it by unanimous consent. I would have a vote as soon as we can, which, without having filed cloture, wouldn't be until we get back a week from Monday.

UNANIMOUS CONSENT REQUEST—CALENDAR NO.

767

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 767, the nomination of Stanley Fischer to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, on behalf of Senator PAUL, I will have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. May the RECORD be spread that HARRY REID, who is being blamed for this nomination not being put forward, is not at fault. I don't mind taking the fall for some things—and I probably have deserved a few things—but not this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I note for the record that I support Mr. Fischer for this position, but there is a legitimate objection by a Senator on our side that I had to advance. I hope we can resolve these problems, but I appreciate the distinguished majority leader's attempt to do this today.

With that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURPHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

#### THE AFFORDABLE CARE ACT

Mr. MURPHY. Madam President, I want to tell my colleagues a story about Charlene Dill.

On March 21 Charlene Dill was supposed to bring her three children over to the South Orlando home of her best friend Kathleen. The two friends had cultivated a really close relationship since 2008. They shared every resource they had from debit card pins to transportation to babysitting to house keys. They helped one another out. They essentially had become each other's safety net.

As Kathleen described it, they hustled. They picked up short-term work. They went to every event they could get free tickets to for their kids. They lived the high life on the low-down. They cleaned houses for friends just so they could afford the daily necessities of life. They were the quintessential working poor, and they existed in the shadows of this economic recovery that is yet to reach a lot of average people out there.

On March 21, when Dill never showed up with her three kids, who often came over to play with Kathleen's 9-year-old daughter, Kathleen was surprised she didn't even get a phone call from her friend Charlene. She shot her a text message—something along the lines of “thanks for ditching me”—without knowing what had really happened.

Charlene, who was estranged from her husband, had been raising her 3 children alone—ages, 3, 7, and 9. She had picked up another odd job to try to pay the bills. She was selling vacuums on commission for Rainbow Vacuums.

On that day, in order to make enough money to survive and—as you will understand—keep herself alive, she made two last-minute appointments. At one of those appointments in Kissimmee, she collapsed and died on a stranger's floor.

Charlene had a documented heart condition for which she took medication, but she often could not afford the medication, and her friend Kathleen often had to turn to crowd-funding Web sites to help raise the money that her friend Charlene needed to pay for her heart medication. Charlene was the working poor, but she was also among the uninsured. After her death, her friend Kathleen used that same crowd-funding method that she used to occasionally pay for her friend's medication to pay for Charlene's funeral.

Florida has made the decision not to expand Medicaid coverage under the Affordable Care Act. They have made a decision—for political reasons—to keep hundreds of thousands of people such as Charlene among the ranks of the uninsured. The consequences are for many such as Charlene absolutely deadly.

Charlene died because she was on the outside of our health care system. Occasionally she would get to see a doctor and occasionally she would get the medication she needed for her condition—in part—because she had one good friend who went out of her way to try to help Charlene.

The reality is that there are 5.7 million people all across this country who have been denied the chance to get health care through Medicaid simply because their Governors or their State legislatures have decided to score a political point against a President whom they don't like by refusing Federal dollars in order to expand Medicaid, and that is what this is all about. This is not about good policy, this is not about health care, and this certainly is not about finances. This is just about a bunch of really angry Republicans that don't want to participate in a health care reform law passed by Democrats even though they are essentially giving away the money of their constituents.

The first reason you should do this is because it keeps people such as Charlene alive. A 2002 Harvard study of 3 States that expanded Medicaid—Arizona, Maine, and New York—showed that the expansion of Medicaid in those States was responsible for a 6-percent reduction in mortality as compared to other States. It found that for every 500,000 adults that gained Medicaid coverage, we prevent 3,000 deaths a year.

I am not really good with quick math, but that is 3,000 deaths prevented for 500,000 people covered by Medicaid. We are talking about 5.7 million adults that are being denied Medicaid because of these political decisions; that is a lot of people who are dying needlessly every year. That is the first reason you should do it, because it is the right and compassionate thing to do.

The second reason you should do it is because people in States such as Virginia or Texas—there are 1.2 million people in Texas alone. There are 1.2 million people who could have health care insurance but don't have health insurance in one State because the Governor and legislature don't like President Obama.

This is also about those constituents essentially giving their money away to other States. The message to people in States such as Florida, Virginia, and Texas is that you are funding people getting insurance in other States because the Federal Government is contributing almost the entire cost of this Medicaid expansion. Texas and Florida's dollars are going to Washington and being spent to subsidize the health care of somebody else. It does not make any sense from a health care standpoint and it certainly doesn't make any sense from a fiscal standpoint. It is not just the taxpayers and patients who are getting hurt, but it is all the health care providers as well.



An Urban Institute study found that hospitals across the country are being denied \$294 billion because of this refusal to expand Medicaid. The Presiding Officer knows this because she has worked in and around health care policy her entire life. This idea that denying people health care insurance denies them health care is patently false. They get health care. They just don't get it until they are so sick they show up at the emergency room door and their condition is at a crisis point, and then that costs infinitely more. All of this money we are spending could be spent in a different place, such as on preventive care, instead of on crisis care.

With a new Secretary of HHS, there is an opportunity for these States to think differently. From the beginning, HHS has been incredibly willing to be flexible with Governors who are not quite sure of the politics of joining in the ACA but know it is the right thing to do. States such as Arkansas, Iowa, and Pennsylvania have come up with innovative programs in which they take the Medicaid expansion dollars and instead of using them to expand State-based Medicaid, they use those dollars to help people buy private coverage. It seems to make a lot of sense to me.

At her confirmation hearing, Ms. Burwell said she was willing to continue to be as flexible as she possibly could with States that want to explore these innovative methods. Hopefully, with a new Secretary coming through the doors at HHS, maybe this is a new moment for these States to take another look at Medicaid expansion because this is just a matter of conscience.

Madam President, 5.7 million people are going without health care and potentially dying, as Charlene Dill did, simply because of politics.

David from Virginia wrote:

I am the coverage gap. I am a single 41-year-old male. I save Medicaid thousands of dollars per month by caring for my 99-year-old grandmother at home without pay, rather than place her in a nursing home at Medicaid's expense. I do not qualify for Medicaid even though I have a zero income. I have to cross the state line, into Kentucky to receive potentially lifesaving cancer screenings and hopefully receive treatment if I get bad news. Virginia Republicans hate the president and governor so much, they are willing to let thousands of us die. It is high time that these delegates place human lives ahead of party politics and do what is right, for a change!

Eight million people have signed up through the exchanges. Despite these decisions by Governors and Republican State legislatures, 5 to 6 million more have been added to Medicaid, and 3 million young adults have coverage for the first time.

Prices to the Federal Government are falling. We are spending trillions less than we thought we would spend

on health care because of the Affordable Care Act. Quality is increasing. The number of readmissions to hospitals and hospital-acquired infections are decreasing because we are starting to pay for outcomes instead of paying for performance.

People are figuring out that the Affordable Care Act works, and that is why there are fewer Republicans coming to the floor of the Senate and the House complaining about it, and that is why the Koch brothers and others have stopped running all of these ads about the Affordable Care Act.

The Affordable Care Act works, but it only works if leaders actually try to implement it. It doesn't work if you ignore it for political spite, and that is what is happening in State legislatures and Governors' mansions all across the country.

We have a new Secretary of HHS and a new willingness of a lot of Republican Governors, including Mike Pence in Indiana, to take a look at trying to reverse this reality for 5½ million people who—if not for the political actions of their State leaders—could also figure out, as millions and millions of others are doing on a daily basis across the country, that the Affordable Care Act works.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE

Mr. BARRASSO. Madam President, I come to the floor after having just heard my friend and colleague from Connecticut talk about the health care law. As a doctor, I am always happy to hear about people who are getting better care. My concern is that there are so many people across this country who have been hurt as a result of this health care law that I feel compelled to speak about so many of the side effects of the President's health care law and families who are seeing the government waste massive amounts of money that is not going for care. It is not helping people actually get better. It is not giving them the care they need from a doctor they choose at lower costs, which is what the President promised when he said premiums would drop by \$2,500.

I heard the President, as well as my colleague here today, say that this law

will help keep people out of emergency rooms and they will go to primary care doctors instead. So I feel compelled to come to the floor to share with my colleagues a study that just came out on Wednesday, and perhaps some Members of the Senate who weren't aware of it will be made aware that the emergency room visits actually have been going up, not down, despite the law. This was the headline in the Wall Street Journal this past Wednesday, May 21: "ER Visits Rise Despite Law. Health Act Isn't Cutting Volume."

I will point out a couple of things mentioned in this article. It starts off:

Early evidence suggests that emergency rooms have become busier since the Affordable Care Act expanded insurance coverage this year, despite the law's goal of reducing unnecessary care in ERs.

My colleague said emergency rooms aren't going to be needed as much. Well, despite the law's goal of reducing unnecessary care in ERs, what we see is an expensive side effect of the President's health care law.

It goes on to say:

Democrats who designed the 2010 health law hoped it would do the opposite. They wanted to give the uninsured better access to primary-care doctors who could treat routine ailments and prevent chronic diseases, with the intent of keeping patients out of the ER. The median ER charge was more than \$1,200 for the most frequent outpatient diagnoses in a study of over 8,000 ER visits in the years 2006–08, said a 2013 report funded in part by the National Institutes of Health.

This is a report by the NIH.

Instead, the ER doctor group's research and several other recent studies suggest that people who gain private insurance are more likely to seek emergency care.

Not more likely to go to a family physician, not more likely to go to their own internist or pediatrician; more likely to go to the emergency room—the most expensive place for care—despite what the President told the American people.

Among the reasons is that a shortage of primary-care providers in some regions has made it difficult for patients to get appointments.

So why is there a shortage? Well, if the President's health care law actually focused on training physicians, putting money into educating and training more providers, instead of putting all of this money into hiring IRS agents to examine Americans' tax returns to make sure they check the box that says they have insurance and can provide proof of that, perhaps we wouldn't have these problems. But now we are seeing a very expensive side effect of the President's health care law.

While we can celebrate people who are helped by the law, there are so many people being hurt by the law in every State around this great country. We heard about a family from Connecticut who has benefited from the law. There are many who have been hurt.



There is a couple in Sharon, CT, according to NBC Connecticut. They were dropped, according to the headline, from their health care plan. It says:

A Sharon couple says they are running out of options after being dropped from their ObamaCare insurance plan. John and Dawn DiMarco signed up for an Affordable Care Act plan through the state health insurance exchange during open enrollment. They received their insurance card and were covered but their bill was thousands of dollars more than advertised.

What could happen there?

It says:

They spent weeks going back and forth with various State agencies and the insurance company to try to get answers.

This is dated May 13 of this year.

Then, this month, their carrier, Anthem BlueCross BlueShield, sent them a cancellation notice. The DiMarcos have been so frustrated with trying to get answers that they posted a sign outside their home that reads—

This is in Connecticut—

“We have no insurance because Access Health has a computer glitch.”

It's stressful, says Mr. DiMarco. It's overwhelming.

So why did this happen?

Well, NBC Connecticut contacted Access Health Connecticut, and they told them that it had to do with a computer issue with a vendor, and when this gentleman went back to change information during the enrollment process, a new form was sent to the insurance company, but that form didn't include the couple's subsidy. So the form paperwork was wrong.

How could this happen? Is it just this one DiMarco couple whom this has happened to in Connecticut? Not according to a front-page story in the Washington Post the other day. The headline is “Federal health-care subsidies may be too high or too low for more than 1 Million Americans”—paying incorrect subsidies to more than 1 million Americans for their health plans, and the government has been unable so far to fix the errors.

The President of the United States goes on TV and says to the Democrats: Forcefully defend and be proud.

Who in America can be proud of the mess the President and his administration have made of the Web site and this health care bill? Once again, we see, as the Washington Post points out, important aspects of the Web site remain defective. They cannot fix this. Actually, I am not even sure how hard they are trying. People have been sending in paperwork. They are expecting, perhaps, by the end of the summer to be able to address the problem that there are 1 million Americans whose Federal health care subsidies may be either too high or too low.

“Forcefully defend and be proud.” Where are they? Where are these defenders? It is sad because the idea is this is to actually help people get care. What people have gotten is headaches

and heartaches and one problem after another.

It is also interesting, as a doctor who has been very involved with preventive care and working on early detection of problems and as somebody who has been the medical director of the Wyoming health fairs—I think it is important to screen people for problems. It is interesting. The New York Times even reported in an article written on April 30 on the problem with the health care law that it favors screening over diagnosis. So here is one of the issues that come into play.

My wife is a breast cancer survivor. She has been through three operations, chemotherapy twice, radiation, the whole thing. She is now cancer free. We are delighted. So I think screening tests are important. But this is the problem with this law that I believe very few Democrats read—very few of the people who voted for it read. I believe that about Members of the House and Members of the Senate. I read it cover to cover, but I believe many Members who voted for it never read it.

They say: Diagnosis is what we offer to those who have no signs or symptoms of disease. Because diagnosis isn't prevention, it is subject to deductibles and copays.

So if somebody actually has a diagnosis of something, there are deductibles and copays, but if it is just a screening test, no signs or symptoms, then it is covered.

The New York Times goes on:

In other words: A woman over 40 can have a free screening mammogram.

She shows up and says: I want a free screening mammogram. But if she notices a breast lump and goes to her doctor to have it evaluated, well, then it is not a screening mammogram. Then it is not a free test. So she will pay for the diagnostic mammogram that costs \$300.

This goes on:

So the woman at lower risk for cancer—the one with no signs or symptoms of the disease—has an incentive to be tested, while the woman at higher risk—the one with the lump—faces a disincentive.

So she goes to the doctor. This goes on and says that the problem is they are now pressuring doctors to fraudulently change the paperwork so it complies with the screening test and not a diagnostic test. Doctors don't want to do that because they want to be honest. Yet the incentives set up in this program are to discourage the woman who finds a lump from actually going in to have the test, while encouraging somebody off the street to go in and have a similar test. It is a great concern.

So when I see a colleague come to the floor to say that the health care law, in his opinion, works—I will tell my colleagues, this is an Associated Press story that says: “Consumers frustrated by new health plans as they find their

doctors are not included.” They can't go to their doctor.

This is a story out of California. Michelle Pool is one of those customers. Before enrolling in a new health plan on California's exchange, she checked whether her longtime primary care doctor was covered. This woman, Michelle Pool—60 years of age, a diabetic; she has had back surgery and a hip replacement—purchased the plan only to find that the insurer was mistaken; the doctor wasn't included. So her \$352-a-month gold plan, she said, was cheaper than what she had paid under her husband's insurance and it seemed like a good deal because of her numerous preexisting conditions.

I understand preexisting conditions as the husband of a woman who has been through breast cancer treatment. This goes on to say:

But after her insurance card came in the mail, the Vista, California resident learned her doctor wasn't taking her new insurance.

It goes on to say, quoting this woman:

“It's not fun when you've had a doctor for years and years that you can confide in and he knows you,” Pool said. “I'm extremely discouraged. I'm stuck.”

This is an American who is stuck and hurt by the health care law. It goes on to say:

The dilemma undercuts President Obama's—

This is an Associated Press article—

The dilemma undercuts President Obama's 2009 pledge that: “If you like your doctor, you will be able to keep your doctor, period.”

The President said: “period.” But one of the side effects of the President's health care law is that people are continuing to lose their doctors.

It goes on to say:

Consumer frustration over losing doctors comes as the Obama administration is still celebrating a victory with more than 8 million enrollees in its first year.

There are astronomical concerns that people across the country are expressing about this health care law. And yet—and yet—we see one Member of the other party coming to the floor and saying: Oh, it is working.

The American people do not believe it is.

People get insurance through work. The laws are interesting. This is a story from Ohio about the cost because that is what really people were concerned about when we wanted to do health care reform; it was to say let's get the cost down. The President promised families would see a \$2,500 reduction in the cost of their insurance policies in a year once all of this was implemented. But one of the side effects is actually higher premiums. This article talks about a man who owns a popular brew pub in Cleveland. He has fewer than 50 full-time employees. So he is classified under the health care law as a small business, which means

he does not actually have to provide health insurance to his employees. But he has been doing so. He has been doing so since he opened this pub a number of years ago, and he has done it in spite of some fairly significant jumps in the cost of the insurance.

He said: "They just seemed to keep going up every year."

He opened this pub in 2009. One year he got an increase of 38 percent; another it was 11 percent.

The article says: "This year, under the Affordable Care Act, he saw another hike—this one about 20 percent." So he is seeing higher premiums. He said: "It just seems odd that we get such a drastic price increase when nothing has really changed with us as far as our employees and health issues."

Most of the workers at [his place] are in their 20s and 30s. They are healthy, enthusiastic about their jobs. . . .

They like the fact that they get insurance, but they are getting priced out of the market. That is the concern about this: the health care law is making premiums go up.

From today, Thursday, May 22, The Hill newspaper, right here in Washington, DC: "Premium hike drumbeat before Nov. Election Day."

People continue to be shocked by the increases in the cost of their insurance, and they are going to go up again across the country. There are a number of reasons for that. We have seen it in North Carolina, where I expect this is going to be discussed and debated over the next months.

Blue Cross and Blue Shield of North Carolina. . . .

This comes from the Herald-Sun in North Carolina: ObamaCare enrollees older, sicker than insurer forecast—older and sicker than what the President told—actually it was not the President; it was Kathleen Sebelius, the Secretary of Health and Human Services, when she described what she thought success would look like in terms of the number of young healthy people who would sign up. It says:

Blue Cross and Blue Shield of North Carolina officials said—

This is dated May 8—

. . . that they found that the people who enrolled in the individual Affordable Care Act plans it sold on the online health exchanges were older and sicker than expected.

That may mean higher rates—

Higher premiums—

for Affordable Care Act plans in the future. . . .

The insurer's vice president of health policy said: "[It's] a concern when we think about future premiums."

They have great concerns about the amount things are going to go up. That is not what people want. People wanted affordable care. They wanted access to care. They wanted to get the care they need from a doctor they choose at

lower cost. What they see is waste—money not going to help people get care, but money being wasted.

I found it interesting coming out of Missouri, a story about how an ObamaCare contractor pays employees to spend their days doing nothing—doing nothing—paying their employees to do nothing.

"A billion dollar government contract involving hundreds of local workers at an ObamaCare processing center. . . ."

So these are people hired by the government or a contractor to work at an ObamaCare processing center—hundreds of local workers.

"But now employees on the inside are stepping forward, asking, Is this why we're broke? Some of them claim to spend most of their day doing nothing." . . .

This is reported in St. Louis.

The contractor is called Serco and local reporters discovered that, despite there not being any work to be done, the government contractor is still hiring.

Why would they be hiring? Because they get a percent of the action. That is why they are hiring. They are hiring people to not do anything, to take the paycheck. The article continues:

"The company is still hiring," says a local reporter. "A current employee wonders why. . . . After providing proof of employment, this . . . employee agreed to speak through the phone with their voice altered. The employee says hundreds of employees spend much of the day staring at computer screens, with little or no work to do."

The reporter asks the employee, "Are there some days where a data entry person may not process a single application?"

Not a single application? The person who works there said: "There are weeks"—weeks—"when a data entry person would not process an application."

The anonymous employee says the contract gets paid by the federal government per employee hired.

That is why they are continuing to hire—because the company gets paid by the Federal Government per employee hired, which is why it is in their interest to have a bunch of employees sitting around all day doing nothing.

So I have to feel an obligation, when I hear a statement on the floor being made that says: Well, a lot fewer people are going to go to the emergency room; it is going to save money—that has not happened. Studies from emergency room doctors, work from the NIH said it is not happening. The exact opposite has happened—a side effect of the health care law, when we see that people are not able to keep their doctors, in spite of the President promising people that if you like your doctor, you can keep your doctor. I feel compelled to come to the floor and share that story with those of us who care about care for patients, who care about finding a way to make sure patients get the care they need from a doctor they choose at lower cost. That is what people want. They know what

they want. They want access to care. They want affordable care. They want care, they want choices, and they want quality care.

I believe this health care law is turning out to be bad for patients, bad for providers—the doctors, the nurses, the paramedics, the nurse practitioners—who take care of those patients, and terrible for the taxpayers when we hear stories like this one out of Missouri, which says the employees are being paid to sit around and do nothing, when we hear there are a million people who are just waiting to try to get the government to correct something that should have been fixed in the beginning, when the President, 4 days before the Web site opened up in October, said: easier to use than Amazon, cheaper than your cell phone; keep your doctor if you like your doctor—there was so much misleading of the American public—and then when he says stand and forcefully defend and be proud of this health care law.

I think it is very hard to defend what the President and the Democrats have forced down the throats of the American public, and it is very hard to be proud of the kind of abuse and waste in a system that—whatever the intentions—has proven to the American public to be something they do not want, that they want to have replaced with an opportunity to have access, affordability, choice, and quality. By adopting proposals in a step-by-step fashion that Republicans have been promoting—to deal with those sorts of things of access, affordability, choice, and quality—we can try to ultimately get the American public what they need and what they asked for in the beginning: the care they need from a doctor they choose at lower costs.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

NOMINATION OF KEITH M. HARPER FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE U.N. HUMAN RIGHTS COUNCIL

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 633.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Keith M. Harper, of Maryland, for the rank of Ambassador during his tenure of service as United States Representative to the U.N. Human Rights Council.

## CLOTURE MOTION

Mr. REID. Madam President, there is a cloture motion at the desk on this matter.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Keith M. Harper, of Maryland, for the rank of Ambassador during his tenure of service as United States Representative to the UN Human Rights Council.

Harry Reid, Robert Menendez, Patrick J. Leahy, Elizabeth Warren, Barbara A. Mikulski, Jack Reed, Richard Blumenthal, Carl Levin, Christopher Murphy, Kirsten E. Gillibrand, Sheldon Whitehouse, Patty Murray, Thomas R. Carper, John D. Rockefeller IV, Jeff Merkley, Richard J. Durbin, Benjamin L. Cardin.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## EXECUTIVE SESSION

## NOMINATION OF SHARON Y. BOWEN TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION

Mr. REID. I now move to proceed to executive session to consider Calendar No. 755.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Sharon Y. Bowen, of New York, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2018.

## CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Sharon Y. Bowen, of New York, to be a Commissioner of the Commodity Futures Trading Commission.

Harry Reid, Debbie Stabenow, Richard J. Durbin, Barbara Boxer, Michael F. Bennet, Benjamin L. Cardin, Ron Wyden, Joe Donnelly, Christopher A. Coons, Mark Begich, Tim Kaine, Robert P. Casey, Jr., Sherrod Brown, Patrick J. Leahy, Tom Harkin, Angus S. King, Jr., Amy Klobuchar.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## EXECUTIVE SESSION

## NOMINATION OF MARK G. MASTROIANNI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS

Mr. REID. I now move to proceed to executive session to consider Calendar No. 691.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Mark G. Mastroianni, of Massachusetts, to be United States District Judge for the District of Massachusetts.

## CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Mark G. Mastroianni, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Harry Reid, Patrick J. Leahy, Al Franken, Barbara Boxer, Christopher A. Coons, Richard J. Durbin, Sherrod Brown, Richard Blumenthal, Carl Levin, Bill Nelson, Amy Klobuchar, Robert P. Casey, Jr., Elizabeth Warren, Sheldon Whitehouse, Mazie Hirono, Tom Harkin, Tom Udall.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## EXECUTIVE SESSION

## NOMINATION OF BRUCE HOWE HENDRICKS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA

Mr. REID. I now move to proceed to executive session to consider Calendar No. 692.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Bruce Howe Hendricks, of South Carolina, to be United States District Judge for the District of South Carolina.

## CLOTURE MOTION

Mr. REID. There is a cloture motion at the desk on file with the clerk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Bruce Howe Hendricks, of South Carolina, to be United States District Judge for the District of South Carolina.

Harry Reid, Patrick J. Leahy, Al Franken, Barbara Boxer, Christopher A. Coons, Richard J. Durbin, Sherrod Brown, Richard Blumenthal, Carl Levin, Bill Nelson, Amy Klobuchar, Robert P. Casey, Jr., Elizabeth Warren, Sheldon Whitehouse, Mazie K. Hirono, Tom Harkin, Tom Udall.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## EXECUTIVE SESSION

## NOMINATION OF TANYA S. CHUTKAN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

Mr. REID. I now move to proceed to executive session to consider Calendar No. 733.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Tanya S. Chutkan, of the District of Columbia, to be United States District Judge for the District of Columbia.

## CLOTURE MOTION

Mr. REID. Madam President, there is a cloture motion filed at the desk. I ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Tanya S. Chutkan, of the District of Columbia, to be United States District Judge for the District of Columbia.

Harry Reid, Patrick J. Leahy, Al Franken, Barbara Boxer, Christopher A. Coons, Richard J. Durbin, Sherrod Brown, Richard Blumenthal, Carl Levin, Bill Nelson, Amy Klobuchar, Robert P. Casey, Jr., Elizabeth Warren, Sheldon Whitehouse, Mazie Hirono, Tom Harkin, Tom Udall.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## EXECUTIVE SESSION

## NOMINATION OF SYLVIA MATHEWS BURWELL TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

Mr. REID. I now move to proceed to executive session to consider Calendar No. 798.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Sylvia Mathews Burwell, of West Virginia, to be Secretary of Health and Human Services.

## CLOTURE MOTION

Mr. REID. There is a cloture motion on file at the desk and I ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Sylvia Mathews Burwell, of West Virginia, to be Secretary of Health and Human Services.

Harry Reid, Ron Wyden, Tom Harkin, Richard J. Durbin, Barbara Boxer, Michael F. Bennet, Debbie Stabenow, Benjamin L. Cardin, Mary Landrieu, Mark Begich, Joe Donnelly, Tim Kaine, Robert P. Casey, Jr., Sherrod Brown, Patrick J. Leahy, Tom Harkin, Angus S. King, Jr.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECOGNIZING REMOTE ACCESS MEDICAL

Mr. REID. Madam President, fans of the popular reality television series "Wild Kingdom" may recall watching Stan Brock wrestle giant anacondas in the Amazon and corral wildebeests in the Serengeti, but for the past three decades, he has been engaged in a very different kind of struggle. In 1985, he founded a nonprofit organization known as Remote Area Medical, RAM, with the stated goal of "addressing the needless pain and suffering caused by the lack of healthcare in impoverished, underserved, and isolated areas." Since its inception, RAM has hosted 724 free medical events in which over 80,000 volunteers have delivered \$75 million in free medical, dental and vision care. It is not uncommon for patients to travel

hundreds of miles to attend one of these events or to sleep in their cars while they wait for the free clinics to open.

Last month, I had the opportunity to witness RAM in action when they held a 3-day medical event at Hug High School in Reno, NV. In the short time I was there, I saw hundreds of Nevadans filter through the clinic to receive much needed dental work, vaccinations, eye exams, free glasses, mental health screenings, and general medical work ups—all with short waits and at no cost to the patients. The patients attending the clinic were so grateful to finally receive a much needed x ray, pair of glasses, and many other services. I spoke with many of the volunteers—doctors, nurses, dentists—and they were all thrilled to be a part something so meaningful that fills a void for individuals who have no other way to access some of these critical services. A similar scene played out in Las Vegas earlier in the month, where RAM held a 2-day event at Bonanza High School. In total, the RAM team of 597 volunteers served 1,712 patients and provided almost one-half million dollars in care during their two expeditions in Nevada last month.

RAM was able to bring these events to Nevada because it is one of only a few States that allows licensed medical professionals from other States to volunteer at free medical services events. I have witnessed firsthand the value of these events—both for the patients they serve and for those volunteers who want to find a way to donate their professional expertise in a meaningful way. That is why I am convinced that we need Federal legislation that will allow medical practitioners to cross State lines to provide free volunteer care. Senator BOXER has been working to craft such legislation, and I look forward to supporting her in this effort.

Stan Brock's work has been exemplary. Through his efforts, hundreds of thousands of people in need of have received proper healthcare—some for the first time in their lives. My own appreciation for RAM was cemented as I personally witnessed this noble work. Watching Stan and his team work together to help so many unfortunate Nevadans was a moving experience for me. I thank Stan Brock, RAM, and all of the selfless volunteers for giving so much of themselves to those with so little.

## VETERANS HEALTH CARE

Ms. MIKULSKI. Madam President, I come to the floor today in recognition of the approaching Memorial Day holiday to express my deepest gratitude, respect, and appreciation for the men and women of our Armed Forces and for our veterans. In order to commemorate our vets, the first bill to be marked up and passed out of my Appropriations Committee was the Fiscal

Year 2015 Military Construction, Veterans Affairs, and Related Agencies bill. I wanted to make sure that there is no question in anyone's mind that veterans are my No. 1 priority.

As the chairwoman of the Senate Appropriations Committee, I have put money in the Federal checkbook to improve the veterans health care system so that wounded and disabled warriors get the care and benefits they need. I have worked to ensure veterans suffering from post-traumatic stress disorder, PTSD, or a traumatic brain injury, TBI, receive better diagnosis and treatment through the Defense Department and the VA.

In the bill that passed out of my committee today, we established even more checks on the VA by including an additional \$5 million to investigate the wait time practices at all VA medical treatment facilities nationwide. Our committee must invoke even more oversight to ensure that the tragedy that occurred at the Phoenix, AZ VA hospital is not repeated again in other hospitals. The greatest power my committee has is holding the VA accountable by closing the purse strings of their budget. One way we are doing this is by restricting performance bonuses for medical directors, assistant directors, and senior executive services staff until after the inspector general completes its audit on wait times at nationwide veterans treatment facilities. We need to continue to ensure that the VA is being held accountable. That is why I, along with a number of my colleagues, sent a letter to President Obama demanding an investigation by the VA's IG to evaluate the secret lists being kept at the Phoenix VA hospital.

I have also led the charge to reduce the backlog in processing veterans' disability claims. I brought Secretary Shinseki to Baltimore to create a sense of urgency to end the backlog by 2015. I used my power as chairwoman of the Appropriations Committee to convene a hearing with the top brass in the military, VA, and members of the committee to identify challenges and get moving on solutions. I cut across agencies to break down smokestacks and developed a 10-point Checklist for Change enacted as part of the fiscal year 2014 Omnibus appropriations bill. This plan includes better funding, better technology, better training, and better oversight of the VA.

I believe we must keep the promises we have made to our veterans. We can do this by giving them the same quality of service they gave us and by providing them with the care they deserve.

We made a sacred commitment to honor those who served by giving them the benefits they have earned. I will continue to fight for better benefits and treatment for our vets. And I am committed to holding the VA account-

able through the powers provided to me through the Appropriations Committee.

#### MEMORIAL DAY

Mr. COCHRAN. Madam President, on Memorial Day 2014, I will join a grateful nation in paying homage to the men and women of our Armed Forces who have given their lives to defend this Nation.

The people of Mississippi are proud and supportive of those in military service. On Memorial Day, citizens all across our State will join other Americans to remember, honor, and say a prayer of thanksgiving for those who gave their lives in service to their country. We will also remember and comfort their families, who mourn the loss of loved ones. We will enjoy the fellowship of our friends and neighbors with whom we enjoy the liberty that has been so precious guarded by the fallen.

The national day of commemoration that we observe today evolved from a practice first started in the aftermath of the Civil War. In April 1866, citizens of Columbus, MS, started what became Decoration Day, time set aside to decorate the graves of Confederate and Union soldiers alike. That tradition of honoring all those who have paid the ultimate sacrifice continues to this day. It is the right thing to do.

While we naturally look back to battles now consigned to history, we will also honor those brave men and women who, in more recent times, have died for their country. This Memorial Day 2014, my State will remember Army SPC Terry K.D. Gordon of Shubuta, MS, who lost his life in a helicopter accident in Now Bahar, Afghanistan, on December 18, 2013. We will mourn his loss and honor him for his courage, dedication and sacrifice.

This Memorial Day should also prompt us to recommit ourselves to meeting our obligations to the men and women who take up arms to protect this great Nation. The serious problems that surround the delivery of benefits and services we owe to our veterans are unacceptable. The Department of Veterans Affairs has an important and sacred mission to uphold the full faith and trust of our government's commitment to our veterans.

As I observe Memorial Day and honor those who have given their lives to their country, I will also be mindful of our commitment to protect and support veterans and their families.

#### SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT

Mr. UDALL of Colorado. Madam President, I wish to highlight an important milestone in our work in Congress. I speak of my legislation to create year-round, sustainable jobs in

mountain communities around the country while expanding opportunities for Americans to enjoy the great outdoors through the expansion of summer recreational opportunities at ski areas. On April 17, 2014, the U.S. Forest Service issued its final directives for implementing my Ski Area Recreational Opportunity Act, a law that allows and encourages ski areas on national forests to offer new activities for all seasons, such as expanded hiking and mountain biking, Frisbee golf, climbing walls, mountain coasters, zip lines, ropes courses, special events, and other popular activities.

I am proud to have led this bipartisan effort, from my time in the House, where I first introduced the Ski Area Recreational Opportunity Enhancement Act, to here in the Senate, where we saw the president sign it into law in 2011. After its passage, I worked with stakeholders and the U.S. Forest Service to make sure that the law's implementation empowers site-specific decisions that are appropriate for ski areas and local communities. This allows for the greatest opportunity for success in achieving the bill's main goals: boosting rural economies and promoting outdoor recreation. I would like to thank my colleagues Senators FEINSTEIN, HELLER, and BARRASSO for working with me to ensure this would happen.

Ski areas across the country and especially in my home State of Colorado have embraced the new flexibility provided by the Ski Area Recreational Opportunity Enhancement Act. Since its passage, they have been proposing projects to create activities for all seasons. I encourage the U.S. Forest Service to quickly review these proposals and to reach the best decision for each local project and community. That includes allowing for public input as prescribed by the National Environmental Policy Act. The local U.S. Forest Service land managers have a strong record of successfully working with ski areas to manage these long-running partnerships and that record is one of the reasons I advocated for a flexible directive empowering local decisionmaking.

I want to thank the U.S. Forest Service for finalizing a directive that provides that flexibility.

The U.S. Forest Service estimates that expanded recreational opportunities at ski areas will increase summer visits to national forests by 600,000 people each year, create 600 full or part-time jobs and inject nearly \$40 million into mountain communities. I think we all can agree these are substantial gains for rural economies and a testament to the importance of these ski areas to the recreation community and the American public at large.

I also would like to recognize the important support of our other cosponsors: Senators MURRAY, BENNET, RISCH, SHAHEEN, ENZI, CANTWELL, AYOTTE,

SANDERS, REID, LEAHY, and STABENOW. It was a strong bipartisan effort and I know we are all eager to see projects get underway to benefit rural economies and the recreating public.

#### ADDITIONAL STATEMENTS

##### COOKS FROM THE VALLEY

• Mrs. BOXER. Madam President, I want to commend the extraordinary work of Cooks from the Valley, a volunteer organization dedicated to supporting our Nation's servicemembers, veterans and their families.

Cooks from the Valley was established in Bakersfield, CA, by local resident Tom Anton, to bring the taste of home cooking to military members stationed all over the world.

What first began with one person in Bakersfield has grown to a diverse group of service-minded volunteers from coast to coast bound by one common goal: to say thank you to the men and women who serve in the U.S. Armed Forces.

Our military members and their families have made tremendous sacrifices and they deserve nothing less than the full and enduring support of a grateful nation. As co-chair of the Senate Military Family Caucus, I want to express my deepest gratitude to everyone at Cooks from the Valley—Mr. Anton, the volunteers, and many community supporters for their steadfast support of our servicemembers, veterans, and their families.

These dedicated Americans generously volunteer their time and resources to travel to all corners of the globe, providing our servicemembers with a taste of home that has boosted the spirits and filled the stomachs of those who put their lives on the line each and every day in service to our Nation. Cooks from the Valley's unique way of giving back to our military men and women should be an inspiration to us all.

As Americans, we have an obligation to give back to those who give so much for us. For many years, Cooks from the Valley has worked to fulfill this responsibility and I know they will continue to make a difference in the lives of our military families for many years to come.●

##### MILITARY APPRECIATION MONTH

• Mr. CARDIN. Madam President, I wish to recognize our military servicemembers, their families, and all veterans who have sacrificed in the service of this great country. After a long winter, Americans are finally enjoying the outdoors and spending precious time with their loved ones this month. But we should always remember that we enjoy these freedoms because the Guard, Reserve, and Active members of

the U.S. military remain diligent, ready and willing to serve and sacrifice.

We celebrate our 15th annual National Military Appreciation Month this year, thanks to the leadership of my colleague Senator MCCAIN, who sponsored legislation in 1999 that set aside an entire month to honor, remember, and appreciate the patriotism and dedication of the military and their families. Military Appreciation Month includes specific recognition of Loyalty Day on May 1, Victory in Europe Day on May 8, Military Spouse Appreciation Day on May 9, Armed Forces Day on May 17, and, most importantly, Memorial Day on May 26.

From the American Revolution to the wars in Iraq and Afghanistan, military men and women have always made enormous sacrifices in order to defend our Nation. I am inspired by their patriotism, their courage, and their dedication to freedom. Military Appreciation Month also recognizes the more than 90 million Americans who have family members serving in the military. Military families are also making tremendous sacrifices on behalf of the American people, and they are equally deserving of recognition during National Military Appreciation Month.

Recent events have provided another reminder of the constant guard our brave servicemembers provide. Earlier this year, 24-year-old PO2 Mark Mayo of Hagerstown, MD, gave his life, without hesitation, to protect his fellow shipmate. As a civilian assaulted a fellow sailor and grabbed her gun, Petty Officer Mayo stepped into harm's way, shielded his shipmate, and died so that she could live. Petty Officer Mayo was laid to rest in Arlington National Cemetery on April 25, 2014, and posthumously awarded The Navy and Marine Corps Medal, the highest noncombat decoration for heroism awarded by the U.S. Department of the Navy.

Petty Officer Mayo is just one example of the heroism of our servicemembers; heroism that has been displayed countless times, both at home and abroad, throughout our Nation's history.

Young military men and women represent the best of our country. They choose to serve our communities, fight for their fellow Americans and defend our liberties with the fullest measure of devotion. Similar to generations before them, they have committed themselves to the defense of our Constitution against all enemies. Their devotion to their fellow Americans makes our Nation exceptional.

Not all those who support our national defense have worn a uniform or have been called away to distant battlefields. World War II's "Rosie the Riveter" saying "We can do it" sounds an awful lot like today's young people saying "Yes, we can." I urge my colleagues to keep this spirit of our

"Rosies" in mind today as we commit ourselves to answering the challenges that face our Nation.

We are fortunate to have so many women still living in Maryland who evoke the spirit of Rosie the Riveter. Crena Anderson riveted airplanes in Hagerstown, MD, during World War II. Ruth Staples of Brunswick, MD, worked on the railroad in support of allied efforts during the war. Even today, Crena and Ruth are both actively helping their local communities create replicable projects that teach and preserve World War II-era history and advance positive roles that women can play in our changing world.

This Memorial Day should be a time when all Americans can reconnect with our history and core values by honoring those who gave their lives for the ideals we cherish. In addition to remembering the servicemembers who fought and died in our Nation's wars, I believe that we must also take care of the servicemembers and veterans who are still with us, especially when they return home. There are serious issues that need to be addressed in the military and veteran communities. Active-Duty military and veteran suicide rates are at record high, Veterans' Administration disability claims continue to face unacceptable delays, and many programs that help discharged servicemembers make the transition to civilian life are inadequate. It is unacceptable that many of our servicemembers, veterans, and their caregivers lack the health care they need after a decade of war. Too many of these men and women are suffering from not only visible injuries but invisible ones too. We must do better. In these challenging times, let us pledge to redouble our efforts to provide for our veterans, not just on this Memorial Day but every day.

Military Appreciation Month is a time we should hold close to our hearts. In our hectic daily lives, let us not forget why our country endures. Throughout this month we will see many American flags and flowers adorning the graves of those who have made the ultimate sacrifice for our Nation. We honor them and remember their families, who wear the Gold Star Pin, because they bear the greatest burden of sacrifice. I remember in particular the 114 Marylanders who have been killed in our most recent conflicts and am reminded that our freedom isn't free. The best way to honor their sacrifice is to ensure that we are unwavering in our support for those who return to us wounded, ill, and injured. Let us affirm our commitment to them today and every day.●

##### JASPER COUNTY, IOWA

• Mr. HARKIN. Madam President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic

development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Jasper County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Jasper County worth over \$3.2 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$22 million to the local economy.

Of course my favorite memory of working together has to be working to fund the Neal Smith Wildlife National Wildlife Refuge. Congressman SMITH's dedication to protecting Iowa's local wildlife, fragile ecosystems, and beautiful natural scenery was a legacy that was truly a privilege to carry on. This refuge is not just a state natural resource, but a national treasure. It is home to grazing buffalo herds, white-tailed deer, badgers and pheasants, and more than 200 types of native prairie flowers and grasses. The hundreds of thousands of Iowans who visit the refuge every year experience the beauty and fragility of our natural environment. I hope that as I worked to carry on Congressman SMITH's legacy in providing over \$1.3 million since 2000 to the refuge, Iowans will help take up the mantle to continue to support this tremendous local resource.

Among the highlights: Main Street Iowa: One of the greatest challenges we face—in Iowa and all across America—is preserving the character and vitality of our small towns and rural communities. This isn't just about economics. It is also about maintaining our identity as Iowans. Main Street Iowa helps preserve Iowa's heart and soul by providing funds to revitalize downtown business districts. This program has allowed towns like Colfax to use that

money to leverage other investments to jumpstart change and renewal. I am so pleased that Jasper County has earned \$43,000 through this program. These grants build much more than buildings. They build up the spirit and morale of people in our small towns and local communities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Jasper County has received \$618,741 in Harkin grants. Similarly, schools in Jasper County have received funds that I designated for Iowa Star Schools for technology totaling \$132,888.

Disaster mitigation and prevention: In 1993, when historic floods ripped through Iowa, it became clear to me that the national emergency-response infrastructure was woefully inadequate to meet the needs of Iowans in flood-ravaged communities. I went to work dramatically expanding the Federal Emergency Management Agency's hazard mitigation program, which helps communities reduce the loss of life and property due to natural disasters and enables mitigation measures to be implemented during the immediate recovery period. Disaster relief means more than helping people and businesses get back on their feet after a disaster, it means doing our best to prevent the same predictable flood or other catastrophe from recurring in the future. The hazard mitigation program that I helped create in 1993 has provided critical support to Iowa communities impacted by the devastating floods of 2008. Jasper County has received over \$72,000 to remediate and prevent widespread destruction from natural disasters.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs;

strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Jasper County has received more than \$7.8 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Jasper County's fire departments have received over \$1.2 million for firefighter safety and operations equipment.

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Jasper County has recognized this important issue by securing \$264,000 for community wellness activities.

Disability Rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Jasper County, both those with and without disabilities. And they make us proud to be a part of



a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Jasper County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Jasper County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### MARSHALL COUNTY, IOWA

● Mr. HARKIN. Madam President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Marshall County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Marshall County worth over \$19 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$55 million to the local economy.

Of course my favorite memories of working together have to include lead paint remediation, for which I have provided more than \$4.1 million since 2001, providing over \$2 million to increase availability of affordable housing, supporting local law enforcement efforts, and improving downtown buildings in Marshalltown and State Center through the Main Street Iowa program.

Among the highlights:

Investing in Iowa's economic development through targeted community projects: In central Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Marshall County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole ripple effect of positive, creative changes. For example, I have fought to secure over \$15 million for Mechdyne, a Marshalltown company which is a world leader in 3D and virtual reality visualization technology, helping to create jobs and expand economic opportunities.

Main Street Iowa: One of the greatest challenges we face—in Iowa and all across America—is preserving the character and vitality of our small towns and rural communities. This isn't just about economics. It is also about maintaining our identity as Iowans. Main Street Iowa helps preserve Iowa's heart and soul by providing funds to revitalize downtown business districts. This program has allowed towns like State Center and Marshalltown to use that money to leverage other investments to jumpstart change and renewal. I am so pleased that Marshall County has earned \$575,159 through this program. These grants build much more than buildings. They build up the spirit and morale of people in our small towns and local communities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Marshall County has received more than \$4.9 million in Harkin grants. Similarly, schools in Marshall County have received funds that I designated for Iowa Star Schools for technology totaling \$64,660.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance,

the methamphetamine epidemic. Since 2001, Marshall County's fire departments have received over \$1.1 million for firefighter safety and operations equipment, and \$841,737 in Byrne Justice Assistance Grants, as well as \$200,000 for drug free communities through the Department of Justice.

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Marshall County has recognized this important issue by securing over \$61,000 in wellness grants.

Disability Rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Marshall County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Marshall County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Marshall County, to fulfill their own dreams and initiatives. And, of course,

this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT

● Mr. HELLER. Madam President, today I wish to recognize and congratulate the Las Vegas-Clark County Library District for receiving the National Medal for Museum and Library Service, the highest community service honor a museum or library can earn. Nevada is proud to have one of its institutions dedicated to the education and betterment of the community be chosen for such a prestigious award.

In its 20th-anniversary year, the National Medal is celebrating institutions that have made a significant impact on individuals, families, and communities across the Nation. Nevada is honored to have the Las Vegas-Clark County Library District selected as one of only 10 institutions to receive this award. The library has long served as a home to community members looking to further their education and entertain themselves through the joys of reading. More recently, recognizing the growing needs within the community, the library has become a haven for those who need a retreat from their homes or as a destination for Internet that they cannot afford.

As Nevada's unemployment rate remains one of highest in the Nation and as our national economy continues to struggle, I recognize the unique role the Las Vegas-Clark County Library has played in working to address the needs of its local community by carefully crafting a strategic plan to address the unemployment problems in Nevada. By adding more computers so users could fill out job applications online and creating programs about managing stress and dealing with bankruptcy, the library is able to assist Nevadans during this tough time. While our economy continues to recover, vulnerable Nevadan's rely on a variety of resources to help them find employment, especially those provided by the Las Vegas-Clark County Library District.

The importance of libraries is exemplified through their community engagement, support for afterschool programs, and ability to act as learning tools for students. Nowhere is this more apparent than in the Las Vegas-Clark County District. As a father of four children who attended Nevada's public schools and the husband of a lifelong teacher, I understand the important role that libraries play in educating Nevada's students. Ensuring that America's youth are prepared to compete in the 21st century is critical

for the future of our country. The State of Nevada is fortunate to be home to a library district that offers a large variety of assistance to the members of the community.

I ask my colleagues to join me in congratulating the Las Vegas-Clark County Library District and know that they serve as an example for the rest of the Silver State.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 12:38 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4031. An act to amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-235. A resolution adopted by the House of Representatives of the State of Hawaii expressing support for the Troop Talent Act of 2013; to the Committee on Armed Services.

#### HOUSE RESOLUTION NO. 18

Whereas, members of the United States Armed Forces are dedicated to protecting the many freedoms that we enjoy through discipline, hard work, and self-sacrifice; and

Whereas, for many veterans the transition from military to civilian life is often a difficult one, which is evident in the higher unemployment rates experienced by post September 11th veterans; a rate that is currently 9.4 percent, which is greater than the national average which is 6.7 percent; and

Whereas, even though many veterans leave the military with valuable skills and training, several obstacles such as injuries, lack of civilian work experience, and license and certification issues hamper a smooth transition from military to civilian life; and

Whereas, H.R. 1796, or the Troop Talent Act of 2013, was created to ensure that veterans and members of the Armed Forces are provided with the proper education and

training to better assist them in obtaining civilian certifications and licenses, as well as for other purposes to assist veterans in adjusting to civilian life; and

Whereas, the Troop Talent Act of 2013 directs the Secretaries of the military departments, to the maximum extent practicable, to make information on civilian credentialing opportunities available to members of the Armed Forces beginning with, and at every stage of, their training for military occupational specialties in order to permit such members to:

(1) Evaluate the extent to which such training correlates with skills and training required for various civilian certifications and licenses; and

(2) Assess the suitability of such training for obtaining or pursuing such civilian certifications and licenses; and

Whereas, the Troop Talent Act of 2013 also requires the information be made available to members of the Armed Services to be consistent with the Transition Goals Plans Success Program; and

Whereas, the Troop Talent Act of 2013 also requires the inclusion of information on:

(1) The civilian occupational equivalents of military occupational specialties;

(2) Civilian license or certification requirements, including examination requirements; and

(3) The availability and opportunities for use of educational benefits available to members of the Armed Forces, as appropriate, corresponding training, or continuing education that leads to a certification exam in order to provide a pathway to credentialing opportunities; and

Whereas, the Troop Talent Act of 2013 requires the Secretaries of the military departments to make available to civilian credentialing agencies, specified information on the content of military training provided to members of the Armed Services; and

Whereas, the Troop Talent Act of 2013 allows members of the Armed Services or veterans in pursuit of a civilian certification or license to use educational assistance provided through the Department of Defense or the Department of Veterans Affairs only if the successful completion of a curriculum fully qualifies the student to take the appropriate examinations and be certified or licensed to meet any other academic conditions required for entry into that occupation or profession; and

Whereas, the Troop Talent Act of 2013 requires the military occupational specialties designated for a military skills to civilian credentialing pilot program under the National Defense Authorization Act for Fiscal Year 2012 to include those specialties relating to the military information technology workforce; and

Whereas, the Troop Talent Act of 2013 directs the Secretary of Veterans Affairs to reestablish the Professional Certification and Licensure Advisory Committee which was terminated on December 31, 2006, and provides the Committee with additional duties, including the development of:

(1) Guidance for audits of licensure and certification programs in order to ensure high-quality education to members of the Armed Services and veterans; and

(2) A plan to improve outreach to members of the Armed Services and veterans on the importance of licensing and certification and the availability of educational benefits: Now, therefore, be it

*Resolved by the House of Representatives of the Twenty-seventh Legislature of the State of Hawaii, Regular Session of 2014, that this*

body supports the Troop Talent Act of 2013 along with its passage; and be it further

*Resolved*, That certified copies of this Resolution be transmitted to the Speaker of the United States House of Representatives, President Pro Tempore of the United States Senate, and Hawaii's Congressional delegation.

POM-236. A concurrent resolution adopted by the Legislature of the State of Hawaii urging the United States Congress to adopt legislation to ease a transition to a new type of identity theft-resistant credit card; to the Committee on Banking, Housing, and Urban Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 32

Whereas, credit card data theft is one of the fastest-growing crimes in the nation, increasing 50 percent from 2005 to 2010, according to a recent report from the United States Department of Justice; and

Whereas, credit card data theft is often included in the general definition of identity theft, a crime that occurs when a thief steals an individual's personal information and uses it without the individual's permission; and

Whereas, identity theft is a serious crime that can devastate an individual's finances, credit history, and reputation, and can take time, money, and patience to resolve; and

Whereas, the number of malicious programs written to steal an individual's personal information has grown exponentially from about 1,000,000 in 2007 to an estimated 130,000,000 in 2013; and

Whereas, identity theft is expected to surpass traditional theft as the leading form of property crime, and security analysts have reported that everyone should prepare to become an identity theft victim at some point; and

Whereas, most Americans have a greater chance of having their personal identity information stolen than being actually held up at gunpoint; and

Whereas, a company has recently introduced a new type of identity theft-resistant credit card that is designed to reduce the chances of consumers being hit with fraudulent credit card debt; and

Whereas, in designing this new type of credit card, the company has developed small, digital, internal components that will allow a consumer to enter a personal unlocking code that will generate a unique credit card number for every transaction, making the card more difficult to use by thieves if it is lost or stolen; and

Whereas, at least one major bank is testing this new type of credit card in a number of small pilot programs, and more lenders may adopt the technology in the near future: Now, therefore, be it

*Resolved by the House of Representatives of the Twenty-seventh Legislature of the State of Hawaii*, Regular Session of 2014, the Senate concurring, that the Congress of the United States, Hawaii financial institutions, and Hawaii businesses are urged to adopt legislation, policies, and procedures to use identity theft-resistant credit cards; and be it further

*Resolved*, That the Congress of the United States is urged to adopt legislation that would ease a transition to a new type of identity theft-resistant credit card; and be it further

*Resolved*, That Hawaii financial institutions and Hawaii businesses that offer credit cards are urged to use the new identity theft-resistant credit card technology to reduce the chances of consumers being victimized by identity thieves; and be it further

*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, the President of the Hawaii Bankers Association, the President and Chief Executive Officer of the Chamber of Commerce of Hawaii, and the Chairperson of the Board of Directors of the Retail Merchants of Hawaii.

POM-237. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania urging the Congress of the United States to pass and the President of the United States to sign the Blue Water Navy Vietnam Veterans Act of 2013; to the Committee on Veterans' Affairs.

#### HOUSE RESOLUTION NO. 663

Whereas, During the Vietnam Conflict, the United States military sprayed more than 19 million gallons of Agent Orange and other herbicides over Vietnam to reduce forest cover and crops used by the enemy; these herbicides contained dioxin, which has since been identified as carcinogenic and has been linked with a number of serious and disabling illnesses now affecting thousands of veterans; and

Whereas, The Congress of the United States passed the Agent Orange Act of 1991 to address the plight of veterans exposed to herbicides while serving in Vietnam; and

Whereas, The act amended Title 38 of the United States Code to presumptively recognize as service-connected, certain diseases among military personnel who served in the Vietnam Conflict between 1962 and 1975; and

Whereas, This presumption has provided access to appropriate disability compensation and medical care for Vietnam veterans diagnosed with such illnesses as Type II diabetes, Hodgkin's disease, non-Hodgkin's lymphoma, chronic lymphocytic leukemia, multiple myeloma, prostate cancer, respiratory cancers and soft-tissue sarcomas; and

Whereas, Pursuant to a 2001 directive, the Department of Veterans Affairs policy has denied the presumption of a service connection for herbicide-related illnesses to Vietnam veterans who could not furnish written documentation that they had "boots on the ground" in-country, making it virtually impossible for countless United States Navy and Air Force veterans to pursue their claims for benefits; and

Whereas, Many who had landed on Vietnamese soil could not produce proof due to incomplete or missing military records, moreover, personnel who had served on ships in the "Blue Water Navy" in Vietnamese territorial waters were, in fact, exposed to dangerous airborne toxins, which not only drifted offshore but also washed into streams and rivers draining into the South China Sea; and

Whereas, Warships positioned off the Vietnamese shore routinely distilled seawater to obtain potable water; and

Whereas, A 2002 Australian study found that the distillation process, rather than removing toxins, in fact, concentrated dioxin in water used for drinking, cooking and washing; and

Whereas, This study was conducted by the Australian Department of Veteran Affairs after it found that Vietnam veterans of the Royal Australian Navy had a higher rate of mortality from Agent Orange-associated diseases than did Vietnam veterans from other branches of the military; and

Whereas, When the Centers for Disease Control and Prevention studied specific can-

cers among Vietnam veterans, it found a higher risk of cancer among Navy veterans; and

Whereas, Agent Orange did not discriminate between soldiers on the ground and sailors on ships offshore, and legislation to recognize this tragic fact and restore eligibility for compensation and medical care to Navy and Air Force veterans who sacrificed their health for their country is critical; and

Whereas, When the Agent Orange Act passed in 1991 with no dissenting votes, Congressional leaders stressed the importance of responding to the health concerns of Vietnam veterans and ending the bitterness and anxiety that had surrounded the issue of herbicide exposure; and

Whereas, Congress should reaffirm the nation's commitment to the well-being of all of its veterans and direct the Department of Veterans Affairs to administer the Agent Orange Act under the presumption that herbicide exposure in Vietnam includes the country's inland waterways, offshore waters and airspace: Now, therefore, be it

*Resolved*, That the House of Representatives respectfully urge the Congress and President of the United States to restore the presumption of a service connection for Agent Orange exposure for United States Navy and Air Force veterans who served on the inland waterways, territorial waters and in the airspace of Vietnam, Thailand, Laos and Cambodia; and be it further

*Resolved*, That the Secretary of State of the Commonwealth of Pennsylvania forward official copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States, and to all the members of the Pennsylvania delegation to the 113th Congress urging the members of the delegation to support and fund the Blue Water Navy Vietnam Veterans Act of 2013 and with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-238. A concurrent resolution adopted by the Legislature of the State of Hawaii urging the President of the United States and the United States Congress to support the authorization of the issuance of general obligation bonds for the construction of a long-term care facility for veterans contingent upon the receipt of federal funds; to the Committee on Veterans' Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 68

Whereas, Hawaii's acute shortage of long-term care beds has the potential to directly impact the growing number of our veterans who are reaching a point in their lives where long-term care may become necessary; and

Whereas, the shortage of long-term care facilities will be felt in communities across Hawaii; and

Whereas, veterans have stood up for America in times of need, thereby earning the highest degree of respect and support the nation is able to give; and

Whereas, the men and women who have served our country are owed a special duty; and

Whereas, veterans of the armed services deserve safety, comfort, and dignified care in their later years; and

Whereas, providing safe and reliable care falls squarely within our commitment as a state and a nation; Now, therefore, be it

*Resolved by the House of Representatives of the Twenty-seventh Legislature of the State of Hawaii*, Regular Session of 2014, the Senate concurring, that the President of the United

States and the United States Congress are urged to support House Bill No. 2074, Regular Session of 2014, which authorizes the issuance of general obligation bonds for the construction of a long-term care facility for veterans contingent upon the receipt of federal funds; and be it further

*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, President Pro Tempore of the United States Senate, and Speaker of the House of the United States House of Representatives.

POM-239. A resolution adopted by the House of Representatives of the State of Hawaii urging the President of the United States and the United States Congress to grant veterans benefits to Filipino veterans who fought in World War II; to the Committee on Veterans' Affairs.

#### HOUSE RESOLUTION No. 22

Whereas, during World War II, the Philippines was a United States commonwealth; and

Whereas, Filipino soldiers volunteered their services after being promised full veterans benefits to volunteer to fight for the United States against the potential threat of Japan; and

Whereas, thousands of Filipino men and women risked their lives against the invading Japanese forces and assisted our nation in its efforts to liberate the Philippines; and

Whereas, Filipino soldiers fought bravely beside American troops to restore liberty and democracy to their homeland; and

Whereas, exhibiting great courage at the battles of Corregidor and Bataan, Filipino soldiers contributed to the Allied victory that ended World War II; and

Whereas, in 1941, by executive order, Filipinos who volunteered for the Philippine Commonwealth Army and Philippine Scouts were made eligible for full United States veterans benefits for their active service during the war; and

Whereas, in 1946, by congressional act and upon the independence of the Philippines, these same Filipino veterans were denied eligibility for United States veterans benefits, such as health care, disability pensions, and burial expenses; and

Whereas, over the years, Congress has considered legislation to restore the benefits denied to Filipino veterans; and

Whereas, the American Recovery and Reinvestment Act of 2009 included a provision that called for the release of funding for lump sum payments to Filipino veterans in lieu of pensions; and

Whereas, restoring benefits denied to Filipino veterans and fulfilling and expediting any claims that are still pending honors those Filipino veterans who served our nation so courageously; Now, therefore, be it

*Resolved by the House of Representatives of the Twenty-seventh Legislature of the State of Hawaii*, Regular Session of 2014, that the President of the United States and the United States Congress are urged to grant veterans benefits to Filipino veterans who fought in World War II but were subsequently denied the benefits to which they were entitled; and be it further

*Resolved*, That providing these benefits does not correct the injustice and discrimination done over 60 years ago, but is a small step in making reparations; and be it further

*Resolved*, That certified copies of this Resolution be transmitted to the President of the United States, President Pro Tempore of the United States Senate, Speaker of the United States House of Representatives, Hawaii's

Congressional delegation, Secretary of the United States Department of Veterans Affairs, Director of the Hawaii Office of Veterans Services, President of the Republic of the Philippines, and Philippine Consul General in Hawaii.

POM-240. A resolution adopted by the House of Representatives of the State of Hawaii urging the United States Congress to restore the presumption of a service connection for Agent Orange exposure to the United States veterans who served in the waters defined by the Combat Zone and in the airspace over the Combat Zone in Vietnam; to the Committee on Veterans' Affairs.

#### HOUSE RESOLUTION No. 19

Whereas, during the Vietnam War, the United States military sprayed 22,000,000 gallons of Agent Orange and other herbicides over Vietnam to reduce forest cover and crops used by the enemy; and

Whereas, these herbicides contained dioxin, which has since been identified as carcinogenic and has been linked with a number of serious and disabling illnesses affecting thousands of veterans; and

Whereas, the United States Congress passed the Agent Orange Act of 1991 to address the plight of veterans exposed to herbicides while serving the Republic of Vietnam; and

Whereas, the Agent Orange Act of 1991 amended Title 38 of the United States Code to presumptively recognize as service-connected certain diseases among military personnel who served in Vietnam between 1962 and 1975; and

Whereas, this presumption has provided access to appropriate disability compensation and medical care for Vietnam veterans diagnosed with illnesses, such as Type II diabetes, Hodgkin's disease, non-Hodgkin's lymphoma, prostate cancer, Parkinson's disease, multiple myeloma, peripheral neuropathy, AL Amyloidosis respiratory cancers, soft-tissue sarcomas, and other illnesses yet to be identified; and

Whereas, pursuant to a directive in 2001, it has been the policy of the United States Department of Veterans Affairs to deny the presumption of a service connection for herbicide-related illnesses to Vietnam veterans who cannot furnish written documentation that they had "boots on the ground" in-country, making it virtually impossible for countless United States Navy, Marine Corps, and Air Force veterans to pursue their claims for benefits; and

Whereas, personnel who served on ships in the "Blue Water Navy" in Vietnamese territorial waters were, in fact, exposed to dangerous airborne toxins, which not only drifted offshore but also washed into streams and rivers draining into the South China Sea; and

Whereas, Agent Orange has been verified, through various studies and reports, as a wide-spreading chemical that was able to reach United States Navy ships through the air and waterborne distribution routes; and

Whereas, warships positioned off the Vietnamese shore routinely distilled seawater to obtain potable water; and

Whereas, an Australian study in 2002 found that the distillation process, instead of removing toxins, actually concentrated dioxin in water used for drinking, cooking, and washing; and

Whereas, this study was conducted by the Australian Department of Veterans Affairs after it found that Vietnam veterans of the Royal Australian Navy suffered from a higher rate of mortality from Agent Orange-asso-

ciated diseases than did Vietnam veterans from other branches of the military; and

Whereas, when the United States Centers for Disease Control and Prevention studied specific cancers among Vietnam veterans, it found a higher risk of cancer among United States Navy veterans; and

Whereas, herbicides containing tetrachlorodibenzodioxin (TCDD), a contaminant in Agent Orange, did not discriminate between soldiers on the ground and sailors on ships offshore; and

Whereas, more than 30 veterans' service organizations support the Blue Water Navy Vietnam Veterans Act of 2013 (H.R. 543); and

Whereas, by not passing H.R. 543, a precedent could be set to selectively provide certain categories of veterans with injury-related medical care while denying such care to other categories of veterans, without any financial, scientific, or consistent reasoning; and

Whereas, when the Agent Orange Act passed in 1991 with no dissenting votes, congressional leaders stressed the importance of responding to the health concerns of Vietnam veterans and ending the bitterness and anxiety that had surrounded the issue of herbicide exposure; and

Whereas, the federal government has also demonstrated its awareness of the hazards of Agent Orange exposure through its involvement in the identification, containment, and mitigation of dioxin "hot spots" in Vietnam; and

Whereas, the United States Congress should reaffirm the nation's commitment to the well-being of all of its veterans and direct the United States Department of Veterans Affairs to administer the Agent Orange Act under the presumption that herbicide exposure in the Republic of Vietnam includes the country's inland waterways, offshore waters, and airspace, encompassing the entire Combat Zone; Now, therefore, be it

*Resolved by the House of Representatives of the Twenty-seventh Legislature of the State of Hawaii*, Regular Session of 2014, that the United States Congress is respectfully urged to restore the presumption of a service connection for Agent Orange exposure to United States veterans who served in the waters defined by the Combat Zone and in the airspace over the Combat Zone in Vietnam; and be it further

*Resolved*, That the United States Congress is respectfully urged to enter this Resolution into the Congressional Record as an official memorial to the Congress; and be it further

*Resolved*, That certified copies of this Resolution be transmitted to the President of the United States, President Pro Tempore of the United States Senate, Speaker of the United States House of Representatives, and the members of Hawaii's Congressional delegation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MIKULSKI, from the Committee on Appropriations:

Special Report entitled "Allocation to Subcommittees of Budget Totals for Fiscal Year 2015" (Rept. No. 113-163).

By Mr. PRYOR, from the Committee on Appropriations, without amendment:

S. 2389. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2015, and for other purposes (Rept. No. 113-164).

By Ms. LANDRIEU, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 37. A bill to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, and for other purposes (Rept. No. 113-165).

S. 258. A bill to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes (Rept. No. 113-166).

S. 715. A bill to authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, and for other purposes (Rept. No. 113-167).

By Ms. LANDRIEU, from the Committee on Energy and Natural Resources, with an amendment:

S. 782. A bill to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes (Rept. No. 113-168).

By Ms. LANDRIEU, from the Committee on Energy and Natural Resources, without amendment:

S. 995. A bill to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, and for other purposes (Rept. No. 113-169).

S. 1252. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Missisquoi River and the Trout River in the State of Vermont, as components of the National Wild and Scenic Rivers System (Rept. No. 113-170).

By Ms. LANDRIEU, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

S. 1341. A bill to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes (Rept. No. 113-171).

By Ms. LANDRIEU, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 1033. A bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program (Rept. No. 113-172).

By Ms. LANDRIEU, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2337. A bill to provide for the conveyance of the Forest Service Lake Hill Administrative Site in Summit County, Colorado (Rept. No. 113-173).

By Mr. JOHNSON of South Dakota, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 4486. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2015, and for other purposes (Rept. No. 113-174).

By Mr. MENENDEZ, from the Committee on Foreign Relations, with amendments:

S. 2142. A bill to impose targeted sanctions on persons responsible for violations of human rights of antigovernment protesters

in Venezuela, to strengthen civil society in Venezuela, and for other purposes (Rept. No. 113-175).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELLER (for himself and Mr. TESTER):

S. 2381. A bill to clarify that any private flood insurance policy accepted by a State shall satisfy the mandatory purchase requirement under the Flood Disaster Protection Act of 1973; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY:

S. 2382. A bill to establish the Consumer Price Index for Elderly Consumers for purposes of determining cost-of-living increases under the Social Security Act, and to amend the Internal Revenue Code of 1986 to apply payroll taxes to remuneration and earnings from self-employment up to the contribution and benefit base and to remuneration in excess of \$250,000, and for other purposes; to the Committee on Finance.

By Mr. ALEXANDER:

S. 2383. A bill to direct the Office of the Actuary of the Centers for Medicare & Medicaid Services and the Comptroller General of the United States to study the impact of the Patient Protection and Affordable Care Act on small businesses; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. ROCKEFELLER, and Mr. COBURN):

S. 2384. A bill to require the President to develop a watch list and a priority watch list of foreign countries that engage in economic or industrial espionage in cyberspace with respect to United States trade secrets or proprietary information, to provide for the imposition of sanctions with respect to foreign persons that knowingly benefit from such espionage, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. DURBIN, and Ms. WARREN):

S. 2385. A bill to amend the Higher Education Act of 1965 and the Truth in Lending Act to provide for disclosure and codes of conduct with respect to consumer financial products or services and institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mr. DONNELLY):

S. 2386. A bill to establish a grant program to help State and local law enforcement agencies reduce the risk of injury and death relating to the wandering characteristics of some children with autism and other disabilities; to the Committee on the Judiciary.

By Mr. WALSH:

S. 2387. A bill to amend the Claims Resolution Act of 2010 to authorize the Secretary of the Interior to contract with eligible Indian tribes to manage land buy-back programs, to require that certain amounts be deposited into interest bearing accounts, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mr. CRAPO, and Mr. HELLER):

S. 2388. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems, and for other purposes; to the Committee on Finance.

By Mr. PRYOR:

S. 2389. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2015, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. HEITKAMP (for herself and Mr. KAINE):

S. 2390. A bill to amend the Internal Revenue Code of 1986 to create a tax credit for foster families; to the Committee on Finance.

By Mr. MURPHY:

S. 2391. A bill to amend chapter 83 of title 41, United States Code (popularly referred to as the Buy American Act) and certain other laws with respect to certain waivers under those laws, to provide greater transparency regarding exceptions to domestic sourcing requirements, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WALSH:

S. 2392. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of East Rosebud Creek in Carbon County, Montana, as components of the Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. PRYOR (for himself and Ms. MURKOWSKI):

S. 2393. A bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. HATCH, Mr. RISCH, Mr. LEE, Ms. MURKOWSKI, and Mr. CRAPO):

S. 2394. A bill to require the Secretary of the Interior and the Secretary of Agriculture to provide certain Western States assistance in the development of statewide conservation and management plans for the protection and recovery of sage grouse species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MENENDEZ (for himself, Mrs. BOXER, Mr. KAINE, and Mr. CARDIN):

S. 2395. A bill to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002; to the Committee on Foreign Relations.

By Mr. PRYOR (for himself, Ms. LANDRIEU, Mr. JOHANNES, and Ms. MURKOWSKI):

S. 2396. A bill to establish the veterans' business outreach center program, to improve the programs for veterans of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHATZ (for himself and Mr. CARDIN):

S. 2397. A bill to increase the rates of pay under the General Schedule and other statutory pay systems and for prevailing rate employees by 3.3 percent, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BLUMENTHAL (for himself, Mr. MARKEY, and Mr. NELSON):

S. 2398. A bill to amend a provision of title 49, United States Code, relating to motor vehicle safety civil penalties; to the Committee on Commerce, Science, and Transportation.

By Mr. BEGICH (for himself, Ms. HIRONO, Mr. TESTER, Mr. WALSH, Mr. JOHNSON of South Dakota, and Ms. HEITKAMP):

S. 2399. A bill to safeguard the voting rights of Native American and Alaska Native voters and to provide the resources and oversight necessary to ensure equal access to the electoral process; to the Committee on the Judiciary.

By Mr. BENNET (for himself, Mr. CRAPO, and Mr. JOHNSON of South Dakota):

S. 2400. A bill to provide for improvement of field emergency medical services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself, Mr. MORAN, Mr. BEGICH, Mr. BLUMENTHAL, Mr. WALSH, Mrs. GILLIBRAND, and Mrs. McCASKILL):

S. 2401. A bill to amend title 38, United States Code, to establish the Office of the Medical Inspector within the Office of the Under Secretary for Health of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. WARNER (for himself, Mr. PRYOR, and Mr. BEGICH):

S. 2402. A bill to amend the Workforce Investment Act of 1998 to address the need to increase on-the-job training and apprenticeship opportunities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself, Mr. PRYOR, and Mr. BEGICH):

S. 2403. A bill to ensure that programs of training services under the Workforce Investment Act of 1998 make better use of participants' prior learning so as to better assist the participants in obtaining degrees and other recognized postsecondary credentials, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE:

S. 2404. A bill to make permanent the extended period of protections for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REED (for himself, Mr. KIRK, Mrs. MURRAY, and Mr. ISAKSON):

S. 2405. A bill to amend title XII of the Public Health Service Act to reauthorize certain trauma care programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED:

S. 2406. A bill to amend title XII of the Public Health Service Act to expand the definition of trauma to include thermal, electrical, chemical, radioactive, and other extrinsic agents; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY:

S. 2407. A bill to amend the Foreign Assistance Act of 1961 by authorizing the United States Agency for International Development to continue supporting the development of technologies for global health under the Health Technologies Program, and for other purposes; to the Committee on Foreign Relations.

By Ms. MURKOWSKI:

S. 2408. A bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 2409. A bill to authorize the exploration, leasing, development, production, and economically feasible and prudent transpor-

tation of oil and gas in and from the Coastal Plain in Alaska; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S.J. Res. 36. A joint resolution relating to the approval and implementation of the proposed agreement for nuclear cooperation between the United States and the Socialist Republic of Vietnam; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON (for himself, Ms. COLLINS, Mr. SANDERS, and Mr. CARDIN):

S. Res. 455. A resolution designating May 2014 as "Older Americans Month"; considered and agreed to.

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. BLUNT, Mr. CASEY, Mr. COCHRAN, Mr. CRAPO, Mrs. FEINSTEIN, Mrs. HAGAN, Ms. HEITKAMP, Mr. HOEVEN, Mr. INHOFE, Mr. JOHANNES, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEVIN, Mr. WYDEN, Mrs. GILLIBRAND, and Mrs. BOXER):

S. Res. 456. A resolution recognizing National Foster Care Month as an opportunity to raise awareness about the challenges of children in the foster care system, and encouraging Congress to implement policy to improve the lives of children in the foster care system; considered and agreed to.

By Mrs. BOXER (for herself, Mr. VITTER, Mr. CARPER, and Mr. BARRASSO):

S. Res. 457. A resolution designating the week of May 18 through May 24, 2014, as "National Public Works Week"; considered and agreed to.

By Mr. CARDIN (for himself, Mr. KIRK, Mr. DURBIN, Mr. BROWN, Mr. BOOKER, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON, Mrs. GILLIBRAND, and Mr. PORTMAN):

S. Res. 458. A resolution recognizing May as Jewish American Heritage Month and honoring Holocaust survivors and their contributions to the United States of America; considered and agreed to.

By Mr. BLUMENTHAL (for himself and Mr. CHAMBLISS):

S. Res. 459. A resolution expressing the sense of the Senate with respect to childhood stroke and recognizing May 2014 as "National Pediatric Stroke Awareness Month"; considered and agreed to.

By Ms. HIRONO (for herself, Mr. REID, Mrs. MURRAY, Mr. CARDIN, Mr. SCHATZ, Mr. BROWN, Mr. KAINE, Mr. BEGICH, Mr. HELLER, Mr. KIRK, Ms. CANTWELL, and Mr. WARNER):

S. Res. 460. A resolution recognizing the significance of May 2014 as Asian/Pacific American Heritage Month as an important time to celebrate the significant contributions of Asian Americans and Pacific Islanders to the history of the United States; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mr. FRANKEN, Mr. HARKIN, and Mr. BEGICH):

S. Res. 461. A resolution honoring James L. Oberstar as a remarkable public servant who served in Congress with extraordinary dedication and purpose; considered and agreed to.

By Mr. RUBIO:

S. Res. 462. A resolution recognizing the Khmer and Lao/Hmong Freedom Fighters of

Cambodia and Laos for supporting and defending the United States Armed Forces during the conflict in Southeast Asia and for their continued support and defense of the United States; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 463. A resolution honoring the life, accomplishments, and legacy of Billy Frank, Jr. and expressing condolences on his passing; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. Con. Res. 36. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to the next of kin or personal representative of Raoul Wallenberg; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 9

At the request of Mr. REID, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 9, a bill to strengthen our Nation's electoral system by ensuring clean and fair elections.

S. 163

At the request of Mr. JOHANNES, his name was added as a cosponsor of S. 163, a bill to prohibit any regulation regarding carbon dioxide or other greenhouse gas emissions reduction in the United States until China, India, and Russia implement similar reductions.

S. 313

At the request of Mr. CASEY, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 323

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 323, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 482

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 482, a bill to amend the Public Health Service Act to provide protections for consumers against excessive, unjustified, or unfairly discriminatory increases in premium rates.

S. 484

At the request of Mr. INHOFE, the name of the Senator from Texas (Mr.

CORNYN) was added as a cosponsor of S. 484, a bill to amend the Toxic Substances Control Act relating to lead-based paint renovation and remodeling activities.

S. 526

At the request of Mr. BROWN, his name was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions, and for other purposes.

S. 553

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 553, a bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs.

S. 635

At the request of Mr. BROWN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 654

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 714

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 714, a bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes.

S. 769

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 769, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 865

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 865, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 865, *supra*.

S. 961

At the request of Mr. BLUNT, the name of the Senator from Nevada (Mr.

HELLER) was added as a cosponsor of S. 961, a bill to improve access to emergency medical services, and for other purposes.

S. 1040

At the request of Mr. PORTMAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1040, a bill to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy.

S. 1174

At the request of Mr. BLUMENTHAL, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. ISAKSON) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1324

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1324, a bill to prohibit any regulations promulgated pursuant to a presidential memorandum relating to power sector carbon pollution standards from taking effect.

S. 1363

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1363, a bill to protect consumers by prohibiting the Administrator of the Environmental Protection Agency from promulgating as final certain energy-related rules that are estimated to cost more than \$1,000,000,000 and will cause significant adverse effects to the economy.

S. 1622

At the request of Ms. HEITKAMP, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1622, a bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 1690

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1690, a bill to reauthorize the Second Chance Act of 2007.

S. 1716

At the request of Mr. WARNER, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1716, a bill to facilitate efficient investments and financing of infrastructure projects and new long-term job creation through the establishment of an Infrastructure Financing Authority, and for other purposes.

S. 1743

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S.

1743, a bill to amend the Mineral Leasing Act to recognize the authority of States to regulate oil and gas operations and promote American energy security, development, and job creation, and for other purposes.

S. 1744

At the request of Mr. TESTER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1744, a bill to strengthen the accountability of individuals involved in misconduct affecting the integrity of background investigations, to update guidelines for security clearances, and for other purposes.

S. 1820

At the request of Mrs. SHAHEEN, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1820, a bill to prohibit the use of Federal funds for the costs of official portraits of Members of Congress, heads of executive agencies, and heads of agencies and offices of the legislative branch.

S. 1909

At the request of Mr. SCOTT, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 1909, a bill to expand opportunity through greater choice in education, and for other purposes.

S. 1948

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1948, a bill to promote the academic achievement of American Indian, Alaska Native, and Native Hawaiian children with the establishment of a Native American language grant program.

S. 1960

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1960, a bill to require rulemaking by the Administrator of the Federal Emergency Management Agency to address considerations in evaluating the need for public and individual disaster assistance, and for other purposes.

S. 1988

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1988, a bill to allow States to waive regulations promulgated under the Clean Air Act relating to electric generating units under certain circumstances.

S. 2013

At the request of Mr. NELSON, his name was added as a cosponsor of S. 2013, a bill to amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

At the request of Mr. RUBIO, the names of the Senator from Pennsylvania (Mr. TOOMEY), the Senator from



Ohio (Mr. PORTMAN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 2013, *supra*.

S. 2060

At the request of Ms. WARREN, the names of the Senator from Colorado (Mr. BENNET) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 2060, a bill to direct the Architectural and Transportation Barriers Compliance Board to develop accessibility guidelines for electronic instructional materials and related information technologies in institutions of higher education, and for other purposes.

S. 2132

At the request of Mr. BARRASSO, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2132, a bill to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes.

S. 2156

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2156, a bill to amend the Federal Water Pollution Control Act to confirm the scope of the authority of the Administrator of the Environmental Protection Agency to deny or restrict the use of defined areas as disposal sites.

S. 2176

At the request of Mr. WARNER, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2176, a bill to revise reporting requirements under the Patient Protection and Affordable Care Act to preserve the privacy of individuals, and for other purposes.

S. 2182

At the request of Mr. WALSH, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2182, a bill to expand and improve care provided to veterans and members of the Armed Forces with mental health disorders or at risk of suicide, to review the terms or characterization of the discharge or separation of certain individuals from the Armed Forces, to require a pilot program on loan repayment for psychiatrists who agree to serve in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2198

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2198, a bill to direct the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies to the State of California due to drought, and for other purposes.

S. 2231

At the request of Mr. PORTMAN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2231, a bill to amend title 10, United States Code, to provide an individual with a mental health assessment before the individual enlists in the Armed Forces or is commissioned as an officer in the Armed Forces, and for other purposes.

S. 2243

At the request of Mrs. MURRAY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2243, a bill to expand eligibility for the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs, to expand benefits available to participants under such program, to enhance special compensation for members of the uniformed services who require assistance in everyday life, and for other purposes.

S. 2244

At the request of Mr. SCHUMER, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Maryland (Mr. CARDIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2244, a bill to extend the termination date of the Terrorism Insurance Program established under the Terrorism Insurance Act of 2002, and for other purposes.

S. 2270

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mrs. McCASKILL), the Senator from Iowa (Mr. HARKIN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2270, a bill to clarify the application of certain leverage and risk-based requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

At the request of Mr. JOHANNIS, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 2270, *supra*.

S. 2276

At the request of Mr. BLUNT, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2276, a bill to amend title 10, United States Code, to improve access to mental health services under the TRICARE program.

S. 2295

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2295, a bill to establish the National Commission on the Future of the Army, and for other purposes.

S. 2297

At the request of Mr. TESTER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2297, a bill to make demonstration grants to eligible local edu-

cational agencies or consortia of eligible local educational agencies for the purpose of reducing the student-to-school nurse ratio in public elementary schools and secondary schools.

S. 2302

At the request of Mrs. SHAHEEN, the names of the Senator from New York (Mr. SCHUMER), the Senator from South Dakota (Mr. THUNE), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Georgia (Mr. ISAKSON) were withdrawn as cosponsors of S. 2302, a bill to provide for a 1-year extension of the Afghan Special Immigrant Visa Program, and for other purposes.

S. 2307

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2307, a bill to prevent international violence against women, and for other purposes.

S. 2329

At the request of Mrs. SHAHEEN, the names of the Senator from Illinois (Mr. KIRK), the Senator from Missouri (Mr. BLUNT), the Senator from South Dakota (Mr. THUNE), the Senator from Georgia (Mr. ISAKSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from North Dakota (Mr. HOEVEN), the Senator from California (Mrs. BOXER), the Senator from New York (Mr. SCHUMER) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 2329, a bill to prevent Hezbollah from gaining access to international financial and other institutions, and for other purposes.

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 2329, *supra*.

S. 2355

At the request of Ms. AYOTTE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2355, a bill to amend the Internal Revenue Code of 1986 to exclude certain compensation received by public safety officers and their dependents from gross income.

S. 2362

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 2362, a bill to prohibit the payment of performance awards in fiscal year 2015 to employees in the Veterans Health Administration, and for other purposes.

S. 2363

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

At the request of Mrs. HAGAN, the names of the Senator from North Dakota (Ms. HEITKAMP) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2363, *supra*.

S. 2373

At the request of Mr. MARKEY, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of S. 2373, a bill to authorize the appropriation of funds to the Centers for Disease Control and Prevention for conducting or supporting research on firearms safety or gun violence prevention.

S. 2377

At the request of Ms. AYOTTE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2377, a bill to amend the Internal Revenue Code of 1986 to exclude certain compensation received by public safety officers and their dependents from gross income.

S. RES. 218

At the request of Mr. NELSON, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 218, a resolution honoring the legacy of A. Philip Randolph and saluting his efforts on behalf of the people of the United States to form "a more perfect union".

S. RES. 453

At the request of Mr. RUBIO, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Illinois (Mr. KIRK), the Senator from Utah (Mr. HATCH), the Senator from Maryland (Mr. CARDIN) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. Res. 453, a resolution condemning the death sentence against Meriam Yahia Ibrahim Ishag, a Sudanese Christian woman accused of apostasy.

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. Res. 453, *supra*.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. ROCKEFELLER, and Mr. COBURN):

S. 2384. A bill to require the President to develop a watch list and a priority watch list of foreign countries that engage in economic or industrial espionage in cyberspace with respect to United States trade secrets or proprietary information, to provide for the imposition of sanctions with respect to foreign persons that knowingly benefit from such espionage, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, I am joined today by Senators MCCAIN, ROCKEFELLER and COBURN in introducing a bill to respond to overwhelming and indisputable evidence of large scale cyber intrusions by the Government of China into the computer networks of private U.S. companies for the purpose of stealing valuable intellectual property and proprietary information. Such illegal and damaging behavior demands strong and immediate action.

American companies invest hundreds of billions of dollars every year in re-

search and development. The innovation that results from those investments drives the growth of American companies and the U.S. economy. Unfortunately, our companies are having their intellectual property stolen right out from underneath them through cyberspace. According to a 2013 Center for Strategic and International Studies study, cyber theft costs American companies \$100 billion annually—a staggering amount that threatens to undermine America's global competitiveness.

General Keith B. Alexander, former head of the National Security Agency and U.S. Cyber Command, has called the cyber theft of U.S. intellectual property "the greatest transfer of wealth in history."

Monday's Department of Justice indictment of 5 Chinese military officials for computer hacking, economic espionage and other offenses directed at 6 American companies confirms what earlier U.S. Government reports have documented: the culprits of cyber theft are frequently foreign governments and China is the worst offender. The indictment alleges that the defendants, members of China's People's Liberation Army, conspired to hack into the computers of U.S. companies to steal information useful to those American companies' Chinese competitors, including state-owned enterprises.

The indictments demonstrate the administration's willingness to take on cybercrime through the aggressive use of the criminal justice system. The legislation we are introducing today, a revised version of a bill we introduced last year, gives our Government another tool to impose costs on those who steal and profit from the cyber theft of American technology, trade secrets and proprietary information.

Our bill would authorize the President to direct the Treasury Department to freeze the assets of any foreign person or company, including a state owned enterprise, determined to have benefitted from the theft of U.S. technology or proprietary information stolen in cyberspace.

The Deter Cyber Theft Act would also require the Director of National Intelligence to compile an annual report on foreign economic and industrial espionage that includes: a list of foreign countries that engage in economic or industrial espionage in cyberspace against U.S. firms or individuals, including a priority watch list of the worst offenders; a list of U.S. technologies or proprietary information targeted by such espionage, and, to the extent possible, a list of such information that has been stolen; a list of items manufactured or produced or services or services provided using such stolen technologies or proprietary information; a list of foreign companies, including state-owned firms, that benefit from such theft; details of the espionage activities of foreign countries; and actions taken by the DNI and other Federal agencies to combat industrial or economic espionage in cyberspace.

onage activities of foreign countries; and actions taken by the DNI and other Federal agencies to combat industrial or economic espionage in cyberspace.

As Dennis C. Blair, former director of national intelligence and co-chair of the IP Commission report has said, "Jawboning alone won't work. Something has to change China's calculus." We need to call out those who are responsible for cyber theft and empower the President to hit the thieves where it hurts most—in their wallets.

If foreign governments, like the Chinese government, want to continue to deny their involvement in cyber theft despite the proof, that is one thing. We can't stop the denials. But we aren't without remedies. We can make sure that the companies that benefit from cyber theft, including state-owned companies, pay the price. Blocking these companies from doing business in the United States will send the message that we have had enough.

We worked closely with the administration in developing this bill. I believe it is an important complement to their recent aggressive efforts to respond to economic espionage by members of the Chinese military.

In light of the Snowden leaks, some have charged that it is inconsistent of the U.S. to criticize China's campaign to steal our intellectual property through cyberspace. Let's be clear. Attempts to equate China's actions and our own are false. The United States economy is built on the hard work and innovation of American entrepreneurs who are free to think for themselves, develop new products and deliver them to the world. China's actions, on the other hand, reveal a country that is satisfied with theft as a means of economic growth while ironically, suppressing the freedoms that encourage new ideas and innovation. The Snowden revelations are about espionage; the United States does not steal intellectual property for economic gain.

I urge the speedy enactment of the Deter Cyber Theft Act.

By Ms. HEITKAMP (for herself and Mr. Kaine):

S. 2390. A bill to amend the Internal Revenue Code of 1986 to create a tax credit for foster families; to the Committee on Finance.

Ms. HEITKAMP. Mr. President, I rise today to discuss the important issue of foster care and the need to recruit, retain and support foster families. What better time than during National Foster Care Month. Foster parents make a significant and meaningful difference in the lives of so many vulnerable children by opening their hearts and homes. But we continue to struggle to recruit and retain enough foster families to ensure each child is placed in a family-like setting. This is particularly true for Native American kids

who are in foster care at rates dramatically higher than others.

Caring for a child in foster care can be more expensive than caring for one's own biological children. Children placed into foster care often have experienced significant emotional and physical trauma and have higher incidences of medical and behavioral health issues, resulting in additional costs to parents. Unfortunately, too many caring foster parents struggle financially because Federal and State programs that reimburse parents for a child's daily living costs do not provide for the real cost of caring for the child. A 2007 study of State foster care programs, conducted by the University of Maryland School of Social Work, Children's Rights, and the National Foster Parent Association, found that current foster care rates would have to increase on average 36 percent nationwide to provide for basic care.

A 2002 report by the Department of Health and Human Services' Inspector General found that foster parents' expenses often exceed foster care reimbursement rates, leading foster parents to pay out-of-pocket to meet foster children's basic needs. Some benefits already exist in the current tax code to support these families, but few are aware of their existence or utilize them.

Today I am introducing the Foster Care Tax Credit Act to provide additional tax relief for foster families to help cover the actual costs of caring for a foster child. This legislation also requests additional outreach and education by the Department of Health and Human Services to better equip State and Tribal foster agencies and foster families to take advantage of all tax benefits available. I thank my colleague, Senator KAINE, for joining me in this effort.

As we continue working towards the goals of improving child welfare, I hope more of my colleagues will join me in seeking to provide additional support for families caring for foster children.

By Mr. REED (for himself, Mr. KIRK, Mrs. MURRAY, and Mr. ISAKSON):

S. 2405. A bill to amend title XII of the Public Health Service Act to reauthorize certain trauma care programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am pleased to introduce the Trauma Systems and Regionalization of Emergency Care Reauthorization Act along with Senators KIRK, MURRAY, and ISAKSON, and also the Improving Trauma Care Act, which includes burn injuries in the definition of trauma.

These two bills, S. 2405 and S. 2406, build on my previous efforts to improve trauma care, which is an essential component of our care system. Timely

and effective trauma care is critical to ensuring lifesaving interventions for those who have serious unintentional injuries. Such injuries are the leading cause of death for children and adults under 44, according to the Centers for Disease Control and Prevention, CDC.

I look forward to working with my colleagues on both sides of the aisle toward expeditious passage of these bills.

By Ms. MURKOWSKI:

S. 2408. A bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce two separate bills to open a small portion of the Arctic coastal plain, in my home State of Alaska, to oil and gas development. I am introducing these bills because new production in northern Alaska is vital to my State's future and global energy security.

The 1.5 million acres of the Arctic coastal plain that lie within the non-wilderness portion of the 19 million acre Arctic National Wildlife Refuge are North America's greatest prospect for conventional onshore production. The U.S. Geological Survey continues to estimate that this part of the coastal plain has a mean likelihood of containing 10.4 billion barrels of oil and 8.6 trillion cubic feet of natural gas, as well as a reasonable chance of economically producing 16 billion barrels of oil. If produced at a rate of 1 million barrels per day, that supply could last for more than 40 years—bringing us jobs, revenues, and security in every one of them.

Today, Alaska supplies about 7 percent of U.S. crude oil. This is a 4 percent decline since I last introduced similar bills in 2011. It is an even more substantial loss compared to what we have provided in past decades, and what we could be providing today. Importantly, despite the Federal Government owning almost 70 percent of the lands in Alaska, almost all of our oil production is from State lands. The only production on Federal lands is from the Northstar project, a small man-made island that straddles state and federal waters in the Beaufort Sea.

For more than 30 years, my State has successfully balanced resource development with environmental protection. Alaskans have proven, over and over again, that these endeavors are not mutually exclusive, and with advances in technology, the footprint of development projects is only getting smaller. Yet at the Federal level, there is an astonishing refusal to acknowledge that record.

As a result, production on the North Slope continues to decline by about 6

percent annually. With new exploration and development projects on Federal lands blocked or delayed at every turn, Alaska faces a tipping point. Declining production is now threatening the continued operation of the Trans-Alaska Pipeline System. A closure of TAPS would shut down all northern Alaska oil production, devastating Alaska's economy, causing global oil prices to rise, and deepening our dependence on unstable petrostates throughout the world. Exploration and development in the Arctic offshore and National Petroleum Reserve-Alaska are moving forward, but these resources will not be developed without a viable way to transport them to market.

The bills I introduce today, S. 2408 and S. 2409, would disturb no more than 2,000 acres of the vast coastal plain, and one bill would not allow surface occupancy of the coastal plain, only directional drilling from outside the refuge to access the oil and gas resources. To put this in perspective, 2,000 acres is less than the size of the local Dulles Airport, or about  $\frac{1}{10}$  of 1 percent of the refuge. Since these areas are less than 60 miles from TAPS, development in the coastal plain is the quickest, most environmentally-sound way to increase oil production in Alaska and ensure the pipeline will operate well into the future, providing jobs and supporting the economies of both Alaska and the United States.

The terms of both bills include strong protections for fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment. Development could not move forward if it would cause significant adverse impacts to the coastal plain. Both bills also return 50 percent of all revenues to the Federal Government, rather than the 10 percent allowed under current law. At approximately \$100 per barrel, and given the Coastal Plain's estimate of over 10 billion barrels, there is a trillion dollars' worth of oil locked up beneath this small area in northern Alaska.

As we continue to struggle with high long-term unemployment and unsustainable national debt, we need to pursue development opportunities more than ever. The shale oil and gas boom on state and private lands in the Lower 48 has been the one shining light as our economy struggles to recover from the recession. My bills offer us a chance to produce more of our own energy, for the good of the American people, in an environmentally-friendly way. With oil hovering near \$100 a barrel, with so many of our fellow citizens out of work, and with the U.S. nation still about 40 percent dependent on foreign oil—it would be foolish to once again ignore our most promising prospect for new development.

For decades, Alaskans, whom polls show overwhelmingly support development of the coastal plain, have been

asking permission to explore and develop the resources located there. Technology has advanced so that it is possible to develop oil and gas from the refuge with little or no impact on the area and its wildlife.

I hope this Congress will have the common sense to allow America to help itself by developing the coastal plain's substantial resources. This is critical to my State and the nation as a whole. With this in mind, I will work to educate the members of this chamber about the opportunity we have and the tremendous benefits it would provide. I will show why such development should occur—why it must occur—and how it can benefit all of us at a time when we so desperately need good economic news.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 455—DESIGNATING MAY 2014 AS “OLDER AMERICANS MONTH”

Mr. NELSON (for himself, Ms. COLLINS, Mr. SANDERS, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 455

Whereas President John F. Kennedy first designated May as “Senior Citizens Month” in 1963;

Whereas in 1963, only 17,000,000 individuals living in the United States were age 65 or older, approximately 1/3 of such individuals lived in poverty, and few programs existed to meet the needs of older individuals in the United States;

Whereas in 2014, there are more than 43,000,000 individuals age 65 or older in the United States, and such individuals account for 13.7 percent of the total population of the United States;

Whereas in 2014, more than 9,600,000 veterans of the Armed Forces are age 65 or older;

Whereas older individuals in the United States rely on Federal programs, such as Social Security, the Medicare program, the Medicaid program, for financial security and high-quality affordable health care;

Whereas the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) provides supportive services to help individuals of the United States who are age 60 or older maintain maximum independence in their homes and communities;

Whereas the Older Americans Act of 1965 provides funding for programs, including nutrition services, transportation, and care management, to assist more than 11,000,000 older individuals in the United States each year;

Whereas compared to older individuals in the United States in past generations, older individuals in the United States in 2014 are working longer, living longer, and enjoying healthier, more active, and more independent lifestyles;

Whereas more than 4,300,000 individuals in the United States age 65 or older continue to work as full-time, year-round employees;

Whereas older individuals in the United States play an important role in society by continuing to contribute their experience, knowledge, wisdom, and accomplishments;

Whereas older individuals in the United States play vital roles in their communities and remain involved in volunteer work, mentoring activities, the arts, cultural activities, and civic engagement; and

Whereas a society that recognizes the success of older individuals and continues to enhance their access to quality and affordable health care will encourage the ongoing participation and heightened independence of such individuals and will ensure the continued safety and well-being of such individuals:

Resolved, That the Senate—

(1) designates May 2014 as “Older Americans Month”; and

(2) encourages the people of the United States to provide opportunities for older individuals to continue to flourish by—

(A) emphasizing the importance and leadership of older individuals through public recognition of their ongoing achievements;

(B) presenting opportunities for older individuals to share their wisdom, experience, and skills with younger generations; and

(C) recognizing older individuals as valuable assets in strengthening communities across the United States.

##### SENATE RESOLUTION 456—RECOGNIZING NATIONAL FOSTER CARE MONTH AS AN OPPORTUNITY TO RAISE AWARENESS ABOUT THE CHALLENGES OF CHILDREN IN THE FOSTER CARE SYSTEM, AND ENCOURAGING CONGRESS TO IMPLEMENT POLICY TO IMPROVE THE LIVES OF CHILDREN IN THE FOSTER CARE SYSTEM

Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. BLUNT, Mr. CASEY, Mr. COCHRAN, Mr. CRAPO, Mrs. FEINSTEIN, Mrs. HAGAN, Ms. HEITKAMP, Mr. HOEVEN, Mr. INHOFE, Mr. JOHANNES, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEVIN, Mr. WYDEN, Mrs. GILLIBRAND, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 456

Whereas National Foster Care Month was established more than 20 years ago to—

(1) bring foster care issues to the forefront;

(2) highlight the importance of permanency for every child; and

(3) recognize the essential role that foster parents, social workers, and advocates have in the lives of children in foster care throughout the United States;

Whereas all children deserve a safe, loving, and permanent home;

Whereas the primary goal of the foster care system is to ensure the safety and well-being of children while working to provide a safe, loving, and permanent home for each child;

Whereas there are approximately 400,000 children living in foster care;

Whereas there were approximately 252,000 youth that entered the foster care system in 2012, while nearly 102,000 youth were eligible and awaiting adoption at the end of 2012;

Whereas foster care is intended to be a temporary placement, but children remain in the foster care system for an average of 2 years;

Whereas ethnic minority children are more likely to stay in the foster care system for longer periods of time and are less likely to be reunited with their biological families;

Whereas foster parents are the front-line caregivers for children who cannot safely re-

main with their biological parents and provide physical care, emotional support, education advocacy, and are the largest single source of families providing permanent homes for children leaving foster care to adoption;

Whereas children in foster care who are placed with relatives, compared to children placed with nonrelatives, have more stability, including fewer changes in placements, have more positive perceptions of their placements, are more likely to be placed with their siblings, and demonstrate fewer behavioral problems;

Whereas some relative caregivers receive less financial assistance and support services than do foster caregivers;

Whereas recent studies show children in foster care are prescribed psychotropic medication at rates up to 11 times higher than other children on Medicaid and in amounts that exceed the Food and Drug Administration's guidelines;

Whereas youth in foster care are much more likely to face educational instability with 34 percent of foster youth ages 17 to 18 experiencing at least 5 changes while in care;

Whereas youth in foster care are often cut off from other youth and face hurdles in participating in activities common to their peers, such as sports or extracurricular activities;

Whereas youth in foster care are more susceptible to being trafficked, and more needs to be done to prevent, identify, and intervene when a child becomes a victim of the crime;

Whereas an increased emphasis on prevention and reunification services is necessary to reduce the number of children that are forced to remain in the foster care system;

Whereas more than 23,400 youth “age out” of foster care annually without a legal permanent connection to an adult or family;

Whereas children who age out of foster care lack the security or support of a biological or adoptive family and frequently struggle to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas nearly half of children in foster care for five or more years experience 7 or more different foster care placements, which often leads to disruption of routines and the need to change schools and move away from siblings, extended families, and familiar surroundings;

Whereas children entering foster care often confront the widespread misperception that children in foster care are disruptive, unruly, and dangerous, even though placement in foster care is based on the actions of a parent or guardian, not the child;

Whereas States, localities, and communities should be encouraged to invest resources in preventative and reunification services and post-permanency programs to ensure that more children in foster care are provided with safe, loving, and permanent placements;

Whereas Federal legislation over the past three decades, including the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272), the Adoption and Safe Families Act of 1997 (Public Law 105-89), the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), the Child and Family Services Improvement and Innovation Act (Public Law 112-34), and the Uninterrupted Scholars Act (Public Law 112-278) provided new investments and services to improve the outcomes of children in the foster care system;

Whereas the Children's Bureau of the Department of Health and Human Services has

designated May as National Foster Care Month under the theme “to help build blocks toward permanent families for foster youth”;

Whereas May would be an appropriate month to designate as National Foster Care Month to provide an opportunity to acknowledge the accomplishments of the child-welfare workforce, foster parents, advocacy community, and mentors for their dedication, accomplishments, and positive impact they have on the lives of children; and

Whereas much remains to be done to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs: Now, therefore, be it  
*Resolved*, That the Senate—

(1) recognizes National Foster Care Month as an opportunity to raise awareness about the challenges that children face in the foster-care system;

(2) encourages Congress to implement policy to improve the lives of children in the foster care system and maximize the number of children exiting foster care to the protection of safe, loving, and permanent families;

(3) supports the designation of National Foster Care Month;

(4) acknowledges the unique needs of children in the foster-care system;

(5) recognizes foster youth throughout the United States for their ongoing tenacity, courage, and resilience while facing life challenges;

(6) acknowledges the exceptional alumni of the foster-care system who serve as advocates and role models for youth who remain in care;

(7) honors the commitment and dedication of the individuals who work tirelessly to provide assistance and services to children in the foster-care system; and

(8) reaffirms the need to continue working to improve the outcomes of all children in the foster-care system through parts B and E of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other programs designed to—

(A) support vulnerable families;

(B) invest in prevention and reunification services;

(C) promote guardianship, adoption, and other permanent placement opportunities in cases where reunification is not in the best interests of the child;

(D) adequately serve those children brought into the foster-care system; and

(E) facilitate the successful transition into adulthood for children that “age out” of the foster-care system.

#### SENATE RESOLUTION 457—DESIGNATING THE WEEK OF MAY 18 THROUGH MAY 24, 2014, AS “NATIONAL PUBLIC WORKS WEEK”

Mrs. BOXER (for herself, Mr. VITTER, Mr. CARPER, and Mr. BARRASSO) submitted the following resolution; which was considered and agreed to:

S. RES. 457

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas the public works infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas public works professionals design, build, operate, and maintain the transpor-

tation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the people and communities of the United States; and

Whereas understanding the role that public infrastructure plays in protecting the environment, improving public health and safety, contributing to economic vitality, and enhancing the quality of life of every community of the United States is in the interest of the people of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of May 18 through May 24, 2014, as “National Public Works Week”;

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that public works professionals serve; and

(3) urges individuals and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the United States; and

(B) to recognize the substantial contributions that public works professionals make to the United States.

#### SENATE RESOLUTION 458—RECOGNIZING MAY AS JEWISH AMERICAN HERITAGE MONTH AND HONORING HOLOCAUST SURVIVORS AND THEIR CONTRIBUTIONS TO THE UNITED STATES OF AMERICA

Mr. CARDIN (for himself, Mr. KIRK, Mr. DURBIN, Mr. BROWN, Mr. BOOKER, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON, Mrs. GILLIBRAND, and Mr. PORTMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 458

Whereas in May of each year, people across the United States recognize and celebrate over 350 years of Jewish contributions to the United States through Jewish American Heritage Month;

Whereas during the Holocaust, the Nazi regime murdered approximately 6,000,000 Jews, in addition to millions of non-Jews, between 1933 and 1945;

Whereas the Nazi regime also imprisoned, persecuted, and tortured hundreds of thousands of Jewish victims who nonetheless survived;

Whereas the United States Holocaust Memorial Museum Holocaust Encyclopedia estimates that more than 200,000 persecuted Jews found refuge in the United States between 1933 and 1945, and that approximately 137,000 Jewish refugees settled in the United States after World War II in the years between 1945 and 1952;

Whereas in subsequent decades, Jewish refugees continued to immigrate to the United States from Europe, the Middle East, and the former Soviet Union;

Whereas many survivors of the Holocaust have dedicated their lives to educating future generations about the dangers of bigotry and anti-Semitism and the resiliency of the human spirit; and

Whereas countless survivors of the Holocaust living in the United States have made numerous and substantial contributions to society in the areas of the humanities, science, government, law, history, medicine, military service, philosophy, social justice, technology, and more, including—

(1) a Marylander who bravely led the decades-long fight for reparations from the French rail companies that transported victims to Nazi concentration camps and killing centers;

(2) a former judge on the International Court of Justice and the Inter-American Court of Human Rights, who was a member of the United Nations Human Rights Committee, and who is currently a professor specializing in international justice at The George Washington University Law School;

(3) a native of France who survived a series of Nazi concentration camps and became a well-known author, lecturer, and actor who appeared as Corporal Louis LeBeau on the 1960s television series *Hogan's Heroes*;

(4) a native of Poland who spent his childhood in a Nazi labor camp, was educated in the United States, and became a renowned chemist, author, professor, and poet, winning the 1981 Nobel Prize in Chemistry;

(5) a former Member of the House of Representatives and Chairman of the House Committee on Foreign Affairs, and founder of the Congressional Human Rights Caucus, who, along with his wife and fellow survivor, devoted his life to championing human rights and freedom around the world;

(6) a Polish-born author, historian, educator, member of the United States Holocaust Commission, and recipient of the 2010 Presidential Medal of Freedom;

(7) an Austrian native, literary scholar, and professor who authored a 1992 autobiography, *Still Alive: A Holocaust Girlhood Remembered*, and numerous scholarly publications on the Holocaust and anti-Semitism;

(8) a Croatian-born survivor who helped produce the movie *Schindler's List* and became an advisor to the USC Shoah Foundation, an archive of testimonies of genocide survivors chaired by Steven Spielberg;

(9) an Illinoisan who created the International Monetary Market, served as chairman of the Chicago Mercantile Exchange, and revolutionized markets by creating financial futures after fleeing Holocaust-era Poland as a child;

(10) a Hungarian survivor who served in the United States Army in the Korean War and who was awarded the Medal of Honor in 2005 for his heroic actions while being held in a Chinese POW camp that saved the lives of at least 40 fellow soldiers;

(11) a native of Germany who escaped Nazi Germany as a teenager, served as a corporal in the United States Army, was an interpreter and analyst during the Nuremberg Trials, served in the Foreign Service of the Department of State, and authored a book about a Jewish resistor who assassinated a Nazi official and another about Allied intelligence near the end of World War II;

(12) a world-renowned psychosexual therapist, radio and television personality, professor, and author who escaped Nazi Germany as a child and fought in the Israeli War of Independence; and

(13) the winner of the 1986 Nobel Peace Prize, an author, professor, and activist, whose memoir *Night* is an internationally acclaimed account of the terrors of the Holocaust;

Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes May 2014 as Jewish American Heritage Month;

(2) expresses appreciation for the substantial and varied contributions made to the United States by the survivors of the Holocaust;

(3) encourages the people of the United States to learn about the efforts and achievements of Holocaust survivors who immigrated to the United States in the years following World War II;

(4) expresses admiration for the more than 100,000 Holocaust survivors living in the United States who continue to bear witness to their personal stories and educate the world; and

(5) understands the hardships Holocaust survivors have endured, and supports their desire to age with dignity and comfort in their homes and communities.

SENATE RESOLUTION 459—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO CHILDHOOD STROKE AND RECOGNIZING MAY 2014 AS “NATIONAL PEDIATRIC STROKE AWARENESS MONTH”

Mr. BLUMENTHAL (for himself and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 459

Whereas a stroke, also known as cerebrovascular disease, is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by a clot in the artery or a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas a stroke occurs in approximately 1 out of every 3,500 live births, and 4.6 out of 100,000 children ages 19 and under experience a stroke each year;

Whereas a stroke can occur before birth;

Whereas stroke is among the top 12 causes of death for children between the ages of 1 and 14 in the United States;

Whereas 20 to 40 percent of children who have suffered a stroke die as a result;

Whereas a stroke recurs within 5 years in 10 percent of children who have had an ischemic or hemorrhagic stroke;

Whereas the death rate for children who experience a stroke before the age of 1 is the highest out of all child age groups;

Whereas there are no approved therapies for the treatment of acute stroke in infants and children;

Whereas approximately 60 percent of infants and children who have a pediatric stroke will have serious, permanent neurological disabilities, including paralysis, seizures, speech and vision problems, and attention, learning, and behavioral difficulties;

Whereas such disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns of and treatments for strokes that occur during childhood and young adulthood have considerable impacts on children, families, and society;

Whereas more information is necessary regarding the cause, treatment, and prevention of pediatric strokes;

Whereas medical research is the only means by which the people of the United States can identify and develop effective treatment and prevention strategies for pediatric strokes; and

Whereas early diagnosis and treatment of pediatric strokes greatly improves the

chances that an affected child will recover and not experience a recurrence of a stroke: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes May 2014 as “National Pediatric Stroke Awareness Month”;

(2) urges the people of the United States to support the efforts, programs, services, and organizations that enhance public awareness of pediatric stroke;

(3) supports the work of the National Institutes of Health in pursuit of medical progress on pediatric stroke; and

(4) urges continued coordination and cooperation between the Federal Government, State and local governments, researchers, families, and the public to improve treatments and prognoses for children who suffer from strokes.

SENATE RESOLUTION 460—RECOGNIZING THE SIGNIFICANCE OF MAY 2014 AS ASIAN/PACIFIC AMERICAN HERITAGE MONTH AS AN IMPORTANT TIME TO CELEBRATE THE SIGNIFICANT CONTRIBUTIONS OF ASIAN AMERICANS AND PACIFIC ISLANDERS TO THE HISTORY OF THE UNITED STATES

Ms. HIRONO (for herself, Mr. REID, Mrs. MURRAY, Mr. CARDIN, Mr. SCHATZ, Mr. BROWN, Mr. KAINE, Mr. BEGICH, Mr. HELLER, Mr. KIRK, Ms. CANTWELL, and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 460

Whereas the United States joins together each May to pay tribute to the contributions of generations of Asian Americans and Pacific Islanders who have enriched the history of the United States;

Whereas the history of Asian Americans and Pacific Islanders in the United States is inextricably tied to the story of the United States;

Whereas the Asian American and Pacific Islander community is an inherently diverse population comprised of more than 45 distinct ethnicities and more than 100 language dialects;

Whereas, according to the Bureau of the Census, the Asian American population grew faster than any other racial or ethnic group in the United States during the last decade, surging nearly 46 percent between 2000 and 2010, which is a growth rate 4 times faster than that of the total population of the United States;

Whereas the 2010 decennial census estimated that there are approximately 17,300,000 residents of the United States who identify as Asian and approximately 1,200,000 residents of the United States who identify themselves as Native Hawaiian or other Pacific Islander, making up approximately 5.5 percent and 0.4 percent, respectively, of the total population of the United States;

Whereas the month of May was selected for Asian/Pacific American Heritage Month because the first immigrants from Japan arrived in the United States on May 7, 1843, and the first transcontinental railroad was completed on May 10, 1869, with substantial contributions from immigrants from China;

Whereas section 102 of title 36, United States Code, officially designates May as Asian/Pacific American Heritage Month and requests the President to issue an annual

proclamation calling on the people of the United States to observe the month with appropriate programs, ceremonies, and activities;

Whereas Asian Americans and Pacific Islanders, such as Daniel K. Inouye, a Medal of Honor and Presidential Medal of Freedom recipient who, as President Pro Tempore of the Senate, was the highest-ranking Asian American government official in United States history, Dalip Singh Saund, the first Asian American Congressman, Patsy T. Mink, the first woman of color and Asian American woman to be elected to Congress, Hiram L. Fong, the first Asian American Senator, and others have made significant contributions in both our government and our military including the first Asian American cabinet member in 2000 and the first female Asian American cabinet member in 2001;

Whereas the year 2014 marks several important milestones for the Asian American and Pacific Islander community, including—

(1) the 15<sup>th</sup> anniversary of the establishment of the White House Initiative on Asian Americans and Pacific Islanders under Executive Order 13125 by President William J. Clinton;

(2) the 20<sup>th</sup> anniversary of the founding of the Congressional Asian Pacific American Caucus, a bicameral caucus of Members of Congress advocating on behalf of Asian Americans and Pacific Islanders; and

(3) the 20<sup>th</sup> anniversary of the creation of the Asian Pacific American Institute for Congressional Studies;

Whereas in 2014, the Congressional Asian Pacific American Caucus, a bicameral caucus of Members of Congress advocating on behalf of Asian Americans and Pacific Islanders, is composed of 41 Members, including 13 Members of Asian or Pacific Islander descent;

Whereas in 2014, Asian Americans and Pacific Islanders are serving in State legislatures across the United States in record numbers, including in the States of Alaska, Arizona, California, Connecticut, Colorado, Georgia, Hawaii, Idaho, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Texas, Utah, Vermont, Virginia, and Washington;

Whereas the number of Federal judges who are Asian Americans or Pacific Islanders doubled between 2001 and 2008 and more than tripled between 2009 and 2014, reflecting a commitment to diversity in the Federal judiciary that has resulted in the confirmations of high caliber Asian American and Pacific Islander judicial nominees;

Whereas there remains much to be done to ensure that Asian Americans and Pacific Islanders have access to resources and a voice in the Government of the United States and continue to advance in the political landscape of the United States; and

Whereas celebrating Asian/Pacific American Heritage Month provides the people of the United States with an opportunity to recognize the achievements, contributions, and history of Asian Americans and Pacific Islanders, and to appreciate the challenges faced by Asian Americans and Pacific Islanders: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the significance of May 2014 as Asian/Pacific American Heritage Month as an important time to celebrate the significant contributions of Asian Americans and Pacific Islanders to the history of the United States; and

(2) recognizes that the Asian American and Pacific Islander community enhances the

rich diversity of and strengthens the United States.

**SENATE RESOLUTION 461—HONORING JAMES L. OBERSTAR AS A REMARKABLE PUBLIC SERVANT WHO SERVED IN CONGRESS WITH EXTRAORDINARY DEDICATION AND PURPOSE**

Ms. KLOBUCHAR (for herself, Mr. FRANKEN, Mr. HARKIN, and Mr. BEGICH) submitted the following resolution; which was considered and agreed to:

**S. RES. 461**

Whereas James L. Oberstar was born on September 10, 1934, in Chisholm, Minnesota;

Whereas James L. Oberstar was a distinguished legislator who served 36 years in Congress, from 1975 to 2011, as a member of the House of Representatives from northern Minnesota, making him the longest serving Congressman for the State of Minnesota;

Whereas James L. Oberstar was an expert on public works and transportation issues and devoted his public career to improving transportation and infrastructure, including through his work as a staff member for John Blatnik, member of the House of Representatives from Minnesota, from 1963 to 1974;

Whereas James L. Oberstar was a staunch supporter of the iron ore industry in Minnesota and fought tirelessly to keep the mines open, protect the rights of workers, and improve safety conditions;

Whereas, throughout his career, James L. Oberstar secured Federal funding for local communities for the development of bike lanes, sidewalks, biking trails, and hiking trails across Minnesota and the United States;

Whereas James L. Oberstar was the Chair of the Committee on Transportation and Infrastructure of the House of Representatives during the 110th and 111th Congress;

Whereas James L. Oberstar was a supporter of the Federal Safe Routes to School Program which improves safety on walking and bicycling routes to school and encourages children and families to travel between home and school by walking or biking;

Whereas James L. Oberstar introduced H.R. 3311 during the 110th Congress to provide emergency funding to replace the I-35W bridge in Minneapolis, Minnesota, after its tragic collapse in 2007;

Whereas James L. Oberstar was a strong advocate for improving aviation safety and served as Chair of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure of the House of Representatives from 1989 to 1994; and

Whereas James L. Oberstar was a tireless champion of maritime issues, particularly those on the Great Lakes, and on May 24, 2011, the shipping vessel the Honorable James L. Oberstar was christened in Duluth, Minnesota: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors James L. Oberstar as a remarkable public servant who served in Congress with extraordinary dedication and purpose;

(2) remembers the work James L. Oberstar accomplished to improve transportation, infrastructure, and mine safety; and

(3) recognizes the indelible legacy James L. Oberstar has left on the State of Minnesota and the United States.

**SENATE RESOLUTION 462—RECOGNIZING THE KHMER AND LAO/HMONG FREEDOM FIGHTERS OF CAMBODIA AND LAOS FOR SUPPORTING AND DEFENDING THE UNITED STATES ARMED FORCES DURING THE CONFLICT IN SOUTHEAST ASIA AND FOR THEIR CONTINUED SUPPORT AND DEFENSE OF THE UNITED STATES**

Mr. RUBIO submitted the following resolution; which was referred to the Committee on Foreign Relations:

**S. RES. 462**

Whereas the Khmer and Lao/Hmong Freedom Fighters (also known as the “Khmer and Lao/Hmong veterans”) fought and died with United States Armed Forces during the conflict in Southeast Asia;

Whereas the Khmer and Lao/Hmong Freedom Fighters rescued United States pilots shot down in enemy-controlled territory and returned the pilots to safety;

Whereas the Khmer and Lao/Hmong Freedom Fighters retrieved and prevented from falling into enemy hands secret and sensitive information, technology, and equipment;

Whereas the Khmer and Lao/Hmong Freedom Fighters captured and destroyed enemy supplies and prevented enemy forces from using the supplies to kill members of the United States Armed Forces;

Whereas the Khmer and Lao/Hmong Freedom Fighters gathered and provided to the United States Armed Forces intelligence about enemy troop positions, movement, and strength;

Whereas the Khmer and Lao/Hmong Freedom Fighters provided food, shelter, and support to the United States Armed Forces;

Whereas the Khmer and Lao/Hmong Freedom Fighters facilitated the evacuation of the United States Embassy in Phnom Penh on April 12, 1975, by continuing to fight Khmer Rouge forces as the forces advanced upon the capital;

Whereas, in 2014, the Khmer and Lao/Hmong Freedom Fighters are still subject to intimidation, ridicule, discrimination, and death if identified in Cambodia or Laos;

Whereas veterans of the Khmer Mobile Guerrilla Forces, the Lao/Hmong Special Guerrilla Units, and the Khmer Republic Armed Forces defended human rights, freedom of speech, freedom of religion, and freedom of representation and association; and

Whereas the Khmer and Lao/Hmong Freedom Fighters have not yet received official recognition from the United States Government for their heroic efforts and support: Now, therefore, be it

*Resolved*, That the Senate affirms and recognizes the Khmer and Lao/Hmong Freedom Fighters and the people of Cambodia and Laos for their support and defense of the United States Armed Forces and freedom of democracy in Southeast Asia.

**SENATE RESOLUTION 463—HONORING THE LIFE, ACCOMPLISHMENTS, AND LEGACY OF BILLY FRANK, JR., AND EXPRESSING CONDOLENCES ON HIS PASSING**

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was referred to the Committee on the Judiciary:

**S. RES. 463**

Whereas in the 1850s, the United States Government signed a series of treaties with Washington State tribes under which the tribes granted millions of acres of land to the United States in exchange for the establishment of reservations and the recognition of traditional hunting and fishing rights;

Whereas Billy Frank, Jr. was born to Willie Frank, Sr. and Angeline Frank on March 9, 1931, at Frank's Landing on the banks of the Nisqually River in Washington State;

Whereas the tireless efforts and dedication of Billy Frank, Jr. led to a historic legal victory that ensured that the United States would honor promises made in treaties with the Washington tribes;

Whereas Billy Frank, Jr. was first arrested in December of 1945, at the age of 14, for fishing for salmon in the Nisqually River;

Whereas Billy Frank, Jr. was subsequently arrested more than 50 times for exercising his treaty-protected right to fish for salmon;

Whereas over the years, Billy Frank, Jr. and other tribal members staged “fish-ins” that often placed the protestors in danger of being arrested or attacked;

Whereas during these fish-ins, Billy Frank, Jr. and others demanded that they be allowed to fish in historically tribal waters, a right the Nisqually had reserved in the Treaty of Medicine Creek;

Whereas declining salmon runs in Washington waters resulted in increased arrests of tribal members exercising their fishing rights under the Treaty;

Whereas on February 12, 1974, in the case of *United States v. Washington*, Judge George Hugo Boldt of the United States District Court for the Western District of Washington issued a decision that affirmed the right of Washington treaty tribes to take up to half of the harvestable fish in tribal fishing waters and reaffirmed that the United States must honor treaties made with Native American tribes;

Whereas the Ninth Circuit Court of Appeals and the Supreme Court of the United States upheld the Boldt decision, and the treaty tribes became co-managers of the salmon resource in the State of Washington;

Whereas after the Boldt decision, Billy Frank, Jr. continued his fight to protect natural resources, salmon, and a healthy environment;

Whereas the Northwest Indian Fisheries Commission, where Billy Frank, Jr. served as chairman, works to establish working relationships with State agencies and non-Indian groups to manage fisheries, restore and protect habitats, and protect tribal treaty rights;

Whereas Billy Frank, Jr. refused to be bitter in the face of jail, racism, and abuse, and his influence was felt not just in Washington State but around the world;

Whereas Billy Frank, Jr. was awarded the Albert Schweitzer Prize for Humanitarianism, the Common Cause Award for Human Rights Efforts, the American Indian Distinguished Service Award, the Washington State Environmental Excellence Award, and the Wallace Stegner Award for his years of service and dedication to his battle;

Whereas the legacy of Billy Frank, Jr. will live on in stories, in memories, and every time a tribal member exercises his or her right to harvest salmon in Washington State; and



Whereas the legacy of Billy Frank, Jr. transcends his 83 years and will provide inspiration to those still around today and those still to come: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the life, legacy, and many accomplishments of Billy Frank, Jr.; and

(2) extends its heartfelt sympathies and condolences to the family of Billy Frank, Jr., the Nisqually Tribe, all Native Americans, and all people around the world who were inspired by his example.

# SENATE CONCURRENT RESOLUTION 36—PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY TO AWARD THE CONGRESSIONAL GOLD MEDAL TO THE NEXT OF KIN OR PERSONAL REPRESENTATIVE OF RAOUL WALLENBERG

Mrs. GILLIBRAND submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 36

*Resolved by the Senate (the House of Representatives concurring),*

## SECTION 1. USE OF ROTUNDA FOR CEREMONY TO AWARD CONGRESSIONAL GOLD MEDAL TO THE NEXT OF KIN OR PERSONAL REPRESENTATIVE OF RAOUL WALLENBERG.

(a) IN GENERAL.—The rotunda of the Capitol is authorized to be used on July 9, 2014, for a ceremony to award the Congressional Gold Medal to the next of kin or personal representative of Raoul Wallenberg in recognition of his achievements and heroic actions during the Holocaust.

(b) PREPARATIONS.—Physical preparations for the ceremony described in subsection (a) shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

## AMENDMENTS SUBMITTED AND PROPOSED

**SA 3227.** Mr. REID (for Mrs. FEINSTEIN (for herself and Ms. MURKOWSKI)) proposed an amendment to the bill S. 2198, to direct the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies to the State of California due to drought, and for other purposes.

**SA 3228.** Mr. REID (for Mrs. FEINSTEIN (for herself and Ms. MURKOWSKI)) proposed an amendment to the bill S. 2198, supra.

## TEXT OF AMENDMENTS

**SA 3227.** Mr. REID (for Mrs. FEINSTEIN (for herself and Ms. MURKOWSKI)) proposed an amendment to the bill S. 2198, to direct the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies to the State of California due to drought, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Emergency Drought Relief Act of 2014”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

Sec. 4. Emergency projects.

Sec. 5. Emergency environmental reviews.

Sec. 6. State revolving funds.

Sec. 7. Effect on State laws.

Sec. 8. Termination of authorities.

### SEC. 2. FINDINGS.

Congress finds that—

(1) as established in the Proclamation of a State of Emergency issued by the Governor of the State on January 17, 2014, the State is experiencing record dry conditions;

(2) extremely dry conditions have persisted in the State since 2012, and the drought conditions are likely to persist into the future;

(3) the water supplies of the State are at record-low levels, as indicated by a statewide average snowpack of 12 percent of the normal average for winter as of February 1, 2014, and the fact that all major Central Valley Project reservoir levels are at or below 50 percent of the capacity of the reservoirs as of April 1, 2014;

(4) the 2013-2014 drought constitutes a serious emergency posing immediate and severe risks to human life and safety and to the environment throughout the State;

(5) the emergency requires—

(A) immediate and credible action that respects the complexity of the water system of the State and the importance of the water system to the entire State; and

(B) policies that do not pit stakeholders against one another, which history has shown only leads to costly litigation that benefits no one and prevents any real solutions;

(6) Federal law (including regulations) directly authorizes expedited decisionmaking procedures and environmental and public review procedures to enable timely and appropriate implementation of actions to respond to such a type and severity of emergency; and

(7) the serious emergency posed by the 2013-2014 drought in the State fully satisfies the conditions necessary for the exercise of emergency decisionmaking, analytical, and public review requirements under—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(C) water control management procedures of the Corps of Engineers described in section 222.5 of title 33, Code of Federal Regulations (including successor regulations); and

(D) the Reclamation States Emergency Drought Relief Act of 1991 (Public Law 102-250; 106 Stat. 53).

### SEC. 3. DEFINITIONS.

In this Act:

(1) CENTRAL VALLEY PROJECT.—The term “Central Valley Project” has the meaning given the term in section 3403 of the Central Valley Project Improvement Act (106 Stat. 4707).

(2) KLAMATH PROJECT.—The term “Klamath Project” means the Bureau of Reclamation project in the States of California and Oregon, as authorized under the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(3) RECLAMATION PROJECT.—The term “Reclamation Project” means a project constructed pursuant to the authorities of the reclamation laws and whose facilities are wholly or partially located in the State.

(4) SECRETARIES.—The term “Secretaries” means—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Agriculture;

(C) the Secretary of Commerce; and

(D) the Secretary of the Interior.

(5) STATE.—The term “State” means the State of California.

(6) STATE WATER PROJECT.—The term “State Water Project” means the water project described by California Water Code section 11550 et seq., and operated by the California Department of Water Resources.

### SEC. 4. EMERGENCY PROJECTS.

(a) WATER SUPPLIES.—

(1) IN GENERAL.—In response to the declaration of a state of drought emergency by the Governor of the State, the Secretaries shall provide the maximum quantity of water supplies possible to Central Valley Project agricultural, municipal and industrial, and refuge service and repayment contractors, State Water Project contractors, and any other locality or municipality in the State, by approving, consistent with applicable laws (including regulations), projects and operations to provide additional water supplies as quickly as possible based on available information to address the emergency conditions.

(2) APPLICATION.—Paragraph (1) applies to projects or operations involving the Klamath Project if the projects or operations would benefit Federal water contractors in the State.

(b) LIMITATION.—Nothing in this section allows agencies to approve projects—

(1) that would otherwise require congressional authorization; or

(2) without following procedures required by applicable law.

(c) ADMINISTRATION.—In carrying out subsection (a), the Secretaries shall, consistent with applicable laws (including regulations)—

(1) authorize and implement actions to ensure that the Delta Cross Channel Gates shall remain open to the greatest extent possible, timed to maximize the peak flood tide period and provide water supply and water quality benefits for the duration of the drought emergency declaration of the State, consistent with operational criteria and monitoring criteria developed pursuant to the California State Water Resources Control Board’s Order Approving a Temporary Urgency Change in License and Permit Terms in Response to Drought Conditions, effective January 31, 2014, or a successor order;

(2)(A) collect data associated with the operation of the Delta Cross Channel Gates described in paragraph (1) and the impact of the operation on species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), water quality, and water supply; and

(B) after assessing the data described in subparagraph (A), require the Director of the National Marine Fisheries Service to recommend revisions to operations of the Central Valley Project and the California State Water Project, including, if appropriate, the reasonable and prudent alternatives contained in the biological opinion issued by the National Marine Fisheries Service on June 4, 2009, that are likely to produce fishery, water quality, and water supply benefits;

(3)(A) implement turbidity control strategies that allow for increased water deliveries while avoiding jeopardy to adult delta smelt (*Hypomesus transpacificus*) due to entrainment at Central Valley Project and State Water Project pumping plants; and

(B) manage reverse flow in the Old and Middle Rivers as prescribed by the biological opinions issued by the United States Fish

and Wildlife Service on December 15, 2008, for Delta smelt and by the National Marine Fisheries Service on June 4, 2009, for salmonids, to minimize water supply reductions for the Central Valley Project and the State Water Project;

(4) adopt a 1:1 inflow to export ratio for the increased flow of the San Joaquin River, as measured as a 3-day running average at Vernalis during the period from April 1 through May 31, resulting from voluntary transfers and exchanges of water supplies, among other purposes;

(5) issue all necessary permit decisions under the authority of the Secretaries within 30 days of receiving a completed application by the State to place and use temporary barriers or operable gates in Delta channels to improve water quantity and quality for State Water Project and Central Valley Project South of Delta water contractors and other water users, which barriers or gates should provide benefits for species protection and in-Delta water user water quality and shall be designed such that formal consultations under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) would not be necessary;

(6)(A) require the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation to complete all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) necessary to make final permit decisions on water transfer requests associated with voluntarily fallowing nonpermanent crops in the State, within 30 days of receiving such a request; and

(B) require the Director of the United States Fish and Wildlife Service to allow any water transfer request associated with fallowing to maximize the quantity of water supplies available for nonhabitat uses as long as the fallowing and associated water transfer are in compliance with applicable Federal laws (including regulations);

(7) participate in, issue grants, or otherwise provide funding for, as soon as practicable after the date of enactment of this Act, under existing authority available to the Secretary of the Interior, pilot projects to increase water in reservoirs in regional river basins experiencing extreme, exceptional, or sustained drought that have a direct impact on the water supply of the State, including the Colorado River Basin, provided that any participation, grant, or funding by the Secretary with respect to the Upper Division shall be with or to the respective State;

(8) maintain all rescheduled water supplies held in the San Luis Reservoir and Millerton Reservoir for all water users for delivery in the immediately following contract water year unless precluded by reservoir storage capacity limitations;

(9) to the maximum extent possible based on the availability of water and without causing land subsidence or violating water quality standards—

(A) meet the contract water supply needs of Central Valley Project refugees through the improvement or installation of water conservation measures, water conveyance facilities, and wells to use groundwater resources, which activities may be accomplished by using funding made available under the Water Assistance Program or the WaterSMART program of the Department of the Interior; and

(B) make a quantity of Central Valley Project surface water obtained from the

measures implemented under subparagraph (A) available to Central Valley Project contractors;

(10) in coordination with the Secretary of Agriculture, enter into an agreement with the National Academy of Sciences to conduct a comprehensive study, to be completed not later than 1 year after the date of enactment of this Act, on the effectiveness and environmental impacts of saltcedar biological control efforts on increasing water supplies and improving riparian habitats of the Colorado River and its principal tributaries, in the State and elsewhere;

(11) make any WaterSMART grant funding allocated to the State available on a priority and expedited basis for projects in the State that—

(A) provide emergency drinking and municipal water supplies to localities in a quantity necessary to meet minimum public health and safety needs;

(B) prevent the loss of permanent crops;

(C) minimize economic losses resulting from drought conditions; or

(D) provide innovative water conservation tools and technology for agriculture and urban water use that can have immediate water supply benefits;

(12) implement offsite upstream projects in the Delta and upstream Sacramento River and San Joaquin basins, in coordination with the California Department of Water Resources and the California Department of Fish and Wildlife, that offset the effects on species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) due to actions taken under this Act; and

(13) use all available scientific tools to identify any changes to real-time operations of Bureau of Reclamation, State and local water projects that could result in the availability of additional water supplies.

(d) OTHER AGENCIES.—To the extent that a Federal agency other than agencies headed by the Secretaries has a role in approving projects described in subsections (a) and (c), this section shall apply to those Federal agencies.

(e) ACCELERATED PROJECT DECISION AND ELEVATION.—

(1) IN GENERAL.—Upon the request of the State, the heads of Federal agencies shall use the expedited procedures under this subsection to make final decisions relating to a Federal project or operation to provide additional water supplies or address emergency drought conditions pursuant to subsections (a) and (c).

(2) REQUEST FOR RESOLUTION.—

(A) IN GENERAL.—Upon the request of the State, the head of an agency referred to in subsection (a), or the head of another Federal agency responsible for carrying out a review of a project, as applicable, the Secretary of the Interior shall convene a final project decision meeting with the heads of all relevant Federal agencies to decide whether to approve a project to provide emergency water supplies.

(B) MEETING.—The Secretary of the Interior shall convene a meeting requested under subparagraph (A) not later than 7 days after receiving the meeting request.

(3) NOTIFICATION.—Upon receipt of a request for a meeting under this subsection, the Secretary of the Interior shall notify the heads of all relevant Federal agencies of the request, including the project to be reviewed and the date for the meeting.

(4) DECISION.—Not later than 10 days after the date on which a meeting is requested under paragraph (2), the head of the relevant

Federal agency shall issue a final decision on the project.

(5) MEETING CONVENED BY SECRETARY.—The Secretary of the Interior may convene a final project decision meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under paragraph (2).

#### SEC. 5. EMERGENCY ENVIRONMENTAL REVIEWS.

To minimize the time spent carrying out environmental reviews and to deliver water quickly that is needed to address emergency drought conditions in the State, the head of each applicable Federal agency shall, in carrying out this Act, consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (including successor regulations) to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) during the emergency.

#### SEC. 6. STATE REVOLVING FUNDS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in allocating amounts for each of the fiscal years during which the emergency drought declaration of the State is in force to State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12), shall, for those projects that are eligible to receive assistance under section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) or section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(2)), respectively, that the State determines will provide additional water supplies most expeditiously to areas that are at risk of having an inadequate supply of water for public health and safety purposes or to improve resiliency to drought—

(1) require the State to review and prioritize funding for such projects;

(2) issue a determination of waivers within 30 days of the conclusion of the informal public comment period pursuant to section 436(c) of title IV of division G of Public Law 113-76; and

(3) authorize, at the request of the State, 40-year financing for assistance under section 603(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)(2)) or section 1452(f)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-12(f)(2)).

(b) EFFECT OF SECTION.—Nothing in this section authorizes the Administrator of the Environmental Protection Agency to modify any funding allocation, funding criteria, or other requirement relating to State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) for any other State.

#### SEC. 7. EFFECT ON STATE LAWS.

Nothing in this Act preempts any State law in effect on the date of enactment of this Act, including area of origin and other water rights protections.

#### SEC. 8. TERMINATION OF AUTHORITIES.

The authorities under section 4(a), paragraphs (1) through (6) of section 4(c), paragraphs (8) and (9) of section 4(c), paragraphs (11) through (13) of section 4(c), section 5, and section 6 permanently expire on the date on which the Governor of the State suspends the state of drought emergency declaration.

**SA 3228.** Mr. REID (for Mrs. FEINSTEIN (for herself and Ms. MURKOWSKI)) proposed an amendment to the bill S. 2198, to direct the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies to the State of California due to drought, and for other purposes; as follows:

Amend the title to read as follows: "To direct the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies to the State of California due to drought, and for other purposes."

#### NOTICE OF HEARING

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet on May 22, 2014, at 10 a.m. in room SD-430 of the Dirksen Senate Office Building, to conduct a hearing entitled "Examining Access and Supports for Servicemembers and Veterans in Higher Education."

For further information regarding this meeting, please contact Aissa Canchola of the committee staff on (202) 224-2009.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 22, 2014, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH EDUCATION, LABOR, AND PENSIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, on May 22, 2014, at 10 a.m. in room SD-430 of the Dirksen Senate Office Building to conduct a hearing entitled "Examining Access and Supports for Servicemembers and Veterans in Higher Education."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on May 22, 2014, at 9:30 a.m., to conduct a hearing entitled "Bringing Our Transit

Infrastructure to a State of Good Repair."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, on behalf of Senator MENENDEZ, I ask unanimous consent that Chris Landberg, a detailee from the State Department to the Senate Foreign Relations Committee, be granted floor privileges through June 12, 2014.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 826, 827, 828, 829, 830, 831, 832, 833, and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed, en bloc; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; and that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

##### IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

##### To be brigadier general

Col. William P. Robertson

##### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### To be lieutenant general

Maj. Gen. Anthony G. Crutchfield

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### To be lieutenant general

Maj. Gen. James C. McConville

##### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### To be lieutenant general

Lt. Gen. Gregory A. Biscione

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

##### To be brigadier general

Col. Kathleen A. Cook

The following named officer for appointment as the Deputy Judge Advocate General of the Air Force and appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 8037:

##### To be major general

Col. Jeffrey A. Rockwell

##### IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

##### To be rear admiral (lower half)

Captain Brian J. Brakke  
Captain Richard A. Brown  
Captain James S. Bynum  
Captain Peter J. Clarke  
Captain Scott D. Conn  
Captain Brian K. Corey  
Captain Richard A. Correll  
Captain Marc H. Dalton  
Captain Collin P. Green  
Captain Dale E. Horan  
Captain Mary M. Jackson  
Captain James W. Kilby  
Captain Roy I. Kitchener  
Captain James J. Malloy  
Captain Ross A. Myers  
Captain Jeffrey S. Ruth  
Captain Lorin C. Selby  
Captain John W. Tammen, Jr.  
Captain Kent D. Whalen  
Captain Kenneth R. Whitesell  
Captain Charles F. Williams  
Captain Jesse A. Wilson, Jr.

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

##### To be rear admiral (lower half)

Capt. Timothy C. Gallaudet

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

##### To be rear admiral (lower half)

Capt. Steven L. Parode

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

##### To be rear admiral (lower half)

Capt. Johnny R. Wolfe, Jr.

##### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### To be lieutenant general

Maj. Gen. Samuel A. Greaves

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

##### To be major general

Brig. Gen. Warren D. Berry

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

##### To be major general

Brig. Gen. Jon A. Norman

The following named officer for appointment in the United States Air Force to the

grade indicated under title 10, U.S.C., section 8081:

*To be major general*

Col. Roosevelt Allen, Jr.

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be brigadier general*

Col. Richard W. Kelly

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*to be lieutenant general*

Maj. Gen. Carlton D. Everhart, II

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Darryl L. Roberson

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Ellen M. Pawlikowski

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Karen E. Dyson

IN THE AIR FORCE

The following named officer for appointment as the Judge Advocate General of the Air Force and for appointment in the United States Air Force to the grade indicated while serving as the Judge Advocate General under title 10, U.S.C., section 8037:

*To be lieutenant general*

Brig. Gen. Christopher F. Burne

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Marshall B. Webb

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Raymond A. Thomas, III

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Thomas S. Rowden

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) John F. Kirby

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Jon M. Davis

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Kenneth F. McKenzie, Jr.

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Robert B. Neller

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. John A. Toolan, Jr.

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Patrick J. Hermesmann

Col. Helen G. Pratt

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. James M. Holmes

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1593 AIR FORCE nomination of Scott A. Raber, which was received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1594 AIR FORCE nomination of Mark D. Levin, which was received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1595 AIR FORCE nominations (2) beginning JEREMY P. GARLICK, and ending DERICK A. SAGER, which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1596 AIR FORCE nomination of Tonya Y. White, which was received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1597 AIR FORCE nomination of Daniel L. Rosera, which was received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1598 AIR FORCE nominations (2) beginning JASON E. O'BRIEN, and ending ERIK D. RUDIGER, which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1627 AIR FORCE nomination of Robert J. Trainer, which was received by the Senate and appeared in the Congressional Record of May 1, 2014.

PN1667 AIR FORCE nominations (6) beginning KENNETH G. CROOKS, and ending

JAMES D. TIMS, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1669 AIR FORCE nominations (16) beginning KIM L. BOWEN, and ending DANIEL K. WATERMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1671 AIR FORCE nominations (107) beginning VICTORIA M. AGLEWILSON, and ending DEBORAH L. WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1672 AIR FORCE nominations (24) beginning HEATHER A. BODWELL, and ending CHRISTIAN L. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1710 AIR FORCE nominations (8) beginning ERICH M. GAUGER, and ending TIMOTHY J. ZIELICKE, which nominations were received by the Senate and appeared in the Congressional Record of May 15, 2014.

PN1711 AIR FORCE nominations (2) beginning ANTHONY F. FONTENOS, and ending VU T. NGUYEN, which nominations were received by the Senate and appeared in the Congressional Record of May 15, 2014.

PN1712-1 AIR FORCE nominations (105) beginning PETER G. BAILEY, and ending KEVIN R. WINDSOR, which nominations were received by the Senate and appeared in the Congressional Record of May 15, 2014.

IN THE ARMY

PN1530 ARMY nomination of Randolph S. Wardle, which was received by the Senate and appeared in the Congressional Record of March 13, 2014.

PN1599 ARMY nomination of Stanley F. Zezotarski, which was received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1600 ARMY nomination of Eric S. Comette, which was received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1601 ARMY nomination of William D. Swenson, which was received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1602 ARMY nomination of Gregory R. Shepard, which was received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1603 ARMY nominations (8) beginning DAVID F. CAPORICCI, and ending ERIC G. WISHART, which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1628 ARMY nomination of Philander Pinckney, which was received by the Senate and appeared in the Congressional Record of May 1, 2014.

PN1629 ARMY nomination of Elizabeth Joyce, which was received by the Senate and appeared in the Congressional Record of May 1, 2014.

PN1630 ARMY nomination of Jasmine T. Daniels, which was received by the Senate and appeared in the Congressional Record of May 1, 2014.

PN1631 ARMY nominations (3) beginning JAN S. SUNDE, and ending HIMANSHU PATHAK, which nominations were received by the Senate and appeared in the Congressional Record of May 1, 2014.

PN1632 ARMY nomination of Joseph L. Craver, which was received by the Senate and appeared in the Congressional Record of May 1, 2014.

PN1673 ARMY nominations (286) beginning MARIBETH A. AFFELDT, and ending

R10045, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1674-1 ARMY nominations (244) beginning MIGUEL AGUILAR, and ending MARK A. ZINSER, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1675 ARMY nominations (50) beginning JEFFREY M. ABEL, and ending DEBORAH A. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1676 ARMY nominations (4) beginning BOBBY L. CHRISTINE, and ending JAMES K. MASSENGILL, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1713 ARMY nominations (9) beginning RONALD W. BURKETT, II, and ending BRIAN J. MELTON, which nominations were received by the Senate and appeared in the Congressional Record of May 15, 2014.

#### IN THE MARINE CORPS

PN1341 MARINE CORPS nominations (261) beginning WILLIAM B. ALLEN, IV, and ending JAMES L. ZEPKO, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2014.

PN1437 MARINE CORPS nomination of Richard P. Owens, which was received by the Senate and appeared in the Congressional Record of February 10, 2014.

PN1440 MARINE CORPS nomination of Robert M. Manning, which was received by the Senate and appeared in the Congressional Record of February 10, 2014.

PN1607 MARINE CORPS nominations (8) beginning JAMES P. EDMUNDS, III, and ending PAUL B. WEBB, which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1608 MARINE CORPS nominations (39) beginning LEONARD F. ANDERSON, IV, and ending KONSTANTIN E. ZOGANAS, which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2014.

#### IN THE NAVY

PN1609 NAVY nomination of William A. Garren, which was received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1610 NAVY nomination of Leander J. Sackey, which was received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1611 NAVY nomination of Christopher M. Davis, which was received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1633 NAVY nomination of Charles E. Varsogea, which was received by the Senate and appeared in the Congressional Record of May 1, 2014.

PN1634 NAVY nomination of Louis J. Lazzara, which was received by the Senate and appeared in the Congressional Record of May 1, 2014.

PN1635 NAVY nomination of Tara M. McArthur-Milton, which was received by the Senate and appeared in the Congressional Record of May 1, 2014.

PN1636 NAVY nomination of Todd W. Boehm, which was received by the Senate and appeared in the Congressional Record of May 1, 2014.

PN1651 NAVY nominations (33) beginning JOHN I. ACTKINSON, and ending JUSTIN R. WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2014.

PN1652 NAVY nomination of Robert J. Polvino, which was received by the Senate

and appeared in the Congressional Record of May 5, 2014.

PN1677 NAVY nomination of Victor Sorrentino, which was received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1678 NAVY nomination of Jeffrey P. Martin, which was received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1679 NAVY nomination of Richard D. McCormick, which was received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1680 NAVY nominations (12) beginning DAVID W. ATWOOD, and ending ANNA H. WOODARD, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1681 NAVY nomination of William S. Switzer, which was received by the Senate and appeared in the Congressional Record of May 7, 2014.

PN1714 NAVY nomination of Joshua L. Keever, which was received by the Senate and appeared in the Congressional Record of May 15, 2014.

PN1715 NAVY nomination of Rustin J. Dozeman, which was received by the Senate and appeared in the Congressional Record of May 15, 2014.

PN1716 NAVY nomination of Lori L. Cody, which was received by the Senate and appeared in the Congressional Record of May 15, 2014.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### AMENDING THE CLEAN AIR ACT

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to Calendar No. 342.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 724) to amend the Clean Air Act to remove the requirement for dealer certification of new light-duty motor vehicles.

There being no objection, the Senate proceeded to consider the bill.

Ms. STABENOW. Madam President, I am pleased the Senate is considering H.R. 724, a bill to remove a redundant paperwork requirement whenever a customer buys a new car.

Every new vehicle must comply with the Clean Air Act when it is manufactured and H.R. 724 will not change this. H.R. 724 simply eliminates an out-of-date requirement that auto dealers provide a piece of paper to each customer to certify that a new car or truck complies with the Clean Air Act's emissions requirements. Information confirming that the vehicle complies with all applicable emission requirements is already available under the hood of the vehicle and on the EPA's website, so providing the certification on a piece of paper is redundant. In addition to removing an unnecessary requirement, H.R. 724 eliminates 15 million pieces of paper that would

otherwise be handed out each year with every new vehicle sold.

The bill was authored by Representative GARY PETERS and Representative BOB LATTA and was passed by the House of Representatives on January 8 by a vote of 405-0. I was glad to lead the effort to pass this bill in the Senate. I thank Senator BOXER, who helped ensure timely consideration and unanimous passage of the bill by the Senate Committee on Environment and Public Works. I urge my fellow Senators to pass H.R. 724 so we can send this commonsense bill to the President to become law.

Mr. REID. Madam President, I ask that H.R. 724 be read a third time and passed, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 724) was ordered to a third reading, was read the third time, and passed.

#### COLLINSVILLE RENEWABLE ENERGY PRODUCTION ACT

#### COCONINO NATIONAL FOREST LAND CONVEYANCE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of the following items en bloc: Calendar No. 360, H.R. 862; and Calendar No. 123, H.R. 316.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. FLAKE. Madam President, I thank my colleagues for their prompt consideration and passage of H.R. 862, a bill that would authorize the conveyance of 2.67 acres within the Coconino National Forest to landowners who built on those parcels in reliance on an erroneous survey.

On Tuesday, a relatively small 4-acre wildfire started just north of Sedona, AZ, near the Slide Rock State Park. It took less than 24 hours for the Slide Fire, as it is being called, to explode through the overgrown and dry vegetation and make its way up Oak Creek Canyon. In less than 2 days, estimates put the fire at 4,800 acres. Unfortunately, it appears poised to grow larger.

Some areas have already been evacuated and an estimated 3,200 people in the Kachina Village and Forest Highland communities were put on pre-evacuation notice last night. Nearby, the Mountaineer community sits approximately five miles from the fire line. As they watch smoke fill the sky near their homes, residents are preparing for the possibility of having to evacuate. For some of those residents, the imminent fire threat brings added uncertainty due to a longstanding boundary dispute.

The problem stems from an incorrect survey that was completed in 1960. Unbeknownst to the landowners, homes and other improvements were built based on that errant work. In 2007, a subsequent survey revealed the error and a number of landowners were alerted to the fact that portions of their property are within the Coconino National Forest boundary. As a result, these parcels have a cloud on their title that needs to be resolved through a land conveyance.

The Slide Fire has brought the impact of this survey error into further focus. Some of those homeowners have apparently been told by their insurance companies that if the Slide Fire destroys their homes, they will be compensated. However, it is unlikely they will be able to rebuild on the property because of the boundary dispute.

In my view, the least we can do during this difficult time is remove the boundary issue from the litany of concerns these families in the Mountaineer community are dealing with right now. That is why Senator MCCAIN and I sought expedited consideration of H.R. 862 today through the unanimous consent process. This bill, which was introduced by Representatives KIRKPATRICK and GOSAR in the House, would enable the conveyance of the 2.67 acres that are tied up in this longstanding boundary issue to the private landowners.

The House passed this measure in June of last year by a vote of 395–1, and it was favorably reported out of the Senate Energy and Natural Resources Committee by voice vote late last year. The Forest Service has also issued a statement signaling its support for this measure.

I am grateful to my colleagues in the Senate, in particular Senators MCCAIN, LANDRIEU, and MURKOWSKI, for their support in moving this bill through the Senate today. It provides a much needed sliver of good news for families that are dealing with a significant threat. Likewise, I look forward to working with my colleagues to find a path forward to proactively address the catastrophic wildfire situation that continues to plague the West.

Mr. REID. I ask unanimous consent that the committee-reported substitute amendment to H.R. 316 be agreed to; that the bills, as amended, where amended, be read a third time and passed en bloc; and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute to H.R. 316 was agreed to, as follows:

H.R. 316

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Collinsville Renewable Energy Production Act”.*

#### SEC. 2. DEFINITIONS.

*In this Act:*

(1) *COMMISSION.*—The term “Commission” means the Federal Energy Regulatory Commission.

(2) *LICENSE.*—The term “license” means—

(A) the license for Commission project number 10822;

(B) the license for Commission project number 10823; or

(C) both.

(3) *TOWN.*—The term “Town” means the town of Canton, Connecticut.

#### SEC. 3. REINSTATEMENT, EXTENSION, AND TRANSFER OF EXPIRED LICENSES.

*Notwithstanding the termination of the license, the Commission may, at the request of the Town, in accordance with section 4(a), and after reasonable notice—*

(1) *reinstate the license;*

(2) *extend for 2 years after the date on which the license is reinstated the time period during which the licensee is required to commence the construction of the project subject to the license; and*

(3) *subject to section 4, transfer the license to the Town.*

#### SEC. 4. CONDITIONS OF TRANSFER.

(a) *APPLICATION FOR TRANSFER.*—The Town may request the reinstatement, extension, and transfer of the license by filing an application for approval of the transfer.

(b) *CONTENTS OF APPLICATION.*—The application for approval of the transfer shall set forth in appropriate detail the qualifications of the Town to hold the license and to operate the property under license, which qualifications shall be the same as those required of applicants for the license.

(c) *COMMISSION APPROVAL.*—The Commission may approve the transfer on a showing that the transfer is in the public interest.

(d) *TERMS AND CONDITIONS OF LICENSES.*—The Town shall be subject to—

(1) *all the conditions of the license and all the provisions and conditions of the Federal Power Act (16 U.S.C. 791a et seq.), as though the Town were the original licensee; and*

(2) *any additional terms and conditions the Commission determines to be necessary, including conditions for the protection, mitigation, and enhancement of fish and wildlife and related habitat under sections 10(j) and 18 of the Federal Power Act (16 U.S.C. 803(j), 811).*

#### SEC. 5. ADMINISTRATION.

*The Commission shall supplement the environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) prepared in connection with the issuance of the original license to examine all new circumstances and information relevant to environmental concerns and bearing on the reinstatement of the license or the impact of the license.*

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 316), as amended, was read the third time and passed.

The bill (H.R. 862) was ordered to a third reading, was read the third time, and passed.

#### EMERGENCY DROUGHT RELIEF ACT OF 2014

#### NORTH TEXAS INVASIVE SPECIES BARRIER ACT OF 2014

Mr. REID. Madam President, I ask unanimous consent that the Environment and Public Works Committee be

discharged from further consideration of H.R. 4032 and the Senate proceed to its consideration and to the consideration of Calendar No. 344, S. 2198 en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Madam President, it is my understanding that my request was at this point granted; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. Madam President, I ask unanimous consent that the Feinstein-Murkowski substitute amendment to S. 2198, which is at the desk, be agreed to, the bills, as amended where applicable, be read a third time and passed en bloc; that a Feinstein-Murkowski amendment to the title of S. 2198, which is at the desk, be agreed to; and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3227) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The bill (S. 2198), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The amendment (No. 3228) was agreed to, as follows:

(Purpose: To modify the title)

Amend the title to read as follows: “To direct the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies to the State of California due to drought, and for other purposes.”

The bill (H.R. 4032) was ordered to a third reading, was read the third time, and passed.

#### AWARDING OF A CONGRESSIONAL GOLD MEDAL

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1726.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1726) to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read three times and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.



The bill (H.R. 1726) was ordered to a third reading, was read the third time, and passed.

#### GOLD MEDAL TECHNICAL CORRECTIONS ACT OF 2014

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4488.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4488) to make technical corrections to two bills enabling the presentation of congressional gold medals, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read three times and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4488) was ordered to a third reading, was read the third time, and passed.

#### RESOLUTIONS SUBMITTED TODAY

The PRESIDING OFFICER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 455, S. Res. 456, S. Res. 457, S. Res. 458, S. Res. 459, S. Res. 460, and S. Res. 461.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

S. RES. 455

Mr. NELSON. Mr. President, May is Older Americans Month, and I am pleased to submit a resolution recognizing the importance of our seniors with my colleagues, Senators COLLINS and SANDERS. As of 2012, there were more than 43 million Americans aged 65 and older. By 2060, Americans in this age group are projected to be as many as 92 million, or over 1 in 5 U.S. residents.

In 1963, President John F. Kennedy recognized the first Older Americans Month. By continuing to observe the month of May as Older Americans Month, we remind ourselves not only of our duty to provide for the needs of this population, but also of their ongoing contributions to our communities and to our country.

As chairman of the Senate Aging Committee and the senior Senator from Florida, the State with the largest 65-and-older population in the Nation, I have heard many stories of the enduring contributions made by the aging population. For example, during

an Aging Committee hearing earlier this year, we learned that the fastest growth of new entrepreneurs is among Americans ages 55 to 64. For example, Conchy Bretos, from my home State of Florida, leveraged a lifetime of work experience to begin a second career by starting a new business. Not only does her business contribute to the economy and provide a valuable service to seniors in public housing, but it also provides a cost-savings to taxpayers.

As one witness during this hearing noted, we should think about the baby boom generation not as a "silver tsunami" but our society's "silver lining that will be yielding golden dividends." Our obligation to them is to ensure their ability to live independently and continue to make these significant impressions on and contributions to our Nation. Our aging Americans can teach younger generations valuable lessons.

In honor of Ms. Bretos and all older Americans, I am pleased to recognize May as Older Americans Month and celebrate the influences and achievements of seniors nationwide.

Mr. REID. Madam President, I ask unanimous consent that the resolutions be agreed to; the preambles, where applicable, be agreed to; and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

#### PERMITTING USE OF THE ROTUNDA

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 36 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 36) permitting the use of the rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to the next of kin or personal representative of Raoul Wallenberg.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The concurrent resolution is printed in today's RECORD under "Submitted Resolutions.")

#### SIGNING AUTHORITY

Mr. REID. Madam President, I ask unanimous consent that during the ad-

journment or recess of the Senate from Friday, May 23, through Tuesday, June 3, Senators ROCKEFELLER and REED of Rhode Island be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### APPOINTMENT AUTHORITY

Mr. REID. I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or inter-parliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR FRIDAY, MAY 23 THROUGH MONDAY, JUNE 2, 2014

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for pro forma sessions only, with no business conducted on the following dates and times, and that following each pro forma session the Senate adjourn until the next pro forma session: Friday, May 23 at 10 a.m.; Tuesday, May 27 at 12 noon, and Friday, May 30 at 2 p.m.; and that the Senate adjourn Friday, May 30 until 2 p.m. on Monday, June 2, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate be in a period of morning business until 5:30 p.m. with Senators permitted to speak therein for up to 10 minutes each; and that at 5:30 p.m., the Senate proceed to executive session to consider Executive Calendar No. 633 and there be 2 minutes of debate equally divided and controlled in the usual form prior to the cloture vote on the Harper nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. So the next rollcall vote will be at 5:30 p.m. on Monday, June 2.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:54 p.m., adjourned until Friday, May 23, 2014, at 10 a.m.



## NOMINATIONS

## Executive nominations received by the Senate:

## DEPARTMENT OF COMMERCE

BRUCE H. ANDREWS, OF NEW YORK, TO BE DEPUTY SECRETARY OF COMMERCE, VICE REBECCA M. BLANK, RESIGNED.

MARCUS DWAYNE JADOTTE, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE NICOLE YVETTE LAMB-HALE, RESIGNED.

## DEPARTMENT OF STATE

MARCIA STEPHENS BLOOM BERNICAT, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

JAMES D. PETTIT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

## FEDERAL HOUSING FINANCE AGENCY

LAURA S. WERTHEIMER, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL OF THE FEDERAL HOUSING FINANCE AGENCY, VICE STEVE A. LINICK, RESIGNED.

## CONFIRMATIONS

## Executive nominations confirmed by the Senate May 22, 2014:

## THE JUDICIARY

DAVID JEREMIAH BARRON, OF MASSACHUSETTS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

RICHARD G. FRANK, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

## IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be brigadier general*

COL. WILLIAM P. ROBERTSON

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. ANTHONY G. CRUTCHFIELD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JAMES C. MCCONVILLE

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. GREGORY A. BISCONI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. KATHLEEN A. COOK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

*To be major general*

COL. JEFFREY A. ROCKWELL

## IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPTAIN BRIAN J. BRAKKE

CAPTAIN RICHARD A. BROWN  
CAPTAIN JAMES S. BYNUM  
CAPTAIN PETER J. CLARKE  
CAPTAIN SCOTT D. CONN  
CAPTAIN BRIAN K. COREY  
CAPTAIN RICHARD A. CORRELL  
CAPTAIN MARC H. DALTON  
CAPTAIN COLLIN P. GREEN  
CAPTAIN DALE E. HORAN  
CAPTAIN MARY M. JACKSON  
CAPTAIN JAMES W. KILBY  
CAPTAIN ROY I. KITCHENER  
CAPTAIN JAMES J. MALLOY  
CAPTAIN ROSS A. MYERS  
CAPTAIN JEFFREY S. RUTH  
CAPTAIN LORIN C. SELBY  
CAPTAIN JOHN W. TAMMEN, JR.  
CAPTAIN KENT D. WHALEN  
CAPTAIN KENNETH R. WHITESELL  
CAPTAIN CHARLES F. WILLIAMS  
CAPTAIN JESSE A. WILSON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. TIMOTHY C. GALLAUDET

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. STEVEN L. PARODE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. JOHNNY R. WOLFE, JR.

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. SAMUEL A. GREAVES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. WARREN D. BERRY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. JON A. NORMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8081:

*To be major general*

COL. ROOSEVELT ALLEN, JR.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be brigadier general*

COL. RICHARD W. KELLY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. CARLTON D. EVERHART II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. DARRYL L. ROBERSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. ELLEN M. PAWLIKOWSKI

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. KAREN E. DYSON

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE AND FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE SERVING AS THE JUDGE ADVOCATE GENERAL UNDER TITLE 10, U.S.C., SECTION 8037:

*To be lieutenant general*

BRIG. GEN. CHRISTOPHER F. BURNE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. MARSHALL B. WEBB

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. RAYMOND A. THOMAS III

## IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. THOMAS S. ROWDEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) JOHN F. KIRBY

## IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. JON M. DAVIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. KENNETH F. MCKENZIE, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. ROBERT B. NELLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. JOHN A. TOOLAN, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. PATRICK J. HERMESMANN  
COL. HELEN G. PRATT

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. JAMES M. HOLMES

AIR FORCE NOMINATION OF SCOTT A. RABER, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF MARK D. LEVIN, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH JEREMY P. GARLICK AND ENDING WITH DERICK A. SAGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 10, 2014.

AIR FORCE NOMINATION OF TONYA Y. WHITE, TO BE MAJOR.

AIR FORCE NOMINATION OF DANIEL L. ROSERA, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH JASON E. OBRIEN AND ENDING WITH ERIK D. RUDIGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 10, 2014.

AIR FORCE NOMINATION OF ROBERT J. TRAINER, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH KENNETH G. CROOKS AND ENDING WITH JAMES D. TIMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

AIR FORCE NOMINATIONS BEGINNING WITH KIM L. BOWEN AND ENDING WITH DANIEL K. WATERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

AIR FORCE NOMINATIONS BEGINNING WITH VICTORIA M. AGLEWILSON AND ENDING WITH DEBORAH L. WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

AIR FORCE NOMINATIONS BEGINNING WITH HEATHER A. BODWELL AND ENDING WITH CHRISTIAN L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

AIR FORCE NOMINATIONS BEGINNING WITH ERICH M. GAUGER AND ENDING WITH TIMOTHY J. ZIELICKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 15, 2014.

AIR FORCE NOMINATIONS BEGINNING WITH ANTHONY F. FONTENOS AND ENDING WITH VU T. NGUYEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 15, 2014.

AIR FORCE NOMINATIONS BEGINNING WITH PETER G. BAILEY AND ENDING WITH KEVIN R. WINDSOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 15, 2014.

#### IN THE ARMY

ARMY NOMINATION OF RANDOLPH S. WARDLE, TO BE COLONEL.

ARMY NOMINATION OF STANLEY F. ZEZOTARSKI, TO BE COLONEL.

ARMY NOMINATION OF ERIC S. COMETTE, TO BE MAJOR.

ARMY NOMINATION OF WILLIAM D. SWENSON, TO BE MAJOR.

ARMY NOMINATION OF GREGORY R. SHEPARD, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH DAVID F. CAPORICCI AND ENDING WITH ERIC G. WISHART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 10, 2014.

ARMY NOMINATION OF PHILANDER PINCKNEY, TO BE MAJOR.

ARMY NOMINATION OF ELIZABETH JOYCE, TO BE MAJOR.

ARMY NOMINATION OF JASMINE T. DANIELS, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JAN S. SUNDE AND ENDING WITH HIMANSHU PATHAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 1, 2014.

ARMY NOMINATION OF JOSEPH L. CRAVER, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MARIBETH A. AFFELDT AND ENDING WITH R10045, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

ARMY NOMINATIONS BEGINNING WITH MIGUEL AGUILAR AND ENDING WITH MARK A. ZINSER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

ARMY NOMINATIONS BEGINNING WITH JEFFREY M. ABEL AND ENDING WITH DEBORAH A. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

ARMY NOMINATIONS BEGINNING WITH BOBBY L. CHRISTINE AND ENDING WITH JAMES K. MASSENGILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

ARMY NOMINATIONS BEGINNING WITH RONALD W. BURKETT II AND ENDING WITH BRIAN J. MELTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 15, 2014.

#### IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH WILLIAM B. ALLEN IV AND ENDING WITH JAMES L. ZEPKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2014.

MARINE CORPS NOMINATION OF RICHARD P. OWENS, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF ROBERT M. MANNING, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH JAMES P. EDMUNDS III AND ENDING WITH PAUL B. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 10, 2014.

MARINE CORPS NOMINATIONS BEGINNING WITH LEONARD F. ANDERSON IV AND ENDING WITH KONSTANTIN E. ZOGANAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 10, 2014.

#### IN THE NAVY

NAVY NOMINATION OF WILLIAM A. GARREN, TO BE CAPTAIN.

NAVY NOMINATION OF LEANDER J. SACKKEY, TO BE COMMANDER.

NAVY NOMINATION OF CHRISTOPHER M. DAVIS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CHARLES E. VARSOGEA, TO BE COMMANDER.

NAVY NOMINATION OF LOUIS J. LAZZARA, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF TARA M. MCARTHUR-MILTON, TO BE CAPTAIN.

NAVY NOMINATION OF TODD W. BOEHM, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH JOHN I. ACTKINSON AND ENDING WITH JUSTIN R. WOLFE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2014.

NAVY NOMINATION OF ROBERT J. POLVINO, TO BE CAPTAIN.

NAVY NOMINATION OF VICTOR SORRENTINO, TO BE COMMANDER.

NAVY NOMINATION OF JEFFREY P. MARTIN, TO BE COMMANDER.

NAVY NOMINATION OF RICHARD D. MCCORMICK, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH DAVID W. ATWOOD AND ENDING WITH ANNA H. WOODARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2014.

NAVY NOMINATION OF WILLIAM S. SWITZER, TO BE CAPTAIN.

NAVY NOMINATION OF JOSHUA L. KEEVER, TO BE COMMANDER.

NAVY NOMINATION OF RUSTIN J. DOZEMAN, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF LORI L. CODY, TO BE LIEUTENANT COMMANDER.

## EXTENSIONS OF REMARKS

CONGRATULATING UNIVERSITY OF  
CENTRAL FLORIDA STUDENTS**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. WEBSTER of Florida. Mr. Speaker, it is my privilege to congratulate the University of Central Florida for winning the 2014 Raytheon National Collegiate Cyber Defense Competition (NCCDC). The competition, held April 25–27 in San Antonio, Texas, brought together the top ten college and university teams from across the country.

More than 180 colleges and universities and 2,000 undergraduate and graduate students participated in competitions leading up to the national championship. The Raytheon competition models real-world scenarios in which teams are required to maintain operational needs of their businesses and user demands amidst cyber attacks. Preparing the next generation of cyber security leaders is critical to defending our nation against ever-increasing threats.

Again, congratulations to the University of Central Florida team for bringing home the Raytheon NCCDC Alamo Cup and establishing the University as a national leader in cyber security.

HONORING LTC (RETIRED)  
NICOLETTE WHEELER**HON. TOM PRICE**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. PRICE of Georgia. Mr. Speaker, today I rise to honor a constituent of the Sixth District of Georgia, Lieutenant Colonel (retired) Nicolette Wheeler of the U.S. Army. Following a successful career, LTC Wheeler retired from the Army and moved with her husband to Alpharetta, Georgia. In 1995, LTC Wheeler was hired by the Fulton County School System to be the Senior Army Instructor at Roswell High School. In 2001, she was appointed to move to Central Administration to lead all 8 programs as the Director of Army Instruction.

Since being hired, LTC Wheeler has been recognized multiple times for her contributions to students and others: State Rifle Coach of the Year (2000), "Service Above Self" Award—Roswell Rotary (2001), JROTC Director of the Year—United States Army Cadet Command (2005), and State Outstanding Career and Technical Educator, JROTC Division (2009 and 2011). However, LTC Wheeler has been so much more than just a distinguished instructor and coordinator for the JROTC during her time in the Fulton County School Sys-

tem. Her students have always been her number one priority. She has been there to provide support and encouragement no matter if a student's ambition is an appointment to a service academy or passing an entrance exam to become a member of the United States Armed Forces.

At the end of this current school year, LTC Wheeler will retire. This is a bittersweet moment for all those students, past and present, whose lives she has dedicated herself to bettering. She has inspired all who have had the opportunity to work with her. Her tireless work on behalf of our community and country, her quiet leadership, and her collaborative spirit has not gone unnoticed and are deeply appreciated. Therefore, it is on behalf of the people of the Sixth District that I want to thank LTC Nicolette Wheeler for her years of outstanding and exemplary service.

CONGRATULATING R.L. TURNER  
HIGH SCHOOL'S NAVY ROTC FOR  
THE DISTINGUISHED UNIT  
AWARD**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. MARCHANT. Mr. Speaker, I rise today to congratulate R.L. Turner High School's Navy Junior Reserve Officer Training Corps (NJROTC) program, in Carrollton, Texas, for being recognized with the Distinguished Unit Award based on performance and service during the 2013–2014 school year.

The NJROTC Distinguished Unit designation is awarded annually to schools whose program ranks in the top 30 percent of units throughout the United States, Europe, and Asia. Competing units are ranked according to the degree of excellence attained in administration, military proficiency, and host school support. Accordingly, R.L. Turner High School and the Carrollton-Farmers Branch Independent School District have contributed to the strong support and development of the NJROTC program.

R.L. Turner High School's NJROTC is a citizen leadership program designed to develop informed and responsible young men and women who embody honor, integrity, loyalty, courage, and respect for authority in a democratic society.

In addition to achieving numerous accolades, the R.L. Turner's NJROTC program, under the leadership of Lieutenant Martin Caro, U.S. Navy (Ret.) and Master Chief Martin Wesley, U.S. Navy (Ret.), is actively involved in service programs throughout the local community. The cadets volunteer for various color guard events, Veterans Day events, and parades. In addition, the NJROTC participates in the March of Dimes, Toys for Tots, and the Dallas Day of Service.

Mr. Speaker, I ask all my colleagues to join me in congratulating the R.L. Turner High School's NJROTC program on receiving the Distinguished Unit Award.

10TH ANNIVERSARY OF  
WASHINGTON, DC YOUTH RUGBY**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing the 10th anniversary of the Washington, DC Youth Rugby, a non-profit organization that reaches out to underserved children in the Nation's capital to promote health and physical fitness and teach valuable life skills through the sport of rugby.

In 2004, members of the Washington Rugby Club started out with the goal to teach rugby to a small group of students in Northeast Washington, DC. What started with seven players and a rugby ball has evolved to over a hundred students playing rugby in the District at the youth and high school levels.

Washington, DC Youth Rugby has grown from a summer-only program and is now working to implement rugby programs in DC schools. Washington, DC Youth Rugby founded a boys' team at Calvin Coolidge High School, which ran from 2009–2012. This year, the organization has started both boys' and girls' rugby teams at Bell Multicultural High School and is looking to start more programs in DC schools. They are currently working with both Washington Latin and Ballou.

The program continues to be free to all children and has a diverse mix of participants, both racially and socioeconomically. This program makes a difference to the youth of our city in terms of health, self-esteem, teamwork and social skills development.

In 2012, the program welcomed the support of the Honorable Kim Beazley, the Australian Ambassador to the United States, as the honorary patron. The Ambassador recognizes the value of sport in international relations and the positive impact a game like rugby can have on young people. In recognition of the 10th anniversary, the Embassy of Australia will host a celebration on Thursday, May 29, 2014.

Mr. Speaker, I ask the House of Representatives to join me in thanking the coaches, volunteers, donors, partner schools, students, parents, and alumni as we celebrate the 10th anniversary of Washington, DC Youth Rugby and its many accomplishments.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## PERSONAL EXPLANATION

**HON. HENRY C. "HANK" JOHNSON**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. JOHNSON of Georgia. Mr. Speaker, I am writing to inform the House of Representatives how I would have voted had I been able to be present in the House on Monday May 19, 2014 and on Tuesday May 20, 2014. I was unavoidably absent, and instead in my Congressional District in Georgia, due to Georgia's Federal Primary Election day being Tuesday May 20, 2014.

With that said, this is how I would have cast my votes on rollcall votes before the House.

Monday May 19, 2014:

Rollcall 218, on H.R. 2203, To provide for the award of a gold medal on behalf of Congress to Jack Nicklaus—"yea."

Rollcall 219, on H.R. 685, To award a Congressional Gold Medal to the American Fighter Aces, collectively—"yea."

Tuesday May 20, 2014:

Rollcall 220, on the Conference Report to H.R. 3080—Water Resources Reform and Development Act—"yea."

Rollcall 221, on H.R. 3530—Justice for Victims of Trafficking Act—"yea."

Rollcall 222, on H.R. 4225—Stop Advertising Victims of Exploitation (SAVE) Act—"nay."

## WEST POINT GRADUATES

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. ROGERS of Michigan. Mr. Speaker, it is my distinct pleasure to congratulate Michigan's United States Military Academy class of 2014 for completing the demanding requirements of West Point. They will soon receive their commission as 2nd Lieutenants in the U.S. Army and go on to serve our great nation, protecting American national security interests throughout the world. Their commitment to the Army and this country is admirable.

As a former officer in the United States Army, I commend them on this outstanding accomplishment. I take great pride in seeing Americans, young men and women like them, choose such a demanding, honorable path.

I wish them nothing but continued success and congratulate them again on achieving such a momentous accomplishment.

LIST OF CADETS GRADUATING FROM THE U.S. MILITARY ACADEMY AT WEST POINT ON MAY 28, 2014

Andrew E. Carlson, Troy; Andrew R. Fanko, Perry; Andrew J. Lee, Novi; April C. Emerson, Stanwood; Benjamin M. Miller, Clinton Twp.; Benjamin E. Schiff, Lakeville; Brenden A. Plancon, Charlevoix; Cabot M. Howell, Birmingham; Calla E. Glavin, Birmingham; Devon J. Compeau, Oakland; Garrett T. Kastl, Hope; Ian M. Brambs, Farmington Hills; Jacob T. Gleason, Warren; James M. DiMilia, Northville.

John G. Buckle, Northville; Justin W. Haggerty, Belleville; Kyle A. Maxwell,

Romeo; Matthew J. Hoff, Portage; Matthew A. Thompson, Ann Arbor; Paul P. Hancock IV, Dearborn; Peter T. Noreen, Cedar Springs; Quetzalcoatl S. Carrasco, Ypsilanti; Ricardo J. Galindo, Farmington Hills; Rita I. Snyder, Rockford; Thomas A. White, Ann Arbor; Emily N. Clemons, Grosse Ile; Joshua P. Herbeck, Ann Arbor; Charles M. Kelly, Birmingham; Morgan K. White, Monroe.

RECOGNIZING THE SERVICE OF  
JOE INFAUSTO**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. COSTA. Mr. Speaker, I rise today to recognize Mr. Joe Infausto as he retires after 43 years of public service as a police reserve officer. Joe's commitment and dedication to serving his community deserves to be commended.

Joe began his career in law enforcement in 1970 with the Clovis Police Department Auxiliary Unit. In 1977, he received a Bachelor's of Science degree in Criminology from California State University, Fresno. That same year, Joe was transferred to the Fresno Police Department Reserve Unit where he served for thirty-six years.

As a reserve officer, Joe was a citizen volunteer who donated his time and energy to help make Fresno a better place. Throughout his law enforcement career, Joe received numerous commendations for his service and professionalism, including achieving the rank of Lieutenant in 1999.

Joe's dedication to the security of his community was not only exemplified through his service but also through the establishment of his small business, BESTEC Security in 1983. BESTEC Security provided state of the art security systems and equipment to individuals and families throughout the Central Valley for 23 years. Joe sold the business in 2006 and continued to serve as a Fresno Police Department Reserve Officer.

Prior to leaving the Reserve Unit, Joe was assigned to the Mounted Unit, where he continued to carry out his duty to protect and serve the citizens of Fresno while on horseback.

Mr. Speaker, I ask my colleagues to join me in recognizing Joe Infausto as he celebrates his retirement from the Fresno Police Reserve Unit.

HONORING STRAIGHT "A" STUDENTS  
AT ROACH MIDDLE SCHOOL**HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to recognize a group of bright, dedicated, and dynamic students at Roach Middle School. These students worked hard and earned "All A's" during the 2013-2014

school year. The effort and hard work behind these stellar letter grades is a testament to the student's dedication to excellence and their superior educators.

I believe the most precious gifts we can give to our children are loving families and a good education. These two things together make up the backbone to a young person's success and when we see our kids succeed, we too succeed. I thank Roach Middle School parents, teachers and faculty for the time, energy, and effort they invest in our young leaders daily.

At a young age, these students are striving for a brighter future with more opportunities to discover their passions and reach their fullest potential. It gives me great pride to know that an exceptional education with life-long values is being taught at Roach Middle School. Their success is not only a tribute to their commitment to education but also to the support they receive from their family and teachers.

Mr. Speaker, I commend these dedicated students, whose names are listed below, and I invite my colleagues to join me in congratulating them on their achievement, and to encourage them in their future endeavors. Keep up the good work!

God Bless you and I salute you.

Aloki Ajmera, Shoshana Ambers, Rishika Balreddygari, Meredith Beck, Avery Braune, Makenna Carlson, Tayah Chece, Aaron Cheung, Emily Chilton, Isabel Daniel, Paulina Delgadillo, Cambria Dyess, Ashton Eades, Brooke Friedman, Megan Gallacher, Kristine Gauch, Yashna Gongal, Danna Gonzalez-Pedroza, Sheza Habib, Emma Hackley.

Alexandria Hayes, Bailey Jarrett, Shrita Jayanthi, Simran Kakkar, Amanda Kampe, Krishna Karur, Alexis King, Aranya Krishnan, Samyuktha Kumar, Judy Lee, Grace Li, Jeffrey Li, Arturo Martinez, Alex McEachem, Emma Nalbantov, Shubhi Nanda, Isabelle Ong, Marianne Pugh, Sophia Quiroz, Isha Rajupet.

Anne Remorca, Reece Riherd, Ryan Sanders, Isabella Selunich, Sophia Schmich, Alexandra Shrauner, Abbey Sprick, Sofia Torres, Kerry Tu, Karthik Tummala, Lillian Vukin, Rosie Wang, Jessica Wu.

HONORING GUNNER'S MATE  
RANDOLPH (RANDY) F. JONES**HON. TOM PRICE**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. PRICE of Georgia. Mr. Speaker, today I rise to honor a constituent of the Sixth District of Georgia, former Gunner's Mate Randolph (Randy) F. Jones. Born on June 3, 1924 in Phenix City, Alabama, Randy was raised on a farm during the Great Depression. Due to the hard times, Randy and his family moved to Talbot County, Georgia, where his grandfather maintained a farm where corn, peanuts, sweet potatoes, soy beans and cotton were grown. Moving to Warm Springs, Georgia, in 1942, Randy soon got a job as a grocery clerk at the Warm Springs Foundation. Warm Springs is famous nationally as the location frequented by President Franklin Delano Roosevelt for his treatment for polio.

His initial time at Warm Springs did not last long, as Randy enlisted in the Navy near the

end of 1942 while the nation fought the Second World War. During this time, he served as a Gunner's Mate on the Destroyer U.S.S. *Swanson*. His tour of duty took him around the globe and included the Mediterranean, the Pacific and the Atlantic. Randy was discharged in 1946.

After serving his nation, Randy returned to his job in Warm Springs. While there, he met the love of his life, Sarah Leverett. They were happily married for 46 years until she passed away in 1993. Randy has two children, seven grandchildren, and one great-grandson.

Randy worked at the Warm Springs foundation for 47 years. During the time he was there, Randy worked as a grocery store clerk and manager, food buyer, chef, purchasing agent and even managed a golf course in his spare time. Additionally, he served on the county school board for 10 years.

Currently residing at the Elmcroft of Roswell Senior Living Community, Randy has continued to attend to the needs of his friends and neighbors. For three years running, Randy has been voted by his peers as Valentine King. He currently is President of "The Elmcroft Elder Statesmen."

On June 3 of this year, Randy will celebrate his 90th birthday. For all of his years of service to our community and nation, the people of Georgia's Sixth District sincerely thank him.

TRIBUTE TO AMBASSADOR  
KENNETH M. QUINN

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and honor Ambassador Kenneth M. Quinn for being named the twenty-third recipient of the Iowa Award by Iowa Governor Terry Branstad. This is a remarkable and well-deserved achievement for one of the finest citizens in Iowa's 168 year history.

The Iowa Award is the highest citizen award attainable from our great state. Established in 1948 by Governor Robert Blue and the Iowa Legislature, the Iowa Centennial Memorial Foundation bestows the Iowa Award approximately every half decade through a self-financed event. The foundation was created "to encourage and recognize the outstanding service of Iowans" in numerous fields and to recognize the "merit of their accomplishments in Iowa and throughout the United States."

Knowing Ambassador Quinn and counting him as a close friend, I can think of no more deserving Iowan to be formally recognized for his service to our state, nation, and world as a whole. Kenneth will formally join this elite class of Iowans, including President Herbert Hoover, Dr. James Van Allen, Vice President Henry Wallace, and Dr. Norman Borlaug, when Governor Branstad presents Ambassador Quinn with the Iowa Award at the World Food Prize Hall of Laureates in Des Moines later this month.

Mr. Speaker, I have lauded Ambassador Quinn's astounding biography, service, philanthropy, and heroism previously in this hallowed chamber and I am privileged to reiterate

that sentiment today. Ambassador Quinn has dedicated his life and his talents to assisting those in all corners of the globe and words cannot express the extent of his positive impact left on his colleagues, the State of Iowa, and countless individuals around the world. It has been one of the greatest honors of my career to represent and assist Kenneth in all that he does and his selection by Governor Branstad to receive the Iowa Award is affirmation that I am far from alone in my effusive praise and appreciation. I invite my fellow Members of Congress to join me in thanking Ambassador Quinn for his decades of unwavering service and to congratulate him as the people of Iowa proudly count him among our state's most storied and influential citizens.

RECOGNIZING THE RETIREMENT  
OF ELAINE JANSON

**HON. KEVIN MCCARTHY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. MCCARTHY of California. Mr. Speaker, I rise today to recognize the retirement of Elaine Janson, a true leader in our community who has served China Lake for over thirty years and the past ten years of her life to the students of the Sierra Sands Unified School District in California.

Receiving her Bachelor of Science Degree in Business Administration and a Master's in Public Administration from California State University, Bakersfield, Elaine began work as a clerk for the Naval Air Weapons Station (NAWS) China Lake, located in Ridgecrest, California. In 1974, she became an administrative officer in the School of Education and the Department of Physics at the University of Southern California, but returned to NAWS China Lake in 1978 to head the Corporate Budget Division in the Office of the Comptroller where she was responsible for formulating and executing the base's budget of \$1 billion.

Through the Office of General Counsel, Elaine founded the Commercial Applications and Transfer Office, which was responsible for negotiating patent license agreements, as well as cooperative research and development agreements. She was awarded the Commander's Award in 1993 for these efforts. She negotiated landmark agreements in both the intellectual property and educational partnership areas as well for NAWS. Elaine is also a founding member of the NAWS Business Development Office, which works to expand the base's work and bring additional jobs and business to our community. During this period, she was a founding member of the China Lake Chapter of the American Society of Military Comptroller, serving as its Vice President, and has been a member of multiple other organizations, including the Federal Laboratory Consortium, the Technology Transfer Society and the Association of University Technology Managers. Not only did Elaine dedicate time serving NAWS, she also plays a leadership role in the Ridgecrest community, serving on the Ridgecrest United Way of California board and the Indian Wells Valley Concert Associa-

tion. She retired after 33 years in Federal service with the United States Navy, but Elaine's passion for service did not end there.

Elaine has spent the last ten years with Sierra Sands Unified School District where she began in 2003 as the Chief Financial Officer. Later, she moved on to serve as the school district's Assistant Superintendent for Business and Assistant Superintendent for Construction. Over the period of her tenure, she not only oversaw the district budget, but also supervised maintenance and operations, transportation, food service, and warehouse departments. Her work with Superintendent Joanna Rummer also helped secure significant Federal funds to replace Murray Middle School and modernize Burroughs High School to ensure our students are able to obtain a world-class education in modern buildings. Additionally, during a period in which the entire nation experienced one of the worst economic climates, Sierra Sands Unified School District remained fiscally solvent and maintained the integrity of its outstanding academic programs.

If anything personifies Elaine's service, it is her passionate advocacy for her students in the school district. I have enjoyed working with Elaine to promote Sierra Sands Unified School District, its students, and our Ridgecrest community. I will miss our frequent visits and the See's Candies that Elaine always brings with her, but I know she is looking forward to spending more time with her husband, James, and their 14 children and grandchildren. Mr. Speaker, on behalf of a grateful community, I ask my colleagues to join me in thanking Elaine for her outstanding service and wishing her a happy retirement as she begins this next chapter of her life.

RECOGNIZING LT. COL. JOHN J.  
MCCARTHY

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. FITZPATRICK. Mr. Speaker, Lt. Col. John J. McCarthy retired from the United States Marine Corps in 1975 after 29 years of outstanding service and leadership. He is the recipient of the Distinguished Flying Cross, which was awarded to him in 1969 citing his courage, superior airmanship and unwavering devotion to duty in the face of great personal danger in Vietnam. He also was awarded the Bronze Star and 19 Air Medals. Lt. Col. McCarthy was 17 years old when he joined the United States Navy in 1946, subsequently earning a college degree from Temple University. Because of his long-standing interest in flying, in 1952 he was commissioned a Second Lieutenant in the United States Marine Corps and entered flight school. In 1964, he was deployed to Vietnam, where he flew 180 missions. He would return to Vietnam in 1968 as the commanding officer at Chu-Lai and flew another 130 combat missions. He will be honored by his fellow members of the Jesse W. Soby American Legion Post, 148 in his home County of Bucks, Pennsylvania, on Memorial Day, 2014—a ceremony he will attend in full uniform. It is with deep gratitude that we acknowledge the exemplary service of a courageous leader who has honorably served his

country and set an example for others to follow.

#### DC BLACK PRIDE

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2014

Ms. NORTON. Mr. Speaker, once again, I am proud to join DC Black Pride, as I have since its beginnings on Banneker Field. This Memorial Day weekend, May 23th–25th, marks the 24th annual DC Black Pride celebration in Washington, D.C.

DC Black Pride 2014 is a multi-day festival featuring: an opening reception; community town hall meetings; educational workshops; a poetry slam; a film festival; a church service; and performances by musicians, dancers, and other artists at the Cultural Arts/Health and Wellness Expo, the culminating event of DC Black Pride. DC Black Pride is widely considered to be one of the world's preeminent Black Pride celebrations, drawing more than 30,000 people to the nation's capital from across the United States as well as from Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands.

As the very first Black Pride festival, DC Black Pride fostered the beginning of the Center for Black Equity (formerly known as the International Federation of Black Prides, Inc. and the "Black Pride Movement," which now consists of 40 Black Prides on four continents.

Black Lesbian and Gay Pride Day, Inc., the celebration's organizing body, chose "I AM PRIDE" as the theme for this year's celebration. This theme reflects the connectedness of the Black Lesbian, Gay, Bisexual, and Transgender (LGBT) community and its commitment to fulfilling the mission of DC Black Pride, which is to increase awareness of and pride in the diversity of LGBT Blacks. Moreover, the theme expresses the resolve of the African-American LGBT community and its allies to come together to: fight for LGBT equality; celebrate its heritage and culture as members of both the Black and LGBT communities; and promote health and wellness for the community.

DC Black Pride is a project of the Center for Black Equity and is coordinated by Earl D. Fowlkes, Jr. and Kenya Anthony Hutton with assistance from Andrea Woody-Macko, Robert "Harold" Dinkins and dozens of volunteers.

I ask the House to join me in welcoming all attending the 24th annual DC Black Pride celebration in Washington, D.C., and I take this opportunity to remind the celebrants that United States citizens who reside in Washington, D.C. are taxed without full voting representation in Congress.

#### IN RECOGNITION OF KATHLEEN MCDERMOTT'S RETIREMENT

### HON. JAMES P. MCGOVERN

OF MASSACHUSETTS  
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2014

Mr. MCGOVERN. Mr. Speaker, I rise today to pay tribute to Kathleen J. McDermott, the

Executive Director of the Montachusett Opportunity Council, Inc. (MOC) a \$17 million anti-poverty community action agency serving North Central Massachusetts. After many many years of dedicated service, Kathy will be enjoying a well-earned retirement.

MOC does incredible work. Their mission is to alleviate poverty and create healthy communities by providing services, coordinating community resources that promote self-sufficiency and advocating for social change. Last year, MOC provided services in 30 communities and served over 20,000 individuals.

Prior to becoming Executive Director, Kathy was the agency's Director of Administration and Finance. During her tenure the agency has developed many new initiatives. MOC is known for addressing the changing needs of the community by planning strategically, using new approaches and collaborating with community partners to build a more vibrant community. Programs the agency administers include Asset Development, ChildCare and Head Start, Youth Services, Education, Training and Employment, Wellness and Nutrition Services, Energy Conservation, Housing, Elder Services, Homelessness Services and Neighborhood Development.

Kathy was instrumental in the establishment of the Community Health Connections Family Health Center, a federally funded health center with sites in Fitchburg, Leominster and Gardner and served as its first President of the Board of Directors.

When Kathy officially retires on August 1st, MOC will have big shoes to fill. I ask all of my colleagues to join me in congratulating Kathy on her retirement and wishing her the very best in the years ahead.

#### INTRODUCTION OF THE CERTIFY IT ACT

### HON. STEPHEN LEE FINCHER

OF TENNESSEE  
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2014

Mr. FINCHER. Mr. Speaker, I rise today to be a voice for the employees and owners of small businesses across the United States. The working class men and women who are struggling to make ends meet and who are on the front lines on the war against rising health care costs deserve to know the truth about Obamacare. The truth is Obamacare is hurting small businesses and their employees. Health care costs are rising and Obamacare is causing the problem rather than solving it.

To shed some light on increased health care costs and their impact on America's middle class, I am introducing the Certify It Act. This bill requires the Comptroller General of the United States to annually study, for five years, the impact the Patient Protection and Affordable Care Act (Obamacare) will have on small business jobs and health care insurance premiums.

This bill would also provide for a one-year delay of the employer mandate, the cornerstone of Obamacare, should the Comptroller General or the Office of Actuary at the Centers for Medicare and Medicaid Services (CMS), determine that Obamacare is causing

a net employment loss among small businesses or caused small group health care insurance premiums to rise. Comptroller General would be required to conduct this study every year and the employer mandate would be delayed for every negative finding. In addition, should the Comptroller General or CMS fail to submit a report as specified by this bill, the employer mandate will not apply for the following calendar year.

It is time for the Administration to be honest with the American people. It is time to protect our working class men and women who are going to feel the most negative impacts of Obamacare. The Certify It Act will prove once and for all that Obamacare causes job loss for small business and increases costs to small business health care. Mr. Speaker, it is time to protect the people and increase jobs.

#### IN RECOGNITION OF THE NICARAGUAN CULTURAL COMMITTEE "JOSE DE LA CRUZ MENA"

### HON. XAVIER BECERRA

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2014

Mr. BECERRA. Mr. Speaker, I rise today to recognize the Nicaraguan Cultural Committee "Jose de la Cruz Mena," and salute them for the wonderful cultural efforts they are producing for the residents of the City of Los Angeles.

Founded in 2010, the Nicaraguan Cultural Committee "Jose de la Cruz Mena" is a small but dedicated organization committed to raising awareness on the traditions and customs of Nicaraguans who reside in the City of Los Angeles.

Since music is fundamental to Nicaraguan culture and spirit, the committee opted to be named after Jose de la Cruz Mena, a pioneering artist who was the first to introduce classical music to Central America. Although he suffered from various illnesses that left him blind at the age of 22 and led to a premature death at the age of 33, de la Cruz Mena's special talent allowed him to participate in composing the Nicaraguan national anthem. The committee is honoring his legacy by sharing his story and music with Angelinos.

To increase appreciation for Nicaraguan music and culture, the committee successfully encouraged the City of Los Angeles and the State of California to officially recognize May 3rd as "Dia del Nicaraguense" (Nicaraguan Day). The Nicaraguan Cultural Committee celebrated this distinct recognition on May 4 by hosting the first Nicaraguan Folklore Festival in Pico Union where many Americans of Nicaraguan descent have lived since the 1980s. The festival highlighted special Nicaraguan traditions and featured artisan crafts from Nicaragua. To foster cultural exchange, the committee plans to host the Nicaraguan Folklore Festival annually.

I wish the Nicaraguan Cultural Committee "Jose de la Cruz Mena" continued success in its efforts to preserve and highlight Nicaraguan traditions!

IN MEMORY OF NEVIN WHITESIDE,  
JR.

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2014

Mr. WILSON of South Carolina. Mr. Speaker, this month Lexington County recognized the service of Nevin Whiteside, Jr., as a proud Navy veteran of the Korean War. The following obituary was provided by Caughman-Harmon funeral Home, Lexington Chapel.

Funeral services for Nevin "Neb" William Whiteside, Jr., 84, of Lexington, will be held at 2:00 p.m. Friday, May 2, 2014 at St. Peter's Lutheran Church, with interment in the church cemetery. The family will receive friends on Thursday, May 1, 2014 from 6:00 p.m. to 8:00 p.m. at Caughman-Harman Funeral Home, Lexington Chapel. In lieu of flowers, memorials may be made to St. Peter's Lutheran Church, 1130 St. Peter's Church Rd., Lexington, SC 29072. Mr. Whiteside was born November 28, 1929 in Leesville, SC and passed away on April 30, 2014. He was the son of the late Nevin William Whiteside and Bertie Eargle Whiteside. Mr. Whiteside served our country in the U.S. Navy during the Korean War. He retired from Kenan Transportation. He was a member of St. Peter's Lutheran Church, VFW and Lexington Masonic Lodge 152. He loved to ride his Harley-Davidson and enjoyed working in the yard and cleaning his car. Mr. Whiteside is survived by his wife, Barbara "Bobbie" Sox Whiteside, of Lexington; sons, Stan and Wayne Whiteside of Lexington; daughter, Kim (Tim) French of Lexington; grandchildren, Lauren, Andrew, and Brandon Whiteside, Ashley (Bower) Butler and Malia and Devin French; great-grandchildren, Reece and Paxton Butler; sister, Doris Goff of Saluda and man's best friend "Bandit", (Poppy's Lil' Buddy). He is predeceased by his parents and his brother Horace Whiteside.

HONORING THE LIFE OF A MINNESOTA LEGEND: CONGRESSMAN  
JAMES L. OBERSTAR

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2014

Ms. McCOLLUM. Mr. Speaker, on May 3, 2014, our former House colleague and dear friend, Chairman Jim Oberstar, passed away. Congressman Oberstar served Minnesota and the families of the 8th Congressional District from 1975 to 2011, including four years as chairman of the House Transportation and Infrastructure Committee. Prior to being elected, Jim served in the U.S. House for eleven years as a senior staff member on the Public Works Committee.

When I arrived in Congress in 2001, Jim Oberstar was the "dean" of our Minnesota congressional delegation. He was like a big brother to me. A brilliant legislator and a profoundly gifted man, Jim was also a very kind man, a true gentleman with a huge heart and a hearty laugh.

When I think of Jim and the ten years we served together, I remember a man who loved his family and made sure I always saw the latest photos of his grandchildren. He loved his work as a national leader and true expert on transportation and infrastructure issues. And, Jim Oberstar loved Minnesota and representing northern Minnesota's families in the House of Representatives.

Throughout his career Jim's commitment to improving America's transportation system saved thousands of lives, kept millions of Americans on the job, and strengthened Minnesota's and our nation's economy. During his tenure as chairman of the Transportation and Infrastructure Committee, Jim Oberstar was one of the most powerful men in America. He moved legislation and with his work on American Recovery and Reinvestment Act of 2009, Jim Oberstar ensured millions of Americans stayed on the job and thousands of infrastructure projects were completed across our country.

One transportation project in my congressional district that Jim Oberstar supported and helped to make a reality was the restoration of St. Paul's Union Depot. This marvelous train depot is now open for Amtrak service and will soon be open for transit commuters. Jim loved the grandeur of the train station and the idea of preserving the past as a means of investing in the future.

During his career Jim Oberstar took thousands of votes and was an eloquent and effective champion for dozens of causes, including adoption, cancer research, and human rights. There are two instances that I remember vividly when Jim's voice, his vote, and his strength made a lasting impact on Minnesotans. In 2002, during the debate on whether to authorize military action in Iraq, Jim was a strong voice against the war in Iraq. I was proud to stand with Jim and Rep. Martin Sabo as the members of the Minnesota House delegation voting to oppose authorizing military action in Iraq.

The other issue that defined Jim Oberstar for me was his tremendous work for Minnesota following the collapse of the I-35W Bridge in Minneapolis on August 1, 2007. As the chairman of the Transportation Committee, Jim was in the right place at the right time to respond to this terrible tragedy. He moved with incredible speed to draft legislation and get it passed on the House floor within forty-eight hours of the collapse. The bill was signed into law on August 6th—less than one week after the disaster. I have no doubt in my mind had that disaster happened in any other state Jim Oberstar would have reacted in exactly the same manner.

At his funeral, Jim's daughters and son spoke lovingly and eloquently about their father. Most of us knew Jim Oberstar was a powerful Member of Congress, but he was also a committed father and a very good man. He cared about working people, the pursuit of social justice, and his Catholic faith. He loved cycling and made his passion for bicycles into national policy that Americans in every corner of this country take advantage of everyday.

I wish to extend my sincere condolences to Jim's wife, Jean, and his children—Noelle Tower, Monica Weber, Annie Oberstar, and Ted Link-Oberstar, as well as all of Jim's grandchildren.

My heartfelt condolences also go out to Jim's congressional family which includes the many dedicated and loyal staff in his Minnesota and Washington congressional offices and his Transportation and Infrastructure Committee staff. The hard work and professionalism of Jim's staff was always evident and I know Jim was very proud of them.

Finally, Jim's long-time chief-of-staff, Bill Richard, spent decades by his side and was essential to Jim's success. I also want to extend my sympathies to Bill for the loss of his friend.

I will always remember Jim as a friend, a mentor, and a public servant of epic stature. Most of all, Jim Oberstar was a truly wonderful man who lived not only a full life, but a life filled with joy and compassion.

MEDIA IGNORES THAT THE ADMINISTRATION KNEW ABOUT VA PROBLEMS

### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2014

Mr. SMITH of Texas. Mr. Speaker, America's brave men and women in uniform come home from military service only to find severe wait times to receive the medical care they have earned.

Recent reports claim that Veteran Affairs officials in various states, including my home state of Texas, have falsified medical appointment data to conceal these long wait times.

This is dishonest, deceptive, and harmful to veterans.

But ignored for weeks by the liberal national media is that the Obama Administration has long known about these extensive wait times.

According to documents received by the Washington Times, the Bush Administration warned the Obama Administration about the prolonged wait times for our veterans in 2008—six years ago.

But you wouldn't know this if you watched NBC or ABC. Or read many media publications.

The media owes it to the American people, and to our veterans, to give them all the facts.

RECOGNITION OF MCAA HEAD START AND EARLY HEAD START

### HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2014

Mr. BUCHANAN. Mr. Speaker, I rise today to recognize Manatee Community Action Agency's (MCAA) Head Start and Early Head Start programs that change lives by helping to prepare children in my Congressional District for school.

MCAA's Head Start programs started in the summer of 1965 with 60 children. Today there are 630 children enrolled in eight locations throughout Manatee County, including 65 children with special needs. More than 3,000 children have participated in the programs since its inception.



The Head Start program serves children from age 3 to 5 and partners with parents and families to ensure continuity of positive growth and development at home and school.

Early Head Start serves children from birth to age 3, pregnant women and their families. MCAA provides very young children with an environment that stimulates them and motivates them to use all of their senses.

Furthermore, 100 percent of the children enrolled in MCAA's early learning programs during the 2012–2013 school year were provided with continuous access to healthcare, and were up to date on age-appropriate preventive and primary health care and immunizations.

MCAA's Head Start and Early Head Start students scored high marks in meeting school readiness and educational goals. On goal assessments, the students scored in the upper 90 percent range in the areas of physical health status and knowledge, gross motor skills, fine motor skills, self-concept, self-regulation, and emotional and behavioral health.

By focusing on the whole child—mental, physical, emotional and social well-being—MCAA's Head Start and Early Head Start programs prepare the children of Manatee County for a lifetime of educational success.

#### HONORING THE 2014 PLANO INDEPENDENT SCHOOL DISTRICTS' TEACHER OF THE YEAR NOMINEES

##### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to recognize Plano Independent School Districts' 2014 Teacher of the Year Nominees. These outstanding educators are motivating and engaging our children to become lifelong learners and equip them with the tools to succeed.

Education is one of the fundamental building blocks of a person's future and a successful nation. Our teachers deserve to be celebrated for their service to the next generation of leaders. I commend you all for your hard work, dedication to your students, and commitment to excellence in education.

These 72 individuals were nominated by their peers at their respective schools. This is a true testament to their inspirational impact on not only their students but their fellow teachers.

These great teachers mold young dreams; they spark a flame for a student to study liberal arts or pursue a career in science or even push an athlete to the next level. They are the guardian of dreams for the student who wants to be the first in their family to attend and graduate college, and it is their constant, gentle approach that keeps these young leaders on the path to success. It is your encouragement, time, and tireless efforts that help make a young person's dreams of obtaining a higher education, starting a business, or serving in the U.S. military a reality. It is extraordinary teachers like you that make our community, our country and the world a better place.

It is for these reasons and countless more that I thank you all for your continued efforts in giving our students an exemplary, top-notch education.

I look forward to learning of the future successes of the nationally recognized Plano Independent School Districts 7,000 employees, hundreds of teachers, and 55,000+ students.

God Bless you and I salute you.

A record of each nominee's name and school they serve is listed below.

Heather Schmitt—Beaty, Kristi Vest—Head Start, Bethany Bowers—Isaacs, Sarah Senne—Pearson, Karen Christensen—Alldridge, Mindy Schreiber—Andrews, Chrystal Litman—Barksdale, Penny Beazley—Barron, Connie Gillmore—Bethany, Nora Davis—Bevely, Ashley Dantzler—Bogges, Amy Chilcutt—Brinker, Laura Teague—Carlisle, Jennifer Collins—Centennial, Meagan Middlebrooks—Christie, Joanne Curley—Daffron, Erin Graham—Davis, Lauren Shaw—Dooley, Andrew Wick—Forman, Emily Hollingsworth—Gulledge, Lode Lyon—Haggard, Linda Culbreth—Harrington, Cyndy Baltzley—Haun, Tiffany Samuel—Hedgcoxe, Michele Rollins—Hickey, Patrick Quinlan—Hightower, Donna Hartman—Huffman, Lori Turnbull—Hughston, Kelly Hamilton—Hunt, Shelly Arthur—Jackson, Kristin Glasscock—Mathews, Julie Walker—McCall, Leigh Adams—Meadows, Kaitlin Eckstein—Memorial, Debbie LaChey—Mendenhall, Lacy Watson—Miller, Laura Arellano—Mitchell, Rebecca Bailey—Rasor, Christi Burkle—Saigling, Jessica Sides—Schell, Jana Martin—Shepard, Kari Tolle—Sigler, Megan Bruce—Skaggs, Whitney Pitzer—Stinson, Casey Howell—Thomas, Debbie Little—Weatherford, Stacy Lawrence—Wells, Kim Ramirez—Wyatt, Ashley Brown—Bird Center, Kathleen Farquhar—Armstrong, Mark Caspersen—Bowman, Kathleen Zeier—Carpenter, Anna Vines—Frankford, Eric Feldman—Haggard, Karen Home—Hendrick, Nick Seibert—Murphy, Bonny Pan-Otto, Neelima Singh—Renner, Cindy Woolum—Rice, Kimberley Ahrens—Robinson, Azam Anet—Schimelpfenig, Kennitra Robertson—Wilson, Karen Stanton—Clark, David Jones—Jasper, Sarah Fischer—McMillen, Joshua Thompson—Shepton, Fred Sampson—Vines, Christine Miller—Williams, Megan Walters—Academy, Daniel Knight—Plano East, Terry Eder—Plano Senior, Barbara Nelson—Plano West.

#### HONORING CHELAN COUNTY SHERIFF'S DEPUTIES ADAM MUSGROVE AND RYAN MOODY

##### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. REICHERT. Mr. Speaker, today I rise to honor Chelan County Sheriffs Deputies Adam Musgrove and Ryan Moody. Deputies Musgrove and Moody were awarded the highest law enforcement honor in Washington State, the Law Enforcement Medal of Honor for meritorious conduct.

Like the other officers who received medals of honor that day, Deputies Musgrove and Moody are accustomed to running toward danger instead of away. In this instance, their heroic actions not only put themselves at risk but

resulted in a saved life when they rescued a man from burning building in September 2013. I am honored to call them both my constituents and to serve on their behalf in Congress.

The award was presented on Friday May 2, 2014 by Governor Jay Inslee and Washington Attorney General Bob Ferguson. They were two of only eleven to receive this prestigious honor.

Mr. Speaker, I salute Chelan County Sheriffs Deputies Adam Musgrove and Ryan Moody, and I thank them for all they have given back to the people of Washington State. Thank you.

#### OUR UNCONSCIONABLE NATIONAL DEBT

##### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$17,485,062,209,497.43. We've added \$6,858,185,160,583.35 to our debt in 5 years. This is over \$6.9 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### RECOGNIZING ARMED FORCES DAY

##### HON. JERRY MCNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. MCNERNEY. Mr. Speaker, I ask my colleagues to join me in recognizing Armed Forces Day, which took place on May 17th. We have set this day aside to recognize the men and women of our armed forces since Armed Forces Day was established by President Harry Truman in 1949.

All Americans should take time to honor the sacrifices of our people in uniform serving in the Army, Navy, Marine Corps, Air Force, and Coast Guard around the world. They put their lives at risk to protect us, to rescue us, and to assure our freedom and that of our allies.

Our service members endure harsh and often life-threatening conditions, long hours, and extended periods away from their families for the best reason of all—because their country asked them to. I urge Americans to thank members of the armed forces for their service when they see them in the community, to help their families when they are deployed, and to hire them when they leave the service and are coming back into our communities as veterans.

CONGRATULATING THE TELACU  
EDUCATION FOUNDATION ON  
THEIR 31ST ANNUAL BUILDING  
THE DREAM GALA

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to congratulate the TELACU Education Foundation, a non-profit organization based in my 40th Congressional District. The Foundation has been transforming educational outcomes for thousands of Latino students over more than three decades.

TELACU, The East Los Angeles Community Union, is a pioneer in empowering and revitalizing communities in our great State of California and throughout our Nation. More than 30 years ago, in response to crisis-level dropout rates for Latino students in college, TELACU created the TELACU Education Foundation. Working in partnership with a vast network of colleges, universities, corporations, and individuals, the TELACU Education Foundation has awarded millions of dollars in scholarships to thousands of deserving students.

As the centerpiece of the Foundation, the College Success Program annually provides scholarships to 500 college and graduate students who are the first in their families to access higher education. Realizing that financial resources alone cannot fully meet these students' needs, the program provides these scholars with comprehensive academic and career guidance to ensure that they graduate.

The Foundation also serves an additional 1,600 middle and high school students, nursing school students, and veterans. Through comprehensive educational programs, these scholars are not only inspired to pursue higher education, but are also equipped to meet the rigorous expectations of college. As a result, 99% of TELACU's high school students have earned their high school diplomas and continued on to pursue post-secondary education, and 99% of TELACU college students have earned, at minimum, a bachelor's degree.

TELACU Scholars are recruited from the poorest neighborhoods in Southern California, Chicago, Texas, and New York. In many of these neighborhoods, young African Americans and Latinos are more likely to be arrested by their 18th birthday than to graduate high school. Yet year after year, TELACU Scholars have proven that it doesn't matter where you were born, what the color of your skin is, or what language you speak at home—if you study and work hard, you can become anything you want to be in our great United States of America.

And hard work is what TELACU Scholars are all about. Scholars like Priscila Papias leverage all the resources provided by the TELACU Education Foundation to advance not only themselves and their educations, but their communities as well. As part of the Foundation's internship program, Priscila partnered with local universities, food banks, and farmer's markets to help provide regular nutritional screenings and high-quality nutritional care for residents of TELACU's senior housing com-

plexes. I thank Priscila Papias and all of her fellow TELACU Scholars for their hard work and contributions to our communities.

Mr. Speaker, in recognition of the thousands of students they have served, empowered, and advanced to achieve self-sufficiency, I ask my colleagues to please join me in recognizing David and Priscila Lizárraga for their exemplary leadership and commendable efforts to support our young people and our communities, and wish them and the TELACU Education Foundation many years of continued success ahead.

TRIBUTE TO MRS. ALBIVORY  
"BIB" HESTER CORLEY 100  
YEARS YOUNG ON MAY 23RD, 2014

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, it is my pleasure to pay tribute on the floor of the U.S. House of Representatives to Mrs. Albivory Hester Corley, who is known as Bib to many and will be 100 years of age on May 23rd. Bib was born in Mississippi at a time when situations and circumstances were quite different in this country. Armed with a great desire to acquire higher education, she left the family farm and attended Jackson College, (currently known as Jackson State University) and Tennessee State University in Nashville, Tennessee. After college she returned to her roots in Mississippi and taught at the Pilgrim Rest School. After teaching for a number of years, Bib decided that it was time to pursue greater opportunities and moved to Chicago, like many other African Americans who were born in Mississippi. In 1952, she began working at the Cook County Probate Court and eventually became the first African American to become Probate Clerk, and worked for the Probate Court for thirty-seven years during the tenure of nine governors and six mayors. Chicago brought Bib not only success in her career, but also success in finding her soul-mate. It was in Chicago that Bib met her husband Jimmy Corley, whom she married in 1956.

Bib and Jimmy shared a strong faith in God and joined the outstanding Grant Memorial AME Church where they were both active members until Jimmy's passing in 1982. Bib remains active in the church and considers herself truly blessed for all the years of life that God has given her.

Even in retirement, Mrs. Corley is not slowing down. She remains very active, traveling all over the world sharing her story and inspiring others. As a Member of the US House of Representatives, I take delight in recognizing a truly remarkable woman and thank her for all the contributions she has made to humankind.

HONORING MIKE MONTGOMERY ON  
HIS RETIREMENT AS ELEMEN-  
TARY SCHOOL PRINCIPAL IN  
KNOXVILLE, IOWA

**HON. BRUCE L. BRALEY**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to congratulate my good friend Mike Montgomery on his retirement as an elementary school principal for the Knoxville Community School District. Mike was my best friend growing up in Brooklyn and has dedicated his life to the education of Iowa children.

Mike earned his master's degree in school administration from Drake University and his bachelor's degree in elementary education from Central College. For 26 years Mike has served as a principal in the Knoxville Community School District. At Knoxville, he has implemented many successful education programs including all day every day kindergarten, 4 year old voluntary pre-school, and a system of support and professional learning communities for teachers and students.

Mike has been a strong leader and mentor for the students and faculty in Knoxville. He interacts with students on a daily basis eating lunch with them and playing sports with them. Mike has also successfully built strong relationships with his staff and has personally hired many of the elementary school teachers in Knoxville. He has twice been nominated for Knoxville Community Educator of the Year. He has been a strong leader and champion for education throughout his career and has devoted his life to improving the lives of children.

"Mr. Montgomery" has been a powerful positive role model in the lives of thousands of Iowa students, including my own nieces. His energy and enthusiasm inspire us to put students first and make education a lifelong experience. I'm very proud of Mike, and honored to call him my friend. I congratulate him on his retirement and I wish him, his wife Mary, and the rest of his family all of the best as he moves on to his next adventure.

RECOGNIZING THE LOS BANOS  
BASQUE CLUB

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. COSTA. Mr. Speaker, I rise today to honor the Los Banos Basque Club for their 50th anniversary. From putting on the annual picnic to volunteering with the dance group and participating in various other club events, the Los Banos Basque Club's 50 years of proud history can be directly attributed to the tireless participation of all of its members.

The Basques lived in the Los Banos area before California joined the United States in 1848. Many of the early Basques in this area were shepherders, while others worked as ranchers, miners, and laborers. Throughout the late 1800's and early 1900's, they organized and formed a vibrant and cohesive community. Many Basques are of Catholic heritage, and Basques in the Los Banos area often

gathered to celebrate Baptisms, First Holy Communion, and weddings in large gatherings.

The most common celebration to bring together the Basque people of the Los Banos area was a picnic, which the Basques began holding in 1886. The early picnics were an occasion to reunite old friends and families and to celebrate Basque culture. In order to better organize the Basques in the Los Banos area and to organize and coordinate an annual picnic, a group of Basques formed the Los Banos Basque Club. The Club also helped preserve the Basque culture and heritage in Central California.

At the first meeting, the Club voted to hold an annual picnic on the third Sunday of every May, and the first annual Los Banos Basque Picnic was held that same year. Additionally, the Club began a dance group, where adults would come together to teach the children Basque customs and traditions, including the traditional Basque dances.

This year marks the 50th year of the Los Banos Basque Club's existence and is similarly the 50th annual picnic of the Club. For the past 50 years, the annual picnic has maintained the same schedule of events, including a Catholic Mass, a BBQ Lamb Chop lunch, Basque dancing demonstrations, traditional competitions like wood chopping, weight carrying, or soka tira, music, public dancing, and a chorizo BBQ.

Mr. Speaker, I ask my colleagues to join me in recognizing the Los Banos Basque Club for their 50 successful years. With their strong ties to their roots, their desire to preserve Basque traditions, and their pride of being called a Basque, the Los Banos Basque Club hopes to carry on its traditional picnics far into the future.

CONGRESSIONAL RECOGNITION  
FOR UNITED STATES ARMY COM-  
MAND SERGEANT MAJOR MAR-  
TIN R. BARRERAS

**HON. RON BARBER**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. BARBER. Mr. Speaker, I rise today to honor United States Army Command Sergeant Major Martin R. Barreras, who died on May 12, 2014 from wounds he suffered on May 6 when enemy forces attacked his unit with small arms fire in Harat Province, Afghanistan. He leaves behind his mother, father, brother, two children, a grandson, and numerous friends.

Born in New Mexico, Command Sergeant Major Barreras spent most of his childhood in Tucson, Arizona. He attended Sunnyside High School before joining the military. In his last assignment of his long military career, he was assigned as the highest-ranking enlisted member of the 2nd Battalion, 5th Infantry Regiment, 3rd Brigade Combat Team based in Fort Bliss, Texas.

Command Sergeant Major Barreras was on his sixth deployment to Afghanistan, after serving 29 honorable years defending our country in both the Army and Marine Corps.

Command Sergeant Major Barreras was a great soldier. Over his career he earned fifty awards and distinctions including a Bronze Star with valor and two Purple Hearts. However, his illustrious career depicted through his medals will not be the only thing to highlight his service to our country. The men and women he lead and fought with will always remember his selflessness and war fighting spirit that will undoubtedly be passed on for generations to come.

As an Army Ranger he helped rescue former Prisoner of War Jessica Lynch from an Iraqi hospital in 2003. Command Sergeant Major Barreras was the leader of the Army battalion that conducted the successful rescue of Lynch. He personally handed Lynch to another soldier to transfer her to the helicopter that evacuated her from the area. Without any hesitation, he then led the fight against multiple attacks in order to retrieve all 9 bodies of the other U.S. soldiers missing in action.

We remember Command Sergeant Major Barreras and offer our deepest condolences and sincerest prayers to his family. I am heart-sick for their loss and my words cannot offer adequate consolation.

Everyone in our great country owes Command Sergeant Major Barreras and his family a debt of gratitude for his selfless sacrifice and courage. It is vital that we keep our men and women in uniform who are in harm's way in our thoughts and prayers. I call on my fellow colleagues and all Americans to remember, on this Memorial Day weekend, Command Sergeant Major Barreras and his fellow fallen comrades—those who have paid the ultimate price.

USA FREEDOM ACT

**HON. SUSAN K. DELBENE**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Ms. DELBENE. Mr. Speaker, as an original cosponsor of the USA Freedom Act, I am disappointed that I cannot support this bill as it is considered on the floor today.

Like many Americans, I was shocked to learn about the National Security Agency's domestic spying program that was sweeping up the private communications records of millions of innocent Americans. It goes against American values and our Constitution. That's why two weeks ago I was pleased to join my colleagues on the Judiciary Committee in unanimously supporting the USA Freedom Act as it passed out of the committee.

I believed that the compromise, while far from perfect, would help rebuild the public trust in government by ending bulk collection, assuring that government surveillance authorities are rule-bound, narrowly tailored, transparent and subject to oversight, all while ensuring that the nation's intelligence community can protect national security.

Unfortunately, since then, negotiations with the Administration have resulted in this bill moving in the wrong direction. While I believe that the intent of this bill is to end bulk collection and I am glad that there is widespread agreement that Congress must act to end bulk

collection, I am not convinced the bill effectively achieves this. The weakened definition of "specific selection term" must be addressed as this bill moves forward in order to provide absolute certainty that the legislative language achieves this intent, and that the bill's ban on bulk collection is air-tight. Today's bill simply fall short of what is needed to provide a clear guarantee to the public that the massive data collection by the NSA will be put to a full stop.

I appreciate the efforts of the Committees and Leadership to support greater transparency in the bill. The transparency reporting amendment that I offered in the Judiciary Committee that is included in the bill will allow companies to disclose information regarding the number and nature of government demands for user information. However, the new manager's amendment that we are considering on the House floor today has weakened this provision by, for example, adding a two-year delay that prohibits companies from issuing transparency reports for new products or services. I offered several amendments to the Rules Committee to address my concerns with the weakened language in the manager's amendment, but none of these amendments were given an opportunity for debate or a vote on the House floor.

I thank the Committees and the Leadership for their work to move this important conversation forward, but I simply cannot support the bill in its current form.

HONORING THE LIFE AND DEDICATED SERVICE OF COMMANDER ROBERT JAMES FLYNN, USN RETIRED

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. MILLER of Florida. Mr. Speaker, on May 15, 2014, Northwest Florida and our Nation lost a warrior—Commander Robert James Flynn, United States Navy, Retired. Commander Flynn honorably served our country as a member of the Armed Forces for twenty-seven years, and I am humbled to rise and pay tribute to his life and his unwavering devotion to God and country.

Hailing from La Crosse, Wisconsin, Commander Flynn studied pre-law at the University of Minnesota until 1958 when he entered the Naval Aviation Cadet Program. Within two years, he became a Naval Flight Officer and then trained as a bombardier/navigator. On August 21, 1967, his life took a tragic turn when his A-6 aircraft, which launched from the USS *Constellation*, was shot down over North Vietnam. Commander Flynn spent the next five and a half years of his life in a Chinese prison. According to the POW Network, his unimaginable 2,030 days in solitary confinement makes it the longest amount of time a member of the U.S. Armed Forces served in solitary confinement. Commander Flynn was released on March 15, 1973.

Commander Flynn was proud to say that his captors called him "one of the most reactionary prisoners in their history." His relentless strength and courage were hallmarks of

both his life and career, and it was his strong faith in God, his love for his family, and his commitment to duty, honor, and country that even in the darkest of times he held on and survived. His final assignment as Director of Aviation Warfare Training with Chief of Naval Education and Training at Naval Air Station Pensacola brought Commander Flynn back home to his beloved Northwest Florida. In 1985, he retired from the Navy after 71 missions. Throughout his distinguished Naval Career, Commander Flynn earned and was bestowed multiple honors including the Legion of Merit, Distinguished Flying Cross, Bronze Star, and Prisoner of War Medal.

Mr. Speaker, on behalf of the United States Congress, it gives me great pride to honor the life and service of an American hero and decorated warrior. Our Nation, the Northwest Florida community, and countless others will miss Commander Flynn's unwavering perseverance and optimism, but his legacy will endure for years to come. My wife Vicki joins me in extending our most sincere condolences to his wife, Kathy; their two children, Elizabeth and Robert; and the entire Flynn family.

#### TRIBUTE TO CARRYE B. BROWN

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Ms. NORTON. Mr. Speaker, I rise today to pay tribute to a true trail blazer, Carrye B. Brown, on the 20th anniversary of her appointment as our nation's first female and first African American U.S. Fire Administrator. A D.C. resident most of her life, Mrs. Brown used her skills and personality to work with Federal agencies, Congress and the fire service community to achieve the goal of a safer America.

As a congressional staffer in 1982, Mrs. Brown successfully coordinated the effort to continue the U.S. Fire Administration after its recommended elimination. Also, Mrs. Brown was instrumental in the passage of many important pieces of legislation, including the Federal Fire Prevention and Control Act, the Hotel and Motel Fire Safety Act of 1990, and the Fire Administration Authorization Act of 1992, which led to the establishment of the "National Fallen Firefighters Foundation".

President William J. Clinton and a parade of witnesses testified on her behalf 20 years ago at her nomination hearing. I was proud to testify at her hearing myself to assist her in making history as the first female African American U.S. fire administrator. As U.S. Fire Administrator, her management innovations included the development of the first complete and transparent budget accountability system, and the establishment of a fair and equitable pay and promotion policy. With her extensive background as a congressional staffer, she developed strong justifications for the largest budget increase in the 25-year history of the agency. Under her strong leadership, the agency implemented the first fire safety program targeting groups at the highest risk of fire.

Mrs. Brown has traveled widely to speak on women becoming successful in government,

women as leaders and managers in non-traditional positions, and the joys and perils of a political appointee. After retiring from the Federal government, she worked for over a decade as a teacher and tutor for students with learning differences in Washington, D.C. Her husband Larry and herself, have three children and one grandson. Our nation is better because of Mrs. Brown.

Mr. Speaker, I ask the House of Representatives to join me in thanking Mrs. Carrye B. Brown for her dedicated public service and her many accomplishments.

#### PERSONAL EXPLANATION

#### HON. TIM HUELSKAMP

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. HUELSKAMP. Mr. Speaker, due to a family obligation, I was unable to vote in the House on Wednesday, May 21st, therefore I am not recorded as voting. Had I been present, I would have voted as follows: rollcall No. 223, I would have voted "nay"; rollcall No. 224, I would have voted "nay"; rollcall No. 225, I would have voted "no"; rollcall No. 226, I would have voted "no"; rollcall No. 227, I would have voted "aye"; rollcall No. 228, I would have voted "yea"; rollcall No. 229, I would have voted "yea" on H.R. 4031, the Department of Veterans Affairs Management Accountability Act of 2014, of which I was an original co-sponsor.

#### TRIBUTE TO HARVEY DOUMA

#### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. DENHAM. Mr. Speaker, I rise today to recognize and honor Harvey Douma, who has devoted his life to Ripon, California and is being honored with the Harvey Douma Lifetime Achievement Award from the Ripon Rotary Club. The club created this award to recognize and honor a Rotary member who has made immeasurable contributions to the club and named it after a charter member. Harvey will be the first recipient.

In 1918, Harvey Douma arrived in Ripon when he was only a year and a half of age. The family made the trip from Northern Michigan in their seven passenger car. The clutch went out on the trip and they took the train for the remainder of their journey. They arrived in Lathrop on November 17, where they waited, for eight hours, to transfer to another train that would take them to the Ripon, California.

When he came of age, Harvey enlisted in the Merchant Marines. He attended basic training on Catalina Island during World War II. His first duty station assignment was to a troop transport on a ship that was in dry dock at San Pedro, California.

After completing his service to his country, he returned to Ripon. He joined the Ripon Police Department, where he was a member for 31 years. Harvey served as Chief of Police

from October 1, 1963 to May 26, 1982, which is the longest tenure of any police chief in Ripon history.

In 1968, at the 6th Annual Ripon Almond Blossom Festival, the Ripon Chamber of Commerce dedicated the festival to salute local law enforcement with emphasis to be placed on "Operation Crime Stop". They named Harvey as the Grand Marshal of the parade. He also had the honor of serving as Grand Marshal of Ripon High School's Centennial Parade & Celebration. As a 1935 Ripon High School graduate, he is the oldest living alumnus.

As one that gives back to his community, he is a member of several community organizations. As a charter member of the Ripon Rotary Club, he has earned 2 Paul Harris Awards. In addition, he is a charter member of Ripon's Historical Society, life member of the Chamber of Commerce and served as President in 1970; he has been a member of the Safety Council for over 55 years. When he is not volunteering his time, he enjoys fishing, hunting and travel.

In 1939, Harvey married Etta Mae Ramsey. They were married for 58 years until her death in 1997. Their union produced three children; Linda Perrando, Donna Vincelet Brundy, and Donald Douma. They have 6 grandchildren: Diane Wong, Greg & Roger Vincelet; Mike & Mark Perrando; Stacey Cordoba & Dorine Hatcher and 7 great-grandchildren: Lyndsey & Kyle Wong; Megan Vincelet Van Ruiten & Cody Vincelet; Jordyn & Jayse Vincelet; Julia Hatcher, Deceased.

Mr. Speaker, please join me in celebrating with the Ripon Rotary Club in honoring Harvey Douma with the Harvey Douma Lifetime Achievement Award. He is a man who dedicated numerous years of selfless service to the betterment of our community.

#### HONORING SERGEANT KYLE WHITE

#### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. REICHERT. Mr. Speaker, today I rise to honor Sergeant Kyle White. Sgt. White was awarded the highest honor in the military, the Medal of Honor for meritorious conduct, by President Barack Obama on May 13, 2014.

Like his fellow soldiers, he is accustomed to running toward danger instead of away, but Sgt. White's courage is above and beyond the ordinary. He repeatedly ran the gauntlet of enemy fire to get to wounded and fallen soldiers, regardless of his personal safety. In an ambush in November of 2007 Sgt. White, who was barely 20 years old, stayed with a wounded and fallen soldier for the duration, calling in reports and directing others so that the wounded and dead could be safely evacuated. It is my privilege and greatest honor to represent our Veterans in Congress and I applaud the decision to award him with this medal. It is well deserved.

Mr. Speaker, I salute Sgt. Kyle White, and I thank him for the many sacrifices he has made in service to our nation.

## RECOGNIZING MR. ROBERT ISHAM

**HON. DINA TITUS**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Ms. TITUS. Mr. Speaker, I rise today to honor a constituent from Nevada's First Congressional District, Robert Isham. A young Mr. Isham enlisted in the United States Navy on November 4, 1942, in Seattle, Washington. He then attended Basic Training in San Diego, California. Following his graduation from the Naval Air Technical Training Center in Norman, Oklahoma, where he was trained to be an Aviation Machinist Mate, he was transferred to the Virginia Naval Air Station in Norfolk, Virginia.

On September 17, 1943, Mr. Isham was seriously injured in an explosion and fire at the Virginia Naval Air Station when a 300 pound depth charge exploded, setting off a chain reaction of 23 more charges. Thirty-three aircraft and at least 15 buildings across the base were destroyed. Many were killed and a number of individuals, including Mr. Isham, were badly hurt.

Following a three month stay at Norfolk Naval Hospital in Portsmouth, Virginia, Mr. Isham bravely returned to duty and was transferred to Quonset Point Naval Air Station in Rhode Island, where he taught courses on aircraft structures. Following a year in Rhode Island, Mr. Isham was transferred to Corvallis, Oregon, and became a Plane Captain on a F4U Corsair fighter aircraft.

Mr. Isham was discharged from the United States Navy on December 10, 1945. He was only rated as 10% disabled as a result of shrapnel wounds sustained during the tragic explosion in Norfolk, Virginia. He was awarded the Good Conduct Medal, the American Area Campaign Medal, and the World War II Victory Medal.

Recently, my office in Las Vegas worked with Robert and the Department of Veterans Affairs to increase his disability rating to 100%, ensuring he receives the benefits he deserved.

Mr. Speaker, as we approach Memorial Day, we will take time to remember many members of the Greatest Generation who have passed away. Today, I ask the House to pause for a moment of gratitude in honor of my constituent, Mr. Robert "Bob" Isham, a member of the Greatest Generation and a decorated American hero.

## 90TH ANNIVERSARY OF U.S. FOREIGN AND AMERICAN FOREIGN SERVICE ASSOCIATION

**HON. KAY GRANGER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Ms. GRANGER. Mr. Speaker, I rise today to recognize the 90th Anniversary of the U.S. Foreign Service and the American Foreign Service Association. Created by the Foreign Services Act of 1924, the Foreign Service brought together the U.S. State Department's

Diplomatic Service and Consular Service to be the face, heart and soul of America abroad. Through a World War and various hot and cold wars across the globe since, the men and women of the Foreign Service have played vital roles in representing the United States of America, serving U.S. citizens, and securing U.S. interest near and far.

Much has changed since the initial formation of the Foreign Service following World War I. But a few things have remained the same over these ninety years. Among them are the professionalism and dedication of those who often leave the creature comforts we have come to enjoy on our hallowed shores to serve in remote and distant places often with little recognition or notoriety for a cause far greater than themselves. I rise today to recognize them not only for the crises they led U.S. through, but also for the many crises they allowed our country to avert through their diligence, intellect, intuition, compassion and steely resolve to be champions for peace, democracy and basic humanity. I rise to recognize them for the service, care and comfort they provide to our citizens while abroad reminding them that the supporting hand of American is never far away.

Our world has become more globally networked and intertwined since the early days of "hand shake, face-to-face" diplomacy. Revolution can start in days now not months. Economic interests often go crosswise with security, social, or political interests. Adversaries on some issues are often allies on others and we look to the members of the Foreign Service to navigate and represent the nuances of American foreign policy. Yet time after time, year after year, crisis after crisis, issue after issue they have always owned up to the challenge and America and the world are the better for it.

Not only do we celebrate today the 90th Anniversary of the Foreign Service but also the 90th Anniversary of the American Foreign Services Association (AFSA) which was formed as the professional association of the modern Foreign Service and later became the official representative and advocate for our Foreign Service professionals. Initially formed with the Foreign Service in mind, the Association has expanded to represent not only Foreign Service retired and active employees of the Department of State and USAID but also the distinguished Foreign Agricultural Service and Foreign Commercial Service employees, Broadcasting Board of Governors and Foreign Service employees at the Animal and Plant Health Inspection Service. We stand today to celebrate this wonderful organization that has for ninety years served those who serve us.

Through the years AFSA has been stellar in fulfilling its mission of promoting a strong, effective professional career Foreign Service as the institutional backbone of American diplomacy, enhancing the effectiveness of the Foreign Service, protecting the professional interests and rights of its members, ensuring the maintenance of high professional standards for all American diplomats, career or political appointees, and promoting understanding of the critical role of diplomacy and development in promoting America's national security and economic prosperity. AFSA has been and continues to be an effective voice and strong ad-

vocate for the Foreign Service with its members' management, the Congress and the American public.

Finally, Mr. Speaker we can take comfort in this year of celebrating the Foreign Service's 90th Anniversary that whether it is a crisis in Ukraine, a civil war in Syria, conflict and suffering in Africa, trade in North America or peace in the Middle East for example, our Foreign Service is there in fact and in spirit reflecting the best of who we are as a country and for that we say "Thank You" and congratulations on your 90th Anniversary.

## CELEBRATING LOU WEINTRAUB

**HON. AMI BERA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. BERA of California. Mr. Speaker, I rise today to recognize Lou Weintraub. The oldest veteran in the Sacramento Jewish Community, Lou turned 100 earlier this year and will be honored at the Jewish Memorial Day Commemoration this weekend for his years of commitment to the Sacramento County community.

Born to Polish immigrant parents in New York in 1914, Lou and his two siblings were children of the Depression. He attended City College of New York, and later the University of Pennsylvania. Soon after, he served as a clinical psychologist in the military for four years during World War II.

A longtime executive with San Francisco's Jewish Community Federation before he retired, Lou has worked with and served on the board of many commissions and nonprofits in the Sacramento region, where he moved in 1989 after meeting his wife.

He continues to be very active, delivering food to the home-bound for Meals-A-La-Car and on the boards of both the Community Services Planning Council and the Friends of the Sacramento Public Library. He is currently the Vice-Chair of the Emergency Food and Shelter Board.

Lou is also an active congregant of Mosaic Law Congregation, attending its Daily Minyan and Shabbat and holiday services. He is known to regularly hold court after the services where at lunch in the social hall he is surrounded by people of all ages taking in his wisdom.

Lou's wife Roslyn summed him up best when she told the Sacramento Bee earlier this year, "What I see about Lou is that he cares more about other people than himself. He's always caring about somebody else."

Thank you, Lou, for caring, and for your continued dedication to the Sacramento area community.

## SUPPORTING THE NAVY EA-18G "GROWLER"

**HON. JASON T. SMITH**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. SMITH of Missouri. Mr. Speaker, I would like to commend the House Armed

Services Committee (HASC) and its Chairman, BUCK MCKEON, on passage of the National Defense Authorization Act FY15 today that includes funding for additional Navy EA-18G "Growler" aircraft as well as language to stretch the EA-18G and FA-18 E/F lines in St. Louis, Missouri.

I recently visited the F-18 line in St. Louis, Missouri near my district. Like many Members I have an F-18 supplier in my district. Without additional funding, this line will shut down and we as a nation will lose a national asset including thousands of dedicated and talented workers who make up this defense industrial base.

But the EA-18G is about more than just jobs—it is about supporting our warfighter. The U.S. Navy has clearly stated before Congress this year that it has a requirement for additional EA-18G airborne electronic attack aircraft that are vital to current and future operations—both for the Navy and other services. I look forward to working with my colleagues in the coming weeks, especially on the House Appropriations Subcommittee on Defense, to help address this clear Navy and joint war fighting requirement. The warfighter needs the EA-18G and we in Congress need to continue to support our warfighters.

#### SUPPORTING CONTINUED PRODUCTION OF THE EA-18G "GROWLER"

### HON. WILLIAM L. ENYART

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2014

Mr. ENYART. Mr. Speaker, I would like to commend the House Armed Services Committee (HASC) and its Chairman, BUCK MCKEON, and Ranking Member SMITH, on passage of the FY15 Defense Authorization Bill (H.R. 4435) today that includes funding for additional Navy EA-18G "Growler" aircraft as well as language to continue the EA-18G and F/A-18 E/F lines in St. Louis, Missouri.

During this year's deliberations of the President's budget request, the committee received a request from the Navy for an unfunded requirement for 22 additional airborne electronic attack (AEA) aircraft—the EA-18G Growler. The Chief of Naval Operations (CNO) Admiral Greenert outlined the growing need to control the electromagnetic spectrum to support the warfighter. The CNO indicated to the Committee that the current level of AEA aircraft in the Navy inventory was just meeting the operational needs in today's world. However, based on increasing demands and a projected difficult operational environments in the future, the Navy requested 22 additional EA-18G Growlers. It is this Growler that can meet these expanding and stressing AEA operational requirements.

I have a number of constituents that commute to work on the production line in St. Louis, and like many members have F/A-18 suppliers in my district. Without additional funding for EA-18G aircraft, this important production line will shut down and we as a nation will lose a national asset—including thousands of dedicated and talented workers who make up this defense industrial base.

But the EA-18G is about more than jobs—it is about supporting our warfighter. The Navy has clearly made its case before Congress that it has a growing operational requirement for additional EA-18G aircraft that are vital to current and future operations—both for the Navy and other services.

I look forward to working with my colleagues in the coming weeks, especially on the House Appropriations Subcommittee on Defense, to help address this clear Navy requirement. We need to support our warfighter needs and the EA-18G Growler is key to operating and prevailing in the important airborne electronic attack environment.

#### PLANT OF THE YEAR IN NORTH AMERICA

### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2014

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate TRW Automotive's Fowlerville, Michigan facility on earning Quality magazine's "Plant of the Year in North America" award for quality, safety and continuous improvement. Employing more than 200 people, the Fowlerville plant manufactures slip control braking systems. The plant, like all of TRW's, can be recognized for its use of a visual management system that uses a color coded process to track production for safety and quality.

TRW had sales of \$17 billion last year, and supplies dozens of major car manufacturers with safety and component parts. It has more than 65,000 employees globally. The Fowlerville plant, together with its neighboring plant in Fenton, contributed roughly \$360 million in annual sales in 2012. The two plants share a management team, as well as best practices.

With dedicated effort to quality, Michigan manufacturers continue to prove "Made in U.S.A." is not a thing of the past. I am proud of TRW's Fowlerville plant and I am proud of Michigan's manufacturing tradition.

#### RECOGNIZING THE SUSAN G. KOMEN TWIN TIERS REGION "RACE FOR THE CURE"

### HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2014

Mr. REED. Mr. Speaker, I rise today to recognize the Susan G. Komen Twin Tiers Region "Race for the Cure" on another successful event this year. This event, which was held for the 16th consecutive year, took place on Sunday, May 18, 2014 in Elmira, New York.

This race is a bold statement of unity among the survivors of breast cancer, the friends and families who support the ongoing search for a cure, and those who are currently fighting this disease. The annual event has raised over \$1 million for projects focusing on cancer research, prevention, and treatment.

Seventy-five percent of this money has remained in the Southern Tier, directly benefiting thousands of my constituents.

Breast cancer affects millions of individuals in the United States each year, including countless friends, family members, and neighbors in my congressional district. For far too long, this disease has taken away our loved ones; an estimated 40,000 people will die from breast cancer this year. As a nation, we must continue to support every victim of breast cancer and show steadfast resolve in our efforts to find a cure for this disease.

Thanks to the hard work of Komen Twin Tiers Region staff and over 200 volunteers, more than 1,000 people participated in this year's "Race for the Cure." Every person involved in the event displayed their unwavering determination to finding a cure for breast cancer and supporting those affected by this disease.

I especially appreciate the work of Scott Heffner and Megan Burns, co-chairs of the race, who were primarily responsible for the success of this event. I am confident that the hard work of dedicated individuals like Scott and Megan will continue to benefit victims and survivors of breast cancer as we continue working together toward a cure for this horrible disease.

#### HONORING ISAIAH HUTSON SALINAS

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2014

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Isaiah Hutson Salinas. Isaiah is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 152, and earning the most prestigious award of Eagle Scout.

Isaiah has been very active with his troop, participating in many scout activities. Over the many years Isaiah has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Isaiah has contributed to his community through his Eagle Scout project. Isaiah planned and coordinated a project to remove the asphalt shingles from a hiking shelter at Jay Cooke State Park in Carlton, Minnesota, and replace them with a metal roof.

Mr. Speaker, I proudly ask you to join me in commending Isaiah Hutson Salinas for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

BOW YOUR HEADS IN HONOR OF  
ALL THE FALLEN THIS MEMO-  
RIAL DAY

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. SESSIONS. Mr. Speaker, on this Memorial Day I rise in honor and remembrance, and gratitude for all of those families of the Armed Forces who gave That Last Full Measure in the name of Freedom. Carry them with you in your hearts this holiday and say a prayer for all of them and their families. I ask that this poem penned in their honor by Albert Carey Caswell be placed in the RECORD.

BOW YOUR HEADS

(By Albert Carey Caswell)

Bow your heads . . .  
And close your eyes . . .  
And say a prayer for all those girls and guys  
. . .  
And all of those families who now so cry!  
Our most brilliant of all men and women of  
the military,  
our GI's!

Army, Navy, Air Force, and The United  
States Marines,  
no greater gift can so be seen!  
And this Memorial Day,  
please . . . please . . . please remember why!  
We are free,  
so you and I!

And remember that throughout the world,  
all in such deep dark cold ground lies some-  
one's little boy or girl!

Who But For The Greater Good,  
so gave That Last Full Measure in all they  
could!

As the angels up in heaven began to cry!  
Thank them for the gifts they gave!  
Thank them for teaching us all how heroes  
behave!

On this Memorial Day!  
As all of those families,  
so wipe the tears away!  
And all of those children at night,  
with tears in eyes so lie awake!  
Now bow your heads . . .  
And close your eyes . . .  
Upon, your knees!

Say a prayer,  
for all of these most heroic girls and guys!  
And all of those families,  
who now so cry!  
And why we are free,  
I bid you please remember why!

Bow your heads!  
Amen!

### HONORING OUR COURAGEOUS NURSES

### HON. KERRY L. BENTIVOLIO

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2014*

Mr. BENTIVOLIO. Mr. Speaker, you can always identify them in a crowd wearing blue, green, pink, and yellow, and sometimes wearing a white coat. They have wings on their backs and many times a tired, tilted halo over their heads. They often miss holidays and similar events with family and friends. They work during times the rest of us sleep 24/7. They are educators who provide a concerned ear and empathetic heart, a smile supported by professionalism, and an unmatched sense of selfless service for those in need. They are angels of mercy. May God bless our courageous nurses, and especially this week. Mr. Speaker, may I say to that special nurse in my life: I love you.



**SENATE—*Friday, May 23, 2014***

The Senate met at 10:00 and 3 seconds a.m., and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

**APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, May 23, 2014.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

PATRICK J. LEAHY,  
*President pro tempore.*

Mr. REED thereupon assumed the Chair as Acting President pro tempore.

**ADJOURNMENT UNTIL TUESDAY,  
MAY 27, 2014, AT 12 NOON**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Tuesday, May 27, 2014, at 12 noon.

Thereupon, the Senate, at 10:00 and 31 seconds a.m., adjourned until Tuesday, May 27, 2014, at 12 noon.

## HOUSE OF REPRESENTATIVES—Friday, May 23, 2014

The House met at 3 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 23, 2014.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
Speaker of the House of Representatives.

### PRAYER

Rabbi Shmuel Herzfeld, Ohev Shalom: The National Synagogue, Washington, D.C., offered the following prayer:

On the eve of Memorial Day, we remember with sadness and with pride those who gave their lives in service to our country, and we dedicate this prayer in their memory.

We give thanks to God for our lives, which are entrusted into Your hand, for Your miracles, which are with us every day and for Your wonders and favors at all times, evening, morning and midday. You are good—for Your compassion never fails. You are compassionate—for Your loving kindnesses never cease. We have always placed our hope in You.

May it be Your will, God, to bless our country and our men and women who serve this country so bravely.

Bless us all with a life of peace, goodness, safety, physical health, mental health, a life without shame or disgrace, a life with honor and dignity, and a life in which our heart's desires are fulfilled for good.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 23, 2014.

Hon. JOHN A. BOEHNER,  
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 23, 2014 at 11:09 a.m.:

That the Senate agreed to S. Con. Res. 36.  
That the Senate passed S. 2198.

That the Senate passed with an amendment H.R. 316.

That the Senate passed without amendment H.R. 724.

That the Senate passed without amendment H.R. 862.

That the Senate passed without amendment H.R. 4032.

That the Senate passed without amendment H.R. 1726.

That the Senate passed without amendment H.R. 4488.

With best wishes, I am  
Sincerely,

KAREN L. HAAS,  
Clerk.

### SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 36. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to the next of kin or personal representative of Raoul Wallenberg; to the Committee on House Administration.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon on Tuesday, May 27, 2014.

There was no objection.

Thereupon (at 3 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Tuesday, May 27, 2014, at noon.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5770. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's "Major" final rule — Regulatory Capital Rules: Regulatory Capital, Enhanced Supplementary Leverage Ratio Standards for Certain Bank Holding Companies and Their Subsidiary Insured Depository Institutions (RIN: 3064-AE01) received May 19, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5771. A letter from the General Attorney, Office of General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Safety Standard for Soft Infant and Toddler Carriers [Docket No.: CPSC-2013-0014] received April 17, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5772. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Refrigerators, Refrigerator-Freezers, and Freezers [Docket No.: EERE-2012-BT-TP-0016] (RIN: 1904-AC76) received April 22, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5773. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedure for Commercial Refrigeration Equipment [Docket No.: EERE-2013-BT-TP-0025] (RIN: 1904-AC99) received April 22, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5774. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Irradiation in the Production, Processing and Handling of Food [Docket No.: FAD-2001-F-0049 (Formerly Docket No.: 01F-00470)] received April 14, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5775. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Nutrient Content Claims; Alpha-Linolenic Acid, Eicosapentaenoic Acid, and Docosahexaenoic Acid Omega-3 Fatty Acids [Docket Nos.: FDA-2007-0601, FDA-2004-N-0382, FDA-2005-P-0371, and FDA-2006-P-0224 (formerly Docket Nos.: 2004N-0217, 2005P-0189, and 2006P-0137, respectively)] (RIN: 0910-ZA28) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5776. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's "Major" final rule — Revisions to the Export Administration Regulations (EAR): Control of Spacecraft Systems and Related Items the President Determines No Longer Warrant Control under the United States Munitions List (USML) [Docket No.: 130110030-3740-02] (RIN: 0694-AF87) received May 19, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

5777. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Charleston Race Week, Charleston Harbor; Charleston, SC [Docket No.: USCG-2014-0096] (RIN: 1625-AA08) received May 5, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5778. A letter from the Assistant Secretary for Enforcement and Compliance, Department of Commerce, transmitting the Department's final rule — Non-Application of Previously Withdrawn Regulatory Provision Governing Targeted Dumping in Anti-dumping Duty Investigations [Docket No.: 130917809-4303-02] (RIN: 0625-AA96) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5779. A letter from the Deputy Director, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare and Medicaid Programs; Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction; Part II [CMS-3267-F] (RIN: 0938-AR49) received May 8, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HASTINGS of Washington:

H.R. 4742. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide flexibility for fishery managers and stability for fishermen, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut (for himself and Mr. NEAL):

H.R. 4743. A bill to amend the Internal Revenue Code of 1986 to provide for an extension of bonus depreciation; to the Committee on Ways and Means.

By Mr. SALMON:

H.R. 4744. A bill to prohibit funding of the Rural Utilities Service High Energy Cost Grant Program; to the Committee on Agriculture.

By Mr. SMITH of New Jersey:

H. Res. 597. A resolution urging the Government of the People's Republic of China to respect the freedom of assembly, expression, and religion and all fundamental human rights and the rule of law for all its citizens and to stop censoring discussion of the 1989 Tiananmen Square demonstrations and their violent suppression; to the Committee on Foreign Affairs.

By Mr. HIMES (for himself, Mrs. BEATTY, and Mr. HASTINGS of Florida):

H. Res. 598. A resolution expressing the sense of the House of Representatives with respect to childhood stroke and recognizing May 2014 as "National Pediatric Stroke Awareness Month"; to the Committee on Energy and Commerce.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HASTINGS of Washington:

H.R. 4742

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. LARSON of Connecticut:

H.R. 4743

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8 of Article 1 of the United States Constitution which reads: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts, and provide for the common Defense and General Welfare of the United States; but all Duties and Imposts and Excises shall be uniform throughout the United States."

Mr. SALMON:

H.R. 4744

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7—"No money shall be drawn from the treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 36: Mr. BACHUS.

H.R. 708: Mr. POCAN.

H.R. 1015: Mr. LATTA, Mr. STEWART, and Mr. LEWIS.

H.R. 1020: Mr. BECERRA.

H.R. 1070: Mr. BENISHEK.

H.R. 1563: Mr. GARAMENDI, Ms. FUDGE, and Mr. CALVERT.

H.R. 1795: Mr. BERA of California.

H.R. 2651: Mr. POCAN.

H.R. 2807: Mr. McDERMOTT.

H.R. 2846: Mr. JOHNSON of Ohio.

H.R. 3086: Mr. FLORES, Ms. GRANGER, Mrs. McMORRIS RODGERS, Mr. RODNEY DAVIS of Il-

linois, Mr. DUFFY, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. ELLMERS, and Mr. RICHMOND.

H.R. 3303: Mr. PETERS of California.

H.R. 3681: Ms. JENKINS.

H.R. 4056: Mr. LONG.

H.R. 4158: Mr. AMODEI and Mr. BRIDENSTINE.

H.R. 4227: Ms. DEGETTE and Mr. LEVIN.

H.R. 4313: Mr. MURPHY of Florida and Ms. FRANKEL of Florida.

H.R. 4351: Mr. BENISHEK and Mr. ELLISON.

H.R. 4365: Mr. LATHAM.

H.R. 4395: Mr. McGOVERN, Mrs. BEATTY, Mr. DEFAZIO, and Ms. HANABUSA.

H.R. 4411: Ms. ROS-LEHTINEN, Mr. PALAZZO, Mr. THOMPSON of Pennsylvania, Mr. MARCHANT, Mr. PETERS of California, Mr. SHUSTER, Mr. DUNCAN of Tennessee, Mr. VISCLOSKEY, Mr. RIGELL, Mr. GOSAR, Mr. TIPTON, Mr. SOUTHERLAND, Mrs. BLACKBURN, Mr. LATHAM, Mr. BRADY of Texas, Mr. KINGSTON, Mr. KING of Iowa, Mr. SCALISE, Mrs. McMORRIS RODGERS, Mr. GOWDY, Mr. GRIMM, Mr. ROTHFUS, Mr. YOHO, Mr. ADERHOLT, Ms. ESTY, Mr. LOBIONDO, Mrs. BROOKS of Indiana, Mr. WENSTRUP, Mr. NEUGEBAUER, Mr. COFFMAN, Mr. BROOKS of Alabama, Mr. RICHMOND, Mr. REED, Ms. SEWELL of Alabama, Mr. RYAN of Ohio, Mr. GARAMENDI, Mr. DENHAM, Mr. FRELINGHUYSEN, Mr. RYAN of Wisconsin, Mr. WOODALL, Mr. McHENRY, Mr. BISHOP of Georgia, and Mr. FLEMING.

H.R. 4430: Mr. SCALISE.

H.R. 4510: Mrs. BACHMANN, Mr. DELANEY, Mr. COTTON, Ms. SEWELL of Alabama, Mr. HINOJOSA, and Mr. FITZPATRICK.

H.R. 4630: Mr. JONES.

H.R. 4631: Mr. BRALEY of Iowa and Mr. SCHIFF.

H.R. 4636: Mr. HINOJOSA and Mr. ENYART.

H.R. 4696: Mr. HONDA.

H.R. 4698: Mrs. BLACKBURN and Mr. ROGERS of Alabama.

H. Res. 467: Mr. GRAYSON, Mr. COHEN, Mr. CAPUANO, and Mr. JOHNSON of Georgia.

H. Res. 593: Ms. SPEIER.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4660

OFFERED BY: Mr. BRIDENSTINE

AMENDMENT No. 1: Page 7, line 17, after the dollar amount insert "(reduced by \$12,000,000)".

Page 13, line 21, after the dollar amount insert "(increased by \$12,000,000)".

Page 14, line 8, after the dollar amount insert "(increased by \$12,000,000)".

Page 14, line 8, after the dollar amount insert "(increased by \$12,000,000)".

## EXTENSIONS OF REMARKS

### RECOGNIZING THE 45TH ANNIVERSARY OF THE PRINCE WILLIAM LASSIE LEAGUE

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 23, 2014*

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the 45th anniversary of the Prince William Lassie League for their continued service and dedication of providing a youth softball sports program for Prince William County girls to all walks of life.

In 1969, a handful of rural Prince William County residents were concerned that there were not enough sports opportunities for young girls. They created a slow-pitch softball league for girls aged 6–16. This new sports venue quickly complimented the many sports venues for boys and provided girls a place of their own to play sports and have friendly competition. This new league of slow-pitch softball for girls was known as the “Dale City Lassie League.”

In 1991, 22 years after its creation, the Dale City Lassie League became the Prince William Lassie League, which accommodated the growing county and its many families. With the dedication of volunteers and communities, the Lassie League has provided an avenue where young girls can develop athletic skills, cultivate life-long friends and learn sportsmanship. In the past 45 years, the Lassie League has supported between 12–15 thousand players and families through participation. The Lassie League now supports girls aged 5–18 and conducts two seasons (spring and fall) annually.

The doors to the Lassie League are open to all young girls in Prince William County, no matter what their social or economic background might be. For young girls whose family is financially limited, the Lassie League finds a way for that girl and her family to participate. The League also provides college scholarships annually to participating girls.

Mr. Speaker, I ask my colleagues to join me in recognizing the 45th anniversary of the Prince William Lassie League.

### RECOGNIZING THE 25TH ANNIVERSARY OF THE PRINCE WILLIAM COMMITTEE OF 100

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 23, 2014*

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the 25th anniversary of the Prince William Committee of 100.

The Prince William Committee of 100 was founded to pursue a simple but essential mis-

sion: examining issues facing Prince William County and the cities of Manassas and Manassas Park by engaging topics through educational forums. By hosting thoughtful discussions and debates, the Committee pursues solutions to area problems and helps foster a better understanding of pressing community matters.

The Prince William Committee of 100 strives to attract membership that is representative of the cultural, political, professional, and demographic diversity of the Prince William area. Membership must reside or work in Prince William County or the Cities of Manassas and Manassas Park and demonstrate that they are community stakeholders with a vested interest in local affairs.

It is my honor to enter into the Congressional Record the names of the current officers and board members of the Prince William Committee of 100. It is dedication like theirs that has helped sustain this vital organization for 25 years.

President: Denny Daugherty  
Vice President: Jack Kooyoomjian  
Secretary: Jan Cunard  
Assistant Secretary: Carol Proven  
Treasurer: Harry Wiggins  
Assistant Treasurer: Patricia Bradburn  
Brentsville Director: Mary Beth Schaal  
Coles Director: Jim O'Connor  
Gainesville Director: Carol Noggle  
City of Manassas Director: Susan Bardenhagen  
Neabsco Director: Patrick Durany  
Occoquan Director: Don Scoggins  
Potomac Director: James Young  
Woodbridge Director: Antonio Merrick  
At Large Director: Judy Anderson  
At Large Director: Harry Glasgow  
At Large Director: Connie Moser  
At Large Director: Jane Beyer  
Immediate Past President: Martha Hendley  
Program Chair: Judy Zoll  
Assistant Program Chair: Carol Noggle  
Publicity Chair: Connie Moser  
Assistant Publicity Chair: Nancy Vehrs  
Auditors: Tony Guiffre and Judith Anderson  
Webmaster: Jim O'Connor

Mr. Speaker, I ask that my colleagues join me in congratulating the Prince William Committee of 100 on its 25th anniversary. The Committee helps create an active and more well-informed citizenry and our community is stronger for it.

### PERSONAL EXPLANATION

**HON. SCOTT GARRETT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 23, 2014*

Mr. GARRETT. Mr. Speaker, I submit a clarification of my vote during consideration of H.R. 4435, the Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal

Year 2015. I mistakenly voted “no” on rollcall Vote 231, the McKinley of West Virginia Amendment No. 1. I intended to vote “aye.”

### RECOGNIZING VIVIAN CASTLEBERRY

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 23, 2014*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize Vivian Castleberry, recipient of the 2014 Visionary Woman award given by Juliette Fowler Communities. Ms. Castleberry became the first female editor of the Dallas Times Herald in 1957 and spent twenty-eight years there before her retirement to pursue a second career as a profound peace activist.

A Texas native, Ms. Castleberry co-founded The Dallas Women's Foundation, The Family Place, and the Women's Center of Dallas and founded Peacemakers Incorporated. Her work as a “grassroots Citizen Diplomat” included traveling to Russia to meet and interview women entrepreneurs who were educated in the United States and returned to Russia to use their skills to build their own communities.

Since retiring from the Dallas Times Herald, Ms. Castleberry has written four books: *Daughters of Dallas*, *The Texas Tornado*, *Sarah the Bridge Builder*, and *Seeds of Success*. Because of her success in journalism, Ms. Castleberry has won numerous awards like the “Katie” awards given by the Press Club of Dallas, two United Press International awards, a Buck Marryat Award for “outstanding contributions to communications,” among others.

Ms. Castleberry was inducted into the Texas Women's Hall of Fame in 1984 which is the same year of its creation. A journalistic pioneer, I am proud that Ms. Castleberry is a member of the Dallas community. Ms. Castleberry is said to have been the “god-mother” of the women's movement in Dallas. Her success in shining the light on capable and accomplished women contributes to today's women's movement.

Please join me in recognizing Vivian Castleberry, a woman I count on as one of my good friends and supporters over the years, not only for her earning the 2014 Visionary Woman award, but for helping to bring women to the forefront of our society.

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING THE NATIONAL COALITION OF 100 BLACK WOMEN, INC., PRINCE WILLIAM COUNTY CHAPTER

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 23, 2014*

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the National Coalition of 100 Black Women, Inc., Prince William County Chapter and congratulate them on being awarded a \$78,000 grant from Potomac Health Foundation to educate African American women in eight churches on triple negative breast cancer.

The National Coalition of 100 Black Women, Inc., Prince William County Chapter was established on Saturday, November 17, 2012 in Woodbridge, Virginia with the mission to advocate on behalf of women of color through national and local actions and strategic alliances that promote the NCBW agenda on leadership development and gender equality in the areas of Health, Education, Economic and Political Empowerment.

With more than thirty partners and vendors, which included local, district and national organizations, NCBW began 2013 with a community health fair on February 9—"Knowledge is Key to Good Health." The health fair included a panel discussion on triple negative breast cancer which included a surgeon, radiation oncologist, medical oncologist and a radiologist/mammographer. The health fair ended with eight breakout sessions and on-site screenings.

Each 2-hour session was conducted by the executive team with support from Sentara Northern Virginia Medical Center. In addition, each session was followed by mammography screenings. Hundreds of women in Prince William County have been educated on triple negative breast cancer and the importance of early detection. NCBW partnered with Sentara Northern Virginia Medical Center and its physicians to develop the curriculum, conducted all training sessions and provided mammography screenings. The training sessions have been completed at all eight churches in Prince William County.

On November 2, 2013 NCBW held their first kick off implementing their faith-based educational workshop program, "A Culturally Targeted Faith-Based Program Focused on Educating Black Women in Prince William County about Triple Negative Breast Cancer to Increase Awareness on Prevention, Early Detection, Treatment, and Quality of Life" at First Mount Zion Baptist Church in Dumfries, Virginia. This session was followed by seven other faith-based outreach events in the surrounding community with efforts of equipping the female population with knowledge of breast cancer. These educational sessions educated thousands of women on triple negative breast cancer and the importance in mammography screening.

Mr. Speaker, I ask my colleagues to join me in commending the National Coalition of 100 Black Women, Inc., Prince William Chapter for educating the community about triple negative breast cancer. They have done yeoman's

work promoting preventative care and the importance of living a healthy lifestyle.

TRIBUTE TO BETTINA L. WESLOH

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 23, 2014*

Mr. VAN HOLLEN. Mr. Speaker, I rise today to salute my constituent, Bettina L. Wesloh, a distinguished community leader. In June, Mrs. Wesloh, a resident of Eldersburg, MD, will receive the Leader of Excellence Award from Girl Scouts USA.

Mrs. Wesloh has been a mentor for pre-teen and teen girls in Girl Scout Troop 1379. She has motivated these girls to continue in scouting and inspired them to participate in outstanding community service activities, including making 75 blankets for Project Linus, for which the troop earned the Silver Award. As the members of the troop work toward earning their Gold Awards, Mrs. Wesloh continues to advise and assist the girls. She also takes the time to advise independent girl scouts who are not members of Troop 1379.

Mrs. Wesloh also serves as a mentor for the Robo-Lions FRC Team 2199 robotics team, assisting the students with public relations and business projects. She has been instrumental in organizing field trips for the students and fundraising drives to support science, technology, engineering and mathematics initiatives. Under her mentorship, the team won two Entrepreneurship Awards and the Regional Chairman's Award, which is considered the highest award a team can win at a regional FIRST robotics competition. In fact, Mrs. Wesloh is so passionate about the importance of STEM education that she is a founding director of PIE3, a non-profit organization that supports STEM education and activities in and around Carroll County, MD. Mrs. Wesloh is also a substitute teacher for the Carroll County Public Schools.

A member of the Wesley Freedom United Methodist Church, Mrs. Wesloh has served as President of United Methodist Women, which, among other things, advocates for women's rights and the prevention of human trafficking. Mrs. Wesloh is part of United Methodist's Leadership team and Servant Circle. In recent years, Mrs. Wesloh organized the collection of over fifty flood buckets for donation to the victims of Hurricane Sandy.

Bettina Wesloh is a truly compassionate and dedicated community leader who has made a difference in the lives of countless people. I ask my colleagues to join me in expressing our deepest gratitude and appreciation to her for her outstanding community service and her invaluable work with young people.

RECOGNIZING THE 23RD ANNUAL BEST OF RESTON AWARDS FOR COMMUNITY SERVICE

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 23, 2014*

Mr. CONNOLLY. Mr. Speaker, I rise today to recognize the recipients of the 23rd Annual Best of Reston Awards for Community Service. The Best of Reston Awards are the result of collaboration between Cornerstones (formerly Reston Interfaith) and the Greater Reston Chamber of Commerce and are presented to individuals, organizations and businesses whose extraordinary efforts make our community a better place. I am pleased to enter the names of the following recipients of the 2014 Best of Reston Awards into the CONGRESSIONAL RECORD:

Individual Community Leader: Carol Ann Bradley. Ms. Bradley has dedicated herself to service both locally and globally. She has worked with Global Camps Africa, the Friends of the Reston Regional Library, the Embury Rucker Community Shelter, the Southgate Community Center, the Reston Community Center, the American Association of University Women, The Links, Inc. and Educators, Then, Now and Forever.

Individual Community Leader: Jerry Ferguson. Mr. Ferguson uses his broadcasting skills to highlight local nonprofits. He is the director of Development and Outreach for Fairfax Public Access, which provides television and radio cablecasting services to the region. As a volunteer he has filmed and produced videos for numerous nonprofits and civic groups.

Individual Community Leader: Cate Fulkerson. Ms. Fulkerson began serving Reston as an entry-level clerk at the Reston Association and climbed the ladder to her present role there, Chief Executive Officer. She also serves as the chair for the Reston Character Counts! Coalition, chairs the annual Greater Reston Chamber of Commerce's Ethics Day for South Lakes High School, and remains active in Leadership Fairfax.

Individual Community Leader: Bonnie Haukness. Mrs. Haukness has given 40 years of service in many aspects of the Reston community. She is a board member of the Reston Historic Trust and Reston Museum, and she chairs its annual fundraiser, the Reston Homes Tour. She also co-chairs fundraisers for Cornerstones, helps organize the Northern Virginia Fine Arts Festival, and also has led the Friends of Reston's fundraising event to send children to summer day camp.

Individual Community Leader: Davida Luehrs. Ms. Luehrs is a champion for the visually impaired. She works with the Foundation Fighting Blindness, the American Council for the Blind, and Visually Impaired People of Reston. She has assisted 14 Lions Clubs with hearing and vision screening programs for pre-school children, founded VisionWalk, and chaired Dining in the Dark fundraisers. She is also active in the Boy Scouts, Girl Scouts, school band boards, Reston Swim Team Association, parent teacher associations, blood drives, and Meals on Wheels.

Civic/Community Leader: HomeAid Northern Virginia. Members of the Northern Virginia Building Industry Association started HomeAid in 2001 to help the homeless gain stability by putting a roof over their head. It currently contributes resources to build and renovate homeless shelters as well as transitional and affordable housing. HomeAid has completed more than 70 projects and served more than 10,000 individuals, work valued at more than \$10.5 million.

Small Business Leader: Brennan & Waite, P.L.C. Founding members (and husband and wife) Matthew Brennan and Carol Waite have led their firm to support many local causes, including the Greater Reston Chamber of Commerce, Habitat For Humanity, Let's Help Kids, the Mosaic Harmony Choir, FACETS, Cornerstones, and Leadership Fairfax. Mr. Brennan also developed a training program to help those interested in serving on county and non-profit boards.

Corporate Business Leader Cooley, LLP. This law firm encourages employees to give back to the community by offering paid leave time to volunteer and providing matching funds for money raised by employees to support local causes. Last year the firm contributed more than \$1 million to nonprofits around the United States. The company's pro bono efforts have led to contributions of more than 33,000 hours by 466 attorneys on more than 687 different pro bono projects per year.

Mr. Speaker, I ask that my colleagues join me in congratulating the 2014 Best of Reston honorees for their continued commitment to our community. I express my sincere gratitude to these individuals, businesses, and organizations for contributing their time and energy to the betterment of our community.

#### CELEBRATING JEWISH AMERICAN HERITAGE MONTH

#### HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 23, 2014*

Mrs. BUSTOS. Mr. Speaker, I rise today in celebration of Jewish American Heritage Month this May and to honor the Jewish Americans who have been so instrumental in building and strengthening our country.

Over the past 350 years, Jewish Americans have contributed greatly to history, arts, science, government and culture in our nation and millions have defended and continue to defend this country by serving in our Armed Forces. I am proud to commemorate this month with the Jewish Federation of the Quad-Cities, an organization that has spent over 30 years enriching, educating and supporting the Jewish Community in my district in Illinois.

The impressive contributions of Jewish Americans have also played a vital role in

strengthening the important relationship between the United States and the State of Israel. Our country has a long history of supporting and standing with Israel and I was proud to join many of my colleagues on a delegation to Israel during my first year in office. We must preserve our bond into the future as we work together towards the theme of this year's Heritage Month, which is tikkun olam, repairing the world.

Mr. Speaker, I want to recognize the work of the Jewish Federation of the Quad-Cities and thank all Jewish Americans during this month as we honor their extraordinary contributions to our nation.

#### CONDOLENCES TO THE REPUBLIC OF TURKEY

#### HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 23, 2014*

Mr. McCAUL. Mr. Speaker, I would like to extend my condolences to the people of Turkey for the worst mining accident in that country's history. I recently returned from the region, where my colleagues and I met with Turkish leaders to discuss anti-terrorism cooperation and other issues of bilateral importance. We were received with a very warm welcome and appreciated the opportunity to meet with high level government officials.

The road ahead will not be an easy one. Yet the people of Turkey, one of our strongest allies, should know that they are not alone. The people of the United States will keep them in their thoughts and prayers as they seek to recover from an unbelievable tragedy.

#### IN HONOR OF OFFICER STEPHEN ARKELL

#### HON. ANN M. KUSTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 23, 2014*

Ms. KUSTER. Mr. Speaker, today we honor Officer Stephen Arkell of the Brentwood Police Department for his heroism and dedication to the people of New Hampshire. I was deeply saddened to hear the tragic news of Officer Arkell losing his life in the line of duty. Arkell's brave and selfless actions deserve our greatest honor and respect. My thoughts and prayers are with his family and community during this difficult time. In responding to such tragedies, our society shows its capacity for resilience and strength.

Our law enforcement officials and first responders confront danger on a daily basis in order to keep our communities safe from harm, and I am committed to advocating for

these dedicated men and women who preserve our safety and protect our families. These courageous men and women devote their lives to protecting our way of life, and earn our utmost gratitude and support on a daily basis.

As a state and a nation, we must work together to stamp out violent crime and protect the men and women like Officer Stephen Arkell who devote themselves to protecting us. We owe our deepest gratitude to Officer Arkell, and to all law enforcement officials for all that they do to make New Hampshire and our nation a safer place to live and work.

#### RECOGNIZING JAY KNIGHT AND DENNY SALISBURY AND CELEBRATING THE LIFE OF LCPL JOHNNY STRONG

#### HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 23, 2014*

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate Jay Knight, of East Moline, Illinois, and Denny Salisbury for their efforts on behalf of Child's Play charity, and join them in commemorating Marine Lance Corporal Johnny Strong, who was killed in action while serving in Iraq at the age of 21.

Lance Corporal Strong was born in Waco, Texas. In school, he joined JROTC, and after graduation, he went to San Diego for boot camp and training. He was assigned to the 2nd Battalion, 7th Marine Regiment, where he served with Jay and Denny. On June 12th, 2007, while on his second tour of duty, Lance Corporal Strong was shot and killed by an enemy sniper during a security patrol in Iraq's Anbar province. He had been among the first to volunteer to conduct an extra security sweep around the platoon's temporary forward operating base.

Lance Corporal Strong was an avid gamer and was interested in working in the video game industry when he finished his service. In his honor, Jay and Denny are bicycling approximately 4400 miles between Penny Arcade eXpo (PAX) gaming festivals in Boston and Seattle. Their ride is raising money for Child's Play, a charity which provides video games, books and other toys to children in hospitals worldwide. Along the way, Jay and Denny are stopping in children's hospitals around the country to showcase the important work of Child's Play and the real impact it has on the lives of sick children.

Mr. Speaker, I'd like to thank Jay Knight and Denny Salisbury for their dedicated service to our country as well as for their inspirational efforts in the name of Lance Corporal Strong to improve the lives of hospitalized children. I wish them the very best as they continue their extraordinary ride across the county.

**SENATE—Tuesday, May 27, 2014**

The Senate met at 12:00 and 4 seconds p.m., and was called to order by the Honorable MARIA CANTWELL, a Senator from the State of Washington.

**APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 27, 2014.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARIA CANTWELL, a Senator from the State of Washington, to perform the duties of the Chair.

PATRICK J. LEAHY,  
*President pro tempore.*

Ms. CANTWELL thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL FRIDAY,  
MAY 30, 2014, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Friday, May 30, 2014.

Thereupon, the Senate, at 12:00 and 30 seconds p.m., adjourned until Friday, May 30, 2014, at 2 p.m.



## HOUSE OF REPRESENTATIVES—Tuesday, May 27, 2014

The House met at noon and was called to order by the Speaker pro tempore (Mr. WOLF).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 27, 2014.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Alisa Lasater-Wailoo, Capitol Hill United Methodist Church, Washington, D.C., offered the following prayer:

God of each of us,

On this Tuesday after Memorial Day, we pause once more to give thanks for all in our Armed Forces and their immense sacrifices. Strengthen us to support them in substantive ways.

We also give thanks for all who serve, especially each staffer, assistant, and Member of this House. We pray for colleagues still traveling and for loved ones left at home. We give thanks for friendships over the miles and pray for relationships in need of repair. Each servant makes sacrifices daily to be here. Bless them, Lord, as they live out this high calling.

Then remind us, as Your prophet did, that “to obey is better than sacrifice.” So make us obedient to Your love in all we do today. Be it researching legislation or negotiating a compromise, help us obey Your commands to love our enemies, serve the weak, seek peace, and walk humbly with You.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by Speaker pro tempore DENHAM on Friday, May 23, 2014:

H.R. 862, to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 27, 2014.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 27, 2014 at 10:46 a.m.:

That the Senate agree to the Conference Report accompanying the bill H.R. 3080.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. DENHAM:

H.R. 862. An act to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960.

### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on May 22, 2014, she presented to the President of the United States, for his approval, the following bill:

H.R. 1209. To award a Congressional Gold Medal to the World War II members of the “Doolittle Tokyo Raiders”, for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon tomorrow for morning-hour debate.

There was no objection.

Thereupon (at 12 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, May 28, 2014, at noon for morning-hour debate.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5780. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Phase 1 Reopening for the Directed Butterfish Fishery [Docket No.: 130903775-4276-02] (RIN: 0648-XD205) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5781. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fisheries; Inseason Actions #1, #2, and #3 [Docket No.: 130108020-3409-01] (RIN: 0648-XD198) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5782. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Temporary Rule to Establish Separate Annual Catch Limits and Accountability Measures for Bluefin Tilefish in the South Atlantic Region [Docket No.: 131231999-4319-01] (RIN: 0648-BD87) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5783. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery [Docket No.: 080219213-4259-02] (RIN: 0648-AT31) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

5784. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Tri-mester Closure and Trip Limit Adjustments for the Common Pool Fishery [Docket No.: 120109034-2171-01] (RIN: 0648-XD212) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5785. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 130925836-4174-02] (RIN: 0648-XD215) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5786. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures [Docket No.: 130903775-4276-02] (RIN: 0648-BD65) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5787. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Reopening of Commercial Penaeid Shrimp Trawling Off South Carolina [Docket No.: 120919470-3513-02] (RIN: 0648-XD232) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5788. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Final Rule To Allow Northeast Multispecies Sector Vessels Access to Year Round Closed Areas [Docket No.: 130319263-4284-03] (RIN: 0648-BD09) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5789. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States Atlantic Mackerel, Squid, and Butterfish Fisheries; Framework Adjustments 8 [Docket No.: 130716623-4275-02] (RIN: 0648-BD50) received May 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Michigan: Permanent Select Committee on Intelligence. H.R. 4681. A bill to authorize appropriations for fiscal years 2014 and 2015 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with an amendment (Rept. 113-463). Referred to the Committee of the Whole House on the state of the Union.

Mr. LATHAM: Committee on Appropriations. H.R. 4745. A bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2015, and for other purposes (Rept. 113-464). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII:

Mr. SMITH of New Jersey (for himself, Ms. PELOSI, Mr. WOLF, Mr. ENGEL, Mr. CHABOT, Mr. MCGOVERN, Mr. TURNER, and Mr. PITTSINGER) introduced a resolution (H. Res. 599) urging the Government of the People's Republic of China to respect the freedom of assembly, expression, and religion and all fundamental human rights and the rule of law for all its citizens and to stop censoring discussion of the 1989 Tiananmen Square demonstrations and their violent suppression; to the Committee on Foreign Affairs.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LATHAM:

H.R. 4745.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 7(c) of rule XII of the Rules of the House of Representatives, the following statement is submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 274: Mr. SCHNEIDER and Mr. GENE GREEN of Texas.

H.R. 543: Mr. GARAMENDI and Ms. DEGETTE.

H.R. 1563: Mr. NOLAN and Mr. REICHERT.

H.R. 1739: Mr. PASCRELL.

H.R. 2037: Mr. BARBER.

H.R. 2041: Mr. BRALEY of Iowa.

H.R. 2146: Ms. DELAURO and Mr. VARGAS.

H.R. 2656: Mrs. BROOKS of Indiana and Mr. GOWDY.

H.R. 2686: Mr. ROTHFUS.

H.R. 3600: Mr. PERLMUTTER.

H.R. 3708: Ms. LOFGREN.

H.R. 3877: Mr. ELLISON.

H.R. 4086: Mr. HIGGINS, Mrs. BEATTY, and Mr. GRIJALVA.

H.R. 4098: Mr. AUSTIN SCOTT of Georgia.

H.R. 4351: Mr. WELCH.

H.R. 4383: Mr. CAMPBELL, Mr. ROSS, Mr. WALDEN, Mr. MCHENRY, Mr. ROTHFUS, Mr. NEUGEBAUER, Mr. GARY G. MILLER of California, Mr. HURT, Mr. ROYCE, and Mr. LATHAM.

H.R. 4387: Mr. HURT.

H.R. 4399: Mr. CICILLINE, Mr. COURTNEY, Ms. SINEMA, and Ms. BROWN of Florida.

H.R. 4415: Mr. MAFFEI.

H.R. 4447: Mrs. BLACKBURN.

H.R. 4629: Mr. MURPHY of Florida and Mr. CÁRDENAS.

H.R. 4631: Ms. KAPTUR.

H.R. 4664: Mr. HONDA, Mr. PETERS of California, and Mr. TAKANO.

H. Con. Res. 98: Mr. BRIDENSTINE, Mr. LOBI-ONDO, Mr. PALAZZO, Mr. CRAMER, and Mr. HUNTER.

H. Res. 532: Mr. SCHIFF, Mr. WAXMAN, and Mr. PALLONE.

H. Res. 570: Mr. HASTINGS of Florida.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4660

OFFERED BY: Mr. BRIDENSTINE

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:  
SEC. \_\_\_\_ None of the funds made available by this Act may be used for the National Technical Information Service.

H.R. 4660

OFFERED BY: Mr. BRIDENSTINE

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:  
SEC. \_\_\_\_ None of the funds made available by this Act may be used by the Bureau of the Census to enforce any penalty under title 13, United States Code, or any other provision of law, against any individual who refuses or willfully neglects to answer questions in connection with the survey, conducted by the Secretary of Commerce, commonly referred to as the "American Community Survey".

**EXTENSIONS OF REMARKS**

HONORING THE ALL-AMERICAN  
SOAP BOX DERBY

**HON. JUAN VARGAS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 27, 2014*

Mr. VARGAS. Mr. Speaker, I rise today to pay tribute to one of the greatest amateur racing traditions in the United States, the All-American Soap Box Derby. The Soap Box Derby is a youth racing program that has run in the United States since 1934. Cars competing in the Soap Box Derby are unpowered and rely completely on gravity to accelerate. During its peak in the 1950s and 1960s, when automobile manufacturers were national sponsors and famous television and cinema stars made special guest appearances at these

races, as many as 70,000 people throughout the United States gathered each August to cheer on hundreds of young participants.

San Diego's first Soap Box Derby took place in 1939. In 1946, San Diegan Gilbert Klecan became the first West Coast participant to win the All-American World Championship, which is held every July at Derby Downs in Akron, Ohio. In those years, it was not uncommon to have as many as 300 cars racing along 6th Avenue downhill from Laurel Street. In the early 1970s, after automobile manufacturers pulled their sponsorship, the derby gradually faded in many cities. However, in the early 1990s the Kiwanis Club of San Diego Harbor and the Kiwanis Club of San Diego revived the derby and held races throughout the city. Then in 2002, Ben Hueso, now a California State Senator, and commu-

nity advocate James Justus began organizing Soap Box Derby races in Sherman Heights, where it is now held annually.

Every year, San Diego holds two races attracting hundreds of people from throughout the County. These races are held within the 51st Congressional district. A Rally Race is held late April in Encanto, and in late May, the San Diego Soap Box Derby Championship is held in Logan Heights. There are three racing divisions in both the San Diego and the All-American competition where boys and girls, ages 8 through 17, compete. Though many things have changed since the first San Diego Soap Box Derby in 1939, the goals of the program have not: to teach youngsters basic workmanship skills, the spirit of competition and the commitment to finish a project once it is started.

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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